

Constitutional amendments as means for the empowerment of the fight against corruption and the increase of trust towards the institutions of justice

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Abstract

The dynamics of the economic and social development of the society as well as, the issues displayed within the justice system have drawn the need for a frequent readjustment of the legislation of the main institutions whose object is to provide justice. Although these frequent amendments have brought improvement, still according to public perception and other measurable indicators, these changes have failed to bring the expected results.

The monitoring reports of the international partners as well as public perception with respect to the fight against corruption, professionalism, independence, trust, accountability and efficiency of the justice system, have had a continuous decline in tendency with respect to the trustfulness of this system.

The fight of these notably negative phenomena and the rise of trust towards the institutions of the justice system has highlighted the need and the necessity of a profound reform in the organization, division of responsibility and the accountability during the exercise of duty.

Precisely the drastic amendments in the Constitution regarding the organization and the functioning of the justice system will be the object of this paper. It will focus in addressing the organization, structure, competences and the method of operation (*Modus Operandi*) of the newly formed organs whose object is the fight against corruption and the organized crime.

Keywords: Corruption, Organs, Constitution, Crime, Prosecutor.

Introduction

With the law no: 76/2016, date 22.7.2016, the Parliament of the Republic of Albania adopted the constitutional amendments in the law no: 8417 date 21.10.1998 "The Constitution of the Republic of Albania". The object of this law was to reform the justice institutions. It consists of 47 articles which have broadened, amended or abolished those constitutional articles that refer to the justice organs. Among the substantial changes that this reform brought, this paper will refer to those which are related to the organization and the functioning of the newly founded organs whose object of activity is the fight against corruption and organized crime. However, before assessing thoroughly the constitutional amendments it is necessary to make an analysis of the legal bases, organization and problematics encountered through the years by the organs of justice and especially those whose main focus of activity is the fight against corruption.

The Office of the Prosecutor

The Office of the prosecutor is the main organ that can initiate, organize and carry out an investigation as well as raise charges for criminal cases especially for those of

corruption and organized crime. Precisely for this reason the purpose of this paper will be to study the organization and the functioning of the organ of the Office of the prosecutor, the issues raised through the years and the constitutional changes affecting the latter.

The organ of the Office of the prosecutor is defined as an independent institution by the Constitution of the Republic of Albania. Article 148 of the Constitution establishes that:

1. *The office of the prosecutor exercises criminal prosecution and represents the accusation in court on behalf of the state. The office of the prosecutor also performs other duties set by law.*
2. *Prosecutors are organized and operate as a centralized organ attached to the judicial system.*
3. *In the exercise of their powers, prosecutors are subject to the Constitution and the laws..*

As it regards the selection of the General Prosecutor, his appointment and dismissal, article 149 of the Constitution establishes that:

1. *The General Prosecutor is appointed by the President of the Republic with the consent of the Assembly with the right of renewal.*
2. *The General Prosecutor may be discharged by the President of the Republic on the proposal of the Assembly for violations of the Constitution or serious violations of the law during the exercise of his duties, for mental or physical incapacity, and for acts and behavior that seriously discredit prosecutorial integrity and reputation.*
3. *The other prosecutors are appointed and dismissed by the President of the Republic on the proposal of the General Prosecutor.*
4. *The General Prosecutor informs the Assembly periodically on the condition of criminality*

Whereas, law no: 8737, date 12.2.2001 "On the organization and the functioning of the office of the prosecutor in the Republic of Albania", establishes the object of activity of the office of the prosecutor, the rules for the organization and the functioning of the latter as well as, the conditions that nationals ought to fulfil in order to be appointed as prosecutors, their status, career and disciplinary proceeding, relationships of the office of the Prosecutor with other governmental institutions and other public or private entities as well as with the public¹: With respect to the object of activity of the office of the prosecutor the law establishes that:

The office of the prosecutor exercises criminal indictment and represents the accuse in name of the state in a court of law, it takes measures and oversees the execution of the criminal verdicts, as well as, carries out other tasks as provided by law. The office of the prosecutor exercises its functions through the prosecutors.

