

After Dictatorship

Instruments of Transitional Justice in Post-Authoritarian
Systems

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Albania: Coming to Terms with the Communist Dictatorship

1 The Experience of Dictatorship

The Republic of Albania¹, a small country with 2.8 million inhabitants bordering Greece to the south, North Macedonia to the east and Kosovo and Montenegro to the north, experienced one of the most repressive communist dictatorships in Central and Eastern Europe from November 1944 to March 1991. The Albanian dictator Enver Hoxha ruled the country with an iron fist until his death in April 1985, repeatedly breaking off relations and agreements with his allies from the communist camp and isolating the country from the rest of the world. After his death, this policy was continued by his successor Ramiz Alia until the Iron Curtain fell and the transition from dictatorship to democracy was negotiated.

This was not an easy transition. The planned economy and isolationist policies had led Albania into the economic abyss. There was a lack of democratic political culture in the country even before the dictatorship was established. Elites and dissident groups were systematically eliminated through executions and imprisonment. There was no independent civil society. A tradition of independent media was absent, and paranoia, xenophobia and mistrust had left deep traces in Albanian society.

The conflicts and disputes from the time of the class struggle were transferred to the two most important political parties. These were the Democratic Party (DP), founded in December 1990 and calling itself conservative, Albania's first opposition party, and the Socialist Party (SP) as the successor the Communist Party. A strong polarization still characterizes the political culture and public discourse in Albania today.

1.1 Relevant Period

The communist dictatorship was established immediately after the withdrawal of German troops from Albania on 29 November 1944 and ended with the first pluralist elections on 31 March 1991. The downfall of the dictatorship did not occur through its overthrow, but as a result of a domino effect following the fall of the Berlin Wall and the bloody events in Romania. Political pluralism was only permitted by Alia's gov-

¹ The Republic of Albania (Republika e Shqipërisë) emerged from the People's Socialist Republic of Albania in 1991.

ernment in December 1990. Therefore, the newly formed opposition parties had little time to prepare for the upcoming elections, and the former communists won them with a two-thirds majority. A year later, due to massive protests, President Alia was forced to resign from office and call new elections, from which the conservative Democrats emerged as clear winners on 22 March 1992.

1.2 Political Background

In order to understand the Albanian dictatorship, which managed to survive for almost half a century, it is necessary to analyse the conditions under which the communists came to power and the repressive structures and means they used to maintain it.

Starting during the war, significantly after the Mukje Conference on 23 August 1943,² the Albanian communists, led by Enver Hoxha, began a bloody civil war against other liberatory organizations in the country. They dealt the greatest blow to the so-called nationalists and legalists, who had organized themselves respectively in the National Front and the Legality Party. This internal struggle proved to be an important breeding ground for the later myth of socialist historiography, according to which the communists alone had fought against the fascist occupiers and liberated the country from them. Hoxha also later concealed the central role of the Yugoslav communists, under whose influence his party had existed from its foundation until 1948.³

As early as October 1944, the communists transformed the 'Anti-Fascist National Liberation Committee', which they dominated, into a provisional government under Enver Hoxha as Prime Minister.⁴ Up to the first elections on 2 December 1945, they took numerous measures to consolidate their power. In order to win the confidence of the population, propaganda focused on rebuilding the country, strengthening the economy and implementing agrarian reform, through which the large inherited landholdings were expropriated without compensation and distributed to landless peasants in the summer of 1945. According to the provisional government, the damage caused by the war was great, with an alleged 28,000 dead and thousands wounded, 10,000 imprisoned and interned in concentration camps in Italy and Germany, over 46,000 houses destroyed, etc. These highly manipulated figures were – as historians

² Uran Butka, *Lufta civile në Shqipëri 1943–1945* [*Civil War in Albania 1943–1945*] (Tiranë: ISKK, 2015).

³ Arshi Pipa, *Stalinizmi Shqiptar: Anatomia e një patologjie politike* [*Albanian Stalinism: Ideo-Political Aspects*] (Tirana: ISKK & Princi, 2007), 13. For further information see also: Çelo Hoxha, *Krimet e komunistëve gjatë luftës 1941–1945* [*Communist Crimes during the War*] (Tiranë: ISKK, 2014).

⁴ Butka, *Lufta civile në Shqipëri*.

now admit⁵ – used by the regime to gain legitimacy and justify repressive means in the suppression of its opponents.

The coalition of the anti-communist opposition, formed shortly before the elections in 1945, opposed the policy of the dictatorial exercise of power by military structures that had existed since the war. The opposition consisted of three political groups: The Social Democrats, the Monarchists and the Resistance (Nationalists). Despite efforts to make the population and foreign allies alike aware of Hoxha's authoritarian regime, the opposition failed, and the communists won the election in December 1945 with 90 percent of the vote.⁶ On 11 January 1946, Hoxha declared Albania a People's Republic on the model of the USSR and Yugoslavia. At the same time, he began to isolate the country from the West. The 1976 Constitution changed it to the Socialist People's Republic of Albania, which was the official name of the country from 1976 to 1991.

Over the following decades, Hoxha also gradually severed ties with all other communist countries. First he fell out with Yugoslavia, whose communist partisans under Josip Broz Tito had exercised a kind of wardship over their Albanian comrades for years (1941–1948). This was followed by a period of Soviet patronage (1948–1961), then a period of close cooperation with China (1961–1978) and, finally, after the break with the Chinese communists, the complete isolation of the country, which lasted until the fall of the communist regime. This capricious foreign policy served Hoxha mainly to legitimize his power, but also to obtain economic help in overcoming the major problems that racked the country.

In order to justify the respective course in foreign policy, state propaganda criticized all countries that had allegedly left the path of pure Marxist-Leninist doctrine. In the end, Hoxha claimed that only Albania had succeeded in building true socialism. Every breach of relations was also used as an opportunity for purges within the party leadership and for the persecution of alleged 'enemy groups' in other areas of society, such as the military or the economy. The most frequent accusations were 'being in the service of enemy intelligence services', 'weakening the class struggle' or 'collaborating with the Catholic clergy'.⁷ In this way, Albania developed into a bizarre dictatorship in which not only innocent citizens were killed, imprisoned, deported and the country's economy destroyed, but in which active supporters of the regime were likewise ground up by the mills of terror.⁸ The country's isolation and

5 Beqir Meta and Ermal Frashëri, *Mbi sistemin e burgjeve, internimit dhe punës së detyruar gjatë regjimit komunist në Shqipëri* [On the System of Imprisonment, Internment and Forced Labour during the Communist Regime in Albania] (Tiranë: AIDSSH, 2018), 10.

6 Bernd J. Fischer, 'Albania at War, 1939–1945', Central European Studies (West Lafayette, Indiana: Purdue University Press, 1999), 252.

7 Pipa, *Stalinizmi shqiptar*, 86.

8 Hoxha, *Krimet e komunistëve gjatë luftës*, 26.

Enver Hoxha's paranoia culminated in the construction of some 170,000 bunkers in Albania, the remains of which can still be seen in many places today.⁹

1.3 Ideological Justification

Ideologically, the communist regime in Albania had both strong nationalist and distinctly Stalinist elements. Hoxha imposed his autocracy by using the purge and repression methods already tried and tested in the Soviet Union – also and especially within his own party and against opponents who could have been dangerous to him. He also followed the Stalinist model of creating a new socialist identity that would bind the population to the regime and mobilize them to increased performance. However, he combined this with a nationalism that was not possible to the same extent in the Soviet Union with its many distinct nations.

This ideology of nationalistic socialism was facilitated by the victory of the partisans in the Second World War. The partisans who had joined the Communist Party of Albania (*Partia Komuniste e Shqipërisë*; PKSh) during or after the war knew little about communist ideology. Nonetheless, their experiences in the struggle against the fascist occupiers made it easier for them to identify with Hoxha's national communism. The myth of liberation formed an essential basis of his system of power.

Hoxha's transformation from an internationalist to a nationalist served to maintain his power in several ways. On the one hand, nationalism gave him legitimacy among the population. To further this, his regime invoked not only Marx or Lenin, but historical figures from the times of the Illyrians and Skanderbeg to nationalists of the late nineteenth and early twentieth centuries as 'champions of a free Albania'.¹⁰ According to the American historian Bernd Fischer, in order to maintain his power, Hoxha wanted to create a monolithic nation-state of Albanians, which had existed in the preceding centuries only during the short period of independence between 1919 and 1939.¹¹

Hoxha's national socialism also served the purpose of shielding and isolating society from external influences, making it easier to manipulate. Finally, it allowed him to strengthen his own regime by dividing society into 'friend' and 'foe', fuelling the 'class struggle' between his supporters and opponents, banning the practice of faith and deepening the cultural-religious conflict between the north and south of the country.

Under Ahmet Zogu, who had declared himself king after a three-year presidency, Albania had been ruled from 1925 to 1939 by a representative of the *Gheg*-inhabited north. This changed when the communists came to power and, with Enver Hoxha a

⁹ The small, hemispherically-shaped concrete bunkers were designed in the 1960s and completed by 1985. According to the regime, they served to protect the country.

¹⁰ Marie-Janine Calic, *Südosteuropa: Weltgeschichte einer Region* (Munich: bpb, 2016), 511.

¹¹ Fischer, 'Albania at War', 274.

representative of the *Tosks* living in the south, ruled the country. The partisan army also consisted mainly of representatives of the southern, Tosk population, while the Ghegs were considered ‘enemies’ and were systematically persecuted, especially after the anti-communist uprising of Postribë in September 1946. This policy of division culminated in the designation of Tosk as the official standard dialect of the Albanian language, which ignored the long Gheg tradition in Albanian culture. This cultural domination also strengthened Hoxha’s position.¹²

Last but not least, the fight against religion played a special role. This gradually intensified after Hoxha’s seizure of power and culminated in the ban on religion in 1967. In Hoxha’s propaganda and speeches, religion was castigated as an element of possible foreign influence, which the enemy could use to divide the Albanian people.¹³ Massive repressive measures were taken against the Catholic clergy in particular, which had influence mainly in the north of the country and adopted a recognisably anti-communist stance.

While the Soviet Union propagated ‘peaceful coexistence’ between capitalist and socialist states from 1955 onwards, the martial rhetoric under Hoxha’s leadership continued to intensify. Albanian nationalism finally culminated in a self-isolation that was unparalleled worldwide and which was accompanied by a veritable paranoia regarding a ‘foreign attack by Albania’s enemies’. Children were taught from pre-school age that they had to defend the regime at gunpoint. They learned partisan songs in pre-school institutions, followed in secondary school by basic military training, which was a compulsory subject.¹⁴ Students and workers, men or women, also regularly took part in military exercises. At the same time, there was an increased disruption of foreign media, television and radio stations, which could be received mainly in the coastal areas near Italy and Greece or the north-eastern border region with Yugoslavia.

1.4 Structures of Persecution

In many ways, Hoxha copied Stalin’s path to a dictatorship from which no-one was safe. The Albanian model of dictatorship can be understood by applying the definition of Stalinism developed by the German historian Jörg Baberowski as a ‘dictatorship of subjugation that overstepped all boundaries in the war against its own peo-

¹² Pipa, *Stalinizmi shqiptar*, 98.

¹³ In the keeping with the spirit of the national renaissance, the entire population was called upon to put aside cultural and religious divisions and unite for independence against the Ottoman Empire under the motto: ‘Albanianism is the religion of the Albanians!’

¹⁴ Idris Idrizi, *Herrschaft und Alltag im albanischen Spätsozialismus 1976–1985* (Berlin and Boston: De Gruyter Oldenbourg, 2019), 44.

ple. However, its violence was not brought about by ideas, but by situations and their opportunities'.¹⁵

In order to intimidate and subjugate the population, the communist regime incessantly propagated the struggle against the internal and external enemy and developed a system of terror in which new purges constantly took place. The 'show trials' against Hoxha's alleged opponents or the system of camps for the numerous prisoners resembled the model of the Soviet Union. The Albanian Ministry of the Interior played a key role in this respect, controlling not only the secret police, the judiciary and the penal system, but also the army.¹⁶

Hoxha realized early on that he needed an effective secret service to stay in power. The State Security Service of Albania, the *Sigurimi*, had been founded early on, in December 1945, with the help of the Yugoslav secret service (*Uprava državne bezbednosti*; UDB).¹⁷ The first tasks of the *Sigurimi* included the persecution of so-called reactionary elements and the Catholic clergy, as well as intensified action against opponents of the regime (so-called agents and saboteurs, in addition to former Nazi collaborators) through (special) people's courts. Documents from this period testify that the *Sigurimi* was used to carry out the 'dirty work' of the PKSh, such as night-time kidnappings of people from their homes or extrajudicial shootings. In countless cases, the families of these victims never learned of the further fate which befell their loved ones. On 22 October 1949, a resolution passed by the Council of Ministers finally transferred the *Sigurimi* to the structures of the Ministry of the Interior. By 1990, it had an estimated 10,000 full-time staff and an extensive network of informants.¹⁸

In addition to the *Sigurimi*, the structures of the Ministry of the Interior also included the police and the border guard. Leaving Albania without permission was considered 'treason' under Article 47 of the 1976 constitution¹⁹ and was punishable by 10 to 25 years in prison, and in some cases even by the death penalty.²⁰ Article

15 Jörg Baberowski, *Verbrannte Erde: Stalins Herrschaft der Gewalt* (Munich: Fischer, 2019), 131.

16 Georgia Kretsi, *Verfolgung und Gedächtnis in Albanien: Eine Analyse postsozialistischer Erinnerungsstrategien* (Wiesbaden: Harrassowitz Verlag, 2007), 127.

17 The organizational structure of the *Sigurimi* was based on the Yugoslav model. Of its initial staff, 22 percent were illiterate, 64 percent had a primary school education and only 14 percent had completed secondary education. For more information on the founding and work of the *Sigurimi* see Kastriot Dervishi, *Sigurimi i Shtetit 1944–1991. Historia e policisë politike të regjimit komunist [History of the State Security Service Sigurimi]* (Tiranë: Shtëpia Botuese 55, 2012).

18 Robert C. Austin and Jonathan Ellison, 'Post-Communist Transitional Justice in Albania', *East European Politics and Societies*, vol. 22, no. 2 (2008), 376–377.

19 Online publication of the Albanian Constitution of 1976, accessed 14 December 2020, <http://eudocitizenship.eu/NationalDB/docs/ALB%20Kushtetuta%20e%20Republikes%20Socialiste%20Popullore%20e%20Shqiperise%201976.pdf>.

20 'The soldier on the border warns you once, twice – and the third time he kills you. The soldier is not joking, he will kill you!' Speech by Ramiz Alia on 26 July 1990 at the plenary session of the Central Committee, quoted in Qemal Lame, *Kur shembeshin themelet [Collapse of the Foundations]* (Tiranë: Onufri, 2014).

146 also sanctioned punitive measures of up to 15 years imprisonment against border guards for negligent carelessness. Such punitive measures also affected the relatives of those who had escaped abroad or people who had merely planned to flee the country. They ranged from dismissals to detention or internment. Despite the threat of punitive measures, which frequently extended into the third generation, many Albanians risked their lives to cross the border.²¹

The extent of the persecutions in Albania has not yet been adequately researched. One of the reasons for this is that after 1991 not all of those affected applied for the status of politically persecuted person. Between 1945 and 1956 alone, when the terror assumed its greatest proportions, an estimated 15,234 people were arrested for political reasons and 1,049 of them sentenced to death out of a population of less than two million.²²

The example of the Catholic city of Shkodra in northern Albania gives an idea of the extent of the terror, especially in the early period of the communist regime. After the war, units of the police and the *Sigurimi* occupied 26 buildings used by believers, as well as several cellars, which they converted into makeshift dungeons for the interrogation and torture of opponents of the regime. The net result of reprisals in Shkodra from 1944 to 1960 amounted to 2,890 prisoners, 1,924 internees and 601 shooting victims, including 61 members of the clergy.²³

The following numbers of victims are assumed for the entire communist era:

- Political imprisonments: approximately 24,000 to 34,000 people;
- Politically motivated executions: 6,027 people (of whom approximately 300 were women);
- Imprisonment: 34,135 people (of which approximately 7,000 women);
- Died in custody: approximately 1,000 people;
- Severely psychologically damaged by violence, torture and imprisonment: 308 people;
- Interned: 60,000 people (or 20,000 families), of whom 7,000 died.²⁴

21 Jonila Godole and Valbona Bezati, 'Në shërbim të popullit – Politikat kufitare në Shqipërinë komuniste' [In Service of the People. Border policy in Communist Albania], in *Profile të armikut të popullit në diktaturë [Profiles of People's Enemy during Dictatorship]*, publication of the conference papers from 17–18 May 2019, 13–32, (Tiranë: Onufri, 2021), accessed 03 November 2022, https://issuu.com/aidssh/docs/profilet_e_armikut_t_popullit.

