

Organized Crime and the Prevention Thereof

Elena Xhina

Lawyer, Chamber of Advocates, Ebasan, Doctoral School, European University of Tirana
xhina_elena@yahoo.com

Doi:10.5901/mjss.2015.v6n2s5p101

Abstract

Organized crime has been and persists as one of the most concerning problems threatening the society and the state. The exigency to fight organized crime has urged the necessity of adopting a range of legislative measures both in national and international level, which, consequently have induced establishment of the new institutions of justice and have brought significant changes into the judicial nature of the existing ones. Discovery, identification, requisition and confiscation of property are product of crime and part of any strategies involved in the fighting against organized crime or other serious crimes. In the frame of the fight against corruption, the compliance of the Albanian legislation with international standards constitutes a crucial aspect since the engagement in international level promotes legal reform in the domain of penal legislation; aiming to deal a blow to corruption in all forms it is displayed. This writing will treat precisely the compliance of legislation as well as the role of the authorities of justice, which are the ones giving life to penal legislation and rendering it effective.

Keywords: Organized crime, international agreement, mutual collaboration, Criminal Procedure Code, Penal Code.

1. Situation of the Organized Crime in Albania

The situation of the organized crime in Albania requires a special and in -depth analysis, based on data, facts and evidence regarding the ways it has been evolved and the forms it has been displayed.

Inclinations to organized crime have been obvious during the whole years of the totalitarian system in Albania. Despite the all-round isolation and the impossibility of trespassing the country's border, organized crime persisted in simple forms suchlike smuggling, criminal gangs for stealing as well as other crimes, whereas some forms of organized crime were even rendered by the system itself, as in the case of the tobacco smuggling.¹

After 90's, there have been several factors effecting the gradual evolvement of the organized crime in Albania, at first being displayed in simple forms and later in utterly organized groups. The main factors revealed by scholars are;

- Establishment of contacts among individuals with criminal disposition in Albania and those in the neighboring countries, making use of their experiences and forms of the evolvement of organized crime;
- Lack of community awareness about risks and the consequences of the organized crime;
- Plentiful gains made through organized crimes as well as earning a great deal of money in the shortest time possible;
- High level of poverty;
- Factors related to geographic position of the country;
- The low level of response by the state institutions;
- Lack of the necessary legal instruments against the organized crime².

Because of these factors as well as many others, within a short period, the reports of the international institutions began to refer to Albania as source of high criminality. Gradually and as the time passed by, the Albanian criminal gangs became competitive to Italian, French, Belgian, English and Greek criminal gangs³. Alongside the evolvement of the organized crime in Albania, evolved the response by the state institutions, too, mainly the reaction of the specialized organs to investigate about and fight the typical cases of the forms the organized crimes were displayed suchlike trafficking of human beings, prostitution, smuggling as well as other forms of trafficking.

At meantime, there have also been ascertained inclinations to create criminal organizations, with criminal dispositions which commenced to commit serious crimes suchlike homicide and robbery with the use of weapons. Utterly

¹ Ministry of Interior Project, 2007, *Strategjia Ndërsektoriale e Luftës kundër Krimin të Organizuar, Trafiqeve dhe Terrorizmit*, p 10.

² 'Politika e luftimit të kriminalitetit', Hysi V

³ *Ibid*, Hysi V

criminal organizations were also the usury firms created in Albania, tending to money laundering or other criminal dispositions. The year 1997 marked one of the peaks of the evolvement of criminal gangs and armed bands in Albania as well as the crystallization of the organized crime in the country. Criminal gangs were organized in structural groups with specialized tasks, sustainable criminal activity and tending to increase perpetrating serious crimes.

For years on end, the reaction against an increasing criminal situation has been weak, even because of corruption, pressure, fear and uncertainty. It was the insistence of international organizations and the European Union that induced the undertaking of institutional steps in the fight against organized crime.

