

## **Annex D – Full exclusion review for BERISHA**

### **Background**

- 1) **On 19 July 2022, the then Home Secretary (Priti Patel MP) excluded BERISHA from the UK on the grounds of criminality and corruption. BERISHA was informed of this decision by letter on 21 July 2022.** BERISHA is the former President (1992-1997) and Prime Minister (2005-2013) of Albania and is currently the disputed leader of the Democratic Party (DP) (Annex C, Paragraphs 1-2 and Annex B, Paragraph 13). Further information on BERISHA, including his UK immigration history and his relationship with international allies can be found in Annex A.
- 2) **BERISHA was initially referred to us alongside other Albanian political figures with ties to criminality and corruption by the Crime-State Nexus (CSN) Project team.** The CSN Project is a joint Home Office/FCDO project which seeks to disrupt the symbiotic links between politics and crime in the Western Balkans as part of HMG's campaign to combat Organised Crime Groups (OCGs) in the region. Further information on the CSN Project and its aims, as well as the impact of connections between politically exposed persons and organised crime in Albania can be found in Annex A (Paragraphs 1 and 6-9) and Annex B (Paragraphs 6-11)
- 3) **With our agreement, the CSN Team released proactive communications in Albania after the exclusions. Whilst the number and identities of the individuals were not released, BERISHA proactively publicised details of his own exclusion from the UK on 22 July 2022.** BERISHA made several allegations at the time, including accusations that the decision was influenced by the Albanian Prime Minister (Edi Rama) and George Soros, and that the action was part of an effort to remove political opposition to Rama's Socialist Party.
- 4) **On 22 August 2022, we received notice of BERISHA's challenge to his exclusion to SIAC. The review proceedings were stayed by agreement with BERISHA's representatives on 20 October 2022 pending a review of the decision to exclude BERISHA.** The outcome of this review was originally due on 19 December 2022, however an extension of time until 27 February 2023 was obtained to allow a comprehensive review of the extensive material BERISHA submitted in his further representations.
- 5) **Additional information on BERISHA has been sourced from the CSN Project team and other partners to inform this review.** An updated assessment from the CSN Project team can be found in Annex B, and additional evidence can be found at Annex E.

### **Exclusion Review Consideration**

- 6) **The test for exclusion is whether you (Home Secretary) consider BERISHA's exclusion from the UK is conducive to the public good, that is, it would be undesirable to admit him to the UK because he poses a threat to UK society. This applies to conduct in the UK and overseas.** Under the exclusion policy (version 5.0, 2021), corruption and involvement in criminality can constitute grounds for exclusion. When considering exclusion on the grounds of criminality, exclusion will be deemed to be necessary where the level of criminality, or the threat the individual poses, is so serious that it warrants exclusion. The policy also outlines that a conviction is not necessary for an individual to fall for exclusion under either ground, provided that – for exclusions on the grounds of corruption – there is substantive, reliable information that an individual has been involved in corruption. To exclude someone on the basis of criminality who has not received a conviction, their activities must be capable of falling within the scope of UK criminal legislation (or conduct prohibited by law). Exclusion decisions must be reasonable, consistent with decisions taken in similar circumstances, proportionate to the threat posed to the UK, and based on reliable evidence. There must also be a rational connection between the exclusion and the legitimate aim being pursued.
- 7) **We recommended BERISHA for exclusion from the UK in July 2022 due to the assessment that he has clear links to organised crime groups and criminals which he is willing to use to further his political ambitions, and that he has used his elected positions to benefit himself and his inner circle.** These specifically involved allegations around BERISHA's former election adviser Damir FAZLIC and their mutually beneficial relationship and BERISHA's connections to known criminals, in particular Fation DAUTI who is excluded from the UK (Annex A, Paragraphs 10-13).

*Berisha's involvement in corruption to benefit himself and his inner circle*

- 8) **Although BERISHA has outlined a long-standing commitment to tackling organised crime and corruption in ALBANIA, given the assessments and further evidence provided by the CSN Project team, we are content that all of the evidence establishes that BERISHA has benefitted from links with organised crime groups and has been involved in corruption.**
- 9) **BERISHA has outlined his commitment to combatting corruption and organised crime, for which Albania was awarded the 2010 United Nations Service Award for improving transparency, accountability, and responsiveness in public service.** BERISHA further claims that this commitment to combatting organised crime and corruption allowed Albania to increase its revenue and foreign investments. As part of these anti-corruption efforts, BERISHA's government cooperated extensively with the UK. BERISHA also outlines

the ways in which he has sought to combat organised crime whilst being a member of the opposition. See Annex E for further information.