22 IDMC, *Non-rehabilitation of formerly persecuted individuals and transitional justice 1991–2018* (Tiranë: IDMC, 2019).

23 IDMC, *Non-rehabilitation*, 77, and the map of memorial sites in the museum 'Site of Witnesses and Memory' in Shkodra.

24 The figures from two of the most important institutions for transitional justice have added together here. Namely, those of the Institute for the Integration of the Formerly Politically Persecuted (IIP), accessed 10 October 2020, <http://ishperndjekurit.gov.al/al/statistika/> and the Institute for the Studies of Communist Crimes and Consequences in Albania (ISKK), www.iskk.gov.al. These figures may differ slightly in other publications. Cf. Idrizi, *Herrschaft und Alltag*, 52; Kretsi, *Verfolgung und Gedächtnis*, 125–126; IDMC 2019.

However, these figures are incomplete. For example, there are no exact figures regarding the killings on the Albanian border in relation to ‘illegal border crossings’. According to internal data from the end of the communist regime, about 1,000 people were killed. On 20 November 1990, Interior Minister Hekuran Isai stated in a report to Ramiz Alia that the number of border crossings had increased massively. According to him, ‘13,692 persons of adult age [had] fled Albania since the liberation, 998 of whom [had] died’.²⁵

In 1990 alone, 54 people are thought to have died at the border, including women and children.²⁶ Even after a change in the law in May 1990, according to which fleeing was no longer considered ‘treason’ but only ‘illegal border crossing’ punishable by up to five years in prison, the border regime did not change. On the contrary, the crackdown on those attempting to leave the country was also used to intimidate the population and deter people from fleeing. For example, it is documented that as late as August 1989, when two young men were killed while attempting to flee at Albania’s northern border, their bodies were subsequently tied to a truck with barbed wire and dragged through the streets and villages of the area surrounding Shkodra. There, the corpses were put on public display.²⁷

1.5 Victim Groups

Despite the incomplete state of research, the victims of the Albanian dictatorship can be divided into three main categories: Opponents of the regime, persecuted communists and non-conformists.

The first group includes oppositionists and other political opponents of the regime who were mainly persecuted in the initial years following the communist seizure of power. Representatives of the Catholic clergy in the north, social democrats, monarchists and large landowners who opposed the agrarian reform can likewise be regarded as belonging to this group. It further includes disgraced state cadres who fell from grace during the first phase of the consolidation of power.

The second group includes people who initially participated in the communist dictatorship themselves but later became ‘caught up in the gears of a lawless criminal justice system through a superordinate party manoeuvre’.²⁸ Many of them were sentenced to long prison terms or even death. However, the sentences for these peo-

²⁵ Accessed 11 January 2021, <https://www.balkanweb.com/raporti-per-ramiz-aline-ne-46-vjet-jane-arratisur-13-692-vete-988-jane-ekzekutuar/>; <http://www.panorama.com.al/simon-stefani-ne-1990-denim-kapital-per-ata-qe-nuk-u-binden-kufitareve/>; <http://www.nacionalalbania.al/2013/05/cfare-permban-albumi-terrori-komunist-ne-shqiperi/25/>.

²⁶ Kastriot Dervishi, *Vrasjet në kufi në vitin 1990* [*Border Killings in 1990*] (Tiranë: ISKK, 2016b), 131–134.

²⁷ Dervishi, *Vrasjet në kufi në vitin*.

²⁸ Kretsi, *Verfolgung und Gedächtnis*, 123.

ple and their families were often more lenient than for other groups of victims. Members of anti-communist victims' organizations therefore attach importance to the distinction between themselves as victims of the dictatorship and disgraced 'former communists'.

A third category is formed by people who were not necessarily opponents of the regime but nevertheless became victims of persecution. These include, for example, peasants who resisted collectivization, young people who dressed in a non-conformist manner, or people who used special antennas to receive foreign radio or television stations illegally.

The persecutions in Albania were not only directed against groups and individuals who had been declared 'enemies of the people', but often against their families as well. Thus, the rhetoric of the class enemy led to society being divided into people with 'good' or 'bad' biographies – depending on their social background. Although Hoxha himself came from a wealthy Muslim family and had studied in France and Belgium, he ensured that people with a 'bad biography' were placed under tighter control, as they could supposedly become enemies at any time.

In addition to the actual victims of persecution, the children and relatives of political prisoners or indeed their entire families, 'who lived in miserable conditions in internment camps', were often affected.²⁹ Conversely, the relatives of partisans, war veterans or communists were automatically counted among the families with a 'good biography'. However, they too – as in the case of the Albanian Prime Minister Mehmet Shehu – could be downgraded to 'enemies' at any time. As a rule, stigmatization as an enemy was irreversible and later rehabilitation virtually impossible.³⁰

The religious communities in Albania were hit particularly hard. Over a period of decades, clergy and believers alike were persecuted, arrested or executed, with the constitution finally banning all religions in 1967. The approximately 2,037 houses of worship³¹ were either misused – for example, as cattle sheds, warehouses or gymnasiums – or destroyed on the orders of the party as so-called 'voluntary contributions'.

The fight against the clergy had already begun prior to the end of the war, in 1944. At that time, the Provisional Government closed Catholic schools in Shkodra in northern Albania because 'reactionaries, subversives and anti-nationalists, each of whom represented foreign interests' were allegedly active in those institutions.³²

²⁹ Idrizi, *Herrschaft und Alltag*, 157.

³⁰ Kretsi, *Verfolgung und Gedächtnis*, 34.

³¹ Among which were 740 mosques, 609 Orthodox churches, 158 Catholic churches, 530 tekkes. Cf. Site of Witness and Memory in Shkodra, Permanent exhibition 'Light Beyond Darkness' on the banishment of religion and the persecution of the clergy. Accessed 14 December 2020, <https://www.ob.servatorikujteses.al/ekspozita-drite-pertej-erresires/>.

³² Fischer, *Albania at War*, 255.

Another accusation levelled at the clergy was that they were agents of the Vatican and ‘other imperialist centres’.³³

The Catholic clergy traditionally provided education for young people in northern Albania. However, in the course of the agrarian reform of 1945/46, all monasteries were dissolved and confiscated. Soon after the communist takeover, Dom Lazër Shantoja became the first high-ranking clergyman to be arrested and executed. He was killed by firing squad in Tirana on 5 March 1945.

The struggle against the clergy continued in the following two decades on two main fronts. On the one hand, the regime took brutal action against the clergy. On the other, it unleashed massive anti-religious propaganda, declaring practising believers to be ‘enemies of the people’. The press of the time – including the newspapers *Bashkimi* and *Zeri i Popullit* – regularly published texts accusing Jesuits and Catholics of, among other things, planning a coup or being connected to ‘Anglo-American agents’.³⁴

Dom Lazër Shantoja’s fate was to be shared by dozens more clerics up to 1948.

The Orthodox Church was also exposed to communist repression. The Archbishop of Tirana, Kristofor Kisi, was arrested as a ‘fascist collaborator’ in 1948 and died in prison in 1958 in unexplained circumstances (presumably by poisoning). The regime also cracked down on Muslim communities with arrests and internments. The fight against religious communities reached its climax on 6 February 1967, when Albania proclaimed itself the world’s first atheist state and legally banned religious practices. The constitution was amended accordingly.³⁵

The most complete statistics so far on the number of clergy persecuted by the communist regime can be found in the ‘Place of Testimony and Remembrance’ Museum housed in a building in Shkodra, which in the first years of the communist regime served as a prison and office of investigators. According to the data published in the permanent exhibition ‘Light Beyond Darkness’³⁶ regarding the persecution of the Catholic clergy, there were: 32 priests executed; 19 who died in prisons and forced labour camps; 13 who died during torture; 88 priests as political prisoners; three nuns imprisoned, of whom one died during torture; and three clerics who were disappeared without a trace by the *Sigurimi*.

The data for the clergy of other faiths are as follows:

³³ Wojciech Roszkowski, *Communist Crimes: A Legal and Historical Study* (Radom: Polish Institute of National Remembrance, 2016), 234.

³⁴ Godole and Bezati, “Në shërbim të popullit – Politikat kufitare në Shqipërinë komuniste”, 26–27.

³⁵ According to a speech by Enver Hoxha to the Central Committee of the Party, 6 February 1967. Cf. Azem Qazimi, *Procesi i asgjësimit të fesë në komunizëm [The Process of the Destruction of Religion in Communist Albania]* (Tiranë: ISKK, 2012).

³⁶ The exhibition consists of 18 posters, which deal with the persecution of religion and its representatives during the communist regime. Also, the exhibition through photographic and historical materials provides detailed information on the strategy followed by the Albanian state of that time in the fight against religion. The exhibition can be accessed on the Memory Observatory website. Accessed 13 July 2022, <https://www.observatorikujteses.al/ekspozita-drite-pertej-erresires/>.

Muslim clergy: six executed; 20 political prisoners. Orthodox clergy: two executed; four political prisoners; one died during imprisonment. Bektashi clergy: seven executed; four died during imprisonment; six suicides; 24 political prisoners; four were put in internment camps. Alevite clergy: three executed; one died during imprisonment.

Of the 240 clergy sentenced to death or imprisoned, more than two-thirds were Catholic. Only 26 Catholic priests survived communist prisons and served as clerics after the communist regime.

1.6 Those Responsible

The repression in Albania was organized by the Communist Party under the leadership of Enver Hoxha and a small group of sub-leaders. The implementation of the measures was delegated to various institutions, which party leader Hoxha strictly controlled. These included, in particular:

- The General National Liberation Council (*Këshilli i Përgjithshëm Nacional-Çlirimtar*): Between 28 May 1944 and 10 January 1946, the leadership of the Council issued several acts that were initially called decisions and then ‘laws’. Through these decisions, the opponents of the liberation war were threatened with life imprisonment, death or confiscation of their property.³⁷
- The Special Court for Major War Criminals (*Gjykata Speciale për Kriminelët e Luftës*): The criminal court established in December 1944 not only convicted collaborators during the occupation, but also political opponents of the communist regime. Such people were punished, their property confiscated and their families expelled or deported.
- The Directorate for the Protection of the People (*Drejtoria e Mbrojtjes së Popullit*): Founded on 14 December 1944 within the Ministry of Defence as a predecessor structure of the State Security Service (*Sigurimi*). It collected information on the work of the Catholic clergy and other opposition groups. However, its activities, including decisions on arrests and convictions, were controlled by the Politburo.³⁸ The Directorate of the *Sigurimi* was established in April 1946.

³⁷ Meta and Frashëri, *Mbisistemin e burgjeve*, 11.

³⁸ In May 1947, the Politburo decided to arrest a group of opposition MPs (16 people). They were sentenced to death by hanging or shooting a few months later. There was no court decision on this; the sentence was based only on a handwritten note and even the minutes of the Bureau meeting were missing. Cf. Meta and Frashëri, *Mbisistemin e burgjeve*, 15, and Leka Ndoja and Alvin Saraçi, *Akte gjyqësore politike gjatë komunizmit në Shqipëri: Bashkimi Demokratik Shqiptar 1946, Vëllimi 1 [Political Trials During Communism in Albania: The Case of the ‘Democratic Union’ 1946, vol. 1]* (Tiranë: ISKK, 2015), 8.

At the political level, the party leader Enver Hoxha and the members of the Politburo were primarily responsible for the crimes of the communist dictatorship. The Ministers of the Interior, who led the *Sigurimi* and other organs of repression and were directly involved in deportation and internment decisions, also played a decisive role. Among the main culprits were:

Enver Hoxha (1908–1985): Prime Minister of Albania (1944–1954), head of the PKSh (1944–1948) and the PPSH (1948–1985).

Koçi Xoxe (1911–1949): Minister of the Interior (1946–1948); Director of the People's Defence Bureau (predecessor institution of *SIGURIMI* 1944–1946). Declared an enemy and shot in 1949 after receiving the death sentence.

Mehmet Shehu (1913–1981): Prime Minister of Albania (1954–1981), Minister of the Interior (1948–1954). The exact circumstances of his death from unnatural causes in 1981 could not be explained.

Kadri Hazbiu (1922–1983): Minister of the Interior (1954–1980), Director of State Security (1950–1954). Declared an enemy and shot after being sentenced to death in 1983.

Feçor Shehu (1926–1983): Director of State Security *SIGURIMI* (1967–1969; 1974–1980). Minister of the Interior (1980–1982). Declared an enemy and shot after being sentenced to death in 1983.

Ramiz Alia (1924–2011): President of Albania (1991–1992); Chairman of the Committee of the People's Assembly (1982–1991); First Secretary of the PPSH (1985–1991).

Hekuran Isai (1933–2008): Minister of the Interior (1982–1989; 1990–1991).

With the exception of Ramiz Alia and Hekuran Isai, all of the above were executed in the course of Hoxha's political purges.

1.7 Places of Persecution

The repressive apparatus of the Hoxha dictatorship included a network of prisons, labour camps and places of internal exile or internment. They were established to punish political opponents, their families and descendants over several generations.

During the years 1945 to 1949, the deportations ordered by the leadership were carried out without any legal basis.³⁹ Written orders from high-ranking regime officials such as Mehmet Shehu or the former Minister of the Interior Koçi Xoxe were sufficient. The exiles were isolated in so-called 'barbed wire camps', which they were not allowed to leave, and had to appear daily for roll call. Candidates for banishment to barbed wire camps on political grounds were also proposed by the *Sigurimi*, while internal exile for other offences was handled by the police. Following the models of

³⁹ Kastriot Dervishi, *Internimi dhe burgimi komunist në Shqipëri [Internment Camps and Prisons in Communist Albania]* (Tiranë: Shtëpia Botuese 55, 2016), 7–30.

Yugoslavia and the Soviet Union, the barbed wire camps were increasingly replaced by permanent prisons and labour camps where the detainees had to perform forced labour including mining, construction, draining swamps and other tasks.⁴⁰

According to some historians, the network of prisons and labour camps in Albania did not differ significantly from the Soviet Gulags, which is why the Albanian penal system is also referred to as the ‘Mediterranean Gulag’.⁴¹

1.7.1 Barbed Wire Camps (1945–1953)

Provisional camps were set up immediately after the communists came to power, initially in Kruja and Berat. These were fenced in with barbed wire and guarded by armed soldiers. The internees were mainly elderly people, women and children who were considered class enemies because members of their families had fled or were in prison. Barracks that had previously been used to keep livestock or that had been built by the Italian occupiers during the war served as accommodation.⁴²

- **The Kruja camp (March 1945–September 1947)** in the north of the country was built on a military site within the city. It housed ‘reactionary, enemy elements’ from the south of the country. The internees were used for various types of work near the city. A total of around 900 people are said to have been interned there.⁴³
- **The Berat camp (March 1945–May 1949)** housed 1,275 internees from the northern provinces, including Shkodra, Kukës or Peshkop as of March 1946. Due to the catastrophic conditions there, the camp was closed in 1949 and the internees were transported to the Tepelena camp.
- **The Tepelena camp (1949–1953)** is the most notorious of the ‘barbed wire camps’. Here, six run-down military barracks built by the Italian army during World War II were converted into barracks which could house 200 internees each. The families of Albanian politicians who had been part of the state administration during the Italian or German occupation, but also leaders of the nationalist movements National Front and Legality, were interned in this camp.⁴⁴

As of August 1950, there were a total of 1,405 internees housed this camp, including 547 women, 368 men and 550 children. For two years, the number of internees was

⁴⁰ Dervishi, *Internimi dhe burgimi komunist*, 5–6.

⁴¹ Kretsi, *Verfolgung und Gedächtnis*, 130.

⁴² The miserable hygienic conditions in these camps are documented in the autobiographies of many survivors. See, for example, At Zef Pllumi, *Rrno për me tregue* (Tiranë: Shtëpia Botuese 55, 2006, botimi 2); Fatos Lubonja, *Ridënimi* (Tiranë: Jjala Fq. 276, 1996); Fatbardha Mulleti, *Saga e dhimbjes [The Saga of Pain]* (Tiranë: ISKK, 2018).

⁴³ Dervishi, *Internimi dhe burgimi komunist*, 15.

⁴⁴ Meta and Frashëri, *Mbi sistemin e burgjeve*, 22.

