

*European Roma Rights Center*

# No Record of the Case

*Roma in Albania*

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**TABLE OF CONTENTS**

Acknowledgements .....	p. 6
1. Introduction .....	p. 7
2. Hate Crime: The Killing of Fatmir Haxhiu .....	p. 18
3. Police Abuse of Roma in Albania .....	p. 21
3.1. Beatings, Extortion of Money and Arbitrary Detention .....	p. 22
3.2. Unlawful Confiscations .....	p. 32
3.3. Hostage-Taking by the Police and Due Process Rights .....	p. 33
3.4. Police Killings .....	p. 38
4. Community Violence .....	p. 43
4.1. Evictions Due to Land Redistribution .....	p. 43
4.2. Roma As Unprotected Citizens .....	p. 51
5. Discriminatory Treatment of Roma .....	p. 56
5.1. Discrimination by Municipal Authorities .....	p. 58
5.2. Discrimination in the Military .....	p. 61
5.3. Discrimination in Schools .....	p. 64
6. Political Manipulation of Albanian Roma .....	p. 69
7. Albanian Roma Abroad .....	p. 73
8. In the Human Rights Office .....	p. 76
9. Epilogue: The Logos of Chaos .....	p. 80
10. A Just Settlement: Recommendations of the <i>European Roma Rights Center</i> to the Albanian Government .....	p. 83
11. Bibliography .....	p. 85
12. Appendices .....	p. 89

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“Why are you driving all over Albania? I can tell you the whole story right here. They just spend enough time in one office to line their pockets with local cash, and then they are moved-- they are never around long enough to get caught at anything.”

A young Albanian man, December, 1996

## 1. INTRODUCTION

According to the official statistics derived from the last Albanian census (April 1989), 98% of the 3,182,417 person population are ethnic Albanians. The remaining 2% (64,816) are: 58,758 ethnic Greeks, 4697 Macedonians, 100 Montenegrins and Serbs and 1261 “others”, composed mainly of Vlachs and Gypsies.<sup>1</sup> These figures, especially as they pertain to the latter, are highly suspect.

Other sources estimate that up to 120,000 Roma (Gypsies) live in Albania.<sup>2</sup> They comprise four large tribes, the Meçkàrà, the Kabuzié, the Ćergàrà or Škodràrà, and the Kurtòfà.<sup>3</sup>

<sup>1</sup> Figures from the Albanian daily *Zëri i Popullit*, July 9, 1989, quoted in Hall, Derek, *Albania and the Albanians*, London: Pinter Reference, 1994, p. 25. There was no census category for Gypsies or Roma.

<sup>2</sup> See Appendix 1.

<sup>3</sup> Kurtiade, Marcel, “Between Conviviality and Antagonism: The Ambiguous Position of the Romanies in Albania”, *Patrin*, No. 3, 1995, p. 10.

At least 5000 Roma live in four quarters in Tirana,<sup>4</sup> the largest of which is the “Kinostudio” neighbourhood.<sup>5</sup> Approximately 1200 Roma live in the Halilaj community in Fushë-Krujë, 25 kilometres north-west of Tirana.<sup>6</sup> Roma live in a number of large communities in and around the town of Fier, notably the large urban community of Lagja Azotik (approximately 1400 persons), the suburb of Baltëz (600–800 persons), and the neighbouring village of Levan (approximately 2400 persons). Roma live in separate areas around the south-eastern city of Korçë, notably in the villages of Bilisht, Maliq, Pojan and Zvezdë. Approximately 800 Roma live in a separate neighbourhood in the southern town of Delvinë. In Berat, approximately 200–300 Roma live on the outskirts of town, but many Roma have, in recent years, left toward the large Roma community in Elbasan. Another settlement near Berat, at Morava, comprises approximately 800 Roma. In the southern city of Gjirokastër, approximately 2000 Roma live in the separate quarter called Zinxhiri. Smaller Roma communities exist all over Albania.

Roma have been living on the territory of the present Albanian state for six hundred years.<sup>7</sup> Their arrival coincided with the subjection of the peoples of today’s Albania to rule by the Ottoman Turks. During the roughly five hundred years of Ottoman rule over the four Albanian *vilayets* (administrative units in the Ottoman empire), most Roma and many Albanians adopted Islam as their faith.<sup>8</sup> The life of Roma evidently changed little following the establishment of an independent Albania in 1912<sup>9</sup> and, according to Kenrick and Puxon, the treatment of Roma under Italian occupation (1939–1943) was relatively benign, like as in Italy itself. Unlike elsewhere in Eastern Europe, there were evidently no camps and no systematic persecution of Roma during World War II:

<sup>4</sup> Duka, Jeta; Duka, Jenuz and Veliu, Skender, “Famille, habitat, emploi chez les roms”, *Les Familles Roms d’Europe de l’Est*, IDEF, No. 3, 1993, pp. 48–50.

<sup>5</sup> On Kinostudio, see Fonseca, Isabel, *Bury Me Standing*, London: Chatto & Windus, 1995, pp. 22–82, as well as Fonseca, Isabel, “Among the Gypsies”, *The New Yorker*, September 25, 1995, pp. 84–97.

<sup>6</sup> Duka, Duka, and Veliu, op. cit., p. 49.

<sup>7</sup> Kolsti, John, “Albanian Gypsies: The Silent Survivors” in Crowe and Kolsti eds., *The Gypsies in Eastern Europe*, Armonk, New York: Sharpe, 1991, p. 51.

<sup>8</sup> This is not true in southern Albania where, the *ERRC* observed, many Roma are, like the Greek minority of southern Albania, members of the Orthodox Church.

<sup>9</sup> In neighbouring states and especially in Yugoslavia, following the collapse of the Ottoman Empire, ethnic Albanians were regarded as the blame-bearing ethnic group for Ottoman collaboration. Roma in the Macedonia and the Kosovo regions of interwar Yugoslavia who had previously assimilated toward the Albanian identity were often caught up in the post-Ottoman persecution in the new Slavic states. Roma in Albania proper were spared this fate by not being associated with an ethnic minority collectively accused of aiding and abetting a foreign power. See Kolsti, John, op. cit., pp. 52–53.

The Gypsies apparently continued a peaceable existence throughout the Second World War although there is a story that some were deported to an island in the Adriatic. Some Gypsies did join the partisans from 1943 onwards.<sup>10</sup>

During the communist period, under the durable rule of communist dictator Enver Hoxha from 1944 until his death in 1985, attempts were made to create a uniform Albanian nation through the suppression of cultural identity. The official argument was that minorities enjoyed the same rights as other Albanian citizens.<sup>11</sup>

According to the rigid Stalinist orthodoxy which was taken very literally in Albania, society was supposed to be moving towards complete homogeneity, in which ethnic and cultural identities would be melted down and become remnants of the capitalist past. Even though important differences of treatment by the authorities remained in place, a minority person under the Hoxha regime shared with the majority one essential feeling, that of “security for tomorrow”. While poor and unfree, the life of Roma under communism was marked by the same minimal guarantees of employment, education, health care, housing and communal services. The end of communism meant for Roma, as for large groups of people emerging from the earthquake of the 1991 Albanian “revolution”, not the birth of democracy but the loss of security. The trauma of this loss seems to prevail over any appreciation of gained rights and freedoms: typical of the post-communist mentality, this attitude is even stronger among Roma, and is quite understandable in the abortive version of Albanian “democracy”. Most Roma with whom the *ERRC* spoke in 1996 stated that their lives had been better before 1991.<sup>12</sup>

<sup>10</sup> Kenrick, Donald and Puxon, Grattan, *Gypsies Under the Swastika*, Hatfield: University of Hertfordshire Press, 1995, p. 108.

<sup>11</sup> Hall, op. cit., pp. 58–59.

<sup>12</sup> It is difficult to say whether the social and economic situation of Roma has improved or deteriorated after 1991, and it is even more difficult to assess the changes in their human rights situation. The U.S. State Department describes the changes as positive, at least from the point of view of basic rights: “Roma were subject to particularly harsh official persecution during the Communist dictatorship. Their leaders state that the situation of the community greatly improved with the advent of democratic government. They had no complaints of either official or societal discrimination. The community publishes a monthly newspaper in both the Albanian and Romani languages. There were no reports of violence specifically directed against Roma, although they are often treated with disdain by the ethnic Albanians.” See US Department of State, *Country Reports on Human Rights Practices for 1995*, Washington: U.S. Government Printing Office, April 1996, p. 758.

There is another minority group in Albania whose fate is so closely entwined with that of the Roma that it would be impossible to ignore it here. These are the Jevgjit.<sup>13</sup> There is considerable debate about whether, in fact, Jevgjit are a separate minority, or are assimilated Roma.

Jevgjit are variously described as a people descended from Coptic migrants who came to Albania from Egypt in the fourth century; as disguised Turks; or as assimilated, “non-nomadic” Roma. Some Romani activists claim that Enver Hoxha “invented” the category. A 1938 article by Margaret Hasluck in the *Journal of the Gypsy Lore Society* notices a number of different sub-groupings, but only one large “Gypsy” minority divided into “sedentaries” (i.e. Jevgjit) and “nomads” (Roma).<sup>14</sup>

Hugh Poulton, who observed the emergence in Macedonia of an Egyptian minority with an identical myth of origin, provides the following explanation:

Given the problems faced by Roma and the ethnic uncertainty of many Muslim citizens (a survival from Ottoman times when religion rather than ethnicity was the main factor of differentiation) especially in areas dominated by highly organised and nationalistic Muslim Albanians, it is perhaps not surprising that unusual national claims appear from time to time. In Macedonia in 1990 the “Egipcani” Association of Citizens in Ohrid was set up by approximately 4,000 inhabitants of Ohrid and neighbouring Struga, under the leadership of Nazim Arifi, who renounced being Roma in favour of being Egyptian. A sister association was soon set up in Kosovo and claimed 100,000 “descendants of the Pharaohs” in Kosovo and 20–30,000 in Macedonia. They petitioned the Federal Assembly and the Serbian and Macedonian national assemblies to include the separate category of “Egyptian” in the 1991 population census. It was included in the 1991 Macedonian census, but this phenomenon of Roma claiming to be Egyptians (to avoid the stigma associated with being Gypsies) has not become widespread and is unlikely to develop despite recent discovery of documents in the Vatican Library pur-

<sup>13</sup> Definite plural: one Jevg; two Jevgj; collectively, Jevgjit, pronounced “yev-jeet”.

<sup>14</sup> See Hasluck, Margaret, “The Gypsies of Albania”, *The Journal of the Gypsy Lore Society*, Vol. XVII, No. 2, April 1938, pp. 49–61.

porting to show that Egyptians came to Macedonia between 306 and 337 AD in the form of 150,000 infantry and 150,000 horsemen.<sup>15</sup>

It is tempting to see the Jevgjit identity, as Poulton sees the Macedonian “Egypceni”: an ideology cultivated by a minority in response to persecution and the stigma associated with one’s native identity.<sup>16</sup> On the other hand, one must be cautious in denying the assertions of a person or group of people about themselves. As one knowledgeable observer noted,

I was at a conference on minorities in Yugoslavia in the early 1990s and there were three men there from the Egyptian Association. The responses to these people were absolutely incredible: not one single person took them seriously and acknowledged that they might, indeed, be Egyptians.<sup>17</sup>

The view that Roma and Jevgjit are, indeed, two separate groups-- as well as the reason for the confusion-- is discussed by Marcel Cortiade and Pëllumb Fortuna of the Albanian Roma Organisation *Rromani Baxt* in a letter to *Le Monde* on January 2, 1997:

The Evgjit minority [...] has no connection with the Gypsies (Rom) as they are in all likelihood descendants of Copts implanted for centuries in the Balkans. The Romanies are of Indian origin. Ignorant people in Albania see the colour of skin but are incapable of distinguishing to what origin a colour belongs. They cannot understand that the Evgjits or Jevgs although they have a dark skin like us constitute a completely different ethnic group and they only speak the language of their adopted country. They consider themselves superior to the Gypsies [...] the Evgjits still preserve two words of the Coptic language “Aspi chochi” which means “Shut up (there is a) spy (about).”<sup>18</sup>

<sup>15</sup> Poulton, Hugh, *Who Are the Macedonians?*, London: C. Hurst and Co., 1995, pp. 141–142.

<sup>16</sup> Although Poulton’s conclusion that this has to do with “the ethnic uncertainty of many Muslim citizens” is inapplicable in Albania.

<sup>17</sup> *European Roma Rights Center* interview with Stephan Müller, April 12, 1997, Vienna.

<sup>18</sup> Letter from Pëllumb Fortuna and Marcel Cortiade, *Rromani Baxt Albania* to *Le Monde*, January 2, 1997. Not published.

Roma and Jevgjit who spoke with the *ERRC* both tended to see similarities and, at the same time, to draw sharp distinctions between the two groups. Some Jevgjit, for example, told the *ERRC* that Roma were uninterested in living normally as Albanians and were therefore inferior. One Jevg told the *ERRC*:

We are the same as Roma, but we speak Albanian. But we are not like Roma when it comes to schooling. Roma don't send their children to school while we do. We want our children to receive a proper education while Roma don't care about these things. Many Jevgjit are doctors and engineers. We have a Jevg friend who is a doctor and married to a white. We don't use the word "Jevgjit" though. We consider ourselves human beings.<sup>19</sup>

Some Roma, meanwhile, regard Jevgjit as inferior because they "have lost their culture". Demir X., a Romani leader in Korçë, told the *Human Rights Project*:

We are Roma and they are Jevgjit; they are not Roma. There are millionaires among them. They have no language. They have mixed marriages. They do not observe the tradition.<sup>20</sup>

Nevertheless, some Roma claim to have relatives who describe themselves as "Jevgjit", so the identity appears to function as a locus for assimilation which can draw them in.

The Jevgjit/Roma line, regardless of the ethnic origins of either group, displays all the tensions typically arising between assimilated and non-assimilated minorities; although both are rejected by mainstream society, the two groups spend much energy cultivating "the narcissism of the small difference" (Freud). Ultimately, both Jevgjit and Roma live beyond the colour line in Albania and are regarded as similar by the majority. According to the Albanian sociologist Kimet Fetahu, "Roma and Jevgjit are very marginalised. They do the most unskilled and dirty manual labour."<sup>21</sup>

<sup>19</sup> *European Roma Rights Center* interview with Ali Sadiku, December 9, 1996, Korçë.

<sup>20</sup> *Human Rights Project* interview with Demir X., February 2, 1996, Korçë.

<sup>21</sup> *Human Rights Project* interview with Kimet Fetahu, February 5, 1996, Tirana. According to Elisabeth and Jean-Paul Champseix (who name both groups "Gypsies"), Jevgjit are *less* integrated than Roma in Albania: "The Albanians distinguish the Gabels and the Evgjits, which may mean "Egyptians". The

This report is the result of an eleven-month-long study (July 1996–May 1997) carried out by the *ERRC*, which included two missions to Albania, in July and December 1996. It is the first in-depth study of the human rights situation of Roma in Albania. Due to widespread confusion over the status of the ethnic division between Roma and Jevgjit, as well as the fact that typical stereotypes of Roma seem to be applied to both minorities, the *ERRC* has chosen to regard, for the purposes of this report, Roma and Jevgjit as one minority divided into its assimilated and non-assimilated components. This should not be taken as a position concerning the respective place(s) of origin of either group, nor a comment on the culture(s) of Roma and Jevgjit. Taken together, however, Roma and Jevgjit collectively occupy the place "Gypsy minority" typical of other Balkan and East European societies. A picture of the dynamic of Albanian attitudes towards disadvantaged minorities is incomplete without attention to both groups.

\* \* \*

In early 1997, Albanian society fell apart. Intense frustration with the progressive corruption, repression and favouritism which are perceived to have spoiled Albania's democratic revolution turned to open revolt following the collapse of so-called "pyramid" investment schemes. With the loss of their life savings, the bargain of cash for quiescence which the government had struck to preserve authoritarian rule broke down, and the country's social order ruptured. There has been a general deterioration of law and order. The extremity of the present conditions has intensified the already precarious situation of Albanian Roma. According to information made available to the *ERRC* by local NGOs, at least one serious atrocity has occurred in a Roma community since the beginning of the year; according to the *Albanian Human Rights Group*, 18 people (most of them non-Roma) were shot and killed in the Roma community in Levan, near Fier, on March 26, 1997. It is not yet clear to what extent this violence was racially motivated, even though, as shown in this report, there was a history of ethnic clashes in the community of Levan documented by the *ERRC*.

first ones, who have kept their language and social structure, are relatively integrated. The second group is considered the worst and according to one tradition, their Gypsy blood has been mixed with the blood of the African slaves of the Ottoman beys. The delinquency rate is very high in this group. [...] Many Albanians, who call the Gypsies "the blacks", reproach them for pulling the society downwards. They (Gypsies) are considered as unassimilable, and their high birth rate scares [the Albanians]. [...] In an unexpected way, Enver Hoxha denounced the contempt of which they (the Gypsies) suffered and contributed in improving their image. In his work *The Years of Childhood, Souvenirs from Gjirokastër*, Hoxha recalled with surprising warmth that his mother, who did not have enough milk, called a Gypsy to breast-feed him." See Champseix, Elisabeth and Jean-Paul, *L'Albanie ou la logique de désespoir*, Paris: Editions la Découverte, 1992, p. 136.

Albania is “Europe’s poorest country”, as western news agencies became fond of calling it during the breakdown of order which took place in early 1997. Nevertheless, many Albanians believe that Roma have benefited financially from the social changes which followed the collapse of communism in Albania in 1991. In short, like elsewhere in the Balkans, there is a public legend in Albania that “the Roma are rich.”<sup>22</sup> This belief is shared by many public officials. For example, the mayor of Fushë-Krujë, a town situated approximately 25 kilometres north of Tirana, told the *ERRC*:

In the course of the past four years of democracy, the Roma have built up their houses. They live in fine conditions. Roma live in better conditions than the average Albanians in Fushë-Krujë. And Roma have given up fortune-telling; nowadays they are involved in the small-scale trade of electronic goods, clothes and food. The lives of Roma have really changed a lot.<sup>23</sup>

The legend that Roma are rich was reinforced during the wave of collapses of “pyramid” investment schemes which initiated the widespread riots and disorder in early 1997. One of the first investment schemes to collapse was the Sudja scheme, which began to fail late in 1996. The investment scheme was operated by a woman of Jevg origin named Maksude Kademi or “Sudja the Gypsy”. After promising to return principal to investors for several weeks, Sudja was arrested with eighteen of her close collaborators on January 15, 1997. According to Marcel Cortiade of *Rromani Baxt*, media coverage surrounding the Sudja scandal “presented the Roma as nouveau riche, despite the fact that the majority live in miserable, inhumane conditions.” As a result, according to Cortiade, the present crisis will doubtless bring numerous episodes of violence to the Roma of Albania.<sup>24</sup>

Wealthy Roma, real or imaginary, have become an affront to the Albanian predicament. Roma can be easily targeted by non-Roma for violent assault and plunder, since this both corrects what is widely held to be an aberration and is, simultaneously, an impromptu method of redistributing what many Albanians see as ill-gotten gains.

<sup>22</sup> See Champseix, op. cit., p. 135.

<sup>23</sup> *European Roma Rights Center* interview with Mayor Monder Salaku, July 18, 1996, Fushë-Krujë.

<sup>24</sup> Cortiade, Marcel, “Schutz für die Roma Albanien: offener Brief an das Europarlament”, *Romano Lil*, March, 1997, p. 3.

The rich Roma legend, as often happens in the inconsistent universe of public opinion, peacefully co-exists with the acknowledgement that Roma are, of course, poor. Both generalisations - be it about wealth or poverty, imply that Roma are “different from us”, “other”, not one with the Albanian people.

Albanians have suffered much in their history and, as a result, there is much internalised anger and aggression, which often gets taken out on “others”. Recent sociological surveys indicate that ethnic Albanians show strong feelings of aversion toward Aromanians (also known as “Vlachs”), Greeks, Jews and in the most pronounced way, Roma. In their antipathy toward Roma, Albanians score higher than Macedonians, Bulgarians and Greeks. Three out of every four Albanians are likely to report aversion toward Roma, and less than 10% claim sympathy for them.<sup>25</sup>

Antipathy toward Roma has a history. In 1938, Margaret Hasluck wrote in the *Journal of the Gypsy Lore Society*:

It must already be clear that Albanians despise all Gypsies [...] “Excuse me, Gypsies are coming,” exclaimed a guest at a village wedding in Dumrë. “Like, excuse me, a Gypsy quarter,” said a Tirana notable of an ill-kept village. “Is anything to be expected of a Gypsy?” asked a Dibran. A coward is described as “a Gypsy for seven generations.” A curse reserved for old nomad women runs, “A vampire suck your blood!” Killing a Gypsy is emphatically not done: one might as well kill a woman: after such a disgraceful crime, no matter how deep the provocation, no Luma Albanian says to you, “How do you do?”<sup>26</sup>

While the codes concerning whom it is permissible to kill have broken down somewhat since 1938, popular sentiment towards Roma has survived the unique Albanian road to modernity unscathed; Roma live pinned to the end of the social scale.

