

## **Albania 1997: Politics and Purges**

Just over 100 days have passed since the sitting of Albania's new parliament, after the controversial elections of June 29th delivered more than two-thirds of the seats to the former-communist Socialist Party and its small partner parties. The elections were announced three years early by then-president Sali Berisha in attempt to put an end to unrest that had gripped the country since February, after protests over the failure of pyramid investment schemes in the south turned into an all-out armed rebellion against the then-Democratic Party led government.

The June 29 balloting was held in the presence of a 7,000-strong Italian-led multinational military force under the authority of the Organization for Security and Cooperation in Europe (OSCE). But the hundreds of thousands of high-powered weapons that had been looted by civilians from military bases abandoned by the army in the chaos remained in circulation and cast a shadow over the entire electoral process. The electoral campaign was neither free nor fair, with the southern third of the country in control of armed rebel gangs politically affiliated with the Socialist Party and its allies in the opposition. Many of these rebel gang leaders subsequently ran as candidates of the former opposition parties; several are now members of parliament. Candidates from the Democratic Party were prevented from campaigning in the south by the rebel gangs. President Berisha himself was the victim of two assassination attempts during the campaign, and five of his bodyguards were ambushed and killed as they attempted to make one rebel-held town safe for a campaign appearance by the president.

The election itself was marred by widespread political violence and intimidation, which culminated in the shooting death of one Democratic Party electoral commission member by a Socialist Party supporter. The rebellion in total cost an estimated 2,500 lives. The largest of the international election monitoring organizations, the OSCE, sent its teams through much of the country (though several areas it had deemed inaccessible due to continued violence and instability). Shortly after the polling, the OSCE declared that the elections, while not to be considered "free and fair," could be considered "adequate and acceptable" under the circumstances.

The British Helsinki Human Rights Group sent several teams of observers to the June 29 polls, and it had sent investigative teams to Albania on two separate occasions during the unrest in February and March of this year. As part of its long-term monitoring effort of Albania's political and human rights situation, the Group embarked on another investigative mission to Albania in October to assess the state of the state 100 days into Socialist Party rule.

### **Socialist governance**

Upon assuming power at the end of July, the Albania's Socialist government faced several national crises that demanded immediate attention. The country's military had essentially dissolved in the wake of the violence in the south, civilians had looted several hundred thousand powerful weapons and an estimated 1.2 billion rounds of ammunition, an economy that had experienced several years of rapid growth was decimated, and for the first time since the fall of communism in 1991 Albanians were facing the possibility of food shortages.

The new government, led by former professor of Marxism-Leninism Fatos Nano, promised a quick restoration of public order through the rapid acquisition of illegally-held weapons, an economic recovery program, and sweeping reform in all areas of public administration.

In his July 28<sup>th</sup> presentation of the Socialist Party governing platform, Nano announced that "institutional reform (is) the only road for the reconstruction and functioning of a democratic and legal state." To those who feared revenge from the party born of Enver Hoxha's totalitarian Party of Labour, Nano assured the population that "the administrative reform does not aim at political purging or dismissal of employees on the basis of party-militant criteria, but the objective, conformed to the law, will be the construction and structuring of a modern public administration." Nano promised that meritocracy would determine positions in public administration rather than party membership or preference.

In practice, however, the transition to Socialist rule has been quite different. From the first moments of the Socialist Party's accession to power Albania has seen a politically-motivated purge reaching deep into

public administration and threatening to derail that nation's fragile democratic institutions and even plunge the country back into chaos. From the judiciary, to academia and culture, to the military and the intelligence service, to the ministries and beyond, the first hundred days of the Socialist government in Albania have been marked by a sweeping revenge against those perceived to be its political opponents.

Indeed, even the process of disarming the civilian population itself, which should have been a simply matter of public order, took on political tones, as newly-appointed Interior Minister Neritan Ceka announced on July 30 that "the disarmament of the population will start with the Democratic Party".

The following is an overview of the purges that have taken place in the first hundred days of Socialist Party rule.

### **Judicial independence faces early challenges**

The judicial system in Albania has attracted considerable attention from Albania's Socialist government since its election in June. Much of this "judicial reform", however, should be some cause for concern to international observers.

