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Fight Against Corruption and Organized Crime:

On the Role of Special Prosecution (SPAK) and Special Courts in improving the country's preparation for membership in the European Union

POLICY PAPER

CENTER FOR THE STUDY OF DEMOCRACY AND GOVERNANCE

Policy Paper

Fight Against Corruption and Organized Crime:

**On the Role of Special Prosecution (SPAK) and
Special Courts in improving the country's preparation
for membership in the European Union**

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Abbreviations

AASCA	Agency for Administration of Seized and Confiscated Assets
CEPEJ	European Commission for the Efficiency of Justice
EC	European Commission
EU	European Union
HJC	High Judicial Council
HPC	High Prosecutorial Council
ICMS	Integrated Case Management System
IOC	Independent Qualification Commission
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NBI	National Bureau of Investigation
OFL	Operation "Power of Law"
SAC	Special Appeal Chamber
SCCOC	Special Courts against Corruption and Organized Crime
SPAK	Special Structure against Corruption and Organized Crime

Executive Summary

Further strengthening the fight against corruption and organized crime remains the main priority of the European Union for Albania after the opening of membership negotiations in March 2020 and the First Intergovernmental Conference.

According to the revised enlargement methodology, the effective fight against the organised crime will remain one of the key indicators for the progress in the EU accession process, therefore the success in the track records will need to be measurable.

In this context, since their establishment in December 2019, the activity of special institutions (SPAK and Special Courts) has been in the focus of monitoring and evaluation towards the Albania's progress in the fight against corruption and organized crime, as the main conditions for country membership in the European Union.

Systematic and continuous monitoring of the activity of these institutions is a crucial element for assessing their performance by providing thus the necessary transparency but also identifying shortcomings and other relevant issues in order to improve criminal policies and address other relevant measures.

In order than this be addressed accurately and coherently, key institutions responsible for fighting corruption and organized crime need to create a consolidated approach as regard the performance analysis and reporting mechanisms on the fulfilment of strategic objectives and recommendations in the framework of the process of EU integration of Albania.

As stated in the analysis and assessment based on a number of indicators which are categorized according to corruption and organized crime cases, is evidenced the need to further improve the inter-institutional coordination towards the methodology used to collect the relevant data and the way on how this data are reported and presented.

There is also crucial that data and statistics related to economic elements (financial resources, economic loss and the impact in the legal economy) which influence the policy decisions and other measures be collected and developed in a standardized way, as well as and to be published in order to increase transparency and its use for various purposes.

The development of methods for the systematic collection of analyses and the use of data helps to better understand the impact of corruption and organized crime issues as well as to influence the increase of law enforcement knowledge.

Conducting systematic and comprehensive assessments based on a well-defined methodology, in order to make possible and reflect concrete objectives and indicators, is an essential element to assess the effectiveness of measures taken in the fight against corruption and organized crime.

PART I: Introduction

1.1. Context

On March 25th, 2020, the Council of the European Union decided to open membership negotiations with Albania.¹ The Council stressed that before the first intergovernmental conference, Albania should, among others, finalize the **establishment of specialized structures against corruption and organized crime**, including the Special Prosecution Office and Special Courts, and **further intensify the fight against corruption and organized crime.**²

More than 2 years from this process, the new institutions of justice against corruption and organized crime, the Special Prosecution Office and the Special Courts established on December 19th 2019, have being the main focus to assess the effectiveness of Albania in the fight against corruption and organized crime.

The establishment of SPAK and Special Courts, as one of the main objectives of the justice system reform and moreover the need to **address an effective response to the most problematic phenomena of Albanian society such as corruption and organized crime**, created in particular high expectations of citizens from these institutions.

Although courts and prosecutors' offices as a whole are still considered the least credible and most corrupt institutions, **the Special Prosecution Office and Special Courts are considered the most trusted justice institutions in the country.**³ Also, these institutions are considered by a significant percentage of citizens as **less corrupt and more independent of political influence.**⁴

Despite these perceptions, however, **corruption and organized crime continue to pose a serious concern for the country.** The 2021 European Commission report states that **corruption as a whole is prevalent in many areas of public life and business, continuing to be a serious problem.**⁵

A similar assessment is made in the GRECO annual report for 2020, which states that **the level of corruption remains high in both the public and private sectors**, while a report on the measures taken to implement the recommendations will be submitted to this body until 30th April 2022.⁶

¹ Council of the European Union, 7002/20: <https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>

² Ibid

³ Center for the Study of Democracy and Governance, Western Balkans Security Barometer: “Public Perception towards Security and Justice Institutions and Corruption Issues in Albania”: <http://csdgalbania.org/wp-content/uploads/2022/01/Barometer-2021-Albania-1-ENG-1.pdf>

⁴ Ibid

⁵ European Commission Report on Albania 2021: https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en

⁶ GRECO, Fifth Evaluation Round “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”: <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a0923d>

1.2. Objective

According to the revised enlargement methodology, the effective fight against the organised crime will remain one of the key indicators for the progress in the EU accession process, therefore the **success in the track records will need to be measurable**.

In this context, in order to assess the effectiveness of measures in the fight against corruption and organized crime, it is necessary to **define a consolidated monitoring and analysis approach**, which by measuring the results achieved against the objectives, can contribute to increasing **support for the activity of the prosecution and courts** as well as the **overall progress of the process of European integration of Albania**.

In this context, this policy paper has as its main goal that through systematic and continuous monitoring of the activity of special institutions and based on the defined methodology, take the initiative to present a more **complete and comprehensive assessment of the effectiveness of the fight against corruption and organized crime** as key priorities for the country's preparation and progress in the European Union.

At the same time, the purpose of this document is to contribute to the improvement of information and transparency as well as the **identification of shortcomings and other relevant issues** in order to **improve criminal policies** and address other necessary measures.

Among other things, this policy document aims to:

1. **Encourage discussions on findings** in the fight against corruption and organized crime and generate necessary recommendations.
2. Contribute to discussions on the **approach and mechanisms for assessing the performance** of institutions against corruption and organized crime.
3. Encourage **cooperation, interaction and involvement of institutions** in order to improve appraisal and management performance.
4. Encourage the **engagement of local and international actors as well as other stakeholders** in order to identify and address key issues of importance.

1.3. Methodology

The methodology used to conduct the analysis is based on a number of **measurable indicators** in accordance with the features and problems of corruption and organized crime cases investigated and tried by the Prosecution and Special Courts against Corruption and Organized Crime. (See Table 1)

The purpose of defining these indicators is to measure three main dimensions which include: **(1) productivity; (2) efficiency; and (3) relevance**, on the basis of which the effectiveness of the response to the phenomena of corruption and organized crime in Albania has been assessed.

1. The **productivity dimension** focuses on the assessment of the number of cases initiated annually.
2. The **efficiency dimension** focuses on the assessment of the duration of the proceedings and timeliness of judicial and prosecutorial action.
3. The **relevancy dimension** focuses on the assessment of the cases according to their complexity and seriousness.

1.4. Data collection

Data collection was carried out through the **collection of information and data published by the respective institutions**: Special Prosecution Office against Corruption and Organized Crime (SPAK) and Special Courts of First Instance and Appeal against Corruption and Organized Crime.

Also, in this policy paper are referred secondary sources, in order to supplement the information for the data referred here.

After systematizing and coordinating the data received from the official institutions, through the official websites, a detailed **database** has been created in order to further evaluate and analyse the progress of criminal cases for corruption and organized crime, which have been analysed based on quantitative and qualitative analytical methods.

Based on this monitoring the steps followed include:

1. Collection of information/data regarding the progress of cases;
2. Analysis of data/issues in accordance with the defined indicators.

During the compilation of this database, were considered shortcomings which are related to the lack of published information/data or their updating, despite the minimization of these shortcomings by referring only to official bodies or information made public by representatives of these institutions on various media platforms.

The analysis conducted based on the above methodology, also focused on generating **findings and recommendations**, which contribute to improving the evaluation and analysis of the institutions performance against the effectiveness of measures taken to fight corruption and organized crime.

