

**DECLASSIFIED**<sup>1</sup>  
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## **Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)**

# **Honouring of obligations and commitments by Albania**

## **Information note by the co-rapporteurs on their fact-finding visit to Tirana (27 February – 1 March 2017)**

Co-rapporteurs: Mr Andrej HUNKO, Germany, Group of the Unified European Left, and Mr Joseph O'REILLY, Ireland, Group of the European People's Party

### **1. Introduction**

1. The main aim of this visit was to take stock of recent developments since the last co-rapporteurs' visit (26-28 October 2016) and assess progress in the implementation of Assembly Resolution 2019 (2014), adopted on 2 October 2014. This information note should be read in conjunction with our previous information note following our October 2016 visit to Tirana.<sup>2</sup>

2. In its resolution of 2 October 2014, the Assembly noted that despite the progress achieved in the honouring of Albania's membership obligations and accession commitments, serious concerns remained, in particular with regard to the politicisation of democratic institutions and the civil service, the independence of the judiciary and the fight against widespread corruption. The Assembly also regretted that many important reforms had been delayed or otherwise negatively affected by the deep political crisis in the country following the 2009 parliamentary elections, which had led to a *de facto* two-year boycott of the work of the parliament by the opposition. The Assembly emphasised as a key issue that the many reforms and legislative packages that had been adopted must also be actually implemented in practice in order to effectively address these concerns.

3. On 9 November 2016, the European Commission recommended that member States consider opening accession negotiations with Albania, subject to credible and tangible progress in the implementation of the judicial reform. On 13 December 2016, the Council of the European Union took note of the Commission's recommendation and reiterated that a sustained, comprehensive and inclusive implementation of the five key priorities that were identified when Albania was given Candidate Status had to be ensured before the opening of accession negotiations. On 15 February 2017, the European Parliament adopted a resolution noting that credible implementation of justice reform, good progress in fighting organised crime and corruption, and holding free and fair elections in June 2017 could prove to be a key to advancing the EU accession process and starting negotiations.

4. In Tirana, we met with the Prime Minister, the Speaker of Parliament, the Minister of Justice and the National Coordinator against corruption. We also met with the Chairman of the Democratic Party, the Ombudsman and the Chairman of the Central Election Commission. We had meetings with representatives of NGOs, as well as with the international community. In parliament, we had discussions with the Albanian delegation to PACE, the co-chairs of the ad hoc Parliamentary Committee on Electoral Reform and with the Chair and Vice-Chair of the Parliamentary Committee of Education and Means of Information, as well as the Committee on Legal Affairs, Public Administration and Human Rights.

<sup>1</sup> Document declassified by the Monitoring Committee at its meeting on 16 May 2017.

<sup>2</sup> <http://website-pace.net/documents/19887/3136217/AS-MON-2017-01-EN.pdf/18d44e70-977b-4888-ad14-50d57996cf87>.

5. During the visit, we also looked into the recent political developments in the country. We focused discussions on the forthcoming general election, including issues related to pluralism, media, financing of political parties and campaign financing and implementation of the decriminalisation legislation. We also followed up on our previous visit concerning the reform of the justice system and in particular the vetting process.

6. We would like to thank the Parliament of Albania and in particular the Chair of the Albanian delegation to the Assembly, as well as the Head of the Council of Europe Office in Tirana and his staff for the programme and kind assistance given to our delegation.

## **2. Political environment**

7. At the end of our previous visit, we applauded the adoption of the constitutional amendments paving the way for a thorough and comprehensive reform of the judiciary, and we insisted that the swift adoption of this reform and its consequent implementation were key factors for the country and for its European aspirations. We also insisted that the preparation of the 2017 general elections was a key issue for the country and that all political forces should work jointly towards the implementation of the outstanding OSCE/ODIHR recommendations without delay. Our fears that political tensions could hinder the implementation of the much needed structural reforms have unfortunately come true. As we will develop in the following chapters, the electoral reform has stalled and the implementation of the judicial reform has been delayed.