- 10) **However, the fact that BERISHA has sought to combat corruption does not preclude an assessment that he has participated in corruption to benefit himself and his inner circle.** Internal reporting (Annex B, section III) also indicates that corruption flourished whilst BERISHA was Prime Minister (Annex B, section III). This is supported by reports on the fraudulent pyramid schemes which emphasise BERISHA's key role in the pyramid scheme collapse (Annex B, Paragraph 14). Whilst BERISHA may have tackled corruption in some instances, this does not preclude him from also being complicit in other instances of corruption or undermine the information demonstrating he has participated and been complicit in corruption.
  
- 11) **BERISHA further claims that there is no evidence linking him to corruption and that he has never been investigated, charged, or sentenced for corruption or engaging in criminal activity.** Under the *Exclusion from the UK* guidance (Version 5.0, November 2021), a conviction is not required to exclude an individual from the UK for corruption. Instead, a decision can be made where there is **substantive, reliable information** that a person has been involved in corruption.
  
- 12) **Considering BERISHA's claims and the further evidence provided by the CSN Project team, our team assesses that there is sufficient substantive and reliable evidence implicating BERISHA in corruption.** In addition to the open-source media reporting outlined in the original CSN Project team referral (Annex C) as updated by Annex B, the CSN Project team has provided further analysis and considered internal reporting to provide further evidence of BERISHA's involvement in corruption. Our team advises that you (Home Secretary) can consider their contents as reliable. We also had access to additional material outlined in Annex E to support this assessment.
  
- 13) **The reporting relied upon by the CSN Project team reveals a significant level of corruption throughout BERISHA's tenure as Prime Minister, conducted either by himself, or by members of his government which, due to the level of control he had over the party, must have been done with his knowledge and/or authorisation.** Whilst some of these corrupt acts are attributed to BERISHA's ministers, due to the degree of control he had over the Party as Prime Minister, the CSN Project team have assessed (and we agree) that the corruption committed by his government could not have occurred without his knowledge and/or authorisation (Annex B, Section III). This caveats BERISHA's claims that a "*key feature of [his] term [as Prime Minister] was the strong stance taken against corruption and organised crime*", indicating that this "strong stance" was only selectively adopted. For further information, please see Annex E.

*Damir FAZLIC*

- 14) **Considering BERISHA and MALLTEZI's claims alongside the further information and analysis provided by the CSN Project team, we maintain the assessment that the events surrounding the sale of land bordering the Porto Romano energy park to FAZLIC is an example of BERISHA using his elected position to engage in corruption to benefit his inner circle.**
- 15) **BERISHA and his daughter (MALLTEZI) make numerous challenges to the assessment that FAZLIC's acquisition of land bordering the Porto Romano energy park involved corruption. These include:**
- a. That FAZLIC has never been tried for any criminal activities, that the prosecutor's investigation did not prove that any misconduct occurred, and that the prosecution under Edi Rama has not undertaken any subsequent investigation.
  - b. There is no evidence to support the allegations.
  - c. The energy park was not created by BERISHA or his Party and that the decision to expand the park due to increased demand was made using recommendations made by experts.
  - d. It was "public knowledge" that the government was looking to meet the increased demand and was considering extending Porto Romano, and that the fact that businesses were seeking to acquire land in the area indicated that the industrial park zone would be expanded.
  - e. The proposed expansion was intended to cover 810 hectares, and it would be disproportionate and illogical to seek this expansion just to incorporate FAZLIC's land (part of which was already within the energy park).
  - f. All parties acted in accordance with the law and according to the market value of the land.
  - g. FAZLIC bought the land when there was an increased interest in the area due to the existing park and construction project approved by the previous government.
  - h. That MALLTEZI was not involved in any wrongdoing, and that her husband could not have benefited from the government's decision as it occurred two years after he sold his land.
  - i. That the article wrongly attributes profits made by other individuals to MALLTEZI, does not provide any calculations, and does not consider the tax that was paid.
  - j. That allegations that BERISHA expanded the park to incorporate FAZLIC's land stems from the opposition party seeking to undermine BERISHA.
  - k. That MALLTEZI's husband saw the land as a safe investment due to its location by the seashore.

