

2020

Assessment Report

The activity of the Special
Prosecution Office and the Special
Courts for Corruption and Organized
Crime

Assessment Report:

The activity of the Special Prosecution Office and the Special Courts for Corruption and Organized Crime 2020

Authors:

Arjan DYRMISHI
Mirsada HALLUNAJ

February 2021

This Assessment Report was prepared by the Center for the Study of Democracy and Governance (CSDG) in the framework of the project: "Supporting the implementation of the justice system reform through monitoring and evaluation of SPAK and Special Courts activities", supported by the Justice Reform Program, Open Society Foundation for Albania. The opinions expressed in this publication are those of the authors and do not necessarily reflect those of the donor.



Center
for the Study
of Democracy
and Governance



OPEN SOCIETY FOUNDATION
FOR ALBANIA

Table of content

Charts / Figures / Tables	5
Main Findings	8
Introduction.....	16
Methodology	19
CHAPTER I: Synopsis of the prosecutorial and judicial activity of the Special Prosecution Office and Special Courts of First Instance and Appeal for Corruption and Organized Crime	23
I. The Special Prosecution Office against Corruption and Organized Crime (SPAK): Activity and Performance (2020)	23
A. Transferred and new-registered criminal proceedings	23
B. Investigations conducted and Criminal proceedings sent for trial.....	26
C. Financial investigations pursuant to Anti-Mafia Law	27
D. Preventive measures within the framework of the Normative Act No. 1, dated 31.01.2020	29
II. The Special Courts of First Instance and Appeal for Corruption and Organized Crime: Activity and Performance (2020)	33
A. Number and type of backlog and new-registered cases	33
B. Adjudication and judicial decisions in the Special Courts for First Instance and Appeal for Corruption and Organized Crime	35
C. Preventive measures pursuant to Anti-Mafia Law	36
D. Preventive measures within the framework of the Normative Act no. 1 dated 31.01.2020	37
CHAPTER II: An assessment of the judicial response to corruption and organized crime cases proceeded to trial in the Special Courts of First Instance and Appeal for Corruption and Organized Crime.....	39
Productivity	39
Corruption cases	39
Organized crime cases	40
Efficiency.....	41
Vacancies in the Special Courts for Corruption and Organized Crime.....	41
Duration of judicial proceedings in Special Courts.....	42
Corruption cases	43
Organized crime cases	44
Relevancy	46
Corruption cases.....	46
Defendants profile	46

Criminal cases-related to other offenses.....	48
Sentencing practice in corruption cases.....	50
Organized crime cases.....	53
Main criminal offenses.....	53
Main criminal activities & Modus operandi.....	55
Number of defendants charged for offenses related to criminal organisations.....	57
CHAPTER III: Recommendations.....	61
ANNEX A: Status of the registered cases in the Special Courts of First Instance and Appeal for Corruption and Organized Crime (19th December 2019 – 31st December 2020)	63
ANNEX B: Sentences for corruption offenses requested by the Special Prosecution Office against Corruption and Organized Crime and sentences imposed by the Special Court of First Instance for Corruption and Organized Crime for completed corruption cases (19th December 2019 – 31st December 2020).....	67
ANNEX C: Sentences for organized crime-related offenses requested by the Special Prosecution Office against Corruption and Organized Crime (SPAK) and sentences imposed by the Special Court of First Instance for Corruption and Organized Crime for completed organized crime cases (19th December 2019 – 31st December 2020).....	70

Charts / Figures / Tables

- Chart 1** Number of criminal proceedings investigated by the Special Prosecution Office against Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Chart 2** Origin of the total number of registered criminal proceedings and investigated criminal proceedings in the Special Prosecution Office against Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Chart 3** Progress of handling criminal proceedings investigated by the Special Prosecution against Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Chart 4** Number of accused/defendants in the criminal proceedings registered in the Special Prosecution Office against Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Chart 5** Number of financial investigations pursuant to Anti-Mafia Law conducted by the Special Prosecution Office against Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Chart 6** Number of requests submitted by the Special Prosecution Office against Corruption and Organized Crime and decisions of the Special Court of First Instance pursuant to the Anti-Mafia Law (19th December 2019 – 31st December 2020)
- Chart 7** Number of requests pursuant to the Normative Act No. 1, dated 31.01.2020 submitted to the Special Court of First Instance by the Special Prosecution Office against Corruption and Organized Crime (7th February 2020 – 31st December 2020)
- Chart 8** Types of seized and confiscated assets according to the decisions of the Special Court of First Instance for Corruption and Organized Crime in the framework of Normative Act no. 1, dated 31.01.2020 (7th February 2020 – 31st December 2020)
- Chart 9** The review process of the requests for seizure and confiscation registered in the Special Court of First Instance for Corruption and Organized Crime in the framework of Normative Act no. 1, dated 31.01.2020 (7th February 2020 – 31st December 2020)
- Chart 10** Number of requests pursuant to Anti-Mafia Law registered in the Special Court of First Instance for Corruption and Organized Crime (Year 2020)
- Chart 11** Number of submitted, accepted and reviewed requests pursuant to the Normative Act No. 1, dated 31.01.2020 in the Special Court of First Instance for Corruption and Organized Crime (Year 2020)
- Chart 12** Criminal offenses of corruption cases registered in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

- Chart 13** Requests for mutual legal assistance from foreign judicial authorities by states (19th December 2019 – 31st December 2020)
- Chart 14** Requests for mutual legal assistance addressed to foreign judicial authorities by the Special Prosecution against Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Figure 1** Number and case type of transferred and new-registered criminal cases in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Figure 2** Number of transferred and new-registered criminal cases in the Special Courts of First Instance and Appeal for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Figure 3** Status of the criminal cases registered in the Special Courts of First Instance and Appeal for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Figure 4** Ratio between corruption cases investigated by the Special Prosecution Office for Corruption and Organized Crime and the number of corruption cases sent for trial in the Special Courts of First Instance and Appeal for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Figure 5** Ratio between organized crime cases investigated by the Special Prosecution Office for Corruption and Organized Crime and the number of organized crime cases sent for trial in the Special Courts of First Instance and Appeal for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Figure 6** Requests for mutual legal assistance from foreign judicial authorities & Requests for mutual legal assistance to foreign judicial authorities in relation to corruption offenses (19th December 2019 – 19th December 2020)
- Figure 7** Criminal cases-related to other offenses registered in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Figure 8** Criminal sentences for corruption offenses imposed by the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Figure 9** Criminal sentences for corruption offenses imposed by the Special Court of First Instance for Corruption and Organized Crime in the cases of the Approval of the agreement on the conditions for pleading guilty and the Suspension of the execution of the imprisonment (19th December 2019 – 31st December 2020)
- Figure 10** Main criminal offenses for organized crime cases registered in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

- Figure 11** Main criminal activities in organized crime cases registered in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Figure 12** Modus operandi to conduct criminal activities in the organized crime cases registered in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Table 1** Indicators used to assess criminal proceedings for corruption and organized crime cases in the Special Prosecution Office against Corruption and Organized Crime (SPAK) and Special Courts for corruption and Organized Crime
- Table 2** Duration of judicial proceedings (according to intervals) for corruption cases resolved in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Table 3** Duration of judicial proceedings (in days) for corruption case resolved in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Table 4** Duration of judicial proceedings (according to intervals) for organized crime cases resolved in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Table 5** Duration of judicial proceedings (in days) for organized crime case resolved in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Table 6** Number of defendants charged for organized crime offenses and number of defendants convinced by the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- Table 7** Number of defendants charged for organized crime offenses related to criminal organisations (19th December 2019 – 31st December 2020)
- ANNEX A** Status of the registered cases in the Special Courts of First Instance and Appeal for Corruption and Organized Crime (19th December 2019 – 31st December 2020)
- ANNEX B** Sentences for corruption offenses requested by the Special Prosecution Office against Corruption and Organized Crime and sentences imposed by the Special Court of First Instance for Corruption and Organized Crime for completed corruption cases (19th December 2019 – 31st December 2020)
- ANNEX C** Sentences for organized crime-related offenses requested by the Special Prosecution Office against Corruption and Organized Crime (SPAK) and sentences imposed by the Special Court of First Instance for Corruption and Organized Crime for completed organized crime cases (19th December 2019 – 31st December 2020)

Main findings

This report assesses the first-year activity of the Special Prosecution Office and the Special Courts of First Instance and Appeal for Corruption and Organized Crime under three dimensions: productivity, efficiency and relevancy.

The **productivity dimension** focuses on the assessment of the number of cases initiated annually compared to the number of cases sent for trial and their actual status (completed/ongoing);

The **efficiency dimension** focuses on the assessment of the duration of the completed cases according to the timeliness of judicial action and the average length of the court cases;

The **relevancy dimension** focuses on the assessment of the cases according to their complexity and seriousness.

Productivity

The largest number of criminal cases transferred from the former Serious Crimes Court Prosecution Office to the Special Prosecution Office against Corruption and Organized Crime consisted of criminal proceedings related to organized crime offenses. The same has been acknowledged regarding the number of cases transferred from the former Serious Crime Courts to the Special Courts for Corruption and Organized Crime. Upon the Special Prosecution Office and the Special Courts of First Instance and Appeal initiated to exercise the activity on December 19th the number of criminal proceedings in the field of corruption exceeded the number of criminal cases related to organized crime.

Criminal proceedings transferred to the Special Prosecution Office	<ul style="list-style-type: none">• 120 organized crime• 82 corruption
New criminal proceedings registered in the Special Prosecution Office	<ul style="list-style-type: none">• 44 organized crime• 156 corruption
Criminal cases transferred to the Special Court of First Instance	<ul style="list-style-type: none">• 23 organized crime• 2 corruption
New criminal cases registered in the Special Court of First Instance	<ul style="list-style-type: none">• 27 organized crime• 38 corruption

For both areas of activity (corruption and organized crime), there is a significant gap between the number of proceedings registered in the Special Prosecution Office and the number of cases sent for trial to the Special Court of First Instance for Corruption and Organized Crime. **About 13% of the total criminal proceedings** investigated by the Special Prosecution against Corruption and Organized Crime were sent for trial to the Special Court of First Instance for Corruption and Organized Crime and about **35% of the total number of defendants** was sent for trial in this court.

238 / criminal proceedings for corruption	50 sent for trial
218 / defendants charged for criminal offenses related to corruption	95 sent for trial
164 / criminal proceedings for organized crime	16 sent for trial
258 / defendants charged for criminal offenses related to organized crime	113 sent for trial

The total number of requests for seizure and confiscation indicate also a significant gap compared to the total number of investigations conducted by the Special Prosecution Office against Corruption and Organized Crime.

Anti-Mafia Law

Out of **313 investigations** conducted by the Special Prosecution Office against Corruption and Organized Crime pursuant to the implementation of Anti-Mafia Law, **6 requests for seizure** and **8 for confiscation** were sent to the court.

During the year 2020 for **about 57%** of them the Special Court of First Instance for Corruption and Organized Crime has completed the review process.

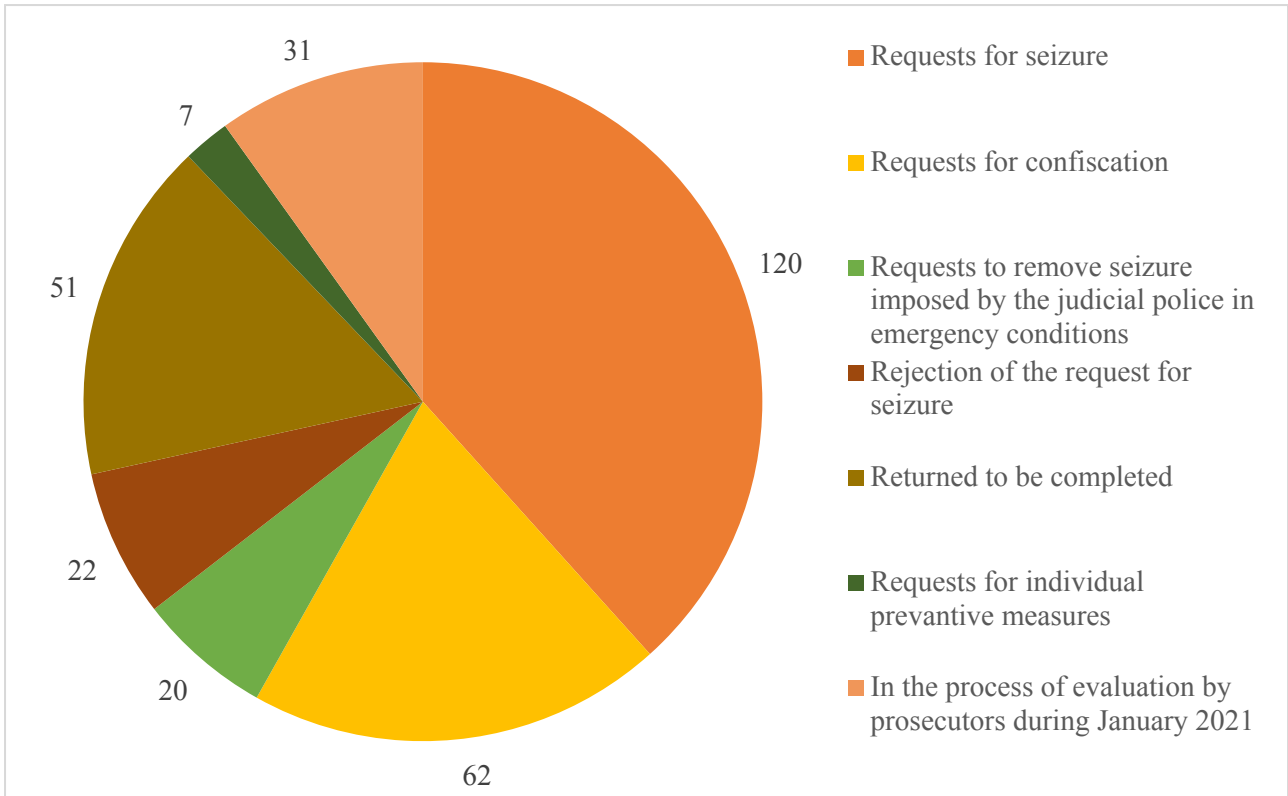
Normative Act No. 1 dated 31.01.2020

Even the number of requests for seizure and confiscation in implementing the Normative Act no. 1, dated 31.01.2020 does not exceed half of the total number of requests.

For **about 52%** of the number of seizure requests, the Special Prosecution Office against Corruption and Organized Crime has requested the confiscation of property (**120 requests for seizure** and **62 requests for confiscation**).

A significant number of requests is evidenced in the registered cases which are returned to be completed (**51**), as well as in the number of requests to remove the seizure of property (**42**).

During the year 2020, the Special Court of First Instance for Corruption and Organized Crime completed the review of **11 confiscation claims**.

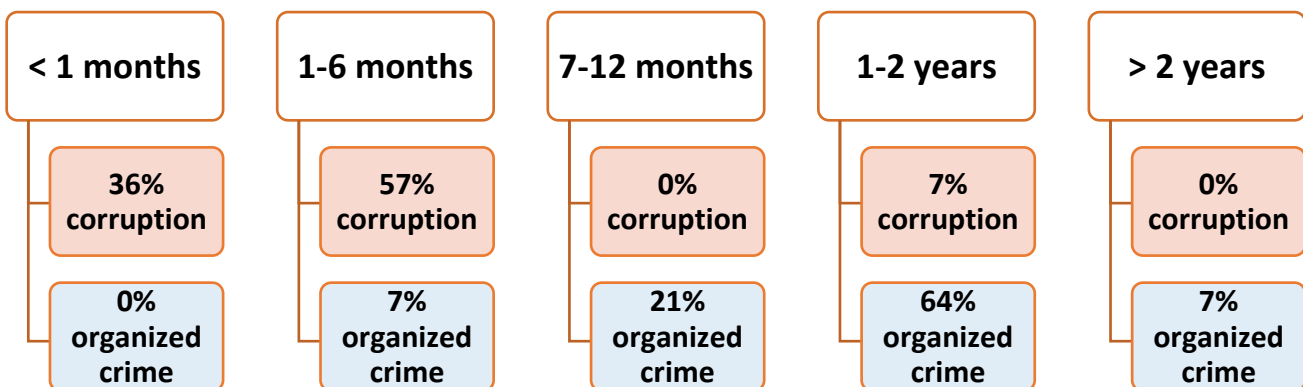


Efficiency

The length of cases in the Special Court of First Instance for Corruption and Organized Crime is estimated according to time intervals, which include the time of registration of the case in court until the moment of the decision.

From this assessment it results that the duration of the trial review for criminal proceedings in the field of organized crime, is estimated to be higher compared to the time for the completion of the trial of criminal proceedings related to corruption.

The average trial length during the year 2020 of **236 days or 7 months and 24 days** has been exceeded in **1 corruption case** and **12 organized crime cases**. The reasonable time limit up to 2 years for criminal trial in the first instance has been exceeded for only 1 case in the field of organized crime.



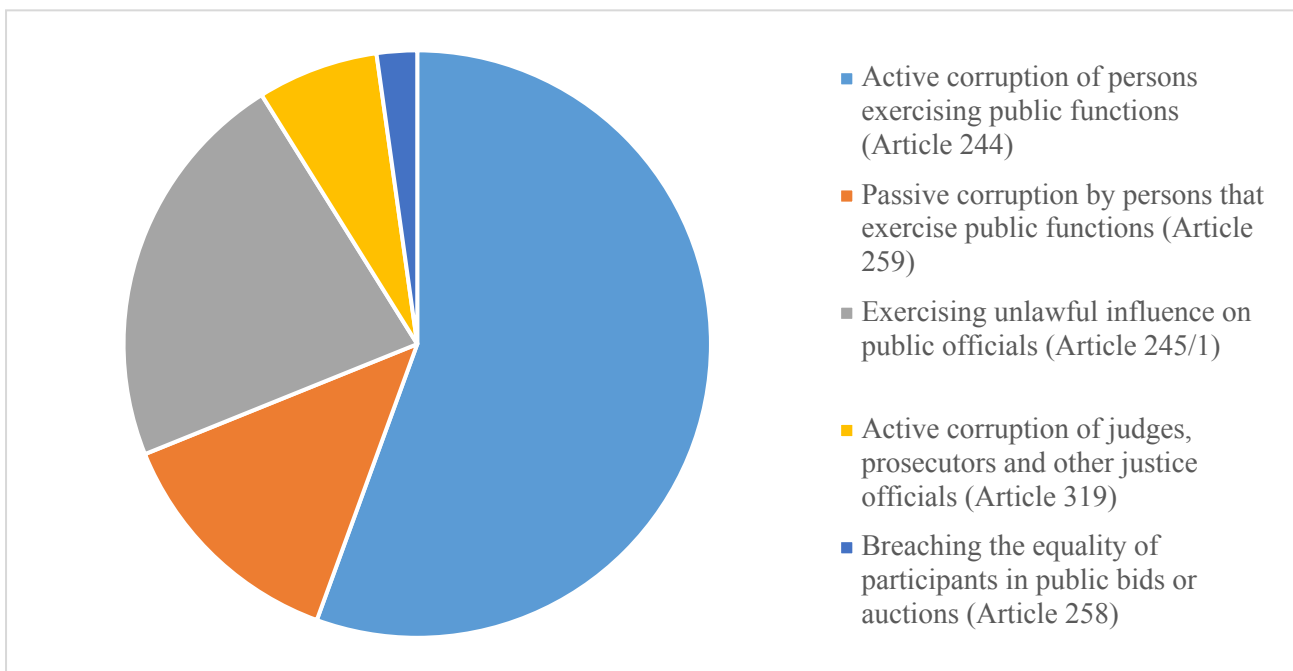
Relevancy

Cases/charges for corruption of **persons exercising public functions** constitute the highest number of cases in the field of corruption. **28 criminal cases for corruption** include 25 charges for active corruption of persons exercising public functions and 6 charges of passive corruption of persons exercising public functions.

For the criminal offense of **exercising unlawful influence on persons exercising public functions**, in the Special Court of First Instance were registered **8 criminal cases**, while this criminal offense is included in 2 other cases related to corruption of persons exercising public functions.

Only **3 corruption cases**, which include charges against **judges, prosecutors and other justice officials**, have been registered in the Special Court of First Instance, while **no criminal cases** involving corruption charges against senior state officials or elected local officials is not reflected to be registered in this court until 31st December 2020.

Unlike the subjects accused for corruption-related cases, those accused for other criminal offenses also include high-ranking officials or former officials, but the number of these cases is very small.



Corruption of **public officials** constitutes the main criminal offense of corruption cases sent for trial to the Special Court of First Instance. In the majority of corruption cases (**65%**) registered in the Special Court of First Instance, **the number of defendants is 1**.

For criminal charges of corruption, the Special Court of First Instance has imposed **5 prison sentences to 5 defendants**. The maximum sentence given for these charges is 3 years and the minimum 6 months.

For **5 other cases** related to criminal proceedings for corruption, the court has accepted the approval of the plea agreement, but in all cases the sentence imposed on the defendants has been suspended and replaced by probation or work in public interest. **In only 1 case** did the court refuse to approve the plea agreement.

For 5 other decisions also related to criminal proceedings of corruption, the court accepted the request of the Special Prosecution Office for suspension of the execution of the decision with imprisonment and replacement with probation or work in the public interest for time periods which vary from 1 year/8 months (maximum) to 6 months (minimum).

Even in these cases, charges for corruption include mainly the criminal offense corruption of persons exercising public functions.

5 defendants

- The Special Court of First Instance has imposed the sentence of imprisonment 3 years (highest) to 6 months (lowest)

5 defendants

- The Special Court of First Instance has accepted the request of the Special Prosecution Office to approve the plea agreement by replacing the sentence for the defendant with probation period

5 defendants

- The Special Court of First Instance has accepted the request of the Special Prosecution Office replacing the sentence for the defendant with probation period

1 defendant

- The Special Court of First Instance has rejected the request of the Special Prosecution Office to approve the plea agreement and replace the sentence for the defendant with probation period

The main criminal charges, which constitute the highest number in criminal proceedings in the field of organized crime are related to: The structured criminal group; Commission of criminal offences by criminal organizations and structured criminal groups; Production and sale of narcotics and Trafficking of narcotics. **Murder and robbery** are evidenced to be the main modus operandi for conducting the criminal activities.

