

STRATEGY FOR THE INVESTIGATION AND PREVENTION OF ELECTORAL CRIME

2025 Parliamentary Elections

STRATEGIC OUTLINE

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INTRODUCTION

Ensuring the legitimacy of elections is a fundamental factor in upholding the rule of law and maintaining the integrity of the Republic of Albania's EU accession process. In this context, the prevention and investigation of criminal offenses committed during electoral processes are provided for by both substantive and procedural¹ criminal law, in which the Special Prosecution Office Against Corruption and Organized Crime (SPAK) plays a key role.²

Domestic and international organizations, including OSCE/ODIHR, the European Commission, and the U.S. Mission to the OSCE, have expressed ongoing concerns regarding electoral criminal offenses in Albania³. International reports on elections held during the 2021–2023 period highlight several key issues, including: vote-buying⁴, misuse of public resources, and voter intimidation, particularly targeting public administration employees⁵; breaches of ballot secrecy; and media bias⁶.

These reports emphasize the need for thorough, timely, and transparent investigations and for taking legal action against offenders. They also recommend enhanced oversight of the use of public resources and improved protection for whistleblowers reporting electoral crimes⁷.

The European Commission has underlined the importance of strengthening judicial institutions in order to address the culture of impunity⁸, including in cases related to electoral offenses.

¹ See the “Legal Framework” section of this Strategy.

² The term “**Special Structure Against Corruption and Organized Crime**” refers to both the **Special Prosecution Office Against Corruption and Organized Crime** and the **Special Investigative Unit**, officially named the **National Bureau of Investigation**. The Special Structure Against Corruption and Organized Crime is commonly referred to by the acronym “**SPAK**.” See Law no. 95/2016 “*On the Organization and Functioning of Institutions to Combat Corruption and Organized Crime*,” as amended, Article 3, paragraph 7.

³ Institute for Political Studies (2024). SPAK and Elections in Albania. Retrieved from ISP-raport-SPAK-dhe-zgjedhjet-ne-Shqiperi.pdf. U.S. Mission to the OSCE (2021). Statement on Albanian Parliamentary Elections, delivered by Acting Deputy Chief of Mission Elisabeth Rosenstock-Siller to the Permanent Council, Vienna, 6 May 2021. Retrieved from: <https://osce.usmission.gov/statement-on-albanian-parliamentary-elections/>

⁴ OSCE/ODIHR (2023). Local Elections, 14 May 2023: Final Report of the ODIHR Election Observation Mission. Retrieved from: <https://www.osce.org/files/f/documents/0/a/557277.pdf>, p. 1.

⁵ European Commission (2023). Commission Staff Working Document: Albania 2023 Report, accompanying the EU Enlargement Policy Communication. Retrieved from:

https://neighbourhood-enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b_en?filename=SWD_2023_690%20Albania%20report.pdf, p. 8.

⁶ European Commission (2024). Commission Staff Working Document: Albania 2024 Report, accompanying the EU Enlargement Policy Communication. Retrieved from:

https://neighbourhood-enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf, p. 22.

⁷ OSCE/ODIHR (2021). Republic of Albania, Parliamentary Elections, 25 April 2021: ODIHR Limited Election Observation Mission, Final Report. Retrieved from: <https://www.osce.org/files/f/documents/4/c/495052.pdf>, p. 16.

⁸ European Commission (2023). Commission Staff Working Document: Albania 2023 Report, accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Retrieved from:

The Assembly of the Republic of Albania has also recognized the investigation of electoral crime as a matter of particular importance. It included this issue among the key recommendations to be addressed by SPAK in the *“Resolution on the Evaluation of the Activity of the Special Prosecution Office Against Corruption and Organized Crime for the Year 2023.”*⁹

In line with its legal obligations and the recommendation of the Assembly, the Special Prosecution Office Against Corruption and Organized Crime (Special Prosecution Office) foresees a strategic approach to prevent and investigate criminal offenses under its jurisdiction during the 2025 Parliamentary Elections, in accordance with international standards and best practices.

