

**Annex B – Crime State Nexus Project: Recommendation to uphold the exclusion decision against Sali BERISHA**

**I. Introduction**

**The purpose of this document**

1. This document's purpose is to provide further information to inform the Secretary of State for the Home Department's (SSHD) review of the decision in July 2022 to exclude Sali BERISHA from the UK on non-conducive grounds arising from links to criminality and corruption. This was part of a wider set of exclusion decisions targeting a number of Albanian political figures with ties to criminality and corruption.
2. This document was prepared following BERISHA's legal challenge to the exclusion decision. Following engagement with BERISHA's legal representation it was agreed that the SSHD would review her decision to exclude BERISHA in light of further representations provided by him on 14 November 2022.
3. This document takes the form of a fresh assessment of the appropriateness or otherwise of the exclusion of BERISHA by reference to the following further information: a) re-appraisal of the original case to exclude BERISHA, which was largely based on open-source media reporting, b) additional evidence of BERISHA's ties to criminality and corruption available to the UK government, and c) a review of BERISHA's representations provided on the 14 November 2022. Separately, we have reviewed additional internal material available to the UK Government. We have made this material available to the Home Office team making the recommendation who have provided separate analysis. Accordingly, this document is structured as follows:
  - I. Introduction
  - II. Open-source evidence
  - III. Internal UK Government evidence
  - IV. Consideration of BERISHA's evidence
  - V. Other relevant factors
  - VI. Conclusion
4. In addition, Appendix A provides further detail on the Crime-State Nexus project team.
5. **This assessment, which has been carried out by the Crime-State Nexus Project team, ultimately recommends that the SSHD's decision to exclude BERISHA from the UK should be upheld.**

**About the Crime-State Nexus (CSN) Project**

6. The Crime-State Nexus (CSN) project is a UK joint HO-FCDO initiative that is designed to disrupt the symbiotic links between politics and crime in the

## OPEN SUMMARY OF ANNEX B

Western Balkans, as part of HMG's campaign to tackle Organised Crime Groups (OCGs) in the region. UK intelligence has shown that Albanian OCGs present the greatest immediate and direct threat to the UK. The CSN project is therefore initially being piloted in Albania. However, it is anticipated that the project will be rolled out to other Western Balkans countries (Montenegro, North Macedonia, Serbia, Bosnia & Herzegovina, Kosovo) subject to the outcome of the project's monitoring and evaluation, and its overall success.

7. The links between politics, business and crime in the Western Balkans create a permissive environment in which serious criminals and organised crime groups (OCGs) can operate and benefit from the political protection of corrupt political figures from law enforcement activity.<sup>1</sup> This political protection also provides OCGs with additional routes to launder money, and enables them to use Albania as a safe haven from which to operate. In exchange, OCGs will help political figures during elections by buying votes and intimidating voters.
8. The CSN project aims to disrupt these links by coordinating UK action against Politically Exposed Persons (PEPs) on all sides of Albanian politics in the first instance. As well as exclusion from the UK, UK action could include sanctions and other diplomatic levers. Fundamental to the UK's approach is close cooperation with our local and international partners. We will work with Albanian authorities, the judiciary, civil society, media, and our international allies to take a coordinated approach to tackle serious and organised crime and corruption.
9. UK action to expose corrupt PEPs aims to reduce their credibility amongst both the Albanian public and political elite, demonstrating both the international and domestic repercussions of tolerating corruption within political parties. By increasing the political costs of engaging in corruption, the objective is to disincentivise Albanian politicians from offering political protection to OCGs. Reduced political protection should make OCGs more vulnerable to law enforcement activity in Albania and disrupt their business model. This effort is also reinforced by how we are enhancing the capacity and confidence of the national prosecution and judicial system to tackle crime and corruption, alongside other partners. Action by the UK will often be most accepted locally when off the back of national prosecutions or where those are seen to be unable to take action. In parallel, restricting OCG ability to function effectively in Albania in this way supports wider activity to reduce the harm they cause in the UK itself.
10. Albanian OCGs present an acute threat to the UK. They are assessed as significant players in the UK cocaine and cannabis markets and more widely are highly prevalent across serious and organised crime domestically.<sup>2</sup> This is reflected in the fact that Albanians comprise the largest nationality of Foreign National Offenders in the UK. The recommended exclusions are in line with other UK activity to tackle Albanian OCGs. For example, the UK has recently

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<sup>1</sup> please see paragraphs 8-9 of the submission, to the Secretary of State for the Home Department, *Non-conductive exclusions for high-profile Albanian nationals with links to organised crime and corruption*, dated 12 July 2022.

<sup>2</sup> please see paragraph 6 of the submission, dated 12 July 2022.

## OPEN SUMMARY OF ANNEX B

acted to exclude Fation Dauti (also spelt Dautaj) from the UK. This individual is head of an Albanian OCG and is also directly linked to our case to exclude BERISHA.

11. Overall, the CSN project aims to:

- weaken the threat posed to the UK by Western Balkans OCGs
- protect the UK's interests in the Western Balkans
- support efforts to strengthen democracy in the region
- reduce the public perception that criminals can operate with impunity
- strengthen the UK's reputation and credibility as a partner in tackling high level corruption

II. **Open-source evidence**

12. This section reviews the analysis provided in the original referral case (submitted to the SSHD on 12 July 2022) recommending BERISHA's exclusion in July 2022, which was included as Annex D to the submission provided to the SSHD. That referral case considered a range of open-source media reporting to assess BERISHA's ties to criminality and corruption. A joint CSN team-BE Tirana assessment of the reliability of that open-source media reporting is provided separately. We would make the following additions and revisions in order to update the analysis provided in the referral case in light of subsequent political events, to update the sources provided, and to improve accuracy and clarity.

13. Paragraph 2 of the referral case states that:

"BERISHA was also chairman of the Democratic Party of Albania from 1991 to 1992 and again 1997 to 2013."

We would add the following to that:

"BERISHA is currently the disputed leader of the Democratic Party. His main political rival for the leadership, Lulzim Basha, resigned as chairman of the Democratic Party in March 2022. In May 2022, BERISHA was elected as leader by the members of the Democratic Party. However his authority is not fully accepted by the Democratic Party Parliamentary Group, led by Enkelejd Alibeaj."

This is to update the referral case in light of subsequent political events.

14. We would update the analysis provided in paragraph 5 of the referral case, which summarises BERISHA's involvement in fraudulent pyramid schemes that led to conflict, strife and disorder. Paragraph 5 states that:

"BERISHA fell from power in 1997 after fraudulent pyramid schemes swallowed several hundred millions of dollars from the Albanian population. The government had failed to warn people over the investments or properly supervise the schemes, which ended in turmoil and led to significant public disorder."

Paragraph 5 cites the following media articles to support this analysis:

[US Bars Former Albania PM BERISHA Over 'Corrupt Acts' | Balkan Insight](#)  
[The Pyramid Crisis in Albania Examined \(theculturetrip.com\)](#)

We consider the Culture Trip article to be reliable and supported by other sources. However, as set out in the separate media analysis document, we note that the Culture Trip is not a formal media outlet providing news coverage. To

## OPEN SUMMARY OF ANNEX B

provide additional rigour we would therefore also cite the following articles, which support the conclusions of the Culture Trip article.

[Finance & Development, March 2000 - The Rise and Fall of Albania's Pyramid Schemes \(imf.org\)](#)

[How Albania became a pyramid scheme - UnHerd](#)

These articles – and in particular the article for the IMF journal – provide further detail beyond that provided by the Culture Trip. We would therefore add the following analysis to paragraph 5:

“The mismanagement of this crisis, which resulted in anarchy, riots, and several thousand deaths, should be taken in the context of the close ties between BERISHA’s government and the pyramid companies. Several of the companies allegedly made campaign contributions to the ruling Democratic Party, and there were allegations that many government officials benefitted personally from the companies. This is despite the fact that it was a widely held view that these companies were engaged in criminal activity, including the violation of UN sanctions by smuggling goods into the former Yugoslavia. Indeed, BERISHA personally defended these companies in the face of suggestions that some of them were surviving by laundering money.<sup>3</sup>”

15. In paragraph 12 of the referral case, we would note that footnotes 12 and 13 cite an article from [www.reporter.al](#), which is an online news portal that collates articles from across Albanian media. The original article that [www.reporter.al](#) reproduced was a Balkan Insight article. We would therefore note here the reporter.al article that was cited was:

[BERISHA's inner circle won millions from dubious land deals - Reporter.al \(www-reporter-al.translate.google\)](#)

[The original from Balkan Insight is:](#)

[How BERISHA’s Inner Circle Profited from Multi-Million Euro Land Deals | Balkan Insight](#)

16. In paragraph 13 of the referral case, we would note that footnotes 14 and 15 cite an article from [www.reporter.al](#), which is an online news portal that collates articles from across Albanian media. The original article that [www.reporter.al](#) reproduced was a Balkan Insight article. We would therefore note here the basis for that article. The reporter.al article cited was:

