



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT LAW
OF THE REPUBLIC OF ALBANIA
AMENDING THE LAW ON THE STATUS
OF POLITICALLY EX-CONVICTED
AND PROSECUTED PEOPLE
BY THE COMMUNIST REGIME**

**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

LAW

NO. _____ DT. _____ 2002

For some annexes and amendments in the Law No. 7748, of the date 29.07.1993 “For the Status of Politically ex-Convicted and Prosecuted People by the Communist Regime” amended by the law No. 7771 of the date 07.12.1993

**Based on Article 81/2 of the Constitution
With the proposal of the Council of Ministers**

**THE PARLIAMENT
OF THE REPUBLIC OF ALBANIA
DECIDED:**

In the Law Nr. 7748, of the date 29.07.1993 “For the Status of Politically ex-Convicted and Prosecuted People by the Communist Regime” amended by the law No. 7771 of the date 07.12.1993, the following amendments are made:

Article 1

Paragraph two of article 8, restated as follows:

Based on Article 14 of the European Convention “*against torture and other cruel, inhuman or degrading treatment or punishment*” those people that have lost their lives or are psychologically unstable due to the violence of the totalitarian government, for political reasons, an instant compensation of the sum 1 million lek, cash, should be given to their legal inheritors.

Article 2

Article 9 restated as follows:

The compensation of the ex-convicted acquitted, by the Law No. 7514, of the date 30.09.1991 and that enjoy the status according to the law Nr 7748 of the date 29.07.1993, should be given in cash to each politically ex-convicted person in the sum provided by Article 57 of the Criminal Code in force, deducting from this sum the part given in the form of securities (thus 3400 – 330 = 3070 lek for every day of imprisonment not being guilty).

Article 3

Article 11 to be restated as follows:

Three months after these annexes and amendments have been enacted, their application should commence. The compensation should be completed within 3 years, from the day that the law would be approved.

Article 4

The following should be annexed after article 11:

The remaining “Securities” of politically ex-convicted people, should be exchanged into lek with the same value, within 3 years of the approval of the law.

Article 5

The Ministry of Finance, the Savings Bank, and the Ministry of Public Economy and Privatisation in cooperation with the Ministry of Public Order, the Ministry of Justice as well as with the Albanian Association of the politically ex-Convicted People are in charge, for the application of this law.

Article 6

This law enters into force immediately after being published in the Official Journal.

Chairman of the parliament
Servet Pellumbi

APPENDIX I:**LETTER INTRODUCING THE AMENDMENTS
INTO THE ALBANIAN PARLIAMENT**

To the Chairman of the Parliament
Mr Servet Pellumbi

Based on the constitutional right that the deputies have to present bills regarding important issues, I, deputy Pjeter Arbnori supported by 53 other deputies of all parliamentary groups (caucuses), present a modified bill "For some annexes and amendments in the law no. 7748, of the date 29.07.1993 "For the status of Politically ex-Convicted and Prosecuted People by the Communist Regime", amended with the law no.7777, of the date 07.12.1993.

The report is being accompanied with the letter that the deputies Pjeter Arbnori and Pal Dajci have sent to the Head of the Council of Ministers on the 31.10.2002; and with a preliminary invoice which shows that the invoice of the Government of 51 milliards lek had been intentionally exaggerated so that the bill would not be approved. Our argumentation is that the original invoice was less than half of the invoice presented by the government, therefore, about 25 milliards and it was requested that it should be implemented for a period of several years, something that would have satisfied more or less politically prosecuted people and it would not have been a burden on the government. The latter, if it had the good will, could have given out 2% of the budget, reducing so the operative expenses, using maturely the incomes coming from the economical works, industrial and agricultural that have been built by the unpaid work of politically convicted people, acquitted by the Albanian Parliament, but still not compensated contrary to the Constitution and contrary to article 57 of the Criminal Code in force.

