

LAW
Nr. 8737, dated 12 February 2001

ON THE ORGANIZATION AND FUNCTIONING
OF THE OFFICE OF THE PROSECUTOR IN THE REPUBLIC OF ALBANIA

In reliance on articles 81, 83 point 1, 148 and 149 of the Constitution, on the proposal of the Council of Ministers,

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA

D E C I D E D:

CHAPTER I
GENERAL PROVISIONS

Article 1

Object of the law

The object of this law is:

- a) the specification of the rules of organization and functioning of the Office of the Prosecutor in the Republic of Albania;
- b) the conditions that citizens must fulfil to be appointed prosecutors;
- c) the status of a prosecutor;
- ç) the career and disciplinary proceeding of a prosecutor;
- d) the relations of the Office of the Prosecutor with other state institutions, other public or private subjects and with the public.

Article 2

The object of activity of the office of the prosecutor

1. The Office of the Prosecutor carries on criminal prosecution and represents the accusation in the name of the state in the adjudication, takes measures and oversees the execution of criminal decisions, as well as performing other duties prescribed by law.
2. The Office of the Prosecutor carries on its functions through the prosecutors.

Article 3

Structure of the office of the prosecutor

The office of the prosecutor is organized and functions under the direction of the General Prosecutor as a centralized structure, in which the office of the General Prosecutor, the Council of the Office of the Prosecutor and the prosecutors' offices attached to the judicial system are included.

Article 4

Legality of the activity

1. In the exercise of duty, prosecutors are subject to the Constitution and the laws.
2. Prosecutors exercise their competencies while respecting the principles of a fair, equal and duly ordered legal proceeding and the protection of lawful human freedoms, interests and rights.
3. Orders and instructions of a higher prosecutor are given in writing and are binding on a lower prosecutor.
4. Prosecutors take measures for the conduct of criminal prosecution, the implementation of instructions that are given in compliance with law, of criminal decisions and of the orders of the court, as well as helping in the good administration of justice.

Article 5

Preventive activities

The Office of the Prosecutor organizes and/or cooperates with state institutions as well as other public and private subjects for activities for the education of society, with the aim of knowledge of the law and the prevention of criminality.

Article 6

Relations with the public

1. The Office of the Prosecutor informs public opinion about the activity it carries on.
2. The Office of the Prosecutor is not permitted to release data that damage the process of investigations, that infringe the dignity and private life of persons or that infringe the rights of minors and public morality.

**CHAPTER II
THE GENERAL PROSECUTOR**

Article 7

Appointment and discharge

1. The General Prosecutor is appointed by the President of the Republic with the consent of the Assembly.
2. The General Prosecutor may be discharged by the President of the Republic on the proposal of the Assembly for violations of the Constitution or for serious violations of

law during the exercise of his functions, for mental or physical incapacity, for acts of conduct that seriously discredit the position and figure of the Prosecutor.

Article 8 Duties

1. The General Prosecutor is responsible for the exercise of criminal prosecution and the representation of the accusation in court in the name of the state, as well as for the prevention¹ of other duties charged on the Office of the Prosecutor by law.
2. The General Prosecutor has these principal duties:
 - a) After having taken the opinion of the Minister of Justice, he proposes the total number of prosecutors to the President of the Republic.
 - b) He proposes to the President of the Republic the appointment, transfer, promotion and discharge of prosecutors.
 - c) He names the directors of the prosecutors' offices and their deputies in the prosecutors' offices attached to the courts.
 - ç) He approves the structure, personnel chart and the rules of functioning of the offices of the prosecutor attached to the courts and of the office of the General Prosecutor.
 - d) He orders the secondment of prosecutors.
 - dh) He exercises the functions of the director of the Office of the Prosecutor attached to the High Court.
 - e) He appoints and discharges the employees of the administration in the structures of the office of the General Prosecutor.
 - ë) He represents the Office of the Prosecutor in relations with third parties;
 - f) He sets the payments in cases of compensation of witnesses or for obtaining important evidence for investigations.
 - g) He gives instructions for the work of the judicial police.
2. The General Prosecutor issues orders and instructions for the exercise of the duties given by this law or by separate laws.
3. The General Prosecutor may delegate responsibilities, in accordance with the laws in force, to one of the directors of directorates, with the exception of transferring, proposing for appointment, promoting or discharging prosecutors.
4. The General Prosecutor sends statistical data about criminal prosecution to the Ministry of Justice for the compilation of unified statistics in the field of justice.

