

# VRASJET NË KUFI NË SHQIPËRI (1988–1990)

*Konteksti politik, korniza ligjore, modele krahasuese  
dhe drejtësia tranzitore*

Afrim KRASNIQI



Studim

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*Ky botim është realizuar në kuadër të projektit “Mbi viktimat e kufirit: Informim e sensibilizim për viktimat e vrasjeve dhe zhdukjeve gjatë arratisjeve në kufij gjatë viteve 1988-1991”, i cili po mundësohet nga International Commission on Missing Persons, ICMP përmes grantit të financiar nga Bashkimi Evropian në Shqipëri. Përmbajtja është përgjegjësi vetëm e ISP-së.*

*Të drejtat e autorit dhe ISP.*

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**Autor**

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## SHKURTIME

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|       |                                                           |
|-------|-----------------------------------------------------------|
| AI    | Amnesty International                                     |
| AQSH  | Arkivi Qendror Shtetëror                                  |
| BP    | Byroja Politike                                           |
| DDR   | Republika Demokratike Gjermane                            |
| DPB   | Dega e Punëve të Brendshme                                |
| ISKK  | Instituti i Studimeve për Krimet dhe Pasojat e Komunizmit |
| KiP   | Komiteti i Partisë                                        |
| KE    | Komiteti Ekzekutiv                                        |
| KP    | Kuvendi Popullor                                          |
| KQ    | Komiteti Qendror                                          |
| LIIB  | Lufta e Dytë Botërore                                     |
| MD    | Ministria e Drejtësisë                                    |
| MMP   | Ministria e Mbrojtjes Popullore                           |
| MPB   | Ministria e Punëve të Brendshme                           |
| MPJ   | Ministria e Punëve të Jashtme                             |
| PKP   | Presidiumi i Kuvendit Popullor                            |
| PP    | Prokuroria e Përgjithshme                                 |
| PPSH  | Partia e Punës e Shqipërisë                               |
| SiSH  | Sigurimi i Shtetit                                        |
| RFGJ  | Republika Federale e Gjermanisë                           |
| RPSSH | Republika Popullore Socialiste e Shqipërisë               |
| STAS  | Shërbimi sekret i Gjermanisë Lindore                      |
| TPE   | Tregu i Përbashkët European                               |

## PËRMBAJTJA

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## BORDER KILLINGS IN ALBANIA (1988–1990)

### POLITICAL CONTEXT, LEGAL FRAMEWORK, COMPARATIVE MODELS AND TRANSITIONAL JUSTICE

#### Summary

The Albanian case offers a different experience and situation in terms of the relationship with the law. The thesis that during the communist system, the officials involved, mainly border guards, military and police, did not have legal responsibility since they were implementing the legal framework in force, is not valid in the case of border killings after May 8, 1990. The legislation prohibited border killings, killing of civilians, shootings without trial, burial without the knowledge of the family, as well as public mistreatment of the corpse. This was not the only case when the regime implemented political orders instead of legal practices, which in their essence were also in spirit and content legitimizing the ideological nature and the violent state mechanism against human rights. The public learned the details only after the change of the political system.

With Law No. 7380 dated 8.5.1990, *“On some amendments to the Penal Code”*, the People’s Assembly amended the criminal offense of treason against the country in the form of escape, qualifying it as illegal border crossing. With the new amendments, illegal border crossing was punished with *“re-education through labor or deprivation of liberty for up to five years”*. The Penal Code is accompanied by secondary legislation, in this case, amending regulatory acts regarding the border regime, the role and responsibility of the Security Forces, the army and the police, etc. These were not amended until May 1991, as a result, border killings continued, although the Penal Code and the Constitution had prohibited them. The political leadership of the time, including the Political Buro and the Ministry of Internal Affairs, not only did not implement the law regarding killings at the border, but they encouraged the strengthening of the old regulation, which allowed killings. Ramiz Alia declared months later to the Secretariat of the Central Committee, *“someone is killed at the border because he tries to escape and some demand an explanation and say: “By what right does a border guard shoot and kill people?” What is this opinion? Why shouldn’t a border guard shoot? How should he know that the border violator is not an enemy or a smuggler?”* Furthermore, during the months of October, November, December 1990 and January 1991, that is, even after the change of the political system, in his capacity as President of the State he awarded high decorations and medals to officers and soldiers who committed killings at the border in the period May-December 1990, even though this was prohibited by law.