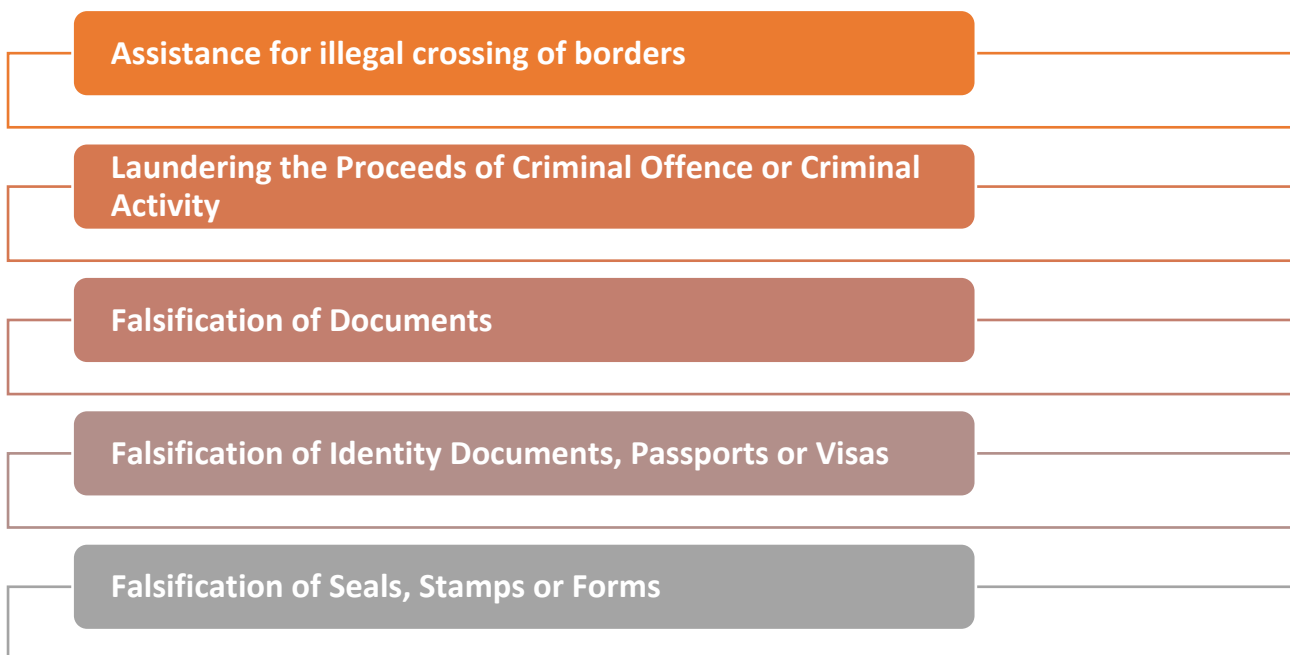
The structured criminal group

Commission of criminal offences by criminal organizations and structured criminal groups

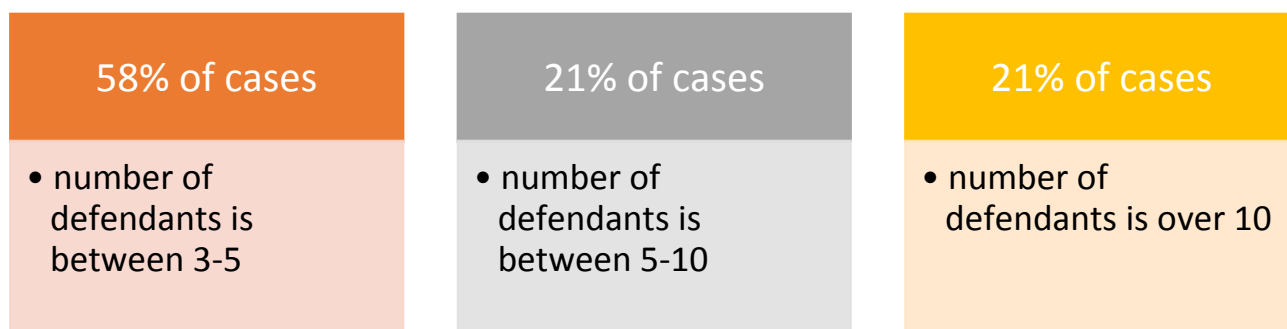
Trafficking of narcotics

Production and sale of narcotics

The main criminal activities undertaken for the commission of criminal offenses in the field of organized crime include: Assistance for illegal crossing of borders; Laundering the Proceeds of Criminal Offence or Criminal Activity; Falsification of Documents; Falsification of Identity Documents, Passports or Visas and Falsification of Seals, Stamps or Forms.



For about 58% of cases in the field of organized crime, the number of defendants varies from 3 to 5 and in about 21% the number of defendants is between 5-10. For criminal charges related to the structured criminal group and the commission of criminal offenses by the criminal organisation and the structured criminal group, there are also criminal cases with a number of defendants over 10, which constitute about 21% of criminal cases in the field of organized crime.



Conclusions

Although that during the year 2020 the number of criminal proceeding related to corruption offenses registered in the Special Prosecution Office against Corruption and Organized Crime has been increased, the number of cases sent for adjudication to the court remains very low. Similar practices as regard the ratio between the total number of registered proceedings and the number of cases sent for trial are evidenced also in related bodies in the region as was the case of USKOK in Croatia (Office for the Suppression of Corruption and Organized Crime), but identifying causes and issues faced for the judicial review, composes a crucial element towards the transparency on

punishment measures and formulating an effective response against corruption and organized crime.¹

In the exercise of its daily activity, the Special Prosecution Office and the Special Courts of First Instance and Appeal continue to operate with an incomplete number of appointed prosecutors and judges. Taking into consideration the number of appointed judges, this situation composes a challenge especially for the Special Courts of First Instance and Appeal for Corruption and Organized Crime.

Filling vacancies in the Special Courts of First Instance and Appeal for Corruption and Organized Crime continues to be one of the main challenges and constraints effecting efficient functioning of these institutions, which in both instances are currently consisted of a low number of judges compared to the number foreseen in the legislation. The incomplete functioning of these important institutions effects the number of backlog cases in the year 2021 as well as other indicators related to the efficiency of the judicial review.

Even though the main target of the new established institutions are senior state officials or former senior state officials, the number of corruption cases charged against these subjects registered in the Special Court of First Instance during the year 2020 is very low. Mostly of the registered corruption cases include charges against public officials.

Punishments imposed by the Special Court of First Instance for corruption-related offenses constitute another element which is estimated to affect the citizens perception and trust regarding the results in the fight against corruption and organized crime. Although considered one of the country's main obstacles, in mostly of the sentences handed down by the Special Court of First Instance, corruption imprisonments have been replaced by probation period in the public service.

The latest proposals of the package of 10 draft laws² constitute an important initiative in terms of addressing some of the challenges mentioned above related to the Special Prosecution Office and the Special Courts for Corruption and Organized Crime.

¹ State's Attorney Office of the Republic of Croatia, Annual Report 2019, pages, 118-128:

<http://www.dorh.hr/dorh05052020>

² - Assembly of the Republic of Albania, Draft law "On some additions and amendments to the Law No. 7905, dated 21.3.1995 "Criminal Procedure Code of the Republic of Albania", as amended:

<https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53567>

- Assembly of the Republic of Albania, Draft law "On some additions and amendments to the Law No. 97/2016 "For organisation of the Prosecution Office in the Republic of Albania":

<https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53568>

- Assembly of the Republic of Albania, Draft law "On some additions and amendments to the Law No. 8116, dated 29.03.1996, "Civil Procedure Code", as amended: <https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53569>

- Assembly of the Republic of Albania, Draft law "On some additions and amendments to the Law No. 7895, dated 27.1.1995, "Criminal Code of the Republic of Albania", as amended:

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

- Assembly of the Republic of Albania, Draft law "On some additions and amendments to the Law No. 8577, dated 10.02.2020 "On the organisation and functioning of the Constitutional Court of the Republic of Albania", as amended:

<https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53571>

- Assembly of the Republic of Albania, Draft law "On some additions and amendments to the Law No. 98/2016 "On the organisation of the judicial power in the Republic of Albania":

<https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53572>

- Assembly of the Republic of Albania, Draft law "On some additions and amendments to the Law No. 95/2016 "On the organisation and functioning of institutions for combating corruption and organized crime":

<https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53573>

- Assembly of the Republic of Albania, Draft law "On an amendment to the Law No. 25/2019 "On the organisation and functioning of the judicial police": <https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53574>

One of the main difficulties encountered during the assessment of cases in the field of corruption, and organized crime has been the lack of information and data regarding the financial values of economic damage (loss) caused by the commission of criminal offenses in the field of corruption. In the information published as part of the ordering provision in the decisions of the Special Court of First Instance for Corruption and Organized Crime, in specific cases the seized items are identified, but not their respective values.

In addition to the negative effects in protecting the public and citizens interest, criminal offenses in the field of corruption mainly cause damage of an economic nature and affect the well-being of citizens. For this reason, this element constitutes a consistent key objective for the project team. Also, a full and comprehensive review of criminal assets and their inclusion in the legal economy is a very essential requirement.

The main recommendations of this assessment report emphasize the necessary measures towards the update and publication of the relevant data and information, identified during the first phase (monitoring) for drafting this assessment report. The main purpose of these recommendations and the need for improvement is to contribute not only to increasing the transparency of the respective institutions, but also to conduct a more comprehensive and accurate analysis in terms of judicial review towards the corruption and organized crime cases.

Addressing the relevant issues accounted by the Special Prosecution Office and the Special Courts of First Instance and Appeal during the first-year of their activity, will be an important step in terms of continuous improvement towards the results in the fight against corruption and organized crime.

- Assembly of the Republic of Albania, Draft law “On some additions and amendments to the Law No. 49/2012, dated 03.05.2012, “On the organisation and functioning of administrative courts and adjudication of administrative disputes”, as amended: <https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53576>

- Assembly of the Republic of Albania, Draft law “On some additions and amendments to the Law No. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”, as amended: <https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53577>

Introduction

On December 19th, 2020, the Special Prosecution Office against Corruption and Organized Crime (SPAK) and the Special Courts for Corruption and Organized Crime, marked 1 year from the establishment. Notwithstanding various structural, technical and administrative challenges, citizens had high expectations from the new established institutions against corruption and organized crime.³

Although with 1 point more than last year and 2 positions higher,⁴ the latest Transparency International report includes Albania in the group of countries with high corruption.⁵ Organized crime in Albania continues to be considered a serious issue as well as a major contributor to money laundering, financial crime and the increase of corruption.⁶ Meanwhile, the implementation of existing laws with focus on corruption, money laundering and economic crimes is of particular importance.⁷

Even though the justice reform is being implemented since 2016, citizens' trust in justice institutions remains low.⁸ In this context, monitoring the activity of new institutions can serve as a complementary tool not only to contribute to increasing information and transparency on the activity of justice institutions, but also to identify specific achievements and challenges that have accompanied this process.

On the other hand, it should be noted that in parallel with the exercise of their activity, the new justice institutions continue to interact with challenges in terms of human, administrative and logistical aspects. The finalization of these processes continues to be important and essential for the efficient functioning and performance.

➤ National Bureau of Investigation (NBI)

The establishment of the National Bureau of Investigation (NBI) is still an ongoing process and consequently the full establishment of the Special Structure against Corruption and Organized Crime (SPAK) is not completed yet. Also, the whole process for selecting the Director of NBI and 60 investigators has begun in January 2020⁹ it has not been completed yet. Given the importance and role of this specialized structure in supporting the work of the Special Prosecution Office against Corruption and Organized Crime, its establishment continues to be one of the main objectives to be met.

³ Center for the Study of Democracy and Governance, Albanian Security Barometer (2019): <http://csdgalbania.org/wp-content/uploads/2020/02/The-Albanian-Security-Barometer-2019-1.pdf>

⁴ Transparency International, Albania: <https://www.transparency.org/en/cpi/2020/index/alb>

⁵ Ibidem, CPI 2020: Eastern Europe & Central Asia: <https://www.transparency.org/en/news/cpi-2020-eastern-europe-central-asia>

⁶ US Department of State, Bureau of International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report, Volume I, Drug and Chemical Control, March 2021: <https://www.state.gov/wp-content/uploads/2021/02/International-Narcotics-Control-Strategy-Report-Volume-I-FINAL-I.pdf>

⁷ US Department of State, Bureau of International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report, Volume II, Money Laundering, March 2021: https://www.state.gov/wp-content/uploads/2021/02/21-00620-INLSR-Vol2_Report-FINAL.pdf

⁸ Center for the Study of Democracy and Governance, Albanian Security Barometer (2020): http://csdgalbania.org/wp-content/uploads/2021/03/Security_barometer_2020_ENGLISH-WEB.pdf

⁹ National Bureau of Investigation (NBI), News: <https://bkh.al/category/news/>

➤ **Vacancies in Special Courts for Corruption and Organized Crime**

The appointment of prosecutors and judges in the Special Prosecution Office against Corruption and Organized Crime and Special Courts for Corruption and Organized Crime has faced significant delays conditioned by the successful vetting process. While the number of prosecutors in the Special Prosecution Office has reached 20, the foreseen number of judges in Special Courts continues to be insufficient.

Special Courts of First Instance and Appeal are currently functioning below the legally required number of judges (8 judges in the first instance from 16 and 5 judges on appeal from 11) and although starting from February 2020 onwards the High Judicial Council has announced a total 14 vacancies (8 in the Special Court of First Instance and 6 in the Court of Appeal). As result of the lack of applications and the re-evaluation process, these positions continue to remain vacant.¹⁰ In conditions when the new justice bodies are facing a workload, the lack of judges in the Special Courts for Corruption and Organized Crime is considered a problematic issue in terms of efficient functioning of these institutions.

➤ **Human resources capacity building**

Filling vacancies in the new justice institutions has been one of the first steps undertaken since the beginning of their activity. Fulfilment of security and privacy criteria, but also other legal procedures have made this process taking a considerable time. The new investigative¹¹ and judiciary bodies¹² are still continuing the procedures for filling the vacancies of their administrative staff, which are subjects to the legal obligations and security requirements.

➤ **Implementation of the Normative Act No. 1, dated 31.01.2020**

In the scope of competences of Special Prosecution Office against Corruption and Organized Crime and Special Courts of First Instance and Appeal for Corruption and Organized Crime were also included competences arising from the Normative Act no. 1, dated 31.1.2020 "On preventive measures to strengthen the fight against terrorism, organized crime, serious crimes and the consolidation of public order and safety".¹³ During the implementation of the Normative Act (1st February 2020 until December 31st, 2020) in the Special Prosecution Office were registered a total of 226 materials submitted for evaluation by the General Directorate of State Police. The Special Prosecution Office and Special Court will continue during the 2021 the review of uncompleted files registered in the framework of the Normative Act.¹⁴

¹⁰ High Judicial Council (HJC), Notice of announcement of the promotion procedure in the Special Courts: <http://klgj.al/njoftim-per-shpalljen-e-procedures-se-ngritjes-ne-detyre-ne-ne-gjykata-e-posacme/>

¹¹ Special Prosecution Office against Corruption and Organized Crime (SPAK), Vacancies: <https://spak.al/category/vende-vakante/>

¹² Special Court of First Instance against Corruption and Organized Crime, Vacancy announcement notices: https://www.gjp.gov.al/Gjykata_e_Posacme/Njoftime/Njoftime_per_shpallje_konkurrimi_per_vend_te_lire_pune/

¹³ Normative Act no. 1, dated 31.01.2020 "On preventive measures to strengthen the fight against terrorism, organized crime, serious crimes and the consolidation of public order and safety": https://qbz.gov.al/share/GYhmw3TqSkSQGZuyUhbC_w

¹⁴ Parliament of Albania, Normative Act no. 35, dated 16.12.2020 "On an amendment to the Normative Act no. 1, dated 31.01.2020 of Council of Ministers "On preventive measures to strengthen the fight against terrorism, organized crime, serious crimes and the consolidation of public order and safety" approved by the Law no. 18/2020: <https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53516>

Law no. 5/2021 "On the approval of the normative act, with the power of law, no. 35, dated 16.12.2020, of the Council of Ministers "On an amendment to the Normative Act no. 1, dated 31.01.2020 of Council of Ministers "On preventive

➤ Restrictions imposed due to pandemic

Restrictive measures imposed during March 2020 as a result of pandemic conditions in the country affected also the activity of justice institutions. In particular, the implementation of restrictive measures¹⁵ has presented difficulties for the activity of the Special Courts for Corruption and Organized Crime, which based on the measures set by the High Judicial Council,¹⁶ continued the judicial activity and judicial services only for urgent cases. Administrative procedures initiated for the selection of employees were postponed and also the court hearings were suspended.¹⁷

During the first year of activity the Special Prosecution Office against Corruption and Organized Crime and the Special Courts for Corruption and Organized Crime have faced certain challenges related at once to work organisation and public pressure in achieving concrete results.

This is the first assessment report prepared by the Center for the Study of Democracy and Governance since the establishment of the Special Prosecution Office against Corruption and Organized Crime (SPAK) and the Special Courts of First Instance and Appeal for Corruption and Crime Organized on December 19th, 2019.

The main purpose of this assessment report is to identify and analyse issues and problems, which affect the formulation of an effective response against corruption and organized crime in Albania, as well as to promote appropriate and applicable measures to address these issues.

measures to strengthen the fight against terrorism, organized crime, serious crimes and the consolidation of public order and safety” approved by the Law no. 18/2020: <https://www.parlament.al/LibrariaAkteve/LibrariaAkteDetails/6306>

¹⁵ High Judicial Council (HJC), Decision no. 127, dated 10.03.2020 “On the suspension of the activity and judicial services in all courts in the Republic of Albania”: <http://klgj.al/wp-content/uploads/2020/05/Vendim-Nr.127-date-10.03.2020-per-pezullim-veprimtarie-ne-gjykata.pdf>

¹⁶ High Judicial Council (HJC), Measures taken by the HJC to prevent Covid-19: <http://klgj.al/covid-19/>

¹⁷ Special Court of First Instance for Corruption and Organized Crime, Decisions of Court Council: https://www.gjp.gov.al/Gjykata_e_Posacme/Vendime_te_keshillit_te_Gjykates_se_Posacme/

Methodology

In order to assess the judicial response to corruption and organized crime case registered in the Special Prosecution Office against corruption and Organized Crime (SPAK) and Special Courts for Corruption and Organized Crime, the methodology prepared by the Center for the Study of Democracy and Governance (CSDG) comprised *two main phases*:

1. Monitoring the corruption and organized crime cases and collection of the relevant data/information;
2. Analysing the data/information in accordance with the defined indicators.

During the first phase, in order to obtain the relevant data and information was collected from the respective institutions including, the Special Prosecution Office against Corruption and Organized Crime (SPAK)¹⁸ and the Special Courts of First Instance and Appeal for Corruption and Organized Crime.¹⁹ The report also refers to secondary sources, in order to supplement the information on the data referred to in this report.

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

The main findings of this assessment report are based on the monitoring of **40 criminal cases** for corruption and **50 criminal cases** for organized crime registered in the Special Court of First Instance for Corruption and Organized Crime, during the period between December 19th, 2019 to December 31st 2020.

Based on the monitoring of these cases, a detailed analysis has been carried out in accordance with the 3 main dimensions defined in the methodology: (1) productivity; (2) efficiency; and (3) relevancy.

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

Corruption cases:

1. The first criterion is the status of the indicted person/s. The status of the indicted/accused is defined according to their status as public figures and to the degree of power they are in the position to effectively exercise.

¹⁸ The Special Prosecution Office against Corruption and Organized Crime: <https://spak.al/>

¹⁹ The Special Court of First Instance for Corruption and Organized Crime: <https://www.gjkata.gov.al/>

The Special Court of Appeal for Corruption and Organized Crime: <http://www.gjkata.gov.al/gjkata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/gjkata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/>

- A case is treated as “high” ranking when the defendants are high level officials or local elected or/and appointed;
 - A case is ranked as “medium” when the defendants are judges, prosecutors and other justice officials;
 - A case is ranked as “low” when the defendants are officials exercising public functions.
- 2.** The second criterion is based on the assessment of the gravity of the consequences of the offence (for the victim public/non-public entity) and the society in general.
- Cases are ranked as “high” when the economic value (loss) resulting from the criminal conduct is quantified as more than 1 million Euros;
 - Cases are ranked as “medium” when the economic value (loss) resulting from the criminal conduct is quantified between 400 thousand Euros and 1 million Euros;
 - Cases are ranked as “low” when the economic value (loss) resulting from the criminal conduct is quantified between 100 to 400 thousand Euros.

Organized crime cases:

- 1.** The first criterion is analysed against the seriousness of crime:
- The main criminal offenses as defined in the Criminal Code;
 - The number of persons involved;
 - The geographical area of operation (transnational organized crime activity)
- 2.** The second criterion is analysed against the gravity of the offence:
- The value of the legal and/or illegal goods involved and/or;
 - The underlying criminal activity/is undertaken;
 - The modus operandi of crime.

The assessment report is composed of three Chapters including a set of recommendations.

Chapter I presents an overview on the first-year activity of the Special Prosecution Office against Corruption and Organized Crime and Special Courts of First Instance and Appeal for Corruption and Organized Crime, with specific regard to corruption and organized crime cases.

Chapter II provides an assessment of the corruption and organized crime cases based on the indicators defined in the methodology, which were registered at the Special Prosecution Office and the Special Courts of First Instance and Appeal for Corruption and Organized Crime between 19th December 2019 to 31st December 2020.

Chapter III provides a set of recommendations, which were identified during the monitoring phase of the activity of the Prosecution and Special Courts for Corruption and Organized Crime. These recommendations are estimated to contribute not only to increasing the transparency of the institutions themselves, but also help to create harmonized data, in order to carry out an accurate and complete assessment.

Data collection was carried out referring to the information published on the official websites of the institutions and during this process difficulties were encountered, which are mainly related to the lack of publication or updating of the respective data.

However, despite these limitations, the working group has tried to minimize as much as possible the inaccuracies in the data, referring only to data made available by the official institutions or information made public by representatives of these institutions on various media platforms.

The project working group estimates that the findings of this preliminary assessment report constitute a consolidated baseline assessment in order to assess the effectiveness of the judicial review of corruption and organized crime cases registered during the first year of activity of these institutions.

Overall, establishing a track record in the fight against corruption and organized crime continues to be a long-term challenge for Albania.²⁰ In this context, the shortcomings encountered and identified during data collection are also intended to serve as suggestions and recommendations to the respective institutions in order to address and improve them in the future.