Criminal offenses	PROUCTIVITY			EFFICIENCY					RELEVANCE	
	Status of the cases			Length of the judicial proceedings					The status of the indicted/accused person/s	Gravity of the consequences of the offence
Corruption cases	Registered cases	Ongoing cases	Completed cases	< 1 month	1-6 months	7-12 months	1-2 months	> 2 months	High state officials and local elected representatives	Economic value (loss) more than 1 million Euros
									Judges, prosecutors and other justice officials	Economic value (loss) between 400 thousand Euros and 1 million Euros
									Persons that exercise public functions	Economic value (loss) between 100 to 400 thousand Euros
Organized crime cases	Status of the cases			Length of the judicial proceedings					The seriousness of crime	Gravity of the consequences of the offence
	Registered cases	Ongoing cases	Completed cases	< 1 month	1-6 months	7-12 months	1-2 months	> 2 months	The most punishable to the least	The value of the legal and/or illegal goods involved
									The number of persons involved ⁷	The underlying criminal activity/is undertaken
									The geographical area of operation (transnational organized crime activity) ⁸	The modus operandi of crime

Table 1: Indicators used to assess criminal proceedings for corruption and organized crime cases in the Special Prosecution Office against Corruption and Organized Crime (SPAK) and Special Courts for Corruption and Organized Crime

⁷ - Number of the members of the group above 10, as **High**
- Number of the members of the group between 5-10, as **Medium**
- Number of the members of the groups between 3-5, as **Low**
⁸ Activity included **Albania and 1 other country**
- Activity included **Albania and 2 other countries**
- Activity included **Albania and more than 2 other countries**

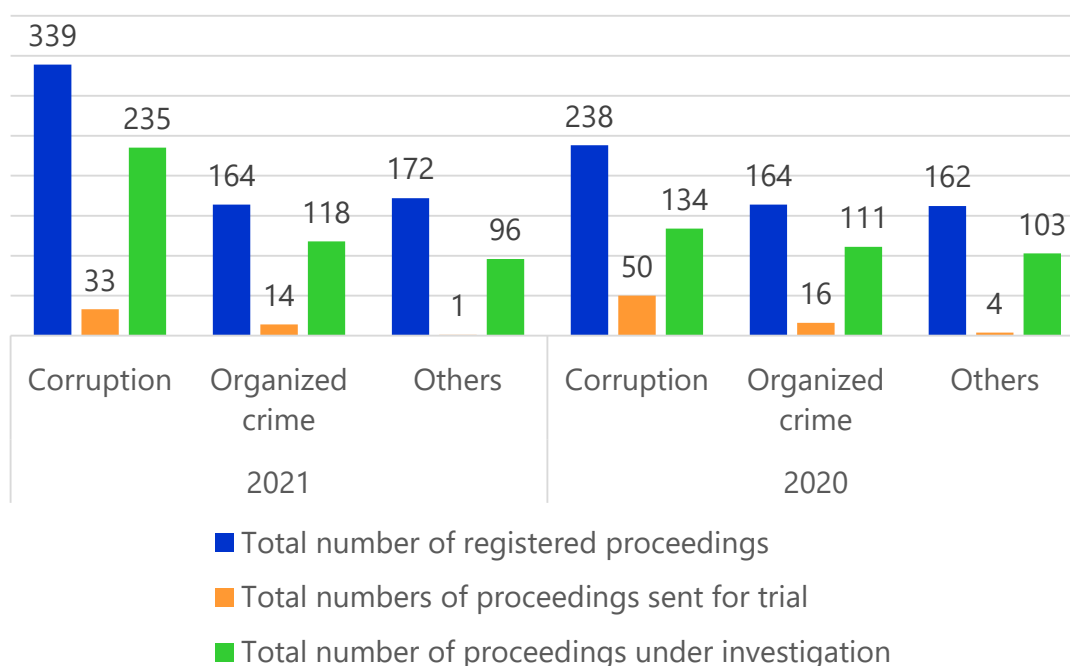
PART II: Assessing the progress in the fulfilment of priorities in the fight against corruption and organized crime

2.1. PRODUCTIVITY

The number of criminal proceedings registered in the Special Prosecution Office (SPAK) throughout the year 2021 has **increased compared to 2020**. Criminal proceedings in the field of corruption constitute the highest number of registered proceedings, while the number of criminal proceedings in the field of **organized crime remains the same** as the previous year (2020).

Although by the end of 2021 a significant number of criminal proceedings registered in the Special Prosecution Office have been under investigation, same as during 2020, the number of **criminal proceedings sent for trial turns out to be quite low** compared to the total number of registered criminal proceedings.

Only **33 out of 339 corruption proceedings (9.8%)** were sent for trial and only **14 out of 164 proceedings in the field of organized crime (8.5%)** were sent for trial to the Special Court of First Instance against Corruption and Organized Crime.



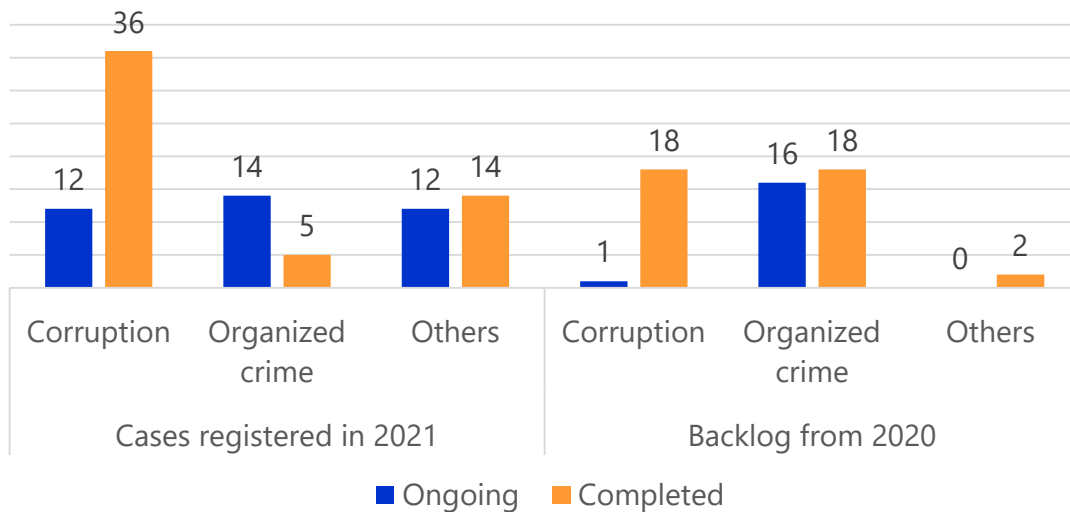
Graph 1: Progress of handling criminal proceedings investigated by the Special Prosecution against Corruption and Organized Crime (SPAK)

Source of data: Special Prosecution against Corruption and Organized Crime (SPAK)

Although in the Annual Report for the year 2021 of the Special Court of First Instance against Corruption and Organized Crime is emphasized the importance of effectively handling high-level corruption and organized crime cases, the data presented in this report is not categorized based on the exact number of corruption and organized crime cases.

Based on the data collection of published cases on the official website of this court, during 2021 were registered a total of **48 cases related to criminal offenses of corruption**, 36 of which were completed during 2021. Backlog of corruption cases in the Special Court of First Instance have been **19 cases** and for only 1 of them the trial continued during 2021, while 18 cases have been completed during 2021.

During 2021, the Special Court of First Instance against Corruption and Organized Crime has issued a total of **54 decisions on corruption cases**, 36 of which for cases registered during 2021, while the other 18 cases are backlogs from 2020. Compared to 2020, the number of organized crime cases registered in the Special Court of First Instance is lower compared to corruption cases.



Graph 2: Progress of criminal cases registered in the Special Court of First Instance against Corruption and Organized Crime

Source of data: Special Court of First Instance against Corruption and Organized Crime

During 2021, a total of **19 organized crime cases** were registered in the Court of First Instance against Corruption and Organized Crime, 5 of which were completed within 2021. The stock (backlog) of criminal cases related to organized crime in the Special Court of First Instance has been **34 cases**, 18 of which have been concluded during the year 2021.

During 2021, the Special Court of First Instance against Corruption and Organized Crime has issued a total of **23 decisions for organized crime cases**, 5 of which were registered during 2021, while the other 18 are backlogs from the year 2020. Compared to 2020, there is a higher number of cases, which include other criminal offenses, mainly related to criminal charges of libel provided in Articles 120/1 and 120/2 of the Criminal Code.

Special Prosecution Office			Special Court of First Instance against Corruption and Organized Crime									
Year 2021	Total number of criminal proceedings	Proceedings sent for trial	Year 2021	Cases registered in 2021	Completed in 2021	Ongoing	Backlog of 2020	Completed in 2021	Ongoing	Total number of cases in 2021	Completed in 2021	Ongoing
Corruption	339	33	Corruption	48	36	12	19	18	1	67	54	13
Organized crime	164	14	Organized crime	19	5	14	34	18	16	53	23	30
Other	172	1	Other	26	14	12	2	2	0	28	16	12
Total	675	48	Total	93	55	38	55	38	17	148	93	55
Viti 2020	Total number of criminal proceedings	Proceedings sent for trial	Year 2020	Cases registered in 2021	Completed in 2021	Ongoing	Backlog of 2019	Completed in 2020	Ongoing	Total number of cases in 2020	Completed in 2020	Ongoing
Corruption	238	50	Corruption	38	20	19	2	2	0	40	22	19
Organized crime	164	16	Organized crime	27	2	25	23	14	9	50	16	34
Other	162	4	Other	4	2	2	1	1	0	5	3	2
Total	564	70	Total	70	24	46	26	17	9	96	41	55

Table 2: Progress of Corruption and Organized crime cases

Source of data: Special Prosecution Office against Corruption and Organized Crime (SPAK) & Special Court of First Instance against Corruption and Organized Crime

2.2. EFFICIENCY

The length of judicial proceedings is considered a key component to assess the effective administration of judicial system thus having impact also in improving the effectivity in adjudication of corruption and organized crime cases.

Nevertheless, considering the fact that the special institutions have faced an increased workload throughout the year 2021, while performing with incomplete human capacity, this section is focused also in highlighting relevant issues that affect the level of efficiency in handling and resolving corruption and organized crime cases.

2.2.1. Building the capacity of Special Prosecution Office (SPAK) and Special Courts Against Corruption and Organized Crime

Although the establishment and functioning of new justice institutions was one of the most important steps in reforming the justice system, the Special Prosecution Office and Special Courts against Corruption and Organized Crime are still not functioning at full capacity.

