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Albania [1]

IHF Focus:

Constitutional referendum; freedom of expression and the political opposition; freedom of the media; freedom of association and peaceful assembly; independence of the judiciary; torture, ill-treatment and misconduct by law enforcement officials; conditions in prisons and detention facilities; capital punishment; freedom of religion; protection of minority rights.

The general situation in Albania in 1998 continued to be overshadowed by the dramatic events of 1997, triggered by the collapse of the so-called "pyramid" investment schemes. It was marked by a number of violent incidents, unrest after the killing of prominent politician Azem Hajdari, as well as the escalating situation in Kosovo with its influx of refugees. All these developments resulted in tremendous difficulties in all sectors of life, and adversely affected Albania's human rights record. The dramatic rise in criminality, poverty, and massive unemployment affected all individuals, as did widespread corruption.

In 1998, the state managed to reinstate rule of law throughout the country, and fill the power vacuum of late 1997. Widespread possession of illegal weapons remained a serious problem. It was estimated that approximately 600,000 weapons stemming from the 1997 unrest were still in the hands of civilians and criminal gangs as of the end of 1998. This fact also resulted in an atmosphere of insecurity and fear. Criminal groups were still in operation, robbing and killing individuals as well as police officers.

On the positive side, public administration at its different levels was getting more efficient. And, most importantly, Albania adopted a new constitution that provided a legal basis for further improvements.

The tragedy of the Albanian population of Kosovo, and the influx of thousands of refugees to Albania, added to the country's problems. As of the end of 1998, tens of thousands of ethnic Albanians had arrived in the northern regions of Albania, following fighting between Serb police forces and the Kosovo Liberation Army. In early 1999, the hundreds of thousand arrived in Albania, seeking refuge from ethnic cleansing. Although the Ministry of Local Power, UNHCR, and NGOs took serious efforts to register refugees, find them shelter, and distribute medical and other aid,

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their operation was aggravated by a lack of resources and organization.

Constitutional Referendum

On 22 November the Albanian electorate adopted a new constitution, which came into force six days later. Until that date, the country was governed on the basis of 1991 constitutional provisions. The improved and more detailed version of the 1993 Law of Human Rights became an integral part of the constitution. It provides for the office of an ombudsman, working for more effective implementation of human rights. Throughout 1998, the preparation of the draft constitution was the subject of deep political disputes. In September 1997 a commission was formed to draft a new constitution, but the Democratic Party refused to participate in its work. The Democratic Party also boycotted the referendum, and labeled the draft constitution "anti-Albanian" and "anti-democratic."

International monitors of the referendum, sent by the OSCE, the Council of Europe, and the European Parliament, declared that the referendum "was carried out in a correct manner, for which voters and election officials should be commended."^[2] Austrian Foreign Minister Wolfgang Schüssel, speaking on behalf of the European Union, said that the vote was evidence of Albania's "democratic maturity."^[3]

Freedom of Expression and the Political Opposition

In 1998, the opposition was allowed to operate relatively freely. Nevertheless, reports were received about dismissals of lower ranking employees in the administration and police chiefs, who were replaced with others possessing no better qualifications, suggesting political motives.

Political leaders were targets of criminal attacks. Despite repeated claims by the Democratic Party that its members were harassed, beaten and sometimes murdered by government agents, there were no confirmed cases of political killings by the Socialist-led government.

On 6 January three Democratic Party members were murdered in Tropoja. In March members of the Vlora police hit and gravely wounded the chairman of the Fier Municipal Council, Durim Lekdushi. ^[4]

On 17 February a Tirana court placed 11 supporters of Democratic Party, including Azem Hajdari, in detention for 15 days. Three others remained under house arrest.

All 14 individuals were allegedly involved in an armed incident with police in Milot on 16 February 1998. They were charged with illegal possession of arms and interfering with the work of the police.[5]

On 23 August the government arrested six officials of the former Democratic Party government, accused of "crimes against humanity" for suppressing the unrest in 1997. These charges included orders to use chemical weapons, airplanes, and helicopters against civilians. The officials were: former Defense Minister Safet Zhulali, Interior Minister Halit Shamata, head of the anti-corruption agency Blerim Cela, deputy head of the secret service Bujar Rama, Vlora police chief Sokol Mulosmanaj, and army General Kreshnik Lusha. This decision provoked massive protests from the Democratic Party, with former President Sali Berisha urging his supporters to "use all means" to overthrow the Socialist-led government.[6]

