



Center
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**The administrative approach in fighting organized crime:
Exploring the possibility of implementation in Albania**

*Center for the Study of Democracy
and Governance*

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Summary

Evidence from international reports and law enforcement statistics show that the Albanian organised crime has expanded significantly its activity both in Albania and abroad. The Albanian organised crime networks are now able to conduct large scale transcontinental operations to shipping drugs, control gross and retail drug markets in Europe, and undertake successful money laundering operations by using Albania as a platform.

The Albanian authorities have made efforts to stamp down on the organised crime by improving the legal and institutional infrastructures and capacities but so far with no tangible results. The large numbers of arrests and imprisonments both in Albania and abroad have not deterred the criminal networks from upscaling their activity.

To the contrary, the organised crime networks have made inroads into the country's economic and political structures. Evidence from law enforcement and media reports show that organised crime networks have invested in many lucrative sectors of the economy and are using their companies to win public contracts. Moreover, in addition to the economic infrastructure, the organised crime networks have also penetrated the administrative and political realms, as proved by the need to adopt specific legislation to addressing the problem.

As the organised crime problem has grown up to become a central socio-economic and political issue, the approach to tackling this problem has not evolved. Albania policy to tackling organised crime remains anchored on the repression and is projected to remain so as the establishment of the Special Anti-Corruption and Organised Crime Structure is largely regarded as the solution to the problem.

While repression thorough law enforcement and criminal justice action are vital in tackling organised crime, it will not be sufficient and should be combined with the administrative approach. Adopted initially in the United States during the 1980s, the administrative approach has been applied in the EU member states for over two decades, and more lately has been adopted as a policy at the EU level.

The administrative approach is based on the prevention of organised crime by denying the use of the legal administrative infrastructure to expand their activities and on the multi-agency coordination of interventions to disrupt and repress organized crime.

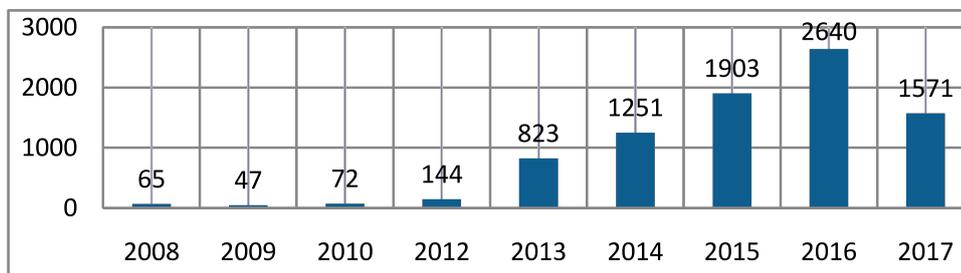
While some administrative tools are present within the Albanian legal system, they have largely been ineffective, mainly due to the lack of an administrative approach as an alternative policy to crime control outside the criminal justice system and the lack of coordination between the administration and the criminal justice system.

The adoption of the administrative approach as a policy at the EU level and the successful implementation of this approach in EU member states, provide an opportunity for considering the possibility of introducing such approach in the arsenal of Albania's counter organised crime tools.

1. Introduction

For over two decades the Albanian criminal organisations have grown in number and level of sophistication and have expanded in terms of reach and capabilities to the extent that they are able to organise or lead transnational criminal operations. As the US Department of State notes in its 2018 International Narcotics Control Strategy Report, “Albania produces and exports significant amounts of marijuana, primarily for European use, and is a transit country for Afghan heroin and cocaine, serving as a key gateway for heroin distribution throughout Europe. Albania serves as a base of operations for regional organized crime organizations. Illicit proceeds are easily laundered”.¹

Europol and UNODC reports,² as well as the reports of national law enforcement agencies of various European countries,³ indicate an expansion and increased seriousness of the activity of the Albanian organized crime groups. Due to the increased production and trafficking of cannabis, Europol noted that for 2017 Albania remained the main source of herbal cannabis trafficked to the EU.⁴



Graph 1: Number of penal proceedings on drug related crimes registered to the Prosecution Office. Source: Prosecutor General Reports for the years 2012, 2016, 2017.⁵

The negative implications of the organised crime activities in Albania are multiple. One of the major consequences of organized crime is the negative impact on security. According to the data produced by the General Persecution office the number of people involved in drug related crimes has increased dramatically over the last five years (Graph 1). A recent investigation by the British magazine The Economist, ranks Albania as the country with the highest percentage of cocaine users in the world where 2.5% of the population are cocaine consumers.⁶

Organised crime has major negative consequences for the economy also, as business activities that are built up using illicit capital lead to unfair competition and undermine the free entrepreneurship. But most importantly, through their increased access and power into the business and social activities, Albanian criminal organisations have managed to actively influence the political domain, either through direct involvement into politics or through collusion with political parties in exchange for government

1 United States Department of State, Bureau of International Narcotics and Law Enforcement Affairs. “International Narcotics Control Strategy Report: Volume II. Money Laundering”. March 2018.

<https://www.state.gov/documents/organization/278760.pdf>

2 European Union. “Serious and organised crime threat assessment: Crime in the age of technology”. European Police Office 2017.

https://www.europol.europa.eu/sites/default/files/documents/report_socta2017_1.pdf

3 National Crime Agency. “National Strategic Assessment of Serious and Organised Crime, 2017”.

<http://www.nationalcrimeagency.gov.uk/publications/807-national-strategic-assessment-of-serious-and-organised-crime-2017/file>

4 European Union. “Serious and organised crime threat assessment: Crime in the age of technology”. European Police Office 2017.

https://www.europol.europa.eu/sites/default/files/documents/report_socta2017_1.pdf

5 (1) General Prosecution. “Report of the Prosecutor General on the crime situation for year 2017”. General Prosecution, March 2018.

http://www.pp.gov.al/web/raporti_vjetor_2017_1350.pdf

(2) General Prosecution. “Report of the Prosecutor General on the crime situation for year 2016”. General Prosecution, March 2017.

http://www.pp.gov.al/web/raporti_pp_2016_07_03_2017_1160.pdf

(3) General Prosecution. “Report of the Prosecutor General on the crime situation for year 2012”.

http://www.pp.gov.al/web/raporti_per_vitin_2012_854.pdf

6 The Economist, ‘Cocaine: why cartels are winning’

<https://www.youtube.com/watch?v=hopYEuFA0g4>

7 Fabian Zhilla and Besfort Lamallari.

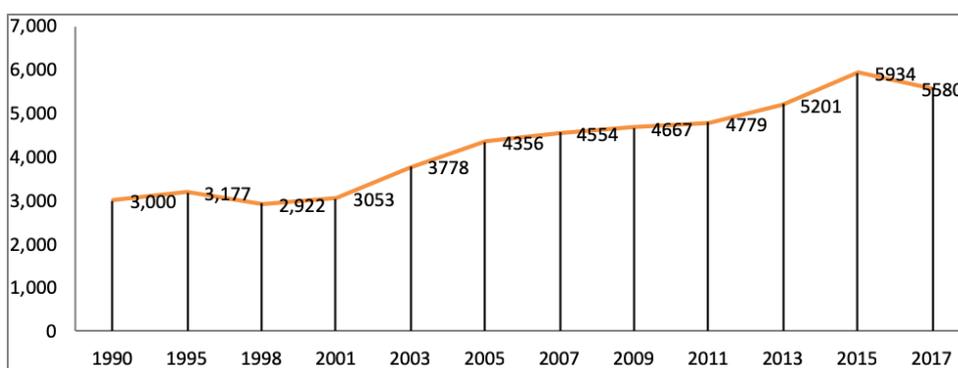
“Organised Crime Threat Assessment for Albania”. OSFA 2017.

http://globalinitiative.net/wp-content/uploads/2018/02/Threat_Assessment_of_Albanian_Organised.pdf

contracts when these parties get into the government.⁷

The increased number of Albania people involved in organized crime and the increasingly international nature of such involvement, has been accompanied by record numbers of Albanian citizens being imprisoned abroad, particularly in EU member countries contributing negatively the image of Albania in those countries. In 2016 there were 5,722 Albanian nationals imprisoned in EU countries, a relatively high number compared with the number of population as countries with far larger populations such as Turkey and Poland ranked behind Albania with 4,798 and 4,449 prisoners respectively.⁸ The largest numbers of Albanians serving prison sentences abroad are in Greece (2850 in 2017),⁹ in Italy (2598 in 2017),¹⁰ and in the United Kingdom (716 in 2017).¹¹ According to the 2017 Report on Serious and Organised Crime of the UK National Crime Agency, the Albanian crime groups made up 0.8% of organised criminals, leaving behind countries with larger populations such as Romania (1.5%); Pakistan (1.2%) and Poland (0.9%).¹²

The increased trend in criminal activity involvement is also reflected in the increasing trend of the number of people serving prison sentences within the Albanian penitentiary system. Prison population in Albania has nearly doubled over the last two decades, while during the 1990s the trend has been constant (Graph 2). In addition to the inmates serving sentences in the penitentiary system, another 5577 people were serving alternative sentences through the Probation Service in 2016.¹³



Graph 2 Prison population in Albania. Source: World Prison Brief 14

The Albanian government has undertaken various measures to tackle the problem but as the figures demonstrate, the phenomenon has shown no signs of abetting. The most recent effort is the action plan on the fight against organised crime initiated by the Albanian Interior Ministry in November 2017 under the operation 'Forca e Ligjit' (Power of law).¹⁵ The Interior Ministry has identified 41 criminal groups and their assets that have become subject of this operation. Until the end of October, the Ministry informed that it had arrested 300 persons, disrupted many of those groups, and started criminal investigations on their assets.^{16, 17} This action

8 Michael Bird, Vlad Odobescu, Cecilia Ferrara and Sigute Limontaite. "Romania and Morocco have most expats in EU prisons". EUOBSERVER, 1 November 2016. <https://euobserver.com/investigations/135659>

9 Sh.Zinxhiria. "Shifrat alarmante/ Shqiptarët 4% e popullsisë greke, 23% e të burgosurve". MAPO, 07/08/2017. <http://www.mapo.al/2017/08/shifrat-alarmante-shqiptaret-4-e-popullise-greke-23-e-te-burgosurve/1>

10 Gazeta Shqiptare. "Shqiptarët thejnjë rekord në burgjet në Itali". 1 January 2018. <http://www.gsh.al/2018/01/01/shqiptaret-thejnjerekord-ne-burgjet-ne-itali/>

11 Balkan Insight. "Albanian Gangster's Jail Boast Angers UK Prisons". BIRN, London. 31 January 2018. <http://www.balkaninsight.com/en/article/albanian-gangster-s-jail-boast-angers-uk-prisons-01-31-2018>

12 National Crime Agency. "National Strategic Assessment of Serious and Organised Crime, 2017". <http://www.nationalcrimeagency.gov.uk/publications/807-national-strategic-assessment-of-serious-and-organised-crime-2017/file>

13 Ministry of Justice, The Probation Service. "Annual Report 1 January– 31 December 2016". http://www.sherbimproves.gov.al/images/pdf/Raporti_vjetor_2016.pdf

14 World Prison Brief. "World Prison Brief data: Albania". <http://www.prisonstudies.org/>

15 Ministria e Brendshme. "'Forca e Ligjit' – Krijohet Task Forca Speciale kundër krimit të organizuar", 07/11/2017. <http://www.mb.gov.al/2017/11/07/forca-e-ligjit-krijohet-task-forca-speciale-kunder-krimit-te-organizuar/>

16 Ministria e Brendshme. Forca e Ligjit në Territor, operacioni "Ndëshkimi i të fortëve" – 300 të arrestuar" 23/10/2018. <http://www.mb.gov.al/2018/10/23/forca-e-ligjit-ne-territor-operacioni-ndeshkimi-i-te-forteve-300-te-arrestuar/>

17 Ministria e Brendshme. "Forca e Ligjit" – Përmbledhje e operacioneve", 16/07/2018. http://www.mb.gov.al/wp-content/uploads/2018/07/Forca_e_Ligjit_-_P%C3%ABrmbledhje.pdf

18 Ligj Nr. 95/201 datë 6.10.2016, Për Organizimin dhe Funkcionimin e Institucioneve për të Luftuar Korrupsionin dhe Krimin e Organizuar (Law on the Organization and Functioning of Institutions for Combating Corruption and Organized Crime)

19 Ligj Nr.8750, datë 26.3.2001 Për parandalimin dhe luftën ndaj trafikut të substancave narkotike (ndryshuar me ligjin nr.10 375, datë 10.2.2011, nr. 88/2016, datë 15.9.2016) (Law on prevention and fight against trafficking of narcotic substances, as amended)

