



Research Article

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Transitional Justice Status in Albania Through Local Perceptions

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Abstract

This research article aims to enhance regional studies with a focus on the Balkan peninsula, by providing a comprehensive analysis of the extent of transitional justice mechanisms in Albania and its local perception among the citizens. With the fall of military dictatorships in Latin America in 1980s, the breakup of the Soviet Union and the emergence of new states in 1990s, the concept of Transitional Justice (TJ) saw a significant rise in the late 1980s and early 1990s. This was further propelled by the fall of the Berlin Wall (1989), the prolonged breakup of the Socialist Federal Republic of Yugoslavia (1992) as well as the fall of the communist dictatorship in Albania (1990). The emergence of new states and the state-building processes that followed the political and social changes also brought new challenges and conflicts, although they marked the end of significantly repressive political regimes. Considering that the implementation of TJ has undergone several changes over time and dependent of the different settings in which it was employed, it is necessary to conduct extensive research to determine the extent to which TJ differs in post-communist and post-conflict nations. The main research question of this article is: How is reflected the current status of transitional justice in Albania in the lens of public perceptions? To achieve the goal, this article employs quantitative data through a survey conducted with 1021 respondents in Albania. The results of the study show that there are significant differences between the responses of participants who reported having knowledge of Transitional Justice and those who reported being unaware, particularly with their understanding of the number of victims affected. p-value <0.05.

Keywords: Transitional justice, Albania, public perception in Albania, Communist past, communist crimes in Albania

1. Introduction

For more than 40 years, Albania under the communist regime and several countries within the Former Federation of Yugoslavia have been subject of massive human rights violations, including massive killings, segregations in concentration camps, denial of movement, denial of the practicing of religious belief and other liberties and freedoms. For more than 30 years, after the fall of the communist regime, these post-communist and post conflict societies continued to keep skeletons in their closets and live under a highly polarized political environment. Transitional Justice (TJ) is the concept that in the past 30 years has seen a huge proliferation of studies and different forms of conceptualization to provide a proper theoretical framework for societies to know how to manage their relationship with their past. The United Nations has defined TJ as “the full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation” (United Nations, 2004, p.4).

Transitional Justice as a way to address and respond to massive human rights violations, is framed by some guiding principles, as defined in the Guidance Note of the Secretary General of the United Nations published in 2010, in which is suggested that the implementation of TJ mechanisms should be in accordance and/or compliance with the international norms and standards; it is of high importance to design and implement these mechanisms based on the context of international legal obligations and national context; contextualize the assistance and empower community-wide transitional justice processes; take into account gender and child-sensitive approach to transitional justice; victim-oriented approach; coordinating rule of law initiatives with the transitional justice mechanisms; better combination of transitional justice mechanisms; take into account other forms of violations such as economic, social and cultural ones (United Nations, 2010). Transitional Justice is a concept that primarily emerged in the late 1980s and in the early 1990s, with the fall of military dictatorships in Latin America, which was followed by the breakup of the Soviet Union and the emerging of new states, the fall of the Berlin Wall that led to the overthrowing of the communist regimes in the East Blok, including the rupture of the Yugoslavian Federation and the fall of the communist dictatorship in Albania.

These political and social changes brought to an end significantly repressive political regimes but also brought new challenges and conflicts that arose with the emerging of new states and the state-building processes. Even though TJ has evolved throughout times and in different contexts, it is important to conduct extensive comparative studies that analyze to what extent TJ is different in post-communist and post-conflict countries. In a political, geographical and historical context - like the Western Balkans - there is a lack of studies comparing different types of conflicts and, more importantly, there is no previous study comparing the case of Albania with any other country within the former Yugoslav Federation. Indeed, communist Albania was the only country to have isolated itself from both the Western and Eastern world.

Different scholars have defined Transitional Justice differently. However, most of them have addressed this concept mainly as a tool to be used in transitional contexts in their efforts to deal with past human rights violations, towards more democratic regimes (Preysing, 2016; Sharp, 2018). Over the years, TJ has broadened its meaning and operationalization field in terms of designing mechanisms that are to be applied in various contexts - democratic and non-democratic, transitional, and non-transitional (Sharp, 2018). Since the beginning of its emergence, TJ has faced challenges and limitations, because the expectations from justice vary for the victims, the perpetrators and society. Gready and Robins (2014) have reflected and critiqued transitional justice mechanisms as just to “light the symptoms, rather than to provide diagnosis on the causes of conflicts” (p.340). This is also known as the ‘top-down’ state - based processes. Yet, when it comes to designing a transitional justice policy, it is necessary to understand different cultural and local approaches, and, thus, go beyond the dominant western worldview and think on what are the processes that these communities need; what are the experiences that they are looking for to help them rebuild peace. So, some important features

needed to design a functional TJ policy include participation, empowerment, and contextualization.

TJ took different forms in different countries. The idea that societies were severing their ties with the past, and, thus, depended on different political and social characteristics spread in different political environments.