On 12 September unidentified individuals shot Democratic Party Member of Parliament Azem Hajdari and his bodyguard in Tirana. Former president Sali Berisha held Prime Minister Fatos Nano personally responsible for the assassination. During the 14 September funeral procession, armed Democratic Party supporters briefly occupied the prime minister's office and the Albanian state television and radio building.[7] The government vehemently denied any involvement in the assassination, accusing Berisha of staging a coup d'etat and threatening to indict him. Parliament lifted his parliamentary immunity on 18 September, but, as of the end of 1998, he had not been arrested.

All these developments led to riots, and brought about a governmental crisis, resulting in the resignation of Prime Minister Fatos Nano. The Socialist Party appointed General Secretary Pandeli Majko to form a new government.

Freedom of the Media

Under the Socialist-led government, state television and radio generally provided more balanced reporting than during the Democratic Party government, when state-owned media served as an organ of the government and the opposition had virtually no access to state-run mass media. The Democratic Party complained about biased reporting in the national electronic media and harassment against media outlets loyal to the opposition.

Soon after coming to power in 1997, the Socialist-led government took measures to amend restrictive media legislation. Private radio and television stations emerged

despite the absence of legislation, and parliament started working on a draft law aimed at the legalization of private broadcasters and turning state-owned Albanian Radio and Television (RTSH) into a public broadcaster. On 2 September 1997 the parliament amended the Broadcast Law, stipulating that RTSH give more time to "alternative opinions." [8]

In April 1998 the Parliamentary Commission on the Media presented a draft broadcasting law to the public. The draft set licensing standards for private stations, softened licensing requirements and provided for a National Council of Radio and Television and a Regulatory Board of Telecommunications, both of which would play an important role in the licensing process. The latter would define national and local frequencies, and present those options to the National Council of Radio and Television, which would then organize a public tender for frequencies.

Assistance by the Council of Europe and the Soros Foundation guaranteed wide publicity for the draft law. These institutions sponsored public events, including discussions on both independent and state-run television stations. However, the draft law was not adopted as of the end of 1998.

The Press

On 4 September 1997 a new press law was adopted which replaced the much-criticized, restrictive law of 1993. The new law simply declared that "the press is free" and "the freedom of the press is protected by law." Although it was important to replace old, repressive legislation, the vague formulation of both laws has been criticized.

The main problems of the press were financial. The press had difficulties financing their operation, and, due to increasing economic problems, readers had less money to buy newspapers and magazines. In addition, the standards of journalism were relatively low, and professionalism was often ignored in the ongoing competition for readers. The December 1997 one-week publication strike did not influence the government's refusal to reduce taxes for the press. [9]

Harassment of Journalists

Since the new government took office, beating, imprisonment and harassment of journalists no longer seemed to be a major problem. However, some cases of harassment were reported in 1998.

In February, according to Human Rights Watch, police in Librazhd beat two journalists, Rexhep Polisi and Ylli Dosku. The journalists had been accused of untruth, offense, and slander in their writings. Shortly thereafter, police in Elbasan beat Irena Vreto, a correspondent for Republika newspaper. Correspondents Aleko Likaj, of the newspaper Koha Jone, and Hyqmet Zane, working for the newspaper Albania, were also ill-treated in police premises.

On 24 February the Interior Ministry accused Vjollca Vokshi, a journalist of pro-Democratic Party Radio Kontakt, of disseminating false information with the intent of creating a situation of insecurity during the unrest in Shkoder on 23 February. In late May, the Tirana Prosecutor's Office dropped the charges.

On 9 May Zeneper Luka, journalist of the independent newspaper Koha Jone, was attacked. An explosive device was placed in the vicinity of her flat, causing serious damage to her property and slight injuries to her children. When commenting on the case, Luka linked the incident with an electoral rally of Democratic Party leaders, saying that she had received threats. The press unanimously condemned the attack. The Albanian Helsinki Committee issued a statement denouncing it, and calling it a new attempt to frighten journalists, thus jeopardizing the freedom of the press.[10]

Variety in the press did improve. At the same time, according to a survey carried out by the Albanian Media Monitor, the majority of people distrusted the press. Sixty-three percent believed that the press itself was generating problems for ordinary people.[11]

Freedom of Association and Peaceful Assembly

Freedom of association and peaceful assembly were guaranteed by law. However, it was forbidden to form political parties on ethnic bases.