With respect to the structure, the office of the prosecutor is organized and operates under the direction of the General Prosecutor as a centralized structure which includes; the office of the General Prosecutor, the Council of the Office of the Prosecutor and the Office of the prosecutor near the judiciary system. Whereas, the organs of the office of the Prosecutor are defined as a) the General Prosecutor Office of the Republic; b) the office of the prosecutor at the Severe Crimes Court of Appeal; c) the offices of prosecutor at the appeal courts; d) the office of the prosecutor at the First Degree Court of Severe Crimes; e) the offices of prosecutor at the first degree

¹ Article 1, law no: 8737, dat 12.2.2001 "On the organization and the functioning of the office of the prosecutor in the Republic of Albania".

courts². This law also establishes the degree of hierarchy of the prosecutors from the highest prosecutor to the lowest. This means that the prosecutors of the General Prosecutors Office are higher in rank than the prosecutors of the office of prosecutor at the courts of appeal and the prosecutors at the prosecutors of the first degree courts. In the judgement of appealed cases which fall within their jurisdiction, the prosecutors at the courts of appeal are higher in rank than the prosecutors of the first degree courts. The prosecutors at the first degree courts according to their material and territorial jurisdiction are considered first level prosecutors. Also, it is emphasised that the prosecutors, heads of departments at the General Prosecutor Office, heads of the office of the prosecutor at the appeals courts and the heads of the office of the prosecutor at the first degree courts are higher in rank than the prosecutors of the respective structures where they exercise their duty.

The appointment of the prosecutors is made according to the requests of article 17, of the law no: 8737. This article provides that each person can be appointed as a prosecutor if he has a minimum age of 25 years, has a higher degree in law and has finalized the school of magistrates. Article 17, comprises also other criteria which are related to the physical and moral capacities that a person shall fulfil in order to be appointed as a prosecutor.

Taking into consideration the level of importance of the work of the prosecutors and the high responsibility that its performance bears, I consider the required age limit provided in article 17, it to be very low. Also, specific criteria for the measurement of capacity, integrity and competence of the prosecutors are deemed to be lacking.

Another method of the selection of prosecutors is also the selection and appointment from the personnel of the officers of judiciary police. Article 18, of the same law establishes that, a person that has not finalized the school of magistrates can be appointed as a prosecutor, provided that he fulfils the other criteria that the candidates which have finalized that school have. The selection of these candidates is made through a competition of the files of the applicants and also a written test made by the General Prosecutors Office which is divided in two phases: written and oral, the latter being organized as a hearing section from the Council of the Office of the Prosecutor³.

² Paragraph 1, article 3/a, Law no: 8737, date 12.2.2001 "On the organization and the functioning of the Office of the Prosecutor in the Republic of Albania".

³ Article 10, of the law no: 8737.

1. The Council of the Office of the Prosecutor exercises advisory competences in aid to the General Prosecutor.
2. The opinions of the Council of the Prosecutors are submitted in written form, reasoned and are signed by its chairman. The minority opinion is inevitably attached to the act.
3. The Council of the Prosecutor exercises the following competences:
 - a) it organizes the competition for the appointment of candidates applying for prosecutors and gives the General Prosecutor opinion on the appointment of the prosecutors in duty, their dismissal as well as every other initiative of disciplinary nature.
 - b) it revises the prosecutors' work assessment and submits for approval to the General Prosecutor the report of final evaluation of the professional abilities of the prosecutors; c) it submits to the General Prosecutor opinions for the promotion, transfer (parallel of similar changes) as well as the candidates for the heads of prosecution and their deputies, by submitting its opinion after the competitive procedure; ç) gives opinion for approval by the General Prosecutor of the regulation of the Council of the Office of Prosecutor;

I consider the above mentioned selection procedure to be not only improper but also a procedure that lacks in predicting any obligation or priority procedure, in the completion of the vacant positions at the office of the prosecutor. Firstly, this procedure can privilege the officers of the judiciary police with respect to the ones which have completed the school of magistrates. We say privileged because the appointment of a prosecutor right after he has completed the school of Magistrates is more difficult than the appointment of a prosecutor coming from the ranks of the officers of the judiciary police. The completion of the school of Magistrates in itself requires the successful passing of various filters at the initial selection; the completion of a 3 year study near this school and; at the end the successful completion of this discipline. Whereas, the appointment of prosecutors from the ranks of the officers of the judiciary police (OJP) is a process that requires as an extra condition, a 5 year experience as an OJP as well as a test at the General Prosecutors Office. Compared to the 3 year term of completion of the school of magistrates the 5 year experience as an OJP is relatively low and it lacks in prioritizing the fulfilment of the vacant positions at the Office of the Prosecutor with candidates that have finalized their studies at the school of Magistrates. As a result, in practice has been noticed that prosecutors which have finalized their studies at the school of Magistrates have been unable to exercise their duty although they have benefited the full compensation of a prosecutor.

