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CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS
(CCPE)

Questionnaire with a view of the preparation of Opinion No. 7 on the management of the means of the prosecution services

Replies from Albania

SECTION I: Status of the prosecution services in the state administration

1. Please specify the status of the prosecutor and the prosecution service in your state. Is it an autonomous institution? If yes, how is this autonomy guaranteed?

Prosecution service and the prosecutors in Albania are independent from the government. The General Prosecutor is the Head of the Service. He is appointed by the President of Republic, and the proposal must get the approval of the parliament. At least once in 6 months, the General Prosecutor presents a report to the Parliament or to the parliamentary commissions. The prosecutors are appointed by the President of Republic after he gets the proposals from the General Prosecutor.

Article 54 of the Law on Prosecution Service specifies that the Council of Ministers is not allowed to recommend to General Prosecutor to proceed or not in a specified case. It can only give recommendations as to the priorities that must be kept in the fight against criminality in the current year.

2. Does the ministry of justice or another authority govern the activity of the prosecution service? If so, how?

NO.

3. Which authority is responsible for the creation of prosecutor positions?

The General Prosecutor proposes to the President of Republic the number of prosecutors positions, after has received the opinion of Ministry of Justice.

4. Please indicate if there is any connection between the prosecution service and the Ministry of Justice or another public authority in terms of financial and human resources, IT facilities etc. If so, please describe how this connection works.

As regards the human resources (prosecutors), the answer is given above. As to the financial resources, the request is headed to the Ministry of Finances, which decides on the amount that is to be allocated to Prosecution Service or other institutions each year. At the start of each year the parliament approves a law on the budgetary funds and the number of employees.

5. Is the prosecution service independent from other institutions when implementing and managing its own budget?

The law on the prosecution service, art.57, specifies that the Prosecution Service has an independent budget, which is drafted, administered and managed conform to the existing legal framework. Each fiscal year the Prosecution Service presents to the government and to the parliament its requests for the annual budget.

SECTION II: Financial rules and regulations of the prosecution service

6. Does the law governing the prosecution service include provisions on financial management and on the executive's obligation to provide it with the necessary infrastructure?

The article 57 of the Law on prosecution service, mentioned above, is the only one to deal with this subject.

7. Please describe how and when the budget of the prosecution service is managed (preparation, distribution of funds between the budget lines).

In March and April of each year, must be prepared the demands (detailed, taking in consideration all the needs the service has) for budgetary funds in the new budgetary year and for the 3 years period (medium term budgetary demands). In the first stage (April), the demands are headed to the Ministry of Finances which revise them. In August (second stage), a summary of all the demands is sent to the Ministry of Finances. In September, meetings take place with representatives of Ministry of Finances where are examined the limits (funds allocated) posed by the Ministry and the additional demands of the institution. At the start of new year the budget and the total number of employees is approved by the parliament with the law on the budget.

8. Is there a specific department within the prosecution service responsible for the management of resources?

Finance and Economical Department is responsible for the management of budgetary funds.

9. Is there a national and/or centralised IT system for managing, monitoring and evaluating the budget of the prosecution services? *Does this system include a mechanism for increasing the efficiency of the resource management?*

Yes. The National System of Treasury, and an IT system in the Prime Minister Office. We don't have any access in it.

SECTION III: Resources of the prosecution service

10. Please specify the amount of budget of the prosecution service for 2008, 2009, 2010 and 2011 (€ equivalent), indicating the distribution between staff expenditure and other types of expenditure.

Article Code	Name	EURO			
		Plan 2008	Plan 2009	Plan 2010	Plan 2011
600	Salaries	4,809,471	5,742,857	5,757,357	6,196,264
601	Social insurances	788,514	757,143	749,714	807,143
602	Goods and other services	1,465,229	1,842,857	1,497,214	1,726,343
603	Subventions	-	-	-	-
606	Domestic current transfers	900	-	2,964	3,036
605	Foreign current transfers	357	-	393	-
606	Transfers to family budgets and individuals	3,857	-	81,000	81,500
<i>Subtotal</i>	<i>Current expenses</i>	<i>7,068,328</i>	<i>8,342,857</i>	<i>8,088,642</i>	<i>8,814,286</i>
230	Intangible assets	-	-	34,807	4,286
231	Tangible Assets	162,721	342,857	778,443	667,143
<i>Subtotal</i>	<i>Capital expenses</i>	<i>162,721</i>	<i>342,857</i>	<i>813,250</i>	<i>671,429</i>
Total	Currents and assets	7,231,049	8,685,714	8,901,892	9,485,715
<i>Extra budgetary</i>					<i>2,857,143</i>
Total (current+ assets+extra budgetary)		7,231,049	8,685,714	8,901,892	12,342,858

11. In your jurisdiction, what resources would you improve access to, and how would you do that (e.g. through partnership agreements, joint investigations, redistribution of resources etc.)?

