

LAW
No.10 193, dated 3.12.2009

ON JURISDICTIONAL RELATIONS WITH FOREIGN AUTHORITIES
IN CRIMINAL MATTERS

(amended by laws: no. 100/2013, dated 18.3.2013, no. 97/2021, dated 7.7.2021)
(updated)

Pursuant to articles 78 and 83 paragraph 1 of the Constitution, on the proposal of the Council of Ministers,

THE ASSEMBLY
OF
THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1
Object

1. The object of this law is to define additional procedural rules in the field of jurisdictional relations with foreign authorities in criminal matters.
2. The provisions of this law shall not apply where otherwise foreseen in international agreements to which the Republic of Albania is a party.

Article 2

Definitions

(paragraph 3 revoked by law no 97/2021, dated 7.7.2021)

For purposes of implementation of this law, the following terms have these meanings:

1. "Foreign judicial authorities" are foreign authorities that, according to the respective foreign law, have been given the quality to request, send or transmit requests that create international jurisdictional relations.
2. "Local judicial authorities" are the authorities defined by law no. 8498 dated 10.06.1999 "On the ratification of the European convention "On mutual legal assistance in criminal matters.""
3. Revoked.
4. "Ministry of Justice" is the Ministry of Justice of the Republic of Albania.
5. "Foreign citizen" is every person, with or without any citizenship, who, according to Albanian legislation, is not an Albanian citizen.
6. "Sentencing state" is the state in which a person has been convicted.
7. "Requested state" is the state to which a letter request is addressed.
8. "Requesting state" is the state whose competent judicial authority submits requests that create international jurisdictional relations.

Article 3

Scope of application

The provisions of this law are applicable:

- a) to proceedings related to criminal offences that, at the moment of submission of the request, fall under the jurisdiction of judicial authorities of the requesting state or in the Republic of Albania;
- b) to proceedings falling under the jurisdiction of the European Court of Human Rights or other international courts which jurisdiction is acknowledged by the Republic of Albania.

Article 4

Types of requests

(amended by law no. 97/2021, dated 7.7.2021)

Requests that create international jurisdictional relations in conformity with this law are:

- a) “Letter rogatories” including service of process, requests to take evidence, as well as other acts or information, printed or saved in any other form, recognized by the Albanian legislation, during a criminal proceeding.
- b) Extradition;
- c) Execution of foreign criminal judgments as well as execution of Albanian criminal judgments abroad;
- ç) transfer of criminal proceedings;
- d) transfer of convicted persons;
- dh) joint investigation teams;
- e) other requests foreseen in international agreements to which the Republic of Albania is a party.

Article 5

General rules on the request

(amended third sentence par 3 by law no. 100/2013, dated 18.3.2013, amended words in par 1 and amended par 3 by law no. 97/2021, dated 7.7.2021)

1. A letter request of local judicial authorities shall be submitted in writing and unless otherwise foreseen by this law, it shall contain:

- a) the authority that has submitted the letter request, the name of the requested state and, where possible, the designation of the authority to which the letter request is addressed;
- b) a precise definition of the type of request that creates international jurisdictional relations, the reasons for submitting the letter request and the legal basis;
- c) a description of the criminal proceedings that is being conducted;
- ç) a description of the criminal fact, indicating the time and place, the legal qualification of the criminal offence, as well as a copy of the text of the domestic legal provisions applied;
- d) general personal information, including the citizenship of the person who referred to in the object of the letter request, as well as his position in the criminal proceedings;
- dh) the acts that are attached to the letter request, if any, also given in a list;
- e) a declaration of whether the case is urgent and the time period within which execution is necessary, along with the reasons of the urgency or the time period;
- ë) other information that may be relevant for the procedure of execution of the letter request.

2. A letter request of the foreign judicial authorities and the attached documents, unless they are accompanied by a copy in the Albanian language, shall be translated by the Ministry of Justice.

3. A letter request is submitted by the local judicial authorities signed and sealed, and accompanied by a translation into the language of the country to which the letter request, translated by the Ministry of Justice, is addressed. In urgency cases, translation is done by the competent prosecution or court through official translators. Where a foreign state has specified that it accepts letter requests in another language, the Ministry of Justice or, in urgency cases, the local judicial authority may submit the request in the agreed language. Translation costs are included in prepaid procedural costs according to article 485 of the Code of Criminal Procedure. More detailed rules about the form of the letter request, the procedure and the translation of the acts are regulated by joint instruction of the Minister of Justice, the Prosecutor General and the heads of the Special Prosecutor's Office.

4. If deemed necessary, a local judicial authority may make additions to the letter request in conformity with the requirements of this article.

5. A letter request is delivered through the postal service, diplomatic courier. It may also be delivered through other appropriate technical means, but provided that receipt of delivery is confirmed.

6. The local judicial authorities execute letter requests without delay.

Article 6

Central authority

(amended words in par 1 and par 2 by law no. 97/2021, dated 7.7.2021)

1. A letter request of the local judicial authorities is transmitted to the foreign judicial authorities through the Ministry of Justice, unless otherwise foreseen in the legislation in force. If the Ministry of Justice finds that the letter request does not meet with conditions of article 5 of this law, it shall return it to the local judicial authority to fill in the gaps.

2. In case of urgency, the local judicial authorities may transmit letter requests directly, unless otherwise foreseen in the domestic legislation. If letter requests are transmitted directly, the local judicial authority notifies the Ministry of Justice simultaneously.

3. The letter requests of foreign judicial authorities are transmitted to the local judicial authorities through the Ministry of Justice, unless otherwise foreseen in the domestic legislation.

Article 7

Transmittal of the request to the competent authority

(amended par 1 by law no. 97/2021, dated 7.7.2021)

1. The Ministry of Justice transmits the foreign letter request after assessing the conditions defined in the legislation in force. The letter request is transmitted to the competent prosecutor's office of general jurisdiction, through the Prosecutor General or where appropriate, the Special Prosecutor's Office.

2. If the local judicial authority is competent for the execution of one or more of the requested actions, it may proceed with the execution of all the actions, if appropriate.

3. Where a local judicial authority receiving a letter request has no competence for its execution, it shall transmit the letter request without delay to the competent local judicial authority and notify the Ministry of Justice simultaneously.

Article 8

Refusing letter requests

1. The Ministry of Justice and the local judicial authority act on the letter request if the conditions defined in the domestic legislation are met.

2. Such authorities may also refuse letter requests foreseen in article 4, par 2 of this law even for other reasons provided by law.

3. The Ministry of Justice and the local judicial authority in the case of criminal offences against humanity or other values protected by international law, attempts and also complicity to commit them, may not refuse a letter request on the grounds that it constitutes political criminal offence.

4. The decision refusing a letter request contains the reasons of refusal and the legal basis.

Article 9 **Reciprocity**

1. A letter request of a foreign judicial authority is accepted if it contains guarantees of reciprocity given by the requesting state, which include the expectation that this state shall execute a similar letter request addressed by the local judicial authorities.

2. Notwithstanding paragraph 1 of this article, the Ministry of Justice may act on the letters rogatory even in the absence of express guarantees of reciprocity

Article 10 **Notices**

1. Upon the request of a foreign judicial authority, the proceeding local judicial authority notifies of the beginning of execution of the letter request, except when the execution is immediate.

2. If the letter request is not executed within the time period requested in the letter request and this entails consequences in the proceeding conducted by the foreign judicial authority, the proceeding local judicial authority notifies the foreign judicial authority as to when it is possible for the letter request to be executed.

3. According to this article notice to the foreign judicial authority is given through the Ministry of Justice.

Article 11 **Completing letter requests and impediments to their execution**

1. If a foreign letter request does not contain the necessary information for its execution, the Ministry of Justice notifies the foreign judicial authority to complete it, without transmitting it to the prosecution authority. The letter request is transmitted by the Ministry of Justice after its completion by the foreign judicial authority.

