



**REPUBLIC OF ALBANIA
PEOPLE' ADVOCATE**



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M E M O

**Concerning the protesters against playground constructions
at the Artificial Lake of Tirana**

During the afternoon hours of the 26th of March 2016, a protest was organized by leaders and supporters of DP, as well as members of the civil society, opposing the construction of a playground by the Tirana Municipality in the premises of the Artificial Lake Park of Tirana. In the evening of the same day, civil society activists who are permanently protesting for over a month against this construction project in the park area, informed the institution of the People's Advocate that a member of the civil society protesters had been subjected to violence perpetrated by an employee of the Tirana Municipality. The citizen subjected to physical violence, Mrs. Rezarta Çaushaj, had been struck by a civilian who was in the company of municipal police officers and due to the health predicament had been delivered to the University Trauma Hospital of Tirana with an emergency vehicle.

The People's Advocate and two staff members from the institution reached the University Trauma Hospital and organized a meeting with the citizen Ms. Çaushaj, who at the time was being treated at the emergencies department. During the meeting questions were fielded regarding the incident that took place in the premises of the park area where the playground project is to be constructed.

At around 23:30 hrs, the People's Advocate was informed by some members of the civil society that three of their colleagues who are part of the abovementioned permanent protests, had reached the Police Commissariat No.1 in order to file an official complaint against employees of the Tirana Municipal Police, concerning the destruction of temporary tents at the protest site and the physical abuse perpetrated against their colleague Ms. Çaushaj. Albeit, not only had their complaint not been duly administered, but in fact the three civil society members had been put under arrest by the employees of the Police Commissariat No.1.

Based on this information, the People's Advocate and the accompanying two staff members from the institution reached the premises of the Police Commissariat No. 1 in Tirana and held meetings with one of the officials of the Commissariat, viz. the Chief of Section No. 1 for criminal offenses Mr. Julian Qyta. The latter informed that the three abovementioned citizens, Mr. Ardit Mekshiqi, Mr. Liridon Vukaj and Mr. Altin Kuka, had been accompanied by police agents from the Commissariat because filmic images showed that they had been participants in the illegal and forceful rally organized earlier during the day at the Artificial Lake Park of Tirana.

The People's Advocate and the two accompanying staff members of the People's Advocate institution, prior to leaving the Commissariat also met with the three citizens cited above, who at the time were being held at the confinement room of the Commissariat and were shut with a lock. The three citizens were asked regarding the respect of their rights and whether they had any claims regarding the behavior of police officers. According to the information gathered from the detained citizens, they had had reached at their own free will the premises of the Commissariat at around 22:00 hrs on 26.03.2016.

Upon entering the premises of the Commissariat, in the main hall on the first floor of the compound, they reached out to the information desk officer with a view to expressing their intent to file an official complaint against officers of the Tirana Municipal Police, on grounds of destruction of the protesters' tent and the physical assault against the citizen Ms. Çashaj, as well as to appeal for the support of the State Police in protecting the protesters from actions of the Municipal Police.

In follow up to a waiting period of 1 hour and 15 minutes, given that no leading official or other staff member of the Commissariat had met with the three citizens, the latter notified the information desk officer that they would leave the premises of the Commissariat and return the morning of the following day in order to lodge the complaint. In this particular moment, a civilian member of the police force reached the three citizens and, upon completing a questionnaire for each of them respectively, informed them that based on visual film recordings of the rally they were identified as among the protesters. Immediately after this verbal notification, the three citizens were put in the confinement premises and were locked up behind bars and with a lock.

In light of the fact that, as affirmed by the abovementioned citizens, the three had reached the Commissariat at their own free will and had not been accompanied to the premises of the Commissariat by officers as police staff had claimed, the People's Advocate and two accompanying members of the People's Advocate institution reverted to conducting officially recorded interviews with the three confined citizens and the police officers that had handled their cases.

Based on the administrative investigation carried out vis-à-vis this complaint, it results that the three citizens had showed up at the Commissariat premises based on their free will and had not been accompanied there by police officers as the latter had initially claimed. Given that the three citizens had not been accompanied by police officers, there were no legal grounds for the compiling of accompaniment reports by the police officers Admir Goduni and Servet Daliu.

According to paragraph 25 of Article 6 of the Law No. 108/2014 "On the State Police", it is in place to underscore that: *"Accompaniment' refers to the delivery of citizens to the premises of police institutions, health institutions, rehabilitation centers, or to the custodian or responsible guardian, or other institutions with or without their consent, in compliance with the specifications of Article 109 and paragraph 1 of Article 122 to this law"*.

Given these circumstances, the officer of the police officers on duty, based on Article 283 and Article 303 of the Penal Procedure Code were obliged to inform the complainants on the penal liabilities for false testimony and follow up with the administering the complaint in the official records. Even in the case that the three citizens were suspected as instigators of the forceful rally, upon administering the complaint for which reason they had reached the Commissariat on their own free will, the police officers' rights were confined to carrying out relevant procedural steps to ask the abovementioned citizens as subjects of an ongoing investigation.

The compiling of fictitious reports of accompaniment from the police officers Admir Goduni and Servet Daliu created the grounds for the assistant information desk officer at the Commissariat to treat the three citizens as accompanied subjects and put them in confinement. The detention of the three citizens in the confinement room and their barring with a lock constitutes a deprivation of freedom and an infringement of rights guaranteed by the Constitution of the Republic of Albania and legislation in place. It is in place to clarify that this state of affairs involving the infringement of basic rights could have been prolonged and exacerbated beyond the 10-hour long period if the People's Advocate had not been present and had not intervened.

In conclusion to the administering of this case, the People's Advocate issued a recommendation addressing the Prosecutor's Office of the Judicial District Court of Tirana calling for the initiation of investigations regarding the actions of Admir Goduni and Servet Daliu, serving as assistant specialist for the investigation of crimes at the Police Commissariat No. 1 in Tirana, on the grounds of penal offense "Carrying out arbitrary actions", as foreseen by Article 250 and Article 25 of the Penal Code.