EUIVJUSTICE

Co-funded by the
European Union

Disclaimer:
Please note that this document is an unofficial translation and consolidation and is provided for information purposes only. It confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published in the Albanian language. EU4JUSTICE makes no guarantee of accuracy and waives responsibility for the use that might be made of the following information.

Last verification date: June 2025

CRIMINAL PROCEDURE CODE OF THE REPUBLIC OF ALBANIA

LAW NO.7905, DATED 21.3.1995[1]

Pursuant to Article 16 of law no.7491, date 29/4/1991 "Law on main constitutional provisions", upon the proposal of Council of Ministers,

THE ASSEMBLY OF

THE REPUBLIC OF ALBANIA

[1] Amended by Law no.7921, date 19/04/1995
Amended by Law no.7977, date 26/07/1995
Amended by Law no.8027, date 15/11/1995
Amended by Law no.8180, date 23/12/1996
Amended by Law no.8245, date 24/09/1997
Amended by Law no.8460, date 11/02/1999
Amended by Law no.8570, date 20/01/2000
Amended by Law no.8602, date 10/04/2000
Amended by Law no.8813, date 13/06/2002
Amended by Law no.9085, date 19/06/2003
Amended by Law no.9187, date 12/02/2004
Amended by Law no.9276, date 16/09/2004
Amended by Law no.9911, date 05/05/2008
Amended by Law no.10054, date 29/12/2008
Amended by Law no.145/2013, dated 2/05/2013
Amended by Law no.21/2014, dated 10/03/2014
Amended by Law no.99/2014, dated 31/07/2014
Amended by Law no.35/2017, dated 30/03/2017
Amended by Law no.147/2020, dated 17/12/2020
Amended by Law no.41/2021, dated 23/03/2021
Decision of the Constitutional Court no.55, dated 21/11/1997, no.15, dated 17/04/2003, no.5, dated 6/03/2009, no.31, dated 17/05/2012

DECIDED:

GENERAL PROVISIONS

Article 1
Scope of the criminal procedure legislation

1. Criminal procedure legislation must guarantee fair, equal and due legal proceedings, in order to protect the freedoms and lawful rights and interests of citizens, to contribute for the strengthening of the legal order and for the implementation of the Constitution and State legislation.

Article 2
Compliance with procedural rules
(amended by law no.35/2017, dated 30/03/2017, article 1)

1. Procedural provisions determine the rules on the way to conduct criminal prosecution, investigations and trial of criminal offences, and the execution of judicial decisions. These rules are mandatory for parties in criminal proceedings, State authorities, legal persons and citizens.
2. Criminal procedure provisions shall apply also for minor defendants, unless otherwise provided by special legislation into force.

Article 3
Independence of the court

1. The court shall be independent and shall render decision in conformity with the law.
2. The court renders its decision on the basis of evidence examined and verified in trial hearing.

Article 4
Presumption of innocence
(amended by law no.35/2017, dated 30/03/2017, article 2)

1. The defendant shall be deemed innocent until his guilt has been established by a final judgment of the court. Any doubts regarding the charge shall be evaluated in favour of the defendant.
2. The court shall issue a decision of conviction if the defendant is found guilty of the criminal fact attributed to him beyond any reasonable doubt.

Article 5
Restrictions of the personal freedom

1. The freedom of a person may be restricted by way of precautionary measures only in the cases and under the conditions defined by the law.
2. No one may be subjected to torture or humiliating punishment or treatment.
3. Persons convicted to imprisonment are ensured human treatment and moral rehabilitation.

Article 6

Right to defense

(amended by law no. 35/2017, dated 30/03/2017, article 3)

1. The defendant has the right to defend himself in person or through the legal assistance of a lawyer. If he has no sufficient means, he shall be guaranteed legal defence by lawyer, free of charge, in the cases provided for by this Code.
2. The lawyer shall assist the defendant to have his procedural rights guaranteed and his legitimate interests protected.

Article 7

Prohibition of being tried twice for the same fact

(changed words in the title and in point one by law no. 35/2017, dated 30/03/2017, article 4)

1. No one can be judged more than once for a criminal fact for which he has been judged by a final decision of the court, except in the cases when the competent court has decided the revision of the case.

Article 8

Use of Albanian language

(added words in point 2 and added point 3 upon law no. 35/2017, dated 30/03/2017, article 5)

1. Albanian language shall be used in all phases of the proceedings.
2. Persons who do not know the Albanian language shall use their own language and, through an interpreter, shall have the right to speak and be informed on the evidence, the documents and on the state of the proceedings. Deaf and mute people have the right to use the signs language.
3. Translation and interpretation costs shall be borne by the State.

Article 8/a

Evidence

(added by law no. 35/2017, dated 30/03/2017, article 6)

1. In criminal proceedings facts shall be proved with any evidence, provided that they do not violate human rights and fundamental freedoms.
2. The proceeding authority shall gather and assess evidence against the defendant, as well as that in his favour.

Article 9

Restitution of rights and compensation

1. Persons who are prosecuted in violation of this Code or are unlawfully convicted shall be entitled to restitution and compensation for the damages suffered.

Article 9/a

The right of the victim of the criminal offence

(added by law no.35/2017, dated 30/03/2017, article 7)

1. During the criminal proceedings the victim shall have the rights provided for by this Code.
2. Public bodies shall guarantee that victims of criminal offences are treated with respect for their human dignity and are protected from being revictimized, in the exercise of the rights provided for by this Code.

Article 10
Application of international agreements

1. Relationships with foreign authorities in the field of criminal law shall be governed by international agreements, recognized by the Republic of Albania, by generally accepted principles and provisions of international law and by the provisions of this Code.

FIRST PART

TITLE I
SUBJECTS

CHAPTER I
THE COURT

SECTION I
FUNCTIONS AND COMPOSITION OF COURTS

Article 11
Role of the court

1. Court is the authority that renders justice.
2. No one may be declared guilty and convicted for committing a criminal offence without a court decision.

Article 12
Criminal Courts

Criminal justice is rendered by:

a) Criminal courts of first instance;
b) Courts of Appeal;
c) the High Court.

Article 13
Criminal of first instance and their composition
(amended by law no. 8602, dated 10/4/2000; no.8813, dated 13/6/2002; no.9276, dated 16/9/2004; no.9911, dated 5/5/2008 and no.35/2017, dated 30/3/2017)

1. Criminal offenses are adjudicated in the first instance by the district courts and the Court against Corruption and Organized Crime, according to the rules and responsibilities set forth in this Code.
2. The district courts and the First Instance Court against Corruption and Organized Crime adjudicate with a single judge:

a) requests of the parties during preliminary investigations;
b) appeal against the prosecutor's decision not to initiate criminal proceedings or to dismiss the case for criminal contraventions;
c) the prosecutor's request for dismissal of the charge or the case for crimes;
ç) the prosecutor's request for referral of the case to trial;
d) the prosecutor's request for approval of the penal order;
dh) requests related to the execution of criminal decisions;
e) requests for reinstatement of deadlines;
ë) requests related to jurisdictional relations with foreign authorities, according to Title X of this Code;
f) any other request provided for in this Code or in special laws.

3. The district courts adjudicate with a single judge the criminal offenses for which a fine or imprisonment of no more than 10 years is provided as the maximum punishment. Other criminal offenses are adjudicated by a trial panel composed of three judges.

3/1. The Court against Corruption and Organized Crime adjudicates with a trial panel composed of three judges, except in cases where this Code provides otherwise. This court adjudicates with a single judge the criminal charges against officials, according to Article 75/a of this Code, for criminal offenses other than corruption and organized crime, for which a fine or imprisonment of no more than 10 years is provided as the maximum punishment.

4. The adjudication of minors is carried out by the respective sections established according to the law. These sections also adjudicate adult defendants who are charged with committing criminal offenses against minors.
5. The provisions of point 4 of this Article do not apply in the cases specified in paragraph 1 of Article 80 of this Code.

Article 14

Courts of appeal and their composition

(amended by law no. 8813, dated 13/6/2002;
amended point 3 by Law no.9085, dated 19/6/2003 and by Law no. 9276, dated 16/9/2004; repealed point 2 by Law no.9911, dated 5/5/2008; amended point 3 by Law no. 35/2017, dated 30/3/2017; amended point 4 by Law no. 41/2021, dated 23/3/2021)

1. The courts of appeal examine at second instance, with a trial panel composed of three judges, the cases adjudicated by the district courts.
2. Repealed.
3. The Court of Appeal against Corruption and Organized Crime examines at second instance, with a trial panel composed of three judges, the cases adjudicated by the First Instance Court against Corruption and Organized Crime.

4. Hearings for the requests provided in point 2 of Article 13 of this Code are examined by a single judge.

Article 14/a

The High Court and its composition

(added by law no. 8813, dated 13/6/2002 and amended by law no. 35/2017, dated 30/3/2017; by law no. 41/2021, dated 23/3/2021)

The High Court adjudicates in chambers with a trial panel composed of 3 judges. The High Court adjudicates the unification and development of judicial practice in chambers with a trial panel composed of 5 judges and the change of judicial practice in joint chambers.

SECTION II

CASES OF INCOMPATIBILITY WITH THE FUNCTION OF JUDGE

Article 15

Incompatibility due to participation in the proceeding

(added words in point 1, amended point 2 and amended words in point 3 by law no. 35/2017, dated 30/3/2017; amended the first sentence of point 2 by law no. 41/2021, dated 23/3/2021)

1. The judge who has issued or who has participated in issuing a decision at one level of the proceeding cannot exercise the functions of a judge at other levels, nor participate in retrial or review after the annulment of the decision.
2. A judge who has examined the requests of the parties during the preliminary investigations or in the preliminary hearing for the same proceeding cannot participate in the trial, except in cases otherwise provided in this Code. The judge who examines the requests of the parties during the preliminary investigations cannot exercise the functions of the judge of the preliminary hearing in the same proceeding.
3. In the same proceeding, cannot exercise the duty of a judge the one who has been a prosecutor or has performed judicial police actions or who has been defense counsel, representative of a party or witness, expert, victim, or person who has filed a complaint or appeal of the proceeding.

Article 16

Incompatibility on grounds of family, blood or in-laws relation

(amended by law no. 35/2017, dated 30/03/2017, article 12)

1. Persons who, between them or to any of the parties in a trial, are spouses, cohabitants, close kinship (antecedents, descendants, brothers, sisters, uncles, aunts, nephews, nieces, children of sisters and brothers) or close in-laws (mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepson, stepdaughter, stepmother, stepfather) may not participate as judges in the same proceeding.

Article 17
Abstention
(added words in point one and two and added point three by law no. 35/2017, dated 30/03/2017, article 13)

1. A judge has the duty to abstain from the judgment of an actual case:

a) if he has a private interest in the proceedings or if any of the private parties or lawyers is a debtor or creditor to himself or to his spouse, cohabitant or his children;
b) if he is a legal guardian, a representative or employer of the defendant or of any of the private parties or if the lawyer or the representative of any of these parties is his own or his spouse's close kindred;
c) if he has given advice or expressed his opinion on the object of the proceedings;
ç) if there are disputes between him, his spouse or any of his close relatives with the defendant or any of the private parties;
d) if any of his own or his spouse's relatives has been harmed or damaged by the criminal offence;
dh) if any of his relatives or of his spouse's relatives performs or has carried out prosecutor's role in the same proceeding;
e) if any of the conditions of incompatibility referred to in Articles 15 and 16 exist;
ë) if any other important reasons for judge's partiality exist.

2. The abstention statement is submitted to the chairman of the court, who shall approve or reject it by reasoned decision.
3. Chairpersons of the hierarchically superior courts shall decide on the abstention statement of any courts' chairperson. A panel of the High Court composed of three judges shall decide on the abstention statement of the chairperson of the High Court.

Article 18
Disqualification of the judge

1. Parties may request the disqualification of a judge:

a) in the cases referred to in articles 15, 16 and 17 of this Code;
b) if, in the exercise of his functions and prior to the issuance of the decision, he has expressed his opinion on the facts or circumstances object of the proceedings.

2. A judge may not issue or take part in the issuance of a decision until the decision declaring the inadmissibility or rejection of his disqualification request has been issued.

Article 19
Time limits and forms for requesting disqualification

1. The request for disqualification of a judge is made in the hearing immediately after establishing the legal standing of the parties.
2. When the ground for disqualification arises or is discovered after establishing the legal standing of the parties, the request must be made within three days of the discovery. If the

ground has arisen or is discovered in the course of the hearing, the request for disqualification must be addressed before the conclusion of the hearing.

3. The request shall contain the reasons and the evidence and is addressed in written form. It is submitted, along with the relevant documents, to the secretary of the competent court. A copy of the request is delivered to the judge whose disqualification is requested.
4. If not made personally by the parties, the request may be submitted by the lawyer or a special representative. The power of attorney should indicate the reasons for which the disqualification is requested, otherwise it shall not be accepted.

Article 20

Concurrence of abstention and disqualification

1. The request for disqualification is deemed as not made, when the judge, even after the request has been made, declares his abstention and it is accepted.

Article 21

Competences to decide on disqualification

(Paragraph one amended by law no. 8813, dated 13/6/2002; paragraph one point one amended and words added in point 3, by law no. 35/2017, dated 30/3/2017; point 2 amended by law no. 41/2021, dated 23/3/2021)

1. The request for the disqualification of judges is examined in the consultation chamber by another judge of the same court.
   1/1. The judge for whom disqualification is requested submits in writing his opinion on the request for disqualification.
2. The request for the disqualification of a judge of the High Court is decided by another judge of this court, different from the judges of the panel to which belongs the judge whose disqualification is requested. The decision is final.
3. The request for disqualification and the repetition of the request for the same reasons and for the judges appointed to decide on the disqualification are not accepted.

Article 22

Decision on the request for disqualification

(added words in point one and three by law no.35/2017, dated 30/3/2017; point four, second sentence amended by law no.41/2021, dated 23/3/2021)

1. When the request for disqualification has been made by someone who does not have this right or not respecting the deadlines or forms provided by Article 19, when the request for withdrawal from the trial of the case has been approved by the chairman, or when the presented reasons are not based on law, the court examining the appeal declares it inadmissible by decision.
2. The court may temporarily suspend any procedural activity or limit it to carrying out urgent actions.
3. The court, after obtaining the necessary data, decides on the request for disqualification within 48 hours from the submission of the request.

4. The decision given on the basis of the above paragraphs is notified to the judge for whom disqualification is requested, the prosecutor, the defendant and the private parties. An appeal may be made against it together with the final decision.

Article 22/a
Sanctions for the request declared inadmissible
(added by law no.41/2021, dated 23/3/2021)

The decision that declares the request for disqualification inadmissible or that does not accept the disqualification of the judge includes the respective court expenses, as well as a fine of up to 50,000 ALL, charged to the party that, by abusing, has submitted an unjustified request.

Article 23
Rulings when abstention statement and request for disqualification are accepted

1. When the statement of abstention or the request for disqualification is accepted, the judge may not conduct any procedural activities related to the case.
2. The ruling accepting the abstention or the request for disqualification shall also establish whether and to what extent are valid any prior actions conducted by the judge who has abstained or has been subject to a request for disqualification.
3. Provisions on judge abstention and disqualification shall also apply to the [judicial] secretary of the hearing and to persons in charge of transcriptions or phonographic or audio-visual recording. The court that tries the case decides on their abstention or disqualification.

CHAPTER II
PROSECUTOR

Article 24
Functions of the prosecutor
(added point five with law no. 8460, dated 11/2/1999; added words in point five with law no. 8813, dated 13/6/2002; amended points one, two, three, four and five and added point six with law no. 35/2017, dated 30/3/2017)

1. The prosecutor exercises criminal prosecution and represents the accusation in court on behalf of the state, directs and controls the preliminary investigations and the activity of the judicial police, as well as performs any investigative action he deems necessary, takes measures for the execution of criminal decisions, supervises their execution, as well as exercises the functions of judicial cooperation with foreign authorities, according to the rules specified in this Code.
2. The prosecutor has the right not to initiate the proceedings, to dismiss the accusation or the case, to request the court to dismiss the accusation or the case, as well as to request the submission of the case to trial, according to the cases provided for in this Code.
3. The prosecutor has the right to conclude cooperation agreements, drafted in implementation of Article 37/a of this Code, and special legal provisions for the protection of witnesses and collaborators of justice.

4. The prosecutor may reach an agreement on the conditions for the admission of guilt and determination of punishment, in accordance with Article 406/d and following of this Code.
5. The prosecutor may submit to the court a request for the approval of the penal order according to the provisions of this Code.
6. When the complaint of the victim is not necessary, criminal prosecution is exercised ex officio.

Article 25

Carrying out prosecutor's functions

(amended by law no. 35/2017, dated 30/03/2017, article 17)

1. Prosecutor's functions are carried out:

a) during preliminary investigations and first instance trials, by prosecutors attached to first instance courts;
b) during trials of appealed cases, by prosecutors attached to the courts of appeal and High Court.

2. The prosecutor is independent in the exercising of his functions. Rules on the manner regarding the exercising of the prosecutor's functions are provided by the law.
3. The functions under Article 24 of this Code shall be exercised by the prosecutors of the Special Prosecution Office in all instances for criminal offences referred to in Article 75/a of this Code.

Article 26

Abstention of the prosecutor

(amended by law no. 35/2017, dated 30/03/2017, article 18)

1. A prosecutor has the duty to abstain if there exist grounds of partiality, in cases provided for by article 17.
2. On the statement of abstention shall decide, based on their respective duties, the chairperson of the Prosecution Office attached to the first instance court, the chairperson of the prosecution office attached to the Court of Appeal, the General Prosecutor and the Chief of the Special Prosecution Office. The chairperson of the prosecution office of a higher instance shall decide on the [abstention of the] chairpersons of the [lower] prosecution offices.
3. By the decision accepting the abstention statement, the prosecutor shall be replaced with another prosecutor.

Article 27

Cases for substitution of a prosecutor

(amended paragraph one by law no.8813, dated 13/06/202, added words in first paragraph and repealed second paragraph by law no. 35/2017, dated 30/03/2017, article 19)

1. The chairperson of the prosecution office shall substitute the prosecutor when there are serious reasons related to his duty, pursuant to the law, and also in the cases provided for by articles 16 and 17, first paragraph, points "a", "b", "ç", "d" and "dh". In other cases, the prosecutor is substituted only with his consent.
2. Repealed.

3. Rules prescribed for the abstention and substitution of the prosecutor shall also apply to the judicial police officer.

Article 28

Transfer of documents to another prosecution office

(added point three and changed the numbering by law no.35/2017, dated 30/03/2017, article 20)

1. If during preliminary investigations the prosecutor judges that the criminal offence is under the competence of a different court from the one where he carries out his functions, he shall promptly transfer the documents to the prosecution office attached to the competent court.
2. If the prosecutor who has received the documents judges that the prosecution office, which transferred the documents should proceed, he shall notify the General Prosecutor, who after examining the documents, shall establish which prosecution office must proceed and shall inform the prosecution offices concerned.
3. If the prosecutor deems that the criminal offence is under the competence of the Special Prosecution Office or is informed that this Prosecution Office is conducting investigation for the same fact and against the same person, he shall forward the acts to the Chief of the Special Prosecution Office, who after examining them, shall decide whether admitting the acts or resending them to the previous prosecution office. The latter has the obligation to accept the acts.
4. Investigative actions conducted before the transfer or the assignment, pursuant to paragraph 1 and 2, are valid and may be used in the cases and ways provided for by the law.

Article 29

Requesting documents from another prosecution office

(added point three and changed the numbering by law no.35/2017, dated 30.03.2017, article 21)

1. When a prosecutor is informed that preliminary investigations are being conducted by another prosecution office against the same person and for the same facts on which he is proceeding, he notifies without delay that prosecution office, requesting the transfer of documents.
2. If the prosecutor who has received the request does not agree with it, he shall inform the General Prosecutor, who, after receiving the necessary information, decides in conformity with the rules on the competence of the court, which prosecution office must carry on and shall notify the prosecution offices concerned. The documents are promptly transferred to the assigned prosecution office by the other prosecution office.
3. If the prosecutor of the Special Prosecution Office is informed that preliminary investigations are being conducted against the same person and on the same fact he is proceeding with, without delays, he shall forward the acts to the Chief Special Prosecutor who pursuant to the rules on the competence, decides which Prosecution Office shall proceed. If he decides that the competence belongs to the Special Prosecution Office, he notifies the relevant Prosecution Office, which shall send the acts to him.
4. The preliminary investigations documents conducted by different Prosecution Offices are used in cases and manners provided by law.

CHAPTER III
JUDICIAL POLICE

Article 30
Judicial police functions
(amended by law no. 35/2017, dated 30.03.2017, article 22)

1. Judicial police must also *ex officio*, get notice of criminal offences, prevent further consequences, search for their authors, conduct investigations and gather everything that serves the application of the criminal law.
2. Judicial police conducts every investigative action that has been ordered or delegated by the prosecutor.
3. The functions stipulated in paragraph 1 and 2 of this article are conducted by the judicial police officers. The investigators of the National Investigation Bureau have the status of the judicial police officer.

Article 31
Services and sections of judicial police
(removed words in letter "a", letter "c" is renumbered as letter "ç", added letter "c" in point one by law no. 35/2017, dated 30.03.2017, article 23)

1. Judicial police functions are carried out:

a) by judicial police officers belonging to authorities, which the law entrusts with the duty to conduct investigations from the moment they get notice of the criminal offence;
b) by judicial police sections set up in every district prosecution office and comprising judicial police personnel;
c) by the National Bureau of Investigation attached to the Special Prosecution Office;
ç) by judicial police services as provided by law.

Article 32
Judicial police officers and agents

1. Judicial police officers are:

a. chiefs, inspectors and other members of police of the Ministry of Public Order, to whom a special law recognizes this attribute;
b. military police, financial police, forest police and any other police officers, to whom a special law recognizes this attribute;
2. Judicial police agents are:

a. public order police personnel, to whom a special law recognizes this attribute;
b. military police, financial police and any other police personnel recognized by law, when on duty.

3. Persons, who are entitled by law to carry out the functions provided for by article 30, within the boundaries of the service entrusted and pursuant to the respective attributes, are also judicial police officers and agents.

Article 33
Functional subordination of judicial police
(changed the title and point one, two and three by law no. 35/2017, dated 30.03.2017, article 24)

1. Judicial police shall respond in front of the prosecutor for the activity conducted during the criminal proceeding.
2. Judicial police shall execute the tasks assigned to them by the prosecutor and shall inform him immediately on their results.
3. The officers of the sections and of the services are not excluded from the activity of the judicial police, apart from the cases provided for in the law.
4. Courts and prosecution offices have under their direct control the sections' personnel and may make use of any judicial police service.

CHAPTER IV
THE DEFENDANT

Article 34
Obtaining the defendant status
(added paragraph at point one by law no.8460, dated 11/02/1999, article 2;
added point four by law no.8813, dated 13/06/2002, repealed point 4 by law no.35/2017, dated 30.03.2017, article 25)

1. The person to whom a criminal offence is attributed shall obtain the defendant status with the notification of charge, which contains sufficient information [on the reasons] for taking him as a defendant. This document is notified to the defendant and to his lawyer.
1. If after taking a person as a defendant, new information arise that result in the modification of the charges or their completion, the prosecutor takes a decision [pursuantly] and notifies it to the defendant.
2. The defendant status shall be retained at any state and instance of the proceedings until the dismissal, acquittal or conviction decision has become final.
3. The defendant status is re-obtained if the dismissal decision is quashed or the court decides the annulment of the final decision and the review of the proceedings.
4. Repealed.

Article 34/a
Rights of the defendant
(added by law no. 35/2017, dated 30.03.2017, article 26)

1. The person under investigation or the defendant shall be entitled to:

a) be informed in a shortest time possible in a language he understands, on the charge for which he is investigated as well as the grounds of the charges;

b) use the language he speaks and understands or to use sign language as well as to be assisted by an interpreter, translator and facilitator in communication if his ability to speak and hear is limited;
c) to remain silent or to introduce his defence freely as well as the right not to respond to certain questions;
ç) provide defence by himself or with the help of a defence lawyer elected by him;
d) have a defence lawyer provided by the state if the defence lawyer is mandatory or he cannot afford one, pursuant to the provisions of this Code and the legislation into force on legal aid;
dh) meet in private and to communicate with a defence lawyer representing him;
e) have adequate time and facilities for the preparation of his defence;
ë) right to access to the material of the case pursuant to the provisions of this Code;
f) submit evidence supporting his defence;
g) question witnesses, experts and other defendants during the trial;
gj) enjoy the other rights provided for in this Code.

2. Prior to the questioning for the first time or prior to the completion of the acts where his presence is mandatory pursuant to the law, the proceeding authority shall inform the defendant about the rights provided for in letters "a", "b", "c", "ç", "d", "dh" and "e", of paragraph 1 of this Article, providing him with the letter of rights in written form, duly signed by him.
3. The provisions and guaranties stipulated for the defendant shall also apply even to the person under investigation and to the person the criminal offences is attributed to, unless this Code provides otherwise.

Article 34/b
Rights of arrested or detained person
(added by law no. 35/2017, dated 30.03.2017, article 27)

1. The arrested or detained person, in addition to the rights provided for in letters "a", "b", "c", "ç", "d", "dh" and "e", of paragraph 1, of Article 34/a, of this Code, shall be entitled:

a) to have a confidential meeting with his lawyer, before being questioned for the first time;
b) to access the acts, necessary evidence and the grounds for his arrest or detention;
c) to request a family member or another relative to be notified immediately about his arrest. If the arrested or the detained person is a foreign citizen, he shall be entitled to request the notification of the consular or diplomatic representation and, in case the person is without citizenship or a refugee, he shall be entitled to request the notification of an international organisation.
ç) to be promptly provided with the necessary medical care.

2. The proceeding authority shall notify the arrested or detained person promptly about the rights provided for in letters "a", "b", "c", "ç", "d", "dh" and "e", of paragraph 1, of Article 34/a, of this Code, providing him the letter of the rights in writing, duly signed by him. The person is entitled to keep the letter of rights.

Article 35

Assistance provided to a minor defendant

(added punctuation and words in the first paragraph by law no.35/2017, dated 30/03/2017, article 28)

1. Legal and psychological assistance shall be provided to a minor defendant at any state and stage of the proceedings, in the presence of the parent, legal guardian or other persons requested by the minor and accepted by the proceeding authority.
2. The proceeding authority may carry out actions and draft documents, which require the presence of the minor, in absence of the persons stated in paragraph 1, when this is in the minor's interest or when the delay may seriously impair the proceeding, provided that it is always done in presence of the lawyer.

Article 36

Prohibition to use the defendant's statements as testimony

(amended by law no.35/2017, dated 30.03.2017, article 29)

1. Statements made by the defendant during the proceedings shall not constitute object of testimony.

Article 36/a

Statements of the collaborator of justice

(added by law no.35/2017, dated 30.03.2017, article 30)

1. A collaborator of justice shall be questioned as a witness. In case of false statements or testimony, he shall be held criminally liable pursuant to the law.
2. The statements of the collaborator of justice are evaluated pursuant to the criteria established by paragraph 3 of article 152 of this Code.

Article 37

Self-incriminating statements

1. If a person who is not taken as a defendant makes statements before the proceeding authority, that raise suspicion of guilt against him, the proceeding authority shall interrupt the questioning and warn him that, following such statements, an investigation may be carried out on him, and advise him to appoint a lawyer. Statements previously made by the person cannot be used against him.

Article 37/a

Cooperation with justice

(added by law no.9276, date 16/09/2004, article 3;amended by law no.35/2017, dated 30.03.2017, article 31)

1. The defendant accused of a crime punishable not less than 7 years' imprisonment, in the maximum term, committed in collaboration, or of any of the criminal offences referred to in letter "a" of paragraph 1, of article 75/a, of this Code, may acquire the status of collaborator

of justice, by signing the collaboration agreement with the prosecutor. The agreement, which contains the terms of collaboration may be stipulated at any stage or phase of the proceedings, even after the criminal decision has become final and is put into execution.

2. The agreement is stipulated if the defendant testifies, with no reserves or conditions, on all facts and circumstances that he is aware of, due to his participation in the criminal activity. His testimony must constitute a fundamental evidence of guilt as to the prove of the facts and of their authorship, as well as for the prevention of serious crimes and for repairing the damages caused by them. The defendant, in his testimony, shall identify all assets having a criminal origin, which are in his possession and of his collaborators. The above information shall be provided within 30 days from the date of signing the agreement.
3. The collaborator of justice is entitled to request special protection for himself and his family, pursuant to the legislation on the protection of witnesses and collaborators of justice.
4. In cases of collaboration with justice, the prosecutor shall request to the court the reduction of the penalty or the exclusion of the collaborator of justice from punishment. When the agreement is reached during the execution of the decision, the authority to review the request of the prosecutor shall belong to the court which issued the decision or to the court of the place of execution. The reduction or the exclusion from punishment shall be in proportion to the contribution given by the collaborator of justice regarding the facts and circumstances indicated in paragraph 2 of this article. The provisions of paragraph 7 of Article 28 of the Criminal Code and the rules of paragraph 1 of article 480 of this Code shall apply.
5. The collaboration agreement shall be revoked if the collaborator of justice breaches the terms of the collaboration agreement, conceals information on assets or facts of justice interest, or renders false statements or testimony. The rules of paragraph 1, of article 480 of this Code shall apply *mutatis mutandis*.

Article 37/b

Content of the agreement

(added by law no. 35/2017, dated 30.03.2017, article 32)

1. The agreement with the collaborator of justice shall contain:

a) the identity of the prosecutor and the personal data of the collaborator of justice;
b) the fact that the collaborator of justice has the obligation to testify in the witness capacity;
c) his obligation to provide full information, without any reserve or condition for all the facts and the circumstances set out in paragraph 2 of Article 37/a of this Code, no later than thirty days of the date of signing the agreement;
ç) the warning about the revocation of the agreement and the criminal liability in cases provided for in paragraph 5 of Article 37/a of this Code;
d) the right of the collaborator to request to reach a guilty plea agreement with the prosecutor and the imposing of the sentence, pursuant to the articles 406/d seq. of this Code
dh) the obligation of the prosecutor to ask the court to reduce the sentence or his exclusion from punishment in proportion to the extent of his contribution in the collaboration with justice;
e) the right of the collaborator to request special protection pursuant to paragraph 3 of article 37/a of this Code;
ë) the signature of the prosecutor, collaborator of justice and lawyer, when present.

2. The declarations of the collaborator of justice along with the collaboration agreement shall be part of the preliminary investigation dossier.

Article 38

General rules for questioning

(amended point three by law no.35/2017, dated 30/03/2017, article 33)

1. The defendant, even if under precautionary detention measure or detained for any other reason, participates freely in the questioning, except in cases when measures must be taken to prevent the risk of escaping or violence.
2. Methods or techniques which may influence the freedom of determination or alter the capacity to recall and evaluate facts shall not be used, even with the consent of the defendant.
3. Prior to questioning, the defendant shall be asked expressly whether he has understood his rights, provided in written form, pursuant to Articles 34/a and 34/b of this Code. If the defendant is not informed, since the beginning, about his rights pursuant to the provisions of this Code, his statements may not be used.

Article 39

Questioning on the merits of the case

1. The proceeding authority shall clearly and precisely explain the defendant the fact attributed to him, communicate the evidence against him/her and, when this does not compromise the investigations, indicate him the sources [of evidence].
2. The proceeding authority shall invite him to explain everything he deems useful for his defense and asks him direct questions.
3. If the defendant refuses to answer, this shall be recorded in the minutes. The minutes shall also mention, if necessary, any physical characteristics and possible distinguishing marks of the defendant.

Article 40

Ascertainment of the personal identity of the defendant

1. When the defendant appears, the proceeding authority asks him to state his personal details and anything else which may be useful for his identification, warning him about the consequences in case of refusal or providing of false personal data, except when this statement implies self-incrimination.
2. Inability to attribute to the defendant his accurate personal details, does not prevent the proceeding authority to perform actions, when physical identity of the person is certain.
3. False personal details attributed to the defendant are corrected by a decision of the proceeding authority.

Article 41

Ascertainment of the age of the defendant

1. At any state and stage of the proceeding, when there are reasons to believe that the defendant is a minor, the proceeding authority makes the necessary ascertainment and when it is the case, orders expert examination.
2. When, after the verification and expert examination, there are still doubts on the age of the defendant, he is presumed a minor.

Article 42
Ascertainment on the character of a minor defendant

1. The proceeding authority gathers information on the living, family and social conditions of the minor defendant for the purpose of clarifying his culpability and the degree of liability, to evaluate the social importance of the fact and also to impose appropriate criminal sanction.
2. The proceeding authority gathers information from persons who had relations with the minor and hears the experts' opinion.

Article 43
Ascertainment on the liability of the defendant

1. When there are reasons to believe that, because of mental disorder caused after the event, the defendant is not able to participate in the proceedings, the court orders expert examination, even *ex officio*.
2. During the expert examination, the court, upon request of the lawyer, acquires evidence that may lead to the acquittal of the defendant and, if delay may be prejudicial [for the evidence], any other evidence requested by the parties.
3. When the need to ascertain the criminal liability arises during the preliminary investigation, the prosecutor, either *ex officio* or on the request of the defendant or his lawyer orders expert examination. In the meanwhile, the prosecutor performs only those actions, which do not require the conscious presence of the defendant. If delay may be prejudicial [for the evidence], evidence may be acquired if circumstances of pre-trial admission of evidence exist.

Article 44
Suspension of proceedings due to defendant's lack of criminal liability
(repealed point two by law no.35/2017, dated 30.03.2017, article 34)

1. When it is proved that the mental condition of the defendant is as such as to impede his intentional participation in the proceedings, the proceeding authority, decides the suspension of the proceedings, but always when no decision of acquittal or dismissal must be taken. The proceeding authority, in the decision of suspension, assigns to the defendant a special guardian, who is given the rights of a legal representative.
2. Repealed.
3. The suspension does not prevent the proceeding authority to acquire evidence that may lead to the acquittal of the defendant and, when delay poses danger, any other evidence required by the parties. The special guardian has the right to participate in actions that must be performed about the character of the defendant and also in those actions that the defendant is entitled to be present.

Article 45
Revoking the decision of suspension

1. The decision of suspension is revoked when it is proved that the mental condition of the defendant allows his conscious participation in the proceedings or when the defendant must be declared innocent or the case dismissed.

Article 46
Compulsory medical measures

1. In any case, when the mental condition of the defendant shows that he must be treated, the court decides, even *ex officio,* the hospitalization of the defendant in a psychiatric institution.
2. When it has been or should be decided a compulsory medical measure to be taken towards the defendant, the court orders that the defendant is held in a psychiatric institution.
3. During preliminary investigations, the prosecutor requests the court to decide on the hospitalization of the defendant in a psychiatric institution and, if delay may be prejudicial, orders the temporary hospitalization until the court takes a decision.

Article 47
Death of the defendant

1. When the death of the defendant is proved, the proceeding authority at any state and stage of the proceeding, after hearing the lawyer, decides on the dismissal of the case.
2. The decision does not prevent conducting criminal prosecution for the same facts and against the same person when later it is proved that he has not died.

CHAPTER V
THE DEFENDANT'S LAWYER

Article 48
Retained lawyer

1. The defendant is entitled to appoint up to two lawyers.
2. The appointment is made by means of a statement before the proceeding authority or by means of a document given to the lawyer or sent to him by registered mail.
3. The appointment of the lawyer of a person who is detained, arrested or convicted to imprisonment, may be done by his relatives in the forms provided by paragraph 2, unless he has appointed one by himself.

Article 49
Mandatory defence
(changed the title and point one, two, three, five and seven by law no.35/2017, dated 30/03/2017, article 35)

1. The proceeding authority shall provide immediately a lawyer paid by the State to the defendant, who has not appointed or no longer has a retained lawyer, if he:

a) is under eighteen years of age;
b) is deaf and mute;
c) has limited capabilities which hinder his ability to defend himself;
ç) is charged with a criminal offence, punishable by not less than 15 years' imprisonment, in the maximum term;
d) is charged with a criminal offence pursuant to letters "a" and "b", of article 75/a, of this Code;
dh) has been declared escaped or in absentia upon a court decision;
e) the arrested or the detained person is questioned;
ë) in the cases provided for by paragraph 5 of article 205, or paragraph 1, of article 296 of this Code;
f) in every other case provided for by law.

2. If reasons for mandatory defense, exist, pursuant to this article, the proceeding authority shall assign immediately a lawyer to the defendant. The lawyer shall assist the defendant during all phases of the proceedings, as long as the conditions provided in paragraph 1 of this Article exist.
3. The appointed lawyer, pursuant to this article, is chosen by the proceeding authority out of the list made available by the Bar Association.
4. If the court, the prosecutor and the judicial police must carry out an action requiring the presence of a lawyer and the defendant does not have one, they shall inform the appointed lawyer on such action.
5. If the presence of the lawyer is required and the retained or appointed lawyer has not been provided, has not shown up or has withdrawn from the defence, the court or prosecutor shall apply paragraph 4 of article 350 of this Code. If his absence is justified, the court or the prosecutor may appoint another lawyer in substitution, who shall exercise the rights and takes over the duties of the lawyer.
6. The assigned lawyer shall cease his functions if a retained lawyer is appointed.
7. When the defence cannot be secured pursuant to this provision and paragraph 3 of article 49, it is guaranteed by the institutions providing free legal aid, pursuant to the legislation in force.

Article 49/a
The defendant without sufficient financial means
(added by law no. 35/2017, dated 30.03.2017, article 36)

If instances for mandatory defence do not exist and the defendant who has no sufficient financial means requests a defence lawyer, the proceeding authority appoints the defence lawyer from the list made available by the institutions of free legal aid. The expenses of the defence shall be covered by the State.

