

the media judge should have a determining role in deciding the extent of anonymization.¹⁵²

In the annual analysis of the SCCOC work for the year 2022, the issue of anonymizing voluminous court decisions manually is highlighted as a problem. The court emphasizes the necessity of replacing the manual process of anonymizing voluminous court decisions,¹⁵³ through collaboration with the High Judicial Council and the use of other efficient methods with technological means, as well as the development of the ARK IT program, to enable the anonymization of court decisions issued by the SCCOC.¹⁵⁴

3.4 Lack of Digitalization

The use of information technology is considered one of the key elements to improve the administration of justice.¹⁵⁵ According to Opinion No. 14 (2011) of the Consultative Council of European Judges (CCJE), “information technology should be a tool to improve the administration of justice, facilitate users' access to the courts, and strengthen the guarantees provided in Article 6 of the ECHR: access to justice, impartiality, independence of judges, justice, and the reasonable duration of judgments.”¹⁵⁶ The proper use of information technology “is a fundamental element in the functioning of judicial systems and can contribute to the increase of transparency, efficiency, accessibility, and quality of provided services.”¹⁵⁷ According to the data from the CEPEJ, Albania remains one of the countries with the lowest budget allocated for information technology in the judiciary.¹⁵⁸ For the year 2022, only 0.8% of the judiciary's budget was spent on computerization,¹⁵⁹ marking a decline compared to the previous year when the budget spent on this item was 1.6%.¹⁶⁰ Respectively, for the year 2022, Albania spent 25,708,104 Euros on the judiciary, out of which 216,391 Euros from the budget were allocated for computerization (investments in computerization and maintenance of IT equipment for

¹⁵² Idem, pp. 12.

¹⁵³ Special Court of First Instance Against Corruption and Organized Crime, Annual report 2022, pp. 69.

¹⁵⁴ Idem pp. 42.

¹⁵⁵ For more see: Council of Europe, Recommendation (2003) 14 of the Committee of Ministers to the Members States on the Interoperability of Information System in the Justice Sector

¹⁵⁶ Consultative Council of European Judges, Opinion No. 14 (2011), “Justice and information technologies (IT)”. <https://rm.coe.int/168074816b>

¹⁵⁷ Council of Europe, (2022), European judicial system CEPEJ Evaluation Report, Evaluation cycle 2022 (2020 data), pp. 111

¹⁵⁸ Idem, pp. 113

¹⁵⁹ European Commission for the Efficiency of Justice (CEPEJ) (2023), HFIII: Towards a better evaluation of the results of judicial reforms in the Western Balkans – “Dashboard Western Balkans”, Data collection: 2022, Part 2 (A) – Beneficiary profile - Albania, pp. 5

¹⁶⁰ European Commission for the Efficiency of Justice (CEPEJ) (2022), HFIII: Towards a better evaluation of the results of judicial reforms in the Western Balkans – “Dashboard Western Balkans”, Data collection: 2021, Part 2 (A) – Beneficiary profile - Albania, pp. 5

the judiciary).¹⁶¹ While for the year 2021, Albania spent 22,803,909 Euros on the judiciary, out of which 353,544 Euros from the budget were allocated for computerization (investments in computerization and maintenance of IT equipment for the judiciary).¹⁶²

Meanwhile, according to an assessment by the Regional Cooperation Council (RCC) regarding the state of digitization of justice in the Western Balkans, Albania has encountered issues with the use of two parallel Case Management Systems (CMS), namely ARK/IT and ICMIS. Despite the strategic decision of the High Judicial Council to replace them with a new CMS system that includes e-communication, there has been no progress yet.¹⁶³ Furthermore, Albanian courts lack access to tools that would enable secure exchange of digital data among them. As a result, the exchange of documentation between authorities is only achieved through the transfer of physical files.¹⁶⁴

Limited spending on computerization, both for investments in computerization and maintenance of IT equipment for the judiciary, can result in a restricted performance of the system, causing delays in the anonymization and subsequent publication of court decisions.

Meanwhile, the HJC has approved the strategic plan for 2022-2024, where “the lack of useful information technology systems in the courts” is highlighted¹⁶⁵ it identifies as a weakness in the judicial system and has outlined the steps that will be taken to achieve the objectives, including addressing the problem of “outdated and non-functional information technology systems.”¹⁶⁶ In this regard, the maintenance and development of a unified electronic case management system are aimed at, as well as the full functioning of the IT Center in the justice system,¹⁶⁷ which will establish standards and policies for the effective operation of information processing technology and data systems (hardware and software) for the justice system.¹⁶⁸

¹⁶¹ European Commission for the Efficiency of Justice (CEPEJ) (2023), HFIII: Towards a better evaluation of the results of judicial reforms in the Western Balkans – “Dashboard Western Balkans”, Data collection: 2022, Part 2 (A) – Beneficiary profile - Albania, pp. 5

¹⁶² European Commission for the Efficiency of Justice (CEPEJ) (2022), HFIII: Towards a better evaluation of the results of judicial reforms in the Western Balkans – “Dashboard Western Balkans”, Data collection: 2021, Part 2 (A) – Beneficiary profile - Albania, pp. 5

¹⁶³ Regional Cooperation Council, (2022), Mapping the State of Play of Digitalisation of Justice in the Western Balkans, pp.33. <https://www.rcc.int/pubs/135/mapping-the-state-of-play-of-digitalisation-of-justice-in-the-western-balkans>

¹⁶⁴ Idem, pp. 14-15.