8. Our fact-finding visit took place in a renewed tense political climate. We witnessed the increasing political polarisation between the two major political blocs: Albania's ruling Socialists and the opposition Democratic Party, their deep distrust and lack of political cooperation.

9. On 18 February 2017 Albania's main opposition party, the Democratic Party (DP) headed by Lulzim Basha organised a protest in front of the Prime Ministers' Office, accusing the government of intending to falsify the forthcoming 18 June parliamentary elections. According to Reuters,<sup>3</sup> the protests were attended by approximately 10,000 demonstrators. Since that day, the DP has maintained a permanent protest in a large tent in front of the Prime Minister's Office on the Deshmoret e Kombit Boulevard. DP Chair Lulzim Basha asked for the resignation of Prime Minister Edi Rama and the establishment of a technical government in order to guarantee free and fair elections. The DP parliamentary group and steering board decided to boycott parliament until their requests were met, which was supported by the DP's allies.

10. We had lengthy talks with the Prime Minister, the Chairman of the DP and the Speaker of the Parliament about the recent political developments and it appeared clear to us that the situation was effectively frozen at that point, with the DP Chair standing firm on his demands and the Prime Minister contesting the allegations and plainly opposing the demands that he needs to resign and a technical government is installed

11. Prime Minister Edi Rama stated that the opposition had launched its protest and parliamentary boycott with the aim of blocking the vetting process of the judiciary. He regretted the lack of progress on the electoral reform due to the boycott by the opposition of the ad hoc parliamentary committee for electoral reform. According to him, the opposition leader L. Basha had failed to position the opposition as an alternative political force and was frustrated because of the results of opinion polls giving a large majority to the ruling coalition. He emphasised that electronic voting was not yet a realistic option, as acknowledged by the OSCE, and he recalled that the whole election administration and organisation of elections falls under the joint responsibility of the majority and the opposition. He claimed that he had already conceded everything to the opposition, notably the joint management of the vetting process, which the opposition was now using to block implementation of the vetting law.

12. The Speaker of Parliament stressed that the deadlock between the Socialist Party and the Democratic Party was detrimental to the reform processes. He stressed that there was a lack of trust amongst Albanians of elections and the judicial reform. He stressed that the justice reform should be done in strict compliance with the Constitution. The most important objectives for him were to achieve high-standard parliamentary elections and the enforcement of the vetting process. The speaker underscored that he had worked to help find a consensus between the Prime Minister and the Chairman of the Democratic Party: according to him, there should be a dialogue to set standards for the forthcoming elections and to unblock the implementation of the vetting process, and the role of the international community was crucial in this regard.

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<sup>3</sup> <http://www.reuters.com/article/us-albania-opposition-protests-idUSKBN15X00I>.

13. The Chair of the Democratic Party L. Basha stated that organised crime had become a threat for democracy and that there was a lack of political will from the government to fight it. He quoted Franco Roberti, the Head of Italy's national Anti-Mafia Directorate, who had stated that drug cultivation in Albania and drug trafficking to the other side of the Adriatic had tripled during the last two years. The power of the criminal elements was, according to him, unlimited and would interfere in elections and annihilate the political process. This, he said, is the reason why he required the resignation of the government and the appointment of a technical government. He stressed that the protests and boycott of parliament would continue until this happened. We raised our concerns following his reported words inciting protesters to radical action, and he stated that he had never called for violence and that his words had been taken out of context. While reiterating our support for freedom of expression and the right to peaceful protest, we insisted on the need to refrain from inciting violence or engaging in violent action.

14. In all our meetings, we expressed our concern about the increased political tension in Albania, which is hindering the positive impetus for reforms that we had witnessed during our October 2016 visit. We insisted that boycotting the work of the parliament can by no means be considered as a correct political strategy, as parliament is the appropriate forum for political forces to engage in a dialogue and try to find a way out of the current situation. Albania needs both the majority and the opposition during the reform process. Therefore, any boycott will have serious negative consequences for the country and its European aspirations.

