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GREEKS OF ALBANIA AND ALBANIANS IN GREECE

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INTRODUCTION

The International Helsinki Federation for Human Rights (IHF), with national committees in 30 OSCE countries, sent a multi-member delegation to Albania to observe the trial of the five members of Omonia, and, on this occasion, to investigate the complaints concerning both the period of the preliminary investigation and the more general institutional discrimination against the Greek minority, as well as the conditions of Albania citizens' expulsions from Greece, as a measure of reprisal for the trial. The trial was observed, at the beginning, by members of the National Helsinki Committees of Denmark and Poland (also the official OSCE-ODIHR representative), and, during the last days, by a member of the Swedish Helsinki Committee.

The more general problems in Tirana were also examined by members from the national committees of the Netherlands, Norway and Germany. Finally, a special mission consisting of one member of the Bulgarian Helsinki Committee, as an IHF representative, one member of the Albanian Helsinki Committee and one member of Greek Helsinki Monitor, made a local examination of the problems both in Tirana and in Southern Albania (in the areas of Saranda / Aghioi Saranda in Greek, Gjirokastra / Argyrokastro, and Kakavije / Kakavia), between 23 and 31 August 1994. Unfortunately, the member of the Albanian Helsinki Committee withdrew from the mission, disagreeing with its working methods. Greek Helsinki Monitor, on the basis of the material gathered by all IHF observers, prepared an extensive report in four chapters: prosecution of the Omonia members; expulsion of Albanians from Greece; general problems of the Greek minority; and the problem of issuing visas by the Greek authorities. The first version of that report was published, in Greek, in **Eleftherotypia**, between 5-8 September 1994. Here we present a second version, updated as of late February 1995, to include both the recent evolution and the reports on the trials and / or the minority by OSCE's High Commissioner on National Minorities, Human Rights Watch / Helsinki, Minority Rights Group International, Amnesty International, Minnesota Advocates for Human Rights, International Human Rights Law Institute of DePaul University College of Law, and the US Department of State.

It is worth noting that, in spite of the early notice, both the Greek and the Albanian Ministries of Foreign Affairs refused to brief the mission. We must note that there has been a request for a briefing on the problems of the Greek minority in Albania pending in the Greek Ministry of Foreign Affairs since 1992! The Albanian Prime Minister's advisor on minorities arranged a meeting with the mission, but failed to turn up. The Albanian authorities are, therefore, responsible for any incomplete information of the mission on the Albanian authorities' views and answers to the complaints. On the contrary, the Archbishop of Albania, the Greek Embassy in Tirana, the Greek Consulate in Gjirokastra, the prefect, the mayor and the chief of police in Saranda, as well as many others (leading members of Omonia and the Human Rights Union, relatives of the defendants, witnesses in the trial, teachers and priests, as well as simple Albanian citizens of Albanian or Greek nationality) co-operated eagerly with the delegation. The latter, moreover, never felt that it was under surveillance by the security services, as had manifestly happened a year before, in a similar IHF mission in Western Greek Macedonia.

THE PROSECUTION OF THE OMONIA MEMBERS

"The IHF, based on reports by members, considers that Albania violated its international obligations under the International Covenant of Civil and Political Rights (ICCPR), specifically articles 9, 10, 14 and 17, as regards the conditions of arrest and treatment under detention, the right to due process of law and fair and public hearing by a competent, independent and impartial tribunal, and internationally recognized rights for a person accused of a crime" (IHF, 1994:1). This statement was based on most of the information that follows herein.

Albanian penal law and corresponding international legal standards

The Albanian Penal Code and Penal Procedure Codes, adopted in 1980 under the communist regime and valid through 1994, were the most totalitarian in Europe: it was characteristic that article 47c, which was used against the defendants, considered as treason even the attempt to overthrow the proletariat dictatorship. However, constitutional and legal texts adopted by Albania between 1991 and 1993, and especially Law No. 7692 of 31/3/1993, safeguarded for its citizens the rights the ICCPR and the International Bill of Human Rights. For this reason, a new penal code, compatible with international standards and without the provisions under which the five members of Omonoia were tried, was tabled in Parliament in 1994 (and was finally voted upon and enacted in February 1995). In this transitional period, therefore, Albania had to observe the relevant international provisions of ICCPR and, in particular, articles 9 and 10 (rights of arrested and detained persons), 14 (due process of law for a person accused of crime) and 17 (protection of privacy and honor of every subject), and not the anachronistic provisions of 1980, wherever there was a divergence between the two. All international observers, therefore, appraised the prosecution of the Omonoia members on the basis of the international standards.

Illegal arrests, searches and seizure

On 10 April 1994, an Albanian military post in Peshkepi (Episkopi in Greek), near the Greek-Albanian border, was attacked in the early morning hours; two Albanian soldiers were killed and three wounded by unidentified gunmen. Albanian authorities alleged that the perpetrators were dressed in Greek military uniforms and were speaking Greek, and blamed the attack on "the Greek special forces." In Greece, the unknown organization "Northern Epirus Liberation Front" (MAVI) claimed responsibility both the next day and some months later, while the extreme right, racist, xenophobic, anti-Semitic and intolerant weekly newspaper **Stohos** regularly reported in a proud way about the incident. On the other hand, the Greek government flatly denied any responsibility in the event and, in the first couple of days, even excluded the possibility that any Greeks could have been involved in the incident. Moreover, when Greek foreign and defense ministry sources confirmed that the commando was probably Greek, all newspapers but the leftist daily **Avgi**, decided to censor the information. Eventually, in fall 1994, a group of Greek intellectuals asked the public prosecutors office to investigate the probable Greek involvement in that commando attack: by February 1995, the matter is still at the preliminary investigation stage.

In what is largely believed to be a reprisal to this attack, which was felt by Albanians as a profound humiliation, on 18 April 1994, Albanian police undertook a coordinated police action mainly in Southern Albania where the Greek minority is concentrated. Policemen carried out searches, seizures and arrests without warrants. The agents who presented themselves to persons subsequently arrested afterwards were dressed in civilian clothes and refused to identify themselves. As prosecutors later told the Minnesota Advocates delegation (1994:2), these agents belonged to the Albanian secret police "ShIK": this entitled them not to identify themselves but, on the contrary, denied them the right to make arrests. During house searches, the agents used force unwarranted by the circumstances. On the other hand, these arrests were made under article 48 of the Penal Code, which concerned foreigners and stateless persons. Given that the defendants were Albanian citizens, their arrest and first days of detention was therefore illegal.

The Omonoia headquarters in Saranda were searched after midnight, while there was no emergency to warrant it. The Albanian police stated to the IHF mission that night search without warrant is permitted only in case of a crime in process or an in flagrant procedure. But when asked which was the crime that made such a direct night search necessary, the police said it was a state secret. When the police was asked to provide the specific list of state secrets so as to ascertain if the nature of an in flagrant crime is among them, they refused to give it. Evidently, the reference to the in flagrant procedure - which in any case does not appear in the final indictment -

was made in order to justify the illegal search of the premises without warrant. Minnesota Advocates came to a similar conclusion (1994:8). Similar searches were also carried out in other Omonoia offices. In most office and house searches, archives, books, publications, family albums, savings passbooks, etc. were seized without protocols.

Eventually, six persons were arrested and detained for more than 24 hours. They were:

1. Vangjel Papakristo (in Greek Vangelis Papachristos), President of Omonoia's Saranda branch and member of Saranda's City Council;
2. Panajot Marto (Panayotis Martos), President of Omonoia's Delvina branch;
3. Theodori Bezhani (Theodoros Bezianis), President of Omonoia's Gjirokastra branch;
4. Kosta Qirjako (Costas Kyriakou), Secretary of the Association of Former Political Prisoners and member of the County Council of Sofratike, Gjirokastra;
5. Irakli Sirmo (Herakles Syrmos), President of the Association of Former Political Prisoners, Vice-President of Omonoia's Gjirokastra branch, and member of Gjirokastra's Prefecture Council; and
6. Kosta Cavo (Costas Tsavos).

No charges were made against them by any authorized officer of the law, while the Albanian code provided that they should have been taken before the public prosecutor to be charged within 48 hours of their arrest. The investigating magistrates never identified themselves to the defendants during the investigation. In fact, according to Albanian law, the six Omonoia members were "arrested" only when their cases were transferred from the police (in this case ShIK) to the prosecutor, which happened three to five days after their actual arrest and detention by ShIK.

