



POLICIA
e Shtetit



MEASURES

On Confiscation of Crime Assets in Albania

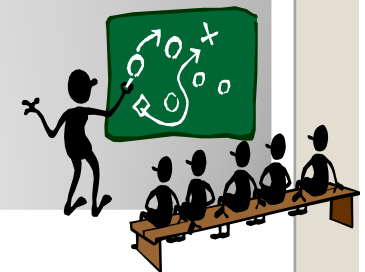


POLICIA
e Shtetit



MEASURES

- ▶ LEGAL FRAMEWORK
- ▶ STRUCTURES
- ▶ INTERNATIONAL COOPERATION
- ▶ EXPERIENCE-BEST PRACTICES





POLICIA
e Shtetit



LEGAL FRAMEWORK

Law :

Law no. 9749 "On State Police", dated 04.06.2006

Law no. 8677 "On Organization and Functioning of Judiciary Police,"
dated 02.11.2000

Law no. 9284 "On Prevention and Fight Against Organized Crime,"
dated 30.9.2004 .

Law no. 9917, "On Prevention of Money Laundering and Funding of
Terrorism," 19 May 2008.

Code:

Criminal Code of the Republic of Albania,
Code of Criminal Procedures,

UNCAC, ratified by Law no. 9492, dated 13.03.2006.

**UN Convention on International Organized Crime and two
Additional Protocols"**, ratified by Law no.8920, dated 11.7.2002.



POLICIA
e Shtetit



When assets/economic operations are linked with the Organized Crime activity (Articles 109, 109/b, 110/a, 114/b, 128/b, 278/a, 282/a, 283, 283/a, 284/a, 284/c, 284/ç, 287, 333, 333/a / Chapter VII of Criminal Code, (Criminal/terrorist organizations, terrorist activities, trafficking of narcotics/explosives/human beings),

The Court/upon request of the prosecutor/decides:

temporary freezing of assets that are either directly or indirectly used to carry out such economic operations. (Article. 9)

Where there is risk of loss, damage/concealment, confiscation shall be applied (no.10)

Law on Organized Crime/Temporary Seizure and Confiscation of Assets



POLICIA
e Shtetit



Agency for Management of Seized and Confiscated Assets (Article 36)

The responsible institution for the management of seized and confiscated assets is under the Ministry of Finance.

- - Management of seized and confiscated assets upon decision of the Serious Crimes Court, in compliance with the Law No.9284, dated 30.09.2004, "On Prevention and Fight Against Organized Crime"
- - Management of seized assets, in compliance with Law No. 9258, dated 15.07.2004, "On Measures against Terrorism Funding";
- - The Agency works in cooperation with the institutions involved in the process of management of seized and confiscated assets, such as courts, prosecutors' offices, banks, local government bodies and immovable property registration offices, which the seized and confiscated assets are registered with.

The functions, rules, evaluation criteria, procedures of giving in use, alienating confiscated assets are established by a Decision of the Council of Ministers



POLICIA
e Shtetit



Draft Law Against Organized Crime, Trafficking and Corruption through Preventive Measures on Assets

**Aims civil confiscation along with the criminal one
For those cases of alleged connection of assets with:**

- **Criminal/terrorist organizations**
- **Trafficking of narcotics, hazardous substances, human beings**
- **Money laundering, funding of terrorism**
- **Corruption**

**Independently of the whether the above-mentioned criminal
offences have been subject to punishment**



POLICIA
e Shtetit



Confiscation of assets/Article 36 of Criminal Code

The Court decides on the seizure, confiscation and transfer to the state of:

- Assets used to commit the criminal offence;
- Products deriving or obtained, directly or indirectly, as a result of the criminal offence;
- Promised/granted rewards for the commitment of the criminal offence;
- Any other assets, the value of which corresponds to the one of the products resulting from the criminal offence;
- Assets, the production/use/possession/alienation of which constitute a criminal offence, even where there is not yet a court decision in regard.
- Products of the criminal offence, which are partially or completely transformed/alienated into other assets,
- Products of the criminal offence that are incorporated into assets made in legal ways, up to the value of the products of this criminal offence.
- Other revenues or benefits resulting from the products of criminal offence, which have been transformed/alienated/incorporated to the same extent and manner as the offence products.



POLICIA
e Shtetit



- Crime Investigation Department
 - Financial Crime Directorate
 - Directorate against Organized Crime
 - Directorate of Serious Crimes
- Assets Management Agency
- FIU
- Prosecutor's Office
 - **Joint Investigative Units**