According to the law on the organization and functioning of the office of the prosecutor, the prosecutors are appointed and promoted by the President of the Republic, with the proposal of the General Prosecutor and after the consent of the Council of the office of the Prosecutor. On the other hand, the appointment of candidates for the position of a prosecutor but which have not completed their studies at the school of Magistrates, and their promotion, is made through out a competition of their files. For the latter, the law does not specify any criteria and the consent or decision of the Council of the office of the Prosecutor is not mandatory for the General Prosecutor. Another issue faced is also the transfer and promotion of the prosecutors. Article 24 of the law establishes that: *“The transfer of a prosecutor cannot be made without his consent except when its dictated by the needs of the reorganization of the office of the prosecutor. The transfer of a prosecutor can only be made at the same level office of the prosecutor. In case of reorganization of the office of the prosecutor the transfer is followed with a diminution in the ranks of the office of the prosecutor, he is compensated with the wage corresponding to the previous appointment”*. Relating to this, the law carries a significant limitation with

- d) gives opinions on the annual inspection plan and their object;
- e) processes and gives opinions regarding the evaluation of the Minister of Justice related to the inspections carried out by the organs of the office of the prosecutor;
- f) gives opinions on the draft normative acts of the General Prosecutor for the unification of the criminal indictment policy, in investigation and judgement, as well as, proposes measures for the internal organization and good administration of the office of the prosecutor or the improvement of the legislation in the criminal field;
- g) exercises any other duty assigned by law.

4. The Council of the Prosecutor assesses the request for the evaluation of the prosecutors and can refuse or has the right to initiate the review of the evaluation which has not been accepted by the respective prosecutor, in accordance with the rules established by the General Prosecutor.

5. In case the General Prosecutor does not concur with the opinions suggested by the council, he submits a reasoned different decision.

respect to the transfer of a prosecutor. From one hand, it acknowledges the prosecutor the right of consent for the transfer, whereas, on the other hand, he loses this right in case of a reorganization of the office of the prosecutor. In practice there has been a considerate number of cases when the prosecutors have been transferred from their working place by presenting as a motivation the need of institutional reorganization, while in fact there have been other reasons for the transfer either related to assigned investigations or specific investigative files.

Disturbing is also the fact that, the prosecutors are restricted or rather have difficulties in the preservation of their independence within the system. Although, by law, the prosecutors are granted the right of independence in the completion of their duty, a significant limitation of their independence stands in proportion with the hierarchic supervisor, especially at the office of the prosecutor at the first degree courts.

The organization of the Office of the Prosecutor as a hierarchic organ brings limitation in the decision making of the prosecutors as it regards the main aspects of the conduction of investigative procedures. Such as, the decision of *non-lieu*, their dismissal, the choice of security measures, final discuss or the freedom to exercise the right of appeal are mostly related to the decision making of their supervisor. Though the law predicts the possibility of refusal of the order of a higher ranking prosecutor, this refusal is mostly related to the orders that are openly contrary to law and not directly related to the decision making in the respective case file. Among others, the refusal of an order by the supervisor puts the prosecutors in an uncomfortable situation with respect to the relations between them and especially those that are related to their job evaluation and other comforting treatments.

The General Prosecutor, appointment and exercise of power

The constitutional amendments of 2008 altered the method of appointment and mandate of the General Prosecutor. The General Prosecutor is now appointed by the President of the Republic with the consent of the parliament with a 5 year mandate without the right of renewal. According to these amendments, the appointment of the General Prosecutor is made with a simple parliamentary majority; hence, putting him at the service of the political force that has the political power. Also, the lack of legal warranties for the exercise of another high governmental duty after the termination of the 5 year mandate of the General Prosecutor shows lack of respect and obliges the latter to be hesitant in the exercise of power by guaranteeing his career at the end of the mandate.

Under these terms we consider that the independence of the system of the office of the prosecutor is infringed towards the issues that relate to the appointment, promotion and the guarantying of the prosecutors' career. Also, the hierarchic system prevents the development of a prosecutor's career and diminishes their initiatives and professional growth. Prosecutors are often transformed into obedient of their supervisor's orders, losing their integrity, responsibility and trustfulness in the completion of their duties.