Previous studies have emphasized the evolution and variation of transitional justice as a concept and norm over time. Scholars such as Kritz (1995); Teitel (2000); Paige (2009); Sharp (2014;2018); Gready and Robins (2014) Skaar et al. (2015); Welsh (2015) emphasize the conceptual challenges and limitations of this concept, as its definitions overlap and change over time due to different contextual understandings, direct objectives of transitional justice mechanisms that varies accordingly to transitional justice context and the different measures used for its implementation. A series of studies have indicated that timing is crucial in terms of impact and efficacy of transitional justice mechanisms. As such, Sharp further elaborates that transitional justice has no limitation issues in time, because its application might start prior to the political transition and “often extend for decades after the process of democratization has begun, calling into question earlier ideas about the field being limited to short term” (2018, p. 82). What is also of importance and relevance to this study is the diversity of contexts of mechanisms to deal with the past- be it democratic or non-democratic regimes, transitional or non-transitional societies. This variation is significant to conduct studies comparing countries with different political contexts such as Albania, Kosovo, and North Macedonia but with similar democratization trends and institutional reforms challenges and limitations. This is why Sharp in this exhaustive publication identify one of the literature gaps until 2018, which is related to the “better understanding of the ways in which transitional justice mechanisms function in a range of contexts, from the paradigmatic political transition to the normative and ideological transitions seen in consolidated democracies, to war-to peace transitions whose eventual result is more autocratic than democratic” (2018, p.88).

There are different moments in the political life of nations. For each of them, there is a particular set of principles or moral and legal rules. There is a first period, which is a fundamental period, and which principles are usually cast in a constitution. Then there is a time of sustainable life of the political system, which does not exclude tensions and conflicts, however the system subsists. This second time is subject to the principles of the rule of law and the norms of human rights. As well as by public transparency and accountability criteria. Thirdly, a political community may face a period of major crisis, such as war or a dictatorial rule. After having overcome a major crisis, a political community enters a time of re-foundation or reconstruction. It is at such a time that the notion of transitional justice comes to the fore. Yet for this period of reconstruction had not been a set of generally agreed upon principles until the 1980s. It was with the Argentinian transition to democracy that governments and academics took notice of the need for the development of principles and policies to address a legacy of recent human rights violations. In the last 30 years there have been more than 50 political transitions throughout the world. In the majority of these political transitions, new governments did nothing or put in place incomplete policies, when merely cosmetic measures.

The very understanding of TJ as the transition to democracy in the late 1980s matches with the mechanisms and measures applied at the time, mainly retributive and reparatory such as “prosecutions, truth-telling, restitution and reform of abusive state institutions- as legitimate justice initiatives” (Paige, 2009, p.325). In this context, the concept of transition would be just a phase of a changing regime, meaning that the transitional period would not last for long, as a new ruling elite and a new government would take place. Paige explains that transitional justice as a concept has been around for many years but is only recently that its measures “have been justified through appeals to universal norms such as human rights, or that they have been seen as legitimate only when undertaken by a democratic polity, or that they have been seen as having an underlying, determined connection related to the normative goal of promoting democracy” (2009, p.334). Accordingly, two normative aims were critical at this point: “the goal of providing some measure of justice to those who suffered under repressive state regimes; and the goal of facilitating an exit from authoritarianism

and shoring up a fragile democracy” (Paige, 2009, p.355).

One of the key concerns among all scholars, at the time, is the absence of theorizing in the field of transitional justice and the lack of having a fixed meaning, which are also combined with conceptual framework challenges and limitations. One of the challenges that scholars have identified in general, and Paige (2009) in particular, is related to the ambiguity of transitional justice as a concept in different contexts. For instance, a transition to democracy might be different from a transition to peace in terms of the differences and variation of justice claims that each society asks for. In other words, this is quite evident and relevant to the study of countries, too. Albania, as a post-communist country, has designed its judicial and institutional initiatives to deal with its communist past differently than the initiatives of Kosovo and North Macedonia as two post-communist and post-conflict countries. As Paige sorts out, the different justice claims for different contextual settings, these “practical dilemmas are more likely to revolve around reintegration of ex combatants, ethnic cleansing, wealth sharing, war crimes, power sharing and claims for self-determination, while prosecutions and vetting are unlikely to be adequate measures in a post conflict setting” (Paige, 2009, p.360). The second conceptual challenge is related to the so-called transposition of conceptual structures in countries that experienced regime changes after the Latin America countries. Other regional parts of the world that were intended to come to terms with the past or to deal with massive human rights violations were regions of different compositions when compared to Latin America countries. Nonetheless, transitional justice mechanisms were used as ‘size-fit-all’ response in post-communist and post-authoritarian or military dictatorships countries.

When investigating post-communist changes, it is crucial to consider the diverse trajectories and paths that countries followed during this period. As Rupnik (2014) emphasizes, “The Balkans witnessed a different trajectory from that of Central Europe with democracy side-tracked by war and the still unfinished tasks of nation-state building” (p.59). This observation stresses the significance of analyzing the impact of historical and political contexts on the democratic development of different regions.

To make a better analysis of the phases that Albania should undergo to obtain what is considered a proper transitional justice process, it is important to look through previous procedures and models from different countries, from developed ones to less developed ones. One of the main theoretical concerns remains whether the political parties and elites will be open or not to transitional justice. For instance, they may choose to “draw a thick line” with the past by adopting a strategy which indicates the politics of amnesia or may develop a ‘confrontation strategy’, which will help the reaching of a confrontation with the past. Both strategies strive to find a way in which the present will be relieved from the burden of the past, even if this means to silence, ignore or erase the past, or mastering and confronting the past (Rusu, 2017).