15. Convinced that a renewed political dialogue is essential to the continued stability of Albania's democratic institutions and to the effectiveness and sustainability of reforms, we expressed our readiness in the following weeks and months to assist all political forces, if they so wish, to help ensure the smooth functioning of democratic processes.

### **3. Forthcoming general elections**

16. The next general elections will be held on 18 June 2017. An ad hoc parliamentary committee co-chaired by a representative from the ruling majority and the main opposition party was established in February 2016 to address shortcomings in the electoral system and address outstanding OSCE/ODIHR recommendations from the 2013 parliamentary elections and 2015 local elections.

17. As mentioned in our previous information note, shortcomings identified by OSCE/ODIHR in previous elections include, in particular, the lack of impartiality and politicisation of the electoral administration, transparency of campaign finances and electoral dispute resolution, as well as the biased media coverage of the election campaign.<sup>4</sup> We noted during our previous visit that little had happened within the ad hoc committee, which was, according to a number of our interlocutors, due to the focus on the constitutional reform agenda at that time. Since then, the lack of progress in the electoral reform process has further continued.

18. In our meeting with the Central Election Commission (CEC), we were told that most of the OSCE/ODIHR recommendations were technical, with the exception of the question of the depoliticisation of the election administration. According to the CEC Chair, there are legislative gaps in the electoral code which allow for double standards in its implementation. He cited as an example the uncertain consequences of the withdrawal of support to candidates by political parties.

19. In mid-January 2017, the DP and 22 opposition parties declared that there could not be free and fair elections unless five conditions were met: 1) electronic voting and counting and biometric voter identification; 2) "decriminalisation" of elections; 3) reduction of election campaign costs and harsher punishments for election-related offences; 4) banning the use of public administration for party campaigns; and 5) guaranteeing fair access to the media. The Democratic Party started boycotting the ad hoc Committee on Electoral Reform, claiming that the upcoming elections would not be free and fair and conditioning any cooperation to the establishment of electronic voting in the June elections.

20. The representatives of the majority argued that the establishment of electronic voting required more time, and proposed to make some changes to the electoral legislation that could still be implemented before the June elections, and to postpone to subsequent elections the broader electoral reforms, including e-voting.

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<sup>4</sup> E.g. political parties' footage aired in the news; need for independent media monitoring; strengthening the independence of the public broadcaster; transparency of media ownership.

21. We were informed that workshops had been organised by the Council of Europe<sup>5</sup> on Political Party and Election Campaign Financing and that a “Technical Paper: Recommendations for amendments to laws regulating political party and election campaign finance in Albania” had been issued by a Council of Europe expert. It was apparent from our discussions that both majority and opposition representatives agree on most of its recommendations. Regrettably the opposition refuses to go ahead with reform of the legislation on party and campaign financing on the basis of these recommendations, so long as their other demands are not met.

22. The representatives of the civil society stressed that the current electoral law was not bad in itself but that there are problems linked to its implementation. Pressure had to be put on politicians to ensure that the legal framework and its implementation be changed, otherwise the elections would not be free and fair. According to them, while the question of the reform of the election administration could not be solved before the forthcoming elections, there were other legislative changes, such as transparency of campaign financing, media coverage of elections and increased sanctions for election-related violations, that could be implemented without delay. Some NGO representatives defended the option of open lists of candidates to give voters influence on the order in which party candidates are elected. Some criticised the system of pre-electoral coalitions. Concerning the issue of vote-buying that would allegedly compromise the process *ex ante*, they insisted on the need to encourage citizens to denounce pressures. According to them, in the current context there was little chance of reaching a consensus on changes to the electoral law. They recalled that electoral legislation in Albania had always been adopted by consensus often in full knowledge by the main parties of the lacunas and shortcomings of the legislation.

23. The elections are approaching and it is crucial that all political forces engage in the preparation of the electoral process so that elections can take place as constitutionally foreseen. Some of the concerns and shortcomings expressed by the opposition regarding the electoral legislation and practice were reflected in previous PACE reports and need to be taken into account and addressed jointly by all political forces. We reiterate that the main issue regarding elections in Albania is the lack of political will among the main political stakeholders to implement the Electoral Code in good faith and their desire to politicise the electoral administration. We would welcome any proposal agreed by consensus, in line with European standards, that would increase trust in the conduct of the elections.