Illegal interrogations, use of force during them, and bad detention conditions

There were interrogations that lasted up to 72 hours without break. Not all police officers who interrogated the defendants and were present during the initial examinations were listed in the judicial file. Qirjako protested the interrogation conditions through a fifty-hour hunger strike. Police officers reportedly tortured defendants Sirmo and Qirjako and used threats and hate speech against the defendants. They also blackmailed the defendants by manipulating parental feeling which led some of them to suffer from hallucinations. Most of these abuses took place in the first days of detention, before formal charges were brought; it was during that same period that many coerced statements were made by the defendants. Contrary to international obligations, the Albanian authorities never investigated the complaints of police abuse and torture.

After the intervention of American diplomats, Bezhani was allowed to engage a lawyer five days after his arrest. The others were allowed to engage lawyers at the end of June (for Qirjako), or a few days before the trial (for Marto, Papakristo and Sirmo): these lawyers were not of the defendants' choosing (except in the case of Bezhani), but chosen from a list provided by the police; in fact, lawyer Spartak Ngjelia who was initially chosen by Qirjako (soon after his arrest) and Sirmo (later) was turned down by the Albanian authorities. Both lawyers and defendants mentioned during the trial that they were hindered in assisting each other properly. The defendants were deprived of their right to have access to their lawyers and their relatives for long periods of time. Albanian authorities did not allow even the two Human Rights Union deputies, Thoma Mitci and Kosta Makariadhi, to visit the defendants in order to ascertain the conditions of their detention. So the dismissal by the Albanian authorities of the claims made by some of the defendants that torture took place cannot be considered credible, since no contact with the defendants was allowed during the period they claim they were abused if not tortured. Likewise, Albanian authorities failed to provide convincing evidence to back their allegation that the defendants had signed the statements waiving their right to counsel, produced in court, of their own accord without undue pressure. The IHF mission was moreover informed that, through the end of August, Albanian

authorities had forbidden Qirjako's wife to see her husband, even for a few minutes during some break of the trial.

At the end of May 1994, Albanian authorities rounded up 56 witnesses en masse without proper summons in most of the cases, and thus illegally, and by using methods that gave the impression they were making arrests. The cells where the defendants were detained were small (2.5-3.5 m) and without or with little light and ventilation. Their continuing detention is deemed unacceptable, since they could have been released on bail. At the end of the preliminary investigation, the defendants had practically no access to the case files: they were given the opportunity to "read" 1,200 pages in half an hour: the refusal of the defendants right to have full access to their files is a violation of Articles 14.3a &c of the ICCPR.

The inadmissible indictment

On 2 August 1994, five out of the six defendants were referred to a trial to be held on 15 August, charged with high treason for attempting to change Albanian borders (Article 47c of the Albanian Penal Code) and for espionage (Article 47g); both crimes were punishable with no less than 10 years on prison or by death sentence. The defendants were also charged with conspiracy (Article 13), while three of them (Bezhani, Sirmo, Qirjako) were also charged with illegal possession of arms (Article 224/1). The indictment is inadmissible. Those who drew it up did not make clear in it who did what, when, in what way and with what motive. The indictment was obviously aiming not at the five defendants, i.e. Omonoia, and the Human Rights Union, as well as at Greece. However, on the basis of Albanian law, the Constitutional Court is the competent body to examine the legality of the activities of political organizations. Besides, if Albania had enough evidence about violations of the UN Charter by Greece trying to interfere in Albania's domestic affairs, the competent body would be the International Court of Justice in The Hague. Therefore, it was not within the jurisdiction of the Criminal Court of Tirana to judge accusations concerning the activities of political organizations as well as Greece's interference in Albania's domestic affairs.

Most of the alleged criminal activity of the defendants -in their capacity as leaders of the Greek minority in Albania- mentioned in the indictment are in accordance with internationally norms of activity for minority groups, protected by Article 27 of the ICCPR and Chapter IV of the Document of the 1990 Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, of which Albania is a participating state. The espionage charge is unfounded according to what is internationally acceptable: espionage exists only when the defendant has access to confidential or secret information and responsibility to safeguard it. The five defendants in this trial have never held such positions. Only on the basis of the anachronistic Albanian Penal Code which follows communist standards, can such an accusation be founded (For a detailed challenge to the espionage charge, see Minnesota Advocates, 1994:11-12). It is therefore believed that "these defendants were chosen randomly and that the composition of the defendants could be quite different; the only demonstrable connection between these defendants is that they are activists of the same ethnic minority" (Rzeplinski, 1994:6).

The charge for illegal possession of arms need no lengthy comment. Almost all Albanians have hunting weapons as a result of a long-standing cultural tradition. The three defendants had such weapons and not more modern ones. In any case, the weapons found in the defendants' homes during the -illegal- searches were two bullets, an unregistered hunting rifle, and a pistol.

Irregularities in the court proceedings

In the beginning of the trial, the prosecutor dropped the first charge as anachronistic. This caused some confusion to the defense lawyers who, nevertheless, merely asked the court to adjourn for one day. On the second day, they did not ask for any clarification for the consequences of the prosecutor's action that in reality

changed the character of the trial: for example, it raised the issue of challenging article 47g on espionage, on the same grounds that the prosecutor declared article 47c anachronistic.

Two years ago, Albania had no defense lawyers at all; as a consequence, independent lawyers are by and large inexperienced. The defense lawyers of the five defendants, for example, seemed not to be aware of the constitutional civil rights of their clients, as well as of the international standards and their applicability in the case of the defendants. They did not believe that they are equal in standing with the prosecutor and thus they hesitated to object to many questionable activities of the latter. In particular, the defense lawyers did not challenge in court the preliminary investigation just because they believed that the court would dismiss their objection. The defense lawyers should also have raised the issue of the maltreatment during the preliminary investigation on the first day of the trial rather than waiting for it to be raised later by the defendants.

The prosecutors, during the trial, repeated the mistake of the indictment: generalize, without specifying how the defendants' guilt is proved for crimes such as forming a criminal group, conspiracy, or in the preparation of particular deeds. With the court's passive acceptance, they asked the witnesses exactly the same questions they had asked the defendants, without warning the witnesses, on the basis of article 14.3e of the ICCPR, that they might incriminate themselves with their answers. Many questions to the witnesses concerned the financing of the electoral campaign of minority organizations by the Greek authorities. Given though that such an accusation did not exist in the indictment, any reference to it as part of the accusation was unacceptable.

One of the fudges, aged 25-27, was obviously inexperienced dealing with such serious case and gave the impression, from a question he asked Bezhani, that he is not impartial. The judges violated international practice, when three defendants were questioned by their defense counselors first and then by the prosecutor, a procedure which favors the prosecution. Besides, the court did not react to the too "active" examination of witnesses by the prosecutors, in a case of passive behavior of the defense counselors. The chairman of the court prevented any mention of the defendants' maltreatment during preliminary investigation, or references to positive information about their personal history, considering them irrelevant to the indictment.

The defendants were seated too far from their defense counselors in the courtroom, while there were policemen in between, which resulted in making direct consultation between defense lawyers and defendants extremely difficult. Besides, by selecting a small courtroom for the trial, in addition to the unbearable conditions prevailing during the trial, the judicial authority limited to the minimum the presence of the defendants' relatives, journalists and international observers of the trial, while it did not permit any TV channels other than the Albanian to video the proceedings: the latter, however, was of such importance that the court would go into short recesses to allow the TV crew to change the tapes.

It must be noted that, on the second day, there was a confusion as to whether the first day pass was still valid or not (the pass was eventually valid for all days), and as a result entry was refused to holders of passes, such as the President of the Athens Bar Association. Similar problems were recorded the following days too. The pass control was being made four times before reaching the courtroom, as well as in every court recess, however short, when all the audience had to leave and the control was repeated before the audience could re-enter. In general, all these security measures created an atmosphere incompatible with a truly accessible public proceeding.

The defendants were also deprived of their basic right to have witnesses on their behalf: the names they proposed were rejected by the court without any explanation, while a great number of witnesses on behalf of the prosecution were admitted: in fact, many of the latter were not even present, but their statements during the investigation were read; given the retractions by so many witnesses present in court, and as only the investigating officer was present when these statements were made, their credibility was very questionable. As lawyer Spartak Ngjelia (who had been turned down by the courts) told the IHF mission, the acceptance or rejection of witnesses

for the defense is at the discretion of the court according to Albanian law, which is though totalitarian and contrary to every international principle of law. The court's failure to allow witnesses for the defense and the use of statements by witnesses who did not appear so as to be cross-examined is a violation of the corresponding Article 14.3e of the ICCPR.

