

## **Report on the implementation of the three remaining benchmarks of the roadmap for visa liberalisation**

**25 June 2010**

### ***1. Development of a strategy and policy to support the reintegration of Albanian returnees (Block 2):***

The Strategy and relevant Action Plan on the reintegration of Albanian returnees (2010 – 2015) has been adopted by the Council of Ministers with Decision No. 461, on 9 June 2010. The texts of these documents are attached.

### ***2. Strengthening capacities in the area of law enforcement and effective implementation of the legal framework for the fight against organized crime and corruption, including through allocation of adequate human and financial resources (Block 3):***

- Reporting on effective implementation of the Action Plan and legal framework for the fight against organized crime.

In the framework of the implementation of the Inter-sectoral Strategy against Organised Crime, Trafficking and Terrorism and its Action Plan, there have been organised four meetings of the Inter-institutional Technical Secretariat with the participation of secretariat member institutions, from:

- General Directorate of Money Laundering Prevention;
- Agency of Administration of Seized and Confiscated Assets;
- Serious Crimes' Prosecutor's Office;
- Sector for the Investigation of Criminal Assets at the Crime Investigation Department, State Police;
- Directorate against Organised Crime at SIS (State Intelligence Service);
- Army Intelligence Service;
- Directorate of Jurisdictional Relations, Ministry of Justice;

These meetings focused on the analysis regarding fulfilment of inter-institutional duties related to the implementation of tasks set in the action plan for the inter-institutional coordination, interaction and cooperation against organised crime, illegal trafficking and terrorism.

The Regulation "On the Functioning of the Inter-institutional Committee for Measures against Organised Crime, Trafficking and Terrorism" was approved by the Decision No. 1 dated 05.02.2010 of the Inter-institutional Committee for Measures against Organised Crime, Trafficking and Terrorism.

Article 6 of this regulation defines the functioning of the Inter-institutional Committee and its composition.

In implementation of Article 6, point 1, 2 and 3 of this Regulation, this Secretariat has held four meetings.

The meeting on 1 March 2010 was attended by all members of the Secretariat and discussions focused on the progress of the activity of the Technical Secretariat, on obligations of each institution with regard to the implementation of the “Antimafia” Law No. 10192 dated 03.12.2009 “On the Prevention and Suppression of Organised Crime and Trafficking through preventative measures against assets”.

The Secretariat decided to hold periodic meetings and determined the issues to be discussed during those meetings; in this respect the Prime Minister, in the capacity of the Chairman of the Inter-institutional Committee, has been regularly informed on the progress of these meetings.

The three other meetings took place on 8 April 2010, on 19 May 2010 and on 22 June 2010. The third meeting of the Secretariat dealt with the preparation of the necessary documentation for calling the First Meeting of the Inter-institutional Committee for Measures against Organised crime, Trafficking and Terrorism” chaired by the Prime Minister.

The Meeting of the Inter-institutional Committee for Measures against Organised crime, Trafficking and Terrorism took place on 1 June 2010, chaired by the Prime Minister, Mr. Sali BERISHA and attended by the Committee members: Mr. Lulzim BASHA, Minister of Interior, Mr. Ridvan BODE, Minister of Finance, Mr. Ilir META , Minister of Foreign Affairs, Mr. Arben IMAMI, Minister of Defence, Mr. Bujar NISHANI, Minister of Justice, Mr. Bahri SHAQIRI, Director of State Intelligence Service and Mrs. Ina RAMA, General Prosecutor. Other participants in the meeting were the members of the Technical Secretariat and representatives of other law enforcement agencies.

The Committee analysed the work conducted so far by the institutions, with regard to the fulfilment of their obligations, as foreseen in the Inter-institutional Action Plan for the Fight against Organised Crime, Trafficking and Terrorism. Furthermore, the Committee set tasks for the future and decided to increase the capacities by allocating human resources which are directly involved in the fight against organised crime, trafficking and terrorism, as well as budgetary allocation for the needs of these important institutions.

The draft-law on amendments to the law “On organization and functioning of the judicial police has been adopted by the Government, and sent to the Parliament for adoption.

The new amendments clearly define the roles and duties of judicial police and also strengthen the role of the prosecutor related to the disciplinary proceeding against judicial police officers.

**Article 9** of the draft amendments adds a new article 8/a which in the framework of an **effective communication and interaction defines the roles and duties of the judicial**

**police and of the prosecutor when they perform their procedural activities, depending on the fact of presenting the announcement for the criminal act.**

**Article 17** adds the new article 13/a, which **defines the field for the implementation of duties and disciplinary proceeding**. According to this article, the rules of disciplinary proceeding toward the police employees during their duty as judicial police employees have priorities and are implemented despite the normative regulations that are into force. This constitutes **a legal guarantee for the judicial police employees**, because violations and disciplinary proceeding are defined by law, despite the other regulations that exist in this field (violations and manner of disciplinary proceeding of the state police employees is defined by decision of the Council of Ministers). On the other hand, the summary of rules in a sole law orientates better these employees of law enforcement.

**Article 19** adds article 14/a foreseeing **the different types of disciplinary** violations for judicial police employees. The actual law does not define concretely which actions are considered as violations. In the draft law proposed, depending on the scale of the violation committed they are divided in three categories: light, serious and very serious.

**Article 20** substitutes article 15, which foresees the disciplinary proceeding for the judicial police employee. This article defines **the authorities that have the right to start the disciplinary proceeding, the rights of the judicial police employee during the development of judicial proceeding as well as the competent structure that will examine and take the decision for the violation attributed to it.**

**Article 21** foresees to add two new articles and more precisely the articles 15/a and 15/b. The new article 15/a defines the different **types of disciplinary measures for the judicial police employees**, that are given according to the scale and in relation with the disciplinary violation committed. While article 15/b foresees the right of the judicial police employee in order to appeal in the court.

