

The Minnesota Lawyers International Human Rights Committee Report Series

**TRIMMING THE CAT'S CLAWS:
THE POLITICS OF IMPUNITY IN
ALBANIA**

March 1992

**Minnesota Lawyers
International Human Rights Committee**

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USA



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ALBANIA**

March 1992

A report of the
Minnesota Lawyers International Human Rights Committee
Minneapolis, Minnesota

MINNESOTA LAWYERS INTERNATIONAL HUMAN RIGHTS COMMITTEE

The Minnesota Lawyers International Human Rights Committee, founded in 1983, is a nongovernmental organization of 1,000 members that works to promote and protect international human rights. The Committee advocates against individual human rights abuses, works to strengthen institutions and laws that protect human rights, researches and investigates human rights conditions in the U.S. and other countries, and educates the public about human rights issues. The Committee has published reports about human rights conditions in over 15 different countries.

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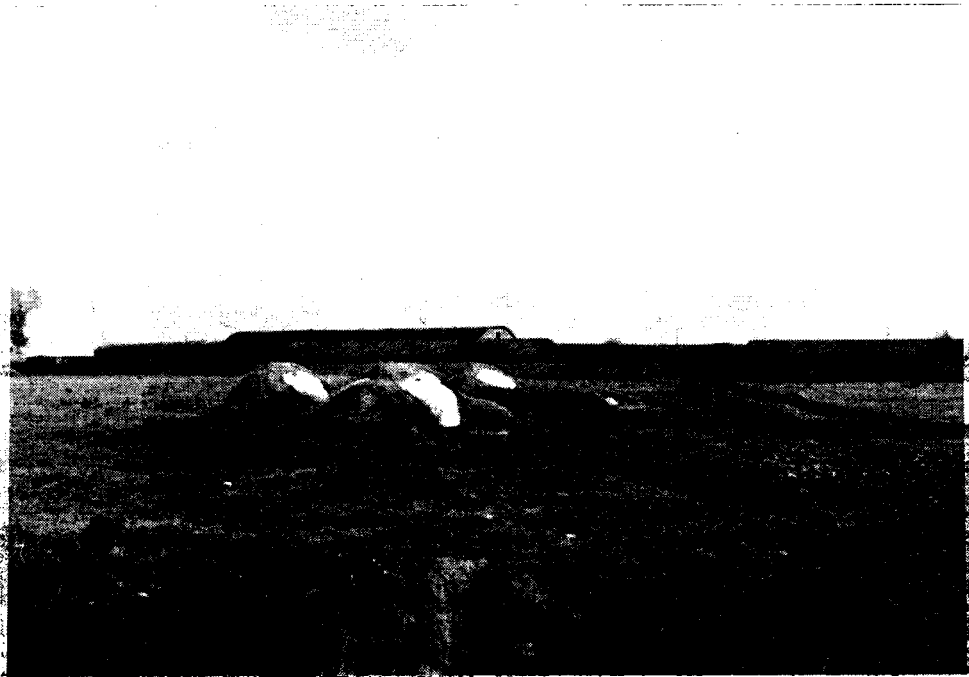
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Empty pedestals stand as silent testaments of political upheaval in Albania. Here is the pedestal which formerly held Lenin's statue.



Concrete military bunkers stand idle, overgrown with weeds. Late President Enver Hoxha built the bunkers to protect Albanians from foreign invasion.

PREFACE

This report is a sequel to the January 1990 report of the Minnesota Lawyers International Human Rights Committee, Human Rights in the People's Socialist Republic of Albania. This report is based on research and on information obtained by a delegation of the Minnesota Lawyers Committee during a visit to Albania from October 8 through 15, 1991. The members of the delegation were Thomas Foley, Ramsey County Attorney; Barbara Frey, Executive Director of the Minnesota Lawyers Committee; Margaret Chutich, an attorney in the Minnesota Attorney General's Office; and Peggy Hicks, an attorney at Dorsey & Whitney. The purpose of the visit was to investigate the protection of human rights through the Albanian legal system in light of the dramatic political changes in the country in 1990 and 1991.

The Minnesota Lawyers Committee acknowledges the financial support of this report by the law firm of Dorsey & Whitney. Thanks also go to members of the Albania project, Lisa Schiltz, Andrew Staab, and Ken Cutler, and interns Jennifer Baum, Maya Diokno, Kim Sabo, and Gosia Wegrzyn.

We would also like to express our gratitude to the nongovernmental community in Albania for their tremendous assistance in arranging meetings and interviews within the country. We are especially indebted to the Society of Ex-Political Prisoners, and the Forum for the Defense of Human Rights and Fundamental Freedoms, as well as to members of the recently formed Research Centre for Human Rights and Fair Elections.

In writing its previous report, the Minnesota Lawyers Committee twice requested entry into Albania, but did not receive a reply. We would like to acknowledge the cooperation of the Albanian government in providing visas for the 1991 visit of the Minnesota Lawyers Committee delegation, as well as the openness of Albanian officials in meeting with members of the delegation.

The Minnesota Lawyers Committee sends its encouragement to future leaders of Albania in their efforts to establish the rule of law and to redress the history of profound human rights violations suffered by the people of Albania. This report is intended to assist the Albanian people with those urgent and momentous tasks.

March 1992

Margaret Chutich
Tom Foley
Barbara Frey
Peggy Hicks

I. SUMMARY AND RECOMMENDATIONS

Deteriorating internal economic conditions and the external pressure of drastic political reforms in Eastern Europe in 1990 and 1991 resulted in dramatic changes to all facets of Albania's political and social structure. The communist political system that dominated the country for over forty years has all but disintegrated, leaving indecision and inexperience in its place. While the current government and shifting power structures seek to address pressing day to day issues, voices never before allowed to speak within the political system are demanding justice for years of severe human rights violations. The situation is volatile and the commitment to protect human rights is still fragile. The following are the recommendations of the Minnesota Lawyers International Human Rights Committee based on its observations of the legal system in Albania.

SECRET POLICE

- (1) The Albanian Secret Police, formerly *Sigurimi*, now known as SHIK, should be abolished entirely. Investigation of crimes can be handled through the Office of the General Investigator. SHIK has no accountability to publicly-elected government officials or the public, answering only to the President.
- (2) The Albanian people do not trust in SHIK to serve as a crime-prevention agency. Its present and former officers should be investigated for serious past human rights violations including torture, ill-treatment, arbitrary arrest and detention, and arbitrary and summary execution.
- (3) Because of the lack of public trust and the dubious need for "investigative" agents to carry weapons during the course of their duty, SHIK agents should not be allowed to possess guns.
- (4) Whether or not the *Sigurimi* files should be opened is a question for public discussion in Albania. In any case, control over the files should not be left to SHIK, the successor to the *Sigurimi* which is controlled solely by the President. SHIK, its agents and collaborators have the greatest interest in keeping the files secret or even destroying the files to prevent inquiry into past human rights violations.
- (5) At a minimum, the files of the secret police should be placed under secure and impartial control until a constitutional government determines their fate.

POLITICAL PRISONERS AND INTERNEES

- (1) Former political prisoners and internees have been exonerated but can never be fully compensated for the deprivation, pain, and anguish that they suffered due to human rights

violations by the Albanian government. The government should make every effort to redeem past violations by providing economic, social, and cultural opportunities for persecuted persons.

(2) All former prisoners and internees should have full and immediate access to files concerning their criminal cases that are in the hands of the government.