¹⁶⁵ High Judicial Council, Strategic plan of the High Judicial Council for the judicial system in the Republic of Albania 2022-2024, pp. 10. https://klgj.al/wp-content/uploads/2022/05/Plani-Strategjik-Final_2022-2024.pdf

¹⁶⁶ Idem, pp. 12.

¹⁶⁷ Idem, pp. 14.

¹⁶⁸ Regional Cooperation Council, (2022), Mapping the State of Play of Digitalisation of Justice in the Western Balkans, Pp.33. <https://www.rcc.int/pubs/135/mapping-the-state-of-play-of-digitalisation-of-justice-in-the-western-balkans>

Addressing issues related to IT in the judicial system will alleviate the problem of manually anonymizing voluminous court decisions by the Supreme Court, thus reducing the time for the publication of court decisions.

3.5 The Workload of Judges

During the year 2020, the Special Court of First Instance Against Corruption and Organized Crime operated with 11 judges out of 16, which is the minimum number required by law.¹⁶⁹ Meanwhile, for the same year, the Special Court of Appeals for Corruption and Organized Crime operated with 6 judges out of 11, which is the allowed minimum number.¹⁷⁰ During the year 2021, the Special Court of First Instance Against Corruption and Organized Crime operated with 45% of its judge positions filled, effectively having 7.16 judges in duty.¹⁷¹ Meanwhile, the Special Court of Appeals for Corruption and Organized Crime experienced a “decrease in the effective number of judges from 5.4 to 4.58, operating with 42% of its judge positions.”¹⁷² For the year 2022, the Special Court of First Instance Against Corruption and Organized Crime operated with 47% of its judge positions filled, effectively having 7.5 judges in duty.¹⁷³ Meanwhile, the Special Court of Appeals for Corruption and Organized Crime operated with 7.91 judges effectively in duty, functioning with 72% of its judge positions filled.¹⁷⁴

On the other hand, in 2022, the Special Court of First Instance Against Corruption and Organized Crime registered 2059 new cases, or 144 fewer cases compared to 2021.¹⁷⁵ According to HJC report, the increase in the effective number of judges for this year also resulted in a decrease in the average workload per judge by 31 cases.¹⁷⁶ However, this has not led to an increase in the number of cases whose final decisions have been published on the court's website.

Vacancies and the high number and complexity of cases have caused understandable delays in the process of justifying court decisions by this court. In a statement to the media, the High Inspector of Justice stated that although delays in delivering reasoned decisions constitute a possible disciplinary violation, for such violations to be considered as such, there must be a lack of care and responsiveness, negligence, or a lack of

¹⁶⁹ High Judicial Council, Report on the progress of the judicial system and the activity of the High Judicial Council for 2020, pp. 62. <https://klgj.al/2021/06/raporti-vjetor-klgj-2020/>

¹⁷⁰ Idem

¹⁷¹ High Judicial Council, Report on the progress of the judicial system and the activity of the High Judicial Council for 2021, pp. 42. <https://klgj.al/2022/04/raporti-vjetor-klgj-2021/>

¹⁷² High Judicial Council, Report on the progress of the judicial system and the activity of the High Judicial Council for 2021, pp. 47-48. <https://klgj.al/2022/04/raporti-vjetor-klgj-2021/>

¹⁷³ High Judicial Council, Report on the progress of the judicial system and the activity of the High Judicial Council for 2022, pp. 65. <https://klgj.al/2023/07/raporti-vjetor-klgj-2021-2/>

¹⁷⁴ Idem, pp. 61.

¹⁷⁵ Idem, pp. 69.

¹⁷⁶ Idem

professional ability, ones that exceed the “reasonable limit.”¹⁷⁷ Furthermore, it is emphasized that to reach a conclusion “whether actions/inactions by magistrates may constitute disciplinary violations, case by case analysis should be conducted.”¹⁷⁸

Meanwhile, the High Inspectorate of Justice has not yet conducted a “case-by-case” inspection regarding delays in the procedure of pronouncing and publishing court decisions for specialized courts for the year 2022.

3.6 Thematic Inspection on Non-Publication of Decisions

The Constitution in Article 147/d stipulates that: “The High Inspector of Justice is responsible for verifying complaints, initiating investigations into violations, and initiating disciplinary proceedings against judges and prosecutors at all levels, members of the High Judicial Council, members of the High Prosecutorial Council, and the Prosecutor General, according to the procedure established by law.”