20 Ligj nr. 10 192, datë 3.12.2009. Për parandalimin dhe goditjen e krimit të organizuar, trafikimit, korrupsionit dhe krimeve të tjera nëpërmjet masave parandaluese kundër pasurisë, ndryshuar me ligjin nr. 24/2014, datë 20.3.2014, nr. 70/2017, datë 27.4.2017. (On preventing and tackling organized crime, trafficking, corruption and other crimes through preventive measures on property)

21 Vendim nr.1140, datë 30.7.2008. Për miratimin e strategjisë ndërsëktoriale të luftës kundër krimit të organizuar, trafikeve dhe terrorizmit (On the adoption of a inter sectoral strategy for combating organized crime, trafficking and terrorism)

22 Vendim nr. 663, datë 17.7.2013. Për miratimin e strategjisë ndërsëktoriale të luftës kundër krimit të organizuar, trafikeve dhe terrorizmit (On the adoption of the inter sectoral strategy for combating organized crime, illicit trafficking and terrorism, 2013-2020 dhe planit të veprimit për vitet 2013-2016 (On the adoption of the inter sectoral strategy for combating organized crime, illicit trafficking and terrorism, 2013-2020 and the Action Plan 2013-2016)

23 (1) Schneider, Stephen, and Margaret Beare. "Alternative Approaches to Combating Transnational Crime." (2001).

plan will be in place until the establishment of the Special Anti-Corruption and Organised Crime Structure (SPAK) which will be a permanent independent structure to tackle both corruption and organised crime in Albania.¹⁸

In general, the predominant approach to tackling the organised crime phenomenon in Albania has been on suppression, as the latest operation 'Forca e Ligjit' shows. Meanwhile reduced efforts have been made to employ the preventive approach to countering organized crime activities, although legislation and strategies on prevention have been adopted since early 2000. In 2001 the law on prevention and fight against trafficking of narcotic substances was adopted¹⁹, followed by the law on prevention and suppression of organized crime, the confiscation of assets in 2009.²⁰ An inter-sectoral strategy on fighting against organized crime, trafficking and terrorism was adopted in 2008 for the period 2008-2013,²¹ which was followed by the adoption of another document for the period 2013-2020.²²

The main argument of this paper is that despite the existence of the preventive approach as a policy approach, the predominant focus in the implementation has been on suppression, while the overall trend in the western countries has been the combination of the prevention and suppression of organized crime.²³ The combined approach has increasingly gained currency in the EU policy also. In its conclusions of 9 June 2016, the Council of the European Union adopted the administrative approach in preventing and fighting serious and organised crime to be used by EU member states, in addition to the criminal justice-based approach.²⁴

Against this context this policy paper aims to advocate for the introduction of the administrative approach to prevent and fight serious and organised crime (hereafter administrative approach), as a set of tools and policy measures to be added to the existing efforts that the Albanian authorities have already engaged in combating organised crime.

As previous experience has shown, when a large number of criminal organisations were dismantled in the mid 2000, the absence of sufficient focus on prevention has led to lack of sustainability in maintaining the achieved outcomes.²⁵ Meanwhile, there continues to be a limited focus on the prevention. Even the EU Report 2018 on Albania points out to the limited progress in dismantling organised crime, and underscores the requirement to establish a solid track record of proactive investigations, prosecutions and convictions in the fight against organised crime.²⁶

The paper is organised as following. The next section provides an overview of the emergence and evolution of the administrative approach in the EU and its member states. The following section provides the implementation of the administrative approach in two selected countries; Italy and the Netherlands. The subsequent section provides an overview of the legal framework and mechanisms of Albania to countering organised crime with a focus on prevention. The last section provides conclusions and recommendations.

23 (1) Schneider, Stephen, and Margaret Beare. "Alternative Approaches to Combating Transnational Crime." (2001).

(2) Levi, Michael, and Mike Maguire. "Reducing and preventing organised crime: An evidence-based critique." *Crime, Law and Social Change* 41.5 (2004): 397-469.

24 Council of the European Union. General Secretariat of the Council. "Council conclusions on the administrative approach to prevent and fight serious and organised crime - Council conclusions (9 June 2016)". Brussels, 9 June 2016

25 (1) Commission Staff Working Document. "Albania 2008 Progress Report, Accompanying the Communication from the Commission to the European Parliament and the Council. SEC(2006) 1383". Brussels, 08.11.2006. https://www.parlament.al/Files/Integrimi/2009_progress_report_en_23388_1.pdf

(2) Commission Staff Working Document. "Albania 2008 Progress Report, Accompanying the Communication from the Commission to the European Parliament and the Council. SEC(2008) 2692". Brussels, 5.11.2008. https://www.parlament.al/Files/Integrimi/2008_progress_report_en_23387_1.pdf

26 Commission Staff Working Document, "Albania 2018 Report, Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. SWD(2018) 151 final". Strasbourg, 17.4.2018. Page 6

2. Emergence and evolution of administrative approach in the EU

The administrative approach draws on the assumption that the activities of criminal organizations are not limited to illegal activities alone, such as drug trafficking, fraud or property crimes, but they also invest money in legal activities and businesses in order to exploit the revenues of their crimes and to generate a legal income.²⁷ For instance, a criminal organization may establish or take over a construction company and then tender for government contracts, it may establish a shipment company in order to traffic illicit drugs or weapons, or may acquire a licence to run a bar or gambling arcade and use it for criminal purposes, such as money laundering, and tax fraud.

Even if criminals engage in businesses without using them to commit crimes, their actions will still undermine the integrity of certain economic activities. For example, criminal organizations that obtain a substantial illegal income and use their company partly for money laundering do not worry about being as competitive as regular companies and may underbid contracts to outcompete *bona fide* entrepreneurs.²⁸

Therefore, it is in the interest of the government authorities to preventing criminals from either using the economic infrastructure to acquire a legal income or from misusing businesses to facilitate crimes and applying their criminal proceeds towards this purpose.

In this respect, the administrative laws play a key role for evaluating the suitability of certain individuals for specific businesses based on earlier criminal convictions in order to prevent them from getting a new means to commit further offences.

By drawing on the potential of the use of the administrative law to preventing and fighting organized crime, the administrative approach is defined as following:

*“An administrative approach to serious and organized crime involves preventing the facilitation of illegal activities by denying criminals the use of the legal administrative infrastructure as well as coordinated interventions to disrupt and repress serious and organized crime and public order problems”.*²⁹

The administrative approach to crime was first applied in New York in the 1980s, when Mayor Rudy Giuliani started to implement combined traditional law enforcement tools with administrative tools to tackle the influence of ‘La Cosa Nostra’ in several economic sectors in the city.³⁰

Drawing from the US experience and the evaluation of the approach adopted by Rudy Giuliani Jacobs and Gouldin concluded:

27 Spapens, A., Peters, M., & Van Daele, D. (Eds.) (2015). “Administrative measures to prevent and tackle crime. Legal possibilities and practical application in EU Member States”. The Hague: Eleven International Publishing.

28 Spapens, A. et al. p.1

29 Ibid. p.4

30 Jacobs, James B., and Lauryn P. Gouldin. “Cosa Nostra: The Final.” *Crime and Justice* 25 (1999): 129-189.

“Don’t wait until organized crime syndicates become entrenched before responding to them. In the United States there was no concerted effort for decades. By that time, organized crime was a political and economic force capable of insulating itself from attack”.

*“Law enforcement is not enough. Law enforcement is a necessary but not sufficient force for purging a full-blown syndicate from the economy. The use of long-term trustees to oversee the remediation of businesses and unions has been a great innovation in organized crime control. Likewise, the mobilization of government’s regulatory powers on behalf of the organized crime control effort has proven remarkably successful”.*³¹

The approach to fight organized crime by combining administrative and criminal law was introduced in Europe in the 1990s in the Netherlands. Faced with a surge of crime during the 1980s, the Dutch government responded by adopting the Society and Crime policy, which among others pointed out the threat of organized crime to society and the risks of it infiltrating into the legal economy. In 1997, the City of Amsterdam was the first to establish a team of civil servants charged with preventing criminals from obtaining licences to operate a legitimate business in the city.³² By the end of the 1990s, the concept that traditional repressive law enforcement bodies should have a monopoly on reactions to organised crime underwent a widespread revision. The EU-Action Plan to Combat Organised Crime adopted in 1997 highlighted that:

*“Prevention is no less important than repression in any integrated approach to organised crime, to the extent that it aims at reducing the circumstances in which organised crime can operate. The Union should have the instruments to confront organised crime at each step on the continuum from prevention and repression and prosecution.”*³³

In the political guidelines and recommendations, the Action Plan focused at the reduction of existing or future opportunities for organised criminal groups to participate in lawful markets by calling among others, for the exclusion of persons who have committed offences connected with organised crime from participation in tender procedures conducted by Member States and the Community, and from receiving subsidies or governmental licences.

“[...] the Member States, the Council and the Commission should [...] take necessary steps to allow the exclusion of criminal organisations for their members from participation in tendering procedures, receiving subsidies or governmental licenses”. (Political Guideline 13)

31 Ibid

32 Spapens, A. et al. p.223

33 ACTION PLAN TO COMBAT ORGANIZED CRIME (Adopted by the Council on 28 April 1997). Official Journal of the European Communities No C 251/1. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51997XG0815&from=EN>

“The Member States and the European Commission should ensure that the applicable legislation provides for the possibility for an application in a public tender procedure who has committed offences connected with organised crime to be excluded from the participation in tender procedures conducted by Member States and by the Community”. (Recommendation 7)³⁴

The shifting focus from the exclusive law enforcement approach was underlined also in the Joint Report of the European Commission and Europol, Towards a European Strategy to Prevent Organised Crime, which underscored that:

“There is a growing understanding amongst policy-makers, professionals and academics that the traditional enforcement approach to tackling organised crime will not, alone, bring about the hoped-for reduction in such activity. The idea, instead, that only the use of targeted and co-ordinated strategies in the field of prevention, reduction and combating organised crime as a whole will achieve that goal is gaining ground. These strategies have to be built on partnerships between the criminal justice system, public administration, scientific community, society, and private industry”.³⁵

In 2004, the Dutch Ministry of the Interior organised a seminar entitled ‘An alternative approach to combat organised crime’ attended by representatives of various member states, international experts, and European Union representatives. The aim of the seminar was to put the administrative approach to the fight against organised crime on the European agenda and to increase participants’ awareness of the importance and the options of an administrative approach.³⁶

“The fight against organised crime has traditionally focused on the penal approach. It may be wondered, however, to what extent a purely penal approach is adequate and what added value alternative approaches can give. In practice, many criminal organisations aim at the illegal control over legal markets: in other words, they use society’s legal infrastructure. The laundering of criminal profits through legal economic activities, the creation of legal covers such as catering businesses, arcades and phone houses, the acquisition of premises (for instance, for establishing illegal casinos or as home base for human trafficking), corruption in obtaining procurement contracts, the transportation of illegal goods covered by official transport licences... these are but a few examples of criminal organisations deliberately using the legal infrastructure in order to develop and continue their activities. As a matter of fact, many criminal organisations need the legal infrastructure for their shady activities to be

34 ACTION PLAN TO COMBAT ORGANIZED CRIME (Adopted by the Council on 28 April 1997). Official Journal of the European Communities No C 251/1. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51997XG0815&from=EN>

35 Commission of the European Communities. Commission Staff Working Paper Joint report from Commission services and EUROPOL “Towards a European strategy to prevent organised crime” SEC(2001) 433, Brussels, 13.03.2001

36 Council of the European Union. An alternative approach to combat organised crime - Seminar held in The Hague on 5 and 6 July 2004. Doc. 12557/04, Brussels 21 September 2004.

https://www.eumonitor.eu/9353000/1/j4nvgs5kkg27kof_j9vvik7m1c3gyxp/vi7jgsymoeyi/f/12557_04.pdf

successful. This means that if the underworld is to penetrate legal markets, it often has to do so 'via' the (local) public administration, for example through licences or subsidies. This very aspect makes criminal organisations vulnerable to an administrative approach to organised crime, and it offers public administrations instruments to combat this type of crime. This also implies that an exclusively penal approach will generally prove inadequate, since it basically focuses on individual criminals and criminal organisations, not on the underlying infrastructure. The problem is that criminal organisations and individual criminals appear to be very easy to replace. A purely repressive approach through penal instruments, therefore, often amounts to a waste of time and energy. Indeed, criminals may come and go, but the infrastructure remains intact. By attacking the underlying structures of organised crime, the administrative approach can therefore also play a complementary role, curtailing the development of criminal activities. The fact that organised crime often needs the public administration (the legal infrastructure) for its activities implies that the latter will need to be involved in the approach to crime"³⁷

In the Internal Security Strategy document adopted in 2010 the European Commission pointed out that:

"Policies to engage governmental and regulatory bodies responsible for granting licences, authorisations, procurement contracts or subsidies should be developed (the 'administrative approach') to protect the economy against infiltration by criminal networks. The Commission will give practical support to Member States by establishing in 2011 a network of national contact points to develop best practices, and by sponsoring pilot projects on practical issues".³⁸

