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Albanien (83)

Human Rights Watch World Report 2003

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HUMAN RIGHTS DEVELOPMENTS

Following a series of political crises, by mid-year Albania entered a period of what appeared to be more stable and inclusive governance. Nonetheless, impunity for police abuse, failures of various government branches to uphold the rule of law, trafficking in human beings, and widespread violations of children's rights continued to be major concerns. The government's desire to cast Albania as part of the European mainstream made it unfortunately more reluctant to acknowledge and address the country's human rights problems.

In early 2002, political life was dominated by a dramatic split within the governing Socialist Party (SP), triggered by chairman Fatos Nano's campaign against what he described as the party's "moral crisis" of corruption, nepotism, and criminal connections. Nano's attacks focused on then-Prime Minister Ilir Meta and his top ministers, who reciprocated by making similar allegations against Nano and his faction. The scathing cross-accusations led to Meta's resignation in January 2002.



The tensions within the SP, and the return of the opposition Democratic Party (DP) to Parliament despite its continuing refusal to recognize the outcome of the 2001 parliamentary election, shaped a situation that led to Prosecutor General Arben Rakipi's impeachment. Meta's parliamentary faction accused Rakipi of abusing his powers to support Nano's campaign, and the opposition, which had long been demanding Rakipi's resignation, joined votes to initiate his impeachment. Acting on Parliament's proposal--adopted at the end of a swift, one-day debate, without even giving Rakipi a chance to respond--the President of the Republic dismissed Rakipi and quickly appointed a new prosecutor general. Rakipi took the case to the Constitutional Court, claiming violations of his rights to be informed of the charges and to defend himself. The court ruled that the impeachment had indeed run afoul of constitutional due process and remanded the case to Parliament "for reconsideration."

The ruling was met with strong criticism, including from the president, parliamentary speaker (who resigned in protest), and opposition leaders, some of whom went as far as calling for the Constitutional Court's dissolution. Parliament took no action whatsoever to comply with the ruling, dealing a severe blow to the court's authority and the rule of law generally. Instead, a consensus emerged that the court's powers ought to be curtailed. Irrespective of the merits of the allegations against Rakipi and the legitimacy of the court's jurisdiction over the case, the impeachment process suffered from an arbitrariness that was reminiscent of socialist-style purges. The excessive reactions against Albania's highest court revealed a thin commitment to rule of law when political stakes are high.

In July, Albanian politics took another dramatic turn with the first rapprochement in years between the two major parties. A Nano-Meta compromise within the SP and negotiations with the DP led to the consensus election of retired general Alfred Moisiu as the new president, and Fatos Nano's appointment to head the third Socialist government within months. The new atmosphere resulted in some positive initiatives, including the establishment of a bipartisan committee to investigate the violations that marred the 2001 elections and another to look into possible abuses by the Intelligence Service--a long-standing opposition request. The campaign against official corruption launched by Nano's "catharsis movement" did not, however, give rise to any prosecutions.

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The year saw a continuation of widespread violations of media freedoms, a problem documented in a sixty-page Human Rights Watch report published in June. The report detailed harassment and violent attacks against journalists, often intended to suppress critical reporting. Such violence went largely unpunished, and in a majority of cases the perpetrators were police officers. The research also revealed that Albanian defamation laws, and their application by Albanian courts, fell far short of international standards. Statutes and courts granted government officials unacceptable privileges and special protections. The Human Rights Watch report identified the unfair allocation of state advertising and subsidies to the media as another major concern: government officials were reported to have used their financial powers to blackmail critical outlets and unjustly reward media of their liking. The combined chilling effect of these interferences continued to handicap the development of a free and professional media. The pattern was further in evidence in late October, when the daily *Koha Jonë* (Our Time) received an array of financial and labor inspections days after it published a series of articles critical of Prime Minister Nano. Later, inspectors were also sent to several other media critical of the government.

