

This is a response to the rejoinder of The American Bar Association (ABA) Center for Human Rights.

Gener 2 made it clear in its previous response that one of the authors that contacted us, offered to provide a letter from ABA and that we opted to confirm the existence of this fact finding mission ourselves. This is the second email we sent to ABA Center for Human Rights (the first one was sent to ABA in Chicago) where we expressed our willingness to offer our help.

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**From:** [REDACTED]  
**Sent:** Saturday, February 09, 2019 10:41 AM  
**To:** humanrights@americanbar.org  
**Subject:** Re: Query regarding scheduling a telephone conversation in respect of Gener2 and Valbona River Hydropower Projects

Dear [REDACTED]

The company I work for has received the following request from Ms. [REDACTED], claiming that she has been hired by the American Bar Association's Center for Human Rights for a fact finding mission regarding one of the project we are currently involved. We would be very happy to help Ms. [REDACTED] and the your organization in this mission, but I kindly request that you provide a confirmation that Ms. [REDACTED] claim is accurate and that she has been hired by you for the task mentioned in her email. Furthermore, if the American Bar Association's Center for Human Rights is in a mission to find facts about the project, would it be possible for you to provide some background on this mission and what prompted you to investigate. If there are any claims against us we would be very happy to work with you to answer any questions.

Sincerely,

[REDACTED]  
Gener 2 Sh.p.k.

The lack of response from ABA prompted us to disengage with the author who contacted us. We were never notified about any human rights violations and therefore found no compelling reason to pursue this matter any further. Nevertheless, according to our staff on the site, one of the authors of the report has been received by them and has visited our construction site.

In its Rejoinder, the Center has directly accused Gener 2 of being dismissive and showing no concerns for the complaints presented. Gener 2 has not dismissed the concerns of the community and it has been working diligently for years with them –with and without the presence of third parties such as diplomats, NGO officials, and others. Unfortunately, it appears that the Center did not speak with other parties to be able to uncover this.

What Gener 2 is dismissive of is the correlation claimed in the report between the illegal actions of the individuals, the consequences that they faced, and any involvement of Gener 2. The Center reports the allegations as facts and makes no effort to produce any evidence of such claims. The report states that Gener 2 is not concerned about these incidents. In reality, Gener 2 does show a desire and willingness to constructively work with locals. Gener 2 is not interested in the private life of individuals outside the scope of its work and projects in the region. It is absurd to expect Gener 2 to be concerned with the

illegal actions of citizens in their private lives which are unrelated to Gener 2 projects and work in the region and to address the fears that they may have from the law from such criminal activity.

Regarding individual complaints and grievances listed in the report, Gener 2 would like to start by providing this link (<http://gener2.al/about/code-of-conduct-and-business-ethics/>) which has been on our website for years now. It is public and accessible by anyone with an internet connection. This is a good starting point for any type of grievance with regard to any violations of law and ethics. In addition, Gener 2 has also a contact page where anyone can contact us regarding any issue. We have already stated in our previous response that we have a grievance mechanism in place. For the Dragobia Hydropower project, many communications and complaints have been received and addressed during the course of the project works. Statistics and grievance content must remain confidential to protect parties and cannot be published as public information, but we can offer a meeting on the site with members of the community that have participated in any grievance process if the members consent to such a meeting.

The Center refers to the Albanian Law No. 10 440, of 2011 and EU's EIA Directive regarding the obligation for public consultations. The Center perhaps does not understand the law, perhaps it has not done a thorough investigative job, or perhaps this is the position onto which the Center wants to hold regardless of the facts. Again we repeat the fact that there is a court decision on this matter, which was made available to one of the authors. In the court decision there is a detailed explanation on why there was no legal obligation for the company to perform public consultations at the time.

Furthermore, a serious allegation is raised in the Rejoinder, with regard to the issue of falsification of signatures. We would like to clarify once again that there is no purpose or interest from the Company or any of its employees in charge for the consultation process to perform any action against the law and to affect the integrity of the consultations. There is no motive. We reiterate the fact that a court verdict supports all of this. Again, Gener 2 distances itself from any issue of falsification of signatures, and maintains the position that any claims regarding law violations must be addressed to the proper authorities. On this topic, the Center interprets the law erroneously, ignores court verdicts and raises accusations.

The Center claims that there are difficulties in obtaining public information and states that it has obtained data from three different agencies regarding the number of hydropower plants. A more transparent approach would have been to list the agencies and the information they provided since the first report. Why did the report choose to produce the same number of hydropower plants that TOKA publishes in its materials, therefore relying on TOKA information as a secure and trustable source of information and not listing all the discrepancies it found? Please note that TOKA has been informed at least two years ago that this information is incorrect but it serves its purpose to misinform the concerned parties. As a side note, there is available media coverage of our participation in public consultations where we have talked about the number of HPPs (i.e. <https://www.youtube.com/watch?v=iX-xEyXEJYk>)

Gener 2 has spent a lot of effort and resources dealing with community issues and in some cases in the presence of the diplomatic body in the country. We have worked with all of those willing to work with us and we are very proud in what we have achieved. Gener 2 always operates in full compliance with the laws of the country. Gener 2 cannot put itself in an absurd position where it should address the fears of those who break the law and ensure them that there will be no consequences from the

authorities. Gener 2 is neither a law enforcement agency nor a judicial body to take such a stance. We note that the Center does not reflect on the glaring inaccuracies and flaws in its report, method and methodology. The Center has taken a biased position on this entire issue making extraordinary claims of conspiracy between police, government entities and Gener 2, without even a hint of simple basic evidence. Instead of notifying us of its findings and ask us to work on the issues, the Center publishes the report without recourse. The Center produces a report which carries tall accusations that carry serious implications for us and instead of getting to the root of the problem or reach to us for solutions or clarifications, issues a rejoinder claiming that Gener 2 has “no desire to understand or address such fears”. There have been countless meetings and discussions with the community and they are ongoing. There is proof on the ground for those who want to see it. Unfortunately, this fact finding mission is more concerned with accusations than the truth of the situation and understanding all perspectives. There is a fundamental principle in any investigation that conclusions must be supported by reliable and relevant evidence and that evidence that goes against the conclusions has been considered as well. There is almost none of that in the report. Nevertheless, Gener 2 will continue to work closely with all of stakeholders and members of community that are willing to participate in a constructive manner. Any issues or concerns that there may be regarding alleged infractions of the law, must be addressed to the proper authorities. We emphasize that despite what is being written in the report Gener 2 does not violate the law or human rights and in accordance with its policies and philosophy will continue to provide all of its support to the local community. It is unfortunate at this turn of events, with the persistent bias of the Center and its unwillingness to accept multiple perspectives, it is clear that no further constructive activity can take place in this forum.