



REPUBLIC OF ALBANIA

**SPECIAL PROSECUTION AGAINST CORRUPTION AND
ORGANISED CRIME**

No 1093 Prot

Tirana, 11.11.2024

GENERAL INSTRUCTION

No 1093, dated 11.11.2024

ON

**ADMINISTRATIVE AND PROCEDURAL MEASURES FOR PERFORMING
FINANCIAL AND ASSET INVESTIGATION AT THE SPECIAL STRUCTURE
AGAINST CORRUPTION AND ORGANISED CRIME**

Pursuant to Articles 148 and 148/dh of the Constitution of the Republic of Albania and Article 15(2) “e” and “ë” of Law No 95/2016 “On the organisation and functioning of institutions for combatting corruption and organised crime”, as amended,

I hereby issue the following

INSTRUCTION

CHAPTER I

GENERAL INSTRUCTION

Article 1

Purpose

1. The purpose of this Instruction is to define, standardise and unify the manner of implementation of criminal procedures undertaken by prosecutors of the Special Prosecution against Corruption and Organised Crime (hereinafter Special Prosecution), investigators of the National Bureau of Investigation (hereinafter NBI) and investigators of the Financial Investigation Unit (hereinafter FIU), during the performance of the financial and asset investigations.

Article 2

Scope

1. This General Instruction shall apply to procedural actions of prosecutors and investigators during the performance of financial and asset investigations for proceeds from criminal offences or criminal activities, subject to the material competence of the Special Prosecution, pursuant to the Code of Criminal Procedure (hereinafter CCP) and Law No 10192/2009 “On preventing and striking at organised crime, trafficking, corruption and other crimes through preventive measures against assets”, as amended (hereinafter Law No 10192/2009).

CHAPTER II

ROLE AND RESPONSIBILITY OF THE PROSECUTOR

Article 3

Objectives of the investigation

Objectives regarding measures used against proceeds of criminal offences should entail three dimensions:

a) Confiscation of proceeds from criminal offences

- b) Confiscation of the equivalent value
- c) Measures for seizure and confiscation under Law No 10192/2009.

Article 4

Material competence

1. The prosecutor of the Special Prosecution Office (hereinafter the prosecutor) shall conduct investigations for the purpose of identification and confiscation of proceeds from criminal offences for which he exercises material competence pursuant to Article 75/a of the CCP.
2. The prosecutor shall also verify and register the asset investigation for criminal offences under its material competence, stipulated in Law No 10192/2009.

Article 5

Duties of the prosecutor

1. The prosecutor shall be responsible for leading and coordinating financial and asset investigations. Such responsibilities for include, but are not limited to, oversight and systematic and methodical collection of evidence, including financial documentation, bank ledgers and any other data that contributes to the identification and verification of activities suspected to be illicit.
2. In the performance of the above functions, the following shall be kept into consideration:
 - a. Determining the strategic direction of the investigation, by setting key investigation objectives and priorities in accordance with the case investigation needs;
 - b. Coordinate and interact with NBI investigators and FIU Investigators by clearly defining the roles and responsibilities of each team member;
 - c. Ensuring that evidence is collected in compliance with procedures and legal standards and ethics, upholding suspects and third parties' rights;
 - d. Guaranteeing compliance with the legislation in force and international standards related to human rights during the performance of investigation actions and criminal proceedings, including protection of the rights of all parties involved such as suspects, victims and witnesses;

- e. Continued evaluation of available evidence to determine an effective case management;
- f. Documenting all decisions and actions performed in the course of the investigation and criminal proceeding.

Article 6

Coordination of investigation

- 1. The prosecutor conducts the asset and financial investigation in coordination and close cooperation with the NBI investigator and FIU investigator, assigned upon an order of the Head of the Special Prosecution, which shall assist the prosecutor during his work.
- 2. In the case of complex investigations, the case prosecutor may order more than one investigator to perform investigative actions upon an order or delegation by the latter. In this case, the other investigators shall send the collected information to the prosecutor through, respectively, the NBI investigator or the FIU investigator, appointed pursuant to paragraph 1 of this Article. The latter ones shall be responsible for collecting, analysing and synthesising the information collected from the other investigators, in accordance with the prosecutor's orders and delegations.