2. If a letter request may be executed partially or conditionally, the Ministry of Justice even ex officio, shall notify the requesting state and give it the possibility to give its opinion or to complete the request.

3. The requests of paragraph 1 and 2 of this article may also be submitted by the proceeding local judicial authority if so deemed upon receipt of the acts. Such requests are submitted directly to the authority of the requesting state, while the Ministry of Justice is notified at the same time.

Article 12 **Confidentiality**

(amended par 1 by law no. 97/2021, dated 7.7.2021)

1. The Ministry of Justice and the competent local judicial authority shall, upon the request of a foreign judicial authority, apply the rules on keeping state and investigation secrecy concerning protection of information given in the letter request, according to the legislation in force.

2. If the requirement referred to in paragraph 1 of this article cannot be fulfilled, the Ministry of Justice or the local judicial authority notifies the foreign judicial authority within five days.

Article 12/1

Personal data protection

(added by law no. 97/2021, dated 7.7.2021)

The Ministry of Justice and the competent local judicial authority apply the legislation in force on personal data protection.

CHAPTER II
LETTERS ROGATORY

Article 13

Types of letters rogatory and scope of application

1. The types of letters rogatory are:

- a) service of summons to the person under investigation, defendant, witness, expert, convicted person or other parties in criminal proceedings;
- b) service of orders, decisions of judicial authorities and other necessary documents related to criminal proceedings in the requesting state;
- c) measures for securing the property for purposes of a criminal proceeding;
- ç) examining a person under investigation, defendant, convicted person, witness and expert, even though the holding of hearings by means of telephone and audio-visual connections;
- d) temporary transfer of detained persons for the purpose of examining them;
- dh) other investigative actions that are not prohibited by law.

2. In addition to cases of criminal proceedings foreseen in article 3 of this law, the letters rogatory of foreign judicial authorities are executed in administrative proceedings if a decision rendered upon their completion may be appealed against before a court of criminal jurisdiction. This rule applies to the extent provided by international agreements binding on the Republic of Albania.

Article 14

Actions for execution of letters rogatory

(par 1 amended and words added to par 2 by law no. 97/2021, dated 7.7.2021)

1. The Ministry of Justice, within 10 days, shall transmit the acts to the prosecutor's office of general jurisdiction through the Prosecutor General, or, as appropriate, to the Special Prosecutor's Office.

2. The district prosecutor or the prosecutor of the Special Prosecutor's Office submits to the court the request to dispose of the execution of the letter by means of a decision, according to the rules of the Code of Criminal Procedure. Such rule does not apply where otherwise foreseen in international agreements to which the Republic of Albania is a party.

Article 15

Direct transmission of letters rogatory

1. Letters rogatory, apart from the ways of transmission of requests foreseen in articles 6 and 7 of this law and only for the purposes of this chapter, may be transmitted even directly through the local and foreign judicial authorities, in urgent cases.
2. In this case, the local judicial authority sends, at the same time, a copy of these letters rogatory to the Ministry of Justice.
3. This article does not apply in the case of letters rogatory foreseen in article 13, par 1, letter “d” of this law.

Article 16

Presence of foreign judicial authorities in taking of evidence

1. The local judicial authority, upon the explicit request of the foreign judicial authority, gives information on the time and place of execution of letters rogatory.
2. The court may allow representatives of foreign judicial authorities to participate in the taking of evidence and address questions to the person who is being interviewed, according to the rules of the Code of Criminal Procedure.

Article 17

Special procedure

If the foreign judicial authority requests, through the letter rogatory, that special requirements be met, concerning the form and procedure, the local judicial authority acts to execute it, in line with these requirements, provided that the requirements do not contradict the fundamental principles of public order of the Republic of Albania.

Article 18

Proof of service

The local judicial authorities shall record the service requested by foreign authorities in line with the rules on service foreseen in the Code of Criminal Procedure.

Article 19

Inviolability of the summoned person

1. Where the person, who is the subject of the service of summons to proceedings in Albania, fails to act in line with the writ of summons, issued by the requesting state, no binding coercive measure or criminal sanction may be imposed against him.
2. If the local judicial authorities summon a witness or expert whose residence place or domicile is abroad, that person, during the stay in Albania, shall not be subjected to any criminal proceedings for an offence committed before entry into the Albanian territory nor shall he be subjected to serving a criminal sentence ordered by local judicial decision, before his appearance.
3. Paragraph 2 of this article shall not apply to the witness or expert who, despite being given the chance, has not left the country within 15 days of notice that his presence is no longer needed. This time period does not include the period during which the witness or expert could not leave the Albanian territory for documented lawful reasons.

Article 20

Hearings through telephone or audiovisual connection

1. The local judicial authorities may address a request to foreign judicial authorities for distant questioning of a witness or expert located outside the state, through telephone or audio-visual connections.

2. The request addressed to a foreign judicial authority for the holding of a hearing through telephone or audio-visual connection in addition to the information provided by paragraph 1 of article 5 of this law must contain:

a) the designation of the local judicial authority and the name of persons that will direct the hearing;

b) the reasons why it is not possible for the witness or expert to appear in person.

3. The local judicial authorities execute foreign letters rogatory which object is the holding of hearings through telephone or audiovisual connections where:

a) it is not desirable or possible for the witness or expert to appear in person before the foreign judicial authorities, and also they have given their consent for the hearing to take place in this form;

b) the competent court has approved the request of the requesting state for the hearing to take place in this form.

4. The distant questioning of witnesses or experts is done by the local judicial authorities while observing the rules of international agreements and the provisions of the Code of Criminal Procedure.

Article 21

Temporary transfer of detained persons

1. Where a foreign judicial authority summons a person detained in Albania for questioning, he may be transferred temporarily to the requesting state.

2. The Minister of Justice shall decide on the temporary transfer of the person if the requesting state guarantees the protection and the return of the person within a defined time period.

3. The transfer is refused where:

a) the detained person does not give consent. If the detained person has given his consent, such consent is irrevocable;

b) it may extend his detention period;

c) there are other fundamental reasons for not transferring him.

4. The transfer may be postponed if the presence of the detained person is necessary in criminal proceedings being conducted by local judicial authorities.

5. Where a third state is requested to transfer a detained person through the Albanian territory, his transit is allowed if he is not an Albanian citizen.

6. The Interpol Office, in cooperation with the homologous authority of the requesting state takes technical measures to surrender the detained person and immediately notifies the Ministry of Justice of the place and date of surrender of the person transferred temporarily. The transferred person is surrendered from the Interpol Office, which immediately notifies the Ministry of Justice and the Prosecutor General.

7. The period of detention in the requesting state is calculated within the extent of punishment served in Albania.

8. The rules foreseen in this article are also applicable to a person detained in the Albanian territory or transferred to serve a sentence given by the requesting state, where his

attendance in person has been requested for purposes of reviewing a decision from the requesting state.

Article 22

Search and seizure of objects

1. Upon the request of foreign judicial authorities, a local judicial authority may decide to allow the search of places or the seizure of objects that may be confiscated which are located in the territory of the Republic of Albania in connection with the facts specified in the letter rogatory. The decision may be appealed within 10 days from the day following receipt of knowledge according to the rules of the Code of Criminal Procedure.

2. The competent local judicial authority conducts the search and seizure in compliance with the rules of the Code of Criminal Procedure.

3. Where a third party, that has acquired the rights in good faith, a state authority or an aggrieved party whose residence or domicile is in Albania claims ownership of the objects, documents or proceeds, the objects foreseen in paragraph 1 of this article shall be delivered only if the foreign judicial authority guarantees their return at the end of the proceedings in connection with the evidence.

