

Vlerësim bazë i Pavarësisë dhe Llogaridhënies së SPAK si parakushte për Garantimin e Performancës dhe Integritetit Institucional





Kingdom of the Netherlands

Baseline Assessment of the Independence and Accountability of SPAK as Preconditions for Ensuring Institutional Performance and Integrity

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Abbreviations

CAMS	Case Management System of the Albanian Prosecution Service
SCCOC	Special Court of Appeal against Corruption and Organized Crime
HJI	High Justice Inspector
HPC	High Prosecutorial Council
NBI	National Bureau of Investigation
SPAK	Special Prosecution Office against Corruption and Organized Crime




EXECUTIVE SUMMARY


The independence of SPAK is not merely a formal concept, but a functional precondition for ensuring the credibility of its decision-making and for protecting the institution and its prosecutors from any form of undue interference. It must be understood and guaranteed in two interrelated dimensions: its external and internal dimension.

In its external dimension, independence concerns the protection of SPAK from the influence of other state institutions or other actors and factors that could alter the institution's behaviour or performance. This includes protection from political, administrative, or financial interference, through the establishment of a legal and institutional framework that seeks to prevent external influence over the selection of cases, procedural decision-making, or the substance of prosecutorial actions. In this regard, SPAK's external independence is based on the separation of its functions from other prosecution offices and the General Prosecution Office, on the special status of its prosecutors, and on mechanisms that limit direct access or interference by the legislature, executive, or other administrative bodies. The institution's independence would have no real value if it were not accompanied by specific guarantees regarding the appointment, exercise of duties, and protection from unjustified dismissal of its prosecutors, including the Chief Prosecutor. Accordingly, the legal framework provides a multi-dimensional protection that enables SPAK to exercise its powers without functional subordination or external influence.

Internal autonomy, which is equally important, relates to the internal functioning of the institution and the manner in which the professional freedom of individual prosecutors is safeguarded in relation to the SPAK structure and leadership. Internal autonomy means that each special prosecutor is free to act in accordance with the law and professional conscience, without being obligated to follow internal instructions or orders that affect the substance of their decisions. This autonomy is especially significant in a specialized structure like SPAK, where procedural workload and public sensitivity are high, and where pressure for results may interfere with, influence, or even undermine professionalism. Furthermore, the internal functioning of SPAK is designed to avoid rigid decision-making hierarchies within the institution. The role of the Chief Prosecutor of SPAK is limited to organizational and coordinative leadership, without authority to interfere in the procedural matters of other prosecutors. Procedural cases are assigned through formalized procedures, and decision-making retains its individual and accountable nature. These mechanisms are designed to protect professional freedom, uphold the integrity of procedural decisions, and ensure a clear separation between leadership responsibilities and the prosecutorial decision-making function.

On the other hand, ensuring SPAK's accountability requires both *ex ante* and *ex post* mechanisms, which serve as forms of democratic oversight, performance evaluation, and verification of the institution's integrity in practice. However, in reality, these mechanisms often fail to function effectively and sustainably in terms of systematically monitoring the fulfillment of institutional objectives, upholding standards, and exercising real control over the quality, performance, and efficiency of the Special Prosecution Office's activity.





Ex ante accountability mechanisms provide for a range of procedures, such as the approval of the budget, determination of the organizational structure, and the legal framework in relation to institutions like the Albanian Parliament and the High Prosecutorial Council (HPC). Through these mechanisms, it is ensured that SPAK operates in accordance with the rule of law, principles of efficiency, proportionality, and budgetary transparency, as well as in line with the strategic objectives of justice reform.

The High Prosecutorial Council (HPC), as the body responsible for administering the prosecution system, plays a central role in guaranteeing the balance between institutional independence and the accountability of special structures within this system. This responsibility takes on a particular dimension when applied to SPAK, due to the institution's distinct legal regulation. In this regard, the HPC exercises *ex ante* oversight, including the selection and appointment of special prosecutors, approval of SPAK's organizational structure, and the ethical and professional evaluation of prosecutors. Meanwhile, *ex post* oversight involves SPAK's obligation to report periodically on its activities—both in terms of operational results and institutional and administrative performance.

SPAK's accountability also extends to ethics and discipline, through the professional oversight system guaranteed by the HPC and the High Justice Inspector (HJI). These institutions have the competence to evaluate the conduct of SPAK prosecutors, address complaints against them, and investigate any potential violations of ethics or the law, following a regular and independent procedure. This disciplinary control system does not conflict with the individual independence of prosecutors but exists as a tool to preserve professional integrity and ensure that independently conferred powers are exercised responsibly.

The Parliament of Albania plays a defined role in monitoring the general functioning of SPAK through the annual reporting mechanism carried out by the head of the institution. This reporting occurs at least once per year, before the Parliament and/or the Committee on Legal Affairs, Public Administration and Human Rights, and includes data on crime trends, the volume and effectiveness of the institution's work, and its administrative aspects.

The law stipulates that this report must be general and not contain information on specific criminal cases, except in instances where the Parliament decides otherwise through a special resolution. In addition to the annual report, the head of SPAK is also required to cooperate with the Parliament in the context of parliamentary inquiry committees, while respecting legal boundaries regarding the separation of functions between criminal and parliamentary investigations.

Institutional reporting serves as a form of *ex post* accountability before the legislative power and is conducted through a hearing process in which the head of SPAK presents structured information and responds to questions or requests for clarification from committee members or the plenary session. The report is accompanied by parliamentary discussions and recommendations, which are reflected in the final documentation of the Parliament but are not binding on the prosecution authority.



The role of the executive in relation to SPAK involves administrative, strategic, and supportive aspects, which aim to ensure the effective functioning of the institution without influencing or compromising its functional and decision-making independence. This role spans areas such as ensuring the physical and personal security of prosecutors and institutional premises, financial planning and support, issuing strategic recommendations for guiding criminal policy, and institutional cooperation through the Ministry of Justice as a liaison with the Council of Ministers. In the budgetary field, the Head of SPAK prepares a dedicated budget proposal for the institution, which is reviewed by the Ministry of Justice and submitted to the Council of Ministers. If the proposal is not approved as requested, the Head of SPAK has the right to defend the request before Parliament. This process maintains a balance between the independence of justice institutions and the executive's role as guarantor of their financial functioning.


Meanwhile, at the strategic level, the Council of Ministers, through the Minister of Justice, annually approves and addresses to the prosecution system a package of priority recommendations aimed at strengthening the fight against corruption and organized crime. These recommendations, which may not include any intervention in specific criminal cases, are advisory in nature and serve to set shared objectives at the level of public policy, in accordance with national and international strategies. Overall, the executive's role toward SPAK is conceived as a controlled institutional interaction, establishing a support mechanism without infringing upon the constitutional and legal competencies of the institution, while respecting the separation of powers and ensuring the implementation of state policies in the field of criminal justice.



Main findings

A.1. Institutional independence

- 1. Constitutional and legal guarantees of SPAK's independence:** The independence of SPAK is directly guaranteed by Article 148/a of the Constitution, which recognizes it as a special unit of the Prosecutor General's Office, with a special regime and specific duties against corruption and organized crime. Law no. 95/2016 and Law no. 97/2016 enshrine its functional autonomy, the special procedure for the selection of prosecutors, and the appointment of the Chief Prosecutor by the High Prosecutorial Council (HPC) through an open and transparent process. The annual reports of the HPC for the years 2020-2024 demonstrate that these guarantees have been upheld in practice, including protection from public attacks and unlawful pressures on SPAK leadership. However, ongoing challenges from external actors (political, media, or criminal) highlight the need for strong institutional support for the functional independence of prosecutors.
- 2. Funding of the Special Prosecution Office (SPAK):** According to Article 39 of Law no. 95/2016, the Special Prosecution Office has a separate budget approved as a specific program within the state budget. During the period 2020-2024, there has been a continuous increase in allocated funds, while budget execution significantly improved from 51% in 2020 to 93% in 2024. This progress reflects a consolidation of performance-based financing, particularly in strengthening human and operational capacities. Investments have focused on technological equipment and the case management system; however, the pace of long-term capacity development remains closely tied to integrated inter-institutional planning and sustainable budget support.
- 3. Independence guarantees and institutional competencies of the HPC:** The High Prosecutorial Council (HPC) is the constitutional body that guarantees the independence of the prosecution system and plays a critical role in the functioning of SPAK, through the selection, evaluation, and overall career management of special prosecutors. Its independence is based on Articles 149 and 149/dh of the Constitution and Law no. 115/2016, which define its competencies, incompatibility criteria, and decision-making principles. Nevertheless, international reports and existing practices have identified issues regarding the transparency of the selection process for non-magistrate members of the HPC and the absence of a unified integrity verification system. These gaps may undermine the autonomy of the institution itself and impact its role in relation to the prosecution system, including SPAK.
- 4. Funding of the High Prosecutorial Council (HPC):** Law no. 115/2016 guarantees the HPC a dedicated budget, with the right to defend it before Parliament. During the years 2019-2024, annual reports show that budget execution was high (on average above 95%), fulfilling the institution's core functions. However, in some years, difficulties were observed in executing capital investments, especially in the areas of technology and infrastructure.



In 2024, part of the budget allocated for institutional development was not executed, revealing the need to strengthen the planning and monitoring of long-term projects.

5. **Independence guarantees and institutional competencies of the High Justice Inspector (HJI):** The HJI, enshrined in Article 147/d of the Constitution, has the mandate to conduct disciplinary investigations of judges and prosecutors, including special prosecutors. Law no. 115/2016 outlines its competencies and guarantees functional and procedural independence through strict selection criteria, incompatibility rules, and oversight mechanisms. However, during 2021-2024, a continued lack of inspectors seconded by the High Judicial Council negatively affected investigative capacity and delayed the handling of disciplinary cases. This situation shows that formal independence must be accompanied by real guarantees to ensure the effective fulfillment of the mandate.
6. **Funding of the High Justice Inspector (HJI):** The HJI has a separate budget approved by Parliament, but the execution level fluctuated between 2020 and 2023 (from 85% to 92%). These fluctuations were mainly related to the implementation of capital investments, including delays in building reconstruction and the development of digital infrastructure. The year 2024 marked a notable improvement: the reconstruction was successfully completed, and the audit report from the State Supreme Audit Institution confirmed financial management in accordance with legal rules. However, stability in the planning and implementation of strategic projects remains essential for enhancing the credibility and effectiveness of the institution in exercising disciplinary oversight.


A.2. Internal autonomy

1. **Structure and Organization of the Special Prosecution Office (SPAK):** Law no. 95/2016 provides for a specific organizational model for SPAK, with specialized functional sectors in areas such as expertise, financial investigation, international cooperation, witness protection, and media relations. This division aims to ensure not only specialization and a clear separation of functions but also internal coordination and efficiency. The annual reports from 2020 to 2024 document the active functioning of these units, including increasingly effective use of technical and human resources in order to enhance the quality of investigations. Nevertheless, challenges related to workload management and the maintenance of specialization remain factors that require ongoing monitoring.
2. **Selection of the Head of the Special Prosecution Office:** The selection process for the Head of SPAK is provided by the Constitution and Law no. 95/2016, ensuring institutional independence through a three-year non-renewable mandate and the condition that candidates must be members of SPAK's internal prosecutorial body. In the two procedures conducted to date



(2019 and 2022), the High Prosecutorial Council applied advanced transparency mechanisms such as online application platforms, detailed scoring assessments, public interviews, and international observation. These elements have helped maintain public trust and avoid external interference.


3. **Promotion of SPAK prosecutors:** The appointment and staffing of SPAK prosecutors has taken place through a series of open procedures that meet the standards of Law no. 95/2016 and relevant HPC regulations. The selection processes were carried out in several phases (2019-2024), involving asset verification, background checks, and professional criteria. These were accompanied by international observer participation and internal audits to ensure standards of integrity and professionalism. Although improvements have been noted, delays have occurred in some stages due to difficulties in securing high-profile candidates and in coordinating inter-institutional preliminary verifications.
4. **Assembly of Special Prosecutors:** The Assembly of Special Prosecutors constitutes a key mechanism for self-regulation and the preservation of SPAK's collegial functioning. The law grants this body advisory powers on matters such as the draft budget, internal regulations, ethics, and institutional priorities. Reports from 2023 onward provide more detailed information on the use of this mechanism for performance analysis, professional debate, and institutional burden-sharing. This practice supports a balance of authority between the Head of SPAK and the prosecutors and contributes to increased internal accountability. However, more detailed reporting on the frequency and modalities of these meetings in relation to operational needs would be beneficial.
5. **Powers of the Head of SPAK:** The Head of SPAK holds broad competencies in institutional administration but is prohibited from interfering in the prosecutorial decision-making of individual prosecutors. Responsibilities include the distribution of cases, institutional representation, preparation of the draft budget, and leadership of general policy direction. This role is clearly separated from the procedural authority of prosecutors, maintaining a balance between administrative efficiency and functional independence. Annual reports confirm the active exercise of these powers through administrative acts and direct cooperation with the National Bureau of Investigation (BKH) and other institutions.
6. **Human resources of the Special Prosecution Office:** SPAK has made significant improvements in human resource capacity during the 2020-2024 period, with an increase in administrative staff, financial investigators, and technical personnel. Approximately 90% of the approved staffing structure has been filled, and permanent mechanisms have been developed for training, security clearance, and transparency in recruitment. However, challenges persist in the recruitment and long-term retention of judicial police officers and technical experts due to the limited pool of qualified candidates. Ongoing coordination with the Department of Public Administration (DAP), BKH, and other institutions is necessary to address



critical staffing gaps, ensuring that human resource growth aligns with the increasing complexity of criminal cases.


A.3. Individual independence

- 1. Constitutional and legal guarantees of the independence of special prosecutors:** The individual independence of special prosecutors is multiply guaranteed by the Constitution, Law no. 95/2016, and Law no. 97/2016. The relevant provisions, especially Article 13 of Law no. 95/2016 and Article 6 of Law no. 97/2016, prohibit any interference in procedural decision-making and affirm the exercise of prosecutorial functions in an impartial, uninfluenced, and independent manner even from the head of the institution. These formal guarantees constitute a high standard of protection. However, in practice, the phenomenon of threats against prosecutors and their families repeatedly documented in SPAK's annual reports represents a real risk affecting not only their physical security but also their freedom of decision-making.
- 2. Status of special prosecutors:** The legal framework clearly defines the status of special prosecutors as part of the magistracy, with all guarantees deriving from the law on the status of magistrates, including provisions on career, evaluation, and disciplinary measures. However, an important legal gap exists regarding their professional trajectory after the completion of the nine-year mandate, which is not clearly regulated. In practice, this has created uncertainty among prosecutors about their future career paths. SPAK itself has identified this as one of the main challenges that could affect institutional sustainability and credibility.
- 3. Security and protection of prosecutors:** The security system for SPAK prosecutors is supported by an advanced legal framework, including physical protection measures, institutional assistance, and the right to be reviewed by the Commission for the Protection of Prosecutors within the High Prosecutorial Council (HPC). This commission has been functioning regularly since 2019 and has issued decisions on protective measures for magistrates at risk. However, there is no evidence that any specific measures for SPAK prosecutors have been reflected in the official reports of the HPC. In a context where SPAK prosecutors face real and publicly articulated pressure, transparency and the handling of such cases through a standardized protection protocol remain essential.
- 4. Conducting activities outside the prosecutorial function:** Law no. 96/2016 and HPC regulations clearly regulate incompatibilities and limitations for engagements outside the prosecutorial function, including economic, organizational, and academic activities. Such activities are only allowed with prior authorization and must not create conflicts of interest or perceptions of influence over procedural decisions. During 2022-2023, several cases were registered of SPAK prosecutors participating in professional training or academic lectures approved by the HPC, reflecting adherence to the authorization mechanisms.

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5. **Training of prosecutors:** The professional training of special prosecutors is a legal obligation and an integral part of their career development. Prosecutors regularly attend training sessions through the School of Magistrates, in cooperation with the HPC and international partners. Thematic areas are focused on specialized topics such as financial investigation, organized crime, corruption, and cybersecurity. SPAK has also adopted a 2023-2026 training plan for its administrative personnel, detailed by sector and based on practical needs. This plan represents a qualitative step toward building institutional capacity; however, the actual impact on improving investigative performance and integrity has yet to be systematically assessed.
 6. **Temporary transfers to the Special Prosecution Office:** Temporary transfer to SPAK was used during the institution's initial operational phases (2019, 2021, 2023) to fill vacancies and manage high caseloads. Law no. 96/2016 ensures that any transfer requires the consent of the prosecutor and limits the circumstances in which transfers may be compulsory. All transfers to date have been followed by open competitions and final appointments through HPC procedures. So far, no abuses of this mechanism have been recorded, but preserving its voluntary nature is essential to avoid any perception of pressure or dilution of meritocracy in the selection of special prosecutors.

B.1. Institutional accountability

1. **Periodic reporting to the High Prosecutorial Council (HPC):** SPAK has consistently fulfilled its legal obligation to submit annual reports to the HPC, in accordance with Article 15 of Law no. 95/2016 and Article 105 of Law no. 97/2016. These reports have been delivered annually from 2021 to 2025, reflecting the activities of the preceding year. The HPC has held special sessions during which the Head of SPAK reported on institutional performance. However, as evidenced by reporting practices, the role of the HPC has been more prominent in fulfilling procedural obligations and formally exercising its competences, rather than in conducting substantive oversight that regularly monitors SPAK's performance and institutional integrity.
2. **Reporting to the Albanian Parliament:** SPAK has regularly submitted annual reports to the Committee on Legal Affairs and to the Parliament of Albania, in line with Article 104 of Law no. 97/2016. These reports, covering the years 2021 to 2024, include descriptions of the crime situation, indicators on criminal prosecution, and strategic recommendations. The positions expressed by Members of Parliament and the Parliament itself have remained general in nature and have not influenced prosecutorial decision-making.
3. **Relations with the executive branch:** SPAK's interaction with the Executive is structured through budgetary processes, institutional security guarantees, and strategic recommendations. Each year (2021-2025), the Council of Ministers has approved packages of priority recommendations concerning criminal prosecution and the improvement of prosecutorial functions. These recommendations have evolved from general suggestions for proactive



investigations to more detailed guidance on suspects' rights and the use of advanced technologies. The role of the Ministry of Justice remains technical and mediating, without infringing on functional independence. The relationship is legally balanced, although the actual impact of these recommendations on SPAK's priorities is not always measurable.

4. **Relations with the public and the media:** SPAK has progressively consolidated its communication mechanisms with the public by establishing and strengthening the role of the Media Relations Coordinator, pursuant to Article 24 of Law no. 95/2016. Since 2021, this function has developed a stable transparency system, including the publication of information requests, use of social media, and the preparation of a dedicated public communication strategy for the 2025-2028 period. The intensity of communication has significantly increased, especially in connection with cases of high public interest.
5. **Reporting and accountability of the High Prosecutorial Council (HPC):** The HPC has regularly fulfilled its obligation to report to Parliament each year (2019-2024), in line with Article 181 of Law no. 115/2016. These reports have been followed by Parliamentary resolutions with concrete recommendations, primarily focused on filling vacancies, professional evaluation of prosecutors (including those in SPAK), approval of internal regulations, and improving transparency. Although the HPC regularly reports on the implementation of recommendations in its annual reports, there is no structured monitoring system that would allow for the measurement of the real impact of these recommendations on improving the prosecution system.
6. **Reporting and accountability of the High Justice Inspector (HJI):** The High Justice Inspector has carried out periodic reporting to Parliament for the years 2021-2024, in accordance with Article 204 of Law no. 115/2016. These reports have included inspection activities and recommendations for improving the justice system. Parliament has responded with a series of recommendations for structural consolidation, strengthening technical and human capacities, and developing results-oriented inspections. However, as with other institutions, there is no clear assessment of the implementation of these recommendations or their concrete impact, partly because the role of Parliament in this process is advisory only and is not accompanied by binding enforcement or follow-up mechanisms.

B.2. Internal accountability

1. **Powers of the Head of SPAK in relation to the NBI (Director, investigators, judicial police officers, staff):** The analysis of SPAK's functioning highlights an institutionalized framework in which the competencies of the Head and the internal mechanisms for case assignment, supervision, and oversight are structured on principles of legality, transparency, and preservation of prosecutorial functional autonomy. The Head of SPAK holds extensive powers over the National Bureau of Investigation (NBI), including the authority to select, evaluate, and dismiss the Bureau's directors and investigators, with a



direct impact on the performance and integrity of this structure. However, despite progress made in developing the NBI's regulatory framework and institutional capacity during 2020-2024, there is a lack of public information regarding certain internal regulations that govern integrity assessment and the internal functioning of the Bureau.

2. **Case allocation:** With regard to case allocation, a standardized and documented procedure has been followed—based on electronic lottery and specialization criteria which has been consistently applied between 2021 and 2024. SPAK has established a customized case management system, developed with international support, separate from the Prosecutorial Services Case Management System (CAMS), and currently in an advanced testing phase. This system aims to enhance objectivity and internal oversight regarding prosecutorial workload and procedural priorities. The High Justice Inspector (HJI) has found no unjustified exceptions to the electronic lottery and confirmed that procedures have been properly and inclusively applied.
3. **Exercise of criminal prosecution:** Concerning the exercise of criminal prosecution, a careful balance is maintained between the managerial authority of the Head of SPAK and the decision-making independence of individual prosecutors. The Head may issue written guidance and request information on cases but is prohibited from interfering with the substance of decisions. Nevertheless, despite detailed reporting on investigative and prosecutorial activity, SPAK's annual reports lack information related to the integrity, legality, and procedural control of prosecutorial actions such as case dismissals, recusals, replacements, expired proceedings, decisions not to initiate criminal proceedings, and court rulings on requests for precautionary measures.
4. **Implementation of guidelines:** The reports also fail to provide data on the implementation rate of general guidelines or instances of objections and non-compliance with non-binding instructions. This is despite the law clearly providing the right to contest and procedures for documenting refusals to follow such guidance.
5. **Replacement of prosecutors:** Regarding the replacement of prosecutors, Article 49 of Law no. 97/2016 outlines procedures and safeguards to prevent arbitrary replacements, including the right to appeal and the obligation to provide written notification. In 2024, the High Justice Inspector conducted a thematic inspection on the practice and causes of prosecutorial replacements, which included the Special Prosecution Office Against Corruption and Organized Crime (SPAK). Findings from the 2024 inspection revealed that in some cases, complete documentation justifying the decision was missing, thereby undermining the transparency and credibility of the process. The HJI recommended improvements in practice and the full documentation of every replacement decision.
6. **Supervision of staff and experts by the Head of SPAK:** Regarding the supervision of staff and experts, the Head of SPAK holds direct authority over



their recruitment, training, and evaluation. The annual reports reflect activity in the preparation of training and recruitment procedures; however, data on periodic performance evaluations and the application of disciplinary measures are lacking. This limits the ability to fully assess the quality of administrative oversight, which remains an essential component for the proper functioning of the institution and the maintenance of integrity standards.

B.3. Individual accountability

- 1. Ethics and conflict of interest for SPAK prosecutors:** The legal and sub-legal framework regulating the ethics of special prosecutors is detailed. The High Prosecutorial Council (HPC) adopted the “Standards of Ethics and Rules of Conduct for Prosecutors” in 2022, while SPAK approved a separate regulation on ethical conduct for all staff in 2023. The Ethics Advisor, as a non-punitive advisory mechanism, plays a role in preventing violations through confidential counseling and ethical education activities. The rules clearly cover private life, prohibition of inappropriate conduct, acceptance of gifts, and contact with interested parties. However, there is a lack of data on the active monitoring of the implementation of these standards and on the concrete impact of these mechanisms in strengthening ethics in practice.
- 2. Disciplinary responsibility and proceedings for SPAK prosecutors:** Law no. 96/2016 sets out a detailed disciplinary responsibility system for magistrates, with classification of violations and sanctions based on the principles of proportionality and the right to due process. The High Justice Inspector (HJI) and HPC have distinct and well-defined competences regarding the investigation and adjudication of disciplinary cases. In 2024, reports indicate an increase in complaints against SPAK prosecutors, but there is a lack of detailed information regarding the handling phases and final decisions. Statistics are aggregated by category of magistrate, not by institution.
- 3. Security, integrity, and oversight of SPAK officials:** SPAK officials are subject to a special regime of asset and background verification both before and after appointment, in accordance with Law no. 95/2016. The process includes waiving privacy rights over communications and assets, as well as ongoing checks by security and financial institutions. The Special Verification Commission, composed of representatives from SPAK and the Special Court Against Corruption and Organized Crime (SCACOC), has applied a consolidated methodology for candidate verification from 2020 to 2024, including document analysis and polygraph testing. Although dozens of verifications have been completed for prosecutors, investigators, and administrative staff, there are no reports of rejections or direct consequences resulting from these verifications.
- 4. Ethical and professional evaluation of prosecutors:** The legal framework for the ethical and professional evaluation of SPAK prosecutors is based on the principles of merit, independence, and due legal process, as outlined in Part



IV of Law no. 96/2016. The HPC has established a formal mechanism for the periodic evaluation of all magistrates, through evaluation commissions, random assignment, and final institutional reports. The evaluation covers aspects such as ethics, performance, organizational skills, and professional dedication. However, in 2024, SPAK prosecutors were temporarily exempted from the evaluation process to preserve the integrity of their function, avoid practical difficulties in assessing sensitive cases, and ensure the normal and independent functioning of the institution.

5. **Conflict of interest for HPC members:** Law no. 115/2016 and the corresponding HPC regulations provide a detailed structure for preventing and managing conflicts of interest involving Council members, including declaration, recusal, and institutional review of incompatibility cases. Core principles prohibit any member from participating in cases involving individuals with familial or institutional ties. Requests for recusal may be raised by the member or by involved parties and are reviewed by the Council as a whole, with documented decision-making. However, the HPC's public reports do not provide detailed data on cases where these provisions have been applied in practice or on identified or rejected situations for recusal. Additionally, the Council has yet to adopt a dedicated internal regulation specifically addressing conflicts of interest.
6. **Conflict of interest in the Office of the High Justice Inspector (HJI):** The Office of the HJI has developed a broad normative framework for preventing and handling conflicts of interest, through Law no. 115/2016, the internal organizational regulation (2021), and an internal ethics order (2022). The legal provisions prohibit any benefit or external influence that compromises the impartiality of inspectors and require the active declaration and management of private interests. The Human Resources Unit plays a key role as the responsible authority for overseeing these processes and for periodic reporting.



Introduction

Independence and accountability represent two core elements of the rule of law and the democratic functioning of justice institutions, including those of criminal justice. They are not opposing principles, but rather form a complementary dynamic in which independence protects the function of criminal prosecution from undue interference of any kind, while accountability ensures that this function is exercised in accordance with standards of transparency, integrity, and public responsibility.

The establishment of the Special Prosecution Office against Corruption and Organized Crime (SPAK), within the framework of justice reform in Albania, represents one of the deepest and most important interventions to restore public trust in criminal prosecution. SPAK is not merely a new structure, but a mechanism with focused competences, a special constitutional status, and multiple legal safeguards, through which it aims to address in an effective manner phenomenon that pose a threat to the rule of law: high-level corruption and organized crime.

The structure of the Special Prosecution Office is designed as a dual-functional institutional architecture, combining the decision-making capacities of special prosecutors with the operational and investigative capacities of the National Bureau of Investigation (NBI). This model aims to create a vertical, independent, and specialized instrument to confront the most sophisticated forms of criminality, particularly high-level corruption and organized crime.


In the five years since its establishment in December 2019, the Special Prosecution Office has gradually consolidated its position in effectively pursuing its mandated objectives. Despite a number of initial challenges such as lacking full capacities to meet the ambitious goals under conditions of high public expectations SPAK has managed to build a tangible track record in combating both high-level corruption and organized crime.¹

Nevertheless, there remains a need to further strengthen investigative and analytical capacities, enhance the proactive role in initiating complex criminal investigations, and build a sustainable methodology for tracing illicit financial flows and unjustified assets. Despite the progress made, the need to deepen the use of financial intelligence, ensure more effective coordination with other law enforcement structures, and improve the use of special investigative tools remains essential to achieving full institutional maturity and balancing long-term challenges in the fight against organized crime and high-level corruption with public expectations.²

These developments and critical issues in the functioning of SPAK cannot be understood in isolation from the institutional framework and the functioning of mechanisms that guarantee independence and accountability. Any imbalance between these components—whether a threat to independence or a lack of effective

¹ Center for the Study of Democracy and Governance. (2024). *Performance of Special Institutions and the Consolidation of the Fight against Corruption and Organized Crime (2024). Future Perspectives in the Context of EU Accession Negotiations*. https://csdgalbania.org/publications/Report5_SPAK_GJKKO_2024_ENG.pdf

² Ibid



accountability would undermine SPAK's institutional stability and, consequently, its effectiveness, integrity, and credibility.

In this context, this report aims to provide a comprehensive and in-depth baseline assessment of the framework that guarantees the independence and accountability of SPAK. The assessment seeks to present as objectively as possible the legal and practical balance between the institutional and functional autonomy of SPAK and the mechanisms of control, accountability, and responsibility.


Through a detailed analysis of the constitutional and legal framework, and of the institutional practices applied during the period 2020-2024, the report aims to evaluate which elements constitute sustainable functional standards and to identify structural or implementation gaps that may threaten the intended balance. The significance of this report also lies in the fact that SPAK, as a structure with a special constitutional status and a specific mandate to combat high-level corruption and organized crime, represents a reference point for the functioning of justice reform as a whole.

Methodology

This report represents a first effort with the aim of building a baseline assessment of the independence and accountability of SPAK, more than five years after the establishment and operationalization of this institution. The analysis seeks to construct, for the first time, a systematized analytical framework that can serve in the future as a baseline for periodic and standardized evaluations. The analytical structure is divided into **six interrelated categories**, which represent different dimensions of independence and accountability: three focused on the aspect of independence (institutional, internal, and individual), and three others on the dimension of accountability (institutional, internal, and individual). This reflects the complex nature of the balance between institutional autonomy and the obligation to respond to the public and oversight mechanisms.

Each category includes **six selected criteria** based on the functions and relationships that characterize the activity of the Special Prosecution Office. In the category of institutional independence (A1), the criteria assess the fundamental elements that guarantee the formal and functional existence of SPAK as a structure independent from the other branches of government, through analysis of constitutional provisions, budgetary support, control mechanisms, and interactions with institutions that may influence it. Internal independence (A2) focuses on how the internal organizational structure, the role of the Chief Prosecutor, the appointments, and the duties of prosecutors either support or restrict the independent exercise of procedural functions. Next, individual independence (A3) addresses the rights, status, protection, and professional development of each SPAK prosecutor, as well as the safeguards that protect the impartial exercise of their duties.

Similarly, accountability is conceptualized in a gradual manner according to its levels of manifestation. External accountability (B1) includes the forms of reporting and



interaction with the Parliament, the Council of Ministers, the media, and the public, while internal accountability (B2) examines how the organizational structure and leadership ensure internal oversight and control over prosecutorial decision-making and performance. Finally, individual accountability (B3) serves to analyze the personal responsibility of each prosecutor, including disciplinary mechanisms, ethical standards, and the transparency of their decision-making. The selection of these criteria is based on detailed analyses of the Albanian legal framework, as well as practical experience. This method aims to create an objective and reusable measurement framework for similar assessments in the future, maintaining a careful balance between functional independence and democratic accountability.

Metrics of Assessment

For the comprehensive assessment of the independence and accountability of the Special Prosecution Office (SPAK), a structured metric has been developed that combines a normative approach with institutional analysis, relying both on the legal framework and its practical implementation. This metric serves as an analytical tool to systematically and comparatively measure the degree to which the institution's activities align with constitutional and legal standards.

Each assessment element is organized according to a common structure, where every analyzed criterion is linked to a specific category corresponding to a key dimension of either institutional or individual independence or accountability. For each criterion, the evaluation is based on three standardized levels: **fulfilled, partially fulfilled, or not fulfilled**. These levels do not merely reflect a formal judgment on legal compliance, but aim to capture the substance of institutional functioning, clearly reflecting implementation capacity, coherence of practice, and the effectiveness of the tools available.

The metric is grounded in an integrated methodological approach that combines analysis of the legal framework with a qualitative evaluation of institutional performance. It considers not only the existence of the legal norm but also how it is implemented, monitored, and measured over time.

Category	Criterion	Fulfilled	Partially Fulfilled	Not Fulfilled	Justification of the assessment
A.1. Institutional independence (external)	<i>Constitutional and legal guarantees of SPAK's independence</i>	X			Although SPAK has occasionally been exposed to political pressure and media discourse, no cases have been identified in which effective interference has hindered or distorted the exercise of its constitutional function. The continuous and documented reactions of the High Prosecutorial Council and international partners constitute institutional protection and demonstrate that legal safeguards have been activated in practice. Consequently, the criterion of constitutional and legal guarantees of SPAK's independence is considered fulfilled, as the functional protection of independence is applicable and effective in practice.
	<i>Funding of the Special Prosecution Office (SPAK)</i>	X			The consolidation of financial resources, the increase in budget management capacities, and the dedicated allocation in the state budget position SPAK as a functionally autonomous structure in financial terms. The fact that the draft budget proposed by its Head has received special institutional treatment and its implementation has progressively improved shows that the guarantee provided by law has translated into an effective tool for performing investigative functions without financial dependence on other executive or political actors.
	<i>Guarantees of independence and institutional competences of the High Prosecutorial Council (HPC)</i>		X		Despite the strong legal basis and the stable exercise of many of its competences, the manner in which non-magistrate members of the Council are selected by the Assembly remains a structural weakness that directly affects the independence of the Council. The lack of equal vetting standards for non-magistrate members, as well as instances where the anti-deadlock mechanism has been activated due to the Assembly's failure to vote in a transparent and merit-



					based manner, risk undermining the balance and integrity of the Council as a self-governing body.
	<i>Funding of the High Prosecutorial Council (HPC)</i>	X			In the medium term, the budget of the High Prosecutorial Council has shown a stable improvement trend, both in absolute value and in implementation rate. Despite isolated difficulties in the initial stages and the failure to realize investments in 2024, the functioning of the Council has not been fundamentally hindered by lack of funds, while internal financial capacities have been consolidated. The dedicated budget structure, the improvement of implementation efficiency, and the repeated institutional support for the Council's needs demonstrate that the guarantee of financing is functional in practice.
	<i>Guarantees of independence and institutional competences of the High Justice Inspector (HJI)</i>	X			The constitutional and legal framework provides full guarantees for the Independent High Justice Inspector (HJI) to perform its functions independently and impartially. However, ongoing difficulties in completing the inspectorate structure, particularly through secondments from the High Judicial Council (HJC) and the High Prosecutorial Council (HPC), may affect HJI's institutional capacity to fulfill its functions. The continued lack of experienced magistrates may limit the institution's ability to effectively handle thematic inspections, the backlog of complaints, and issues of high legal complexity. These shortcomings, documented over the years and highlighted by HJI itself, indicate that the formal guarantee of independence is often not accompanied by full functional capacity.
	<i>Funding of the High Justice Inspector (HJI)</i>	X			The legal framework guarantees financial independence for HJI through a dedicated budget, the right to submit its draft budget to the Assembly, and the possibility of additional funding from donors. However, in practice, budgeting has been affected by

					the incomplete structure, resulting in recurring savings in the salary fund and low execution of capital investments. Even though the budget has progressively increased and audits by the State Supreme Audit Institution (SAI) have been positive, the persistent issues with inspector vacancies and project cancellations indicate that, while financing is legally guaranteed, it has not fully translated into complete functional capacities for HJI.
A.2. Internal autonomy	Structure and organization of the Special Prosecution Office	X			The legal framework clearly regulates the structure, functional division, and administrative support of the Special Prosecution Office (SPAK), defining specialized sectors within the institution. The institution's annual reports document the actual functioning of these sectors, including technical units, support structures, international cooperation, and media coordination functions. The internal functioning appears aligned with the legal division of responsibilities, with no structural gaps or absence of essential functions identified, presenting a positive assessment regarding the organization and functioning of the institution in accordance with the legal framework.
	Selection of the Head of the Special Prosecution Office	X			The constitutional and legal framework guarantees a clear and time-limited process for the selection of the Head of SPAK, setting standards for rotation, transparency, and meritocracy. In practice, in both selection processes (2019 and 2022), the High Prosecutorial Council (HPC) followed detailed procedures involving public announcements, measurable criteria, internal evaluations, and public interviews. The participation of international observers, public voting, and the documentation of the methodology are key elements contributing to the credibility of the process. No procedural violations or external interferences have been reported, making



					the process fully compliant with requirements of independence and institutional integrity.
	<i>Promotion of SPAK prosecutors</i>	X			The constitutional and legal framework is clear and detailed regarding the selection, appointment, and mandate of special prosecutors, including merit-based criteria, security, and professional integrity. The Constitution (Article 148/dh) and Law no. 95/2016 provide for a special 9-year term without the right to reappointment, with thorough verification of assets and background. In practice, HPC has conducted several selection rounds between 2019 and 2024, through special commissions, transparent methodologies, cooperation with OPDAT/EURALIUS, and institutional oversight. These processes reflect continuous efforts to uphold transparency, documentation, and professionalism, despite challenges such as a limited number of applicants and the impact of the transitional re-evaluation process. In 2024, HPC successfully completed the selection of 20 prosecutors, filling the entire SPAK staff structure and reinforcing the institution's operational stability.
	<i>Meeting of the Special Prosecutors</i>		X		Although Article 16 of Law no. 95/2016 clearly defines the functional role and competences of the meeting of special prosecutors as an internal collegial mechanism with advisory and organizational functions, the data are temporally incomplete. In the 2021 and 2022 reports, the meeting is only generally mentioned, without details on structure, topics, or frequency. Only in the 2023 and 2024 reports is the meeting described as an active part of the work analysis and coordination of institutional activity. The lack of continuous and transparent documentation throughout the entire evaluation period prevents a full assessment of this mechanism's functioning, which is essential to the institution's internal governance.