Judiciary Police

Last but not least, it is necessary to analyse the role of the judiciary police and its problematics⁴. The Judiciary Police is the organ that carries out the criminal investigations under the direction and authority of the office of the prosecutor. The main role of the Judiciary Police is displayed during the preliminary investigations and this is exactly where the main problems are faced and which bring a sensitive decrease of efficiency in the exercise of their duty. According to the law in force, the Judiciary Police entails a double administrative and procedural dependency. Its administrative dependency stands in the exercise of the police activity in the preservation of law and public security for which they report to the State Police. Whereas, the procedural dependency, stands in carrying out criminal investigations and the application of criminal law under the authority of the Office of the Prosecutor. This double dependency has often brought issues which are enhanced mostly during the political rotation where transfers and change in work positions have resulted in a decrease of efficiency of this structure, as well as, lack of objectivity in the completion of the duty by the people serving them. The lack of guarantee of a stable career and the detachment from the administrative police dependency of the Judicial Police has resulted in procrastination and abuse of power especially with respect to the long term criminal acts that are related to organized crime and criminal acts of high level corruption.

Trusting the organs of justice towards the fight against corruption

The war against corruption is in focus of every government especially to the ones in transition. In Albania the phenomena of corruption is exhibited at high level. The organs of justice bear the main responsibility in the war against corruption in every country, in particular the courts and the Office of the Prosecutor. The uniqueness of the Albanian reality stands in the fact that the institutions of justice itself are perceived as highly corrupt. In the wide public opinion the organs of the justice system are perceived as subjects of the fight against corruption and at the same time prone to corruption.

In a successful fight against corruption necessarily requires a higher level of integrity, honesty and professionalism by the officials of the organs of justice particularly of the prosecutors and judges. Aside from the moral and personal characteristics of these officials, independence and a full warranty of the independence of the system of justice is required.

A study of the Council of Europe⁵ regarding the types of judicial and prosecutes' corruption, resulted in the below mentioned main findings:

- a) Informal connections between judges, prosecutors and lawyers, the latter acting mostly as mediators for the execution of corruptive payments.
- b) Mediations by persons that are related or have influence over prosecutors and judges.

⁴ For more see at Law no 8677, date 2.11.2000, "Organization and Functioning of the Judicial Police".

⁵ Council of Europe, Corruption Risks in Criminal Process and Judiciary (April 2009).

- c) The lack of internal control or ineffective controls and the lack of ethical rules that apply to judges and prosecutors.
- d) The appointment of cases for judgment based on criteria such as “object/value in money of the case”.
- e) Short cuts between the heads of the courts and the offices of the prosecution with political and business representatives which result in the (heads) exercising corruptive pressure over their colleagues.
- f) Opening of cases by the Office of Prosecutor with the only aim to profit a payment by the suspect, or the “acquisition” of an investigation by a businessman that wants to damage the image of a rival.
- g) Acceptance or request of bribery by the judges in order to find a way to compensate the money payed for their appointments.
- h) Exercise of excessive discretion by prosecutors not to require any security measures with imprisonment or to require security measures on property etc.
- i) Benefit of gifts, employment of relatives in well-paid jobs, payment for services or travel, purchase of expensive mobile phones, free repair of vehicles, free use of vehicles or property, payment of loans, fuel or raw materials payments etc. Beneficiaries of these favours can be both judges and prosecutors and their family members.

The above findings are more than current in the condition when a large number of judges and prosecutors possess unwarranted wealth of all forms, hold appointments and promotions without merit within the judicial system, members of the same family are part of the judicial system in different positions as judges, prosecutors, lawyers, investigators, etc. In many cases, court or prosecution decisions go from one extreme to the other in decision-making (from guilty to innocence or vice versa). All of these indicators serve to show that the justice system malfunctions or functions only in the formal direction and not in providing justice basically.

Regarding the prosecution and punishment of senior officials accused of corruption, a very low number of cases dealt with by the justice system is noted. Here we mention two cases of accused and convicted judges for corruption and of two prosecutors convicted for the same offense. Among senior officials in the executive system we mention the conviction (not final) of a former minister. Although, from time to time there are criminal reports of constitutional institutions such as the State Supreme Audit Office or the High Inspectorate of Declaration and Audit of Assets for High Level Officers, these criminal reports have been delayed for a long time and the prosecution has generally closed investigations by deciding to dismiss the case or not initiate investigations.

