

## **PANORAMA 17<sup>th</sup> of October, 2004**

The Center for Democracy and Reconciliation in Southeast Europe is asking for the lustration of state officials

### **THE OFFICIALS SHOULD NOT BE PART OF EX-SECRET POLICY**

*Ballauri: It is not a penalisation, but a step towards a future without fear*

The lustration of state officials has been the topic of a two day meeting in Tirana organised by CDRSEE. In cooperation with the Albanian Human Rights Group, this Center (CDRSEE) has turned the spotlight on to the importance of having greater transparency in both politics and in governance. “The lustration of politicians should not be perceived as a penalisation of someone, but as an endeavour to write the truth and to build a future without fear” said the director of the Albanian Human Rights Group. The CDRSEE’s project, known under the term “Lustration” aims to avoid the past regime still being present within the state bureaucracy. The project also aims to contribute in helping citizens to be able to participate in fair governance. Also in this meeting the organisers stressed the effects that the non-publication of the truth brings, which according to them, is a factor that allows the state officials to be vague, especially those who are in contact with the public.

*When did the debate on the files start?*

The debate on the files started immediately after the writer Ismail Kadare sent a letter to the President Moisiu requesting him to open the “letters” for the spy writers. Kadare took this initiative after families of two of the executed writers Vilson Blloshmi and Genc Leka, started to search for the truth. Kadare also asked the president to build a memorial for the executed writers. All these requests were warmly accepted by the president, but what followed was a political *storm*. This procedure (the opening of the files) was first rejected by ex-members of the Union of the Writers and then by people outside the realm of literature. However this debate will later be reopened in parliament, because two members of parliament Nard Ndoka and Alfred Cako have put it in the parliament’s agenda.

*What did Ndoka – Cako think about the project?*

The two members of parliament, in consultation with the former chief of the “Screening Commission of State Officials,” Nafiz Bezhani, have prepared a project that aims to prevent people who have worked in the secret service of the state during the communist regime to continue to work in high levels of governance. As for the candidates who wish to become members of parliament, this matter should be left for the electorate to decide, but only after the public has been made aware of the previous position that the candidate held. Therefore, the president, prime minister and ministers should be at a distance from those names.

*What were the responses and remarks regarding the project?*

Elsa Ballauri: It is important in order to stop the past from reoccurring.

“We have to give out messages of peace, messages that say that what we have done in the past will not be repeated. The project of lustration is not a personal accusation against anyone; it is an attempt to establish a transparent state with reliable institutions within it. I believe that we should not be afraid to accept the truth. As long as we avoid taking this step we will still be left with the suffering from the memory of the past, which will perpetuate a lack of trust and suspicion regarding institutions and their representatives. This is an obstacle to our future, it is an obstacle in the communication that is necessary between us to build the society we need, and it is an obstacle in believing in a better future.”

Ndoka: It is necessary in eliminating *doubt*

“Time after time, during parliamentary debates we have ended the sessions by calling each other nicknames related to the status a person has had within the Secret Police of the past. Some people become red in the face; some people pretend not to hear. This issue has brought many problems to Albanian politics. The project that my colleague and I Cako have prepared, aims to clear institutions from people with this particular past because it can easily be used against the interests of citizens and against the interests of the future”

### ***What was said about the actual files?***

Nafiz Bezhani

I believe that this is an inappropriate time for this debate to be taking place. I have always maintained that this is unnecessary. It is not the right time for the files to be opened. It is not in our best interest. I believe that those people who wish to open up the files want to create a chaos, rather than stabilize the situation. I am sure that this step will be followed with grave social consequences.

Dritero Agolli

If the files should be opened, then they should be opened for everyone. They should not be opened just for one group of people, for example the writers. However I do believe that they should be opened. There is no need for things like this to be hidden anymore. It is better for us to open them than for us to go on lying to each other. It is better that our children know the truth, rather than us letting them walk through lies.

Kico Blushi

I understand what the ex-director of the “Screening Commission of State Officials,” Nafiz Bezhani, means when he warns that chaos would ensue if the files were to be opened, especially regarding the social aspect. But we have to move towards a society that is capable of facing the truth. For a long time we have lived a lie where each and every one of us has played his part. I believe that the files should be opened as soon as possible.

**KORRIERI 17<sup>th</sup> October 2004**

FORUM

“How can the hidden history be discovered?”