Albania’s political landscape has been marred by a significant issue of the lack of consensus and compromise, which has been brought to light by various scholars, including Gentian Elezi (2017). Elezi’s analysis sheds light on the challenges faced in the process of institution building and the establishment of the rule of law after the fall of communism in Albania. Elezi argues that the existence of this absence is a clear indication of how the legacy of the communist dictatorship persists today. Furthermore, the author’s analysis highlights that the establishment of a democratic regime in the country has encountered obstacles due to two major factors. Firstly, the executive’s frequent intervention in the judiciary system has posed a significant challenge. Secondly, the uncertainty and inefficiency of the judiciary have also contributed to hindering the establishment of a democratic regime (p. 70).

The communist regime in Albania from 1945 to 1990 has been studied extensively by prominent Albanian scholars such as Kaba, Krasniqi, and Këlliçi through their in-depth analysis of the nature and scope of the regime. This analysis was presented in the published volume of “Denied by the regime: prisons, internment-deportation system and forced labor in Albania”, which was delivered by The Authority for Information on Former State Security Documents (AIDSSH).

The communist regime in Albania is the focus of Kaba’s 2020 article, in which he discusses the

similarities and differences between this regime and the regimes in other countries across Central and Eastern Europe. The crux of his concern revolves around the questioning of the circumstances of the establishment of the communist regime in Albania, specifically, that it occurred in an environment that was not conducive to communism. Additionally, he points out that the Communist Party in Albania was only established in November 1941, which is much later than the establishment of communist parties in other European countries, many of which were created prior to the outbreak of the Second World War. One crucial aspect to consider when comparing communism in Albania to other CEE countries is the fact that the Communist Party in Albania and Yugoslavia were able to establish their legitimacy and power much earlier than other European countries that were still grappling with political instability. Kaba (2020) highlights similar factors and characteristics related to the regime. Accordingly, the reason behind the variation in violence levels among countries was that they were influenced by both internal and external factors. Albania's high indicators of severe punishments, including death sentences, long-term incarcerations, and deportations of families, can be attributed to a combination of factors, such as the lack of political pluralism, the absence of liberal and progressive traditions of governance, a significant gap between the ruling classes and the general population, and the communist regime's brutal repression of its opponents, which had an enduring impact on the country's justice system (2020, pp.7-19).

Këlliçi (2020) explains that during the period known as de-Stalinization, the countries of Eastern Europe underwent a partial confrontation with their past. The Albanian public was not exposed to the de-Stalinization process, which meant that the crimes committed during communism were only brought to light in the nineties through the testimonies of survivors from prisons or internment camps, as well as press and archival documents (pp.20-37).

Krasniqi (2020) undertakes an analysis where the author compares the regime initial efforts of CEE countries and Albania after the fall of the Berlin Wall in terms of extending power and timing of transition. The difference in the political transformation processes of Albania and Bulgaria compared to Czechoslovakia, Poland, and Hungary is noteworthy. The Communist Parties in Albania and Bulgaria won the first multi-party elections with an absolute majority, which delayed the political rotation for 1 to 2 years. However, in Czechoslovakia, Poland, and especially in Hungary, political negotiations and agreements enabled the replacement of the ruling elites either in good faith or through higher standards. The change in Romania took on a violent form, which set it apart from other countries. In fact, Romania was the only country to execute its communist dictator. Meanwhile, the Baltic republics underwent a process of change that had fundamental differences from the same processes in countries like Albania. More complex was the situation in the former Yugoslavia space, where in the process of independence and political change among the states in Yugoslavia was unique compared to other reference models, as it was motivated by different factors and driven by elites who had different political agendas (p.55).

Scholars have come to the realization that the way in which a regime changes has an impact on institution-building and the rule of law in different countries. Krasniqi also presents this argument in the case of Albania. According to him, Albania's society was more divided from within than any other European country, which made it less probable for a revolution or a radical change to occur (p.60).

2. Methods

Following the regime change in Albania, after the collapse of the Soviet Union dictatorship in Eastern and Central Europe, fundamental issues raised at the political, social and economic level. Over years since the 1990s, various laws and constitutional changes were made in Albania in order to align the new regime with the democratic and the rule of law principles. Politics have been always been at the forefront of dealing with the past efforts, sometimes to hinder the process and few times to help it. The first survey conducted in Albania to provide for a larger audience data on public perceptions of the communist regime was done by the OSCE Presence in Albania in 2017. Many events have occurred since 2017 and the debate on transitional justice in Albania has been more clear recently,

thus the aim of this survey is to provide more data and a snapshot of public perceptions on how much are they informed on transitional justice in Albania. The survey objectives are: 1. To provide primary data on transitional justice as one of the less researched and highly politicised area in the country; 2. To get an in-depth understanding from data on the importance that transitional justice as a process might have for the Albanian people; 3. Citizens' perceptions on their understanding of transitional justice and how would it help if applied anytime in Albania; 4. To get an understanding of their knowledge of TJ and the former Communist regime.

To achieve the goal, this survey employs a scientific methodology based on online google forms questions, carried out in September to October 2021, with a valid sample of 1021 people above the age of 18, participants from all the Prefectures of Albania. The survey comprises 18 questions in which five independent variables are employed: gender, age, education, urban-rural status, application places- i.e. names of 12 Prefectures in Albania.

