



"BREGDETI (THE COAST)" ASSOCIATION

Defending Property, Pursuing Justice

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The Honorable Chairman Joseph Daul
Group of the European People's Party (Christian Democrats)
European Parliament
Rue Wiertz 60/Wiertzstraat 60
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BELGIUM

June 20th, 2010

Dear Chairman Daul:

A very vital issue made us disturb you but, being that European integration has been firmly rooted in a shared commitment to universal values of inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law, including the right to enjoyment and respect of property, values that are the "first pillar" and have proved necessary for securing peace and developing prosperity in the European Union (EU) but that also serve as a cornerstone for enlarging EU, being that European Parliament, directly elected, is the highest legislative body in EU and that serves the second largest democratic electorate in the world, and you being the chairman of the largest group in European Parliament, that of centre and centre-right pro-European political forces, we strongly believe you have the vision, background and power to make things right. Below we present some aspects of this vital issue. We are one of only two associations in Albania that represent the legitimate owners whose property was nationalized by the communist regime at the end of World War II. The respect of the right to private property constitutes one of the most fundamental issues that separates dictatorship from democracy. The issue of property during these 19 years of democratic state in Albania not only has not received any solution but, in the coastal tourist areas of Vlora-Saranda in southern Albania, the situation is getting worse. This is all due to the systematic fraud made to international institutions because of the autocratic mentality inherited by communism, circumstances created after the collapse of the dictatorship in 1991 and the implementation of the Katowice platform.

The property in tourist coastal areas has become a source for state administration corruption and a continuous source of homicides. There are enormous ongoing abuses and illegal constructions in the coastal tourist areas at a time when both central and local governments keep silent. This grave situation is also reflected in the U.S. State Department Report of March 10, 2010. In the northern area of Albania and in fact, in nearly 75% of the country, the disreputable Law 7501 and its derivations have not been implemented. Instead, the property has been restituted to the real owners while the pristine, very precious tourist coastal areas and those in Tirana, Durres and other centrally located cities, another standard is being implemented - that of denying prima facie the property to the real owners as their properties remain at the disposal of the state for its own officials' electoral and personal financial interests!

Our association has instructed all the true property owners of the tourist coastal areas to request judicially their inherited property, a property that the state has donated, i.e. stole for a lion's share fee under the table, to other fellow countrymen by implementing the infamous, anti-property Law 7501 that has created an ever increasing boiling conflict. The Albanian Courts have overwhelmingly failed to be a defender of the constitutional values and justice, to be ever so slightly a barrier of the abuse - to the contrary, they have been totally inefficient and have succumbed to the corruption as a successful system of criminally abusing the property has been built at all levels to breed this corruption and chaos. The Strasburg Court of Human Rights constitutes a process to be followed and some Albanian property owners have succeeded through it. But this process is a cumbersome and long and solves issues on an individual basis which is hard to be accessed by all the property owners who may not be aware of it, do not have the proper education or do not have the financial means to follow it. There needs to be a solution en bloc that will solve the issue of property once and for all by making the disreputable 7501 Law invalid as unconstitutional and fundamentally unjust and unnatural, since it still treats, in this day and age, the nationalized properties by the communist dictatorship as properties at the disposal of the state for its own officials' electoral and personal financial interests and has created premises for a continuous civil conflict that will last forever unless justice is served.

On January 24, 2010, Board of the Bregdeti Association decided to address a request to the ambassadors of the Diplomatic Corp in Albania, the Council of Europe, European Union and the U.S. Government and Congress to influence the Albanian government to restitute physically the properties to their true owners, that the Albanian political class be forced and conditioned to consider as priority the constitutional and natural right obligation for the restitution of the unjustly nationalized private properties by the dictatorship to the legitimate owners according to the cadastral documents of pre-1945 period which, in fact, are owned by the state. Specifically, we are of the opinion that, in order to put the restitution process on the way to resolution, far removed from the political demagogy, *it is imperative that the process of physical restitution of the property be separated from that of compensation*, determining a timely deadline for the completion of this process in conformity with articles 41 and 181 of the Constitution of the Republic of Albania as well the article 191 of the document No. 11115 of December 20, 2006 of the Parliamentary Assembly of the Council of Europe.

After the process of physical restitution of the property is completed and after repealing the legal errors made along the 1991-2010 time period, there exist then, and only then, the possibility that the compensation can be effective and can be done side by side with the legalization of the illegal constructions done on the property not returned and stolen of the true owners. On the contrary, every other way will make the Euro Atlantic platforms remain simply slogans and the Albanian economy will continue to plunge into the mire of corruption and anarchy.

The property issue is being held hostage, properties are being criminally abused by political bosses for their electoral and personal financial interests, illegal constructions are rampant, while the Construction Police remains totally unresponsive. It is inhuman and antidemocratic for the government, especially for the pristine and very precious coastal tourist areas and highly valued centrally located cities, to insist on the legalization of illegal constructions and the passage of right of ownership of the occupied land parcels to the law offenders, the passage of right of property of former agriculture farms from the current users in their ownership totally ignoring the fact that the true owners have over 50 years that have been stolen and are waiting to get back these lands. These policies have made Albanians occupy the properties of other Albanians as the government violates its constitutional obligation and human rights protected by the constitution and international conventions. Such things occur because the existing law still considers inhumanely, unjustly the nationalized property by the dictatorship as state property for its own officials' electoral and personal financial interests!

In the last 19 years, tourist coastal areas have been treated as property to the benefit of clans, political oligarchy and law offenders. The main political parties, none of which include in their programs and platform the respect of the right of the inherited property, resemble more to dictatorship, criminal bands and clans than to a party that respect freedom and human rights. We are the legitimate owners of our inherited properties, nationalized by the communist regime after 1944 and, hence, we are not and cannot be considered as former owners, we are the true and actual owners. Nothing can justify the existing anarchy with the issue of properties in tourist coastal areas and centrally located cities in a country that considers itself democratic, that is a NATO member and an eager EU member aspirant. We can offer real solutions that would solve this issue once and for all - they would respect the basic human right of enjoyment of property and the rights, intrinsically interwoven with it, of liberty, equality and security of the legitimate and autochthonous owners while not causing social inconvenience to other interested parties. These basic rights are God-given natural rights protected by the Constitution of the Republic of Albania, UN Universal Declaration of Human Rights, EU Charter of Fundamental Rights and European Convention on Human Rights.

We eagerly ask that you use all your available means to influence the Albanian government and the political class to live up to its EU aspirations and Copenhagen criteria commitments conditioning Albania's entrance to EU and its visa liberalization on its government and political class offering real solutions that will ensure the full respect for the human right of enjoyment and respect of property and its intrinsically interwoven fundamental rights of freedom, equality, democracy, security, stability and rule of law. They are cornerstone values for enlarging EU but, more importantly, they are vital values for its own population and, after 19 years of nominal democracy, it is way past high time to start enjoying such rights. Your prompt attention and understanding to this matter is greatly appreciated.

Dr. Niko Nesturi
Chairman of "Bregdeti" Association