

IHF FOCUS: Elections; freedom of expression and media; freedom of assembly; conditions in prisons and detention facilities; protection of ethnic minorities; women's rights.²

Albania was still undergoing a difficult transition period. Substantial and significant changes had taken place in many areas of human rights, profoundly transforming the country's human rights record in comparison with the past. A new society was emerging which was working towards democratisation particularly in the field of human rights and the rule of law.

Nevertheless, some acute problems remained and were closely linked to the difficulties of the transition period. The picture as a whole was encouraging, but continuous efforts needed to be made to improve the status of human rights, focusing particularly on some very sensitive issues such as the operation of the media and the behavior of the police

Local Elections

The 1 October local elections constituted an important step towards democratisation of the institution of elections and were organised within a new constitutional and legislative framework.

In general, the new Electoral Code was implemented satisfactorily. The elections were conducted in a tense but peaceful atmosphere, although with some isolated violent incidents. Also the police behaved in an appropriate way, and, for the first time, the media covered the election campaign and the elections extensively and objectively.

According to the Albanian Helsinki Committee, that monitored the elections closely as part of the project "Public Education and Monitoring of Elections for Local Government," the voting process was carried out according to the law in the majority of municipalities, and the election commissions operated as they were supposed to. The problems observed included irregularities in the preliminary voter lists

and some organisational and technical problems which, however, did not affect the final results. The Albanian Helsinki Committee deemed the elections free, honest and open, reflecting the fact that the Albanian electorate was prepared for a democratic political life based on internationally approved, advanced standards.

In Himara, however, the end of the campaign was marred by nationalist rhetoric in relation to the Greek-speaking community, reported at length in the local and national media even on election day, in an environment of increased tension with a neighbouring country. On second round election day, the situation was marked in this constituency by some serious irregularities – including intimidation of Election Commission members, the destruction of one ballot box in a violent incident, and fraud in three other voting centres reported by Human Rights Watch³ - which had not been sufficiently addressed by the Central Election Commission (CEC) by December.⁴

According to the Albanian side, the high tension in Himara could largely be attributed to the campaign by ethnic Greek deputies who strongly promoted their own candidates.

Although, by law, the election campaign should have started one month before the voting day, in reality it started much earlier. Public meetings were organised in a peaceful manner, but some representatives of political parties - especially the two biggest parties, the Democratic Party (DP) and the Socialist Party (SP) - and part of the media used a language amounting to hate speech. The CEC criticised the use of foreign representatives of some political parties (particularly the DP) in the election propaganda.

In some cities co-operation between political factions was good. For example in Korce and in Shkoder, the political parties

reached an agreement for a peaceful and democratic conduct of the electoral campaign.

These elections were the first in which the CEC was established in accordance of Article 154 of the Constitution, and it implemented Law 8609 of the Electoral Code. However, the CEC was set up and started working with delays and without being sufficiently acquainted with the Electoral Code, which led to some weaknesses in its operation which negatively impacted on the electoral process. Such problems included the lack of regular and planned CEC meetings, delays in giving instructions - which were often vague and controversial - to the Local Government Elections Commission (LGEC) and the Voting Centre Commission (VCC), and the lack of training for the local electoral commissions. After the first round, the handling of complaints by the election commissions and the courts was inadequate and did not provide effective means of redress.

The CEC's announcement of the results after the first round was slow and incomplete, and, between rounds, it did not take action to remedy some of the shortcomings observed on 1 October. In addition, the withdrawal of a number of Democratic Party candidates between rounds following a call to boycott from the DP national leadership caused confusion. This was made worse by the absence of a deadline for candidate withdrawal.⁹

The establishment of the LGEC and the VCC were delayed because some political parties submitted their nominations too late. The LGEC and VCC members were poorly trained, a fact that led to inadequate knowledge of the Electoral Code and the manual prepared by the CEC as well as delays and other shortcomings in the dealing with complaints. For example, the CEC gave instructions to the commissions on cases where voters were not allowed to vote if their names were not found in the voter lists too late. Moreover, its instructions on the non-validity of ballots were controver-

sial despite the fact that the Electoral Code stated clear regulations.

There were irregularities and inaccuracies in the voter lists which were contested by the opposition. The difficult process of completing and correcting these lists made it more difficult for individuals to exercise their right of complaint. For this reason, the deadline for complaints was lengthened beyond the legal deadline. The corrections brought about some improvements, but at many polling stations voter lists remained inaccurate: for example, the Albanian Helsinki Committee observed cases where the names of voters were not found in the voter lists even though some of them could produce a voter card. According to the Committee, with a co-operative approach, some of these gaps could have been prevented as the political parties received the voter lists prior to the elections. Also, the existence of two lists - the preliminary and the renewed - created confusion in the voting process and raised distrust among the voters. However, at the polling stations monitored by the Committee, the number of those who could not vote was relatively low.