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<sup>3</sup> [Finance & Development, March 2000 - The Rise and Fall of Albania's Pyramid Schemes \(imf.org\)](#), and [How Albania became a pyramid scheme - UnHerd](#)

## OPEN SUMMARY OF ANNEX B

[The daughter of the former Prime Minister of Albania follows the 'legal' path towards wealth - Reporter.al \(www-reporter-al.translate.goog\)](#)

[The original from Balkan Insight is:](#)

[Albania Ex-PM's Daughter Takes Legal Route to Riches | Balkan Insight](#)

[The wording of “and as such, untouchable” from paragraph 13 appears to have been added to the www.reporter.al article. This seems to be due to a mistranslation and is not present in \(though we assess can be inferred from\) the original Balkan Insight article.](#)

17. Paragraph 17 of the referral case stated as follows:

“BERISHA lost the 2013 parliamentary elections to Socialist leader Edi Rama (Current Prime Minister). BERISHA resigned as head of the Democratic Party but remained a powerful figure in the party. He still commands a strong following and remains an MP but was expelled from the party on 9.9.21<sup>4</sup> following the US designation<sup>5</sup>. Lulzim Basha former DP leader had excluded (expelled) Sali BERISHA from the PD’s parliamentary group following designation. Sali BERISHA retaliated by rallying his supporters and calling a meeting of the National Assembly the party’s highest body. 7,600 members voted to dismiss Lulzim Basha as leader as well as all party leadership appointed by him. This reversed all decisions taken by PD leadership since BERISHA’s expulsion thus reinstating BERISHA within Parliamentary group he was excluded from. Following this – Sali BERISHA established a Refoundation group that then tried to reclaim PD’s headquarters as their own.”

However, we would note a more precise version of this would state as follows:

“BERISHA lost the 2013 parliamentary elections to Socialist leader Edi Rama (Current Prime Minister). BERISHA resigned as head of the Democratic Party but remained a powerful figure in the party. Lulzim Basha, the then-leader of the Democrat Party, then attempted to expel BERISHA from the Democratic Party’s parliamentary group on 09.09.21 following his US designation. Sali BERISHA retaliated by rallying his supporters and calling an assembly, attended by 4,935 of roughly 8,000 party delegates. 4,446 of those delegates voted to dismiss Lulzim Basha as leader and the party leadership appointed by him, and to change the party’s governing statute. In response, Basha gathered the Democratic Party’s National Council to pass a resolution to declare BERISHA’s assembly “null” and to dismiss high-profile supporters of BERISHA.<sup>6</sup> BERISHA

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<sup>4</sup> [Tirana Court Ratifies PD National Assembly Initiated by Berisha - Exit - Explaining Albania](#)

<sup>5</sup> [Sali Berisha is expelled from the parliamentary group of the Democratic Party of Albania - Daily News \(txtreport.com\)](#)

<sup>6</sup> [Rival Assemblies Widen Rift in Albania's Main Opposition Party | Balkan Insight](#)

## OPEN SUMMARY OF ANNEX B

established a rival Refoundation group that then tried to claim the Democratic Party's headquarters as its own.”

This amendment is required to provide further clarity and accuracy to the context provided on the political ‘power struggle’ between BERISHA and Basha.

Additionally, we would make the same point about the footnote in paragraph 17 citing the [www.txtreport.com](http://www.txtreport.com) article as was made at paragraphs 15 and 16 above. Txt report is an online portal that gathers and consolidates daily news and media from non-English-speaking countries. The original Albanian-language article it reproduces and translates into English is a [www.telegرافي.com](http://www.telegرافي.com) article. We would therefore note the original Telegrafi article to the footnote that also cites the txtreport.com article, for full transparency:

[Sali BERISHA përjashtohet nga grupi parlamentar i Partisë Demokratike të Shqipërisë - Telegrafi](#)

18. In paragraph 18 of the referral case, the second sentence reads as:

“The Democratic Party accused BERISHA of using criminal groups to lead the attack on their headquarters and incite violence<sup>7</sup>, and provided video footage<sup>8</sup> showing that the violent protest organised and attended by BERISHA<sup>9</sup> also involved several figures known to UK law enforcement agencies.”

A more precise version of this would state as follows:

“The Democratic Party accused BERISHA of using criminal groups to lead the attack on their headquarters and incite violence<sup>10</sup>, and provided video footage<sup>11</sup> alleging that the violent protest organised and attended by BERISHA<sup>12</sup> also involved several known criminals.”

This amendment is required to correct an inaccuracy.

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<sup>7</sup> [Albanian Daily News](#)

<sup>8</sup> [Albanian Daily News](#)

<sup>9</sup> [Protest called by Berisha turns violent in front of the Democratic Party HQ - A2 CNN | English Edition \(a2news.com\)](#)

<sup>10</sup> [Albanian Daily News](#)

<sup>11</sup> [Albanian Daily News](#)

<sup>12</sup> [Protest called by Berisha turns violent in front of the Democratic Party HQ - A2 CNN | English Edition \(a2news.com\)](#)

III. **Internal UK Government evidence**

19. In addition to open-source media reporting, we have analysed additional internal reporting available to the UK Government (**Internal Reporting**) dating from 2007 to the present day that are potentially pertinent to the issues in this case.

**BERISHA's presidency and his role in the pyramid scheme collapse, which led to civil disorder**

20. **Internal reporting indicates BERISHA played a key role in the political and social turmoil triggered by the collapse of pyramid schemes.** This supports the reliability of the open-source Culture Trip article covering BERISHA's role in the pyramid schemes. Please also note paragraph 14 in section II above, which provides further open-source information that indicates BERISHA and his government's role in the collapse of the pyramid schemes amounted to criminal and corrupt behaviour.

**BERISHA's abuse of power as Prime Minister to benefit his family and inner circle**

21. **Internal reporting also shows that BERISHA, his family, and allies repeatedly abused his position as Prime Minister and engaged in corruption and criminality. This includes but is not limited to support for open-source reporting covering BERISHA's ties to and political protection of Fazlic.**

22. Internal reporting corroborates the conclusion of the Balkan Insight media article that BERISHA had himself applied intense political pressure on the prosecutor and so protected a close ally from prosecution.<sup>13</sup> It is also worth noting the 2008 US State Department Human Rights Report for Albania<sup>14</sup>, which similarly finds evidence of political pressure and protection: "On October 10, investigators from the Ministry of Justice attempted to seize the case files of suspected money launderer Damir Fazlic, a Bosnian-Serb businessman. On October 11, the Ministry of the Interior stated it would sue two of the prosecutors involved in trying to summon Fazlic for questioning, claiming that the summons was illegal. Fazlic, accused of money laundering in Albania, was summoned by the Prosecutor General's office on October 8 for questioning while on a visit to Albania; however, he managed to leave the country before he could be questioned. Legal experts characterized the Ministry of the Interior's threat to sue prosecutors as blatant attempts to intimidate the Office of the Prosecutor General into dropping the case against Fazlic, who was alleged to have links to high-ranking government officials."

23. Internal reporting also corroborates the open-source evidence that alleges that BERISHA's daughter Argita Malltezi was involved in corruption in collaboration

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<sup>13</sup> [Albania Ex-PM's Daughter Takes Legal Route to Riches | Balkan Insight](#)

<sup>14</sup> [2008 Human Rights Report: Albania \(state.gov\)](#)



## OPEN SUMMARY OF ANNEX B

with her father including in the case of Zafar Ansar, a Pakistani businessman who was interested in investing €100 million in a new power station. Internal reporting supports media reporting from Balkan Insight also indicates that this was part of a wider pattern of Malltezi gatekeeping access to BERISHA for her personal profit, beyond the case of Zafar Ansar.<sup>15</sup>

### **Evidence of wider abuse of power as Prime Minister**

24. Internal reporting indicates BERISHA's abuse of power in the appointment of corrupt officials, interference in Albania's judicial system to protect subordinates from investigation and judicial proceedings, and illegal surveillance of political opponents.

### **Pervasive corruption by BERISHA and his government, particularly approaching the 2013 elections**

25. Internal reporting provides a consistent and clear picture of widespread corruption throughout BERISHA's period of government, but particularly in the run-up to the 2013 elections. This was used to further his interests, aid his allies, and buy political support.

### **BERISHA's tight political control and dominance of his government**

26. Importantly, the Internal reporting indicates that the widespread grand corruption of his government could not have occurred without BERISHA's knowledge and authorisation given his personal control over his Government.