In support of Article 194, paragraph 4 of Law No. 115/2016 “On the governance institutions of the justice system,” as amended, the High Inspector of Justice is the responsible body for conducting institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecutor's offices, and prosecutorial administration. The High Inspector of Justice may initiate investigations not only based on complaints but also proactively. Furthermore, in the “Strategic Plan and Action Plan for the Office of the High Inspector of Justice 2020-2022,” it is stated: “Increasing transparency and consolidating public trust in the justice system will be achieved through increased professionalism and fulfillment of duties through inspections of courts/prosecutor's offices, as well as creating opportunities for the public to familiarize themselves with the legal framework.”¹⁷⁹

Earlier, one of the findings of the assessment report by the group of high-level experts on the justice system in Albania in 2015 was that “decisions are rendered without justification, only the dispositive of the decision is published, and procedural deadlines for pronouncement are not met.”¹⁸⁰ Although 8 years have passed since this report, the situation remains the same. Decisions are not pronounced in a timely manner, and those that are published on the official website of the courts are, at best, only the dispositive.

¹⁷⁷ <https://ild.al/sq/2023/10/06/perfundon-inspektimi-tematik-ne-dy-gjykata-te-tiranes-per-proceduren-e-shpalljes-dhe-arsyetimit-te-vendimeve-gjyqesore/>

¹⁷⁸ Idem

¹⁷⁹ High Inspector of Justice, “Strategic Plan and Action Plan for the Office of the High Inspector of Justice 2020-2022, pp. 13.

¹⁸⁰ Special Parliamentary Commission for the Judiciary System Reform, High-Level Expert Group, Analysis of the judicial system in Albania, 2015, pp. 80.
https://www.reformanedrejtisi.al/sites/default/files/dokumenti_shqip_0.pdf

In the report “On the work of the office of the High Inspector of Justice” for the period January 1, 2022, to December 31, 2022, it is reported that a disciplinary investigation has begun under Law No. 96/2016, Article 102, paragraph 1, letter e, for “repeated and unjustified delays and dragging of procedural actions and issuance of acts during the exercise of the magistrate's function”¹⁸¹ without specifying the number of magistrates investigated for this point and the status of the investigation. During this period, HIJ conducted two thematic inspections, neither of which was related to the non-publication of decisions on the courts' websites.

Meanwhile, in October 2023, HIJ completed a thematic inspection in two courts in Tirana,¹⁸² “On the procedure for pronouncing and justifying court decisions.” The reason for conducting the inspection, according to the HIJ inspection report, is the “high number of appeals submitted to the office of the High Inspector of Justice in which claims were raised about delays in clarifying court decisions beyond legal deadlines.”¹⁸³ The report emphasizes that to conclude whether a magistrate has taken actions or inactions constituting disciplinary violations, it must first be considered that the courts operate with reduced capacity, and the workload for judges is higher than the European norm.¹⁸⁴

As mentioned above, HIJ has not conducted any thematic inspections regarding delays in justifying court decisions by SCCOC for the year 2022. Although both of the above arguments from HIJ apply to specialized courts as well, delays beyond the “reasonable time” in publishing final decisions are a sufficient indicator to initiate procedures to verify the issue or even initiate disciplinary investigations for the responsible individuals.

3.7 The Responsible Institutions for Monitoring Transparency

As mentioned above, the lack of transparency is evident in the majority of the institutions reviewed in this report. Some of them partially disclose data, while others do not publish any information. However, none of the institutions responsible for governing the justice system has raised the issue of non-publication of data, nor has taken measures to correct and prevent its recurrence.

¹⁸¹ Law No. 96/2016 “On the status of judges and prosecutors in the Republic of Albania”.

¹⁸² HIJ inspected the Court of First Instance of General Jurisdiction Tirana (Civil Chamber) and the Administrative Court of First Instance Tirana, for the period September 1 to December 31, 2022.

¹⁸³ Office of High Inspector of Justice, 29.09.2023, Inspection report, “On the procedure of announcing and justifying the judicial decisions of the Court of First Instance of General Jurisdiction Tirana (Civil Chamber) and the Administrative Court of First Instance Tirana”, pp.3.

<https://ild.al/sq/2023/10/06/perfundon-inspektimi-tematik-ne-dy-gjykata-te-tiranes-per-proceduren-e-shpalljes-dhe-arsyetimit-te-vendimeve-gjyqesore/>

¹⁸⁴ Office of High Inspector of Justice, 29.09.2023, Inspection report, “On the procedure of announcing and justifying the judicial decisions of the Court of First Instance of General Jurisdiction Tirana (Civil Chamber) and the Administrative Court of First Instance Tirana”, pp.9.

<https://ild.al/sq/2023/10/06/perfundon-inspektimi-tematik-ne-dy-gjykata-te-tiranes-per-proceduren-e-shpalljes-dhe-arsyetimit-te-vendimeve-gjyqesore/>

In the Cross-Sector Justice Strategy 2021-2025, one of the performance indicators measuring the strengthening of transparency is the “% of judicial cases for which basic information is available on the internet and updated.”¹⁸⁵ In the 2022 strategy monitoring report, it is emphasized that “for 100% of judicial cases, basic information is available online, updated, and accessible on the virtual platform (www.gjykata.gov.al).”¹⁸⁶ In this way, the target is considered fully achieved.¹⁸⁷ However, when entering the above platform under the menu “Albanian Courts/Special Court of First Instance for Corruption and Organized Crime,” no information is found in any of the sections.

