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Parliamentary Assembly
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Dear Mr ~~Sole Tura~~, Jordi

I regret that several other commitments have prevented me from finalising earlier the preliminary draft report on Albania, copy of which is attached.

In any event, I presume that you agree that this may not be the appropriate time to discuss it in the Committee. The item "Albania" appears on the draft agenda of the next meeting, but merely for an exchange of views on the present situation.

I would be grateful for your comments on the draft, and for your opinion on how to pursue the monitoring exercise.

Looking forward to seeing you again on 26 April.

Yours sincerely,

E.J. Ausems

57.11.18

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COMMITTEE ON THE HONOURING OF OBLIGATIONS AND COMMITMENTS BY MEMBER STATES OF THE COUNCIL OF EUROPE (MONITORING COMMITTEE)

ALBANIA

Rapporteurs: Mr Jerzy SMORAWINSKI, Poland, EPP/CD
Mr Jordi SOLE TURA, Spain, SOC

PRELIMINARY DRAFT REPORT

This preliminary draft report concerns a fact-finding visit carried out from 24 until 26 February 1999, i.e. during the Conference in Rambouillet and before the NATO interventions in the Federal Republic of Yugoslavia. The flow of refugees which has crossed the Albanian border since and which has created urgent humanitarian problems, has completely changed the political environment and the order of priorities in the action of the public authorities.

This report reflects the information collected by the co-rapporteurs during their visit and the first conclusions which they had reached before the events which started on 25 March 1999.

The co-rapporteurs propose that this preliminary draft report be considered as an information report.

Acknowledgement

1. The co-rapporteurs express their gratitude to the Albanian parliamentary delegation and its secretariat for the perfect organisation of their visit to Albania on 24 – 26 February 1999 and the excellent co-operation. They are also grateful to the Albanian authorities for the frank and sincere information which was supplied in the course of the various meetings and which is an essential condition for the success of the monitoring exercise.

2. The co-rapporteurs wish to thank the representatives of the diplomatic community in Tirana and of the OSCE Mission for their briefing and in particular the Chargé d'Affaires of Hungary who organised it in his capacity as representative of the Chairman-in-Office of the Committee of Ministers.

INTRODUCTION

3. Albania acceded to the Council of Europe on 29 June 1995, following Opinion N° 189 (1995) of the Parliamentary Assembly and Resolution (95) 8 of the Committee of Ministers.

4. The Committee on Legal Affairs and Human Rights opened the monitoring procedure under Order N° 508 (1995) on 6 November 1995. The Monitoring Committee continued this procedure under Resolution 1115 (1997).

5. Since Albania's accession, a great number of visits have been made, by rapporteurs and other members of the Assembly, to discuss the political situation, to monitor the honouring of commitments or to observe elections or referenda:

3 – 5 January 1996: rapporteurs of the Political Affairs, Legal Affairs and Non - Member Countries Committees;
27 – 30 August 1996: ad hoc Committee of the Bureau and rapporteurs;
17 – 22 October 1996: ad hoc Committee to observe local elections;
25 – 28 October 1996: idem;
6 – 7 March 1997: rapporteur of the Political Affairs Committee;
4 – 5 April 1997: rapporteurs of the Political Affairs and Monitoring Committees;
4 – 5 May 1997: chairmen of the political groups;
11 – 12 September 1997: rapporteurs of the Political Affairs and Monitoring Committees;
22 – 23 January 1998: Tri-Parliamentary Mission (PACE, OSCE-PA, EP) including the co-rapporteurs of the Monitoring Committee;
12 – 15 March 1998: co-rapporteurs of the Monitoring Committee;
29 – 30 June 1998: Second Tri-Parliamentary Mission including the co-rapporteurs of the Monitoring Committee;
21 – 23 November 1998: ad hoc Committee of the Bureau to observe the referendum;
24 – 26 February 1999: co-rapporteurs of the Monitoring Committee.

6. A list of the texts adopted by the Parliamentary Assembly on the subject of Albania appears in Appendix I to this report.