The Albanian Helsinki Committee also noted that, considering that the Electoral Code was new, there was insufficient public information about it on radio and TV (with the exception of Telenorba that gave information about the Code on four occasions). The public was informed about the voting procedure only one or two days prior to the election day, but it was done in a thorough manner. Some private radio and TV stations gave only partial information on the electoral process, thus violating the law.

Freedom of Expression and Media

Albanian legislation and in particular the Constitution provide for freedom of expression and freedom of the media. The media were active and unrestrained in reporting in 2000 and, generally, had unhindered access to information. However, some journalists complained that they

were not allowed to attend court sessions,⁶ and there were some reports of the police ill-treating journalists when they were carrying out their duties, e.g. covering demonstrations.

The Albanian Helsinki Committee noted, however, that the problem with the journalistic responsibility and the professional integrity of journalists remained. Although some media had improved their professional standards and covered problems of Albanian society through accurate reporting in a balanced way, other media outlets resorted to sensationalism, publishing gossip, and spreading unsubstantiated accusations or outright fabrications.

Disclosure of Confidential Information

Although free expression and media work were generally respected, the Albanian Helsinki Committee recommended improvements to the existing law on the media, particularly as regards the publication of confidential information. Motivated by a concrete case concerning the decision of a Tirana court which requested the chief editor of the newspaper *Albania* to reveal the source of information of an article, the Committee expressed its conviction that the protection of the source of information was of prime significance for freedom of thought and the independence of the press. On the other hand, the Committee pointed out that the Tirana court had acted in compliance with Article 151(3) of the Penal Procedure Code. This article stipulated that a journalist was obliged to reveal his/her source of information when the information was necessary to prove that a criminal act had been committed, and when the authenticity of the information could be proved only by identifying its source.

The only provision in the Constitution regarding the press simply read: "The Press is free," – a declaration that was insufficient. More detailed treatment of the matter is expected. The Albanian Helsinki Committee noted that due to the impor-

tance of this issue, which dealt with one of the fundamental principles of the freedom and independence of the press, there was a need for a press law which could provide a legal solution to problems such as the above-mentioned case and other issues dealing with the operation of the press.

Access to Information

On 20 March 2000 the Albanian Helsinki Committee criticised the fact that the media had been denied access to courts.

◆ Journalists of both the printed and electronic media complained that a Tirana court authorities had given orders not to allow them to attend court sessions. The Committee noted that despite the poor physical conditions of the above court - which had even forced it hold trials in its offices - the order to bar the media from the court amounted to a breach of the right of the press to report on court proceedings, and the right of the public to receive information. Decisions to try cases partially or fully behind closed doors should be well grounded and always based on the law, said the Committee.

◆ On 18 October, the newspaper *Koha Jone* published a letter according to which local journalists in Vlora had been hindered from attending trials in the local court since 1 October when special police forces took under their protection the court and the Prosecutor's Office. The chairman of the court said to journalists that he could not give orders to the special forces and that the journalists' access to court sessions did not depend on him. The letter emphasised that the chairman of the court, apart from generally not being available to journalists, had also threatened journalists.

Harassment of Journalists

There were few but nonetheless significant cases of harassment of and violence against journalists. Some faced criminal prosecution for what they had written.

◆ *Rilindja Demokratike* - a newspaper of the main opposition party - reported on 12 September that the police stopped its Durres correspondent Margarita Ferra in Shijak when she was on her way to Tirana together with a group of opposition supporters. After the police checked their vehicle, the travellers were allowed to continue their journey. Ferra claimed that she had been ill-treated and threatened by the police of Durres more than once prior to this incident.

◆ Around the same time another *Rilindja Demokratike* journalist, Feruz Shabani, who worked as a correspondent in Saranda, complained about similar harassment. He said the police had forcefully taken him to an isolation room of the local police station where he was kept for several hours. He had been interrogated during the night about some articles he had written in which he had denounced police violence.

◆ According to the 25 May issue of *Koha Jone*, the Prosecutor's Office in Tirana initiated a criminal case against journalist Pandi Gjata after he had published an interview with Dhori Kule, former secretary general of the Social Democratic Party, who had brought unspecified accusation against Skender Gjinushi, the speaker of the Parliament.

◆ The Prosecutor's Office reportedly started another criminal case against the newspaper *Koha Jone* in regard with a denunciation of the conduct of Natalia Cea, former head of CAM, who was accused of trafficking in gold in Albania.