This survey of 1021 respondents was conducted through google forms via social media (Facebook, LinkedIn, Twitter); emails to different contacts. It was carried out during September and October 2021. The survey questionnaire was prepared through consultations with my supervisor and other experts of research methods both in Albania and abroad. Prior to the spread of the survey in public, an experimental survey was conducted with random 20 contacts and after receiving suggestions from respondents, the survey was revised. The survey respondents were 1021. Most of the questions were based on transitional justice's perception and understanding. After the survey was conducted, data were entered into the SPSS.

Before the survey was published online to be filled, it was pre-tested by different age groups and from different academic backgrounds. This pre-test was important in order to gain feedback on the quality and relevance of the questions. After collecting comments and suggestions, these changes were reflected in the final version of the survey. The survey questionnaire was published in Albanian language and then translated by the researcher in English. Each survey took approximately 15 minutes to be responded to. The survey was composed of 18 questions, a combination of single and multiple-choice questions with rating/ranking questions (from 1= no knowledge at all to 5 = completely aware; from 1 = the least significant to 5 = the most significant). Likert scale method was also used in this questionnaire, listed from the lowest to the highest frequency, (i.e., strongly disagree; disagree; neither agree nor disagree; agree; strongly agree); (not much; little; somewhat; much; a great deal.); (never; rarely; sometimes; often; always); (not at all aware; slightly aware; somewhat aware; moderately aware; extremely aware). An open-ended question was used as 'other' to collect perceptions and feedback unforeseen to questions.

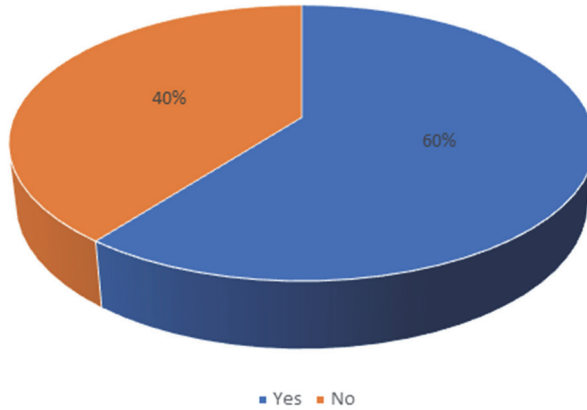
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Table 1: Demographic Characteristics of the Survey Respondents (N=1021)

| GENDER | AGE GROUP | EDUCATION |
|--------------|-------------------------|-----------------------------|
| Male 34.4% | 16-25 years old (24%) | |
| Female 65.6% | 26-35 years old (29.6%) | Secondary Education (10.4%) |
| | 36-45 years old (25.9%) | Bachelor's degree (24.1%) |
| | 46-55 years old (14.1%) | Master's degree (55.6%) |
| | 56-65 years old (5.5%) | Doctoral degree (9.2%) |

3. Results and Discussion

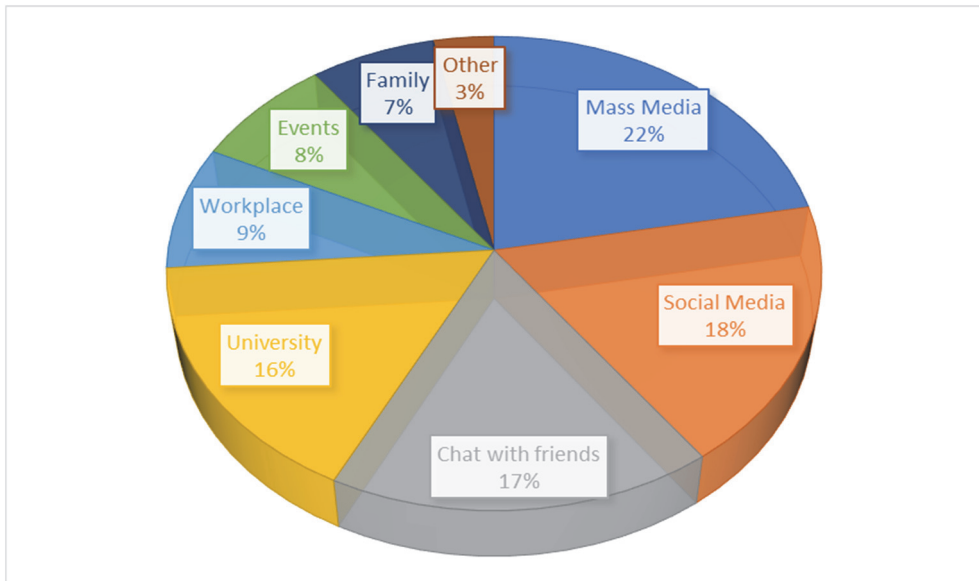
The Level of Basic Knowledge of The Albanian Survey Respondents on Transitional Justice



Note. Respondents (N=1021)

Figure 1: (Question 6) Have You Ever Heard of Transitional Justice? (Percent)

The analysis of the statistical data has revealed that out of 1021 respondents, the larger share of 617, representing 60.4%, claimed that they are familiar with Transitional Justice, while the remaining 404 respondents, accounting for 39.6%, have not been exposed to it.



