

**KOMITETI SHQIPTAR I HELSINKIT
THE ALBANIAN HELSINKI COMMITTEE
TIRANA- ALBANIA**

**Report
on the activities of the
Albanian Helsinki Committee
(*October - December 1998*)**

Tirana, 1998

ALBANIAN HELSINKI COMMITTEE

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TIRANA - ALBANIA**

REPORT ON THE ACTIVITIES OF THE ALBANIAN HELSINKI COMMITTEE

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50-th anniversary of the Universal Declaration of Human Rights

This period coincides with the 50-th anniversary of the Universal Declaration of Human Rights. It is the right time to strike a balance of the situation of human rights in Albania from the initial stage of the democratic processes to the present day.

a) Background and actualities

To describe the situation of human rights in Albania, it is essential to make a short overview of the developments of the past period.

With the falling down of the totalitarian regime in 1990 a new life began in Albania. Pluralism was established, democratic processes started and substantial changes in the field of human rights took place. The fundamental rights and freedoms of the individual were recognized. A new package of Constitutional Provisions were approved in 1991, which marked a turning point. It was not only and not simply a declarative act, but also a legal basis for a real implementation of human rights and fundamental freedoms. Freedom of opinion, of speech, of organization, of assembly, of movement were proclaimed.

The first parties of opposition were founded in 1990 and during 1991 onwards. They are counted now by dozens. The first human rights non governmental organization was also founded in December 1991. This was the Forum for the Defense of Human rights which was going to be followed by many others. Actually, there are a lot operating in different fields.

The first free and pluralistic elections were held in 1991, but the elections of March 1992 deserve a particular attention because they brought to power, for the first time, the opposition Democratic Party. That was an historical event, the Albanians had the chance to change government and, as a result, alternation in power was introduced.

However, the well founded euphoria was short-lived. The transition in Albania proved to be much more difficult and problematic than in any other country of Eastern Europe. The political class proved to be unable to cope with the big and acute problems of the transition period. In particular, the old mentality was still alive and some of the old methods and ancient habits reappeared to some extent. This explains the authoritarian style adopted in government by the Democratic Party and its Chairman, S. Berisha. A confrontation followed on a full scale between the various political forces. There was no real debate, no civilized exchange of views, no methods proper to a true democratic regime. Instead, a very tense atmosphere was established, full of hate speech and intolerance.

For sure, there can not be any talk about turning back to the past. Generally speaking, human rights were reaffirmed, in particular through a special law, adopted by the Parliament, end of March 1993, which reflected the European standards for the implementation of human rights.

However, on the other side, serious violations of HR and rule of law have taken place during this period, which have caused heavy damage to the picture as a whole.

Here are some facts of these degrading process. The chairman of the main political party, the Socialist Party then in opposition, F. Nano, was brought to trial and imprisoned under dubious accusations for misusing funds during the previous government. He stayed in prison for about four years. His case was denounced by Amnesty International, which considered Nano a political prisoner. The Albanian Helsinki Committee did the same. A new trial followed soon after against a group of representatives of the Greek minority community under charges which proved to be unfounded. This case was also denounced by Amnesty International and the AHC, as well.

The press went under pressure by the authorities. There have been several cases of harassment of journalists of the opposition by accusing them of defamation against the President and some of them have been condemned to prison. There has been a widespread use of violence by police, in particular attacks against peaceful meetings of the opposition. A striking example of arbitrariness was the illegal interference in the judiciary, when chief justice Z. Brozi was destituted in December 1995, following his decision to reconsider the Nano case. Last but not least, the massive manipulation of the general elections of May 1996, was the culminating point of this degrading process.

The case of AHC is worthy to be mentioned. The organization takes its origin in the Forum for the Defense of human Rights, which was founded in December 1990. The initiative for the creation of the Forum was taken by a group of distinguished intellectuals, as writers, journalists, professors in different disciplines. In the very beginning the Forum established a very close contact with the Democratic Party, as they were both opposite to the government. But the situation changed when the Democratic Party came to power as a result of the elections of March 1992. In the meantime, the Forum was admitted as a full member of the International Helsinki Federation for Human Rights in March 1992 and on that occasion, the Forum was renamed as Albanian Helsinki Committee. However, due to the close contacts with the Democratic Party, now in power, the AHC was reluctant to criticize the government. It kept silent regarding some gross violations of human rights during this period. This provoked the reaction of IHF which warned in September 1994 that they would revise its relationship with AHC, unless it doesn't adopt an independent stance as a NGO. From then on, the AHC was reorganized and soon after gave proof of its independence by denouncing several cases of violations of human rights. As a result, the AHC has been under continuous attacks by the authorities and the press close to the government. Nevertheless, the AHC has been able to develop its own action, despite the difficulties. It has deployed an active role and has grown up over the years as the most prestigious human rights organization.

The real crisis in the country takes its origin in the heavily manipulated elections of May 1996. They were denounced as unfair, not only by the opposition in the country, but also by the most prestigious institutions from abroad. The AHC has conducted a joint monitoring mission with a group from IHF and they have also come out with a statement denouncing the manipulation. The situation deteriorated rapidly. The falling down of the so-called pyramids schemes was the trigger of the terrible disaster which reached its climax in the dramatic events of Spring 1997. The State fell down and the country plunged into chaos and anarchy. All prisons were opened and weapons were widespread in the hands of a large part of the civilian population. No law, no order. Instead, robbery, killings were an everyday

occurrence. The number of victims was roughly estimated at 2500 - 3000. A new exodus began, mainly to Italy, which ended more than once in tragic events, the major being that of Otranto Channel, end of March, where more than 80 people, mainly women and children, perished in the sea.

Under these circumstances, the presence of an international police force played a decisive role in calming down somehow the situation and this made possible the general elections of 29 June of last year. No doubt, the conditions were far from being perfect. But given the situation created, the elections were considered acceptable and as a true expression of the will of the electorate. The AHC has done the same in a joint statement with IHF.

The elections of 29 June brought about a change of government when the Socialist Party and its allies, assembled in the "Alliance for the State", came to power. From then onwards the tremendously difficult process of recovery started. Still, one should keep well in mind the tragic events of last year, because they continue to have a great hold in the present day situation.

How to describe the human rights situation actually? It is not a easy task. On one hand, we should recognize that there is much more tolerance on the part of the establishment. The authorities seem to be more attentive to human rights. They are doing their best to obtain a positive image in this regard. Generally speaking, in principle we have the feeling that the situation is oriented to better times, to a substantial improvement. Notwithstanding, very acute and serious problems remain in this field. The fundamental right to life is under threat and this is related mainly to the dramatic rise of criminality. This is the biggest responsibility of the government, they have failed up to now to cope with this priority. A tremendous obstacle lies ahead with the weapons widespread. According to a rough estimate, about 600000 are in the hands of civilians since last year. As a result, an atmosphere of insecurity, of fear prevails. Criminal bands are at large, operating, killing, robbing and even blocking national roads. Political leaders are also the target of criminal attacks. This is a most disturbing phenomenon which adds to the difficulties. The case of the leader of the Democratic Party, A. Hajdari, assassinated mid of September, ended with a new wave of unrest in the capital, when the main state institutions were violently attacked by the mob. The worst was prevented at the very end.