Albania's justice minister, Thimio Kondi, announced shortly after taking up his post in late July that all courts in Albania would be shut down for one month and that all trials in progress would be suspended for that period. Kondi ordered all judges to take a one month "vacation". Opposition parties at the time criticized this order as a flagrant violation of the independence of the judiciary by the executive.

During this "vacation" period, Kondi initiated mass dismissals in his own justice ministry, demanding on August 5th, contrary to the law on civil service, that all office directors submit their resignations. Additionally, approximately thirty prosecutors were fired, including the chief prosecutor of Tirana and his deputy. Opposition parties have charged that the courts were closed while dismissals were taking place in the judiciary to prevent those dismissed from taking legal action.

The most serious action taken with regard to the judiciary was the August 27, 1997 amendment to the Law for the High Council of Justice. As the body which appoints or dismisses judges and prosecutors, the High Council of Justice is particularly powerful and sensitive. Under the previous government, nine members of the 13 member council (70 percent) were elected by fellow judges and prosecutors via secret ballot.

In August, on the proposal of the Albanian president, who also acts as president of the High Council, the proportion of seats elected by judicial peers was reduced to just 38 percent. Under the new law, a majority 62 percent of the members of the High Council of Justice are selected by parliament, which enjoys a two-thirds Socialist majority. This amendment clearly muddies the waters between the judicial and legislative functions of government.

In his review of the first 100 days of Socialist governing, Prime Minister Nano singled out judicial reform as one of his government's main achievements thus far. He specifically mentioned "the improvement of the way of creating the High Council of Justice," citing that parliamentary election of these Council members was a "more democratic the way of appointing these members, the more guaranteed is the independence of the juridical power." The Council of Europe has criticized the changes, citing the necessity of a clear balance of powers.

The new members of the High Council of Justice are unmistakably politically-oriented. New Council member Perparim Sanxhaku, for example, was Prime Minister Fatos Nano's defence attorney when he was convicted of misappropriating Italian humanitarian assistance. Another new Council member is Dashamir Kore, a former justice minister during the communist period. In all, just five members of the 13-member Council are judges by profession. The Council of Europe has also expressed its view that the majority of the members of this Council should be judges by profession.

Former Chairman of the Tirana Courts, Qazim Gjonaj, who was interviewed for this report, was himself a victim of the Socialist government's "judicial reform." According to Gjonaj, he was dismissed by the new High Council of Justice without a hearing or any evidence of wrongdoing. As one who has publicly criticized the Socialist government's judicial reform in Albanian newspapers, Gjonaj was asked in the course of our interview whether any Western embassy, human rights organization, or journalist had inquired into his case

or those of his colleagues similarly dismissed. He replied that we were the first Western organization to show interest.

Unfolding as this report was being prepared is another alarming development in the current government's move to "reform" the Albanian judicial system. In late October the Constitutional Court ruled that article 7 of the law covering non-banking money lending institutions, which provides government auditors broad access to financial records, was unconstitutional. The case was brought by the VEFA company, which sought to prevent auditors from what it claimed was "unlimited access" in the company's internal financial affairs. The Constitutional Court agreed and struck down the article.

This decision was heavily criticized by Justice Minister Thimio Kondi, who called the Constitutional Court "a destructive force." Less than a week later, after the Court was fiercely denounced by Socialist Party leaders in the party organ 'Zeri i Popullit', Parliament decreed that three justices were to be suspended. Shortly thereafter the Court ruled that Parliament had acted outside its authority in suspending the justices, leaving the situation at present as one of a stand-off between Parliament and the Constitutional Court. The independence of the judiciary hangs in the balance.

### **Local government comes under fire**

In his August 18th meeting with representatives of local government, Prime Minister Fatos Nano pledged cooperation and coexistence between national and local elected bodies. This is a significant pronouncement, as the vast majority of local government leaders represent the opposition Democratic Party and were elected in the undisputed local elections of last October.

Unfortunately, however, this atmosphere of cooperation has not been achieved in practice. Contributing to the growing tensions between national and local government are the repeated calls by the interior minister and the speaker of parliament for new local elections as soon as possible. There are no legitimate legal reasons for the public call for early local elections, and for high-ranking government officials to repeat these is a destabilizing factor.