There are many issues linked to the unpaid hours of work (work done during weekends or during emergencies). With the limits posed by the government in spending for salaries, it's almost impossible to find a solution just by trying to redistribute the resources and there is a limit of 40 hours per month in maximum which is allowed to be paid. An increase in budgetary funds is needed, but with the ongoing financial and economical crisis it looks improbable to find a quick solution.

We need also to increase the number of employees, but the resources we have are not abundant so it's almost impossible to resolve this issue by a simple redistribution of resources.

12. Are the current or future budgets of the prosecution service affected by the 2009-2011 economic crisis?

Most of demands, taking into account the previous years, has been fulfilled but of course much more could have been done if the situation would have been different. We have to take into account that generally the funds allocated to the Prosecution Service have never been abundant, due to the enduring economical weakness of the country.

13. *What instruments are used to allocate resources needed for the good functioning of the prosecution service?*

The number of employees, unpaid bills from the previous year, the expected expenses of the coming year, investments etc.,.

14. Is there any connection between the budgets allocated to the prosecution service and to the judiciary or to law enforcement bodies?

No.

15. Do human resources of the prosecution service depend on other institutions of the judiciary (e.g. Judicial Council, National Schools of Clerks)?

The main source to provide the Prosecution service with new prosecutors is The School of Magistrates, but there are certain exceptions to the rule in the Law on Prosecution Service which allows other lawyers, which has had an experience as judge or prosecutor, or 5 years experience as judicial police officer, to get appointed as prosecutors. Their number in total cannot exceed the limit of 10% on the whole number of prosecutors.

16. In your jurisdiction, is there any mechanism of rapid reaction which could allow a quick redistribution of means (financial or human resources, logistics) between prosecution services, according to the needs of the system?

If there are funds to be allocated due to new unpredicted needs, a demand is headed to the General Prosecution Service, which take them into consideration as soon as possible.

17. Does the General Prosecutor (or equivalent institution) have a specific budget for taking interim/temporary measures in situations when, within a certain prosecution service, human resources are insufficient?

No, GP does not have such a budget.

SECTION IV: Budget for investigations

18. What steps are required in order to obtain direct access to the resources needed for investigations? Please assess the period of time that elapses between submitting a request for resources and the moment when they are actually obtained.

When an investigation activity needs a financial support, a request is made to the Finance Department which issues an order for the fulfilment of the request at the shortest possible term, according to the funds at disposal of the service.

19. Have you ever faced the risk that special investigative techniques (e.g. communication interceptions, legal-genetic expertise, computer search) could not be applied in due time because of insufficient resources? Have insufficient resources in general affected the performance of criminal investigation in normal cases?

Yes, it has been difficult in some cases to find financial resources in order to make some expensive expertises like legal genetic or those regarding financial investigations. We have also encountered problems in translation of documents sent to us in cases of judicial co-operation due to the high costs of translation but in general we have found the necessary resources to conduct the investigations in the right way.

20. Is the resource management performed by the prosecution services during their investigations controlled? Please specify.

Yes, there is a system in place to check the resource management. There are bylaws of GP to regulate this issue. But this is done based on the financial performance of the offices in general. If we come to single investigations or to the performance in managing resources during the whole investigative activity of the office, there isn't such a system of control in place.

21. What is the resource management procedure when various agencies are involved in the investigation procedure (e.g. the police)?

There is not a management procedure in place. The prosecution service leads the investigation and at the same time has the right to conduct a part or all the criminal investigation itself, when has not delegated investigative powers to the police service. In that way each body has to cover its own part of expenses.

22. Is it possible for prosecutors to specialise in certain type of crimes? If so, what kind of effect it has had on the results of the prosecution service?

Yes, this has been the trend recently (from 2004), especially in organised crime, financial crimes, trafficking of human beings etc. The results have been very positive.

23. Are there areas of investigation that have priority access to financial or material resources? If so, how and by whom is this priority established?

There is not a predefined priority order and the decisions are taken based on the assessments done by the GP.

SECTION V: Description of the system of management by results

24. Do you have a system of management by results? (Please specify.) If yes, is there any problem with this system ?

There is a system in place used by Financial and Economical Department for the evaluation of efficiency in the way the financial and other resources are used. These assessments are done periodically (every 3 months).

