

The Albanian Parliamentary Elections of 1996



June 18, 1996

Briefing of the
Commission on Security and Cooperation in Europe

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TUESDAY, JUNE 18, 1996

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The Commission met, pursuant to adjournment, at 10:07 p.m., in room 2255 Rayburn House Office Building, Robert Hand, Commission staff member, presiding.

Mr. Hand. Good morning. I'd like to welcome you all here to this Helsinki Commission briefing on the Albanian election. These have proven to be, perhaps, the most controversial elections held in recent times in this region of the world. I must say that, in observing over 12 elections in former Yugoslavia and my third in Albania, it was the one that I came away from the most confused and troubled. Indeed, the confidence in the system, trust in opposition parties, and even the integrity of the observers have all been a question in these elections.

Therefore, we thought it would be good, following up on a briefing we had in January, in which the National Democratic Institute and International Republican Institute made a presentation on Albania, and then a hearing we had on challenges to democracy in Albania in March, that we follow up on these elections which were held at the end of May with some run-offs and re-runs in June, to have some public discussion of what was observed during these elections and what the implications might be for Albania in the future.

I will first state a few facts about the election to give a scene-setter, and then I will ask Susan Atwood from the National Democratic Institute, who was over at the elections with a team of about 12 people, I believe, but assisting an Albanian organization, the Society for Democratic Culture, in organizing a domestic observer effort, to give some comments.

I will then ask Jim Swigert, who is from the Office of South Central European Affairs in the European Bureau at the State Department, to give some comments on the State Department's views of these elections. Jim has considerable experience in this region of the world. I first met him in Belgrade during very difficult times for the embassy there.

And then we will hear from Ambassador Dilja, who will present the views of his government and maybe his own personal views—he was in Albania at the time of the elections—as to how he views these elections as going. I'll then give a wrap-up. I was there myself and will give some comments, and then we will turn it over to questions from the audience.

I think probably everybody knows where Albania has come from. It was the most repressive communist regime from the end of World War II up until about 1990, the most repressive communist regime in Eastern Europe certainly. In December 1990, there was the first announcement that alternative political parties were to be allowed and the first multi-party elections were held in Albania in March 1991.

The Communist Party that was in power at the time won those elections and remained in power, but 1 year later, new elections were held because of the ongoing transition in stability that had been created. In the March 1992 elections, the Democratic Party ousted

the communists from power and a new government was brought in and a new president, Sali Berisha, was selected by the parliament.

Since that time, there have been an incredible amount of reform considering where Albania has come from. At the same time in recent years, there's been some set-backs, as people would call them, or disappointments as to how rapidly it's going forward. The elections for 1996 were not forced upon Albania by any political crisis, but it was the expiration of the mandate of the existing unicameral parliament known as the People's Assembly.

There are 140 seats in the assembly and for these elections, 115 of them were selected on the basis of a majority vote in 115 electoral zones or districts. The remaining 25 were selected on a proportional basis based on people's votes for particular parties, and that gave the Albanian voter the chance to vote twice. The ballots had the candidates for the zone in which the people lived, and then all ballots in all zones had the list of the parties that were running for the proportional seats. There were some requirements that had to be met, a number of zones which were fielding candidates, et cetera, in order to participate in the proportional race.

As I mentioned, the Democratic Party is the party in power. The leading opposition is the former Communist Party, now called the Socialist Party. There are a number of other parties as well that competed in the election. The main ones are the Democratic Alliance, which broke away from the Democratic Party, I believe, in 1992 or '93, I forget exactly when; and the Social Democratic Party which for a while was in alliance with the Democratic Party and coalition in the government.

Both of these parties have moved away from the Democratic Party and, at least in terms of comments on how the elections in Albania took place in 1996, have pretty much allied themselves with the Socialist Party in their complaints in their subsequent boycott of the elections, although I think will be a mistake to say that the three parties are all alike. There are differences between them.

There are also some parties to the right in the opposition. There's a Republican Party, there's a National Front Party, and I think that they have had some complaints as well, but have pretty much stayed in the electoral process. Finally, there's a party which originally emerged from the Greek community in southern Albania.

They tried to have their own ethnically based party in the 1992 elections. Ethnically based parties were prohibited in Albania, so they formed a union for human rights, which is not just a minority party, but it does reflect heavily the views of the Greek population in southern Albania; and they, by and large, have participated in the electoral process as well, albeit with some complaints.

The outcome of the elections was a tremendous victory for the ruling Democratic Party. In the first round, they won about 95 seats. There were nine run-offs for the majority races and they won six of those. Due to complaints about the electoral process, the authorities held re-runs in 17 zones and although I'm not sure that the final results of them are in, they were just held this last Sunday, it appears as if the Democratic Party had won in most all of those zones.

So out of 140 seats all together, when the proportional seats are allotted, you're looking at a majority for the Democratic Party of anywhere from 105 to 115, probably somewhere in there. I'm not sure if the final numbers have been given out yet.

There were plenty of foreign observers there. The OSCE Parliamentary Assembly. There

was also the OSCE itself under the auspices of the Office for Democratic Institutions and Human Rights. Their observers come from the various countries of the OSCE and go at the recommendation of their respective governments, the countries they come from.

NDI did have a delegation there and was working with the Society for Democratic Culture; IRI, the International Republican Institute, had a delegation there; and there were numerous other delegations leading to a large number of observers. As you will see from the reports that we have put out on the table, the conclusions as to how free and how fair these elections were differ widely.

By some accounts, they were not free and fair at all, they are not legitimate, and should not be accepted. Others have said that yes, there were problems, but the general will of the people has been reflected in all of this, and that the observers that are complaining the most may not have done the best observing. So it's a very controversial election and it's something that I think is probably going to be discussed for some time to come.

Having given that brief scene-setter, I think I'll now turn to Susan to give comments for NDI. Susan?

Ms. Atwood. Thank you. The National Democratic Institute for International Affairs, NDI, has been working in Albania since 1991 when we observed those first elections with a small delegation, and we mobilized election observers for most of the elections in the region since 1990. I'd have to join with Bob in saying that these elections were probably the most confusing ones to analyze that we have dealt with, and in some ways, the most surprising.

Since 1992, we have been working with a non-partisan civic organization, the Society for Democratic Culture, that has 36 branches around the country, and they have monitored elections in '92 initially, both the parliamentary and the local elections. They also monitored local bi-elections in 1994 when there was considerable concern about the conduct of those elections.

There was a considerable level of violence associated with those elections, and the Society for Democratic Culture issued a statement at that time expressing concern about that and hoping that the climate for upcoming elections in '96 would be more conducive to confidence among the opposition parties.

In the background, in 1995, NDI sent its first pre-election mission in the run-off for the '96 elections, and again sent another pre-election mission in March '96. Some of the concerns that we expressed as a result of those two missions included the need to rescind the so-called Genocide Law, which did not allow members who had played a prominent role in the former Communist Party to participate in the elections.

There was concern expressed about some of the restrictions placed on media coverage of opposition parties, and indeed, some of the harassment of journalists in the run up to the elections. Then in addition to that, about the timing of the elections that didn't really, in our view, give sufficient time for training of election officials. So we were concerned there might be confusion on election day.

Opposition parties did make various complaints to us in advance about the fact they were not allowed to meet freely and rally freely. At that point, we weren't making any judgment on how much weight to put on these kinds of complaints because it's a normal circumstance in the run-up to elections, especially as most opinion polls were showing, including the Society for Democratic Culture's own opinion poll, that the Democratic Party would, in fact, win these elections.

In the run-up to the elections, the society itself did a number of “get out and vote” initiatives, voter education posters, encouraging people to turn out and vote, particularly young people. They trained parallel vote tabulation monitors in order to conduct a parallel vote tabulation of the official results for the 25 proportional seats.

They mobilized, on election day, 3,500—well, they registered 3,500 observers. In the 2 days preceding the election, we and they actually encountered considerable problems in getting the credentials to some of those observers. Some of those problems were worked through the Central Election Commission, and it appeared that the problems were more at the zone level where some of the officials were not aware that the Society for Democratic Culture was officially allowed to observe the polls.

Most of those problems were solved by election day; but, unfortunately, no observers were credentialed in Tirana. We were unable to resolve those problems, so the society was unable to observe in Tirana. I understand, also, the Albanian Helsinki Committee was unable to observe in Tirana.

The NDI itself mobilized 12 representatives, 11 roving teams and one team in Tirana. We were not set up as an official NDI international election observer mission. If we had been, we would have had more people there, we would have had more meetings with political parties in the run-up. Our main mission was to support the efforts of the Society for Democratic Culture.

So we were out in 12 different regions supporting them, checking that they had everything they needed to do the observation on election day, and to assist them in bringing in the parallel vote tabulation results from the count because obviously, physically in Albania, it’s very difficult to be phoning in election results, so we were going to bring these results in by car so that they could be tabulated in Tirana.