For more details on the draft-law, please refer to Annex 1.

The Directorate of the Special Operational Force has been established in the Department against Organised Crime and Serious Crime at the State Police, which gathers all the special operational forces and technical support structures of special operations, in streamlined technical and operational roles and duties.

The aim of the restructuring of this important component is the improved management of the special operations services as very important and efficient part of the anti-organised and serious crimes structures.

■ *Strengthening the administrative and investigative capacities of the law enforcement authorities. Amongst other measures, the following should be considered:*

- *Providing specialized training aimed at enabling the development of more proactive investigative means and intelligence-led investigations (e.g. case*

*management, handling of international cases, identification of victims of trafficking)*

During this period, the **anti-drug** personnel participated in the following training activities:

| No | Course Title  | Duration      | Venue                                       | Participants from anti-drug structures | Donors ( if any) or in cooperation with |
|----|---|---------------|---|--|---|
| 1  | Training on the use of fire arms  | 05-07.05.2010 | Police Training Center, Tirana              | 10                                     | 2010 Training Plan                      |
| 2  | Communication with the Public and the Media   | 07.05.2010    | Police Training Center, Tirana              | 1                                      | 2010 Training Plan                      |
| 3  | Seminar on implementation of Police Cooperation Convention (Vienna Convention)  | 10-12.05.2010 | General Directorate of Strate Police (GDSP) | 1                                      | TAIEX                                   |
| 4  | Knowledge on Drugs, main areas of production, international routes of trafficking and their training from the moment of their seizure to their destruction. | 27.05.2010    | Police Training Center, Tirana              | Joint training                         | State Police + Prosecutor's Office      |
| 5  | Activities and cooperation of SECI Center with member countries.  | 9-10.06.2010  | GDSP  | 1                                      | SECI Center                             |
| 6  | Application of special investigative methods as well as initiation of   | 14.06.2010    | Police Training Center, Tirana              | 10                                     | State Police + Prosecutor's Office      |

|   |  |               |                                |   |      |
|---|--|---------------|--------------------------------|---|------|
|   | investigations based on the analysis of criminal intelligence. |               |                                |   |      |
| 7 | Investigation of Criminal Assets                               | 15.06.2010    | Police Training Center, Tirana | 5 |      |
| 8 | Standard training Course "intelligence led policing"           | 14-18.06.2010 | Croatia                        | 2 | OCTN |

In the context of capacity strengthening of the counter trafficking structures involved in the fight against **trafficking of human beings** and identification of victims of trafficking, three training courses were jointly conducted with the Serious Crimes' Prosecutor's Office with the participation of 60 police officers from the anti-trafficking, border police, crime prevention and domestic violence structures.

The personnel of **anti-corruption** structures participated in the following training courses:

On 6-7.05.2010, OPDAT organised a round-table for the regional joint investigative units on "How can corruption be better criminally prosecuted in Albania". The meeting was attended by 23 state police judicial officers who are attached to these units.

On 17-19.05.2010 and on 24-26.05.2010, the Police Training Centre conducted a course on "Use of Criminal Information management System- MEMEX" attended by 4 officers of the Anti-corruption Sector.

On 04.06.2010, a course on "Corruption of judges, prosecutors and other functionaries of the justice system" was conducted at the Police Training Centre with the participation of 18 specialists of the Anti-corruption Sections of Regional Police Directorates.

On 07-11.06.2010, 3 financial crime investigation officers participated in the training seminar on "Investigation of Corruption in the Public Administration", organised by the Ministry of Interior of Macedonia in cooperation with FBI of US Government.

On 09.06.2010, a training course on "Passive Corruption of persons exercising public functions" was conducted at the Police Training Centre with the participation of 15 officers of the first and middle supervision level from the Regional Police Directorates.

On 07 May 2010, 1 (one) police officer of the Financial Crime Directorate participated in the course on "Ways of dealing and behaving with the media" organised in the Police Training Centre.

The personnel of the structures against **cybercrime** have participated in the following training activities:

On 11-13 May 2010, OPDAT office of the US Embassy and the School of Magistrates organised the course on “Computer Crime” with the participation of 15 police officers of the financial crime investigation structures (judicial police officers of the Task Forces, respectively 5 police officers from the central level and 10 officers from the local level.

On 17-19 May 2010, 1 (one) police officer participated on the course on “Use of Criminal Information Management System- MEMEX”.

On 31.05.2010 – 04.06.2010 15 police officers were trained at the Police Academy of the Republic of Turkey in Ankara on “Fight against Computer Crimes”.

From 7- 25 June 2010 training is ongoing for 7 police officers (out of whom 3 officers from the financial crime investigation structures) on “Computer and Electronic Investigation”, organised by OPDAT and ICITAP, which is being conducted at the Police Forensic Institute.

- *Strengthening human resources in relevant police structures, in particular in the units dealing with human beings and drugs trafficking.*

The Directorate against Organised and Serious Crime was strengthened with 47 new functions, out of a total of 93 functions added in the State Police. The addition of these functions goes to strengthening the investigative and technical capacities in order to fulfil the mission and responsibilities of this Directorate.

More precisely, **10 functions** have been allocated (or an increase by 6%) to the central structures, respectively:

- **2 (two)** functions (or an increase by 29%) for specialists in the Anti-Trafficking Sector (for the trafficking of human beings);
- **2 (two)** functions (or an increase by 66%) for specialists in the Sector against Computer Crime.
- **3 (three)** functions (or an increase by 7%) for specialists in the Forensic Police;
- **1 (one)** function for specialist in the Sector against Drugs, **1 (one)** in the sector Special Force and **1 (one)** in the Witness Protection Directorate.

