

Approved for Release

APR 2002

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CIA/EUR

95-40175

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### Intelligence Report

Office of European Analysis

1 August 1995

#### Albania: Fitfull Progress in Judiciary, Media Reform

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*The cases of two former Communists--Fatos Nano, Chairman of Albania's Socialist Party and Ilir Hoxha, son of former Communist leader Enver Hoxha--have highlighted the slow pace of judicial reform since initial strong progress following President Berisha's 1992 election and fueled opposition claims that Berisha is becoming increasingly autocratic.*

- *Berisha, who enjoys close relationships with many in the judiciary, has the access and power to determine events in both cases and was likely informed of both the arrests and the trials. However, there is no evidence that Berisha was responsible for the irregularities associated with Nano's case nor the arrest of Hoxha.*

*State-controlled television provides the only domestic programming in Albania, and opposition parties allege that the broadcasts serve the interests of the ruling Democratic Party. Opposition parties, independent trade unions, and other organizations are able, however, to publish some 250 independent newspapers and magazines and efforts to liberalize state-controlled radio continue.*

#### Growing Disagreement Over Nano's Imprisonment

Various international organizations, the Albanian opposition, and some ruling party officials have cited procedural irregularities in the investigation and trial of Fatos Nano, Chairman of Albania's Socialist Party, who was jailed in 1993 on charges of corruption during his three-month tenure as Albania's Prime Minister under former President Ramiz Alia<sup>1</sup>. Albania's Supreme Court Chairman Brozi--previously a strong believer in Nano's guilt--publicly called for the reversal of court decisions on Nano's case after reviewing new information from his defense attorneys. Brozi cited serious violations of procedural regulations during the state's investigation of the charges against Nano as well as during Nano's trial, which Brozi believed led to the erroneous sentencing of Nano, according to press reports. The Socialists as well as opposition voices within Berisha's Democratic Party claim that Nano is a political prisoner who will not be released without Berisha's approval.

<sup>1</sup> Nano has served two years of his original 12-year sentence. His sentence was reduced by 5 years by a 1994 Law on Amnesty and a 1995 decree by President Berisha reducing his jail term.

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- The Cassation Court decided last week to postpone Nano's appeal until September to give the prosecution sufficient time to review new evidence on the case. Nano lost appeals for his immediate release at both the District Court and Court of Appeals earlier this month; his remaining sentence was reduced from 4 years to slightly under 3 years.

Brozi's reversal is likely based on a review of the defense's new evidence and reports that Rome--which had been investigating the accusations that several Italians and a former Italian official were involved with Nano in the misuse of funds--absolved the Italians implicated in the case of all charges.

- Despite the case for Nano's release, parliamentary debates over a new penal code and its applicability to the Nano case, may slow the Cassation Court process.
- If Nano is released in September, he would likely play a major role in the 1996 elections and could become Berisha's major opponent in the 1997 presidential race. As head of the Socialists--the second largest party in parliament behind the Democrats and which also controls roughly half of all local governments--Nano would likely use his newly gained freedom and name recognition to promote Socialist efforts to undermine the Democratic Party's cohesiveness.

#### Paternal Association Not Criminal Threat

Iir Hoxha's sentence to one year in prison last month for endangering public peace because of an interview published earlier this year appears to be based on his paternal ties--his father was the former Communist leader of Albania, Enver Hoxha--and not any significant threat his interview posed to Albania's stability. Iir Hoxha was implicated in crimes against the state in 1991 by the then-opposition Democratic Party, but he has since been uninvolved in political activity. Iir Hoxha's arrest and conviction for endangering public peace reflect restrictions in the penal codes on freedom of speech and the press have been used to prosecute persons for criticism of the government. Public outcry over the arrest has been limited and there is no evidence to suggest that his sentence will be overturned.

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### **Berisha's Role in the Arrests Possible but Not Provable**

We have no evidence of Berisha's involvement in the irregularities associated with Nano's trial nor the imprisonment of Hoxha. The close links between the Presidency, Democratic Party, and judiciary, however, make it likely that he was, at a minimum, informed of the arrests and could intervene in either case to minimize any political damage.

- [REDACTED]
- Berisha has played an active role in the judiciary and earlier this year called for the lifting of Brozi's immunity--which was maintained by a parliamentary vote--because he questioned the justice's release of a Greek businessman. [REDACTED]

Berisha may yield to significant Western pressure by supporting Nano's or Hoxha's release but there is no evidence to suggest that he currently supports a release based on a review of judicial irregularities.

