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COUNCIL OF EUROPE

SECRETARIAT GENERAL

Please quote :

Reunió sobre eleccions a Albània (26 maig)

Dilluns 24.6.96

P. Kadreulla (dreta): La TV va donar els resultats mig hora abans de tancar les urnes. A la seva entrada oficial el comptes d'electors va pujar un 20% el dia de les eleccions.

S. Pellumbi (P. Socialista d'Albània): Demana per les eleccions no siguin recomptades, pq ara celebrin més altes ordenat lliures.

~~P. Ekdra (Unió dels Drets Humans)~~ A Albania no hi ha Llei Electoral per les eleccions lliures. (Ol·la relació és poden anul·lar les eleccions però això davant el cas. I unes altes eleccions donarien el mateix resultat ab els mateixos actors. Proposa convocar d'aquí poc a una nova Assemblea Constituent, per aprovar-hi una nova llei electoral. Anul·lació i una nova llei electoral. ~~No accepten~~ Anul·la eleccions provocaria l'aillament i empitjoraria els problemes.

Com es formarà? Amb noves eleccions.

V. Meb (Unió Drets Humans): El poble ha votat per un vot de canvi, el PS ha perdut les urnes i els diputats han de votar a la ratificació. Fins ara l'oposició feia el ridícul no feia cas d'Albània, pero ara els partits democràtics el pressionen.

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Teodor Zaqo: (Unió Socialdemòcrata):
Cal totes les dades, aportar solucions possibles. Molts inquietants, però també és cert que el P. Soc. aprenta fiante poder i això donarà molt pont. Ha estat un error d'anular la Cultura electoral. Els nivells de participació la legitimitat i nivells aceptat les eleccions allí on ells l'han guanyat. No n'hem de repetir les eleccions. Què passa la pena a Albània? La majoria no vol la repetició de les eleccions

Neritan Ceka (Aliança Democràtica):
El 26 de març hi va haver un cop d'Estat per part del govern.
No hi ha llibertat d'expressió (TV); no hi ha llibertat del poder judicial ni de l'executiu.
Resolució: el Parlament d'Albània i el Parlament europeu en l'oposició no està representada. Cal noves eleccions, crear un nou govern per una Constitució. Elegir entre totes Model Constituent.

Skinder Gjinushi (P. Socialdemòcrata): Eleccions: un cop d'Estat manipulació organitzada llei electoral anticonstitucional. El President controla tots els institucions a l'Estat (inclòs poder judicial) 2 oposició ha estat obligada a retirar-se. El primer partit (que és un retirar va ser el p. Republicà). No hi ha acceptem les eleccions, no acceptem les violacions del dret. Tots els partits de Albània signen el Com. Europeu, però no dignitat

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COUNCIL OF EUROPE

SECRETARIAT GENERAL Eleccions a Albània

Please quote :

Tritan Shehu (Partit Democràtic) (p. poder):
[illegible] electoral no correcta.
Va ser l'oposició la que va [redacted]
[illegible] les [illegible] del procés.
La llei electoral és correcta.
[redacted] Les eleccions van ser boicotejades
pels l'oposició va robar (pels
voldegos) per majoria.
El P. Socialista és també un client
del partit de la república.

Nyzen Selfo (P. Front Nacional): P. anticomunista.
Ells són la veritable dreta albanesa.
Les irregularitats han estat provocades
per l'oposició.

[redacted]

Sr. Thereska-Inkrito: Les irregularitats no han
influït en el resultat les
eleccions han estat lleials i
clares. Les representants de
l'oposició no van protestar
davant la comissió fins que
els seus líders van decidir
retirar-se, molts d'ells ho
van dubtar com-
vers vol tot.

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R. Ükskäärv: (Cap de la delegació de l'Assemblea de l'OSCE.)

Delegació ben plural, diversa pel que fa a partits i coneixements. Van tenir accés a tot el procés.

No és van poder controlar l'1% dels col·legis electorals.

No poden qualificar les eleccions incidències.

Hem observat en les eleccions presidencials no violència al poble. El que cal és un acord entre els partits

Mr. President

Do you think that ~~which are your think about~~ on the developments ~~of the situation~~ in Albania and Kosovo ~~and~~ can it affect the position of the Albanian minority in Macedonia?

I visited Macedonia as a member of the Non Member Countries Commission of the 6-ple ~~of~~ of June and I fully appreciated your efforts to overcome the ~~strong~~ problems and the strong difficulties you were confronted with. One of the biggest concerns was the issue of minorities inside and outside the country. People-pluralized ~~Our~~ country.

My question is

Pregunta a Mr. Filipovski, president de Macedonia

Consell d'Europa 27. 6. 96

SUMMARY OF THE ELECTION'S RESULTS IN ALBANIA.

March 1992 - May 1996

	PARLIAMENTARY 22.03.1992	LOCAL 26.07.1992	REFERENDUM 06.11.1994	PARLIAMENTARY 26.05.1996
Opposition	Seats	Seats		Seats
SP SPD ADP RDP	**37%**	**60%**	**58.3%**	**7%**
HRP	**2%**	**5%**		**2%**
Ruling parties				
DP RP NFP Roy.P	**61%**	**35%**	**41.7%**	**91%**

THE DISTRIBUTION OF THE VOTES IN THE ELECTIONS IN ALBANIA MARCH 1992 - MAY 1996

	March 1992	July 1992	November 1994	May 1996
Registrated	1.988 ml	1.988 ml	1.985 ml	2.3 ml
Have voted	1.69 ml	1.4 ml	1.69 ml	1.95 ml
Ruling parties	1 ml	0.6 ml	0.699 ml	1.2 ml ?
Opposition parties	0,57 ml	0.6 ml	0.976 ml	0.43 ml ?

OSCE

Office for Democratic Institutions and Human Rights

ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE

OBSERVATION OF THE PARLIAMENTARY ELECTIONS HELD IN THE REPUBLIC OF ALBANIA

MAY 26 and JUNE 2, 1996

I. INTRODUCTION

The Office for Democratic Institutions and Human Rights (ODIHR) dispatched three representatives to Albania in late April to serve as long-term observers for the Albanian Parliamentary Elections on May 26. They included the On Site Co-ordinator, Mr. Anders Eriksson (Sweden), Eugenio Polizzi (Italy) and Mark Power-Stevens (United Kingdom). The ODIHR representatives observed the pre-election process and the first round of balloting during the period April 25 - May 29, 1996. This report focuses primarily on the first round of balloting. However, ODIHR did maintain a limited presence in Albania for the second round run-off elections on June 2nd.

Upon arrival in Albania, ODIHR representatives established contact with the Ministry for Foreign Affairs, the Central Election Commission (CEC), the Ministry for Local Government, the Verification Commission, a number of prefectures, all major political parties, Embassies of OSCE participating States, and domestic and international non-governmental organisations.

According to their terms of reference as outlined in the OSCE / ODIHR election observation framework document, ODIHR representatives monitored the pre-election period and facilitated the accreditation and deployment of approximately 50 short-term observers.

Short-term observers represented 11 OSCE participating States including Canada, Denmark Germany, Greece, Italy, Netherlands, Norway, the former Yugoslav Republic of Macedonia, Sweden, Switzerland, and the United Kingdom.

The short-term observers arrived in Tirana 3-7 days before election day. Some of the short-term observers were utilised for observing rallies and other pre-election events.

ODIHR representatives organised a thorough briefing session for all short-term observers. Also participating in the briefings were observers deployed by the Embassy of the United States, the European Community Monitoring Mission (ECMM), British Helsinki Human Rights Group, and representatives of the Sanctions Assistance Mission (SAM).

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Observers were deployed to 18 different areas of the country including the capital Tirana, covering more than half of the 115 election zones. The teams visited more than 300 polling stations during the election day, which corresponds to approximately 7% of the total number of polling stations. They covered also the counting process in at least one polling station per team.

The embassies of participating States assisted with logistical support by providing many of the cars and interpreters.

All observation teams returned to Tirana to participate in a de-briefing seminar on Monday May 27, where they reported on their findings.

In accordance with the framework document, a post-election statement was published in Vienna on May 29, 1996, after first having informed the Chairman in Office. The statement was circulated to all delegations.

I.i Conclusions of the Observation

The conclusion of the observer mission was that in many instances the implementation of the election law failed to meet its own criteria. More specifically, 32 articles out of 79 dealing with the pre-election period and election day were violated. They include articles 4, 13, 16, 19, 21, 22, 28, 29, 31, 32, 36, 37, 38, 39, 40, 44, 48, 51, 53, 56, 57, 60, 63, 64, 66, 68, 70, 71, 72, 73, 74, and 75.

In reference to the OSCE election related commitments, five out of nine articles under paragraph 7 of the Copenhagen Document were not met including 7.4, 7.5, 7.6, 7.7, 7.8. Article 8 dealing with both domestic and international observers was not fully met.

I.ii ODIHR/OSCE Pre-Election Assessment, March 1996

As a result of an ODIHR pre-election assessment mission undertaken to Albania in March a number of positive aspects in Albania's election laws were specifically cited. These included the participation of political parties on election commissions at all levels and access to the voting day process by foreign and domestic observers. All political parties represented in the polling station commission have the right to have a copy of the official record of the final results. Voter lists are open for public scrutiny thirty days before election day, and it is possible for the voters to correct errors in the voter registration lists.

Other positive aspects include the right of parties and citizens to hold public meetings and the inclusion of penalties for voter fraud. The election law also protects the right of candidates and parties to campaign freely in the media either through allotted time slots or paid advertising. The parties are also, to some extent, financed by the authorities during the election.

These measures were cited as enhancing public confidence in the integrity of the process, but only as long as the law was administered accordingly. However, while these positive aspects in Albania's election law were cited, it should be noted that the administration of the election seriously departed from the election law. Some practices observed cannot be considered in line with either Albania' s Election Law or the OSCE election-related commitments.

I.iii Official Co-operation with the OSCE/ODIHR Observer Mission

ODIHR regrets that the level of official co-operation offered to its representatives by the various election and government authorities was of such a limited nature. Requested meetings were often cancelled and the failure of the authorities to provide information at all, or in a timely manner, presented an obstruction to the work of the observation mission. The accreditation of some observers was delayed until the day before the election causing problems to the original deployment plans.

The CEC claimed to be unable to furnish the observation mission with clear information relating to the addresses of polling stations. Failure to supply such basic and vital information to the observer mission could only be interpreted as either a failure to cooperate with observers or as a lack of central authority and organisation within the CEC.

II. PRE-ELECTION PROCESS

The announcement by the President of an election date at the last possible moment for compliance with the establishment of a Central Election Commission "no later than 45 days before the election day", as cited in the election law, had a detrimental effect on the pre-election process. By allowing just 45 days for all the electoral arrangements, it was noted that many of the deadlines in the law were missed and many procedures were not properly followed due to the severe time constraints.

II.i The New Election Law and Redistricting of Election Zones

Albania's new election law divides the election map into 115 zones (constituencies), to be determined by the President no later than 45 days before election day. The new election law increases the number of single mandate districts to be decided by majority vote from 100 to 115. One deputy is elected from each constituency. To be successful in the first round of voting a candidate must secure 50% plus one vote. If no candidate manages this then a second round is scheduled to take place one week later involving the two top candidates from the first round. At this stage simple majority will suffice. At the same time the new law reduces the number of proportional seats, with the whole country as one constituency, from 40 to 25.

New election zone boundaries had to be drawn in conformity with the new law. In order to establish 15 new zones and still maintain an equal number of voters in each zone, redistricting should have

ensured approximately 18,000 voters in each zone. However, the size of the electorate in the newly established zones ranged from 12,000 to 27,000. This disparity is too wide to ensure the same weight for all casted votes.

The new zones were approved by the President in a very non-transparent manner and without public discussion or consultation with opposition political parties, and it is impossible to establish if redefinition was elaborated by taking into account some politically neutral criteria or in a selective and biased manner.

In addition, 45 days is a short period of time for the political parties to adjust to the newly established zones. The delimitation of the new zones should have been made public earlier, and the process of establishing the new zones more inclusive and transparent.

Potential candidates need to collect " a list signed by no less than 400 voters in the respective zone, which support the candidate in the zone." For political parties nominating candidates in all 115 zones, this requires 46,000 signatures. When the zones are not delineated until 45 days in advance of the election, this places undue burden on parties to nominate and register candidates.

II.ii Establishment of Election Commissions

The election administration in Albania is divided into three levels; the central Election Commission (CEC) which is appointed no later than 45 days prior to the election day; 115 zone commissions which shall be established no later than 30 days before the election day; 4703 polling stations commissions which shall be established no later than 25 days before election day. In total, the number of officials needed to implement the election according to the law exceeded 50,000 people

The establishment of the CEC just 45 days before the election made it very difficult to identify election officials, and still meet the deadlines contained in the law pertaining to the establishment of election commissions at the zone and polling station level. According to observers, it seemed that the CEC was overloaded by the administrative task of organising the election in such a short time period.

In addition to the observers opinion that the CEC was faced with an administrative overload, it also seemed to lack authority. This came to light with the failure of certain Zone Commissions to issue domestic observers with accreditation in three areas of the country including the capital Tirana. This occurred despite the CEC's claim that they issued a decision granting the accreditation of all domestic observers. The last-minute denial of accreditation to domestic observers at the Zone Commission level did not assist confidence in the election process.

In another incident a candidate in Sarande was refused permission to stand in the election by the Zone Commission despite written confirmation from the CEC and Constitutional Court that she was clear to stand.

II.iii The Verification Committee

The Verification Committee was established to review the communist era police files for all persons nominated as candidates according to the laws "On Genocide and crimes Against Humanity" and "On the Control of the Figure of Officials", numbers 8001 and 8043 respectively. Persons implicated by these laws are barred from holding public office until the year 2005.

The Verification Committee recommended the disqualification of approximately 200 people as candidates in the election. Most disqualifications were made under article 2C, relating to those persons registered in the list of Segurimi (former Secret Police) as past informers. Some 60 persons appealed to the Court of Cassation and nine appeals were upheld. All others were rejected.

The manner in which potential candidates were disqualified contradicts article 7.5 of the Copenhagen Document guaranteeing to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organisations, without discrimination".

The laws concerning the restriction for candidates to run for the Parliament contain particular areas of concern:

- six out of seven members of the committee are appointed by the government, which raises questions about the impartiality of members of the commission;
- there is concern that a government appointed committee may determine which candidate records to scrutinize in a selective manner, whereas the law could be applied in a uniform manner where the past records of all candidates are scrutinised;
- the decisions in the committee are taken by majority vote, which raises the question that the committee may be serving in a semi-judicial capacity, while Constitutional articles ban the creation of special courts;
- all meetings were held behind closed doors;
- the time was too short between the decision of the court and the election day, and could have left insufficient time for disqualified candidates to make an appeal.

II.iv Participation of Political Parties

While the banning of candidates by the Verification Committee did place an extra burden on political parties in the election, and is an issue of concern for individual human rights, none of the parties complained that this caused insurmountable problems for their participation in the process.

Some 24 parties fielded candidates in the election. Under Article 15 of the Law however not all those were able to submit a list for the 25 proportional seats which is limited to those parties which have fielded candidates in not less than 38 election zones and in 12 districts of the country.

Some of the smaller parties did complain about their exclusion from the proportional lists. The CEC stated that in these instances the lists were not submitted 30 days before the election day as stipulated in Article 15.

II.v Registration of Candidates

According to the law all candidates shall register their candidature to the commission of the electoral zone. The CEC shall announce the name and political party of the candidates no later than 25 days before election day.

This criteria was not fulfilled. According to the CEC the reason for this was some late appeals to the Cassation Court from disqualified candidates. The candidates were under investigation according to the Lustration law. However, despite the late publication of the final lists the electorate had the opportunity to see the lists sufficiently prior to the election day.

A more serious issue raised by observers was that according to Article 19 of the Election Law, some persons including heads of organs dealing with public order and the National Information Service must leave their jobs 25 days before the election day if they are registered as candidates for parliament. Persons subject to this article were still active in their capacities throughout the election process despite the fact they were running as candidates.

The president was also a candidate on the proportional list which is not in accordance with the Albanian constitution. A cornerstone in building public confidence in the electoral process is that all official persons act according to the laws of the country.

II.vi Voter Register

The voter register is to be made public no later than 30 days before election day. All Albanian citizens who have reached the age of 18 on election day have the right to vote, although there are some exceptions for persons in legal detention and the mentally ill. There is no provision for Albanian citizens to vote abroad.

According to observation findings, many lists were not published in time and there was widespread concern over the accuracy of the voter register. The voter register contained people already deceased, those who had not yet reached 18 years of age and sometimes the same name appeared on more than one list.

These problems are even more disturbing considering the fact that ODIHR representatives were assured in March by representatives of the Ministry for Local Government that the lists would be accurate, were in the process of being computerised, and that local government bodies were in communication to ensure that no one appears on more than one voter list.

Those responsible for the voter list at the local level are the mayor and the secretary of the respective council. Publicly posted lists were not always legible so that voters were not ensured of their right to view the voter list. Some of the lists were written by hand, and in some cases they were sun-bleached. Yet observers were informed that in some instances, including in Tirana, local officials failed or refused to rectify such problems.

The accuracy and public display of the voter register is a crucial aspect of any election system, and it is therefore of great importance that problems related to the processing and posting of the register are corrected in the future.

II.vii Voter Education

Voter education consisted of a limited TV campaign organised by the government and a poster campaign urging people to vote organised by an Albanian NGO. The TV voter education consisted of a reading of the electoral law in a dry and legalistic manner. Some additional information about how to use the ballot papers was also broadcast. The Albanian NGO had a small scale poster campaign urging the people to cast their vote in the election.

The lack of any further voter education campaign was regrettable. No posters or information material were available inside or outside the polling station. The ballot paper was split into two parts, the left side for the single mandate seat and the right side for the proportional seats. This created some confusion among the voters, and led to a high number of invalid ballots. This also served to slow down the voting process on election day.

In the future it is necessary to explain in detail to the electorate how to use the ballot paper. The invalidation of ballots due to simple error in marking the ballot is unfortunate for the individuals concerned who waited in long lines to cast their ballots.

III. THE CAMPAIGN

OSCE Copenhagen Commitment 7.7 permits "political campaigning to be conducted in a fair and free atmosphere". However, observers following the campaign felt that the authorities did not uphold this commitment.

Opposition parties seemed to be consistently banned from holding outdoor meetings, particularly in large towns. In Tirana, opposition parties requested and were denied permission for a rally in the

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central Skanderbeg square, whereas the ruling party was permitted to hold its May 24 rally in the central square.

Official explanations ranged from the possibility that opposition parties would not have enough supporters at their rally to justify closing the main square, to the view that the Ruling Party rally was not political but a concert, or to the fact that it was not a political rally but a Presidential address.

III.i Display of Democratic Party Posters on Government Buildings

Even on government ministry buildings in central Tirana, the ruling Democratic Party were allowed to place their campaign posters. These posters remained on the building in the week leading up to the election and on election day. In addition, the Democratic Party hung a huge banner in the central Skanderbeg square which was left hanging on election day.

III.ii Police Intimidation at Opposition Rallies

In Rreshen and Lezhe, observers witnessed that space allotted to PS rallies were in both cases too small to hold all the party supporters. Police were heavily present at the gate of the venue, and their behaviour was not discrete. Buildings granted for opposition rallies were often too small for the number of people wishing to attend, which in turn was stated as a justification for a massive police presence to maintain order.

In some instances observers reported seeing cars carrying candidates and supporters of opposition parties intercepted on their way to campaign events. For example, on May 18 Socialist Party supporters and candidates were stopped by a police-checkpoint on the Shkoder road behind which some supporters from the ruling party had blocked the road with a lorry. They were stopped because a rally at the local stadium in Shkoder, for which the SP had been granted permission by police on May 6, had been cancelled by the authorities at the last minute without prior notification. The police didn't stop the supporters from the ruling party from blocking the road and did not remove the lorry.

A second incident was witnessed by observers one week prior to election day. Supporters of the ruling party blocked the road entering Vlore, preventing cars from going to a Socialist Party rally. The observers noted that the police stood to one side and did not intervene to clear the road. Upon questioning those blocking the road claimed that this was a spontaneous protest by the people of Vlore against the SP. The observers noted, however, that many of those present had prepared banners against the SP and many of the vehicles had Tirana license plates.

The intimidating presence of police at opposition rallies, combined with police failure to prevent DP supporters from blocking roads and thus preventing opposition supporters from attending rallies, added to the close identification of the government and its security apparatus with the ruling party. This was felt by observers to create an air of intimidation of opposition parties as well as undue

influence on voters. It also compromises OSCE commitment 5.4 which calls for "a clear separation between the State and political parties; in particular, political parties will not be merged with the State."

III.iv Media

The Society for Democratic Culture, an Albanian non-partisan civic organisation, employed internationally accepted methodology for measuring television time and content during the campaign. The SDC concluded that TV coverage of the parties respected the election law in its allotment of time to the various parties. However the SDC also stated that the extensive coverage afforded to the President and the government represented overwhelming de facto coverage and promotion of the Democratic Party. They also noted that the method of coverage of the DP was also likely to favour them. The SDC cited concern with the order that news reports were presented, and the tendency to allow representatives from the ruling party to read their own statements rather than using a journalist.

IV. THE ELECTION DAY

IV.i Opening of the Polling Stations

The observers followed the opening of the poll at 7:00. Observers noted that based on their experiences, polling station commissions had not been fully constituted even by the morning of the election and the commission had not met before election day. Despite these problems, polling stations generally opened on time.

At the opening of the polls, many observers reported a tense environment as party representatives on the commission seemed very insecure as to whether or not they would be permitted to assist in the election process or even to remain on the commission. In Tirana, a woman accredited as a party observer for the Agrarian Party informed observers that the Chairman of the Commission had told her she must leave. Also in Tirana, many polling stations were only supplied with three chairs A party representative for the Democratic Alliance was arrested and detained for requesting a chair.

The sealing of the ballot box was also observed. A plastic material and a string together with the official stamp was used to seal the boxes. The plastic seal did not seem to be very secure, and observers noted that in some polling stations the seal seemed to have been tampered with and physically altered during the day. In Lezhe, observers noted several unsealed ballot boxes, and in Pogradec and Kukes there were observer reports that the ballot boxes were not properly sealed.

IV.ii Polling Station Commissions

According to the election law, multi-party commissions administer the voting in the polling stations. The polling station commission is composed of equals, representing a government appointed Chairman and Secretary, and one member representing each political party or electoral grouping that has candidates in the zone. Issues of contention are supposed to be resolved by a majority vote of the polling station commission. However, observers noted serious departures from the law in the manner that polling station commissions were functioning. They appeared multi-party commissions in name only, but not in substance. This is a clear violation of the election law.

An extra non party person is appointed by the Prefect if the total number in the commission is even, to serve as the tie breaking vote. There were consistent reports that this so-called independent person was appointed, and playing a key role in the administration of the election, regardless of whether or not the commission had an even or odd number.

The lack of information and training provided to the polling station commission caused problems during the poll. Only the Chairman and the Secretary received instruction by the election authorities, which of course gave them an additional authority over the party representatives on the commissions.

Moreover, observers noted in several polling stations that it was impossible to speak with party representatives in the commission. The chairman in the polling station explained to the observers that they were not allowed to talk with the party representatives. No reason for the refusal was given. In other instances, party representatives couldn't give a proper answer when asked which party they represented.

IV.iii Layout of Polling Stations

Nearly all polling station visited by observers were not set up according to the law. Observers noted a consistent pattern whereby the government appointed members played the key role in processing voters and administering the election. The party representatives were in most instances given no role in the process and they were physically seated at a distance from the table where voters were processed. Greater confidence could have been instilled in the process if those administering the election had been seated in the middle of the room, in full view of party representatives and observers.

Many of the polling station visited were too small and not properly arranged. In some cases the polling booth was placed in a way that it was possible to look into it. In most polling station there was only one polling booth which led to long queues both inside and outside the polling station. In the future the polling stations with many voters must be rearranged to facilitate and speed up the voting process.

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The ballot design, whereby voters mark a line through all deselected candidates and parties on the list, leaving only the selected candidate or party unmarked, is a cumbersome and time consuming process which contributed to the long queues.

IV.iv Lack of Official Protocols

A major issue of contention as the polling stations opened was the fact that the election authorities had failed to supply each polling station with the necessary number of final result sheets (protocols), permitting each polling station commissioner to have an official copy of the results. The fact that these documents had been supplied in grossly insufficient numbers contributed to undermine confidence in the process among the political parties.

While the election authorities could not explain why so few protocols had been delivered to the polling stations, in clear violation to the law, they did claim that photocopies of the protocols had been found in the possession of opposition supporters. Opposition parties claimed they had photocopied the official result sheet to ensure that their representatives would have a copy.

In order to protect the integrity of the system from this supposed threat, a representative of the Central Election Commission went on television at mid-day to announce a massive logistical effort of resupplying each polling station in the country with protocols printed in a different colour. Observers failed to see how the photocopied protocols could have been used to jeopardize the integrity of the system by creating incorrect and false results. Despite the issuance of new protocols they were still delivered in insufficient numbers and not to all polling stations. Observers noted that some polling commissions were uninformed about the issuance of the new protocols.

IV.v Maintenance of the Voter Register

The accuracy and proper keeping of the voter register did not seem to meet the standards prescribed by the law. In many cases the number of ballots cast exceeded the number of signatures on the voter register. During the count, observers noted the changing of the registers to bring into line with the number of ballots in the ballot box.

Observers reported that in some polling stations the reconciliation process, comparing the number of voters on the register to the number of ballots in the ballot box, never took place. The reconciliation process is the first crucial step in the counting process and serves as the basis for the entire vote count.

Observers noted that some Polling Station Commissions claimed that the voter turnout was far higher than indicated by the number of signatures on the voter register. In the Peshkopi area a team noted at about 4 pm that polling station commissioners were claiming that all voters had voted despite the fact that the register contained virtually no signatures.

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IV.vi Proxy Voting

Several teams reported people voting with several ballot papers and in many cases family voting was a rule and not an exception. Family voting can to some extent be understood in countries with short voting traditions. It could under no circumstances be accepted when polling officials issue several ballot papers to one single voter, as observed frequently on election day.

IV.vii Security Personnel

Many observers reported a large police presence, both inside and outside polling stations. This was particularly noted in Berat and Lushnje, where police appeared to be playing an active role in the running of polling stations. In some cases the police even took part in the counting process.

At a number of polling stations, including Tirana, Berat and Kukes, observers saw unidentified persons and armed civilians. They were often playing an active role in the process, and locals identified them as secret police. In Kukove, the chief of the Prison Service was touring polling stations on election day.

In Korce and Berat, police followed observers. In Tirana, an unidentified person in civilian clothes blocked observers from entering a polling station.

IV.viii Extended Hours of Voting

The opening hours were extended from 8:00pm to 10:00pm by a Presidential decree on polling day. The message was communicated to most polling stations during the day but some of the stations didn't receive the message. The extension of the opening hours had no general impact on the outcome of the election, but it is not good for the credibility of the election process to change the conditions on election day.

V. THE VOTE COUNT

The general impression of most observers is that the counting process was not carried out in an orderly and secure manner, or according to the election law. In some instances observers noted manipulation of the results. Decisions were made in an arbitrary manner by the government appointed Chairman.

In many instances polling commission officials did not appear to understand the regulations for the counting procedure. Observers reported that contrary to the law, the entire ballot was often invalidated even if just one half of the ballot was filled incorrectly. Also, many polling station commissions had disagreements over what constituted an invalid ballot.

There were consistent reports from observers that invalid ballots were not properly identified in a uniform manner, or appropriately segregated. There were also widespread reports of the alteration of ballots cast for opposition parties to make them invalid. The huge number of invalid ballots registered in this election process is not satisfactory. In most cases the majority of the invalid ballots were cast for one of the opposition parties.

Examples of irregularities in the counting process include:

In Berat an observer team noted that the turnout in one polling station was 105%. In another polling station there were too few signatures in the voter register compared with the number of ballots in the ballot box. Extra signatures were added to the voter register in the presence of observers. In Berat an observers team was advised to leave the polling station during the vote count.

In Lushnje a polling station closed at noon. In another polling station, 942 ballot papers were in the ballot box, but there were only 880 signatures on the voter register.

In Fier, one polling station closed at 7:00pm reporting a 100% turnout, but observers reported voters still turning up only to be turned away. In another polling station, the same scenario was reported at 8:00pm.

In one polling station in Gjirokaster it was observed that the votes for one major opposition party were counted for the ruling party. In another polling station in Gjirokaster, Socialist Party voters were included for the Democratic Party, giving the DP a majority. After checking by observers it was noted that while the official count for the SP was 157 votes out of 404 valid, observers counted 170 SP votes just checking half the pile.

In Kukes, an observer who understands Albanian overheard the chairman of a polling station phoning somebody to apologise for not being able to 'deliver the required result' due to the presence of international observers. Other observers noted that ballot boxes were not properly sealed and their were security police inside the polling station.

In Kucove an observer team noted the presence of pre-filled ballot papers as well as the bunching of votes in the ballot box when the box was emptied for the counting process. It was noted that these voters were all for the ruling party. Also in Kucove an interpreter was advised by police not to interpret anything for the observers during the vote count.

In Kofce, an observer team noted 90 invalid ballots during the count. Forty five were for the Socialist Party and forty five were for other opposition parties. No invalid ballots had been recorded for the ruling Democratic Party.

In Pogradec observers noted the clear invalidation of opposition party ballots with some 30% of the total number of votes being deemed invalid. It was also consistently noted that opposition party votes were placed with invalid votes. Also in Pogradec, marks on the ballot papers causing them to

be invalidated were marked in a different colour ink than appropriate marks on the rest of the ballot.

In Tirana, it was noted that the polling commissions did not clearly understand regulations pertaining to invalid ballots. In one instance the polling commission was invalidating entire ballots in cases where only half the ballot was actually invalid. In another instance, there was no separation of valid and invalid ballot papers during the count. The number of invalid ballot papers were recorded only after observers requested to know the number of invalid ballots. Polling officials registered 8 invalid ballots in this particular polling station, whereas observers counted 80.

THE SECOND ROUND

The second round of the Albanian Parliamentary elections took place on Sunday, June 2nd. Second round balloting occurred in nine zones where a candidate failed to receive more than 50 percent of the vote in the first round. The two candidates with the highest number of votes from the first round balloting proceed to the second round.

Based on a limited assessment of the second round, the overall conduct of the election was greatly improved when compared to the first round. The observers noted that voter identification was checked and cross referenced with the voter register, voter identifications were stamped after the voter had signed off the list, and that voters were able to cast a secret ballot in an orderly environment. Certain minor irregularities were reported.

Observers present for the second round noted that it was important to assess the second round of the election in the overall context of the whole election process, and therefore considered that the second round took place in an already compromised election process.

VII. RECOMMENDATIONS

The following recommendations were made by observers, and include:

- Establishment of a permanent and independent Central Election Commission to create confidence in the administration of the election process among all parties and the electorate;

- Establishment of a more realistic timetable in the election law for election related deadlines. The present time schedule in the existing law is too tight;

- Establishment of a comprehensive voter education program, particularly in light of the large number of invalid ballots;

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- Re-designing the ballot papers so that the voter only selects the party or candidate of his/her choice by marking only the party/candidate selected, eliminating the time consuming process of having to draw a line through each party/candidate deselected;

- Establishment of a more inclusive process for amending the electoral map, so that all parties can have greater confidence in this process. The CEC should also be involved in any future amendments to the electoral map, which is not possible under the existing law due to the fact that the Commission is appointed only 45 days prior to election day. The appointment of a permanent Commission would address this problem ;

- Implementation of confidence building measures, such as full co-operation with international observers, accreditation of all domestic observers, the issuance of protocols to polling stations in sufficient numbers and mandatory sealing of ballot boxes;

- Updating the accuracy of the voter register, and improved accessibility of the electorate to the voter register;

- Establishment of a standardized training of all election officials (including party representatives) at all levels of the election administration;

- Placing of more than one polling booth per polling station;

- The responsibilities of police should be more clearly defined with regard to the election process.

INFORMATIVE MATERIAL RELEVANT TO THE LEGAL VIOLATIONS AND THE ANTIDEMOCRATIC ACTIONS COMMITTED DURING THE 26TH MAY ELECTIONS

(SUMMARY OF THE MATERIALS DEPOSITED IN THE CONSTITUENCY FILES OF THE SOCIALIST PARTY OF ALBANIA JURIDICAL COMMITTEE)

ZONE 1 (MALESI E MADHE)

1. Legal violations

- In the constituency Nr.1 the composition of the electoral commissions relevant to the 31 polling stations had not been declared until 09.30 p.m. of 25th May 1996.
- There have been declared as members of the polling station commissions, representing DP (Democratic Party), even policemen and armed individuals.
- The electors' lists posting up extremely delayed.
- The electors' lists included individuals having left Albania or transferred to other districts a long time ago, as well as names of the dead persons.
- Lists of the polling station members representing SP, etc. and the opposition parties have been deposited in the police stations files.
- The polling stations in the major cases have been arranged to be in the houses of the extremistic DP supporters.
- The persons recognised as SP (Socialist Party) supporters have been deprived of the birth certificates entitling them to voting.
- Several of the polling station commission members, representing the SP and the other opposition parties, cases in point being the villages Grude-Fushe, Qafegrad, Shkrel, Ktosh, Gjorm Poshte, Gruemire, Vukel, Kelmend, Bashki, etc, were replaced with other persons.
- The SP observers have not been allowed to discharge their duties in the polling stations.
- The policemen and the other armed individuals have been openly making electoral propaganda in favour of DP.
- The ballot papers have not been signed by the commission members.
- Individuals have been voting without showing the identification document.
- The polling stations in Duke, Vajush, Gruemire, Zagore, Ndrejaj, Shkrel, etc were closed at 2.30. p.m.
- Numerous ballot papers cast by the soldiers transported in military convoys.

2. Antidemocratic actions

- The brothers of the candidate Ndue Keqaj and their nephew have been maltreated at the police station, simply because of refusing to denigrate the portrait of Fatos Nano.
- The national road was blocked by Mr.Shehu, with a view to obstructing the meetings of SP and the international observers.

- Gjeto Çutaj has been maltreated by the police, simply on grounds of his electoral activity.

- Other activists and supporters, such as Kadri Ujkaj, Luigj Keqaj, Flamur Çulaj,etc. have been detained maltreated by the district police.

- On the election day Hysen Çelaj (Chaiman of the PS Regional Council of Shkrel Commune, Hamza Hoti head of the regional Trade Unions, Elmaz Laçaj were detained on no specific grounds.

- The chairman of SP has been intimidated being declared that he would be exposed to grave consequences in case being involved in the election process as SP representative.

ZONE.4 (SHKODER)

1. Legal violations

- The electors' lists were not posted up within the legal time-limits. In most of the cases they were posted up during the last two days prior to the elections.

- There have been registered dead persons, emigrants and transferred individuals.

- The composition of the polling station commissions was declared beyond the legal time-limits.

- The policemen serving in the polling stations were responsible to support the DP-nominated head of the commission, not to maintain order.

- The commission members representing SP, SDP (Social Democratic Party) have been forbidden to sign the ballot papers.

- Individuals have been voting without showing the identification document.

- In the Ura e Shtenjt polling station a group of voters from Bardhaj have been told not to visit the polling station. Their relatives had already cast the ballot paper for them.

2. Antidemocratic actions

- Approximately 50 policemen were sent to Dukagjin, supporting unreservedly the irregularities and violations. They have been transported by a minibus in order to vote in all the polling stations.

- In the polling station Kir I the commission female member was beaten by the head of the commission (village dignitary), because of demanding the ballot-box to be opened, whereof doubting to be full of ballot papers.

ZONE.5 (SHKODER)

1. Legal violations

- The electors' lists, pertinent to 33 polling stations, were not posted up. In two of them they were posted up during the last day prior to the elections.

- No violations witnessed were remedied.

- The composition of the polling station commissions was not declared in none

of them, consequently preventing them from functioning normally.

- The commission members representing SP were refused their presence while making the physical inventory of the material support basis on the election day.
- The SP observers were not provided with authorization.
- The commission members representing SP and the opposition parties were forbidden to sign the ballot papers.
- There have been cases of casting several ballot papers successively.
- The extra electors' lists were mainly employed to effect manipulations.
- No minutes records sheets were provided for the SP, SDP, DAP (Democratic Alliance Party, NUP (National Unity Party),etc.

2. Antidemocratic actions

- Individuals employed and encouraged by DP have torn and removed all SP posters.

ZONE.6 (SHKODER)

1. Legal violations

- The legal time-limit relevant to posting up the electors' lists in all the polling stations was violated. They were posted up only two days prior to the elections. Consequently several SP members and supporters were deprived of exercising their suffrage right.
- The composition of the polling station commissions was not declared within the legal time-limits. Most of them were declared on the election day. Consequently everything was commanded by the chairman and the secretary of the polling station.
- The ballot papers were not signed by the commission members.
- Individuals, having left Albania several years ago, have turned out to be voting in the villages Plepan, Rranxa, Stajko, Barbullush,etc. The list is enclosed in the file.
- One individual has been allowed to cast the ballot paper for the entire family.
- In Rranxe,etc, there have been found, outside the polling station, ballot papers, sealed and bearing the other relevant information.
- Individuals in several instances have been voting without showing the identification document.

2. Antidemocratic actions

- Individuals employed in the police, law and order forces, the National Intelligence Service (NIS) have been exerting pressure on the voters in several polling stations, Rranxe, Hajmeb,etc. being cases in point.
- DP-assigned individuals have been intervening and exerting pressure in the polling booths. Several individuals testify to these actions through having signed declarations.

ZONE.11 (PUKE)

1. Legal violations

- This district was not supplied with the necessary election material basis. Only 370 minutes records sheets out of 806 needed were provided.
- In the polling stations no inventories were made prior to the commencing the election procedures.
- The electors' lists were not posted up on time. Consequently depriving several SP and other opposition parties members and supporters of exercising their suffrage right.
- The head of the polling station Nr.2 (Puke) instructed the electors outside the polling station, through using two ballot papers, on how to cross SP and SP candidate.
- In many polling stations the commencing of the voting process was extremely delayed.
- Great numbers of people, amounting to 25-30 people were allowed at a time, consequently rendering the voting process unmanageable.
- The seal envelope pertinent to the polling station Nr.39, Gomsiqe was opened the night prior to the elections. The same being the case with the polling station Nr.32.
- There have been added voters in the extra previously sealed electors' lists.
- Individuals, having left the village or the respective district several years ago, have turned out to be voting.
- Secretary of the polling station Nr.11 has been nominated an army man, respectively Lek Hajdari. Likewise, two other polling station commissions have been headed by the officers Anxhelin Dede and Astrit Kuçi.
- Several persons casting two or more ballot papers have been caught red-handed.