#### **4. Justice reform**

24. Following the unanimous adoption of constitutional amendments on 21 July 2016 that paved the way for a comprehensive and thorough justice reform by the parliament, a set of seven organic laws was adopted, regulating the overall organisation of the judiciary, the prosecution office, the status of judges and prosecutors, the Constitutional Court, and the creation of specialised institutions for the fight against organised crime and anti-corruption.

25. We were told by the representatives of the opposition that while the opposition had voted in favour of the constitutional amendments containing the judicial package, they had refused to vote the implementing laws which were, according to them, in contradiction with the Constitution. The only law on which the opposition had voted was the law on the organisation and functioning of institutions for combating corruption and organised crime (SPAK). According to the representatives of the Democratic Party, the current vetting process is not independent and is aimed at controlling the judicial system. The tradition of consensus should be the rule, whereas the ruling majority had allegedly passed most of the implementing laws for the justice reform without taking into account the opposition’s comments.

26. On the other hand, the majority representatives considered that they had carried out all the necessary consultations through the setting up of an ad hoc group of experts in close cooperation with international experts. They recalled in particular that the vetting law<sup>6</sup> had been cleared by the Venice Commission’s *amicus curie*. The Committee on Legal Affairs, Public Administrations and Human Rights of the Albanian Parliament was currently preparing the 2<sup>nd</sup> package of legislation for the judicial reform, composed of 27 laws. Following the constitutional amendments there was a need to amend the civil, administrative and criminal procedure codes, the legislation against corruption and organised crime, the laws on the state advocate, the laws on lawyers, bailiffs, notaries, the juvenile justice laws, and many others. The new

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<sup>5</sup> In the framework of the European Union and [Council of Europe’s Horizontal Facility for the Western Balkans and Turkey](#).

<sup>6</sup> The Vetting Law provides for the re-evaluation of judges, prosecutors and legal advisors based on 3 criteria: integrity through assets assessment, background assessment (inappropriate links with organised crime) and professional competence [https://eeas.europa.eu/delegations/albania/20144/most-frequently-asked-questions-international-monitoring-operation\\_en](https://eeas.europa.eu/delegations/albania/20144/most-frequently-asked-questions-international-monitoring-operation_en).

institutions had to be set up in line with the deadlines and the vetting institutions needed to be established beforehand.

27. Representatives of the ruling majority were afraid that the vetting process would be delayed because of the opposition boycott, which would negatively affect the establishment of the new institutions such as the High Judicial Council (KLGj) and High Prosecutorial Council (KLP). They stressed that the vetting of the candidates for the KLGj and KLP needs to take place within three months, which implies that the vetting institutions be in place well before that deadline, in order to complete the vetting on time.

28. We were informed by a number of our interlocutors about the ongoing implementation of the Vetting Law and we noted that each step of the process was the subject of controversy. The vetting process takes place as follows:

29. The domestic vetting organs are: four Independent Qualification Commissions (IQCs) composed of three members, which will carry out the entire re-evaluation process; one Specialised Qualification Chamber (SQC) composed of seven judges, which will serve as appeal instance for the decisions taken by the IQCs; two Public Commissioners. The involvement of the international community in this process, which was considered crucial for the credibility of the process by the Albanian legislator, is constitutionally foreseen through the International Monitoring Operation (IMO). The IMO has no executive functions affecting the actual re-evaluation of judges and prosecutors in Albania which is carried out by the domestic vetting organs.

30. The IMO oversees the process of the formation of the vetting organs. The IMO provides a recommendation on the qualification and selection of candidates to staff the Independent Qualification Commissions, the Specialised Qualification Chamber and the two posts of Public Commissioners. This recommendation is submitted, through the Ombudsperson Office, to the National Assembly. This task is carried out with the assistance of four short-term observers. Following the IMO recommendation, the parliament is ultimately responsible for appointing all the members of the vetting organs. Secondly, once the vetting bodies are established, the IMO deploys international observers to monitor the actual carrying out of the vetting process, through a long-term operation that will last until all relevant members of the judiciary in Albania, as prescribed by law, undergo this transitional qualification assessment. The deployment of international observers in the framework of the IMO is, for the most part, financed through EU assistance.