²⁰ European Commission, Albania Report 2020: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf

Criminal offenses	PRODUCTIVITY			EFFICIENCY					RELEVANCY	
	Status of the case			Length of the judicial proceedings					The status of the indicted/accused person/s	Gravity of the consequences of the offence
Corruptions cases	Registered cases	Ongoing cases	Completed cases	< 1 months	1-6 months	7-12 months	1-2 years	> 2 years	High state officials and local elected representatives	Economic value (loss) more than 1 million Euros
									Judges, prosecutors and other justice officials	Economic value (loss) between 400 thousand Euros and 1 million Euros
									Persons that exercise public functions	Economic value (loss) between 100 to 400 thousand Euros
Organized crime cases	Status of the case			Length of the judicial proceedings					The seriousness of crime	Gravity of the consequences of the offence
	Registered cases	Ongoing cases	Completed cases	< 1 months	1-6 months	7-12 months	1-2 years	> 2 years	The most punishable to the least	The value of the legal and/or illegal goods involved
									The number of persons involved ²¹	The underlying criminal activity/is undertaken
									The geographical area of operation (transnational organized crime activity) ²²	The modus operandi of crime

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

²¹ - Number of the members of the group above 10, as **High**
- Number of the members of the group between 5-10, as **Medium**
- Number of the members of the groups between 3-5, as **Low**
²² Activity included **Albania and 1 other country**
- Activity included **Albania and 2 other countries**
- Activity included **Albania and more than 2 other countries**

CHAPTER I

Synopsis of activity of the Special Prosecution Office and the Special Courts of First Instance and Appeal for Corruption and Organized Crime

I. Special Prosecution Office against Corruption and Organized Crime (SPAK): Activity and Performance (2020)

A. Transferred and new-registered criminal proceedings

Since the outset of its activity, in the period between 19th December 2019 to 31st December 2019, in the Special Prosecution Office against Corruption and Organized Crime (SPAK) were registered a total of **225 criminal proceedings for which 271 persons were charged**.²³

Most of these proceedings were transferred from the former Prosecution Offices of Serious Crimes (**204**) and the rest of them consisted of criminal proceedings transferred from Judicial District Prosecution Offices and proceedings returned for investigation by the Special Court of First Instance for Corruption and Organized Crime (**21**).²⁴

Compared to corruption-related proceedings (**82**), organized crime-related proceedings accounted the highest number of proceedings (**120**) registered in the Special Prosecution Office between the period from 19th December 2019 to 19th December 2020.²⁵

Throughout the year 2020 this ratio has changed and the number of criminal proceedings related to corruption offenses has been significantly increased.²⁶

Out of a total of **363 criminal proceedings** registered during this period, **156** belong to corruption offenses, while only **44** are related to organized crime.²⁷

There is also a significant increase in the registered number of criminal proceedings-related to other offenses (**139**)²⁸ compared to those registered during the previous year (**23**).²⁹

²³ Special Prosecution Office against Corruption and Organized Crime (SPAK), Notice, On the performance indicators of the Special Prosecution Office: <https://spak.al/2020/12/19/njoftim-mbi-treguesit-e-punes-te-prokurorise-se-posacme/>

²⁴ Ibidem

²⁵ Ibidem

²⁶ The comparison is made by calculating the difference between the total number of criminal proceedings investigated during the period from 19 December 2019 to 31 December 2020 and the total number of criminal proceedings registered during the period from 19 December 2019 to 31 December 2019 in the Special Prosecution Office.

²⁷ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>

²⁸ Other criminal proceedings include criminal offenses related to subjects as provided in the legislation for whom the Special Prosecution Office exercises its competences.

²⁹ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>

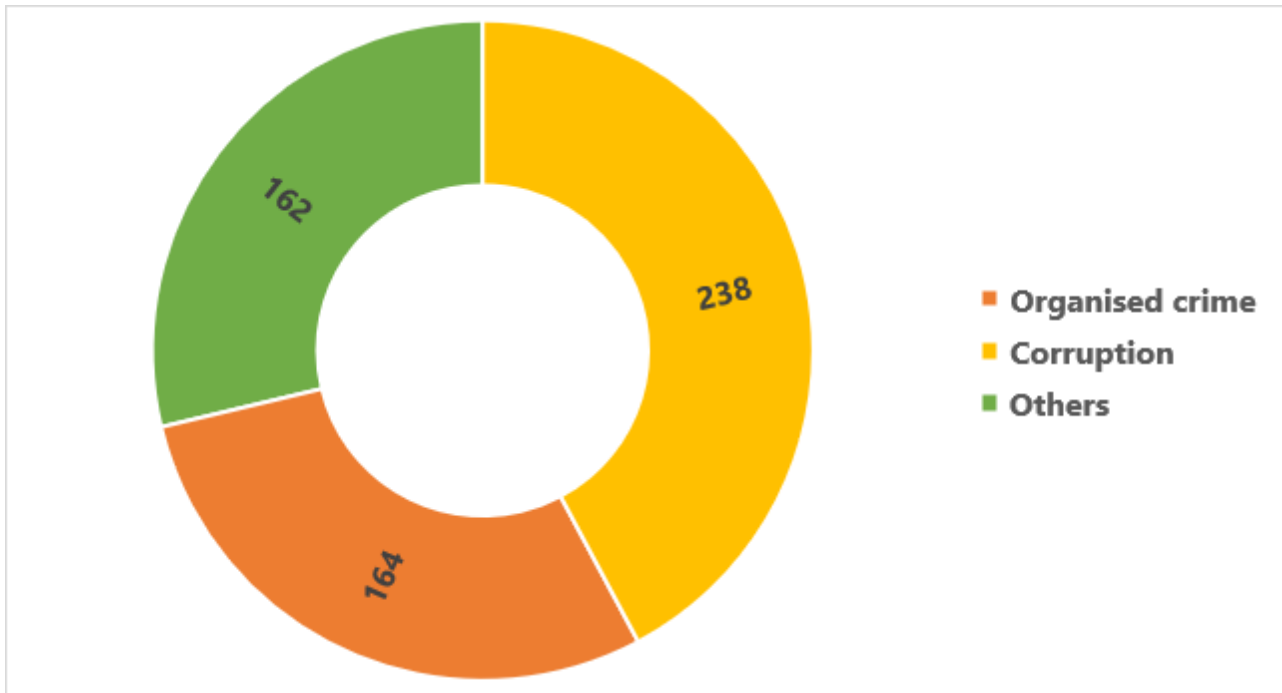


Chart 1: Number of criminal proceedings investigated by the Special Prosecution Office against Corruption and Organized Crime

(19th December 2019 – 31st December 2020)

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

As shown in the chart below, most of the proceedings registered and investigated by the Special Prosecution Office against Corruption and Organized Crime are criminal proceedings transferred from the **former Serious Crimes Prosecution Office and Judicial District Prosecution Offices**.³⁰

Regarding the number of criminal referrals received from other institutions, the highest number is made up by criminal referrals received from **Local Police Directorates and the General Directorate of Police**.³¹ Criminal referrals registered mainly or by the **General Prosecutor's Office** constitute also a considerable number of criminal referrals compared to other institutions.³²

The website section dedicated for denouncing corruption cases, which was created immediately after the establishment of the Special Prosecution Office, was considered also an opportunity for all citizens to refer criminal cases in the field of corruption.³³

In this context, criminal referrals from **citizens** appear to have had a significant weight in the total number of criminal referrals registered and investigated by the Special Prosecution Office throughout the first year of activity, followed by denunciations referred by **legal entities and political entities**.³⁴

³⁰ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>

³¹ Ibidem

³² Ibidem

³³ Special Prosecution Office against Corruption and Organized Crime (SPAK): <https://spak.al/>

³⁴ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>

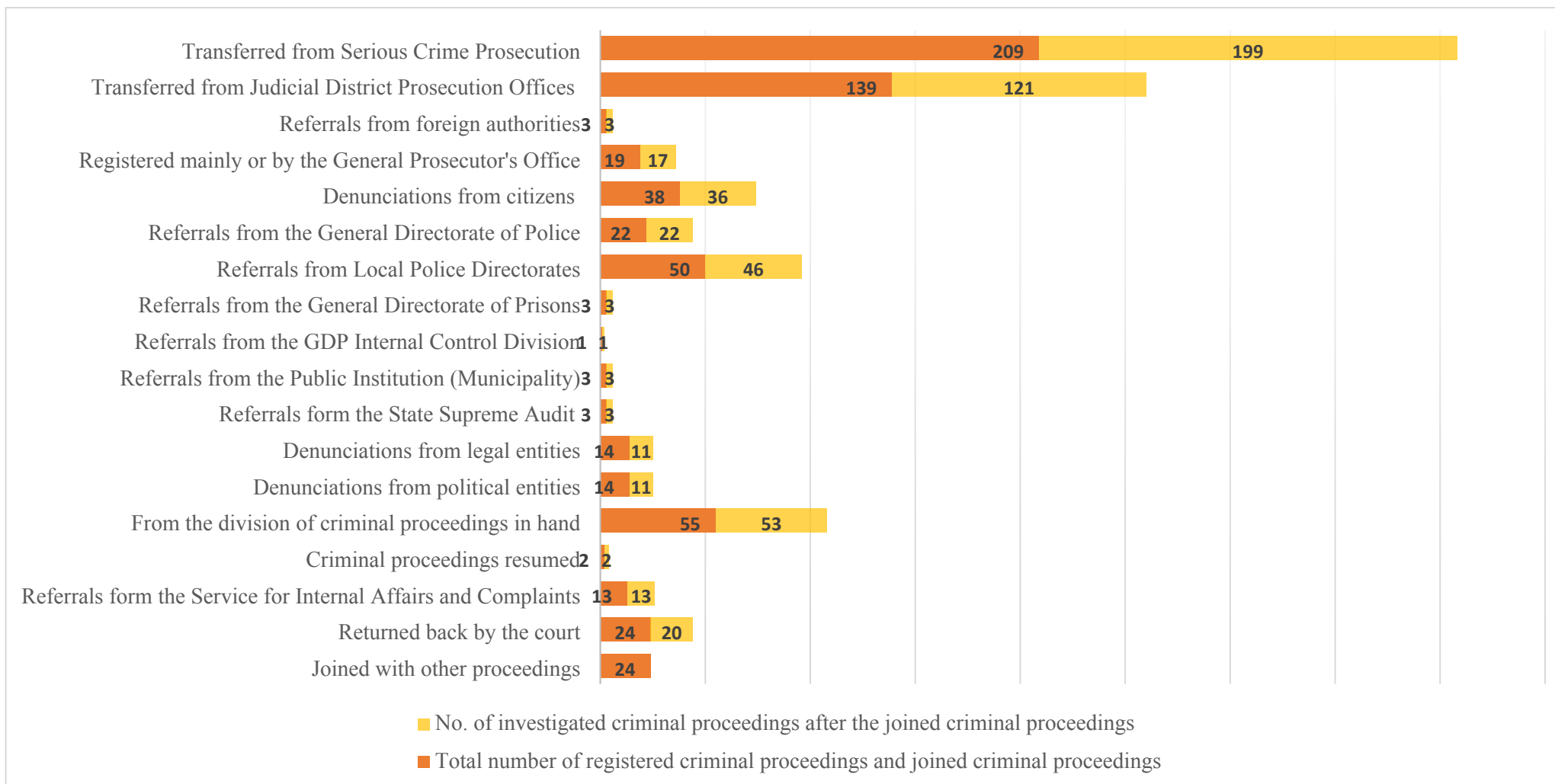


Chart 2: Origin of the total number of registered criminal proceedings and investigated criminal proceedings in the Special Prosecution Office against Corruption and Organized Crime

(19th December 2019 – 31st December 2020)

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

B. Investigations conducted and Criminal proceedings sent for trial

While analysing the data for the year 2020, a pronounced gap is evidenced between the number of criminal proceedings investigated by the Special Prosecution Office against Corruption and Organized Crime and those sent for trial in the Special Court of First Instance for Corruption and Organized Crime.

Out of a total of **164 proceedings** investigated for criminal offenses related to organized crime, only **16** of them were sent for trial to the court.³⁵ While, out of **238 criminal proceedings** investigated for corruption-related criminal offenses, only **50** of them were sent for trial to the court.³⁶

This ratio is also quite low in terms of the number of proceedings related to other criminal offenses, where out of **162** investigated proceedings, only **4** of them have been sent for trial.³⁷

In an overall assessment of the total number of criminal proceedings investigated by the Special Prosecution Office against Corruption and Organized Crime (**564**) **about 13% or 70 of them** were sent for adjudication to the Special Court of First Instance for Corruption and Organized Crime.

Meanwhile, for a significant part of the criminal proceedings investigated by the Special Prosecution against Corruption and Organized Crime (**348**), the investigation has continued during the year 2021.³⁸

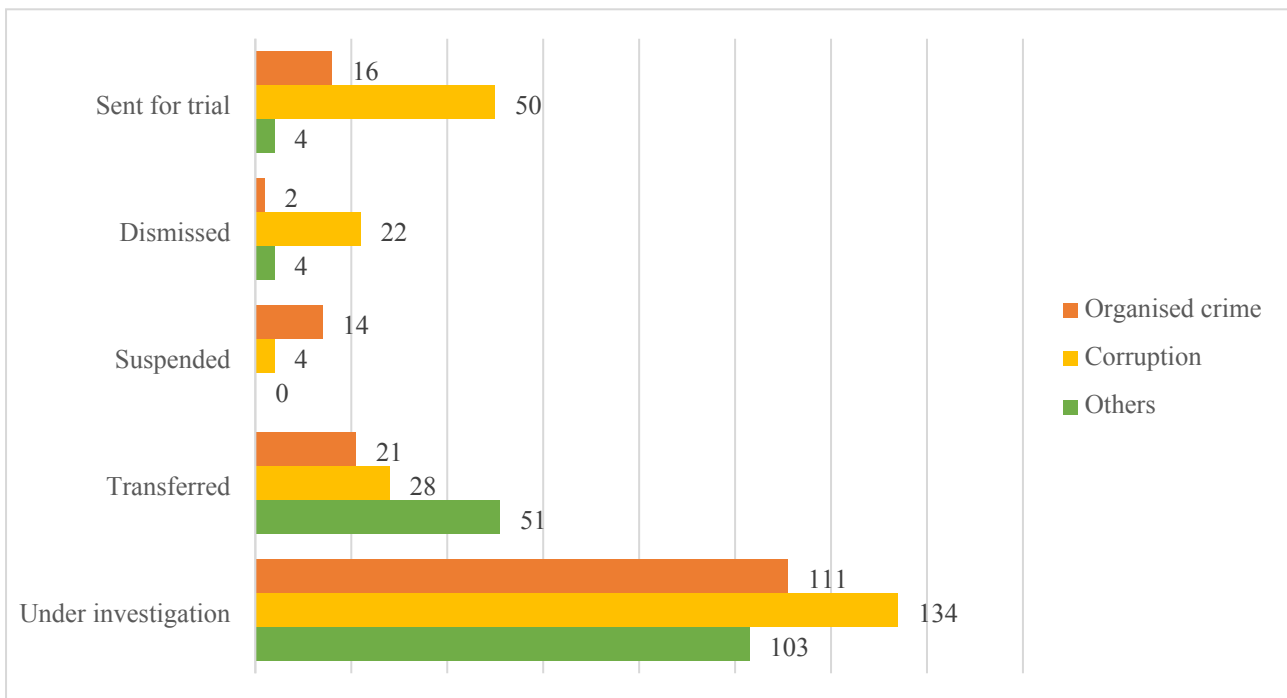


Chart 3: Progress of handling criminal proceedings investigated by the Special Prosecution against Corruption and Organized Crime

(19th December 2019 – 31st December 2020)

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

³⁵ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>

³⁶ Ibidem

³⁷ Ibidem

³⁸ Ibidem

Even in terms of the total number of defendants charged for these criminal offenses (746), about 31% or 260 of them have been sent for adjudication to the Special Court of First Instance for Corruption and Organized Crime.

The highest number of defendants sent for trial in the Special Court of First Instance against Corruption and Organized Crime is in criminal cases in the field of organized crime, with about 113 defendants sent for trial.

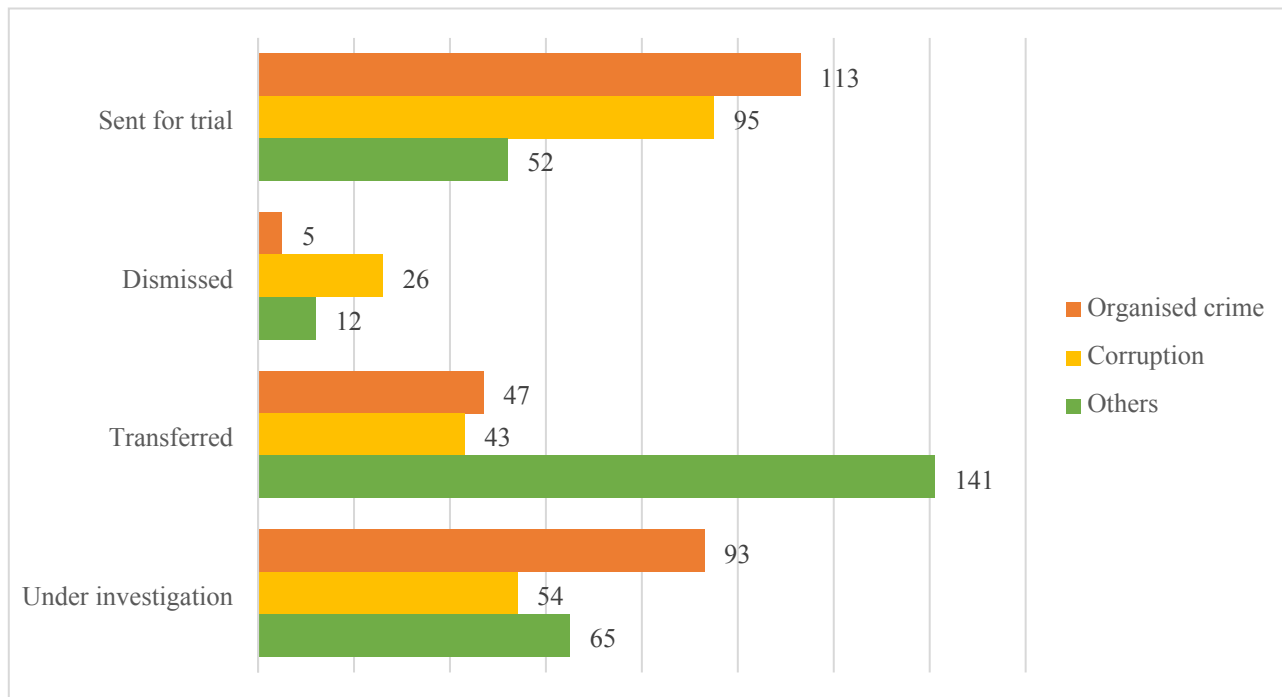


Chart 4: Number of accused/defendants in the criminal proceedings registered in the Special Prosecution Office against Corruption and Organized Crime

(19th December 2019 – 31st December 2020)

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

C. Financial investigations pursuant to Anti-Mafia Law³⁹

Upon the establishment of the Special Prosecution Office against Corruption and Organized Crime on 19th December 2019, the cases under the investigation to take preventive measures against assets, were transferred at this prosecution according to subject matter competence for the criminal offence committed, according to the article 75/a of the Criminal Procedure Code.⁴⁰

In the period between 19th December 2019 to 31st December 2020 the Special Prosecution Office against Corruption and Organized Crime has conducted a total of **313 financial investigations** pursuant to the Anti-Mafia Law.⁴¹

³⁹ Law No. 10 192, dated 3.12.2009 “On preventing and striking at organized crime, trafficking, corruption and other crimes through preventive measures”

⁴⁰ Ibidem, Article 38/6

⁴¹ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>

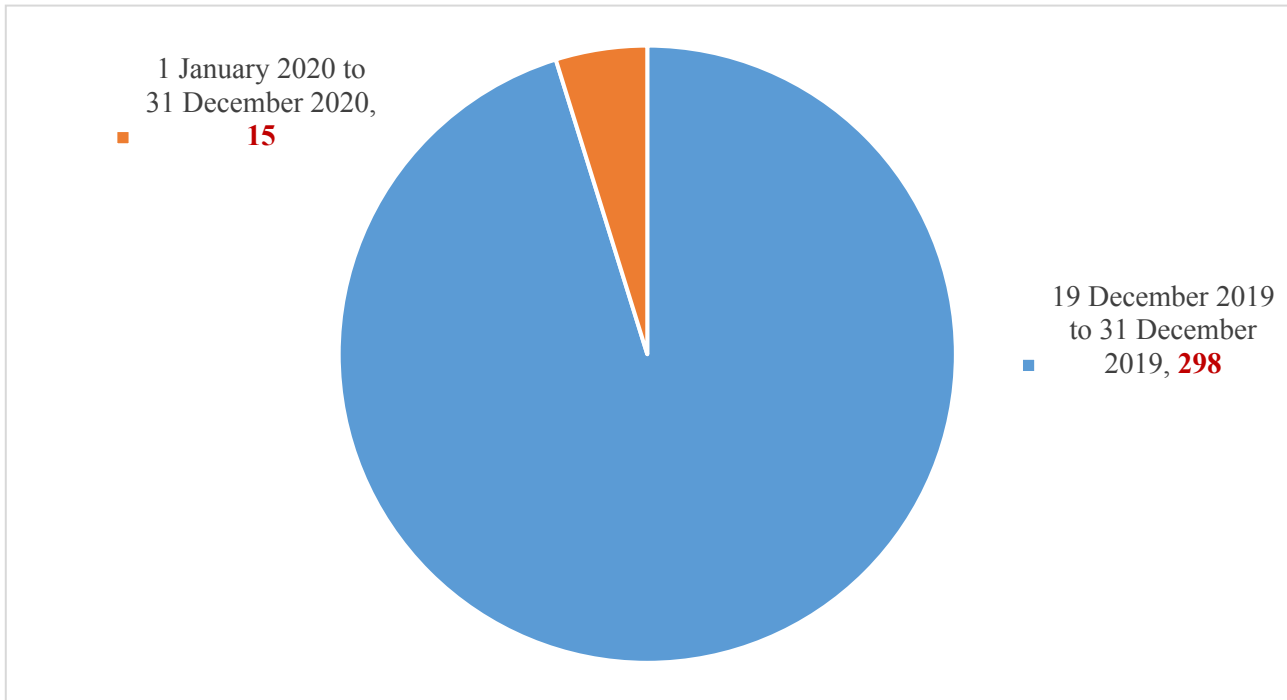


Chart 5: Number of financial investigations pursuant to Anti-Mafia Law conducted by the Special Prosecution Office against Corruption and Organized Crime

(19th December 2019 – 31st December 2020)

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

Out of 313 assets investigations, only **6 seizure requests** were sent to the court, while for **8 cases** under investigation, the Special Prosecution Office has requested the confiscation of the seized property.⁴²

As of December 31st, 2020, the Special Court of First Instance for Corruption and Organized Crime has issued **6 decisions** regarding measures for seizure and **2 decisions** regarding measures for confiscation of assets in the framework of the implementation of the Anti-Mafia Law.⁴³

Compared to the total number of assets investigations conducted by the Special Prosecution Office against Corruption and Organized Crime in the framework of the implementation of the Anti-Mafia Law, the number of requests sent to court for seizure and confiscation is low, while no further and detailed information was presented regarding the financial value and type of assets for which seizure and confiscation was requested.