Article 49/b
Incompatibility to act as a defence lawyer
(added by law no.35/2017, dated 30.03.2017, article 37)

A defence lawyer shall not be:

a) the victim or her close relative pursuant to the article 16 of this Code;
b) the person called as a witness in the same proceeding;
c) the person who is or was in the same proceeding a co-defendant, judge or prosecutor.

Article 50
Extension of the defendant's rights to the defense lawyer

1. The defense lawyer enjoys the rights the law recognizes to the defendant, except those preserved to the latter in person.
2. The defense lawyer has the right to communicate freely and in private with the detained, arrested or convicted person, to have prior notice of the investigative actions conducted in the presence of the defendant and to participate to them, to ask questions to the defendant, witnesses and experts, to have access to all the materials of the case at the conclusion of the investigations.
3. The defendant may, by an expressed statement, declare invalid an action performed by the defense lawyer, before the court has issued a decision in relation to such action.

Article 51
Replacement of the defence lawyer

1. The defense lawyer, in case of impediment and for as long as it lasts, may with the consent of the defendant, appoint a substitute defence lawyer.
2. The substituting defence lawyer exercises the rights and undertakes the duties of the defense lawyer.

Article 52
Guarantees for the defense lawyer
(added letter "c" in point one, second sentence in point two, punctuation and words in point three and removed words from point six by law no.35/2017, dated 30.03.2017, article 38)

1. Examinations and searches in the office of a defense lawyer are allowed only:

a) when he or other persons who constantly carry out their activity in the same office, are defendants and only for the purpose of proving the criminal offence attributed to them;
b) to discover traces or material evidence of the criminal offence or to search for items or persons specifically defined.
c) in cases when the defence lawyer is in the conditions of *flagrante delicti* or pursue of escaping, pursuant to paragraph 1 of article 298 of this Code.

2. Prior to conducting an examination, search or a sequestration in the defense lawyer's office, the proceeding authority notifies the Directing Board of the Bar Association so that one of its members may have the possibility to be present in these activities. Except for cases of flagrante delicto, the proceeding authority shall postpone the examination, search or sequestration until the arrival of the assigned member, but no longer than two hours after the Bar Association has been informed. In any case, a copy of the act shall be sent to the Directing Board of the Bar Association.

3. Searches, examinations and sequestrations in the defense lawyers' offices, pursuant to letters "a" and "b" of the first paragraph of this article, are performed by the judge in person, whereas during the preliminary investigations they are performed by the prosecutor, based on an authorizing decision of the court.
4. Interceptions of conversations or communications between defense lawyers and their assistants, or between defense lawyers and the persons they defend are not allowed.
5. Any form of inspection of the mail between the defendant and his defense lawyer is prohibited, except when they constitute material evidence of the criminal offence object of investigations.
6. Inspections, searches, sequestrations, or interceptions of conversations or communications carried out in violation of the provisions above mentioned may not be used.

Article 53
Defense lawyer interview with the defendant in pre-trial detention

1. The person arrested in flagrance or under detention has the right to speak with his defense lawyer immediately after arrest or detention.
2. The defendant under pre-trial detention has the right to speak with his defense lawyer since the moment of execution of the precautionary measure.

Article 54
The defence of the co-defendants by the same lawyer

1. The defense of more defendants may be undertaken by one defense lawyer, if there are no conflicts of interests among the co- defendants.
2. When the proceeding authority ascertains the existence of a conflicts of interest among the co-defendants, declares such conflict of interest by decision and makes the necessary [defence lawyer] substitutions.

Article 55
Refusal, withdrawal or revocation of the defense lawyer

1. The defense lawyer who does not accept the task he has been entrusted with or withdraws from it, promptly notifies the proceeding authority and the one who has appointed him.
2. Refusal is effective from the time when it is notified to the proceeding authority.
3. Withdrawal has no effects until the party is assisted with a new retained defense lawyer or with a defense lawyer assigned *ex officio* and until the time limit given to the substituting defense lawyer to examine the documents and evidence has expired.
4. Paragraph 3 is also applicable in the case of revocation.
5. The withdrawal of the representative of the civil plaintiff and civil defendant does not prevent the continuation of the proceedings.

Article 56
Responsibility for abandoning or refusing the defense

1. The proceeding authority refers to the Bar Association Directive Board cases of abandonment, refusal of the defense and defense lawyers' breaches of duty to be faithful and honest.
2. The Bar Association Directive Board has the right to take disciplinary sanctions in case of abandonment or refusal of the defense when assigned *ex officio*.
3. When the Bar Association Directing Counsel considers the abandonment or the refusal lawful on grounds of infringement of the defense rights, the disciplinary sanctions shall not be issued unless the court has found an infringement of the defense rights.

Article 57
Time limit for the substitute defense lawyer

1. In case of withdrawal, revocation and conflicts of interest among defendants, sufficient time shall be given to the new defense lawyer for the defendant or the one assigned as a substituting counsel to examine the documents and evidence.

CHAPTER VI
VICTIM, ACCUSING VICTIM, CIVIL PLAINTIFF AND CIVIL RESPONDENT
(changed the title of the chapter by law no. 35/2017, dated 30.03.2017, article 39)

Article 58
The rights of the victim of the criminal offence
(added point three by law no.8813, dated 13/06/2002; amended by Law no.35/2017, dated 30/03.2017, article 40)

1. The victim of a criminal offence has the right:

a) to require the prosecution of the perpetrator;
b) to seek medical care, psychological assistance, counselling and other services provided by the authorities, organizations or institutions responsible for assisting the victims of criminal offences.
c) to communicate in his or her own language and to be assisted by a translator and an interpreter of the language of signs or communication facilitator for people who are not able to speak and hear;
ç) to choose a defence lawyer and when it is the case to receive free legal aid pursuant to the legislation into force;
d) to seek at any time information about the status of the proceedings, and to be acquainted about the acts and evidence, without breaching the principle of investigatory secret;
dh) to require to receive the evidence and submit other requests to the proceeding authority;
e) to be informed about the arrest of the accused person and his release under the conditions stipulated in this Code;
ë) to be informed for the non-initiation of the proceeding, the dismissal of the case, the initiation and the completion of the adjudication;
f) to make an appeal in the court against the decision of the prosecutor for the non-initiation of the proceeding and the decision of the prosecutor or of the judge of the preliminary hearing to dismiss the charge or the case;

g) to ask a compensation for the damage and be accepted as a civil plaintiff in the criminal process;
gj) to be excluded, in the cases provided for by the law, from the payment of every expense for receiving the acts and judicial fee for the submission of the lawsuit connected with the status of the victim of the criminal offence;
h) to be summoned in the preliminary hearing and in the first hearing;
i) to be heard by the court even when none of the parties requires him to be summoned as a witness;
j) exercise other rights provided for by this Code.

2. The proceeding authority shall immediately notify the victim on the rights referred to in paragraph 1 of this Article and record the notification about it.
3. The victim who does not have legal capacity to act shall exercise rights through his/her legal representative or the legal guardian, unless this is not in the interest of the victim. When incompatibility is noticed between the interests of the victim and the ones of the legal representative or the guardian, the court appoints a special guardian in compliance with the provisions of the Family Code.
4. Heirs of the victim defined by this Code shall have the rights provided in paragraph one, letters: a), e), ë), f), g) and j) of this article. If the heir of the victim is a child, he shall be represented by the legal guardian.

Article 58/a
The rights of the minor victim
(added by law no.35/2017, dated 30/03/2017, article 41)

1. The minor victim of a criminal offence, besides the rights provided for in Article 58 and other provisions of this Code and the special legislation on the minors, shall have the right to:

a) be accompanied by one person of his/her trust;
b) confidentiality of his/her personal data;
c) ask through the representative that the hearing takes place without the presence of the public.

2. The proceeding authority shall treat the minor victim of the criminal offence taking into account her age, character, and other circumstances, in order to avoid the harmful effects on her future education and development.
3. If there is the possibility that the victim is a minor and the age is unknown, he or she will be presumed to be a minor.
4. The minor victim shall be questioned without delay by people specialized for this purpose. When possible and appropriate, the conversation shall be recorded with audio-visual recording tools, pursuant to the provisions of this Code. This recording may be used as evidence in the criminal proceeding and shall be evaluated along with other evidence pursuant to the criteria provided by article 361/a, paragraph 4 of this Code. When the minor victim is under 14 years of age, the conversation is held in premises adjusted for him.

Article 58/b

The rights of the sexually abused victim and human trafficking victim

(added by law no.35/2017, dated 30/03/2017, article 42)

1. Besides the rights provided for in Article 58 and 58/a of this Code, the sexually abused victim and the human trafficking victim shall also be entitled to:

a) be heard without delay by a judicial police or prosecutor of the same gender;
b) refuse to answer questions regarding his/her private life obviously not related to the criminal offence;
c) request to be heard during the trial through audio-visual tools pursuant to the provisions of this Code.

Article 59

The accusing victim

(added point three by law no.8813, dated 13/06/2002, added words in point one by law no 10054 dated 29/12/2008, article 1; changed the title and removed references in point one, added point four and five by law no. 35/2017, dated 30/03/2017, article 43)

1. One who is aggrieved by the criminal offences provided for by articles 90, 91, 92, 112, first paragraph, 119, 119/b, 120, 121, 122, 125, 127 and 254 of the Criminal Code, has the right to submit a request in the court and to take part in the trial as a party to prove the charge and claim the reimbursement of damages.
2. The prosecutor participates in the trial of these cases and, as the case may be, request for the conviction or acquittal of the defendant.
3. If the accusing victim or his/her defense lawyer does not appear in the hearing without reasonable grounds, the court decides the dismissal of the case.
4. The accusing victim who has no legal capacity to act, shall exercise rights recognized by law through her/his legal guardian.
5. When some victims of the same case submit a request to the court pursuant to article 59 of this Code, their requests are joined in one single adjudication."

Article 60

The request of the accusing victim

(changed the title, letter "a" in point one and point two added, words in letter "b" and "ç" in point one by law no.35/2017, dated 30/03/2017, article 44)

1. The accusing victim request for trial is submitted to the court secretary. The request is invalid if it does not contain:

a) the personal data of the accusing victim and his/her correct address;"
b) personal data of the accused person and his address;
c) name and surname of the representative and the power of attorney;
ç) indication of the grounds that justify the request as well as the evidence where it is based on;
d) endorsement of the accusing victim or his/her representative.
2. Such request shall be notified to the person accused and to the prosecutor.

Article 61

Civil lawsuit in criminal proceedings

(amended by law no.35/2017, dated 30/03/2017, article 45)

1. One who has suffered injury by the criminal offence or his/her heirs may file a civil lawsuit in the criminal proceedings against the defendant or the person liable to pay damages (defendant), claiming the restitution of the property and reimbursement of the injury.

Article 62

Time limit for legitimizing the civil plaintiff

(Added point three with law no.8813, dated 13/6/2002)

1. The legitimization of the civil plaintiff may be done by the procedural body until the judicial examination has not started.
2. The time limit provided in paragraph 1 cannot be extended.
3. Upon the request of the parties or ex officio, the court may decide the separation of the civil lawsuit and its referral to the civil court if its adjudication complicates or delays the criminal proceedings.

Article 63

Securing the civil lawsuit

1. Upon the request of the plaintiff, the proceeding authority may order the sequestration of assets of the defendant or of the person liable to pay damages, in order to secure the property restitution and reimbursement of damages. Such measure shall stay valid until the conclusion of the case.

Article 64

Withdrawal from the civil lawsuit

1. Withdrawal from the civil lawsuit may be done at any state and stage of the proceedings by means of a personal statement of the plaintiff or his/her representative in the hearing or through a written document filed to the court secretariat and notice served to other parties.
2. Failure of the civil plaintiff to submit his/her conclusions at the closing statement or to file a lawsuit before the civil court, is deemed as a withdrawal from the civil lawsuit.
3. In case of waiver of the civil lawsuit trial, as provided for by article 1 and 2, the criminal court may not recognize the expenses and damage caused to the defendant and the person liable to pay damages from the intervention of the plaintiff. The lawsuit to claim them can be filed with the civil court.
4. The waiver does not prevent filing the lawsuit before the civil division court.

Article 65

Summoning of the civil plaintiff

1. The one who is liable in a civil trial for the offence committed by the defendant may be summoned in the criminal proceedings on the application of the civil plaintiff. The defendant who has been acquitted or whose case has been dismissed may be summoned as defendant for the offences of other co-defendants.
2. The application for summoning the person liable for damages must be made before the commencing of the trial.
3. The court issues summon.

Article 66
Voluntary intervention of the civil defendant

1. When the legal standing of the civil plaintiff is established, the party sued may voluntarily apply in writing to intervene in the proceedings prior to commencing of the trial. The court decides on the application after hearing the parties.
2. The time limit provided for by paragraph 1 may not be extended.
3. The intervention of the party sued loses effects when civil lawsuit is withdrawn.

Article 67
Representative of private parties

1. The accusing victim, the civil plaintiff and the civil defendant are entitled to be represented in the proceedings through a legal representative or a representative provided with a power of attorney.
2. For all procedural purposes, the address of the accusing victim, of the plaintiff and civil defendant is deemed to be that of his/her representative.
3. The representative, in case of impediment and for as long as it lasts, may assign, with the consent of the represented party, a substitute.

Article 68
Rulings on civil claim

1. The court, as the case may be, may accept the civil claim, in whole or in part, or may reject it.
2. If a decision of acquittal is issued based on the fact that the act is not provided as a criminal offence or when the criminal case is dismissed, the civil claim is not adjudicated.
3. If the civil claim is rejected during the criminal proceedings, it cannot be raised again before the civil court.

TITLE II
JURISDICTION AND COMPETENCE

CHAPTER I
JURISDICTION

Article 69
Criminal jurisdiction

1. Criminal jurisdiction is exercised by criminal courts pursuant to the rules provided for by this Code.
2. Criminal court hears everything that is necessary to take a decision and it decides pursuant to the rules provided by law.

Article 70
Consequences of a criminal decision to civil and administrative trial

1. A final criminal decision is mandatory for the court adjudicating the civil consequences of the offence only with regard to whether the criminal offence has been committed and whether it has been committed by the adjudicated person.
2. A criminal decision that incidentally settles a fact connected to a civil, administrative or criminal case has no mandatory consequences in any other proceedings.

Article 71
Consequences of civil and administrative proceedings to the criminal proceedings

1. A final civil court decision is mandatory for the court that tries the criminal case only pertaining to the fact whether the offence was committed or not, but not about the guilt of the defendant.
2. When the criminal decision depends on the settlement of a dispute pertaining to marital status or citizenship, on which proceedings have commenced before the competent court, the criminal court may even *ex officio* decide to suspend the trial until the disagreement is settled by a final decision. The suspension does not prevent the performing of urgent actions.

Article 72
Lack of jurisdiction

1. Lack of jurisdiction may be raised, even *ex officio*, at any state and instance of the trial. The court issues a decision and orders, as the case may be, the transfer of the documents to the competent authority.
2. When the lack of jurisdiction is raised during the preliminary investigations, the prosecutor of the case shall submit the documents to the competent court to rule on the matter.

Article 73
Conflicts of jurisdiction
(added second sentence in point two by law no.35/2017, dated 30/03/2017, article 46)

1. When there are conflicts of jurisdiction, the court that raises it takes a decision, which it, along with a copy of the necessary documents for its settlement, transfers to the High Court, indicating the parties and defense lawyers.
2. Provisions of section IV of Chapter II under this title shall apply. The High Court shall decide within 30 days from the arrival of acts.

CHAPTER II
COMPETENCE

SECTION I
SUBJECT MATTER COMPETENCE

Article 74
Competence of judicial district court
(amended by law no.8813, dated 13/06/2002, by law no.9911, dated 05/05/2008, article 3; by law no.35/2017, dated 30.03.2017, article 47)

1. Judicial district court is competent to adjudicate criminal offences, except those which fall under the competence of Anti-corruption and Organised Crime Court.

Article 75
Military court competence
(amended by law no.8813, dated 13/06/2002; repealed by law no.9911, dated 05/05/2008, article 4)

Article 75/a
Competences of the Anti-Corruption and Organised Crime Court
(added with law no.8813, dated 13/06/2002 and amended with laws no.9276, dated 16/9/2004, no.9911, dated 5/05/2008, no.145, dated 2/05/2013, no.21, dated 10/03/2014, no.99, dated 31-07/2014 and no.35/2017, dated 30/03/2017, words added in letter "a" with law no.147/2020, dated 17/12/2020; amended letter "a" with law no.41/2021, dated 23/03/2021)

The Court against Corruption and Organized Crime adjudicates:

a) the crimes provided for by Articles 230, 230/a, 230/b, 230/c, 230/ç, 231, 232, 232/a, 232/b, 233, 234, 234/a, 234/b, 244, paragraph 2, 244/a, 245, 245/1, paragraphs 2 and 4, 257, 258, paragraph 2, 259, paragraph 2, 259/a, 260, 312, 319, 319/a, 319/b, 319/c, 319/ç, 319/d, 319/dh, 319/e, 328 and 328/b of the Criminal Code;
b) any criminal offense committed by the structured criminal group, criminal organization, terrorist organization and armed gang, according to the definitions of the Criminal Code;
c) criminal charges against the President of the Republic, the Speaker of the Assembly, the Prime Minister, the member of the Council of Ministers, the judge of the Constitutional Court and of the High Court, the General Prosecutor, the High Justice Inspector, the mayor, the member of Parliament, the deputy minister, the member of the High Judicial Council and of the High Prosecutorial Council, and the leaders of central or independent institutions defined in the Constitution or by law;
ç) criminal charges against the above-mentioned former officials, when the offense was committed during the exercise of their duty.

Article 75/b
(added by law no.8813, dated 13/06/2002; changed point one and repealed point two by law no.35/2017, dated 30/03/2017, article 49)

1. The High Court adjudicates appeals for violation of law, in order to ensure the uniform interpretation, the development and the revision of the judicial practice and exercises other competences, pursuant to the provisions of this Code.

2. Repealed.

SECTION II
TERRITORIAL JURISDICTION

Article 76
General rules

1. Territorial jurisdiction is determined, in order, by the venue where the criminal offence is committed or is attempted to be committed or the venue where the consequence has occurred.
2. If the venue indicated in paragraph 1 is not known, the jurisdiction belongs, in order, to the court of the residing place or the domicile of the defendant.
3. If the jurisdiction cannot be determined in this way, it belongs to the court where the prosecution office which recorded the criminal offence first, is placed.
4. Rules prescribed in the above paragraphs shall also apply during preliminary investigations.

Article 77
Jurisdiction for criminal offences committed abroad

1. If the offence is committed completely abroad, the jurisdiction is determined, in order, by the residing place, domicile, and place of arrest or surrender of the defendant. In case of several defendants, the proceedings shall be carried on by the court, which is competent for most of them.
2. If it cannot be determined in the ways stipulated in paragraph 1, the jurisdiction belongs to the court of the place where the prosecution office who has recorded the criminal offence for first is located.
3. If the criminal offence is partly committed abroad, the jurisdiction is determined pursuant to the general rules pertaining to territorial jurisdiction.

Article 78
Jurisdiction on proceedings against judges and prosecutors

1. Proceedings in which a judge or a prosecutor is a defendant or a victim of the criminal offence which, pursuant to the rules of this chapter, would fall under the jurisdiction of the district court where the judge or the prosecutor exercises his/her functions or did exercise them at the time when the offence was committed, are under the jurisdiction of the court which has territorial jurisdiction and which is located in the centre of another adjacent district, except when in this district the judge or the prosecutor has come afterwards to exercise his/her functions. In the latter case, another court, which is the closest in distance to the court where the judge or the prosecutor exercised his/her functions at the time when the criminal offence was committed, has the jurisdiction.

SECTION III
JURISDICTION AS A RESULT OF JOINDER OF CONNECTED PROCEEDINGS

Article 79

Joinder of proceedings cases

(changed words by law no.8813, dated 13/06/2002)

1. The proceeding organ may decide to join the proceedings:

a) when a criminal offence under investigation has been committed by several persons in collaboration among them or when several persons have independently caused the commitment of the criminal offence;
b) when a person is accused of several criminal offences.
c) when a person is accused of more offences, some of which are committed to accomplish or conceal others or to ensure to the perpetrator or other persons unlawful benefits or impunity.

Article 80

Joinder of proceedings under the jurisdiction of different courts

(changed by law no.8813, dated 13/06/2002; changed point one and repealed point two law no. 35/2017, dated 30/03/2017, article 50)

1. In cases of linked proceedings, which cannot be severed, one or more of which are under the competence of Anti-Corruption and Organised Crime Court and other proceedings under the competence of the other first instance courts, the Anti-Corruption and Organised Crime Court shall be competent. This rule shall apply also in the case of minor defendants. In such a case, the court applies the rules of the adjudication for minors."
2. Repealed.

Article 81

Boundaries on joinder of criminal offences committed by minors

(changed words in point one and two by law no.35/2017, dated 30/03/2017, article 51)

1. When some of the connected proceedings fall under the jurisdiction of the ordinary court, and the others under the relevant sections of court that tries cases against minors, the latter is competent for all the proceedings, except in cases when the court deems that they must be separated.
2. When defendant was an adult at the time of the trial, but he was a minor at the time when he committed one or more offences, the case is tried by the relevant sections that tries cases against minors.

Article 82

Territorial jurisdiction determined by the connection of proceedings

1. Territorial jurisdiction for connected proceedings, which several courts have the same subject matter jurisdiction, the competent court is the one which has jurisdiction over the most serious criminal offence and if offences are equally serious, to the competent court for the offence that was recorded first.
2. Crimes are considered more serious than misdemeanours. Amongst crimes or misdemeanours, is deemed as most serious the criminal offence which provides for the

longest maximal sentence or, when maximum sentences are equal, the longest minimum sentence. If an imprisonment and fine sentence is provided, the fine sentence is taken into account only when imprisonment sentences are equal.

SECTION IV
RULINGS IN CASE OF LACK OF JURISDICTION

Article 83
Non-jurisdiction

1. Lack of subject matter jurisdiction may be raised, also *ex officio*, at any state and instance of the proceedings.
2. Lack of territorial jurisdiction, including the one resulting from joinder of connected proceedings, may be raised or challenged only before the initiation of the trial hearing.

Article 84
Non-jurisdiction declared during preliminary investigation
(added point two by law no.35/2017, dated 30/03/2017, article 52)

1. When during the preliminary investigations or during their conclusion the prosecutor ascertains lack of jurisdiction for any reasons, he transfers the documents to the prosecutor attached to the competent court.
2. If the prosecutor declares the non-competence, he shall immediately inform both courts. The court shall, within three days upon receiving the prosecutor's notification, transmit to the competent court the acts of the preliminary investigation conducted until that moment before that court.

Article 85
Non-jurisdiction declared at the first instance trial

1. If at the first instance trial, the court deems that the proceeding is under the jurisdiction of another court, it declares by decision its non-competence for any reason and orders the transfer of documents to the competent court.

Article 86
Court of appeal and High Court decision on competence
(changed words in point one by law no.35/2017, dated 30/03/2017, article 53)

1. If the court of appeal ascertains that the court first instance had no subject matter competence, it quashes the appealed decision and transfers the case to the competent court.
2. The High Court decision on the competence is mandatory, except when new facts arise that lead to a different legal definition, which makes competent another court of a higher level.

Article 87
Evidence obtained by a non-competent court
(changed words in point one by law no.35/2017, dated 30/03/2017, article 54)

1. Failure to comply with the provisions on competence does not result in evidence non-utility.
2. Statements made before a court, which did not have subject matter competence, if repeated, may only be used to rebut the content of the deposition.

Article 88
Precautionary measure issued by a non-competent court

1. Precautionary measures issued by a court, which at the same time or afterwards is declared as a non-competent court on any ground, lose their effects, if the competent court does not decide on the precautionary measures within ten days of receiving the documents.

SECTION V
CONFLICTS OF JURISDICTION

Article 89
Cases of conflicts
(changed point two by law no.35/2017, dated 30/03/2017, article 55)

1. There is a conflict, in any state and instance of the proceedings, if two or more courts concurrently take or refuse to admit for adjudication the same charge attributed to the same person.
2. Conflicts among prosecution offices of the general jurisdiction during the phase of the preliminary investigations shall be settled by the higher-ranking prosecutor. In cases of conflicts during the preliminary investigations between the Special Prosecution Office and another prosecution office, the competence and the jurisdiction of the first shall prevail. The provisions of articles 28 and 29 of this Code shall apply.
3. During preliminary investigations, no conflict of territorial jurisdiction because of connected proceedings may be raised.

Article 90
Presentation of the conflict

1. The conflict may be presented by the prosecutor before any of the courts in conflict or by the defendant and the private parties. A written and reasoned request is submitted to the secretary of any of the courts in conflict, to which all necessary documentation is attached.
2. The court which raises the conflict case takes a decision, by which it submits to the High Court a copy of the necessary documents for its settlement, indicating the parties and their defense lawyers.
3. The court that has issued the decision promptly notifies the court in conflict. expedition

Article 91
Settlement of the conflicts

1. The conflicts are settled by decision of the High Court. The court obtains all information, acts and documents that are deemed necessary.

2. Notice of the decision is immediately served to the courts in conflict, to the respective prosecution offices, to the defendant and the private parties.
3. Conflicts on subject matter competence within the same court are not allowed.

SECTION VI
JOINDER AND SEVERANCE OF CASES

Article 92
Joinder of cases

1. Cases which are before the same court and in the same state and instance may be joined, if this does not prejudice the expedition of their settlement:

a) in cases provided for by article 79;
b) in cases of criminal offences committed by more persons against each other;
c) in cases when the evidence of a criminal offence or its circumstance impacts the evidence of another criminal offence or its circumstance.

Article 93
Severance of proceedings
(repealed letter "c", added punctuation and words in letter "ç" of point one by law no. 35/2017, dated 30/03/2017, article 56)

1. The severance of the proceedings may be decided also *ex officio* only if this does not result in a prejudice to the proving of facts, in the following cases:

a) when proceedings have been suspended for a defendant or more, or for one or more charges;
b) when one or more defendants have not appeared in court because of the invalidity of the summoning, their inculpable lack of knowledge of the summons or because of lawful impediments;
c) Repealed;
ç) when the judicial examination for one or more defendants or for one or more charges is complete, whereas for the other defendants or for the other charges it is necessary to conduct other activities, exception made for the case of a charge for criminal offence in collaboration.
2. In addition to the cases provided for by paragraph 1, the severance of cases may also be decided with the consent of the parties, when the court deems it useful for the purposes of expedite trial.

SECTION VII
TRANSFER OF PROCEEDINGS

Article 94
Reasons for transferring
(amended by law no.8813, dated 13.6.2002)

1. At any at any stage and instance of the proceedings, if the public security or the freedom of determination of any of the parties is impaired by serious local conditions, which may prejudice the hearing of the trial and are unavoidable in any other ways, the High Court, on the reasoned request of the prosecutor attached to the court at issue or on the request of the defendant, shall transfer the proceedings to another court.

Article 95
Request for transfer

1. The request for transfer is submitted, along with the related documents, to the secretary of the competent court and notice is served to other parties within seven days of submission.
2. The defendant's request is signed by him in person or by his/her special representative.
3. The court transfers the request immediately to the High Court, along with possible documents and remarks.
4. Failure to comply with the forms and time limits provided for by paragraphs 1 and 2 constitute grounds for request rejection.

Article 96
Consequences of the request

1. The submission of the transfer request does not suspend the trial, but the court may not conclude the case until a decision for the acceptance or the rejection of the request is issued.
2. The High Court may decide to suspend the trial. The suspension does not prevent the performance of any urgent activities.

Article 97
Decision on the request for transfer

1. The High Court, after obtaining the necessary information, decides on the request in closed session, without the participation of the parties.
2. The decision accepting the request shall be notified to the court, which was holding the trial and the to the one assigned to adjudicate it. The court, which was proceeding, transfers the documents immediately to the assigned court and orders that notice of the High Court decision is served to the prosecutor, to the defendant and private parties.
3. The court assigned by the High Court declares by decision whether and to what extent the actions performed will stay valid.

TITLE III

DOCUMENTS, NOTIFICATIONS AND TIME LIMITS

CHAPTER I
DOCUMENTS

SECTION I
GENERAL RULES

Article 98
Language of the documents
(changed point two by law no.35/2017, dated 30/03/2017, article 57)

1. Criminal procedural documents are drafted in Albanian language.
2. A person who does not speak Albanian shall be questioned in his/her native language or in another language he understands, selected by him. The minutes shall be kept in Albanian.
3. Breach of these rules results in documents invalidity.

Article 99
Signature of documents

1. If a document is required to be signed, handwriting at the end of the document of the signee's name and surname will suffice, unless otherwise provided by the law.
2. Signature by means of mechanical instruments or signs other than writing is not valid.
3. If the person is not able to sign, the official receiving a written document or recording an oral deed, makes sure about the identity of the person and reflects this fact at the bottom of the document, in the presence of a third person.

Article 100
Date of the documents

1. If law requires the date of a document, the documents shall indicate the day, month, year and the place where the document is drafted. Time indication is mandatory only when expressly required.
2. If a document's date is required under penalty of invalidity, this rule is valid only in case the date cannot be accurately determined based on the elements contained in the document itself or in any other related documents.

Article 101
Replacement of original documents

1. If an original procedural document is damaged, lost or has disappeared and for any reasons cannot be found, a certified authentic copy shall have the value of the original and shall be placed where the latter was.
2. To this purpose, the court, even *ex officio,* shall order by decision the person holding the copy to deliver it to the court secretary.

Article 102
Redrafting of documents

1. If a document cannot be replaced, the court even *ex officio* verifies the content of the missing document and orders if and how it should be redrafted.
2. If the concept of the missing document exists, such document is redrafted based on the concept, provided that one of the judges who has signed it certifies that it is the same as the concept.

Article 103
Prohibition to publish a document

1. It is prohibited to publish, even in part, of confidential documents related to proceedings or of their sole contents by means of press or mass media.
2. It is prohibited to publish, even in part, of non-confidential documents until the conclusion of the preliminary investigations.
3. It is prohibited to publish, even in part, trial documents when hearings are closed to public. Prohibition on publication is removed when the time limits provided for by the law on the State archives expire or after ten years of the date when the decision has become final, provided that such publication is authorized by the Minister of Justice.
4. It is prohibited to publish personal data and photographs of minor defendants and witnesses, accused or injured by the criminal offence. The court may allow the publication only when the interest of the minor requires so.

Article 104
Violation of the publication prohibition

1. Breach of the prohibition to publish by a State official or a public entity employee constitutes a disciplinary infringement, unless it constitutes a criminal offence. In this case, the prosecutor notifies the authority entitled to adopt disciplinary sanctions.

Article 105
Obtaining copies, extracts and certificates
(added words in point one by law no.35/2017, dated 30/03/2017, article 58)

1. Whoever is interested may obtain on his/her own expenses, during proceedings and after its conclusion, copies, extracts or certificates of specific documents or audio and audio-visual recording.
2. The request is examined by the prosecutor, for the documents concerning preliminary investigation or by the court, which has issued the decision, for documents related to the trial.
3. Issuance of copies, extracts or certificates does not remove the prohibition on publication.

Article 106
Prosecutor's request to obtain copies of documents and information

1. When it is necessary for the purposes of the investigation, the prosecutor is entitled to request from the court copies of documents concerning other criminal proceedings under his prosecution, as well as written information regarding their content, even in cases where a confidential obligation exists.
2. The court, within five days, shall respond to the request or reject it by reasoned decision.
3. Provisions of paragraph 1 and 2 shall apply also to requests made by the Minister of Public Order and the Chief of the Intelligence Service, if they need copies of documents and information to prevent criminal offences.

Article 107

Participation of deaf, mute and deaf-mute person in the drafting of procedural documents

1. When a deaf, mute or deaf-mute person wishes or are required to give explanations, it is acted in this way:

a) questions and warning are given to the deaf person in writing and he answers orally.
b) questions and warnings are given to the mute person orally and he answers in writing.
c) questions and warning are given to the deaf-mute person in writing and he answers in writing.

2. If the deaf, mute or deaf-mute person does not know how to read or write, the proceeding authority shall assign one or more interpreters selected amongst persons who are used to communicate with them.

Article 108

Witnesses in procedural acts

(repealed letter "b" in point one by law no.35/2017, dated 30/03/2017, article 59)

1. The following persons cannot testify on the contents of a procedural document:

a) minors up to fourteen years old and persons who suffer from manifest mental disorders or who are in a serious state of drunkenness or intoxication by narcotic or psychotropic substances.
b) Repealed.

Article 109

Power of attorney for certain procedural documents

1. When the law allows a document to be drafted through a special representative, the power of attorney is issued by a notary public or by a private written document, certified by the competent authorities, otherwise it is not accepted, and must contain, in addition to information specifically required by law, the determination of the subject for which it is granted and the facts it refers to. The power of attorney is attached to documents.
2. The power of attorney issued by State authorities must have the director's signature and the seal of the institution.

Article 110

Memoranda and requests of the parties

1. Parties and their representatives have the right, at any stage and instance of the proceedings, to present memoranda and written requests.
2. The proceeding authority shall render a decision within fifteen days, unless otherwise provided by this law.

Article 111

Statements and requests from persons in pre-trial detention

1. A defendant detained by way of precautionary measures is entitled to present complaints, requests and statements through the director of the institution, who issues a document to acknowledge their receipt. They are recorded in a special book and promptly communicated to the competent authority and have the same effect as if they were accepted directly by that body.
2. A defendant who is in house arrest or under supervision in a treatment facility is entitled to present complaints, requests and statements to the judicial police officer, who certifies their receipt and takes care to promptly send them to the competent authority.
3. These rules shall also apply to criminal reports, complaints, requests and statements presented by the private parties or the victim.

SECTION II
COURT'S DOCUMENTS

Article 112
Forms of court rulings
(changed point two by law no.8813, dated 13/06/2002; changed point five, point six is renumbered to seven, added point six by law no.35/2017, dated 30/03/2017, article 60)

1. Court rules by decisions and orders.
2. Decision is given in the name of the Republic.
3. Decisions and orders must be reasoned, otherwise they are invalid.
4. Decision is taken in closed session, without the presence of the secretary and the parties.
5. If a member of the judicial panel votes against an intermediate decision, he shall reason his/her opinion in written form and such opinion shall be attached to the minutes of the hearing.
6. If a member of the judicial panel votes against a final decision, he shall reason his/her opinion in written form and the document remains in the judicial file.
7. Orders are issued without observing any particular formalities and, if not otherwise provided, they are also issued orally.

Article 113
Filing court documents

1. Original court documents are filed with the secretary within five days of their issuance. The prosecutor and the other persons entitled by law to appeal shall be notified about decisions that can be appealed.

Article 114
Correction of material errors

1. Correction of decisions and orders containing material errors may also be carried out *ex officio* by the court, which has issued the document. When against this document an appeal is made, and this is accepted, then the correction is made by a decision of the court that adjudicated the appeal, following which, a note is made in the original document.

SECTION III
RECORDING OF ACTIVITIES

Article 115
Minutes of the hearing
(amended by law no.35/2017, dated 30/03/2017, article 61)

1. When it is possible, the activities carried out during the hearing and any other activity conducted outside of it, shall be recorded by audio or audio-visual tools. Recording shall start and end simultaneously with the judicial hearing.
2. Recording of the hearing shall be carried out from the judicial secretary, under the instruction and supervision of the panel presiding judge.
3. If it is not possible to keep the minutes by means of audio or audio-visual recording, they shall be kept, in accurate summary form, by means of typewriting or handwriting, under the supervision of the presiding judge of the panel.
4. The minutes shall contain

a) the venue, year, month, day and time when it was started and terminated;
b) the composition of the court;
c) the name of the prosecutor;
ç) the personal data of the defendant or other personal data which are useful to identify him, the personal data of the defense lawyers, of the accusing victim, private parties and of their representatives.
d) personal data of the persons who take part in the trial;
dh) if appropriate, the reasons for the absence of parties, of their representatives and persons summoned to participate in the court hearing.

5. The minutes shall describe any activity carried out during the hearing and shall reproduce in summary form:

a) requests and claims of the parties;
b) the exact indication of the name of each submission, memoranda or final discussion submitted in writing by the parties, indicating also the number of pages;
c) questions and statements of the persons who take part in the trial, including witnesses and experts;
ç) evidence obtained;
d) decisions and orders issued by the court during the trial;

6. If the minutes are kept in a summary form by typewriting or handwriting and one of the parties requires to include in it, parts of its statements or statements of the other party, the court shall consider this request.
7. The written memoranda submitted by parties in support of their claims and conclusions, shall be attached to the minutes.
8. If the minutes are kept in a summary form typewriting or writing, they shall be signed at the end of each page by the secretary and the end of the document by the presiding judge of the

jury. The minutes are a component of the judicial file and they are preserved for as long as the judicial file is preserved.

9. If kept by audio or audio-visual recording, the recording is preserved in the relevant electronic program for as long as the court file is preserved.
10. The parties shall be entitled at any time to obtain copies of the recordings and minutes kept by printing or handwriting by paying the respective fees."

Article 116

Transcript of minutes kept by means of audio or audio-visual recording

(amended by law no.35/2017, dated 30/03/2017, article 62)

1. The transcript of the minutes kept by means of audio or audio-visual recording shall be made by the court secretary or, under his/her supervision, by technicians contracted by the court to this purpose, reflecting accurately all the contents of the recording.
2. The transcript shall be signed by the judicial secretary and by the person who prepared it.
3. The transcript of the minutes shall be conducted when:

a) it is requested by the members of the judicial panel;
b) it is requested in writing by the parties at trial and this request is approved by the presiding judge, after the relevant fees for such purpose, as defined by order of the Minister of Justice, are paid. If the transcript of the minutes is requested after the trial conclusion, the court chairman shall decide on this request.