In the First Annual Report on the implementation of the EU Internal Security Strategy, issued in 2011, the importance of the administrative approach was again underlined. The report stated that:

"Member States are encouraged to step up efforts to develop the administrative approach, involving all public sector bodies, not just law enforcement bodies, to protect the economy against crime and corruption".³⁹

The relevance of the administrative approach as an opportunity for detecting and responding to criminal infiltration of the economy was highlighted also in the

37 Ibid. page 2

38 European Commission. Communication from the Commission to the European Parliament and the Council. The EU Internal Security Strategy in Action: Five steps towards a more secure Europe. COM(2010) 673 final. Brussels, 22.11.2010. page 6

<http://ec.europa.eu/transparency/regdoc/rep/1/2010/EN/1-2010-673-EN-F1-1.Pdf>

39 European Commission. Communication from the Commission to the European Parliament and the Council. First Annual Report on the implementation of the EU Internal Security Strategy COM(2011) 790 final. Brussels, 25.11.2011

Second Annual Report on the implementation of the EU Internal Security Strategy, issued in 2013.⁴⁰

In 2014 the Council of the European Union adopted a multi-annual work programme of the Informal Network of contact points on the administrative approach to prevent and disrupt organised crime, established Under the Belgian EU Presidency in 2010. Among the objectives set to the Informal Network for the period 2015-2017, the programme included:

"[...] to promote the value of adopting administrative measures and multidisciplinary approaches to combat organised crime; to propose new initiatives to use such measures and approaches to combat organised crime; to share best practice in using such measures and approaches across the EU".⁴¹

During the Dutch Presidency of the Council of the EU, the Justice and Home Affairs Ministers adopted on 9 June 2016 the Council conclusions on the administrative approach to prevent and fight serious and organised crime.⁴²

In its conclusions the Council of the EU points out that "it is necessary to develop and further improve the administrative approach to prevent and fight crime, in particular serious and organised crime" and invites the member states to combine the following elements in the administrative approach:

"[...] a) Preventing persons involved in criminal activities from using the legal administrative infrastructure for criminal purposes, including, where relevant, procedures for obtaining permits, tenders and subsidies; b) Applying all relevant types of administrative regulations to prevent and fight illegal activities, when possible under national law, including the preventive screening and monitoring of applicants (natural persons and legal entities) for permits, tenders and subsidies, as well as closing or expropriating premises when public nuisance occurs in or around those premises as a result of undermining criminal activities; c) Coordinated interventions, using administrative tools to supplement actions under criminal law, to prevent, counter, disrupt and suppress serious and organised crime".⁴³

The monitoring of the progress of the EU actions on the development of the administrative approach is currently part of the implementation of the EU Internal Security Strategy for the period 2015-2020 (also called "renewed internal security strategy").⁴⁴

40 European Commission. Communication from the Commission to the European Parliament and the Council. First Annual Report on the implementation of the EU Internal Security Strategy COM(2013) 179 final. Brussels, 10.4.2013. Page 2 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013DC0179&from=EN>

41 Council of the European Union. "The Informal Network of contact points on the administrative approach to prevent and disrupt organised crime - A multi-annual Work Programme (2015-2017)". Brussels, 9 December 2014.

<http://data.consilium.europa.eu/doc/document/ST-16407-2014-INIT/en/pdf>

42 Council of the European Union. General Secretariat of the Council. "Council conclusions on the administrative approach to prevent and fight serious and organised crime - Council conclusions (9 June 2016)". Brussels, 9 June 2016

43 Ibid. page 6

44 Council of the European Union. "Renewed European Union Internal Security Strategy and Counter-Terrorism Implementation Paper: Report of the first half of 2017 and programme for the second half of 2017". Brussels, 12 July 2017.

<http://www.statewatch.org/news/2017/jul/eu-council-renewed-iss-2015-2020-10827-17.pdf>

3. The administrative approach in selected EU member states

The administrative approach has evolved at different pace in EU member states, while the EU has increasingly focused on including the administrative approach as part of its policy agenda. This section will provide a brief overview on the implementation of the administrative approach in two EU countries: the Netherlands and Italy. Both countries have an expressly formulated policy or strategy on an administrative approach to crime and their experience may be relevant to Albania.

The administrative approach in the Netherlands

Since the early 1990s the Netherlands started to develop a systematic policy concerning an administrative approach to crime which involves the use of law enforcement measures alongside fiscal and administrative ones. The primary goal of the Dutch administrative approach was driven by the overall aim of protecting the integrity of government from being misused by organized criminals.⁴⁵

A parliamentary investigation initiated in 1994 to examine the criminal investigation methods in the Netherlands found out that criminal groups had infiltrated the illegal and legal economy of the City of Amsterdam by building up economic positions of power in real estate, brothels, hotels and catering sector. The report concluded that criminal individuals and groups had gained practical control of the economic power while the indecisiveness of the local authorities had created a fertile breeding ground for illegal and criminal activities.⁴⁶

In reaction to these findings, the city of Amsterdam decided, amongst other things, to put more emphasis on an administrative approach, in order to prevent the facilitation of organized crime. The rationale for this approach was based on the finding of the report which had concluded that criminals needed the services and administrative infrastructure of the public administration in order to carry out criminal activities and invest the illegally acquired capital.

If the criminal organisations were to be excluded from public contracts and from receiving licenses for certain activities, their margin of influence over the legal sectors will be minimized. For this purpose, the administrative bodies become involved in combating activities that previously were exclusive competence of the police and the judiciary. The Mayor and the city Council were asked to draft an action plan for the prevention of organized crime and not wait for the national policies and regulations that were to result from the Parliamentary Inquiry. The plan of action adopted included 77 actions to enhance the defensibility of the city administration against the threat of organized crime. This approach consisted of a number of instruments, ranging from integrity tests for civil servants, the purchase

45 Peters, Maaïke, and Antonius Spapens. "The administrative approach in the Netherlands." *Administrative approaches to prevent and tackle crime: Legal possibilities and practical application in EU Member States* (2015): 265-306.

46 Kleemans, Edward R., and Wim Huisman. "Multi-agency approaches in 'criminogenic' settings: the case of the Amsterdam Red Light District." *Crime Law Soc Change* 64 (2015): 247-261.

of strategically positioned buildings and the refusal or withdrawal of permits, to the screening of companies competing for major public contracts.⁴⁷

During the period 1997-May 2004, 56 buildings were acquired by the city authorities and were given in bona fide exploitation. Four illegal casinos and several establishments in the hotel and catering industry were closed down. About 20 licenses for bars and restaurants were refused or withdrawn, and eight permits in the catering industry were withdrawn.⁴⁸

The activity of the civil servants' team charged with preventing criminals from obtaining licences to operate a legitimate business in the city was initially based on a general municipal by-law. In 2003 the Dutch parliament adopted the Public Administration Probity Screening Act, which made it easier for local authorities to check criminal and tax records of the applicants for licences.⁴⁹

Following public revelations by the former mayor of Amsterdam in 2006, that despite the measures the power of the criminals had not entirely waned, the Dutch government adopted in 2007 a special policy program to deal with money laundering in real estate, the Emergo project. Emergo had two goals: first, close collaboration supported by research and analysis to gain an understanding of how criminal power is concentrated on the underlying criminal opportunity structures in the Red Light District; and second, to use the obtained information to take specific action through a combination of administrative, fiscal and criminal law enforcement, to seize every possibility to break these concentrations of power and opportunity structures, and prevent future recurrence.⁵⁰

In 2008 the Dutch government adopted the Administrative Approach to Organized Crime programme. One outcome of this programme was the establishment of Regional information and Expertise Centres, which role was to analyse particular crime problems based on information shared by the partners and then coordinate responses by the different public authorities. The current government policy programme, Safety begins with Prevention has the administrative approach to organized crime as one of its three pillars, including the effective implementation of the Public Administration Probity Screening Act.⁵¹

The administrative approach in Italy

As a result of its long-standing efforts against the mafia-type organisations Italy has developed a complex set of policy tools and legislation to tackle the organised crime. Given the existence of different criminal organisations, 'mafia-type association' is the key concept when determining the scope of administrative measures. The concept of mafia-type association was defined in 1982 with the introduction of the offence of mafia-type association in the Italian Criminal Code. The association is of a mafia-type when the participants use the power of

47 Nelen, Hans, and Wim Huisman. "Breaking the power of organized crime? The administrative approach in Amsterdam." *Organized crime: culture, markets and policies*. Springer, New York, NY, 2008. 207-218.

48 Ibid

49 Peters, Maaïke, and Antonius Spapens. "The administrative approach in the Netherlands." *Administrative approaches to prevent and tackle crime: Legal possibilities and practical application in EU Member States* (2015): 265-306.

50 Ayling, Julie M. "Going Dutch? Comparing approaches to preventing organised crime in Australia and the Netherlands." (2013)

51 Peters, Maaïke, and Antonius Spapens. "The administrative approach in the Netherlands." *Administrative approaches to prevent and tackle crime: Legal possibilities and practical application in EU Member States* (2015): 265-306.

intimidation of the association, and the condition of subjection and omertá (code of silence) that arises from it, to commit crimes, or to obtain – directly or indirectly – control over economic activities, public contracts or concessions.

In Italy, the most relevant anti-mafia measures were adopted since the mid-1960s, as a result of specific events such as homicides and mafia attacks on the State. These included preventive measures adopted by administrative authorities imposing a number of obligations or prohibitions to people falling under specific categories prescribed by law.

As loopholes were identified in the legislation in the following decades, new clauses were introduced in the 1970s and 1980s such as the prohibition against residing in a certain area of a city, and the seizure and the confiscation of property independent of a final criminal conviction, criminalizing participation in mafia-type association, etc.⁵²

While until the mid 2000 the anti-Mafia legislation was adopted as a result of specific events, such as homicides and attacks of criminal organizations against the state, in the following years the trend has been toward increasing efforts to creating a system of anti-Mafia measures and instruments.⁵³

In 2006 legislation was adopted to regulate public procurements and to improve control over mafia infiltrations this field, which was followed by new legislation adopted in 2008 and 2009 that strengthened the regime for the seizure and confiscation of assets and the provisions concerning the dissolution of city councils that have been infiltrated by the mafia.⁵⁴

In 2011 the Antimafia Code was adopted as a corpus iuris that combines all legislative actions that have been undertaken since the 1960s into one legislative instrument. The adoption of the Anti-mafia Code marks a shift in the goal of the legislation from prevention from infiltrating the public system, to the banning of persons suspected or convicted of organized crime from entering into contracts with public administrators.⁵⁵

The Antimafia Code focuses on screening bidders to tenders and licence applicants for mafia infiltration. According to the Antimafia Code, any individual who has a preventive measure imposed on him/her or is convicted of offences listed in the Italian Criminal Procedure Code, cannot be issued any kind of licence or authorization. Before contracting or issuing concessions or grants, contracting authorities must obtain the required type of antimafia documentation from the Prefecture. The antimafia checks apply to the following individuals: owners and technical managers of individual enterprises, legal representatives of associations, cooperatives and consortiums, the majority partners in capital companies, all the members of general partnerships, all the general partners in limited partnerships and all local representatives of companies.

Antimafia documentation consists of two types of checks: antimafia

52 Calderoni, Francesco, and Fiammetta Di Stefano. "The Administrative Approach in Italy." (2015): 239-264.

53 La Spina, Antonio. "The fight against the Italian mafia." *The Oxford Handbook on Organized Crime* (2014): 593-611.

54 Calderoni, Francesco, and Fiammetta Di Stefano. "The Administrative Approach in Italy." (2015): 239-264.

55 Peters, Maaïke, and Dirk Van Daele. "A legal comparison of the administrative approach to serious and organized crime in the EU." (2015).

communication and antimafia information. The first certifies the absence of any impediment based on a preventive measure or a criminal conviction, while the latter has a wider scope, allowing the investigation of any infiltration attempt by mafia into a company.

Other screening and monitoring procedures include the code of public contracts, which provides that persons subject to a preventive measure or convicted of participating in an organized crime group are banned from contracting with administrative authorities.⁵⁶

The legislation aims to tackle also the financial resources of organized crime through a complex system of seizure and confiscation. The Italian system includes four types of confiscation: criminal confiscation; extended confiscation; preventive seizure and confiscation; and equivalent confiscation.

Criminal confiscation is established beyond a reasonable doubt at the end of a criminal trial on the basis of the rule of evidence required in criminal procedures. Extended confiscation makes it possible for the court to confiscate assets, whether or not they have criminal origins, if the person is unable to prove the lawful origin of the assets or property. Preventive seizure and confiscation are a non-conviction based, administrative in nature and enforced outside criminal proceedings by law enforcement authorities under judicial supervision and less strict rules of evidence. This form of seizure is applied when assets are in danger of disappearing, being misappropriated or transferred. Equivalent confiscation is applied when a person is the subject of a preventive measure and he/she hides or devalues goods in order to elude seizure or confiscation measures or has transferred the assets in good faith to third parties.