	<i>Competences of the Head of SPAK</i>	X			The constitutional and legal framework clearly defines the role, limits, and competences of the Head of SPAK, establishing a balance between leadership functions and respect for prosecutors' independence in criminal prosecution. In practice, the 2021-2024 annual reports document the effective exercise of the Head's competences in administration, inter-institutional cooperation, public representation, and reporting. Concrete actions have been taken in relation to internal organization, media communication, and interaction with the National Bureau of Investigation (NBI). The implementation of these competences is well documented and aligned with standards of institutional integrity and functionality.
	<i>Human resources of the Special Prosecution Office</i>		X		The legal framework provides special rules for the recruitment, training, and integrity of SPAK civil servants and experts, reflecting high demands for professionalism and security. In practice, there has been steady progress in increasing the number of appointments and training sessions, particularly during 2023-2024. However, persistent gaps remain in specialized positions such as IT, Expertise, Judicial Police Officers (JPO), and Human Resources, which affect the institution's optimal functioning. While the approved staffing structure reached a fulfilment rate of 94% in 2024, challenges persist in meeting human resource needs.
A.3. Individual independence	<i>Constitutional and legal guarantees of the independence of special prosecutors</i>	X			The constitutional and legal framework provides a clear and strong foundation for the individual independence of special prosecutors, prohibiting any interference with the substance of criminal investigations and sanctioning the separation between procedural and administrative powers. The Constitution and Laws no. 95/2016, no. 97/2016, and

				no. 96/2016 provide protection against both external and internal influences, establish obligations to report in cases of interference, and grant prosecutors the freedom to act according to their legal conviction. These elements constitute a comprehensive system of legal guarantees for the independent exercise of prosecutorial functions.
	<i>Status of special prosecutors</i>			X The legal and institutional framework clearly guarantees the selection, appointment, and exercise of duties of special prosecutors, protecting them through magistrate status, an untouchable 9-year mandate, and a clear division between procedural and administrative responsibilities. However, the law does not provide a concrete solution for the status of prosecutors after the end of their mandate in SPAK. SPAK has officially raised this concern in its annual reports and has proposed legal amendments to address the issue.
	<i>Security and protection of prosecutors</i>	X		The legal framework governing the protection of special prosecutors is comprehensive and harmonized across Laws no. 95/2016, 96/2016, 97/2016 and Decision of the Council of Ministers no. 564/2019. It foresees specific measures for the institutional and personal safety of prosecutors and their families, including after they leave office. The regular functioning of the Commission for the Protection of Prosecutors during 2019-2024, with examination and approval of protection requests, demonstrates the enforceability of existing mechanisms. However, the annual reports contain no direct references to requests made by SPAK prosecutors, even though they are among the most exposed to risk.
	<i>Engagement in activities outside official duties by prosecutors</i>	X		The legal and sub-legal framework (Law no. 96/2016 and HPC Regulation no. 26/2019) sets clear restrictions on out-of-office activities by prosecutors,



					including absolute prohibitions and criteria for authorizing paid or unpaid engagements. Bans on involvement in political, economic, or other conflict-prone activities are clearly detailed. The High Prosecutorial Council has exercised its oversight role by approving authorizations and publishing the relevant acts. During 2022-2023, a limited number of SPAK prosecutors were involved as trainers or experts in national and international institutions, always with prior authorization and in compliance with procedures. However, there is a need to improve information and data in reports related to this issue.
	<i>Training of prosecutors</i>	X			The legal framework (Laws no. 96/2016 and 115/2016) sets the obligation for initial and continuous training for all prosecutors, including those in SPAK. In practice, SPAK has seriously fulfilled this obligation through ongoing cooperation with the School of Magistrates and the approval of respective training plans. The 2023-2026 training plan for administrative personnel reflects a detailed analysis of training needs by sector and profile. Trainings conducted for prosecutors have included priority topics related to organized crime and corruption investigation. While more detailed data is needed on the individual participation of each prosecutor in training, the overall institutional documentation, cooperation with the School of Magistrates and international partners, and the systematic approach reflect commitment to continuous professional development.
	<i>Transfer of prosecutors to the Special Prosecution Office</i>	X			The legal framework clearly provides the conditions, limitations, and procedures for the transfer of prosecutors to the Special Prosecution Office, preserving functional independence and the right not to be transferred without consent. The law recognizes only limited cases of mandatory transfer, which are

					protected by appeal guarantees. For SPAK, the law recognizes a special regime for the temporary secondment of experienced prosecutors, only with their consent and based on a reasoned request from the Head of SPAK. In practice, all temporary transfers have been carried out in accordance with the law and with the parties' consent, and all seconded prosecutors have later been appointed through the regular procedure of the High Prosecutorial Council.
B.1. Institutional accountability (external)	<i>Periodic reporting of SPAK to the HPC</i>		X		The Special Prosecution Office (SPAK) has consistently fulfilled its obligation to submit an annual report to the High Prosecutorial Council, in accordance with Article 15 of Law no. 95/2016 and Article 105 of Law no. 97/2016. From 2021 to 2025, five regular sessions have been held where the Head of SPAK has presented the annual institutional activity report, reflecting functional transparency and a commitment to accountability. These reports were submitted within the legal deadlines and contain detailed information on results and operational challenges. However, in order to strengthen this mechanism, it remains important for the High Prosecutorial Council to ensure a more structured follow-up of the recommendations arising from these reports and to enhance its analytical and supervisory role over SPAK's performance.
	<i>Reporting of SPAK to the Parliament of Albania</i>		X		SPAK has consistently respected the legal obligation to report to the Albanian Parliament and the Committee on Legal Affairs, in accordance with Article 104 of Law no. 97/2016. During the period 2021-2024, regular hearings have been held at both committee and plenary level, ensuring institutional transparency and information-sharing. These reports have covered aspects of the crime situation, strategic priorities, and institutional challenges. However, beyond this



					formalism, there remains a need to strengthen the oversight role of the Parliament through critical analysis of the reports and follow-up on the recommendations emerging from the hearings, with the aim of increasing the impact of this form of accountability.
	<i>Relations with the Executive</i>	X			The legal framework ensures a clear division between the functions of SPAK and the competences of the executive, defining the supportive role of the Ministry of Justice and the Council of Ministers in areas such as security, budget, training, and strategic recommendations. In practice, the Council of Ministers has followed a consistent process of approving recommendations for the prosecution system, including SPAK. These recommendations have evolved over the years with a focus on strengthening functional independence, proactive investigations, new technologies, and institutional integrity (especially in 2025). Nevertheless, it remains essential that this relationship is continuously monitored to ensure that the influence of the executive remains within strategic and administrative boundaries, without infringing on the investigative function.
	<i>Relationship with the public and media</i>	X			SPAK's relationship with the media and the public is built upon a solid legal basis (Article 24 of Law no. 95/2016) and has been practically consolidated through the creation of the Media Relations Coordinator position since 2021. During 2021-2024, steady steps have been taken to build a functional communication mechanism: the creation of a Request Register, increased transparency, use of social media, development of a communication strategy (2025-2028), and expansion of public communications. These developments have significantly improved access to information and engagement with the media.



					However, it is necessary to further measure and enhance the impact of strategic communication on public trust and on building a balanced institutional narrative in the media.
	<i>Reporting and accountability of the High Prosecutorial Council</i>		X		The High Prosecutorial Council has regularly and in a documented manner fulfilled its obligation to report annually before the Committee on Legal Affairs and subsequently in plenary sessions of the Albanian Parliament. The annual reports (2019-2024) have been submitted on time and have included detailed information on activities, decision-making, and recommendations concerning the prosecution system. Legal obligations to report on the evaluation and functioning of the prosecution system as a whole have also been respected. However, reporting remains largely formal and is not always accompanied by structured follow-up on the recommendations provided, underscoring the need for effective monitoring mechanisms and enforcement of follow-up.
	<i>Reporting and accountability of the High Justice Inspector</i>		X		The High Justice Inspector (HJI) has fulfilled its obligation for periodic reporting to the Albanian Parliament by submitting the annual report each year, reflecting the activity of the Inspector's Office, investigations, inspections, and disciplinary measures. The reports have been reviewed by the Committee on Legal Affairs and subsequently approved in plenary session. Parliamentary recommendations have shown a clear evolution from an initial focus on capacity building to more advanced objectives related to increased transparency, efficiency, and inter-institutional cooperation. However, the role of Parliament remains general in exercising a full monitoring function, due to the lack of a clear methodology and structured mechanisms for evaluating the implementation of recommendations.

B.2. Internal accountability	Competences of the Head of SPAK regarding BKH (Director, investigators, judicial police officers, staff)		X		The legal framework clearly defines the functional and procedural subordination of the National Bureau of Investigation (NBI) to the Head of SPAK, granting the latter decisive powers over the selection, supervision, evaluation, and dismissal of managerial and investigative personnel. In practice, annual reports confirm that the Head has exercised key functions in recruitment, co-decision-making on internal organization, and the strengthening of international cooperation. However, there is a lack of information regarding the publication of some internal regulations that govern the internal functioning of the structure.
	Case assignment and management		X		The legal framework provides clear guarantees for the objective, equal, and automated distribution of cases. Laws no. 97/2016 and no. 95/2016 prescribe the use of an electronic lottery system and case allocation based on specialization and workload. However, in practice, during the period 2021-2024, SPAK has followed standardized manual procedures, including manual lottery-based distribution and division according to functional sections, as the dedicated electronic system is still in a pilot phase. According to the High Justice Inspector (HJI), the procedures applied have been transparent and inclusive, but the lack of a fully digital system makes it impossible to ensure complete automation and protection from internal influences. The implementation of the case management system is expected to be completed in 2025.
	Exercise of criminal prosecution		X		The legal framework outlined in Article 43 of Law no. 97/2016 ensures a clear separation between the procedural independence of prosecutors and the supervisory role of the Head of SPAK, who has the right to coordinate, request information, issue written guidance without infringing on prosecutorial decision-



					making, and intervene in cases involving the replacement of a prosecutor or to ensure implementation of the General Prosecutor's instructions. In practice, the annual reports from 2021-2024 demonstrate intensive activity by SPAK in handling high-complexity investigations domestically and internationally. However, essential data is lacking to assess the procedural integrity of criminal prosecution: decisions on non-initiation, time-barred cases, recusals, withdrawals, and court rulings on security measures are not reported in a disaggregated or standardized manner.
	<i>Implementation of instructions</i>		X		The legal framework set out in Articles 46-48 of Law no. 97/2016 establishes a balanced mechanism allowing the Head of SPAK to issue general guidance and non-binding directions in specific cases, ensuring a limited hierarchical line that does not compromise the functional independence of prosecutors. The law grants prosecutors the right to appeal general guidance and to refrain from following non-binding instructions, provided they justify and document their position. In practice, the annual reports from 2021-2024 include data on internal acts and instructions issued by the Head of SPAK, but there is no information on their implementation by individual prosecutors. No cases of appeals, non-compliance with non-binding instructions, or specific procedural impacts are reflected.
	<i>Replacement of prosecutors</i>		X		The legal framework established in Article 49 of Law no. 97/2016 sets clear and balanced rules for the replacement of prosecutors, ensuring transparency, the right to appeal, and the protection of functional autonomy. The Head of SPAK issues a written decision, and the prosecutor has the right to appeal it to the High Prosecutorial Council. According to the HJI's

					thematic inspection in 2024, four replacement cases were reported in SPAK during 2023, including two involving the Head. Although no complaints were filed against these decisions, HJI found incomplete documentation (e.g., resignation requests, lottery procedure records, supporting declarations), which hinders auditability and transparency. In one case, a deviation from functional specialization in appointing the substitute prosecutor was observed.
	<i>Supervision of staff and experts by the Head of SPAK</i>		X		The legal framework defined in Article 26 of Law no. 95/2016 grants the Head of SPAK direct oversight authority over administrative personnel and technical experts, including recruitment, training, disciplinary measures, and performance evaluation. In practice, annual reports include data on training activities and recruitment procedures for the period 2023-2024, demonstrating the active involvement of the Head in managerial functions. However, detailed information is lacking regarding disciplinary measures applied, periodic performance evaluations, or analyses of the actual functioning of the supervisory mechanism. Likewise, the reports do not provide information on whether actions have been taken to regulate or assess the division of responsibilities between prosecutors and support staff.
B.3. Individual accountability	<i>Ethics and Conflict of Interest of SPAK prosecutors</i>		X		The national and sublegal framework provides clear standards for the ethical conduct of prosecutors and the prevention of conflicts of interest, as laid out in Article 10 of Law no. 97/2016, Article 4 of Law no. 96/2016, as well as decisions of the High Prosecutorial Council (HPC) and SPAK's internal acts. The "Standards of Ethics and Rules of Conduct for Prosecutors" (HPC, 2022) and SPAK's regulation on ethics and conduct (2023) have been adopted, regulating in detail behavior in office, private life,



					external activities, and the reporting of gifts. Additionally, the Ethics Advisor, as a non-punitive mechanism, supports ethical prevention and education. However, in practice, there is a lack of public data or annual reporting on the concrete implementation of these standards by special prosecutors, as well as on active ethics monitoring or addressed cases of conflict of interest.
	<i>Accountability and disciplinary proceedings for SPAK prosecutors</i>		X		The legal framework, as defined in the Constitution and Law no. 96/2016, guarantees a comprehensive, detailed, and progressive system of disciplinary proceedings for prosecutors, including those in SPAK. The law clearly defines the types of violations, possible sanctions, and procedural protection standards, while responsibilities are divided between the High Justice Inspector (HJI) for investigation and the High Prosecutorial Council (HPC) for decision-making. In practice, HIJ has handled a limited number of complaints against SPAK prosecutors (25 cases in 2024), but the data on investigations, proceedings, sanctions, and final decisions are not disaggregated by institution, making it impossible to evaluate this structure specifically. Although the KLP's Disciplinary Commission has functioned regularly and developed consolidated practices, the lack of differentiated transparency regarding SPAK prosecutors limits public oversight and direct accountability.
	<i>Security, integrity, and oversight of SPAK officials</i>		X		The legal framework for the security, integrity, and oversight of SPAK officials is advanced and detailed, as defined in Articles 6 and 48-54 of Law no. 95/2016. It establishes a multi-layered system of screening and oversight, including asset and background verification during candidacy, waiver of privacy rights for security purposes, periodic financial control, and supervision of official communications. The Special Verification



					Commission has operated regularly from 2020 to 2024, conducting over 400 verifications for SPAK, the Special Anti-Corruption Court (SCCOC), and BKH candidates, in cooperation with the competent institutions on security and financial matters.
	<i>Ethical and professional evaluation of prosecutors</i>	X			The legal framework for the ethical and professional evaluation of SPAK prosecutors is clear and comprehensive, as set out in Part IV of Law no. 96/2016, and is based on the principles of independence, meritocracy, due process, and confidentiality. The KLP has established a structured evaluation process with multiple components and has approved evaluation reports for SPAK prosecutors in the context of initial assessment. However, due to institutional sensitivity and the specific nature of their work, SPAK prosecutors have been temporarily excluded from the periodic process of ethical and professional evaluation, as noted for the year 2024.
	<i>Conflict of interest for HPC members</i>		X		The legal and regulatory framework for managing conflicts of interest within the High Prosecutorial Council (HPC) is complete and detailed. Law no. 115/2016 (Articles 171-175) and HPC's internal regulation (updated in 2024) set out obligations for self-declaration and recusal, explicit prohibitions against involvement in matters linked to personal relationships or prior engagement, and mechanisms for institutional exclusion by decision of the Council. The regulation also requires members to report potential conflict situations concerning colleagues and provides the possibility to request an opinion from the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (HIDAACI). However, there is no dedicated regulation exclusively addressing the prevention and management of conflicts of interest, which would provide greater procedural



					clarity, supervisory tools, and concrete enforcement mechanisms for complex or repeated cases.
	<i>Conflict of interest in the Office of the High Justice Inspector</i>	X			The legal and regulatory framework of the High Justice Inspector's Office (HJI) sets clear standards for the prevention of conflicts of interest, grounded in Law no. 115/2016 and internal acts adopted by the institution, including the Code of Conduct Order (2022) and the internal rules of operation. Obligations have been defined for self-declaration, prohibitions on undue benefits, maintenance of impartiality, and rules for external activities and gift acceptance. The Human Resources Unit serves as the Responsible Authority, with competencies for supervision, verification, and reporting.

Findings of the Assessment

A.1. Institutional independence (external)

1) The constitutional and legal framework of SPAK's independence

Category	Institutional independence
Criterion	The constitutional and legal framework of SPAK's independence
Purpose of evaluating the criterion	To assess whether the constitutional and legal framework <u>sufficiently guarantees the institutional independence</u> of SPAK from interference, positioning it as a distinct and protected structure within the criminal justice system.
Analysis of the legal framework	
<p>The independence of the Special Prosecution Office (SPAK) is directly guaranteed by the Constitution and the organic legislation that governs its organization and functioning. Article 148 of the Constitution of the Republic of Albania, amended by Law no. 76/2016, establishes that the Prosecution Office is an independent body that exercises criminal prosecution and represents the accusation on behalf of the state. The same article also provides that prosecutors enjoy internal independence during investigations and prosecutions. Paragraph 4 of this article explicitly states that the Special Prosecution Office and the National Bureau of Investigation are entirely independent from the General Prosecutor, establishing them as distinct and separate structures within the criminal justice system.</p> <p>This constitutional principle is further concretized in Article 3 of Law no. 97/2016 "On the Organization and Functioning of the Prosecution Office in the Republic of Albania", which states that the Prosecution Office exercises its functions independently, through prosecutors who act on behalf of the state and under the responsibility of the law. This provision affirms the functional independence of individual prosecutors, directly linking the exercise of their duties to the law, and not to institutional subordination.</p> <p>In addition, Law no. 95/2016 "On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime", in Article 4, provides that the Special Prosecution Office carries out its functions independently and is composed of special prosecutors appointed by the High Prosecutorial Council, according to procedures and criteria defined by this law. This arrangement ensures institutional and functional separation of SPAK from</p>	

the rest of the prosecutorial system, positioning it as a specialized structure with legally sanctioned independence.

The current legal framework guarantees SPAK's independence on three levels: (i) constitutional level, by explicitly separating SPAK from the General Prosecutor's Office; (ii) individual level by affirming the prosecutorial independence of each prosecutor in the exercise of public functions; (iii) structural level through a dedicated legal framework that regulates the selection and appointment of its prosecutors.

Assessment of practice

Despite being sanctioned in legislation, the independence of the Special Prosecution Office (SPAK) has been placed at the center of public and political attention in several repeated instances. The institution itself, in its 2024 annual report, emphasizes that the independence of SPAK has been brought into the spotlight during various occasions. The report underscores that external pressure on SPAK from organized crime, political and media actors threatens its constitutional independence and the effectiveness of investigations. According to the institution, such external interferences also endanger the integrity of prosecutors and the investigative process.³

In light of these ongoing developments related to the functioning and challenges faced by the Special Prosecution Office against Corruption and Organized Crime (SPAK), the High Prosecutorial Council (HPC) has repeatedly taken public positions in defense of the integrity and independence of prosecutors, as well as to strengthen public trust in justice institutions. Since the creation of SPAK and the appointment of its leadership, the HPC has highlighted the importance of a transparent selection process for prosecutors of this structure, ensuring thorough vetting of background, assets, professional integrity, and compliance with legal requirements. All SPAK prosecutors are considered among the most thoroughly vetted and tested in the country, having successfully passed the vetting process and a public competition with full transparency.

In its statements from 2019-2025,⁴ the HPC has consistently responded to media attacks, denigrating language, and intimidation attempts following procedural actions taken by SPAK prosecutors, stressing that any claim or complaint against prosecutors should only be addressed in accordance with the law and through the competent judicial institutions. The Council has condemned all efforts to

³ Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2024*.

<https://spak.gov.al/wp-content/uploads/2025/04/Raporti-vjetor-SPAK-2024.pdf>

⁴ High Prosecutorial Council. (2019, December 27). *Press Statement*. <https://klp.al/2019/12/27/deklarate-per-median/>

High Prosecutorial Council. (2020, July 27). *Press Statement*. <https://klp.al/2020/07/27/deklarate-per-media/>

High Prosecutorial Council. (2023, November 24). *Press Statement of the High Prosecutorial Council*.


<https://klp.al/2023/11/24/deklarate-per-mediat-e-keshillit-te-larte-te-prokurorise/>

High Prosecutorial Council. (2024, April 16). *Response of the High Prosecutorial Council*.

<https://klp.al/2024/04/16/reagim-i-keshillit-te-larte-te-prokurorise/>

High Prosecutorial Council. (2025, February 25). *Press Statement of the High Prosecutorial Council*,

25.02.2025. <https://klp.al/2025/02/25/deklarate-per-media-e-keshillit-te-larte-te-prokurorise-25-02-2025/>



exert pressure on prosecutors through public discourse, political statements, or the involvement of persons under investigation in media debates, deeming these as unacceptable interferences that undermine justice and the functioning of the rule of law.

In particular, the HPC has also defended individual prosecutors,⁵ stressing the importance that prosecutors be allowed to perform their duties without fear and with full independence. The Council has continuously reiterated that the protection of a prosecutor's integrity is not only a legal obligation (under Article 185 of Law no. 115/2016), but also a necessity for maintaining public confidence in the justice system and for strengthening the new justice institutions.

In all its positions, the HPC has expressed unconditional support for prosecutors acting in accordance with the law and has consistently encouraged the exercise of criminal prosecution in an impartial and professional manner. The Council has also emphasized the importance of the media's role in providing accurate and unbiased public information, calling on the media to avoid unnecessary rhetoric and speculative language that could harm the integrity of judicial proceedings.

Throughout its positions and statements, the High Prosecutorial Council has reaffirmed its mission to ensure the independence, professionalism, and accountability of prosecutors, and to serve as a strong institutional supporter in the face of any attempts to undermine the success of justice reform. The functional independence of SPAK has been considered essential in the fight against corruption and organized crime in Albania, and for this reason, institutional protection of this body and its prosecutors has been one of the Council's top priorities.

In alignment with Albanian institutions, the Delegation of the European Union in Tirana has issued official reactions, emphasizing that the investigations of the Special Prosecution Office must be conducted entirely free from political interference and external pressure. EU statements have drawn attention to the fact that the physical safety and professional integrity of SPAK prosecutors are non-negotiable conditions for ensuring a functional and independent justice system. The EU Ambassador to Albania has publicly expressed full support for SPAK's work, praising its engagement in sensitive and courageous cases that reach the highest levels of corruption and organized crime. It has been emphasized that independence and accountability are two principles that must progress in parallel, clearly stating that the protection of prosecutors and their investigations is part of Albania's obligations on its path to European integration.⁶ Other official statements have also clearly noted that SPAK plays a key role in consolidating the rule of law in Albania and in achieving the objectives of justice reform. In this context, continued support from

⁵ High Prosecutorial Council. (2025, February 25). *Press Statement of the High Prosecutorial Council*, 25.02.2025. <https://klp.al/2025/02/25/deklarate-per-media-e-keshillit-te-larte-te-prokurorise-25-02-2025/>

⁶ European External Action Service. (2025, 6 months ago). *Speech of the EU Ambassador to Albania, Silvio Gonzato, on the fifth anniversary of SPAK*. https://www.eeas.europa.eu/delegations/albania/speech-eu-ambassador-albania-silvio-gonzato-fifth-anniversary-spak_en?s=214

international partners is seen as an important guarantee for preserving the institutional integrity of SPAK against internal political pressures.⁷

The independence of the Special Prosecution Office is a central issue for the progress of justice reform and for Albania's international credibility. Political interference, of any kind, endangers the very foundations of this institution, while strong reactions from national institutions and international actors demonstrate that the independence of SPAK is not merely a constitutional principle, but a red line that cannot be crossed without consequences for the credibility of the entire justice system. Only if SPAK operates freely, independently, and with institutional support can the justice reform fulfill its objectives and ensure the backing of the public and international partners.

2) Funding of the Special Prosecution Office (SPAK)

Category	Institutional independence
Criterion	Funding of the Special Prosecution Office (SPAK)
Purpose of evaluating the criterion	To assess whether the legal framework and budgeting practices <u>guarantee sufficient and predictable funding for the Special Prosecution Office</u> , with the aim of <u>ensuring the necessary capacities for the effective exercise of its mandate against corruption and organized crime</u> .
Analysis of the legal framework	
<p>The Albanian legal framework establishes a special regime for the financing of the Special Prosecution Office (SPAK), ensuring an independent budget, internal control mechanisms, and defined roles for administrative leaders and supporting institutions.</p> <p>According to Law no. 95/2016, Article 56 stipulates that the Special Structure against Corruption and Organized Crime, which includes SPAK, has an independent budget allocated as a separate line item in the State Budget. This provision aims to guarantee the financial and operational autonomy of the structure. The Head of SPAK is responsible for drafting the budget proposal, covering the Special Prosecution Office, the National Bureau of Investigation (BKH), and the Judicial Police under its authority. This proposal is prepared in line with applicable public finance and budget management laws.</p>	

⁷ U.S. Embassy in Albania. (2024, December 19). *Deputy Assistant Secretary of State Kasanof on the 5th Anniversary of SPAK*. <https://al.usembassy.gov/deputy-assistant-secretary-kasanof-at-the-five-year-anniversary-of-spak/>

If the budget proposal submitted by the Council of Ministers differs from that proposed by the Head of SPAK, the latter has the right to participate in parliamentary procedures to defend it, thus providing a procedural safeguard that enhances transparency and reinforces institutional independence in financial matters.

The law also allows SPAK's budget to include other lawful sources of funding, such as contributions from international donors, provided they do not conflict with the institution's mission. These funds must be used in accordance with donor agreements and applicable legal provisions.

The role of internal leadership in financial management is also clearly defined. Article 15 of Law no. 95/2016 authorizes the Head of SPAK to submit the budget proposal to the Ministry of Finance. Additionally, under Article 16, the Assembly of Special Prosecutors must provide its opinion on the draft budget before it is submitted to the Albanian Parliament, adding a layer of internal consultation.

For the technical and financial implementation, Article 18 defines the role of the Chancellor, who is the highest-ranking civil servant within SPAK. The Chancellor is fully responsible for financial management, internal control, reporting, accounting, and internal auditing. This role is analogous to the Secretary General in the General Prosecutor's Office and is crucial for the transparent and accountable functioning of SPAK's administrative and financial operations.

Institutional support for the budgeting process is also formalized in Article 107 of Law no. 97/2016, which states that the Minister of Justice cooperates with the Head of SPAK for the preliminary assessment of budgetary needs and advocates for them before the Council of Ministers.

Lastly, Articles 40 and 107 of Law no. 97/2016 reaffirm that the Prosecution Office has an independent budget, clearly separated as a specific item in the state budget. The law explicitly states that SPAK's budget is governed by its special law (Law no. 95/2016), placing the institution under a distinct legal and financial regime.

Assessment of practice

Based on the data presented in the relevant sections of SPAK's budget for the period 2020-2024, there is a noticeable and continuously consolidated development of the institution's financial and managerial capacities.⁸ The

⁸ Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2024*.

<https://spak.gov.al/wp-content/uploads/2025/04/Raporti-vjetor-SPAK-2024.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2023*.

<https://spak.gov.al/wp-content/uploads/2024/04/Raporti-2023.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2022*.


https://spak.gov.al/wp-content/uploads/2023/05/raporti-vjetor-2022_Publikuar.pdf

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2021*.

<https://spak.gov.al/wp-content/uploads/2023/01/Raporti-perfundimtar-SPAK-PDF.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2020*.

<https://spak.gov.al/wp-content/uploads/2023/01/Raporti-2020-perfundimtar.pdf>



analysis reflects both the dynamics of the expenditure structure and the progressive improvement in budgetary efficiency and diversification of income sources. Alongside the increase in approved funds, there is a growing alignment between planning and execution, indicating an enhanced institutional capacity to cope with the expanding functional and operational workload. The expenditure structure demonstrates a consistent dominance of current expenditures, focusing on salaries and institutional maintenance, while the year 2024 marked a significant step toward capital investments. Specifically,

SPAK's expenditure structure has shown a stable evolution aligned with its mission and increasing institutional workload. Salaries and social insurance have accounted for the largest share of the budget throughout the entire period, reflecting the increase in the number of magistrates and technical staff, as well as the effects of salary increases following significant legal decisions in 2023. On the other hand, expenditures on goods and services have increased progressively due to growing needs for technology, maintenance, and operational support in line with the expansion of investigative activity. Meanwhile, transfers to individuals have been symbolic in value but with a consistently high execution rate. Current expenditures have continuously dominated the budget structure, accounting for over 75% of the total each year on average. The year 2024 brought a new development: a marked increase in capital expenditures related to the institution's infrastructure and technology projects, with a high execution rate (93%). Overall, approved expenditures quadrupled from 2020 to 2024, while budget execution efficiency improved significantly from only 51% in 2020 to 93% in 2024 a clear indicator of SPAK's managerial and financial consolidation.

The relationship between planned and actual expenditures for the period 2020-2024 shows a steady increase in SPAK's implementation capacity. In 2020, due to the institution's early establishment phase and incomplete human resources, only 51% of the planned funds were executed, while in 2021 and 2022, this indicator increased significantly to 82% and 89%. The year 2023 represents a key moment of operational consolidation, with 97% of the planned budget successfully executed. In 2024, although the planned budget reached the highest level of the entire period (1.3 billion ALL), execution remained close to the maximum (93%), indicating not only an expansion of financial capacities but also a consolidated ability to manage public funds effectively, including capital funds.

SPAK's revenues for the period 2020-2024 consisted of both domestic sources and external grants/sponsorships, with significant variations year to year. Revenues from services, such as document copy fees, remained stable at modest levels. Revenues from fines and seizures peaked in 2022 and dropped significantly in 2024, reflecting the dynamics of prosecuted cases and court decisions with financial implications. Meanwhile, a key component was grants and sponsorships, with 2023 being a peak year: SPAK collected over 169 million ALL from state and international funds, accounting for over 95% of that year's revenues. In 2024, these revenues dropped to only 3 million ALL. Overall, SPAK's secondary revenues do not constitute a stable component of its financing but may play a catalytic role in supporting specialized technical and strategic needs.

3) Guarantees of independence of the High Prosecutorial Council and its institutional competencies

Category	Institutional independence
Criterion	Guarantees of independence of the High Prosecutorial Council and its institutional competencies
Purpose of evaluating the criterion	To assess whether the legal framework and functioning of the High Prosecutorial Council <u>guarantee its institutional independence</u> , ensuring the effective, impartial, and sustainable exercise of its constitutional and legal competencies.
Analysis of the legal framework	
<p>The High Prosecutorial Council (HPC) is a key institution in the architecture of Albania's justice system and plays a fundamental role in the functioning of the Special Prosecution Office against Corruption and Organized Crime (SPAK). According to Article 149/a of the Constitution, added by Law no. 76/2016, the HPC is responsible for the appointment, evaluation, promotion, and transfer of prosecutors, including those of SPAK. The Council also imposes disciplinary measures, approves ethical rules, oversees their implementation, manages its institutional budget, and holds the right to inform both the public and Parliament about the state of the prosecution system. Furthermore, the Constitution permits the establishment of decision-making commissions within the Council by law.</p> <p>This constitutional provision is further detailed in Law no. 115/2016 "On the Governance Institutions of the Justice System", particularly in Articles 180, 184, and 186:</p> <ul style="list-style-type: none"> Article 180 entrusts the HPC with the development and implementation of the strategic plan for the prosecution system, in cooperation with the Minister of Justice and in alignment with the justice sector strategy. The plan includes the mission, values, system profile analysis, strategic issues and priorities, as well as the monitoring and evaluation framework, supported by an operational action plan. In the area of career management and discipline, Article 184 grants the HPC the authority to appoint, second, transfer, and conduct professional and ethical evaluations of prosecutors, to impose disciplinary measures, and to perform any other function related to the status of prosecutorial magistrates. This competence is essential in ensuring the quality and integrity of a specialized body like SPAK. Article 186 gives the HPC responsibilities in the continuous professional training of prosecutors, including advising on training programs in collaboration with the School of Magistrates, approving participation 	

requests, and monitoring and reporting on the effectiveness of the training programs.

The composition of the HPC ensures balance between prosecutorial autonomy and democratic oversight: six members are elected by prosecutors, and five are appointed by Parliament from among distinguished jurists who are not prosecutors. The selection of non-prosecutor members involves evaluation by the Secretary General of Parliament and a parliamentary subcommittee, with an anti-deadlock mechanism ensuring automatic appointment after three rounds of voting if no decision is reached.

The term and return to duty for HPC members are regulated by Article 149/a of the Constitution and Law no. 115/2016. Members serve a five-year term without immediate re-election. For those originating from the justice system, the law ensures that at the end of their term, they are entitled to return to their previous position or to a comparable one within the prosecution system.

Assessment of practice

The selection process of the members of the High Prosecutorial Council (HPC) has followed a dual approach between prosecutorial and non-prosecutorial members, in accordance with the criteria set out in the applicable law and institutional decision-making. In 2018, the first six prosecutorial members were elected, representing the prosecution offices at the courts of first instance, the courts of appeal, and the General Prosecution Office, with three- and five-year mandates.⁹ In 2021, after the end of several mandates, new members were appointed for a full five-year term, continuing the representation of various levels of the prosecution system.¹⁰ In December 2023, three new prosecutorial members were appointed to fill expired positions, ensuring continuity of institutional representation.¹¹

As for the non-prosecutorial members, they were selected by the Parliament of Albania. In December 2018, the first five non-prosecutorial members were appointed: two from academia, one from civil society, and two from the legal


⁹ General Prosecutor's Office. (2018, December 12). Decision No. 3152/4, dated 12.12.2018, *on the election results and announcement of winners for members of the High Prosecutorial Council from among prosecutors*. <https://qbz.gov.al/share/abfLS6DRRmqTVNtaVUykDw>

General Prosecutor's Office. (2019, April 11). Decision No. 1077, dated 11.04.2019, *on the election results and announcement of the winner for member of the High Prosecutorial Council from among first-instance prosecutors*. <https://qbz.gov.al/share/cgLvbPHPTICbYHqEH-HDkA>

General Prosecutor's Office. (2019, October 4). Decision No. 2589/3, dated 04.10.2019, *on the election results and announcement of the winner for member of the High Prosecutorial Council from among first-instance prosecutors*. <https://qbz.gov.al/share/U-lk1mdITTebrtBPN4el-Q>

¹⁰ General Prosecutor's Office. (2021, October 15). Decision No. 1259/10, dated 15.10.2021, *on the election results and announcement of winners for members of the High Prosecutorial Council from among prosecutors*. https://qbz.gov.al/share/m8ZQOucDRiCVfATAjUb_Sg

¹¹ General Prosecutor's Office. (2023, October 13). Decision, dated 13.10.2023, *on the election results and announcement of winners for members of the High Prosecutorial Council from among prosecutors*. <https://qbz.gov.al/share/jps6kbl8RJOA5i5rp3i7mw>



profession, with three- or five-year mandates.¹² In subsequent cases of replacing members whose mandates had ended, the voting procedure in Parliament was unsuccessful in the first two rounds, triggering the activation of the anti-deadlock mechanism provided in the law. All were elected in the third round of voting after the first two failed, activating the legal mechanism under which, in the absence of a parliamentary decision, the highest-ranked candidate on the list is automatically declared elected. In 2022, after the term ended for two academic members, they were replaced by two others.¹³ In 2024, Parliament filled the vacant seats for civil society and legal profession representatives, who began their five-year terms in July and October of that year, respectively.¹⁴

During the years 2019-2024, the High Prosecutorial Council exercised a range of important functions related to the establishment, consolidation, and operation of the Special Prosecution Office against Corruption and Organized Crime (SPAK). These powers were exercised through the announcement of selection procedures for special prosecutors, the establishment and functioning of Special Evaluation Commissions, the approval of methodologies and professional evaluation standards, the organization of interviews, and the approval of final rankings. The Council also undertook the official appointment of prosecutors to this structure, managing situations resulting from the vetting process and conducting repeated procedures to fill remaining vacancies. Furthermore, the HPC fulfilled its duty to select the Head of SPAK through a monitored and transparent process. In 2024, the HPC successfully completed the appointment process for three additional prosecutors, fulfilling the objective of fully operationalizing SPAK's staff with 20 appointed prosecutors, in accordance with the applicable legal provisions and internal regulations (see more details under criteria 2 and 3 of the "Internal Autonomy" category).

However, one of the most significant issues that continues to affect the functioning and legitimacy of the Councils relates to the appointment process of non-magistrate members by the Albanian Parliament. According to the current legal framework, these councils are composed of 11 members, six of whom are magistrates elected by judges and prosecutors, while five are jurists appointed by Parliament through a procedure overseen by a parliamentary subcommittee. However, the practical implementation of this procedure has revealed serious

¹² Assembly of the Republic of Albania. (2018, February 8). Decision No. 19/2018, *on the election of members of the High Prosecutorial Council, according to Law No. 115/2016 "On the governance bodies of the justice system."* <https://qbz.gov.al/share/YN5aTaO9RT-SgyJ4uaR4Tw>

¹³ Assembly of the Republic of Albania. (2022, February 24). Decision No. 23/2022, *on the election of members of the High Prosecutorial Council from the faculty members of the Faculties of Law and the School of Magistrates, according to Law No. 115/2016 "On the governance bodies of the justice system."* <https://qbz.gov.al/share/4gToO6GyRaC7v2Dxloy-YQ>

Assembly of the Republic of Albania. (2022, October 3). Decision No. 78/2022, *on the election of Ms. Arta Mandro, member of the High Prosecutorial Council from the faculty members of the Faculties of Law and the School of Magistrates, according to Law No. 115/2016 "On the governance bodies of the justice system," as amended.* https://qbz.gov.al/share/-Rj_CiobTUaCa12wrvXwpg

¹⁴ Assembly of the Republic of Albania. (2024). Decision No. 69/2024, *on the election of a member of the High Prosecutorial Council from civil society representatives, according to Law No. 115/2016 "On the governance bodies of the justice system," as amended.* <https://qbz.gov.al/share/aGi4RSYjQKqKhjxhpFX2HA>

Assembly of the Republic of Albania. (2024). Decision No. 98/2024, *on the election of a member of the High Prosecutorial Council from civil society representatives, according to Law No. 115/2016 "On the governance bodies of the justice system," as amended.* <https://qbz.gov.al/share/aGi4RSYjQKqKhjxhpFX2HA>

shortcomings regarding background checks, asset verification, and ensuring transparency and merit-based selection. Unlike magistrate members, non-magistrate members are not subject to the same standards of integrity and asset verification, which creates a significant imbalance and undermines the spirit of the justice reform aimed at a unified approach to ethics and professionalism standards.

