



MISIONI I PËRHERSHËM
I REPUBLIKËS SË SHQIPËRISË
GJENEVË

PERMANENT MISSION
OF THE REPUBLIC OF ALBANIA
GENEVA

Nr. 51/1

NOTE VERBALE

The Permanent Mission of the Republic of Albania to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to OHCHR's note ref. UA ALB 1/2020, dated 20 March 2020, has the honour to transmit enclosed the response of the Albanian authorities.

The Permanent Mission of the Republic of Albania to the United Nation Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

[Signature]



Geneva, 11 August 2020

Office of the High Commissioner for Human Rights
c/o Special Procedures Branch

Information submitted by the Albanian Authorities on the joint request of the UN Special Procedures (reference AI / ALB 1/2020)

On the Turkish citizen Selami Simsek

- After the flagrante arrest on 08.7.2019, the detention and treatment of the Turkish citizen Selami Simsek were carried out in the premises of the security chambers of Tirana L.P.D., following the rules and standard procedures “For the security and treatment of persons arrested/detained in State Police premises. This citizen has been guaranteed a regular legal process, during the stages of investigation and trial as well as during serving the sentence, defense with a lawyer, trial within the legal deadlines set in the Criminal Code for review, assessment, and the imposition of personal security measures as well as for serving the sentence according to legal obligations.
- This citizen has not filed any complaints or requests regarding the stay and actions committed by and during the arrest and conduct of procedural actions of investigation, trial, and serving a sentence.
- Referring to the decision no. 217, dated 09.03.2020, of the Court of Appeals in Tirana, this Court has decided against the Turkish citizen Selami Simsek, "the abolition of the security measure" prison arrest "and his immediate release from the premises of the IECD¹- 302 Tirana". On this basis, the Tirana Appellate Prosecution has proceeded with the Execution Order of the court decision, where the release of the Turkish citizen Selami Simsek took place.
- After serving his sentence (based on the Court decision), the Turkish citizen Selami Simsek is accommodated in the Closed Center for Foreigners, with a Detention Order of the competent authorities (no. 475 dated 10.03.2020).

• [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- In this case, against this citizen were performed the standard procedures provided as fingerprint registration and data entry in the database "ERF" (Electronic Register for Foreigners). Also, on 09.03.2020, the authorities of the Local Directorate of Border and Migration notified the Directorate of Asylum and Citizenship on his application for asylum. The Commission for reviewing the asylum application has decided to reject his asylum application "(Decision no. 8/1, dated 09.03.2020) and to restrict the freedom of movement of the asylum seeker in the Republic of Albania (Decision no. 8, dated 09.03.2020 On this basis, the Local Directorate for Border and Migration has issued order no. 475 dated 10.03.2020 "On detention in the Closed Center" and the Turkish citizen Simsek was sent to CCF Karrec, where he is currently located.

¹ Institution for the Execution of a Criminal Decision

- The National Commission for Asylum and Refugees has issued a decision on the "Rejection of the asylum application", as the Turkish citizen Simsek did not meet any of the criteria set by law 121/2014 "On asylum in the Republic of Albania" (Article 4). The asylum seeker has the right to file a complaint within 15 days with the National Commission for Asylum and Refugees. According to Article 47/2 of this law, the decision of the National Commission may be appealed in a court competent for administrative matters. The relevant institutions have not received any appeal against the decision to refuse asylum for this citizen.

On the Turkish citizen Harun Çelik

- Turkish citizen Harun Çelik was arrested in flagrante delicto on 08.07.2019 for the criminal offense "Forgery of identity cards, passports or visas", provided by Article 189/2 of the Criminal Code. The Prosecution of the Judicial District of Tirana has registered the criminal proceeding no. 5246, dated 9.07.2019 against him, for the criminal offense "Falsification of passports or visas". This case was forwarded for a trial to the Tirana Judicial District Court.

- The court, with criminal decision no.2933, dated 19.12.2020, has declared the defendant Harun Celik guilty for the criminal offense "Falsification of passports or visas", provided by Article 189/2 of the Criminal Code and reducing the sentence with 1/3 sentencing the defendant to 8 months and 20 days imprisonment. Following the appeal of the decision by the Turkish citizen Çelik with the object of terminating the personal security measure "arrest in prison", the Court of the Tirana Judicial District, with Decision no. 1016, dated 01.01.2020, has decided to terminate the security measure "prison arrest", as the defendant has served the duration of serving the sentence from the moment of his arrest. The court ordered his immediate release.

- According to the information of the Ministry of Interior (sent on 28.05.2020), it is evidenced that the Turkish citizen Çelik was at the exit point of the territory of the Republic of Albania at the time of his detention, on August 8, 2019, a fact that conditions his deportation immediately after serving the sentence, as it could lead to a recurrence of such illegality. Based on the law no. 108/2013 "On Foreigners", the Local Authority for Border and Migration in the State Police took the administrative measure of eviction. According to the Law on Foreigners, Article 109 / point 1, letter a, which provides that there is information that this citizen will use the territory of the Republic of Albania to transit illegally to another country (to Canada). He was issued an Eviction Order no. 2125, dated 01.01.2020. His departure from the territory of the Republic of Albania was executed immediately, according to Article 112/2 which provides for the immediate execution of the Deportation Order in case the presence of a foreigner poses a threat to public order and safety.

- The Turkish citizen Çelik, after being acquainted with the Deportation Order, signed it voluntarily and did not oppose its implementation. The structures of the Migration Sector and the Border Police of Rinas Airport have performed the actions foreseen in the standard procedures for removal/expulsion of foreigners staying illegally in the Republic of Albania, through Rinas Airport.