(3) The certificates entitling persecuted persons to compensation should be distributed by a neutral agency instead of the Ministry of Public Order, which is in essence the same governmental agency that was admittedly responsible for their political arrest and persecution.

(4) Those persecuted in the past should be compensated through priority access to jobs, housing, education, and financial compensation for the years of suffering they endured.

(5) There is a great need for public acknowledgement of the government's responsibility for past human rights violations. While recent legislation declaring the innocence of political prisoners and internees is a start, more public discussion should focus on what is needed to mend the past. Punishment may not always be necessary but persons directly responsible for human rights violations at a minimum should not be in positions of authority.

(6) The People's Assembly should revise articles 26 and 27 of the Penal Code to eliminate exile and internment as criminal punishments.

(7) The People's Assembly should repeal Law 7388, which permits the use of "preventative means" against persons who "commit a criminal offense, which is not a crime, but is incompatible with proper behavior and social morality" or who "could" commit a crime.

UNIDENTIFIED COMMON GRAVES

(1) The government should thoroughly investigate mass prisoner graves. Prison and *Sigurimi* records should be used to identify the whereabouts of individuals who died in prison.

(2) The government should hold public hearings to hear the concerns and wishes of the families of these disappeared prisoners.

(3) If a family requests an exhumation to identify and claim the remains of a relative who died in prison, the government is responsible for carrying out the request. In these cases, the government should seek advice and assistance from international experts at the United Nations and other international forensic institutions in excavating gravesites.

(4) At a minimum, the government should publicly acknowledge the criminal nature of

the past practice of anonymous mass burial of political prisoners and should accommodate families of relatives in their need to create personal, private memorials for their deceased relatives.

TELEVISION AND RADIO

- (1) Individuals and private entities should have equal access to transmission of programming on television and radio. The government and government-owned stations should not control access to programming based on political content.
- (2) The government should encourage the free exchange of ideas through television and radio. Establishment of independent competitors to the existing TV and radio stations will ensure this free exchange.

PRISONS

- (1) The People's Assembly should repeal the "shoot on sight" law for escaping prisoners.
- (2) Prison conditions should comply with the U.N. Standard Minimum Rules for the Treatment of Prisoners, with special attention given to the provision of adequate food, exercise, medical services, contact with the outside world, education, and recreation. Material improvements should be made to the prison facilities and provision of food, clothing, and shelter.
- (3) Punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offenses.
- (4) The Albanian Supreme Court should undertake prompt review of all cases of those sentenced to prison prior to the November 1, 1990 Law on Advocacy under international human rights standards pertaining to due process, fair trial, and proportionate sentencing.
- (5) No juveniles under the age of 18 should be held in adult prisons.

CONSTITUTIONAL AND INTERNATIONAL LAW

- (1) The People's Assembly should convene a Constitutional Convention as soon as possible after the March election to adopt a new Albanian Constitution. The nation desperately needs the legal stability that would result from a national consensus on a constitutional document. The Convention should represent the wider interests of the Albanian people and prevent the People's Assembly from sitting in constitutional session with the power to amend fundamental rights too easily.
- (2) The new Constitution should incorporate the legal protections of human rights and fundamental freedoms contained in international human rights laws.

(3) The Albanian government should establish immediate and regular self-evaluations to the United Nations in compliance with the obligations recently assumed under the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights.

(4) The Albanian government should accede to all fundamental human rights instruments including but not limited to: The Optional Protocol to the Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on the Elimination of Discrimination Against Women.

LEGAL EDUCATION

(1) The University of Tirana should eliminate geographic-based selection for the Faculty of Law and implement selection based upon merit.

(2) The government should establish affirmative action programs for those whose education was undermined during the prior government because of an internationally-protected status such as race, sex, national origin, ethnic group, political or religious beliefs.

(3) Given the dramatic changes in Albanian law and procedure, the Minister of Justice should establish concrete programs to expand legal training for lawyers, especially in the area of criminal defense law.

(4) The Supreme Court should work with the College of Advocates and the Faculty of Law to establish a professional responsibility oversight committee to review credentials of all lawyers. Individuals of integrity and expertise should be selected to serve on this advisory committee.

(5) The College of Advocates and the Faculty of Law should encourage assistance from foreign lawyers, including legal texts and training.

COURTS

(1) The new Constitution should mandate separation of powers and effectuate this separation through the establishment of an independent Constitutional Court.

(2) The structure and functioning of the courts should comply with the United Nations Basic Principles on the Independence of the Judiciary.

(3) Judicial rules should insulate judges from political influences that will hamper their independence and impartiality. No judge, for example, should be permitted to hold elected office. The rules should provide for lengthy, if not lifetime, terms during which judges may be removed only for malfeasance. Judicial selection should be safeguarded from improper motives, and the selection process should ensure that only individuals of integrity and ability

with appropriate training or qualifications in law are appointed.

(4) Albanian courtrooms should be modified to guarantee the defense lawyer a place equal to that granted to the prosecutor and to permit the defense lawyer to have immediate, private access to the defendant. Except where there is no other means to protect public safety, defendants should not be brought into the courtroom shackled or required to sit with a police guard.

RIGHT TO COUNSEL

(1) The government should revise the rules of criminal procedure to provide an absolute and immediate right for a detained person to be represented by counsel and to meet in private with his or her counsel.

(2) The government should provide legal representation for those who are arrested and are unable to afford a criminal defense lawyer.

(3) All persons should have the opportunity to select their own lawyer without paying additional fees to the College of Advocates.

(4) The professional responsibility oversight committee should be charged with ensuring that clients receive fair and adequate representation, and have the authority to investigate complaints from clients about problems with their representation.

(5) The government should undertake a program of public education at all levels and through all mediums to ensure that people are aware of their right to legal representation.

(6) The College of Advocates must implement and adhere to the United Nations Basic Principles on the Role of Lawyers.

PROSECUTOR

(1) The ability of the prosecutor to appeal criminal decisions and sentences should be limited to extraordinary circumstances.

(2) The role of the prosecutor in the evolving criminal procedure law in Albania should be clarified to take into account the right of the defendant to competent counsel of his or her own. The prosecutor and the defense should have a more balanced role in the process.

POLICE AND JAILS

(1) As provided in the U.N. Standard Minimum Rules for the Treatment of Prisoners ("U.N. Standard Minimum Rules"), every detained person, on admission to the place of detention, shall be provided with written information about the regulations governing the

rights and treatment of detained persons, the disciplinary requirements, the authorized methods of seeking information and making complaints, and all such other matters necessary to understand his or her rights and obligations in the place of detention.

(2) The Albanian government should use pre-trial detention only if all other means of ensuring public safety and the participation of the defendant in the legal process are determined inadequate. The government should institute a system of release on recognizance for pretrial detainees who are not a danger to society.

(3) Until recently, criminal suspects in Albania could be held in jail for 72 hours prior to being charged. The government should reduce the number of hours that a suspect is held in jail before being charged with a crime.

(4) Jail conditions should comply with the U.N. Standard Minimum Rules, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment ("Principles on Detention").

(5) The government must establish and adhere to a firm program of training for police recruits. All police personnel should, at a minimum, finish high school and undertake a period of special training, including instruction concerning a suspect's rights while detained.

GENERAL INVESTIGATOR

(1) The General Investigator should establish written guidelines in conformity with the U.N. Principles of Detention, and other international norms, setting forth the responsibilities of and the procedures to be followed by the investigators in carrying out all phases of the investigative process.