2. Antidemocratic actions

- The SP observer Geg Prendushi was arrested and escorted to the police station because of demanding order in the polling station, at a time when 25-30 voters were allowed to enter simultaneously.
- Head of the law and order forces has intimidated persons in the polling station Nr.3, in Puke town, through declaring none but him would be entitled to having access to the ballot box, since he would come in person with the other policemen to count the ballot papers himself after 8.00 p.m.
- The same person has ordered the commission in the polling station Nr.19, Bardhet to calculate the election result over 70% in favour of DP.
- The SP commission member was forced at 8.45. a.m. to leave the polling station Nr.28, in Fushe Arres because of demanding order in the polling station.
- The presence and pressure exerted to the electors, on the part of the police and order forces has been all the time substantial.

ZONE.12 (TROPOJE)

1. Legal violations

- In none of the polling stations were the electors' lists posted up within the legal time-limit, consequently bringing about irremediable difficulties.

- There were testified cases of registering voters more than twice, as well as manipulations with the transferred, the deceased, the immigrants, etc.

- The location of the polling stations was not announced within the legal time-limit. In Fierze, Puke district, three polling stations, 100 voters were added.

- Tropoje commune has issued a considerable number of nameless birth certificates, bearing only the signature and the seal.

- The composition of several polling stations commissions, such as Malsi, Blerim,etc. was declared only on the election day. Several polling stations were left without representatives of SP and other opposition parties.

- The representatives of SP, SDP, DAP, NUP,etc were not provided with the observer's authorization.

- The representatives of SP and other opposition parties were not allowed to sign the ballot papers.

- It was deliberately allowed to cast several ballot papers, such as in Kojel, Viçidol, Kasaj, Dardhe, Gropa, Dushaj, Fierze, Çorr, Bytyç,etc.

- Voters were allowed to vote without identification document, even entitling them to vote by showing the retirement document.

- It was allowed that the voters be accompanied in the polling booths by commission members representing DP.

- Even individuals under suffrage age have been allowed, such as in Blate, Dardhe of Puke district, etc.

- In several polling stations there were displayed instructions on how to vote against SP.

- In Dardhe e Viçidol there turned out the number of ballot papers to be over double the number of voters registered.

2. Antidemocratic actions

- In the polling station Apripe te Gurit, the commission members Zef Brahimi (SP) and Mark Rrebani (SDP) were forbidden entry.

- In Gropa, the DP supporters and forces of order services have removed from the polling station the SP observers. Likewise in Kojet the commission member representing SP was ordered to leave the polling station. The same situation was in Viçidol, Dushaj,etc.

- In Breg Lum the police forces attacked the voters without any reason at all.

ZONE.13 (TROPOJE)

1. Legal violations

- The electors' lists were not posted up within the legal time-limit, consequently bringing about numerous abnormalities and possibilities of manipulation.

- The polling stations were not announced within the legal time-limit. In Markaj there were set up two polling stations in the same environment, serving less than 600

voters.

- The composition of several polling stations commissions was declared only on the election day.
- The representatives of SP, such as in Shoshan, Çerem, the town, Bukove, Btoshe, Lekbibaj,etc. were not allowed to sign the ballot papers.
- It was allowed to cast several ballot papers, such as in Dojan, Bujan, the town,etc.
- Voters were allowed to vote without identification document, such as in Cerrnice, Markaj, the town, Bujan, Llugaj, Dragobi, Shoshan, Lekbibaj,etc
- In some polling stations, such as Lekurtaj,etc. there turned out the number of ballot papers to be over double the number of voters registered.
- Commission members representing DP have been continuously accompanying voters in the polling booths.

2. Antidemocratic actions

- In the regional polling stations the police chief Haki Hoxha and the criminal investigation chief Frederik Bedriu have exerted pressure incessantly with a view to intimidating the voters. It is testified to this effect through declarations signed by the commission members.
- Halit Malaj and Azem Gjongeci have continuously exerted pressure and made propaganda in the polling stations.

ZONE.14 (HAS)

1. Legal violations

- Several abuses and manipulations have been committed with respect to the electors' lists not being posted up within the legal time-limit. In 9 polling stations 75 voters have turned out to be registered twice, especially in the polling stations numbered 4, 3, 57, 48, 47, 8, 9 and 20 (The elector's lists are enclosed in the regional commission file).
- 160 refugees turned out to have voted, whereas in the polling station 2,11, 15 and 4 even the deceased turned out to have voted.(The respective elector's lists relevant to these violations are enclosed in the regional commission file).
- In the polling stations 2, 3, 4, 6, 13 turned out to have voted 15 soldiers not serving in this district.
- The observers of SP and the other opposition parties were not provided with authorizations.
- A considerable number of nameless birth certificates, used to cast illegal votes, were issued.

2. Antidemocratic actions

- Availing themselves of the state office position, the NIS officer Dan Ceka, the secretary of the Krume municipality Fatmir Miçi have been voting forcibly.

-The pressure exerted to the voters in the polling station 36, on the part of the NIS officers, has been omnipresent all the time, testifying to this effect through the declaration bearing three signatures.

ZONE.15-16 (KUKES)

1. Legal violations

- In the villages pertinent to the commune Bushtrice, Bicaj,etc. over 300 voters have not been registered.
- The electors' lists were not posted up within the legal time-limit.
- In Bicaj village there turned out to have voted persons having moved to Tirana several years ago.
- The polling stations were not provided with the necessary number of minutes records.
- The commission members representing SDP, DAP,etc. have been replaced in the last moment by the chairman of Bushtrice commune.
- In the polling station number 1, the DP supporters have been given two ballot papers each. The commission member representing DP, Sokol Bela was caught stealing ballot papers.
- In the polling station number 7, Constituency Nr.15 the citizens have been allowed to vote without producing identification documents.
- In the polling station number 8, Constituency Nr.15 the army men have been allowed to vote twice.
- In the polling station number 1, Constituency Nr.16 the ballot papers have not been signed by the SP representatives.
- There have been registered persons under suffrage age, such as Mirjeta Hamdi Rexhmati, Violeta Ramadan Rexhmati, Albert Haxhi Rexhmati,etc.
- The heads of the households have been voting for the entire family, such as in the polling station 30, Constituency 16.
- In Gabrice, Mhole, Domaj,etc, the SP representatives have been forbidden entry.
- The chairman of the polling station has taken home the ballot box at 05.00 p.m.
- 30 persons transported on board a van have voted in the polling station Malqene, Constituency 16.
- The commission members have not signed the minutes records.

2. Antidemocratic actions

- The person named Agron Elezi has exerted pressure on the commission of the polling station Nr.1, Constituency 15 and has offended them.
- Hajri Elezi has attacked the SP observer Isak Elezi, declaring "We will win the elections forcibly".

ZONE.17 (LEZHE)

1. Legal violations

- In the polling stations pertinent to the Constituency 17 the envelopes carrying the seals were not presented to the commissions to make sure that they were not unsealed.
- Additional electors' lists, in contravention with the law were set to the polling stations.
- In none of the polling stations were minutes records kept relevant to the situation and number of the ballot papers, of the minutes records, the seals envelopes,etc.
- In the polling station Pajtim Paloka, Valentin Vathi, Ernest Pali,etc. were caught casting extra ballot papers into the ballot box
- In the polling station number 10 voting commenced at 8.15 a.m.
- Preng Zef Deda (Manati), Pashk Muji,etc. have voted over two times, casting several ballot papers.
- In the polling station number 11, the electors' list initially was 937, amounting, in the course of elections, to 990.

2. Antidemocratic actions

- Two unidentified persons exerted pressure on the SP representatives in the commission of the polling station Nr.17 (Balldre), whereas the head of the commission pertinent to this polling station did not react accordingly.
- Prek Peraj, head of the commission, pertinent to the polling station Nr.10 has intimidated the members of the commission and has expelled with no reason at all the representative of DAP Jak Nika.

ZONE.18 (LEZHE)

1. Legal violations

- Electors' lists, in most of the cases, have been delayed in beein posted up, whereas in Gryk Lum, Barbullaje/2, Prull,etc. they were not displayed at all.
- Several persons having left Lezhe a long time ago have been registered in the electors' lists.
- There have been delays in fixing the location of several polling stations.
- SP observers have been forbidden entry.
- In several polling stations, Nr.26 (Tresh), Nr.43 (Lezhe) being cases in point, the ballot boxes have being previously crammed with.
- The SP representatives have not been allowed to sign prior to commencing the voting.
- Several unregistered persons have been allowed to vote.
- In the polling station Shenkoll Imer Diala was caught with 30 ready-made forged ballot papers. In the Tale 2 polling station approximately 80 ballot papers have been cast at a time, whereas in Gryk Lum 2 secretary of the polling station Gjergj Gjoka together with the policeman were caught while casting 11 ballot papers.

- The commission secretary of Constituency 18 Dode Perdoda has provided his relatives, outside the polling station, with around 20 ballot papers forged in favour of DP.

2. Antidemocratic actions

- The policemen discharging their services at the polling station 19 in Pllave, 27 in Tresh, 15 in Patalej, 43 in Lezhe,etc. have exercised psychological terror on the electors, as well as on the members of the commissions pertinent to those polling stations.

ZONE.19 (LEZHE)

1. Legal violations

- Two days prior to the elections there were arbitrarily removed the chairman and secretary of the constituency commission to be replaced by the son-in-law of the DP candidate in this constituency.
- In none of the polling stations were the examinations, relevant to the situation and number of the ballot papers, of the minutes records, the seals envelopes,etc., made in the presence of the commissions.
- In the polling station 42 registered are more than 100 persons.
- In the polling station 26 Kodhel (Zadrime) the chief of law and order services Luigj Alia voted without birth certificate.
- The ballot boxes in all the polling stations have been previously crammed with ballot papers prior to voting commenced.

2. Antidemocratic actions

- Psychological and physical terror, through several detentions, has been exercised against the staff of the candidate Ndrec Pema. Prend Marku, Kol Nikolli, Gjero Gjergji and Gjovalin Kandeli have been detained. The motor-car of Skender Pasha, has been exploded with dynamite, because of his being at the disposal of candidate Ndrec Pema.

ZONE.20 (MIRDITE)

1. Legal violations

- The electors' lists were posted up only the last day prior to the elections.
- The polling stations commissions were not made known within the legal time-limit. Most of them were declared on election day.
- Illegally registered:
- 40 soldiers (Rreshen municipality)
- 13 deceased persons.
- 10% of the electors' list comprises population left from Mirdite.

- The ballot papers were not signed in compliance with the laws.
- The opposition parties representatives were not provided with minutes records.
- Heads of the households voted on behalf of the entire family.

2. Antidemocratic actions

- SP representatives and observers were forcibly expelled from the polling stations.
- Quarrels between the chairmen of the polling stations and the representatives of the opposition parties in the polling stations Nr.4 Rreshen, Tarazh, Perlat, Qender, Nderfane, Legjin, Gjegjon,etc.

ZONE.21-22 (KURBIN)

I. - Terror, detentions and maltreatments starting from the electoral rally organized in Laç.

In addition to several supporters, the deputy head of district SP, Gjoke Luloshi was maltreated.

- The police and NIS used the fire-arms to effect terror.
- The SP electoral campaign propaganda were obstructed and prevented.

II. Registering the voters has been made on completely illegal basis. Registered are:

- the deceased persons
- emigrants
- for the second and third time
- persons having left the district
- The material relevant to the elections has arrived on 25th May 1996, has been stored in the office of the Agrarian Bank, Mustafa Martini, simultaneously the head of the electoral commission of the Constituency Nr.21, but not stored in the respective constituency commission.

Mr.Mustafa Martini has, in person, allocated on Saturday the seals, the ballot papers, minutes records,etc.

- The constituencies commissions meetings have never been made public knowledge. No remarks made on the part of the opposition has been reflected.
- The polling stations commissions did not commence their activity as prescribed by the law 5 days prior to the election, but on elections day.
- A day prior to the elections there were still polling stations as yet not arranged their respective location, whereas several polling stations were arbitrarily arranged to be established in the DP supporters' houses.
- Voting in most of the polling stations started at a delayed time.
- SP representatives and observers were forbidden entry in the commissions.
- The electors' lists pertinent to Constituency 21 were made available on 25th May only.
- The seals and other documents were disclosed at noon on 25th May 1996.
- DP members and supporters have been forcibly voting 2-3 times in several polling stations.

- Voting has been conducted under the terror of the policemen in uniform, the NIS officers especially.

- The Milot commune chairman Gjoke Gjokaj has been caught with 3 ballot papers. The respective minutes records is available.

- In the polling station pertinent to the police station, there have been voting 800 persons out of 320 voters registered.

- As ordered by the mayor of Laç municipality, as well as the chairmen of Mamurras, Milot and Fushe-Kruje communes, 5000 birth certificates have been allocated and shared in the families.

- The citizens have not been allowed by the heads and secretaries of the commissions to sign in the documents.

- Several polling stations had not made available polling booths.

SP and other parties have kept on protesting with respect to these and other violations, but the government has always turned a deaf ear.

ZONE.23 (MAT)

1. Legal violations

- The electors' lists were not posted within the legal time-limit, likewise the commissions composition and the polling stations location were not made known within the legal time-limits.

- The ballot papers were not sealed by the members representing the opposition parties.

- Several voters were accompanied to the polling booth by the DP representatives in the commission. That is the case with Komsi,etc.

- Heads of the households voting on behalf of the respective families.

- Multiple copies of ballot papers cast in the ballot box.

- In the polling stations of the constituency, the inventory of the electoral material basis was not effected.

2. Antidemocratic actions

- Terror, pressure and violence were omnipresent in the Mat district even prior to declaring open the election campaign. Fred Kadiu, with his policemen, systematically have been demanding from the individuals to go to the police station, threatening them against being involved in communistic propaganda.

- On May 3rd, in Burrel policemen in uniform attacked the SP group of MPs going to attend the electoral meeting. Part of the group were Servet PELLUMBI, Namik DOKLE, Halil LALAJ, Kastriot ISLAMI,etc.

- Pressure was exerted against the persons who ere going to represent the SP in the commissions, as well as against SP supporters.

- On 26th May 1996, at 06.35 a.m. the chairman, secretary and instructor of the district SP were asked to go to the police station, consequently detained under the pretext of establishing the network of parallel groups of order.

- The SP observer Lik Hoti and several others have been forcibly expelled from

the polling stations.

- Gani Tahir Cakani was detained by the police, on no grounds, simply because of his being member of the polling station commission.

- Bujar Stani was exerted pressure to sign the minutes records 80% in favour of DP.

- Ferit Leka and Baftjar Ceka were exerted pressure in the police station.

(All the antidemocratic actions and legal violations are filed in the constituency records file, with personal statements, as well as declarations made by the various political parties).

ZONE.24 (MAT)

1. Legal violations

- The electors' lists were not posted within the legal time-limit.

- There were several deficiencies, therefore excluding SP members and supporters, but including the deceased, persons having left the villages, the district, Albania,etc.

- Heads of the households voting on behalf of the respective families.

- In none of the polling stations did voting commence through keeping regular minutes records.

- The polling stations commissions have not been functioning prior to the election day.

- There has been witnessed considerable confusion in several polling stations, such as Derjan, Bruç, Lis,etc.

- Several individuals have been casting more than two ballot papers, such as the driver of the Lis commune chairman, Fiqiri Kuka,etc.

- People have been allowed to vote without possessing any identification document.

- The Registrar Office employees have openly refused to issue birth certificates for the SP supporters.

- No copy of the minutes records was issued for the opposition parties.

- The allocation of the election documentation was made by constituency commission in the police station environments.

2. Antidemocratic actions

- Violence and pressure exerted on the part of the police have been omnipresent all the time.

- The SP observer in the Laç polling station was forcibly expelled by the policeman.

- On 25th May 1996, the member of Constituency 24 commission, the representative of SP, Dritan Pjeçi was detained for no reason at all. Likewise, there were detained Sabri Bruçi, Luan Bushi, Besim Gjoka,etc.

- There have been disrupted, by the organs of order and individuals incited by them, the SP electoral rallies and meetings.

ZONE.25-26 (BULQIZE)

1. Legal violations

- Following the long odyssey relevant to registering the SP candidate Luan Rama the other legal violations continued, failure to endorse and make known the composition of the polling stations commissions within the legal time-limits.
- The electors' lists were previously compiled, including as they did, name, father's name, passport number,etc, even signed ready to replace the ones to be removed.
- Serious manipulations have been made in the electors' lists (Azem Hajdari Constituency)
- The electors' lists were not posted up in due time, in any of the polling stations.

The SP candidate was forbidden by the police forces to organize the electoral campaign.

2. Terroristic Actions

- Azem Hajdari gang has been terrorizing all the activists and population of the villages within the constituency he was running for an MP.
- In Ostren he has paid several persons to exercise violence in the course of the electoral meetings of the SP candidate Luan Rama,etc.
- Even the police have been exercising violence against the population. The SP chairman for Shupenze commune Shahin Kaja and deputy chairman Sefer Murra were detained for no reason at all. The SP activist was detained and maltreated.
- The SP deputy chairman for Gjorice Rakip Kaja, the SP chairman for Ostren i Madh Enver Tola, Agim Muça,etc were detained.
- Outstanding in these punishing operations has been the district attorney Selim Kaloshi.
- The head of NIS Islam Qoku and the officer Enver Dema have exerted great pressure against the activists and the electorate.
- More flagrant is the brutal beating of Muharrem Kola, the head of the SP Bulqize district, by Azem Hajdari and his gang. He was beaten to death and was thrown into the abyss. When found he was given the first aid by a shepherd, and after he was sent home, at 01.30 a.m., was arrested by the police. There he was detained for five days following the election day. The gangsters were given free rein by the police and in several occasions even collaborated such as in the case of Librazhd, where the constituency of Azem Hajdari was situated.

ZONE.26 (LIBRAZHD)

1. Legal violations

- The electors' lists were not posted up within the legal time-limits.
- The SP and opposition parties observers were not provided with the

authorization entitling them to observe the elections.

- The elections were carried out under the atmosphere of grave disorders, organized by the heads of the polling stations commissions and the constituency.
- The SP representatives were not allowed in the polling stations commissions. In several other polling stations were expelled forcibly.
- The van of the district education department has been distributing ballot boxes crammed with the forged election result.

2.Antidemocratic actions

- Çaush Hasa, SP commission member representing SP in the polling station in Lange village has been looked for to be arrested by the police.
- In Zabzun, the SP representative in the commission was expelled forcibly.
- Everywhere was omnipresent the terror of the gangsters' gang of Azem Hajdari.

ZONE.27 (DIBER)

1. Legal violations

- The constituency commission has commenced its activity on May 1st 1996, instead of 26th April as prescribed by law.
- Registering and declaring the MP candidates has been effected by the chairmanship of the commission, not by the entire commission as prescribed in item "d", article 78.
- In all the polling stations the number of ballot papers has been less than the number of voters.
- In course of the election day, from the observations effected in the Maqellare, Pesjake, Erebare, "Vehbi Dibra" quarter polling stations, it was noticed that in all of them NIS officers entered in the polling stations for not reason at all and exerted pressure. The opposition commission members were situated in such a way as to be impossible for them to control any document.
- In Pesjake, no minutes records were compiled relevant to commencing the elections, the ballot papers were not counted. In Erebare voting was carried on without entering the polling booth.
- The constituency commission had not issued any authorization for the SP observers. They were given in the evening of May 25th, but were not recognized by the polling stations commissions.
- The lectors' lists were not posted up in the three Diber constituencies within the time-limits prescribed by law, therefore registering votes under suffrage age, voters having left the region, the deceased,etc. The lists were no made available to the political parties involved.
- In Diber foreign citizens have been organizing the electoral campaign in favour of DP; the rallies and meetings of SP were openly disrupted.
- The DP has nominated army men and NIS officers in the election commissions.

The prefect has fixed several polling stations to be established in the DP members' houses.

2.Antidemocratic actions

- The seals envelopes have been opened and in several polling stations the same person entered the polling booth several times, accompanying various voters. Pressure was exerted to complete the ballot paper without entering the polling booth.
- Additional electors' list has been compiled on election day, therefore the same person has voted on several polling stations; in Maqellare, several Macedonian citizens have voted by being registered in the additional electors' list and given the certificate filled in on the spot.
- The Registrar's Office has issued signed and sealed certificates, the names being filled in by the DP activists, using the names of refugees and other persons having left the region.
- Present in the polling stations have been armed individuals, exerting psychological pressure on the voters.
- In several cases the head of the polling station has given more than one ballot paper to the DP members.
- On May 24th the police forces have removed the SP slogans and posters; despite the protests made no measures were taken.
- The Dp campaign was supported with state financial resources, military convoys were used, many Ministry of Defence employees, originating from Diber region were involved in supporting the candidacy of the Defence deputy minister. With a view to solving emergency needs of several villages, the candidate and its electoral staff set in motion military motor vehicles, such as in transporting the breadgrain needed, starting the village water pipelines, laying rural roads,etc.
- In the polling stations Nr.1,5,7 and 12 voting was delayed for an hour before commencing. The commission of the polling stations should have taken the necessary organizational measures.
- In the polling stations Nr.11 the DP commission member all the time has been wearing a white T-shirt with DP initials and "Vision 2000" stamped on it.
- In the polling stations Nr.12 a group of DP supporter came to meet the head of the commission Edmond Hasani and made calls for the DP victory. Likewise in the poling station 9 groups of youngsters inside and outside the polling station were making propaganda in favour of DP.
- In this polling station (at the Hospital) the gynaecologist Rita Mero has been exerting pressure on the patients, urging them to vote in favour of DP, because, considering she was going to make all surgical operations and birth deliveries, they had better think well before casting the ballot paper. In this context she has been accompanying 60-70 women to the ballot box and the polling booth.
- In the polling station Nr.16 the electors' lists have been posted up on 25th May in the evening, therefore creating confusion among the voters and irregularities in the course of elections. On May 26th five persons have been added to the electors' list, as ordered by head of the polling station commission.
- In the polling station pertinent to the village Pocest, citizens under suffrage age, Yllka Kolori,etc., being cases in point, have voted with a birth certificate issued by

the Registrar Office.

- In the Burim polling station, the commission secretary, at the very beginning declared, "I have been ordered by my superiors that of all the opposition parties only one is entitled to remaining in the polling station, therefore the rest should leave this room."

2. Antidemocratic actions.

- The names lists of the persons signing for the MP candidate (400 signatures needed) for the opposition parties have been xeroxed, sent to the DP headquarters and pressure is being exerted on them to be laid off.
- The opposition representatives in several polling stations have been forcibly expelled and imprisoned, so as in the morning of May 26th the DP activists could enter the polling booths and supervise the citizens' voting.
- Senior officials and directors in the institutions and enterprises have been exerting pressure on their employees to vote in favour of DP, even obliging them to sign to this effect. The demand included in the written statement to be signed by the state employees was for the openly declared voting in favour of DP.
- On May 26th, at 8.00. a.m. Bajram Kroshi member of the polling station Nr.4 commission, representative of SP, has been detained by the police with no reason whatsoever.
- The policeman Defrim Kapxhiu deals a blow to and intimidates the representative of the Social Worker Party in the commission of the polling station Nr.10.

ZONE.28 (DIBER)

1. Legal violations

- In its activity the commission of Constituency Nr.28 never acted jointly, everything was decided upon arbitrarily by the DP chairmanship.
- The electors' lists were never posted up within the legal time-limits and were not made available to the political parties involved.
- In Arras village two polling stations were arranged in private-owned houses.
- The commission of the Lugjej village polling station, 20 kms. off Arras village, disclosed in Arras village the election result on 26th May 1996, at 5.00 p.m., at a time when the poling stations were due to terminate at 10.00 p.m.
- In Reç there were registered an excessive number of electors amounting to 435 persons. In the village Zall Reç only, there were registered an excessive number of 102 voters, having moved to Tirane, in Kraj Reç 64, in Gjur Reç 61, in Hurdhe Reç 46 excessive number of voters. Even in the other villages of Reç region there have been registered in the electors' lists individuals not living in this area.
- In the polling station Nr.1, Fushe Çidhen the electors' lists were posted up on May 26th 1996, at 07.00 a.m., without successive ordinal numbering., with the passport numbers, including in them 6 persons under suffrage age.. In this poling station only the head of the household was voting, the others were not allowed; 11 persons have been given 5 to 12 ballot papers at a time; the heads of the households voted for 35 refugees in Greece; the voters were not asked to sign, the passports were not sealed,

neither were their respective numbers recorded.

- In the polling station Nr.2, Fushe Çidhen the seal was disclosed at 06.30. a.m. and was noticed to have been previously used.

- In the polling station Nr.50, Blliçe near the polling booth there were windows whereby it was easy for people from the outside to peep at. More than two voters were allowed in the polling booth.

- The SP observers were not provided with the authorization entitling them to observe the elections. Even those possessing the authorization were deprived of this right, therefore forbidden entry to the polling stations Nr.10 and 11.

- In the polling station 10 the ballot box was situated in another room, wherefrom it was impossible for the commission members to see it.

- In the polling station of Muhurr village the head of the commission has been caught in two occasions giving two ballot papers.

- In Lugjej village the voting has been concluded at 12.00 a.m., counting of ballots has been effected, consequently burning the ballots papers not being in compliance with the number of voters, changing the result in favour of DP.

- In Serice village the ballot box has been opened at 6.00 p.m., 68 ballots were for DP, 58 for SP, other changes were made, consequently the final result was 83 for DP and 43 for SP.

- In the polling station 23 the ballot box was opened at 8.00 p.m. and it was decided by the head of the commission to allocate the minor parties 1-3 ballots, justifying the presence of their representatives in the commissions. The minutes records were signed without filling in the details.

- The polling station 26 was displaced from the centre of Gjure village to the outskirts of the village local power the obliging villagers of one quarter to walk for 3 kms.

- The list of the commission members in Arap i Poshtem has not been posted up at all, only 5 minutes prior to the elections started, DP members allegedly representing SDP, DAP,etc.

2.Antidemocratic actions

- In the polling station of Muhurr village the policeman Hekuran Iskurti, remaining all the time inside, has been exerting pressure on the commission members and the opposition observers, declaring to be at the disposal of the commission head. Likewise, the chief of police together with two unauthorized persons have entered the polling station.

- In Lugjej the commission members Dilaver Luca (SP) and Hafiz Topuzi (DAP) have been exerted pressure and intimidated to be arrested by the police and NIS.

- In the polling station 36, at 10.30 a.m. the police chief I.Halili and two other policemen have voted with "special" certificate. They were not recorded in the electors' lists.

- In Zall-Dardhe, in the course of 25 and 26 May the police and NIS forces have exerted terror and psychological pressure on the SP members and supporters, Jashar Sula and Fehmi Sula have been attacked, the commission member Nezir Shira has been intimidated. The policemen were accompanied by Aqif Lala, the chairman of Reç commune.

At 7.00. p.m. the police forces headed by Ramazan Topuzi, having controlled allegedly on illegal firearms carrying, but in fact just to exert psychological pressure, have remained inside during the counting of ballot papers, intimidating that "these are not election results, bur funeral results".

- In Koder Leshej polling station the elections have been realized under the terror of the chief policeman of the town, Ramazan Topuzi. Policemen, army men, armed civilians entered the polling station and openly urged the voters to vote in favour of DP.

- The head of DP and head of the Arap Eper polling station commission Hali Muliu has intimidated and beaten on 25th May the miller Myrteza Kurti, demanding from him to vote for DP.

- In the village Arap i Poshtem the polling station commission member, representing SP, before leaving the polling station at 08.20 p.m., has been threatened and obliged to sign in the minutes records to the effect that the elections were fair and normal, no violations observed.

- In Renx, on May 18th, the SP candidate meeting with the electorate has been disrupted due to the gangster-like actions and interventions of Sadik Spate and other persons, who offended the candidate, beat the villagers and, upon leaving declared "You will organize meetings only when we are dead".

ZONE.29 (DIBER)

1. Legal violations

- In the polling station Shumbat, head of the commission has been appointed Qazim Hata, employed in the policing services.

- Until the election day the electors' lists have not been posted up; there have been registered citizens under suffrage age and allowed to vote.

- There have been individuals voting openly, without entering the polling booth, or in several other occasions they have been accompanied in the polling booth by the DP commission members.

- The commission members of constituency 29, until May 26th have not been meeting, the materials have been allocated in the polling station by the chairmanship, without making known their destination; some observers have not been allowed entry in the polling stations, several polling stations have been located in the DP supporters' families.

- There have been "voting" individuals who are in Greece or Italy as refugees, or 3-4 persons at a time have entered the polling booth, accompanied by the DP observers.

- The electors' lists have not been signed after the elections by the voters. Individuals not registered in the electors' lists have been voting. Likewise there have been caught red-handed individuals casting more than one ballot paper into the ballot box.

- In Pollozhan polling station, at 07.00 a.m., the head of the commission did not allow the observers of the four political parties, allegedly the authorizations were not appropriate. To settle any disputes relevant to complaints on the part of the opposition,

the head of the commission would demand the assistance of the police so as to "establish order", consequently even the SP representative in the commission was expelled.

- In the polling station of Brezhdan village, until the morning of May 26th, the village voters did not know the location of the polling station, the electors' lists and the commission composition lists were not posted up. In this polling station it turned out that out of the total number of 395 village voters, through the additional lists there had been voting 459 voters. The additional changes were baseless, therefore rejected by the commission.

- In the polling station Nr.16, Dohoshisht village, the son of the polling station commission chairman, seventh form pupil, would frequently take a ballot paper, fill it in favour of DP and cast into the ballot box. Likewise he would accompany elderly people to the ballot booth, together with the DP observer Luan Nura.

ZONE 30 - KRUJE

1. Abuse of Law

- Voting lists were not put up at the polling stations of the area within the legal deadline.
- Voting started with delay in most of the polling stations.
- The envelope containing the seal a other voting documents were opened earlier.
- SP observer were not allowed in the polling stations.
- DP supporters were allowed to vote several times.
- The heads of commissions followed institutions, disobeying the election Law.
- No prior inventory was kept in the polling station.

2. Antidemocratic acts

- Secretary of ps No 3 has constantly threatened: we die rather than reliuquish power. The on-duty policeman told the members of commission: we will arrest you all at 2200. hour.
- The chief of Law and order Pellumb Korfuzi has intimidated the commission of Zone No 30.
- In ps n0 I7, policemen Luan Avllaj and Durim Kasmi have intimidated voters and commission members of opposition parties.
- Chauffer of PD chief, Kujtim Guni (Kruje) has intimidated a SP commission member in ps No 6.
- PS The file contains statements made by several people who testify to the above law violations.

ZONE 32, 33, 34, 35, 36, 37 a 38 (DURRES)

I. Abuse of Law

- In the polling stations of these zones, espacially in p.s. I, 2, 3, 4, 5, 6, 7, 8, 9, II, 3I etc of zone 34 voting lists were not put up.
- Zonal commissions did not held any meetings.
- There were no secret booths in many polling stations eg. Vrine, Gjepalaj etc.
- SP members and observers were thrown out of the ps.
- SP members were replaced in many zonal commissions arbitrarily.
- DP observers have dictated voters what party they had to vote for.
- No election protocols had been available to the other political subjects.
- Bread-winners have voted on behalf of the family, casting I0-20 ballot-papers at a time.
- Dead people are reported to have voted!

2. Antidemicratic acts

- At I700, a commission member of ps No 28, zone 34 was arrested, without any cause.
- Plain clother-men of secret police have threaten ed with death a Danish observer.
- In ps No I6, two persons have intimidated the commission.
- In ps No I3, Zone 38, head of zone Bujar Stefa a former MP Lindita Prifti have intimidated commission a tald the on duty policeman to kick out of the ps anyone objecting.

Zones, No 39, 40, 4I (TIRANA)

1. Abuse of Law

- On the morning of May 26, in many ps heads and secretaries of commissions were replaced. Bathore, zone 4I.
- In some p.s head of secretaries of commissions were members of secret police like Hasan Milla, Spitali - Ndroq.
- In zones 39, 40, 4I in Bathore, Kamez, Valias etc. policeman a members of secret police staad et the entrance of ps or close to ballot-box.
- Commission members have been replaced in Varosh (Peze), Ndroq.
- SP members a observers have not been allowed in commissions in polling stations in villages Menik a Kalac (Zone 39).
- SP members and observers in Shengjergj, Ibe, Kakumje, Pellumbas (Zone 40), Çala Borzes, Grebllesh, Peze Helmes (Zone 39), in 5 polling stations in Bathore (Zone 4I) (Zenel Kurpali, Sulejman Kullolli, Sulejman Çeka, Surre Zika etc. have been forcibly thrown out of polling stations by members of secret police.
- Members of secret police have voted in many polling stations, without having their names on the voting list (polling station No 4 (Zone 4I) a Balkaxhias (Zone 40) etc.
- Policeman a DP activists, have cast mose than one ballot paper in Valias, Kamze (Zone 4I), kalac Menik, Priske, Tufine, Lanabregas (Zone 39).
- In zones 39, 40, 4I commission header a secretaries, early morning have openly declared to the opposition members: we will win the elections, even by rigging

the votes etc.

- In Bathoxhias, Mustafa Koç, Mangull, Spat Rove (zone 40) voting has begun without first checking the ballot-box. In polling station 5, (zone 4l), ps 64 (Zone 40), seals had been broken a voting took place the night before.

- In zone 40 part of political subjects had no election protocols. Those available were were delivered by policeman Bajram Hajdarmeta.

- In zone 40, Fushas, SP members and activists were not allawed to vote with certificates, which was normal for the DP activisti a members of secret police (ps 34, Gurre e Madhe (zone 40).

- In zone 4l, Kamez, ballots;cast for theSP, were declared void

- In zone 4l, Bathaxhias, same p.st. ran out of ballot papers as early as noon, though people had not voted yet.

- Heads of commissions told opposition members not to join them with the voting papers on the way to the zonal commission.

- In most polling station had only a desk for the head of commission while the rest of the commission stoad a comple of gards away, near the door.

2. Terrorist acts

- SP commission members were thrown out of polling stations by members of secret police in Shesh, Çalaborzes, Kalac, Greblleshi, Ndroq, Kerçukje (Zone 39), Bathore, Valias, Kamez (Zone 4l) a villages of zone 40.

- Many SP commission members were taken to the police stations a maltreated (Sure Lika, Çala Borzes, zone 39, Hamdi Shabani (Zone 40), Sulejman Kullolli, ps 49, Pellumbas zone 40, Zenel Kurpali a Bashkim Sina pst. I, zone 4l.

- Secret police have intimidated opposition members 2 voters. In Ndroq (zone 39) the gongs were guided by ex-officer Rexhep Bleta a expolice chief Ramazan Goga a Çezar Tara, police chief for section 4, Tirana.

- In Zone 4l policeman Sedio Caslli has used violence 2 has beaten up SP head of village Veski, Faik Karaj, SP activist Petrik Uku a his brother Pashko Uku.

- Crime inspector Bajram Hajdarmeta spread panic for the arrest of 30-40 people.

- Many cars of the opposition were confincated by police on election day.

- Armed policeman a soldiers cast as many ballot- papers as they wished in Shengjergj a Zall Bastar (Zone 40).

Zone 42 (TIRANA)

1. Abuse of Law

- The envelop containing the seal a other voting documents were not opened in the presence of commission.

- Head of family voted for all the family

- Ballot papers were stamped the night before in p.st. No I.

- Head a secretary of commission did not let opposition members sign.

- In p.st. 43 head of commission, together with his son, has cast many ballot papers.

- In p.st. 43 voted 179 voters a counted 226 ballot papers.
- In most p.st. opposition members did not take part in vote counting.
- In most cases voters have made notes on ballot papers outside the secret room.

2. Antidemocratic acts

- Policeman have cast more than one ballot paper in Perparim, Bicaj, Lalaj, Gorunje a Vogel.
- Head of commission in p.st. No 2 has advised voters 70 vote for DP.
- SP commission member in p.st. 4 was forcibly thrown out without any cause.
- A number of gangs have intimidated voters in p.stations.

ZONE 43 - TIRANA

1. Abuse of Law

- Contrary to article 29 of the Law on Elections in none of polling stations, the commission was announced in due time.
- Contrary to article 21 of the Law on Elections the lists of voters were not announced in due time in any of the polling stations.
- A good number of SP supporters have been ommitted and DP supporters have been eurolled 2-3 times. There were aks eurolled persons who are abroad (see file 43, p.2-5).
- Inhabitants of the same building have been eurolled in different polling stations in order to create grounds for manipulation.
- Inhabitants of town quarter No I have been eurolled two times in order to vote in Shkoza and polling stations 8, 9, 10 (See file of zone 43, p. 7, 8, 9).
- Polling process started will law abuse in pol. st. No 15 (Zone File 43, p. 14).
- In polling station No 75 eurolled persons were not inhabitants of that quarter - from number 802 to 877. In Shkoza 130 persons were unknown in that quarter.
- A lot of observer of SP were not allowed to do their duty. (File 43, Testimony by Luzhiana Abazi, p.25).
- The polling process did not start in conformity with the law. (Zone file 43, p.27-28).
- Anomalities were observed in polling st. 14, 17 in the innitial process and in the documentations.

2. Antidemocratic acts

- In the polling st. 4 some persons of Scret Police entered and the Candidate for MP Besnik Bare wanted them out.
- The police send the member of the commission of SP away from the polling station and accompanied him to the police station, because he wanted order (See Zone File 43, Testimong by B.Bare p.18).

ZONE 44 (TIRANE)

I. Violations of the Law

- Voters' lists were not displayed within the time required by Law in all polling stations. The above lists were put up after 15 May, 1996. This created difficulties in finding out irregularities in them and rendered correction impossible.
- Lists contained names registered twice or more, names of peoples who had moved elsewhere, or who were dead.
- The Zone Commission and relevant local authorities did not take measures to remedy irregularities, thus violating Article 26 of the Election Law.
- In contravention of Article 32, location of polling stations was announced after May 23, 1996.
- In violation of Article 28, electoral subjects did not have access to voters' lists.
- Contrary to Article 37, the Central Election Commission announced the Zone Commission only a few days before the election day.
- The activity of the Zone Commission was not conducted under the Law but under the orders from the DP through its representatives.
- No observer authorizations were issued to opposition observers.
- A few hours before the opening of the polling stations additional lists were sent to the polling stations which contained 928 additional voters registered not after their names but after the numbers of their identification cards, which constitutes a flagrant violation of Article 65.
- Polling station commissions were not announced in due time.
- On the election day there were posters of the DP candidate in the Polling Station No. 4.
- In all polling stations voting started without stamping ballot papers.
- In the Polling Station No. 8 several people voted without producing their identity cards.
- In the polling stations no. 1, 2, 3, 4, 6, 7, 8, 9, 19, etc., there were cases of two or more people entering the secret room at the same time.
- In the Polling Station No. 4 the additional voters' list contained names of 50 persons who were not living in that zone; this figure amounted to 300 in the additional list for the Polling Station No. 4.
- A commission member of the Polling Station No. 6 makes a personal statement declaring that from the real counting of votes the SP candidate, Anastas Angjeli, had won the majority of votes. Thus what the commission had declared was false.