Albania's executive and judicial authorities continued to fail to combat police violence. Torture and physical abuse of detainees were widespread and unpunished. Developments in the case of a minor brutally tortured by the Saranda police in June 2000 were illustrative of official indifference. In 2000, protests by human rights groups had caused the minister of interior to fire the main suspect, police officer Rrapo Xhavara, and the public prosecutor started a criminal investigation into the case. Within months, however, Saranda prosecutors had dropped the charges for "lack of evidence." In 2001, new protests by rights groups and high-level interventions by the Albanian ombudsman forced then-Prosecutor General Rakipi to reluctantly order the re-opening of the case. When Xhavara was finally tried under reduced charges in July 2002, he received an eighteen-month sentence that was immediately converted to parole. The conviction did not affect his June 2002 appointment as commander of Saranda's municipal police.

Impunity also seemed to be the rule in the case of the former Elbasan police chief, Edmond Koseni—a police commander with one of the worst human rights records in Albania. After years of victim complaints, Koseni was fired and indicted for torture in late 2001. By April 2002, however, the office of the Tirana prosecutor had closed the case without filing charges and without notifying the victim or his defense lawyer at the Albanian Human Rights Group (AHRG). The case was re-opened only after Koseni himself publicized the dropping of the charges (reportedly hoping to rejoin the police), and the AHRG called on the new prosecutor general to intervene. The case was then assigned to another prosecutor, who as of late October had yet to conclude the investigation. Such cases of prosecutorial failure indicated that the prosecution service required systematic monitoring and support.

Violations committed by Albania's police force also marred its efforts to support the global war on terrorism. On September 12, 2001, the police and Intelligence Service detained Ilir Hajrullai and his pregnant sister, Aishe, whose Kuwaiti husband was under investigation for alleged links to al-Qaeda. The two were kept incommunicado for twenty-one days, during which they were subjected to threats, psychological pressures, and polygraph tests carried out by a foreign intelligence officer. On February 6, Ilir Hajrullai was re-arrested. Only five days later was he brought before a judge, who then ordered his indefinite detention, without giving him the opportunity to be defended by a lawyer of his choice.

Albania continued to be a major point of transit and origin in the regional web of trafficking in human beings. Most victims were women and girls trafficked for forced prostitution and children trafficked into forced labor. The Albanian government did begin to take some encouraging steps to address the problem. In December 2001, Parliament adopted an anti-trafficking strategy and set up a special anti-trafficking police unit. The government also agreed to refer all illegal migrants to the Office of the United Nations High Commissioner for Refugees, which did a first screening for trafficking victims. The prosecutor general also issued instructions that trafficking victims should no longer be charged with the crimes of prostitution and illegal border crossing. These steps caused the U.S. Department of State to move Albania, in its 2002 report on trafficking in human beings, up to the class of countries not yet in compliance with international standards but making significant efforts to meet the minimum standards for combating trafficking.

Progress notwithstanding, there remained many obstacles to the implementation of the government's anti-trafficking strategy. Particularly problematic was the government's reluctance to recognize that Albania continued to be a major country of origin. This attitude was mirrored by the police and courts, which often viewed trafficking as an issue of illegal migration rather than a serious human rights violation. Prosecution of traffickers continued to be the weakest link in the system: only a small fraction of those arrested by the police were successfully prosecuted and tried. Even when traffickers were found guilty, they received prison sentences that were generally much lower than the new statutory minimum of seven years. Police corruption and the absence of a witness

protection system also hindered investigations. According to the Department of State report, "10 per cent of foreign victims trafficked through Albania reported that police were directly involved."

In 2002, new evidence emerged about the plight of thousands of trafficked Albanian children subjected to forced labor, prostitution, use in criminal activities, adoptions, and possibly organ donations. Despite a few arrests, traffickers continued to prey upon vulnerable children and babies who were kidnapped or bought from their indigent parents and smuggled to Italy, Greece, and elsewhere in Western Europe. Child labor and school dropout rates remained very high, especially in rural areas. In northern Albania, where a blood feud tradition was allowed to re-emerge in the 1990s, hundreds of children continued to live locked up in their homes, fearing for their lives.