7. The first fact-finding visit under the new monitoring procedure ex Resolution 1115 (1997) was made on 12 – 15 March 1998 by the co-rapporteurs Mr Jordi Sole Tura (Spain, SOC) and Mr René van der Linden (Netherlands, EPP/CD). Provisional notes on this visit were presented to the Monitoring Committee in Doc AS/Mon (1998) 24 rev. 1. The Committee examined these notes, but did not transmit them to the Albanian authorities for their comments.

8. On 28 January 1999, the Committee designated Mr Jerzy Smorawinski (Poland, EPP/CD) to replace co-rapporteur Mr van der Linden who had left the Assembly.

9. On 24 – 26 February 1999, the co-rapporteurs Sole Tura and Smorawinski visited Tirana. They agreed to bear in mind the provisional notes on the March 1998 visit, when drawing up an information report on this second visit under the new monitoring procedure. The programme of the second visit appears in Appendix II.

INFORMATION REPORT

Council of Europe Office

10. On 5 July 1998, the newly appointed Special Representative of the Secretary General of the Council of Europe, Mr Andreas Papaconstantinou, took office in Tirana, in the Headquarters of the OCSE Presence. The mandate of the Special Representative is to establish a political presence of the Council of Europe in Albania, to increase the Organisation's visibility and enhance the implementation and co-ordination of co-operation programmes. A Memorandum of understanding concerning the Council of Europe secretariat offices in Tirana has been concluded with the Albanian authorities, by which the Office has been granted the status of a diplomatic mission.

11. During their fact-finding visit in February 1999, the co-rapporteurs were briefed by the Special Representative on the situation in Albania.

12. Mr Papaconstantinou's term of office came to an end on 31 March 1999, he has been succeeded by Mrs Akant from Turkey.

Friends of Albania

13. Apparently on the initiative of President Clinton and, in any case, pushed by the OSCE, a Group "Friends of Albania" was created in March 1998 in Brussels, to co-ordinate action in favour of Albania undertaken by the international community and individual countries. The Group was created without any preceding consultation of the Council of Europe, its statute does not refer to the Council of Europe and the Organisation has not been given any specific responsibility. Nevertheless, the Committee of Ministers has welcomed this new structure and pledged full co-operation with it.

14. "Friends of Albania" is chaired by the European Union and the OSCE, although the co-rapporteurs have the impression that the driving force behind the Group is the Head of the OSCE Presence in Albania. The Council of Europe participates in the Group's activities through the Director of Political Affairs and the Secretary General's Special Representative in Albania. Co-operation seems to be very good, even if some

overlap between OSCE and Council of Europe cannot be excluded, e.g. in the field of monitoring of human rights (OSCE Human Rights Alert Programme Office) or of prison reform.

15. The co-rapporteurs second visit to Albania coincided with a meeting of "Friends of Albania" in Vienna on 24 February, on which the co-rapporteurs were briefed by the Secretary General's Special Representative on 25 February. The conclusions of the Vienna meeting appeared to be largely the same as those reached by the co-rapporteurs.

General political context

16. As could have been expected, the discussions which the rapporteurs had with the various politicians were overshadowed by the then ongoing negotiations – suspended on 23 February to resume on 15 March – in Rambouillet on the situation in Kosovo.

17. On the one hand, the risk of disagreement in Rambouillet and the ensuing violence in Kosovo, which would result in new waves of refugees and a total change in political priorities, was as much on the mind of the various interlocutors as the internal obstacles on the way towards full implementation of Albania's commitments.

18. On the other hand, however, this national threat seems to be bringing together the political forces; although the political dialogue is still far from being a reality, the fact that the Prime Minister and the leader of the opposition have met twice may be interpreted as a first token of growing awareness that in the present circumstances unity is called for. Symbolic for the milder political climate is the football match which took place shortly before the second visit between members of the Government and the opposition – with the Head of the OSCE Presence acting as referee[1].