But tensions between local and national governments extend further. One major reason for these tensions is financial. According to Albanian law, passed with the consultation of Western governments during the Democratic Party-led government, local tax revenues collected by local authorities should go to those local authorities. According to Tirana City Council Democratic Party faction leader Njazi Kosovrasti, central government is not releasing the required level of local revenue to local authorities.

In addition, local government leaders in Lushnja, Fushe-Arrez, Rubik, Puka, Saranda, Skrapar and elsewhere have complained of politically-motivated attacks and maltreatment.

On October 29th, Prime Minister Nano announced that 420 state employees working in local-government civil service were to be replaced. There were no specific charges made against these civil servants, just the announcement of their imminent dismissal. The parties representing the majority of elected local officials see this mass dismissal as running contrary to the 1996 law on the civil service.

### **Information and the media face new controls**

In the early days of the Socialist Party's accession to power, the Albanian state-owned television radio and television saw a number of significant changes. On August 5th, the new parliament decided to name ten additional members to the Governing Board of the state radio and television. Opposition parties claimed that the ten candidates proposed by the government were strong supporters of the Socialist Party and its allies. With the board thus transformed, it soon voted to replace, before his mandate had expired, the director general of the state TV and radio with a director of its own choosing, boosting opposition claims of a political motive for augmentation of the Governing Board.

The Democratic Party has subsequently released well-documented complaints detailing its lack of access to the state television and radio and the deliberate manipulation of what little does appear on the opposition in the state media.

On August 20th, former Speaker of Parliament in the Democratic Party-led government Pjeter Arbneri began a hunger strike in attempt to force the state television and radio to provide fair access to the opposition parties. Three weeks into his strike, after Arbneri slipped into a coma, parliament passed an amendment to the radio and television law guaranteeing a level of access to each party comparable to its share of the vote. After claiming that state television was not adhering to this amendment, four members of the Democratic Party staged a second hunger strike on October 23rd to attempt to force the state media to respect this amendment. After a week, another compromise was reached over media coverage, but opposition parties still complain of being denied access to television and radio.

The current opposition press has complained since March that they have been denied access to the southern part of the country by the rebels that seized control of those areas. This has caused considerable financial damage to the papers, it is claimed. After several complaints to the current government over this lack of access, Interior Minister Neritan Ceka appeared on television claiming that the papers were unavailable in the south simply because "the people don't want them."

On August 21st, Mujo Bucpapaj, political editor of the Democratic Party Newspaper, Rilindja Demokratike, was shot by a passing car in Tirana's main square. Bucpapaj had been attacked in the pro-government newspapers for several months leading up to the shooting. Three witnesses have testified that the assailants' car was a police vehicle.

The editor of the independent, opposition-oriented newspaper Albania, interviewed for this report, has indicated that distribution of his paper in the south has improved recently. According to the editor, the improvement in distribution to the south runs parallel with a general improvement in public order in the country.

Ironically, it is a recent statement of the head of one of Albania's human rights organizations, the Albanian Helsinki Committee, that has caused serious concern for the opposition newspapers.

On September 25th, Albanian Helsinki Committee director, Arben Puto, in a press release carried on state television, called for the prosecution of the newspaper Albania for an editorial it had run the previous day. Unusual for an organization whose raison d'etre is to champion, among other things, free expression, the Albanian Helsinki Committee released a statement condemning the newspaper Albania for printing an article written by political scientist Dr. Hysramedin Feraj entitled "Independence is sacred."

According to Puto, the article breaches the "people's unity, it is a clear case of ethnic hatred and (the Albanian Helsinki Committee) considers it a duty to reiterate that it comprises clear elements for a penal act, as referred to Article 265 of the Penal Code." Puto called for a popular response against the Albania newspaper, stating that "a pronouncement of wider circles of the opinion will be more effective than a penal sentence." Immediately after this unprecedented denunciation by the Albanian Helsinki Committee, both the newspaper Albania and the author of the article reported receiving threatening telephone calls. Disturbingly, the Albanian Helsinki Committee received a \$30,000 grant from the US government last year, through the Agency for International Development.