CHAPTER III

PARALLEL FINANCIAL INVESTIGATION

Article 7

Initiating an asset and financial investigation

- 1. In the course of criminal investigations, financial or asset investigation is also carried out for persons suspected of committing criminal offences, which generate proceeds after identification of the subject and the existence of reasonable doubt for the criminal offence. In particular cases, where it is deemed as necessary to keep the “investigative secret” in a criminal investigation, asset investigation or certain actions of the asset investigation may be performed at a later stage.
- 2. The financial investigation shall not be limited only to the offenders, but should extend also to third parties, irrespective of whether they are individuals or entities, who with their actions tend to justify legally proceeds obtained through criminal activity.
- 3. The outcome of the financial investigation shall be, as the case may be, integrated with that of the criminal investigation or of the asset investigation.

4. Upon the conclusion of the financial investigation, where possible, the prosecutor shall identify and include in the indictment the specific value of money or income, as well as the number and type of assets obtained from criminal activities.

5. Upon the conclusion of the criminal investigation, where the prosecutor considers that conditions are in place for further asset verifications, the prosecutor shall register the asset referral and continue with asset verifications pursuant to Law No 10192/2009. Where such conditions do not exist, the acts of financial investigation shall remain part of the criminal investigation file.

Article 8

Asset investigation

1. Within 30 days from the arrival/registration of the material for the preliminary verification by the judicial police of the special investigation structure from the State Police, NBI investigators, or FIU investigators, the Prosecutor shall, on the basis of the referred acts, verify and evaluate the existence of essential elements of the fact and of conditions and legal criteria pursuant to Article 3 of Law No 10192/2009, and shall decide:

a. Where the prosecutor deems that no data, indicia, or acts/documents exist to evidence essential elements of the fact for the application of Law No 10192/2009, or where there are no assets for which the application of precautionary asset measures is required, [the prosecutor] decides to return the acts for completion or to have the referring material archived.

b. Where data, indicia, or acts/documents exist for persons and assets that evidence essential elements of the fact for the application of Law No 10192/2009, or where there are assets for which the application of precautionary asset measures is required, the prosecutor shall register the asset referral and order the conduct of preliminary verification of assets.

c. Where the prosecutor deems that he or she has no competence, the prosecutor shall declare non-competence and shall transfer the acts to the competent prosecution office.

2. Upon the registration of the asset referral, the prosecutor and judicial police shall make all the potential and necessary verifications on assets pursuant to Articles 3, 5, 6, 8 and 9 of Law No 10192/2009.

3. Verification of assets shall be concluded within a reasonable timeframe for their completion, depending on the needs for verifications on assets, the relations to measures on

securing assets taken in the framework of the criminal proceeding, as well as the complexity of asset verifications.

4. During the asset verifications or upon their conclusion, the prosecutor shall evaluate whether the conditions for applying preventive measures against assets under Law No 10192/2009 exist, and when such conditions are met, the prosecutor shall proceed with the registration of the asset proceeding.

5. If, upon completion of the verifications on assets, the prosecutor determines that the conditions for applying preventive measures against assets under Law No 10192/2009 do not exist, then the prosecutor decides not to initiate the asset proceeding.

6. With the initiation of the asset proceeding, the prosecutor may submit a request for the imposition of seizure on assets, pursuant to Article 11 et seq. of Law No 10192/2009, as well as a request for the confiscation of assets, pursuant to Article 21 et seq. of this law.

