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U.S. Department of State

Albania Country Report on Human Rights Practices for 1997

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ALBANIA

Albania is a republic with a multiparty Parliament, a Prime Minister, and a President elected by the Parliament. The Prime Minister heads the Government; the Presidency is a largely ceremonial position with limited executive power. The Law on Major Constitutional Provisions serves in the place of a constitution. (A parliamentary commission is authorized to begin work on a new constitution, but the principal opposition party has been reluctant to join the process.) The Socialist Party (PS) and its allies won 111 out of 155 parliamentary seats in June multiparty elections that observers deemed acceptable and satisfactory under the circumstances. The elections followed a 5-month period of chaos and anarchy in the country. Fatos Nano, the Socialist Party chairman, formed a new Government in July. The judiciary was unable to function for much of the year.

Local police units reporting to the Ministry of the Interior are principally responsible for internal security. The police disappeared from the streets in many cities, especially in the south. Security forces were able to keep some control in Tirana for all except a few days of the unrest, but in the rest of the country they totally lost, and in many places still do not exercise, control and authority.

The Albanian national intelligence service (SHIK) is responsible for both external and domestic intelligence gathering and counterintelligence functions. SHIK'S internal responsibilities in support of law enforcement agencies include gathering information on government corruption and anticonstitutional activities. A public perception arose before and during the violence in February and March that SHIK was firmly under the control of then-President Berisha and that he and the Democratic Party were using SHIK for their own political ends. SHIK personnel, particularly in the south, suffered

beatings and harassment and in several cases were brutally murdered. At year's end SHIK was functioning but at an extremely limited level. The new Government plans to restructure the intelligence organization. Police reportedly committed some human rights abuses.

Albanians suffered severely due to the collapse of a number of pyramid schemes in which many citizens placed large sums of money. This precipitated a political and social crisis, since many citizens had sustained themselves on the "interest" payments received from such schemes. The ensuing violence and instability undermined economic growth, reversed improvements in infrastructure, and led to growing inflation and increased unemployment. The agricultural sector employs about 60 percent of the workforce. Remittances from Albanians working abroad and foreign assistance are major sources of income. Considerable income is also believed to derive from numerous criminal activities. Following formation of the new Government in July, efforts to restore order and confidence in the economy led to a modest recovery. The Government has committed itself to meeting the international financial community's demands that pyramid schemes be clearly outlawed and that the remaining pyramid schemes be audited and, if insolvent, liquidated to repay depositors partially. However, measurable results have been slow in coming.

The country's human rights record deteriorated sharply around the time of the state of emergency from March 2 until July 24, reflecting the country's general breakdown of governmental authority and civil society. Depending on the specific time and the government in power, accusations were made that police, SHIK, and unofficial paramilitary groups committed killings and beatings. Given the breakdown of order, however, there is very little, if any, firm evidence to substantiate these accusations, although the Government acknowledges that police may have killed some persons in custody. However, there were numerous casualties as a result of the chaos and anarchy. According to unofficial estimates over 2,000 persons were killed and many more wounded during the first 6 months of 1997. Moreover, a lower but continuous level of killings and injuries continued throughout the year. Most deaths were due to accidents, whether from firearms or grenades, as armories were looted. Many intentional deaths, however, resulted from acts of revenge, from traditional blood feuds, or from fighting among rival criminal groups. Some deaths also reportedly resulted from insurgent attacks on the police or SHIK. Poor prison and pretrial detention conditions continued; however, the escape of all prisoners in March enabled the Government to try to rebuild and reconstruct the facilities to meet international standards. Two prisons were repaired and are functioning again. A partial amnesty program attracted some prisoners to return to jail in exchange for reduced sentences.

The judicial system, which was inefficient and subject to corruption and executive pressure in normal times, was undermined by the chaos and unable to function in many places. Many of the courts were vandalized or burned down. Some judges were intimidated by the fact that criminals they had sentenced were freed. There are still numerous complaints about unqualified and unprofessional judges. Members of the opposition say that the Government infringed on their privacy rights. The antigenocide (lustration) law -- which could bar potential candidates -- was amended twice, once prior to the June elections, to allow additional groups and individuals to run for office despite their role in the former Communist regime, and again in August, to further lessen its impact.

The Government is working with the Greek government to assure continuing improved conditions for the ethnic Greek minority. The two Governments ratified and put into force a seasonal worker agreement and the Greek Government has increased its bilateral assistance programs.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings by government officials, but the Government acknowledged that police may have killed some persons in custody.