Meanwhile, the High Judicial Council in the annual report for 2022 does not identify the non-publication of decisions by Specialized Courts as a concern. As a result, HIJ has not taken measures to address transparency issues and systematically monitor the implementation of the legal and strategic framework for transparency.

On the other hand, as mentioned above, the High Inspector of Justice has not conducted thematic inspections regarding the non-publication of decisions by specialized courts, nor has it taken any disciplinary or other measures against respective institutions for non-publication of decisions according to the legislation and specified deadlines.

During the annual reporting of the HPC, HJC, and HIJ in the Parliament, the term “transparency” was mentioned only three times. Parliamentary members have been concerned about the non-publication of HJC minutes when it comes to promoting members of the Supreme Court¹⁸⁸, prosecutors, or other promotions in the justice system¹⁸⁹. Moreover, general terms such as “efficiency, accountability, transparency with the public” have been used, but the Parliament has not identified or raised the lack of transparency as a problem during the annual reporting of HPC, HJC, and HIJ, indicating a lack of focus and attention to transparency.

On the other hand, the Commissioner for the Right to Information and Protection of Personal Data, who measures the index of proactive transparency of central dependent institutions, monitors HIJ and SPAK but not specialized courts. Furthermore, none of the indicators in focus for monitoring addresses the publication or non-publication of court decisions. In this context, this institution has not focused on monitoring the effective implementation of transparency in justice institutions.¹⁹⁰

¹⁸⁵ DCM, No. 823, dated 24.12.2021 “On the approval of Cross-Sector Justice Strategy 2021-2025 and its action plan”. https://www.drejtesia.gov.al/wp-content/uploads/2022/01/VKM-Nr.823-dat%C3%AB-24.12.2021-e-bashkuar_compressed.pdf

¹⁸⁶ Ministry of Justice, Cross-Sector Justice Strategy 2021-2025, Monitoring report 2022, pp 58, <https://www.drejtesia.gov.al/wp-content/uploads/2023/05/Raporti-i-Monitorimit-2022.pdf>

¹⁸⁷ Idem

¹⁸⁸ Assembly, Legislature X – Monday’s session. July3, 2023, Tirana, Minutes, pp. 17

¹⁸⁹ Idem

¹⁹⁰ Law no. 119/2014, “On the right to information”

IV: Conclusions and Recommendations

The fight against corruption and organized crime is simultaneously one of the challenges and one of the key priorities for Albania in the process of integration into the European Union. The annual monitoring of the Special Courts and SPAK's performance in the fight against corruption and organized crime aims to provide a comprehensive assessment of the effectiveness of the efforts against corruption and organized crime, as one of the main priorities for the country's preparation and progress in the European Union.

Similar to the two previous reports, the assessment is based on a number of measurable indicators in line with the features and issues related to corruption and organized crime investigated and adjudicated by SPAK and Special Courts for Corruption and Organized Crime. The indicators measure the three main dimensions: (i) productivity, (ii) efficiency, and (iii) relevance, on the basis of which the effectiveness of the response to phenomena of corruption and organized crime in Albania is assessed.

In this context, the report notes the following:

- Cases of investigations into corruption involving high state officials remain at low levels (18 criminal proceedings with 18 defendants during 2020-2022). Also, the conviction decisions for former high-ranking officials remain low (4 conviction decisions with 4 convicted individuals during the year 2022).
- The structure of specialized institutions has noticeable vacancies, and the high number and complexity of cases under consideration result in a decrease in productivity and efficiency, as well as delays in reasoning and publishing judicial decisions.
- Lack of transparency is concerning and evident in the majority of institutions under review. There are deficiencies related to the lack of information, data published on the official websites of the institutions under review, or issues with updating the information. Specifically, the list of cases in trial, as well as those completed by the Special Court of First Instance for Corruption and Organized Crime in 2022, has been updated until July 2022, while there is no information on cases for the subsequent period until the end of 2022. Furthermore, on the official website of the Special Court of First Instance for Corruption and Organized Crime, only annual analyses for 2021 and 2022 are published, but not for 2020. On the other hand, the Special Court of Appeal for Corruption and Organized Crime has not published an annual analysis of its work for 2022. Additionally, the Agency for the Administration of Seized and Confiscated Assets (AASCA) has not published a report for 2022, nor has it updated the comprehensive tables of seized assets for 2021 and 2022. Moreover, there is a lack of harmonization of data among various institutions within the justice system.

- The High Judicial Council has not taken measures to address transparency issues and systematically monitor the implementation of the legal and strategic framework for transparency.
- The High Inspectorate of Justice has not conducted thematic inspections related to the non-publication of decisions by specialized courts, nor has it taken any disciplinary or other measures against respective institutions for not publishing decisions according to the legislation and specified deadlines.
- The Ministry of Justice, as the institution responsible for implementing, monitoring, and evaluating the Cross-Sectoral Justice Strategy 2021-2025, has not taken any steps or measures to address the transparency decline in the last two years.
- Even the Parliament has not identified or raised the lack of transparency as a problem during the annual reporting of the High Prosecutorial Council, the High Judicial Council, and the High Inspector of Justice, indicating a lack of focus and attention to transparency.
- The Right to Information and Data Protection Commissioner has also not exercised the competencies for monitoring the implementation of transparency according to the requirements of the information rights legislation.

