THE WESTERN BALKANS TRIAL MONITORING REPORT FACTSHEET

From Paper to Practice
Evaluating the Effectiveness of Judicial Responses to Serious Organised Crime and Corruption
Review Period July 2021 - March 2024

ALBANIA

Trial monitoring results on serious organised crime and corruption (OCC) cases

HOW

The Project’s Methodology, developed and adapted by the OSCE ODIHR based on its Trial Monitoring Manual & drawing on the extensive experience of OSCE field operations in monitoring OCC cases, encompasses trial monitoring from the confirmation of indictment to the final and binding verdict.

FOCUS

fairness

efficiency

capacities/performance

strategic use of judicial tools
REPORT FINDINGS

The Project’s trial monitoring identified symptoms of systemic challenges at the institutional, legislative and policy level. However, initiatives are already underway to address many aspects of the issues identified in this Report. These include the adoption of the High Judicial Council’s guidelines on transparency of Specialised Courts for Corruption and Organised Crime when communicating with the public and the media. In addition, the Albanian Special Prosecution Office now has an increased number of investigators and financial experts, which has led to improvements in the quality of financial investigations and the processing of money laundering cases. These are some of the substantial investments, that with sustained efforts can lead to substantial progress.

The main identified areas for further improvement relate to:

LENGTH OF PROCEEDINGS

- percentage of productive hearings
- use of case management
- deterring & addressing delaying tactics by defense lawyers

Funded by the European Union
JUDICIAL ACTS
- charges substantiation
- details on financial gain or damage
- reasoning

TRANSPARENCY
- consistency in publication of judgements
- responses to civil society information requests

FAIR TRIAL RIGHTS
- legal representation quality
- court practice on the suspension of the pre-trial detention

48.1% of unproductive hearings are caused by absence of defense lawyers

WAY FORWARD

TRACK RECORD
Create preconditions for an effective track record in combatting OCC.

IMPACT
Aim for changes that make an immediate difference.

BUY-IN
Address resistance to change, accounting for operational practices and working cultures.
STRENGTHEN TRANSPARENCY AND ACCESS TO INFORMATION IN OCC CASES
by implementing guidelines regulating the relationship of SCCOC courts with the public and the media.

ENSURE FAIR TRIAL RIGHTS AND EFFECTIVE LEGAL REPRESENTATION
by facilitating adequate increase in the fees of ex officio lawyers and harmonizing the suspension of pre-trial detention with international standards.

IMPROVE THE STANDARD OF INDICTMENTS AND JUDGEMENTS
by developing specific tools and templates as well as internal review mechanisms..

ENSURE EFFECTIVE CASE MANAGEMENT
by strengthening effective case management and revising the subject matter jurisdiction of the SCCOC courts.

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of the OSCE and do not necessarily reflect the views of the European Union.

For more on the Regional Trial Monitoring project go to www.osce.org/WesternBalkansTrialMonitoring or follow us in SoMe #RegTrialMonitoring