19. In this context, the co-rapporteurs took note with interest of the Memorandum which all Albanian political parliamentary parties addressed on 4 February 1999 to the Contact Group, to express support for the Rambouillet Conference.

20. The prevailing opinion of the Albanian political forces is that the draft Agreement presented in Rambouillet should be signed and implemented under supervision of NATO. Although Mr Berisha said that he shared the views of the government, the co-rapporteurs were informed that in a declaration of 23 February, the opposition parties had stated that independence of Kosova would be the best solution for peace and stability in the Balkans[2].

21. Apart from the shadow cast by the Kosovo issue, the political environment in Albania has not changed much since the first fact-finding visit in March 1998.

22. Since the 1997 parliamentary elections[3], Albania has a ruling majority coalition dominated by the Socialist Party. After the resignation of Mr Fatos Nano as Prime Minister, Parliament approved on 8 October 1998 a new government coalition headed by Mr Pandeli Majko.

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[1] According to the Prime Minister, the opposition lost.

[2] In a statement made on 15 March, the Democratic Party welcomed the endorsement of the draft agreement by the delegation of ethnic Albanians in Rambouillet.

[3] See Information Report on the parliamentary elections in Albania, Doc 7902, Addendum I.

23. On 20 January 1999, Mr Nano stepped down as Leader of the Socialist Party; the election of a new President is envisaged for 26 and 27 June 1999. At a meeting of the Party Steering Committee on 6 March last, Mr Nano confirmed his intention to launch an alternative platform within the Party at its June Congress.

24. The Union for Democracy, led by the Democratic Party under Mr Sali Berisha, is the main opposition force. The Union started to boycott Parliament in September 1997; after the visit in January 1998 of the First Tri-Parliamentary Mission[4] the Union returned to Parliament, but on 7 July 1998, after the Second Tri-Parliamentary Mission[5], the Democratic Party decided to withdraw again from parliamentary activities. This boycott was still in force at the time of the co-rapporteurs' visit in February 1999.

25. The co-rapporteurs wish to congratulate the smaller parties of the Union for Democracy on their wisdom and democratic conscience to resume their parliamentary activities.

Political dialogue

26. Now that the Constitution has been approved in the referendum of 22 November 1998[6], the co-rapporteurs have heavily insisted in all their discussions with the various political forces that the political dialogue between the political forces be resumed – ideally in the form of a great coalition – particularly in the light of developments in Kosovo.

27. The ruling coalition has said to be waiting for the Democratic Party to return to Parliament. Most coalition parties welcome the two meetings which the Prime Minister has had in December and January last with the President of the Democratic Party, although they agree that such meetings should not substitute for dialogue within the Parliament. There was also some criticism on the fact that these meetings had been arranged without informing all coalition partners, let be seeking their advice.

28. Mr Berisha told the co-rapporteurs that "fair partnership" with the ruling coalition was impossible as long as the government did not move to solve the problems of corruption and insecurity. Since the coalition did not govern the country, the presence of the opposition in Parliament was not necessary. According to Mr Berisha, the Prime Minister was in favour of concluding agreements with the opposition but was not backed by his own party.

29. Mention should be made here of the success met by the Tirana Forum on the consolidation of the democratic dialogue in Albania, on 12 – 14 February 1999. In this Forum, which was organised on the initiative of Victor Ruffy by the Swiss Foundation for Good Offices (FOSBO) and the Albanian Group of participants in the Lilienberg workshop, representatives of all political parties took part and agreed to set up a committee for follow-up.

[4] See Addendum IV to the Progress Report, Tri-Parliamentary Mission to Albania, Doc 7978 Addendum IV
[5] See Addendum I to the Progress Report, Second tri-parliamentary mission to Tirana, Doc 8195 Add I
[6] See Information Report on the referendum in Albania, Doc.8292 Addendum III.

Rule of law

30. The approval, at the referendum of 22 November 1998, of the new Constitution, drawn up in co-operation with the Venice Commission, is a milestone on Albania's road to democratic stability and the establishment of the Rule of law. What seems important now is to ensure full respect of the Constitutional provisions and this would include that existing legislation is screened for compatibility with the new Constitution. This is the task of the Constitutional Court.