(2) According to the Principles on Detention, no detained person while being interrogated shall be subject to violence, threats, or methods of interrogation which impair his or her capacity of decision or his or her judgment.

(3) According to the Principles on Detention, the duration of any interrogation of a detained person and of the intervals between interrogations, as well as the identity of the officials who conducted the interrogations and other persons present, shall be recorded and certified in such form as may be prescribed by law.

(4) The General Investigator should establish a separate unit within the investigative office to monitor internal affairs and charges of abuse of authority.

(5) The Courts and the General Investigator should establish sanctions against investigators who abuse their authority, including sanctions against investigators who fail immediately to inform detainees of their right to counsel when the suspect is first apprehended. One method of enforcing the right to counsel is to establish prophylactic rules

disallowing the use of evidence secured before a suspect was informed of his or her right to counsel or confessions obtained by improper means.

(6) The government should also alter the structure of the interrogation rooms so that counsel may sit next to his or her client and advise the client during questioning.

(7) The Minister of Justice should discharge investigators who abused their authority under the former administration.

II. BACKGROUND OF RECENT REFORMS¹

A. Popular Unrest

A combination of snowballing events in Eastern Europe and domestic economic woes cracked the shell of Albania's isolation in late 1989 and led to minor concessions by Albania's communist government toward democratic reform. In early 1990, student demonstrations throughout Albania hurried the pace of reforms begrudgingly undertaken by the government. In May 1990, the government, seeking to maintain control through "democratization" of the existing power structure, enacted several new legal guarantees, including the freedom to travel abroad, freedom of religion, reduction of the number of capital crimes, and the reestablishment of the Ministry of Justice.

Albania sought to improve relations with the West through contacts with the European Community and membership in the Conference on Security and Cooperation in Europe (CSCE). The CSCE granted observer status to Albania in July 1990, though full membership was not granted until September 1991. In December 1990, contacts were reestablished for the first time since 1943 with the International Committee of the Red Cross. Albania furthered its international legitimacy through the May 1990 visit of U.N. Secretary-General, Javier Perez de Cuellar.

Despite these hopeful signs of change, thousands of desperate Albanians scaled the security fences of Tirana's foreign embassies in July 1990, seeking asylum. Initially, the elite forces of the *Sigurimi* beat some of the demonstrators, killing an estimated 23 to 30 persons.² But in the glare of world attention, the security forces retreated. On the heels of this embarrassing exodus, the Central Committee of the Albanian Party of Labor removed four Politburo members, including the Ministers of Defense and the Interior.

More student protests in December 1990 pushed the Central Committee into endorsing the establishment of independent political parties. The formation of opposition parties began immediately. In addition to political parties, a human rights organization, the Forum for the Defense of Human Rights and Fundamental Freedoms officially registered with the government in January 1991. On January 5, as a gesture of its sincerity, the Albanian government freed 202 political prisoners.

¹See NATIONAL DEMOCRATIC INSTITUTE OF INTERNATIONAL AFFAIRS, ALBANIA: 1991 ELECTIONS TO THE PEOPLE'S ASSEMBLY, (April 30, 1991), hereinafter cited as [NDI REPORT], for a helpful chronology of recent political events in Albania.

²See *id.* at 19.

B. Elections Promised

Coming to grips with the inevitable, the Albanian government scheduled elections for February 10 but, under pressure from the opposition, the election date was postponed until March 31, 1991. Six political parties and five political organizations registered for the March 31 elections including, among others, the Party of Labor (renamed the Socialist Party) which had ruled Albania since 1945,³ the Democratic Party, the Republican Party, and Omonia, or "Harmony" party, representing the Greek ethnic minority.

Tens of thousands more Albanians fled to Greece in late December 1990. The refugee flow into Greece continued well into January 1991, despite pleas from the Greek government to stop the exodus. Albanians continued to leave the country by land and sea throughout the winter. In March, another 20,000 refugees fled to Italy.

On February 18, 1991, student protests erupted again in Tirana. This time students held a hunger strike to force the government to remove Enver Hoxha's name from the national university's title. An estimated 60,000 people jammed into Skenderbeg Square on February 20, tearing down the giant statue of Hoxha that overlooked the center of Tirana. Two days later another government shakeup occurred when Fatos Nano replaced Adil Carcani as Prime Minister. In March 1991, the government suspended classes at the university and required students to complete their coursework by correspondence.

On March 30, 1991, one day before the elections, the Albanian government released another 258 political prisoners.

C. National Elections Held

There are 250 seats in the People's Assembly, or Parliament, representing 27 districts within Albania. Representatives do not have to reside in their districts to be elected. The March 31, 1991, elections to the People's Assembly resulted in 169 seats (67.6%) for the Socialist Party, 75 seats for the Democratic Party (30%), five seats for Omonia (2%), and one seat for the Committee of Veterans (.4%). Critics of the elections complained that the campaign was too brief for the opposition to organize and that, because of disparities in the population sizes of the districts, the election results were unrepresentative.⁴

The election results in favor of the Socialists provoked an angry response from some

³Originally called the Communist Party of Albania, the ruling party was renamed the Albanian Party of Labor in 1948.

⁴NDI Report, *supra*, at 3-4; U.S. State Department, Country Reports on Human Rights Practices for 1991, (FEBRUARY 1992), at 1042.

supporters of the Opposition. Major rallies took place in Tirana, Kazaje, Durres, Elbasan, and Shkodra. On April 2, 1991, students from a high school in Shkodra staged a sit-in protest. They refused to disperse at police request, and did so only at the request of Democratic Party officials. When about twenty persons remained in the protest, security forces hiding in the Socialist Party headquarters shot into the group, killing four and wounding 58. In response to the killings, townspeople torched the party headquarters, gutting the building. On April 26, 1991, a People's Assembly commission of inquiry found the security forces responsible for the deaths and announced that seven people, including the local chief of police, had been arrested.⁵ Despite these occurrences, the Socialist majority easily reelected Ramiz Alia as President of Albania.



Monument in Shkodra for those killed in April 2, 1991 protest. Behind the monument is the Socialist Party Headquarters that was gutted when townspeople torched the building in response to the killings.

On May 9, 1991, Prime Minister Fatos Nano announced the appointment of a 25-member all-Socialist Council of Ministers which was almost entirely composed of incumbent ministers.⁶ Nano divided the former Interior Ministry into a Ministry of Public Order responsible for uniformed police and a National Security Committee responsible for the

⁵AMNESTY INTERNATIONAL, 1991 Annual Report Update 4, (1991).

⁶N.Y. Times, May 10, 1991.

secret police, or *Sigurimi*. The former Interior Minister, Gramoz Ruci, was retained as chair of the National Security Committee, provoking vigorous protests from the opposition leaders, who held Ruci responsible for past *Sigurimi* abuses.⁷

Less than one month later, on June 2, 1991, the government announced plans to relinquish power "to make way for a multi-party caretaker government that will prepare new elections."⁸ The Party of Labor government had been forced out by a crippling general strike led by the miners' union. On June 6, 1991, Fatos Nano stepped down as Prime Minister and President Alia appointed Ylli Bufi, a 42-year-old economist to head the nonpartisan caretaker government. Bufi named a Council of Ministers of 22 individuals representing a rough balance between the Socialists and the Opposition. The new government was deemed the "national salvation" government. All council ministers agreed to give up their party affiliations and were barred from founding new parties.

