

ALBANIA

Democracy Derailed Violations in the May 26, 1996 Albanian Elections

SUMMARY	2
RECOMMENDATIONS	2
PRE-ELECTION VIOLATIONS.....	3
“Decommunization” Laws	3
Restrictions on Free Expression	4
Harassment of the Political Opposition	4
The Electoral Law	5
Election Monitors.....	6
VIOLATIONS ON ELECTION DAY.....	6
POST-ELECTION VIOLATIONS	9
ROLE OF THE INTERNATIONAL COMMUNITY	10

SUMMARY

On May 26, 1996, Albanians voted in parliamentary elections — the third multi-party elections since the fall of the communist government in 1991. Unfortunately, numerous human rights violations before, during and after the vote undermined the democratic process and threatened the legitimacy of the elections. Physical attacks, ballot stuffing and voter list manipulation violated the right of the Albanian people to elect their government in a free and fair manner. Extreme cases of police violence after the elections have created a tense atmosphere throughout the country.

Despite this, the international community has not condemned these elections as a blatant violation of Albanian and international law. The U.S. government, Organization for Security and Cooperation in Europe (OSCE) and the European Union have expressed concern about voting “irregularities,” and called for a partial revote. However, new elections in selected districts does not go far enough to address the widespread abuses that took place.

Human Rights Watch/Helsinki calls on the Albanian government and the international community, specifically the OSCE, the European Union, the Council of Europe, the United Nations and the United States government, to declare these elections invalid. Those responsible for abuses of the electoral law should be held accountable, and conditions should be established for new elections to take place in an atmosphere that is free and fair. The Albanian uniformed and secret police should allow citizens to peacefully express their political views.

Even before the elections, Human Rights Watch/Helsinki warned that the ruling party might try to manipulate the vote. In a 156-page report, *Human Rights in Post-Communist Albania*, released on March 14, 1996, Human Rights Watch/Helsinki concluded:

The closing months of 1995 saw renewed efforts by the state to silence independent voices in the judiciary and media, as well as those of opposition politicians. Human Rights Watch/Helsinki fears that these actions are an attempt by the government to eliminate its political rivals, thereby jeopardizing the fairness of the forthcoming elections.

Human Rights Watch/Helsinki takes no position on the political contest in Albania, and recognizes that some of the accusations made by the opposition parties may be exaggerated. However, it is the responsibility of the Albanian government to abide by the rule of law and ensure that the voting process, the basis of any democracy, proceeds in conformity with Albanian and international law.

At the same time, Human Rights Watch/Helsinki condemns the international community’s unwillingness to criticize human rights violations committed by the Democratic Party of Sali Berisha since it came to power in 1992. The United States and European governments have repeatedly turned a blind eye to human rights abuses that undermine the rule of law and democratic reform because Albania is an “ally” in the region.

RECOMMENDATIONS

Human Rights Watch/Helsinki calls on the Albanian government to:

- Establish an independent commission with representatives from all the major political parties to investigate the electoral violations and make recommendations on how to create conditions for a new election that is free and fair.
- Prosecute those individuals responsible for violating the electoral law.

- Investigate the cases of police violence and abuse in detention committed on May 28 and hold accountable those found responsible.

Human Rights Watch/Helsinki calls on the United Nations, OSCE, the Council of Europe, European Union and the United States government to:

- Declare the Albanian parliamentary elections invalid due to the numerous electoral violations.
- Assist the government and the political parties in Albania to create democratic conditions under which free and fair elections can occur. This might include sending an international delegation to assess the violations in electoral law and make recommendations on how to avoid them in the future. In addition, the international community might offer to hold new parliamentary elections under international auspices.

PRE-ELECTION VIOLATIONS

A number of developments in recent months threatened the legitimacy of the elections before the vote had taken place.

“Decommunization” Laws

Two laws passed in late 1995 established a seven-person commission to review the files of the communist-era secret police. Those found to have “collaborated” with the former regime were banned from holding public office until the year 2002. Six of the commission members, however, were appointed by the government. The head of the commission was elected by parliament, which is strongly influenced by the ruling Democratic Party.