We were working with some representatives for the Bulgarian Association for Fair Elections and Civil Rights, who have done a number of parallel vote tabulations for the Bulgarian elections and they had trained the Albanian monitors. So we had computers set up in the Hotel Tirana to do this parallel vote tabulation as the results came in through the assistance of our 12 representatives.

On election day itself, we were all out in the field on Saturday having meetings with the local election officials and political parties. Election day was really split into, as far as we could see, three different parts. First of all, from the opening of the polling stations onwards, we in our different regions observed a certain pattern that in every case the Democratic Party representatives on the election commission seemed to be controlling the process.

They were central to the process in the sense that they gave out the ballots to the voters, they had the voter registration lists in front of them, and they were really, in some cases, even physically preventing the other opposition parties from being able to oversee the process.

Now, like in any election, if you are split up, you’re in different regions, you’re not communicating with each other as the day goes on, you don’t know if this is a pattern or if this is just something to note with some concern, you don’t know what weight to put on it. So we didn’t at that point evaluate this. We noted this as a pattern.

I personally was in Elbasan. In one of the first polling stations I was in there was this problem. The opposition parties were clearly not feeling they were able to participate in being members of the commission and protested about it. As a result of this protest, some-

body, whom my interpreter told me was the head of the secret police in the region, came in and threatened to beat people's brains out.

The commission members themselves seemed less perturbed by that. In other cases the opposition members didn't protest about being removed from the process, they just seemed resigned to the fact that they weren't really going to be controlling or involved in the process. When we asked them why they didn't protest, they said, "Well, these are the rules. These are the rules of the game. This is how the election commissions are arranged."

So anyway, this is what we noted. We noted a very heavy police presence, both uniformed and non-uniformed throughout the day; and, as I said, we weren't communicating throughout the day with each other, so we noted these things in our 12 separate teams. At about 2:00, there was an announcement by President Berisha that the polling would be extended by 2 hours. The polling stations would not close until 2 hours later than originally mandated.

The opposition parties' reaction to this where we were was that the voting was being extended so that the election could be stolen under the cover of darkness. I'm just reporting the reaction of the opposition parties. In addition, there was enormous confusion about the protocols, the forms that the vote count would be recorded on.

Everywhere we went, the opposition parties complained to us that they had been told they would not be receiving copies of the vote count protocols because there were only three or four per polling station and they assumed the Democratic Party representatives would be getting those protocols. The law mandates that the chairman and secretary of the voting commission accompany the ballots to the zone election commissions and other election commissioners can accompany them.

The feeling was, however, that it would be only the Democratic Party officials who would be accompanying these votes and that the opposition would have no written record of the count. These were the rumors going around. That was their feeling. On the other side, the Democratic Party representatives were telling us that there had been a number of protocols discovered that were already filled in and were fraudulent and that the Socialist Party was going to use as the official records of the count.

Now, as a result of all this, there was an announcement by the Central Election Commission that new protocols would be printed and distributed. So in the polling stations all around the country, at least where we were observing the count, new protocols did arrive. They were identical to the old protocols except they were on slightly yellower paper.

Now, none of us were really, frankly, able to analyze what all this was about and there was a lot of confusion. It seems unlikely that new protocols could have been printed for the entire country had they not been ready in advance. So there was a situation of great confusion after the announcement that the polling would be extended.

Then about 6 p.m., opposition parties began leaving the polling stations. Prior to that, all the representatives on the commissions in the polling stations where we were present were present. Suddenly they were not present and it was not just the Socialist Party, but also members of other opposition parties. Everywhere the Socialist Party left; in some places, some of the other opposition parties left; some places they didn't. So again, there was an awful lot of confusion.

There was a clear lack of confidence in the process. At a minimum, I think that the climate that had been created by this feeling that the Democratic Party was controlling all

the polling stations and the process, the perception among the opposition parties that they were not going to get the protocols and therefore could not be involved really in the count or checking the count, led to this opposition boycott.

We and no one as far as I know condones this boycott, but I think it has to be analyzed in the light of why this climate was engendered that created such a lack of confidence among the opposition parties that they, in fact, took this step. For the count itself in most places, only the Democratic Party representatives were present. I can say personally and from reports from the rest of our delegation, there is no doubt that the count itself was compromised, at least in places that we were witnessing.

Right in front of us, votes of the Socialist Party were being invalidated for the same reasons that the Democratic Party votes were not being invalidated. I personally witnessed officials crossing out the votes of the Socialist Party. There was a feeling that people who had not voted for the Democratic Party had been misguided and needed to be helped. There was nothing very malicious about it. It was very interesting. It was just a very partisan environment.

It seemed to be the feeling that the Democratic Party officials felt that just winning wasn't enough; they had to win big, and this was borne out by the reports that were coming back from other members of our delegation and from the Society for Democratic Culture.

The Society for Democratic Culture in Tirana was getting the protocols and reports back from its election observers, who did do the parallel vote tabulation, they did remain in the stations in most cases, although the opposition had boycotted. As we got these results in, there were protocols coming in that had 638 registered voters, and 638 voting for the Democratic Party. So we feel very strongly that the count itself was compromised although we also agreed with the analysis that was made by most people that the Democratic Party would have won anyway.

On Tuesday, as you all know, the opposition held a rally and the level of violence that was used by the riot police was clearly unacceptable. It took place right in front of the Hotel Tirana in Skenderbeg Square witnessed by all the observers and foreign journalists. There was an extraordinary level of violence used, quite unnecessarily so because the number of opposition members actually rallying was really very small and there was really no threat to civil order.

The opposition then held a rally in the Hotel Tirana which was obviously very dramatic because they were coming in from the square having been beaten and making very inflammatory statements. Meanwhile, all the international observers, including ourselves, were trying quite honestly to analyze what had gone on. All the international observers were meeting to consider their statements. The Ambassadors were meeting, waiting for some kind of instructions from their foreign ministries.

Everybody had been taken by surprise by these events, including the opposition themselves, I think, who said to us that if they had felt that these kind of events would transpire, they would have boycotted the elections in advance of the elections rather than on election day itself.

So all of us had gone there expecting a certain type of election that would represent a step forward for Albania, and we were surprised and confused by what transpired. The Society for Democratic Culture issued a statement saying that it wouldn't be issuing the results of its parallel vote tabulation because the count itself had been compromised.

All they could do was report on the actual figures coming out of the count. As observers, it's not up to them to intervene in the count and point out any irregularities in the count. So they had the compromised protocols from the count, but they were not going to be useful in doing a parallel vote tabulation. So they made that statement on the day after the elections.

The OSCE parliamentary delegation came out with the first statement from the international observers' side; and it was analyzed, I think, in different ways. Those of us who have heard the parliamentary assembly statements in other countries know that often they come out and say elections are free and fair, and that phrase was missing from this statement and it was explained why it was missing. They were not prepared at that point to make a call whether they were free and fair or not.

That was the first statement. I think among Albanian journalists, that was considered to be a statement that more or less supported the elections as regular. The Ambassadors were concerned and appealing to some of us as international observers that if we released statements questioning the freedom and fairness of these elections, we might provoke more civil unrest. So, there was a lot of pressure that we should not release any statements.

The ODIHR delegation, in fact, I think—Bob can correct me on this—decided to release its statement in Vienna after they had left Albania. However, part of the ODIHR delegation—the British representatives and the Norwegian representatives—did release, I suppose you could call it a minority statement, at the time of the opposition press conference after the events in Skenderbeg Square when they strongly condemned the elections. It was probably the harshest statement that came out.

The SDC also issued another statement after the opposition rally calling for tolerance and calm and dialog among all actors in Albania. NDI itself had not intended to make any kind of statement because, as I said, we were not there initially as an international delegation with that as our mandate. However, we felt, having been there and observed things that others had observed, we should issue a statement; and indeed we did that on Friday following the elections when we expressed concern about what we had seen and concern for what it meant for Albania and its progress.

The SDC itself did monitor the second round. They did not want to be perceived as endorsing the opposition boycott by not monitoring the second round. As I said, SDC and NDI itself took no position either condoning or not the opposition boycott.

I think the conclusions that we all came to were that, No. 1, we agreed, as I said, with other analysts that the Democratic Party would have won these elections anyway. For some reason, it appears that the feeling was that they had to win big, and I think what we felt was basically depressed that there still seems to be this type of mentality in Albanian political life.

The political mentality is still, more or less, that of a one-party state with no real space for opposition. We felt that whichever party was in government at the moment in Albania was probably going to use the central controls at its disposal and the weight of the police to back it up, and that's a depressing conclusion.