31. At the time of our visit, there was some controversy about the legal framework for the deployment of the IMO and in particular the establishment of the IMO management board. This issue was raised by the Minister of Justice and resulted in an exchange of correspondence with the EU and the US Embassy. The EU issued an explanatory note on the "Issues related to the functioning and structure of the International Monitoring Operation"<sup>7</sup> that replied to the concerns expressed by the Minister of Justice.

32. The process for the constitution of the vetting bodies started prior to our visit. We were informed that 193 persons applied for the 28 positions in the vetting commissions. Based on the checks on the qualification criteria performed by the Ombudsperson Office, two lists were published: 29 applicants were placed in the list of those who met the formal criteria and 164 on the list of those who did not. During our visit, the opposition representatives contested the fairness and independence of the process, while the Ombudsman claimed that the procedure was fully transparent and based on clear criteria.

33. After our visit, on 3 March 2017, the IMO issued its recommendations on the formation of the vetting institutions.<sup>8</sup> Out of the 29 applicants on the first list, 8 were affected by a negative recommendation of the IMO. 21 applicants were thus eligible for the final voting list to be considered by the parliament. Out of the 164 applicants on the second list, 85 were affected by a negative recommendation, and 79 were not. The IMO international observers noted that a high number of these 79 applicants appeared to have, at least on paper, the relevant professional experience, but had failed to produce some of the necessary certificates. As a result, the IMO suggested that the competent ad hoc parliamentary committee consider reviewing those applications and possibly requesting the missing certificates so as to more accurately base its decision on a possible reconsideration of those candidates for the voting list. In case the ad hoc parliamentary committee did not agree to do so, the 21 suitable applicants represented already a roster sufficient to begin forming the vetting institutions, and possibly completing in a second step the remaining appointments. The IMO recalled that the decision-making functions remain the exclusive prerogative and responsibility of the authorities of Albania

<sup>7</sup> [https://eeas.europa.eu/sites/eeas/files/explanatory\\_note\\_-\\_annex\\_to\\_grc\\_letter\\_to\\_vasili.pdf](https://eeas.europa.eu/sites/eeas/files/explanatory_note_-_annex_to_grc_letter_to_vasili.pdf).

<sup>8</sup> [https://eeas.europa.eu/headquarters/headquarters-homepage/21938/press-statement-chair-imo\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/21938/press-statement-chair-imo_en).

34. The Democratic Party refused to participate in the parliamentary process and continued its boycott of parliament. On 16 March 2017, the National Assembly decided to follow the IMO's proposal and granted seven more days to the Ombudsman (in charge of preselecting qualified candidates) to ask those applicants who had submitted incomplete files to present the missing documents. On 20 March 2017, the Ombudsman issued a formal appeal to all applicants for the vetting commissions, whose application folders were incomplete, to provide the missing documents by 27 March 2017. On 28 March 2017, the Ombudsman announced that a total of 101 candidates had responded to the appeal and had completed their documents within the given deadline. The DP considered the decision by parliament unconstitutional and announced its intention to challenge the process via the Constitutional Court.

35. A number of our interlocutors, including the Ombudsman, regretted the lack of involvement of the civil society in the vetting process and mentioned in particular the low number (eight) of civil society representatives who had applied as civil society candidates to the High Judicial Council and High Prosecutorial Council, two major governance institutions for the new justice system.

## **5. Implementation of the so-called decriminalisation law<sup>9</sup>**

36. The question of the integrity of persons appointed and elected to public functions was discussed with a number of interlocutors.

37. The Speaker of Parliament insisted that there should be progress in checking and ensuring the integrity of persons appointed and elected in public functions – the so-called decriminalisation process and that mandates of MPs or mayors involved in criminal activities should be ended without delay.