16) **In response to these claims, we note the following:**

## OPEN SUMMARY OF ANNEX D

- a. **The lack of prosecution or convictions:** The CSN Project team highlight that the fact that a case was dropped because the Albanian officials were seemingly unable to access key documents does not exonerate FAZLIC from wrongdoing. We agree and we note the decision of the Prosecutor's Office where it is confirmed that the prosecutors could not access key documents and that *"it is not possible to prove that the suspect Damir Fazllic has consumed the elements of the criminal offense of "Cleaning the proceeds of a criminal offence"*". Whilst this does not demonstrate guilt, it also does not clear FAZLIC of wrongdoing. In addition, US State Department Human Rights Reports for Albania highlight the inability of the compromised Albanian justice system to respond to corruption allegations, which further indicates that the lack of a prosecution does not necessarily indicate innocence. This is demonstrated by open-source media reporting (Annex C, Paragraph 13, updated by Annex B, Paragraph 16) . This is supported by the 2008 US State Department Human Rights Report for Albania which notes the Ministry of Justice's attempt to seize the case files and the threats from the Ministry of the Interior to sue two of the prosecutors, a move seen by legal experts as *"blatant attempts to intimidate the Office of the Prosecutor General"*. Therefore, we agree with the assessment that the fact that the charges against FAZLIC were dropped should not be viewed as evidence that no wrongdoing occurred. (Annex B, Section IV).
- b. **That there is no evidence of wrongdoing:** Whilst there may not be direct evidence demonstrating wrongdoing with regards to the purchase and the sale of land, given the internal reporting and the US State Department Human Rights Report for Albania, we assess that there is reliable evidence to implicate BERISHA in wrongdoing with regards to the attempt to prosecute FAZLIC.
- c. **That the park pre-dated BERISHA and was expanded for a legitimate purpose:** In response, it is pertinent to highlight part of the CSN Project team's response to the claims found in point E. That is, that the fact that the park was expanded (or, indeed, even created) to meet a legitimate need does not preclude the fact that BERISHA and his inner circle exploited an opportunity to enrich themselves through insider knowledge, political power, and access to decision-making (Annex B, Section IV). The decision to create or expand the park for a legitimate need is a separate act to using this knowledge to enrich oneself/one's connections. Therefore, making the *initial* decision for a legitimate reason does not preclude the corrupt exploitation of this decision. We therefore agrees with the CSN Project team's assessment.
- d. **That the potential expansion was public knowledge/obvious from companies seeking land in the area:** The CSN Project team highlight in response that Balkan Insight indicates that the villagers who sold their land were not aware of the need to expand, which

would explain their willingness to sell the land for less than it would soon be worth (Annex B, Section IV). Indeed, the fact that the villagers claimed that they were unaware of the need to expand the park (Annex B, Section IV) challenges BERISHA's claims of a legal requirement to consult local residents before development projects are undertaken in the local area. We have no information to corroborate whether other companies were buying land nearby. On the other hand, whilst the reliability of Balkan Insight (see Annex F) does lend some support to the contention that the villagers were not aware of the need for expansion, the media outlet is not infallible (Section III). Moreover, whilst the villagers did not sell the land for the price it was eventually worth, they did sell above market value and their inability to know the land's future value could plausibly be attributed to inexperience. However, neither BERISHA nor MALLTEZI provide any evidence showing that the need to expand the park was public knowledge, and it is reasonable to expect that if this was available they would have included this as part of the substantive evidence they submitted. It is noted that BERISHA offers to provide a copy of the new plan alongside a translation, however if this plan was public knowledge it is reasonable to expect that translated public reports would have been provided (as they were with other parts of BERISHA's statement). Therefore, considering all the information in the round we assess that it is more likely than not that insider knowledge was used to profit.

- e. **That it would be illogical to extend the park by 810 hectares to accommodate FAZLIC's land:** In response the CSN Project team argue, and, for the reasons discussed in Paragraph 16(c) we agree, that the fact that the park was expanded to meet a legitimate need does not preclude the fact that BERISHA and his inner circle exploited an opportunity to enrich themselves through insider knowledge, political power, and access to decision-making (Annex B, Section IV).
- f. **That the parties acted legally and according to market value:** In response to the claims that the parties acted according to the relevant market values, the CSN team emphasise that the Balkan Insight article argues that this is not true (Annex B, Section IV). Whilst Balkan Insight has been assessed as a reliable source (Annex F) and some weight can be given to their conclusions, they are not infallible (see further Section III), and our team does not have the evidence to make an assessment on this point. The fact that the sale was reported to all relevant legal authorities, and that MALLTEZI's husband followed legal requirements to purchase the land from private owners and notify the relevant authorities does not prove that no wrongdoing occurred. In other words, the fact that legal requirements were followed to buy and sell the land does not preclude an assessment that the decision-making involved wrongdoing. In addition, the difficulties that the Albanian justice

system faces in addressing allegations of corruption is well reported (see further Annex B) Section IV).