¹ Translator's note: apparently, this is an error in the original printed text. The Albanian word "parandalimin" ("prevention") should probably be "kryerjen", which means "performance".

CHAPTER III THE OFFICE OF THE GENERAL PROSECUTOR

Article 9 Structures and principal functions

1. The structure of the office of the General Prosecutor and the principal duties of its units are:
 - a) The Cabinet, which gives data, prepares and coordinates the relations of the General Prosecutor with the structures under him, with state institutions and with the public;
 - b) The directorates of investigation and control of criminal prosecution, which coordinate, control and assist the offices of the prosecutor attached to the courts in the exercise of their functions.
 - c) The directorate of jurisdictional relations with abroad, which initiates, prepares and follows the realization of relations of the Office of the Prosecutor with analogous institutions or with other foreign subjects.
 - ç) The directorate of personnel and inspection, which administers documentation with personal data about candidates, prosecutors and other employees of the Office of the Prosecutor; controls the exercise of duty by the prosecutors in a planned manner or for particular questions; verifies their property, and prepares documentation for the appointment, transfer, promotion and discharge of prosecutors.
2. In addition to what is provided in point 1 of this article, the detailed specifications, structuring and organization of the units of the Office of the General Prosecutor are done by the General Prosecutor.

CHAPTER IV THE COUNCIL OF THE OFFICE OF THE PROSECUTOR

Article 10 Duties

1. The Council of the Office of the Prosecutor organizes the competition for the appointment of prosecutors, examines work evaluations and disciplinary violations committed by prosecutors and gives its opinion about draft acts of the General Prosecutor and about investigative practice.
2. The Council of the Office of the Prosecutor has an advisory function and presents its opinion in each case to the General Prosecutor.

Article 11
Composition

1. The Council of the Office of the Prosecutor consists of seven members. One representative of the President, one representative of the Minister of Justice and five prosecutors take part in the Council of the Office of the Prosecutor.
2. The prosecutor members of the Council of the Office of the Prosecutor shall have over five years' work as prosecutors. They are elected every three years by the General Meeting of Prosecutors. The candidacies are submitted by a group of no fewer than 10 prosecutors and the voting is secret. The General Prosecutor chairs the meeting.
3. Prosecutors against whom a disciplinary measure has been or is being given may not be elected or be members of the Council of the Office of the Prosecutor.

Article 12
Rules of functioning

The rules for the organization and functioning of the Council of the Office of the Prosecutor are set by the General Prosecutor, after having taken the opinion of the Council.

CHAPTER V
STRUCTURE OF THE OFFICE OF THE PROSECUTOR
ATTACHED TO THE JUDICIAL SYSTEM

Article 13
The prosecutors at the High Court

1. The functions of the Office of the Prosecutor at the High Court are exercised by prosecutors of the Office of the General Prosecutor.
2. The prosecutors attached to the High Court carry out criminal prosecution, as well as represent the accusation in court against the President of the Republic, the Prime minister and members of the Council of Ministers, deputies, judges of the Constitutional Court and judges of the High Court.

Article 14
The prosecutors at the courts of appeal

The functions of the Office of the Prosecutor at each court of appeal are exercised by the prosecutors of appeal. Their jurisdiction extends to the entire territory where the jurisdiction of the respective court extends.

Article 15

The prosecutors at the first level courts

The functions of the Office of the Prosecutor at each court of the first level are exercised by the prosecutors of the first level. Their jurisdiction extends to the entire territory where the jurisdiction of the respective court extends.