### **Evidence of ties to criminality, and willingness to engage in and incite violence**

27. Beyond corrupt behaviour, the Internal reporting also shows BERISHA's ties to wider criminality and organised crime, and his willingness to encourage political supporters to engage in violent behaviour. This is supported by open-source media reporting from December 2021 which shows video footage of known Albanian criminal Fation Dauti (also spelt Dautaj) violently kicking in a door at the Democratic Party headquarters on behalf of BERISHA – noting BERISHA's claims that he has not ever engaged with Dauti (see Section IV for more detail).<sup>16</sup> Dauti has been excluded from the UK due to his assessed leadership role in an organised crime group that has engaged in various forms of serious criminality.<sup>17</sup> The Special Immigration Appeals Commission (SIAC) found that on the balance of probabilities that Dauti is an influential member of a UK-based

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<sup>15</sup> [Albania Ex-PM's Daughter Takes Legal Route to Riches | Balkan Insight](#)

<sup>16</sup> [VIDEO/ Berisha 'invades' PD headquarters, kicks the door of the meeting room: We will communicate to The Oblast, dare not oppose us - Albanian \(shqiptarja.com\)](#)

<sup>17</sup> [Fation Dautai: Suspected Albanian crime boss named - Exclusive | UK | News | Express.co.uk](#)

## OPEN SUMMARY OF ANNEX B

Albanian criminal group that imports and distributes Class A drugs in the UK, and that he has engaged in extreme violence.<sup>18</sup>

- 28. Overall, internal reporting across the period 2007-2022 confirms BERISHA's role in the pyramid scheme collapse in 1997, which led to civil disorder, and supports the position that BERISHA later abused his position as Prime Minister to benefit his family, inner circle, and political allies. The internal reporting indicate pervasive corruption across his government that could not have occurred without his knowledge and involvement, and provide specific examples to support this. Furthermore, the internal reporting details BERISHA's ties to criminality and indicate a willingness to engage in and incite violence.**
- 29. Internal reporting therefore both corroborates many elements of the open-source media reporting used to inform the SSHD's decision to exclude BERISHA in July 2022, and also provides other examples that indicate a sustained pattern of criminal and corrupt behaviour. The reporting conveys a view that BERISHA is involved in corrupt and other criminal conduct.**

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<sup>18</sup><http://siac.decisions.tribunals.gov.uk/Documents/outcomes/documents/B9%20OPEN%20Judgment%2025.03.21%20doc.pdf>. We note that Dauti is referred to in that judgment as B9 – the anonymity order to which he was subject in that case was subsequently revoked.

#### **IV. Consideration of BERISHA's evidence**

30. This section considers the witness statements and supporting evidence submitted by BERISHA and his daughter, Argita Malltezi, to contest the SSHD's decision taken in July 2022 to exclude BERISHA from the UK.

##### **Witness Statement – Sali BERISHA**

###### **Section A – introduction**

31. Paragraphs 6-8 summarise the issues that BERISHA seeks to address via his witness statement and supporting evidence, and what he seeks to demonstrate in response to his exclusion.

32. We do not view it necessary to provide a response to Section A – our response to BERISHA's points is provided in each of the following sections.

###### **Section B – events leading to BERISHA's return to politics**

33. **In Section B of his witness statement BERISHA sets out his account of his return to politics, including the violent events at the Democratic Party headquarters, in January 2022. In our considered view Section B is not relevant to our assessment.**

34. Paragraphs 9-12 detail BERISHA's opposition to Prime Minister Edi Rama and George Soros. Paragraphs 13-15 detail the weakness of the Democratic Party under BERISHA's successor, Lulzim Basha, and supposed corruption of Basha in collusion with the Socialist Party Prime Minister, Edi Rama. Because of this, BERISHA states that he decided to return to politics. Paragraphs 16-23 set out BERISHA's claims that he took power of the Democratic Party legitimately and with the full support of the Party's members. Basha then, BERISHA says, clung on to power. Paragraphs 24-28 set out BERISHA's account of the steps that Basha took to hold on to power, including accepting aid from armed criminals who threatened people, expelling members from the party, etc. Paragraphs 29-35 set out BERISHA's claims of his enduring support from the Albanian people, despite public opposition from the US, the resignation of Basha and BERISHA's subsequent accession to Democratic Party chairman.

35. Though we do not accept that BERISHA provides an accurate account of these events, our view is that ultimately the details provided in this section – accurate or not – are not relevant to the question of whether BERISHA has ties to criminality and corruption and therefore the decision that the SSHD is concerned with. For example, BERISHA asserts that it was his political rival Lulzim Basha who used criminal groups and engaged in political violence, not BERISHA. Even if it were true that Basha had used criminals and violence himself, this is not mutually exclusive with BERISHA doing the same. Given the question we are considering is whether BERISHA – and not Basha – has ties to criminality and corruption, in our view Basha's conduct is not relevant to our assessment.

36. Given this, we do not view it necessary to provide a response to Section B.

### **Section C – Fation Dauti**

**37. In Section C of his witness statement BERISHA argues he does not know Dauti, and has always condemned violent behaviour. On consideration, we contest these points based on analysis of video footage and internal reporting.**

38. Paragraphs 36-40 set out BERISHA's claims that Fation Dauti – the individual excluded from the UK due to criminality and who in December 2021 violently kicked in a door at the Democratic Party meeting hall to allow BERISHA to enter - is a Democratic Party supporter who has never held any office in the Democratic Party under BERISHA, was unknown to BERISHA, and that Dauti participated in protests organised by Basha too. In Paragraph 39 BERISHA states that "I have always condemned and continue to condone any violent actions, even if they are carried out in supposed support of the party and its ideals". BERISHA therefore concludes in paragraph 40 that "it is patently false that I have links to organised crime groups and/or to a person named Fation Dauti."

39. We do not accept a number of elements in BERISHA's account in Section C. BERISHA claims to have "always condemned...violent actions". However based on video footage BERISHA does not appear surprised or offer any recriminations for Dauti violently forcing entry into the room at the Democratic Party headquarters on BERISHA's behalf, and enters the room immediately following the door being violently kicked in. It is also evident from video footage that Dauti is in the front of the group accompanying BERISHA into the Democratic Party, and close to BERISHA himself. The group accompanying BERISHA – and particularly in front of him – is not extensive in number. It also comprises of individuals close to BERISHA, for example what appear to be security guards and BERISHA's close political ally, Flamur Noka. It does not seem plausible that Dauti would be so close to BERISHA, and kick in the door violently to ensure the continued progress of BERISHA and his entourage, and yet be completely unknown to BERISHA. BERISHA also claims that it is "patently false" that he has links to organised crime groups. However, UK internal reporting contradicts this claim – see paragraph 27 in Section III above. This is further supported by additional internal UK Government material, which has been provided separately. Together, these factors undermine BERISHA's account in Section C of his witness statement.

### **Section D – expanding Porto Romano Energy Park**

**40. In Section C of his witness statement BERISHA argues that it would have been illogical and disproportionate to expand the Porto Romano Energy Park to benefit his associate, Damir Fazlic. He also notes this case was previously investigated by Albanian authorities, who took no action. Our view is that BERISHA's arguments regarding proportionality and logic**

**aren't convincing, and that the fact that Albanian authorities dropped charges against Fazlic under intense political pressure is not evidence that no wrongdoing was committed.**

41. Paragraphs 41-50 set out that the energy park (for oil deposits) was first established by the Socialist Government in 2001 and was originally 51.7 hectares. Its subsequent expansion under BERISHA's government was to respond to increased investor interest and Albanian demand in oil. According to BERISHA, the park was therefore extended to 810 hectares, to cater for this increased demand.
42. Paragraph 48 sets out the allegations related to the fact that close associate Damir Fazlic bought 14 hectares of land, including 2.2 hectares from Jamarber Malltezi, BERISHA's son-in-law, bordering the energy park. BERISHA sets out that part of the land acquired by Mr Fazlic was inside the original energy park. For further context, this is also detailed in open-source media reporting that was used to support the July 2022 decision to exclude BERISHA.<sup>19</sup> That reporting sets out that the land Mr Fazlic bought was acquired by his lawyers, including BERISHA's daughter Ms Malltezi. Shortly after that this land was acquired BERISHA made a prime-ministerial decision to expand the energy park's boundaries to include Mr Fazlic's new land, "instantly transforming worthless marshland into prime real estate".<sup>20</sup> The land's value apparently increased eight-fold from its original market value after Mr Fazlic successfully applied to construct a large petrol terminal.<sup>21</sup>
43. BERISHA states that Paragraph 49 states that it would have been "illogical and disproportionate" to expand the energy park to 810 hectares to accommodate Mr Fazlic's acquisition of 14 hectares. In Paragraph 50, BERISHA states that this case was already investigated by the General Prosecutor at the time and found no evidence of any wrongdoing.
44. In response to BERISHA's claim that it would have been "illogical and disproportionate" to expand the energy park for Mr Fazlic in this way, we would argue that it is not mutually exclusive that a) the energy park was expanded to accommodate the legitimate need to meet increased demand for oil, and b) BERISHA and his inner circle also exploited an opportunity to enrich themselves by using insider knowledge, political power and access to decision-making.
45. Furthermore, it is important to note that according to open-source media reporting from 2014, Mr Fazlic then invested 30 million Euros into his land in Porto Romano with plans to build a giant petrol terminal and a hub for US shale gas.<sup>22</sup> While Mr Fazlic's 14 hectares were not sizeable compared to the

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<sup>19</sup> [How Berisha's Inner Circle Profited from Multi-Million Euro Land Deals | Balkan Insight](#)

<sup>20</sup> [How Berisha's Inner Circle Profited from Multi-Million Euro Land Deals | Balkan Insight](#)

<sup>21</sup> [How Berisha's Inner Circle Profited from Multi-Million Euro Land Deals | Balkan Insight](#)

<sup>22</sup> [Fazlic and Lazarevic's Albanian Shale Gas Venture | Balkan Insight](#)

## OPEN SUMMARY OF ANNEX B

expanded energy park (810 hectares), the potential financial returns from his purchase of this land were vast.