Also, **23 new functions** have been allocated to the local police structures against narcotics and illegal trafficking in the regions, and more precisely:

- **10 (ten)** functions for specialists in the local structures against narcotics (in the Regional Police Directorates of Durrës, Shkodër, Elbasan, Fier, Korçë, Kukës, Dibër, Gjirokastrë and Berat), whereby the total numbers goes to 106 (an increase by 10%), and to 119 for the whole structure against narcotics in the centre and in the field (against 108 previous functions).

- **13 (thirteen)** functions for specialists in the local structures against Trafficking, mainly in those involved in the fight against trafficking of human beings (in the RPD of Durrës, Shkodër, Lezhë, Vlorë, Korçë, Kukës, Dibër and Gjirokastrë). The total number of these functions in the local structures goes to 79 (increased by 17%), and to 88 for all central and local structures (against 75 functions prior to this re-organisation).

Aiming at the enhancement of the **international police cooperation in the fight against organised crime**, in implementation of the EU funded project for the establishment of ILECU (Law Enforcement Coordination Units), the Directorate for International Cooperation and Coordination has been established in the general Directorate of Albanian State Police, thus establishing direct contact with other law enforcement agencies. The Directorate will contribute to the strengthening of the police cooperation in the frame work of international investigations. The establishment of the Directorate will be the subject of the Conference for the opening of Albanian ILECU (the first one in the region), where Austrian Federal Minister of Interior participated.

- o *Continuation of efforts to develop and efficiently use the MEMEX criminal information system as a tool for intelligence-led policing, including continued training provided to its users and efforts to extend access to the system*

With regard to further development of the MEMEX system, 30 million AL Lek (around 217 000 EUR) have been allocated from the state budget, and a procurement process is underway for purchasing servers with updated characteristics, suitable to the new version (Patriarch), licences and training of administrators.

- o *providing joint training to the prosecution and the police*

In implementation of the joint Order of the Minister of Interior and of the General Prosecutor on the development of joint training and of the approved training plan, the following joint training courses took place during the reporting period:

1. Corruption of judges, prosecutors and justice functionaries, on 04.06.2010, at the Police Training Centre, with the participation of State Police officers (from crime investigation structures), and Prosecutor's Office.
2. Application of special investigative methods and initiation of investigations based on the analysis of criminal intelligence, on 14. 06.2010, at the police training centre, with the participation of State Police officers (from crime investigation, central and local border police structures), and of customs administration and prosecutor's office representatives.
3. Trafficking of human beings and identification of victims of trafficking, on 26. 05.2010, in Lezha, with the participation of State Police Officers (from the crime

investigation and border central and local structures) and from the Prosecutor's Office.

4. Trafficking of human beings and identification of victims of trafficking, on 27. 05.2010, in Tirana with the participation of State Police officers (from the crime investigation and border central and local structures) and from the Prosecutor's Office.
5. Trafficking of human beings and identification of victims of trafficking, on 01 June 2010 in Vlora, with the participation of State Police officers (from the crime investigation and border central and local structures) and from the Prosecutor's Office.
6. Knowledge on drugs, main areas of production, international routes of trafficking and the training from the moment of their seizure to their destruction, on 27. 05. 2010, at the Police Training Centre with the participation of State Police officers (from crime investigation, central and local crime investigation structures), and of customs administration and prosecutor's office representatives.
7. Passive corruption of persons exercising public functions, on 09. 06. 2010, at the Police Training Centre, with the participation of State Police officers (from crime investigation structures) and Prosecutor's Office representatives.
8. Investigation of criminal assets, on 14 and 15 06. 2010 at the Police Training Centre with the participation of State Police officers ( from crime investigation structures) and representatives of customs administration, tax administration and Agency for the Administration of Seized and Confiscated Assets.

**138** employees of law enforcement agencies benefited from the above-mentioned courses. Meanwhile, other joint training courses are planned for the coming months.

Article 16 of the draft law on amendment to the law on judicial police adds a new Chapter after Chapter III and more concretely Chapter III/1 with the articles 12/b and 12/c. Through this articles it is addressed the case of on going compulsory training of the judicial police officers and agents and as well as of the assessment of individual results.

- *implementing the Order of 25 January 2010 of General Director of State Police regarding the coordination of work between central and local structures for the fight against trafficking in human beings*

Meetings have regularly taken place in the General Police Directorate between the central and local structures against illegal trafficking (heads of sector against organised crime and heads of section against illicit trafficking) and NGO-s partners of National Referral Mechanism, where it was reported to the National Coordinator for the Fight against Human Beings Trafficking and to the Deputy General Director for Crime Investigation.



The meeting is periodical following the duties provided by the Order No. 69 on 25.01.2010 of the General Director of State Police "For the work coordination between the central and local structures in the fight against human beings trafficking and identification of victims of trafficking". The meeting takes place on monthly basis. The next meeting will take place at the end of June.

■ *Reporting on the continued implementation of the 2010 Action Plan and the legal framework for the fight against corruption.*

The Crosscutting Strategy for the Prevention and Fight against Corruption and Transparent Governance 2008-2013 (Anti-corruption Strategy), which was approved by DCM 1561 of 3.10.2008, is being implemented through annual Integrated Plans (the consolidated 2009 and 2010 Action Plans ) and through monitoring of these plans in two ways:

1. Periodic meetings (every 2 months or 6 times a year) which could be at technical level (with the participation of Directors or relevant specialists of the Technical Inter-ministerial Group) or at political level (with the participation of deputy ministers of all line ministries who are members of Inter-ministerial Working Group), with the assistance of the Technical Secretariat and the Advisory Group (upon the request of IWG);

In this context the IWG has intensified its efforts and has already meet 4 times during 2010 in order to discuss different important issues concerning the implementation of the Strategy, the drafting of annual action plan, the reporting of the year 2009 etc. (meetings: 22<sup>nd</sup> of January 2010; 8<sup>th</sup> of March 2010; 29<sup>th</sup> of March 2010; 8<sup>th</sup> of June 2010).