Consequently, **capacity building and institutional strengthening**⁹ including the priority recruitment of technical staff and the necessary specialized and well-trained human resources have been some of the recommendations addressed continuously.¹⁰

More than 2 years since the establishment and functioning of the Special Prosecution Office against Corruption and Organized Crime, this institution **currently operates with 17 prosecutors**, after the selection of the last 2 prosecutors by the High Prosecution Council on December 13, 2021.¹¹

The 2021 budget envisioned an increase in the number of prosecutors in the Special Prosecution Office against Corruption and Organized Crime bringing it to **20 prosecutors**,¹² however this number has not yet been met.

During the beginning of its activity, the Special Prosecution Office has encountered **shortcomings in terms of filling with administrative staff** as a result of highly

⁹ Council of the European Union, 7002/20: <https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>

¹⁰ GRECO, Fifth Evaluation Round “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”: <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a0923d>

¹¹ High Prosecutorial Council, Decision No. 387, dated 13.12.2021 “On appointment as a prosecutor in the Special Prosecution Office against Corruption and Organized Crime”: <https://klp.al/wp-content/uploads/2021/12/Vendim-Nr.-387-dt.-13.12.2021.pdf>

High Prosecutorial Council, Decision No. 388, dated 13.12.2021 “On appointment as a prosecutor in the Special Prosecution Office against Corruption and Organized Crime”: <https://klp.al/wp-content/uploads/2021/12/Vendim-Nr.-388-dt.-13.12.2021.pdf>

¹² Parliament of Albania, Committee on Legal Affairs, Public Administration and Human Rights, Draft-Decision “On the approval of the total number of prosecutors in the Special Prosecution”, 20.01.2021: https://www.parlament.al/Files/Projekte/20210126121828Raport_prvendimi%20per%20miratimin%20e%20nurmrit%20te%20pergjithshem%20te%20prokuroreve%20ne%20SPAK.pdf

technical and detailed legal procedures for recruitment, being one of the new justice institutions with the lowest level of expenditures of budget for 2020.¹³

The establishment and functioning of the National Bureau of Investigation (NBI), a specialized structure in supporting the activity of the Special Prosecution Office against Corruption and Organized Crime, has continued throughout 2021, although the selection process of 60 investigators started in January 2020¹⁴ has not yet been concluded.

In April 2021, the Ad Hoc Committee for the Verification of Assets and Background closed the verification of security conditions for applicant candidates and decided that **28 of them** meet the security requirements. The selected candidates will undergo a 3-month training before certification,¹⁵ while continuous the process of selecting the **other 32 investigators**, opened on 6th April 2021.¹⁶ The establishment of the NBI is a process followed by an International Commission composed of experts appointed by the European Union and the United States government.

On the other hand, filling vacancies in the Special Courts for Corruption and Organized Crime continues to be one of the **main challenges and constraints** effecting the effective functioning of these institutions, which at both levels currently consist of a small appointed number of judges against the number provided in the legal provisions (**7 judges in the first instance¹⁷ from 16 and 7 judges on appeal¹⁸ from 11**).¹⁹

Starting from February 2020, the HJC proceeded with the respective legal procedures for filling vacancies in the Special Courts of both levels, but the lack of applications and the process of transitional re-evaluation has not provided the desired output.²⁰ In addition to the lack of judges, special trial bodies turn out to have **shortages in terms of administrative staff**.

During 2020, the Special Court against First Instance for Corruption and Organized Crime functioned with a **reduced staff of 63%**, and the Special Court of Appeal against Corruption and Organized Crime functioned with about **49% of judges and about 66 % of support staff**.²¹

¹³ Cooperation and Development Institute (CDI), “Good governance of new justice institutions in Albania”, November 2021: <https://cdiinstitute.eu/wp-content/uploads/2021/11/Good-governance-of-New-Justice-Institutions-in-Albania.pdf>

¹⁴ National Bureau of Investigation (NBI), News: <https://bkh.al/category/news/>

¹⁵ National Bureau of Investigation (NBI), Notice: <https://bkh.al/2021/04/01/njoftim-10/>

¹⁶ National Bureau of Investigation (NBI), Notice: <https://bkh.al/2021/04/06/njoftim-per-shpallje-konkursi-per-hetues-ne-byrone-kombetare-te-hetimit/>

¹⁷ Special Court of First Instance against Corruption and Organized Crime, Annual Report 2021: https://www.gjp.gov.al/rc/doc/Analiza_vjetore_2021_GJKKO_4774.pdf

¹⁸ Special Court of Appeal against Corruption and Organized Crime, Transparency Program: <http://www.gjykata.gov.al/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/programi-i-transparences/programi-i-transparenc%C3%ABs/>

¹⁹ Law 98/2016 “On the Organisation of the Judicial Power in the Republic of Albania”

²⁰ High Judicial Council (HJC), Notice for the announcement of the promotion procedure in the Special Courts: <http://klgj.al/njoftim-per-shpalljen-e-procedures-se-ngritjes-ne-detyre-ne-ne-gjykatat-e-posacme/>

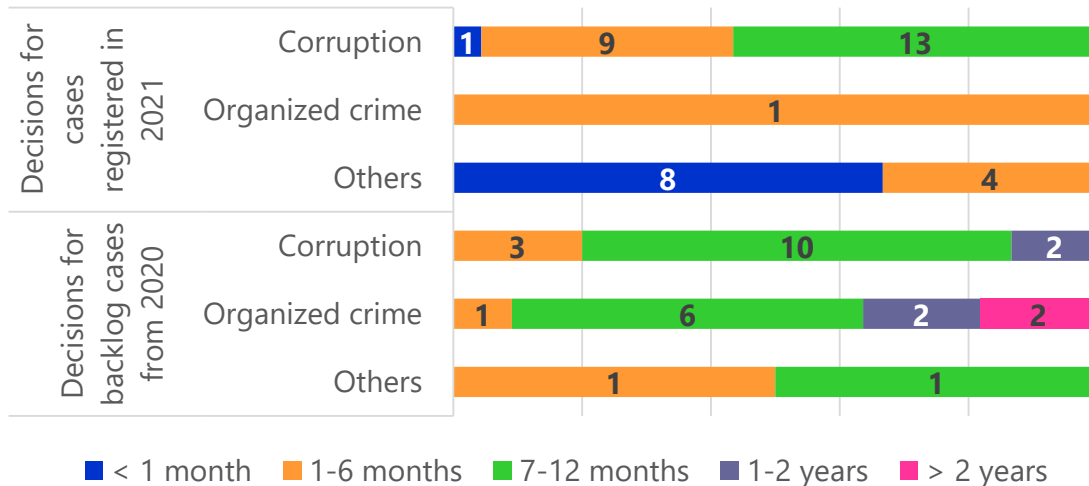
²¹ High Judicial Council (HJC), Report on the status of the judicial system and activity of the High Judicial Council for the year 2020: <http://klgj.al/wp-content/uploads/2021/06/Raporti-Vjetor-KLGJ-2020.pdf>

Filling the vacancies with judges in the Special Court of First Instance within a reasonable period of time, in order to distribute the considerable workload of judicial cases of judges, remains one of the priorities of this institution for the year 2022.²²

Despite the efforts made in this regard by the governing bodies of the judiciary and the prosecution, such as the HJC and the HPC, the above-mentioned shortcomings constitute a present problem in terms of the most efficient functioning of these institutions. Addressing these issues remains a priority given the recommendations related to **strengthening the investigation, prosecution and adjudication** of complex cases of corruption and organized crime.²³

2.2.2. Duration of court proceedings involving corruption and organized cases

The annual report for the year 2021 of the Special Court of First Instance against Corruption and Organized Crime, presents an overall assessment regarding the length of criminal cases, **without making a categorization of the duration of cases for corruption and organized crime**. The same is evidenced in the annual report of the HJC for the year 2020. The chart below aims to provide an assessment of the duration of cases based on the data collected, categorizing them by type of case. In the absence of a full number of judges and the volume of cases handled, **the length of court proceedings is a key factor in determining the effectiveness of the judicial system**.



Graph 3: Length of corruption and organized crime cases

Source of Data: Special Court of First Instance against Corruption and Organized Crime

²² Special Court of First Instance against Corruption and Organized Crime, Annual Report 2021: https://www.gjp.gov.al/rc/doc/Analiza_vjetore_2021_GJKKO_4774.pdf

²³ European Commission Report on Albania 2021: https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en

2.2.3. Statistics and track records

The High Prosecution Council and the High Judicial Council are the main bodies for the management of the prosecution and judicial system, having thus an important role in **monitoring the activity** of the Special Prosecution Office and Special Courts against Corruption and Organized Crime, which report on their activity.²⁴ An important element in this regard are the **statistics and relevant data**, which serve, among other things, to measure and evaluate the management and performance of these institutions.²⁵

In this context, despite the measures taken²⁶ as well as periodic reporting,²⁷ the **development of a track record** is one of the most important recommendations of the European Commission Report for Albania 2021, which considers it an objective that requires political will and further structured and sustained action.²⁸

In addition to continuing the fight against corruption, the report emphasizes the need to **establish a solid database of investigations, prosecutions and trials of corruption cases, sequestration and confiscation/recovery of criminal assets resulting from the commission of criminal offenses of corruption**. Special emphasis is placed on the development of a track record on issues in which high levels officials are involved.