4. Their delivery may be postponed for as long as the objects, documents or proceeds are necessary for the criminal proceedings initiated in Albania.

Article 23

Delivery of seized objects

1. To execute the letter rogatory, the seized objects are delivered to the foreign judicial authority upon its request, in order to be confiscated or restituted to the lawful owner.

2. Such objects include:

a) objects used for the commission of a criminal offence;

b) objects deriving from the commission of a criminal offence or equally equivalent;

c) proceeds from a criminal offence or equally equivalent;

ç) other objects given for the purpose of inciting the commission of a criminal offence as well as compensation for a criminal offence.

3. The objects or proceeds may be kept permanently in Albania if:

a) the owner's residence or domicile is in the Republic of Albania;

b) the Albanian state authorities have serious claims about the objects or proceeds;

c) the person, who has not taken part in the commission of a criminal offence and whose claims are not guaranteed by the requesting state proves that he has acquired the right over those objects and proceeds in good faith, and also the persons' residence is in Albania.

Article 24

Postponing the execution of requests

1. A local judicial authority may postpone or condition the execution of requests if it may affect the conduct of criminal proceedings initiated by local judicial authorities.

2. The local judicial authority notifies the foreign judicial authority, by declaring the reasons for it being postponed or conditioned. If notice is given directly to the foreign judicial authority, the local judicial authority informs the Ministry of Justice simultaneously.

Article 25

Costs

1. The Albanian state, through the Minister of Justice, may waive the reimbursement of costs incurred for the execution of letters rogatory from the requesting state.

2. The costs incurred for the execution of local letters rogatory are paid by the local judicial authority requesting the letter rogatory.

3. A witness or expert who appears for the purpose of execution of a letter rogatory of local judicial authorities has the right of reimbursement of board and lodging expenses, which are noted as procedural costs in line with the Code of Criminal Procedure.

4. If the object of the letter rogatory of the local judicial authority is to summon an expert to give testimony, then the local judicial authority may deposit in advance a sum to cover costs for the expert's testimony where this is explicitly requested by the foreign judicial authority.

5. The letters rogatory of local judicial authorities in the cases of paragraph 2 and 3 of this article show the payable and reimbursable costs. At the written request of the summoned persons, they are paid in advance a sum to cover the costs.

6. The local judicial authorities do not pay the costs for execution of foreign letters rogatory for:

a) travel and stay of persons summoned to be questioned or to conduct a procedural action;

b) temporary transfer of detained persons;

c) holding of hearings through telephone or audio-visual connections;

ç) storing or administering of evidence or objects;

d) conduction of procedural actions requiring high or extraordinary costs.

Article 26

Preliminary measures

Upon the request of the foreign judicial authorities and in conformity with the domestic legislation, a local judicial authority takes preliminary measures for preserving evidence, objects that may be confiscated, the actual situation or for protecting the lawful interests at risk.

Article 27

Data transmission without request

1. The local judicial authorities even *ex officio* transmit to foreign judicial authorities the information related to criminal offences, which is gathered during criminal proceedings, if they assess that transmission of such information may be useful for the initiation of criminal proceedings or for the submission of a request for legal assistance from the foreign state. Such information is transmitted if it does not preclude the progress of criminal proceedings in Albania, in compliance with the conditions of reciprocity.

2. The competent local judicial authority may request that the foreign judicial authorities that have received the information mentioned in the first paragraph of this article, provide information about the measures taken in connection with the transmitted information. Moreover, the competent local judicial authority may set other conditions related to the use of this information in the state to which information has been transmitted.

Article 28

Transmitting information about prosecuted or convicted foreign national

1. The Ministry of Justice sends to the foreign judicial authorities, every three months, information about the final criminal judgements rendered against nationals of those states. Such information is extracted from the criminal records registry.

2. Upon the request of the competent foreign judicial authorities, the Ministry of Justice transmits an abridged version of the final criminal judgement or a criminal record certificate.

3. Upon the request of a foreign state, the Ministry of Justice may transmit information about persons who are citizens of the requesting state and who are subjects of a criminal proceeding initiated in the Republic of Albania. To fulfil such request, the Ministry of Justice cooperates with the Prosecutor General.

Article 29

Electronic criminal records registry of citizens convicted abroad

(amended by law no. 97/2021, dated 7.7.2021)

1. The Ministry of Justice administers the electronic criminal records registry of citizens convicted abroad.

2. The electronic criminal records registry of citizens convicted abroad contains information about every criminal judgement rendered abroad against Albanian citizens, foreign citizens or stateless persons, whose permanent residence is in the Albanian state.

3. Every diplomatic mission in a foreign state, and also every other public authority that becomes aware of a sentence given by final foreign court decision against an Albanian citizen, foreign citizen or stateless person, whose permanent residence is in the Albanian state shall enter information into the database of the electronic criminal records registry of citizens convicted abroad.

4. The database referred to in this article interfaces with the database of the local judicial and prosecution system and also the system of foreign jurisdictional authorities based on mutual cooperation agreements.

5. The Council of Ministers adopts detailed rules on the primary and secondary data recorded in the registry, rules on interface with other state databases, as well as the access level of the interested subjects into this database.

Article 30

Notifications about legislation

1. The Ministry of Justice, upon the request of local judicial authorities, receives the text of legislation in force in other states, as well as information about special legal questions, if needed.

2. The Ministry of Justice transmits the text of domestic legislation or information about special legal questions to foreign judicial authorities upon request.

CHAPTER III EXTRADITION

SECTION I OUTGOING EXTRADITION

(title of section amended by law no. 97/2021, dated 7.7.2021)

Article 31

Applicable law

A person under investigation, a defendant or a convicted person is surrendered to a foreign state according to this law, the rules of the Albanian legislation and the international agreements to which the Republic of Albania is a party.

Article 32

Conditions for extradition

(letter "d" amended by law no. 97/2021, dated 7.7.2021)

In addition to the conditions provided for in the Criminal Code and the Code of Criminal Procedure, extradition of a person to a foreign state is granted if the following conditions are met as well:

a) the Albanian legislation foresees that the criminal offence for which the foreign state has imposed a coercive security measure, is punishable by imprisonment for a period of no less than one year;

b) the extent or the remaining part of the sentence imposed by a final judicial decision is at least four months at the time of submission of the extradition request;

c) criminal prosecution or enforcement of the criminal judgement has not been prescribed according to the legislation of the requesting state;

ç) conditions to re-initiate criminal proceedings in the requesting state are in place, although criminal proceedings in Albania for the same criminal offence have been dismissed;

d) the requesting state assures that it will not impose a more severe sentence than the sentence imposed against him, or execute a death sentence, if already ordered.

dh) at the time of submission of the extradition request, the person whose extradition is requested has not applied for or has not been granted asylum in Albania for the requesting state.

Article 33

Actions of the Ministry of Justice

(second sentence, par 2 amended by law no. 100/2013, dated 18.3.2013)

1. Unless the Ministry of Justice refuses the extradition request, it transmits, within 10 days, the acts to the prosecutor attached to the competent court, via the Prosecutor General. In complex cases, because of the volume of the acts or the need for translation, such time period may be extended up to 15 days.

2. If the Ministry of Justice finds that all the necessary acts have not been attached to the extradition request, but nevertheless it concludes that this is not a case for refusal of the request, the Ministry of Justice acts according to article 11 of this law. The supplementary acts submitted by the requesting state are transmitted to the prosecutor's office, translated, within seven days from their receipt.

3. The Ministry of Justice acts the same even if a request to complete the acts is submitted by the local judicial authorities.

Article 34

Actions of the prosecutor's office

1. Within 10 days from receipt of the extradition request, the prosecutor orders that the concerned party be summoned for the purpose of identification and giving of the eventual consent to extradition.