In a few words, the government is in debt towards the society. Can we talk about a real implementation of human rights standards in this situation? The picture is not encouraging. The state is absent. In particular in regard to the judiciary, corruption and inefficiency are a real plight. Suffice to mention the turning back of the vendetta, following the practice of the medieval code. According to some reports, there are some 5000 families involved all over the country, both in the North and in the South. As a result, hundred and hundreds children are locked in their houses. The opinion is widely shared that it is related to the self-making justice.

A new government is now formed since end of September. They are publicly undertaking the task to combat crime more efficiently and to strengthen public order. Let us see and let us hope.

What embitters further the atmosphere is the continuous escalation of political tensions. The political scene is dominated as before by the extreme confrontation between the two biggest parties, Socialist Party in power and Democratic Party in opposition. The latter has deserted the Parliament and has chosen the meetings in the streets as a political mean.

The two parties are fighting each other on a full scale and this, of course, is a hot bed for violence. The press is having also its part in this. There are a lot of newspapers, of different color and different orientation. But, is this a real freedom of press? In our view this is the most evident example of misusing freedom of press. Indeed, it is full of hate speech and it is digging the ditch.

Nevertheless, the picture is not fully gloomy. There is some ground for optimism. There is a difference between the high rank politicians and ordinary people, between policy on the top and the life on a grass root level. As a matter of fact, our Committee is engaged in a major project on local power and in this framework we have been conducting a number of fact-finding missions in the most important centers of the country, in the North and in the South, as well. We are witnessing a genuine desire for peace and tranquillity, people are tired of tensions and discord. What is more important, people communicate with each other normally, they find a common language, despite the differences.

In addition to this, one cannot overestimate some meaningful developments in the field of legislation. First of all, a new draft of constitution was prepared, which was the subject of a lively debate. The Parliament discussed, on its turn, the draft and approved it as a whole and in its distinct parts, as well. The draft was finally submitted to a referendum which was held on November 22, 1998. As a result, the new Constitution was approved and was then promulgated on November 28, the National Day. It is worth mentioning (and this has been our particular concern) that human rights have found a first hand place in the constitutional text. The Law on Human Rights of March 1993 is now an integral part of the Constitution, but in an improved version and more in detail. In this regard, some new institutions are borrowed, as Ombudsman is. It is believed that Ombudsman will be of a substantial help for the implementation of HR standards in Albania.

The minority question has been one of the main topics in the agenda of this Committee since the beginning of its activity. We have followed the developments in this field more or less regularly. All was made public in the country and abroad and our main conclusion has been that the minority problem in Albania is under control. Still, we have to admit that it is now more than one year that we have lost any contact with the subject, because of the well known events. It is now quite clear that many and substantial changes have taken place. Entire groups of minority population in the South have left to Greece. In the newly created situation, we believe that it is our duty to undertake a complex and long-term action to find out what is going on. According to some credible estimation, the Greek minority population in the south amounted up to 70. 000. How many are they now? How dispersed are they? Some data speak of schools not functioning any more in this area, classes are empty and pupils have followed their parents in Greece. We feel that, under the new circumstances, this is not an easy question to deal with, a new initiative should be taken. Our monitoring groups should go to the places visiting the various villages in the area, collecting information and identifying the most acute problems.

One should keep in mind that Greek minority is by far the largest in Albania, but it is not the only one. There are two other minority groups: one in the eastern part of the country, region of Korça, a Macedonian minority group estimated about 6. 000 ,and a second one in the North, region of Shkodra, a Montenegrin group, estimated about 2. 000 . Although small, these minority groups deserve more attention than in that past. Last but not least, in Albania, as in other parts of the Balkan area, lives a community of Roma, presumably in the central part of the country. It is, without any doubt, the most neglected part of the population and even

ignored by the authorities and even by the society, as a whole. According to some firsthand information, the majority of them live in miserable conditions, moving from one place to another, affected by illiteracy and crime. It is time to think a little bit more about their situation and to undertake some initiatives to improve their condition, first of all for their children.

The situation in the prisons and police stations has been a continuous concern of the AHC. Its task presently has met with more understanding on the part of the penitentiary administration, which has expressed full availability for cooperation with AHC to monitor and to improve the situation. It has now been reported that continuous efforts have been deployed for the restoration of the penitentiary system. Presently, the department in the Ministry of Justice in charge of the penitentiary system is reporting that 5 main prisons have been already activated, while 3 others are under construction. In addition to this, there are police stations in all the districts and these are the places of preliminary detention. In continuation of its commitment in this field, the AHC has carried out several visits, in particular to the police stations. These partial fact finding missions underlined the necessity to undertake a major action for a radical improvement of the situation.

b) Participation in international activities

During the month of November, representatives of the Albanian Helsinki Committee took part in a series of international activities on human rights.

* **Prof. Arben Puto** participated in a Seminar on human rights, which was organised in Oslo between October 29 and 31. The Seminar dealt with the standards of human rights in Central and Eastern Europe. The organisers had invited from Albania Prof. Puto, on behalf of the AHC, and Ms. Kozara Kati, on behalf of the Albanian Centre of Human Rights.

Prof. Puto presented the audience with a picture of the standards of human rights in Albania, putting the emphasis on two principal aspects: a) on the historic aspect of the question during the period of the democratic transformations in Albania b) on the current developments, stressing the many obstacles which are met in the field of human rights because of the lack of stability in the country. Prof. Puto's presentation is included as a part of this Report.

* **Ms. Blerina Jaho** attended the Meeting of OSCE, which took place in Warsaw from October 26 to November 7, regarding the application of the standards of human rights. It was a meeting of non-governmental organisations of various countries and, in addition to the representatives of the above mentioned organisations, the meeting was attended also by Mr. Veton Suroi from Kosova. Mr. Suroi presented a picture of the situation of the human rights in Kosova, and dealt with the possibilities for a solution of the crisis following Milosevich - Hollbrooke agreement. This question was also treated by Mr. Gazmend Pula, the Executive Director of the Kosova Helsinki Committee, and Ms. Sonja Biserko, the Executive Director of the Serbian Helsinki Committee. On behalf of the AHC, Ms. Jaho dealt with the situation of the Kosova refugees in Albania. Special interest was shown for the possibility of their return to their own homes. The participants were presented with cases of the killings, at the border area, of women and children while trying to turn back to their villages.

In the closing day, the International Helsinki Federation issued a special statement denouncing the ethnic cleansing. Those present asked for putting an end to the violence used against the Albanian population in Kosova, and for respecting the Milosevich - Hollbrooke

agreement in regard to the interruption of fightings and the return of the refugees to their homes.

* **Ms. Aurela Anastasi** attended a meeting of non-governmental organisations at the European Parliament, with the participation of the Group of the European Radical Alliance, for analysing and encouraging the work for the ratification of the Statute of the International Penal Court, approved in Rome on July 17,1998.

The meeting was held in Strasbourg, from November 19 to 20, with the participation of many non-governmental organisations from different countries. Among them the Italian association " There is no peace without justice ". As above mentioned, Ms. Anastasi took part in the meeting on behalf of the AHC. The speeches of the europarlamentarians and a documentary film helped to give a clear picture of the proceedings and the achievements of Rome Conference. It was emphasised that the decision for the creation of the International Penal Court constituted a historic moment. The effective functioning of this court would lead to the trial of those responsible for war crimes, genocide and crimes against humanity.