'only' 590 (240 women, 240 men and 110 children). It is not known how many people died in this camp. However, the horrors of the camp and its high infant mortality rate became the subject of a US government report submitted to the United Nations in February 1955.⁴⁵ Reportedly, mothers were forced to bury their deceased children outside the camp on the riverbank. During the winter, the river often washed away the remains and the children's graves disappeared.⁴⁶

The US government's report led to the closure of the camp. The other barbed wire camps spread across the country were also closed. The internees were not released, however, but were moved to camps specially set up for them near populated areas, where they lived and worked from then on. Segregated from the rest of the population and stigmatized as 'enemies', they remained there until the end of the communist regime.

1.7.2 Prisons (1944 – 1991)

Most of the communist regime's prisons were built in 1944 – 1953. They were intended as places where prisoners would serve their sentences in solitary confinement without doing forced labour. The most notorious among them were *Prison 313-Tirana* and *prison 321-Burrel (1946–1991)*, where well-known anti-communist intellectuals, politicians and clergymen were imprisoned. Later, many of the prisoners were sent to forced labour camps and were used, among other things, to drain swamp and marsh areas. By Kretsi's reckoning, there were more than 30 prisons and 50 internment camps in Albania.⁴⁷ According to the Albanian archive expert and author Kastriot Dervishi, 15 prisons, 65 forced labour camps and 15 barbed wire camps were established during the communist dictatorship.⁴⁸

1.7.3 Forced Labour Camps (1950 – 1991)

In the 1950s, the Ministry of the Interior began to establish forced labour camps to exploit the working capacities of prisoners. The camps were surrounded by barbed wire fences and guarded by police and, later, by conscripts. They were run by a commissar (at the political level), a commander (at the military level) and several (sub) officers. In addition, a member of the *Sigurimi* worked in each camp, collecting information about the prisoners. Dervishi estimates that 4,000 to 6,000 political and or-

⁴⁵ Dervishi, *Internimi dhe burgimi komunist*, 18.

⁴⁶ Mulleti, *Saga e dhimbjes*, 240–244.

⁴⁷ Kretsi, *Verfolgung und Gedächtnis*, 125.

⁴⁸ Dervishi, *Internimi dhe burgimi komunist*. The total number was confirmed again in a personal conversation with the author during the course of this study on 02 December 2020.

dinary prisoners were used for forced labour.⁴⁹ Forced labour camps were established in almost all districts of Albania, three of which were particularly notorious:

- **The Spaç camp (1968–1990)** was established in a remote area in northern Albania, from which escape attempts were almost impossible. The prisoners were forced to work in the Spaç mine, where they had to mine pyrites and copper. In this way, production costs were kept low on the one hand, and, on the other, political prisoners remained far away from Tirana, Elbasan and other large cities. The annual reports of the camp commanders proudly proclaimed the achievement of the 95 percent quota, which meant that the prisoners had extracted about 13,000 tonnes of copper with primitive tools.

Initially, the prisoners were housed in seven temporary barracks of 100 persons each. Later, however, permanent stone buildings were erected.⁵⁰ In 1985 there were 1,345 prisoners in the Spaç camp, 470 of whom were imprisoned for political reasons. Working conditions were harsh, and a strict regime prevailed in the camp. On 21 May 1973, a group of prisoners revolted against their ‘enslavement’ by the communist regime. The Spaç revolt is considered the biggest uprising in the 45 years of the Albanian dictatorship. It was brutally put down, with four people shot dead and dozens subsequently sentenced to further imprisonment.

- **The Ballsh prison camp (1972–1983)** was built to exploit the inmates as labour in an oil refinery planned nearby. However, prisoners were also used for forced labour in housing construction or agriculture. The camp combined elements of a forced labour camp with those of a prison. The prisoners held here were considered to be an ‘enemy unit of the first degree’.⁵¹ In 1976, there were 900 convicts in the camp, including 550 political prisoners.
- **The camp of Qafë-Bari (1982–1990)** was located not far from the one in Spaç, near another copper mine in a hard-to-reach area of the province of Puka. Initially, 200 to 300 prisoners were detained here to be ‘re-educated through work’. However, the mine was run under such primitive conditions that the Qafë-Bari camp acquired the reputation of an ‘extermination camp’. In 1985–1986, 391 prisoners worked there, all of them political prisoners. Many of them were reconvicted from the Spaç or Burrel camps. A camp commanders’ report states that 180,181 tonnes of copper had been extracted, meaning that the target was exceeded by 143 percent.⁵² After their release in 1990, former convicts reported that non-compliance with labour standards was punished with beatings and torture.

⁴⁹ Dervishi, *Internimi dhe burgimi komunist*, 151.

⁵⁰ Dervishi, *Internimi dhe burgimikomunist*, 172–173.

⁵¹ Dervishi, *Internimi dhe burgimi komunist*, 198.

⁵² Dervishi, *Internimi dhe burgimi komunist*, 204.

An impression of the conditions in the Albanian camps is given in a report by the Danish journalist, human rights activist and Balkan expert Christine von Kohl, who visited several places of detention with a delegation of the ‘International Helsinki Federation for Human Rights’ even before the release of the political prisoners. She describes her impressions as follows:

The picture that presented itself to us when the gates of the camps opened and we came face to face with the prisoners was almost indescribable. Perhaps it can be compared with the images of hell and purgatory imagined by the Dutch Masters of the Renaissance: Emaciated bodies, one-legged people with the most primitive crutches and unhealed stumps, open wounds on arms and hands, blind and one-eyed people, eyes half hanging out, people with scabies with mites hanging from their necks like swarms of bees, mutes, paraplegics who were cared for and nursed by their fellow sufferers. Some of the injuries were the result of torture or disease, others of self-mutilation. We saw dormitories with broken windows and bunk beds, almost no mattresses or blankets, an unsegregated ward for the severe cases of tuberculosis. All this without any medical care. Drinking water was fetched from huge cisterns and was so dark and dirty that only unbearable thirst could tempt one to consume it.⁵³

1.8 The Form in which the Regime was Overcome

Albania was the last country in Europe in which the communist regime toppled after the fall of the Iron Curtain. Following the death of the dictator Hoxha in 1985, there had initially been hopes that his successor Ramiz Alia would introduce reforms. However, no significant changes took place. Even after the democratization of the Eastern Bloc, Albania’s external borders were still strictly guarded. In fact, because a growing number of Albanians were trying to leave the country, border controls were tightened even further.⁵⁴ The *Sigurimi* also continued to persecute dissidents, even though state propaganda was now talking about reforms.

In 1990, though, various intellectuals demanded a modernization of politics. This caused conflicts to break out within the Party of Labour of Albania (*Partia e Punës së Shqipërisë*, PPSH). In view of the far-reaching political changes in neighbouring countries and the deep economic crisis, many Albanians also expected reforms in their own country. On 12 June 1990, Ramiz Alia therefore issued *Decree 7393* ‘On the Issuance of Passports and Visas’.⁵⁵ However, instead of easing tensions, open protests broke out. More than 6,000 Albanians stormed several Western embassies

⁵³ Christine von Kohl, *Albanien* (Munich: C.H.Beck, 2003), 96–97. On the living and working conditions as well as the forms of punishment in the Spaç prison, see also Amnesty International, *Albania: Political Imprisonment and the Law* (London: Shadowdean Limited, 1984), 37–43.

⁵⁴ Elez Biberaj, *Albania in Transition: The Rocky Road to Democracy* (Boulder Colorado: Westview Press, 1998), 49.

⁵⁵ Accessed 7 January 2021, <https://punetejashtme.gov.al/ngjarjet-e-2-korrikut-dhe-procesi-i-hapjes-se-shqiperise-drejt-proceseve-integruese-evropiane/>.

in Tirana in early July, demanding permission to leave the country.⁵⁶ Tens of thousands of demonstrators supported them at a public gathering, which was eventually dispersed by force of arms. To calm the situation, Alia issued *Decree 7397* on 7 July, stating that Albanian citizens who had entered foreign embassies would not be prosecuted. In August, he met with intellectuals, most of whom condemned the human rights violations,⁵⁷ lack of media freedom and the privileges of the communist nomenclature, and called for political pluralism.⁵⁸

In November 1990, Alia was still hoping to overcome the crisis via cosmetic reforms. He did not advocate political pluralism, but only a 'pluralism of ideas'. However, the electoral law passed by parliament on 13 November allowed independent candidates to stand in elections for the first time if they were supported by at least 300 registered voters. November also saw demonstrations break out again in Tirana, mainly by students. The religious ban was lifted and the first public Catholic service since 1967 took place in Shkodra. Under the impact of the protests, Ali was forced on 11 December 1990 to accept a list of demands drawn up by students. The following day, the first opposition party since 1945, the Democratic Party (DP), was founded.

The struggle to oust the PPSH lasted for more than a year. Despite a new law that was supposed to protect the numerous Hoxha monuments in Albania from protests, demonstrators toppled the dictator's statue in the central Skanderbeg Square in Tirana on 20 February 1991. For many Albanians, this was an act of considerable symbolic power. Nevertheless, the PPSH won the first democratic election on 31 March 1991, as the new opposition parties had just emerged and had few resources. Alia resigned all his posts in the party and had himself elected state president. Nevertheless, as soon as June 1991, the communist government had to step down under the impact of a general strike after four demonstrators were killed by the police in Shkodra. A government of national unity was formed in its place, in which the opposition DP under Sali Berisha also participated. In the March 1992 elections, the DP won almost 62 percent of the vote (92 out of 140 seats). The former communists, on the other hand, received only 25 percent, and Alia resigned from the office of president on 3 April 1992.

⁵⁶ Biberaj, *Albania in Transition*, 50–51.

⁵⁷ The head of a delegation of the Helsinki Commission, Dennis DeConcini, expressed concerns about human rights violations, the large number of political prisoners, the ban on religion and religious practices as well as the control of the media during his visit to Albania from 19 to 21 August 1990. See Biberaj, *Albania in Transition*, 56.

⁵⁸ Biberaj, *Albania in Transition*, 55.

2 Transitional Justice

2.1 Political and Institutional Changes

The change in the political system in Albania was gradual, with the ruling PPSH ceding power only reluctantly. In many areas, little more than cosmetic changes occurred initially. On 13 June 1991, at the Tenth Party Congress, the PPSH changed its name to the Socialist Party (SP).⁵⁹ Ideologically, the party also adopted a new, less dogmatic course. Former members of the Politburo were now no longer allowed to run for office. However, the party remained the dominant force in Albania until the elections in March 1992.

The removal from power of the feared state security service was similarly slow. As late as spring 1990, Ramiz Alia urged intellectuals to support the *Sigurimi*.⁶⁰ After the elections in March 1991, the police, the border guard and the *Sigurimi*, which until that point had been part of the Ministry of the Interior, were institutionally separated. In its draft law ‘On the National Intelligence Service’, the Council of Ministers called for a complete reformation of the *Sigurimi*, but not its dissolution. In July 1991, the *Sigurimi* changed its name to the ‘National Intelligence Service’ (*Shërbimi Informativ Kombëtar*, SHIK), but its staff structure remained largely unchanged.⁶¹

After the elections, Albania received a new interim democratic constitution on 29 April 1991.⁶² The references to Marxism-Leninism as the main ideology of the state and the leading role of the PPSH were deleted. The state now defined itself as democratic, committed itself to the protection of human rights, guaranteed private property, and the judiciary was declared to be independent.⁶³ In practice, however, Albania was still far from implementing these principles.

Law No. 7501 of 31 July 1991 was intended to transfer nationalized or collectivized land into private ownership. However, it provided not for the land to be returned to its former owners, but for it to be transferred to the peasant families living there on a pro-rata basis per person.⁶⁴ This form of reprivatization caused great discontent among the former large landowners, who had belonged to the most persecuted class. In contrast to urban residents, who received restitution of their property – al-

⁵⁹ The congress did not go off without clashes between reformists and conservatives, who stood up and applauded in chorus: ‘Party, Enver, we are always ready!’.

⁶⁰ Dervishi, *Sigurimi i Shtetit*, 213.

⁶¹ Dervishi, *Sigurimi i Shtetit*, 217 ff.

⁶² While the current Constitution of the Republic of Albania would be approved by referendum only on 21 October 1998.

⁶³ Accessed 8 January 2021, <https://web.archive.org/web/20061210070437/http://www.oefre.unibe.ch/law/icl/al00000%5F.html#A006>.

⁶⁴ For further information on collectivization and the confiscation of property in Albania, see Alvin Saraçi, *Konfiskimi i pronës dhe grabitja e arit 1944–1955 [The Confiscation of Property and the Robbery of Gold]*, (Tiranë: ISKK, 2012).

beit often only after lengthy proceedings – the former landowners mostly went away empty-handed.

After the victory of the Democratic Party in the March 1992 elections, the Albanian parliament had a fundamentally different composition than in the preceding decades. This was symbolized by the appointment of Pjetër Arbënor as Speaker of the House, a former political prisoner who had spent 28 years in prison and had only been released in 1989. Furthermore, the government was no longer dominated by former communists, even though the new President Berisha had also once been party secretary of the Faculty of Medicine at the University of Tirana. The first two symbolic acts of the new government were the removal of the red star (as a Soviet symbol) from the state flag, as well as from the military cap and the state emblem on 7 April 1992,⁶⁵ in addition to the exhumation of Hoxha's remains from the so-called Martyrs' Cemetery on 3 May 1992 and their burial in a public cemetery in the capital.⁶⁶

In the following period, the willingness to come to terms with the past depended strongly on the respective balance of political power. From 1992 onwards, the DP and the SP alternated control of the government, with the former undertaking considerably more initiatives. However, words and deeds often diverged.

For example, on 30 October 2006, at the request of the DP, the Albanian parliament adopted a resolution of the Parliamentary Assembly of the Council of Europe dated January 2006, in which 'the massive human rights violations committed by the totalitarian communist regimes' were condemned in the strongest possible terms. In it, the Council of Europe also called on all communist or post-communist parties to come to terms with the history of communism and their own past and to distance themselves clearly from the crimes committed by those regimes.⁶⁷ In this context, the Albanian parliament pledged to open the *Sigurimi* files and to publish all documents testifying to crimes.⁶⁸ In addition, a review of school curricula, the erection of monuments, museification and so on was promised.

Likewise at the suggestion of the DP – then in opposition – the Albanian parliament passed a resolution in 2016 'to punish the crimes of communism against the clergy.'⁶⁹ The resolution also thanked the clergy for defending democracy and

⁶⁵ Law No. 7588 'On the flag, state coat of arms, capital of the Republic of Albania and the national anthem' approved on 7.4.1992. *Gazeta* 55, 14 April 1992. Accessed 5 January 2022, <https://www.55news.al/dossier/item/211839-1992-si-u-hoq-ylli-i-kuq-sovjetik-nga-flamuri-kombetar-dhe-stema-shteterore>.

⁶⁶ President Berisha's Decree No. 1018 stripped him of all honours and titles on 13 February 1995, and his mortal remains were moved from the 'Mother Teresa' military cemetery to a simple cemetery in Tirana, in Sharra.

⁶⁷ Resolution 1481 (2006). Accessed 8 January 2021, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17403>.

⁶⁸ Official Bulletin No. 117, 15 November 2006, 4669.

⁶⁹ Official Bulletin No. 217, 3. November 2016, 22764. Accessed 8 January 2021, <http://aku.gov.al/wp-content/uploads/2016/06/217-2016.pdfNdryshimet-e-ligjit-per-MB.-e-bimeve.pdf>.

human rights. This was triggered on 25 April 2016 by Pope Francis naming as martyrs 38 Albanian clerics who had died due to hatred directed against their faith.⁷⁰ However, the role of these resolutions remained largely symbolic. To date, only a few steps have been taken that have contributed to the implementation of these recommendations.

2.2 Prosecution

Attempts to prosecute communist injustice in Albania and to bring those responsible to justice can be divided into different phases, which were respectively strongly influenced by the prevailing balance of political power at the time. Put bluntly, one could phrase this as follows: Whenever the former opposition was in power, progress was made, and whenever the former communists were in government, the corresponding efforts faded away.

2.2.1 The Nomenklatura Trials (1991–1994)

Even before the communists were ousted, their leadership felt compelled to take legal action against certain individuals who were former functionaries within the communist hierarchy itself. The first focus was on the dictator's widow, Nexhmije Hoxha (1921–2020), who was expelled from the party in June 1991. On 4 December 1991, she was arrested for embezzling state funds between 1985 and 1990 and finally sentenced to nine years in prison.⁷¹

After the change of government in March 1992, the judiciary took action against other high-ranking officials. Between September 1992 and 1993, former party leader Alia⁷² and other members of the politburo were arrested for embezzlement. This was triggered by a report given by Genc Ruli, at that time Minister of Finance, in parliament on 29 July 1992. In his report, Ruli described the lavish lifestyles of 26 functionary families from the so-called nomenklatura. He focused on the Hoxha family, the high consumption of food and drink among functionary families in general, their

⁷⁰ Accessed 8 January 2021, <https://cruxnow.com/global-church/2016/07/vatican-sets-nov-5-date-beatification-38-albanian-martyrs/>.