Progress made to this regard by the Ministry of Interior and the structures of the state police was reflected even in the Report on the situation of the organized crime, realized by project CARPO, which states: "It is quite fair to emphasize that the recent dismantling and the arrest of some individuals of high criminal profile and members of several criminal organizations has given a heavy blow to the world of organized crime in Albania. This once more shows the determination and the readiness of the Albanian government to fight all kinds of organized crime"⁴

Precisely for this reason, the fight against corruption has been the main priority of the state penal politics in general. The entirety of the measures taken has been reflected into the Albanian penal legislation and the Penal Code of the Republic of Albania, based on the UNO declaration "Fighting Corruption and Bribery"⁵ Part of the amendment of the Penal Code with provisions against corruption have also become even new figures, suchlike the passive corruption of foreign officials and judges. All this criminalization testifies that the state policy against organized crime is on the right path though it needs to be further evolved not only in the national but also even in international ambit⁶. Collaboration in local, regional and international level against the organized crime as well as against crimes in general, cannot succeed if it is not organized and combined in a unique way both in national and international ambit. The successful fight against corruption and the organized crime in general requires all-round consideration, continuity and sustainability in its implementation based on preliminary rules and responsibilities.

2. Institutional Frame and Strategies

Actually, the preventive measures have been established firmly in terms of practical planning as well as in the theoretical debate, in the field of the modern strategies against organized crime, corruption, money laundering and financing terrorism. In this frame, in international plan, an even greater attention is being paid to the measures for the identification, discovery, freezing, sequestering and later on confiscating the products of the criminal offenses of the organized crime groups, as another effective way to weaken their economic power. Efforts are being concentrated especially in the compliance of the legislations, aiming to create a legal framework suitable to operate in international level, since it has been obvious that differences among legislations would provide a serious obstacle to the effective fighting against organized crime.

The domain of the fight against organized crime and illegal trafficking is one of the priority fields of the Albanian Government as well as an important element in the frame of the integration of the country in the European Union. Commitments are in line with the obligations determined in the Association and Stabilization Agreement⁷. These obligations entail the necessity for Albania to engage into regional collaboration and promote good neighborhood relations for the development of the projects of common interest about issues related to the fight against organized crime, illegal immigration and trafficking, especially the trafficking of human beings, smuggling, the illegal trafficking of weapons, cars etc. These obligations consist into a key factor for evolving relations of collaboration among Albania and other countries, so contributing directly to regional stability.

- Undertaking investigations which aim to completely destroy criminal networks, criminal organizations or structured groups of all dispositions or forms of crime;
- Paternity as one of the main policies of those structures;
- Increasing the awareness about the experiences of the more progressive countries in the fight against organized crime;
- Ever increasing risk for individuals or groups of individuals involved into these activities;
- Diminution of drug offers and the destabilization of their market in order to minimize the availability and usage

⁴ Raport of CARPO "On the situation of Organized crime ,Strasbourg 2006 , Albanian version p. 71

⁵ Law no. 9275,dated 16.09.2004

⁶ Politika e luftimit te kriminalitetit, Hysi V, Latifi V,Elezi I, p121

⁷ Law no. 9590, dated 27.7.2006 On the ratification of the "Association and Stabilization Agreement between the Republic of Albania and the European Communities and Member States "

- of drugs;
- Elimination of the cases of corruption and crime in the economic-financial domains;
- Increasing citizens' awareness regarding effects of the organized crime in the Albanian society as well as into the destabilization of the country's economy.
- Minimizing human beings trafficking and all other sorts of trafficking;
- Prevention of the money laundering in the country;⁸

2.1 Legal base of the fight against organized crime;

A wide range of legislative base exists in the field of organized crime and illegal trafficking, among which the following might be mentioned as primary;

- Law no. 7895 dated 27.01.1995 the "Penal Code" which has been continuously amended by adding new figures of criminal offenses, mainly in the field of organized crime;
- Law no. 7905 dated 21.03.1995 "Criminal Procedure Code of the Republic of Albania", which in years has also been object of a range of amendments and improvements regarding penal proceeding of the crime authors and applications of the techniques and methods of investigation;
- Law no. 8610 dated 17.05.2000 "On the prevention of money laundering" amended with Law no. 9804 dated 19.06.2003, drafted in compliance with the standards of the European Union, according to Directive 91/308/EC, dated 10.06.1991 "On the prevention of the use of the financial system for the purpose of money laundering" and Directive 01/97/EC dated 04.12.2001, amending Directive 91/308/EC.
- Palermo Protocol 2000 "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children", in compliance with the UN Convention "Against the International Organized Crime";
- Law no. 8920 dated, 11.7.2002, "On the ratification of the United Nations Conventions against the International Organized Crime' and its protocols;
- Law no. 9284 dated, 30.9.2004 "For the Prevention and Suppression of the Organized Crime"
- Civil Convention "About Corruption" dated 06.07.2000;
- Penal convention "About Corruption" dated 26.04.2001;
- Convention "About cleaning, discovering, sequestering, and confiscating crime revenues" dated 27.01.2006.