4. The transcript of the recording can be carried out for all hearings of a proceeding, for specific sessions or for parts of them, upon the request of the party who asks for the transcript. If carried out during the trial, the transcript materials shall be attached to the court file and constitute part of it.
5. For documenting the procedural actions during the preliminary investigation the provisions above shall apply *mutatis mutandis*.

Article 117

Signature of the minutes

(added words in point one law no.35/2017, dated 30/03/2017, article 63)

1. The minutes, kept in written form, except for the ones kept during trial hearing, after being read, are signed at the bottom of each page by the person who kept them, the person who proceeds and the persons who have participated.
2. If any of the participants is not willing or is not able to sign it, a note is made indications also the relevant reason.

Article 118

Transcription of records kept by stenographic means

(repealed by law no.35/2017, dated 30/03/2017, article 64)

Article 119

Phonographic or audio-visual reproduction

(repealed by law no.35/2017, dated 30/03/2017, article 65)

Article 120
Forms of recording in particular cases
(repealed by law no.35/2017, dated 30/03/2017, article 66)

Article 121
Oral statements of parties

1. If the law does not require a document in written form, the parties may make personally or through special representatives, oral requests or statements. In this case, the court secretary drafts the minutes and records the statements. The power of attorney is attached, when the case is so, to the minutes.
2. A certificate or a copy of the statements rendered may be issued to the party that requests it, on its own expenses.

Article 122
Invalidity of the minutes and of the recording
(amended by law no.35/2017, dated 30/03/2017, article 67)

1. The minutes kept in typewriting or handwriting shall be null and void when there are doubts regarding the identity of the persons who have participated in it or the signature of the personnel who drafted it is missing.
2. Apart from paragraph 1 of this article, the minutes kept by audio and audio-visual tools shall be invalid for the part in which the content of the recording is not understandable.

SECTION IV
TRANSLATION OF ACTS

Article 123
Interpreter appointment
(added words in point one and added point four by law no.35/2017, dated 30/03/2017, article 68)

1. A defendant who does not know Albanian language, is entitled to be assisted by an interpreter, free of charge, to understand the charge and follow actions where he takes part. If the defendant declares that he knows Albanian language, he may waive from such right.
2. The proceeding authority shall also appoint an interpreter when a written document must be translated into a foreign language, as well as in the cases referred to in article 107 of this Code.
3. An interpreter shall be appointed even if the court, the prosecutor or the judicial police officer, know the language to be translated.
4. The provisions on the appointment of the interpreter for the defendant shall also apply to the victim.

Article 124
Incapacity and incompatibility of the interpreter
(changed second sentence of letter "c" in point one by law no.35/2017, dated 30.03.2017, article 69)

1. The interpreter role may not be carried out by the following:

a) a minor, a person who is prohibited to interpret, a person whose legal capacity to act has been removed, a person mentally ill, a person who has been prohibited or suspended from the right to exercise public duties or a profession;
b) a person under precautionary measures;
c) a person who may not be questioned as a witness, a person who has been summoned as a witness and expert in the same or a joined proceeding. However, when a person who cannot hear, cannot speak or who cannot hear nor speak, is questioned, the interpreter may be one of his/her relatives, provided they do not have any incompatibility.

Article 125
Request for interpreter's exclusion and withdrawal

1. Parties are entitled to request the interpreter's exclusion for the reasons provided for in Article 124.
2. If there is a reason to request the exclusion or the withdrawal of the interpreter, he/she is obliged to declare such reason.
3. The request for exclusion or withdrawal must be submitted prior to the assignment of the tasks and, for reasons discovered afterwards, before the interpreter has completed his/her task.
4. The proceeding authority shall decide on the exclusion or withdrawal request.

Article 126
Assignment of the task to the interpreter

1. The proceeding authority shall verify the interpreter's identity and ask him whether there are grounds for his/her exclusion.
2. The interpreter shall be warned of his/her obligation to perform an accurate interpretation and to keep all the acts that are carried out in his/her presence confidential. He is then invited to fulfil the task.

Article 127
Time limits for written translations. Substitution of the interpreter

1. The proceeding authority shall assign a time limit to the translator in case a long time is required for the translation of written documents. The translator may be substituted if he does not present the written translation within the set time limit.
2. The substituted translator, after being summoned to present the reasons for failing to accomplish his/her task, may be sanctioned by the court with a fine of up to ten thousand AL.

SECTION V
INVALIDITY OF ACTS

Article 128
Invalidity of acts
(amended by law no.35/2017, dated 30/03/2017, article 70)

1. The procedural acts shall be invalid only in the cases expressly provided by this Code.

Article 128/a
Absolute invalidity
(added by law no.35/2017, dated 30/03/2017, article 71)

1. The procedural acts shall be absolutely invalid (null and void) when the provisions concerning the following are not observed:

a) requirements to be a judge in an actual case and the minimum number of judges to establish judicial panels pursuant to the provisions of this Code;
b) the prosecutor's prerogative to conduct the criminal prosecution and to participate in the proceeding;
c) summoning the defendant, victim or the presence of the defense lawyer when it is mandatory.

2. A procedural act qualified by law as absolutely invalid (null and void) cannot become valid.

Article 129
Relative invalidity
(amended by law no.35/2017, dated 30/03/2017, article 72)

1. Invalidities, other than those provided for by Article 128, may be declared upon the request of the parties
2. If the party is present, the invalidity of an act must be challenged before it is performed and, when this is not possible, immediately after it has been performed.
3. Invalidity related to the acts of the preliminary investigations and of the acts concerning the pre-trial admission of evidence must be challenged in the preliminary hearing or in trial hearing, before the judicial examination starts, pursuant to article 355 of this Code.
4. The invalidity ascertained during the trial may be challenged together with the appeal against the final decision.
5. Time limits to raise or challenge invalidity may not be extended.

Article 130
Evaluation of relative invalidity
(changed title, letter "b" of point one and four, added letter "c" in point one by law no. 35/2017, dated 30/03/2017, article 73)

1. Unless otherwise provided by law, invalidity shall not be considered:

a) when the interested party has expressly withdrawn the invalidity request or accepted the consequences of the procedural act;

b) when the party has benefited from the right, the exercise of which the invalid act intends to protect;
c) when it is caused by the party itself, or when the party has no interest in raising it.

2. The invalidity of communications and notifications shall not be considered if the interested party has appeared or has refused to appear.
3. A party declaring that he/she has appeared only to raise the invalidity of a procedural act shall be entitled to a period, of not less than three days, to prepare the defense.
4. During preliminary investigations, the evaluation of the invalidity shall be done by the prosecutor, and if not done by the latter, it shall be evaluated by the judge of the preliminary hearing.

Article 131
Effects of invalidity declaration

1. The invalidity of a procedural act shall result in the invalidity of all subsequent acts, which depend on the one declared invalid.
2. The court which declares the invalidity of a procedural act shall order its repetition, when this is necessary and possible, charging the relevant expenses to the party who has intentionally or by serious negligence caused the invalidity.

CHAPTER II
NOTIFICATIONS

Article 132
Bodies and forms of notifications

1. Notifications of acts shall be served by the court dispatcher or by the postal service.
2. The judge, when he considers it necessary, may order the judicial police to serve the notifications.
3. If a copy of a document is delivered to the interested person by the court secretary, it shall have the value of a served notification. In such case, the court secretary shall make a note on the original document for the delivery and the date.
4. Notifications served by the court to the interested parties, in their presence, shall be recorded in the minutes.

Article 133
Special notifications and notifications with other technical means
(changed title, point two and four, added point five and repealed point three by law no.35/2017, dated 30/03/2017, article 74)

1. In situations of urgency, the court may order that the persons requested by the parties, except for the defendant, are served notification via telephone by the court secretary or the judicial police. On the original copy of the notification the requested telephone number, the name and job of the person who receives the notification, his/her relationship with the one the

notification is addressed to, as well as the date and time of the telephone call shall be reflected.

2. The notification by telephone shall be valid since the moment is made, provided that its receipt is documented.
3. Repealed.
4. The court, when deems it appropriate, except for the defendant, may decide the notification of the person, by other technical means guaranteeing the notification, provided that their recept is documented.
5. The notification of the witness with hidden identity, of the protected witness and of the collaborator of justice, shall be served by delivering a copy of the act to the prosecutor.

Article 134
Notification of the prosecutor's documents

1. Notification of prosecutor's documents during preliminary investigations shall be served by the judicial police or through the postal service, in the ways provided for by Article 133.
2. The delivery of a copy of a document to the interested person by the court secretary shall have the value of a served notification. The person delivering the document shall note in the original document its delivery and the date.
3. Oral notifications made by the prosecutor shall replace notifications, provided that such fact is reflected in the minutes.

Article 135
Notifications from private parties

1. Notifications from the parties may also be served by delivering a copy of the document through their representatives by registered mail with acknowledgment of receipt.

Article 136
Notification addressed to the prosecutor

1. Notifications to the prosecutor may also be directly served by the parties, their defense lawyers or representatives, by delivering a copy of the act to the secretary. The person receiving it, notes on the original act and on its copy the personal data and the date.

Article 137
Notifications to the victim and private parties
(changed title by law no.35/2017, dated 30/03/2017, article 75)

1. Notifications to the victim of the criminal offence are served in the same way as done for the notification of the free defendant for the first time. If places mentioned in Article 140 are not known, notification shall be done by filing the document in the secretary. If documents indicate that his/her residence or domicile is abroad, he is invited by registered mail with acknowledgment of receipt, to declare or elect his/her domicile within the Albanian territory. If the statement or election of domicile is not made, within twenty days of receipt of the registered mail, notification shall be served by filing the document to the secretary.

2. Notification of the first summon to the civil defendant shall be served in the forms established for the first notification of a free defendant.
3. Notifications to the civil plaintiff and to the civil defendant shall be served to their representatives.

Article 138
Notifications through public announcement for the victims
(changed title and point one by law no.35/2017, dated 30.03.2017, article 76)

1. If the notification of the victims is difficult due to their number, to the inability of identifying some of them or when the notification is impossible because the places indicated in Article 140 are not known, the court may order that it is made through the public announcement at its posting corner and on the internet site. The notification shall stay posted for not less than 10 days.
2. The notification shall be deemed as served when court dispatcher submits to the secretary a copy of the act together with the documents proving the public announcement.

Article 139
Notification to the imprisoned defendant

1. Notification to the imprisoned defendant shall be served to the detention premises by handing him over the act.
2. If the defendant refuses to receive copy of the act or when the defendant is missing for justified reasons, the act shall be delivered to the person in charge of the institution who, in such case, shall notify the interested person with the fastest means.
3. The abovementioned provisions shall also apply in case the defendant is in pre-trial detention due to any other charge or is serving an imprisonment sentence.
4. If a detained person is released due to a change of the precautionary measure, he shall be obliged to declare or elect his/her domicile. This shall be noted in the release document and notified to the proceeding authority. If notification in the declared or elected domicile is not possible, the act shall be delivered to the defense lawyer.

Article 140
Serving the notification to a defendant in free state for the first time
(amended by law no.35/2017, dated 30/03/2017, article 77)

1. The notification for the first time to a defendant in free state is made by personally delivering to him a copy of the document along with the letter of rights pursuant to Article 34/a of this Code. When it cannot be delivered to him in person, the notification is served to his/her residence or working place, by delivering the document to a cohabitee or to a neighbour, or to a person who works with him. The notification act must indicate the personal data of the person receiving the notification and his/her relationship with the defendant.
2. Where the places mentioned in paragraph 1 are not known, the notice is served to the temporary residence of the defendant or to a venue where he frequently resides, by delivering it to one of the persons mentioned in paragraph 1.

3. The copy of the notification may not be delivered to a less than 14 year of age or to a person with manifest intellectual disabilities.
4. If the defendant is a minor, he shall normally be notified through his/her parents or his/her legal guardian, as well as pursuant to the special legislation on minors.
5. Where the persons mentioned in paragraph 1 are absent or are not suitable, or refuse to accept the document, then the defendant is searched in other places. If even in this way the notice cannot be served, the document is delivered to the administrative centre of the neighbourhood or village where the defendant lives or works. The notice of depositing [the act/document] is posted on the door of defendant's house or working place, on posting corner and on the website of the court. The court dispatcher notifies him on the depositing [of the act] through registered mail with acknowledgment of receipt. Effects of the notification start to run from the time of receipt of the registered mail.
6. Notification of the defendant who is serving in the military service is made by delivering him the document and if the delivery cannot be made, the document is notified to the command, which is obliged to promptly notify the concerned person.
7. By the act of notification for the first time, the proceeding authority shall invite the defendant to declare or elect the residence or domicile and the form of upcoming notifications for the purposes of proceedings. The defendant is obliged to notify in written form or declare before the proceeding authority any of their change.

Article 140/a
Notification of the legal entity as a defendant
(added by law no.35/2017, dated 30/03/2017, article 78)

1. The notification of the legal entity as a defendant shall be done at its registered office. The person who receives the notification shall note in the act of notification his/her identity, the function he is performing with the legal entity and the date of receipt of the notification.
2. If the notification pursuant to the paragraph above is not possible, it shall be done by posting the notification at the declared address of the registered office, at the posting corner of the court, on its webpage and through the announcement on the website of the Business National Centre in cases of the legal persons being registered in the commercial register.

Article 141
Serving notification to a defendant who cannot be found

1. In cases where notice cannot be served pursuant to the rules on serving notification to the defendant in free state, the proceeding authority shall order the conduct of a search operation for the defendant. If the search does not give any positive result, a decision of failure to find shall then be issued, by which after appointing a defense lawyer for the defendant, it shall be ordered that a copy of the notification is delivered to such defense lawyer. The person who cannot be found shall be represented by the defense lawyer.
2. The decision of not being found shall cease to have effects when the preliminary investigations are concluded or a ruling has been issued by the court.
3. The notification addressed to the defendant who is hiding or escaping shall be served by delivering a copy of the document to his/her defense lawyer and when he does not have a

defense lawyer, the proceeding authority shall appoint a defense lawyer *ex officio*, to represent the defendant.

Article 142
Notification of a defendant abroad
(added point two, existing point two becomes point three by law no.35/2017, dated 30/03/2017, article 79)

1. In cases where the defendant's domicile or residence abroad is known, the proceeding authority shall send him a registered mail with acknowledgment of receipt, by which he notifies him for the criminal offence he is charged with and asks him to state or choose a domicile in Albanian territory. If, after three days from receiving the registered mail, no domicile statement or election is made or is not so notified, the notification shall be served by delivery to the defense lawyer.
2. Where the defendant is notified pursuant to paragraph 1, he shall be invited to declare or to elect the domicile in the Albanian territory. The notification effected at the declared address shall be considered accomplished.
3. If it results that there is no sufficient information to act pursuant to paragraph 1, the proceeding authority, before issuing a decision of intractability, shall order that searches are conducted even outside of the territory of the State, pursuant to rules established in international agreements.

Article 142/a
Notification of foreign persons enjoying immunity
(added by law no.35/2017, dated 30/03/2017, article 80)

1. Unless otherwise provided by international agreements, the notification of foreign persons enjoying immunity under the international law shall be done through the ministry responsible of foreign affairs.

Article 143
Invalidity of notifications

1. Notification shall be invalid:

a) if the act has not been notified in full, except for the cases where the law allows for a service of notification through an extract;
b) if in the copy of the notified document, the signature of the person who has served th notification is missing;
c) if the specific provisions on the person to whom the copy shall be delivered, are breached;
ç) if the posting of the notification for the defendant in free state has not been carried out;
d) if in the original copy of the notified document, the signature of the person who has undertaken the notification pursuant to Article 140, paragraph 1, is missing;
dh) if the methods of notification by means of special technical instruments have not been observed and as a result the recipient of the notification did not receive the act.

CHAPTER III
TIME LIMITS

Article 144
General rules

1. The procedural time limits are established in hours, days, months or years.
2. The time limits are calculated pursuant to the regular calendar.
3. The time limit established in days when it expires on a non-working day or a public holiday, shall be postponed until the next working day or non-public holiday.
4. Unless otherwise provided by the law, the hour or day, in which the time limit starts to run, shall not be included in the calculation of the established time limit. The last hour or day shall be calculated.
5. The time limit for making statements, submitting documents or performing other actions at court shall be deemed expired when, pursuant to the rules, offices are closed to the public.

Article 145
Time limits which may not be extended

1. Time limits which may not be extended are those provided by law for specific cases. Such time limits may only be extended when the law provides so.
2. The party in whose favour a time limit has been established, may request or allow its reduction by submitting a statement to the secretary of the proceeding authority.

Article 146
Extension of time limits to appear

1. If the defendant's domicile, resulting from the acts, or the declared or elected residence is outside the district where the proceeding authority has its premises, the time limit to appear shall be extended for as many days as needed for travelling. In any case, the extension of time limits may not exceed three days. For the defendant residing abroad, the time limit extension shall be determined by the proceeding authority considering the distance and the means of communication to be used.
2. Such rules shall also apply regarding the time limits designated for the appearance of any other person to whom the proceeding authority has issued an order or a summons.

Article 147
Reinstatement in the time period
(repealed the wording in point six by decision of the Constitutional Court no.31, dated 17/05/2012; amended by law no.35/2017, dated 30/03/2017, article 81)

1. The prosecutor, the defendant, the victim, the accusing victim and the private parties shall be reinstated in the time period if they prove that they were not able to observe the time period due to specific circumstances or force majeure.
2. The reinstatement in the time period is not permitted more than once for each party, for each instance of the proceeding.

3. The request for the reinstatement in the time period shall be submitted within ten days from the disappearance of the fact which constituted specific circumstance or force majeure. The proceeding authority at the time of submission shall decide on the request.
4. A complaint may be filed against the decision rejecting the request for reinstatement in the time period, within 5 days. The court shall examine the complaint in closed session within 10 days of the acts being obtained.

Article 148
Consequences of time limit reinstatement
(repealed point two by law no.35/2017, dated 30.03.2017, article 82)

1. The court which has ruled for a time limit reinstatement shall, upon request of the party and to the extent possible, order the repetition of the actions in which the party was entitled to participate.
2. Repealed.

TITLE IV
EVIDENCE

CHAPTER I
GENERAL PROVISIONS

Article 149
Meaning of evidence
(added point two by law no.35/2017, dated 30/03/2017, article 83)

1. Shall be considered as evidence the information on the facts and circumstances related to the criminal offence, which are obtained from sources provided for by the criminal procedural law, as well as in compliance with the rules defined by it, and serve to prove whether the criminal offence was committed or not, its ensuing consequences, the guilt or innocence of the defendant the level of his/her accountability.
2. If evidence is requested and it is not regulated by law, the court may introduce it if it is deemed suitable to determine the facts and does not compromise the moral freedom of the person. After hearing the parties on the methods for gathering evidence, the court shall decide on the admission of evidence.

Article 150
Facts in issue

1. Facts concerning the accusation, the criminal liability of the defendant, the determination of precautionary measures, the punishment and the civil liability, as well as the facts on which the application of procedural rules depends are facts in issue.

Article 151
Gathering of evidence
(amended by law no.35/2017, dated 30/03/2017, article 84)

1. During preliminary investigations, evidence shall be admitted by the proceeding authority, in compliance with the rules provided for by this Code.
2. In trial, evidence shall be admitted upon request of a party. The court shall promptly decide, excluding any evidence that is not allowed by law or manifestly irrelevant.
3. Evidence gathered in violation of the prohibitions set out by law shall not be used. The exclusion of evidence may be declared also ex officio at any stage and instance of the proceedings.

Article 152
Evaluation of evidence
(changed point one by law no.35/2017, dated 30/03/2017, article 85)

1. No evidence shall have a value predetermined by law. After examining evidences in their entirety, the court shall evaluate their authenticity and proving value, specifying the reasons at the grounds of its judgement.
2. The existence of a fact cannot be inferred from circumstantial [indicia] evidence, unless such evidence is serious, precise and consistent.
3. The statements made by the co-defendant charged with the same offence or by a person accused in a joined proceeding shall be evaluated in unity with the other evidences confirming their reliability.

CHAPTER II
TYPES OF EVIDENCE

SECTION I
TESTIMONY

Article 153
Object and limits of testimony

1. The witness shall be questioned on the facts constituting the object of evidence. He shall not testify on the morality of the defendant, unless such testimony concerns facts that may be suitable for qualifying his/her character relating to the criminal offence and his/her social dangerousness.
2. The witness questioning may also be extended to relations of kinship and any interests that exist between the witness and the parties or other witnesses and to circumstances that need to be ascertained to assess his/her reliability. The testimony on the facts that may be useful in defining the victim's character shall be admitted only if the charge against the defendant must be evaluated relating to the victim's behaviour.
3. The witness shall be questioned on specific facts. He shall not testify on public rumours nor give his/her personal opinions, unless they are an inseparable part of the testimony on facts.

Article 154
Indirect (hearsay) testimony

1. If a witness refers to facts he has been told of by other persons, the court, upon request of a party or *ex officio*, shall order to summon these persons to testify.
2. Failure to comply with the provisions of paragraph 1, results in the non-usability of the statements related to the facts of which the witness has been informed by other persons, unless the questioning of these persons is impossible because they are dead, seriously ill or untraceable.
3. A witness shall not be questioned on facts heard from the persons who are obliged to keep their professional or state secret, unless the aforementioned persons have made statements on the same facts or have disclosed them in some other way.
4. The testimony of persons who refuse or are not able to indicate the person or source that informed them of the facts under questioning shall not be used.

Article 155
Capacity to testify

1. Every person has the capacity to testify, with the exclusion of those are not able to testify because of their mental or physical disabilities.
2. If the physical or mental suitability to testify needs to be assessed to evaluate one's statements, the court may order, also *ex officio*, the appropriate ascertainment.

Article 156
Incompatibility with the witness's role
(amended by law no.35/2017, dated 30/03/2017, article 86)

1. The following persons shall not be questioned as witnesses:

a) persons who, due to physical or mental disabilities, are not able to render regular testimony;
b) persons co-accused of the same offence or accused in joint proceedings, if a decision of non-initiation of the proceedings, dismissal or conviction has been issued against them, including the cases of plea bargaining and criminal order of conviction, except for the cases when the decision of acquittal has become final;
c) the persons who in the same proceedings perform or have performed the function of judge or prosecutor;
ç) the civil defendant and the person with civil liability for the damages caused by the defendant.

2. The rule provided for under letter "b", of paragraph 1, does not apply for the collaborator of justice, who is always questioned as a witness, pursuant to Article 36/a of this Code.

Article 157
Obligations of the witness

1. The witness is obliged to appear before the court, to observe its orders and answer truthfully to the questions addressed to him.
2. The witness shall not be obliged to testify on facts which may unravel his/her own criminal liability.

Article 158

Exemptions from the obligation to testify

(changed point "a" by law no.8813, dated 13/06/2002; added point 1/1 and words in letter "c" of point one 1 by law no.35/2017, dated 30/03/2017, article 87)

1. The following persons shall not be obliged to testify:

a) the next of kin of the defendant, pursuant to definitions referred to under Article 16, unless they have submitted a criminal report or complaint or if they or one of their next of kin are the victims of the criminal offence;
b) the spouse, in relation to the facts that were learnt by the accused person during marriage;
c) the spouse separated from the defendant, in relation to the facts that were learnt by the accused person during marriage;
ç) the cohabitee or former cohabitee of the defendant, even if not a spouse;
d) the person who is related to the accused by adoption ties.

1/1. The exemption from the obligation to testify shall not apply if the persons listed under paragraph 1 of this article, have submitted a report or a complaint or if they or a member of their family are the victims of the criminal offence.

2. The court shall inform the abovementioned persons of their right to abstain from testifying and ask them if they intend to exercise such right. Failure to comply with such rule shall result in the invalidity of the testimony.

Article 159

Protection of the professional secret

1. The following persons shall not be obliged to testify on information they know because of their profession, except in cases where they have a duty to report to proceeding authorities:

a) representatives of religious entities, whose articles of association do not conflict with the Albanian legal order;
b) lawyers, legal representatives and public notaries;
c) doctors, surgeons, pharmacists, obstetrics and anyone who performs a medical profession;
ç) those who perform other professions, who are entitled by law to abstain from testifying on matters related to professional secret.

2. If there are reasons to doubt that allegations made by these persons to avoid testimony are not grounded, the court shall order the necessary ascertainment. Where such allegations result to have no grounds, the court shall order the witness to testify.
3. Rules provided for in paragraph 1 and 2 shall also apply to professional journalists with regards to the names of persons they have received information from, during the exercise of their profession. However, if such is essential to prove the criminal offence and the truthfulness of such information can only be ascertained through the identification of the source, the court shall order the journalist to disclose the source of his/her information.

Article 160

Protection of the State secret

(added point six by law no.35/2017, dated 30/03/2017, article 88)

1. State employees, public officials and persons in charge of a public service are prohibited to testify on facts which constitute state secret.
2. If a witness alleges that a fact constitutes state secret, the proceeding authority shall request a written confirmation from the competent state authority.
3. If the secret is confirmed and the evidence is not essential for the conclusion of the case, the witness shall not be questioned, whereas, if the evidence is essential, the proceeding authority shall suspend the case until the highest authority of the state administration provides an answer then the witness shall be obliged to testify.
4. If the competent state authority fails to confirm the State-secret status within thirty days of receiving notification of the request, the witness shall be asked to testify.
5. The judicial police officers and agents and members of the security intelligence services cannot be obliged to disclose the names of their informants. Information disclosed by them may not be acquired nor used if these officials are not questioned as witnesses in relation to such information.
6. If informants accept to testify, the testimony shall be taken observing the rules on the protection of the anonymity of their identity. The provisions of Articles 165/a and 361/b of this Code shall apply *mutatis mutandis*.

Article 161

Exclusion of secrecy

1. Information or documents concerning criminal offences aimed at subverting the constitutional order cannot have the state secrets status. The type of criminal offence shall be established by the proceeding authority.
2. If the exclusion of secrecy is not accepted, the competent state authority shall be informed.

Article 162

Gathering the testimony of the President of the Republic and of other high State officials

(repealed by law no. 35/2017, dated 30/03/2017, article 89)

Article 163

Gathering the testimony of diplomatic officials

1. If a diplomatic official or a consular officer of the State abroad need to be questioned while outside the Albanian territory, the request for questioning shall be transmitted through the Ministry of Justice to the Albanian diplomatic or consular authority, except when their appearance is deemed essential.
2. International treaties and customs shall be observed for gathering the testimony of the diplomatic officials of a foreign country accredited with the Albanian State.

Article 164

Forced accompaniment

(amended by law no.35/2017, dated 30/03/2017, article 90)

1. If a witness who has been duly summoned, does not appear at the established place, date and time, in absence of any legal impediment, the court may order his/her forced accompaniment or impose him a fine up to 30.000 ALL.
2. The court may revoke the decision issued under paragraph 1 of this Article or reduce the fine, if it proves that there are reasonable grounds.
3. The person subject to forced accompaniment shall not be held beyond the time necessary for his/her presence and, in any case, no longer than twenty-four hours.
4. The provisions of paragraphs 1, 2 and 3 of this article shall also apply to experts and interpreters.
5. The provisions of paragraphs 1, 2 and 3 of this article shall not apply to minor witnesses.

Article 165

Liability for false testimony or refusal to testify

(amended by law no.35/2017, dated 30/03/2017, article 91)

1. If during the questioning a witness makes contradictory or incomplete statements or statements which are in contrast with the evidence taken, the court shall note this fact, warning him of the criminal liability for false testimony.
2. The same warning is made by the court also to the witness refusing to testify. If the witness insists on his/her refusal to testify, the court shall request the prosecutor to proceed pursuant to the law.
3. If the witness refuses to testify on the grounds that he invokes protection measures or enrolment in a witness protection program, pursuant to the law, the prosecutor shall not register the criminal charge for false testimony until a decision on his/her request has been issued.
4. If by a final judgment, the court deems that the witness has made a false testimony, the court shall transmit the documents to the prosecutor to proceed pursuant to the law.

Article 165/a

Witness with hidden identity

(amended by law no.35/2017, dated 30/03/2017, article 92)

1. Where giving testimony might put the witness or his/her family members in a serious risk for his/her life or health, and the defendant has been charged of any of the crimes provided for in Articles 230, 230/a, 230/b, 230/c, 230/ç, 231, 232, 232/a, 232/b, 234, 234/a, 234/b, 265/a, 265/b, 265/c, and the witness protection program is not applicable, the court may, upon the request of the prosecutor, decide the application of special questioning techniques pursuant to Article 361/b of this Code.
2. The request of the prosecutor shall be submitted to the presiding judge of the panel in a closed envelope, with the note: “Confidential: witness with hidden identity”. In the request, the prosecutor shall present the reasons why the use of one or more of the special questioning techniques are needed.

3. In the envelope with the above note, the prosecutor shall insert also the sealed envelope containing the full identity of the witness with hidden identity. Only the presiding judge shall be entitled to know the real identity of the witness with hidden identity and he shall verify the capacity and incompatibility with the witness role pursuant to this Code. The date, name, signature and function of persons having opened the envelope and those becoming aware of the data contained in the envelope shall always be noted evidently on the envelope. Following the accomplishment of verifications, the envelope with the real identity of the witness with hidden identity shall be returned to the prosecutor.
4. The court shall examine the request of the prosecutor in closed session and decide by reasoned decision within forty-eight hours of the request submission.
5. The prosecutor may file a complaint against the court decision within forty-eight hours of the decision being notified. The appeal court shall examine the complaint in closed session and decide on the complaint within forty-eight hours of the file being obtained. This decision shall not be subject to appeal.
6. If the court admits the request of the prosecutor, it shall decide on the pseudonym of the witness and the procedures for hiding the identity, notification, appearance and participation in proceedings. The questioning of the witness shall be conducted pursuant to the rules referred to in Article 361/b of this Code.
7. The witness shall participate in all stages of the proceeding only with the pseudonym ascribed by the court, unless otherwise provided for in paragraph 8 of this Article.
8. The questioning of the person with hidden identity and the assignment of the pseudonym during the investigation shall be done by the prosecutor. The acts where he takes part shall be signed by his/her ascribed pseudonym."

SECTION II
QUESTIONING OF THE DEFENDANT AND OF THE PRIVATE PARTIES

Article 166
Request for questioning

1. The defendant and the civilly liable person shall be questioned if they make request or give their consent when asked to testify. The same applies to the civil party, unless he must be questioned as a witness.

Article 167
Questioning of a person accused in a joined proceeding
(added point 4/1 by law no.35/2017, dated 30/03/2017, article 93)

1. Persons accused in a joined proceeding, who are being or were prosecuted separately, shall be questioned upon request of a party or *ex officio*.
2. They shall be obliged to appear before the court, which, if necessary, shall order their forced accompaniment. Provisions regulating summoning of witnesses shall apply.
3. Persons described in paragraph 1 shall be assisted by a retained lawyer and, in his/her absence, by an *ex officio* appointed lawyer.

4. Before questioning, the court shall inform the persons described in paragraph 1 that they are entitled to refuse answering.
   4/1. If a person accused in a joined proceeding needs to be questioned and any of the conditions referred to in letter "b", of paragraph 1, of Article 156 of this Code exists, the court shall guarantee him defense against self-incriminating statements on the facts he has been prosecuted for. If he renders self-incriminating statements for any new facts, the court shall inform him about the rights provided for in Article 37 of this Code.
5. Provisions of the above paragraphs shall also apply during preliminary investigations regarding persons who are accused for a joined criminal offence.

Article 167/a
Distance questioning of a defendant in a joined proceeding or serving a sentence abroad
(added by law no.9276, dated 16/09/2004, article 5)

The defendant in a joined proceeding, who is being prosecuted or is serving a sentence abroad for a different criminal offence, whose extradition has been denied, may be questioned in distance, by means of audio-visual link, pursuant to international agreements, provided that the foreign State ensures the presence of the defendant's lawyer in the venue of questioning.

Article 168
Questioning of private parties
(changed the reference by law no.35/2017, dated 30/03/2017, article 94)

1. Provisions of Articles 153, 154, 157, paragraph 2 and 361 shall apply for the questioning of private parties.
2. If a party refuses to answer a question, such fact shall be reflected in the minutes.

SECTION III
CONFRONTATIONS

Article 169
Grounds for confrontation
(added point two by law no.35/2017, dated 30/03/2017, article 95)

1. Confrontations shall be allowed only between persons who have already been questioned and there are inconsistencies among their statements for certain facts or circumstances.
2. The confrontation of the adult defendant with the minor victim or minor witness is prohibited.

Article 170
Rules on confrontation

1. The proceeding authority, after reminding the persons to be confronted of their previous statements, shall ask them whether they confirm or alter them, inviting them, if needed, to make their respective objections.

2. The questions asked by the proceeding authority, statements made by the persons confronted and anything else which happened during the confrontation shall be recorded in the minutes.

SECTION IV
RECOGNITION

Article 171
Recognition of persons
(amended by law no.35/2017, dated 30/03/2017, article 96)

1. When the need for proceeding with the recognition of a person emerges, the proceeding authority shall invite the one who is to make the recognition to describe the person indicating all the signs he remembers and ask him whether he has been called earlier to make the recognition and about the other circumstances that might have an impact on the authenticity of the recognition.
2. Noted down in the minutes shall be the actions provided for in paragraph 1 and the statements made by the person making the recognition. When possible, the recognition procedure shall be photographed or recorded.
3. Where the recognition is made by a minor or to a minor, the presence of the psychologist shall be mandatory. The proceeding authority shall carry out the recognition in such a way that the person to be recognised does not see or hear the minor.
4. The recognition shall occur at the presence of the defence lawyer.
5. Failure to observe the provisions provided for in this Article shall result in the invalidity of the recognition.

Article 172
Carrying out a recognition procedure

1. After taking away the person who will do the recognition, the proceeding authority shall ensure at least two persons resembling as much as possible to the person to be recognised. It invites the latter to choose his/her location in relation to the others, and ensuring that he is presented as much as possible, in the same conditions under which he would have been seen by the person called to make the recognition. After the person to make the recognition appears, the court shall ask him whether he knows anyone of those presented for recognition, and if yes, invites him to show the one he knows and to specify whether he is sure.
2. Where there are reasons to believe that the person being called to make the recognition might be intimidated or have other impacts form the presence of the person to be recognised, the proceeding authority shall order the procedure to be conducted without the latter seeing the former.
3. The recognition method is indicated in the minutes, under penalty of invalidity. The proceeding authority may order that the recognition procedure be documented also through pictures or video footages.

Article 172/a
Obligation to be involved in recognition
(added by law no.35/2017, dated 30/03/2017, article 97)

1. The persons being summoned shall be obliged to participate at the procedure of recognition.
2. The proceeding authority may order the forced escorting for the person summoned duly and not appearing at the venue, day and time set out for the recognition without having reasonable grounds.
3. The forced accompaniment of a minor is prohibited when proceeding pursuant to paragraph 3, of Article 171, of this Code.

Article 173
Recognition of items

1. When the recognition of material evidence or other items related to the criminal offence is needed, the proceeding authority shall act in compliance with the rules for recognition of persons to the extent they are applicable.
2. After finding out, where possible, at least two similar things to the one to be recognised, the proceeding authority shall ask the person called to make the recognition whether he recognises any of them and, if yes, invite him to state which of them he recognises and to specify whether he is sure.
3. The recognition method is indicated in the minutes, under penalty of invalidity.

Article 174
Other recognitions

1. In case where the recognition of voices, sounds or any other things that may be subject to perception by senses is ordered by the proceeding authority, it shall act in compliance with the rules on identification of persons to the extent they can be applied.

Article 175
Recognition of or by more persons
(added references in point three by law no.35/2017, dated 30/03/2017, article 98)

1. If more persons are called to make the recognition of the same person or thing, the proceeding authority shall conduct actions separately, by prohibiting any communication between the one who has completed the recognition and those who must do it afterwards.
2. If a person must carry out the recognition of more persons or items, the proceeding authority shall order that the person or item to be recognised is placed among the different persons or items.
3. Provisions of Articles 171, 172, 172/a and 173 shall apply.

SECTION V
THE EXPERIMENT

Article 176
Requirements for the experiment

1. The experiment is admitted when it is necessary to be ascertained whether a fact did occur or could have occurred in a certain way.
2. The experiment consists of the reproduction, to the extent possible, of the situation in which a fact has occurred or it is believed to have occurred, by repetition of the way the fact itself occurred.

Article 177
Rules on conducting experiments

1. A ruling of the proceeding authority for conducting an experiment shall contain summarised information on its object including the day, time and venue where the actions will take place. In the same ruling or a later one, an expert may be assigned to perform the designated actions.
2. The proceeding authority shall adopt appropriate measures to conduct actions, including ordering the taking of photographs and video recordings, and to prevent any risks to the personal or public security.

SECTION VI
EXPERT EXAMINATION

Article 178
Scope of expertise

1. An expert examination shall be allowed where it is necessary to carry out researches or acquire information or evaluations which require special technical, scientific or cultural knowledge
2. Expert examinations to determine the level of competence in the commission of the criminal offence, the criminal orientations, the defendant's character and personality and in general, the psychical features which do not depend on pathological causes, shall not be allowed.