Moreover, international reports have repeatedly raised concerns about the lack of genuine competition and transparency in the parliamentary selection process, as well as repeated delays in meeting deadlines for the partial renewal of non-magistrate members. These shortcomings risk undermining balanced and independent representation within the Councils, leaving room for political interference and appointments that do not reflect the highest levels of competence and independence required for self-governing bodies of the justice system.¹⁵

4) Funding of the High Prosecutorial Council

Category	Institutional independence
Criterion	Funding of the High Prosecutorial Council
Purpose of evaluating the criterion	To assess whether the legal framework and budgeting practices <u>guarantee sufficient and predictable funding for the High Prosecutorial Council, with the aim of ensuring the necessary capacities for the effective exercise of its mandate against corruption and organized crime.</u>
Analysis of the legal framework	
<p>The financing of the High Prosecutorial Council (HPC) and the prosecution system as a whole is regulated by Article 188 of Law no. 115/2016 “On the Governance Institutions of the Justice System”. According to paragraph 1 of this article, both the HPC and the prosecution system are financed by the State Budget and other lawful sources. This provision affirms the state’s institutional financial support for the functioning of prosecutorial governance bodies and the prosecution system itself, while also allowing for supplementary funding from other legal sources, provided they comply with applicable laws.</p> <p>Paragraph 2 specifies that the annual budget of the HPC is part of the State Budget and is drafted and implemented in accordance with the procedures set out in the relevant legislation. This means that the HPC is integrated into the</p>	

¹⁵ European Commission. (2024, October 30). *Commission Staff Working Document: Rule of Law Report 2024 – Country Chapter: Albania*, pp. 4–5. https://commission.europa.eu/document/download/0154dce1-5026-45de-8b37-e3d56eff7925_en?filename=59_1_58088_coun_chap_albania_al.pdf

broader framework of state budget planning and financial management, and as such, it is subject to general public finance rules regarding planning, implementation, and expenditure reporting.

This legal setup strikes a balance between the functional autonomy of the HPC and its integration into the public finance system. It ensures stable financial support, while also requiring the Council to adhere to principles of transparency and fiscal accountability. The dual nature of financing sources—budgetary and other lawful sources—enables the Council to access additional funding, such as international grants or donor assistance, as long as such funding complies with national legislation.

Assessment of practice

Overall, the budget of the High Prosecutorial Council (HPC) has shown an upward trend and a significant improvement in the execution rate from 2019 to 2023, with the exception of 2024, where the non-execution of investments significantly reduced performance. The majority of the budget has been allocated to salaries and social insurance, while the need for investment in infrastructure, technology, and training has increased in line with the strengthening of the HPC's role within the framework of the justice reform.¹⁶

The year 2019 was the first year of HPC's operation. The allocated budget was 108 million ALL for the period June-December, whereas the initial request was 215 million ALL. Total budget execution reached only 59%. Salaries and social insurance were executed at 54% and 39%, respectively, while investments reached only 53%. Goods and services had a higher execution rate, at 89%. At the time, the Council's structure was not yet complete, and the administrative staff was in the early recruitment phase.

The planned budget for 2020 was 143.5 million ALL, while 123.7 million ALL were executed, with an execution rate of 89%. Salary and insurance execution were lower (79%) due to the incomplete organizational structure, while goods and services reached 99%, and investments reached 97%, including the purchase of vehicles and technological equipment. The HPC requested higher funds for the following years.

The approved budget for 2021 was around 159 million ALL. Total execution reached 95%. Salaries and insurance were executed at 90%, goods and services at

¹⁶ High Prosecutorial Council (HPC). *Annual Report 2024*. Accessed at: <https://klp.al/wp-content/uploads/2025/06/KLP-RAPORTI-VJETOR-2024.pdf>
High Prosecutorial Council (HPC). *Annual Report 2023*. Accessed at: <https://klp.al/wp-content/uploads/2024/05/Raporti-Vjetor-2023.pdf>
High Prosecutorial Council (HPC). *Annual Report 2022*. Accessed at: <https://klp.al/wp-content/uploads/2024/02/Raporti-Vjetor-2023-1.pdf>
High Prosecutorial Council (HPC). *Annual Report 2021*. Accessed at: https://klp.al/wp-content/uploads/2022/05/RAPORTI_-KLP-2021.pdf
High Prosecutorial Council (HPC). *Annual Report 2020*. Accessed at: <https://klp.al/wp-content/uploads/2021/06/RAPORTI-JANAR-DHJETOR-2020-KLP.pdf>
High Prosecutorial Council (HPC). *Annual Report 2019*. Accessed at: https://klp.al/wp-content/uploads/2020/05/RAPORTI_KUVENDI_VJETOR_WEB.pdf

97%, and investments at 99%. The decrease in salary expenditures was due to five advisors being seconded from prosecution offices. Investments included vehicle purchases and office infrastructure improvements.


In 2022, the budget execution rate reached 99%, totalling around 142.5 million ALL. Salaries and insurance were executed at nearly 100%, goods and services at 99%, and investments at 98%. Back payments for HPC members were also settled. Special focus was given to the functional division of offices and the need for additional resources for technology and training.

The approved budget for 2023 was over 200 million ALL. Total execution reached 99%. Salaries and social insurance were executed at 99.9%, goods and services at 99%, and investments at 93%. Investments included ICT equipment, office reconstructions, and a conference system. A new organizational structure with 72 staff members was also approved, and the Medium-Term Budget Program for 2024-2026 was prepared.

The approved budget for 2024 was 214 million ALL, but execution was only 92%. Salaries and insurance were executed at 95%, goods and services at 99%, while investments were not executed at all (0%). Problems were encountered in implementing certain financial practices, for which corrective measures were taken based on recommendations from the State Supreme Audit Institution (SAI). The Council requested additional funds to cover the increase in obligations and to improve the financial system and internal management.

5) Guarantees of independence of the High Justice Inspector's Office and institutional competences

Category	Institutional independence
Criterion	Guarantees of independence of the High Justice Inspector's Office and institutional competences
Purpose of evaluating the criterion	To assess whether the <u>legal framework and functioning of the Office of the High Justice Inspector (ILD) guarantee its institutional independence</u> , ensuring the effective, impartial, and sustainable exercise of its constitutional and legal competencies.
Analysis of the legal framework	
The guarantee for the independent exercise of functions by the High Justice Inspector is clearly defined in Article 196 of Law no. 115/2016 "On the Governing Institutions of the Justice System". Paragraph 1 of this article	



stipulates that the High Justice Inspector exercises his functions independently, without being influenced by or influencing other authorities or subjects within the justice system. Paragraph 2 further provides that any direct or indirect interference in the Inspector's functions—whether in verifying complaints, conducting investigations, inspections, or in relation to any specific subject—entails legal responsibility. This formulation establishes a fundamental functional guarantee for this constitutional body, which plays a central role in complaint verification, investigations, and inspections within the judiciary and prosecution systems.

The role and competences of the High Justice Inspector are clearly defined in Article 147/d of the Constitution of Albania and further elaborated in Law no. 115/2016. The Inspector is the competent authority for verifying complaints, investigating disciplinary violations, and initiating proceedings against a broad range of subjects within the justice system, including judges and prosecutors at all levels, members of the High Judicial Council, the High Prosecutorial Council, and the Prosecutor General. These powers are exercised in accordance with legal procedures and with full respect for the rights of the individuals under investigation. In addition to disciplinary proceedings against individuals, the High Justice Inspector is also authorized to carry out institutional and thematic inspections of courts and prosecution offices, including their administrative units, thus fulfilling a supervisory and oversight role over the functioning of the justice system.

By law, the ILD may be activated through written complaints submitted by any natural or legal person or interested public institution, including the Minister of Justice, the Prosecutor General, members of the HJC and HPC, as well as heads of judicial and prosecutorial institutions. Moreover, the High Justice Inspector has the right to act *ex officio* when in possession of public data or information obtained from previous inspections.

Institutional and thematic inspections may be carried out either as part of the annual inspection plan or upon reasoned request by relevant justice institutions. This framework creates a balance between the autonomy of the High Justice Inspector and inter-institutional cooperation, ensuring effective intervention without infringing on the responsibilities of other institutional actors.

The legal framework governing the status, selection, and function of inspectors within the Office of the High Justice Inspector is designed to ensure their individual independence through an institutional structure built on the principles of meritocracy, integrity, and functional impartiality. The provisions set out in Chapter III of Law no. 115/2016, particularly Articles 209-214, establish a clear and detailed framework that ensures balanced selection, protection during the exercise of duties, and safeguards against external influence in the inspection and investigative processes.

According to Article 209, not less than half of the inspectors must be magistrates seconded by the High Judicial Council or the High Prosecutorial Council, while the remainder are appointed directly by the High Justice Inspector through a

public, competitive, and planned procedure consistent with the logic of the civil service system. This combination of internal and external recruitment, along with the division of competences between multiple institutions, aims to ensure an inspection body that is independent in both composition and reasoning.

The guarantee of independence begins at the selection stage, where candidates undergo a moral and professional integrity assessment conducted by a Selection and Evaluation Committee composed of inspectors selected by lot. The eligibility requirements for both magistrate and non-magistrate candidates are particularly strict, excluding any links to conflicts of interest, criminal convictions, political activity, or involvement in interest groups, and requiring a high level of professionalism and experience.

Independence is also ensured in the exercise of functions. Article 214 grants inspectors broad competences for verifying and investigating disciplinary violations, including the right to access the premises of the subjects under inspection, to gather evidence, to request information from institutions and third parties, and to prepare independent draft decisions to be submitted to the High Justice Inspector for approval or review. Inspectors may also act on their own initiative, which further highlights their functional autonomy.

For magistrate inspectors, the term of office is five years, with the possibility of reappointment only once and only if they are evaluated as “very good” during their service. They may return to their previous positions at any time, either upon personal request or at the request of the High Justice Inspector, but they are excluded from automatic reinstatement in cases where they have been dismissed. This creates a balance between institutional stability and accountability.

Assessment of practice

The High Justice Inspector (HJI) was appointed at the beginning of 2020 as the state authority responsible for verifying complaints, investigating disciplinary violations, and initiating disciplinary proceedings against judges and prosecutors.¹⁷ During its initial phase of operation, the Office of the High Justice Inspector (HJI) faced serious challenges in filling its organizational structure, particularly regarding the secondment and recruitment of both magistrate and non-magistrate inspectors. Specifically,¹⁸


¹⁷ On January 20th, 2020, the Assembly, by Decision No. 2/2020, elected the High Justice Inspector.

¹⁸ High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period February–July 2020*. <https://ild.al/wp-content/uploads/2020/08/RAPORTI-FINAL-ILD-NE-KUVEND-2020.pdf>

High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period 01.01.2021 – 31.12.2021*. <https://ild.al/wp-content/uploads/2022/05/ILD-RAPORTI-I-PUNE%CC%88S-2021.pdf>


High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period 01.01.2022 – 31.12.2022*. <https://ild.al/wp-content/uploads/2023/05/RAPORTI-I-PUNES-VITI-2022.pdf>

High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period 01.01.2023 – 31.12.2023*. <https://ild.al/wp-content/uploads/2024/05/29.03.2024-RAPORTI-I-PUNES-PER-VITIN-2023-final.pdf>



in relation to secondments from the High Judicial Council (HJC), HJI functioned until February 2021 with only one magistrate inspector out of the 26 foreseen in the structure. Despite seven calls made by the HJC for the secondment of judges, the procedures were unsuccessful. In September 2021, HJI requested the reopening of the procedure for six positions, but even after the HJC's announcement on December 7, 2021, no candidates were submitted for secondment. Secondments from the High Prosecutorial Council (HPC), however, were more successful. With four consecutive decisions dated January 27, 2021, four prosecutors were seconded to HJI for a five-year term. Of these, one inspector was dismissed by the Independent Qualification Commission and the case is under review at the Special Appeals Chamber; one was confirmed in duty, while the other two have not yet undergone the transitional re-evaluation. Regarding the recruitment of non-magistrate inspectors, in 2021 the procedures for six announced positions were completed, with four positions filled. On September 30, 2021, HJI launched a new procedure for nine vacant non-magistrate inspector posts, establishing the Appointment and Evaluation Committee on October 29 and beginning the selection procedures on November 8. Nineteen candidates expressed interest. The process included asset and background verification in cooperation with relevant institutions, in accordance with Council of Ministers Decision no. 536, dated July 25, 2019. The procedure was expected to last up to 8 months.

During 2022, the Office of the High Justice Inspector continued its efforts to improve its institutional composition through new secondments and recruitments, aiming to strengthen inspection capacities and build a balanced structure. Concerning secondments from the High Judicial Council, HJI requested the secondment of judicial magistrates to advisory positions within the institution. By Decision no. 486, dated November 14, 2022, HJC opened a call for candidates from among judges for this position. However, no secondments were realized during the year. Meanwhile, one magistrate inspector seconded to HJI continued to serve and submitted a request for promotion, which was under review by the HJC. As for secondments from the High Prosecutorial Council, no requests for secondments were submitted during 2022. HJI considered the balance within the Inspector Unit fulfilled, as three out of four magistrate inspectors came from the prosecution system and aimed to focus on involving judges to maintain a balanced professional ratio. Regarding non-magistrate recruitment, the procedure initiated on September 30, 2021 was completed during this year. On October 11, 2022, with Decision no. 44, the Appointment and Evaluation Committee of Inspectors approved the final ranking list of candidates based on scores obtained during the competition process for vacant positions. The increase in the number of inspectors, particularly at the end of October 2022, had a limited positive impact on reducing the backlog of complaints, while more visible effects were expected during the first half of 2023, when the backlog was anticipated to be resolved.



In 2023, the Office of the High Justice Inspector continued efforts to complete its staffing structure but faced ongoing challenges with magistrate secondments and a lack of new recruitments. Regarding secondments from the High Judicial Council, a positive step was taken: by Decision no. 50, dated January 27, 2023, a judge was seconded to the position of "Advisor" in the Cabinet of the High Justice Inspector, following a request submitted back in 2022. HJI also submitted a request for the secondment of two magistrate judges to inspector positions, but the procedure announced by the HJC with Decision no. 487, dated September 21, 2023, resulted in no successful candidates. Additionally, one inspector seconded since 2020 completed their secondment term on December 1, 2023, leaving another vacancy. As for secondments from the High Prosecutorial Council, HJI requested the secondment of two magistrate prosecutors, but the HPC rejected the request, arguing that the legal limit of five seconded prosecutors had been exceeded—only three of whom were actively serving as inspectors, while one held an advisory position and another was suspended awaiting a decision from the Special Appeals Chamber. The HPC also highlighted practical difficulties in further fulfilling HJI's requests, citing legal constraints and lack of capacity to respond positively. Meanwhile, no procedure was launched for recruiting non-magistrate inspectors in 2023, concentrating all capacity-strengthening efforts solely on secondments, which did not yield the expected results.

In 2024, the Office of the High Justice Inspector continued efforts to fill vacancies in the Inspector Unit through both magistrate secondments (judges and prosecutors) and recruitment procedures for non-magistrate inspectors. To strengthen the structure, in May 2024, HJI submitted a request for the secondment of three magistrate judges. The HJC launched a call for candidates by Decision no. 284, dated May 29, 2024, setting out criteria and application deadlines. Only one candidate applied and, after the legal eligibility assessment, was qualified for secondment by Decision no. 700, dated December 3, 2024. In line with Law no. 96/2016, the final approval process was still under review by HJI at the end of the year. Simultaneously, HJI requested the secondment of three magistrate prosecutors, but the HPC proceeded with only one vacant position, launching a call for applications and initiating the eligibility verification process with Decision no. 274, dated December 23, 2024. This procedure was still ongoing. HJI reiterated its long-standing concern that the lack of magistrate inspectors continues to negatively affect the institution's capacity to fulfil functions such as disciplinary investigations, thematic inspections, and timely complaint processing, stressing the need for specialized experience within the structure. In May 2024, HJI opened a recruitment procedure for four non-magistrate inspectors in accordance with Law no. 115/2016 and Council of Ministers Decision no. 536/2019. Following the call and the collection of 19 applications, by Order no. 74, dated June 26, 2024, the Appointment and Evaluation Committee was established and began the process of verifying candidates' background, assets, and legal conditions in cooperation with the relevant institutions.

HJI has consistently emphasized that the shortage of magistrates in the Inspector Unit particularly due to the low interest from experienced magistrates undermines the effective functioning of the institution, especially given the high

volume of complaints and growing demands for thematic inspections. This issue, now acknowledged as a long-standing one, remains unresolved even in the fifth year of HJI's operation.

6) Funding of the High Justice Inspector

Category	Institutional independence
Criterion	Funding of the High Justice Inspector
Purpose of evaluating the criterion	To assess whether the <u>legal framework and budgeting practices guarantee sufficient and predictable funding for the High Justice Inspector</u> , with the aim of ensuring the necessary capacities for the effective exercise of its mandate against corruption and organized crime.
Analysis of the legal framework	
<p>The Guarantee of Institutional and Functional Independence of the High Justice Inspector is also supported by its financial and organizational status, as defined in Article 197 of Law no. 115/2016 "On the Governing Institutions of the Justice System."</p> <p>According to paragraph 1 of this article, the High Justice Inspector is a public legal entity, which has its own independent budget, included as part of the State Budget approved by the Assembly. This provision guarantees the existence of a dedicated financial capacity, functionally separating the Inspector's Office from other executive or governing structures, even though it remains part of the broader state budget planning process.</p> <p>Paragraph 2 of the same article states that the High Justice Inspector prepares the draft budget of the Office and submits it to the Council of Ministers. If the Council of Ministers presents to the Assembly a different budget proposal than that submitted by the Inspector, then the initial version proposed by the Inspector must be made available to the Assembly, which remains the final decision-making body for budget approval. The law also provides that the High Justice Inspector has the right to participate in parliamentary procedures in order to defend the Office's budget proposal, placing this authority in a direct representative role to advocate for its institutional financial needs. This provision establishes an inter-institutional balance between the initiative of the Inspector and the budget approval process, in accordance with public finance rules.</p>	

According to paragraph 3, the budget of the Inspector's Office may also include other revenues, including funds from donors, provided that no conflict of interest exists between the donor and the scope of the institution's activity. This clause allows for the diversification of funding sources, without compromising the integrity and impartiality of institutional operations. Donor support—so long as the above criteria are met—is considered complementary to public budgetary resources.

Overall, Article 197 of Law no. 115/2016 establishes a clear legal framework that ensures the budgetary and administrative independence of the High Justice Inspector. This independence is materialized through a dedicated budget, the right to direct representation in Parliament, and the authority to propose the internal organization of the institution—placing the Inspector in a stable and protected functional position within the justice system.

Assessment of practice

During the five-year period 2020-2024, the financial performance of the High Justice Inspector (HJI) reflected a cycle of institutional consolidation, where the gradual increase of the budget was aligned with structural development objectives, the reconstruction of the building, the expansion of human resources, and the strengthening of technical capacities. However, a recurring issue remained the failure to fill the structure with inspectors, which directly affected significant savings in the salary fund and led to frequent budget revisions.¹⁹

In 2020, the HJI was financed for the first time with a modest budget of 100.2 million ALL, but it was revised several times due to internal capacity limitations and changes in staffing. By the end of the year, the final budget was reduced to 42.9 million ALL, with an overall execution rate of 94.1%. Almost all funds for salaries and social insurance were executed, while operating expenses and investments had lower execution rates due to procurement delays and the setup of initial institutional logistics.

The year 2021 marked a considerable increase in the budget, reaching 260 million ALL. However, vacancies in inspector positions continued to negatively impact full execution of the salary and insurance fund. Investments were mainly affected by the postponement of the HJI building reconstruction project due to


¹⁹ High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period February–July 2020*. <https://ild.al/wp-content/uploads/2020/08/RAPORTI-FINAL-ILD-NE-KUVEND-2020.pdf>

High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period 01.01.2021 – 31.12.2021*. <https://ild.al/wp-content/uploads/2022/05/ILD-RAPORTI-I-PUNE%CC%88S-2021.pdf>

High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period 01.01.2022 – 31.12.2022*. <https://ild.al/wp-content/uploads/2023/05/RAPORTI-I-PUNES-VITI-2022.pdf>

High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period 01.01.2023 – 31.12.2023*. <https://ild.al/wp-content/uploads/2024/05/29.03.2024-RAPORTI-I-PUNES-PER-VITIN-2023-final.pdf>

High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period 01.01.2024 – 31.12.2024*. <https://ild.al/wp-content/uploads/2025/04/RAPORTI-I-VEPRIMTARISE-PER-VITIN-2024.pdf>



insufficient funds to cover actual project costs. The total budget execution rate was 87.5%.

In 2022, the HJI had an approved budget of 266.8 million ALL. Again, under-execution of investments and inspector vacancies caused ripple effects throughout the budget structure. Budget revisions through normative acts (three in total during the year) reflected active fund management but also ongoing difficulty in realizing long-term investments such as the building reconstruction, where the unused funds were significantly reduced. Nevertheless, the total executed budget was relatively good: 92.8%.

The year 2023 represented another transitional phase, with an initial budget of 288.4 million ALL, supplemented by increases related to salary raises for magistrates and civil servants. Yet again, inspector vacancies had a negative impact, resulting in a budget reduction of 43.5 million ALL. The main investment—the reconstruction of the building was not implemented due to structural issues in the facility and suspension of works, and most of the allocated funds for this item were cancelled. The overall execution for the year was 85.06%, a lower level than the previous year.

In 2024, the approved budget for the HJI increased significantly to 347.3 million ALL, and later to 393.6 million ALL after revisions. That year, the major investment in building reconstruction (a total of 129 million ALL) was successfully completed, along with the purchase of necessary equipment and vehicles for the inspection function. However, the execution of current expenditures was lower (87.9%) due to the continued vacancies in inspector positions, though this situation allowed for the reallocation of resources to address operational needs through internal transfers. The overall budget execution for the year was 91.9%.

An important development in 2024 was the financial audit conducted by the State Supreme Audit Institution (KLSH), covering the period 2021-2023, which produced a positive outcome regarding the accuracy of financial statements. Only three recommendations of an organizational and planning nature were issued, which the HJI has begun to address through a dedicated action plan.

The financial performance of the HJI during 2020-2024 reflects an institution in continuous consolidation, though clearly affected by structural factors such as recurring vacancies and issues with capital investments. On the other hand, budgetary management was generally compliant with legislation and reflected a high level of financial transparency and institutional flexibility.

A.2. Internal autonomy

1) Structure and Organization of the Special Prosecution Office

Category	Internal autonomy
Criterion	Structure and Organization of the Special Prosecution Office
Purpose of evaluating the criterion	To assess whether the organizational model, division of functions, and internal composition of the institution are structured in a way that <u>guarantees not only the independence and functional specialization of SPAK, but also operational efficiency and the capacity to sustainably fulfill its institutional objectives.</u>
Analysis of the legal framework	
<p>The structure of the Special Prosecution Office is specifically regulated in Chapter III of Law no. 95/2016, and is further referenced in Article 15 of Law no. 97/2016, which provides that this prosecution office is a special unit, exercising criminal prosecution and representing the accusation on behalf of the state for criminal offenses of corruption and organized crime, as well as for offenses defined in Article 135, paragraph 2, of the Constitution. Its organization, functioning, and relations with other institutions are regulated by special law, which implies the exclusive application of the provisions of Law no. 95/2016.</p> <p>According to Article 17 of this law, the Special Prosecution Office is supported by a multi-sector administrative structure, which includes: the Chancellor, the Documentation Sector, the Expertise Sector, the Financial Investigation Sector, the Sector for International Cooperation and Joint Investigations, the Sector for Assistance to Individuals with Special Status, and the Media Relations Coordinator. Each sector has specialized functions that align with the unique nature of this structure. All personnel members of these sectors must fulfill security clearance requirements in accordance with Article 6 and Chapter VIII of the same law.</p> <p>The Chancellor is the highest-ranking civil servant in the Special Prosecution Office, responsible for the administration of personnel, documentation, archiving, finances, and workplace facilities, and is in charge of internal financial control and budget auditing. The Chancellor is equated with the Secretary General of the General Prosecutor's Office, both in terms of functions and financial treatment.</p> <p>The Documentation Sector is responsible for collecting and structuring data on corruption and organized crime cases, creating databases for criminal offenses</p>	



under Article 75/a of the Criminal Procedure Code, and transmitting statistics to the High Prosecutorial Council and the General Prosecutor's Office.

The Expertise Sector consists of specialized technical personnel, including at least one financial expert and one IT expert. These experts may be used as technical witnesses in court proceedings.

The electronic command core, as per Article 20/1, is composed of specialists holding the status of Judicial Police Officers, who receive the same salary and benefits as employees of the National Bureau of Investigation (NBI).

The Financial Investigation Sector is tasked with verifying the assets and means of individuals under investigation. Its employees must hold degrees in law, finance, or related fields, possess the status of Judicial Police Officers, and have at least two years of experience. They receive the same treatment as NBI employees.

The Sector for International Cooperation and Joint Investigations, headed by a special prosecutor, coordinates with authorities of other states and international organizations. It serves as a liaison for cross-border investigations, includes members in joint investigative teams, and oversees the respect for Albanian sovereignty and laws when foreign authorities are present.

The Media Relations Coordinator is the only person authorized to communicate with the public and media on behalf of the Special Prosecution Office. They must have considerable experience and fluent knowledge of both Albanian and English, and are responsible for informing the public about corruption risks and the prosecution's activity.

The Sector for Assistance to Individuals with Special Status provides support to victims, witnesses, and other individuals involved in cases under the jurisdiction of the Special Prosecution Office, in accordance with the provisions of the Criminal Procedure Code and relevant legislation.

Supervision of employees and experts, according to Article 26, is carried out by the Head of the Prosecution Office and sector heads, while special prosecutors supervise the concrete work of experts and personnel in investigations and individual cases.

Finally, Article 27 establishes the representative competence of special prosecutors, who represent criminal cases at all levels of the special courts and the High Court. In necessary cases, the Head of the Special Prosecution Office may request reinforcement from prosecutors of the General Prosecutor's Office, to enhance the quality of criminal representation.

Assessment of practice

In accordance with the organizational structure established by Law no. 95/2016, the annual report of the Special Prosecution Office provides a detailed overview of the activities of each functional unit within the institution's structure. This

document follows the institutional division based on respective competences and describes the concrete functioning of the sectors and supporting units that contribute to fulfilling the constitutional mission of this prosecution office.²⁰

The report highlights the contributions of the Electronic Command Core, which manages the interception process and systematically presents data on criminal proceedings involving wiretaps, the number of intercepted devices, court decisions authorizing or extending interceptions, as well as authorizations issued by the prosecutor. This section reflects both the increased operational workload and technical developments related to the use of this investigative tool.

The Expertise Sector is described in detail through two distinct reporting lines: (i) economic-financial expertise in support of investigations into money laundering and financial crimes, and (ii) electronic expertise and digital analysis, which involve the processing of evidence such as phones, computers, digital media, and other items seized during investigations. The report highlights not only the volume of operations but also the participation of experts in specialized field actions and inter-institutional cooperation for providing expertise in other investigations.

The Information Technology Directorate reports in a structured manner on the maintenance, development, and technical challenges of the institution's digital infrastructure. The section dedicated to this directorate includes information on IT networks, management of security systems, and the need to expand data storage capacity.

In addition to these technically and operationally profiled sectors, the report also reflects the functioning of administrative and support structures. The Directorate of Human Resources, Documentation, and Services presents data on staff composition, developments in fulfilling the staffing plan, recruitment and secondment processes, as well as measures taken to improve working conditions. The Media Relations Sector outlines public communication activities and the management of information requests, reflecting the role of the Coordinator in fulfilling institutional transparency obligations.

The report also includes data from the Sector for International Cooperation and Joint Investigations, which highlights the exchange of information with foreign authorities and the measures taken to coordinate cross-border investigations.

²⁰ Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2024*.

<https://spak.gov.al/wp-content/uploads/2025/04/Raporti-vjetor-SPAK-2024.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2023*.

<https://spak.gov.al/wp-content/uploads/2024/04/Raporti-2023.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2022*.

https://spak.gov.al/wp-content/uploads/2023/05/raporti-vjetor-2022_Publikuar.pdf

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2021*.

<https://spak.gov.al/wp-content/uploads/2023/01/Raporti-perfundimtar-SPAK-PDF.pdf>


Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2020*.

<https://spak.gov.al/wp-content/uploads/2023/01/Raporti-2020-perfundimtar.pdf>

Thus, the annual report of the Special Prosecution Office is structured in accordance with the institution's internal legal functioning and contains dedicated information for each of its functional units, offering an institutional overview organized by area of activity.

2) Appointment of the Head of the Special Prosecution Office

Category	Internal autonomy
Criterion	Appointment of the Head of the Special Prosecution Office
Purpose of evaluating the criterion	To assess whether the <u>selection process for this leadership position is conducted in accordance with constitutional and legal principles that guarantee the independence, integrity, and effective functioning of the Special Prosecution Office.</u>
Analysis of the legal framework	
<p>Article 148/dh of the Constitution of the Republic of Albania stipulates that the Head of the Special Prosecution Office shall be elected from among the prosecutors who serve within the Special Prosecution Office itself, and that the appointment is made by the High Prosecutorial Council, by a majority of its members. The mandate is three years and non-renewable. This constitutional provision establishes a safeguard for leadership rotation and prevents the concentration of power in a single individual, thus preserving internal institutional balance.</p> <p>This constitutional principle is further elaborated in Law no. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania.” Article 52 of this law provides that the mandate of the Head of the Special Prosecution Office is three years and cannot be renewed, distinguishing this position from that of other heads of prosecution offices, who may be reappointed once. Candidacy is open only to prosecutors currently serving within this prosecution office. The application procedure begins with a public call announced by the High Prosecutorial Council at least three months before the end of the current mandate, ensuring a regular and predictable leadership transition within the institution.</p> <p>Each proposed candidate for this position undergoes a mandatory asset and background verification, in accordance with the procedures laid out in Article 32 of the same law. Once this verification is completed, the High Prosecutorial Council evaluates the candidates based on three core criteria: the results of the two most recent ethical and professional evaluations, professional experience relevant to the leadership position, and seniority in the system as a magistrate. If two or more candidates achieve equal results, the Council applies</p>	



supplementary criteria to assess leadership and organizational skills, as set out in its sublegal acts.

Overall, the current legal framework establishes an internal selection process with clear rules on the limitation and non-renewal of the mandate, thereby ensuring transparency, meritocracy, and the avoidance of external influences in the appointment of the head of this specialized structure.

Assessment of practice

Following the establishment of the Special Prosecution Office against Corruption and Organized Crime (SPAK), the High Prosecutorial Council (HPC) immediately initiated the procedure for appointing the head of this new structure. This took place at the end of 2019, when the HPC also approved the methodology for evaluating candidates, based on the regulation for promotion of prosecutors within SPAK.

On November 26, 2019, the HPC published the official call for expressions of interest for the position of SPAK Head. Only prosecutors who had already been appointed to this special structure were eligible to apply. The application had to include a motivation letter, a credible institutional vision (up to 5 pages), as well as supporting documentation for seven clearly defined evaluation standards established by the Council.


These standards included:

1. Experience in handling sensitive corruption and organized crime cases;
2. Leadership and organizational skills;
3. Experience in drafting administrative regulations;
4. Interaction with the media and high-profile public cases;
5. Human resources management;
6. Vision for building a functional and effective SPAK;
7. The candidate's professional public image.

For each of these standards, candidates submitted explanatory letters and supporting documents, which were evaluated by Council members using a scoring system (0-3 points per standard, with a maximum of 21 points).

After submitting applications within the set deadline (December 10, 2019), the HPC held public interviews with the candidates, during which each presented their vision for leading the institution and responded to questions from Council members. International monitors from EURALIUS and OPDAT were present during the process.

At the conclusion of the interviews and individual assessments by HPC members, a public and nominal vote was conducted for the SPAK Head, as required by Article 148/dh of the Constitution. Each member of the Council was entitled to vote for only one candidate.



On December 19, 2019, the High Prosecutorial Council, by Decision no. 291, appointed the first Head of the Special Prosecution Office for a non-renewable three-year term.

At the end of 2022, for the second time since the creation of SPAK, the HPC initiated procedures for the selection of the head of this structure, in line with the constitutional deadline marking the end of the three-year term of the incumbent.

The procedure began on September 19, 2022, with the publication of a call for expressions of interest, addressed only to current SPAK prosecutors. The call required candidates to submit a candidacy platform, accompanied by documentation proving compliance with the same seven evaluation standards previously set in the Council's promotion regulation for this structure. The standards included:

1. Experience in prosecuting corruption and organized crime cases;
2. Leadership and organizational abilities;
3. Participation in drafting administrative regulations;
4. Involvement in high public interest cases and media interaction;
5. Human resource management;
6. Vision for building a functional and effective SPAK;
7. Public image and professional integrity.

Applications were open until November 2, 2022, and candidates could submit documentation in person, by mail, or electronically. After the deadline, the Council established a Special Commission for evaluating candidates, which organized the process according to the approved methodology.

This Commission carried out its work in a structured manner, with members assigned randomly to evaluate an equal number of candidates. Each application was assessed based on two core criteria:

- Skills in investigation, prosecution, and asset confiscation, including the use of special techniques and proactive approaches;
- Determination and professional integrity, ability to withstand pressure, ethics, and confidentiality.

For each candidate, evaluation tables were prepared, and an internal process of discussion and voting was held within the Commission. These were later compiled into a final report submitted to the Council. Throughout the process, international observers from EURALIUS and OPDAT participated.

After submission of the report, the HPC held a public hearing on December 16, 2022, with the three candidates, who publicly presented their platforms, answered questions, and addressed the relevant standards for leading SPAK.


Following the presentations and discussions, a public and nominal vote was held, with each Council member voting for only one candidate. Based on the majority

of votes, by Decision no. 318, dated December 16, 2022, the Head of the Special Prosecution Office was appointed for a three-year term, from December 19, 2022, to December 18, 2025, with no right to reappointment.²¹

3) Promotion of prosecutors within SPAK

Category	Internal autonomy
Criterion	Promotion of prosecutors within SPAK
Purpose of evaluating the criterion	To assess whether the processes of <u>selection and appointment of prosecutors in this structure have been conducted in accordance with legal standards</u> that guarantee professionalism, impartiality, and meritocracy.
Analysis of the legal framework	
<p>Article 148/dh of the Constitution of the Republic of Albania establishes the constitutional foundation of the Special Prosecution Office, which is tasked with conducting criminal prosecution and representing the accusation before the special courts against corruption and organized crime, as well as before the High Court. This position designates the Special Prosecution Office as the institution representing the public prosecution in the most sensitive criminal cases, with a direct impact on the fight against corruption and organized crime.</p> <p>According to the same provision, the Special Prosecution Office consists of at least 10 prosecutors, who are appointed by the High Prosecutorial Council for a non-renewable 9-year term. This time limitation and the prohibition of reappointment aim to ensure rotation within the prosecutorial body and to avoid a continuous concentration of power in the same individuals. The Constitution also refers to a transparent and public appointment procedure, which is further defined by law.</p> <p>This constitutional framework is concretized in Chapter III of Law no. 95/2016 “On the organization and functioning of institutions for combating corruption and organized crime.” Article 11 of this law provides that the Special Prosecution Office consists of the Head of the Office and special prosecutors, who carry out the institution’s functions in accordance with the law. The same article also states that the Special Prosecution Office is supported by auxiliary sectors and works closely with the National Bureau of Investigation, where</p>	

²¹ High Prosecutorial Council. (2022, December 16). Decision No. 318, dated 16.12.2022, *on the appointment of a member of the High Prosecutorial Council from SPAK*. <https://klp.al/wp-content/uploads/2022/12/vendim-spak-16.12.2022.pdf>



investigators and Judicial Police services are directed and supervised by the special prosecutors, reinforcing their leading role in complex investigations.

Article 12 of the law details the procedure for the appointment, term, and status of special prosecutors. The High Prosecutorial Council is the authority responsible for appointing prosecutors in accordance with the Constitution and relevant legislation, but only after the security requirements outlined in Article 6 of the law and the criteria for professional competence have been fulfilled. Before any appointment, the Council reviews and evaluates the documentation of each candidate, which is submitted by the Special Commission for the Verification of Assets and Background – a body specifically established for this purpose. Any candidate who receives a negative assessment from this commission, based on the law and evidence, cannot be appointed as a special prosecutor, and the Council’s decision is final.

Special prosecutors are appointed for a non-renewable 9-year term, which can only be suspended or terminated if the High Justice Inspector requests the initiation of disciplinary proceedings against the prosecutor. This limited scope for interruption or suspension ensures institutional stability and protects against unjustified interference during the term.


After the conclusion of the mandate, the High Prosecutorial Council is obliged to return the prosecutor to their previous position or, if this is not possible, to place them in available positions within the prosecution system, with priority over other candidates. This provision is intended to ensure the continuity of the magistrate's career and to avoid negative consequences linked to their exclusion from the specialized structure.

