



Australian Government
Refugee Review Tribunal

Country Advice

Albania

Albania – ALB39752 – Bushat Elections –
Christian Democratic Party (PDK) –
Democratic Party – Election Violence –
State Protection – Schengen Rules – Italy
16 January 2012

1. Was there a local government election in Bushat in 2007? Or in 2006? Or in both years?

The Bushat Commune website states that the current mayor of the commune, Zef Hila, was elected in May 2006.¹ However, no independent sources confirm this. According to *The Political Handbook of the World*, local elections in Albania were originally scheduled for mid-2006; however these were postponed until 2007 following threats of a boycott by several parties due to concerns regarding electoral procedures. Elections were rescheduled for January 2007, only to be postponed once again. They were finally conducted on 18 February 2007.² A 2007 report by the Organisation for Security and Co-operation in Europe (OSCE) confirms that local elections were conducted in Bushat on 18 February 2007. However, due to a number of issues and irregularities, the ballot for the position of mayor was re-held on 6 May 2007.³

2. Deleted.

3. Please provide information about Zef Gjoni, Arjan Hajti, and Zef Hila.

Zef Gjoni

No sources were located that confirm that a Zef Gjoni is or was connected with the Albanian Parliamentary Speaker and Vice President, Jozefina Topalli.⁴ Gjoni and Topalli are both from the northern Albanian city of Shkoder, and a 2008 bulletin on the Parliament of Albania website reported that Topalli paid a visit to the training facilities of Shkoder's successful junior boxing team „Vllaznia”, coached by Zef Gjoni.⁵ All sources located mentioning Zef Gjoni primarily concern his role as a boxing coach.^{6 7}

¹ „The Mayor of Bushat Commune” (undated) , Bushat Commune website

http://www.komunabushat.al/index.php?option=com_content&view=article&id=4&Itemid=3&lang=en – Accessed 11 January 2012

² Banks, A.S. & Muller, T.C. eds, 2010, *Political Handbook of the World Online Edition*, „Albania”, Washington, CQ Press, p.16

³ Organisation for Security and Co-operation in Europe 2007, *Republic of Albania Local Elections 18 February 2007: OSCE/ODIHR Election Observation Mission Report*, 5 June, pp.18, 25

http://www.osce.org/documents/odihr/2007/06/24859_en.pdf – Accessed 6 October 2009

⁴ Banks, A.S. & Muller, T.C. eds. 2010, *Political Handbook of the World Online Edition*, „Albania”, Washington, CQ Press, p.18

⁵ „Speaker of Parliament Jozefina Topalli Meets with the Junior Boxing Team “Vllaznia”. Jozefina Topalli: Deserved Support for the Sportsmen that Honour the Country Shall Be Given’ 2008, Parliament of Albania website, 1 November

Arjan Hajti

No information was located regarding a policeman or police chief in Bushat or nearby Shkoder by the name of Arjan Hajti.

Zef Hila

The OSCE reports that during the February 2007 local council elections for the Bushat Commune, counting had to be suspended and transferred to Tirana “due to obstruction by the local MP and his supporters”. The OSCE states that crowds supporting competing Mayoral candidates fought outside the Bushat counting centre, resulting in police intervention.⁸ As a consequence of these events, elections for the position of mayor had to be re-held in Bushat in May 2007. In the May 2007 mayoral election in Bushat, Zef Hila reportedly won 98.18 percent of the vote. The PDK reportedly received less than one percent.⁹ In the 2011 local council elections, Hila reportedly won 68.7 percent of the vote as the candidate for the Coalition of the Citizens. His opponent, Gojart Salja of the Coalition for the Future won 31.3 percent.¹⁰

4. Would a person who was a PDK supporter be at risk of harm from (a) the Albanian government; or (b) Democratic Party supporters?

No sources were located that suggest that a supporter of the PDK is at risk of harm by the current Albanian government of Prime Minister Sali Berisha and the Democratic Party of Albania (*Partia Demokratike e Shqipërisë* or PDS).