We had felt that Albania had taken significant steps forward in the past couple of years; and, for us, these elections did not represent a step forward. I think now for the upcoming local elections in 2 or 3 months time, it's incumbent upon the Democratic Party, the government, to create a dialog of more confidence, create a dialog with the opposition parties to try to avoid a repetition of this kind of climate, and also to do all the things that everyone,

including NDI and the Society had recommended, training of election officials, all these types of things, but first and foremost, to engender a climate of confidence so that Albania can go into the local elections putting these events behind it.

Mr. Hand. OK. Thank you, Susan. Before turning the floor over to Jim, I'd like to just say that I've met some of the members of the Society for Democratic Culture in Albania. I don't know them very well, but I must say that I admire the group as a whole very much because the one thing that you realize when you go to Albania, especially looking at the media and in talking to most people, everybody's partisan one way or another.

There are so few people in that country who are dedicated to the integrity of the system and who understand what it means to be neutral and to try to carry out something for the good of the country as opposed to a political party. So I just wanted to say that I think the group is a collection of some very courageous individuals and, hopefully over time, their efforts can have more and more influence on Albanian society as a whole.

And I don't mean that to be critical of Albania, because it has gone through a rather traumatized situation under the communist regime, and it is still in the process of coming to terms with that. But in some cases, these people are the seeds for what hopefully can be a better future for Albania. With that, I'd like to turn it over to Jim Swigert from the Department of State. Jim?

Mr. Swigert. Thank you, Bob, and thanks to the Helsinki Commission for giving me this opportunity to summarize U.S. policy and our responses to Albania's parliamentary elections. Consolidation of democracy is a fundamental U.S. objective in Albania, and therefore, we followed the preparations for the elections very closely. We provided funding and helped to train Albanian election observers; we helped to encourage the participation of observers from other countries, including OSCE; and we participated ourselves through the U.S. embassy in monitoring the elections.

We were therefore deeply disturbed that NDI, OSCE, and U.S. embassy, and other observers found numerous irregularities during the vote and the vote count on May 26. Let me review briefly the actions we have taken since the May 26 election to address this step backward for Albanian democracy.

On May 28th, as we were evaluating the preliminary monitor reports (and there was indeed great confusion as Susan described), the State Department publicly expressed serious concern about the election irregularities. On May 29th, the following day, our Charge d'Affaires in Tirana, Doug Smith, on instructions advised President Berisha to look into these allegations of irregularities and proposed inviting international experts to make a review.

The U.S. OSCE delegation in Vienna briefed participants at a meeting the following day, May 30, at the OSCE Permanent Council meeting on our contacts with the Government of Albania and sought OSCE cooperation in efforts to remedy the situation. We have been in regular contact with the OSCE through the Permanent Council in Vienna and two capitals since then.

On June 1st, we issued a lengthy statement and publicly called upon the Government of Albania and all political parties to seek assistance from the international community in investigating irregularities and identifying districts in which elections should be repeated. On June 6th, we issued another public statement calling attention to our recommendations again and noting that we are working closely with other OSCE members to ensure that the

Government of Albania acts favorably on these recommendations.

After police responded to the unauthorized opposition rally on May 28th with the sort of violence that Susan Atwood described, including severe beatings, the U.S. embassy officials strongly cautioned the Government of Albania against excessive use of force by the police. This clearly, in our view, was a case of excessive use of force. We also urged opposition politicians to avoid violence.

On June 6th, the Albanian Interior Ministry announced the discharge of two high-ranking officials and five police officers for the beatings at the May 28th rally, and we expect that this will be followed by additional steps to hold officials accountable for their actions and send the message that police abuses of this nature will not be tolerated.

Following an investigation of election irregularities by the Albanian Central Election Commission, as you know, repeat elections were held in 17 of 115 electoral districts on Sunday, June 16. Many opposition parties boycotted the repeat elections, and they were not monitored by international observers. This added to a lack of confidence in the process of these repeat elections and the results. The United States would have preferred that the repeat elections were postponed to have allowed international experts to participate in the investigation of the irregularities and make recommendations for remedial actions.

Our efforts to coordinate closely with the European Union and the OSCE in seeking to rectify Albania's flawed parliamentary elections are continuing. This week, the OSCE will discuss the final ODIHR report of the ODIHR mission to the May 26th elections.

Our focus on establishing an international review mechanism is aimed at redressing the serious flaws which were observed in the May 26th elections. This could facilitate repetition of elections in districts with demonstrable serious irregularities and help restore confidence by encouraging broader opposition participation in the electoral process. To that end, we believe that it is important that opposition parties exercise their rights under Albanian law to file complaints.

In our view, the May 26th elections represented a step backward for Albanian democracy. Confidence in the electoral process has been severely shaken both inside and outside Albania. Democracy lies at the core of U.S. interests in Albania and we are committed to the consolidation of democratic institutions there.

We intend to continue our efforts to address and to remedy the election's flaws and to make every effort that we can to restore confidence in the integrity of Albanian institutions in the electoral process. Thank you.

Mr. Hand. Thank you, Jim. Ambassador Dilja?

Amb. Dilja. Thank you, Bob. I think I'll take a few minutes from Jim's briefing, which was according to your orders here. It's a pleasure for me to be sitting here in this briefing with Mrs. Atwood and you yourself, Mr. Hand, who observed the May 26th elections in Albania, and also with Mr. Jim Swigert, our colleague in the State Department who gives time and effort working in Albania and on the Albanian-American relationship.

At the very beginning, I feel obliged to use this opportunity and extend my deepest thanks on behalf of the Albanian people and Government to the U.S. administration, and to the U.S. Congress, for the strong support and assistance they have rendered to our country during the difficult period of transition from the harshest communist regime to democracy and the rule of law, from the extreme centralized and poor economy to a successful market economy.

The support and the assistance, being either cooperation or assistance programs, either criticism or recommendations, have all been and are highly appreciated, well understood, and well-used by our people and our government. I want to thank the Helsinki Commission for organizing this briefing on the Albanian parliamentary elections, and I think it's particularly timely in light of the outcome and the way of the re-run of the elections in the 17 zones which was held on June 16th.

Let me come to the point of the briefing. On May 26th, Albania held its parliamentary elections which were considered by all analysts and the Albanians themselves as historic, as important and historic as the 1992 elections. There was too much reason for that, I think. After the fall of the Berlin Wall, the triumphal West made the assumption that capitalism had won and communism had lost. But particularly for us Albanians, it was more realistic to say that at least so was thought for the moment, because communism was hard to be shaken off.

Four years of progress toward a democratic and market economy are a credit, of course, to our people, to the government, and to the president. But nevertheless, the Albanians, with all due respect to our fellow Americans, would sincerely say that ours is not like your American elections this year; that ours is a choice between the past and the future; it's a decision for continuing the reforms, the progress, the prosperity. It's a decisive decision to depart forever from communism.

At the very top of the announcement for this briefing, the Commission has chosen the terms "controversial Albanian elections," and it's true that there is much being said and much being argued about these elections. I would prefer to call for this reason my briefing here just "reality versus controversy."

The 26th May voting in Albania was peaceful, and developments in general were normal. They were not perfect, of course, and being very realistic, you could not expect perfect voting, particularly in a country such as Albania (and the elections in other countries have proved that as well).

Elections in a new 4-year-old or so democratic society cannot be expected to be at the same level of regularity as in a consolidated old democracy. My intention here is not to exclude and neither to deny shortcomings or problems.

There were such, and I can mention, in the application of the electoral law; irregularities in the voters' list in estimating especially of the valid and invalid papers; technical irregularities in the voting process and in the counting process, which have been ascertained in a limited number of constituencies; and especially after the time when the opposition of leftist parties made the decision to withdraw from the elections.

The Central Election Committee in Albania and the Albanian Government have recognized them. Mentioning these shortcomings here, I would like to focus attention on some very important aspects. First, how much did they influence the electoral process, in particular its results? I am of the opinion that despite the shortcomings, the electoral law in general has been rigorously implemented and these shortcomings have not essentially damaged the voting process.

I would argue on this by referring to the assessments given by different international institutions or individuals who monitored the elections. The OSCE Parliamentary Assembly report on the parliamentary elections in Albania says, "The lawfulness of the newly elected Albanian parliament cannot be questioned besides the shortcomings in the process.

“Procedures in the polling stations were in general in accordance with the law. There were, however, a number of irregularities and technical shortcomings. State-owned media was observed in some occasions acting in a biased manner and, it adds, that the media in general performed its duty well to inform the electorate about the electoral process.”

The observers’ mission of the British Helsinki human rights group in its report on the May 26th elections says that they positively assessed the development of elections in Albania. The May 26th voting, in essence, they say, was free and fair, although its outcome disillusioned the opposition. A representative, Professor Dr. Kaltefleiter, director of political science of the University of Kiel, Germany, who worked after the elections with the Central Election Committee, issued the press release where he says, “I have no doubt that the elections in Albania have been carried out correctly, taking into account the Albanian infrastructure.”