Prosecutors of the Special Prosecution Office enjoy a special constitutional and legal status, characterized by a non-renewable mandate, in-depth integrity and asset verification, an active role in leading investigations, and guarantees for future integration into the regular prosecution system. This legal framework strengthens the independent, professional, and impartial nature of this body within the criminal justice system.

Assessment of practice

In accordance with its constitutional and legal powers, on January 7, 2019, the High Prosecutorial Council (HPC) launched the procedure for filling 15 vacant positions in the Special Prosecution Office against Corruption and Organized Crime (SPAK). Although the number of applications was limited, the deadlines for submission were extended.

To support this process, a Special Commission was established in accordance with Article 11 of the HPC Regulation on promotions to SPAK. The Commission consisted of five members three prosecutors and two non-prosecutors selected through a detailed procedure that excluded conflicts of interest and ensured balanced representation within the Council.



On April 4, 2019, the Special Commission began its work by verifying the legal eligibility of candidates. Of the 28 submitted applications, 25 candidates were qualified for the next stage, as they met the promotion criteria. The initial evaluation was approved by the HPC through Decision no. 57, dated April 5, 2019.²²

During this stage, the Commission initiated official communication with each candidate and requested supporting documentation to evaluate their past professional performance in complex criminal cases. It was emphasized that the evaluation should be based only on completed cases, in line with the spirit of the regulation.

By a special order, the Commission Chair approved the evaluation methodology, which included:

- preparing preliminary evaluation tables;
- drawing lots for rapporteurs of candidate documentation;
- reviewing documentation and communication with the Council;
- monitoring by OPDAT and EURALIUS;
- ensuring transparency through audio recordings and official minutes.

Following the interview process in July 2019, the Commission decided that 15 of the 22 interviewed candidates would be selected for appointment as SPAK prosecutors. The ranking decision was approved by Decision no. 137, dated July 16, 2019.²³ The evaluation process was influenced by the vetting proceedings, as only 8 of the selected candidates had completed the vetting process successfully.


To avoid delays in operationalizing SPAK, the Commission proposed that the 8 confirmed candidates be appointed immediately, while the rest would wait for the completion of their vetting processes. The HPC was also asked to coordinate with the High Judicial Council (HJC) and the Prosecutor General to manage the institutional transition.

On November 25, 2019, the HPC appointed the 8 confirmed prosecutors to SPAK and opened the competition for the position of SPAK Head. The candidates were interviewed by the HPC in cooperation with OPDAT and EURALIUS in a public and monitored process. On December 19, 2019, the HPC elected the Head of SPAK by a majority vote (6 out of 11).

The year 2020 marked another key phase in consolidating the SPAK team through a process to fill three vacancies created after the initial selection phase. Of the original 15 prosecutors appointed in December 2019, two positions became vacant as a result of the ongoing transitional vetting process. To fill these

²² High Prosecutorial Council. (2019, April 5). Decision No. 57, dated 05.04.2019, *on the approval of the list of candidates for prosecutors at the Special Prosecution Office against Corruption and Organized Crime*. <https://klp.al/wp-content/uploads/2019/04/Nr.57-Dat%C3%AB-05.04.2019.pdf>

²³ High Prosecutorial Council. (2019, July 16). Decision No. 137, dated 16.07.2019, *on the approval of the ranked list of candidates for prosecutors at the Special Prosecution Office against Corruption and Organized Crime*. <https://klp.al/wp-content/uploads/2019/07/Nr.137-Dat%C3%AB-16.07.2019.pdf>



positions, on January 28, 2020, the HPC launched a public call for applications, open for 15 calendar days, which resulted in three applicants.

Due to limited interest, the HPC extended the application deadline during its February 24, 2020 meeting, from 15 to 40 calendar days, until March 8, 2020. A second public call was issued on February 26, after which only one new candidate applied.

On April 2, 2020, one of the original winning candidates from 2019 submitted a resignation to the HPC. As a result, on April 10, the Council launched a new call for that vacant position. At this stage, the total number of active candidates reached four.

On May 15, 2020, by Decision no. 113, the HPC merged the three ongoing procedures into a single one for the three vacant positions. This meant that the evaluation and final ranking process would serve to fill all three positions simultaneously.

The evaluation process was led by the Career Commission, which held four separate meetings to thoroughly assess the documentation and professional background of the candidates. The evaluation was conducted in line with legal acts and internal rules of the HPC regarding SPAK selection.

Following the voting process, the Council approved the appointment of three candidates. These appointments brought the total number of active prosecutors in SPAK to 13 out of the 15 planned positions, while the remaining two positions were still pending the outcome of the vetting process by the competent institutions.

The year 2022 marked continued institutional efforts to complete SPAK's staffing, at a time when the structure faced growing demands for human resources and increasing challenges due to the vetting process. By the end of 2020, SPAK was functioning with 13 appointed prosecutors. In early 2021, with a decision of the Albanian Parliament, SPAK's staffing plan was expanded by 5 additional positions, raising the target to 20 prosecutors.

To meet this target, the HPC launched a new process for selecting candidates for SPAK prosecutors:

- On May 19, 2021, the HPC issued a call for applications for two vacant positions, with a 15-day deadline ending on June 3, 2021. Only two candidates applied.
- On October 8, 2021, another call was issued for two additional vacancies, with a deadline of October 23, 2021. Three candidates responded.

For each call, the HPC established a Special Commission, as stipulated by the promotion regulation for SPAK. The members of the Career Commission



automatically formed part of the Special Commission, while two other members were selected through specific procedures designed for this body.

Following a structured and detailed evaluation process held across several meetings, the Commissions evaluated applicants based on criteria including ethics, professionalism, and experience in investigating complex criminal offenses.

Following the Commission assessments and the Council's vote, four new prosecutors were appointed to SPAK. This brought the number of appointed SPAK prosecutors to 17, leaving three positions unfilled out of the approved 20.

During 2024, the HPC successfully completed a major process to fill the remaining three vacancies in the Special Prosecution Office against Corruption and Organized Crime (SPAK).

The process was conducted pursuant to Article 26, point 3, of the Regulation adopted by Decision no. 303, dated September 19, 2023, which defines the structure and selection method for members of the Special Commission. This commission was composed of five HPC members: three prosecutors and two non-prosecutors. Members of the Career Development Commission served ex officio, while members of the Ethics and Professionalism Evaluation Commission were excluded to prevent conflicts of interest. Two additional members were drawn by lot from the remaining Council members.

By Decision no. 309, dated September 29, 2023, the HPC organized the lottery procedure to select the additional members. They joined the existing Career Commission members, and by Order no. 196, dated September 29, 2023, the Special Commission was officially established. Later, due to membership rotation within the HPC, the Commission was restructured by Order no. 125, dated July 29, 2024, ensuring legal and institutional continuity in accordance with the regulation and applicable obligations.

The procedure formally began at the end of 2023 with Decision no. 372, dated November 30, 2023, which approved the evaluation scale for each criterion for eight candidates in the competition.

Subsequently, the Special Commission:

- verified the legal conditions of the candidates,
- approved their official list,
- and carried out the administrative evaluation procedures in accordance with the regulation's criteria.

Interviews and final evaluations followed, concluding with Decision no. 387, dated December 7, 2023, which established the final ranking of candidates for

SPAK prosecutor positions.²⁴ In accordance with Article 6 of the SPAK Law, the candidates underwent verification of their security clearance, assets, and background by the Special Verification Commission. Based on the results:

- in March and July 2024, the HPC issued three decisions appointing prosecutors to SPAK;
- and one decision denying appointment due to verification results.

Thus, the HPC fulfilled its institutional objective of completing the staffing of SPAK with 20 appointed prosecutors, creating the conditions for a more complete and effective functioning of this structure.

4) Assembly of Special Prosecutors

Category	Internal autonomy
Criterion	Assembly of Special Prosecutors
Purpose of evaluating the criterion	To assess whether this collegial mechanism functions in accordance with its institutional purpose, as an internal self-regulatory instrument that <u>contributes to ensuring the functional independence, professional integrity, and efficiency</u> in the joint work of SPAK prosecutors.
Analysis of the legal framework	
<p>The regulation of the meeting of special prosecutors is provided in Article 16 of Law no. 95/2016, which establishes an internal collegial mechanism with advisory and organizational functions within the Special Prosecution Office. This meeting aims to ensure the participation of the body of prosecutors in institutional decision-making, building a form of horizontal accountability and strengthening the internal democratic functioning. Its role is not merely formal, but represents an institutionalized forum for professional discussion and consultation that influences the decision-making of the Head and the administrative structure of the institution.</p> <p>According to the law, this meeting provides informal advisory opinions, which carry binding procedural effects for the Head, especially in relation to the approval of the internal regulation, the draft budget, or administrative practices related to the daily functioning of the institution. It also offers an opportunity</p>	

²⁴ High Prosecutorial Council. (2019, December 5). Decision No. 57, dated 05.04.2019, *on the approval of the list of candidates for SPAK*. <https://klp.al/wp-content/uploads/2023/12/Shkurtim-Vendimi-SPAK-5-renditja-1.pdf>

for collective expression on matters such as ethics, security, and human resources, contributing to a more inclusive administrative framework.

Specifically, Article 16/2 of the law assigns several defined competences to this meeting. These include: providing an opinion on the internal regulation (point a), which is not binding in substance for the Head but is a prerequisite for its approval; assessment of job descriptions and institutional capacities (point b), used as a basis for career planning and internal organization; proposals for the creation of internal commissions (point c), which facilitate the distribution of workload and thematic focus on specific case types; opinion on the draft budget (point ç), which supports the preparation of documentation for submission to the Assembly; and discussion of issues affecting the professional and ethical functioning of the institution (point d), thereby enhancing transparency and participation.

The law does not define this meeting as a tool solely at the disposal of the Head. One-third of the body of special prosecutors has the right to request the convening of the meeting, and in such cases, the Head has a legal obligation to call it. Failure to do so would constitute a violation of the law and may lead to disciplinary or administrative liability for the Head.

The role of the meeting in promoting transparency and institutional integrity is clearly set out in the law. It serves as a means to prevent the non-transparent concentration of power in the hands of the Head, increases the sense of inclusion among prosecutors, and strengthens a culture of ownership over institutional processes. The meeting also provides space for discussions on ethics, professional standards, and prosecutorial practices, offering a collegial setting for self-regulation, particularly in cases that do not require immediate intervention from the High Prosecutorial Council or the High Justice Inspector.

In this context, the meeting of special prosecutors represents a functional mechanism of internal institutional accountability, helping to build more representative decision-making, enhancing internal professional oversight, and fostering a culture of joint consultation between hierarchy and the autonomy of the prosecutorial body. Its function constitutes a key pillar of internal self-governance, in line with the specialized and independent nature of the institution.

Assessment of practice

In the 2021 and 2022 reports, the meetings are mentioned in general terms as a form of discussion on matters of importance to the institution's activity, including the implementation of recommendations from the Council of Ministers and coordination regarding organizational developments of the National Bureau of Investigation. However, in these two years, no detailed data is provided regarding the number, structure, or specific content of the meetings held.²⁵

²⁵ Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2022*. https://spak.gov.al/wp-content/uploads/2023/05/raporti-vjetor-2022_Publikuar.pdf

In the 2023 and 2024 reports, the meetings of prosecutors are specifically and structurally referenced, highlighting their role in the performance analysis processes of each prosecutor and investigator, in identifying priority cases, and in providing methodological guidance for investigations. These meetings have been held regularly and have included thematic analyses with support sectors such as Expertise and Financial Investigation, as well as discussions with the administrative staff—reflecting a broader and more documented use of this legal obligation in function of improving work effectiveness.²⁶

5) Functions and powers of the Head of SPAK

Category	Internal autonomy
Criterion	Functions and powers of the Head of SPAK
Purpose of evaluating the criterion	To assess the exercise of the competencies of the Head of the Special Prosecution Office in accordance with the constitutional and legal framework, as well as the <u>implementation of an effective balance between the leadership authority, the independence of prosecutors, and the efficient functioning of the institution.</u>
Analysis of the legal framework	
<p>The legal framework for the Head of the Special Prosecution Office for corruption and organized crime is defined in Article 148/dh of the Constitution and in Law no. 95/2016 “On the organization and functioning of institutions for combating corruption and organized crime,” as well as in Law no. 97/2016.</p> <p>According to Article 148/dh, paragraph 3 of the Constitution, the Head of the Special Prosecution Office is elected from among the prosecutors of this office by the High Prosecutorial Council, with a majority of its members, for a three-year term, without the right to reappointment. This provision sets a clear limit on the exercise of leadership functions, ensuring rotation and preventing prolonged concentration of administrative power in a single individual.</p>	

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2021*.
<https://spak.gov.al/wp-content/uploads/2023/01/Raporti-perfundimtar-SPAK-PDF.pdf>

²⁶ Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2024*.
<https://spak.gov.al/wp-content/uploads/2025/04/Raporti-vjetor-SPAK-2024.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2023*.
<https://spak.gov.al/wp-content/uploads/2024/04/Raporti-2023.pdf>

Law no. 95/2016 further elaborates this constitutional basis by defining the specific functions of the Head. The Head is responsible for the administrative management of the Special Prosecution Office and holds broad organizational and coordinating powers. However, the Head is not entitled to issue instructions on the substance of investigations or criminal cases, thereby respecting the functional independence of each special prosecutor in conducting prosecutions.

The Head organizes the allocation of cases based on prosecutors' specialization and coordinates relationships with law enforcement, intelligence agencies, and other bodies involved in investigations. One of the key functions is the preparation and submission of the draft budget for the Special Prosecution Office and the National Bureau of Investigation to the Ministry of Finance, as well as the annual reporting to the High Prosecutorial Council, thus enhancing institutional accountability.

The Head also holds the authority to issue regulations governing the office's operations and general guidelines for the NBI, following necessary consultations. In the event of absence, the Head may appoint a special prosecutor as acting Head; however, if the absence lasts more than 45 days, the High Prosecutorial Council intervenes to assign a new acting Head. The Head organizes the workflow, represents the institution, distributes cases, creates investigative teams, oversees discipline, and coordinates relations with other institutions.

In conclusion, the Head of the Special Prosecution Office is a central figure in the administrative and institutional functioning of this specialized body, playing a crucial role in managing, planning, and coordinating work—while refraining from interfering in the functional independence of prosecutors handling criminal cases. The combination of responsibility for institutional performance with the prohibition against interfering in individual investigative decisions ensures a functional balance between efficiency and independence in the fight against corruption and organized crime.

Assessment of practice

In fulfilling his institutional functions, the Head of the Special Prosecution Office has exercised a wide range of powers foreseen in the applicable legislation, which are clearly reflected in the institution's annual reports.²⁷ These powers include aspects of internal management, institutional representation, inter-institutional cooperation, and the direction of the institution's general policies.

²⁷ Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2024*.

<https://spak.gov.al/wp-content/uploads/2025/04/Raporti-vjetor-SPAK-2024.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2023*.

<https://spak.gov.al/wp-content/uploads/2024/04/Raporti-2023.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2022*.

https://spak.gov.al/wp-content/uploads/2023/05/raporti-vjetor-2022_Publikuar.pdf

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2021*.

<https://spak.gov.al/wp-content/uploads/2023/01/Raporti-perfundimtar-SPAK-PDF.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2020*.

<https://spak.gov.al/wp-content/uploads/2023/01/Raporti-2020-perfundimtar.pdf>

In the area of internal administration, the Head has issued a series of administrative acts, including general orders, internal regulations, and guidelines, aimed at standardizing and ensuring the effective internal functioning of the structure. He has convened meetings of special prosecutors (Annual Reports 2023 and 2024) to discuss issues related to the procedural and organizational activity of the institution, and has conducted internal analyses with administrative personnel.

In his coordinating and leadership role, the Head has cooperated directly with the National Bureau of Investigation through joint orders and has approved strategies and cooperation agreements with other public and private institutions, aimed at increasing the efficiency of criminal prosecution in the field of organized crime and corruption. Additionally, he has submitted requests for placing convicted individuals under special security regimes, in accordance with legal obligations and inter-institutional agreements.

In terms of public representation and transparency, the Head has undertaken communication initiatives with the media, including informal meetings and official interviews, with the aim of raising public awareness about the activities of the Special Prosecution Office and international cooperation in investigations.

Finally, the Head has engaged in exercising new constitutional powers related to representing the cases of former Public Commissioners after the end of their mandate, by coordinating the transfer process of their case files and preparing their follow-up before the Special Appeals Chamber, in implementation of the most recent constitutional and legal amendments.

6) Human resources of the Special Prosecution Office

Category	Internal autonomy
Criterion	Human resources of the Special Prosecution Office
Purpose of evaluating the criterion	To assess the <u>institutional capacities of the Special Prosecution Office in fulfilling its constitutional and legal mandate to combat corruption and organized crime.</u>
Analysis of the legal framework	
The legal framework regulating the categories and status of civil servants of the Special Prosecution Office is based on Law no. 95/2016 and Law no. 97/2016, which establish specific rules while simultaneously preserving the applicability of general provisions on civil service.	
Article 44 of Law no. 95/2016 states that administrative staff of the Special Prosecution Office and the National Bureau of Investigation are subject to the	

law “On the organization and functioning of the prosecution office,” except in cases where the special law provides otherwise. This regulation reflects the need for professional specificity and higher integrity standards within the structures responsible for combating corruption and organized crime.

According to Article 70 of Law no. 97/2016, the category of civil servants for the Special Prosecution Office includes various positions such as: chancellors, finance and budget officers, secretaries, documentation officers, IT staff, human resources personnel, archivists, and public relations officers.

Although their status follows the general rules for civil servants, it is also subject to special provisions stemming from Law no. 95/2016, particularly regarding security requirements and the monitoring of personal and professional integrity.

Professional training, according to Articles 72 and 73 of Law no. 97/2016, is provided through initial and continuous training programs, organized in cooperation between the School of Magistrates, the High Prosecutorial Council, and the Special Prosecution Office. Each civil servant must follow the program according to their job profile and, after training, must successfully pass the corresponding exams. For chancellors, a special training and certification system exists, based on specific criteria.

Articles 74 to 76 outline the procedure for the admission of civil servants, which is based on open competition, with clear evaluation phases and regulated criteria for both the chancellor position and other administrative support roles.

For the Special Prosecution Office, candidates must meet enhanced security conditions, including special declarations for the control of their financial accounts and telecommunications data, as well as that of their family members. This approach significantly raises the standard of integrity and oversight within these structures. In addition to general criteria (education, professional experience, foreign language proficiency), the law establishes specific criteria based on the function performed, reflecting the functional division and specialization of roles—such as those in budgeting, IT, documentation, or public communication.

Assessment of practice

The administrative structure of the Special Prosecution Office constitutes an essential component of its functioning, with specific rules on recruitment, training, integrity, and evaluation of civil staff, designed to ensure a highly reliable professional support body with clearly defined technical and administrative capacities.²⁸

²⁸ Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2024*.

<https://spak.gov.al/wp-content/uploads/2025/04/Raporti-vjetor-SPAK-2024.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2023*.

<https://spak.gov.al/wp-content/uploads/2024/04/Raporti-2023.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2022*.

https://spak.gov.al/wp-content/uploads/2023/05/raporti-vjetor-2022_Publikuar.pdf

In 2019, SPAK had no financial investigators, judicial police officers (JPOs), or appointed experts. Only the administrative support structure was minimally functional. Starting in 2020, there was a slow pace in filling the financial investigator positions, where out of 8 structured posts, only 4 to 8 were filled during 2020-2022. It was only in 2023 and 2024 that all 16 approved positions for financial investigators were filled for the first time—a key achievement for SPAK’s functioning.

Similarly, the positions for JPOs and technical experts were opened for the first time in 2020 (with a structure of 22 positions), but progress remained modest. By 2024, out of 10 structured positions for this category, only 6 had been filled. This gap suggests ongoing challenges in finding experts with specialized profiles who also meet high security and integrity requirements.

The main pillar supporting the institution’s day-to-day operations has been the civil service staff. Since 2020, this category has seen significant and sustained growth—from 33 structured positions in 2020 to 59 structured and filled positions in 2024. Similarly, the number of appointed staff has increased from 20 in 2020 to 45 in 2024.

Staff operating on temporary contracts (not with civil servant status) have played an increasingly important support role. The number of structured positions remained the same in 2023 and 2024 (28), with 27 employees appointed in both years, reflecting internal stability and effective alignment with the organizational staffing plan. This category has served in logistics, technical, and maintenance roles, helping absorb changing operational needs flexibly without being tied to the civil service framework.


Year	Total approved positions*	Total appointed*	Fulfillment rate
2020	99	61	~62%
2021	84	70	~83%
2022	112	85	~76%
2023	133	121	~91%
2024	133	125	~94%

(*Calculated on an aggregate basis: prosecutors, investigators, JPOs/experts, civil servants, and contract-based staff)

Throughout this period, SPAK has rigorously applied the provisions on lateral transfers, civil service admission, and promotions. In particular, 2021 and 2022 marked intensive efforts to address vacancies in critical sectors such as IT, statistics, international cooperation, and support services. However, as of 2024, gaps remain in several specialized sectors, including Expertise (4 vacancies),

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2021*. <https://spak.gov.al/wp-content/uploads/2023/01/Raporti-perfundimtar-SPAK-PDF.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2020*. <https://spak.gov.al/wp-content/uploads/2023/01/Raporti-2020-perfundimtar.pdf>



Information Technology (3 vacancies), and Human Resources (7 vacancies), highlighting continued challenges in attracting qualified professionals.

A positive element is the consistent application of transparency in announcing vacancies and publishing procedures on the official website and the National Employment Service. However, some calls resulted in no successful candidates.

The annual reports highlight the development of capacities through systematic training. The number of staff who attended training through ASPA, the School of Magistrates, and international projects increased significantly—from 58 in 2023 to 120 in 2024 with a notable expansion in topics covered (from 27 to 41).

Compliance with the law on classified information has been systematically ensured. In 2024, several security certificates were renewed or issued for different levels of classification ("Top Secret", "Secret", and "Confidential") with no cases of denial or suspension. Special procedures were followed for the return of certificates upon termination of employment, including mandatory debriefing for the protection of classified information—an important measure for long-term confidentiality.


The Human Resources sector has directly contributed to drafting the internal regulation, the human resources strategy (2024-2026), the action plan for reducing the case backlog, and the guidelines for managing whistleblower reports.



A.3. Individual independence

- 1) Constitutional and legal guarantees of the independence of special prosecutors

Category	Individual independence
Criterion	Constitutional and legal guarantees of the independence of special prosecutors
Purpose of evaluating the criterion	To assess the constitutional and legal basis that <u>guarantees the exercise of duties by special prosecutors in an independent, uninfluenced manner</u> and in accordance with their constitutional role.
Analysis of the legal framework	
The constitutional and legal framework of the Republic of Albania clearly and comprehensively guarantees the individual independence of special prosecutors in the exercise of their functions, by establishing a protective system against any external or internal influence and by clearly separating managerial powers from procedural ones.	
At the constitutional level, Article 149 stipulates that the High Prosecutorial Council is responsible for guaranteeing the independence of prosecutors,	



including their status, discipline, accountability, and career development—directly contributing to the protection of their professional and institutional integrity.

This guarantee is reinforced specifically for the Special Prosecution Office through Article 13 of Law no. 95/2016, which states that special prosecutors exercise their functions independently, based on the principles of legality, objectivity, and impartiality. This article clearly prohibits any interference with the substance of a case or investigation, stating that not even the highest-ranking prosecutor may issue instructions regarding the content of a specific criminal case.

Article 15, paragraph 2, letter “a” of the same law reaffirms this prohibition for the Head of the Special Prosecution Office, who is not allowed to interfere in the procedural decision-making of special prosecutors. This organizational rule establishes a clear separation between administrative competencies and procedural independence, reinforcing each prosecutor’s individual role in criminal decision-making.

The guarantee of procedural independence is also emphasized in Law no. 97/2016. Article 6 reaffirms that prosecutors act independently, applying the law and being protected from any unlawful influence, whether internal or external, regardless of the source (public or private authority). This independence is further supported by Article 45 of the same law, which defines it as procedural independence that cannot be infringed upon during investigation and prosecution in court. This article also stipulates that the replacement of the prosecutor handling a case is permitted only in explicitly defined circumstances under the law, adding a layer of protection against arbitrary interference in criminal proceedings.

The general principles governing the exercise of magistrates’ functions, including special prosecutors, are set out in Article 3 of Law no. 96/2016. This article emphasizes that a magistrate (including prosecutors) exercises their functions independently, interpreting the law based on their internal conviction, without being influenced by any party, political authority, or other institution. In the event of interference, the magistrate is legally obligated to immediately notify the relevant authorities, thereby transforming protection from influence into a legal duty to report. Furthermore, the magistrate’s conduct must preserve public confidence in the justice system, imposing a high ethical standard in all actions undertaken.

Assessment of practice

One of the most sensitive and, at the same time, least institutionally articulated challenges regarding the functioning of the Special Prosecution Office against Corruption and Organized Crime (SPAK) relates to the threats and pressures directed at its prosecutors.²⁹ It has been repeatedly reported that several

²⁹ Special Prosecution Office against Corruption and Organized Crime (SPAK). (2024, December 19). *Press Release – SPAK celebrates the 5th anniversary of its establishment*.


prosecutors of this structure have been subjected to serious and systematic threats, which extend beyond the personal dimension to also involve their family members.

These threats are not isolated or incidental events but reflect an organized response by criminal structures against the functioning of effective justice. At their core, these actions aim to create a climate of fear, insecurity, and direct pressure on the prosecutors' decision-making, attempting to influence their will to pursue sensitive criminal investigations. In this context, a threat against a SPAK prosecutor should not be seen merely as a risk to the physical safety of an individual, but as an attack on the very foundations of SPAK's institutional independence, as it induces restraint in the exercise of prosecutorial powers, fear of personal consequences, and, in some cases, avoidance of handling high-profile cases.

It is also important to emphasize that threats against SPAK prosecutors occur in an environment where organized crime structures are sophisticated, transnational, and willing to use multiple means of pressure, including surveillance, intimidation, and indirect interference in the personal lives of justice officials. In this regard, ensuring the real and effective independence of SPAK prosecutors requires that the state and justice institutions do not limit themselves to issuing statements of support, but instead establish integrated protection mechanisms, making it unequivocally clear that any attempt to undermine prosecutors in the exercise of their duty is a direct act against the constitutional order and will not be tolerated. Only through such a coherent and resolute stance can the integrity of the institution be preserved and public trust in impartial and independent justice be upheld.

2) Status of special prosecutors

Category	Individual independence
Criterion	Status of special prosecutors
Purpose of evaluating the criterion	To assess whether the legal and institutional framework defining the position, rights, and duties of special prosecutors is structured in a way that <u>guarantees the independent and professional exercise of their duties.</u>
Analysis of the legal framework	
The legal framework that guarantees the status and the exercise of functions of prosecutors in the Special Prosecution Office is based on a series of provisions from Law no. 97/2016 and other special laws, which establish the foundations	



for an independent, secure, and protected functioning of this structure. Articles 7 and 11 of Law no. 97/2016 stipulate that the status of a prosecutor is not merely an administrative position, but a legally protected category under the Law on the Status of Magistrates (Law no. 96/2016), which ensures a stable career, regular ethical and professional evaluations, and clear procedures for the termination of the mandate.

Although the law clearly sets out the procedures for the selection, exercise of duties, and term duration for SPAK prosecutors, it does not offer a definitive and legally sanctioned solution regarding their professional future after completing their mandate in this specialized structure.

Law no. 95/2016 and Law no. 97/2016, which form the normative basis for the organization and functioning of the Special Prosecution Office, do not contain specific provisions regulating what happens to a prosecutor after the conclusion of their 9-year term. The legislator has not defined whether the prosecutor automatically returns to their previous position, whether they have the right to apply for other similar-level roles, or whether they enjoy any form of institutional protection from arbitrary transfers or professional demotion.

Assessment of practice

One of the particularly important issues for the sustainable and independent functioning of the Special Prosecution Office (SPAK) concerns the status of special prosecutors after the end of their mandate. As a structure with special competences in the fight against corruption and organized crime, ensuring the professional and institutional stability of its prosecutorial body is a prerequisite for maintaining high standards in investigation and prosecution. The lack of a clear legal provision regarding the career path of these prosecutors after the expiration of their mandate has been assessed as a risk not only to the legal security of the individuals exercising this function but also to the continuity and credibility of the institution's work. For this reason, addressing this issue through well-coordinated legal amendments remains a necessity for further strengthening the role of SPAK in the justice system.

The institution itself, in its annual reports, highlights one of the most sensitive challenges related to the functioning and institutional continuity of the Special Prosecution Office: the absence of a clear legal definition regarding the status of special prosecutors after the end of their mandate. This issue has been treated as a potential risk to the preservation of the high professional standards in investigation and prosecution that are expected by the public, the Parliament of Albania, the Council of Ministers, and international institutions. According to SPAK, the lack of such a provision also endangers the continuity of important ongoing investigations, creating uncertainty about the structure's ability to operate in a stable and independent manner.³⁰

³⁰ Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2024*. <https://spak.gov.al/wp-content/uploads/2025/04/Raporti-vjetor-SPAK-2024.pdf>

This concern has been expressed not only in the institution's written report but also directly by the Head of SPAK. In his public reporting, he emphasized that the first challenge for SPAK is preserving institutional independence, which he assessed as the foundation of the structure's success. Regarding the status of special prosecutors, he underlined that their mandate is limited to nine years and that currently there is no clear legal solution for their career continuation after the mandate ends. SPAK has submitted the necessary legal amendments, while the issue requires active cooperation from other institutions to be addressed in a timely manner.

It is worth noting that, to date, no prosecutor has yet completed the 9-year term in SPAK, as the first appointments took place at the end of 2019.

3) Security and protection of prosecutors

Category	Individual independence
Criterion	Security and protection of prosecutors
Purpose of evaluating the criterion	To assess whether the legal and institutional system provides comprehensive and enforceable measures <u>to guarantee the physical, functional, and personal security of special prosecutors during the exercise of their duties.</u>
Analysis of the legal framework	
<p>Institutional and personal protection is a fundamental pillar. Article 7(2) provides that prosecutors and their family members are guaranteed special protection by the state when they are endangered due to their function, while Article 11 categorically prohibits any exercise of prosecutorial functions by individuals not legally appointed, thereby preserving the exclusivity and legitimacy of the function and shielding the institution from external interference.</p> <p>This legal regime is supported by a comprehensive security structure described in Law no. 95/2016, where Articles 46 and 47 define the role of the State Police in securing the premises and personnel of the Special Prosecution Office, in cooperation with the Head of the institution. The protection includes special measures for prosecutors, their family members, and residential premises, in accordance with risk assessments. These measures are harmonized with Law no. 96/2016, establishing an integrated and specialized protection system for this category of magistrates.</p> <p>The organizational aspects of security are structured through additional provisions in Law no. 97/2016, where Article 42 grants the Head of the Special</p>	

Prosecution Office competence over internal security management, while Articles 57 and 58 outline the role of the administration and the chancellor in implementing and monitoring measures for the proper functioning and physical security of the institution. This approach creates a dual control system—both professional and administrative—for institutional security. Article 64 further strengthens this framework by stipulating that security in the Special Prosecution Office is governed by a special law, while Article 54 provides that security issues are to be discussed periodically in the meetings of the prosecutors.

Law no. 96/2016, through Article 20, extends protection to former magistrates after leaving office, in cases where the risk is related to the exercise of their previous functions, turning protection into a continuing institutional guarantee. Moreover, the state is obligated to provide financial compensation for damages caused in the course of duty, regardless of the criminal liability of the perpetrators, making this a concrete instrument of legal and moral security.

Beyond physical protection, institutional support in the public sphere is foreseen in Article 185 of Law no. 115/2016, which grants the High Prosecutorial Council the authority to make public statements in support of a prosecutor when their rights are violated or their function is endangered by public or political attacks. This form of protection is both symbolic and functional, important for preserving the authority and integrity of the institution.

Assessment of practice

The Commission for the Protection of Prosecutors is a functional structure attached to the High Prosecutorial Council (HPC), established pursuant to Article 20 of Law no. 96/2016 “On the Status of Magistrates” and Council of Ministers Decision no. 564, dated 31.07.2019, “On the criteria and procedures for special protection of magistrates during or due to the exercise of their function.”³¹ The purpose of this commission is to address requests for special physical protection of magistrates in cases where their life, health, or property—or that of their family members is at risk as a consequence of exercising their duties.

The Commission is composed of five members: a representative of the HPC, who also acts as the chair according to the Council of Ministers Decision, and representatives from the Ministry of Justice, the Ministry of Interior, the State Police Directorate, and the prosecution office where the magistrate requesting protection serves.


The Commission began functioning in September 2019, following the approval of the first decision appointing the HPC member to this body.³² That year, 5

³¹ Council of Ministers. (July 2019). Decision No. 564, dated 31.07.2019, *on the criteria and procedures for the special protection of magistrates during or because of the exercise of their function* (updated by Decision No. 52, dated 31.01.2024). <https://qbz.gov.al/share/YOWOBb6ZSI-9SjoR5a-mIA>

³² High Prosecutorial Council (HPC). *Annual Report 2024*. Accessed at: <https://klp.al/wp-content/uploads/2025/06/KLP-RAPORTI-VJETOR-2024.pdf>

High Prosecutorial Council (HPC). *Annual Report 2023*. Accessed at: <https://klp.al/wp-content/uploads/2024/05/Raporti-Vjetor-2023.pdf>

High Prosecutorial Council (HPC). *Annual Report 2022*. Accessed at:



requests for special protection were submitted, all of which were approved. The protection decisions were based on the assessment of serious circumstances that posed risks to the magistrate's life, family, or property, and were directly linked to their official function. The decisions were forwarded to the State Police Directorate and relevant prosecution offices for implementation.

In the following year, the Commission held 30 preparatory meetings and handled 21 cases, resulting in protection decisions for 12 magistrates. Decisions were also made for magistrates not currently in office. In some instances, the Commission acted in response to information published in the media. Protection decisions were granted for varying durations (3, 6, and 12 months), in accordance with the applicable legal framework. The Commission also operated via online platforms, with decisions signed individually by each member.

The Commission addressed 8 new requests for physical protection and 7 requests for extension of protection periods. All requests were reviewed within the deadlines set by Council of Ministers Decision no. 564. The decisions were based on specific circumstances reported by magistrates and on information requested from other institutions, as defined in current legislation. In all cases, the requests were accepted, and corresponding protective measures were determined, including the number of personal escorts and the duration of protection. Meetings were held with the participation of at least four members, and decisions were approved by a majority vote.

In 2022, 8 requests were reviewed—1 new request and 7 for extension of protection measures. The Commission reviewed all cases within the legal deadline of 48 hours from submission. In one exceptional case, due to immediate risk, protective measures were taken immediately in cooperation with the State Police, even before the Commission's meeting was held. Decisions were issued for 3-month terms (4 cases), 6-month terms (2 cases), and 1-year terms (2 cases). Protection was primarily offered to prosecutors operating in general jurisdiction offices located in high-crime cities. By year's end, 5 magistrates were under special protection.

In 2023, the Commission reviewed 14 requests, of which 13 were approved. The HPC's representative on the Commission was updated through a decision with a two-year mandate, in accordance with the relevant Council of Ministers Decision. The Commission continued functioning according to the same structure and procedures outlined in the legal framework.

In the most recent reporting year, the Commission reviewed 11 requests—1 new and 10 for extension of existing protection measures. The new HPC representative to the Commission was appointed in December 2023. As in

<https://klp.al/wp-content/uploads/2024/02/Raporti-Vjetor-2023-1.pdf>

High Prosecutorial Council (HPC). *Annual Report 2021*. Accessed at:

https://klp.al/wp-content/uploads/2022/05/RAPORTI_KLP-2021.pdf

High Prosecutorial Council (HPC). *Annual Report 2020*. Accessed at:

<https://klp.al/wp-content/uploads/2021/06/RAPORTI-JANAR-DHJETOR-2020-KLP.pdf>

High Prosecutorial Council (HPC). *Annual Report 2019*. Accessed at:


https://klp.al/wp-content/uploads/2020/05/RAPORTI_KUVENDI_VJETOR_WEB.pdf

previous years, decisions were issued within the 48-hour deadline and were distributed as follows: 3 months (4 cases), 6 months (2 cases), and 1 year (2 cases). By the end of the year, 5 prosecutors were under special protection measures. Meetings were held at the HPC premises, always ensuring the necessary quorum for decision-making.

Upon reviewing the annual reports of the High Prosecutorial Council for the 2019-2024 period, there is no direct reference to cases involving prosecutors from the Special Prosecution Office (SPAK) being reviewed by the Commission for the Protection of Prosecutors.

4) Performance of activities outside the prosecutor's official function

Category	Individual independence
Criterion	Performance of activities outside the prosecutor's official function
Purpose of evaluating the criterion	To assess whether clear legal rules and <u>oversight mechanisms exist that prohibit and monitor secondary engagements of special prosecutors, ensuring the independent, focused, and conflict-of-interest-free exercise of their functions.</u>
Analysis of the legal framework	
<p>The legal framework regulating incompatibilities, limitations, and activities outside the function of prosecutors of the Special Prosecution Office is set out in Chapter II of Law no. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania." It plays a fundamental role in safeguarding the independence, integrity, and ethics of this specialized body. Given their role in prosecuting corruption and organized crime, SPAK prosecutors are subject to strict limitations and heightened standards of conduct both inside and outside their official duties.</p> <p>According to Article 6, the magistrate's function is incompatible with membership or participation in political activities, including those not organized by political parties, if they compromise independence, create conflicts of interest, or lead to a perception of bias. These limitations are essential to maintain institutional impartiality among SPAK prosecutors and to ensure their work remains entirely separated from political influence. The head of the institution is required to notify the Council if there are reasonable suspicions of a violation of these provisions.</p> <p>Article 7 imposes direct restrictions related to the function, prohibiting prosecutors from publicly disclosing case-related data or expressing opinions that could affect perceptions of impartiality. They are also barred from participating</p>	



in strikes or engaging in economic activities that would create conflicts of interest or the appearance of undue influence in their official role. In particular, the administration or active ownership of capital in commercial companies with public interests is prohibited, while passive ownership is also restricted in specific cases, such as when a company benefits from public contracts. These prohibitions are vital to preserve the economic integrity and public trust in the Special Prosecution Office.