31. Between 1993 and 1997 the Council of Europe has conducted two successive Joint Programmes with the European Commission, mainly for assistance to legal system reform in Albania. Major outcomes were the Albanian Civil, Civil Procedure, Penal and Penal Procedure Codes and the establishment of the School for Magistrates. After the parliamentary elections of 1997 the programmes were reshaped to respond to Albania's most urgent needs in the fields of Human Rights, legislation, constitutional reform, justice, law enforcement, media, local government and education. The Third Joint Programme is operational since 5 January 1999.

Death penalty

32. Albania has applied a moratorium on executions since 29 June 1995, introduced with a view to its accession to the Council of Europe. Given the commitments entered into by Albania on joining the Council, it should have signed Protocol N° 6 by 13 July 1998[7]. Recently, however, the issue of applying death penalty in Albania has been raised again by leading politicians.

33. The co-rapporteurs insisted on the *de jure* abolishment of the death penalty; they underlined that the Council of Europe and in particular the Parliamentary Assembly were not prepared to make any exception in the honouring of the commitments of any member State to abolish this penalty; on the contrary, any country which would not abide by this principle would have to face the ultimate consequence of such attitude: expulsion from the Organisation.

34. In doing so, the co-rapporteurs based themselves on the long standing position of the Parliamentary Assembly, and in particular the appeals on Albania made by the Bureau and by the Secretary General in January last. Moreover, the co-rapporteurs referred to the opinion of the rapporteurs of the European Commission for Democracy through Law ("Venice Commission") who had reached the conclusion that the death penalty must be deemed to be inconsistent with the Constitution of Albania.

35. At the time of the visit, the Venice Commission had not yet adopted[8] this draft Opinion on the compatibility of the death penalty with the Constitution of Albania and the Albanian authorities were therefore not in a position to give their comments.

36. For their part, the Albanian authorities informed the co-rapporteurs that the drafters of the Constitution had deliberately not provided for abolishment of the death penalty in the Constitution, since any such explicit provision might have prevented approval of the whole of the text. The general view of the coalition – which was shared

[7] See § 10 of Mrs Wohlwend's Report on Europe, a death-penalty free continent, Doc 8340 rev.

[8] The Opinion was adopted by the Venice Commission on 23 March 1999.

In fact the Constitution left the problem of death penalty open

it does not accept it and not abolish it.

by the President of the Republic - was therefore that the moratorium should be prolonged and that at its expiration the opportunity of *de jure* abolishment should be reconsidered.

37. Arguments put forward for reopening the death penalty debate included, on the one hand, the need for preventive methods to curb the rising insecurity and the decreasing respect for the public forces. On the other hand, because of the large number of killings in Albania, the value attached by the public to human life seems to have gone below the threshold of justification of abolishment of the death penalty. In these circumstances, no political party seems to be ready to take any initiative in this respect.

Independence of the judiciary

38. On 12 January 1999, an Action Plan for the judicial and legal reforms in Albania was signed by the Albanian authorities and representatives of the Council of Europe and the European Commission, which defines the framework for the short and medium term reforms, including the development of the institutional capacity for the effective enforcement of the legal framework.

39. On 18 and 19 January 1999, a Conference on Legal Reforms in Albania was held in Strasbourg, attended by various Albanian ministers and magistrates, representatives of the international organisations concerned, experts and senior Council of Europe staff. The participants welcomed the progress achieved by the Albanian authorities in reforming the legal system, but acknowledged nevertheless that significant work had to be undertaken: the legal and institutional framework has to be completed and the judiciary's independence and credibility has to be reinforced. In this respect, the participants called for instance for a law on the organisation of the Ministry of Justice and for a definition and organisation of the judicial police; they also underlined the importance of training of future judges and prosecutors at the Albanian Magistrates School, as well as the continuous training of judges and magistrates in office.