- g. **That FAZLIC acquired the land when there was already an increased interest:** we cannot corroborate whether there was an increased interest in the land by other parties as no evidence has been provided in support of this contention.
- h. **That MALLTEZI was not involved in wrongdoing and her husband could not have benefitted from the sale of the land:** The CSN Project team assess that the benefit Mr Malltezi derived from BERISHA's decision to expand the energy park was the ability to sell the land to FAZLIC for twice the value they (Mr Malltezi and Mr Kola ) had paid immediately after they (Mr Malltezi and Mr Kola) had purchased it for twice the market value, on the basis of their knowledge that it would later become more valuable (Annex B, Section IIV). Whilst we cannot prove that the parties paid above market value for the land, it is accepted that Mr Malltezi and Mr Kola sold the land at a profit (indeed MALLTEZI accepts that her husband did make a profit, although she disputes the amount), which would have led to Mr Malltezi benefitting from the sale. The CSN Project team also refute MALLTEZI's claims that she was not involved in the alleged wrongdoing, (Annex B, Section IV). Whilst the fact that MALLTEZI claims that the statement that "*a cache of official documents obtained by the Balkan Investigative Reporting Network, BIRN, now raises fresh questions about the central role Malltezi and her firm Malltezi & Kola played in buying and selling land, the value of which increased dramatically as a result of her father's official decision to include it in the energy park*" is untrue can be seen as an implied denial that she represented FAZLIC as a client, we agree with the argument that the fact that her name is on the legal contracts indicates that she would have known about the transactions.
- i. **That other people's profits were attributed to MALLTEZI, no calculations were provided, and no consideration given to the tax paid:** In response, the CSN Project team emphasise that the article is clear that the Malltezis and Kolas worked together on this sale, so that when the total profits were assessed, the article is not claiming that it went only to the Malltezis. We agree with this reading given the repeated references to MALLTEZI and Ms Kola working together. In addition, as outlined by the CSN Project team (Annex B, Section IV), the calculations showing the profits made by the property transactions can be deduced from the information in the article. We agree that the fact that Mr Malltezi paid the required taxes is irrelevant to whether he used insider knowledge to enrich himself, it simply reduces the amount of profit. Therefore, the CSN Project team assess, and we agree, that MALLTEZI's arguments in this respect do not undermine the article (Annex B, Section IV).

- j. **That the opposition were seeking to undermine BERISHA through claiming that he expanded the land to accommodate FAZLIC's acquisition:** In response, we would reiterate that whilst the park may have been expanded for legitimate reasons, this does not preclude the fact that BERISHA and his inner circle exploited an opportunity to enrich themselves through insider knowledge, political power, and access to decision-making (Annex B, Section IV). In addition, for the reasons set out in the media assessment found in Annex F, the fact that allegations of corruption in relation to these land deals can be found in Balkan Insight (in addition to any Socialist Party sponsored article) indicates that it is reasonable to rely on these allegations, and not just view them as political propaganda.
- k. **That the land was a safe investment:** In response to MALLTEZI's claims that her husband viewed the land as a safe investment, the CSN Project team's contention that Mr Malltezi and Mr Kola sold the land to Fazlic at twice the value they paid "immediately after they had first purchased it" (Annex B, Section IV), indicates no intention to keep the land as an investment. Therefore, we assess that weight cannot be placed on this argument.
- 17) **Therefore, considering all the available information, there is substantive reliable evidence (in the form of internal reporting and a US State Department Human Rights Report) which corroborates open-source reports that BERISHA protected FAZLIC from prosecution, thereby using his elected position for the benefit of a close friend. We further assess that it is more likely than not that insider knowledge was used in FAZLIC's acquisition of the land.**

*BERISHA's connections to criminals*

- 18) **BERISHA has claimed that there is no evidence linking him to criminals or criminal groups, and that he has not been investigated, charged, or sentenced for engaging in criminal activity.** BERISHA goes further and indicates that it is his opponent within the DP, Lulzim BASHA, who had been accepting help from armed criminals. However, as emphasised by the CSN Project team, even if BASHA did cooperate with armed criminals, this is not relevant to BERISHA's exclusion review as it does not impact on an assessment of whether BERISHA has ties to criminality nor preclude an assessment that BERISHA also benefited from criminal connections (Annex B, Section IV).
- 19) **Furthermore, BERISHA claims that during the protests on 8 January 2022 to re-gain entry to the DP headquarters, the violence and aggression stemmed from BASHA and his supporters, including the police.** Neither claim is proved by the information available to us (though we note the media reports of police violence), however this matter is not material to the questions of whether BERISHA engaged in serious and organised crime and corruption or used criminal connections for his own benefit.