In order to ensure the continuity of this process, those taking part in the meeting requested the intensification of the efforts for the signing of Rome Treaty (by the countries which have not yet signed it) within the year 1998. It was said that an intensive activity is needed to complete all the technical stuff, within June 30, 2000. In the mean time, the adhesion of at least 60 states is requested, which have to deposit the instruments for the ratification of the Treaty at the UN bodies not later than end of the year 2000. The assistance of non-governmental organisations was asked for achieving the above mentioned objectives.

A special attention was devoted to the discussion on the question of Milosheвич as a possible case for being tried by the above court, once it has started to function. The representative of the Independent Student Union of Prishtina took the floor and discussed the question of human rights in Kosova, being under continuous violation. In the materials of the meeting, there was a list with the signatures of those who asked for the trial of Milosheвич by some fair international court, as the case of ICC. For this, based on its statute, 500. 000 signatures are needed. As Mr. Fatmir Mediu, the Chairman of the Republican Party, said in the meeting " These signatures could be easily gathered only within Albania, but we would like to obtain the active role of all countries in this matter".

The participants received with great interest the discussions of the radical europarlamentarians, especially the speeches of Emma Bonino and Doris Pack. The meeting was closed by drawing the conclusions and approving a statement for the Forum of *NGOs*.

* **Prof. A.Puto** took part in a symposium held in Tetovo (Macedonia) on 3-5 December 1998 to mark the 50- th of the Universal Declaration of Human Rights. The symposium was organised at the initiative of the Forum for Defence of HR and Fundamental Freedoms, as well as by the Faculty of Law of the Albanian Language University in Tetovo. During this symposium various presentations were held by different speakers coming from various places in Macedonia itself, and Kosova and the Albania as well.

The Universal Declaration was celebrated as a fundamental instrument in defence of Human Rights, taking the side of people suffering under the repressive regimes and being the target of genocide and other crimes against humanity. Prof. A. Puto took the floor to

discuss human rights as a new dimension of international law.

Project on human rights advocacy on local government

This project has been among the main topics addressed by the AHC all over the year. A national conference was held on December 11, 1998 to draw the main conclusions. Here follows a short description of the gathering with the main topics discussed.

The conference marked the closing step of the Project, carried out by this Committee, with the financial support of the Austrian Chancellery.

Representatives of the local organs from the municipalities of Fier, Vlorë, Berat, Shkodër, Burrel, Kukës, etc., as well as representatives of the central government, the Ministry of Local Power, lawyers, journalists, etc. took part. The Conference was also attended by Mr. Florian Raunig, Secretary of the Austrian Embassy in Albania, Ms. Petra Winter, representative of the International Helsinki Federation, Mr. Hermann and Mr. Bianku, both OSCE representatives.

The Conference was opened by Prof. Arben Puto, who presented a summary of the results of the work done for the realisation of the Project. His presentation analysed the one year work of the AHC and put forward some general conclusions, which were the fruits of the observations in the country, of the discussions at round tables, and of various meetings with the representatives of the local administration and of the public opinion.

Prof. Genc Ruli, in his paper "The principles of the European Charter of the Local Autonomy and the new Constitution", made analyses of that part of the Constitution which is devoted to the local power, by specially revealing the impact of the principles of the above Charter on the new Constitution. After presenting his evaluation and criticism of the provisions of the Constitution, Mr. Ruli put forward certain recommendations for the institutional development of the local administration in the future.

In his paper "For a right conception of the role of the organs of the local self-governing", the lawyer Sokol Berberi analyzed the role of the local organs in regard with decision making.

Later on the proceedings of the Conference were followed by discussions and free debate. N. Jaho, a member of AHC, presented some conclusions drawn from the direct contacts with the local administration, and emphasised the fact the violation of human rights at that level is far greater than from what is reflected in the press.

While taking the floor, Mr., Artan Hoxha, director of the Institute of the Contemporary Studies, put forward a number of considerations. He stressed the fact that the positioning of the electorate in relation with the local government is displayed as an emotional and extremely political positioning, closely connected with the general elections. The local elections are used as tests of politics in general. It is observed that, as a result of the poor political life at this level of little influence, the Albanian media do not

pay special attention to the local power. Further on, he described the development of the concept of self-governing, by emphasizing three elements: the internal need, the political need and the formal one. In the end, he stressed the necessity of defining a new strategy for the future in advancing towards the local self-governing.

The representatives of the municipality of Elbasan spoke about the work done by them for the increase of transparency in their activity. Another concern of the municipality staff has been the increase of the citizens participation in the decision making process. They mentioned also certain concerns and reasons which hinder the activity of the local power. Of special significance among them, is the lack of financial resources for improving the services and developing projects, and the lack of co-ordination in between the central and local power concerning the appointment of local officials.

The representative of the municipality of Shkodër emphasised that the mayor should be a representative of all the community, regardless of the political force which has proposed him. Further on, he raised the necessity of having a police structure under the direct authority of the mayor. In this way, the local organs would have an instrument for the implementation of their decisions.

The success of the activity of a municipality, said the representative of Burrel, depends on the mayor's personal capability, and the means which are put at his disposal. He expressed his concern that the locally elected people are being discouraged by the central power.

The representative of the municipality of Vlora mentioned some of the embarrassing problems which they are presently facing. Unemployment and housing were considered as their priorities. According to him, illegal constructions constituted another concern, and he further stressed the need for the participation of the local organs in tourist and development policy making.

The representative of Kukës municipality said that the way the budget is composed leaves no room for any initiative on the part of local organs in performing specific policies and services.

The other participants who took the floor, asked for the improvement of the legal framework in order to clearly define the functions and competencies of the local organs, and avoid the conflicts and doubling with the central government. All participants pointed out one common concern: the financial means at the disposal of the local power. It was underlined that a strategy is needed, with concrete measures, for a correct distribution of the local budget and for the increase of the self-governing capacities of the local organs, aiming at the development of the public services, undertaking of various initiatives and solving of community problems.

The conclusive report, presented by Prof. Arben Puto is here reproduced:

Report on the implementation

of the Project on Human Rights Advocacy at the Level of Local power

We have to begin with a brief presentation of this Project, though part of the audience has had the chance to get to know the Project and deal with it in certain stages of its implementation. In fact, within the framework of this Project, the Albanian Helsinki Committee has been engaged for nearly one year in a series of fact-finding missions.

However, it is worth being mentioned that the AHC picked up this topic not by mere chance, but because the local power is the main chain of the governing of the country, an essential element of rule of law. Its functioning constitutes the basis of a good governing. The local power stands closer to the citizens and to their concerns. It is the door where the ordinary citizen knocks more frequently at.

Since the very start, we were committed to deal with the matter from the closest possible angle of a human rights organisation. Thus, we have approached the matter from the point of view of the realisation of human rights at the local level. It is at these levels that the charter of human rights can be fully realised.

The idea of this Project met with the immediate interest of the International Helsinki Federation, and, through it, the full understanding and support of the Austrian Government. We feel it necessary that in this final stage, when we are drawing the balance-sheet of our one year activity, to express our gratitude to them. We are sure that in this way we express also the friendly feelings of all those, who, in one way or another, took part in the different stages of the work done for the realisation of the Project. We want to consider the Austrian contribution as another expression of the traditional support that Austria has rendered to Albania in certain key moments of the Albanian history. The role of Dr. F. Vranicki in the hard period of 1997 is another example of this support, and will long remain in the memory of the Albanian people.