2. Reporting by each ministry (electronic or hard copy) are quarterly, every 6 months or annual. Problems identified in the reports on 2009 Action Plan are being addressed with these measures:

- Improve reporting methodology of reporting institutions (line ministries);
- Enhance the mechanism of annual plans in implementation of Anti-corruption Strategy;
- Train Technical Working Group members which assists the Inter-ministerial Working Group (IWG) in order to improve their reporting skills;
- Ensure expertise from CoE experts with the support and coordination of IWG Secretariat (DIACA).

To implement these measures, the IPA Project against Corruption in Albania with a budget of 2.130.000 EUR began in December 2009. This Project's purpose is to support Albania in strengthening corruption measures under the Anti-Corruption Strategy and

assist in the implementation of recommendations of GRECO and MONEYAL. Under this project, the following developments are reported:

- The 2009 Annual Report is drafted and it was adopted during IWG meeting the 8th of May 2010.
- The new 2010 Action Plan has been prepared by the Secretariat with the assistance of experts from the Council of Europe and has been adopted by the IWG the 8th of March 2010; For more information about the implementation of the Action plan 2010 please refer to annex 2);
- On 25 January 2010, a training activity was organised with the participation of line ministries. It focused on drafting techniques and reporting of action plans;
- A Practical guide was distributed to the Technical Working Group member. It provides clear explanation of strategic objectives, measures, monitoring measures and rules, and on tool of accurate and clear reporting, and now the line ministries are using it as a working document;

The Technical Working Groups that assists IWG (composed by representatives of each line ministry) has meet with IWG Secretariat (DIACA) and experts from the Council of Europe in order to discuss on and revise draft 2010 action plans developed by them.

**Overall, 18 individual meetings** have been organized (during 9-24 February 2010) and direct expertise has been offered to line ministries to improve these drafts through the new methodology for action-plan drafting.

**The changes were both in structure and organisation of the content – clearer definition of objectives, measures, responsible institutions/units, timelines and indicators of fulfilment, but also in content.** For example: (i) on the advice of PACA and DIACA anti-corruption measures for the State Police were divided clearly into measures to improve the effectiveness of criminal investigations on the one hand, and to prevent/tackle corruption within the State Police itself; (ii) The General Department of Taxation (Ministry of Finance) reduced the number of objectives in its draft Action Plan from 50 to 4, while elaborating each objectives with a number of concrete measures; in addition, on the express suggestion of PACA, the objective of revising the legal framework to reduce the incentives for tax fraud was added

**The training session has continued with line ministries representatives (Technical Inter-ministerial Working Group) during 16-17 of June 2010.** The main topic of this training: The 2010 Action Plan: problems and solutions. Formulating Action Plans through Institutional Risk Analysis: Sample Questionnaire.

Moreover, a reporting templated has been prepared by the experts aiming to facilitate the reporting proces and to enhance its clarity and quality, as shown:

Reporting template for the line ministries for the annual report 2011.

| <b>OBJECTIVE 1: [TITLE]</b> |                              |                              |                      |   |
|-----------------------------|------------------------------|------------------------------|----------------------|---|
| <b>MEASURES</b>             | <b>IMPLEMENTATION PERIOD</b> | <b>MONITORING INDICATORS</b> | <b>ACTIONS TAKEN</b> | <b>IMPLEMENTATION (FULL/PARTIAL/NONE)</b> |
| 1.1 [TITLE]                 | [FROM – TO/DEADLINE]         |                              |                      |   |
| 1.2 [TITLE]                 |                              |                              |                      |   |
| ....                        |                              |                              |                      |   |

The Anti-corruption Strategy was on-line after its publication at the official gazette and in order to improve the transparency and visibility even the Integrated Action Plan 2010 is on-line since its adoption and it can be found at the following link: The Anti-corruption Strategy can be found on the Council of Ministers website/ Department of Strategy and Donor Coordination- in English at:

[http://www.dsdc.gov.al/dsdc/pub/crosscutting\\_strategy\\_for\\_prevention\\_fight\\_on\\_corruption\\_and\\_transparent\\_final\\_engl\\_11dec08\\_181\\_1.pdf](http://www.dsdc.gov.al/dsdc/pub/crosscutting_strategy_for_prevention_fight_on_corruption_and_transparent_final_engl_11dec08_181_1.pdf);

and in Albanian at:

[http://www.dsdc.gov.al/dsdc/pub/strategji\\_2008\\_diaca\\_473\\_1.pdf](http://www.dsdc.gov.al/dsdc/pub/strategji_2008_diaca_473_1.pdf)

During April the 2010 Anti-corruption Action Plan was placed on the Council of Ministers website - in English at:

[http://www.dsdc.gov.al/dsdc/pub/pl\\_vep\\_20101\\_en\\_2\\_517\\_1.pdf](http://www.dsdc.gov.al/dsdc/pub/pl_vep_20101_en_2_517_1.pdf)

and downloadable in Albanian at:

[http://www.dsdc.gov.al/dsdc/pub/pl\\_vep\\_2010\\_2\\_518\\_1.pdf](http://www.dsdc.gov.al/dsdc/pub/pl_vep_2010_2_518_1.pdf)

In order to increase the visibility and raise awareness about the Anticorruption strategy, several steps have been undertaken:

- 250 copies of the Anticorruption Strategy (in English and Albanian) have been printed by the Department of Strategy and Donor Coordination, which have been disseminated in different activities. i.e. Transparency International Europe and central Asia Annual Regional meeting, meetings with line ministries etc.
- Training of local government officials on Ethics and Anticorruption (Presentation/introduction of the Anticorruption Strategy, implementation of the laws on Rules of Ethics in Public Administration, on the Prevention of Conflicts of Interest in the Exercise of Public Functions). Five trainings were provided to local government officials: in Elbasan (6-7 April), Dures (8-9 April), Shkoder (12-13 April), Fier (15-16 April) and Korca (20-21 April). More than 90 local government mid and senior level officials were trained during this activity.