The report also recommends further **improvement of the data collection methodology on corruption and organized crime issues**, while emphasizing the establishment of a **unified case management system for investigation, prosecution and conviction**. Ensuring an efficient interaction of the work of SPAK and NBI remains one of the key elements to minimize the stock of sensitive/high level cases.

Even in the fight against organized crime, although the report mentions the efforts made in building a track record on the fight against organized crime, it recommends further increasing the **systematic use of parallel financial investigations in cases of organized crime, illegal trafficking, terrorism and money laundering**, while continuing to build a track record of final convictions related to organized crime, corruption, trafficking and money laundering. The establishment of a **unified system for the collection, processing and publication of crime statistics**, based on

²⁴ Law 95/2016 “On the organization and functioning of institutions for combating corruption and organized crime”

Law 96/2016 “On the status of Judges and Prosecutors in the Republic of Albania.”

²⁵ Strengthening the Efficiency and Quality of the Justice System in Albania (SEJ III), Data Collection, Case Management and IT Strategy in Albania, Beqiraj - Epineuse – Stawa, March 2020: <https://rm.coe.int/report-court-statistics-al-mar2020-albanian-converted-1-al/16809ebf40>

²⁶ High Judicial Council (HJC), Decision No. 47, dated, 11.02.0221 On the approval of the "Guide “for maintaining and supplementing tables with statistical data for the purpose of measuring and monitoring the productivity and efficiency of courts”: <http://klgj.al/wp-content/uploads/2021/03/VENDIM-Nr.-47-dat%C3%AB-11.02.2021-P%C3%8BR-MIRATIMIN-E-%E2%80%99CUDH%C3%8BZUESI-%E2%80%99CP%C3%8BR-MBAJTJEN-DHE-PLOT%C3%8BSIMIN-E-TABELAVE-ME-T%C3%8BDH%C3%8BNA-STATISTIKORE-P%C3%8BR-EFEKT-T%C3%8B-MATJES-DHE-MONITORIMIT-T%C3%8B-PRODUKTIVITETIT-DHE-EFI%C3%87ENC%C3%8BS-S%C3%8BGJYKATAVE%E2%80%9D%E2%80%9D.pdf>
<http://klgj.al/akte-normative-nenligjore/>

²⁷ Special Court of First Instance against Corruption and Organized Crime, Annual Report 2021: https://www.gjp.gov.al/rc/doc/Analiza_vjetore_2021_GJKKO_4774.pdf

²⁸ European Commission Report on Albania 2021: https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en

international standards has been one of the recommendations for 2021 of the Assembly Resolution.²⁹

2.2.4. New Integrated Case Management System (ICMS)

The establishment of a new Integrated Case Management System is one of the main recommendations of the European Commission Report on Albania 2021.³⁰ The report highlights some shortcomings related to the functioning of the current case management system and emphasizes that Albania has made **limited progress** in relation to the 2020 recommendations to improve the case management.

The report recommends that Albania should take decisive steps next year to establish a new integrated case management system and ensure its interaction throughout the justice system in line with the European Commission's methodology for the efficiency of justice (CEPEJ) as well as to ensure the efficient functioning of SPAK and BKH as a key condition to minimize the backlog of sensitive high-level issues.

In December 2021, the High Judicial Council approved the Roadmap for the development of the new Case Management System,³¹ while in October 2021, the Information Technology Center was established with the mission of setting standards and policies in line with the rules for the general state policies for the information technology system for the justice system for the effective operations of information processing technology and data systems (hardware and software), ensuring that the needs of the justice system institutions are met.³²

Specialized structures against corruption and organized crime, including the Special Prosecution Office and Special Courts, are among the main stakeholders and future users of ICMS. The establishment of the Information Technology Center for the Justice System is a positive step towards fulfilling the recommendations of the Commission as well as the specific objectives (2.4 and 4.1) of the Cross-cutting Justice Strategy 2021-2025.³³

On the other hand, the unification of case management or electronic systems can serve to take further steps towards the digitalization of court proceedings, in order to **increase and accelerate judicial cooperation between Albania and European Union** countries by eliminating obstacles and undertake important reforms in the field of electronic justice.³⁴

²⁹ Parliament of Albania, Parliament's resolution for the evaluation of the activity of the General Prosecution Office's Institution for the year 2020: <https://www.parlament.al/LibrariaAkteve/LibrariaAkteDetails/6465>

³⁰ European Commission Report on Albania 2021: https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en

³¹ High Judicial Council (HJC), Press release, dated 17 December 2021: <http://klgj.al/njoftim-per-shtyp-date-17-12-2021/>

³² High Judicial Council (HJC), Establishment of the Information Technology Centre for the Justice System, 19 October 2021: <http://klgj.al/krijimi-i-qendres-se-teknologjise-seinformacionit-per-sistemin-e-drejtises/>
Information Technology Centre for the Justice System: <https://qti.al/>

³³ Decision No. 823, dated 24.12.2021 On the Approval of the Crosscutting Justice Strategy 2021–2025, and its action plan: https://drejtesia.gov.al/wp-content/uploads/2022/01/VKM-Nr.823-dat%C3%AB-24.12.2021-e-bashkuar_compressed.pdf

³⁴ Dorina Ndreka Asllanaj “Gjykatat elektronike si mjet për të përshpejtuar bashkëpunimin gjyqësor midis Shqipërisë dhe Bashkimit Europian”, Mars 2021: <https://www.eurospeak.al/news/dossier/gjykatat-elektronike-si-mjet-per-te-pershpejtuar-bashkepunimin-gjyqesor/>

2.3 RELEVANCE

This section aims to assess the achieved results of special institutions against their strategic objectives and main priorities and recommendations in the fight against corruption and organized crime.

2.3.1. High-level corruption cases

Criminal proceedings and convictions for high-level corruption cases are among the main recommendations addressed after the establishment and functioning of the Special Prosecution Office and Special Courts against Corruption and Organized Crime. The European Commission report on Albania highlights that convictions involving high-level officials still remain limited, considering that this has fostered a culture of impunity within high-level state officials.³⁵

Out of 67 corruption cases registered in total during the year 2021, only 4 of them are included as accused parties in the category of officials or former high-level officials and only 1 case refers to the active/passive corruption of judges, prosecutors and other officials of justice. All other corruption cases registered in the Special Court of First Instance (62) involve allegations of corruption against other subjects, most of which are employees who hold public office positions.

Criminal offenses, which are related to the active and passive corruption of persons exercising public functions, constitute the largest number of criminal charges in corruption cases registered in the Special Court of First Instance, followed by charges of abuse of office, violation equality of participants in public tenders or auctions as well as the exercise of illegal influence over persons exercising public functions.

During the year 2021, the Special Prosecution Office has also been subject to several changes related to the exercise of subject matter competencies of this institution. Specifically, on March 23rd, 2021, the Parliament of Albania³⁶ approved the proposals of the package consisting of 10 draft laws,³⁷ which also referred to substantive changes of the Special Prosecution Office.

The adopted amendments to the Criminal Code of the Republic of Albania provide new monetary limits for some of the criminal offenses of corruption (244, 245/1, 258 and 259), leading to when the illegal benefit obtained from the exercise of these offenses is above 50,000 lek (ALL) they are in the subject matter competence of the Special Prosecution Office.³⁸ Other amendments provide for the extension of the SPAK's powers in relation to all acts of terrorism.³⁹

³⁵ European Commission Report on Albania 2021: https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en

³⁶ Parliament of Albania, Cases (votes of plenary session, date 23rd march 2021): [https://www.parlament.al/Files/VotaDeputet/Si%20kane%20votuar%20deputetet%20\(Mars%202021\)-pjesa%20e%20kat%C3%ABrt.pdf](https://www.parlament.al/Files/VotaDeputet/Si%20kane%20votuar%20deputetet%20(Mars%202021)-pjesa%20e%20kat%C3%ABrt.pdf)

³⁷ Center for the Study of Democracy and Governance, Assessment Report “The activity of the Special Prosecution Office and the Special Courts for Corruption and Organized Crime”: <http://csdgalbania.org/wp-content/uploads/2021/03/Assessment-Report-SPAK-Courts-2020-FINAL-1.pdf>

³⁸ Parliament of Albania, Draft-Law “On some additions and amendments to the Law No. 7895, dated 27.1.1995, “Criminal Code of the Republic of Albania”, as amended:

<https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53570>

³⁹ Ibid

On the other hand, as evidenced by the data, in all corruption cases, is evidenced its use in the form of bribery, while in cases which include criminal offenses related to **abuse of office and violation of equality of participants in public tenders or auctions the monetary values caused as a result of these cases are higher**. In only one case the economic damage caused to the state has been considerable, while in most cases the economic damage or losses remain low.