On December 4, 1991, the Democratic Party and the Republican Party pulled out of the coalition government claiming that the Socialist leadership was hindering economic and political reforms and demanding new elections. Prime Minister Ylli Bufi and his government resigned on December 7, 1991.⁹

In December 1991, food riots erupted in northern Albania. In Tirana, police took control of bread distribution. In Fushe-Arrez, 30 people were killed when a fire broke out after a crowd rushed a storehouse. President Alia authorized the use of Army troops to restore order.¹⁰ In a further attempt to quell the rioting, Alia appointed a new Prime Minister, Vilson Ahmeti, on December 10, 1991. A new government, composed almost exclusively of technocrats without prior political experience was approved by the People's Assembly on December 17, 1991. Only three members of the Council of Ministers remain from the previous government. Responding to the major opposition parties' demands that general elections be held as soon as possible. President Alia initially scheduled elections for March 1, 1992. In February, however, President Alia pushed the elections back to March 22, 1992 because of shortages of time, money, and newsprint.¹¹ Food riots and looting broke out again in late February in several towns killing at least four.¹²

⁷*Id.*

⁸*Id.*, June 3, 1991.

⁹Reuters News Service, December 7, 1991.

¹⁰Reuters News Service, December 8, 1991.

¹¹Reuters News Service, February 11, 1992.

¹²Reuters News Service, February 26, 1992; New York Times, March 1, 1992; Reuters News Service, March 5, 1992.

D. Nongovernmental Organizations Formed

Albania has three nongovernmental organizations that are working in the area of human rights: The Forum for the Defense of Human Rights and Fundamental Freedoms, the Society of Ex-Political Prisoners and the newly formed Research Centre for Human Rights and Fundamental Freedoms.

1. Forum for the Defense of Human Rights and Fundamental Freedoms (Forum). The Forum was established on December 19, 1990 and registered with the Ministry of Justice on January 12, 1991 as an organization to work for the release and compensation of political prisoners. The Forum is composed of a central committee of eleven members including lawyers, journalists, doctors, and artists. Members of the Forum are not allowed to belong to political parties. The Chair of the Forum is Professor Arben Puto, a member of the Law Faculty at the University of Tirana. The Vice-Chair is Kujtim Cashku, a film director. Fatos Lubonja, a former political prisoner, is secretary. The Forum is a member of the Helsinki Federation. The Forum has sections in several towns in Albania, including Tirana and Shkodra.

The Forum's activities include transmitting material goods to former political prisoners and internees, documenting the number and fate of political prisoners, and pushing for international relief efforts. The Forum continues to be concerned about prison conditions and is urging the current Albanian government to release or, at a minimum, to review the records of those ordinary prisoners who were convicted without legal representation.

2. The Society of Ex-Political Prisoners. The Society was formed in 1991 to protect persons who have been persecuted, expelled, interned, and imprisoned for political reasons. The Chair is Osman Kazazi, who spent 40 years in prison for his political affiliation with Balli Kombetar, an anti-communist political movement active in the 1930s and 1940s.

The Society's goals include: (1) declaring Enver Hoxha and his collaborators criminals and sentencing them for political crimes; (2) destroying the *Sigurimi*; (3) reforming Albanian radio and television; (4) abolishing Communist Party symbols; (5) holding political trials of the former political elite; (6) declaring all former political prisoners innocent; (7) following international norms in compensating political prisoners; and (8) allowing the children of political prisoners the right to attend the school of their choice.

The Society sponsored a hunger strike in September 1991 to enforce their demands. The People's Assembly responded with legislation declaring all former persecuted persons innocent of any crime, and entitling them to compensation. See Law on the Innocence, Amnesty and Rehabilitation of Former Political Prisoners, Appendix 1.

3. The Research Centre for Human Rights and Fair Elections. On December 5, 1991, a new human rights organization, the Research Centre for Human Rights and Fair Elections, was formed by a group of law faculty who had previously been active members

of the Tirana Committee of the Forum for Human Rights. This new group is composed of seven members of the University of Tirana's law faculty, three other University of Tirana professors, and one student. According to its founders, the Research Centre is intended to function as a clearinghouse of information concerning human rights issues. The Research Centre will not, however, take on cases of individual human rights violations.



Members of the Minnesota Lawyers Committee delegation met with the Society of Ex-Political Prisoners: (l to r) Xhezair Zaganjori, Univ. of Tirana Law Faculty; Margaret Chutich, MLC; Osman Kazazi, Society; Tom Foley, MLC; Haki Bulku, Society; Ylli Selenica, Society; Islam Ileshi, Society; Maksim Haxhia, Law Faculty; Barbara Frey, MLC; and Luan Pirdeni, Forum for Human Rights.

III. TRIMMING THE CAT'S CLAWS: THE POLITICS OF IMPUNITY¹³

Albania is suffering a crisis in leadership. Many of the governmental agencies that have been restructured to appear to conform with the country's shift to democracy are still controlled and staffed with persons responsible for the draconian human rights abuses of past years. From the constitutional offices of the President, People's Assembly, and the courts, to government-controlled institutions such as television and radio, impunity abounds. The same individuals, now espousing new ideas, are still in charge. As one former political prisoner explained, the governmental reforms "are merely trimming the cat's claws;" the dangerous predator still remains.

The problem of impunity is pervasive in all facets of Albanian life. Even the fledgling human rights community suffers a lack of credibility because of the past associations of its leaders. Albanians have not been schooled to discuss differences of opinion openly; rather, the political atmosphere is heavy with distrust and acrimony.

Many agencies tried to address the problem of impunity by retiring employees early. The shorthand used by leaders to show how effectively they were "cleaning house" was to describe the youthfulness of their current personnel; an average employee age below 35 was viewed as acceptable, below 30 even better.

One former political prisoner described his view of the three categories of people in Albania from which leaders could theoretically be drawn: (1) the ex-communists, who have been condemned universally; (2) the intellectuals, who are discredited because they had to collaborate with the communist leadership to succeed; and (3) the persecuted, who have the moral authority to lead but do not necessarily have the training and expertise to exercise leadership.¹⁴ Albanians must address the abuses of the past without destroying the experience necessary to run the country on a day-to-day basis.

The following is a description of some of the institutions and issues affected by Albania's failure to address past human rights violations.

¹³Impunity, or exemption from punishment, is a serious problem in many countries where citizens suffer human rights violations at the hands of government authorities. The term "impunity" as used in this report refers to the failure to acknowledge or to punish present or past human rights violations of individuals acting as agents of the Albanian government.

¹⁴Interview with Fatos Lubonja, member of the Forum for Human Rights and Fundamental Freedoms, in Tirana, Albania, October 10, 1991.