2.2 Responsible structures

In order to implement obligations deriving from the legislation in force in the field of prevention of money laundering, the following structures have been made available;

- General Directorate for the Prevention of Money Laundry (GDPML), which is taking the role of the financial intelligence units. The Directory's mission is to prevent the "money laundering" as well as the fight against terrorist financing by collecting, verifying, evaluating, controlling and preserving information from the subjects of law as well as by suspending, blocking and freezing any actions, aiming to prevent transferring, alteration or transition of property or products sourcing from criminal activities in coordination with other law enforcement structures suchlike the Ministry of Interior, General Prosecutor's Office, National Intelligence Service and other homologous organisms and the international institutions; in drafting collaboration plans and mutual assistance relating to the prevention of "money laundering" with other countries, based on the ratified international conventions.
- National Committee for Coordinating the Fight against Money Laundry (NCCFML). This committee is directed by the Prime Minister and consists of representatives from several state institutions. Its main tasks are to determine the main directions of the state policy in the field of money laundering prevention; considering and analyzing 6-months reports of the activities accomplished by the General Directorate for the Prevention of Money Laundering as well as reports and documents compiled by international institutions and organisms exerting their activities in the field of the money laundering prevention; the Bank of Albania (Observation Department);
- Sector of the Fight against Money Laundering integral part of the Directory of the Fight against Organized

⁸ Ligji nr. 9590, datë 27.7.2006 On the ratification of the "Association and Stabilization Agreement between the Republic of Albania and the European Communities and Member States "

Crime at the Department of Criminal Investigation in the Ministry of Interior. The main tasks of this sector are the direction, coordination and exertion of activity for the prevention, discovery, documentation and the interruption of the criminal activities in the field of money laundering as well as crimes in the economic and financial fields.

- General Directorate for the Prevention of Money Laundry exerts its activity in the field relating the prevention and fight against money laundering, terrorist financing and financial crimes in general. Structured in two directorates, the Directorate of Analysis and Monitoring and the Directorate of Prevention and Observation, GDPML exerts the functions of the financial information unit. It serves as a national centre and is responsible for collecting, analyzing and dispatching data to the competent authorities regarding suspicions for money laundering and potential financing of terrorism. Data are obtained from the financial information reported by institutions envisaged by law No.8610, dated 17.05.2000, "About the Prevention of Money Laundering"⁹. Reporting is about cases of financial transactions over the legally determined values, suspicious cases provided by reporting subjects as well as declarations of transactions in "cash" in the Republic of Albania or abroad. In order to realize the obligations determined by the institutions that signed this Memorandum, the ratified international conventions as well as in order to make possible the identification, discovery, freezing, blocking, sequestration, and confiscation of money, possession, revenues, profits and products sourcing from the criminal activity, mainly from the organized crime as well as for penalizing members of the criminal activity and prevention of this phenomenon, was decided to set up the Contact Group, comprised of specialists from these institutions.

In order to apply legislation in force and in conformity with the object of their activity members of this group have full authority to cooperate in fields suchlike information swapping about the subjects suspected for money laundering; drafting common programs about their functional activity in the fight against money laundering and financing of terrorism; undertaking swift actions in operative anti-crime aspects to prevent any transaction or alteration of property sourcing from criminal activities; identification, verification, discovery, prosecution, blocking and freezing funds made available to terrorist organizations and groups financing terrorism; determining the common measures to be made against individuals or subjects involved in the criminal offense of money laundering conform the penal procedure of the Republic of Albania. Compound sectors of institutions prosecuting the economic and financial crime envision forms of collaboration to operate in conformity with the law for information swapping about individuals, both physical and juridical persons who are suspected that the origin of their possessions might be sourcing from criminal activities; foresee tasks for obtaining information in cross-border points regarding occurrences of exporting currency in cash and travelers' cheques abroad or importing them in the territory of the Republic of Albania and, depending on the situations created and concrete problems, envision tasks for evaluation, necessity and the importance of collaboration in information swapping; collaborate for the discovery, documentation and identification of possession sourcing from organized crime activities such as trafficking of human beings, drugs, arms, smuggling, fiscal evasion, etc.