Albanian authorities generally respected the right to peaceful assembly, and usually made no specific efforts to prevent rallies and demonstrations - even when violence seemed possible or when permits had not been issued.

On 24 August about 3,000 Democratic Party supporters protested in Tirana's Skanderbeg Square against the imprisonment of six former government officials the previous day. Police had banned the demonstration, and warned Tirana residents to stay at home in order to avoid "terrorist attacks" should the rally take place. In the

following days, the demonstration turned violent and several police officers and demonstrators were injured.[12]

Independence of the Judiciary

The Albanian judiciary remained corrupt and deeply politicized. The former Democratic Party government interfered with the independence of the judiciary, routinely fired judges, including the chief judge of the Court of Cassation (Supreme Court), or removed them to lower posts after they had passed just verdicts in politically sensitive cases.

The Socialist-led government proclaimed that one of its main objectives was to bring more order to the administration of justice. On 4 April President Rexhep Mejdani, in his capacity as the chairman of the High Council of Justice, called chiefs of various district courts of appeal and prosecutors to him, and declared that the council could not be influenced by political forces. At the same time, he took up the problem of professionalism, the operation of courts, and corruption. He criticized the Court of Cassation for having exceeded its power by ruling on first degree cases.

Another problem was the low level of qualification of many legal counselors. The Democratic Party government appointed as judges and as other high-ranking judicial officials politically loyal individuals who had completed only three- or six-month judicial training sessions. On several occasions, attempts to bring internationally recognized standards into the Albanian judicial system encountered serious obstacles.

In December 1997 a law was passed requiring a university degree for all judges and prosecutors. This triggered a hunger strike by several judges, who claimed that the law was politically motivated, attempting to oust those judges who had received only the short training and favoring Communist-era judges.[13]

In February members of the Constitutional Court refused to undergo the rotation stipulated in constitutional laws. Parliamentary Speaker Skender Gjinushi declared the court's decisions null and void until judges abided by the law.

On 14 March the parliament dismissed the chief judge of the Constitutional Court, Rustem Gjata.[14] He was dismissed on the basis of the so-called genocide law of December 1995. The law provided for the dismissal of any high-ranking state official

who had been involved in the activities of the Communist-era secret service. It neither provided adequate guarantees of due process nor established clear criteria to determine who should be banned from public office.

On 21 March the High Council of Justice fired Tirana City Court Chief Justice Qazim Gjonaj on the grounds that he distributed arms to civilians during the March 1997 unrest, Koha Jone reported. Gjonaj described the allegations as an excuse for his dismissal following his criticism of the Socialist-led government.

Torture, Ill-Treatment and Misconduct by Law Enforcement Officials

As the majority of police officers received little or no training in law enforcement ethics, governmental and non-governmental organizations launched programs to educate police officers in human rights. However, the Albanian Helsinki Committee reported several cases of police beating or otherwise ill-treating suspects upon arrest or while in detention.

On 25 February parliament passed a new anti-crime law that allowed police officers to shoot without warning at members of armed groups who resisted the police.

On 5 January police forcibly removed Agron Pasha from a hospital in Fieri and reportedly beat him to death. Two more cases of misconduct and ill-treatment were reported in January in Kutchova and Dermenas.

In February former chief of the criminal police, Gjergj Deda, was seriously ill-treated while in pre-trial detention in a Tirana prison.

Conditions in Prisons and Detention Facilities

The conditions in prisons and police stations raised concern. All of the country's prisons were destroyed or damaged during the 1997 unrest. The Ministry of Justice, in charge of the penitentiary system, reopened only five prisons while three others were under construction, thus creating a problem of overcrowding and inadequate living conditions.

The Albanian Helsinki Committee organized a round-table on the penitentiary system, and visited several police stations.

Death Penalty

The Albanian penal code, in force since 1995, provided for the death penalty. In the course of 1998, there was increasing public pressure on courts to hand down death sentences, because the death penalty was widely regarded as an indispensable deterrent to increasing criminality. The new constitution, adopted by a public referendum in November 1998, provided for the right to life but did not explicitly abolish the death penalty – despite the fact that Albania, upon its accession to the Council of Europe, undertook an obligation to abolish the death penalty within three years of accession and, in the meantime, to suspend all executions on appeal.