Even the ODIHR report, which I consider a biased one and there are reasons to consider it as such, does not mention that the elections were not free and fair. Also, other observers such as those from EDU from IRI, from NDI, et cetera, have concluded that election violations were not widespread and the elections to be fair.

This interpretation seems borne out also by the fact that the election results were roughly similar to exit polls conducted by different and independent pollsters, especially on the day of the elections. Let me refer to one of them. An independent polling firm commissioned by IRI—it was Albanian-American—in its survey of votes on election day found that 62 percent of voters expressed approval of President Berisha and 70 percent of them were satisfied with the developments of democracy in our country.

The IRI exit poll conducted the same day predicted that the Democratic Party would win 56 percent of the votes; the Socialists would win 22 percent; and the remainder would be split among a number of smaller parties. The exit poll, with a margin of error of 3.5 percent, is not out of line with the percentage of the votes claimed by the Democratic Party of the 26 elections. Clearly the shortcomings did not affect the outcome of the elections.

Let me give another fact worth mentioning here. On June 16, 1996, 2 days before, elections were re-run in 17 constituencies. The participation of the voting in these 17 constituencies was 69 percent. So almost 20 percent less than in the 26 May voting, a figure which belongs to the electorate of the left wing opposition parties, which again didn’t participate in the elections.

Thus, it’s worth mentioning that only 16 percent of the voters of May 26 answered the call of the Socialist Party, the main opposition party, not to participate in the last Sunday’s voting. The Democratic Party won all these constituencies with approximately 60 percent of the votes. The turn-out of these votes, the result of this re-run altogether go very close to the results of the May 26th elections, reconfirming thus that the irregularities, which we don’t deny, did not decisively affect the outcome of the elections.

I want to stress another issue, as I mentioned before, why did these irregularities take place? First, I would reiterate what I mentioned above: the perfect elections of the same level of regularity as in a consolidated, old democracy would not be expected in Albania. I’m sure that everybody agrees on the well-known saying that “Rome was not built in a day.”

Secondly, the knowledge extent of the people, especially members of the local commissions, other technical difficulties related to the ballot papers such as difficult procedure of operation on the ballot papers by the voters, inappropriate environments in a few polling

stations or lack of suitable conditions for voting have influenced the irregularities.

But the main reason for the problems is the arbitrary and intentional withdrawal of the leftist opposition parties, after the call of the Socialist Party, from the process of the elections just a couple of hours before the counting of votes, which, as the report of the OSCE Parliamentary Assembly writes, contributed a lot to the lack of credibility in the counting.

There is all the reason and argument to believe and to conclude that they did this unprecedented act—as I would consider it, because I don't know that there is any other example in any other country that an opposition party withdrew from the elections just 2 hours before the counting of the votes—not because of the problems, but as an action to create problems.

They did this because they understood their loss and defeat in the elections. Their withdrawal, as a foreign analyst described it, was a sign of despair and a previously thought movement. The impressive turn out of 89 percent in the Albanian elections, which I am sorry to say has not taken a lot of attention as a very important fact and as a sign of people of Albania being committed to contribute to democracy in the country, so this 89 percent of the voting, which was at the full advantage of the Democratic Party, the results of the different polls at the election day, which suggested that the Democratic Party had won by a handsome majority, all of these facts made sure that the opposition had lost. All foreign observers and diplomats considered this act as irresponsible and unbased, with the exception of the ODIHR report which regrettably does not even mention it at the time when it is a very important moment and a political moment for the voting day and the voting process in our country.

A strong argument to what I mentioned before is also the fact that many representatives of the Socialist Party and other parties which withdrew from the elections in the electoral commissions didn't leave the polling stations and some of them, or some of them left but they signed the paper to the effect that they were withdrawing on the order of their party superiors and not because they had any particular complaints to make about the conduct of the elections in their polling stations.

But what is most important, and I left it to mention at the end of my briefing here, is that we regret very much the irregularities which have happened for one reason or another. They have been very seriously considered by the Central Election Commission and the government which have enabled us to have a solid realistic position.

Our government has taken steps—and the Commission itself has taken steps—to remove doubts about the integrity of the elections. After careful examination of the whole situation in the polling stations and assessment of the irregularities found, after considering all the complaints made to the Central Election Commission—and I can mention here the fact that the opposition leftist parties didn't make any complaint at all, didn't present complaints to the commission—but there are candidates of these parties, individuals who have presented complaints and who have been very seriously considered by the commission.

After considering all this, the commission came up with a decision and recommended to the president of the country to issue a decree on the partial repetition of the re-run of the elections, namely in 17 constituencies which took place just a day ago, and I have the opportunity to say that they took place very normally. There were several international observers there from different countries of the world who declared on the normality and on the fairness and the elections being free.

The president also—and I would stress this fact—ordered prosecutors to investigate charges of police brutality at the unlawful Socialist demonstration held in Tirana on May

28th. I would repeat what Susan mentioned here, that the Minister of Interior—Jim mentioned here—after analyzing the situation, fired seven police officials all together, two of them being high officials of the Interior Ministry.

And the process is under investigation, also, in the prosecutor's office. All these measures, the climate of the elections in the re-run of June 16th, the procedures and the voting itself on this late Sunday, highly appraised, as I mentioned, by the international observers, are a very clear sign and testimony on the undoubted prospects of the democratic process in Albania which is and will remain the cornerstone of our policy and the target of our strong commitment and efforts.

We highly praise the principles the U.S. administration and the U.S. Congress base its policy on in dealing with other countries around all the continents, such as pursuit of democracy, market economy, and policies of peace and stability. Precisely because of our commitment to these principles, which we have quite a lot proven during these years, we are sure that we have deserved and will continue to have and deserve this great country's support, friendly cooperation and assistance. Thank you very much.

Mr. Hand. OK, thank you. As I said, before turning it over for questions from the audience, I thought I'd give a few comments myself in terms of what I had observed or some of my thoughts upon coming back. I think in terms of the pre-election day events, there were two things that were most important to take note of. One which I don't think was mentioned here was the genocide law, as it's called. Actually, two laws are involved, but they are essentially a lustration law like those which exist in other formerly communist countries as well.

But the one in Albania prohibited those who collaborated with the communist regime from holding office until the year 2002. About 140 people were prohibited from running as candidates because of this law. Some were allowed to run after a while because of appeals they made; some appealed successfully, but too late then to be able to register themselves as candidates.

I raise this not because I think it's wrong for Albania to have this law. It's not my place to say. I did not have to live under the regime that the Albanian people had to live under, but there's no doubt that in the election environment, it became a problem. The decisions of the commission on who was to be prohibited were not very transparent.

There was not enough time for some people successfully to appeal the decision about them. A lot of people just concluded it was operating like a court when it wasn't. So that was an issue as well and I think one that deserves some note.

In terms of the rallies and the media before election day, there were problems in this regard. In terms of the media, as I said earlier, I think everything is so partisan. You can get alternative views in Albania, but you pretty much have to read every single newspaper to try to come up with an honest assessment of what's happening in the country.

The broadcast media is state-owned. It did allocate time to the opposition parties. The amount of time, however, was at issue with greater time being given to the Democratic Party. Opposition parties had complained about the police preventing them from having rallies in various locations, sometimes confronting them and taking some of their leaders away. They were denied the ability to have a big rally on the center square in Tirana, Skenderbeg Square.

We were told that no party could because it was going to disrupt traffic and that could not be allowed. However, the president of the country could have an address on that square, and he did have one just before the close of the campaign period, which was, in reality, a

Democratic Party rally. So those were some of the controversial issues prior to election day.

On election day, I traveled up to Shkoder as well as to Kruje and Burrel, which are all north of Tirana. Shkoder is considered a Democratic stronghold to begin with and that's why some people would conclude that my comments on what I saw there reflected that reality because the situation was not that bad during the course of the balloting.

Everything did seem to be in order. At that time, all opposition parties were on these commissions. None of them did come up and give us any real complaints. It may have been because it was just actually running better there and that focus was on places where the races would be much closer.

In Burrel, however, which is somewhat of a Socialist stronghold, at least in some segments of the city, we found two polling stations that had an incredible shortage of ballots and people just could not vote and that was the most flagrant violation that I had seen during the course of the balloting. But relative to many other countries in terms of the privacy for voting, et cetera, I thought that it looked reasonably well.

Part of the problem in observing is that there are two ways of doing it. You can try to cover as much territory as possible to get a broad picture, or you can stay in a few places for longer periods of time, and it is possible then, in trying to cover so much territory, you don't spend enough time in a polling station to notice some of the problems that may be a little bit more subtle.

A lot of the other observers did note people voting together, which is typical for the region and something to criticize, but not overly so because it is so common throughout the area. But many of them did notice that there were individuals who did have more than one ballot and that is, I think, a more serious problem.