2.3 Practical effectuation of the law no. 9284, dated 30.09.2004 "About the Prevention and Suppression of the Organized Crime"

The new "Antimafia" law, passed by Parliament on 03.12.2009, differently from what is being discussed, does not bring essential and conceptual changes, compared to law no. 9284 which has been effective for about 5 years, since 2004. Before analyzing the two previous laws comparatively, it is necessary to introduce the first legislative initiative preceded by the first antimafia law no. 9284, dated 30.09.2004.

The law "About the prevention and the suppression of the organized crime"¹⁰ envisaged concrete measures to prevent and suppress the organized crime via discovering, identification, sequestration and confiscation of illegal possessions of the suspected individuals as being involved in organized crime as well as for the determination of the ways this possession has been used. The 2004 law aimed at realizing an effective blow to the phenomenon of organized crime, terrorism and illegal trafficking. The United Colleges of the High Court, by decision no.1 dated 25.01.2007, have ruled on the decision no. 37 dated 10.07.2006 of the Court of Appeal for Serious Crimes, Tirane, over the sequestration of possessions basing on the law nr.9284, dated 30.09.2004 "About the Prevention and Suppression of the Organized Crime". In this decision, the United Colleges of the High Court unified judicial practices regarding the following:

⁹ Amended by Law. 9084, dated 19.06.2003, "About some supplements and amendments in Law no.. 8610, dated 17.05.2000 "About the Prevention of Money Laundry".

¹⁰ Law no.9284, dated 30.09.2004.

- Explication and interpretation of the meaning of article 4, bullet 3 and article 28 bullet 1, of the Law. 9284, dated 30.09.2004 – over the appointment of the competent Court to investigate and judge over the preventive measures for sequestration and confiscation possession of the possessions as well as on the adjudication of the case laws;
- Meaning and interpretation of articles 7 and 10 of the Law no. 9284, dated 30.09.2004;
- Interpretation of the time to decide for confiscation in compliance with article 9 or 7 of the Law no 9284, dated 30.09.2004;
- Interpretation of the terms used for the suspension and sequestration in articles 9 and 10 of the Law no 9284, dated 30.09.2004.

As for the above, referring to actual provisions of the Law no. 9284, dated 30.09.2004, for the unification of the judicial practices regarding their application, as ruled by the High Court, as well as the recommendations of the experts from the EU member states, the amendment of the Law no. 9284, dated 30.09.2004 “About the prevention and the suppression of the organized crime”, because of the intervention by the Colleges of the High Court with its unifying decision dated 25.01.2007. Amendment of this law will be in two aspects; total reformulation of some provisions and supplements and improvements in the existing articles of the law. These amendments and improvements intend the proper separation of the civil procedure related to sequestration/confiscation of the illegal possessions from the penal procedure, emphasizing the fact that the procedure is against the property, not against the individuals. Some of these amendments are the following;