40. An additional problem, also recognised by the Strasbourg Conference, is the obstacle of corruption to the development of a fully independent judiciary. The authorities concerned should actively combat the factors which contribute to corruption in the Albanian judiciary, within the framework of the Octopus project of the Council of Europe and the European Commission and the project supported by the World Bank.

41. In December 1998, a Law on the organisation of justice was adopted, which aims at reinforcing the independence of the judiciary. There is some doubt whether certain provisions in this Law, e.g. regarding the appointment of judges by the President of the Republic on proposal of the High Council of Justice, are in full conformity with the new Constitution. The co-rapporteurs support the conclusion of the Strasbourg Conference that the new Law should be supplemented by specific regulations on the practical functioning of the different bodies involved.

42. The new law provides, among other issues, for about 240 out of the 300 sitting judges to be tested on their qualifications. Although not in line with the principle of an independent judiciary, this measure is considered to be necessary in order to identify those judges who were appointed after a 6 month training course and do not have the required knowledge or experience to hold their office. If found to be unqualified for their

function such judges would be dismissed; it is therefore understandable that the testing procedure has raised considerable concern amongst the judges concerned.

43. This testing has been entrusted to the High Council of Justice; the law provides for the judges who have not succeeded the test (written and oral) to be heard, with the assistance of a legal counsel, and, as the case may be, to appeal to the Supreme Court. The precise procedures for implementing the related provisions of the law are being established; the visit of the co-rapporteurs to Tirana coincided with an expert meeting organised by the Council of Europe's Legal Affairs Directorate.

44. A law on the organisation and functions of the Prosecutor General's Office is being prepared. In its present form, this Office is the subject of much criticism. On the one hand, reproaches are made that the Prosecutor General has not made sufficient progress in prosecuting crimes and other violations of the law, notably in the Hajdari Case (see paragraph 56 hereafter). On the other hand, it is argued that no political control is exercised over this Office, which enabled it to start politically suspect investigations at the wrong times, such as the arrest of six DP leaders[9] [and the mandate to arrest Mr Berisha]. The Council of Europe organised in March 1999 a meeting in Tirana and is providing expertise on the reform of the Prosecutor General's Office.

45. A draft law to replace the Court of Cassation by a Supreme Court is being prepared, for which the Council of Europe has been asked to provide expertise.

46. The Constitutional Court is functioning well, notwithstanding a general lack of means and equipment. A further handicap is that the Court is not recognised – and therefore not used – by the opposition, partly because the removal of the Court's former president has not been accepted, partly because the opposition contests the approval of the Constitution itself during the referendum of 22 November last.

47. Since on certain conditions individuals can have access to the Constitutional Court to appeal against alleged violations of their human rights, there might be a risk of overlap or misunderstanding in respect of the jurisdiction of the Constitutional Court and the Court of Cassation.

Public order

48. Although the co-rapporteurs saw some improvement in the security conditions at least in Tirana, information received in particular from the opposition would seem to indicate that outside the capital and particularly in the north-eastern part of Albania public order is not maintained.

49. Notwithstanding the efforts undertaken by the government, including the adoption of a special law and, on a regional basis, by the UN in the "Weapons for Development Programme", to collect arms from the population[10], violence is still frequent and armed gangs are terrorising certain regions.

50. On 5 March 1999, in an attempt to steel sheep in Berat, 10 people were killed, including three policemen. Their funeral was attended by the Prime Minister and by the

[9] The six DP members were released from house arrest on 22 February 1999.

[10] So far, nearly 1500 weapons have been collected in Gramsh, and over 35 tons of anumunition.

Minister for the Interior; the latter confirmed on that occasion that the police have instructions to shoot to kill in such cases.

51. Pending approval of a draft law on the State police, the Ministry of the Interior, with the assistance of the Multinational Advisory Police Element (MAPE – a WEU contribution) and Italian Police Forces, is restructuring the police forces, recruitment procedures are being improved and 95% of the police stations are now headed by graduates from the Police Academy. In every prefecture, a special unit has been set up to improve the relations between the police and the public.