◆ Since 16 November there were violent incidents against journalists during demonstrations organised by the opposition Democratic Party to protest against the results of the 1 October local elections. For example, some individuals among the protestors ill-treated an American photographer who was covering the demonstration. Several local journalists and TV reporters were also subjected to such violence.

The Albanian Helsinki Committee emphasised that politicians or other well-known individuals in Albanian society were automatically more exposed to reporting and criticism in the media. It urged such persons and the Prosecutor's Offices to be more tolerant towards all criticism.

Freedom of Assembly

The right to freedom of assembly was generally respected in Albania in 2000. However, on one of the occasions on 28 November, a demonstration protesting against the results of the local government elections of 1 October in Bajram Curri turned into a violent clash between demonstrators and the police, resulting in the death of one and several injured. As this report is being written, there was contradictory information about the incident: according to local authorities, armed demonstrators had attacked state institutions such as the court and the police station and so forced the police to defend themselves with force. According to the demonstrators, the demonstration was peaceful until the police forces interfered using excessive force.

Amnesty International expressed concern over reports that supporters of the Democratic Party were ill-treated during arrest or in detention following sometimes violent demonstrations after the elections.

◆ Besnik Papa was arrested on 29 November and held at a police station in Tirana where he was allegedly so severely beaten that he required hospital treatment for broken teeth, injuries to his jaw and severe bruising on his back and legs. Amnesty International noted that the torture and ill-treatment of detainees, including criminal suspects, by police officers in Albania was a persistent problem which had also existed under the previous Government of the Democratic Party.

The Democratic Party, the main opposition, was holding daily demonstrations in Tirana and elsewhere since the beginning of November, claiming that the previous

month's municipal elections were rigged.⁷

The Democratic Party reported of killings and ill-treatment of its members.

◆ Syl Lushaj (35) from Tropoja was reportedly killed by a police bullet on 28 November 2000.⁸

The Albanian Helsinki Committee criticised both the aggressive individuals responsible for violence during demonstrations and the police for frequently resorting to excessive use of force. It appealed to all political parties to look for common ground on the respect of the rule of law and to oppose any violence that infringes the image of Albania's democracy.⁹

Conditions in Prisons and Detention Facilities

Since 1999 the Albanian Helsinki Committee, together with the Netherlands Helsinki Committee, have been carrying out a three-year programme of "Long-term Monitoring of Prisons and Pre-Detention Centres in Albania." Within this project, the Albanian Helsinki Committee has on two occasions monitored all prisons and detention centres in Albania, the first time in 1999 and the second time in March until June 2000. The prison monitoring included assessment of the right of complaint and request, the right to correspondence without censorship, the right to maintain contacts with family, and the execution of the disciplinary measures. In remand centres the Albanian Helsinki Committee looked into the right of legal defence, possible use of violence, the right to maintain contacts with family members, and the respecting of procedural regulations. The monitoring was carried out by a group of 17 Helsinki Committee activists who were trained by the Helsinki Foundation in Poland on methodology, techniques and reporting skills.

The Committee concluded that in general the penitentiary institutions and remand centres had undergone some improvements in the past years. Still, prison and pre-trial facility staff had acted contrary

to some of the internationally guaranteed rights of prisoners and pre-trial detainees.

According to the Helsinki Committee, in some institutions, prisoners were not informed about their right to file a complaint or a request as well as on their other rights. Generally, the prisoners were allowed to receive four visits in a month, as stipulated by law. However, occasionally Article 41 of the law "On the Rights and Treatment of Prisoners" was violated: a prison officer could follow the conversation between a prisoner and a visitor although, by law, visits should have been carried out under supervision of a prison officer but in such a way that he/she could not hear the conversation. Moreover, the right to correspondence was not always respected (there were no mailboxes and the letters were delivered by the prison staff), there were delays in the delivery of correspondence, and telephones could not always be used for technical reasons. According to the Committee, disciplinary measures were executed in accordance with the law.

In pre-trial facilities, regulations of the legal procedures provided by the Criminal Procedure Code were violated. Most detainees were not informed immediately about their rights, including the right to a legal defence. This omission constituted a significant problem especially for young offenders: they were frequently interrogated in the absence of a lawyer who was only informed about the forthcoming trial. The lawyer had often no access to the documents of the investigation file. The remand prisoners were frequently subjected to both physical and psychological violence, not only at arrest but also during their transport to a remand centre. Visits by family members were either not allowed at all or were limited. As a rule, families were informed too late or not at all about the whereabouts of a detainee.