The *ERRC* is concerned that racist violence and, indeed, violence in general, largely goes without remedy. The uncertain state of the rule of law in Albania is aggravated by the lack of

<sup>25</sup> See Kanev, Krasimir, “Dynamics of Inter-Ethnic Tensions in Bulgaria and the Balkans”. *The Balkan Forum* (Skopje), Vol. 4, No. 2 (15), June 1996. Only the Romanians reveal stronger anti-Roma attitudes than the Albanians.

<sup>26</sup> Hasluck, Margaret, “The Gypsies of Albania, Part III”, *Journal of the Gypsy Lore Society*, Vol. XVII, No.4, 1938, p. 110. See Appendix 2 for longer excerpt.

a constitution, the existent state of affairs since the 1976 Constitution was abrogated in 1991.

A Bill of Rights, which guarantees basic civil and political rights, was adopted in 1993. This incorporated some other basic provisions contained in a collection of Constitutional Laws of the Republic of Albania, issued *seriatum* since April 1991. Although the Constitutional Laws required that a constitution be adopted by a two-thirds majority in Parliament, President Berisha circumvented the procedure by issuing a decree demanding a popular referendum on his version of a draft constitution. Berisha then suffered a dramatic defeat when his draft was rejected by voters in November 1994. There continues, today, to be a lack of constitutional checks on power. President Berisha has continued to rule by decree and parliament retains an opacity conducive to abuse.<sup>27</sup> The rule of law fortified by a legitimate constitution has been indefinitely postponed.

The main problem, however, is not the absence of a constitution, but the total disregard for the rule of law by the government. Adequate human rights guarantees exist on paper but are not respected. Human rights organisations have criticised political tampering in the courts, corruption, and violations of human rights by law enforcement officials.

Albania has emerged from a repressive communism and has not yet established democratic institutions and practices, rule of law or respect for human rights. In fact, there has been a considerable worsening of the human rights situation since Sali Berisha took power in 1992. All Albanian citizens, regardless of ethnicity, have been subject to human rights violations of the kind described in this report with regard to Roma. Extortion, expulsions, police abuse, and illegitimate political manipulation are a common problem. It is important to bear in mind when reading this report that in an undemocratic society such as in Albania, all citizens suffer human rights violations. However, minorities are especially susceptible to abuse.

This report explores several aspects of the human rights situation of Albanian Roma. First of all, Roma are taken advantage of by the police who arbitrarily arrest and exact exorbitant fines from them, often physically abusing the Roma and Jevgjit detainees in the process. Extreme abuse has led to death in two cases investigated by the *ERRC*. Secondly, non-Roma

Albanian citizens seize upon the weakness of Albanian Roma to expel them from their homes, kidnap young Roma for prostitution, or simply attack them on the street for money. Third, Roma-- at the brink of Albanian society-- are unable to protect themselves against discrimination by both domestic authorities and the foreign embassies where they seek visas. In addition, the *ERRC* documented instances of denial of the political rights of Roma, especially in southern Albania, where Roma are put under pressure not to ally with the political party associated with the Greek minority. The *European Roma Rights Center* concludes its report on Roma in Albania with a series of recommendations aimed at an improvement of the legal rights situation of Roma in Albania.

<sup>27</sup> See Rekosh, Edwin, ed., *In the Public Eye: Parliamentary Transparency in Europe and North America*, Washington D.C.: International Human Rights Law Group, 1995, p.11.

## 2. HATE CRIME: THE KILLING OF FATMIR HAXHIU

A 15-year-old Rom named Fatmir Haxhiu was covered with benzene and burned by four young ethnic Albanians in Tirana on July 17, 1996. Following the attack, 55 percent of his body was covered in third degree burns. He died as a result of his wounds shortly thereafter.

According to testimony Fatmir Haxhiu gave to the *ERRC* before his death, at around 6:00 PM on July 17, he, his thirteen-year-old brother Lulezim Haxhiu and their friend Flamur Hida went to meet a friend to inspect a motorcycle for possible purchase. Fatmir was carrying a plastic bottle containing 1.5 litres of benzene and 2000 lek (approximately 22 US dollars at that time). Fatmir told the *ERRC*:

On a narrow street near the railway station, a beige van blocked our way. As soon as it stopped I knew there would be trouble. I got scared and threw away my purse and the bottle of benzene. Three young Albanians armed with meat cleavers and scythes stepped out of the car and demanded money from us.<sup>28</sup>

Lulezim Haxhiu told the *ERRC* that the men called them Gypsies and demanded money from them:

When we said that we didn't have any money, they said we were lying. They also demanded to know if we had been working in Turkey or Greece recently.<sup>29</sup>

The men then forced Fatmir and the two other boys into the back of the van. While driving, the men allegedly beat all three Roma. The men then stopped the van and forced them out of the car. They were in a deserted field. Lulezim told the *ERRC*:

Two of the men held me and Flamur by the arms so we couldn't move. From a short distance away, we could see the third man threatening Fatmir. He put

<sup>28</sup> *European Roma Rights Center* interview with Fatmir Haxhiu, July 19, 1996, Tirana.

<sup>29</sup> *European Roma Rights Center* interview with Lulezim Haxhiu, July 19, 1996, Tirana.

a scythe up to Fatmir's neck and said, "Give me your money." Fatmir told him that we didn't have any money, which was true, since Fatmir had thrown it away when we saw the van stop.<sup>30</sup>

The man wanted Fatmir's clothes. He forced Fatmir to take them off and exchange them for the man's clothes:

He swore at me several times and called me "dirty Gypsy" (*gabel*).<sup>31</sup> Then he forced me to take off my shirt and pants. They did the same with Lulezim and Flamur, but they only had to take off their shirts. Then they put on our clothes.<sup>32</sup>

Another car arrived somewhat later and a fourth man joined the group of attackers, bringing the bottle of benzene that the boys had thrown away. When they discovered that the bottle contained benzene, the men started accusing the boys of planning to set houses in the city on fire. They again called Fatmir "dirty Gypsy" and accused him of wanting to steal. After beating and threatening to shoot the boys with a gun they claimed to have in their car, one of the men poured benzene over Fatmir's head and a second man set him on fire. The four men then fled the scene. Fatmir burned for several minutes before he and the other boys managed to douse the flames. A person who was passing brought the three boys to hospital. Fatmir died from his wounds in the hospital at 4:00 AM on July 21, 1996.

The *ERRC* sent a letter of concern to the General Prosecutor of Albania, urging him to ensure a full and impartial investigation into the killing of Fatmir Haxhiu. The General Prosecutor's Office replied on September 2, 1996, stating that an investigation was in progress and one of the perpetrators, Mr. F. C., had been arrested.<sup>33</sup>

<sup>30</sup> *European Roma Rights Center* interview with Lulezim Haxhiu, July 19, 1996, Tirana.

<sup>31</sup> Albanians often translate "Jevgjit" as "Gypsies" since they are cognates. The two common pejorative terms for Roma in Albanian are "arixhi" (literally "bear-seller", from the Albanian for "bear" and the Turkish for "agent") and "gabel".

<sup>32</sup> *European Roma Rights Center* interview with Fatmir Haxhiu, July 19, 1996, Tirana.

<sup>33</sup> Letter to the *ERRC* from Albanian General Prosecutor Alush Dragoshi, dated September 2, 1996. The *ERRC* withholds the name of the detained perpetrator.

Mr. Nuhi Koldashi of the Tirana District Prosecutor's Office, the investigator in charge of the case, stated in October 1996 that Mr. F.C. had initially been accused of serious intentional injury in collaboration with other persons according to Article 88, paragraph 1 and Article 25 of the Albanian Penal Code, but that since the injury had resulted in the death of the victim, the accusation had been modified to serious intentional injury leading to death according to Article 88, paragraph 2 of the Albanian Penal Code.<sup>34</sup> Mr. Koldashi added that the investigation was still in its initial stage. According to Mr. Koldashi, Mr. F.C. was in pre-trial detention, but since he refused to divulge the names of the other three involved in the attack, they were still at large.

During field research conducted in Albania in December of 1996, the *ERRC* attempted to ascertain the legal status of the case, but was told at the General Prosecutor's Office in Tirana that only questions in written form could be taken into consideration.<sup>35</sup> The *ERRC* subsequently sent a letter to the General Prosecutor's Office, asking to be informed about the legal status of the Fatmir Haxhiu case. To date, the *ERRC*'s letter remains unanswered.

Fatmir Haxhiu was the victim of a gruesome hate crime in which the Albanian loathing for Roma was cogently expressed. The Albanian judiciary evidently does not regard the case as such however. According to Investigator Koldashi, the attack on Fatmir Haxhiu was "a dispute between teenagers" and "a classic robbery".<sup>36</sup> The *ERRC* regards the attack as neither "classic" nor a "teenage dispute", but rather an extreme example of anti-Roma racist violence in Albanian society.

<sup>34</sup> Interview conducted on behalf of the *European Roma Rights Center* by Artan Puto with Nuhi Koldashi, investigator at the Tirana District Prosecutor's Office, October 23, 1996, Tirana. Article 88, paragraph 1 of the Penal Code provides for a maximum sentence of 10 years of imprisonment, while paragraph 2 allows for a maximum sentence 15 years of imprisonment.

<sup>35</sup> *European Roma Rights Center* interview with Director Edison Heba and Specialist Robert Kote of the General Prosecutor's Office's Legal Studies and External Relations Division, December 10, 1996, Tirana.

<sup>36</sup> Interview conducted on behalf of the *European Roma Rights Center* by Artan Puto with Nuhi Koldashi, investigator at the Tirana District Prosecutor's Office, October 23, 1996, Tirana.

### 3. POLICE ABUSE OF ROMA IN ALBANIA

In Albania, in cases in which Roma have been victims of physical assault or other crimes, they generally do not turn to the police, the theoretical guardians of the public order. This is because the Albanian police is itself, to a great extent, a human rights problem.<sup>37</sup>

Human rights organisations such as the Albanian Helsinki Committee, the Albanian Human Rights Group, Amnesty International, Human Rights Watch and the International Helsinki Federation for Human Rights have consistently criticised the Albanian government for the unchecked problem of police abuse in general. The *ERRC* found that in the last few years Roma have been more exposed than non-Roma to police ill-treatment. By this the *ERRC* means that (i) while all Albanian citizens are susceptible to police brutality, a Roma person is more likely to be victimised by police than a non-Roma: it was observed that police visits in Roma communities and their aftermath are very predictable events, while handling of non-Roma is more arbitrary and less a part of a regular pattern; (ii) the same forms of ill-treatment that are typical of the police conduct in Albania are more severe in degree when applied to Roma than to others: for example, Roma are expected to pay more in order to be released when arbitrarily detained, and are beaten more severely under detention; (iii) Roma report some forms of police brutality which have not been reported with regard to the general population, such as mass searches of houses in whole neighbourhoods, and the detention of family members of suspects.

Roma in numerous communities visited by the *ERRC* in Albania reported harassment, extortion and unlawful detention by the police. A common scenario described by victims

<sup>37</sup> For recent general human rights reports on Albania, see Amnesty International, "AI Concerns in Europe: July–December 1996", March 1997; Amnesty International, *Albania: Detention and Ill-Treatment of Government Opponents-- The Elections of May 1996*, London, September 1996; Amnesty International, *Albania: A Call for the Release of Prisoners of Conscience*, London: November 1996; Human Rights Watch, *Human Rights Watch World Report 1996*, December 1995; Human Rights Watch, *Human Rights Watch World Report 1997*, December 1996; International Helsinki Federation of Human Rights, *Annual Report 1995*, Vienna, 1995; International Helsinki Federation of Human Rights, *Annual Report 1996*, Vienna, 1996; U.S. Department of State, *Country Reports on Human Rights Practices for 1995*, Washington: U.S. Government Printing Office, April 1996; U.S. Department of State, *Country Reports on Human Rights Practices for 1996*, U.S. Government Printing Office, January 30, 1997; The US Department of State reports two cases of death in police custody in recent years; *IHF* reports three police killings.

and witnesses of police abuse involves groups of local police officers regularly entering Roma settlements and, without informing the residents what they have done in violation of the law, forcing them to pay in exchange for not being taken to the police station. Alternately, police take Roma to the police station-- in effect, if not in law, placing them under arrest-- where they must pay a bribe to be released. These acts of extortion are often combined with physical violence, either at the time of the arrest or in detention.

The *ERRC* also documented more elaborate forms of police abuse against Roma, such as the detention of family members of suspects whom the police cannot locate. Two such cases of unlawful arrests are described below. In one case, three individuals were brought from their home in Fier to the coastal town of Durrës where they were held in custody for periods of up to more than a year for no other reason than their family affiliation with a man accused of having committed a crime. In the other case, two family members of a man accused of theft were allegedly arrested in their home in the village of Levan, approximately ten kilometres south of Fier, and held in detention in Fier for three months without being charged. In both cases, even after the actual suspects had been arrested, the individuals held hostage by the police remained in custody.

In addition to extortion, beatings and unlawful arrests, the *ERRC* has documented two cases of police killings of Roma and Jevgjit in Albania. In July 1992, a 31-year-old Jevgjit named Seran Sadiku was beaten to death and his then 21-year-old brother Gazmir Sadiku was seriously ill-treated by police in Korçë in south-eastern Albania. To date, the abusive policemen have not been apprehended, let alone prosecuted and punished. In February 1994, an off-duty police officer shot dead a 22-year-old Rom named Agim Shatipi in the Roma community of Zinxhiri on the outskirts of Gjirokastër in southern Albania. The killer reportedly remains a police officer.

### 3.1. BEATINGS, EXTORTION OF MONEY AND ARBITRARY DETENTION

The belief that Roma are rich makes Roma easy targets for police officers who abuse their power. It is widely known in Albania that many Roma live off seasonal work in Greece and therefore occasionally have hard currency. Roma all over Albania reported instances of police harassment for the purpose of extorting money. In most cases documented by the *ERRC*, Roma claimed that they had not been given any explanation by the police justifying the extra-judicial fines.

One Roma community which experiences regular harassment and extortion of money by the police is Zinxhiri, situated on the outskirts of Gjirokastër in southern Albania. Here, local Roma told the *ERRC* that a group of around ten police officers-- always the same ten-- come regularly to harass the inhabitants for money. According to 32-year-old Mrs. R.X.:

A gang of policemen in uniform and with guns and sticks comes here all the time. They drive up here in their cars and start storming the houses. They arrest all men they can find, take them to the police station and force them to pay to be released. Sometimes, if we pay them immediately, they leave us in peace. They once caught my husband. They kicked him all over his body. He was so frightened that he paid them 200 US dollars on the spot.

Usually, we have to pay between 100 and 400 US dollars to them. They used to come here every week, but after our last trip to Greece about two months ago, they have not been here. Maybe they don't know yet that we have returned.<sup>38</sup>

The same woman told the *ERRC*:

I don't think there are laws to protect us. There are no laws which the whites obey here. It was better during communism.<sup>39</sup>

One evening at around 9:00 PM in January 1996, forty-year-old Mr. K.Q., a resident of the Zinxhiri neighbourhood, was playing billiards with some friends in a local bar when a group of six or seven policemen entered the bar and approached them, aggressively demanding to know what they were doing there:

My friends managed to run away, but they caught me and started beating me. Then they took me to the police station. At the police station, they continued beating me. They grabbed me by my hair and dunked me in cold water. They kicked me on my head and on my back, on my legs and on my

<sup>38</sup> *European Roma Rights Center* interview with Mrs. R.X., December 5, 1996, Gjirokastër. Where requested, or where the *European Roma Rights Center* believes that publicity can endanger the victim or the witness, initials are used in the place of names.

<sup>39</sup> *European Roma Rights Center* interview with Mrs. R.X., December 5, 1996, Gjirokastër.

chest-- all over my body. I asked them what I had done but they wouldn't answer. They didn't ask me anything or accuse me of anything. After approximately one hour of beating, they left me alone. Then, after a while, one of the policemen came in and said, "If you pay something, we'll let you go." I gave him 10,000 Lek [approximately 100 US dollars] and they let me go.<sup>40</sup>

Police harassment for money was also reported by the Roma at Delvinë, who told the *ERRC* that although the police do not bother them in their neighbourhood, any Rom driving a car will attract the attention of a policeman and they often pay money to police on the road.<sup>41</sup>

For forty-year-old Mrs. X.S. in Tirana, arbitrary arrest for extortion of money constitutes a familiar element of her every-day life:

There is no way for us to avoid paying. They [the police] know that we are going to pay. When somebody is arrested, the family goes to the police to find out the reason for the arrest and to negotiate the terms of the release. If we refuse to pay, they threaten to beat the person they arrested. The police always say things like, "Don't say you don't have money! You *gabel* are all bosses. You can buy the whole country."<sup>42</sup>

The police often raid the Roma community in Fushë-Krujë, north of Tirana, at night. Although the justification provided by the police is that they must detain individuals avoiding military service or having deserted from the army, the raiding procedure suggests that the raids are actually conducted simply to extort money. According to 29-year-old Mr. N.:

It happens quite often that the police come here during the night, or very early in the morning, to take men to the police station. They say that they are looking for them because they have to go to the army. They have a list and they come to arrest and bring in these persons.

<sup>40</sup> *European Roma Rights Center* interview with Mr. K.Q., December 5, 1996, Gjirokastrë.

<sup>41</sup> *European Roma Rights Center* interview with Mr. M.M., December 4, 1996, Delvinë.

<sup>42</sup> *European Roma Rights Center* interview with Mrs. X.S., July 14, 1996, Tirana.

Those who are taken by the police are brought in to the police station where they have two days to pay. If they pay 20 US dollars, they are left in peace for a month. If they pay about 300 US dollars, the police never harass them again.

Right now, they are looking for me, so I don't sleep at home. When I was 19 years old, I wanted to enlist but when I went there, they wouldn't take me. Now they want me to present myself. But I have five kids to take care of and since I don't have money to pay, I have to hide.<sup>43</sup>

Military service is mandatory in Albania. No provisions allow for exemptions from service for conscientious objection, although exemptions from military service can be bought for the equivalent of 4000 US dollars. This arrangement has drawn criticism from *Amnesty International*.<sup>44</sup> Like almost everywhere in the world, citizens who refuse to present themselves when conscripted are regarded as deserters, and in Albania they face punishment in the form of heavy fines or six months to four years imprisonment. According to Officer X, chief of the Fushë-Krujë police, the police are merely carrying out their duty when searching the homes of those who refuse to present themselves for the military service:

Most Roma don't want to go to the army. Since they don't work, I cannot really understand why they refuse to go. Whatever the reason is, however, it is our duty to catch those persons who refuse to go.<sup>45</sup>

The *ERRC* interviewed five Romani men who had been repeatedly brought in by the Fushë-Krujë police because of refusal to go to the army. None of them had been officially sanctioned for desertion, although they all paid handsome fines.

The Roma in Maliq, a community situated approximately 25 kilometres north of Korçë in south-eastern Albania, live in blocks among ethnic Albanians. The Maliq Roma said that they get on reasonably well with the local non-Romani population. Despite the fact that they

<sup>43</sup> *European Roma Rights Center* interview with Mr. N., July 18, 1996, Fushë-Krujë.

<sup>44</sup> See *AI Concerns in Europe, July–December 1996*, London: Amnesty International, March 1997.

<sup>45</sup> *European Roma Rights Center* interview with Officer X., chief of the Fushë-Krujë police, July 18, 1996, Fushë-Krujë. The officer refused to reveal his name to the *ERRC*.

do not live segregated from non-Roma, they too claimed to have been subjected to special abusive treatment which ended in extortion of money by the local police:

Two days ago, we were standing outside a local bar and got into a fight with a group of Albanians. The fight started because they insulted us and said obscene things about our wives. A few minutes after the fight started, the police came and arrested us but not the others. They simply asked them their names and then they let them go. The four of us were all taken to the police however. They beat us both in the street and at the police station. They kept us for twelve hours. Finally, one policeman came in and said that if we gave him 10 US dollars each, he would let us go. We paid him and after that, we were released.<sup>46</sup>

Thirty-year-old Petrit Rexha explained Roma-police relations in Maliq to the *ERRC*:

Each time something such as theft happens here in the village, the police immediately come here and accuse us. This happens all the time. They don't come inside our houses, but they come here and stand next to our house, watching the entrance and waiting for us to go out or to return from somewhere. If they catch us, they take us to the police where they force us to pay. They also insult us and beat us. Roma are always beaten by the police.<sup>47</sup>

The Ura Vajgurore Roma also reported extortion of money. Thirty-year-old Mrs. R.K. explained to the *ERRC* that because of systematic police beatings and extortion, only four Roma families remain today in this formerly mixed rural community slightly north of Berat in southern Albania:

We used to be 19 families, but one year ago, fifteen left to go to Elbasan (approximately 50 kilometres north of Ura Vajgurore). They left because they had problems with the police. They had problems because they had money. They were taken to the police station all the time and forced to pay to be let free.<sup>48</sup>

<sup>46</sup> *European Roma Rights Center* interviews with 28-year-old Agron Rexha, December 8, 1996, Maliq.