⁴² Ibidem

⁴³ Ibidem

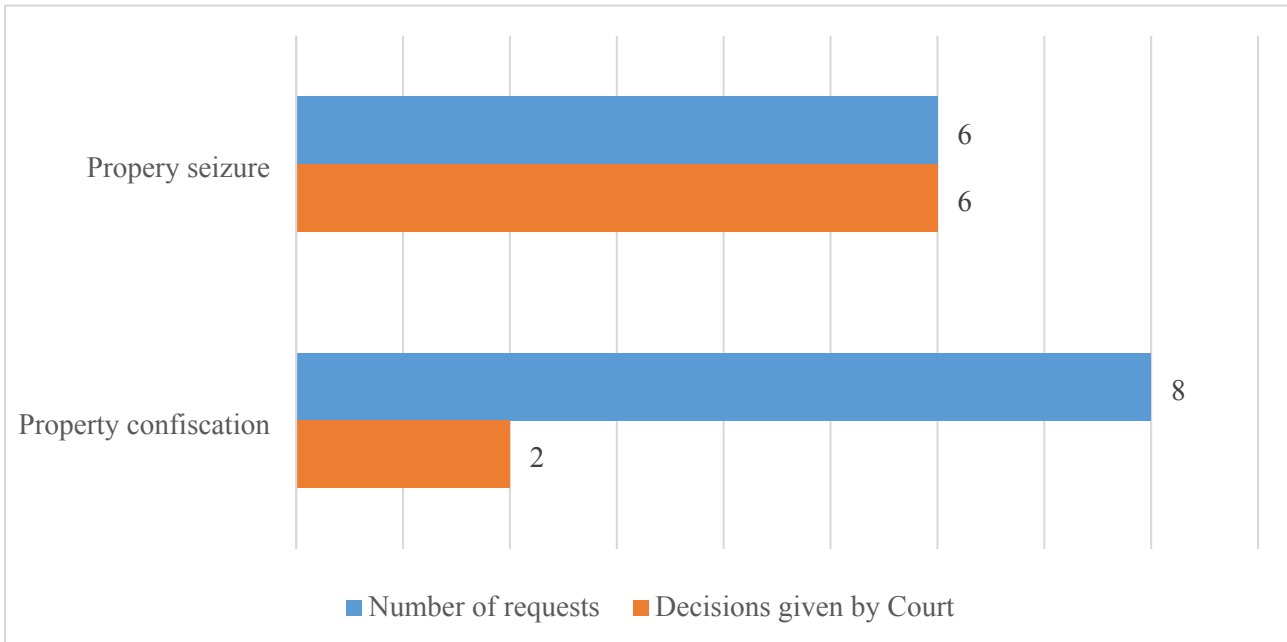


Chart 6: Number of requests submitted by the Special Prosecution Office against Corruption and Organized Crime and decisions of the Special Court of First Instance pursuant to the Anti-Mafia Law (19th December 2019 – 31st December 2020)

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

D. Preventive measures within the framework of the Normative Act No. 1, dated 31.01.2020

Within the scope of the Special Prosecution Office competences were included also obligations arising from the Normative Act no. 1, dated 31.01.2020 "On preventive measures in the framework of strengthening the fight against terrorism, organized crime, serious crime and consolidation of public order and security", approved by the Council of Ministers on 31st January 2020.⁴⁴ The implementation of this Normative Act began in 1st February and ended on 31st December 2020.

During this period the General Directorate of State Police has submitted for evaluation to the Special Prosecution Office against Corruption and Organized Crime a total of **251 materials**.⁴⁵

Based on the review process conducted by the Special Prosecution Office, the largest number of requests sent to the court consist of requests for property seizure (**120**) followed by requests for property confiscation (**62**).⁴⁶

A considerable number consisted of returned requests for complete documentation (**51**), although reasons or shortcomings related to these requests are not specified.⁴⁷

⁴⁴ Normative Act no. 1, dated 31.01.2020 "On preventive measures to strengthen the fight against terrorism, organized crime, serious crimes and the consolidation of public order and safety":

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

⁴⁵ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>

⁴⁶ Ibidem

⁴⁷ Ibidem

By contrast to the total number of requests, a high number is also the number of requests for seizure removal (42).⁴⁸

In order that all requests received in the framework of the implementation of the Normative Act be resolved, the Special Prosecution Office and the Special Courts will continue the evaluation process for the remained materials and cases during the year 2021.⁴⁹

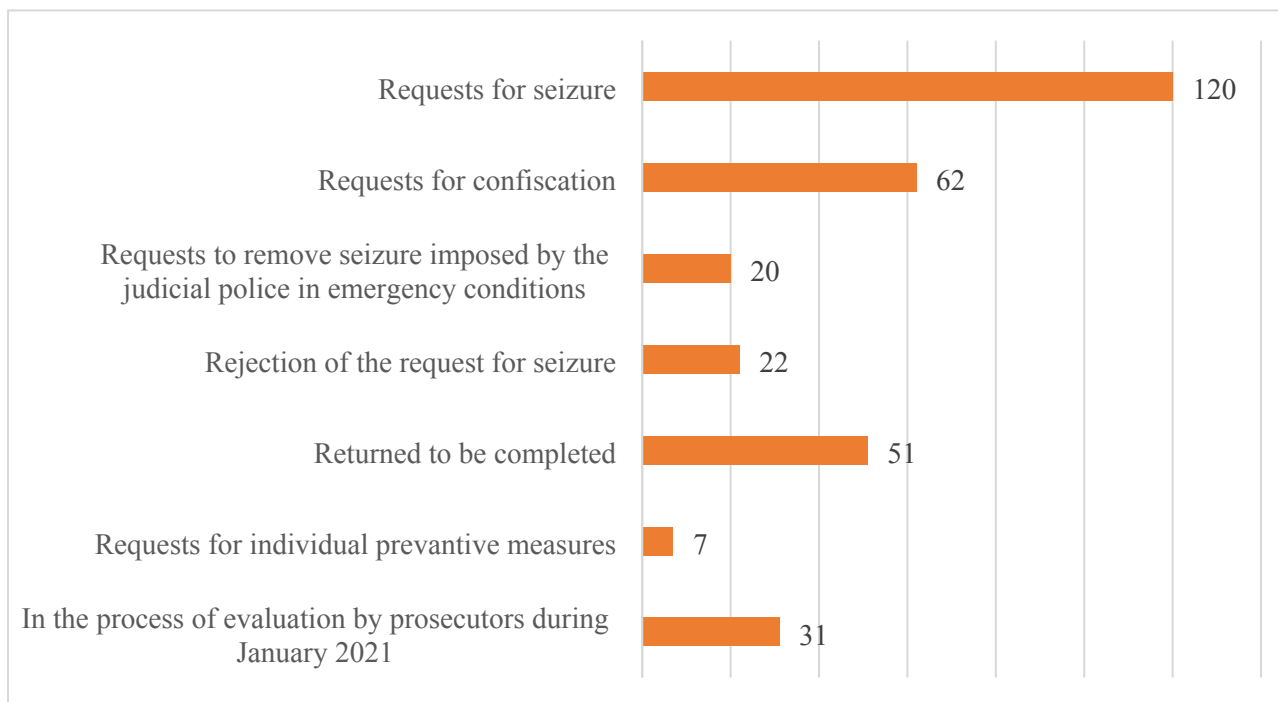


Chart 7: Number of requests pursuant to the Normative Act No. 1, dated 31.01.2020 submitted to the Special Court of First Instance by the Special Prosecution Office against Corruption and Organized Crime

(7th February 2020 – 31st December 2020)

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

The ratio between the number of assets types in the framework of the implementation of Normative Act no. 1, dated 31.01.2020 changes according to the requests for seizure and confiscation sent to the Special Court of First Instance.

As evidenced by the graph below in the cases of seizures requests made by the Special Prosecution Office against Corruption and Organized Crime in the framework of the implementation of the Normative Act, the number of immovable properties is higher by 373 compared to 233 seized movable properties.⁵⁰

⁴⁸ Ibidem

⁴⁹ Parliament of Albania, Normative Act no. 35, dated 16.12.2020 “On an amendment to the Normative Act no. 1, dated 31.01.2020 of Council of Ministers “On preventive measures to strengthen the fight against terrorism, organized crime, serious crimes and the consolidation of public order and safety” approved by the Law no. 18/2020: <https://www.parlament.al/ProjektLigje/ProjektLigjeDetails/53516>

⁵⁰ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>

This report varies in the case of confiscation requests made by the Special Prosecution Office against Corruption and Organized Crime. For these claims **29** are for confiscated movable property and only **8** are immovable properties.⁵¹

The annual report for 2020 of the institution of the Special Prosecution Office does not identify figures and estimates regarding the financial value of seized and confiscated assets in the framework of the implementation of Normative Act no. 1, dated 31.01.2020 according to the type of these assets.

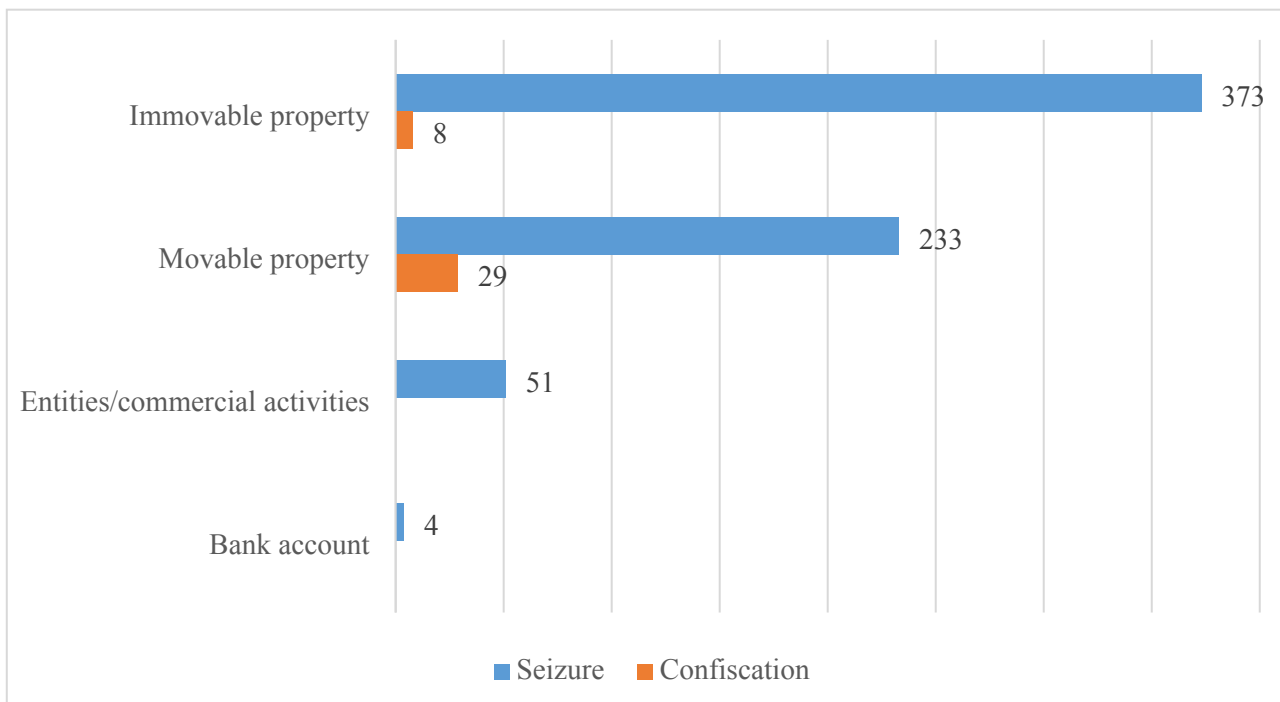


Chart 8: Types of seized and confiscated assets according to the decisions of the Special Court of First Instance for Corruption and Organized Crime in the framework of Normative Act no. 1, dated 31.01.2020

(7th February 2020 – 31st December 2020)

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

Out of 120 requests for seizure of property sent by the Special Prosecution Office to the Special Court of First Instance, 115 were accepted by the court and 2 were rejected, while 3 of them were passed for review in 2021.⁵²

Regarding 62 requests for confiscation, 25 were accepted by the court, 3 of them were rejected and for 35 other requests the trial has continued in 2021.⁵³

⁵¹ Ibidem

⁵² Ibidem

⁵³ Ibidem

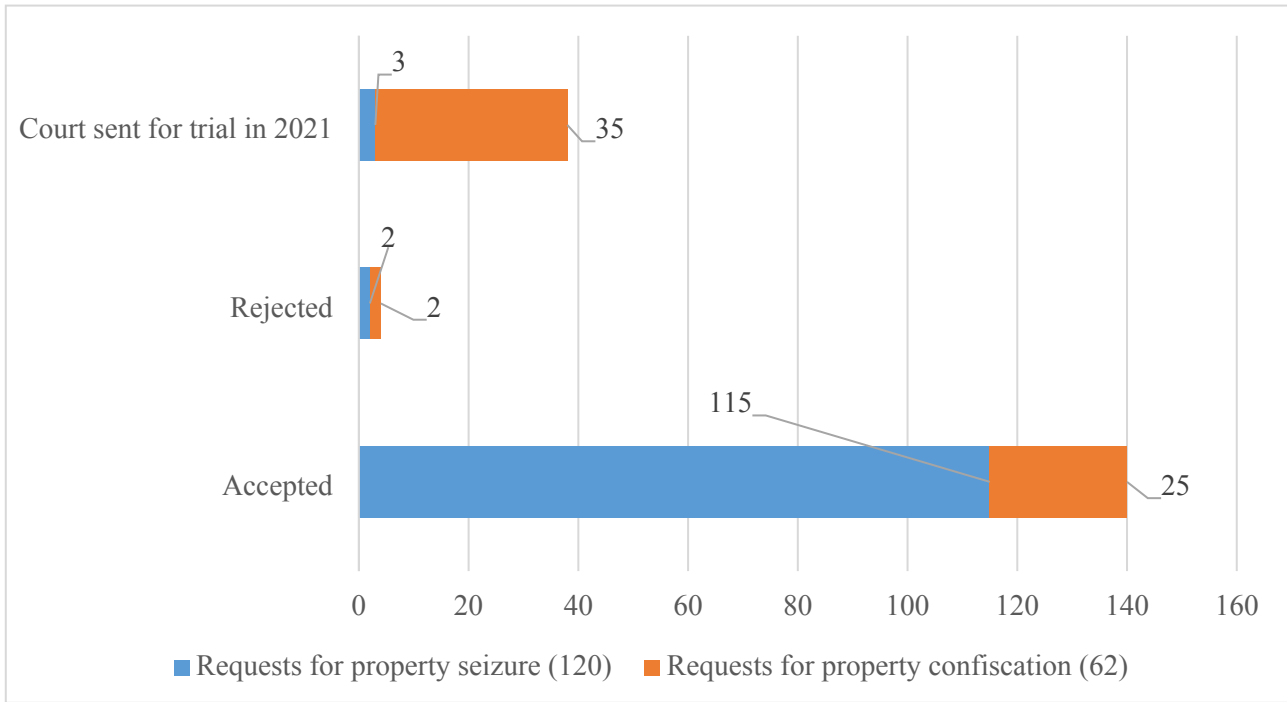


Chart 9: The review process of the requests for seizure and confiscation registered in the Special Court of First Instance for Corruption and Organized Crime in the framework of Normative Act no. 1, dated 31.01.2020

(7th February 2020 – 31st December 2020)

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

II. Special Courts of First Instance and Appeal for Corruption and Organized Crime: Activity and Performance (2020)

A. Number and type of backlog and new-registered cases

Criminal cases that were in the course of adjudication in the former Courts for Serious Crimes of First and Second Instance up to the day the Special Courts for Corruption and Organized Crime begin to function on 19th December 2019, were transferred to these courts.

Specifically, **26 criminal cases** were transferred to the Special Court of First Instance for Corruption and Organized Crime.⁵⁴ Criminal cases in the field of organized crime (**23**) constituted the largest number of cases transferred in the Special Court of First Instance for Corruption and Organized Crime. Upon these courts begin to function on December 2019, the number of registered cases related to corruption offenses were increased.⁵⁵ **2 criminal cases** transferred for trial to the Special Court of First Instance belonged to criminal offenses of corruption.⁵⁶

Between the period from 19th December 2019 to 31st December 2020, **70 new criminal cases** were registered in the Special Court of First Instance for Corruption and Organized Crime, composing a total number of **96 cases** registered in this court.⁵⁷ Out of these cases, **40 criminal cases** are related to corruption, **50 criminal cases** are in the field of organized crime and **6 criminal cases** are related to other criminal offenses.

⁵⁴ abcnews.al, Mbyllen Krimet e Rënda, dosjet e bujshme që kalojnë te Gjykata e Posaçme: <https://abcnews.al/mbyllen-krimet-e-renda-dosjet-e-bujshme-qe-kalojne-te-gjykata-e-posacme/>

* There are included: 1 case for which the Special Court of First Instance for Corruption and Organized Crime has declared the lack of subject-matter jurisdiction (Decision No. 2 dated 28.01.2020), as well as 1 other case transferred from the former Courts of Serious Crimes for which the suspension has been imposed.

⁵⁵ Special Court of First Instance for Corruption and Organized Crime, Ongoing cases/Criminal cases: https://www.gjp.gov.al/Kendi_informativ/Ceshtje_ne_gjykim/Dosje_penale/#/?NrPage=1&recPages=100&ftdb=01.01.2020&ftde=31.12.2020

⁵⁶ Ibidem

⁵⁷ Ibidem

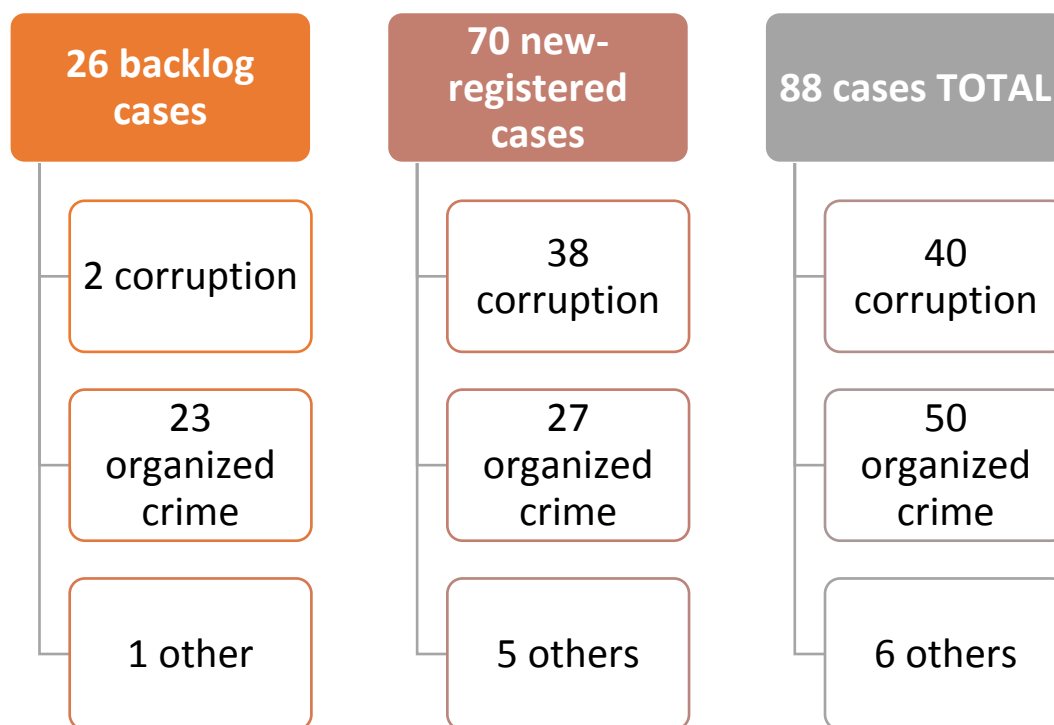


Figure 1: Number and case type of transferred and new-registered criminal cases in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

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

The relevant data and information published at the official website of the Special Court of Appeal for Corruption and Organized Crime concerning the number of backlog cases and new-registered cases in this court is not fully updated, thus creating limitations in order to comprehensively assess the total number of completed and ongoing the cases in this court. In a specific website section on statistics related to transferred and new-registered cases the information published shows that **26 criminal cases** have been transferred to the Special Court of Appeal for Corruption and Organized Crime and **19 new cases** have been registered in this court during 2020.⁵⁸

While, the information provided in the website section on the status of court cases in the Special Court of Appeal for Corruption and Organized Crime shows that between the period from 19th December 2019 to 31st December 2020, are registered **17 new criminal cases** and sent for trial **15 criminal cases** bringing the total number of cases in this court to **32 cases**.⁵⁹

The majority of criminal cases transferred to the Special Court of Appeal for Corruption and Organized Crime, but also the majority of the new criminal cases registered in this court, are constituted by criminal cases in the field of organized crime.

⁵⁸ Special Court of Appeal for Corruption and Organized Crime, Statistics/Criminal Cases: <http://www.gjykata.gov.al/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/statistika/c%C3%ABshtjet-penale/>

⁵⁹ Special Court of Appeal for Corruption and Organized Crime, Court cases/Criminal cases: <http://www.gjykata.gov.al/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/c%C3%ABshtjet-gjyq%C3%ABsore/c%C3%ABshtjet-penale/>



Figure 2: Number of transferred and new-registered criminal cases in the Special Courts of First Instance and Appeal for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

Source of data: Special Courts for Corruption and Organized Crime

B. Adjudication and judicial decisions in the Special Courts of First Instance and Appeal for Corruption and Organized Crime

As of December 31st, 2020, the trial of **42 cases** has been completed in the Special Court of First Instance for Corruption and Organized Crime.⁶⁰ Out of the completed cases in first instance for 2 of them the Special Court of First Instance has declared the lack of subject-matter jurisdiction, 1 of the cases has been returned and 1 case has been suspended.