This Strategy is grounded in the findings of the aforementioned domestic and international organizations, as well as the internal analysis conducted by the Special Prosecution Office on criminal proceedings registered over the past four (4) years.¹⁰

It is guided by a proactive investigative approach and aims to secure real-time evidence of criminal offenses committed in the electoral context, with the objective of achieving concrete outcomes that protect the integrity of the electoral process and safeguard citizens’ right to vote freely in the 2025 elections.

At the same time, this Strategy aims to prevent the influence of organized crime on the integrity of the electoral process through concrete measures and the effective use of special investigative techniques.

Another key goal is to strengthen public trust in law enforcement institutions by anticipating and preventing the potential escalation of criminal offenses during the election period. This Strategy serves as a guiding tool for special prosecutors, investigators, and the supporting administrative staff of SPAK, while also being designed as a clear and accessible document for the general public.

MISSION

Through this Strategy, SPAK’s mission is to safeguard the constitutional right of citizens to vote in a free and fair electoral process by ensuring the integrity and impartiality of criminal prosecution in the investigation of electoral criminal offenses.

https://neighbourhood-enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff4615a5fffd0b_en?filename=SWD_2023_690%20Albania%20report.pdf, p. 4.

⁹ Resolution of the Assembly of the Republic of Albania, “On the Evaluation of the Activity of the Special Prosecution Office Against Corruption and Organized Crime for the Year 2024,” Recommendation No. 5. This recommendation states: “Attention should be given to electoral crimes, particularly to facts made public in the media before, during, and after the electoral process, in order to initiate investigations ex officio in cases where public reports indicate the commission of a criminal offense.”

¹⁰ See the section “Analysis of Criminal Offenses in the Context of Elections by SPAK (2021–2024)” in this Strategy.

PURPOSE

The purpose of this Strategy is to enable SPAK to prevent and investigate criminal offenses related to the 2025 Parliamentary Elections, by ensuring that investigations are conducted thoroughly, transparently, and within a reasonable timeframe. The ultimate aim is not only to prosecute electoral crimes but also to deter their commission in advance.

OBJECTIVES

To achieve this purpose, the Strategy outlines the following objectives:

1. **Rapid identification** of potential indicators or suspicions of criminal offenses and legal violations that may undermine the integrity of the electoral process.
2. **Detection and prevention** of organized crime influence and the corruption of public officials or private actors in the electoral process, in order to safeguard a **free and fair electoral process** for the 2025 Assembly.
3. **Enhancement of SPAK's investigative capacity** to effectively prosecute criminal offenses related to elections.
4. **Public awareness and education** on the importance of civic cooperation with investigative institutions and the public's role in preventing electoral crimes.
5. **Strengthening cooperation and coordination** with public institutions, civil society, media, and relevant private entities to prevent electoral-related criminal offenses.
6. **Prevention of foreign interference and manipulation** of the electoral process through real-time monitoring and rapid institutional response to suspected legal violations.
7. **Conducting professional and timely investigations** into electoral offenses, sending a strong message that electoral crime will be prosecuted and punished without exception.

APPROACH

The investigative strategy is guided by the following foundational pillars to ensure the effective prevention, detection, and prosecution of electoral crimes in the context of the 2025 Parliamentary Elections:

Institutional Independence

- The legal framework guarantees that investigations into electoral criminal offenses are conducted without political interference or external pressure, fully respecting the independence of SPAK.

Dynamic Monitoring and Investigation

- Deployment of field investigative teams to monitor real-time situations where indicators of criminal offenses may arise during the 2025 elections.
- Identification of individuals and entities involved in active or passive electoral corruption, including structured criminal groups suspected of influencing the electoral process.
- Monitoring the use of state budget funds, public investments, and infrastructure, which are prohibited during the election period by designated entities.

Prevention of Electoral Crime

- Emphasis on preventive measures¹¹, promoting real-time cooperation with the public, journalists, media, and civil society for awareness and reporting of suspected cases.
- Identification of geographical areas or entities where electoral offenses have historically occurred, with the strategic concentration of investigative resources in those locations.

Effectiveness in Investigations

- Application of special investigative techniques, including financial investigations and inter-institutional cooperation, to ensure swift and effective handling of cases.