<sup>47</sup> *European Roma Rights Center* interview with 30-year-old Petrit Rexha, December 8, 1996, Maliq.

<sup>48</sup> *European Roma Rights Center* interview with Mrs. R.K., December 7, 1996, Ura Vajgurore.

Mrs. R.K.'s testimony reveals that at least in their dealings with Roma, the police conduct themselves as if immune from legal constraints, and that Roma sense their own vulnerability acutely:

Since democracy, Roma have been beaten by the police. Sometimes the beating happens in the community in front of anybody who happens to be around, sometimes they choose to take the Roma to the police station and beat them there. Until now, only Roma who have money have had problems with the police, but we have seen these beatings and we live in a constant fear of the police, even though we are poor. If they knew that we were talking to you now, they would come and beat us.<sup>49</sup>

If Roma are generally vulnerable to police abuse, they are doubly so if police officers act under the conviction that there are legal grounds for their detention. The *ERRC* documented several incidents in which, during the course of carrying out arrests-- themselves of questionable legality-- the police physically mistreated detainees in violation of domestic and international standards. In many such cases, the police allegedly committed extortion as well.

In the winter of 1995, a group of approximately five policemen from the local police came to the house of 28-year-old Mr. H.R. in the Roma community of Levan, approximately 10 kilometres south of Fier in south-western Albania:

They accused me of having an air gun. They entered my house, grabbed me by my hair and dragged me out. They took me and my father to the police station, where we were beaten with fists and kicked. I told them I had all the documents for the air gun, but they didn't care. They kept us there for 24 hours. We had to pay 600 US dollars each to be released.<sup>50</sup>

Weapons possession was also the justification for a police raid on the home of the Z. family in Tirana during the night between February 22 and 23, 1996:

On February 23, 1996, at around 2:00 AM, the police came to our house. Everybody was sleeping when they came. I went to open the door. There

<sup>49</sup> *European Roma Rights Center* interview with Mrs. R.K., December 7, 1996, Ura Vajgurore.

<sup>50</sup> *European Roma Rights Center* interview with H.R., December 6, 1996, Levan.

were three police vans with at least 30 policemen outside our house. They stormed in and started searching the house. They made a huge mess, turning everything upside down. They didn't show any papers. They just came in and pushed us out of the way and started throwing things around. They said they were looking for my husband and hidden weapons.

After having searched everywhere without finding any weapons, they ordered my husband to accompany the police to his brothers' houses-- my husband has three brothers all of whom live in this neighbourhood. They searched every house and then they took my husband and his three brothers to the police station, where they were kept for the whole of the following day. The police accused them of illegal possession of weapons and tried to put them under pressure to confess. My husband's older brother was beaten in the legs, but before they let him go, they made him sign a paper saying that he had not been beaten by the police.<sup>51</sup>

27-year-old Mr. H.D. from Pojan, another community slightly to the north of Korçë, also reported that Roma there are regularly targeted for special treatment by the local police:

If there is any problem in town, they always come to us. They enter our houses and inspect our belongings. They come inside the house and beat us-- the men-- with sticks and say dirty words to the women. Sometimes they beat the women and the children too. Then they take all men to the police station and keep us there till we pay. They have been to my house regularly.

If I go to the bar tonight and get into a fight with an Albanian, the police will arrest only me but not him. That's how it works here.<sup>52</sup>

The most recent incident of police abuse reported to the *ERRC* by the Pojan Roma occurred in mid-November 1996. Mr. H.D. was arrested by two police officers and taken to the police station, where he was beaten and held in custody for three hours. He was released only after he had paid the policemen ten US dollars:

<sup>51</sup> *European Roma Rights Center* interview with Mrs. Z., July 14, 1996, Tirana. Mr. Z. refused to be interviewed out of fear.

<sup>52</sup> *European Roma Rights Center* interview with Mr. H.D., December 8, 1996, Pojan.

I was taking my horse out to the fields when two police officers stopped me on the road and said that my horse had entered another man's land. They wanted me to pay fifty US dollars but I refused, so they arrested me and took me to the police station.

There, they took a stick and started beating me all over my body. I had to hold out my hands and a policeman beat them with his stick. They kept me at the police station for three hours. Then I paid them ten US dollars and they let me go.<sup>53</sup>

Mr. H.D.'s 33-year-old sister-in-law Mrs. R.D. told the *ERRC* that the police in Pojan have always beaten Roma but, according to her, under communism, this happened only when they had done something in violation of the law, while today, the police beat Roma for no apparent reason:

The police here in Pojan have gone really crazy over the past few years. Once they took my husband. He was visiting his brother and went out to feed the horses when a policeman attacked him and started beating and kicking him all over. This was one year ago, last winter. The policeman was drunk. He said, "I'll kill your race." Luckily enough, that policeman doesn't work here anymore. I've heard he works for the customs office at the Macedonian border now.<sup>54</sup>

For the most part, Albanian Roma not only prefer not to seek legal remedy when their rights have been violated, but they also try to avoid all contact with law-enforcement authorities as such. Mistrust and fear of the police are deeply rooted in the minds of Albanian citizens in general. In the case of Roma, however, this mistrust is substantiated by the visceral circumstances of their daily lives: Roma seem to be marked out for special treatment in the police cosmology. Mrs. R.D. told the *ERRC*:

All Roma in Pojan have these problems with the police. Usually they beat only men, but even old men sometimes. White people live better than we do. They are in a better position, but we have no problems with them. We have

<sup>53</sup> *European Roma Rights Center* interview with Mr. H.D., December 8, 1996, Pojan.

<sup>54</sup> *European Roma Rights Center* interview with Mrs. R.D., December 8, 1996, Pojan.

problems with the police, but not with the *gadje*.<sup>55</sup> Our kids play together with their kids. The *gadje* here in Pojan also have problems with the police sometimes, but they don't get beaten like we Roma do.<sup>56</sup>

One such case of racial discrimination against Roma by the police took place in Tirana in 1995; forty-year-old Mr. P.F. witnessed a car hitting a five-year-old Romani girl. Since the car did not stop, Mr. P.F. took the girl to hospital. He told the *ERRC* what happened as a result of his getting involved in the incident:

The hospital is next to the police station. Shortly after we arrived at the hospital, the driver showed up with a police officer and came to me. The police officer yelled at me, "What did you do to this poor girl?!", and punched me in the face. When I tried to answer him, he punched me again and called me "dirty Gypsy". I was taken to the police station where the police officer told me that I would be held in custody and that I would never see my car again. After a while, I was released thanks to a police officer of higher rank whom I know personally.<sup>57</sup>

According to Mr. P.F., following the incident, no legal proceedings began, and the officer was not sanctioned for the breach of conduct:

The driver wasn't punished at all because he paid money to the parents of the little girl. They signed a kind of agreement that they wouldn't start any legal proceedings against the man. I myself didn't file a complaint against the police because, after all, the beating wasn't that serious and because it wouldn't lead anywhere even if I did. Nothing would happen to him anyway.<sup>58</sup>

The *ERRC* observed that many Roma in Albania do not regard their relation with the police as being one with an official institution; Romani victims and witnesses of police

<sup>55</sup> The Romani word for non-Roma.

<sup>56</sup> *European Roma Rights Center* interview with Mrs. R.D., December 8, 1996, Pojan.

<sup>57</sup> *European Roma Rights Center* interview with Mr. P.F., July 11, 1996, Tirana.

<sup>58</sup> *European Roma Rights Center* interview with Mr. P.F., July 11, 1996, Tirana.

harassment often see the phenomenon as a problem of certain bad individuals within the police force. Selamet Musta, local leader of the Roma community of Delvinë in southern Albania, told the *ERRC*:

The police don't cause problems. Sometimes they violate our rights, but it is not the police: it is individuals from the police. If a policeman doesn't like you, he makes you pay or he beats you.<sup>59</sup>

Contrary to this belief, *ERRC* investigations revealed that the problem of errant police officers is system-wide and endemic. Whatever legal instruments exist for proper restraint of the police are not generally utilised. Unchecked by real institutional limitations, "good cops" are primarily good cops by choice, since there is little external pressure to keep them from becoming bad cops. Unlike elsewhere in Eastern Europe, Roma in Albania have not yet been subjected to the infamous "special measures" for Gypsies. However, the *ERRC* is concerned that many of the elements contributing to the development of so-called "prophylactic policies"<sup>60</sup>-- among them police raids of Roma neighbourhoods-- are already in place in Albania.

Beating, arbitrary arrest and the solicitation of bribes by public officials are in violation of Albanian and international law.<sup>61</sup> The *ERRC* is not aware of any charges brought by the government against police for these abuses.

<sup>59</sup> *European Roma Rights Center* interview with 45-year-old Selamet Musta, December 4, 1996, Delvinë.

<sup>60</sup> See, for example, *European Roma Rights Center* report, *The Misery of Law: The Rights of Roma in the Transcarpathian Region of Ukraine*, April, 1997.

<sup>61</sup> Chapter 7, Article 3 of the Constitutional Laws of the Republic of Albania stipulates, "No one shall be subjected to torture, or to degrading or inhuman treatment or punishment." Unofficial translation by Agron Alibali. See also International Covenant on Civil and Political Rights (ICCPR, ratified by Albania in 1992), Article 7; European Convention on Human Rights and Fundamental Freedoms (ECHR, ratified by Albania in November 1996), Article 3 (prohibition of inhuman or degrading treatment); UN Code of Conduct for Law Enforcement Officials (1979) and Basic Principles of its implementation adopted by ECOSOC in 1989, as well as Resolution 690 (1969) of the Parliamentary assembly of the Council of Europe. Unlawful arrests-- undertaken absent reasonable suspicion that the detainee has committed a crime or is about to commit a crime-- run afoul of domestic and international norms. See Albanian Penal Procedure Code Articles 244–246 which specify procedural guidelines for the issuance of arrest warrants by a competent court; Articles 251–259 which stipulate procedural norms for the arrest of suspects apprehended during a crime, as well as validation procedures for instances in which suspects

### 3.2. UNLAWFUL CONFISCATIONS

Police were evidently searching for weapons stolen from a military unit in Gjirokastër when they stormed a house in the area of Delvinë called Çorro. A destructive search by four police officers, one of whom was allegedly not in uniform, did not turn up any weapons. The police did, however, discover a box containing 7000 US dollars in cash. They therefore accused the Roma of being drug dealers. When one Romani man denied this, one policeman allegedly put a gun to his head and said to the others, “Come on, let’s go. There is nothing here for us.” They left, taking the 7000 dollars. No one has been brought to trial in connection with the money, drug dealing or weapons theft, and the Roma have never seen the money again.<sup>62</sup>

In the town of Fushë-Krujë, north of Tirana, Roma reported regular harassment by the local police. According to 35-year-old Mr. S.B., groups of police officers have, on several occasions, entered the houses of Roma without showing search warrants and taken “whatever they want”.<sup>63</sup> In January 1996, for example, Mr. S.B.’s television was confiscated by the police.

When asked to comment on the alleged activity of unlawful confiscation, the chief of the Fushë-Krujë police, who refused to reveal his name to the *ERRC*, stated that police interventions of this kind were conducted only after thefts had been reported. He did not clarify how the police can establish which objects were stolen or explain why the police rarely enter a residence looking for a particular item, but instead grab whatever is at hand. Officer X. added that during these operations, the police do not arrest the Roma but are content “only to take

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apprehended during a crime are remanded into custody for a period of longer than twenty-four hours. Unofficial translation for the *ERRC* by Andi Dobrush. See also ICCPR, Article (9)1; ECHR, Article 5(1)(c). Article 250 of the Penal Code of the Republic of Albania provides: “The performance of arbitrary acts or the giving of arbitrary orders by an employee performing a state function or a public service, during the exercise of his duty, which violate the freedom of citizens, is punishable by fine or up to seven years imprisonment.” Article 259 provides: “The performance of acts by an employee charged with a state function or in the public service, in order to seek or demand compensation to which he is not entitled or more than he is entitled under law, is punishable by fine or up to seven years imprisonment.” Unofficial translation by Kathleen Imholz.

<sup>62</sup> *European Roma Rights Center* interview with 16-year-old Ms. Q.M., December 4, 1996, Delvinë, and *European Roma Rights Center* interview with 22-year-old Mr. L.M., December 4, 1996, Delvinë.

<sup>63</sup> *European Roma Rights Center* interview with Mr. S.B., July 18, 1996, Fushë-Krujë.

back the stolen goods.”<sup>64</sup> The *ERRC* has not found any legal basis for these acts of confiscation by the police. On the contrary, they violate Chapter 7, Article 16 of the Constitutional Laws of the Republic of Albania guaranteeing the inviolability of privacy and property, as well as Article 254 of the Albanian Penal Code.<sup>65</sup>

### 3.3. HOSTAGE-TAKING BY THE POLICE AND DUE PROCESS RIGHTS

In certain cases investigated by the *ERRC*, crude investigative practices led to the unlawful detention of Roma whose relatives were suspects. In one such case, two family members were arrested, beaten and jailed for three months each and then freed without ever being charged or tried. In another, family members were arrested, charged and convicted under the pretext that they themselves had been involved in the crime, although according to the article under which they were charged, the family members were explicitly not guilty of wrong-doing.

Pretextual arrests occurred in the community of Levan, approximately ten kilometres south of Fier, in April of 1996. According to witnesses, the incident began when around twenty police officers stormed the Roma community. Officers allegedly shot in the air and forcibly entered several houses of Roma:

People were scared to death. They were shooting in the air and shouting that everyone had to come out. They also hit and kicked some people. People were beaten if they didn’t come out of their houses. Finally, they told us that they had come to arrest two thieves, but since they were not at home, the police

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<sup>64</sup> *European Roma Rights Center* interview with Officer X., chief of the Fushë-Krujë police, July 18, 1996, Fushë-Krujë. The officer refused to reveal his name to the *ERRC*.

<sup>65</sup> Chapter 7, Article 16 of the Constitutional Laws of the Republic of Albania provides for the “inviolability of dwellings and individuals”. It stipulates: (1) “The dwelling is inviolable”; (2) “Entry to a house without the permission of the dweller is possible only by a court decision in cases prescribed by law, or where this is necessary to avoid any imminent danger to the life or health of dwellers, to protect property, or when a crime is being, or has just been, committed”; (3) “No one may be subject to personal search, except in cases of entering or leaving the territory of the state, or in cases where public security is imminently threatened.” Unofficial translation by Agron Alibali. Article 254 of the Albanian Penal Code states, “Entry into the residence, without the consent of the person who lives in it, by an employee charged with a state function or in public service, during the exercise of his duty, except in cases when it is permitted by law, is punishable by fine or up to five years imprisonment.” Unofficial translation by Kathleen Imholz. Arbitrary or unlawful interference with privacy and home infringe upon international standards. See ICCPR, Article 17 and ECHR, Article 8.

took the brother and the son of one of them instead. We had to pay the police 450 US dollars to have them released.<sup>66</sup>

23-year-old E.S. was one of the men arrested in connection with the raid:

My brother was the one they had come for. He and another Rom had stolen a cow. They sold it and went to Greece. I was in my brother's house when the police came. One policeman in civilian clothes told me, "Come with me. We need to clear up some things." I was first taken to the police station in Levan and then to the big one in Fier. I was beaten for three days. They beat me on my arms and on my back with chair legs. I couldn't walk for one week after that. Then I was taken to prison in Fier and kept there for three months. There was no trial against me. After three months, I paid and they let me go.<sup>67</sup>

The two men who had committed the theft returned from Greece one month after the raid and were subsequently arrested. The two innocent men were not released however. According to Mr. R.D., the two thieves were sentenced to six and eight months of imprisonment respectively, but they paid the police chief for the stolen cow and were released after a few months.<sup>68</sup>

A second case of pretextual detention-- which may have been based on ancient racist stereotypes of Roma-- has disrupted the lives of a Roma family from Fier for nearly two years. On August 10, 1995, a group of five policemen from the coastal town of Durrës came to the Roma settlement of Lagja Azotik in the town of Fier (approximately 75 kilometres south of Durrës) to look for a Rom named Flamur Dino who was suspected of having been party to the purchase of a child. Unable to find Mr. Dino, the police arrested Flamur's father-in-law Hassan Hysenaj, mother-in-law Esma Hysenaj, and sister-in-law Lulieta Lefterjadhi instead. Without being shown arrest warrants, the three were shoved into police cars, taken to the police station in Durrës and placed in custody. Hassan Hysenaj reported physical violence both at the time of the arrest and in detention:

It was a sunny afternoon and we were all sitting outside the house. Two cars with five policemen drove up and stopped in front of us. They asked me who

<sup>66</sup> *European Roma Rights Center* interview with Mr. R.D. and Mr. I.D., December 6, 1996, Levan.

<sup>67</sup> *European Roma Rights Center* interview with E.S., December 6, 1996, Levan.

<sup>68</sup> *European Roma Rights Center* interview with R.D., December 6, 1996, Levan.

I was and I told them my name. They said they were looking for my son-in-law. I told them he wasn't at home. So they said, "Then you come with us". They grabbed me by my shoulder and pushed me into one of the cars. Then they looked at my wife and my daughter and told them to get into the other car.

I thought they would take us to the police station in Fier but they drove all the way to Durrës. They didn't say anything to me about why or where they were taking us. They just drove. In Durrës, they put us in separate rooms. A couple of policemen came in and first they punched me several times. Then they tormented me for 24 hours: I was made to stand on one foot for long periods of time.<sup>69</sup>

Hassan Hysenaj's son-in-law Flamur Dino stood accused of having bought a child who had earlier been abducted. At the time the abducted child had gone missing, Flamur and his wife Flora had already been in Greece for nearly two months; the Dinos went to Greece on May 7, while the child disappeared on July 4, 1995.<sup>70</sup>

The Dino couple was still in Greece when the police came to arrest them in Fier on August 10, 1995. In order to get the Dinos back from Greece, the police evidently decided to arrest those members of the family whom they happened to find at home.

On August 14 and September 7 respectively, Flora and Flamur Dino returned from Greece and were both arrested. Hassan Hysenaj, Esma Hysenaj and Lulieta Lefterjadhi were, however, not freed after the Dinos were caught. They remained in custody for more than five months without being informed about charges against them and without being permitted access to an attorney. Mr. Hysenaj told the *ERRC*:

No lawyer came to see me. I was asking for a lawyer, but the investigator said, "I'm your lawyer." He wanted me to sign papers, but I told him that I couldn't read or write. He put the papers in front of me and put my fingerprint on the bottom of them. I have no idea what was written on these papers. One day in January, a man I didn't know came in to me and said he was my lawyer. He said, "Your family sent me to you." He said there would be a trial

<sup>69</sup> *European Roma Rights Center* interview with Hassan Hysenaj, December 5, 1996, Fier.

<sup>70</sup> *European Roma Rights Center* interview with Attorney Kristaq Profka, December 6, 1996, Fier.

soon and that I was accused of not telling the truth about my children. I told him I had nothing to hide. I spoke to him in prison but he didn't come to the trial. Later, I learned that no one in my family had sent him to me.<sup>71</sup>

In the meanwhile, Mr. Hysenaj's son Besnik tried to arrange a lawyer to represent the family but he told the *ERRC* that neither he nor the lawyer was let in to see the detained:

I went to Durrës to find out why the police had taken my parents and sister there. I was told, "Everything is OK, they will soon be let free." I wanted to hire a lawyer but the investigator said there was no need for one because they would be let out soon anyway. But time passed and they were not let out. Finally, I hired a lawyer and went with him to Durrës, but the investigator refused to receive him. He was not let in to see my parents either. I didn't see my parents until the day of the trial. I went repeatedly to Durrës, but I was not let in to see them.<sup>72</sup>

The case against all five defendants-- the two Dinos and the three relatives-- was brought to trial at the Durrës Court on January 26, 1996. Kristaq Profka, the lawyer hired by the family, told the *ERRC* that he was allowed to consult the case file only one week before the trial, on January 19, 1996.<sup>73</sup> According to Court Decision No. 43, issued on February 24, 1996, Flamur Dino was declared guilty of kidnapping according to Article 109, paragraph 2 and sentenced to life imprisonment. Flora Dino received a 23-year sentence as an accomplice under Article 25 of the Penal Code.<sup>74</sup>

<sup>71</sup> *European Roma Rights Center* interview with Hassan Hysenaj, December 5, 1996, Fier.

<sup>72</sup> *European Roma Rights Center* interview with Besnik Hysenaj, December 5, 1996, Fier.

<sup>73</sup> *European Roma Rights Center* interview with Attorney Kristaq Profka, December 6, 1996, Fier.

