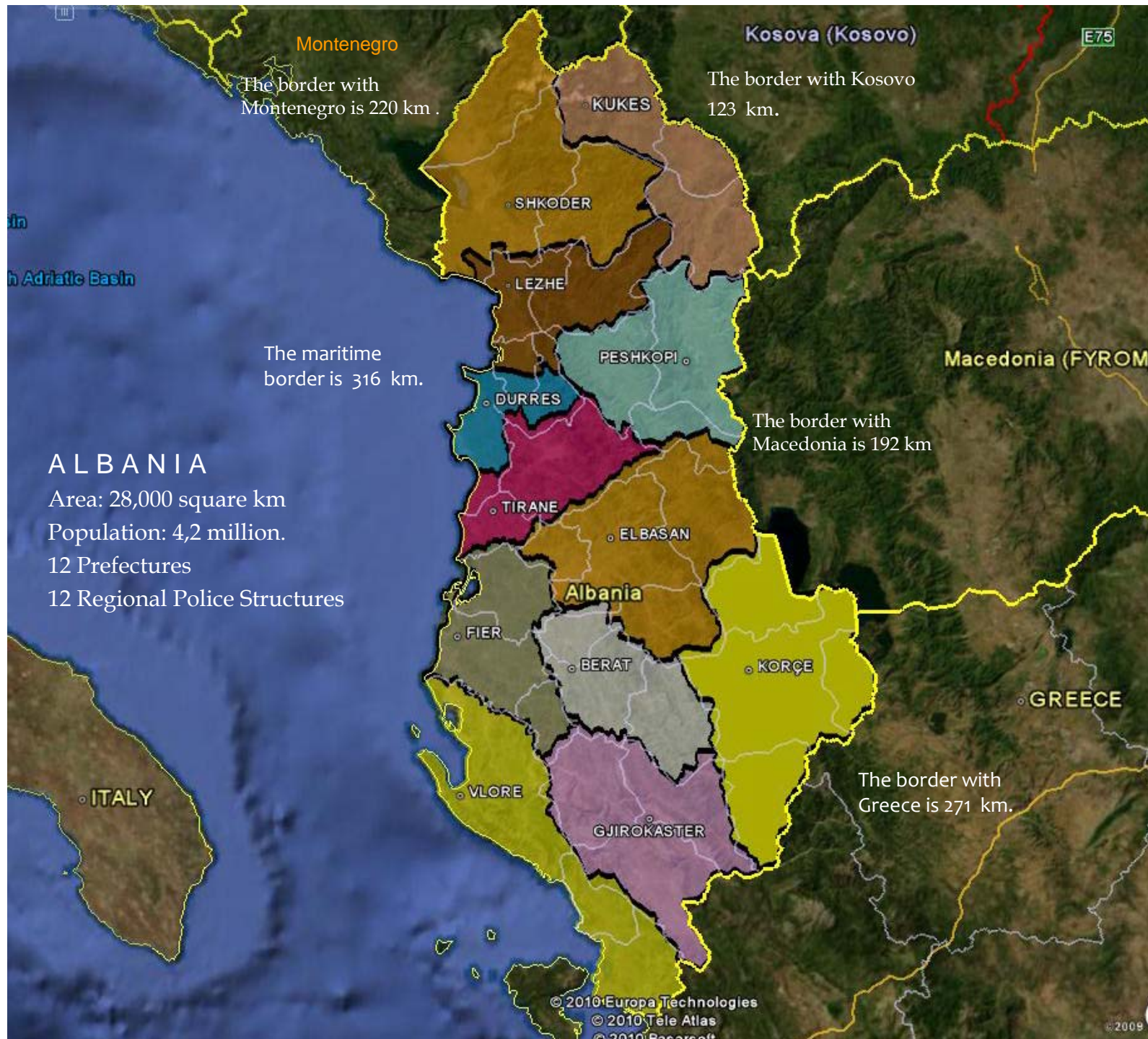




**The Albanian experience with
asset freezing and seizure as
tools to facilitate and reinforce the
investigation and prosecution of
corruption.**

Zagreb, March 10, 2011



Montenegro

Kosova (Kosovo)

E75

The border with Montenegro is 220 km.