46. Finally, we would make three points in response to BERISHA's claim that the case was already investigated by the General Prosecutor at the time and found no evidence of any wrongdoing. Firstly, the open-source media reporting notes that "The case against Fazlic was dropped in 2009 after officials were unable to secure key documents from Bosnia and Cyprus or trace the origin of the funds. Fazlic was never formally charged with any offences and he strongly denied any wrongdoing."<sup>23</sup> The fact that the case was dropped because Albanian authorities were, it seems, unable to get access to key documents does not exonerate Mr Fazlic from wrongdoing.
47. Secondly, it is important to note the conclusions of the yearly US State Department Human Rights Reports for Albania. Reports 2007-10 consistently cite government, judicial and police corruption as pervasive and a "major obstacle of reform".<sup>24</sup> The 2010 cited a survey released in 2010 that found that 91.8% of respondents thought that corruption was either widespread or somewhat widespread amongst public officials.<sup>25</sup> The US State Department report for 2019 provides further detail on how pervasive corruption affects the judicial system. It notes that officials often acted with impunity and investigations were often undermined by (amongst other factors) real and perceived political pressure. Moreover, higher-level crimes are rarely prosecuted due to a fear of retribution, insufficient resources, and corruption. It concludes that "prosecution, and especially conviction, of officials who committed abuses was sporadic and inconsistent. Officials, politicians, judges, and persons with powerful business interests often were able to avoid prosecution."<sup>26</sup> This is supported by stats released by the Albanian Justice Minister in 2022, which show that 0.3% of corruption complaints in Albania have resulted in further action.<sup>27</sup>
48. Thirdly and relatedly, both the open-source media reporting and internal reporting report that BERISHA applied intense political pressure on the Prosecutor General's office with regard to this case. This is supported by the 2008 US State Department Human Rights Report for Albania, which states that: "On October 10, investigators from the Ministry of Justice attempted to seize the case files of suspected money launderer Damir Fazlic, a Bosnian-Serb businessman. On October 11, the Ministry of the Interior stated it would sue two of the prosecutors involved in trying to summon Fazlic for questioning, claiming

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<sup>23</sup> [How Berisha's Inner Circle Profited from Multi-Million Euro Land Deals | Balkan Insight](#)

<sup>24</sup> <https://2009-2017.state.gov/j/drl/rls/hrrpt/2007/100544.htm>, [2008 Human Rights Report: Albania \(state.gov\)](#), [2009 Human Rights Report: Albania \(state.gov\)](#), [2010 Human Rights Report: Albania \(state.gov\)](#)

<sup>25</sup> [2010 Human Rights Report: Albania \(state.gov\)](#)

<sup>26</sup> <https://www.state.gov/wp-content/uploads/2021/03/ALBANIA-2020-HUMAN-RIGHTS-REPORT.pdf>

<sup>27</sup> [Less than One Percent of Corruption Complaints Pursued, Claims Albanian Justice Minister - Exit - Explaining Albania](#)

that the summons was illegal. Fazlic, accused of money laundering in Albania, was summoned by the Prosecutor General's office on October 8 for questioning while on a visit to Albania; however, he managed to leave the country before he could be questioned. Legal experts characterized the Ministry of the Interior's threat to sue prosecutors as blatant attempts to intimidate the Office of the Prosecutor General into dropping the case against Fazlic, who was alleged to have links to high-ranking government officials.” This shows that BERISHA abused his power in this case against Fazlic.

49. In light of these three points, the fact that the charges against Mr Fazlic were dropped should not be considered as evidence that no wrongdoing was committed.

### **Section E – credibility of open-source media reporting**

**50. In Section E of his witness statement BERISHA questions the reliability of three media sources used in our original referral case. Despite this, we find the sources to be largely reliable. Where sources are less reliable, this has been noted and necessary caution applied; and in general have only been used to provide video and photographic evidence.**

51. In paragraphs 51-53 BERISHA states that media in Albania is used for political purposes and that the material relied upon by the UK is biased against him and does not contain evidence to corroborate their allegations.

52. Paragraph 54-57 considers the news outlet Shqiptarja. BERISHA argues that Shqiptarja is Socialist-controlled and its owner Carlo Bollino has benefitted financially from close ties to the Socialist government. BERISHA states Bollino has been criticised for publishing fake news and provides a supposed example relating to George Bush's visit to Albania in June 2007. BERISHA compares the approach taken in Shqiptarja's coverage of Dauti and the December 2021 events at that Democratic Party headquarters to that of a journalist from The Times, who apparently spoke to the Democratic Party spokesperson who changed his perspective on the matter.

53. Paragraphs 58-60 sets out BERISHA's view that BIRN and Balkan Insight are unreliable, make unsubstantiated allegations, and are compromised by their support from George Soros's Open Foundation. BERISHA alleges that Soros has tried to weaken BERISHA's position due to their differing views and objectives.

54. Paragraphs 61-62 consider Albanian Daily News explains that the Albanian Daily News article considered<sup>28</sup> just rephrased and reproduced the statement of Basha's faction of the DP about the events on 8 January 2022 (i.e. the political opponents of BERISHA) and so should not be relied upon.

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<sup>28</sup> [Albanian Daily News](#)

## OPEN SUMMARY OF ANNEX B

55. In response to BERISHA's comments on Shqiptarja, we would refer to the media reliability assessment provided separately. In sum, we have not relied upon the Shqiptarja articles for their narrative or assessment of events that day. They have been used for photographic and video evidence of what transpired. Given this, Shqiptarja's pro-Socialist Government tendencies and the implications of this on its overall reliability are not relevant for the purposes of this document.
56. In response to BERISHA's comments on BIRN and Balkan Insight, we would not comment on any conflict of interests between BERISHA and Soros. Instead, we would refer to the separate open-source media reliability assessment. We assess Balkan Insight to be a reliable source of information for a number of reasons. Additionally, we do not contest that George Soros's Open Society Foundation provides support – it is listed as one of their donors on their website. However, we would make the point that the Open Society Foundation is just one of a large number of donors. These donors include well-respected non-governmental organisations and foreign governments committed to freedom of the press, transparency and the rule of law – including the UK Government. The fact that there are so many different donors indicates that BIRN and Balkan Insight are unlikely to be “captured” and then used by a single donor to further that donor's specific political agenda.
57. In response to BERISHA's comments on Albanian Daily News, we would refer to what is set out in more detail in the separate open-source media reliability assessment. In sum, this media outlet is seen to generally provide balanced and accurate reporting. The one article considered from this source is cited to demonstrate the fact that allegations were made by the former Democratic Party leadership (chiefly Lulzim Basha) that BERISHA was using criminal elements to help take control of the Party. The article does not provide any positive editorial position as to the veracity of the underlying obligations and it is not relied on here for such purposes. We therefore do not consider it unreliable for the purposes it is being relied upon here.

### Section F – US designation of BERISHA

- 58. In Section F of his witness statement BERISHA argues his “persona non grata” designation by the US State Department is unjustified and due to lobbying by George Soros. In response we reiterate that the SSHD's exclusion decision was not taken on the basis of US action.**
59. In paragraphs 63-66 BERISHA argues that the US State Department designation of BERISHA and his family (see section V below for further detail) is groundless, unjustified and not supported by evidence. BERISHA believes it is due to lobbying by George Soros and points to a close relationship between Soros and US Secretary of State Antony Blinken. BERISHA then provides several examples of individuals who agree with him.
60. In response to BERISHA's points in Section F, we note that the SSHD took the exclusion decision because on the evidence presented she concluded that



BERISHA's presence in the UK was non-conducive to the public good, due to his ties to criminality and corruption. The SSHD's decision was not taken on the basis of US action. Therefore we do not consider BERISHA's points in paragraphs 63-66 of his witness statement as relevant to the SSHD's review of the exclusion decision against BERISHA.