<sup>74</sup> Article 109, paragraph 2 of the Penal Code of the Republic of Albania states, "Kidnapping a child under the age of 14, hiding or substituting another is punishable by not less than twenty years or by life imprisonment or death." This article has since been amended. Article 25 states, "Collusion is the commission of a penal act by two or more persons by agreement between them." Unofficial translation by Kathleen Imholz. Attorney Profka told the *ERRC* that the father of the child allegedly bought by Flamur Dino declared at the trial that he had sold two children to the Dinos: the one in the care of Flamur Dino and the one that had been abducted. Toward the end of the trial, however, the father recanted his testimony, saying that he had testified under pressure from the investigator. This was evidently not, however, taken into consideration by the trial judge in rendering a decision in the case. Attorney Profka added that he believes the authorities were under pressure to catch someone for the rash of child disappearances in the country (*European Roma Rights Center* interview with Attorney Kristaq Profka, December 6, 1996, Fier).

At the same trial, Hassan, Esma and Lulieta were charged with obstruction of justice for failing to report a crime according to Article 300 of the Penal Code; they were found guilty and served additional terms varying from two-and-a-half to eight months in prison. Esma was set free on April 10, Hassan on June 26, and Lulieta on September 29, 1996.<sup>75</sup>

The defendants appealed the court decision and a second trial was held on May 3, 1996, at the Tirana Court of Appeals. Decision No. 316 of May 3, 1996, affirmed the initial court decision handed down in February. The family appealed again and was, at the time of the *ERRC* field mission in December 1996, awaiting final decision from the Supreme Court, the third and highest instance court in Albania.

The relatives of Flamur Dino have been subjected to gross violations of their right to due process, as set forth by Chapter 7, Articles 5, 7 and 8 of the Albanian Constitutional Laws.<sup>76</sup> The *ERRC* has sent a letter to the General Prosecutor of Albania, requesting information on the status of the case. To date, our letter remains unanswered.

<sup>75</sup> Article 300, paragraph 1 of the Penal Code of the Republic of Albania states, "failure to report a crime that is being committed or has been committed to the organs of penal prosecution, in court, to the organs of public order, power or administration is punishable by fine or up to three years imprisonment." Unofficial translation by Kathleen Imholz.

<sup>76</sup> Chapter 7, Article 5 of the Constitutional Laws of the Republic of Albania states: "(1) An individual's freedom and personal security shall not be violated; (2) No one may be taken into custody without sufficient evidence; (3) The detained person shall be given an immediate explanation concerning the reasons for the detention and, within a reasonable time, shall appear before a judge; (4) No one may be kept in custody for more than 48 hours; (5) Every person kept in custody or under arrest shall be availed of the fact that he is under no obligation to submit a declaration and that he has the immediate right to communicate with a lawyer; (6) The arrested person shall have the right to appeal against his arrest in a court." Article 7 states, "Everyone shall be presumed innocent until otherwise proved and a final judgement delivered." Article 8, on criminal procedural guarantees, states: "No one, during criminal proceedings, shall be deprived of the right to: a) be informed immediately and in detail about the nature of the charge of which he is accused; b) have sufficient time and facilities to prepare for his own defence; be granted the help of an interpreter free of charge unless the accused either speaks or understands Albanian; c) be defended by himself or by a lawyer that he has chosen, and be able to speak freely and privately with the latter, and be provided with legal aid by a lawyer, unless the accused is in possession of sufficient means; d) question witnesses and request the appearance of further witnesses, expert and other persons who can clarify the matter by giving evidence." Unofficial translation by Agron Alibali. See also ICCPR, Articles 9 and 14; ECHR, ratified by Albania in November 1996, Articles 5 and 6. Although provisions of the ECHR do not have retroactive application, by its ratification Albania has evinced its intention to abide thereby. *Amnesty International* recently criticised the Albanian government for limiting the access of lawyers to their clients; see *Amnesty International, AI Concerns in Europe July–December 1996*, London: March 1997, p. 2.

The myth of child theft is an ancient and recurring slanderous accusation of Roma.<sup>77</sup> It is as old as the arrival of Roma in Europe and appears to be woven deeply into the fabric of European folk prejudice. Right up to the present day, real Roma have had to face the popular legend that, like spirits and fairies, they make off with white children for diabolic purposes. The Wild East mob capitalism of Albania has made child disappearances a national theme, since children actually are frequently kidnapped. According to Hivzi Bushati, chief of the Berat police department, the targets of these kidnappings are, first of all, girls or young women who are stolen to be forced into prostitution in Italy and, secondly, children of both sexes, for the theft and sale of their internal organs.<sup>78</sup> The national press has exploited this disturbing new phenomenon to bolster sales, thus bringing popular pressure on the Albanian authorities to act. The *ERRC* is concerned that the entire illegal procedure against the family of Flamur Dino may have been motivated by such extra-legal pressures, in conjunction with an old racist tale.

### 3.4. POLICE KILLINGS

Finally, two cases documented by the *ERRC* revealed that the Albanian police are capable of sinister excesses of brutality in contexts entirely unrelated to any legitimate law enforcement objective. On July 4, 1992, a 31-year-old Jevg named Seran Sadiku was beaten to death in police custody in the south-eastern Albanian town of Korçë. He had been arrested together with his then 21-year-old brother Gazmir Sadiku, who also was subjected to severe ill-treatment by the police.

According to Gazmir, he and his brother were sitting in a bar at the local market with two friends at around 2:00 PM on July 4, 1992, when three policemen in civilian clothes came in and sat down at the table next to theirs. The policemen allegedly began insulting the two brothers, including calling them “Gypsies” and other racial epithets. Gazmir Sadiku claims that they were the only Roma/Jevgjit in the bar, and that the policemen began picking on

<sup>77</sup> Here, the Jevgjit/Roma line is clear. One ethnic Albanian who requested anonymity told the *ERRC*, “I remember when I was a child and did something wrong and my grandmother would say: ‘If you don’t listen to me, Roma will come and steal you!’ You know, Albanians make a difference between Roma and Jevgjit. They are both seen as bad, but Jevgjit don’t kidnap kids, even if they steal like Roma (*arixhi*) do.”

<sup>78</sup> *European Roma Rights Center* interview with Hivzi Bushati, chief of the Berat police, December 7, 1996, Berat.

them because of the colour of their skin. When Seran Sadiku asked the policemen to stop insulting them, they dragged him out of the bar and started beating him. One of the policemen, Officer I.S., hit Seran in the head with the butt of his gun.

The policemen only stopped beating the Sadiku brothers when several people passing stopped to watch. Soon thereafter, however, two police cars arrived in the market area carrying approximately twenty policemen. The policemen surrounded the two brothers and started beating them with sticks. They then forced the Sadiku brothers into the cars and drove them to the police station. According to Gazmir Sadiku, the police beat them both all the way to the police station. Upon arriving at the police station, according to Gazmir Sadiku,

We were put in separate cells next to each other. The seat in my cell was made of concrete. They made me sit handcuffed with my hands behind my back. Eight police officers came in and started beating me all over my body. The three policemen from the bar were the worst. They beat me with chair legs and kicked me all over. They broke my eardrums so that blood started pouring out of my ears and they broke my ribs. Over my own screams, I could hear my brother screaming through the wall.<sup>79</sup>

Gazmir Sadiku claims that he was beaten for two hours at the police station and that the police stopped beating him only when, suddenly, he could no longer hear his brother:

Then the door to my cell opened, and I could see police officers running in and out between our cells. Through the open door of my cell, I saw them carrying something covered in a blanket. I asked them what it was and they told me my brother had fallen ill and that they were taking him to the hospital. Shortly thereafter, I was taken to the hospital too. This was around six o’clock in the evening. The policeman who took me to the doctor told him, “This man tried to kill a policeman, so don’t take too good care of him.” The doctor put iodine on my wounds and then I was taken back to the police station.<sup>80</sup>

<sup>79</sup> *European Roma Rights Center* interview with Gazmir Sadiku, December 9, 1996, Korçë.

<sup>80</sup> *European Roma Rights Center* interview with Gazmir Sadiku, December 9, 1996, Korçë.

The father of the Sadiku brothers, Ali Sadiku, told the *ERRC* that his sons' friends had come on July 5, 1992 to tell him that Seran had died, and they accompanied him to the hospital. According to Mr. Sadiku, Seran's head was crushed, the body was black with bruises, and the teeth had been knocked out.<sup>81</sup> The death certificate, issued by Dr. Robert Bicolli at the Legal Forensic Institute of Korçë on July 5, 1992, states that Seran died of "subdural haemorrhage and sub-pial focal haemorrhage of traumatic nature." The exact time of Seran Sadiku's death is not specified on the death certificate.

Gazmir was released by the police on July 6, when the funeral of his brother, which was held that day, turned into a protest in which his coffin was carried first to the police station and then to the offices of the ruling Democratic Party. Gazmir told the *ERRC*:

After they had killed my brother, they didn't touch me anymore, but I didn't know he was dead until two days later when people came to protest in front of the police station. After that, I was let out.<sup>82</sup>

Despite efforts to seek legal remedy by the Sadiku family, no one has been brought to justice for the killing of Seran and the ill-treatment of Gazmir. The family sent a letter of protest to the President of the Republic Sali Berisha, to which they received a telegram dated July 7, 1992, stating that their letter had been forwarded to the then Minister of Public Order, Mr. Bashkim Kopluku. As of December 9, 1996, the family had not received any answer from the Ministry of Public Order.

The family also filed a complaint and told the *ERRC* that an investigation was launched by Mr. Azis Roshi at the Korçë Prosecutor's Office. After two months, in September 1992, Mr. Roshi allegedly informed the family that the investigation was closed and that the police were not guilty of Seran's death.<sup>83</sup>

At the Korçë Prosecutor's Office, the *ERRC* was told that there was no one in the office who could speak competently on the issue. According to sources having access to judicial

<sup>81</sup> *European Roma Rights Center* interview with Ali Sadiku, December 9, 1996, Korçë.

<sup>82</sup> *European Roma Rights Center* interview with Gazmir Sadiku, December 9, 1996, Korçë.

<sup>83</sup> *European Roma Rights Center* interview with Ali Sadiku, December 9, 1996, Korçë.

documents, however, there is no record of the case in the register. The *ERRC* also learned that, "due to reforms", Mr. Azis Roshi had been fired in April 1996.

All efforts by the *ERRC* to obtain an official statement from the police have thus far been rebuffed. Unofficially, outside the police station, Officer Qemal Cani, head of the Public Order Division of the Korçë police, told the *ERRC* that Seran Sadiku had been killed during a fight between rival gangs and that the perpetrator had been in prison for four years already. Officer Cani also told the *ERRC* that Officer I.S. had been dismissed in July 1996 after having been accused of rape.<sup>84</sup> On the wall surrounding the police station, a bright blue slogan declared, "Democracy is Achieved Through Law".

The *ERRC* has strong reason to believe that the killing of Seran Sadiku and ill-treatment of Gazmir Sadiku have gone unpunished as a result of deliberate cover-up by the Albanian law-enforcement and judicial authorities. The *ERRC* has sent a letter of concern to General Prosecutor of Albania Alush Dragoshi in February 1997. As yet, our letter remains unanswered.

More recently, in February 1994, a 22-year-old Rom named Agim Shatipi was shot dead by an off-duty police officer in the Roma community of Zinxhiri on the outskirts of Gjirokastër in southern Albania.

According to the *ERRC*'s information, the incident leading to Agim's death was preceded by an argument in a local bar where Agim worked and where both the local Roma from the neighbourhood and the police officer were regular guests. The policeman, known as "Mondi", was a friend of a Romani man who used to live in Zinxhiri. The policeman and his Romani friend had been drinking in the bar during the afternoon that day. Soon after the policeman left the bar, an argument broke out between Agim and the Rom who was a friend of the policeman. According to witness testimony, the Rom left the bar in a rage, shouting and threatening Agim.

About an hour later, the Rom returned to the bar together with the policeman, who was carrying a loaded gun. The two men then started harassing Agim's father, who was sitting in the bar. When Agim interfered to protect his father, the policeman walked out of the bar and

<sup>84</sup> *European Roma Rights Center* interview with Officer Qemal Cani at the Korçë Police Department, December 9, 1996, Korçë.

started shooting back in the direction of the bar. Mr. K.Q., a witness to the event, told the *ERRC*:

When the shooting started, we all threw ourselves under the tables. We were around six people in the bar. After about four or five shots, the policeman told Agim to come out of the bar. When Agim appeared at the doorway, the policeman shot him. He died on the spot. He was hit directly in the heart.<sup>85</sup>

According to information made available to the *ERRC*, police arrived approximately ten minutes after the shooting and arrested Officer “Mondi”, who had fled to a military base next to the Roma settlement. Several Roma from Zinxhiri were called as witnesses at the trial, and the policeman was sentenced to 15 years imprisonment. He was allegedly released after two years, however, and is again a police officer. The *ERRC* has sent a letter of inquiry to the Albanian General Prosecutor’s Office, asking to be informed about the administration of justice regarding this case. To date, our letter remains unanswered.

General human rights accounts of Albania have reported several incidents of police killings over the past few years and the resort to extreme violence does not affect only Roma. However, in the 1992 killing of Seran Sadiku, victim and witness accounts reveal that racial animosity played a determinant role in the behaviour of the police. Arbitrary killing is an offence under the Albanian Penal Code (Article 76) and is a violation of the right to life guaranteed by Article 6 of the International Covenant on Civil and Political Rights, as well as by Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Torture and degrading treatment are proscribed by Chapter 7, Article 3 of the Albanian Constitutional Laws. They are also contrary in letter and spirit to international law, especially Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and Article 7 of the International Covenant on Civil and Political Rights, according to which, “no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.”

<sup>85</sup> *European Roma Rights Center* interview with K.Q., December 5, 1996, Gjirokastrë.

## 4. COMMUNITY VIOLENCE

Problems with local non-Roma constitute another major area of difficulty for many Albanian Roma communities and individuals. One frequently recurring scenario involves expulsions of Roma by non-Roma from land on which Roma are living. The chaotic process of privatisation/restitution of land and property following the end of the communist regime has been the cause of a great number of the many extra-judicial expulsions of Roma documented by the *ERRC*.

Roma interviewed by the *ERRC* also reported violent attacks by non-Romani citizens which were not directly linked to national issues such as property restitution. One such threat to Albanian Roma is child abductions of the kind described above. Another type of violence not directly linked to legal changes in Albania is harassment and aggression which takes advantage of the relative lack of police protection afforded Roma. Often gangs simply enter Roma neighbourhoods and terrorise their inhabitants.

### 4.1. EVICTIONS DUE TO LAND REDISTRIBUTION

Over the past six years, Albanian laws pertaining to the ownership of property have changed substantially. One result of these changes is that many Roma who previously lived on state land under the communist regime have recently been forced to move, as the land has been claimed both by people to whom it has been privatised and by pre-war owners or descendants of pre-war owners. Investigations conducted by the *ERRC* revealed that the process of expelling the Roma has been carried out haphazardly and arbitrarily, and has been accompanied by acts of violence.

As a result of the post-communist transformations of system and law, large amounts of property in Albania changed hands under chaotic circumstances.<sup>86</sup> Pre-war Albania was characterised by large estates whose owners dominated political life. Like elsewhere in Eastern Europe, communism brought land collectivisation. This era ended with a July 1991 privatisation law which distributed to individual members land formerly held by agricultural co-operatives.

<sup>86</sup> See Hall, *op. cit.*, pp 241–251; Decision No.4, April 8, 1994 of the Constitutional Court of Albania; as well as *European Roma Rights Center* interview with Altin Hazizaj, December 6, 1996, Fier.

The privatisation law prompted an immediate hostile reaction by the organisation representing the pre-communist owners, the “Property with Justice National Association”. By 1993, pressure on the government brought about a restitution law, Law Nr. 7698 of April 15, 1993, “On the Return of Property to Former Owners and Compensation [for it]”. This provided, among other things, full restitution to pre-war owners of plots smaller than 15 hectares, many of which had been privatised two years earlier. The new law rendered vague the legal status of individuals who had received land or other property through privatisation. In order to prevent further confusion concerning land ownership, Law Nr. 7698 forbade the sale of land until ownership status could be resolved.

On April 8, 1994, the Constitutional Court declared Article 12, paragraph 1 and Article 17 of Law Nr. 7698 unconstitutional. Article 12 had stipulated the restitution of land already privatised, while Article 17 stipulated joint private ownership between the old and new tenants. The confusion and lack of clarity concerning land ownership throughout the transition to private ownership has only encouraged resort to vigilante measures, including violence, in the resolution of conflicting land claims. According to First Captain Egerem Vrenozi of the Fier Police Department,

When the state distributed the co-operative farms, those in power gave land to their people. This led to many conflicts. I began working for the police department in 1991, and I can tell you that 1991 and 1992 were difficult years for the police.<sup>87</sup>

Roma, ethnic outsiders and lacking clan ties<sup>88</sup> to power, are not only disadvantaged in the competition to acquire arable land, but are frequently threatened with eviction. This vulnerability has been exploited in the southern town of Delvinë, where incidents of violent attack

<sup>87</sup> *European Roma Rights Center* interview with First Captain Egerem Vrenozi, December 6, 1996, Fier.

<sup>88</sup> Much of Albanian life is still influenced by kinship relations and traditional clan solidarity. As a consequence, capital and resources are often distributed along extended family lines and nepotistic favouritism is rampant. Roma are, in this system, total outsiders. Further, accompanying clan solidarity, the tradition of vendetta has survived in the country, especially in northern Albania. The so-called “Canon of Lekë” of the mid-fifteenth century set down codes demanding honour, hospitality and the pursuit of retribution through “blood feud”. Although the communists claimed to have eradicated the tradition, it persisted among the Albanian minorities in Yugoslavia, and returned with vigour in the atmosphere of post-communist retribution. See Hall, *op. cit.*, pp. 26–28 and Krasztev, Peter, “Vériszák”, *Beszélő*, Vol. III, No. 4, April, 1997, pp. 58–65.

by local non-Roma keep the approximately 800 Romani residents there in a constant state of fear. The attacks have allegedly already led to the forced expulsion of two Roma families. According to 55-year-old Mr. M.M., the systematic harassment by local non-Roma who attempt to expel the Roma and take their houses began in 1992:

Groups of people come to our community, usually at night. They come to scare us because they want us to leave. It is people from here, from Delvinë, and it is always the same people. The attacks have happened at least twelve times in the past three years. The attackers come in groups of four to six people, masked and armed. They shoot in the air and shout, “Get out of the houses, they are not for you!” We think that some of these people are from the police because of the guns they have. The last time this happened was in October 1996.<sup>89</sup>

In late 1992, according to Mr. M.M., approximately fifteen armed men stormed his house, smashed a door and beat his wife. The men also allegedly destroyed his car with rocks and stabbed another Romani man in the neighbourhood. According to Mr. M.M., the police came and took some notes and then did nothing. Mr. M.M. told the *ERRC*:

Nobody protects us here in Delvinë. If we go and demand our rights, they will beat us. We live scared here.<sup>90</sup>

After a similar violent attack in December of 1995, the residents turned to the local police for protection. According to Selamet Musta, local leader of the Roma community,

We went to the police to file a complaint, but the police told us to go away. They said, “What do you want us to do? They were drunk. We can’t do anything.”

Since then, we have not tried to go to the police. Nobody protects us here in Delvinë. We Roma voted for democracy in 1991, but this is not what we expected from democracy. We lived better under communism. We lived in peace.<sup>91</sup>

<sup>89</sup> *European Roma Rights Center* interview with M.M., December 4, 1996, Delvinë.

<sup>90</sup> *European Roma Rights Center* interview with M.M., December 4, 1996, Delvinë.

<sup>91</sup> *European Roma Rights Center* interview with Selamet Musta, December 4, 1996, Delvinë.

According to Selamet Musta, the Delvinë Roma have made numerous attempts to buy land from the city authorities, but have been constantly refused.

Berat is one of Albania's oldest towns, set in a sharply-cut mountain pass. The Roma of Berat, however, live outside the town, in a poverty-ridden ghetto without running water. According to the Berat Roma, they used to live undifferentiated throughout the town, but have, since the political changes in 1991, been systematically forced to move out onto a mud flat on the outskirts. The process of the forced expulsion of the Berat Roma has been extremely violent; several Roma reported numerous physical attacks by local residents and police officers. The settlement is today the home of not more than 200–300 Roma, as large groups left the town area to seek better opportunities in other parts of the country.

Forty-year-old Aishi X., mother of twelve, described the events in Berat which have taken place over the past few years:

We have always had *gadje* friends. A few years ago, some of them changed and came not to make friends but to take our houses and our land. Now we Roma live in very bad conditions; some of us have no houses of our own and have to live with relatives.

I used to live within the city [Berat] in a block of flats, but I moved here because they destroyed my house. This took place one month ago, in November 1996. I was at home with my family when it happened, but we were outside the house. It was dark so I could not see who it was. They threw stones and broke all the windows. I didn't report it to the police because I didn't want to create problems for my sons. I moved here instead. I don't want my children to be beaten up by *gadje*.