We kindly ask the representatives of the Austrian Embassy, who are attending this meeting, to convey our thanks to the Austrian Government.

While coming back to the key problem of our Project, that's the local power, we want to stress the fact that we undertook the project, because the local power has not found its proper place within the new democratic order. One cannot see a distinct separation from the extremely centralised practices of the past. There is still a prevalence of the mentalities and methods which place all power and competence in the hands of the central government. It is a known experience that the centralised model had prevailed in the past, and the local organs were treated as a component part of the state pyramid. Time has come for changes. We must turn on a new page, and offer real possibilities to the local administration for exercising its own authority and functions. The Government of Stability in 1991 made the initial efforts in this direction. Besides, on the eve of the local elections of July 1992, the Parliament, which was dominated by the Democratic Party, passed a law on the local power. For the first time the idea of the political, administrative and economic autonomy of the local power was recognised. This law is still in force having suffered only minor changes. The results of the local elections of July 1992, which favoured the Socialist Party in opposition, discouraged the government from the continuation of reform and from creating the concrete conditions for a self-initiative of the local administration. Moreover, in some activities, such as education, health service and agriculture, tendencies of old centralisation occurred again.

Nevertheless, the democratic processes in Albania have come to a new stage of development and presently the idea of a greater autonomy of the local organs has gained support. For sure, under the current circumstances, the local power is getting a new dimension.

We started the work for the implementation of this Project since last January. Within the framework of the Project, we have performed 12 fact-finding missions in the principal districts of the country. Chronologically, these missions have been followed by meetings which have been attended by representatives of the various levels of the power and of the public opinion. These meetings have displayed a new environment and an ever increasing demand for a more efficient and active role of the local organs. But, on the other hand, there is a general opinion that the road to achieve this is not flat at all. Besides, the current situation is very complicated, because there is not a real functioning of the local administration. Unfortunately, the general political situation, which bears extreme confrontation of the political forces in the center, is also reflected at the local level. It is a known fact that the central government is based on a coalition of the Socialist Party with its allies, while the local administration in many areas is controlled by the Democratic Party and its allies, based on the results of the October elections of 1996. The partial elections of June 1998 for the local organs in certain areas of the country did not change the picture. The political map of the local power has generally remained unchanged.

The dramatic developments in the country determine considerably the work of the local administration, and often block it. During the fact-finding missions, our activists have experienced the lack of communication in between the chains of central and local power. In many occasions, in the meetings organised by our Committee, the representatives of the municipalities have refused to sit at the round tables and debate with the representatives of the central government. We express our concern for the extreme politicization of such structures which, according to their functions, must stand closer to the daily needs of the people than to the big political clashes. This derives from the concept of local autonomy, which is put by the European Convention as "an effective ability of the local communities to lead and run a considerable part of their public matters in accordance with the law.." (Article 3)

Our observations have led us to the opinion that, if the functioning of the local organs does not meet the Europeans standards, then it is closely connected with the political tensions which are discharged on the local communities. Under such circumstances, the picture of the human rights remains dull and problematic, because there cannot be a realistic implementation of these standards without ensuring an evident improvement in the functioning of the local government. A positive turn in this aspect is more than imperative, and we are convinced that this will not be achieved without a serious commitment on the part of the central government for laying bridges of communication with the local organs, and for placing the interest of the wide public above the party ones.

We must specially stress that the situation of the local power and the many problems they are currently facing, are clearly seen in the capital city. These problems become sharper when we witness that Tirana is rapidly turning into a metropolis. The Committee has organised more than one meeting in Tirana and has become acquainted

with the concerns and the numerous problems faced by the thousands of the newcomers in Tirana.

Here in the capital, we have seen more distinctly than anywhere else the gap which exists in between the central government and the local organs. Our meetings have revealed this separation and the differences. It seems that it is a conflict of competence and its interpretation. We have heard representatives of the Municipality addressing open accusations to the central government for having been avoided and neglected while dealing with cardinal problems of the capital city. On the other hand, the representatives of the Prefecture have voiced their criticism saying that the municipal bodies have avoided the cooperation aiming at the creation of a political opposition by complicating the situation and by accumulating the unsolved problems. One of the most argued matters, which has often struck the ears of Tirana's citizens, is the asphaltting of the roads. They have exchanged many bitter accusations and an unpleasant atmosphere has been created. This situation can by no means enable a complete and permanent solution of this major problem.

The referendum for the new Constitution was another instance of the conflicting situation which exists in between the central government and the local power. According to our information, reciprocal contradictions and accusations occurred all over the country, and particularly in Tirana. The Prefecture authorities made remarks concerning the voting lists, saying that there were intentional shortcomings and mistakes, while the Municipality representatives claimed that the intervention of the Prefecture for correcting the mistakes was an illegal act. Anyhow, without any intention for making analysis of the facts and data, we can say that the picture, which was presented by the local administration on the occasion of the referendum for the Constitution, was characterised by policisation and one-sided stands in conformity with party affiliation.

On this background of general confrontation and lack of communication, there is one detail which is focused by both sides as an inevitable and urgent need in Tirana. That is the structure of the municipality in the capital. Considering the increase in size and population, as well as the numerous complicated problems which exist in Tirana, both camps are of the common opinion that the structure of the municipality must be changed. A single municipality is incapable of solving the wide range of the problems there. Both the Municipality and the Prefecture authorities support the idea of dividing Tirana into 5 municipal units.

Perhaps it's the right place to add and to repeat that sometimes in the local bodies and the districts we have found a constructive atmosphere, far from the conflicting situation which divides the main political forces. There is a good will for dialogue, for resolving the problem which preoccupy the local population. Often, the mayors and the employers of other local organs avoid the strict stands, find a common language for the problems, which occur at work. To a certain extent, there exists another climate; there are human contacts which assist in overcoming party divisions and achieving a common thought that expresses a public interest. It is clear that the concrete needs of the communities are stronger than the party prejudices and formulae, and they encourage contacts and agreements. We are of the opinion that this is an encouraging element, a good basis for establishing an effective local administration, far from great politics and closer to the citizens' needs.

During our fact-finding missions within the framework of the Project, we have found common thought and opinion for a number of questions in different districts.

We will begin with a remark concerning the package of the Basic Constitutional Provisions, which is scanty and only one article is devoted to the local power. The new Constitution has considered the matter very seriously and profoundly and the local governing occupies Part 6, consisting of 8 articles (article 108 to 115). It is the right time for having a clearer and more complete idea of the position given to the local power by the Constitution, and consider it especially in relation with the European Charter of Local Autonomy, which was signed by our country in May 1998 and is ready for ratification. In several meetings, participants have plainly asked for the final approval of the European Charter, considering it as a commitment for taking quick measures and turning the local power into a real and active force. In this way the local administration will properly respond to the citizens' demands and needs.

Another remark, which has been raised in all our meetings, points to the “vertical dependence” of the various units of the local administration from the central government. Thus, the departments of education, health service, etc. are vertically dependent upon the orders and competence of the central government. This has practically blocked the local organs in performing certain vital activities, and it has its influence on the citizens' rights.