The Albanian Helsinki Committee submitted a list of recommendations to the competent legal bodies as well as a strategy for future work in the framework of this project.

Protection of Ethnic Minorities

In 1999-2000, the Albanian Helsinki Committee carried out a project to look into the situation of the ethnic minorities in Albania. In general, the Committee concluded, the rights of minorities were relatively well protected.

The IHF urged for the respect of minority rights in its letter to the OSCE saying: "We would urge the authorities of Albania, Bulgaria, France, Greece, Macedonia, Slovenia, and Turkey to respect the right of every individual claiming today minority identity, irrespective of historical traditions and geographical distribution, and grant all individuals belonging to these minorities at least all the rights provided by the related international norms."¹⁰

Greek Minority

The Greek minority constitutes the biggest minority living in Albania. Recently, following the opening of the borders, the inherited backwardness and numerous economic difficulties of the transition period in Albania have forced a considerable part of Albanian population – including the Greek population of the southern regions – to move and work temporarily in Greece. Ethnic Greeks have been favoured in granting visas (up to five years), residence and work permits, receiving education for their children, and enjoying medical assistance, etc. in Greece: in this aspect, Albanian citizens with ethnic Greek background have been privileged.

According to the results of the Albanian Helsinki Committee fact-finding mission to the districts of Sarande, Delvine, Himare and Gjirokaster (in both Upper Dropull and Lower Dropull), from many predominantly ethnic Greek villages up to 40-70 percent of the population had temporarily left for Greece. However, they kept regular contacts with their relatives in Albania and paid frequent short visits to their homes, particularly during religious holidays or to vote in general and local elections. Some had built new houses with the earnings in Greece, or

started small businesses e.g. hotels and restaurants along the coast.

In Sarande, there was an eight-level school with some of the curriculum in the Greek language. Another eight-level school was in Delvine, with about 250 pupils in 1990, decreased to 100 in 2000, out of whom only 20 came from Greek minority families. In Dropull, each village had their own Greek-language kindergartens and elementary schools. There were also four eight-level schools and a Greek-language secondary school.

Many Orthodox churches were recently either constructed or renovated.

The Greek-language printed media has developed considerably in the recent years, including the establishment of the newspaper *2000* and the magazine *Progress* in Sarande. The following newspapers and magazines were published for the Greek minority population in the district of Gjirokaster: *Lajko Vima* (a newspaper that started publishing in 1945); the weekly *Foni tis Omonoias*; *Romosini*; *2000* (a trilingual paper: Greek, English and Albanian); and *Oaz*, an illustrated magazine. The distribution of the Greek-language press in all the villages was free of charge. In addition, 15 other newspapers and magazines from Greece were available.

Radio Gjirokaster broadcast daily 45-minute programs in Greek.

According to the Albanian Helsinki Committee, the Greek minority was very well represented in local political structures. Thus, for example, eight out of the 24 members of the district council of Sarande were representatives of the Greek minority, including the chairman and his deputy. The situation was almost the same in the administration of the Sarande municipality.

About 120 successful and well-known private firms operated in the region of Dropull, all of them owned by Greek minority members (Alfa Company, Fresh Company, Anonime Kakavije, Elka, Harri Lena, Tavo Jergucat, Glina, etc.)

The ethnic status of the town of Himara was under dispute. In view of the

Albanian side, Himara was not part of the ethnic Greek region and had only a few ethnic Greek inhabitants. Therefore, no Greek-language schools operated there either in the communist era (1945-1990) or later. In 2000, the eight-level school in the town had only 20 pupils. The Albanian Helsinki Committee stated that the issue of Himara will remain on its agenda, aiming at an accurate clarification of the situation. Special attention will be devoted to the opening of a Greek-language classes.

Macedonian Minority

The Macedonian minority was concentrated in the region of Prespe (about 214 square kilometers) in the southeastern corner of Albania, at the border with Macedonia and Greece. The whole population of the region numbered 4,280. In contrast to the Greek minority, there has not been any big movement of the population in this region in the 1990s.

In 2000, there were Macedonian-language elementary schools in the nine villages of the region, including eight-level schools in two villages (Gorice e Madhe and Liqenas). In the centre of the region there was a Macedonian-language secondary school where the history of the Macedonian people was taught as a separate subject. All the Macedonian minority schools had established twinning relationships with the similar schools in the Republic of Macedonia.

According to the Albanian Helsinki Committee, in most Macedonian villages Orthodox churches had been built or renovated. The local radio of Korce broadcast news bulletins in the Macedonian language three times a week. The local television station also aired programmes devoted to the above region, but Albanian-language programmes could not be received in the region of Prespe.