Based on these findings, the report recommends:

- Regarding the issue related to deficiencies in the number of judges as defined by law, within the constraints created by this situation, measures should be examined and taken to address the productivity and efficiency in the performance of SPAK and Special Courts.
- Increased efforts should be made for the creation and early functionalization of the data management system to ensure its interaction throughout the justice system according to the CEPEJ methodology, which would enhance the efficiency and transparency of the system.
- The respective authorities must address the problem of harmonizing data between justice institutions to ensure that information is consistent and usable for monitoring corruption and the activities of justice institutions.
- Overall, the approach should be reconsidered, and measures should be taken to improve transparency and the access of citizens and civil society organizations to the decision-making of judicial institutions, as a key mechanism for promoting accountability and increasing trust in the judicial system.

- The High Judicial Council should take measures to address transparency issues and systematically monitor the implementation of the legal and strategic framework for transparency.
- The rigorous implementation of the transparency framework should also be a focal point of attention for the High Inspector of Justice to conduct thematic inspections regarding the reasons and responsibilities for non-publication of decisions by the courts. It should take respective measures to correct the consequences and create conditions to prevent the recurrence of the problem.
- The Ministry of Justice, to the extent allowed by its competencies and responsibilities, and within the framework of implementing the Cross-Sector Justice Strategy 2021-2025, should make efforts related to transparency.
- The Right to Information and Data Protection Commissioner should pay special attention to the implementation of transparency in judicial institutions.
- Address the issues related to information technology in the judicial system, which would alleviate the problem of anonymizing voluminous court decisions carried out manually by the Special Court of First Instance for Corruption and Organized Crime, thus reducing the time for the publication of judicial decisions. This applies to the extent that the issue is related to time and resources.
- The Special Court for Corruption and Organized Crime (First Instance and Appeals), should consider the possibility of prioritizing the publication of decisions related to high-profile corruption cases to increase public trust.
- The Agency for the Administration of Seized and Confiscated Assets (AAPSK) should update and publish its activity reports and comprehensive tables of seized and confiscated assets as soon as possible. This action would allow better tracking of progress and contribute to improving transparency and public accountability on this important issue. Additionally, the approach for developing an effective monitoring and reporting system in this area should be reviewed to ensure that anti-mafia legislation for preventive seizure and confiscation is efficiently applied, and criminal assets are reused to benefit society.
- Considering public expectations and the objective challenges of institutions, awareness campaigns should be undertaken to raise public awareness and participation in addressing problems where the public can contribute.

Bibliography

- Assembly. Legislature X – Monday’s session. July3, 2023. Tirana. Minutes.
- Balkan Investigative Reporting Network. Monitoring the level of transparency of the courts in Albania. Tirana
- Center for the Study of Democracy and Governance. *Albania Security Barometer, National survey*. 2022. <https://csdgalbania.org/albanian-security-barometer-2022/>
- Consultative Council of European Judges (CCJE). Opinion No. 18 (2015). *The position of the judiciary and its relation with the other powers of state in a modern democracy*.
[https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE\(2015\)4&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogge d=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CCJE(2015)4&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogge d=FDC864)
- Consultative Council of European Judges (CCJE). Opinion No. 24 (2021). *Evolution of the Councils for the Judiciary and their role in independent and impartial judicial systems*. <https://rm.coe.int/opinion-no-24-2021-of-the-ccje/1680a47604>
- Consultative Council of European Judges (CCJE). Opinion No. 14 (2011), “Justice and information technologies (IT)”. <https://rm.coe.int/168074816b>
- Council of Europe. (2022). *European judicial system CEPEJ Evaluation Report*. Evaluation cycle 2022 (2020 data).
- Council of Europe. Recommendation (2003) 14 of the Committee of Ministers to Member States on the *Interoperability of Information Systems in the Justice Sector*.
- Council of Europe. *Foster Transparency of Judicial Decisions and Enhancing the National Implementation of the ECHR (TJENI)*.
<https://www.coe.int/en/web/national-implementation/tjeni>
- Council of the European Union. (25 March 2020). 7002/20.
<https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>
- Commissioner Várhelyi's speech at the 580th Plenary Session of the EESC - Debate on the future of civil society in the enlargement process.
https://ec.europa.eu/commission/presscorner/detail/en/speech_23_3827
- DCM. No. 823. Dated 24.12.2021. “*On the approval of Cross-Sector Justice Strategy 2021-2025 and its action plan*”. https://www.drejtesia.gov.al/wp-content/uploads/2022/01/VKM-Nr.823-dat%C3%AB-24.12.2021-e-bashkuar_compressed.pdf