The problems started when the system changed. Groups of ten to fifteen *gadje* have come here several times over the past years. They say dirty words and beat us. They come with knives, rocks, iron rods, sometimes in the morning, sometimes in the night. A lot of people have been badly beaten. They don't make a difference between men and women, they don't care whether you are old or young. They kick the elderly people. They are like the Serbs in Kosovo.<sup>92</sup>

<sup>92</sup> European Roma Rights Center interview with Aishi X., December 7, 1996, Berat.

N.Z. and her family have been expelled twice. When the *ERRC* visited them in December 1996, the six-member family lived in a one-month-old hovel of approximately nine square metres which the family had built for themselves:

We used to live in central Berat. A couple of years ago we had to move outside the town because the new owner of the house said we couldn't stay. But a month ago, we were forced to leave again. *Gadje* came and destroyed our house. They told us that it was their land and that we did not have the right to live there.

This shack is one month old, but we are not safe here either. *Gadje* have come here more than ten times over the past three or four years. It is different people who come, young and middle-aged men. They come at different times of the day. Mostly they come at night when they are drunk, but they have come in the middle of the day too. Sometimes they enter the houses, but mostly they stay in groups outside the houses. They are looking for a fight; they always have knives and sometimes even guns. They shoot in the air and provoke fights with our men. A couple of times they caught some of our men, tied them up and cut their hair.

Roma have no rights. Most of us used to live all over Berat, but since our houses were destroyed or we were forced to leave our houses, we moved out here. Some people left Berat completely and moved to Fier or to Elbasan instead.<sup>93</sup>

In December of 1995, sixty-year-old X.J.'s house was allegedly destroyed by a group of local ethnic Albanians, led by a family called Q. Since members of the Q. family were police officers, the worst tendencies on the contemporary Albanian social scene conspired to make Mr. X.J.'s life miserable. He told the *ERRC*:

They tried to force me out of my house for six months before they actually destroyed it, but I had nowhere to go so I stayed. They came more than twenty times. They entered my house and beat me with their fists and kicked me. They didn't show any papers or anything to prove that it was theirs.

<sup>93</sup> European Roma Rights Center interview with 29-year-old N.Z., December 7, 1996, Berat.

They just came and told me I had to leave. They were all Q.'s men. Q. is a big *gadje* family here in Berat. The Q.'s were the bosses of the police in Berat so I couldn't go there to get help. Once I went to the police, but they told me to get lost. Finally, one year ago, they just destroyed my house. They demolished it by throwing rocks at it.<sup>94</sup>

Mr. X.J. was forced to suffer more than expulsion, however:

After they destroyed my house, I was arrested by the police for not having let them take my land. I was in custody for five days and they beat me the whole time. As soon as they entered my cell, they started beating me. They kicked me and beat me with sticks all over my body. I was beaten because I didn't want them to take my house. Q. was at the police station. He told me, "If you tell anyone about this, I will kill you." Now Q. doesn't work at the police anymore. I heard there is a new head at the police now, but I'm still scared to go there.<sup>95</sup>

Today, Mr. X.J. lives in a small house together with fourteen other Roma.

Hivzi Bushati from the northern Albanian town of Shkodër, head of the Berat police at the time of the *ERRC* field mission in December 1996, confirmed that he replaced a man named S.Q. who had been arrested after allegations of corruption and criminal activity:

I was appointed to take over here on October 1, 1996. My mandate is to bring order to Berat. Berat is a city with big problems. It was a kind of centre for a well-organised group involved in criminal activity with links in Italy and Greece. The police here were inactive before my arrival, and many policemen were themselves involved in these crimes. Most of the leaders of this group have now been arrested. I am reforming the police staff and firing those against whom there is enough evidence. Crime has decreased a lot since I started working here. People here in Berat were afraid of the police but we have returned the trust to the people.<sup>96</sup>

<sup>94</sup> *European Roma Rights Center* interview with X.J., December 7, 1996, Berat.

<sup>95</sup> *European Roma Rights Center* interview with X.J., December 7, 1996, Berat.

<sup>96</sup> *European Roma Rights Center* interview with Hivzi Bushati, chief of the Berat police, December 7, 1996, Berat.

When asked to comment on the alleged forced expulsions of Roma in Berat, Officer Bushati responded:

I have heard that Roma here in Berat have complained about property redistribution, but the police have not been implicated in this process, as far as I know. We try to protect the Roma from rights violations and guarantee their safety in the same way as we do for the rest of the population.<sup>97</sup>

Contrary to the assertions of Officer Bushati, in Berat, the authority bestowed upon the police to maintain public order seems to have been misused by certain local families for plundering the local population. Roma, particularly defenceless, fell victim to this gross abuse of power. In Albania, the adherence of the police to their mandate seems more dependent on the goodwill of the officers than on any limitations on their power.

Roma in the area surrounding the village of Bilisht in south-eastern Albania have also been evicted from their homes during the restitution process. According to local Roma leader Mohammed Xhambazi,

Most Roma in Albania have houses but since they don't own them, they can be expelled. This is what happened in Devol in the district of Bilisht a while ago. There was no violence during these expulsions. The old-new owners came with papers and the Roma who lived there simply had to leave.<sup>98</sup>

While the evictions themselves were not of the type seen above in Berat, the resettlement of individuals and families displaced by the process was, as described by Mr. Xhambazi, handled in a discriminatory manner. Alternative housing was provided to families displaced when the houses they were living in were privatised or restituted. With one exception, however, this alternative housing was, according to Mr. Xhambazi, offered only to ethnic Albanians. Mr. Xhambazi told the *ERRC*:

I went to the municipal authorities once to help 20 Roma families. They had no houses, and I went to see the vice-mayor of Bilisht to ask for his help. They

<sup>97</sup> *European Roma Rights Center* interview with Hivzi Bushati, chief of the Berat police, December 7, 1996, Berat.

<sup>98</sup> *European Roma Rights Center* interview with Mohammed Xhambazi, December 8, 1996, Bilisht.

were going to distribute houses that day. He helped only one family, and only after we paid them a bribe. All the others who were given houses were *gadje*.<sup>99</sup>

One group of Roma who have not been expelled, but whose lives have been made significantly more complicated by the privatisation and restitution of land, are the Roma of Halilaj. Roma settled in Halilaj on the outskirts of Fushë-Krujë, situated approximately twenty kilometres north of Tirana, about 25 years ago. Today, Halilaj is home to approximately 1200 Roma. The Roma settlement of Halilaj is separated from the rest of Fushë-Krujë by an expanse of fields. One of the local farmers, however, now allegedly owns both a significant part of the land being farmed, as well as the land on which the Roma constructed Halilaj. Roma report that he deploys a variety of tactics designed to drive them out. Thirty-year-old Mr. N.K. told the *ERRC*:

When we arrived here, there was nothing here but bushes and trees. We cleaned the whole place and settled down. Nobody came here to ask us who we were or what we came here for. We built *plasma*<sup>100</sup> and lived in peace until a couple of years ago, when some of us started going to Greece to work and could begin to afford to build real houses.

Shortly after that, the problems started. A man showed up and said that this land was his land and told the families with houses to pay him 70–80 US dollars each in rent for each piece of land where a house or plasma stands. The first time he came, we paid because we were afraid that if we refused, he would destroy our houses.<sup>101</sup>

The farmer who claims to own the land also allegedly informed the Roma of Halilaj that for each new house or *plasma* they put up, he would charge them 5000 US dollars for the purchase of the approximately sixteen square metre plot underneath. According to Mr. N.K., this was designed solely to encourage the Roma to leave, and that most of the measures taken against them by the local farmers are intended to drive them out, since the locals do not want Gypsies around. Mr. N.K. told the *ERRC*:

<sup>99</sup> *European Roma Rights Center* interview with Mohammed Xhambazi, December 7, 1996, Bilisht.

<sup>100</sup> A *plasma* is a type of tent made from pieces of iron and wood covered by a plastic sheet.

<sup>101</sup> *European Roma Rights Center* interview with Mr. N.K., July 18, 1996, Fushë-Krujë.

The man returns every so often to collect more money from us. There is no usual time. He just comes and demands rent when he feels like it.

Today, no one among us dares to build a new house here. No one, of course, has 5000 dollars, but anyway we are afraid that he is only playing with us to get us to leave Halilaj.<sup>102</sup>

The exploitation of Albanian Roma is perhaps most visible where land is concerned. In the race to acquire property suddenly made available as Albania passed from communist to commodity-based society, Roma have been pushed out of settlements they have occupied for decades, or made to pay exorbitant fees for the privilege of staying. Roma pay more and more often, because in any case they are not wanted, and the real object is to drive them away.

#### 4.2. ROMA AS UNPROTECTED CITIZENS

The *ERRC* documented cases of harassment of Roma by intolerant surrounding communities, as well as cases in which Roma were victims of criminal offence. Typically, the police in these cases had not appeared as a law enforcement institution and protector of citizens.

The Roma who today live in Ura Vajgurore, a rural community approximately fifteen kilometres north-west of Berat in central Albania, also became the victims of forced expulsion, though they do not connect the violent attacks to which they had been subjected in their place of origin to the process of land redistribution. Thirty Roma families used to live in the mountain village of Guri i Bardhë, approximately thirty kilometres south-west of Korçë in south-eastern Albania. Several years ago, however, they were expelled. Nineteen of the expelled families came to Ura Vajgurore. 55-year old Mrs. L.B. told the *ERRC*:

We used to live in the mountains in a small village called Guri i Bardhë, but we had problems with the *gadje* so we had to leave. Drunk gangsters would come and attack our houses and drive us out. They would break into our homes and steal from us. Clothes, blankets, whatever they could find. Finally, we decided to leave. All the Roma left. We were thirty families who lived there. We had been there for over forty years.<sup>103</sup>

<sup>102</sup> *European Roma Rights Center* interview with Mr. N.K., July 18, 1996, Fushë-Krujë.

<sup>103</sup> *European Roma Rights Center* interview with L.B., December 7, 1996, Ura Vajgurore.

Roma in the central Albanian town of Berat also reported attacks and harassment by ethnic Albanians. In addition to being subjected to violent attacks by groups of local non-Roma entering the Roma ghetto, younger Romani men are also allegedly regularly attacked by gangs of ethnic Albanians while outside the settlement and especially while going to and from the market square. Forty-year-old Aishi X. told the *ERRC*:

They want money and they think that we've got a lot. When our children go to Berat, white people attack them with knives and demand money. They have attacked us so many times now that we are afraid of walking in the city. About a week ago my son was attacked. He went to the market and on his way back, three men blocked his way and wanted him to give them money. He said he didn't have any and they beat him up.<sup>104</sup>

In addition to random street attacks, Roma in Berat also report disappearances of girls and young women. Residents estimated that at least eight young and teenage girls have disappeared from the Roma settlement of Berat over the past twelve months. Mrs. P.K.'s 17-year-old daughter disappeared after having gone to the local market one morning in July 1996.<sup>105</sup> Out of fear and mistrust of the police, Mrs. P.K. did not report that her daughter was missing.

More recently, at the beginning of December 1996, one week before the *ERRC* visited the Roma community in Berat, Mr. X.J.'s eleven-year-old niece had been kidnapped by a group of men. These men were caught with the girl by the police in Elbasan later the same day. In this case, the perpetrators were allegedly Roma.<sup>106</sup> Hivzi Bushati, chief of the Berat police, told the *ERRC* that apart from the eleven-year-old girl who had been stolen a week earlier, Roma in Berat had not reported any girl disappearances to the police, but added that he hoped they would, promising to do his best to find them. Officer Bushati also explained that the Albanian police had recently established effective co-operation with the Italian police and that this had facilitated the return of a number of girls who had been kidnapped and forced into prostitution in Italy.<sup>107</sup> The *ERRC* is concerned that due to well-founded mistrust and fear of the police, Roma are, however, not reporting girls missing. As a result of

<sup>104</sup> *European Roma Rights Center* interview with Aishi X., December 7, 1996, Berat.

<sup>105</sup> *European Roma Rights Center* interview with 38-year-old P.K., December 7, 1996, Berat.

<sup>106</sup> *European Roma Rights Center* interview with X.J., December 7, 1996, Berat.

<sup>107</sup> *European Roma Rights Center* interview with Hivzi Bushati, chief of the Berat police, December 7, 1996, Berat.

this social distance, Roma are effectively cut off from the kinds of positive law enforcement developments described by Officer Bushati.

Serious incidents of violence have recently taken place in the Roma community in Levan in south-western Albania, near the city of Fier. One late afternoon in October of 1996, 28-year-old Mr. H.R. saw three unknown men carrying off his three-year-old daughter on the main road of the Roma neighbourhood:

When I saw them with my child, I grabbed a big stick and ran after them to get her back. I was helped by the others from here and after some fighting, I got my child back.<sup>108</sup>

According to witness testimony, the three men were drunk and had guns. 23-year-old Mr. I.D. told the *ERRC*:

They tried to steal a child from us to sell in Italy. They grabbed her and were passing by this house. We saw them from right here, from the yard. Three people and the child. We ran after them and had a fight with them. We beat them and they ran away.<sup>109</sup>

The Roma were not left in peace after having prevented the child from being abducted, however. 35-year-old Mr. I.O. told the *ERRC*:

They came back in the evening at around eight o'clock, bringing fifteen or twenty people. They came to the bar in the neighbourhood looking for revenge. I got caught up in the whole thing because I passed the bar at the wrong time. I had my clarinet with me-- I am a musician and I was on my way to work. As I passed the bar, I noticed fighting going on inside. Then two Albanians rushed out of the bar and one picked up a rock and hit me in the face with it. It was all so sudden. I don't know why they did it. I had never seen them before in my life. Two of us were injured and had to go to hospital. I was hit in the head, and the other one, the father of the stolen child, was cut with a knife below the eye.<sup>110</sup>

<sup>108</sup> *European Roma Rights Center* interview with Mr. H.R., December 6, 1996, Levan.

<sup>109</sup> *European Roma Rights Center* interview with Mr. I.D., December 6, 1996, Levan.

<sup>110</sup> *European Roma Rights Center* interview with Mr. I.O., December 6, 1996, Levan.

Witnesses told the *ERRC* that someone from the community called the police during the fight and that around ten policemen arrived after approximately half an hour. The police allegedly arrested two ethnic Albanians, who later allegedly bribed the police and were let free.

Mr. I.O. told the *ERRC* that the arrested Albanians had been back to Levan since the incident and that they had threatened to kill the Roma. At the time of the visit by the *ERRC* in December, the male Roma in Levan would not let their wives and daughters go unaccompanied into the centre of Levan for fear of retaliation on the part of the local non-Roma population:

The last time they came was about three weeks ago. They pass on the road, mostly by car, and shout, "Dirty Gypsies, we will kill you!" We don't want problems with anyone. We just want to be left in peace but other people always create problems for us. Now we are afraid of going into the centre of Levan with our wives and children, because there are people out there who want to hurt us. We stay in the community and don't go outside of it too much.<sup>111</sup>

The Levan Roma claim to have been subjected to harassment by non-Roma on a number of occasions prior to the child-theft attempt and the ensuing tensions. 45-year-old Mr. R.D., a resident of the Roma settlement of Levan, told the *ERRC*:

Sometimes it happens that *gadje* come here to make trouble. They come with knives and guns and provoke fights with us. This has happened a couple of times. Last winter, a group of Albanians from the north<sup>112</sup> came here, got drunk in the local bar and went around in the community swearing at our girls. Finally, the whole community came out of their houses and it escalated into a fight. I managed to restore order among them, however, and then somebody here called the police, who came and arrested the Albanians.<sup>113</sup>

<sup>111</sup> *European Roma Rights Center* interview with Mr. I.O., December 6, 1996, Levan.

<sup>112</sup> Possibly euphemistic speech meaning "thugs"; the stereotype of Northerners in southern Albania is that they are brutal and unintelligent.

<sup>113</sup> *European Roma Rights Center* interview with R.D., December 6, 1996, Levan.

In addition to the incident with the northern Albanians, Mr. R.D. told the *ERRC*:

Locals from other areas not far from Levan come sometimes too, usually at night. They come with knives, metal rods and hatchets and want to beat us. As Roma, we do not have the support of non-Roma. There are many people who don't like us.<sup>114</sup>

In response to these attacks, Mr. R.D. explained that Roma don't call the police unless the situation is otherwise unresolvable:

As a rule, we want to live in peace so we try to reach agreements with those who come and provoke fights, but in situations when there is no local solution, we have to call the police like we did with the drunk Albanians from the north. The problem is, however, that the police don't like us either. Sometimes when they come, they beat us, saying that we were the ones causing the fight.<sup>115</sup>

<sup>114</sup> *European Roma Rights Center* interview with R.D., December 6, 1996, Levan.

<sup>115</sup> *European Roma Rights Center* interview with R.D., December 6, 1996, Levan.

## 5. DISCRIMINATORY TREATMENT OF ROMA

All over Central and Eastern Europe, Roma are forced to contend with discrimination and racism. Often, in such places as Bulgaria, the Czech Republic, Romania<sup>116</sup> and Slovakia,<sup>117</sup> there is an overwhelmingly negative popular association with the idea of being a Gypsy. Many non-Romani Albanians, however, deny that there is racism toward Roma in their country. One police chief who wished to remain nameless explained to the *ERRC* his conception of why Roma have a good life in Albania:

There is no problem of racism in Albania. Roma live in segregated neighbourhoods which is also good from the point-of-view of their security. Roma are presently very poor, dirty and noisy, so they have fewer problems if they live separately.<sup>118</sup>

Many Albanians with whom the *ERRC* spoke claimed that, from a distance at least, they admire the “free spirit” of the Roma and the success with which they have preserved their traditional culture. Marcel Cortiade (also spelled Kurtiade), an expert on Roma in Albania claims that there is a fine balance between hostility and tolerance in Albania and that many Albanians are quite positively disposed toward Roma, though he warns that deterioration toward greater exclusion is likely.<sup>119</sup>

Since the “preservation of their culture” is viewed as a positive quality of the Roma by much of Albanian society, Roma in Albania often contend with a kind of discriminatory treatment which differs from that experienced in many other countries in the region: the attempt to force them to continue to live “traditionally”. Many Roma reported to the *ERRC* that they were often denied basic rights and services because, they were told, “they are not for you” or

<sup>116</sup> See *European Roma Rights Center* report *Sudden Rage at Dawn: Violence Against Roma in Romania*, September, 1996.

<sup>117</sup> See *European Roma Rights Center* report *Time of the Skinheads: Denial and Exclusion of Roma in Slovakia*, January, 1997.

<sup>118</sup> *European Roma Rights Center* interview with Officer X, chief of the Fushë-Krujë police, July 18, 1996, Fushë-Krujë

<sup>119</sup> Kurtiade, op. cit., pp. 10–14.

“keep to your Roma ways.” Justifications of this sort formed the basis for a range of special treatment, from discrimination in the military up to the denial of adequate drinking water.

Of course, not all discriminatory treatment on the part of the Albanian authorities has its source in this assertive contention by non-Roma. Roma in Albania have also been subjected to incidents of hostile treatment by public institutions such as the military, hospitals, schools, and municipal authorities. These often denied them basic rights without justifying this treatment with any spurious arguments that Roma deserve and enjoy exclusion.

The real damage caused by discriminatory attitudes works in insidious ways, quietly, in relations between people on a day-to-day basis. Nevertheless, Roma know how they are perceived by Albanian society and respond accordingly. A young Romani man in Baltëz, near Fier, told the *ERRC*:

Roma are treated unequally by Albanians. They do not say it, but they act as if we are inferior. It is difficult to have good friends or to marry an Albanian. They think we are not clean.<sup>120</sup>

The suspicion that Roma are not accepted by non-Roma in Albania was supported by Mr. A.K., an Albanian man from Tirana, who told the *Human Rights Project* that, in the opinion of most Albanians,

The Roma are not on the level of the Albanians, neither in material nor at the spiritual aspect. And there is another thing which separates the Roma from the Albanians. This is their morals, or rather their lack of morals. Albanians do not like to have mixed marriages with Roma because their morality is very low. They are not stable in their family, they have no rules.<sup>121</sup>

And, in the opinion of one sociologist from Tirana,

If Roma have money, they spend it on stupid things.<sup>122</sup>

<sup>120</sup> *European Roma Rights Center* interview with L.K., July 13, 1996, Baltëz.

<sup>121</sup> *Human Rights Project* interview with Mr. A.K., an Albanian man from Tirana, January 1996, Tirana.

<sup>122</sup> *European Roma Rights Center* interview with Mr. Z.D., sociologist, July 20, 1996, Tirana.

## 5.1 DISCRIMINATION BY MUNICIPAL AUTHORITIES

Article 253 of the Albanian Penal Code criminalises “violating the equality of citizens”.<sup>123</sup> Nevertheless, Roma in a number of communities visited by the *ERRC* reported discriminatory treatment or arbitrary practices on the part of authorities responsible for social services such as social welfare payments, the provision of municipal infrastructure, and health care.

