

[AL] “Shijak TV” Risks Being Closed Down

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This came as a result of the decision of the Court of First Instance in Tirana, case No. 2822, dated 23 July 2001, according to which "Media+, A.E.", proprietor of "Shijak TV", is obliged to pay damages to "Media 6, A.E." proprietor of the national TV "Klan", estimated at USD 196 918. "Media 6" has demanded from the court of Tirana "the stoppage/detention of the audio-visual transmission of the A Series matches of the Italian Football Championship for 2000-2001 and 2001-2002 sessions and the Champions` League in Football on part of "Shijak TV" as well as compensation/damages as a result of the violation of the franchise for transmission.

The request of "Media 6" is based on Articles 26, 30, 34, 37, 50 of the Law 7564, dated 19. May 1992 "On copyright"; on Articles 608, 609, 640 of the Civil Code and Articles 185, 317 of the Code of the Civil Procedures of the Republic of Albania.

The complainant ("Media 6") has signed a contract with UEFA (Union of European Football Association) dated 7 August 2000, according to which "Klan TV" has won the franchise to transmit the football matches during the 2000-2001, 2001-2002 and 2002-2003 sessions of the Champions` League. This cost "Klan TV" USD 200 000.

On 29 September 2000 "Media 6" also signed a contract with "Sport Media" LTD for the transmission of the A series matches of the Italian Football Championship during the 2000-2001 and 2001-2002 sessions.

The National Council for Radio-television, the sole State Authority for licensing and monitoring private radio and television stations in Albania, issued official document No. 423/2, dated 27 November 2000, warned "Shijak TV" that the transmission of these football matches constitutes a violation of the licensing conditions, in accordance with law No. 8655, dated 31 July 2000. In contravention of this, "Shijak TV" has continued systematically transmitting the football matches without any contractual right.

The Court of First Instance in Tirana found "Shijak TV" guilty and decided that "Media+" should pay the abovementioned sum to "Media 6". As a result of not complying with its decision, the court ordered the execution of decision No. 658 seizing the equipment of "Shijak TV" by the Executor's Office.

On Monday, 17 September 2001, the Executor's Office in Tirana Court, accompanied by the police force, registered the equipment and other means of transmission, property of "Shijak TV" as the beginning of the procedure of seizure. At the same time there was a protest by supporters of "Shijak TV" gathered in front of the Building.

Gezim Ismaili, president and sole owner of "Shijak TV" called the decision of the Court of the First Instance of Tirana and the decision to seize the equipment "an arbitrary and political court decision". He claimed that the execution of the decision of the Court of First Instance was ordered before the case was considered in the Appeals Court. The "Forum of Free Media", an independent association of Albanian journalists, also protested against the decision of the Tirana Court. "Shijak TV" has continued transmitting the football matches even after the beginning of the sequestration procedure.