## **Witness Statement – Argita Malltezi**

### **Section A - Introduction**

**61. In Section A, Ms Malltezi (BERISHA's daughter) explains her reasons for providing a witness statement – to support . We do not view it necessary to provide a response to Section A – our response to Ms Malltezi's points is provided in the following sections.**

62. Paragraphs 1-7 set out the purposes of Ms Malltezi's witness statement and supporting evidence – to support BERISHA's application to challenge his exclusion from the United Kingdom. It does so by providing further representations to explain why two articles<sup>29</sup> provided in a letter dated 6 October 2022 from the Government Legal Department to BERISHA make false and unsubstantiated allegations that, among other things, imply Ms Malltezi benefited from her father's position. We note that, on 20 October 2022 Berisha was provided with further documents in the form of disclosure given in the SIAC review proceedings. However, Ms Malltezi's evidence addresses only the two articles originally provided.

### **Section B – Ms Malltezi's background**

**63. Section B of Ms Malltezi's witness statement provides her background and legal career. We do not view it necessary to respond to the points made in Section B.**

64. Paragraphs 8-15 set out Ms Malltezi's background as a lawyer and legal professor and her husband's (Jamarber Malltezi) background as an environmental expert and professor of environmental land use planning. This includes their time working for the UN Mission in Kosovo (UNMIK). Paragraph 9 provides detail on her and her husband's remuneration in these roles. Paragraph 10 states that she and her brother submitted a declaration of assets upon her father becoming Prime Minister in 2005. In Paragraph 11 Ms Malltezi states that she has to the best of her abilities always abided by the "required legal standards" and, where the law was absent, "to respect moral boundaries that [she] thought characterized my father's pledges in politics and government." Since 2005, no Albanian institution has found "any irregularity or violation" when checking her income or assets.

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<sup>29</sup> The two articles: [How Berisha's Inner Circle Profited from Multi-Million Euro Land Deals | Balkan Insight](#); and [Albania Ex-PM's Daughter Takes Legal Route to Riches | Balkan Insight](#)

65. In paragraphs 12-13 Ms Malltezi states that she first jointly established Malltezi & Kola Associates law firm with her ex-colleague from UNMIK, Flutura Kola, before establishing her law firm Malltezi and Associates in 2006; that the allegation included in one of the quoted articles<sup>30</sup>, that she ran three law firms, was false – she had only run one law firm at any one time.

### **Section C – Ms Malltezi’s response to the further material provided by the Home Office**

**66. In Section C Ms Malltezi takes in turn two Balkan Insight media articles that claim Ms Malltezi used her position and access to BERISHA to engage in corrupt practices. Ms Malltezi argues these claims are unfounded and inaccurate. Our considered view is that neither article is significantly undermined by Ms Malltezi’s arguments, and as such we are content to continue to rely on their core arguments.**

67. Paragraphs 16-20 state that Ms Malltezi has reviewed the two articles in question, and recalls their publication as in her view they try to deliberately mislead readers and portray Ms Malltezi as a thief, based on unsubstantiated allegations. She therefore got in contact with the publication at the time the article was published, who in Ms Malltezi’s words “did not offer to interview me, only sending a list of questions which were so blatantly biased that it was evident that they would say whatever they wanted followed by the phrase “she denied any wrongdoing”.” Ms Malltezi sent a letter of rebuttal to the editor of the publication, but this was apparently never published by them.

68. In our view, paragraphs 16-20 do not require a response. In the rest of Section C Ms Malltezi takes each article in turn. We have taken the same approach, accordingly.

### **“How BERISHA’s Inner Circle Profited from Multi-Million Euro Land Deals”<sup>31</sup>**

**69. This media article claims that Malltezi and her associates acquired land on the edges of an energy park on behalf of BERISHA’s associate Damir Fazlic, in the knowledge that BERISHA would subsequently expand that park. This led to all parties profiting significantly. Malltezi contests this on a number of grounds, including: that it isn’t logical that Malltezi and her associates could have benefitted financially from the series of transactions involved; that this matter had already been investigated by Albanian authorities; and that the article wrongly alleges her involvement, knowledge, and benefit from the land acquisitions.**

**70. On review we find none of these arguments convincing. The article and its supporting evidence clearly shows Ms Malltezi and her associates financially benefitted from these transactions. As covered elsewhere, the fact that Albanian authorities dropped charges against Fazlic under**

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<sup>30</sup> [Albania Ex-PM’s Daughter Takes Legal Route to Riches | Balkan Insight](#)

<sup>31</sup> [How Berisha’s Inner Circle Profited from Multi-Million Euro Land Deals | Balkan Insight](#)

**intense political pressure is not evidence that no wrongdoing was committed. Additionally, the article provides documents showing Ms Malltezi's husband's involvement and with her own signature on them. Ms Malltezi's attempts to distance herself from the land acquisitions are not therefore convincing.**

71. In paragraph 21 Ms Malltezi notes the article implies that she and her husband Mr Malltezi, her associate Ms Kola, and Mr Fazlic were in possession of insider information. This enabled them to profit from the sale of land at four-times the market price to Mr Fazlic. Ms Malltezi argues this is not only false but illogical as Mr Malltezi could not derive benefit from the land once he had sold it to Mr Fazlic i.e. Mr Malltezi could not have benefitted from BERISHA's decision to expand the energy park, which happened in 2008 and after Mr Malltezi sold the land to Mr Fazlic. She concludes in paragraph 22 that this article is written to imply allegations of wrongdoing without explicitly linked evidence.

72. We would contest this initial point:

1. The article sets out that November 2006-September 2007, using a local middleman Ms Malltezi's and Ms Kola's husbands first bought 9 hectares of land from unknowing villagers in cash-only transactions, at double the market rate, and then later bought 5 more acres of land at the same value.
2. This land was then sold to Mr Fazlic's companies at four times the market rate. As evidence the article provides a photograph of a contract between the Malltezis and Mr Fazlic's company, Alpha Shpk, with their signatures. It also includes photographs of a document detailing the transfer of hundreds of thousands of euros between Alpha Shpk and both Mr Malltezi and Mr Kola.
3. The reason why Mr Malltezi and Mr Kola were content to pay double the market value for this land initially, and then why Fazlic was then willing to pay four times the market value for this land, is assessed as likely being because of their insider knowledge that the energy park would subsequently be expanded by BERISHA in the years to come, after these transactions were complete.
4. The implication is that the Malltezis and Kolas kept the difference in value themselves, as their fee. This is supported by Mr Fazlic's statement in an interview with BIRN in which he said his negotiators (i.e. Mr Kola and Mr Malltezi) were entitled to their share. The article indicates difference between the amount they bought this land for and then sold it to Mr Fazlic for (i.e. their suspected profits) was over 1 million Euros – 700,000 Euros for the first 9 acres, and 430,000 Euros for the subsequent 5 acres.

73. The underlying point is that the benefit derived by Mr Malltezi (and Mr Kola) from BERISHA's decision to expand the energy park was the ability to sell the land to Mr Fazlic at twice the value they had paid for it, immediately after they had first purchased it, and this was predicated on the knowledge that it was to become more valuable subsequently. Ms Malltezi's point that her husband could not have benefitted from BERISHA's decision is therefore incorrect.

74. In paragraph 23 Ms Malltezi makes the point – also made by BERISHA – that Mr Fazlic had been investigated by Albanian authorities who then closed the case due to lack of evidence.

## OPEN SUMMARY OF ANNEX B

75. In response, we would refer back to the arguments made in paragraphs 46-49 above in response to BERISHA's similar point.
76. Ms Malltezi makes a number of points in her paragraphs 24-27. Firstly, it was effectively common knowledge that the park would need to be expanded to account for increased demand, particularly in light of the commencement of construction of a small pontoon in the energy park. Other companies were similarly acquiring land outside the energy park's original boundaries.
77. In response, we would point out that Ms Malltezi provides no evidence of that assertion. Additionally, from the media article it appears the villagers from whom the land was purchased by Mr Malltezi and Mr Kola were none the wiser to this fact – hence their willingness to sell their land for well below what it was soon to be worth.
78. Secondly, Ms Malltezi alleges that the land acquired by her husband and then sold to Mr Fazlic was acquired "on a market value".
79. In response, we would point out that the article claims this is not true and that it was bought for twice the market value.
80. Thirdly, Ms Malltezi claims the article does not provide calculations for the profits yielded by these property transactions.
81. In response, we would argue this is incorrect. The profits can be simply calculated by the values provided in the article. For example, the article states that there is a 700,000 Euro difference between the value paid to the villagers (by Mr Malltezi and Mr Kola) and the value paid by Mr Fazlic. The implication is that Mr Malltezi and Mr Kola's share of the profits was this 700,000 Euros. Looking at the values provided in the article:
- The original 9 hectares (i.e. 90,000 m<sup>2</sup>) were purchased from the villagers at a value of 9.8 Euros per m<sup>2</sup> i.e. for 882,000 Euros.
  - The 9 hectares were then sold at a value of 18 Euros per m<sup>2</sup> i.e. 1,620,000 Euros.
  - The difference between the two is 738,000 Euros
82. Fourthly, Ms Malltezi argues her husband had paid the required tax on his profits, that his profits only amounted to 243,000 Euros, and that the article is therefore wrongly attributing the other profits made by others to her.
83. In response, we would make several points. Firstly, whether Mr Malltezi paid the required taxes is irrelevant to the question of whether he was able to use insider knowledge to enrich himself. If he did pay tax, this merely means that the amount of profit he made is reduced. Secondly, the article clearly indicates throughout that the Malltezis and Kolas worked on this as a joint venture. So when the article calculates the total profits were over 1 million Euros, the article is not stating that this sum went to the Malltezis exclusively – it would have been

## OPEN SUMMARY OF ANNEX B

split between the Malltezis and the Kolas. This is why the fact that, if true, Mr Malltezi only profited 243,000 Euros does not undermine the article, and also why the article is not wrongly attributing profits made by others to the Malltezis.