7. The timeframes for the asset proceeding shall be the same as the duration of the asset seizure measure.

8. Upon conclusion of the asset proceeding, no later than 5 (five) days prior to the expiration of the duration of the asset seizure measure, or prior to the expiration of the extended duration of the seizure measure, if the conditions provided by law exist, the prosecutor shall proceed with a request for asset confiscation.

9. If the conditions provided by law for the asset confiscation do not exist, within the timeframe specified in paragraph (7) of this article, the prosecutor shall proceed with a request addressed to the Special Court for Corruption and Organized Crime on the revocation of the asset seizure.

10. The head of the Prosecution Office may request information from the case prosecutor for the purpose of verifying the regularity and continuity of actions carried out within the framework of the asset investigation.

Article 9

Investigation plan

1. The prosecutor shall, in accordance with the nature and specificities of each criminal proceeding in an investigation phase, and in line with the characteristics of parallel asset investigations, plan the investigation process, including the conduct of financial investigations. The planning for financial investigation and asset investigation shall include the following:
 - a) Setting priorities based on the importance of the case, existing evidence, and available resources;
 - b) Determining the role and delegating tasks to NBI investigators and FIU investigators;
 - c) Identifying specific objectives to be achieved, such as discovering assets that are proceeds from criminal activity and are not legally justified, sources of illicit assets, forms and means of obtaining illicit income, individuals or structures that facilitate the concealment or laundering of illicit assets, documenting financial links between suspected subjects and criminal activity, etc.;
 - d) Identifying institutions that hold valuable information for the case under investigation;
 - e) Identifying and assessing potential risks and challenges that may arise during the investigation, including legal obstacles, resource limitations, and possibility of third-party interventions, as well as drafting a plan for managing these risks, which may include the protection of witnesses or data;
 - f) Methods for collecting information and building the financial profile of the individual under investigation, including identifying products, income, and assets;
 - g) Methods for gathering evidence about identified products, income, and assets (e.g., invoices, bank statements, attestations from state institutions, etc.);
 - h) Identifying beneficial owners and collecting evidence (e.g., debit or credit cards, vehicles in real ownership, etc.);
 - i) Methods for managing collected evidence, particularly digital evidence;
 - j) Identifying specialized experts needed to assist investigations or testify in court.
2. The prosecutor shall monitor the progress of the investigation, periodically assess the investigation strategy, and make necessary adjustments based on the case's development.

Article 10

Financial Profile

1. Investigators build the financial profile of the person under investigation or the subject of preventive measures, with the aim of identifying assets derived from criminal activity or hidden income sources, uncovering illicit activities, and identifying assets that can be seized or confiscated. A financial profile of a person is constructed by analysing and comparing the assets and the lifestyle with unjustified available legal income.
2. To create an accurate financial profile, the following elements are analysed:
 - a. Assets, including, but not limited to, and the method of obtaining such assets:
 - Registered immovable properties and indirectly owned properties
 - Registered movable properties, such as vehicles, airplanes, yachts, etc.
 - Identified valuables like jewellery, artwork, or collectibles
 - Titles or legal instruments proving titles or other interests in assets
 - Liquidity, including bank accounts, shares, equity, bonds, or currency outside banks (cash)
 - Loans and credits
 - Storage methods and declaration status with relevant authorities (e.g., tax, anti-corruption bodies).
 - b. Income—including, but not limited to, and the method of obtaining such income:
 - Benefits from life, property, or health insurance and private pension schemes
 - Gambling or sports betting amounts won
 - Potential resources of future income from contested rights or claims against third parties
 - Income from independent activities
 - Income from agriculture or arboriculture
 - Dividends or income from business activities of individuals or informal collaborators
 - Income from consultancy
 - Rights obtained from family events
 - Intellectual property rights.
 - Income derived from properties (rent, interest, etc.).
 - c. Expenditures—including, but not limited to, and the method of paying them:
 - Rent payments
 - Lease instalments
 - Chas or credit card payments

- Loan and credit repayments.
- Travel expenses, considering purpose, duration, and accommodation.
- Expenses for vacations
- Tuition fees
- Tax payments
- Insurance premiums
- Alimony
- Spending on casinos, parties/celebrations, etc.