Article 16

Exercise of duty at a lower level

By order of the General Prosecutor, a higher prosecutor conducts investigations and represents the accusation as a prosecutor of lower levels.

**CHAPTER VI
APPOINTMENT OF A PROSECUTOR**

Article 17

General conditions

A person who meets these conditions is appointed a prosecutor in one of the offices of the prosecutor attached to the court of the first level:

- a) he is an Albanian citizen;
- b) he has full capacity to act;
- c) he has higher juridical education;
- ç) he has completed the Magistrates' School;
- d) he has not been punished by a final decision for commission of a criminal act;
- dh) he has not been removed, for disciplinary violations, from the public administration within a period of three years from the date the application is deposited; when the disciplinary violation was committed during the exercise of function as a judge, prosecutor, officer of the police, notary or lawyer, the term is five years;
- e) he is no less than 25 years old.

Article 18

Special conditions

A person who has not completed the Magistrates' School may also be appointed a prosecutor if he meets the other criteria specified in article 17 of this law and one of the following conditions:

- a) he has worked as a judge or prosecutor;
- b) he has worked for no less than three years as a teacher in the Magistrates' School, in the Faculty of Law, as legal councilor, director or specialist in the juridical-professional structures in the Assembly, with the President, in the Council of Ministers, in the High Court, in the Ministry of Justice, in the Office of

the People's Advocate or deputy with higher legal education, and as an officer of the judicial police.

Article 19
Limitations on appointment

1. Prosecutors may not serve at the same court where persons with whom there is a tie of blood or marriage, of any level in a direct line and up to the second level in an indirect line, exercise the functions of prosecutor or judge.
2. Prosecutors may not serve in a district where they have worked as lawyers.

Article 20
Competition

1. After he has taken the opinion of the Council of the Office of the Prosecutor, the General Prosecutor publicly announces vacant places for prosecutors at least one month before the date set for holding the competition. The announcement is made in at least two newspapers with national distribution and sufficient circulation, as well as by Public Radio and Television.

The deposit of applications accompanied by the documents required for acceptance to the competition shall be done by the competitors no later than two weeks from the last date of the public announcement of the vacant place.

2. For filling vacancies, the candidacies presented by the prosecutors are examined, discussed and decided on. In the absence of or after examination of the candidacies, other candidacies that meet the legal criteria for being appointed prosecutor are examined, discussed and decided on.

3. The Council of the Office of the Prosecutor makes an evaluation of the candidacies and submits its opinion to the General Prosecutor, who shall express himself within 15 days.

4. Detailed rules for submitting, selecting, verifying and testing the candidacies are set by the General Prosecutor.

Article 21
Appointment

The candidates for prosecutor are appointed to office by the President of the Republic on the proposal of the General Prosecutor on the basis of the results of the competition.

Article 22
The swearing-in

1. Before beginning their duty, prosecutors take the following oath.
"I solemnly swear that during the performance of duty I will always be faithful to the Constitution of the Republic of Albania, the laws in force and I will keep the image of the prosecutor clean. I so swear!"

2. The oath of the newly named prosecutors is done in a ceremonial manner before all the prosecutors of the structure where they have been designated for the performance of duty.
3. The General Prosecutor sets rules about the swearing-in procedure.

Article 23
Prosecutors in training

1. On the proposal of the General Prosecutor, the President of the Republic appoints as prosecutors in training persons who have finished the second year of the Magistrates' School, to perform the professional internship contemplated in law nr. 8136 dated July 31, 1996 "On the Magistrates' School of the Republic of Albania," in offices of the prosecutor at courts that have the best conditions for the organization of this internship.
2. The criteria designated in letters "ç" and "e" of article 17 of this law do not constitute an impediment to the appointment of the persons mentioned in point 1 of this article.
3. After the completion of the professional internship, the President of the Republic decrees their appointment to the offices of the prosecutor, according to the needs of the latter.

Article 24
Promotion and transfer

1. Promotion to a higher position or transfer may be done only for the needs and in the interest of the work by the President of the Republic, on the proposal of the General Prosecutor, after the opinion of the prosecutor has been taken.
2. The cases contemplated by articles 25 and 33 of this law are an exception to the provisions of point 1 of this article.