Note. Respondents (N=617)

Figure 2: (Question 7) If Yes, Where Have You Heard of Transitional Justice? (Percent)

Based on the data collected, it has been found that the primary sources through which people have become aware of Transitional Justice are mass media (22%), social media (18%), and conversations with friends (17.4%). The study findings revealed that a higher percentage, 16.4%, of the respondents have reported hearing in universities, followed by 8.4% in work places, 7.7% in civil society events, 6.8% in their families, and 3.3% in other forms.

4. Understanding Transitional Justice

The respondents were asked to provide their agreements and choices of the given various alternative definitions of Transitional Justice. It was observed that 18.6% of the respondents (287) agreed with the definition of Transitional Justice as a “Field of study that focuses on the crimes committed during the communist regime”. Based on the data collected, it can be concluded that *the top three* responses with the highest percentage are as follows: the field of study that is closely linked to the examination of crimes committed during the communist regime, which obtained 18.6% of the total responses. The statement that received the lowest percentage (4.7%) in the survey refers to a particular mechanism that can be utilized for establishing truth commissions. This mechanism focuses on disclosing various versions of past events to the public. What we are seeing in these results aligns with our expectations. This is because the problem of private properties confiscated during the communist regime has not been resolved, and the issue of crimes committed during that time has yet to be fully investigated or exposed. One possible explanation for the low rate of acceptance of transitional justice as a mechanism for establishing truth commissions could be the lack of awareness and public discourse surrounding truth commissions in society. The lack of understanding about truth commissions among the public may also be a contributing factor to respondents checking less on this definition.

Table 2: (Question 8) Based on your understanding; how would you define Transitional Justice?

| Definitions | N | % |
|---|-----|-------|
| Field of study which is related to the study of crimes committed during the communist regime | 287 | 18.6% |
| Mechanism to return private property confiscated during the communist regime | 253 | 16.4% |
| A basket of mechanisms to bring reconciliation and peace within society | 242 | 15.7% |
| Vetting for all public officials | 169 | 11.0% |
| Prosecution of those who have committed mass violations of human rights | 162 | 10.5% |
| Lustration for all public and official persons who held positions on decision-making levels during the communist regime | 161 | 10.4% |
| Political and social program to rehabilitate survivors of the communist regime | 121 | 7.8% |
| A mechanism for establishing truth commissions to publicly expose versions of the past | 73 | 4.7% |
| Other | 74 | 4.8% |

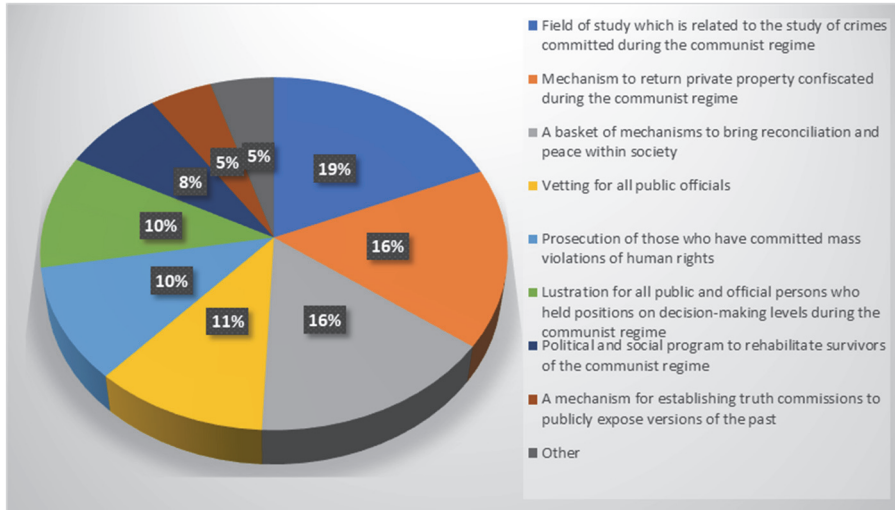
Note. Respondents (N= 1021)

Table 2 provides an interesting insight into the results that have been obtained, which makes it worth examining. The responses collected reveal that 18.6% of the participants understand transitional justice as a field of study that deals with crimes committed during the communist regime, which is the highest percentage for this category among all responses. The survey results showed that 16.4% of the participants perceive TJ as a mechanism designed to restore private property that was seized during the communist regime, whereas 15.7% have identified it as a collection of mechanisms that seek to promote societal reconciliation and peace. The results are not surprising, given that the complexity of the communist past is primarily attributed to private property, which remains a polarizing factor within society. Furthermore, it highlights the need to promote reconciliation and establish a more inclusive society. The percentage of respondents who have been able to grasp the concept of TJ as a “Political and social program to rehabilitate survivors of the communist regime” is only 7.8%, which is relatively low. The study revealed that 4.7% of the respondents interpreted TJ as a

mechanism to establish truth commissions, which can publicly expose different versions of the past. The results suggest that individuals who have knowledge of transitional justice view it more as a means to study communist crimes, rather than as a tool for establishing political and social programs aimed at reintegrating survivors of the communist regimes. There may be a reason only a very low percentage of respondents correlate TJ with truth commissions and exposure to the past, and that reason could be the lack of information or debate on truth commissions.