84. Paragraphs 28-30 again raises the Albanian authorities' investigation into Mr Fazlic, and its termination due to lack of evidence.

85. In response, we would again refer back to the arguments made in paragraphs 60-63 above in response to BERISHA's similar point.

86. In paragraph 31, Ms Malltezi makes the point that the article is written in a way to deceive readers into thinking she is involved in any of the alleged wrongdoing. For example, her signature on the sale of land was not as an owner or purchaser but as a consenting spouse – an Albanian legal requirement to prevent the unilateral sale of real estate by one spouse.

87. In response, we would argue that the article and accompanying documentation strongly indicates that Ms Malltezi was involved in the alleged wrongdoing. The article claims that Mr Fazlic is one of Ms Malltezi's clients, which she does not appear to directly refute in her witness statement. Her husband and the husband of her close associate (Flutura Kola), with whom she shares legal offices and with whom she worked with at UNMIK, then sold Mr Fazlic the aforementioned land. Her name is included on legal contracts for the sale of that land. Even if this was in the capacity as a consenting spouse, it does not appear possible that she would not have had full knowledge of these transactions and the arrangements between her husband and her client. From her description of the Albanian "consenting spouse" legal requirement, preventing the sale of real estate without the knowledge and consent of the other spouse is exactly the point of that legal requirement.

88. In summation, we do not find Ms Malltezi's rebuttals of this article and her attempts to distance herself from the transactions convincing.

### "Albania's Ex-PM's Daughter Takes Legal Route to Riches"

**89. This media article claims that Ms Malltezi used her relationship with BERISHA and profession as a lawyer to act as a gatekeeper to BERISHA, extracting financial benefit from clients in exchange for access to her father. Ms Malltezi makes several key arguments. Firstly, that the article wrongly conflates her legal practice and clients with those of her close associate, Ms Kola. Our considered view is that though this conflation weakens the article's argument, it still carries weight given Ms Kola and Ms Malltezi's shared interests and collusion. Secondly, Ms Malltezi argues the article is wrong to claim that prosecutors feared investigating her given her relationship with BERISHA. We find the article's claim to be credible given internal reporting and BERISHA's continued political power. Thirdly, Ms Malltezi contests the account of Mr Zafar Ansar, who claims that Ms Malltezi used her relationship with BERISHA to try to blackmail him.**

- 90. Ms Malltezi also contests two points the article makes based on Wikileaks material purporting to be a US diplomatic cable. The original referral case did not place reliance on any of the Wikileaks material referred to in the Balkan Insight article and which purports to be a US diplomatic cable. We continue not to rely on it. The UK Government can neither confirm nor deny the veracity of the Wikileaks material. We do not therefore provide further comment on these points.**
91. In this section Ms Malltezi disputes a number of the points made in the second article – in paragraph 32 she states that “the source is untrustworthy, the assertions are not supported, and therefore any allegations derived from this article are false.”
92. In paragraph 33, Ms Malltezi argues that the article “paints a picture that Ms Kola and [Malltezi] opened three firms together”. In reality, Ms Malltezi argues, she and Ms Kola only worked together for a few months before closing the one firm they opened together – Malltezi & Kola Associates. She further argues that though they shared an office, they conducted business separately and that this is a normal business arrangement around the world. In paragraph 34 Ms Malltezi argues that the article includes a list of clients of Kola & Associates as evidence, but presents that as a list of clients of Malltezi & Kola Associates. She also refers back to paragraph 13 of her witness statement in which she said: “The allegation in one of the articles...that I ran three law firms is groundless and evidently untrue. I only ran one law firm at any given point in time: Malltezi & Kola Associates from 2005 until early 2006, and then Malltezi & Associates from July 2006 until 2009.”
93. We would argue this is a mischaracterisation of what the article says, and the underlying allegations, regarding the relationship between Ms Kola, Ms Malltezi, and the three law firms. Contrary to Ms Malltezi’s statement, the article does not state that the three law firms were all opened and run by Ms Malltezi. Rather, the article suggests that Ms Kola and Ms Malltezi decided to work together – “Teaming up with one of her friends and co-workers at UNMIK, Flutura Kola, they set up three solicitors’ firms – Malltezi & Kola [Associates], Kola & Associates, and Malltezi & Associates – sharing an office and a growing list of lucrative clients.” The article’s argument is based on close working arrangements and collusion between Ms Malltezi and Ms Kola. This argument does not depend on them working in and jointly running the same law firms.
94. It is important to note that Ms Malltezi’s own account is largely consistent with this: according to her witness statement Ms Malltezi and Ms Kola, two friends and ex-colleagues, jointly established and ran a law firm in 2005 - Malltezi & Kola Associates. They then shut down that firm 6 months later in 2006.<sup>32</sup> According to her witness statement, in July 2006 Ms Malltezi then set up her own firm, Malltezi & Associates. We infer that Ms Kola set up Kola & Associates at around the same time. Ms Malltezi confirms that their two law firms then shared office space.

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<sup>32</sup> See paragraph 12 of Ms Malltezi’s witness statement

## OPEN SUMMARY OF ANNEX B

95. The key point of disagreement is the degree of collaboration between Ms Kola and Ms Malltezi. Whereas Ms Malltezi states that after the dissolution of Malltezi & Kola Associates she and Ms Kola “conducted business separately as we each had our own practice”, the article clearly claims the two individuals continued to work together despite their law firms technically being separate legal entities.
96. The article’s claim is supported by the clear joint interests that Ms Kola and Ms Malltezi shared e.g. in the case of Mr Fazlic. The other BIRN article already covered, entitled “How BERISHA’s inner circle profited from multi-million euro land deals”,<sup>33</sup> includes photographs of a document detailing the exchange of hundreds of thousands of euros between Mr Fazlic’s company Alpha Shpk and the husbands of both Ms Malltezi and Ms Kola. As covered above, this is in relation to the Malltezis’ and Kolas’ joint work to purchase and then sell land to Mr Fazlic for significant profit – an arrangement that is alleged to have earned them collectively over 1 million Euros. We would also note that it is common practice to attempt to hide and obfuscate corruption and illicit behaviour by using close associates and family members as proxies via whom to direct money and business. For example, ensuring Ms Kola advised clients securing government approval and input on major infrastructure projects would mitigate the risk of allegations of a clear conflict of interest for Ms Malltezi, as the daughter of the Prime Minister.
97. Given this, while Ms Malltezi is correct in stating that sharing offices is reasonably common business practice, the fact that Ms Malltezi and Ms Kola share offices takes on greater significance given their closely intertwined business interests and personal and professional relationship.
98. However, the article does appear to conflate the three law firms, and so wrongly attributes clients of the law firm Kola & Associates to the law firm Malltezi & Kola. Ms Malltezi makes this point in paragraph 35 of her witness statement. The article goes on to highlight links between these clients and BERISHA and his government and how many of these companies went on to secure permission for major infrastructure projects.
99. This conflation weakens the strength of the article’s argument because these clients cannot be traced back to a law firm directly run by Ms Malltezi – only to one owned by her close associate, Ms Kola. However given that both BIRN articles indicate that there was collusion and shared interests between Ms Malltezi and Ms Kola, then this article’s key argument that Ms Malltezi acted as a gatekeeper – even for companies that weren’t formally her client – still carries weight that the SSHD can place reliance on.
100. In the rest of paragraph 35 and 36 of her witness statement Ms Malltezi challenges the article’s claim that no documents related to Malltezi or the law firms she was directly involved in – Malltezi & Kola, and Malltezi & Associates – were collected by the investigation because “prosecutors were fearful of

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<sup>33</sup> [How Berisha’s Inner Circle Profited from Multi-Million Euro Land Deals | Balkan Insight](#)

## OPEN SUMMARY OF ANNEX B

targeting the daughter of the prime minister”. She argues this is misleading for four reasons, which we have taken in turn.