Albania's Roma community continued to suffer from pervasive discrimination, miserable living conditions, and inadequate access to basic social services, which in turn reinforced their social exclusion.

DEFENDING HUMAN RIGHTS

Human rights groups were generally able to operate freely, even though the authorities were at times hostile or non-cooperative. The Albanian Human Rights Group was active in documenting and reporting serious violations, including police violence, interference with media freedoms, and abuses in the government's anti-terrorist campaign. The Group's Complaint Center represented victims in legal actions, despite threats by perpetrators and stonewalling by judicial authorities. The Albanian Helsinki Committee directed significant resources at providing commentary on draft legislation, such as a police code of ethics and regulations on detention facilities. The committee also set up a network of correspondents in seven townships. The Albanian ombudsman made good progress toward the consolidation of that new institution, engaging various branches of government in human rights dialogue and focusing his activities on promoting freedom of information, privacy rights, and effective judicial remedies. However, a disturbing November 2001 decision of the Constitutional Court appeared to severely restrict his ability to initiate judicial review of legislation.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

Since acceding to all major human rights treaties between 1992 and 1994, Albania had not submitted a single report, initial or periodic, on its compliance with treaty obligations. Fourteen reports were long overdue as of June 2002.

Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE) called on Albania to implement its recommendations for electoral reform and offered assistance to the parliamentary committee established for this purpose. It also pushed the authorities to draft a comprehensive strategy for judicial reform and step up prosecution of traffickers and corrupt officials. However, human rights monitoring and reporting by the mission in Albania continued to suffer from political constraints, including pressures by senior Albanian government officials to downsize the mission and redefine its mandate.

Council of Europe

The impact of the Council of Europe on Albania's human rights situation was generally disappointing. A delegation of the Committee for the Prevention of Torture (CPT) visited Albania in October 2001 to look into the treatment of detainees and follow up on its earlier recommendations regarding the Vlora psychiatric hospital. As of this writing, the government of Albania had not authorized the CPT to publish its findings, which made Albania one of only three countries that had not authorized publication of any CPT reports. A joint program of the Council

of Europe and European Commission continued to support Albanian legal system reforms; activities under this heading included workshops on freedom of expression and privacy rights for judges and prosecutors. The impact of such trainings appeared to be limited, however. The European Court of Human Rights had yet to hear its first Albanian case.

European Union

Political instability and concerns over the election of the new president delayed until October the opening of E.U.-Albania negotiations for a Stabilization and Association (SA) Agreement, the early precursor to the E.U.'s accession process. In April, the European Commission issued the first annual SA report, which laid out the challenges Albania faced to meet the SA requirements. The report's analysis of serious human rights problems, such as police abuse, media freedom violations, and the judiciary's failure to uphold fundamental rights, was disappointingly superficial. Following its most recent committee meeting with Albania in September, the European Parliament called on the commission to condition the conclusion of a SA agreement on an improved human rights record in law enforcement and a genuine commitment to free media. Italy, Greece, and Germany were slow to deliver on their pledges to support the operations of a new anti-trafficking center in Vlora.

United States

The U.S. Department of State reports on human rights practices (March 2002) and trafficking in persons (June 2002) gave a largely accurate picture of the Albanian human rights situation. The U.S. administration failed, however, to exert pressure on the Albanian authorities to address key human rights concerns in areas such as police violence and press freedoms. The U.S. reportedly pressured the Albanian government to delay ratification of the Rome Statute of the International Criminal Court.

RELEVANT HUMAN RIGHTS WATCH REPORTS:

The NATO Summit and Arms Trade Controls in Central and Eastern Europe, 11/02

The Cost of Speech: Violations of Media Freedom in Albania, 6/02

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