As far as the opposition boycott, it very well could have been a reaction to how things were being handled, but it very well could have been something that was planned in advance based on the fact that the opposition parties were not going to do too well. I'd say that judgment on that is still out. I'm willing to hear arguments either way.

The counting, however, I think, had clearly been the problem on election day. I had seen it myself where ballots that I could not understand why they were being invalidated were being invalidated by the polling committee I was sitting in, and the real question for me regarding the counting is not whether it was a good process or not, because I don't think it was a good process, but exactly why it happened. Was it a spontaneous response to the opposition parties or some of the opposition parties walking out, or was it something that was determined in advance. And that's something, I think, that needs to be investigated further.

As far as the demonstration, which many of us saw and were very disturbed about the excessive use of force, I'm very glad to hear that action has been taken against some of the senior police officials who were responsible for handling that episode. At the same time, I remain troubled about it further because, beginning at about 10:00 or midnight on election day going through the whole next day and ending up with a victory rally, again with Berisha speaking as president of the country on Skenderbeg Square, the Democratic Party basically had full use of that square as well as the whole street going down to the university, which is a big area.

It was sometimes virtually impossible to cross the street with the celebrants from the Democratic Party. I'm not sure whether all of this was authorized as well, but one thing

which particularly troubled me was that the police were actually participating in this rally. There were some cars that had one officer driving and everybody else in it were civilians waving Democratic Party flags.

And so, I think it's not just the fact that excessive force was used, but there just seemed to be an incredible contrast between these two events, which is a bit troubling to me.

Finally, I think that Ambassador Dilja is correct that in many respects, this was a choice between the past and the future; and while I tried to be an objective observer while I was there, I always try to think what the average Albanian must be thinking, and despite all the complaints that we internationally may have about rule of law issues, independence of the judiciary, treatment of communist officials, looking at it from the average Albanian point of view, things have improved so much for them that I think that the Democratic Party is genuinely popular and that a lot of the people in the country perhaps just don't care about these things.

I'm not sure if domestically the criticisms of these elections are very troubling. Indeed, I was further troubled when after this demonstration was just violently broken up, so many people who in Albania, Albanian citizens who are more enlightened, maybe more aware of what a democratic process should be like, had to comment, "Well, they got off easy compared to what they would have done to us."

And I think there is still a lot of trouble that the country as a whole has in coming to grips with its past. Some people still bent on having revenge for the wrongs that were done before and a lack of understanding that these things have to be handled within the system rather than just simply turning everything the other way around and making the former repressors now the victims. I don't think that that's going to be very good for the country as a whole and I think that as we develop policies toward Albania and ways of helping Albania, because I think everybody who's come to Albania goes away a friend of that country, that we need to keep this in mind, that it's still a long, way to go before Albania has a genuine solid democracy.

After now making those comments, I'll go back to being the chair of this panel and open it up to questions. If you could, when I call upon you, come to the mike in the center. This is being transcribed, and, although we can probably hear each other, it needs to be recorded as well. If you could also identify yourself and if you're directing your question to a particular panelist, please indicate it as well. Yes, sir. If you could go to the microphone, please?

Questioner. I'm a U.S. citizen of Albanian descent. I was present in Albania during the election. I traveled in a few cities, including Tirana. I personally went with the head of the appeal court in Tirana three times in a voting place and a bunch of elderly people stand in line, a kind of sabotage. On the third time we went for this couple to vote, my friends to vote, we found out the same people within an hour were standing in line.

We found out that they had orders from the headquarters, Socialist Party, to try to stall the election in order to kill the time and especially in those voting places where the majority of the voting people were Democratic leaning. Of course, I went to Shkoder, Dures, Kadaje, and in five or six polling places in Tirana.

I do speak Albanian, and I was in a better position than some people that get this information by hearsay. This does not mean that there were not shortcomings by Western democracy standards in Albania. The Albanian people appreciate very much the criticism for the betterment in the future and what Mr. Swigert said. I have a point to bring out to Ms. Atwood.

As an observer, I wonder if she observed one side of the picture or both sides. Now, between Lushnic and Fier, Communists or so-called Socialists were caught by the state police with 700 false ballots to be put in the boxes in Vlore and in Fier. Now, from a newspaper point of view, the Koyan declared it first of all calling Berisha a dictator and a little Stalin.

In addition, they claim that in the city of Liage where a Democratic member seeks election to be a member of the parliament. On the front page, Koyan declared that he interrupted the Catholic mass the Sunday before to deliver a speech on his behalf. I was dining on Sunday with the archbishop of Tirana duchy who declared that this was a false statement.

In addition, the over-indulgence of the Albanian and the shortcomings by European or Western civilization ways of democracies were more or less pushed by the fact that in almost all the European ex-communist countries, the Communists came to power. We have Slovenia, Poland, Hungary, Bulgaria, and it's possible that a lot of young people were really afraid to go back to the hands of the Communists.

Sevet Pellumbe, who is vice chairman of the Communist Party or Socialist Party, declared several times by a newspaper and on television that he's going to get Berisha and all those people that are going to vote for the Democratic Party. What it means to be in the hands of the Communists, to be executed, and not to be forbidden to hold positions, not what Mr. Hand said for collaborating with the Communists, but holding position similar to the Nazis at the end of the second World War.

Mr. Hand. Could you conclude by asking the question that you had?

Questioner. The question is that did Ms. Atwood observe this Communist holding or stalling the election? Did she find out about 700 false votes that were going to be deposited in Vlore? I saw no police brutality in all the places, and as an ex-mayor of New York City stated one time, you don't fool around with the police because police are ordered to use the stick and the gun. So what they did on the 2nd of June——

Mr. Hand. All right. I think you asked your question.

Questioner. Right. I asked the question——

Mr. Hand. Please allow her to respond.

Questioner [continuing]. to Ms. Atwood, right. Because you mentioned nothing about these irregularities that Sevet Pellumbe had ordered.

Mr. Hand. OK. I think she heard your question.

Questioner. Thank you.

Ms. Atwood. I'd just like to reiterate that NDI's been working in Albania since '91. This is the third election we've observed there. We've also worked all over the region and I personally have observed elections all over the region. I think NDI has a good record of non-partisanship and so does the Society for Democratic Culture.

In my remarks, I avoided really emphasizing the technical irregularities in these elections because I think that it's clear that we see these in many places in the region. We see families voting together, et cetera. For that reason, I didn't choose to emphasize those. These are things we have observed over and over again. Indeed, I went to the Romanian local elections the following week after the Albanian elections and, again, there were an enormous amount of technical irregularities.

The concern that I think we're expressing is the extremely partisan atmosphere in which these elections were held, the lack of confidence in general in the process, and the feeling that this did not represent a step forward for Albania, a concern about the heavy police

presence. Those are the kinds of points we are making.

As I said, we did not go with an international delegation initially ready to make a detailed statement. We can all collect and we did reports from all over the country about irregularities from all different sides; but I think our main concern was indeed the climate in which these elections were held; and that is what we wanted to express and that is what the Society for Democratic Culture also felt, many of whom I am sure have no wish to return to the former regime, but their concern was that by using the same methods as the former regime, the country is not going to advance.

Mr. Hand. If I could just say as an observer as well and agreeing with a lot of what Susan had said, I don't think that the criticisms of these elections imply support for the opposition parties. Part of the trouble, I think, people had in judging these elections is that they know that the Socialist Party and some of the others tried to provoke problems, can be obstructionists, et cetera, and that their claims cannot be just accepted at face value, as well.

And there were claims and counterclaims all the time. But I think the bottom line is that the burden is on those in power nevertheless to maintain a democratic and free and fair system despite the obstacles any party might put in its way, and that's where I think a lot of these criticisms come from. Yes?

Questioner. Yes. My name is Spiros Azolvos. I'm the legislative assistant for the American Hellenic Educational Progressive Association and my question is, it is obvious that from the statements that have been made from all your briefings that the elections were described as confusing, as problematic, as controversial. In other words, there was a problem.

So if there has been a decapitation of democracy at some level and there's no way of being able to monitor the elections throughout the whole nation unless there is an independent electoral commission put together by an international body, why are we treating this decapitation with aspirin? Why aren't we declaring and pushing the repetition of the elections nationwide? And I guess this question would be directed toward Mr. Swigert.

Mr. Swigert. We're looking for repetition of the election in districts where serious irregularities are demonstrable. I don't think there's any particular magic number that anyone can put out there. What we want to take place is a process get underway which inspires some confidence that there has been a serious investigation into these irregularities and then some steps taken to remedy areas where these irregularities have been proven.

We've been working very closely with other countries within the OSCE. We've been working with the Government of Albania and we've been working with opposition parties on this issue, and we would like to see a process get underway. We're going to keep working on this question. We don't consider the measures that have been taken to date sufficient in terms of broadening of the consensus within the country and confidence in the electoral process. We think that this approach is a reasonable approach. It's one that we're going to continue to push on.