The editor of the newspaper Albania also complained of receiving regular threatening telephone calls, and bomb threats have caused several evacuations of the newspaper's office. In addition, the editor complained of suddenly erratic telephone service and the tell-tale clicking of a telephone line tapping device.

### **Forced resignation in the foreign ministry**

The foreign ministry has seen large-scale replacement of both its high-ranking diplomats and its lower-level employees. In contrast with the policies of the previous government, the Socialist-led government has issued blanket dismissals to broad layers of foreign ministry employees. In early September, Foreign Minister Paskal Milo announced that all ambassadors to European countries, the United Nations, and the United States, along with embassy staff, were to be dismissed and should report back to Tirana by September 20th. This was followed, as is legally required, by a decree from the president releasing 23 ambassadors and 80 embassy staff. According to the government, these individuals were being released owing to the "resignation of some ambassadors, nonconformity between the activity of some ambassadors with the status of the diplomat and with the termination of their mandate in the diplomatic representation." Sources inside the foreign ministry have reported, however, that these posts are being filled with the ranks

of the Socialist Party faithful. As in the defence ministry, most of the embassy staff dismissed have participated in diplomatic training courses abroad, including at the US Foreign Service Institute.

The move to oust embassy staff and ambassadors followed similarly sweeping dismissals within the ministry itself. One diplomat interviewed for this report outlined several methods used to purge the ministry of those employed under the previous government. One method is forced resignation. In September, all department directors were advised by the foreign ministry that they were to resign their posts immediately. According to sources we interviewed, this move goes against legal process of replacing directors, who are appointed and dismissed by the prime minister. Some of those who submitted resignations were retained by the ministry, which calls into question the possible motives for requesting mass resignations. Of those political department directors, it was reported that the majority who were retained had been working in the ministry before the Democratic Party came to power in 1992.

The foreign ministry has also initiated a new testing procedure which some say is being used to eliminate the politically undesirable from ministry ranks. Those tested are not new recruits, but in fact ministry professionals who have already passed the required admissions and testing procedures for a foreign ministry post. We interviewed several individuals from non-politically-sensitive posts who had been removed (or in many cases demoted) by the new test. Critics have pointed out that the new test focuses solely on international law, a topic that many foreign ministry personnel are not required to know to perform their tasks.

Perhaps most disturbing is the participation of the director of the Albanian Helsinki Committee in this "testing procedure," which in practice is nothing more than a tool to purge the ministry of its post-1992 personnel. Arben Puto, mentioned above in the media section, is actually one of two members of the panel which decides who passes the test and who does not. The required reading for the test includes his own books on diplomacy, written while Albania was still in the grips of a communist dictatorship. One would assume that diplomacy had a different meaning for Albania at that time. It is perhaps unprecedented that the director of a human rights organization participates so directly in politically-motivated purges of the public administration.

One former high-ranking foreign ministry official told us that while he did fully expect to be replaced by the new government (and was), he was shocked by how deeply the dismissals reached into the ministry's non-political personnel.

### **Purges in Academia and culture**

On August 22nd, Prime Minister Fatos Nano dismissed the chairman and all members of the Academy of Sciences. An interim committee, headed by Luan Omari was set up, in the words of the prime minister, to "creat[e] an academy fully autonomous and independent of governments." Omari, the nephew of Albania's Stalinist dictator Enver Hoxha, was the former head of the Academy of Sciences during communism and a legal advisor in the creation of Albania's repressive 1976 constitution. At the introduction of the new Academy members, Nano advised the body that "the postwar years should not be considered black and white."

On October 13th, Prime Minister Nano by administrative order dismissed the rectors of all seven universities in Albania. The move was ostensibly made to make way for elections of new rectors, but preparations for those elections had not begun at the time of the dismissals, raising suspicions that the move was politically-motivated. Interim rectors had to be named, several of whom, including the new rector of the Tirana University, were high officials during the communist period.

Purges in culture and academia have drawn in widely respected and unpolitical scholars like Dr Nerim Basha, Director of the Albanian National Library, Dr Luan Malltezi, Director of the Albanian National Archives, and Dr Ferid Hudhri, Director of the Department of Art of the Albanian Academy of Arts, who have all been dismissed from their posts.

