

Annual Report of the General Prosecutor "On the situation of criminality during 2020"

June 14, 2021 - The speech of the General Prosecutor Olsian Çela during the reporting to the Albanian Parliament "On the situation of criminality during 2020".

Last year was quite a difficult one due to the pandemic situation, thus creating problems in the functioning of the prosecution system, with an impact on reducing the effective performance of prosecutors.

I. MAIN INDICATORS

In 2020, the prosecution **has handled 58,466** denunciations in the preliminary investigations. A total of **44,834 criminal proceedings were followed up** out of which **27890 were registered criminal proceedings**.

Even in 2020, the largest number of proceedings was registered by the Prosecution at the **Tirana** Court of First Instance **with 31.74%** of the total number of proceedings registered nationwide. The other prosecutions with the highest figures are Durrës and Elbasan.

Concerning the ratio of division of criminal offenses, it results that 78.24% of criminal proceedings belong to crimes.

As to the structure of the Criminal Code among **the criminal offenses with the highest** number of proceedings registered by the prosecution, **it is evident that theft of property** is the highest number **with 31.24% out of the total number**, but with a **decrease of 9.96%** compared to 2019. **Criminal offenses against public order and security that make up 26.46% of the total number** have decreased 4.81% compared to 2019; **-criminal offenses that violate the legal regime of the land that make up 6.28%** of the total number have **decreased 8.38% from a year ago** **-criminal offenses against children, marriage and family that make up 4.88%** of the total number **have increased 9, 12%** compared to 2019.

During 2020, the prosecution offices at the courts of first instance have filed and represented the accusation in the court on behalf of the state for 10,000 criminal proceedings for 11530 defendants.

In addition, 11,741 requests for stipulating personal security measures were submitted to the court.

Throughout 2020, **there were 2990 criminal decisions executed and 1875 have remained unexecuted. Over the years in total, there are 3820 decisions on criminal offences unexecuted, which according to the type of punishment they are: 7 sentences of life imprisonment, 1039 decisions of imprisonment, 1543 decisions of fines, 57 additional punishments and 1198 alternative punishments.**

II The efficiency

-In 2020, **there were completed 26169 cases out of which 38.11% were sent for trial, 22.62% were dismissed, 35.93% were suspended.**

There were sent 410 requests for approval of the criminal order, with 432 defendants. There were sent 740 requests for approval of guilt admission agreements, with 749 defendants, almost at the level of a year ago, and a direct trial was requested for 252 cases with 252 defendants.

-During 2020, 4647 cases were sent to court for dismissal out of which 2252 cases were dismissed for lack of facts, and they consist 48.46% of the dismissed cases. The data show that for 233 cases that is an increase of 8.88% compared to 2019, the court has decided the return of acts and continuation of the investigations.

Through 2020, it was also decided to suspend investigations for 9400 cases, a decrease of 6.81% of the suspended cases compared to 2019.

-Regarding the court decisions, from the statistical data in 2020 it results that **8022 defendants have been convicted and 152 defendants have been acquitted. Compared to 2019 there is a decrease of 8.96% of the number of convicted defendants and a decrease of 19.15% of the number of defendants acquitted.**

1) Effectiveness of criminal prosecution according to criminal offenses with increasing or decreasing tendency.

- The **effectiveness** indicator regarding criminal offenses of **illegal trafficking** is relatively low for 2020, respectively **31.25% sent to court and 68.75% dismissed.**

Meanwhile, statistical data show that in 2020 there is a **decrease of 12.54%** compared to a year ago.