2. The prosecutor's writ of summons indicates:

a) data about the time and place of appearance;

b) the right to choose a defence lawyer;

c) the reason for the writ of summons, with a short summary of the facts; and also
ç) a warning of mandatory accompanying of the person if the person fails to appear for no lawful reasons.

3. The prosecutor notes the actions related to the concerned person in the written record according to the rules of the Code of Criminal Procedure.

4. Subsequently, the prosecutor observes the rules of the Code of Criminal Procedure for the submission of the request before the court.

Article 35

Coercive measures and seizure

1. The Ministry of Justice, upon receipt of an international arrest warrant issued from the Interpol Office, stating the purpose of the requesting state to extradite a foreign citizen, transmits it to the Prosecutor General within five days, to act according to the rules of the Code of Criminal Procedure.

2. The Ministry of Justice acts in the same way even upon receipt of a request from a requesting state to impose other coercive measures or to seize material evidence and objects that are proceeds [lit. benefit] of the criminal offence in relation to which extradition has been or will be requested.

3. The Prosecutor General sends the acts to the prosecutor attached to the competent court, in order for the latter to deposit the request in court no later than 15 days from the time of submission of the request of the requesting state.

4. The court complies with the rules of the Code of Criminal Procedure when imposing coercive measures and seizure.

5. The coercive measures and the seizure are imposed if the international arrest warrant or the request of the foreign state contains:

- a) personal information about the foreign citizen;
- b) data about the foreign judicial authority issuing the international arrest warrant or a copy of the act imposing the coercive measure or the seizure;
- c) data about the criminal offence in relation to which the coercive measure or seizure is requested; and
- ç) the statement of the requesting state that an extradition request will be submitted.

6. The Prosecutor General notifies the Ministry of Justice of the imposition of coercive measures and seizure according to this article within five days from the date of announcement of the judicial decision.

7. The Ministry of Justice notifies the requesting state within 10 days from the date of announcement of the court decision.

8. The coercive measures are revoked according to the time limits defined in article 493 paragraph 4 and article 484 paragraph 6 of the Code of Criminal Procedure. Such time limits start running from the moment set in these articles, even if the person whose extradition is requested has been detained based on another court decision.

9. Where the coercive measures imposed before the submission of the extradition request are revoked on the ground of termination of the time limits, they may not be imposed again against the person, unless the requesting state submits the extradition request.

Article 36

Arrest by the judicial police

(par 2 amended by law no. 97/2021, dated 7.7.2021)

1. In urgent cases of arrest of a person against whom a request for temporary arrest has

been submitted, the rules of article 495 of the Code of Criminal Procedure shall apply.

2. The Ministry of Justice, upon the request of the General Prosecutor's Office, translates the required acts within 24 hours. The concerned institutions may communicate even electronically.

Article 37

Examining the extradition request

1. The judge assigned to try the case sets the date of the court session for the examination of the extradition request within five days from the filing of the prosecutor's request.

2. The session is held in the prosecutor's and defence lawyer's mandatory presence. The court assigns an ex officio lawyer if the chosen defence lawyer fails to appear.

3. During the examination of the extradition request, the court complies with the rules of the Code of Criminal Procedure.

Article 38

International arrest warrant against Albanian citizens

(par 1, and first sentence and letter "a" par 4 amended and par 2, 3, 7, 8, 9 and letter "b" par 4 repealed by law no. 97/2021, dated 7.7.2021)

1. The National Interpol Office, upon receipt of an international arrest warrant from a foreign state against an Albanian citizen, stating the purpose of the requesting state for the extradition, immediately and in any event within five days, transmits the request to the Ministry of Justice and the General Prosecutor's Office. Simultaneously, the National Interpol Office, through the State Police structures, starts verification for accurate identification of personal information and whereabouts. The verification is sent to the General Prosecutor's Office and to the Ministry of Justice.

2. Repealed.

3. Repealed.

4. The Prosecutor General, upon receipt of the international arrest warrant:

a) administers and assesses the verification made by the State Police or the National Interpol Office concerning the identity, whereabouts and citizenship of the sought person.

b) repealed;

c) verifies whether the Albanian citizen has been sentenced to imprisonment through a final court decision of the local judicial authorities;

ç) verifies whether a coercive security measure has been imposed against the Albanian citizen for purposes of the criminal proceeding by the local judicial authorities.

5. The Prosecutor General, within five days from conduction of actions defined in paragraph 4 of this article, notifies the Ministry of Justice of the impossibility to extradite the Albanian citizen because of his citizenship. Such notification contains as well information about the means of criminal proceedings, recognized by the Albanian legislation, as appropriate, through:

a) transfer of criminal proceedings;

b) recognition of the foreign criminal judgments; or

c) transmittal of acts and evidence through letters rogatory.

6. The Ministry of Justice, within five days from receipt of notice from the Prosecutor General, according to paragraph 4 of this article, transmits such information to the foreign state that has issued the international arrest warrant.

7. Repealed.

8. Repealed.

9. Repealed.

Article 39

Extradition decision of the court

(par 3 amended by law no. 97/2021, dated 7.7.2021)

1. In addition to the conditions set in article 498 paragraph 1 of the Code of Criminal Procedure and article 11 of the Criminal Code, the court grants extradition if it finds fulfilment of the conditions of article 32 of this law as well.

2. In other cases, the court refuses extradition.

3. The court decision made under this article is deposited with the judicial secretariat within 3 (three) days from its announcement. Once the decision becomes final, the judicial secretariat notifies immediately the competent prosecutor's office of general jurisdiction and the General Prosecutor's Office.

Article 40

Disposition of the Minister of Justice on extradition

1. The Prosecutor General transmits all the acts to the Minister of Justice within seven days from the date the court decision on extradition becomes final.

2. The Minister of Justice, in case of a court decision granting extradition, after verifying and assessing all the documentation, may dispose of the extradition by means of an order, while observing the time limit and the procedures of article 499 of the Code of Criminal Procedure.

3. If during verification of the documentation, the Minister of Justice finds gaps in the acts, it requests the Prosecutor General to complete them within seven days. The Prosecutor General completes the documentation within 20 days from the date the court decision becomes final.

4. If the Minister of Justice does not make a disposition within the time period for extradition, or in case of a court decision refusing extradition or in case of the failure of the requesting state to act on time, the rules of article 499 of the Code of Criminal Procedure shall apply.

Article 41

Postponed or conditional extradition

1. In case of extradition suspended under article 500 of the Code of Criminal Procedure, the Minister of Justice may, by means of an order, dispose of postponement of surrender of the extradited person after the termination of criminal proceedings or the execution of a criminal sentence rendered in Albania.

2. The Prosecutor General notifies the Minister of Justice at least 30 days before the ground of suspension come to an end. After such notice, the Minister of Justice notifies the requesting state if the latter is still interested in the extradition.

3. If the requesting state informs of its interest in the concerned extradition, the Minister of Justice acts according to article 40 of this law.

4. The Minister of Justice may, by means of an order, dispose of the temporary extradition of the person, under the conditions defined in the express agreement with the requesting state. Disposition is made for temporary extradition to perform urgent procedural actions, if this does not preclude the criminal proceeding or the execution of the criminal sentence in Albania and if the requesting state assures that the extradited person will be safeguarded and return to Albania within the time limit set in advance.