## **Changes in the central banking law and personnel**

On August 30th, Shkelqim Cani was appointed Central Bank governor by the decree of the President of the Republic, after his predecessor, Qamil Tusha, was dismissed nearly seven years before the end of his mandate. Getting rid of Tusha required a radical change in the law on the central bank (drafted during the rule of the Democratic Party with close supervision of the International Monetary Fund). According to the existing law, the governor of the Bank of Albania was proposed by the Council of the Bank of Albania and decreed by the president of the republic with a seven year mandate. Governor Tusha was elected four months prior to his dismissal. Similar to its tactic for changing state television and radio personnel, the Socialist-led parliament simply added four new members to the Council and used its new majority to dismiss Tusha and appoint Cani, who served in the central bank as director for foreign relations under Albania's communist regime.

The law on the Central Bank had been designed to give this institution independence from the government in power. In communist times, the central bank was subservient to the communist party. Under the law passed by the Democratic Party-led government, members of parliament and government representatives were restricted in their ability to exercise control over the functions of the bank supervisory council members, and a seven-year mandate was provided for them. This gave them authority independent of the mandate of the government and Parliament. The new amendment to the banking law dissolved these two essential elements of independence.

## **Military takes a great leap backward**

Defence Minister Sabit Brokaj initiated sweeping personnel changes the Albanian military shortly after assuming his post. On August 4th, Brokaj announced that "it is necessary for the army [to] restor[e] the complete civil democratic control ... because the army was under the influence of the party in power" (referring to the previously-ruling Democratic Party-led government). This announcement was followed by the dismissal of approximately forty senior military officers and their replacement with those officers who had been released from service after the fall of communism, in 1992. Of the officers dismissed by the new defence minister, the majority had participated in military training programs in the United States and other NATO member countries. As military leaders in Albania's previous hardline communist government, their replacements have not had this training.

The political dimension of these personnel changes in the military leadership is apparent. Even the director of the military press, Colonel Elmaz Leci, has been replaced. His replacement, Lieutenant Colonel Beqir Shkreli had been, until his appointment, a reporter for the Socialist Party newspaper, Zeri i Popullit.

Many of those former officers brought back to replace the newly-dismissed officers now occupy highly sensitive positions. The new directors of both military intelligence and counterintelligence were senior military intelligence officers during the communist period. The new director of military intelligence was the director of military intelligence in the last days of Albania's hardline government.

On August 12, Minister Brokaj restored officer status to 30 former high-ranking military officers from Albania's communist period. According to the defence ministry, their rank was "absurdly removed allegedly for violations of the law of depolitization of the army with the aim of crushing every legal civilian opposition to the alleged reform in the army." The ministry went on to defend the returning officers by stating that they "have been devoted cadres, former veterans of the Antifascist National Liberation War."

One former army general interviewed for this report was among those purged in September. He was given neither a hearing nor reason for his dismissal, but rather received a decree signed by the president notifying him of the removal of his military rank.

In an ironic twist, current defence minister Brokaj announced that among the reasons for the dismissal of senior military figures is that "many generals have been involved in the attacks against the south...." This statement is perhaps most revealing regarding the political nature of the military purges, in that it condemns those who obeyed the legal orders of the Albanian government to attempt to quell the armed uprising that engulfed the south earlier this year.

## **Intelligence services see a return of the old guard**

Much has been written, particularly in the latter part of the Democratic Party rule, about the National Information Office (SHIK), Albania's successor to the secret police of the communist days, the Sigurimi. Western governments, journalists, and human rights groups have criticized former president Berisha for politicizing the SHIK and using it a similar manner as did his communist predecessors -- to serve the party in power.

For all the repressive powers attributed to the SHIK, it is interesting to note that the organization proved ultimately too weak to put down what started as a minor protest in the south and eventually spread to engulf much of the country in anarchy. Indeed, as events began to escalate in the south, it was the officers of the SHIK who took the brunt of the violence. In Vlore, the heart of the rebellion, the SHIK headquarters was stormed by protesters and all officers inside were killed. Anyone remotely familiar with communist-era Albania will recall no such incident occurring under the iron grip of the Sigurimi.