Altogether, the commission banned 139 individuals from participating in the elections. Of these, forty-five were from the Socialist Party (former communists), twenty-three from the Social Democratic Party, eleven from the Democratic Alliance, thirteen from the Republican Party and three from the Democratic Party. The remaining individuals were from smaller parties.

According to law, these individuals had the right to appeal the commission’s decision to the Supreme Court (Court of Cassation). Fifty-seven people availed themselves of this right, and seven of them had their “verdicts” overturned. The entire process, however, violated Albanian and international law by failing to grant prospective candidates the right to due process. All of the court’s sessions were closed to observers and the media, and none of the defendants was allowed to see the evidence against him.

The Albanian government defends this process as a means of “decommunizing” Albanian politics. However, many of the former communist officials guilty of past crimes have already been convicted by Albanian courts and are serving time in prison. Three of them were sentenced to death for “crimes against humanity” two days before the elections. In contrast, some of those banned from the elections played important roles in Albania’s democratic transition.

The International Foundation for Electoral Systems (IFES), a U.S.-based elections monitoring institute, conducted a pre-election assessment in Albania in March 1996. The organization’s final report stated:

Because of the potential for abuse and denial of human rights, it is recommended that the verification process used to screen candidates for the 1996 Assembly elections be ended. If such a process is kept, the definition of ineligibility should be narrowed, more time should be permitted for candidacies, and a greater time for appeal of adverse decisions should also be allowed.¹

¹*A Pre-Election Technical Assessment of the Republic of Albania*, March 20-28, 1996, International Foundation for

The OSCE Parliamentary Assembly also expressed its disagreement with the laws, stating:

. . . the Delegation also discussed the "Law on Genocide" and considers that the law includes procedures which are not entirely transparent. It also includes stipulations which limit the electorate's possibilities to choose freely their candidates.²

Restrictions on Free Expression

Despite numerous promises from President Sali Berisha, no legislation exists to allow for the transmission of private television or radio, leaving the state-run programs that favor the government as the main provider of news for the majority of the population. Attempts to open private local radio stations have been thwarted by the police.

While there are many private newspapers throughout the country, they are restricted by a repressive press law and obstacles to their distribution. Since 1992, a large number of journalists, including foreign correspondents, have been harassed, arrested or beaten by unknown assailants after writing articles that were critical of the government.

In the months leading up to the elections, the country's largest daily, *Koha Jone*, was repeatedly harassed and intimidated by the authorities. In January, the paper was publicly accused of collaborating with the Serbian secret police, although no supporting evidence was made public. On February 26, police detained the entire staff of the paper, including the publisher, editors, journalists, computer operators, drivers and a cleaner, in order to question them about a bomb that had exploded that morning in Tirana. Other journalists were arbitrarily detained and, on occasion, physically abused.

Harassment of the Political Opposition

Since coming to power in March 1992, the Democratic Party, led by President Sali Berisha, has used a variety of means to promote itself and stifle the opposition. The secret police, the state-owned media and the judicial system are all used to silence political opponents. There have been numerous violations of the right to association, peaceful assembly, freedom of speech and freedom of the press directed against the political opposition and other initiatives that express views critical of the state.

Human Rights Watch/Helsinki recognizes that all political forces in Albania, including the opposition, have used questionable means on occasion in the struggle for power. However, it is the responsibility of the government to respect the principles it has promised to uphold in both Albanian and international law, as well as to prosecute fairly all those found to have broken the law.

In addition to physical attacks against opposition politicians and activists like Gjovalin Cekini, Teodor Keko and Gjergji Zefi, Human Rights Watch/Helsinki is concerned about restrictions on party meetings and slanderous attacks in the state media. Also of concern is the imprisonment of Fatos Nano, leader of the Socialist Party, who was convicted in April 1994 to twelve years imprisonment for corruption after a trial fraught with due process violations. The Inter-Parliamentary Union, Council of Europe and many human rights organizations have expressed their concern that Nano was imprisoned for political reasons.

The Electoral Law

In February 1996, a new electoral law was rushed through parliament despite protests by opposition parties. The law is problematic since it restructured the electoral commissions to the advantage of the government and gave the president the sole power to approve changes to the voting districts.

Electoral Systems, Washington D.C., p. 32.