It is important to mention that the budget allocated for the year 2010 is approximately 110.000.000 EUR. This amount was allocated to ministries and their dependant bodies from the State budget and Albanian or foreign donors in the framework of various cooperation projects. These donors include EC, USAID, WHO, US Government, Swiss Government, German Government, etc.

**Structures involved in the fight against corruption**, which are extended at political, inter-institutional and operational level have been fully committed to accomplishing their tasks. These structures took measures to strengthen their capacity and foster cooperation with other structures.

After the signature of a MOU between Department for Internal Administrative Control and Anti-Corruption (DIACA) High Inspectorate for the Declaration and Audit of Assets (HIDAA) the 17th of June 2010, DIACA is close to finalising two other Memoranda of Understanding with: **Prosecutor General's Office** and the **State Advocate**, with the scope of coordinating efforts against corruption in:

- (i) administrative inspections; and
- (ii) exchange of experience through joint training and round tables.

In the context of regional cooperation, a Memorandum of Understanding in Cooperation with the *Directorate for Anti-Corruption Initiative in Montenegro* was foreseen in DIACA's working plan and was signed the 4th of May 2010. The Regional Anti-corruption Initiative (RAI) was the facilitator of this agreement.

During May 2010, DIACA has drafted and is publishing an explicatory leaflet (in Albanian and English) in order to inform different partners, institutions and citizens about its competencies, functions and its results.

During 2008-2009: DIACA has conducted 151 controls and inspections. During the first 5 months of **2010 DIACA has treated approximately 150 lodge complaints. 25 of them based on Control acts, and the rest based on authorisations or verifications on site visits (field)**.

In October 2009, the Parliament of the Republic of Albania adopted upon Law No. 10170 of 22 October 2009, a number of amendments to Law No. 9643 of 20 November 2006 "On public procurement", as amended", based on which an independent institution has been established to review suppliers' complaints (on the concessions and public procurement field). Meanwhile all sublegal acts have been adopted by Decision of Council of Ministers and the **Commision of Public Procument** (in total the CPP is composed by 18 persons where: 5 commisioners; 6 inspectors, 6 supporting staff and 1 secretary) has become operational since 10th of March 2010. This law also prescribes in a detailed manner the framework agreements and utility sectors (water, power, transport and post services). The independent complaints review institution, which, according to

the law, will be the Public Procurement Commission, is a collegial body and it depends on the Council of Ministers.

### **Implementation of the outstanding GRECO recommendations and Council of Europe Conventions.**

Following the analysis and recommendations contained in the Third Round Report of GRECO Evaluation, (concerning the Theme of Incriminations, where GRECO addressed 5 recommendations to Albania) the necessary legal interventions pertaining to the provision for the new criminal offences in the Criminal Code of Republic of Albania have been identified, whereby more specifically:

- raising the maximal limit for sentences in connection with corruption offences in private sector, to the effect of curbing the difference existing between the extent of sentence in this sector and extent of sentence for corruption in public sector;
- addenda have been identified to the Criminal Code, providing for new corruptive criminal offences, such as:
  - a. Active and passive corruption of foreign and public employees, employees in an international public organization, members of international parliamentary assemblies;
  - b. Active and passive corruption of judges and officials of international courts.

The Ministry of Justice, as the responsible body for drafting the amendments of the Albanian Codes, has submitted in April 2010 the draft-law on amendments of the Criminal Code for opinion to different ministries and institutions. PACA / DIACA experts have also submitted their opinion and comment to the Ministry of Justice at early June 2010. This process is expected to be finalised very soon.

Another area where GRECO has made its recommendations relates with the **"Transparency of party funding"** (GRECO addressed 7 recommendations to Albania).

Concerning the implementation of 2-3 recommendations, Central Electoral Commission (CEC), which is the responsible body for ensuring proper elections, acts pursuant to the Law No 10019 of 29.12.2009 "On the Electoral Code of the Republic of Albania". CEC, under Articles 89, 90 and 91 of the Electoral Code, defined the regulations for funding of electoral subjects with non-public funds and their registration. In line with its scope of activity and jurisdiction, CEC has issued a number of instructions and decisions to regulate and control the funding of political parties during the election campaigns. Chapter II "Funding of Electoral Subjects" of the Electoral Code provides requirements for funding of electoral subjects with public and non-public funds, and stipulates that CEC is responsible for the audit of funds and expenditure only for the duration of the electoral campaign. Articles 91 and 92 of the Electoral Code lay down modalities for audit of funds and expenditure of the electoral campaign, through certified public accountants. Upon announcement of the official result of elections, CEC appointed by lot

27 certified public accountants. CEC made the relevant verifications to the audit reports of electoral subjects presented by the certified public accountants and published these reports in its website and electoral bulletins.

Breach of rules defined in Chapter II "Funding of Electoral Subjects" by electoral subjects or donors, unless it constitutes a criminal offense, is considered an administrative contravention and is punishable by fine as provided for in Chapter XIII of the Electoral Code. CEC is examining the contraventions identified in the audit reports, and will decide on adequate sanctions related to electoral funding.