*The project concerning “Disclosing Hidden History – Lustration in the Western Balkans” this time held its meeting in Tirana, following other such meetings that had taken place previously in Thessaloniki and Belgrade. For this purpose, well-known intellectuals from the region were gathered together, exchanging opinions about this topic. This time the organiser, CDRSEE had as a partner AHRG in Tirana.*

In the last few days in Tirana a conference was held with the topic: “Disclosing Hidden History- Lustration in the Western Balkans”. After Thessaloniki and Belgrade it was Tirana’s turn to bring this rich and quite unique project to the attention of the whole continent. The activity, organised by the Center for Democracy and Reconciliation in SEE in collaboration with the Albanian Human Rights Group is being held in the Rogner Hotel in Tirana. Due to a very large representative list of participants selected by Elsa Ballauri, the director of AHRG, it was aimed that this meeting should be different from the other Balkan meetings that had been convened previously. However, despite the organisers aiming to have a large body of participants, some of the Albanians that were invited were not present at the meeting.

AHRG and CDRSEE have asked the participants to be very concise about what they have to say about Lustration. The Albanian case was referred by Sokol Berberi (a law consultant) and the Member of Parliament, Nard Ndoka. They talked about what had been done concerning law and other initiatives necessary in the process of “the cleaning of the figures”. On the other side of the spectrum, Balkan representatives, especially from the academic world, but also from other fields such as the media, and the sector of human rights activism, have represented the Balkan case. Fortunately in Tirana, thanks to AHRG, there were some well-known figures from the ex-secret policy body that were describing their own cases. During the conference there were questions and debates, discussing how this project should function.

To understand the importance of Lustration, we have to remember that in the Balkans there are thousands of files concerning “enemies” in politics. This is the reason why CDRSEE has collaborated with five potential partners to fulfil its aim. The partners are AHRG, the Center for Interdisciplinary Postgraduate Studies of the University of Sarajevo (CIPS), the Croatian Helsinki Committee for Human Rights, Zagreb (CHC), the Foundation Open Society Institute Macedonia (FOSIM) and the Center for Antiwar Action, Belgrade (CAA). Their role is a primary one as far as the development of civil society and human rights defence groups are concerned. This is hoped to be encouraged through the process of Lustration. (This term ‘lustration’, has been referred to in Albania by the terminology “cleansing of the figures”.) The Center, CDRSEE, has prepared a website [www.lustration.net](http://www.lustration.net) which includes empirical studies made available for all who are interested.

Once again the aim of CDRSEE is to make citizens aware about these problems, to try to change their way of thinking and their behaviour, to reduce the possibility of

outbreak of conflict and to help citizens and state employees build a better future for themselves and for their children. Its objective is the strengthening of governance, the rule of the law, and the encouragement of the participation of civil society in democratic processes. This is also the objective of the conference in Tirana, organised with responsibility and professionalism by AHRG.

**KORRIERI 10th December, 2004**

**THE FILES, "YOU ALBANIANS SHOULD CLEAN THE LUSTRATION YOURSELF"**

Peter Weiss, a well-known American lawyer who participated in the conference dedicated to Lustration in Tirana, said something very similar to what Faik Konica has said in the past: "The enemies of Albania are Albanians". Albanians have shown that in the process of identification with the past they create more troubles because they are still a sick society. It is a society that cannot agree even upon the national day and cannot talk about the catharsis that it needs to exercise in order to be able to walk forward.

Interview with Elsa Ballauri, the director of the Albanian Human Rights Group

Ballauri: "Building a society without memories."

*The director of the Albanian Human Rights Group discussed what was missing in the Albanian Lustration process. She also asked why did many politicians and representatives of civil society decide not to participate in the activity organised in Tirana and what can be further done to improve the situation. This was the third activity following previous ones organised in Thessaloniki and Belgrade for Lustration that will be followed with two further activities.*

**How difficult has it been for you and your organisation to be part of this project?**

Being part of this project has not been difficult at all, especially for me personally. The necessity to organise a debate about the past and to discover all the insights of history has always been one of my concerns. It is sufficient enough to say that in my mind I often delve into the past into my own family memories and I don't feel good when I remember the sufferings of my grandparents in the prisons of the dictatorship. But it is not only this, even nowadays there are people who suffer because they were prisoners and the government is doing nothing to help them. I still don't know how to answer my daughter when she asks me who was responsible for the victims in the communist period? What is lacking in me is the moral dimension, and this will also be missing in future generations. So it is like we are building a society without a memory, or with an incorrect memory.

**Do you believe that the meeting in Tirana, where you were the organiser achieved its goal?**

What is important is that the issue was made more known, especially by the media. In the meeting, the debate was interesting and there was an exchange of opinions and experiences among representatives from other countries. The experts were very well prepared and the atmosphere in the seminar was very good. However in my opinion this is not all that we should expect from this issue. This achievement helps us to write up an excellent report and that is about all. However, I want to see the phenomenon of Lustration as a possibility for many citizens, intellectuals, young people, politicians etc to become more sincere with themselves and with each other.