-Regarding the criminal offenses related to **narcotics**, the criminal prosecution has proved to be effective, due to the fact that **58.42% of cases have been sent to court.**

As far as "Crimes against person committed intentionally" is concerned, **31.66% of cases** were sent for trial during 2020. In this group of acts, **we exclude the criminal offense of intimidation that occupies 88% of dismissed cases. 63.81% of the criminal offenses of premeditated murder were sent to court.**

The effectiveness of criminal prosecution has been high with regard to **domestic violence**, due to the fact that **83.02% of cases have been sent to court and 16.98% of cases have been dismissed.** Meanwhile, in 2020, the registered cases represent an increase of 9.74% compared to 2019. The progress of this criminal offense in five years, shows that a decrease of 7.68% has been achieved in the number of proceedings registered in 2016 compared to 2020. Analysing the data, it turns out that:

Profile of the defendants is: 92.71% are adult males, 59.87% have up to 9 years of education, 72.49% are unemployed, 2.13% are repeated offenders of the same offence and 9.33% are convicted of other offenses.

Social geography is: the highest number, 32% of criminal proceedings against children, marriage and family, is registered in the first instance prosecution of Tirana.

Criminal Policy: for this group of acts, 88.58% of the prosecutor's requests for security measures are related to the stipulation of security measures subject to arrest and in 85.29% of the requests a security measure subject to arrest has been decided by the court.

2) The fight against money laundering, financial crimes and property investigations, for 2020 has been a priority institutional objective. To achieve this important objective, we aimed at strengthening the inter-institutional cooperation with local and foreign authorities, and not only.

In this context, on July 15, 2020, at the initiative of the General Prosecutor and in cooperation with the Minister of Interior and the Ministry of Finance and Economy, a Memorandum of Cooperation was signed and the general instruction no. 10 dated 17.07.2020 was approved.

-These acts of the inter-institutional policies highlight the progress in creating a solid basis for increasing efficiency in conducting tracing, investigation and prosecution of these offenses, as they created the framework for setting up special sections in local prosecutions, increasing the capacity in special sections in the local police directorates, strengthening the professional capacity of prosecutors, judicial police officers and other law enforcement agencies entrusted with handling money laundering and terrorist financing cases, and improving the efficiency of inter-institutional cooperation at the local and central level.

-The General Instruction, which entered into force on 1 September 2020 met the provisions of the Memorandum of Understanding and is an instrument for use by prosecutors, judicial police and law enforcement agencies involved. Seven separate sections have already been set up in the larger prosecutions and dedicated prosecutors have been appointed in the smaller prosecutions to focus on investigating and prosecuting money laundering, seizure and confiscation of criminal products.

-The result of these measures is the progress evidenced by the increase of effectiveness in investigations related to money laundering offenses provided by Articles 287 and 287 / b of the Criminal Code, the statistical data show that **the number of registered proceedings has increased by 20.19% for** criminal offenses related to money laundering of criminal offenses; the number of registered defendants has increased by 103.1% and the number of convicted persons has increased by 11% compared to 2019. Despite the achievements, at unsatisfactory levels remains the effectiveness of criminal prosecution as there are low indicators of the ratio of criminal cases sent to court compared to those dismissed.

3) Social and demographic data for the defendants

Out of the data we have, it results that 51.11% of the defendants have attended the school up to 9 years; 40.08% of the defendants are equipped with the secondary education and 9.55% of the defendants have attended high studies.

Regarding the social status of the defendants, the statistics show that 4.63% of them are employed in the public sector; 24.21% of the total are employed in the private sector; while 71.38% turn out to be unemployed.

4) Decriminalization

In exercising the important legal function related to the verification of the integrity of persons who are elected and appointed or exercise public functions, during 2020, the General Prosecutor's Office **has registered 109 practices or requests for verification**. The process was completed for 94 persons during 2020, by approving the verification results, and for 13 others the verification process is continuing in 2021.

Through the verification for **five** of the subjects, whose elements of criminal offenses were ascertained, the material was forwarded to the competent prosecutor's offices.

-During 2020, there were performed **55** processes of in-depth verification of data in self-declared forms by persons, subject to law, registered in the years 2016-2019. For **43** of them the process has been completed and the verification results have been approved, while for **12** subjects, the verification process is going on during 2021.