IPA project in the Fight Against corruption is also assisting Albanian authorities in order to implement GRECO recommendations in this field. PACA is providing expertise in developing draft amendments to the Law on Political Subjects aiming to set standards regarding party funding outside the duration of the electoral campaign;

The project includes legal input from an Albanian and an international expert as well as the organisation of different workshops and round tables. During April-May 2010 2 main activities have taken place:

- On 19<sup>th</sup> April 2010 PACA held a Roundtable on Reforming Political Party Financing in Albania, in order to discuss the recommendations of GRECO (Third Round Evaluation), in view of the expert opinion submitted by PACA Team Leader concerning the financing of political parties in Albania. The event was attended by representatives of DIACA, Central Election Commission (CEC), High State Audit, Office of the Prime Minister, Democratic Party, Socialist Party, Party for Human Rights, and the OSCE. There was a general consensus on the priority of the need to amend the Political Parties Law in order to bring it into line with international standards, and in particular to ensure compatibility between the PPL and Electoral Code;
- The 2<sup>nd</sup> of June 2010 PACA organised the 2<sup>nd</sup> Roundtable concerning the same issue.

### **The cooperation of public and civil society in fighting corruption.**

During 3- 4 May 2010, The International Conference in International Collaboration in conflict of interests prevention and declaration of assets - a tool against corruption” took place in Tirana, with participation of the President of Republic of Albania and the Speaker of the Albanian Assembly.

On 4 May 2010, a Memorandum of Understanding on Cooperation between DIACA/Albania and DAI / Montenegro was signed.

During 11-16 May 2010, the Albanian Government hosted and organized the Transparency International Europe and Central Asia Annual Regional meeting, with the

participation of 46 countries and more than 150 persons from Europe and Central Asia. The first day of this Regional Meeting was dedicated to Albania and its fight against corruption, with the participation of the Prime Minister of the Republic of Albania.

During 31 May – 5 June 2010, the Summer School for Junior Magistrates from South-Eastern Europe “International Standards and Cooperation in the Fight against corruption” has been taking place in Durres, with the participation of the Minister of Innovation and ITC (charged with anticorruption as the head of the IWG).

Last year the Law no. 10093 dated 09.03.2009 "On the organization and functioning of the Agency for Support of Civil Society (AMSHC) was adopted. Meanwhile all sublegal acts aiming at the creation and the functioning of this Agency have been adopted and during the period of July 2009 to March 2010 all Decisions of the Council of Ministers (i.e. DCM no. 768 dt.15.07.2009 "On approval of rules and procedures for vetting and selection of members of the Supervisory Board of the Agency for the support of Civil Society (ASCS); DCM no. 769 dt. 15.07.2009 "On adoption of the Statute of the Agency for Support of Civil Society."; DCM no. dt.10.03. 2010 on appointment of the members of the supervisory board of the ASCS') making this Agency operational have been enacted. Meanwhile, the Supervisory Board is established (composed by 4 members from public administration and 5 members from NGO-s) and it has organized its first meeting. The Executive director has been appointed at the 1st meeting of the Supervisory Board as well as the veting of the Chair and deputy chair of it. The staff of 12 is under requitement procedure.

The creation of this agency aims at the promotion of a sustainable development of civil society in Albania and creating favorable conditions for civil initiatives in the public interest. ASCS is created as a public entity that implements the procedures for allocating funds to support civil society. This agency will base its work in the Government strategic priorities. Taking into account that the prevention and fight against corruption is one of the stretegic priorities of Albanian government, ASCS will lead to the strengthening of NGOs and Groups of interests working in the field of anti-corruption.

■ *Reporting on investigative and judicial activities undertaken by the competent authorities in cases of organized crime and corruption.*

The following are the results of the activity of the structures against illegal trafficking by the State Police for the period 01 May – 15 June 2010:

There are evidenced:

- 3 criminal offences for “Assistance for illegal border crossing ”;
- 1 criminal offence for “Provision of facilities for prostitution”;
- 1 criminal offence for “Exploitation of prostitution”;
- 4 criminal offences for “Exploitation of prostitution in aggravating circumstances”;

- 40 criminal offences for “Trafficking of Motor vehicles”;
- 1 criminal offence for “Trafficking of military arms and munitions”;
- 6 criminal offences for “Trafficking of Women”;
- 5 criminal offences for “Prostitution”.

More details are provided in the Table below:

| Criminal Offence  | Identified | Perpetrators | Arrested/<br>Detained | While<br>Free | Wanted |
|---|------------|--------------|-----------------------|---------------|--------|
| Assistance for illegal border crossing                    | 3          | 6            | 5                     | 1             |        |
| Provision of facilities for prostitution                  | 1          | 1            |                       | 1             |        |
| Exploitation of prostitution in aggravating circumstances | 3          | 4            | 4                     |               |        |
| Exploitation of prostitution                              | 1          | 1            |                       | 1             |        |
| Trafficking of motor vehicles                             | 40         | 41           |                       | 41            |        |
| Trafficking of military arms and munitions                | 1          | 2            | 1                     |               | 1      |
| Trafficking of women                                      | 6          | 10           | 1                     | 9             |        |
| Exercise of prostitution                                  | 5          | 5            | 5                     |               |        |

The Sector against Illegal Trafficking (Sections against Illegal Trafficking) in the Directorate against Organised Crime conducted 2 operations which led to the identification of 6 persons as perpetrators of the criminal activity of illegal trafficking out of whom 5 were arrested in the act and 1 is declared as wanted.

| No | Special investigative methods | Operations | Perpetrators | Arrested | Wanted | Month | Criminal Offence |
|----|-------------------------------|------------|--------------|----------|--------|-------|------------------|
| 1  | Simulation actions            | Berati     | 2            | 1        | 1      | May   | 278/a            |
| 2  | Simulation actions            | Elbasan    | 4            | 4        |        | May   | 298              |



The following operations were conducted during this period:

1. The OPERATION “BERATI – Section Against Illegal Trafficking - Berat leading to the arrest in the act of 1 person and 1 is declared wanted under the charges of “Trafficking of military arms and munitions” foreseen by the article 278/a of the Criminal Code.
2. The OPERATION “ELBASANI - Section Against Illegal Trafficking - Elbasan leading to the arrest in the act of 4 persons under the charges of “Assistance for illegal border crossing”, foreseen by the article 298 of the Criminal Code.

