

Legal Acts in support of PRISONERS outside of ALBANIA

**Published under the aegis of the Deputy Prime Minister and
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Foreword

The People's Advocate is a national Institution independent from the Government and other Albanian state institutions foreseen in the Albanian Constitution and has the right to safeguard the rights, freedoms and lawful interests of individuals from unlawful or improper actions or failures to act of public administration bodies. The People's Advocate acts within the Territory of the Republic of Albania, so he has no competencies to directly intervene into the administration of other countries to protect the Albanian or foreign citizens.

On the People's Advocate vision, people everywhere they are, within or without the country, free or detained, they have rights and freedoms whose application should guarantee their human treatment.

On one hand the People's Advocate confirms that there are many juridical instruments (Conventions, protocols, laws) international that protect and guarantee the human rights and freedoms. On the other hand the People's Advocate is aware that in most of the countries and quite often, the guarantees provided by the international laws, and the domestic laws, do not apply to the foreign citizens resident in those countries with or without a residence permit. For the Albanian citizens wherever they are outside the territory of the Republic of Albania, this is an unpleasant reality. It is a People's Advocate conviction based not only on the concrete cases (complaints and requests of citizens) made public by the Albanian and foreign media, but also based on contacts and information shared with counterparts abroad.

Since the beginning of our activity in 2000 our concern was "*To do something in support of our citizens*" So, we decided to provide assistance first of all to people most in need and whose freedom is limited, specifically to the Albanian citizens jailed outside Albania.

Limited by the jurisdiction impeding him the direct intervention nearby the prisons administration of other countries, wherein currently many compatriots are suffering their sentence, the People's Advocate decided to do for them at list the minimum. This is making the Albanian prisoners outside the country aware of their rights and aware of the way to defend or restore these rights. So, this publication inform the readers about:

1. The European prison rules, adopted by the Committee of Ministers of the Council of Europe. It includes the minimal rules that should apply in every prison of each state member of the Council of Europe.
2. The European Convention for the protection of the Human Rights and Freedoms, and the right every citizen of a member state has to appeal to the European Court of Human Rights in Strasbourg – France.
3. Notes for the guidance of persons wishing to apply to the European Court/ how to fill the application.
4. The European Convention “On the transfer of sentenced persons”
5. Dispositions from the Penal Procedures Code of the Republic of Albania on
 - a) The extradition of the Albanian citizens abroad
 - b) Extradition from abroad.
 - c) Execution of the Foreign sentences
 - d) Enforcement of Albanian sentences abroad

These acts are an indispensable minimum of the juridical instruments in the protection of the fundamental rights and freedoms of the prisoners. We wish this material serve as a good juridical basis for eventual comparisons from both the prison administration and the sentenced persons in the process of rules application. The People Advocate presumes that in the prisons of every European state there are libraries wherein one can find not only the international law but also the domestic law and the internal rules of the prisons normally in the language of the country. In fact very often the Albanian prisoners don't know neither the spoken language of the country they are suffering the sentence, nor the written language. This justifies the necessity to publish the aforementioned materials.

This book was published by the People's Advocate, financed by the Royal Danish Embassy.

The People's Advocate collaborated with the Minister of Foreign Affairs and the Ministry of Justice of the Republic of Albania. Their engagement will enable the distribution of this publication in all counties where Albanian-speaking prisoners are suffering their sentence. The publication also applies to the Albanian of Kosovo, Macedonia and Montenegro etc.

On this occasion the People's Advocate makes you known that in almost all the European states there are counterpart institutions of the People's Advocate that usually are called by the international name Ombudsman, Mediator, Ombudsperson or the Human Rights Commissioner etc. So it is possible that every Albanian citizen, even a detainee can approach these

institutions in cases he sees his rights violated by the prison's administration. We have to stress do not approach these institutions in cases you consider the court decision unfair as in this case you can approach only the Strasbourg court. You can approach the Ombudsmen, Mediators etc, only about violations of the prisons rules while suffering your sentence.

The People's Advocate takes this opportunity to forward you the message of all other compatriots: *Be aware of Your Rights, in order to protect them better. There is always a future, so do not loose the hope.*

Ermir DOBJANI

PEOPLE'S ADVOCATE

Tirana, December 2002

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COUNCIL OF EUROPE
COMMITTEE OF MINISTERS

RECOMMENDATION No. R (87) 3

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES

ON THE EUROPEAN PRISON RULES

*(Adopted by the Committee of Ministers on 12 February 1987
at the 404th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering the importance of establishing common principles regarding penal policy among the member states of the Council of Europe;

Noting that, although considerable progress has been made in developing non-custodial alternatives for dealing with offenders, the deprivation of liberty remains a necessary sanction in criminal justice systems;

Considering the important role of international rules in the practice and philosophy of prison treatment and management;

Noting, however, that significant social trends and changes in regard to prison treatment and management have made it desirable to reformulate the Standard Minimum Rules for the Treatment of Prisoners, drawn up by the Council of Europe (Resolution (73) 5) so as to support and encourage the best of these developments and offer scope for future progress,

Recommends that governments of member states be guided in their internal legislation and practice by the principles set out in the text of the European Prison Rules, appended to the present recommendation, with a view to their progressive implementation with special emphasis on the purposes set out in the preamble and the rules of basic principle in Part 1, and to give the widest possible circulation to this text.

THE EUROPEAN PRISON RULES

*Revised European version
of the Standard Minimum Rules for the Treatment of Prisoners*

PREAMBLE

The purposes of these rules are:

a. to establish a range of minimum standards for all those aspects of prison administration that are essential to humane conditions and positive treatment in modern and progressive systems;

b. to serve as a stimulus to prison administrations to develop policies and management style and practice based on good contemporary principles of purpose and equity;

c. to encourage in prison staffs professional attitudes that reflect the important social and moral qualities of their work and to create conditions in which they can optimise their own performance to the benefit of society in general, the prisoners in their care and their own vocational satisfaction;

d. to provide realistic basic criteria against which prison administrations and those responsible for inspecting the conditions and management of prisons can make valid judgments of performance and measure progress towards higher standards.

It is emphasised that the rules do not constitute a model system and that, in practice, many European prison services are already operating well above many of the standards set out in the rules and that others are striving, and will continue to strive, to do so. Wherever there are difficulties or practical problems to be overcome in the application of the rules, the Council of Europe has the machinery and the expertise available to assist with advice and the fruits of the experience of the various prison administrations within its sphere.

In these rules, renewed emphasis has been placed on the precepts of human dignity, the commitment of prison administrations to humane and positive treatment, the importance of staff roles and effective modern management approaches. They are set out to provide ready reference, encouragement and guidance to those who are working at all levels of prison administration. The explanatory memorandum that accompanies the rules is intended to ensure the understanding, acceptance and flexibility that are necessary to achieve the highest realistic level of implementation beyond the basic standards.

Part I

The basic principles

1. The deprivation of liberty shall be effected in material and moral conditions, which ensure respect for human dignity and are in conformity with these rules.

2. The rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, birth, economic or other status. The religious beliefs and moral precepts of the group to which a prisoner belongs shall be respected.

3. The purposes of the treatment of persons in custody shall be such as to sustain their health and self-respect and, so far as the length of sentence permits, to develop their sense of responsibility and encourage those attitudes and skills that will assist them to return to society with the best chance of leading law-abiding and self-supporting lives after their release.

4. There shall be regular inspections of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be, in particular, to monitor whether and to what extent these institutions are administered in accordance with existing laws and regulations, the objectives of the prison services and the requirements of these rules.

5. The protection of the individual rights of prisoners with special regard to the legality of the execution of detention measures shall be secured by means of a control carried out, according to national rules, by a judicial authority or other duly constituted body authorised to visit the prisoners and not belonging to the prison administration.

6. 1. These rules shall be made readily available to staff in the various national languages;

2. They shall also be available to prisoners in the same languages and in other languages so far as is reasonable and practicable.

Part II

The management of prison systems

Reception and registration

7. 1. No person shall be received in an institution without a valid commitment order.
2. The essential details of the commitment and reception shall immediately be recorded.

8. In every place where persons are imprisoned a complete and secure record of the following information shall be kept concerning each prisoner received:
a. information concerning the identity of the prisoner;
b. the reasons for commitment and the authority therefor;
c. the day and hour of admission and release.

9. Reception arrangements shall conform with the basic principles of the rules and shall

assist prisoners to resolve their urgent personal problems.

10. 1. As soon as possible after reception, full reports and relevant information about the personal situation and training programme of each prisoner with a sentence of suitable length in preparation for ultimate release shall be drawn up and submitted to the director for information or approval as appropriate.

2. Such reports shall always include reports by a medical officer and the personnel in direct charge of the prisoner concerned.

3. The reports and information concerning prisoners shall be maintained with due regard to confidentiality on an individual basis, regularly kept up to date and only accessible to authorised persons.

The allocation and classification of prisoners

11. 1. In allocating prisoners to different institutions or regimes, due account shall be taken of their judicial and legal situation (untried or convicted prisoner, first offender or habitual offender, short sentence or long sentence), of the special requirements of their treatment, of their medical needs, their sex and age.

2. Males and females shall in principle be detained separately, although they may participate together in organised activities as part of an established treatment programme.

3. In principle, untried prisoners shall be detained separately from convicted prisoners unless they consent to being accommodated or involved together in organised activities beneficial to them.

4. Young prisoners shall be detained under conditions which as far as possible protect them from harmful influences and which take account of the needs peculiar to their age.

12. The purposes of classification or reclassification of prisoners shall be:

a. to separate from others those prisoners who, by reasons of their criminal records or their personality, are likely to benefit from that or who may exercise a bad influence; and

b. to assist in allocating prisoners to facilitate their treatment and social resettlement taking into account the management and security requirements.

13. So far as possible separate institutions or separate sections of an institution shall be used to facilitate the management of different treatment regimes or the allocation of specific categories of prisoners.

Accommodation

14. 1. Prisoners shall normally be lodged during the night in individual cells except in cases where it is considered that there are advantages in sharing accommodation with other prisoners.

2. Where accommodation is shared it shall be occupied by prisoners suitable to associate with others in those conditions. There shall be supervision by night, in keeping with the nature of the institution.

15. The accommodation provided for prisoners, and in particular all sleeping accommodation, shall meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially the cubic content of air, a reasonable amount of space, lighting, heating and ventilation.

16. In all places where prisoners are required to live or work:

a. the windows shall be large enough to enable the prisoners, *inter alia*, to read or work by natural light in normal conditions. They shall be so constructed that they can allow the entrance of fresh air except where there is an adequate air conditioning system. Moreover, the windows shall, with due regard to security requirements, present in their size, location and construction as normal an appearance as possible;

b. artificial light shall satisfy recognised technical standards.