As information on the number, type and judicial review of cases registered with the Special Court of Appeal for Corruption and Organized Crime is incomplete, the data on the completed cases refer to the indicators presented by the Special Prosecution Office. Based on this information, during the first-year activity, the prosecutors of the Special Prosecution Office have participated in court hearings held for various trials, of which **21 basic court decisions** were issued by the Special Court of Appeal for Corruption and Organized Crime,⁶¹ **11 of which** for cases related to organized crime.⁶²

⁶⁰ Special Court of First Instance for Corruption and Organized Crime, Completed cases/Criminal cases: https://www.gjp.gov.al/Kendi_informativ/Ceshtje_te_perfunduara/Dosje_penale/#/

⁶¹ Special Prosecution Office against Corruption and Organized Crime (SPAK), Notice, On the performance indicators of the Special Prosecution Office: <https://spak.al/2020/12/19/njoftim-mbi-treguesit-e-punes-te-prokurorise-se-posacme/>

⁶² Special Court of First Instance for Corruption and Organized Crime, Press Release, Special Court of First Instance for Corruption and Organized Crime, 30 December 2020: https://www.gjp.gov.al/Gjykata_e_Posacme/Njoftime/Njoftime_per_shtyp/Njoftim_per_shtyp_Gjykata_e_Posacme_e_Shk_alles_se_Pare_per_Korrupsionin_Krimin_e_Organizuar_30_dhjetor_2020.html

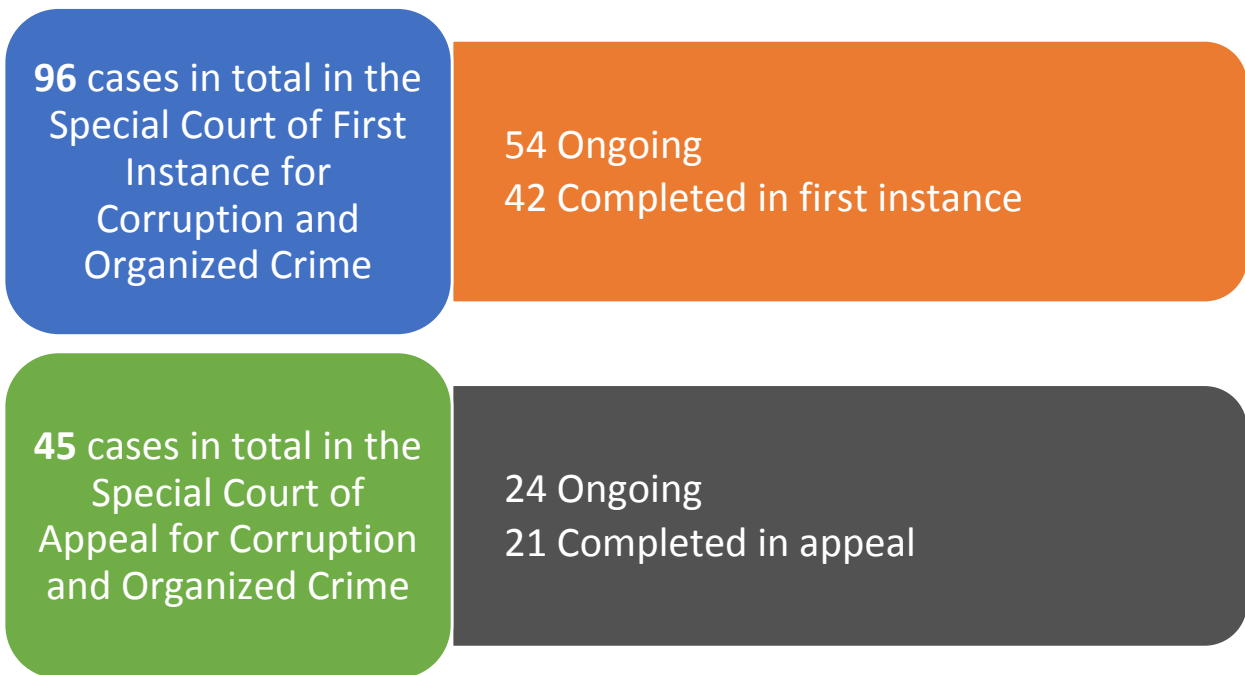


Figure 3: Status of the criminal cases registered in the Special Courts of First Instance and Appeal for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

Source of data: Special Courts for Corruption and Organized Crime & Special Prosecution Office against Corruption and Organized Crime (SPAK)

C. Preventive measures pursuant to Anti-Mafia Law⁶³

In the framework of the implementation of Law No. 10 192, dated 3.12.2009 “On preventing and striking at organized crime, trafficking, corruption and other crimes through preventive measures”, otherwise known as Anti-Mafia Law, in the Special Court of First Instance for Corruption and Organized Crime, are registered a total number of **13 requests for seizure and confiscation** and out of these requests **7** of them have been resolved.⁶⁴

Out of **4 requests for confiscation** submitted by the Special Prosecution Office (Special Prosecution Office against Corruption and Organized Crime - C), the Special Court of First Instance has completed the review for **2 of them**.⁶⁵ Although types of assets were specified (land, apartments and monetary value), their financial value is not reflected.⁶⁶

⁶³ Law No. 10 192, dated 3.12.2009 “On preventing and striking at organized crime, trafficking, corruption and other crimes through preventive measures”

⁶⁴ Special Court of First Instance for Corruption and Organized Crime, Press Release, Special Court of First Instance for Corruption and Organized Crime, 30 December 2020:

https://www.gjp.gov.al/Gjykata_e_Posacme/Njoftime/Njoftime_per_shtyp/Njoftim_per_shtyp_Gjykata_e_Posacme_e_Shk_alles_se_Pare_per_Korrupsionin_Krimin_e_Organizuar_30_dhjetor_2020.html

⁶⁵ Ibidem

⁶⁶ Ibidem

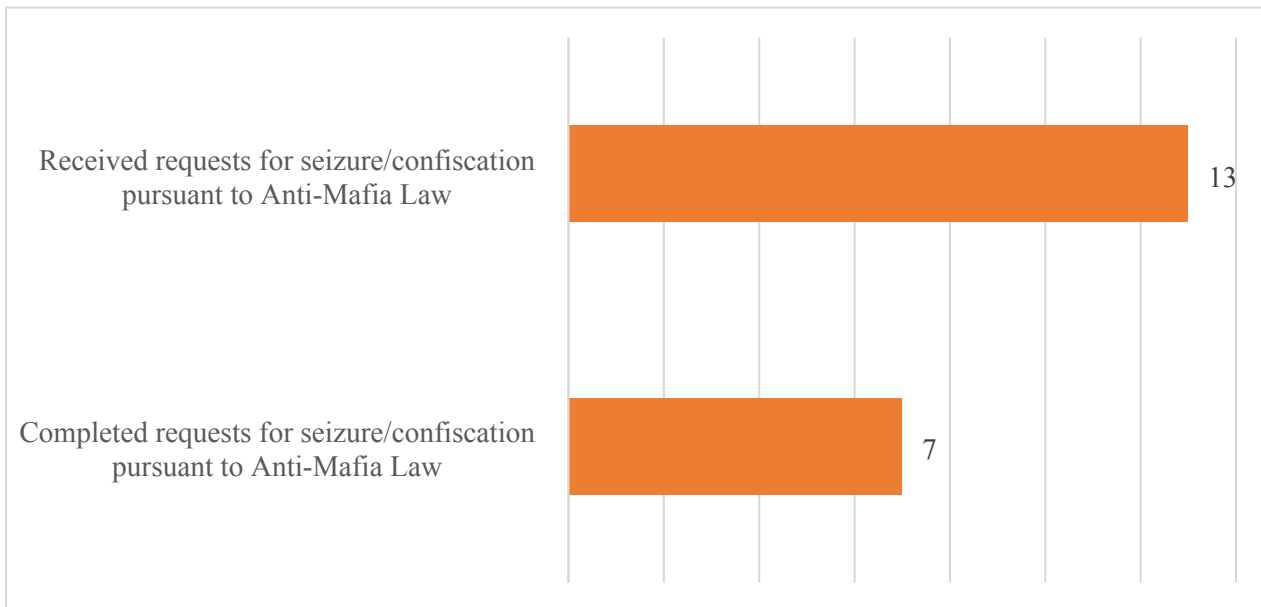


Chart 10: Number of requests pursuant to Anti-Mafia Law registered in the Special Court of First Instance for Corruption and Organized Crime (Year 2020)

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

D. Preventive measures within the framework of the Normative Act No. 1, dated 31.01.2020

Within the scope of the Special Courts for Corruption and Organized Crime competences were included also obligations arising from the Normative Act no. 1, dated 31.01.2020 "On preventive measures in the framework of strengthening the fight against terrorism, organized crime, serious crime and consolidation of public order and security", approved by the Council of Ministers on 31st January 2020.⁶⁷

A total of **122 requests for seizure and confiscation** have been submitted to this court within the framework of the implementation of the Normative Act.⁶⁸ **115 requests for seizure** have been reviewed by the court, **11 requests for confiscation** has been completed and another **49** are in the process of the review.⁶⁹ Regarding the requests for personal preventive measure, **6 requests** out of 7 submitted by the Special Prosecution were reviewed and accepted (See: Chart 4).⁷⁰

Given that the Special Courts for Corruption and Organized Crime will continue the review of the unresolved claims in the framework of the implementation of the Normative Act during the year

⁶⁷ Normative Act no. 1, dated 31.01.2020 "On preventive measures to strengthen the fight against terrorism, organized crime, serious crimes and the consolidation of public order and safety":

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

⁶⁸ Special Court of First Instance for Corruption and Organized Crime, Press Release, Special Court of First Instance for Corruption and Organized Crime, 30 December 2020:

https://www.gjp.gov.al/Gjykata_e_Posacme/Njoftime/Njoftime_per_shtyp/Njoftim_per_shtyp_Gjykata_e_Posacme_e_Shk_alles_se_Pare_per_Korrupsionin_Krimin_e_Organizuar_30_dhjetor_2020.html

⁶⁹ Ibidem

⁷⁰ Ibidem

2021, the published indicators reflect the progress of the implementation of the Normative Act up to the end of December 2020.

Notwithstanding, the data shows a low number of requests for seizure of the criminal assets compared to the number of requests for confiscation, while a full assessment has not yet been submitted regarding the financial value of these assets.⁷¹

Indicators related to the implementation of the Normative Act also lack data on the number of requests submitted to the Special Court of Appeal for Corruption and Organized Crime, while the official website of this institution does not reflect specific information on requests received within the implementation of the Normative Act and decisions taken by this court.⁷²

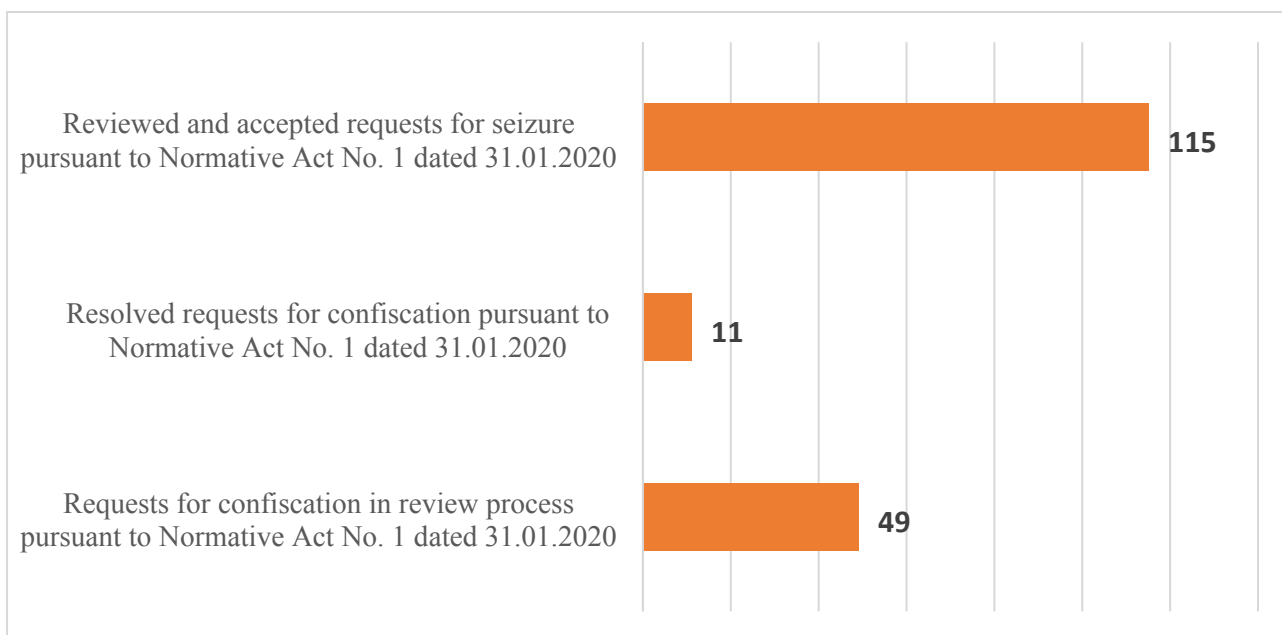


Chart 11: Number of submitted, accepted and reviewed requests pursuant to the Normative Act No. 1, dated 31.01.2020 in the Special Court of First Instance for Corruption and Organized Crime (Year 2020)

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

⁷¹ In order to have full access to all types of requests and decisions on preventive measures in the framework of the implementation of the Normative Act, it is necessary that data/information be updated and archived/Special Court of First Instance for Corruption and Organized Crime: Resolved cases, Criminal Cases:

https://www.gjp.gov.al/Kendi_informativ/Ceshtje_te_perfunduara/Kerkesa_penale/#/

Decisions on preventive measures pursuant to the Normative Act:

https://www.gjp.gov.al/Gjykata_e_Posacme/Njofitime/Vendime_te_masave_parandaluese_sipas_aktit_normativ/

⁷² Special Court of Appeal for Corruption and Organized Crime, Statistics/Criminal Cases:

<http://www.gjykata.gov.al/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/statistika/c%C3%ABshtjet-penale/>

CHAPTER II:

An assessment of the judicial response to corruption and organized crime cases proceeded to trial in the Special Courts of First Instance and Appeal for Corruption and Organized Crime

This Chapter aims to assess the data on the 1-year activity of the Special Prosecution Office against Corruption and Organized Crime (SPAK) and the Special Courts for Corruption and Organized Crime based on the indicators set out in the methodology.

I. Productivity

Corruption cases

The number of the new-registered corruption cases has been significantly increased compared to that of organized crime cases, beginning from the day the Special Prosecution Office against Corruption and Organized Crime and the Special Courts of First Instance and Appeal for Corruption and Organized Crime were established on 19th December 2019.

The Special Prosecution Office announced also a dedicated online section at its official website for citizens wanting to report or denounce corruptive acts.⁷³ The high number of denunciations and complaints made by citizens during the first year of the Special Prosecution activity,⁷⁴ has underlined the widespread presence of the phenomena by considering corruption cases a priority in the work of the Special Prosecution Office against Corruption and Organized Crime.⁷⁵

Although highly in number, a significant gap is evidenced as regard the ration between the number of corruption proceedings registered in the Special Prosecution Office and the number of these cases sent for trial in the Special Court of First Instance for Corruption and Organized Crime.

"From a total of 238 criminal proceedings for corruption registered in the Special Prosecution Office against Corruption and Organized Crime, 50 of them were sent for trial in the Special Court of First Instance for Corruption and Organized Crime"⁷⁶

⁷³ Special Prosecution Office against Corruption and Organized Crime (SPAK): <https://spak.al/>

⁷⁴ Intervistë ekskluzive me drejtuesin e SPAK, Arben Kraja, Radio Televizioni Shqiptar, 31 Minuta: <https://www.youtube.com/watch?v=4bKo0YZnnLo>

⁷⁵ Ibidem

⁷⁶ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>



Figure 4: Ratio between corruption cases investigated by the Special Prosecution Office for Corruption and Organized Crime and the number of corruption cases sent for trial in the Special Courts of First Instance and Appeal for Corruption and Organized Crime

(19th December 2019 – 31st December 2020)

Source of data: Special Prosecution Office against Corruption and Organized Crime (SPAK) & Special Courts for Corruption and Organized Crime

Organized crime cases

The number of cases related to organized crime offenses constituted the largest number of cases in the former-Prosecution of Serious Crimes⁷⁷ and the former-Serious Crime Courts.⁷⁸ Thereupon, after the new institutions of Special Prosecution Office and Special Courts were established mostly of the cases transferred to these institutions were in the field of organized crime.

Same as with corruption cases, during the year 2020 the ratio between the number of organized crime proceedings registered in the Special Prosecution Office and number of these cases sent for trial in the Special Court of First Instance for Corruption and Organized Crime shows a marked difference.

“From a total of 164 criminal proceedings for organized crime registered in the Special Prosecution Office against Corruption and Organized Crime, 16 of them were sent for trial in the Special Court of First Instance for Corruption and Organized Crime”⁷⁹

Throughout the 2020, 18 out of 50 organized crime cases were completed in the first instance level,⁸⁰ and 11 organized crime cases were completed in second level (Appeal Court).⁸¹

⁷⁷ Ibidem

⁷⁸ abcnews.al, Mbyllet Krimet e Rënda, dosjet e bujshme që kalojnë te Gjykata e Posaçme: <https://abcnews.al/mbyllet-krimet-e-renda-dosjet-e-bujshme-qe-kalojne-te-gjykata-e-posacme/>

⁷⁹ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>

⁸⁰ Special Court of First Instance for Corruption and Organized Crime, Resolved Cases/Criminal Cases: https://www.gjp.gov.al/Kendi_informativ/Ceshtje_te_perfunduara/Dosje_penale/#!/?NrPage=1&recPages=100&ftdb=01.01.2020&ftde=31.12.2020

⁸¹ Special Court of First Instance for Corruption and Organized Crime, Press Release, Special Court of First Instance for Corruption and Organized Crime, 30 December 2020: https://www.gjp.gov.al/Gjykata_e_Posacme/Njoftime/Njoftime_per_shtyp/Njoftime_per_shtyp_Gjykata_e_Posacme_e_Shkalles_se_Pare_per_Korrupsionin_Krimin_e_Organizuar_30_dhjetor_2020.html



Figure 5: Ratio between organized crime cases investigated by the Special Prosecution Office for Corruption and Organized Crime and the number of organized crime cases sent for trial in the Special Courts of First Instance and Appeal for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

Source of data: Special Prosecution Office against Corruption and Organized Crime (SPAK) & Special Courts for Corruption and Organized Crime

II. Efficiency

Vacancies in the Special Courts for Corruption and Organized Crime⁸²

Filling vacancies in the Special Courts for Corruption and Organized Crime was one of the main challenges of the High Judicial Council (HJC) throughout the year 2020. The legal number of judges in these courts is 16 judges in the Special Court of First Instance for Corruption and Organized Crime and 11 judges in the Special Court of Appeal for Corruption and Organized Crime.

Based on the fulfilment of security conditions and the successful re-evaluation process, in December 2019 the High Judicial Council (HJC) appointed temporarily 12 judges in the Special Court of First Instance for Corruption and Organized Crime and 6 judges in the Special Court of Appeal for Corruption and Organized Crime, of which 5 appointed permanently and 1 appointed temporarily (Total: 13 judges appointed temporarily and 5 appointed permanently).⁸³

To fill the vacancies in the Special Court of First Instance and the Special Court of Appeal, the HJC announced in February 2020, 10 new vacancies (5 at First Instance Court and 5 at Appeal Court), followed by the announcement of 4 other vacancies (2 in July 2020 and 2 in January 2021 - a total of 14 vacancies, 8 first instance & 6 appeal).⁸⁴

In the Special Court of First Instance for Corruption and Organized Crime for 8 vacancy positions have applied 3 applicants. During February 2021 for 1 of the candidates the High Judicial Council has

⁸² This section aims to identify the challenge of filling the vacancies in the Special Courts for Corruption and Organized Crime and its impact related to other judiciary indicators such as: WR- Average workload of judges; ER-Efficiency Rate; RQÇ- The case turnover ratio; DT-The Disposition Time and CR-The Clearance Rate.

⁸³ High Judicial Council (HJC), Individual Administrative Acts, Decisions No. 287-304: <http://klgj.al/akte-administrative-individualne/>

⁸⁴ High Judicial Council (HJC), Notice of announcement for the promotion procedure in the Special Courts: <http://klgj.al/njoftim-per-shpalljen-e-procedures-se-ngritjes-ne-detyre-ne-ne-gjykatat-e-posacme/>

decided on the qualification of the candidate and the continuation of the procedure for his promotion to the Special Court of First Instance for Corruption and Organized Crime.⁸⁵ Meanwhile, no candidate has applied for the remaining 6 vacancies, 4 of which have been reopened several times.⁸⁶

The High Judicial Council has also decided to start the selection procedures for promotion to the Special Court of Appeals for Corruption and Organized Crime, for 3 vacant positions.⁸⁷ Currently applications for 2 vacant positions in this court remain open.⁸⁸

The application and qualification of 4 judges currently appointed to the Special Courts for Corruption and Organized Crime for other positions, as is the case in the High Court, highlights the current problem of the low number of judges in these courts.⁸⁹

Incomplete functioning of the Special Courts for Corruption and Organized Crime throughout 2020 compose also a serious obstacle related to important indicators in terms of judiciary efficiency.⁹⁰

Given the progress so far, filling these vacancies results to be one of the main challenges for the year ahead not only for the High Judicial Council, but also for the Special Courts.

Duration of judicial proceedings in Special Courts for Corruption and Organized Crime

In order to estimate the average duration of judicial proceedings related to corruption and organized crime in the Special Court of First Instance for Corruption and Organized Crime, for each of the resolved cases is collected information on the duration of the trial process.

Meanwhile, the estimation of the average duration of the trial of cases in the Special Court of Appeal for Corruption and Organized Crime has not been possible due to the lack of publication of all cases registered in this court during 2020. In a sub-section on the duration of cases on the website of this court is published the number of cases reviewed in this court over the years, without specifying the year and type of cases.⁹¹

Duration of the trial begin from the date the case is registered in court up to the data the case is completed and the publication of the decision is made. To group criminal cases according to their trial duration process are applied intervals as follow: less than one month, 1-6 months, 7-12 months, 1-2 years and more than 2 years. In criminal trials at first instance, the time limit for adjudication of crimes is up to 2 years and the time limit of completion of a trial on appeal is up to 1 year.⁹²

⁸⁵ High Judicial Council (HJC), Individual Administrative Acts, Decision No. 50, dated 11.02.2021: <http://klgj.al/akte-administrative-individuale/>

⁸⁶ High Judicial Council (HJC), Notice of announcement of the promotion procedure in the Special Courts: <http://klgj.al/njoftim-per-shpalljen-e-procedures-se-ngritjes-ne-detyre-ne-gjykatat-e-posacme/>

⁸⁷ High Judicial Council (HJC), Individual Administrative Acts, Decision No. 59 dated 16.02.2021: <http://klgj.al/akte-administrative-kolektive/>

⁸⁸ High Judicial Council (HJC), Notice of announcement of the promotion procedure in the Special Courts: <http://klgj.al/njoftim-per-shpalljen-e-procedures-se-ngritjes-ne-detyre-ne-gjykatat-e-posacme/>

⁸⁹ High Judicial Council (HJC), Press release, date 12 March 2021: <http://klgj.al/njoftim-per-shtyp-date-12-mars-2021/>

⁹⁰ High Judicial Council (HJC), Annual Report 2019 (Albanian), Analysis on the Situation of the Courts at the National Level, <http://klgj.al/wp-content/uploads/2020/09/RAPORTI-VJETOR-2019-pdf.pdf>

⁹¹ Special Court of Appeal for Corruption and Organized Crime, Statistics, Duration of cases: <http://www.gjykata.gov.al/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/statistika/koh%C3%ABzgjatja-e-c%C3%ABshtj%C3%ABve/>

⁹² Civil Procedure Code of the Republic of Albania, Article 399/2/d

Corruption cases⁹³

The duration of judicial proceedings for criminal offenses related to organized crime is longer compared to the duration of trial proceedings for corruption offenses. In most of the corruption cases the duration of the trial varies from less than 1 month (5) and 1-6 months (8), while for 1 other case the trials duration has been between 1-2 years. No corruption cases have been completed within the interval between 7-12 months and over 2 years.

The trial duration of corruption cases in the Special Court of Appeal for Corruption and Organized Crime varies no more than 2-6 months.⁹⁴

Duration	< 1 months	%	1-6 months	%	7-12 months	%	1-2 years	%	> 2 years	%	Total
Number of cases	5	36%	8	57%	0	0%	1	7%	0	0%	14

Table 2: Duration of judicial proceedings (according to intervals) for corruption cases resolved in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

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

The average duration of cases adjudication in the Special Court of First Instance for Corruption and Organized Crime during 2020 has been 236 days or 7 months and 24 days. In cases of trials involving corruption charges, this average adjudication duration was exceeded by only 1 case.