II. Antidemocratic Actions

- Police and secret police forces exerted psychological terror, especially against SP supporters.
- Mirge Dirdani, Hajredin Dirdani, Mena Tozaj, Elton Hysa, Kledian Nikolla, Bastri Malaj and Ilir Meleqi were beaten and maltreated by the police.
- Eurosocialist Skender Lamaj was brytally beaten by 10 policemen. (This is proved by the personal declaration deposited in the Zone File)
- In flagrant violation of Articles 54 and 60 of the Law, the candidate running for deputy

was threatened by the Police Inspector Perparim Zenuni who ordered the candidate to close down the electoral campaign office. At 10 p.m. of May 10, 1996 the police forces took the candidate forcefully with them and sent him to the police headquarters, thus violating Article 62.

- Organs of Order prevented the conduct of a legal rally of the candidate with the population on May 20, 1996 and went on by beating brutally M. Tozaj, E, Hysa, K. Nikolla, B. Malaj, I. Meleqi, etc.
- On the election day all polling stations were subjected to the pressure over the commissions and voters by police and secret police officers. This was the case in the polling stations no. 1, 2, 6, 8, 9, 10, 11, 12, 14, 16, 18, 20, 21. (The respective personal statements are deposited in the Zone File)

ZONE 45 - TIRANA

I. Abuse of Law

- The lists of voters were announced only 5 days before elections.
- SP and opposition observers were not admitted.
- Abuse of Law was made known to the representative of American Ambassy (Zone File 45 p. I, 22.
- In polling st. I7 there was open ballot. (Zone File 45, p.4)
- In polling st. 7 only 240 ballots were sealed others were cast unsealed (p.II, Z. F. 45)
- 25 Articles were violated and they influenced the obnormal flaw of process (See testimony of Vjollca Ibro, candidate for MP)

2. Antidemocratic Acts

- Rexhep Zajmi member of SP was maltreated because he protested at the candidate is poster bling destroyged (Zone File 45, p.I5)
- Sadik Bermeta, member of candidate's staff, was detained for some hours.
- The police has sabotaged electoral vallies.

ZONE 46 - TIRANA

1. Abuse of Law

- In some of the polling stations such as No I4 due to the delay of the polling there was disorder. There entered 3-4 persons to the secret room and there were also open ballots. (Zone file 46 p.I3)
- Asie Hoxha, employce in the Education Department and her brother has filled in a good number of ballots and have distributed them in Tirana and other districts. (Zone File 46, p.I4)
- State employes have been allowed to vote up to 6 times. Eg Marjeta Ljarja.
- The ballots in polling st. 8 were sealed the day before elections. In polling st.

7 the ballots were not undersigned by all members of the commission.

- In polling station I8 there was frand with extra lists (Testimony - Fatos Shtino. Zone File 46).
- The electoral subjects did not have access to the voters lists.
- In the polling station located at the Orphanage, the polling was interrupted for 2 hours because of irregularities. 70 pupils who have reached the age of I8 were not enrolled. (Zone file 46). Information by the member of the zone commission).
- In polling station I6 no observers of SP and opposition were admitted.

2. Antidemocratic Acts.

- The police pressure and terror was felt very early. In polling station 6, the representative of National Unity Party was arrested because he wanted to take his seat at the desk of the Commission.
- Democratic Alliance Party observer was detained for same hours by the police only because he was announcing the boycot of elections by opposition.
- The observer of N.U. Party Balil Korvafa was detained at 4 p.m. dt. 26.o5.I996 because he protested at the act of Colonel of Ministry of Defence, Akil Bubsi who gave some emvelopes to his wife in the commission.
- The Head of Commissariat No 4 had ordered all the Heads and Secretaries of Commissions that the result in Berzhita should not be under 75 per cent in favour of DP.
- In polling station 46/2 the OCSE observer was not allowed to talk to the members of the commission.

ZONE 47 (TIRANE)

I. Violations of the Law

- The Zone Commission did not announce the lists of the commission members and lists of the locations of the polling stations in due time. It did not create the conditions for a smooth performance of duties and for the commission members to get acquainted with the documentation. (File 2.47).
- With the exception of 3 polling stations the ballot papers were not signed by the opposition representative.
- In many polling stations opposition observers were not allowed observation. Where they were allowed they were forced out of the stations by the police later on, as did the head of the Zone Commission Fatmir Allmuca.
- Voting did not start with a protocol on the inventory of voting materials.
- In the Polling Stations No. 1, 2, 8, 9, 10, 11, 14, 15, 16, 17, 18, 23, there were no protocols for the opposition representatives.
- The heads of the polling station commissions were appointed arbitrarily by the head of the Zone Commission and not by the whole commission.
- There was in no case cooperation and coordination among comission members. Zone Commission members were not equipped with an authorization to enable them to perform their duties properly.
- No observer authorization was issued to opposition representatives.

- In the polling stations no. 22, 23, 24, 25, 26, the ballot papers were sent at 10 a.m. of May 26, 1996. They were opened.
- In many polling stations such as no. 15, 16, 17, 18, 19, 20, 23, there were people who voted twice and voting by unregistered people.

II. Antidemocratic Actions

- Government terror and violence in the Zone No.47 were evident during all the campaign. 7 persons were detained and brutally maltreated, among whom S. Xhunglinimi, M. Sulja, Lame Lamaj, Carcan Danaj, etc. Witnesses, pictures and respective doctor's certificates are depozited in the Zone File.
- About 13 persons from this zone were detained, some of them 2 to 3 times (the list with their names is in the Zone File).
- About 25 opposition members were forced out of the polling stations.
- The offices rented by the SP candidate Luan Hajdaraga were forcefully intruded and ruined. He used them as electoral offices for a smooth conduct of the campaign.
- Police confiscated all the cars the candidate used in the campaign.

ZONE 48 - TIRANA -

1. Abuse of Law

- In polling st.7, the Commission had sealed only 240 ballots. The representative of SP has observed a person costing 5 ballots and has protested. In that case the head of the commission asked the policeman to sent him out of the commission.
- In polling st.l3 the N.U. Party observer has been dismissed under the pretext that he had no a certificate from the Zone Commission.
- In some of the polling stations people voted without the identification card and the lists were not undersigned by voters after voting.
- In the polling st.l3 a captain officer brings orders to the head of the commission and leaves in a van by plate number TR 93-9l B.
- In polling st. l, 2, 3, 4, 7 the polling started later than 8,00 because the commissions were unprepared.
- In polling st. in Babru, Paskuqan up to morning of May 26 there were not announced lists of voters and lists of members of commission. In polling stations l9, 2l, youngsters under the age of l8.
- In polling st. 7, member of commission from SP - Fiqiri Bruçi was intimidated and expelled from the commission because he demanded respect of law and regulations during the polling process.

2. Antidemocratic Acts

- In polling st. 6, 7, 8, 9 about 6,oo p.m. members of commissions; representatives of SP have been beaten.

ZONE 49 - TIRANA

I. Abuse of Law

I. In polling st.I the representatives of SP and other opposition parties were not allowed to exercise their duties provided by law. When they tried to make a point of this they were intimidated by head and secretary of the commission and by the policeman. (See zone file 49. Coneman Statement of DA Party, SD party, AP p.2).

- Polling station 22, 23, I7, I8 have started vboting one hour later.
- Different persons have voted more than once. (Testimony of Sefedin Kalem Zylyftari p.I2).
- In polling st. 7, I7 the ballots were not undersigned by the representatives of opposition parties. (Zone file 49, p.I4).

2. Antidemocratic Acts

- The presence of pressure and violence has been continual. In polling st. 22 Edmond Baçova (Zone File 49 p.20).
- In polling st. I4, the secret police worker Berti Karagjozi has exercised pressure on the members of commission. This has been witnessed by two policeman sympathisers of SP who in case of need are ready to declare (See fill 49, p. I9).
- In polling st. I the secret police worker Budion Meçe has intimidated the voters by even producing his gun. (File 49, p.6).
- After the boycot of elections, in polling st.8, the representative a Agrarian Party has been held by force to undersign the protocole in the end of polling.

ZONE 51 - TIRANA -

I. Abuse of Law

- In polling st.7 the seal, part of ballots and voters lists were opened by the secretary at the obsence of the commission at 6,30, May 26.
- Voting started very late in polling st. 7, 8, 26, I2.
- The time of the voters lists was not respected, there were persons ammitted from the lists and there were registered persons who don't live in that neigbourhood. The extra lists have been closed in the evening of May 25 and they were unknown to the members of the commission.
- Opposition observers were given the authorization by Zone Commission at about II,00, May 26.
- In polling st.3 the member of commission "No party member" has accompanied to the secret room a number of persons.
- Persons cast more than one ballots.
- Armed persons have entered the polling st. and in a provoking manner asked the Head of Commission " Hy, shall we win? What do you say?"
- Many citizens were not registered.
- The location of polling st. I3-20 (8 p.st) was changed one day before elections and this created confusion among voters and commissions.
- In all polling stations members of the commissions from the opposition were seated for from the desk of the Head and Secretary and they were intimidated and

insulted when they remarked about irregularities.

- After the boycot of elections the police detains and maltread two sons of Drita Ibro, member of the commission from SP. (With no reason at all).

- In many polling stations the policeman and other armed persons stayed inside the polling stations. Outside in a demonstrative way there qere private-owned cars (or state cars) without plate number , ready to intervene as in the case of polling st.8.

- During campaign Zone Commission 5l (Its head) has violated the law.

* the documents were distributed with no other members present and no one know anything about the documents.

* The members of zone commission had no authorization to observe the work in the polling st.

* On May 25 the commission was not at work.

ZONE 52 (TIRANE)

I. Violations of the Law

- Contrary to Article 21, the voters' lists were displayed after a 20 days delay.
- In spite of the insistent request by the candidate and the electoral subject it represented, the voters' list was not made available, contrary to Article 28 of the Election Law.
- A great number of irregularities was found in the voters' lists, such as, a number of people left unregistered, people who were registered twice, inaccuracies concerning people's identity, etc. (see Zone 52 File, p. 12-21, 24-32).
- In the Polling Station No. 4 numerous persons cast 5 ballot papers at a time (Zone 52 File, Declaration, p. 36)
- The ballot papers were signed and stamped only by the commission members representing DP.
- In the Polling Stations No. 17 and 18, the box was not opened before voting started, which leaves room for manipulations.
- In most polling stations voters did not sign the list before voting, as provided by Law.
- In many polling stations SP observers, even its commission members, were forced out of the stations.
- In some polling stations, such as no. 13, 14, etc., the number of voters was not as prescribed by Law.
- Contrary to Article 39 of the Law, approval and announcement of commission membership of the polling stations was not made 25 days ahead of the election day. In several polling stations it was made on the election day, in others it was not announced at all.
- For 21 polling stations, observer authorizations were obtained after overcoming a lot of difficulties, in contravention of Articles 44 and 46 of the Law.
- The Zone File contains a lot of ballots taken out of the boxes and thrown away because they were in favour of the SP.

II. Antidemocratic Actions

- During the one month electoral campaign, violence and psychological pressure

against the woman candidate, her campaign staff and voters were evident, thus putting up an obstacle to a normal campaign activity.
- In the evening of May 25, 1996, at 8 p.m., police forces, ordered and headed by the deputy Minister Agim Shehu, used truncheons beating SP supporters.
- The newspaper of the party in power (DR) undertook insulting, degrading and denigrating attacks against the woman candidate.
- Order forces did not permit the conduct of an electoral rally on May 22, 1996.
- The candidate's electoral staff activists and members were detained for hours by police forces, such as Eugen Limani, Arben Tilka, Eduard Ruka, etc.
- Psychological terror was condusted against Shpresa Sulaj, Aida Myzyri, Apostol Duka, Bashkim Sula and Arben Duka. (The Zone File contains the statements made by these persons).
- Psychological terror was exerted in other polling stations by secret police officers.

ZONE 53 - TIRANA -

I. Abuse of Law

- In the polling st.I8 there citizens provided with certificates although they are not inhabitants in the neighbourhoad. From a "Benz" TR 62-27 C in the Pupils Town there were distributed certificates with out a name; on the 26 of May the registry office went on giving certificates for voting.

- The Zone Commission had not functioned all the time. Only the Head and the Secretary had all competences. There were only two meetings and the Head of the Copmmission has forced his will on the others through intimidation.

- In the evening of May 25, at 20,00, the Head of the Zone Commission distributed materials and documentation at the obsence of other members of Commission.

- In the polling st.I2 Sotir Sotiri, member of commission for SP was dismissed because the communicated with a forceign observer with no permition from the head of the commission Every objection by the opposition on the violations met intimidation by the head of the commission.

- The voting started very late in polling st.7, the seal was opened before 7,00. " The independant" worked in the Town Hall.

- The voters lists were announced 20 days beyond the due time. There were unregistered persons and persons registered more than once.

- The commissions of polling st. were announced the day of elections.

- In polling st.I the seal envelope was open and there was no protocol as to the opening procedures. The ballots were not sealed, not undersigned.

- In polling st. I2 the opposition observers were not admitted inside. There were 2-3 persons in the secret room, there were three armed policemen at the dearstep, there were persons who cast more than one ballots.

- The extra list with 70-80 persons in one of the polling st. was all the time in the possession of the head of the commission. Njazi Shkreli not inhabitant in this quarter but in Zone 54 voted here.

- In polling st.3 inhabitants of buildings 43 I5I, I58 were amitted from the lists.

Persons under 18 have voted. There were people who more than once with multiple ballots.

- In polling st.10 the opposition observers were not admitted.

2. Antidemocratic Acts.

- The thead of Town Quarter Mario Veizaj with walky - talky and gun entered the polling st. 4. Otside the polling st. there were armed persons and motocars without plate number.

- Even after elections, the members of the commissions have been intimidated through leaflets under the dearstep in their apartments.

ZONE 55 (TIRANE)

I. Violations of the Law

- In all the polling stations opposition commission members were seated at a distance from the election documentation. They were not allowed to sign the ballot papers, to verify voters' lists, or make notes on the irregularities they noticed.
- In the Polling Station No. 22 people voted upon producing a photocopy of the identity card or passports for use abroad, which upon the request by them were not stamped by the commission.
- Voting started rather late in several polling stations.
- In the Polling Station No. 1 police forces intruded into the station 3 or 4 times during the day with no good cause, though there were two policemen on duty full time in the polling station in question.
- The head of the Polling Station No. 2 accompanied voters into the secret room.
- At 13.30, in the Polling Station No. 11 an additional list was brought and the DP representative added in his own handwriting 4 additional names. This polling station was intruded time and again by the brother of the woman secretary of the station. He was accompanied by two other unidentified persons who interfered with the work of the commission.
- The election documentation for the Polling Stations No. 18 and 5 was already opened in the morning of May 26, 1996 and no protocol was kept in this respect.
- In the Polling Station No. 18 several voters voted without producing regular identification cards, e.g., the latter did not have their photos on them, or they did not read "Valid for Voting Only".
- In the Polling Station No. 20 the policeman on duty stayed for a long time close to the ballot box. The DP commission member was seen the night before the election talking to the police forces and guiding their operations. This goes to show that his commission membership was illegal.
- The secretary of the same polling station handed out more than one ballot papers to special persons, and when she was told not to do that she responded with insulting and threatening words. She addressed the voters with these words: "Like it or not, you representatives of the red front, we and the DP shall win the election".

II. Antidemocratic Actions

- During the election day the Polling Station No. 1 was approached by persons who, pretending to be drunk, shouted curses against the opposition. But the policeman on duty did not intervene at all.
- In the Polling Station No. 25, upon an order by the head of the commission, the SP commission member was forcefully taken away by the police because he demanded that the ballot box should be put in a place to be seen by all commission members.

ZONE 56 (TIRANE)

I. Violations of the Law

- In almost all 22 polling stations of the Zone voting started at about 8 a.m. The head of the Zone Commission did not permit until 10 a.m. the attendance of the SP, SDP, AP observers, according to him by order from the Central Electoral Commission.
- In the evening of May 25, 1996 the location of the Polling Station No. 4 was moved to the location of the Polling Station No. 6 and vice versa, which means that voters did not vote in their respective polling stations.
- Changes were made to the lists even on May 26, 1996 and the number of voters exceeded the limit specified by Law. (For example, in the Polling Station No. 9 - 900 voters, No. 10 - 857 voters, No. 13 - 957 voters, No. 14 - 1019 voters.)
- In the polling stations No. 1, 5, 6, there was no proper legal environment for a smooth conduct of elections. Commission members were seated at a distance from the ballot box, secret rooms did not ensure secrecy, they were close to each other and communication between them was possible.
- In the polling Stations No. 9, 14, etc., commission members, "the independent" one especially, accompanied voters into the secret room.
- In the Polling Station No. 21 family members voted for their members living abroad. The special voting certificates were not collected, and identity cards were not stamped.
- Only one authorization for one SP observer was issued by the Zone Commission in respect of 7 polling stations. This happened at 10 a.m. of May 26, 1996, but was not accepted and was torn to pieces by the head of comission of the Polling Station No. 14.
- In the polling stations no. 1, 18, 20, 44 persons were registered twice.
- In the Polling Station No. 23 (the Prison) the SP commission member was not given permission by the Prison Department to perform his duty under futile pretexts (see File, Declaration of R. Frangu).
- In the Polling Station No. 7 the head of the commission was Major Roland Tego. On May 26, 1996, 7 a.m., following continuous protests by us, he was replaced with his mother. The secretary of the election commission was Shamet Shameti, lawyer and teacher in the Military Academy "Scanderbeg".
- In the Polling Station No. 18, the head of the commission declared that he had withdrawn 1060 ballot papers. When counting was made before voting, the number turned out to be 1048, i.e. 12 papers less, but this was not recorded in the protocol.

II. Antidemocratic Actions

- Merita Karaguni, AP commission member in the Polling Station No. 6 was forced out by a policeman because she demanded order inside the station; commission members were not allowed to make their notes.
- In the Polling Station No. 21, M. Shabani and P. Ziso were forced out of the station by the police, as ordered by the head of the commission, because they demanded implementation of the Law.

ZONE No. 70 (GRAMSH)

I. Violations of the Law

- Envelopes with the seals of the Polling Stations No. 1, 7, 26, etc., were opened before the relevant commissions presented themselves.
- Changes and additions were made to the lists of the Polling Station No. 26 headed by Kasem Koci.
- There were no SP observers.
- Observer authorizations were produced on May 25, 1996, 9 o'clock.

II. Antidemocratic Actions

- Terror against SP electorate and members started long before election day.
- On the election day policemen Nuri Plaka and Gezim Sadiku conducted violent propaganda in the polling stations no. 1and 2 in the town.
- In the Polling Station No. 14 and in the villages of Cerunje, Pishaj, etc., three persons driving a DP car with the plate number GR 0001 Z intimidated the election commissions of this Polling Station, mainly on the representatives of the opposition parties
- In the Polling Station No. 4, policeman Gezim Sadiku did not use an identification card to vote but his entrance permit for use in the police headquarters.
- In the Polling Station No. 69, the chief inspector for crimes intimidated the SP representative, Gezim Murati.
- In the Polling Station No. 42 the head of the commission used alcoholic drinks and the policeman on duty fired his gun, drunk as he was.

P.S. The SP leading district committee of Gramsh possessed copies of protocols multiplied by the Gramsh district DP and RP, as ordered by Xhevahir Elezi. For that, the officer Shpetim Kaci an
d driver Shkelqim Muca were caught and maltreated by the police, though innocent.

ZONE 71-72 (LIBRAZHD)

I. Antidemocratic Actions

- Brutal terror was conducted even before the election day. On May 20, 1996arrest warrant was issued for the Major Flori Alla.
- 5 hours later the secretary of the SP leading committee for the district, Sherif Hoxha,

was detained.
- Vice chairman of the Youth Forum and SP activist Sokol Hajri Hoxha were also detained by the police.
- On May 22, 1996 Azem Hajdari and his gang beat brutally the chairman of the district SP, Haki Tahillari, vice chairman Kastriot Godaj, the member of the SP district leading committee Fatos Zharri.
- Police forces robbed garages of the SP vehicles.
-On May 25, 1996 the SP commission members Rexhep Hoxha (Hotolisht), Nazif Memea (Spathar), were detained and brutally maltreated by the police.
- Ramiz Qali and his brother were beaten by the gang of Azem Hajdari.
- Selaudin Kopri (Golik) and Fatmir Zani were arrested on the election day.
- Enver Balla was brutally maltreated.
- Ali Poci (Hotolisht), Petrit Hoxha, Sami Xherri, Besnik Xherri, Ferit Balla (Babje), Zyber Barxhoshi were detained by the police.
- Mehmet Bardhoshi was cruelly maltreated by Secret Police in Elbasan.
- A great number of arrests on the election day.

II. Violations of the Law

- No inventory of documentation was conducted in any of the stations.
- DP members were given 4-5 ballot papers.
- Unlawful manipulations with ballot papers were carried out by Dashamir Gega (Polling Station No. 1, Librazhd), Kadri Hysa, etc.
- Fictitious registration of 50 persons living in Greece.
- 300 extra ballot papers in the Polling Stations No. 32, 33 of Zone 71.
- Over 45 ballot papers were inserted in the box at a time by one person in the Polling Station No. 35. In many polling stations were found a greater number of ballot papers than recorded in the inventory.
- 131 extra ballots were found in the Polling Station No. 34.
- The commission secretary of the Polling Station Librazhd Katund accompanied to the secret room more than 30 persons.
- 230 invalid ballot papers for the SP candidate are found in the Polling Station No. 72, Slabinje village.

ZONE 73 (LUSHNJE)

I. Violations of the Law

- In all the Polling Stations ballot papers were stamped the night before the election day.
- In no case were SP representatives allowed to sign the ballot papers.
- No observer authorizations were issued to SP representatives.
- Arbitrary changes were effected in respect of commission members; commission membership was announced the day before election day.
- Voting materials were distributed on May 25, 1996 out of the control of competent bodies and were manipulated by the DP.

- In most of the Polling Stations heads of the commissions did not allow a control of the ballot boxes at the start of the voting process.
- As a result of unjustified delays in the registration of the candidate the program of the latter's meetings with the electorate was not achieved.
- In all 25 polling stations of the Zone violations of the same kind were noted, which proves that these were made on the instructions by government and party people.
- Voting was made in the midst of confusion and with several ballots cast at a time.
- In many polling stations voting started before commission members were all present, that is, before 7 o'clock.
- The heads of the commissions accompanied a considerable number of people into the secret room.

II. Antidemocratic Actions

- In most polling stations SP representatives were forced out of the stations when they requested order in the polling stations.
- In the Polling Station No. 15 the voters and SP representives in the commissions were subjected to considerable police pressure and violence.
- In the Polling Station No.10 Secret Police officer Ylli Sefa forcefully cast several ballots at a time in the ballot box.
- Pellumb Mece, head of the polling station exerted continuous pressure on people and the commission and shouted loudly saying :"I do anything I want and won't ask for permission".

ZONE 74 (LUSHNJE)

I. Violations of the Law

- The legal deadline for the display of lists of voters, announcement of commission members and locations of the polling stations was not observed. This created irregularities in the voting process, as well.
- The head of the Polling Station No. 1 Tomorr Idrizi, together with the HRUP representative, and prefecture representative Alma Gjyla signed the ballot papers the day before the election day.
- The Polling Stations were not supplied with the required number of protocols, in spite of the SP remarks.
- In the Polling Station No. 6 several ballot papers were cast at a time by a person supported by the head of the commission. The same action was noted in the Polling Stations No. 9, 19, 14, etc.
- The envelopes of stamps and other voting materials were opened the day before the election day.
- In the Polling Station No. 16 and other polling stations were found numerous falsifications in the voters' lists. (This fact was noticed by foreign observers observing election in Lushnje).
(All violations were accompanied with declarations by the SP representatives and observers, and other eye-witnesses.)

II. Antidemocratic Actions

- Great and unbearable pressure by the police forced the commission to close the polling station.
- In the Polling Station No. 2 voting was interrupted because 7-8 persons grabbed over 300 ballot papers and cast them in the ballot box.
- In Spalate village the policeman threatened the SP representative with a machine-gun, which irritated the people there.
- In Goricaj village the head of the SP organization Trifon Stambolliu was beaten by the police forces and was taken and detained in the police headquarters.
- In the Polling Station No. 14 a person wearing a hat with the DP initials on it accompanied people to the secret room, telling them who they should vote for.
- In Ballagat village police forces grabbed the ballot box forcefully, emptied the ballots cast, and replaced them with other ballot papers.

ZONE 75 (LUSHNJE)

I. Violations of the Law

- Polling Stations were not supplied the voting materials, especially protocols, required for the voting process.
- SP observers were not issued authorizations. On May 25, 1996, late at night, only 35 authorizations were issued.
- The ballot box in Thane village was grabbed forcefully by the head of the elderly of the village and was sent to the Zone Commission as early as 3 p.m.
- No legal deadlines in respect of actions relating to voting were observed.

II. Antidemocratic Actions

- The SP representative in the Polling Station of Barbullinje was forced out of the station and police forces cast a lot of ballots in the box.
- In Qarret i Vjeter village the SP commission member Ramiz Godina was brutally beaten by the police.
- In Bulaj and Zgjane villages riot police exerted pressure on the voters and opposition party representatives by shooting in the air.
- In Hysengjokaj, police and secret service forces conducted psychological terror against the SP representative Artan Caka. Pressure was exerted by Rixhvan Sharky and Hamdi Kaca, criminal police officers.

ZONE 76 (LUSHNJE)

I. Violations of the Law

- No legal deadlines concernig the voting process were observed.
- Polling Stations were not supplied with the required number of protocols.
- The locations of the polling stations in Gradisht, Spolat , Martish, etc., were unlawfully

changed.
- In many polling stations voting was conducted amidst total confusion.
- Documentation was opened prior to the start of voting and not in the presence of all commission members.
- Documentation was stored in the house of the head of village DP committee, not in the polling station, as was the case in Babunje, Lifaj, etc.
- The head of the commission in Babunje had been imprisoned for inflicting grave wounds to people at the time of the Referendum for the Constitution in November 1994, but was released without serving the time of his 16 year imprisonment.
- In Toshkez the head of the zone commission replaced the SP representative with another SP representative.
- Observers of the opposition parties were not allowed.
- Since there were five socialist communes in the zone, local authorities were not allowed to engage in the election proces.

II. Antidemocratic Actions

- In the polling stations systematic pressure was exerted by police and secret police forces, and street gangs.
- Street police intentionally prevented electoral meetings of the SP candidate Arta Dade with the population of the area.
- 4 members of the candidate staff were detained on the election day and maltreated by the police and released 17 hours later.
- The head of the Zone Commission Asqeri Lamce was waiting for the helicopter to bring blank ballots at 4 p.m. in Lushnja town. He stated this to one of the observers coming from Sweden.
- In Ardenica the seal was opened the night before the election day.
- Because of a meeting of Mr. Sali Berisha in Krutje, the secret police forces detained and brutally maltreated Nasi Gjermeni, the activist of the NU Party.
- In Krutja e Poshtme Village Policeman Robert Cela attempted to cast 100 ballots which he had filled in himself, but was stopped by the opposition members of the commission. In that case he intimidated commission members and went to call in police forces from Kolonja.
- In the Polling Station No. 11, the SP commission member Andrea Muco was called in the office by the police and was intimidated.
- In Rupaj the chief crimes inspector Misir Sefa ordered starting of voting and picked up in his car the SP commission member to send him to another polling station in order to intimidate him and force him to start voting even though there were not enough protocols.

ZONE 77 (FIER)

I. Violations of the Law

- The Zone Commission did not observe any of the deadlines concerning announcement of commissions membership.

- Many SP members and supporters were intentionally not included in the voters' lists.
- Zone Commission did not perform its duties in spite of protests by the SP.
- Polling station commissions were not told about and displayed the voting materials.
- Envelopes were opened the day before the election day.
- Voting was conducted without visiting the secret room first, directly from the commission table, as was the case in the Polling Station No. 30.
- Zone Commission created intentional obstacles concerning the approval of the documentation presented by the candidate running for deputy.
- In the Polling Station No. 77 164 persons are registered twice.
- Polling station commissions refused intentionally to make the proper corrections of irregularities noticed.
- Polling station premises were not fit for a smooth voting process.

II. Antidemocratic Actions

- Psychological terror was inflicted upon polling station commission members by secret police forces from the moment lists were handed in.
- Heads of the polling station commissions involved into artificial confrontations to give the police good cause to force out of the station SP representatives.
- The head of the SP committee in Mbrostar Quarter Arqile Kostandini was detained by the police. He was beaten brutally by Nikollaq Ndoci and Viktor Marku.
- Police threatened and intimidated Kozma Sotir Nushi for requiring implementation of the Law.
- In the Polling Station No. 26 Sheqi i Vogel the policaman on duty intimidated systematically voters and commission members.

ZONE 78 (FIER)

I. Violations of the Law

- Voters' lists and commission memebership were not displayed and announced within the time provided by Law.
- The inventory of the voting materials was not conducted in the presence of commission members.
- In some polling stations people were allowed to produce any kind of identification card, a driving licence, for example, as was the case in the Polling Station No. 14.
- Several people visited the secret room at a time accompanied by the head and secretary of the commission.
- Heads of families voted on behalf of all family members, but contrary to law.
- Several cases of voting more than once were found.
- Frequently new additions were made to the voters' lists.

II. Antidemocratic Actions

- Terror and intimidation against commission members and voters was evident in all polling stations.

- In the Polling Station No. 15 the secretary of the commission shouted loudly: "We shall no longer hear of the communists.", requesting at the same time the dismissal out of the polling station of the commission member Nazmi Kajku.
- During the election day 16 people were detained, Vllasi Mane, Vasillaq Zarke, Vasillaq Lule, Eqerem Brace, Servete Mete, Kristaq Davidhi, Vladimir Stefa, Artur Llupi, etj.

ZONE 79 (FIER)

I. Violations of the Law

- Zone Commision did not announce within the time prescribed by Law commission members of the polling stations. It tried to remove those members proposed by the electoral subjects and assign other persons instead.
- The location of the Zone Commission was arbitrarily

ZONE 81 (FIER)

I. Violations of the Law

The Zone Commission delayed intentionally beyond the legal deadline the announcement of the commission membership of the polling stations and the display of voters' lists. The same thing has been done with reference to the location of polling stations. The Commission turned a deaf ear to the protests and demands of the SP concerning observance of legal deadlines and electoral campaign stages.
- Ballot papers were stamped and signed the day before the election day by the heads of the commissions in the absence of SP and SDP, etc., representatives.
- Inventory of the voting materials was not conducted in any of the polling stations.
- In the Polling Station No. 33 and other polling stations DP members and supporters were given more than one ballot to cast.
- Many voters voted more than once, as was the case in the Polling Stations No. 37, 33, 40, 32, etc.

II. Antidemocratic Actions

- In all polling stations incidents were intentionally provoked in order to dismiss SP representatives and representatives of other political forces.
- Persons like Shpetim Caushllari and Gezim Baci beat the SP activist Mandi Mocka. The orders were given by Vasil Ndreko.
- Shpetim Jaupllari and his gang threatened Ridvan Xhindolli and Arian Shtembari, forced the commission members out of the polling station and stayed there together with the head and secretary of the commission alone. The above persons are police officers.
- Pressure by the police was evident in all polling stations.
- In the Polling Station No. 37 three persons intimidated commission members, SP, SDP, DAP representatives, etc.

ZONE 82 (FIER)

I. Violations of the Law

- The head and secretary of the Zone Commission were extremist DP supporters, such as Miti Topia, member of the DP Patos leading committee, Agur Alia, member of the DP leading committee, Serafin Guko, DP member in Fier.
- The Commission plotted the dismissal of AP and SDP candidates.
- Lists of commission memberships were not announced within the deadline but only three days prior to election.
- SP, SDP, ADP, NUP, HRUP observers were refused observation; on the other hand, authorizations were issued to armed persons who went up and down the polling stations.
- At 7 o'clock of May 26, 1996 it was found out that in 18 polling stations ballot papers were signed by the heads and secretaries of the commissions; the stamp envelope was opened in the absence of other commission members; the same goes for ballot boxes.
- Seating of commission members according to a special position created the possibility for manipulations.
- In the Polling Station No. 35 the ballot box was filled with ballot papers in advance, i.e. before 7 o'clock.
- In some polling stations, such as No. 28 the heads of the commissions handed out sets of 10 ballots to one person, DP supporters. In the Polling Station No. 29 headed by Aleksander Kotherja, voting was open. Some people cast 2-5 ballots at a time.
- Many polling stations were set up in houses or buildings owned by extremist DP supporters, such as in Frasher, Sheqishte, Zharrez, Verbas, Dukas, Manekaj, etc.

II. Antidemocratic Actions

- Commission members, SP, SDP, DAP, NUP, etc., representatives were forced out of the polling stations no. 3, 6, 14, 16, 20 and 27 by police forces.
- In the polling stations no. 5, 8, 9, 13, 14, 16, 20, 25, 27, 29 commission members representing the SP and other opposition parties were not allowed to participate in the voting process in the first hours.
- Police, secret police and other armed men forced out of the polling stations no. 3, 4, 5, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34, SP commission members and members of other parties and intimidated voters.
- In the Polling Station No. 35 voting was closed at 7 o'clock in the morning, which brought about dissatisfaction in the population and boycotting of elections. This center was visited by OSCE observers as well.
-Zone 82 file contains pictures exhibiting police violence and recordings of their conversations with the Central Election Commission and a meeting.

ZONE 83 (FIER)

I. Violations of the Law

- Voting by people unregistered in the voters' lists.
- Polling station commission did not work regularly and were run by three members only.
- Cases of casting more than one ballot at a time were found.
- Secret and special meetings were conducted with the heads and secretaries of commissions in which special instructions for manipulations were given.
- SP commission members were not given protocols.

II. Antidemocratic Actions

- Intimidation by police forces and secret police was considerable.
- They voted in all polling stations.
- On the election day the SP activist Arqile Janke was detained for no good reason by the police.
- The candidate for deputy Bardhyl Fasko was subject of provocations and insult by Nikoll Noci.

ZONE 84 (MALLAKASTER)

I. Violations of the Law

- During May the Zone Commission did not perform its duties at all.
- We raised our voice and expressed our concern in this respect but the situation remained the same. On April 26, 1996 with the intervention of Fieri prefect, the head of the Zone Commission Sokol Murati appeared in his office and took possession of the registration documents of the SP candidate. On the same day SDP, ADP, NUP, SLP, HRUP, AP candidates submitted their documents. But the Commission did not issue any documets certifying their filing with the Commission.
- Although the SP and other parties informed the Cenral Election Commission for these irregularities no measures were taken. On April 29, 1996 it is announced that the SLP and HRUP documents had disappeared.
- In the evening of May 25, 1996 the protocols for electoral subjects did not arrive in the Zone Commission. We appealed to the Central Commission but nothing was done.
- On May 24, in the afternoon, on order by the prefect it was publicly declared that there shoul be no polling stations in the town and new ones were set up in the country, at a distance from the voters residences.
- At the start of the voting proces the SP members and observers went to the polling stations, but they were left at the door standing, because only three members, heads of the commission, were seated at the table.
- In the Polling Station No. 6 the SP observer Astrit Sejdini, AP observer Lulzim Malaj, and NUP observer Riza Islami were not allowed to observe election in the polling station.
- In spite of our protest, ballot papers were not counted, signed and stamped.
- In some polling stations SP members and observers Karafil Karafili, Xhevahir Goxhaj, Arjan Kapaj, Qerem Saliu, Rustem Goxhaj, and Ramiz Zeneli were kept away for some time by the police. Apart from beating and maltreatment, they were kept away for a long

time though voting continued.
- There were armed police inside the Polling Station No. 2, who handed ballot papers to people who were not registered. DP supporters were given 2 or more ballot papers by the head and secretary of the commission. The number of these ballot is thought to amount to 250-300. The situation was the same in the Polling Stations No. 3, 5, and 6.
- The heads of the commissions declared to our representatives: "The result shall be what we want. We shall not give you protocols."

II. Antidemocratic actions

- Pressure has been exerted by the police against SP supporters to stop them from accompanying the candidate, as was the case with Perparim Meta on May 13, 1996.
- During the campaign several SP supporters were detained, intimidated and beaten by the police. That was the case with Ardian Dauti (15. 5. 1996), Enver Duraj (16. 5. 1996) Bilbil Saliaj and Pajtim Elmazi (17. 5. 1996) because they were talking to the activists about the election law.
- Many SP supporters were prevented from attending the rally organized by the SP on May 19, 1996.

ZONE 85 (BERAT)

I. Violations of the Law

- Deadlines in respect of the announcement of commission memberships, display of voters' lists and location of polling stations was not observed.
- Political subjects could not have access to the voters' lists in spite of the their insistence.
- The legal deadline for the announcement of the candidate running for deputy was not observed.
- Zone Commission Secretary, Ferdinand Caka, has blood relations with the candidate Agron Musaraj.
- Lists of voters contained names of people who do not live in the Zone 89 district, who were registered twice, dead people. SP members and supporters were left outside the lists, unregistered. (These lists are filed with the Zone Commission).
- The SP representatives in the Polling Stations No. 16, 17, 18 and 19 were forced out of the polling stations.
- The inventory of the voting materials was not made before voting started. Seal envelopes were opened the day before election.
- Many irregularities were noticed during the voting process.

II. Antidemocratic Actions

- The presence and brutality of the police was witnessed in all polling stations. Quite openly police security chiefs gave orders which meant forcing opposition representatives out of the polling stations in case they raised their voice.

ZONE 86 (BERAT)

I. Violations of the Law

- Voting commissions were deprived the right to run the voting process. Everything was concentrated in the hands of heads and secretaries of the commissions and a so-called non-party member.
- A lot of people were intentionally left not registered; on the other hand there were people who were registered twice, for example Ymer Xhelili in the polling Station No. 7. In the Polling Stations No. 6 and 7, 104 people were registered twice. The names of some people appeared three times on the list.
- The location of the Polling Stations was intentionally changed 2-3 times to create the opportunity for manipulation.
- In many Polling Stations there was confusion during voting.
- The heads of the commissions handed more than one ballot paper to several voters, such as Xhuli Haxhistara, head of the trade union, Papi Cuedari, in the Polling Station No. 15, etc.
- The Municipality sent time and again additional open-ended lists and manipulations were made in this respect.