- Supplementing article 2/2, entitled “Definitions” in which the new terms used in the law are listed, suchlike ‘preventive measures’, ‘suspected person’, and ‘unjustified living standards’. Preventive measures have been summarized in a single concept to make their meaning easier and include the sequestration and confiscation of the possessions. The suspected individual has been defined to highlight the fact that such a term does not stand only for individuals against whom penal proceeding have commenced, is going on or has ended. For the purpose of this law, this concept includes even individuals having an unjustified standard of living in rapport with their incomes.
- In addition to article 2/2 is added the new article 2/3, which defines the criteria to determining preventive measures. Differently from law 9284, dated 30.09.2004, the bill exacts that preventive measures are applied to the possessions of the suspected individuals (*in rem*) and to the individuals (*in personam*). This division intends to ease the meaning and the application of the law in practice, by means of using civil procedure against these possessions. Civil procedure imposed to possessions has the advantages of the evidence burdening the person having the property and the level of proving the evidence is obviously lower than in the penal procedure. This choice has been accepted in the contemporary doctrine where, civil proceeding for sequestration/confiscation is a penal proceeding *in rem*, being directed against property (detached and autonomous from the penal proceedings), as compared to the penal proceeding against the individual which is judicial proceeding *in personam*. In the latter proceeding, sequestration/confiscation is investigative actions and result of the decision of the proceeding authority on declaring the individual guilty for criminal offense. This judicial proceeding, which is *sui generis*, will proceed, at any case, by basing on the principles for a fair judicial procedure and the fundamental human rights and freedoms.
- Article 3 was improved by changing its title, which has become “Field of implementation” and by removing the condition “based on evidence” in compliance with the implementation aim of this law, which is against property and not against the person. Two more bullets have been added to this article, letters “d” and “dh” which supplement the circle of penal offenses including the unjustified living standards as the basis for verifying proceedings to begin in compliance with this law. In addition, this article has been supplemented with a new paragraph, containing the timely application of this law, so resolving the deadlock created from the unifying decision of the High Court.
- Another supplement is law 3/1, which re-emphasizes that the verification procedure acts against the possessions and extends the law’s scope of activity, extending it to the heirs of the illegal property as well. This provision established the concept of relationships, including even the relatives. Therefore, this provision helps to understand easily the other specific provisions related to the family circle of these individuals
- In article 4 of the bill, object of investigations are the trade activities, too, in addition to the economic activities. In addition, this provision has been supplemented with the right of verification to the properties gained in an unlawful way. The term “administrative”, which associated the civil procedure has been removed both from this provision and in the others, in order to precise that this bill establishes a “*sui generis*” procedure, which does

- not conform to the administrative procedure acknowledged by the Albanian legislation.
- Article 5 of the law was amended by adding two new paragraphs. The first paragraph foresees the obligation of the judicial police to report immediately to the prosecutor, any cases of the properties to be verified, so reflecting the concern of the prosecution authorities. The second paragraph foresees the other institutions directed by special laws can exert the competences for the preliminary verification. This new article, determines clearly and in compliance with the unifying decision of the High Court, that competence for judging these cases lies with the Court for Serious Crimes. This prediction does not change the actual policy on the premises that this Court has already created a "profile" for cases of such nature. On the other side, according to article 7 of the law No.9110, dated 24.7.2003, "On the organization and functions of the Courts for Serious Crimes", this Court applies even procedures predicted by special laws, alongside procedures determined by the Criminal Procedure Code.
 - In conformity with the unifying decision of the High Court is determined the composition of the judicial body to judge on these case laws, - the first instance court for serious crimes, with a judicial body consisting of three judges, (Collegial Court). Paragraph 3 determines that judging will take place in compliance with the Criminal Procedure Code, as far as there is compliance with the nature of this judicial procedure. The burden of evidence, which is one of the main elements of this procedure, falls on the individuals who are subject to proceedings and who have to justify the legal origin of the property he possesses.
 - Article 7 was reformed totally and includes all the requirements made by prosecutors on the possessions, proceeding to confiscation, in the concept of "Sequestration".
 - Article 11 has the letter "a" reformulated, serving to further explicate the meaning, by replacing the expression "resetting in time" for the sequestration measure with "extension of the time to no more than six months". This reformulation considers the fact that the institute of resetting entails loss of time for reasonable causes determined by law whereas extension of time entails the need for a longer time available because of further actions to be undertaken.
 - Article 13 of the law was restructured for clarity effects as well as for determining the unjustified living standards as a cause for establishing the preventive measure of "sequestration". This supplement counts on the fact that often these individuals, who apparently seem to possess immense property, which they also might have declared, render a lifestyle of high costs which cannot justify their living standards in rapport with the property they possess in appearance, (e.g. luxury costs suchlike buying expensive cars, flats, villas, clothes, other expensive items, etc.)
 - In article 14 the existing paragraph was reformed by placing limits to the other actions to be accomplished by the Court, not literally regulated by the law; (1) whether the actions are attained to serve to the resolution of the case law, and (2) these actions do not cede the fundamental human rights and freedoms. In addition, a paragraph has been supplemented in this provision, allowing notifications and admission of evidence in the frame of the international mutual juridical assistance. The applied rules will be dependent on the feature of the procedure, be it civil or penal.
 - A paragraph was also added to Article 15, the second one, which allows the continuance of the procedure when the individual, whose property is object of this law, is in absentia. In order to resolve this situation the model in the Criminal Procedure Code is adopted, by issuing the in-absentia decision and the continuance of the proceedings in the presence of an appointed or selected defender.
 - The third paragraph has been added to article 16, according to which, object of verification will also be the properties passed to third parties by means of fictive or stimulated juridical actions, at the same time ascertaining their absolute invalidity. This rule lacked in the law and it intends to suppress property hiding behind these actions.
 - Article 20 exacts the tasks of the administrator in execution, transferring him the competence of executing the sequestration decided by the Court, after presenting the necessary requests to prosecution authorities, bailiff's office as well as to other state institutions. Chapter V of the Law has also been reformed by setting the provision that, the Court, by the request of the prosecutor, confiscates even possessions that has not been sequestered in advance. To this aim, and commencing from article 24, the word "sequestered" associating the word "property" has been removed.
 - Article 25 was reformed to be harmonized with the two Codes of the Civil and Criminal Procedures, according to which, the Court can postpone the announcement of its argued decision to 10 days.
 - In addition to article 25 was added a new article, 25/1 entitled; "Admission of the request for confiscation" which foresees cases when the Court decides the admission of the request for the confiscation of the