Article 179
Appointment of the expert
(added words in point one and four by law no.8813, dated 13/06/2002; changed point three by law no.35/2017, dated 30.03.2017, article 99)

1. The expert is designated among persons registered in the register kept for this purpose or among those who have special knowledge on a relevant topic. In case where the expertise is declared invalid or a new one is needed to be performed, the proceeding authority shall take measures, where possible, that the new task is entrusted to another expert.
2. The ruling of the proceeding authority to appoint an expert shall be served to the defendant or his/her defense lawyer, informing him about his/her right to ask for exclusion of the expert, to propose other experts, to participate in the expert examination, when possible, and to ask present questions to the expert.
3. Where the demands and the evaluations appear to be very complex or they require respective knowledge from different fields, the proceeding authority shall assign the accomplishment of the expertise to many experts. In specific instances, where the expertise cannot be provided from the list of experts registered with the court, the proceeding authority shall, after taking

the opinion of the parties in advance, assign other, foreign or local, experts, from outside the list.

4. The expert shall be obliged to perform the entrusted task, except for the cases where grounds which exclude him from being an expert exists, or when he claims not to be competent or not to be able to carry out the expert examination and his/her request is accepted by the proceeding authority.

Article 180
Incompatibility with the expert status

1. The task of an expert may not be carried out by:

a) a minor, the one who is legally denied or whose legal capacity to act has been removed or the one who suffers from a mental illness;
b) the one who is suspended, even temporarily, from public duties or from practising a profession;
c) the one against whom personal precautionary measures have been ordered;
ç) the one who may not be questioned as a witness or taken as an interpreter or is entitled to decline to testify or interpret.

Article 181
Exclusion of the expert

1. The parties may request the exclusion of an expert in the circumstances foreseen by this Code for the judge disqualification.
2. In case where any reason for exclusion exists, the expert shall be obliged to declare it.
3. The declaration of the reasons for exclusion by the expert himself or the request for his/her exclusion by the parties may be set forth before the tasks have been assigned and in case the grounds have arisen on the spot or have become known later, before the expert has given his/her opinion.
4. The exclusion statement of the expert or the parties' request for exclusion shall be resolved by the proceeding authority who has ordered the expert examination by means of an order.

Article 182
Rulings of the proceeding authority

1. The proceeding authority shall dispose of an expert examination by means of a reasoned decision, which shall contain the appointment of the expert, a summarized presentation of the case, the day, time and venue designed for the appearance of the expert.
2. The proceeding authority shall summon the expert and take the necessary measures for the appearance of persons subject to expert examination.

Article 183
Assignment of the tasks

1. After being ensured on the expert's identity, the proceeding authority shall ask him whether there are any grounds for expert exclusion, warn him on the obligations and responsibilities deriving from criminal law, elaborates the expert examination questions and invites him to make the following statement: "Aware of the moral and legal responsibility concerning the task I am undertaking, I shall perform it with honesty and fairness and keep the secrecy of all the actions related to the expert examination".
2. Remuneration for the expert shall be determined by the proceeding authority having disposed of the expert examination.

Article 184
Expert actions
(added point 4 by law no.8813, dated 13/06/2002)

1. To meet the requirements of the expert examination, the expert may be authorized by the proceeding authority to look into procedural acts, documents and everything else included in the prosecutor's or court file.
2. The expert may also be authorised to take part during the questioning of parties or collection of evidence.
3. In cases where the expert seeks information from the defendant, victim or other persons, such information shall be used only for expert examination purpose.
4. If for the expert report needs, the destruction or change of the substance of an item is indispensable, the experts, where possible, are obliged to preserve such part of the item, and to document the part used for the expert report, by informing the proceeding authority and the parties.

Article 185
Act of expertise

1. The opinion of the expert shall be provided in writing.
2. Where there is more than one expert being appointed and they have different opinions, each of them shall present his/her opinion in a separate report.
3. Where the facts are complex and the expert cannot give an immediate answer, the proceeding authority shall grant him a time period of time no more than sixty days. In case of need for especially complex verifications, such time period may also be extended for more than once for periods of time no more than thirty days, but at any case no more than the maximum time period of six months.

Article 186
Expert substitution

1. An expert may be substituted if he does not give his/her opinion within the determined time period or the request for time limit extension is not accepted or he performs his/her tasks with negligence.
2. An order of the proceeding authority for the expert substitution shall be issued only after the latter is heard. The substituted expert may be sanctioned up to a fine of 10.000 ALL.
3. An expert shall be substituted also in cases where a request for his/her exclusion is accepted.

4. The substituted expert shall be obliged to deliver to the proceeding authority the documents and results of the actions being performed.

SECTION VII
MATERIAL EVIDENCE

Article 187
Meaning of material evidence
(amended by law no.9085, dated 19/06/2003, article 2)

1. Items which have served as tools for the commitment of the criminal offence, those on which traces are found or which have been the object of the defendant's actions, the products of the criminal offence and any other asset for which confiscation is allowed, pursuant to Article 36 of the Criminal Code, and any other item which may contribute to the clarification of the circumstances of the case, constitute material evidence.

Article 188
Collection of material evidence

1. Material evidence shall be described in detail in the minutes, and where possible photographed or video recorded and, with the order of the proceeding authority, is included into the judicial file.

Article 189
Preservation of material evidence
(amended by law no.147/2020, dated 17/12/2020)

Material evidence, which due to their nature may change, if they cannot be returned to the persons to whom they belong, are preserved and administered according to the special legislation by the state administrative body, which is obliged to return them in identical condition or to provide their value.

Article 190
Rulings on material evidence

1. In its final decision or decision for terminating the case, the court or the prosecution office shall also rule about what should be done with the material evidence, by ordering:

a) items which have served or were defined as a tool for committing a criminal offence as well as the items constituting proceeds or compensation given or promised for its commission shall be taken over and transferred to the state, except for cases where they belong to persons who have not been involved in the commission of the criminal offence;
b) items whose possession or circulation is prohibited shall be delivered to the relevant entities or shall be destroyed;
c) items which do not have any value shall be destroyed;

d) other items shall be returned to the persons they belong to and, where a dispute exists regarding their ownership, they shall be kept until that issue is resolved by the court.

2. The physical evidence may also be returned to the persons whom they belonged prior to the conclusion of the proceedings, provided this does not jeopardise the solution of the case.

SECTION VIII
DOCUMENTS

Article 191
Taking of documents

1. The collection of documents which represent facts, persons or items through picturing, filming, recording or any other means shall be permitted.
2. In cases where the original copy of a document is destroyed, lost or vanished, its copy may be obtained.
3. Documents which constitute material evidence must be acquired, despite the person producing or keeping them.

Article 191/a
Obligation to disclose computer data
(added by law no.10054, dated 29/12/2008, article 2)

1. When trying IT related criminal cases, the court, upon request of the prosecutor or the accusing victim, shall order the one keeping or supervising them to hand over the computer data stored in a computer-system or in another means of storage.
2. In such proceedings, the court shall also order the service provider to disclose any information on the subscribers and on the services provided by it.
3. When there are grounded reasons that delay may result in a serious impairment for the investigations, the prosecutor, by a reasoned resolution, shall order the obligation to disclose the computer data as defined in paragraphs 1 and 2 of this Article and immediately notify the court. The court shall evaluate the prosecutor resolution within 48 hours from notification.

Article 192
Documents on personality

1. The collection of criminal record certificates and final court decisions with the purpose of evaluating the defendant's or victim's personality, when the fact being examined is to be assessed in relation to their conduct or moral qualities shall be permitted.
2. Such documents may also be obtained to assess the reliability of a witness.

Article 193
Collecting minutes from other proceedings
(amended by law no.35/2017, dated 30/03/2017, article 100)

1. The minutes of evidence from other criminal proceedings may be collected, if they concern pre-trial admission of evidence or evidence administered during the trial.
2. The minutes of evidence taken in a civil trial for which a final decision has been issued can be collected.
3. In the cases referred to in paragraphs 1 and 2, the minutes of the statements may be used against the defendant only if the lawyer has taken part during their collecting.
4. Records of unrepeatable actions may be collected, including defendant's statements, if it is proved the objective impossibility of their taking, unforeseeable at the time when the action took place.
5. Except for the cases provided for in the above paragraphs, the minutes of evidence may be used in the trial only if the defendant gives his/her consent. If this is not the case, they may be used for the challenges provided for in Articles 362 and 365 of this Code.
6. The parties are entitled to request the questioning of the persons, whose statements have been taken under the provisions of this Article.
7. The final decisions may be collected as evidence of the existence of the facts, and shall be evaluated together with the other evidence.

Article 194
Anonymous documents

1. Documents which constitute anonymous notifications shall be neither acquired nor used, except for cases where they constitute material evidence or are created by the defendant.

Article 195
False documents

1. When the court considers that a document which is already acquired is false, it shall, after the conclusion of the proceedings, inform the prosecutor and also deliver him such document.

Article 196
Translation of documents

1. When a written document has been acquired in a foreign language, the proceeding authority shall order for its translation.
2. When necessary, the proceeding authority shall also order for the transcription of the magnetic tape.

Article 197
Issuing of copies

1. In case the acquisition of a document has been decided, the proceeding authority, upon request of an interested party, shall be allowed to authorise the secretariat to issue certified copies of that document.

CHAPTER III
TOOLS FOR SEARCHING EVIDENCE

SECTION I
EXAMINATIONS

Article 198
Cases and forms of examination

1. Examination of persons, places and items shall be decided by the proceeding authority when it is necessary to discover the traces and other material effects of a criminal offence.
2. Where the criminal offence has left no traces or material effects or when those have been destroyed, lost, altered or moved, the proceeding authority shall describe their state and, where possible, verify the state they were prior to changes and also take measures to ascertain the method, time and causes for the changes which might have possibly occurred.
3. The proceeding authority may order photography or video recording and or any other technical act.

Article 199
Examination of persons
(amended by law no.35/2017, dated 30/03/2017, article 101)

1. The examination shall be conducted in appropriate locations, observing, to the extent possible, the personal dignity and integrity of the person being examined.
2. Before the examination takes place, the person to be examined shall be notified about his/her right to request the presence of a person of his/her trust, provided that he can be found immediately and be suitable.
3. The examination may be accomplished by a doctor with the consent of the person. In such a case, the proceeding authority may not take part in the examination. If the consent is not granted or the person is a minor, the examination shall be conducted following the procedure provided for in Article 201/a of this Code.

Article 200
Examination of corpses

1. The examination of a human corpse shall be carried out by the proceeding authority in presence of a forensic doctor.
2. With the purpose of carrying out the examination of a dead body, the judge or prosecutor may order for its exhumation, by informing a member of the dead person's family to participate, except for when the participation may harm the purpose of the examination.

Article 201
Examination of places and items
(added words in point one by law no.35/2017, dated 30/03/2017, article 102)

1. Initially, a copy of the ruling ordering for an inspection shall be provided to the defendant, when present, and to the one possessing the place where the examination is to be performed or the item to be examined.

2. In case of examination of places, the proceeding authority may order, for motivated reasons, that the persons present do not leave before the examination is completed and use coercion to prevent them from leaving.

Article 201/a

Forced taking of biological samples or conducting forced medical procedures

(added by law no.35/2017, dated 30/03/2017, article 103)

1. Forced taking of biological samples from the defendant or any other persons, or forced medical procedures shall take place only pursuant to the provisions of this Article.
2. The prosecutor may, after obtaining the consent of the defendant or other persons, seek taking of biological samples to the effect of establishing the DNA profile. The same provision shall be implemented for the accomplishment of the medical procedure.
3. The consent of the person shall be provided in writing. The person who is going to be taken the sample or subject to a medical procedure shall sign a statement before the prosecutor, that he grants the consent and confirming that he has been notified with regard to the reason the biological samples being taken or the medical procedure being conducted.
4. For the minor, the consent shall be provided by the parent or the legal guardian.
5. Based on the request of the prosecutor, the court may decide that the taking of biological samples or the medical procedure be conducted without the consent of the person, if it is necessary, and by way of restricting his/her freedom, if health is not impaired and if it is indispensable for proving facts in the proceedings. No medical procedures can be conducted if they pose a risk to the life of the person, his/her physical integrity and health, which may harm the unborn child or, pursuant to the medical protocols, may cause unjustified pain.
6. The court decision on taking the biological sample or the medical procedure shall contain:

a) the personal data of the person subject to the taking of biological sample or to a medical procedure or necessary information for his/her identification;
b) the criminal offence whereof the proceeding has started and a summarised description of the respective facts;
c) a detailed description of the type of biological sample to be taken or of the medical procedure which shall be conducted as well as the reasons why the evidence cannot be taken in another way;
ç) the right of the person being subject to the biological sample taking or other medical procedure to be assisted by a defence lawyer or a person of his/her trust;
d) the venue, date, time and accurate way of taking the biological sample or conducting the other medical procedure;
dh) notification that the person subject to the taking of biological sample or the other medical procedure is obliged to appear and the warning for forced accompaniment, if he does not appear without legitimate reasons;
e) where the defendant or the person having granted the consent for the biological sample taking or medical procedure, the prosecutor shall enclose the written consent to the file.

7. At least three days prior to the taking of biological sample or conduct of medical procedure, the decision provided for in the paragraph 5 of this Article shall be notified to the respective person.

8. When the person being subject to the biological sample taking or to the medical procedure is the defendant or the victim, the decision shall be notified to the defendant, the defence lawyer and the victim. If the person is not the defendant or the victim, the decision shall be notified to the person, the defendant, the victim and his/her defence lawyer. In case the person is a minor, the decision shall be notified to the parents or his/her legal guardian.
9. If the person being subject to the above procedures does not appear at the appropriate venue without legitimate reasons, the prosecutor may immediately request the court to order his/her forced accompaniment and decide taking of sample or accomplishment of the medical procedure. The judicial police shall enforce the court order.
10. In urgent cases, where there is reason to believe that the delay may cause the loss or harm to the authenticity of the evidence, the decision shall be taken by the prosecutor, who may order the forced accompaniment of the person.
11. Within 48 hours of the action being carried out, the prosecutor shall ask the court to validate the orders issued under paragraph 9 of this Article. The court shall validate the prosecutor's actions, within 48 hours, notifying the prosecutor and the defence lawyer.
12. In the event of taking a biological sample or conducting the medical procedure on the suspect or defendant, the presence of the defence lawyer shall be obligatory.
13. In the event of taking a biological sample or conducting the medical procedure on the minor, the presence of the parent, legal guardian or a person of his/her trust shall be mandatory.
14. The outcome of the biological samples tests or medical procedure taken in defiance of the provisions of this Article are non-usable.

Article 201/b
Destruction of biological samples
(added by law no.35/2017, dated 30/03/2017, article 104)

1. The biological samples shall be preserved as long as they serve the purposes of proceedings. Their destruction shall occur pursuant to the rules of this Code.
2. Where the defendant is acquitted by final decision, the court shall order the destruction of biological samples taken from him.
3. The prosecutor, the victim or the legal representative of the victim may, within 60 days of the acquittal, request the court to order the maintenance of the biological samples taken from other persons, other than the defendant, as long as the samples shall be used in another criminal case. Otherwise, the court shall order the destruction.
4. Where the defendant is convicted, the biological samples taken from him shall be preserved for 20 years from the date the decision has become final.
5. The court may order the maintenance of the samples up to 40 years as long as the defendant has been declared guilty of criminal offence whereof the Criminal Code provides for an imprisonment sentence of not less than 10 years maximum.
6. The profiles of DNA samples taken at the crime scene and which are not attributed to a certain person shall be kept until prescription of the time limits for criminal prosecution is completed.
7. If the taking of samples is carried out in defiance of the provisions of this Code, the proceeding authority shall order their destruction.

8. The way of conservation of the samples, the procedure and the competent body for their destruction, shall be established by a joint instruction of the minister responsible for public security and minister responsible for health.

SECTION II
SEARCHES

Article 202
Conditions for conducting searches
(changed number "299" in point three by law no.35/2017, dated 30/03/2017, article 105)

1. When there are reasonable grounds to believe that someone is concealing material evidence of the criminal offence or items belonging to the criminal offence in his/her body, the court shall issue a body search warrant. When these items are located at a certain place, the place or house search warrant shall be issued.
2. The court which has issued the search warrant may act itself or order judicial police officers, specified in the search warrant, to conduct the search.
3. In case of flagrancy or chasing of a person fleeing, where it is not possible to obtain a search warrant, the judicial police officers shall conduct a search of a person or place, in compliance to the rules provided for in Article 298.

Article 202/a
Decision for permitting the search
(added by law no.35/2017, dated 30/03/2017, article 106)

1. The decision permitting the search shall indicate the type of search, the person being searched and his/her personal data, location or residence being bound to control, exhibits or things being searched, reasons permitting the search, as well as the authority to perform it.
2. Where there are grounded reasons that the data, information, IT programs or their traces are in an IT or telematics system, and this is protected by precautionary measures, the court shall make a decision on the search, by way of ordering the appropriate technical measures, which ensure the preservation of the original data and do not allow their modification. The decision imposing the search shall determine the type of information being required and the way of obtaining it.
3. The court shall make a substantiated decision in closed session, within 24 hours of the request of the prosecutor being filed. Against the decision rejecting the search request, a direct complaint may be filed with the appeal court within 24 hours. The appeal court shall decide within 48 hours of the acts being taken.
4. The search has to be completed within 72 hours from the moment the decision for its accomplishment has been made.

Article 203
Request for handing over
(changed point one by law no.35/2017, dated 30/03/2017, article 107)

1. Where a certain asset is being required, the proceeding authority may seek the handover. If the thing is handed over, the search shall not occur, except for the cases where behind the handover of the item there are reasonable grounds to believe that the search may discover trails or other things connected to the criminal offence.
2. To determine the items which could be sequestered or verify certain circumstances necessary for the investigation, the proceeding authority or its authorized judicial police officers shall be permitted to search bank operations, documents or correspondence.

Article 204
Search of persons
(changed point two by law no.35/2017, dated 30/03/2017, article 108)

1. Prior to conducting a body search, a copy of the search warrant shall be provided to the person subject to the search, informing him for the right to request the presence of a trusted person of him, provided that he can be found immediately and is appropriate.
2. The search shall occur abiding by the personal dignity of the person being searched. The search of the person shall be conducted by a person of the same gender, except in cases when this is not possible due to the circumstances.

Article 205
Search of places
(amended by law no.35/2017, dated 30/03/2017, article 109)

1. The defendant, if the latter is present, and the person possessing the premises, shall be handed over the search decision, while making them aware of the right to seek the presence of a person of their trust, who is there and appropriate under Article 108 of this Code, or his/her defence lawyer.
2. Where the defendant seeks the presence of the defence lawyer while conducting the search, the proceeding authority shall postpone the conduct of the search to the moment of arrival of the defence lawyer, however, not more than 2 hours from the moment that the defence lawyer has been informed about the search. During this period, the proceeding authority may restrict the movement of the interested person or other persons being at the location where the search shall be conducted.
3. The postponement of the search, under paragraph 2 of this Article, shall extend the respective time period provided for in paragraph 4 of Article 202/a of this Code.
4. The proceeding authority may search the persons being present, upon deeming that they may hide the exhibit or the things belonging to the criminal offence. It may order the persons being present no to leave prior to the search being completed and get those leaving coercively turned back.
5. Where the owner or the possessor of the item is not found, the proceeding authority shall carry out the search at the obligatory presence of the defence lawyer being appointed ex officio.

Article 206
Time for house searches

1. The search of a house or in closed places next to it cannot begin before 07:00 hours nor after 20:00 hours. In urgent cases, the proceeding authority can order in writing that the search is conducted outside these limitations.

Article 207
Sequestration during searches
(amended by law no.35/2017, dated 30/03/2017, article 110)

1. Items found out during a search shall be seized, provided that they are indicated in the decision authorizing the search.
2. Other items found during the search and not included in the respective decision, yet, connected to the same criminal offence, may be seized abiding by the provisions regulating sequestration.
3. When during the search items are discovered bearing no connection with the criminal offence wherefore the search decision has been issued, however, connected to another criminal offence being prosecuted ex officio, the discovered items shall be seized.
4. Regarding the sequestration carried out under the conditions of paragraphs 2 and 3 of this provision, the criteria of Article 301 of this Code shall apply.

SECTION III
SEQUESTRATIONS

Article 208
Scope of the sequestration
(changed point three by law no.35/2017, dated 30/03/2017, article 111)

~~1.~~ A judge, or prosecutor, shall order by reasoned decision the sequestration of material evidence and items related to the criminal offence, when they are needed for evidencing the facts.
2. Sequestration shall be carried out by the person who has issued the sequestration order or the judicial police officer authorised by the same order.
3. A copy of the sequestration decision shall be delivered to the interested person.

Article 208/a
Sequestration of computer data
(added by law no.10054, dated 29/12/2008, article 3; changed point one by law no.35/2017, dated 30/03/2017, article 112)

1. In cases of proceedings against crimes concerning information technology, the court upon request of the prosecutor, shall order the sequestration of computer data or systems. With the same decision, the court shall establish the right to access, search and take computer data from the computer system as well as the prohibition to perform further actions or the securing of the computer data or system.
2. If there are reasonable grounds to believe that the computer data have been stored in another computer system or in any parts of it, and such data may be legally obtained by, or in the

availability of, the initial computer system being controlled, the court upon request of the prosecutor shall immediately order the search or access to such computer system.

3. In executing the court decision, the prosecutor or the judicial police officer authorized by the prosecutor shall adopt measures:

a) to prevent any further action being taken or to secure the computer system or part of it or of another data storage device;
b) to take out and obtain copies of computer data;
c) to prevent the access to computer data, or to remove such data from accessible computer systems;
ç) to ensure the inviolability of the relevant stored data.

4. For the executions of such actions, the prosecutor may order the summoning of an expert who is competent in the field of computer system functioning or the measures applied for the protection of the computer data. The summoned expert may not refuse to conduct the tasks assigned to him without reasonable grounds.

Article 209
Sequestration of correspondence
(added words in point one by law no.9085, dated 19/06/2003, article 3)

1. When the court has grounded reasons to think that in the postal or telegraphic offices there are letters, securities, envelopes, parcels, telegrams and other items of correspondence which have been sent by or to the defendant, even under another name or through another person, it shall order for their sequestration.
2. When sequestration is performed by a judicial police officer, he must deliver to the judicial authority the correspondence items sequestered without opening and without having access to their content in any other way.
3. The sequestered items which do not classify as correspondence which may be sequestered shall be returned to their possessor and may not be used

Article 210
Sequestration at bank offices
(added words in point one by law no.9085, dated 19/06/2003, article 4)

1. The court may order the sequestration of banks documents, securities, amounts deposited in current accounts and any other things, even if they are in safety boxes, when there are grounded reasons to think that they are connected to the criminal offence, even when they do not belong to the defendant or are not under his/her name. In urgent cases, such decision may be taken by the prosecutor.

Article 211
Obligation to hand over and maintain secrecy
(added words in point one and two, changed words in point three by law no.35/2017, dated 30/03/2017, article 113)

1. Persons bound to maintain professional or State secrecy must immediately hand over to the proceeding authority acts and documents, even in the original copies, and anything else being kept by them because of their duty, service or profession, except when they declare in writing that it is a State secret or a secret related to their duty or profession. In the latter case, the necessary verifications shall be conducted and, when it results that the declaration is groundless, the proceeding authority shall order for the sequestration.
2. When the competent authority confirms the state secrecy status, the proceeding authority shall inform the competent authority asking for confirmation to be given, and evidence is crucial to the solution of the case, the proceeding authority shall decide to acquire the evidence.
3. When within thirty days from the request the competent authority does not confirm the secrecy status, the proceeding authority shall order the sequestration.

Article 211/a

Sequestration at the offices of the intelligence services

(added by law no.35/2017, dated 30/03/2017, article 114)

1. Where it is necessary to perform sequestrations of documents, acts or other items at the offices of the intelligence services, the activity of which is connected to the national security, the court shall, in the reasoning of the sequestration decision, indicate in a detailed manner as possible, the acts or items being subject to sequestration.
2. The court shall authorise the prosecutor for examining the documents, acts and items to be sequestered, who he shall take only those which are indispensable for the purposes of the investigation.
3. Where there are reasonable grounds to believe that the documents, acts or items are not made available or are not complete, the court shall inform the competent body, which shall proceed to the delivery of the documents, acts or other items or to confirm their absence.
4. Where the need emerges for obtaining the original or the copy of the document, act or item created by a foreign intelligence service, having been given on the condition of non-dissemination, the examination and handover shall be suspended. In this case, the competent authority is promptly notified to communicate with the foreign authority for deciding on the further maintenance of secrecy. Within 60 days, the competent body shall authorise the handover of the document, act or item, or confirm the need to preserve the State secrecy.
5. If the competent body does not respond within the time limit provided for in paragraph 4, of this article, the court shall order the taking of the document, act or item subject to sequestration.

Article 212

Challenging the sequestration decision

(amended by law no.35/2017, dated 30/03/2017, article 115)

1. The defendant, the person whose items have been sequestered and the one who has a claim on them, may lodge a complaint at the court, which rules by reasoned decision within 10 days.
2. An appeal may be proposed against the court decision within 5 days. The court of appeal shall issue a reasoned decision within 10 days of the receipt of the relevant acts.
3. The appeal does not suspend the execution of the decision.

Article 213
Copies of the sequestered documents

1. The preceding authority may order the issuing of copies of the sequestered acts and documents, returning the original copies and, when the original copies must be retained, order the secretariat to issue certified copies.
2. In any case, the person or office where the sequestration took place shall be entitled to hold a copy of the minutes of the sequestration.
3. If the sequestered document is part of a book or register from which it cannot be separated, and the proceeding authority needs the original document, the book or register shall remain at the disposal of the proceeding authority. The secretary of the proceeding authority shall issue to the interested persons upon their request, copies, extracts or certificates of parts of the book or register which have not been sequestered.

Article 214
Preservation of seized items
(second sentence of paragraph one amended; paragraph two amended by law no. 147/2020, dated 17/12/2020)

1. The seized items are preserved in the registry. When this is not possible or appropriate, the procedural body orders that they be preserved by the state administrative body, determining the manner of preservation.
2. The state administrative body has the duty to preserve and administer the seized items, according to the special legislation on the administration of seized assets and material evidence, as well as to present the items when requested by the procedural body.

Article 215
Sealing of seized items
(Paragraph four, five and six added by law no.35/2017, dated 30/03/2017; paragraph three amended by law no.147/2020, dated 17/12/2020)

1. The seized items are secured with the seal of the procedural body or, depending on the nature of the items, with other appropriate means indicating that they are preserved for the needs of justice.
2. The procedural body makes copies of documents and photographs or other reproductions of the seized items that may change or are difficult to preserve, attaches them to the case files, and orders their preservation in the registry.
3. For items that may change, upon request of the state administrative body or ex officio, the procedural body orders, as appropriate, their disposal or destruction.
4. Upon request of the procedural body, the court may order the destruction of items prohibited from being produced, possessed, held or traded, if their preservation is difficult, particularly costly, or poses a risk to safety, public health, or hygiene. In this case, the court orders the taking and preservation of samples for procedural purposes.

5. The procedural body informs the chosen or appointed ex officio defense counsel about the place and date of sampling, at least 24 hours in advance. The failure of the defense counsel to appear at the sampling does not prevent the procedural body from taking the samples.
6. The procedure for the destruction of the seized items, the deadline, as well as the competent authority, are determined by joint instruction of the minister responsible for order and public safety and the Minister of Justice. When possible, the actions performed are documented with audiovisual means, and in any case, a report is drawn up, a copy of which is sent to the prosecution office at the court that has ordered the destruction.

Article 216
Opening and closing of seals

1. The proceeding authority, when it wants to open seals, verifies whether they are damaged and if it ascertains any changes, it shall record that in minutes. After the action which required the opening of seals is performed, the sequestered items shall be re-sealed, providing the date of intervention close to the seal.

Article 217
Return of sequestered items

1. When keeping the sequestration is not necessary any more for any evidence purpose, the sequestered items shall be returned to the one they belong to, even before a final decision is issued. When necessary, the proceeding authority shall order that such returned items are re-brought again at its disposal.
2. The court may also rule that the sequestered items are not returned if upon request of prosecutor or civil plaintiff the sequestration must be retained to secure the civil claim.
3. After the decision issued becomes final, the sequestered items shall be returned to the person they belong to, unless a confiscation order has been issued on them.

Article 218
Rules on returning of sequestered items

1. The court shall rule for the return the sequestered items where there is no doubt regarding their belonging.
2. When items are sequestered from a third party, their return may not be ordered in favour of other parties, without the third party being heard by the court.
3. During the preliminary investigations, the return of sequestered items shall be ordered by the prosecutor. Interested parties may appeal against such order at court.

Article 219
Disposal in case of non-restitution

1. If in a year from the day the decision becomes final the restitution request has not been filed or has not been admitted, the court which issued the decision shall order for the money or securities to be deposited in a bank, in a special account. Regarding the items, an order for their sell out shall be issued, while those which have a scientific or artistic value shall be

transferred to the relevant institutions.

2. The sale may be ordered also before the time period indicated in paragraph 1, when the items may not be preserved without incurring the risk of being perished or with considerable expenses.
3. The amounts raised as a result of the sale shall be deposited in a special bank account.

Article 220
Expenses related to sequestered items

1. Expenses needed for maintaining sequestered items, shall be covered by the state, which shall have priority over any other creditor towards the amounts deposited from the non-returned items and values.

SECTION IV
INTERCEPTIONS
(Title amended by Law no. 9187, dated 12.2.2004)

Article 221
Limits of authorisation
(amended by law no.8813, dated 13/06/2002, no.9187, dated 12/02/2004, changed letter "b" of point one and two, added letter "c" in point one by law no.35/2017, dated 30/03/2017, article 117)

1. Interception of communications of a person or of a telephone number, by means of telephone, fax, computer or any other kind of means, the secret interception by technical means of conversations in private place, the interception by audio and video in private places and the recording of incoming and outgoing telephone numbers, shall be allowed only where there is a proceeding:

a) for crimes committed by intent, punishable by not less than seven years' imprisonment, in the maximum term;
b) for each intentional criminal offence, if committed by telecommunication means or with the use of information or telematics technology.
c) for criminal offences referred to in letter "a", of paragraph 1, of Article 75/a, of this Code;

2. The secret photographic, film or video recording of persons in public places or the use of tracing means of the location is allowed only for the intentional criminal offences, punishable by not less than three years' imprisonment, in the maximum term.
3. An interception may be ordered against:

a) a suspect for a criminal offence;
b) a person who is believed receiving or transmitting communications to the suspect person;
c) a person who takes part in transactions with the suspect;
ç) a person whose surveillance may lead to the discovery of the location or the suspect identity.

4. The result of the interception is valid towards all persons involved in the communication.

5. Preventive interceptions shall be regulated by special law. The results of preventive interceptions cannot be used as evidence.

Article 222

Decision for authorisation of interception

(amended by law no.8813, dated 13/06/2002, no.9187, dated 12/02/2004, article 3; amended by law no.35/2017, dated 30/03/2017, article 118)

1. Upon the request of the prosecutor, in the instances conceded in paragraph 1 of Article 221, the court shall authorise the interception upon a grounded decision, as long as it is indispensable for continuing with the initiated investigation and where a reasonable doubt exists against the person and based on evidence that he has committed a criminal offence.
2. When there are reasonable grounds to believe that the delay may bring a serious damage to investigations and the conditions of paragraph 1 of this article, are met, the prosecutor shall establish the interception, by a reasoned act, and shall inform the court immediately, but not later than twenty-four hours of the decision taken. When the validation is not done within the due time limit, the interception cannot continue and its outcome cannot be used.
3. If any of the two persons to be intercepted is available to carry out and register the relevant action, pursuant to the agreement with the judicial police officer, such action can be carried out upon authorised by the prosecutor.
4. In the cases provided for in paragraphs 1, 2 and 3, of this article, the court shall rule by reasoned decision in closed session within 24 hours of the submission of the prosecutor's request. Against the decision for the rejection of the interception's request, a special appeal may be lodged with the court of appeal within 24 hours. The appeal court shall decide within 48 hours of the receipt of acts. Submission of the request for the validation of interception does not result in its suspension.
5. The interception decision shall indicate the method and time limit for their execution, which cannot exceed fifteen days. Such time limit can be extended by the court for a period of 15 days, upon the reasoned request of the prosecutor, whenever it is necessary, provided that conditions provided for in paragraph 1 of this Article exist and the outcome of the interception dictate the need for extending the time period.
6. In the court decision on the secret photographic or video interception or on the interception of conversations in private locations, the judicial police officer or the qualified specialist may be authorised to access these locations secretly, acting in accordance with the decision. This authorisation shall be implemented within 15 days.
7. Any acts ordering, authorising, validating or extending interceptions, as well as the initiation or ending of any interception action shall be indicated in the register kept at the prosecution office.
8. In the cases referred to in Article 221, paragraph 2, the action is authorised by the prosecutor.

Article 222/a

Appeal against the decision authorising the interception

(Added by law no.9187, dated 12/02/2004, article 4; changed point two by law no.35/2017, dated 30/03/2017, article 119)

1. An appeal may be made against a decision authorising an interception within ten days from the date the interested party learns about the interception, on the grounds of violation of the criteria referred to in Article 221.
2. The appeal shall be examined in closed session by the court of appeal. If the appeal is found grounded, the appeal court shall revoke the decision authorising the interception and order to erase all materials obtained through the interception.

Article 223

Actions of interception

(changed point one by law no.8813, dated 13/06/2002; added paragraph 1/1 by law no.9187, dated 12/02/2004, article 4; changed point one by law no.35/2017, dated 30/03/2017, article 119)

1. The interception actions may be performed only through equipment installed in designed locations, authorised and controlled by the prosecutor. The interception and the transcript minutes shall be done by the judicial police officers, under the direction and supervision of the prosecutor of the case.
   1/1. If any of the interception requirements no longer exists, the judicial police officer shall immediately notify the prosecutor, who shall order the interruption of the interception and inform the court, if the interception order has been issued by it.
2. Intercepted communications shall be recorded and minutes shall be kept for all actions carried out. The minutes shall include transcription of the contents of intercepted communications.
3. The minutes and the recordings shall be immediately handed over to the prosecutor and within five days of the conclusion of the actions, they shall be submitted to the secretary alongside with the rulings which have ordered, authorised, validated and extended the interception. When such submission may impair the investigations, the court shall authorise the prosecutor to postpone the submission until the conclusion of the preliminary investigations.
4. Defence lawyers or representatives of the parties shall immediately be informed on the submission with the secretary and on their right to examine the documents and to listen to the recordings. The court, after hearing the prosecutor and the defence lawyers, shall decide to remove the recording and minutes, whose use is prohibited.
5. The court shall order the full transcription of the recordings that need to be obtained. Such transcriptions shall be inserted in the judicial file. Defence lawyers can make copies of the transcriptions.

Article 224

Custody of documents

(added point two by law no.9187, dated 12/02/2004, article 6)

1. Minutes and recordings shall be kept under the custody of the prosecution office which has ordered the interception until the decision becomes final, except for those of which use is prohibited. But, when these documents are not necessary, the interested persons may request their destruction. The court which has made the interception validation shall decide on such request. The destruction shall be made under the control of the judge and for the action performed minutes shall be kept.
2. When the prosecutor decides to terminate the case, he shall inform the court in writing on

this decision. The court shall decide for destroying the minutes and recording within the time designated by it and inform the intercepted person. Upon the request of the prosecutor, such notification may not be served if there is a danger to the life or health of others or when a commenced investigation is endangered.

Article 225
Use of interception results in other proceedings
(amended by law no.8813, dated 13/06/2002)

1. Interception results may be used in other proceedings only if they are indispensable for the investigation of crimes. In these cases, the minutes and recordings of the interception shall be filed with the other proceeding authority.

Article 226
Prohibition of use

1. The interception results may not be used when they are made outside of the cases permitted by law or if the provisions of this section have not been observed.
2. Interception of conversations or communications of those who are obliged to keep the secrecy because of their profession or duty may not be used, except when such persons have already testified on the same facts or have disclosed such information in any other way.
3. The court shall order the destruction of the documents of interceptions which are prohibited to be used, except when they constitute material evidence.

TITLE V
PRECAUTIONARY MEASURES

CHAPTER I
PERSONAL PRECAUTIONARY MEASURES

SECTION I
GENERAL PROVISIONS

Article 227
Classification of personal precautionary measures

1. Personal precautionary measures are classified in coercive and interdicted measures.

Article 228
Requirements for the application of personal precautionary measures
(removed conjunction and added words in point two and added words and punctuation in letter "a" in point three by law no.35/2017, dated 30/03/2017, article 121)

1. No one may be subjected to personal precautionary measures unless there exists a reasonable suspect against him, based on evidence.

2. No measure can be applied if there are reasons for impunity or extinction of the criminal offence or of the penalty.
3. Personal precautionary measures shall be adopted:

a) when important reasons exist that put in danger the obtainment or the authenticity of evidence, based on factual circumstances that must be expressly set out in the reasoning of the decision;
b) when the defendant has fled or there is a risk that he might do so;
c) when, by reason of the particular circumstances of the fact and of the defendant's character, there exists the risk that he would commit serious criminal offences similar to the one he is being prosecuted for.

Article 229
Criteria for establishing personal precautionary measures
(added words in point three by law no.35/2017, dated 30/03/2017, article 122)

1. In establishing any precautionary measures, the court shall consider the suitability of each of them with the level of precautionary needs in the actual case.
2. Each measure must be proportionate to the seriousness of the facts and to the sanction foreseen for the concrete criminal offence. The continuity, repetition and as well as mitigating or aggravating circumstances provided for by the Criminal Code shall also be considered. A pre-trial detention measure cannot be ordered if the court deems that, for the crime committed, a conditional sentence could be issued.
3. If the defendant is a minor, the court shall consider his/her highest interest and the request for an uninterrupted concrete educational process.