⁷¹ At a later date, Ramiz Alia wrote that he neither gave the order nor knew about her arrest. See Ramiz Alia, *Shpresa dhe zhgënjime [Hopes and Disappointments]* (Tirana: Dituria, 1993), 89.

⁷² Alia was placed under house arrest in September 1992 and arrested a year later. While still in prison, he was convicted again of crimes against humanity in 1994. First the Court of Appeal, and then the Court of Cassation reduced his sentence to three years. Ramiz Alia was finally released on 7 July 1995.

countless trips abroad and the medical treatments received there.⁷³ The families had lived in a cordoned-off neighbourhood of the capital, the 'Blloku', which was closely guarded by army forces, the police and 230 *Sigurimi* employees.⁷⁴

On 2 July 1994, Alia was sentenced to nine years in prison for corruption. Former Interior Minister Hekuran Isai received a five-year prison sentence, his successor Simon Stefani eight years. Former Prime Minister Adil Çarçani received a five-year suspended sentence. The former head of the Supreme Court Aranit Çela was also sentenced to seven years' imprisonment in 1994, the last *Sigurimi* director Zylyftar Ramizi to six years and ex-Prosecutor General Rrapi Mino to four years. However, most of the sentences were later overturned. Alia was released as soon as 1995.

Even during these trials, there were public discussions about the criminal proceedings. Many former political prisoners expressed disappointment that the Albanian judiciary used the financial misconduct of the officials as a reason to investigate the nomenklatura, but did not target their responsibility for persecution and repression. DP leader Berisha in turn was fundamentally opposed to criminal trials because they reminded him of the Hoxha era. He took the view that only high-ranking functionaries like Nexhmije Hoxha, who 'fattened themselves on the backs of the people', should be punished.⁷⁵

2.2.2 The Genocide Trials (1995–1997)

In the following years, however, efforts to prosecute those responsible for the communist dictatorship initially intensified. On 22 September 1995, three years after the Democrats came to power, the parliament, urged by the conservative wing of the party, passed the so-called Genocide Law No. 8001 'On Genocide and Crimes against Humanity committed in Albania during the Communist Regime due to Political, Ideological or Religious Motives'. The law not only called for harsher sentences for crimes against humanity, but also provided for the exclusion of persons from political life until 2002. On the basis of this law, 24 former high-ranking communist officials were arrested by January 1996, some of whom had already been convicted of embezzlement. In February 1996, former President Alia was likewise arrested again. The charge against him was now no longer abuse of office but 'crimes against humanity', 'ordering the deportation and detention of thousands of citizens before 1991' and 'ordering the murder of people who tried to leave the country in 1990–1991.'⁷⁶

⁷³ Robert C. Austin and Jonathan Ellison, 'Albania', in Lavinia Stan (ed), *Transitional Justice in Eastern Europe and the Former Soviet Union. Reckoning with the Communist Past* (New York: Routledge, 2009), 176–200, at 181–182.

⁷⁴ Dervishi, *Sigurimi i Shtetit*, 182–184.

⁷⁵ Biberaj, *Albania in Transition*, 125.

⁷⁶ Biberaj, *Albania in Transition*, 31.

On the basis of the new law, a number of criminal trials took place. The sentences, most of which were very severe at first, were later mitigated in the appeals process. For example, Aranit Çela, one of the most notorious judges of the communist regime, who had been personally involved in over 650 political trials, was initially sentenced to death for ‘crimes against humanity’ on 24 July 1996. The last *Sigurimi* director Zylyftar Ramizi and Ex-Prosecutor General Rrapi Mino received the same sentence. In the second instance, the sentences were commuted to 25 years’ imprisonment.⁷⁷

In some cases, however, the sentences did not have to be served. For example, in July 1996, the Court of Appeal decided to release Haxhi Lleshi, Chairman of the People’s Committee until 1982, and Manush Myftiu, former Prime Minister and head of the Internment and Deportation Commission, on the grounds of age and illness.⁷⁸ Their life sentences were commuted to five years’ suspended imprisonment.

2.2.3 The Pardoning of Officials (1997–2005)

After the socialists’ return to power in 1997, the courts reviewed the cases of crimes against humanity mentioned above. On 20 October 1997, the Court of Appeals decided to drop the charges against Ramiz Alia and several other high-ranking officials. According to the court, they ‘could not be punished for acts that were not illegal at the time they were committed.’⁷⁹ In 1999, the Court of Appeals also acquitted those functionaries who had already been convicted in 1996, including among others Foto Çami (Central Committee Secretary for Propaganda and member of the Central Committee 1971–1991), Prokop Murra (Minister of Defence 1982–1990), Muho Asllani (Minister of Agriculture 1986–1990), Gaqo Nesho (senior party functionary in Pogradec, Vlora and Berat from 1970 until the late 1980s), Zef Loka (director in various positions in the Ministry of the Interior 1976–1990) and Dilaver Bengasi (Deputy Prosecutor from 1973, Director of Police from 1985 to 1990).

However, the aforementioned officials were already out of prison when the court acquitted them. Indeed, after the collapse of the pyramid schemes, prisons were opened throughout Albania on 13 March 1997, with all imprisoned functionaries released. In total, with Hoxha’s widow and his successor Alia, 36 leading functionaries were convicted in Albania, none of whom served their full sentences. It is not known how many of them applied for compensation for imprisonment after their acquittals, but it is reported that this was granted in many cases.

⁷⁷ ‘Albania: Judge in Albania revokes death sentences on three former communist officials convicted of crimes against humanity’, accessed 17 March 2021, <https://reuters.screenocean.com/record/566071>.

⁷⁸ Austin and Ellison, *Albania*, 186.

⁷⁹ Bledar Abdurrahmani, ‘Transitional Justice in Albania: The Lustration Reform and Information on Communism Files’, *Interdisciplinary Journal of Research and Development*, Vol. 5, no. 3 (Durrës: Aleksandër Moisiu, 2018), 123. See also Austin (2009), 192–193.

While in other transitional societies criminal justice was partly linked to the fact that those responsible publicly apologized for their actions, in Albania only two cases of repentance are known. One case is that of Liri Belishova, a former member of the Politburo and the Central Committee, who publicly apologized after 1990. The second case is that of Bashkim Shehu, son of the former Prime Minister and most powerful man at Hoxha's side, Mehmet Shehu. Bashkim Shehu not only publicly distanced himself from his father's actions, but to this day is involved in coming to terms with the regime through literature. However, his father fell out of favour prior to his death, which was presented as suicide by the regime, and the son himself was subsequently imprisoned from 1982 to 1991.

2.3 The (Non-)Replacement of the Elites

As with most regime changes, the question arose in Albania after the end of the communist dictatorship as to what extent, apart from the top rulers, the functional elites below should and could be replaced. In his 1991 book *The Third Wave*, the political scientist Samuel Huntington had already come to the conclusion that the approach of new governments against the old apparatuses of leadership decisively determines the type of transition in such societies. In this 'mode of exit', the elites at the top of these societies would play a special role.⁸⁰

The situation in Albania during the change of regime in 1991/1992 was characterized by the fact that there were practically no independent counter-elites. For 45 years, the Stalinist system had not even informally allowed the emergence of dissident groups, liberal networks or religious communities. Almost all political opponents had been eliminated or imprisoned.⁸¹ Albania was also extremely shielded from the outside world, so that there was virtually no communication with like-minded people in other countries. Even inter-state relations with other nations or an international exchange of goods had only developed very slowly in the very last years of the regime.

Under these conditions, there was an exchange of individuals after the fall of the dictatorship, but not a change of elites. Former political prisoners played hardly any role in shaping the process of transformation. Only very few of them were able to influence the decisions made at the time, and they were usually only represented symbolically. In contrast, functionaries of the former Communist Party, who had worked with Alia for years, held leadership positions in the new parties. For example, Fatos Nano, an employee of the Institute for Marxist-Leninist Studies headed by Hoxha's widow, was elected chairman of the SP. The head of the newly-founded DP, Sali Be-

⁸⁰ Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (London: University of Oklahoma Press, 1991), 214–216.

⁸¹ Krasniqi, *Trajtimi i të kaluarës*, 270.

risha, was also a former party secretary at the University of Tirana who had negotiated with the protesting students on Alia's behalf in 1991, but then adopted their demands.⁸²

It was not until 1995, more than three and a half years after the DP's electoral victory, that a law was passed providing for the verification of management personnel in public institutions, from public service media to universities. Law No. 8043 'On the Verification of Civil Servants and Other Persons Associated with the Protection of the Democratic State' (Verification Law) of 30 November 1995 stipulated that persons who had been members of the Politburo, the Central Committee, the People's Committee, the military, the judiciary, the police or the *Sigurimi* between 28 November 1944 and 31 March 1991 could no longer hold leadership positions.⁸³ The law also prohibited certain former functionaries from running for public office. The commission set up specifically to implement the law in practice decided to exclude 139 people from the elections scheduled for 1996. 45 of them belonged to the SP, including its leader, Fatos Nano, while 23 were members of the DP.

The law was rejected by the SP, which was in opposition at the time. It accused Berisha of using the instrument of lustration as a political weapon. The Court of Cassation and the Constitutional Court did, in fact, soon repeal the law, so that those excluded were able to stand in the elections on 26 May 1996 after all.⁸⁴ Nevertheless, the DP was able to win a three-quarters majority at the time, with the SP accusing it of massive electoral fraud.

At the beginning of 1997, Albania experienced a serious domestic political crisis. So-called pyramid schemes had led to the destruction of a large part of private savings. In the so-called lottery uprising that followed, the power of the state largely collapsed. This development prompted the Albanian parties to form a transitional government of national reconciliation in March 1997. Only with the help of foreign troops was it possible to restore order in the country and hold new elections in June 1997. During this time, the Verification Law was also modified. The new, toned-down version of 13 May 1997 stipulated that only former members of the Politburo, employees of the *Sigurimi* and persons convicted of human rights violations could be excluded from standing in the elections.⁸⁵

The victory of the former communists in the early elections in June/July 1997 led to the political rehabilitation of many key figures of the old regime. For example, the former 1991 Minister of Health, Sabit Brokaj, became Minister of Defence in the new government. Another former 1991 minister, Ylli Bufi, was appointed Minister for Eco-

⁸² Biberaj, *Albania in Transition*.

⁸³ Jonila Godole, 'Das Erbe der kommunistischen Diktatur in Albanien', in Jörg Baberowski et al (eds.), *Disziplinieren und Strafen* (Berlin: Campus Verlag, 2021), S. 293–311.

⁸⁴ Walter Glos and Jonila Godole, 'Albanien: Aufarbeitung der kommunistischen Vergangenheit, Dezember 2017'. *Konrad-Adenauer-Stiftung*, accessed 12 January 2021, https://www.kas.de/c/document_library/get_file?uuid=21700176-c5c0-ecc8-0c12-66e59964e5a0&groupId=252038.

⁸⁵ IDMC, (Non)rehabilitation of Political Persecuted, 36–37.

conomic Affairs and Privatization. The communist regime's last Minister of the Interior, Gramoz Ruçi, still holds the post of parliamentary speaker today.

Representatives of the old elite were also re-appointed to leadership positions in many institutions, such as the state-owned media, the scientific academies or the universities. Former employees of the *Sigurimi* or military officers were also given high state positions. Even in independent media, human rights and civil society organizations, former communist cadres played an important role. The new Minister of Defence, Sabit Brokaj, and the former Minister of the Interior of 1991, Gramoz Ruçi, even began to organize former military and *Sigurimi* personnel in Sarande, Tepelene and Vlore in the south of the country.⁸⁶ Elez Biberaj, one of the pioneers in research on the Albanian transition, has the following to say about this process of restoration:

Most of the new appointees in senior posts were sons and daughters of the old Communist nomenklatura, and many had close family or personal ties with the powerful clan of Hysni Kapo, Hoxha's closest associate. In addition, the Socialists restricted the authority of the predominantly Democratic Party-controlled local governments. More than 400 local officials were summarily dismissed and replaced with Socialist supporters. Such retribution could not but undermine national reconciliation.⁸⁷

2.4 Reparations

In a similar fashion to the (non-)change of elites, the rehabilitation and compensation of the victims of the communist dictatorship was a lengthy and ultimately unsatisfactory process. Here, too, it became apparent that it was primarily the respective political balance of power that decided whether victims received reparations or not.

Although the state party had declared its commitment to pluralism in November 1990, the penal provisions to suppress oppositional aspirations were still in force at that time, and Albanian prisons were still filled with political prisoners. Some of them had even been arrested only a short time previously, during the protests in Tirana and Shkodra during January and February 1990, others for attempting to cross the border or enter foreign embassies in July 1990.⁸⁸ Only two days before the first pluralist elections on 31 March 1991, all political prisoners were released through an amnesty by decree of the Committee of the People's Assembly.⁸⁹ After the elections, the parliament launched a so-called 'National Reconciliation Programme' by condemning the communist system and proclaiming the innocence of all political

⁸⁶ Biberaj, *Albania in Transition*, 337 and 339.

⁸⁷ Biberaj, *Albania in Transition*, 353.

⁸⁸ Krasniqi, Afrim, 'Trajtimi i të kaluarës në raport krahasues: Shqipëria dhe Evropa Lindore', in *Të mohuar nga regjimi* ['Treatment of the Past in a Comparative Report: Albania and Eastern Europe', in *Denied by the Regime*] (Tirana: AIDSSH, 2020), 64.

⁸⁹ Dervishi, *Internimi dhe burgimi komunist*, 224–225.

prisoners. Then, on 30 September 1991, it passed Law No. 7514 'On the Innocence, Amnesty and Rehabilitation of Formerly Convicted and Politically Persecuted Persons'.⁹⁰ The government also promised to take all possible measures to compensate and rehabilitate those who had been wrongfully accused, tried, convicted, imprisoned, interned or persecuted for political offences.⁹¹

Following the opposition DP's election victory in March 1992, the new government sought to implement financial compensation for the victims of the communist dictatorship. To this end, it formed a Committee for Former Political Prisoners and Persecutees (KIDPP), which was active from January 1993 to December 1994. It had about 120 specialists in all districts to collect data on and from the politically persecuted.

On 29 July 1993, Parliament passed Law No. 7748 'On the Status of Political Prisoners and Persons Formerly Persecuted by the Communist System'. The law determined the basic criteria according to which a person would be considered convicted or politically persecuted and the amount of material compensation to which they would be entitled. Political persecution was considered to be 'any act or omission on the part of state structures that resulted in the loss of life, liberty, civil rights and other restrictions by order or decision of the party organs from 8.11.1941 to 22.3.1992'.⁹² Furthermore, a number of accompanying social measures were introduced, such as granting student scholarships to children from persecuted families, providing social housing or enabling politically persecuted people to receive an education regardless of age.⁹³

However, the new legal provisions were only partially implemented. In April 1994, 180 former political prisoners therefore protested that they should receive financial compensation under Law No. 7748. Following the recommendations of the KIDPP, the Council of Ministers subsequently passed Resolution No. 184 on 4 May 1994, which stipulated that politically persecuted prisoners should be compensated with 120,000 ALL (approximately 1,200 US dollars) for each year that they had spent in prison.⁹⁴ The years in prison were also counted as years of work for pension purposes, being recognized as so-called 'hard working time', so that one year in prison counted as two years of ordinary work.

Nonetheless, more than 50 percent of the capital compensation was paid out in the form of vouchers, with which those affected could preferentially purchase state

⁹⁰ Accessed 13 January 2021, http://www.ikub.al/ligje/109300001/Article_Per-pafajesine-amnistine-dhe-rehabilitimin-e-ish-te-denuarve-dhe-te-perndjekurve-politike-.aspx?cookiesEnabled=false.

⁹¹ IDMC, *(Non)rehabilitation of Political Persecuted in the Process of Transitional Justice in Albania (1991–2018)*. (Tirana: IDMC, 2019).

⁹² IDMC, *(Non)rehabilitation of Political Persecuted*, 10.

⁹³ Kretsi, *Verfolgung und Gedächtnis*, 149; see also Law No. 7748, accessed 13 January 2021, <http://ishperndjekurit.gov.al/wp-content/uploads/2015/03/Ligj-stat.-e-te-perndjekurve-politike-7748-DT-04.08.1993.pdf>.