A report by the OSCE does confirm that the counting of votes at the Bushat Counting Centre on the evening of the 2007 local Commune and Mayoral election had to be postponed “due to obstruction by the local MP and his supporters”. The OSCE states that crowds supporting competing Mayoral candidates fought outside the Bushat counting centre, resulting in police intervention.¹¹ It is therefore plausible that fighting took place between PDK and PDS supporters at Bushat.

There was significant tension between activists of a number of political parties during the 2007 local elections, including between PDK and PDS supporters. Before the election, the PDK was in coalition with the PDS. However, during the election campaign, the PDK disengaged from the arrangement; *Balkan Insight* reported that tension between the PDK and

http://www.parlament.al/web/1_November_2008_Speaker_of_Parliament_Jozefina_Topalli_Meets_with_the_Junior_Boxing_Team_Vllazni_4653_2.php – Accessed 10 January 2012

⁶ „Five Albanian boxers in international tour of Belgrade’ 2002, Shkoder.net, 29 January

<http://www.shkoder.net/en/02jan.htm> – Accessed 11 January 2012

⁷ „Sport: Ten best Shkodra sportsmen proclaimed’ 2001, Shkoder net, 28 December

<http://www.shkoder.net/en/01dec.htm> – Accessed 11 January 2012

⁸ Organisation for Security and Co-operation in Europe 2007, *Republic of Albania Local Elections 18 February 2007: OSCE/ODIHR Election Observation Mission Report*, 5 June, pp.18-21

http://www.osce.org/documents/odihr/2007/06/24859_en.pdf – Accessed 6 October 2009

⁹ „Rezultatet e zgjedhjeve pr kandidatet pr kryetar – Komuna Bushat’ 2007, Komisioni Qendror i Zgjedhjeve website http://www.cec.org.al/images/stories/zgjedhje-vendore/2007/rezultate_2007/web%20rez%20perf/rez_kryetar.htm – Accessed 12 January 2012. ()

¹⁰ „Rezultatet e Zgjedhjeve Vendore: Rrethi Shkoder – Komuna Bushat’ 2011, Komisioni Qendror i Zgjedhjeve website http://www.cec.org.al/images/stories/zgjedhje-vendore/2011/HTML_31.10/buletini_prova.htm – Accessed 12 January 2012

¹¹ Organisation for Security and Co-operation in Europe 2007, *Republic of Albania Local Elections 18 February 2007: OSCE/ODIHR Election Observation Mission Report*, 5 June, pp.18-21

http://www.osce.org/documents/odihr/2007/06/24859_en.pdf – Accessed 6 October 2009

the PDS in Bushat arose after the Christians accused the PDS of renegeing on a deal, resulting in threats to “freeze all contacts with the PDS” and withdraw “from the electoral process in that municipality”.¹² PDK members subsequently accused Sali Berisha of using the State Intelligence Service (commonly known by its former acronym of SHIK) to intimidate PDK members.¹³ The PDK itself split in November 2007 when its leader Nikolle Lesi left and founded the Albanian Christian Democratic Movement.¹⁴

In 2009, a PDK leader from northern Albania was killed by a car bomb. However, a number of sources have expressed doubts over whether the killing was politically motivated. *Balkan Insight* published a report in 2009 stating the Keka was suspected of being a „drug dealer”.¹⁵ In 2011, the US Department of State reported that they are not aware of any reports “that the government or its agents committed arbitrary or unlawful killings”, adding that the killing of Alex Keka remains under investigation.¹⁶

Low-level violence and intimidation between the major political parties characterises Albania’s local and national election campaigns. Tensions have been particularly poisonous since the 2009 elections; Socialist Party of Albania (*Partia Socialiste e Shqipërisë* or PSS) activists accused the PDS of election fraud and subsequently the PSS boycotted the new parliament.^{17 18} Protests by PSS activists at the 2009 election results continued throughout 2009, 2010 and 2011; during a rally on 21 January 2011, four protesters were shot dead.^{19 20} However, the US Department of State reports that the Republican Guards opened fire after protesters turned violent: “protestors began attacking police and setting fire to cars in the vicinity, and eventually storming the Presidential Palace compound. Police responded with water cannon and Republican Guard forces opened fire, killing two protestors at the time and fatally wounding two more”. An investigation has since been launched into the conduct of the Republican Guard officers, however little progress has been made.²¹ In 2009, there were similar clashes between PSS protestors and police; however there were no reports of deaths during such clashes.²²

