



REPUBLIC OF ALBANIA
MINISTRY OF PUBLIC AFFAIRS, TRANSPORT AND TELECOMMUNICATION
DURRËS PORT AUTHORITY

No _____ Prot. Date 08. 01. 2010

Addressed to ; Andrea Stefani, IREX senior media advisor for the Democracy and Governance project in Albania.

For information of ; w. Robert Pearson, IREX DC President,
Paige Alexander, IREX Europe President,
Mike de Villiers, IREX Europe Director,

OBJECT ; Comments on the investigation of the "Open" Program titled : Corruption in the port of Durres.

Honorable Mr. Andrea Stefani.

We have attentively watched the transmission of the investigation, "Open" Program concerning "Corruption in the Durresi Port", directed by the journalist Yllka Kamenica.

We have also considered carefully each and every 'fact' mentioned in this investigation by your office intending to demonstrate as you mention from the very beginning that

*Durresi Port, the biggest in the country,, **has been turned into one of the main centres of abuse of power, abuse of allocated funds from the state budget and Grants...***

We assure you that in our examination we have shown sufficient will and have made every attempt to consider Your Investigation positively, to protect our reasoning from any emotional influence of human nature, but at the same time, why not, as an approach of scrutiny by looking for and finding every possibility for reflection...(Please, it hasn't been easy).

It would also be useful before we propound the issue before you, to use the same approach of scrutinizing the the matters, on which we should initially agree to be the one declared at the top of Your Program, that:

CORRUPTION IS AUTHORITY PLUS MONOPOLY MINUS TRANSPARENCE

As well as on:

"THE MAIN ISSUES AND OBJECTIVES";

Support the independant media for engaging the citizens, NGOs, the media and parties involved in politics in order improve transparence, to fight corruption and to promote the best in governance.

A. ANALYSES OF FACTS,

1. COMMUNICATION ;

We would like to mention and would also ask from You to accept as a fact the following;

- 1.1 The journalist of the program, Mrs. Kamenica has been offered a correct reception by our institution and her written request for information has been seriously assessed.
- 1.2 In response to her request she was given all the necessary documentation for performing Her mission without any difficulty.
- 1.3 In addition, all the information "beautifully" bound (although cinically mentioned in your program) was accompanied with a relevant explanatory report, fully and clearly defined, written with a selected language (with respect for the media)..

Please, Mr. Stefani, do observe whether what we have pointed out is true and possesses the qualities we accord.

2. THE AIM OF PERFORMING THIS INVESTMENT,

In our explanatory Report Nr. _86_ , dt. 30. 09 . 2009, Block "I", it is clearly marked that:

Answering the questions prepared by IREX and through it the interest of the public, I assume that it would be of interest and easier to understand if in this block of information would have primarily been explained the aim of this investment..

1. THE AIM OF INVESTMENT,

Derives from the particularity of our Terminal for Passengers , where there can be moored and processed five ferries at a time, where due to the geometry of the terminal plane, four are specially moored which consist in their tying with the quay only with two ropes at the stern (end), while the prow (the front) is connected to the sea!!, only with the Anchor of the Ship!!, look at Scheme _1, of mooring and anchoring the Ships at the terminal..

1.1 After this explanation, it can be understood that the ships, not being tied to the quay also with the prow (front), the stability of their connection is under the strong influence of atmospheric factors,

1.2 According to the studies : "CLIMATE AND HYDRODYNAMIC CHARACTERISTICS OF DURRESI BAY" PREPARED BY WRED 200b as well as "THE BATIMETRIC STUDY OF DURRESI PORT" POINTED OUT IN THE REPORT ON THE MARITAL STUDY, MAY 2002, PREPARED BY OCEAN SURVEYS, INC_OSI 2002,

the maximum speed of the wind goes up to 130-150 km/h ,
and the speed of the water currents in the aquarium 0.250 m/sec on average

following this it is understood that their connection is totally at risk and unsafe,

1.3 worth mentioning are earlier events where due to atmospheric causes some incidents have happened, luckily causing only material damages.

Therefore, taking measures to ensure safety in mooring and anchoring of the ships, in order to avoid any probable catastrophe, has been the aim of this investment.

Mr. Stefani, please try to initially verify if: .

- a. The ferries are really moored at the terminal according to the scheme_1 given to Your program, as well
- b. There really exist the atmospheric conditions noted in block "1", item 1.2 of the explanatory report no. 86

We assume that the verification of item "a", does not pose a problem for anybody, for even a journalist can observe the way of placing and connection of the ferries at the quay of the terminal. (Please consider Binding 2 of the attached doc.)