⁹⁴ IDMC, *(Non)rehabilitation of Political Persecuted*, 11.

property. For most, this form of compensation was practically worthless because many privatizations had taken place long before and former political prisoners usually lacked the capital to make major investments. According to the Supreme Audit Institution (*Kontrolli i Lartë i Shtetit*, KLSH), the democratic government distributed about 2.2 billion ALL (about 17.5 million Euros) to former political prisoners between 1993 and 1997.⁹⁵

As a result of the government's refusal to negotiate further compensation, August 1994 saw renewed protests and a hunger strike by former persecutees. However, the protests were forcibly ended on 12 August at the behest of the then President Berisha. The Ministry of the Interior subsequently claimed that the 287 hunger strikers had included 65 former *Sigurimi* informers and 35 common criminals.⁹⁶ The strikers rejected these allegations, but felt compelled to suspend their strike after the aforementioned police intervention.

When the socialists returned to power in 1997, they founded a new institution, the Institute for the Integration of the Formerly Politically Persecuted (*Instituti për Integrimin e ish-të Përndjekurve*, IIP). Its main purpose was to push for the restructuring of compensation benefits.⁹⁷ Five categories of recognized 'political persecutees' were established. These were those who had suffered

- Imprisonment;
- Death during imprisonment;
- Time in labour camps;
- Execution; and
- Mental injury.

For imprisonment and time in labour camps, those affected were only entitled to very little financial compensation.

According to the IIP, there were a total of 42,772 beneficiaries who were entitled to compensation. However, during the period 1998 to 2006 the payment of compensation was delayed until it finally did not take place at all. The socialist Minister for Economic Affairs Arben Malaj explained that the Albanian state was simply too poor to compensate the politically persecuted.⁹⁸ In 2004, protests broke out once again. They were also violently suppressed, this time by the socialist government. As a result of the protests, compensation for imprisonment was officially increased in July 2004 from 0.49 US dollars per day to 1.49 US dollars. However, no payment was

⁹⁵ KLSH, *Raport Auditimi i Performancës Rehabilitimi i ish-përndjekurve politikë në periudhën e tranzicionit*, 06/2016, 15.

⁹⁶ Biberaj, *Albania in Transition*, 161.

⁹⁷ IIP, accessed 16 December 2020, http://ishperndjekurit.gov.al/al/wp-content/uploads/2015/03/Ligj_8246_01.10.1997.pdf.

⁹⁸ Matt Prodger, 'Albania Seeks to Compensate Political Prisoners', BBC News, 23 July 2004. Accessed 11 January 2021, <http://news.bbc.co.uk/2/hi/europe/3917293.stm>.

made.⁹⁹ After the elections of 2005, which brought the DP back to power, the efforts to implement reparations were intensified once again. Thus, on 12 November 2007, the Albanian parliament passed Law No. 9831, which provided for former political prisoners to be compensated with 2,000 ALL (20 US dollars) for each day in prison and internees from the barbed wire camps that existed until 1954 with 1,000 ALL per day (10 US dollars).¹⁰⁰ The compensation was to be paid in eight instalments and, if the persons concerned were no longer alive, their family members were to receive the remuneration. Payments began a good two years later.

The DP government also established an Institute for the Studies of Communist Crimes and Consequences in Albania (*Instituti i Studimeve të Krimeve dhe Pasojave të Komunizmit*, ISKK) on 25 February 2010.¹⁰¹ According to its figures, the number of people persecuted was around 100,000. This was three times higher than the figure given by the ISKK's predecessor institution, the IIP.¹⁰² In 2011–2012, compensation payments were again interrupted. This time, the government argued that the global economic crisis had reached Albania. In response, from September to October 2012, about 20 politically persecuted people again protested with a sit-in. In order to calm the situation, Prime Minister Berisha declared that people over 65 would receive the compensation to which they were entitled. In protest, two of the strikers then set themselves on fire. While one survived with severe burns, the second succumbed to his injuries in hospital a few weeks later.¹⁰³

In 2013, there was another change of government in Albania, which, as in previous years, also had an impact on reparations policy. The socialist government under the new Prime Minister Edi Rama promised a review of the previous compensation procedures and categories. On 24 July 2014, the Compensation Law No. 9831 was amended again, and those affected were now divided into two categories: primary victims (those still alive at the time of payment) and non-primary (relatives). The politically persecuted welcomed the law, as it now also benefited women or the sick. However, they did not believe that the new categorization would speed up the payment process.

In September 2018, the law was amended again, removing the payment in instalments, and 430 persecutees received the full amount of their compensation. Later that same month, a new Law No.57/2018 revoked the right to compensation for grandchildren in cases where close family members and the persecuted themselves were no longer alive.

⁹⁹ Kretsi, *Verfolgung und Gedächtnis*, 151.

¹⁰⁰ IDMC, *(Non)rehabilitation of Political Persecuted*, 15.

¹⁰¹ ISKK, accessed 11 January 2021, <http://www.iskk.gov.al/wp-content/uploads/2015/01/LIGJ.pdf>

¹⁰² Raporti (Bericht), Online-Panorama, 28 March 2016, accessed 11 January 2021, <http://www.panorama.com.al/raporti-6-mije-te-vrare-gjate-diktatures-34-mije-te-burgosur/>, 16–17.

¹⁰³ Idrizi, 'Zwischen politischer Instrumentalisierung und Verdrängung', 93; IDMC, *(Non)rehabilitation of Political Persecuted*, 19.

2.5 Reconciliation

The term ‘reconciliation’ (Albanian: *pajtim*) is not entirely clear in the Albanian context. It is still used today in connection with the reconciliation of families in cases of blood feuds in northern Albania and Kosovo. In this type of reconciliation, the parties forgive each other for the blood spilt in order to live together peacefully in the future. In a religious context, the concept of reconciliation was less known, as religions were banned in communist Albania.

Attempts by international institutions to bring the actors in Albania to mutual understanding and reconciliation were rarely welcomed. They were even seen by former persecutees as disguised attempts to make the communist terror fade into obscurity. The fact that the question of guilt was hardly addressed following the change of regime further contributed to this.¹⁰⁴ The argument that the communists had also been persecuted and that, consequently, all Albanians had suffered persecution and were therefore equally ‘victims and accomplices’ or ‘co-sufferers and accomplices’ is still widely accepted in society today. Berisha, who was the first to use these terms in 1992,¹⁰⁵ was even suspected of having made a corresponding agreement with the previous regime and therefore of not being interested in exposing its crimes and bringing those responsible to justice.¹⁰⁶

On the other hand, the spirit of class struggle continues to persist in Albanian society to some extent. Although this is no longer an ideological confrontation between communists and anti-communists, political affiliation with the two major parties, the SP and DP, still divides society into two hostile camps. In any case, a process of reconciliation – which for many victims presupposes an admission of guilt – has not taken place in Albania.

2.6 Laws Relating to Transitional Justice

From 1991 onwards, the process of coming to terms with the past in Albania concentrated mainly on two points: the passing of lustration laws and the material compensation of victims. The most important laws relating to transitional justice are listed

104 On the question of guilt in post-communist Albania according to Karl Jaspers’ categorization (1945), see Jonila Godole, ‘Das Erbe der kommunistischen Diktatur in Albanien’, in Jörg Baberowski et al. (eds.), *Disziplinieren und Strafen* (Berlin: Campus Verlag, 2021), 293–311.

105 Possibly influenced by the Czech President, Vaclav Havel, who spoke in his first New Year’s address about the common legacy of totalitarianism: ‘*We are, therefore, all responsible, although of course to differing degrees, for the functioning of the totalitarian apparatus. None of us was only a victim. We are all, at the same time, its creators*’. See Vaclav Havel, ‘New Years’ Address to the Nation’, in *The Art of the Impossible* (New York, 1984), 4.

106 Biberaj, *Albania in Transition*, 156.

below (Tab. 1) and will be described in more detail in the relevant chapters of this study.

Tab. 1: Albanian laws relating to transitional justice.

Legal Norm	Date	Content
Law No. 7514	30.9.1991	On the Innocence, Amnesty and Rehabilitation of Formerly Convicted and Politically Persecuted Persons. This law was amended three times under the DP government, first on 14 January 1993, Law No. 7660; on 8 June 1993, Law No. 7719; and on 7 December 1993, Law No. 7772.
CMD No. 445 ¹⁰⁷	13.12.1991	To Determine the Time of Serving the Administrative Sentence by Former Internees and Deportees for Political Issues when Official Documents are Missing
Law No. 7598	1.9.1992	On the Creation of a Special Fund for Former Prisoners and Politically Persecuted Persons
Law No. 7660	14.1.1993	For some changes in Law No. 7514, dated 30.9.1991 'On the Innocence, Amnesty and Rehabilitation of Formerly Convicted and Persons Politically Persecuted'
CMD No. 40	29.1.1993	On Economic Support for Former Prisoners and Politically Persecuted Persons
CMD No. 42	29.1.1993	For a change in CMD No. 445, dated 13.12.1991 'To Determine the Time of Serving the Administrative Sentence by Former Internees and Deportees for Political Issues when Official Documents are Missing'.
Law No. 7698	15.4.1993	On the Restitution and Compensation of Property to Former Owners.
CMD No. 230	19.5.1993	For an addition to CMD No. 445, dated 13.12.1991 'To Determine the Time of Serving the Administrative Sentence by Former Internees and Deportees for Political Issues when Official Documents are Missing'.
Law No. 7719	8.6.1993	For some additions to Law No. 7760, dated 14.1.1993 'On some changes in Law No. 7514, dated 30.9.1991 On the Innocence, Amnesty and Rehabilitation of Formerly Convicted and Politically Persecuted Persons'.
Law No. 7748	29.7.1993	On the Status of Political Prisoners and Persons Formerly Persecuted by the Communist System.
Order of the Council of Ministers No. 12	16.9.1993	On the Procedure for Granting the Status of Ex-convicts and Persons Politically Persecuted by the Communist System.

¹⁰⁷ CMD, The Council of Ministers Decision (*Vendimi i Këshillit të Ministrave*).

Tab. 1: Albanian laws relating to transitional justice. *(Continued)*

Legal Norm	Date	Content
CMD No. 491	18.9.1993	For a change in CMD No. 445, dated 13.12.1991 'To Determine the Time of Serving the Administrative Sentence by Former Internees and Deportees for Political Issues when Official Documents are Missing'.
CMD No. 504	18.10.1993	On the Issuance of State Obligations for the Compensation of Former Owners and Politically Persecuted.
CMD No. 9	17.1.1994	For some changes in the decision of the Council of Ministers, No. 504, dated 18.10.1993 'On the Issuance of State Obligations for the Compensation of Former Owners and Politically Persecuted'. ¹⁰⁸
CMD No. 86	7.3.1994	For a change in CMD No. 445, dated 13.12.1991 'To Determine the Time of Serving the Administrative Sentence by Former Internees and Deportees for Political Issues when Official Documents are Missing'.
CMD No. 184	4.5.1994	On the Provision of Property Compensation to Former Political Prisoners and Persons Persecuted by the Communist System.
CMD No. 264	6.6.1994	For a change in CMD No. 184, dated 4.5.1994 'On the Provision of Property Compensation to Former Convicts and Politically Persecuted by the Communist System'.
Order of the Council of Ministers No. 1	6.6.1994	On the procedure of opening and using accounts with the savings bank, on providing property compensation to former persecuted and politically convicted Persons.
CMD No. 454	12.9.1994	On the Criteria for Determining the Persons of the High Communist Nomenclature, for the Effect of the Status of Former Convicts and Politically Persecuted Persons.
CMD No. 476	10.10.1994	On the Accommodation Procedures for Former Prisoners and Those Politically Persecuted by the Communist System.
Decision of the Constitutional Court No. 5	28.6.1995	With the object: 'Is it anti-constitutional or not?' Law No. 7748, dated 29.7.1993 'On the Status of Political Prisoners and Persons Politically Persecuted by the Communist System', as well as, in particular, CMD No. 454, dated 12.09.1994 'On the Criteria for Determining the Persons of the High Communist Nomenclature, for the Effect of the Status of Former Convicts and Politically Persecuted Persons'.

¹⁰⁸ Official Bulletin No.8, 29 July 1994. Accessed 6 January 2022, <https://qzb.gov.al/eli/vendim/1994/01/17/9>.

Tab. 1: Albanian laws relating to transitional justice. (*Continued*)

Legal Norm	Date	Content
Law No. 8001	22.9.1995	On Genocide and Crimes against Humanity Committed in Albania during the Communist Regime due to Political, Ideological or Religious Motives (The Genocide Law).
Law No. 8043	30.11.1995	On the Verification of Civil Servants and Other Persons Associated with the Protection of the Democratic State (The Verification Law).
Law No. 8115	28.3.1996	For an Exception to the Rules provided in the Legal Inheritance under the Civil Code.
Law No. 8217	13.5.1997	For a change in the Law No. 7748, dated 29.7.1993 'On the Status of Political Prisoners and Persons Politically Persecuted by the Communist System', amended by Law No. 7771, dated 7.12.1993.
Law No. 8219	13.5.1997	For a change in the Law No. 8001, dated 22.9.1995 'On Genocide and Crimes against Humanity Committed in Albania during the Communist Regime due to Political, Ideological or Religious Motives'.
Law No. 8220	13.5.1997	For a change in the Law No. 8043, dated 30.11.1995 'On the Verification of Civil Servants and Other Persons Associated with the Protection of the Democratic State'.
Law No. 8231	19.8.1997	For a change in the Law No. 8001, dated 22.9.1995 'On Genocide and Crimes against Humanity Committed in Albania during the Communist Regime due to Political, Ideological or Religious Motives', amended by Law No. 8219, dated 13.5.1997.
Law No. 8232	19.8.1997	For some changes in the Law No. 8043, dated 30.11.1995 'On the Verification of Civil Servants and Other Persons Associated with the Protection of the Democratic State', amended by Law No. 8151, dated 12.9.1996 and by Law No. 8220, dated 13.5.1997.
Law No. 8246	1.10.1997	On the Institute for the Integration of the Formerly Politically Persecuted (IIP).
Law No. 8280	15.1.1998	For some changes in Law No. 8043, dated 30.11.1995 'On the Verification...' amended by Law No. 8151, dated 12.9.1996; by Law No. 8220, dated 13.5.1997 and by Law No. 8232, dated 19.8.1997.
Law No. 8665	18.9.2000	For an addition to Law No. 7748, dated 29.7.1993 'On the Status of Political Prisoners and Persons Politically Persecuted by the Communist System'.
Resolution	15.11.2006	On the Punishment of Crimes Committed by the Communist Regime in Albania.

Tab. 1: Albanian laws relating to transitional justice. (*Continued*)

Legal Norm	Date	Content
Law No. 9831	12. 11. 2007	On the Compensation of Former Political Prisoners of the Communist Regime. ¹⁰⁹ The law was further amended on 13.09.2018 (Law No. 57/2018).
Law No. 10034	22. 12. 2008	On the Impeccable Image of High-Ranking Public Administration Officials and Elected Officials. ¹¹⁰
Law No. 10242	25. 2. 2010	On the Institute for the Studies of Communist Crimes and Consequences in Albania (ISKK).
Law 45/2015	30. 4. 2015	On the Right to Information on Documents of the former State Security Service of the People's Socialist Republic of Albania. ¹¹¹ The law was amended on 29. 7. 2020 (No. 114/2020). ¹¹²
Resolution	3. 11. 2016	On the Punishment of the Crimes of Communism against the Clergy, as well as in Special Gratitude for the Role and Activity of the Clergy in the Defence of Democratic Values, Fundamental Freedoms and Human Rights.
Law No. 83/2018	15. 11. 2018	On the Ratification of the Agreement between the Council of Ministers of the Republic of Albania and the International Commission on Missing Persons (ICMP). ¹¹³
CMD No. 297	19. 5. 2021	For the Approval of Financial Compensation for Former Political Prisoners of the Communist Regime. ¹¹⁴

Note: All laws and regulations listed in this table can also be found online on the websites of various institutions and media portals.¹¹⁵ The law number and year of enactment suffice as search terms in this context. A reliable source is the website of the IIP, which lists all laws passed with respect to transitional justice from 1991 to 1999.¹¹⁶ The Official Bulletins of the government (*Fletore Zyrtare*), in which all laws are published after approval by Parliament, can be found online in the archive of the Official Bulletin of the Republic of Albania for the period 2000–2016.¹¹⁷

109 Official Bulletin No. 160, 3 December 2007, 4669. Accessed 7 January 2021, <https://qzb.gov.al/eli/fz/2007/160/8f9b44c7-0db0-4fcf-b571-98b791d3c408;q=3%20dhjetor%202007>.