Another measure provided by the Antimafia Code is the dissolution of municipal or provincial councils and its replacement by a panel of three commissioners. Such measure aims to eradicate relationships between local politics and the mafias and to ensure the impartiality, efficiency, efficacy, and the transparency of the public administration. This administrative measure has been applied in several cases such as Sicily, Campania, Calabria, Puglia, Basilicata, Lazio, Liguria, Piedmont, and Lombardy.⁵⁷

In November 2017 new changes made to the Antimafia legislation entered into force in amending the 2011 Code of Anti-Mafia Legislation and Protection Measures Under, the Penal Code, the Implementing, Coordinating, and Transitional Rules of the Criminal Procedure Code, and Other Provisions, and Delegating Power to the Government for the Protection of Labour at Sequestered and Confiscated Companies.

The main purpose of the amended law is to speed up the application of asset protection measures, make the appointment of judicial administrators more transparent and to create a government unit for the administration of seized and

56 Calderoni, Francesco, and Fiammetta Di Stefano. "The Administrative Approach in Italy." (2015): 239-264.

57 Ibid

confiscated assets.⁵⁸ The law includes also corruption and terrorism, within the scope of Antimafia Code.

The law creates the National Agency for the Administration and Destination of Assets Seized or Confiscated under the Ministry of the Interior, to assist with the administration of seized or confiscated property from organized crime.

58 Dante Figueroa. "Italy: New Law to Combat Organized Crime Takes Effect". The Library of Congress, Global Legal Monitor. January 3, 2018. <http://www.loc.gov/law/foreign-news/article/italy-new-law-to-combat-organized-crime-takes-effect/>

4. Administrative Approach in Albania

The issue of organized crime has been a recurrent theme over the last years in Albania, and apart for constituting a challenge to the national security and public safety it is currently under the spotlight as one of the main barriers to the country's EU integration. Recently, the Council of EU concluded that "[t]he establishment of a solid track record of proactive investigations, prosecutions and convictions in the fight against organised crime and corruption, at all levels, remains an essential long-term objective that continues to require further structured and consistent efforts".⁵⁹

Defining organized crime is not an easy task due to its elusive and perplexing nature. Article 28 of the Albanian Criminal Code has provided definitions on criminal organizations including also terrorist organization, armed gangs, and structured criminal groups. Criminal Code refers to criminal organization as "[t]he highest form of cooperation that is composed of three or more persons being distinguished by the specific level of organization, structure, stability, duration, as well as the purpose to commit one or more criminal offences to gain material or non-material benefits".⁶⁰ Organized crime is considered one of the most serious criminal offenses and the main forms of its expression also for the purpose of the discussion in this paper includes:

- Creation of criminal organizations or armed gangs,
- Criminal offenses in the field of drugs,
- Criminal offenses in the field of illegal trafficking, trafficking of persons, trafficking of women for prostitution, child trafficking, motorised vehicle trafficking, trafficking or arms,
- Criminal offenses in the field of economy and finance,
- Criminal Offenses in the field of money laundering,
- Criminal offenses of murder or terrorist acts ,
- Criminal offenses of corruption,
- Other offenses related to the above.

In practice, many criminal organisations aim at the illegal control over legal markets: in other words, they use society's legal infrastructure. In order to make use of this legal infrastructure, organized crime often depends on the public administration. Public administration can facilitate criminal organization into legal marked through granting licenses, subsidies as well as public procurements. Therefore, it is crucial to have administrative barriers against the penetration of the criminal organizations in the country's social and economic life. Public administrations have a natural role to play in this approach and may explore

59 Council of the EU Conclusions, Enlargement and Stabilisation and Association Process (Brussels, 26 June 2018) <<http://www.consilium.europa.eu/media/35863/st10555-en18.pdf>>
60 Article 28, Criminal Code of Albania

various avenues for organising the administrative fight against organised crime. It need not to confine itself to, for instance, the screening of applicants for licenses and it is ideally placed to play an active part in promoting a culture of lawfulness, for example by disseminating information, offering alternatives to socially marginalised groups and individuals, activating the local community and last but not least, serving as a role model.⁶¹ The administrative approach is not designed to substitute the traditional penal suppression rather it represents an alternative to complement the penal approach.

In Albania, the administrative approach as a systemic alternative policy approach to crime control outside the criminal justice system does not exist. The fact that the administrative approach is not systematically applied to prevent the criminal infiltration of the economy means that the legislation that can be used in this area in Albania is fragmented and lacks the coherence of well-defined policy. There is no unified and integrated legislation to corroborate the personal integrity of applicants for different licenses, subsidies or tenders. However, there are administrative tools available in the Albanian legal system that can be used to combat organized crime by creating obstacles to using the legal administrative infrastructure for criminal activities. Following, the criteria and conditions provided separately in different laws and strategies are examined.

Strategic Approach to Fighting Organized Crime

Organized crime constitutes a threat to Albania's national security and its fighting remains a continuous challenge. Despite the efforts undertaken organized criminals have been able to expand their presence and activity. As part of its efforts to fight organized crime Albania has adopted strategies as policy frameworks. In general, the strategies focus on repressive measures to fight organized crime. The first 'Strategy to Fight Organized Crime' in Albania was adopted by the government in 2008. The 2008 Strategy and the current 2013-2020 Strategy make little reference in the approach of using criminal prosecution as the main approach in the fight against organized crime.

Crosscutting Strategy on Combating Organized Crime, Trafficking and Terrorism 2008

The 2008 Strategy⁶² on organised crime came as a priority and commitment of the Albanian government to fight organized crime and all of its forms as well as its obligation under regional strategies and the need to coordinate the existing sectorial strategies.⁶³ The vision of the strategy was to build a society, without threats from organized crime, and to improving the quality of life to the citizens,

61 Council of EU Seminar, An Alternative Approach to Combat Organized Crime (21 September 2015, Brussels)

62 Decision of the Council of Ministers no. 1140, date 30.7.2008 "Crosscutting Strategy on Combating Organized Crime, Trafficking and Terrorism 2008"

63 7-Years Sectorial Strategy of State Police; National Plan for the Implementation of the Stabilisation and Association Agreement; National Action Plan for the NATO Integration; National Strategy Against Drugs 2008-2010; National Strategy for Fighting Child Trafficking 2008-2010; National Strategy for Fighting the Trafficking of Persons 2008-2010; Inter-sectorial Strategy on Preventing, Fighting Corruption and Transparent Governance 2007-2013; Strategy on Integrated Management of Borders 2007-2013; Sectorial Strategy on Public Order 2007-2013.

thus giving the image of a peaceful country with high standards of security.⁶⁴ The aims of the 2008 Strategy include:

- * Identify broadly the phenomenon of organized crime and other phenomena part of this Strategy, making a substantial analysis of the causes and factors of its development,
- * To reflect the institutional activity of all actors mandated to fight against organized crime,
- * To diagnose the situation in our country, mainly through documents, media or information from international institutions,
- * Determine priorities and objectives to be achieved in minimizing organized crime, citing the main forms of organized crime manifestation,
- * Determine the measures that must be taken by different institutions to achieve the defined objectives,
- * To determine the method for the implementation of the strategy,
- * To determine the financial needs or potential financial resources for the realization of the activities for the implementation of this strategy or other sectoral strategies.

Analysing the situation of crime in Albania, the Strategy lays down the main factors that contribute to the spread of organized crime. Some of the factors included are: the relation and experience of Albanian organized crime with foreigners, the low awareness in the community about organized crime, the ability to secure high profits on a short period, the high poverty all around the country, and the increase of corruption among law enforcement agencies. Moreover, two other factors are also mentioned in the document that can be categorised as an attempt to introduce the administrative tools also; the weak reaction by state institutions to affront, to combat and to interrupt the emergence and development of organised crime, and the lack of the necessary legal framework to fight organized crime. However, as it can be inferred by the strategy, poor understanding of the approach to fighting organized crime outside of the criminal justice system has also delivered narrow understanding of the other crucial factors affecting the development of organised crime such as the lack of democratic tradition, weak state, lack of opportunities and solid business sector, relation between organized crime and community, etc.

The strategy identified the main forms of organized crime, including fighting of criminal organizations, armed gangs, drug, and other illegal trafficking, money laundering, fighting terrorist acts, and fighting of corruption. The document sets the short-term, mid-term and long-term objectives for each form of targeted organized crime, making reference also to the other sectoral strategies dealing

with specific issues of organized crime.

In overall, the 2008 Strategy is based on a repressive approach for combating organized crime, and almost no attention is given to the preventative approach through various means and procedures. The drafters have touched upon the administrative issue with two elements; when referring to the weak administration and to the lack of an adequate legal framework. However, these elements are not further elaborated in the strategy. Additionally, apart from focusing on fighting the forms of organized crime the 2008 Strategy does not discuss or address vulnerable sectors of the economy, where there is a higher chance for the involvement of the organized crime. The identification of the sectors vulnerable to organized crime would have helped and guided the institutions to adopt a more targeted approach. The 2008 Strategy was adopted following some successful actions to tackle organized crime.⁶⁵ Nevertheless, contrary to the expectations and the aims set in the strategy, the commitment of the government to fight organized crime started to decline in the following years. The EU Commission's report of 2009 concluded that "limited progress [had] been made in the fight against organized crime".⁶⁶ The report points out to some important issues that the government had failed to address such as the lack of an action plan for the implementation of the 2008 Strategy, lack of effective cooperation between the enforcement bodies in fighting organized crime, weak investigative capacities and inadequate witness protection.⁶⁷

The Inter-Sectorial Strategy on Fighting Organized Crime, Illegal Trafficking and Terrorism 2013-2020

The 2013 Strategy was adopted as a policy document with the same vision as the 2008 Strategy to make Albania a country without threat by organized crime, and as its long-term goal to guarantee a society where rule of law prevails.⁶⁸ The policy objectives defined in the document include:

- * Strengthening inter-institutional coordination in the fight against organized crime and terrorism;
- * Creation of a safe environment for the society through the reduction of supply and access to drugs and illegal use;
- * The increase in the number of proactive investigations in the fight against organized crime, trafficking, corruption, and terrorism;
- * Prevention and combating human trafficking, weapons, and ammunition, motor vehicles and works of art and culture through cooperation with all law enforcement agencies;
- * Strengthening the integrity of law enforcement agencies and reducing

64 Crosscutting Strategy on Combating Organized Crime, Trafficking and Terrorism 2008

65 The progress of Albania in its fight against organized crime was acknowledged in the EU Progress Report on Albania (2007). The government during that time was implementing its program under the theme 'zero tolerance towards organized crime'.

Some of the measures taken as part of this program include: The adoption of the new State Police Law in 2007; Strategy on State Police; Law on Moratorium of Vessels; Amendments of Penal and Procedural Code, Law on Foreigners and on State Border Control and Surveillance; Border Management Strategy, Reorganization of State Police and police education system.

66 EU Progress Report on Albania (2009).

<https://www.parlament.al/Files/Integrimi/2009_progress_report_en_23388_1.pdf>

67 EU Progress Report on Albania (2009)

68 Decision of the Council of Ministers no 663, date 17.7.2013 "The Inter-Sectorial Strategy on Fighting Organized Crime, Illegal Trafficking and Terrorism 2013-2020"

corruption;

- * Prevention and combat of money laundering through increasing indicators of war against it;
- * Weakening the financing of criminal networks and terrorism through targeting, forfeit and confiscation of assets obtained from criminal activity;
- * Reduction of the threats of terrorism through risk assessment and cooperating with the state structures involved in this field;
- * Strengthen measures to combat cross-border crime and illicit trafficking to increasing border security standards to the standards of EU countries;
- * Increasing international cooperation in the fight against organized crime and terrorism;
- * Improving the Capacities of the Scientific Police;
- * Enhancing the effectiveness of anti-computer structures.

These objectives are further elaborated by also listing specific 'sub-objectives' to be fulfilled for each of them, along with respective specific indicators for measuring the performance. Apart from the repressive approach, some of the objectives of the strategy appear to include also some administrative measures related to the prevention of money laundering, weakening the financing of criminals or strengthening the integrity of the institution. However, when these elements are further elaborated in the strategy the focus of the action shifts back to the law enforcement agencies and justice institutions. Being adopted subsequently to the 2013 parliamentary elections by the previous government, the succeeding government appear not to have paid much attention to the implementation of the strategy.

5. The Legislative Framework

Existing measures on screening and/or monitoring the past and present criminal activities

There are various laws that include administrative measures as means to prevent and tackle serious organized crime in Albania. However, these measures do not emanate from a clearly defined policy approach to administrative measures. In turn, the absence of such policy has consequences for how the legislative framework is designed.