20) **The CSN Project team have assessed that the reporting indicates that BERISHA has been connected to wider criminality, albeit we assess that these indications require (and gain) support from other sources.** Whilst these do not provide concrete evidence of such ties, its weight is to be assessed in combination with the video footage of BERISHA with Fation DAUTI (relied on in the original submission of July 2022), as well as the information found at Annex E. The combination of evidence allows for a reasonable degree of confidence in the conclusion that BERISHA has been connected with criminal actors and serious and organised crime. This is therefore another example of BERISHA having benefitted from criminal activity.

21) **Therefore, despite BERISHA's representations and the doubt as to who was responsible for the violence at the protests on 8 January 2022, we maintain the assessment that BERISHA has been linked to organised crime groups and criminals that he has used to further his political ambitions.**

*BERISHA's connection to Fation DAUTI*

22) **BERISHA denies any knowledge of DAUTI prior to the news reports regarding the forced entry into the Democratic Party meeting hall on 21 December 2021.** He alleges that DAUTI is just a Party supporter and that he was unaware of DAUTI's involvement in criminal activity. Indeed, BERISHA asserts that he has always condemned the use of violence, even if it is in support of the party.

23) **The CSN Project team have assessed, based on the available video footage used in the original referral (Annex C), that two key elements of BERISHA's claims regarding DAUTI must be contested.** They contest BERISHA's claim of having always condemned violent actions, as he did not appear surprised or offer any recriminations for DAUTI violently forcing entry into the room at the DP headquarters on BERISHA's behalf. Furthermore, the CSN project team highlight that the group accompanying BERISHA (especially in front of him) is "not extensive in number" and comprises individuals close to BERISHA, for example individuals who appear to be security guards and his close political ally Flamur NOKA. The CSN project team therefore conclude that it does not seem plausible that DAUTI would be where he is and act to facilitate BERISHA and his entourage and be completely unknown to BERISHA (Annex B, Section IV). We further assess that the fact that DAUTI was permitted to be so close to BERISHA (particularly given the possible presence of security guards) reinforces the contention that DAUTI was known to BERISHA.

24) **Nevertheless, we assess that BERISHA does raise doubts about the nature of his relationship with DAUTI which cannot be robustly**

**challenged beyond the assessment outlined above.** While we reject BERISHA's claims that he has always condemned violence on the basis that he chose to benefit from DAUTI's act rather than condemn it (Annex B, Sections III and IV), DAUTI's position in relation to BERISHA (and indeed his decision to kick down the door for him) cannot necessarily prove a personal connection between the two, even if it suggests the possibility of one. Nevertheless, as discussed above, we maintain the wider contention that BERISHA has been connected to criminals and organised crime groups that he has used to his benefit. That BERISHA may be willing to use criminal connections for his own benefit gains some support from the fact that he was willing to take advantage of violence (DAUTI kicking in the door) for his own benefit.

- 25) **Consequently, even if it cannot be proved that BERISHA had personal connections to DAUTI, this does not impact on the assessment that he has been connected more widely to criminals and/or organised crime groups.**

*Corruption involving Argita MALLTEZI*

- 26) **Corruption allegations involving BERISHA's daughter (outside of the transactions with FAZLIC discussed above) were not a key aspect of our recommendation for BERISHA's exclusion in July 2022.** However, given that wider allegations involving MALLTEZI were included in the case referral (Annex C) annexed to the recommendation, MALLTEZI's rebuttals to the allegations in the Balkan Insight Article '*Albania Ex-Pm's Daughter Takes Legal Route to Riches*' should be considered. This article claims that MALLTEZI used her relationship with BERISHA – and her position as a lawyer – to act as a gatekeeper to BERISHA and secure financial benefit in exchange for access to him (Annex B, Section IV).