Mr. Hand. If I could add on that as well, just from my own personal views, I think what is being done now is trying to salvage what's left of the credibility of these elections and that might be able to be done this way. But there's no doubt about the fact that everybody has stepped back a little bit and is looking at the situation from the larger perspective.

I would point out that the Parliamentary Assembly in its report at the end did recommend that parties consider whether new elections after a reasonable but limited period of

time and under improved conditions and in the presence of international observers would serve the interests in Albania.

So I think for now, see what these re-runs and what corrections can be made, but I think some people are thinking that perhaps in the not too distant future that maybe there should be new elections that are countrywide; and, of course, the Albanian Government has to consider all of these things as well. Yes, sir?

Questioner. My name is Phil Adams. I'm a retired teacher and I spent the years 1992 to 1995 in Albania, two of which was as professor of psychology at the University of Korce. So I was in a position to observe the youth, the university youth and find out what was going on. First of all, several of the youth told me that they had been approached by the Socialist Party and offered \$50 to \$100 a month to join the party and become a leader.

In addition, the Socialist Party evidently had a tremendous number of funds because they had five times as many rallies for the youth, where all kinds of entertainment was provided as the other parties had. Now, I realize that we are here to discuss the May elections and not the history of Albania. However, do we want the phrase that was used by Ms. Atwood that the election represented a step backward, because that implies that there had been previous elections and events much more democratic than the one you made.

By the way, may I take a photo? I'm covering this for Illyria, our newspaper?

Mr. Hand. Sure. While we're being photographed, who would like to be in the image as making a perfect point?

Questioner. Thank you.

Mr. Hand. Who would like to—

Mr. Swigert. Well, if I could take responsibility for our phrase, I think—and this is something the State Department has said publicly—we came to this conclusion after evaluating all the reports of the monitoring missions that observed this election, all the reports of our own people on the ground who were scattered throughout Albania, bearing in mind the history and also the difficult position in which Albania still is, in terms of advancing from the disasters of the past.

But I think that, if you look at the other elections that have been held, and there have been several, and you compare the conditions of this election and the nature of the irregularities, that there is no other conclusion to make than that this was a step backward.

What we had seen before was a series of steady advances that we very much applauded and had hoped to see continue; and therefore, this was a considerable disappointment to see this reversal in direction. That doesn't mean that this is not a step backward that cannot be overcome; but nonetheless, I think that is precisely what it was.

Mr. Hand. Susan?

Ms. Atwood. I would agree with that. I think it was a step backward in comparison to some of the elections since '92, and I think we're expressing these sentiments in sorrow, not in anger. As Bob said, you go to Albania and you leave Albania as a friend of Albania; and we had felt there was a steady advance in the progress Albania was making, and the climate in which these elections took place really severely disappointed many of us and shocked us. That is the point, I think, we're all making.

We want to see it now go forward again, as I said, looking toward the local elections in the fall of this year. I think that's the way we should be looking.

Mr. Hand. I would just add, also, as an observer of previous elections there, I came away

from this election feeling about the way that I did when I left in 1991, when there were also many problems and then some violence occurring afterwards, very depressed and concerned. The 1992 elections were much better. They did have problems, but I think did reflect the will of the people.

And I think that Albania does deserve credit in that, in 1994, a referendum was held on a constitution and it was defeated, whereas that was a defeat for the government, it was a victory for democracy because in every other country in the region, you usually have referendums where 99 percent vote in favor of what the government wants and here the people stated their point of view and I thought that was a very healthy thing.

I think that combined with the very positive aspects of the election law and some other things going into the elections is what gave people such high expectations that Albania could actually move forward, and that's what I think helped make the conclusions reached all the more critical. We had these high expectations for Albania based on what was happening beforehand as well as the election law, et cetera, going into these elections. Yes?

Questioner. Elena Broitman with the International Relations Committee in the House. My question goes to the elections, but also the entire framework of democracy in Albania recently. There are irregularities with these elections, but also there were all sorts of judicial problems or executive versus judicial branch problems earlier in 1995.

And so, my question goes first to the State Department on what this indicates for our view of democratic progress in Albania, and next to Ms. Atwood, whether this gives NDI or, I guess, NDI any pause or causes it to review its programs in Albania and how they should be structured.

Mr. Hand. Jim?

Mr. Swigert. I think as I've expressed already, that this has been a disappointment for us in terms of the direction of democratic development in Albania; and we consider that the election was marred by very serious irregularities and that this was a reversal. There have been other problems, of course, that you alluded to that we've referred to before publicly in our human rights report concerning the judicial system.

We've seen some steps taken in that area over the last year that we consider positive in terms of establishing a more independent judiciary. Nonetheless, this continues to be an area of concern. It's an area of concern in many countries that are making this difficult transition from a one-party state, totalitarian rule into democracy.

One can conclude that there's still a ways to go in Albania. I don't think that's a surprise to anyone. We believe that the United States can assist in this process and should assist, and we would hope that the Albanian Government would respond positively to our efforts to assist on the issue of establishing an international monitoring mechanism to deal with these irregularities in the elections. We're also continuing to offer assistance on democratic institution building.

Ms. Atwood. I think from the point of view of NDI's programs in Albania, from the beginning, our main emphasis has been on supporting the Society for Democratic Culture and its non-partisan mandate as to, a certain extent, a citizen's watchdog organization commenting on the processes, not just at election time but in between elections.

If anything, we feel that we should reinforce our efforts to support this group. As Bob Hand said, they are a very courageous group of people. It's very hard to be non-partisan anywhere in Eastern Europe, but I think particularly in Albania, and this has been under-

lined by these elections. It is hard for them, many of whom as I said, have no wish to go back to the past or necessarily see the former communists re-elected stand up and criticize in a non-partisan way, and express those concerns.

And some of them have been put in a position of sometimes being threatened for standing up and expressing those views. So we would certainly hope to reinforce our support of them. We have had a permanent field representative on the ground in Albania since 1993 and we will continue that presence and support and encourage them in their work, both in between elections and at election time.

Mr. Hand. Yes, sir?

Questioner. I'm Scott Thompson from the Policy Planning Staff at the State Department. I have a couple of questions, first for Mrs. Atwood. In your remarks, you didn't particularly mention any steps we can take at the present time to rectify the irregularities. What could those be, if any, and if there are not any, what would you recommend doing for the next time, being a couple of months with the local elections?

Secondly, directed to Mr. Hand, and Mrs. Atwood, do you have any reason to doubt the neutrality of the Central Election Commission, which came back with its decision saying the elections were not irregular as Ambassador Dilja pointed out, and if so, would that mean calling into question, based on its make-up, the Constitutional Court of Albania?

Mr. Hand. Who would like to go first?

Ms. Atwood. Some of the recommendations that we have made—from outside, there's only a certain amount that can be done—such as there should be more training for election officials, there should be more time between an election being called and explanation of the election law—are fairly standard recommendations that go to address technical irregularities. I think still, however, the biggest challenge to address is how to reinforce a climate of confidence so that the opposition parties are brought into a dialog with the governing party in all aspects of organizing the upcoming local elections.

And that is something that we must call upon the governing party, the Democratic Party, to do. It is incumbent upon them, as Bob said, to engender this climate of confidence. We will, with the Society for Democratic Culture, continue voter education efforts to ensure that citizens are aware of their rights, aware of the election law.

We were fairly positive about a number of aspects of the election law on paper prior to the elections. It does provide for the representation of opposition parties on the election commissions at all levels. The problem was that these participants, as far as we could see, from the opposition parties were not physically involved in that process. That's something that has to be addressed.

It shouldn't be the case that one political party has the chairmanship, necessarily, and the secretaryship plus a government-appointed official sitting there controlling the whole process. So it's more than just what is written on paper. Those are the kind of issues that have to be addressed before the local elections, and there is only a certain amount that anybody from outside can do to influence that apart from making recommendations and appealing to the Democratic Party to address some of those concerns.

Mr. Swigert. I would like to note on the Central Election Commission that their opposition parties have raised a number of questions regarding the independence of the Central Election Commission, and I think Susan referred earlier to some of the technical shortcomings of the Central Election Commission.

We had, in our dialog with the Albanian Government prior to the election, looked into possibilities of how we might be able to assist the Central Election Commission. I think this is an area that we'll want to look at in the future because of two reasons. One, the technical shortcomings, which were very obvious on election day, and also this broader question of confidence in the process.

Clearly, one of the issues that is driving the U.S. Government approach at this point is the need to reach out, essentially, to have some sort of dialog created between the Government of Albania and opposition parties that at this point see no confidence in the electoral process.

Ms. Atwood. One more point on the Central Election Commission. NDI has recommended that in Albania, as in many other countries in the region, there should be a permanent election bureau composed basically of civil servants, people who are trained election administrators, not people who are brought in on the basis of their political affiliations.