17. The sanitary installations and arrangements for access shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions.

18. Adequate bathing and showering installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week. Wherever possible there should be free access at all reasonable times.

19. All parts of an institution shall be properly maintained and kept clean at all times.

Personal hygiene

20. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

21. For reasons of health and in order that prisoners may maintain a good appearance and preserve their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Clothing and bedding

22. 1. Prisoners who are not allowed to wear their own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep them in good health. Such clothing shall in no manner be degrading or humiliating.

2. All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

3. Whenever prisoners obtain permission to go outside the institution they shall be allowed to wear their own clothing or other inconspicuous clothing.

23. On the admission of prisoners to an institution, adequate arrangements shall be

made to ensure that their personal clothing is kept in good condition and fit for use.

24. Every prisoner shall be provided with a separate bed and separate and appropriate bedding which shall be kept in good order and changed often enough to ensure its cleanliness.

Food

25. 1. In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work, and so far as possible, religious or cultural requirements.

2. Drinking water shall be available to every prisoner.

Medical services

26. 1. At every institution there shall be available the services of at least one qualified general practitioner. The medical services should be organised in close relation with the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

2. Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be suitable for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

3. The services of a qualified dental officer shall be available to every prisoner.

27. Prisoners may not be submitted to any experiments which may result in physical or moral injury.

28. 1. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. However, unless special arrangements are made, there shall in penal institutions be the necessary staff and accommodation for the confinement and post-natal care of pregnant women. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

2. Where infants are allowed to remain in the institution with their mothers, special provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

29. The medical officer shall see and examine every prisoner as soon as possible after admission and thereafter as necessary, with a particular view to the discovery of physical or mental illness and the taking of all measures necessary for medical treatment; the segregation of prisoners suspected of infectious or contagious conditions, the noting of physical or mental defects which might impede resettlement after release; and the determination of the fitness of every prisoner to work.

30. 1. The medical officer shall have the care of the physical and mental health of the prisoners and shall see, under the conditions and with a frequency consistent with hospital standards, all sick prisoners, all who report illness or injury and any prisoner to whom attention is specially directed.

2. The medical officer shall report to the director whenever it is considered that a prisoner's physical or mental health has been or will be adversely affected by continued imprisonment or by any condition of imprisonment.

31. 1. The medical officer or a competent authority shall regularly inspect and advise the director upon:

- a. the quantity, quality, preparation and serving of food and water;
- b. the hygiene and cleanliness of the institution and prisoners;
- c. the sanitation, heating, lighting and ventilation of the institution;
- d. the suitability and cleanliness of the prisoners' clothing and bedding.

2. The director shall consider the reports and advice that the medical officer submits according to Rules 30, paragraph 2, and 31, paragraph 1, and, when in concurrence with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within the director's competence or if the director does not concur with them, the director shall immediately submit a personal report and the advice of the medical officer to higher authority.

32. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may impede a prisoner's resettlement after release. All necessary medical, surgical and psychiatric services including those available in the community shall be provided to the prisoner to that end.

Discipline and punishment

33. Discipline and order shall be maintained in the interests of safe custody, ordered community life and the treatment objectives of the institution.

34. 1. No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

2. This rule shall not, however, impede the proper functioning of arrangements under which specified social, educational or sports activities or responsibilities are entrusted under supervision to prisoners who are formed into groups for the purposes of their participation in regime programmes.

35. The following shall be provided for and determined by the law or by the regulation of the competent authority:

- a. conduct constituting a disciplinary offence;
- b. the types and duration of punishment which may be imposed;
- c. the authority competent to impose such punishment;
- d. access to and the authority of the appellate process.

36. 1. No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same act.

2. Reports of misconduct shall be presented promptly to the competent authority who shall decide on them without undue delay.

3. No prisoner shall be punished unless informed of the alleged offence and given a proper opportunity of presenting a defence.

4. Where necessary and practicable prisoners shall be allowed to make their defence through an interpreter.

37. Collective punishments, corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishment shall be completely prohibited as punishments for disciplinary offences.

38. 1. Punishment by disciplinary confinement and any other punishment which might have an adverse effect on the physical or mental health of the prisoner shall only be imposed if the medical officer after examination certifies in writing that the prisoner is fit to sustain it.

2. In no case may such punishment be contrary to, or depart from, the principles stated in Rule 37.

3. The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if the termination or alteration of the punishment is considered necessary on grounds of physical or mental health.

Instruments of restraint

39. The use of chains and irons shall be prohibited. Handcuffs, restraint-jackets and other body restraints shall never be applied as a punishment. They shall not be used except in the following circumstances:

a. if necessary, as a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority unless that authority decides otherwise;

b. on medical grounds, by direction and under the supervision of the medical officer;

c. by order of the director, if other methods of control fail, in order to protect a prisoner from self-injury, injury to others or to prevent serious damage to property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

40. The patterns and manner of use of the instruments of restraint authorised in the preceding paragraph shall be decided by law or regulation. Such instruments must not be applied for any longer time than is strictly necessary.

Information to, and complaints by, prisoners

41. 1. Every prisoner shall on admission be provided with written information about the regulations governing the treatment of prisoners of the relevant category, the disciplinary requirements of the institution, the authorised methods of seeking information and making complaints, and all such other matters as are necessary to understand the rights and obligations of prisoners and to adapt to the life of the institution.

2. If a prisoner cannot understand the written information provided, this information shall be explained orally.

42. 1. Every prisoner shall have the opportunity every day of making requests or complaints to the director of the institution or the officer authorised to act in that capacity.

2. A prisoner shall have the opportunity to talk to, or to make requests or complaints to, an inspector of prisons or to any other duly constituted authority entitled to visit the prison without the director or other members of the staff being present. However, appeals against formal decisions may be restricted to the authorised procedures.

3. Every prisoner shall be allowed to make a request or complaint, under confidential cover, to the central prison administration, the judicial authority or other proper authorities.

4. Every request or complaint addressed or referred to a prison authority shall be promptly dealt with and replied to by this authority without undue delay.

Contact with the outside world

43. 1. Prisoners shall be allowed to communicate with their families and, subject to the needs of treatment, security and good order, persons or representatives of outside organisations and to receive visits from these persons as often as possible.

2. To encourage contact with the outside world there shall be a system of prison leave consistent with the treatment objectives in Part IV of these rules.

44. 1. Prisoners who are foreign nationals should be informed, without delay, of their right to request contact and be allowed reasonable facilities to communicate with the diplomatic or consular representative of the state to which they belong. The prison administration should co-operate fully with such representatives in the interests of foreign nationals in prison who may have special needs.

2. Prisoners who are nationals of states without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the state which takes charge of their interests or national or international authority whose task it is to serve the interests of such persons.

45. Prisoners shall be allowed to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, by radio or television transmissions, by lectures or by any similar means as authorised or controlled by the administration. Special arrangements should be made to meet the needs of foreign nationals with linguistic difficulties.

Religious and moral assistance

46. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious, spiritual and moral life by attending the services or meetings provided in the institution and having in his possession any necessary books or literature.

47. 1. If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed and approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

2. A qualified representative appointed or approved under paragraph 1 shall be allowed to hold regular services and activities and to pay pastoral visits in private to prisoners of his religion at proper times.

3. Access to a qualified representative of any religion shall not be refused to any prisoner. If any prisoner should object to a visit of any religious representative, the prisoner shall be allowed to refuse it.

Retention of prisoners' property

48. 1. All money, valuables, and other effects belonging to prisoners which under the regulations of the institution they are not allowed to retain, shall on admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition. If it has been found necessary to destroy any article, this shall be recorded and the prisoner informed.

2. On the release of the prisoner all such articles and money shall be returned except insofar as there have been authorised withdrawals of money or the authorised sending of any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article. The prisoner shall sign a receipt for the articles and money returned.

3. As far as practicable, any money or effects received for a prisoner from outside shall be treated in the same way unless they are intended for and permitted for use during imprisonment.

4. If a prisoner brings in any medicines, the medical officer shall decide what use shall be made of them.

Notification of death, illness, transfer, etc.

49. 1. Upon the death or serious illness of or serious injury to a prisoner, or removal to an institution for the treatment of mental illnesses or abnormalities, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

2. A prisoner shall be informed at once of the death or serious illness of any near relative. In these cases and whenever circumstances allow, the prisoner should be authorised to visit this sick relative or see the deceased either under escort or alone.

3. All prisoners shall have the right to inform at once their families of imprisonment or transfer to another institution.

Removal of prisoners

50. 1. When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

2. The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship or indignity shall be prohibited.

3. The transport of prisoners shall be carried out at the expense of the administration and in accordance with duly authorised regulations.

Part III *Personnel*

51. In view of the fundamental importance of the prison staffs to the proper management of the institutions and the pursuit of their organisational and treatment objectives, prison administrations shall give high priority to the fulfilment of the rules concerning personnel.

52. Prison staff shall be continually encouraged through training, consultative procedures and a positive management style to aspire to humane standards, higher efficiency and a committed approach to their duties.

53. The prison administration shall regard it as an important task continually to inform public opinion of the roles of the prison system and the work of the staff, so as to encourage public understanding of the importance of their contribution to society.

54. 1. The prison administration shall provide for the careful selection on recruitment or in subsequent appointments of all personnel. Special emphasis shall be given to their integrity, humanity, professional capacity and personal suitability for the work.

2. Personnel shall normally be appointed on a permanent basis as professional prison staff and have civil service status with security of tenure subject only to good conduct, efficiency, good physical and mental health and an adequate standard of education. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

3. Whenever it is necessary to employ part-time staff, these criteria should apply to them as far as that is appropriate.

55. 1. On recruitment or after an appropriate period of practical experience, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests unless their professional qualifications make that unnecessary.

2. During their career, all personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organised by the administration at suitable intervals.

3. Arrangements should be made for wider experience and training for personnel whose professional capacity would be improved by this.

4. The training of all personnel should include instruction in the requirements and application of the European Prison Rules and the European Convention on Human Rights.

56. All members of the personnel shall be expected at all times so to conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

57. 1. So far as possible the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers, trade, physical education and sports instructors.

2. These and other specialist staff shall normally be employed on a permanent basis. This shall not preclude part-time or voluntary workers when that is appropriate and beneficial to the level of support and training they can provide.

58. 1. The prison administration shall ensure that every institution is at all times in the full charge of the director, the deputy director or other authorised official.

2. The director of an institution should be adequately qualified for that post by character, administrative ability, suitable professional training and experience.

3. The director shall be appointed on a full-time basis and be available or accessible as required by the prison administration in its management instructions.

4. When two or more institutions are under the authority of one director each shall be visited at frequent intervals. A responsible official shall be in charge of each of these institutions.