Article 25
Secondment

The General Prosecutor may second one or more prosecutors from the offices where they work to other prosecutors' offices of the same level without their consent:

- a) for no more than two periods in a year, up to three months' each, in cases when a prosecutor's office is not functioning normally because of the insufficiency of prosecutors or an overload;
- b) for no longer than the time necessary to complete the proceeding of a particular case when the need of the investigation or the adjudication presents itself.

Article 26
Suspension

1. A prosecutor may be suspended from the exercise of duty by order of the General Prosecutor in these cases:
 - a) when a criminal case begins against him, until the end of the case;

- b) when a serious disciplinary violation is discovered, until the required procedure for disciplinary responsibility is fulfilled, but no longer than 30 days;
 - c) when the General Prosecutor proposes to the President of the Republic the discharge of the prosecutor from duty.
2. In a case of suspension according to point 1 of this article, when, as the case may be, the prosecutor is found not guilty by the court, or has not committed the disciplinary violation, or the 30 day time period contemplated in letter “b” of point 1 of this article has passed, he has the right the return to his former duty.
3. The suspension contemplated in letter “c” of point 1 of this article ends after the examination of the proposal of the General Prosecutor by the President of the Republic.

Article 27

Removal and discharge from duty

1. A prosecutor is removed from duty in these cases:
- a) when he resigns;
 - b) when he reaches the age of 65;
 - c) when his juridical capacity to act is removed or limited by a final court decision.
2. After he has received the consent of the prosecutor himself, the General Prosecutor may decide to keep on duty a prosecutor who has reached the retirement age contemplated in letter “b” of point 1 of this article.
3. A prosecutor is discharged from duty in these cases:
- a) when he is punished for a criminal offense by a final court decision;
 - b) when a disciplinary measure according to letter “d” of article 32 of this law is taken;
 - c) when he is evaluated as incompetent in accordance with points 3 and 4 of article 42 of this law.

CHAPTER VII DISCIPLINARY PROCEEDING

Article 28

Beginning of the proceeding

1. The beginning of a disciplinary proceeding is done by the General Prosecutor, on his own initiative or on the recommendation of the Council of the Office of the Prosecutor.
2. The proceeding is supported on data coming out from an inspection about which the prosecutor proceeded against has been notified beforehand. The proceeding begins when no more than six months have passed from the time the violation was observed and no more than three years have passed from the time of commission of the violation.

Article 29

Knowledge of the documentation of the proceeding

1. The prosecutor proceeded against is given beforehand the documentation of the proceeding started against him, as well as a time period of no less than 10 days to prepare his defense.
2. The day of the examination of the materials is made known beforehand to the prosecutor proceeded against.

Article 30

The right to be heard

1. The prosecutor against whom the disciplinary proceeding has begun has the right to be defended, presenting himself before the Council of the Office of the Prosecutor, which is obligated to hear him and verify the claims raised.
2. Failure to appear without reasonable cause does not hinder the Council of the Office of the Prosecutor from examining the question and issuing the respective conclusions.

Article 31

Examination of the opinions of the Council of the Office of the Prosecutor

The General Prosecutor expresses himself on opinions given by the Council of the Office of the Prosecutor about disciplinary violations within 15 days from the presentation, reasoning his position.

Article 32

Disciplinary violations

The following are considered violations of work discipline:

- a) failure to take the oath or violating it;
- b) serious or systematic delays in proceedings or other obligations charged or non-fulfillment of duties;
- c) revealing a secret of the investigation or other data of a confidential nature;
- ç) absence from work for more than five days without cause;
- d) commission of actions that seriously discredit the image of a prosecutor;
- dh) commission of actions that according to law are incompatible with the functions of a prosecutor.