38. The Prime Minister stated that the implementation of the decriminalisation law was the competence of the General Prosecutor and the Central Election Commission (CEC). He noted that the only vote in the CEC against had been the vote of a member appointed by the Democratic Party concerning one of the MPs from the Democratic Party.

39. The Chair of the Democratic Party L. Basha told us that implementation of the decriminalisation law must be a priority. He referred to the case of Armando Prenga, a Socialist Party MP who should have been removed from office long ago and who had just resigned in order to avoid being removed from office. We were also informed of the case of the Mayor of Kavaja, Elvis Rroshi,<sup>10</sup> who was allegedly still in office at the time of our visit even though his mandate had been stripped through the decriminalisation law. According to him, organised criminal groups have infiltrated all public institutions. He concluded that the Prime Minister has not implemented the decriminalisation law since 2015.

40. In our discussions with the Chair of the Central Election Commission we were told that although implementation of the decriminalisation law is the responsibility of the Central Election Commission, it was complicated for the members to exercise these functions as they have to decide whether to remove a mandate or not based on the General Prosecutor's request, which is not their core business. Both the Central Election Commission and the General Prosecutor can initiate the process, but the Central Election Commission is responsible for taking the decision. The deputy chair of the CEC insisted that the decriminalisation law was indispensable as some criminals were still present in the public administration and on elected bodies. At the time of our visit, the CEC was under investigation by the General Prosecutor for not taking a decision in the case of the Socialist MP Armando Prenga.<sup>11</sup> The Chair of the CEC stated that there was a diverging interpretation of the legal framework between the General Prosecutor Office on the one hand and the CEC on the other hand, but that the CEC was doing its work in compliance with the legislation.

41. The civil society representatives we met insisted that the CEC be provided with assistance in implementing the decriminalisation law. According to them, there was a need for international expertise to

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<sup>9</sup> Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions.

<sup>10</sup> On 7 March 2017, the Constitutional Court dismissed the application filed by the former Mayor of Kavaja, Elvis Rroshi against: the government's decision to dismiss him from office; the Central Election Commission's decision stripping him of his mandate in application of the decriminalisation law; and the constitutionality of the decriminalisation law. As a result, the President decreed that by-elections in Kavaja would take place on 7 May 2017.

<sup>11</sup> On 16 February 2017, the General Prosecutor's Office concluded that MP Armando Prenga should be stripped of his parliamentary mandate in view of his failure to comply with the decriminalisation law for failing to report criminal precedents in his self-declaration form. The General Prosecutor's Office then launched criminal proceedings against the CEC, in view of the election management body's failure to comply with their obligations in conformity with the decriminalisation law. Later on, on 27 February 2017, A. Prenga resigned from his parliamentary mandate.



prepare bylaws and implementing regulations, and they expressed concern regarding the influence of political parties on the CEC's members in this regard.

42. We consider it essential that the so-called decriminalisation legislation is duly implemented. The cleansing of public office of any link with criminal elements is crucial ahead of the forthcoming June general elections. It is indeed important that criminals be prevented from running for the June elections.

## **6. Media**

43. Ahead of our visit, we were contacted by the Chairman of the Parliamentary Committee on Education and Media, Mr Pollo, expressing his concern about recent developments in the field of media, which we discussed during our visit. In December 2016, the co-chairman of the ad hoc parliamentary Election Reform Committee, Mr Balla, had reportedly introduced an amendment to the Election Code allowing the CEC-established Media Monitoring Board to monitor online portals during the election campaign and block any unregistered ones. According to Mr Pollo, this amendment, if adopted, would enable the authorities to close uncontrolled and unregistered news websites or take them down if they engage in election propaganda or conduct unauthorised opinion polls or go beyond information. He considered it censorship although the legal effect of the proposed amendment would be limited to the two months of the general or local election campaign. In our meetings in parliament, we were told that there was no such amendment pending before the parliamentary committees to date.