An additional aspect is addressed in Article 8, which regulates environmental incompatibility arising from family ties between magistrates working within the same structure. This provision is especially important for the Special Prosecution Office, as Article 8(4) explicitly prohibits the appointment of a magistrate to this structure if a close relative (spouse, cohabitant, or relative up to the second degree) is already serving there. The aim is to prevent possible internal influence and to ensure public confidence in the impartiality and objective functioning of the institution. Magistrates seeking appointment, transfer, or promotion must submit a self-declaration confirming the absence of such environmental incompatibility.

Article 9 regulates activities outside the official function, allowing prosecutors to engage in academic activities, publications, lectures, or participation in public legal events, provided they do not create conflicts of interest, interfere with the fulfilment of official duties, or give rise to the perception of influence. Any paid activity must be pre-approved by the relevant Council, accompanied by documentation verifying the nature, compensation, and time commitment. If the Council does not issue a decision within the legal 3-week deadline, approval is deemed granted under the Administrative Procedures Code. Unpaid justice-related activities do not require prior approval, but magistrates must report their participation within the first half of the following year.

Finally, Article 10 guarantees prosecutors the right to organize and express themselves through professional associations and organizations, provided these do not conflict with institutional responsibilities. This provision enables prosecutors of the Special Prosecution Office to defend their rights and contribute to their professional development, without undermining the functions and institutional authority of the body in which they serve.

Assessment of practice

With Decision no. 26, dated 22.2.2019, the High Prosecutorial Council (HPC) approved the Regulation “On Activities Outside the Function of Prosecutors,” which aims to establish an internal regulatory framework for cases where prosecutors engage in academic or other justice-related activities outside their official functions. The regulation clearly defines its object and purpose, the relevant subjects, and the fundamental principles of equality, proportionality, and due process, as well as procedures for authorizing, denying, or revoking engagements outside the prosecutorial function. Among other things, it regulates conditions related to workload, permitted hours for academic involvement,

acceptable compensation, and the obligation for transparency toward the Council.

During 2022 and 2023, some prosecutors of the Special Prosecution Office (SPAK) participated in paid activities outside their official duties, which were carried out with prior authorization from the High Prosecutorial Council (HPC) and in accordance with legal requirements for magistrates engaging in such activities.

In 2022, the majority of these external engagements by SPAK prosecutors involved roles as legal experts and trainers with national and international institutions such as UNODC (United Nations Office on Drugs and Crime), the School of Magistrates, the General Prosecutor's Office, and specialized centers for training tax and customs administration staff. The thematic areas primarily focused on human trafficking, money laundering, criminal and procedural law, and aspects of criminal codification.

These activities included limited working days, lecture hours, or training modules, which were moderately distributed over time and aligned with the prosecutors' functional obligations.

In 2023, external engagements by SPAK prosecutors continued in the same direction, involving roles as legal experts and trainers under projects supported by organizations such as the OSCE, the School of Magistrates, and again the Training Center for Tax and Customs Administration. The thematic focus remained on fiscal issues, implementation of the Criminal Code and Criminal Procedure Code, and interdisciplinary approaches to legal education and professional training.

For the years 2019, 2022, and 2023, the HPC website published tables with data on prosecutors' external activities.³³ The 2020 report does not contain accompanying summary tables. No dedicated report for 2021 or 2024 has been published on the HPC website.

Nevertheless, for each authorization case, the High Prosecutorial Council has approved individual acts, which are published on the institution's official website, documenting the name of the prosecutor, the nature of the engagement, and the authorized timeframe.³⁴

³³ High Prosecutorial Council. *Table with information related to extracurricular activities of magistrate prosecutors for the year 2019*. <https://klp.al/wp-content/uploads/2024/07/Tabela-me-informacion-lidhur-me-veprimtarite-jashte-funksionit-2019.pdf>

High Prosecutorial Council. *Table with information related to extracurricular activities of magistrate prosecutors for the year 2022*. <https://klp.al/wp-content/uploads/2024/07/Tabela-me-informacion-lidhur-me-veprimtarite-jashte-funksioni-2022.pdf>

High Prosecutorial Council. *Table with information related to extracurricular activities of magistrate prosecutors for the year 2023*. <https://klp.al/wp-content/uploads/2024/07/Tabela-me-informacion-lidhur-me-veprimtarite-jashte-funksionit-2023.pdf>

³⁴ High Prosecutorial Council. (2019, December 12). Decision No. 279, dated 12.12.2019, *on the approval of extracurricular activities for prosecutor Adnan Xholi*. <https://klp.al/wp-content/uploads/2020/01/Vendim-nr-279-12.12.2019.pdf>

5) Training of prosecutors

Category	Individual independence
Criterion	Training of prosecutors
Purpose of evaluating the criterion	To assess whether <u>prosecutors of the Special Prosecution Office regularly participate in initial and continuous training programs</u> , in accordance with the legal obligation for ongoing professional development and updating of knowledge.
Analysis of the legal framework	
<p>According to Law no. 96/2016 “On the Status of Judges and Prosecutors” and Law no. 115/2016 “On the Governing Bodies of the Justice System,” professional training for prosecutors, including those of the Special Prosecution Office (SPAK), is a legal obligation and a necessary condition for appointment and for performing their duties with professionalism, ethics, and independence.</p> <p>The initial training program is conducted through a three-year structure at the School of Magistrates. It includes one year of theoretical education, one year of pre-professional practice, and one year of professional practice under supervision, during which candidates for the prosecution profile are specialized based on their own choice. Assessment in each phase is standardized, based on scores and qualitative categories, and the candidate is ultimately certified as a graduate eligible for appointment to the prosecution system, including the</p>	

High Prosecutorial Council. (2020, June 12). Decision No. 137, dated 12.06.2020, *on the approval of extracurricular activities for prosecutor Manjola Kajana*.

<https://aksesdrejtesi.al/dokumenta/15946375101593165417Vendim-nr-137-12.06.2020.pdf>

High Prosecutorial Council. (2020, June 12). Decision No. 138, dated 12.06.2020, *on the approval of extracurricular activities for prosecutor Doreza Musabelliu*.

<https://klp.al/wp-content/uploads/2020/06/Vendim-nr-138-12.06.2020.pdf>

High Prosecutorial Council. (2022, June 15). Decision No. 150, dated 15.06.2022, *on the approval of extracurricular activities for prosecutor Doreza Musabelliu*.

<https://klp.al/wp-content/uploads/2022/06/vendim-nr-150-date-15.06.2022.pdf>

High Prosecutorial Council. (2023, March 24). Decision No. 69, dated 24.03.2023, *on the approval of extracurricular activities for prosecutor Doreza Musabelliu*.

<https://klp.al/wp-content/uploads/2023/03/Vendim-Nr.-69-dt.-24.03.2023.pdf>

High Prosecutorial Council. (2023, November 13). Decision No. 369, dated 13.11.2023, *on the approval of extracurricular activities for prosecutor Doreza Musabelliu*.

https://klp.al/wp-content/uploads/2023/11/v.nr_.369.pdf

High Prosecutorial Council. (2023, December 14). Decision No. 397, dated 14.12.2023, *on the approval of extracurricular activities for prosecutor Elida Kaçkini*.

https://klp.al/wp-content/uploads/2023/12/v.nr_.397.pdf

High Prosecutorial Council. (2024, October 9). Decision No. 217, dated 09.10.2024, *on the approval of extracurricular activities for prosecutor Elida Kaçkini*.

[https://aksesdrejtesi.al/dokumenta/1729670645v.nr_.217%20\(1\).pdf](https://aksesdrejtesi.al/dokumenta/1729670645v.nr_.217%20(1).pdf)

High Prosecutorial Council. (2025, January 10). Decision No. 5, dated 10.01.2025, *on the approval of extracurricular activities for prosecutor Doreza Musabelliu*.

https://klp.al/wp-content/uploads/2025/01/v.nr_.5.pdf

possibility of being selected for the Special Prosecution Office, provided the relevant experience and integrity criteria are met.

Beyond the initial phase, the law clearly stipulates that every prosecutor, including those in SPAK, has both the right and the obligation to attend continuing education programs. This training must consist of no less than 5 days per year and no less than 30 days over five years, in accordance with the legislation and the programs approved by the School of Magistrates and the High Prosecutorial Council. These trainings must be relevant to the prosecutor's function, cover key topics in criminal law and practice—including legal changes and international jurisprudence—and be delivered by certified institutions, primarily the School of Magistrates.

The High Prosecutorial Council, in cooperation with the School of Magistrates, is responsible for approving and monitoring prosecutors' participation in annual training, which is included in the national training calendar. For SPAK prosecutors, training topics related to the prosecution of high-level corruption, organized crime, money laundering, international cooperation, and the use of special investigative techniques are given particular priority.

The School of Magistrates, through its Governing Council, designs and approves thematic programs, appoints trainers, and monitors outcomes through assessments and individual certificates. The rules and procedures for selecting instructors, developing course materials, and conducting the entire training cycle are regulated in accordance with the standards set out in Articles 263-268 of Law no. 115/2016.


The training of special prosecutors is not merely a technical or administrative requirement; it is a vital instrument for ensuring professionalism, continuous performance improvement, and the safeguarding of both institutional and individual prosecutorial independence, in line with the high responsibilities associated with the role within SPAK.

Assessment of practice

SPAK has approved the training plan for administrative staff by category for the years 2023-2026, with the aim of strengthening internal institutional capacities and enhancing the professionalism of support structures that contribute to the functioning of the Special Prosecution Office Against Corruption and Organized Crime.³⁵ This plan was prepared in accordance with the provisions of the Constitution and the organic laws governing the prosecution system, and it seeks to address the specialized training needs of each category of administrative personnel.

The plan is based on the fact that since its establishment in December 2019, the Special Prosecution Office has undergone significant expansion in its structure,

³⁵ Special Prosecution Office against Corruption and Organized Crime. (2023). *Training plan for administrative personnel by categories for the years 2023–2026*. <https://spak.gov.al/wp-content/uploads/2023/12/Plani-i-Trajnimeve-SPAK.pdf>



functions, and workload. Initially composed of 8 prosecutors, 13 judicial police officers, and 28 administrative employees, SPAK reached, by 2023, a composition of 18 prosecutors, 44 civil servants, 14 judicial police officers, and 31 employees under employment contracts reflecting a steady growth in human resources and the need to standardize internal professional development.

The drafting of the plan followed a combined qualitative and institutional methodology, which included semi-structured interviews with sector representatives and prosecutors in leadership roles, analysis of the legal framework, and consultations with training experts. A total of 17 administrative employees from different profiles and 4 prosecutors (section leaders) were interviewed to identify their competencies, challenges, and training priorities. This approach was guided by job descriptions for each position and their alignment with the SPAK internal regulations.

Legally, the plan is grounded in Article 72 of Law no. 97/2016, which distinguishes between initial professional training for newly appointed civil servants and ongoing professional development for those already in office. These trainings are carried out in cooperation with the High Prosecutorial Council and the School of Magistrates, while SPAK itself plays an active role in identifying training needs and defining curriculum content.

SPAK's administrative personnel is divided into three categories: civil servants, employees under fixed-term contracts, and judicial police officers, distributed across functional sectors such as the Registry, Financial Investigation, Expertise, Information Technology, Budget and Financial Management, Records and Statistics, Human Resources, Archives, Secretariat, etc. Each sector has identified its specific training needs, reflecting the technical and procedural requirements stemming from their respective functions.

The joint training topics for all administrative staff include: work ethics, use of legal Albanian and English language, skills in drafting official documents, cybersecurity, communication and teamwork, performance evaluation, and data protection and institutional confidentiality. These topics aim to establish a unified standard for core competencies that support the institution's daily operations.

Alongside general trainings, the plan includes a calendar of specialized trainings per sector, such as:

- The Financial Investigation Sector will be trained on cryptocurrencies, financial analysis, proactive investigation, and the use of software tools for tracking money laundering.
- The Expertise Sector will focus on digital examination of technological devices.
- The Electronic Command Core will receive training on lawful interceptions, network security, artificial intelligence, and dark web investigations.

- The Records and Statistics Sector will gain proficiency in analytical programs like SPSS, Excel, and NVivo, while the Administrative Secretariat will focus on the legal logic of document drafting.


A key component of the plan is the expanded collaboration with ASPA (Albanian School of Public Administration), the School of Magistrates, and international donors, who will support implementation through certified modules and international expertise. In this context, three specific annexes have been prepared outlining priority training themes with ASPA (including anti-corruption, ethics, technology, and the EU), the School of Magistrates (focusing on judicial administration, media communication, independence of judicial police, etc.), and donors—especially in sensitive fields such as financial investigation and cybersecurity.

The plan also emphasizes the importance of fostering an internal institutional culture through the development of leadership skills, professional motivation, transparency, and inter-sectoral collaboration. SPAK has foreseen that the findings and proposals of this document will be shared with international partners during a dedicated donor conference, planned to be held within 2023.

In conclusion, SPAK's Training Plan for the period 2023-2026 represents a strategic and comprehensive approach to strengthening institutional capacities. It is built on a realistic assessment of personnel needs, active engagement of leadership structures, and support from domestic and international partners. Through this plan, the Special Prosecution Office aims not only to improve administrative efficiency but also to reinforce the foundations of public trust and professional integrity in fulfilling its mission.

6) Transfer to the Special Prosecution Office

Category	Individual independence
Criterion	Transfer to the Special Prosecution Office
Purpose of evaluating the criterion	To assess whether the <u>transfer of prosecutors to the Special Prosecution Office is carried out in accordance with the principles of legality, transparency, and meritocracy</u> , ensuring institutional impartiality, compliance with career standards, and the preservation of the integrity of this specialized structure.
Analysis of the legal framework	
The legal framework regulating the transfer of prosecutors to the Special Prosecution Office against Corruption and Organized Crime is based on a series	



of provisions from Law no. 96/2016 “On the Status of Magistrates,” which establish the criteria, procedures, and limitations governing the movement of magistrates within the prosecution system. In this context, transfer is only possible under special circumstances and in accordance with guarantees of the functional independence of prosecutors, including special prosecutors.

According to Article 42, transfer includes the temporary or permanent movement of a magistrate to a position of the same level, including appointments from seconded positions or in cases of temporary absences. The law stipulates that transfer may occur only to temporarily or permanently vacant positions, and it emphasizes that a magistrate cannot be transferred without their consent, except in expressly defined cases.

These exceptions are limited and listed in Article 44, where deviations from the principle of consent include: disciplinary measures, changes in the administrative structure or territorial jurisdiction of prosecution offices, and temporary absences that cannot be filled otherwise. Even in such cases, the law provides for controlled and appealable procedures, whereby the magistrate has the right to challenge the High Prosecutorial Council’s transfer decision in the Administrative Court.

Specifically, for the Special Prosecution Office, the legal framework establishes a differentiated and protected regime. Articles 46(3)-(5) provide that the Head of the Special Prosecution Office may temporarily request prosecutors from the first instance level to handle voluminous or complex cases, but only if they have at least five years of experience, meet security and confidentiality conditions, and give their consent. Such transfers are made only after obtaining the opinion of the High Prosecutorial Council—although this opinion is not binding—and the duration may not exceed one year, preserving the temporary and targeted nature of such arrangements.

Meanwhile, Article 45 establishes a special delegation scheme through which experienced magistrates may be assigned to the Special Prosecution Office, but only if they have given prior consent and meet the criteria outlined in Article 47, including those related to integrity, experience, and security. Assignments under this scheme are time-limited and subject to a needs-based assessment by the High Prosecutorial Council, thereby safeguarding both the institutional interest and the individual’s right not to be involuntarily transferred.

Assessment of practice

The transfer of prosecutors to the structure of the Special Prosecution Office Against Corruption and Organized Crime (SPAK) has been a process driven both by the functional needs of the newly established institution and by the gradual development of its staffing with qualified human resources. In the initial phase of SPAK’s establishment and operationalization, due to the high workload and the complexity of the cases falling under its jurisdiction, a temporary solution was adopted based on the mechanism of temporary transfer of prosecutors, with the

consent of the High Prosecutorial Council (HPC), upon the request of SPAK's head.

On 26 December 2019, following a request by the Head of SPAK, the HPC approved the temporary transfer of two prosecutors to support the initial operational capacities of the structure. This decision was motivated by the necessity to immediately handle the backlog of cases inherited from the former Serious Crimes Prosecution Office and to avoid delays in SPAK's effective functioning during its first months of existence.³⁶

Subsequently, during the formal selection procedures for SPAK prosecutors, both temporarily transferred prosecutors applied as candidates in the public call and were selected as winners by the HPC, thus being formally appointed to the Special Prosecution Office in accordance with the legal criteria and procedures.³⁷

In March 2021, the HPC issued another positive opinion for the temporary transfer of a prosecutor. This transfer, similar to previous cases, was in response to a direct request from SPAK and was considered necessary to temporarily fill functional gaps due to the progressively increasing number of cases and the need to build a stable prosecutorial team.³⁸

Likewise, in March 2023, the HPC announced its decision to accept another request from SPAK for the temporary transfer of one more prosecutor.³⁹

All prosecutors temporarily assigned to SPAK have later applied and been officially appointed as permanent prosecutors through the regular competitive procedures announced and administered by the High Prosecutorial Council.

B.1. Institutional accountability (external)

1) Periodic Reporting on SPAK's activity and results to the High Prosecutorial Council

Category	Institutional accountability
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³⁶ High Prosecutorial Council. (2019, December 26). *Media Announcement – Plenary Session No. 41*, 26.12.2019. <https://klp.al/2019/12/26/njoftim-per-media-2/>

³⁷ High Prosecutorial Council. (2020, May 19). Decision No. 128, dated 19.05.2020, *on the appointment as prosecutor in the Special Prosecution Office against Corruption and Organized Crime*. <https://klp.al/wp-content/uploads/2020/05/Vendim-nr-128-19.05.2020.pdf>

High Prosecutorial Council. (2020, May 19). Decision No. 127, dated 19.05.2020, *on the appointment as prosecutor in the Special Prosecution Office against Corruption and Organized Crime*. <https://klp.al/wp-content/uploads/2020/05/Vendim-nr-127-19.05.2020.pdf>

³⁸ High Prosecutorial Council. (2021, March 30). *Opinion on the temporary transfer of Ms. Dorina Bejko to the Special Prosecution Office against Corruption and Organized Crime (SPAK)*. <https://klp.al/wp-content/uploads/2021/03/OPINION-SPAK.pdf>

³⁹ High Prosecutorial Council. (2024, March 7). *Media announcement on the plenary session held on 07.03.2024*. <https://klp.al/2024/03/07/njoftim-per-media-mbi-zhvillimin-e-mbledhjes-plenare-date-07-03-2024/>



Criterion	Periodic Reporting on SPAK's activity and results to the High Prosecutorial Council
Purpose of evaluating the criterion	To assess whether the Special Prosecution Office <u>fulfills its legal obligation to report on its activity before the High Prosecutorial Council (HPC)</u>, as well as the role of the Council in reviewing and addressing issues of importance for the institution's performance and efficiency.
Analysis of the legal framework	
<p>The legal framework regulating the functioning of the Special Prosecution Office (SPAK) in Albania establishes an institutionalized system of periodic reporting, aimed at ensuring institutional accountability, functional transparency, and performance monitoring by supervisory and representative bodies.</p> <p>According to Article 15, paragraph 2, letter "d" of Law no. 95/2016, the Head of the Special Prosecution Office has a legal obligation to submit a written annual report to the High Prosecutorial Council by March 1st of each year, detailing the work and activities of SPAK. This report includes a summary of the institution's activities, results, and effectiveness for the previous calendar year. This mechanism is intended to strengthen oversight by the High Prosecutorial Council as the constitutional body responsible for ensuring the proper functioning of the prosecution system and for developing its strategic policies.</p> <p>Furthermore, Article 19, paragraph 1 of Law no. 95/2016 describes the role of the Documentation Sector, which is responsible for the systematic collection and management of data related to cases of corruption and organized crime. This sector serves as a technical and statistical information source for SPAK's official reports and is also obligated to forward relevant data to the General Prosecution Office and the High Prosecutorial Council, in accordance with their respective competences.</p> <p>Article 105 of Law no. 97/2016 also requires the Head of the Special Prosecution Office to report at least once a year to the High Prosecutorial Council.</p>	

Assessment of practice
During the period 2020-2024, the Special Prosecution Office Against Corruption and Organized Crime (SPAK) followed a regular and institutionalized practice of annual reporting before the High Prosecutorial Council (HPC), in compliance with the legal obligations set out in Law no. 95/2016 and Law no. 97/2016. ⁴⁰

⁴⁰ Reporting by the Head of SPAK to the High Prosecutorial Council. (2025, April 14). Accessed at: <https://klp.al/2025/04/14/raportimi-i-kreut-te-spak-mbi-veprimtarine-per-vitin-2024/>

More specifically, the reporting sessions before the HPC were held on the following dates:

- 28 May 2021, for the activity of 2020;
- 12 May 2022, for the activity of 2021;
- 16 March 2023, for the activity of 2022;
- 4 April 2024, for the activity of 2023;
- 14 April 2025, for the activity of 2024.

2) Periodic reporting on SPAK's activity and results to the Parliament of Albania


Category	Institutional accountability
Criterion	Periodic reporting on SPAK's activity and results to the Parliament of Albania
Purpose of evaluating the criterion	To assess whether the periodic reporting of the Special Prosecution Office to the Parliament of Albania is conducted <u>regularly, transparently, and substantively, clearly reflecting the results of its activity, institutional challenges, and needs</u> , with the aim of strengthening public accountability and democratic oversight without undermining the functional independence of the institution.
Analysis of the legal framework	
The relationship between the Special Prosecution Office and the Parliament of Albania is regulated by Article 104 of Law no. 97/2016, which clearly defines the forms and limits of institutional interaction between the prosecution authority	

Reporting by the Head of SPAK to the High Prosecutorial Council. (2024, April 4). Accessed at: <https://klp.al/2024/04/04/seance-raportimi-e-kreut-te-prokurorise-se-posacme-kunder-korrupsionit-dhe-krimite-organizuar-2/>

Reporting by the Head of SPAK to the High Prosecutorial Council. (2023, March 16). Accessed at: <https://klp.al/2023/03/16/seanca-plenare-nr-163/>

Reporting by the Head of SPAK to the High Prosecutorial Council. (2022, May 12). Accessed at: <https://klp.al/2022/05/12/raportimi-i-drejtuesit-te-prokurorise-se-posacme-kunder-korrupsionit-dhe-krimite-organizuar-perpara-keshillit-te-larte-te-prokurorise-mbi-veprimtarine-e-kesaj-strukture-per-vitin-2021/>

Reporting by the Head of SPAK to the High Prosecutorial Council. (2021, May 28). Accessed at: <https://klp.al/2021/05/28/drejtuesi-i-spak-z-arben-kraja-raportoi-sot-ne-keshillin-e-larte-te-prokurorise-lidhur-me-veprimtarine-e-prokurorise-se-posacme-gjate-vitit-2020/>



and the legislative branch, in accordance with the principles of separation and balance of powers.

In essence, the Head of the Special Prosecution Office is required to report to Parliament at least once a year regarding the state of criminality in the country, including the forms, territorial distribution, intensity, and typology of criminal offenses related to corruption and organized crime. The report must be detailed and comprehensive, but it is not permitted to include data on specific cases, unless Parliament decides otherwise through a special resolution.

This reporting represents a formal mechanism of institutional accountability and is part of the system of parliamentary oversight over the implementation of criminal policy and national security priorities.

In addition to describing the criminal situation, the report to Parliament must include information on the effectiveness of criminal prosecution, the quality of representation of the prosecution in court, and other key performance indicators of the institution. However, this institutional transparency is limited by the principle of non-interference in specific cases, except when Parliament itself, through a decision, requests information on a particular matter.

In this context, the law establishes a balance between the functional independence of the Special Prosecution Office and general parliamentary oversight, ensuring that Parliament is kept informed about the state of law enforcement and the strategies pursued in combating criminality, without infringing on the exclusive competence of the prosecutor in handling specific criminal cases.

Furthermore, the Head of the Special Prosecution Office, like the General Prosecutor, is obliged to cooperate with parliamentary inquiry committees, in accordance with applicable legal provisions. However, the law emphasizes that criminal investigation is independent from parliamentary inquiries, establishing a clear separation of functions and protecting the integrity of the criminal process from potential political or institutional influence.

Assessment of practice

During the period 2021-2025, alongside its annual reporting to the High Prosecutorial Council, the Head of the Special Prosecution Office against Corruption and Organized Crime (SPAK) has regularly fulfilled the obligation to report before the Committee on Legal Affairs, Public Administration and Human Rights, as well as the Parliament of Albania, in line with institutional accountability standards and transparency of functioning. These reports before the legislative authority serve as an additional mechanism for parliamentary oversight, supporting the evaluation of SPAK's compliance with its constitutional and legal duties.⁴¹

⁴¹ Reporting by the Head of SPAK to the Committee on Legal Affairs, Public Administration and Human Rights. (2024, May 22). Accessed at: <https://www.facebook.com/watch/?v=1544461599753653>

The respective sessions were held as follows:

Before the Committee on Legal Affairs, Public Administration and Human Rights:

- 4 June 2021 - for the activity of 2020
- 20 May 2022 - for the activity of 2021
- 26 May 2023 - for the activity of 2022
- 22 May 2024 - for the activity of 2023

Before the Parliament of Albania (plenary session):

- 14 June 2021 - for the activity of 2020
- 14 July 2022 - for the activity of 2021
- 3 July 2023 - for the activity of 2022
- 15 July 2024 - for the activity of 2023

3) Institutional relations between SPAK and the executive branch

Category	Institutional accountability
Criterion	Institutional relations between SPAK and the executive branch
Purpose of evaluating the criterion	To assess the nature and boundaries of the relationship between SPAK and the executive, evaluating whether such interactions take place in a lawful, functional, and balanced manner, without compromising the institutional independence of SPAK, and with a

Reporting by the Head of SPAK to the Committee on Legal Affairs, Public Administration and Human Rights. (2023, May 26). Accessed at: <https://www.facebook.com/watch/?v=1494272694650553>

Reporting by the Head of SPAK to the Committee on Legal Affairs, Public Administration and Human Rights. (2023, May 26). Accessed at: <https://www.facebook.com/watch/?v=1494272694650553>

Reporting by the Head of SPAK to the Committee on Legal Affairs, Public Administration and Human Rights. (2022, May 20). Accessed at: <https://www.facebook.com/watch/?v=537064304684331>

Reporting by the Head of SPAK to the Committee on Legal Affairs, Public Administration and Human Rights. (2021, June 4). Accessed at: <https://www.facebook.com/watch/?v=590231065281936>

Reporting by the Head of SPAK to the Parliament. (2024, July 15). Accessed at: <https://kuvendiwebfiles.blob.core.windows.net/webfiles/202407261100268978Procesverbal%20dat%C3%AB%2015.7.2024.pdf>

Reporting by the Head of SPAK to the Parliament. (2023, July 3). Accessed at: <https://kuvendiwebfiles.blob.core.windows.net/webfiles/202307171443267895Procesverbal%20date%CC%88%2015.7.2023.pdf>

Reporting by the Head of SPAK to the Parliament. (2022, July 14). Accessed at: <https://kuvendiwebfiles.blob.core.windows.net/webfiles/20220721141025Proc.%20dt%2014.07.2022.pdf>

Reporting by the Head of SPAK to the Parliament. (2021, June 14). Accessed at: <https://kuvendiwebfiles.blob.core.windows.net/webfiles/20210624101753Proc.%20dt%2014.06.2021.pdf>



	positive impact on cooperation in the fight against corruption and organized crime.
Analysis of the legal framework	
<p>The executive branch's competencies in relation to the Special Prosecution Office (SPAK) extend across four main areas: physical security of the institution and its personnel, budget planning, strategic guidance of criminal policy, and formalized institutional relations with the Ministry of Justice without infringing upon the individual or institutional decision-making autonomy of the prosecution.</p> <p>Firstly, according to Articles 46 and 47 of Law no. 95/2016, the State Police plays a key role in ensuring the security of the premises of the Special Prosecution Office, the National Bureau of Investigation, and the Anti-Corruption and Organized Crime Court. This protection is carried out under the leadership of the heads of these institutions. Furthermore, if requested by the Head of SPAK, protection may also be extended to prosecutors' family members, residences, and means of transport reflecting a special regime due to the high-risk nature of their duties. In line with Article 20 of Law no. 96/2016, these measures also include social protection and compensation if magistrates or their family members suffer consequences as a result of their duties.</p> <p>Secondly, in the financial domain, Article 56 of Law no. 95/2016 stipulates that SPAK has a separate budget from that of the General Prosecution Office, which is formulated by the Head of SPAK. If the Council of Ministers proposes an alternative budget, SPAK has the right to defend its requests before Parliament. According to Article 107 of Law no. 97/2016, the Minister of Justice plays an intermediary role in this process, initially reviewing the budgetary needs and presenting them to the Council of Ministers. This function is administrative in nature and aims to ensure institutional financial support without interfering with the substance of investigative activity.</p> <p>Thirdly, Law no. 97/2016, in Article 103, provides that by March 31st each year, the Council of Ministers, through the Minister of Justice, approves and submits to the General Prosecutor a set of strategic recommendations for combating criminality. These recommendations are strategic and institutional in nature and include evaluations of budgetary needs, which extend across the entire prosecution system, including SPAK. The Minister of Justice is obligated to communicate these recommendations in a joint meeting with heads of prosecution offices, including SPAK, within one month of approval. This process is intended to ensure horizontal engagement and transparency in the definition of state priorities for criminal prosecution. However, the law establishes a clear limitation: no recommendation may concern specific criminal cases, thereby preserving the functional independence of prosecutors and preventing political interference in investigative decisions.</p> <p>Beyond these areas, the executive's competencies also include matters of an organizational nature. Article 18 of Law no. 97/2016 stipulates that the overall</p>	

number of SPAK prosecutors is proposed by the Head of the institution but approved by Parliament, based in part on recommendations from the Council of Ministers. Likewise, the establishment of functional investigative sections, according to Article 21 of the same law, may be supported by such recommendations. In this context, the executive's role is technical-administrative and supportive, conceived as part of a controlled mechanism of inter-institutional cooperation. Another element of this cooperation is the Minister of Justice's authority to submit complaints regarding SPAK prosecutors to the High Justice Inspector, maintaining the separation between administrative oversight and independent procedural activity.


Assessment of practice

In continuation of institutional practice, the Council of Ministers has annually approved packages of priority recommendations addressed to the prosecution bodies, including the Special Prosecution Office, in function of combating criminality.⁴² These recommendations, drafted by the Ministry of Justice based on the applicable legal framework and national and international strategic documents, aim not only to strengthen the role and independence of the prosecutor but also to increase investigative efficiency, modernize working methods, and guarantee fundamental rights during criminal proceedings. The approach has evolved year after year, reflecting both the internal needs of the justice system and new developments in criminality, including digital forms and international connections. The recommendations include areas such as proactive investigation of corruption and organized crime, enhancing the role of the prosecution in guaranteeing the rule of law, use of modern technologies and artificial intelligence, as well as strengthening inter-institutional and international cooperation, marking a consistent effort to ensure effective, independent, and accountable prosecution in service of the public interest. Specifically.

1. The role of the prosecutor and ensuring independence in investigations

Since 2021, the Council of Ministers has repeatedly requested the strengthening of the prosecutor's active role in preliminary investigations, especially for cases initiated ex officio. This recommendation - reaffirmed every year through 2025 - reflects a continued lack of procedural initiative, seen as an obstacle to ensuring an independent and effective prosecution. In parallel, stronger control over the

⁴² Decision No. 231. (2025, April 17). *On the approval of priority recommendations in the fight against criminality for the year 2025*. Accessed at: <https://qbz.gov.al/share/D2edxF-mQhiC0xbrRWvSDQ>
 Decision No. 243. (2024, April 17). *On the approval of priority recommendations in the fight against criminality for the year 2024*. Accessed at: https://qbz.gov.al/share/mO_2guJiSIS0wf279Y4kZg
 Decision No. 226. (2023, April 13). *On the approval of priority recommendations in the fight against criminality for the year 2023*. Accessed at: <https://qbz.gov.al/share/ALlzohAkQQKSoEJ8ISY6Bw>
 Decision No. 304. (2022, May 11). *On the approval of priority recommendations in the fight against criminality for the year 2022*. Accessed at: <https://qbz.gov.al/share/DqTXpGzATw63fRekTCi8CA>
 Decision No. 326. (2021, June 10). *On the approval of priority recommendations in the fight against criminality for the year 2021*. Accessed at: <https://qbz.gov.al/share/D0xEjWgHQ-Oxf2NmYGjmHA>



work of judicial police officers (OPGJs) is required, as well as the referral of cases for disciplinary proceedings when failure to fulfill duties is observed.

Starting from 2023, the recommendations are directly related to addressing external influences and avoiding any form of interference, by reinforcing accountability mechanisms without infringing on independence. In 2025, this approach is deepened with direct references to the principle of presumption of innocence, avoidance of arbitrary detentions, and respect for proportionality during requests for security measures, moving from a structural focus toward a substantive approach to rights.

2. The fight against corruption and strengthening proactive investigations

Recommendations to strengthen investigations against corruption have remained consistent over time, with particular emphasis on:

- increasing the number of cases initiated ex officio,
- the use of proactive techniques,
- and the pursuit of high-level cases.

In the years 2021-2022, the emphasis is placed on financial investigations and asset seizures, whereas from 2023 the demand more clearly targets the delineation of competencies between the general jurisdiction and SPAK. In 2025, a broader approach to new forms of investigation is observed, including cybercrime, online fraud, and the use of cryptocurrencies, reflecting adaptation of the recommendations to technological developments and sophisticated criminality.

3. Organized crime, trafficking, and money laundering

Throughout the 2021-2025 period, the fight against organized crime has been a central axis. Initially, it is recommended to:

- increase the number of cases on narcotics, trafficking, and terrorism,
- use special investigative techniques, and
- implement Moneyval measures.

In the years 2023 and 2024, these recommendations are enriched with guidance for investigations into new forms of international crime and human trafficking, while in 2025 they specifically include cyber-organized crime, financial manipulation, environmental violations, and food safety. This reflects a thematic and substantive expansion of expectations, calling on the prosecution to engage in the protection of the public interest beyond traditional areas.

4. Institutional efficiency, training, and digitalization

Consistently, the recommendations require:

- the optimal functioning of the CAMS system for case distribution,

- increased capacity through joint training for prosecutors and OPGJs, and
- professionalization according to functional sections.

Since 2023, the establishment of task forces for complex investigations and the use of advanced criminal analysis methods is also required. In 2025, the use of artificial intelligence and modern technologies in the collection, management, and analysis of data is recommended, as well as the development of unified documentary models to standardize investigative actions.

5. Transparency, accountability, and inter-institutional cooperation


From 2021 onwards, the recommendations of the Council of Ministers place increasing importance on:

- internal mechanisms for disciplinary control,
- access to the case distribution system,
- publication of guidelines and ethical rules, and
- the development of strategies for integrity and transparency.

In 2025, these requests are enriched with clear frameworks for maintaining investigative secrecy, protecting personal data, reviewing ethics rules, and increasing the role of citizens and civil society in the complaints system. In addition, demands are made for structured cooperation with the Ministry of Justice, specialized bodies (for sexual crimes, violence against women, elections, etc.), and for the adoption of agreements for data exchange between institutions.

4) SPAK's institutional communication with the public and the media

Category	Institutional accountability
Criterion	SPAK's institutional communication with the public and the media
Purpose of evaluating the criterion	To assess whether the Special Prosecution Office maintains a <u>regular, transparent, and trustworthy relationship with the public and the media</u> , in accordance with the principles of accurate information and respect for investigative secrecy, with the aim of increasing public trust and strengthening institutional accountability.
Analysis of the legal framework	
Article 24 of Law no. 95/2016 provides for the establishment and function of a special structure within the Special Prosecution Office, titled the Media	



Relations Coordinator, as a mechanism aimed at ensuring institutional transparency without compromising investigative secrecy or the integrity of criminal cases.

The provision specifies that the coordinator serves as the official communication bridge between the Special Prosecution Office and both national and international media. In line with this role, paragraph 2 clearly stipulates that only this official, authorized by the Head of the Special Prosecution Office, is permitted to speak on behalf of the institution regarding matters related to investigations or criminal proceedings. This formulation aims to:

- centralize official sources of information,
- prevent misinterpretations or unofficial statements by unauthorized persons,
- and preserve the unity of the institution's public messaging.

The Media Relations Coordinator performs functions that go beyond ad-hoc media communication. In a structured manner, the coordinator has the following duties:

- **(a)** To continuously inform the public about the risks of corruption and organized crime, as well as the tools for their prevention, thereby contributing to legal education and public awareness;
- **(b)** To publish information on the activities of the Special Prosecution Office, under the direction and based on the guidance of the Head of the institution, while always respecting the limits of investigative secrecy and the rights of the parties involved;
- **(c)** To carry out other tasks related to public communication, based on the institution's annual work plan, making this function an integral part of the institutional strategy.

Assessment of practice

Since September 2021, with the official creation of the position of Media Relations Coordinator, the Special Prosecution Office against Corruption and Organized Crime (SPAK) has gradually built a structured and sustainable mechanism for institutional communication with the public and the media. This position was developed in accordance with Article 24 of Law no. 95/2016 and has been consolidated as an important link in ensuring transparency and public access to information.