Article 42

Principle of speciality

(letter “c” and “ç” par 1 repealed by law no. 97/2021, dated 7.7.2021)

1. The order of the Minister of Justice disposing of the extradition of a foreign citizen stipulates the request to observe the principle of speciality. For this purpose, at the beginning of the extradition process and if no guarantees have been given, the Minister of Justice requests the requesting state:

- a) not to prosecute criminally the extradited person for another criminal offence committed before extradition;
- b) not to subject the extradited person to the execution of a decision related to another criminal offence committed before extradition;
- c) repealed;
- ç) repealed;
- d) the extradited person must not be extradited to a third country without the consent of the Republic of Albania for the execution of a final court decision of imprisonment or for the execution of a coercive personal security measure of restriction of liberty imposed before the extradition was granted.

2. This principle shall not be observed in the cases provided by article 490 paragraph 2 and 3 of the Code of Criminal Procedure.

Article 43

Notification of the order of the Minister of Justice disposing of the extradition

1. The Minister of Justice communicates immediately the order disposing of extradition of a foreign citizen to the requesting state and to the Ministry of the Interior.

2. Interpol Office in collaboration with the counterpart of the requesting state takes the technical measures to make the surrender and notifies immediately the Ministry of Justice of the place and date of the surrender of the extradited person. The extradited person is surrendered by the Interpol Office, which notifies immediately the Ministry of Justice and the Prosecutor General.

Article 44

Simplified extradition

1. The person whose extradition is requested may give consent to surrender himself to the requesting state and to waive the right to benefit from the principle of speciality through a simplified procedure. The consent and the waiver are irrevocable.

2. The person gives such consent in a court session that is held in the necessary presence of the prosecutor and the defense lawyer. The court informs the person of the advantages, consequences of the simplified extradition and the impossibility of revoking the consent and waiver. In this case, no trial is held to examine the extradition request.

3. The Prosecutor General, within five days from the holding of this session, notifies the Ministry of Justice of the consent to simplified extradition, by sending a copy of the judicial record documenting this session. The Minister of Justice notifies the requesting state within 10 days from the holding of the session.

4. The rules on ordinary extradition are applied subsequently.

Article 45

Re-extradition

1. Where the requesting state re-submits a re-extradition request concerning a person who, after the first extradition, has avoided the criminal proceedings or the execution of the criminal sentence in the requesting state and has entered the Albanian territory, the person may be re-extradited on the basis of a repeated request, upon application of the rules of this section.

2. In this case, the Minister of Justice may, after taking even the opinion of the Prosecutor General, notify the requesting state that it is not necessary to re-submit the documents accompanying the extradition request, except for the document proving avoidance of criminal proceedings or execution of the criminal sentence by the extradited person.

Article 46

Repetition of the judicial process

If, once the court decision on the extradition request becomes final, but before the Minister issues the order disposing of extradition, the conditions for extradition foreseen in article 32 of this law change, the Minister of Justice shall transmit the complete file to the Prosecutor General, with the request to initiate a review of the court decision. In this case, the rules of the Code of Criminal Procedure shall apply.

Article 47

Delivery of seized objects

1. The seized objects, according to this section, are delivered to the requesting state upon its request after the disposition of extradition.

2. The objects may be delivered even if the extradited person is not surrendered because of death or serious illness, but provided that his extradition is ordered by means of a disposition.

3. If the objects have been subjected to seizure or confiscation for purposes of a judicial process in Albania, they may be kept temporarily until the end of the judicial process or they may be delivered to the requesting state provided that they be returned.

4. The provisions of this article do not apply to cases foreseen in letters “b” and “c” of paragraph 3 of article 23 of this law.

SECTION II

INCOMING EXTRADITION

Article 48

Declaring internationally wanted

(par 3, 4 and 5 amended by law no. 97/2021, dated 7.7.2021)

1. If the executing prosecutor has information that the convicted person is not found in Albanian territory, he may issue an order to declare him internationally wanted for execution of a final sentence of imprisonment.

2. If the case prosecutor has information that the wanted person is not found in the Albanian territory, he may issue an order to declare him internationally wanted execution of a security measure of restriction of personal freedom.

3. The international search warrant is drafted in Albanian language and indicates:

a) the name of the prosecutor who issued the search warrant;

b) the personal information of the wanted person and every other piece of data valid for his identification;

c) the court and information about the court decision ordering the security measure or the criminal sentence;

ç) information about the security measure and the maximum of prison sentence, which is foreseen for the criminal offence in question, or the remaining sentence term ordered by final court decision;

4. The prosecutor attached to the prosecutor's office of general jurisdiction through the Prosecutor General or the prosecutor attached to the Special Prosecutor's Office against Corruption and Organised Crime through the head of the Special Prosecutor's Office sends immediately the international search warrant to the National Interpol Office which translates it immediately into English or into another official language of Interpol.

5. The Prosecutor General, the head of the Special Prosecutor's Office and the Minister of the Interior, determine by means of a joint instruction, the procedures for issuance of the international search warrant as well as the detailed rules about the time limits and ways of exchange of information, to issue and communicate such warrant.

Article 49

Extradition request

(words added to the end of par 1 by law no. 97/2021, dated 7.7.2021)

1. Where a security measure of restriction of liberty has been imposed in criminal proceedings, or a final sentence of imprisonment has been ordered against a person who is located abroad, the Minister of Justice may submit an extradition request based on the information and documents forwarded from the Prosecutor General or the head of the Special Prosecutor's Office.

2. The request must meet the conditions of article 5 of this law and it is submitted to the requested state through diplomatic channels.

Article 50

Request for provisional detention

1. In urgent cases, if there is a risk that the person whose extradition is requested will abscond or hide, the Minister of Justice may, even before the submission of the extradition request, ask the requested state to detain the person provisionally.

2. A request for provisional detention contains the elements foreseen in article 35 of this law.

Article 51

Safeguards related to the extradited person

1. Once the sought person is extradited, he enjoys all the rights foreseen in article 42 of this law, except for the case where the extradited person has waived such rights and the requested state has stated this explicitly in the request.

2. Where extradition of a sought person in the Republic of Albania has been granted according to the conditions set in connection with the type or the time limit of the sentence that may be imposed or executed and it has been accepted under such conditions, the local judicial authorities are obliged to comply with these conditions during the criminal proceedings or execution of the sentence.

3. Where the extradited person has been detained in the requested state for the criminal offence for which he has been extradited, the time served in detention is calculated in the extent of punishment.

4. A final decision rendered in absentia against an extradited person by the local judicial authorities may be reviewed at the request of the extradited person, if the Minister of Justice has given such a guarantee to the requested state. The request for review is submitted within 30 days from the arrival of the extradited person in the Albanian territory and its review follows the rules of the Code of Criminal Procedure.

Article 52

Request for transit through the territory of the Republic of Albania and costs

In the case of transit through the Albanian territory of a person extradited from one state to another, the rules of article 502 of the Code of Criminal Procedure shall apply.

CHAPTER IV RECOGNITION AND ENFORCEMENT OF CRIMINAL JUDGMENTS

SECTION I ENFORCEMENT OF FOREIGN CRIMINAL JUDGMENTS

Article 53

General provisions

1. The Ministry of Justice and the local judicial authorities shall apply the rules of the Code of Criminal Procedure and of this law concerning recognition and enforcement of foreign criminal judgments.

2. The foreign court judgement of imprisonment may be recognised:

a) upon the request of the sentencing state, where the convicted person is an Albanian citizen and has a residence or domicile in Albania; and

b) upon the request of an Albanian citizen who is serving a sentence in the sentencing state, to be transferred and resume serving the sentence in Albania.

3. Where the Ministry of Justice receives from the sentencing state a request for recognition of a foreign criminal judgment, in a foreign language, it may ask the sentencing state to translate it into the Albanian language. If translation is done by the Ministry of Justice, translation costs are noted to be included as procedural costs.

4. The Ministry of Justice sends the acts within 30 days of their receipt to the prosecutor of the judicial district of the residence or the domicile of the person, through the Prosecutor General.