- Dyrmishi, A. Hallunaj, M. Assessment Report “Activity of the Special Prosecutor's Office and Special Courts for Corruption and Organized Crime for the year 2020.” Center for the Study of Democracy and Governance, February 2021: http://csdgalbania.org/sq/ëp-content/uploads/2021/03/Raport-Vleresimi_SPAK-Gjykatat-2020-FINAL-1.pdf
- European Commission. (2023). Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions. https://neighbourhood-enlargement.ec.europa.eu/2023-communication-eu-enlargement-policy_en
- European Commission. (2023). *Screening Report - Albania 2023*. https://neighbourhood-enlargement.ec.europa.eu/screening-report-albania_en
- European Commission. Albania 2022 Report. https://neighbourhood-enlargement.ec.europa.eu/albania-report-2022_en
- European Commission. Albania 2021 Report. https://ec.europa.eu/neighbourhood-enlargement/albaniareport-2021_en
- European Commission. (2020). *Enhancing the accession process – A credible EU perspective for the Western Balkans*. https://neighbourhood-enlargement.ec.europa.eu/enhancing-accession-process-credible-eu-perspective-western-balkans_en
- European Commission for the Efficiency of Justice (CEPEJ). (2023). HFIII: *Towards a better evaluation of the results of judicial reforms in the Western Balkans – “Dashboard Western Balkans”*. Data collection: 2022. Part 2 (A) – Beneficiary profile - Albania.
- European Commission for the Efficiency of Justice (CEPEJ). (2022). HFIII: *Towards a better evaluation of the results of judicial reforms in the Western Balkans – “Dashboard Western Balkans”*. Data collection: 2021. Part 2 (A) – Beneficiary profile – Albania.
- Faafeng, Jo et, al. (2013). *Toward Justice, Analysis of the civil process in the courts of judicial districts*. OSCE.
- France, Guilherme. (2019). *Transparency of court proceedings*. Transparency International Anti-Corruption Helpdesk. <https://knowledgehub.transparency.org/helpdesk/transparency-of-court-proceedings>
- Freedom House. *Freedom in the World 2022*. Albania. <https://freedomhouse.org/country/albania/freedom-world/2022>
- GRECO. Fifth Evaluation Round “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”. <https://rm.coe.int/fifth-evaluation-round-preventingcorruption-and-promoting-integrity-i/1680a0923d>

- Hoxhaj, Andi. (2020). *The EU Anti-Corruption Report. A Reflexive Governance Approach*. Routledge.
- Hoxhaj, Edmond. (2023). *SPAK sets records in delaying high-level corruption investigations*. BIRN. <https://www.reporter.al/2023/03/06/spak-shenon-rekorde-ne-zvarritjen-e-hetimeve-te-korrupsionit-ne-nivel-te-larte/>
- Hoxhaj, Edmond. (2022). *Incomplete investigations: The court returns to SPAK for asset investigation 7 former judges*. BIRN: <https://www.reporter.al/2022/07/07/hetime-te-paplota-gjykata-rikthen-ne-spak-hetimin-pasuror-per-7-ish-gjyqtare/>
- High Judicial Council. Decision no. 590. Dated 26.11.2020. On the approval of “Strategic Communication Plan for the Judicial System”.
- High Judicial Council. Strategic plan of the High Judicial Council for the judicial system in the Republic of Albania 2022-2024. https://klgj.al/wp-content/uploads/2022/05/Plani-Strategjik-Final_2022-2024.pdf
- High Judicial Council. *Report on the progress of the judicial system and the activities of the High Judicial Council for the year 2022*. <https://klgj.al/2023/07/raporti-vjetor-klgj-2021-2/>
- High Judicial Council. *Report on the progress of the judicial system and the activity of the High Judicial Council for 2020*. <https://klgj.al/2021/06/raporti-vjetor-klgj-2020/>
- High Judicial Council. *Report on the progress of the judicial system and the activity of the High Judicial Council for 2021*. <https://klgj.al/2022/04/raporti-vjetor-klgj-2021/>
- High Inspector of Justice. “Strategic Plan and Action Plan for the Office of the High Inspector of Justice 2020-2022”.
- High Inspector of Justice. (2023). Office of High Inspector of Justice. 29.09.2023. Inspection report, “On the procedure of announcing and justifying the judicial decisions of the Court of First Instance of General Jurisdiction Tirana (Civil Chamber) and the Administrative Court of First Instance Tirana”. <https://ild.al/sq/2023/10/06/perfundon-inspektimi-tematik-ne-dy-gjykata-te-tiranes-per-proceduren-e-shpalljes-dhe-arsyetimit-te-vendimeve-gjyqesore/>
- High Prosecutorial Council. Annual Report 2022. <https://klp.al/wp-content/uploads/2023/05/Raporti-Vjetor-2022-2.docx>
- Institute for Democracy and Mediation. Opinion Poll 2022: Trust in Governance, 10th Edition. <https://idmalbania.org/publication-of-the-10th-edition-of-trust-in-governance-annual-public-opinion-poll-in-albania/>
- Institute of Political Studies. (2018). *Justice Reform: 2018, Balance, Problems, Challenges*. <https://isp.com.al/wp-content/uploads/2019/01/REFORMA-NE-DREJTESI-ISP-RAPORT-2018.pdf>

