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ARTIKULLI

TITULLI	Rama unveils new procedural guarantees package: rules on interceptions, phones and publishing case files, without softening fight against crime and corruption
ADRESA	https://albeu.com/english/rama-unveils-new-procedural-guarantees-package-rules-on-interceptions-phones-and-publishing-case-files-without-softening-fight-against-crime-and-corruption/1034273/
BURIMI	albeu.com
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KOHA

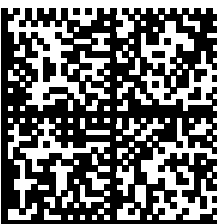
KAPUR NGA NE	30 shtator 2026, 13:49:01 UTC <i>Dritarja jonë e pasigurisë: ± 300 s — intervali me të cilin e kontrollojmë këtë burim.</i>
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ZINXHIRI I PROVËS

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Rama unveils new procedural guarantees package: rules on interceptions, phones and publishing case files, without softening fight against crime and corruption



Today, Prime Minister Edi Rama presented the new changes to the Criminal Procedure Code, which are part of the New Package of Procedural Guarantees.

This package covers about one fifth of the Code and contains 105 articles.

Nineteen academics and magistrates from Italy, France and the Netherlands took part in its preparation, alongside experts from the Council of Europe, with support from the ministries of justice of Italy and France.

The Albanian technical secretariat coordinated all the work.

According to the changes presented by the prime minister, for criminal offences with a maximum sentence below 5 years no prison arrest will be imposed. Likewise, the prosecutor will have the obligation to investigate also circumstances that exonerate or favour the person.

The changes also affect phone searches and interceptions. The police and prosecution may seize a device, but opening, copying or processing its content will require prior court authorisation. For interceptions, it is provided that only communications related to the investigation be transcribed.

The package also sets rules on the presumption of innocence and the publication of investigative materials, including restrictions on publishing interceptions and certain data. According to Rama, responsibility for leaking secrets will not fall on the media, but on the person legally obliged to protect them.

The prime minister stressed that these changes do not remove the prosecution's powers to intercept, search

të fundit /



Fabrizio Romano veçon dy kandidatët kryesorë për Topin e Artë



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the prime minister stressed that these changes do not remove the prosecution's powers to intercept, search, seize, investigate assets or cooperate internationally, but they change the way these powers are exercised and strengthen court control over them.

He added that the fight against corruption and organised crime is not softened, while special regimes are preserved for corruption, organised crime, terrorism, trafficking, crimes with weapons or serious violence and cases of the Special Court.

During his speech, Rama recalled that ten years ago, in 2016, the Albanian Parliament approved constitutional changes that freed justice from political power, after a dependence that had lasted since the founding of the Albanian state in 1912.

The Justice Reform toppled the old judicial structure and created new institutions for the self-government of the judiciary, a special superstructure against organised crime and corruption, higher salaries for magistrates and the vetting process.

According to him, after ten years results were seen that previously were not even imagined, but also failures and deformations. However, the reform, he said, demolished the century-old cult of impunity.

The prime minister explained that the aim now is to give more balance to the scales of justice, so that judicial power does not place itself above justice, but justice is the power of equality of all before the law. This is the essence of the package called by its co-authors the "Package of Procedural Guarantees".

Rama stressed that after the adoption of the Criminal Procedure Code in 1995 and the changes that accompanied the Justice Reform, this is the first such comprehensive and organic intervention in the presumption of innocence.

Until now, according to him, mainly the arm of the state against the individual had been strengthened, while now weight is being given also to the arm of human rights vis-à-vis the state.

The initiative was prompted by the alarm of the European Committee for the Prevention of Torture and other European and international mechanisms, which showed that in Albania the scales of justice lean clearly toward the repressive weight of the state.

Rama added that even today an Artificial Intelligence model would answer that the country with the heaviest pre-trial detention burden on the European continent is Albania.

The latest Council of Europe report, on the situation as of 31 January 2025, shows that almost 62% of people in Albanian prisons are pre-trial detainees, that is held in prison for what they are accused of and not for a sentence received.

The European average of pre-trial detainees on the same date was 26%, meaning Albania was more than twice as bad as the rest of Europe. In Greece this indicator was 24.8%, in Serbia 21.5%, in North Macedonia 14.3%, in Romania 12.4% and in Bulgaria 7%.

The prime minister underlined that this is not a regional curse, but a serious Albanian problem, which Parliament must address without losing time. He called it a common challenge for the judiciary and the executive, where the government will provide financial and logistical support.

Comparing also with Russia, Rama said that there pre-trial detainees make up 30% of the prison population, less than half of Albania's figure, which is negotiating European Union membership.

He called on prosecutors and judges not to continue with such figures, behind which stand human lives, family dramas, children's traumas and sometimes irreparable consequences. According to him, this penal policy also has a negative impact on society.

In the general jurisdiction, the average stay in pre-trial detention in Albania reaches 253 days, compared with about 155 days in European Union countries. Whereas in the Special Court this time climbs to 616 days, or more than one year and eight months, compared with Europe's five-month average.