3. For each asset or liability, where documents exist to evidence them, the acquisition/transaction date, the person from whom it was acquired, the purpose of the expenditure, how was the earned amount used, payment method (cash, bank transfer, etc.), and the source of funds must be identified.

4. The assets of the subject under investigation shall be determined not by solely identifying the reference prices specified in legal acts, such as the cost of sale for buildings and vehicles, which in sale contracts often include a low price. Where suspicion arises about undervaluation, the FIU investigator shall conduct an analysis to determine the true market value of assets owned or in use by individuals under investigation.

Article 11

Priority of financial investigations

1. The prosecutor give precedence to financial investigations in cases involving:

- a) A case where, according to the investigation, the illicit activity involves significant financial values over extended periods
- b) Investigations where indicia exist for serious financial offences, including, but not limited to, money laundering, corruption of high-ranking officials, organized crime, and terrorism financing.
- c) Investigations related to issues of high public sensitivity.

CHAPTER IV

TRACKING THE PROCEEDS OF CRIMINAL OFFENSES AND EVIDENCE COLLECTION

Article 12

Tracking methods

1. To gather the necessary information for conducting financial or asset investigations, the prosecutor and investigator shall refer to the following main sources:

- a) Information from open sources;
- b) Information from state and private databases. A list of state databases is attached as an annex to this Instruction ;
- c) Information from various law enforcement agencies.

2. To collect information from open sources, the prosecutor and investigator primarily use internet search engines. Open-source information includes social media accounts, blog posts, comments on online forums, profiles on professional platforms such as LinkedIn, online photo galleries, videos posted on YouTube or other video-sharing platforms, and stories published in online media outlets or news portals. These sources are particularly useful for determining the circle of interests and acquaintances of the individual subject to the analysis, their lifestyle, recreational and leisure locations, movable or immovable assets, and vehicles in actual use, etc.

3. Where the prosecutor deems that information reflected online is of high interest to the investigation and considering the need to present evidence in court, to confirm the user's account data, he may request relevant companies to provide information regarding the electronic account in question.

4. The prosecutor may also request and collect information regarding email communications of individuals or organizations under investigation, such as the account used, the IP addresses from which the emails were sent or received, and the persons with whom the individual under investigation corresponded, etc.

Article 13

Coordination and collaboration with other institutions

1. In performing his duties, the prosecutor may collaborate with judicial police officers from sections and services within relevant investigative structures, including at the state

police, customs, tax authorities, the financial intelligence unit, and other law enforcement agencies, to coordinate activities among them:

- a. In the criminal offense tracking phase, subject to this Instruction , through consultation and coordination for the search and assessment of information and/or leads to conduct proactive investigations and utilize special investigative tools.
- b. In the pre-referral/reporting phase through preliminary consultation and evaluation of materials subject to referral or reporting to ensure the completeness of acts/documents that clarify the circumstances of the case and the existence of elements constituting the criminal offense.
- c. In the investigations and exercise of criminal proceedings phase through joint analyses to search, gather, and manage evidence during investigative activities, ensuring the continued management and submission to the Special Prosecution Office of relevant, accurate, and corroborated evidence or leads from investigative structures of judicial police services or other law enforcement agencies.

2. The exercise of these collaborative and coordinating activities shall be without prejudice to the independence of the prosecutor involved in carrying out his functions in accordance with the constitution and the law.

Article 14

Collaboration with International Organizations

1. In the framework of financial investigations and the tracing of proceeds of criminal activities, the prosecutor may seek cooperation with international organizations. Among these organizations and international networks are:
 - a) Eurojust assists in coordinating investigations and prosecutions between various judicial authorities within EU Member States in the fight against serious forms of cross-border organized crime.
 - b) Europol provides analytical support and information for investigations involving complex and organized cross-border crimes, acting as a hub for information exchange between police forces in Europe.