Case number	Duration of the case				
	< 1 months	1-6 months	7-12 months	1-2 years	> 2 years
No. 5				393 days	
No. 29	16 days				
No. 30	8 days				
No. 31	14 days				
No. 32		49 days			
No. 33		148 days			
No. 35	30 days				
No. 36		57 days			

⁹³ The presented data refer to the information published by the Special Court of First Instance for Corruption and Organized Crime for 14 completed corruption cases. Data on cases no. 25, 27, 52, 74, 75, 78 and 79 for which the trial in the first instance has been completed are not yet published on the court website.

⁹⁴ Special Court of Appeal for Corruption and Organized Crime, Statistics/Criminal Cases:

<http://www.gjykata.gov.al/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/statistika/c%C3%ABshtjet-penale/>

No. 39		142 days			
No. 50		52 days			
No. 51		59 days			
No. 55		64 days			
No. 58	20 days				
No. 62		55 days			

Table 3: Duration of judicial proceedings (in days) for corruption case resolved in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

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

Organized crime cases⁹⁵

The average duration of judicial proceedings for organized crime cases is longer compared to the period of judicial proceedings related to corruption. Only for **1 case** in the field of organized crime the trial lasted 2 months, for **3 cases** the duration of the trial varied between 7-12 months, while for **9 cases** the trial ended within the time interval 1-2 years.⁹⁶

Only for **1 case** in the field of organized crime carried over from the former Serious Crimes Court, the main trial lasted over 2 years, violating the deadline set by law.

Regarding the duration of the trial of criminal offenses in the field of organized crime in the Special Court of Appeal for Corruption and Organized Crime, the duration of the trial is shorter and varies for from 2-6 months and from 6-12 months, without exceeding more than 1 year.⁹⁷

Duration	< 1 months	%	1-6 months	%	7-12 months	%	1-2 years	%	> 2 years	%	Total
Number of cases	0	0%	1	7%	3	21%	9	64%	1	7%	14

Table 4: Duration of judicial proceedings (according to intervals) for organized crime cases resolved in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

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

⁹⁵ The presented data refer to the information published by the Special Court of First Instance for Corruption and Organized Crime for 18 completed organized crime cases. Data on cases no. 17, 18, 56 and 77 for which the trial in the first instance has been completed are not yet published on the court website.

⁹⁶ Special Court of First Instance for Corruption and Organized Crime, Resolved Cases/Criminal Cases: https://www.gjp.gov.al/Kendi_informativ/Ceshtje_te_perfunduara/Dosje_penale/#!/?NrPage=1&recPages=100&ftdb=01.01.2020&ftde=31.12.2020

⁹⁷ Special Court of Appeal for Corruption and Organized Crime, Statistics/Criminal Cases: <http://www.gjykata.gov.al/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/statistika/c%C3%ABshtjet-penale/>

The average trial duration of **236 days or 7 months and 24 days** has been exceeded for 12 organized crime cases completed in the Special Court of First Instance for Corruption and Organized Crime.

Case number	Duration of the case ⁹⁸				
	< 1 months	1-6 months	7-12 months	1-2 years	> 2 years
No. 1					1292 days
No. 4				656 days	
No. 8				576 days	
No. 9				591 days	
No. 10				555 days	
No. 11				460 days	
No. 13				495 days	
No. 14			222 days		
No. 15				446 days	
No. 16				470 days	
No. 19			343 days		
No. 23				391 days	
No. 24			252 days		
No. 49		61 days			

Table 5: Duration of judicial proceedings (in days) for organized crime case resolved in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

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

⁹⁸ The table also includes the duration of cases no. 9, 13, 16, 23 and 49, for which the trial in the first instance has been completed, but the ordering provision has not been published yet.

III. Relevancy

Corruption cases

Defendants profile

The number of criminal proceedings for corruption registered during the year 2020 in the Special Prosecution Office against Corruption and Organized Crime has increased compared to criminal proceedings in the field of organized crime.

In addition to criminal charges for the subjects provided for in the competencies of the Special Prosecution Office against Corruption and Organized Crime⁹⁹ and Special Courts for Corruption and Organized Crime,¹⁰⁰ criminal charges for corruption within the competencies of these institutions also include other subjects such as: 1) persons exercise public functions and foreign public servants; 2) judges, prosecutors and other justice officials; and 3) senior state or local elected officials.¹⁰¹

Analysing the monitored corruption cases registered in the Special Court of First Instance against Corruption and Organized Crime, results that charges related to corruption cases of **persons exercising public functions** constitute the criminal offense with the highest number of cases for corruption offenses.

From **28 criminal cases** related to persons exercising public functions, 25 charges are for active corruption of persons exercising public functions (Article 244) and 6 charges for passive corruption of persons exercising public functions (Article 259).¹⁰² **16 out of these 22** cases have been completed in the Special Court of First Instance for Corruption and Organized Crime, while **12 other cases** are ongoing at the trial. (See: Annex A)

In relation to the criminal offense of exercising unlawful influence on persons exercising public functions, in the Special Court of First Instance for Corruption and Organized Crime are registered **8 criminal cases**,¹⁰³ while this criminal offense is included in 2 other cases, of which are related to the corruption of persons exercising public functions.¹⁰⁴

⁹⁹ Constitution of the Republic of Albania, Article 135/2

¹⁰⁰ Criminal Procedure Code of the Republic of Albania, Article 75/a

Criminal charges against the President of the Republic, Speaker of Parliament, Prime Minister, member of the Council of Ministers, judge of the Constitutional Court and the High Court, General Prosecutor, High Justice Inspector, Mayor, member of the parliament, deputy minister, member of the High Judicial Council and High Prosecutorial Council, and directors of independent and central institutions defined in the Constitution or in law.

Criminal charges against above former officials, when the offence was committed on duty.

¹⁰¹ Ibidem

¹⁰² Special Court of First Instance for Corruption and Organized Crime, Resolved Cases/Criminal Cases, Cases no. 29, 30, 31, 32, 33, 35, 36, 39, 40, 46, 50, 51, 55, 58, 61, 62, 68, 71, 74, 78, 79, 87, 89, 91, 92, 94, 95 and 96:

https://www.gjp.gov.al/Kendi_informativ/Ceshtje_te_perfunduara/Dosje_penale/#!/?NrPage=1&recPages=100&ftdb=01.01.2020&ftde=31.12.2020

¹⁰³ Special Court of First Instance for Corruption and Organized Crime Cases No. 53, 59, 65, 75, 81, 84, 90 and 93:

https://www.gjp.gov.al/Kendi_informativ/Ceshtje_ne_gjykim/Dosje_penale/#!/

¹⁰⁴ Special Court of First Instance for Corruption and Organized Crime, Cases No. 39 and 68:

https://www.gjp.gov.al/Kendi_informativ/Ceshtje_ne_gjykim/Dosje_penale/#!/

Only **3 corruption cases** are registered in the Special Court of First Instance for Corruption and Organized Crime, for charge that include judges, prosecutors and other justice officials.¹⁰⁵ The trial process in the Special Court of First Instance has been completed for all the 3 cases and for 1 of them sent for trial in the Special Court of Appeal for Corruption and Organized Crime.¹⁰⁶

In the course between 19th December 2019 and 31st December 2020, **no criminal cases** involving corruption allegations against high state officials or local elected representatives are reported to have been registered in the Special Court of First Instance for Corruption and Organized Crime.

Only **1 case** in the field of corruption has been registered for the criminal offense for breaching the equality of participants in public bids or auctions.¹⁰⁷

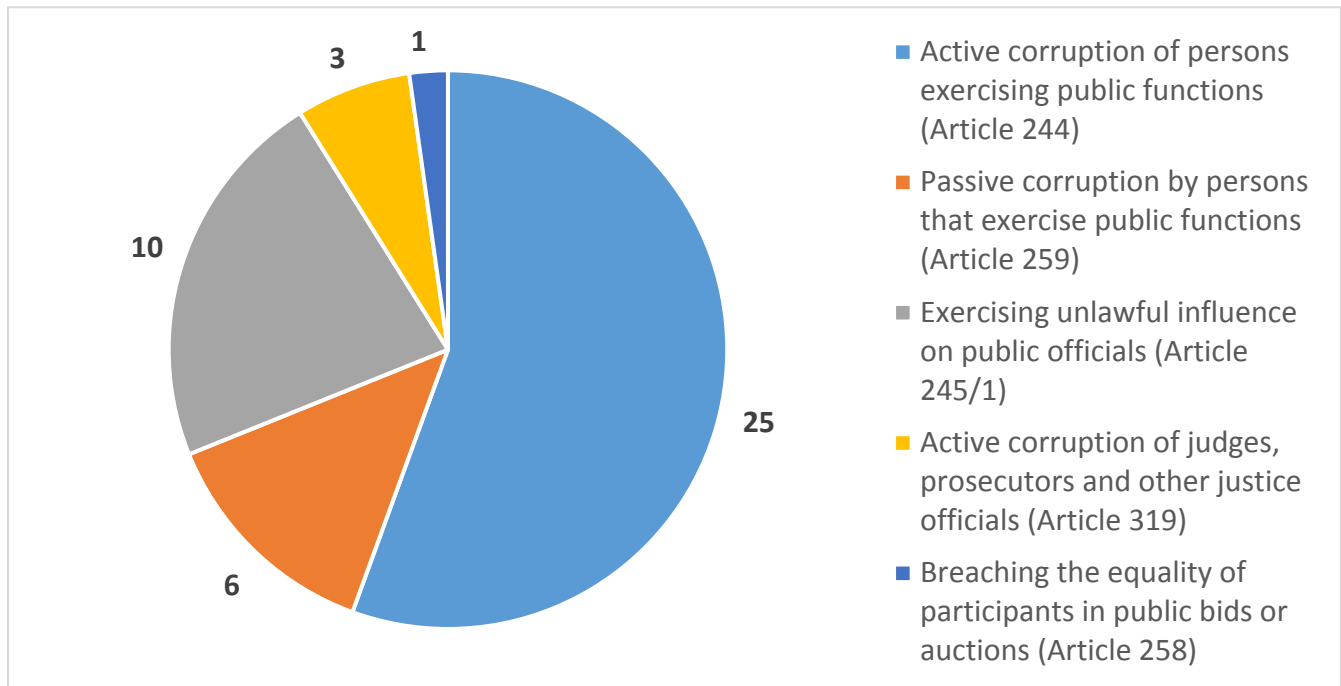


Chart 12: Criminal offenses of corruption cases registered in the Special Court of First Instance for Corruption and Organized Crime

(19th December 2019 – 31st December 2020)

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

In requests for mutual legal assistance from foreign judicial authorities, requests related to corruption offenses constitute the lowest number of requests handled by the Special Prosecution Office against Corruption and Organized Crime during 2020, specifically, **4.6%** or 3 requests from 64.¹⁰⁸

¹⁰⁵ Special Court of First Instance for Corruption and Organized Crime, Resolved Cases/Criminal Cases, Cases no. 5, 25 and 52: https://www.gjp.gov.al/Kendi_informativ/Ceshtje_te_perfunduara/Dosje_penale/#/

¹⁰⁶ Special Court of Appeal for Corruption and Organized Crime, Case no. 59123-00091-87-2020: <http://www.gjykata.gov.al/umbraco/Surface/SearchSurface/GenerateAndDownloadCaseInformationReport?caseId=87-2020-00092&courtId=87>

¹⁰⁷ Special Court of First Instance for Corruption and Organized Crime, Case No. 27: https://www.gjp.gov.al/Kendi_informativ/Ceshtje_te_perfunduara/Dosje_penale/#/

¹⁰⁸ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>

Meanwhile **12.8%** or 5 requests out of 39 in total were made during 2020 by the Special Prosecution Office for mutual legal assistance to foreign judicial authorities.¹⁰⁹



Figure 6: Requests for mutual legal assistance from foreign judicial authorities & Requests for mutual legal assistance to foreign judicial authorities in relation to corruption offenses (19th December 2019 – 19th December 2020)

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

Criminal cases-related to other offenses

Charges for other criminal offenses against the subjects provided for in the competencies of the Prosecution and Special Courts constitute a lower number of cases, compared to the criminal charges in the field of corruption and organized crime. Until December 31st, 2020, **6 proceedings** for other criminal offenses were registered in the Special Court of First Instance for Corruption and Organized Crime (See: Figure 7).

For 2 of these cases, the Special Court of First Instance has declared lack of subject-matter jurisdiction, while the trial on the case against the Mayor of Tirana for the criminal offense of defamation has continued.¹¹⁰ Meanwhile, unlike in the corruption offenses, some of cases-related to other offenses include charges against high-level officials.

¹⁰⁹ Ibidem

¹¹⁰ Special Court of First Instance for Corruption and Organized Crime, Completed cases/Criminal cases, Cases No. 6, 57 and 44: https://www.gjp.gov.al/Kendi_informativ/Ceshtje_te_perfunduara/Dosje_penale/#/

Respectively, the case against the former Prosecutor General, accused for hiding or false declaration of assets and private interests, is still pending,¹¹¹ while for the judge of the Appeal Chamber accused of forging documents, the decision on suspension of the execution of the sentence of imprisonment of 6 months providing that the defendant does not commit another criminal offense within a probation period of 12 months is in trial process in the Special Court of Appeal for Corruption and Organized Crime.¹¹²

In December 2020, the Special Prosecution Office against Corruption and Organized Crime proceeded for trial to the Special Court of First Instance the criminal proceeding against the former Mayor of Gjirokastra, accused of committing the criminal offense of Abuse of Office.¹¹³

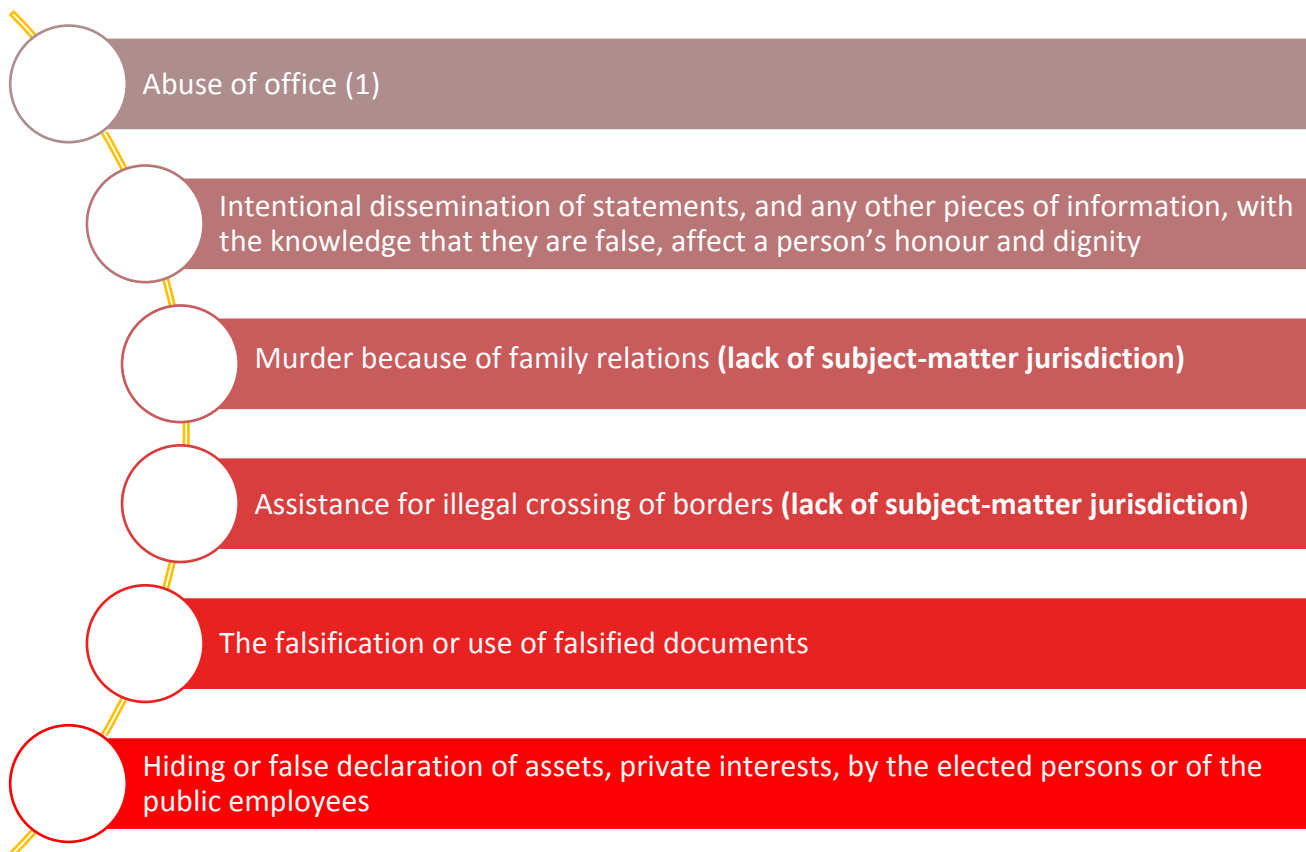


Figure 7: Criminal cases-related to other offenses registered in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

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

¹¹¹ Ibidem, Cases no. 82

¹¹² Special Court of Appeal for Corruption and Organized Crime, Case no. 53801-00310-87-2020 <http://www.gjykata.gov.al/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/c%C3%ABshtjet-gjyq%C3%ABsore/c%C3%ABshtjet-penale/>

¹¹³ Special Prosecution Office against Corruption and Organized Crime, Notice on criminal proceeding no.38/2020: <https://spak.al/2020/12/15/njoftim-mbi-procedimin-penal-nr-38-2020/>

Sentencing practice in corruption cases¹¹⁴

In order to assess the sentencing measures given by the Special Court of First Instance for Corruption and Organized Crime for corruption criminal cases, the sentencing measures are reflected in **14 cases out of 21 completed**, for which data on the court website are published (See: Annex B).

The Special Court of First Instance for Corruption and Organized Crime has imposed only **5 sentences to 5 defendants** charged for criminal offenses related to corruption, of which 2 for active corruption of persons exercising public functions, 1 for passive corruption of persons exercising public functions and 1 for the criminal offense of active corruption of judges, prosecutors and other justice officials.¹¹⁵ The maximum sentence imposed by the court for these charges is 3 years and the lowest 6 months. (See: Annex B).

For 5 other cases related to criminal proceedings for corruption, the court has accepted the **approval of the agreement on the conditions for pleading guilty**, but in all cases the sentence imposed on the defendants has been suspended and placed on probation or work in public interest.¹¹⁶ **In only 1 case** the court refuse to approve the agreement on the conditions for pleading guilty.¹¹⁷

For 5 other decisions also related to criminal proceedings of corruption,¹¹⁸ the court has accepted the request of the Special Prosecution Office against Corruption and Organized Crime to **suspend the execution of the imprisonment sentence and placing it with probation or work in public interest** within periods which vary from 1 year/8 months (maximum) up to 6 months (minimum).

Even in these cases, allegations of corruption refer to persons exercising public functions, while as in the case of criminal proceedings in the field of organized crime, there is a lack of a full assessment of the economic damage caused as a result of committing corrupt acts.

¹¹⁴ The data refer only to the decisions published on the official website of the Special Court of First Instance for Corruption and Organized Crime and the Special Prosecution Office against Corruption and Organized Crime: https://www.gjp.gov.al/Kendi_informativ/Ceshtje_te_perfunduara/Dosje_penale/#/
<https://spak.al/category/te-reja/>

¹¹⁵ Ibidem, Cases No. 5, 39 and 55

¹¹⁶ Ibidem, Case No 29, 31, 50, 51 and 62

¹¹⁷ Ibidem Case No. 30

¹¹⁸ Ibidem Case No. 32, 33, 35, 36 and 58

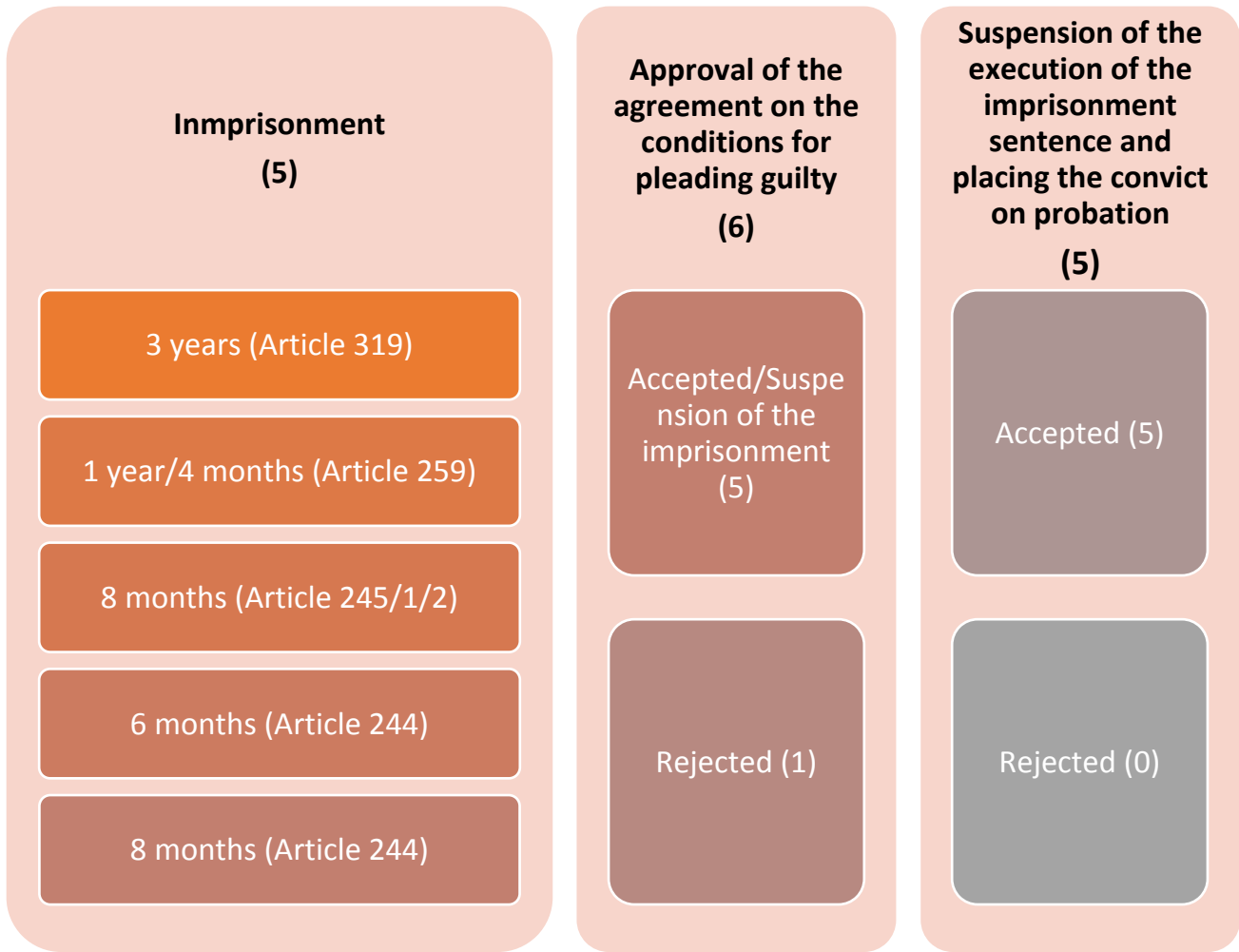


Figure 8: Criminal sentences for corruption offenses imposed by the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