suspected individual's property, whose penal proceeding he was charged with has been dismissed, he has been proclaimed innocent or the juridical qualification of his offence has been altered. Despite the fact that penal proceeding to that individual might have been dismissed or the individual's sentencing could not be re-imposed in the course of the penal procedure and the qualification of the penal offence has judicially been altered, so not falling within the scope of this law, because of the existence of some conditions predicted in this article, this should not be considered as an obstacle for the sequestration and the confiscation of his property according to what this law foresees. Obviously, the causes for the dismissal of the penal proceeding include the insufficiency of evidence, death of the suspected individual, legal obstacles to take the suspected individual as defendant or sentence him. It is obvious that the bill allows confiscation in suspected cases of certifying penal facts, since confiscation of property is not determined on whether the court/prosecutor decides to dismiss penal proceeding on the hypothesis of certifying that the suspect has not committed the criminal offense.

- Article 27 was reformed functional to the clear separation of the civil procedure from the penal one regarding property confiscation. Despite this separation, it can practically happen that for the same property two types of proceedings are opened, civil and penal proceedings. The new article 27 assumes to regulate precisely this situation by giving priority to penal justice while not ceding the autonomous character of the procedure established by this law.
- In this chapter, article 30 established the rule that the confiscated possessions are irreversibly transferred to state property, excluding cases when the High Court decides to suspend the application of the decree *absolute* decision. The following provisions regulate norms for the constitution and composition of the Advisory Committee for the Preventive Measures which has now been proposed to be at expert level, to convene at the Ministry of Finance and be composed of members from all agencies being involved in the law enforcement processes, having the competence to observe Agency for the Administration of the Sequestered and Confiscated Properties , (AASCP) and to issue recommendations.

3. Recommendations

The fight against organized crime does not end with the incrimination of the criminal organizations. Many European Countries, including our country, have been amending their penal and procedural laws, by consenting with the concept *belum justum*: by coercing sentencing measures, extending the competences of the police authorities and using special investigation techniques.

1. Some of the fundamental aspects, which should be the focus of the specialized state organs in their fighting against organized crime, are the discovery and suppression of the criminal groups as well as the individualization and concretization of their property;
2. Issuance and application of more flexible normative acts allowing the sequestration and the confiscation of property of illegal origin would be of a great interest.¹¹
3. A useful policy would be the one allowing and promoting the effectuation of the nominative payment instruments suchlike cheques and payment orders. If nominative transactions were attained properly, it would be simpler for the fiscal verification of the money spent.
4. International cooperation to limit the so-called "*fiscal paradises*" in countries allowing illegal money transit via secret accounts in their local banks¹². Fiscal paradises are used by criminal organizations in order to be able to disguise their trails, so limiting investigation effectiveness. There have been proposals recently to apply trade sanctions to countries that promote and admit fiscal paradise. The issue is that, in order to be efficient, such sanctions should be supported by many countries and in the general frame of a wide international collaboration.
5. Increasing the effectiveness, correctness and the preventive nature of legislation and sanctions, which continue to be somewhat limited, as far as they are not entirely specific and sufficient?
6. Creating an evaluation system to analyze the effectiveness of the legislation.
7. Further approaching the necessary provisions of the law for the confiscation and sequestration of the revenues from criminal activities with the Western partners, especially regarding their concretization for the executive organs.