In certain occasions our fact-finding groups have noticed that the local administration has not got the necessary executive support. This question has been raised in various towns and a remark has been made that the relationship in between the local organs and those of the public order and police must be changed. The police, apart from the dependence from the central government, must stand closer to the local administration. This is considered an essential means in fighting criminality and in collecting weapons. Generally speaking, people have put forward the idea of " the executive branch " or the municipal police, which is seen as a means for an adequate functioning of the local administration. The law approved in May 1997 has defined the organisation and the functioning of the municipal and communal police, but it has not been implemented and everything has remained only on paper.

Concerning the legislation on the local power, we have come to a general conclusion: that the normative activity in this field is very advanced, it is complete and well articulated. We appreciate the initiative for the publication of a summary of all legal and sub-legal acts in relation with this matter. But, on the other hand, we notice that the local administration has not got the necessary funds and incomes to carry out the activity defined by the legal acts. To solve this key problem, measures should be taken by the central organs, and projects and initiatives must be processed at the level of local bodies. In this way the developments will take a new course, and the local power in Albania will really function in accordance with the advanced European standards, and will help for the implementation of the citizens' rights.

In this presentation we tried to disclose the main results of our observations performed within the framework of the Project on the local power. The discussions of the other members of the Committee, and those of the activists who participated directly in the fact-finding missions, will make the picture more complete. We are convinced that the representatives of the local administration will also present their experience and remarks to the audience

At the end of this meeting the following program was adopted:

Some conclusions and a working program:

1. The local power is an essential element of the rule of law, an indispensable link of the democratic rule. Our one year fact-finding activity within the framework of this Project confirmed that the functioning of the local power in the current situation does not respond to the requests and needs of the citizens.

2. In order to improve the situation and raise it to a new level, it is necessary that the local organs be kept away from the confrontations among the political forces on a national scale. This is a double-sided task. It is the task of the central authorities to avoid any discrimination which is based on party shades of the local power. On the other hand, the local authorities must take impartial stands, despite their political affiliation, and be better orientated to the correct fulfilling of their tasks towards the community and the state.

3. The local governing has been properly treated in the new Constitution. It constitutes Part 6 of the constitutional. text and consists of 8 articles (from article 108 to article 115 But, there is an abundant legislation devoted to the local power, which was elaborated during the last years. Time has come for reconsidering this legislation in order to avoid any eventual discrepancy.

4. In order to bring the local administration closer to the needs and demands of the citizens, some measures must be taken for overcoming the extreme vertical dependence, which makes it ineffective and incapable. This is specially necessary in such sectors like education, health service, housing.

5. Another pressing matter is the request for an executive power of the local administration. A local body, which is not capable of realising the execution of its decisions, even by obligatory means, is doomed to remain powerless and fictitious.

6. The local organs are asked to establish more regular and direct contacts with the citizens. For this it is needed to have a continuous communication and a greater transparency. These can be achieved by realising the organisation of open meetings, which constitutes one of the main tasks of the local organs.

7. After the completion of this Project, the A.HC finds it reasonable to go on with the observations on the local power. We shall divide this commitment into two stages. First, we would follow the changes and the perfection which will be applied to the legal provisions in relation with the local power and human rights. Secondly, in the second half of 1999, we would observe the functioning of the local administration in accordance with the new constitutional provisions.

Referendum on the new Constitution

After a preparatory work which lasted several months, a referendum was decided to

be held for the approval of the new Constitution. Unfortunately, the AHC was not able to take an active part to watch the referendum itself, because of some financial difficulties. It was the first case of this kind that the AHC was forced to abstain from a direct participation.

Still, the AHC followed attentively the referendum campaign and came out with some critical remarks. Indeed, the debate on the contents of the constitutional text gave ground to irresponsible acts on the part of some elements and forces which tried to use the referendum campaign as a new chance to plunge the country into chaos. In fact some destabilizing attempts were denounced, as those in Shkodër, in Kukës and in Tirana, as well. Here in the capital the most disturbing case was registered when a criminal attempt was carried out, mid of November, against Mr. Fehmi Abdiu, the Chairman of the Constitutional Court.

Unfortunately, most of the papers have been orientated towards sensational information on the above acts of violence. While denouncing these irresponsible acts, the AHC made an appeal to the electorate to participate actively in the voting, to express freely their will on a such a major matter of the public life as the approval of the Constitution.

It is worth to be mentioned that the AHC reacted to the law passed by the Parliament on referendum matters, mid of October. According to this law, a referendum submitted to general voting, is considered as approved when it gets half plus one of the cast votes, regardless of the number of those participating in the voting. The AHC made the objection that the matter should be afforded in a differentiated way when it is related to the Constitution. The specific character of the Constitution, as the basic legal act, requires a special majority in the voting. Despite this critical remark, all the political parties were called to put aside their differences and to do their best for a large participation in the referendum for the new Constitution. The Constitution, - was added, - doesn't belong to any political party, to any government in power at this moment, it belongs to the society as a whole.

On the other side, the AHC succeeded in bringing a substantial contribution to the debate going on the new Constitution. To this end, a second volume, comprising the constitutions of ten European countries, was published in November 1998. This volume includes the Constitutions of Austria, Netherlands, Croatia, Macedonia, Norway, Russia, Slovenia, Spain, Sweden and Turkey. The publication of this book was made possible thanks to a special financial support provided for by the Dutch Embassy in Skopje.

It should be remembered that a first compilation of constitutional texts has been published by this Committee in 1995, thanks to a grant accorded by the Canadian Embassy in Belgrade. This book met with a keen interest not only among the experts in this field, but also by the public at large.

The specific purpose of the publication of the second volume was to furnish some first hand information about the constitutions of the countries of Central and Eastern Europe which had had a similar experience under totalitarian regime. This new publication has been already appreciated as a good contribution not only to the debate on constitutional matters, but also to the whole bibliography of the law students.

An unprecedented case of pressure and intolerance towards the international community

End of November, just after the referendum for the new Constitution there was a rather unprecedented attack in the press against a high official of the international community in Albania. One of the opposition papers, "Albania", launched a severe attack against the OSCE representative, ambassador Daan Everts, accusing him of taking the side of the government. In his response the day after, ambassador Daan Everts said : "It is encouraging to see that, despite the many problems facing Albanian press, the freedom to express opinions does exist. This freedom is so precious, - he went on, - that one should be tolerant when articles are biased and inaccurate, as the one appeared the day before".

At the initiative of AHC a number of HR organizations reacted to this immediately by condemning this inadmissible act of pressure and intolerance against a high placed representative of the international community in Albania. Here follows the text of the statement issued on this occasion:

"Recently, especially regarding the developments related to the referendum for the new Constitution, people have noticed certain attacks of the press to the address of several representatives of the International Community, who have been following the course of events in Albania. The special target of all these attacks has been Ambassador Dan Everts, who is the highest representative of OSCE in our country. Our attention has been attracted by some articles in the papers RD, Albania and especially by an article published in the paper "55", on November 25, which qualifies all Mr. Everts' activity as a "scandal".