The border with Kosovo is 123 km.

Adriatic Basin

The maritime border is 316 km.

Macedonia (FYROM)

The border with Macedonia is 192 km

ALBANIA

Area: 28,000 square km

Population: 4,2 million.

12 Prefectures

12 Regional Police Structures

Albania

ITALY

GREECE

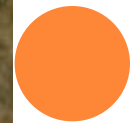
The border with Greece is 271 km.

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CONTENT :

- I Types of Confiscations & legal framework Improvements in Albania.
- II SICA, Development of Police Capacity and training.
- III Inter-institutional & International collaboration.
- IV The Enhancement of the Cases of the SICA in Cooperation with the Serious Crime Prosecutors and JIU.
- V The current plan, needs and conclusions.



IB. CRIMINAL CONFISCATION IN ALBANIA

provided for in Article 36 of the CC and decided to sequestration:

- items that have served for committing a criminal act;
- the direct or indirect products of the criminal act;
- the rewards, given or promised, for committing a criminal act;
- any other property, whose value corresponds to what products a criminal act;
- items, production, use, retention or alienation of which constitute a criminal offense, even when not given the punishment decision.
- transformed products / become partially or fully in other assets,
- products a criminal act together with legitimate wealth, until the value of the products of a criminal offense.
- Income or other benefits from products a criminal act.



IC. THE IMPROVEMENT OF LEGAL FRAMEWORK .(THE CIVIL CONFISCATION)

Law Nr. 10192, dated December 3,2009 entered into force on 23rd of January 2010.

The goal of this law is prevention and striking at:

- Organise crime
- Illegal trafficking
- Money laundering
- Terrorist actions

through the preventive measures against the criminal assets.

- 27 criminal provisions are subject of this law

The law subsumes the civil confiscation irrespective of the penal process.



SOME INNOVATIONS OF THIS LAW RESIDES IN

- ❑ The clarification of the civil procedures for the confiscation of the products:
 - Despite of the state and existence of penal proceeding;
 - Irrespective of penal conviction or not for these provisions;
 - There are reasonable doubts on properties that they have unlawful provenance;
 - and properties gained before the entrance into force of this law with the condition that the assets are gained by suspected person during the involvement in criminal activities provided in article 3 of the Law;
 - The heirs of a person subject to this law, but, in any case, no latter than five years from the date of death.
- ❑ The implementation of the recently added criminal provisions
 - Money Laundering;
 - Distribution of Narcotic Substances;
 - Sexual Exploitation in Serious Conditions ;



IN ADDITION, THIS LAW BROUGHT NEW THINGS BOUND UP WITH:

- The civil procedures for administration & distribution of the confiscated assets;
- The involvement of bailiffs during the execution of the decision of the confiscation;
- The establishment of the Inter - Institutional Expert Advisory Committee for the Measures Against Organized Crime ;
- Detailing the destination of the confiscated assets;