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

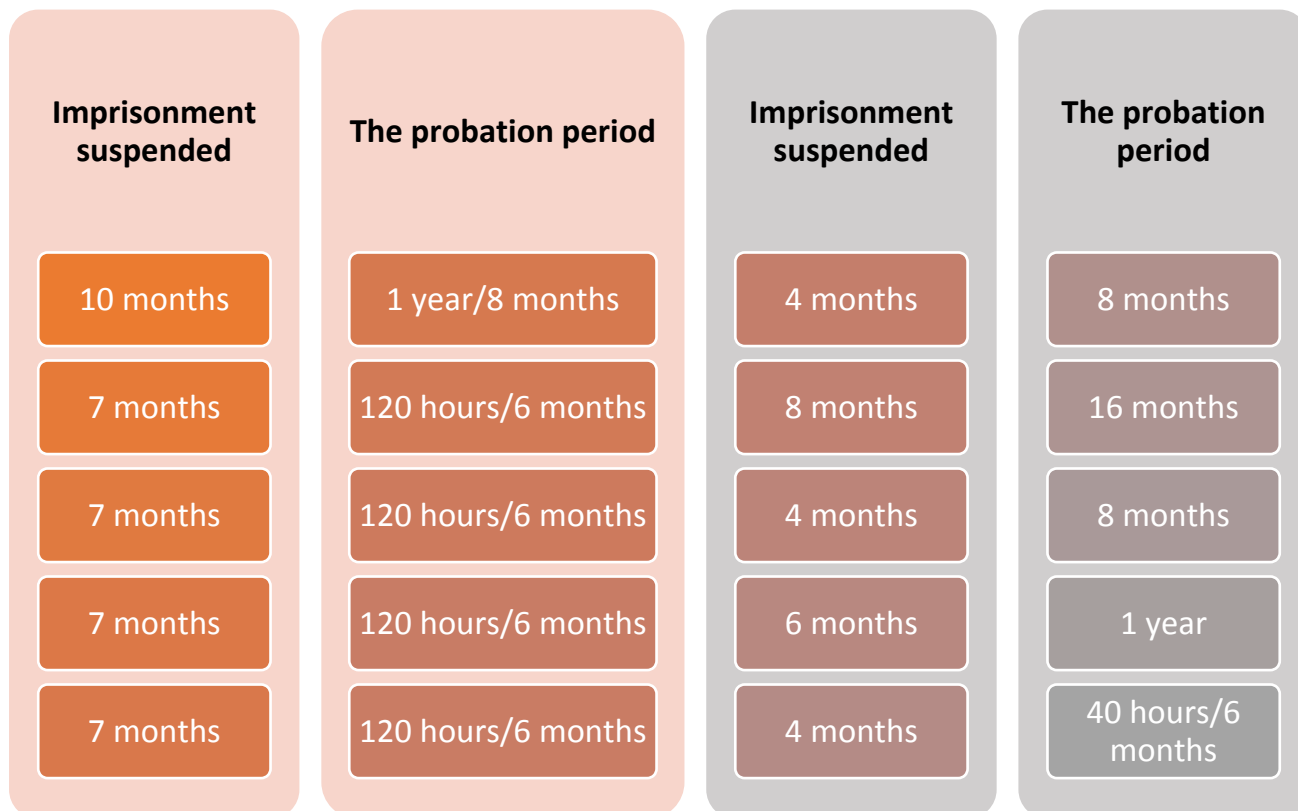


Figure 9: Criminal sentences for corruption offenses imposed by the Special Court of First Instance for Corruption and Organized Crime in the cases of the Approval of the agreement on the conditions for pleading guilty and the Suspension of the execution of the imprisonment (19th December 2019 – 31st December 2020)

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

Organized Crime Cases

Main criminal offenses

As of December 31st, 2020, a total of **50 cases** in the field of organized crime have been registered in the Special Court of First Instance for Corruption and Organized Crime.¹¹⁹ The main criminal offenses related to organized crime activity include:

- The structured criminal group
- Commission of criminal offences by criminal organizations and structured criminal groups
- Production and sale of narcotics and
- Trafficking of narcotics



Figure 10: Main criminal offenses for organized crime cases registered in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

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

The criminal offenses defined above also constitute the highest number of requests for mutual legal assistance from foreign judicial authorities, handled during 2020 by the Special Prosecution Office against Corruption and Organized Crime. Specifically, 28 requests out of 64 in total or **43.7%**, were requests that had to do with investigations in the field of "Trafficking narcotics", "Production and sale of narcotics", in the form of cooperation of "The structured criminal group".¹²⁰

¹¹⁹ This includes the 23 cases carried by the former Court of First Instance for Serious Crimes.

¹²⁰ Special Prosecution Office against Corruption and Organized Crime (SPAK), Annual Report 2020: <https://spak.al/wp-content/uploads/2021/04/Raporti-2020-perfundimtarr.pdf>

The same group of criminal offenses also dominates in relation to requests for mutual legal assistance addressed to foreign judicial authorities. Out of 41 such requests in totals addressed to foreign authorities by the Special Prosecution Office against Corruption and Organized Crime during 2020, 20 of them, or **43,9%**, were requests related to investigations in the field of "Trafficking narcotics", "Production and sale of narcotics", in the form of cooperation of "The structured criminal group".¹²¹

Preliminary data published by the Special Prosecution Office for Corruption and Organized Crime do not specify the scope of investigations for which requests for mutual legal assistance have been handled or sent in relation to the division by respective countries, as this division is presented for the total number of requests handled or sent by the Special Prosecution Office for Corruption and Organized Crime during 2020.

Specifically, for **69 requests** for mutual legal assistance from foreign judicial authorities handled during 2020 by the Special Prosecution Office against Corruption and Organized Crime, **Italy, Belgium, France and the Netherlands** constitute the number of countries with the highest number of requirements.¹²²

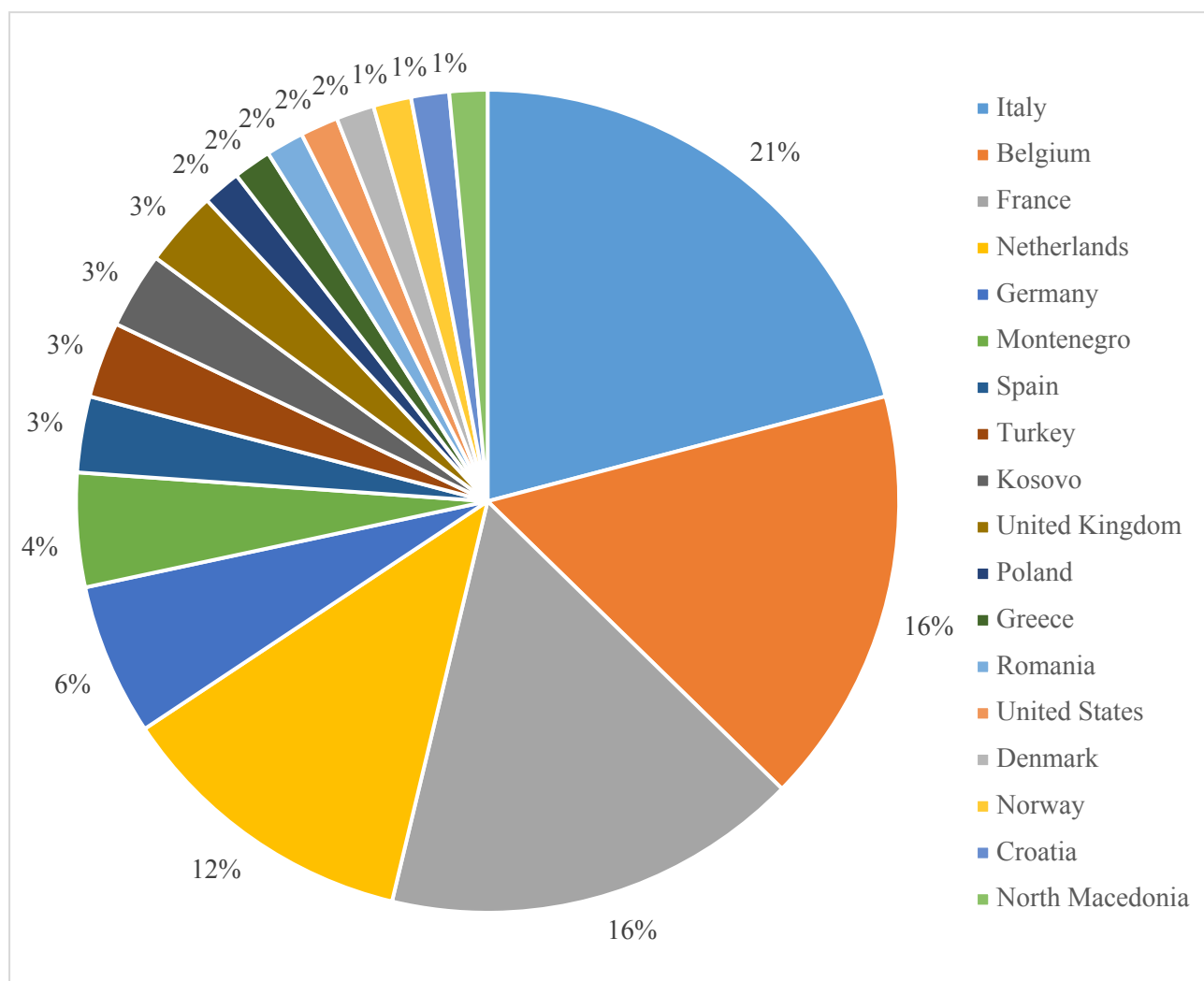


Chart 13: Requests for mutual legal assistance from foreign judicial authorities by states

¹²¹ Ibidem

¹²² Ibidem

(19th December 2019 – 31st December 2020)

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

Regarding the **41 requests** for mutual legal assistance addressed during 2020 to foreign judicial authorities by the Special Prosecution Office against Corruption and Organized Crime, **Germany, Greece and Kosovo** are the countries with the highest number of directed requests.

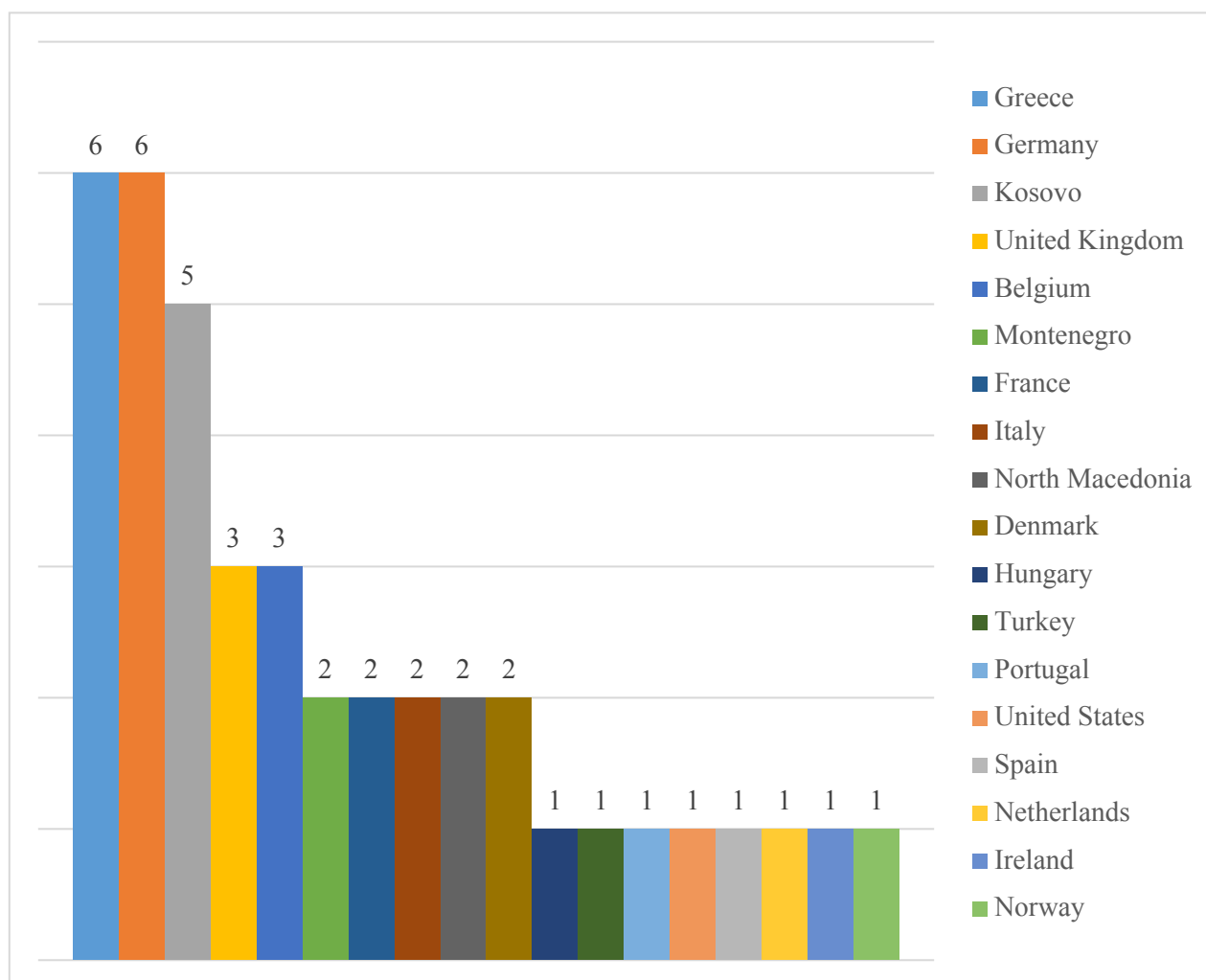


Chart 14: Requests for mutual legal assistance addressed to foreign judicial authorities by the Special Prosecution against Corruption and Organized Crime

(19th December 2019 – 31st December 2020)

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

Main criminal activities & Modus operandi

During the assessment of cases in the field of organized crime registered in the Special Court of First Instance for Corruption and Organized Crime, it is evidenced that **murder** and **robbery** are the main modus operandi activities of organized.

The **main criminal activities** undertaken for the commission of criminal offenses in the field of organized crime include:

- Assistance for illegal crossing of borders
- Laundering the Proceeds of Criminal Offence or Criminal Activity
- Falsification of Documents
- Falsification of Identity Documents, Passports or Visas and
- Falsification of Seals, Stamps or Forms

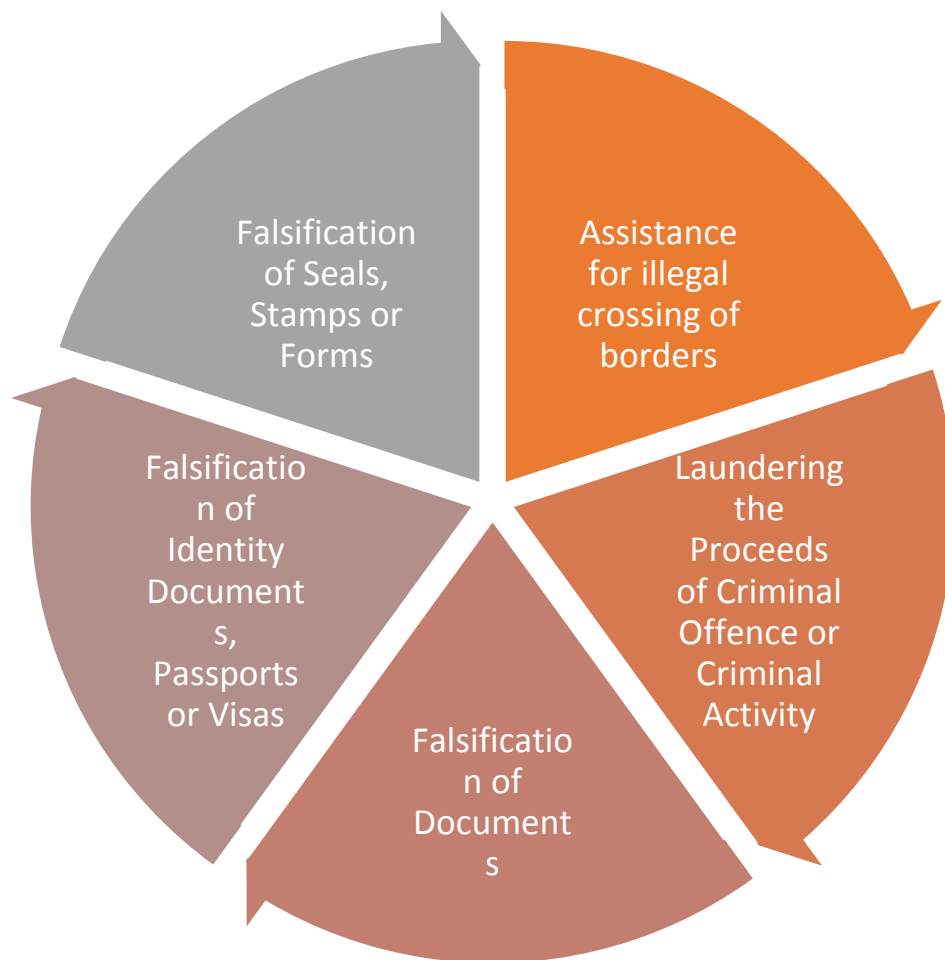


Figure 11: Main criminal activities in organized crime cases registered in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

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

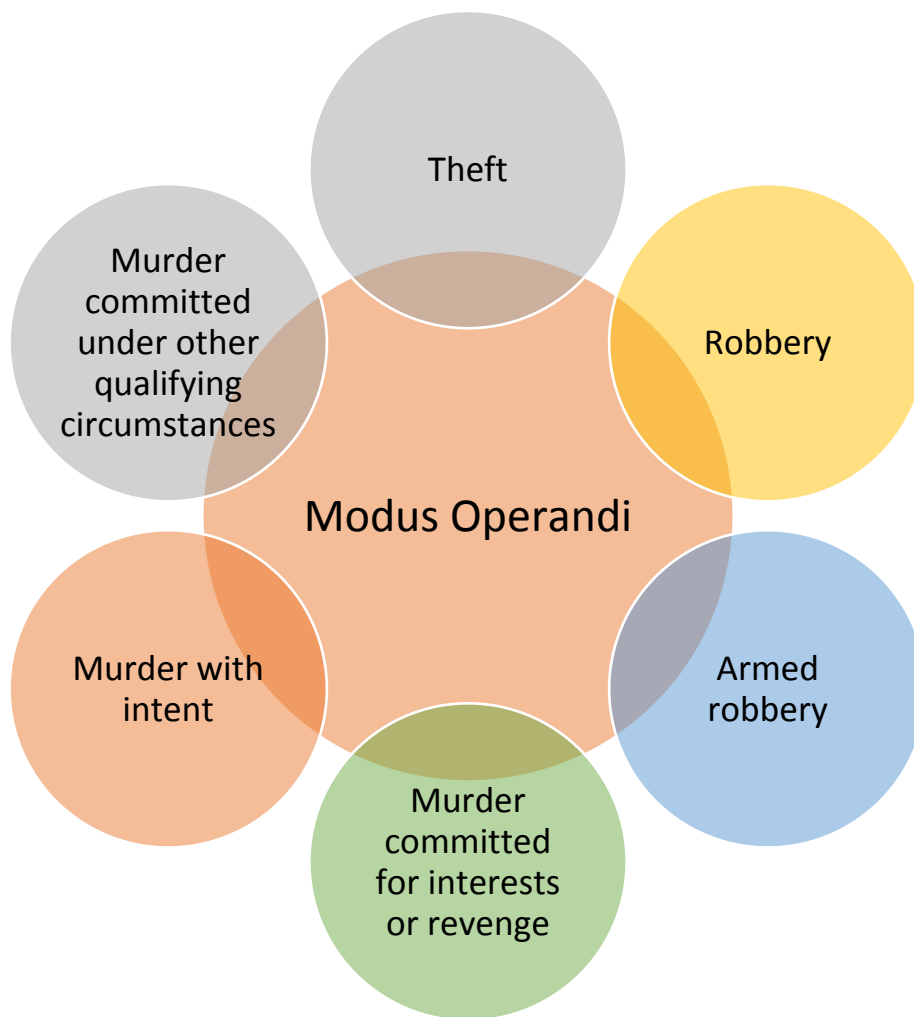


Figure 12: Modus operandi to conduct criminal activities in the organized crime cases registered in the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

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

Number of defendants charged for offenses related to criminal organisations

During the 2020, in the Special Court of First Instance for Corruption and Organized Crime out of **110 defendants, 84** of them were charged for organized crime offenses.¹²³ Based on the data published by the Special Court of First Instance for Corruption and Organized Crime, it is evidenced a low number of accused defendants in cases related to criminal organisation and the structured criminal group offences.¹²⁴

¹²³ The Special Court of First Instance for Corruption and Organized Crime, Press Release, Special Court of First Instance for Corruption and Organized Crime, 30 December 2020: https://www.gjp.gov.al/Gjykata_e_Posacme/Njoftime/Njoftime_per_shtyp/Njoftim_per_shtyp_Gjykata_e_Posacme_e_Shkalles_se_Pare_per_Korrupsionin_Krimin_e_Organizuar_30_dhjetor_2020.html

¹²⁴ The Special Court of First Instance for Corruption and Organized Crime, Resolved cases/Criminal cases: https://www.gjp.gov.al/Kendi_informativ/Ceshtje_te_perfunduara/Dosje_penale/#/?NrPage=1&recPages=100&ftdb=01.01.2020&ftde=31.12.2020

In about 58% of these cases the number of defendants range from 3 to 5 and in about 21% the number of defendants is between 5-10. For criminal charges related to the structured criminal group and the commission of criminal offenses by the criminal organization and the structured criminal group, there are also criminal cases with a number of defendants over 10, which constitute about 21% of criminal cases in the field of organized crime. (See: Table 7). There is no information on the geographical extent of the criminal activity and the monetary values of the seized criminal objects.

Case Number	Number of defendants	Number of defendants convicted by the Special Court of First Instance for Corruption and Organized Crime
1.	1	1
4.	9	3
8.	5	4
10.	6	2
11.	9	1
14.	10	10
15.	3	3
19.	8	8
24.	1	1

Table 6: Number of defendants charged for organized crime offenses and number of defendants convinced by the Special Court of First Instance for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

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

3 – 5 defendants
5 – 10 defendants
> 10 defendants

Article 28/4, The structured criminal group is a special form of cooperation, composed of three or more persons, which have the purpose of committing one or more criminal offences, and which aim at achieving material and non-material benefits.