110 Official Bulletin No. 202, 22 December 2008, 10929. Accessed 7 January 2021, <https://qzb.gov.al/eli/fz/2008/202/a6ba8cc7-1f26-408b-901b-c505ec0e2ec5;q=Ligj%20nr%2010%20034>.

111 Official Bulletin No. 88, 28 May 2015, 4671. Accessed 8 January 2021, <http://ishti.gov.al/wp-content/uploads/2015/06/FLETORJA-ZYRTARE.pdf>.

112 Accessed 12 January 2021, http://autoritetidosjeve.gov.al/wp-content/uploads/2020/09/ligj_45_30042015_perditesuar_QBZ-blu-i-ri.pdf.

113 <http://www.parlament.al/Files/Akte/20181120112454ligj%20nr.%2083,%20dt.%2015.11.2018.pdf>.

114 Official Bulletin No. 78, 25 May 2021, 8043. Accessed 6 January 2022, <https://qzb.gov.al/eli/fz/2021/78/b646edae-87f6-424b-94f2-bb9aff2cf9af>.

When analysing the legislation, it is striking how much transitional justice was determined by current political considerations. The largest legal initiatives occurred between 1992 and 1997, when a number of laws were passed to financially compensate the politically persecuted. These laws, as shown in the table, have been constantly amended and supplemented with CMDs and other legal acts, which led to significant delays in implementation. The reason for the amendments was in most cases related to the amounts of compensation, which were considered insufficient by those affected. On the other hand, the numerous amendments to these laws express the effort of the Albanian state to reduce in various forms the expenses for financial compensation. For this reason, the beneficiary categories in particular, but also the amounts paid out, were changed several times. According to the Supreme Audit Institution (*Kontrolli i Lartë i Shtetit*, KLSH), based on the current compensation system and the speed of its implementation, it will take another 16 years and cost approximately 300 million US dollars to complete the compensation process.¹¹⁸

The payment of compensation was also evidently instrumentalized in the election campaign, as the KLSH's 2017 report shows. In the election years of 2009 and 2013, when the DP was in power, 5,837 people were compensated with 21 million US dollars and 24,933 people were compensated with 29 million US dollars respectively. These are strikingly high payments compared to previous years when there were no elections, suggesting that they also served to win over certain voters. From 2014, when the SP was in power, the total number of beneficiaries decreased significantly. At the same time, the focus was now on affected persons who were still alive.¹¹⁹

2.7 Access to Files

Albania was the last post-communist country in Europe to have made the files of its former secret police, the *Sigurimi*, accessible. While former political prisoners demanded the opening of the files and a transparent handling of them at an early stage, the government remained indecisive for a long time – regardless of whether it was constituted by the DP or the SP. Thus, after his election victory on 22 March

115 Accessed 6 January 2022, <https://telegraf.al/i-pakategorizuar/ja-27-ligjet-qe-piketuan-skenarin-i-mashterimit-25-vjecar-te-te-perndjekurve-politike/>

116 Accessed 20 September 2020, <http://ishperndjekurit.gov.al/al/wp-content/uploads/2015/03/Kuadri-ligjor-i-te-perndjekurve-politike.pdf>

117 Accessed 20 September 2020, <https://qbz.gov.al/eli/fz>

118 IDMC, *Non(rehabilitation) of Political Persecuted*, 45.

119 IDMC, *Non(rehabilitation) of Political Persecuted*, 44.

1992, the conservative President Berisha declared in an interview with the magazine *Der Spiegel*: ‘The dossiers will not be opened.’¹²⁰

However, the lack of legally regulated access to files meant that individual dossiers were repeatedly misused for political purposes. For example, as mentioned above, the Albanian Ministry of the Interior claimed in August 1994 that there were numerous informers among the participants of a protest action of former political persecutees, without it being possible to verify this from the outside. There is much to suggest that the *Sigurimi* files were also used for political purposes in other cases; for instance, to put pressure on individual politicians.

However, the communists had destroyed a considerable portion of the files during the change of regime. As early as 15 December 1990, Interior Minister Hekuran Isai ordered government branches throughout the country to get rid of certain files, such as secret materials on foreign authorities, etc. Only judicial and investigative files were to remain in the archives of the Ministry of the Interior.¹²¹ On 18 February 1991, another order was issued, ostensibly ‘to relieve the archives’. In this second purge alone, in which the personnel files of the Security Service were disposed of, some 50,000 files were destroyed.¹²² In 2015, former Prime Minister Alexander Meksi also admitted that numerous files had been destroyed in 1990 – 1991.¹²³

It was not until Law No. 45/2015 of 30 April 2015 that official access to the documents of the Albanian secret police *Sigurimi* was granted. A first draft, which also provided for lustration proceedings, had been submitted to parliament months earlier by opposition parties and human rights organizations. However, the socialist majority did not take it into consideration.¹²⁴ When the government bill came to the vote, the DP, which was in opposition at the time, did not participate in the vote.

According to the law, the files of the *Sigurimi* should be made accessible for academic and journalistic purposes. Former persecutees, relatives of missing persons, but also former *Sigurimi* employees should also be able to inspect their files.¹²⁵

120 ‘Interview mit Albaniens Wahlsieger Sali Berisha über die Aufgabe der neuen Regierung. “Mist aus den Winkeln kehren”’, *Der Spiegel* 14 (1992), 201–204.

121 Dervishi, *Sigurimi i Shtetit 1944–1991*, 222.

122 Interview with Kastriot Dervishi, former Director of the Archives at the Ministry of the Interior, ‘Autoriteti po bllokoi dosjet, mbron persekutorët e komunizmit’ [‘The Authorities Block the Files and Side with Those Responsible’], *Albania Free Press*, 18 July 2017, accessed 28 August 2020, <https://gazetaimpakt.com/kastriot-dervishi-autoriteti-po-bllokon-dosjet-mbron-persekutorët-e-komunizmit/>.

123 Interview with former Prime Minister Meksi in the Albanian press, accessed 27 August 2020, <http://www.panorama.com.al/zbuloheh-dokumentet-meksi-si-u-zhduken-me-urdher-29-mije-dosjet-sigurimit-ne-89-92/>; <http://www.gazetatema.net/2012/03/27/aleksander-dosjet-e-bashkepunetoreve-te-sigurimit-i-kane-zhdukur/>.

124 Accessed 16 December 2020, <http://illyriapress.com/doda-dhe-idrizi-dorezoi-projektligjin-per-hapjen-e-dosjeve-te-diktatures-komuniste>. Likewise in January 2015, a group of intellectuals, writers and professors at home and abroad petitioned the Albanian Parliament to open the *Sigurimi* files. The group included Nobel Laureate Herta Müller and Vice-President of the European Parliament Ulrike Lunacek.

125 Glos, ‘Aufarbeitung’, 3.

The law also allows for the examination of party functionaries and civil servants in relation to their former cooperation with the *Sigurimi*. However, it only provides for the possibility of providing relevant information, and does not contain any provisions regarding possible measures to be taken. The law does not provide for the removal of politically incriminated members of the civil service.

For critics, this law did not go far enough.¹²⁶ Proponents claimed that the law was largely based on the German Stasi Records Act.¹²⁷ However, they ignored the fact that the GDR had joined a functioning democratic system and that a change of elites therefore took place automatically. In contrast, the government asserted that it had also used the corresponding Czech law as a model, although the question remained open as to which areas the foreign models had actually been applied.

The 2015 law on the opening of files has so far had little impact on the process of coming to terms with the communist dictatorship in Albania. Although its adoption can be seen as a symbolic step, it has not been able to dispel the mistrust that had built up over the years. The archives had been abused too often before, with incriminating documents being removed or used as leverage against political opponents. Since the law came into force in 2015, there has not been a single case in which an influential person from politics, the judiciary or the police has been convicted of collaborating with the *Sigurimi*.

2.8 Memorial Sites

There are over 700 memorials in Albania commemorating the exploits of the partisans in World War II (*lapidarë*), as well as thousands of bunkers built under Hoxha. By contrast, there are still no memorials or monuments financed by the central state to commemorate communist repression and its numerous victims. The few museums dealing with the dictatorship that have opened in recent years are mostly the result of local initiatives. They can be divided into two groups: firstly, memorials and museums built in former repressive facilities, such as prisons or internment and forced labour camps; secondly, artistically orientated exhibitions or museums.

Of particular concern is the situation in museums and pavilions built during the communist period, most of which have not been reconceptualized and continue in the same spirit. For example, some of the exhibits housed in the National Art Gallery as well as in local museums date from the time of the dictatorship in Albania and contain propagandistic elements. These works should definitely be provided with explanatory notes.

¹²⁶ Agron Tufa, “‘Dosjet’, çfarë do të sjellë për shoqëri në ligji i miratuar në Parlament?”, *Top Channel*, 1 May 2015, accessed 16 December 2020, <http://top-channel.tv/2015/05/01/dosjet-çfare-do-te-sjelle-per-shoqerine-ligji-i-miratuar-ne-parlament/>.

¹²⁷ Glos, ‘Aufarbeitung’.

2.8.1 Memorials in Former Repressive Facilities

In September 2014, the Site of Witness and Memory Museum opened in Shkodra. It is the first professionally run museum focused on coming to terms with the communist past. It is located in a building that originally belonged to the Franciscan Order of monks. After the communist takeover in 1944, the building was confiscated and served as an inner-city prison for the Internal Affairs Department of the city of Shkodra.

In 2014, the building was converted into a museum where former cells, torture chambers and objects belonging to erstwhile inmates or their families can be viewed. In addition, visitors have the opportunity to look at original documents recording communist persecution in Shkodra, especially of the Catholic clergy (internment, detention and orders for executions by firing squad signed by Enver Hoxha, among others). The museum receives very little funding from the local government and is dependent on support from domestic and foreign institutions in the field of transitional justice.

This was followed on 5 September 2016 by the inauguration of a monument commemorating the suffering of over 33,000 people who were detained in one of the 14 internment camps in the region around Lushnja (Savra, Gradishta, Grabjani, etc.) between 1954 and 1991. The monument was erected in Lushnja on the initiative of the IIP.

A monument honouring the resistance against communism was inaugurated in Shkodra on 20 May 2019. The 5.8 metre high monument aims to commemorate the suffering of intellectuals, clergy, men, women, mothers, youths and families from northern Albania who were tortured, murdered or interned. The memorial was erected with the support of former political persecutees, foreign (mainly German) institutions and the municipality of Shkodra.

Thus far, various initiatives to turn notorious former prisons and penal camps such as those in Spaç, Tepelena or Qafë-Bari into memorials have failed. These places are therefore increasingly falling into disrepair.¹²⁸ Nevertheless, the National Historical Museum in Tirana at least has a room dedicated to communist repression. The rest of the museum's exhibitions on the period, however, continue essentially to follow the communist narrative that Albania was liberated in 1944.

2.8.2 Artistically Orientated Exhibitions or Museums

Under the socialist government in office as of June 2013 until the time of writing, three museums or artistically orientated exhibitions were established, which in a broader sense can also be attributed to coming to terms with the past. However,

128 Idrizi, *Herrschaft und Alltag*, 39.

their establishment has been the subject of heated debate.¹²⁹ For critics, they tend to fuel nostalgia for communism under the guise of remembrance. History is not reappraised through them, but made into an attraction.

In the centre of Tirana, the National Museum of Secret Surveillance, known as The House of Leaves, was inaugurated on 23 May 2017. Its founding is based on Resolution No. 208 of the Council of Ministers. The building had originally been a maternity hospital in the 1930s. After the establishment of the communist regime, it served as a listening centre for the *Sigurimi* from 1944 to 1991. Since ordinary citizens were not permitted telephones, mainly diplomats and prominent persons were bugged from here. The artistically laid-out museum offers information about the history of the house, the *Sigurimi*'s bugging devices and some examples of people who were wiretapped. The House of Leaves, which was awarded the Council of Europe Museum Prize in 2020, is funded by the Ministry of Culture.

The Checkpoint Monument (*Postbllok*), likewise in Tirana, was opened to the public on 26 March 2013. The installation is the work of the publicist Fatos Lubonja and the artist Ardian Isufi. The memorial is meant to symbolize the atrocities of the communist regime and is located in the garden of the former house of Mehmet Shehu, the long-time Prime Minister under Hoxha. The monument includes a bunker, concrete beams from the Spaç prison where Lubonja was imprisoned for a time, and a fragment of the Berlin Wall donated to the city of Tirana by the Berlin state government.

Enver Hoxha's former villa is located not far from this memorial. The house and its luxurious interior have remained largely unchanged. The government kitchen in the basement is still in use. However, the house is only occasionally used for exhibitions or state receptions. Appeals by former political persecutees such as Gëzim Peshkëpia or Agron Tufa to turn the villa into a memorial commemorating the crimes of communism have so far been to no avail.¹³⁰

Moreover, 2014 and 2016 saw the opening of the artistic exhibitions *Bunk'art 1* and *Bunk'art 2* respectively. These underground galleries are housed in two bunkers. One of the bunkers (*Bunk'art 1*) is located on the outskirts of Tirana and was intended to house Hoxha and select members of the Central Committee in the event of nuclear war. By contrast, a new bunker was built in the centre of Tirana to house *Bunk'art 2*. At the time, former political prisoners were angered by the construction of another bunker in addition to the hundreds of thousands already existing and tried to demolish the entrance to the exhibition.

129 Sabine Adler, 'Umstrittene Erinnerungskultur. Erste Museen zur Hoxha-Diktatur in Albanien', *Deutschlandfunk*, 16 August 2017, accessed 14 January 2021, https://www.deutschlandfunk.de/umstrittene-erinnerungskultur-erste-museen-zur-hoxha.691.de.html?dram:article_id=393639.

130 Gëzim Peshkëpia and Agron Tufa, 'Vila e Hoxhës, Muze për krimet e komunizmit!', *Panorama*, 6 September 2013, accessed 30 January 2021, <http://www.panorama.com.al/vila-e-enver-hoxhes-muze-per-krimet-e-komunizmit>.

2.9 Commemorative Events

Albania commemorates four dates related to totalitarian regimes and its own experience during the dictatorship: 27 January – International Holocaust Remembrance Day is not a national holiday, but activities are held in schools; 20 February – the day of the collapse of the communist regime associated with the violent toppling of the dictator's statue in Tirana, confirmed by Law No. 10241, is not celebrated, nor even recognized, by the public; 23 August – International Day of Remembrance for the Victims of Totalitarian Regimes, commemorated in recent years by some public institutions, yet due to summer holidays schools and educational institutions are not engaged; 8 December – Youth Day or Day of Democracy marks the start of political pluralism following the 1990 student protests.

Due to the great repression of the communist regime in Albania, the associations of the politically persecuted and civil society organizations engaged in the field of memory have proposed other commemorative dates:

- 23 May 1973 as the 'Day of Resistance to the Totalitarian Regime' in commemoration of the Spaç Revolt. On this day, a revolt broke out in Spaç prison which is considered to have been the largest uprising against the communist regime.
- 26 February 1951 as 'Day of Remembrance of the Martyrs of the Totalitarian Regime' in memory of 22 opposition intellectuals who were shot after allegedly throwing a bomb (dynamite) in the courtyard of the Soviet embassy.
- 29 November 1944 as the 'Day of the Installation of the Communist Dictatorship'. This day has prompted substantial debate because it is ironically celebrated by official history as the date of the liberation of Albania and the symbol of freedom. However, post-1990 studies have shown that terror began as early as 1943 and then took official form after the communists came to power, that is, on 29 November 1944.

None of these proposals has yet led to the legal establishment of a day of remembrance for the victims of communism.

The international event 'Memory Days', which has been organized by the Institute for Democracy, Media and Culture (IDMC) with the support of the Konrad Adenauer Foundation since 2016, commemorates important dates and events of oppression which took place during the communist dictatorship. It also facilitates debates in the context of the politics of memory. In connection with this, there have been discussions on a decommunization law or the introduction of special provisions in the penal code, such as the prohibition of communist propaganda, communist symbols (the red star, hammer and sickle) or the public display of photographs of leading functionaries, etc. There was a concrete proposal from the DP in 2018 for a legal package on decommunization, repeated again from 29 November 2021 onwards, but the work is still in progress.

2.10 Transitional Justice Institutions

In contrast to other countries, Albania did not establish a truth commission or a committee of enquiry into the crimes of communism. The institutions that have dealt with the issue directly or indirectly from 1991 to the present can be divided into three groups:

- Constitutional bodies;
- Central government institutions and;
- Civil society institutions.