2 criminal groups were hit, leading to the arrest in the act of 4 perpetrators and another 3 persons are criminally prosecuted while free.

The Table below provides more information on the criminal groups which were hit during the reporting period:

| No | Year | District & name of the criminal group | Perpetrators | Arrested | While free | Wanted | Month | Criminal Offence |
|----|------|---------------------------------------|--------------|----------|------------|--------|-------|------------------|
| 1  | 2010 | Elbasani                              | 4            | 4        |            |        | May   | 298              |
| 2  | 2010 | Kuksi                                 | 3            |          | 3          |        | May   | 114/b            |

There was hit 1 criminal group involved in “Providing assistance for illegal crossing of state borders”, with 4 perpetrators arrested in the act.

There was hit 1 criminal group involved in “Trafficking of women”, with 3 perpetrators criminally prosecuted while free.

During this month, the Sections Against Illegal Trafficking detained 4 wanted persons charged with offences as outlined below:

| Criminal Acts   | Detained |
|---|----------|
| Assistance for illegal border crossing                    | 2        |
| Exploitation of prostitution in aggravating circumstances | 1        |
| Exercise of prostitution                                  | 2        |
| Total   | 5        |

During 01 May – 15 June 2010, the Structures against Narcotics of the State Police have achieved the following results:

| Type                   | Cases | Detected | Quantity        | Perpetrators | Arrested, Detained | While free | Wanted |
|------------------------|-------|----------|-----------------|--------------|--------------------|------------|--------|
| Heroin                 | 12    | 12       | 3 kg 593 gr     | 21           | 18                 | 1          | 2      |
| Methadone              | 0     | 0        | 6 gr            | 0            | 0                  | 0          | 0      |
| Cocaine                | 3     | 3        | 12.9 gr         | 4            | 3                  | 1          | 0      |
| Marihuana              | 38    | 37       | 465 kg 852.8 gr | 67           | 48                 | 10         | 9      |
| Cannabis seeds         | 0     | 0        | 2 kg 4.4 gr     | 0            | 0                  | 0          | 0      |
| Cannabis – cultivation | 10    | 2        | 2652 plants     | 2            | 2                  | 0          | 0      |
| AMOUNT                 | 63    | 54       |                 | 94           | 71                 | 12         | 11     |

- There were 7 criminal groups hit involved in trafficking and distribution of narcotics with 37 perpetrators criminally prosecuted.
- There were 8 operations successfully conducted using special investigative techniques.
- There were 6 international operations conducted (4 with Italy + 1 Denmark + 1 with Kosovo), which led to the arrest of 14 persons only in Albania. Among these, the most successful international operation was the one encoded “URA (Il Ponte)” run by the Serious Crimes Prosecutor’s Office jointly with the Italian authorities and in cooperation also with other countries in the region, leading to the arrest in Albania of 9 persons under the charges of criminal organisation in the form of the structural criminal group and international trafficking of narcotics, especially heroine.

There have been continuous efforts in implementing the Action Plan, approved by the Minister of Interior no 920/1 on 25.03.2010, “On prevention and fight against the cultivation of narcotics and taking the perpetrators to court”.

The operational phase of the Action Plan has already started. There has been continuous monitoring by helicopters and the situation is under control even in the areas which were problematic during the past years.

During 1 May – 15 June there were 2652 plants destroyed in 10 cases identified in Shkodër, Fier, Tirane, Elbasan.

Pursuant to the Action Plan for the implementation of the Strategy against Organised Crime, by Order of the Prime Minister no. 125 on 09.06.2010, the working group is set up for the assessment of the implementation of the Antidrug Strategy 2004-2010 and for the drafting of the new Anti-drug Strategy.

On 10.05.2010 the Sector against Financial Crime in the Regional Police Directorate of Tirana concluded the police operation “CONCORD” which led to arrest of 8 persons and to the criminal prosecution while free of two other persons under the charges of illegal online use of the data of the stolen credit cards to book travel tickets, thus illegally benefiting at the expense of travel companies.

The structures against money laundering have referred to the Prosecutor’s Office investigative materials related to 7 cases of “Laundering of proceeds”, foreseen by article 287 of the Criminal Code, with the involvement of 7 perpetrators who are subjected to criminal prosecution while free.

Moreover, there have been referred another 28 cases of “illegal exercise of currency exchange”, foreseen by article of law no. 9662 “On the Banks”, with the involvement of 28 perpetrators, out of whom 6 were arrested in the act and 22 others are subjected to prosecution while free; and 944.490 ALL (approximately 700.000 Euro) and 1905 Euro were seized.

The structures against corruption at the **State Police** have conducted 9 successful police operations against corruption:

On 13.05.2010, the police operation “TOKE E PREMTUAR (Promised Land)”, led to the arrest of two officials of local government under the charges of “abuse of duty” and “falsification of civil register documents” foreseen by articles 248 and 191/3 of the Criminal Code, because while exercising the position of Chairman of the Commission for the Land Distribution and in cooperation with the employees of the civil registration office committed infringements in the restitution and registration of a property (land) in the Commune of Shen Koll in Lezha.

On 16.05.2010, the police conducted the operation “BUZO”, which led to the arrest of the Head of Trebinje Commune, Pogradec, charged with the criminal offence of “passive corruption of the elected local official” foreseen by article 260 of the criminal code.

On 18.05.2010, the police conducted the operation “Diploma”, which led to the arrest in the act of 1 high school teacher of the high school and 3 realtors while two other citizens are under investigation while free, charged with the criminal offence of passive corruption for the registration and issue of forged high school diplomas.