- 27) **MALLTEZI disputes the reliability of the Balkan Insight article outlining the allegations against her.** A key complaint is how the article portrays her and Ms Kola's firms and their respective clients (See annex B, Section IV for a summary of these claims). In response, the CSN Project team contend that MALLTEZI is mischaracterising the article and that the argument is based on close working arrangements and collusion between MALLTEZI and Kola, not on them working in and jointly running the same law firms. They further argue that the case of FAZLIC indicates that MALLTEZI and Ms Kola continued to work together despite their firms being separate and that it is common practice to try to hide (for example) corruption via family and close associates as proxies. Thus, whilst sharing an office is a common practice, this is more significant for MALLTEZI and Ms Kola given the above assessment and their personal and professional relationships (Annex B, Section IV). Our team broadly agrees with the CSN Project team's arguments. Balkan Insight differentiate between the three law firms (albeit they indicate that MALLTEZI opened more than one firm at a time, which MALLTEZI

disputes), and by highlighting that prosecutors only seized documents from Kola & Associates because they were reluctant to target the Prime Minister's daughter, they indicate that MALLTEZI was not involved in that firm. By indicating that the available documents likely only reveal part of MALLTEZI and Kola's business, Balkan Insight indicate that their working relationship spanned across the different firms irrespective of who owned them. This working relationship therefore supports the CSN Project team's conclusion that their shared office space gains some significance.

- 28) **Nevertheless, the article does erroneously attribute clients of Kola & Associates to Malltezi & Kola which undermines the strength of the argument as the clients then cannot be linked to a law firm directly run by MALLTEZI.** However, the CSN Project team maintain that, due to the indication that MALLTEZI and Ms Kola worked together and had shared interests (see for example their dealings with FAZLIC), you (Home Secretary) can still rely on the article's main contention that MALLTEZI acted as a gatekeeper to her father (Annex B, Section IV). We agree with this assessment as the main contention gains support from the comments from internal reporting on MALLTEZI's dealings with Zafar ANSAR.
- 29) **MALLTEZI further asserts that the article uses misleading evidence as, she claims, the article seeks to connect her to bank accounts that are not associated with her or her law practice.** We acknowledge the erroneous attribution of clients of Kola & Associates to Malltezi & Kola. However, due to the supporting comments contained in reporting regarding MALLTEZI's involvement with ANSAR (discussed in paragraph 28 above) which supports the wider contention that she sought to benefit from her relationship with her father and his elected position, this mistake does not materially undermine the allegations that BERISHA and MALLTEZI had engaged in corrupt practices together.
- 30) **MALLTEZI appears to reject the explanation that the lack of documentation linked to herself stemmed from prosecutors being "fearful" of targeting the Prime Minister's daughter.** For the reasons and assessments detailed in Section IV of Annex B, the CSN Project team contend that MALLTEZI's evidence and arguments for rejecting this explanation are unconvincing. In light of the evidence outlining BERISHA's intervention in the investigation into FAZLIC (Annex B, Section III), the evidence outlining the inability (or unwillingness) to convincingly prosecute wrongdoing (especially involving high profile individuals) (Annex B, Sections III and IV), and the evidence indicating the control that BERISHA allegedly had over the justice system (Annex B, Section III), We agree with the CSN Project team's assessment.
- 31) **MALLTEZI also challenges two allegations which the Balkan Insight article attributes to internal US embassy memos published by WikiLeaks.** In response the CSN Project team have emphasised, and

we can confirm, that no reliance was placed on any of the WikiLeaks material contained in the Balkan Insight article, and this stance is maintained. The UK Government can neither confirm nor deny the veracity of the WikiLeaks material (Annex B, Section IV).