Those survey respondents who constitute the 4.8% in the 'Other' section of this table have expressed their perceptions as follows:

- The field of study that concerns itself with examining and addressing issues that pertain to the way the past is treated and the violation of human rights in societies that are undergoing a transitional period. In order to address the issue, it is important to take measures such as bringing the responsible persons to justice, democratizing the institutions, compensating the victims, and more.
- Transitional justice is the term used to describe the transfer of responsibilities and competencies from one institution to another.
- The justice system has undergone significant changes and transformation since the communist regime, and Transitional Justice is a part of this evolution.
- From my understanding, transitional justice pertains to the aftermath of war and involves addressing the violation of human rights, dignity, and integrity, which calls for compensation and accountability for victims and their families.
- In my opinion, transitory justice is a form of justice that is fundamentally flawed because it lacks true justice. Transitory justice is not primarily focused on its output. Due to its transitory nature, it won't last for long.
- The justice system and society of a country must recognize, investigate, punish, and provide compensation for the crimes committed during a period of mass violations of human rights and freedoms.
- The field that deals with the criminal prosecution of individuals who have committed human rights violations in the past is an important aspect of ensuring justice.
- An approach which, on the one hand, recognizes and compensates for the damage caused to the victims of a system and on the other hand, transforms the system that has been at the root of the abuse.
- The justice legislation that was previously in place and aligned with the socialist social order is now being transformed into justice legislation that is aligned with the capitalist order. The change that needs to be made in the social order must be made within a decade.
- The field that focuses on how to address past human rights violations in societies in transition has been given a crucial role in democratization efforts by international organizations. This is because it has been proven to be a highly effective facilitator of reconciliation and post-conflict stabilization.

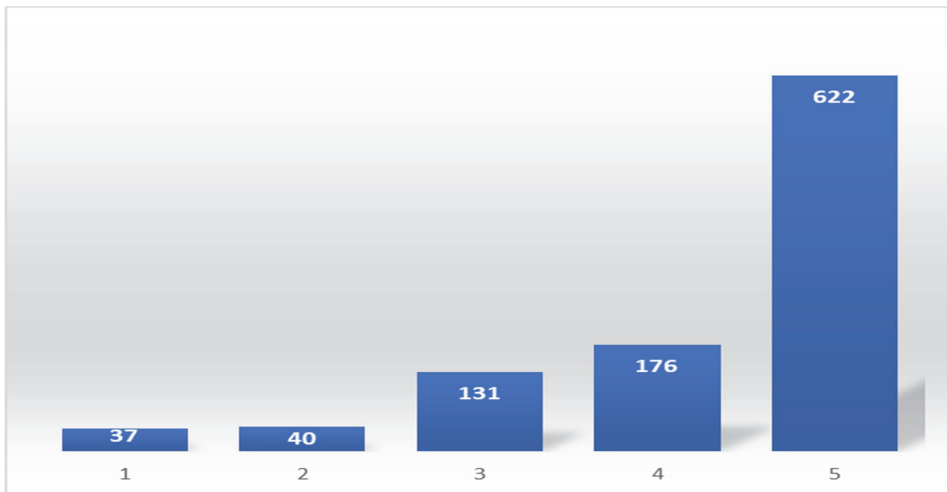


Note. Respondents (N=1021)

Figure 3: Agreement levels on Layers of Definitions of Transitional Justice (Percent)

If Albania were to implement any form of Transitional Justice mechanism, what would be the primary outcome of such implementation?

The survey results have revealed that 17.2% of the participants have expressed that the most suitable option for any Transitional Justice mechanism in Albania would be to establish a new level of accountability and impunity among the political elite. Out of all the respondents, 15.4% believe that the application of any TJ mechanism would cause the most immediate outcome of building trust in institutions. 7.2% of respondents would think of “to affect the integration process towards the European Union membership”; 7.0% would think of “To create foundations for the rule of law”, 2.1% of respondents would think of “To help build peace and reconciliation between divided groups or discriminated sections of society” and 5.1% of respondents think of other outcomes.



Note. Respondents (N=1006). Not at all important (N=37); Slightly important (N=40); Somewhat important (N=131); Important (N= 176); Very Important (N=622).

Figure 4: (Question 14) How Important Do You Consider Dealing with the Communist Past? (Frequency)

Among the 1006 respondents, 622 of them emphasized that dealing with the communist past is very important, while 176 respondents stated it is important. The data that has been gathered indicates that despite the regime falling a long time ago, over half of those who participated in the survey still believe that it's important to address the past. As indicated in Figure 4, 582 out of 1001 respondents believe that it is Albania's responsibility to address communist crimes, which aligns with the percentage mentioned earlier. It is interesting to note that only a small number of the 1001 respondents, specifically 120, showed disagreement or total disagreement with the statement, while the rest remained neutral or in agreement.

In the context of questions about Transitional Justice, a comparison can be made between respondents who have heard about Transitional Justice and those who have not. This comparison can shed light on the differences in opinions, attitudes, and knowledge between these two groups. For instance, respondents who have heard about Transitional Justice may be more likely to have a deeper understanding of the concept, its importance, and its potential impact, and therefore, may express more informed and nuanced opinions about it. On the other hand, respondents who have not heard about Transitional Justice may have less knowledge and interest in the topic, and therefore, may express more neutral or uninformed opinions. By comparing these two groups, researchers can identify the factors that influence knowledge and attitudes towards Transitional Justice and develop strategies to increase awareness and engagement with this crucial topic. The statistical test Independent Sample T-test was utilized to perform the analysis.