52. Despite these measures, the Chairman of the Democratic Party has proposed an Anti-Crime National Pact, in which he calls for an agreement of all national and local political powers, the total reconstruction of the Ministry of Public Order and of the Prosecutor General's Office and new legislation. According to Mr Berisha, this Pact has been rejected by the Minister of the Interior.

53. The general point of view of the coalition is that, to be examined, the Pact should be presented in Parliament, which could then also test the compatibility with the Constitution of proposals such as the appointment of crime investigators by the political parties.

54. Corruption is said to be increasing (the Head of Police at Rinas airport had been replaced after the arrest, on 22 February, of a senior police officer for allegedly taking bribes from illegal immigrants) which, according to the opposition, has led to a decrease of 40% of foreign investments. The co-rapporteurs therefore welcome the signature by Albania on 27 January 1999 of the Criminal Law Convention on Corruption and the notification that the country wishes to join the Group of States against Corruption (GRECO), established in May 1998 to monitor implementation of the Convention.

55. Notwithstanding the adoption, early February 1999, of a detailed Customs Code, illegal trafficking of persons and goods is equally increasing. The government is calling on Albania's neighbouring states to join forces in combating such trafficking and tackling the international networks behind it. The United States have delivered five patrol boats to the Albanian navy. Members of the Italian Parliament's Schengen Committee visited Albania and have asked the Albanian authorities to step up their efforts to curb illicit trafficking.

The Hajdari case

56. Investigations into the killing of the senior DP member Mr Hajdari continue without much apparent progress. The Prosecutor General explained that the investigations immediately after the attack were hampered by the lack of co-operation of the principal witnesses, whilst interrogation of certain key persons residing in the north-eastern part of the country appears to be difficult.

57. On the initiative of the OSCE and with the agreement of the Albanian authorities a Norwegian prosecutor, Mr Wangberg, is assisting the Prosecutors Office. Mr Wangberg has submitted a recommendation for the enhancement of the Hajdari investigation effort and has also developed a more general assistance plan involving technical and some material assistance for Albania's prosecutors.

58. In these circumstances, the Democratic Party has prepared a draft law to establish an independent prosecutorial group, headed by a DP nominated director, to investigate the Hajdari murder. Although this proposal has not been rejected by the Prime Minister, some coalition members have indicated that any investigation must be conducted under the exclusive responsibility of the Prosecutor General's Office and that anyway draft laws must be discussed in Parliament.

59. In a first reaction, both the OSCE and the Council of Europe have observed that parts of the draft law proposed by the Democratic Party would not be compatible with the Albanian Constitution.

Media

60. A new law on electronic media was passed on 30 September 1998. This law was drafted with the assistance of the Council of Europe and according to the OSCE Representative for freedom of the media, Mr Freimut Duve, it should create good conditions for the editorial independence of the electronic media and lead to a fair system of public broadcasting.

61. The representatives of the media are said to welcome this legislation – on the condition that it be implemented efficiently and the Supervisory Board become operational – which will transform the State TV into an independent public TV and regulate the granting of licenses.

62. A new bill on media is being prepared, to replace the Law on the press which is currently in force.

63. The media are satisfied that journalists are no longer imprisoned or physically attacked because of their professional activities; they complain, however, that like all other citizens in Albania, journalists are hampered by the general insecurity in Albania. Newspapers are sold on only 40% of the territory and their daily circulation is said to have dropped from 85 000 to 75 000. Journalists complain also about the very high taxes imposed on them, notwithstanding an agreement signed with the assistance of the Council of Europe.

People's Advocate

64. The co-rapporteurs welcome the approval, on 4 February 1999, of a Law on the People's Advocate, and recommend its early enactment, including the appointment of the People's Advocate and the three commissioners.