59. The administration shall introduce forms of organisation and management systems to facilitate communication between the different categories of staff in an institution with a view to ensuring co-operation between the various services, in particular, with respect to the treatment and re-socialisation of prisoners.

60. 1. The director, deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

2. Whenever necessary and practicable the services of an interpreter shall be used.

61. 1. Arrangements shall be made to ensure at all times that a qualified and approved medical practitioner is able to attend without delay in cases of urgency.

2. In institutions not staffed by one or more full-time medical officers, a part-time medical officer or authorised staff of a health service shall visit regularly.

62. The appointment of staff in institutions or parts of institutions housing prisoners of the opposite sex is to be encouraged.

63. 1. Staff of the institutions shall not use force against prisoners except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Staff who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

2. Staff shall as appropriate be given special technical training to enable them to restrain aggressive prisoners.

3. Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been fully trained in their use.

Part IV

Treatment objectives and regimes

64. Imprisonment is by the deprivation of liberty a punishment in itself. The conditions of imprisonment and the prison regimes shall not, therefore, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in this.

65. Every effort shall be made to ensure that the regimes of the institutions are designed and managed so as:

a. to ensure that the conditions of life are compatible with human dignity and acceptable standards in the community;

b. to minimise the detrimental effects of imprisonment and the differences between prison life and life at liberty which tend to diminish the self-respect or sense of personal responsibility of prisoners;

c. to sustain and strengthen those links with relatives and the outside community that will promote the best interests of prisoners and their families;

d. to provide opportunities for prisoners to develop skills and aptitudes that will improve their prospects of successful resettlement after release.

66. To these ends all the remedial, educational, moral, spiritual and other resources that are appropriate should be made available and utilised in accordance with the individual treatment needs of prisoners. Thus the regimes should include:

a. spiritual support and guidance and opportunities for relevant work, vocational guidance and training, education, physical education, the development of social skills, counselling, group and recreational activities;

b. arrangements to ensure that these activities are organised, so far as possible, to increase contacts with and opportunities within the outside community so as to enhance the prospects for social resettlement after release;

c. procedures for establishing and reviewing individual treatment and training programmes for prisoners after full consultations among the relevant staff and with individual prisoners who should be involved in these as far as is practicable;

d. communications systems and a management style that will encourage appropriate and positive relationships between staff and prisoners that will improve the prospects for effective and supportive regimes and treatment programmes.

67. 1. Since the fulfilment of these objectives requires individualisation of treatment and, for this purpose, a flexible system of allocation, prisoners should be placed in separate institutions or units where each can receive the appropriate treatment and training.

2. The type, size, organisation and capacity of these institutions or units should be determined essentially by the nature of the treatment to be provided.

3. It is necessary to ensure that prisoners are located with due regard to security and control but such measures should be the minimum compatible with safety and comprehend the special needs of the prisoner. Every effort should be made to place prisoners in institutions that are open in character or provide ample opportunities for contacts with the outside community. In the case of foreign nationals, links with people of their own nationality in the outside community are to be regarded as especially important.

68. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of a suitable length, a programme of treatment in a suitable institution shall be prepared in the light of the knowledge obtained about individual needs, capacities and dispositions, especially proximity to relatives.

69. 1. Within the regimes, prisoners shall be given the opportunity to participate in activities of the institution likely to develop their sense of responsibility, self-reliance and to stimulate interest in their own treatment.

2. Efforts should be made to develop methods of encouraging co-operation with and the participation of the prisoners in their treatment. To this end prisoners shall be encouraged to assume, within the limits specified in Rule 34, responsibilities in certain sectors of the institution's activity.

70. 1. The preparation of prisoners for release should begin as soon as possible after reception in a penal institution. Thus, the treatment of prisoners should emphasise not their exclusion from the community but their continuing part in it. Community agencies and social workers should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners particularly maintaining and improving the relationships with their families, with other persons and with the social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

2. Treatment programmes should include provision for prison leave which should also be granted to the greatest extent possible on medical, educational, occupational, family and other social grounds.

3. Foreign nationals should not be excluded from arrangements for prison leave solely on account of their nationality. Furthermore, every effort should be made to enable them to participate in regime activities together so as to alleviate their feelings of isolation.

71. 1. Prison work should be seen as a positive element in treatment, training and institutional management.

2. Prisoners under sentence may be required to work, subject to their physical and mental fitness as determined by the medical officer.

3. Sufficient work of a useful nature, or if appropriate other purposeful activities shall be provided to keep prisoners actively employed for a normal working day.

4. So far as possible the work provided shall be such as will maintain or increase the prisoner's ability to earn a normal living after release.

5. Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

6. Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of employment in which they wish to participate.

72. 1. The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work in the community so as to prepare prisoners for the conditions of normal occupational life. It should thus be relevant to contemporary working standards and techniques and organised to function within modern management systems and production processes.

2. Although the pursuit of financial profit from industries in the institutions can be valuable in raising standards and improving the quality and relevance of training, the interests of the prisoners and of their treatment must not be subordinated to that purpose.

73. 1. Work for prisoners shall be assured by the prison administration:

a. either on its own premises, workshops and farms; or

b. in co-operation with private contractors inside or outside the institution in which case the full normal wages for such shall be paid by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

74. 1. Safety and health precautions for prisoners shall be similar to those that apply to workers outside.

2. Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to workers outside.

75. 1. The maximum daily and weekly working hours of the prisoners shall be fixed in conformity with local rules or custom in regard to the employment of free workmen.

2. Prisoners should have at least one rest-day a week and sufficient time for education and other activities required as part of their treatment and training for social resettlement.

76. 1. There shall be a system of equitable remuneration of the work of prisoners.

2. Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to allocate a part of their earnings to their family or for other approved purposes.

3. The system may also provide that a part of the earnings be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on release.

Education

77. A comprehensive education programme shall be arranged in every institution to provide opportunities for all prisoners to pursue at least some of their individual needs and aspirations. Such programmes should have as their objectives the improvement of the prospects for successful social resettlement, the morale and attitudes of prisoners and their self-respect.

78. Education should be regarded as a regime activity that attracts the same status and basic remuneration within the regime as work, provided that it takes place in normal working hours and is part of an authorised individual treatment programme.

79. Special attention should be given by prison administrations to the education of young prisoners, those of foreign origin or with particular cultural or ethnic needs.

80. Specific programmes of remedial education should be arranged for prisoners with special problems such as illiteracy or innumeracy.

81. So far as practicable, the education of prisoners shall:

a. be integrated with the educational system of the country so that after their release they may continue their education without difficulty;

b. take place in outside educational institutions.

82. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with a wide range of both recreational and instructional books, and prisoners shall be encouraged to make full use of it. Wherever possible the prison library should be organised in co-operation with community library services.

Physical education, exercise, sport and recreation

83. The prison regimes shall recognise the importance to physical and mental health of properly organised activities to ensure physical fitness, adequate exercise and recreational opportunities.

84. Thus a properly organised programme of physical education, sport and other recreational activity should be arranged within the framework and objectives of the treatment and training regime. To this end space, installations and equipment should be provided.

85. Prison administrations should ensure that prisoners who participate in these programmes are physically fit to do so. Special arrangements should be made, under medical direction, for remedial physical education and therapy for those prisoners who need it.

86. Every prisoner who is not employed in outdoor work, or located in an open institution, shall be allowed, if the weather permits, at least one hour of walking or

suitable exercise in the open air daily, as far as possible, sheltered from inclement weather.

Pre-release preparation

87. All prisoners should have the benefit of arrangements designed to assist them in returning to society, family life and employment after release. Procedures and special courses should be devised to this end.

88. In the case of those prisoners with longer sentences, steps should be taken to ensure a gradual return to life in society. This aim may be achieved, in particular, by a pre-release regime organised in the same institution or in another appropriate institution, or by conditional release under some kind of supervision combined with effective social support.

89. 1. Prison administrations should work closely with the social services and agencies that assist released prisoners to re-establish themselves in society, in particular with regard to family life and employment.

2. Steps must be taken to ensure that on release prisoners are provided, as necessary, with appropriate documents and identification papers, and assisted in finding suitable homes and work to go to. They should also be provided with immediate means of subsistence, be suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination.

3. The approved representatives of the social agencies or services should be afforded all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care programme of the prisoner.

Part V

Additional rules for special categories

90. Prison administrations should be guided by the provisions of the rules as a whole so far as they can appropriately and in practice be applied for the benefit of those special categories of prisoners for which additional rules are provided hereafter.

Untried prisoners

91. Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners, who are presumed to be innocent until they are found guilty, shall be afforded the benefits that may derive from Rule 90 and treated without restrictions other than those necessary for the penal procedure and the security of the institution.

92. 1. Untried prisoners shall be allowed to inform their families of their detention immediately and given all reasonable facilities for communication with family and friends and persons with whom it is in their legitimate interest to enter into contact.

2. They shall also be allowed to receive visits from them under humane conditions subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

3. If an untried prisoner does not wish to inform any of these persons, the prison administration should not do so on its own initiative unless there are good overriding reasons as, for instance, the age, state of mind or any other incapacity of the prisoner.

93. Untried prisoners shall be entitled, as soon as imprisoned, to choose a legal representative, or shall be allowed to apply for free legal aid where such aid is available and to receive visits from that legal adviser with a view to their defence and to prepare and hand to the legal adviser, and to receive, confidential instructions. On request, they shall be given all necessary facilities for this purpose. In particular, they shall be given the free assistance of an interpreter for all essential contacts with the administration and for their defence. Interviews between prisoners and their legal advisers may be within sight but not within hearing, either direct or indirect, of the police or institution staff. The allocation of untried prisoners shall be in conformity with the provisions of Rule 11, paragraph 3.

94. Except where there are circumstances that make it undesirable, untried prisoners shall be given the opportunity of having separate rooms.

95. 1. Untried prisoners shall be given the opportunity of wearing their own clothing if it is clean and suitable.

2. Prisoners who do not avail themselves of this opportunity shall be supplied with suitable dress.

3. If they have no suitable clothing of their own, untried prisoners shall be provided with civilian clothing in good condition in which to appear in court or on authorised outings.

96. Untried prisoners shall, whenever possible, be offered the opportunity to work but shall not be required to work. Those who choose to work shall be paid as other prisoners. If educational or trade training is available untried prisoners shall be encouraged to avail themselves of these opportunities.

97. Untried prisoners shall be allowed to procure at their own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

98. Untried prisoners shall be given the opportunity of being visited and treated by their own doctor or dentist if there is reasonable ground for the application. Reasons should be given if the application is refused. Such costs as are incurred shall not be the responsibility of the prison administration.

Civil prisoners

99. In countries where the law permits imprisonment by order of a court under any non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall not be less favourable than that of untried prisoners, with the reservation, however, that they may be required to work.