Rama recalled that as early as 2006, ten years before the Justice Reform, a study by the OSCE Presence in Tirana found that 41% of pre-trial detainees had not met their defence lawyer before the hearing where the deprivation of liberty was decided, while 59% of lawyers had not been present during the first questioning by the prosecution.

The fact that this evil is old, according to him, makes the data even more serious, because it shows an old culture of justice's dependence on the cult of force and not a new consequence of the judiciary's independence.

Pre-trial detention, which under the Constitution and the European Convention on Human Rights must be the last resort, in Albania is the centre of gravity of the criminal process. The European Committee for the Prevention of Torture, the United Nations, the Council of Europe and the European Court of Human Rights have underlined that pre-trial detention is routinely sought with ready-made formulas and imposed by repeating the prosecutor's reasoning, without a real analysis of the person's profile or the possibility of milder measures.

Rama said the Strasbourg Court has found an unjustifiable lack of real review for the continuation of coercive measures in a number of cases against Albania. Therefore, this package is a concrete response to a real and painful problem, directly linked to Chapter 23 of the negotiations with the European Union.

The prime minister praised the role of the Director General for Human Rights and the Rule of Law at the Council of Europe, Gianluca Esposito, as well as the contribution of the governments of Italy and France. He said their engagement brought first-class expertise and comparative depth.

The package affects about one third of the Code and rests on a defining principle: every exercise of power in the criminal process must have a clear basis in law, be proportionate to the aim, be subject to substantive and not formal court control and produce legal consequences when it oversteps the limits.

Rama also recounted the episode with the French professor Raphaële Parizot, who noticed that the Albanian Code starts with prison arrest and then descends to lighter measures. According to her, this ordering teaches the system always to think of prison as the first solution.

It is precisely this logic that the new package opposes, Rama said. The court must start from liberty, examine milder measures, assess house arrest and reach prison only when every other alternative is insufficient.

For offences with a maximum sentence of up to three years, as a rule coercive measures will not be imposed, while for offences with a maximum sentence below five years no prison arrest will be ordered. The serious nature of the offence, taken alone, will no longer suffice. The person's silence or denial of the accusation cannot be used as evidence of dangerousness. Risk must be concrete, current and based on facts related to the person.

The court must make an independent assessment and, if it copies the prosecutor's arguments without reasoning why milder measures are insufficient, the decision is invalid and disciplinary responsibility arises for the judge.

When arrest is set, the court must also consider financial guarantee, calculated according to the person's real financial situation, with the necessary exceptions for risk to evidence, serious violent crimes, terrorism, offences against constitutional order and Special Court cases.

The prosecutor will be obliged to report every month to the court whether the reasons for the measure continue to exist and to argue them. Liberty cannot be restricted once and then forgotten.

The package also strengthens the protection of vulnerable persons. Mothers with children up to six years old, the father or guardian when the mother is not alive or is unable to care, persons over 70 years old, the seriously ill and persons in therapeutic programmes cannot be treated as if their human circumstances do not exist.

Another major change establishes real equality between the defence and the accusation. The lawyer cannot be decoration in the courtroom and a spectator during the investigation. He must have the right to conduct his own investigations, take statements, request documents, carry out technical verifications and engage experts.

Materials collected by the defence will be presented directly to the judge and will be assessed according to the same criteria of legality and relevance as prosecution materials. The person will have unconditional access to the evidence on which his liberty has been deprived and will receive the full case file free of charge before the case is sent to trial.

The prosecutor will have the explicit duty to investigate also circumstances that exonerate or favour the person, because his mission in a democratic state is to discover the truth, not necessarily to find a guilty person.

The third change closes a grey area of questioning. A person cannot be summoned as a person with knowledge and actually be treated as a suspect, without a lawyer and without guarantees. Anyone summoned to the Prosecution or Police, even as a person with knowledge, will have written on the summons the right to appear with a lawyer.

When suspicion against him existed from the moment of questioning, statements taken under another status cannot be used further against him. Questioning and the main investigative actions will be compulsorily audio and video recorded, removing from the Code the justification "when possible".

For the first time it is clearly written that statements or information obtained under torture, inhuman treatment or degrading behaviour are absolutely unusable, because a state seeking the truth cannot produce it through violence or verbal pressure.

The fourth change protects private life in the age of the smartphone. The phone is no longer simply a communication tool, but an archive of human life, with communications, photos, movements, finances and relationships. The seizure of the device cannot be an unlimited permission to read and see everything it contains.

The police and prosecution may seize the device, but to open, copy or process its content prior court authorisation is required. The court decision must define the device, the categories of data, the applications, the period and the search criteria. In urgent cases, narrowly defined by law, the action must be validated by the court within 48 hours. Any data obtained outside the authorisation is unusable, while material unrelated to the investigation must be destroyed.

The same logic applies to interceptions. Only communications related to the investigation must be transcribed, including those in favour of the person. The private life of people unrelated to the criminal offence cannot be turned into usable material, an instrument of pressure or a product of media consumption.

The taking of biological samples and the storage of genetic profiles are comprehensively regulated for the first time, with informed consent or a court decision, with the presence of the defence lawyer and with mandatory destruction after final acquittal.