The Roma in Delvinë, for example, live in a separate, run-down quarter of the town. A major problem for the Roma of Delvinë is the lack of water supply. Local leader Selamet Musta told the *ERRC*:

The majority of the Roma here live without water. There is a pipe running up here, but *gadje* from the village break it regularly. They block the line. I know who they are, and I went to the city council, but the authorities took no action. They told me, “The white man has the right, but not you. You must live in tents, like nomads, and take water from the river, like you have always done.”

We went to a private company to ask them to bring water up here, but they wanted 5000 US dollars for it. We live like we did during the war; we don’t hope for water. They want money but we don’t have it.<sup>124</sup>

On another occasion, a representative of the Delvinë Municipal Council allegedly told Mr. Musta, “You should live in tents because that is your way. You have no rights as citizens.”<sup>125</sup>

Another problem of similar nature the *ERRC* came across was the situation faced by the four Roma families in Ura Vajgurore who had been expelled from Guri i Bardhë. At the time of the *ERRC*’s visit, 55-year-old Mrs. L.B. and her thirty-year-old daughter-in-law R.K. lived

<sup>123</sup> Article 253 states: “The making of distinctions, for reasons of duty and in exercise of it, by an employee in a state function or in public service, on the basis of origin, sex, health condition, religious beliefs, political beliefs, labour union activity or one’s belonging to a specific ethnic, national, racial or religious group, which consists of the creation of unlawful privileges or the refusal of a right or benefit that arises from law, is punishable by fine or up to five years imprisonment.” Unofficial translation by Kathleen Imholz. See also ICCPR, Articles 2(1) and 26.

<sup>124</sup> *European Roma Rights Center* interview with Selamet Musta, December 4, 1996, Delvinë.

<sup>125</sup> *European Roma Rights Center* interview with Selamet Musta, December 4, 1996, Delvinë.

along with several children and some animals, in a tent they built on the mud flats next to their home village Ura Vajgurore. They had been forced to leave their house with all of their possessions because a nearby river had breached its banks. Despite the fact that their house is flooded by the river every year, the local authorities allegedly do not allow them to move further away from the river:

We have been here already for one week. This happens every year. We have asked the municipal authorities to give us land further away from the river, but they said we must stay by the river. They don’t consider us human beings. They say, “Just stay where you are.”

We have no jobs, no money and no help, but at least here in Ura Vajgurore, we don’t have the kind of problems we had with the *gadje* in Guri i Bardhë. The *gadje* here leave us in peace, even if they don’t accept us in the centre of the village.<sup>126</sup>

Roma were also subjected to discriminatory group treatment in the Halilaj neighbourhood in Fushë-Krujë when, in response to the failure of several families to pay their electricity bills, the authorities discontinued provision of electricity to the whole neighbourhood. At the time the *ERRC* visited Halilaj in July 1996, the electricity had already been cut off for one month. Thirty-year-old Mrs. X. told the *ERRC*:

Each month, we had to pay 500 lek [approximately 5 US dollars] per family for electricity. There are no counters so it doesn’t matter how much we used. We always paid the same amount of money anyway. Last month, when some of the families didn’t have money to pay, they decided to cut off the electricity for all of us.<sup>127</sup>

The Halilaj Roma told the *ERRC* that they had turned to the local authorities for help but were not given any. According to the mayor of Fushë-Krujë, Mr. Salaku, the living conditions of the Roma were far better than average for the town as a whole. Concerning the Halilaj Roma, he stated, “They enjoy equality and by certain standards, they are even privileged.”<sup>128</sup>

<sup>126</sup> *European Roma Rights Center* interview with R.K., December 7, 1996, Ura Vajgurore.

<sup>127</sup> *European Roma Rights Center* interview with Mrs. X., July 18, 1996, Fushë-Krujë.

<sup>128</sup> *European Roma Rights Center* interview with Mayor Monder Salaku, July 18, 1996, Fushë-Krujë.

To an outside observer the Halilaj Roma seem far from privileged. It is difficult to imagine how a privileged population could be subjected to collective punishment as a result of individual unpaid electricity bills. All over Albania, the *ERRC* noted that there is a lack of basic infrastructure and public services in neighbourhoods where only Roma live. Roma must pay for basic public services and many believe that they must pay more than non-Roma. According to 36-year-old Mrs. F.X., in Bilisht, in general, when interacting with authorities:

Everywhere you go, they want money. At the municipality, at the police, everywhere. You cannot do anything without money. In hospital, if you can't pay, they let your child die. They do nothing without money. My son had appendix problems and had to be operated on. I paid 400 US dollars for the operation, to doctors, to nurses, to everybody. Officially, it's supposed to be free of charge.<sup>129</sup>

In Maliq, near Korçë, the Roma told the *ERRC* that there is no possibility of receiving health care without paying bribes. Thirty-year-old Fatmir Rexha's wife Lindita's stomach problems requiring three operations had allegedly cost the family 1000 US dollars by December of 1996.<sup>130</sup> Mrs. Rexha also told the *ERRC* that "since democracy", ethnic Albanians get social assistance payments, while Roma get none:

At the social office they tell us, "You have some land, so you get nothing." There is a lot of corruption here. We have stopped even expecting help.<sup>131</sup>

Some Roma also reported that they were not receiving social benefits to which they were entitled. In Lagja Azotik, the home of approximately 1400 Roma, residents claimed that they had not received any state social assistance since 1993. They have no work and said that the only way for them to survive is to go for occasional work to Greece or to Italy. Hekuran Zoto, the leader of the community, told the *ERRC* that he had been to the local administrative authorities several times to ask about social assistance, where he was told that social help

<sup>129</sup> *European Roma Rights Center* interview with Mrs. F.X., December 8, 1996, Bilisht.

<sup>130</sup> *European Roma Rights Center* interview with Fatmir Rexha, December 8, 1996, Maliq.

<sup>131</sup> *European Roma Rights Center* interview with Lindita Rexha, December 8, 1996, Maliq.

had been cut for everyone and that the Roma had to help themselves.<sup>132</sup> In other parts of the Fier area, however, the *ERRC* found that the social assistance had not been cut, suggesting possible discriminatory treatment of this community by the local authorities. Further, elsewhere in Albania, the *ERRC* was told that social security payments were between 1800 and 2500 lek per month (at the time between 18 and 25 US dollars).

The status of social assistance for the Roma of Berat is also unclear. Roma there receive social assistance, but the sum of money they are given changes arbitrarily every month and the city council has allegedly told them that the support will soon be entirely cut:

We get social assistance at the end of the month, but it changes every month. Last time, it was only five to six US dollars per family. A while ago, it was eleven US dollars, but it has never been more than that. Sometimes they tell me that they will not give us any more money, but up until now, I have received at least something every month. But you know, it doesn't really matter because I have twelve kids and I have to buy ten breads a day, so for me, the social welfare payments are only enough for one day.<sup>133</sup>

In the opinion of Fushë-Krujë Mayor Monder Salaku, the major problem of the Roma is "not housing, but education and unemployment. It would be better for them if they agreed to live among Albanians because they could integrate much easier that way, but they don't want to."<sup>134</sup>

## 5.2. DISCRIMINATION IN THE MILITARY

Roma with whom the *ERRC* spoke reported abuse and degrading treatment in the Albanian military. In some cases, this degrading treatment takes the form of Roma being considered unfit for heavy tasks and exempted from the standard military regime on ethnic grounds. The occurrence of such treatment is, however, arbitrary. The *ERRC* documented disturbing cases in which Roma had been subjected to physical abuse and torture in the army.

<sup>132</sup> *European Roma Rights Center* interview with Hekuran Zoto, December 5, 1996, Lagja Azotik, Fier.

<sup>133</sup> *European Roma Rights Center* interview with Aishi X., a 40-year-old Romani woman, December 7, 1996, Berat.

<sup>134</sup> *European Roma Rights Center* interview with Mayor Monder Salaku, July 18, 1996, Fushë-Krujë.

23-year-old Vladimir Majko and 19-year-old Petrit Musta, both residents of Delvinë in southern Albania, reported systematic torture and humiliation by fellow soldiers and superiors while serving in the Albanian military in Sarandë, approximately 15 kilometres south of Delvinë. Vladimir Majko told the *ERRC* about his experiences in the army:

Out of 600 soldiers, we were the only Roma. It was very bad in the army. The soldiers in our unit beat us and called us “niggers” and “dirty Gypsies”. Every day at meals, the others spat in our food and forced us to eat it. We had to sleep in separate rooms and we always had to do all the dirty jobs. It is not that we worked separately, but the others always ordered us to do their work too. If we refused, they would beat us.

When new soldiers came, they beat us too. When we complained about the way the other soldiers treated us, we were put in isolation. I was put in isolation five times. We had good relations with one of the officers, but the others were all bad. Most of the officers beat us too. They called us “arixhi” (Gypsies). We felt so bad there that we wanted to be transferred, so we went to see the head of the base and told him everything. He answered, “You are Gypsies, we don’t care how you feel.”<sup>135</sup>

After being in the army for one month, the soldiers in the unit were given a two-day furlough to go home, but Vladimir and Petrit told the *ERRC* that they were not allowed to leave unless they paid 15,000 Greek drachmas each to their superior. The same officer allegedly told Vladimir when he once fell ill, “It’s OK if you die, you are a Gypsy.” He was allowed to go on furlough only after six months in the army, in September 1995.<sup>136</sup>

Vladimir Majko and Petrit Musta fled after ten months of service in February 1996, two months before they were due to be discharged. Their decision to leave followed an incident in which one soldier attacked Vladimir and pointed a loaded gun at him:

In February 1996, I was almost killed by a soldier in our unit. He had bothered me before, but on this one particular day, he just snapped. In the

<sup>135</sup> *European Roma Rights Center* interview with Vladimir Majko, December 4, 1996, Delvinë.

<sup>136</sup> *European Roma Rights Center* interview with Vladimir Majko, December 4, 1996, Delvinë.

morning he beat me after we had been given our tasks for the day-- just beat me. And then later, he stuck a gun in my face. I am sure he was just about to kill me, but a commandant saw what was happening and interfered. I went to my officer and told him what had happened, but the officer said I was the one who started the problem and he took a stick and beat me on my back.

Then I was put in isolation. The head of the base wanted to see me so they brought me in to talk to him. I told him my story, but he said that it was all my fault and he had me put back in isolation for twenty days. In the solitary confinement cell there was only a bed without a cover. I was barely given anything to eat or to drink for the entire 20 days. After they let me out, me and Petrit decided that we had had enough. We left a short time later and came home to Delvinë.<sup>137</sup>

A few days after the two men had left the army, two officers from the military police came to find out the reason for their absence. After having explained to the two officers why they had left, Vladimir and Petrit were allegedly told that if they were telling the truth, they would not have to face disciplinary action.<sup>138</sup>

Nevertheless, the two men were charged with desertion and have been sentenced to seven months in prison. Neither of the men was present at the trial which took place in Delvinë in October 1996. Both claimed that they had not been notified about the trial or even of the fact that charges had been brought against them. They told the *ERRC* that they received a telegram three days after the trial which stated that they had been found guilty of desertion for which they were sentenced to seven months of imprisonment.<sup>139</sup>

The two men hired a lawyer and filed an appeal against the court decision. At the second hearing on December 2, 1996, the military court in Tirana rejected the appeal, and at the time the *ERRC* investigated the case, their second appeal was being reviewed by the supreme court in Tirana.

<sup>137</sup> *European Roma Rights Center* interview with Vladimir Majko, December 4, 1996, Delvinë.

<sup>138</sup> *European Roma Rights Center* interview with Petrit Musta, December 4, 1996, Delvinë.

<sup>139</sup> *European Roma Rights Center* interview with Vladimir Majko and Petrit Musta, December 4, 1996, Delvinë.

According to Petrit Musta, while they were in service, twenty non-Romani soldiers left the unit without permission and none of them faced disciplinary action:

We were the only deserters punished. While we were in the army, twenty people left without permission, but nothing happened to them, except that they had to come back and finish their service. When we left the army, the case went to court.<sup>140</sup>

He also told the *ERRC* that he returned to the military base in Sarandë with the aim of completing his service, but was refused entrance:

They did not accept me back. They told me that because we were Gypsies, they didn't want us back. They said that we would be tried and sent to prison as we deserved.<sup>141</sup>

The *ERRC* has sent a letter of concern to the General Prosecutor of Albania, asking for comment on this case. To date, the *ERRC* has not received any response from the General Prosecutor.

### 5.3. DISCRIMINATION IN SCHOOLS

In several Roma communities visited by the *ERRC*, the children do not go to school. Parents claimed that their children were beaten and humiliated by non-Romani children and were afraid of going to school. They also reported discrimination by teachers and complained that the schools were too far away and dangerous to get to.

In at least two communities, children generally dropped out of school before the fourth class, or only finished the fourth class. This is disheartening, since their parents and most of the previous generation completed the full eight classes. In Maliq near Korçë in south-eastern Albania, 25-year-old Lindita Rexha told the *ERRC*:

In school, Roma kids are treated differently from the others now. Two years ago, when my daughter Lefterie was eight years old, she had some problems

<sup>140</sup> *European Roma Rights Center* interview with Petrit Musta, December 4, 1996, Delvinë.

<sup>141</sup> *European Roma Rights Center* interview with Petrit Musta, December 4, 1996, Delvinë.

in school. She was not a very good pupil, but instead of helping her, they sent her home. She was no longer accepted. They don't try to teach our kids. Roma kids are put in the back of the classroom and the teachers don't care about them. The result of this is that our kids never make it to the end of school. Nowadays, they usually drop out after the fourth class, while we finished at least the eighth class.

Now, my daughter doesn't want to go back to school. She is afraid of the other children and doesn't trust the teacher. The other kids in her class used to beat her sometimes, and call her "dirty Gypsy". She was the only Romani kid in her class.<sup>142</sup>

30-year-old Fatmir Rexha, Lefterie's father, said that for the same reasons, his brother's two children had also dropped out of school, and thought that a separate school for Roma in Maliq was the only solution to their problem.<sup>143</sup>

In Berat, the school is only 200 metres away from the ghetto-like settlement to which the Roma in this town have been forced to move. The majority of the children do not attend school here either, however, because they have strongly negative associations with schools, teachers and with the other children. 40-year-old Aishi X., mother of twelve, explained:

Most *gadje* are good when they are young, but as they grow up, they change, and their hearts turn to stone. There are some *gadje* kids who come here to play with our children, but then again, not all kids are good. In school, our kids have been beaten up and now they are afraid to go to school. Some of the children here go to school, but most of them have stopped.<sup>144</sup>

The situation is equally dismal in several rural areas visited by the *ERRC*. Mrs. Meleqe Raine, a primary school teacher of Romani origin in the community of Morava, approximately five kilometres from Berat, explained to the *ERRC*:

<sup>142</sup> *European Roma Rights Center* interview with Lefterie and Lindita Rexha, December 8, 1996, Maliq.

<sup>143</sup> *European Roma Rights Center* interview with Fatmir Rexha, December 8, 1996, Maliq.

<sup>144</sup> *European Roma Rights Center* interview with Aishi X., December 7, 1996, Berat.

In Morava, Roma constitute around 45 per cent of the population. Despite the fact that there are about 400 children here who should be in school, only about 250 of them attend school. This means that most of the Roma are not in school.

Younger Romani children of kindergarten-age also stay at home. Until 1991, there were two kindergartens here in Morava. One of them was in the Roma neighbourhood. In 1991, when the local co-operative to which it belonged was closed, they simply closed the kindergarten too. The state did not do anything to ensure the continuity of it, despite the fact that the teachers who used to work there tried to reopen it for a year. The other kindergarten was threatened with the same fate, but the authorities found a solution to save it. The problem now is that this one remaining kindergarten is too far away from the Roma settlement. Also, there are just too many children here for only one kindergarten.<sup>145</sup>

Romani children report that when arguments of any kind break out among the children, both teachers and children often call them “dirty Gypsy” or “stupid Gypsy”. They also say that teachers often use physical punishment against them, while non-Romani children are never beaten. According to most children interviewed by the *ERRC*, teachers are less tolerant with them than with the other children because of their ethnic origin.<sup>146</sup> In May 1996 in Tirana, 9-year-old Valter Duka was expelled from school one month before the end of the school-year because he went to school without his exercise book. He told the *ERRC* that the day before, he had had a quarrel with his younger sister because she wanted to play with the exercise book and that Valter’s mother had solved the fight by throwing out the exercise book.<sup>147</sup>

The situation in the community of Lagja Azotik in Fier in southern Albania is typical. Parents are reluctant to send their children to school since several children have been beaten by other pupils. They also complained about the long distance (three kilometres) to the nearest school, and said that they were afraid that their children would be hit by cars or trains

<sup>145</sup> *European Roma Rights Center* interview with Meleqe Raine, July 13, 1996, Morava.

<sup>146</sup> *European Roma Rights Center* interviews with 9-year-old Alfred, 14-year-old Eduard, 11-year-old Emanuela, 10-year-old Ladvia, 10-year-old Lentzi, 12-year-old Romeo, and 9-year-old Valter, July 19, 1996, Tirana.

<sup>147</sup> *European Roma Rights Center* interview with Valter Duka, July 19, 1996, Tirana.

on their way to school.<sup>148</sup> Hekuran Zoto, head of the Lagja Azotik community, told the *ERRC* that although the community of Baltëz, one of the other large Roma communities around Fier, has its own Roma school, they do not want this arrangement at Lagja Azotik:

We would like a school nearby, but not one separated from *gadje*. We want an integrated school. We are against racial prejudice here.<sup>149</sup>

The reasons for the low level of school attendance of Romani children in Albania are, however, not always linked to the way they are treated by teachers or other children. In addition to the fear and loathing they associate with the school system, Roma in the rural communities surrounding Berat in central Albania believe their children will be hit by cars on the way to school.<sup>150</sup> In addition, they are also afraid that their children will be abducted. According to both primary school teacher Meleqe Raine in Morava and research conducted by the *ERRC*, this fear is justified: several children have been kidnapped on their way to or from school in this area over the past few years.<sup>151</sup>

In the community of Zinxhiri on the outskirts of Gjirokastrë, children missed school because, as residents explained to the *ERRC*, every year from April to October the entire community leaves for Greece to take on seasonal work such as picking tomatoes and oranges.<sup>152</sup> Similarly, sixteen-year-old Kastriot Demiri dropped out of school after the fourth class in the south-eastern community of Pojan near Korçë; he preferred to work with horses, a traditional Romani practice. His 7-year-old sister Adelina, on the other hand, said she liked school and did not want to stop going.<sup>153</sup>

<sup>148</sup> The Roma have lived in Lagja Azotik since the 1950s. Twenty years ago, a train track was built right through the community, cutting it into two parts. The Fier Roma reported that this was done over their protest. Several people were forced to move, and their houses were demolished, allegedly without compensation. Moreover, children from the community have been run over and killed or severely injured by the trains since then.

<sup>149</sup> *European Roma Rights Center* interview with Hekuran Zoto, December 5, 1996, Fier.

<sup>150</sup> Until 1991, the private ownership of cars was illegal in Albania, and most roads were free of them. Since then, the status associated with owning a Mercedes (usually old enough to be discarded in the West) has been matched by both the inexperience of Albanian drivers and the widespread ignorance of traffic law. At the time of the *ERRC* missions, most towns in Albania still lacked road signs and traffic lights, and the work of traffic regulation was carried out by groups of policemen standing in the middle of the road. Traffic fatalities have, as a result of this automotive anarchy, soared.

<sup>151</sup> *European Roma Rights Center* interview with Meleqe Raine, July 13, 1996, Morava.

<sup>152</sup> *European Roma Rights Center* interview with Mrs. R.X., December 5, 1996, Gjirokastrë.

<sup>153</sup> *European Roma Rights Center* interview with Kastriot and Adelina Demiri, December 8, 1996, Pojan.

Despite legal mandate,<sup>154</sup> local authorities responsible for educational issues do not seem to have taken firm steps to fight the ever increasing drop-out rate of Romani children from school. Local authorities defend their passivity by arguing that, “Roma do not want to send their kids to school, so why should we force them?” Monder Salaku, mayor of Fushë-Krujë, explained his response to the high level of non-attendance by Romani children in his school district to the *ERRC* in the following terms: “I could fine them, but they are too poor to pay the fines, so there’s not much I can do.”<sup>155</sup>

The *ERRC* believes that more fruitful alternatives exist to fining parents for the poor attendance rates of their children. The *ERRC* contends that it is the obligation of the Albanian authorities to address the concerns of both parents and children about unequal treatment and the distance of school from Roma communities rather than regarding high drop-out rates as an expression of hostility to education on the part of the Roma population.