101. Firstly, Ms Malltezi again reiterates that by the time the article had been written (August 2014) the Public Prosecutor had investigated the Fazlic case in full, including her husband’s land transaction, and found no wrongdoing.
102. In response to Malltezi’s first point, we would again reiterate the points made elsewhere in this document (e.g. paragraphs 46-49 above): the investigation was abandoned following intense political pressure by BERISHA as Prime Minister, and following the failure of agencies in other countries to respond to requests for information by Albanian authorities. That the investigation was abandoned due to these points does not demonstrate the innocence of Fazlic and the associated parties in this transaction.
103. Secondly, she argues that by August 2014 her father was no longer Prime Minister – and therefore her presumed argument is that prosecutors had no reason to fear targeting Ms Malltezi in 2014.
104. In response to her second point, our considered view is that the fact that BERISHA was no longer Prime Minister by August 2014 is largely irrelevant. The Albanian prosecutor’s investigation into the Fazlic affair, which the article was specifically referring to, was terminated in 2009. BERISHA was Prime Minister until Summer 2013. Given BERISHA’s aforementioned protection and pressure, it is implausible that another investigation would be launched during his tenure as Prime Minister. Even after this stage, we would make a number of points. Firstly, the article itself notes that at the time of writing Ms Malltezi had reduced her profile and “had largely withdrawn from public life, perhaps preferring to lie low”. Secondly, as covered elsewhere in this document the successful prosecution of the rich and the powerful in Albania is highly unusual. Given these factors, it shouldn’t be surprising that prosecutors were not continuing to investigate Mr Fazlic and Ms Malltezi in 2014.
105. Thirdly, Ms Malltezi claims the family had “always “championed transparency and justice”. We would contest this claim on the basis that the internal reporting, the open-source media reporting, and the additional internal UK Government material provided separately all indicate otherwise.
106. Fourthly, that she had declared her assets to Albanian authorities throughout her father’s tenure as Prime Minister and beyond, and that “no wrongdoing or misconduct was ever found” – including by Socialist Party-controlled institutions after BERISHA’s tenure.
107. In response to Malltezi’s fourth point, we would again reiterate that it is highly common in Albania – both during BERISHA’s tenure as Prime Minister and beyond - that high-profile, wealthy, and powerful individuals are not investigated and escape conviction for wrongdoing, due to weak institutions and pervasive corruption. For example, in addition to the other sources quoted elsewhere, a 2021 Transparency International report on state capture in Albania 2008-2020 notes the prevalence of clientelistic relationships between



## OPEN SUMMARY OF ANNEX B

senior officials and private individuals to exploit opportunities for corruption, and that “If there is an investigation into high-level corruption, the exertion of political influence on judicial proceedings and corruption within the judiciary and the prosecution typically lead to soft sentencing or the dismissal of cases”.<sup>34</sup> In this instance, the individual in question is the daughter of the Prime Minister, who maintained a tight control of the political and judicial system during his tenure as Prime Minister and has subsequently continued to wield considerable influence.

108. As for the claim that she declared her assets, it is worth flagging that at the time of the investigation the then-head of Albania’s High Inspectorate for the Declaration and Audit of Assets (HIDAA) was Adriatik Llalla. Llalla was then appointed by BERISHA as Albania’s Prosecutor General. Llalla has subsequently been found guilty of corruption-linked offences in 2021 by Albanian authorities and was designated as “persona non grata” by the US State Department due to his corruption. Accordingly, we find Ms Malltezi’s evidence and argument unconvincing.

109. In paragraph 37 Ms Malltezi refers to Mr Mero Baze given the article’s reference to Mr Baze’s comments to US officials, allegedly included in a US Embassy cable revealed via Wikileaks. The article labels Baze as a “former BERISHA adviser who became one of his most vocal critics”. According to the article, the comments were that “BERISHA makes decisions without consulting ministers” and “only heeds advice from his family”, particularly his daughter”. Ms Malltezi, on the other hand, labels him a “sham journalist” who uses his newspaper to blackmail in exchange for financial gains. According to her, Mr Baze’s opposition to BERISHA ensued after his government did not give him a customs exemption for importing a printing press. Ms Malltezi suggests Mr Baze is therefore biased and unreliable.

110. The original referral case did not place reliance on any of the Wikileaks material referred to in the Balkan Insight article and which purports to be a US diplomatic cable. We continue not to rely on it. The UK Government can neither confirm nor deny the veracity of the Wikileaks material. We do not therefore provide further comment on these points.

111. In paragraph 38 Ms Malltezi again refers to the article’s coverage of a 2008 US Embassy cable, allegedly made public via Wikileaks. According to the article this cable allegedly recounts a small incident whereby Ms Malltezi’s firm resolved a legal conflict between her client, a bookshop, and an Italian contractor who had damaged the bookshop’s inventory. The cable allegedly notes that Ms Malltezi was able to secure damages for her client immediately within a day of being employed, despite lawsuits typically taking years to resolve themselves in Albania. According to the article, the cable’s suggestion is that she was able to do so due to her political connections. In response, Ms Malltezi argues that this incident never happened and was invented by the owner of the bookshop, who she claims was Pirro Misha – “a close friend of Edi Rama and also closely linked to the Soros foundation in Tirana”. Misha and his

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<sup>34</sup> [2021 Report DeconstructingStateCaptureAlbania English.pdf \(transparencycdn.org\)](https://www.transparencycdn.org/2021-Report-DeconstructingStateCaptureAlbania-English.pdf)

## OPEN SUMMARY OF ANNEX B

son had been rewarded for their political ties with important public appointments.

112. Again, we would reiterate that the original referral case did not place reliance on any of the Wikileaks material referred to in the Balkan Insight article and which purports to be a US diplomatic cable. We continue not to rely on it. We do not therefore provide further comment on these points.
113. In paragraphs 39-40 Ms Malltezi covers the article's comments on Mr Zafar Ansar. The article alleges that Ansar – a Pakistani businessman and former honorary counsel of Albania in Pakistan – hired Ms Malltezi to mediate with local authorities over the construction of a power plant worth nearly 100m Euros. Ms Malltezi allegedly asked for a consulting fee of 200 Euros an hour, plus a success fee of 3% of the total investment – an arrangement that Mr Ansar described as odd for a law firm in a TV interview in January 2013. Mr Ansar alleged that Ms Malltezi then pressured him to buy a very expensive plot of land with no infrastructure for the power plant. Following his refusal to do so, local authorities did not approve the project. Mr Ansar's allegations are supported by a number of emails between Mr Ansar and Ms Malltezi's office, which were previously published in 2007 by Tema – the Albanian news outlet owned by Mr Mero Baze (see paragraphs 109-110 above). A separate Balkan Insight article<sup>35</sup> from 2013 further details that Mr Ansar claimed that the Albanian Ambassador to Saudi Arabia pressured him to sue the journalist who published his emails. When he refused, Mr Ansar claims the Ambassador became upset and used his influence to remove Mr Ansar as honorary counsel of Albania in Pakistan.
114. Ms Malltezi's account contests this and sets out how Mr Ansar approached her regarding the power plant, and that she explained that if Mr Ansar wanted to construct this he could either do so via private investment or via a public-private partnership (PPP). After initially opting for the former, Mr Ansar opted for the latter. Ms Malltezi states the reason their business relationship ended was because she advised Mr Ansar she could no longer represent him due to a conflict of interest resulting from her family connections. Ms Malltezi then goes on to allege that Mr Ansar maintained hope he could avoid the bidding process that a PPP would entail and became bitter when this was revealed to be impossible. She implies Mr Ansar's public comments and TV interview were a result of this bitterness and suggests collusion with the opposition party – “the day he made a public statement with the allegations referenced in the article, he was seen having lunch with Taulant Balla, Secretary General of the Socialist Party and one of the MPs who defamed me”. Ms Malltezi then issued public statements reiterating that she made clear from the start, in front of witnesses, that she could not support him in a PPP, that her legal fees were in line with other Tirana Law firms and in conformity with the law (as backed by a statement from the Albanian Bar Association, included as evidence by Ms Malltezi<sup>36</sup>) and that Mr Ansar owed her 8,000 Euros for her work.

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<sup>35</sup> [Albania PM's Daughter Accused of Seeking Bribe | Balkan Insight](#)

<sup>36</sup> Pages 141-143 of Exhibit AM1

## OPEN SUMMARY OF ANNEX B

115. In response to Ms Malltezi's account, we would note that we do not have access to the emails between Mr Ansar and Ms Malltezi so cannot confirm which version of events – Mr Ansar's or Ms Malltezi's – they support. However, we would note that Ms Malltezi does not explicitly deny their existence or authenticity in either her witness statement or her public statements.
116. In her witness statement Ms Malltezi points to a public statement made by the Albanian Bar Association that clarifies that Albanian law allows lawyers to be paid in a number of ways, including a "percentage reward", and that it "does not recognise limitations regarding service fees" i.e. there is no legal upper limit on the amount lawyers can theoretically charge in Albania, provided the client agrees. In response, we would make the point that simply because Albanian law doesn't place an upper limit on legal fees doesn't mean that legal fees cannot be commercially excessive. Additionally, Ms Malltezi's account does not address the allegation she tried to pressure Mr Ansar to purchase a piece of land for his power plant.
117. We cannot comment in response to Ms Malltezi's suggestion of the involvement of the Socialist Party in the publication of these emails and Mr Ansar's TV interview. However, we would note that Mr Ansar's emails that were published by Mr Mero Baze dated to 2007 – a full 6 years prior to the lunch that Ms Malltezi alleges Mr Ansar had with Mr Taulant Balla.
118. In summary, in light of Ms Malltezi's representations, while we accept that certain details of this Balkan Insight article can be questioned, the core argument and allegations therein remain reasonably strong. We are content that the allegations therein can continue to be relied on.