II. Antidemocratic Actions

- Police, especically secret police, violence and terror was evident all over the campaign and on the election day. On the election day the brother-in-law of the candidate for deputy, Flamur Milova (SP), was detained in the police cells for 12 hours without any reasons.
- In many polling stations SP observers were not permitted to observe the election.
- In the Polling Station No. 7 the SP commission member Nikolla Konomi was beaten by a gang. Gangs driving their cars up and down the polling stations exerted violence against the SP observer in the Polling Station No. 3, Vesel Isufi, etc. The same happened to the SP observer in the Polling Station No. 8, Aleko Boca, who was taken to hospital. Violence was exerted against Ismail Toska and his brother Agim Toska, Polling Station No. 8. The same happened to the SPcommission members and observers in the Polling Station No. 16 by the Palace of Culture. Here the gangs threatened by firing guns, etc. They were organized by "gonia", i.e. Minister Agron Musaraj.
- Various gangs visited the polling stations all day long intimidating commission members and voters.

ZONE 87 (BERAT)

I. Violations of the Law

- Lists of commission members and voters, and locations of polling stations were not announced and displayed within the deadline.
- In spite of request, electoral subjects were not given copies of the voters' lists.

- Intentionally a lot of people supporting the SP or other opposition parties were not registered.
- Commissions did not repair any of the irregularities observed by the opposition electoral subjects.

ZONE 89 (BERAT)

I. Violations of the Law

-The Zone Commission delayed the announcement of polling station commission membership and authorizations for the obseervers were issued on May 25, 1996, 1 p.m.
- Some commission members carried guns with them, such as Barjam Peshtanaku in Karkanjoz, Luftar Cobo in Lapardha, Behar Kanaci in Dushnik, etc.
- In Morave, at 8 o'clock in the morning in the commission members' eyes there was open voting against the SP and a great number of ballots were handed out and cast at a time.
- In Roshnik the policeman Ylli Moska intimidated voters with his gun saying "It's in vain you are voting. The result here shall be 80 % for the DP". Quite openly people were allowed to vote 2-3 times for the DP.
- In the polling station in Lumas DP commission members and observers quite openly accompanied voters into the secret room and conducted propaganda.
- Special persons were given more than one ballot papers to cast at a time. Family members voted on behalf of those family members who did not come to vote themselves.
- Policemen stayed all the time inside the polling station.
- In the Polling Station No. 23, after voting the ballot papers out of the ballot box were inspected only by the DP commission head and secretary. Others were not allowed.
- In the polling stations no. 1, 3, 6, 7, 8, 10, were registered in the voters'lists 23 dead persons and 188 persons who were no longer living in the district. In the polling stations no. 6 (Pashalli) and no. 10 (Bistrovice) 15 persons were registered in both lists under the same name and surname.
- In all polling stations there were a number of families which were not registered at all.
- In the polling station No. 3, there were withdrawn 960 ballots out of the 917 persons registered on the lists, i.e. 43 surplus ballots. However, at 3 p.m. the station ran out of ballots and a lot of people could not vote because of the shortage of ballot papers.
- In the Polling Station No. 4, 305 people could not vote because the station ran out of ballot papers. When ballots were counted after voting the number of ballots was the same as the number of registered voters. This happened because DP supporters and members, with the support of the heads of station commissions cast more than one ballot.

POLE OF CENTRE

ALBANIAN DEMOCRATIC ALLIANCE & SOCIAL DEMOCRAT PARTY

TO :

COUNCIL OF EUROPE

POLITICAL AFFAIRS COMMITTEE

MEMORANDUM

I

We are highly concerned to concentrate Your attention, as the genuine representatives of the Council of Europe, on the very critical situation created in Albania after the electoral farse of May 26. We are also very concerned to concentrate Your support on our proposals and solutions to come out of these grave political crisis.

We feel the importance to stress that the basic view of manipulations and violations, accuring during the May 26 elections, was the presence of police, Secret Service officers and organized criminal gangs inside and outside every polling site. Pressure, physical violence, detaination and maltreatment was forced on the commission membres of the oposition parties each time they witnessed irregularities and asked for explanations. This extreme violence is the reason which led to partial and full withdrow of the oposition representatives from the commissions. (May 26 ; from 2 p.m. to 7 p.m.).

II

A country wide strategy to ruin free and fair elections was applied on May 26 coup d'etat. Its main directions were as follows :

1. The commission members of the oposition parties were not allowed to participate and check the voting process. Only the chairman, the secretary and a prefect appointed commission member were permited to sit at the main table (see attached scheme).

The oposition representatives, members of the commissions were not allowed :

- to check the ballot boxes ;

- to sign the ballot papers as guarantied by the law ;

- to verify the electoral lists ;

- to verify the additional electoral lists ;
- to verify the identity of the voters and if they were included in the lists ;
- to participate and contribute in the voting process.

2. The commission members of the oposition parties were not allowed to express their opinion on the commission decisions. The decisions were ilegally taken by the chairman and the secretary.

3. The protests, of the commission members of the oposition parties, on the broken law cases were not taken into consideration. In all alike cases, they were forced to leave or even detained in the Police Stations.

4. Pressure and psychological terror was forced on the commission members of the oposition parties by gunned persons in uniform or " in borgese ", who were ilegally staying inside the polling sites. (see attached scheme)

5. The observers of the oposition parties were not issued licenses under the absurd pretext of formular lacking. Members of Free and Fair Elections Association were not allowed to observe.

6. The closing time of the voting process was postponed for two hours (from 8 p.m. to 10 p.m.) at the elections midday, bu an unconvincing Presidential decree.

7. The commission members of the oposition parties were not supplied with protocolls because of the absurd pretext of formular lacking. The photocopies of the protocolls, delivered by the oposition parties, were considered forgery.
Only at 7 p.m. after the oposition parties withdrew from the elections, the Minister of Home Affairs declared through the National Radio that every polling site would be supplied with demanded formulars by 8.30 p.m.

8. During the elections day, May 26, Radio Tirana, the only national radiostation made public the results of a pole with the citizens who had just voted. Publication of any preliminary results during the voting process is prohibetd by law. This pole was organized by the ghost foundation " Konitza " , which attributed an over 80 % victory to the Democratic Party.

9. The counting of votes was made under full control of the state (the chairman, the secretary and the nonpartizan member of the commissions were all appointed by

Europian Union and the Council of Europe will have the responsability to imposse new free and fair elections under full monitoring of international institutions, as the only way to come out of these deep crisis. These steps must be immediatelly and urgently undertaken as to prevent Berisha and His party to repeat the same scenario in the coming municipal elections. A possible repeat of this scenario would sign the final ruin of the oposition and alternative political class. The Albanian people would also lose faith in the possibilities of free and fair elections and democracy.

Our proposals to come out of these crisis comprises four important points :

1. Nonrecognition of the results of the coup d'etat elections of May 26;

2. No municipal elections or any other kind of elections till the normalization of the institutional and constitutional conditions under full international monitoring.

3. The establishmet of political status quo, preserving the functions of the present parliament, which according to the law excercises Its powers till the first day of the new parliament. The ruling Democratic Party posses the majority of sits in the present parliament but even the oposition presents an important presence (40 %).

4. The election, within a three months limit and on the basis of a simple proportional law, of a Constitutional Assembly, where all political forces should be presented. This Assembly will decide on the kind of the regime and will also pass the Constitution, where there will be specifically and explicitly integrated as follows :

a. The Electoral Law on Parliamentary and Municipal Elections.
b. The Law on the Indipendence of the Local Power.
c. The Law on the Electronic Media.
d. The Competences and Powers of the President of the Republic.
e. The Law on the Judiciary Indipendence.
g. The Law on the Parliamentary Control Over the Military Forces.

5. New free and fair parliamentary elections and local ones, under full international monitoring, within the bounderies of 1996.

the government). In this frame, total and opened manipulation of the votes and the result was commited by the Albanian state during the elections and after the withdrow of the oposition.

III

Violence and maltreatment was forced on the voters, some of the main MP oposition candidates and other oposition leaders on May 28, during a peaceful raly in Tirana Central Square.

The same is available for some other ralies in the main cities of the country. Police did not give permission to any of the oposition requests to organize a massive raly in the Central Tirana Square, wheres within the boundries of four days It was twicely occupied by President Berisha and His ruling Democratic Party.

IV

During the whole of after - electoral period, our parties, representatives of the Central politicial spectrum in the present parliament, have made the maximum of attempts to find a solution to come out of this absurd situation, created after the vunerable manipulation of the elections, as well as to propose an acceptable compromise for all parts. Along all this period, the ruling Democratic Party has not taken any possitive step to offer a constructive dialogue. A further act of compromise, to have a fair decision of the Constitutional Court to susspend the re - run of the elections in 17 constituencies still failed because of the lack of good will by the ruling party, in control of the whole Judiciary System in Albania. Strangely, the oposition parties were included in the ballot papers, although they withdrew from the elections of May 26. As it was forseen by the Democratic Party President, Tritan Shehu, all mandates were still won by His party. The coming parliament will be composed of 125 ADP MP - s and 5 other appointed ones from the small Republican Party and the traditional colaborators of Balli Kombetar. Counting the fact that the only and the same party is in total control over the Judiciary System, Administration, Secret Service, National TV, Banks etc., we can expect nothing but a communist turn back. A hitch hunt alike terror is being excercised by the state organs to the candidates, commission members or sympathisers of the oposition parties. They are disscharged from jobs, detained or arrested.

V

To prevent the instalation of such a monstruous system, which may resemble as a dangerous precedent to other Ballkan countries as FYROM, Croatia, FYR etc., the

Only after these steps, Albania can have Parliamentary and Municipal free and fair elections. The lack of the institutions and the conscientious sabotagge of their construction, is by all means the essence of the present crisis in Albania, wheres the reestablishmet of free and fair vote is the only way to build them up.

Prof. Dr. Neritan CEKA

President, ADA

Prof. Dr. Skender GJINUSHI

President, SDP

Tirana, June 22 1996

M E M O R A N D U M

Memorandum of Albanian Democratic Alliance related to the fulfillement of the obligations the Council of Europe has put to the Republic of Albania.

The situation of the human freedoms and rights and especially the construction of the respected institutions, which realize their fulfillement, has been worsening compared to the time the Council of Europe viewed the Albanian application for membership in this Council, in June 1995.
The Albanians are going towards the general elections of 1996 with less freedoms and guaranties than in those of 1992 or the referendum of 1994, because of the following reasons :

1. The nonapplication of fair and free elections.

a. the main limitation is the socalled Antigenocid Law (no. 7491) and especially the Law on " The check of the figure of the officials and other persons linked to the defence of the democratic state " (no 8403), dated November 30th, 1995. Generaly, supporting the princip of the purification of respected segments of the administration from former members of the high nomeclature and the communist secret service, we are against the anticonstitutional limitations of this law and precisely :
- points **a**, **b** and **c** of the Art. 1, Law no. 8403 which limits the right of the citizens to be elected, while according to Art. 19 of the Constitutional Law (no. 7561), dated April 29th, 1992 they are deprived from this right only by a court decision for imprisonement penalties.
- point **j** of the Art. 1. which limits the right of the journalists, as a State Commission for the Verification of the Persons is set up.
- Art. 4. which sets up an Extraordinary Court, falling against the Art. 5. of the Constitutional Law. According to Art. 4. this commission has the right to investigate and to question the witnesses. According to Art. 9. this commission enjoyes the right of the accuser, wheres according to Art. 10. this commission covers the duties of the Fact and Appeal Courts.
- Art. 12. which sanctions in Albania the figure of macartism.

b. Settlemant of the elections day.
In less than three months before the end of mandate of this Parliamnet (March 22nd, 1996), the President of the Republic has not jet fulfilled his duty to declare

the date of the comming elections, which is necessary for the preparations of the political parties to cover the electoral campaign.

c. The final pass of the Electoral Law by the Parliament, where the amendments have been presented with the request of 13 opossition parties is not jet done.

d. The limitation of the direct control of the ADP and the President of the Republic on the ALbanian RTV, where the ADA had no axess for political debate during 1995. The Law on the Public and Private Media, compiled by a special commission since the summer of 1995, has practicaly no chance to be passed by the Parliament.

e. The deepening of the politization of the state and its use against the opposition by restriciting the Right of Meetings. There have been some cases as :
- Arben Imami, MP and ADA Secretary General was threatened by armed policemen and was not allowed to go to a meeting with the ADA members and supporters in the district of Vermosh, North Albania.
- An ADA meeting in the city of Elbasan could not normaly procede because of a police violent intervinience.
- Secret Service officers have investigated the ADA meetings in Kombinat, Tirana and Vrisera, Gjirokaster.

2. Violation of judiciary indipendence.

- The parliamentary majority (by a fallsified voting, also including votes from the opposition which had boycoted the Parliament) discharged from his duty Mr. Zef BROZI, Chairman of the Casation Court coming contrary to the Law 7561, dated April 29th, 1995, Art. 6, which defends the inamovability of the chairman of this court and also coming contrary to the decision of the Constitutional Court of January 95 which confirms the inamovability of the lawers of the Casation Court.
- The Constitutional Court has been transformed to an instrument of the politic power. We may mention, its attitude during the referendum, when it did not suspend the decret - decision for the referendum of November 6th, although the law, Constitutional Court relied on, was attacken in this court. Another notorious case is the delay of the decision on the anticonstitutional discharge of the Chairman of the Casation Court, although in January 1995 the same court expressed itself for the inamovibality of the lawers of the Casation Court, Plloci and Zaka.

- During 1995, three main leaders of ADA Mrs. Neritan CEKA, Chairman of ADA, Perikli TETA, Chairman of the Parliamentary Group and Gjergj ZEFI, Chairman of ADA Assembly have been prosecuted or penalized.

3. Violation of press rights.

The Albanian press had felt the impression that the Albanian membership in the Council of Europe would give to them more freedoms and guaranties. Something has changed. The arrogance of different state segments on the press does not have the measures of the former year. Beside these, during 1995 the following journalists have been penalized or expecting the court decisions:

- Arban HASANI, edditor in chief of " Populli Po "
- Gjergj ZEFI, journalist , " Aleanca "
- Adrian MYSLIU, journalist, " Zeri i Popullit "
- Aleksander FRANGAJ, edditor in chief of " Koha Jone "
- Blendi FEVZIU, edditor in chief of " Aleanca "
- Thoma GELLCI, edditor in chief of " Zeri i Popullit "

The first four accuses have been presented by National Informative Service and the second two ones by the Service of State Control. The NIS has impeded the publication and has sequestrated the materials of the sathiric magazine " Hosteni " and has withholded for 15 hours its edditor in chief, Mr. Filip CAKULI.

PRESENTED TO THE COMMISSIONERS
OF COUNCIL OF EUROPE
MR COLUMBERGER AND MR. FINSBERG
JANUARY 1996. TIRANA.

Letter addressed to the leaders of the world.

Excellency,

Our party, Albanian Democratic Alliance, a centrist christiandemocratic one, led by many of the anticomunists leaders of December 1990, has the heavy sense of responsability to transmit to You and through You to Your government and Your people our judgement, that in May 26 our country, Albania, did not go through free and fair elections. During these last 60 years Albanians have periodicaly voted but never elected. Last sunday of May 26 was alike.

Our arguments fit with those published by the delegation of OSCE, which closely observed the elections in 300 polling sites. We wish to stress that the arbitrary decisons, taken only by the chairman and the secretary of of the polling stations, appointed by the ruling party, was a general phenomenon in all constituencies and not only in those observed by OSCE observers. This scenario was applied according to a standart scheme :

1. Only the chairman and the secretary, appointed by the ruling party, were permited to stay in the table of the documents.

2. All the rest of the oposition party members of the commissions were sitting in a corner of the room and they were not allowed to participate in the voting process, not even in the checking of the voting procedures.

3. In a considerable number of the polling sites, the commission members and observers of the oposition parties were arbitrarily replaced by ones of the ruling party, flagrantly against the law.

4. Policemen and armed civil officers were sent to the polling sites, who's purpose was to throw out of the polling sites or detain to the police stations, by an order of the polling site chairman, all those members of the oposition expressing their objections on the voting process.

5. There were only two protocolls delivered for each polling site, which is totally against the law, wich recognizes the right of having a copy of the protocolls to all political subjects.

6. The protocoll sheets were changed within the day of the elections, which is totally against the elections law.

7. The closing time of the elections was postponed by a presidential decree from 20.00 o'clock to 22.00 o'clock, aiming to manipulate the counting process of the ballots during the darkness of the night.

We express our opinion that these were among the main violations landwide, but there were also other inumerable ones in several of the polling sites as detaining of the oposition candidates; the multiple voting of Democratic Party supporters; piles of ballet papers voted at once by a single person; the opening with delay of the polling sites without the presence of the oposition; the arbitray closing of some polling sites since eleven o'clock; many of the district voters could not vote as the ballot papers were finnished (the Law says that each polling site shout have up to 10 % ballot papers more than it is needed); the ballet papers were not counted at the start of the elections by all the commission members; the oposition members of the polling sites were not allowed to sign the ballet papers etc.

This ilegal mechanism started to work since the early hours of the voting process, aiming to manipulate as for eg. the multiple voting by a person, the frieghtening of the voters, the drastic ivaluation of the oposition votes during the counting process and a fictiv result proclamation.

Albanian Democratic Alliance has faced the heavy violations of the law and the rules of free and fair elections during the whole electoral period till the voting day when the state TV and the leaders of the ruling party prepropogated the results of the elections. Our party has had quite a lot of reasons to boycot the elections during the campaign , but ADA together with other political forces of the left and the right wing decided to go through the elections to give to Albanian people the possibility to decide.

But, during the elections day,
- when we realised the mechainsm the ruling party was using in every polling site to manipulate the votes,
- when we received informations from all over the country that our commission members and also the others from the oposition parties were thrown out of the polling sites,
- when we got informed that gunned persons of the ruling party at every polling site were charged to rule by violence every rezistence of the oposition members of the commissions, during the counting process after 22.00 o'clock;

So, when it was clear that the oposition was only a formal participant in the voting process, Albanian Democratic Alliance and other oposition parties of the left and the right wing decided to abandon the elections 5 - 6 hours before the voting process was over. This difficult decision was taken to defend ourselves from being co - gulity

in this electoral farse, to save the notion of free and fair elections being violated, to prevent the bloody clashes between the armed police and the people during the counting process.

The passing time gives credit to our decision because of the delay in the proclamation of the final results and their comic change to avoid the creation of a precedent, wich would negatively affect the democratic developments in Croatia, FYROM, FYR etc.

Excellency,

The violation of May 26th elections is a considerable living book in every vilage and city of Albania. Albanian people, prepared for a normal democracy and determined to join Europe, can not agree with the violation of their free will, They can not agree with a military parliament and with a government constracted on stollen votes. They, legitimatly ask for Their parliament, the parliament of the people. They are protesting for Their free vote.

I wish to assure You that Albanians broadcasted by the Europian TV channels while they are being bitten, are not nostalgics of comunism but young ones, historical figures of the anticommunist movement of December 1990. They are free and strong people, sacrifying themselves against the ilegitimate power.

To avoid the extenssion of the crises where the country is going and to come back to the normal democratic rule, Albanian Democratic Alliance proposes :

a. nonrecognition of the results of the elections of My 26 based on the reports made by OSCE.

b. the urgent start of a dialogue between the political parties, participants in the elections and the Albanian President to find a way to :

- new free and fair elections within two months, with a rigorous monitoring by Europian Union, Council of Europe and USA.
- a solemn packt for social peace between the political parties.
- guaranties on both sides for the preelectory period.

We have the confidence that Your Excellency and the Gouvernment You are leading will be a strong support for pluralism, democracy and Europian aspirations of all Albanians in this difficult period they are experiencing.

De: L' Alliance démocratique albanaise

Tel/Fax : + 355 42 27692

Nb. de pages: 3

Date: le 28 novembre 1992

A l'attention de: **Son Excellence**

Monsieur Egon A. Klepsch

Président du Parlement Européen

Fax : +322 230 68 43

Monsieur le Président,

Préoccupé par une série de violations de la constitution,que l'on constate en Albanie après l'accès du Parti démocratique au pouvoir, et jugeant que nous nous trouvons devant une situation qui, à notre avis, risque de s'aggraver davantage, je me sens dans le devoir d'informer Votre Excellence, par le biais de ce message, du grand souci de notre parti.

Nombre de cas de violation des droits de l'homme sont enregistrés das notre pays par suite de l' approbation de quelques lois sommaires imposées par la majorité au parlement albanais.

C'est de la même façon que sont violées la constitution et la loi électorale, respectivement par la démission du Procureur Général et par le remplacement des suppléants élus de la liste électorale proportionnelle votée le 22 mars 1992.

Or, nous nous trouvons aujourd'hui devant un nouveau pas encore plus flagrant et dangereux pour l'avenir de l'Etat de droit en Albanie. Depuis quelques semaines déjà, des discours publics et surtout la presse du Parti démocratique sont en train de préparer une opinion selon laquelle la majorité actuelle à l'Assemblée aurait le droit de retirer le mandat à six députés qui, après avoir été exclus du Parti démocratique et de son groupe parlementaire, ont créé un nouveau parti, l'Alliance démocratique.

D'autre part, bien que l'article 80 de la Loi n°.7556 du 4.02.1992 stipule que "le mandat du député à l'Assemblée populaire expire avant terme uniquement quand :

a) le député donne sa démission;
b) le député est déclaré coupable de crime par un verdict du tribunal;
c) le député refuse de prononcer le serment prévu par le Règlement de l'Assemblée populaire; ou
d) le député est décédé",

nous venons d'être informés que le groupe parlementaire du Parti démocratique a effectivement présenté à l'Assemblée la demande de retirer le mandat aux six députés en question.

En considérant cet acte que l'on craint voir commettre comme un coup d'Etat, car il s'agit bien d'une violation flagrante

de la constitution albanaise, qui créerait sûrement un précédent extrêmement dangereux, nous nous adressons à l'autorité de Votre Excellence et la prions de bien vouloir intervenir par les voies qu'elle jugera plus efficaces, afin de prévenir et d'arrêter un acte pareil.

Je vous prie d'agréer, Monsieur le Président, l'assurance de ma plus haute considération.

Pour l'Alliance démocratique albanaise

Neritan Ceka

Président

Copie à : M. Thomas Jansen

Président du Groupe-PPE au PE

DECLARATION
ALBANIAN DEMOCRATIC ALLIANCE

The party of Albanian Democratic Alliance got acquainted to the draftlaw on " Some Changes on the Law No. 7556, dated February 4th, 1992 on the Elections for the Parliament " presented these days by the parliamentary group of the Democratic Party.

The Albanian Democratic Alliance, as a signer of the declaration and the draftlaw of the 13 political parties, concerning the same problem, expresses its concern on :
- The ADP draft, in its best case, is a challenge against the roundtable of the 13 political parties, which is a prove of the arrogance, the lack of respect and the minimum ethic from the party in power towards the other political parties.
- Meanwhile, the ADP draft is an opened violation of the Constitutional Law, democratic princips, the rules of the equal, fair, pluralistic and political race, which is a tremendous temptetation to avoid, by all means and methods, the efects of the sure loss of the corrupted power.

1. Art. 80 of the existing law, which specifies the cases when the mandate of an MP is over, has been added a paragraph which limits the mandate of the MP of the present parliament till the day of the four year period from its first planery. This comes cunter to the main Constitutional Dispositions, where it is sanctioned that the mandate of the MP-s continues till the first day of the assembly of the first session of the coming legislature.
The purpose of this anticonstitutional article is the creation of a very dangerous institutional vacuum between this period, April 1996 till the fisrt assembly of the coming legislature.
This means that :
a. Albania will not have its highest lawmaking institution.
b. The President of the Republic, Mr. Berisha, and his instruments will have free hands for uncontroled actions.
c. The MP-s, the leaders of the opposition and the undesirable within the ADP, reduced of their imunity befortime, will not have any defence confronting the threatenings, provocations, violation and, may be, ilegal arrests by the power.

2. The election commisions of all levels as the central, the zonal and those of the polling centres, according to the new draft, will be dominated by a majority of members of the ruling party, although ADP is solely compared to the other electoral subjects.
The socalled nonparliamentarian parties are totally reduced from the right to be presented in the election commisions. The aim of manipulating the elections is quite clear.

3. The electoral campaign on the state TV, acording to the ADP draft, reaches an extreme culm of the discrimination of the political subjects by the official media, extremely violating the democratic princip of the equality conditions. Those parties, which do not have or have not been allowed to have parliamentary groups, will have only 8 minutes time in their disposal during the campaign. The existing law has reduced the right of the electoral subjetcs to transmit to their electorate at the edge of elections day their main political message, through the TV and radio.

4.The ADP draft, as in the time of Enver Hoxha, impliments the arbitrary revocation of the MP's mandate.

5. The new draft has changed almost totally the esence of the existing law for the MP's electing system, by practicaly transforming it into a mojoritar system, which does not coincide even with our young pluralistic age of democracy or not even to the reality of Albanian political spectrum.

6. The composer of the draft has not settled a legal timelimit for the collection of the verbal - proceses and the declaration of the final results of the elections by the Central Electoral Commision. In the context of the experience of the local elections (July 26, 1992) and the referendum on the Constitution (November 6, 1994), where the voting results were not declared for a long time, the importance of settlement of legal timelimit is of esential character.
For all these reasns and also a series of defects which are included in this text, the party of Albanian Democratic Alliance declares that the free and fair elections, a capital and historic victory of the democratic movement of Decemeber 1990. are seriously threatened in Albania.

Albanian Democratic Alliance blames the ruling party for all the antidemocratic and anticonstitutional acts which aim in destroying the free and fair elections. ADA invites, once again, the ADP and the President, Berisha to reflect on these major factors.

Through its members of the parliament, in loyal colaboration with other parliamentary parties, ADA will fight to prevent the aproval of this dangerous and antidemocratic draftlaw.

Because of the impossibility to win this fight in the Parliament and considering that the political situation, on the edge of the elections, signs a tensed turnback of the five years ago situation, ADA will propose in the frames of the roundtable of the 13 political parties joint and legal actions to defend the free elections.

ADA has the belief that in this final try the Albanian democratic opinion and the political parties will be in the hight of the historic mission to defend the democracy in Albania.

ADA has the belief that joint together we will have the full support of the international democratic states and institutions.

Tirana on January 27, 1996

Presented to Mr. Martens and Mr. Welle
in Oslo, 4-5 February 1996

Tirana, January 25, 1994

Dear Ms. Prime Minister,

It is a heavy sense of responsibility that I feel bound to communicate to you my concern over an incident that has caused grave disquiet in Albania, not only because of its tragic nature, but also because of the reaction of Albanian authorities which has followed.

On 14 January 1994, a group consisting of armed supporters of the ruling Democratic Party tried and failed, to break up a meeting organised by two representatives of the opposition Democratic Alliance party which was being held in the city theater of Shkodra. Following this they provoked a conflict outside the building as people were leaving, during which a 26 year-old member of the Alliance, Gjovalin Çekini, was shot and murdered. Despite the fact that his killers were immediately identified, they have not been arrested, but have since been protected by the authorities responsible for public order. Clearly, such protection can only be forthcoming from those who sent them: local government authorities and Democratic Party branch in Shkodra, as well as their leaders in Tirana. In recounting this, I am endeavoring to explain the political nature of the crime.

Shkodra, the largest city in west of Albania, is only 5 km from the Montenegrin border, and is well-known as the starting-point of resistance in the struggle against the Communist dictatorship for the establishment of pluralism. Today, Shkodra is the poorest and most isolated part of the country as a consequence of the embargo against Montenegro. Important members of the local government, public order authorities, security service and financial police are taking the opportunity to become wealthy from the illegal breaking of these sanctions and have organised armed gangs. They regard democracy as a threat to this activity and have reacted violently towards opposition group in Shkodra. In May 1993, for example a meeting of the New Political Initiative movement was forcibly disrupted, while in June a meeting of the Socialist Party was prevented. The same individuals who were involved in such incidents were also sent to the meeting of the Democratic Alliance where they changed their tactics from intimidation to open terror.

The paralysis of the public order and justice in Shkodra, and the implication of the authorities in the defense of political crime, indicates that stability is based only on fragile foundation of corruption. The de facto control of this city is in the hands of criminal forces. This is also a reflection of the fact that the central government is riddled with corruption, such as the Arsidi case which is well-known throughout Europe. At the same time, it is common knowledge that the Ministry of Defense is implicated in financial scandals, as well as in the trafficking of contraband using the vessel "Sotirios". Direct accusations of collaboration with the Italian Mafia have been made against the Albanian authorities by the Italian Republican Representative Lavagio during a session of the Italian Parliament in January.

From this viewpoint, the Shkodra incident can be understood as a collaboration between the political forces in power and organised crime in Albania, which threatens to transform it into a Balkan Palermo. It also explains the climate of tension and the obstacles created by the present authorities at every turn for the opposition, as well as their inaction against factions within the ruling party. The economic interests of the corrupted authorities are directly threatened by any kind of opposition and their reaction is to defame, marginalise and destroy the parliamentary opposition.

As an intellectual who has been devoted to the cause of bringing Albania into Europe since December 1990, and as the President of the opposition Democratic Alliance Party, I am communicating with you directly, not only to stress the tragedy of one young life sacrificed, but also to warn of the danger that our new democracy may be destroyed.

Taking your democracy as a model and assisted by the great moral support and material aid that the US and Europe has given, Albanian democracy has taken shape. I now ask you to do your utmost to ensure that these contributions are not misused by certain groups here in Albania to establish a monstrous society in one of the countries which has been part of western civilization since ancient times.

Respectfully yours,

Neritan Ceka
President of the Democratic Alliance of Albania

Copie

Alliance Democratique d' Albanie
Tirana, ALBANIE
Tel.+355 42 30468
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A l' aimable attention de

Monsieur Klaus Wele
Secretaire General UEDC
Fax.+ 32 2 2854141

Tirana, le 30.05.1996

Monsieur le Secretaire General,

L'Alliance Democratique Albanaise, apres avoir constate des violations flagrantes lors du vote de 26 mai 1996 pour des ellections legislatives, en accord avec d'autres partis de droite comme de gauche, a retire ses candidats pour ne pas crediter une farse maladroite du pouvoir, de ses fonctionnaires et des polices. Une telle manipulation visant a creer un fait accompli, nous ne pouvons l'accepter.

Nous comptons sur votre soutien pour reconstruire une vraie democratie dans notre pays. Des abus proprement scandaleux ont ete constates ega;ement par des obervateurs et les journalistes etrangers, venus couvrir l'evenement. Il va de soi que nous appelons e de nouvelles elections dans le plus bref delai sous le control des intitutions europeennes.

Cryoez, Monsieur le Secretaire General a nos sentiments de respect et de haute consideration.

Neritan CEKA

President de l'Alliance
Democratique Albanaise

To all the members of Malta - Meeting of EUCD.

I will not explain in details what happened in Albania during the May 26 Elections. The result of this elections and the creation of a one party parliament is very siginificant. For the sake of truth, Albania did not go through elections that day, but only votings, which remind us of the past model of the communist and dictatorship experience.

- The chairmanships of the commissions were in all levels appointed by the ruling party. They had full control on the documents and procedures.
- Gunned police officers in uniforms and " in borgese " used pressure and violence on the oposition representatives in the commissions, aiming to frighten the electors.
- The commissions were supplied with only two copies of protocolls, which were taken by the official parts of the commissions.
- The presence of unknown persons, who voted time and again in preprepared ballot quantities.
- The countrywide application of the same scheme where the oposition representatives in the commissions were izolated and could not check on the lists of the voters and the procedures.
- Hundraids of the commission members, who protested on the irregularities were detained and even arrested by the police.
- The postpone of the closing time of the votings, which aimed in creating the conditions for violence use.

All these illegal facts present the basic elements of the mechanism for impossing a predecided result. The danger of facing with the state violence and of physical clashes determined almost all political parties to withdrow their candidates and the commission members starting by midday (Republican Party) and later on (Party of Human Rights, Right Democratic Party, Socialist Party) till 7 p.m. (Albanian Democratic Alliance and Social Democrat Party). The votes were counted by the state commissions and on may 27 they proclamed winners 112 out of 115 candidates of the Democratic Party and the mandats were delivered according to the dispositions.

Considering the reaction of the oposition towards this stalinistic victory and particularly the withdrow of the OSCE commission, the ruling party started three dayes after to correct the results, gifting 6 sits to the Socialist Party, 1 sit to the Party of Human Rights and second tour to 6 other constituencies from which Democratic Party won 4 and 2 were gifted to Republican Party and to the Party of Balli Kombetar, two small right wing parties, because none of the genuine oposition parties did not participate.

On June 7, the President of the Republic, Mr. Sali Berisha, based on the decision of the Central Electoral Commission declared the rerun in 17 constituencies. This is a

break of law because this is allowed only within 6 days after the results declaration and never as a Presidential competence. The delivery of the MP mandates by order is a clear evidence of the farse nature of this elections and rises a dilema on the personality of these Democratic Party MP candidates.

The way the elections of May 26 proceded and their result sign the end of preprepared spiral of violence to the oposition and the democratic institutions in Albania. I have had the oportunity to present this situation in some of the EUCD meetings.

- In Portoroz I have stressed the importance of a free national TV and the lack of elecronic private media.
- In Bucharest, on the occasion of the Albanian political parties membership in EUCD, I have argued that the Democratic Party stands too far from the values of this genuine Union. Albania is lacking a constitution. Albania is having a judiciary system under total control of the Democratic Party. Albania is having an administration, Police Service, Secret Service under full dominance and control of the Democratic Party which are being used against the oposition. Albania is lacking an adequate banking system and is full of corruption. We have also denounced Albania's membership in the Islamic Pact. In Oslo i have presented a memorandum to Mr. Martens, where I explained a part of the preelectoral mechanism, wheres in the meeting I had with Mr. Welle in Tirana, at the begining of April, I have argued the narrow democratic space for having free and fair elections.This is only a part of the alarm, I have raised on behalf of Albanian Democratic Alliance, to different Institutions of the EU. We must addmit that the scepticism has incouraged ADP in its process of violationing basic human freedoms and rights and the worst event accured. Albania is threatened to be the only Europian country without a genuine oposition in the parliament. The elections of May 26 are no longer free and fair ones but a coup d'etat. They proceded under direct presence, pressure and intervinience of the Secret service and the police and recreated the closed cicle of one party - state, which is in total control of the legislative power, the excecutive one, the judiciary system, media etc. A communism turn back could not have presented more consequenes.

Ther is no doubt that an important responsability for this regressive turn back falls on the Albanian political class, which could not succeed in transforming the massive civil responsability for the defence of human rights and freedoms into a political culture. We must also be reminded that in these four years period, a strog violence body with greater measures than the former one has been set up. This organisms have systematicaly attacked and violated the opinion centres as oposition, indipendent press, universities. It will be more than enough to see the macabre

views of the oposition beeing beeten, to understand the truth. The rest of the responsability falls on those Europian Institutions, responsabile for the application of the basic democratic princips in the former communist countries, aiming to integrate in the EU structures. During these four years of ADP rule, EU has assisted Albania in different ways in about 1.4 billion USD but they have never asked for the bill to see how these money were spent or what kind of democracy Albania was constructing. Some Europian circels have considerd this conflict as a conflict between the Right and the Left or more naively as a fight between the communists and the democrats. In fact, the essence of the political fight in Albania has been the attempts of the oposition to give a constituon to the country, to achieve the indipendence of the judiciary, freedom of information and the contruction of a state of justice. The main role to these options has been played by the Centre and the Right. It is exactly these political forces, presenting an alternative to the ADP, which have beeen cruelly treated even in the May 26 elections in the results forgery, living them out of the parliament.

There has also been a second reason to tolerate the violence spirale against the oposition and human freedoms and rights in Albania. The stability in the former communist countries has been wrongly undrestood as a strog hand rule. A system like this may seem comfortable as long as there are problems in the region, but within the course of time the instalation of authoritarian regimes will lead to the hermetisation izolation of the foreign policy where instrumentalization of corruption, illegal trafic, violence and increase of criminality will dominate the political and economical life of the country.

Albanian Democratic Alliance, created under the influence of Europian Christian - Democratic values, presents that part of the political class which believes that the only way to democracy in Albania goes through the application of these values. Strong hands have only damaged the Ballkans. The May 26 elections are a clear evidence for the anacronicy of such figures, at a time the history has cutted short its cicles.

Interview with the chairman of the Democratic Party, Prof. Dr. Tritan Shehu.
Taken from " RD "

Mr. Shehu! What is Your reaction after the aproval of a resolution of the Europian Parliament, requesting the reconsideration of the elections in Albania ?

First of all, I want to sress that there were two resolutions presented to te Europian parliament ; one of the left group and one of the right group. The resolution of the left group was very agressive, severely criticising the elections in Albania and in a way or another requested re - run of the electoral process. It was also the resolution of the right wing forces of the Europian Union, where are included the Christian Democratic Parties, Populor and Democratic Parties, the parties of Major, Kohl, Chirac, Mock, Aznar and all the other Europian right wing parties.

It was a resolution supporting the democratic processes in Albania and which considered the results of the elections as fair and asked for dialogue between the Albanian political forces in this step of the political developments in Albania. It was a normal resolution, fit to the Albanian reality. From 624 delegates, only 174 members of the Europian Parliament were present, which by a majority of votes voted for the resolution. The Europian Parliament is dominated by the left. **Its resolutions have only an admonition character, not decisive and a lot of them are passed every day. They do not have any obligatory power on the Europian Comunity or on the other Europian countries.** Today, it was the Italian government which stated clearly, through an opened debate in the parliament on the relations with Albania : no new elections are requested although irregularities have been witnessed but on the contrary it was the Italian MP- s that criticised harshly the massmedia on the speculations about the elections in Albania. We must not forget that Italy is the Presedent in Office of Europian Union.

Everything is proceding normally although some attacks have been made. A great victory as the destruction of communism in Albania could not escape from some transitory troubles.

Mr. Shehu! What is Your concern on such declarations as this from the Europian Parliament, at a time there are only 10 days left from the first plenary of the new parliament and the formation of the new government ?

All the suggestion that are made, we have judged them seriously and have tried to evidence the complaints to correct what we are doing. Of course, we do not think that democracy is perfect and with the support of the Europian Community we will correct those weaknesses and problems that have been witnessed, which are

problems of growth. But above anything else we will proove with the work of the new government that privatization, marcet economy, integration in Europe, consolidation of the democratic institutions and the extenssion of the democratic legislation in Albania wich will be passed by the new parliament, which will start work very soon.

