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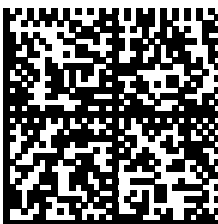
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A new shield for senior officials? BIRN: Amendments to the Code of Criminal Procedure threaten justice reform and restrict SPAK's room for maneuver



The government has proposed restrictions on arrest measures and investigative techniques in the draft Code of Criminal Procedure which, according to civil society representatives, are limiting SPAK's room for maneuver at a time when corruption investigations are reaching the highest levels of power.

The Albanian government presented a 106-article bill in Tirana on Wednesday that revises around one-fifth of the Code of Criminal Procedure, a move that took the justice system by surprise.

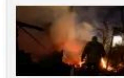
The bill excludes criminal offenses carrying a maximum sentence of up to five years from arrest measures, introduces new filters on prosecutors' conduct of investigations and requests for evidence, and strengthens the regime of investigative secrecy to the point of prohibiting the public disclosure that a person is under investigation.

Prime Minister Edi Rama promoted the draft as the "Procedural Guarantees Package" and said that, 10 years after politics handed the judiciary "the sword of punishment," it was necessary to correct "failures and distortions that cannot be hidden behind the results."

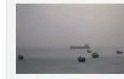
Civil society representatives, however, view it as a project intended to protect senior officials from justice by undermining the foundations of justice reform.

"Rama's main concern in recent months or in the coming months is his relationship with power and with the post-power period, and this means that he has neither reform of the justice system, nor the need to strengthen the rule of law, nor public accountability and transparency as his project," said Afrim Krasnini, director of the Institute for

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Political Studies.

"The latest effort is to create protective mechanisms in the event of an investigation against him and his associates, especially during the period when he will no longer be prime minister," Krasniqi added.

The amendments to the Code of Criminal Procedure have been proposed at a time when Prime Minister Edi Rama's government has been shaken by new corruption scandals involving former Deputy Prime Minister Belinda Balluku, former head of the Intelligence Service Vlora Hyseni and other senior officials.

According to Krasniqi, these developments have influenced Prime Minister Rama to consider additional mechanisms in relation to the justice system, while publicly describing it as successful.

Zef Preçi, director of the Albanian Center for Economic Research, has also raised concerns that the new provisions could affect the work of justice institutions, although in principle he views the package's focus on limiting pretrial detention and strengthening alternatives to it positively.

He says that the effectiveness of the new reform will depend on how the new provisions are implemented and on the consistency of the courts in their decision-making. He also suggests that the government should stipulate in the package that sentences be calculated for each repeated episode of a criminal offense, arguing that treating several violations as a single case could create problems in the fight against corruption.

Otherwise, Preçi warns, *"the proposed amendments to the Code of Criminal Procedure will be nothing more than a Machiavellian political mechanism to restrain SPAK, keeping the ranks of government officials and politicians from the majority led by Mr. Rama tightly closed, as they are de facto candidates for future investigation by SPAK."*

For Migen Qiraxhi of Qendresa Qytetare, it is the recent scandals that have prompted the government to amend the Code of Criminal Procedure, changes which, he says, target SPAK's work.

"There is a paradox: the more results SPAK achieves and the more it strikes at the highest levels of politics, the more we see political initiatives affecting SPAK's activity," Qiraxhi said, adding that the amendments are being introduced precisely when the institution has gained a considerable level of public legitimacy.

Changes that threaten justice reform

The justice reform, approved in 2016 following constitutional amendments and supported by the EU and the United States, aimed to strengthen the independence of institutions, particularly those specializing in combating corruption and organized crime, and to reorganize the system based on the vetting of judges and prosecutors.

A decade later, civil society experts view the government's newly proposed amendments to the Code of Criminal Procedure as a threat to this reform, even though they are presented as corrections intended to protect human rights, particularly in cases involving pretrial detention measures.

According to them, the main problem is the lack of genuine consultation with justice-sector actors and with the international institutions that supported the reform 10 years ago.

Krasniqi calls the initiative "a personal political move" and, to some extent, *"one of the commissioned laws on the government's legislative agenda."*

He considers it absurd that initiatives affecting the core of the justice system come solely from the Socialist majority, disregarding the parliamentary opposition and justice institutions. In his view, this shows that *"the concept of the party-state remains dominant and the personalization of power is the prevailing logic."*

He says these attempts also contrast with the integration process, in which the only positive development in the justice and anti-corruption chapter is considered to be the work of SPAK and the Special Court against Corruption and Organized Crime.

Migen Qiraxhi does not consider the government's initiative surprising, but links it to ongoing attempts to affect SPAK's powers or room for maneuver through initiatives presented as anti-corruption reforms.

"If this is a government initiative today, there is a risk that a common interest among parts of the old political establishment, on the left and the right, will gradually be formalized to regain control or narrow the space of a justice system that, for the first time, is genuinely striking at the highest levels," he said, insisting that this is the fundamental conflict.

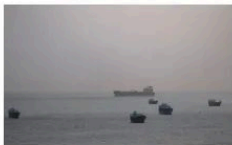
In this context, Qiraxhi believes that the debate should focus on SPAK's legitimacy rather than on the technical content of the proposals.

Meanwhile, Zef Preçi says that, despite the risk the package poses to the independence of the justice system, in principle it appears to address some of the most criticized problems in Albania's criminal justice system concerning pretrial detention measures.

But he says that serious questions remain, mainly because the full text was not publicly available when it was presented and because of how it will be implemented in practice by the courts./BIRN

Shtuar më 2.10.2026 08:12

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