2.10.1 Constitutional Bodies

The Albanian Parliament (*Kuvendi i Shqipërisë*), which has a total of 140 members, naturally played a central role in the process of transitional justice, since it is responsible for national legislation. However, its decisions were heavily dependent on which party was in power at the time. Laws on lustration or prosecution came about through majority votes on the part of the DP. Verification Law No. 8043 to check civil servants for possible collaboration with the *Sigurimi*, mentioned earlier, also led to the establishment of the so-called Bezhani Commission in 1995. This commission decided which persons were not allowed to run for public office after carrying out corresponding checks.

The successor party to the communists, on the other hand, passed several laws to compensate former political prisoners. However, these also served as recompense for increased compensation granted to former war veterans. In 2015, the socialist majority further passed the law on opening the *Sigurimi* files, likewise mentioned above. It was rejected by the opposition because it did not contain elements of lustration.

The Constitutional Court played a significant role in the lustration process, as well. It was responsible for overturning the so-called Lustration Law No. 10034 of 2008 one year after it was passed. The law provided for purging the executive, legislative and judicial organs of former *Sigurimi* employees and high-ranking representatives of the Central Committee. However, it was rejected by the Constitutional Court as unconstitutional and a violation of international conventions.

2.10.2 Central Government Institutions

The Committee for Formerly Convicted Political Prisoners and Persecuted People was established by the Albanian Parliament in 1993 to collect data on the persecuted. It existed until the end of 1994 and was placed under the control of the Council of Ministers. Mainly due to pressure from this committee, the first laws on the status of po-

litical prisoners (Law No. 7748) and on property compensation (Resolution 184) were passed.¹³¹

In January 1995, the Committee was transformed into the Institute for the Integration of the Formerly Politically Persecuted (IIP). Initially, it was subordinate to the Ministry of Social, Welfare and Youth (MMSR). From 1998 to 2013, it was placed under the control of the Ministry of Justice. Since January 2014, the IIP, which currently has 24 employees, has again been made subordinate to the MMSR.

The Institute for the Studies of Communist Crimes and Consequences in Albania (ISKK) was established after the adoption of Law No. 10242 on 25 February 2010 and has the status of a public institution. The Institute's role is to collect and analyse documents and facts about the communist period in Albania. It has issued over 100 publications to date, including many biographies of political prisoners as well as specific studies. In particular, the eight-volume *Encyclopædic Dictionary of the Victims of Communist Terror* contains meticulously researched information on all persons who fell victim to the communist regime.

From 2017 onwards considerable pressure was exerted on the work of the ISKK, culminating in threats by socialist MPs to close the Institute in early 2019. The root cause was an ISKK study published in 2014 entitled *War Criminals*, which negatively highlighted the role of communist leaders of the National Liberation Front who held high political positions during the dictatorship. The attacks lasted for several months and centred on the director of the ISKK, Agron Tufa, who was finally forced to seek political asylum in Switzerland in November 2019 due to defamation and death threats.¹³²

The Authority for Information on Former State Security Documents (AIDSSH) started its work in December 2016, a year and a half after the corresponding law was passed. The adoption of the German model of making the Stasi files accessible but not requiring lustration had been received with disappointment by associations of former political prisoners. On the other hand, the director of the archives of the

¹³¹ Official IIP website, accessed 11 December 2020, <http://ishperndjekurit.gov.al/al/historiku/>.

¹³² In April 2019, Tufa stated that 519 former security officers had been members of the state police. In his position as the director of the ISKK, he had requested information from all the institutions that had recruited them, but had received no response from them. Accessed 14 January 2021, <https://www.faktor.al/2019/04/08/agron-tufa-519-oficere-te-sigurimit-jane-ne-policine-e-shtetit-te-tjeret-ne-administrate-ja-pse-me-sulmoi-braho/>. Moreover, in September 2020, Tufa published a list of important personalities from the realm of politics, culture, etc. who had worked with the *Sigurimi* on his personal Facebook page. Among them was the name of the current Speaker of Parliament, Gramoz Ruçi. According to Tufa, the list was compiled by the commission that was supposed to implement Verification Law No. 8043. The list was originally intended to prevent many people associated with the old communist regime from standing in the 1996 elections. Tufa's document was published on some social networks and online media, including the following, accessed 14 January 2021, <https://www.faxweb.al/gramos-ruçi-dhe-agron-tufa-pseodonimi/>; <https://shekulli.com.al/agron-tufa-nxjerr-dokumentin-dhe-akuzon-ja-pseudonimi-i-gramoz-rrucit-si-spiun-i-sigurimit/>.

Ministry of the Interior, Kastriot Dervishi, criticized the fact that the establishment of the new authority was not only a violation of the law regulating archives,¹³³ but also unnecessary. According to him, the German model cannot be transferred to the reality of the situation in Albania.

Unlike the GDR State Security Service, which had the status of an independent ministry, the *Sigurimi* was but one of three departments within the Ministry of the Interior responsible for implementing repressive policies. As a result of the law, the relevant archival holdings are now being split up. Dervishi therefore argued that Albania should have invested in the existing archives first. Handing over information on *Sigurimi* files would also have been possible within the existing archival structures.¹³⁴

How many records the *Sigurimi* left behind remains unclear. According to the authorities, 212,000 *Sigurimi* files, 250,000 index cards, 15,000 judicial investigation files and 21,000 files on politically persecuted persons have survived, plus several thousand registers, minutes and normative documents. This collection of data thereby comprises around 32 million pages.¹³⁵ However, the latter figure may be somewhat inflated, as it also takes into account the court and investigation files that are not part of the former *Sigurimi* archive.

2.10.3 Civil Society Institutions

The Institute for Democracy, Media and Culture (IDMC) is an independent institution that aims to better educate Albanian youth about the consequences of communism and totalitarian regimes. It trains teachers, organizes eyewitness talks with former political prisoners in schools and plans visits to memorial sites. In addition, it organizes national and regional events, competitions, academic conferences, film screenings and the like. The IDMC also publishes archival material to be used in teaching.¹³⁶

133 Dervishi argues that according to the archives legislation (No. 7726 of 29 June 1993, which is superseded by the current Law No. 9154 of 6 November 2003), the only authority responsible for the management of post-1944 documents is the Archive of the Ministry of the Interior. Any division of archival files would violate the principles of archival science. According to him, the establishment of the AIDSSH could become a precedent. In the same way, proposals could be made to establish, for example, other authorities for information on the documents of the PPSH, the Democratic Front, etc. See Dervishi, 'Autoriteti po bllokoi dosjet', accessed 6 December 2020, <http://www.afp.al/news/2017/07/kastriot-dervishi-autoriteti-po-bllokon-dosjet-mbron-persekutoret-e-komunizmit-36084/>.

134 Dervishi, 'Autoriteti po bllokoi dosjet'.

135 'Dosjet e ish-Sigurimit të Shtetit / 32 milionë faqe dokumente në katër dekada', 1 March 2019. Accessed 6 December 2020, <http://www.respublica.al/2019/03/01/dosjet-e-ish-sigurimit-të-shtetit32-milionë-faqe-dokumente-në-katër-dekada>.

136 Accessed 6 December 2020, www.idmc.al/en; www.observatorikujteses.al.

The Online Archive of the Victims of Communism is an initiative of the ‘Kujto’ Foundation, which collects documents and data on the victims of the communist regime, as well as on its prisons and internment camps.

As a rule, civil society institutions are dependent on the support of foreign partners. In Albania, the following are particularly relevant: The Konrad Adenauer Foundation (KAS) in Tirana has supported the associations of politically persecuted individuals since 2010, as well as a number of research projects on Albanian communism. The most important of these is the aforementioned *Encyclopædic Dictionary of Victims*, published by the ISKK. The Foundation also supports the IDMC in its educational work on the communist past. The Organization for Security and Cooperation in Europe (OSCE) has also been involved in promoting a national dialogue on Albania’s communist past for several years. In concert with the University of Tirana, it initiated the establishment of a Centre for Justice and Transformation in September 2020, which aims to strengthen academic teaching and research capacities in the field of transitional justice in Albania.

In June 2018, the International Commission on Missing Persons (ICMP) signed an agreement with the Albanian government in to locate over 5,000 people killed or dead in the prisons of the dictatorship whose remains have not been found. As was the case in some Latin American countries, the victims were killed with or without trial and their bodies never handed over to their families. However, unlike Latin America, the families were informed about the death of their relatives. Consequently, from the terminological point of view, in the case of Albania, one cannot talk about ‘missing people’ as long as the place, time and details of their death are known. According to Law No. 83/2018, the ICMP is to carry out DNA analyses of the remains found and match them with the DNA of possible family members. However, this agreement has been viewed with scepticism, since doubts arose as to whether the Albanian government would support the identification process with the necessary resources.¹³⁷ After two years of searching, the ICMP did not only not find any graves or identify the DNA of any remains, but also did not make public a complete list of burial sites or the number of families searching for the remains of their relatives. Based on eyewitness testimony and documents, 29 possible burial sites of murdered people have been identified so far.

2.11 Victims’ Associations

The first national Association of Former Political Persecutees (*Shoqata Kombëtare e ish-të Përndjekurve dhe të Burgosurve politikë të Shqipërisë*) was founded in Tirana in

¹³⁷ Jonila Godole, ‘Të zhdukurit gjatë komunizmit dhe dilemat e marrëveshjeve’, *Panorama*, 9 June 2018, accessed 16 December 2020, <http://www.panorama.com.al/te-zhdukurit-gjate-komunizmit-dhe-dilemat-e-marreveshjeve>.

mid-1991. In a very short time, it had amassed hundreds of thousands of members.¹³⁸ Soon afterwards, other victims' associations emerged, such as the Union of Albanian Trade Unions or the Association of Imprisoned and Persecuted Women. The persecuted were initially united by the desire to put pressure on the government to improve their material situation. After their release, they usually found themselves in a precarious position without financial reserves or higher vocational training. They were also not entitled to housing after their houses or flats had been confiscated in connection with their convictions.

Following the passing of a series of laws, the situation of the formerly persecuted improved somewhat.¹³⁹ From the point of view of those affected, however, the compensation was inadequate. Resulting disputes with the DP government led to a split among the persecuted between supporters and critics of the government. After a hunger strike in 1994, members of the aforementioned association were accused of collaborating with the former communists. As a result, another organization was founded, which calls itself 'anti-communist'. This is the Anti-Communist Association of the Politically Persecuted in Albania.¹⁴⁰ This association claims to 'represent the interests of the politically persecuted at the national level'. It is exceedingly active and has a broad network throughout the country at its disposal.

In addition, there are other associations such as the National Union for the Integration of the Persecuted, the Association of Political Prisoners, the Heirs of the Politically Executed or the Association of Deported and Interned Persons, among others. All these associations seek support from the IIP. However, according to their various representatives, cooperation among them is minimal or non-existent.¹⁴¹

2.12 Measures in the Educational System

During the transitional period in Albania, the History curriculum changed several times, mainly due to pressure from European organizations, such as the European Association of History Educators (EUROCLIO) and the Council of Europe. After the fall of communism, numerous documents and other data came to light that made it necessary to rewrite various chapters of Albanian history. However, the lack of po-

138 Kretsi, *Verfolgung und Gedächtnis*, 148.

139 Kretsi, *Verfolgung und Gedächtnis*, 151. According to Kretsi, by 2004, 4,162 families had accommodation problems. 370 of them were still living in the places where they had been deported or interned. Only 37 percent of the politically persecuted could get a flat. 1,900 people received loans between 1992–1997 and 12,000 persecuted people were able to make use of their right to study.

140 The official website of the Anti-Communist Association of the Politically Persecuted in Albania can be called-up under, accessed 11 December 2020, <https://antikomunistet.al>.

141 Tanush Kaso, 'Mbi gjendjen e shoqatave te te perndjekurve politike', 19 April 2019, accessed 11 December 2020, <https://www.ballikombetar.info/mbi-gjendjen-e-shoqatave-te-te-perndjekurve-politike/>.

litical will on the part of successive governments slowed down the process of absorbing these findings into the school curriculum.

During the first school reform, history curricula changed, especially as regards the presentation of world history, while the history of post-war Albania continued to be presented incorrectly – and still is. Curriculum specialists and textbook authors explain this state of affairs by citing the lack of academic studies in this field, due to there being little interest in it on the part of educational institutions and universities.¹⁴² Added to this were the various changes in political direction, which were also reflected in school textbooks. Under the Democrats in the early 1990s, the communist regime was treated negatively in principle. However, after the former communists took back power in 1997, the authors tended to reinstate the previously eliminated topics of the war of liberation and the communist period in the textbooks.¹⁴³

Many local libraries have more texts published between 1945 and 1990 in their holdings than academic studies on the Albanian dictatorship have been written since its fall. These early publications contain elements of communist propaganda and ideology and are part of the library accessible to any of its members. It could be helpful for these types of books to be placed on special shelves when accessed by younger readers, with relevant explanations to clarify the period in which they were written and their propagandistic nature.

2.12.1 The Communist Dictatorship on the School Curriculum

Albanian pupils are taught about communism from the age of 14 (year 8), with special emphasis placed on the October Revolution of 1917 and the so-called dictatorship of the proletariat (seven lessons in total). In the following year, in 9th grade, students learn more about the nature of this regime through the events that took place in Albania from 1944 to 1991 (11 lessons in total). In year 11, students focus once again on the period of the establishment of the communist regime in Albania (12 lessons in total).

Curriculum specialists are of the opinion that the amount of teaching provided on the communist period is appropriate, but that the quality of its teaching depends strongly on the abilities of the teachers and their use of materials. The quality also depends on whether students are taken to authentic places of persecution, such as prisons or forced labour camps, to make the oppression tangible. Since many teachers do not have access to recent studies and archival documents, they often

¹⁴² Fatmiroshe Xhemalaj, 'Kurrikula e historisë dhe ndryshimet e saj në Shqipëri 1990–2020' ['School Curricula for History and the Changes in Them from 1990 to 2020'], in *Reflektimi i periudhës komuniste në kurrikulën e historisë* [*The Representation of the Communist Era in Educational Curricula*] (Tiranë: IDMC: 2020).

¹⁴³ Idrizi, 'Zwischen politischer Instrumentalisierung und Verdrängung', 102.

do not know enough about the era of dictatorship or feel too insecure to analyse it of their own accord.

A recent IDMC survey of history teachers revealed that a quarter of them could not identify the most important dates in the history of the anti-communist resistance.¹⁴⁴ Three-quarters of them could not name the number of people persecuted in Albania. Moreover, a majority confirmed that certain topics relating to the oppression, such as the exclusion of the children of persecuted individuals, the role of women or the anti-communist resistance, were not included on the curriculum. Although most teachers believe that visiting memorial sites, meeting eyewitnesses and involving students in creative projects and competitions contributes to reflection on the past and promotes respect for human rights and democracy, these forms of teaching history are hardly to be found on the curricula.

2.12.2 Further Education for Teachers and Pupils

In view of the low level of knowledge possessed by many teachers, additional training programmes centring on the communist era are of particular importance. However, these are not being organized by the institutions of the Ministry of Education (which should actually be responsible for such programmes), but only by non-governmental institutions. Active in this field are:

- The European Association of History Educators (EUROCLIO), which cooperates in this with the Albanian Association of History Teachers. These teacher training courses focus on the exchange of experience between the countries of the Western Balkans.
- The IDMC, which has been carrying out projects at the regional level in the field of education since 2015. These take the form of training, publications and interviews with former political persecutees. To support history teachers, the institute has also issued works such as the three-volume *Communism through Archival Materials*. Another project is the nationwide competition ‘Ask your Grandparents’, which is aimed at pupils aged 15 to 19.

2.13 Coming to Terms with the Past Through the Media

The media’s examination of communism is mainly determined by two things. On the one hand, young journalists usually know little about the crimes and consequences

¹⁴⁴ The study and the results of the survey of 276 Albanian teachers can be accessed under the following address, accessed 12 January 2021, <https://idmc.al/assets/idmc-reflektimi-i-periudhes-komuniste-ne-kurrikulen-e-historise-ne-shqiperi.pdf>.

of the Hoxha dictatorship. On the other hand, the reporting on it is strongly orientated towards sensationalism.

An example of the blurred portrayal of the dictatorship is the coverage of the death of Hoxha's successor Ramiz Alia on 7 October 2011, who had returned to Albania after fleeing abroad in 1997. Only rarely was the term 'dictator' applied to him, and, when it was, only in a softened form such as 'the last communist leader' or 'vice-dictator'. Only a few commentators asked *expressis verbis* whether Alia was the first pluralist president or the last dictator.¹⁴⁵ At the time, it was mainly political and diplomatic representatives as well as Alia's former fellow combatants and acquaintances who had a chance to speak. His involvement in the crimes committed during the dictatorship was not discussed at all.