On the first day of the trial, the police tried to push back the people who had gathered outside the court using excessive force. A Greek journalist was badly beaten by 5-6 policemen, according to the statement of the Danish Helsinki Committee observer. 23 Greeks were arrested; among them journalists and the Deputy Mayor of Salonica. The latter and another person were seriously injured and taken to hospital. The Deputy Mayor of Salonica had to be flown back to Salonica urgently. It is worth mentioning here that, during the trial, plainclothesmen identified as agents of the "criminal police" were regularly controlling and even searching people going in the Greek Embassy in Tirana, while refusing to give their badge numbers; in some cases, Greek journalists were detained by them, and a few were even subsequently expelled for the country.

Four out of the five defendants stated that their confessions had been made under the use of psychological or even physical force and retracted them. A lot of witnesses also retracted fully or partially statements made during the investigation, declaring that either force was exercised on them, or the minutes of their statements were altered and they signed them under pressure. To face off these allegations, the court held a closed session, from which all international observers were excluded, in which videotaped testimony by the defendants taken by hidden camera during the investigation was viewed: the court allowed only a small number of Albanian journalists and an Albanian TV crew to attend the session. The court admitted the tapes as evidence and, on their basis, rejected the defendants' complaints of having made statements under coercion in the investigation. Selected excerpts of these tapes were also shown on the Albanian TV news, in an effort to discredit the defendants. As these tapes were never shown in an open session, their handling violated the right to a fair and public hearing guaranteed by Article 14.1 of the ICCPR.

Conclusions

In conclusion, the court should have separated any alleged criminal "guilt" of the defendants from any alleged political "guilt" of the political organizations they belong to, as well as from Greece's activities. Only the former was within its jurisdiction. Nevertheless, on 7 September 1994, the court convicted the five (they were found guilty on all counts), but only to 6-8 years of prison: this downward deviation from statutory terms of imprisonment were based on Article 32. The Appeals Court, on 6 October 1994, upheld the convictions but reduced the sentences of all defendants to 5-7 years. On 26 November 1994, all of the defendants had their sentences reduced further by one-third as part of a general amnesty granted to over 500 prisoners. On 24 December 1994, Irakli Sirmo was released from prison, along with fourteen other prisoners, following a presidential pardon, while the other four prisoners' sentences were reduced by one or two years. Finally, Albania's Supreme Court, on 8 February 1995, upheld the convictions and handed over suspended sentences of five years for each defendant (except for Sirmo whose suspended sentence was four years); so the other four Omonoia leaders were released from prison.

Greek Helsinki Monitor and the International Helsinki Federation for Human Rights believe that, under these circumstances, the court's verdict lacked legitimacy. For this reason, the five convicted and imprisoned defendants were considered by the IHF as prisoners of conscience. This had already been mentioned to the defendants' relatives by the mission.

Finally, it must be mentioned that the sixth Omonoia member arrested, Kosta Cavo, was charged only with illegally carrying a weapon: on 17 September he was tried, convicted and sentenced to two years on prison. On 26 November 1994, he was set free because of the general amnesty.

THE TRAGIC-COMIC EXPERIENCE OF WITNESS VASIL GJINOPULLO

Vasil Gjinopullo (Vasilis Ginopoulos in Greek) lives in Dervican (like defendants Qirjako and Sirmo) and is a friend of defendant Irakli Sirmo with whom he has done time at the Spac prison, during the communist period. With Irakli Sirmo and others, he founded the Association of Former Political Prisoners, in 1991 in Athens. This Association created later on a technical training school in Ioannina, where Vasil Gjinopullo works today in the construction business, along with his brother.

Being outside Albania in late May 1994, Vasil Gjinopullo had not been summoned for questioning at that time. However, when he returned, on 2 June, he was notified orally by a policeman to present himself the following day at the Gjirokastra police station. When he presented himself, on 3 June, they put him in a simple car without license plates (such cars usually belong to ShIK) together with an investigating officer and, misleading him and without informing him or his relatives, they took him to Tirana for questioning (similar illegal transfer for questioning had been used for other witnesses, too).

His questioning lasted from 4:30 p.m. to 10:30 p.m. of 3 June and from 8:00 a.m. - 3:00 p.m. of 4 June. In the beginning of the questioning he protested against the manner of his transfer, which he characterized kidnapping. The interrogating officers told him that incriminating evidence had been found against him too, and if he did not cooperate, he could become a defendant too. He was asked about the activities of the Association of Former Political Prisoners and of the training school, as well as about his contacts with the Greek police, where, as he stated, most of the members of the Association had to go on a regular basis in order to have their residence permits renewed, being foreigners in Greece. In the final record of his deposition, there were some alterations of what he had actually said, against which he protested, but he was forced to sign it.

The night of 3 June, after the questioning, examiners and Gjinopullo went together to a nearby restaurant to have dinner and slept in the same room, at the Tirana police headquarters. Though it was obviously an illegal procedure, that can be considered as an attempt to intimidate the witness, both the latter and the IHF mission formed the opinion that the procedure of dinner and sleep was simply the most convenient and inexpensive, without any other intention on the part of the authorities. It should be noted that Vasil Gjinopullo had been obliged to pay for his dinner and return ticket from Tirana to Dervican, where he found his mother worried, as the police, despite their assurances to the contrary, had not informed her about the whereabouts of her son.

When two months later Vasil Gjinopullo saw his name in the indictment as being the last witness for the prosecution, he returned to Albania and went to Tirana in order to testify, so that his former slightly altered deposition not be used against Sirmo. Between 15-20 August, he waited in vain to testify as a witness for the prosecution or at least for the defense, as he himself had been asking. Then, in the evening of 20 August, he returned, desperate, to Dervican.

The next day, 21 August, at 5:30 a.m., a policeman woke him up and asked him to follow him to the Gjirokastra police station, "so that they ask him some questions". Given that the policeman did not have any summons or warrant, Vasil Gjinopullo protested. However, the numerous presence of policemen outside his house made him follow them right away as they were asking him, without having the time to shave or take anything with him, as he suspected that he would be transferred to Tirana. At the Gjirokastra police station, the officer in charge informed him of his impending transfer, with others, to Tirana in order to testify and left him in a room with just a glass of water. At 2:15 p.m., Vasil Gjinopullo, tired of waiting and being forgotten, and assuming that the guard had changed, left the room and the station ... undisturbed. He went to Dervican, shaved, took his things and, determined as he was to testify, showed up again and on his own will at 4:30 p.m. at the Gjirokastra police station, in order to be taken to Tirana. There he found out that his precedent "escape" had set on the alarm. The officer in charge had already been checked for disciplinary sanctions, the border checkpoint had been notified not

to let him leave the country, and his brother had been arrested, probably as a hostage. Finally after they had all calmed down and two police trucks had come from Tirana, he was transferred -only he and another one from Tepelene together with 15 policemen- at Tirana in the record-time of 4 hours (instead of the 5-6 hours needed by a private car).

At Tirana the policemen asked him if he had anywhere to sleep; he replied negatively and was offered a bed at the police headquarters, in the same room where the policemen slept: again the intention was not to intimidate him, but the inability to find another solution, along with the ignorance on the part of the Albanian authorities of the fact that such behavior, however well-intentioned, may always be interpreted as an effort to influence the witness. So, on 22 August, Vasil Gjinopullo testified at the court, partially retracting his former deposition and protesting for the conditions of his summons. When, in the end, he asked for compensation for his traveling expenses, he was told to address himself to the court of his region. In a relative question of the IHF mission on whether he went to collect the money, he answered negatively, saying that being one of the last witnesses, he would have heard if compensation for the traveling expenses was being given.

The story of Vasil Gjinopullo is indicative of a series of unacceptable actions of the police and the investigative authorities in Albania. If some actions, like the use of psychological violence during interrogation, obviously aim at influencing the witness, others, such as the conditions of summoning and sleeping in police stations, show the complete ignorance on the part of the competent Albanian authorities of the obligations of the police and of the investigators in a democratic country. Finally, the facility with which Vasil Gjinopullo left the police station shows how much paralysis and sometimes lawlessness which reign in Albania have affected even the police.

THE MASS EXPULSIONS OF ALBANIANS

In recent years, many foreigners, political refugees and mainly economic immigrants, have settled in Greece. Most of them gave neither residence permits nor, and most importantly, work permits. During 1994, the number of illegal immigrants in Greece has officially been estimated at 235,000 by Minister of Labor Ioannis Skoularikis (**Eleftherotypia**, 28/8/94) and up to 500,000-700,000 by Minister of Public Order Stelios Papatthemelis (**Ethnos**, 23/1/94). The large majority of them is considered to consist of Albanians (of Albanian or Greek nationality).