Local and regional autonomy

65. Local elections were held in Albania on 20 October 1996. The Delegation of the Council of Europe, which consisted of members of the Parliamentary Assembly and of the Congress of Local and Regional Authorities of Europe, believed that these elections were free and fair and reflected the will of the electorate[11].

[11] See Information Report on the local elections in Albania, Addendum I to the Activity Report, Doc 7699 Addendum I

66. These elections resulted in 90% of the town-halls, 86% of the municipalities and 53% of the regional councils being won by the Democratic Party. Notwithstanding the lack of political dialogue at national level, the co-rapporteurs welcome the improved relations between the central and the local authorities, in particular the establishment by the Ministry of Local Government and the Local Authorities Associations of a "Decentralisation Platform" and they wish to encourage both sides to continue on the road to decentralisation and local autonomy.

67. On 27 May Albania signed the European Charter of Local Self Government, but it has not yet been ratified.

68. According to the new Constitution, municipal councils will be elected directly, whilst regional councils will be elected indirectly by the municipal councils.

69. At the request of the Albanian Ministry of Local Government, the OSCE Presence in Albania and some partners, including the Conference of Local and Regional Authorities of Europe, have started a project which aims at analysing international expert proposals on local government issues in Albania.

Final remarks

70. In the present situation, the co-rapporteurs accept that among the commitments listed in Opinion N° 189 (1995), priority is given by the Albanian authorities to its humanitarian obligations towards the refugees and displaced persons from Kosovo. They suggest that within its possibilities, the Monitoring Committee focus on its *assisting* role, until the situation has become normal again.

71. This being said, the co-rapporteurs nevertheless wish to commend the Albanian authorities on their attitude in respect of the international dispute on Kosovo and on progress made on a number of issues such as approval of a new Constitution, ratification of conventions, enactment and preparation of new legislation on the independence of the judiciary, the media and the People's Advocate and co-operation in the monitoring process.

72. The co-rapporteurs also wish to underline that on other major issues they have not seen enough improvements for them to recommend the monitoring procedure to be ended. Political dialogue is still insufficient for a democracy to function satisfactorily; the death penalty must be abolished; the security must be improved and crime and corruption must be combated more efficiently.

Link: Have the Kosovo crisis acted as a unifying factor? Dem. Party.

Appendix III

State of play in respect of honouring obligations and commitments

Implicit commitments	*Source*	*Honoured*	Measures taken	*Not honoured*
Policy towards minorities	Opinion 189 Par 13		Letter 13.02.95 by the Speaker Albanian Parl. Convention signed	
Accept rule of law and enjoyment of Human Rights and collaborate in realisation of CE aims	Par 16			
Commitments				
Sign and ratify ECHR and Protocols 1,2,4,7 and 11	Par 17 i.	Ratified	ECHR ratified on 02.10.96	
Sign, ratify and apply Protocol 6 within 3 years and respect moratorium	Par 17 ii.		Moratorium for 3 years on 29.06.95	Protocol 6 not signed
Sign and ratify Torture Convention within 1 year	Par 17 iii.	Ratified: 02.10.96		
Sign and ratify Minorities Convention within 1 year	Par 17 iv.		Signed: 29.06.95	
Freedom of expression	Par 17 v.		Law on electronic media 30.09.98	
Transform Prosecutor's Office	Par 17 vi.		Bill in preparation	
Independence of judiciary	Par 17 vii.		Law on organisation of judiciary: Dec. 1998	
Establish Constitutional Commission	Par 17 viii.	Constitution approved: 22.11.98	Constitution Committee established 1997	
Settle international disputes by peaceful means	Par 17 ix.			
Co-operate in monitoring process	Par 17 x.	Full co-operation		
Study Social Charter Local Self Government Ch. Minority Languages Ch.	Par 17 xi.		Signed: 21.09.98 Signed: 27.05.98	
Study 4 CE Conventions on penal law	Par 17 xii.	Ratified: Extradition Convention	Signed: Assistance Convention Transfer Convention	
Sign and ratify Privileges Agreement within 1 year	Par 17 xiii.	Ratified: 04.06.98		