44. Mr Pollo's concerns also related to the allocation of digital network licences by the Audio-Visual Media Authority (AMA), which had granted digital TV network licences to Top Channel and Digitalb and to TV Klan, which according to the Democratic Party would violate the legal media ownership limitations. The direct consequence would allegedly be an over-concentration and quasi-monopoly in TV broadcasting, which would negatively affect media pluralism and freedom. We were informed that there is a pending court case against AMA on this issue. We will continue to follow developments regarding media freedom in particular in the pre-electoral and electoral context.

## **7. Other developments**

### *Blood feuds*

45. During our visit, we had a meeting with NGO representatives who provided us with information about societal killings, including "blood feud" and revenge killings. In its last Resolution 2019 (2014) on the honouring of obligations and commitments by Albania, the Assembly asked the competent authorities "to take all appropriate measures to counter the recent increase in blood feuds and revenge killings, which are a cause for concern". According to the statistics given by the NGO representatives, 260 persons were killed in blood feuds, honour killings, enmities and conflicts between 2014 and 2016. The 2016 Human Rights Report of the US State Department also reports that "blood feud" and revenge killings occurred during the last year. We are concerned by these figures and will look further into this matter during our next visit.

### *Selection procedure for the Ombudsman*

46. We were informed during our visit that the selection procedure for the new Ombudsman had stalled and that the application process had been reopened and the deadline postponed without legal grounds. There were allegations that the process lacked transparency and that it was not compliant with the law and was thus losing legitimacy. Referring to the Paris Principles, we would like to recall that there should be an inclusive and transparent selection and appointment process for the position of Ombudsman.

### *Zharrëz protests*

47. On 22 February 2017, 40 residents of the village of Zharrëz – some of whom had been on hunger strike for over 20 days – started a 130 km march to Tirana on foot and in wheelchairs in silent protest against the government's refusal to find a solution to the earth tremors allegedly caused by the oil extraction by Bankers Petroleum. They reached Tirana during our visit, and were protesting night and day in front of the Ministry of Energy during our stay.

48. According to the protesters, Bankers Petroleum's longstanding oil extraction, and in particular the water injection processes, had caused earth tremors which had damaged their homes and made it impossible for them to live in unsuitable housing and the unsafe environment. They claimed that since 2010 they had suffered earthquake tremors of high intensity at various times, usually at night, sometimes up to 30 quakes a day. According to them, out of 700 houses, 570 were damaged and 70 were uninhabitable. The

protesters demanded an end to the drilling and water injections in their village and called for an investigation into Bankers Petroleum.

49. On 1 March 2017, the Council of Ministers approved a decision granting 100% compensation to the residents of the Zharrëz and Kuman administrative units for the damage they had suffered due to the earthquakes reportedly caused by Bankers Petroleum company operations. The government reportedly ordered the company to suspend water injections, and announced that independent international experts would be hired to find the causes behind the earthquakes in the area. Consequently, Zharrëz residents ended their protest.



**APPENDIX 1 – Co-rapporteurs' statement, 01/03/2017****Albania: monitoring co-rapporteurs end visit**

Andrej Hunko (Germany, UEL) and Joseph O'Reilly (Ireland, EPP/CD), co-rapporteurs of the Parliamentary Assembly of the Council of Europe (PACE) for the monitoring of obligations and commitments by Albania, have ended their fact-finding mission to that country as part of their regular monitoring visits.

The co-rapporteurs' visit took place against the background of the Democratic Party's protests and boycott of the work of parliament. The co-rapporteurs reiterated their support for freedom of expression and the right to peaceful protest, but called upon political forces to refrain from inciting violence or engaging in violent action.

According to the co-rapporteurs, boycotting the work of the parliament can by no means be considered as a correct political strategy, as parliament is the appropriate forum for political forces to engage in a dialogue and try to find a way out of the current situation. "Albania needs both the majority and the opposition during the reform process," the rapporteurs said. "Therefore, any boycott will have serious negative consequences for the country," they added.