The large number of illegal immigrants in Greece is due to three reasons: the inability to efficiently guard the borders in order to prevent such illegal mass entries; the search for employment by the immigrants away from their country; and the significant potential to offer employment to such persons in Greece. The latter fact is the most important: if these persons could not find employment in Greece, they would have eventually gone to other countries. Most illegal immigrants in Greece seem to be employed as, usually heavy, manual workers or as helpers, for which there does not exist sufficient labor supply from Greeks or legal immigrants.

The Albanian immigrants in Greece

As it was mentioned above, the large majority of illegally employed immigrants in Greece are Albanian. But, their number fluctuates from 150,000 according to the estimation of Mr. Skoularikis up to, proportionally, 350,000-500,000 in the estimation of Mr. Papatthemelis. If the first estimation is valid, the majority of Albanians in Greece do possess a legal entry visa for entry, which may also be true in the case of the second estimation. The IHF mission in Albania heard of two estimations by Greek consular authorities in that country for the number of

visas issued for Albanians during 1993: one reached 80,000 and the other exceeded 200,000. Some visas are for a three-month period, others for twelve months.

Of course, a visa provides the right of residence but not also of employment in Greece. A work permit from the competent Greek authorities is required for the latter, for the issuing of which a visa is a necessary, but not sufficient, prerequisite. However, the large number of visas on Albanian passports from the Greek consular authorities is issued for their holders to come to Greece and work, not for tourism. Thus the Greek authorities, by the massive issuing of visas, contribute decisively to the existence of extensive illegal employment in Greece: it is well-known, for example, how parsimonious the authorities of countries such as the USA in granting tourist visas, exactly because they fear that many tourists are potential illegal immigrants.

The expulsion of Albanians from Greece as reprisals for the trial of the Omonoia five

As it has widely been written in the Greek press, in 1993 as well as in 1994, Greek authorities chose the method of massive expulsions of Albanians, as a response to the expulsion of an Archimandrite of Gjirokastra who was accused of autonomist propaganda in 1993, as well as to the trial of the Omonoia members in 1994.

In the first case, Greek authorities had announced at the beginning and officially that the expulsions constitute reprisals, whereas in 1994 the official explanation was that the expulsions were not related to the trial. It is though a fact that, their number increased significantly, reaching 4,000 per day at the end of August, when Greece decided to exercise pressure to Albania due to the trial of the members of Omonoia, as Greek authorities were systematically informing the Greek media. Eventually, between August-November 1994, Greece expelled over 115,000 illegal Albanian immigrants, a figure quoted in the US Department of State Human Rights Report and given to the American authorities by their Greek counterpart.

The mission visited the Kakavije border crossing, on Saturday 27 August 1994, between 6-8 p.m. From testimonies of Albanians who were being expelled at that time, it found out that Greek authorities were deporting not only Albanians who were illegally in Greece, but also Albanians who had legal visas for Greece. In both cases, deportees reported that expulsions were made with the same summary procedures whereas, at least for the visas holders, the authorities had to justify the expulsion and provide them with the possibility of legal recourse against it.

Deportees reported to the mission, though, that those who had legal visas saw the police tearing either the page, or the entire passport, sometimes even the Albanian identity card. To their related complaints, they were told that the torn documents were forged. These actions of Greek authorities were totally illegal. Identity cards and passports of Albanians constituted public documents of the Albanian state and their destruction was a criminal action of whoever committed it, as on the same grounds as the destruction of identity cards and passports of Greek citizens.

If the Greek authorities were suspicious that some of these documents were forged, they had to give them to the Albanian authorities for further action. The above procedure was also confirmed to us by diplomatic sources in Tirana.

The, often inadmissible, conditions of expulsion of Albanians

Albanians who were obliged to return to their country, at the time when the mission was at Kakavije, belonged to three categories, on the basis of their treatment by the police. Some were returning with all of their family and their personal belongings: for example, two families from the Arvanite village of Lefktra in Boetia. Others,

though, were being sent back to Albania immediately after their arrest, without having the opportunity to take with them their money and their personal belongings: in some cases, it was denounced that money and personal belongings of Albanians were stolen by Greek policemen.

A characteristic case from Crete was reported to the mission. Two Albanians were arrested by the police while working in the fields and were taken to the police station in order to be immediately expelled, without their personal objects. During their detention for a few hours at the station, their employer looked out for and found them in order to give them their salaries before they were expelled. In some cases, Greek authorities separated families: two Albanians told the mission of the arrest and detention of their wives, in one case with their two under age children too, with the accusation of prostitution, which they denied categorically; at the same time, it was indicated to them to return back to Albania and wait for their wives there.

The third category of deportees concerns those persons who were subjected to police abuse. Besides many anonymous denunciations, the mission had the denunciation of Ilia Matka from Fier, who accepted to be photographed with his swollen face and the bruises on his chest and left hand. Ilia Matka had been living for four years in Kalamata and had a residence permit, without previously having obtained a visa (according to Greek consular circles, such irregular "legalization" may have been the result of bribery). On the eve of his expulsion, he was summoned to the police station of Kalamata, where the police director tore his residence permit and put him under detention, where other policemen beat him. Finally, he was expelled without being allowed neither to take with him his identity card and passport, which he had at home, nor, of course, to go to the bank and withdraw his money.

Also, when the mission was on the Greek side of Kakavije, it witnessed the merciless beating of an Albanian inside the police station, while the chief of police who spoke to the mission had blood on his shirt and his hands. He stated to the mission that the Albanian's wounds were self-inflicted in order to create impressions, but the mission had the impression that he was a victim of beating, Greek authorities were called on (in **Eleftherotypia**, 6/9/1994) to order administrative investigations for those two cases, otherwise the impression will be created that the maltreatment of Albanians takes place under their tolerance. Subsequently, in the next few days, the government's Ministers for Public Order Mr. Papatthemelis and for Press and Mass Media Evangelos Venizelos rejected the IHF accusations as unfounded without having previously ordered any investigation; on the other hand, following complaints filed by a Kalamata-based human rights non-governmental organization, the Committee for Human Rights and Against Racism, there were initiated both an administrative and a judicial investigation of the Matka case which were still in progress by February 1995.

Finally, it is worth reporting that, on their own initiative, two Albanians of Greek nationality from Dervican, who at the time were normally returning to Albania -i.e. they were not being expelled, came up to the mission. They expressed their indignation for the expulsions and the conditions under which they were taking place, accused the governments of the two countries for, through their policies, creating problems to their citizens, and stressed that they were afraid that the Albanian population will consider Omonoia responsible for the expulsions and will turn against the minority for revenge. It is a fear the mission heard from other Greeks of Albania too.

Recommendations

The IHF (and Greek Helsinki Monitor) considers the Greek treatment of the Albanian deportees as a violation of its international obligations which derive from Articles 7 (the right to be free from torture or cruel, inhuman or degrading treatment), 13 (no expelling aliens lawfully residing in a country) and 26 (equality before the law) of the ICCPR.

Greece's stance damages innocent persons who become victims of a crisis in bilateral relations and may cause tension in the region which could threaten the minorities' welfare and, finally, the region's stability. Greece had to resolve as soon as possible its problem of illegal employment, on the basis of the country's economic and demographic needs, so that all immigrants who work in Greece enjoy the same rights and obligations as the Greek workers, instead of being exploited by some employers and the hostages of Greek foreign policy.

Finally, to the extent that expulsions of illegal immigrants need continue, Greek authorities have to treat them with respect for their rights and their personalities and to punish severely all police and other agents who violate these principles and expose the country.

THE GENERAL PROBLEMS OF THE GREEK MINORITY

Article 44 of the draft constitution which was rejected in a referendum on 6 November 1994 read as follows: "Members of a national minority have the right to exercise the basic human rights and freedoms in full equality before the law. They have the right to express, preserve and develop freely their ethnic, cultural, religious and linguistic identity; to learn and to be taught in their mother tongue as well as to join organizations and associations that defend their interest and identity."