Albania is in the right road All that remains now is how to get and put in practice the onligations, the electorate burdened us with its vote of May 26.

Mr. Shehu ! It is written, during these last days, in the left press on a sort of possible economic locking to Albania ...

The extremist left press and the exteme left in general have attempted to izolate Albania. Izolation and ksenofobia are in their mentality. They have always tried to lock the support and aid to Albania, not only today but since 1992 they are doing the same thing, but they have always failed. Even this time they have totally failed, taking into consideration the fact that they are not any longer an important and existing political force in Albania. With this kind of propaganda they do nothing but furtheriy izoiating themselves and those who have projected this destabilizing policy for Albania.

Albania has friends, Albania is now an opened country enjoying the support of the international comunity. Albania will keep going on like this and its future will be full integration in Europe.

Intervistë me Kryetarin e PDSH, Prof. Dr.Tritan Shehu



-Zoti Shehu! Cili është reagimi juaj pas njoftimit për miratimin e një rezolute të Parlamentit Europian ku kërkohet rishqyrtimi i zgjedhjeve në Shqipëri?

Së pari, dua të them që në Parlamentin Europian u paraqitën dy rezoluta; një e grupit të majtë dhe tjetra e grupit të djathtë. Rezoluta e grupit të majtë ishte një rezolutë agresive, e cila kritikonte ashpër proçesin e zgjedhjeve në Shqipëri dhe në një mënyrë apo në një tjetër kërkonte një përsëritje të proçesit elektoral. Ishte edhe rezoluta e forcave të djathta të Parlamentit Europian ku përfshihen Partitë Demokristiane, ato Popullore e Demokratike; pra partitë e Mejxherit, të Kohlit, Shirakut, Mockut, të Aznarit... e të gjitha pa[illegible] të djathta të Europës.

Ishte një rezolutë [illegible]shteste proçeset demokratik[illegible]re, i konsideronte të drejta[illegible]tet e zgjedhjeve dhe bënte thi[illegible]r dialog ndërmjet forcave politike shqiptare në këtë fazë të zhvillimeve politike në Shqipëri. Ishte një rezolutë normale dhe e drejtë e që i përshtatej realitetit shqiptar. Nga 624 delegatë, në sallë asistonin vetëm 174 anëtarë të Parlamentit Europian, të cilët me shumicë votash miratuan rezolutën e majtë. Parlamenti Europian dominohet ngatë majtët. Në rezolutat e tij ai ka vetëm funksione këshillimore, jo vendimore dhe çdo ditë miratohen mjaft të tilla. Ato nuk kanë asnjë fuqi detyruese qoftë mbi Komunitetin Europian, qoftë edhe mbi vendet e tjera europiane. Sot ishte qeveria italiane që në një debat të hapur në parlamentin italian, foli mjaft qartë për marrëdhëniet e saj me Shqipërinë: nuk kërkon zgjedhje të reja në Shqipëri, përkundrazi, megjithë shkeljet që janë vënë re. Ishin deputetët italianë që kritikuan ashpër masmedian për spekullimet ndaj zgjedhjeve në Shqipëri. Mos harrojmë se Italia ka presidencën e Komunitetit Europian.

Çdo gjë po shkon normalisht, po shkon mirë, pavarësisht nga disa sulme që mund të bëhen. Një fitore kaq e madhe, siç është shkatërrimi i komunzimit në Shqipëri nuk mund të mos kishte edhe disa shqetësime kalimtare.

-Zoti Shehu! Sa shqetësim mund të përbëjnë për ju deklarime të tilla si e Parlamentit Evropian, ndërkohë që kanë mbetur edhe 10 ditë që të mblidhet parlamenti dhe po punohet për ndërtimin e qeverisë së re?

Të gjitha vërejtjet që bëhen ne i gjykojmë me serioitet, mundohemi të nxjerrim vërejtjet për të korigjuar punën tonë. Natyrisht nuk mendojmë që demokracia është e përkryer dhe me mbështetjen e Komunitetit Europian padyshim do t'i korrigjojmë edhe ato dobësi e mungesa që janë vënë re, që janë mungesa të rritjes. Por më shumë se me çdo gjë tjetër këtë do ta tregojmë me punën që do të bëjë qeveria e re, do të tregohet rruga e zhvillimit demokratik të Shqipërisë, privatizimi, ekonomia e tregut, integrimi në Europë, do ta tregojë forcimi dhe konsolidimi i institucioneve demokratike dhe zgjerimi i legjislacionit demokratik në Shqipëri që do të realizohet nga parlamenti i ri që shumë shpejt do të fillojë nga puna.

Shqipëria është në rrugë të drejtë. Tashmë na ngelet që të marrim dhe të vemë në jetë ato detyrime që na ngarkoi elektorati shqiptar me votën që na dha më 26 maj.

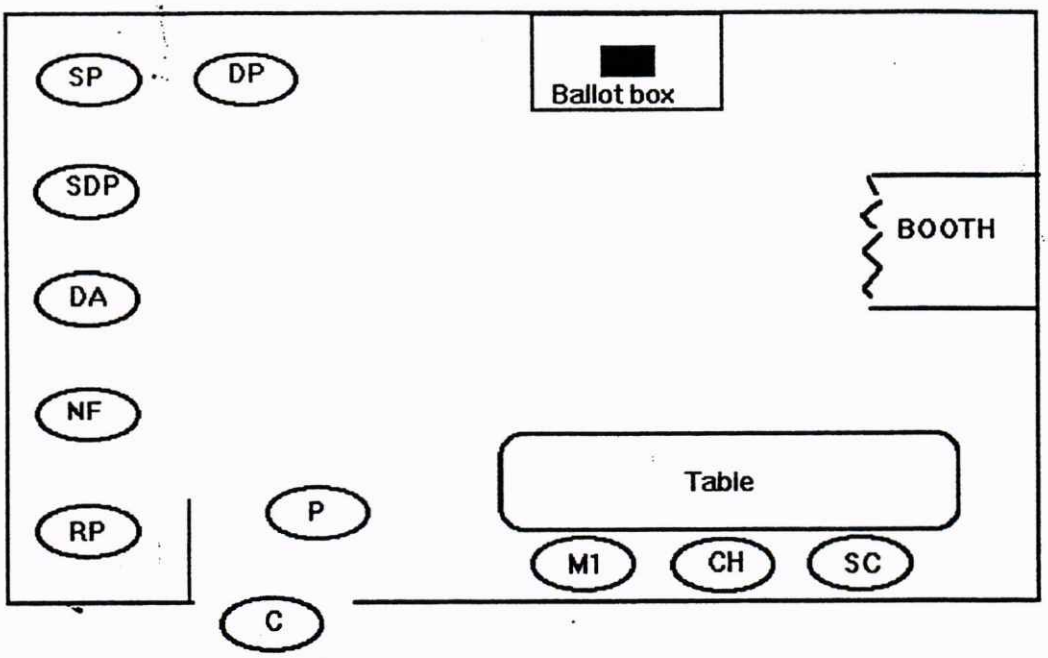
-Zoti Shehu! Këto ditë në shtypin e majtë po flitet për një farë bllokimi ekonomik të mundshëm kundrejt Shqipërisë...

Shtypi ekstremit të majtë dhe ekstremi i majtë në tërësi si gjithmonë janë përpjekur që ta izolojnë Shqipërinë. Ata e kanë në psikologjinë e tyre izolimin dhe ksenofobinë. Ata gjithmonë janë përpjekur që të bllokojnë ndihmën dhe mbështetjen ndaj Shqipërisë, jo sot por që nga '92-shi ata po bëjnë vetëm këtë punë, por gjithmonë kanë dështuar. Edhe kësaj radhe ata janë krejtësisht të dështuar, aq më shumë që tashmë ata nuk janë një forcë politike ekzistente dhe e fuqishme në Shqipëri. Me këtë propogandë ata nuk bëjnë dot gjë tjetër vetëm se shtojnë më tepër izolimin e tyre, veten e tyre dhe ata që projektuan këtë politikë destabilizuese për Shqipërinë.

Shqipëria ka miq, Shqipëria tashmë është një vend i hapur që gëzon mbështetjen e Komunitetit Ndërkombëtar. Ajo do ta vazhdojë këtë rrugë dhe padyshim e ardhmja është integrimi i plotë i Shqipërisë në Europë.

Projekt - Rezolutë e paraqitur nga grupi i Partisë Popullore

[illegible] deputetët e PS



THE SCHEME OF THE POLLING STATION

Legend:

CH - The chair commission
SC - Secretary
M1 - Member of the commission appointed by the prefect
P - Police
C - Armed civil
RP - Member of commission, Republican Party
NF - Member of commission, National Front
DA - Member of commission, Democratic Alliance
SDP - Member of commission, Social democratic Party
SP - Member of commission, Socialist Party
DP - Member of commission, Democratic Party

Polling station, May 26



Photo: the other Members of the Commission

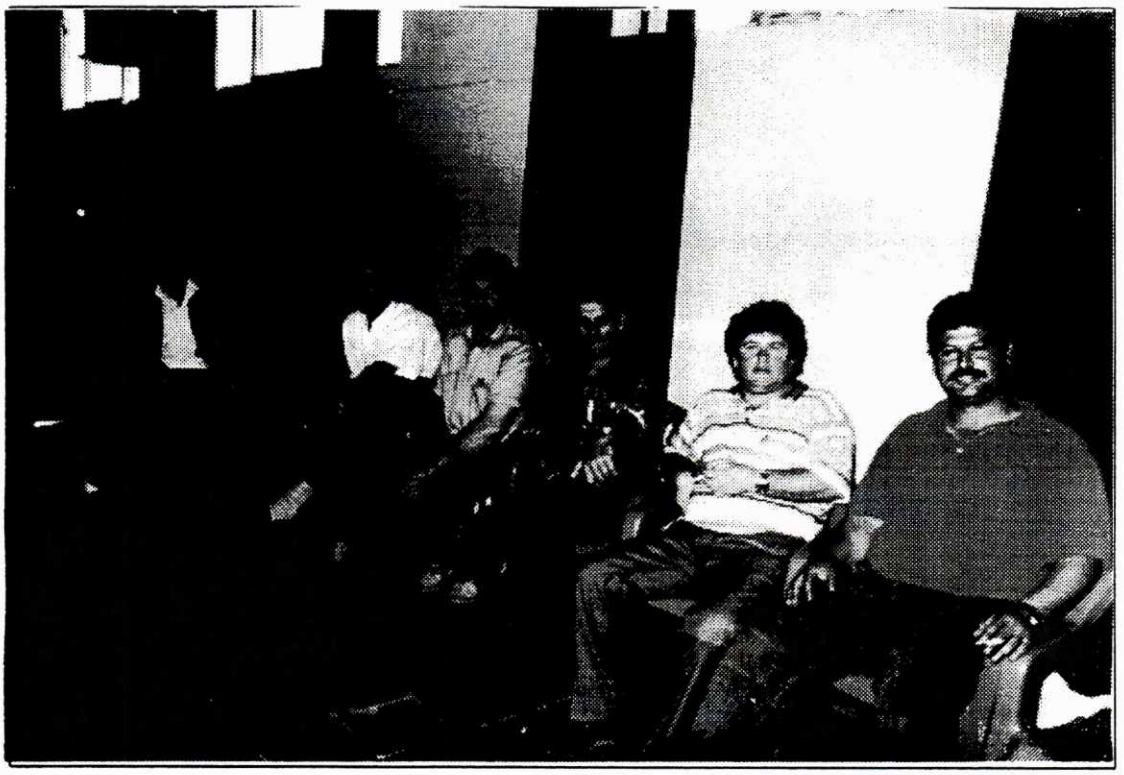


Photo: the other Members of the Commission

hotos from the Elections Day, May 26



Photo of the voters going to the booth

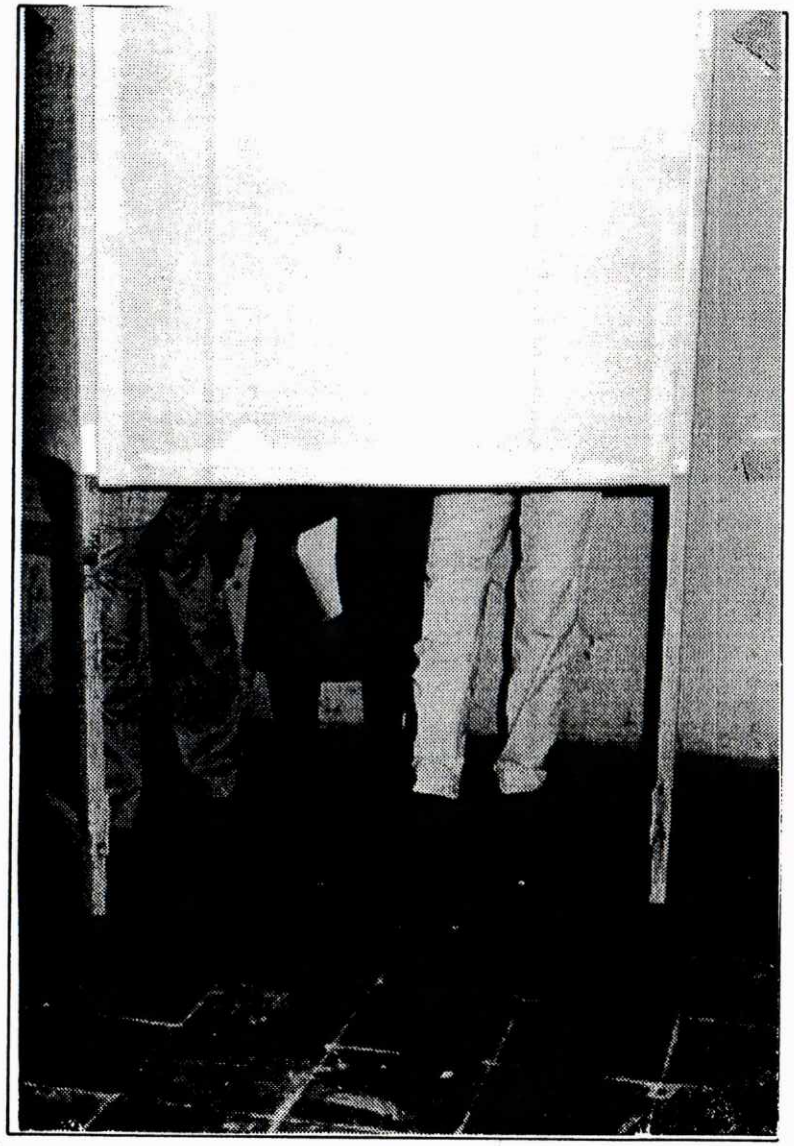


Photo of the booth

SOCIALIST PARTY OF ALBANIA

REPORT
ON THE LEGAL ABUSES DURING THE ELECTORAL PROCESS IN ALBANIA

Based upon the work of all the structures of the Socialist Party of Albania and on the numerous testimonies they have received on the electoral process in Albania and deposited in the relevant files for all 115 constituencies, whose references are shown in the " Information Summary", the Judicial Commission of the General Leading Committee of the Socialist Party and its representatives at the Central Electoral Commission (CEC),have prepared and present the following Report:

I. THE PRE - ELECTORAL PROCESS

The pre - electoral process was associated with the violation of the Major Constitutional Provisions and other laws.

1. Through the enactment in the Parliament of the law on genocide and crimes against the Mankind and that of the verification of the figures of public officials, No. 8001 and 8043, the ruling party, with definite political intentions restricted the constitutional right of election for several of its political opponents. The contents of these laws run against some provisions of the Law on the Major Constitutional Provisions and Article 75 of the Copenhagen document which provides, inter alia, " the respect for the citizens' rights to be elected and nominated to public or political posts, individually or as representatives of political parties or organizations, without any discrimination."

The restriction of the right of election under the two above-mentioned laws was also coupled with the establishment of a chiefly appointed-government Committee (6 out of its 7 members are appointed by the Government) which in essence had the powers of a special court. This Committee excluded unjustly from the right of election several MPs and candidates for MPs. The said Committee has reached decisions with majority of votes, just as the courts do, it has conducted its meetings with " closed doors ",without communicating at all with the persons concerned. The Court of Cassation, which examined the complaints against the decisions of this Committee did not review the cases within the legal deadline, it did not make a judiciary investigation related to the legal compliance of the decisions of the Committee and even today it has not provided the persons concerned with copies of the decisions in which it has considered their complaints as ungrounded.

The Committee of Legal Affairs and Human Rights of the Council of Europe has recommended that the Committee for the verification of the figures should have

representatives from opposition, but the Government did not abide by this recommendation.

2. Contrary to the stands of 16 political parties which were of the opinion that elections in Albania should be held under the electoral law adopted in 1992, with some additions and amendments, the ruling party, through its parliamentary majority, contravening the basic parliamentary regulation has adopted a new electoral law without debates and against the procedures. Although experts hold that this Law has an anti-constitutional character, no question, remark or even discussion was made about this Law.

The opposition parliamentary groups have had major objections for this Law. Different from the previous one, the new law authorizes the President of the Republic to appoint the constituencies. The latter defined these constituencies without transparency and by favourizing the political interests of the ruling party. There were substantial disparities between the number of voters among constituencies, varying from 12.OOO to about 27.OOO voters.

3. Immediately after defining the constituencies, without acquainting the electoral subjects with the new electoral map, the President of the Republic decreed elections only 45 days prior to the election date, at a time when no preliminary preparations had been made to this end.

The CEC establishment was decreed by the President of the Republic 45 days prior to the election day with a membership much in favour of the ruling party. The domination from the ruling party of the presidency and of the CEC itself has had several impacts in making arbitrary decisions with negative consequences during the election campaign. Even the commissions of the constituencies and those of the polling stations were set up with much delay, failing to comply with the legal deadlines 3O days prior to the election date for the constituency commissions and 25 days prior for those of the polling stations.

II. LEGAL ABUSES DURING THE ELECTORAL CAMPAIGN

1. The chairmanships of the commissions of the constituencies and those of the polling stations were composed only with representatives of the Democratic Party.

Under Article 37 of the Electoral Law, CEC appoints the Chairman and the Vice/Chairman of the commissions of the constituency commissions, whereas the secretary is appointed by the relevant Governor(Prefect) and it is nominated again by the CEC.

CEC had decided with majority voting and in an intentional and arbitrary way that not only the secretary of the constituency commissions, but even the chairman and the vice/chairman be appointed by the secretariat of the Local Government at the Ministry of Interior, through the Governors. Thus, all the chairmanships of the constituencies were

established with the folks proposed by the said Secretariat. The socialist representatives at CEC persisted that the nomination of the chairman and vice/chairman would remain under the exclusive power of CEC and they should be proposed by the local government bodies (The District Councils or the municipalities) The argument for this proposal relied on the fact that these bodies represent the local government elected with the people's votes and they reflect in real terms the structure of political forces in the constituency. In this way, the chairmanships of the constituencies would be pluralistic, which is essential for the management of the electoral process.
During all previous elections in Albania, the constituency commissions have been set up in the above-mentioned way. Although this demand of the socialist representatives at CEC was rejected by the ruling CEC majority, a request was made to set forth at least the criteria of selection for persons that would be nominated to these chairmanships, but even this request was categorically rejected. Consequently, the chairmanships of the constituencies (the chairman, vice/chairman, the secretary) were all appointed from the ranks of the ruling Democratic Party.

Since under the law, the chairmanship of the constituency commissions appoint the chairman and the vice/chairman of the polling commissions, all the chairmanships of the latter were composed with folks from the ruling party. In the composition of several commissions, with an odd number of members, upon orders from the government there have been appointed even " non- party " members, whereas Article 39 provides that the latter are appointed only in the cases when the number of the commission membership is even.

The developments of the recent week and especially during the election day indicated that the domination of the commissions of the constituencies and polling stations from chairmanships composed only with the representatives from the ruling Democratic Party was the key to all speculations and manipulations that occurred during the election day.

2. Violation of all provisions related to the voters' lists

Under Article 21, paragraph 4 of the electoral law, the voters' lists are promulgated by the mayor and the secretary of the municipality council not later than 3O days prior to the election day. Contrary to the law on elections, the voters' lists were announced 1O - 15 days with delay and in some constituencies their promulgation dragged on until the final election date. Despite the several complaints from different electoral subjects, CEC did not commit itself to respect
its legal requirements. The ruling party representatives did their utmost to legitimate these legal infringements, to justify the delays, etc. Under Article 28 of the Law, the voters' lists are made available to the electoral subjects from the government bodies on the basis of their request and against payment.
SPA demanded the voters' lists for all the polling stations, but they were not provided over 95 per cent of the constituencies on nation - wide scale. The delays in announcing these

lists and failure to make them accessible to the electoral subjects was intentional and designed not to provide the proper time and opportunities for acquainting themselves and for verifying the voters' lists, at each polling station. This did also pave the way to open frauds and manipulations on the election day with the number of voters, as it was proved that day.

The voters' lists contained several irregularities. They, as many facts indicate, have not been drafted with the same criteria on nation - wide scale. This has produced substantial irregularities in many lists, as failure to register a large number of inhabitants, false registration of persons in several other lists, including several persons in emigration, even children and the dead. The governmental and ruling party officials have reacted with arrogance, draggs-on and arbitrarity to the requirements for alterations in these lists, even by denying such a right. Despite the requirement filed to CEC to define and acquaint the public opinion with the procedures of regulating the voters' lists, the ruling party representatives in this Commission openly neglected this issue.

In all constituencies several citizens were not registered, due to their pro-opposition affiliation, whereas citizens pro the ruling party were registered twice, by including even the dead. Thus, in the constituency No.15, 3OO persons were not registered, in the constituency 19 in Lezha over 1OO, at the constituency no.2O in Mirdita there have been registered 13 dead and 4O soldiers who were registered in other areas as well.

During the election day, the chairmanships of the commissions in all districts presented additional lists with a large voters number (5 - 1O per cent of the number of voters), an act that goes against the law, since the latter prohibits any action with the list 24 hours prior to elections. Thus, in the constituency no. 57 there were dispatched one day prior to the election day lists with 3.OOO voters, at the constituency no.45 lists with 1.OOO voters at the constituency no.55 lists with 2OO - 3OO voters, etc. The lists sent on 25 May 1996 were not for the constituency inhabitants, but for persons living in other areas or districts. Even the members of the commissions, except for the chairmanships, were not acquainted with the said additional lists.

3. Major irregularities in providing the people with the "special voting certificates"

CEC has issued instructions according to which, the citizens who did not have the identifying document, were to be provided with special voting certificates at the Civil Offices, however without a photograph, i.e. without one of the basic identification elements. The same applied even to the military persons, contrary to the law which categorically provides the voting right only with an identifying document with the attached photograph. Given the major irregularities of the voters' lists, these certificates without photograph produced major opportunities for manipulations. There are several facts and documents that different persons had bundles of such
blank certificates. No documentation was recorded in the Civil Offices as to whom these

certificates were issued, despite the persistence of the socialist representatives on the drafting of regulations on their issuing.

4. The voters' lists and the voters' register

The Secretariat of the Local Government in the Ministry of Interior elaborated and distributed a sample for the voters' lists which the polling commission should hold on the election day. The same sample was also used even for the promulgation of the voters' registers, contrary to the electoral law which clearly stipulates that there are two different models. There are evidence that in some areas(Bulqiza,Patos) the voters' registers were filled in advance, with names, the number of the identification card and the relevant voters' signatures. This paved the way to irregularities and manipulations; therefore, the opposition representatives at CEC demanded the alteration of this model of the voters' lists, which was again not accepted by CEC.

5. Denial of the right of electoral subjects to observe elections

Although the electoral law provides clearly for the participation of observers from the electoral subjects during the polls, CEC, under the pressure of the ruling majority issued special instructions for the observers, limiting this right only to the electoral subjects which did not have their own members in the polling commissions. This was an unlawful action, since, under Article 66 of this Law, each electoral subject was entitled to have an observer in each polling station, besides the members in the polling commission. Despite the persistence of the socialist representatives at CEC, so that it would express itself and publically instruct the polling commissions to execute this legal requirement, the ruling party representatives kept silence; there are different indications that CEC has issued instructions in different ways not to execute the law. The governors ordered the constituency commissions not to allow observers in the polling stations. As the voting day proved, this was a pre-meditated action on the part of the government and designed to prevent the observation of the voting process and to avoid as much as possible, the eye-witnesses of the manipulation.

Likewise, after the persisting demands of opposition representatives, CEC admitted to provide a certain number of observers for each electoral subject with the observer document in the constituencies. On this basis, the electoral subject presented its official proposals to CEC, but the presidency of the latter decided not to issue any authorization, quite in an arbitrary way.

The CEC Presidency, contrary to what the commission had decided, dragged on and on intentionally the equipment of foreign observers, chiefly the left-wing ones with the relevant document and many of them did not afford to monitor in the voting day. There were even parliamentarians from different countries, even members of European Parliament and others among them. To observe elections in Albania came a delegation from the Party of

European Socialists led by Mr. Jean Francois Vallen, secretary General of that Party and made up from members from Sweden, Austria, Belgium, Italy and Hungary. However, a part of these members, as the swedish parliamentarian Maria Grandland, the italian parliamentarian Fabio Evangelisti and others were not given the relevant documents in the proper time, without any reason. Only on 26 May by the afternoon, thanks to the intervention of the italian embassy, they were allowed to visit some polling stations. A delegation from the Bulgarian Socialist Party and bulgarian Parliament such as Stoiko Zhenkov Penchev, Valeri Pavllov Sturdellov and Ivan Kostandinov were not provided with the right to observe elections. They as well as 10 greek personalities, who were likewise not given the observer document sent a written protest to CEC, but never got a reply.

6. The voting protocols

CEC adopted, two weeks prior to the election day the relevant forms for the protocols with the results for the polling stations and of the constituency. While this decision was made, the ruling party representatives were drafting another protocol, essentially different from the previous one. Whereas the former was signed by the chairman, secretary and the members of the commission as the law provides, in the second model this protocol was to be signed only by the chairman and the secretary. The opposition representatives denounced such an attempt to replace the legal protocol with an irregular one Given the pressure of the public opinion, CEC, after a long and severe debate was forced to admit the model of the protocol which was approved in advance. The distribution of the protocols in each polling station was in a very limited number, somewhere 2, 4 and maximum 6 copies, whereas the average of the electoral subjects varied from 10 - 12. Such a thing would create a very difficult situation on the polling day. The opposition representatives at CEC required forcefully the solution to this problem. The state authorities replied that they had financial difficulties and lack of paper. Under such conditions, representatives of different electoral subjects at CEC proposed to multiply themselves these protocols according to the form approved by CEC and the SPA representatives in the Commission reported such a request. The representatives of the Republican Party at CEC, who was in charge of communication with RTV, repeated many times in TV the right of electoral subjects to get a copy of the protocols, even by preparing themselves according to the model.

As the practice during the voting day indicated, the stand maintained concerning the multiplication of a limited number of protocols was intentional and designed to serve the manipulations during the voting. The Commission replied with silence to the requirements of some electoral subjects that CEC should order the increase of the number of protocols. Furthermore, they said openly that there would be only two protocols in the polling commissions and that the subjects would not be provided with such a protocol. Surprisingly enough, at the noon of the voting day it was decided to alter the protocols, allegedly for the purposes of their recording. That implied that the multiplication of the protocols was

due neither to the financial difficulties, nor to the lack of paper, but it was aimed at not providing the electoral subjects with them, which was openly unlawful.

7. State bodies prohibited by law to participate in the election campaign turned into zealous executors of the violation of laws.

Although the law provides that the local governmental bodies and any other state body are not entitled to distribute propaganda materials nor to participate in conducting propaganda activity, it were just these bodies that demonstrated, in an open and flagrant way their total commitment to the ruling party, by making available to it folks, vehicles and even by taking pupils in the rallies of the ruling party.

The Electoral Law provides that the chief executives of the local government, members of the judicial bodies, the chief executives of the public order and Albanian National Service as well as active military who present their candidature for MP should be relieved from their posts 25 days prior to the election day. Even this legal provision was not respected.

8. The electoral commissions at the constituencies and polling stations did not work in a collective and pluralistic way.

The activity of the electoral commissions at the constituencies and polling stations was marked on the voting day by major irregularities, even unlawful attitudes and actions. Several concerns were raised in the reports sent to CEC on the part of commission members and various electoral commissions, but on the whole, CEC did not intervene to repair the faults. Several constituency and polling commissions did not function, they did not meet regularly to follow up the performance of the campaign and did not discuss or decide under the law. Right from the very beginning of their activity, the tendency of the monopolization of the entire activity only from the Presidencies of the commissions were noticed. There are several facts indicating that even very important decisions were made only by the chairmanships. In many cases, the chairmanships of the constituencies refused to acknowledge and apply even the official CEC decisions. With the unlawful allegation that it is the chairmanship that decides on everything, it was restricted even the participation of commission member representatives. This arbitrary activity of these commissions became flagrant in the last campaigning day and it reached its climax on the election day.

9. CEC turned itself into a tool in the hands of the ruling party in order to support and legitimate the entire procedure of electoral manipulations.

It is to be emphasized that all the above-mentioned irregularities occurred upon the knowledge of CEC Presidency, which with the support of its majority in the Commission, did constantly impose itself on the Commission to support and legitimate the manipulation on the election day. CEC has been characterized in its entire activity by spontaneity,

draggs-on and failure to handle the complaints of the electoral subjects and other significant matters as well as the unlawful judgments.

On the whole CEC activity has lacked transparency, especially with regard to the opposition representatives. In the absence of working plans and schedules, the CEC Presidency has imposed itself in accordance with the directives and orientations of the chief executives of the central government and the ruling party. Although the law on elections provides that the commission meetings are public, the journalists were not allowed to attend such meetings, while restricting substantially the access to information for the Media.

The CEC Presidency has not responded and it has not raised for discussion important complaints and matters, which have been constantly raised by the opposition representatives. Thus, despite the pressing requirements, CEC was not kept informed until the last day for the accurate number of voters, ballots, the typing of the protocols and procedures , for the recording process, saving and distribution of documentation, etc. Various information confirm that on saturday and sunday, a large number of ballots had been typed in different Printing Houses, as the law provides.

Responding to these requirements, the CEC Presidency has used threats, different blackmail, including even the expulsion from the commissions and arrest against the opposition .representatives.

Since all the said information produced by the electoral subjects right in the first voting day indicated the violation of voting procedures, the opposition representatives immediately required CEC intervention to verify and stop these violations; CEC Presidency however, paralysed any commission activity.

III. - THE VOTING DAY

The Voting Day was characterized by a very large number of flagrant violations of law at all polling stations throughout the country. They have been shown in details in the Files compiles for each constituency and have been summed up in the Information Summary Material. Distinguishing features of those innumerous violations is that they represent the same actions that have taken place according to the instructions that the Democratic Party has issued on nation - wide scale. This is testified with testimonies from different party representatives, a part of which have been compiled in the files prepared by SPA. The instructions issued by the Democratic Party for the relevant actions on the voting day are already evidenced and made public; they prove at best that there is an elaboration of large - scale manipulation. The major elements of this scheme are as follows:

1. According to the information from opposition representatives, voting in several polling stations did not start on the defined hour, but 2 - 3 hours later. This time apparently was

necessary for the chairmanships of the electoral commissions to manipulate the documentation without the presence of the commission opposition representatives.

2. The voting documentation and the materials recorded were received and administered only by the Commission chairmanships. No information was provided about them in the commissions. During the voting day, the related documentation and materials were generally processed by the commission chairmanships, without the presence of the commission opposition members. From the information of the representatives of various parties, it turns out that the commission chairman in several cases violated just the laws related to the documentation and other materials.

3. The placement of the commission members in the polling station was done under the instructions of the Democratic Party, against the electoral law. In all the polling stations there have been placed small working tables just for 3 persons(chairman, secretary and the non-party member, who performed all actions with the voters' lists and the ballots. The other commission members have been kept far away from this table to avoid the control of the performed actions.

4. In most of the polling stations, the ballots were signed and sealed in advance only by the ruling party representatives, which runs against the law , the latter requiring the performance of this operation at the presence of the entire commission. The opposition commission members were not allowed to see the empty ballot boxes before the beginning of voting. The boxes were closed and sealed in advance, which again runs contrary to the law.

5. In several polling stations where the opposition commission members required the execution of the law, the chairmen of the commissions, according to the scheme elaborated in advance, called representatives from the police and armed civilians in order to send these members out of the commission by force.

6. In almost all polling stations, the entrance and presence of armed folks was noticed, who exercised pressure mainly over the opposition members in the commissions, over the voting electorate, reaching up to the point of open violence in many cases.

7. From several information and testimonies deposited in SPA it turns out that the commission chairmanships gave to different voters several ballots. In several constituencies, groups of voters brought in an organized way with vehicles voted without having their names in the voters' lists and with irregular voting certificates.

8.The presence of the observers of the political parties participating at elections was not allowed at all polling stations, as the law provides.

9. From the information collected later on from the representatives of various subjects who

kept on staying at the polling stations and foreign observers, there were many irregularities during the ballots count, up to the falsification of the protocols with the voting results. There have been found and are available several ballots and protocols belonging to various polling stations which have been flawed, fully burned into fire or even torn in part after the voting, just because they were ballots in favour of the opposition representatives.

The Legal Commission of the Socialist Party of Albania
The SPA representatives to the Central Electoral Commission.

TIRANA, 16 JUNE 1996

Hearing on Albania elections - 24 June 1996

Mr. Petrit KALAKULLA, MP
Chairman of the Democratic Right Party
People's Assembly
Tirana

Dr. S. PELLUMBI, MP
First Deputy Chairman
Socialist Party of Albania
People's Assembly
Tirana

Mr. Sabri GODO, MP
Chairman of the Republican Party
People's Assembly
Tirana

Mr. Vasil MELO, MP
Chairman of the Union of Human Rights
People's Assembly
Tirana

Mr. Teodor LAÇO, MP
Chairman of the Socialdemocratic Union
Peoples's Assembly
Tirana

Mr. Neritan CEKA, MP
President of the Democratic Alliance
People's Assembly
Tirana

Mr. Skënder GJINUSHI, MP
Chairman of the Socialdemocratic Party
People's Assembly
Tirana

Mr. Tritan SHEHU
Chairman of the Democratic Party
People's Assembly
Tirana

Mr. Hysen SELFO
National Front Party
People's Assembly
Tirana

Mr. THERESKA & Mr. KRISTO
Central Electoral Commission
Tirana

Mr. Raoul ÜKSVÄRAV, Head of the OSCE Parliamentary Assembly's delegation to the Albanian election
Mr. Pentti VÄÄNÄNEN, Deputy Secretary General of OSCE Parliamentary Assembly
Parliamentary Assembly of the OSCE
DK - 1466 Copenhagen K

Mr. G. POLLO
Political Adviser to the President of the Republic of Albania

Mr. Zef MAZI
Ambassador of the Republic of Albania to the OSCE

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

Strasbourg, le 10 juin 1996

AS/Pol/Inf (1996) 4

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COMMISSION DES QUESTIONS POLITIQUES

Correspondance de la Présidente de l'Assemblée parlementaire concernant les élections législatives en Albanie

- lettre du 31 mai 1996 de M. Arbnori sur les élections en Albanie et réponse de la Présidente (même date)

- lettre du 1er juin 1996 de Dr S. Pellumbi, Député, Premier Vice-Président du parti socialiste albanais et de Prof. S. Gjinushi, Président du parti social-démocrate d'Albanie et réponse de la Présidente (8 juin 1996)

- lettre du 4 juin 1996 de la Présidente aux responsables des groupes politiques de l'Assemblée parlementaire

- lettre du 4 juin 1996 de M. S. Berisha, Président de l'Albanie, et réponse de la Présidente (8 juin 1996)

ASSEMBLÉE POPULAIRE DE LA RÉPUBLIQUE D'ALBANIE

Le Président

Tirana, le 31 mai 1996

Madame la Présidente,

En ma qualité de Président du Parlement d'Albanie et de Président de la délégation albanaise auprès de l'Assemblée parlementaire du Conseil de l'Europe, je tiens tout d'abord à vous exprimer ma profonde gratitude pour votre évaluation objective du boycott sans précédent des élections générales en Albanie, prémédité par l'opposition. Cela étant, je souhaite vous communiquer les informations suivantes.

Pour les élections générales du 26 mai 1996 en Albanie, plus de douze partis politiques étaient en lice. Chacun d'entre eux était représenté dans toutes les commissions et plusieurs organisations internationales et ONG ont observé ces élections. Nous avons déployé tous les efforts possibles pour que ces élections soient libres, justes et sereines. Dès le début de la campagne électorale, et même avant, plusieurs fractions de partis politiques (entretenant à l'évidence des relations avec l'ancienne police secrète) ont émis des plaintes pour irrégularités dans les élections. En ce qui concerne la totale transparence, des rumeurs de manipulations et de violations avaient déjà circulé à l'époque selon lesquelles les élections locales de 1992 et le référendum sur la Constitution de 1995, organisés par le présent gouvernement, montraient clairement comment ces consultations étaient organisées. L'information concernant la loi électorale a été efficacement diffusée par la télévision d'Etat albanaise.

J'ai la conviction que la promotion et le développement de la démocratie en Albanie dépendent directement de la manière dont chaque parti politique assume ses responsabilités en la matière. A ce propos, le boycott prémédité, ordonné par certains partis politiques d'opposition, prouve que ces derniers n'étaient pas prêts à accepter l'évidente défaite, ce qui a peut-être nui à la crédibilité des résultats du scrutin et a en même temps exagérément amplifié les irrégularités techniques relevées lors du processus électoral.

Suivant la décision prise par la Commission électorale nationale au vu des quelques irrégularités avérées, on procédera à un nouveau scrutin dans trois circonscriptions.

M^me^ Leni Fischer,
Présidente de l'Assemblée parlementaire
du Conseil de l'Europe
+ 33 88 41 27 96

Le résultat des élections n'est pas si surprenant, puisqu'il provient de différentes sources. J'aimerais rappeler que, lors des élections de 1992, le PD l'avait emporté dans 92 circonscriptions sur 100, ce qui représentait proportionnellement plus de 62 % des suffrages. A ces mêmes élections, le PS n'avait remporté que quatre circonscriptions sur 100, soit plus de 25 % des voix, à la proportionnelle. Aux dernières élections, le PD a gagné dans 95 des 115 circonscriptions, c'est-à-dire recueilli à la proportionnelle plus de 65 % des suffrages, alors que le PS n'a remporté que 5 circonscriptions sur 115, soit plus de 22 % des voix. Comme vous le voyez, ces résultats sont proches. J'ai la conviction que la défaite des partis de gauche est due aux liens incriminés de la direction de ces partis avec le passé et, en particulier, à leurs relations avec l'ancienne Sécurité d'Etat, tellement honnie en Albanie.