- Instruction No. 15, Dated: 23.12.2021. “On the processing and publication of personal data in the judicial system”
- Law No. 119/2014. “On the right to information”
- Law 95/2016. “On the organization and operation of institutions to fight corruption and organized crime”.
- Law No. 96/2016. “On the status of judges and prosecutors in the Republic of Albania”.
- Ministry of Justice. Cross-Sector Justice Strategy 2021-2025. Monitoring report 2022. <https://www.drejtesia.gov.al/wp-content/uploads/2023/05/Raporti-i-Monitorimit-2022.pdf>
- Order of the Minister of Justice. No.6777/5. Dated: September 30, 2010. On the approval of the regulation “*On the relationship of the court with the public*”. https://www.gjp.gov.al/Programi_i_Transparences/Rregullore/RREGULLORE_P_R_MARR_DH_NIENEGJYKAT_S_ME_PUBLIKUN.html
- Transparency International. Corruption Perception Index 2022. <https://www.transparency.org/en/cpi/2022/index/alb>
- Transparency International. (2007). Enhancing Judicial Transparency. https://images.transparencycdn.org/images/TI_Policy_Position_Judiciary_01.07.pdf
- Roger K. Warren. *The Importance of Judicial Independence and Accountability*. <https://nsc.contentdm.oclc.org/digital/collection/judicial/id/207/>
- Regional Cooperation Council. (2022). *Mapping the State of Play of Digitalisation of Justice in the Western Balkans*. <https://www.rcc.int/pubs/135/mapping-the-state-of-play-of-digitalisation-of-justice-in-the-western-balkans>
- Skrame, Olti. “Public communication with justice and closed institutions. Investigative secrecy and the liability arising from it.” https://admin.magjistratura.edu.al/uploads/Materiali_trajnimi_i_dates_14_06_23_Olti_Skrame_3_a7a1551964.doc
- Special Parliamentary Commission for the Judiciary System Reform. High-Level Expert Group. Analysis of the judicial system in Albania. 2015. https://www.reformanedrejttesi.al/sites/default/files/dokumenti_shqip_0.pdf
- Special Court of First Instance for Corruption and Organized Crime. Annual report 2021. http://www.gjp.gov.al/rc/doc/Analiza_vjetore_2021_SCCOC_4774.pdf
- Special Court of First Instance for Corruption and Organized Crime. (2023), Annual report 2022. http://www.gjp.gov.al/rc/doc/Analiza_Vjetore_e_punes_viti_2022_4814.pdf
- Special Structure Against Corruption and Organized Crime, Annual report 2022. <https://spak.gov.al/raporti-vjetor>

- Special Structure Against Corruption and Organized Crime, Annual report 2021. <https://spak.gov.al/wp-content/uploads/2023/01/Raporti-perfundimtar-SPAK-PDF.pdf>
- Special Structure Against Corruption and Organized Crime, Annual report 2020. <https://spak.gov.al/wp-content/uploads/2023/01/Raporti-2020-perfundimtarr.pdf>
- Smejkalová, Terezie. (2020). Importance of judicial decisions as perceived level of relevance. Utrecht Law Review.
- Sam van der Staak. (2023). A snapshot of democracy in the 2023 enlargement reports. <https://www.idea.int/news/snapshot-democracy-2023-enlargement-reports>
- Shehu, Isuf. (2023). Monitoring report. Fight against corruption and organized crimes. Center Fol.
- United Nations Office on Drugs and Crime. (2011). Resource Guide on Strengthening Judicial Integrity and Capacity.
- Vrumo, Gjergji et al., (2021), Deconstructing State Capture in Albania, An examination of grand corruption cases and tailor-made laws from 2008 to 2020, Transparency International and Institute for Democracy and Mediation

Annex

Annex 1: Number of cases registered, number of completed cases, and number of ongoing cases by the Special Court of First Instance for Corruption and Organized Crime

Article/ Name of the article	2021			2022		
	Registered cases	Completed	Ongoing for 2022	Registered cases	Completed	Ongoing for 2023
78/a; 78/2; 333/a Murder due to blood feud; Pre-meditated murder, Murder committed for interests or revenge	6	1	5	11	3	8
79/a; 79/dh; 333/a Murder of public officials; Murder in other qualifying circumstances - against two or more persons	4	1	3	4	1	3
109/3; 333/a Kidnapping or holding a person hostage under the age of fourteen, preceded or accompanied with physical or psychic tortures, when it is committed against several persons or more than once	1	0	1	1	1	-
134/3; 139; 140; 333/a Theft; Robbery; Armed robbery	6	3	3	4	2	2
186/2; 186/1; 189/2; 190, 312, 333/a Use of falsified documents; Falsification of Documents; Use of falsified identity documents, passports or visas	3	2	1	5	4	1
244 Active corruption of persons exercising public functions	17	16	1	4	1	3