On behalf of our organisations, which are active in the field of human rights and the establishment of rule of law, we express our deepest regret for this inadmissible gossip to the address of a highly respected representative of the International Community, who has given and is still giving his valuable contribution to the consolidation of the democratic values in our country. Our conviction is that Mr. Everts has displayed special commitment to the recent developments in this country. He has nourished a sincere sympathy for our country and people.

The task of the representatives of any international body is to observe the situation in the country and, based on his own experience, to judge the actions and make the evaluations. We consider the recent attacks on Mr. Everts as an evident act of pressure and intolerance towards the International Community, whose contribution constitutes an important factor for the progress of the democratic developments in Albania.

We are addressing personally Mr.Everts with the conviction that we are also interpreting our wide public opinion. We assure him that he enjoys our solidarity and trust, and that certain isolated voices can by no means infringe upon the high appreciation for his work as a representative of OSCE in Albania.

This statement was signed by the: Albanian Helsinki Committee, Albanian Foundation of Civil Society, Association for Democratic Culture, Albanian Centre for Human Rights,

Albanian Group for Human Rights.

Seminars with the attorneys

Within the framework of a project financed by the Dutch Embassy in Skopje, the AHC, in cooperation with the Ministry of Justice and the National Chamber of Advocates, organised two seminars: one in Tirana end of September, and the other in Vlora mid of October. A number of papers were presented, dealing with the Penal Code, Code of Penal Procedure, the draft law on advocacy and investigation.

Several concrete examples of violation of procedural provisions were discussed, which are connected with the detention terms and the evaluation of the arrest order. Unjustifiable delays in the investigation and court procedures, were denounced.

The opinion was expressed during the gatherings that, though the approval of the Penal Code and the Code of Penal Procedure in 1995 was a step forward to perfection and democratization of our legislation, the experience has proved that several provisions of these codes are vague and incomplete. This has often complicated fair solutions and has led to misinterpretations. Therefore, it is necessary these codes to be reviewed after the approval of the new Constitution.

The remark was also made that up to now the juridical discussions and debate have been limited and concentrated within a narrow circle of lawyers, especially those working in the central bodies. It was also added that the draft-law on advocacy, which will be approved after the approval of the new Constitution, will contribute in improving the role of advocacy by turning it into a professional independent body and by increasing the professional standards of the attorneys, the ethic and the moral profile of the attorneys was also discussed.

The organisation of such activities proved to be useful even from the point of view of the AHC itself. The problems, which were dealt with during the seminars, contributed in getting better and more information about human rights during the judicial proceedings. A general conclusion should be drawn that the attorneys should be seen as an important source of information about the situation in the judiciary.

Once again on death penalty

The question of death penalty is returning once again to the fore. As pointed out in one of the reports of this Committee (in particular report covering January-March of this year), there is a tendency growing up in the country for the death penalty to be sentenced and applied. The belief prevails that death penalty might prove as an effective mean to combat crime. It is widely regarded as an indispensable deterrent against increasing criminality. As a matter of fact, the new Albanian Penal Code, in force since 1995, provides for expressly death penalty, for the most serious criminal acts (8 articles of the Code Penal and 5 articles of the Military Code). As a result, there have been several cases of individuals sentenced to death by the courts in 1998, all of them for the gravest crimes. According to some reports, there are now altogether 24 people condemned to death and 5 of them have been sentenced during this year. However, no sentence has been executed.

It is quite clear that this situation is in violation of the international commitments taken by Albania at the moment of joining the Council of Europe in July 1995. The obligation was undertaken to suspend any death penalty sentence and to abolish the death penalty until year 2000. No executions have been carried out since then, but there is a growing pressure, and some demands are being formulated to retain the death penalty even in the new constitution. The Albanian Helsinki Committee has reacted to this tendency and has reconfirmed its stand regarding the death penalty, that means that Albania should abide to her obligation and to abolish death penalty.

In regard to the death penalty, one more question arose lastly. During a fact-finding mission carried out by this Committee in July in the police station in Vlora, an extremely inhuman and degrading practice was identified. Among the detainees, there was also Adem Bendaj, 48 years old, sentenced to death for murder. He was arrested in August 1997 and condemned, by the first level court, on 6 April 1998. The decision was confirmed by the Court of Appeals, while the Court of Cassation (the highest court) has not reviewed the case, yet. Adem Bendaj was found with an iron helmet on his head and with chained hands. A few days before he had his feet chained too, but, due to the beginning of a lack of sensitivity (light paralysis) his feet were let free. Now he had only his hands tied, but the iron helmet on his head still there. Adem Bendaj said that he has been kept in this way, for the last five months. The guards of the isolation rooms explained that, according to the internal regulation, all those sentenced to death penalty are kept in this way, until their case has been fully reviewed by all judicial organs.

It should be reminded that the AHC, since the very moment it was informed about the use of such practices, has publicly reacted in the beginning of 1996, deeming them as inhuman and degrading, as use of torture. It is unacceptable that the same practice, which has been used during the former regime, is still being applied. This happens after the adoption of the new democratic and contemporary legislation, of the new Penal Procedure Code and of a number of other legal acts. Any justification, trying to describe this practice as a measure aiming at preventing a suicide attempt by a condemned person could try in despair, is fully unacceptable. Any internal regulations, be they old or new, which permit such practices are contrary to the well known standards. They are just a simple form of torture unthinkable in a civilized democratic society. In fact, they are against the general trend of our legislation, as well as against the international instruments, in which Albania is a party.

The Albanian Helsinki Committee urged to cancel immediately such an inhuman and degrading practice. In response to this, the authorities decided to put an end to the practice of the past. In addition, the AHC called on the judicial organs to apply speedy procedures while reviewing cases of death penalty sentences. The Court of Appeal and the Court of Cassation were invited to give precedence to these cases. Given the importance of this problem, it was directly brought to the knowledge of the President of the Republic, who was kindly asked to pay due attention and in particular to respond as quickly as possible to the pardon requests of those condemned.

Given the importance of the subject, in the light of the latest developments in the country, the AHC made a suggestion to the Presidency of the Republic to organize a special meeting for discussion. The President of the Republic, R. Meidani, responded positively to the proposal and a round table was convoked mid of December for the

purpose. Representatives of both the government and of different circles of the public opinion took part.

In his opening speech the President invited the participants to express their opinion, while recognizing the complexity of the issue, divided as it is between the urgent necessity to combat the dramatic growth of criminality in the country and the concern to respect the international commitments taken up by the Albanian government.

The debate which followed demonstrated the tendency already mentioned pressing for the maintenance and the application of the capital punishment for the sake of restoring public order. The majority in the gathering urged the government and the Presidency to intervene to the relevant instances of the Council of Europe to find, as it was called, a “compromise”, which would allow in practice Albania to derogate from her commitments.

Both the representatives of the AHC, the Executive Director, A. Puto, and the Legal Advisor, N. Jaho, reaffirmed the well known position of the organization strongly opposing the death penalty and calling for abstaining from any risky initiative which would jeopardize the membership of Albania in the Council of Europe.

Immediately after the meeting Prof. A. Puto was interviewed by the newspaper “Koha Jone” on the subject. The full text of this interview is here reproduced.

What is the attitude of human rights organisations on death penalty?