2.3.2. Criminal proceedings against former judges and prosecutors accused of criminal conduct during the re-evaluation process (vetting)

The process of transitional re-evaluation of prosecutors and judges, which started in March 2018, resulted in the dismissal of **111 judges and 66 prosecutors**,⁴⁰ while with the extension of their mandate in February 2022, the re-evaluation institutions will continue the re-evaluation process for **another 332 entities** by the end of 2024.⁴¹ The initiation of criminal proceedings against **former judges and prosecutors dismissed from the vetting process** was set by the member states of the European Council as one of the main conditions that Albania must meet before the first intergovernmental conference.⁴²

In **April 2020**, the Special Prosecutor's Office against Corruption and Organized Crime filed criminal proceedings against **20 former judges and former prosecutors** of the courts of first instance, appellate courts, the Supreme Court, the Constitutional Court, and various other prosecutions, for the criminal offenses provided by Articles 143, 143/a/6,180, 181, 248 and 257/a of the Criminal Code, mainly related to the statements made by these entities before the Independent Qualification Commission and the decisions of their dismissal by KPK.⁴³

Based on the competencies of the Special Prosecution Office, for **10 former magistrates** the case was sent to the prosecutor's offices of Tirana, Durrës and Elbasan,⁴⁴ while for other **10 former judges of the Supreme Court and the Constitutional Court**, the Special Prosecution Office registered the criminal proceeding No. 137/20120, for the criminal offense "Refusal for declaration, non-

⁴⁰ City News Albania: <https://www.cna.al/2021/12/31/111-gjyqtare-dhe-63-prokurore-te-shkarkuar-ne-3-vite-vettingu-boshatis-drejtisine/>

⁴¹ Law no. 16/2022 "On an amendment to the Law No. 8417, dated 21.10.1998, "Constitution of the Republic of Albania", as amended

⁴² Council of the European Union, 7002/20: <https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>

⁴³ Special Prosecution Office against Corruption and Organized Crime (SPAK), Mbi kallëzimin penal kundër disa subjekteve ish-gjyqtar dhe ish-prokurorë të shkarkuar nga detyra nga Komisioni Pavarur i Kualifikimit: <https://spak.al/2020/05/08/mbi-kallezimin-penal-kunder-disa-subjekteve-ish-gjyqtar-dhe-ish-prokurore-te-shkarkuar-nga-detyra-nga-komisioni-pavarur-i-kualifikimit/>

⁴⁴ Shqiptarja.com: [https://shqiptarja.com/Ripostiglio/oggetti/202004/5eab1d9ec09d7kall-SPAKUT%20\(1\)-converted_001.pdf](https://shqiptarja.com/Ripostiglio/oggetti/202004/5eab1d9ec09d7kall-SPAKUT%20(1)-converted_001.pdf)

1. Fatmir Lushi (Former-prosecutor of the Elbasan's District Prosecution); 2. Luan Dervishi (Former-judge of the Court of Appeals in Shkodër); 3. Marina Rraboshta (Former-judge of the Court of Appeals in Shkodër); 4. Petrit Fusha (ish-drejtues i Prokurorisë Tiranë); 5. Besnik Cani (former-head of the Elbasan's District Prosecution); 6. Besim Trezhnjeva (Former-judge of the Court of Appeals in Durrës); 7. Arjan Balliu (Former-judge of the Court of Appeals in Durrës); 8. Ferdinand Elezi (former-head of the Durrës's District Appeals Prosecution); 9. Ema Gashi (District Court of Durrës), 10. Besa Nikëhasani (former-head of the Court of Appeals in Shkodër).

declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration", as provided by Article 257/a of the Criminal Code.⁴⁵ Following this proceeding, the judicial police also referred to the Special Prosecution Office a criminal report for former judges Fatos Lulo, Admir Thanza and Xhezair Zaganjori handled as part of the above criminal proceedings.

For **3 of the former dismissed magistrates**, the Special Prosecution Office submitted to the Special Court of First Instance against Corruption and Organized Crime, the requests for seizure of assets in the possession/ownership of entities, for which the Special Court decided in April 2021 accepting the request for imposing seizure.⁴⁶

The former Minister of Justice himself stated in September 2020 at the meeting of the National Council for European Integration that in total criminal proceedings have been initiated against **23 former magistrates**, including 9 cases related to judges of the Supreme Court and the Constitutional Court, dismissed by re-evaluation process.⁴⁷ (See Table 2)

In **August 2021**, the Special Prosecution Office Against Corruption and Organized Crime sent for trial to the Special Court of First Instance the **former President of the Constitutional Court Bashkim Dedja** and the **former judge of the Constitutional Court Fatos Lulo**, after the completion of investigations for non-declaration and concealment of property.⁴⁸ Former magistrates dismissed by the re-evaluation process,⁴⁹ were charged with committing the criminal offense "Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration", performed in the form of false declaration and concealment, provided by Article 257/a/2 of the Criminal Code.

However, in **October and November 2021**,⁵⁰ the Special Court of First Instance against Corruption and Organized Crime reinstated the Special Prosecution's request

⁴⁵ Ibid: 1. Adriatik Llalla (Former-Prosecutor General); 2. Bashkim Dedja (Former-judge/President of the Constitutional Court); 3. Tom Ndreca (Former-judge of the Supreme Court); 4. Shkëlzen Selimi (Former-judge of the Supreme Court); 5. Gani Dizdari (Former-judge of the Constitutional Court); 6. Artan Zeneli (Former-judge of the Supreme Court); 7. Edmond Islamaj (Former-judge of the Supreme Court); 8. Guxim Zenelaj (Former-judge of the Supreme Court); 9. Besnik Imeraj (Former-judge of the Constitutional Court); 10. Aleksandër Muskaj (Former-judge of the Supreme Court).

⁴⁶ Special Prosecution Office Against Corruption and Organized Crime (SPAK), Njoftim për Shtyp: <https://spak.al/2021/04/28/njoftim-per-shtyp/>

⁴⁷ National Council for European. Integration (NCEI), Meeting Minutes 23.09.2020:

<https://www.parlament.al/Files/Integrimi/Precesverbal23.09.2020.pdf>

National Plan for European. Integration (NPEI) 2021-2023: <https://drejtesia.gov.al/per-miratimin-e-planit-kombetar-per-integrimin-evropian-2021-2023/>

⁴⁸ A2News, Fshehën pasuritë, SPAK dërgon për gjykim Bashkim Dedjan dhe Fatos Lulon:

<https://a2news.com/video/fshehen-pasurite-spak-dergon-per-gjykim-bashkim-dedjan-dhe-fatos-lulon/>

⁴⁹ Independent Qualification Commission (IQC), Decision No. 12, dated 23.03.2018: <https://kpk.al/wp-content/uploads/2017/11/KPK-Vendimi-Fatos-Lulo-23032018-Njoftuar-Anonimizuar.pdf>

Special Appeal Chamber (SAC), Decision No. 12, dated 17.12.2018: <http://kpa.al/wp-content/uploads/2019/02/Vendimi-i-anonimizuar-subjekti-B.-Dedja.pdf>

⁵⁰ Shqiptarja.com, GJKKO rikthen për hetim çështjen e Bashkim Dedjas, avokati: Vendim i drejtë, dosja e SPAK kishte mungesa për deklarimin e të ardhurave:

<https://shqiptarja.com/lajm/gjko-rikthen-per-hetim-ceshtjen-e-bashkim-dedjas-avokati-vendim-i-drejte-dosja-e-spak-kishte-mungesa-per-deklarimin-e-te-ardhurave>

for the two former Constitutional Court judges to complete investigations into the case.

Meanwhile, by the end of December 2021, the Special Prosecution Office against Corruption and Organized Crime, decided to terminate the criminal proceedings for false declaration or concealment of assets against 5 former judges of the Supreme Court and 2 former judges of the Constitutional Court, who left the justice system through vetting (all for the criterion of wealth) or resignations.⁵¹

Specifically, the Special Prosecution Office in its request dated December 30th, 2021 for dismissal of the case against 7 former judges of the Supreme Court and the Constitutional Court has specified that in completing the vetting statement of assets and periodic annual statements for the period 2013-2016 there may be inaccuracies, which are classified as of administrative nature or not in accordance with law 84/2016, but which do not contain elements of the criminal offense provided by Article 257/2 of the Criminal Code in the context of false declaration or concealment of property.⁵²

The Special Court of First Instance has not yet ruled on the above decision regarding the termination of criminal proceedings against 7 former judges of the Constitutional Court and the Supreme Court, although the dismissal of 5 of them by vetting process has resulted as a consequence of the problems encountered in the criterion of wealth.

Currently, apart from the conviction and conviction of the former Attorney General in September 2021,⁵³ confiscation of assets and expulsion for exercising public functions for a period of 5 years, no former magistrates fired during the re-evaluation process have been tried and convicted.

Initiating investigations and adjudicating former magistrates fired from the re-evaluation process is one of the main recommendations in terms of the work and achievement of the results of the SPAK and the Special Courts. Convictions for these former judges remain low, while an important role is expected to be played by the IQC and SAC re-evaluation institutions by referring to the findings and inaccuracies identified during the re-evaluation process.⁵⁴

2.3.3. Increasing the seized/confiscation of criminal assets resulting from corruption-related offences

GJKKO kthen sërish për hetim çështjen e ish anëtarit të Kushtetueses Fatos Lulo, dosja duhet të plotësohet! Afati shtyhet për më 1 dhjetor: <https://shqiptarja.com/lajm/gjkkko-kthen-serish-ceshtjen-e-ish-anetarit-te-kushtetueses-fatos-lulo-dosja-duhet-te-plotesohet-afati-shtyhet-per-me-1-dhjetor>

⁵¹ Aleksandër Muskaj, Artan Zeneli, Besnik Imeraj, Edmond Islamaj, Gani Dizdari Tom Ndreca dhe Xhezair Zaganjori.