A. The Secret Police

Albania's secret police, or *Sigurimi*, were notorious as ubiquitous and ruthless enforcers of the communist order under the governments of Presidents Enver Hoxha and Ramiz Alia. With the formation of the "national salvation" government in 1991, the *Sigurimi* force was nominally reorganized into the "S.H.I.K.", the Albanian Information Service Committee. SHIK's new mandate was to investigate seven crimes against the State: Espionage, diversion, sabotage, provocation to war, attempts to overthrow the constitutional order, breaking of diplomatic relations with other countries, and economic and political corruption.¹⁵ In 1991, the Council of Ministers created the Treasury Police under the control of the Minister of Finance, to investigate contraband, drugs, and counterfeiting. The Border Guards are now under the control of the Ministry of Defense.¹⁶

According to Irakli Kocollari, appointed director of SHIK in fall 1991, approximately 40% of *Sigurimi* officers have been retired, including most of those over the age of 45. Kocollari asserts that the average age of all SHIK employees is slightly over 30 and that the chiefs of the 27 district offices average less than 30 years of age.¹⁷ While Kocollari would not state how many officers were currently in SHIK, he estimated that there was only one officer for every 6,000 Albanian citizens.¹⁸ Kocollari stated that he established a "judicial bureau" of seven individuals designed to advise him on the legality of SHIK actions. He also stated that he had publicly requested persons to report information concerning improper actions by SHIK officers.¹⁹

Kocollari claimed that the reform of the *Sigurimi* meant that his officers no longer had authority to monitor a general list of suspects. He stated that the SHIK could only act to investigate one of the seven crimes listed above.²⁰ In response to an inquiry about whether any one of those crimes was currently under investigation, Kocollari said no. Yet Kocollari stated during his October 10 interview that the SHIK had assisted with the investigation of the Elez Biberaj incident in September 1991, an investigation that does not seem to fall

¹⁵Interview with Irakli Kocollari, Director of SHIK, October 10, 1991. The *Sigurimi* were previously authorized to investigate 30 different crimes; *See also id.*

¹⁶*Id.*

¹⁷*Id.*

¹⁸*Id.*

¹⁹*Id.*

²⁰*Id.*

within the SHIK's jurisdiction.²¹

Many individuals who met with the Minnesota Lawyers Committee's delegation were skeptical of the supposed reforms to the secret police, and openly argued that SHIK, ersatz *Sigurimi*, should be abolished entirely. Former political prisoners stated that they had been threatened by persons believed to be *Sigurimi* agents within the past three to six months. They also feared that *Sigurimi* agents were infiltrating opposition organizations. Several persons, including students and former political prisoners stated their belief that violent shootings and other crimes in residential areas were instigated by *Sigurimi* or former *Sigurimi* agents. Director Kocollari stated that SHIK officers now carry guns because of all the illegal arms being transported into Albania. He believes that guns are entering the country across the Greek and Yugoslavian borders.²² Others interviewed were skeptical of the claim that guns are being imported into Albania.

Recommendations:

- (1) SHIK, or *Sigurimi*, should be abolished entirely. Investigation of crimes can be handled through the office of the investigator. SHIK serves as the private police force of the President, and has no accountability to the other branches of government or the public.
- (2) The Albanian people do not trust SHIK to serve as a crime-prevention agency. Its present and former officers should be investigated for serious past human rights violations including torture, ill-treatment, arbitrary arrest and detention, and arbitrary and summary execution.
- (3) Because of the lack of public trust and the dubious need for an "investigative" office to carry weapons during the course of their duty, SHIK agents should not be allowed to have guns.

²¹Mr. Elez Biberaj, Director of the Albanian Service of Voice of America, his wife, Kadire, and two other passengers were injured on September 18, 1991, when their automobile was forced off the road by an unidentified vehicle just north of Tirane. Many persons have alleged that the incident was intentional, carried out by agents of the *Sigurimi* in light of Biberaj's work with Voice of America. The Director of SHIK claimed that SHIK assisted the police with the investigation of the incident and that a suspect had been located. The case was still under investigation at the time of the Minnesota Lawyers Committee's visit.

²²Interview with Irakli Kocollari, *supra*.

B. Access to Information

1. ***Sigurimi* files.** Many Albanians are concerned that SHIK, or *Sigurimi*, continues to maintain records on individuals. Director Kocollari admitted that files on individual Albanians are being kept for "archival purposes." According to Kocollari, one must get authority from the President and the Prime Minister to gain access to the *Sigurimi* files.

No consensus has emerged in Albania yet as to whether the *Sigurimi* files should be opened. Even former political prisoners are uneasy at the suggestion that *Sigurimi* files be made public. A former political prisoner in Shkodra stated his belief that persons persecuted by the prior government would not want to see their files because they understood that witnesses testifying against them were also abused by the *Sigurimi*. Another ex-prisoner said that there were at least 50 persons implicated in wrongdoing in connection with his eighteen years of imprisonment for political reasons. To open all political files might therefore uncover tens of thousands of collaborators in human rights violations, a revelation which could prove devastating to the fragile political system.

Some interviewees expressed their belief that many *Sigurimi* files have been destroyed already to protect the collaborators of the former government. The files are highly secret. Former diplomat Abdi Baleta said that even though he had been a member of the Party of Labor and part of the diplomatic corps he had never been allowed to see his own dossier.²³

Recommendations:

(1) Whether or not the *Sigurimi* files should be opened is a question for public discussion in Albania. In any case, control over the files should not be left to SHIK, the successor to the *Sigurimi* which is controlled solely by the President. SHIK and its agents and collaborators have the greatest interest in keeping the files secret or even destroying the files to prevent inquiry into past human rights violations.

(2) At a minimum, the files should be placed under secure and impartial control until a constitutional government determines their fate.

2. **Political Prisoners and Internees.** In the 45 years prior to 1990, tens of thousands of Albanians were sentenced to prison or interned in cooperatives for political crimes under the governments of President Enver Hoxha and President Ramiz Alia. Although all surviving political prisoners are believed to have been released, and internees no longer have to report each day to their keepers, these long-suffering individuals and their families have few options. Deprived of their homes, their jobs, and education, these prisoners are now part of "the big prison" -- worse off even than the remainder of Albania's poverty-stricken population. Because they have no housing or jobs to which to return, many internees remain

²³Interview with Abdi Beleta, in Tirana, Albania (October 12, 1991).

in their work camps in Plug, Gradisht, or Sara, far from their original communities.

On October 1, 1991, the Peoples' Assembly adopted a law declaring innocent all persons who had been interned or imprisoned for convictions involving agitation, propaganda, and anti-government activities under Articles 53, 55, and 57 of the Albanian Penal Code,²⁴ or for trying to escape the country. See Appendix 1.

²⁴Article 53 of the Albanian Penal Code of 1982 stated:

Sabotage

Activity or inactivity to weaken or undermine the operations of the state and the Albanian Party of Labor, the socialist economy, and the organization and administration of the state and society is punishable:

by deprivation of liberty for not less than ten years
or by death.

Article 55 provided:

Agitation and Propaganda Against the State

Fascist, anti-democratic, religious, war-mongering, and anti-socialist agitation and propaganda, as well as the preparation, dissemination, or possession for dissemination of literature with such content, in order to weaken or undermine the state of the dictatorship of the proletariat is punishable:

by deprivation of liberty for a period of from three to ten years.

If these acts have been committed in wartime or have caused particularly grave consequences, they are punishable:

by deprivation of liberty for not less than ten years or by death.

Article 57 provided:

**Creation of a Counterrevolutionary Organization or
Participation in it**

The creation of an organization with a fascist, anti-democratic, and anti-socialist character or participation in it to commit crimes against the state is punishable:

by deprivation of liberty for not less than ten years or by death.

An example of the way in which these crimes were prosecuted by the former Albanian government is as follows:

In 1978 three prisoners had written letters to the Central Committee of the Albanian Party of Labor urging them to disavow First Secretary Enver Hoxha because of his strange foreign policy relationship with China and the U.S.S.R. Two of the inmates urged the Central Committee to change the policy course toward the U.S.S.R. and the third inmate wrote urging them to move toward foreign relations with the United States.