Institutional Framework for Corruption Investigation

The current responsible structures for the investigation of corruption in Albania are the state police, judicial police, prosecution and courts of all three levels. Thus, since 2007, a special section for the investigation of Corruption has been established in the State Police. With the agreement of six institutions, in the same year a Joint Investigation Unit (PIU) was established, with the cooperation of several institutions such as the Ministry of Interior, the Supreme State Audit, the High Inspectorate of

Declaration and Audit of Assets, the Ministry of Finance, The National Intelligence Service and the Prosecution Office, which deals with the investigation of economic and financial crime.

Meanwhile, in the Criminal Code of the Republic of Albania criminal offenses related to corruption are dissipated according to the following structure: 7 offenses in the public sector (articles 244, 244, 245/1, 248, 256, 259, 259 / a), 7 offenses in the judicial system (Articles 312, 319 / a, 319 / b, 319 / c, 319 / d 319/dh 319 / e), 2 offenses in the private sector 164 / a and 164 / b), 2 offenses concerning the non-declaration and false declaration of assets/property (Articles 257 and 257 / a)⁶.

Since 2014 criminal offenses of corruption of senior officials, local elected officials, judges, prosecutors and other judicial officials (Articles 245, 260, 319 and 319 / c of the CC) are investigated by the Joint Investigative Unit established at Prosecution Office of Serious Crimes.

The trial of corruption-related offenses is conducted by all three levels of judgment according to the following organization⁷:

- The courts of first instance of ordinary jurisdiction shall adjudicate on the offenses provided for in Articles 244, 244 / a, 245/1, 248, 259, 259 / a, 312, 319 / a, 319 / b, 319 / c, 319 / D, 319 / dh, 319 / e, 164 / a, 257, 257 / a,
- - Serious Crimes Courts are responsible for the criminal offenses of corruption of senior officials, local elected officials, judges, prosecutors and other judicial officials provided for in Articles 245, 260, 319 and 319 / b of the CC.
- - The Supreme Court judges all the corruption offenses (22 in total) when they are committed by the President, the Prime Minister, the Ministers, the Deputies, the Constitutional Court judges and the judges of the Supreme Court⁸.

The need for changes and the establishment of new bodies for the trial of serious criminal offenses

The problems of the justice system for more than a quarter of a century and the need for reaction from Albanian society forced legislators to draft a law with special content in addressing the phenomenon of corruption and organized crime. We say in a special form because the law provides for the creation of new structures of the court and special prosecution, prosecution as well as the separate handling of corruption crime and organized criminal structures.

It took the will of all political forces in the Albanian parliament to adopt new constitutional changes as well as the law with the strictest content regarding the independence of these new structures and the territorial and subject competences of these institutions.

After many debates and consultations, the Albanian Parliament succeeded in adopting the Law No. 95/2016, dated 6.10.2016, "On the organization and functioning of institutions to fight corruption and organized crime". This law provides for the

⁶ Criminal Code of the Republic of Albania.

⁷ Article 74, of the Criminal Procedure Code.

⁸ Article 74/a, of the Criminal Procedure Code. 4 Article 141 of the Constitution and Article 75/b of the Criminal Procedure Code. 5 Law No. 95/2016 "On the organization and functioning of institutions to fight corruption and organized crime", Article 4.

establishment of the Special Prosecution Office as the body that prosecutes and represents the indictment on behalf of the state before the First Instance Court against corruption and organized crime, the Court of Appeal against corruption and organized crime, and the Supreme Court. Likewise, the law also provides for the establishment of the National Bureau of Investigation (NBI), which is a specialised structure of the Judicial Police investigating criminal offenses in the criminal jurisdiction of the Special Prosecution, as provided for in the Criminal Procedure Code.

Among other things, the law establishes a very strong filter to be a member of the new structures of the Prosecution Office, the National Investigation Bureau, the judicial civil servants, as well as any staff of the Special Prosecution Office and the National Bureau of Investigation who conduct investigative functions or whose functions directly support the investigation. For the successful passage of the independence and credibility test, all employees of these structures should carry out the following checks:

- a) property and image verification;
- b) provision of consent to the periodic control of their bank accounts and personal telecommunications,
- c) provision of consent from close family members for the periodic control of their bank accounts and personal telecommunications.

So, as it is seen, being a member of these bodies requires for individuals with a high moral, social and family integrity and credibility. Employees of this structure are required to waive part of the privacy of electronic communications, their bank accounts and their families. While waiving privacy for these elements raises a debate on the violation of the rights of individuals guaranteed in the constitution, on the other hand, the law guarantees new employees that these data will only be used for official purposes and will serve for the granting of maximum integrity guarantees in the exercise of duty.

