

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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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.