Violence once again accompanied local elections held across Albania on 8 May 2011. According to the OSCE, the elections “took place in an environment of high polarization and mistrust between parties in government and opposition... There were a large number of violent election-related incidents in several regions, including non-fatal shooting incidents,

¹² „Albania’s Village Elections Split Ruling Coalition’ 2007, *Balkan Insight*, 6 November <http://www.balkaninsight.com/en/article/albania-s-village-elections-split-ruling-coalition> – Accessed 10 January 2012

¹³ The Staff 2007, „For Christian Democrats, Heard Work Brings Results, but Spells Trouble for Berisha’, *Shqipëria-etnike* website, 30 June <http://www.shqiperia-etnike.com/she105/she105eng.htm> – Accessed 6 October 2009

¹⁴ Banks, A.S. & Muller, T.C. eds. 2010, *Political Handbook of the World Online Edition*, „Albania’, Washington, CQ Press, p.16

¹⁵ „Albania Police: Dead Politician Was Drug Dealer’ 2009, *Balkan Insight* website, 18 June <http://www.balkaninsight.com/en/main/news/20342/> – Accessed 6 October 2009

¹⁶ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Albania*, 8 April, Section 1a

¹⁷ Freedom House 2010, *Freedom in the World – Albania*, 1 October

¹⁸ „Albania Opposition Supporters Clash With Police’ 2009, *Balkan Insight*, 26 June <http://www.balkaninsight.com/en/main/news/20562/> – Accessed 2 February 2010

¹⁹ Organisation for Security and Co-operation in Europe 2011, *International Election Observation: Republic of Albania – Local Government Elections, 8 May 2011 Statement of Preliminary Findings & Conclusions*, 10 May, p.4, <http://www.osce.org/odihr/77446> – Accessed 11 January 2012

²⁰ „Tension builds beneath calm after violence in Albania’ 2011, *The New York Times*, 25 January

²¹ US Department of State 2011, *Background Note: Albania*, 30 August <http://www.state.gov/r/pa/ei/bgn/3235.htm> – Accessed 12 January 2012

²² „Albania Opposition Supporters Clash With Police’ 2009, *Balkan Insight*, 26 June <http://www.balkaninsight.com/en/main/news/20562/> – Accessed 2 February 2010

explosions targeting the property of candidates and parties, beatings and threats, which marred the campaign environment”. According to an OSCE preliminary report on the campaign, violence was most prevalent in Tirana, Durres, Korce, and Kukes.²³ In their final report, the OSCE stated that the non-fatal shooting was that of a PDS candidate in Tirana. A PSS candidate’s car was shot at in Ishem and a PSS supporter was stabbed in Tirana. In these cases, all of the victims survived. There also a number of explosions which caused damage to the property of candidates and parties, particularly the PSS.²⁴

During and after the election, a large number of complaints were made to the OSCE and Albania’s Electoral College (the appeals tribunal to the Central Election Commission). Allegations included that pressure was placed on state employees, “including teachers and healthcare workers, as well as students, either to participate in PDS campaign events, or to desist from opposition activities. Such pressure included threats of job loss or lower marks for students”. The OSCE investigated a number of these complaints and concluded that some of them were credible.²⁵

During the 2007 local elections, violence was not confined to Bushat. In Gjirokaštër, “knives were drawn and a gun was waved around”. In Tirana, “PDS activists were allegedly beaten up by an PSS MP”.²⁶ The OSCE notes that MPs and various candidates were usually present at voting centres, creating often ‘tense and confrontational’ atmospheres. In Gjirokaštër, counting was “repeatedly blocked” by party workers and a fistfight broke out “between PDS and PSS supporters inside the counting centre”.²⁷

5. Would the Albanian government provide protection against violence perpetrated by PDS supporters against PDK supporters?

As mentioned in the response to question 4, following the breakdown of the coalition between the PDK and PDS in 2007, PDK members did accuse Sali Berisha of using the State Intelligence Service (commonly known by its former acronym of SHIK) to intimidate PDK members.²⁸ However, no independent sources were located that could confirm this claim.