Insane and mentally abnormal prisoners

100. 1. Persons who are found to be insane should not be detained in prisons and arrangements shall be made to remove them to appropriate establishments for the mentally ill as soon as possible.

2. Specialised institutions or sections under medical management should be available for the observation and treatment of prisoners suffering gravely from any other mental disease or abnormality.

3. The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all prisoners who are in need of such treatment.

4. Action should be taken, by arrangement with the appropriate community agencies, to ensure where necessary the continuation of psychiatric treatment after release and the provision of social psychiatric after-care.

1. When this recommendation was adopted, and in application of Article 10.2.c of the Rules of Procedure for the meetings of the Ministers' Deputies:

- The Representative of Denmark reserved the right of his Government to comply or not with Rule 38, paragraph 3, of the appendix to the recommendation ;

The Representative of France reserved the right of his Government to comply or not with Rule 54, paragraph 2, of the appendix to the recommendation.

Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11 Rome, 4.XI.1950

The text of the Convention had been amended according to the provisions of Protocol No. 3 (ETS No. 45), which entered into force on 21 September 1970, of Protocol No. 5 (ETS No. 55), which entered into force on 20 December 1971 and of Protocol No. 8 (ETS No. 118), which entered into force on 1 January 1990, and comprised also the text of Protocol No. 2 (ETS No. 44) which, in accordance with Article 5, paragraph 3 thereof, had been an integral part of the Convention since its entry into force on 21 September 1970. All provisions which had been amended or added by these Protocols are replaced by Protocol No. 11 (ETS No. 155), as from the date of its entry into force on 1 November 1998. As from that date, Protocol No. 9 (ETS No. 140), which entered into force on 1 October 1994, is repealed and Protocol No. 10 (ETS No. 146) has lost its purpose.

The governments signatory hereto, being members of the Council of Europe, Considering the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10th December 1948;

Considering that this Declaration aims at securing the universal and effective recognition and observance of the Rights therein declared;

Considering that the aim of the Council of Europe is the achievement of greater unity between its members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;

Reaffirming their profound belief in those fundamental freedoms, which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend;

Being resolved, as the governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration,

Have agreed as follows:

Article 1 – Obligation to respect human rights

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

Section I – Rights and freedoms

Article 2 – Right to life

Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

1. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
 - a. in defence of any person from unlawful violence;
 - b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - c. in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 3 – Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 4 – Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. For the purpose of this article the term "forced or compulsory labour" shall not include:
 - a. any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
 - b. any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
 - c. any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
 - d. any work or service which forms part of normal civic obligations.

Article 5 – Right to liberty and security

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
 - a. the lawful detention of a person after conviction by a competent court;
 - b. the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

- c. the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
 - d. the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
 - e. the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
 - f. the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
 3. Everyone arrested or detained in accordance with the provisions of paragraph 1.c of this article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.
 4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
 5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

Article 6 – Right to a fair trial

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - a. to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - b. to have adequate time and facilities for the preparation of his defence;
 - c. to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
 - d. to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

- e. to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 7 – No punishment without law

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.
2. This article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.

Article 8 – Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 9 – Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 10 – Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of

information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11 – Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Article 12 – Right to marry

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Article 13 – Right to an effective remedy

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

Article 14 – Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 15 – Derogation in time of emergency

1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.
2. No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.
3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

Article 16 – Restrictions on political activity of aliens

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

Article 17 – Prohibition of abuse of rights

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

Article 18 – Limitation on use of restrictions on rights

The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

Section II – European Court of Human Right

Article 19 – Establishment of the Court

To ensure the observance of the engagements undertaken by the High Contracting Parties in the Convention and the Protocols thereto, there shall be set up a European Court of Human Rights, hereinafter referred to as "the Court". It shall function on a permanent basis.

Article 20 – Number of judges

The Court shall consist of a number of judges equal to that of the High Contracting Parties.

Article 21 – Criteria for office

1. The judges shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence.
2. The judges shall sit on the Court in their individual capacity.
3. During their term of office the judges shall not engage in any activity which is incompatible with their independence, impartiality or with the demands of a full-time office; all questions arising from the application of this paragraph shall be decided by the Court.

Article 22 – Election of judges

1. The judges shall be elected by the Parliamentary Assembly with respect to each High Contracting Party by a majority of votes cast from a list of three candidates nominated by the High Contracting Party.

2. The same procedure shall be followed to complete the Court in the event of the accession of new High Contracting Parties and in filling casual vacancies.

Article 23 – Terms of office

1. The judges shall be elected for a period of six years. They may be re-elected. However, the terms of office of one-half of the judges elected at the first election shall expire at the end of three years.
2. The judges whose terms of office are to expire at the end of the initial period of three years shall be chosen by lot by the Secretary General of the Council of Europe immediately after their election.
3. In order to ensure that, as far as possible, the terms of office of one-half of the judges are renewed every three years, the Parliamentary Assembly may decide, before proceeding to any subsequent election, that the term or terms of office of one or more judges to be elected shall be for a period other than six years but not more than nine and not less than three years.
4. In cases where more than one term of office is involved and where the Parliamentary Assembly applies the preceding paragraph, the allocation of the terms of office shall be effected by a drawing of lots by the Secretary General of the Council of Europe immediately after the election.
5. A judge elected to replace a judge whose term of office has not expired shall hold office for the remainder of his predecessor's term.
6. The terms of office of judges shall expire when they reach the age of 70.
7. The judges shall hold office until replaced. They shall, however, continue to deal with such cases as they already have under consideration.

Article 24 – Dismissal

No judge may be dismissed from his office unless the other judges decide by a majority of two-thirds that he has ceased to fulfil the required conditions.

Article 25 – Registry and legal secretaries

The Court shall have a registry, the functions and organisation of which shall be laid down in the rules of the Court. The Court shall be assisted by legal secretaries.

Article 26 – Plenary Court

The plenary Court shall:

- a. elect its President and one or two Vice-Presidents for a period of three years; they may be re-elected;
- b. set up Chambers, constituted for a fixed period of time;
- c. elect the Presidents of the Chambers of the Court; they may be re-elected;
- d. adopt the rules of the Court, and
- e. elect the Registrar and one or more Deputy Registrars.

Article 27 – Committees, Chambers and Grand Chamber

1. To consider cases brought before it, the Court shall sit in committees of three judges, in Chambers of seven judges and in a Grand Chamber of seventeen judges. The Court's Chambers shall set up committees for a fixed period of time.
2. There shall sit as an *ex officio* member of the Chamber and the Grand Chamber the judge elected in respect of the State Party concerned or, if there is none or if he is unable to sit, a person of its choice who shall sit in the capacity of judge.
3. The Grand Chamber shall also include the President of the Court, the Vice-Presidents, the Presidents of the Chambers and other judges chosen in accordance with the rules of the Court. When a case is referred to the Grand Chamber under Article 43, no judge from the Chamber which rendered the judgment shall sit in the Grand Chamber, with the exception of the President of the Chamber and the judge who sat in respect of the State Party concerned.

Article 28 – Declarations of inadmissibility by committees

A committee may, by a unanimous vote, declare inadmissible or strike out of its list of cases an application submitted under Article 34 where such a decision can be taken without further examination. The decision shall be final.

Article 29 – Decisions by Chambers on admissibility and merits

1. If no decision is taken under Article 28, a Chamber shall decide on the admissibility and merits of individual applications submitted under Article 34.
2. A Chamber shall decide on the admissibility and merits of inter-State applications submitted under Article 33.
3. The decision on admissibility shall be taken separately unless the Court, in exceptional cases, decides otherwise.

Article 30 – Relinquishment of jurisdiction to the Grand Chamber

Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects.

Article 31 – Powers of the Grand Chamber

The Grand Chamber shall:

- a. determine applications submitted either under Article 33 or Article 34 when a Chamber has relinquished jurisdiction under Article 30 or when the case has been referred to it under Article 43; and
- b. consider requests for advisory opinions submitted under Article 47.

Article 32 – Jurisdiction of the Court

1. The jurisdiction of the Court shall extend to all matters concerning the interpretation and application of the Convention and the protocols thereto which are referred to it as provided in Articles 33, 34 and 47.
2. In the event of dispute as to whether the Court has jurisdiction, the Court shall decide.

Article 33 – Inter-State cases

Any High Contracting Party may refer to the Court any alleged breach of the provisions of the Convention and the protocols thereto by another High Contracting Party.

Article 34 – Individual applications

The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right.

Article 35 – Admissibility criteria

1. The Court may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law, and within a period of six months from the date on which the final decision was taken.
2. The Court shall not deal with any application submitted under Article 34 that:
 - a. is anonymous; or
 - b. is substantially the same as a matter that has already been examined by the Court or has already been submitted to another procedure of international investigation or settlement and contains no relevant new information.
3. The Court shall declare inadmissible any individual application submitted under Article 34 which it considers incompatible with the provisions of the Convention or the protocols thereto, manifestly ill-founded, or an abuse of the right of application.
4. The Court shall reject any application which it considers inadmissible under this Article. It may do so at any stage of the proceedings.

Article 36 – Third party intervention

1. In all cases before a Chamber or the Grand Chamber, a High Contracting Party one of whose nationals is an applicant shall have the right to submit written comments and to take part in hearings.
2. The President of the Court may, in the interest of the proper administration of justice, invite any High Contracting Party which is not a party to the

proceedings or any person concerned who is not the applicant to submit written comments or take part in hearings.

Article 37 – Striking out applications

1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that:
 - a. the applicant does not intend to pursue his application; or
 - b. the matter has been resolved; or
 - c. for any other reason established by the Court, it is no longer justified to continue the examination of the application.

However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the protocols thereto so requires.

2. The Court may decide to restore an application to its list of cases if it considers that the circumstances justify such a course.

Article 38 – Examination of the case and friendly settlement proceedings

1. If the Court declares the application admissible, it shall:
 - a. pursue the examination of the case, together with the representatives of the parties, and if need be, undertake an investigation, for the effective conduct of which the States concerned shall furnish all necessary facilities;
 - b. place itself at the disposal of the parties concerned with a view to securing a friendly settlement of the matter on the basis of respect for human rights as defined in the Convention and the protocols thereto.
2. Proceedings conducted under paragraph 1.b shall be confidential.

Article 39 – Finding of a friendly settlement

If a friendly settlement is effected, the Court shall strike the case out of its list by means of a decision which shall be confined to a brief statement of the facts and of the solution reached.

Article 40 – Public hearings and access to documents

1. Hearings shall be in public unless the Court in exceptional circumstances decides otherwise.
2. Documents deposited with the Registrar shall be accessible to the public unless the President of the Court decides otherwise.