Article 284/a, Organizing and leading criminal organizations

Article 333, Criminal organizations

Article 333/1, The establishment, organization or leading of the criminal organizations

Article 333/a, The structured criminal group

Article 333/a/1, The establishment, the organization or the leading of a structured criminal group with the purpose of committing crimes

Article 333/a/2, Participation in the structured criminal group

Article 334, Commission of criminal offences by criminal organizations and structured criminal groups

Article 334/1, Commission of criminal offences by the members of the criminal organization and structured criminal group

Article 334/2, Commission of criminal offences by the members of the criminal organization and structured criminal group / When the respective referring criminal provision contains imprisonment or life imprisonment, it is punishable by twenty-five years of imprisonment or to life imprisonment

Case Number	Number of defendants	Criminal offences related to criminal organizations
1.	1	Article 334/1; Article 333/1
2.	1	Article 333/a
4.	9	Article 28/4; Article 333/a/2; Article 334/1
7.	1	Article 333/a
8.	5	Article 28/4; Article 334/1; Article 333/a/1
9.	2	Article 284/a/1; Article 334/1; Article 333/a/1
10.	6	Article 28/4; Article 334/2; Article 334/1; Article 333/a/2
11.	9	Article 28/4; Article 334/1; Article 333/a/2
12.	1	Article 333/a/1; Article 334
13.	4	Article 333/a/1; Article 334; Article 334/1
14.	10	Article 28/4; Article 334/1; Article 333/a/1
15.	3	Article 28/4; Article 334/1; Article 333/a/1
16.	51	Article 333/a/2; Article 334/1; Article 334
17.	2	Article 333/a/2 ; Article 333/a/1 ; Article 334
18.	1	Article 334; Article 333/a/2
19.	8	Article 333/a/2
20.	8	Article 333/a/1; Article 334/1; Article 333/a/2; Article 334; Article 333

21.	16	Article 334; Article 333/a; Article 334/1; Article 333/a/1; Article 333/a/2
22.	3	Article 333/a/1; Article 334
23.	12	Article 333/a/2; Article 334; Article 334/1
24.	1	Article 28/4; Article 334/1; Article 333/a/2
26.	4	Article 333/a; Article 333/a/2; Article 283/2; Article 334
28.	14	Article 28/4; Article 334/1; Article 333/a/1; Article 333/a/2
34.	17	Article 333/a; Article 333/a/1; Article 334/1
37.	4	Article 333/a; Article 334/1; Article 333/a/1; Article 334
38.	24	Article 333/a/2; Article 28/4; Article 334/1; Article 333/a/1
41.	1	Article 333/a/2
42.	4	Article 333/a/2; Article 333/a; Article 334
43.	2	Article 334; Article 333/a
45.	2	Article 333/a/2; Article 334/1
47.	14	Article 333/a/1; Article 334/1
48.	6	Article 333/a/1; Article 334/1
49.	1	Article 334/1; Article 333/a/1
54.	1	Article 333/a/1; Article 334/1
56.	1	Article 334/1; Article 333/a/1
60.	21	Article 333/a/1; Article 344/1
63.	1	Article 333/a/2; Article 334/1
64.	30	Article 333/a/1; Article 334/1; Article 333/a/2
67.	1	Article 333/a/2; Article 334/1
70.	5	Article 333/a/2; Article 334/1
72.	8	Article 333/a/1; Article 333/a/2; Article 334/1
73.	2	Article 334/1; Article 333/a/2
76.	3	Article 333/a/1; Article 334/1
77.	1	Article 333/a/2; Article 334/1
80.	4	Article 333/a/1; Article 334/1; Article 333/a/2
83.	1	Article 333/a/1; Article 334/1
85.	7	Article 333/a/2; Article 334/1
88.	1	Article 333/a/1; Article 334/1

Table 7: Number of defendants charged for organized crime offenses related to criminal organisations (19th December 2019 – 31st December 2020)

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

CHAPTER III: Recommendations

During the first phase (monitoring) of drafting this assessment report, the working group has encountered certain limitations, necessary to be addressed and improved in order to contribute not only to increasing the transparency of the respective institutions, but also to conduct a complete and accurate analysis regarding the judicial review of corruption and organized crime cases.

Special Court of First Instance for Corruption and Organized Crime

The official website of the Special Court of First Instance for Corruption and Organized Crime <https://www.gjp.gov.al>,¹²⁵ has been created in order to enable the public to receive information in real time and accurately. Despite measures to reduce technical errors when using the Website, or publishing the data, the issues identified below aim to address some important issues in terms of transparency and data on registered court cases.

These issues include:

- a. Lack of complete data for ongoing or completed cases of previous years; Currently at the official website of the Special Court of First Instance for Corruption and Organized Crime is published information only for the ongoing cases as well as new-registered cases since the beginning of 2021;
- b. Lack of updated data/information. Although the status of certain cases has changed, the updated status of the case (ongoing/completed) is not reflected in all cases;
- c. Lack of publication of full decisions of the Special Court of First Instance for Corruption and Organized Crime (In completed cases, are summarized only the claims of the prosecutor, lawyer and ordering provision);
- d. Lack of publication of the ordering provision even in completed cases;
- e. Although a special website section was created for the purpose of publishing decisions regarding preventive measures within the framework of the implementation of the Normative Act no. 1, dated 31.01.2020, the full court decisions are missing. Only 20 decisions during March 2020 are published in this section;
- f. Lack of a special website section regarding seizure and confiscation decisions within the framework of the implementation of the Anti-Mafia Law;
- g. The section on statistical evidence remains an inactive website section without information or data related to the activity of the court. Since the establishment of the Special Court of First Instance for Corruption and Organized Crime, no information has been published in this section.

Special Court of Appeal for Corruption and Organized Crime

The official website of the Special Court of Appeal for Corruption and Organized Crime functions as a separate website created within the site: <http://www.gjykata.gov.al>.¹²⁶ Although created to obtain information and data on the activity of the court, some problems encountered in this regard include:

- a. In all criminal cases published on the official website is lacking information about: Parties; Decisions; Previous decisions; Final decision; Background of the case; and Planning;
- b. Most of the website sections for accessing information related to the activity of the Special Court of Appeal for Corruption and Organized Crime, are incomplete and without any data. Specifically, the following sections are inactive: Announcements for the public, Announcements; Notices to the public, Other announcements, Press releases, Meeting of the Court Council, Public Announcements and Court Rules;
- c. The full decisions of the Special Court of Appeal for Corruption and Organized Crime are missing to be published (For completed cases only the ordering provision is published);
- d. There is a lack of a special and informative website section regarding the appealed decisions within the framework of the implementation of the Anti-Mafia Law;
- e. There is a lack of a special and informative website section regarding the appealed decisions within the framework of the implementation of Normative Act no. 1, dated 31.01.2020.

¹²⁵ Special Court of First Instance for Corruption and Organized Crime: <https://www.gjp.gov.al/GJP/>

¹²⁶ Special Court of Appeal for Corruption and Organized Crime: <http://www.gjykata.gov.al/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/gjykata-e-posacme-e-apelit-per-korrupsionin-dhe-krimin-e-organizuar/>

Specific Recommendations for Special Courts for Corruption and Organized Crime

- a. Publication of full decisions for completed cases in the Special Courts of First Instance and Appeal for Corruption and Organized Crime;
- b. Systematic updating of the status of cases registered in the Special Court of First Instance and the Court of Appeal for Corruption and Organized Crime;
- c. Publication of updated criminal requests and decisions within the framework of the implementation of the Anti-Mafia Law;
- d. Publication of updated criminal requests and decisions within the framework of the implementation of Normative Act no. 1, dated 31.01.2020;
- e. Publishing a dedicated section of data related to the adjudication of cases during previous years.

Special Prosecution Office against Corruption and Organized Crime (SPAK)

The official website of the Special Prosecution against Corruption and Organized Crime <https://spak.al/>¹²⁷ was created with the establishment of this institution in December 2019 and it should be noted that there has been a systematic commitment in order to inform on the activity and other important investigations conducted by this institution.

One of the main elements that was identified during the collection and analysis of data and information published by this institution, is mainly related to the need for systematization and organization of information.

Currently all types of notices are published in the Notifications section, but the information published in this section is quite general, including notices for all activities exercising the powers of the Special Prosecution.

A classification or organization of information and data would help in a more effective orientation in obtaining and evaluating the data and information that is published in relation to the activity of the Special Prosecution Office against Corruption and Organized Crime.

During the drafting of this assessment report, the working group has evidenced that in general the consolidated and harmonized data between institutions is an important factor in assessing their performance. In many cases it has been observed that the coordination of data between the institutions themselves (for the same issues or information different and conflicting data are presented), is confusing making it difficult to accurately assess the number of criminal proceedings, their status as well as other information on criminal files in the field of corruption and organized crime.

¹²⁷ Special Prosecution Office against Corruption and Organized Crime (SPAK): <https://spak.al/>

ANNEX A: Status of the registered cases in the Special Courts of First Instance and Appeal for Corruption and Organized Crime (19th December 2019 – 31st December 2020)

Corruption cases					
Case number	Case in the Special Court of First Instance for Corruption and Organized Crime	No. of Decision	Publication of Ordering Provision	Case in the Special Court of Appeal for Corruption and Organized Crime	Publication of Ordering Provision/Special Court of Appeal
5.	Completed	Decision No. 3 dated 04.02.2020	Published	Completed	Affirm the Decision no. 3, dated 04.02.2020 of the Special Court of First Instance for Corruption and Organized. Change the sentence by reducing the punishment up to 2 years imprisonment.
25.	Completed	Decision No. 15 dated 09.09.2020	N/A		
27.	Completed		N/A		
29.	Completed	Decision No. 6 dated 04.03.2020	Published		
30.	Returned	Decision No. 4 dated 25.02.2020	Published		
31.	Completed	Decision No. 5 dated 02.03.2020	Published		
32.	Completed	Decision No. 7 dated 26.05.2020	Published		
33.	Completed	Decision No. 14 dated 08.09.2020	Published		
35.	Completed	Decision No. 8 dated 03.06.2020	Published		
36.	Completed	Decision No. 10 dated 30.06.2020	Published		
39.	Completed	Decision No. 24 dated 09.10.2020	Published		
40.	Ongoing				
46.	Ongoing				
50.	Completed	Decision No. 19 dated 16.09.2020	Published		
51.	Completed	Decision No. 21 dated 23.09.2020	Published		
52.	Completed	Decision No. 81 dated 18.11.2020	N/A		
53.	Ongoing				
55.	Completed	Decision No. 23 dated 07.10.2020	Published		
58.	Completed	Decision No. 22 dated 07.10.2020	Published		
59.	Ongoing				
61.	Ongoing				
62.	Completed	Decision No. 30 dated 18.11.2020	Published		
65.	Ongoing				

68.	Ongoing				
71.	Ongoing				
74.	Completed		N/A		
75.	Completed		N/A		
78.	Completed		N/A		
79.	Completed		N/A		
81.	Ongoing				
84.	Ongoing				
87.	Ongoing				
89.	Ongoing				
90.	Ongoing				
91.	Ongoing				
92.	Ongoing				
93.	Ongoing				
94.	Ongoing				
95.	Ongoing				
96.	Ongoing				

Organized crime cases

Case number	Case in the Special Court of First Instance for Corruption and Organized Crime	No. of Decision	Publication of Ordering Provision	Case in the Special Court of Appeal for Corruption and Organized Crime	Publication of Ordering Provision/Special Court of Appeal
1.	Completed	14 September 2020	Published	Ongoing	
2.	Ongoing				
3.	Ongoing				
4.	Completed	Decision No. 26 dated 20.10.2020	Published	Completed	Affirm the Decision no. 26, dated 20.10.2020 of the Special Court of First Instance for Corruption and Organized
7.	Ongoing				
8.	Completed	Decision No. 13 dated 03.09.2020	Published	Ongoing	
9.	Completed	Decision No. 20 dated 18.09.2020	N/A		
10.	Completed	Decision No. 16 dated 10.09.2020	Published	Ongoing	
11.	Completed	Decision No. 9 dated 29.06.2020	Published	Completed	Affirm the Decision no. 09, dated 29.06.2020 of the Special Court of First Instance for Corruption and Organized
12.	Ongoing				
13.	Completed	Decision No. 25 dated 16.10.2020	N/A	Ongoing	

14.	Completed	Decision No. 1 dated 20.01.2020	Published		
15.	Completed	Decision No. 18 dated 15.09.2020	Published	Ongoing	
16.	Completed	Decision No. 27 dated 22.10.2020	N/A		
17.	Completed		N/A		
18.	Suspended		N/A		
19.	Completed	Decision No. 12 dated 07.07.2020	Published	Ongoing	
20.	Ongoing				
21.	Ongoing				
22.	Ongoing				
23.	Completed	Decision No. 28 dated 28.10.2020	N/A	Ongoing	
24.	Completed	Decision No. 11 dated 01.07.2020	Published	Completed	Reverse the Decision no. 11, dated 01.07.2020 of the Special Court of First Instance for Corruption and Organized Crime by ordering ordered the delivery of acts, to another panel of judges, at the same court.
26.	Ongoing				
28.	Ongoing				
34.	Ongoing				
37.	Ongoing				
38.	Ongoing				
41.	Ongoing				
42.	Ongoing				
43.	Ongoing				
45.	Ongoing				
47.	Ongoing				
48.	Ongoing				
49.	Completed	21.09.2020	N/A		
54.	Ongoing				
56.	Completed		N/A	Ongoing	
60.	Ongoing				
63.	Ongoing				
64.	Ongoing				
67.	Ongoing				
69.	Ongoing				
70.	Ongoing				
72.	Ongoing				

73.	Ongoing				
76.	Ongoing				
77.	Completed		N/A		
80.	Ongoing				
83.	Ongoing				
85.	Ongoing				
88.	Ongoing				

Other criminal cases

Case number	Case in the Special Court of First Instance for Corruption and Organized Crime	No. of Decision	Publication of Ordering Provision	Case in the Special Court of Appeal for Corruption and Organized Crime	Publication of Ordering Provision/Special Court of Appeal
6.	Lack of subject-matter jurisdiction	Decision No. 2 dated 28.01.2020	Published		
44.	Ongoing				
57.	Lack of subject-matter jurisdiction	Decision No. 29 dated 09.11.2020	Published		
66.	Completed	Decision No. 32 dated 01.12.2020	Published	Ongoing	
82.	Ongoing				
86.	Ongoing				

Source of data: *Special Courts for First Instance and Appeal for Corruption and Organized Crime*

ANNEX B: Sentences for corruption offenses requested by the Special Prosecution Office against Corruption and Organized Crime and sentences imposed by the Special Court of First Instance for Corruption and Organized Crime for completed corruption cases (19th December 2019 – 31st December 2020)

Case Number	Criminal Offenses (CC)	Article (CC)	Sentence requested by the Special Prosecution ACOC			Sentence imposed by the Special Court of First Instance for COC		
			No. of defendants			No. of defendants		
			Request to reach the agreement on the conditions for pleading	Criminal sentence	The probation period	Request to reach the agreement on the conditions for pleading	Criminal sentence	The probation period
No. 5	Active corruption of judges, prosecutors and other justice officials	Article 319		3 years			3 years 2 years (Appeal)	
No. 29	Active corruption of persons exercising public functions	Article 244	Approval of the agreement on the conditions for pleading guilty and imposing of the sentence for the defendant.			Approval of the agreement on the conditions for pleading guilty and imposing of the sentence for the defendant.	7 months	Suspension of the execution of the imprisonment sentence of 7 months and placing the convict on performance of work in public interest of 120 hours within a 6 months term.
No. 30	Active corruption of persons exercising public functions Driving vehicles inappropriately	Article 244 Article 291	Approval of the agreement on the conditions for pleading guilty and imposing of the sentence for the defendant.			Refusing of the approval of the agreement dated 14.02.2020 on the conditions for pleading guilty and imposing of the sentence for the defendant.		
No. 31	Active corruption of persons exercising public functions Driving vehicles inappropriately	Article 244 Article 291	Approval of the agreement on the conditions for pleading guilty and imposing of the sentence for the defendant.				10 months	Suspension of the execution of the imprisonment sentence of 10 months and placing the convict on probation within a 1 year/8 months term.
No. 32	Active corruption of persons exercising public functions	Article 244		6 months	Suspension of the execution of the imprisonment sentence of 6 months and placing the convict on probation within a 12 months term.		4 months	Suspension of the execution of the imprisonment sentence of 4 months and placing the convict on probation within an 8 months term.

No. 33	Active corruption of persons exercising public functions	Article 244		4 months	Suspension of the execution of the imprisonment sentence of 4 months and placing the convict on probation within a 2 years term.		8 months	Suspension of the execution of the imprisonment sentence of 8 months and placing the convict on probation within a 16 months term.
No. 35	Active corruption of persons exercising public functions	Article 244		4 months	Suspension of the execution of the imprisonment sentence of 4 months and placing the convict on probation within a 12 months term.		4 months	Suspension of the execution of the imprisonment sentence of 4 months and placing the convict on probation within an 8 months term.
No. 36	Active corruption of persons exercising public functions Driving vehicles inappropriately	Article 244 Article 291		10 months	Suspension of the execution of the imprisonment sentence of 10 months and placing the convict on probation within a 1 year/8 months term.		6 months	Suspension of the execution of the imprisonment sentence of 6 months and placing the convict on probation within a 1-year term.
No. 39	Passive corruption by persons that exercise public functions	Article 259		1 vit/8 month			1 vit/4 month	
	The direct or indirect soliciting, receiving, or accepting whatever irregular benefit for oneself or other persons, by promising and confirming the ability to exercise illegal influence on the accomplishment of the duties and on adoption of decisions by the Albanian or foreign public functionaries, no matter whether the influence has been actually exercised or not and no matter whether the desirable consequences have occurred or not.	Article 245/1/2		1 vit/6 month			8 months	
	Active corruption of persons exercising public functions	Article 244		6 months			6 months	

No. 50	Active corruption of persons exercising public functions	Article 244	Approval of the agreement on the conditions for pleading guilty and imposing of the sentence for the defendant.			Approval of the agreement on the conditions for pleading guilty and imposing of the sentence for the defendant.	7 months	Suspension of the execution of the imprisonment sentence of 7 months and placing the convict on performance of work in public interest of 120 hours within a 6 months term.
No. 51	Active corruption of persons exercising public functions	Article 244	Approval of the agreement on the conditions for pleading guilty and imposing of the sentence for the defendant.				7 months	Suspension of the execution of the imprisonment sentence of 7 months and placing the convict on performance of work in public interest of 120 hours within a 6 months term.
No. 55	Active corruption of persons exercising public functions	Article 244		8 months			8 months	
No. 58	Active corruption of persons exercising public functions	Article 244		4 months	Suspension of the execution of the imprisonment sentence of 4 months and placing the convict on performance of work in public interest of 120 hours within a 6 months term.		4 months	Suspension of the execution of the imprisonment sentence of 4 months and placing the convict on performance of work in public interest of 40 hours within a 6 months term.
No. 62	Active corruption of persons exercising public functions	Article 244	Approval of the agreement on the conditions for pleading guilty and imposing of the sentence for the defendant.			Approval of the agreement on the conditions for pleading guilty and imposing of the sentence for the defendant.	7 months	Suspension of the execution of the imprisonment sentence of 7 months and placing the convict on performance of work in public interest of 120 hours within a 6 months term.

Source of data: Special Court of First Instance for Corruption and Organized Crime¹²⁸

¹²⁸ Data/information on the decisions given by the Special Court of First Instance for cases No. 25, 27, 52, 74, 75, 78 and 79 related to corruption offenses are not published yet at the website of the Special Court of First Instance for Corruption and Organized Crime.

ANNEX C: Sentences for organized crime-related offenses requested by the Special Prosecution Office against Corruption and Organized Crime (SPAK) and sentences imposed by the Special Court of First Instance for Corruption and Organized Crime for completed organized crime cases (19th December 2019 – 31st December 2020)

	Sentences requested by the Special Prosecution Office
	Sentences imposed by the Special Court of First Instance

Case Number	Criminal Offenses (CC)	Defendant 1	Defendant 2	Defendant 3	Defendant 4	Defendant 5	Defendant 6	Defendant 7	Defendant 8	Defendant 9	Defendant 10
No. 1	Article 283/a/1 (334/1) Article 333/1 Article 287 Article 189 Article 244	15 years									
No. 4	Article 283/1 (28/4) Article 333/a/2 Article 334/1	8 years/8 months									
	Article 186/2		2 years	2 years							
No. 8	Article 283/a/1 (28/4) (334/1) Article 109/1	12 years									
	Article 283/a/1 (28/4) (334/1)		9 years/4 months	8 years	8 years						
No. 10	Article 78/2 (28/4) (334/2) Article 278/1 (28/4) (334/1) Article 278/6 (28/4) (334/1) Article 283/a/2 (28/4) (334/1) Article 284/2 (28/4) (334/1) Article 333/a/2	Life imprisonment	35 years								
		Life imprisonment	35 years								

No. 11	Article 283/a/1 (22 & 28/4) Article 334/1 Article 333/a/2 Article 278/2 Article 280	12 years										
		10 years										
No. 14	Article 189/1 Article 190/1 Article 298/2 Article 334/1 Article 333/a/1	6 years/8 months	6 years/8 months	6 years/8 months	4 years	6 years/8 months	6 years/8 months	6 years/8 months	6 years/8 months	6 years/8 months	6 years/8 months	
	Article 298/2 (28/4) Article 334/1 Article 333/a/1	6 years/8 months	6 years	6 years/8 months	5 years/6 months	6 years/8 months	5 years/6 months	5 years/6 months	5 years/6 months	5 years/6 months	5 years/6 months	
	Article 186/2											2 years 2 years/8 months
No. 15	Article 283/a/1 (Article 24) (334/1) Article 333/a/1	14 years	10 years/8 months	8 years/8 months								
		14 years	10 years/8 months	8 years/8 months								
No. 19	Article 298/3 (334/1/1) Article 189 Article 333/a/2	8 years	6 years/8 months	8 years	7 years/4 months	6 years/8 months	6 years/8 months	6 years/8 months	6 years/8 months	5 years/4 months		
	Article 298/3 (334/1/1) Article 333/a/2	7 years/4 months	7 years/4 months	7 years/4 months	6 years/8 months	6 years/8 months	6 years/8 months	6 years/8 months	6 years/8 months	5 years/4 months		
No. 24	Article 134/3 (28/4) (334/1) Article 333/a/2	6 years										
		7 years/4 months										

Source of Data: Special Court of First Instance for Corruption and Organized Crime¹²⁹

¹²⁹ Data/information on the decisions given by the Special Court of First Instance for cases No. 9, 13, 16, 17, 18, 23, 49, 56 and 77 related to organized crime offenses are not published yet at the website of the Special Court of First Instance for Corruption and Organized Crime.