In 2021, the institutional foundation for the functioning of the Media Office was established, and the "Register of Requests and Responses" was created, which is regularly updated and monitored by the Office of the Commissioner for the Right to Information. A significant development was SPAK's activation on social media, through the launch of its Twitter account in November 2021, as a new form of public communication.

During 2022, the role of the coordinator was further consolidated through an increased volume of information requests, mainly from journalists and NGOs, reflecting the high public interest in high-profile investigations. Contacts with international media intensified, and the role of the Transparency Program—published and continuously updated on the institution’s official website—significantly increased. Furthermore, interviews and public communications by SPAK leadership also increased, including on corruption investigations and other matters of particular importance.

In 2023, the Media Office continued to operate with stable capacities, ensuring continuous access to information and maintaining the same standards for updating and publishing the Register of Requests. Among the most requested topics were investigations into organized crime and high-level corruption. Cooperation with journalists deepened through interviews and press conferences, especially for cases with international impact or those requiring inter-institutional coordination.

In 2024, the activity of the Media Coordinator marked a qualitative step toward the professionalization and institutionalization of public communication. For the first time, a Communication Strategy was prepared for the period 2025-2028,⁴³ with international support, accompanied by a Social Media Strategy and a Crisis Communication Protocol. This initiative represents a turning point toward the institutionalization of strategic communication. During the same year, SPAK also began actively using new platforms such as Facebook, in addition to its “X” (formerly Twitter) account, thus expanding the tools for public access. There was also a notable increase in the participation of the SPAK Head in direct communications with the media and the public, including off-the-record meetings and high-level interviews.

Overall, for the period 2021-2024, the Media Relations Coordinator has become a key functional link in SPAK’s transparency, providing regular access to information, fully respecting legal deadlines, and anticipating the needs for strategic communication with the public and the media.

5) Periodic reporting on the activity and outcomes of the High Prosecutorial Council

Category	Institutional accountability
Criterion	Periodic reporting on the activity and outcomes of the High Prosecutorial Council
Purpose of evaluating the criterion	To assess whether the <u>High Prosecutorial Council (HPC) reports</u>

⁴³ Special Prosecution Office against Corruption and Organized Crime (SPAK). (March 2025). *Order No. 3423, dated 30.01.2025*. https://spak.gov.al/wp-content/uploads/2025/03/Urdher-nr-3423_OK.pdf



	<u>periodically, comprehensively, and transparently</u> on its activity, clearly reflecting the results achieved in the administration of the prosecution system and in strengthening the independence, integrity, and accountability of prosecutors.
Analysis of the legal framework	
<p>The Albanian legal framework provides for institutional reporting on the activities of the High Prosecutorial Council (HPC), aiming to ensure transparency, accountability, and the continuous improvement of the prosecution system, without compromising the independence of this constitutional body.</p> <p>According to Article 181 of Law no. 115/2016, the HPC is required to report annually to the Parliament of Albania, no later than May 1st. This annual report includes a description of the Council's activities and those of its internal committees, as well as assessments of the overall functioning of the prosecution system, accompanied by concrete recommendations for its improvement. This provision does not assign the report a merely technical character but positions it as a parliamentary monitoring instrument, strengthening the connection between the Council's institutional responsibility and the democratic oversight exercised by Parliament.</p> <p>The importance of this reporting is further emphasized by the obligation of the Council to appear physically before Parliament to present the report and respond to questions, thereby enabling transparent institutional dialogue. Recommendations and resolutions adopted by Parliament based on this report must be taken into consideration by the HPC, provided they do not infringe upon its constitutional independence. This formulation represents a stable balance between the HPC's autonomy and the need for democratic oversight, establishing clear standards of accountability.</p> <p>Another key accountability mechanism is the annual magistrate evaluation report, defined in Article 98 of Law no. 96/2016. This report is published by the end of March each year and includes information on the procedures and outcomes of evaluations conducted for prosecutors during the previous year. Its role is to provide transparency on the integrity and professionalism of the prosecutorial body, serving as a tool for continuous performance improvement within the justice system. Although this reporting is not addressed directly to Parliament, it exerts positive pressure for fairness and objectivity in the administration of magistrates' careers.</p> <p>To ensure a deeper and more strategic analysis, the legislation also provides for a periodic report every three years on the evaluation system, according to Article 99 of the same law. This report is not only descriptive but also analytical and reflective, as it includes:</p>	

- a summary of the evaluations conducted;
- identification of strengths and weaknesses in the magistrates' body;
- assessment of the effectiveness of prior recommendations;
- and concrete proposals for improvement measures.

The periodic report is also published by the end of March of the year following the completion of the relevant period, thus establishing a three-year institutionalized cycle for improving quality in the justice system.

Assessment of practice

During the period 2019-2024, the High Prosecutorial Council (HPC) has continuously fulfilled its legal obligation to report annually before the Committee on Legal Affairs, Public Administration and Human Rights, and subsequently before the Parliament of Albania, regarding the implementation of its constitutional and legal competencies, the functioning of the prosecution system, as well as institutional challenges and priorities.

Specifically, the HPC's annual reporting to the Committee on Legal Affairs took place on the following dates:


- October 18, 2019, for the activity of 2018 and the beginning of the institution's functioning;
- June 10, 2020, for the activity of 2019;
- June 2, 2021, for the activity of 2020;
- May 18, 2022, for the activity of 2021;
- June 7, 2023, for the activity of 2022;
- June 5, 2024, for the activity of 2023.

Following the review by the Committee, the respective reports were discussed and approved in the plenary session of the Albanian Parliament as follows:

- June 25, 2020, for the 2019 report;
- June 14, 2021, for the 2020 report;
- July 14, 2022, for the 2021 report;
- July 3, 2023, for the 2022 report;
- June 15, 2024, for the 2023 report.

During the five-year period 2019-2024, the recommendations of the Albanian Parliament to the High Prosecutorial Council (HPC) have reflected a clear continuity in identifying institutional priorities, aiming to strengthen the functionality, independence, and accountability of the prosecution system. Essentially, the recommendations have focused on key areas reflecting the Parliament's constitutional expectations regarding the HPC's role within the framework of justice reform.⁴⁴

⁴⁴ Assembly of the Republic of Albania. *Resolution on the Annual Report of the High Prosecutorial Council for the year 2019*. <https://qbz.gov.al/share/Dv5rZiGxRCyygyoA40Q8VA>



One of the most important areas has been the filling of vacancies in the prosecution system, with particular emphasis on the Special Prosecution Office against Corruption and Organized Crime (SPAK). Repeatedly, the Parliament has requested the timely completion of selection and appointment procedures for prosecutors in this structure, as well as the avoidance of temporary secondments in the general jurisdiction prosecution offices. These recommendations have not only been articulated as managerial issues, but also as guarantees for a functional and independent system, based on meritocracy and institutional stability.

Another area of particular importance has been the drafting and approval of secondary legislation, in accordance with the justice reform laws. Parliament has repeatedly highlighted the need to finalize the package of regulations governing aspects such as the ethical and professional evaluation of prosecutors, promotion, early retirement, prosecutorial ethics and conduct, or the secondment and delegation of magistrates. Repeated delays in this regard have led to direct recommendations to accelerate procedures and report in detail to Parliament on the respective progress.

Especially since 2021, the recommendations have intensified regarding the professional and ethical evaluation of prosecutors. Parliament has requested not only the formal approval of the relevant regulation but also the concrete initiation of the evaluation process, preparation of individual analytical reports, and establishment of clear performance indicators, including for SPAK prosecutors. In this context, the need has also been emphasized for unifying statistical data, improving reporting tools, and digitizing archival and administrative resources.

Another consistently important focus has been the strengthening of inter-institutional cooperation. Parliament has considered essential the coordination of the HPC with the Prosecutor General, the High Judicial Council, the High Justice Inspector, and the School of Magistrates, in order to ensure uniform implementation of legislation and effectively carry out common functions such as disciplinary procedures, asset and background verification, or continuous training of prosecutors.

Regarding disciplinary procedures and the protection of the integrity of the prosecutorial function, Parliament has requested that the HPC engage in addressing cases within reasonable timeframes, in cooperation with the High Justice Inspector, and make public declarations in support of prosecutors when their integrity is threatened due to the exercise of their duties. This line of

Assembly of the Republic of Albania. *Resolution on the evaluation of the work of the High Prosecutorial Council for the year 2020.* <https://qbz.gov.al/share/ErV4Dp5XTMyQbRYc4UiK8w>

Assembly of the Republic of Albania. *Resolution on the evaluation of the work of the High Prosecutorial Council for the year 2021.* <https://qbz.gov.al/share/ZPsR2XOoSnGU09cXnBRHww>

Assembly of the Republic of Albania. *Resolution on the evaluation of the work of the High Prosecutorial Council for the year 2022.* <https://qbz.gov.al/share/NYIDkD7nRr6BkZGKP6oMKw>

Assembly of the Republic of Albania. *Resolution on the evaluation of the work of the High Prosecutorial Council for the year 2023.* https://qbz.gov.al/share/_Xj9e1v-S5WQ2FJeTudeAQ


recommendations reflects Parliament's growing interest in safeguarding the individual independence of magistrates, particularly in sensitive contexts.

Transparency and institutional communication constitute another essential aspect of the recommendations. Parliament has requested that the HPC ensure timely publication of decisions and minutes, improve methods of public information, and develop a more active and structured communication approach. In recent years, these requests have also been accompanied by recommendations for digitizing archives and improving the coordinated management of data.

Furthermore, in line with the European integration process, Parliament has requested that the HPC address issues raised in the EU progress reports and engage in fulfilling obligations arising from Chapter 23 of the *acquis communautaire*, in cooperation with responsible government institutions. In this context, the need for the preparation of periodic reports has been emphasized, as well as the importance of maintaining a proactive approach to rule of law-related reforms.

6) Periodic reporting on the activity and outcomes of the High Justice Inspector

Category	Institutional accountability
Criterion	Periodic reporting on the activity and outcomes of the High Justice Inspector
Purpose of evaluating the criterion	To assess whether the <u>High Justice Inspector (HJI) regularly and transparently fulfills its obligation to report on its activity</u> , ensuring that the results of inspections, investigations, and undertaken measures are documented, accessible, and useful for strengthening accountability within the justice system.
Analysis of the legal framework	
The legal framework regulating the functioning of the High Justice Inspector (HJI) clearly provides for the obligation of periodic and public reporting on the activities of this institution. This obligation, outlined in Article 204, paragraph 1, letter "d" of Law no. 115/2016, is one of the core competencies of the HJI and is directly linked to the requirements for institutional transparency and democratic oversight.	



The provision specifies that the HJI is required to report to the Parliament of Albania at least once a year regarding the activity of the Inspector's Office during the previous calendar year. This right and obligation represent an institutionalized mechanism of public accountability for a sensitive function such as the supervision and inspection of the judicial and prosecutorial systems.

The annual reporting to Parliament entails the duty to document and reflect on the Office's activity, the problems identified within the justice system, the effectiveness of the procedures followed, and the outcomes of investigations or inspections conducted. This form of reporting, as defined by the general principles of the functioning of the Inspector's Office, includes not only the work of individual inspectors but also the institutional, managerial, and administrative activities of the HJI.

Furthermore, the importance of reporting lies in the fact that it serves as a basis for interaction with Parliament and for guiding public policy in the field of justice. The goal is for the assessments and findings of the High Justice Inspector to contribute to the improvement of the justice system's functioning, the strengthening of magistrates' ethics and accountability, and the standardization of inspection practices.

Assessment of practice

During the period 2021-2024, the High Justice Inspector (HJI) has continuously fulfilled the constitutional and legal obligation to report before the Committee on Legal Affairs, Public Administration and Human Rights, and subsequently before the Parliament of Albania, regarding its institutional activity and the fulfilment of its duties related to disciplinary oversight and the safeguarding of integrity within the justice system.

Within this responsibility, the HJI presented its annual reports to the Legal Affairs Committee on the following dates:

- May 19, 2022, for the activity of 2021;
- June 7, 2023, for the activity of 2022;
- May 23, 2024, for the activity of 2023.

After review in the Legal Affairs Committee, the reports were discussed and approved in plenary sessions of the Albanian Parliament as follows:

- June 3, 2021, for the 2020 report;
- July 14, 2022, for the 2021 report;
- July 3, 2023, for the 2022 report;
- July 15, 2024, for the 2023 report.

During the period 2020-2024, the recommendations of the Albanian Parliament to the High Justice Inspector (HJI) have reflected a consistent approach toward institutional strengthening of oversight and accountability mechanisms in the justice system, as well as the fulfilment of the new responsibilities assigned to

this institution under the justice reform. The recommendations have shown a progressive increase in the depth of expectations and marked a shift from structural consolidation toward substantive performance, transparency, and systemic impact.⁴⁵

In the initial phase, specifically in 2020, Parliament focused on building the functional infrastructure of the HJI, requesting the design of a case management system, the establishment of a database for complaints inherited from the former High Council of Justice, and the finalization of secondary legislation necessary for administering investigative procedures and complaints. In parallel, Parliament requested the strengthening of institutional relations with the High Judicial Council (HJC), the High Prosecutorial Council (HPC), and the transitional vetting bodies, to guarantee integrity and legal certainty in the promotion of magistrates. This phase was characterized by a focus on procedural structuring, recruitment of the inspectorate staff, and laying the groundwork for effective disciplinary control.

Subsequently, during 2021, the recommendations deepened toward institutionalizing work standards and accountability. Parliament emphasized the urgency of finalizing recruitments, drafting the inspection manual and methodology for disciplinary investigations, and improving inter-institutional coordination mechanisms, including the handling of complaints within critical limitation periods and prioritizing cases involving magistrates undergoing the vetting process. The recommendations also included the development of an institutional strategic plan, internal control processes, and increased public transparency, indicating that the HJI is seen not only as a reactive body but also as a proactive and performance-driven institution.

In 2022, Parliament's recommendations focused more on the institution's internal professional and technological capacities. Parliament called for the completion of transitional complaint processing, the initiation of ethical and professional evaluations of inspectors, and further development of the information technology system in line with legal requirements for case management. At this stage, the HJI was seen as responsible for reinforcing the integrity of disciplinary procedures through the verification of asset declarations and background checks of subjects under inspection, as well as for importing best practices from international counterparts to improve the quality of inspection and investigative processes.

In 2023, Parliament's expectations positioned the HJI increasingly as a central actor in ensuring public trust in justice. Recommendations included addressing


⁴⁵ Assembly of the Republic of Albania. *Resolution on the evaluation of the work of the Office of the High Justice Inspector for the year 2020 (February–December)*.

https://qbz.gov.al/share/D_eX9CdqRZSSdCYxcyuPyQ

Assembly of the Republic of Albania. *Resolution on the evaluation of the work of the Office of the High Justice Inspector for the year 2021*. <https://qbz.gov.al/share/999FjaZdQSK7s37WV4BwRg>

Assembly of the Republic of Albania. *Resolution on the evaluation of the work of the Office of the High Justice Inspector for the year 2022*. https://qbz.gov.al/share/5B3Gh_bvRgiPB1tG-6FssA

Assembly of the Republic of Albania. *Resolution on the evaluation of the work of the Office of the High Justice Inspector for the year 2023*. https://qbz.gov.al/share/EZSPcuSQR2eRVMoylv1D_Q



public concerns using the instruments provided by law, considering the HJI as a guardian of institutional integrity. Parliament requested the filling of vacancies for both magistrate and non-magistrate inspectors, and the verification of their integrity according to vetting standards, to ensure a highly credible body. Additionally, institutional inspections were to be increased with a clear focus, particularly on prosecutorial and judicial case management, along with timely completion of inspectors' ethical-professional evaluations, directly linking individual assessment to institutional performance improvement.

Another key element in recent years has been structured inter-institutional cooperation and engagement in the EU integration process. Parliament called on the HJI to actively cooperate with the HJC, HPC, and Ministry of Justice, both in thematic inspections and in handling joint issues, considering coordination as a key factor for harmonizing practices and increasing efficiency. Simultaneously, the HJI was requested to fulfill reporting obligations under Chapter 23 of the *acquis communautaire* and to enhance public access to information through regular publications and improved transparency indicators.



B.2. Internal accountability

- 1) Powers of the Head of SPAK over the National Bureau of Investigation (Director, investigators, judicial police officers, and staff)

Category	Internal accountability
Criterion	Powers of the Head of SPAK over the National Bureau of Investigation (Director, investigators, judicial police officers, and staff)
Purpose of evaluating the criterion	To assess whether the competencies of the Head of SPAK in relation to the structure of the National Bureau of Investigation (including the Director, investigators, judicial police officers, and other staff) are exercised lawfully and functionally, <u>ensuring effective cooperation, the preservation of professional integrity, and at the same time a positive impact on the overall performance of the institution.</u>
Analysis of the legal framework	
<p>The competencies of the Head of the Special Prosecution Office (SPAK) in relation to the National Bureau of Investigation (NBI) are clearly defined in Chapter V of Law no. 95/2016 “On the Organization and Functioning of Institutions for Combating Corruption and Organized Crime.” This legal framework establishes a functional and supervisory relationship between the Head of SPAK and the investigative structure operating within this system.</p> <p>According to Article 31, the National Bureau of Investigation is a specialized structure of the Judicial Police that operates solely under the direction of the Special Prosecution Office. This provision creates a direct procedural link between SPAK prosecutors and NBI investigators, explicitly excluding interference from other Judicial Police structures or the Ministry of Interior.</p> <p>The importance of the Head of SPAK’s role is emphasized in Article 31, paragraph 2, which states that the internal organization of the NBI is regulated by a joint order issued by the Director of the NBI and the Head of SPAK. This</p>	

institutional co-decision highlights the strategic control of the Special Prosecution Office over this investigative structure.

Furthermore, Article 33, paragraph 2, notes that the Head of SPAK is a member of the commission that recommends the candidate for Director of the NBI, thereby influencing the selection of the executive leader of this structure.

Under Article 35, paragraphs 2 and 3, the Head of SPAK has the authority to recommend the dismissal or suspension of the Director of the NBI in cases of legal violations or criminal investigation. This element increases the accountability of the investigative structure and places it under the effective oversight of the prosecutorial authority.

According to Article 36, paragraph 3, the Deputy Director of the NBI is also appointed with the consent of the Head of the Special Prosecution Office, further strengthening control over the executive command of this structure. The same logic of procedural dependency applies to investigators: Article 37, paragraph 4, stipulates that the appointment of investigators requires the consent of the Head of SPAK.

Article 37, paragraph 5, specifies that the assignment of investigators to work with a specific prosecutor is done by the Director of the NBI or the Head of SPAK, but they cannot be transferred without the consent of the respective special prosecutor or the Head of SPAK.

With regard to Judicial Police services within the NBI, Article 39, paragraph 2, establishes that officers are under the investigative authority of the Head of SPAK, and upon completion of their mandate, their performance evaluation is submitted by the Head of SPAK to their institution of origin. This evaluative role underscores the authority of the Head of SPAK in supervising the quality of work and integrity of these personnel.

Finally, the dismissal of NBI staff is regulated by Article 41, paragraph 2, which requires the consent of the Head of the Special Prosecution Office, making the Head the guarantor of the internal integrity of this structure.

Assessment of practice

During the five-year period 2020-2024, the National Bureau of Investigation (NBI) evolved from a structure under development into a functional institution with expanded investigative capacities and a key role in the new architecture of criminal justice in Albania. This period was characterized by normative consolidation, professionalization of human resources, increased inter-institutional cooperation, and activation in the international law enforcement arena. These processes were closely monitored by Albania's international partners through EU and U.S. oversight mechanisms.⁴⁶

⁴⁶ Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2024*. <https://spak.gov.al/wp-content/uploads/2025/04/Raporti-vjetor-SPAK-2024.pdf>

2020 - Establishment of the structure and selection of initial leadership

The year 2020 marked the formal beginning of building the NBI. After the creation of the Special Prosecution Office at the end of 2019, institutional focus shifted toward the establishment of the NBI as the investigative structure under its jurisdiction.

- The selection process for the NBI Director was carried out in multiple structured phases: application, document evaluation, physical and written testing, polygraph testing, and structured interviews. Out of 41 candidates, Ms. Aida Veizaj was selected in the final phase and appointed by the High Prosecutorial Council on 30.07.2020 for a five-year term.
- Simultaneously, the recruitment of the first 60 NBI investigators began. Out of 653 applicants, 424 qualified for logic, physical, written essay, and oral interview phases. After these stages, 39 candidates entered the vetting process (including polygraph testing and verification of assets and background), which, due to procedural reasons, was not completed within the year.

2021 - Expansion of investigative capacities and completion of the first recruitment cycle

In 2021, a new competition was launched for 32 additional investigator positions, to complete the NBI's investigative structure.

- The recruitment process involved 572 applicants, of whom 421 qualified for the testing phases (logic, essay, physical, interview).
- On 31.07.2021, 75 candidates were selected for the vetting phase by the Special Commission for Asset and Background Verification, in cooperation with the Special Court of Appeals for Corruption and Organized Crime.
- Following the vetting, 32 candidates were selected for appointment as investigators and began professional training.

This process marked the completion of a full recruitment cycle under high legal and ethical standards, strengthening the investigative foundation of the NBI.

2022 - Structural consolidation and development of internal regulations

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2023*.

<https://spak.gov.al/wp-content/uploads/2024/04/Raporti-2023.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2022*.


https://spak.gov.al/wp-content/uploads/2023/05/raporti-vjetor-2022_Publikuar.pdf

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2021*.

<https://spak.gov.al/wp-content/uploads/2023/01/Raporti-perfundimtar-SPAK-PDF.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2020*.

<https://spak.gov.al/wp-content/uploads/2023/01/Raporti-2020-perfundimtarr.pdf>



The year 2022 saw the completion of recruitment for the planned 60 investigators, with attention shifting toward internal operational regulation and preparation for a new phase of recruitment.

- Three core internal acts were drafted:
 1. NBI Internal Regulation;
 2. Regulation for the performance and integrity evaluation system;
 3. Regulation for the periodic evaluation of judicial police officers.
- A selection process was initiated for 50 judicial police officers, including new rules and draft decisions for defining their status and procedures, pending approval by the Council of Ministers.

Despite progress in regulatory terms, the structure remained partially incomplete, with 2 vacancies in the Director's cabinet, 50 officer positions, and 3 administrative roles.

2023 - Strengthening the legal framework, inter-institutional cooperation, and participation in international networks

In 2023, the NBI advanced in internal organization and institutional interaction.

- Council of Ministers Decision no. 438/2023 was approved, regulating the treatment of NBI employees and creating, for the first time, a legal basis for recruiting judicial police officers.
- Several joint orders were approved for internal organization and investigator testing.
- The NBI's organizational structure consisted of 130 positions, with 50 officer and 7 administrative positions unfilled. Six new administrative employees were recruited.
- Seventy-two training sessions were conducted for investigators and staff, in cooperation with ICITAP, OPDAT, FBI, EUROPOL, CEPOL, and others.
- Cooperation agreements were formalized with DIA (EUROPOL), the Institute of Social Security, and the State Police Directorate, ensuring access to operational networks and data systems.

The NBI contributed to reporting under Chapters 23-24 and other strategic state documents, while increased information exchange with national and international partners clarified its operational role.

2024 - Structural expansion and preparation for advanced professionalization

In 2024, efforts focused on filling structural gaps, finalizing regulations, and strengthening technological and professional capacities.

- A new structure with 138 positions was approved, increasing administrative posts from 19 to 27.
- Thirteen recruitment procedures were announced for administrative positions: 4 were filled, 5 are under security verification, and 4 failed due to a lack of qualified candidates.

- By year's end, 50 vacancies remained in the judicial police (including 40 investigators), 11 in administration, and 1 in the director's cabinet.
- Thirty-eight national and 20 international trainings were held for investigators, along with 15 for administrative staff. The annual budget provided for the procurement of digital investigative equipment.
- New agreements were signed with SELEC, the Chamber of Notaries, and the State Police (for INTERPOL use), and a firearms training program was approved in cooperation with the Security Academy.
- Administrative correspondence activity intensified (4,760 documents processed), while 13 suspected cases were referred to the Special Prosecution Office.
- The status of liaison officers in the international cooperation sector remained unresolved, creating functional challenges in executing procedural actions related to mutual legal assistance and joint investigations.

In the regulatory framework analysis of the National Bureau of Investigation (NBI), it is noted that only two regulations are published on the official websites of the Special Prosecution Office and the NBI itself: Regulation no. 36, dated 24.09.2020 "On defining recruitment procedures for NBI investigators"; and the regulation on the selection procedures for the Director of the NBI. Despite their foundational importance during the initial setup phase, the lack of publication of several other internal acts—drafted and approved during 2020-2024—leaves institutional transparency incomplete regarding the normative functioning of this structure. These acts include, among others: the NBI's internal regulation, the regulation for evaluating investigator performance and integrity, and the regulation for the periodic evaluation of judicial police officers. Additionally, documents related to the status, treatment, and recruitment procedures of judicial police officers are missing from publication, including acts derived from Council of Ministers Decision no. 438/2023 and joint instructions issued in cooperation with other institutions.

2) Case allocation

Category	Internal accountability
Criterion	Case allocation
Purpose of evaluating the criterion	To assess whether the <u>allocation of cases within the Special Prosecution Office is conducted in a transparent, fair, and automated manner, ensuring the independence of prosecutors, the avoidance of external influence, and an equal distribution of workload.</u>



Analysis of the legal framework

The legal framework governing the allocation of criminal cases within the Special Prosecution Office against Corruption and Organized Crime is built upon the principles of transparency, impartiality, and the protection of prosecutors' procedural independence. This system ensures that case distribution is not subject to subjective interference but is instead based on verifiable and institutionally structured criteria.

According to Article 53 of Law no. 97/2016, the rules on procedures, criteria, and monitoring of case allocation are approved by the General Prosecutor. These rules require that allocation be conducted in a documented, controllable manner, based on the current workload and the professional profile of the prosecutor, including conditions for reallocation when justified. To prevent any form of influence or abuse in the assignment process, allocation is conducted through an electronic lottery system, where a case is initially proposed to three prosecutors and then assigned automatically. The head of the respective prosecution office is responsible for the legality and impartiality of this process.

Specifically, the Special Prosecution Office has the right to adopt its own internal case distribution rules, as provided in Article 53, paragraph 5 of Law no. 97/2016. These internal regulations must comply with transparency and objectivity standards, following the same fundamental principles as those applied in other prosecution structures. More concretely, Article 15, paragraph 2, letter "b" of Law no. 95/2016 states that the Head of the Special Prosecution Office assigns cases to special prosecutors based on their professional specialization, but may not interfere with the substance or content of the investigation, thereby respecting the functional autonomy of prosecutors in decision-making after the assignment.

This system ensures an equal and objective distribution of workload, where priority is given to qualifications, specific experience, and institutional balance. Once assigned, the case prosecutor performs their duties with full procedural independence, without influence from the authority that made the assignment.

To safeguard the integrity of this system, the High Justice Inspector has the authority to conduct periodic inspections, pursuant to Article 53, paragraph 6 of Law no. 97/2016. These inspections serve to assess whether the case distribution rules are applied fairly and whether the balance between independence and accountability is being maintained.

Assessment of practice

During the period 2021-2024, the Special Prosecution Office prioritized the establishment and operationalization of a dedicated Case Management System,

aiming to ensure a more efficient, structured, and secure administration of criminal proceedings and the institution's entire internal activity.⁴⁷

In 2021, SPAK announced that it was not part of the central CAMS system of the General Prosecution Office and that it had initiated work on developing a separate system tailored to its specific needs. This commitment continued in 2022, when, with the assistance of ICITAP, the concrete development of the system began through the digitization of information related to criminal proceedings and data management, aiming to increase efficiency and objectivity in monitoring the work of prosecutors and NBI investigators. In the same year, the configuration of the Data Center and technological infrastructure (servers, firewall, network devices) was completed, and draft regulations were prepared for evaluating the work and integrity of NBI investigators, still under consultation.

In 2023, SPAK reported further progress toward system implementation, describing it as a structure capable of improving workflow between prosecutors, NBI investigators, the registry office, and court communication. The importance of creating an electronic database was emphasized, aimed at avoiding task overlaps and facilitating a clear division of responsibilities in proceedings.

In 2024, SPAK reported the active piloting and testing of the new system, with a modular structure divided into several functional units: Portal, Protocol, Director's Office, Prosecutor, Registry, and Investigator, all of which were already operational. For 2025, the activation of additional modules is planned, including: reports and statistics, the register of executions, and the register of letters rogatory, with the goal of finalizing and fully applying the system.

According to the thematic inspection conducted by the High Justice Inspector in 2022, the Special Prosecution Office Against Corruption and Organized Crime followed a standardized procedure for case assignment, primarily based on manual lottery and functional specialization of prosecutors, as provided in Article 15, point 2, letter "b" of Law no. 95/2016. The assignment of a prosecutor to a specific case was preceded by case registration by the secretariat, followed by grouping into functional sections by the SPAK Director.⁴⁸

This procedure was applied to a wide range of cases, including: criminal complaints, investigative materials involving arrests, proceedings referred for jurisdiction by other prosecution offices, representation at all three levels of the

⁴⁷ Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2024*.

<https://spak.gov.al/wp-content/uploads/2025/04/Raporti-vjetor-SPAK-2024.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2023*.

<https://spak.gov.al/wp-content/uploads/2024/04/Raporti-2023.pdf>

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2022*.

https://spak.gov.al/wp-content/uploads/2023/05/raporti-vjetor-2022_Publikuar.pdf

Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2021*.

<https://spak.gov.al/wp-content/uploads/2023/01/Raporti-perfundimtar-SPAK-PDF.pdf>

⁴⁸ High Justice Inspector. (2023). *Inspection Report: On the conduct of the thematic inspection of prosecution offices with the object "On the assignment of cases in the prosecution office."*

<https://ild.al/wp-content/uploads/2024/07/Raporti-i-Inspektimit-Per-kryerjen-e-inspektimit-tematik-te-prokurorive-me-objekt-Mbi-aktimin-e-ceshtjeve-ne-prokurori.pdf>

anti-corruption and organized crime courts, execution requests, cases involving international legal cooperation, and asset-related referrals. Cases involving arrests in flagrante delicto were automatically assigned to the on-call prosecutor, based on the monthly readiness list.

If an investigative material was related to an existing case under investigation, it was assigned to the same prosecutor handling the main case, following the same documentation and registration procedures. Cases, according to the information, were distributed to the respective prosecutor within the same day.


In 2022, 17 prosecutors served at SPAK, including the Head of the institution. They were divided into three sections: two sections had 7 and 8 prosecutors respectively and participated in the lottery procedure, while the third section consisted of only one prosecutor who handled cases assigned directly by the Head, based on specialization.

It is worth emphasizing that no prosecutor was excluded from participation in the lottery, indicating an equal and inclusive distribution of workload. Furthermore, the Head and section leaders were also included in the on-call schedule, equally sharing the days of the month with the rest of the prosecutors.

While SPAK is not part of the CAMS case management system used by general jurisdiction prosecution offices, it was reported in 2022 that the institution was in the process of developing an internal digital system with the support of ICITAP. This system aims to digitize criminal information, improve internal efficiency, and enable objective performance evaluation of SPAK prosecutors and NBI investigators.

3) Exercise of criminal prosecution

Category	Internal accountability
Criterion	Exercise of criminal prosecution
Purpose of evaluating the criterion	To assess whether the <u>exercise of criminal prosecution by prosecutors of the Special Prosecution Office is carried out independently, impartially, and in accordance with the law, while respecting the Head's coordination and supervisory powers without undermining procedural decision-making autonomy and the efficiency of investigations.</u>
Analysis of the legal framework	



The legal framework set forth in Article 43 of Law no. 97/2016 establishes a careful balance between the procedural independence of prosecutors within the Special Prosecution Office and the powers of its Head in directing and supervising criminal prosecution. This article grants the Head of the Special Prosecution Office several essential functions related to managing the procedural flow, without interfering in the substance of prosecutorial decision-making.

Firstly, the Head has the authority to coordinate activities with other prosecution offices when necessary for specific cases, ensuring institutional coherence in prosecution, particularly in cases involving overlapping jurisdictions. This power is key to guaranteeing an integrated inter-institutional approach, especially in combating organized crime and corruption.

Additionally, the Head may request information on the progress of proceedings and is entitled to issue written guidelines, in accordance with legal provisions. These guidelines are limited in both form and substance: they may not infringe upon the procedural decision-making of the prosecutor, but serve to guide the institutional course of proceedings.

In relation to the Judicial Police, the Head has the power to issue binding orders to ensure that investigative support activities are carried out in accordance with the objectives of criminal prosecution and in compliance with the law.

One of the more sensitive powers is the verification of the progress and conclusion of cases, whereby the Head may issue written instructions for further investigative actions before a final decision is taken to close the case or send it to trial. This authority, also established in Article 48 of the same law, is limited and requires that the instruction be reasoned and issued in writing, while preserving the responsibility of the case prosecutor to conclude the investigation.

In cases provided by law, the Head may take measures to replace the case prosecutor, following regulated and appealable procedures, which strengthens institutional accountability and prevents possible misuse.

Finally, the Head is responsible for ensuring the proper implementation of the General Prosecutor's guidelines, in those instances where such guidelines apply to the Special Prosecution Office, always in observance of its internal independence and the special nature of this structure.

Assessment of practice


The annual reports of the Special Prosecution Office provide an expanded and structured overview of the institution's activity in the criminal prosecution of serious crimes, with a particular focus on high-level corruption, organized crime, money laundering, and terrorism. In addition to domestic criminal investigations, the report also presents in detail SPAK's engagement in international legal cooperation through mechanisms such as the transfer of criminal proceedings, asset verifications, seizures on behalf of foreign authorities, the creation of joint

investigation teams, international arrest warrants, and extradition procedures. These developments are presented in dedicated sections of the report, highlighting the intensity, scope, and types of institutional interventions undertaken by the Special Prosecution at the national and international levels during the reporting year.⁴⁹ Specifically:

The report of the Special Prosecution Office includes an extended section on the **criminal situation**, focusing on the analysis of the criminal activity of criminal groups, with particular emphasis on organized crime and its related areas such as drug trafficking, human smuggling, computer fraud, and money laundering. In the section "Organized Crime", the report describes investigative and procedural efforts against structured criminal groups, including data on registered cases, cases sent to court, dismissed, suspended, or carried over to the following year. A special part of this section is dedicated to drug trafficking, describing the international networks of Albanian groups involved in cocaine trafficking. The report also addresses the presence of high-risk criminal groups engaged in international activity and operating in several districts of Albania. Their organizational structure, family ties, involvement of elements from state institutions, and the use of encrypted communications are described. Next, computer fraud is described as a form of internationally organized criminal activity carried out through call centers and fraudulent investment platforms. The report presents the modus operandi of these schemes, their geographical spread, and the economic damages caused, as well as the role Albania has played as an operational center for these activities. Another important subsection is that on human smuggling, which describes two main forms: first, related to Albanian citizens illegally traveling to other countries; and second, concerning foreign nationals using Albania as a transit country to illegally enter the European Union. For each form, the mechanisms and structures involved, the methods of fictitious documentation, and the routes followed for illegal border crossing are described. In conclusion, the report addresses money laundering as an essential component of organized criminal activity. The typical structure of money laundering schemes is described in three phases: placement, layering, and integration through investments. Further, the report presents the features of investments made by these groups in real estate, vehicles, commercial properties, and luxury goods, including the use of cryptocurrencies and fictitious structures to avoid prosecution.

The report of the Special Prosecution Office includes a dedicated section on the treatment of **criminal cases related to terrorism offenses**. This part provides data on the number of new proceedings registered during the year and those

⁴⁹ Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2024*. <https://spak.gov.al/wp-content/uploads/2025/04/Raporti-vjetor-SPAK-2024.pdf>
Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2023*. <https://spak.gov.al/wp-content/uploads/2024/04/Raporti-2023.pdf>
Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2022*. https://spak.gov.al/wp-content/uploads/2023/05/raporti-vjetor-2022_Publikuar.pdf
Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2021*. <https://spak.gov.al/wp-content/uploads/2023/01/Raporti-perfundimtar-SPAK-PDF.pdf>
Special Structure Against Corruption and Organized Crime (SPAK). *Annual Report 2020*. <https://spak.gov.al/wp-content/uploads/2023/01/Raporti-2020-perfundimtarr.pdf>




continued from previous years. The report describes the procedural status of registered cases, identifying those that have been suspended, sent to court, or are pending investigation for the following year. For the only case sent to court, a brief description is provided concerning the investigation of terrorism financing. In this case, the method of fund transfers in favor of a member of a foreign terrorist organization is described. In addition to the description of the case sent to trial, the report also includes a summary table showing the breakdown of cases by procedural status: registered, suspended, transferred, or carried over for investigation in the following year.

In the section "[Risk Assessment - organized crime and terrorism](#)", the report presents a detailed analysis of the risk posed by some of the main criminal offenses in the field of organized crime and terrorism. The analysis focuses on the intensity of case growth or reduction, the international reach of criminal activities, and the structural characteristics of the groups committing these offenses. The report classifies offenses by risk level and briefly describes the dynamics of developments for each offense. For each offense, the report offers comparative data for 2023 and 2024 and a description of risk factors associated with the criminal activity and its impact on domestic and international security.

The section "[Corruption](#)" in the report of the Special Prosecution is presented in an analytical and descriptive format, including both general elements of the phenomenon and statistical data on the institution's investigative activity in this category of criminal offenses. The section begins with a descriptive introduction on the modes of operation of high-level officials in conducting corrupt acts, with special emphasis on the link between the manipulation of public procedures and the exploitation of official positions. Then, through a detailed narrative, it presents how these schemes function, the role of commercial entities, and the use of financial actions to conceal profits. The document includes subsections addressing the structuring of the corruption scheme, violations of procurement procedures, the role of intermediaries and institutional support, and the modalities of money laundering. These descriptions are accompanied by illustrations of how the offenses are committed. The structure aids in identifying the constituent elements of the phenomenon and the types of actors involved. The report also includes a quantitative analysis through a table summarizing data on the number of registered, investigated, referred, or suspended cases, including cases transferred from the previous year and those still under investigation. These data are clearly presented in a tabular format dividing cases by procedural status and number of persons involved. The section concludes with a part dedicated to the typologies of money laundering in the context of corruption, categorized by the method of execution: indirect fund transfers, payments for fictitious work, document forgery, and the use of contracts and investments. This section is structured in a descriptive manner, with paragraphs divided according to the model of action.