Article 230
Special criteria for establishing the pre-trial detention
(changed words in point two by law no.35/2017, dated 30/03/2017, article 123)

1. Pre-trial detention may be ordered only when all other measures are found inadequate because of the particular danger of the criminal offence and of the defendant.
2. Pre-trial detention cannot be ordered against a woman who is pregnant or has a child under the age of 3 years living with her, a person being in a particularly serious health state or who is older than seventy years or a drug-addicted or alcoholic person, who is undergoing a therapeutic programme by a special institution.
3. In the cases referred to in paragraph 2, pre-trial detention may be ordered only where there are reasons of a special importance and for crimes, which are punishable not less than ten years' imprisonment in the maximum term.
4. Minors accused of a criminal misdemeanour may not be arrested.

Article 231
Replacement or joining of personal precautionary measures

1. In case of breach of the obligations concerning a precautionary measure, the court may order its replacement or joining with another more severe precautionary measure, considering the

seriousness, reasons and circumstances of the breach. For the breach of obligations related to an interdicted measure, the court may decide its replacement or joining with a coercive measure.

SECTION II
COERCIVE MEASURES

Article 232
Types of coercive measures

1. Coercive measures are:

a) prohibition to expatriate;
b) duty to appear at the judicial police;
c) prohibition and duty to reside in a certain place
ç) bail;
d) house arrest;
dh) precautionary detention in prison;
e) temporary hospitalisation in a psychiatric hospital.

Article 233
Prohibition to expatriate

1. By a decision prohibiting to leave the country the judge shall order the defendant not to leave the Albanian territory without his/her authorization.
2. The court shall establish the necessary duties to ensure the enforcement of the decision and prevent the use of a passport and any other identifying documents valid for expatriation.

Article 234
Duty to appear at the judicial police

1. By a decision to appear before the judicial police, the court shall order the defendant to appear to a designated judicial police office.
2. The court shall determine the days and hours for appearance, taking into account the job and residence of the defendant.

Article 235
Prohibition and obligation to reside in a certain place
(removed words by law no.35/2017, dated 30/03/2017, article 124)

1. By a decision prohibiting to reside, the court shall order the defendant not to reside in a certain place and not to go there without its authorization.
2. By a decision ordering the obligation to reside, the court shall order the defendant not to leave the municipality territory where he usually resides without its authorization. When, due to the character of the defendant or the landscape conditions, residing in such location does not

satisfy the security needs, the obligation to reside another municipality territory may be ordered to.

3. When ordering the obligation to reside, the court shall also indicate the police authority where the defendant must appear without delay and declare the location where he will elect his/her residence. The court may order the defendant to declare to police authorities, the timing and places where he may be found each day.
4. Police authority shall be informed on court orders in order to supervise their observance and to report to the prosecutor any breach.

Article 236

Bail

(amended by law no.8813, dated 13/06/2002, by law no.35/2017, dated 30/03/2017, article 125)

1. When the precautionary measure of pre-trial detention or house arrest has been established because of an escape risk, the court may decide its replacement, ordering the release of the person, if a bail has been offered by the person himself or another person to guarantee that he/she will not escape until the conclusion of the proceedings.
2. The court shall accept the bail at the conditions set out in the above paragraph even if the precautionary measure of pre-trial detention or house arrest has to be imposed to the person due to the existence of a risk of escape, thus allowing him to be in free state.
3. The bail amount shall be determined by the court after hearing the opinion of the parties, based on the real securing needs, the personal and familiar conditions of the defendant, as well as on his/her financial situation.
4. When accepting the bail request, the court shall determine the amount to be deposited and the time within which the deposit should be done and, if deemed appropriate, it shall impose also one of the coercive measures provided for in letters “a”, “b” and “c” of Article 232 of this Code. The defendant shall be held under the precautionary measures of pre-trial detention or house arrest until the bail amount is deposited. The prosecutor shall be notified immediately on the depositing.
5. Immediately after the depositing notice and, in any case no later than 24 hours of the notification for the depositing of the bail amount, the prosecutor shall verify the relevant documentation, ordering as appropriate the immediate release of the defendant or confirming the precautionary measure of pre-trial detention or house arrest.
6. If the defendant infringes the bail conditions, the court shall order the confiscation of the amount deposited as bail and establish the precautionary measure of pre-trial detention.

Article 237

House arrest

(changed point two by law no.35/2017, dated 30/03/2017, article 126)

1. By the decision of house arrest, the court shall order the defendant not to leave his/her residence or a certain location where he is domiciled, is being cured or taken care of.
2. When ordering this measure, the court establishes also the procedure for its execution and supervision,
3. The prosecutor and the judicial police shall supervise the observance of the orders issued to the defendant.

4. The duration of the house arrest shall be subject to the rules applicable to the precautionary detention in prison.
5. The period of stay under house arrest shall be calculated as part of the imposed sentence.

Article 238
Precautionary detention in prison

1. By a decision for the precautionary detention in prison, the court shall order the judicial police to get the defendant and immediately bring him to the precautionary detention premises to be held at the disposal of the proceeding authority.
2. The period of precautionary detention in prison shall be calculated as part of the imposed sentence.

Article 239
Temporary accommodation in a psychiatric institution
(added point three by law no.35/2017, dated 30/03/2017, article 127)

1. When the person who must be arrested is mentally ill and by this reason his capacity to understand or express his/her will is totally lost or diminished, the court, in lieu of the precautionary detention in prison, may order his/her temporary accommodation in a psychiatric institution, establishing the necessary measures to prevent his/her escape.
2. Hospitalisation may not continue when it results that the defendant is no longer mentally ill.
3. Provisions of paragraph 2, of Article 238 of this Code shall apply.

SECTION III
INTERDICTIVE MEASURES

Article 240
Types of interdicted measures

1. Interdicted measures are the following:

a) the suspension from exercising a public duty or service;
b) the temporary prohibition to practice certain professional or business activities.

Article 241
Conditions for the application of interdicted measures

1. Interdicted measures may only be applied in proceedings concerning criminal offences punishable by law by more than one year imprisonment, in the maximum term.

Article 242
Suspension from carrying out a public duty or service

1. By a decision ruling the suspension from carrying out a public duty or service, the court shall impose to the defendant the total or partial prohibition to conduct activities related to such duties or services.
2. Such precautionary measure shall not apply to persons elected pursuant to the electoral law.

Article 243

Temporary prohibition of carrying out certain professional or business activities

1. By the ruling disposing of the prohibition to carry out certain professions or managing duties in legal entities, the court shall totally or partially prohibit the defendant temporarily, to carry out activities connected to them.

CHAPTER II

ISSUANCE AND ENFORCEMENT OF PRECAUTIONARY MEASURES

Article 244

Request for application of a precautionary measure

(added point three by law no.8813, dated 13/06/2002; added words in point one by law no. 35/2017, dated 30/03/2017, article 128)

1. Precautionary measures shall be ordered upon request of the prosecutor who presents to the competent court the reasons supporting his/her request. The decision shall be taken in closed session and issued in reasoned form.
2. Even if the court declares its lack of competence for any reason, in case the conditions and urgent need for the adoption of a precautionary measure exist, the court shall order the adoption of such precautionary measure and transfer the acts to the competent court.
3. The court cannot establish a precautionary measure that is more severe than the one requested by the prosecutor.

Article 245

Court decision

(changed words and punctuation and added letter "ç" in point one, letter "ç" becomes letter "d" and letter "d" becomes letter "dh", added point two by law no.35/2017, dated 30/03/2017, article 129)

1. The decision establishing a precautionary measure shall contain, under penalty of invalidity:

a) the personal data of the person subject to the precautionary measure or anything else suitable to identify him and, where possible, indication of the place where he is;
b) a summary description of the facts, indicating the legal provisions considered as violated;
c) presentation of the specific reasons and data legitimating the precautionary measure;
ç) presentation of the reasons for not accepting defense claims and, in case any of the coercive precautionary measures referred to in Articles 237, 238 and 239 of this Code has been adopted, presentation of the reasons for deeming inadequate the other precautionary measures;

d) determination of the measure duration, when it has been ordered to ensure the collection or the securing of evidence;
dh) the date and signature of the presiding judge, those of the assisting secretary and the seal of the court.

2. Where the criminal offence has been committed by two or more persons, the court shall rule by the same decision, providing reasons for the conditions and criteria for each of them.

Article 246
Enforcement of the precautionary measures
(changed point two and six by law no.8813, dated 13/06/2002; changed sentences and added the second sentence in point one, changed point six by law no.35/2017, dated 30/03/2017, article 130)

1. The police officer or agent entrusted with the execution of an arrest decision shall deliver copy of the relevant decision to the person subject to such measure and shall promptly inform him on the letter of rights, pursuant to paragraph 2, of Article 34/b of this Code. The judicial police shall keep minutes for all actions performed. Such minutes shall be then sent to the court which has issued the decision and to the prosecutor.
2. In case there is a doubt on the authenticity of the decision ordering the precautionary measure or the real identity of the person subject to such measure, the responsible judicial police officers and agents shall not execute it.
3. Decisions on other precautionary measures are notified to the defendant by the court.
4. After their notification or execution, decisions are filed with the secretary of the court, which has issued them. Defence lawyers are also notified on the filing.
5. A copy of the decision establishing an interdictive measure is sent to the authority that is competent to decide on the establishment of such a measure in the regular cases.
6. Every two months starting from the execution of an arrest decision, the prosecutor shall inform in writing the court establishing the precautionary measure on the conducted investigation activity and the security needs. The information shall contain data on the status of the proceedings, on the questioning of the defendant and other persons, a description of the information obtained and shall be accompanied by copies of the file's acts. If the prosecutor fails to provide information in due time, the court shall verify the security needs upon request of the defendant or *ex officio*. The court, after hearing the parties, decides to continue the application of, or to replace or revoke the precautionary measure. Provisions of Articles 248 and 249 of this Code shall apply.

Article 247
Search of the person who cannot be found
(added paragraph 3/1 and 3/2 by law no.35/2017, dated 30/03/2017, article 131)

1. When the person against whom a measure has been issued is not found, the judicial police officer or agent shall keep minutes to indicate the searches conducted and shall send it to the court that has issued the decision.
2. When the court believes that the searches are complete, declares the person escaped.

3. With the act declaring the person escaped, the court assigns a defense lawyer to the escaped person and orders that a copy of the decision applying the enforced measure, be filed with the secretary.
   3/1. Escaped person shall be considered whoever, despite being aware, voluntarily avoids the execution of the precautionary measures referred to in Articles 233, 235, 237 and 238 of this Code, or of the imprisonment sentence.
   3/2. The procedural consequences of the escape shall operate only within the proceedings wherein it has been declared. The escape state shall be preserved until the precautionary measure has been enforced, revoked or has lost its effects, or when the criminal offence or penalty for which such measure was adopted has been extinguished.
4. The person leaving the place where he is being held under custody, shall be considered equal, for all purposes, to the escaped person.
5. To facilitate the search of the escaped person, the court may order the interception of telephone conversations and other forms of communication.

Article 248

Questioning of the arrested person

(added a sentence in point one, added point four and six, changed point two, point 4 is renumbered to point five by law no.35/2017, dated 30/03/2017, article 132)

1. Not later than three days of the execution of the measure, the court shall question the person held in house arrest or pre-trial detention. The court shall proceed with the questioning within five days of the execution of the measure in case of other coercive or interdicted precautionary measures. The defence is entitled to be informed on the acts and obtain copies thereof.
2. The court shall, by way of questioning, verify the requirements and criteria for the application of the measure and the security needs provided for in Articles 228, 229 and 230 of this Code. If these conditions do not exist, the court decides to revoke or replace the measure. Otherwise, the court decides the continuation of its application. The court shall deposit its reasoned decision within 48 hours.
3. During the questioning of the arrested person, the prosecutor and defense lawyer shall take part, notified by the court secretary.
4. In the course of the judicial trial, the parties shall be entitled to submit evidence, except testimony evidence.
5. When the questioning of the arrested person must be made in the court of another district, the court shall ask that the questioning be made by a judge of such other court.
6. The prosecutor may not question the arrested person before the court has proceeded pursuant to paragraph 1 of this Article.

Article 249

Appeals against security measures

(paragraphs one, three, five nine amended by law no. 8813, dated 13/06/2002; paragraph one amended, paragraph 1/1 added, words amended, deleted and added in paragraph three, words amended and added in paragraphs five, nine, ten, second sentence added in paragraph six and words added in paragraph eight by law no.35/2017, dated 30/03/2017; phrase added in paragraph one by law no.41/2021, dated 23/03/2021)

1. Against the court decision for the imposition of the security measure, non-acceptance or rejection of it, according to article 244 of this Code, an appeal is allowed within five days from the notification of the court decision.
   1/1. Against the court decision for the continuation, revocation or replacement of the security measure, according to article 248 of this Code, the prosecutor, the defendant and his defense counsel may file an appeal within five days.
2. For the fugitive defendant, the time limit starts from the date of notification made according to article 141.
3. The appeal is filed with the registry of the court that has issued the decision, which is obliged, within 3 days from the completion of the notifications, to submit the files to the court that will review the appeal.
4. The scheduled date for the hearing is notified to the prosecutor, the defendant and his defense counsel at least three days in advance.
5. The appeal is reviewed within 10 days from the receipt of the files.
6. The court decides, as the case may be, the annulment, modification or approval of the decision, even for reasons different from those presented or those stated in the reasoning part of the decision. The court files the reasoned decision within 10 days.
7. When the decision is not announced or not executed within the set deadline, the act on which the coercive measure is based loses its effect.
8. Against the decision of the court of appeal, an appeal for violation of the law may be filed with the High Court, within its jurisdiction.
9. After six months from the execution of the arrest decision, the defendant and his defense counsel may file an appeal with the court of appeal regarding the duration of the pre-trial detention.
10. The court of appeal decides within fifteen days from the receipt of the files.

Article 250
Calculation of time limits for the duration of measures

1. The effects of the precautionary detention in prison shall start to run from the moment of the arrest or detention.
2. If the defendant is held in pre-trial detention for another criminal offence, the effects of the measure shall start to run from the day on which the decision is notified.
3. The effects of the other measures shall start to run from the moment in which the decision is notified.
4. When against a defendant more decisions have been issued which establish the same measure for the same fact, the time limits shall start to run from the day on which the first decision has been executed or notified.

CHAPTER III
ARREST IN *FLAGRANTE DELICTO* AND DETENTION

Article 251
Arrest in *flagrante delicto*

1. Judicial police officers and agents shall arrest on a mandatory basis whoever is caught in *flagrante delicto* committing or attempting to commit a crime with intent, punishable by law by not less than five years' imprisonment in the maximum term.
2. Judicial police officers and agents shall be entitled to arrest whomever is caught in *flagrante delicto* committing or attempting to commit a crime with intent, punishable by law not less than two years' imprisonment as a maximum term or committing a criminal offence by negligence punishable by law not less than ten years' imprisonment as a maximum term.
3. In case of necessity, due to the importance of the fact or danger posed by the offender, substantiated by a separate document, judicial police officers and agents shall be entitled to arrest anyone in flagrante delicto, even if the requirements under paragraph 2 are not met.
4. In the cases provided for under paragraph 1, any person is authorised to arrest in *flagrante delicto* for crimes subject to prosecution *ex officio*. The person who has carried out the arrest shall immediately deliver the arrested to the judicial police, who shall keep the delivery minutes and provide a copy thereof.

Article 252
State of *flagrante delicto*

1. A person shall be considered in a state of *flagrante delicto* when caught in the act of committing a criminal offence or who immediately after committing the offence is chased by the judicial police, the injured person or other persons or who is caught with items and evidence from which it is appears that he has committed the criminal offence.

Article 253
Detention of the suspect of a crime
(changed words in point one by law no.35/2017, dated 30/03/2017, article 134)

1. When founded reasons exist to believe that there is a risk of escape, the prosecutor shall order the detention of the person suspected of having committed a crime, punishable by law by not less than four years' imprisonment, in the maximum term.
2. The judicial police shall perform the detention *ex officio*, in cases where, due to urgency reasons, it is not possible to wait for the prosecutor's order.

Article 254
Prohibition of arrest or detention under certain circumstances

1. No arrest or detention shall be allowed if according to the circumstances of the fact it appears that the action was carried out during the execution a duty or the exercise of a legitimate right or an impunity reason exists.

Article 255
Duties of the judicial police in case of arrest or detention
(changed point one by law no.8813, dated 13/06/2002; added sentence in point one and words in point four, added point three and changed point two by law no.35/2017, dated 30/03/2017, article 135)

1. The judicial police officers and agents who performed the arrest or detention or had the arrested person delivered into their custody must promptly inform the prosecution office of the place where the arrest or detention was carried out. They shall immediately inform the arrested or detained person that he/she is not obliged to make statements and if he/she decides to speak, everything he/she might say, shall be used against him/her in trial. The judicial police officers and agents shall inform the detained or arrested person of the right to choose a defence lawyer and shall then promptly notify the retained lawyer or, as appropriate, the one appointed by the prosecutor. The date, hour and the name of judicial officer that carried out the arrest or detention shall be noted in the minutes.
2. The judicial police officers and agents shall immediately place the arrested or detained person in the availability of the prosecutor, in the precautionary detention premises, as soon as possible, by sending the relevant minutes.
3. When the arrested or detained person is ill or a minor, the prosecutor may order that he is kept under custody at his/her house or in another surveyed place. If the letter of rights has not been provided to the arrested or detained person yet, he/she shall receive it immediately upon arrival at the pre-detention premises. If the arrested or detained person cannot read, one of the persons present shall read to him/her the letter of rights. This fact shall be recorded in the minutes and a signature shall be affixed.
4. Judicial police, with the consent of the arrested or detained person, shall promptly notify their family members. In cases when the arrested or detained person is a minor, the parent or legal guardian shall be notified, and the provisions of the code for minors shall apply.

Article 256

Questioning of the arrested or detained person

(added point two and three by law no.35/2017, dated 30/03/2017, article 165)

1. The prosecutor shall question the arrested or detained person in the presence of his/her retained or *ex officio* - appointed defense lawyer. He shall inform the arrested or detained person on the facts he is being prosecuted for and the reasons for his questioning, indicating any information against him/her and, when this does not compromise the investigations, also the sources [of such information].
2. The prosecutor shall firstly ask the arrested or detained person whether he/she has been provided with the letter of rights and shall ensure that they have understood their rights. When the arrested or detained person has not been provided with the letter of rights, the prosecutor shall provide them with it prior to their first questioning and shall explain their rights.
3. Statements made by the arrested or detained person prior to receiving their letter of rights or prior to meeting with their defense lawyer, cannot be used.

Article 257

Cases of immediate release of the arrested or detained person

1. When it clearly appears that the arrest or detention was performed because of a mistake concerning a person's identity or in infringement of the law requirements or when the arrest

or detention order have already lost their effect due to expiry of the time limit for the request of court validation, the prosecutor shall order, by reasoned decision, that the arrested or detained person be immediately released. In such cases, the release shall also be ordered by the judicial police officer, who immediately notifies the prosecutor of the place where the arrest or detention took place.

Article 258
Request for the validation of the arrest or detention
(changed point one by law no.8813, dated 13/06/2002)

1. When not ordering the immediate release, the prosecutor, no later than forty-eight hours of the arrest or detention, shall request the validation of the precautionary measure to the court of the place where the arrest or detention was carried out. Failure to comply with such time limit shall result in the invalidity of the arrest or detention.
2. The court shall schedule the validation hearing as soon as possible and shall notify the prosecutor and the defense lawyer.

Article 259
Validation hearing
(added a sentence at the end of point two, changed point three and changed words in point five by law no.8813, dated 13/06/2002; added sentences in the end of point two, changed point three and second sentence in point four by law no.35/2017, dated 30/03/2017, article 137)

1. The validation hearing shall be conducted with the necessary presence of the prosecutor and defense lawyer. When the retained lawyer or the ex officio - appointed defense lawyer has not been found or has not appeared, the court shall appoint a substitute defence lawyer.
2. The prosecutor shall indicate the grounds for the arrest or detention. The court then hears the arrested or detained person and his/her defense lawyer, or only the latter, if the arrested or detained person has refused to appear. Evidence obtained in such hearing shall be considered as obtained during the trial, but, upon request of the parties, it may be subject to trial hearing, during the examination of the merits of the case.
3. When it appears that the arrest or detention has been carried out illegally, the court shall issue a decision on its validation. When there is a request by the prosecutor, the court shall assign a precautionary measure. An appeal may be filed against the decision of the court pursuant to article 249 of this Code.
4. When the arrest or detention has not been lawfully conducted, the court shall order the immediate release of the arrested or detained person. An appeal may be filed by the prosecutor against such decision pursuant to article 249 of this Code.
5. The arrest or detention shall lose its effect, if the court decision for the validation is announced within forty-eight hours of the submission of the prosecutor's request to the court.

CHAPTER IV
REVOCATION, REPLACEMENT AND EXTINCTION OF PRECAUTIONARY MEASURES
(change of the title of the chapter by law no.35/2017, dated 30/03/2017, article 138)

Article 260

Revocation, replacement and joining of precautionary measures

(changed the title and point three and four by law no.35/2017, dated 30/03/2017, article 139)

1. Precautionary measures shall be immediately revoked if it results that the requirements and criteria for their application do not exist.
2. If he security needs are mitigated or when the implemented measure is no longer respondent to the seriousness of the facts or to the sentence that might be issued, the court shall replace the measure with a less severe one.
3. If the security needs increase or the person infringes the obligations related to the precautionary measure, the Court, upon request of the prosecutor, may replace it with a more severe measure or order an additional coercive or interdictive precautionary measure. If obligations related to an interdictive measure are violated, the court may replace it with a coercive measure or impose an additional interdictive measure.
4. The request of the prosecutor or defendant for the revocation, replacement or joining of precautionary measures is adjudicated by the court where the acts were submitted, within five days of their filing. When appropriate, the court shall decide also ex officio on the revocation or replacement of the precautionary measure, during the questioning of the arrested person, pursuant to Article 248 of this Code, and in the cases referred to in paragraph 6 of Article 246, during the hearing for the pre-trial admission of evidence, the preliminary hearing or the trial hearing.

Article 261

Extinction of precautionary measures

(changed letter "ç" in point one, point three is renumbered to four, and the added number four is numbered three pika 3 by law no.35/2017, dated 30/03/2017, article 140)

1. Precautionary measures cease their effect:

a) when, for the same act and against the same person, the case has been dismissed or a decision of acquittal has been issued;
b) when the sentence is declared extinct or suspended on condition;
c) when the period served in precautionary detention in prison is longer than the sentence issued;
ç) when after the expiry of the time limit provided for under letter "d", of paragraph 1, of Article 245, of this Code, a repetition has not been ordered within the limits provided for under Articles 264 and 267.

2. Precautionary detention in prison that is ordered during preliminary investigations shall cease its effects if the court does not proceed with the questioning within the time limit provided for under Article 248.
3. The request for the extinction of the precautionary measure shall be presented together with relevant documents to the court where the acts are, at the moment the request is filed. The court shall decide on the request within 48 hours, after notifying the parties. Failure of the parties to appear, without any founded reason, shall not prevent the court from taking a

decision in their absence. Time limits for decision reasoning and appeal, shall be subject to the rules set out under articles 248 and 249 of this Code.

4. Extinction of the precautionary measures does not prevent the court or any other authority to exercise the rights attributed to them by the law for the enforcement of the supplementary punishments or of the other interdictive measures.

Article 262
Consequences of the extinction of precautionary measures

1. When a precautionary detention measure ceases to have effects, the court shall order the immediate release of the person subject to such measure.
2. In cases when other precautionary measures cease to have effect, the court shall decide their immediate removal.

Article 263
Time limits for the precautionary detention in prison
(amended by law no.8570, dated 20/01/2000; added point seven and eight by law no.8813, dated 13/06/2002; changed words in letter "c" of point one, two and three and letter "b" of point six amended by law no.35/2017, dated 30/03/2017, article 141)

1. Precautionary detention in prison ceases to have effect, if from the beginning of its execution, the following time limits have lapsed without the acts being filed to court:

a) three months, when proceeding for criminal contraventions;
b) six months, when proceeding for crimes punishable by up to ten years' imprisonment, in the maximum term;
c) twelve months, when proceeding for crimes punishable by not less than ten years' imprisonment, in the maximum term, or with life imprisonment.

2. Precautionary detention in prison ceases to have effect, if from the date of submission of the documents to court, the following time limits have lapsed without a conviction decision being issued in the first instance:

a) two months when proceeding for criminal contraventions;
b) nine months, when proceeding for crimes punishable by up to ten years' imprisonment, in the maximum term;
c) twelve months, when proceeding for crimes punishable by not less than ten years' imprisonment, in the maximum term, or with life imprisonment.

3. Precautionary detention in prison ceases to have effect, if from the date of issue of the sentence in the first instance, the following time limits have lapsed, without a decision being issued in the court of appeal:

a) two months, when proceeding for criminal contraventions;
b) six months, when proceeding for crimes punishable by up to ten years' imprisonment, in the maximum term;

c) nine months, when proceeding for crimes punishable not less than ten years' imprisonment, in the maximum term, or life imprisonment.

4. In case where the decision is quashed by the High Court and the case is returned to the court of first instance or court of appeal and also when the decision is quashed by the court of appeal and returned to the court of first instance, time limits provided for each instance of the proceedings start to run again from the day of issuance of the decision of the High Court or the court of appeal.
5. In case where the defendant under precautionary detention in prison escapes, time limits start to run again from the moment he is placed in detention in prison again.
6. The entire time period for the precautionary detention in prison, taking also into account the extension provided for under Article 264, paragraph 2, shall not exceed the following time limits:

a) ten months, when proceeding for criminal contraventions;
b) two years, when proceeding for crimes punishable by up to ten years' imprisonment, in the maximum term;
c) three years, when proceeding for crimes punishable by not less than ten years' imprisonment, in the maximum term, or life imprisonment.

7. When at the end of the time limit for the precautionary detention in prison, the prosecutor notified to the defendant a new charge, which provides for longer precautionary detention time limits, he/she asks the court to assign a new time limit for the precautionary detention in prison. The court shall decide in judicial hearing, after hearing the parties.
8. When the new charge relates to a new fact, which was unknown at the beginning of the proceedings, the court shall assign a new time limit, which starts to run from the beginning, whereas in cases where only the legal qualification of the offence changes, the court shall apply the precautionary measure, and the time limit shall start to run at the same moment of the previous precautionary measure.

Article 264
Extension of pre-trial detention
(Paragraph two amended by law no.8570, dated 20/01/2000; the last sentence of paragraph 1 amended by law no.41/2021, dated 23/03/2021)

1. At any stage and level of the proceedings, when the mental state expertise of the defendant has been ordered, the terms of pre-trial detention are extended for the time set for the completion of the expertise. The extension is decided by the court, upon the request of the prosecutor, after hearing the defense counsel. The decision may be appealed to the court of appeal.
2. During the preliminary investigations, the prosecutor may request the extension of the pre-trial detention terms, which are about to expire, when important security needs exist and particularly complex verifications make this extension necessary. The court, after hearing the prosecutor and the defense counsel, takes a decision. The extension may be made only once and may not exceed three months.

3. The duration of pre-trial detention may not exceed half of the maximum punishment provided for the criminal offense being prosecuted.

Article 265

Suspension of time limits for the precautionary detention in prison

(amended by law no.8570, dated 20/01/2000)

1. Time limits provided for under article 263 may be suspended by a court decision subject to appeal:

a) for the time the judicial hearing is suspended or postponed because of the unjust acts or requests of the defendant or his defense lawyer, except in cases where the request is made to obtain evidence;
b) for the time the judicial hearing is suspended or postponed by reason of the non-appearance or withdrawal of one or more defense lawyers, who leave one or more defendants without legal assistance.

Article 266

Decisions in case of release from prison

1. When the defendant has been released from prison because of the expiry of the time limits, the court, if the reasons under which the precautionary detention in prison was ordered still exist, shall establish another precautionary measure, provided the required conditions exist.
2. Precautionary detention in prison, when necessary, may be renewed:

a) when the defendant has intentionally breached the orders issued relating to a precautionary measure adopted pursuant to paragraph 1, but always when the security needs exist.
b) with the conviction decision, when the security needs provided for under Article 228, paragraph 3, exist.

3. With the renewal of the precautionary detention in prison, the time limits start to run again but, for the purposes of the calculation of the total precautionary detention period, the time served under the previous precautionary detention measure is also taken into account.
4. The judicial police officers and agents may arrest a defendant who has escaped, infringing the orders related to a precautionary measure issued pursuant to paragraph 1 of this article. Provisions on the detention of a suspect for committing a criminal offence shall be apply, *mutatis mutandis*.

Article 267

Maximum time limits for other precautionary measures

1. Coercive measures other than precautionary detention in prison shall cease to have effect, when a period corresponding to twice the length of the time limits provided for under article 263 has lapsed, from the time of their execution.
2. Interdictive measures cease to have effect, when three months have lapsed since they started to be executed. When they have been issued to preserve the evidence, the court may order their renewal up to the limits provided by paragraph 1.

CHAPTER V
COMPENSATION FOR UNJUST IMPRISONMENT

Article 268
Requirements for application

1. Whoever is declared innocent by a final decision is entitled to compensation for the precautionary detention served in prison, except in the cases when it is proven that the wrongful decision or failure to discover the unknown fact in due time, is caused, wholly or in part, by the person himself.
2. The same right belongs to a convicted person, who has been placed in precautionary detention in prison, when it is proven by a final decision that the act by which the precautionary measure was established, has been issued in absence of the requirements provided for by Articles 228 and 229.
3. Provisions of paragraphs 1 and 2 shall also apply in favour of the persons whose cases have been dismissed by the court or the prosecutor.
4. When it is proven by a court decision that the act is not provided under the law as a criminal offence, due to the abrogation of the relative provision, the right of compensation is not recognized for the part of precautionary detention in prison served before the abrogation.

Article 269
Request for compensation

1. The request for compensation must be submitted, under penalty of inadmissibility, within three years of the day in which the judgment of acquittal or dismissal has become final.
2. The compensation amount, the method for its calculation, and the cases of house arrest compensation, are established by special law.

CHAPTER VI
PROPERTY PRECAUTIONARY MEASURES

SECTION I
PROPERTY SEQUESTRATION ORDER

Article 270
Conditions and effects of the order

1. When there are founded reasons to believe that there no guarantees exist for the payment of a fine sentence, of the proceedings expenses and of any other obligation to the State property, the prosecutor shall request the conservative sequestration of the defendant's movable or immovable assets, or of the sums of money or items that others owe him, within the limits allowed by the law for their sequestration.
2. The plaintiff may request the conservative sequestration of the property of the defendant or of the civil defendant, when the conditions provided for by paragraph 1 exist.

3. The sequestration established upon the request of the prosecutor is also valid for the civil plaintiff.

Article 271
Court decision on sequestration

1. Conservative sequestration is established by decision of the competent court.
2. When the decision has been issued by the first instance court, the sequestration is executed before documents are sent to the court of appeal.
3. The sequestration is executed by the court bailiff pursuant to the rules established by the Civil Procedure Code.
4. The sequestration ceases its effects when the decision of acquittal or dismissal of the case becomes final.

Article 272
Offer to secure the obligation

1. When the defendant or the civil defendant offers a suitable legal means to guarantee the obligation (pawn, guarantee, deposit, mortgage), the court shall not order the conservative sequestration or shall revoke it and establish the method for fulfilling the obligation.
2. When the offer is proposed with the appeal, the court shall revoke the sequestration if it deems that the guarantee offer is proportionate to the value of the sequestered items.

Article 273
Execution of the sequestration order

1. The conservative sequestration is converted into enforceable sequestration when the fine sentence or the decision for the obligation of the defendant and of the civil defendant to compensate damages become final.
2. Mandatory execution of the sequestered property is carried out pursuant to the rules provided for under the Civil Procedure Code. The proceeds of sale of the sequestered property and of the instruments offered to guarantee the obligation shall be used to pay off, in order, the amounts due to the plaintiff as compensation for damages and legal expenses, fine sentences, proceedings expenses and any other amounts in favour of the State.

SECTION II
PREVENTIVE SEQUESTRATION

Article 274
Object of the preventive sequestration
(amended by law no.9085, dated 19/06/2003, article 5)

1. When there is a danger that free possession of an item related to the criminal offence may aggravate or prolong its consequences or facilitate the commission of other criminal offences,

the competent court, upon request of the prosecutor, shall order its sequestration by reasoned decision.
2. Sequestration may also be ordered for items, proceeds of the criminal offence and for any other kind of property that can be confiscated under Article 36 of the Criminal Code.
3. When the conditions for its implementation change, the court, upon request of the prosecutor or interested persons, shall remove the sequestration.

Article 275
Cessation of sequestration

1. The court or prosecutor that issues the decision of acquittal or dismissal of the case, orders the return of sequestered items to the one to whom they belong, unless they [the items] must be confiscated because they have served or were assigned to commit a criminal offence or because they are a product or profit of the criminal offence.
2. When a decision of conviction has been issued, the sequestration shall continue its effects if the confiscation of the sequestered items has been ordered.
3. The sequestered items are not returned if the court decides to maintain the sequestration to guarantee the receivables.

Article 276
Appeal against the decision

1. Whoever has an interest may appeal against the issuance or rejection of the sequestration order.
2. The appeal may be filed within ten days from the issuance of the decision or from the day the interested person receives notice of the sequestration.
3. The appeal is filed with the secretary of the court which has issued the decision.
4. The appeal does not suspend the execution of the order.
5. The court of appeal rules on the appeal within fifteen days from receiving the documents.
6. The court decides, as appropriate, the annulment, amendment or approval of the appealed decision.
7. If the decision is not rendered or enforced within the prescribed time limit, the order for the imposition of the seizure shall lose its legal effect.

PART II
TITLE VI

PRELIMINARY INVESTIGATIONS
CHAPTER I

GENERAL PROVISIONS

Article 277
Authorities entrusted with the preliminary investigations
(Paragraph 3 added by Law no. 8813, dated 13.6.2002, and repealed by Law no. 35/2017, dated 30.3.2017, Article 142)

1. The prosecutor and the judicial police conduct, within their respective competences, the necessary investigations in relation to the criminal prosecution.
2. The prosecutor leads the investigations and shall have judicial police at his/her disposal.
3. Repealed

Article 278

Competences of the first instance court during preliminary investigations

(added point two by law no.8813, dated 13/06/2002; added words in the title and changed point two by law no.35/2017, dated 30/03/2017, article 143)

1. During preliminary investigations, in cases provided for by the law, the Court shall rule on the requests of the prosecutor, the defendant, the victim and private parties.
2. Requests of parties during the preliminary investigations, pursuant to paragraph 1 of this Article, shall be adjudicated by the same judge.

Article 279

Obligation to keep secrecy

(changed words in point one and added point three by law no.35/2017, dated 30/03/2017, article 144)

1. Investigation documents are secret until the defendant has not received any information about them. When it is necessary for the continuation of the investigations, the prosecutor may order that particular documents be kept secret until the conclusion of the investigation.
2. The prosecutor may allow, by reasoned decision, the publication of particular documents or parts thereof. The documents made public are filed with the prosecutor's secretary office.
3. Even when the acts are no longer bound by secrecy, pursuant to paragraph 1 of this Article, in cases when this is necessary for the continuation of the investigations, the prosecutor may rule, by reasoned decision:

a) the obligation to preserve secrecy on specific acts, when the defendant gives his/her consent or when the content of the act might jeopardise investigations against other persons;
b) the prohibition of the publication of the contents of specific acts or data related with certain investigative actions.

Article 279/a

Victim's right to information

(added by law no.35/2017, dated 30/03/2017, article 145)

1. For legitimate reasons, the victim, its legal representative or defense lawyer, are entitled to request information on the state of the proceedings, and to have access and receive copies of acts and evidence contained in the prosecutor's file.
2. The prosecutor may refuse the request if:

a) the interest of preserving the secrecy of the investigation exceeds the victim's interest;
b) the interest of the defendant exceeds the victim's interest;

c) the victim has not yet been examined as a witness.

3. The victim, its legal representative or defense lawyer are entitled to request information concerning the application, extension, replacement or revocation of precautionary measures against the defendant, unless the notice on these facts could endanger the life or health of the defendant.

CHAPTER II
RECEIVING NOTICE OF THE CRIMINAL OFFENCE

Article 280
Receiving notice of the criminal offence

1. The prosecutor and the police receive notice of criminal offences on their own initiative and upon notice made by others.

Article 281
Criminal report by public officials

1. Public officials, who during the course of their work or because of their functions or service, receive notice of a criminal offence that is prosecuted ex officio, are obliged to lodge a written criminal report even if the person to whom the criminal offence is attributed is not identified.
2. The criminal report is presented to a prosecutor or judicial police officer.
3. If, during a civil or administrative proceeding, an act which constitutes a criminal offence prosecuted ex officio is discovered, the relevant body files a criminal report with the prosecution office.
4. The criminal report shall contain the essential elements of the act, the sources of evidence, personal data, address and anything else which serves to identify the person whom the act is attributed to, the victim and those who are able to clarify the circumstances of the act.

Article 282
Criminal report from medical personnel

1. The medical personnel that is legally obliged to lodge a criminal report, must present it within forty-eight hours and send it to the prosecutor or any judicial police officer of the place where he/she has intervened or provided the medical assistance and, when the delay may result in a danger, to the nearest judicial police officer.
2. The criminal report filed by the medical personnel shall provide information as to the person to whom the assistance was given and, when it is possible, his/her personal data, residence and anything else that serves to identify him, the circumstances of the act, the means used to commit it and its consequences.
3. When several persons have provided their medical assistance in the same case, all of them are obliged to file a criminal report and being entitled to draft and sign one single document.