Montenegrin Minority

Ethnic Montenegrins lived mainly in some small villages north of the town

Shkoder, close to the Lake of Shkoder and the border with Montenegro. This minority was divided into two smaller sub-groups: the "pure" Montenegrin minority of the Orthodox belief, and the Montenegrin minority of the Muslim belief (Podgorians), who, because of their Muslim religion, apparently were expelled from Montenegro in the second part of the 19th century.

The "pure" Montenegrins consisted of about 2,000 people, and lived primarily in the area of Vrake (the villages of Gril, Omaraj, and Boric i Vogel). They had succeeded in preserving their togetherness as a minority, including their own language, culture and traditions. The Podgorians, numbering about 6,000 individuals, were already assimilated.

Following the beginning of the democratisation processes in Albania in 1990, most "pure" Montenegrins moved to Montenegro. The Podgorians refused to move to Montenegro, though Montenegrin authorities offered them such a possibility.

The economic difficulties as well as other tensions in the former Yugoslavia forced a part of the minorities, who had left Albania in 1990, to return. As of the end of 2000, out of 2,000 who had left Albania, 600 had returned. They enjoyed financial support from Montenegro and the Orthodox Church for the building of three Orthodox churches, one of them in the centre of the city of Shkoder.

Roma Minority

The Albanian State considered the Roma community legally equal to other ethnic groups, recognising their rights under the Constitution and other legislation. Recently, the Parliament ratified the framework European Convention on Minorities. However, in practice, the situation of the Roma is was far from being satisfactory.

It was estimated that about 30,000 Roma lived in the territory of Albania in 2000: there was no exact figure as no census have been carried out among the Roma minority.

Albanian Roma consist of four principal groups: Kallbuxhile (in Tirana, Elbasan, Pogradec, Korce, Bilisht, Gjirokaster and Sarandë), Mokcuret (in Lushnje, Fier and Vlore), Kartofet (dispersed), and Cerqaret (nomadic). However, in recent years when democratic changes have taken place, many Roma families have moved to other towns and cities of Albania. In 2000, they were mainly concentrated in the outskirts of Tirana because of better trade opportunities, which was one of the main sources of income of the Roma.

The Roma have preserved their own language but very few Roma can write in their own language because in Albania there have never been Roma-language schools. Roma are distinguished for their rich folklore as well as their art and music. Most of their families are large, with the average of 5-6 children, but even ones with 12-17 children in the regions of Fier and Elbasan.

The main concerns of the Roma community in 2000 were unemployment, bad housing and a low level of education. Most Roma were engaged in craftsmanship and peddling in order to provide for their families. Some few individual Roma have

reached a high standard of living, all in the construction business.

Prior to 1990s, the standard of Roma housing was very poor because the Government had accommodated them in separate buildings in Tirana, Fieri, Levan, Lakatund, Vlore, etc. As the "pyramid schemes" appeared, many Roma sold their houses, invested their money in fake companies, and lost both their houses and money.

Many Roma children did not go to school while education in the mother tongue was difficult to access. In 2000, according to polls, 80 percent of Roma were illiterate, 6.5 had only elementary education, 12 percent eight-level education, 1.5 percent secondary education and only 0.02 university education. However, two courses were opened with the assistance of international organisations, one in Allias, in the outskirts of Tirana, and another one at Baltez of Fieri.

Despite some improvements in the situation of the Roma, discrimination towards Roma still remained in 2000 and Roma were targets of racial prejudice. One serious case, in which a Roma was ill-treated by police, was reported extensive in the press.

Endnotes

- ¹ Unless otherwise noted, based on the *Annual Report 2000* of the Albanian Helsinki Committee.
- ² See IHF, *Women 2000, an Investigation into the Status of Women's Rights in Central and South-Eastern Europe and the Newly Independent States*, November 2000.
- ³ *Human Rights Watch World Report 2001*: Albania.
- ⁴ OSCE/ODIHR, *Republic of Albania: Local Government Elections, 1 and 15 October 2000, Final Report*. Office for Democratic Institutions and Human Rights.
- ⁵ OSCE/ODIHR, op.cit.
- ⁶ For more information see concrete cases below.
- ⁷ Amnesty International, "Albania: A disturbing pattern of disregard for basic human rights," 21 December 2000.
- ⁸ Democratic Party, 9 March 2001.
- ⁹ Albanian Helsinki Committee, "A Severe Incident with Tragic Consequences," press release, 13 December 2000.
- ¹⁰ IHF Open Letter to the OSCE Ministerial Council, November 2000.