Transparency and Accountability

- Commitment to real-time communication with the public and the Central Election Commission (CEC) regarding criminal offenses under SPAK's jurisdiction during the 2025 elections.
- Establishment of a dedicated reporting platform on SPAK's official website to facilitate public reporting of electoral crimes.

Inter-Institutional Cooperation

- SPAK will maintain close collaboration with the General Prosecution Office, district prosecution offices, the CEC, the State Police, other law enforcement agencies,

¹¹ See the "Action Plan" section of this Strategy.

international organizations, and civil society to strengthen the effectiveness of investigations in the electoral context.

LEGAL FRAMEWORK

The legal framework governing the investigation and prosecution of criminal offenses in the context of elections in Albania defines the **special jurisdiction of the Special Prosecution Office (SPAK)** and outlines the roles of other relevant institutions, with the overarching aim of **protecting the integrity of the electoral process**.

- **The Constitution of the Republic of Albania**
 - *Article 135(2)* and *Article 148(3)* affirm the **independence** and **constitutional role** of the Special Prosecution Office in investigating criminal offenses committed by special subjects.
- **Criminal Code of the Republic of Albania** (Law No. 7895, dated 27.01.1995, as amended)

SPAK is responsible for investigating the following criminal offenses related to elections:

 - *Article 328 – Active corruption in elections*: covers corrupt acts intended to influence the election outcome.
 - *Article 328/b – Passive corruption in elections*: includes the acceptance of undue benefits to influence voters or candidates.
- **Criminal Procedure Code of the Republic of Albania** (Law No. 7905, dated 21.03.1995, as amended)
 - *Article 75/a, letters (b), (c), and (ç)* outlines the **jurisdiction of SPAK**, which includes criminal offenses committed during elections and those involving specific categories of persons.
- **Electoral Code of the Republic of Albania** (Law No. 10019, dated 29.12.2008, as amended)
 - *Article 91* prohibits the use of public administration resources or infrastructure for electoral campaign purposes by designated public officials or institutions.
- **Law No. 95/2016 “On the Organization and Functioning of Institutions to Combat Corruption and Organized Crime”** (as amended)
 - *Articles 8 and 10* establish SPAK’s **subject-matter jurisdiction** over corruption and organized crime, including offenses in the context of elections, applicable throughout the **entire territory of the Republic of Albania**.
- **Law No. 97/2016 “On the Organization and Functioning of the Prosecution Office in the Republic of Albania”** (as amended)
 - *Article 42(e)* and *Article 107/1* address SPAK’s authority to investigate electoral offenses and regulate its cooperation with the Central Election Commission (CEC). SPAK is authorized to share information with the CEC regarding electoral crime

investigations, without compromising the confidentiality of investigative proceedings.

SPAK ANALYSIS OF ELECTION-RELATED CRIMINAL OFFENSES (2021–2024)

Between 2021 and 2024, the **Special Prosecution Office (SPAK)** registered a total of **110 criminal proceedings** related to electoral offenses. The analysis below categorizes these cases based on the frequency of occurrence, highlighting the most prevalent types of electoral crime during this period.

Table:

Statistical Data on Registered Criminal Offenses in the Context of Elections

Year	Registered	Request for Trial	Request for Dismissal	Transferred	Suspended	Joined	Under Investiga tion
	Case	Case	Case	Case	Case	Case	
2021	62	2	8	22	1	4	
2022	5	3	4	3	3		
2023	36	8	6	2	1		
2024	7	1	13	5	2		
Total ¹²	110	14	31	32	7	4	22

1. Improving Awareness of Jurisdictional Boundaries Between SPAK and Prosecutors of General Jurisdiction (29.1% of cases)

- A total of 32 cases were transferred to general jurisdiction prosecutors' offices, indicating that a significant portion of initially registered cases did not fall under SPAK's jurisdiction.
- This highlights the need for better identification and documentation during the early phase of investigations, in order to avoid procedural delays caused by unclear or misdirected case referrals from complainants or reporting parties.

2. Insufficient Evidence in a Significant Number of Cases (28.2% of cases)

¹² Out of the 110 criminal proceedings registered in connection with election-related offenses, 4 cases were joined as part of consolidated investigations.

