



Organization for Security and
Co-operation in Europe
Presence in Albania

**Remarks by Head of Presence at *Opening Sigurimi Files – Sooner the better* conference
28 October 2016**

I am very honoured to have been invited to this event on the issues surrounding the opening of the Sigurimi files. This should hopefully be a key part of Albania's transitional justice process. Transitional justice is a concept which has grown to encompass not just the pursuit of criminal justice but the wider notion of changing the narrative about the past – through verdicts, but also through memory culture, elite change, compensation and restitution - because peace and security can only be established when previous human rights violations or crimes have been addressed using appropriate mechanisms, instruments and measures. The experience of other countries dealing with similar pasts has shown that only by discovering, addressing and talking about past injustices can we prevent the past from becoming a burden for the future.

The passing of the law on the opening of the files was the catalyst for the OSCE's Presence in Albania *We Start Talking* initiative, which aims to support a constructive national dialogue about Albania's history under the Communist regime. Albania has had a rather slow start discussing human rights violations of the previous regime compared to other European societies, although recent initiatives, such as the possible discussion in Parliament of the condemnation of communist regime crimes against the Albanian clergy, show a positive trend. In our view it is fundamentally important for Albania's successful dealing with its past that, the law on the opening of the Sigurimi files is implemented effectively and is accompanied by sufficient inclusive dialogue to diffuse any tensions which may be created by the release of these documents.

This initiative of the opening of the files, and the wider transitional justice process in Albania, are of particular interest to me also personally as I tried already in 2008 to contribute to this discussion by making available access to the specific German experiences in this field- both after the Nazi dictatorship and World War 2 and after the end of the communist dictatorship in 1990. After the end of East Germany's communist dictatorship, there was a heated national debate on how to deal with the enormous volume of secret service records – 180km of records containing information on over 6 million people. In all such situations there is a tension between the need for disclosure and engagement with the past on one hand, and the invasion of privacy and potential for triggering social discord on the other. Given the delicate balances to be struck and the powerful emotions involved, there is no 'right way' to deal with these situations. What is the best way to handle, interpret and come to terms with the content of secret service records has been the subject of much discussion and each country must find its own unique, negotiated solution. In Germany, as under the 2015 Albanian law, general disclosure was ruled out and the opening of the files was administered by an authority. It is generally acknowledged that the carefully managed disclosure of these records was an integral part of Germany's dealing with its past and, despite causing several media scandals, the process did not cause any social unrest. The fact that German society was able to shift from suppression and silence, to active engagement with crimes and guilt, is often considered a key factor in its democratization.

Given the accepted benefits of opening up such files in a careful and responsible manner, we have followed and supported the initiative to draft a law from its inception, providing opinions, support assistance when requested to do so. After the law *On the Right to be Informed about the Documents of the Former State Security of the Socialist People's Republic of Albania* was passed, we drafted guidance on the selection criteria of members of the Authority responsible for the processing of documents under the new law. It is with regret that we note that although over **one and a half years have passed** since the law entered into force, and a list of 11 potential candidates for the five members Authority has been sent to the Assembly, they have yet to vote on these candidates. We welcomed the momentum which appeared to be building towards implementation of this law **and would like to see the relevant people to take the necessary steps to get this back on the Parliamentary agenda** so that the law can be implemented, and the files opened in accordance with the law. We are ready to provide any further support required to move this initiative forward.

There are some very distinguished and knowledgeable speakers from Albania and Germany on today's agenda, and I look forward to hearing their views. That this event is happening today is an indication of the desire for progress on this issue and, an acknowledgment of the importance of creating space for dialogue about Albania's communist past.