The Albanian participants who were there were very valuable to the meeting but unfortunately many other Albanians didn't come at all.

**Let's pause here. How do you explain this fact that many of the politicians invited to this meeting missed it?**

Maybe, the ones that didn't come, didn't think they had enough to say. If that was the reason, they should have come simply to listen... they could have learned courage itself. However I must say that this issue is very important in the process of creating a democratic state and the non-participation should be defined as ugly.

**Albania is represented by a very rich professional documentation, regarding the Lustration issue, and from competent people like Mrs. Imholz in Belgrade and Mr. Berberi in Tirana. What was the main handicap in the Albanian case according to your opinion?**

I appreciate the sincere and professional participation of all the experts like Mrs. Imholz, who, even though she is an American, she knows so well the Albanian legislation and reality and also the participation of Mr. Sokol Berberi, Ardian Nuni, Nard Ndoka and Gend Ibrahimimi who clarified and provided information about Albanian legislation that was related to this issue.

I want to include here what my friend Peter Weiss, a well known American lawyer, said: "You Albanians should clean the Lustration yourself". By saying this he meant that it requires many people to take part in this process. The Lustration process in Albania has never been completed. We tried to do it in 1990 but we couldn't. And for this we are all responsible: the guilty and the victims.

**Do you believe that the continuation of the problem, the publication of the website of Lustration will help our society?**

Of course it is very important that this process continues. I am happy that it started. The project will go on not only through the website but also there will be publications. We have to become aware of our faults because this knowledge of our flaws will help us not to repeat them. We have to look at our society avoiding bias and try to give to our youth a more realistic portrayal of our history. Also, I predict that the problem will go on with the changes in the laws etc.

In short, we need the real memory so we can get to know ourselves better and become more secure in constructing for ourselves a peaceful future.

## **LUSTRATION, ARE ALBANIANS AFRAID OF BEING CLEAN?**

Lustration is not a physical concept even though this is the way it was perceived in Ancient Greece and Rome. Lustration is a new concept that is being used more and more, it is associated with looking at the past differently and it will help the post communist countries clean the consciousness of the community. In short, the Lustration process includes: looking at the bitter past, forgiveness from those that have suffered, shaking hands etc. it has been welcomed by all the countries in Balkans by their even giving it a real place in their legislation. As usual, Albania is not showing a great deal of willingness, because there are as yet many unopened files and there are many who suffered in the dictatorship and many that suffered after.

Should the files be opened?

Should the files be opened? – This is a question asked by many Albanians. The lustration process started many times but it seems that there are always some invisible forces that stop it. And it is clear why. The opening of the files could bring another 1997 period to reoccur. But do the politicians and the organisers of this process keep this in mind? No doubt they realise this, which is why the process stops so suddenly. However when this question was raised some time ago, it looked so serious that everybody thought it would continue until the end. Ismail Kadare supported this process in public. Also the process was taken more seriously with the involvement of the president Moisiu who declared: “I will ask the institutions to start the procedures for opening the files. But other times everything was covered by a blanket silence.

It was the government of Alexander Meksi that prepared a law for the Lustration of political figures. But the work that was done was very superficial. This explains why the names that were mentioned over and over are still members of parliament or work in high levels of government. Interesting words have been provided by the publicist Fatos Lubonja, who suffered in the prisons of the regime for a long time. He says: “I should say that if the issue means catharsis then I agree, but if it is not, then things will become complicated because it can all turn out to be about personal revenge.

The Albanian Sight

This issue was brought to Albania after its journey, first in Thessaloniki and then Belgrade. (Although the invitation of Elsa Ballauri did not get answered by many of the well known political figures in Albania, who could have really contributed to the issue). To understand what level the Balkans have reached with this issue we should keep in mind the nature of all the participants in the conferences, for example; ex-politicians who are working for the secret policy. What springs to mind are the words of Nafiz Bezhani who says how difficult this whole issue is, but also says that “ways should be found not to leave people who were involved in ex- secret policy to again be in the present institutions, but this should be done with the least social consequences as possible. From that group of people we have writers who have written excellent pieces of work, actors, and producers etc that still give a great contribution.” This was a mistake done at the time. However we should not take it for granted because those people still remain people that give their contribution to society. The Lustration

process has started in the Balkans and also in Albania. However, it is going to be very difficult for Albania, as she finds it very difficult to identify her past.