Article 41 – Just satisfaction

If the Court finds that there has been a violation of the Convention or the protocols thereto, and if the internal law of the High Contracting Party concerned allows only

partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.

Article 42 – Judgments of Chambers

Judgments of Chambers shall become final in accordance with the provisions of Article 44, paragraph 2.

Article 43 – Referral to the Grand Chamber

1. Within a period of three months from the date of the judgment of the Chamber, any party to the case may, in exceptional cases, request that the case be referred to the Grand Chamber.
2. A panel of five judges of the Grand Chamber shall accept the request if the case raises a serious question affecting the interpretation or application of the Convention or the protocols thereto, or a serious issue of general importance.
3. If the panel accepts the request, the Grand Chamber shall decide the case by means of a judgment.

Article 44 – Final judgments

1. The judgment of the Grand Chamber shall be final.
2. The judgment of a Chamber shall become final:
 - a. when the parties declare that they will not request that the case be referred to the Grand Chamber; or
 - b. three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or
 - c. when the panel of the Grand Chamber rejects the request to refer under Article 43.
3. The final judgment shall be published.

Article 45 – Reasons for judgments and decisions

1. Reasons shall be given for judgments as well as for decisions declaring applications admissible or inadmissible.
2. If a judgment does not represent, in whole or in part, the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 46 – Binding force and execution of judgments

1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.
2. The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.

Article 47 – Advisory opinions

1. The Court may, at the request of the Committee of Ministers, give advisory opinions on legal questions concerning the interpretation of the Convention and the protocols thereto.

2. Such opinions shall not deal with any question relating to the content or scope of the rights or freedoms defined in Section I of the Convention and the protocols thereto, or with any other question which the Court or the Committee of Ministers might have to consider in consequence of any such proceedings as could be instituted in accordance with the Convention.

3. Decisions of the Committee of Ministers to request an advisory opinion of the Court shall require a majority vote of the representatives entitled to sit on the Committee.

Article 48 – Advisory jurisdiction of the Court

The Court shall decide whether a request for an advisory opinion submitted by the Committee of Ministers is within its competence as defined in Article 47.

Article 49 – Reasons for advisory opinions

1. Reasons shall be given for advisory opinions of the Court.

2. If the advisory opinion does not represent, in whole or in part, the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

3. Advisory opinions of the Court shall be communicated to the Committee of Ministers.

Article 50 – Expenditure on the Court

The expenditure on the Court shall be borne by the Council of Europe.

Article 51 – Privileges and immunities of judges

The judges shall be entitled, during the exercise of their functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements made thereunder.

Section III – Miscellaneous provisions

Article 52 – Inquiries by the Secretary General

On receipt of a request from the Secretary General of the Council of Europe any High Contracting Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention.

Article 53 – Safeguard for existing human rights

Nothing in this Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any High Contracting Party or under any other agreement to which it is a Party.

Article 54 – Powers of the Committee of Ministers

Nothing in this Convention shall prejudice the powers conferred on the Committee of Ministers by the Statute of the Council of Europe.

Article 55 – Exclusion of other means of dispute settlement

The High Contracting Parties agree that, except by special agreement, they will not avail themselves of treaties, conventions or declarations in force between them for the purpose of submitting, by way of petition, a dispute arising out of the interpretation or application of this Convention to a means of settlement other than those provided for in this Convention.

Article 56 – Territorial application

1. Any State may at the time of its ratification or at any time thereafter declare by notification addressed to the Secretary General of the Council of Europe that the present Convention shall, subject to paragraph 4 of this Article, extend to all or any of the territories for whose international relations it is responsible.
2. The Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the receipt of this notification by the Secretary General of the Council of Europe.
3. The provisions of this Convention shall be applied in such territories with due regard, however, to local requirements.
4. Any State which has made a declaration in accordance with paragraph 1 of this article may at any time thereafter declare on behalf of one or more of the territories to which the declaration relates that it accepts the competence of the Court to receive applications from individuals, non-governmental organisations or groups of individuals as provided by Article 34 of the Convention.

Article 57 – Reservations

1. Any State may, when signing this Convention or when depositing its instrument of ratification, make a reservation in respect of any particular provision of the Convention to the extent that any law then in force in its territory is not in conformity with the provision. Reservations of a general character shall not be permitted under this article.
2. Any reservation made under this article shall contain a brief statement of the law concerned.

Article 58 – Denunciation

1. A High Contracting Party may denounce the present Convention only after the expiry of five years from the date on which it became a party to it and after six months' notice contained in a notification addressed to the Secretary General of the Council of Europe, who shall inform the other High Contracting Parties.
2. Such a denunciation shall not have the effect of releasing the High Contracting Party concerned from its obligations under this Convention in respect of any act which,

being capable of constituting a violation of such obligations, may have been performed by it before the date at which the denunciation became effective.

3. Any High Contracting Party which shall cease to be a member of the Council of Europe shall cease to be a Party to this Convention under the same conditions.

4. The Convention may be denounced in accordance with the provisions of the preceding paragraphs in respect of any territory to which it has been declared to extend under the terms of Article 56.

Article 59 – Signature and ratification

1. This Convention shall be open to the signature of the members of the Council of Europe. It shall be ratified. Ratifications shall be deposited with the Secretary General of the Council of Europe.

2. The present Convention shall come into force after the deposit of ten instruments of ratification.

3. As regards any signatory ratifying subsequently, the Convention shall come into force at the date of the deposit of its instrument of ratification.

4. The Secretary General of the Council of Europe shall notify all the members of the Council of Europe of the entry into force of the Convention, the names of the High Contracting Parties who have ratified it, and the deposit of all instruments of ratification which may be effected subsequently.

Done at Rome this 4th day of November 1950, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatories.

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1. Heading added according to the provisions of Protocol No. 11 (ETS No. 155).
 2. New Section II according to the provisions of Protocol No. 11 (ETS No. 155).
 3. The articles of this Section are renumbered according to the provisions of Protocol No. 11 (ETS No. 155).
 4. Text amended according to the provisions of Protocol No. 11 (ETS No. 155).

Protocols of the Convention for Protection of Human Rights and Fundamental Freedoms

Protocol No.1

The governments signatory hereto, being members of the Council of Europe,

Being resolved to take steps to ensure the collective enforcement of certain rights and freedoms other than those already included in Section I of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as “the Convention”),

Have agreed as follows:

Article 1 – Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 2 – Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Article 3 – Right to free elections

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

PROTOCOL No. 4

TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,

**SECURING CERTAIN RIGHTS AND FREEDOMS OTHER THAN THOSE
ALREADY
INCLUDED IN THE CONVENTION AND IN THE FIRST PROTOCOL THERETO**

Strasbourg, 16.IX.1963

The governments signatory hereto, being members of the Council of Europe,
Being resolved to take steps to ensure the collective enforcement of certain rights and freedoms other than those already included in Section 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950 (hereinafter referred to as the "Convention") and in Articles 1 to 3 of the First Protocol to the Convention, signed at Paris on 20th March 1952,

Have agreed as follows:

Article 1

No one shall be deprived of his liberty merely on the ground of inability to fulfil a contractual obligation.

Article 2

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. No restrictions shall be placed on the exercise of these rights other than such as are in accordance with law and are necessary in a democratic society in the interests of national security or public safety, for the maintenance of *ordre public*, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
4. The rights set forth in paragraph 1 may also be subject, in particular areas, to restrictions imposed in accordance with law and justified by the public interest in a democratic society.

Article 3

1. No one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he is a national.
2. No one shall be deprived of the right to enter the territory of the state of which he is a national.

Article 4

Collective expulsion of aliens is prohibited.

PROTOCOL No. 6

TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

CONCERNING THE ABOLITION OF THE DEATH PENALTY

Strasbourg, 28.IV.1983

The member States of the Council of Europe, signatory to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"),

Considering that the evolution that has occurred in several member States of the Council of Europe expresses a general tendency in favour of abolition of the death penalty,

Have agreed as follows:

Article 1

The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

Article 2

A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions. The State shall communicate to the Secretary General of the Council of Europe the relevant provisions of that law.

Article 3

No derogation from the provisions of this Protocol shall be made under Article 57 of the Convention.

Article 4

No reservation may be made under Article 57 of the Convention in respect of the provisions of this Protocol.

PROTOCOL No.7
TO THE CONVENTION FOR THE PROTECTION OF HUMAN
RIGHTS AND FUNDAMENTAL FREEDOMS
as amended by Protocol No. 11

Strasbourg, 22.XI.1984

Headings of articles added and text amended according to the provisions of Protocol No. 11 (ETS No. 155) as from its entry into force on 1 November 1998.

The member States of the Council of Europe signatory hereto,
Being resolved to take further steps to ensure the collective enforcement of certain rights and freedoms by means of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"),
Have agreed as follows:

Article 1

Procedural safeguards relating to expulsion of aliens

1. An alien lawfully resident in the territory of a State shall not be expelled there from except in pursuance of a decision reached in accordance with law and shall be allowed:
 - a. to submit reasons against his expulsion,
 - b. to have his case reviewed, and
 - c. to be represented for these purposes before the competent authority or a person or persons designated by that authority.

2. An alien may be expelled before the exercise of his rights under paragraph 1.a, b and c of this Article, when such expulsion is necessary in the interests of public order or is grounded on reasons of national security.

Article 2

Right of appeal in criminal matters

1. Everyone convicted of a criminal offence by a tribunal shall have the right to have his conviction or sentence reviewed by a higher tribunal. The exercise of this right, including the grounds on which it may be exercised, shall be governed by law.
2. This right may be subject to exceptions in regard to offences of a minor character, as prescribed by law, or in cases in which the person concerned was tried in the first instance by the highest tribunal or was convicted following an appeal against acquittal.

Article 3

Compensation for wrongful conviction

When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed, or he has been pardoned, on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to the law or the practice of the State concerned, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

Article 4

Right not to be tried or punished twice

1. No one shall be liable to be tried or punished again in criminal proceedings under the jurisdiction of the same State for an offence for which he has already been finally acquitted or convicted in accordance with the law and penal procedure of that State.
2. The provisions of the preceding paragraph shall not prevent the reopening of the case in accordance with the law and penal procedure of the State concerned, if there is evidence of new or newly discovered facts, or if there has been a fundamental defect in the previous proceedings, which could affect the outcome of the case.
3. No derogation from this Article shall be made under Article 15 of the Convention.

Article 5

Equality between spouses

Spouses shall enjoy equality of rights and responsibilities of a private law character between them, and in their relations with their children, as to marriage, during marriage and in the event of its dissolution. This Article shall not prevent States from taking such measures as are necessary in the interests of the children.