- c) CARIN (Camden Asset Recovery Inter-Agency Network) is an intergovernmental network dedicated to tracing illegally acquired assets, facilitating the exchange of best practices and information among member countries.
- ç) Interpol offers a platform for sharing information on criminal prosecutions and facilitating international police cooperation to combat complex cross-border crimes.
- d) AMON (Anti-Money Laundering Operational Network) is an informal network established to connect and facilitate interaction and the exchange of expertise among practitioners working in the field of anti-money laundering.
- dh) BAMIN (Balkan Asset Management Inter-Agency Network) is an informal network of practitioners operating within Asset Management Offices or Agencies, or within institutions or departments mandated to deal with the management and disposal of criminal assets within their jurisdictions.
- e) SELEC (South East European Law Enforcement Center) promotes regional cooperation in fighting cross-border crimes in Southeast Europe, including anti-money laundering and terrorism financing.
- ë) UNODC (United Nations Office on Drugs and Crime) provides technical assistance and support to strengthen measures against cross-border crime and anti-money laundering efforts.

Article 15

Conducting the investigation

1. After gathering information from open sources and official institutional databases, the prosecutor shall, in compliance with the provisions of the Code of Criminal Procedure (CCP) regarding the use of /evidence-gathering methods, conduct one or more of the following investigative actions, depending on whether the investigation is conducted under the framework of criminal proceedings or under Law No 10192/2009:
 - a) Employing special investigative techniques, such as simulated actions, infiltration into criminal groups, controlled deliveries, interception of communications, and surveillance;

- b) Securing evidence abroad through letters rogatory;
- c) Securing electronic evidence in compliance with the provisions of the criminal procedure;
- ç) controlling financial transactions through accounting expertise or similar methods;
- d) Searches, which include physical searches of venues, items, or individuals to locate and secure evidence related to the individual's financial profile, such as:

- i. Documents regarding immovable property, vehicles, or other assets (ownership documents, invoices, commercial and insurance contracts, loan and mortgage agreements, interest payment receipts on deposit accounts, tax payment receipts, etc.)
- ii. Keys to buildings or vehicles
- iii. Documents related to bank accounts and safety deposit boxes.
- iv. Documents of commercial companies
- v. Electronic devices, including mobile phones, smartphones, tablets, and computers
- vi. Information storage devices (memory cards, hard drives, etc.).

- dh) Questioning witnesses during financial investigations to obtain testimonies, statements, and information from individuals who may have knowledge of the criminal activity or hidden assets. Witnesses may be categorized as follows:

- i. Witnesses with an interest in the investigation's outcome, identified by the suspect or accused person as the source of funds or assets
- ii. Witnesses suspected of involvement in the crime, who, based on certain sources, are linked to the criminal offence, but the collected evidence is insufficient to classify them as suspects or accused. Objective circumstances necessitate their questioning.
- iii. Third-party witnesses, who possess knowledge of certain circumstances related to the case and can provide objective information about the investigated facts.

- e) Questioning the accused or of the person under investigation to obtain statements
- ë) Establishing Joint Investigation Teams, where the investigation requires resources from other countries or when two or more countries coordinate and jointly conduct criminal

investigations.

f) Conducting financial analyses by FIU investigators. The subject of financial analyses may include purchase ledgers, sales ledgers, accounting registers, inventories, financial statements, banking documents, payrolls, etc.