Article 33

Disciplinary measures

1. These measures are taken against prosecutors for violations of discipline:
 - a) reprimand;
 - b) reprimand with warning of discharge from duty;
 - c) suspension from duty and transfer to another lower duty within the organ for a period of from six months up to one year;

- c) discharge from duty.
2. The disciplinary measures contemplated in letters “a,” “b,” and “c” of point 1 of this article are given by order of the General Prosecutor and are noted in the personal file of the prosecutor.
 3. Discharge from duty is done by the President of the Republic on the proposal of the General Prosecutor. A proposal for discharge is accompanied by the objections of the prosecutor who is proceeded against disciplinarily.
 4. The measures contemplated in point 1 of this article are expunged from the file when there have passed:
 - a) three months from the date a measure under letter “a” was given;
 - b) one year from the date a measure under letter “b” was given;
 - c) one year from the date when the measure given under letter “c” has ended.

Article 34
Appeal

1. An appeal to the Court of Appeals in Tirana may be taken against the giving of the disciplinary measures contemplated in letters “a,” “b” and “c” of point 1 of article 33.
2. The decree of the President of the Republic for discharge from duty cannot be appealed.

CHAPTER VIII
STATUS AND CAREER OF A PROSECUTOR

Article 35
Special protection

A prosecutor has the right to have special protection for himself, his family and property, when this becomes necessary under the circumstances of a serious risk related to the exercise of his duty.

Article 36
Protection from a criminal proceeding

1. A prosecutor may not be detained, searched or arrested, without the permission of the General Prosecutor, except for cases when he is caught committing a crime or immediately after its commission. In this case, the competent organ immediately notifies the General Prosecutor.
2. If the General Prosecutor does not give his consent with 24 hours for the prosecutor to be sent to court, the responsible organ is obliged to release the prosecutor who has been detained.

Article 37

Treatment in cases of infringement of freedom

In cases when a prosecutor is detained and the security measure of “prison arrest” is given against him, or he is sentenced to imprisonment, he stays in environments without other persons, except when he himself waives this right in writing.

Article 38

Participation in associations

1. A prosecutor is free to take part in societies or organizations with not-for-profit activity or which have the purpose of respecting ethics or professional improvement.
2. A prosecutor is prohibited from striking.

Article 39

Incompatibilities

1. A prosecutor is prohibited from being a member of political parties or taking part in activities of a political nature.
2. The function of the prosecutor is incompatible with being a candidate and with every electoral mandate, public duty or activity, except for educational and teaching activities.
3. A prosecutor is prohibited from double employment, except for the activity permitted in point 2 of this article.
4. A prosecutor is prohibited from taking part in the management organs of commercial companies.

Article 40

Safeguarding the data of the proceeding

1. Prosecutors are prohibited from making public or giving to third persons data that might damage a case under process of investigation or adjudication, as well as data of a confidential or reserved nature.
2. Prosecutors are prohibited from making declarations or giving opinions about the activity of other organs.

Article 41

Professional improvement

1. Prosecutors have the right and obligation to take part in periodic training for raising their professional level.
2. Prosecutors receive the “Official Journal” and other juridical literature for free.

Article 42
Work evaluation

1. For evaluation of the professional abilities of prosecutors, the Directorate of Personnel and Inspection must carry out a planned inspection no less than once every two years.
2. The evaluation is done based on the volume of work, the quality and speed of performing it, disciplinary measures given and the publication of juridical works.
3. The Council of the Office of the Prosecutor examines the work evaluation and submits its opinion to the General Prosecutor, who shall express himself within 15 days.
4. The levels of evaluation are:
 - a- Very good;
 - b- Good;
 - c- Sufficient;
 - ç- Incompetent.
5. The system of work evaluation of prosecutors is set by the General Prosecutor, after having received the opinion of the Council of the Office of the Prosecutor.
6. An evaluation of “incompetent” constitutes cause for the initiation of a disciplinary proceeding.