²OSCE Parliamentary Assembly press release, May 26, 1996.

President Berisha ordered changes to the electoral zones on April 5.³ The government said the changes were needed to ensure more equal voting districts but the opposition claimed that districts were redrawn to the advantage of the government. Human Rights Watch/Helsinki has not been able to confirm whether gerrymandering to the advantage of the ruling party took place, but is concerned that the president has the sole right to make such changes.

The electoral law also allocated a disproportionate amount of time on television to the ruling party. According to Article 53 of the law, the parties with seats in the previous parliament are granted four hours of air time. But half of this time is allocated to the parties in the government (i.e. the Democratic Party).

The biggest problem with the electoral law, however, was how it restructured the composition of the electoral commissions to the favor of the government, thereby opening the door for manipulation of the vote on the local level, especially in the second round of voting. Three levels of election commissions were established under Article 34 of the law: the Central Election Commission (CEC), the Zonal Election Commission (ZEC) and the Voting Center Election Commission (VCC). The CEC has fourteen members appointed by the president upon the recommendation of the parliament and the political parties. Human Rights Watch/Helsinki heard numerous complaints that the proposals from the opposition parties were largely disregarded and the CEC was heavily slanted in favor of the government.

Under the electoral law, the ZECs are composed of a chairman, deputy chairman, secretary and a representative from each party that is fielding candidates in the zone. The chairman and the deputy chairman are appointed by the CEC, while the secretary is appointed by the local prefect (a position appointed by the national government). In the case when there is an even number of people on the ZEC, then the prefect appoints an additional non-party person.

Finally, the VECs are composed of a chairman, secretary and one member from each party with candidates in that zone, as well as a non-party person when the number is even. The chairman is selected by the chairman of the ZEC, the secretary and non-party person by the prefect.

International monitors confirmed that the electoral commissions were controlled by the government appointed chairmen and secretaries. A statement made by eleven OSCE monitors from the United Kingdom and Norway after the elections said:

The key positions in the election commissions at all levels were occupied by the ruling party which did not assure an atmosphere of trust and reliability during the polling. Decisions were in many instances taken only by the government appointed chairmen and secretaries. The opposition party representatives in the commissions were often not allowed to participate in the process, if not outright evicted from the premises. This pattern was also visible in the zone commissions.⁴

³Under the previous law, parliament set the districts.

⁴Statement by the OSCE monitors from the United Kingdom and Norway made in Tirana, May 28, 1996.

The post-election statement of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which had fifty-three monitors throughout the country, also concluded that the “decisions of the polling station commissions were not made by majority vote, but by the arbitrary decisions of the government appointed chairman and secretary.”⁵

Opposition politicians and election monitors told Human Rights Watch/Helsinki that the second round of voting is particularly open to manipulation under the electoral law. In run-off elections, held between the two candidates who received the most votes in the first round, only representatives of the two parties running are on the commission, in addition to the chairman and secretary appointed by the government. Therefore, a run-off with a Democratic Party candidate would have a commission with three government appointees versus one opposition member.

Run-off elections were held on June 2 in nine districts. They proceeded without serious problems, although most of the international monitors had already left the country, and the opposition had boycotted the vote.

Election Monitors

International monitors were present from a large number of governmental and nongovernmental organizations, including the European Union, OSCE and the U.S.-based National Democratic Institute and International Republican Institute. The level of cooperation these monitors received from the government was mixed. The OSCE-ODIHR mission, which had some members in the country two months prior to the elections, said that “the level of official cooperation offered to its representatives was of such a limited nature.”⁶

Moreover, the Albanian Helsinki Committee, the country’s most prominent human rights organization, was denied permission to monitor voting in Tirana polling stations. The International Foundation for Electoral Systems was denied permission to send an expert monitor to the Central Electoral Commission.