Article 16

Digital Evidence

1. The prosecutor and investigator shall employ advanced techniques and specific methods to gather, preserve, analyse, and protect digital evidence in compliance with the CCP, ensuring the secure, complete, and unaltered gathering of evidence. Examples of these techniques and methods include:

- a) Digital examination, which involves inspecting and analysing electronic devices and computer systems to find, preserve, and analyse digital data. This includes scanning hard drives, analysing electronic account systems, and data stored in a cloud.
- b) Use of encryption technologies to protect digital data during transmission and storage, ensuring the data are inaccessible to unauthorized persons.
- c) Creating exact copies of storage devices (cloning), such as hard drives or memory cards, to ensure the original data remains unaffected during the analysis process.
- ç) Using tools to monitor and analyse computer network traffic to identify suspicious activities or illegal transactions.
- d) Techniques for decoding and analysing encrypted messages, to discover hidden content or key information relevant to the investigation.
- dh) Specialized computer programs developed to assist in analysing complex data, identifying patterns or suspicious activities, and extracting vital information from large databases.

2. The digital evidence shall be collected by personnel trained and certified in cybersecurity and digital forensics to minimize the risk of damage or alteration of the data.

3. Digital evidence shall be stored in secure and encrypted environments to protect them from unauthorized access and data loss.

4. The prosecutor or investigator shall regularly create backups of digital evidence and store them in separate locations to ensure long-term preservation.

5. The entire process of collecting and preserving digital evidence shall be thoroughly documented, including the date, time, methods used, and any actions taken with the evidence. Documentation should also identify the personnel involved in collecting and preserving the evidence, as well as any security measures implemented during these processes.
6. The prosecutor shall ensure that access to digital evidence is restricted to authorized personnel and only within the specific contexts of the investigation or prosecution.

Article 17

Documentation of Financial Investigation Results

1. Upon completing the necessary investigative actions, the investigator compiles an explanatory report on the facts and evidence in accordance with Article 327 of the CCP. The explanatory report shall include, among other details:
 - a) The individual under investigation, their status (accused, person under investigation), personal data (residence, marital status, employment, lifestyle).
 - b) Movable and immovable assets, including their value and the manner of acquisition or possession, as well as the funds used for this purpose.
 - c) Income and expenses, including bank accounts, safety deposit boxes, and financial transfers for the person under investigation or family members.
 - ç) Involvement in legal disputes and declared income.
 - d) Identification of income earned based on:
 - i. Information from declarations of assets and personal interests.
 - ii. Information from the tax authority on earned income and dividends.
 - iii. Where possible, information from relevant institutions on submitted annual reports.
 - iv. Information on family events where the subject may have collected funds (birthdays, weddings, baptisms, and other events).
 - dh) Assets located abroad and, where necessary, expenses incurred abroad (family travel for vacations, purchases made abroad, etc.).
 - e) Comparison and analysis of financial data, identifying discrepancies between income and

expenses, and highlighting significant gaps in them, if any.

ë) Seized assets, including the seizure decision, date of seizure, and judicial rulings.

2. A list of evidence and documents supporting the financial investigation results shall be attached to the explanatory report.

Article 18

Preservation of Investigative Confidentiality, Prohibition of Disclosure, and Protection of Personal Data

1. In implementing this Instruction , prosecutors, NBI investigators, and FIU investigators involved in investigative actions shall take all necessary measures to prevent the disclosure of acts, preserve investigative confidentiality, and protect personal data, in compliance with the following legal obligations:

- a) Prohibition of disclosure, even partially, of confidential acts related to the case or their contents through the press or mass media.
- b) Prohibition of disclosure, even partially, of non-confidential acts until the completion of preliminary investigations.
- c) Prohibition of disclosure, even partially, of judicial review acts when the trial is held behind closed doors. It is also prohibited to disclose the personal information and photographs of juvenile defendants and witnesses, whether accused or victims of criminal offences.

2. Investigative acts shall remain confidential until the accused becomes aware of them.

3. Where necessary for the continuation of the investigation, the prosecutor may order the confidentiality and non-disclosure of specific acts until the completion of the investigation. The order shall include the compilation and signing of a declaration to preserve investigative confidentiality and prohibit disclosure.