Preventative screening and monitoring of the applicants (natural and legal entities) for permits, tenders, and subsidies, before they enter the regulated sector, is one of the main pillars of the administrative approach to prevent and fight illegal activities. In Albania the few existing screening and monitoring measures to control crime infiltration, not only in the economy but also to ensure the integrity of persons elected for public office, have been recently introduced as in extremis measures dictated by the factual situation.

The Decriminalization Law

In 2015 the Albanian Parliament adopted the “Law on Ensuring the Integrity of Persons Elected, Appointed, or Holding Public Functions” widely known as the decriminalisation law.⁶⁹ This law is a unique practice aiming to prevent and remove individuals with criminal records from penetrating the public institutions.

As the organised crime networks entrenched into the economic sector, the ongoing political polarisation and confrontation, and the need of political parties to enter certain political strongholds paved the way for individuals with past criminal records to be recruited in political and administrative positions in regional and central government institutions and even seats in parliament.

Faced with this situation, the Decriminalisation Law seeks to expel those persons with criminal records from the public administration and political recruitment and to prevent others from doing so. The law provides for the ban to run or be elected in high public functions of persons convicted with imprisonment by a final court decision, for a number of crimes foreseen in Criminal Code, in Albania or in other countries.⁷⁰ The law specifically prohibits individuals with criminal records to run for Parliament, mayor, and municipality council. It further defines the public functions incompatible with crimes, which include positions in: constitutional organs or created with law, judge or prosecutor, deputy prime minister, prefect, political functions in cabinets of constitutional organs, positions in state secret services, public and diplomatic services, state police, army and senior positions in

69 Law no 138/2015 “On ensuring the integrity of persons elected, appointed, or holding public functions” (December 2015)
70 Ibid, Article 2

state-owned enterprises.⁷¹

The Article 5 of the Law, sets out the procedure of self-declaration of past records of individuals holding office or aiming to be elected and the verification of the provided information. Since the adoption of this law, the results for the first two years are presented in the following table.

| Results for the 2016-2017 | |
|----------------------------------|-----|
| Dismissed MPs | 6 |
| Resigned MPs | 3 |
| Candidates for parliament | 18 |
| MPs under investigation | 12 |
| Mayors under investigation | 3 |
| Mayors dismissed | 1 |
| Council members dismissed | 35 |
| Council members resigned | 21 |
| Managing officials dismissed | 45 |
| Other officials dismissed | 110 |

Table 1. The results obtained so far from the decriminalisation law⁷²

Law on Public Procurement

Public procurements are an important activity through which the criminal organisations and networks access the legal markets, using also the infrastructure of the public administration. In 2017 the Law on Public Procurement has been amended to introduce an article that provides for the 'exclusion criteria for candidates and bidders', aiming to prevent organized crime from receiving public procurement.⁷³

The Article 45 of the Law on Public Procurement empowers to contracting authorities to exclude from participation in the procurement procedure any candidate or bidder, where there is evidence that they are or have been convicted by final court decision for any of the following offences: a) participated in criminal organizations; b) corruption; c) fraud; d) money laundering; and e) forgery. The contracting authority may demand from bidders to present documents or may also apply to the competent authorities to obtain any information it considers necessary for the integrity and the personal situation of the bidders concerned. When the information concerns a bidder that is a resident in a foreign country, the contracting authority may seek the cooperation of the competent foreign authorities.

While applying for public tenders, the bidders have among others, the obligation to sign a "Declaration on the Judicial Status" or a "Declaration on Fulfilling the

71 Ibid, Article 3
72 Afrim Krasniqi. "Decriminalisation: Current Situation, Issues, and Expectations". ISP, Tirana 2018.
http://www.kas.de/wf/doc/kas_51617-1522-1-30.pdf?180223123909
73 Article 45, Law no 9643/2006 "On Public Procurements", amended

General Requirements".⁷⁴ In this declaration, the bidder ("economic operator") signs that it has not been convicted before for violations according to Article 45 of the Law on Procurement and that it has not been previously convicted with a final court decision for criminal acts related to its professional activity. It is noted in the declaration that the contracting authority, in any case, has the rights to undertake the necessary investigations regarding the accuracy of the information declared by the bidder.

Law on Games of Chance

The Law on Games of Chance adopted in 2015, provides for the screening criteria with reference to organized crime for issuing licences.⁷⁵ The Article 22/f of the law defines the criteria for permitting the organization of bets. While applying for licence the subject must show evidence that it has not been convicted for a criminal offence and that it is not being investigated for a criminal offence. Point 'g' of the Article states that applicants/administrators and shareholders of the company submit at the time of application, a criminal records certificate, an attestation confirming that they are not under a legal process from the court and the prosecution office, demonstrating they are not under any criminal investigation or legal process, as well as the self-declaration providing evidences about their criminal situation. The subject/organizer of the game, the shareholders and their administrators should not have been sentenced by a final court decision on criminal offenses in the area of economic crime, fiscal and/or customs evasion, abuse of office, bribery or tampering, stealing, narcotics or weapons trafficking, explosives, non-payment of fines or other criminal offenses that compromise the person's honour and personality.

Similar criteria are foreseen in the law about licensing of the national lottery, casino licensing, and organization of traditional bingo and television bingo. The Article 41 of the law, foresees the cases for revoking the licences of a casino, based on matter of public interest where public fraud, money laundering, financing of terrorism has taken place or there is threat to public order and encouragement of criminality. Furthermore, Article 56 states that if the shareholder/partner and the administrator are involved in criminal offences the activity and licences of the subject must be suspended.

The Anti-Mafia Law

Drawing from the Italian experience, In 2009 the Albanian Parliament adopted the "Law on Preventing and Fighting Organized Crime, Trafficking, Corruption and Other Crimes through Preventative Measures against Assets" commonly known as

74 Public Procurement Agency, "Standard Documents on Concessions/Public-Private Partnership on Civil Work Contracts or Service Offering"
<<http://www.app.gov.al/GetData/DownloadDoc?documentId=65f0a90d-33e8-4003-bebd-09a91b3558f4>>;
<<http://www.app.gov.al/GetData/DownloadDoc?documentId=72cb6b87-3bfe-41c1-83d9-357f4590b5b0>>
75 Law no. 155/2015 "On games of chance in the Republic of Albania"

the anti-mafia law.⁷⁶ The principal aim of the law is to prevent the organized crime networks from profiting from legal infrastructure by disrupting their activities through sequestration and confiscation. The anti-mafia law defines the procedures and criteria for the implementation of preventive measures against the assets of persons who are suspected of participation in organised crime, trafficking, corruption and in committing other crimes pursuant to the provisions of the law. The Article 6 of the law gives to the prosecutor the mandate to investigate the financial means of organized crime, their assets, economic, trading and professional activities, the economic level and their income resources, as well as the questioning of the people who have information on the facts which are the subject of this law and the conduct of the necessary expertise.⁷⁷ Moreover, verifications are, in particular, done if these persons have permits, licenses, authorisations, concessions, and other rights to conduct economic, commercial and professional activity, as well as verifying whether they benefit contributions, financing or credit of any kind, given by or benefitted from the state, public legal persons or entities, international institutions or bodies, as well as verifying whether the assets, activities or property rights are justified.⁷⁸

Data Regarding Criminal Records

In the perspective of an administrative approach to combating organised crime, it is appropriate for an administrative authority to be aware of the criminal past of applicants for permits, licences, subsidies or applicants for public office. Currently, the Criminal Procedures Code provides that "[t]he justice and state administration bodies and entities in charge with public services are entitled to take a certificate of the records of a certain person when the certificate is necessary for the execution of their function".⁷⁹ Nevertheless, the purpose of the certificate of record's is not clear,⁸⁰ and up until now it have had been used only for individuals applying to be part of Public Administration or when sought by private employers or foreign authorities.⁸¹

Law on Money Laundering and Terrorism Financing

Usually, the organized crime exploits certain legal sectors of the economy as a vehicle to legalize profits gained through illegal activities such as drug trafficking. It is the duty of the government to take measures to protect the financial system from being used by organized crime for money laundering. The Law on Preventing Money Laundering and Terrorism Financing provides administrative requirements for the reporting and monitoring of suspicious financial transactions.⁸² The Article 12 of the Law states that financial subjects (banks) must submit reports to responsible authorities when they know, or suspect, that the product of a criminal activity is

76 Law no 10 192/2009 "On Preventing and Striking at Organised Crime, Trafficking, Corruption and Other Crimes Through Preventive Measures", amended

77 Ibid, Article 6

78 Ibid

79 Article 484, Criminal Procedure Code of Albania

<<http://www.eurailus.eu/index.php/en/librari/albanian-legislation/send/11-criminal-procedure-code/172-criminal-procedure-code-en>>

80 Law no 9614/2006 "On Electronic Certificate of Judicial Status"

81 Agency for the Delivery of Integrated Services Albania, Informative Table http://www.adisa.gov.al/wp-content/uploads/2018/08/AL039006_DPB-Vertetim-i-gjendjes-gjyqesore.pdf

being laundered. Furthermore, Article 12 regulates also the obligation of the financial subjects to report suspicious transactions requested by the client where there are suspicions that the transaction may be money laundering or terrorism financing. In such type of situations, financial subjects are obliged to immediately report the case to the supervising authorities. The Law provides for the obligation of the financial authority to report proactively and periodically all transactions in cash and electronically above certain thresholds,⁸³ to the supervising authority, the General Directorate on Preventing Money Laundering (GDPML).⁸⁴

In addition to the obligations of the financial subjects, the law provides for the powers of the supervising authority to monitor and take actions in suspicious cases or violations. In this respect the law gives GDPML the power to request any kind of information from the subjects of the law, assess the compliance with reporting obligation of the financial subjects, the power to undertake inspections, freeze transactions, and the power to cooperate with other domestic and international institutions on issues of money laundering or terrorism financing.⁸⁵

Law on Private Security Service Providers

Law on Private Security Service providers (PSS)⁸⁶ also includes screening measures for individuals holding administering positions or being part of the security service. The Articles 10-12 of the Law provide the criteria for certifying the PSS's chief administrator, the technical leader, and state that the security guards should not have been previously convicted with a final court decision for a criminal offense. The Article 40 of the Law states that the license of the company or the certificate of the employee can be removed when a final court decision has been taken.

Other Laws

The Law on Traders and Enterprises foresees that persons convicted with a final court decision for committing a criminal offense according to Chapter III of Criminal Code, within 5 years from the decision, cannot act as the legal representative of an enterprise, cannot be part of administering or oversight body and representative of shareholders in the general assembly.⁸⁷

The Law on Electronic Commerce also states that the service provider is obliged to establish protective measures for non-use of services for criminal purposes during the exercise of the activity.⁸⁸ Nevertheless, the Law has failed to foresee any sanction to ensure compliance or sanction the violators.

The Law on Licences, Authorisation and Permits does not provide any reference on measures to prevent organized crime or infiltration by crime in the legal economy.⁸⁹

82 Law no. 9917/2008 "On Preventing Money Laundering and Terrorism Financing"

83 See the Annual Report of General Directorate on Preventing Money Laundering for institutions which have reported suspicious transactions the last four years <<http://www1.fint.gov.al/images/Raport%20Vjetor%202017.pdf>>

84 All transactions in cash above 1 500 000 ALL and electronically above 6,000,000 ALL must be periodically reported.

85 Article 22, Law no. 9917/2008 "On Preventing Money Laundering and Terrorism Financing"

86 Law no75/2014 "On Private Security Providers"

87 Article 13, Law no. 9901/2008 "On Traders and Enterprises" amended

88 Article 5/ ç, Law 10128/2009 "On Electronic Commerce" amended

89 Law no. 1001/2009, On Licences, Authorisation, and Permits in Albania" amended

6. Institutional Framework

In addition to the scope, means and procedures to dealing with the organized crime, the strategies and laws described above, define also the institutions responsible for their implementation. Based on the 2008 Strategy,⁹⁰ as well as on the current 2103-2020 Strategy on fighting organized crime,⁹¹ several authorities can be identified that are responsible for preventing and fighting criminal activity, as provided in the policy and legislative framework. It is also understood from the strategies and legislative framework that in Albania the central institutions have primarily been assigned for executing measures and policies aimed at fighting organized crime. Predominantly those institutions are also responsible for the implementation of those administrative measures provided in the legislation.