Jevgjit, too, report discrimination and racism in the school system. Ali Sadiku, himself of Jevg origin, told the *ERRC*:

We are often treated like Roma because we are dark-skinned. Sometimes other Albanians call us “blacks”. It all depends on how people are raised. Kids whose parents are good don’t make the difference between our kids and themselves.<sup>156</sup>

The experience of the Jevgjit in the educational system highlights the discriminatory forces at play in Albanian schools. Jevgjit have tried to cross the line, conform, and are caught in the typical dilemmas of assimilating minorities. The usual racist arguments about Roma—that they do not want to send their children to school, or that they do not want to work—cannot be used as pretexts with the Jevgjit. Trapped by the perceptions of other Albanians that they are still different, no matter how hard they may try to be “the same”, the experiences of the Jevgjit are one of the clearest signs that Albania remains a society which recognises certain ethnic groups as more deserving than others.

<sup>154</sup> Primary school education is mandatory in Albania according to Law Nr. 7952 of June 21, 1995, on the pre-university educational system. Article 3 of this law guarantees the right of all citizens to education on an equal basis, a principle enshrined in the Constitutional Laws of Albania, Chapter VII, Article 35.

<sup>155</sup> *European Roma Rights Center* interview with Mayor Monder Salaku, July 18, 1996, Fushë-Krujë.

<sup>156</sup> *European Roma Rights Center* interview with Ali Sadiku, December 9, 1996, Korçë.

## 6. POLITICAL MANIPULATION OF ALBANIAN ROMA

The issue of minorities in Albania has, in the past, been dominated by discussions of the Greek minority in southern Albania. A mirror of this discussion has been the Albanian concern for Albanians abroad, especially in the former Yugoslav regions of Kosovo and Macedonia. Greece, Italy and Yugoslavia have, in the past, coveted Albanian territory. Internal Greek minorities and Albanian minorities abroad have been a component, therefore, of geopolitical manoeuvring on all sides. This has not been true of Roma, and the absence of a representative authority for Roma with the power and resources of a nation state has considerably hindered the development of real political advocacy on behalf of Roma in Albania since the end of communism.

Estimates of the number of ethnic Greeks living in Albania range between 40,000 and 400,000.<sup>157</sup> Following the changes of the early 1990s, they began to assert claims for church property restitution, as well as the right to Greek-language schooling in Albania. However, relations between the Albanian government, the Greek government and the Greek minority were marred by the expulsion of the Greek minority religious leader Archimandrite Hrizostomos Maydonis of Gjiro-kastër from Albania in the Summer of 1993 and the subsequent retaliatory expulsion of 30,000 Albanians from Greece.

On April 10, 1994, unknown assailants attacked an Albanian military post near the Greek border, killing two soldiers. One week later, on April 18, five ethnic Greeks belonging to the Greek minority organisation *Omonia* were arrested and charged with “espionage and illegal possession of weapons”. As pointed out by many observers, their detention and trial were marred by irregularities and fell short of international standards. By way of retaliation, the Greek authorities rounded up and deported over 100,000 Albanians in procedures which were characterised by police beatings, indiscriminate separation of families,

<sup>157</sup> The 1989 census counted 58,758 Greeks, while at the other end of the spectrum, some Greek sources have, in the past, claimed that the 400,000 Orthodox Christians in Albania represent the Greek community (see Hall, op. cit., p.26). The human rights group *Greek Helsinki Monitor* puts the number of Greeks in Albania at approximately 150,000. See International Helsinki Federation, *Annual Report 1995*, Vienna, 1995, p. 17.

systematic destruction of identification documents by the police, and robbery by the police.<sup>158</sup>

By 1996, however, the situation of Greeks in Albania had, according to *Human Rights Watch*, improved considerably. Although church property restitution remained stalled and ethnic Greeks still reported job discrimination, in August, the Albanian government opened three Greek-language schools in areas where they had been demanded by the Greek minority.<sup>159</sup>

Roma have never resorted to expulsion diplomacy. Indeed, they cannot. Nor can they marshal many of the other forms of pressure mobilised by the modern nation state. The weakness of the institutions representing Roma means that all diplomacy is carried out on a fundamentally unequal basis. As a result, political effort by Roma leaders in Albania is often motivated by the strategy of achieving the little possible, rather than demanding the full panoply of rights to which Roma are entitled.

So, for example, in marked contrast to the contentiousness of the Greek leadership, Mr. Gurali Mejdani of *Amaro Dives*<sup>160</sup> told *The Human Rights Project* that his organisation is not confrontational in its political approach because, “we can gain nothing from confrontation.”<sup>161</sup> Mr. Mejdani nevertheless told the *ERRC* that the few initiatives promised during the election campaign by the ruling Democratic Party were dropped immediately following the May 1996 elections.<sup>162</sup>

Also within the Unity Party for Human Rights (UPHR)<sup>163</sup> the interests of Roma are not properly represented. Roma votes are simply being bought by empty promises. According to

<sup>158</sup> See International Helsinki Federation for Human Rights, op. cit., 1995, pp. 16–18 and pp. 85–92. For detailed criticism, see also, Minnesota Advocates for Human Rights, *Trial Observation Report: The Albanian Trial of Five Ethnic Greeks for Espionage*, Minneapolis: September 1994.

<sup>159</sup> See Human Rights Watch, op. cit., 1996, p. 197.

<sup>160</sup> There are three national Roma organisations which represent Roma in Albania at a national level, *Amaro Dives*, *Amaro Drom* and *Rromani Baxt*.

<sup>161</sup> *Human Rights Project* interview with Mr. Gurali Mejdani, President of the organisation *Amaro Dives*, January 30, 1996, Tirana.

<sup>162</sup> *European Roma Rights Center* interview with Mr. Gurali Mejdani, president of the organisation *Amaro Dives*, July 15, 1996, Tirana.

<sup>163</sup> The Unity Party for Human Rights (UPHR) is a coalition party of minorities of Albania. It is predominantly (though not exclusively) an ethnic Greek party, based on a general human rights platform, after a 1992 law banned ethnically based parties.

Mr. Esat Bastriu, Romani candidate for the 1996 elections for the UPHR, this party had a program which addressed Roma issues. First of all, the party is, according to Bastriu, committed to working towards recognition of the Roma as an official minority. Secondly, the party works for measures which would help preserve Romanes (the Romani language) and Romani traditional culture.<sup>164</sup> Mr. Vasil Melo, chair of the UPHR, told the *Human Rights Project* however,

Roma have few demands. They stick to their traditions. They do not claim to study their mother-tongue in school and they do not insist on their rights.<sup>165</sup>

According to a Romani man in Korçë who wished to be referred to only as “Gimi”, however, the UPHR does not express the political will of Roma, and it is the party itself which is the problem:

The Greeks want everything-- schools, churches, you name it. They can demand these things because they are rich. During the election campaign the UPHR showed interest in the problems of Roma, but now they are not interested in us anymore. In my opinion, they only defend the Greek minority.<sup>166</sup>

The *ERRC* is convinced that reticence on the part of the Roma leadership is primarily motivated by a lack of actual power and the vulnerability of the group, both of which are sharply perceived by the Roma leadership. Neither of these reasons, however, constitute legitimate grounds for the continued political marginalisation of the group as a whole.<sup>167</sup>

In instances where Roma have been politically active, they have often fallen victim to abuses of their political rights by the authorities. Delvinë, in the south of the country, is an area with a significant Greek minority. Lying within the territory referred to by many Greeks as “Northern Epirus”, many parts of southern Albania lie within a “Greece of the Great Idea” of the dreams of pan-Hellenists. Roma, as a potential “swing” population of voters, come under political pressure by Albanian authorities in the south to distance themselves from the Greeks.

<sup>164</sup> *European Roma Rights Center* interview with Esat Bastriu, July 16, 1996, Tirana.

<sup>165</sup> *Human Rights Project* interview with Mr. Vasil Melo, chair of the UPHR, January 28, 1996, Tirana.

<sup>166</sup> *Human Rights Project* interview with “Gimi”, January 18, 1996, Korçë.

<sup>167</sup> The compromises made by Romani politicians due to the weakness of their bargaining power have been well described with Hungary as a case study. See Kovats, Martin, “The Good, the Bad and the Ugly: Three Faces of ‘Dialogue’ – the Development of Roma Politics in Hungary”, in *Phralipe*, January-February, 1997, pp. 23–34.

According to the results of *ERRC* research, political abuse of Roma takes place in two ways in Albania. First of all, Romani leaders are pressured into distancing themselves from the Unity Party for Human Rights. Selamet Musta, leader of the Roma community at Delvinë told the *ERRC*:

On April 13, 1994, the police came to my house and told me to come with them. They had no search warrant. They asked me why I was a member of the pro-Greek party-- as a member of the Roma Organisation *Amaro Drom*, I am a member of the Human Rights Party. They told me "Muslims don't belong there."

They brought several people in to the police station. There were four of us from Delvinë. The others were politically active too. At the police station, the police beat us with truncheons and with the butts of their guns. We were also beaten on the soles of our feet. I was kept in the police station for three days, but they interrogated me and beat me only on the first day. When they released me, they told me, "You are free to join any party you like, but not that one."<sup>168</sup>

Obstruction of the activities of political parties contravenes Article 269 of the Albanian Penal Code.<sup>169</sup>

The other method used by the authorities for distorting the results of elections in Albania and withdrawing the mandate of Roma is simpler: Roma in Delvinë told the *ERRC* that when they went to polling stations during local and municipal elections in October 1996, they were told that they had already voted once, so they should go away.

Both the May 1996 and October 1996 elections were plagued by irregularities and criticised as not free and fair by the Organisation for Security and Cooperation in Europe (OSCE) which monitored them, as well as by many other organisations. Berisha stole the vote and then beat the protesters. As shown above, Roma too, had their political rights brutally violated by the Berisha government.

<sup>168</sup> *European Roma Rights Center* interview with Selamet Musta, December 4, 1996, Delvinë.

<sup>169</sup> Article 269 states: "The obstruction by force of the lawful activities of political parties, organisations or societies constitutes a penal infraction and is punishable by fine or up to two years imprisonment." Unofficial translation by Kathleen Imholz. See ICCPR, Articles 18 (freedom of conscience), 19 (freedom of expression), 21 (right of peaceful assembly), 22 (freedom of association); ECHR, Articles 9 (freedom of conscience), 10 (freedom of expression), 11 (freedom of peaceful assembly and association).

## 7. ALBANIAN ROMA ABROAD

The economic situation in Albania is presently so bad that many Albanians seek their fortunes abroad, as "guest workers" in such countries as Germany, Greece and Italy. Albania is presently, in the words of one observer, "a *gastarbeiter* factory".

Roma are fully integrated into the Albanian migrant labour arrangement. Especially for Roma from the southern part of the country, a major component of life is seasonal economic migration. The Roma in Gjirokastër, for example, go every summer to pick tomatoes in Greece. With the money earned from tomato-picking, they buy shoes which they import to Albania and sell from a shop in the neighbourhood.<sup>170</sup>

Much of Albanian Roma life takes place abroad and many of the rights violations described by Roma to the *ERRC* took place in Greece or Italy, where Roma must contend with not only being Roma, but with being foreign Roma, possibly the easiest targets in xenophobic Europe. The *ERRC* interviewed Roma who reported cases of alleged police killings in Greece and ill-treatment by both the Greek and the Italian border police. Romani leader Mohammed Xhambazi told the *ERRC*:

Many Roma have been ill-treated by Greek soldiers when deported back to Albania. Some were arrested and kept in custody for several days. I myself have been beaten by Greek soldiers. This was about two years ago. I was crossing the Greek border and got arrested by border soldiers. They kept me in arrest for four days and beat me every day. They kicked me all over my body. It was real torture.<sup>171</sup>

In early November of 1996, the Italian border police allegedly dumped a boatload of Albanian deportees off the coast of Albania, forcing them to swim to shore. One of the victims was Mohammed Xhambazi's sister:

<sup>170</sup> In Albania, one nationally known Roma-owned shoe and clothing import company called "Firma Gabi" is popularly known as "Firma Intellectuale", since underpaid intellectuals are purported to make up the bulk of their clientele.

<sup>171</sup> *European Roma Rights Center* interview with Mohammed Xhambazi, December 8, 1996, Bilisht.

My sister's husband lives in Italy. We were trying to find a way to get her a visa, but we didn't succeed so finally, about a month ago, we sent her and their child illegally by yacht. They were caught by the Italian border police and taken back toward the Albanian coast. Before reaching the coast, however, they were all dumped into the sea. Luckily enough, everybody survived. Most of the people on this yacht were Roma. We don't like to go illegally to other countries, but we have no choice as it is now.<sup>172</sup>

Roma also reported to the *ERRC* two incidents of police killings which had taken place in Greece. In Flórina in June 1996, 21-year-old Adrian Xhambazi was allegedly killed by the Greek police. According to his cousin Fatmir Rexha, Mr. Xhambazi's stomach was cut open with a bayonet. In Thessaloniki in the summer of 1995, 27-year-old Festim Kanani's throat was allegedly cut, also by the Greek police. Fatmir Rexha told the *ERRC* that the case was reported on Albanian TV and that Mr. Kanani's wife who lives in Korçë recognised her husband by a special tattoo he had on his shoulder.<sup>173</sup>

The problems with going abroad to work, however, begin already at home. Mohammed Xhambazi told the *ERRC* about his experiences at the Greek embassy in Tirana:

When I go to the Greek embassy in Tirana, they make me pay 100–200,000 drachmas for a visa to Greece. The Greek minority can go there whenever they want, and if you are a member of the Democratic Party, you also have a lot of benefits, but we get nothing. And even if I paid, who could guarantee that they are not going to send me back anyway? We are a minority in Albania but nobody helps us. We go to Greece because we try to survive, but we are never treated properly.<sup>174</sup>

Numerous Roma met by the *ERRC* said that occasional work in Greece and Italy was the only way for them to survive. Economic migration is not Roma-specific, but most of the Roma with whom the *ERRC* met explained that discrimination in Albania had an exacerbat-

<sup>172</sup> *European Roma Rights Center* interview with Mohammed Xhambazi, December 8, 1996, Bilisht.

<sup>173</sup> *European Roma Rights Center* interview with Fatmir Rexha, December 8, 1996, Maliq.

<sup>174</sup> *European Roma Rights Center* interview with Mohammed Xhambazi, December 8, 1996, Bilisht.

ing effect on their situation. Indeed, if few opportunities exist for ethnic Albanians at home, Roma truly have no opportunities:

In the municipal office, all employees have friends and they give jobs to friends. And since they are all *gadje*, all the jobs go to *gadje*. Our children go to school but it doesn't help them. They still don't get work. As a result of this, most Roma have to go to Greece. There are simply no jobs for us here.<sup>175</sup>

<sup>175</sup> *European Roma Rights Center* interview with Mohammed Xhambazi, December 8, 1996, Bilisht.

## 8. IN THE HUMAN RIGHTS OFFICE

While investigating allegations of human rights violations against Roma in Albania, a significant problem which continuously plagued the *ERRC*'s attempts to accurately reconstruct events as they had transpired was the difficulty in finding competent authorities who could offer some semblance of official comment on the status of cases. This was not due to hostility or refusal on the part of the authorities concerned. On the contrary, the *ERRC* was often quite warmly received by officials. They offered coffee, cigarettes and American whiskey and were gracious and willing to answer any questions we had.

Some of the officials with whom the *ERRC* met did not, however, want to go into much substantive detail about particular cases. First Captain Eqerem Vrenozi, vice-chief of the Fier Police Department, for example, told the *ERRC* that for the past four years, there have been no major incidents in which Roma from the Fier area had been involved. According to Officer Vrenozi, "The Roma like to work and don't commit crimes."<sup>176</sup>

Far more often, however, the problem was that the officials with whom the *ERRC* spoke happened to be recently appointed and unfortunately were unable to offer comment on anything which had happened more than four or five months in the past. Officer Bushati, chief of the Berat Police Department, for example, was unable to speak substantively about many of the issues with which the *ERRC* was concerned, since he had only been assigned to Berat two months prior to the *ERRC*'s visit to the city. Similarly, Officer Qeman Cani of the Korçë City Police Department told the *ERRC* that there had been seven police chiefs of Korçë since 1992. One employee of the Korçë Prosecutor's Office found endearing and quaint the idea that we wished to speak to someone who had been working in the office in 1992; Korçë has had between five and ten chief prosecutors since then. The employee had lost count of how many prosecutors there had been exactly.

Finally, the *ERRC* pursued statements by competent authorities on the cases described in this report to the gates of the General Prosecutor's Office in Tirana. There we waited outside the multi-storied yellow building while a guard transmitted our request to meet with some-

<sup>176</sup> *European Roma Rights Center* interview with First Captain Eqerem Vrenozi, vice-chief of the Fier Police Department, December 6, 1996, Fier.

one who could offer substantive commentary on the many issues about which we wished to speak. After one hour, we were shown instead to the Office of Legal Studies and External Relations Department or, as we were told, the "Human Rights Office".

A catalogue of communist-era injustices is beyond the scope of this report. However, the legacy of the attempt to make law "wither away" is not. Under communism, both the right to defence lawyers and the right of appeal were considered bourgeois conceits, unnecessary since the state itself, according to communist doctrine, was supposed to be withering away. This was the theory. In practice, the increasingly strong state sought to delete the legal institutions since they were a challenge to the totalitarian central authority.

In 1990, a justice ministry and an independent legal profession were re-established. Both had been dissolved in 1967.<sup>177</sup> The way in which the Albanian government addressed the deficit of legal professionals was criticised by the international community. The *International Helsinki Federation for Human Rights* noted:

Due to lack of judges and lawyers, the government decided in 1993 to organise three- and six-month training courses for future legal professionals. Despite initial assurances by the government that graduates of these courses would merely work in the administration, several of them were appointed to judges or prosecutors after they were granted-- without sufficient professional qualifications-- a diploma from the Faculty of Law in Tirana. The fact that many of some 200 participants of the courses were chosen by local leaders of the Democratic Party on the basis of their political suitability further questioned the level of independence of their work.<sup>178</sup>

The state of the rule of law in Albania reflects its youth. Many people from all strata of Albanian society recognised and used the phrase "human rights", and the visit of UN Secretary General José Pérez de Cuéllar in 1990 was remembered by Roma, Jevgjit and public officials. However, the use of the term is rarely connected to the rights of the indi-

<sup>177</sup> See Hall, *op. cit.*, pp. 59–61.

<sup>178</sup> *International Helsinki Federation of Human Rights, Annual Report 1995*, Vienna, 1995, p. 14. The more than 400 graduates of the course were also required to pass year-end exams given by the law faculty. The pass rate was reportedly 100%. Finally, although the Ministry of Justice assured the public that graduates of the accelerated course would only work as assistants, they have nevertheless been appointed to high positions in the ministry. One such appointee allegedly became chairman of a district court and was the judge who rejected the appeal of jailed opposition leader Fatos Nano.

vidual before the law. The principle of the inviolability of certain fundamental individual rights and freedoms has yet to gain wide adherence among most people with whom the *ERRC* spoke, private citizens and public officials alike. The *ERRC* was therefore intrigued to find itself in the Human Rights Office in the building of the Albanian General Prosecutor.

The Human Rights Office is comfortable and hospitable. The walls are adorned with Council of Europe posters pleading for tolerance, UNICEF posters announcing the year of this or that, and children beaming with inter-ethnic understanding. Like the other public officials with whom the *ERRC* spoke, Director Edison Heba could not, unfortunately, comment upon the cases which we were investigating. He could, however, tell us something about Albania:

Albania is a very small country and we Albanians have a Balkan mentality, which means we like to socialise and have a cup of coffee with the people we meet. We get to know people very fast. This is very nice, but it can create certain problems.<sup>179</sup>

The problems, specifically, are that everybody gets to know everybody else, which creates significant hurdles for the establishment of a neutral judiciary:

I, for example, am from Durrës and everybody knows me there. I could never work there.<sup>180</sup>

The cosiness of the country meant, luckily, that Director Heba actually knew one of the prosecutors with whom we wanted to speak, Prosecutor Azis Roshi, of the Korçë Prosecutor's Office at the time when Seran Sadiku had allegedly died in police custody:

Mr. Roshi was a judicial police office investigator in Korçë. I know him very well.<sup>181</sup>

He could not, unfortunately, tell us where we could find Mr. Roshi now:

<sup>179</sup> *European Roma Rights Center* interview with Director Edison Heba of the General Prosecutor's Office's Legal Studies and External Relations Division, December 10, 1996, Tirana.

<sup>180</sup> *European Roma Rights Center* interview with Director Edison Heba of the General Prosecutor's Office's Legal Studies and External Relations Division, December 10, 1996, Tirana.

<sup>181</sup> *European Roma Rights Center* interview with Director Edison Heba of the General Prosecutor's Office's Legal Studies and External Relations Division, December 10, 1996, Tirana.