Many countries in the region do have a permanent election bureau. This also has the benefit of not having to re-invent the wheel each time. People learn from what went wrong in the previous elections. Romania, for example, still doesn't have one, and there too we saw the same technical irregularities repeated in the recent local elections as we had 4 years previously.

Mr. Hand. That's actually a recommendation that I was going to make as well, having read it several other places, that forming an election commission so close to the elections themselves presents technical problems no matter how neutral and how hard-working the election commission may be. Part of the problem, I think, also with these elections, and it's the case elsewhere, is that a lot of the trouble is not directly related to the election commission itself.

There's the Interior Ministry, the party that is in power, the police, and quite frequently, when you hear complaints and then you try to raise them with people, it's very difficult to find the person who is responsible for the decisions that are being made; and that's one of the reasons that I don't think I would highlight the election commission in terms of questioning these elections.

One other comment I'd make is that there has been criticism of the fact that all the opposition parties were put on these commissions all the way down to the polling committee level, but did not really get the opportunity to participate in the process. I think that's largely true.

I would, however, say that I don't think I've ever observed an election where a polling committee had 13 people sitting in there, which would make it very difficult to allow everybody to participate, especially when virtually none of them, or at least two of the sides as they would all group themselves, absolutely do not trust each other, and I would say, both sides for good reason.

I'm not sure how the Socialists could have become more involved without actually the technical difficulties increasing. The fact is they were allowed into these polling stations. That they were made to sit in chairs, I think, was partly necessary to keep order in the voting station, and in some places, they were allowed to circulate a little bit if there weren't too many voters in at the time.

The one complaint that constantly came up is that the Socialists always seemed to be seated at the end and were told that was their assigned seat. That happened in a few places

I saw. I didn't know how big a pattern it was, but it would have been very difficult to have genuinely brought them all in and have them share responsibilities given the highly partisan nature and just at the polling committee level the number of people that would have been involved. Ambassador?

Amb. Dilja. I just wanted to make a very short comment on a statement I made here with reference to the ODIHR report on the elections in Albania. In my briefing, I called it biased and I just wanted to take these few minutes and give my reasons on that. In fact, this report is the most critical report on the elections in Albania; and I would appreciate that anybody being interested in that have, besides this report which is on the table outside the room, the answer of the Central Election Committee, taking into consideration, taking into regard with the highest respect for the institution, with the highest respect of the report they have prepared, taking into consideration and arguing on all their remarks, on all the elements and the laws they consider being violated in the elections in Albania.

I wanted to mention one fact here, that being the most critical report on the elections, it is all based on just 7 percent observation of the whole election process in the 26 May elections. Second, I would like to refer to another fact which I don't think that it's fair and it's good for the group of observers who were there.

Almost 30 percent of the observers being registered and being also in the OSCE observing group have been Norwegians, who were the first to run and to write independent reports on the elections in Albania; and all these were, in fact, observers first invited by the opposition party, invited by the Socialist Party, their being all members of youth leftist organizations in their country.

And they later on, though they were invited as observers by the Socialist Party, they could penetrate and become observers of the OSCE group there; and, as I mentioned, they have been on the position of giving very, in a biased way, very harsh criticism on the elections in Albania. I just mention this fact not to continue because there are other elements or so, other groups, observers and compilers of the report; but I just mention the fact, which is well proven, and about which we have offered the documents to the respective offices.

Mr. Hand. Could I just add on, that out on the table there are three statements of the Central Election Commission, the last one of which has on the top press release and that, I think, contains the response of the Commission to the ODIHR report that he's referring to. So it's the third of the three election commission statements out there. Any other questions? If it's very brief and please go to the microphone.

Questioner. I was approached in a hotel lobby by an observer from Bulgaria. A young man who spoke English approached me and said, I mean, this is not fair, he said. They don't give me permission to observe. I went to pick up a phone to find out about this. Another companion of his came and said, "Hey, hey, I have a permit here. What are you complaining for?"

So this misunderstanding, by the way, was created by lack of knowledge of the language and this hearsay and by not being able to follow the press, the Albanian press, and the Albanian television. The Albanian television, by the way, on Saturday, they did nothing wrong. They were showing to the people the deeds of Ambirogia, how whenever Ambirogia went on vacation, he went to visit the dead body of an old man. So they killed an old man in order to make sure that Ambirogia was going to visit.

So the old man, the son gave poison to the father to drink it. The father refused to do

that and they buried him alive in order to show Ambirogia that he, for love of the party, was dying. So, I mean, the television, like Mr. Hand said, they gave great opportunity—they gave to the Republican Party. They had nothing else.

Mr. Hand. OK.

Questioner. So therefore, I mean, I don't see so much injustice was done on this election because I saw them. There was no pushing. There was no voting exchanges, no buying, no switching, no threatening, so that, I mean, after all, there has to be a two-sided observing. There has to be two sides to the picture and not only one way.

Mr. Hand. OK.

Questioner. OK, thank you.

Mr. Hand. Yes. I think that was made clear here, that people have had these different experiences during election day, whether it was the first round, second round, or the re-runs. Any other? Yes, sir.

Questioner. I'm Sam Wise with the Helsinki Commission. I had a question for Ambassador Dilja. Ambassador, you made a very vigorous defense of the elections. At the same time, I think you recognize also that there were some problems that occurred, and certainly all the other observers, I think, felt that there was quite a break between the previous elections and the previous developments toward democracy in Albania.

My question relates to the role of President Berisha in the elections. Do you feel, in view of what happened, that the president has not been able to control things as well to make sure that these were completely fair elections, or on the other hand, it has been alleged in some press in the aftermath of the elections, that the president has become dizzy with power. Could you give us your views on this question?

Amb. Dilja. On the first part of the question, I say that highly respecting the office the president represents, I don't think and I can assure you that the situation has not been out of control of the office of the president, and the president has played the role of the president of the country according to the laws and according to the position of his office.

On the second part of the question, I would say yes, I have read in the press much about that and I am very sorry to say that it has been very—it has been taken as a point of or as a target in very biased articles, I should say, very biased articles. I may refer to some articles I have seen in the New York Times.

With the highest respect, with the highest respect, I reiterate again of this newspaper. I have seen there that a reporter, a reporter representing this newspaper, going to Albania to monitor, to write about elections. She doesn't write on the elections in Albania, but she writes on specific segments of Albanian life, and these specific segments not being correctly described in the newspaper.

I can give you an example, and it is precisely on the point that you mentioned, that the people who give the opinions to such reporters are just people of former nomenklatura—and we can read the names there—are people who, of course, might have been in prison, but they have been in prison because of specific reasons, but they have been just people of, as I mentioned, of the former nomenklatura.

And, on the other hand, I can say that nobody and no institution can deny the role President Berisha has played in all this process of democratic development in Albania. His role has been very important. His role has been highly appreciated by all international institutions, has been highly appreciated by American institutions; and I refer precisely to the

Congress, where the president has been not only supportive personally, but supportive as a president, as a contributor to democracy in a country coming out of a very harsh totalitarian Communist regime.

Mr. Hand. OK, thank you. I'll close the briefing at this point. I'd like to thank each of our panelists for coming and for the statements they made, and also the audience for coming and listening to the statements, but also participating in the discussion with their questions. Thank you very much.

[Whereupon at 11:50 a.m., the Commission adjourned.]

APPENDIX A: SUBMISSION BY ROBERT HAND, STAFF ADVISOR, CSCE

JUNE 1996

THE ALBANIAN PARLIAMENTARY ELECTIONS OF 1996

The May 1996 parliamentary elections in Albania were the third such elections in that country, which beforehand had by far the most repressive communist regime. It has also been the poorest country in Europe. In March 1991, only four months after political pluralism was tolerated in the country, the communists (Socialist Party) won a majority and maintained control, relying on a less than adequately free and fair electoral process and lingering support in the countryside. In March 1992, the opposition Democratic Party led by Sali Berisha was better able to get the message out to a still traumatized population, and took power as the Socialists conceded. Since that time, there have been incredible economic and political reforms, although since 1994 shortcomings in democratic development seem less the result of the lack of understanding of concepts like the rule of law than more the overbearing nature of the Democratic Party's core leadership, especially after splits within the party led to the departure of some of its earlier leaders. The Democrats received a significant setback in November 1994 when popular resentment led to the defeat in a referendum of a new constitution for the country. The situation is exacerbated by an only partly reformed Socialist opposition, which has been inclined more to obstruct and provoke than anything else.