Je tiens à vous informer du fait fort important que, parmi plusieurs partis politiques, le Parti de l'Union des droits de l'homme (de la minorité grecque) est revenu sur sa position et a décidé de participer au second tour des élections le 2 juin.

Les sièges obtenus par les partis politiques de gauche au parlement leur seront toujours réservés et nous invitons ces partis à reconsidérer leur décision en se souvenant que, en démocratie, le champ de bataille est le parlement et non la rue.

Nous respectons et respecterons toujours les manifestations légales de tous les partis politiques mais, en même temps, sommes décidés à ne pas tolérer les actes illégaux qui visent à déstabiliser par la violence et les affrontements.

Je tiens à redire que les observateurs du Conseil de l'Europe et d'autres organisations sont cordialement invités à assister au second tour des élections; nous sommes déterminés à prendre toutes les dispositions possibles pour faciliter leur mission.

Comptant, comme toujours, sur votre loyale compréhension,
je saisis cette occasion pour vous réitérer l'expression de ma plus haute considération.

Pjeter Arbnori

Conseil de l'Europe
Assemblée parlementaire

Le Président

Strasbourg, le 31 mai 1996

Monsieur le Président,

Je vous remercie pour votre lettre de ce jour et votre invitation à l'Assemblée d'envoyer certains de ses membres observer le second tour de vos élections législatives dimanche.

Malgré l'importance exceptionnelle de votre invitation, je crains que ni les groupes politiques ni le Bureau de l'Assemblée n'aient assez de temps pour former une équipe.

Les comptes rendus de presse concernant le premier tour de ces élections sont particulièrement préoccupants. Vous n'ignorez sans doute pas non plus que la déclaration publiée par le Bureau des institutions démocratiques et des droits de l'homme de l'OSCE au lendemain du scrutin fait état de graves irrégularités dans la conduite de ces élections. Le président en exercice de l'OSCE a fait appel aux partis politiques d'Albanie pour qu'ils envisagent toutes les mesures propres à régler le différend, y compris la tenue éventuelle de nouvelles élections partielles.

Je constate que la Commission électorale nationale, informée de ces irrégularités, a demandé au Président de la République d'ordonner par décret l'organisation d'un nouveau scrutin dans trois circonscriptions.

La Présidence de l'Union européenne prie notamment le Gouvernement albanais de faire tout ce qui est en son pouvoir pour assurer l'heureuse poursuite du processus électoral. L'Union européenne exhorte toutes les parties en cause à faire preuve du sens des responsabilités le plus élevé et à reprendre le dialogue.

Je prends bonne note de l'invitation adressée par le Président de l'Albanie aux candidats de l'opposition pour qu'ils participent au scrutin dans les circonscriptions tenues par leurs adversaires et à l'ensemble des électeurs pour qu'ils prennent part au second tour. M. Berisha a également affirmé qu'il veillerait à ce que les élections se déroulent dans des conditions conformes à la loi et que l'Albanie garantit les droits et libertés de se rassembler et de manifester, comme le prévoit la loi.

M. Pjeter ARBNORI
Président de l'Assemblée populaire
de la République d'Albanie
TIRANA

Notre Assemblée parlementaire est heureuse d'avoir œuvré avec vous et d'autres parlementaires albanais pour défendre le pluralisme parlementaire démocratique en Europe et j'espère que ces derniers sauront se montrer assez attachés à ces valeurs pour convaincre leurs amis politiques.

Veuillez agréer ...

Leni Fischer

Parti socialiste
Tirana

Parti social-démocrate
Tirana

A l'attention de M^me^ Leni Fischer
Présidente de l'Assemblée parlementaire
Conseil de l'Europe
Strasbourg

Madame la Présidente,

Tout en exprimant notre très haute considération et notre profonde reconnaissance pour vos initiatives tendant à aider l'Albanie, pendant la phase de transition de la dictature à la démocratie, à surmonter les difficultés de cette transition, nous voudrions vous faire part de notre vive préoccupation en ce qui concerne la manière dont se sont déroulées les élections du 26 mai 1996, ainsi que la grave situation qui existe actuellement en Albanie.

Non seulement il n'a pas été tenu compte de l'exigence formulée par les Etats-Unis et l'Union européenne, ainsi que par toutes les institutions internationales prestigieuses, selon laquelle l'Etat albanais devait garantir la tenue d'élections libres et régulière le 26 mai 1996, mais la police, y compris la police secrète, s'est rendue coupable de graves violences, allant jusqu'à faire usage d'armes à feu dans les bureaux de vote et à l'encontre des organes de l'opposition; la police s'en est même pris à des députés de l'opposition, qui jouissent pourtant de l'immunité. Par conséquent, on ne peut pas parler de manipulations partielles; il y a eu un véritable coup d'Etat de la part de Berisha.

On peut dire qu'à l'exception du parti démocratique, qui est le parti au pouvoir, aucun parti politique d'Albanie n'a pris part à ces élections, à cause de la violence, des manipulations et du contrôle total exercés par la police et les services secrets.

Voilà les raisons pour lesquelles nos partis et plusieurs autres partis ne reconnaissent pas la validité des résultats du scrutin.

La stratégie de Berisha a consisté à détruire l'opposition dans sa quasi-totalité; or, celle-ci avait obtenu environ 60 % des voix lors du référendum constitutionnel.

Nous espérons que nous avons réussi à faire passer l'essentiel de notre préoccupation, et nous souhaiterions pouvoir compter sur votre compréhension et votre appui en ce qui concerne les revendications de l'opposition albanaise officielle, qui sont les suivantes:

1. non-reconnaissance des élections confisquées du 26 mai 1996; organisation, dès que possible, de nouvelles élections, dans des conditions démocratiques et sous la surveillance de l'Union européenne.

2. Intervention immédiate du Gouvernement albanais pour mettre fin à la répression qui sévit contre les citoyens et l'opposition.

En tant que représentants de l'opposition albanaise, nous sommes résolus à protéger par des moyens démocratiques le droit de la population à des élections libres. En même temps, nous ferons tout ce qui est en notre pouvoir pour éviter une confrontation très dangereuse qui pourrait très bien survenir à bref délai, et pour éviter une déstabilisation dans la région, ainsi qu'une émigration massive de jeunes Albanais qui deviendraient autant de réfugiés dans toute l'Europe, compte tenu du risque de terreur lié à la mise en place d'une nouvelle dictature.

Soyez assurée que, dans un esprit de compréhension et de coopération, vous pouvez compter sur un engagement sans réserve de notre part.

Veuillez agréer, Madame la Présidente, l'assurance de notre très haute considération.

Dr Servet Pellumbi, député
Premier vice-président
du parti socialiste albanais

Prof. Skender Gjinushi
Président du parti social-démocrate

Tirana, 1er juin 1996

ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Le Président

Strasbourg, le 8 juin 1996

Messieurs,

J'ai l'honneur d'accuser réception de votre lettre relative aux élections qui se sont déroulées récemment dans votre pays.

Permettez-moi de vous assurer que nous suivons cette affaire de très près, en tenant compte des décisions qui ont été prises dans votre pays, ou qui le seront, au sujet des règles et des procédures adoptées sur le plan interne, ainsi que des prises de position des instances internationales et européennes.

Une copie de votre lettre a été adressée aux chefs des groupes politiques de l'Assemblée. Notre Commission des questions politiques y fera également référence lorsqu'elle examinera la question à sa prochaine réunion, le 13 juin 1996 à Tallinn.

En outre, l'Assemblée consacrera probablement un débat à cette question lors de ses séances plénières du 24 au 28 juin 1996 à Strasbourg.

Veuillez agréer, Messieurs, ...

Leni Fischer

M. Servet PELLUMBI
Premier Vice-Président du Parti socialiste
TIRANA
Fax 00 355 42 27417

M. Skender GJINUSHI
Président du Parti social-démocrate
TIRANA
Fax 00 355 42 27485

ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Le Président

Strasbourg, le 4 juin 1996

Madame, Monsieur,

Concernant ma lettre du 31 mai 1996 sur les élections en Albanie, je tiens à vous informer que j'ai reçu hier une lettre de M. Servet Pellumbi, premier vice-président du parti socialiste et du Professeur Skender Gjinushi, président du parti social-démocrate, dont vous trouverez ci-joint une copie pour information. Comme le Président Sali Berisha est cité dans cette lettre, je lui ai demandé sa réaction (que vous trouverez également ci-jointe) J'aimerais discuter avec vous de la réponse à donner à MM. Pellumbi et Gjinushi.

Dans quelques jours, j'assisterai à la Conférence des Présidents des Assemblées parlementaires d'Europe à Budapest. Je mettrai cette occasion à profit pour connaître leur avis sur la situation en Albanie. Je vous tiendrai évidemment au courant des consultations que j'aurai là-bas.

Permettez-moi maintenant de vous demander si, selon vous, une action de l'Assemblée parlementaire du Conseil serait utile en ce moment. Je serais heureuse de recevoir tout conseil de votre part. En ce qui me concerne, je pense que nous devrions attendre et nous assurer que les mécanismes internes fonctionnent de façon satisfaisante en Albanie. Je crois savoir que la Commission électorale centrale continue d'examiner les plaintes pour violations du droit électoral, et qu'il est possible d'exercer des recours devant la Cour constitutionnelle.

Notre Commission des questions politiques se réunira bientôt, à Tallin le 12 juin et je m'en réjouis. Peut-être fera-t-elle une déclaration? En tout état de cause, je vous prie d'examiner l'opportunité d'organiser une séance d'information sur l'Albanie lors de l'ouverture de notre partie de session de juin à Strasbourg.

Veuillez agréer...

Leni Fischer

A l'attention
des responsables des Groupes politiques
de l'Assemblée parlementaire du Conseil de l'Europe

RÉPUBLIQUE D'ALBANIE
Présidence

Tirana, 4 juin 1996

Madame la présidente,

S'agissant des élections du 26 mai en Albanie je suis en mesure de confirmer que la campagne électorale et le scrutin lui-même se sont déroulés sans incident susceptible de compromettre le processus électoral.

Le scrutin du 26 mai a été suivi par des centaines d'observateurs; aucun observateur étranger, aucune force politique n'a fait état, auprès des institutions officielles, d'irrégularités ou d'incidents graves au cours de cette journée.

Environ 89 % du corps électoral albanais ont pris part aux élections du 26 mai, et 30 % – je tiens à le souligner – se sont rendus aux urnes entre 18 heures et 22 heures; ce faisant, ils passaient outre à l'appel qu'avaient lancé les dirigeants socialistes en faveur du boycottage du scrutin.

Le 25 mai dans la soirée le parti socialiste a distribué clandestinement 4 700 faux formulaires dont 800 ont été interceptés par la police. Il comptait, grâce à ces formulaires, proclamer sa (fausse) victoire devant les observateurs étrangers le 27 mai à 3 heures du matin. Dans ces conditions, la commission électorale centrale a immédiatement réimprimé les formulaires, en modifiant leur couleur pour éviter les falsifications; et elle les a distribués par hélicoptère le lendemain matin à tous les bureaux de vote.

En ce qui concerne la présence de personnes armées, aucun électeur ou observateur étranger n'avait fait état d'un quelconque comportement menaçant de la part de policiers. La décision de placer des policiers à proximité des bureaux de vote avait été prise par la commission électorale centrale, après qu'elle eut découvert que le parti socialiste avait, au mépris de toute légalité, créé des groupes paramilitaires qui devaient être déployés en trois unités: la première unité devait prendre position autour du bureau de vote; la seconde devait attaquer le véhicule transportant les urnes; et la troisième devait prendre position autour de la circonscription. De tout cela, les autorités albanaises ont des preuves et des témoignages qui ont été rendus publics et portés à la connaissance des gouvernements étrangers. Le ministère public a entamé une action en justice.

Comme je l'ai dit, le 26 mai tout s'est bien passé jusqu'à 18 heures, heure à laquelle M. Gramoz Ruci, ancien ministre de l'Intérieur et chef de la police secrète d'Enver Hoxha, actuellement secrétaire général du parti socialiste, a intimé, par téléphone, aux représentants du parti socialiste, l'ordre définitif de se retirer: «retirez-vous, nous avons subi une lourde défaite». Le retrait du parti socialiste, 4 heures avant la fermeture des bureaux de vote, est un fait sans précédent dans l'histoire électorale de l'Europe.

C'est alors que j'ai lancé un appel télévisé invitant la population à garder son calme et les commissions à procéder au dépouillement avec précision. Après le retrait du parti

socialiste, les deux tiers des membres des commissions électorales sont restés dans les bureaux de vote; plus de la moitié d'entre eux appartenaient aux partis d'opposition. En outre, dans plus de 40 % des bureaux de vote, les membres socialistes des commissions ne se sont pas retirés; et dans des centaines de cas ils ont déclaré par écrit qu'ils se retiraient, non pas en raison d'irrégularités mais parce que l'ordre leur en avait été donné d'en haut.

Toutefois, je ne puis exclure qu'il y ait eu, dans un nombre limité de circonscriptions, des compromis inacceptables entre membres des commissions. C'est pourquoi j'ai demandé à la commission électorale centrale d'examiner toutes les réclamations et les allégations d'irrégularités en vérifiant en détail tous les livres et documents des circonscriptions.

Soyez assurés que je suis fermement résolu à suivre les suggestions de la commission électorale centrale tendant à organiser de nouvelles élections dans les circonscriptions où des irrégularités ont été commises.

De nombreux observateurs locaux et étrangers ont suivi les élections du 26 mai. Six des huit rapports présentés par des observateurs étrangers considèrent que ces élections se sont déroulées normalement, régulièrement et librement. Les deux autres rapports formulent des critiques, sans toutefois fournir d'éléments susceptibles de les étayer.

L'opposition en Albanie est libre, et elle le restera. Le nouveau Parlement albanais est pluraliste; il inclut des représentants non seulement du parti démocratique, mais aussi de quatre partis d'opposition: le parti socialiste, avec dix députés; le parti républicain avec trois députés; le parti de l'union des droits de l'homme, avec deux députés; et le parti de Ball Kombetar, avec deux députés.

Lors de la grande manifestation organisée, Place Skenderbej, par l'opposition – manifestation qui, pour des raisons de sécurité, n'avait pas reçu l'autorisation de la police (mais qui aurait pu se dérouler dans l'une des autres places de la ville qu'on avait proposé de mettre à disposition) – il y a eu des excès et une réaction disproportionnée de la part des forces de l'ordre. Ces incidents, que je condamne, font actuellement l'objet d'une enquête diligente et indépendante.

Entre temps, j'ai lancé un appel à l'opposition pour qu'elle participe au deuxième tour de scrutin; mais elle a répondu par une grève de la faim.

Le deuxième tour s'est déroulé dans le plus grand calme; ses résultats confirment intégralement les résultats du premier tour. Ont pris part à ce deuxième tour quelque 67 % des électeurs; les candidats du parti démocratique ont obtenu les deux tiers des voix.

J'ai le sentiment que les socio-démocrates européens ont été mal informés de la manière dont les choses se sont passées chez nous; et je les invite à venir en Albanie.

Je tiens, pour conclure, à vous assurer que l'Albanie est résolue à aller de l'avant sur la voie de la consolidation de la démocratie; notre pays reste ouvert à une étroite coopération avec le Conseil de l'Europe et avec d'autres institutions européennes. Veuillez agréer, Madame la présidente, l'expression etc.

Sall Berisha

ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Le Président

Budapest, le 8 juin 1996

Monsieur le Président,

Je vous remercie pour votre réponse à ma lettre relative aux élections qui se sont déroulées récemment dans votre pays.

J'ai transmis une copie de votre déclaration aux chefs des groupes politiques de notre Assemblée, qui ont également reçu une copie de la lettre de MM. Pellumbi et Gjinushi.

Il sera certainement fait référence à ces documents lors de la prochaine réunion de la Commission des questions politiques, qui se tiendra à Tallinn le 13 juin 1996.

En outre, l'Assemblée consacrera probablement un débat à cette question lors de ses séances plénières, du 24 au 28 juin 1996 à Strasbourg.

Veuillez agréer, Monsieur le Président, ...

Son Excellence
M. Sali BERISHA

Président de la République d'Albanie
TIRANA
ALBANIE
Fax 00.355.42.23548

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

Strasbourg, le 10 juin 1996

AS/Pol/Inf (1996) 5

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COMMISSION DES QUESTIONS POLITIQUES

Lettre de M. Namik Dokle, membre albanais de l'Assemblée parlementaire à l'attention de tous les membres de l'Assemblée parlementaire du Conseil de l'Europe

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A L'ATTENTION DE TOUS LES MEMBRES DE L'ASSEMBLÉE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Tirana, le 31 mai 1996

Madame, Monsieur,

C'est profondément horrifié par ce qui se passe dans mon pays, l'Albanie, que je vous adresse le présent message.

La démocratie est en danger! Ce cri est poussé par un peuple qui a été scandaleusement spolié d'élections libres.

Lors des élections législatives générales qui ont eu lieu le 26 mai 1996, le Parti démocrate du Président Berisha et les organes armés de l'Etat ont soumis la population, et en particulier les représentants de l'opposition à un régime de terreur policière, physique et psychologique sans précédent. La police a passé à tabac et arrêté plusieurs personnes, les menaçant de les tuer ou de s'en prendre à leurs enfants. A Berat, à Fier et à Elbasan, même les candidats aux élections législatives ont été frappés. Trois coups de pistolet ont été tirés au-dessus de la tête de l'un d'eux, Flamur Malova (de Berat). Ces scénarios rappèlent aux Albanais les années 30 en Europe, ou les années 70 en Amérique latine, en particulier au Chili.

Les observateurs envoyés en Albanie par l'OSCE pour surveiller les élections ont constaté les faits suivants:

la loi électorale n'a pas été appliquée selon les critères qui s'y trouvent énoncés;

le Président et le secrétaire des bureaux électoraux, nommés par le gouvernement, ont pris des décisions arbitraires (plusieurs représentants de l'opposition ont été exclus des commissions de scrutateurs et battus ou arrêtés par la police);

les partis d'opposition n'ont pu se faire communiquer le procès-verbal de vote des bureaux électoraux;

l'exactitude des procès-verbaux a été mise en doute;

le nombre de voix comptées dans les bureaux de vote est supérieur au nombre de signatures figurant dans les procès-verbaux;

les observateurs ont constaté que des individus armés et des personnes non identifiées présents dans les bureaux de vote ont contribué à intimider les électeurs et les scrutateurs.

Dans la pratique, le 26 mai, une atmosphère conflictuelle pesante régnait parmi les électeurs de base et les agents armés de l'Etat. A midi, le Président Berisha a décrété que le report de 20 à 22 heures de l'heure de fermeture des bureaux de vote était illégale. La nuit était donc suffisamment longue pour laisser le temps de prendre des mesures arbitraires et de commettre des actes d'intimidation.

Tout en concluant que la situation devenait incontrôlable et que les conflits pouvaient complètement dégénérer (je dirais même sans hésitation qu'on était au bord de la guerre civile), les partis d'opposition ont pris la décision politique de retirer tous leurs candidats et de quitter les commissions de scrutateurs et les groupes d'observateurs dans leur ensemble. Cette décision a été prise cinq heures avant la fin des élections et a été annoncée par les chefs de l'opposition lors d'une conférence de presse.

Après les élections, le peuple est descendu dans la rue dans les villes albanaises pour soutenir les exigences de l'opposition:

l'organisation de nouvelles élections avec des garanties adéquates pour qu'elles soient libres et surveillées par l'Union européenne, le Conseil de l'Europe et les Etats-Unis.

Cependant, la population subit de graves violences. A Tirana, la police a encerclé pendant sept heures le siège du Parti socialiste. Des centaines de personnes ont été frappées et arrêtées lors d'une manifestation organisée sur la place centrale de la capitale. Mais le plus scandaleux a été l'assaut du Parlement par la police au cours duquel les principaux chefs de l'opposition, les députés et les candidats aux législatives ont été passés à tabac et arrêtés pendant plusieurs heures.

La police a frappé les personnes suivantes:

Membres du Parti socialiste:

1.	Servet PELLUMBI,	premier vice-président, député
2.	Namik DOKLE,	vice-président, député
3.	Luan HAJDARAGA	vice-président, député
4.	Ilir META	vice-président, député
5.	Ermelinda MEKSI	député
6.	Arta DADE	candidat aux législatives
7.	Halil LALAJ	député
8.	Maqo LAKRORI	député
9.	Alfred PALOKA	député
10.	Musa ULQINI	député
11.	Moikom ZEQO	député
12.	Agim FAGU	Candidat aux législatives
13.	Lesko GJATA	Candidat aux législatives
14.	Besnik BARE	Candidat aux législatives
15.	Enver RECI	Candidat aux législatives
16.	Pandeli MAJKO	Candidat aux législatives

et bien d'autres

Membres du Parti social-démocrate

1.	Skender GJINUSHI	président, député
2.	Gaqo APOSTOLI	secrétaire-général, député
3.	Paskal MILO	vice-président, député

Membres du Parti de l'alliance démocratique

1.	Neritan CEKA	président
2.	Arben IMAMI	secrétaire-général, député
3.	Prec ZOGAJ	directeur chargé de la presse
4.	Shahin KADARE	candidat aux législatives
5.	Blendi GONXHE	candidat aux législatives ancien chef des étudiants en grève en 1991 pour obtenir que l'Université de Tirana ne soit plus dédiée au dictateur Enver Hoxha.

Toutes ces actions ont été commises avec l'aval politique du néo-communiste et néo-dictateur en "habits démocratiques" Sali Berisha, l'actuel Président albanais.

Je suis psychologiquement choqué par ce qui s'est passé en Albanie. Peut-être me pardonnerez-vous de vous envoyer, par manque de savoir-vivre, deux photos de moi prouvant la répression subi par un membre de l'Assemblée parlementaire du Conseil de l'Europe.

En tout état de cause, mes blessures ne seraient rien pour moi, si, vous, mes chers collègues, vous entrepreniez quelque chose pour atténuer les blessures infligées à la démocratie dans mon pays.

Veuillez agréer...

Namik Dokle
Député de l'Assemblée parlementaire du Conseil de l'Europe





Représentation Permanente de la République d'Albanie
auprès du
Conseil de l'Europe

5, Rue Forget
67 000 Strasbourg

Tel: 88 14 07 60
Fax: 88 36 56 62

Strasbourg, le 10.06.1996

Monsieur le Secrétaire Général,

J`ai l`honneur de vous faire savoir que:

1. La Commission Centrale Electorale en Albanie, après avoir examiné les plaintes des différents partis politiques, a confirmé qu`il y a eu des irrégularités dans dix-sept circonscriptions au cours du scrutin du 26 mai 1996, .

2. Le Président de la République M. Sali BERISHA, en vertu de ses prérogatives constitutionnelles et sur recommandation de la Commission Centrale Electorale, a décrété la répétition du scrutin dans les dix-sept circonscriptions le dimanche 16 juin 1996.

3. Le Secrétaire d`Etat aux Pouvoires Locaux et Régionaux M. Njazi KOSOVRASTI invite toutes les organisations internationales, ONG, personnalités, journalistes et médias intéressés à déléguer des observateurs au scrutin du 16 juin 1996.

Je vous prie de croire, Monsieur le Secrétaire Général, à l`expression de ma plus haute considération.

Gjon KOLIQI

Chargé d'affaires a.i.

M. Daniel TARSCHYS
Secrétaire Général du
Conseil de l`Europe

Palais de l`Europe
Strasbourg

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Traduction non officielle

OSCE

ASSEMBLÉE PARLEMENTAIRE

RAPPORT
SUR
LES ÉLECTIONS PARLEMENTAIRES
EN ALBANIE

26 MAI 1996

1. Résumé

Pour la troisième fois depuis l'effondrement du régime communiste des élections multipartites viennent d'être organisées en Albanie. Les autorités albanaises ont bien accueilli les observateurs internationaux, dont le statut est confirmé dans la Loi électorale. Selon l'article 89 de cette loi, «des parlementaires représentant les Etats membres de l'OSCE», ainsi que d'autres parlementaires, sont acceptés comme observateurs.

Bien que l'Albanie ait accompli des progrès importants an passant en quelques années de la dictature à la démocratie, l'absence de traditions démocratiques et multipartites était très évidente dans ces élections, notamment dans certains détails de la législation, l'organisation du scrutin, le comportement des partis politiques et la manière dont ils ont conduit leurs relations.

La législation albanaise régit les conditions d'organisation d'élections libres et équitables. Cependant, *la Loi relative au génocide* comprend des procédures que l'on ne peut considérer ni équitables ni transparentes, et des conditions qui limitent les possibilités des électeurs de choisir librement leurs candidats.

Au cours de la campagne, les autorités n'ont pas toujours fait preuve d'impartialité. Il semble qu'il y ait eu aussi une certaine confusion concernant des décisions, ou l'absence de décisions, de la Commission électorale centrale dans l'organisation du scrutin.

D'une manière générale, le scrutin s'est déroulé dans les bureaux de vote en conformité avec la loi. Il y a eu cependant un certain nombre d'irrégularités et d'insuffisances techniques.

Les médias d'Etat n'ont pas été totalement impartiaux.

Le fait que plusieurs partis d'opposition ne se soient pas présentés aux élections et qu'ils aient retiré leurs observateurs des bureaux de vote quelques heures avant le dépouillement du scrutin a contribué au manque de crédibilité des résultats.

Dans sa déclaration du 27 mai, la délégation de l'Assemblée parlementaire de l'OSCE a lancé un appel aux autorités et à tous les partis politiques d'Albanie pour qu'ils fassent tout leur possible pour assurer la réussite du processus électoral, absolument nécessaire pour consolider de la démocratie en Albanie. La délégation a insisté sur le fait que le gouvernement et tous les partis politiques partagent la responsabilité dans ce domaine essentiel.

La délégation regrette que son appel n'ait pas été suivi d'effet. En outre, il lui semble que l'environnement politique s'est détérioré après le premier tour des élections. Cette situation a compromis la valeur du second tour de scrutin et affecté la crédibilité du processus démocratique dans le pays. Par conséquent, la délégation réitère son appel à tous les partis politiques d'Albanie pour qu'ils s'efforcent ensemble de regagner la confiance de la population dans l'avenir démocratique du pays. La déclaration de la délégation datée du 27 mai est jointe au présent document (annexe 1).

2. Délégation

Le Président de l'Assemblée parlementaire de l'OSCE a constitué la délégation suivante:

Raoul ŪKSVÄRAV	Estonie	Chef de la délégation
Jef TAVERNIER	Belgique	
Jan KRYCER	République tchèque	
Toomas ALATALU	Estonie	
Hans RAIDEL	Allemagne	
Fiorello PROVERA	Italie	
Urban AHLIN	Suède	
Algan HACALOGLU	Turquie	

La délégation était accompagnée par:

Pentti VÄÄNÄNEN, Secrétaire général adjoint
Bob HAND, conseiller auprès de la délégation américaine
Jenice HELWIG, conseillère auprès de la délégation américaine.

3. Programme

Le programme a été préparé en collaboration avec la délégation albanaise auprès de l'Assemblée parlementaire de l'OSCE (annexe 2).

4. Observations

4.1. Loi électorale (disponible auprès du Secrétariat)

4.1.1. Commissions électorales

Des commissions électorales ont été constituées à trois niveaux (article 34):

1. la Commission électorale centrale;
2. les commissions électorales des différentes circonscriptions;
3. les commissions électorales des bureaux de vote.

La Commission électorale centrale est entrée en fonction le 10 avril 1996. Elle n'est pas un organisme permanent mais travaille sur une base *ad hoc*. Ses responsabilités (article 36) comprennent notamment l'organisation générale des élections. Elle s'occupe également de l'inscription et de l'annonce de la participation des partis, des groupes et des candidats indépendants et de l'inscription de leurs symboles. Elle contrôle l'inscription des candidats dans les zones (circonscriptions électorales), examine les plaintes portées contre les activités des commissions électorales des zones et annonce les résultats des élections. Elle fixe aussi les règles concernant les observateurs étrangers et nationaux et leur fournit des

documents d'identification. Les décisions de la CEC peuvent faire l'objet de plaintes déposées auprès de la Cour constitutionnelle.

Les commissions électorales des zones (articles 37 et 38) sont responsables de l'organisation du scrutin dans les circonscriptions électorales. Elles sont au nombre de 115, une par circonscription. Chaque circonscription comprend environ 20 000 électeurs. Les décisions des commissions de zone peuvent faire l'objet d'une plainte déposée auprès de la CEC.

Les commissions électorales des bureaux de vote (articles 39 et 40) sont chargées d'organiser le scrutin dans les bureaux de vote. Il y en avait 4 700, une par bureau. Chaque bureau de vote comptait environ 800 électeurs.

Toutes les commissions comprenaient des représentants des partis représentés au Parlement.

Tous les partis inscrits avaient le droit d'envoyer des observateurs dans les bureaux des circonscriptions où ils avaient des candidats.

4.1.2. Electeurs et candidats

Tous les citoyens albanais âgés de 18 ans ou plus ont le droit de voter (article 2). Tous les électeurs sont inscrits. Chaque bureau de vote dispose d'une liste des électeurs inscrits dans le bureau. Les électeurs ont le droit de vérifier la liste à l'avance et de demander des corrections éventuelles.

Les candidats étaient au nombre de 1 180, et représentaient 24 partis politiques. Tous les citoyens albanais âgés de 18 ans ou plus, vivant en permanence en Albanie depuis plus de six mois et satisfaisant aux conditions requises par la loi énumérée à l'article 2, ont le droit d'être élus.

Les principales restrictions au dépôt d'une candidature sont énumérées dans la loi *relative au génocide et aux crimes contre l'humanité commis en Albanie sous le régime communiste pour des motifs politiques, idéologiques et religieux*. Cette loi prévoit que les personnes qui ont occupé certains postes énumérés dans la loi avant mars 1991 ne peuvent se présenter à des élections avant 2002. Cette disposition concerne probablement jusqu'à 100 000 personnes. Les décisions concernant ces questions sont prises par une commission composée de personnalités politiques et présidée par le Premier Ministre. Il est possible de faire appel des décisions de cette commission devant la Cour suprême. Au cours de la procédure, des documents peuvent être utilisés qui ne sont ni rendus publics ni même nécessairement montrés à la personne concernée. Cinquante personnes ont ainsi vu leur candidature refusée du fait de cette loi.

4.1.3. Répartition des sièges et dépouillement du scrutin

L'Assemblée populaire de la République d'Albanie (le Parlement albanais) compte 140 députés.

L'Albanie a un système électoral mixte. D'une part, 115 députés sont élus au scrutin majoritaire pour représenter 115 circonscriptions. Pour être élu, un candidat doit recueillir plus de 50 % des voix exprimées. Si aucun candidat n'obtient 50 % des voix, un second tour est organisé entre les deux candidats les mieux placés.

D'autre part, 25 députés sont élus sur une liste nationale au scrutin proportionnel.

Un bulletin de vote comporte d'un côté les noms de tous les candidats qui se présentent dans la circonscription, et l'électeur barre les noms des candidats pour lesquels il ne veut pas voter; de l'autre côté, il y a la liste nationale et l'électeur barre tous les partis à l'exception de celui à qui il donne sa voix.

(Des informations plus détaillées sur le système électoral albanais sont disponibles auprès du secrétariat).

D'une manière générale, la loi albanaise prévoit de bonnes conditions d'organisation pour des élections libres et équitables. Les citoyens peuvent participer au scrutin de manière adéquate, présenter des candidats, se porter candidats et voter pour les partis et les candidats de leur choix. Le système de scrutin est clair et facile à comprendre.

Toutefois, *la Loi relative au génocide* comprend des clauses qui ne sont pas totalement acceptables: des personnes peuvent être empêchées de se présenter en raison de leur ancienne fonction et non de leurs actes. Cette question est décidée par un organisme de nature politique et sur des preuves qui peuvent n'être même pas communiquées à la personne concernée.

4.2. Les médias

Pour des raisons compréhensibles, le nombre des médias indépendants et privés est encore très faible en Albanie. La télévision appartient à l'Etat. Des règles précisent le temps d'antenne alloué à chaque parti. Ces règles ne limitent pas le temps d'antenne consacré aux activités du Président de la République qui soutenait activement le parti au pouvoir.

Les observateurs ont constaté qu'à plusieurs reprises des médias appartenant à l'Etat ont fait preuve de partialité. Les clauses concernant la présentation des partis n'ont pas été respectées strictement. D'une manière générale, les médias ont bien fait leur travail d'information des électeurs concernant le scrutin.

4.3. Observations concernant la campagne et ses préparatifs

Au cours de la campagne électorale, les relations entre certains partis étaient tendues, notamment entre le parti du gouvernement et le principal parti d'opposition.

L'opposition a accusé des représentants du gouvernement de faire preuve de partialité et de favoriser le parti démocrate, qui était le parti du gouvernement.

Plusieurs accusations ont été portées contre la police, et l'on a fait état de brutalités policières. Les autorités, dont le ministre de l'Intérieur responsable de la police, ont nié ces accusations.

La délégation n'a pas été en mesure d'enquêter sur ces accusations. Toutefois, elle a observé un cas où la police n'a pas accompli son devoir de protection des membres du principal parti d'opposition qui ont été illégalement empêchés d'assister à une réunion légale, par des personnes qui soutenaient apparemment le parti du gouvernement. Dans un autre cas, les autorités ont mis à la disposition du parti du gouvernement pour sa principale réunion à Tirana de meilleures installations que celles proposées au premier parti de l'opposition.

Les autorités n'ont pas toujours rempli leurs fonctions avec impartialité.

Il semble que les fonctions de la CEC n'étaient pas bien précisées. Le statut des observateurs nationaux n'était toujours pas clair quelques heures avant l'ouverture des bureaux de vote. On ne savait pas très bien non plus qui devait signer les documents des commissions électorales des bureaux de vote. L'opposition prétendait que s'il n'y avait que les présidents et les secrétaires qui signaient, cela nuirait à la crédibilité du scrutin puisqu'ils risquaient d'être influencés par le parti au pouvoir. Il a été expliqué à la délégation que les présidents et les secrétaires des commissions signaient tous les documents mais que les autres membres pouvaient signer également s'ils le souhaitaient. Toutefois, même le jour du scrutin, cette question est restée confuse.

Les membres de la CEC ont donné des indications contradictoires quant au nombre de «formulaires définitifs» à envoyer à chaque bureau de vote et sur le fait de savoir si les représentants des partis pouvaient recevoir ces formulaires ou en faire des copies.

Certains membres de la CEC ont prétendu que la confusion, au moins dans une large mesure, tenait à des difficultés d'information dont ils n'étaient pas responsables. Ils ont accusé certains journaux de diffuser des informations erronées.

Bien que la Commission électorale centrale ait rempli d'une manière générale ses fonctions en conformité avec la loi, certaines décisions ont été prises avec retard et n'ont pas été correctement diffusées.

4.4. Observations concernant les bureaux de vote

Le 26 mai, la délégation a constitué trois groupes qui ont visité plus de 50 bureaux de vote dans différentes régions d'Albanie, notamment Tirana, Durres, Shkoder, Fier, Elbasan, Leche, Burrel, Pogradec, Lushnje, Kruje et Korce. Ils ont également visité plusieurs régions rurales. Les premières visites ont été faites avant l'ouverture des bureaux de vote et ont permis d'observer les procédures d'ouverture. Les dernières visites ont permis de suivre le dépouillement du scrutin.

Jusqu'à 19 h 30, les représentants de la plupart des partis étaient présents dans les bureaux de vote, soit comme membres des commissions électorales, soit comme observateurs nationaux. Cependant, il manquait dans quelques bureaux un observateur du principal parti d'opposition. Les observateurs n'ont pas fait état d'irrégularités.

D'une manière générale, les responsables ont rempli leurs fonctions correctement et conformément à la loi. Le scrutin s'est déroulé dans le calme, les urnes étaient scellées et bien gardées et le secret des isoloirs a été respecté.

Toutefois, on a pu observer les irrégularités et les insuffisances techniques suivantes:

Des affiches électorales du parti au pouvoir étaient placées à l'entrée de plusieurs bureaux de vote. S'il ne s'agissait pas d'une violation de la loi, leur proximité des bureaux ne peut pas être considérée comme une bonne chose.

Dans plusieurs bureaux, le scrutin a commencé en retard en raison de problèmes techniques. Dans quelques cas, le retard a approché une heure.

Dans plusieurs bureaux de vote surpeuplés, il était difficile de faire régner l'ordre.

Plusieurs bureaux de vote ont manqué de bulletins de vote et les électeurs ont dû attendre.

Quelques incohérences ont été observées concernant les listes électorales et la manière dont elles étaient présentées dans les différents bureaux de vote, mais cela n'a pas semblé avoir un impact sur le scrutin.

Dans quelques cas, plusieurs personnes se sont retrouvées dans un même isoloir. Il semble que la plupart du temps, il s'agissait de couples mariés ou de membres d'une même famille.

On a remarqué quelques électeurs qui marquaient leur bulletin en dehors de l'isoloir.

Bien que toutes les urnes aient été scellées, les scellés ne paraissaient pas très fiables. La cire utilisée ne semblait pas appropriée. Elle aurait pu facilement être brisée et remplacée au cours du scrutin. Il y avait aussi différents types de scellés dont certains ne semblaient pas appropriés. Les délégués n'ont pas la preuve que des scellés aient été ouverts au cours de la journée, mais cela n'aurait pas été difficile. D'ailleurs, ils ont observé un cas où une même urne avait des scellés différents le matin et quelques heures plus tard.

Dans plusieurs cas, des électeurs ont reçu plus d'un bulletin chacun.

Dans un bureau de vote, on a vu un électeur avec sept bulletins et deux autres avec cinq bulletins. Un responsable a expliqué que ces personnes votaient pour des membres de leur famille, dont certains étaient présents dans le bureau.

Dans l'après-midi, un décret présidentiel a repoussé l'heure de fermeture des bureaux de vote à 22 heures. Cette décision était en contradiction avec ce qui avait été annoncé précédemment et avec l'article 64 de la Loi électorale qui stipule que le scrutin se termine à 20 heures.

Vers 19 h 30, plusieurs partis d'opposition ont retiré leurs représentants présents dans les bureaux de vote. Cette opération semblait bien organisée.

Le changement de l'heure de fermeture des bureaux de vote dans l'après-midi du scrutin a été une source de confusion.