The analysis conducted has revealed that there are noteworthy dissimilarities between participants who responded positively and indicated that they have heard of Transitional Justice and those who responded negatively and claimed that they have not heard of it. Although there are individuals who are aware of the number of victims of the communist regime in Albania, the differences among them are significant. Additionally, those who believe that Albania should address its past also exhibit differences among them.

The analysis was conducted using the Independent Sample T-test statistical test. The study analyzed the independent variable of survey respondents' statements, "Yes" or "No," concerning Transitional Justice. The dependent variables investigated were questions such as "Are you aware of the number of victims during the communist regime in Albania"? (interval 1 - not at all aware - 5 fully aware); "Do you agree, in your understanding of Transitional Justice, that Albania deal with the communist past?" (interval 1-strongly disagree to 5-strongly agree); "How important do you consider dealing with the past?" (interval 1-not at all important to 5- strongly important); "Do you discuss the previous regime in your family?" (interval 1-never to 5-very often).

When asked if they are aware of the number of victims during the communist regime in Albania, it is seen that respondents who claimed to have heard of Transitional Justice have an average of 3.35 and std = 1.19, compared to those who stated that they have not heard of Transitional Justice. with an average of 2.95 and std = 1.28, with an average difference of 0.400 p-values = 0.000 which is significant at 0.05 of the margin of error. By this, we understand that respondents who have claimed to have heard of Transitional Justice are more likely to have better knowledge of the number of victims during the communist regime in Albania.

As for the question: "Do you agree on Albania's dealing with the past", the results show that respondents who have claimed to have heard on Transitional Justice have an average of 4.23 and std = 1.19, compared to the other group who have an average of 3.95 and std = 1.29, with an average difference of 0.277 and p-value = 0.001 which is significant at 0.01 of the margin of error.

There are also significant differences when respondents were asked: "How important do you consider dealing with the past", it is observed that respondents who have claimed to have heard on Transitional Justice were more likely to report that dealing with the past is important, with an average of 4.35 and std = 1.05, compared with the other group having an average of 4.21 and std = 1.10, while the average difference is 0.142 and p-value = 0.043 which is significant at 0.05 of the margin of error.

There are shown significant differences when asked whether they discussed this topic in the

family, data show that in the first case, respondents who had heard on Transitional Justice have an average of 3.87 and std = 1.21, compared to the other group who have an average of 3.53 and std = 1.29, with an average difference of 0.340 and p-value = 0.000.

Table 3: Independent Sample T-test statistical test

| | Yes/No | N | Mean | Std. Deviation | Std. Error Mean | Mean difference | P-value |
|--|--------|-----|------|----------------|-----------------|-----------------|---------|
| Are you aware of the number of victims during the communist regime in Albania? | Yes | 615 | 3.35 | 1.19 | 0.05 | 0.400 | 0.000 |
| | No | 393 | 2.95 | 1.28 | 0.07 | | |
| Do you agree, in your understanding of Transitional Justice, that Albania should deal with the communist past? | Yes | 613 | 4.23 | 1.19 | 0.05 | 0.277 | 0.001 |
| | No | 388 | 3.95 | 1.29 | 0.07 | | |
| Do you discuss the past regime in your family? | Yes | 617 | 3.87 | 1.21 | 0.05 | 0.340 | 0.000 |
| | No | 394 | 3.53 | 1.29 | 0.07 | | |

The results of the study show that there are significant differences between the responses of participants who reported having knowledge of Transitional Justice and those who reported being unaware, particularly with their understanding of the number of victims affected. p-value <0.05.

5. Conclusion

The following finding were extracted from the survey questionnaire conduction in Albania to understand public perception, awareness and understanding of TJ in Albania.

- i. 617 out of 1021 respondents report that they have heard about Transitional Justice (60.4%), while 404 of respondents have not (39.6%).
- ii. When asked where have they had heard about Transitional Justice, respondents reported that 22% of them had heard on mass media means, 18% in social media posts, and 17.4% through conversations with friends.
- iii. When asked how they would agree more with the definitions of Transitional Justice, 18.6% of respondents agree with the definition of Transitional Justice as a “Field of study which is related to the study of crimes committed during the communist regime”; 16.4% of them understand TJ as “Mechanism to return private property confiscated during the communist regime”; 15.7% as “A basket of mechanisms to bring reconciliation and peace within society”.
- iv. 17.2% of respondents say that the most appropriate alternatives in case of the application of any Transitional Justice mechanism in Albania would be “To set a new standard on accountability and impunity among the political elite”; 15.4% of respondents think that by applying any TJ mechanism, the most immediate outcome would be “To build trust in institutions”; 14.8% of respondents think of “To build a new relationship between citizens and the justice system”.
- v. 18.4 percent of 1008 responses reported they are fully aware of the number of victims and only 11 percent reported that they have no information at all.
- vi. When asked whether Albania should deal with its communist past, 58.1 percent of 1001 respondents ‘strongly agreed’.
- vii. When asked about *the level of importance* of dealing with the past, 61.8 percent of 1006 responses reported considering it as ‘very important’; 17.5 percent as ‘important’ and 3.7 percent of total responses reported as ‘not important at all’.
- viii. When asked *how frequently* did they discuss the past regime in their families, 38.6 percent of 1011 responses reported to talk ‘very frequently’; 20.4 percent talked ‘frequently’; 22.7