Institutions with Administrative Approach

The Decriminalisation Law, with its Article 5 regulates the self-declaration of records, according to a specific template and defines the institutions responsible for verifying the declared information.⁹² This article mandates the Central Election Commission, the Speaker of the Parliament, the Prefect, the Prime Minister (PM) and other directors of central institutions to verify the self-declared records of individuals running in the election or seeking public office. The Article 7 of the law defines the institutions and subjects who have the right to ask any time for the verification of self-declared records which include: 1/10th of MPs, the Speaker of the Parliament, the PM, the General Prosecutor, the ministers, etc., according to specific circumstances. Further, the Decriminalisation Law lays down the procedure on how the verification of declared records is conducted, the role of the prosecution in the investigation, and the measures that the institutions stated in Article 5 of law have to take if the verification process finds out that the verified individual fall under the conditions to be prevented from taking public office or run in central or local elections.

The Law on Procurement has defined certain criteria [participation in criminal organizations, corruption, fraud, money laundering, and forgery] when a bidder is excluded from participation in procurement procedure. However, the law has not defined a specific institution to be responsible for verifying the declared records. In this case, the law has mandated the 'contracting authority' (any entity subject to the law responsible for the implementation of public contracts)⁹³ as responsible institutions for the verification of the records of the bidder.

Law on Games of Chance also provides for screening measures with reference to preventing organized crime from being issued licenses to operate in the business of the games of chance, considered a vulnerable sector to money laundering or tax

90 Decision of the Council of Ministers no. 1140, date 30.7.2008 "Crosscutting Strategy on Combating Organized Crime, Trafficking and Terrorism 2008"

91 Decision of the Council of Ministers no 663, date 17.7.2013 "The Inter-Sectorial Strategy on Fighting Organized Crime, Illegal Trafficking and Terrorism 2013-2020"

92 Article 5, Law no 138/2015 "On ensuring the integrity of persons elected, appointed, or holding public functions" (December 2015)

93 Article 3/14, Article 45, Law no 9643/2006 "On Public Procurements", amended

fraud. These screening measures are enforced and controlled by the Authority for the Oversight of the Game of Chance.⁹⁴

Regarding the issues of sequestration and confiscation of property generated through organized crime activity, the Anti-Mafia Law is the core regulation. The anti-mafia law defines the procedures, and criteria for the implementation of preventive measures against the assets of persons who are suspected of participation in organised crime, trafficking, corruption and in committing other crimes pursuant to the provisions of the law. The field of implementation of the law include property owned entirely or partially by persons that have committed serious crimes, participated in organized crimes, structured criminal groups as foreseen in the Criminal Code part XI. However, assessing the criteria for property seizure, the Anti-Mafia Law does not go beyond justice organs, leaving little room for the involvement of administrative institutions.⁹⁵ This means even if the criminals may end up in prison, they are not out of business. The EU Commission has flagged the deficiencies in Anti-Mafia law in the 2018 report stating “confiscation of criminal assets should become a strategic priority in Albania’s fight against organised crime and terrorism”.⁹⁶ Further, “Albania should, however, focus on adopting and implementing rules on confiscating assets which are not directly linked to a specific crime but which clearly result from similar criminal activities committed by the convicted person (extended confiscation); and ensure that the relevant authorities are more systematic in temporarily freezing assets that risk disappearing if no action is taken, subject to confirmation by a court as soon as possible (precautionary freezing).⁹⁷

Law on Money Laundering and Terrorism Financing mandates the General Directorate on Preventing Money Laundering (GDPML) to review the reports sent by the financial subject as suspicious transactions. The GDPML is the Albanian Financial Intelligence Unit that has the main role in the prevention of money laundering.⁹⁸

Box 1. Institutions involved in fighting organized crime according to the strategies

Ministry of Internal Affairs

The Ministry of Internal Affairs and the State Police are responsible for the organization of work in terms of identifying and investigating organized crime and for arresting the perpetrators. Special institutions are set up to fight organized crime such as is the Department of Criminal Investigation in the State Police, with central and local structures or the Department on Borders and Migration. The Judicial police monitors the tendencies of organized crime, to keep it under control, to secure evidence for their prosecution and to defend cases until the wrongdoers are convicted.

94 Law no. 155/2015 “On games of chance in the Republic of Albania”

95 Article 11, Law no 10 192/2009 “On Preventing and Striking at Organised Crime, Trafficking, Corruption, and Other Crimes Through Preventive Measures”, amended 96 EU Commission Report on Albania 2018 <<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf>>

97 Ibid

98 The mission of General Directorate on Preventing Money Laundering <<http://www1.fint.gov.al/al/kryesore/misioni>>

Ministry of Justice

The Ministry of Justice plays an important role in drafting legislation in the field of organized crime and trafficking but also in drafting policies to fight the authors of the organized crime. It plays an important role also in the justice system, the execution of penal decisions and international cooperation in the field of organized crime.⁹⁹

General Prosecution

The General Prosecution has a leading role in investigating criminal cases of organized crime and their criminal activities and is responsible for collecting legal evidences to prove the criminal activity in Courts and to propose sanctions on violations.

State Secret Service

The State Secret Service plays a crucial role on evaluating and monitoring risks and threats, particularly coming from organized crime, illegal trafficking, drugs, smuggling, corruption, fiscal evasion.

Ministry of Finance and Economy

Under the Ministry of Finance and Economy operate agencies that cover important sectors in the economy vulnerable to organized crime, namely the General Customs Directorate, the General Directorate of Taxation and the General Directorate on Money Laundering.

Ministry of Defence

The Ministry of Defence (MoD) plays an important role in the gathering of information related to the security of airspace and maritime space and supporting other structures on their work to maintain the public order. The MoD has special capabilities to handle serious public issues and those related to the state border, controlling and preventing maritime trafficking and give its contribution to terrorism-related cases based on regional or international organizations.

Ministry for EU and Foreign Affairs

The Ministry for Europe and Foreign Affairs helps other institutions through assistance in international cooperation in the fight against organized crime, in drafting the signing of agreements, treaties, other international acts, etc.

⁹⁹ Ministry of Justice, 'Mission'
<<http://www.drejtesia.gov.al/misioni/>>

7. Administrative Approach in Practice: Drawing Lessons from Other Countries

Clearing the ‘Blokku’ Area

In many articles and studies on approaches to counter the organised crime The Red Light District in Amsterdam has been widely used as an example to show how targeted administrative approach can help to fight and prevent the flourishing of organized crime.¹⁰⁰ By 1990s, the Red Light District in Amsterdam had grown into a hotspot for all sorts of criminal activity, for example, had become an open-air scene for hard drugs dealing, and where the organised crime invested their criminal proceeds.¹⁰¹ It had become an area where criminal individuals and groups had, through their illegally acquired property and capital, gained control of most of the economic power enabling them de jure and de facto to decide who to a certain extent can develop what (illegal and/or legal) activities, and thus eventually determining to a high degree the level of public (dis) order in this area.¹⁰²

Facing the situation, the city of Amsterdam authorities decided, among other measures, to put more emphasis on the administrative approach. A central premise of this approach was that criminal organisations need services or facilities of the public administration in order to carry out criminal activities or invest illegally acquired capital.¹⁰³ After appointing a manager for the Red Light District in 1997, and some measures focused on the policy of acquiring property used by criminals, in 2000 the authorities responded to this situation by establishing the Van Traa team, a special unit that aimed to combat criminal infrastructure through administrative approach.¹⁰⁴ The Van Traa became a multi-agency approach beyond Red Light District in which several agencies cooperated by sharing information and integral enforcement. During the period 1997 to 2004, 56 buildings were acquired by the city authorities and were given a bona fide exploitation; four illegal casinos and several establishments in the hotel and catering industry were closed down; about 20 licenses for bars and restaurants were refused or withdrawn, and eight permits in the catering industry were withdrawn.¹⁰⁵ Furthermore, based on a far-reaching strategy, the local authorities announced the withdrawal of the licenses of the key players in the sex industry operating in the Red Light District, unless the ‘entrepreneurs’ concerned were able to submit a transparent accounting system.¹⁰⁶

Additionally, in 2007, Amsterdam launched the Emergo project as a multi-agency approach to serious and organized crime (e.g., exploitation, narcotic drugs, money laundering) in the Red Light District.¹⁰⁷ In Emergo, the police, the public prosecution service, the municipality, and the tax authorities worked together,

100 Red Light District in Amsterdam < <https://www.amsterdam.info/red-light-district/> >

101 Toine Spapens, Conny Rijken, ‘The fight against human trafficking in the Amsterdam Red Light District’, (2015) 39 IJACJ 2, 155-168

102 Ibid

103 Ibid

104 Spapens, A., Peters, M., & Van Daele, D. (Eds.) (2015). “Administrative measures to prevent and tackle crime. Legal possibilities and practical application in the EU Member States”. The Hague: Eleven International Publishing

105 Hans Nelen, Weim Huisman, ‘Breaking the Power of Organized Crime? The Administrative Approach in Amsterdam’(eds), Organized Crime: Culture, Markets, and Policies. Studies in Organized Crime (Springer, 2008)

106 Ibid

107 Spapens, A., Peters, M., & Van Daele, D. (Eds.) (2015). “Administrative measures to prevent and tackle crime. Legal possibilities and practical application in the EU Member States”. The Hague: Eleven International Publishing

with academics also joining the team.¹⁰⁸ The local administrative authorities, the police and public prosecution were engaged with the enforcement of local regulation in the Red Light District. The Emergo project undertook and administrative screening of the businesses operating in the Red Light District, finding numerous violations and thus changing further the operational cooperation between authorities in criminal investigation.¹⁰⁹

In the Albanian context one would immediately think of the “Blloku” area in Tirana, which while being regarded as the most fashionable neighbourhood of Tirana, it has become over the years an attractive area for the operations of criminal organisations. In the last years the Blloku area has come to the spotlight for a number of notorious crimes, involving high profile assassinations,¹¹⁰ score settling and hit men,¹¹¹ prostitution,¹¹² and hard drug dealings.¹¹³ Furthermore, several other cases have shown that this area has become a playground for dangerous criminals, drug dealers, and socialisation of (political) elites with individuals with criminal background. Due to the lack of thorough research there are no assessments on the level of the level of penetration of organized crime in legal businesses and economy in Blloku Area in areas such as catering and hotels, gambling, laundering of illegal assets, tax fraud and other criminal activities, or corruption of public authorities. However, the media reports and anecdotal evidence leave little room for doubt that organized crime is using this area for high profile economic crime activities. The misuse of bars for selling drugs, of beauty shops for providing illegal prostitution services, the high concentration of investments by individuals with criminal background show that crime has penetrated in the legal infrastructure of this area more than in others.

Although the police has conducted various operations, raided bars and arrested drug dealers as was in 2016,¹¹⁴ the illegal activities continue to be present. Such a situation shows that police intervention and criminal prosecution alone are not sufficient to remove the organized crime from this area. Even when the criminal individuals are arrested their economic activities remain.

The lessons drawn from the Dutch intervention in the Red Light District suggest that the application of the administrative approach can be used in the Blloku Area as a pilot case to then use the lessons drawn by integrating the specific local context of socio-political landscape of Albania

A multi-agency approach through the cooperation of police, prosecution, municipality authorities, tax authorities, etc., could be employed to repress illegal activities, undertake a screening process for all operating business in Blloku Area, and develop preventative measures for the future.

108 Ibid

109 For violations found and further information about Emergo Project see: Spapens, A., Peters, M., & Van Daele, D. (Eds.) (2015). “Administrative measures to prevent and tackle crime. Legal possibilities and practical application in the EU Member States”. The Hague: Eleven International Publishing, p 518

110 The assassination of the banker Artan Santo in 2014 in Blloku <<http://gazeta-shqip.com/lajme/2014/06/26/atentat-mafioz-te-ish-blloku-vdes-biznesmeni-artan-santo/>>

111 Recent executions occurred in Blloku <<https://www.balkanweb.com/tre-arme-e-9-gezhoja-detajet-qe-mund-te-zbardhin/>>; <http://shqiptarja.com/lajm/vrasja-e-elton-cicon-ne-ishbllok-gjykata-e-tiranes-denon-meburg-perjete-n-mungese-jani-aliajn?r=pop5>

112 Recently police has identified camouflaged beauty shops that offer prostitution <<http://abcnews.al/detaje-ngar-rjeti-i-prostitucionit-ne-tirane-flasin-banoret/>>

113 Several cases of drug dealings <<http://www.kohajone.com/2017/03/13/fiks-fare-droge-dhe-seks-ne-baret-e-bllokut-ne-tirane/>>; <<http://shekulli.com.al/ja-si-shiten-te-gjitha-drogat-ne-lokalet-e-nates-ne-tirane/>>;

<<https://www.youtube.com/watch?v=b4RJVLcmnRI>>

114 Flash operation in Blloku, 11 arrested for cocaine (2016)

<<https://www.youtube.com/watch?v=b4RJVLcmnRI>>

Following the Money

Under the Anti Mafia Law, the law enforcement and judiciary authorities regularly engage in the investigation of criminal assets through sequestrations of different assets and wealth suspected to have its source in criminal activity.¹¹⁵ In September 2017, the Police conducted the operation named “Autumn 2017” with the aim to sequester assets generated based on criminal activity. The target of the police was the verification of the expensive cars and the control of their owners.¹¹⁶ During this operation, the special police units sequestered 132 luxury cars¹¹⁷, all of them sent for verification. The Anti Mafia Law is not clear on such issues as it applies generally to organized crime and, furthermore, the sequestration procedure or confiscation on a later stage would have to go through prosecutor for evaluation by courts.¹¹⁸ Going in details on the obstacles the judicial authorities face is beyond the scope of this paper, however it is evident that the entire judicial verification process takes too long and there is a lack of clear procedures of screening and verification.