VIOLATIONS ON ELECTION DAY

Polls opened at 7:00 a.m. on May 26. Shortly thereafter, reports of voter fraud filtered in from districts throughout the country. Around 6:00 p.m., the largest opposition party, the Socialist Party, declared that it would not acknowledge the results of the elections because of widespread manipulation. The Social Democratic Party, Democratic Alliance, Party for Human Rights, National Unity Party and Democratic Right Party joined the boycott shortly thereafter.⁷ According to a statements issued by the opposition parties, the following violations took place:

- Non-government appointed members of the local electoral commissions were intimidated and, in some polling places, beaten by police. Many others were expelled from the polling station.
- Opposition party observers were prohibited from monitoring many polling stations, as is allowed under Article 66. In some cases, police removed monitors by force.
- Some opposition candidates were harassed, physically attacked or detained by members of the secret police.⁸

⁵Post-election statement by the OSCE Office for Democratic Institutions and Human Rights, Warsaw, May 28, 1996.

⁶*Ibid.*

⁷The only other parties running in the election were the Republican Party, the Balli Kombetar Party and the Legalitet Movement.

⁸Statement by the Socialist Party, the Agrarian Party and the National Unity Party, Albanian TV, Tirana, 6:00 pm, May 26, 1996.

The government responded that the elections had proceeded in a generally free and fair manner, and that the “red front” was trying to provoke trouble. A number of violations committed by the Socialist Party were cited by Tritan Shehu, head of the Democratic Party, and ATA, the state-run news agency.⁹ By the next morning, the Democratic Party claimed a large-scale victory. On May 30, the Central Elections Commission announced that the Democratic Party had won ninety-five of the 115 seats in parliament. The Socialist Party won five seats, and the Party for Human Rights won two seats. The nine remaining seats would be contested in the second round of voting.¹⁰

Human Rights Watch/Helsinki is not in a position to confirm all of the specific allegations made by the opposition parties or the government. There is reason to believe that some accusations by both sides are exaggerated. Some election monitors, for example, told Human Rights Watch/Helsinki that some of the Socialist Party’s allegations had proven to be false.

However, Human Rights Watch/Helsinki interviews with international election observers and foreign journalists corroborate the general claims of manipulation made by the political opposition. Taken together, they establish that in many instances the uniformed police, secret police and government appointees of the electoral commissions acted in violation of the electoral law.¹¹ Anders Eriksson, a Swedish monitor with the OSCE-ODIHR delegation, told Human Rights Watch/Helsinki:

The elections were not free or fair according to international standards or Albanian law. So, they failed to meet their own criterion. . . . The opposition pulled out around five or six, but there had not yet been any results. They saw how the election was run. They had no contact with the electoral commission. They were not treated as observers, but as school boys.

It was a pattern all over the country, from day to night. It was quite obvious that just the two government appointees on the electoral commissions were in charge and made decisions without the whole commission. The opposition representatives were not involved at all. And we [the monitors] were not allowed to speak with the party representatives.¹²

A journalist for an international news agency who asked to remain nameless said that non-government appointed commission members were not present in many of the polling stations:

I went to Kuchov and Berat, and I saw stations without anyone from the opposition there. Only a policeman with a gun. In one station in Berat, the Socialist Party observer had been beaten at 8:00 in the morning.¹³

Bob Hand, an American observer with the OSCE Parliamentary Assembly, told Human Rights Watch/Helsinki:

⁹On May 30, the Central Elections Commission declared that the vote would be retaken in three districts due to voting irregularities.

¹⁰In the second round of elections, the Democratic Party won six more seats. The Republican Party won two seats, and Balli Kombetar won one seat.

¹¹One election monitor, Wolfgang Grossruck from Austria’s ruling People’s Party, reported that no incidents had occurred in the areas he visited.

¹²Human Rights Watch/Helsinki interview by telephone with Anders Eriksson, May 29, 1996.

¹³Human Rights Watch/Helsinki interview by telephone, May 29, 1996.

The counting of ballots was clearly discriminatory against the Socialist Party. It was clear that many ballots were being declared invalid. On ballots where a judgment call was required, those with Socialist votes were almost always declared invalid.

. . . After the elections, the police were celebrating by driving up and down the boulevard in Tirana with civilians in the cars, the sirens on and DP flags flying out the window. I didn't see, but heard them firing guns into the air.¹⁴

Paskal Milo, a former member of parliament and candidate for the Social Democratic Party, monitored a polling station in Lushnje. He said:

Many people voted twelve to fifteen times. Even the observers from Europe saw this. I personally saw the police force people to vote for the Democratic Party, especially old people. Sometimes a member of the commission pretended to help the old person and said, "You must vote for the DP."