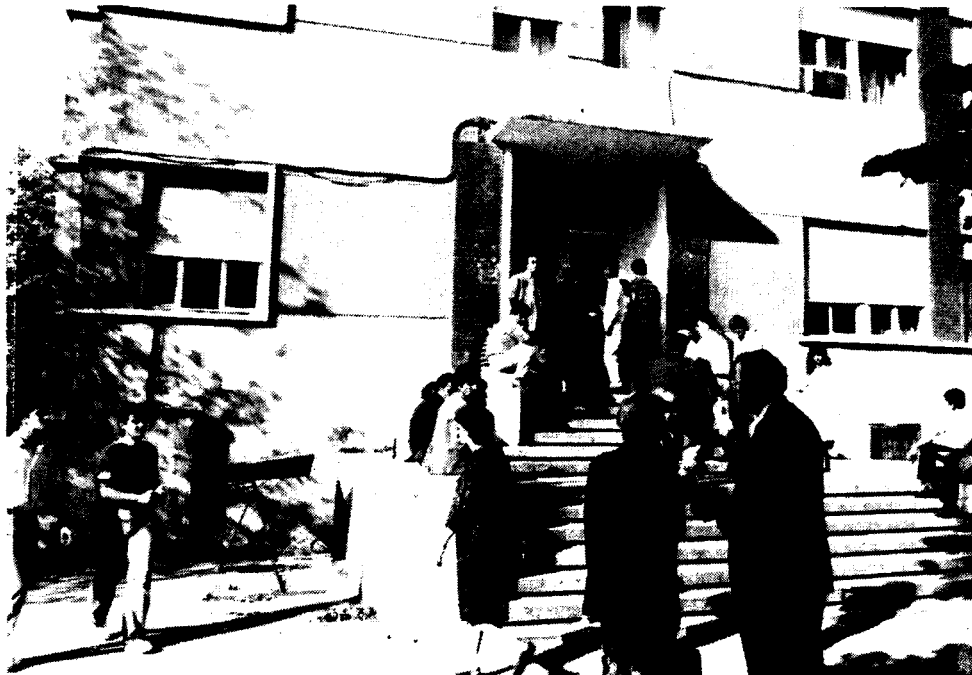
According to the person we interviewed, Albanian government officials wanted to be able to execute these three prisoners for the expression of their political beliefs. They decided to prosecute under Article 57 of the Penal Code under which it was a capital crime to create a "counter-revolutionary organization." To convict they needed a conspiracy, so officials fabricated a "revisionist" and "nationalist" organization and identified several friends of the letter writers to be members of this organization. The government held the trial at the Tirana Prison in 1979. The three persons who wrote the letters were sentenced to the death penalty. The interviewee was convicted of being a conspirator and resented to ten more years.²⁵

Persons persecuted by the previous government under these laws now may receive certificates acknowledging their innocence and entitling them to compensation, to the extent available, for property expropriated by the government. *See* Appendix 1. This legislation was the result, in part, of pressure from a hunger strike in September 1991 by 50 former political prisoners. The Society of Ex-Political Prisoners sponsored the hunger strike.

The amnesty declared in the October 1990 declares innocent only those individuals convicted under Articles 53, 55, 57 or for trying to escape the country, Albanian Penal Code, Article 47(g) and (j). Those persons unfairly convicted of other political crimes such as espionage, treason or diversion, have been pardoned but not declared innocent. Under the amnesty this group of political prisoners have been deprived the right to review their convictions. They are therefore not entitled to material and moral compensation for their false convictions.²⁶

²⁵B. Frey, Interview Notes (October 10, 1991).

²⁶Letter from the Forum for the Defense of Human Rights and Fundamental Freedoms to the Minnesota Lawyers International Human Rights Committee (February 9, 1992).



Albanians gather around the entrance to the government building where they applied for certificates entitling them to compensation for years of internment or imprisonment.

The Minnesota Lawyers Committee delegation accompanied former political prisoners and internees in their efforts to receive such certificates. The process was a cumbersome one, and intimidating for those who had spent years at the mercy of government officials. The following description about a former internee who tried to get her certificate corrected shows the inhospitable climate a petitioner still faces:

On October 11, I met with Zana concerning her attempt to have the papers concerning her internment changed. All people who had been interned may now request a certificate recognizing their status and entitling them to some government benefits. Zana had requested such a certificate for herself, her mother, and her two daughters. The certificates Zana received were generally accurate but Zana's certificate contained a significant error. Despite the fact that Zana had been interned for 16 years, the certificate listed the period of her internment as only five years.

Zana went to the Ministry of Public Order to have the certificate changed, and was told to return at 2:00 p.m. I accompanied Zana to this appointment. We did not go directly to the Ministry, but to a small building across the street in which a single official was working in a small office. We were told that the official responsible for the certificates could not see Zana that day, despite the fact that Zana had been told to go to the office at this particular time.

When we protested that fact, Zana was finally able to talk to the responsible official. The official told her that he would make the change and she should come back at a later time to pick up the corrected version. Zana requested that she be able to remain in the office and receive the correct certificate that day. While we waited in the corridor, we encountered an ex-political prisoner who was requesting information about the remains of a relative who died in prison. This man did not gain access to the Ministry official while we were at the office. We also encountered Xhevdet Sakaj, who had been the superintendent of one of the prisons in which Zana's husband had been held. After a half hour wait, an official returned (from across the street at the Ministry) with a new certificate for Zana which correctly listed Zana's period of internment as 16 years.²⁷



Former internee displays certificate entitling her to benefits in compensation for years of political persecution by the Albanian government.

Former political prisoners and internees also have a difficult time gaining access to their files and personal belongings:

Fatos explained to us that he had recently been to the Ministry of Justice to

²⁷Interview with Zana Lubonja, political prisoner, in Tirana, Albania, (October 11, 1991).

request that they give him the writings which had been seized by the police as the basis for his arrest in 1973. The Ministry of Justice sent him to the Court of Tirana. The Vice President of the Court of Tirana told him that the materials were not in the court but in the Ministry of Public Order. Fatos voiced concern that the writings may have been destroyed like the paintings of a fellow prisoner.

At approximately 8:30 a.m. on October 11, 1991, I accompanied Fatos to the Ministry of Public Order where he had been told to inquire about obtaining his writings. Fatos was supposed to ask for Spiro Budo, the Director of Administration for the Ministry. Fatos seemed wary of approaching the entrance to the Ministry directly. There were several armed guards, and we were told later that people are rarely permitted entry to the Ministry building. After several shouted inquiries concerning the party we were supposed to meet, we eventually spoke with several people across the street from the Ministry, including the Director of Prisons, Edmond Caja. Caja offered to assist Fatos. Fatos told me that Caja had been the superintendent in one of the prisons where Fatos had been held. He said Caja is one of the government officials responsible for the killings of three political prisoners in 1984 in Qafa e Barit Labor Camp.

A woman was sent inside to inquire about Fatos's file. After approximately a 15 or 20 minute wait, an official of the Ministry of Public Order came out of the building and talked to Fatos on the street outside the Ministry. Fatos introduced me. The official chided Fatos in Albanian and said that his bringing me showed he did not trust them implying that, in the past, officials had been constrained to fulfill orders but now acted independently. He said it was not good that Fatos brought me.