Article 283

Criminal report from citizens

(changed the number and added a sentence in point three by law no.35/2017, dated 30/03/2017, article 146)

1. Any person that has received notice of a criminal offence which is prosecuted ex officio must lodge a criminal report of it. In cases specified by law, lodging of a criminal report is compulsory.
2. The criminal report shall be lodged in oral or written form to the prosecutor or to a judicial police officer, in person or through a representative.
3. Anonymous criminal reports cannot be used, except in cases provided for by Article 194. The content of the anonymous criminal report may be verified by the prosecutor or the judicial police in order to ensure elements of evidence which corroborate their truthfulness.

Article 284

The criminal complaint

(changed paragraph one by law no.8813, dated 13/06/2002;
added numbers and wording and removed numbers in point one by law no.35/2017, dated 30/03/2017, article 147)

1. For the criminal offences referred to in Articles 84, 89, 102 paragraph 1, 105, 106, 130, 148, 149, 243, 254, 264, 275, 290, paragraph 1, and 318 of the Criminal Code, prosecution shall commence only upon complaint of the victim, who may withdraw it at any stage of the proceedings.
2. The complaint shall be lodged by the victim to the prosecutor or the judicial police by means of a declaration expressing, either personally or through a special representative, the will to proceed in relation to an act provided for by the law as criminal offence.
3. If the complaint is made orally, the minutes kept for this purpose shall be signed by the complainant or his representative.
4. The person who receives the complaint ensures about the identity of the complainant and submits the documents to the prosecutor.
5. In the cases referred to in Article 59, the complaint is submitted at the court by the accusing victim.

Article 285

Waiver of the right of complaint

1. Waiver of the right to lodge a complaint is made personally or through a representative, by means of a signed or oral statement before the prosecutor or a judicial police officer, who keeps minutes, to be mandatory signed by the person making the statement.
2. Provisional or conditional waiver is not valid.
3. The same statement may also contain the waiver in respect of the civil claim.

Article 286

Withdrawal of the complaint

1. The withdrawal of a complaint is made personally or through a representative by means of a statement submitted to the proceeding authority.
2. The withdrawal of a complaint may be made at any stage of the proceedings, until the court decision has become final.
3. The proceedings expenses shall be borne by the person who withdraws the complaint, except when the withdrawal statement provides, by agreement, that they shall be borne, in whole or in part, by the one against whom the complaint has been lodged.

Article 287

Recording a notice of criminal offence

(changed point two and the numbering by law no.35/2017, dated 30/03/2017, article 148)

1. The prosecutor shall enter into the register every notice of criminal offences brought to him or received by him upon his own initiative and, simultaneously or since the moment it is found out, the name of the person to whom is attributed the criminal offence.
2. When, during preliminary investigations there are changes in the legal qualification or any circumstances related to the criminal offense, the prosecutor shall order their registration, pursuant to paragraph 1 of this Article.
3. It is prohibited to make public these registrations, until the person to whom is attributed the criminal offence is taken as a defendant.

CHAPTER III

PROCEEDING REQUIREMENTS

Article 288

(amended by law no.21/2014, dated 10/03/2014 and no.35/2017, dated 30/03/2017, article 149)

1. The prosecutor shall file a request for authorisation with the Parliament if any of the precautionary measures of pre-trial detention or house arrest, any restriction of personal freedom in any form, or a personal or house search, must be established against a member of Parliament.
2. The request for authorisation shall be filed when the legal requirements provided for in the Criminal Procedure Code are met, for carrying out the actions foreseen in paragraph 1 of this Article. The request shall be supported by a reasoned report, accompanied by the evidence supporting his request.
3. If a member of the Parliament has been arrested in flagrante delicto, the Chief of the Special Prosecution Office shall immediately notify the Parliament. If the Parliament decides to revoke the order of arrest in flagrante delicto, the member of the Parliament shall be immediately released.

Article 289

Permission to carry out actions

(changed point one by law no.21, dated 10/03/2014; amended by law no. 35/2017, dated 30/03/2017, article 150)

1. Failure to obtain authorization, pursuant to Article 288 of this Code, shall not prevent the prosecutor from requesting another precautionary measure, pursuant to Article 244 nor to proceed against him/her or other persons under investigation for the same act.
2. In case the needs for precautionary measures aggravate or when new facts or circumstances result from investigations, the prosecutor may request to the Parliament an authorisation, pursuant to paragraph 1 of Article 288, of this Code.
3. The revocation of the measure of arrest *in flagrante delicto,* pursuant to paragraph 3 of Article 288, of this Code, shall not prevent the prosecutor from filing a request for authorisation with the Parliament, pursuant to paragraph 1 of Article 288.

Article 290

Circumstances that do not allow the initiation of proceedings

(removed words and changed words in letter "c" of point one by law no.35/2017, dated 30/03/2017, article 151)

1. Criminal proceedings shall not commence when:

a) the person has died;
b) the person has no criminal responsibility or has not reached the criminal liability age;
c) the complaint of the victim is lacking or he/she withdraws the complaint;
ç) the act is not provided by law as a criminal offence or when it is clearly proven that the act does not exist;
d) the criminal offence has been extinct;
dh) an amnesty has been issued;
e) in all other cases provided for by the law.

Article 291

Decision not to initiate proceedings

(paragraph three, four and five and words in paragraph one added, paragraph two amended by law no. 35/2017, dated 30/03/2017; paragraph 2/1 added, paragraphs three and five amended by law no. 41/2021, dated 23/03/2021)

1. When there are circumstances that do not allow the initiation of proceedings, the prosecutor issues a reasoned decision for the non-initiation of proceedings within 15 days from the registration of the complaint.
2. The decision is immediately notified to those who have filed the complaint or appeal, the victim or their heirs, who have the right to appeal to the court within 10 days from the notification of the decision.
   2/1. The appeal is immediately notified to the prosecutor and other parties.
3. The appeal is reviewed by the judge who examines the parties' requests during the preliminary investigations in a consultative chamber within 30 days from the submission to the court's secretariat of the copy of the acts contained in the file of the decision on the non-initiation of proceedings. The prosecutor, no later than 15 days from the submission of the appeal, sends the court a copy of the acts contained in the file of the decision on the non-initiation, and has the right to submit written submissions regarding the merits of the appeal.

4. When it finds the appeal grounded, the court orders the prosecutor to register the proceeding and to conduct the necessary investigations, also determining their direction.
5. Against the decision, the parties may appeal to the court of appeal within 10 days from the day following the notification of the decision. The court of appeal examines the appeal in a consultative chamber within 30 days from the date of receipt of the acts.

Article 292
Resumption of investigations
(amended by law no.35/2017, dated 30/03/2017, article 153)

1. The decision to not initiate or dismiss the proceedings, issued due to lack of a complaint, shall not prevent the conduction of investigations for the same act and against the same person, if a complaint is subsequently lodged.

CHAPTER IV
EX OFFICIO ACTIVITIES OF THE JUDICIAL POLICE

Article 293
Reporting a criminal offence to the prosecutor
(changed first sentence in point one and added sentences in point one and three by law no. 35/2017, dated 30.03.2017, article 154)

1. Upon receiving notice of a criminal offence, the judicial police shall, without delay, but not later than 72 hours, report in writing to the prosecutor the essential elements of the act and the other elements gathered until that moment, indicating the sources of evidence, the actions taken, and makes available to the prosecutor, for evaluation, all acts and evidence collected.
2. In urgent cases and for serious crimes, the report is made immediately, also orally, which does not exclude the obligation to report in writing.
3. Judicial police also indicates in the report the date and time when they received notice of the criminal offence.

Article 294
Preserving sources of evidence
(changed point two by law no.9276, dated 16/09/2004; changed point two and three by law no. 35/2017, dated 30/03/2017, article 155)

1. The judicial police, even after a report of a criminal offence, shall continue to perform the functions provided for under Article 30, gathering and recording every element valid for the reconstruction of the fact and for identifying the perpetrator. In particular, it proceeds:

a) in searching for and recording items and traces of the criminal offence, as well as in preserving them and the crime scene for as long as this is necessary;
b) in searching for and questioning the persons who can indicate the circumstances of the act.
c) in performing the actions provided for in the following articles.

2. After the prosecutor has intervened, the judicial police shall carry out all actions ordered or delegated specifically by the prosecutor and shall carry out by initiative any other necessary investigative action and obtain new sources of evidence.
3. When performing actions which require special technical knowledge, on its own initiative or delegated by the prosecutor, the judicial police may engage experts, who cannot refuse the assigned tasks, without legitimate reasons.

Article 294/a
Simulated actions
(added by law no.9187, dated 12/02/2004; changed point one and added words in point two by law no.35/2017, dated 30.03.2017, article 156)

1. A judicial police officer or an authorized person, may be engaged to make a simulated purchase of items that are prohibited to be produced, owned, held or traded, or items that derive from a crime or the simulation of a corruptive act or to carry out other simulated acts, in order to detect and collect evidence on persons suspected of committing a crime, by concealing the cooperation with the police or their duty as police employees.
2. These actions are carried out with the authorization and under the supervision of the prosecutor, overseeing the investigations, or of the prosecutor who has territorial competence on the place where the action will take place. After carrying out such actions, the judicial police must submit to the prosecutor all the evidence collected and a summary report.
3. A criminal act should not be provoked, by abetting a person to commit a crime, which he would not have committed, if police had not intervened. Where provocation is proven, the results cannot be used.

Article 294/b
Infiltration in criminal groups
(added by law no.9187, dated 12/02/2004; changed the title and added words in point one, two and words in the sentences of point four, changed words in point three by law no.35/2017, dated 30/03/2017, article 157)

1. For the purposes of detecting serious crimes, a judicial police officer or agent may, with the authorization and under the supervision of the prosecutor, be infiltrated into a criminal group in order to identify the members of the group and collect information necessary for the investigation, concealing his cooperation with the police or his duty as police employee.
2. The infiltrated judicial police employee should not provoke a criminal act that would not have been committed without his intervention. When provocation has been proven, the results cannot be used.
3. The authorization of the prosecutor must specify the time period of the infiltration, which may be extended by the prosecutor for up to six months and the permitted scope of the infiltrated employee, indicating, as appropriate, the illegal actions that he may commit, without endangering the life of others.
4. The infiltrated judicial police employee may be questioned as a witness. If the testimony received from infiltrated persons is essential to resolving the case, the testimony shall be taken by observing the rules on the preservation of anonymity of the informant. When the latter are not summoned as witnesses, information provided by them cannot be used.

Article 294/c

Controlled delivery

(added by law no.35/2017, dated 30/032017, article 158)

1. Controlled delivery shall be authorised by the prosecutor directing the preliminary investigations, upon request of competent authorities.
2. Controlled delivery may be authorized in the following cases:

a) when the persons suspected of being involved in the transportation of narcotic substances, weapons, stolen items, nuclear or explosive materials, radioactive materials, amounts of money or other proceeds [which are] products of a criminal offence, or items used to commit criminal offenses, cannot be identified or arrested by other means, or when their identification or arrest would harm investigations or would jeopardize the safety of persons or [cause] the damage or loss of the items being transported;
b) when the detection of criminal offences and obtaining of evidence is impossible or extremely difficult to carry out by other means.

3. Controlled delivery is made according to conditions set by the prosecutor, who orders it by a reasoned act after ensuring that the authorities of foreign countries:

a) have given their consent for illegal or suspected items to enter, transit or exit from their territory;
b) guarantee constant supervision of the entry, transit or exit of items from their territory;

4. Prosecutor's order authorising controlled delivery should contain:

a) the name of the suspect or defendant, if known;
b) evidence proving the illegal nature of the items that need to enter, transit or exit the territory of the State and the way their control or supervision shall be carried out.

5. Where appropriate, the prosecutor's order shall be attached to the act authorising the full or partial replacement of illegal items and the place where the samples received are placed.
6. Controlled delivery shall be executed by the judicial police, under the supervision and control of the prosecutor.

Article 295

Identification of the person under investigation and of other persons

(changed title, point one is numbered point two, point two is numbered point four, point three is numbered point five, added words and added point one and three pika 1 by law no.35/2017, dated 30/03/2017, article 159)

1. Judicial police shall identify the person under investigation as well as persons who may provide useful data for the reconstruction of facts.
2. Judicial police shall carry out all necessary actions for the identification of the person under investigation, including fingerprints, photographic and anthropometric examinations.

3. When the identification includes the collection of biological samples, the judicial police shall proceed pursuant to Article 201/a of this Code.
4. When the person refuses to identify himself or presents personal data or identity cards that are suspected to be false, judicial police shall accompany him/her to its offices and hold him there for as long as it is indispensable for his identification, but not longer than twelve hours.
5. The prosecutor shall be immediately informed on the person's accompaniment or release as well as on any action taken pursuant to this article.

Article 296

Information from the person under investigation

(added words in point one, changed and added words in point two and changed point three by law no.35/2017, dated 30.03.2017, article 160)

1. Judicial police officers shall collect information from the person under investigation in the mandatory presence of his lawyer, except in the cases of a person arrested in flagrante delicto or placed under temporary detention, who shall be questioned following the rules provided for by article 256. If the defense lawyer has not been found or has not appeared, the judicial police shall require the prosecutor to appoint another lawyer. In any case, before proceeding with the questioning, he shall be provided with the letter of rights. Rules provided for by articles 34/a and 38 of this Code shall apply.
2. At the crime scene or immediately after the offence has been discovered, judicial police officers may, even in the absence of the defense lawyer, obtain information from the person under investigation, necessary for the continuation of the investigation, even if he/she is arrested in flagrante delicto or under detention. The obtained information shall not be documented and their use as evidence is prohibited.
3. If the person under investigation appears and requests to provide statements, the judicial police shall proceed by receiving them. Their use is not allowed at trial, except when used to rebut a statement made before the court.

Article 297

Gathering other information

(added point three by law no.35/201730.03.2017, article 161)

1. Judicial police shall gather information from persons who may indicate useful circumstances for the purposes of investigation.
2. Provisions of articles 155 to 160 shall apply.
3. If information needs to be obtained from a minor, the parent or legal guardian or an adult person, chosen by the minor, as well as a psychologist, should be present.

Article 298

Searches

(added point three and point three is numbered as point four and words are changed by law no. 35/2017, dated 30.03.2017, article 162)

1. In the cases of flagrante delicto or pursue of a person escaping, the judicial police officers shall perform a search on the person or premises when they have reasonable grounds to believe

that the person conceals items or traces of a criminal offence, which may disappear or be lost or that these items or traces are in a certain place or where the person under investigation or escaping is located.

2. When a detention must be carried out, an arrest or sentence by imprisonment decision be executed, the judicial police officers may carry out a search of the person or premises, where there exist the conditions stipulated in paragraph 1 and there are particular reasons of urgency that does not permit the issue of a search decision. When delay may compromise the successful conclusion of investigations, the house search may be carried out even outside the time limits provided for under article 206.
3. In cases of *flagrante delicto* or pursuit of an escaping person or when a detention must be carried out, or an arrest decision or a sentence by imprisonment must be executed, judicial police shall take all technical measures aimed at ensuring the preservation of the original computer data and preventing their loss, damage, and alteration and shall carry out all further searches of computer data, when there are reasonable grounds [to believe] that they contain information, software or traces of the criminal offence.
4. The minutes of the acts carried out shall be sent immediately, but not later than forty-eight hours, to the prosecutor of the place where the search was conducted, who, within the next forty eight hours, shall proceed pursuant to the Article 301 of this Code

Article 299
Acquiring of boxes/parcels and correspondence

1. When it is necessary for the purposes of proceedings to obtain sealed parcels or parcels closed in any other way, judicial police officers shall send them intact to the prosecutor for any eventual sequestration. If there are reasonable grounds to believe that the parcels contain information that may be lost because of delay, the judicial police officer shall inform, by the fastest means, the prosecutor who may authorize the immediate opening (of parcels).
2. In cases of letters, envelopes, parcels, monetary and property values, telegrams or other means of correspondence that are allowed to be sequestered, judicial police officers, in urgent cases, shall order the person at the postal service to suspend dispatching. If within forty-eight hours from judicial police order, the prosecutor does not order the sequestration, the correspondence objects are dispatched to their destination.

Article 299/a
Accelerated preservation and computer data maintenance
(added by law no.10054, dated 29/12/2008, article 4)

1. The prosecutor may order the accelerated preservation of certain computer data, including data traffic, in cases where there are sufficient reasons to believe that the data might get lost, damaged or changed.
2. In the case where the computer data are in possession or control of a person, the prosecutor may order such person to preserve and maintain such computer data for a period up to 90 days with the aim of uncovering and extracting them. Such term may be extended only once for founded reasons.

3. The person in charge for the computer data preservation and maintenance is obliged to keep secrecy on the procedures and actions carried out, as per paragraph 2 of this Article until the end of the investigations.

Article 299/b
The accelerated preservation and partial uncover of the computer data
(added by law no.10054, dated 29/12/2008, article 4)

The person in charge of the accelerated preservation of the data traffic is obliged to take all necessary measures, in order to ensure that the preserved data are valid, regardless of whether one or more service providers have been involved in the transmission of the communication, as well as to provide to the prosecutor or the authorized judicial police officer the uncover of a sufficient amount of data traffic in order to enable the identification of the service provider and the gate throughout which the communication has been transmitted.

Article 300
Immediate on-site verifications

1. Judicial police officers and agents take measures so that traces and items pertaining to the criminal offence are recorded and preserved and the crime scene and items are not altered until the prosecutor intervenes, when he/she has confirmed his participation.
2. When there is a risk that traces and items might alter or get lost and the prosecutor may not intervene urgently, judicial police officers shall conduct the indispensable investigation actions and, if it is the case, shall sequester the material evidence and items connected to the criminal offence.

Article 301
Sequestration validation
(changed second sentence in paragraph two by law no.35/2017, dated 30.03.2017, article 163)

1. When carrying out a sequestration pursuant to Article 300, the judicial police shall indicate the relevant reasons in the minutes and give a copy of the act to the person whose items were sequestered. The minutes are sent without delay, in any case, not later than forty-eight hours, to the prosecutor of the place where the sequestration was enforced.
2. The prosecutor, within the next forty-eight hours, shall validate the sequestration by reasoned decision, if the conditions exist, or decide the return of the sequestered items. A copy of the decision is notified immediately, but not later than 72 hours, to the defendant, the prosecutor and to the person whose items were sequestered. Against such decision, an appeal may be lodged at the court, within ten days, by the defendant and his defense lawyer, by the person whose items were sequestered and by the one who has a right to their return. The appeal does not suspend the execution of the sequestration.

Article 302
Assistance of the defense lawyer

1. The defense lawyer of the person under investigation has the right to attend, without the right of prior notice, to searches and urgent verifications on site, except in cases of immediate opening of parcels authorized by the prosecutor.

Article 303
Records of judicial police activities

1. The judicial police shall keep records, even summarily, of all activities that they have carried out.
2. The judicial police shall keep minutes of the following:

a) reports and complaints submitted orally;
b) summary information and statements provided by the person under investigation;
c) information obtained from persons who may provide useful circumstances for the purposes of investigation;
ç) inspections, recognitions, searches and sequestrations;
d) acts for the identifications and recognition of the person under investigation, the obtaining of parcels or mail, and for orders of sequestration;
e) investigation actions delegated by the prosecutor.

3. The records of the judicial police activities, the material evidence and items connected to the criminal offence shall be made available to the prosecutor.

CHAPTER V
ACTIVITIES OF THE PROSECUTOR

Article 304
Investigation activity of the prosecutor
(added second sentence in paragraph one by law no.35/2017, dated 30/03/2017, article 164)

1. The prosecutor directs the investigation activities and carries out personally all investigation action that he deems necessary. He/she carries out investigations also to ascertain any facts and circumstances in favour of the person under investigations.
2. He/she may request the judicial police to carry out actions specifically delegated, including questioning of the defendant and confrontations, in the presence of the defendant and his defense lawyer. In such a case, the judicial police shall follow the provisions regulating the appointment and participation of the defense lawyer in investigative actions.
3. In case of particular actions to be carried out in another district, when the prosecutor does not proceed personally, he/she can delegate, as per the relevant subject matter competence, the prosecutor of such other district. In urgent cases or for serious reasons, the delegated prosecutor has the right to carry out by his own initiative any action indispensable for the purposes of the investigation.

Article 305
Taking over of investigations
(repealed by law no.35/2017, dated 30.03.2017, article 165)

Article 306
Relations between different prosecution offices

1. Prosecution offices proceeding in connected investigations coordinate the work between them. For this purpose, they exchange documents and information and notifications on the instructions provided to the judicial police. They may also proceed jointly in carrying out special actions.
2. Investigations of two different prosecution offices are deemed to be connected:

a) in case of joinder of proceedings or in respect of criminal offences committed by more persons against each other;
b) when the evidence of a criminal offence or of any circumstances, impacts the evidence of any other criminal offence or any other circumstance;
c) when the evidence of more criminal offences arises, even in part, from the same source.

Article 307
Spontaneous appearance to make statements
(added point three and existing point three is numbered point four by law no.35/2017, dated 30/03/2017, article 166)

~~1.~~ Anyone knowing that an investigation is being conducted against him, shall be entitled to appear before the prosecutor and make statements.
2. If the person appearing spontaneously rebuts the fact for which he is being prosecuted and is allowed to present his exculpations, such activity shall correspond to a questioning.
3. Articles 34/a and 38 of this Code shall apply.
4. The spontaneous appearance shall not interfere with the application of precautionary measures.

Article 308
Invitation to appear
(added letter "d" and changed words in paragraph four by law no.35/2017, dated 30/03/2017, article 167)

1. The prosecutor invites the person under investigation to appear when he/she intends to question him or carry out actions that require his presence.
2. The invitation to appear contains:

a) the personal data or any other personal information suitable for his identification;
b) the day, hour and venue for appearing;
c) the type of action for he/she is being invited;
ç) the warning that the prosecutor may order his forced accompaniment, in case of non-appearance without lawful impediments.
d) the written letter of rights pursuant to Article 34/a of this Code.

3. The invitation to appear contains also a summary of the facts resulting from the investigations

carried out up to that moment.

4. The invitation to appear is notified at least three days prior to the set day of appearance, except in urgent cases.

Article 309

Appointment and assistance of the lawyer

(added words and punctuation in point one and words in point two by law no.35/2017, dated 30/03/2017, article 168)

1. The defendant who does not have a lawyer shall be informed by the prosecutor that he shall be assisted by a lawyer appointed *ex officio*, as per the cases provided for by this Code.
2. The retained lawyer or the *ex officio*-assigned lawyer shall be informed, at least twenty-four hours in advance, when proceeding with questioning, examination or confrontation. If the delay may compromise investigations, the lawyer shall be promptly informed.
3. The minutes of the activities performed by the prosecutor and the judicial police, in which the defense lawyer has the right to intervene, shall be submitted with the secretary of the prosecution office within three days of the date of execution of the activity, with the right of the lawyer to review them and make copies.

Article 310

Notification of the defendant to take part in searches and sequestrations

(added paragraph two by law no.8813, dated 13/06/2002)

1. The prosecutor, when proceeding to carry out a search or sequestration, notifies the defendant to be present together with his retained lawyer and, if he does not have one, shall appoint him a lawyer *ex officio*.
2. If the defendant and his defense lawyer have been duly notified, but are not present without any reasonable cause, a lawyer shall be appointed *ex officio*. This fact is reflected in the relevant minutes.

Article 311

Questioning of the defendant in a joined proceeding

1. The person who is a defendant in a joined proceeding shall be questioned by the prosecutor in the forms provided for by Article 167.

Article 312

Obtaining of information

(added point four by law no.35/2017, dated 30/03/2017, article 169)

1. The prosecutor receives information from the victim and from those who can indicate circumstances useful for the purposes of the investigation, observing the rules established for the assumption of testimony.
2. These persons are summoned by means of an order, which contains:

a) the personal data of the person;
b) the day, time and the venue for appearing;

c) the warning that the prosecutor may order the forced accompaniment in case of non-appearance without lawful impediments.

3. The prosecutor orders in the same way the summons of the interpreter and expert.
4. The summons is served at least three days prior to the day of appearance, except in urgent cases.

Article 313
Identification of persons and items

1. The prosecutor, if necessary, proceeds with the identification of persons, items or anything else, which can be subject to sense perceptions.
2. Persons, items and other objects shall be visually presented or shown to the person that has to make the identification.
3. When there are founded reasons to believe that the person summoned to make the identification may be hesitant or influenced by the presence of the person under identification, the prosecutor takes measures for carrying out such activity without being seen by the one under identification.

Article 314
Assignment of the expert
(changed words in the first sentence and second sentence of point one by law no.35/2017, dated 30/03/2017, article 170)

1. The prosecutor, when proceeding with actions that require technical knowledge, may appoint an expert, pursuant to Article 179 of this Code. The expert cannot refuse this assignment, without lawful reasons.
2. The expert may be authorized by the prosecutor to participate in specific investigation actions.
3. When technical verifications concern persons, items or places, the state of which has changed, the prosecutor shall notify the defendant and defense lawyer, the victim and his representative about the date, time and venue, where such action will take place.

Article 315
Recording of the prosecutor's acts

1. The prosecutor shall keep minutes:

a) of reports and complaints submitted orally;
b) of examinations, searches and sequestrations;
c) of questionings and confrontations involving the defendant;
ç) of any information gathered from persons who provide useful circumstances for the purposes of investigation;
d) of ascertainment regarding persons, items or places, the state of which has been subject to modifications.

2. The activities shall be minuted either while they are being carried out or immediately afterwards, if the simultaneous drawing up of the minutes is hindered by insuperable circumstances.
3. The document containing the *notitia criminis* and the documentation pertaining to the investigations, such as orders and instructions addressed to the judicial police, requests at the court, notices, etc. shall be kept in a special file at the secretary of the prosecution office, together with the acts sent by the judicial police.

CHAPTER VI
PRE-TRIAL ADMISSION OF EVIDENCE

Article 316
Cases of pre-trial admission of evidence

1. During the preliminary investigations, the prosecutor and the defendant may request that the court proceed with the pre-trial admission of evidence in the following cases:

a) to the assumption of the testimony of a person, if there are reasonable grounds to believe that he may not be questioned at the trial hearing, because of an illness or any other serious impediment;
b) to the assumption of a testimony of a person, if there are reasonable grounds to believe that he may be subject to force, to threats, to promise of money or other utilities, in order for him not to testify or make false testimony;
c) to the questioning of the defendant on facts concerning the liability of others, when one of the circumstances provided for by letters “a” and “b” exists;
ç) to the confrontation between persons who have rendered conflicting statements before the prosecutor, when one of the circumstances provided for by letters “a” and “b” exists;
d) in an expert report or judicial test/simulation, if evidence concerns a person, an item or a place, the state of which is subject to unavoidable modification. The expert report may also be requested when, if done during the trial, it would result in the suspension of the trial for more than sixty days.
dh) to an identification, when the act may not be postponed to the trial hearing date, due to to specific reasons.

Article 317
Request for pre-trial admission of evidence
(added words in point one by law no.35/2017, dated 30/03/2017, article 171)

1. The request for pre-trial admission of evidence shall be submitted within the time limits set for conclusion of the investigations or at the opening of the preliminary hearing and shall contain:
a) the evidence to be obtained and [the reasons for] its importance for the trial decision;
b) the persons being prosecuted for the facts in issue;
c) the circumstances that prevent the deferral of evidence to the trial stage.

2. The request submitted by the prosecutor shall also indicate the defense lawyers of the interested persons under paragraph 1, letter “b”, the victim and his lawyer.
3. The provisions of paragraphs 1 and 2 must be observed under penalty of inadmissibility.
4. The prosecutor may decide an extension of the time limit for investigations for the purposes of the pre-trial admission of evidence.

Article 318

Request of the victim

(Point two amended, point 2/1 added by law no. 41/2021, dated 23/03/2021)

1. The victim may address the prosecutor to request the securing of evidence.
2. When the prosecutor does not accept the request, he issues a reasoned decision and notifies the victim, who may file an appeal to the court within 5 days from the notification of the decision. The appeal is immediately notified to the prosecutor.
   2/1. The appeal is examined by the judge who decides on the parties' requests during the preliminary investigations in a consultative chamber within 5 days from the submission of the appeal to the court secretariat. The prosecutor, no later than 2 days from the notification of the appeal, may submit written submissions regarding the merits of the appeal and deposit evidence in support thereof.
3. The accusing victim may request the court to proceed with the securing of evidence before the commencement of trial.

Article 319

Submission of the request

(added words in point two and changed point three by law no.35/2017, dated 30.03.2017, article 172)

1. The request for pre-trial admission of evidence shall be filed with the court secretary office together with other possible items and documents. The notice shall be served to the parties and interested persons by the one who has submitted the request.
2. Within two days from serving the notice on the request, the prosecutor and the defendant may present their arguments pertaining to the merits of the request, to submit items and documents, as well as provide other facts that should constitute subject of proof and other interested persons, pursuant to letter “b” of paragraph 1, Article 317 of this Code.
3. The prosecutor may request from the court to postpone the time determined for pre-trial admission of the evidence requested by the defendant, when such an action would damage the investigations. The court rules on the request, after hearing the defendant and his defense lawyer. The request to extend the time limit shall not be granted when it can compromise the gathering of evidence.

Article 320

Rulings on the request for pre-trial admission of evidence

(One paragraph added after point “1” by law no.8813, dated 13/06/2002; one sentence added to point 1 and letter “a” in point 2 and point 2/1 amended, letter “b” in point 2 repealed, words amended in point 4, by law no.35/2017, dated 30/03/2017; words added in point 1 by law no.41/2021, dated 23/03/2021)

1. Within two days from receiving confirmation of the notification regarding the request for securing the evidence, the court issues a decision in a consultative chamber, by which it accepts or rejects the request for securing the evidence.

   An appeal against the decision may be filed with the court of appeal within 5 days. The court of appeal examines the appeal in a consultative chamber within 10 days from the submission of the acts to this court.
   No appeal is allowed against this decision.
2. With the decision accepting the request, the court determines:

a) the object of the evidence and the interested persons for its taking, according to the provisions of article 319 of this Code;
b) Repealed.
c) the date of the hearing, which cannot exceed a term longer than ten days from the date of the decision.
   2/1. The court notifies the prosecutor, the defendant, the victim, and the defense attorneys at least two days before the hearing date and informs them of their right to examine and obtain copies of the statements that will be secured.

3. When the defendant, whose presence is necessary for securing the evidence, does not appear without lawful reason, the court orders his compulsory escort.
4. When there are urgent reasons and the securing of evidence cannot be carried out in the jurisdiction of the competent court, the latter may delegate the court of the place where the evidence should be taken.

Article 321
Taking of evidence
(changed point three and changed words in point four by law no.35/2017, dated 30/03/2017, article 174)

1. The hearing on the taking of evidence shall be held with the compulsory participation of the prosecutor and defense lawyer of the defendant. The representative of the victim has also the right to participate.
2. The defendant and the victim have the right to participate when a witness or another person must be questioned. In other cases, they may participate with the prior authorisation of the court.
3. Evidence is taken pursuant to the rules provided for trial examination, by the same court that will adjudicate the case. Except for cases provided for by Article 321/1, the taking of evidence on facts pertaining to persons who are not represented by defense lawyers in the hearing, is prohibited.
4. The minutes, items and documents obtained to secure evidence, shall be sent to the prosecutor. The defense lawyers have the right to review and make copies of them.

Article 321/1
Extension of admission of evidence
(added by law no.35/2017, dated 30/03/2017, article 175)

When the prosecutor or the defendant's defense lawyer request that the taking of evidence be extended over facts pertaining to persons not represented by defense lawyers in the hearing, whenever possible, the court shall make the notifications and shall postpone the hearing, if necessary, but not longer than three days. The request shall not be accepted if the postponement of the hearing would harm the taking of evidence.

Article 322

Use of obtained evidence

(added words in point two by law no.35/2017, dated 30/03/2017, article 176)

1. Evidence obtained under the rules of this chapter may be used in trial only against the defendants, whose defense lawyer have participated in taking the evidence.
2. The decision issued based on evidence obtained under the rules of this chapter, in which the victim has been not able to participate, does not produce effects in a civil or administrative trial, unless the victim himself has accepted it even tacitly.

CHAPTER VII

TIME LIMITS FOR COMPLETION OF INVESTIGATIONS

Article 323

Time limit of preliminary investigations

(changed point one and two by law no.35/2017, dated 30/03/2017, article 177)

1. Within the time limit set for the termination of investigations, the prosecutor shall decide pursuant to paragraph 6, of Article 327, of this Code.
2. The time limit for termination of investigations is three months, from the date that the name of the person whom the criminal offence is attributed to has been written in the register of notification of criminal offences, and six months for criminal offences provided for in letters "a" and "b" of Article 75/a of this Code.

Article 324

Prolongation of time limit

(One paragraph added to point 2 by law no.8460, dated 11/02/1999; sentence added to point 1, second sentence amended in point 2 and point 4 by law no.35/2017, dated 30/03/2017; phrases added in point 3 by law no.41/2021, dated 23/03/2021)

1. The prosecutor may extend the investigation term for a period of up to three months. In the case of the Special Prosecution Office, this term is up to six months.
2. Further extensions, each for a period not exceeding three months, may be made by the prosecutor in cases of complex investigations or objective impossibility to complete them within the extended term. Beyond the 2-year term, in cases of charges for organized crime and for crimes judged by a panel of judges, the investigation term may be extended only with the approval of the General Prosecutor or the Head of the Special Prosecution Office for up to 1 year, for each extension not exceeding three months, without affecting the time limits of pre-trial detention.

Beyond the 2-year term, in exceptional cases, the investigation term may be extended only with the approval of the General Prosecutor for up to 1 year, for each extension not exceeding three months, without affecting the time limits of pre-trial detention.

3. The decision for the extension of the investigation term is reasoned and is notified to the defendant and the victim.
4. Evidence collected after the expiration of the term cannot be used.

Article 325

Request for prolongation of investigation time limits

(changed wording in point 2, changed point 3 and added point 3/1 by law no. 35/2017, dated 30/03/2017; sentence added in point 1, point 1/1 added, point 2 changed, sentence added in point 4 by law no.41/2021, dated 23/03/2021)

1. The defendant and the victim have the right, within ten days from the notification, to file an appeal with the district court against the prosecutor's decision for the extension of the investigation term. The appeal is immediately notified to the other parties.

   1/1. Within 5 days from the notification of the appeal, the prosecutor, the defendant or the victim, as the case may be, may submit written statements regarding the merits of the appeal, as well as submit evidence in support thereof.
2. The appeal is examined by the judge who examines the parties' requests during the preliminary investigations in chamber session within 10 days from the filing of the appeal at the court's secretariat.
3. When the appeal is accepted and the investigations should not continue, the court orders the prosecutor to complete them within a period not longer than 15 days.

   3/1. When the appeal is accepted, but the investigations must continue, the court orders the prosecutor to complete them within a term set by the court. The evidence collected within this term is admissible.
4. Against the court decision, an appeal may be filed, which does not suspend its execution. The court of appeal examines the appeal in chamber session within 10 days from the filing of the appeal at the court's secretariat.

Article 326

Suspension of investigations

(changed point three and added point four and five by law no.35/2017, dated 30/03/2017, article 180)

1. In case the defendant is unknown, or when the defendant suffers from a serious illness which prevents further investigations, the prosecutor shall decide the suspension of investigations.
2. Suspension of investigations shall be decided after all possible actions have been carried out.
3. The reasoned decision shall be notified to the victim or the person who has lodged the criminal report, who may submit an appeal within 10 days of notification before the judge of preliminary hearing. The appeal is examined in closed session within 30 days. The decision is not subject to appeal.
4. Where the complaint is accepted, the court shall decide on resuming the investigation.

5. Except the case provided for in paragraph 4 of this Article, the suspended investigation shall be resumed upon prosecutor's decision.

CHAPTER VIII
COMPLETION OF INVESTIGATIONS

Article 327
Actions of judicial police and prosecutor
(changed point two and added point three, four, five, six by law no.35/2017, dated 30/03/2017, article 181)

1. After carrying out the necessary investigation actions, the judicial police shall send the acts to the prosecutor, together with an explanatory report on the act and evidence, as well as his/her suggestions on the conclusion of investigations.
2. The prosecutor shall, within the time limit provided for in Article 324 of this Code, notify the defendant, their defense lawyer, as well as the victim or their heirs, when their identity and domicile result from the proceedings acts, of the termination of the preliminary investigations.
3. The notice shall consist of a summarized description of the criminal act under proceedings, the time and location it has been committed, its legal qualification, the notice for depositing acts with the secretary and their right to access the acts and receive copies.
4. The defendant shall also be notified of their right to submit information and documents, within ten days, to request the prosecutor to carry out additional investigations, to make statements or ask to be questioned. In cases when the defendant asks to be questioned, the prosecutor has an obligation to proceed with their questioning.
5. When the prosecutor accepts the defendant's request to carry out additional investigations, they should be completed within 30 days from the date the request was submitted. This time limit may be extended only once, and no more than 2 months, but in any case, without exceeding the overall investigation time limits. When the request of the defendant is not accepted, the prosecutor issues reasoned decision, pursuant to paragraph 2, of article 110, of this code.
6. Upon termination of preliminary investigations, the prosecutor shall proceed as follows:

a) decide on dismissing the charge or case in the instances provided for in paragraph 1 of Article 328, or shall request the court to dismiss the charge or case, in the instances provided for by Article 329/a of the Code;
b) request the court to send the case to trial, when it does not proceed under articles 400, 406/a and 406/dh of this Code.