In some EU member states, similar cases have been addressed by using an administrative approach. In the Netherlands, the police introduced a confiscation program targeting expensive cars or designer clothes and jewellery that the police believe individuals couldn't afford legally.¹¹⁹ The police confiscate expensive cars or clothing if the interested persons cannot prove they have the means to pay for them.

A more advanced measure which has been introduced in the United Kingdom is the Unexplained Wealth Order (UWO). The UWOs are court orders introduced by the 2017 Criminal Finances Act that require the owner of an asset to explain how they were able to afford the given asset.¹²⁰ The aim of this measure is to chase dirty money in the economy and such measure can be used against everyone from a local drug trafficker to an international oligarch or overseas criminal, including politicians or well-connected civil servants.¹²¹ The UWOs can be used when there is an obvious gap between the value of an asset (which must be worth at least £50,000) and the income of the person who appears to own it.

Introducing a Policy Approach and Updating the Legislative Framework

While the administrative approach to fighting organized crime is applied in the EU member states, the EU has increasingly focused on including it as part of its policy agenda. The cases on EU members states in the Netherlands and Italy show how their authorities draft policies focusing on measures and cooperation between administrative institutions and law enforcement authorities.

The adoption of the administrative approach in “Blloku” Area comes as a

115 For further information on the actions of the police, each month see: State Police Newsletter <<http://mb.gov.al/buletini-i-policise-se-shtetit/>>

116 News Article on the operation <<https://www.balkanweb.com/aksion-nemes-te-durresit-policet-me-masko-kontroll-makinave-luksoze-foto/>>; <<https://www.youtube.com/watch?v=scwgf9KxJM>>;

<<https://www.youtube.com/watch?v=d5fKyfOEuBQ>>; <<http://ajmifundit.al/2017/09/aksioni-policise-ne-fier-sekuestrohen-16-makinaluksoze-njera-e-blinduar/>>

117 State Police Newsletter, September 2017 <http://mb.gov.al/wp-content/uploads/2018/07/Buletin_mujor_Shtator_2017.pdf>

118 Article 3/1 and 21 of the Antimafia Law (On Preventing and Striking at Organised Crime, Trafficking, Corruption and Other Crimes Through Preventive Measures)

119 Dutch police to ‘undress’ youths wearing clothes deemed too expensive for them (2018)

<<https://www.independent.co.uk/news/world/europe/rotterdam-police-undress-youth-clothes-expensive-crime-gangs-racial-profiling-a8169631.html>>

120 Are unexplained wealth orders the cure for Britain’s reputation as a haven for dirty money? (2018)

<<https://www.ft.com/content/8eaf63e4-43e2-11e8-93cf-67ac3a6482fd>>

121 Ibid

proposition based on specific characteristics of this area, identified as a spot where organized crime has been entrenched in legitimate economic activities. Similarly, certain sectors of the economy such as the games of chance or construction industry that possess a high risk for serving as money laundering sectors can also be targeted for applying the administrative approach.

On the other hand, in order to fight and prevent penetration of organized crime in the economy, administration and politics on a long-term approach, there is a need to adopt a comprehensive policy approach. As discussed, while analysing Albania's 2008 and 2013 Strategies, the country's policy approach to fighting organized crime does not foresee measures to support the administrative approach. The strategic approach will be crucial for setting priorities, focusing energies and resources, strengthen operations, ensuring the conditions that the work of the administrative institutions and the law enforcement authorities are coordinated on their objectives to fight and prevent organized crime.

The adoption of the policy approach to support the administrative approach will also enable the adoption of a policy-driven legislative framework. Currently, the legislative framework has loopholes, is fragmented and provides limited options for an administrative approach to organized crime.

The adoption of an Anti Mafia Code modelled on the Italian example, which combines all legislative actions undertaken so far into one legislative instrument, can provide a powerful tool for the combined use of law enforcement and the administration to preventing the organized crime from further infiltrating the public system to and for gradually cleaning it from the criminal networks that have already penetrated. The legal framework must enable the cooperation between administrative and law enforcement authorities. The administration should be given a greater role in combating criminal activities, which are currently an exclusive competence of the law enforcement authorities. To this end it crucial to strengthen also the integrity of public administration, in order to be able to perform these competences.

8. Conclusions and recommendations

It is obvious that organized crime has had and is having multiple implications in Albania such as the negative impact in security, adverse effect in the prosperity of the population, consequences for the economy and free trade, and impact in the political domain.

Focusing the fight against organized crime only in the traditional penal approach is not adequate. There are numerous ways that the administrative authorities can combat crime using tools other than traditional criminal law enforcement instruments.

The administrative approach is complementary to and co-dependent on criminal law enforcement and thus relies on information exchange between criminal law enforcement authorities and government administrators. Administrative bodies can play an important role by imposing administrative sanctions or refusing permits based on previous offenses. Additionally, investigative measures can be used before there is a formal suspicion, and criminal sanctions can be aimed at preventing crime.

In Albania, the administrative approach as an alternative policy approach to crime control outside the criminal justice system does not exist. The fact that the administrative approach is not systematically applied to prevent the criminal infiltration of the economy means that in Albania the legislation in this area is fragmented and lacks the coherence of a well-defined policy. The absence of policies to support the administrative approach to crime means that there is no marked legislative framework with the objective to provide a systemic approach.

However, there are administrative tools available in the Albanian legal system that can be used to combat organized crime by creating obstacles to using the legal administrative infrastructure for criminal activities. Nonetheless this doesn't provide for an integrated system to corroborate the personal integrity of applicants for different licenses, subsidies or tenders.

The EU 2018 Report on Albania urges the Albanian authorities to intensify the efforts to tackle money laundering, criminal assets and unjustified wealth. However, fighting organized crime, particularly in the financial and business sectors depending solely on criminal law will not be sufficient. This fact is also addressed in the EU report where Albanian authorities are advised to develop a strategic approach, include the possibility for non-conviction-based confiscation and develop tools for freezing, managing and confiscating criminal assets through amendments to the Anti Mafia Law.

In such circumstance, the adoption of a strategy based on an administrative approach to prevent organised crime from taking advantage of the opportunities provided by the licit environment, is of central importance. The administrative

approach will create a hostile environment for organized crime in Albania. It will serve as the gatekeeper of the licit economy by preventing the organised crime from accessing the facilities of the legal infrastructure. The administrative approach will also play a key role in the preservation of the integrity of society and the prevention of the further infiltration of organised crime.

The counter organised crime policy should be upgraded to include the administrative approach. The policy should focus on the use of administrative instruments in the fight against organized crime as supplementary measures to criminal prosecution. The legal framework providing for administrative approach to organized crime should be also upgraded into a corpus iurie as a combination of all legislative actions.

Albania can learn from the experience of other countries, particularly from the Dutch model of policy based administrative approach and the Italian mode of codification of legislation in place to tackle organized crime. The consolidate Italian Anti-Mafia Code with its screening, monitoring, and property confiscation measures can serve as a model for developing tools to preventing organized crime from entering legal marked and banning persons suspected or convicted of an organized crime from entering into contracts with public administrators.

The administrative approach should be initiated both at central and local levels. The multi-agency approach should be taken through the cooperation of police, prosecution, municipality authorities, and tax authorities.

However, preventing effectively the organised crime through the administrative approach can only be successful when the public administration possesses a sufficient level of integrity. Therefore, it is important to enhance the integrity of public administration and protect business from becoming victims of organized crime.

On the other hand, the adoption of the policy and relevant interventions should be preceded by a thorough assessment on national level in order to understand the range of infiltration of organized crime in the legal markets, to understand the powers of administrative organs and assess the integrity of public administration. The assessment will help authorities to draft evidence-based policies and legislation enhancement.

References

- Action Plan to Combat Organized Crime (Adopted by the Council on 28 April 1997). Official Journal of the European Communities No C 251/1. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51997XG0815&from=EN>
- Agency for the Delivery of Integrated Services Albania, Informative Table http://www.adisa.gov.al/wp-content/uploads/2018/08/AL039006_DPB-Vertetim-i-gjendjes-gjyqesore.pdf
- Albanian Code of Administrative Procedures No. 44/2015 < <http://www.eurailius.eu/index.php/en/library/albanian-legislation/send/6-administrative-procedure-code/229-code-of-administrative-procedure-en> >
- Amsterdam' (eds), Organized Crime: Culture, Markets, and Policies. Studies in Organized Crime (Springer, 2008)
- Annual Report of General Directorate on Preventing Money Laundering for institutions which have reported suspicious transactions the last four years < <http://www1.fint.gov.al/images/Raport%20Vjetor%202017.pdf> >
- Are unexplained wealth orders the cure for Britain's reputation as a haven for dirty money? (2018) <<https://www.ft.com/content/8eaf63e4-43e2-11e8-93cf-67ac3a6482fd>>
- Ayling, Julie M. "Going Dutch? Comparing approaches to preventing organised crime in Australia and the Netherlands." (2013)
- Balkan Insight. "Albanian Gangster's Jail Boast Angers UK Prisons". BIRN, London. 31 January 2018. <http://www.balkaninsight.com/en/article/albanian-gangster-s-jail-boast-angers-uk-prisons-01-31-2018>
- Calderoni, Francesco, and Fiammetta Di Stefano. "The Administrative Approach in Italy." (2015)
- Commission of the European Communities. Commission Staff Working Paper Joint report from Commission services and EUROPOL "Towards a European strategy to prevent organised crime" SEC(2001) 433, Brussels, 13.03.2001
- Commission Staff Working Document, "Albania 2018 Report, Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. SWD(2018) 151 final". Strasbourg, 17.4.2018
- Commission Staff Working Document. "Albania 2008 Progress Report, Accompanying the Communication from the Commission to the European Parliament and the Council. SEC (2006) 1383". Brussels, 08.11.2006.
- Commission Staff Working Document. "Albania 2008 Progress Report,

- Accompanying the Communication from the Commission to the European Parliament and the Council. SEC(2008) 2692". Brussels, 5.11.2008.
- Constitution of the Republic of Albania law no. 8417, dated 21 October 1998
 - Council of EU Seminar, An Alternative Approach to Combat Organized Crime (21 September 2015, Brussels)
 - Council of the EU Conclusions, Enlargement and Stabilisation and Association Process (Brussels, 26 June 2018) <
<http://www.consilium.europa.eu/media/35863/st10555-en18.pdf>>
 - Council of the European Union. "Renewed European Union Internal Security Strategy and Counter-Terrorism Implementation Paper: Report of the first half of 2017 and programme for the second half of 2017". Brussels, 12 July 2017. <http://www.statewatch.org/news/2017/jul/eu-council-renewed-iss-2015-2020-10827-17.pdf>
 - Council of the European Union. "The Informal Network of contact points on the administrative approach to prevent and disrupt organised crime - A multi-annual Work Programme (2015-2017)". Brussels, 9 December 2014. <http://data.consilium.europa.eu/doc/document/ST-16407-2014-INIT/en/pdf>
 - Council of the European Union. An alternative approach to combat organised crime - Seminar held in The Hague on 5 and 6 July 2004. Doc. 12557/04, Brussels 21 September 2004. https://www.eumonitor.eu/9353000/1/j4nvgs5kjg27kof_j9vvik7m1c3gyxp/vi7jgsymoeyi/f=/12557_04.pdf
 - Council of the European Union. General Secretariat of the Council. "Council conclusions on the administrative approach to prevent and fight serious and organised crime - Council conclusions (9 June 2016)". Brussels, 9 June 2016
 - Crosscutting Strategy on Combating Organized Crime, Trafficking and Terrorism 2008
 - Dante Figueroa. "Italy: New Law to Combat Organized Crime Takes Effect". The Library of Congress, Global Legal Monitor. January 3, 2018. <http://www.loc.gov/law/foreign-news/article/italy-new-law-to-combat-organized-crime-takes-effect/>
 - Decision of the Council of Ministers no 663, date 17.7.2013 "The Inter-Sectorial Strategy on Fighting Organized Crime, Illegal Trafficking and Terrorism 2013-2020"
 - Decision of the Council of Ministers no. 1140, date 30.7.2008 "Crosscutting Strategy on Combating Organized Crime, Trafficking and Terrorism 2008"
 - Dutch police to 'undress' youths wearing clothes deemed too expensive for

them (2018)