- 32) **Finally, MALLTEZI disputes Zafar ANSAR's claims regarding her fees, the alleged pressure he was put under to buy land, and the stalling of his project after he refused (Annex B, Section IV).** As the CSN Project team acknowledge, as it has not been possible to access MALLTEZI's emails with Ansar we cannot confirm whether they corroborate MALLTEZI's or Ansar's version of events. However, contemporaneous internal reporting supports Ansar's account. Indeed, Balkan Insight also contend that this was part of a wider pattern of MALLTEZI gatekeeping access to BERISHA for her own gain (Annex B, Section III). Additionally, MALLTEZI failed to address allegations that she tried to pressurise Ansar to purchase a piece of land. Further rebuttals to MALLTEZI's claims can be found at Annex B, Section IV.
- 33) **The CSN Project team therefore conclude that while some elements of the Balkan Insight article can be questioned, its key arguments and allegations (that MALLTEZI used her relationship with BERISHA and profession as a lawyer to act as a gatekeeper to BERISHA, obtaining financial benefit in exchange for access to him (Annex B, Section IV)) remain reasonably strong and can therefore continue to be relied upon (Annex B, Section IV).** We assess that this contention gains some support from reporting on ANSAR's claims.
- 34) **More broadly, MALLTEZI claims that she did not benefit from her father's elected positions or from public funds, that she declared her assets, income, and professional activities to the relevant authorities, and that she took care not to represent clients involved in public contracts.** MALLTEZI further emphasises that her income and assets were assessed throughout the period BERISHA was Prime Minister, and since he left, and that no "irregularity or violation" has been identified.
- 35) **On the basis of the evidence made available to us, we reject MALLTEZI's claims.** Finally, in light of the outlined limitations on the judicial system's ability to respond to corruption cases (especially with regards to high profile individuals) (Annex B, Section IV) we are not satisfied that the fact that no irregularity or violation has been found in MALLTEZI's declarations indicates a finding of no wrongdoing.

*Reliability of the decision: Media sources*

- 36) **BERISHA challenges the credibility of the open-source media reporting relied upon in the exclusion decision of July 2022.** He

alleges that the sources are biased against him, fail to provide evidence for their allegations, and that political parties can use the media to try and weaken the opposition. Specifically, he emphasises the socialist links of Shqiptarja's owner, claims that he has been criticised for publishing fake news, and that Shqiptarja is inaccurate. He further alleges that BIRN and Balkan insight are unreliable (claiming the journalists use journalism for blackmail) and compromised by George Soros (who BERISHA alleges is deliberately seeking to undermine him). Finally, BERISHA claims that the Albanian Daily News article considered (Annex C, Paragraph 18) is a reproduction of a statement from BASHA's faction of the DP (i.e. BERISHA's political opponents) and is therefore not reliable.

37) **The exclusion guidance is clear that a conviction for corruption is not necessary for exclusion and that, where there is 'substantive, reliable information' it should be taken into account. Our team is content that, BERISHA's assertions notwithstanding, there is sufficient reliable information outlining BERISHA's involvement in corruption and serious and organised crime.** However, despite this, based on the analysis provided by the CSN Project team and British Embassy Tirana, our team is content that the sources relied on in Annex C, as updated by Annex B, are sufficiently reliable and therefore give an accurate indication of BERISHA's conduct. Due to the allegations contained within BERISHA's statement, Shqiptarja, BIRN and Balkan Insight, and Albanian Daily News will be considered here. A detailed consideration of the other sources underpinning the CSN Project team's first referral to us (as updated by Annex B) is available in the media assessment attached as Annex F.

- a. **Shqiptarja:** The British Embassy in Tirana assesses that Shqiptarja does lean (though not excessively) towards the current Socialist government and notes the unproven allegations that the owner, Bollino, founded his new media group with a former Socialist Party MP and supporter of Edi RAMA. Bollino's ties to the Socialist Party is also noted by the Media Ownership Monitor for Albania. It is also known that there is a history of conflict between Bollino and BERISHA. Nevertheless, it has been assessed that although its editorial line can be questioned, it is not to a degree that its reporting cannot be relied on as factually accurate.

In any event, the CSN Project team have confirmed that when using Shqiptarja as part of their referral documents to us, they have not sought to rely on the article's narrative, but rather on the video and image the two articles provided of DAUTI kicking in the door at the DP's headquarters. It is noted that BERISHA has not denied that had occurred (only the nature of his relationship with DAUTI has been challenged). In addition, the NCA have confirmed that the individual in the footage is DAUTI. Therefore, the CSN Project team have assessed that the outlet's pro-Socialist Government tendencies (and

any potential impact on reliability) is not a relevant concern (Annex F, Paragraph 14).

- b. **Balkan Insight and BIRN:** Balkan Insight is the English-language website of the Balkan Investigative Reporting Network (BIRN), which was established as a network of non-governmental organisations promoting freedom of speech, human rights and democratic values in Southern and Eastern Europe. Various factors indicate BIRN's reliability including: the receipt of over 100 awards (including from the EU and UNICEF, amongst other well-respected institutions) including for work on Albania and corruption, as well as for their quality and neutrality (Annex F, Paragraph 6); the range of government (including the UK) and non-governmental organisations committed to freedom of the press, the rule of law, democracy, and accountability funding BIRN (Annex F, paragraph 7); the quality of the personnel involved in BIRN including well-respected subject matter experts in leadership positions and award-winning journalists (Annex F, Paragraph 8); and it's collaboration with other respected media outlets and use in academic and parliamentary reports (Annex F, Paragraph 9).