III. INERTER-INSTITUTIONAL CORPORATION INVESTIGATION, SEQUESTRATION, CONFISCATION AND CRIMINAL ASSETS RECOVERY



III INERTER-INSTITUTIONAL CORPORATION

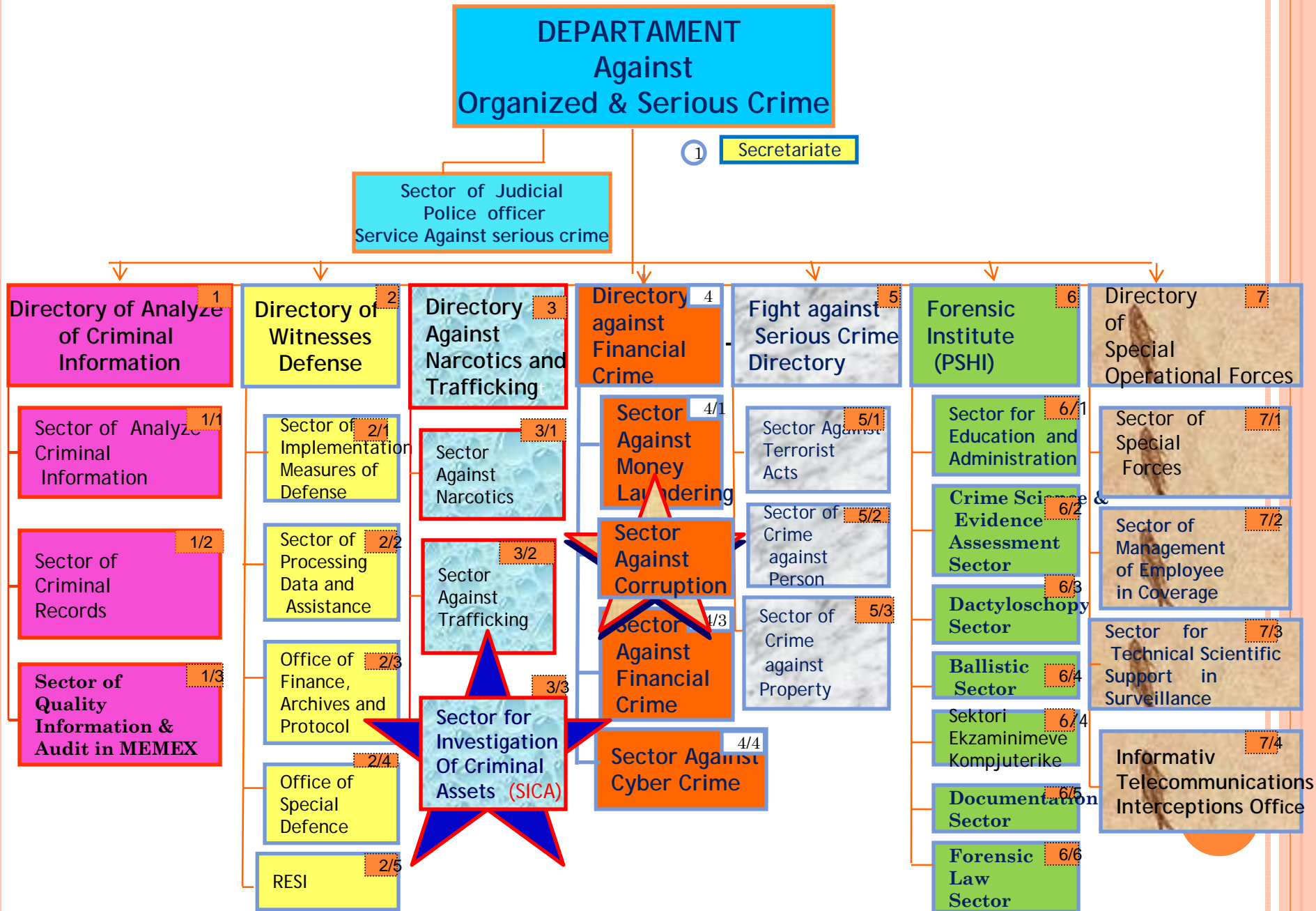
7 JOINT INVESTIGATIVE UNITS

ON FIGHT AGAINST CORRUPTION & ECONOMIC CRIME

(INCLUDING ML ARE OPERATIONAL IN ALBANIA form 2007UNTIL CURRENTLY)



IV. Development of Police Capacity & Techniques for SICA



DEVELOPMENT OF POLICE CAPACITY & TECHNIQUES FOR ICAS.

Joint training after establish of SICA

Up to now, the police officers of the Sector have participated in **16 workshops, trainings, and high level Conference on ARO**

- **3 workshops & 2 international trainings** are organized with incentive and by the support of OPDAT & ICITAP, USA Marshal Service, PAMECA , for implementation of New law, Investigation of Criminal assets and strengthening the inter-institutional Corporation
- **5 trainings**, for ARO, executing of rogatory letter, Corporation between FIU and Law enforcement agencies against ML & Organised Crime, Corruption as well as financial crime, supported from European Commission, EU and CoE, between TAIEX,PACA Europol and Interpol and IMF in Sofia, Tirana, Seracusa, Pogradec,Albania.
- **4 training “For the Investigation of Criminal Assets” for specialist from police, custom, tax and AMPSC** are trained in corporation with the Prosecutor of Serious Crime in the NPTC on 5th of March 2010; June14 & 15 June,2010; July 27,2010
- **2 training** seminars are organized for using of MEMEX Database;
- Head of Sector have been participated in the 2nd Pan – European High Level Conference on Assets Recovery Office, in Brussels, December 6-7, 2010.