For the verification of the data given in item "b", as Mrs Kamenica mentions, you may address yourself to the Meteorological Institute, as well as to the Hydrometeorological Institute at Tirana University.

We personally, as noted in the documents, have preferred to take them out of the numerous studies carried out by foreign prestigious studios and companies, with the order of the Albanian state, and they exist in our technical archive which is property of Durres Port Authority. (Please, look at their attached references, **Binding 3**). We assume that the way of collecting the information this will not be of any problem for the public, as long as it is accurate and certified, as it actually is.

After the above mentioned verifications we would naturally ask the question:

Under the conditions of ferry mooring, marked in "a", and under the atmospheric conditions marked in "b", above, is there really a danger for catastrophies?!

In terms of the answer to this question we would suggest that Your Program consulted the only qualified official institution, that of "Harbour Office", which competent and charged by law for the control and safety of sea traffic, which is dependent on the Ministry of Transport (not on us), as well as other institutions experts on harbor safety which you might judge as appropriate.

If, after the verifications, it might result that, under the mentioned conditions, this would comprise a great danger for the port safety, then we think that your program should clearly and loudly declare (**in order to promote the best in governance.**) that the Aim of this investment from the Port Authority is right, that in this way They have shown high responsibility for their duty, that they have been fairly sensitive for the fortune of the public, by exactly abiding by their duty, in order to prevent the probable catastrophies in the port with grave humane consequences..(will you really do this?)

3. REALIZATION,

In the program prepared by Mrs Kamenica, an overblown suspicion is cast in terms of choosing the types of fenders and the calculations relevant to those. Without intending to argue with the journalist we would initially make more precise a few things.

Firsti, the declaration in the program that these kinds of fenders **"are designed and produced to be placed on the side of the boats which process good amongs them in the open sea**, is absolutely untrue. Please, for this look at the calculatory recommendations of the wellknown companies BARMORAL, FENDER CARE, AUSTRALIAN FENDERS, NOREQ, ANCHOR, etc, (**Binding 6 and Binding 7**), where it is marked that;

The calculation of the fender will be according to the conditions of positioning, Ship-to-Ship example, or Ship-to-Quay example, which means that the types of fenders can be used in the ship-to-ship example as well as in the ship-to-quay example.

Second, it is necessary to make precise that in this case the use of fenders as expressed in the chapter "the aim of investment", but as it is also actually realized, is extended only in the area of mooring the ferry at the terminal, where the processing of ferries is not performed with electrocranes!!!, for the lorries and cars come out on their own wheels, trailers are tugged by tractors and the passengers on foot.. (this should be remembered not to get confused!!) and;

there is no other connection to other parts of port quays, as it is deliberately said for confusion in the investigation of Mrs. Kamenica, for this project is not extended in those zones where the effects mentioned by Her could be provided that, **"these types of fenders are contrary to the marital structure of British Standart because they increase the distance thus decreasing the working capacity of the electrocranes"**

This clarification was necessary for the arguments of Mrs. Kamenica even on this point automatically fall down..

Third, it is also necessary to specify that pneumatic fenders are floating, please observe the explanations sent by the company FENDER CARE Marine Solutions (**Binding_7**), but others too, which precisely define it **Floating Fenders Pneumatic**, which can be clearly seen by definition that, "they are designed and produced to be floating and to absorb energy because they are pneumatic, In this way the argument that in the marital terminology there is no definition Floating Fender.

Please, Mr. Stefani, after reading carefully what we specified in this piece of writing, and compared with the sent references, although you are not a specialist of this field, we think that you will easily observe that our specifications are right.

In addition we suggest that you listen again to the material prepared by Mrs. Kamenica in her investigation and you will immediately observe that:

At least this investment should not be declared by Mrs. Kamenica as wrong (temporally using this term) if these fenders were firstly deprived of the floating property (something that she can not achieve) and secondly be classified as improper to be placed in the quay, mentioned by her referring the British standart and as we explained above She deliberately confuses.!!

4. DESIGN AND CALCULATIONS,

In the documents of this procuring procedure, you can find attached the correspondance with foreign companies, which after we sent the plan of the Ferry Terminal, the way ferry mooring to the quay, the meteorological and hydrometeorological data, as well as the scope, have given us independently from each other the same typology of solution, the one that we have applied. Because of the size, we invite you to see them in the Port, whenever you find it appropriate.

The calculations have been made by the engineering staff of the commission. It is up to their professional preparation to carry out such calculations. Engineer means solution. Whatever has an operation today is simply an engineering application, (although, according to Mrs. Kamenica they are not competent).