Numerous casualties resulted from the chaos and anarchy. According to unofficial estimates, over 2,000 persons were killed and many more were wounded during the first 6 months of the year. Moreover, a much lower but continuous level of killings and injuries continued throughout the year. Most deaths were due to accidents, as armories were looted; however, many instances of targeted killings occurred as well. Many intentional deaths resulted from acts of revenge, from traditional blood feuds, or from fighting among rival criminal groups. Some deaths also reportedly resulted from insurgent attacks on the police or SHIK. An estimated 30 or more police were killed and dozens wounded during the worst violence in March and April. In September inside the parliament building socialist party M.P. Gafur Mazreku shot democratic party M.P. Azem Hajdari four times. Hajdari survived and is recovering from the wounds. The two had previously been engaged in a physical altercation over "lack of respect" for each others' opinions.

Authorities arrested former president Ramiz Alia on February 1, 1996, and charged him with the internment and imprisonment in concentration camps of thousands of citizens during the Communist regime. After Alia entered pretrial detention, the prosecutor added other charges: ordering the killing of people who attempted to leave the country; ordering troops and police to fire on the people who toppled the Hoxha monument in Tirana; ordering the arming of military students who subsequently killed some civilians; and ordering the shootings on April 2, 1991, in Shkodra that left four dead. The investigation was still ongoing at the start of the year. Alia, however, went free along with all the other prisoners in March when all the prisons were abandoned. He was subsequently rumored to have fled to France and to be living there with his son. After apparently living in various European cities with relatives, Alia returned to Albania December 21. On October 20 a Tirana court dismissed charges of genocide and crimes against humanity against Alia. Similar charges against two former Interior Ministers, Simon Stefani and Hekuran Isai, and against former General Prosecutor Qemal Lame, also were dropped.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

The Law on Fundamental Human Rights and Freedoms stipulates that "no one can be subject to torture, punishment, or cruel and brutal treatment." The Penal Code makes the use of torture a crime punishable by up to 10 years in prison. In sporadic cases police beat journalists, political party representatives, students, and others during the unrest in the first half of the year and after the June elections.

There were sporadic reports that police used physical force against demonstrators in February. During the June election campaign there was considerable praise for the police force's efforts to handle difficult situations in a tense and unstable atmosphere. The police used great restraint many times when demonstrators against the pyramid schemes as well as those in political rallies took to the streets and main squares in great numbers.

The overwhelming majority of police have little or no professional training. In January a training course on human rights and freedoms was conducted for some police in Denmark. Other police training courses ceased when authorities lost control of the security situation. International teams have been assessing the

reconstituted police force's needs and plan training and other assistance efforts. In July the Western European Union (WEU) organized a seminar for members of the public order police and later extended its mandate to assist police development and reorganization.

The Interior Ministry opened an office in 1996 to deal with citizens' complaints and questions about police behavior and the office continued operating in 1997. Ministry officials have met since August with representatives from the Albanian Center for the Documentation of Human Rights to coordinate on a curriculum for seminars to train police officers in fundamental human rights principles and for correct behavior with the public. The Center published a book on human rights to help educate police supervisors, and the WEU is producing elementary level leaflets on human rights for use by rank and file police officers.

The Interior Ministry has an Internal Affairs Office to monitor police performance and to uncover corruption. Accusations of corruption among public officials have been raised during each of the three governments.

At the beginning of the year 1,209 persons were imprisoned, but they were all released by armed groups that stormed the prisons in mid-March during the worst of the chaos. All of the prisons were either severely damaged or totally destroyed. As of September there were 310 inmates. A total of 5 women of the 35 previously in custody were back in jail; no minors were held. Some 80 prisoners, mostly those convicted of lesser crimes, returned voluntarily when then-President Berisha in April offered to reduce their sentences by one-third under an amnesty law. The Nano Government extended this amnesty offer until January 15, 1998. The remainder of those in prison were arrested after the original amnesty offer expired in April. President Berisha pardoned other prisoners in March, if they had less than 2 years to serve, and also pardoned Socialist Party Chairman and current Prime Minister Fatos Nano on March 14.