CHAPTER V

SEIZURE, CONFISCATION OF CRIMINAL PROCEEDS, AND RECOVERY OF DAMAGES

Article 19

Seizure as Evidence

1. During criminal proceedings, the prosecutor, either on own initiative or by submitting a request to the court pursuant to the provisions of the CCP, and the investigator in urgent cases, when there is a risk of losing or tampering the evidence, and immediate contact with the prosecutor is not feasible, may order the seizure of assets as a means of gathering evidence.
2. Seizure as a means of gathering evidence shall be ordered for assets deemed significant for serving as material evidence in trial. This includes any object or asset that may contribute to clarifying the circumstances of the criminal case.

Article 20

Seizure as an Asset securing measure

1. Seizure as an asset securing measure may be ordered for the following purposes and in the following forms:
 - a) Preventive seizure, applicable when the asset is directly linked to the criminal offense, and there is a risk that its availability may exacerbate the consequences of the offense or facilitate the commission of other criminal offenses. The seized asset may include the instruments or proceeds of the crime.
 - b) Conservative seizure, applicable when the accused fails to provide guarantees for the payment of financial damages to the victims or the state. Such seizure aims to secure the coverage of financial obligations and, unlike the preventive seizure, includes only legally obtained assets.

Article 21

Seizure Pursuant to Law No. 10192/2009

1. Where, during or upon the completion of asset investigations, assets are identified that require the application of preventive asset measures under Law No. 10192/2009, the prosecutor shall evaluate the legal conditions and criteria for the seizure of assets and shall

submit a reasoned request to the court for the seizure of assets obtained directly or indirectly, in full or partial ownership of individuals/subjects as specified by the law, or the seizure of equivalent assets.

2. Seizure may also apply to assets other than those seized, even if they are of lawful origin, in cases where the lawful owner transfers, misuses, destroys, conceals, or devalues the seized assets with the intent to evade execution.
3. Seizure under Law No. 10192/2009 may also apply to unlawfully acquired assets by third parties or based on an arrangement reached between the prosecutor and the lawful owners of the assets.
4. After completing the necessary financial investigative actions and consulting or receiving prior evaluation from the prosecutor, the judicial police shall send the documentation, along with an explanatory report detailing the circumstances of the facts, evidence/documents, and suggestions for preventive measures against the assets.

Article 22

Reporting

The prosecutor shall, no later than seven days from the implementation of the seizure, report to the Registry Office data related to the imposition of asset securing measures. If the investigative secrecy is not compromised, the prosecutor shall provide a copy of the court decision establishing the measure.

Article 23

Confiscation

1. Upon the conclusion of the trial of criminal cases involving offenses that resulted in assets or proceeds of crime, whether or not seizure has been imposed, the prosecutor shall, upon assessing the existence of legal conditions and criteria, request the court in their final conclusions confiscation of proceeds of the criminal offense and/or any assets whose value corresponds to that of the proceeds of the offense, as defined in Article 36 of the Criminal Code.
2. Upon completion of the financial investigation, the prosecutor shall evaluate and decide:
 - a. To seek confiscation of assets in court when he assess that:

- i. There is reasonable doubt, based on indicia, of an individual's involvement in criminal activities as stipulated in Article 3 (1) of Law No 10192/2009.
- ii. The assets are directly or indirectly in full or partial possession of individuals referred to in Article 3 (1) of Law No 10192/2009.
- iii. The lawful origin of the assets cannot be proven, or the individuals referred to in Article 3 of Law No. 10192/2009 fail to justify the legal possession of assets or income disproportionate to their declared lawful sources of income or earnings.

b. To terminate the financial investigation in cases where:

- i. No assets are identified that could be subject to the measures stipulated in Law No 10192/2009.
- ii. There are no indicia and/or documents that evidence the conditions and criteria necessary to request the confiscation of assets.