<<https://www.independent.co.uk/news/world/europe/rotterdam-police-undress-youth-clothes-expensive-crime-gangs-racial-profiling-a8169631.html>>

- EU Commission Report on Albania 2018 <<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf>>
- EU Progress Report on Albania (2009) <https://www.parlament.al/Files/Integrimi/2009_progress_report_en_23388_1.pdf>
- European Commission. Communication from the Commission to the European Parliament and the Council. The EU Internal Security Strategy in Action: Five steps towards a more secure Europe. COM(2010) 673 final. Brussels, 22.11.2010
- European Commission. Communication from the Commission to the European Parliament and the Council. First Annual Report on the implementation of the EU Internal Security Strategy COM(2011) 790 final. Brussels, 25.11.2011
- European Commission. Communication from the Commission to the European Parliament and the Council. First Annual Report on the implementation of the EU Internal Security Strategy COM(2013) 179 final. Brussels, 10.4.2013
- European Union. "Serious and organised crime threat assessment: Crime in the age of technology". European Police Office 2017 https://www.europol.europa.eu/sites/default/files/documents/report_socta2017_1.pdf
- Exit.al, 'Serish moratorium?' (Prill 2016) <<https://exit.al/2016/04/serisht-moratorium/>>;
- Fabian Zhilla and Besfort Lamallari. "Organised Crime Threat Assessment for Albania". OSFA 2017. http://globalinitiative.net/wp-content/uploads/2018/02/Threat_Assessment_of_Albanian_Organised.pdf
- Flash operation in Blloku, 11 arrested for cocaine (2016) <<https://www.youtube.com/watch?v=b4RJVLCmnRI> >
- For further information on the actions of the police, each month see: State Police Newsletter <<http://mb.gov.al/buletini-i-policise-se-shtetit/>>
- Gazeta Shqiptare. "Shqiptarët thyejnë rekord në burgjet në Itali". 1 January 2018. <http://www.gsh.al/2018/01/01/shqiptaret-thyejne-rekord-ne-burgjet-ne-itali/>
- General Prosecution. "Report of the Prosecutor General on the crime situation for year 2017". General Prosecution, March 2018.

- http://www.pp.gov.al/web/raporti_vjetor_2017_1350.pdf
- General Prosecution. "Report of the Prosecutor General on the crime situation for year 2016". General Prosecution, March 2017.
 - http://www.pp.gov.al/web/raporti_pp_2016_07_03_2017_1160.pdf
 - General Prosecution. "Report of the Prosecutor General on the crime situation for year 2012".
 - http://www.pp.gov.al/web/raporti_per_vitin_2012_854.pdf
 - Hans Nelen, Weim Huisman, 'Breaking the Power of Organized Crime? The Administrative Approach in
 - Jacobs, James B., and Lauryn P. Gouldin. "Cosa Nostra: The Final." *Crime and Justice* 25 (1999): 129-189.
 - Kleemans, Edward R., and Wim Huisman. "Multi-agency approaches in 'criminogenic' settings: the case of the Amsterdam Red Light District." *Crime Law Soc Change* 64 (2015): 247-261.
 - Krasniqi, Afrim. "Decriminalisation: Current Situation, Issues, and Expectations". ISP, Tirana 2018. http://www.kas.de/wf/doc/kas_51617-1522-1-30.pdf?180223123909
 - La Spina, Antonio. "The fight against the Italian mafia." *The Oxford Handbook on Organized Crime* (2014): 593-611.
 - Law 49/2012 "On Establishment and Functioning of Administrative Courts and Handling of Administrative Conflicts"
 - Law no 10 192/2009 "On Preventing and Striking at Organised Crime, Trafficking, Corruption and Other Crimes Through Preventive Measures", amended
 - Law no 138/2015 "On ensuring the integrity of persons elected, appointed, or holding public functions" (December 2015)
 - Law no 9614/2006 "On Electronic Certificate of Judicial Status"
 - Law no. 1001/2009, On Licences, Authorisation, and Permits in Albania" amended
 - Law no. 155/2015 "On games of chance in the Republic of Albania"
 - Law no. 155/2015 "On games of chance in the Republic of Albania"
 - Law no. 44/2015 Code of Administrative Procedures of the Republic of Albania
 - Law no. 9509/2006 "On Moratorium of Vessels and Speedboats"
 - Law no. 9917/2008 "On Preventing Money Laundering and Terrorism Financing"
 - Law no75/2014 "On Private Security Providers"
 - Law on Local Self-Government, Nr. 139/2015
 - Levi, Michael, and Mike Maguire. "Reducing and preventing organised crime: An evidence-based critique." *Crime, Law and Social Change* 41.5

- (2004): 397-469.
- Ligj Nr. 95/201 datë 6.10.2016, Për Organizimin dhe Funksionimin e Institucioneve për të Luftuar Korrupsionin dhe Krimin e Organizuar (Law on the Organization and Functioning of Institutions for Combating Corruption and Organized Crime)
 - Ligj Nr.8750, datë 26.3.2001 Për parandalimin dhe luftën ndaj trafikut të substancave narkotike (ndryshuar me ligjin nr.10 375, datë 10.2.2011, nr. 88/2016, datë 15.9.2016) (Law on prevention and fight against trafficking of narcotic substances, as amended)
 - MAPO, 'Berisha: Pro moratoriumit, s'mund ta bëjmë Vlorën "skafo-qytet"' (Aprill 2012) <<http://www.mapo.al/berisha-pro-moratoriumit-smund-ta-bejme-vlore-skafo-qytet/>>;
 - M. Peters et al, 'Administrative approaches to crime. Administrative measures based on regulatory legislation to prevent and tackle (serious and organized) crime. Legal possibilities and practical applications in 10 EU Member States' (2015)
 - Michael Bird, Vlad Odobescu, Cecilia Ferrara and Sigute Limontaite. "Romania and Morocco have most expats in EU prisons". EUOBSERVER, 1 November 2016. <https://euobserver.com/investigations/135659>
 - Ministria e Brendshme. "'Forca e Ligjit" – Krijohet Task Forca Speciale kundër krimit të organizuar", 07/11/2017. <http://www.mb.gov.al/2017/11/07/forca-e-ligjit-krijohet-task-forca-speciale-kunder-krimit-te-organizuar/>
 - Ministria e Brendshme. "Forca e Ligjit" – Përmbledhje e operacioneve", 16/07/2018. http://www.mb.gov.al/wp-content/uploads/2018/07/Forca_e_Ligjit_-_P%C3%ABrmbledhje.pdf
 - Ministria e Brendshme. Forca e Ligjit në Territor, operacioni "Ndëshkimi i 'të fortëve" – 300 të arrestuar. 23/10/2018. <http://www.mb.gov.al/2018/10/23/forca-e-ligjit-ne-territor-operacioni-ndeshkimi-i-te-forteve-300-te-arrestuar/>
 - Ministry of Justice, 'Mission' <<http://www.drejtesia.gov.al/misioni/>>
 - Ministry of Justice, The Probation Service. "Annual Report 1 January– 31 December 2016". http://www.sherbimiproves.gov.al/images/pdf/Raporti_vjetor_2016.pdf
 - Moratorium definition < <https://legal-dictionary.thefreedictionary.com/moratorium>>
 - National Crime Agency. "National Strategic Assessment of Serious and Organised Crime, 2017". <http://www.nationalcrimeagency.gov.uk/publications/807-national-strategic-assessment-of-serious-and-organised-crime-2017/file>

- National Crime Agency. "National Strategic Assessment of Serious and Organised Crime, 2017".
<http://www.nationalcrimeagency.gov.uk/publications/807-national-strategic-assessment-of-serious-and-organised-crime-2017/file>
- Nelen, Hans, and Wim Huisman. "Breaking the power of organized crime? The administrative approach in Amsterdam." Organized crime: culture, markets and policies. Springer, New York, NY, 2008
- News Article on the operation <<https://www.balkanweb.com/aksion-nemes-te-durresit-policet-me-masko-kontroll-makinave-luksoze-foto/>>;
<https://www.youtube.com/watch?v=scwgfc9KxJM> ;
<https://www.youtube.com/watch?v=d5fKyfOEUbQ>;
<http://lajmifundit.al/2017/09/aksioni-policise-ne-fier-sekuestrohen-16-makina-luksoze-njera-e-blinduar/>
- Peters, Maaïke, and Antonius Spapens. "The administrative approach in the Netherlands." Administrative approaches to prevent and tackle crime: Legal possibilities and practical application in EU Member States (2015)
- Peters, Maaïke, and Dirk Van Daele. "A legal comparison of the administrative approach to serious and organized crime in the EU." (2015).
- Public Procurement Agency, "Standart Documents on Concessions/Public-Private Partnership on Civil Work Contracts or Service Offering"
<<http://www.app.gov.al/GetData/DownloadDoc?documentId=65f0a90d-33e8-4003-bebd-09a91b3558f4>>;
<<http://www.app.gov.al/GetData/DownloadDoc?documentId=72cb6b87-3bfe-41c1-83d9-357f4590b5b0>>
- Recent executions occurred in Blloku <<https://www.balkanweb.com/tre-arme-e-9-gezhoja-detajet-qe-mund-te-zbardhin/>>;
<http://shqiptarja.com/lajm/vrasja-e-elton-cicon-ne-ishbllok-gjykata-e-tiranes-denon-me-burg-perjete-n-mungese-jani-aliajn?r=pop5s>
- Recently police has identified camouflaged beauty shops that offer prostitution <<http://abcnews.al/detaje-nga-rrjeti-i-prostitucionit-ne-tirane-flasin-banoret/>>
- Red Light District in Amsterdam < <https://www.amsterdam.info/red-light-district/> >
- Schneider, Stephen, and Margaret Beare. "Alternative Approaches to Combating Transnational Crime." (2001).
- Several cases of drug dealings
<<http://www.kohajone.com/2017/03/13/fiks-fare-droge-dhe-seks-ne-baret-e-bllokut-ne-tirane/>>; <<http://shekulli.com.al/ja-si-shiten-te-gjitha-drogat-ne-lokalet-e-nates-ne-tirane/>>;
<<https://www.youtube.com/watch?v=b4RJVLcmnRI>>

- Sh.Zinxhiria. "Shifrat alarmante/ Shqiptarët 4% e popullsisë greke, 23% e të burgosurve". MAPO, 07/08/2017. <http://www.mapo.al/2017/08/shifrat-alarmante-shqiptaret-4-e-popullsisë-greke-23-e-te-burgosurve/1>
- Shqiptarja.com, 'Skadon moratoriumi i mjeteve lundruese, Gaci: S'do të votohet më' (March 2013)
<<http://old.shqiptarja.com/news.php?IDNotizia=145793>>
- Spapens, A., Peters, M., & Van Daele, D. (Eds.) (2015). "Administrative measures to prevent and tackle crime. Legal possibilities and practical application in EU Member States". The Hague: Eleven International Publishing.
- State Police Newsletter, September 2017 <http://mb.gov.al/wp-content/uploads/2018/07/Buletin_mujor_Shtator_2017.pdf>
- The assassination of the banker Artan Santo in 2014 in Blloku
<<http://gazeta-shqip.com/lajme/2014/06/26/atentat-mafioz-te-ish-blloku-vdes-biznesmeni-artan-santo/>>
- The Economist, 'Cocaine: why cartels are wining'
<<https://www.youtube.com/watch?v=hopYEuFA0g4>>
- The mission of General Directorate on Preventing Money Laundering
<<http://www1.fint.gov.al/al/kryesore/misioni>>
- Toine Spapens, Conny Rijken, 'The fight against human trafficking in the Amsterdam Red Light District', (2015) 39 IJACAJ 2, 155-168
- United States Department of State, Bureau of International Narcotics and Law Enforcement Affairs. "International Narcotics Control Strategy Report: Volume II. Money Laundering". March 2018.
<https://www.state.gov/documents/organization/278760.pdf>
- Vendim nr. 663, datë 17.7.2013. Për miratimin e strategjisë ndërsektoriale të luftës kundër krimit të organizuar, trafiqeve të paligjshme dhe terrorizmit, 2013-2020 dhe planit të veprimit për vitet 2013-2016 (On the adoption of the inter sectoral strategy for combating organized crime, illicit trafficking and terrorism, 2013-2020 and the Action Plan 2013-2016)
- Vendim nr.1140, datë 30.7.2008. Për miratimin e strategjisë ndërsektoriale të luftës kundër krimit të organizuar, trafiqeve dhe terrorizmit (On the adoption of a inter sectoral strategy for combating organized crime, trafficking and terrorism)
- Wim Huisman, Monique Koemans, 'Administrative Measure in Crime Control' (2008) 1 ELR 121
- World Prison Brief. "World Prison Brief data: Albania".
<http://www.prisonstudies.org/>