Past prison conditions failed to meet minimum international standards, but with the total destruction or serious damage to all seven prison facilities when demonstrators attacked them from March 13 to March 15, the Government is rebuilding facilities to meet those standards. The destruction negated all improvements made in 1996. By September only two jails were functioning in Tirana and one in Lushnja, where reconstruction is well underway or complete. Other facilities under reconstruction were expected to be ready by year's end. Authorities plan to open two new prisons in Lezha and Vaqarri in early 1998. The prison at Vaqarri is to include a vocational training school. The European Union is providing much of the funding for these projects.

Women currently have their own prison with dormitory sleeping facilities and an open-air community atmosphere. Some training and education classes are available. Plans include a separate prison for minors at the new Lezha facility, where violent prisoners will be kept separate from those sentenced for lesser offenses.

Family members may visit prisoners four times per month after sentencing, but only twice a month when in detention, with an opportunity for additional visits with the consent of the prosecutor's office. Personnel from nongovernmental organizations (NGO's) as well as journalists can obtain unlimited visitation rights, but must first secure permission from the General Director of Prisons. Some NGO's complained at the start of the year that they could not get permission to visit detainees. The International Committee of the Red Cross started negotiating with the Nano Government in August for an agreement on visiting detention centers. The Red Cross signed agreements in October with the Ministers of Interior and Justice for visitation rights to see detainees in accordance with its standards. The visits took place without problems.

d. Arbitrary Arrest, Detention, or Exile

The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law a police officer or prosecutor may order a suspect into custody. Detained persons must be immediately informed both of the charges against them and of their rights. If detained by the police, a prosecutor must be notified immediately. Within 48 hours from the arrest or detention a court must decide, in the presence of the prosecutor, of the suspect, and of the suspect's lawyer, as to the security measures to be taken. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney.

Bail in the form of money or property may be required if the judge believes the accused may not appear for the hearing. Alternatively, a suspect may be placed under house arrest. The court may order pretrial confinement in cases where there is reason to believe the accused may leave the country or is a danger to society.

The Penal Procedures Code requires completing pretrial investigations within 3 months. The prosecutor may extend this period by 3-month intervals in especially difficult cases. The accused and the injured party have the right to appeal these extensions to the district court.

Pretrial detention conditions remained deficient at the start of the year, but the Government has begun building or renovating structures to address those needs. Plans for one building in Tirana under renovation envision a capacity for 334 detainees.

The government does not employ exile as a form of punishment or political control.

e. Denial of Fair Public Trial

The Law on Major Constitutional Provisions provides for an independent judiciary, but with the breakdown of society, the judiciary was unable to function in many places as courts were burned and some judges fled their posts. Fifteen out of 36 district courts were totally destroyed along with an unknown amount of records, papers, and other legal materials. A few courts continued to operate to some extent, although they were inhibited by the chaos, the inability of police to enforce court decisions, and the lack of prisons. Some cases were sent to Tirana courts for adjudication. By year's end all courts had reopened.

The judiciary was previously hampered by political pressures, insufficient resources, inexperience, patronage, and corruption. Numerous complaints remained about unqualified and unprofessional judges, but the government is seeking to improve and professionalize the judiciary. The Justice Ministry's administrative role in the judicial budget process potentially constrains the judiciary's independence.

The judicial system comprises district courts, six courts of appeal, and the Court of Cassation. Each of these courts is divided into three jurisdictions: criminal, civil, and military. The Court of Cassation hears appeals from the court of appeals, while the separate Constitutional Court reviews those cases requiring interpretation of constitutional legislation or acts.

The President heads the High Council of Justice which appoints and dismisses all other judges. The Council's membership was increased from 9 to 13 in 1997. In addition to the President, the Justice Minister, head of the Cassation Court, and the Prosecutor General, the Council now consists of three judges, chosen by other judges, two prosecutors, selected by other prosecutors, and four independent, well-known, and respected lawyers whom parliament names. The new composition of the Council gives the judicial branch significantly more independence from the executive than in the past.

According to its internal statute, the High Council of Justice has broad powers to fire, demote, transfer, or otherwise discipline district and appeals court judges for incompetence, commission of a serious crime, or for questionable morality. Judges were previously not called before the Council to testify in their own behalf, but in the past there have been no cases in which dismissed judges have complained either through the press or directly to the courts. Some administrative staff from the Cassation Court who were removed did complain and were later reinstated. After it started meeting again in September, the High Council of Justice dismissed three judges and relocated a number of others as disciplinary measures. The three removed from the bench appeared before the Council during the proceedings against them. In December Parliament passed a law "On the Organization of Justice," which gives judges the right to appeal their dismissals to the Cassation Court, and the President signed the new law in January 1998.