- percent talked 'occasionally' and only 5.9 percent of the total respondents said that they did 'rarely' discuss the past regime in their families.
- ix. Another finding, 61.3 percent of 1006 responses said that they had never been in an event organized in memory of communist regime victims and only 38.7 percent said that they had been in a such event.
 - x. Significant differences between men and women when it comes to their knowledge of the number of victims during the communist regime in Albania, wherein data show men are more likely to be aware compared to women.
 - xi. Older ages are more likely to report that they have more awareness on the number of victims of the past regime compared to younger respondents, as well as when asked about dealing with the past and its importance, the older aged respondents are more likely to report that they agree and that consider it as more important.
 - xii. The higher the level of education of surveyed respondents, the higher the knowledge on the number of victims of the communist regime, the more support they give to deal with Transitional Justice and the more they consider it as important.

In conclusion, the survey conducted in Albania provided valuable insights into the public perception and awareness of transitional justice in the country. The findings indicate that a significant percentage of respondents are aware of the concept of transitional justice, with a notable 58.1% strongly agreeing that Albania should address its communist past.

This high level of agreement underscores the importance of addressing historical injustices in Albania. Furthermore, the survey revealed differences in awareness based on gender, age, and education level, with men, older respondents, and those with higher levels of education showing greater awareness and support for transitional justice initiatives.

These findings have important implications for the design and implementation of transitional justice programs in Albania. It is clear that a substantial portion of the population recognizes the importance of addressing the past, and future initiatives should take into account the varying levels of awareness and support among different demographic groups.

However, it's essential to acknowledge some limitations of this study, such as potential survey biases and the need for further in-depth research to explore the reasons behind these demographic differences. Future research can also investigate the specific mechanisms and strategies that may be most effective in promoting public awareness and engagement with transitional justice issues in Albania.

In summary, this study contributes to our understanding of public perception and support for transitional justice in Albania and provides a foundation for further research and policymaking in this crucial area.

References

- Arthur, P. (2009, May). How "Transitions" Reshaped Human Rights: A Conceptual History. *Human Rights Quarterly*, 31(2), 321-367. doi:DOI: 10.1353/hrq.0.0069
- Elezi, G. (2017). Establishing the rule of law after communism: a comparative approach. *POLIS*, 16, 65-89.
- Elin Skaar, Camila Gianella Malca, Trine Eide. (2015). *After Violence: Transitional Justice, Peace and Democracy*. Routledge.
- J.Kritz, N. (1995). *Transitional Justice: How emerging democracies reckon with former regimes*. Washington D.C: US Institute of Peace Press.
- Kaba, H. (2020). Komunizmi Shqiptar: ngjashmeri dhe vecori me vendet e tjera komuniste te Evropes Lindore e Qendrore (1944-1948). *Te Mohuar nga Regjimi* (pp. 14-30). Tirane: AIDSSH.
- Kellici, K. (2020). Gulagu European: Regjimi i kampeve te punes dhe perqendrimt ne Shqiperi, Gjermani Lindore dhe Bullgari, 1946-1950. *Te Mohuar nga Regjimi* (pp. 30-54). Tirane: AIDSSH.
- Krasniqi, A. (2020). Trajtimi i te kaluares ne raport krahasues: Shqiperia dhe Evropa Lindore. *Te Mohuar nga Regjimi* (pp. 54-84). Tirane: AIDSSH.

- Paul Gready, Simon Robins. (2014). From Transitional to Transformative Justice: A New Agenda for Practice. *International Journal of Transitional Justice*, 8(3), 339-361. doi:<https://doi.org/10.1093/ijtj/iju013>
- Paul Gready, Simon Robins. (2020). Transitional Justice and Theories of Change: Towards evaluation as understanding. *International Journal of Transitional Justice*, 14, 280-299. doi:[doi:10.1093/ijtj/ijaa008](https://doi.org/10.1093/ijtj/ijaa008)
- Rupnik, J. (2014). The world after 1989 and the exhaustion of three cycles. In J. Rupnik, *1989 as a Political World Event* (pp. 7-25). Routledge .
- Rusu, M. S. (2017). Transitional Politics of Memory: Political Strategies of Managing the Past in Post-communist Romania. *Europe-Asia Studies*, 69(8), 1257-1279. doi:<https://doi.org/10.1080/09668136.2017.1380783>
- Ruti G. Teitel. (2014). *Globalizing Transitional Justice*. Oxford University Press.
- Sharp, D. (2018). *Rethinking Transitional Justice for the Twenty-First Century*. University of San Diego .
- Tricia Olsen, Leigh Payne, Andrew Reiter. (2010). The Justice Balance: When Transitional Justice improves Human Rights and Democracy. *Human Rights Quarterly*, 32, 980-1007.
- UN. (2010). *United Nations Approach to Transitional Justice*. United Nations.
- Welsh, H. (2015). Beyond the National: Pathways of Diffusion. In L. S. Nedelsky, *Post-Communist Transitional Justice* (pp. 167-187). Cambridge: Cambridge University Press. doi:<https://doi.org/10.1017/CBO9781107588516>