- Tirana's perception, [REDACTED] that the US sided with Greece last year to pressure Albania to release five ethnic Greek Albanians charged with espionage will make Tirana less flexible in addressing Washington's human rights concerns. Tirana reportedly addressed the Nano case in negotiations leading up to Albania's admittance to the Council of Europe. [REDACTED]

### **Slow Progress on Opening Media**

Although Berisha has urged that state-controlled radio and television be made "public," there have been no substantial efforts to open the electronic media. Some progress in liberalizing radio has been achieved, according to former head of the Democratic Party Eduard Selami. Television remains dominated by the government. The print media is open--over 250 Albanian magazines and newspapers are independent and published on a regular basis--but journalists have encountered restrictions on their freedom of speech and a few have been arrested over the past two years, according to diplomatic reports.

- An October 1993 press law sets fines for the publication of material considered secret or sensitive by the government, and gives sweeping authority to the government to confiscate material and even imprison journalists.

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[Redacted]

- [Redacted] the mayor of Tirana recently released an order promoting the private sale and distribution of newspapers and assigned the duty to specific state entities. There is no information linking Berisha or any Democratic Party leaders to this order. [Redacted]

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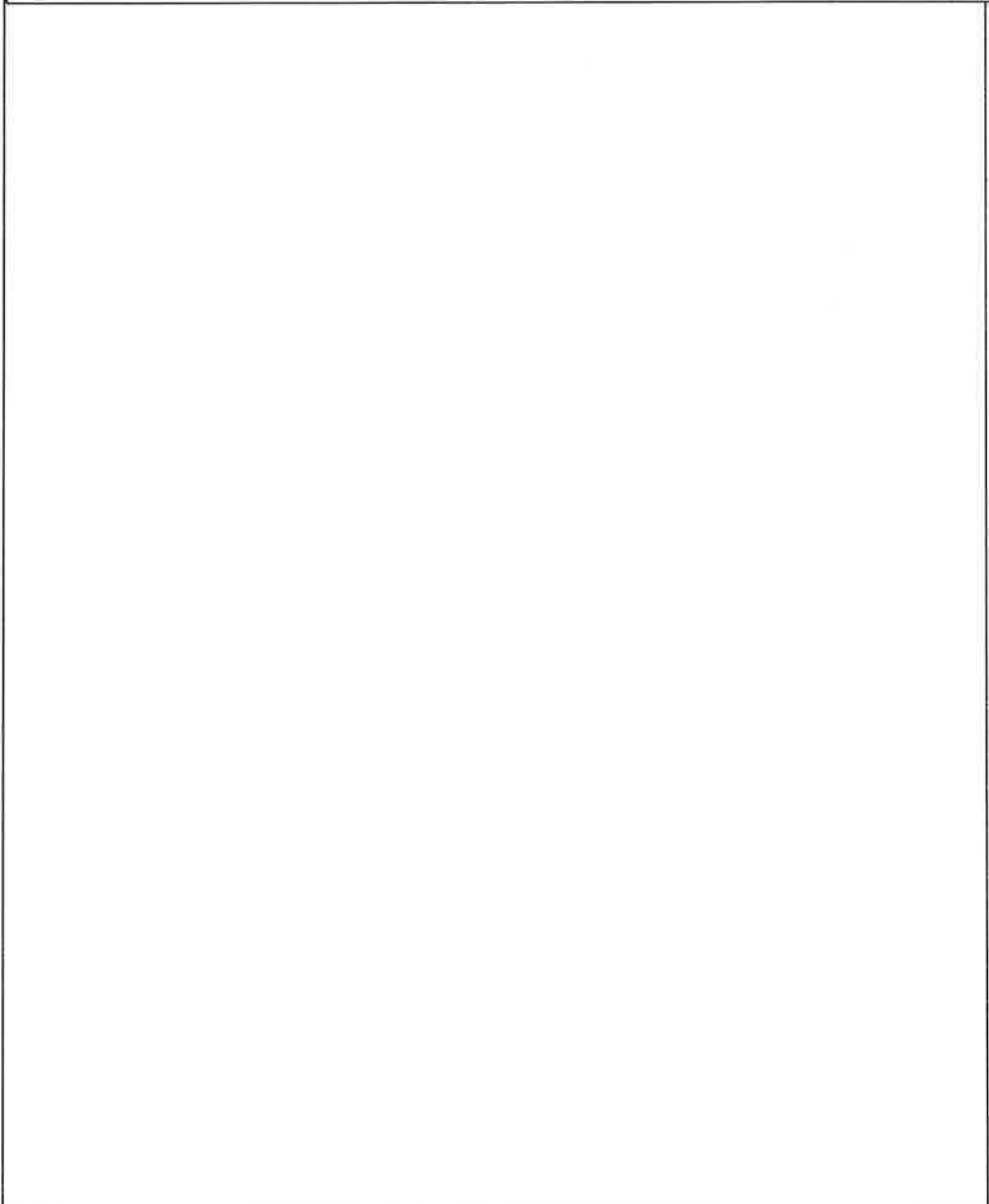
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**SUBJECT: Albania: Fitfull Progress in Judiciary, Media Reform**



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