The human rights organisations all over the world have maintained a unique firm attitude, and they are for the abolition of death penalty. This is neither an isolated attitude, nor a closed stand within a narrow circle of human rights organisations. Presently, it has become an official and legal attitude of a great number of countries, which have already sanctioned in their legislation the abolition of death penalty. Moreover, in numerous cases, this has been embodied in their fundamental act, the Constitution.

It is known that this has become an international norm, which has been fixed on a series of multi-lateral conventions dealing with human rights and fundamental freedoms. The best known among them, even for our public, is the European Convention of Human Rights, which is in one of its Protocols (Protocol 6) binds the signing states not to execute and even to exclude the capital punishment from their legislation.

The world-wide movement for the abolition of death penalty has its own philosophy, which consists in the thesis that the human life can be taken by a criminal hand, while a civilized public authority, which is sensitive to humanitarian values, cannot violate a sacred and sublime right - the right to life. Besides, the supporters of this movement have shown that the analyses and the researches, carried out into this phenomena, have finally proved that death penalty has been neither an effective deterrent, nor a restraining and efficacious means in fighting criminality.

How does your organisation consider this question

The Albanian Helsinki Committee has defined its attitude on this question since

the very beginning. We have sided with the homologous organisations all over the world, and we have pronounced ourselves against the capital punishment. A different attitude on the part of a human rights organisation cannot be even imagined. Still, we have tried to adapt ourselves to a certain degree to the concrete conditions of this country. The keen problem is public order, and the continuous increase of criminality has compelled us not to ask the prompt and direct exclusion of the death penalty from the penal legislation. Still, we have reserved the right that, in any case of a court decision to death penalty, to address the President of the Republic with an appeal for exercising his constitutional prerogative and convert this sentence into life imprisonment.

The democratic process in Albania brought new developments, and the Albanian society was orientated towards knowing and appropriating the human values and the European models. A significant step along this road was the adhesion of Albania to the European Council in 1995. On that occasion, a commitment was undertaken which consisted of two elements: first, death penalty would not be executed, even though there was not any demand for its prompt abolition, and secondly, three years after the adhesion the necessary procedures would start for the abolition of the capital punishment. It can be said that this commitment did not produce any negative reaction among our public opinion, and was considered a necessary step of Albania for joining Europe.

Now we have witnessed that the situation in the country has not gone towards normalisation. On the contrary, there was a shocking deterioration. We are far from stability and criminality has reached frightening heights. It must be precisely this unstable situation which has forced the compilers of the new Constitution into not making the abolition of death penalty a constitutional principle. It is clear for everybody that, under the current conditions, when monstrous crimes are coming about, it is rather incomprehensible for majority of public open to ask for outright the abolition of death penalty.

A couple of days ago, there was a meeting with President Meidani, and according to press reports a long debate took place there. You attended that meeting, too. Which is your comment?

We are pleased to emphasize that President Meidani accepted the suggestion of our Committee for a consultation on this very keen topic.

There was a long discussion in an atmosphere of high responsibility. Everyone presented his own view and concerns. I think I am giving the right atmosphere of the meeting, when I say that we were rather in a whole, that is we were caught in between two fires: the crime with its embarrassing dimension, on one side, and our commitment to the Council of Europe, on the other side.

Regarding our attitude, we reaffirmed our previous principled attitude of an Organisation of Human rights. But, after all this is a major question which belongs to all our society. There were certain views in the meeting which revealed the concern of a wide public.

We are of the opinion that recently in various social surroundings, and especially in the media, this problem is treated with deep emotions. This is easily understood at a time when the explosion of crime is shaking the foundations of the society itself. Media

has played a special role in this aspect. Moreover, there are certain political forces that have used it for electorate gainings. Thus, the issue of capital punishment has been turned into a political instrument, into a topic which can attract electorate. Then we put plainly the question: Can death penalty really be the key to the solving of our many problems in the public order? Is it really the only way out? The real problem in this country is the non-functioning of the state machinery, the lack of state authority itself. In this country the crime is not punished, and it finds the proper space to lay down the law. By saying this, we don't aim at reducing the importance of this question. But, the essential thing is that the solution cannot be achieved by considering only one side of the problem. We cannot ignore our commitment to Europe. The recent signals from the European Council do not imply any hesitation. In a few words, this is a question which cannot be solved only by us. The situation will not be changed even by the statements in favour of the application of the death penalty, given "in a personal way" by the officials of certain levels. These statements only add to the confusion, especially when people know that these very officials are those who will answer the European forums on that question.

What kind of solution do you predict? How can we come out of this impasse?

There is no solution without contacts with the European Council. We will not take the risk of being excluded after adhered to it. This would bear catastrophic consequences in various directions.

On the other hand, we believe that Strasbourg will not ignore the great difficulties faced by our country, and which have brought it to the brink of a state of emergency. Criminality is striking at the very foundations of the civil society. That is why we suggest to address the Council of Europe.

What are your expectations?

Based on mutual understanding and agreement, even a temporary solution can be achieved. We are of the opinion that we must be careful and should not give the image of an Albanian society which goes back, and is not matured to match the lofty human values and the standards of the European democracy.

The tragic events in Kosova

The tragedy of the Albanian population of Kosova and the wave of thousands of refugees coming to Albania is adding to the very heavy problems the country is facing at this stage.

Till the end of October 1998, about 20 thousands refugees have been registered. The Albanian government has been able to take some measures. Here can be mentioned the opening of the Refugees Office near the Ministry of Local Power, which, together with other organizations as UNHCR, UNICEF, UNDP, etc. has been able to register all refugees. Serious efforts have been deployed some of the most serious provoked by the displacement of thousands and thousands of civilian population.

Particular praise must be expressed to the inhabitants of the northern area of the country, who did not fail to show their hospitality by housing many refugees and helping

them to ease their sufferings, as well as to all the national and international humanitarian organizations which were present since the beginning of the crisis. Nevertheless, taking into account the winter period, the situation, especially in the northern part of the country, is growing as very hard and complicated. Difficulties are encountered in finding shelter, distributing the aids (food, clothing, etc.), as well as in providing medical assistance.

Lastly, the European Community has called on the Albanian refugees to return to their dwellings. But, how could this be realized, since the Serb forces are not withdrawing, since the Albanian- Yugoslav border is mined, since also those who decide to turn back are being maltreated and even massacred in the most barbarian way??

Under these circumstances, one cannot remain indifferent. The AHC has repeatedly expressed its deep concern and indignation against the repressive campaign of the Serb authorities in Kosova. We have also conducted to our public opinion the reactions of the International Helsinki Federation, which in several occasions has become a spokesman of human rights organisations by denouncing the genocide and the ethnic cleansing in Kosova.

In this regard it is worthy mentioning the warning that the British Foreign Secretary Mr. Cook addressed to Milosevich that “ atrocities committed in Kosova are not an internal affair of Serbia, but they constitute a concern of the international community, who can not stand idle and look at how an entire civil population is being maltreated and even massacred

Under this circumstances, it’s hard to understand how certain international bodies still hesitate to undertake an immediate intervention there. The Security Council of the United Nations, in an unscheduled meeting, urgently reconsidered the problem, but again they couldn’t go further than addressing warnings to Milosheвич. The Commissioner of the European Council, Ms. Bonino, made clear and pointed to the core of the problem when she said that “ There was hope that Milosheвич could be part of the solution of the problem, but now it is clear that he is part of the problem itself”.