⁵² Gazeta Panorama, SPAK pushon hetimet për disa nga ish-anëtarët e Gjykatës së Lartë, të dyshuar për fshehje të pasurisë: <http://www.panorama.com.al/spak-pushon-hetimet-per-disa-nga-ish-anetaret-e-gjykates-se-larte-te-dyshuar-per-fshehje-te-pasurise/>

⁵³ Zëri i Amerikës, Tiranë, ish kryeprokurori Llalla dënohet me dy vjet burgim për korrupsion: <https://www.zeriamerikes.com/a/6240938.html>

⁵⁴ MCN TV, “Të larguarit e vetting-ut s’po hetohen nga SPAK”, Komiteti i Helsinkit: KPK dhe KPA nuk referojnë rastet: <http://www.mcntv.al/node/122657>

Although the 2021 European Commission Report states that the Special Structure Against Corruption and Organized Crime (SPAK) has contributed to improving the seizure and confiscation of criminal assets related to corruption cases, it is still estimated that efforts and political will need to be increased in terms of **confiscation/recovery of criminal assets resulting from corruption-related offenses**.⁵⁵

The Committee of Experts on the Evaluation of Anti-Money Laundering and the Financing of Terrorism (MONEYVAL), a permanent monitoring body of the Council of Europe, considers that the available statistics on **the number and value of seized and confiscated assets do not appear to be commensurate with the crime level in the country**,⁵⁶ while the confiscation of seized assets remains a challenge in this regard.⁵⁷

Seized and confiscation of criminal assets of corruption or organized crime is one of the priorities of the work of the Special Prosecution Office Against Corruption and Organized Crime. During 2021, the Special Prosecution Office, in addition to seizures under the Anti-Mafia Law, **has also implemented seizures/confiscations in criminal proceedings accompanied by money laundering convictions**.⁵⁸

However, despite the increase in values from 2020, as evidenced by data published for 2020 and 2021 by the Agency for Administration of Seized and Confiscated Assets, it turns out that **only about 15% of seized assets were confiscated**, a very low percentage compared to the total number of assets seized.⁵⁹

The highest number is composed by the requests for seizures in the framework of the Normative Act no. 1, dated 31.1.2020 "On preventive measures in the framework of strengthening the fight against terrorism, organized and serious crimes and consolidating security and public order",⁶⁰ however, **the number and value of confiscations within the implementation of this Act is quite low against the number of seizures (26 confiscation out of 255 seizures)**.⁶¹

Although the 2021 European Commission Report states that with the establishment of the SPAK, seizures and confiscations of criminal assets have been carried out more coherently, resulting in a **very low number of seized and confiscated assets** which result from the commission of criminal offenses related to **corruption and money**

⁵⁵ European Commission Report on Albania 2021: https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en

⁵⁶ MONEYVAL, Anti-money laundering and counter-terrorist financing measures 2018 (Fifth Round Mutual Evaluation Report): <https://rm.coe.int/committee-of-experts-on-the-evaluation-of-anti-money-laundering-measur/16808ff138>

⁵⁷ Global Initiative Against Transnational Organized Crime, Global Organized Crime Index 2021: <https://ocindex.net/country/albania>

⁵⁸ Report TV, Lufta ndaj krimit të organizuar, Kraja: Në 2021 sekuestruam 200 mijë m2 tokë në Gjirin e Lalzit: <https://www.youtube.com/watch?v=nj7773LWVp8>

⁵⁹ Agency of the Administration of Seized and Confiscated Assets (AASCA), Annual Report 2021: <https://aapsk.gov.al/wp-content/uploads/2022/02/Raporti-i-vitit-2021.pdf>

Annual Report 2020: <https://aapsk.gov.al/wp-content/uploads/2021/06/AAPSK-Raporti-Vjetor-2020.pdf>

⁶⁰ Normative Act no. 1, dated 31.1.2020 "On preventive measures in the framework of strengthening the fight against terrorism, organized and serious crimes and consolidating security and public order":

https://qbz.gov.al/share/GYhmw3TqSkSQGZuyUhbC_w

⁶¹ Agency of the Administration of Seized and Confiscated Assets (AASCA), Annual Report 2021: <https://aapsk.gov.al/wp-content/uploads/2022/02/Raporti-i-vitit-2021.pdf>

laundering.⁶² Most of the seized and confiscated assets are assets derived from organized crime activities such as criminal offenses in the field of narcotics and criminal organizations.

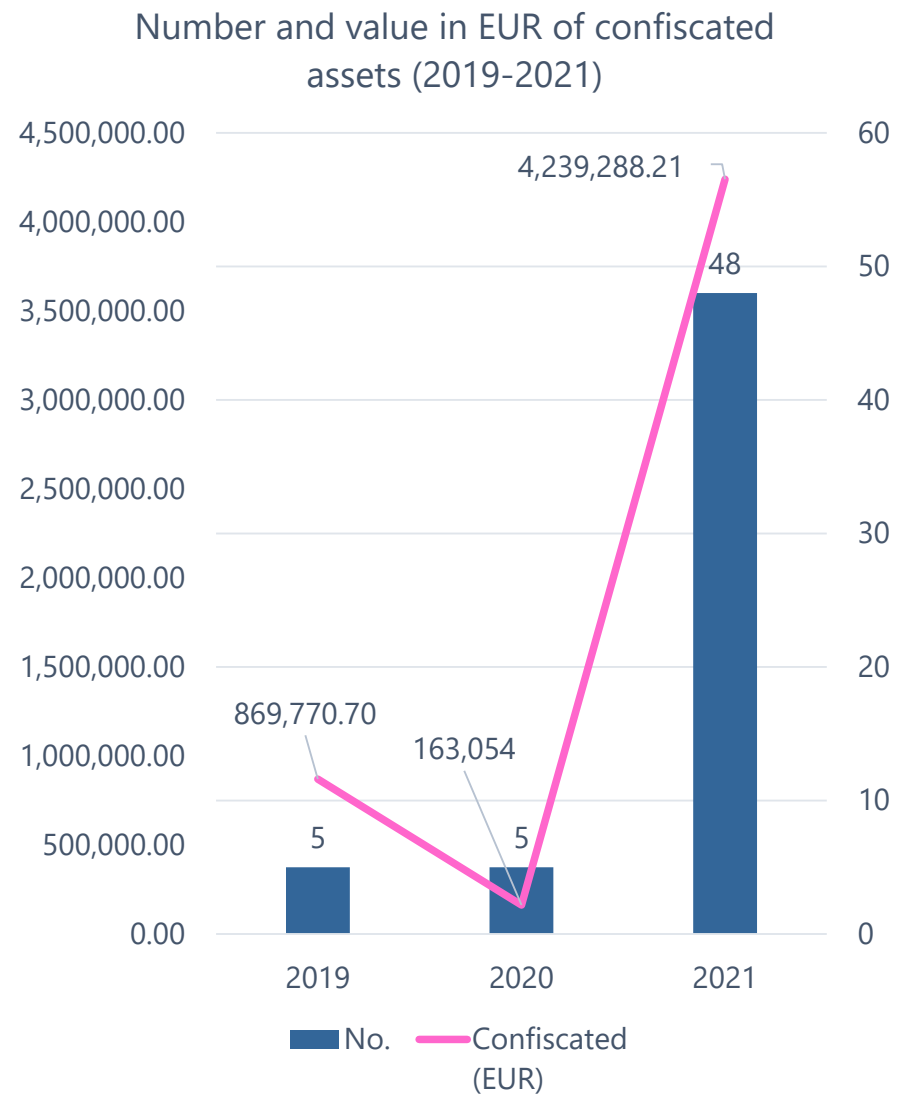
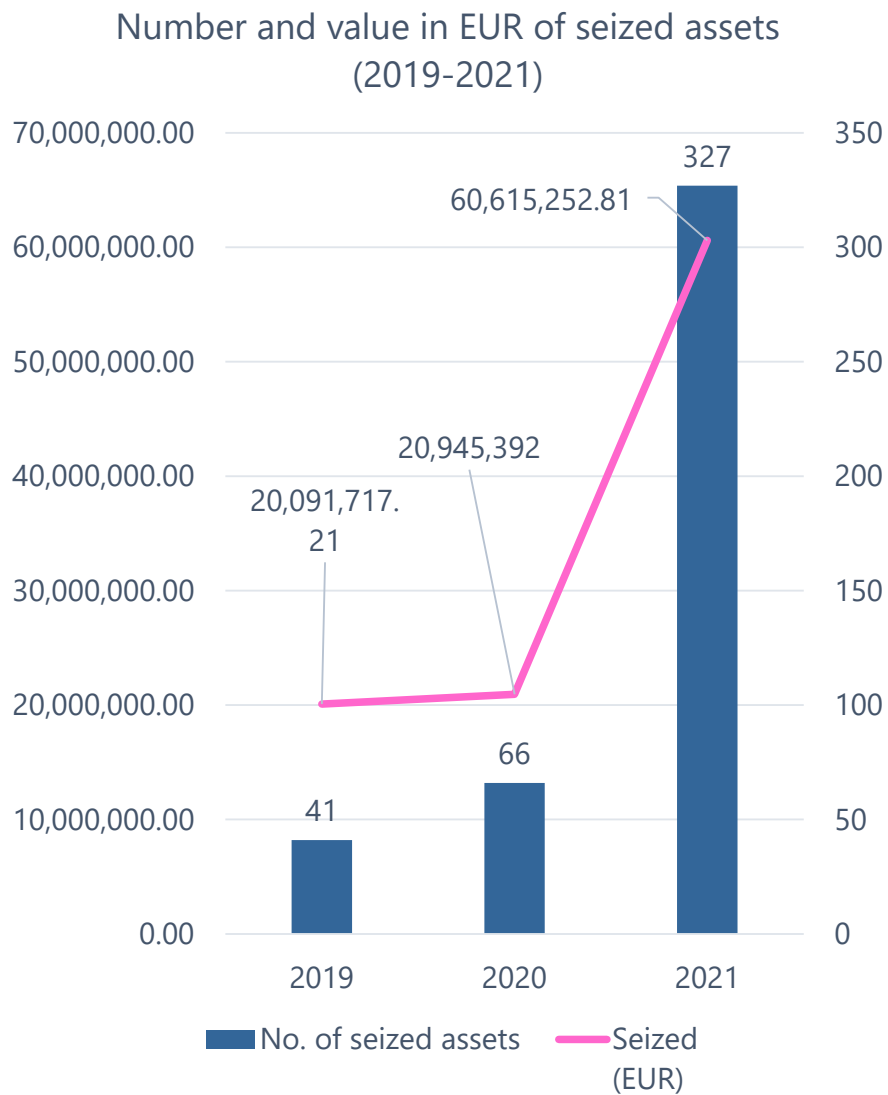
Although as noted in the previous section of this policy paper, the SPAK and the Special Court decided on the confiscation of assets during 2021 of the former Prosecutor General as well as two former members of the Constitutional Court and 1 former member of the Supreme Court, the total number of seizures and confiscations of high-ranking officials or former officials during 2021 has been low.