¹¹ *Instrumente ligjore dhe teknika të luftës kundër krimit të organizuar transnacional ,fq 272*

¹² *Po aty,mendimi i gjyqtarit Amarildo Laci,fq 273*

References

Primary Sources

- European Convention on Mutual Assistance in Criminal Matter;
Convention of Palermo with Law 8920, dated 11.07.2002;
Law no. 7895 dated 27.01.1995 "Penal Code";
Law no. 7905 dated 21.03.1995 "Criminal procedure Code of the Republic of Albania";
Law no. 8920, dated 11.07.2002 "Për ratifikimin e Konventës së Kombeve të Bashkuara Kundër krimit të organizuar ndërkombëtar";
Law no. 9686, dated 26.02.2007 "Për ndryshimin e ligjit nr.9575, dated 16.09.2004";
Law no. 9284, dated 30.09.2004 "Për parandalimin dhe goditjen e krimit të organizuar";
Law no. 10192, dated 03.12.2009 "Për parandalimin dhe goditjen e krimit të organizuar";
Law no. 9590, dated 27.7.2006 "Për ratifikimin e marrëveshjes së stabilizim-asocimit ndërmjet Republikës së Shqipërisë dhe komuniteteve europiane e shteteve të tyre anëtare";
Palermo Protocol, 2000 "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children" complementing the UNO Convention "Against the International Organized Crime";

Secondary Sources

- A. Selmani - Manual për prokurorët dhe gjyqtarët, Tiranë 2007.
A. Laci - *Krimi i organizuar, ekonomia dhe politika në Shqipëri*.
A. Shegani - E Drejta Penale e Krahasuar, Tiranë 2007.
A. Abrashi – Krimi i Organizuar, Prizren 2012.
F. Avdiu – Metodika e zbulimit të krimit të organizuar dhe korrupsionit.
G. Brahimllari, - Risitë dhe problematikat e ligjit të ri antimafia.
I. Elezi - E Drejta Penale (Pjesa e Posaçme), Shtëpia botuese "Erik" Tiranë 2010.
J. Pradel, G. Corstens, G. Vermeulen – The European Law, Papirus 2009.
K. Kraniqi – Disa veçori të krimit të organizuar në Kosovë dhe në shtetet e tjera të Ballkanit, Prishtinë-Vienë 2009.
L. Gjonca - Korrupsioni, ILAR 2005.
L. Gjonca dhe G. Gjonca - Kriminologjia, ILAR 2005.
L. Shehu – Leksion mbi krimin e organizuar dhe karakteristikat e tij, 2013.
N. Meçalla – Krimi i organizuar dhe pastrimi i parave, Gazeta Telegraf
Projektligji i miratuar nga Këshilli i Ministrave më 20.10.2009
Projekti i Ministrisë së Brendshme - Strategjia Ndërsektoriale e Luftës kundër Krimit të Organizuar, Trafiqeve dhe Terrorizmit, Tiranë 2007.
CARPO Regional project, Report on the situation of the organized crime in the South-eastern Europe, Strasbourg 2006.
Përmbledhje të Akteve Ndërkombëtare – Edition of the Centre of the Official Publications, June 2010.
Report of the Council of Europe; On the situation of the organized crime in the South-eastern Europe, Strasbourg, gusht 2006.
Report of the Security Council of the USA - *Threats of the International Organized Crime*, Washington.
CARPO Report on the situation of the organized crime, Strasbourg 2006
R. Gashi – Krimi i Organizuar, 2013.
R. Halili – Kriminologjia, Prishtinë 2011
Instrumente ligjore dhe teknika të luftës kundër krimit të organizuar transnacional.
Sh. Muçi. E Drejta Penale (Pjesa e Përgjithshme), Shtëpia Botuese Dudaj, Tiranë 2012
S. Johnson – Corruption and Public Finances.
V. Hysi, V. Latifi, I. Elezi – Politika e luftimit të kriminalitetit, Prishtinë 2012.
V. Hysi - Kriminologjia, Tiranë 2005
Z. Poda - Krimi i Organizuar, Publishing House of the University Book, Tiranë 1998.

Sources from Webpages

- <http://www1.fint.gov.al/al/>
http://www.Laundryman.u_net.com/pag.1hist.html
<http://www.fatf-gafi.org/>