245/1/2 Exercising unlawful influence on public officials	10	9	1	10	9	1
248 Abuse of office	6	6	0	9	9	
258 Breaching the equality of participants in public bids or auctions	6	2	4	10	5	5
259 Passive corruption by persons that exercise public functions	23	19	4	13	4	9
283/a/2; 333/a Trafficking of narcotics, in complicity, or more than once	7	4	3	16	12	4
283/a/1; 333 Trafficking of narcotics	14	10	4	-	-	-
283 Production and sale of narcotics	1	1	-	-	-	-
284/1; 333/a Cultivation of narcotic plants	2	1	1	3	-	3
287/a Opening of the anonymous accounts	1	1	0	2	-	2
298/1; 333/a Assistance for illegal crossing of borders. Sheltering, accompanying, putting at the disposition or use of means with the purpose of assisting in the illegal crossing of the borders	1	0	1	5	2	3
289/3; 289/2 Assistance for illegal crossing of borders in collaboration or more than once or has brought serious consequences, Assistance for illegal crossing of borders given for purposes of profit	5	3	2	-	-	-

319/ç Active corruption of judges, prosecutors and other justice officials	2	1	1	2	2	-
319 Active corruption of judges, prosecutors and other justice officials	1	0	1	3	2	1
333/a/1 The establishment, the organization or the leading of a structured criminal group	2	1	1	1	-	1
119/1 Insulting	2	1	1	2	-	2
120/1; 120/2 Libel, Libel committed in public, to the detriment of several persons, or more than once	24	14	10	24	18	6
257/a/2 Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees,	1	1	0	4	-	4
328/1 Offering or giving money or material goods, making promises	3	1	2	5	2	3
230 Acts of terrorist intention	1	1	0	1	1	-
Total	149	99	50	139	78	61

Source: Special Court of First Instance for Corruption and Organized Crime, Annual Work Analysis 2021, Annual Work Analysis 2022.

Annex 2: Number of criminal proceedings related to criminal offenses of corruption

Criminal offense	2020						2021						2022					
	Trial	Dismissed	Suspended	Transferred	Under investigation	Total	Trial	Dismissed	Suspended	Transferred	Under investigation	Total	Trial	Dismissed	Suspended	Transferred	Under investigation	Total
Article 244 Active corruption of persons exercising public functions	25		1	1	3	30	4		3	1	4	12				1	1	2
Article 244/1 Active corruption of persons exercising public functions									1	1		2						
Article 244/2 Active Corruption of Foreign Public Official													2				1	3
Article 245 Active corruption of the high state officials and local elected representatives					1	1											3	3
Article 245/1 Exercising unlawful influence on public officials				3	12	15	2	1		4	13	20	1			3	16	20

Article 245/1/1 Exercising unlawful influence on public officials	1					1												
Article 245/1/2 Exercising unlawful influence on public officials	6		2			8	4				2	6	7	2			1	10
Article 245/1/4 Exercising unlawful influence on public officials																	4	4
Article 248 Abuse of office							7	3		3	77	90	1	3		22	60	86
Article 257/a Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration.														1		4	5	10
Article 257/a Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration.													6	1			4	11

Article 258 Breaching the equality of participants in public bids or auctions													6	5		11	70	92
Article 258/1 Breaching the equality of participants in public bids or auctions							1					1						
Article 258/2 Breaching the equality of participants in public bids or auctions											1	1					3	3
Article 259 Passive corruption by persons that exercise public functions	16	8		14	60	98	6	3	3	11	60	83	5	4	1	9	59	78
Article 259/1 Passive corruption by persons that exercise public functions							4			3		7	2					2
Article 259/2 Passive corruption by persons that exercise public functions											3	3	5		1	3	5	14
Article 260 Passive corruption by high state officials or local elected officials				3	9	12				4	7	11	2	1		1	4	8
Article 312 Active corruption of the witness, expert or interpreter				1		1		1				1	1				1	2

Article 319 Active corruption of judges, prosecutors and other justice officials		1			4	5				1	9	10					7	7
Article 319/ç Passive corruption of the judges, prosecutors and other justice officials	2	13	1	6	45	67	3	8	1	3	38	53	2	10		3	29	44
Article 328 Active corruption in elections							2	7		7	19	35	3	3	3	2	11	22
Article 328/b Passive corruption in elections								1	1			2					1	1
Total proceedings for criminal offenses related to corruption	50	22	4	28	134	238	33	24	9	38	235	339	43	30	5	59	285	422

Source: The Special Structure against Corruption and Organized Crime. Annual report 2020, Annual report 2021, Annual report 2022

			<ul style="list-style-type: none"> ● ensure that criminal proceedings are consistently and systematically initiated against judges and prosecutors accused of criminal conduct during the re-evaluation process; ● effectively address the recommendations of GRECO and implement the related action plan within the given timeframe. 			
2020 ¹⁹³	Some level of preparation	Good progress	<ul style="list-style-type: none"> ● keep strengthening the fight against corruption; further progress towards establishing a solid track record of corruption cases, seizure and confiscation/recovery of criminal assets resulting from corruption-related offences; further increase the use of financial investigations; 	Some level of preparation	Good progress	<ul style="list-style-type: none"> ● keep strengthening the fight against organised crime, including through cooperation with EU Member States, as well as Europol; ● adopt a new strategy and action plan on drugs, fill-in the legislative gap on drug precursors, and intensify the fight against drug trafficking;

¹⁹³ European Commission, (2020), Albanian 2020 Report, pp. 23-24, 38-39.