Assuming that such an article will be in the new constitution whenever adopted, and should it be "fully implemented in letter and spirit at all levels of government, it could, together with the implementation of the CSCE Copenhagen Document to which President Berisha had pledged himself and his government, provide a solid basis for the well being of the Greek minority," as the CSCE mission to Albania (CSCE High Commissioner on National Minorities Max Van der Stoep, Norwegian Institute of Human Rights Director Professor Asbjorn Eide, and Minority Rights Group International Chairman Sir John Thompson) concluded (CSCE High Commissioner, 1994:2). Unfortunately, as it was already made clear in the preceding section and become more evident in this section, the current situation does not correspond to the above intentions of the Albanian authorities, even though the Greek minority enjoys rights that many other minorities in the Balkans and especially in Greece have been denied.

The minority's education

As the CSCE mission, and every other international human rights monitor, found out, education in Greek is the minority's principal, if not sometimes only, demand (CSCE High Commissioner, 1994:5). Education in Albania had four levels: a three-year kindergarten, an eight-year school of basic education (with which ends compulsory education), a four-year middle school (the counter-part of Lyceum) with a general or vocational direction, and then higher education. Education in Greek is provided only in the kindergarten and in the basic education and only in the villages with a majority of Greek population, which are in the minority zones of Saranda, Delvina, and Gjirokastra: this arrangement excluded the Greeks living in the towns which were thus implicitly targeted for assimilation. Until 1951, education throughout the (then) seven-year school was in Greek. As it was considered that by that system minority people faced great difficulties in continuing their education in the middle schools, the content was changed.

Thus, until 1991, in the first four years of the eight-year school, when children have a single teacher as in the Greek elementary school, all courses were in Greek, whereas Albanian was taught simply as a language for one hour per day. In the rest of the classes of the eight-year school, when pupils had different teachers from course to course as in the Greek secondary schools, teaching took place in Albanian and Greek was taught for four hours per week. Transition from the fourth to the fifth grade was usually smooth, despite the change in the

language of instruction because teachers were Greek. In the middle school, instruction has always been in Albanian, except for the Teachers' Academy of Gjirokastra preparing the teachers of the minority schools.

With Instruction 17/21-9-1991, education throughout the eight-year school was established to be in Greek, while on the same time the opportunity was provided for new minority schools to open upon the decision of the local administration in areas where such schools had not operated until then, but there existed a sufficient number of Greek students. Schools opened then in the mixed communities (with a majority of Albanians) of Saranda, Delvina, Metoq, Ksamil, Bistritsa and SMT. On the same time, a new school was to open in Gjirokastra in 1993.

However, with Instruction 19/14-9-1993 most of the reforms introduced in 1991 were canceled. The new regulation was probably a continuation of the Greek-Albanian crisis which had begun with the expulsion of Archimandrite Mandoni from Albania and continued with the expulsions of some 30,000 Albanians from Greece in the summer of 1993. The competence of local administration (granted in 1982) to open new schools outside the minority zones was withdrawn by this regulation and transferred to the Ministry of Education; the latter was refusing through 1994 to open new schools with education in Greek and was simply continuing the classes that had been created after 1991 until their graduation. Furthermore, the 1993 regulation kept the instruction in Greek only in the first through the fourth grades, introducing a mixed program in Greek and Albanian for the fifth through the eighth grades. It should be mentioned that the questionable constitutionality of Instruction 19 led to a new prime ministerial Decision (500/25-10-1993), which brought back the competence for educational issues in Albanian schools to the local administration, but kept the competence for the education of the minority in the hands of the Ministry of Education. Moreover, the implementation of some of these changes occurred after the beginning of the school year, resulting in confusion and the use of police to force the new measures in some places.

The pressures of the CSCE High Commissioner Max Van Der Stoel for improvements in the education of the minority appear to have led the Albanian government to marginal improvements for the new school year 1994-1995, with Decision 396/22-8-1994 and Instruction 14/1994. Basically, the instruction of all courses in Greek was reintroduced in grades five through eight, except for mathematics, physics, chemistry, and Albanian history, geography, and knowledge of the constitutional system. It appears that this arrangement is acceptable to many members of the minority, whereas others continue to prefer a full eight-year education in Greek. Also, the daily free transfer by bus was provided for pupils wishing to follow the Greek program from the mixed communities where they were living (and where there were no Greek schools) to nearby villages with Greek schools: this arrangement has appeared acceptable to the CSCE High Commissioner (whose only remaining concern was the refusal to allow in the Greek language schools children whose parents were registered as Albanians in nationality -1994:4-5) but not to the minority itself, as in practice it recognizes the "minority zones." Finally, the opportunity to learn Greek as a (foreign) language was provided wherever there were at least 32 pupils interested (a rather high number indeed), for pupils that would not be bused to the villages: however, in that case, Greek will be taught instead of English or French, a disadvantage for these pupils. It should be mentioned that the relevant decree 396/22-8-1994 invokes in its preface the principles of the European Charter for Minority and Regional Languages of the Council of Europe, a Charter Greece voted against in 1992 during the vote, changed its vote into abstention later on, and had not signed through early 1995.

Schoolbooks are the exact translation into Greek of the official Albanian schoolbooks: their printing is done by the Greek authorities in Greece. In cities with an important Greek population, including Tirana, it had not been possible to teach Greek until 1994. Since 1994 the Albanian government has allowed the teaching of Greek as a foreign language, like English, Italian etc.. The Albanian government should in any case allow the operation of private Greek schools in the same way a Turkish private school has been created in Tirana (where there also exists an international private school, but for children of foreign citizens). The absence of a law for private education in Albania constitutes the formal reason for denying the founding of such schools: but it has not prevented the founding of the Turkish school. Albanian authorities have committed themselves to the CSCE

mission to introduce the appropriate legislation, as well as to open two Greek language middle schools, one each in Gjirokastra and Saranda, on condition that there is sufficient demand.

There is also the special case of Himara. In order to have schools with Greek education, the interested inhabitants must declare their Greek nationality. But, as it has been confirmed to us by the Greek embassy in Tirana, Himarans have developed a separate identity and do not wish to be considered Greeks or Albanians; as a result, the operation of schools with Greek education is difficult in their area, even if the 1991 decree were reinstated.

In higher education, a Department of Modern Greek Studies operates at the University of Gjirokastra, while in the third and fourth years in the School of Philosophy Greek language can be chosen as an option. These arrangements were made after the restoration of relations between Greece and Albania in 1987, in application of the educational protocol between the two countries. On the contrary, as the Greek Embassy in Tirana has informed the mission, the University of Ioannina (Greece) has not fulfilled its own obligations which are the founding and operation of a Department of Albanian Studies, exchanges with the University of Gjirokastra, and providing technical and material support to the latter.

Finally, it should be mentioned that immigration of many members of the minority to Greece has significantly limited the number of students who need Greek education, a fact which the Albanian government uses sometimes in order to reduce the number of schools. Today in Cuka, for example, an 85% Greek village through 1990, the eight-year school has overall less than half the students it had in 1990, and their composition is almost 50-50 Greek and Albanian.

The distribution of the agrarian land

The region on which lives the greater part of the Greek minority in Albania belonged until 1946 to large landowners -agas and beys- as the inhabitants say today. In 1946, the agrarian reform of the communist government led to the distribution of the large country estates to the peasants: thus, the Greek minority found itself owning the land which, until then, it simply cultivated, a fact that created the impression that the minority was favored by the communist regime. In reality the reform favored the landless at the expense of the large landowners; as the Greeks were landless, they were favored, but not because they were Greeks.

In 1956, the peasants were obliged to form cooperatives and in the early 1960's many cooperatives became state agrarian businesses by decisions of the authorities. In 1993, it was decided not to return the state land to its former owners, but to distribute it to the peasants who lived in rural areas until 31/7/1991, depending in the size of their families. Those among the inhabitants, though, who were «intellectuals» (in Albania this term coins every person with some education and the civil servants) were eligible for half that land. Also, the descendants of the former large landowners, even if they did not live any more in the villages, were entitled to a small part of their families' former property, about one-tenth. Given though that many Greeks during the last thirty years left the villages and settled in towns and cities, whereas in the minority villages settled many Albanians from the north, usually to work in agricultural or other businesses, the new land reform led to giving land which belonged to Greeks before 1960 to Albanians. Thus, the impression was created that the distribution of land was unfair to the minority, whereas Greeks who lost their former land did not lose it because they were members of the minority, but because they had emigrated to towns. It should be mentioned that the many controversies on the implementation of the policy had, among other things, led to the delay in the issuing of the deeds, for the members of the members of the minority as well as for the rest of the Albanians.