The killings were accompanied by the processing of documents, adapting them to their official political version, shifting responsibility to the victims. All institutions, the Prosecutor's Office, the investigation, the heads of the General Prisons Directorate, the heads of the Party Committee, the heads of the border posts, etc., defended the political version of the killings, one of the features of the communist regimes. This is also proven by the fact that in none of the letters, debates, information and reports is there any legal article or Regulation cited, and in no case is the number of the order against killings or other orders cited, which were mentioned during the meetings of the Political Bureau, the Plenum and the Central Committee of the Albanian Labor Party.

In such circumstances, the subordinate institutions interpreted the laws, rights and responsibilities according to daily interests and needs. The investigation did not conduct in-depth investigations and the Prosecution did not address any charges, not even related to the damage to the bodies, the refusal to bury them or the refusal to give them to the families. In most cases, the General Prisons Directorate reports spoke of the loss of the border guard's life by the victims, meaning weapons or means of warfare, but the procedural investigations showed that with the exception of one case, in every other case the victims did not have weapons, could not shoot, could not endanger the lives of the armed border guards and thus, we are dealing with clean, conscious killings rewarded with moral and administrative incentives, as stated in some of the reports. When after the '90s some files were reopened, it turned out that the execution and guilt of the border officials were easily verifiable and proven.

The problems with border killings were also related to the legal consequences of individuals who were already convicted, including family members in deportation. As is rightly noted, the decriminalization of escape did not lead to the de facto decriminalization of deportation. The measure of collective family punishment was abolished, but citizens who were already in deportation were not rehabilitated by being allowed to return to their homes and property.

During the 1980s, the first killing at the border was recorded in Shkodra in 1985, with a significant increase during 1990. In practical terms, killings in the border remain one of the most negative legacies of 1990. The head of the General Investigation, Qemal Lame, rightly assessed in his memoirs on the period of his tenure that *"the year 1990 is the bloodiest in the history of escapes from the border. Out of 640 people killed over 45 years, in 1990 alone, 93 people were killed while attempting to escape, 33 before May 8 and 60 others after it. There were 6 times more murders than in any other year, a dramatic balance even in conditions when escape was legally decriminalized."*

Albania continues to have fundamental weaknesses in statistics; institutions have not yet created any database or archive or public reference document on the complete list of those killed. During the research, it turns out that some of their files are missing from the archives, the notifications of the General Prisons Directorate and the Party Committees (PC) in the districts are different for the same case, the Investigation and Prosecution reflect the political line and that the various initiatives to investigate and identify the complete cases have failed. Another reason for this is the process of mass emigration that accompanied the border opening starting in 1991, the complete changes in the administration and state structure, the lack of interest and political pressure for this. The investigations also require the inclusion of data from bordering countries, a practice that has not yet been applied. The discovery of the already identified cases was the merit of the victims' families themselves and in some cases also of the media investigation.

Based on data obtained from archives, testimonies, publications and other official and informal sources, ISP has published the generally accepted list of citizens killed at the border during 1990. For other cases, there is a lack of accurate data or their interpretations, while for these names and cases, the data are confirmed by several opposing sources, including from official authorities of the past and present. The data processed by ISP show that the highest number of killings occurred in December 1990 with 12 cases, when the country was at the crossroads between two political systems, followed by June 1990 with 9 cases, May 1990 with 8 cases, August and November with 5 cases each, etc. In January 1990 there were no documented reports of killings at the border. Also, the record for killings at the border is held by the border area of Shkodra with 14 cases, followed by Kolonja with 13 cases, and Saranda with 8 cases.