N O T E S
for the guidance of persons wishing to apply to the
EUROPEAN COURT OF HUMAN RIGHTS

I. WHAT CASES CAN THE COURT DEAL WITH?

1. The European Court of Human Rights is an international institution, which **in certain circumstances** can examine complaints from persons claiming that their rights under the European Convention on Human Rights have been infringed. This Convention is an international treaty by which a large number of European States have agreed to secure **certain fundamental rights**. The rights guaranteed are set out in the Convention itself, and also in Protocols Nos. 1, 4, 6 and 7, which only some of the States have accepted. You should read these texts and the accompanying reservations, which are all enclosed.

2. The Court can only deal with complaints relating to infringements of one or more of **the rights set forth in the Convention and Protocols**. It is not a court of appeal *vis-à-vis* national courts and cannot annul or alter their decisions. Nor can it intervene directly on your behalf with the authority you are complaining about.

3. The Court can only examine complaints that are directed against States which have ratified the Convention or the Protocol in question and concern **events after a given date**. The date varies according to the State and according to whether the complaint relates to a right set out in the Convention itself or in one of the Protocols.

4. You can only complain to the Court about **matters, which are the responsibility of a public authority** (legislature, administrative authority, court of law, etc.) of one of these States. **The Court cannot deal with complaints against private individuals or private organizations.**

5. It is therefore absolutely essential that before applying to the Court, you should have tried **all judicial remedies** in the State concerned by means of which it might have been possible to redress your grievance; failing that, you will have to show that such remedies would have been ineffective.

You must accordingly have first applied to the domestic courts, up to and including the highest court with jurisdiction in the matter, where you must have raised, at least in substance, the complaints that you wish to submit subsequently to the Court.

When availing yourself of the appropriate remedies, you must normally **comply with national rules of procedure**, including time limits. If, for instance, your appeal is dismissed because you have brought it too late or in the wrong court or have not used the proper procedure, the Court will not be able to examine your case.

6. After a decision of the highest competent national court or authority has been given, you have **six months** within which you may apply to the Court. The six-month period begins when the final court decision in the ordinary appeal process is served on you or your lawyer, not on the date of any later refusal of an application to reopen your case or of a petition for pardon or amnesty or of any other non-contentious application to an authority.

II. HOW TO APPLY TO THE COURT

7. If you consider that your complaint does concern one of the rights guaranteed by the Convention or its Protocols and that the conditions set out above are satisfied, **you should fill in the application form carefully and legibly and return it within six weeks at most**

All correspondence relating to your complaint should be sent to the following **address**:

The Registrar
European Court of Human Rights
Council of Europe
F-67075 STRASBOURG CEDEX.

8. Your letter can be written in Albanian or any other language and should contain
By the terms of Rule 47 of the Rules of Court, **it is essential that in your application you:**

(a) give a brief **summary of the facts** of which you wish to complain and the nature of your complaints;

(b) indicate which of your **Convention rights** you think have been infringed;

(c) state **what remedies you have used**;

(d) list the **official decisions** in your case, giving the date of each decision, the court or authority which took it, and brief details of the decision itself. Attach to your letter a full copy of these decisions. (No documents will be returned to you. It is thus in your interest to **submit only copies, not the originals.**)

(e) Rule 45 of the Rules of Court requires the application form to be **signed** by you as applicant or by your representative.

9 On receipt of your first letter or the application form, the Registry of the Court will reply, telling you that **a file (whose number must be mentioned in all subsequent correspondence) has been opened in your name**. Subsequently, you may be asked for further information, documents or particulars of your complaints.

10. On the other hand, the Registry cannot inform you about the law of the State against which you are making your complaint or give legal advice concerning the application and interpretation of national law.

11. If you wish to apply to the Court through **a lawyer or other representative**, you must send with the form **your authority for him or her to act** on your behalf. A representative of a legal entity (company, association, etc.) or group of individuals must provide proof of his or her legal right to represent it. As the proceedings are initially in writing, there is no point in coming to the Court's premises in person. You will automatically be informed of any decision taken by the Court.

12. If you wish to apply to the Court through a Lawyer or other representative, you must send with the form your authority for him or her to act on your behalf.

The Court does not grant **legal aid** to help you pay for a lawyer to draft your initial complaint. At a later stage of the proceedings – after a decision by the Court to communicate the application to the government concerned for written observations – you may be eligible for free legal aid if you have insufficient means to pay a lawyer’s fees and if a grant of such aid is considered necessary for the proper conduct of the case.

EXPLANATORY NOTE
for persons completing the Application Form
under Article 34 of the Convention

INTRODUCTION

These notes are intended to assist you in drawing up your application to the Court. **Please read them carefully before completing the form**, and then refer to them as you complete each section of the form.

The completed form will be your application to the Court under Article 34 of the Convention. It will be the basis for the Court's examination of your case. It is therefore important that you **complete it fully and accurately even if this means repeating information you have already given the Registry in previous correspondence.**

You will see that there are eight sections to the form. You should complete all of these so that your application contains all the information required under the Rules of Court. Below you will find an explanatory note relating to each section of the form. You will also find at the end of these notes the text of Rules 45 and 47 of the Rules of Court.

NOTES RELATING TO THE APPLICATION FORM

I. THE PARTIES – Rule 47 § 1 (a), (b) and (c)
(1-13)

If there is more than one applicant, you should give the required information for each one, on a separate sheet if necessary.

An applicant may appoint a person to represent him. Such representative shall be an advocate authorized to practice in any of the Contracting Parties and resident in the territory of one of them, or any other person approved by the Court. When an applicant is represented, relevant details should be given in this part of the application form, and the Registry will correspond only with the representative.

II. STATEMENT OF THE FACTS – Rule 47 § 1 (d)
(14)

You should give clear and concise details of the facts you are complaining about. Try to describe the events

in the order in which they occurred. Give exact dates. If your complaints relate to a number of different matters (for instance different sets of court proceedings) you should deal with each matter separately.

III. STATEMENT OF ALLEGED VIOLATION (S) OF THE CONVENTION AND/OR PROTOCOLS AND OF RELEVANT ARGUMENTS – Rule 47 § 1 (e)

In this section of the form you should explain as precisely as you can what your complaint **under the Convention** is. Say which provisions of the Convention you rely on and explain why you consider that the facts you have set out in Part II of the form involve a violation of these provisions.

You will see that some of the articles of the Convention permit interferences with the rights they guarantee in certain circumstances (see for instance sub-paragraphs (a) to (f) of Article 5 §§ 1 and 2 of Articles 8 to 11). If you are relying on such an article, try to explain why you consider the interference about which you are complaining is not justified.

IV. STATEMENT RELATIVE TO ARTICLE 35 § 1 OF THE CONVENTION – Rule 47 § 2 (a)
(16-18)

In this section you should set out details of the remedies you have pursued before the national authorities.

You should fill in each of the three parts of this section and give the same information separately for each separate complaint. In part 18 you should say whether or not any other appeal or remedy is available, which could redress your complaints and which you have not used. If such a remedy is available, you should say what it is (e.g. name the court or authority to which an appeal would lie) and explain why you have not used it.

V. STATEMENT OF THE OBJECT OF THE APPLICATION – Rule 47 § 1 (g)
(19)

Here you should state briefly what you want to achieve through your application to the Court.

VI. STATEMENT CONCERNING OTHER INTERNATIONAL PROCEEDINGS – Rule 47 § 2 (b)
(20)

Here you should say whether or not you have ever submitted the complaints in your application to any other procedure of international investigation or settlement. If you have, you should give full details, including the name of the body to which you submitted your complaints, dates and details of any proceedings, which took place, and details of decisions taken. You should also submit copies of relevant decisions and other documents.

VII. LIST OF DOCUMENTS – Rule 47 § 1 (h)
(21) **(NO ORIGINAL DOCUMENTS, ONLY PHOTOCOPIES)**

Do not forget to enclose with your application and to mention on the list all judgments and decisions referred to in Sections IV and VI, as well as any other documents you wish the Court to take into consideration as evidence (transcripts, statements of witnesses, etc.). Include any documents giving the reasons for a court or other decision

as well as the decision itself. Only submit documents which are relevant to the complaints you are making to the Court.

VIII. DECLARATION AND SIGNATURE – Rule 45 § 3
(22)

If the application is signed by the representative of the applicant, it should be accompanied by a form of authority signed by the applicant and the representative (unless this has already been submitted).

RULES OF THE EUROPEAN COURT OF HUMAN RIGHTS
Chapter II

Institution of Proceedings

Rule 45
(Signatures)

1. Any application made under Articles 33 or 34 of the Convention shall be submitted in writing and shall be signed by the applicant or by the applicant's representative.
2. Where an application is made by a non-governmental organization or by a group of individuals, it shall be signed by those persons competent to represent that organization or group. The Chamber or Committee concerned shall determine any question as to whether the persons who have signed an application are competent to do so.
3. Where applicants are represented in accordance with Rule 36, a power of attorney or written authority to act shall be supplied by their representative or representatives.

Rule 47
(Contents of an individual application)

1. Any application under Article 34 of the Convention shall be made on the application form provided by the Registry, unless the President of the Section concerned decides otherwise. It shall set out
 - (a) the name, date of birth, nationality, sex, occupation and address of the applicant;
 - (b) the name, occupation and address of the representative, if any;
 - (c) the name of the Contracting Party or Parties against which the application is made;
 - (d) a succinct statement of the facts;
 - (e) a succinct statement of the alleged violation(s) of the Convention and the relevant arguments;

(f) a succinct statement on the applicant's compliance with the admissibility criteria (exhaustion of domestic remedies and the six-month rule) laid down in Article 35 § 1 of the Convention; and

(g) the object of the application;
and be accompanied by

(h) copies of any relevant documents and in particular the decisions, whether judicial or not, relating to the object of the application.

2. Applicants shall furthermore

(a) provide information, notably the documents and decisions referred to in paragraph 1 (h) of this Rule, enabling it to be shown that the admissibility criteria (exhaustion of domestic remedies and the six-month rule) laid down in Article 35 § 1 of the Convention have been satisfied; and

(b) indicate whether they have submitted their complaints to any other procedure of international investigation or settlement.

3. Applicants who do not wish their identity to be disclosed to the public shall so indicate and shall submit a statement of the reasons justifying such a departure from the normal rule of public access to information in proceedings before the Court. The President of the Chamber may authorize anonymity in exceptional and duly justified cases.

4. Failure to comply with the requirements set out in paragraphs 1 and 2 of this Rule may result in the application not being examined by the Court.

5. The date of introduction of the application shall as a general rule be considered to be the date of the first communication from the applicant setting out, even summarily, the object of the application. The Court may for good cause nevertheless decide that a different date shall be considered to be the date of introduction.

6. Applicants shall keep the Court informed of any change of address and of all circumstances relevant to the application.