Competency

Regarding the substantive and primary competences of the courts against corruption and organized crime, they are provided for in Article 75 / a of the Criminal Procedure Code, but can not exceed the competence defined in Article 135, paragraph 2⁷ of the Constitution.

The Anti-Corruption and Organized Crime Court and the Special Prosecution Office are competent to review, investigate and prosecute any criminal offense under point 1 of this article, even in the absence of charges against a public official, under Article 135, paragraph 2 of the Constitution, or against a head of a central or independent institution under this law, or if that public official or senior official is removed during the term of the investigation⁹.

⁹ The Special Courts judge the crimes provided for in Articles 73,74,75, 78/a, 79, letter "ç",79/a, 79/b, 79/c, 109, 109/b, 110/a, 111, 128/b, 219, 220, 221, 230, 230/a,230/b, 231,232, 233, 234, 234/a, 234/b, 245, 260, 265/a, 265/b,265/c,278/a, 282/a, 283/a, 284/a,287/a,319, 319/ç,333, 333/a and 334 of the criminal code, including the cases when they are committed by minors. Prior to the legal changes these powers were exercised by the Court and the Prosecution for Serious Crimes.

⁷ The Constitution of the Republic of Albania, Article 135, paragraph 2. Special Courts judge the

Regarding the subject competence, the Anti-Corruption and Organized Crime Court and the Special Prosecution Office have the authority to review, investigate and prosecute any other criminal offense that is closely related to the investigation or criminal case within the competences provided for in their organic law. Whereas the criminal jurisdiction of the Courts against Corruption and Organized Crime, special structures and special prosecution extends throughout the territory of Albania.

Special Prosecution Office

A special role in the new bodies of investigation and prosecution plays the Special Prosecution Office which exercises its functions through special prosecutors and support sectors in its composition. Regarding the investigations, they carry out the services of the Judicial Police of the National Investigation Bureau, assisted by specialized assistants in the financial and information fields. Special Prosecutors, in the exercise of their functions, act and make decisions independently, based on the principles of legitimacy, objectivity and impartiality. The obligation to implement general guidelines, given in writing by the Attorney General, is only of auxiliary and guiding nature since the highest prosecutor can not give instructions to a special prosecutor regarding the essence of the investigation or the case. In addition, the law guarantees the independence and autonomy needed to make decisions in the exercise by prosecutors of their constitutional and legal function, regardless of the illegal, internal or external influence of any public or private authority.

In the new special structure it is important that prosecutors in the decision-making process are guaranteed full independence. Prosecutors are legally protected by any internal or external interference. The new law has eliminated the hierarchical dependence that existed before legal changes. Elimination of the influence or change of decision-making by the Attorney General gives full guarantees to prosecutors while exercising their duty. The only restriction on aid or guidance from the highest prosecutor increases the credibility of prosecutors and makes them more accountable in investigating cases.

Conclusions

The peculiarity in the establishment of these new structures lies in the fact that for the first time in Albania special structures for the investigation, prosecution and criminal prosecution of criminal offenses of organized crime and corruption are organized separately from the national judicial system. The necessity of their establishment is related to the fact that these criminal offenses are more serious in violating the health, life security and economic relations of the state activity. Over the years, the judicial criminal offenses of Corruption and Organized Crime, as well as criminal charges against the President of the Republic, the Speaker of the Assembly, the Prime Minister, a member of the Council of Ministers, the Judge of the Constitutional Court and the High Court, the General Prosecutor, The High Inspectorate of Justice, the Mayor, the MP, the Deputy Prime Minister, the member of the High Council of Justice and of the High Council of the Prosecution Office, and the directors of central or independent institutions defined in the Constitution or the law, as well as the charges against former officials mentioned above.

system has been under constant accusations of high levels of corruption and political influence that have affected the credibility of individuals in giving justice and further in the entire country's government. The new legal changes give the guarantee that the new structures in the fight against organized crime and corruption will have a set of professionals, controlled by the system itself and independently realistically in the exercise of their duties. These structures have the most difficult mission and task to accomplish, that of returning credibility to the justice system. Last but not least, we must not forget that the membership of our country in the family of the European Union already has a negotiable condition, such as providing real justice and punishing individuals, politicians, judges, and any person with influences who actually feel themselves as "untouchable". Furthermore, in the light of these changes, we still have to hope that the day of real justice will be close and our country's membership in the European Union will be a tangible reality.

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