- 31 cases were dismissed, primarily due to a lack of sufficient evidence or the inability to identify the perpetrators.
- This demonstrates the need for clearer case screening procedures and improved guidance for complainants, particularly during the early stages of case registration.

3. Ongoing Investigations Requiring Increased Capacity (20% of cases)

- 22 cases remain under investigation, indicating that a substantial number of proceedings are still active.
- This reinforces the need for continued investment in human resources to support the timely completion of investigations and improve overall prosecutorial effectiveness in electoral cases.

4. Low Percentage of Cases Sent to Trial (12.7% of cases)

- Only 14 cases have been referred for trial, which falls short of expectations.
- This is largely attributed to challenges in evidence collection, limited witness cooperation, and the complexity of both the offenses and the subjects involved.
- It underscores the importance of reinforcing investigatory tools and methodologies to move more cases successfully through the judicial process.

5. Prolonged Investigations and Case Suspensions (6.4% of cases)

- 7 cases were suspended due to lack of substantive evidence or difficulty in identifying the perpetrator.
- This points to the need for stronger institutional collaboration and the allocation of sufficient investigative resources to prevent delays and case stagnation.

Based on this analysis and the institutional experience gained during the 2021–2024 period, the development of this Strategy was deemed essential. It directly addresses the core challenges identified, including:

- Strengthening inter-institutional cooperation;
- Improving evidence collection mechanisms;
- Increasing the efficiency and impact of investigations into election-related criminal offenses.

ANTICIPATED CHALLENGES

The successful implementation of this Strategy is expected to face several operational and contextual challenges, particularly due to the complexity of election-related criminal offenses and the limited resources available. Key challenges include:

1. Limited Human and Logistical Resources

One of the primary challenges is the **limited number of personnel** available to implement the Strategy.

With only **20 prosecutors, 60 investigators** from the **National Bureau of Investigation (BKH)**, and **12 financial investigators**, SPAK is tasked with covering the **entire territory of Albania**, while ensuring effective investigation and prosecution of suspected cases.

This limited capacity could impact both the **timeliness and depth of investigations**. To address this, the Strategy emphasizes the need for:

- **More efficient allocation of existing resources;** and
- **Enhanced cooperation** with other law enforcement institutions to help mitigate the workload.

2. Difficulties in Investigating Offenses Related to Diaspora Voting

Voting by Albanians residing abroad introduces a **new and complex dimension** to electoral investigations.

Identifying perpetrators of **voter fraud, vote buying**, or other electoral crimes that occur across borders will require:

- **Stronger international cooperation**, particularly with law enforcement agencies and prosecution authorities in other countries;
- The **efficient execution of mutual legal assistance requests**, which can be procedurally complex and time-consuming.

These factors may increase the **duration and complexity** of investigations in such cases.

3. Increased Workload During the Election Period

During the **pre-election campaign** and on **election day**, a surge in complaints and reports is expected.

This will require:

- Immediate response capacity for **proactive and reactive investigations;**

- Rapid verification of allegations or data;
- **Close coordination** with other public institutions to manage the workload efficiently.

Limited capacity during this period may result in delays or reduced investigative intensity without inter-institutional support.

4. Political Pressures and External Influences

The investigation of electoral criminal offenses may be subject to **political pressure, undue influence, or attempts to obstruct proceedings**.

Such interference may target:

- Witnesses,
- Subjects under investigation, or
- Responsible institutions for criminal prosecution or adjudication.

To counteract this, it is essential to:

- Safeguard SPAK's institutional independence;
- Ensure strong public and institutional backing;
- Uphold the rule of law and procedural integrity throughout all stages of investigation and prosecution.

5. Misinforming Public Opinion

Another significant challenge is the **risk of misinformation** regarding criminal investigations related to the electoral process.

The spread of false or misleading information through traditional media or social platforms can:

- Undermine public trust in SPAK and other responsible institutions;
- Create distorted perceptions about the objectivity, scope, or progress of investigations.

To address this risk, SPAK must strengthen its institutional communication and ensure accurate, timely, and transparent information is shared with the public to counteract misinformation and maintain institutional credibility.