Article 328
Dismissal of charge or case
(added words in point one by law no.8460, dated 11/02/1999; changed title and point 1 added, point two by law no.35/2017, dated 30/03/2017, article 182)

1. Upon termination of preliminary investigations, where it is proceeded against criminal misdemeanours, the prosecutor shall decide on dismissing the charge or case when:

a) it is clear that the fact does not exist;
b) the fact is not provided for by law as a criminal offence;
c) the victim has not lodged a complaint or waives it, in cases where the proceedings are initiated on his request;
ç) the person cannot be taken as defendant or he may not be punished;
d) there exists a reason that extinguishes the criminal offence or for which the criminal proceedings should not be initiated or continued;
dh) it is proven that the defendant has not committed the offence or it is not proven that the defendant has committed the offence;
e) the defendant has been adjudicated by a final court decision for the same act;
ë) the defendant dies;
f) in other cases provided for by the law.

2. The prosecutor shall, within 5 days of the decision on dismissal being made, notify the defendant, his defense lawyer, the victim and their heirs, when their identity and domicile results from the proceeding acts, as well as the person having filed the criminal report or complaint, thus making known the right to get to know the acts, to take copies thereof and to file an appeal before the court.

Article 329

Appeal against the decision for the dismissal of charge or case

(added words on point one by law no.8460, dated 11/02/1999; repealed words in point one by decision of the Constitutional Court no.5, dated 6/03/2009; amended by law no.35/2017, dated 30/03/2017, article 183)

1. The decision of dismissal of charges or case can be appealed to the judge of the preliminary hearing, within 10 days of being noticed. In cases where the prosecutor has filed a request to send the case to trial, but he/she has decided to dismiss one or more of the charges, the appeal against the decision of dismissal shall be reviewed together with the request to send the case to trial.
2. Copies of all acts and evidence contained in the preliminary investigation file, shall be deposited with the secretary of the court, including decisions issued by the judge of preliminary investigations, as well as material evidence, except in cases when they are stored elsewhere.
3. The appeal shall be examined in closed session, within 15 days of receiving the acts. The court shall decide, as appropriate, on:

a) upholding the decision of dismissal when it considers that the conditions laid down in paragraph 1 of Article 328 of this Code, exist;
b) turning the acts back to the prosecutor to continue with investigations, when it deems that investigations are incomplete, determining directions of further investigations and, where appropriate, the actions to be performed, and sets a deadline within which investigations must end;

c) returning the acts to the prosecutor, ordering the prosecutor to formulate the charges and file a request for the case to be sent to trial, when it considers that investigations are complete and it turns out that there is sufficient evidence to support the accusation in court.

4. The court cannot order the prosecutor to compile charges for other persons, whose names are not registered pursuant to Article 287 of this Code. When from the acts emerges information for other criminal offenses, prosecuted *ex officio* or against other persons, the court may decide to carry out investigations, even in cases when it decides pursuant to letter "c", of paragraph 3, of this Article.
5. In the cases provided for in paragraph 3, letters "b" and "c", and paragraph 4 of this Article, the chairperson of the prosecution office shall also be notified on the decision.
6. Against the decision of the judge of the preliminary hearing, under letter a) of paragraph 3 of this Article, an appeal can be filed to the court of appeal by the defendant and the victim, while under letters "b" and "c" of paragraph 3, of this Article, an appeal can be filed by the prosecutor.
7. The court of appeal shall examine the appeal in closed session within 15 days from the date of receiving the acts.
8. When accepting the appeal of the defendant, the court of appeal shall decide on changing the dismissal decision with a more favourable formulation to him. When it accepts the appeal of the victim, the court shall order the investigations be continued or the case be sent to trial. When it accepts the appeal of the prosecutor, the court decides on upholding the dismissal decision.

Article 329/a
Request for dismissal of a charge or case
(added by law no.35/2017, dated 30/03/2017, article 184)

1. Upon termination of the preliminary investigations, when it is being proceeded for crimes and when any of the cases provided for in paragraph 1 of Article 328 of this Code occurs, the prosecutor asks the judge of the preliminary hearing to dismiss the charge or the case.
2. In cases where the prosecutor has filed a request to send the case to trial, the request for dismissal of the charge or case, shall be adjudicated jointly with the request for sending the case to trial.
3. All acts and documents contained in the investigation file shall be attached to the request of the prosecutor, including also the acts carried out before the judge of preliminary investigations, as well as material evidence, unless they are stored in another location.
4. The request is notified to the defendant, their defense lawyer, the victim or their heirs, when their identity and residence emerge from proceedings acts, as well as to the person who has filed the criminal report or the complaint. They have the right to have access to the acts and evidence, and to take copies of them.

Article 329/b
Examination of the request
(added by law no.35/2017, dated 30/03/2017, article 184)

1. Within ten days of filing of the request, the court shall inform the defendant, their defense lawyer, the victim or their heirs, when their identity and residence emerge from proceedings acts, as well as the person who has filed the criminal report or the complaint on the date and time of trial.
2. The request shall be adjudicated by the judge of the preliminary hearing, in closed session, in the presence of the parties. When a party fails to appear, although duly notified, or refuses to appear without submitting reasonable cause, the trial shall take place without their presence.
3. When there exist the conditions provided for in paragraph 1 of Article 328, the court shall decide on dismissing the charge or the case. Otherwise, the court shall decide pursuant to the provisions of letter "b" or "c" of paragraph 3 of Article 329 of this Code.
4. If the court decides pursuant to letter "b" of paragraph 3 of Article 329 of this Code, it sets a deadline to the prosecutor for conducting investigations.
5. Where appropriate, the rules provided for in paragraph 4, of Article 329 of this Code shall apply.
6. The decision of the preliminary hearing judge may be appealed to the court of appeal. The rules provided for under Article 329 of this Code shall apply, mutatis mutandis.

Article 329/c
Revocation of the dismissal decision
(added by law no.35/2017, dated 30/03/2017, article 184)

1. Where after the decision to dismiss the charge or case, new information or evidence is discovered, which show that the decision was not founded, it can be revoked by the preliminary hearing judge, at the request of the prosecutor. The request, along with new acts and evidence, shall be filed with the secretary of the court.
2. The request shall be accompanied with new evidence, under penalty of inadmissibility.
3. The request is examined in closed session. When deciding to accept the request, the court revokes the dismissal decision and turns the acts to the prosecutor, who decides on resuming the investigation.
4. Upon termination of investigations, when failing to act pursuant to Articles 328, 329/a, 406/a or 406/dh of this Code, the prosecutor shall submit to the court a request to send the case to trial.

Article 329/ç
Appeal against decision
(added by law no.35/2017, dated 30/03/2017, article 184)

Against the decision of inadmissibility or the rejection of the request for revocation of the dismissal decision, the prosecutor, the victim or his/her heirs, have the right to file a complaint to the court of appeal, which examines the appeal in closed session.

Article 330
Charging complainant with the expenses and damages

1. When the case is dismissed because the fact does not exist, the injured person whose criminal complaint has initiated the proceedings, shall be charged with the payment of the proceedings expenses made by the State.
2. The complainant shall be charged with the expenses made by the defendant and the civil defendant and also with the compensation for damages, when they have requested it.
3. When the case has been dismissed because of withdrawal of the complaint, the expenses shall be charged to the complainant, except when the act of withdrawal has foreseen, by agreement, that they are, entirely or partly, to be charges to the person against whom the complaint has been filed.
4. Expenses and damages amounts shall be set by the prosecutor. Against such decision an appeal may be filed to the court by the victim, the defendant and the civil defendant.

Article 331
Request to send the case to court
(amended by law no.35/2017, dated 30.03.2017, article 185)

1. When not proceeding pursuant to articles 328, 329/a 400, 406/a or 406/dh of the Code, the prosecutor shall request to send the case to trial.
2. The request to submit the case to court is invalid if provisions of paragraphs 2, 3 and 4 of Article 327 of this Code are not complied with.
3. The request to send the case to trial shall contain:

a) the personal data of the defendant and the victim, when possible, as well as any other element useful to identify them.
b) description of the criminal act and the legal qualification of the criminal offense.
c) sources of evidence and the facts they refer to;
ç) the request that the preliminary hearing judge decides to send the case to trial;
d) the date and the signature of the prosecutor.

4. All acts and evidence contained in the investigation file shall be attached to the prosecutor's request, including acts conducted before the judge of preliminary investigations, as well as material evidence, unless they are stored elsewhere.

CHAPTER IX
PRELIMINARY HEARING
(added chapter by law no.35/2017, dated 30.03.2017, article 186)

Article 332
Scheduling a preliminary hearing
(amended by law no.35/2017, dated 30/03/2017; amended point 1, added point 1/1 by law no. 41/2021, dated 23/03/2021)

1. The request for sending the case to trial is examined in a preliminary hearing by the single judge. The requests for sending to trial cases that are separated from the same criminal proceeding are examined by the same preliminary hearing judge.

1/1. Within five days from the filing of the request for sending the case to trial, the preliminary hearing judge schedules the date for its conduct. In cases where the defendant has not chosen a defense attorney, the rules of Article 49 of this Code shall apply.

2. From the date of the filing of the request for sending the case to trial, until the date of the hearing, a period longer than 10 days must not elapse.
3. The court decides on the request for sending the case to trial within 30 days from the date of its filing.

Article 332/a

Preparatory actions

(added by law no.35/2017, dated 30/03/2017, article 188; point four added by law no.41/2021, dated 23/03/2021)

1. The preliminary hearing judge notifies the defendant and the victim or her heirs, when their identity and residence result from the procedural acts, indicating the day, time, and place where the hearing will be held, with a warning to the defendant that if he does not appear, the hearing will be held in his absence.
2. The date of the hearing is also notified to the prosecutor and the defense attorney of the defendant, informing the latter of the right to familiarize himself with the filed acts, as well as to submit memoranda or documents. The prosecutor is invited to file all acts carried out after the submission of the request for sending the case to trial.
3. The notifications according to paragraphs 1 and 2 must be made at least ten days before the date of the hearing.
4. When the defendant at liberty, despite the searches made according to Articles 140-142 of this Code, does not appear at the preliminary hearing and it results that he has not personally been informed about the trial, the court decides according to points 1, 2, 3 or 4 of Article 352 of this Code.

Article 332/b

Verification of attendance of parties

(added by law no.35/2017, 30/03/2017, article 188)

1. The hearing will take place in closed session, with the obligatory participation of the Prosecutor and defense lawyer of the defendant.
2. The Court shall verify that parties are present and shall order the notifications to be repeated if the parties have not been notified or when the notification is dubious or has been declared invalid.
3. When the defendant's defense lawyer is not present, the Court shall decide pursuant to paragraph 5, of Article 49 of this Code.
4. In cases when the defendant who is in free state or under precautionary detention in prison, has failed to appear despite having received notification or refuses to appear, the Court shall declare through a decision his absence. In these cases, the defendant shall be considered present, provided that he is represented by his defense lawyer. A defendant shall also be considered present when, after appearing, he/she leaves the hearing or only appears for one hearing and not for the subsequent ones.

5. The decision to declare the defendant absent may also be revoked ex officio when the defendant appears.
6. In cases when the failure of the defendant to appear for the hearing is the result of a legitimate reason, the Court, even ex officio, shall postpone the hearing and shall order that notifications be repeated.
7. Rules provided for in Article 265 of this Code shall apply.

Article 332/c
The hearing
(added by law no.35/2017, dated 30/03/2017, article 188)

1. After verifying the attendance of the parties, the court declares the judicial trial open.
2. The prosecutor presents briefly the results of the preliminary investigations and the evidence on which the request for sending the case to the trial is based on.
3. The defendant may submit requests for the invalidity of the acts of the preliminary investigations, the non-usability of evidence, the need to obtain new evidence, request for abbreviated trial and can make all statements he deems necessary or request to be questioned, applying the rules provided for in articles 38 and 39 of this Code.
4. After the defendant, the victim and other private parties, when present, shall present their claims.
5. The parties may submit agreements on the conditions for plea bargaining and the determination of the sentence, and the request for pre-trial admission of evidence or the civil lawsuit in the criminal process.
6. When the parties submit a request for the pre-trial admission of evidence, the judge of the preliminary hearing decides on obtaining such evidence and, in case of acceptance of such request, he/she shall transmit it to the competent court and establish the date of the new hearing.
7. When the parties do not have other requests or claims concerning additional evidence, the court declares the judicial trial closed.
8. The parties shall submit their discussion on the value of the evidence and the request of the prosecutor for sending the case to the trial.

Article 332/ç
Decision to complete investigations
(added by law no.35/2017, dated 30/03/2017, article 188)

1. When preliminary investigations are deemed to be incomplete, the court orders their completion, determining the relevant direction and, as appropriate, the acts that must be conducted. When finding out invalid acts or non-usable evidence, the court shall declare them by means of a decision and, when possible, shall order their repetition. The court determines the time limit within which investigations must be completed and the date of the new hearing.
2. The decision shall be notified to the chairperson of the prosecution office.

Article 332/d
Changing the charge in the preliminary hearing
(added by law no.35/2017, dated 30/03/2017, article 188)

1. If during the preliminary hearing, the fact appears to be different than it is described in the request to send the case to trial, if another criminal offence is ascertained, pursuant to letter "b", of paragraph 1, of Article 79, or if an aggravating circumstance emerges, which had not been mentioned, the prosecutor shall modify the charge and shall communicate this to the present defendant. When the defendant is not present, the new charge is communicated to his/her defense lawyer who is given not more than 10 days to communicate with the defendant.
2. If during the preliminary hearing, a new criminal fact emerges against the defendant which had not been mentioned in the request to send the case to trial and for which a proceeding must be carried out *ex officio*, the court shall allow the communication of the charge for the new fact, when the prosecutor submits a request and the defendant consents. Otherwise, the court returns the acts concerning the new charge to the prosecutor and notifies the chairperson of the prosecution office.
3. If during the preliminary hearing, it appears that the legal qualification of the fact is wrongful, or that the charge has not been clearly and accurately formulated, the court shall invite the prosecutor to make the necessary corrections or clarifications. If the prosecutor does not take action, the court shall decide to return the acts. Such decision is notified to the chairperson of the prosecution office.

Article 332/dh

Decision of the preliminary hearing judge

(added by law no.35/2017, dated 30/03/2017, article 188; amended letter "b" and "c", added letter "d" of point 1 by law no. 41/2021, dated 23/03/2021)

1. After hearing the parties' arguments, the court decides:

a) the acceptance of the prosecutor's request and the sending of the case to trial, when it considers that there is sufficient evidence to support the accusation;
b) the continuation of the trial by the same court when the parties submit an agreement on the conditions of plea bargaining and sentencing;
c) to invite the parties to present their final arguments when the defendant has requested abbreviated trial, after verifying the state of the acts, according to the provisions of Article 332/c of this Code. The parties have the right to request a preparation period, not longer than 15 days.
When the defendant is accused of committing a criminal offense for which a sentence of more than 10 years imprisonment is provided, the court sets the date of the hearing and notifies the president to complete the panel of judges according to the law;
ç) the dismissal of the accusation or the case when the situations of paragraph 1 of Article 328 of this Code exist;
d) the declaration of lack of jurisdiction and the sending of the case to the competent court in cases provided by law.

2. The decision is filed in the court registry within 10 days from its pronouncement. The parties have the right to obtain copies of it.

3. The procedure of the preliminary hearing does not substitute the trial on the merits of the case and does not prejudge its final decision.

Article 332/e
Elements of the decision
(added by law no.35/2017, dated 30/03/2017, article 188)

1. The decision to send the case to court shall contain:

a) the personal data of the defendant and other personal data useful for his/her identification, as well as personal data of private parties and their defense lawyers;
b) the personal data of the victim, if he/she has been identified;
c) a description of the criminal fact and its circumstances, indicating the relevant provisions of the law~~;~~
ç) the sources of evidence and facts they refer to;
d) the dispositive, indicating the competent court to adjudicate the case;
dh) the address of the defendant, the victim or the victim's heirs and other parties in the proceeding, to the effect of further notifications;
e) the date and signature of the judge and of the hearing secretary.

2. The decision shall be invalid if the defendant is not identified accurately, or the requirements provided for under letter "c", paragraph 1 of this Article are missing or are insufficient.

Article 332/ë
Trial file
(added by law no.35/2017, dated 30/03/2017, article 188)

1. When the Court decides to send the case to trial, it shall, after hearing the parties, determine the acts that the trial file must contain.
2. The trial file shall contain:

a) acts related to conditions for carrying out the prosecution and the requests for accepting the civil lawsuit;
b) minutes of unrepeatable actions, carried out by the judicial police and the prosecutor;
c) minutes of the actions carried out for the pre-trial admission of evidence and those performed abroad in execution of the rogatory letter;
ç) criminal records and other documents related to the character of the defendant and his/her identity;
d) material evidence and items pertaining to the criminal offence, unless they must be safeguarded elsewhere;
dh) minutes of searches, examinations, recognitions and investigation experiments;
e) expertise acts;
ë) minutes of evidence from other connected proceedings;
f) minutes and recordings of interception of conversations and communications;
g) any other act, which is important for the trial.

3. Copies of such acts and other evidence obtained during the preliminary investigations shall remain in the prosecutor's file.
4. In the cases provided for under letters "b" and "c" of paragraph 1, of Article 332/dh, the file contains all acts carried out during preliminary investigations and those conducted in the preliminary hearing.

Article 332/f
Filing of the trial file
(added by law no.35/2017, dated 30.03.2017, article 188)

The decision to send the case to trial, together with the trial file and the acts concerning precautionary measures shall be filed without delay and, in any case, no later than 10 days, with the secretary of the competent court.

Article 332/g
Prosecutor's file
(added by law no.35/2017, dated 30/03/2017, article 188)

Acts which are not included in the trial file, together with the acts and the minutes of the preliminary hearing shall be sent to the prosecutor.

Article 332/gj
Appeal
(added by law no.35/2017, dated 30/03/2017, article 188)

1. No appeal is allowed against the decision for sending the case to the trial.
2. The prosecutor, the defendant and the victim or the victim's heirs may lodge an appeal with the appeal court against the decision for the dismissal of the charge or case.

TITLE VII
THE TRIAL

CHAPTER I
PRE-TRIAL ACTIONS

Article 333
Establishment of the hearing date

1. Within ten days of the submission of the request of the prosecutor or of the accusing victim, the presiding judge of the panel designated to adjudicate the case, shall establish the hearing date.
2. The date of the hearing is notified to the prosecutor, defendant, defence lawyer, victim, the private parties and their representatives at least ten days before the date set for the trial hearing.

Article 334
Request for expedite trial

1. When the requirements provided by law exist, the prosecutor may request the summary trial, the approval of the penalty order or the plea bargaining, while the defendant the abbreviated trial.
2. In such cases, the rules of this Code regulating special trials shall apply.

Article 335
The rights of the parties

1. Up to the date set for trial hearing, the parties, the victim, their defence lawyers and representatives have the right to view the sequestered items, to examine at the secretary all acts and documents collected contained in the trial file and also to make copies thereof.

Article 336
Urgent actions

1. In cases when securing of evidence is necessary, the [court] chairperson, upon request of the parties, shall order the obtaining of evidence whose obtainment might be compromised at a later moment, by observing the rules provided for court trial.
2. The day, the hour and place for obtaining of evidence are notified, at least twenty-four hours before, to the prosecutor, the defendant, the victim and the defence lawyer.
3. The minutes of the carried-out actions are inserted in the trial's file.

Article 337
Summons of witnesses and experts

1. The parties that request the questioning of witnesses and experts must deposit in the secretary of the court, at least five days before the date set for trial hearing, their roll-call.
2. The presiding judge orders, even *ex officio*, the summons of the expert appointed during preliminary investigation for the pre-trial admission of evidence.

Article 338
Efforts for reconciliation

1. In case of criminal offences prosecutable on request of the accusing victim, the court summons the victim and the one subject to the request for trial, proposing them the solution of the case by consent. In case the accusing victim withdraws the request and the accused accepts this, the court dismisses the case. In the opposite case, the court shall establish the date of the hearing and inform the parties on their right to be assisted by defence lawyers.

CHAPTER II
THE COURT TRIAL

SECTION I
GENERAL RULES

Article 339
The publicity of the hearing

1. The judicial hearing is public, otherwise it shall be null and void.
2. Minors aged under sixteen years of age and those who are drank, intoxicated or mentally disordered shall not be allowed in the hearing.
3. It is prohibited the presence of armed persons in the hearing, except members of public order forces.

Article 340
Cases of closed hearings
(added words in letter "ç" and letter "d" in point one, point two changed numbering by law no. 35/2017, dated 30/03/2017, article 189)

1. The court decides to hold the judicial trial or any of its actions with closed doors:

a) when the publicity may damage the social morality, or may divulge data which must be kept secret for the interest of the State, if this is requested by the competent authority;
b) in case of behaviours which impair the normal performance of the hearing;
c) when it is necessary to protect the witnesses or the defendants;
ç) when necessary during the questioning of minors as witnesses;
d) when a victim, as defined in the article 58/b, asks that the hearing be held with closed doors.

2. The hearing shall always be held with closed doors in cases of:

a) adjudication of minors;
b) adjudication of adult defendants who are charged for offences committed against minor victims, regardless of the age of the victim during the adjudication proceedings;

3. The decision of the court for holding the hearing with closed doors is revoked when the reasons supporting such decision cease to exist.
4. The presiding judge of the panel shall inform the persons attending a closed doors trial that they are obliged to keep confidential all information they learnt at the trial hearing.

Article 341
Directing the hearing
(amended by law no.35/2017, dated 30/03/2017, article 190)

1. The hearing is directed by the panel presiding judge. His/her orders to maintain silence and order during the hearing are binding for the parties and all participants to trial.
2. The presiding judge is obliged to take measures to guarantee respect for court dignity and solemnity of adjudication and security in the courtroom and to avoid any insult, threat or attack against other parties and other participants in the trial.
3. When the defendant, the defense lawyer, the victim, the witness, expert or interpreter do not observe the court orders to maintain order and silence, offend the dignity of the court or act in a way that threatens the solemnity of adjudication, the presiding judge shall warn them of the consequences. Where the person continues to break the order and silence and fails to

obey, the court may impose him a fine up to 30,000 ALL. The repetition of such breach shall constitute grounds for the removal from the courtroom.

4. A written appeal may be submitted against the above order within 3 days. The appeal is reviewed in closed session by the same court. When the court considers it reasonable, the court may decide to revoke the fine. No appeal is allowed against the decision for the revocation of the fine.
5. The order to impose a fine constitutes an executive title.
6. The court shall notify the bar association, or the relevant institution or entity on the improper behaviour of experts and interpreters.
7. When the prosecutor with his/her actions infringes the rules of the court hearing, the court shall warn him/her and, in case of repetition, notify the chairperson of the prosecution office.
8. In case of other participants at a court hearing, who do not obey to court orders for maintaining order and silence or offend the dignity of the court, the presiding judge shall warn them and, if they do not observe the court order, the presiding judge shall order them to leave the hearing and, when he/she deems it necessary, shall impose them a fine up to 30.000 ALL.

Article 342

Uninterrupted trial

(added point four by law no.8813, dated 13/06/2002; changed words at the end of the point four by law no.35/2017, dated 30/03/2017, article 191)

1. When the court examination may not terminate in a sole hearing the court decides to continue it the next working day.
2. The court may interrupt the court examination, up to fifteen days, only under particular circumstances.
3. The postponement and interruption of the court examination are declared by the presiding judge in the hearing. The announcement is equal to notification for the ones who are present or who must deem to be present.
4. When due to the lawful reasons, the trial panel changes, the new member must become acquainted with the content of the judicial process, except in cases when he/she requests that the case be examined from the beginning. When more three members of a trial panel consisting of five judges changes, the trial starts from the beginning.

Article 343

The suspension of the court trial

1. When the solution of the criminal case depends on the solution of a civil or administrative dispute for which a trial is being held, the court may decide the suspension of the court examination until the case is resolved by a final decision.
2. The decision of the suspension is subject to appeal to the High Court.
3. When the administrative or civil trial does not terminate within six months the court may revoke the decision of the suspension even ex officio.

Article 344

The presence of the defendant in the hearing

(added point 4 by law no.8813, dated13/06/2002; changed point two, three and four and added point five by law no.35/2017, dated 30/03/2017, article 192)

1. The defendant participates in the hearing as a free person even when he is detained, except when it is necessary to take measures indispensable to prevent the risk of escaping or of violence.
2. When a defendant with his behaviour hinders the regular performance of the hearing, despite the measures taken under paragraph 3 of the Article 341 of the Code, the court may order the removal of the defendant from the courtroom for a definite period of time. If, even after returning to the court room, the defendant continues to obstruct the regular performance of the hearing, the court may order that he is removed until the decision is announced.
3. When possible, the defendant removed, pursuant to paragraph 2 of this Article, shall attend the hearing through audio and/or video links.
4. The defendant expelled from the hearing in compliance with paragraph 2 of this Article shall be considered to be present and shall be represented by the defence lawyer. He/she can be readmitted into the courtroom at any time.
5. The absence of the defendant who has left the courtroom and who has not accepted to have a defense lawyer, does not prevent the hearing to be held. In this case a defense lawyer is assigned ex officio and the trial continues. The defendant or the defense lawyer chosen by him may be admitted in the courtroom at any time.

Article 345

The minutes of the hearing

(repealed by law no.35/2017, dated 30/03/2017, article 193)

Article 346

The content of the minutes

(repealed by law no. 35/2017, dated 30/03/2017, article 194)

Article 347

Requests of the parties regarding the minutes

(repealed by law no.35/2017, dated 30/03/2017, article 195)

SECTION II

PRELIMINARY ACTIONS

Article 348

Verification of the presence of the parties

(added second sentence in point one and point two and three by law no.35/2017, dated 30.03.2017, article 196)

1. Before the start of the court examination the presiding judge makes sure of the presence of the parties. If the parties are not present, the presiding judge shall verify whether the summons were duly notified and whether absence is justified.
2. When the defence lawyer appointed ex officio is not present, paragraphs 5 and 6 of article 49 of this Code shall apply.
3. If the prosecutor does not appear at a trial the court shall postpone the hearing and shall notify the chairperson of the prosecution office.

Article 349
The repetition of summons

1. The court, even ex officio, orders the repetition of the summons for trial when it results that the defendant or the person subject to request for trial of the accusing victim has not received any notification or the notification is uncertain.

Article 350
The absence of the defendant or of the defence lawyer
(changed point three, point four is numbered point six and added point four and five by law no. 35/2017, dated 30.03.2017, article 197)

1. When the defendant, even if held under precautionary detention in prison, or the person subject to request for trial of the accusing victim does not appear at the hearing and it results that the absence is caused by force majeure or any other impediment which exempts him from liability, the court even ex-officio postpones or suspends the judicial trial, established the date of the new hearing and orders the repetition of the summons.
2. The reading of the decision fixing the new hearing is equal to the notification for all of them who are or must be considered as present.
3. The court shall decide pursuant to paragraph 1 of this article even when the defence lawyer is absent and such absence is caused by force majeure, unless when the defendant requests to be adjudicated in absence of the defence lawyer and his presence is not mandatory. When the defendant is assisted by two defence lawyers and the obstacle to appear concerns only to one of them, the summons is considered valid and the trial shall be held in the presence of one of the defence lawyers.
4. When a duly summoned defence lawyer fails to appear in the hearing and there exist no impediments exempting him from the responsibility to appear, or if the defence lawyer leaves the hearing without any permission, the court may impose a fine from 5.000 ALL to 100.000 ALL and order him/her to pay the expenses of the hearing.
5. The abovementioned decision may be appealed in written form within 3 days. The appeal shall be reviewed in closed session by the same court. The court, when deems it appropriate, shall decide to revoke the fine. No appeal is allowed against the decision revoking the fine.
6. When the notification has not been duly made, the court decides the postponement of the trial hearing and orders the repetition of the notification.

Article 351
Absence of or voluntary abandonment by the defendant
(amended by law no.35/2017, dated 30/03/2017, article 198)

1. When the defendant in free state or under precautionary detention in prison fails to appear in the hearing, despite being notified, and has no legitimate reasons for not appearing, the court shall postpone the hearing and order his forced accompaniment, unless he has declared, before a notary public or before the competent State authority, his will not to attend the trial. In this event, the trial shall continue in his absence.
2. If the defendant who is present at the hearing, expressly renounces from his right to participate to trial, the trial shall continue in his absence.
3. In cases provided for by paragraphs 1 and 2 of this article, the defendant shall be considered present, provided that the trial is conducted with the presence of the defence lawyer.
4. The same rule shall apply if the defendant leaves at any moment of the judicial trial or during its intervals.

Article 352

Trial *in absentia*

(amended by law no.35/2017, dated 30/03/2017, article 199)

1. When the defendant in free state, despite the searches pursuant to articles 140-142 of this Code, fails to appear in the hearing and it turns out that he has not been personally informed of the trial, the court shall decide its suspension and shall order the judicial police to continue the search of the defendant. After one year from the date of suspension of the trial for this reason and, at any time, when there is information on the location of the defendant, the court shall resume the trial, by ordering the repetition of the notification. The court shall declare the absence of the defendant if, even after the newly conducted searches, the defendant is not found. In this event, the trial shall be held in the presence of the defence lawyer.
2. The court shall declare absence of the defendant, if it is proved that the defendant is escaping from. In this event, trial shall be held in the presence of the defence lawyer.
3. The court shall declare absence even when it is proven that the defendant is abroad and it is impossible to extradite him.
4. The decision declaring absence is invalid when it is proven that such absence it due to his/her the absolute impossibility to appear.
5. When the defendant appears after the decision declaring his absence has been announced, the court shall revoke it. When the defendant appears after the judicial trial is declared closed, he may ask to be questioned. All actions performed before this moment shall remain valid, but if the defendant requests and the court deems it necessary for the decision to be taken, it may decide the re-opening of the judicial trial and the obtaining of the evidence requested by the defendant or the repetition of procedural actions.
6. Trial in absentia shall not be held in the case of a minor defendant. In such event, the court, after conducting the searches pursuant to articles 140-142 of this Code, shall decide the suspension of the trial. The rules of paragraph 1 of this article shall apply, to the extent they are compatible.

Article 353

Forced accompaniment of the defendant

1. The court may order the forced accompaniment of the defendant or of the person subject to

a request for trial from the accusing victim, when he has failed to appear or has renounced from participation in trial, pursuant to Article 352 of this Code, provided that his presence is indispensable for the taking of the evidence but not for his questioning.

Article 354
Preliminary requests
(changed point three by law no.35/2017, dated 30.03.2017, article 201)

1. The request dealing with jurisdiction, competence, joinder or separation of the proceedings, with the legal standing of the plaintiff and of the civil defendant, may not be presented later, if they have not been raised immediately after the legal standing of the parties, except when the possibility to raise them arises only during the court trial.
2. Before the court trial is declared open, parties have the right to file requests for the declaration of invalidity of certain acts, or the non-usability of evidence.
3. The court rules on the preliminary requests, by decision, immediately after hearing the parties. The court, where deemed necessary, may postpone the decision-making until the next hearing.

Article 355
Announcement of the opening of court examination

1. After carrying out the actions indicated in the above articles, the presiding judge declares the judicial trial open.

Article 356
Opening statement and the request for evidence

1. The prosecutor or the accusing victim exposes in summarised form the facts subject to accusation and indicates the evidence to be examined, describing the relation of each criminal act with its supporting evidence.
2. The defence lawyer of the defendant, the representatives of the plaintiff and of the civil defendant, in this order, shall indicate the facts they intend to prove and request the obtaining of evidence.
3. The obtaining of the evidence which have been not requested before shall be permitted when the requesting party claims not having been able to request them.

Article 357
Court rulings concerning evidence

1. After hearing the parties, the court renders decision on the obtaining of evidence.
2. During the court trial, parties may present claims in relation to the obtaining of evidence. The court may revoke by decision the obtaining of evidence which is not necessary or accept the obtaining of evidence which have been refused.

Article 358
Statements of the defendant

1. The presiding judge informs the defendant that he has the right to make, at any stage of the court trial, the statements he considers appropriate. When, during the rendering of statements, the defendant does not limit his declarations to the object of the charge, the presiding judge shall warn him and, if he continues, shall deprive him from the right to speech.
2. The statements of the defendant are reproduced in full by the secretary, unless the panel presiding judge orders that the minutes are kept in a summarized form.

SECTION III
OBTAINING OF EVIDENCE

Article 359
Order of obtaining evidence

1. The court trial starts by obtaining the evidence requested by the prosecutor or the accusing victim and continues by taking those, which are required by the defendant, the defence lawyer and other parties.

Article 360
Appearance and oath of the witness

1. Before starting the questioning, the presiding judge warns the witness on his legal obligation and liability to say the truth.
2. The secretary of the court reads the witness' oath:
   "I swear that I shall say the truth, all the truth and I shall say nothing which is not true. After this, the witness declares: "I swear" and provides his personal details.
2. Failure to observe the provisions of paragraphs 2 and 3 shall render the performed actions null and void.

Article 361
Questioning of witnesses
(added point 7 by law no.9276, dated 16/09/2004, article 7; added words in point three and point eight, point 5 repealed by law no.35/2017, dated 30.03.2017, article 202)

1. The questioning of the witnesses is made initially by the prosecutor or the defense lawyer or representative who has requested the questioning. Then, the questioning continues by the parties, in order.
2. The one who has requested the questioning may ask questions even after the other parties have terminated theirs.
3. The party requesting the questioning shall not be allowed to make questions that influence negatively on the impartiality of the witness or that intend to suggest the answers.
4. The presiding judge may allow the witness to look at the documents prepared by the witness in order to help his memory.
5. Repealed
6. During the questioning of the witness, the presiding judge may ask questions and, when appropriate, intervene to insure orderly questioning, truthfulness of the answers, the accuracy of questions and objections, as well as to guarantee respect for the person.

7. The witness may be questioned at distance, within the country or abroad, through audio-visual links, in compliance with rules provided by international agreements and provisions of this Code. The person authorized by the Court shall remain at the witness's location, certifies his/her identity, and ensures the correct process of questioning and of the implementation of protective measures. These actions are reflected in the minutes.
8. The victims of the sexual criminal offences, trafficking or other domestic violence offences, upon their request, may be questioned as witnesses through audio and audio-visual tools.

Article 361/a
Questioning of the minor witness
(added by law no.9276, dated 16/09/2004, article 8; amended by law no. 35/2017, dated 30/03/2017, article 203)

1. A minor witness under the age of 14 is questioned without the presence of the judge and the parties, at the premises where the minor is located, when possible, by means of audio-visual tools. Questioning is conducted through a psychologist, an educator or another expert and, if this is not contrary to the interests of the trial or interests of the child, the parents or the legal guardian may be present during the questioning. The parties may request and the court may decide *ex officio* that the minor be questioned by the judge in the presence of an expert. The minor may be questioned again only in specific cases and at the same way.
2. The questioning of a minor witness aged 14 to 18 years is conducted by the panel presiding judge. During the questioning, special care is given to avoid harmful consequences on his mental health, especially if the minor is a victim of the criminal offence. In compliance with the circumstances, the questioning may be conducted as foreseen in paragraph 1 of this article.
3. The panel presiding judge, when questioning a minor witness up to 14 years of age, shall not observe the rule on the warning on the obligation and legal responsibility of the minor to tell the truth. This exemption shall apply also to other minor witnesses, if the presiding judge deems that he is not capable of understanding the consequences of oath-taking. In such cases, the panel presiding judge shall give to the minor the possibility to tell the truth and the court shall proceed with the hearing of the minor's testimony.
4. When the minor is heard during investigations and his statements are recorded, pursuant to paragraph 4 of article 58/a of this Code, they are used as evidence in trial, if the defendant and the defence lawyer give their consent. The statements of the minor may be used as evidence even if the defence lawyer has been allowed to question the minor through experts and the expert deems that the repetition of questioning may harm the psychological conditions of the minor.

Article 361/b
Special techniques for questioning
(added by law no.9276, dated 16/09/2004; changed numbering, title, added words in point one and added point three by law no.35/2017, dated 30.03.2017, article 204)

1. The questioning of collaborators of justice, infiltrated or undercover persons, protected witnesses and witnesses with hidden identity is conducted under special measures for their protection, which are determined by the court, *ex officio* or upon the request of parties. When

technical means are available, the court may determine that the questioning is conducted at distance, via audio-visual links, pursuant to the rules provided for in paragraph 7 of article 361.

2. When the modification of identity of the person to be questioned has been decided, the court shall order appropriate measures to be taken to enable that the voice and face of the person to be unrecognizable by the parties. If the recognition of identity or the examination of the person is indispensable, the court orders the summoning of the person, or his forced accompaniment for the fulfilment of this act. In this case the court orders necessary measures to be taken to avoid the distinct appearance of the face of the person whose identity is modified.
3. The court shall not allow that the witness, pursuant to paragraph 1 of this article, is asked questions that may reveal his identity.

Article 362

Rebuttal of testimony

(added words in point one, two and added point three and four by law.8813, dated 13/06/2002)

1. In order to rebut, in whole or in part, the contents of the testimony or when the witness refuses to testify, the parties may use the statements previously made by the witness before the prosecutor or judicial police and which are part of the prosecutor's file, but only after the witness has already testified on the facts and circumstances which are being rebutted.
2. Such statements shall not constitute evidence in itself regarding the facts declared by it, but may only be taken into consideration by the court to determine the reliability of the person examined and shall be included in the trial's file.
3. Statements given in front of a prosecutor or judicial police, may be evaluated as evidence, if they are related to other evidence which corroborate their truthfulness.
4. Previous statements, already included in the trial's file, pursuant to paragraph 2 of this article, are evaluated as evidence even if it is proven that the witness, even during his questioning at trial hearing, is subject to violence, threat, promise for money or other benefits, with the purpose that he refuses to testify or make false testimony and also if other circumstances that have impaired the authenticity of his answers have occurred.

Article 363

Expert questioning

(added point three by law no.9276, dated 16/09/2004, article 9)

1. For the questioning of experts, rules on the questioning of witnesses apply, to the extent they are applicable.
2. The expert is entitled in any case to access the documents, annotations and publications, which may be obtained also *ex officio*.
3. The expert may be questioned in distance by following the rules provided in paragraph 7 of Article 361 of this Code.