The official told Fatos that he would be able to receive a copy of his writings which were seized, but that the Ministry would keep the originals of these documents. Fatos was told that he could stop by to pick up the documents in several days. Fatos tried to convince the official that he should receive the original of his writings and that a copy could be kept in the file. The official did not seem receptive to this idea. The matter was left with Fatos agreeing to return in several days to see if the materials had been copied.²⁸

In addition, current law still permits internment or exile as a criminal punishment, although

²⁸P. Hicks, Interview Notes (October 11, 1991). Fatos later informed the Minnesota Lawyers Committee that he received only about 150 pages of his writings, which were typewritten. The handwritten notebooks had been destroyed.

the Minnesota Lawyers Committee was told that this provision is no longer used.²⁹ Under Law 7388, "preventive means" may be used against persons who "endanger public order". More specifically, the law provides that those who "commit a criminal offense which is not a crime, but is incompatible with proper behavior and social morality" or "whose behavior in society shows that they could commit a crime..." may be subjected to internment "in a district or a state farm or an agricultural cooperative." The delegation was told that law 7388 remains in effect but is not used by police, because it is counter to "democratic developments" in Albania.³⁰ The law's reference to crimes contrary to social morality was explained as including offenses such as public intoxication, verbal insults, and violating the "laws of good behavior".³¹

Recommendations:

- (1) Former political prisoners and internees have been exonerated but can never be fully compensated for the deprivation, pain, and anguish that they suffered due to human rights violations by the Albanian government. The government should make every effort to redeem past violations by providing economic, social, and cultural opportunities for persecuted persons.
- (2) All former prisoners and internees should have full and immediate access to files concerning their criminal cases that are in the hands of the government.
- (3) The certificates entitling persecuted persons to compensation should be distributed by a neutral agency instead of the Ministry of Public Order, which is in essence the same governmental agency that was admittedly responsible for their political arrest and persecution.
- (4) Those persecuted in the past should be compensated through priority access to jobs, housing, education, and financial compensation for the years of suffering they endured.
- (5) Articles 26 and 27 of the Penal Code, which permit exile and internment as criminal punishments, should be revised to eliminate such sentences.
- (6) Law 7388 which permits the use of "preventative means" against persons who "commit a criminal offense, which is not a crime, but is incompatible with proper behavior and social morality" or who "could" commit a crime should be repealed.

²⁹Interview with Bajram Yzeiri, Minister of Public Order, October 10, 1991.

³⁰Id.

³¹Interview with the Vice President of the Supreme Court, at Civil College (October 9, 1991).

3. Unidentified common graves. Prior to the amnesty of political prisoners in 1990 and 1991, the Albanian government rarely allowed prison officials to release political prisoners before the end of their sentences.³² Furthermore, the government forbade prison officials from notifying families about the death of a relative who was in prison.³³ Others interviewed said that they law prevented notification only until 24 hours after burial of the prisoner. Families therefore did not have the opportunity to give a proper burial to political prisoners who died during incarceration.

Before 1990, the government routinely buried the bodies of deceased prisoners with little or no identification in common graves alongside the prisons. In some cases, such as Ballsh prison, a slip of paper containing the deceased's name was enclosed in a glass bottle in the grave.³⁴ With the passage of time, water seepage likely has disintegrated many of the name tags. Ballsh had a large common grave because it had many elderly political prisoners who died during their period of incarceration.³⁵

Now that political prisoners have been released, many families are requesting that they be allowed to give a proper burial to their relatives. According to former political prisoners and human rights advocates, the government has attempted some excavations, but it has been very difficult to identify bodies.

Recommendations:

- (1) There should be a complete government investigation concerning the mass prisoner graves. Prison and *Sigurimi* records should be used to identify the whereabouts of individuals who died in prison.
- (2) The government should hold public hearings to hear the concerns and wishes of the families of these disappeared prisoners.
- (3) If the family requests an exhumation to identify and to claim the remains of a relative who died in prison, the government is responsible for carrying out the request. In these

³²In 1982, 1986 and 1989, the government declared amnesties releasing those prisoners considered "less dangerous," while reducing the sentences of others by one-fourth of the remaining time. Letter from Forum for Human Rights and Fundamental Freedoms (February 9, 1992).

³³Interview with Edmond Caja, General Director of Prisons Administration and Lek Ymeri, Director of the camp, in Tirana Reeducation Camp (October 10, 1991).

³⁴Interview with Forum for the Defense of Human Rights and Fundamental Freedoms, in Tirana, Albania (October 10, 1991).

³⁵*Id.*

cases, the government should seek advice and assistance from international experts at the United Nations, and other international forensic institutions in excavating gravesites.

(4) At a minimum, the government should publicly acknowledge the criminal nature of the past practice of anonymous mass burial of political prisoners and should accommodate families of relatives in their need to create personal, private memorials for their deceased relatives.

4. Television and Radio. Albanian radio and television is publicly operated and has limited programming. Television programming generally runs from 6:00 p.m. to 10:00 p.m. Many individuals interviewed by the delegation complained about the Socialist control of the television and radio stations. For instance, in January 1991, Professor Abdi Baleta participated in a series of programs on television with two other law professors regarding a draft Constitution proposed by the government of President Ramiz Alia. The professors were quite critical of the draft, suggesting that it was still written in the spirit of the previous communist Constitution. Because the television producers were not pleased with the course of the discussion, they stopped the programs.³⁶

The Opposition complained about its inability to gain access to the media, especially television and radio, during the March 1991 election campaign.³⁷ One of the objectives of the Society of Ex-Political Prisoners is to take television and radio programming out of the hands of the Socialist Party.³⁸

Albanians are now allowed to view foreign television openly, including Italian and Yugoslavian programs. Even the women prisoners at the Tirana Reeducation Camp were watching an Italian television program at midday during the delegation's visit. This opening in government policy provides some options for television viewing, but does little to provide fair coverage of Albanian issues and events.

Recommendations:

(1) Individuals and private entities should have equal access to transmission of

³⁶Interview with Abdi Baleta, Deputy of Parliament, in Tirana, Albania (October 12, 1991).

³⁷NDI REPORT *supra*, at 29-30; COMMISSION ON SECURITY AND COOPERATION IN EUROPE, REPORT ON THE HELSINKI COMMISSION DELEGATION VISIT TO HUNGARY, YUGOSLAVIA, AND ALBANIA (DeConcini), (March 22-28, 1991), at 19-22, hereinafter cited as [CSCE REPORT].

³⁸Interview with members of the Society of Ex-Political Prisoners, in Tirana, Albania (October 9, 1991).

programming on television and radio. The government and the public stations should not control access to programming based on political content.

(2) The government should encourage the free exchange of ideas through television and radio. The establishment of independent competitors to the existing TV and radio stations will ensure this free exchange.

C. Prisons

1. **General Overview.** Under the Albanian Party of Labor, Albania had a large network of prisons designed to hold thousands of political prisoners in addition to ordinary criminals. According to the Director of Prison Administration, in October 1991 there were 1,093 persons in Albanian prison.³⁹ Interviews confirmed that all prisoners convicted overtly for political crimes, such as crimes defined in articles 53, 55 and 57 of the Albanian Penal Code⁴⁰, have been released from prison. Human rights advocates and the Supreme Court are still reviewing convictions of those in prison for "ordinary crimes" to ensure that the convictions did not mask political persecution. These organizations are also reviewing whether convicted individuals had enough due process protections to justify their ongoing imprisonment. The government is also considering general amnesty for all prisoners sentenced before the Law on Advocacy.