The section "[Risk Assessment - Corruption](#)" in the report of the Special Prosecution Office outlines the approach used to evaluate the level of risk associated with criminal offenses related to corruption. The report explains the methodology applied for this assessment, highlighting that risk is evaluated based on a combination of factors, including: the prevalence of the



phenomenon, its impact on society and the economy, the effect on the rule of law, and the degree of complexity of the mechanisms used in committing the offenses. A classification table is included, presenting the most significant criminal offenses related to corruption, grouped according to the relevant categories of the Criminal Code, accompanied by a risk level assessment and a description of each offense. The level of risk is visually presented with symbols and textual descriptions (such as “High”, “Medium”, or “Medium - High”). The table is designed to offer a year-by-year comparative view, as well as the respective trend (increase or decrease) for each offense. The descriptions for each category explain the characteristics of the offense, its context of occurrence, and its links to other criminal forms such as money laundering or violations of public procurement procedures.

The report of the Special Prosecution Office includes a dedicated section for [comparative effectiveness analysis](#), focusing on the institution’s multi-year performance in investigating and prosecuting criminal cases. This part compares annual data on the volume of investigative work and the contribution of complaints and referrals from various sources in initiating criminal proceedings. The report details the number of investigations initiated through complaints and referrals from a range of sources, including the State Police, public institutions, political entities, individual citizens, and legal persons. The data is presented for each year within the period and in corresponding totals, enabling a comparative analysis of the sources of investigative initiation. This section highlights the origin structure of registered proceedings, distinguishing between individual and institutional complaints, and categorizing them by type of reporting entity. The data is systematically presented to provide a clear overview of the role of various actors in generating criminal investigations by the Special Prosecution Office. The section concludes with a description of developments in the field of investigations into the laundering of proceeds of crime, as an integral part of the analysis of effectiveness and workload volumes in the prosecution of serious criminal offenses.

The reports of the Special Prosecution Office include a dedicated section on [personal security measures](#) for individuals under investigation, outlining the distribution and types of measures applied throughout the year in line with criminal policy enforcement. This section reflects statistical data on the security measures requested and granted by the court, concerning individuals registered in criminal proceedings initiated during the year. It describes changes in the distribution of these measures compared to the previous year, including key categories such as “arrest in prison,” “house arrest,” “obligation to appear,” “security measure in absentia,” “travel ban,” and “suspension from duty.” The report provides a clear breakdown of the number of measures taken for each type of criminal offense, categorized into: organized crime offenses, corruption-related offenses, and other criminal offenses. Data is also presented regarding individuals under investigation who were not subject to any security measure, along with their proportion relative to the total. A dedicated subsection presents the annual distribution of security measures for the period 2021-2024, disaggregated by type of measure. The report also outlines the total number of proceedings and individuals registered, broken down in detail according to the applied measures and their relation to the corresponding offense category. For




each type of security measure, the number of individuals subject to it and the categories of offenses to which they relate are specified. The section concludes with a description of the overall structure of the measures applied during the year, identifying the usage profile of each measure based on the nature of the offense and the typology of the investigation.

The [workload in case closures](#) section is presented in a descriptive format and organized by main groups of criminal offenses, relying on statistical data and year-over-year comparisons. The structure of this section supports tracking the progress of investigations, workload management, and the results achieved in investigating and referring criminal cases to court. The first part addresses the general dynamics of case closures. The data is disaggregated by types of closure—requests for dismissal, suspension, referral for trial, or transfer—reflecting how investigations have been concluded for each category. The section then presents the volume of investigations into corruption offenses separately, comparing the number of registered and concluded cases over the past three years. This subsection also includes an overview of high-level public officials who were investigated or referred to trial, presented in tabular form, helping to visualize the ratio between investigations and advanced criminal proceedings. The section continues with data on organized crime investigations, indicating both registered and concluded cases in recent years. The final part of the section is dedicated to proceedings related to money laundering of criminal proceeds, with data presented in a comparative, multi-year format.

The reports of the Special Prosecution Office also feature a separate section addressing the [seizure and confiscation of assets](#) derived from criminal activity, based on the relevant legal framework—namely the “Anti-Mafia” Law, the Criminal Code, and the Normative Act (OFL). The report details the number of seizure and confiscation decisions taken during 2024 and compares this activity to previous years. It specifically explains cases where seizures are in the investigative phase or in trial proceedings, emphasizing that confiscation procedures follow the pace of the main criminal case. The report addresses the implementation of seizures under each legal basis, outlining the division between those conducted under the Anti-Mafia Law, the Criminal Code, and the Normative Act. It also highlights the number of seizure and confiscation decisions per legal act. A special analysis is included for confiscations under each legal basis, providing information on final court decisions and ongoing appellate procedures. An important part of this section focuses on the monetary value of seized and confiscated assets, disaggregated by currency (ALL and EUR) and the legal basis for the action. Data is presented for each year on the value of seized and confiscated property, broken down according to the three legal instruments: the Anti-Mafia Law, the Criminal Code, and the Normative Act (OFL). The report also presents a financial summary, including the total value of assets seized and confiscated and a comparison with corresponding figures from previous year(s). Values are categorized by legal origin and registration currency (ALL or EUR).


The Special Prosecution Office report includes a section on the [volume of investigative work](#), which covers the total number of criminal proceedings under investigation, including both cases carried over from the previous year and those newly registered during the reporting year. It details the sources of these



proceedings, such as criminal complaints, referrals from judicial police, domestic institutions, and foreign authorities. The report then outlines categories of procedural handling, including case consolidation, dismissals due to lack of jurisdiction, decisions not to initiate criminal proceedings, and transfers of competence to other prosecution offices. A specific part is dedicated to judicial appeals against non-initiation decisions, identifying the courts where they were filed and their current status. A central section of the report focuses on investigative closures, describing how proceedings were concluded through requests for trial, dismissals, suspensions, or transfers. Cases are categorized by offense type, with specific sections on corruption cases, organized crime, and other criminal offenses. The report also provides a dedicated treatment of electoral crime proceedings, presenting how such cases were handled—including requests for trial, dismissals, or suspensions—and the number of cases remaining under investigation at year-end. A separate subsection focuses on proceedings with terrorist purposes, detailing procedural developments according to the phase: trial, transfer, suspension, or ongoing investigation. Another important part of the report is dedicated to personal security measures, describing the types of measures imposed on individuals under investigation, such as “arrest in prison,” “house arrest,” “obligation to appear,” “travel ban,” and “suspension from public duty.” These measures are described in relation to the individuals’ status and the types of cases in which they were applied. Finally, the report provides a detailed account of asset-related investigations, highlighting the registration of proceedings under the preventive measures law, the normative act targeting organized crime, and the Criminal Procedure Code. For each case, the report describes requests for seizure and confiscation of various assets, including immovable and movable property, business entities, bank accounts, monetary assets, and cryptocurrencies. It also includes descriptions of court decisions on asset confiscation rendered in the context of the criminal proceedings.

The report features a dedicated section on [investigative effectiveness](#), which reflects the development of investigative activity over the four-year period 2021-2024. It presents the number of newly registered criminal proceedings each year and the number of completed cases, aiming to illustrate the dynamics of investigative work. The report documents the number of newly initiated and closed cases in continuity with trends observed in previous years. The data is presented in tabular form for each year within the covered period, offering a comparative overview of investigative performance. This section summarizes data on the growth of new investigations and the number of cases closed within the calendar year, providing an overall picture of the institution’s investigative progress from a multi-year perspective.


The section on [trial workload](#) describes the cases handled by the Special Court of First Instance Against Corruption and Organized Crime (SCFIACOC) and the Special Court of Appeals (SCAACOC), as well as the participation of special prosecutors in judicial proceedings. At SCFIACOC, the report details the number of criminal cases adjudicated during the year and distinguishes those for which final judgment was rendered from those carried over to the next year. It also provides data on court decisions, disaggregated by type: declarations of lack of jurisdiction, dismissal of trial, rejection of plea agreements, mandatory



treatment decisions, and conviction decisions. The report mentions criminal cases with private complainants that were submitted directly to the court. This section describes conviction decisions handed down by SCFIACOC, categorized by type of offense organized crime, corruption, and other crimes. A specific part is dedicated to acquittal decisions, distinguishing between defendants declared not guilty and those whose guilt was confirmed. The report also highlights the participation of special prosecutors in court sessions, indicating the total number of hearings and how many were recorded via audio systems. At SCAACOC, the report outlines judicial activity for 2024, including trial-level cases and appeals against SCFIACOC decisions, particularly those filed by the prosecution during the pre-trial phase. It presents a breakdown of decisions issued by SCAACOC according to the nature of the offenses, as well as acquittals or trial dismissals, including cases involving the application of the amnesty law or dismissals due to the death of the defendant. Finally, the report includes a section describing the number of appeals and recourses filed during the year, distinguishing those adjudicated by SCAACOC from those still pending. It also refers to appeals submitted by parties in the proceedings, including those filed by the Special Prosecution Office.

The reports of the Special Prosecution Office include a dedicated section on [effectiveness in adjudication](#), which addresses the dynamics of criminally prosecuted cases and their progression through the judicial system. This section outlines the total volume of cases adjudicated or under adjudication during the reporting year, comparing it to previous years to highlight increasing trends in judicial activity. It also covers conviction decisions issued by both the Special Court of First Instance Against Corruption and Organized Crime (SCFIACOC) and the Special Court of Appeals (SCAACOC). The reports additionally provide a description of acquittal decisions, including year-on-year comparisons to track the development of this indicator in relation to the charges filed. Summary data is presented in tabular form, reflecting for each year the number of conviction decisions across both court levels, the appeals submitted to the High Court, and the number of acquittal decisions issued by SCFIACOC.

The Special Prosecution Office reports also include a dedicated section on the [execution of criminal decisions](#), detailing the prosecutorial activity related to the enforcement of final court judgments and the follow-up of related procedures concerning convicted individuals. This section provides information on the number of criminal decisions executed and their judicial origin, distinguishing those finalized by SCFIACOC, SCAACOC, and the High Court. It describes the types of penalties executed, including imprisonment, suspended sentences, measures against legal persons, community service, dismissals due to amnesty or health reasons, as well as cases where final court rulings declared the convicted persons not guilty. A special focus is given to supplementary penalties imposed under Article 35 of the Criminal Code, particularly the measure of “prohibition from exercising public functions,” applied to both natural and legal persons. The report also outlines procedures followed for placing high-risk convicts under special regime, presenting requests submitted by the General Directorate of Prisons and the Head of the Special Prosecution Office, as well as corresponding decisions by the Minister of Justice including confirmations, rejections, and ongoing reviews. The section also mentions




judicial appeals against special regime orders and SCFIACOC's interventions in modifying previously imposed measures by lower courts and the Ministry. This section further provides data on administrative activities linked to the execution of judgments, including issuance of enforcement orders, approval of pre-trial detainees' family visits, and completion of alternative sentences. The report includes data that illustrates the progress in the number of finalized decisions, the corresponding number of convicted individuals, and the cases involving the enforcement of the prohibition to hold public office. Finally, the report contains a summary of appeals and recourses filed against court decisions, providing an overview of the legal activity related to this procedural aspect.

The report of the Special Prosecution Office includes a dedicated section addressing [requests for mutual legal assistance \(MLA\) from abroad](#), administered by the Sector for International Cooperation and Joint Investigations. This section outlines the institution's activities in executing requests transmitted by foreign judicial authorities under international conventions and bilateral agreements to which Albania is a party. The report presents the total number of requests handled during the year, identifying those fully executed and those carried over into the following year due to late receipt. For each request, the report describes the nature of the requested actions, including investigative measures, property searches, and asset seizures. It also provides an overview of the execution timeline, which varies based on the complexity of the request and the number of persons involved. The report describes the internal and international coordination processes undertaken during the treatment of these requests, emphasizing continuous cooperation with foreign authorities and domestic law enforcement institutions. Additionally, it documents cases where foreign authorities were physically present in Albanian territory during the execution of MLA requests, including instances of direct handover of evidence or documentation. Finally, the section includes a breakdown by country of origin, highlighting the states most frequently requesting legal cooperation.

The report also includes a section reflecting the institution's activity in sending [outgoing mutual legal assistance requests](#), aimed at supporting ongoing investigations led by special prosecutors. This part of the report presents the total number of requests issued during the year, as well as the areas of criminal offenses involved, including corruption, organized crime, drug trafficking, money laundering, fraud, serious homicides, forgery, and terrorism—often in the context of organized criminal cooperation or structured criminal groups. The report outlines the relevant legal basis for these requests, referencing specific articles of the Albanian Criminal Code covering the wide range of offenses for which international cooperation was sought. It also includes a breakdown by receiving country, identifying key international partners, including EU member states, regional countries, the United States, and states from Latin America, Asia, and the Western Balkans. For each country, the number of requests submitted during the year is indicated.

The [section on the transfer of criminal proceedings](#) covers cases of proceedings transferred internationally—both incoming requests from foreign judicial authorities and outgoing transfers initiated by the Special Prosecution Office to other countries. The [section on asset investigations](#) reports on financial




verifications initiated based on MLA requests, grounded in the law on preventive measures against assets derived from crime. The [section on asset seizures](#) focuses on the implementation of seizure actions based on foreign authority requests and related judicial decisions. The report lists seized properties, including real estate, vehicles, and monetary values. These seizures are managed by the Agency for the Administration of Seized and Confiscated Assets. The [section on joint investigation teams \(JITs\)](#) provides an overview of operational international cooperation through the establishment of JITs. It includes a description of activities undertaken by these teams, such as coordination meetings and measures taken against suspects or arrested individuals. In the [section on international wanted notices](#), the report details procedures followed by the Special Prosecution Office to issue international arrest warrants, including the preparation of documentation and coordination with the Ministry of Justice, Interpol, and liaison officers. It also describes the offenses for which international alerts were requested. The [section on extraditions](#) provides data on extradition requests submitted by SPAK to foreign authorities for the return of accused persons to Albania. The offenses for which extradition was requested are listed by reference to the relevant articles of the Criminal Code. At the end of this section, the report includes a [comparative table](#) covering multiple years, detailing the volume of international cooperation activities—including MLA requests, JITs, international wanted notices, and extraditions—thus illustrating the annual scale and evolution of SPAK’s international engagement.

The annual reports of the Special Prosecution Office contain detailed data on investigative and prosecutorial activity, including the number of complaints administered, the types of criminal offenses addressed, the security measures requested, and the judicial decisions rendered. Through statistical analysis and general descriptions, the report aims to provide an overview of the institution's operational performance over the year. However, despite the considerable volume of information presented, several important components related to prosecutorial integrity, legality, and procedural oversight remain absent. Specifically, the report does not include data on prosecutor recusals and withdrawals, the handling of cases beyond legal time limits, decisions not to initiate criminal proceedings, or court rulings on requests for security measures.

The [non-initiation of criminal proceedings](#) is one of the most significant decisions in the early phase of prosecution, as it marks the moment when the prosecutor, after reviewing the complaint materials, concludes that the legal conditions for initiating proceedings under the Criminal Procedure Code are not met. Although this decision occurs at a preliminary stage, it has direct consequences for the rights of the parties and affects the perception of legality and professionalism of the prosecutorial institution. Such a decision must be based on a thorough verification of the factual circumstances and a strict interpretation of the legal criteria for starting an investigation.

In the current annual report, this category of decisions is not addressed in a distinct or standardized manner. While the report makes general references to



complaints received, unpursued cases, or sources of referral, it fails to provide accurate and structured data on:

- the number of non-initiation decisions taken during the year;
- their percentage relative to the total complaints administered;
- the legal grounds invoked for the decision not to initiate proceedings;
- cases where such decisions were challenged by interested parties;
- and court rulings on these appeals.

The absence of this information makes it impossible to build a clear picture of how criminal cases are filtered at the preliminary phase. This is particularly problematic for a structure like the Special Prosecution Office, which has jurisdiction over highly sensitive cases involving institutional, economic, or international actors. In this context, documenting non-initiation decisions is essential not only to assess the quality of the prosecutor's initial assessment but also to safeguard the rights of complainants and to ensure judicial control over decisions not to pursue criminal charges.


Without such data, the report fails to clarify how the preliminary verification process operates and whether it is consistently grounded in stable legal criteria. Moreover, it is not possible to assess whether uniform standards were followed for similar decisions or whether there were unjustified discrepancies in the treatment of complaints. This undermines the report's ability to demonstrate the transparency and credibility of the system used to select cases for prosecution.

The inclusion of a dedicated section on decisions not to initiate proceedings, accompanied by statistical data and brief analyses of the most common legal reasons for such decisions, would significantly improve the evaluative and accountability quality of the report. Such reporting would help identify weaknesses in the complaint referral system, highlight areas where more proactive investigations are needed, and strengthen the prosecutorial role as a guardian of legality during the initial stage of criminal proceedings.

The Special Prosecution Office's annual report does not provide a structured presentation of **prosecutor recusals and withdrawals**, despite their importance in guaranteeing prosecutorial impartiality and safeguarding the standards of due process. Requests for exclusion or voluntary withdrawal are protective mechanisms against any risk that may compromise institutional objectivity or professional integrity. Beyond their individual relevance, such measures also serve to reinforce public trust in the prosecutorial institution.

However, the report lacks a dedicated summary of:

- the number of recusal requests submitted,
- instances of voluntary withdrawal,
- the legal or factual reasons behind them,
- and the decisions rendered by the competent authorities.



It also does not provide:

- the percentage of requests accepted or rejected,
- or any analysis on whether these cases had a tangible impact on procedural dynamics.

This lack of reporting creates a gap in the assessment of internal institutional integrity and limits transparency regarding the enforcement of procedural safeguards. Given SPAK's jurisdiction over high-profile cases involving public officials and sensitive interests, reporting on recusals and withdrawals would enhance perceptions of impartiality and institutional self-regulation. Such information should be part of periodic reporting to enable full monitoring of procedural practices and to better understand how professionalism is balanced with institutional integrity.

The **handling of cases finalized or decided beyond the legal time limits** is a direct indicator of compliance with due process and prosecutorial efficiency. Procedural time limits, as defined by law, are essential for guaranteeing the rights of both defendants and victims and for ensuring that prosecutorial functions remain regular and accountable. Prosecution conducted beyond these deadlines, without justified cause, undermines the seriousness of proceedings, creates legal uncertainty, and risks irreparable consequences for final case outcomes.

The report does not include a clear or disaggregated presentation of cases handled outside the statutory timeframe. Although it provides general data on pending and completed cases, it fails to identify which of them exceeded the legal deadlines for criminal proceedings. The absence of this information makes it impossible to determine whether such delays were incidental, systemic, related to the complexity of cases, or due to shortcomings in investigative workload management.

Omitting this component from official reporting seriously limits the ability to assess procedural efficiency and compliance with legality. It prevents the analysis of excessive workload, institutional capacity to meet deadlines, and use of tools like deadline extensions or suspensions. Moreover, without such differentiation, the public, oversight bodies, or the prosecutorial leadership cannot identify where the delays occur most frequently or what their primary causes are.

Including this component in the annual report would raise the level of accountability and procedural transparency, offering a credible tool to assess the real dynamics of criminal prosecution, and identifying areas needing structural reform, resource support, or methodological improvements. Cases concluded outside legal timeframes are not merely technical exceptions—they are key indicators of the system's reliability, efficiency, and equal treatment of parties.

Personal security measures are among the most sensitive tools available to prosecutors during criminal proceedings, as they directly affect the individual



freedoms of suspects. Their purpose is to ensure the smooth development of the criminal process and prevent the risk of evidence tampering, flight from justice, or repetition of the offense. As these measures are preventive, not punitive, their imposition must be justified, proportionate, and subject to judicial control.

The report does include a dedicated section on personal security measures, presenting their distribution by type (e.g., pre-trial detention, house arrest, travel ban, suspension from duty) and the category of offense for which they were requested. It also provides data on their distribution over the years and the number of individuals affected offering a general overview of how this tool is used in line with institutional criminal policy.

However, the report does not include information on:

- how courts ruled on these prosecutorial requests,
- how many were fully accepted,
- partially granted or modified, or
- fully rejected.

This gap is significant, as it prevents a clear assessment of the correlation between prosecutorial requests and court decisions—a key indicator of the procedural soundness, evidentiary basis, and legal alignment of such requests. In the absence of this information, it is unclear how many security measure requests were built on solid legal and factual grounds, and how many were rejected due to insufficient justification or procedural flaws.

Moreover, the report does not include a year-on-year comparative analysis of court decisions on security measures or address cases where prosecutors appealed decisions that refused or modified their requests. This data would be essential for evaluating the consistency, credibility, and strategic alignment of prosecutorial action, as well as the institutional response to decisions that may diverge from the prosecution's intended criminal policy.

Inclusion of this data would strengthen the report's analytical and accountability value, enabling a more balanced evaluation of prosecutorial performance and fostering greater public and institutional trust in the integrity of coercive procedural instruments.

4) Implementation of guidelines

Category	Internal accountability
Criterion	Implementation of guidelines
Purpose of evaluating the criterion	To assess whether the implementation of general guidelines and specific instructions by the Head of SPAK ensures a



	<u>balance between the functional independence of prosecutors and internal hierarchy</u> , while respecting the right to appeal and procedural transparency.
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Analysis of the legal framework

The legal framework established in Chapter VI of Law no. 97/2016, which governs the internal organization of prosecutorial activity, includes a set of provisions that have a direct impact on the exercise of functions by prosecutors of the Special Prosecution Office. This framework aims to preserve professional autonomy, prevent unlawful interference in prosecutorial functions, and ensure a structured internal mechanism for handling cases involving the issuance or rejection of instructions, as well as decisions related to the replacement of prosecutors.

General instructions (Article 46) are the main form of hierarchical interaction within the prosecution structure. Prosecutors of the Special Prosecution Office are subject only to the instructions issued by the Head of the Special Prosecution Office and are excluded from the implementation of instructions by the General Prosecutor, unless those instructions are administrative in nature or do not infringe upon the exclusive competences of SPAK. This creates a vertically limited chain of command that safeguards the special mission and functional independence of this prosecution office.

General instructions may include the coordination between prosecution offices and the Judicial Police, the unification of investigative and judicial practices, as well as the implementation of criminal policies approved by the government. These instructions must be reasoned and written and are published for transparency.

According to Article 47, each prosecutor has the right to challenge general instructions if they are deemed unlawful or unfounded, by submitting an appeal to the High Prosecutorial Council. Compliance with the contested instruction remains mandatory unless the instruction is clearly contrary to the law. This balanced rule provides functional guarantees for prosecutorial integrity, protecting the prosecutor from disciplinary action for noncompliance—except in cases of intent or gross negligence.

Article 48 grants the Head of the Special Prosecution Office the authority to issue non-binding instructions on specific cases to prosecutors under their authority. These instructions are not mandatory but serve as professional guidance in the course of proceedings. The prosecutor has the right to seek clarification and, if they choose not to follow the confirmed instruction, must provide a reasoned explanation and notify the Head in writing. All such communications are archived in the case file, ensuring traceability and documented accountability for noncompliance.

Assessment of practice

Under the sub-criterion “Implementation of Guidelines”, the annual reports of the Special Prosecution Office provide data regarding the issuance of internal acts and general guidelines by the Head of the Special Prosecution Office, in accordance with Articles 46-48 of Law no. 97/2016 *“On the organization and functioning of the prosecution in the Republic of Albania.”*


These reports clearly document the existence of guidelines and internal decisions of an organizational nature, including, among others, rules on case allocation, cooperation with the National Bureau of Investigation (NBI), and coordination with the Judicial Police.

However, the reports do not specify the level of implementation of these guidelines by prosecutors, nor do they identify concrete instances of their application, avoidance, or challenges raised in relation to them. There is no information provided on cases in which non-mandatory guidelines under Article 48 were followed or not followed, and the reports do not indicate whether complaints were filed against general guidelines pursuant to Article 47 of the law.

As a result, the reports present information on the issuance of guidelines, but not on their practical implementation by individual prosecutors or their actual impact on procedural and organizational functioning within the Special Prosecution Office. This omission limits the ability to assess whether the internal normative framework effectively guides prosecutorial conduct and contributes to institutional coherence.

5) Replacement of the prosecutor

Category	Internal accountability
Criterion	Replacement of the prosecutor
Purpose of evaluating the criterion	To assess whether the <u>procedures and grounds for the replacement of a prosecutor in SPAK are clear, lawful, and applied impartially</u> , ensuring the continuity of criminal prosecution and the respect for the principles of independence and the right to a fair legal process.
Analysis of the legal framework	
The provisions of Article 49 of Law no. 97/2016 focus on regulating the replacement of prosecutors, including prosecutors of the Special Prosecution Office against Corruption and Organized Crime (SPAK), as a mechanism with direct implications for prosecutorial functional autonomy and professional security.	



Replacement is permitted in two main cases: (i) when expressly provided for in the Criminal Procedure Code, such as in instances of disqualification due to conflict of interest, incompatibility, or inability to handle the case; and (ii) when the prosecutor is temporarily physically unable to fulfil the duty or procedural deadlines. This provision creates a clear legal basis for intervening in the chain of prosecutorial representation, without compromising the functional security of the prosecutor.

The decision to replace is made in writing by the Head of the Special Prosecution Office, who holds the authority to manage the internal workload and operational functionality of the institution. The affected prosecutor must be formally notified, ensuring transparency and the right to appeal. Within five days of receiving the notification, the prosecutor has the right to file an appeal with the High Prosecutorial Council, and this appeal is recorded as part of the case file.

Although filing an appeal does not automatically suspend the implementation of the decision, if the appeal is upheld, the case is reassigned to the original prosecutor, thereby balancing the institutional need for continuity in prosecution with the individual right of the prosecutor not to be replaced without a justified basis.


An additional element that strengthens transparency and oversight in this process is the obligation of the High Justice Inspector to conduct annual thematic inspections on the practices and reasons for replacing prosecutors. This oversight mechanism reinforces the guarantee that the replacement measure is not used arbitrarily or for unlawful purposes, particularly within a structure such as SPAK, where the risks of external pressure or interference are heightened.

In conclusion, Article 49 of Law no. 97/2016 establishes a controlled procedural and institutional framework for the replacement of prosecutors, ensuring a balance between the need for effective prosecutorial functioning and the protection of the professional integrity of special prosecutors.

Assessment of practice

The SPAK annual reports do not contain concrete data on cases of prosecutor substitutions, such as the number of times Article 49 of Law no. 97/2016 was applied, the underlying reasons, or whether any complaints were submitted or reviewed by the High Prosecutorial Council (KLP) by prosecutors who were replaced.

However, as part of the 2024 Annual Inspection Plan, and pursuant to Decision no. 23, dated 15.05.2024, the High Justice Inspector (ILD) conducted a thematic inspection focusing on the practice and reasons for prosecutor substitutions



during the period 01.01.2023-31.12.2023.⁵⁰ The Special Prosecution Office (SPAK) was one of the institutions inspected under this framework.

According to SPAK's reporting for 2023, there were a total of four substitution cases, for which only the respective replacement decisions by the Chief Prosecutor were submitted. In some cases, these were not accompanied by formal withdrawal requests from the concerned prosecutors. In two instances, the substitutions involved the Chief Prosecutor himself, while in the other cases, written statements of withdrawal were absent.

The main reasons identified for the substitutions were:

- Allegations of bias under Article 17/1, letter “e” of the Criminal Procedure Code, based on criminal complaints and media exposure that potentially compromised the prosecutor's impartiality;
- Disproportionate workload, including complex cases and administrative responsibilities, preventing full engagement in a specific case;
- Organizational needs for courtroom representation requiring case reassignment across prosecutorial sections, even when the substitute prosecutor was not from the section legally competent for the offense.

The ILD's analysis found that in none of the cases were the substitution decisions appealed to the High Prosecutorial Council. However, it noted several documentation gaps, such as the absence of formal withdrawal requests and complete lottery (shortlisting) records—hindering both transparency and auditability of the process.

ILD also emphasized that although the legal procedure for substitution is the same across all prosecution offices, in practice, it is not applied uniformly. In the case of SPAK, substitutions were carried out directly by decision of the Chief Prosecutor, often without documentation of the preliminary process leading to the decision. In one instance, the substitute prosecutor held functional responsibilities in a different section, raising concerns about the consistency of assignment with legal competencies.

The ILD concluded that accurate and fully documented implementation of the substitution procedure is crucial to preserve the integrity of criminal proceedings and to avoid any perception of arbitrariness or lack of transparency. It recommended that SPAK maintain complete and structured records for each substitution, including:


- formal withdrawal requests,
- the Chief Prosecutor's reasoning,
- the shortlisting process, and
- formal notification to the parties.

⁵⁰ High Justice Inspector. (2024, December 30). *Report “On the conduct of the thematic inspection with the object: ‘On the practice and reasons for the replacement of prosecutors for the period 01.01.2023–31.12.2023’ by the High Justice Inspector.”* <https://ild.al/wp-content/uploads/2025/03/Raporti-i-inspektimit-30.12.2024.pdf>

To ensure implementation, the ILD set a follow-up period for the enforcement of its recommendations from March 15 to September 15, 2025, providing sufficient time for SPAK and other inspected institutions to improve their documentation practices and decision-making transparency regarding prosecutor substitutions. The follow-up process is intended to ensure that all recommendations are addressed thoroughly and measurably, reinforcing standards of integrity and legitimacy in the functioning of the prosecution office.

6) Supervision of staff and experts by the Head of SPAK

Category	Internal accountability
Criterion	Supervision of staff and experts by the Head of SPAK
Purpose of evaluating the criterion	To assess whether the <u>Head of SPAK effectively and lawfully exercises supervisory powers over administrative staff and experts</u> , in order to ensure proper functioning, institutional discipline, and compliance with standards of integrity and professionalism.
Analysis of the legal framework	
<p>Based on Article 26 of Law no. 95/2016, the oversight of staff and experts within the Special Prosecution Office against Corruption and Organized Crime (SPAK) is a functional competence exercised by the Head of the Special Prosecution Office and the heads of the respective sectors.</p> <p>According to this article: the Head of SPAK, together with sector heads, carries out administrative supervision over:</p> <ul style="list-style-type: none"> • the recruitment of staff and experts, • training to enhance professional capacities, • disciplinary measures, and • periodic performance evaluations. <p>A key competence of the Head is also the assignment of staff and experts to work with special prosecutors, ensuring a targeted alignment between support capacities and investigative needs.</p> <p>At the operational level, special prosecutors exercise direct supervision over staff and experts only for specific cases assigned to them, thus maintaining a clear distinction between administrative and functional supervision.</p> <p>Meanwhile, technical experts have a limited and specialized support role: they are required to provide opinions strictly based on facts, evidence, and technical</p>	



expertise. Article 26 clearly states that experts may not offer opinions on the merits of the case, thereby preserving the neutrality and integrity of the investigative process.

Assessment of practice

The annual reports of SPAK include several elements related to the management and supervision of support staff, including employees and experts forming part of the Special Prosecution Office's support structure.

In accordance with Article 26 of Law no. 95/2016, the supervision of this personnel falls under the competence of the Head of the Special Prosecution Office and is exercised in cooperation with the heads of relevant internal units. The report highlights specific developments in 2024 related to this function:

- The implementation of professional training for administrative and support staff, carried out in line with the Training Plan approved for the 2023-2026 period. This demonstrates the Head's role in coordinating efforts to strengthen institutional capacities.
- The proposal and organization of recruitment competitions for new positions, as part of strengthening SPAK's institutional capacity, including the selection of experts and employees based on operational needs.

However, the report does not include detailed information regarding:

- the application (or not) of disciplinary measures against support staff or experts;
- periodic performance evaluations for this category of personnel;
- or any restructuring or redefinition of functional relationships between prosecutors and support staff/experts.

On the other hand, the report does confirm the active role of the SPAK Head in human resource management, covering planning, proposing, and following up on recruitment procedures. These responsibilities are aligned with the legal obligations outlined in Article 26, which entrusts the SPAK Head with the administrative oversight of non-prosecutorial personnel.

Nonetheless, the lack of information on disciplinary practices, performance appraisals, and internal restructuring limits the report's ability to offer a full picture of how support staff management contributes to institutional effectiveness, integrity, and accountability.

B.3. Individual accountability

1) Ethics and conflict of interest of SPAK prosecutors

Category	Individual accountability
Criterion	Ethics and conflict of interest of SPAK prosecutors
Purpose of evaluating the criterion	To assess whether the <u>legal framework and oversight mechanisms guarantee high ethical standards and the effective prevention of conflicts of interest</u> , with the aim of preserving the integrity and credibility of the function of special prosecutors.
Analysis of the legal framework	
<p>The legal framework of the Republic of Albania sets mandatory standards for the ethical and professional conduct of prosecutors, grounded in principles of integrity, institutional responsibility, and public trust. For prosecutors of the Special Prosecution Office (SPAK), these standards take on heightened importance due to the sensitive nature of their function in combating corruption and organized crime, making ethics not just a professional matter, but a fundamental guarantee of institutional legitimacy.</p> <p>The normative basis for ethical conduct is established in Article 10 of Law no. 97/2016, which requires prosecutors to uphold the honour and dignity of their profession at all times, in accordance with the law and ethical rules. This provision extends beyond the technical execution of duties, requiring prosecutors to maintain high standards of self-control and personal integrity. This approach is reinforced by Article 4 of Law no. 96/2016, which obligates every magistrate to actively safeguard the dignity of their office, the reputation of justice institutions, and public confidence in the judiciary and prosecution service. These obligations apply both within and outside official working hours, implying a continuous standard of ethical behaviour in both public and private life.</p> <p>The High Prosecutorial Council (HPC) holds clear authority for overseeing prosecutorial ethics, as set out in Article 182 of Law no. 115/2016. The Council is responsible for adopting, publishing, and updating ethical rules, as well as monitoring their implementation. Its duties include publicizing codes of conduct, conducting periodic reviews of standards, evaluating their practical application, and reporting findings. This places the HPC in a central institutional role as the guardian of professional integrity, aligned with international best practices in judicial and prosecutorial ethics.</p> <p>A supportive and innovative component of the ethical system is the Ethics Advisor, regulated by Article 182, points 2-7 of Law no. 115/2016. The Ethics</p>	



Advisor is selected from experienced prosecutors for a five-year term (renewable once) and serves a consultative, non-punitive role. This position contributes to fostering an internal culture of ethics through:

- Confidential advice on ethical dilemmas;
- Preparation of an ethics manual in Q&A format;
- Ongoing ethics training in cooperation with the School of Magistrates;
- Annual reporting to the Council on recurring or sensitive ethical challenges.

A critical element for the credibility of this mechanism is the **absolute confidentiality** of all interactions between prosecutors and the Ethics Advisor, which preserves the non-repressive nature of the instrument and encourages self-reflection and prevention—prior to the need for disciplinary proceedings.

Assessment of practice


The High Prosecutorial Council (KLP) approved, on February 24, 2022, Decision no. 32, titled “*Standards of Ethics and Rules of Conduct for Prosecutors*”, aiming to ensure that prosecutors in Albania exercise their duties with integrity, impartiality, and accountability. This document reinforces the normative framework for prosecutors’ conduct, both in their institutional and private lives, aligning it with the principles of the rule of law, international human rights instruments, and professional standards.

The standards are based on a value system encompassing independence, impartiality, personal integrity, professional diligence, respect for parties, and transparency in conduct. The document emphasizes dignified behaviour and self-restraint, including the preservation of the prosecutor’s public image, avoidance of political engagement, and refraining from public commentary that could undermine trust in the justice system.

Beyond official conduct, the act also regulates aspects of private life, such as participation in NGOs, use of social media, acceptance of gifts, and interactions with the media. It prohibits any activity or commitment that may undermine the appearance of impartiality, create conflicts of interest, or negatively affect public perception of the prosecution.

The document also establishes implementation mechanisms. Every prosecutor has the right to request advisory opinions from the Ethics Advisor, while the head of the prosecution office is responsible for overseeing implementation and reporting any issues. Even when violations do not amount to formal disciplinary breaches, they are considered in the prosecutor’s ethical and professional evaluations.

In essence, this decision seeks to strengthen the integrity of the prosecution system and ensure that every prosecutor is not only legally qualified but also ethically fit for the mission they represent in society.



In parallel, SPAK has adopted its own internal regulation titled “*On Conduct and Standards of Ethics in the Special Prosecution Office against Corruption and Organized Crime*”, through an internal order dated September 25, 2023.⁵¹ This regulation marks a significant step in institutionalizing ethical and professional standards for all SPAK staff including prosecutors, financial investigators, experts, judicial police officers, and administrative personnel by establishing clear rules of personal and professional conduct in the exercise of their duties.

The regulation is grounded in a broad legal framework, including:

- the Constitution,
- Law no. 95/2016 and Law no. 97/2016,
- the Law on Conflict of Interest (no. 9367/2005), and
- Decision of the Council of Ministers no. 874/2021 on ethics in public administration.

Its objectives include guaranteeing integrity, impartiality, professionalism, and public trust, while also establishing mechanisms for preventing violations and initiating disciplinary actions in case of misconduct.