Le retrait des représentants de l'opposition des bureaux de vote a contribué à porter atteinte à la crédibilité du dépouillement. Les délégués n'ont pas observé d'irrégularités. Mais il y a eu toutefois des cas où on pouvait se demander si certaines décisions concernant l'acceptation ou l'annulation d'un bulletin ont pu être interprétées d'une manière favorable au parti au pouvoir.

5. Recommandations

1. La Loi relative au génocide doit être modifiée de manière à ce que seules les personnes ayant commis un crime précis ou un autre acte gravement condamnable soient empêchées de poser leur candidature et afin d'assurer l'équité et la transparence des procédures dans ce domaine.

2. La CEC doit devenir un organisme permanent.

3. La CEC doit décider de l'organisation des élections suffisamment à l'avance et faire en sorte que les règles soient effectivement rendues publiques et respectées.

4. Toutes les autorités, et notamment la police, doivent agir conformément à la loi, avec impartialité et remplir l'intégralité de leurs fonctions.

5. Les bureaux de vote doivent disposer d'installations adéquates et être suffisamment spacieux.

6. Les responsables des bureaux de vote doivent respecter strictement la loi et le règlement du scrutin. Par exemple, chaque électeur ne doit avoir qu'un bulletin.

7. Il convient d'améliorer le système des scellés. Le matériel doit être modifié et les commissions électorales des bureaux de vote doivent apprendre à utiliser un système fiable et uniforme.

8. Tous les responsables et les électeurs doivent être informés des procédures à suivre. Cela concerne par exemple les procédures concernant les personnes handicapées.

9. Les responsables doivent intervenir pour conseiller les électeurs qui ne respectent pas les procédures normales. Cela concerne par exemple les cas où plusieurs électeurs se retrouvent en même temps dans un isoloir et où un électeur marque son bulletin à l'extérieur de l'isoloir.

Bien que l'on ne puisse pas contester la légalité du nouveau Parlement albanais, le déroulement du scrutin a été marqué par plusieurs aspects et incidents qui menacent gravement la crédibilité du processus démocratique dans le pays. Le gouvernement et tous les partis partagent la responsabilité de cette situation.

Dans ce contexte, tous les partis doivent accorder la priorité aux intérêts de l'Albanie. Il faut absolument rétablir la confiance dans l'avenir démocratique de l'Albanie à l'intérieur et à l'extérieur du pays. Par conséquent, la délégation invite une fois de plus tous les partis à œuvrer ensemble pour regagner cette confiance. Elle recommande aux partis d'examiner s'il ne serait pas dans l'intérêt du pays d'organiser de nouvelles élections, après un délai raisonnable mais assez court, dans de meilleures conditions et avec la présence d'observateurs internationaux.

Raoul Üksvärav
chef de la délégation

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RÉPUBLIQUE D'ALBANIE
COMMISSION ÉLECTORALE CENTRALE

Tirana, le 7 juin 1996

COMMUNIQUÉ DE PRESSE

DÉCLARATION DE LA COMMISSION ÉLECTORALE CENTRALE

Après avoir annoncé le 29 mai dernier les résultats des élections générales du 26 mai en se fondant sur les décisions des commissions de circonscription, la Commission électorale centrale (CEC) a reçu et examiné, conformément à son mandat légal, plus de cent demandes, réclamations et plaintes déposées par des électeurs et des candidats contre ces décisions.

En outre, la Commission électorale centrale a, à maintes reprises, invité tous les électeurs et tous ceux qui affirmaient avoir constaté des irrégularités ou avaient été témoin de tels actes à lui communiquer toutes les données et documents dont ils disposaient.

Afin d'assurer l'entière transparence de son travail, la commission a décidé de mettre l'ensemble des documents électoraux, bulletins de vote, procès-verbaux et autres matériaux à la disposition de tous ceux qui se sont plaints ou de leurs représentants et de les examiner à la lumière des plaintes et allégations concrètes des électeurs. Pendant cette période, les électeurs qui n'avaient pas boycotté les élections ainsi que les candidats aux élections législatives ont adressé à la commission 103 témoignages et plaintes pour irrégularités.

Au cours de la même période, la Commission électorale centrale n'a eu connaissance d'aucune plainte d'électeurs ayant boycotté les élections, mais a, en revanche, reçu les plaintes de quatre candidats du PS concernant les circonscriptions 14, 17, 18 et 19.

La commission n'a pas non plus enregistré de plainte de citoyens ou de particuliers alléguant avoir subi des violences, des mesures d'intimidation ou des pressions de la part des membres des commissions dans les bureaux de vote ou des policiers chargés de surveiller ces bureaux.

Aucune force politique n'a déposé de demande pour participer à la vérification des documents électoraux ou y envoyer un représentant, pas plus que ne l'ont fait les observateurs étrangers, en dépit de la décision de la commission d'être ouverte à toute demande en ce sens.

Nous, membres de la commission, avons demandé l'aide d'un expert étranger éminent faisant autorité en matière d'élections, le professeur Kalterfleiter, directeur de l'Institut des sciences politiques de l'université Christian Albrechts de Kiel en Allemagne et directeur de l'Institut d'études de sécurité. Nous l'avons informé de la procédure électorale, du mandat de notre commission et avons satisfait à toutes ses demandes pour l'aider à prendre connaissance des documents électoraux.

Lors de l'examen des bulletins et des procès-verbaux, la Commission électorale centrale a constaté des irrégularités inacceptables dans les circonscriptions 67 et 92, notamment dans les procès-verbaux des bureaux de vote, ce qui a laissé planer un doute sur les résultats des élections présentés par les commissions de circonscription.

Afin de réexaminer les résultats des élections soumis par les commissions de circonscription, la commission a décidé de considérer comme valides et favorables au PS tous les bulletins nuls sur lesquels les noms de tous les candidats étaient barrés, mais où le trait tracé sur le nom du candidat socialiste se distinguait quelque peu (par son apparence, son épaisseur ou sa couleur) des autres traits, appliquant ainsi le principe du bénéfice du doute («*in dubio pro reo*»).

Sur la base essentiellement de ce critère et en examinant minutieusement chaque bulletin et procès-verbal l'un après l'autre, la commission est arrivée à la conclusion que les résultats ainsi obtenus ne correspondaient pas à ceux annoncés par les commissions de quinze circonscriptions électorales et a donc proposé au Président de la République de décréter l'organisation de nouvelles élections dans celles-ci ainsi que dans deux autres circonscriptions.

La commission a décidé que serait modifiée la composition de toutes les commissions des régions électorales et bureaux de vote où de nouvelles élections auraient lieu.

En vertu de la loi électorale albanaise, la Commission électorale centrale ne sera cependant plus, à partir du 7 juin 1997, légalement compétente pour examiner les élections tenues avant cette date. Par conséquent, elle invite tous les électeurs et candidats qui sont en désaccord avec ses décisions ou avec celles des commissions de circonscription, qui ont constaté des irrégularités ou souhaitent déposer une plainte pour irrégularité à s'adresser à la Cour constitutionnelle, autorité suprême qui a notamment pour tâche de conférer la légitimité aux députés élus et qui est donc habilitée à annuler toute décision électorale qu'elle estimerait incorrecte.

La Commission électorale centrale assure les électeurs, les candidats aux élections législatives et les observateurs qu'elle procédera en toute transparence à l'examen des documents électoraux dans les dix-sept circonscriptions où, en vertu du décret présidentiel n° 1506 daté du 8 juin 1996, des élections seront réorganisées le 16 juin 1996.

COUNCIL OF EUROPE
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Parliamentary Assembly
Assemblée parlementaire

25 juin 1996
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RAPPORT[1]

sur les élections législatives récentes en Albanie

**(Rapporteur: Lord FINSBERG,
Royaume Uni, Groupe des démocrates européens)**

Résumé

Les récentes élections législatives en Albanie ont été marquées par la violence et entachées d'irrégularités.

Afin de rétablir la confiance dans la démocratie albanaise, il est proposé d'organiser une «table ronde» rassemblant toutes les forces politiques. Il convient de modifier la législation pertinente, conformément aux recommandations formulées par l'OSCE et aux engagements souscrits par l'Albanie au moment de son adhésion au Conseil de l'Europe.

Ces modifications entrées en vigueur, de nouvelles élections doivent être envisagées.

[1]de la commission des questions politiques

I. Projet de résolution

1. L'Assemblée déplore les actes de violence et les irrégularités qui ont émaillé les récentes élections législatives en Albanie.

2. Plusieurs partis d'opposition se sont retirés des élections à la fin de la première journée de vote. Ils ont décidé de boycotter le deuxième tour et les réélections partielles ultérieures organisées dans 17 circonscriptions.

3. L'Assemblée prend acte du rapport adopté à l'unanimité par la délégation d'observateurs de l'Assemblée parlementaire de l'OSCE selon lequel «bien que la légalité du parlement nouvellement élu ne puisse être mise en doute...», la crédibilité du processus démocratique a été mise à mal. L'Assemblée a également examiné d'autres rapports. La Commission des questions politiques a organisé, le 24 juin 1996 à Strasbourg, une audition des principaux partis politiques albanais. Sur la base des renseignements recueillis à cette occasion, l'Assemblée estime que, bien que les actes de violence soient le fait du gouvernement, le gouvernement et l'opposition sont tous deux responsables des irrégularités qui ont été commises.

4. Les élections libres et équitables sont la pierre d'angle de la démocratie pluraliste. Elles sont une condition essentielle de l'appartenance au Conseil de l'Europe et *a fortiori* de la participation à l'Assemblée parlementaire.

5. Il importe de rétablir la confiance en la démocratie en Albanie. La réconciliation et le dialogue entre les forces politiques sont essentiels. Il faut garantir la libre expression de la volonté de toutes les catégories de la population albanaise. En conséquence, l'Assemblée propose l'organisation d'une «table ronde» de toutes les forces politiques, qui servira de cadre au dialogue démocratique entre le gouvernement et l'opposition. Il est indispensable d'engager une coopération entre toutes les forces politiques en Albanie et le Conseil de l'Europe en vue de modifier la législation pertinente conformément aux recommandations formulées dans le rapport de l'Assemblée parlementaire de l'OSCE et aux engagements souscrits par l'Albanie au moment de son adhésion au Conseil de l'Europe. Les partis politiques devront envisager de nouvelles élections après l'entrée en vigueur de ces modifications.

6. L'Assemblée appelle toutes les autorités de l'Etat albanais à s'abstenir, avant que de nouvelles élections soient organisées, de toute grande initiative législative autre que celles qui sont nécessaires pour mettre en oeuvre les rapports de l'OSCE.

7. L'Assemblée appelle toutes les forces politiques d'Albanie à reprendre le dialogue pour surmonter la crise actuelle. Elle est disposée à prévoir un cadre permanent pour favoriser ce dialogue.

COMPROMISE PROPOSED BY THE POLITICAL AFFAIRS COMMITTEE

On the basis of amendment no. 10, sub-amendment no. 1 to amendment no. 10 and an oral sub-amendment

1. In the draft resolution replace paragraph 6 by the following text:

"The Assembly calls on the Albanian parliament to assist the above-mentioned process by creating the framework giving priority to legislation implementing OSCE and Council of Europe recommendations, including the amendment or abolition of the law on genocide."

2. All the other amendments are rejected by the committee.

COMPROMIS PROPOSE PAR LA COMMISSION DES QUESTIONS POLITIQUES

Sur la base de l'amendement n° 10, du sous-amendement n° 1 à l'amendement n° 10 et d'un sous-amendement oral

1. Dans le projet de résolution remplacer le paragraphe 6 par le texte suivant:

"L'Assemblée demande au Parlement albanais d'aider au processus susmentionné en créant le cadre privilégiant la législation visant à mettre en oeuvre les recommandations de l'OSCE et du Conseil de l'Europe, dont l'amendement ou l'abolition de la loi sur le génocide."

2. Tous les autres amendements sont rejetés par la commission.

II. Projet de directive

1. Se référent à la Résolution ... sur les récentes élections législatives organisées en Albanie, l'Assemblée demande au Bureau d'envoyer une mission d'enquête en Albanie, composée de représentants de tous les groupes politiques, chargée de recueillir des renseignements supplémentaires sur les élections et la législation pertinente et de soumettre ensuite un rapport à l'Assemblée.

2. L'Assemblée demande au Bureau d'envoyer une Délégation d'observateurs aux élections locales qui doivent se dérouler prochainement en Albanie, en liaison, éventuellement, avec le Congrès des pouvoirs locaux et régionaux.

III. Exposé des motifs par le Rapporteur

1. Des élections législatives ont eu lieu le 26 mai 1996 en Albanie. A la fin de la journée de vote, plusieurs partis d'opposition se sont retirés des élections en invoquant de graves irrégularités. Ils ont décidé de boycotter le deuxième tour des élections, organisé le 2 juin 1996 dans neuf circonscriptions.

2. Comme l'Assemblée parlementaire n'observe pas d'ordinaire les élections qui se tiennent dans les pays membres, aucune délégation n'a été envoyée. Le Bureau des institutions démocratiques et des droits de l'homme (BIDDH) de l'OSCE et l'Assemblée parlementaire de l'OSCE ont eux envoyé chacun une délégation pour suivre les élections. Toutes deux ont constaté que de graves irrégularités se sont produites dans le déroulement des élections, ce qui met en cause le processus démocratique dans le pays (voir leurs conclusions en annexe 1).

3. A la suite de protestations d'électeurs et de candidats, la Commission électorale centrale a décidé d'organiser de nouvelles élections dans 17 circonscriptions (voir annexe 2). Ces élections partielles, qui ont eu lieu le 16 juin 1996, ont été à nouveau boycottées par plusieurs partis d'opposition.

4. La Présidente de l'Assemblée, Mme Fischer, a exprimé son inquiétude sur ces faits dans une lettre au Président du Parlement albanais. Elle a aussi correspondu avec le Président Berisha sur cette question (voir annexe 3).

5. Le 24 juin, la Commission des questions politiques a organisé une audition de représentants des principaux partis d'opposition albanais, de représentants de la Commission électorale centrale et de l'Assemblée parlementaire de l'OSCE.

6. Ayant considéré les divers rapports et pris en considération les résultats de l'audition, j'ai établi l'avant-projet de résolution ci-joint.

N.B. Les annexes sont publiés dans un addendum séparé

Commission saisie du rapport : commission des questions politiques

Implications budgétaires pour l'Assemblée : néant

Renvoi en commission: Demande de débat d'urgence (Renvoi n° 2097)

Projet de résolution adopté par la commission le 25 juin 1996 par 20 votes contre 2.

Membres de la commission: M. *Bársony (Président), Lord Finsberg (Vice-Président), MM. van der Linden (Vice-Président), Antretter, Baumel,* Mme Belohorska, MM. *Bergqvist, Bernardini, Björck, Bloetzer, Bokov, Büchel, Bühler*, Caputo, *Cem, Cerqueda Pascuet,* Chornovil, Deasy *(Suppléant: Molloy)*, Demiralp, Desyatnikov, Diacov *(Suppléant: Stratulat)*, *Eörsi*, Fassino, *Gjellerod, Gotzev, Gricius, Hardy*, Irmer, *Iwiński, Kalus*, Kaspereit, Kyprianou, Mme Lentz-Cornette, MM. *Lopez Henares, Masseret*, Medeiros Ferreira, Mota Amaral, *Muehlemann*, Nothomb, Mme *Ojuland*, MM. *Oliynik, Paasilinna, Pahor, Pavlidis,* Popovski, Pottakis, Pozzo, *de Puig, Radulescu Botica*, Mme Ragnarsdóttir, MM. *Schieder, Schwimmer, Severin, Sinka*, Sir Dudley Smith *(Suppléant: Sir Anthony Durant)*, MM. Špaček, *Spahia*, Mme Suchocka, MM. *Thoresen*, Urbain, *Vella, Woltjer*, Zhirinovsky *(Suppléant: Glotov)*, Ziuganov *(Suppléant: Lukin)*.

N.B. Les noms des membres qui ont pris part à la réunion sont imprimés en italique.

Secrétaires de la commission: M. Hartland, M. Kleijssen, M. Gruden.

COUNCIL OF EUROPE
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Addendum

ADDENDUM

au

RAPPORT[1]

sur les élections législatives récentes en Albanie

(Rapporteur: Lord FINSBERG,
Royaume Uni, Groupe des démocrates européens)

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[1]de la commission des questions politiques

Annexe 1

BUREAU DES INSTITUTIONS DÉMOCRATIQUES ET DES DROITS DE L'HOMME

ORGANISATION POUR LA SÉCURITÉ ET LA COOPÉRATION EN EUROPE

Déclaration publiée à l'issue des élections législatives qui se sont déroulées en Albanie le 26 mai 1996

Le Bureau des institutions démocratiques et des droits de l'homme (BIDDH) de l'Organisation pour la sécurité et la coopération en Europe (OSCE) a envoyé ses représentants à Tirana à la fin du mois d'avril afin qu'ils puissent se rendre compte sur place des préparatifs entrepris en vue des élections législatives du 26 mai. Leur mission consistait entre autres à suivre le déroulement de la campagne et à organiser l'accueil des observateurs envoyés pour la durée des élections par les Etats participants. Les représentants du BIDDH ont rencontré des membres de la commission électorale centrale, des représentants du gouvernement, des partis politiques et des organisations non gouvernementales. Le BIDDH regrette cependant que les autorités albanaises se soient montrées si peu disposées à coopérer avec ses représentants.

Le jour des élections, le BIDDH a mis en place vingt-trois équipes d'observateurs, issus de onze Etats participants de l'OSCE, sur l'ensemble du territoire, assurant ainsi la couverture d'un échantillon représentatif de régions urbaines et rurales. Ils ont visité en tout environ 300 bureaux de vote.

Les observateurs sont conscients des difficultés inhérentes à la transition démocratique mais relèvent également les importants efforts réalisés par l'Albanie pour se débarrasser de l'héritage laissé par le régime précédent, antidémocratique. C'est un honneur pour les observateurs d'apporter leur soutien à ce processus électoral, une tâche qu'ils se sont engagés à remplir leurs fonctions en toute objectivité et impartialité.

Le BIDDH se félicite des nombreux aspects positifs de la loi électorale, notamment les dispositions garantissant l'instauration de commissions électorales pluripartites et l'accès libre, pour les observateurs internationaux et nationaux, au processus électoral. En revanche, les observateurs ne peuvent que déplorer le fait que, dans la pratique, nombreux sont les cas où ces dispositions n'ont pas été appliquées.

Les observateurs ont en effet constaté que, contrairement aux dispositions stipulées par la loi, les décisions des commissions des bureaux de vote n'étaient pas prises à la majorité mais de façon tout à fait arbitraire par le président et le secrétaire nommés par le gouvernement.

L'absence d'un nombre suffisant de protocoles permettant, conformément aux dispositions en vigueur, à chaque président de commission d'obtenir une copie officielle des résultats définitifs, a généré beaucoup de confusion dans les bureaux de vote.

La conformité de la liste électorale a été mise en doute à la fois par les observateurs et les représentants des partis qui siégeaient dans les commissions électorales.

Des observateurs ont signalé que, dans plusieurs cas, lors du dépouillement du scrutin, la liste électorale a été modifiée de manière à faire coincider le nombre d'inscrits avec le nombre de bulletins comptés. Dans certains bureaux de vote, on a dénombré plus de bulletins de vote que de signatures sur la liste électorale. On a également relevé de nombreux exemples où les bulletins ont été manipulés de manière à les rendre nuls.

De l'avis des observateurs, la présence d'individus armés et de personnes non identifiées à l'intérieur des bureaux de vote était indiscutablement de nature à intimider les électeurs et les membres des commissions électorales. Les observateurs font remarquer qu'il incombe aux autorités nationales de faire en sorte que les organisateurs des élections, les candidats et les votants ne soient pas intimidés pendant le processus électoral.

Il convient de signaler toutefois que pendant toute la durée de ces élections, certes entachées d'irrégularité, de nombreuses personnes ont marqué leur temps et leur attachement à ce scrutin en consacrant leur temps et leur énergie au bon déroulement du processus électoral.

Le BIDDH publiera un rapport final sur ces élections dans deux semaines.

Pour nous joindre, veuillez appeler nos bureaux à Varsovie:

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OSCE

ASSEMBLÉE PARLEMENTAIRE

RAPPORT SUR LES ÉLECTIONS PARLEMENTAIRES EN ALBANIE

26 MAI 1996

1. Résumé

Pour la troisième fois depuis l'effondrement du régime communiste des élections multipartites viennent d'être organisées en Albanie. Les autorités albanaises ont bien accueilli les observateurs internationaux, dont le statut est confirmé dans la Loi électorale. Selon l'article 89 de cette loi, «des parlementaires représentant les Etats membres de l'OSCE», ainsi que d'autres parlementaires, sont acceptés comme observateurs.

Bien que l'Albanie ait accompli des progrès importants an passant en quelques années de la dictature à la démocratie, l'absence de traditions démocratiques et multipartites était très évidente dans ces élections, notamment dans certains détails de la législation, l'organisation du scrutin, le comportement des partis politiques et la manière dont ils ont conduit leurs relations.

La législation albanaise régit les conditions d'organisation d'élections libres et équitables. Cependant, *la Loi relative au génocide* comprend des procédures que l'on ne peut considérer ni équitables ni transparentes, et des conditions qui limitent les possibilités des électeurs de choisir librement leurs candidats.

Au cours de la campagne, les autorités n'ont pas toujours fait preuve d'impartialité. Il semble qu'il y ait eu aussi une certaine confusion concernant des décisions, ou l'absence de décisions, de la Commission électorale centrale dans l'organisation du scrutin.

D'une manière générale, le scrutin s'est déroulé dans les bureaux de vote en conformité avec la loi. Il y a eu cependant un certain nombre d'irrégularités et d'insuffisances techniques.

Les médias d'Etat n'ont pas été totalement impartiaux.

Le fait que plusieurs partis d'opposition ne se soient pas présentés aux élections et qu'ils aient retiré leurs observateurs des bureaux de vote quelques heures avant le dépouillement du scrutin a contribué au manque de crédibilité des résultats.

Dans sa déclaration du 27 mai, la délégation de l'Assemblée parlementaire de l'OSCE a lancé un appel aux autorités et à tous les partis politiques d'Albanie pour qu'ils fassent tout leur possible pour assurer la réussite du processus électoral, absolument nécessaire pour consolider de la démocratie en Albanie. La délégation a insisté sur le fait que le gouvernement et tous les partis politiques partagent la responsabilité dans ce domaine essentiel.

La délégation regrette que son appel n'ait pas été suivi d'effet. En outre, il lui semble que l'environnement politique s'est détérioré après le premier tour des élections. Cette situation a compromis la valeur du second tour de scrutin et affecté la crédibilité du processus démocratique dans le pays. Par conséquent, la délégation réitère son appel à tous les partis politiques d'Albanie pour qu'ils s'efforcent ensemble de regagner la confiance de la population dans l'avenir démocratique du pays. La déclaration de la délégation datée du 27 mai est jointe au présent document (annexe 1).

2. Délégation

Le Président de l'Assemblée parlementaire de l'OSCE a constitué la délégation suivante:

Raoul ŪKSVÄRAV	Estonie	Chef de la délégation
Jef TAVERNIER	Belgique	
Jan KRYCER	République tchèque	
Toomas ALATALU	Estonie	
Hans RAIDEL	Allemagne	
Fiorello PROVERA	Italie	
Urban AHLIN	Suède	
Algan HACALOGLU	Turquie	

La délégation était accompagnée par:

Pentti VÄÄNÄNEN, Secrétaire général adjoint
Bob HAND, conseiller auprès de la délégation américaine
Jenice HELWIG, conseillère auprès de la délégation américaine.

3. Programme

Le programme a été préparé en collaboration avec la délégation albanaise auprès de l'Assemblée parlementaire de l'OSCE (annexe 2).

4. Observations

4.1. Loi électorale (disponible auprès du Secrétariat)

4.1.1. Commissions électorales

Des commissions électorales ont été constituées à trois niveaux (article 34):

1. la Commission électorale centrale;
2. les commissions électorales des différentes circonscriptions;
3. les commissions électorales des bureaux de vote.

La Commission électorale centrale est entrée en fonction le 10 avril 1996. Elle n'est pas un organisme permanent mais travaille sur une base *ad hoc*. Ses responsabilités (article 36) comprennent notamment l'organisation générale des élections. Elle s'occupe également de l'inscription et de l'annonce de la participation des partis, des groupes et des candidats indépendants et de l'inscription de leurs symboles. Elle contrôle l'inscription des candidats dans les zones (circonscriptions électorales), examine les plaintes portées contre les activités des commissions électorales des zones et annonce les résultats des élections. Elle fixe aussi les règles concernant les observateurs étrangers et nationaux et leur fournit des

documents d'identification. Les décisions de la CEC peuvent faire l'objet de plaintes déposées auprès de la Cour constitutionnelle.

Les commissions électorales des zones (articles 37 et 38) sont responsables de l'organisation du scrutin dans les circonscriptions électorales. Elles sont au nombre de 115, une par circonscription. Chaque circonscription comprend environ 20 000 électeurs. Les décisions des commissions de zone peuvent faire l'objet d'une plainte déposée auprès de la CEC.

Les commissions électorales des bureaux de vote (articles 39 et 40) sont chargées d'organiser le scrutin dans les bureaux de vote. Il y en avait 4 700, une par bureau. Chaque bureau de vote comptait environ 800 électeurs.

Toutes les commissions comprenaient des représentants des partis représentés au Parlement.

Tous les partis inscrits avaient le droit d'envoyer des observateurs dans les bureaux des circonscriptions où ils avaient des candidats.

4.1.2. Electeurs et candidats

Tous les citoyens albanais âgés de 18 ans ou plus ont le droit de voter (article 2). Tous les électeurs sont inscrits. Chaque bureau de vote dispose d'une liste des électeurs inscrits dans le bureau. Les électeurs ont le droit de vérifier la liste à l'avance et de demander des corrections éventuelles.

Les candidats étaient au nombre de 1 180, et représentaient 24 partis politiques. Tous les citoyens albanais âgés de 18 ans ou plus, vivant en permanence en Albanie depuis plus de six mois et satisfaisant aux conditions requises par la loi énumérée à l'article 2, ont le droit d'être élus.

Les principales restrictions au dépôt d'une candidature sont énumérées dans la loi *relative au génocide et aux crimes contre l'humanité commis en Albanie sous le régime communiste pour des motifs politiques, idéologiques et religieux*. Cette loi prévoit que les personnes qui ont occupé certains postes énumérés dans la loi avant mars 1991 ne peuvent se présenter à des élections avant 2002. Cette disposition concerne probablement jusqu'à 100 000 personnes. Les décisions concernant ces questions sont prises par une commission composée de personnalités politiques et présidée par le Premier Ministre. Il est possible de faire appel des décisions de cette commission devant la Cour suprême. Au cours de la procédure, des documents peuvent être utilisés qui ne sont ni rendus publics ni même nécessairement montrés à la personne concernée. Cinquante personnes ont ainsi vu leur candidature refusée du fait de cette loi.

4.1.3. Répartition des sièges et dépouillement du scrutin

L'Assemblée populaire de la République d'Albanie (le Parlement albanais) compte 140 députés.

L'Albanie a un système électoral mixte. D'une part, 115 députés sont élus au scrutin majoritaire pour représenter 115 circonscriptions. Pour être élu, un candidat doit recueillir plus de 50 % des voix exprimées. Si aucun candidat n'obtient 50 % des voix, un second tour est organisé entre les deux candidats les mieux placés.

D'autre part, 25 députés sont élus sur une liste nationale au scrutin proportionnel.

Un bulletin de vote comporte d'un côté les noms de tous les candidats qui se présentent dans la circonscription, et l'électeur barre les noms des candidats pour lesquels il ne veut pas voter; de l'autre côté, il y a la liste nationale et l'électeur barre tous les partis à l'exception de celui à qui il donne sa voix.

(Des informations plus détaillées sur le système électoral albanais sont disponibles auprès du secrétariat).

D'une manière générale, la loi albanaise prévoit de bonnes conditions d'organisation pour des élections libres et équitables. Les citoyens peuvent participer au scrutin de manière adéquate, présenter des candidats, se porter candidats et voter pour les partis et les candidats de leur choix. Le système de scrutin est clair et facile à comprendre.

Toutefois, *la Loi relative au génocide* comprend des clauses qui ne sont pas totalement acceptables: des personnes peuvent être empêchées de se présenter en raison de leur ancienne fonction et non de leurs actes. Cette question est décidée par un organisme de nature politique et sur des preuves qui peuvent n'être même pas communiquées à la personne concernée.

4.2. Les médias

Pour des raisons compréhensibles, le nombre des médias indépendants et privés est encore très faible en Albanie. La télévision appartient à l'Etat. Des règles précisent le temps d'antenne alloué à chaque parti. Ces règles ne limitent pas le temps d'antenne consacré aux activités du Président de la République qui soutenait activement le parti au pouvoir.

Les observateurs ont constaté qu'à plusieurs reprises des médias appartenant à l'Etat ont fait preuve de partialité. Les clauses concernant la présentation des partis n'ont pas été respectées strictement.
D'une manière générale, les médias ont bien fait leur travail d'information des électeurs concernant le scrutin.

4.3. Observations concernant la campagne et ses préparatifs

Au cours de la campagne électorale, les relations entre certains partis étaient tendues, notamment entre le parti du gouvernement et le principal parti d'opposition.

L'opposition a accusé des représentants du gouvernement de faire preuve de partialité et de favoriser le parti démocrate, qui était le parti du gouvernement.

Plusieurs accusations ont été portées contre la police, et l'on a fait état de brutalités policières. Les autorités, dont le ministre de l'Intérieur responsable de la police, ont nié ces accusations.

La délégation n'a pas été en mesure d'enquêter sur ces accusations. Toutefois, elle a observé un cas où la police n'a pas accompli son devoir de protection des membres du principal parti d'opposition qui ont été illégalement empêchés d'assister à une réunion légale, par des personnes qui soutenaient apparemment le parti du gouvernement. Dans un autre cas, les autorités ont mis à la disposition du parti du gouvernement pour sa principale réunion à Tirana de meilleures installations que celles proposées au premier parti de l'opposition.

Les autorités n'ont pas toujours rempli leurs fonctions avec impartialité.

Il semble que les fonctions de la CEC n'étaient pas bien précisées. Le statut des observateurs nationaux n'était toujours pas clair quelques heures avant l'ouverture des bureaux de vote. On ne savait pas très bien non plus qui devait signer les documents des commissions électorales des bureaux de vote. L'opposition prétendait que s'il n'y avait que les présidents et les secrétaires qui signaient, cela nuirait à la crédibilité du scrutin puisqu'ils risquaient d'être influencés par le parti au pouvoir. Il a été expliqué à la délégation que les présidents et les secrétaires des commissions signaient tous les documents mais que les autres membres pouvaient signer également s'ils le souhaitaient. Toutefois, même le jour du scrutin, cette question est restée confuse.

Les membres de la CEC ont donné des indications contradictoires quant au nombre de «formulaires définitifs» à envoyer à chaque bureau de vote et sur le fait de savoir si les représentants des partis pouvaient recevoir ces formulaires ou en faire des copies.

Certains membres de la CEC ont prétendu que la confusion, au moins dans une large mesure, tenait à des difficultés d'information dont ils n'étaient pas responsables. Ils ont accusé certains journaux de diffuser des informations erronées.

Bien que la Commission électorale centrale ait rempli d'une manière générale ses fonctions en conformité avec la loi, certaines décisions ont été prises avec retard et n'ont pas été correctement diffusées.

4.4. Observations concernant les bureaux de vote

Le 26 mai, la délégation a constitué trois groupes qui ont visité plus de 50 bureaux de vote dans différentes régions d'Albanie, notamment Tirana, Durres, Shkoder, Fier, Elbasan, Leche, Burrel, Pogradec, Lushnje, Kruje et Korce. Ils ont également visité plusieurs régions rurales. Les premières visites ont été faites avant l'ouverture des bureaux de vote et ont permis d'observer les procédures d'ouverture. Les dernières visites ont permis de suivre le dépouillement du scrutin.

Jusqu'à 19 h 30, les représentants de la plupart des partis étaient présents dans les bureaux de vote, soit comme membres des commissions électorales, soit comme observateurs nationaux. Cependant, il manquait dans quelques bureaux un observateur du principal parti d'opposition. Les observateurs n'ont pas fait état d'irrégularités.

D'une manière générale, les responsables ont rempli leurs fonctions correctement et conformément à la loi. Le scrutin s'est déroulé dans le calme, les urnes étaient scellées et bien gardées et le secret des isoloirs a été respecté.

Toutefois, on a pu observer les irrégularités et les insuffisances techniques suivantes:

Des affiches électorales du parti au pouvoir étaient placées à l'entrée de plusieurs bureaux de vote. S'il ne s'agissait pas d'une violation de la loi, leur proximité des bureaux ne peut pas être considérée comme une bonne chose.

Dans plusieurs bureaux, le scrutin a commencé en retard en raison de problèmes techniques. Dans quelques cas, le retard a approché une heure.

Dans plusieurs bureaux de vote surpeuplés, il était difficile de faire régner l'ordre.

Plusieurs bureaux de vote ont manqué de bulletins de vote et les électeurs ont dû attendre.

Quelques incohérences ont été observées concernant les listes électorales et la manière dont elles étaient présentées dans les différents bureaux de vote, mais cela n'a pas semblé avoir un impact sur le scrutin.

Dans quelques cas, plusieurs personnes se sont retrouvées dans un même isoloir. Il semble que la plupart du temps, il s'agissait de couples mariés ou de membres d'une même famille.

On a remarqué quelques électeurs qui marquaient leur bulletin en dehors de l'isoloir.

Bien que toutes les urnes aient été scellées, les scellés ne paraissaient pas très fiables. La cire utilisée ne semblait pas appropriée. Elle aurait pu facilement être brisée et remplacée au cours du scrutin. Il y avait aussi différents types de scellés dont certains ne semblaient pas appropriés. Les délégués n'ont pas la preuve que des scellés aient été ouverts au cours de la journée, mais cela n'aurait pas été difficile. D'ailleurs, ils ont observé un cas où une même urne avait des scellés différents le matin et quelques heures plus tard.

Dans plusieurs cas, des électeurs ont reçu plus d'un bulletin chacun.

Dans un bureau de vote, on a vu un électeur avec sept bulletins et deux autres avec cinq bulletins. Un responsable a expliqué que ces personnes votaient pour des membres de leur famille, dont certains étaient présents dans le bureau.

Dans l'après-midi, un décret présidentiel a repoussé l'heure de fermeture des bureaux de vote à 22 heures. Cette décision était en contradiction avec ce qui avait été annoncé précédemment et avec l'article 64 de la Loi électorale qui stipule que le scrutin se termine à 20 heures.

Vers 19 h 30, plusieurs partis d'opposition ont retiré leurs représentants présents dans les bureaux de vote. Cette opération semblait bien organisée.

Le changement de l'heure de fermeture des bureaux de vote dans l'après-midi du scrutin a été une source de confusion.

Le retrait des représentants de l'opposition des bureaux de vote a contribué à porter atteinte à la crédibilité du dépouillement. Les délégués n'ont pas observé d'irrégularités. Mais il y a eu toutefois des cas où on pouvait se demander si certaines décisions concernant l'acceptation ou l'annulation d'un bulletin ont pu être interprétées d'une manière favorable au parti au pouvoir.

5. Recommandations

1. La Loi relative au génocide doit être modifiée de manière à ce que seules les personnes ayant commis un crime précis ou un autre acte gravement condamnable soient empêchées de poser leur candidature et afin d'assurer l'équité et la transparence des procédures dans ce domaine.

2. La CEC doit devenir un organisme permanent.

3. La CEC doit décider de l'organisation des élections suffisamment à l'avance et faire en sorte que les règles soient effectivement rendues publiques et respectées.

4. Toutes les autorités, et notamment la police, doivent agir conformément à la loi, avec impartialité et remplir l'intégralité de leurs fonctions.

5. Les bureaux de vote doivent disposer d'installations adéquates et être suffisamment spacieux.

6. Les responsables des bureaux de vote doivent respecter strictement la loi et le règlement du scrutin. Par exemple, chaque électeur ne doit avoir qu'un bulletin.

7. Il convient d'améliorer le système des scellés. Le matériel doit être modifié et les commissions électorales des bureaux de vote doivent apprendre à utiliser un système fiable et uniforme.

8. Tous les responsables et les électeurs doivent être informés des procédures à suivre. Cela concerne par exemple les procédures concernant les personnes handicapées.

9. Les responsables doivent intervenir pour conseiller les électeurs qui ne respectent pas les procédures normales. Cela concerne par exemple les cas où plusieurs électeurs se retrouvent en même temps dans un isoloir et où un électeur marque son bulletin à l'extérieur de l'isoloir.

Bien que l'on ne puisse pas contester la légalité du nouveau Parlement albanais, le déroulement du scrutin a été marqué par plusieurs aspects et incidents qui menacent gravement la crédibilité du processus démocratique dans le pays. Le gouvernement et tous les partis partagent la responsabilité de cette situation.

Dans ce contexte, tous les partis doivent accorder la priorité aux intérêts de l'Albanie. Il faut absolument rétablir la confiance dans l'avenir démocratique de l'Albanie à l'intérieur et à l'extérieur du pays. Par conséquent, la délégation invite une fois de plus tous les partis à œuvrer ensemble pour regagner cette confiance. Elle recommande aux partis d'examiner s'il ne serait pas dans l'intérêt du pays d'organiser de nouvelles élections, après un délai raisonnable mais assez court, dans de meilleures conditions et avec la présence d'observateurs internationaux.

Raoul Üksvärav
chef de la délégation

Annexe 2

RÉPUBLIQUE D'ALBANIE
COMMISSION ÉLECTORALE CENTRALE

Tirana, le 7 juin 1996

COMMUNIQUÉ DE PRESSE

DÉCLARATION DE LA COMMISSION ÉLECTORALE CENTRALE

Après avoir annoncé le 29 mai dernier les résultats des élections générales du 26 mai en se fondant sur les décisions des commissions de circonscription, la Commission électorale centrale (CEC) a reçu et examiné, conformément à son mandat légal, plus de cent demandes, réclamations et plaintes déposées par des électeurs et des candidats contre ces décisions.

En outre, la Commission électorale centrale a, à maintes reprises, invité tous les électeurs et tous ceux qui affirmaient avoir constaté des irrégularités ou avaient été témoin de tels actes à lui communiquer toutes les données et documents dont ils disposaient.

Afin d'assurer l'entière transparence de son travail, la commission a décidé de mettre l'ensemble des documents électoraux, bulletins de vote, procès-verbaux et autres matériaux à la disposition de tous ceux qui se sont plaints ou de leurs représentants et de les examiner à la lumière des plaintes et allégations concrètes des électeurs. Pendant cette période, les électeurs qui n'avaient pas boycotté les élections ainsi que les candidats aux élections législatives ont adressé à la commission 103 témoignages et plaintes pour irrégularités.