In the area of Cuka and of the Butrint lake, which the mission visited, it heard complaints not on the redistribution but on the use of the land. Albanian authorities do not allow the inhabitants to exploit for tourism

part of the land they obtained, even though it belongs to a zone officially recognized as tourist. The inhabitants suspect that the state intends to expropriate the land, for a low price, in order to then give it, for a high price, to a foreign tourist company. The Church has a similar complaint: the monastery of St. George claims the return of the land (50-60 hectares) that belonged to it, in order to exploit it in multiple ways (including the establishment of a summer camp); this land is located in a picturesque place between the lake and the sea with an enormous potential for tourist development. Albanian authorities, though, have not even returned the one-tenth of the old monastery land, as it should have done in application of the relevant law mentioned above.

The impression of the inhabitants of the region is that the confrontation with the state for the use of the land is not on principle the result of the minority composition of the population, but that this factor is probably influencing the negative stand of the authorities. Let it be pointed out that the mission was impressed by the fact that, in the same area, state land, resulting from the drainage of a swamp between 1957-1960, belongs today to a joint venture between the Albanian state and a Greek businessman from Greece using the funds of the European program INTERREG: all these just a few kilometers from the Greek-Albanian border.

The minority in the public sector

During the last two years, a large number of minority people left the public sector, especially the police and the armed forces, with a result minority policemen or officers in the armed forces to have become rare henceforth. It seems that many among them resigned, following their transfer to far away places, considered as an unfavorable transfer, as until then policemen and officers enjoyed tenure in the place they were stationed. Undoubtedly, some among those who left were rather not disappointed by that fact, since they left in search of better conditions and higher income in Greece. In the same way, many Albanians have preferred to evade the army and take refuge to Greece in order to work.

The problem of dismissals led to the making up of catalogues with the names of the persons dismissed, which intergovernmental organizations and foreign diplomats in Tirana demanded in order to look into the subject. These catalogues ended up being part of the «incriminating» evidence for high treason through conspiracy against the five Omonoia members.

The mission was also informed that members of the minority had also been dismissed from important places in the rest of the public sector, such as the responsible for international relations in the Ministry of Defense and the Health Director of Saranda. The massive dismissals of minority members created the impression that «in the end, it was better off during the dictatorship in the subject of minority participation of the minority in the public sector», as Human Rights Union MP Thoma Mitci stated. If Albanian authorities want to dispel all claims of discrimination, they should follow the CSCE High Commissioner's advice to set up an appropriate institution to examine in an objective way such complaints (1994:6).

Political representation of the minority

The July 1991 Law 7502 prohibits the «formation of parties on a religious, ethnic and regional basis.» So, Omonoia, which was founded in January 1991 and participated in the 31 March (first round) - 7 April (second round) 1991 elections, was not able to take part in the 22 March 1992 elections. For that reason, in February 1992, when the electoral law confirmed Omonoia's inability to run, the Human Rights Union was created by the minority though it included some Albanians too, and received 48,923 votes or 2.9% of the valid votes. This party was not able to take part in the complementary distribution of seats, because it did not have electoral lists in at least 33 electoral constituencies, since the authorities invalidated initially 11 and eventually 7 of its 36 candidates. If it had had 33 candidates, instead of 29, and had received 4% of the votes, the Human Rights Union would

have elected 5-6 MPs and not just the 2 it elected in the current Parliament of 140 seats. It should be mentioned that in 1991, with much fewer votes, Omonoia had elected 5 MPs in a Parliament of 250 seats. Also, the Human Rights Union did not challenge the electoral results after the elections.

The prohibition of the operation of minority parties is inadmissible and contrary to the CSCE principles: it is therefore surprising that the CSCE High Commissioner made no mention to this problem in his report. Unfortunately, though, a similar provision exists in Bulgaria, whereas in Greece it is well known that the 3% threshold for the National and European Parliamentary Election was introduced in order to prevent the representation of minorities, even if it finally also eliminated the Progressive Left Coalition from the Greek Parliament and Democratic Renewal (DIANA) from the European one.

It should be mentioned though that, besides the six minority deputies, there are scores of Greek elected officials in the local administration, and one can even find a Greek mayor in Saranda, where the minority makes up no more than 40% of the electorate. Moreover, the three minority regions of Gjirokastra, Delvina, and Saranda have elected Greek prefects.

The use of Greek symbols by the minority

One of Omonoia's demands is the uninhibited use of the Greek flag and the Greek national anthem side by side with the corresponding Albanian ones in important celebrations of the minority. In general, flags and anthems are considered symbols of a state and not of the dominant nation within it. For that reason, this demand may sound strange. The mission ascertained however that even the representative of the governing Democratic Party in Saranda considered this demand reasonable, in the condition that there will not be any abuse of it. It should be reminded here that the European Union's «Badinter Commission» (which reviewed the demands for recognition by the various former Yugoslav republics) had a similar provision for the Serbs of Croatia in its relevant advice.

The problems of the Autocephalous Orthodox Church

As it was stated to the mission, liturgy and other services were being held unimpededly in the language of preference of the congregation. Its carrying out in Aromanian was being considered in areas where the Aromanians (Vlachs) wished so. The major problem of the Church was the return of the monasteries' property, so that it can have financial independence. Albanian authorities may have returned the churches of the monasteries of Ardenice, St. George of Cuka, St. John Vladimir of Elbasan etc., but not the other buildings (of the convent) nor the surrounding land. So, the monastery of Ardenice, the symbol of Orthodoxy in Albania, functions as a restaurant, tavern, bar and hotel. Also, even though the authorities were obligated to return part of the monasteries' property according to the law mentioned above, they had not given a single piece of land, depriving the Church of crucial financial means.

Also, the Church demands the return of the money confiscated in 1967, when religions were banned; as well as of the icons, the archives, etc.. Likewise, Albanian authorities often prevent in many ways the building of new churches or the holding of open-air religious processions, whereas state media frequently attack the Archbishop and the Church, with the latter not having the possibility to reply (for example during the campaign for the 1994 referendum). On the other hand, Albanian state television broadcasts important Orthodox Christian services and messages of the Archbishop. It should be added, too, that the fact that the Archbishop of the Autocephalous Church of Greece is the Chairman of the Committee for the Northern Epirus Struggle, perceived in Albania as an irrendentist organization, especially when it criticizes even the moderate and realistic stands of Omonoia; likewise, the inflammatory programs of the «Voice of Northern Epirus», broadcasting from the Greek village of

Konitsa and operated by its Bishop, but with obvious state tolerance of not support, are, to a lesser extent, a problem for both the Archbishop and the Greek minority in Albania.

Finally, the constitution rejected in the referendum had a provision requiring the religious leaders to be Albanian citizens and to have lived in the country for at least twenty years, conditions that Archbishop Anastasios, a Greek citizen appointed by the Patriarchate, could not meet. It is hoped that the final constitution will not include such provision which will only create tensions between the Orthodox Church and the authorities.

Intimidation of the minority

Upon the arrival of Olympic Airways flights from Athens, and only then, at the exit of the airport, plainclothesmen checked and wrote down the names and other related information of all persons who ride on cars, obviously in order to be informed of the persons with whom people from Athens had contacts in Albania. Also, in front of the Greek embassy in Tirana, again plainclothesmen wrote down the names of every person who was going in. It was reported to the mission and to the media that, following similar controls, some Greek journalists were detained and, in some cases, even deported for various formal reasons like that upon their entry in the country they had declared a different professional occupation and not that of journalist. These measures have a discouraging impact in the minority, even on its leadership, which became more reserved on its contacts with the Greek Embassy, as it was stated to the mission and as the mission itself had the opportunity to ascertain.

On the same time, after April 1994, Albanian authorities make sporadic arrests to intimidate the minority. Six arrests of minority persons from Krania and Finiki were reported to the mission; they were detained until the next day of their arrest; the mission also heard of the arrests of three Himarans, because they possessed tracts with content against the regime: all three were detained for a few hours, and two of them complained of having been mistreated.

The deputy prefect of Gjirokastra Jani Dako was arrested in Tirana, before testifying in the trial, by plainclothesmen (who did not have the authority to make arrests): the cause of the arrest was the fact that he used a double room in Hotel Arbana alone, which is prohibited, since Albanian citizens pay Dako, Human Rights Union MP Thoma Mitci who was present, protested and attempted to follow the detained to the police station, but was pushed back by force and the threat of a gun by the agents who made the arrest. Use of violence in such case was inadmissible, because the MP was protected by his parliamentary immunity.