Excerpts from the Criminal Procedural Code of The Republic of Albania

CRIMINAL PROCEDURAL CODE OF THE REPUBLIC OF ALBANIA

JURISDICTIONAL RELATIONS WITH FOREIGN AUTHORITIES

CHAPTER I

EXTRADITION

SECTION I

EXTRADITION ABROAD

Article 488

The significance of extradition

1. The surrender of a person to a foreign country to execute a sentence by imprisonment or the delivery of an act which proves his proceedings for a criminal offence can be made only by means of extradition.

Article 489

The request for extradition

1. The extradition is permitted only upon request submitted to the Minister of Justice.
2. The request is presented in diplomatic channel through the Ministry of Foreign Affairs.
3. The request for extradition are attached :
 - a) the copy of the sentenced by imprisonment or of the act of proceedings;

b) a report of the criminal offence in charge of the person subject to extradition indicating the time and the place of the commission of the offence and its legal qualification;

c) the text of legal provisions to be applied, indicating whether for the criminal offence subject to extradition the law of the foreign country provides death penalty.

d) personal data and any other possible information which supports to define the identity and the citizenship of the person subject to extradition.

4. When several requests for extradition compete the Minister of Justice sets forth the order of examination. He takes into consideration all of the circumstances of the case and, particularly the date of the reception of the request, the importance and the place where the criminal offence is committed, the citizenship and the domicile of the person subject to request, as well as the possibility of a reextradition by the requesting country.

5. In case for a sole offence the extradition is requested simultaneously by several countries it shall be provided to the country subject to the criminal offence or to the country within which territory has been committed the criminal offence.

Article 490

The requirements of extradition

1. The extradition is permitted by expressed condition that the person subject to extradition shall not be prosecuted, shall be not sentenced nor shall he be surrendered to another country for a criminal offence which has occurred before the request for extradition and which differs from that which the extradition is provided for.

2. The requirements of the paragraph 1 shall be not considered when:

a) the extraditing party gives expressed consent that the extradited is prosecuted even for another criminal offence;

b) the extradited, although has been able, has not left the territory of the country he is extradited. After thirty days from his release or after has left is returned voluntarily.

3. The Minister of Justice that permits the extradition may impose even other requirements which he considers as appropriate.

Article 491

The rejection of the request for extradition

1. The extradition may not be provided:

- a) for an offence of a political nature or when it results that it is requested for political reasons.
- b) when there are grounds to think that the person subject to extradition shall be subjected to persecution or discrimination due to race, religion, sex, citizenship, language, political belief, personal or social state or cruel, inhuman or degrading punishment or treatment or acts which constitute violation of fundamental human rights.
- c) when the person subject to the request for extradition has committed a criminal offence in Albania.
- d) when he is being tried or has been tried in Albania regardless the criminal offence has been committed abroad.
- e) when the criminal offence is not provided as such by the albanian legislation;
- f) the Albanian state has provided an amnesty for this offence;
- g) when the requested person is albanian citizen and there is no agreement otherwise providing;
- h) when the law of the requesting state does not provide the prosecution or the punishment for the same.

Article 492

The actions of the prosecutor

1. When receives a request for extradition from a foreign country, the Minister of Justice, if does not rejects it, shall send along with the documents to the prosecutor in the competent court.
2. The prosecutor, after receiving the request, orders the appearance of the interested person in order to identify him and to obtain his eventual consent for the extradition. The interested is explained the right to be assisted by a defence lawyer.
3. The prosecutor, through the Minister of Justice, requests from the foreign authorities the documents and the information which he considers necessary.
4. Within three months from the date on which the request for extradition has arrived, the prosecutor submits the request to the court for examination.
5. The request of the prosecutor shall be deposited in the secretary of the court along with the acts and attached objects. The secretary shall take care of the notification of the person subject to extradition, his defence lawyer and the eventual representative of the requesting country who, within ten days, have the right to access to the documents

and to issue copies of them as well as to examine the attached objects and to present memos.

Article 493

Coercive measures and the attachments

1. Upon request of the Minister of Justice, presented through the prosecutor, the person subject to request for extradition may be subjected to coercive measures and an order imposing the attachment of the real evidence and of the objects related to the criminal offence for which is requested the extradition may be issued.
2. The imposing of the coercive measures shall be subjected to the provisions of the title V of this Code, as far as this can be done, considering the requirements which provide that the person subject to extradition shall not try to slip the extradition.
3. The coercive measures and the attachment shall be not imposed when there are reasons to believe that the requirements to provide a decision in the favour of extradition do not exist.
4. The coercive measures are revoked when within three months from the start of their execution it has not terminated the proceedings before the court. Upon the request of the prosecutor the time limit can be prolonged, but not longer than one month, when necessary to make particularly complex verifications.
5. The competent authority to render decision on basis of the paragraphs hereinof is the district court or, during the proceedings before the court of appeal, this one.

Article 494

Temporary execution of coercive measures

1. Upon request of the foreign country, presented by the Minister of Justice through the prosecutor in the competent court, the court may impose temporarily a coercive measure before the request for extradition arrives.
2. The measure may be imposed when:
 - a- the foreign country has declared that the person has been subjected to a measure restricting his personal freedom or to a sentence by imprisonment and that it is going to present request for extradition;
 - b- the foreign country has presented circumstantial data regarding the criminal offence and sufficient elements for the identification of the person;
 - c- there is the eventual event of his escape.

3. The competency to impose the measure shall belong to, respectively, the court of the district where in which territory the person has the domicile, residence or the dwelling-house or the court of the district where he is. In case the competency cannot be determined by the above ways, competent shall be the court of Tirana district.
4. The court may also order the attachment of the real evidence and of the objects pertaining to the criminal offence.
5. The Minister of Justice gives notice to the foreign country of the temporary coercive measure and of the eventual attachment.
6. The coercive measures are revoked if, within thirty days from the notification hereinof, the request for extradition and the documents enclosed do not arrive to the Ministry of Justice.

Article 495

The arrest by the judicial police

1. In case of urgency, the judicial police may carry out the arrest of the person who is subject to request for temporary arrest. It also carries out the attachment of the real evidence of the criminal offence and of the objects connected with it.
2. The authority which has carried the arrest out shall immediately inform the prosecutor and the Minister of Justice. The prosecutor, within fortyeight days, shall make the arrested available to court of the territory where the arrest has taken place, sending also the relevant documents.
3. The court, within three days from the arrest, approves it if there are the requirements or orders the release of the arrested. The decision rendered by the court shall be informed to the Minister of Justice.
4. The arrest shall be revoked in case the Minister of Justice does not request, within ten days from the approval, its continuance.
5. The copy of the decision rendered by the court regarding the coercive measures and attachments, in accordance with these articles, shall be notified to the prosecutor, interested person and his defence lawyers who may appeal to the court of appeal.

Article 496

The hearing of the person subjected to the precautionary measure

1. In case a precautionary measure is imposed, the court, as soon as possible and anyway not later than five days after the execution of the measure or its evaluation, makes sure of the identity of the person and takes its eventual consent for extradition, noting this in the minutes.

2. The court makes known to the interested person the right to a defence lawyer and, ex- officio, if he is absent, can appoint another defence lawyer . The defence lawyer must be notified, at least twenty-four hours before for the above mentioned actions and has the right to participate in them.

Article 497

The examination of the request for extradition

1. After the reception of the request of the prosecutor, the court fixes the hearing and notifies, at least ten days in advance, the prosecutor, the person subject to request for extradition, his defence lawyer and the eventual representative of the requesting state.
2. The court collects data and makes the necessary verifications and hears the persons summoned to appear before the trial.

Article 498

The decision of the court

1. The court renders the decision in favour of the extradition when it possesses important data on the guilt or when there is a final decision. In this case , when there is a request of the Minister of Justice, presented through the prosecutor, the court decides the holding into custody of the person who should be extradited and who is in free state, as well as the attachment of the real evidence and objects which belong to the criminal offence.
2. The court renders the decision rejecting the extradition in cases provided for the non-acceptance of the request for extradition.
3. When the court renders the decision against extradition, the extradition cannot be executed.
4. The decision against the extradition prohibits the rendering of a successive decision in the favour of extradition as a result of a new request presented for the same facts by the same state, except when the request is based on elements which are not evaluated by the court.
5. The decision of extradition regarding the request for extradition, may be appealed to the court of appeal by the interested person, his defence lawyer, the prosecutor and the representative of the requesting state, according to the general rules of appeal.

Article 499

The decision of extradition

1. The Minister of Justice decides for the extradition within thirty days from the date the decision of the court has become final. After the expiration of this time-limit, even in case the decision is not rendered by the Minister, the person subject to extradition, if imprisoned, shall be released.
2. The person shall be released even in case the request for extradition is rejected.
3. The Minister of Justice communicates the decision to the requesting state and, when this is favourable, the place of the surrender and the date by which it is expected to start. The time-limit of the surrender is fifteen days from the fixed date and, upon motivated request of the requesting state, it may be also extended to twenty other days.
4. The decision of extradition shall lose its effect and the extradited shall be released in case the requesting state does not act, within the fixed time-limit, to receive the extradited.

Article 500

The suspension of the surrender

1. The execution of extradition is suspended when the extradited should be tried in the territory of albanian state and must serve a punishment for criminal offences committed before or after that subject to extradition. But the Minister of Justice, after listening the competent proceeding authority of the albanian state or the one of the execution of sentence, must order the temporary surrender in the requesting state of the person subject to extradition, defining the time-limits and the way how to operate.
2. The Minister may agree the rest of the punishment to be served in the requesting state.

Article 501

Extention of the provided extradition and the re-extradition

1. In case of new request for extradition, submitted after the delivery of the extradited and which subject is a criminal offence occurred before the delivery, different from that subject to the provided extradition, there are respected, as far as they are applicaple, the provisions of this chapter. The request must be attached to the statements of the extradited, made before the judge of the state requesting the extention of the extradition.
2. The court proceeds in absentia of the extradited.
3. It shall not be any trial in case the extradited, by his statements provided in paragraph 1, has accepted the extention of extradition.

4. The above provisions are also applied in case the requesting state, which is surrendered the person, requests the consent for extradition of the same person in another state.

Article 502

The transit

1. The transit through the territory of the albanian state of an extradited person from a state to another, is authorised, upon request of the latter, by the Minister of Justice, if the transfer does not impair the sovereignty, the security or other state interests.

2. The transfer is not authorized :

a) when the extradition is provided for facts which are not provided as criminal offences by the albanian law;

b) in cases provided by article 491, paragraph 1;

c) when an albanian citizen, for whom the extradition in the state which has requested the transit transfer should not have been provided, is involved.

3. The authorization is not required in case the transit transfer is made by plain and there is not expected the landing in the albanian territory. But, when the landing takes place, there shall apply, as far they are in accordance with the fact, the provisions for the precautionary measures.