In their reporting on central events and key figures of the communist regime, the Albanian media usually use certain frames that are influenced by the respective editorial policy. They thus frequently reinforce the former official narrative instead of deconstructing it. In contrast to this, all kinds of information about the time of the communist dictatorship and the fate of many of its victims can be found on social networking sites. Nonetheless, the authenticity of this information often leaves much to be desired. Even serious online media portals are full of historical speculation, phony documents or context-free information. Interviews with representatives of the nomenklatura outnumber those with political prisoners. Only a few central television channels offer the public authentic stories told by eyewitnesses.

Despite criticism from experts and victims alike, even the quality media continues to publish photos and news focused on the former dictator Hoxha and his family, as well as supposedly sensational revelations about the communist era. On corresponding internet sites, the reader finds statements relating to the communist terror next to photos and reminiscences of the dictator or other functionaries. A similar picture becomes apparent on television, where both critics of the communist dictatorship and those who deny its crimes are given a platform in talk shows.

An example of the latter can be seen in the case of the historian Pëllumb Xhufi, who in spring 2018 described the notorious Tepelena camp as a camp with completely normal living conditions.¹⁴⁶ While survivors of the camp, but also experts in transitional justice, describe this camp as an Albanian Auschwitz, in which hundreds of

145 Jonila Godole and Sonila Danaj, 'Who died? The Role of Journalists in Framing Collective Memory in Albania', in *Media Transformation and Collective Memory in Albania*, ed. Jonalia Godole and Sonlia Danaj (Tirana: IDMC, 2015), 167–180.

146 Idrizi, *Herrschaft und Alltag*, 39, as well as various articles which appeared in the Albanian media on the topic. For instance, accessed 18 December 2020, <http://www.observatorikujteses.al/drane-jakja-heroina-e-kampit-famekeq-te-tepelenes>. 'Forumet UET, Jonila Godole: Tepelena në mënyrë simbolike mund të ishte Auschwitzit ynë, Mapo', 30 Mai 2018, accessed 18 December 2020, <https://gazetamapo.al/forumet-uet-jonila-godole-tepelena-ne-menyre-simbolike-mund-te-ishte-auschwitzi-yne>.

women, men and children lost their lives, Pëllumb Xhufi explained on television that the situation was by no means as bad as former internees had portrayed it as being.

2.14 Coming to Terms with the Past through Art

2.14.1 Feature Films and Documentaries

The films *Goodbye Lenin* and *The Lives of Others* were, as elsewhere, also very popular in Albania. However, Albanian film productions that exert a comparable influence on public debate do not exist.

The two most significant Albanian feature films that deal with the communist dictatorship are *Vdekja e Kalit* (*The Death of the Horse*) and *Kolonel Bunker* (*Colonel Bunker*). The former was filmed not too long after the collapse of communism, namely in 1992. The film by director Saimir Kumbaro made the injustices and crimes of the communist regime accessible to a broad Albanian audience for the first time. It is therefore also considered the first anti-communist film produced in Albania. *Colonel Bunker*, directed by Kujtim Çashku in 1998, on the other hand, is a political parable about Hoxha's paranoid bunker construction programme.

In the past decade, a number of documentaries about the persecutions in Albania were also released, mainly by institutions such as the ISKK, IDMC and Kujto et al. Some of these documentaries were also broadcast on television, reaching a wider audience. However, these films had little impact on society's perception of the dictatorship and its consequences.

By contrast, the continuous screening of feature films produced by the state-owned company *Kinostudio Shqipëria e Re* to indoctrinate the population during the dictatorship has contributed to the glorification of communism. In 2017, therefore, a broad public debate about a possible ban on broadcasting these types of films took place. However, the voices that saw these productions as 'historical as well as cultural heritage', even though they had little to do with historical reality, prevailed. This was helped by the fact that directors, actors and scriptwriters who had previously been part of the communist regime's propaganda machinery often had excellent access to the main television and print media and could therefore easily contribute to the discussions. In contrast, the opinions of representatives of persecuted families, who had called for the screening of some films to be banned, played hardly any role in the debate.¹⁴⁷

¹⁴⁷ The entire debate regarding films is summarized in the following annotated study: IDMC, *Filmat e Kinostudios pasuri kombëtare apo propagandë?* [*Cinema Studio Films, National Heritage or Propaganda?*] (Tirana: IDMC, 2019).

2.14.2 Coming to Terms with the Past through Literature

In recent years, numerous literary or literary-historical books dealing with the communist dictatorship have been published. In this context, two contrasting tendencies can be observed. On the one hand, there is literature that depicts the experiences of the politically persecuted through oral reports and archival documents. On the other, a silent rehabilitation of the old political caste, especially the dictator Hoxha, is discernible.

The following autobiographies penned by survivors of the communist terror have garnered the most readers in Albania: *Rmo vetëm për me tregue (Live to Tell the Tale)* by Father Zef Pllumi, published in two volumes (1995, 1997), and the two works by Fatos Lubonja *Në vitin e shtatëmbëdhjetë (In the Seventeenth Year)* and *Ridënimi (Second Judgement)*, which appeared in 1994 and 1996 respectively.

Father Zef Pllumi was a Franciscan priest who was first convicted at the age of 22 and imprisoned from 1946 to 1949. He was tried again in 1967 and sentenced to 23 years in prison, which he spent in various prisons and labour camps until April 1989. Fatos Lubonja was arrested in July 1974 when his father, at that time the director of the public broadcaster RTSH, came into the crosshairs of the leadership due to his liberal propensities. Lubonja was first sentenced to seven years in prison and then to a further 16 years for alleged membership in a pro-Soviet group. Fatos Lubonja served his sentence in the regime's most notorious prisons and was only released in 1991 after serving 17 years.

A major role in the dissemination of this type of literature was played by the ISKK, which has published over 100 works on the crimes of communism.

Of the professional writers who have dealt with the communist period, the following stand out above all:¹⁴⁸

Agron Tufa, who wrote several novels about his personal experiences of persecution; Ismail Kadare, who after 1990 published several essays and novels dedicated to personalities or emblematic events of the dictatorship; Luljeta Lleshanaku has dealt with this period masterfully in her numerous books of poetry that have won prestigious national and international awards; Bashkim Shehu, who repeatedly worked on various books covering the political and social aspects of the dictatorship; Rudi Ere-

148 See, by means of example, in sequence, Agron Tufa, *Mërkuna e zezë* (Onufri, 2017); *Fabula rasa* (Ideart, 2004); Ismail Kadare, *Die Verbannte* (Frankfurt am Main: S. Fischer, 2017); *Kur sunduesit grinden* (Tiranë: Onufri, 2018); Luljeta Lleshanaku, *Kinder der Natur* (Wien: Edition Korrespondenzen, 2010); *Negative Space* (New York: New Directons Publishing, 2018); Bashkim Shehu, *Fjalor udhëzues për misterin e dosjeve* (Tiranë: Toena, 2015); *Loja, shembja e qiellit* (Tiranë: Toena, 2013); Rudi Erebara, *Epika e yjeve të mëngjesit [The Epos of the Morning Stars]* (Tiranë: Ombra GVG, 2016); Ylljet Alicka, *Metamorfoza e një kryeqyteti* (Tirana: Onufri 2019); *La valse du bonheur* (Paris: L'Esprit du temps, 2019); *Les slogans de pierre* (Paris: Edition Climates, 1999); Lindita, Arapi, *Schlüsselmädchen* (Weilerswist-Metternich: Dittrich Verlag, 2013); *Wie Albanien albanisch wurde – Rekonstruktion des Albanienbildes* (Marburg: Tectum Verlag, 2006); Ornela Vorpsi, *Il paese dove non si muore mai* (Zürich: Scalo, 2004); *Das ewige Leben der Albaner* (Wien: Paul Zsolnay Verlag, 2007).

bara, who won the European Prize for Literature with his novel about the depersonalization of the artist in totalitarian societies; Ylljet Aliçka, who sarcastically describes various aspects of the dictatorship; as well as other authors living abroad, such as the Albanian-German writer Lindita Arapi, or Ornela Vorpsi, who has settled in France.

In a similar fashion to the films mentioned above, however, these efforts are counteracted by various publications in which the dictatorship is glossed over or even justified. These include the memoirs of the dictator's wife Nexhmije Hoxha, a book by Hoxha's personal physician, Isuf Kalo, and two books by the former head of the General Investigation Agency, Qemal Lame. The latter presents insider knowledge about the last year of the dictatorship and about the *Sigurimi*'s persecution practices, as in the case of the well-known writer Ismail Kadare.¹⁴⁹ The majority of these authors paint a positive picture of the dictatorship, in which they personally enjoyed numerous privileges. Hoxha's widow, for example, showed no sympathy whatsoever for victims of the regime right up until her death in February 2020. Instead, she defended her husband and the fight against the 'enemies of the people' as a necessary prerequisite for the establishment of a socialist order.¹⁵⁰ For his part, Hoxha's personal physician stressed the outstanding intelligence and education of his former patient, in addition to his patriotic attitude and humane demeanour.¹⁵¹

3 Stocktaking: Successes and Failures of Transitional Justice in Albania

3.1 A Change of System

Thanks to the negotiations between the old and new elites, who were placed at the head of new pluralist parties, the transition from dictatorship to democracy in Albania occurred largely without bloodshed. Despite corresponding fears among the population, a restoration of authoritarianism did not take place. However, the functional elites of the party, the judiciary and the *Sigurimi* were not replaced, and some of them

149 Lame, Kur shembeshin themelet; Qemal Lame, *Dritëhijet e kohës. Letërsia dhe arti në diktaturë: Përmjekja e Ismail Kadaresë* [*The Shadows of Time. Literature and Art under the Dictatorship. The Persecution of Ismail Kadare*] (Tirana: Neraida, 2020).

150 Nexhmije Hoxha, *Përjetime dhe meditime në jetën time politike* [*Experiences and Meditations in my Political Life*] (Tirana: Ilar, 2019). In an interview with *Der Spiegel* in 2004, she explained: 'Our foreign enemies allied themselves with the opponents within our country. That's why we had to destroy their families and expelled troublemakers together with their relatives from Tirana and took them hostage'. Accessed 27 August 2020, <https://www.spiegel.de/spiegel/print/d-30414363.html>.

151 Isuf Kalo, *Blloku: Rrëfimi i mjekut personal të Enver Hoxhës* [*The Confession of Enver Hoxha's Personal Physician*] (Tirana: UET Press, 2019).

– such as parliamentary speaker Ruçi – are still active today. Additionally, the judiciary has still not become independent, but is considered inefficient and corrupt. This may also be a consequence of elite continuity, as many leading positions in the judiciary and the police apparatus continue to be held by representatives of the former nomenklatura.

The continuities of a system based on ‘class hatred’ are further reflected in the implacability of the political conflict between the two major parties, the SP and the DP. Society remains divided into two warring camps and finds it impossible to agree upon a common language with which to speak about the past. ‘When the communist era is talked about, it is done in a highly politicized and extremely emotional way’.¹⁵² Cross-party cooperation would require, among other things, a democratic political culture, which is extremely weak in Albania, while political polarization sometimes takes extreme forms.

Through the Law ‘On the Innocence, Amnesty and Rehabilitation of Formerly Convicted and Politically Persecuted Persons’ (1991) and the two resolutions ‘Condemning Crimes of Totalitarian Communist Regimes’ (2006) and ‘Condemning Crimes against the Clergy’ (2016), the Albanian parliament has formally distanced itself from the Hoxha regime repeatedly. However, the obligations arising from these resolutions have not been fulfilled. Socially, there is also no broad consensus on condemning the dictatorship. In addition, important laws such as the Verification Law (1995) or the one on the opening of the *Sigurimi* files (2015) were not passed by political consensus. Therefore, there is a risk that these laws could be repealed at any time in the event of a conflict between the parties.

3.2 Criminal Justice

Punishment of those responsible for the communist regime only occurred in Albania at the beginning of the 1990s, when important functionaries were arrested and convicted on the grounds of abuse of office and embezzlement. In 1995, several charges were brought under the new Genocide Law, but these were dropped after the former communists returned to power in 1997. As shown above, the Constitutional Court ruled that those accused could not be punished for acts that were not illegal at the time they were committed. Moreover, the Genocide Law did not trigger a wave of investigations or other activities to probe the role of officials during the communist era. Rather, the arrests acted as a means of appeasing the politically persecuted, who constituted the largest group of government supporters (which was formed by the DP at the time).

¹⁵² Oliver J. Schmitt, ‘Albanien tut sich schwer’, *Neue Zürcher Zeitung*, 23 July 2012, accessed 21 January 2021, <https://www.nzz.ch/albanien-tut-sich-schwer-mit-der-bewaeltigung-seiner-vergangenheit-1.17382475?reduced=true>.

3.3 A Change of Elites

Albania has witnessed only a very limited renewal of personnel in the state apparatus and other relevant areas. Even 30 years after the end of the communist regime, former functionaries still hold leading posts or are even active in key political positions. Although the so-called Genocide Law of 1995 provided for the exclusion of officials responsible for genocide and crimes against humanity from political life until 2002, it was repealed by the Constitutional Court in 1997. Many former political prisoners therefore hoped that the law on opening the *Sigurimi* files, passed in 2015, would start a process of lustration similar to that in other former communist countries. However, the law only made it possible to inspect files and did not provide for the removal of politically incriminated employees from public service.¹⁵³

The formation of new elites remains a challenging task. Through total control of social life, the communist regime not only left no space in which a liberal elite could develop, but simultaneously created a high degree of conformity that still defines civil society today.

3.4 Reparations

Approaches to dealing with the communist dictatorship and its victims went through various phases. In the early 1990s, Berisha's conservative government was willing to condemn the regime both politically and legally. The first compensation laws for former political prisoners and internees were passed during this period. A coordination committee was set up to register all affected persons. Significant retrograde steps became apparent when the former communists came to power under Fatos Nano (1997–2005). In this phase, compensation was initially supported as recompense for the increased compensation granted to former war veterans, but was later discontinued under the pretext of scarce financial resources.

From 2005 onwards, the changing governments focused only on reviewing those compensation procedures that had already been set in place. New categories of victims were introduced and those affected again had to go through a lengthy process to prove their persecution. In contrast to other countries, they hardly received any support from independent lawyers, as recourse to legal action in Albania was not considered to promise success. Protests by victims against what they saw as inadequate compensation were sometimes met with police violence. Some therefore went on

¹⁵³ In September 2022, after the completion of this study, the SP government brought two legislative initiatives into parliament that are intended to improve the possibilities for the lustration. They were criticized by the opposition as not being far-reaching enough. "Ruling Party Proposes Draft Laws on Lustration of Electoral Candidates", *Exit News*, 7 September 2022, accessed 12 September 2022, <https://exit.al/en/2022/09/07/ruling-party-proposes-draft-laws-on-lustration-of-electoral-candidates/>.

hunger strike out of desperation or resorted to even more extreme measures, such as suicide by self-immolation.

To date, the remains of thousands of people who were executed or died in custody before being buried in unmarked graves have not been found. Only in the early 1990s were many families able to locate and identify the remains of their relatives. This process has subsequently been hampered for various reasons, including numerous constructions on public and private land – both with and without permission after 1990; lack of maps and documentation on the graves of political prisoners; and a lack of political will to pursue a long-term strategy; in finding the remains.

Also, one of the most serious wounds of Albanian society, i. e. property confiscated or nationalized during the dictatorship, has not been resolved. Laws passed in the early 1990s only exacerbated the situation by alienating property. The more time that passes, the more difficult it becomes to resolve the situation. Here, too, the most affected are former persecuted and political prisoners.

3.5 The Politics of Memory

In contrast to other Eastern European countries, there were hardly any efforts in Albania after 1991 to establish a remembrance policy that would anchor the memory of the atrocities of the past in the collective memory of the nation. To this day, there is no official day of remembrance and no central memorial for the victims of the communist dictatorship. Only very few places of remembrance exist. Although the various governments have repeatedly supported individual projects, this has served more to raise their own political profile than as the basis for a long-term politics of memory.

3.6 Conclusion

Despite individual measures, Albania cannot be said to have successfully come to terms with its past. In particular, the lack of criminal justice, the failure to perform lustration and the insufficient compensation for former political prisoners have undermined the population's belief in the rule of law and democracy. Thus, the communist system continues to have an invisible effect up to the present day.

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