In assessing cases of escape resulting in killings at the border in Albania, several influencing factors are mainly identified: political violence and lack of freedom expressed through deportation, imprisonment, political discrimination, political persecution by the Security, etc.; economic poverty and low living standards expressed through unemployment, lack of a private market, lack of basic goods, isolation from the rest of the world; aspiration for a better life in the West, expressed through media influences, reunification with family or career opportunities, better education and dignity; the aim to improve the future of children expressed by the attempt to escape the a priori persecution of children due to family background, fear of military recruitment, strong political indoctrination, etc., as well as the overall liberation from punishment and social discrimination expressed by class discrimination "*with a bad background*", the inability to complete studies and a professional career, vertical and horizontal public pressure, a priori and continuous stigmatization as an enemy of the class or opponent of the government.

Among these factors, the list of those killed at the border includes individuals who have been victims of restrictions on political freedoms, former political prisoners, those who have been discriminated as families with a "*bad biography*", people under surveillance or mistreated by the Security and Police, young people seeking work or a better life in the West, etc. Some of those killed at the border appear to have attempted to escape the country several times, meaning they were convinced of escaping and risked their lives to achieve it. The list of those killed at the border is dominated by young people, the average age of those killed is 25 years old, and the identified list of those killed also includes girls, women and children, categories that demonstrate the level of brutality of the regime.

The ISP study has a detailed analysis of the Albanian legal framework, but also of the former communist countries in Eastern Europe, to better understand the common features and differences. It has also analyzed the border killings in each country, compared to Albania. The comparative approach results in the Albanian model being one of the most negative cases, only similar to Ceaușescu's Romanian model.

One of the Albanian features of brutality is the abuse of the bodies of those killed at the border, their public mistreatment, their parade in public areas to create a climate of terror and fear for local communities, and their burial in various locations without informing the family. In archived documents numerous cases can be identified where the authorities decided to transport the bodies of those killed at the border by public transport for the residents to see, a demonstration of force and a level of violence rarely found in other eastern countries. This began in 1985 in Saranda and was repeated in June and August 1990 in Shkodra and Korca.

The killings of young people and especially the public abuse of the corpses were accompanied by local protests with political slogans at their burials. The study analyzes specific cases of protests on June 16 in Shkodër, on August 24 in Korçë and on December 12 in Saranda. Archived documentation also reveals other cases of protests or public reactions against killings at the border or arrests due to escape, but without becoming part of the wider public awareness and reaction.

In all cases, the killings were accompanied by public denigration by the state and the Albanian Labor Party towards the victims, their families and arrested friends. Every citizen killed was considered a priori an enemy and the act of escape as a hostile act. The aim was to create the impression that they were criminals and a hostile contingent and as such, every act of their murder was justified, and should even be honored with moral and administrative incentives. There are no documents or data in their files that support the accusations, the absolute majority of the victims were young people 17-25 years old, some even younger. The Secretariat

of the Central Committee estimated that about 45% of those suspected of escape tendencies were unemployed, mainly up to the age of 30.

Direct responsibility for the killings belongs to the military corps that made up the border forces. The study proves with documents and facts that the border guards were mainly selected from rural families with good biographies, the absolute majority of them had 8 years of school or high school, had a high level of indoctrination and complete obedience to political orders. There is not a single case when the border guards have refused the order to kill at the border, including the period of time when killing was prohibited by law. The Albanian Labor Party gave them priority by expanding the number of party memberships, rewarding them with a leave after each killing, giving them financial support, medals and high decorations. In total, over 1550 cadres, non-commissioned officers, police officers and soldiers were decorated during 1989 and the first quarter of that year, while 3500 were stimulated in other ways. During 1990, the number of those decorated increased, in parallel with the increase in the number of killings and escapes at the border.

The study analyzes the situation and problems within the border troops, the role of military personnel and local communities engaged as civilian volunteers in capturing those who wanted to escape, as well as the role of local institutions. The study also analyzes the main motives that pushed the regime to apply killings at the border during 1990 because: the border was a symbol of the regime and its absolute power; the escapees were rejecters of politics, dissatisfied with the system, therefore challenging it; the escapes showed the collapse of the myth that the Albanian Labor Party enjoyed the acceptance and love of the people; they also demolished the myth of the young man, loyal and soldier to the Albanian Labor Party; that the escapees could become “food” for the Western media to report the crimes of the communist system in Albania and finally, because allowing it could create a domino effect in society.

