

Albania – national procedures for extradition
Updated 04.11.2016

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:	<p>Ministry of Justice</p> <p>Department of Foreign Jurisdictional Relations</p> <p>Address: Blv. "Zog I", Postal Code: 256, Tirana, Albania</p> <p>Tel: +355 4 2230247</p> <p>Fax: +3554234560</p> <p>Contact Email: Odeti.Thenjilli@drejtesia.gov.al</p> <p>Email :foreigndepart@drejtesia.gov.al</p>
If different from the Central Authority the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	Directly to Ministry of Justice, through diplomatic channels when required reciprocally or via Interpol in urgent cases
Means of communication (eg. by post, fax, e-mail ¹):	<p>The requests on extradition should be sent directly to Ministry of Justice as central authority by post.</p> <p>In urgent cases the acts can be transmitted in advance by fax or email to the Ministry of Justice. Encryption or electronic signature is not required</p>

¹ Please indicate if encryption or electronic signature is required.

Language requirements:	Albania has not made any reservation regarding the language of acts. Extradition request and the relevant documents have to be accompanied by a translation into Albanian or into one of the official languages of the Council of Europe (English or French)	
Documentation required:	<p>The request of extradition must be accompanied by :</p> <ul style="list-style-type: none"> -the copy of the sentenced by imprisonment or of the act of proceedings; -a report of the criminal offence in charge of the person subject to extradition indicating the time and the place of the commission of the offence and its legal qualification; -the text of legal provisions to be applied, indicating whether for the criminal offence subject to extradition the law of the foreign country provides death penalty. -personal data and any other possible information which supports to define the identity and the citizenship of the person subject to extradition. 	
Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	<p>In cases of provisional arrest pending extradition the request for extradition should be submitted within 18 days.</p> <p>It should not exceed 40 days from the date of such arrest.</p> <p>(Provided by article 16/4 of European Convention on Extradition)</p>
	Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?	Yes. According to Albanian Code of Criminal Procedure the coercive measures on extradition purpose are revoked if, within eighteen days and anyhow in a maximum of forty days from

		<p>the notification herein of, the request for extradition and the documents enclosed do not arrive to the Ministry of Justice</p>
<p>Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:</p>	<p>In accordance with internal law both kind of procedures of extradition are regulated: normal procedure or simplified procedure.</p> <p>Normal procedure : The request and the accompanying acts are submitted by Ministry of Justice to the General Prosecution's Office which submits then according to the criminal code of procedure the request on extradition to the competent court. It the court which evaluates and decides whether the conditions are for the approval of surrender or not. This decision can be appealed.</p> <p>The Minister of Justice, based on the decision of Court, if there is no political grounds security for the extradition to be refused, decides the approval or not of extradition within 30 days from the date the decision has become final and executable. After the expiration of this time period, even in case the decision is not rendered by the Minister, the person subject to extradition, if imprisoned, shall be released.</p> <p>Simplified Procedure:</p> <p>The person whose extradition is sought may give consent to surrender himself to the requesting state and to waive the right the benefit from the principle of speciality through a simplified procedure. This consent is given by the person in a judicial session that is held with the essential participation of the prosecutor and the defence attorney. In this case, a trial on the examination of the request for extradition is not held.</p>	
<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>In cases of provisional arrest pending extradition the request for extradition should be submitted within 18 days. It should not exceed 40 days from the date of such arrest. (Provided by article 16/4 of European Convention on Extradition)</p> <p>The coercive measures are revoked when within three months</p>	

	<p>from the start of their execution it has not terminated the proceedings before the court. Upon the request of the prosecutor the time period can be prolonged, but not longer than one month, when necessary to make particularly complex verifications.</p>
<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p>Statute of limitations for criminal prosecution</p> <ul style="list-style-type: none"> a) twenty years on offences for which the law provides sentences of no lower than ten years of imprisonment or other heavier punishment. b) ten years on offences for which the law provides sentences between five and ten years of imprisonment; c) five years on offences for which the law provides sentences up to five years of imprisonment or fine; ç) three years for criminal contraventions which provide sentences up to two years of imprisonment; d) two years for criminal contraventions which provide fines. <p>There is no statute of limitation operative for the criminal prosecution against war crimes and crimes against humanity.</p> <p>Statute of limitations on the execution of sentences:</p> <ul style="list-style-type: none"> a) twenty years for imprisonment sentences between fifteen to twenty-five years; b) ten years for imprisonment sentences between five to fifteen years; c) five years for imprisonment sentences of up to five years or other lighter sentences.
<p>Provisions concerning extradition of nationals:</p>	<p>Albania cannot grant extradition of own nationals based on the Constitution unless it is specifically provided for as such in a bilateral agreement.</p>

Surrender (eg. deadlines):	The Minister of Justice communicates the decision to the requesting state and, when this is favourable, the place of the surrender and the date by which it is expected to start. The time period of the surrender is fifteen days from the fixed date and, upon motivated request of the requesting state, it may be also extended to fifteen other days.
Other particularly relevant information (such as, specific requirements concerning double criminality):	Yes. Procedure is based on principle of double criminality.
Links to national legislation, national guides on procedure,	<p>The internal legislation in English can be found at http://www.drejtesia.gov.al</p> <p>Ministry of Justice web site: www.drejtesia.gov.al</p> <p>General Prosecution Office: web site: www.pp.gov.al</p> <p>http://www.drejtesia.gov.al/al/dokumente/legjislacioni/legjislacioni-i-brendshem</p>