Worth adding here is the fact that their calculations are not against the law, for if the hydrometeorological data are provided and if the size and way of ferry mooring are known, the calculations can be made by any engineer (the mechanic engeener preferred). Their calculation method is recommended by every manufacturer and saler...(see **Binding 6**)

5. ONCE MORE ON THE COMMUNICATION,

Although this question was treated in issue1, item A, we would like to present other issues in this column, which because of the structure of writing as well as ethical reasons, could not be expressed at the very beginning.

1. Initially we would like to make a preliminary explanation to declare that all the documentation on the activity of Port Authority is preserved physically in its archive as well as electronically. We responded electronically to the request for information made by Your program, therefore they do not have signitures and stamps.
2. Attached to this piece of writing we are also sending the documentation with signature in order to demonstrate that what has already been given to you is genuine, such as:

The great suspicion that the Port Authority is hiding the truth (why?? !!) with regard to the composition of the commission the members who drafted the documentation are those declared in the documents given to You earlier, thus they are the same in both cases!!!, (it is in our practice that they should be the same, for the designers of the specifications are also the best technical testers).

On this occasion we would like to declare the same for each and every other document provided, such as the calculations, technical specifications etc, (please see **Bindings 1,4,5** of the attached documentation)..

Mr. Stefani, after all this it can be seen that the Port Authority not only has been honest with the request of Your program, as noted down at the beginning, but it results that we have been very serious, quite the contrary of the grave statements of Mrs. Kamenica in Her investigation Program.

B. OUR CONCLUSION

Honorable Mr. Stefani, we just demonstrated with evidence and facts (please be sure about this) which prove that the investigation program prepared by the journalist Mrs. Kamenica is based on the data of destorted (deliberately) facts but also on malevolent examination.

1. INVESTIGATION ;

- 1.1 If it is really an investigation program, what has Mrs. Kamenica in fact investigated? Could it be considered investigative if she has not at least once contacted all the relevant parties??!!

- 1.2 If she is "boasting" that she has contacted the Specialist Tomorr Spahiu, the only one who "contradicted" this project, what has impeded her to contact the authorities in the Port, etc and ask for further explanations?
- 1.3 Has Mr Spahiu really contradicted this project? If we take into consideration the time when he was released (04.06.2008) and the procurement of this project (october 2007), there seems to be nodirect connection.
- The journalist should investigate this case because the release was due to not performing other duties which have no connection to the case and this should be made clear to the public.. (she needed a disident in the program??)
- 1.4 Who are the dismissed persons who are "afraid" to express themselves, (dismissed and still afraid!!?? Who believes it??)
- 1.5 What should be understood with the term "New Administration", the one designated by the Democratic Party?! The public should definitely be informed which party has designated the administration of Port Authority or the way they work.. (we take into nocsideration here Your program which shodlu not allow). If Mrs. Kamenica cannot perform differently we can put at her disposal filming of the Port at the time of the "Old Administration"
- 1.6 What investigations has Mrs. Kamenica made with regard to what she says that Durresi Port, the biggest in the country, has been turned into one of the main the main centres of abuse of power and abuse of funds..?
- 1.7 What investigations has Mrs. Kamenica made with regard to what she says that "thedirector of the port and the staff have profitted enormous amounts of money from the tenders organized in opposition to the law....?

- 1.8 If it really is an investigation program, we assume that naturally Mrs. Kamenica should have contacted other institutions to prove what she says..
- 1.9 She should have also contacted the Port authorities, so that she could have received earlier all the explanations on this piece of writing.
- 1.10 Only after these proceedings Her program could have had the quality as fair and honest in the eyes of the public (also for her consciousness!!).

C. IN CONCLUSION

Honorable Mr. Stefani, In this piece of writing we just demonstrated with evidence and facts, please be sure about this, which prove that the investigation program prepared by Mrs. Kamenica is based on uninvestigated data and facts, deliberately distorted, thus demonstrating partiality, incompetence and lack of professional ethics, as well as damaging the image of the Port Authority and Leading Staff, but also the image of your program.

With the authority of the leader of "Open" Program in Albania, please take those measures that you consider appropriate in order to:

first, Our image damaged by this program should be rebuilt.

second, this should not be repeated anymore,

third, a proper analysis of the activity of Mrs. Kamenica should be made for as You stress in the Program (**CORRUPTION IS AUTHORITY PLUS MONOPOLY MINUS TRANSPARENCE**), in this case she seems to have shown herself as an absolute authority by disregarding facts, building up others and transmitting what she liked. In this way she has demonstrated not only absolute authority but also lack of transparency towards the public. Clearly, this is Her own monopoly.

Please Mr. Stefani, do not tolerate monopoly, tell the truth of events to the public.

With the highest Consideration for You,

Director of Engineering Directorate
Ing. Mehmet Borshi