On behalf of politically prosecuted people associations that have chosen me and on behalf of the 53 signatory deputies,

Deputy
Pjeter Arbnori

APPENDIX II:

REPORT
FINANCIAL INVOICE OF THE COMPENSATION
ACCORDING TO THE BILL PRESENTED TO THE PARLIAMENT

Convicted that have been acquitted, date 30.09.1991, 17050 (based on the computer data of the I.I.P.P)

Executed for political reasons	5400
Dead in prisons	900
In total acquitted	<hr/> 6300 persons

Therefore, 17050 – 6300 – 10750 convicted persons dealt with, according to article 57 of the Criminal Code. 8 milliard securities cannot be added to the invoice, because they have been passed and approved by the parliament and are in the Treasure of the National Bank.

MODALITIES

Those of the age 65 and above who are sick should be given: cash all at once, 30% of the sum that they are entitled to get; under 65 years old, 20% of the respective sum.

To the executed or the dead in prisons, should be given all at once 1.000.000 lek cash.

The remaining part for all should be guaranteed with savings book, with a right of monthly gradual withdrawal, within 3 years from the date of the approval of the law.

Ex-convicted who have abused, by getting apartments they were not entitled to, their value should be deducted from their respective compensation, which will be verified and for this the Institution of Politically Prosecuted and the National Institution of Accommodation should be in charge.

With the application of the law, during the three years, the money spent for the Institution of Politically Prosecuted People, as well as the 1% should be passed to the compensation of politically ex-convicted people according to their right.

After consulting with a group of representatives of several associations.

A group of deputies
Pjeter Arbnori

APPENDIX III:**LAW****No. 7772, date 7.12.1993****FOR SOME AMENDMENTS IN THE LAW NO.75124, DATE 30.9.1991
"FOR THE ACQUITTAL, AMNESTY AND REHABILITATION
OF POLITICALLY EX-CONVICTED AND PROSECUTED PEOPLE"
AMENDED BY THE LAW NO. 7660, DATE 14.1.1993
AND THE LAW NO. 7719, DATE 8.6.1993**

Based on article 16 of the law no.7491 of the date 29.4.1991 "For the main constitutional provisions", with the proposal of the Council of Ministers.

**THE PARLIAMENT
OF THE REPUBLIC OF ALBANIA****D E C I D E S:****Article 1**

In the law no. 7514, of the date 30.9.1991 "For the acquittal, amnesty and political rehabilitation of politically ex-convicted and prosecuted people", amended by the law no. 7660 of the date 14.1.1993 and the law no. 7719, of the date 8.6.1993, the following amendments are made in article 5:

- In letter "ç/1"

After the words "Politically ex-convicted people for the time of staying in prison or in the labour camps" the words "and ex-internees for political reasons until the date 31.12.1954, for the internees in the internment camps of Radostine, Levan, Kuç until the 31.12.1958 and the internees in the internment camps of Zvernec until the 31.12.1961" should be added.

- In letter "d/1"

After the words "Families of politically ex-convicted who do not live any more" the words "and ex-internees for political reasons until the date 31.12.1954, for the internees in the internment camps of Radostine, Levan, Kuç until the 31.12.1958 and the internees in the internment camps of Zvernec until the 31.12.1961" should be added.

- In letter "dh"

After the words "Politically ex-convicted who do not live any more" the words "and ex-internees for political reasons until the date 31.12.1954, for the internees in the internment camps of Radostine, Levan, Kuç until the 31.12.1958 and the internees in the internment camps of Zvernec until the 31.12.1961" should be added.

- In letter "e"

After the words "who have died in prisons" the words "and ex-internees for political reasons until the date 31.12.1954, for the internees in the internment camps of Radostine, Levan, Kuç until the 31.12.1958 and the internees in the internment camps of Zvernec until the 31.12.1961" should be added.

Article 2

This law enters immediately in force.

Declared with the decree no. 715, of the date 17.12.1993 of the President of the Republic of Albania, Sali Berisha.