When this process started Ismail Kadare said: “Every time this issue is brought up there is something invisible that stops it. Immediately a wall is built between the ‘murderers and the victims’”. Maybe this is why lustration in Albania is difficult to be understood and even more difficult to be applied.

## THE PROJECT

### **Dr. Hatschikjan: In Albania, the interest is focused only on the period before 1991**

*The history professor, Dr. Magarditsch Haschikjan, is an expert on issues concerning Southeast Europe. He worked for the Konrad Adenauer Foundation in Bonn, Germany. He is the initiator of the project, connected with Lustration, where the countries of Southeast Europe are included. He has said that the EU should develop a long term strategy to bring about stability in the Balkans. He has also made many important studies for different countries in the Balkans.*

*Dr. Magarditsch Hatschikjan, you are the director of the project “Disclosing hidden history: the Lustration in West Balkans”. Can you briefly explain the project and the impact you think it will have in today’s Balkan society.*

The aim of the project of Lustration is to create a chain of NGOs and specialised groups who can help civil society participate in democratic processes through regional and local activities. Specifically, this project aims to make people participate in the debate concerning the past of the Western Balkans. The impact of the project can be felt in all society structures, because the project involves both legal structures and political issues for democratisation. The activities include some seminars and workshops, the initiation of a European chain of NGOs about “Lustration of public debates in the past”, and the creation of a website ([www.lustration.net](http://www.lustration.net)) followed by a manual with some publications and recommendations for the best possible practices. Some of these activities have had a short term impact (like the opening of the secret files) and some of them have had a long term impact.

*As a historian: What is your opinion about the process of Lustration in the Balkans?*

As a historian I am working mainly for structural developments that will have long term effects. However the activities of Lustration can have a short term effect also like the ones that are connected with the secret files, which will contribute in the making of decisions that help to stabilise society.

*Do you believe that meetings in different places in the Balkans with many politicians and other figures in social life will have a real impact?*

Yes, many of these meetings have provided a lot of information, and many of the differences and similarities have been explained. These meetings have facilitated the development of new ideas (for example the idea to create a law that will help to open up the

secret files) that will be helpful also in other countries. However results have shown that every country in the Balkans has had a different history so therefore the ideas should be applied differently in each country.

*Would you say something concerning the site on Lustration? Will it open a window for this issue?*

The project has a website, [www.lustration.net](http://www.lustration.net). The aim of this website is to inform people about the project, and about activities that are being held in the countries of the Western Balkans. We believe that this website can play an important role.

*Based on what you have heard in Tirana and from your own experience, what can you say about the Albanian case of Lustration?*

I am not a specialist about the case of Albania so I can only give a personal judgement. During the project we made many connections with parliament members, public administrators, legal experts, NGOs, journalists etc who all are working for the Lustration project. Their experiences will be included in a Manual of Lustration Legislation that the project is organising and also in a Dossier for the best practices.

*Dr. Hatschikjan, a special question for you: What more would you like to see emerging from this project?*

As the projects have shown, there are many more things left to do as far as the Lustration issue is concerned and also regarding the public access of the secret files. Also special attention should be given to the differences throughout the region. In Albania the interest is focused primarily on the period preceding 1991 while in the republics of ex-Yugoslavia, the interest is focused more upon the events that took place after 1990, especially the conflicts and the wars. In my opinion the project should keep in mind these differences.

## PANORAMA Sunday the 13<sup>th</sup> of February 2005

The opening of the files

Interview with the director of the Albanian Human Rights Group, Elsa Ballauri  
(Agim Baci)

“THE FILES? IF WE DON’T ACCEPT THE TRUTH WE CANNOT MOVE FORWARD”

If the files are not opened we will continue to live in a society filled with lies, which cannot help us to move forward. Some days before the meeting in Zagreb concerning the issue of the files in ex-communist countries, the director of the Office for Human Rights, Elsa Ballauri, stressed the deprivation that society faces as long as the truth (of events) is still not accepted. Ballauri, said that the opening of the files would allow the society to build up a new relationship, especially within the political class, which if left to be stuck in the world of the hidden past could be misused later on for different interests. Even though parliament will meet to discuss the proposal made by the two parliament members Cako and Ndoka for new legislation concerning the state figures, Ballauri seemed to be pessimistic. “It is the endless going round and round that makes me pessimistic” she said.