5. The prosecutor submits the request to the court within 10 days from receipt of the acts. If the court receiving the acts finds that it is not competent to make a decision, it declares non-competence and sends the acts to the competent court, while notice is given, at the same time, to the Ministry of Justice.

Article 54

Request for recognition and enforcement of foreign criminal judgements

1. In addition to the conditions foreseen in article 514 of the Code of Criminal Procedure, the foreign criminal judgement is recognised and enforced even when the following conditions are met:

a) at least six months of imprisonment have still to be served by the sentenced person at the time of submission of the request for recognition at the Ministry of Justice;

b) the execution of the sentence has not been prescribed under the domestic legislation.

Article 55

Documents to be attached to the request of the sentencing state

1. The Ministry of Justice submits to the sentencing state a request to complete the documentation, and it does not forward the acts to the local judicial authorities, if the following documents are not attached to the request of the requesting state:

a) the original or a certified copy of the criminal judgement with the indication that it is final;

b) the personal information of the convicted person, including information about his citizenship, residence and domicile, place of birth, as well as other information that may be relevant to determine the competent court to decide on the request;

c) information about the enforcement of the judgement, including information about the time spent in detention and/or served prison term;

ç) a copy of the legal provisions on which the judgement requested to be recognized is based;

d) a summary of the progress of the criminal proceedings.

2. Where the Ministry of Justice finds that the documentation is complete, it shall send it, within 20 days, to the competent prosecutor, through the Prosecutor General.

3. If the sentencing state does not submit the required documentation within three months, the request and the acts are returned to the sentencing state. However, the procedure re-opens if the request and the acts completed by the sentencing state are re-submitted.

4. The request to complete the documentation may be submitted even by the local judicial authorities if so deemed by them during the examination of the request. Such request is transmitted through the Ministry of Justice. This rule shall not apply if the binding international agreements provide otherwise.

Article 56

The right to be defended by a defence lawyer

During trial, the person who is the subject of the request for recognition and enforcement of a foreign criminal judgement has the right to a defence lawyer, self-chosen or ex officio, according to the rules of the Code of Criminal Procedure.

Article 57

Court process

(par 5 and 6 amended by law no. 97/2021, dated 7.7.2021)

1. The judge of the case sets the date of the court session and orders the parties' notification within 10 days from the depositing of the prosecutor's request.

2. The session is held in the prosecutor's and the defence lawyer's mandatory presence.

3. To rule on the request, the court considers the facts indicates in the foreign judgement.

4. To determine the sentence, the court observes the conditions of article 516 of the Code of Criminal Procedure and relies on the Albanian criminal legislation, while reasoning the assessed circumstances as well.

5. The decision may be appealed against in a higher court by the prosecutor, the convicted person or his defence lawyer, within 10 days from its announcement or notification.

6. Once the decision recognizing the foreign criminal judgment becomes final, the judicial secretariat of the court notifies immediately the competent prosecutor's office of general jurisdiction and the General Prosecutor's Office.

Article 58
Transmitting the decision

1. The Prosecutor General transmits the copy of the court decision recognising the foreign criminal judgment to the Ministry of Justice within 15 days after it becomes final.
2. The Ministry of Justice notifies the sentencing state of the decision on recognition within 10 days from receipt from the Prosecutor General.

Article 59
Enforcement of a foreign criminal judgment

After recognition, the foreign criminal judgement is enforced in conformity with article 518 of the Code of Criminal Procedure.

Article 59/1
Agreement on delivery or division of seized assets
(added by law no. 97/2021, dated 7.7.2021)

1. Delivery or division of seized assets is done based on bilateral agreements on delivery of seized assets between the requesting state and the requested state in order to enforce a foreign court judgement, recognized and enforceable according to the legislation in force on recognition of foreign criminal judgments.
2. The agreement on delivery or division of seized assets is concluded between the competent authority of the foreign state and the state authority in the Republic of Albania competent for administering of seized assets, in line with the legislation in force on administering of seized and confiscated assets and the legislation in force on conclusion of international agreements. The agreement on delivery or division of seized assets may be concluded only with the authorities of the states which, under similar circumstances, would decide delivery or division of assets with the Albanian state.
3. Agreement on delivery or division of seized assets between the foreign state competent authority and the state competent authority of the Republic of Albania, as a rule, should reflect a proportional division of seized assets in line with the place where the criminal offence generating the assets has been committed, as well as the role of the investigation work of each state, unless otherwise foreseen in the ratified international agreements.

Article 60
Enforcement of foreign judgements in case of transfer to resume serving the sentence

1. The Albanian citizen who is serving a prison sentence in a foreign state may, upon his request, be transferred to Albania to resume serving the prison sentence once the judgment is recognised by the local judicial authorities.
2. If the sentencing state submits the act by means of which the convicted person has been given notice of the recognition decision, the Ministry of Justice transmits such act of notification to the Prosecutor General and to the court that has rendered the recognition decision.
3. Once the foreign criminal judgment is recognised and the competent authorities of the sentencing state accept the transfer of the convicted person, measures are taken to transfer the convicted person from the sentencing state to Albania, by applying, to the extent possible, the rules on the surrender of an extradited person.

4. The payment method and the breakdown of transfer costs are defined by joint instruction of the Minister of Finance, the Minister of the Interior and the Prosecutor General.

Article 61

Actions during enforcement of the judgment

1. The foreign judicial judgment recognised according to the rules of the Code of Criminal Procedure and this law cannot be reviewed by the Albanian courts.

2. During enforcement, the sentence given by the foreign judicial judgment may be commuted, pardoned or amnestied according to the rules of the Albanian legislation in force.

3. If the sentence is commuted, pardoned or amnestied by the sentencing state, the Minister of Justice, based on the principle of reciprocity with the sentencing state, shall transmit the acts sent from the sentencing state to the executing prosecutor, through the Prosecutor General. The executing prosecutor submits to the court that has recognized the judgement a request which states by means of a decision the commutation or expungement of the sentence, as the case may be.

4. The Ministry of Justice notifies the sentencing state of the circumstances foreseen in this article.

SECTION II

ENFORCEMENT OF ALBANIAN CRIMINAL JUDGMENTS ABROAD

Article 62

Conditions of enforcement

1. The Ministry of Justice, in addition to the conditions foreseen in article 529 of the Code of Criminal Procedure, shall request recognition and enforcement of criminal judgments by a foreign state even when:

a) the criminal judgment rendered by a local judicial authority may not be executed in the Albanian territory; or

b) the enforcement of a criminal sentence abroad may serve to a better social rehabilitation of the convicted person.

2. The Ministry of Justice, when filing such request, considers the information and the documents transmitted from the Prosecutor General.

Article 63

Request submission procedure

1. The request submitted to a foreign state for the enforcement of a criminal judgment of a local court is accompanied by the documents foreseen in article 55 of this law.

2. The request is submitted in the language of the state where recognition and enforcement of the judgement is sought or in another agreed language.

Article 64

Transfer of foreign citizens to resume serving the sentence imposed in Albania

1. The provisions of article 520 of the Code of Criminal Procedure shall apply to the transfer of foreign citizens sentenced by a criminal judgement rendered in Albania.

2. The court session is held in the prosecutor's and defence lawyer's mandatory presence. The prosecutor sends the acts to the Ministry of Justice within 10 days from the holding of the session.

3. Measures start to be taken to surrender the convicted person to the sentencing state, while applying, to the extent possible, the rules on the surrender of an extradited person.

Article 65

Consequences of acceptance of enforcement in case of review or interruption of enforcement of the criminal judgement

1. If after recognition and once the Albanian court judgments starts to be enforced abroad, the reviewing of the court judgment, the commutation or expungement of the sentence has been ordered in Albania, the Prosecutor General notifies immediately the Ministry of Justice. The Ministry of Justice informs the requested state within 10 days from receipt of information and documents from the Prosecutor General.