The fifth change gives the investigation a verifiable beginning, a clear object and an end. Proceedings must be registered on the day the prosecutor learns of the offence, not when he deems it appropriate. The person has the right to know that proceedings have been registered against him and to ask the court to verify the date. If during the investigation another offence emerges, it must be registered as such.

Investigations hidden in time, kept in a drawer for years and used as a shadow over someone's head cannot be routine in a state of the rule of law. Cases with a real perspective will go to trial. Today's criterion of "sufficient evidence" is replaced with the standard of "reasonable expectation of conviction". The prosecutor must weigh the prosecution and defence evidence and characterise the case before reaching the final decision for conviction.

prosecution and defence evidence and show why the case has a real likelihood of ending in conviction.

The sixth change takes the presumption of innocence outside the courtroom and makes it a standard of conduct for institutions. Publication will be prohibited of the content of interceptions beyond the part quoted in the reasoning of a decision, identifying data of victims without their consent, images of persons under physical restraint measures and decisions on security measures beyond the limits of the law.

The prosecutor, officer, lawyer or professional who has the duty to protect the secret and breaches it will be held responsible. This norm does not aim at policing thought against the media, because responsibility never falls on the media, but on the person legally obliged to protect the secret and who removes it from the file. The language of official acts must also respect innocence; no one may be presented as guilty before a final decision.

The package simultaneously strengthens the protection of the victim. For domestic violence and sexual crimes new measures are created, such as the removal of the defendant from the dwelling and the prohibition of approaching or contact, with a distance of no less than one thousand metres and with the possibility of electronic monitoring. When the removal leaves the family without means of living, the court may set a periodic payment in its favour.

The victim's identity is protected and the victim's means to participate in the process are strengthened. Decisions in chambers that affect liberty and rights can no longer be made through an invisible procedure; the parties must be notified, present arguments and be heard. At the request of the defendant or the victim and with the authorisation of the court, the hearing may be broadcast live, protecting the rights of third parties and victims.

According to Rama, the most important innovation of the package is that violation of rights has consequences. Evidence obtained in violation of the law cannot be used, an act carried out by infringing guarantees loses its legal value and the court may find the violation itself, without waiting for the party's request. Alongside absolute and relative invalidity, an intermediate regime is created for serious violations of the right to be heard, to intervene and to present evidence.

Responsibility cannot remain nameless. The judge who restricts liberty without his own reasoning, the prosecutor or officer who spreads protected information, the employee who does not record questioning and the officer who abuses flagrantly or urgently must answer personally. The violation remains a violation even if the person is ultimately convicted.

Rama clarified that the package does not touch any pillar of the Justice Reform and does not remove from the prosecution any competence to intercept, search, seize, investigate assets or cooperate internationally. It changes the manner of exercising these competences and strengthens court control over them.

Special regimes are preserved for corruption, organised crime, terrorism, trafficking, crimes with weapons or serious violence and Special Court cases. This is a conscious choice, because the fight against corruption and organised crime must not be softened in any way.

The package does not reopen closed cases. Acts and evidence legally obtained before its entry into force remain valid. The review within sixty days of security measures in force is not an amnesty, but an individual check by the same court, case by case, with the right of appeal for the parties.

The prime minister stressed that the independence of justice is not immunity from the law and procedural control is not political interference. The more independent justice is, the higher must be the quality of reasoning and respect for the limits set by the law.

He added that the Council of Europe has noted that the implementation of guarantees will fall on a judiciary, prosecution and judicial police with limitations in people, equipment and expertise. Audio and video recording, digital evidence control, electronic monitoring and data storage require infrastructure, funding and training. Therefore the law will have a reasonable period before its effects begin, with training and implementing acts.

Rama called the fact that Albania figures as the "black sheep" of Europe in this indicator a challenge for national dignity and said the executive will make available everything required for guarantees to exist in the citizen's life, not only in the pages of the Official Gazette.

In closing, he stressed that the European Union is the standard by which the state behaves when facing a single person, in a police station, a prosecution office or a courtroom. The Justice Reform gave Albania a justice that is not afraid of the guilty person, while this package aims for justice not to frighten the innocent.

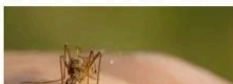
In 2016 began the end of the culture of impunity, while in 2026 must begin the end of the culture of pre-trial detention as an automatic response, of investigation without deadline and of the process where the citizen enters as unequal. According to him, the state's strength is not seen in the ease with which it puts handcuffs, but in the strictness with which it reasons every hour of freedom it takes from a person.

Rama repeated that a justice that says "better a guilty person outside than an innocent inside" is not weaker, but stronger, fairer, more credible and more European.

Finally, he thanked the co-authors of the package, the Council of Europe, Gianluca Esposito, the ministries of justice of Italy and France, the Albanian Ministry of Justice and the jurists of the technical secretariat. He singled out the head of the secretariat, Etilda Gjonaj, for her professionalism, experience and work discipline, which guaranteed the success of the cooperation with 19 foreign academics and magistrates. Now, he said, it is the turn for this work to become law and for the law to become a daily guarantee for the citizen.

Shtuar më 30.09.2026 15:44

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