Sources indicate that violence between PDS activists and other parties occurs at voting and counting centres on election nights. In the past, such violence has caused counting to be postponed and transferred to other centres. In almost all such cases, police have intervened to end tensions and protect people, including in Bushat. The OSCE praised police behaviour during the 2007 elections, stating that “[o]n election day and throughout the counting process,

²³ Organisation for Security and Co-operation in Europe 2011, *International Election Observation: Republic of Albania – Local Government Elections, 8 May 2011 Statement of Preliminary Findings & Conclusions*, 10 May, p.6, footnote 8 <http://www.osce.org/odihr/77446> – Accessed 11 January 2012

²⁴ Organisation for Security and Co-operation in Europe 2011, *Republic Of Albania Local Government Elections 8 May 2011 OSCE/ODIHR Election Observation Mission Final Report*, 15 August, pp.12-13 <http://www.osce.org/odihr/81649> – Accessed 11 January 2012

²⁵ Organisation for Security and Co-operation in Europe 2011, *International Election Observation: Republic of Albania – Local Government Elections, 8 May 2011 Statement of Preliminary Findings & Conclusions*, 10 May, p.4, p.6 <http://www.osce.org/odihr/77446> – Accessed 11 January 2012

²⁶ Organisation for Security and Co-operation in Europe 2007, *Republic of Albania Local Elections 18 February 2007: OSCE/ODIHR Election Observation Mission Report*, 5 June, p.12 http://www.osce.org/documents/odihr/2007/06/24859_en.pdf – Accessed 6 October 2009

²⁷ Organisation for Security and Co-operation in Europe 2007, *Republic of Albania Local Elections 18 February 2007: OSCE/ODIHR Election Observation Mission Report*, 5 June, pp.18-21 http://www.osce.org/documents/odihr/2007/06/24859_en.pdf – Accessed 6 October 2009

²⁸ The Staff 2007, ‘For Christian Democrats, Heard Work Brings Results, but Spells Trouble for Berisha’, *Shqipëria-etnike* website, 30 June <http://www.shqiperia-etnike.com/she105/she105eng.htm> – Accessed 6 October 2009

the police forces continued to perform their duties in a professional manner. They were able to maintain order under circumstances that were at times difficult, and their involvement was called upon only when tensions resulted in physical violence. Observers noted the particularly commendable performance of the police during the count in Gjirokastrë”.²⁹

It remains unclear as to how effective police protection would be for a person targeted for harm in Albania. No sources were located that indicate that police are generally loyal to the PDS party of Sali Berisha. No information was located on the political nature of police in the Bushat/Shkoder region of Albania. The US Department of State reported in April 2011 that in Albania, “[p]olice officers did not enforce the law equally and an individual’s political or criminal connections often influenced enforcement of laws”.³⁰

²⁹ Organisation for Security and Co-operation in Europe 2007, *Republic of Albania Local Elections 18 February 2007: OSCE/ODIHR Election Observation Mission Report*, 5 June, pp.20-21
http://www.osce.org/documents/odihr/2007/06/24859_en.pdf – Accessed 6 October 2009

³⁰ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Albania*, 8 April, Section 1d

6. Did EU 'liberalisation of visas' laws come into effect on 15 December 2010, allowing Albanians to move freely around the EU (and therefore from Albania to Italy) without visas?

As of 15 December 2010, Albanians in possession of a biometric passport are able to travel visa-free within the Schengen zone countries.³¹ Multiple entries are permitted, as long as the total period of stay does not exceed three months within a six month period. As Italy is part of the Schengen Agreement, an Albanian in possession of a biometric passport may enter Italy visa-free for a maximum period of three months in every six months.^{32 33 34 35 36} However, it should be noted that the visa exemption does not provide Albanian citizens with the right to work or settle in any of the Schengen countries.^{37 38}

7. Can Albanians who are low level PDK supporters live safely in Italy to escape harm from PDS supporters, even after the EU liberalisation of visa laws came into effect?

As stated above, the Schengen changes of 5 December 2010 do not grant Albanians the right to live and work in Italy or any other signatory states to the agreement.