III B INTERNATIONAL COOPERATION

- SICA is Observer member of the CARIN (Confiscation Assets Recovering International Network) since the 2006.
- The SICA continually has communicated with the focal points of CARIN network members.
- Moreover, the Sector has been included in the execution of rogatory letters which came from Italy and UK, and adjudications given by foreign courts recognized by our authorities as well as joint investigation with Greece and United Kingdom.
- The communication through the liaison police officers is another tool for faster international cooperation. We have established contacts and received requests for cooperation with Belgium, France, Britain, Germany and Greece IPO and we will develop this collaboration in the future.



THE ENHANCEMENT OF THE CASES OF THE SICA IN COOPERATION WITH THE PROSECUTOR OF SERIOUS CRIME

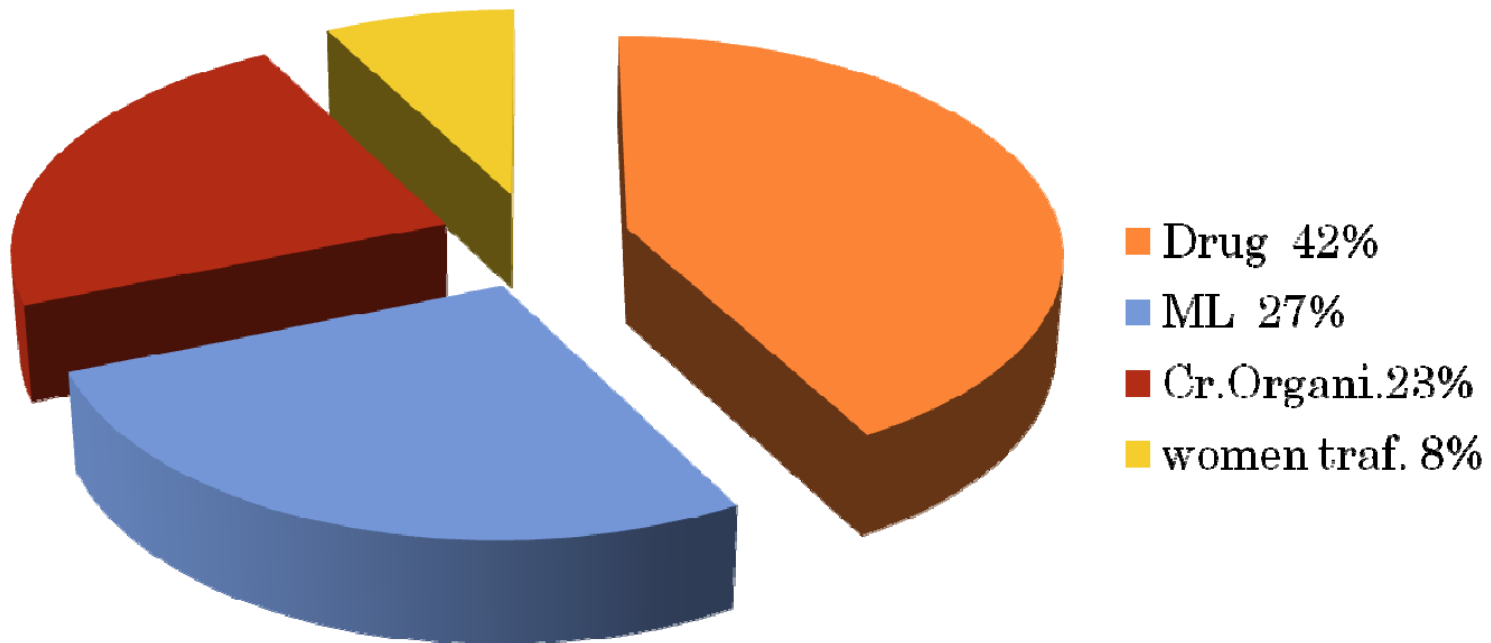
IV.A. The Enhancement of the assets proceedings of the SICA

From January until February 28, 2011, the Prosecutor of Serious Crime has recorded 38 civil assets proceedings where based on the new Law.