Key contents of the regulation include:


- General principles requiring all staff to uphold public interest, avoid private interests, and maintain ethical behaviour.
- Conduct rules for specific situations, such as interactions with third parties, social media use, prohibition of alcohol and substances during work hours, preservation of professional secrecy, and respectful treatment of citizens and colleagues.
- Specific standards for the SPAK Head and prosecutors, assigning them an exemplary role with heightened ethical and organizational responsibility.
- Rules on external activities, prohibiting any engagement that creates conflicts of interest or harms the institution’s image, with prior authorization required in certain cases.
- Gift management procedures, setting a clear threshold (10,000 ALL) and outlining the process for declaring, assessing, returning, or transferring gifts to the institution – to eliminate suspicions of corruption or undue influence.
- Supervisory mechanisms, involving direct superiors, the Human Resources Directorate, and the Documentation Directorate, to ensure proper enforcement of provisions.

To ensure effective implementation, the regulation provides for staff training, continuous guidance, and disciplinary proceedings for any violations, thereby strengthening SPAK’s internal culture of ethical accountability and institutional integrity.

⁵¹ Special Prosecution Office against Corruption and Organized Crime. (2023, September 25). *Internal Order “On Conduct and Standards of Ethics in the Special Prosecution Office against Corruption and Organized Crime.”* <https://spak.gov.al/wp-content/uploads/2023/09/Rregullore-per-sjelljen-dhe-standartet-e-etikes.pdf>

2) Accountability and disciplinary proceedings for SPAK prosecutors

Category	Individual accountability
Criterion	Accountability and disciplinary proceedings for SPAK prosecutors
Purpose of evaluating the criterion	To assess whether the legal framework and oversight mechanisms, including the High Justice Inspector (HJI) and the High Prosecutorial Council (HPC), <u>ensure a functional and impartial system for the disciplinary proceedings of prosecutors</u> , enabling them to be held accountable for disciplinary violations.
Analysis of the legal framework	
<p>The disciplinary responsibility of prosecutors of the Special Prosecution Office against Corruption and Organized Crime (SPAK) constitutes one of the fundamental pillars of the accountability system within high-level criminal justice. The legal framework governing this area is primarily based on the Constitution of the Republic of Albania, which explicitly states in Article 148/d that prosecutors, including those of SPAK, are subject to disciplinary liability according to the law. This provision not only affirms the general principle of accountability but also specifies the conditions under which a prosecutor may be suspended or dismissed from office, including serious professional or ethical misconduct, criminal convictions, indictment for serious intentional crimes, or the initiation of disciplinary proceedings.</p> <p>In line with this constitutional basis, Law no. 96/2016 establishes a structured system of disciplinary violations, divided into three main categories based on the nature and context of the behaviour:</p> <ul style="list-style-type: none"> • Article 102 addresses violations during the exercise of official duties, such as failure to fulfil responsibilities, interference with colleagues, unjustified procedural delays, breaches of confidentiality, or disregard of legal standards in decision-making. • Article 103 deals with misconduct outside official duties that harms the public image of the magistrate, such as illicit gains, inappropriate contacts with investigated individuals, or abuse of authority for private gain. • Article 104 covers violations involving criminal convictions that directly affect the magistrate's professional integrity. <p>The disciplinary process is grounded in the principles set out in Article 100 of Law no. 96/2016, which ensure due process, legality, proportionality,</p>	



presumption of innocence, and respect for privacy and confidentiality throughout the investigation and decision-making stages. The publication of disciplinary decisions is permitted only when violations are substantiated and of public interest, striking a balance between transparency and the right to protection.

The law foresees a progressive scale of disciplinary measures, which vary depending on the severity of the violation and the circumstances surrounding it. These include:

- Confidential reprimand (Article 106)
- Public reprimand (Article 107)
- Temporary salary reduction (Article 108)
- Demotion (Article 109)
- Suspension from duty (Article 110)
- Dismissal (Article 111)

Complementary measures may also apply, such as mandatory professional training (Article 113) or removal from managerial positions (Article 114), especially when the magistrate's conduct is deemed incompatible with the integrity of the function. For SPAK prosecutors, these standards are particularly stringent: dismissal may also be imposed in cases of deliberate or grossly negligent disclosure of sensitive information—reflecting the critical nature of their role in fighting corruption and organized crime.

When determining the appropriate sanction, Article 115 provides that the High Prosecutorial Council (HPC) must consider several criteria, including the degree of fault, the consequences of the violation, the magistrate's conduct after the event, and any aggravating or mitigating circumstances. This approach ensures a reasoned and individualized assessment, avoiding mechanical application of sanctions and ensuring proportionality between the violation and the disciplinary measure.

From an institutional perspective, disciplinary proceedings involving SPAK prosecutors are divided between two bodies:

- The High Justice Inspector (ILD) is responsible for conducting the disciplinary investigation;
- The High Prosecutorial Council (HPC) examines the case and issues the final decision.

In cases of dismissal, the Constitution (Article 148/d, point 3) guarantees the right to constitutional review, allowing the magistrate to appeal the decision before the Constitutional Court. This mechanism reinforces institutional safeguards against disproportionate decisions and affirms the separation of powers in the handling of disciplinary matters for prosecutors with special competencies.

Based on the annual reports of the High Justice Inspector (HJI) for the years 2022-2024, prosecutors of the Special Prosecution Office (SPAK) represent a small proportion of the total number of complaints reviewed within the justice system. In 2024, HJI reviewed 25 complaints related to SPAK, representing 2% of the total an increase from 1% in 2023 and 16 complaints in 2022.⁵²

However, for the more detailed analytical sections of HJI reports such as (Complaint review and verification), (Disciplinary investigations), (Appeals against HJI decisions), and (Requests for disciplinary proceedings and Council decisions) data is aggregated by magistrate status (judges and prosecutors) but not disaggregated by institution, such as the Special Prosecution Office. As a result, it is not possible to identify SPAK-specific cases within the phases of disciplinary investigation, archiving decisions, appeals against HJI decisions, or disciplinary decisions taken by the High Prosecutorial Council (HPC). This limits comparative inter-institutional analysis and impedes a deeper evaluation of how complaints against SPAK prosecutors are handled.

The High Prosecutorial Council (HPC) approved Decision no. 260, dated November 17, 2020, adopting the “Regulation on the Functioning of the Disciplinary Commission in the Conduct of Disciplinary Proceedings against Prosecutors.” This regulation is a key bylaw in the justice system, as it details the structure, powers, and procedures followed by the Disciplinary Commission and the HPC in addressing prosecutors’ disciplinary liability.

The regulation is based on the Constitution, Law no. 96/2016 on the status of judges and prosecutors, Law no. 115/2016 on justice governance bodies, and the Code of Administrative Procedures. It aims to ensure a regular, fair, and impartial process for prosecuted magistrates, aligning with principles of transparency, independence, confidentiality, proportionality, and human rights protection in disciplinary proceedings.

The Disciplinary Commission consists of three permanent members (two prosecutors and one non-prosecutor) and two alternates. It has broad competence to handle:

- Appeals against ILD decisions (including inaction or fines),
- Approval of disciplinary violation acknowledgment agreements,
- And full disciplinary proceedings against magistrates.


⁵² High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period February–July 2020*. <https://ild.al/wp-content/uploads/2020/08/RAPORTI-FINAL-ILD-NE-KUVEND-2020.pdf>

High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period 01.01.2021 – 31.12.2021*. <https://ild.al/wp-content/uploads/2022/05/ILD-RAPORTI-I-PUNE%CC%88S-2021.pdf>

High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period 01.01.2022 – 31.12.2022*. <https://ild.al/wp-content/uploads/2023/05/RAPORTI-I-PUNES-VITI-2022.pdf>

High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period 01.01.2023 – 31.12.2023*. <https://ild.al/wp-content/uploads/2024/05/29.03.2024-RAPORTI-I-PUNES-PER-VITIN-2023-final.pdf>

High Justice Inspector. *Report on the work of the Office of the High Justice Inspector for the period 01.01.2024 – 31.12.2024*. <https://ild.al/wp-content/uploads/2025/04/RAPORTI-I-VEPRIMTARISE-PER-VITIN-2024.pdf>



The procedure begins with a request for investigation or sanction submitted by HJI, followed by a lottery for assignment of a rapporteur. The rapporteur, assisted by a legal advisor and administrative staff, prepares the case for hearing or proposes its closure. Throughout the process, parties have clear rights to representation, defence, participation in evidentiary proceedings, and due process.

A key feature of the regulation is the mechanism for preventing and managing conflicts of interest among members of the HPC and the Commission. Clear procedures are established for disclosure, recusal, and disqualification from decision-making to ensure institutional impartiality.

The regulation also sets out the organization of support structures, such as the Commission Support Unit and KLP's administrative staff, which play a crucial role in ensuring the efficient and accurate administration of disciplinary case files.

The Disciplinary Commission of the HPC has carried out its functions in accordance with the Constitution, the Law on Magistrates, the Law on Justice Governance, and the internal regulation approved by Decision no. 260. Its activity is focused on reviewing disciplinary procedures initiated by HJI against prosecutors at all levels. The aim is not only disciplinary sanctioning but also the prevention of misconduct and the preservation of public trust in the prosecution system.

Procedurally, each case submitted by HJI is assigned by lottery to a rapporteur, who prepares the documentation for decision-making.⁵³ In compliance with legal requirements, the HPC updates the Disciplinary Register after every completed procedure and prepares all procedural acts, such as minutes, reports, decisions, and formal notifications.

In the context of obligations to Parliament and the EU integration process, HPC has also held coordination meetings with the High Judicial Council (HJC) and HJI to regulate joint procedures, assign inspectors, and develop thematic inspections. A prosecutor has been seconded to the HJI Office, and discussions are underway on standardizing institutional relationships between prosecution leaders and magistrates.

From 2019 to 2023, the Commission handled various disciplinary procedures, including dismissals, public reprimands, or rejections of HJI requests. A

⁵³ High Prosecutorial Council (HPC). *Annual Report 2024*. Accessed at: <https://klp.al/wp-content/uploads/2025/06/KLP-RAPORTI-VJETOR-2024.pdf>
High Prosecutorial Council (HPC). *Annual Report 2023*. Accessed at: <https://klp.al/wp-content/uploads/2024/05/Raporti-Vjetor-2023.pdf>
High Prosecutorial Council (HPC). *Annual Report 2022*. Accessed at: <https://klp.al/wp-content/uploads/2024/02/Raporti-Vjetor-2023-1.pdf>
High Prosecutorial Council (HPC). *Annual Report 2021*. Accessed at: https://klp.al/wp-content/uploads/2022/05/RAPORTI_-KLP-2021.pdf
High Prosecutorial Council (HPC). *Annual Report 2020*. Accessed at: <https://klp.al/wp-content/uploads/2021/06/RAPORTI-JANAR-DHJETOR-2020-KLP.pdf>
High Prosecutorial Council (HPC). *Annual Report 2019*. Accessed at: https://klp.al/wp-content/uploads/2020/05/RAPORTI_KUVENDI_VJETOR_WEB.pdf

consolidated practice has been developed for case administration, supported by the dedicated regulation in force since 2020. For 2021 and 2022, a notable overlap was observed between disciplinary procedures and the transitional re-evaluation process (vetting), leading to some temporary suspensions of disciplinary reviews.

Throughout this period, the Commission operated with support from the Legal Services Unit and has adopted a progressively more structured approach to addressing prosecutors' ethical and professional violations, in alignment with the broader goals of the justice reform.

3) Security, integrity, and oversight of SPAK officials

Category	Individual accountability
Criterion	Security, integrity, and oversight of SPAK officials
Purpose of evaluating the criterion	To assess whether legal and institutional measures are in place to guarantee the <u>physical security, personal integrity, and continuous oversight of SPAK officials</u> , in order to safeguard their independence and prevent any form of influence, pressure, or abuse of office.
Analysis of the legal framework	
<p>Candidacy and appointment to the Special Prosecution Office against Corruption and Organized Crime (SPAK) are conditioned by a special regime of security and integrity, beginning with preliminary vetting and continuing with a system of ongoing oversight to ensure institutional credibility and prevent external interference.</p> <p>According to Article 6 of Law no. 95/2016, any candidate seeking appointment to SPAK—as a prosecutor, investigator, or support staff—is subject to an in-depth vetting process of assets and background, which includes:</p> <ul style="list-style-type: none"> • A special declaration of assets and prior contacts with the criminal justice system; • A conscious waiver of the right to privacy, including consent for monitoring of electronic communications and financial data, through relevant forms (Annexes B1-B3); • Consent for continuous monitoring, including of close family members. 	

This verification is carried out by a Special Vetting Commission, composed of independent and inter-institutional members selected by lot and monitored by the People's Advocate. The Commission reviews information collected from competent institutions within a maximum deadline of 120 days. In the case of sensitive or classified data, confidentiality and data protection are guaranteed according to applicable laws.

After appointment, SPAK officials are subject to a permanent institutional control regime, detailed in Articles 48-54 of Law no. 95/2016. This regime includes:

- Use of official communication devices only, with a ban on private electronic devices;
- Monthly monitoring plans of communications by the National Bureau of Investigation (BKH) (Article 51), aimed at identifying and preventing leaks or inappropriate contacts;
- Periodic financial oversight by the General Directorate for the Prevention of Money Laundering, in cooperation with the SPAK leadership, through an authorized officer who reviews transactions and accounts of prosecutors and their family members;
- Mandatory reporting of any signs of violations, through a decentralized structure with rules on excluding the involved prosecutor from the evaluation process.


The Special Vetting Commission on Asset and Integrity Verification for the Special Prosecution Office and the Special Courts is established in accordance with point 12 of Article 57, point 6 of Article 6, and Article 7 of Law no. 95/2016. The Commission is composed of three to five members, including two SPAK prosecutors and one judge from the Special Court (GJKKO), selected by lot and monitored by the People's Advocate. In recent years (2023-2024), the composition has expanded to include one BKH investigator and one financial investigator from the Financial Investigation Section, reflecting the need for broader expertise in the vetting process.

The Commission plays a key role in the preliminary screening of candidates' integrity for positions within the special justice structures, through in-depth verification of the legality of asset sources and background checks. This includes both document analysis and data exchange with relevant state institutions.

Assessment of practice

In 2020, the Commission completed the evaluation for candidates for the Director of the National Bureau of Investigation (NBI) and initiated verifications for candidates for NBI investigators and for the administrative staff of the Special Prosecution Office.

During 2021, the Commission completed 37 full verifications for NBI investigators and initiated verifications for 74 additional candidates for this position. In parallel, it also initiated verifications for 57 administrative staff members of SPAK and the NBI, as well as for 2 clerks of the special courts. The Commission



processed data obtained from HIDAACI and DSIK and conducted direct cooperation with institutions such as the General Prosecution Office, the General Directorate for the Prevention of Money Laundering, the State Intelligence Service, the Police Supervision Agency, the Department of Public Administration, etc. For investigator candidates, the Commission also administered and analyzed polygraph test results.

In 2022, verifications were completed for 74 NBI investigator candidates, and verifications were initiated and continued for 84 administrative staff members of SPAK and the NBI, 2 court clerks, as well as 13 candidates for investigators in the Financial Section of SPAK. The Commission continued the practice of integrated analysis of data collected from various institutions and submitted the relevant reports to the appointing institutions.

During 2023, the Commission completed verifications for 60 candidates for administrative staff in SPAK, the Special Court Against Corruption and Organized Crime (GJKKO), and the Appellate Special Court (GJAKKO). It also initiated and continued the evaluation process for 13 candidates for judges in GJKKO and completed the verification of 2 clerks of the special courts. In addition to cooperation with the usual structures, the National Authority for Classified Information Security and the Financial Intelligence Agency were also involved, significantly expanding the scope of oversight.

In 2024, verifications were completed for 58 candidates for administrative positions in SPAK and at both levels of the Special Court, as well as for 12 candidates for judges and 7 candidates for prosecutors in SPAK. The evaluation of the clerk of the Special Prosecution Office was also finalized. The composition of the Commission consistently included technical and legal experts with a clear legal mandate, and cooperation with security, financial oversight, and law enforcement agencies remained essential.

In all years, the Commission has followed a reinforced evaluation methodology, combining the analysis of official documentation, sensitive security data, reports from HIDAACI/DSIK, as well as reliability tests for NBI investigator candidates. Each final report includes a full assessment of asset sources and moral character and is submitted to the appointing institution for final decision-making.

Summary of reported final results:

- **2020:** Evaluation completed for the Director of NBI and process initiated for investigators and administration;
- **2021:** 37 completed + 133 in process;
- **2022:** 74 completed + 99 in process;
- **2023:** 60 completed + 95 in process;
- **2024:** 58 completed (others not reported as in process).

4) Ethical and professional evaluation of prosecutors

Category	Individual accountability
Criterion	Ethical and professional evaluation of prosecutors
Purpose of evaluating the criterion	To assess whether <u>clear standards and mechanisms exist for the ethical and professional evaluation of prosecutors</u> , with the aim of ensuring their integrity, accountability, and performance in accordance with the public function they exercise.
Analysis of the legal framework	
<p>The ethical and professional evaluation process for prosecutors of the Special Prosecution Office (SPAK) is grounded in a clear and detailed legal framework, aimed at ensuring continuous performance improvement, the enforcement of professional standards, and career development based on merit. This framework is defined in Part IV of Law no. 96/2016 “On the Status of Magistrates in the Republic of Albania”, which regulates the evaluation system for all magistrates, including SPAK prosecutors.</p> <p>According to Article 68 of this law, the purpose of the evaluation is multidimensional. It serves to continuously improve the ethics and professional skills of magistrates; to establish consistent standards for the quality and quantity of their work; to guide the decisions of the Councils regarding status and career development; to identify needs for professional training; to detect magistrates with special abilities who can contribute significantly to the justice system; and to enhance the organizational structure and working conditions in the prosecution offices. In the context of SPAK, these objectives are particularly significant due to the high-profile nature of its mission and the sensitivity of its investigative field.</p> <p>Article 69 outlines the fundamental principles of the evaluation system. Central to this is the principle of independence, which prohibits any influence over prosecutorial functions through the evaluation process. The system is guided by meritocracy, prioritizing quality and professional values as the basis for career advancement. Furthermore, the law mandates that procedures be efficient, respect reasonable timeframes, and generate timely information for informed decision-making. Of particular importance is the principle of due process, which guarantees several rights to the magistrate under evaluation, including access to documents, participation in proceedings, the right to be heard, to defend oneself, and to appeal the final evaluation decision. The principle of confidentiality is also emphasized—requiring all actors involved in the process to safeguard the privacy of the prosecutor’s personal and professional data, except where such information is requested by the prosecutor or authorized legal bodies.</p>	

Article 70 specifies that all magistrates including heads of prosecution offices, as well as delegated or seconded prosecutors—are subject to mandatory evaluation. Heads of special structures such as SPAK are evaluated not only for their prosecutorial performance but also for their institutional leadership. Prosecutors delegated to institutions like the General Prosecution Office, the High Prosecutorial Council, or the High Court are evaluated based on the rules approved by those respective institutions. If a magistrate is seconded to another structure and retains their magistrate status, they are evaluated according to the evaluation system of the receiving institution. These provisions create a comprehensive system that ensures full coverage of both individual and institutional responsibility for all prosecutors of the Special Prosecution Office.

Assessment of practice

The ethical and professional evaluation of prosecutors constitutes one of the core functions of the High Prosecutorial Council (HPC), as foreseen in the Constitution of Albania and the Law "On the Status of Magistrates." This activity aims to ensure the professional development of prosecutors in line with the highest standards of ethics, integrity, and efficiency in the exercise of their public function.

Through the Commission for the Evaluation of Ethical and Professional Activity, the HPC has established a structured process that includes the preparation of annual evaluation programs, the selection of prosecutors through a lottery system, the drafting of analytical reports, and the approval of final reports for each subject under evaluation. The process is based on four evaluation pillars: professional skills, organizational abilities, ethics and professional engagement, as well as personal ability and dedication to duty.⁵⁴

In recent years, the Council has faced significant challenges due to the lack of unified statistical standards, difficulties in data collection and processing, as

⁵⁴ High Prosecutorial Council (HPC). *Annual Report 2024*. Accessed at:

<https://klp.al/wp-content/uploads/2025/06/KLP-RAPORTI-VJETOR-2024.pdf>

High Prosecutorial Council (HPC). *Annual Report 2023*. Accessed at:

<https://klp.al/wp-content/uploads/2024/05/Raporti-Vjetor-2023.pdf>

High Prosecutorial Council (HPC). *Annual Report 2022*. Accessed at:

<https://klp.al/wp-content/uploads/2024/02/Raporti-Vjetor-2023-1.pdf>

High Prosecutorial Council (HPC). *Annual Report 2021*. Accessed at:

https://klp.al/wp-content/uploads/2022/05/RAPORTI_KLP-2021.pdf

High Prosecutorial Council (HPC). *Annual Report 2020*. Accessed at:

<https://klp.al/wp-content/uploads/2021/06/RAPORTI-JANAR-DHJETOR-2020-KLP.pdf>

High Prosecutorial Council (HPC). *Annual Report 2019*. Accessed at:

https://klp.al/wp-content/uploads/2020/05/RAPORTI_KUVENDI_VJETOR_WEB.pdf

High Prosecutorial Council (HPC). (2025, March 28). Decision No. 64, dated 28.03.2025, "On the approval of the evaluation report on the activity of the evaluation of magistrates, prosecutor profile, conducted by the High Prosecutorial Council for the year 2024." https://klp.al/wp-content/uploads/2025/04/v.nr_64_.pdf

High Prosecutorial Council (HPC). (2024). *Report of the Commission for Ethical and Professional Evaluation for the year 2023*. <https://klp.al/wp-content/uploads/2024/06/Raporti-i-Komisionit-te-Vleresimit-Etik-dhe-Profesional-2023.pdf>

well as administrative overload in conducting evaluations for all magistrates within the legal deadlines. In response, changes have been adopted in the regulations and methodology to accelerate the process, including simplified procedures for the evaluation period 2017-2021.

For the year 2024, the HPC has approved a special program for the ethical and professional evaluation of prosecutors, designating a selected list of 40 magistrates from the general jurisdiction, in order to ensure the quality of the analysis and the functionality of the commissions. Meanwhile, prosecutors of the Special Prosecution Office against Corruption and Organized Crime (SPAK) have been temporarily excluded from this process, in order to preserve the integrity of the work of this specialized structure and due to the specific high workload, the nature of the cases, and the institutional sensitivity involved.

During the period 2019-2022, the High Prosecutorial Council prepared and approved a series of reports analysing the professional skills of SPAK prosecutors, as part of the initial evaluation process following the establishment of this new structure. These reports were approved individually for each prosecutor and are reflected in the respective decisions of the Council, published on the official website of the institution.⁵⁵

⁵⁵ High Prosecutorial Council. (2019, March 6). Decision No. 40, dated 06.03.2019, *on the approval of the report analyzing the professional skills of prosecutor Altin Dumani*.

<https://klp.al/wp-content/uploads/2019/03/Nr.40-Dat%C3%AB-06.03.2019-1.pdf>

High Prosecutorial Council. (2019, March 6). Decision No. 39, dated 06.03.2019, *on the approval of the report analyzing the professional skills of prosecutor Enkeleda Millonai*.

<https://klp.al/wp-content/uploads/2019/03/Nr.39-Dat%C3%AB-06.03.2019-1.pdf>

High Prosecutorial Council. (2019, April 15). Decision No. 67, dated 15.04.2019, *on the approval of the report analyzing the professional skills of prosecutor Doloreza Musabelliu*.

<https://klp.al/wp-content/uploads/2019/04/Nr.67-Dat%C3%AB-15.04.2019.pdf>

High Prosecutorial Council. (2019, April 15). Decision No. 69, dated 15.04.2019, *on the approval of the report analyzing the professional skills of prosecutor Manjola Kajani*.

<https://klp.al/wp-content/uploads/2019/04/Nr.69-Dat%C3%AB-15.04.2019.pdf>

High Prosecutorial Council. (2019, April 15). Decision No. 72, dated 15.04.2019, *on the approval of the report analyzing the professional skills of prosecutor Ened Nakuçi*.

<https://klp.al/wp-content/uploads/2019/04/Nr.72-Dat%C3%AB-15.04.2019.pdf>

High Prosecutorial Council. (2019, April 15). Decision No. 75, dated 15.04.2019, *on the approval of the report analyzing the professional skills of prosecutor Vladimir Mara*.

<https://klp.al/wp-content/uploads/2019/04/Nr.75-Dat%C3%AB-15.04.2019.pdf>

High Prosecutorial Council. (2019, May 13). Decision No. 88, dated 13.05.2019, *on the approval of the report analyzing the professional skills of prosecutor Klodjan Braho*.

<https://klp.al/wp-content/uploads/2019/05/Nr.88-Dat%C3%AB-13.05.2019.pdf>

High Prosecutorial Council. (2019, May 13). Decision No. 89, dated 13.05.2019, *on the approval of the report analyzing the professional skills of prosecutor Behar Dibra*.

<https://klp.al/wp-content/uploads/2019/05/Nr.89-Dat%C3%AB-13.05.2019.pdf>

High Prosecutorial Council. (2019, June 12). Decision No. 102, dated 12.06.2019, *on the approval of the report analyzing the professional skills of prosecutor Elida Kaçkini (Celami)*. <https://klp.al/wp-content/uploads/2019/06/Nr.102-Dat%C3%AB-12.06.2019.pdf>

High Prosecutorial Council. (2019, June 12). Decision No. 107, dated 12.06.2019, *on the approval of the report analyzing the professional skills of prosecutor Dorina Bejko*.

<https://klp.al/wp-content/uploads/2019/06/Nr.107-Dat%C3%AB-12.06.2019.pdf>

High Prosecutorial Council. (2019, June 12). Decision No. 108, dated 12.06.2019, *on the approval of the report analyzing the professional skills of prosecutor Anita Jella*.

<https://klp.al/wp-content/uploads/2019/06/Nr.108-Dat%C3%AB-12.06.2019.pdf>

5) Conflict of interest for members of the High Prosecutorial Council

Category	Individual accountability
Criterion	Conflict of Interest for members of the High Prosecutorial Council
Purpose of evaluating the criterion	To assess whether <u>effective mechanisms are in place within the High Prosecutorial Council for the prevention, identification, and management of conflicts of interest</u> , in accordance with the principles of institutional integrity and transparency.
Analysis of the legal framework	
<p>The legal framework regulating the functioning of the High Prosecutorial Council (HPC) establishes a detailed system for preventing and managing conflicts of interest among its members, aiming to safeguard the Council's decision-making independence and ensure the legitimacy and impartiality of institutional procedures. The relevant provisions, set out in Articles 171-175 of Law no. 115/2016, constitute one of the main pillars of the Council's institutional integrity and have direct implications for matters involving prosecutors of the Special Prosecution Office (SPAK).</p> <p>According to Article 171, members of the HPC who are aware of a conflict of interest or any legal impediment are obliged to declare the situation, recuse themselves from discussions, and refrain from voting on the matter. This principle of self-declaration and self-recusal is fundamental to preserving the integrity of collegial decision-making and eliminating any potential influence of personal interest in the exercise of public functions. This preventive mechanism elevates transparency to a binding and practical standard, fostering trust in the Council's deliberative process.</p> <p>Article 172 strictly prohibits a member from participating in disciplinary proceedings if they have previously been involved in the matter in another capacity, such as judge, inspector, witness, or representative. This provision is</p>	

High Prosecutorial Council. (2020, February 24). Decision No. 62, dated 24.02.2020, *on the approval of the report analyzing the professional skills of prosecutor Bledar Maksuti*.

<https://klp.al/wp-content/uploads/2020/02/Vendim-nr-62-24.02.2020.pdf>

High Prosecutorial Council. (2021, February 16). Decision No. 51, dated 16.02.2021, *on the approval of the report analyzing the professional skills of prosecutor Alfred Shehu*.

<https://klp.al/wp-content/uploads/2021/02/vendim-nr-51-date-16.02.2021.pdf>

High Prosecutorial Council. (2022, June 15). Decision No. 149, dated 15.06.2022, *on the approval of the report analyzing the professional skills of prosecutor Ols Dado*.

<https://klp.al/wp-content/uploads/2022/06/vendim-nr-149-date-15.06.2022.pdf>

intended to prevent institutional role conflicts that may undermine the integrity of the procedure and public perception of impartiality.

The guarantee of procedural impartiality is further strengthened in Article 173, which prohibits members of the HPC from taking part in any procedure involving prosecutors who are family-related to them, including spouses, cohabitants, parents, children, siblings, and other relations by marriage or blood. This prohibition applies to decisions on promotion, transfer, secondment, professional evaluation, and disciplinary procedures, ensuring that personal relationships do not influence decision-making.

Article 174 goes beyond general rules and describes specific cases of incompatibility, including financial ties between the member and the subject, previous legal representation, personal conflicts, or connections with the complainant in a disciplinary proceeding. In such cases, the member is obliged to withdraw, and the withdrawal is accepted by a decision of the Chair of the HPC; if the Chair recuses themselves, the decision is made by the Deputy Chair. This simple and verifiable procedure offers procedural safeguards and enhances the effectiveness of impartiality protections.

Beyond self-declaration, the law also provides for an external exclusion mechanism under Article 175. In this context, any interested party—including the prosecuted prosecutor, their representative, or the High Justice Inspector—has the right to request the exclusion of a member if the circumstances outlined in Article 174 apply. The exclusion decision is made by the Council as a whole, in accordance with the principles of transparency and balanced institutional voting.

Assessment of practice

During the functioning of the High Prosecutorial Council (HPC), the handling and avoidance of conflicts of interest for its members is governed by the Regulation “On the Internal Organization and Functioning of the Council”, approved by Decision no. 407, dated 17.12.2021, and amended by Decision no. 234, dated 29.10.2024.⁵⁶ The provisions of this regulation are based on Article 147 of the Constitution and the Law “On the Governance of the Justice System”, aiming to ensure impartial decision-making and protect the institutional integrity of the Council.

According to Article 17 of the regulation, every Council member is obligated to avoid actual, apparent, or potential conflicts of interest and to take active measures to prevent them, especially when they arise from family, blood, or affinity ties (paragraphs 1 and 2). The declaration of a conflict of interest or any legal impediment must be made immediately after receiving the agenda and, in

⁵⁶ High Prosecutorial Council. (December 2021). Decision No. 407, dated 17.12.2021, *on the approval of the Regulation “On the internal organization and functioning of the High Prosecutorial Council”* (updated by Decision No. 234, dated 29.10.2024). <https://qbz.gov.al/share/jlvsfYhuTJi-itDu9OnLJQ>

any case, prior to the vote on the respective matter, in accordance with Articles 173 and 174 of the governance law (paragraph 3).

When a conflict of interest is identified, the member must not participate in the discussion or voting on the respective issue. If the member submits a request for recusal, the decision to accept it is taken by the Chair of the Council (or by the Deputy Chair if the request comes from the Chair), as provided in paragraph 4 of Article 17. The same article, in paragraph 5, stipulates that any other Council member who is aware of circumstances indicating a conflict of interest concerning a colleague has the obligation to declare it immediately.

The member subject to the claim has the right to respond to it. If they assess that the conditions under Article 174 of the governance law apply, they must refrain from decision-making or request to withdraw from the review process (Article 17, paragraph 6). If a recusal request is submitted during a plenary or committee meeting, the discussion of the matter is postponed to the following meeting.

According to paragraph 7 of the same article, parties involved in the procedure may also request the exclusion of a Council member at the preliminary stage if the conditions set out in Article 174 of the law are met. The decision to accept or reject the exclusion request is taken by the Council itself, in line with Article 175 of the law. If the request is directed toward the Chair, the meeting is presided over by the Deputy Chair.

Finally, in accordance with paragraph 8 of Article 17, the Council may request an official opinion from the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (ILDKPKI), if it deems clarification necessary regarding the conflict of interest status in a specific case.

This detailed mechanism foresees not only the individual obligation of members to self-declare conflicts of interest but also institutional intervention in cases where a conflict has not been declared. It thus establishes a system of prevention, oversight, and exclusion that serves to protect the integrity of the decision-making process within the HPC.

6) Conflict of interest in the Office of the High Justice Inspector

Category	Individual accountability
Criterion	Conflict of interest in the Office of the High Justice Inspector
Purpose of evaluating the criterion	To assess whether <u>effective mechanisms are in place within the Office of the High Justice Inspector for the prevention, identification, and management of conflicts of</u>



	interest, in accordance with the principles of institutional integrity and transparency.
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Analysis of the legal framework

The regulation of conflict of interest in the Office of the High Justice Inspector (ILD) is a fundamental element of the legal framework aimed at ensuring institutional integrity and the functional independence of this constitutional body, which has investigative authority over magistrates, including prosecutors of the Special Prosecution Office (SPAK). Law no. 115/2016 provides clear mechanisms for identifying, avoiding, and responding to situations of conflict of interest, both at the organizational and individual level.

According to Article 197, paragraph 3, a direct prohibition is established to prevent potential conflicts of interest through restrictions on external financial resources. Specifically, the ILD's budget may include revenues other than state funds, including donor support, but only if such support does not create a conflict of interest between the donor and the activities of the Inspector. This provision serves as a safeguard for the financial independence of the institution and prevents donors from influencing the content and direction of disciplinary investigations, especially in cases involving key actors within the justice system.


Conflict of interest is further addressed in Article 207, point (dh), which defines as a serious ethical and professional violation any conduct by the High Justice Inspector that contradicts standards of impartiality, including:

- The unlawful gain, whether directly or indirectly, of gifts, favours, promises, or preferential treatment of any kind, connected to or arising from his or her official duties. This prohibition also covers cases where the benefit is achieved through seemingly lawful actions, if those actions aim to influence the Inspector's decisions or positions.
- The failure to declare conflicts of interest and personal assets, which constitutes not only an ethical obligation but also a legal duty. Failure to meet this requirement goes beyond administrative non-compliance and may result in dismissal by a decision of the Constitutional Court.

Assessment of practice

By Order no. 56, dated 07.07.2022, the High Justice Inspector approved the "Rules of Conduct and Ethical Standards in the Office of the High Justice Inspector (HJI)".⁵⁷ The purpose of this act is to establish a standardized system of ethical behaviour that ensures the integrity, professionalism, and impartiality of HJI staff in the exercise of public duties.

⁵⁷ High Justice Inspector. (2022, July 7). Order No. 56, dated 07.07.2022, "On the approval of the Rules of Conduct and Standards of Ethics in the Office of the High Justice Inspector." <https://ild.al/wp-content/uploads/2022/07/Urdher-Nr-56-Date-07.07.2022-Per-Miratimin-e-rregullave-te-sjelljes-dhe-standarteve-ne-zyren-e-ILD.pdf>



The regulation outlines a detailed structure of rules, divided into several chapters covering: general provisions, the application of ethical principles, conduct with the public and colleagues, use of official information, engagement in external activities, acceptance of gifts, and mechanisms for counselling and oversight.


Key provisions of the regulation include:

- Scope and applicability (Articles 1-2): The regulation applies to all staff and employees, including both magistrate and non-magistrate inspectors, the administrative staff, and the cabinet, insofar as it does not conflict with other special laws.
- Principles of professional and ethical behaviour (Article 3): All staff must act according to principles such as protection of the public interest, impartiality, institutional loyalty, fairness, courtesy, responsibility, and respect for the law and citizens' rights.
- Political independence and integrity in duty performance (Articles 4-5): Staff must remain independent from political influence and carry out their duties efficiently, avoiding any action that might undermine public trust.
- Conflict of interest and use of official information (Articles 7-8): The regulation prohibits the use of public position for personal gain and obliges staff to maintain confidentiality during and after employment.
- External activities (Article 12): Participation in external activities is permitted only if it does not create a conflict of interest or harm the institution's image. Such activities require prior approval.
- Gifts and favours (Article 13): Accepting or soliciting gifts that may affect impartiality is prohibited. Only symbolic and customary gifts under 10,000 ALL, as well as those of diplomatic protocol, are allowed.
- Interpersonal conduct (Article 9): Staff must communicate ethically and professionally, avoiding offensive language, raised voices, or unprofessional behaviour toward the public or colleagues.
- Appearance and dress code (Article 10): Specific rules apply for formal and appropriate attire and personal hygiene. For example, men must wear trousers and a tie; women must wear modest skirts or trousers and blouses without cleavage.

The Human Resources Unit is responsible for advising staff, providing information on ethical rules, monitoring violations, and applying disciplinary measures in accordance with the law. All declared gifts must be registered in an official registry for assessment and documentation.

This order represents a significant step in institutionalizing ethical standards within the justice system and building a responsible, transparent, and corruption-resilient administration at the HJI.

Additionally, the Internal Regulation on the Organization and Functioning of the HJI provides a structured regulatory framework for preventing and managing



conflicts of interest, including designated responsible authorities, declaration procedures, and review mechanisms.⁵⁸

The implementation of conflict of interest measures is overseen by the designated human resources official, who acts as the Responsible Authority for Conflict of Interest Prevention in accordance with applicable legislation. This authority monitors the ongoing declaration of private interests by all HJI officials and closely cooperates with the High Inspectorate for the Declaration and Audit of Assets and Conflicts of Interest (HIDAACI).

Functionally, all HJI personnel including inspectors, cabinet staff, and administrative employees are required to comply with conflict of interest rules. In cases of doubt or uncertainty, they must consult the Responsible Authority.

Conflict of interest declarations are reviewed by the direct supervisor in cooperation with the Responsible Authority. For collegial bodies, decisions are made by the remaining members. If a decision cannot be reached, the case is referred to the High Justice Inspector or HIDAACI for evaluation.

The competencies of the Responsible Authority include a broad range of actions such as gathering information on officials' private interests, verifying this information, notifying the official and allowing objections, proposing new regulations or amendments, submitting declarations to HIDAACI (before, during, and after employment), and preparing an annual activity report that includes all cases handled.

⁵⁸ High Justice Inspector. (2021, July 12). Order No. 119, dated 12.07.2021, “*On the approval of the internal regulation on the organization and functioning of the Office of the High Justice Inspector.*” <https://ild.al/wp-content/uploads/2021/09/Urdher-nr.119-date-12.07.2021-per-miratimin-rregullores-se-brendshme.pdf>