*What has been done in the meantime since the last conference in Tirana last October, and the new one that will be held in Zagreb in the middle of February?*

As we have said before the project started a year before and is directed by the CDRSEE and all I can say is that it has been a good period that has passed since the meeting in Tirana up until now. But before coming here to Zagreb, the project has passed through two other phases; the first one in Thessaloniki (where the project took on its completed form) and the second one in Belgrade (which was the first regional conference) and then the period that took place between Belgrade and Tirana. These last months have been months of work, where apart from the very good website that provides plenty of information out to interested parties, there have also been other achievements. If we talk in a more technical sense about this project, that includes five countries of the Balkans (Albania, Serbia, Macedonia, Bosnia and Croatia), during the period between Tirana and Zagreb many people have been involved in working in collecting the historical and legal aspect of each of these countries over the issue of Lustration. All these can be located on the internet page of the project.

As I said this is only technical information which is part of the larger aim that can be realised because it is part of a project, whose participants want to finish it successfully.

What I believe is better for us, the participants of the project, is to know and to try to further discover what is happening with the Lustration phenomenon, that we often identify with the issue of the opening of the files... I would like repeat again that the Lustration process is not only the opening of the files about the people who were working in secret policy but it is much more. “Lustration” is a moral notion, it is very important for a citizen who wants to become a part of the governance, he should be morally clean/free from guilt, and he should not have committed or collaborated in criminal activities. The opening of the files is a very concrete aspect of this project, but it is not everything.

If the files are not opened, then the election of someone that we know has been implicated in ex-secret policy, is morally wrong. Not only because one day the truth will come out and he

will damage the political group he is representing but also because he will be a bad example for youth; they will easily be able to justify the crimes they themselves commit.

So, the issue of Lustration is very broad and it contains many elements. Unfortunately, Albania instead of being the first country to carry out its catharsis after 1990, was the first one to forget about it and kept on making a mockery of the process... which meant it was making a mockery of itself.

Putting the problems aside does not resolve them, and forgetting them is suicide that Albanian society has started to feel and it will feel it even more in the future. It is because we tend to forget problems that they don't end up working out, and it seems that they will never be resolved. Let's mention at this point, the group of people who suffered the most during the communist era, the political prisoners. The government forgot them, society forgot them, they forgot themselves; and even then when they remember and raise their voices, now no one listens to them. It has been forgotten who the fault lies with and whose responsibility it is. In the case of the political prisoners this is a typical case scenario that shows the lack of responsibility of the government and of society. They still have not received the compensation that is due to them for the years they suffered, hundreds of them still live in the places where they were kept as prisoners, the social assistance is almost nothing and many others became handicapped from their sufferings. They have problems in gaining employment, and with obtaining a place where to live. Forgetting them means (that symbolically we are) still killing them.

Of course, Lustration has other important aspects that we will no doubt suffer from in the future. The lack of positive examples present has helped other countries to create a stronger character. Unfortunately, in Albania the lustration process has become a negative example for future generations. Another important problem that should be taken seriously is the issue of written history. Forgetting about the past will not help Albanian history to be written in the manner that it should be written about.

*Soon there will be elections held and since last June there exists a project for a law to come into action regarding Lustration. Do you believe that this movement will influence the public's decision in choosing who will become a candidate?*

This proposal has been circulating around parliament for quite a long time now. Next week it will go to the Law Commission in parliament but I don't believe the outcome will be a positive one. Because otherwise it would have been taken more seriously a long time ago. If you would note also the media is very cautious, they have also forgotten. On the other hand, if it passes the vote, this law will be a very important one. Firstly, in a psychological capacity, people will believe that the justice has been won. Secondly, in governance. It should not be taken for granted that the ones who are found not guilty are automatically the 'best', but at least they will be considered more trustworthy.

*If we don't vote in favour of this proposal, what is the damage, how big is the cost?*

The damage has already begun. It has been a decade that we have been hurting ourselves, now we should stop. I have already said it previously; that we are the only ones that suffer from our actions. We are creating a society that doesn't know itself, doesn't know its faults and as a consequence cannot improve itself. When I say this I don't mean that we should imprison all the people who are guilty for the events that have happened, but it is a moral

obligation to get to know ourselves. First let us say the truth out loud and then we will begin to consider how we are going to solve our problems.

*Why do you believe we are “dual” in accepting the truth and what is the best mechanism to solve this?*

In general we have been “dual”, if you look at our history it has always been transformed according to the interests of the moment. As for the issue of Lustration, this is taking place because people are afraid of not being successful anymore. At this point everybody should decide which is the more important. In addition I would like to add that this phenomenon, as much as it is a social one is also a personal one. It is the right of everyone to decide whether they admit the truth or not, but for the sake of the country it is also the right of society to ask individuals to tell the truth.