As BERISHA notes, George Soros' Open Society Foundation is one of the organisations funding BIRN. However, given the large variety of additional funding sources, the CSN Project team (along with the British Embassy in Tirana) assess – and we agree – that this mitigates any risk that BIRN would be “captured” by, and disproportionately reflect the views of, one donor (Annex F, Paragraph 7 and Annex B, Section IV).

- c. **Albanian Daily News:** The UK Embassy in Albania assess that it generally provides balanced, accurate reporting. With regards to the specific article relied on in the original referral document, the CSN Project team assess that given there is no editorial comment on the veracity of the allegations, and that the article was used to show that the allegations had been made, there is no reason to view the article as unreliable (Annex F, paragraphs 17-18).

38) **In addition to the above, the overarching claims of the sources used to underpin the decision to exclude BERISHA (of BERISHA's involvement in corruption and serious and organised crime and connections with criminals) has been supported by internal reporting, US State Department reporting, and by the information outlined in Annex E.** Therefore, we are content that the sources relied on in Annex C (as updated) are reliable, and that where a source is deemed less reliable (Shqiptarja) reliance has been placed not on the views expressed in the articles, but on photographic/video evidence. This analysis therefore also addresses MALLTEZI's assertion that her family's commitment to never sue a journalist in court has led to journalists refusing to abide by journalistic standards, which she contends is the case for two of the articles relied on for the exclusion

decision. We reject the assertion that the articles referred to (both by Balkan Insight) fail to meet sufficient journalistic standards in light of the assessment of Balkan Insight conducted above and at Annex F.

*Reliability of the decision: Independent decision making*

39) **Both BERISHA and MALLTEZI contend that the decision to exclude BERISHA was politically motivated and has been driven by his adversaries, namely George Soros, Edi Rama, and the USA.** In addition, BERISHA claims that the decision by the USA itself is not reliable.

40) **It must be highlighted that the recommendation to exclude BERISHA from the UK was based on the available evidence implicating BERISHA in corruption and criminality.** BERISHA's exclusion was the result of his conduct and was not taken on the basis of action by the USA. There was also no consultation with the Government of Albania during this process (Annex B, Section IV).

*Conclusion*

41) **We acknowledge the ways in which BERISHA claims he (as an elected official and otherwise) has sought to benefit and advance Albania and the evidence he provides in support of these claims.** This includes through promoting democracy and human freedoms, securing economic development and international investment, alignment with key international partners, the development of infrastructure and technology and through combatting corruption and organised crime. There is some support for this in Annex E. However, whilst BERISHA has brought benefits to Albania, this has no bearing on the question of whether he has *also* been involved in corruption and serious and organised crime.

42) **In light of the assessment carried out above, and considering the information contained in the submission and the annexes, we conclude that BERISHA's exclusion from the UK continues to be conducive to the public good.** It is noted that it has not been possible to sufficiently prove that BERISHA has personal connections to DAUTI. However, the open-source media reports, internal reporting, US State Department reporting, and further evidence outlined in Annex E has provided substantive and reliable evidence implicating BERISHA in serious and organised crime and corruption. This includes an assessment of a significant level of corruption occurring throughout BERISHA's time as Prime Minister (either conducted by himself or by members of his party which, due to his level of control over the party, must have been done with his knowledge and/or authorisation) and an assessment that BERISHA interfered with the investigation into FAZLIC, and that FAZLIC's acquisition of the land bordering the Porto Romano energy park more likely than not involved the use of insider knowledge. It

## OPEN SUMMARY OF ANNEX D

is also assessed that BERISHA has benefitted from connections with criminals and criminal activity. It is noted that the exclusion policy (version 5.0, 2021) outlines that the criminality grounds for exclusion require that a person's activity is capable of falling within UK criminal legislation or conduct otherwise prohibited by law. From the available evidence, BERISHA's conduct, is capable of falling within the boundaries of Misconduct in Public Office (a Common Law offence). Therefore, considering the threat that BERISHA poses to the UK through his involvement in corruption and serious and organised crime in Albania (outlined in Annex A, Paragraphs 6-9), We assess that BERISHA's exclusion from the UK continues to be proportionate and maintaining the exclusion decision would be conducive to the public good due to the continued assessment that BERISHA has been involved in serious and organised crime and corruption and has been connected to criminals.