The co-rapporteurs are concerned about this increased political tension in Albania, which is hindering the positive impetus for reforms that they witnessed during their October 2016 visit. The expectations of the Albanian people for a thorough and comprehensive reform of the judiciary must not be frustrated. This ongoing reform will have far-reaching implications for the country, notably concerning the independence and efficiency of the justice system, the fight against political interference in the judicial process and the fight against corruption and organised crime. Judicial vetting is of the utmost importance for creating an independent judiciary and it is essential that the process continues without delay. "All political forces should refrain from hampering this important development," the co-rapporteurs underlined.

In a related matter, the co-rapporteurs consider it essential that the so-called decriminalisation legislation is duly implemented. The cleansing of public office of any link with criminal elements is crucial ahead of the forthcoming June general elections.

The elections are approaching and it is crucial that all political forces engage in the preparation of the electoral process so that elections can take place as constitutionally foreseen. Some of the concerns and shortcomings expressed by the opposition regarding the electoral legislation and practice were reflected in previous PACE reports and need to be taken into account and addressed jointly by all political forces. "We reiterate that the main issue regarding elections in Albania is the lack of political will among the main political stakeholders to implement the Electoral Code in good faith and their desire to politicise the electoral administration," the co-rapporteurs said. "We would welcome any proposal agreed by consensus, in line with European standards, that would increase trust in the conduct of the elections," they added.

Convinced that a renewed political dialogue is essential to the continued stability of Albania's democratic institutions and to the effectiveness and sustainability of reforms, the co-rapporteurs stand ready to assist all political forces, if they so wish, to help ensure the smooth functioning of democratic processes.

In Tirana, Mr Hunko and Mr O'Reilly met with the Prime Minister, the Speaker of Parliament, the Minister of Justice and the National Coordinator against corruption. They also met with the Chairman of the Democratic Party, the Ombudsman and the Chairman of the Central Election Commission. They had meetings with representatives of NGOs, as well as with the international community. In parliament, they had discussions with the Albanian delegation to PACE, the co-chairs of the ad hoc Parliamentary Committee on Electoral Reform and with the Chair and Vice-Chair of the Parliamentary Committee of Education and Means of Information, as well as the Committee on Legal Affairs, Public Administration and Human Rights.

**APPENDIX 2 – Programme of the fact-finding visit to Albania (27 February-1 March 2017)**

Mr Andrej HUNKO, Germany, Group of the Unified European Left  
Mr Joseph O'REILLY, Ireland, Group of the European People's Party

**Monday 27 February 2017**

- 09:00 – 11:00 Meetings with NGOs (\*)
- 11:15 – 12:00 Meeting with Speaker of Parliament H.E. Ilir Meta
- 12:15 – 13:00 Meeting with Mr Denar Biba, Chair of the Central Election Commission
- 13:15 – 15:00 Lunch with the Albanian Delegation to PACE
- 15:15 – 16:00 Meeting with Mr Genc Pollo and Mr Alfred Peza, Chair and deputy chair of the Committee on Education and Means of Public Information
- 16:00 – 16:50 Meeting with Mr Oerd Bylykbashi and Mrs Vasilika Hysi, deputy chair and secretary of the Committee on Legal Affairs, Public Administration and Human Rights
- 17:00 – 18:00 Meeting with Mr Oerd Bylykbashi, Co-chair of the Ad Hoc Committee on Electoral Reform

**Tuesday 28 February 2017**

- 09:00 – 09:45 Meeting with Mr Taulant Balla, Co-chair of the Ad Hoc Committee on Electoral Reform
- 10:00 – 10:45 Meeting with Mr Edi Rama, Prime Minister of Albania
- 10:50 – 11:40 Meeting with Mr Bledar Cuci, Minister of State for Local Issues and National Coordinator against Corruption
- 12:00 – 12:45 Meeting with Mr Petrit Vasili, Minister of Justice
- 15:00 – 16:00 Meeting with Mr Lulzim Basha, Leader of the Democratic Party
- 16:15 – 17:15 Meeting with Mr Igli Totozani, People's Advocate
- 19:30 Working dinner with representatives of the international community (\*)

**Wednesday 1st March 2017**

- 09:30 – 10:30 Meeting with NGO (continued) (\*)

(\*) Meetings organised by Council of Europe Office in Tirana