Regarding these subjects, whose verification process was completed by the Department of Public Administration, in 2020, resulted to be under the detention conditions the following:

- 1(one) subject followed up based on the request of 2018;
- 6 (six) subjects followed up based on the requests of 2019, with the decision of 2020;
- for 2(two) subjects, DPA will be expressed after the final criminal decisions
- from the information of the CEC, 1(one) subject has resigned, after the decision for approval of the verification results;

During the verification process of these 8 (eight) persons, elements of criminal offenses were ascertained, therefore the material was forwarded for competence to the respective prosecution offices.

III. IMPLEMENTATION OF PRIORITY RECOMMENDATIONS

Pursuant to the requirements of the Assembly Resolution and the priority recommendations of the Council of Ministers, the EU recommendations and the ICRG / FATF action plan for Albania, as well as for problems identified during 2020, the General Prosecutor **has issued 18 general instructions**, and **14 orders** for the adoption of standard regulations and other normative acts or regulations; **has supervised their implementation** and **has taken care of the exercise of**

constitutional and legal powers in the prosecution through periodic reports and information from the directors of prosecutions regarding the measures taken in implementation of their legal competencies, both for the issuance of general instructions to facilitate the implementation of the General Prosecution's instructions, as well as for the issuance of non-binding instructions or requesting information to prosecutors on specific issues, in order to guarantee the independence of the prosecutor in the exercise of functions and to ensure efficiency, legality and transparency in the activity of the prosecution offices they lead.

In addition to the above mentioned, the prosecution is engaged in the cooperation, particularly, with the Assembly and the Ministry of Justice. The prosecution has signed 6 (six) cooperation agreements with the Special Prosecution, the Ministry of Interior, the Ministry of Finance and Economy, the Supreme State Audit, the High Inspectorate of Declaration of Assets Control and Conflict of Interest, and General Directorate of State Police. We have contributed to legal initiatives to improve criminal justice, to draft national strategic documents and periodic reports in fulfillment of European Union priorities and recommendations for Albania in the framework of the country's integration process and the implementation of the ICRG action plan / FATF.

Referring to the number, types, territorial extent, intensity and forms of crime and other measures analyzed above and in a more detailed way in the report, the prosecution has fulfilled its constitutional and legal duties and has implemented the resolution of the Albanian Parliament, Council of Ministers' recommendations, the EU recommendations and the ICRG / FATF action plan, the key priorities of the Albanian state in the framework of the integration process, increase of the effectiveness against economic crime and other crimes, thus helping and contributing to the strengthening of order and public safety, ensuring a fair prosecution and guaranteeing the personal freedoms, rights and legitimate interests of the citizens and the subjects of criminal proceedings.

IV. Some of the objectives for 2021

- The main objective for 2021 remains the intensification of coordination and monitoring of the progress in implementing the memorandum of cooperation and the general instruction no. 10/2020 for further increase of the efficiency in the investigations and criminal proceedings of the money laundering, terrorist financing and property investigations for seizure and confiscation of criminal assets.
- The strengthening of institutional capacities for increasing the efficiency in the administrative activity of the prosecution and of the professional capacities is a priority that will contribute to the increase of effectiveness of the prosecutor's activity and the judicial police in exercising the constitutional and legal functions.
- Improving and intensifying the coordination and monitoring activity of the General Prosecutor's Office in order to increase the exercise of constitutional and legal competencies of the prosecution, to ensure the proper functioning of the prosecution system in compliance with legal provisions.
- Further intensify inter-institutional cooperation with all actors involved in interaction with the prosecution system at all stages of criminal proceedings, to increase the effectiveness of the investigation, prosecution, prosecution representation and execution of criminal decisions against perpetrators of the criminal offenses with increasing tendency, sensitive criminal offenses, and not only.
- Guaranteeing respect of human rights and victims of domestic violence, based on gender and juveniles, by increasing professional capacity and supervision of respect of their legal rights.
- Continuation of the work started to solve the problems related to the "case management system" (CAMS), taking concrete measures for a modern system that meets the requirements not only of the prosecution but also of common inter-institutional needs and priorities.

Thank You!