The elections were organized not by the state but by the secret police. They surrounded all the voting centers. Sometimes they went inside, removed members of the commission and stuffed the boxes. Or they said: "You must vote for the DP because, if you don't, the communists will come to power."¹⁵

Other international monitors reported similar violations. On May 28, the OSCE-ODIHR delegation members from Norway and the United Kingdom issued a statement in Tirana which concluded that "the will of the Albanian people was not expressed in a free manner in the election of 26 May, 1996." The statement cited a number of violations, including:

. . . ballot cases were altered and invalidated. The number of void votes were in a large number of polling stations extremely high, up to fifty percent. In some places, ballots bundled together inside the boxes indicated that the boxes had been tampered with and votes added.

The presence of armed police and unauthorized persons around and inside the polling stations in many cases made an atmosphere of intimidation and coercion. Observers also witnessed cases of beatings and threats. The general pattern of intimidation had a significant impact on the election process.¹⁶

Press reports from major newspapers and news agencies cited other violations. According to an article in the May 28 edition of the *New York Times*:

Election monitors from the European Union and the United States said they witnessed instances of police intimidation, open ballot boxes and voters casting more than one ballot. In a district in the capital, the voting was held in the living room of the local leader of Dr. Berisha's Democratic Party.

¹⁴Human Rights Watch/Helsinki interview by telephone with Bob Hand, May 30, 1996.

¹⁵Human Rights Watch/Helsinki interview by telephone with Paskal Milo, May 28, 1996.

¹⁶Statement by the OSCE monitors from the United Kingdom and Norway made in Tirana, May 28, 1996.

One election monitor, Fabrizio Migliaccio of Italy, said he was stunned that in seven districts he visited in the seaside town of Durres, "basic violations" of the electoral process were made in front of him. They included more than one person being in the voting booth, unsecured ballot boxes and the stuffing of the boxes with ballots.¹⁷

The next day, the *New York Times* quoted a Dutch observer, Yuraj Atabaki, who has monitored nine elections in the region since 1991, as saying, "I have never seen the totalitarian face like this, people being beaten, cameras taken."¹⁸ According to the article, forty of fifty-three OSCE observers said they witnessed electoral abuses at the polls.

International monitors told a journalist from the Open Media Research Institute (OMRI) that they had observed many violations. The monitors, who asked not to be named, said that voting irregularities were severe enough to affect the ballot's outcome in twelve of the fifteen stations they had observed.¹⁹

POST-ELECTION VIOLATIONS

On Monday, May 27, the leading opposition parties called for a demonstration in Tirana's central Skenderbeg Square to protest the manipulation of the vote. The Interior Ministry declared the gathering illegal, and said the government would use force, if necessary, to prevent it from happening.²⁰

Opposition leaders gathered nevertheless, and the police broke up the demonstration with force far beyond the amount necessary to bring the situation under control. According to Human Rights Watch/Helsinki interviews with foreign journalists and international election monitors present in the square, police swinging truncheons attacked opposition leaders and their followers, beating people indiscriminately. Hospitals reported at least seven serious injuries, including one person with a skull fracture and another with a broken leg.²¹ Five opposition leaders were beaten by the police in front of journalists and international monitors, and were then hauled off to local police stations.

Bob Hand, an American observer with the OSCE Parliamentary Assembly, told Human Rights Watch/Helsinki:

First it looked like the police were trying to talk to people, pleading with them to go away. And they were trying to push them back. The police starting hitting, and then the riot police arrived, from which point it got worse. More and more they were clobbering people without regard.²²

Gramoz Pashko, a leading member of the Democratic Alliance who co-founded the Democratic Party with Sali Berisha, told Human Rights Watch/Helsinki:

¹⁷"Pro-Western Albanian Chief Claims Victory in Chaotic Election," *New York Times*, May 28, 1996.

¹⁸"Riot Police Beat and Arrest Albania Election Protesters," *New York Times*, May 29, 1996.

¹⁹OMRI Daily Digest, May 28, 1996.

²⁰According to Albanian law, permission is required for any gathering in a public place.