Nevertheless, the SHIK, under the leadership of Socialist Party appointee Fatos Klosi, has been the target of a massive purge of post-1992 personnel and the return of both high- and low-ranking officers of the communist era.

In an interview with an Albanian newspaper, Klosi promised that "roughly 95 percent of the former staff of the Albanian National Intelligence Service will continue to work for this organisation. No-one will be fired because of his political convictions. Only agents who were involved in illegal activities will be dismissed."

Our investigation has suggested otherwise. An interview with several recently-purged officers of the national intelligence service has revealed that thirty officers of that organization have been dismissed in one swoop, without a hearing and without recourse, for refusing Klosi's order for selective disarmament of the officers. The officers have claimed this order is illegal, as SHIK officers, being part of the national defence forces, are required to be armed.

The officers complained of strong pressure from their newly-appointed department head, who claimed to possess tapes of officers breaking the law. These officers challenged their department head to take the tapes to court if they indeed proved illegal activity, and were dismissed the following day.

According to the officers we interviewed, at the time of the Berisha government the SHIK was 20 percent composed of officers left over from the Sigurimi days and 80 percent composed of young members hired after the fall of communism. Now, they claim, the proportions are just the opposite, and 100 percent of the department chiefs are now returned old Sigurimi officers.

Several former high-ranking members of the old Sigurimi have taken up posts in the new SHIK. Klosi's main advisor, Irakli Kocollari, was chairman from 1990-91, as the Sigurimi was becoming the SHIK. He was convicted of burning the documents of the old Sigurimi and was sentenced to 6 years in prison. Several newly-named department leaders and deputy leaders have had long histories in the communist secret police, but were fired when then-president Berisha dissolved that organization. Returning to duty are individuals like Ilirian Palloi, who worked for 15 years in the old Sigurimi until he was dismissed in 1992. His claim to fame was to have persecuted the students who tore down the statue of Enver Hoxha as communism was being overthrown.

Klosi's rationale for the massive personnel changes is that the officers fired were unprofessional and were therefore being replaced by professional intelligence officers. But many of the post-1992 officers had attended training in the services of Western countries. Old Sigurimi officers have received no such training in the workings of a civilian intelligence service under a democracy.

According to a complaint issued by the opposition parties, on September 23rd two former top Sigurimi officials who had been re-hired by the SHIK appeared in Tirana's Central Telephone building, and without presenting legal authorisation demanded access to telephones of opposition leaders and those of several journalists and newspapers of independent and opposition press. They eventually succeeded in gaining access to these numbers for tapping purposes, the complaint continues.

Radio Free Europe reported last month, citing Albanian press sources, that the US Central Intelligence Agency has sent several instructors to help reorganize SHIK. The CIA specialists, according to RFE, will give three-month courses for the new/old SHIK employees.

### **Conclusion**

The previous Democratic Party-led government of President Sali Berisha had been harshly criticized by Western governments, human rights groups, and in the Western media for his alleged authoritarian and undemocratic style of governing. These individuals and organizations cited harassment of the media, dismissals in public administration --particularly the judiciary -- as evidence. Though Albania was undergoing a change in governing systems rather than just a change of governing parties when the Democrats were elected in 1992, the government was criticized for its reorganization of the military, intelligence services, judiciary, and other sensitive areas that had served the communist party for fifty years.

Now, after a change of governing parties, Albania is experiencing unprecedented dismissals in all levels of public administration, increased manipulation of the state media, physical harassment of opposition parties and personnel. Among the most serious cases of physical intimidation occurred on September 18th, when Democratic Party deputy Azem Hajdari was shot four times in parliament by a Socialist Member of Parliament. International and domestic human rights groups were silent on the shooting, but the Albanian Helsinki Committee did criticize the police for mishandling the assailant during arrest.

These same foreign governments, human rights organizations and representatives of the foreign media have thus far withheld comment, guaranteeing that the abuses of power by the Socialist government in Albania will continue in silence, unnoticed and uncriticized by the international community. The purpose of this investigation by the British Helsinki Human Rights Group into post-election Albania is to highlight these abuses to responsible members of the international community before Albania again plunges into either dictatorship or chaos.

October 1997