³¹ „Q&A: Schengen Agreement' 2011, *BBC News*, 16 May <http://www.bbc.co.uk/news/world-europe-13194723> – Accessed 10 June 2011

³² EUD Delegation Tirana (undated), „FAQ on the visa-free regime', EU European External Action Service website http://www.eeas.europa.eu/delegations/albania/documents/travel_eu/faq_visal.pdf – Accessed 14 June 2011

³³ „Visa for persons living in Albania' 2011, Switzerland Federal Department of Foreign Affairs website, 1 April http://www.eda.admin.ch/eda/en/home/reps/eur/valb/ref_visinf/visalb.html – Accessed 10 June 2011

³⁴ „Visa exemption for Bosnian and Albanian citizens from 15 December' 2010, Swedish Migration Board website, 23 December http://www.migrationsverket.se/info/3266_en.html – Accessed 14 June 2011

³⁵ „Do I Need a Visa?' (undated), Austrian Foreign Ministry, London Embassy website <http://www.bmeia.gv.at/en/embassy/london/practical-advice/schengen-visa-residence-permits/do-i-need-a-visa.html> – Accessed 15 June 2011

³⁶ „Abolition of visa requirement for short-term stays in the Schengen area for citizens of Albania, Bosnia and Herzegovina and the FYR of Macedonia, Serbia, Montenegro and Taiwan' 2009, Consulate General of the Czech Republic in Chicago website, 11 December http://www.mzv.cz/chicago/en/consular_information/visa/short_term_visa_requirements_stay_up_to/abolition_of_visa_requirement_for_short.html – Accessed 15 June 2011

³⁷ „EU visa-free regime for Bosnians, Albanians begins' 2010, *Southeast European Times*, 15 December

³⁸ Likmeta, B. 2010, „No Tidal Wave of Albanians Into Schengen Zone', *Balkan Insight*, 23 December <http://www.balkaninsight.com/en/article/no-tidal-wave-of-albanians-into-the-eu> – Accessed 10 June 2011

References

- „Abolition of visa requirement for short-term stays in the Schengen area for citizens of Albania, Bosnia and Herzegovina and the FYR of Macedonia, Serbia, Montenegro and Taiwan’ 2009, Consulate General of the Czech Republic in Chicago website, 11 December http://www.mzv.cz/chicago/en/consular_information/visa/short_term_visa_requirements_stay_up_to_abolition_of_visa_requirement_for_short.html – Accessed 15 June 2011.
- „Albania Opposition Supporters Clash With Police’ 2009, *Balkan Insight*, 26 June <http://www.balkaninsight.com/en/main/news/20562/> – Accessed 2 February 2010.
- „Albania’s Village Elections Split Ruling Coalition’ 2007, *Balkan Insight*, 6 November <http://www.balkaninsight.com/en/article/albania-s-village-elections-split-ruling-coalition> – Accessed 10 January 2012.
- „Do I Need a Visa?’ (undated), Austrian Foreign Ministry, London Embassy website <http://www.bmeia.gv.at/en/embassy/london/practical-advice/schengen-visa-residence-permits/do-i-need-a-visa.html> – Accessed 15 June 2011.
- „EU visa-free regime for Bosnians, Albanians begins’ 2010, *Southeast European Times*, 15 December. (CISNET Albania CX265872)
- „Five Albanian boxers in international tour of Belgrade’ 2002, Shkoder.net, 29 January <http://www.shkoder.net/en/02jan.htm> – Accessed 11 January 2012.
- „Mayors based on the political direction of the subject that nominated them 2000 – 2011’ 2011, Open Data Albania website <http://open.data.al/en/lajme/lajm/id/405/titull/Kryetar-Bashkie-sipas-kahut-politik-te-subjektit-qe-i-kandidon--2000---2015> – Accessed 11 January 2012.
- „Q&A: Schengen Agreement’ 2011, *BBC News*, 16 May <http://www.bbc.co.uk/news/world-europe-13194723> – Accessed 10 June 2011.
- „Rezultatet e zgjedhjeve pr kandidatet pr kryetar – Komuna Bushat’ 2007, Komisioni Qendror i Zgjedhjeve website http://www.cec.org.al/images/stories/zgjedhje-vendore/2007/rezultate_2007/web%20rez%20perf/rez_kryetar.htm – Accessed 12 January 2012.
- „Rezultatet e Zgjedhjeve Vendore: Rrethi Shkoder – Komuna Bushat’ 2011, Komisioni Qendror i Zgjedhjeve website http://www.cec.org.al/images/stories/zgjedhje-vendore/2011/HTML_31.10/buletini_prova.htm – Accessed 12 January 2012.
- „Speaker of Parliament Jozefina Topalli Meets with the Junior Boxing Team “Vllaznia”. Jozefina Topalli: Deserved Support for the Sportsmen that Honour the Country Shall Be Given’ 2008, Parliament of Albania website, 1 November http://www.parlament.al/web/1_November_2008_Speaker_of_Parliament_Jozefina_Topalli_Meets_with_the_Junior_Boxing_Team_Vllazni_4653_2.php – Accessed 10 January 2012.
- „Sport: Ten best Shkodra sportsmen proclaimed’ 2001, Shkoder.net, 28 December <http://www.shkoder.net/en/01dec.htm> – Accessed 11 January 2012.
- „Tension builds beneath calm after violence in Albania’ 2011, *The New York Times*, 25 January. (CISNET Albania CX257312)