6. Increase in False Reports and Lack of Witness Cooperation

The growing number of false or unfounded reports represents another operational challenge, as it may divert resources from legitimate cases.

To manage this:

- SPAK must implement effective filtering and verification mechanisms to prioritize credible cases.
- Simultaneously, lack of witness cooperation—due to fear, pressure, or mistrust—can hinder the collection of key evidence.

Addressing this issue requires:

- Strengthening witness protection mechanisms, in line with constitutional and legal guarantees;
- Enhancing inter-institutional collaboration to support witnesses and protect the integrity of testimony.

7. Investigating Illegal Financing in the Electoral Context

One of the most complex challenges is the tracing and verification of illicit funds used in electoral crimes¹³, particularly vote buying.

Key issues include:

- High levels of economic informality and widespread use of untraceable cash transactions;
- Non-cooperation from individuals or private entities involved in financing or distribution of such funds.

To overcome these challenges, it is essential to:

- Strengthen cooperation with financial institutions;
- Enhance systems for reporting suspicious transactions;
- Improve international collaboration to trace funds originating from outside Albania.

Source: European Commission (2024), Albania Report 2024, p. 76.

8. Influence of Organized Crime on the Electoral Process

The influence of organized crime continues to pose a serious threat to the integrity of elections. This often includes:

- Vote buying,
- Intimidation of voters,
- Illegal campaign financing,
- Corruption of election officials, and

¹³ **European Commission** (2024). *Commission Staff Working Document: Albania Report 2024*. Accompanied by the Communication on EU Enlargement Policy. Retrieved from: https://enlargement.ec.europa.eu/document/download/a8eec3f9-b2ec-4cb1-8748-9058854dbc68_en?filename=Albania%20Report%202024.pdf, p. 76.

- Manipulation of the electoral process for criminal gain.

Countering this threat requires a coordinated institutional response, involving:

- SPAK,
 - The State Police,
 - Other national law enforcement agencies, and
 - International partners,
- to identify, disrupt, and prosecute efforts by criminal groups to interfere in democratic processes.

ACTION PLAN

To ensure the effective implementation of this Strategy, SPAK will establish a dedicated Investigative Group (Task Force) composed of a Central Structure and field investigation teams, responsible for carrying out investigative actions throughout the election period—up until the official announcement of results by the Central Election Commission (CEC).

Preparatory Phase (January–February 2025)

- Approval of the Strategy by the Head of the Special Prosecution Office.
- Issuance of an internal Order for the Strategy’s implementation.
- Public communication campaign to raise awareness of the Strategy and work plan.
- Formal establishment of the Task Force, including the Central Structure and mobile investigative teams.
- Conclusion of cooperation agreements, where necessary, with:
 - Central Election Commission (CEC)
 - State Police
 - State Intelligence Service (SHISH)
 - General Prosecutor’s Office
 - Financial Intelligence Agency (AIF)
 - Other relevant institutions
- Capacity building through specialized training sessions for prosecutors, BKH investigators, financial investigators, and administrative support staff on:
 - Electoral criminal offenses
 - Investigative procedures
 - Case management during elections
- Development and launch of an **online platform** for **anonymous and real-time reporting** by citizens and organizations.
- Formation of **field investigation teams**, equipped to conduct real-time verifications and evidence collection.

- Establishment of a **Monitoring and Follow-Up Unit**, composed of dedicated staff to systematically track and process reports from:
 - Citizens
 - Civil society organizations
 - Media outlets
 - Other public communication channels

Observation Phase (March–May 2025)

- **Field verification** of information and allegations indicating the commission of electoral criminal offenses under SPAK’s jurisdiction.
- **Assessment of complaints and reports** that raise reasonable suspicion of:
 - Vote buying
 - Misuse of public resources and investments
 - Other illegal campaign activities by political entities
- **Monitoring of media and social networks** to identify patterns or content suggestive of criminal conduct related to the electoral process.
- **Intensification of cooperation** with law enforcement and financial intelligence institutions, including:
 - AIF
 - Banking and financial sector entities
 - Other national and international partners

OPERATIONAL FRAMEWORK

To ensure effective implementation of this Strategy, SPAK will operate through a dedicated **Central Structure** and **Field Investigation Teams**, designed to support a coordinated and territory-wide investigative effort during the 2025 Parliamentary Elections.