Considering the continuous aggravation of the situation the AHC, has called on several occasions for the International Community to intervene as soon as possible, as the only way to prevent a dangerous escalation of the Kosova crisis which could turn into a real threat to the peace in the region as a whole.

A statutory meeting of the Committee

According to the Statute of the AHC, a regular meeting is to be held every two years for the election of its leading organs, namely the Board and the Executive Director. It was also an opportunity to complete the ranks of the Committee. On the same occasion, need was expressed to bring some amendments in the Statute.

To this end, a plenary meeting of the Committee was held on October 2, 1998 with the following agenda: a) amendments in the statute b) election of new members of the Committee .c) election of the new Board and the Executive Director

A) Here follows the full text of the revised Statute, as it was approved during this meeting.

STATUTE
of the
ALBANIAN HELSINKI COMMITTEE

PURPOSE

To assist the Albanian society to further advance on the road of the consolidation of the democratic reforms, and the rigorous implementation of the standards of human rights and the principles of rule of law, especially under the current conditions when Albania, as a member of European Council, is engaged in the rigorous application of the European Convention of Human Rights and Fundamental Freedoms.

Initially THE FORUM FOR THE DEFENCE OF HUMAN RIGHTS was founded in December 1990; currently the Organisation is THE ALBANIAN HELSINKI COMMITTEE.

TASKS

Its tasks are the following:

- a) To observe the state of human rights and fundamental freedoms in the country, as well as the implementation of the principles of rule of law. In this respect, it denounces any violation that goes contrary to the Albanian legislation and to the generally recognised international standards;
- b) To oppose any form of political persecution and discrimination of individuals because of their political convictions, religious beliefs, ethnic origin, race, language, social or economic position;
- c) To sensitise the public opinion in regard with the respect of citizens' rights and the rigorous application of the law;
- d) To attend the citizens in knowing the domestic and the international legislation in the field of human rights;
- e) To attend in ensuring the respect of the Albanian emigrants' rights on the basis of international standards, as well as the rights of the Albanians living outside the borders of the Albanian State, paying special attention to the Albanian population that is still suffering under the cruel Serb rule.
- f) To observe the respect of the minority rights in Albania in conformity with the international standards.

METHODS

To achieve the above objectives, the Albanian Helsinki Committee :

- a) Will carry out its entire activity in conformity with the requirements of rule of law, strictly abiding by the Constitution of the country and the domestic laws, as well as the relevant international instruments generally recognised and ratified by the Albanian state;
- b) Will propose, whenever opportunity allows, further perfection of the domestic legislation, especially those which guarantee the citizens' rights and freedoms. For this, it will cooperate with the respective state organs, preserving its independence

within the framework of its functions and the other non governmental organisations which have the same goals;

c) Will continuously keep in touch with the Helsinki International Federation and, occasionally, with other international organisations that are involved in the defense of human rights;

d) Will organize conferences and seminars on national and local scale dealing with the various aspects of the defense of citizens' freedoms and rights. It will be engaged in the training of its activists, assisting them in performing fair, effective and qualitative observations.

LEADING ORGANS

The Albanian Helsinki Committee is composed of 15-21 members. Its leading organs are:

- a) The Plenary Meeting
- b) The Board
- c) The Executive Director

The plenary meeting is the highest organ of the Committee and is composed of all its members. It is convened not less than once in three months.

The Board consists of not less than 5 members, who are elected by the Plenary Meeting. To elect the Board and the Chairman, 2/3 of the total number of the members should participate in voting, and the majority of those present must vote for them.

The Board accomplishes functions of supervisions and control, and meets not less than once a month. The Executive Director participates in Board meetings, but without the right of voting.

The Executive Director leads the practical activity of the Committee and is responsible to the Plenary Meeting. He / she represents the Committee in its official relations at home and abroad. To elect the Executive Director, 2/3 of the members should participate in voting, and the majority of those present must vote for him / her.

The elections for the leading organs of the Committee are held every two years by secret ballot.

MEMBERSHIP

Membership in the AHC is on a voluntary base. The membership in AHC is incompatible with any engagement in other political parties and organisations. Its members should be engaged in the defense of the legal freedoms and rights of the citizens.

Membership ceases because of:

- a) voluntary leaving
- b) inexcusable absence in three consecutive meetings of the Committee
- c) acting in open opposition to the goals of the Organisation, which are defined in

the Statute.

By the Executive Director's proposal and the Board's consent, the staff of the Committee is appointed, whose members may/may not be members of the Committee. The staff members may not be Board members. The treasurer may not be a member of the Committee.

The duties of the staff members are defined by particular regulations approved in the Board meeting.

FINANCIAL RESOURCES

The financial and material resources of the AHC are provided by grants and donations accorded by various foundations and individuals in the country or abroad, which are engaged in the domain of the defense of human rights and fundamental freedoms.

The financial relations, the reciprocal rights and obligations with the donators are realised in conformity with the respective agreements. The contributors have the right of exercising their control on the accorded funds, in conformity with the purpose they were given for.

Not less than once in three months, the treasurer presents the Plenary Meeting with the balance-sheet of incomes and expenses. The Board may ask for data on the realisation of the budget at any necessary time.

STATUTE ALTERATIONS

Amendments to the Statute are admitted. In this regard, the Executive Director submits an explanatory report. The changes to the Statute are made when the Plenary Meeting is attended by 2/3 of its members, and the majority of the participants vote for the amendments.

B) The Albanian Helsinki Committee filled its ranks with the following members:

1. Ariana Fullani
2. Aurela Anastasi
3. Flamur Cato
4. Minella Dalani
5. Elvis Koci

In the end of this report the full list of the members of the AHC is reproduced

C) The new Board was elected as follows:

1. Jorgo Bulo
2. Ylli Popa
3. Dhimiter Xhuvani

4. Xhevair Spahiu
5. Aurela Anastasi
6. Arben Puto

Prof. Arben Puto was reconfirmed as Executive Director

MEMBERSHIP OF THE AHC

- | | |
|---------------------|--------------------------------------|
| 1. Arben Puto | Professor of international Law |
| 2. Arban hasani | journalist |
| 3. Ariana Fullani | Professor of Law Faculty |
| 4. Aurela Anastasi | Professor of Law Faculty |
| 5. Dhimiter Xhuvani | Writer |
| 6. Elvis Koci | Student of Law Faculty |
| 7. Fatos Baxhalu | Jornalist |
| 8. Flamur Çota | Lawyer |
| 9. Ilirian Zhupa | Jornalist |
| 10. Jorgo Bulo | Professor of Philology |
| 11. Korab Hoxha | Journalist |
| 12. Kujtim Çashku | Film Ditrector |
| 13. Minella Dalani | Journalist |
| 14. Niazi Jaho | Lawyer |
| 15. Piro Misha | Program Director of SOROS Foundation |
| 16. Remzi Lani | Director of Media Institute |
| 17. Xhevair Spahiu | Poet |
| 18. Ylli Popa | Professor of Cardiology |
| 19. Zana Sota | Doctor in Philisophy |

BOARD

1. Jorgo Bulo
 2. Ylli Popa
 3. Dhimiter Xhuvani
 4. Xhevair Spahiu
 5. Aurela Anastasi
 6. Arben Puto
- Chairman