Au cours de la même période, la Commission électorale centrale n'a eu connaissance d'aucune plainte d'électeurs ayant boycotté les élections, mais a, en revanche, reçu les plaintes de quatre candidats du PS concernant les circonscriptions 14, 17, 18 et 19.

La commission n'a pas non plus enregistré de plainte de citoyens ou de particuliers alléguant avoir subi des violences, des mesures d'intimidation ou des pressions de la part des membres des commissions dans les bureaux de vote ou des policiers chargés de surveiller ces bureaux.

Aucune force politique n'a déposé de demande pour participer à la vérification des documents électoraux ou y envoyer un représentant, pas plus que ne l'ont fait les observateurs étrangers, en dépit de la décision de la commission d'être ouverte à toute demande en ce sens.

Nous, membres de la commission, avons demandé l'aide d'un expert étranger éminent faisant autorité en matière d'élections, le professeur Kalterfleiter, directeur de l'Institut des sciences politiques de l'université Christian Albrechts de Kiel en Allemagne et directeur de l'Institut d'études de sécurité. Nous l'avons informé de la procédure

électorale, du mandat de notre commission et avons satisfait à toutes ses demandes pour l'aider à prendre connaissance des documents électoraux.

Lors de l'examen des bulletins et des procès-verbaux, la Commission électorale centrale a constaté des irrégularités inacceptables dans les circonscriptions 67 et 92, notamment dans les procès-verbaux des bureaux de vote, ce qui a laissé planer un doute sur les résultats des élections présentés par les commissions de circonscription.

Afin de réexaminer les résultats des élections soumis par les commissions de circonscription, la commission a décidé de considérer comme valides et favorables au PS tous les bulletins nuls sur lesquels les noms de tous les candidats étaient barrés, mais où le trait tracé sur le nom du candidat socialiste se distinguait quelque peu (par son apparence, son épaisseur ou sa couleur) des autres traits, appliquant ainsi le principe du bénéfice du doute («*in dubio pro reo*»).

Sur la base essentiellement de ce critère et en examinant minutieusement chaque bulletin et procès-verbal l'un après l'autre, la commission est arrivée à la conclusion que les résultats ainsi obtenus ne correspondaient pas à ceux annoncés par les commissions de quinze circonscriptions électorales et a donc proposé au Président de la République de décréter l'organisation de nouvelles élections dans celles-ci ainsi que dans deux autres circonscriptions.

La commission a décidé que serait modifiée la composition de toutes les commissions des régions électorales et bureaux de vote où de nouvelles élections auraient lieu.

En vertu de la loi électorale albanaise, la Commission électorale centrale ne sera cependant plus, à partir du 7 juin 1997, légalement compétente pour examiner les élections tenues avant cette date. Par conséquent, elle invite tous les électeurs et candidats qui sont en désaccord avec ses décisions ou avec celles des commissions de circonscription, qui ont constaté des irrégularités ou souhaitent déposer une plainte pour irrégularité à s'adresser à la Cour constitutionnelle, autorité suprême qui a notamment pour tâche de conférer la légitimité aux députés élus et qui est donc habilitée à annuler toute décision électorale qu'elle estimerait incorrecte.

La Commission électorale centrale assure les électeurs, les candidats aux élections législatives et les observateurs qu'elle procédera en toute transparence à l'examen des documents électoraux dans les dix-sept circonscriptions où, en vertu du décret présidentiel n° 1506 daté du 8 juin 1996, des élections seront réorganisées le 16 juin 1996.

Annexe 3

ASSEMBLÉE POPULAIRE DE LA RÉPUBLIQUE D'ALBANIE

Le Président

Tirana, le 31 mai 1996

Madame la Présidente,

En ma qualité de Président du Parlement d'Albanie et de Président de la délégation albanaise auprès de l'Assemblée parlementaire du Conseil de l'Europe, je tiens tout d'abord à vous exprimer ma profonde gratitude pour votre évaluation objective du boycott sans précédent des élections générales en Albanie, prémédité par l'opposition. Cela étant, je souhaite vous communiquer les informations suivantes.

Pour les élections générales du 26 mai 1996 en Albanie, plus de douze partis politiques étaient en lice. Chacun d'entre eux était représenté dans toutes les commissions et plusieurs organisations internationales et ONG ont observé ces élections. Nous avons déployé tous les efforts possibles pour que ces élections soient libres, justes et sereines. Dès le début de la campagne électorale, et même avant, plusieurs fractions de partis politiques (entretenant à l'évidence des relations avec l'ancienne police secrète) ont émis des plaintes pour irrégularités dans les élections. En ce qui concerne la totale transparence, des rumeurs de manipulations et de violations avaient déjà circulé à l'époque selon lesquelles les élections locales de 1992 et le référendum sur la Constitution de 1995, organisés par le présent gouvernement, montraient clairement comment ces consultations étaient organisées. L'information concernant la loi électorale a été efficacement diffusée par la télévision d'Etat albanaise.

J'ai la conviction que la promotion et le développement de la démocratie en Albanie dépendent directement de la manière dont chaque parti politique assume ses responsabilités en la matière. A ce propos, le boycott prémédité, ordonné par certains partis politiques d'opposition, prouve que ces derniers n'étaient pas prêts à accepter l'évidente défaite, ce qui a peut-être nui à la crédibilité des résultats du scrutin et a en même temps exagérément amplifié les irrégularités techniques relevées lors du processus électoral.

Suivant la décision prise par la Commission électorale nationale au vu des quelques irrégularités avérées, on procédera à un nouveau scrutin dans trois circonscriptions.

M^me^ Leni Fischer,
Présidente de l'Assemblée parlementaire
du Conseil de l'Europe

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Le résultat des élections n'est pas si surprenant, puisqu'il provient de différentes sources. J'aimerais rappeler que, lors des élections de 1992, le PD l'avait emporté dans 92 circonscriptions sur 100, ce qui représentait proportionnellement plus de 62 % des suffrages. A ces mêmes élections, le PS n'avait remporté que quatre circonscriptions sur 100, soit plus de 25 % des voix, à la proportionnelle. Aux dernières élections, le PD a gagné dans 95 des 115 circonscriptions, c'est-à-dire recueilli à la proportionnelle plus de 65 % des suffrages, alors que le PS n'a remporté que 5 circonscriptions sur 115, soit plus de 22 % des voix. Comme vous le voyez, ces résultats sont proches. J'ai la conviction que la défaite des partis de gauche est due aux liens incriminés de la direction de ces partis avec le passé et, en particulier, à leurs relations avec l'ancienne Sécurité d'Etat, tellement honnie en Albanie.

Je tiens à vous informer du fait fort important que, parmi plusieurs partis politiques, le Parti de l'Union des droits de l'homme (de la minorité grecque) est revenu sur sa position et a décidé de participer au second tour des élections le 2 juin.

Les sièges obtenus par les partis politiques de gauche au parlement leur seront toujours réservés et nous invitons ces partis à reconsidérer leur décision en se souvenant que, en démocratie, le champ de bataille est le parlement et non la rue.

Nous respectons et respecterons toujours les manifestations légales de tous les partis politiques mais, en même temps, sommes décidés à ne pas tolérer les actes illégaux qui visent à déstabiliser par la violence et les affrontements.

Je tiens à redire que les observateurs du Conseil de l'Europe et d'autres organisations sont cordialement invités à assister au second tour des élections; nous sommes déterminés à prendre toutes les dispositions possibles pour faciliter leur mission.

Comptant, comme toujours, sur votre loyale compréhension,
je saisis cette occasion pour vous réitérer l'expression de ma plus haute considération.

Pjeter Arbnori

Conseil de l'Europe
Assemblée parlementaire

Le Président

Strasbourg, le 31 mai 1996

Monsieur le Président,

Je vous remercie pour votre lettre de ce jour et votre invitation à l'Assemblée d'envoyer certains de ses membres observer le second tour de vos élections législatives dimanche.

Malgré l'importance exceptionnelle de votre invitation, je crains que ni les groupes politiques ni le Bureau de l'Assemblée n'aient assez de temps pour former une équipe.

Les comptes rendus de presse concernant le premier tour de ces élections sont particulièrement préoccupants. Vous n'ignorez sans doute pas non plus que la déclaration publiée par le Bureau des institutions démocratiques et des droits de l'homme de l'OSCE au lendemain du scrutin fait état de graves irrégularités dans la conduite de ces élections. Le président en exercice de l'OSCE a fait appel aux partis politiques d'Albanie pour qu'ils envisagent toutes les mesures propres à régler le différend, y compris la tenue éventuelle de nouvelles élections partielles.

Je constate que la Commission électorale nationale, informée de ces irrégularités, a demandé au Président de la République d'ordonner par décret l'organisation d'un nouveau scrutin dans trois circonscriptions.

La Présidence de l'Union européenne prie notamment le Gouvernement albanais de faire tout ce qui est en son pouvoir pour assurer l'heureuse poursuite du processus électoral. L'Union européenne exhorte toutes les parties en cause à faire preuve du sens des responsabilités le plus élevé et à reprendre le dialogue.

Je prends bonne note de l'invitation adressée par le Président de l'Albanie aux candidats de l'opposition pour qu'ils participent au scrutin dans les circonscriptions tenues par leurs adversaires et à l'ensemble des électeurs pour qu'ils prennent part au second tour. M. Berisha a également affirmé qu'il veillerait à ce que les élections se déroulent dans des conditions conformes à la loi et que l'Albanie garantit les droits et libertés de se rassembler et de manifester, comme le prévoit la loi.

Notre Assemblée parlementaire est heureuse d'avoir œuvré avec vous et d'autres parlementaires albanais pour défendre le pluralisme parlementaire démocratique en Europe et j'espère que ces derniers sauront se montrer assez attachés à ces valeurs pour convaincre leurs amis politiques.

Veuillez agréer ...

signé: Leni Fischer

M. Pjeter ARBNORI
Président de l'Assemblée populaire
de la République d'Albanie
TIRANA

Parti socialiste
Tirana

Parti social-démocrate
Tirana

A l'attention de M^me^ Leni Fischer
Présidente de l'Assemblée parlementaire
Conseil de l'Europe
Strasbourg

Madame la Présidente,

Tout en exprimant notre très haute considération et notre profonde reconnaissance pour vos initiatives tendant à aider l'Albanie, pendant la phase de transition de la dictature à la démocratie, à surmonter les difficultés de cette transition, nous voudrions vous faire part de notre vive préoccupation en ce qui concerne la manière dont se sont déroulées les élections du 26 mai 1996, ainsi que la grave situation qui existe actuellement en Albanie.

Non seulement il n'a pas été tenu compte de l'exigence formulée par les Etats-Unis et l'Union européenne, ainsi que par toutes les institutions internationales prestigieuses, selon laquelle l'Etat albanais devait garantir la tenue d'élections libres et régulière le 26 mai 1996, mais la police, y compris la police secrète, s'est rendue coupable de graves violences, allant jusqu'à faire usage d'armes à feu dans les bureaux de vote et à l'encontre des organes de l'opposition; la police s'en est même pris à des députés de l'opposition, qui jouissent pourtant de l'immunité. Par conséquent, on ne peut pas parler de manipulations partielles; il y a eu un véritable coup d'Etat de la part de Berisha.

On peut dire qu'à l'exception du parti démocratique, qui est le parti au pouvoir, aucun parti politique d'Albanie n'a pris part à ces élections, à cause de la violence, des manipulations et du contrôle total exercés par la police et les services secrets.

Voilà les raisons pour lesquelles nos partis et plusieurs autres partis ne reconnaissent pas la validité des résultats du scrutin.

La stratégie de Berisha a consisté à détruire l'opposition dans sa quasi-totalité; or, celle-ci avait obtenu environ 60 % des voix lors du référendum constitutionnel.

Nous espérons que nous avons réussi à faire passer l'essentiel de notre préoccupation, et nous souhaiterions pouvoir compter sur votre compréhension et votre appui en ce qui concerne les revendications de l'opposition albanaise officielle, qui sont les suivantes:

1. non-reconnaissance des élections confisquées du 26 mai 1996; organisation, dès que possible, de nouvelles élections, dans des conditions démocratiques et sous la surveillance de l'Union européenne.

2. Intervention immédiate du Gouvernement albanais pour mettre fin à la répression qui sévit contre les citoyens et l'opposition.

En tant que représentants de l'opposition albanaise, nous sommes résolus à protéger par des moyens démocratiques le droit de la population à des élections libres. En même temps, nous ferons tout ce qui est en notre pouvoir pour éviter une confrontation très dangereuse qui pourrait très bien survenir à bref délai, et pour éviter une déstabilisation dans la région, ainsi qu'une émigration massive de jeunes Albanais qui deviendraient autant de réfugiés dans toute l'Europe, compte tenu du risque de terreur lié à la mise en place d'une nouvelle dictature.

Soyez assurée que, dans un esprit de compréhension et de coopération, vous pouvez compter sur un engagement sans réserve de notre part.

Veuillez agréer, Madame la Présidente, l'assurance de notre très haute considération.

Dr Servet Pellumbi, député
Premier vice-président
du parti socialiste albanais

Prof. Skender Gjinushi
Président du parti social-démocrate

Tirana, 1er juin 1996

ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Le Président

Strasbourg, le 8 juin 1996

Messieurs,

J'ai l'honneur d'accuser réception de votre lettre relative aux élections qui se sont déroulées récemment dans votre pays.

Permettez-moi de vous assurer que nous suivons cette affaire de très près, en tenant compte des décisions qui ont été prises dans votre pays, ou qui le seront, au sujet des règles et des procédures adoptées sur le plan interne, ainsi que des prises de position des instances internationales et européennes.

Une copie de votre lettre a été adressée aux chefs des groupes politiques de l'Assemblée. Notre Commission des questions politiques y fera également référence lorsqu'elle examinera la question à sa prochaine réunion, le 13 juin 1996 à Tallinn.

En outre, l'Assemblée consacrera probablement un débat à cette question lors de ses séances plénières du 24 au 28 juin 1996 à Strasbourg.

Veuillez agréer, Messieurs, ...

Leni Fischer

M. Servet PELLUMBI
Premier Vice-Président du Parti socialiste
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ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Le Président

Strasbourg, le 4 juin 1996

Madame, Monsieur,

Concernant ma lettre du 31 mai 1996 sur les élections en Albanie, je tiens à vous informer que j'ai reçu hier une lettre de M. Servet Pellumbi, premier vice-président du parti socialiste et du Professeur Skender Gjinushi, président du parti social-démocrate, dont vous trouverez ci-joint une copie pour information. Comme le Président Sali Berisha est cité dans cette lettre, je lui ai demandé sa réaction (que vous trouverez également ci-jointe) J'aimerais discuter avec vous de la réponse à donner à MM. Pellumbi et Gjinushi.

Dans quelques jours, j'assisterai à la Conférence des Présidents des Assemblées parlementaires d'Europe à Budapest. Je mettrai cette occasion à profit pour connaître leur avis sur la situation en Albanie. Je vous tiendrai évidemment au courant des consultations que j'aurai là-bas.

Permettez-moi maintenant de vous demander si, selon vous, une action de l'Assemblée parlementaire du Conseil serait utile en ce moment. Je serais heureuse de recevoir tout conseil de votre part. En ce qui me concerne, je pense que nous devrions attendre et nous assurer que les mécanismes internes fonctionnent de façon satisfaisante en Albanie. Je crois savoir que la Commission électorale centrale continue d'examiner les plaintes pour violations du droit électoral, et qu'il est possible d'exercer des recours devant la Cour constitutionnelle.

Notre Commission des questions politiques se réunira bientôt, à Tallin le 12 juin et je m'en réjouis. Peut-être fera-t-elle une déclaration? En tout état de cause, je vous prie d'examiner l'opportunité d'organiser une séance d'information sur l'Albanie lors de l'ouverture de notre partie de session de juin à Strasbourg.

Veuillez agréer...

Leni Fischer

A l'attention
des responsables des Groupes politiques
de l'Assemblée parlementaire du Conseil de l'Europe

RÉPUBLIQUE D'ALBANIE
Présidence

Tirana, 4 juin 1996

Madame la présidente,

S'agissant des élections du 26 mai en Albanie je suis en mesure de confirmer que la campagne électorale et le scrutin lui-même se sont déroulés sans incident susceptible de compromettre le processus électoral.

Le scrutin du 26 mai a été suivi par des centaines d'observateurs; aucun observateur étranger, aucune force politique n'a fait état, auprès des institutions officielles, d'irrégularités ou d'incidents graves au cours de cette journée.

Environ 89 % du corps électoral albanais ont pris part aux élections du 26 mai, et 30 % — je tiens à le souligner — se sont rendus aux urnes entre 18 heures et 22 heures; ce faisant, ils passaient outre à l'appel qu'avaient lancé les dirigeants socialistes en faveur du boycottage du scrutin.

Le 25 mai dans la soirée le parti socialiste a distribué clandestinement 4 700 faux formulaires dont 800 ont été interceptés par la police. Il comptait, grâce à ces formulaires, proclamer sa (fausse) victoire devant les observateurs étrangers le 27 mai à 3 heures du matin. Dans ces conditions, la commission électorale centrale a immédiatement réimprimé les formulaires, en modifiant leur couleur pour éviter les falsifications; et elle les a distribués par hélicoptère le lendemain matin à tous les bureaux de vote.

En ce qui concerne la présence de personnes armées, aucun électeur ou observateur étranger n'avait fait état d'un quelconque comportement menaçant de la part de policiers. La décision de placer des policiers à proximité des bureaux de vote avait été prise par la commission électorale centrale, après qu'elle eut découvert que le parti socialiste avait, au mépris de toute légalité, créé des groupes paramilitaires qui devaient être déployés en trois unités: la première unité devait prendre position autour du bureau de vote; la seconde devait attaquer le véhicule transportant les urnes; et la troisième devait prendre position autour de la circonscription. De tout cela, les autorités albanaises ont des preuves et des témoignages qui ont été rendus publics et portés à la connaissance des gouvernements étrangers. Le ministère public a entamé une action en justice.

Comme je l'ai dit, le 26 mai tout s'est bien passé jusqu'à 18 heures, heure à laquelle M. Gramoz Ruci, ancien ministre de l'Intérieur et chef de la police secrète d'Enver Hoxha, actuellement secrétaire général du parti socialiste, a intimé, par téléphone, aux représentants du parti socialiste, l'ordre définitif de se retirer: «retirez-vous, nous avons subi une lourde défaite». Le retrait du parti socialiste, 4 heures avant la fermeture des bureaux de vote, est un fait sans précédent dans l'histoire électorale de l'Europe.

C'est alors que j'ai lancé un appel télévisé invitant la population à garder son calme et les commissions à procéder au dépouillement avec précision. Après le retrait du parti socialiste, les deux tiers des membres des commissions électorales sont restés dans les bureaux de vote; plus de la moitié d'entre eux appartenaient aux partis d'opposition. En outre, dans plus de 40 % des bureaux de vote, les membres socialistes des commissions

ne se sont pas retirés; et dans des centaines de cas ils ont déclaré par écrit qu'ils se retiraient, non pas en raison d'irrégularités mais parce que l'ordre leur en avait été donné d'en haut.

Toutefois, je ne puis exclure qu'il y ait eu, dans un nombre limité de circonscriptions, des compromis inacceptables entre membres des commissions. C'est pourquoi j'ai demandé à la commission électorale centrale d'examiner toutes les réclamations et les allégations d'irrégularités en vérifiant en détail tous les livres et documents des circonscriptions.

Soyez assurés que je suis fermement résolu à suivre les suggestions de la commission électorale centrale tendant à organiser de nouvelles élections dans les circonscriptions où des irrégularités ont été commises.

De nombreux observateurs locaux et étrangers ont suivi les élections du 26 mai. Six des huit rapports présentés par des observateurs étrangers considèrent que ces élections se sont déroulées normalement, régulièrement et librement. Les deux autres rapports formulent des critiques, sans toutefois fournir d'éléments susceptibles de les étayer.

L'opposition en Albanie est libre, et elle le restera. Le nouveau Parlement albanais est pluraliste; il inclut des représentants non seulement du parti démocratique, mais aussi de quatre partis d'opposition: le parti socialiste, avec dix députés; le parti républicain avec trois députés; le parti de l'union des droits de l'homme, avec deux députés; et le parti de Ball Kombetar, avec deux députés.

Lors de la grande manifestation organisée, Place Skenderbej, par l'opposition — manifestation qui, pour des raisons de sécurité, n'avait pas reçu l'autorisation de la police (mais qui aurait pu se dérouler dans l'une des autres places de la ville qu'on avait proposé de mettre à disposition) — il y a eu des excès et une réaction disproportionnée de la part des forces de l'ordre. Ces incidents, que je condamne, font actuellement l'objet d'une enquête diligente et indépendante.

Entre temps, j'ai lancé un appel à l'opposition pour qu'elle participe au deuxième tour de scrutin; mais elle a répondu par une grève de la faim.

Le deuxième tour s'est déroulé dans le plus grand calme; ses résultats confirment intégralement les résultats du premier tour. Ont pris part à ce deuxième tour quelque 67 % des électeurs; les candidats du parti démocratique ont obtenu les deux tiers des voix.

J'ai le sentiment que les socio-démocrates européens ont été mal informés de la manière dont les choses se sont passées chez nous; et je les invite à venir en Albanie.

Je tiens, pour conclure, à vous assurer que l'Albanie est résolue à aller de l'avant sur la voie de la consolidation de la démocratie; notre pays reste ouvert à une étroite coopération avec le Conseil de l'Europe et avec d'autres institutions européennes. Veuillez agréer, Madame la présidente, l'expression etc.

Sall Berisha

ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Le Président

Budapest, le 8 juin 1996

Monsieur le Président,

Je vous remercie pour votre réponse à ma lettre relative aux élections qui se sont déroulées récemment dans votre pays.

J'ai transmis une copie de votre déclaration aux chefs des groupes politiques de notre Assemblée, qui ont également reçu une copie de la lettre de MM. Pellumbi et Gjinushi.

Il sera certainement fait référence à ces documents lors de la prochaine réunion de la Commission des questions politiques, qui se tiendra à Tallinn le 13 juin 1996.

En outre, l'Assemblée consacrera probablement un débat à cette question lors de ses séances plénières, du 24 au 28 juin 1996 à Strasbourg.

Veuillez agréer, Monsieur le Président, ...

Son Excellence
M. Sali BERISHA

Président de la République d'Albanie
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Parliamentary Assembly
Assemblée parlementaire

25 juin 1996
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AVIS[1]

sur les élections législatives récentes en Albanie

**(Rapporteur: M. COLUMBERG,
Suisse, Groupe du Parti populaire européen)**

I. Introduction

1. Dans le cadre de la Directive n° 508 (1995), les rapporteurs des trois commissions concernées (Lord Finsberg pour la commission des questions politiques, M. Ruffy pour la commission des relations avec les pays européens non membres et moi-même pour la commission des questions juridiques et des droits de l'homme) se sont rendus en Albanie du 3 au 5 janvier 1996. A la suite de notre visite, nous avons élaboré une note introductive commune (AS/Jur (1996) 10), qui est confidentielle en attendant la réponse des autorités albanaises prévue pour le 3 juillet 1996.

2. Je pense que l'on peut conclure de notre visite que l'Albanie a considérablement progressé sur la voie qui lui permettra de devenir une démocratie à part entière et un Etat de droit depuis qu'elle s'est libérée de la dictature communiste qui était l'une des plus brutales d'Europe. Toutefois, il faut bien reconnaître en même temps que l'Albanie a encore du chemin à faire. N'ayant pas observé les élections générales du 26 mai 1996[2], je ne peux juger les élections et leur résultat qu'à partir d'informations de deuxième main, ce que je trouve très difficile. En revanche, pour ce qui concerne la période préélectorale,

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1. de la commission des questions juridiques et des droits de l'homme.

2. Les rapporteurs avaient tout d'abord eu l'intention de se rendre en Albanie, mais ils y ont renoncé parce qu'ils n'ont pas reçu d'invitation officielle de la part des autorités albanaises et qu'il n'existe aucun précédent de surveillance d'élections par des rapporteurs dans des Etats membres du Conseil de l'Europe.

il me paraît plus facile de rendre un avis car certaines des critiques que j'ai entendues depuis lors correspondent aux observations que j'ai pu faire moi-même en janvier de cette année.

3. S'agissant de la période préélectorale, je vais donc me fonder principalement sur mes propres observations. Pour le jour de l'élection lui-même et la période postélectorale, je dois m'appuyer sur des rapports établis par des observateurs qui se trouvaient sur place, tels que l'Assemblée parlementaire de l'OSCE, le BIDDH, l'ONG Human Rights Watch/Helsinki et d'autres. Je présenterai ensuite les conclusions à tirer de ce qui précède.

II. La campagne électorale

4. L'un des principaux obstacles au plein épanouissement de la démocratie en Albanie réside dans la tradition du pays qui considère les compromis comme déshonorants. Le discours politique du pays est ainsi marqué par les accusations et les contre-accusations des différents partis. Certains de ces arguments ont un caractère affectif, personnel et/ou ne reposent pas toujours sur des faits. Le climat général de tension, les adversaires s'accusant mutuellement d'essayer d'imposer une dictature à la population albanaise, n'incite guère à la coopération, même sur des sujets qui devraient être dans l'intérêt de tous (comme l'adoption d'une Constitution ou d'une loi électorale équitable). L'organisation d'une campagne électorale libre et loyale dans un tel climat n'est absolument pas facile.

5. Les critiques concernant les élections albanaises doivent donc porter déjà sur la période préélectorale. Ainsi que l'a conclu l'Assemblée parlementaire de l'OSCE, «les médias étatiques n'étaient pas entièrement dépourvus de parti pris»[1]. Le Bureau des institutions démocratiques et des droits de l'homme de l'OSCE (BIDDH) a aussi constaté un certain nombre d'irrégularités supplémentaires, allant de la nouvelle loi électorale qui a abouti au redécoupage des circonscriptions à la dernière minute, jusqu'aux intimidations policières lors de rassemblements d'opposition en passant par la création de commissions électorales[2]. Le harcèlement de journaux indépendants et d'opposition et de leurs journalistes a aussi été signalé à maintes reprises[3].

6. Toutefois, la critique la plus importante concernant la campagne électorale doit probablement viser ce que l'on appelle les lois «de décommunisation» ou «antigénocide»[4]. M. Séverin traite en détail du cas albanais dans son excellent rapport à l'Assemblée sur

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1. Rapport de l'Assemblée parlementaire de l'OSCE sur les élections parlementaires en Albanie, 26 mai 1996, page 1.

2. BIDDH, observation des élections parlementaires qui ont eu lieu en République d'Albanie, le 26 mai et le 2 juin 1996, pages 3-9.

3. Human Rights Watch/Helsinki, déclaration d'inquiétude: violations commises lors des élections albanaises, 30 mai 1996, page 3; lettres adressées au Conseil de l'Europe par les ONG Centre international contre la censure et Fédération internationale des journalistes.

4. «Loi relative au génocide et aux crimes contre la population commis en Albanie durant le régime communiste pour des raisons d'ordre politique, idéologique ou religieux» (du 22 septembre 1995) et «loi relative au contrôle des personnalités officielles et des autres personnes pour la protection de l'Etat démocratique» (du 30 novembre 1995).

les mesures de démantèlement de l'héritage des anciens régimes totalitaires communistes (Doc. 7568) dont l'Assemblée doit débattre le 27 juin. M. Séverin recommande que l'on rende compatibles avec les principes d'un Etat de droit démocratique ces lois selon lesquelles certaines personnes peuvent se voir refuser le droit de se présenter aux élections parlementaires au motif qu'elles ont occupé un certain poste au Parti communiste ou au sein de l'appareil d'Etat, ou qu'elles figurent dans les fichiers des services secrets en qualité d'informateurs ou de collaborateurs. Il suggère que l'on limite le champ d'application de ces lois aux personnes employées par l'Etat à des postes sensibles et que l'on tienne compte de l'éventualité d'une inexactitude ou d'une falsification des dossiers de l'appareil de sécurité, ainsi que du fait que des personnes ont pu agir sous la contrainte[1]. En outre, il suggère que l'on modifie la composition de la commission de sept personnes (dont six nommées actuellement par le gouvernement) de manière à éliminer tout risque de parti pris.

7. Cette dernière suggestion avait aussi été formulée par les trois rapporteurs lors de leur visite à Tirana en janvier 1996, et je l'ai à nouveau soulevée lors de la réunion de la commission des questions juridiques et des droits de l'homme du 3 avril 1996 en présence du Président du Parlement albanais. Malheureusement, il n'a pas été tenu compte de notre recommandation. Dès le départ, 139 candidats, dont seulement trois appartenaient au Parti démocratique au pouvoir, se sont vu refuser le droit de participer aux élections en vertu de cette législation. Sept décisions de la commission ont été annulées par la Cour de cassation[2]. L'Assemblée parlementaire de l'OSCE a conclu que «La loi relative au génocide contient des procédures qui ne sauraient être considérées comme équitables et transparentes. Elle contient aussi des dispositions qui limitent les possibilités de l'électorat en ce qui concerne le libre choix de ses candidats»[3]. Le BIDDH, Human Rights Watch/ Helsinki et la Fondation internationale pour les systèmes électoraux («International Foundation for Electoral Systems») ont critiqué en termes plus vifs les lois et leur application.

III. La journée des élections

8. Les différents observateurs ont présenté des informations contradictoires sur le déroulement de la journée des élections. Le BIDDH a vivement critiqué la composition des commissions responsables des bureaux de vote locaux, qui favorisait, semble-t-il, le parti au pouvoir, puisque c'est sous son autorité que le président et le secrétaire des commissions avaient été désignés[4]. Le BIDDH a également signalé le manque de formulaires officiels, le manque de rigueur dans la tenue de la liste électorale, et critiqué le vote par procuration. On a également remarqué la présence de policiers et de civils armés non identifiés dans un certain nombre de bureaux de vote[5]. La plupart des observateurs du BIDDH présents lors du comptage des voix ont eu l'impression «que le

1. Doc. 7568, page 21, paragraphe 56.

2. Le BIDDH donne des chiffres différents: environ 200 candidatures rejetées, Cour de cassation saisie de soixante recours dont neuf ont été jugés fondés (page 5).

3. Rapport de l'Assemblée parlementaire de l'OSCE, page 1.

4. Rapport du BIDDH, pages 9-10.

5. *Ibid.*, pages 10-11.

comptage n'était effectué ni dans l'ordre et la sûreté, ni dans le respect de la loi électorale. Dans certains cas, les observateurs ont relevé une manipulation du résultat. Les décisions étaient prises de manière arbitraire par le président désigné par le gouvernement[1].»

9. L'Assemblée parlementaire de l'OSCE a également remarqué «un certain nombre d'irrégularités et de défauts techniques[2]», mais pas à l'échelle signalée par le BIDDH et d'autres observateurs. Des membres des partis d'opposition ont dit avoir été harcelés, physiquement agressés ou arrêtés par des membres de la police secrète; mais la plupart de ces plaintes ne sont pas corroborées par les remarques des observateurs internationaux. La déclaration télévisée par laquelle le Parti socialiste, le Parti agraire et le Parti d'union nationale ont, à 18 heures, soit quelques heures seulement avant la fermeture des bureaux de vote, annoncé qu'ils se retiraient de la consultation, a autant perturbé l'atmosphère que la décision arbitraire, prise par le Président le jour du scrutin, de prolonger la consultation (de 20 heures à 22 heures). Que ces partis et d'autres partis d'opposition se soient retirés en raison des nombreuses fraudes électorales et du harcèlement infligé à leurs candidats et à ceux de leurs membres appartenant aux commissions responsables des bureaux de vote – comme ils le soutiennent – ou parce qu'ils savaient qu'ils allaient à la défaite, comme l'affirme le parti au pouvoir, voilà ce qu'il est impossible de déterminer pour le moment[3].

10. En outre, les partis d'opposition ont décidé de boycotter le second tour des élections du 2 juin 1996, ainsi que le nouveau scrutin, fixé au 16 juin 1996 dans dix-sept circonscriptions. C'est là une décision tout à fait fâcheuse, que je regrette profondément. De même, la décision du Président de se présenter comme candidat du Parti démocratique aux élections législatives, bien qu'ostensiblement légale, était des plus regrettables, car le Président devrait être un facteur de neutralité et d'union, surtout dans un pays aussi divisé que l'Albanie. C'est pourquoi je partage l'appréciation de l'Assemblée parlementaire de l'OSCE selon laquelle «le gouvernement et l'ensemble des partis politiques partagent la responsabilité»[4] de ce qui s'est passé le jour des élections en Albanie.

IV. Evénements postélectoraux

11. Le lundi 27 mai 1996, les principaux partis d'opposition ont appelé à une manifestation sur la place Skenderberg, au centre de Tirana, pour «protester contre la manipulation du scrutin». Le ministère de l'Intérieur a déclaré le rassemblement illégal et une force excessive a été déployée le lundi et le mardi pour disperser les manifestants. D'après les comptes rendus de certaines organisations non gouvernementales, non seulement les chefs de l'opposition et leurs partisans ont été molestés – et souvent,

1. *Ibid.* page 12.

2. Rapport de l'Assemblée parlementaire de l'OSCE, page 1.

3. Le résultat final des élections, donnant 122 sièges sur 140 au Parti démocratique au pouvoir et 10 seulement au Parti socialiste, le principal parti d'opposition, conduit à se demander si le retrait des partis d'opposition n'a pas ouvert la voie à une manipulation pendant le dépouillement, la proportion des sièges allant à un seul parti étant très élevée pour une démocratie européenne.

4. Rapport de l'Assemblée parlementaire de l'OSCE, page 1.

semble-t-il, avec brutalité – mais on s'en est également pris à des journalistes. Le Parti démocratique a reconnu qu'«il y a eu des abus et une réaction excessive de la part des forces de l'ordre»[1]; il a condamné ces excès et s'est engagé à faire poursuivre les coupables.

12. Il importe que le gouvernement reconnaisse et accorde la liberté de réunion non seulement aux membres et sympathisants de son propre parti (qui avaient célébré leur victoire annoncée à peine quelques heures plus tôt, dans les principales artères de Tirana), mais également aux membres et sympathisants des partis d'opposition. Premièrement, les manifestations organisées par les partis d'opposition les 27 et 28 mai 1996 n'auraient pas dû être déclarées illégales; et, deuxièmement, il n'aurait pas fallu y mettre un terme, comme on l'a fait, par un déploiement de force excessif. J'invite instamment les autorités albanaises à maintenir la liberté de réunion et d'expression, même dans les conditions actuelles de tension.

V. Conclusions

13. Je ne puis que conclure avec l'Assemblée parlementaire de l'OSCE que les récentes élections ont jeté le doute sur la crédibilité du processus démocratique en Albanie[2]. Des irrégularités des difficultés techniques et des problèmes avec les lois électorales ont été largement constatées, et font l'objet de contestations sérieuses. Il faut s'attacher à présent à réduire les tensions sur le terrain et restaurer la confiance du peuple albanais et de la communauté internationale dans la démocratie albanaise. La démocratie albanaise est encore si jeune et vulnérable que la stabilité politique est une condition préalable absolue à l'amélioration des conditions de vie du peuple albanais. La question est de savoir comment atteindre ce but.

14. Les partis d'opposition exigent qu'on organise de nouvelles élections, option que rejette catégoriquement le Président du pays. Les institutions européennes ont adopté des positions différentes dans ce débat, tant sur la légitimité du parlement nouvellement élu que sur les résultats probables d'un nouveau scrutin (guerre civile, anarchie ou retour à la démocratie?). Ce qui est clair, c'est que les lois de «décommunisation» de l'Albanie, sa loi électorale et ses institutions électorales doivent être réformées dès que possible, conformément aux recommandations de l'OSCE, du BIDDH et du Conseil de l'Europe. Il serait bon de réaliser ces réformes sans tarder, car il faudrait que les nouvelles procédures soient toutes en place lors des élections locales, qui doivent se tenir avant la fin de l'année. Le rôle des structures locales qui seront élues est de la plus grande importance pour la stabilité politique du pays, et le Conseil de l'Europe doit être prêt à assister les autorités albanaises dans ce domaine.

15. Je pense que l'on peut également s'accorder sur le fait qu'il n'est pas opportun qu'un parlement dont la légitimité n'est pas totalement incontestable entreprenne actuellement l'élaboration de lois importantes (à l'exception de celle dont il est question au paragraphe 14, soumises au Conseil de l'Europe pour avis d'expert avant leur adoption). Il va sans dire que le Parti démocratique devrait utiliser avec sagesse la majorité écrasante dont il dispose aujourd'hui, en évitant de nouvelles confrontations avec

1. Lettre de M. S. Berisha, Président de l'Albanie, en date du 4 juin 1996, adressée au Président de l'Assemblée et reproduite dans AS/Pol/Inf (1996) 4, page 11.

2. Rapport de l'Assemblée parlementaire de l'OSCE, page 1.

les partis d'opposition. De leur côté, les partis d'opposition devraient mettre fin à leur boycott de la vie politique albanaise (en particulier, ils devraient participer aux élections locales) et reprendre un dialogue constructif avec le parti au pouvoir.

VI. Amendements

Amendement n° 1

Dans le projet de résolution, après le paragraphe 6, ajouter le nouveau paragraphe suivant:

«L'Assemblée doit examiner, avec l'ensemble de la communauté internationale, les mesures éventuelles qui pourraient être prises pour influencer les autorités albanaises et les partis politiques, afin de trouver une solution politique interne acceptable à la fois pour le gouvernement et l'opposition, sans éloigner l'Albanie du Conseil de l'Europe.»

Amendement n° 2

Dans le projet de résolution, après le paragraphe 6, ajouter le nouveau paragraphe suivant:

«L'Assemblée recommande qu'une assistance aux autorités albanaises soit mise en œuvre pour renforcer le processus démocratique, comportant une formation de la police, des mesures pour assurer l'indépendance des médias électroniques et du judiciaire.»

Amendement n° 3

Dans le projet de directive, au paragraphe 1, deuxième phrase, après le mot «composée», ajouter les mots suivants:

«des trois rapporteurs sur le suivi des obligations et engagements de l'Albanie et»

Commission chargée du rapport: commission des questions politiques (Doc. 7587).

Commission saisie pour avis: commission des questions juridiques et des droits de l'homme.

Renvoi en commission: Renvoi n° 2097 du 24 juin 1996.

Avis approuvé par la commission le 25 juin 1996.

Secrétaires de la commission: M. Plate, M[mes] Chatzivassiliou et Kleinsorge.