3. Where, after archiving the financial referral material or deciding not to initiate financial proceedings, new data or evidence emerge regarding other assets of persons subject to preventive measures, either previously unknown or newly acquired, the prosecutor may decide, after evaluating the evidence or new data, to:

- a) Register the financial referral and conduct financial verifications.
- b) Revoke the decision not to initiate asset proceedings and proceed with further asset verifications.
- c) Revoke the decision to terminate asset proceedings and restart asset financial investigations.

4. Before deciding to confiscate a specific item or asset with particular challenges related to its administration and value preservation, the prosecutor may consult with the Agency for the Administration of the Seized and Confiscated Assets (AASCA).

CHAPTER VI

OTHER PROVISIONS

Article 24

Strengthening Professional Capacities

1. Prosecutors may, within the framework of continuous training, propose or plan prioritized training sessions on topics related to anti-money laundering, financial crimes, terrorism financing, and asset investigations, as necessary, to enhance their professional capacities.
2. As part of joint training initiatives, these prosecutors and judicial police officers working alongside them participate in training activities together with judicial police officers from relevant investigative structures within the state police, customs, tax authorities, and other law enforcement agencies. Among others, training sessions address topics such as risk analysis, tracing, verification, investigation, prosecution, and adjudication of offenses related to money laundering, financial crimes, terrorism financing, and asset investigations. The aim is to strengthen professional capacities and increase effectiveness in anti-money laundering efforts, the fight against financial crimes, terrorism financing, and in the seizure and confiscation of criminal assets and revenues.
3. Prosecutors, NBI investigators and FIU investigators hold joint meetings quarterly to share experiences, challenges, and lessons learned during the performance of their duties in the fields of financial and asset investigations.

Article 25

Implementation and Oversight

1. This general Instruction shall be mandatory for implementation by prosecutors, NBI investigators, and FIU investigators.
2. Prosecutors, NBI investigators, and FIU investigators shall consult the handbook *Targeting Criminal Assets: A Comprehensive Guide on Money Laundering and Asset Recovery. The Albanian and International Legal Framework (2024)* for guidance on the practical application of this Instruction .
3. The Head of the Special Prosecutor's Office shall be responsible for the oversight of the implementation of this Instruction .

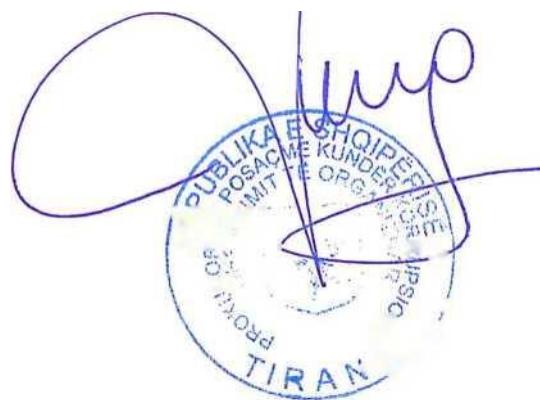
Article 26

Entry into Force and Publication

1. This general Instruction for the purposes of preparatory organizational and administrative measures shall enter into force immediately.
2. This general Instruction shall be published on the official website of the Special Prosecutor's Office.¹

HEAD OF THE SPECIAL PROSECUTION

Altin DUMANI



Annex

List of state databases available for financial investigation

1. EACIDS
2. Digital archive
3. CMIS
4. SMBAF
5. DMAIS
6. State Matura
7. SIFQ

¹ https://www.pp.gov.al/rc/doc/Targeting_criminal_assets_AL_7413.pdf

8. National Health e-Register
9. Controlling entities e-Register
10. DATABKSH
11. PCAMS
12. ASHA
13. SMIP
14. SPSH
15. SEMDRK
16. Register of innovative services and collective investment enterprises
17. Copyright and related rights register
18. E-Register of experts, official translators and interpreters
19. SSHP
20. SPBA
21. SIMF
22. EIDVMU
23. RNSH
24. REKPDI
25. Database of students abroad, benefitting scholarships
26. Maritime traffic database
27. RPKK
28. E-Leje (permits)
29. e-Albania