As to the whole activity of the service (results based management), every year a medium term budget program (MBP) is approved and there are set the objectives for the Prosecution Service, taking into account the different needs and the priorities of the service as a whole and of single offices as well.

25. What kind of objectives are set for the prosecution service, if such a system of objectives exists? Does your system use benchmarks of achieved results?

Each office sets its own objectives for the coming year but not taking into consideration the available financial resources of the coming year. The GPO is the one to establish the objectives in the light of financial capabilities. We have a centralised system of prosecution service and is the GPO which has the right to set the priorities, taking in consideration the objectives that each office has set.

Objectives are set in the Medium-term Budget Program (MBP),

There are different objectives set in this document. For example, in 2012, we can list some as below:

- 1- service improvements in interceptions, translations, forensic expertises,
- 2- improvement of work conditions by building new premises and the reconstruction of the old premises
- 3- efficiency in the management of financial resources
- 4- improvement of human capacities by trainings and financial motivations
- 5- increase efficiency during investigations by speeding up the their intensity and reducing in that way the period of investigative activity
- 6- increased efficiency during investigations through the application of modern investigative means,
- 7- higher transparency and professional integrity to increase the trust of citizens towards our work
- 8- further consolidation of task force units (financial crime specialised departments) by increasing the number of cases investigated and sent to trial
- 9- increased level of technological services (case management system predicted to become functional this year) etc,

As to the benchmark of achieved results, we don't have an elaborated system to measure the results, but we use mainly the statistical data to assess the success or the failure in achieving the objectives. It is important to say that GP is the one who thanks to the elaboration of data done by different specialised departments in GPO and by the assessment of work analysis and the performance of each prosecution office and also by focusing on the priorities in the fight against criminality, has a whole picture of the situation. So it is obvious that the objectives and the evaluation of the achievements is done periodically and the members of GSM pay attention to the estimations of the General Prosecutor who is responsible for the well functioning of the whole service.

26. Which authority/authorities is/are competent to set these objectives?

The competent authority to set the objectives is the Group for the Management of Strategies (GMS). It is composed mainly of prosecutors (General Prosecutor, prosecutors from different departments in GPO and district offices) General Secretary, the directors of Finance and IT departments.

27. What role does the prosecution service play in setting these objectives?

The GPO is independent in setting these objectives.

28. Are the objectives coordinated between all authorities of the criminal procedure? If such coordination exists, how does it influence the activities of the prosecution service?

No, they are not.

29. Are there regulations in your system as regards the optimal workload within prosecution offices? if yes, is the allocation of resources correlated with the workload? Please provide examples.

No, there are not such regulations in place. Usually are the prosecution offices which request to the General Prosecution Office the funds for the coming year based on their assessments. It's up to the general prosecutor office to decide on the distribution of the financial means, based on the size of the offices, the workload and other specific needs or features an office might have.

30. Is the setting of objectives based on a negotiation system?

No. Is the GSM which defines the objectives based on the estimation of the situation, where are taken into account the needs of every prosecution office and the available or predictable financial resources. The prosecution service in Albania is centralised and the GPO (General Prosecution Office) is on the top of the system. It collects data, elaborate and set objectives, manage, check and coordinate the whole activity of the service

31. Who are parties of the negotiations?

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SECTION VI: Follow-up of results and reporting

32. Please indicate if there are any national strategies implemented in your state regarding the resources allocated to the judicial system, including the prosecution service. If so, in what areas were these strategies developed? Please comment on the results of these strategies.

No, there isn't such a strategy in place.

33. Is the attainment of objectives followed up yearly? How?

Every 3 months, GPO (General Prosecution Office) delivers its monitoring and performance report to the Ministry of Finance.

34. Have any reforms been implemented during the last 5 years aimed at increasing the budget of justice?

No.

35. Is the prosecution service included in the government strategies for enhancing the efficiency of public institutions (e.g. e-governance, external financial audit)?

No.

36. How would you assess internal audit recommendations within the prosecution service?

The recommendations done by the internal audit, have been taken into account and have resulted as valuables by the Prosecution Offices.

37. Is the social impact of the prosecutors' activities evaluated? If yes, by whom?

There is not a system in place to evaluate the public prosecutors activities. During the annually work analyses of each prosecution office, there is done an evaluation on the social impact we have achieved based mainly in the way we have perceived it but we don't have any well elaborated system to trustfully measure the social impact.