The main alibi of the leaders of the Albanian Labor Party, officers, soldiers and other officials was that they had implemented the law and orders, so they cannot be blamed even when the law is wrong. The thesis of the study is that the killings on the border not only have moral responsibility, but we are dealing with the case when officials, soldiers and officers did not implement the Penal Code, i.e. the law, but verbal political orders, which were not part of the legal hierarchy, not even in communist Albania. In this way, their responsibility is legal and moral.

After 1990, several investigative processes were launched, but no significant person has been convicted for direct killings on the border. High-ranking state officials were convicted during the years 1993-1996, but were acquitted when the political rotation occurred in 1997 or rather received an amnesty. Some of the commanders and soldiers who killed on the border emigrated abroad, and although there are those convicted in absentia among them, none have been found and extradited.

In summary, another distinguishing feature of the Albanian case with most of the former Eastern Bloc countries is the lack of implementation of transitional justice regarding border killings. Referring to the five criteria of transitional justice (official recognition as victims of the totalitarian state, declaration of innocence by the courts, restoration of honor and moral status, financial compensation for families, establishment of monuments, street names, museums, etc.), in the case of border killings in Albania, none has been fully met. Three have been only partially met (innocence, moral honor and museum inclusion), and two have not yet been considered (official recognition as victims of the totalitarian state and financial compensation for families).

## Conclusions

The border killings of 1990 remain one of the most negative legacies of the past, but also a case study that highlights the brutality of a system based on force, violence, fear and ideological indoctrination. In 1990, the Albanian Labor Party's rhetoric on democratizing measures and reforms was deconstructed by the dramatic border balance and Embassy crisis. In legal terms, the murders highlight the deep gap between normative legal acts and their practical implementation. The murders were a state crime for political reasons. They continued with greater intensity after the amendments to the Penal Code and decriminalized escape and found stable political support in the high hierarchy of the state and the Albanian Labor Party. In this context, the study of this period of time and the killings on the border comes as a need to shed light on, address and protect historical truths. Denial and silence towards state crimes creates a vacuum in the cultural and institutional formation, weakens the legitimacy and values of the rule of law and human rights. The comparative approach between countries brings to attention the characteristics of Albania and its practices in dealing with border killings, identifies the lack of application of transitional justice and helps to better measure the integrity of institutions during the 1990s and during the transition.

Throughout the communist system, the border became a symbol of the ideological and physical division between East and West after the 2<sup>nd</sup> World War, in the case of Albania also a symbol of extreme isolation. In contemporary memory, the fall of the Berlin Wall symbolized the end of the Cold War. Albania was the only country where the news of the fall of the Wall was not published until after the change of system. In 1990, the Albanian border was not a dividing line of the state, but a dividing line of citizens against isolation and absolute power. The process of change was accompanied by the slogan "*we, as all of Europe*" giving the concept of the border and opening the symbolism of the transition from the great "*prison*" to Europe, i.e. a much more complex political, social and psychological dimension.

The study sees the border killings during the 1990s as connected to the present and the future, as a matter of memory, culture, but also social reflection. Those who shot were not only soldiers, it was a comprehensive political, state and civil mechanism in service. Although legal responsibilities are individual, moral ones include a wider spectrum. The code of silence and the benefit of privileges and honors through participation in crime are just some of the consequences. The complete lack of concepts on law, morality, human rights among both the ruling elite and the horizontal supporting stratification appear as the price paid by a long phase of isolation and ignorance, from which the foundations of a democracy should have been built after 1990. The thesis of the vital need to confront the past as an effort, not only to balance the need for justice with the need for reconciliation, but also as a supportive process for society to move from a violent period to a new democratic order, remains valid. After 35 years, Albania is in the final phase of adaptation to European standards and the integration project, where transitional justice remains a challenge and an element of assessment in the process of reforms, the rule of law and public trust.