On 14 November while campaigning for the constitution in Tepelena, Parliamentary Speaker Skender Gjinushi stressed that the draft constitution did not explicitly ban the death penalty. He said that the "penal code determines when a person should receive a capital punishment." [15]

On 11 December Prime Minister Pandeli Majko said that armed robbers killing policemen should be killed on the spot, the Albanian Daily News reported. [16]

The death penalty posed a serious threat to legality in a situation in which it was difficult for Albanian courts to guarantee independent and professional administration of justice. Although no executions were carried out, several individuals were sentenced to death by Albanian courts in 1998, all of them for murder.

The treatment of death row prisoners in Albania was a matter of deep concern. In the course of its investigations into the treatment of detainees at Albanian police stations, the Albanian Helsinki Committee found that internal regulations at the Vlora police station ordered prisoners sentenced to death to be held with strapped hands and legs, and to wear a metal helmet until their cases were reviewed by all court levels. It was claimed that this was done to prevent them from committing suicide.

Adem Bendaj, detained in August 1997 and sentenced to death on 6 April 1998, had been held in detention, hands and feet restrained, forced to wear a metal helmet, for five months as of the date the Albanian Helsinki Committee met him at the Vlora police station.

Religious Tolerance

The majority of Albanian citizens were secular in orientation, and adhered to a

moderate form of Sunni Islam. Other large religious groups were the Albanian Orthodox and Roman Catholic Churches, both of which enjoyed full equality on the basis of the new Albanian constitution.

Foreign religious leaders – including, among others, Muslim clergy, Christian and Baha'i missionaries and Jehovah's Witnesses – could freely carry out religious activities.

Human Rights Without Frontiers (HRWF) reported on 15 September that the Religious Council of the State Secretariat – consisting of three representatives of all three dominant religious denominations of Albania – had been bypassed by governmental officials on the question of a constitutional amendment and related subsequent laws on how to register religious groups, and how to grant them religious equality. HRWF expressed its concern that these laws could severely affect minority religious communities, including many Protestant groups.[17]

On 19 August a bomb heavily damaged an Orthodox church in Shkoder, but caused no casualties. Police officials declared that they had not been able to identify either those behind the attack or the motives for the bombing. Local politicians and representatives from all religious communities condemned the bombing.

Protection of Ethnic Minorities

Greek Minority

The Greek minority, whose number was estimated at about 70,000, continued to complain of a lack of opportunities for Greek-language education, although some improvements had been made in recent years in primary education. They were also discriminated against in employment in the public sector, and were not allowed to form political parties on ethnic bases.

Generally speaking, relations between the Greek minority and the Albanian majority population were relatively good. However, some incidents did occur during 1998.

On 12 December a bomb attack was carried out against activists of a Greek minority organization, Omonia, in Saranda. The circumstances and motives of the attack remained vague and doubtful.[18]

FOOTNOTES:

1. Unless otherwise noted, this section is based on the Report on the Activities of the Albanian Helsinki Committee, January-March 1998; April-June 1998; July-September 1998; October-December 1998.
2. RFE/RL Newsline, 24 November 1998.
3. Ibid.
4. Memorandum of the Vice-Speaker of the Parliament, Josefina Topalli, 25 October 1998.
5. RFE/RL Newsline, 18 February 1998.
6. RFE/RL Newsline, 24 and 28 August 1998.
7. Human Rights Watch World Report 1999, Europe and Central Asia Division.
8. The Albanian Media Monitor, Vol 1 No 1, 4 September 1997, Institute for Journalism in Transition.
9. The Albanian Media Monitor, Vol 2 No 12, 9 July 1998, Institute for Journalism in Transition.
10. Albanian Helsinki Committee Fax Letter, No. 6, May 1998.
11. Ibid.
12. RFE/RL Newsline, 28 August 1998.
13. RFE/RL Newsline, 28 January 1998.
14. RFE/RL Newsline, 16 March 1998.
15. RFE/RL Newsline, 17 November 1998.
16. RFE/RL Newsline, 11 December 1998.
17. "Albania – Minority Religions Face an Uncertain Future," Human Rights Without Frontiers, 15 September 1998.
18. Albanian Helsinki Committee Newsletter, No 57, December 1998.