2. If the requested state gives notice that the enforcement of the recognized judgement is impossible, the Ministry of Justice notifies immediately the Prosecutor General thereof and enforcement resumes in the Republic of Albania.

CHAPTER V

TRANSFER OF CRIMINAL PROCEEDINGS

SECTION I

TRANSFER OF CRIMINAL PROCEEDINGS TO FOREIGN STATES

Article 66

Transfer of criminal proceedings to a foreign state

The Minister of Justice, where a person is suspected of the commission of a punishable criminal offence, according to the Albanian criminal law, requests the foreign state to initiate criminal proceedings if the conditions of the article 67 of this law are met.

Article 67

Conditions of transfer of criminal proceedings

Transfer of criminal proceedings is requested if:

- a) the suspected person's residence or domicile is in the requested state; and
- b) proceedings against the person in Albania is not possible or appropriate for one or more of the following reasons:
 - i) the suspected person is a national of the requested state or if the requested state is his state of origin;
 - ii) the suspected person is undergoing or is to undergo a prison sentence in the requested state;
 - iii) proceedings for the same or other offences are being taken against the suspected person in the requested state;
 - iv) it considers that transfer of the proceedings is warranted to serve to the fair and proper case settlement and due legal process;
 - v) it considers that enforcement in the requested state of a sentence may improve the prospect for social rehabilitation of the person sentenced;
 - vi) the summoning and presence of the suspected person in criminal proceedings in Albania cannot be ensured;

vii) a prison sentence if one were passed could not be enforced and, even by having recourse to extradition or the extradition request has been refused.

Article 68

Decision to request transferring

1. The proceeding prosecutor's office or the court make the decision to request transferring of criminal proceedings. The decision may be appealed in court by the defendant, his defence lawyer or the aggrieved party within 10 days from receipt of notice. In this case, the court rules on the appeal within five days from its submission, based on the documents.

2. The decision to request transferring in the stage of preliminary investigation does not preclude the prosecutor from obtaining evidence. The prosecutor decides to extend the time period of investigation according to article 324 of the Code of Criminal Procedure pending the decision of the requested state. He notifies the Ministry of Justice through the Prosecutor General of the decision to extend the time period of investigation.

3. If the decision to request transferring is made during the judicial examination, the court stays the court examination and applies, to the extent possible, the provisions of article 343 of the Code of Criminal Procedure. Suspension does not preclude the local judicial authority from obtaining evidence that may lead to the acquittal of the defendant and, where delay poses a risk, any other piece of evidence sought by the parties.

Article 69

Transmitting the request

(par 1 and 2 amended by law no. 97/2021, dated 7.7.2021)

1. The authority making a disposition on the transfer of criminal proceedings under article 68 paragraph 1 of this law transmits to the Ministry of Justice the decision on the transfer and the file.

2. Within 30 days from receipt of the acts from the authority making a disposition on the transfer of the criminal proceedings, the Ministry of Justice transmits them to the requested state and requests the latter to give notice of acceptance or refusal of transfer of the criminal proceedings.

3. The Ministry of Justice translates the acts into the language of the requested state or another agreed language. Translation costs are noted and transmitted to the prosecutor's office to be included in prepaid procedural costs according to article 485 of the Code of Criminal Procedure.

Article 70

Consequences of acceptance or refusal by the requested state

1. The Ministry of Justice forwards to the case prosecutor, through the Prosecutor General, the foreign state notification of acceptance or refusal of transfer of the criminal proceedings.

2. If the requested state accepts the transfer of the criminal proceedings, the proceeding local judicial authority decides to dismiss the criminal proceeding on such grounds.

3. If the requested state refuses the transfer of the criminal proceedings or fails to notify within six months from receipt of the request, the local judicial authority resumes the criminal proceedings.

SECTION II
TRANSFER OF CRIMINAL PROCEEDINGS FROM FOREIGN STATES

Article 71

Conditions for acceptance of a criminal proceeding from a foreign state

1. The Minister of Justice may accept the transfer of criminal proceedings to Albania if:
- a) the suspected person's residence or domicile is in Albania; and
 - b) proceedings against the person in the requesting state is not possible or appropriate for one or more of the following reasons:
 - i) the suspected person is an Albanian national or Albania is his state of origin;
 - ii) the suspected person is undergoing or is to undergo a prison sentence in Albania;
 - iii) proceedings for the same or other offences are being taken against the suspected person have been initiated by the local judicial authorities;
 - iv) it considers that transfer of the proceedings is warranted to serve to the fair and proper case settlement and due legal process;
 - v) it considers that enforcement of a sentence in Albania may improve the prospect for social rehabilitation of the person sentenced;
 - vi) the summoning and presence of the suspected person in criminal proceedings in the requesting state cannot be ensured;
 - vii) a prison sentence if one were passed in the requesting state could not be enforced and, even by having recourse to extradition or the extradition request has been refused.
2. Transfer of criminal proceedings may not be accepted if one of the reasons precluding initiation of the criminal proceedings foreseen by the domestic legislation is in place.

Article 72

Actions of the Ministry of Justice

(third sentence, par 3 amended by law no. 100/2013, dated 18.3.2013)

1. If the Minister of Justice accepts the request for transfer of criminal proceedings, the Minister of Justice transmits the acts, within 30 days, to the prosecutor of the district of the residence place of the suspected person, through the Prosecutor General, while notifying the requesting state as well.
2. The acts are translated by the Ministry of Justice. Translation costs are noted and transmitted to the prosecutor's office to be included in prepaid procedural costs according to article 485 of the Code of Criminal Procedure. In complex cases, because of the volume of acts for translation, the time period defined in paragraph 1 may be extended for an additional 15 days.
3. If the Minister of Justice finds that all the necessary acts have not been attached to the request for transfer, but nevertheless concludes that this is not a case for refusal of the request for transfer of proceedings, the Minister accepts the transfer of the proceedings and transmits the acts to the Prosecutor General. In such case, the Ministry of Justice acts, to the extent possible, according to article 11 of this law. The supplementary acts submitted by the requesting state are transmitted to the prosecutor's office, translated, within seven days from their receipt.
4. The Ministry of Justice acts in the same way even when a request to complete the acts is submitted by the local judicial authorities.

Article 73

Actions of the prosecutor

1. The judicial district or serious crimes prosecutor, upon receipt of the request and the acts for transfer, records the criminal proceedings and complies with the rules of the Code of Criminal Procedure.

2. If the prosecutor decides not to initiate criminal proceedings because of circumstances that preclude initiation of criminal proceedings, he notifies, within five days, the Ministry of Justice, through the Prosecutor General, by sending all the acts together with the decision not to initiate criminal proceedings. In such case, the Minister of Justice returns the acts to the requesting state, together with the decision not to initiate criminal proceedings, within 20 days from receipt of the acts from the prosecutor's office.

3. The proceeding prosecutor notifies the Ministry of Justice through the Prosecutor General of every decision staying or terminating the criminal proceedings. The Minister of Justice forwards immediately such acts to the requesting state.

4. Upon the request of the foreign judicial authority, the Ministry of Justice requests the Prosecutor General to provide the necessary information about the progress of the criminal proceedings in Albania as well as the final court decision.

Article 74

Civil lawsuit in a transferred criminal proceeding

If the acts transmitted by the requesting state according to this section contain even a civil lawsuit, it shall be examined according to the rules of the Code of Criminal Procedure.

Article 75

Validity of actions of taking of evidence

The means of searching for evidence and the evidence taken from the foreign judicial authorities are valid in criminal proceedings in Albania, unless they contradict the fundamental principles of the Albanian legal order and the principles of international acts on the protection of the fundamental human rights and freedoms.