There are eight operational prisons, the largest prisons being Lezha, with 233 prisoners, and Kazaje, with 250 prisoners.⁴¹ Burrelli Prison, which formerly held political prisoners, now houses approximately 30 ordinary prisoners.⁴² In mid-1990, the government closed Qafa e Barit Prison. In the beginning of 1991 it closed Batra and Ternova Prisons; in April 1991, it closed Spac Prison. The Tapelena and Tirani Prisons have also been closed.⁴³ There are seven juveniles between the ages of 14 and 18 who are in prison.⁴⁴ Under Albanian law, there is a school of reeducation for juveniles, but juveniles can also be sent to prison between the ages of 14 and 18. They are to be separated from adults. The maximum sentence for

³⁹Interview with Edmond Caja, General Director of Prisons Administration, in Tirana, Albania (October 9, 1991).

⁴⁰See footnote 24 *supra*.

⁴¹Interview with Edmond Caja, *supra*.

⁴²*Id.*

⁴³*Id.*

⁴⁴*Id.*

children is 12 and a half years, or one half the maximum adult sentence.⁴⁵

The Minnesota Lawyers Committee delegation met with Edmond Caja, General Director of Prisons Administration, who is in charge of the transitory period of reorganizing prisons. Caja was formerly the supervisor of Qafa e Barit, a political prison. Caja told the delegation that changes have been made to improve relations between prisoners and staff. According to Caja, the primary make-up of prison staff has shifted from military to civilian personnel.

Prison administrators claim that they have increased visits between prisoners and their families. They acknowledge, however, that prisoners are only allowed a 10- or 15-minute visit with family members every two weeks and a conjugal visit only once a month. Limitations on correspondence have been removed.⁴⁶

There are five labor camps operating in Albania, in which inmates may do agricultural and construction work. All mining camps have been closed because of the inmates' unwillingness to work in these dangerous jobs. According to Caja, the prisoners currently are choosing not to work because work has been deemed voluntary and there is little pay.

Caja stated that he is trying to restructure prisons to provide education to inmates, among other reforms, but little funding is available. Given the general situation of food shortages and poverty in the country, there is little commitment to improving conditions at the prisons.

Albanian law still provides that prisoners who attempt to escape should be shot on sight. The punishment for disciplinary infractions by inmates is to be placed in isolation cells approximately two by three meters. Prisoners in isolation have the same food as ordinary prisoners. They are also eligible for up to two hours outside each day, at times when the other prisoners are not outside. The approximate duration of isolation is ten days.⁴⁷

Caja and Ymeri are seeking to separate the prison system from the supervision of the Ministry of Public Order. They claim that the Ministry of Public Order is too centralized and has a vested interest in keeping people in prison. The Minister of Public Order is not a cabinet-level position and therefore remains insulated from public scrutiny through the People's Assembly. The prison officials claim they are more sympathetic to the prisoners, seeking case reviews or amnesty for those who were imprisoned without defense attorneys. The prison officials want their activities to be controlled by the Ministry of Justice.

⁴⁵*Id.*

⁴⁶*Id.*

⁴⁷Interview with Edmond Caja, *supra*.

2. Conditions in the Past. Before the political opening in 1991, prisons operated to punish the prisoners and keep them isolated from the public. There was no attempt to rehabilitate prisoners and severe oppression was common. The government did subject political prisoners to political reeducation; they received different lectures than the ordinary prisoners. All prisoners, however, were considered to be opposed to the government. The primary purpose of the detention of political prisoners was to make their conditions as uncomfortable as possible.⁴⁸

The line of authority under the prior government descended from the Albanian Party of Labor to the Minister of Internal Affairs to the prison directors.⁴⁹ There were no laws regarding the treatment of prisoners existed; the Minister of Internal Affairs promulgated some rules, but these were changed frequently. The rules were quite precise, giving no discretion to the prison directors regarding how many minutes were allotted for family visits, what food was given, or how many hours of daylight prisoners were to receive. Prison officials complained that they had to function as "robots", with no discretion. Prison officials were even afraid to acknowledge good behavior by a political prisoner for fear of retribution by the authorities.⁵⁰

3. Tirana Reeducation Camp. On October 10, 1991, the delegation visited with the warden and women's warden of the Tirana Reeducation Camp, and toured the facility. The Tirana prison houses 30 women and 103 men, who are apparently all prisoners convicted of ordinary crimes. The warden, Lek Ymeri, had served for three months. Ymeri had been in corrections for 17 years, working previously in the Ministry of Internal Affairs. Ymeri was one of the few older employees selected by Caja to remain in corrections. The women's warden is Tatjana Milo. According to Caja, all prison wardens have been changed since the 1991 elections. Most of the wardens and prison guards over age 30 were released or retired. Ymeri stated that the guards at the Tirana facility were no more than 26 years old.

Caja and Ymeri were reticent to allow the delegation into the facility, claiming that the prisoners had received so many visits from international observers that they "felt like cattle" on display. After some discussion the officials agreed to allow the delegation to see both the male and female sides of the prison.⁵¹ Despite the officials' protestations, Caja admitted that Tirana Reeducation Camp is one of the best prisons in the country.

⁴⁸Interview with Lek Ymeri and Edmond Caja, *supra*.

⁴⁹*Id.*

⁵⁰*Id.*

⁵¹Prisoners seemed eager to meet and talk to the delegation, contrary to the impression promoted by the prison officials.



Women prisoners, Tirana Prison.

All female prisoners in the country are currently being held in the Tirana camp. Their prison area consists of four large rooms surrounding a courtyard. The women sleep in one room in rows of bunk beds, each allotted a mattress, sheets, and blanket. A separate living area contains a small library. The kitchen has two stoves. Three female prisoners cooking in the kitchen showed us the inmates' noon meal -- some meat and dark noodles. The cooks told us that they gave each prisoner 4.5 grams of meat. The fourth room is a dining area with approximately 10 tables set with plastic tablecloths and folding chairs. The dining room has a television set which was tuned in to an Italian program when we were there. Laundry was hanging on lines in the open area. The women at the Tirana camp work for minimal wages by restuffing mattresses. One of the women prisoners had her infant daughter living with her. Prison officials said that the child would be able to live with her mother in prison until she was three years old.

We were able to speak briefly to the women who acknowledged quite freely that conditions had improved significantly under the new prison director. Their primary complaints were about the length of their sentences, which were all for non-political crimes such as murder and theft.

One delegate visited the men's side of the Tirana camp, and reported that conditions were similar to the women's side. The men's quarters were much more crowded and dirtier than the women's side, however. The kitchen area smelled like rotten food and flies covered the loaves of bread stacked in the kitchen.



Women prisoners at the Tirana Prison work for minimal wages by restuffing mattresses.

Recommendations:

- (1) The "shoot on sight" law for escaping prisoners should be repealed immediately.
- (2) Prison conditions should comply with the U.N. Standard Minimum Rules for the Treatment of Prisoners⁵², with special attention given to the provision of adequate food, exercise, medical services, contact with the outside world, education, and recreation. Material improvements should be made to the prison facilities and provision of food,

⁵² Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 30 Aug. 1955, approved by the United Nations Economic and Social Council resolution 663(C) (XXIV), 13 July 1957, amended by E.S.C. res. 2076 (LXII), 13 May 1977.

clothing, and shelter.

(3) Punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offenses.⁵³

(4) The sentences of all ordinary criminals still in prison who were convicted prior to November 1, 1990, should be reviewed to see if they comply with international standards of due process, fair trial, and proportionate sentencing.

(5) No juveniles under the age of 18 should be in adult prisons.



Kitchen, Tirana Women's Prison.

⁵³*Id.*, article 31.