I'm not sure where Mr. Roshi is now. I haven't heard from him for a long time.<sup>182</sup>

The reason for this was that Mr. Roshi had changed jobs many times since then. This was typical, in fact, according to Director Heba:

It is normal to change jobs in Albania. I myself have been moved seven times.<sup>183</sup>

The official reason for the constant circulation of public officials is that it discourages corruption: if you aren't there very long, you can't do too much damage. Most of the Albanians with whom we spoke thought the real reason was exactly the opposite: "They spend just enough time in one office to line their pockets with local cash, and then they are moved-- they are never around long enough to get caught at anything."<sup>184</sup>

And they are not around long enough to ensure continuity in the prosecution of local crime. It is hard, in fact, to regard the official explanation for the constant movement of local officials as offered in good faith, since it has self-evidently been a complete failure: the single thread connecting the remarkable regional diversity in Albania was the conviction held by Roma that public offices were where they had to pay and pay and pay in an incessant stream of exploitation. Mohammed Xhambazi, general secretary of the association of Albanian Roma called *Amaro Dives*, summarised the view of many Albanian Roma for the *ERRC*:

We resolve conflicts within the community, among ourselves. If we went to the police, they would just look for money from us. In communism, it was different. It's not that I liked communism, but we want to be treated with respect in democracy too. We get nothing from democracy. What we have in Albania today is a democracy of bribes.<sup>185</sup>

<sup>182</sup> *European Roma Rights Center* interview with Director Edison Heba of the General Prosecutor's Office's Legal Studies and External Relations Division, December 10, 1996, Tirana.

<sup>183</sup> *European Roma Rights Center* interview with Director Edison Heba of the General Prosecutor's Office's Legal Studies and External Relations Division, December 10, 1996, Tirana.

<sup>184</sup> *European Roma Rights Center* interview with 35-year-old F.B., December 7, 1996, Berat. The International Helsinki Federation of Human Rights reached the same conclusion: "Wide-spread corruption, as well as delays in investigations of alleged crimes, also infringed on the functioning of the judicial system." See International Helsinki Federation of Human Rights, op. cit., 1995, p. 14. The U.S. State Department also found allegations of corruption in the judicial system worthy of comment: "As state employees, judges are poorly paid, and it is widely believed that corruption is prevalent in the courts." U.S. Department of State, op. cit., April 1996, p. 753.

<sup>185</sup> *European Roma Rights Center* interview with Mohammed Xhambazi, December 8, 1996, Bilisht.

## 9. EPILOGUE: THE LOGOS OF CHAOS

The strategy of mediating with their tormentors failed the Roma of Levan during the breakdown of order which occurred in Albania in early 1997. On March 28, 1997, the *ERRC* learned that on March 26, 18 persons had been killed in the Roma community in Levan. According to information provided by *Rromani Baxt* and the *Albanian Human Rights Group*, the episode began with an attempt by a gang of non-Roma to deposit a corpse in the Roma neighbourhood. Witnesses stated that some time later, fifteen armed men entered the Roma neighbourhood and began terrorising its inhabitants. The Roma succeeded in partially disarming the group, but when one of the intruders reached for his weapon, Roma opened fire. In the attack, according to the most reliable accounts, all fifteen of the non-Roma attackers and three Roma were killed.

The *ERRC* has been informed that the situation dramatically worsened the already precarious position of the Levan Roma, and local observers fear for the safety of the whole community. According to the *Albanian Human Rights Group*, there is presently no functioning authority or police organ in Levan. Retaliatory incidents allegedly took place on April 3, 1997, when unknown gunmen opened fire on buildings inhabited by Roma in Levan, as well as on Romani individuals in the Levan graveyard. A large part of the Roma community of Levan has, according to the *Albanian Human Rights Group*, fled to another Roma community in Durrës. One Romani man has also reportedly been killed in Mbrostar, near Fier, and a Romani couple was killed in Korçë since the chaos of early 1997 began.<sup>186</sup>

Albania in 1991 was characterised by unprecedented hope and optimism for the promise of democratic reform and reintegration into a Europe from which Albanians had been alienated by decades of isolationist rule. The obstacles in the way of these reforms were daunting: the necessity of a six-month training course to restore the legal profession, the one traffic light in the whole country, Hoxha's omnipresent rotting concrete bunkers which slowly poison the wild Albanian landscape-- these were the favourite images of the pessimistic western press. Yet despite the overwhelming odds against a smooth road to Albanian democracy, most Albanians maintained their humour: "This is Albania," they would say knowingly.

<sup>186</sup> See *Albanian Human Rights Group* press release, "Acts of Violence, Maltreatments and Killings Inflicted on Roma Population", Tirana, April 6, 1997. See also Cortiade, *op. cit.*

The chances for an Albanian renaissance were, however, steadily eroded by a daily degradation of public life. Journalists were assaulted in the street by security agents and their offices invaded and looted. Jobs and power were distributed exclusively to loyalists in the president's clique. Witnesses to the *Omonia* trial were rounded-up and forced into cars, to find themselves a few days later in the courtroom expected to testify. Fraudulent elections in May 1996 allowed Berisha to take control of the parliament. The chair of the Court of Cassation was discharged by a parliament which had no quorum.<sup>187</sup> And so on.

Meanwhile, fears that the Yugoslav wars would spread to the areas of Yugoslavia and Macedonia with large Albanian minorities, ushering forth the twentieth century bogey of Balkan war, led the international community into a strategy of coddling the increasingly authoritarian President Berisha. Fred Abrahams of *Human Rights Watch*, writing in the March 20, 1997 overseas edition of the independent daily *Koha Jone* (its domestic office having been burned), summarised the recent history of Albania:

Along the way, Berisha encountered minimal criticism from the international community, especially western Europe. Convinced that he would keep the peace among the 2.5 million ethnic Albanians in the Balkan tinderboxes of Kosovo and Macedonia, the West turned a blind eye to the obvious human rights abuses taking place within Albania, such as political trials, police violence and attacks on the press. The Council of Europe praised Albania's "democratic development" and the European Union provided more aid per capita to Albania than to any other East European country.<sup>188</sup>

Domestically, Berisha bought acquiescence with the promise of easy money. Investors sold family heirlooms and farms to invest in one of the many pyramid schemes in the hope of

<sup>187</sup> Various opposition politicians and political commentators have challenged the existence of a quorum (71 of the 140 deputies) during the voting by which Parliament, on the request of President Berisha, discharged the chair of the Court of Cassation Zef Brozi. According to the *East European Constitutional Review*, "The protocol claims that three deputies from the opposition voted for Brozi's dismissal, when in fact these deputies were not even in the building. All opposition parties left Parliament prior to the vote. When confronted on this issue, the parliamentary vice chairman (a SP [Socialist party] member) pointed out that previous sessions of the Assembly had been held with only 68, 60, 70 MPs, and yet the computer system invariably showed a number greater than 71." See "Albania Update", *East European Constitutional Review*, Vol. 4, No. 4, Fall 1995, p. 3.

<sup>188</sup> Abrahams, Fred, "Europe's Shame", *Koha Jone*, March 20, 1997, p.4.

earning up to 100 percent interest in a couple of months.<sup>189</sup> The panacea of riches was intended as consolation for an increasingly wretched public, an Albanian existence which more and more came to resemble a sea of anomie covered by a thin film of fragile legal norms. By the time of the *ERRC*'s second mission to Albania, in December 1996, pyramid schemes and political frustration were the ties which bound Albanians best. When the pyramid schemes began to fail, the political frustration exploded into an excited chaos bent on ridding itself of what one observer has called, "the mafia state".<sup>190</sup>

What looked like chaos in the spring of 1997, however, had its *logos*. Many invisible threads go from the past to the present and the future. Like in Levan, many of the violent incidents of the chaotic Albanian spring have their untold histories. This report isolated only one small fragment of Albanian reality in order to examine it: the human rights situation of Roma in the last seven years. Yet Roma live together with all other Albanians. The future of the Albanian Roma is inextricable from the future of the country itself.

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<sup>189</sup> "The dream of enriching themselves through the pyramid schemes became the sole obsession of virtually every Albanian. Peasants in north and south abandoned their lands and put everything they had into the schemes. People even sold their goods and chattels to take advantage of interest rates that sought to bring a return of 30–100 per cent in a few months. And of course, when the schemes collapsed the obvious happened. As the biggest of the grand illusions was shattered, people invaded the streets and students went on strike." (*Koha Jone*, March 20, 1997, p. 2.)

<sup>190</sup> See for an account of developments Lubonja, Fatos, T., "Pyramids of Slime", *Transitions*, Vol. 4, No. 1, June 1997, pp. 65–71.

## 10. A JUST SETTLEMENT: RECOMMENDATIONS OF THE EUROPEAN ROMA RIGHTS CENTER TO THE ALBANIAN GOVERNMENT

The *European Roma Rights Center* urges the Albanian government to adopt all of the following policies in full:

1. Investigate reported cases of corruption in the police force, particularly instances of the targeting of Roma for extortion of money and unlawful confiscations of property. Bring to justice those responsible for these ongoing forms of abuse.
2. Investigate instances of police brutality, including the beatings, unlawful detention and police killings reported by the *ERRC*. Bring those responsible to justice.
3. Take significant steps to reform the police, the investigation and the procuracy, focusing on discrepancies between domestic norms for law enforcement procedure and current practice in Albania.
4. Initiate programs, in co-operation with Roma leaders, which enable Roma greater access to law enforcement bodies and competent judicial authorities. Initiate own-policing programs within the Roma community.
5. Investigate extra-legal expulsions of Roma from housing and settlements and bring the guilty parties to justice.
6. Provide suitable compensatory housing for those Roma displaced by the process of property restitution and privatisation.
7. Investigate the violent conflict at Levan, taking into account prior harassment by the non-Roma community and bias of the local police. Bring to justice those responsible for the killings and provocation.
8. Bring to justice the killers of Fatmir Haxhiu.

9. Take significant steps to supervision oversight in the distribution of social welfare, in the administration of schools and among the officer corps of the Albanian military establishments. Investigate allegations of discrimination at local authorities, schools and in the military.
10. Take significant steps, in conjunction with Roma and human rights NGOs, to introduce anti-racism curricula and programs in schools and in the media.

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## 12. APPENDICES

### APPENDIX 1. Ethnic Minorities in Albania

	Census (1989)	Poulton <sup>191</sup>	Brunner <sup>192</sup>	Bugajski <sup>193</sup>	US State Dept. <sup>194</sup>	Greek sources	Macedonian sources	Roma sources
<b>Greeks</b>	58,758	40,000–100,000	59,000	55,000–200,000	80,000	150,000–400,000	—	—
<b>Macedonians</b>	4697	10,000–20,000	6000	5000	n.a. <sup>195</sup>	—	5000–20,000	—
<b>Roma</b>	1261 <sup>196</sup>	10,000	60,000	10,000	100,000	—	—	80,000–120,000

<sup>191</sup> Poulton, Hugh, *The Balkans: Minorities and States in Conflict*, London: Minority Rights Group, 1991.

<sup>192</sup> Brunner, Georg, *Nemzetiségi kérdés és kisebbségi konfliktusok Kelet-Európában*. Budapest: Teleki László Alapítvány, 1995.

<sup>193</sup> Bugajski, Janusz. *Ethnic Politics in Eastern Europe*. Armonk, New York: M.E. Sharpe. 1994.

<sup>194</sup> US Department of State, op. cit., 1995, p. 727.

<sup>195</sup> “Small ethnic Macedonian villages exist in the north-east part of the country” *ibid.*, p. 727.

<sup>196</sup> There was no separate option for Roma (Gypsy) in the census questionnaire. The number shown here is for “other” and includes also Vlachs.

**APPENDIX 2: “The Gypsies of Albania, Part III”, by Margaret Hasluck  
(originally published in the *Journal of the Gypsy Lore Society*, Vol. XVII, No. 4, 1938)**

It must already be clear that Albanians despise all Gypsies. [...] “Excuse me, Gypsies are coming, *me nder po vinë jevga*,” exclaimed a guest at a village wedding in Dumrë. “Like, excuse me, a Gypsy quarter. *me nder si mëhallë jevgjish*,” said a Tirana notable of an ill-kept village. “Is anything to be expected of a Gypsy? *pej xhipi a del xhâ?*” asked a Dibran. A coward is described as “a Gypsy for seven generations. *shtat brezash jefk*.” A curse reserved for old nomad women runs, “A vampire suck your blood!”<sup>197</sup> *Të hangërt i pjekmi* (i.e. *kokudhi zemrën!*) Killing a Gypsy is emphatically “not done”: one might as well kill a woman: after such a disgraceful crime, no matter how deep the provocation, no Luma Albanian says to you, “How do you do?” Death at a Gypsy’s hands is likewise shameful. When Gjetë Coka,<sup>198</sup> the sub-prefect of Lesh, was killed by order of his enemy, Prenk Pasha of Mirdita, his family was particularly incensed because the Pasha’s emissary was said to be a Gypsy. The Orthodox peasants of Central Albania relate that once a wild boar was shot in that neighbourhood by a Gypsy. A ring found on one of its fore-feet identified it as a Mohammedan spahi from the adjacent district who had been transformed by a curse into a boar, most abhorrent of animals in Mohammedan eyes. But this transformation was as nothing compared to the manner of his death. Here, it will be observed, an extra twist has been given to the common folk-tale about the transformation of Mohammedans into pigs. In 1914, the rebels against Prince Wied, then King of Albania, captured Ali Fehmi Kosturi, a patriotic Albanian of good family who was supporting the Prince. To disgrace him as deeply as possible, they made a Gypsy get on his back and ride him round Tirana.<sup>199</sup> Amusingly enough, the Albanians sometimes profit by the contempt in which they hold Gypsies. Peasant growers of tobacco are forbidden by law to keep machines for shredding the leaf into cigarettes, but illicit cutting continues and gendarmes periodically search for hidden machines. In at least one village, the peasants regard their domiciliary visits with indifference. The only machine left in the place is owned by the village Gypsy and, as my informant put it, “Who goes to see what a Gypsy

<sup>197</sup> The translation is intentionally free.

<sup>198</sup> I give this name with its local pronunciation.

<sup>199</sup> The anonymous writer in the *Near East and India*, Sept. 12th, 1935, p. 326, who was myself, wrongly attributes this punishment to the Turks.

is doing? He is only a Gypsy!” Many Albanians in Elbasan say that when it rains, Gypsies smell just as dogs do. Once the tent with which I travel in summer, a Whymper, cost me the services of an excellent gendarme. The first evening we pitched it, a peasant called. “I could not think what sort of Gypsies had a tent like this,” he explained. Next day the gendarme, unable to bear the thought of being taken for a Gypsy, gave notice. Recently a Mohammedan peasant from the neighbourhood of Elbasan wooed a young widow in a house to which he came and went as a friend, and finally induced her to run away with him and be legally married. But in Albanian villages, young widows are the property of the husband’s household, and a friend’s property is sacrosanct. So the man’s brother reproached him bitterly after the marriage, saying his conduct was “so low that no settled or nomad Gypsy, no Jew or Armenian” would have been guilty of it. In a bluff overhanging the torrent at Bicaj in East Albania an iron door bars the entrance to a cave in which treasure is concealed; this door is said to have been passed only by an old Albanian man and a Gypsy woman, i.e. two beings who had nothing to expect from life and so need not fear death. When a peasant of Zdrâsh in Çermenika reported that his dog had gone mad, the *boxha* bade him not to kill it himself but give the village Gypsy a cartridge with which to shoot it; both peasant and Gypsy were Mohammedans, and taking a life is a sin for Mohammedans, but provided he could safeguard the peasant’s soul, the *boxha* was not concerned about the Gypsy. In Albanian opinion it is God Who has made Gypsies so low; [...] On the whole, nomads are less despised than sedentaries, for they are handy with guns, the quality admired above all others by old-fashioned Albanians. Though carrying arms without a special licence is now forbidden, most nomads are probably still armed, and in the laxer Turkish days their reputation for valour stood so high that near Lushnja they were encouraged to build huts close to the dwelling-houses of rich peasants so that, like watch-dogs, they might give these men warning of the approach of their enemies. The sedentaries are contemptuously described as such poltroons that in Turkish times they did not carry arms even for show. Only three cases of their shooting to kill have been given me: one was the (falsely) reputed assassin of Gjetë Coka, the second was similarly bribed to commit his crime, and the third shot a man who ran away with his wife.

The strength of the aversion to Gypsies felt by Albanians is well shown by the following story. A Gypsy family of Permet in South Albania which had emigrated to America made enough money to return to Albania soon after the daughter had taken her degree in history at an American university. She wished to find employment in Albania as a teacher, but the Ministry of Education would not engage her. The American Legation took up her case and asked the directors of the Kyrias Girls’ school, who were Albanians trained in America, to give

her work. They replied that they could not risk doing so, for the pupils would not respect her and might extend their disrespect to the other teachers. Again at the request of the American Legation, the American girls' schools at Kavaja, which was under American management, engaged her. But soon she had to leave. The girls jeered openly at her for a "Gypsy" and the Albanian teachers cold-shouldered her. The better type of girl and teacher admitted that she was good and gentle as well as clever, but they could not stem the tide against her. She next found employment in Tirana as a journalist. Old enough by this time to marry, she could not by ordinary means find the Albanian husband she wanted; no one would stoop to marry her. So she inserted, or was said to have inserted, an advertisement in the paper stating that she would bring her husband a dowry of 2000 napoleons (£1500 at par), and this in a country where a rich girl's dowry is seldom more than a quarter that sum. An Albanian girl advised her father's servant to answer the advertisement. He did not see that she was joking, and though nearly as poor as a beggar, was highly offended by the suggestion. In the end the Gypsy found a Russian refugee willing to make her his wife for the sake of her dowry.

It follows from the contempt in which they are held that Gypsies are under several tabus. In Zdrâjsh, a Mohammedan village east of Elbasan, even the village Gypsy was formerly forbidden to enter an Albanian house; if he had done so, the villagers thought, the angels so much prized by Mohammedans would not enter the house for forty days. In the Orthodox villages of Shpat south of Elbasan neither nomad nor settled Gypsy was admitted to a house a generation ago; if one entered unasked, a priest was summoned to say a purification prayer. Even to-day, most Albanians will not eat with Gypsies. A few men may consent to do so, but women never; "it worries them, *kanë merak*." "God forbid!" Exclaimed a Christian peasant when I, still ignorant of the tabu, pressed her to breakfast with two Gypsy callers. Once in Çermenika I gave a country party to repay the lavish hospitality offered me in certain villages. I roasted a whole sheep on a spit in the open air and made gallons of soup and mountains of rice pilaff. Since my tent equipment could not cope with such a meal, I had to borrow pots and pans in the adjacent village. Though I found the biggest and the best at the Gypsy blacksmith's, I could not risk inviting him to the party. The few men liberal enough to eat with a Gypsy pick and choose; the favoured Gypsy must not be a nomad, and he must be exceptionally particular about washing his hands (all country Albanians, not only those who are Mohammedans, wash their hands before eating a meal). The men who are invited to eat with a Gypsy must be carefully chosen. At a village wedding, for instance, the musicians, punctiliously called "the blacksmiths" (*ustallarët*), are always invited to sup at a separate table. They are so few that they seldom fill their table, and the guests so many that their tables overflow. If the master of ceremonies wishes to ask some guests to sit with "the blacksmiths",

he must ask the favour only of relatives or intimate friends. Others might take offence and, casting away the ceremonious politeness of the occasion, exclaim crudely: "Will you set *me* down to eat with Gypsies?" The same tabu appears between Gypsies, for no sedentary will eat with a nomad. In another form it appears in houses where Gypsy servants are kept; though these servants may wash up after a meal, they may not cook the food. "Who could eat a Gypsy's food?" Albanian women ask with a shudder. In a certain *bey's* house, in Elbasan there are Albanian women servants as well as a Gypsy charwoman; these servants will not eat food which the Gypsy has touched.

Shaking hands with a Gypsy is also tabu. So a gendarme in Bulqiza lives in my memory as a happy exception. He took me willingly into the local Gypsy's house, shook hands politely with its master, and drank his coffee. In the ordinary way, no Albanian will dance with a Gypsy; in all my experience, I have only seen such a dance twice.<sup>200</sup> In the mosque Gypsies, though allowed into the main building, must take their places at the back; if they sat in front, the Albanians behind them would think they had made their prayers for nothing. Resentment against this tabu may have been one of the factors impelling the sedentaries of Durazzo to build a mosque for Gypsies only. In Gjirokaster, but not Korcha, the Christian sedentaries are restricted to their own part of the church. Even in death the tabu continues; in Mohammedan cemeteries at least the two races lie apart, with a road or a ditch between them. [...]

<sup>200</sup> See *JGLS, Jubilee Number*, p. 27, for one occasion.

The Roma (Gypsies) remain to date the most deprived ethnic group of Europe. Almost everywhere, their fundamental civil rights are threatened. Disturbing cases of racist violence targeting Roma have occurred in recent years. Discrimination against Roma in employment, education, health care, administrative and other services is common in many societies. Hate speech against Roma deepens the negative stereotypes which pervade European public opinion. The *European Roma Rights Center* is an international public interest law organization which monitors the human rights situation of Roma and provides legal defence in cases of human rights abuse.

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