

Extraordinary legal means against final criminal decisions in Albania

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Abstract

This paper aims to address the extraordinary legal means against a final court decision in a criminal process, which means the review of a court decision at the Supreme Court of the Republic of Albania. In jurisprudence and practice of procedure, the usual means against a final court decision consist of complaint or appeal to the Court of Appeal and Recourse to the Supreme Court.

The Criminal Procedure provides importance to common means of appeal against a final decision in general and to the extraordinary means of retrial for a final decision in particular. In reality, the extraordinary means against a final criminal decision is nothing but the application that the parties address to the Supreme Court in order to review and decide on the final decision of the lower courts. However, in this case, the application for review must contain *new evidence*, which was not known and could not be known by the parties in all instances (arbitration levels), an evidence of great importance in the judicial process that can change the entire course of the previous judicial process. In this sense, the criminal college of the Supreme Court, in the consultation chamber, through the evaluation and assessment of the new evidence, may perceive his conviction so as to decide to uphold or reverse the final court decision and the delivery of the case for review to the lower competent court which has given the previous final decision for the defendant.

The goal of addressing the review means of final decisions in criminal processes is that justice be served, taking and examining the criminal process, all evidence related to the offense, or the facts and circumstances of its commission, which were not previously known and received, but that may affect the guilt or innocence of the defendant. The paper starts with an introduction and it is divided into several sub-topics which first show the legal means, the extraordinary legal means, the review of the final criminal decision, and finally the conclusions.

Keywords: Review tools, final decision, final decision, court, prosecutor, defendant, lawyer, new evidence.

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