CHAPTER V/1

JOINT INVESTIGATION TEAMS¹

(Chapter V/1 added by law no 97/2021, dated 7.7.2021)

Article 75/1

Right to request the setting up of a joint investigation team

1. On the prosecutor's proposal, the head of the respective prosecutor's office through the Prosecutor General or the head of the Special Prosecutor's Office, may request the setting up of the joint investigation teams where:

a) investigations into criminal offences require particularly difficult or demanding actions having links with another state; or

b) one or several other states are conducting investigations into criminal offences in which the circumstances of the case necessitate coordinated or concerted actions in all other states.

¹ The provisions foreseen in Chapter V/1, adopted in article 22 of law no. 97/2021, dated 7.7.2021 do not apply to agreements in force on establishment or activity of joint investigation teams concluded by the General Prosecutor's Office, Serious Crimes Prosecutor's Office or Special Prosecutor's Office, prior to the entry into force of this law.

2. The head of the prosecutor's office of general jurisdiction, through the Prosecutor General, or, where appropriate, the head of the Special Prosecutor's Office transmits to the foreign authorities, through the Ministry of Justice, the request for the setting up of the joint investigation teams.

3. In addition to the information referred to in article 14 of the Council of Europe Convention on Mutual Legal Assistance in Criminal Matters the request for the setting up joint investigation teams contains even the proposal for the composition and the duration of the investigation team.

Article 75/2

Request of a foreign authority for the setting up of a joint investigation team

1. The Ministry of Justice decides to act on the request of the foreign authority for setting up of a joint investigation team, unless it deems that the requested actions are a threat to the sovereignty, security or important state interests. If the foreign authority approaches the Prosecutor General directly, or as the case may be, the heads of the special prosecutor's office, they shall notify, without any delay, the Minister of Justice.

2. The Ministry of Justice shall not act on the request where it is obvious that the requested actions are explicitly prohibited by law or contradict the fundamental principles of the Albanian legal order. In such case, the ministry shall notify the foreign authority without any delay.

3. The Ministry of Justice, acting on the request, shall, through the Prosecutor General, transmits the request to the head of the prosecutor's office of general jurisdiction under which territorial competence falls the investigation of the criminal offence in relation to which the setting up of the joint investigation team is requested, or where appropriate, to the head of the Special Prosecutor's Office.

Article 75/3

Agreement on setting up of the joint investigation team

1. The joint investigation team is set up through the signing of the agreement between the head of the respective prosecutor's office and the foreign competent authority/authorities.

2. The agreement shall include:

a) the composition of the investigation team, respectively the representative of the prosecutor's office, as well as the members designated by the foreign competent authority. Representatives of the Prosecutor's Office may be prosecutors, Judicial Police Officers, investigators or other state police employees. Members of the foreign competent authority are designated in line with the rules of the state/s of origin;

b) the leader of the investigation team, who is chosen among the members. If one or several prosecutors are members of the team, one of them shall be chosen the team leader;

c) the object and purpose of the joint investigation team;

ç) the time limit within which investigative actions must be completed.

3. The plan of investigative actions, including the organisational actions, and the manner of its implementation shall be attached to the Agreement.

4. Where necessary for the conduction of investigative actions, the head of the respective prosecutor's office, as well as the foreign competent authority, who have signed the agreement under paragraph 1 of this article, may, by means of a written agreement, change the object and purpose of the joint investigation team and also extend the time period within which investigative actions must be completed. Where these cases concern the general jurisdiction, the head of the prosecutor's office notifies the Prosecutor General, who in turn notifies the Ministry of Justice, whereas, where these cases concern the special jurisdiction, the head of the Special prosecutor's office notifies the Ministry of Justice.

5. The parties, for justified reasons, according to the rules of paragraph 4, may change even the composition of the joint investigation team by replacing one or several members, or adding new members.

6. The prosecutor leads the activity of the joint investigation team operating in the territory of the Republic of Albania, in any event, according to the provisions of article 304 of the Code of Criminal Procedure.

Article 75/4

Criminal liability of members of the foreign competent authority

1. Members of the foreign competent authority of a joint investigation team operating in the territory of the Republic of Albania, in the sense of their criminal liability, acquire the capacity of the person exercising public functions and such functions are exercised to fulfil the duties and procedural actions assigned to this person in the capacity of the judicial police.

2. The prosecutor, by means of a reasoned decision, may make a disposition that the members of the foreign competent authority do not participate in the conduction of certain investigative actions in the territory of the Republic of Albania.

Article 75/5

Use of obtained evidence

1. The joint investigation team shall operate in the territory of the Republic of Albania in line with the provisions of the Albanian legislation in force.

2. The dossier of adjudication, as per the definition of article 332/ë of the Code of Criminal Procedure shall include even the records of one-time actions conducted by the joint investigation team.

3. In line with the provisions of this chapter, the investigative actions conducted by the joint investigation teams outside the territory of the Republic of Albania have the same probative value as the same investigative actions conducted in the territory of the Republic of Albania, and they may be used in judicial examination in line with the provisions of the Albanian legislation.

4. Information obtained lawfully by members of a joint investigation team which is not otherwise available to the foreign competent authority may be used for the following purposes:

- a) for the purposes for which the team has been set up;
- b) subject to the prior consent of the State where the information became available, for detecting, investigation and prosecuting other criminal offences. Such consent may be withheld only in cases where such use would endanger criminal investigations in this state, or if, in a similar case, that state would act on the letter rogatory;
- c) for preventing an immediate and serious threat to public security, and without prejudice to subparagraph (b) of this paragraph, if a criminal investigation is opened;
- ç) for other purposes agreed between states setting up the joint investigation team.

5. The head of the prosecutor's office who has concluded the agreement on the setting up of the joint investigation team may request to the foreign competent authority that, for needs of investigation or adjudication, other than those defined in the agreement setting up the joint investigation team, to delay the use of information received from the members of the investigation team and which may not be made otherwise available, if such information may impair investigation of criminal proceedings being conducted in the country, for a period of no longer than 6 months.

6. The prosecutor, no later than the deadline set in paragraph 5 of this article, shall see to the fulfilment of the given conditions by the foreign competent authorities on the use of information, according to the same conditions stipulated in the paragraph above.

Article 75/6

Civil liability of the state for damage caused by joint investigation teams

1. The Albanian state is liable for compensation of any damage caused by the representatives of the prosecutor's office because of their function as members of the joint investigation team in the territory of another state, in line with the provisions of the legislation of the other state.

2. Where the other state in whose territory the damage referred to in paragraph 1 of this article was caused shall make good such damage under the conditions applicable to damage caused by its own members of the joint investigation team designated by its competent authority, the Albanian state is bound to reimburse the other state in full any sums it has paid to the victims and other persons entitled on their behalf.

3. The Albanian state shall make good damage caused on third parties in the territory of the Republic of Albania by the members of the joint investigation team, but, in any case, it has the right to request reimbursement of any sum from the state represented by the member of the joint investigation team that caused the damage.

CHAPTER VI FINAL PROVISIONS

Article 76

Sub-legal acts

1. The manner and procedure of recording of sentences ordered against the Albanian citizens by the foreign judicial authorities are determined by instruction of the Minister of Justice within three months from the entry of this law into force. The Minister of Justice when issuing such instruction shall consider the principle of personal data protection and equality before the law.

2. The sub-legal acts issued in implementing article 5, paragraph 3, article 48, paragraph 5, article 60, paragraph 4 shall consider the principle of the good administration of funds and due legal process.

Article 77

Entry into force

This law enters into force 45 days after publication in the Official Gazette.

Promulgated by decree no. 6363 dated 22.12.2009 of the President of the Republic of Albania, Bamir Topi