On the other hand, the establishment of the Asset Recovery Office remains a priority to be finalized by 2023.⁶³ Albania does not have a strategic or systematic approach to identify and confiscate criminal assets that are located abroad or that are not accessible. In addition to the means of freezing, managing and confiscating criminal assets under anti-mafia law, Albania must adopt and implement rules for extended confiscation and pre-freezing of assets. Albania also needs to urgently improve its capacity to manage frozen or confiscated assets so that they do not lose their value.⁶⁴

⁶² Ibid

⁶³ Decision of the Council of Ministers no. 516, dated 1.7.2020 “On some amendments and additions to the Decision no. 247, dated 20.3.2015, of the Council of Ministers, "On the Approval of the Anti-Corruption Crosscutting Strategy for the period 2015-2020" and the approval of the Action Plan 2020-2023, pursuant to the Anti-Corruption Crosscutting Strategy 2015-2023 and the Passport of Indicators”:
https://www.drejtesia.gov.al/wp-content/uploads/2021/04/1.-PLANI-I-VEPRIMIT-ANTIKORRUPSION-2020-2023_AL.pdf

⁶⁴ European Commission Report on Albania 2021: https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en



Graph 4: Number and value of seized and confiscated assets (2019-2021)

Source of data: Agency for Administration of Seized and Confiscated Assets

2.3.4. Developments, trends and threats of organized crime

Creating, organizing or directing structured criminal group to commit criminal offenses, participating in a structured criminal group and committing criminal offenses by members of a criminal organization and a structured criminal group are the main criminal offenses **within criminal organizations**, of which are evidenced in proceedings in the field of organized crime.

Narcotics offenses also make up the main charges in organized crime cases, while killings, illegal possession of weapons/ammunition and illegal border crossings remain the main modus operandi of organized crime groups.

Given that organized crime presents dynamic trends and developments, in addition to knowledge on criminal groups and their activities, gaining knowledge of the overall value of the **organized crime market and the level of infiltration into legitimate businesses** by organized crime groups is an indicator key to measuring the effectiveness of the fight against organized crime.

PART III: Recommendations

Given that the fight against corruption and organized crime is one of the main challenges and priorities of Albania in the progress of the European integration process, the evaluation of results in this regard needs to be based on a well-defined methodology for **data collection and reporting**. of the institutions themselves, **transparency and information** as a whole.

Although with significant shortcomings in terms of technical and administrative staff, the new bodies against corruption and organized crime have had a positive performance in relation to certain aspects related to transparency and public information, which include:

- Systematic updating of information.
- Timely and quality exchange of required information and data.
- Publication of Annual Reports
- Improving transparency programs and publishing data
- Improving the sections which are related to certain announcements and communications in order to inform the public and beyond.

However, the need to establish a well-developed methodology for measuring and evaluating performance according to a qualitative analysis based on harmonized and consolidated data remains a key recommendation for the fulfilment of which still needs improvement.

This is in order to conduct a more complete evaluation of the performance of institutions for the investigation and prosecution of criminal offenses of corruption and organized crime, in order to improve reporting practices by these institutions.

Improving monitoring, evaluation and transparency also remains important to identify and analyse the effectiveness of the implementation of competencies, as well as to promote appropriate and enforceable measures to address the problems encountered by this evaluation.

Based on the findings generated by the policy document, some recommendations that may contribute during the following period relate to:

- A. Improving access to Court records through the publication of respective decisions.
- B. Categorization and detailing of information and data according to issues of corruption and organized crime.
- C. Standardization of the data of the Special Courts in order to monitor the progress of cases at different levels.
- D. Publication in a dedicated section of data related to the adjudication of cases during previous years.
- E. Publication of Annual Reports on the activity of institutions.

Scorecard 1 - Corruption cases (registered in 2021 & backlog of 2020)

PRODUCTIVITY		EFFICIENCY					RELEVANCA								
Status of the Case		Length of judicial proceedings					The status of the indicted/accused person/s				Gravity of the consequences of the offence				
No. of case	Completed	Ongoing	< 1 month	1-6 months	7-12 months	1-2 years	> 2 years	High state officials or local elected representatives	Judges, prosecutors and other justice officials	Persons exercising public functions	Others	The number of persons involved	Economic value (loss) more than 1 million Euros	Economic value (loss) between 400 thousand Euros and 1 million Euros	Economic value (loss) between 100 to 400 thousand Euros
1.	X			X						X		1			
2.	X									X		1			
3.	X		X							X		1			
6.	X									X		3			
7.	X				X					X		2			
9.	X									X		1			
12.	X				X					X		1			
13.	X			X						X		1			
16.	X									X		3			
17.	X									X		2			
18.	X				X					X		2			
20.	X									X		1			
21.	X				X					X		2			
23.	X				X			X				1			
24.	X									X		19			
25.	X									X		2			
26.	X			X						X		1			
29.	X			X						X		1			
30.	X									X		3			
31.		X								X		3			
34.		X								X		7			
35.	X				X					X		1			
38.		X							X			1			X
39.	X									X		1			
40.	X									X		4			
41.	X			X				X				1			X
42.	X									X		1			
43.		X								X		1			
46.	X			X						X		1			
48.	X									X		1			
50.		X								X		3			
51.	X				X					X		1			
52.	X				X					X		1			
53.	X				X					X		1			
55.	X				X					X		2			
56.	X				X					X		6			
57.		X								X		1			

59.		X							X		3			X
60.		X							X		1			X
64.	X			X					X		1			
67.	X				X				X		3			X
70.		X						X			6			X
77.	X			X					X		2			
79.	X				X				X		9	X		
87.	X			X					X		1			
91.		X							X		2			
92.		X							X		1			
93.		X							X		2			
40.	X					X				X	2			
46.	X								X		1			
53.	X				X				X	X	3			
61.	X				X					X	1			
65.	X				X				X		2			
68.	X				X				X		7			
71.		X									2			
81.	X								X		1			
84.	X				X				X		2			
86.	X				X			X			2			
87.	X								X		2			
89.	X				X				X		2			
90.	X				X						1			
91.	X			X						X	1			
92.	X			X						X	1			
93.	X				X					X	1			
94.	X			X						X	1			
95.	X					X				X	1			
96.	X				X					X	1			

Source of Data: Special Court of First Instance and Appeal against Corruption and Organized Crime and Special Prosecution Office against Corruption and Organized Crime (SPAK)

Scorecard 2 - Organized crime cases (registered in 2021 % backlog of 2020)

		PRODUCTIVITY		EFFICIENCY					RELEVANCE														
		Status of the case		Length of judicial proceedings					Seriousness of crime					Gravity of the consequences of the offence									
No. of case	Completed	Ongoing	< 1 month	1-6 months	7-12 months	1-2 years	> 2 years	Main criminal offences	The number of persons involved ⁶⁵			The geographical area of operation (transnational organized crime activity)			The value of the legal and/or illegal goods involved	The underlying criminal activity/is undertaken			The modus operandi of crime				
									Narcotics	3-5	5-10	> 10	AL + 1	AL + 2		AL + > 2	Laundering the Proceeds of Criminal Offence or Criminal Activity	Illegal crossing of the state borders	Falsification	Theft	Murder	Possessing carrying or using weapons	
10.	X							X		1													
11.		X								1						X							
14.	X									1								X					
15.	X							X		3													
19.	X							X		1													
28.		X								2								X	X				
32.		X								12						X							
33.	X							X		2													
36.		X						X		2													
37.		X						X		2													
44.		X								2											X		
45.		X						X		1													
63.		X						X		1													
65.		X								4										X	X		
66.		X								3										X	X		
71.		X						X		2										X	X		
73.		X								4										X	X		
74.		X								21						X							
82.		X						X		23							X						
2.	X						X	X		1													
3.	X						X	X		1													
7.	X									1								X					
12.		X								1										X			
17.		X						X		2													
20.	X						X	X		8													
21.		X								16						X							
22.	X							X		3													
26.	X							X		4													
28.	X						X			14					X		X				X		
34.	X				X					17						X							
37.		X						X		4													

⁶⁵ Veprat penale në kuadër të organizatave kriminale përfshijnë akuzat penale të parashikuara në: Neni 28/4; Neni 284/a; Neni 333; Neni 333/1; Neni 333/2; Neni 333/a; Neni 333/a/1; Neni 333/a/2; Neni 334; Neni 334/1 dhe Neni 334/2.

