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## **Jailed, starved, no trial . . welcome to Albanian justice**

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WHEN schoolteacher Allyson McGregor first glimpsed her friend David in the corridor, the 55-year-old was spread-eagled against the wall and being frisked by prison guards.

As she waited nervously in the visiting room, she was shocked to see how much his physical condition had deteriorated.

"I noticed he was having trouble getting his legs moving properly as he tried to stand upright and turn," recalls the 56-year-old. "My first impression when I saw him trying to right himself was that he had lost muscle tone because he is in a cell 23 hours a day. He'd also lost a lot of weight, around two stones."

It is almost a year since Edinburgh care worker David Brown was locked up in an Albanian prison after children at the home he ran in the Albanian capital city of Tirana alleged they had been sexually abused.

But David, along with his 28-year-old Albanian co-worker, Janaq "Nachi" Papaleka, has always protested his innocence.

And, despite the months they have spent behind bars, there still remains some confusion over whether they have even been officially charged.

David's lawyer in the UK says he has not been shown details of the charges against his client or "a shred of evidence" against him, despite repeated requests. Nor has a trial date been set.

Although David's health is said to be deteriorating, due to the basic conditions and meagre food rations, he can be held in prison under Albanian law for up to two years without trial.

His solicitor, Andrew McCooey, who defends Britons accused of serious crime abroad through his Kent-based organisation Freedom Now, saw David last month at a preliminary hearing.

He says: "I went a month ago to Tirana and saw him in prison. He's coping reasonably well but we haven't seen any evidence against him at all.

"We've had allegations but no charges or evidence in support. The prosecution won't talk to me about the case. David told me he's never laid a finger on any of the children."

At a preliminary hearing in March, Andrew addressed the court and told them the defence team hadn't seen a shred of evidence.

"He's looking at 25 years without parole if convicted," adds Andrew. "He's completely denied any abuse of children. He accepted there had been something he tried to stamp out, but he personally has not been guilty of any abuse."

As an aid worker on his way to Kosovo, David was passing through Tirana and felt so moved over the plight of the street children, he felt he had to do something.

He later returned to open an orphanage, called His Children, which was to become the home of more than 40 children between the ages of two and 18.

Since it was set up six years ago, volunteers from all over the world have gone to help care for the youngsters. Among those was Allyson McGregor, who arrived during a year's career break and stayed until just before David was arrested last year. Allyson, who is now a principal teacher at a special needs school in St Andrews, was the last Briton to see David in jail earlier this month.

"He was struggling," she recalls. "He had had no visitors, nor anyone to talk to in English, for almost two weeks and had become quite down. But his face was absolutely beaming, he was so pleased to see me."

David maintains he has been wrongly accused after finding out children in the home had been physically abused. He immediately sacked the workers he believed were involved, he said, but kept it from the authorities for fear the home would be closed down.

Allyson says workers were always carefully vetted and she herself had to go through police checks and provide numerous references before she was allowed to teach basic literacy.

After David was arrested last year, the home was closed down and, while some of the children were dispersed to other orphanages throughout Albania, some of the teenage orphans were able to get a flat together.

Allyson returned on April 2 to see David and check on the welfare of the children. She says: "The conditions in the prison for David - and therefore for Nachi - are pretty grim. Prisons in Albania are designed to punish.

"There are two meals a day. Each day a meat soup is given but the meat is meagre and of poor quality - gristly and fatty. It is served with rice one day and with macaroni the next. The second meal is a bean mix, and that never varies from one day to the next. David has constant diarrhoea."

David's Albanian lawyer, Gjystina Golloshi, has also been a lifeline to him, bringing in extra food, Allyson said.

He now shares a cell with two young Albanian men in their 20s who smoke much of the time and do not speak English. They all spend 23 hours in the small cell - which contains bunks beds, a bed on the floor and a basic toilet - with just one hour outside in the exercise yard. David is a devout Christian who lived in Edinburgh for more than ten years, where he ran Bible classes and camping holidays for under-privileged children.

Allyson says she never saw David being anything other than loving and generous to the youngsters in his care, many of whom were Romany street children. She admits money was tight at the orphanage but maintains the children were well looked after.

"David was a loving and caring individual, who always had children hanging off him," she says. "The ones who had been accepted into the school system went to school, but the ones who had been on the streets longer were educated at home. Ten-year-olds would have had to go to school with six-year-olds under the system there because they had missed years of schooling."

Mr McCooey says as Albania is not in the European Union, it cannot be challenged under the Human Rights Act. "We just have to put pressure on them," he explains.

"He's a man in his fifties with heart problems. He says the winter was very cold, with no heating and he shares a cell with someone who speaks no English. The real pity is there was a genuine work of humanity going on there [at the home]. The children have just been thrown back in the street. They have come to court to support him."

David's 85-year-old father, Douglas, and his wife Sylvia, 84, who live in Port Appin, Argyll, are very worried about their son.

"He has permanent diarrhoea and the food is so appalling," says Douglas. "The accusations are utterly ridiculous and to my knowledge from the Albanian lawyer he has never been charged. Until they charge him we cannot say it is a miscarriage of justice."

A spokesman for the Foreign and Commonwealth Office says as far as they are aware David has been charged but no trial date has been set. "Under Albanian law he can be held for up to two years before trial," he says. "He was charged with sexual abuse and homosexual acts with children. Consular officials are providing appropriate assistance. The matter is still under investigation. We have visited him six times, the last time was on March 27. We spoke to the

Prosecutor's Office who said it won't proceed to trial until further investigations are completed."

When she visited, Allyson brought David some religious books which she says he now reads repeatedly. He also has access to pencils and paper.

"He doesn't speak much Albanian and gets no newspapers," she says. "He's totally dependent on people coming in to tell him what's going on outside. Washing clothes and bed linen has to be done by the prisoner's family so I don't know who does David's."

"He was so happy to see me he didn't talk much about the situation, but not having people to speak to is difficult. It's a desperate situation and he wants to get back to Scotland and see his family."

Allyson was able to sit with David for an hour and a quarter, more than the originally allotted 15-minute slot, and says her visit seemed to perk him up.

But she adds: "I felt very sad. I knew his conditions weren't good so I wasn't expecting him to look healthy, but the weight loss took me aback."

"A year down the line and no apparent movement to sort it all out is hard to believe. Albanians say if there was evidence of wrongdoing by David they would have had a trial by now."

**This article can be read in full from the original source at:**

<http://edinburghnews.scotsman.com/features.cfm?id=637632007>

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