- Civil confiscation procedures divided by the field or participation in :
 - ✓ 21 % criminal organizations,
 - ✓ 2 % arms trafficking,
 - ✓ 42 % drugs trafficking,
 - ✓ 27% money laundering,
 - ✓ 8% women trafficking and exploitation.



CIVIL CONFISCATION PROCEDURES DIVIDED BY FIELD OF APPLICATION IN CRIMINAL ACTIVITIES

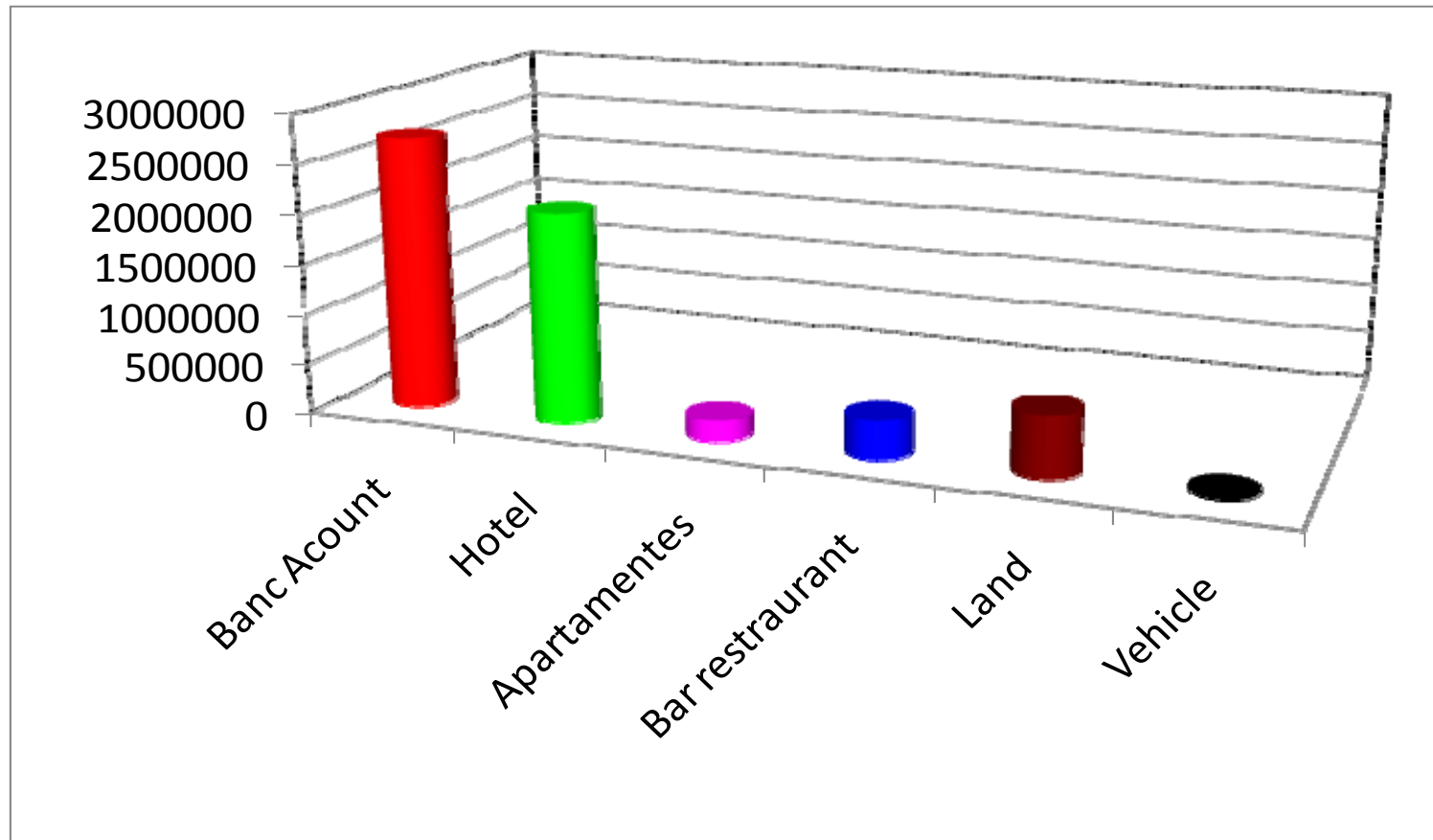


IV. THE ENHANCEMENT OF THE PROCEEDINGS OF THE SICA IN COOPERATION WITH THE PROSECUTOR of SERIOUS CRIME

- 38 cases (civil process) are in investigation by the serious crime prosecutors.
- 12 civil confiscation requests are in the Court of First Instance for Serious Crime where the latter have decided seizure of assets.
- These decisions have remained into force even from the Court of Appeals for Serious Crime.
- 6 million euro (approximately) who's the assets seized value.(16.8 million euro is the total value of assets on administration of Assets management agency in Ministry of Finance).
- 2 case of these civil proceedings ended in court by putting the confiscation measures based on the new law.
- Parallel with criminal investigation of serious crimes we are working to identify, trace and found all assets connected or derived serious crime..



VALUE OF ASSETS SEIZED FROM SICA UNDER THE NEW LAW ON PROPERTY PROCEEDINGS APPROXIMATELY CALCULATED ACCORDING TO MARKET VALUE



V. DIFFICULTIES, ACTION PLANE NEEDS AND CONCLUSIONS

Civil confiscation without the criminal proceedings is a new concept and new strategy for fighting more effectively Organized Crime

The establishment of SICA is a new structure and it has been done at the time where our country is passing by an economic crisis. It is not inheriting any legal infrastructure, unified Provisions and Practice therefore we need to create everything from the beginning.

There is a lack of the proper infrastructure in order to accomplish our mission.

There are problems with regards to the cooperation among the other institutions responsible to fulfill the requirements of the recent law.



PRIORITY OBJECTIVES OF SICA

- Further development of human resources' capacity and establishing the necessary infrastructure, knowledge and identifying of the best experiences;