²¹Associated Press, May 29, 1996.

²²Human Rights Watch/Helsinki interview by telephone with Bob Hand, May 30, 1995.

They beat us and detained us for one and half hours in the police station. [Endre] Legisi, [Sevret] Pellumbi, [Arben] Imami, [Blendi] Gonxha and Namik Dokle. They isolated the leaders and we were heavily beaten in the square and in the police station without any accusation being made. Then we were released. Arben Imami lost three teeth and is in very bad condition.²³

Human Rights Watch/Helsinki spoke with the Imami family and confirmed that he had been dragged for approximately two hundred meters on his head, and then detained. He lost his front teeth and was temporarily in a coma.²⁴ Paskal Milo was also beaten and told Human Rights Watch/Helsinki:

Today we had a meeting in Skenderbeg Square. The opposition parties were there to protest the manipulation of the election by the DP. Six or seven thousand people came and they beat us. . . . They beat us with everything. Some of them [opposition leaders] were in jail for about two hours.²⁵

The police also beat foreign and Albanian journalists who were present in the square, including Gianfranco Stara and Spiro Ilo from Associated Press Television and Eduardo del Campo from Spain's *El Mundo*. Stara and Ilo's professional Beta camera was smashed and the film destroyed. The Interior Ministry denied that anyone had been beaten and said the gathering was 30 percent former secret police agents who "called for war, violence and massive exodus to neighboring countries."²⁶

Following the police action, President Berisha issued the following statement:

The President of Albania calls on Albanian citizens to be cool-headed and not to fall prey to the decisions of the Albanian former secret police leaders, today's Socialist Party leaders, who, after their total defeat, withdrew from the free elections three hours before they were closed, and in active cooperation with other extreme groups intend to stir up fights among the people and to destabilize democracy.²⁷

Another demonstration was held in Tirana on June 4. The police did not allow people to congregate in front of the Socialist Party headquarters, but there were no reports of violence. During the preceding week, however, Albanian journalists reported clashes with police in some southern towns.

ROLE OF THE INTERNATIONAL COMMUNITY

Since coming to power in 1992, President Berisha has enjoyed the strong support of the international community, especially the American, German and Austrian governments. In return, Berisha has opened up Albania's ports and airstrips for NATO use and encouraged ethnic Albanians in neighboring Kosovo and Macedonia to avoid calls for independence.

²³Human Rights Watch/Helsinki interview by telephone with Gramoz Pashko, May 28, 1996.

²⁴Human Rights Watch/Helsinki interview by telephone with the Imami family, May 28, 1996.

²⁵Human Rights Watch/Helsinki interview by telephone with Paskal Milo, May 28, 1996.

²⁶Albanian Telegraphic Agency, May 28, 1996.

²⁷*Ibid.*

At times, western governments have criticized human rights abuses in the country. But Albania still became a member of the Council of Europe and receives substantial foreign aid. A number of top-ranking western officials visited Albania in the weeks preceding the elections, thereby lending credence to the government.

The international community's response to the elections has been mixed. No foreign head of state has sent a congratulatory message to President Berisha or the Democratic Party. At the same time, no government or international organization has outright condemned the elections as fraudulent. In a statement issued on June 1, the U.S. Department of State said:

Regrettably, numerous irregularities marred these elections and represent a significant step backward from the previous parliamentary elections in 1992.

... These irregularities cast a shadow on the prospects for democratic progress, which remains the cornerstone of our relationship with Albania. It is our firm belief that steps need to be taken to correct these flaws. This remedial action should, in our judgment, include rerunning some races, as recommended by various international observer delegations, including the OSCE and EU.²⁸

Human Rights Watch/Helsinki believes that a partial revote does not go far enough. Our research concludes that the violations were widespread enough to invalidate the elections as a whole. In addition, a partial revote does not take into consideration the other irregularities in the electoral process; namely, the "decommunization" laws, the electoral law, and the state's control of the media.

For a comprehensive review of human rights violations under the Berisha government, see "Human Rights in Post-Communist Albania," a Human Rights Watch/Helsinki report.

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Human Rights Watch/Helsinki

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²⁸Statement by Nicholas Burns, spokesman, Department of State, June 1, 1996.