The Setting. The elections were for 140 seats in the unicameral Assembly, 115 of them contested on the basis of majority races in electoral zones, with second-round runoffs, and 25 on the basis of a proportional division of parties achieving at least 4 percent of the vote. This gave the electorate two votes, one for a specific candidate and one for a political party. Members of several opposition parties complained that the greater preference given to the majority system favored the ruling party, or larger parties which would only include the Socialists. Democratic Party leaders argued that this is not necessarily the case, and that the majority system permits direct contact between a candidate and a constituency, thus strengthening democratic development. From the viewpoint of the election observer, either system or combination thereof is legitimate as long as it was approved through democratic means.

A recently adopted law—called the Genocide Law—and a commission established to implement it had an impact on the eligibility for candidacy. The law prohibited those who “collaborated” with the communist regime from holding office until 2002. Given the severity of the repression during the communist era, it is not surprising that such a prohibition would be popular, but the commission which made the decisions was under government control and did not act in a transparent matter. Indeed, some opposition members called it unconstitutional because it was acting as a court when it was not. A total of 139 people were declared ineligible to compete in the elections, 57 of whom appealed decisions, seven successfully. Only three of the 139 people prohibited came from the ruling party, although it was claimed that the Democratic Party had told people who would probably also have been prohibited not to run as a candidate in the first place.

The campaign period began in April, allowing a reasonable amount of time for political parties to get their message across. In fact, as these elections were required by the expiration of the mandate of the previously elected Assembly, the political parties were generally pre-

paring for the elections months beforehand. The print media in Albania is almost all completely biased in favor of one party or another, allowing all points of view to be expressed but with little objective analysis available. The broadcast media is state controlled and had a definite but not overwhelming bias in its coverage of the campaign. However, the election law stipulated time frames for each political party in the campaign to present itself to the voters on television, and this was advantageous to the party in power. Many of the political parties campaigned by holding mass rallies. Opposition parties complained that the police in some towns prevented party leaders from traveling to attend rallies, and the Socialists were denied the ability to hold a final rally on the central (Skenderbeg) square of the capital city, Tirana, because it would disrupt traffic. A Democratic Party rally, on the other hand, was permitted because it was technically scheduled as an official address by Sali Berisha as the Albanian President.

Election Day Events. The election commission chair and secretary—at the central, zonal, and polling station levels—were government appointed individuals, but those political parties competing in the elections could have representatives on the commissions as well. This was considered a very positive aspect of the election procedures, but complements turned to criticism when these individuals were not fully integrated into the work. At some polling stations, for example, they were merely assigned seats, sometimes away from the actual activity of the polling committee, and could barely even watch what was happening. During election day, some of the opposition representatives were felt to have been intimidated by those in charge, especially as a third government person (alleged to have been with the secret police) was added to committees as a vice-chair.

While this was a major criticism of what was observed on election day, as a practical matter allowing party representatives on the polling committee led these committees to become as large as 12 or 13 people, while polling stations were often in small rooms. It would have been difficult to have permitted them to all gather around the ballots and voter registration lists. Moreover, Albania's political scene generally is highly partisan, with few people caring about the integrity of the electoral system as long as the right party wins. It probably would have proven impossible to engage in a greater sharing of responsibilities.

In the end, Albania provided no less, and probably more, access to polling stations for opposition parties than in other countries in the region; the problem was the high expectations the decision to allow party representatives had created. However, it was clear that many of the key opposition parties were so far removed from the proceedings that they could not have even been able to satisfactorily observe, let alone participate, in them.

Polling stations generally provided for voter privacy with booths. Ballot boxes were sealed, although the sealing material remained soft and could therefore be removed and resealed easily. There were numerous examples of people, mostly family members, voting together, technically a problem but usually considered a typical and somewhat harmless feature of elections in Balkan countries. Voter registration lists seemed relatively accurate. In places like Shkoder, Kruje, and Vlore—all considered Democratic Party strongholds—few problems were found.

More serious problems were reported, however, in places like Berat, Korce, and Burrel. Observers reported direct observation of the same person voting more than once, of persons possessing more than one ballot and of intimidation of opposition party representatives on polling committees. Throughout the country, there was a strong police presence outside of

polling stations in order to ensure security, but in these regions there were reports of police officers entering the polling committee and being involved in the election procedures through their presence. In one Socialist stronghold, two polling stations were far short of the number of ballots needed for the voters on their registration lists.

As election day progressed, it became known that President Berisha had lengthened the time for voting from 8 p.m. to 10 p.m. That and other problems were used by the Socialists and several other opposition parties to withdraw their representatives from polling stations that evening. Subsequently, the counting of the ballots was found to have been widely irregular. According to some observers, there were clear instances when ballots for the Socialist Party and its candidates were invalidated for no reason, on some occasions by one polling committee member marking the ballot. On judgment calls, what seemed to be votes for the Democratic Party and its candidates was given the benefit of the doubt, while similar calls for Socialist ballots were invalidated. There was little attempt to reconcile the number of voters as checked on the voter registration list with the number of ballots. In many cases, these irregularities took place directly in front of foreign observers. It remains unclear whether the greater number of problems in the country was the inevitable result of the opposition parties leaving the polling committee, or was an already decided means for influencing the outcome.

Post-Election Developments. Shortly after the polls closed, and before the results were even known at polling stations, Democratic Party supporters took to the main street and Skenderbeg Square of Tirana celebrating a predicted victory. The shouts, horns and gunshots associated with the parade sounded throughout the night and the next day, with police officers in their vehicles participating in, rather than trying to control, the activity. The revelry concluded with a victory speech by President Berisha on Skenderbeg Square the evening of the day after the elections.

The next day, the Socialists and allied opposition parties sought to have their own demonstration on the square. Official permission to hold the rally was not granted. As people crossed the square, police tried to break-up the group by persuasion and mild physical means. As that failed, however, truncheons were raised, riot police appeared, and the situation became increasingly violent until the demonstration had been entirely broken up. Several demonstrators had to be treated for injuries, and a few opposition leaders were taken into custody. This event contrasted markedly with the free reign given to the Democratic Party revelers just one day before.

The first-round results revealed a victory for the Democratic Party in 95 zones, giving them a two-thirds majority even before the allotment of the 25 proportional seats. The party had a total of 92 seats from the previous elections. The Socialists won only five seats, and the Union for Human Rights (a multiethnic party originating from the ethnic Greek community in the south) two seats. Nine zonal elections went to a second round on June 2, in which the Democratic Party picked up an additional six seats, the Republican Party two seats and the National Front Party one seat. Originally, only three zones had their elections nullified due to irregularities, but this was soon increased to four and then to seventeen in light of international criticism. The Democratic Party seemed to win all of these seats in new elections on June 16. The remaining 25 proportional seats will be allocated after the final tabulation of results.

It remains unclear, however, whether opposition parties will even participate in the

new Assembly. The Socialists and some of its allies in opposing the election process have vowed not to do so and have begun hunger strikes in protest, while the Union for Human Rights and some right-wing parties have expressed their intention to participate. Even for those parties boycotting, some believe that individual winners will take their seats in the Assembly.

The unpredicted irregularities shocked many international observers, especially given the Albanian Government's great strides in reforming the country in recent years. The OSCE Parliamentary Assembly released a statement that was critical relative to other statements it has made on elections, but mild compared to a statement made by observers under the auspices of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). While bilateral ambassadors requested that the ODIHR not release its statement in Tirana the day after the election, some of its observers from Britain and Norway made their own statement calling for the complete nullification of the election results. The International Republican Institute and the National Democratic Institute, both of which were present, delayed issuance of public statements. The OSCE Chair-in-Office (Switzerland) called upon Albania later in the week to have at least a partial rerun of the elections.

Conclusion. By all accounts, the Albanian elections were a major disappointment and, to most, too far below standards for free and fair elections to be considered legitimate. What went wrong seems clear; less obvious is why, especially since the prediction was that the Democratic Party would win easily anyway. Some speculate that the Democratic Party has become too powerful, and as a result, has lost touch with its original principles. Another view is that, on a regional basis, officials are still determined to get revenge on the Socialists who are collectively viewed as responsible for the decades of severe persecution that only recently ended. Others feel that the Democratic Party was not satisfied with mere winning; it had to ensure a two-thirds majority needed to make constitutional changes.

One final view is that the Democratic Party leadership had decided that Socialist Party had never reformed, and posed a threat to the country even without returning to power by its destabilizing obstructionism and provocation. Destroying the Socialists, which may be the main result of this election, may actually have been the least severe way to create a situation conducive to additional reforms. Regardless of the motivation, the actions taken on election day and thereafter cannot be condoned.

Albanian officials are arguing, however, that the foreign observers from the OSCE/ODIHR were not objective but came to Albania at the invitation of the Socialist with the already conceived goal of debunking the elections and ruining the Democratic Party's credibility. There is reason to believe this argumentation to a certain extent, given the Socialist Party's previous record of manipulation and provocation, but, in the end, it cannot change the overall conclusion that the Albanian elections of 1996 cannot be considered sufficiently free and fair.—Bob Hand, Staff Advisor