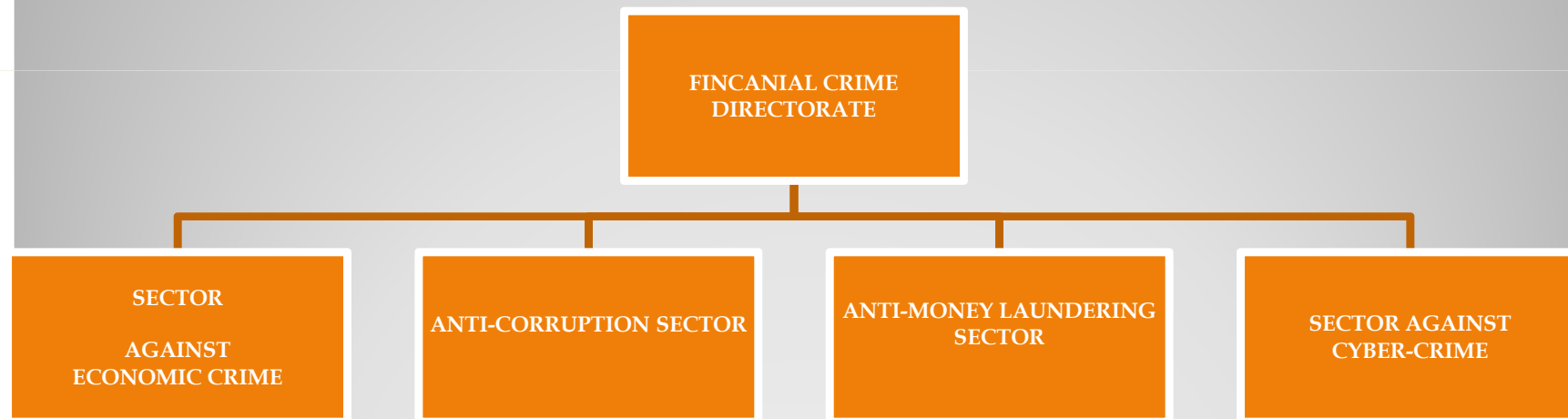
STRUCTURES



POLICIA
e Shtetit



STRUCTURE





POLICIA
e Shtetit



- **Based on**
 - Vienna Convention (on drugs)
 - Warsaw Convention (seizure of crime assets)
 - Palermo Convention (against organized crime)
 - Convention against Corruption
- **Police/liason officers cooperation**
- **Cooperation with FIU, Egmont Group**
- **By Rogatory Letter with Prosecutor's Office, Ministry of Justice**

International Cooperation



POLICIA
e Shtetit



Greek Counterpart Services

Send information on an investigation case on a criminal group on exploitation of prostitution and human trafficking

Identification of:

- Individuals
- Bank accounts
- Assets

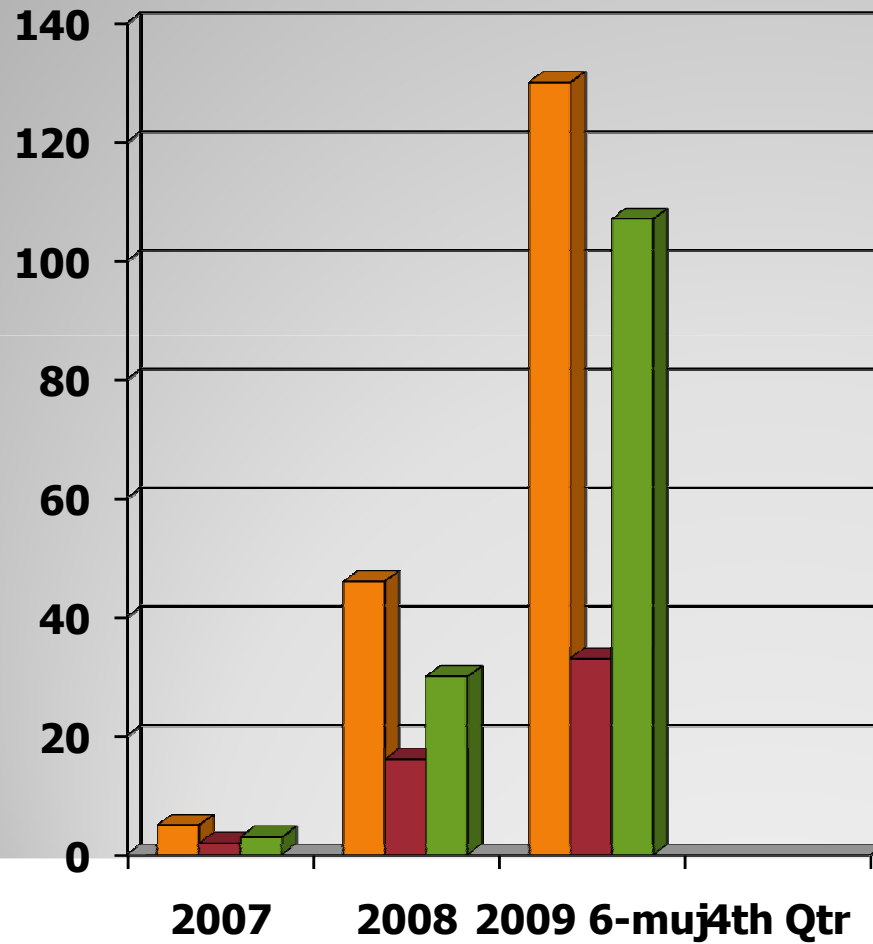
Beginning of the proceedings at General Prosecutor's Office

- Monitoring
- Telephone interception
- Information exchange with Greek counterparts
- Euro 2,777,000 seized

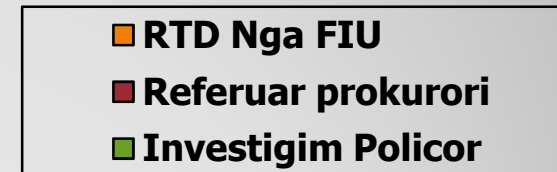
The case is under investigation

Case of assets under international tracking

Investigation reports sent by FIU that are sent to Prosecutor's Office - Under Police Investigation



	2007	2008	2009 6-muj
RTD Nga F	5	46	130
Referuar p	2	16	33
Investigim	3	30	107





POLICIA
e Shtetit



Bledar Celiku

THANK YOU

FOR

YOUR ATTENTION