„The Mayor of Bushat Commune’ (undated) , Bushat Commune website http://www.komunabushat.al/index.php?option=com_content&view=article&id=4&Itemid=3&lang=en – Accessed 11 January 2012.

„UD Delegation Tirana (undated), „FAQ on the visa-free regime’, EU European External Action Service website http://www.eeas.europa.eu/delegations/albania/documents/travel_eu/faq_visal.pdf – Accessed 14 June 2011.

„Visa exemption for Bosnian and Albanian citizens from 15 December’ 2010, Swedish Migration Board website, 23 December http://www.migrationsverket.se/info/3266_en.html – Accessed 14 June 2011.

„Visa for persons living in Albania’ 2011, Switzerland Federal Department of Foreign Affairs website, 1 April http://www.eda.admin.ch/eda/en/home/reprs/eur/valb/ref_visinf/visalb.html – Accessed 10 June 2011.

Banks, A.S. & Muller, T.C., eds., 2009, *Political Handbook of the World Online Edition*, „Albania’, Washington, CQ Press, http://library.cqpress.com/phw/phw2009_Albania – Accessed 6 October 2009.

Banks, A.S., & Muller, T.C., eds., 2010, *Political Handbook of the World Online Edition*, „Albania’, Washington, CQ Press.

Freedom House 2010, *Freedom in the World – Albania*, 1 October. (CISNET Albania CX250544)

Likmeta, B. 2010, „No Tidal Wave of Albanians Into Schengen Zone’, *Balkan Insight*, 23 December <http://www.balkaninsight.com/en/article/no-tidal-wave-of-albanians-into-the-eu> – Accessed 10 June 2011.

Organisation for Security and Co-operation in Europe 2007, *Republic of Albania Local Elections 18 February 2007: OSCE/ODIHR Election Observation Mission Report*, 5 June http://www.osce.org/documents/odihr/2007/06/24859_en.pdf – Accessed 6 October 2009.

Organisation for Security and Co-operation in Europe 2011, *International Election Observation: Republic of Albania – Local Government Elections, 8 May 2011 Statement of Preliminary Findings & Conclusions*, 10 May, <http://www.osce.org/odihr/77446> – Accessed 11 January 2012.

Organisation for Security and Co-operation in Europe 2011, *Republic Of Albania Local Government Elections 8 May 2011 OSCE/ODIHR Election Observation Mission Final Report*, 15 August <http://www.osce.org/odihr/81649> – Accessed 11 January 2012.

The Staff 2007, „For Christian Democrats, Heard Work Brings Results, but Spells Trouble for Berisha’, *Shqiperia-etnike* website, 30 June <http://www.shqiperia-etnike.com/she105/she105eng.htm> – Accessed 6 October 2009.

US Department of State 2011, *Background Note: Albania*, 30 August <http://www.state.gov/r/pa/ei/bgn/3235.htm> – Accessed 12 January 2012.

US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Albania*, 8 April.