Article 43
Promotion

1. After the exercise of duty for a time period no shorter than five years in the offices of the prosecutor at the court of the first level, a prosecutor may be appointed to one of the offices of the prosecutor at the courts of appeal.
2. After the exercise of duty for a time period no shorter than 10 years in the offices of the prosecutor at the court of the first level, or no shorter than five years in the offices of the prosecutor at the courts of appeal, a prosecutor may be appointed to the structure of the office of the General Prosecutor.
3. The promotion of a prosecutor is done when, in addition to meeting the experience requirement provided in points 1 and 2 of this article, his work during the last five years has been evaluated no lower than “good.”
4. When two or more candidacies compete for every vacant place, the General Prosecutor proposes for appointment the candidate who has more merit and experience.

Article 44
Employment as a civil servant

1. A prosecutor may work at management and executive levels of the cabinet of the Minister and juridical-professional structures of the Ministry of Justice. The period of their employment in these structures is recognized as a period of seniority in work as a prosecutor for purposes of the requirements of his professional career.
2. Prosecutors who work as civil servants in the Ministry of Justice are re-appointed as prosecutors, without competition, at their request.

Article 45
Identification document

A prosecutor is furnished with an identification document. The form and content of the document are specified by the General Prosecutor.

Article 46
Furnishing with arms

A prosecutor has the right to bear personal arms, with which he is furnished according to the legislation in force.

Article 47
Housing

1. A prosecutor has the right to obtain a residence through a loan on favorable terms, when he does not have a residence or a living area in the district where he works.
2. If a prosecutor has a residence in a district other than the one where he is exercising his duty, he benefits according to point 1 of this article, but the amount of the loan shall be as much as the difference between the value of the loan for the new residence and the value of the residence that he owns.
3. The funds for housing are provided for in the annual budget of the Office of the Prosecutor.

Article 48
Expenses of transfer

1. A prosecutor has the right of prepayment or reimbursement in full of the expenses for transferring him and his family, as well as transport of household furnishings, when he is promoted or transferred to another district, for reasons that are not related to disciplinary measures.
2. He does not have this right when he is transferred at his own request.

Article 49
Working hours

1. The weekly hours of work and the schedule as a rule are the same as those of the public administration.
2. In the case of need, on the order of his direct superior, a prosecutor is obligated also to work outside regular hours, on weekly days off, on holidays or when he is on annual leave.
3. The heads of every structure of the Office of the Prosecutor organize rotating service for weekdays, weekends and holidays. The service list is set every month. For the days contemplated in the rotating service list, the prosecutors are obligated to leave their exact address and location.

Article 50
Annual leave

1. A prosecutor enjoys the right to a paid annual leave of 30 days. As a rule, the annual leave is taken in the months of July and August.
2. In cases when a prosecutor is charged with the performance of urgent duties in the July-August period, as well as when he interrupts his leave for the needs of work, in addition to the remaining days off he receives up to five additional days off.
3. When they are away on annual leave, prosecutors are obligated to leave their exact address of the order² where they will take their vacation and the days they will be there.

Article 51
Leave for special cases

1. For special personal or family needs, a prosecutor has the right to take unpaid leave of no more than 20 days in a month, but no more than 30 days in a year.
2. In cases of marriages or deaths within the family, when the time provided in point 1 of this article has been used up, the prosecutor has the right to take up to 10 days leave.

Article 52
Pay and compensation

1. The pay of the General Prosecutor equal to the pay of the President of the High Court.
2. The pay of a prosecutor is regulated by law. The pay of the prosecutor is equal to the pay of a judge of the court where the office of the prosecutor to which he was appointed functions.
3. On service days, the pay is 20% higher than on ordinary workdays.
4. A prosecutor may earn compensation for professional merit in an amount set on the proposal of his superior and with the approval of the General Prosecutor.
5. On the proposal of his superior and with the approval of the General Prosecutor, a prosecutor may earn up to 10 percent supplemental pay for difficulty of work.

CHAPTER IX
RELATIONS WITH OTHER INSTITUTIONS

Article 53
Relations with the Assembly

1. The General Prosecutor informs the Assembly or the committees of the Assembly at least once very six months or whenever requested by them. The notification contains data and explanations about the number, kinds, territorial extent, intensity and forms of criminality in the Republic of Albania as well as the directions and priorities in the fight against criminality.