Parliament has the authority to approve and dismiss the 9 judges of the Constitutional Court and the 11 members of the Court of Cassation. These judges may be dismissed only for mental incompetence or conviction of a serious crime. Constitutional Court justices serve maximum 9-year terms, rotating in three new justices every 3 years. Cassation Court judges are elected for 7 years.

Criticism continues about the appointment of judges who only completed a 6-month training course. The long-awaited magistrates' school, a government-subsidized and European-funded institution aimed at assuring the professional training of judges and prosecutors, began classes in mid-October with 20 students, who were selected competitively from 150 applicants. The school is expected to address the inadequate educational preparation of judges and help increase the level of professionalism among those who sit on the bench. Once in full operation, the training program will include mandatory initial training of candidates for the magistrature as well as a program of continuing education.

Parliament appoints prosecutors on the recommendation of the President, and they also serve at the pleasure of the High Council of Justice, except for the prosecutor general and deputy prosecutor general, who serve for 7 years and can only be removed for mental incompetence or after being found guilty of a crime. After a new prosecutor general was appointed on August 14 and the Council was reorganized, it fired the prosecutor from the Elbasani district for violating procedures and for releasing violent criminals after the police arrested them. These criminals subsequently killed one and wounded two others in a shoot-out in Elbasani's main square. Some prosecutors and judges resigned after the Socialist Party's victory in June and the change of government in July.

Parliament approves the courts' budget and allocates to each a set amount at the start of the year. Each court then determines how to spend the money. The Justice Ministry provides and approves administrative and support personnel, but the Ministry stresses that it has no involvement with judicial budget decisions. The courts, however, have continued to argue that this administrative role can be used to constrain the judiciary's independence.

The efforts of the Council of Europe and NGO's to work with the Government to print and distribute the penal codes and laws throughout the country were undermined by the unrest and damage to the courts early in the year. Most foreign consultants and advisors were evacuated in mid-March and were slow to return, although some offices remained open with local staff. With the destruction of many courts and public buildings and records in towns around the country, it will take a long time to resume functioning fully.

At year's end, all courts were in session, but few cases came before them due to lack of investigation by local prosecutors' offices. The prosecutors are hampered, in turn, by the failure of police to provide sufficient facts and evidence for the prosecutors to take the cases to court.

The Law on Fundamental Human Rights and Freedoms provides for the right to a fair and speedy trial. It also mandates public trials, except in cases where the interests of public order, morality, national security, the private lives of the parties involved, or justice require restrictions. If convicted, the accused has the right to appeal the decision within 5 days to the court of appeals and again to the Court of Cassation, which renders the final verdict. The law does not specify any time period within which the court of appeals or the Court of Cassation must hear appeals.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Law on Fundamental Human Rights and Freedoms provides for the inviolability of the individual person, of dwellings, and of the privacy of correspondence. Parties opposed to then-President Berisha and the Democratic Party, particularly at the beginning of the year, made a number of allegations of government-sanctioned tampering with correspondence, wiretapping, or interference with telephone service. Although such complaints are less prominent about the Nano Government, which only came into office in July, members of the present opposition believe that the same type of invasion of privacy is occurring targeted against them.

Parliament twice revised the anti-genocide and lustration laws, narrowing the list of those required to undergo scrutiny for past crimes under the Hoxha and Alia Communist regimes, which could render them ineligible to run for public office until 2002. No candidates were banned, after appeals, from running in the June parliamentary elections, even though some were not decided until the last minute, and ballots had to be revised at that point.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the Government generally respected these rights. Although journalists complain about lack of freedom of the press, they are free to write, uncensored and unverified, virtually anything they wish. There was a period of a month and a half under the state of emergency when no newspapers except the Democratic Party paper were published and another period before the elections in June when, especially in the south, the democrats had difficulties distributing their newspaper. Each party during the time it has been in opposition complained about their lack of exposure on the state-run electronic media, but there was no censorship of content.

In September Parliament passed a well-received law that provided for broad press freedom. However, the law is extremely vague and had not yet been implemented by year's end.

During the unrest and the June election campaign, journalists complained of the difficulties in reporting stories (such as having cameras and equipment stolen and being attacked by criminal gangs), and political parties raised the problems and dangers of campaigning and distributing respective party newspapers in different parts of the country.