SECTION II

THE EXTRADITION FROM ABROAD

Article 504

The request for extradition

1. The Minister of Justice is competent to request from a foreign state the extradition of the proceeded or sentenced person, who must be subjected to a measure that restricts the individual freedom. In this case, the prosecutor in the court of the territory where the proceedings take place or the sentence is rendered, makes a request to the Minister of Justice, sending the necessary acts and documents. In case does not accept the request, the Minister notifies the authority which has made it.

2. The Minister of Justice is competent to decide about the conditions eventually imposed by the foreign country to provide the extradition, when they do not run against the main principles of the albanian rule of law. The proceeding authority is obliged to respect the accepted conditions.

3. The Minister of Justice may decide, for the purpose of extradition, the searching abroad for the proceeded or sentenced person and his temporary arrest.
4. The detention abroad, as a consequence of a request for extradition introduced by the albanian state, is calculated in the duration of the detention, according to the rules provided in title V of this Code.

CHAPTER II

INTERNATIONAL LETTERS OF APPLICATION

SECTION I

FOREIGN LETTERS OF APPLICATION

Article 505

The competences of the Minister of Justice

1. The Minister of Justice decides to grant support to a letter of application of a foreign authority regarding communications, notifications and the taking of proofs, except when evaluates that the requested actions impair the sovereignty, the security and important interests of the state.
2. The Minister does not grant support to the letter of application when it is certain that the requested actions are prohibited expressly by law or contradict the fundamental principles of the albanian rule of law. The Minister does not grant support to the letter of application when there are motivated reasons to think that the considerations regarding race, religion, sex, nationality, language, political beliefs or the social state may cause a negative influence to the performance of the process, and when it is certain that the defendant has expressed freely his consent for the letter of application.
3. In cases the letter of application has as subject the summons of the witness, expert or a defendant before a foreign judicial authority, the Minister of Justice does not grant support to the letter of application when the requesting state does not give sufficient guarantee for the unencroachment of the cited person.
4. The Minister has the right to not grant support to the letter of application in case the requesting state does not give the necessary guarantee of reciprocity.

Article 506

The court proceedings

1. The foreign letter of application cannot be executed unless the court of the place where he must be proceeded has rendered a favourable decision rendered.
2. The district prosecutor, after taking the acts from the Minister of Justice, submits his request to the court.
3. The court disposes of the execution of the letter of application by a decision.
4. The execution of the letter of application is not accepted:
 - a) in cases the Minister of Justice does not grant support to the letter of application
 - b) when the fact for which the foreign authority proceeds is not provided as a criminal offence by the albanian law.

Article 507

The execution of the letters of application

1. The decision for the execution of the letter of application shall appoint the panel which must carry out the requested action.
2. For the performance of the requested actions the provisions of this Code shall apply, except in case the special rules requested by the foreign judicial authority, which are not in contrary with the principles of the albanian rule of law, must be observed.

Article 508

The summons of witnesses who are requested by the foreign authority

1. The citation of the witnesses, residing in the territory of the albanian state, to appear before the foreign judicial authority, are sent to the prosecutor of respective district, who takes measures for the notification, acting as in case of notification of the defendant in free condition.

S E C T I O N I I

L E T T E R S O F A P P L I C A T I O N F O R A B R O A D

Article 509

The sending of letters of application to foreign authorities

1. The letters of application of the courts and prosecution offices, addressed to foreign authorities for notification and the taking of the proofs, shall be sent to the Minister of Justice who takes the measures to send them through diplomatic channel.
2. When ascertains that the security or other important interests of the state could be in danger the Minister, within thirty days from the reception of the letter of application, decides to give it up.
3. The Minister communicates to the proceeding authority that has presented the request, the date of its reception and the notification that he has sent the letter of application or the order to give up the procedure in relation to the letter.
4. In case of urgency the proceeding authority may order the sending of the letter of application through diplomatic channel informing the Minister of Justice.

Article 509

The unencroachment of the summoned person

1. The person summoned on basis of the letter of application, when appears, may not be subjected to restrictions of personal freedom due to facts occurred before the writ of summons.
2. The unencroachment provided by paragraph 1 shall cease when the witness, the expert or the defendant, even having the possibility, has not left the territory of the albanian state, after the expiration of fifteen days from the moment his presence is no longer requested by the judicial authority or when, after has left, he has come back voluntarily.

Article 510

The value of the acts received by letter of application

1. When the foreign country has imposed conditions for the usage of the requested acts, the albanian proceeding authority must respect them in case they do not run against the prohibitions provided by law.

CHAPTER III

THE EXECUTION OF SENTENCES

SECTION I

THE EXECUTION OF THE FOREIGN SENTENCES

Article 512

The recognition of foreign sentences

1. The Minister of Justice, when receives a sentence rendered abroad for albanian citizens or foreigners or persons without citizenship, but residing in the albanian state or for persons proceeded criminally in the albanian state shall send to the prosecutor in the district court of the domicile or residence of the person a copy of the decision and relevant documents, along with the translations in albanian language.
2. The Minister of Justice demands the recognition of a foreign sentence when judges that in accordance with an international convention this decision must be executed or must be recognized other effects in the albanian state.
3. The prosecutor shall submitt a request tyo the district court for the recognition of the foreign sentence. Through the Minister of Justice he may request from foreign authorities the necessary information.

Article 513

The recognition of foreign courts sentences regarding civil effects

1. Upon request of the interested , in the same proceedings and by the same decision, may be declared valid the civil dispositions of the foreign sentence in relation to the obligation to restitute the property or to compensate for the damage.
2. In other cases the request is presented, by the one who has an interest, to the court where the civil dispositions of the foreign sentence should be executed.

Article 514

Terms of recognition

1. The foreign court sentence may not be recognized when :
 - a) the sentence has not become final according to the laws of the state in which it has been rendered,
 - b) the sentence contains dispositions which run against the principles of the rule of law of the albanian state,

c) the sentence has been not rendered by an independent and impartial court or the defendant has been not cited to appeal before the trial or has been not recognized the right to be questioned in a language that he understands and to be assisted by a defence lawyer,

d) there are grounded reasons to think that the proceedings have been influenced by considerations regarding race, religion, sex, language or political beliefs,

e) the fact for which is rendered the sentence is not provided as a criminal offence by the albanian law,

f) for the same fact and against the same person in the albanian state has been rendered a final decision or a criminal proceeding is in course.

Article 515

Coercive measures

1. Upon request of the prosecutor the court which is competent to recognize a foreign sentence may impose a coercive measure to the sentenced who is in the albanian territory.

2. The chairman of the court, within five days from the execution of the coercive measure, takes steps regarding the identification of the person and notifies him the right to a defence lawyer.

3. The coercive measure imposed under this article shall be revoked when from the start of its execution have expired three months without being rendered the decision of recognition from the district court or six months without becoming final the decision.

4. Revocation and replacement of the coercive measure is subject to decision of district court.

5. The copy of the decision rendered by the court is notified, after the execution, to the prosecutor, the sentenced from the foreign court and his defence lawyer who may appeal to the court of appeal.

Article 516

Imposition of the punishment

1. When recognizes a foreign sentence the court determines the punishment to be served in the albanian state. It converts the punishment imposed in the foreign sentence into one of the sentences provided for the same fact by the albanian law. This punishment shall be similar as a nature with that which is rendered by the foreign sentenced. The duration of the sentence may not exceed the maximal limit provided for the same fact by the albanian law.

2. When the foreign sentence does not specify the duration of the sentence, the court provides it on basis of criteria indicated in the Criminal Code.
3. When the execution of the sentence rendered in the foreign state is suspended on parole the court, by the decision of recognition, in addition to other issues, does also dispose of the suspension on parole of the sentence. The same does the court when the defendant has been released on parole in the foreign country.
4. In order to specify the punishment by fine, the sum specified in the foreign sentence shall be converted in equal value into albanian currency, observing the exchange rate of the day on which the recognition has been provided.
5. The decision of recognition regarding the execution of a confiscation shall also order the execution of the confiscation.

Article 517

The attachment

1. Upon request of prosecutor the competent court may impose the attachment of sequestrable objects.
2. The decision is subject to appeal.
3. Shall be respected, as far as they are applicable, the provisions regulating the preventive attachment.

Article 518

The enforcement of a foreign judgement

1. After being recognized, the criminal sentences of foreign courts are enforced in conformity to albanian law.
2. The prosecutor in the court which has made the recognition of a sentence takes the measures for its execution.
3. The sentence by imprisonment served in the foreign country is calculated for the effects of the execution.
4. The sum deriving from the execution of the fine penalty is paid into the bank of Albania. It may be paid into the state where the sentence is rendered, upon its request when that state, under the same circumstances should have decided the payment to be executed into the favour of the albanian state.

5. The confiscated objects shall be delivered to the albanian state. They are delivered, upon its request, to the state where the decision subject to recognition is rendered when this state is under the same circumstances should have decided the delivery in the albanian state.

SECTION I I

THE ENFORCEMENT OF ALBANIAN SENTENCES ABROAD

Article 519

Terms of enforcement abroad

1. In cases provided by international conventions or by article 501, paragraph 2, the Minister of justice requests the execution the execution of the sentences abroad or gives the consent when it is requested by a foreign state.
2. The execution of a sentence by a restriction of personal liberty abroad may be requested or permitted only if the sentenced has become aware of the consequences, has declared freely that he gives consent and when the execution in the foreign state is appropriate to his social rehabilitation.
3. The execution abroad is also allowed when there are conditions provided by paragraph 2, if the sentenced is in the territory of the state subject to request and the extradition is rejected or anyway is not possible.

Article 520

Court sentence

1. Before requesting the execution of a decision abroad the Minister of Justice shall send the acts to the prosecutor who presents a request to the court.
2. When it is necessary the consent of the sentenced, this should be given before the albanian court. In case he is abroad the consent may be given before the albanian consular authority or before the foreign court.

Article 521

Cases when the enforcement of the sentence abroad is not permitted

1. The Minister of Justice may not request the execution abroad of a criminal sentence by restriction of personal liberty when there are grounds to think that the sentenced shall be subjected to persecution or discrimination acts due to race, religion, nationality, language or political beliefs or inhuman, cruel or degrading punishment and treatment.

Article 522

The request for detention abroad

1. When it is requested the enforcement of a sentence restricting the personal liberty and the sentenced is abroad, the Minister of Justice requests his detention.
2. By the request for the execution of a confiscation the minister of Justice has the right to request the attachment of attachable objects.

Article 523

The suspension of enforcement in the Albanian state

1. The execution of the sentenced in the Albanian state is suspended once the execution in the foreign state has started.

The sentence may no longer be enforced in the Albanian state when, according to the foreign countries laws, it has been entirely served.