On 01.06.2010, the police conducted the operation “BOJAXHIU”, which led to the arrest in the act of three officials of the Central Technical Inspectorate, namely the chief inspector (high level), the regional chief and one inspector (medium level), charged with the criminal offence of “passive corruption” committed in complicity.

On 01.06.2010, the police conducted the operation “KOLSHI”, which led to the arrest in the act of the Head of the Commune of Kolsh, charged with the criminal offence of “passive corruption” of elected local official“.

On 01.06.2010, the police conducted the operation “MY BABY” against two doctors of the gynaecological hospital charged with “passive corruption” because of accepting bribery for the medical services, imposing on them the security measure of “bail” in the amount of 500 000 ALL.

On 10.06.2010, the police conducted the operation “SPORTEL I HAPUR”, which led to the arrest in the act of 2 citizens and to the criminal prosecution while free of one official of Tirana Property Registration Office charged with the criminal offence of “exercise of illegal influence toward persons who perform public functions” and “abuse of duty” foreseen by articles 245/1 and 248 of the Criminal Code. The above-mentioned citizens were paid the sum of 50.000 ALL in exchange of issuing a property certificate.

On 16.06.2010, the police conducted the operation “JURISTI”, which led to the arrest in the act of 4 citizens charged with the criminal offences of “exercise of the illegal influence toward persons who perform public functions”, “forgery of documents”, “forgery of school documents” and “forgery of forms”, committed in complicity, foreseen by articles 245/1 , 186, 187, 190 and 25 of the Criminal Code. The above-mentioned citizens demanded and accepted the sum of about 7.000 Euro from a citizen on the promise of issuing him a regular Diploma of the Faculty of Law.

On 19.06.2010 the directorate against economic crime successfully conducted the operation “KANCELARI” which led to the arrest and detention under corruption charges of the Chancellor of Korça Judicial District Court and the chief of personnel of Drenova (Korçe) prison.

For data/statistics regarding convictions on organised crime and corruption, please refer to Annex 4.

### ***3. Effective implementation of the legal framework for the confiscation of organized crime assets (Block 3):***

- *Ensuring the adequate human resources and training are provided to the structures working on the implementation of the new law on the confiscation of organized crime assets, and adopting relevant implementing legislation.*

As a result of the allocation of new functions and re-allocation of some functions, in the twelve Regional Police Directorates there have been established sections for the investigation of criminal assets (with a total of 25 functions), besides, there have been added 2 (two) functions in the sector for investigation of assets in the General Directorate of State Police. The overall number, in the central and local structures of assets’ investigation, is 30 (as against the previous 3 before the reorganisation). Hence, there has been an increase by 10-fold of the number of the staff of these structures.

Training activities: On 14-15 June 2010 the training on “The investigation of criminal assets” was conducted at the Centre for Police Training Center with the participation of 40 judicial police officers and specialists from the Agency of the Seized and Confiscated Assets’ Management, Tax Administration, Customs’ Administration, Sectors against financial crime, illegal trafficking, terrorist acts in the centre and in the regional police directorates.

On 10-12 and 17-19 May 2010, 3 police officers of this Sector were trained on the use and search in the MEMEX system.

■ *Reporting on sustainable development of the structures involved in the confiscation of organized crime assets and on investigative and judicial activities undertaken.*

During 2010, the Prosecutor’s Office for Serious Crimes referred to the Court of First Instance of Serious Crimes 5 (five) requests in implementing law no 10192 of 3. 12. 2009 “On prevention and striking at organized crime through preventive measures against assets”. The court has taken a final decision concerning all these requests. In Annex 3 are details on the concrete cases containing the decision no, the data of the persons, request of the prosecutor’s office and decision of the court.

The sector of criminal asset investigation is conducting preliminary investigations for 50 criminal prosecution cases of serious crimes in order to identify the crime-related assets, their detection and initiation of other asset investigations in cooperation with the concerned police sections in the 12 Regional Directorates.

Actually, the Sector in cooperation with the Prosecutor’s Office at the First Instance Court for Serious Crimes has under investigation about 20 asset prosecution cases, out of which 12 are registered for asset investigation, with 279 persons being verified to have social or family relations.

The specialists of the sector for the investigation of criminal assets in the Directorate against Financial Crime have recently identified in their investigations:

1 bar restaurant and one 2-floor house in Lushnja (property of Baftiar Nexhbedin Boriçi), with mortgage no. 29/93, 1 apartment 2+1 fourth floor, in Lushnja in the name of Refat Dandollaku, with mortgage no. 759, apartment 2+ 1 first floor, in Lushnja in the name of the citizen Enver Dandollaku, with mortgage no. 8572. apartment 2+1 in the III-d floor, in Burrel in the name of the citizen Ndue Gjok Kalthi, with mortgage no. 4218, a three-floor villa under construction in the city center of Tepelenë in the name of Petrit Abedini, with a construction surface of 160 square meters in each floor, a four-floor villa with a surface of about 3000 square meters, in the village of Ndërmenas, in the Center Commune of Fieri, under the possession of the citizen Sokol Genica, a four-floor villa not bonded, under the possession of the citizen Veli Zylyftari, in the village of Rrushbull in Durrës.

Pursuant to the rogatory letter with the United Kingdom on a criminal group headed by Adriatik Tresa, arrested in Great Britain, there were identified and seized 152,925.66 Euro, 1, 755,684.20 ALL, and 3200 USD. Besides, there was identified a one-four floor villa in Baldushk as well as the company Odiseja Travel & Tours.

The General Prosecutor issued the special order which demands as mandatory that all the prosecutor's offices of the judicial districts that have in their competence the investigation of criminal offences included in the new law, (money laundering, distribution of narcotics exploitation of prostitution in aggravating circumstances) are obliged to send the prosecution acts to the Prosecutor's Office for Serious Crimes in order to initiate asset prosecution regardless of the stage of the criminal prosecution.