More in general, we observed a reluctance of the members of the minority to provide us with specific statistical data no the minority, since similar data constituted part of the evidence for the persecution against the embers of Omonoia and fear existed for similar prosecutions. It has appeared though that, after the conclusion of the Omonoia trial, this climate of intimidation had subsided. On the other hand, it should be mentioned that there has not been any evidence of inter-ethnic tensions between Greeks and Albanians, even at the height of the crisis in 1994.

The minority and Greece

Carefully stated criticism of Greece's attitude in matters which concern them directly or indirectly, an attitude considered to have possible implications on minority's fate and welfare, was evident in discussions with members of the minority. The mayor of Saranda Llambi Gjati linked the worsening of the education policy for the minority in 1993 with Greece's earlier attitude, obviously implying the expulsions of Albanians which followed the expulsion of Archimandrite Mandonis. He also said: «We regret the Greek attitude towards the Albanian immigrants and the Albanian attitude towards the minority: both do not help ordinary people. In Albania, we say:

after fights love grows stronger. Let's hope that this is also going to happen now». On the broader issue of Northern Epirus, he added: «We in Omonoia never made the mistake to put forward the issue of Northern Epirus. We just ask for our rights. The attitude of some circles in Greece contributed to the crisis. In any case, we do not have any complaints from the Greek government on this matter». The prefect of Saranda, Vangjel Cako, added: «No Greek government, no Greek political party, and, of course, neither Omonoia has ever asked for a change of the borders». The MP of the Human Rights Union Thoma Mitci stated that «politicians in both countries create problems to use, the minority». On the other hand, the mission was impressed by the fact that, in Saranda, the only radio and TV stations that could be listened to or watched are Greek. Albanian electronic mass media cannot reach this region of the country.

The minority and Albania

Speaking to the mission, the president of Omonoia, Sotir Qirjazati, showed understanding for the difficulties Albania faces in its transition to democracy. «A country which had been profoundly dictatorial cannot immediately become a profoundly democratic». Besides, the chief of police of the province of Saranda assured the mission that there were no particular problems, or crimes of any kind, more acute with the Greek minority in comparison with the other Albanians. This meant that the activity of the minority did not cause particular problems to Albanian authorities.

The minority and the Council of Europe

The leadership of the minority repeated to the mission its statement to the Council of Europe mission which visited Tirana at the end of August in order to examine Albanian's preparation to enter this organization. They said that if the Council of Europe was satisfied with the human rights standards in Albania, it may proceed to admit Albania: this would only encourage and perpetuate the current situation. If, though, there existed some criteria which must be fulfilled on the time of admission, these should be met. Otherwise, after its admission, Albania would not have any motive to apply these conditions, in the same way Turkey was not applying them either. On the other hand, Greece, as the mission was told opposed in mid-1994 Albania's admission to the Council of Europe.

NORTHERN EPIRUS OR SOUTHERN ALBANIA?

The geographical area in which the Greek minority had traditionally lived in Albania is called sometimes Southern Albania and sometimes Northern Epirus. It is moreover considered that the latter term should be avoided, as dissimulating Greek irredentism. The problematic towards a different perspective on the issue, presented to the IHF mission by one of its interlocutors in Albania (who would probably not like to be mentioned by name) led us in revising this simplistic view.

The area where the Greek minority lives in is indisputably Southern Albania, as it is located in the Southern part of the country. In the same way, the Paloponnese and Crete make up Southern Greece, without though losing their traditional geographical name. Likewise, therefore, Southern Albania may also be called by its traditional geographical name: most books referring to the area before the creation of the Albanian state include today's Southern Albania in the greater area of Epirus. The use of this historic name seems to have widely resumed during last century, as in the case of the names of Macedonia and Thrace.

Thus, as it is accepted that Western Thrace is part of Greece, Eastern Thrace part of Turkey and Northern Thrace part of Bulgaria, in the same way Southern Epirus is part of Greece and Northern Epirus part of Albania. For the same reason, too, we have to accept today's expression of the geographical division of Macedonia, which follows a slightly different terminology: Vardar Macedonia is today the independent Republic of Macedonia, Aegean Macedonia is part of Greece and Pirin Macedonia part of Bulgaria (there is also a small Macedonia strip in Albania).

Naturally, geographical names have been associated to specific expansionist claims (or irredentism's, as these claims are called by nationalists). Northern Epirus has been a claim of Greece, and had once been annexed to it; likewise for Eastern Thrace. Moreover, Aegean Macedonian has been claimed by Bulgarians (who annexed at least a part of it three times) and by Macedonians. One approach is to abolish all these geographical terms which became means of claiming territories. This is an extreme solution, which also deprives the inhabitants of these areas of the right to use them in order to describe their regional identity: Northern Epirots, Aegean Macedonians, etc.. Another approach, the better adapted to the contemporary situation, is to permit the use of these names, in parallel of course with the official names, and to stop suspecting what is dissimulated in these names. Modern day irredentists in the Balkans do not need these names in order to carry on their destabilizing activity. They may as well talk of unredeemed Greeks of Albania instead of unredeemed Northern Epirots and unredeemed Macedonians instead of Aegean Macedonians. Thus, the use of the terms Northern Epirus and Northern Epirot, as well as Aegean Macedonian and Aegean Macedonian is acceptable. What is unacceptable, is to precede them by an irredentist adjective.

ESTIMATION OF THE SIZE OF THE MINORITY

There is considerable disagreement between the Greek and the Albanian sides about the estimation of the size of the Greek minority in Albania. The Albanian authorities give the figure which resulted from the last population census in 1989, that is 58.000 Greeks. This number had obviously risen, as during 1991-1993 many Albanian citizens have been allowed to change their declaration of nationality; many Greeks took advantage of it. The Greek embassy in Tirana stated to the IHF mission that Greece does not make any official estimation. The leadership of Omonoia estimates the minority at more than 300.000 persons. The US Department of State 1995 Human Rights Report mentions an estimate of 80.000. The US CIA estimate (in its World Fact Books) was decreased from 260,000 in previous editions to 100,000 edition.

Calculations based on the electoral behavior of the minority party Human Rights Union in the March 1992 parliamentary elections and in the July 1992 local elections leads us to intermediate estimations. In fact, in the above-mentioned elections, the Human Rights Union took 49,000 votes in the parliamentary ones and 56,000 in the local ones, despite the lower participation in the latter. These votes correspond to a 3%-4% of the total electorate. If we relate these percentages to the population (Albania today had almost 3,5 million inhabitants), the electoral scores of the minority party leads to an estimate of about 100,000-140,000 persons. Of course, some of the Human Rights Union voters are not Greeks, but, on the other hand, some minority members voted for other parties (which elected 4 Greek deputies). Taking into account all these facts, one may conclude that the Greeks of Albania number almost 150,000. In the 300,000-400,000 figure which the Greek side asserts, all Vlachs and some Orthodox Albanians are obviously included.

In order to end this confusion and controversy, it is necessary to conduct in Albania, too, a population census with the same international assistance (from the Council of Europe) which was given to the recent census in Macedonia (and which had been demanded by the Albanian minority living there), so that the ethnic and religious composition of the population ceases to be an object of controversy that serves no one.

THE MAJOR PROBLEM OF THE GREEK VISAS

The IHF mission was been impressed by recurrent references by Greeks and Albanians to the issue of payoffs (bribes) for obtaining a visa from the Greek consular authorities. The «usual» price mentioned was 80,000-100,000 drs. It has been said, however, that when the 5-year visa will be introduced, the «price» is very likely to reach the sum of 1,000,000 drs.

A brief investigation of the issue showed that the persons who reported the fact of making money out of the visas mentioned that the persons bribed were the «intermediaries» who were taking the passports to the consulates and not the diplomats. Even when pressing the matter, very few believed that the consulates' staff was making money. Soma argued that maybe the consulates knew certain of the persons making money but tolerated them. The impression formed by the mission is that Greek consular authorities are probably aware of the situation and tolerate it, because they can hardly avoid it under the present circumstances, and that they probably do not know who of the intermediaries make money and who do not.

It is necessary here to explain why, under the present circumstances, the procedure of payoffs is unavoidable, because the presence of intermediaries is unavoidable. When it had been decided that visas will be given by the Greek consular authorities in Albania, naturally the demand was great. Greek policy favored the granting of visas to the persons belonging to the Greek minority, both to those having officially the minority identity and to those prohibited by the former regime to declare their being Greeks. The latter obviously opened Pandora's box, as many, for economic reasons, claimed the Greek nationality, while through this policy an effort was being made to (re)gain the Vlachs.