- Compilation of the manual for the investigation of criminal assets in order to unify the investigative activities of regional structures.
- Enhancement of the numbers of referrals to the Prosecutor of Serious Crime in order to start proceedings properly, and the identification of criminal assets will be confiscated ;
- Strengthening and consolidating of cooperation with the structures against organized crime, the Prosecutor of Serious Crime, JIU, FIU-GDPML -, AMSC, with, IPRCO, the National Licensing Center, Taxes, Customs & financial institutions.
- Increased cooperation with the Offices of Criminal Investigation of Assets (Tsar) of intercommunication police officers and other institutions at home and abroad.



NEEDS FOR SUPPORT IN:

The development :

- ❑ of staff capacity, training and logistics support,
- ❑ of legislation, strategy for fight against Organized Crime and corruption;
 - ✓ Including by law the corruption in the serious crime and application of civil confiscation;
 - ✓ Removing the law of immunity for politically exposed persons;
- ❑ of the procedures and standards for inter - institutions cooperation (access providing to all records of public registers;
- ❑ of international relation, based in EU-s standards of ARO. Membership with full rights in the CARIN.



CONCLUSIONS:

- Finding and confiscation of criminal assets is an effective way to combat organized crime, which is essential for the running of profits.
- Although it seeks the overthrow of many concepts to justice, the burden of proof, presumption of innocence.
- Seizure prevents enrichment of criminals to be used to finance other criminal activities, and hits him in the most important, the hosts hitting the powers and pride.
- Confiscation of property of organize crime thought and strategy and is way more effective in suppressing organized crime.
- The pubic corruption should be considered by law a serious crime and should start assets seizure procedure, **despite the existence of a penal proceeding, a penal conviction or not.**



THANK YOU FOR YOUR ATTENTION

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