Little sense of journalistic responsibility or professional integrity exists. Sensationalism is frequently the norm in the print media. Many criticisms, accusations, and fabrications are still printed in the party-oriented newspapers without substantiation, but also without reprisal.

The press remains willing and able to criticize whichever government is in power and continued to do so during the three governments in 1997. The notable exception was in the first 6 weeks of the state of emergency when the government imposed censorship. No newspapers appeared for a month and a half except the Democratic Party paper Rilindja Demokratike. Access to newspapers in different parts of the country was limited, even after the immediate crisis, as carriers were threatened and the national roads blocked by well-armed groups.

Political parties, independent trade unions, and various societies and groups publish their own newspapers, some of which have only limited appeal and distribution. Dependence on outside sources for revenues may lead to pressures which limit the independence of reporting. Taxes on publications, in addition to rising printing costs, make it difficult for independent media to be economically viable without subsidies or loans from their patrons, e.g., political parties, social organizations, or private businesses. Journalists accused former President Berisha and the Meksi government of using excessive taxation as a deliberate means to cripple the independent and opposition press. The Nano Government had by September also refused to lower taxes, and journalists are concerned that taxes will go up even more as the new administration continues to pursue all potential revenue sources to offset the government's deficit. In November newspapers went on strike for lower taxes and other government subsidies, and the Government promised to meet many of their demands.

However, at any one time an estimated 200 different publications are available, including daily and weekly papers, magazines, newsletters, and pamphlets. Three Greek minority newspapers are published in southern Albania.

Koha Jone, a mildly sensationalist, independent daily newspaper with the largest circulation, took a strong anti-Berisha/Democratic Party line early in the year. Koha Jone and other then-opposition papers accused the Meksi government and Berisha of systematic harassment. The Koha Jone office was ransacked and burned by unknown persons in the early morning of March 3, the first night of the state of emergency. Pro-Democratic Party forces were widely assumed to be responsible, but Koha Jone never produced any evidence to support this theory. Koha Jone's editor left the paper in May and started his own new newspaper, The Independent, continuing his previous editorial approach. The Independent has since ceased publication, and its former editor is now the Prime Minister's press spokesperson.

Journalists seem uncertain about their relations with the Nano Government, but some reporters think the Government is exercising indirect pressure on the press by appointing a number of journalists to government jobs. Owner and director of Koha Jone, Nikoll Lesi, an independent Member of Parliament and a member of the Media Commission, complained in September about the higher taxes and higher costs of running a newspaper in a Koha Jone article.

Reporters regularly claim harassment from police and threats from unknown individuals, and particularly during the first half of the year, a number of beating and harassment incidents occurred involving journalists from both sides of the political spectrum.

State-run radio and television provide the bulk of domestic programming, and the Nano Government has increased the number of members of the State Executive Committee of Radio and Television. The stated intention of this expansion is to help redress imbalance and political bias as well as access to the media. The Democratic Party, now in opposition, complained about a lack of equal access, just as the Socialists had previously complained when the Democratic Party was in power. In August former parliamentary speaker PJETER Arbnori started a hunger strike to emphasize the need for equal access. His hunger strike lasted 20 days until a compromise between the Democratic Party and the Socialist Party was reached on the media law providing for equitable access for all the parties.

Most municipalities offer international programs received via satellite. Home satellite dishes abound and most citizens, even in remote villages, have access to international broadcasts. In May Parliament passed a law authorizing private commercial broadcasting licenses that is expected to take effect in 1998. The law is liberal as far as ease in obtaining a license, but apparently is unsatisfactory to some because it may limit the number of licenses available. The Government plans to control the procedures through the establishment of a National Committee.

There are 12 unlicensed private television stations and 10 private radio stations. The number keeps increasing. These stations are currently unregulated. There is no official state foreign language broadcasting. Widely received and listened to are stations from Italy, Greece, and the Former Yugoslav Republic of Macedonia. The Voice of America (VOA) and the BBC are also popular. As of September, the VOA is broadcast on the FM band from a private radio station in Vlora.

University professors continue to complain about the lack of academic freedom. Their complaints include firings and hirings for political reasons and the admission of unqualified students as political favors. Universities were closed during the state of emergency and students were able to finish only part of their spring term. A new fall semester started on October 15. The Government apparently does not plan to extend the Meksi government's decision in 1996 to prohibit foreigners who were not the part of a university-to-university agreement from teaching in the country's universities. During the fall semester, a number of professors