Central Structure

- Coordinates the overall work of all **field investigative teams** and support staff involved in investigating electoral criminal offenses during the election period.
- Ensures cooperation with relevant **public institutions**, including law enforcement agencies, international organizations, and civil society, to implement a unified approach to monitoring and investigating electoral integrity violations.
- Facilitates the **exchange of information and operational resources** across field units, ensuring timely support and consistent case handling.
- Supports the **strengthening of human resources** in monitoring and verifying indications of electoral crimes.

Field Investigation Teams

- Composed of Special Prosecutors, BKH investigators, financial investigators, and administrative support staff, organized by 12 regions and 61 municipalities. Each team is led by a designated Special Prosecutor.
- During the election period and on election day, teams will:
 - Verify complaints and referrals related to alleged electoral offenses committed by special entities;
 - Investigate the potential misuse of public administration¹⁴ resources and infrastructure for campaign purposes, as prohibited by law.
- Field teams will act on referrals and complaints originating from:
 - The Central Structure
 - Civil society organizations
 - The public
 - The media
 - The State Police
 - Other public or private institutions
- These teams will work in close coordination with:
 - Heads and standing prosecutors from local general jurisdiction prosecutor's offices
 - Directors of regional police departments
 - Local and national law enforcement agencies
 - Election observers, media representatives, and civil society organizations operating in their respective jurisdictions.

PUBLIC COMMUNICATION

A dedicated reporting platform will be established on the official website of the Special Prosecution Office to facilitate the reporting of criminal offenses committed in the context of elections. This platform will include:

- **Emergency Telephone Number**
A special hotline will be created for citizens, election observers, and institutions to report suspected legal violations during the election period.
- **Online Reporting Platform**
A secure and anonymous online portal will allow users to submit complaints and upload supporting evidence, including videos, photos, and documents.

¹⁴ Law No. 10019, dated 29.12.2008, "Electoral Code of the Republic of Albania," as amended, Articles 91 and 92.

- **Dedicated Email Address**
An official email address will be designated for the submission of factual reports related to electoral crimes.

In addition, a Public Relations Working Group will be established to monitor media and social networks for publicly available data and content related to suspected electoral offenses. Based on the significance and credibility of the information, SPAK will issue official announcements or press statements to inform the public in a timely and transparent manner.

DATA RECORDING

- The Protocol/Archives Sector will open a dedicated protocol register to document all correspondence and communications relating to criminal offenses in the context of elections.
- This will enable the rapid extraction and analysis of relevant data to support investigations and public communication.

FINANCIAL AND INFRASTRUCTURAL SUPPORT

- Relevant administrative structures will ensure the timely disbursement of funds needed to cover expenses related to investigative operations during the election period.
- Additionally, measures will be taken to provide adequate technical and logistical capacities to support the implementation of this Strategy across all operational units.

MONITORING AND EVALUATION

The monitoring and evaluation of the implementation and effectiveness of this Strategy will be carried out by the Central Structure. This evaluation will take into account:

- The level of implementation of planned measures;
- Meetings and cooperation with public institutions involved during the implementation phase;
- Reports and assessments from journalists and media outlets;
- Feedback from civil society organizations and international bodies engaged in the monitoring of the electoral process.

The findings and conclusions drawn from the evaluation process will be used to identify opportunities for improving procedures, tools, and mechanisms related to the prevention and investigation of electoral criminal offenses.

This ongoing monitoring and evaluation process will ensure that the Strategy remains adaptable and responsive to emerging needs and challenges encountered during the investigation of such offenses.

DOMESTIC AND INTERNATIONAL COOPERATION

- General Prosecution Office
- Prosecutors of General Jurisdiction by Region (12 regions)
- Central Election Commission (CEC)
- State Police
- Financial Intelligence Agency (FIA)
- State Intelligence Service (SHISH)
- International assistance missions to the Special Prosecution Office
- International organizations
- Civil society organizations
- Journalists/Media
- Private entities
- Others