At the same time, however, it was established that an Albanian citizen could easily obtain a counterfeit identity card and maybe also a passport, which would make him appear as minoritarian. That is why the Greek consular authorities have called upon the leaders of the minority, either to confirm the Greekness of some of the candidates for visas or to send «genuine» minority persons to obtain visas. Moreover, the huge demand, in combination with the small consular staffs, led also to a third solution. Trustworthy members of the minority submitted packs of passports for visas, which were immediately given, saving precious time. It seems that, in several of the above cases, the intermediaries acted for a consideration. Undoubtedly, this condition is unacceptable and exposes irreparably the Greek state, the Ministry of Foreign Affairs and the diplomatic corps, even if the latter's members have no share in the payoffs. The prolongation of this situation nurtures all kinds of suspicions widespread rumors demanding to Greek authorities.

How can the problem be solved, especially now that the 5-year visas will begin to be granted (the consulate in Gjirokastra told the mission that it avoids giving 5-year visas until the problem is settled, so as not make the situation worse)? Greek authorities must obtain lists with the names of the inhabitants of the Greek and the mixed villages and towns and to proceed in an orderly and systematic way with the granting of visas based on these lists and after appropriate announcements. As for the Albanian population of the same areas, minority members told the mission that they should also have similar treatment, in order not to avoid tensions caused by the privileged treatment of the Greeks. They, also, reassured us that the vast majority of Greeks and Albanians, when they will have been granted the 5-year visas, will not settle in Greece permanently, but they will go there only for seasonal occupation, as there is such a need in Albania as well (e.g. in the fields). Moreover, in such a case, many -at least those coming from areas where there are minority schools, but also the majority of Albanian- will not be obliged to take their families for permanent settlement in Greece. Today, many immigrants of this category with visas for one year or a few months stay in Greece lest they be stuck in Albania, in case they go back and do not obtain a new visa, or they have to pay again in order to obtain it. As this systematic and civilized process takes time, Greek authorities should tacitly extend the visas of all those who obtained yearly ones in the near past (and thus they have been «checked») until they obtain the 5-year visas, too, without having to queue up at the consulates or to have resources to intermediaries for renewal of their yearly visas.

Of course, all the above have to be combined with the dissociation of the visas from the work permits. The Greek state has to combat the illegal employment of all immigrants, both so that they can enjoy the same employment conditions with Greeks, but also that important social security payments not be lost. Moreover, the «exceptions» for the Northern Epirots which have been reported to the mission should be abolished: when authorities find illegal workers, if they are provided with certificates from certain Northern Epirus associations, they and their bosses are exempted from the legal consequences and sanctions.

FINAL CONCLUSIONS AND RECOMMENDATIONS

Greek Helsinki Monitor, which played an active role in the decision to send a multi-member delegation of the International Helsinki Federation for Human Rights in Albania between 15 August - 7 September 1994, appraising the information gathered by the account similar reports of other NGOs or IGOs, has come to the following general conclusions:

1. The Greek minority in Albania and the Orthodox Church more generally have been subjected to discriminations by Albanian authorities, particularly after 1993, when the positive developments that had started in 1991 were reversed. The two main institutional problems are the limitation of the operation of Greek schools only in the arbitrary «minority zones» and the dismissals of minority members from the civil service, particularly from the armed forces and the police. Other important problems are the prevention of both the Orthodox Church (in which the Greek minority is only a small part of the congregation) to carry out its work, and Omonoia to function as a political party.
2. In 1994, the problems were intensified by the unprecedented persecution of the Omonoia leadership, through illegal arrests, detentions and summons of its members, as well as illegal searches of its offices and confiscation of its archives. The persecution culminated with the prosecution, based on legally inadmissible charges, of five leading Omonoia members that led to a trial with multiple violations of judicial procedures to such an extent that any decision taken by the court to lack legitimacy. For this reason, the convicted defendants were considered as prisoners of conscience by the IHF. Their eventual release from prison in February 1995 is certainly a positive development, although the IHF deplores that their conviction was upheld by the Supreme Court which simply handed suspended sentences.
3. It must be noted, however, that, as the Greek minority also admits, the activity in Greece of individuals, organizations and, sometimes, the government has contributed to the development of a negative climate for the minority in Albania government has exploited in order to legitimize even partially the persecution of Omonoia. For this reason, there must be in Greece a systematic, sincere and categorical condemnation of all those who dynamite the bilateral relations and undermine the welfare of the Greek community in Albania.
4. Unquestionably, the expulsion of more than 100,000 Albanians from Greece, and actually under unacceptable and inhuman conditions, did not constitute the proper answer of the Greek side. Greece and the international organizations (CSCE, Council of Europe, European Union) to which Albania belongs or wishes to enter should impose on this country the respect of human rights and of its international commitments. At the same time the international intergovernmental and non-governmental organizations should prepare human rights education programs for Albanian civil servants and, in particular police agents (also recommended by the CSCE High Commissioner -1994:7), politicians, journalists and members of non-governmental and minority organizations and persuade the Albanian government to accept a census organized by an independent international institution.
5. Finally, Greece and Albania should immediately commence a bona fide dialogue so as to reverse the recent negative development in bilateral relations. The removal of the discriminations against the minority and the legalization of the Albanian immigrants who have or can find employment in Greece should be the main issues for discussion. In this context, Greece should immediately regularize the visa procedure for Albanian citizens in order to end the generalized visa trade.

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INTERVIEW WITH ANDRZEJ RZEPLINSKI

«To protect my reputation as a human rights worker, I asked the CSCE not to send me to monitor another political trial, after all that happened with my report on the Omonoia trial. Obviously, they want diplomats for such missions, and I am not a diplomat». The, by now well-known in Greece, 45-year old Polish university professor and since 6 November member of the seven-member Executive Committee of the International Helsinki Federation for Human Rights (IHF), Andrzej Rzeplinski, spoke candidly on the «adventure» of his mission to the Tirana trial last August.

«When I returned from Tirana, I wrote the report I submitted to the CSCE Office for Democratic Institutions and Human Rights in Warsaw and also gave a copy to the Executive Director of the IHF Aaron Rhodes. Immediately, negotiations started with the CSCE offices in Warsaw and the Hague on the content and the wording of the text. Especially the Hague office insisted that changes should be made, as my report, in its first draft form, made its mission to register the problems of the Greek minority in Albania very difficult». The Hague office is that of the CSCE High Commissioner for Minorities Van der Stoel. The Rzeplinski report probably did not allow him to write a moderate and diplomatic, thus not extensive and strictly objective, report on the Greek minority in Albania, as it would have upset Albania.

«In the end, I made some amendments to the original text, especially in the wording, keeping though all the basic points on the trial's irregularities, and I submitted the new version to the CSCE. Unfortunately, the latter decided to keep in under the carpet. I assure you that the Albanian side has the second version too and knows very well its content. Later, I heard that the Italian presidency of the CSCE released a short three-page statement about the report. They did not have the courtesy not only to consult with me on its content, but not even to send me a copy for my information. To this day, I have not seen this document» (which **Eleftherotypia** revealed when it was first released). For that reason, Andrzej Rzeplinski, who had been sent to monitor other political trials in the past, asked the CSCE not to use his services again.

«Naturally, I never retracted the content of my first report, contrary to the inaccurate allegations of the Albanian ambassador to Poland» (which the Albanian government and many Albanian media quoted repeatedly). «The discussion with him took place in my office, in the presence of Marek Nowicki» (the Polish predecessor of Rzeplinski in the Executive Committee of the IHF) «and in Polish, which the Albanian ambassador speaks fluently. I mentioned to him the main points of my report, like the fact that it was a political trial, that the defendants should be acquitted, and that Sebastianos' chauvinism was the jurisdiction of another court».

Andrzej Rzeplinski was also very firm about the Albanian newspaper which distorted a statement of his and the Albanian Helsinki Committee. «In an answer to a related question, only in the third day of the trial, I told the journalist that I was hope that the court would be independent. The newspaper wrote that I allegedly said that I was convinced that the court was completely independent. It is in fact an expression I do not use, as a court can either be or not be independent, it cannot be partly -therefore not completely- independent. Besides, when I arrived at Tirana, I paid a visit to the Albanian Helsinki Committee office. As the group's officers were not there, I left by telephone numbers in order to have a meeting with them. It never happened, neither did I see anyone off them at the court house:, concluded Andrzej Rzeplinski, in an interview which confirmed the limited potential of intergovernmental institutions like the CSCE to intervene efficiently in such situations, as well as the Albanians' tendency to distort in their statements of CSCE representatives (haven't they repeatedly done so with Van der Stoel's views?).