² Translator's note: in the original printed text, "*rendit*". Obviously this is a typo for "*vendit*" which means "place".

2. A notification about particular cases is not permitted, except for cases sent with a decision of the Assembly.
3. The Assembly may ask the General Prosecutor for suggestions about the legal regulation of various questions.
4. The General Prosecutor cooperates with parliamentary investigative committees according to the legal provisions in force.

Article 54

Relations with the Council of Ministers

1. Every year, no later than March 31, the Minister of Justice, in the name of the Council of Ministers, brings to the General Prosecutor recommendations that should be taken into account for the year in progress in the fight against criminality.
2. The General Prosecutor makes the recommendations of the Council of Ministers known to the directors of the offices of the prosecutors at all levels at a joint meeting in which the Minister of Justice also takes part, no later than the month of April. The recommendations analyzed in the meeting are made public.
3. In relations of the General Prosecutor with the Council of Ministers recommendations to proceed or not to proceed on particular cases are prohibited.

Article 55

Relations with the High Council of Justice

1. The High Council of Justice, through the Minister of Justice, may request the General Prosecutor to begin a disciplinary proceeding on the basis of data that have come out of its meetings and which implicate prosecutors.
2. The General Prosecutor may turn to the High Council of Justice to request any summary material about the state of criminal proceedings in court, problems of criminal prosecution or organizational and structural questions related to the office of the prosecutor.

Article 56

Relations with the Ministry of Justice

1. The Minister of Justice controls³ the legality of the activity of the prosecutors, in a planned manner or on the basis of information given by organs, institutions or interested persons.
2. The object of control of the Ministry of Justice in the organ of the office of the prosecutor is:
 - a) following the progress of issues that are contained in the annual recommendation given by the Council of Ministers for the fight against criminality;
 - b) respect for the time limits for investigation;
 - c) respect for the time limits for pre-trial detention;

³ Translator's note: the word used in the original printed text, "*kontrollon*", could also be translated as "supervises", "does spot checks", or "audits".

- c) respect for the fundamental human rights and freedoms of subjects of the criminal proceeding and, in particular, of those who have been detained or arrested;
 - d) the regularity and continuity of the performance of investigative actions;
 - dh) the respect of the legal obligation of the prosecutor to begin a criminal prosecution;
 - e) the progress of criminal policy and, in particular, of the punishment policies followed by the prosecutors;
 - è) the regularity of holding and administering statistics and the recordation of criminal acts;
 - f) respect for the principles of justice, equality and legality of activity of the prosecutor in his relations with other subjects of the criminal proceeding.
3. The control in every case shall be pre-notified and shall be for cases as to which the preliminary investigations have ended.
4. The result of the control is made known to the President of the Republic, the General Prosecutor and the prosecutor whose activity was the object of the control.

CHAPTER X FINAL PROVISIONS

Article 57 **Budget**

The Office of the Prosecutor has an independent budget that is drawn up, administered and implemented according to the legal provisions in force.

Article 58 **Employees of the administration**

Employees of the administration are appointed and discharged by the director of the Office of the Prosecutor or by the General Prosecutor for the employees of the office of the General Prosecutor. Their work relations are regulated by the Labor Code.

Article 59 **Issuance of substatory acts**

1. The issues contemplated in articles 13, 14, 15, 40, 41, 49, 50 and 51 of this law are regulated by substatory acts of the General Prosecutor.
2. The issues contemplated in articles 6 and 38 of this law are regulated by joint acts of the General Prosecutor and the Minister of Justice.
3. The issues contemplated in articles 35, 36 and 46 of this law are regulated by joint acts of the General Prosecutor and the Minister of Public Order.

Article 60
Entry into force

This law is effective 15 days after publication in the Official Journal.

DEPUTY SPEAKER
Namik Dokle

Promulgated by decree nr. 2908, dated 27 February 2001 of the President of the Republic of Albania, Rexhep Meidani.