COLLEGE OF EUROPE • TIRANA • 17 NOVEMBER 2026

FROM SURVEILLANCE FILES TO DEMOCRATIC ACCOUNTABILITY

International standards • Albania’s special law • Victims’ voices

AIDSSH | Authority for Information on Former State Security Documents

These are not ordinary archives

ORDINARY PUBLIC RECORDS	
Purpose	Document public administration
Production	Routine institutional processes
Reading	Check provenance, context and accuracy

FORMER SECRET POLICE FILES	
Purpose	Monitor, classify and control people
Production	Surveillance, informants and coercion
Reading	Test claims, bias, harm and missing voices

A file proves that something was recorded — not that the allegation was true.

Analytical comparison; all archives require critical assessment.

What the UN framework adds

2005

UN PRINCIPLES • SOFT LAW

Preserve the evidence

The right to know requires preserving archives and enabling access with safeguards.

RIGHT TO TRUTH + DUTY TO PRESERVE

2006

UN CONVENTION • BINDING TREATY

Clarify disappearances

Victims have the right to know the circumstances and fate of disappeared loved ones.

ALBANIA RATIFIED IN 2007

Neither instrument requires unrestricted public disclosure of every file or name.

UN Principles (2005), Pp. 2–5, 14–18; Enforced Disappearance Convention, Arts. 18, 24.

What European standards add

2000

CoE RECOMMENDATION • SOFT LAW

A clear policy for archive access

NEW: Lawful rules, predictable procedures and balanced restrictions.

2000

EUROPEAN HUMAN RIGHTS CASE LAW

Privacy and effective safeguards

NEW: Secretly held personal data must be subject to clear law and review.

2009

TROMSØ CONVENTION • TREATY

A general right of access

NEW: Defined exceptions and independent review; in force for Albania since 2022.

CoE R(2000)13; ECHR Art. 8 & Rotaru v. Romania (2000); Tromsø Convention (2009).

Why was a special law needed?

2015

LAW No. 45/2015

01 **Fragmented and classified files**

Records spread across institutions, with restricted access.

02 **Sensitive information**

Surveillance, allegations, victims and third parties.

03 **Conflicting legal interests**

Truth, privacy, public interest and accountability.

Specialised authority + access procedures + safeguards

Albanian Law No. 45/2015 (amended 2020, 2022), esp. Arts. 1–2, 26–30, 36–40.

AIDSSH is more than an archive

CITIZEN ACCESS

People seek information from the files about themselves and their families.

INDIVIDUAL RIGHTS

PUBLIC INTEGRITY CHECKS

File-based information for legally authorised institutional vetting requests.

ARTS. 26–30

CIVIC EDUCATION

School visits, memory sites, public learning and critical historical understanding.

ART. 36(5)

RESEARCH & MEDIA

Access for scholarship and journalism, with purpose-based legal safeguards.

ARTS. 36–38

Vetting-related checks and media access are distinct legal functions.

Source: Law 45/2015, especially Arts. 22–30 and 36–38.

THE PRINCIPLE BEHIND EVERY PUBLICATION

THE VICTIM'S VOICE MUST BE HEARD.

Do not let an institution of repression have the only voice in the story.

HEAR

Offer space for testimony and response.

CONTEXTUALISE

Separate accusations from proven facts.

PROTECT

Respect privacy, choice and dignity.

LEGAL ANCHORS · 36(4): consider objections · 38(2): keep contrary statements attached · 39–40: corrections

Before publishing: four essential checks

1

VERIFY

What does the file actually prove?

2

ASSESS

Whose rights or safety may be affected?

3

LISTEN

Is the victim’s perspective represented?

4

PUBLISH CAREFULLY

Explain context, redact where needed, allow correction.

Participation should be offered without pressure. Silence does not mean consent.

Editorial checklist reflecting Laws 45/2015, Arts. 36–40 and data-protection safeguards.

Partnerships—and difficult balances

TRUTH	↔	**PRIVACY**
TRANSPARENCY	↔	**LEGITIMATE RESTRICTIONS**
EVIDENCE	↔	**HISTORICAL FINDINGS**

COOPERATION MATTERS

- Albanian public institutions & archives
- Researchers, educators and survivors
- European archives and peer authorities
- ICMP and families of missing persons

TODAY: exhibition → archive → Spaç 1973 documentary → discussion

Cooperation with domestic institutions, European peers and ICMP; Law 45/2015.

OUR RESPONSIBILITY

FROM STATE CONTROL OVER PEOPLE TO PUBLIC ACCOUNTABILITY.

Truth must be pursued. Rights must be protected. Victims must be heard.

Thank you. • Questions and discussion

Selected legal sources

2005	**UN Updated Principles to Combat Impunity**	Principles 2–5 and 14–18 • right to know, preserve archives, facilitate access
2006	**UN Convention on Enforced Disappearance**	Arts. 18 and 24 • information and victims' right to truth
2000	**Council of Europe R(2000)13**	European policy on access to archives • policy guidance
2000	**ECHR Art. 8 + Rotaru v. Romania**	Secret state-held data, privacy and legal safeguards
2009	**Tromsø Convention (CETS 205)**	Access to official documents, exceptions and review
2015	**Albanian Law No. 45/2015 (consolidated)**	Arts. 26–30; 36–40 • integrity checks, education, media, correction

Note: the UN Principles and the CoE Recommendation are non-binding; the conventions are treaties.