38.	X			X		X	24		X							
41.		X					1						X			
42.	X			X			4							X		
43.		X					2					X				
45.	X						2					X	X			
47.	X			X		X	14									
48.	X			X		X	6									
54.	X					X	1									
60.	X			X		X	21									
63.		X					1							X		X
64.		X				X	30									
67.	X					X										
69.	X					X	1							X		X
70.		X				X	5									X
72.		X					8							X		X
73.	X		X				2		X							
76.		X					3								X	X
77.		X					1								X	
80.		X				X	4									
83.		X					1							X		X
85.		X				X	7									
88.		X					1								X	X

Source of Data: Special Court of First Instance and Appeal against Corruption and Organized Crime and Special Prosecution Office against Corruption and Organized Crime (SPAK)

Table 1: Data on the 23 former-judges of Constitutional Court and Supreme Court, dismissed by the re-evaluation process (vetting) or resigned, who are investigated by the Special Prosecution Office Against Corruption and Organized Crime (SPAK)

No.	Subjects	Position	IQC	SAC	Criteria	SPAK	Special Court First Instance
1.	Adriatik Llalla	Former-Prosecutor General	Re-evaluation process interrupted	The re-evaluation is adjudicated/dismissed from working in the justice system for a period of 15 years	Resigned	Sent for trial Seized	Confiscation/2 years of conviction/dismissed from working in public duties for a period of 5 years
2.	Bashkim Dedja	Former-judge/President of the Constitutional Court	Confirmed in duty	Dismissed	Asset assessment	Seized Sent for trial	Accepted Returned
3.	Fatos Lulo	Former-judge of the Constitutional Court	Dismissed	Uphold decision of the IQC	Asset assessment	Seized Sent for trial	Accepted Returned
4.	Besnik Imeraj	Former-judge of the Constitutional Court	Re-evaluation process interrupted	N/A	Resigned	Proceeding is terminated	
5.	Gani Dizdari	Former-judge of Constitutional Court	Dismissed	Uphold decision of the IQC	Asset assessment Background assessment	Proceeding is terminated	Process
6.	Shkëlzen Selimi	Former-judge of the Supreme Court	Dismissed	Uphold decision of the IQC	Background assessment	Seized Process	Accepted (50%)
7.	Admir Thanza	Former-judge of the Supreme Court	Dismissed	Uphold decision of the IQC	Asset assessment Background assessment Proficiency assessment.	Process	
8.	Tom Ndreca	Former-judge of the Supreme Court	Dismissed	Uphold decision of the IQC	Asset assessment Background assessment	Proceeding is terminated	Process
9.	Edmond Islamaj	Former-judge of the Supreme Court	Confirmed in duty	Dismissed	Asset assessment	Proceeding is terminated	Process
10.	Aleksandër Muskaj	Former-judge of the Supreme Court	The re-evaluation is adjudicated/dismissed from working in the justice system for a period of 15 years	Uphold decision of the IQC	Resigned	Proceeding is terminated	Process
11.	Guxim Zenelaj	Former-judge of the Supreme Court	The re-evaluation is adjudicated/dismissed from working in the justice system for a period of 15 years	N/A	Resigned	Process	
12.	Xhezair Zaganjori	Former-judge/ Chief Justice of the Supreme Court	Confirmed in duty	Dismissed	Asset assessment	Proceeding is terminated	Process
13.	Artan Zeneli	Former-judge of the Supreme Court	Dismissed	Uphold decision of the IQC	Asset assessment Background assessment	Proceeding is terminated	Process
14.	Fatmir Hoxha	Former-judge of the Constitutional Court	Dismissed	Uphold decision of the IQC	Asset assessment		
15.	Altina Xhoxhaj	Former-judge of the Constitutional Court	Dismissed	Uphold decision of the IQC	Asset assessment Proficiency assessment.		
16.	Artan Broci	Former-judge of the Supreme Court	Dismissed	Uphold decision of the IQC	Asset assessment Proficiency assessment.		
17.	Mirela Fana	Former-judge of the Supreme Court	Re-evaluation process is terminated	The re-evaluation is adjudicated/dismissed from working in the justice system for a period of 15 years	Resigned		

18.	Andi Çeliku	Former-judge of the Supreme Court	The re-evaluation is adjudicated/dismissed from working in the justice system for a period of 15 years	N/A	Resigned		
19.	Evelina Qirjako	Former-judge of the Supreme Court	The re-evaluation is adjudicated/dismissed from working in the justice system for a period of 15 years	Uphold decision of the IQC	Resigned		
20.	Arjana Fullani	Former-judge of the Supreme Court	The re-evaluation is adjudicated/dismissed from working in the justice system for a period of 15 years	Uphold decision of the IQC	Resigned		
21.	Sokol Berberi	Former-judge of the Constitutional Court	N/A	N/A	Resigned		
22.	Vladimir Kristo	Former-judge of the Constitutional Court	N/A	N/A	Resigned		
23.	Majlinda Andrea	Former-judge of the Supreme Court	N/A	N/A	Corruption	GPO: Request for trial	Supreme Court: Convinced 4 years (replaced with probation period 3 years)/ dismissed from working in public duties for a period of 5 years

Source of data: Independent Qualification Commission (IQC), Special Appeal Chamber (SAC) and Special Prosecution Office against Corruption and Organized Crime (SPAK)

Table 2: Recommendations of EU Commission regarding the level of Preparation and Progress of the country in the fight against Corruption and Organized Crime (2020-2021)

0	Early
1	Early/Some
2	Some
3	Some/Moderate
4	Moderate
5	Moderate/Good
6	Good

0	Backsliding
1	No progress
2	Limited progress
3	Some progress
4	Good progress

Year	Preparation	Progress	Corruption	Preparation	Progress	Organized Crime
2021	Some level of preparation	Some progress	<ul style="list-style-type: none"> continue to strengthen the fight against corruption; further progress towards establishing a solid track record of investigations, prosecution, and adjudication of corruption cases, seizure and confiscation/recovery of criminal assets resulting from corruption-related offences; ensure that the Special structure for Anti-Corruption and Organised Crime (SPAK), i.e. the Special Prosecutor's Office (SPO) and the National Bureau of Investigation (NBI), as well as the SPAK Courts, effectively address high-level corruption; ensure adequate resources, skills and cooperation between these new structures and other prosecutorial and judicial entities; ensure that criminal proceedings are consistently and systematically initiated against judges and prosecutors accused of criminal conduct during the re-evaluation process; effectively address the recommendations of GRECO and implement the related action plan within the given timeframe. 	Some level of preparation	Good progress	<ul style="list-style-type: none"> keep strengthening the fight against organised crime, including through cooperation with EU Member States, as well as EU Agencies, including Europol and Eurojust; the number of Albanian law enforcement agencies that have access to SIENA should be further expanded; establish without delay or designate an asset recovery office/agency in line with the EU acquis that is in charge of the identification and tracking of criminal assets, as foreseen by national legislation; strengthen effective law-enforcement response on cybercrime to increase detection, investigation and prosecution.
2020	Some level of preparation	Good progress	<ul style="list-style-type: none"> keep strengthening the fight against corruption; further progress towards establishing a solid track record of corruption cases, seizure and confiscation/recovery of criminal assets resulting from corruption-related offences; further increase the use of financial investigations; ensure that recently established specialised anti-corruption bodies of the Special Anticorruption and Organised Crime Structure (SPAK), i.e. the Special Prosecutor's Office (SPO) and the National Bureau of Investigation (NBI), as well as the Anti-Corruption and Organised Crime courts are operational and effectively address high-level corruption; ensure adequate resources and cooperation between these new structures and with other prosecution and judicial entities; continue to improve access to national electronic registries for law enforcement authorities. 	Some level of preparation	Good progress	<ul style="list-style-type: none"> keep strengthening the fight against organised crime, including through cooperation with EU Member States, as well as Europol; adopt a new strategy and action plan on drugs, fill-in the legislative gap on drug precursors, and intensify the fight against drug trafficking; adopt a cybercrime strategy and establish a more effective law-enforcement response focusing on the detection, traceability and prosecution of cyber criminals and address the growing phenomenon of pedo-pornography online.

Source of data: European Commission (European Commission Reports on Albania)