### **Section D – Ms Malltezi's view on why the exclusion decision was made**

119. **In Section D of Ms Malltezi's witness statement she states her view that BERISHA's exclusion was driven by his political opponents. In response we reiterate that the decision to exclude BERISHA was taken independently, based on evidence indicating criminality and corruption. Further, we note that the July 2022 package of exclusions was politically balanced and included those on all sides of Albanian politics - including BERISHA's opponents.**
120. In paragraphs 41-45 Ms Malltezi states that in her view her father's exclusion has been procured by those with grievances against her father. She states that her father has many political opponents due to his "strong stance against corruption", and that those currently in power (i.e. the Socialist Party government led by Edi Rama) would benefit from BERISHA's image being tarnished with a view to weakening him as a political threat. In her paragraph 44 Ms Malltezi suggests that BERISHA's vow that he and his family would never sue a journalist in court has meant that journalists are able to publish stories without a minimum degree of journalistic standards. Malltezi concludes that

## OPEN SUMMARY OF ANNEX B

“whether knowingly or not, the exclusion was made in accordance with the wish of Edi Rama’s current government to weaken [her] father.”

121. In response, we would make a number of points. Firstly, to reiterate, the reason why this decision was made in July 2022 was that BERISHA was viewed to have engaged in criminal and corrupt behaviour, supported by open-source media reporting, and that his exclusion from the UK was therefore conducive to the public good. It was not made to further the agenda and interests of Edi Rama or his government. The package of exclusions implemented in July 2022 and which included BERISHA was developed by the UK independently - the Government of Albania was not consulted. Moreover, the package of exclusions was politically balanced and included individuals from across the Albanian political spectrum i.e. the political opponents of BERISHA. Ms Malltezi’s argument that her father’s exclusion was knowingly or unknowingly done in Edi Rama’s interests is therefore incorrect.
122. Secondly, as detailed elsewhere there are strong grounds on which to state that BIRN and Balkan Insight provide reliable media reporting.
123. Thirdly, the articles that Ms Malltezi refers to are not the sole source of open-source media reporting on which the decision to exclude BERISHA in July 2022 was taken. Additionally, as shown in this document and in the internal material that has been assessed separately, the UK Government has access to other material that provides further evidence that BERISHA’s exclusion from the UK is conducive to the public good due to his criminality and corruption.
124. Fourthly, we would note that BERISHA’s public vow that he and his family would not sue a journalist in court provides a convenient reason for them not to seek a legal challenge in relation to the accuracy of these articles.

### Section E - conclusion

125. Ms Malltezi concludes in paragraph 46 that any exclusion should not be made on disinformation or unsubstantiated allegations, that the conclusions made on the basis of the open-source material provided on 6 October (i.e. the two Balkan Insight articles) should be reconsidered, and the exclusion be rescinded.
126. In response, we would reiterate the points made in the preceding sections.

**V. Other relevant factors**

**US State Department designation of BERISHA**

127. In May 2021, the US State Department announced the designation of BERISHA, his spouse, Liri BERISHA, his son, Shkelzen BERISHA, and his daughter, Argita BERISHA Malltezi, under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021.

128. US Secretary of State Anthony Blinken's public announcement of the US's designation of BERISHA cited his "involvement in considerable corruption." Blinken's announcement states that in his official capacity as Prime Minister of Albania in particular, BERISHA:

- was involved in corrupt acts, such as misappropriation of public funds and interfering with public processes
- used his power for his own benefit and to enrich his political allies and his family members at the expense of the Albanian public's confidence in their government institutions and public officials
- used rhetoric that demonstrates he is willing to protect himself, his family members, and his political allies at the expense of independent investigations, anticorruption efforts, and accountability measures

## VI. Conclusion

129. In summary, this document, with reference to the separate media reliability assessment, reaches the following conclusions:

### Open-source evidence

130. The open-source media reporting used to support the July 2022 decision to exclude BERISHA on the basis of his ties to criminality and corruption is largely reliable. Where sources are less reliable, this has been noted and necessary caution applied; and in general have only been used to provide video and photographic evidence. Where appropriate, we have provided some further analysis and sources to improve the precision and reliability of the assessment.

### Internal UK Government evidence

131. The findings of the open-source media reporting are generally corroborated by internal reporting. This reporting shows over many years that BERISHA engaged in and coordinated a wide array of criminal and corrupt behaviour. Specifically, the reporting shows:

- confirm BERISHA's role in the pyramid scheme collapse in 1997, which led to civil disorder
- supports the position that BERISHA later abused his position as Prime Minister to benefit his family, inner circle, and political allies
- indicate pervasive corruption across BERISHA's government that could not have occurred without his knowledge and involvement
- detail BERISHA's ties to criminality and indicate a willingness to engage in and incite violence.

### Consideration of BERISHA's evidence

132. The points made by BERISHA in his witness statement in response to his exclusion are of limited relevance and/or unconvincing.

- **Section B** - the points made in Section B of his witness statement are largely viewed to be irrelevant.
- **Section C** - in section C of his witness statement he does not adequately distance himself from known OCG member, Fation Dauti, or from criminality and violence more generally – particularly in light of open-source media reporting and internal reporting showing otherwise.
- **Section D** – in this section BERISHA does not sufficiently demonstrate that it would have been disproportionate and illogical to extend the Porto Romano energy park to accommodate his associate Fazlic's interests. His argument regarding this matter's prior investigation by Albanian authorities is unconvincing given multiple sources allege BERISHA intervened to apply political pressure on this investigation.

## OPEN SUMMARY OF ANNEX B

- **Section E** – Berisha’s arguments in Section E regarding the reliability of certain media outlets are viewed to be inaccurate and/or irrelevant for our purposes.
- **Section F** - BERISHA’s claims in Section F regarding this “persona non grata” designation by the US are viewed to be irrelevant to this assessment, given the UK decision to exclude BERISHA was taken independently.

133. Likewise, the evidence and witness statement of BERISHA’s daughter, Argita Malltezi, pertains only to two online articles and does not materially undermine the conclusions of those articles.

- **Section B** – this section of her witness statement provides background including on her legal career and did not require a response.
- **Section C** – in this section Ms Malltezi attempts to refute two Balkan Insight media articles that claim Ms Malltezi used her position and access to BERISHA to engage in corrupt practices. Ms Malltezi argues these claims are unfounded and inaccurate. Our considered view is that Ms Malltezi’s arguments do not sufficiently undermine the arguments of either article and as such we are content that their core arguments can continue to be relied upon.
- **Section D** – in section D Ms Malltezi set out that BERISHA’s exclusion was driven by his political opponents. However, the decision to exclude BERISHA was taken independently by the UK. Further, we note that the July 2022 package of exclusions was politically balanced and included those on all sides of Albanian politics - including BERISHA’s opponents.

134. We therefore consider that the allegations made in those articles can continue to be relied on.

### Other relevant factors

135. We note the US State Department’s decision designation of BERISHA, his spouse, Liri BERISHA, his son, Shkelzen BERISHA, and his daughter, Argita BERISHA Malltezi, under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021. This was due to his “involvement in considerable corruption.”

136. Additionally, these conclusions are supported by additional internal material available to the UK Government and which has been assessed by the team making the recommendation separately.

**137. Reviewing all of this evidence in totality and as part of a composite picture, the CSN project team is satisfied that BERISHA has engaged in considerable criminal and corrupt behaviour, and we maintain the recommendation made in our original referral of BERISHA that his exclusion from the UK is therefore conducive to the public good.**

## **Appendix A: CSN project structure and team**

The CSN project was originally established in Autumn 2021 on the instruction of the Policing Minister. The former UK Ambassador to Albania, Duncan Norman MBE, was tasked with setting up the CSN project and established a team composed of HO and FCDO officials with relevant experience on Albanian affairs, diplomacy, and law enforcement and Serious and Organised Crime (SOC) policy.

The project has benefitted from the input and expertise of the FCDO's Western Balkans Department, including that Department's SOC and Security Team Leader. CSN project personnel in the HO form part of the Western Balkans team of the International Serious and Organised Crime (ISOC) Unit, in the Home Office's International Criminality Directorate. Following Duncan Norman's departure the team is led by the joint heads of ISOC Unit.

The project receives additional Senior Civil Servant (SCS) input from the FCDO. More widely, the CSN team maintains close working relationships with both the UK Embassy in Tirana and key UK operational partners, such as the National Crime Agency (NCA). This enables the project to benefit from cross-governmental input and expertise.