Article 364

Questioning of witnesses and experts in their houses

(changed point one by law no.8813, dated 13/06/2002)

1. In case of absolute impossibility to appear, upon request of the parties, the court may decide that the questioning of a witness or expert is performed in the places where they are located, notifying the day, hour and venue for the questioning. The questioning may be also made by one member of judicial panel, in the presence of the parties.
2. The questioning is made in the form provided for in the above articles without the presence of the public. The defendant and the private parties are represented by the defence lawyer and their representatives. The court may allow the intervention of the defendant during questioning.

Article 365
Questioning of private parties

1. The questioning of the private parties shall start by the one who has requested it and shall continue with the questions by the prosecutor, the defence lawyers, the representatives of the parties and of the defendant. The party who has started questioning may pose questions also after the other parties.
2. The content of the testimony may be challenged by using the statements made by the questioned party during preliminary investigations and which are contained in the prosecutor's file, provided that the party has already testified on the facts and circumstances to be challenged.

Article 366
Ruling on expertise during trial

1. In case the court, ex officio or upon the request of the parties, rules the conduct an expertise, the expert is immediately summoned and must express his opinion in the same hearing. If this is not possible, the court shall interrupt the court review and shall establish the date of the new hearing, not later than thirty days.

Article 367
Obtaining new evidence

1. After obtaining the requested evidence, the court, if necessary, may ask additional questions and rule, even ex officio, the obtainment of additional evidence. In case it is not possible to proceed during the same hearing, the trial is suspended and the date of the new hearing is established.

Article 368
Minutes for obtaining new evidence

1. The minutes for obtaining of evidence shall indicate the personal data of the witnesses, experts and interpreters, and the warning made to them for saying the truth and for the liability they have in case of giving false testimony, expertise or interpretation.
2. The court secretary reproduces the questions made by the parties and the presiding judge, and the answers by the questioned persons.

3. In case the court decides for the minutes to be held in a summarized form, the control of its accuracy is made by the presiding judge.

Article 369

Allowed readings

(added words in point three by law no.8813, dated 13/06/2002; changed words and added sentence in point five by law no.35/2017, dated 30/03/2017, article 205)

1. The court, even *ex officio*, decides that documents which are contained in the court trial file are read, in whole or in part.
2. Upon request of the parties, the court may rule that documents acquired during preliminary investigations are read when, due to unpredictable circumstances, they cannot be repeated.
3. The reading of statements made by an Albanian or foreign citizen, residing abroad, can be made if such person is summoned and has failed to appear or he is not found, despite the searches conducted by the judicial police, and when he/she refuses to testify. In such case the act is evaluated together with other evidence.
4. The judicial police officer or agent, who is questioned as a witness, may use the documents of the judicial police to help his memory.
5. Instead of reading, the court, even *ex officio*, may show the documents that are allowed to be used for rendering the decision. Showing such acts shall be held equal to reading them.

Article 370

Reading of statements made by the defendant

(added words in point two by law no.8813, dated 13/06/2002; added words in point two by law no.35/2017, dated 30.03.2017, article 206)

1. In order to rebut, in whole or in part, the content of the defendant's statements, the parties may use the statements previously made by him and which are in the prosecutor's file, provided that he has already spoken about the facts and the circumstances that are being challenged.
2. In case the defendant is declared in absentia or refuses to answer on statements rendered in the presence of his/her defence lawyer, pursuant to paragraph 3 of article 38 of this Code, the court decides that the minutes of the statements made by him during preliminary investigations, be read.
3. In case the statements are made by persons taken as defendants in a joined proceeding, the court orders their forced accompaniment. When the presence of the person who has rendered a statement cannot be secured, the court, after hearing the parties, decides the reading of the minutes containing such statements.

Article 371

Insertion of the acts in the court's file

1. The minutes and acts which have been read, and the documents presented by the parties and accepted by the court are inserted, along with the minutes of the trial hearing, into the court file.

SECTION IV
NEW ACCUSATIONS

Article 372
Amendment of the charge

1. When during the trial, the fact turns out to be different from what is described in the request for trial and its adjudication is under the competence of the same court, the prosecutor amends the charge and continues with the relevant charge.

Article 373
Charge for another criminal offence

1. When during the trial, another criminal offence connected to the offence under trial, pursuant to the article 79, letter "b", or when an aggravating circumstance which is not stated in the trial application emerges, the prosecutor communicates to the defendant the criminal offence or the circumstance, provided that the trial is not under the competence of a superior court.

Article 374
The accusation for a new fact

1. When during the court trial a new fact emerges against the defendant, which has not been mentioned in the request for trial and for which must be proceeded ex officio, the prosecutor proceeds in the usual forms, by taking back the dossier to continue the preliminary investigations. However, if the prosecutor so requests, the court may allow the review during the same hearing when the defendant gives his consent and expedite proceedings are not compromised.

Article 375
Amending the legal qualification of the offence
(amended by law no.8813, dated 13/06/2002; added point two and three by law no.35/2017, dated 30/03/2017, article 207)

1. In its final decision the court may give to the fact a different definition from that given by the prosecutor or the accusing victim, provided that the criminal offence is under its competence.
2. When at the end of the judicial trial, the court deems that the fact of which the defendant is accused may have a judicial qualification that is more severe from the one made by the prosecutor or the accusing victim, the court shall notify the parties on this probability and provide them sufficient time for defense. The parties are entitled to submit new evidence.
3. When trial is held in the absence of the defendant, pursuant to article 352 of this Code, the court implements the rules provided for by paragraphs 1 and 2 therein.

Article 376
Rights of the parties
(added punctuation, conjunction and number in point one and words in point three by law no. 35/2017, dated 30.03.2017, article 208)

1. In cases provided by articles 372, 373, and 374 and 375 the presiding judge informs the defendant that he may request a period of time for his/her defense. When the defendant requests such period, the presiding judge suspends the court trial for an appropriate time, but not later than ten days. The other parties may also request the obtaining of new evidence.
2. The presiding judge orders the summons of the victim, within a time limit not less than five days.
3. When the defendant is adjudicated in absentia, pursuant to articles 351 and 352 of this Code, the prosecutor requests to the court to insert the new accusation in the minutes of the court trial and to send the extract of such minutes to the defendant. In such a case, the presiding judge suspends the court trial and establishes another hearing, observing the time limits provided for by paragraph 1.

Article 377

Returning the acts to the prosecutor

(removed second sentence in point one by law no.35/2017, dated 30.03.2017, article 209)

1. When the prosecutor withdraws from the charge and in the state of evidence it is proved that the defendant is not guilty or any of the instances for case dismissal exists, the court shall decide the defendant's acquittal or case dismissal.

SECTION V

CLOSING DISCUSSION

Article 378

Holding the discussion

(repealed point five and six by law no.35/2017, date 30.03.2017, article 210)

1. After the obtaining of evidence, the prosecutor, the defendant's defense lawyer and the representatives of the other parties shall prepare and present the relevant conclusions.
2. The civil defendant shall present conclusions in written form, which must include, when the compensation for damages has been requested, also the determination of the missed profit.
3. The prosecutor, the defence lawyers and the representatives of the parties can replicate.
4. In any case, the defendant and the defence lawyer must present the final speech, if they request it.
5. Repealed
6. Repealed.

Article 378/a

Request to re-open the judicial trial

(added by law no.35/2017, dated 30/03/2017, article 211)

1. After the judicial trial has been terminated, no other evidence may be admitted.
2. The judicial review may be re-opened upon request of the parties, when they request the obtaining of newly emerged evidence or evidence which has been impossible to be taken earlier by them.

3. The court shall admit the request upon evaluation of their importance for the settlement of the case.

CHAPTER III
THE DECISION

SECTION I
DECISION-MAKING

Article 379
Simultaneous decision-making
(changed words in point one by law no.35/2017, dated 30/03/2017, article 212)

1. Decision is taken immediately after the final discussions of parties.
2. The taking of the decision may not be postponed, except in cases of absolute impossibility. Postponement is decided by the chairperson by reasoned order.

Article 380
Evidence that may be used for decision making

1. In taking the decision the court may not use evidence other than those which are obtained or verified during the judicial trial.

Article 381
Collegial decision making
(added point three by law no.35/2017, dated 30/03/2017, article 213)

1. The judicial panel, led by the presiding judge, decides separately for each case connected with the fact and the law, with the execution of the precautionary measures, punishments and civil liability.
2. The judges expose their opinion and vote for each issue. The presiding judge collects the votes, starting from the judge who has less experience and votes himself for last.
3. The decision shall be signed by all members of the judicial panel. The judge, who is in minority, signs the decision, by noting “against”.

Article 382
Drafting the decision
(added point two, three and four by law no.35/2017, dated 30/03/2017, article 214)

1. After being issued, the decision shall be reasoned based upon the evidence and criminal law and it shall be signed by all the members of the panel.
2. When the decision is announced in a summary form, it shall be reasoned in full within 30 days from its announcement. This time limit may be extended for another period of 30 days if the case is adjudicated by the Anti-Corruption and Organized Crime Court.
3. If the sentenced person is under a personal precautionary measure, pursuant to article 237 and 238 of this Code, the decision shall be reasoned within 15 days from the date of

announcement or within 30 days where tried by the Anti-Corruption and Organized Crime Court.

4. The period foreseen to reason the decision in writing pursuant to paragraph 2 and 3 of this article may be extended in exceptional cases due to the justified grounds. The chairperson of the court has to be notified thereof.

Article 383
Elements of the decision

(changed punctuation and added words in point two by law no.35/2017, dated 30.03.2017, article 215)

1. The decision shall contain:

a) the court which has issued it;
b) the personal data of the defendant or other personal data which are useful for his identification and also the personal data of the other private parties;
c) the charge;
ç) the summarized exposition of the circumstances of the fact and the evidence on which the decision is based as well as the reasons why the court considers unacceptable the contrasting evidence;
d) the dispositive, indicating the applied articles of the law;
dh) the date and the signature of the judges.

2. The decision is invalid if the dispositive or the signatures of the members of the judicial panel are missing, and if there are obvious/manifest contradictions between the reasoning and the disposition.

Article 384
Pronouncing the decision

(added words in point one and point three, changed point two by law no.35/2017, dated 30.03.2017, article 216; point three repealed by law no. 41/2021, dated 23/03/2021)

1. The decision is announced in the hearing by the presiding judge or a member of the panel, by reading its dispositive.
2. After the dispositive, the presiding judge reads the reasoned decision. The reasoning of the decision may be given in writing also in a summary form, indicating the main grounds on which the decision is based. In such case, the court delivers to the parties in the hearing, a summary of the decision in writing.
3. Repealed.

Article 385
Correction of the decision

1. The court even ex officio, proceeds with the correction of the decision when it must correct any material error.

Article 385/a
Completion of the decision
(added by law no.35/2017, dated 30/03/2017, article 217)

1. Each of the parties, within 30 days from the announcement of the decision, if they were present, or from the day they were informed in case the decision was announced in their absence, may request its completion [of the decision] in case the court did not rule on all requests concerning the obtaining of evidence.
2. The court shall examine the request with the same judicial panel, upon summoning the parties.
3. Special appeal may be filed against this decision.

Article 386
Filing the decision
(changed words in point 1 and changed point 2 by law no.35/2017, dated 30/03/2017; repealed phrase in the first sentence of point 2 by law no.41/2021, dated 23/03/2021)

1. The decision is filed in the registry immediately after the reasoning, within the deadlines provided in Article 382 of this Code. The designated clerk signs and notes the date of filing.
2. The decision is notified to the parties at the address declared by them. The notification carried out at the address declared by the parties is considered effected.

SECTION II
DECISION FOR DISMISSAL OF THE CASE AND ACQUITTAL

Article 387
Decision dismissing the case
(changed point one and repealed point two by law no.35/2017, dated 30/03/2017, article 219)

1. When the criminal prosecution should not have started or should not continue, pursuant to the cases provided for in letters “c”, “ç”, “e” and “ë”, of paragraph 1 of article 328, of this Code, or when the criminal offence is extinguished and the defendant does not request for acquittal, the court shall decide dismissal of the case, by indicating also relevant reason.
2. Repealed

Article 388
Acquittal decision

1. The court shall issue a decision of acquittal if:

a) the fact does not exist or it is not proved that it exists;
b) the fact does not constitute a criminal offence;
c) the fact is not provided by law as a criminal offence;
ç) the criminal offence is committed by a person who cannot be charged or punished;
d) it is not proved that the defendant has committed the offence he is accused of;

e) the act has been committed in presence of a legitimate reason or an exculpatory reason and when there is doubt about their existence.

Article 389
Rulings on precautionary measures

1. By a decision of acquittal or dismissal the court orders the release of the defendant placed under precautionary detention and declares the withdrawal of any other precautionary measures. When the decision is conditionally suspended, it is proceeded in the same way.

SECTION III
CONVICTION DECISION

Article 390
Conviction of the defendant
(changed point two by law no.8813, dated 13/06/2002;
Changed words in point one, point two is numbered point four, removed words, and added point two and three by law no.35/2017, dated 30/03/2017, article 220)

1. The court issues a conviction decision, when the guilt of the defendant is proven beyond any reasonable doubt, and establishes the type and measure of penalty.
2. The court cannot base the conviction decision only on statements made by persons, who, out of their own free choice, have always voluntarily avoided undergoing questioning by the defendant or his lawyer in all stages of the proceedings.
3. The court cannot base the conviction decision only or mainly on the statements of the co-defendant or the testimonies obtained through special techniques for hiding the witness identity, pursuant to article 361/b of this Code.
4. When the defendant has committed more criminal offences, the court shall establish the sanction for each of them and shall apply the rules on the unification of criminal offences and sanctions.

Article 391
Declaration for forgery of documents

1. Forgery of an act or a document certified by a court decision, is declared in the [decision] dispositive, which orders, as appropriate, the deletion, in whole or in part, restatement, reproduction or amendment of the act or document, determining also the way it must be done.
2. Declaration of forgery may be appealed in conjunction with the final decision.

Article 392
Obligation to pay the fine

1. When the convicted person does not have income or assets that are allowed be sequestered, the court charges the person civilly liable for the defendant's obligations to pay an amount equal to the fine.

Article 393
Obligation for the expenses

1. The convicted person is charged with the payment of the procedural expenses connected with the criminal offences to which the sanction refers to.
2. Persons convicted for the same criminal offence or for connected criminal offences are jointly obliged to pay expenses in proportion with the degree of guilt or the offence committed. Persons convicted in the same trial for criminal offences which are not connected among them are jointly obliged only for the common expenses related to the criminal offences for which the sanction has been issued.

Article 394
The liability of the civil defendant

1. With the conviction decision, the court rules also on the requests for the return of the item and the compensation for damages, and on the method of payment of the obligation.
2. In case the liability of the civil defendant is accepted, he is obliged jointly with the defendant to return the item and compensate damages.

Article 395
Evaluation of the damage

1. When the obtained evidence does not allow for the exact evaluation of the damage, the court rules on the right for compensation of damages, in general, and transfers the act to the civil court.
2. Upon request of the civil plaintiff, the defendant and the civil defendant may be obliged to pay an amount approximately equal to the damage which is deemed to be proved. This obligation is executed immediately.

Article 396
Temporary execution of the civil obligation

1. Upon the request of the civil plaintiff, when there are lawful reasons, the obligation for the return of the item and the compensation of damage is declared temporary enforceable.

Article 397
The obligation of the private parties to pay procedural expenses

1. With the decision accepting the request for the return of an item or the compensation of damages, the court obliges jointly the defendant and the civil defendant to pay the procedural expenses in favour of the civil plaintiff, except when it deems that it must decide their entire or partial compensation.

2. When the request is rejected or the defendant is found not guilty, except when he has no criminal liability, the court obliges the civil plaintiff to pay the procedural expenses made by the defendant and the civil defendant in relation to the civil lawsuit, but in any case, when there are no reasons for the complete or partial compensation. When it is proved the gross negligence, the court may also charge with the compensation of the damages caused to the defendant or the civil defendant.

Article 398
The obligation of complainant to pay the expenses and damages

1. When the court decides that the defendant is not guilty for a criminal offence which is proceeded on complaint, because the fact does not exist or the defendant has not committed it, the complainant is charged with the payment of the expenses for the proceedings made by the State, and with the expenses and the compensation of the damage in favour of the defendant and the civil defendant.

Article 399
The publication of the decision compensating moral damages

1. Upon the request of the civil plaintiff, the court decides the publication of the conviction decision, as a method of re-instating of the moral damage arising out of the criminal offence.
2. The publication of the decision is made, in full or summary form, in the newspapers indicated by the court, with the expenses of the defendant or civil defendant.
3. If the publication is not made within the set time limit, the civil plaintiff may act personally, with the right to request expenses from the convicted person.

CHAPTER IV
SPECIAL TRIALS

SECTION I
DIRECT TRIAL

Article 400
Cases of direct trial
(changed point one by law no.8813, dated 13/06/2002; changed point one and three, changed words in point two by law no.35/2017, dated 30/03/2017, article 221)

1. When the defendant is arrested in *flagrante delicto* and is being investigated for the commission of a criminal offence which is tried by a single judge, the prosecutor within forty-eight hours of his arrest submits to the court the request for validation and his direct trial, if he deems that no further investigation is needed.
2. If the arrest is deemed lawful and there is no need for further investigations, the court proceeds immediately with the trial, whereas when it is not found grounded, the acts are returned back to the prosecutor. In the latter case, if the defendant and the prosecutor give their consent, the court shall proceed with the direct trial.

3. When the defendant has been arrested in *flagrante delicto* and the arrest is considered lawful, and also when the court imposed one of the precautionary measures provided for by articles 237, 238 or 239 of the Code, the prosecutor shall file a request with the court for a direct trial no later than 30 days from the date of arrest, unless further investigation must be carried out.
4. When the criminal offence, for which the direct trial is requested, relates to other criminal offences for which the conditions for this type of trial are not met, the procedure is carried out separately for those other offences and other defendants, except when the separation prejudices the investigations. When the joining is indispensable, the rules of the default judgement shall apply.

Article 401

Preparation of the direct trial

(changed point one and two and added point four by law no.35/2017, dated 30/03/2017, article 222)

1. Upon procedure of a direct trial the prosecutor orders the appearance at the hearing of the defendant arrested in *flagrante delicto* or under the precautionary measure provided for by articles 237, 238 or 239 of this Code. When the defendant is in free state, the time limit to appear may not be shorter than three days.
2. The order shall contain, under penalty of invalidity, the data provided for by letters “a”, “b” and “c” of article 332/e and the indication of the place, date and the time to appear and the warning that if the defendant fails to appear, he will be forcely accompanied, as well as the date and signature of the prosecutor."
3. The defence lawyer shall be notified without delay by the prosecutor on the date of the trial. He has the right to read and make copies of the documentation related to the investigations having been carried out.
4. The order and the case file shall be sent to the court. In the case provided for by article 400, paragraph 3, the prosecutor shall be notified at least 10 days in advance of the date and the time of the trial as well as of the court that will try the case.

Article 402

Conduct of the direct trial

(added point 1/1, changed words in point two, changed point three and four, point four is numbered point five by law no.35/2017, dated 30/03/2017, article 223)

1. During the direct trial the provisions of the chapter for the court examination shall apply.

   1/1. The victim and the witnesses shall be notified by the Judicial Police also verbally. In the case foreseen by Article 400, paragraph 1, the prosecutor may notify the arrested person of the charge during the court hearing.”
2. The prosecutor, the defendant and the civil plaintiff, may present other witnesses during the court examination, even if they have not been summoned before by the Court.
3. The Court shall inform the defendant on the right to request an abbreviated trial or to ask for a judgement upon agreement. The defendant shall also be informed on the right to request a time limit of up to five days to prepare the defence. In that case, the judicial examination shall be postponed until a new hearing is scheduled after the termination of this time limit.

4. When a direct trial is requested in other cases than those foreseen by Article 400 of this Code, the court shall return the acts to the prosecutor.
5. The defendant may request a abbreviated trial. The court, after hearing the prosecutor and finding the request founded, shall decide to continue the trial following the rules of a abbreviated trial. If it decides otherwise, it shall continue with the direct trial.

SECTION II
ABBREVIATED TRIAL

Article 403
Request for abbreviated trial
(amended by law no.35/2017, dated 30/03/2017, article 224)

1. The request for abbreviated trial shall be submitted by the defendant or his/her defence lawyer upon special power of attorney during the preliminary hearing or the court hearing pursuant to Article 400, paragraph 3 and article 406/ç of this Code, otherwise it shall not be admitted.
2. The request for abbreviated trial for criminal offences punishable with life imprisonment shall not be allowed.

Article 404
(repealed point two by law no.8813, dated 13/06/2002; repealed by law no.35/2017, dated 30/03/2017, article 225)

Article 405
Abbreviated trial hearing
(changed point one, five, six and seven, added words in point three, added point eight and nine by law no.35/2017, dated 30/03/2017, article 226)

1. When the defendant or the defence lawyer, with special power of attorney, have requested abbreviated trial in the preliminary hearing, in compliance with provisions of Article 332/c of this Code, the court hearing shall be held in the presence of the prosecutor, the defendant, the defence lawyer, the victim or his/her heirs, when their identity and place of residence are known from the acts of the proceedings, and also the private parties.
2. The court makes the verifications connected with the legal standing of the parties.
3. In case the defence lawyer of the defendant fails to appear, and the defence is mandatory pursuant to the criteria determined in this code, the court appoints another defence lawyer as substitute.
4. When the defendant fails to appear in the hearing because of legitimate excuses, the court shall set the date of the new hearing and shall order that the defendant is notified.
5. After hearing the parties on the preliminary requests, the court shall read the request for abbreviated trial and ask the defendant if he sticks to it. When the defendant states that he upholds the request, the court declares the judicial examination open and gives the floor to the prosecutor to briefly present the results of the preliminary investigation.
6. After hearing the submissions of the prosecutor, in the same hearing the court shall decide on the admissibility of the request for the abbreviated trial if it deems that the case may be

resolved under the existing state of the acts. Otherwise it shall refuse the request and shall continue with the ordinary trial. The decision may be appealed together with the final decision.

7. The request for abbreviated trial shall not be admitted if the defendant or his defence lawyer raise claims on the validity of the acts or usability of the evidence collected during the preliminary investigation or when new evidence is required to be taken in trial. The request for abbreviated trial shall not be admitted if the Court *ex officio* finds an absolute invalidity or non-usability of evidence, as a result of which it deems that the case may not be resolved under the existing state of the acts. In this case, in its decision refusing the request, the court shall also identify the acts which are absolutely invalid or the pieces of evidence which are non-usable in trial. This rule shall not apply if evidence concerning the character of the defendant, or his personal, family or economic conditions is requested.
8. When the court admits the request for abbreviated trial, it invites the parties to submit the final discussions.
9. The civil claim shall not be examined if the court admits the request for abbreviated trial.

Article 406
Decision

(changed point one by law no.8813, dated 13/06/2002; and law no.145, dated 2/05/2013; repealed second sentence in point one and point two by law no.35/2017, dated 30/03/2017, article 227)

1. In case a conviction decision is issued, the court reduces the fine or the prison term by one third.
2. Repealed
3. The prosecutor, the defendant, the victim and civil plaintiff may appeal against the decision of the court.
4. The provisions of chapter III of this title shall be applicable, as long as they are compatible.

SECTION III

(added section III and IV by law no.35/2017, dated 30/03/2017, article 228)

Article 406/a
Request for approval of the penalty order

(added by law no.35/2017 dated 30/03/2017, article 228)

1. When the defendant is accused for committing a misdemeanour, the prosecutor, within three months from the registration of the name of the person to whom the criminal offence is attributed, shall issue a reasoned penalty order determining the punishment and request its approval by the court, if he deems that a prison sentence shall not apply.
2. In the penalty order, the prosecutor shall determine a fine as main punishment. As the case may be, he may also impose one or more supplementary punishments. Depending on the economic status of the defendant, the prosecutor may order that the fine shall be paid in instalments, by determining the time limits to pay them.
3. A punishment by fine may not exceed half of the maximum provided for this type of punishment by the Criminal Code.

4. At the end of the investigations, the request for approval of the penalty order shall be deposited with the secretary office of the court, together with the acts of the preliminary investigation file. The request for approval of the penalty order shall be notified to the defendant. The provisions of Article 327 paragraph 2 and following of this Code shall not apply.

Article 406/b
Decision approving the penalty order
(added by law no.35/2017, dated 30/03/2017, article 228)

1. The Court shall examine the request in closed session and decide within ten days after it has been filed. The decision approving the penalty order shall be reasoned in summary form and it shall contain:

a) personal data of the defendant;
b) submission of the fact and the legal qualification of the criminal offence;
c) sources of evidence and facts to which they refer to;
ç) amount of the fine, modalities of its execution and type of the supplementary punishment established;
d) the right of the defendant to challenge the decision of the court and the time limit within which such decision may be challenged;
dh) rulings on material evidence and items related to the criminal offence;
e) date and signature of the judge.

2. The court may not change the punishments established in the penalty order by the prosecutor, but by assessing the circumstances of the economic status of the defendant, in the stage of execution, upon request of the sentenced person, it may apply the provisions of article 34 paragraph 8 and following of the Criminal Code.
3. The decision approving the penalty order shall not cause the consequences foreseen in article 70 of this Code. It may not charge the sentenced person with the payment of the expenses of the proceedings.
4. The punishment imposed shall not be entered in the criminal record certificate unless the sentenced person is a recidivist.

Article 406/c
Decision to refuse the approval of the penalty order
(added by law no.35/2017, dated 30/03/2017, article 228)

1. The court shall refuse the approval of the penalty order if:

a) one of the grounds of dismissal of the charge or of the case exists;
b) the defendant is accused of a criminal offence for which the law does not allow the application of the penalty;
c) the prosecutor has asked for a punishment by fine or one or more inappropriate supplementary punishments;
ç) it is convinced that the case may not be resolved in the state of the preliminary investigative acts that are attached to the request for approval.

2. In the cases foreseen in letter "a" paragraph 1 of this article, the court shall decide to dismiss the case, whereas in other cases it shall decide to return the acts to the prosecutor. This decision shall be notified to the prosecutor and the defendant.

Article 406/ç
Challenging the decision of the court
(added by law no.35/2017, dated 30/03/2017, article 228)

1. The decision of the court approving the penalty order shall be notified to the defendant and the person civilly liable for the damage caused by him, who have the right to challenge it before the same court within ten days from the day they have been notified.
2. The challenge cannot be refused, except in cases where it is submitted by an illegitimate person or after expiry of the time limits.
3. When the court proceeds according to paragraph 2 of this article, it sets the date of the trial and notifies the parties and their defence lawyers. The court proceeds with the ordinary trial if the defendant fails to submit the request for an abbreviated trial. In such case, the provisions of article 333 and following of this Code shall apply.

SECTION IV
JUDGMENT UPON AGREEMENT

Article 406/d
Content of the agreement
(added by law no.35/2017, dated 30/03/2017, article 228)

1. From the registration of the name of the person to whom the criminal offence is attributed until the beginning of judicial review, the prosecutor, the defendant or his special representative may propose to reach an agreement on the conditions of admission of guilt and setting punishment.
2. In the negotiation for reaching an agreement, the presence of the defence lawyer of the defendant is mandatory. The conclusion of the agreement shall be allowed for criminal offences for which the law provides for a maximum punishment of not more than 7 years of imprisonment. This restriction shall not apply in the case of the justice collaborator.
3. The agreement shall be made in writing and contain, under penalty of invalidity:

a) accurate description of the criminal fact for which the defendant is charged and its legal qualification;
b) a statement of admission of guilt by the defendant;
c) type and extent of the main criminal sanction, supplementary sanction and the manner of its execution, agreed upon by the parties;
ç) rulings on material evidence and items related to the criminal offence, and on confiscation of the means and proceeds of the criminal offence, pursuant to article 36 of the Criminal Code;
d) if the civil plaintiff is legitimated, his written consent on the amount of the damage compensation to be paid by the defendant;
dh) amount of procedural expenses;
ë) signature of the parties and the defence lawyers.

4. The prosecutor, after signing the agreement, shall notify the victim or his/her heirs, whose identity and place of residence is in the acts of the proceedings, by sending copies thereof.
5. The conditional agreement for the partial admission of charges is inadmissible.

Article 406/dh
Court examination
(added by law no.35/2017, dated 30/03/2017, article 228; changed second sentence of point one by law no.41/2021, dated 23/03/2021)

1. The prosecutor, when reaching an agreement, shall send it to the court for approval, together with all the acts of the preliminary investigation. When the agreement is presented at the preliminary hearing, the court decides according to the provisions of Article 332/dh, point 1, letter "b", of this Code.
2. The Court examines the request in a court hearing within thirty days after its submission. The presence of the prosecutor, defendant and defence lawyer in the hearing is mandatory. The victim shall be notified and has the right to participate. Failure of the victim to participate does not preclude the examination of the case.
3. The court, after verifying the appearance of the parties, shall declare the judicial examination open and invites the prosecutor to submit, in summary form, the outcomes of the agreement reached. The defence lawyer takes the floor, if he requests so.
4. The court shall ask the defendant specifically about the following:

a) whether he has entered into the agreement of his own free will;
b) whether he has been represented by the defence lawyer in the negotiations on reaching and signing of the agreement;
c) whether he understands the agreement and its content;
ç) whether he understands the consequences of the approval of the agreement;
d) whether he consents to the approval of the agreement and its execution.

5. The court, if the victim is present, shall invite him/her to give an opinion on the content of the agreement.

Article 406/e
Approval of the agreement
(added by law no.35/2017, dated 30/03/2017, article 228)

1. The court, unless it decides to dismiss the case or to return the acts to the prosecutor, shall decide to approve the agreement.
2. The decision shall contain, in summary form, under penalty of invalidity:

a) the personal data of the defendant and other personal information needed for his identification and the personal data of the victim, if present;
b) the fact that the defendant has been represented and the identity of his defence lawyer;
c) the fact that the defendant has understood the content of the agreement and its consequences and has signed it upon free will;
ç) the fact that the legal qualification of the offence and its circumstances, the appropriateness of the imposed punishment and also the lack of grounds for impunity or extinction of the

criminal offence, have been properly assessed by the prosecutor;

d) the declaration of the defendant's guilt, the sanction imposing and other rulings, pursuant to the content of the agreement

dh) date and signature of the decision.

3. If the agreement on civil damage is reached, it shall be part of the content of the court decision.
4. The court may not change the terms of the agreement reached by the parties.

Article 406/ë
Refusal of the agreement
(added by law no.35/2017, dated 30/03/2017, article 228)

1. The court shall refuse the approval of the agreement when:

a) the defendant withdraws his consent;

b) it is proven that the will of the defendant is flawed;

c) the defendant who has been duly summoned, does not attend the hearing, without legitimate reasons;

ç) one of the grounds for non-initiation of the proceedings or dismissal of the charge or the case exist;

d) evidence in the investigation file contradict the admission of the defendant to have committed the criminal offence;

dh) the legal qualification of the criminal offence and the circumstances of its commission are wrong;

e) the punishment set in the agreement is inappropriate in relation to the committed offence and the character of the defendant.

2. The decision for refusing approval of the agreement shall be reasoned. In the case foreseen by letter "ç", paragraph 1, of this article, the court shall decide to dismiss the case, whereas in all other cases it shall decide to return the acts to the prosecutor. When the court refuses to approve the agreement, the filing of a new request is not allowed.
3. Statements of the defendant during the hearing may not be used against him.

Article 406/f
Appeal against the court decision
(added by law no.35/2017, dated 30/03/2017, article 228)

1. No appeal is allowed against the decision of the court.
2. The prosecutor may file an appeal only against the decision of the court to dismiss the case.
3. For the appeal, Articles 407 and following of this Code shall apply, to the extent compatible.

TITLE VIII
APPEALS

CHAPTER I
GENERAL RULES

Article 407
Cases and means of appeal

1. The law provides for the cases in which the decisions and orders of the court may be appealed, as well as the means for appealing.
2. The appeal against the orders of the court, unless the law provide otherwise, may be filed along with the appeal against the decision.
3. The means for appealing are: the appeal to the court of appeal, the appeal to the High Court and the request for revision.
4. A person has the right to appeal, when it is expressly acknowledged by the law. If the law does not differentiate among the parties, each of them has the right to appeal.
5. If the appeal is filed with an incompetent court, it shall transfer the acts to the competent court.

Article 408
Appeal by the prosecutor
(amended by law no.35/2017, dated 30/03/2017, article 229)

The prosecutor may file an appeal with the higher court, in cases foreseen by this code.

Article 409
Appeal by the accusing victim

1. The accusing victim may appeal, personally or through his representative, both for criminal or civil effects. He may withdraw the appeal filed by the representative.

Article 410
Appeal by the defendant
(changed point two by law no.8813, dated 13/06/2002; repealed partially point two by decision of the Constitutional Court no.15, dated 17/04.2003; added words in point two by law no. 35/2017, dated 30/03/2017, article 230)

1. The defendant may appeal personally or through his defence lawyer. The legal guardian of the defendant may file any appeal that the defendant is entitled to.
2. The decision issued *in absentia* may be appealed by the defence lawyer, only if he is specifically authorised by the defendant, by means of a power of attorney, issued in the forms provided for by the law, or by statement made in the hearing.
3. The defendant may withdraw the appeal made by his defence lawyer, but if he is legally incapable to act, the consent of the legal guardian shall be obtained.
4. An appeal by the defendant against the conviction or acquittal includes an appeal against the part of the decision on the obligation of restitution of property, compensation for damage and payment of court procedure expenses.

Article 411
Appeal by victim, civil plaintiff and civil defendant
(changed words in point two by law no.35/2017, dated 30/03/2017, article 231)

1. The accusing victim and the civil plaintiff may appeal against the points of the convicting decision connected with the civil lawsuit and, in case of acquittal, only against the effects of civil liability.
2. The victim and civil plaintiff may appeal against the parts of the decision regarding the liability of the civil defendant for the restitution of the property, the compensation for the damage and procedural expenses.

Article 412
Form of appeal

1. The appeal shall be filed in writing, indicating the appealed decision, its date, the court having issued it as well as the points of the decision challenged, the reasons for appealing and the requests.

Article 413
Filing of the appeal

1. The appeal is submitted to the secretary of the court, which issued the appealed decision. The secretary of the court notes down on the appeal the day of receipt and the name of the person submitting it, attaches it to the acts and, if requested, issues an acknowledgement of receipt.
2. The private parties, the defence lawyers and the representatives may submit the appeal also to the secretary of the court of the place of their residence or to a consular official. In these cases, the act is immediately sent to the secretary of the court having issued the decision.
3. The appeal may be sent by registered mail to the secretary of the court having issued the decision. The secretary of the court notes down the day of its reception on the envelope and attaches it to the acts. The complaint is considered as submitted on the date in which the act is sent by registered mail.

Article 414
Notification of the appeal

1. The appeal shall be notified to the prosecutor, the defendant and the private parties by the secretary of the court having issued the decision.

Article 415
Time limits for the appeal
(first sentence of point 1 amended by law no.35/2017, dated 30/03/2017; phrase repealed in the second sentence of point 1, phrase replaced in point 2 by law no.41/2021, dated 23/03/2021)

1. Except for cases otherwise provided in this Code, the time limit for filing an appeal is fifteen days. This time limit starts from the day following the notification of the decision.
2. The appellant has the right, up to five days before the hearing, to submit to the court's registry that will review the case, written submissions regarding the grounds raised in the appeal.
3. The time limits provided by this article cannot be extended for any reason, except in cases provided by law.

Article 416

Scope of appeal

(changed words in point three by law no.35/2017, dated 30/03/2017, article 233)

1. The appeal filed by one defendant, if not based only on personal grounds, also applies to the other defendants.
2. The appeal filed by the defendant also applies to the civil defendant.
3. The appeal of the civil defendant applies also to the defendant for criminal effects.

Article 417

Suspension of execution

(added words in the first sentence and repealed the second sentence in point 1 by law no. 35/2017, dated 30/03/2017; sentence added after the first sentence in point 1 by law no. 41/2021, dated 23/03/2021)

1. The execution of the appealed decision is suspended until the completion of the trial in the court of appeal, except in cases where the law provides otherwise. In cases of recourse, the decision may be suspended by the Criminal Chamber of the High Court only in the cases provided for in point 1 of Article 476 of this Code.
2. Appeals against decisions related to personal liberty do not have a suspensive effect.

Article 418

Withdrawal of appeal

1. The prosecutor who has filed an appeal may withdraw it until the court examination starts, whereas the withdrawal of the prosecutor before the court reviewing the appeal may be done until the start of the final discussion.
2. The defendant and the private parties may also withdraw the appeal through the defence lawyer or the representative.
3. The statement of withdrawal is made in the form and manner provided for the submission of the appeal, as the case may be, at the court having issued the decision or at the court reviewing the appeal.

Article 419

Transmitting of documents

(changed and added words by law no.35/2017, dated 30/03/2017, article 235)

1. The court having issued the decision shall send the acts of proceedings and the appeal to the court which has to examine the case, within five days after notification, unless the appeal has been withdrawn.

Article 420

Non-admission of the appeal

(changed sentence in point one, added words in letter "ç", added letter "d" and point four by law no.35/2017, dated 30/03/2017, article 236)

1. Except the cases when inferred in the hearing, the appeal is not admitted in closed session:

a) when it is made by who is not legitimated;
b) when the decision is not subject to appeal;
c) when the provisions regarding the form, submission, sending, notification and the time limits of appeal have not been respected;
ç) when the appeal has been withdrawn during the trial;
d) there is no longer a subject matter of appeal.

2. The non-admission may be declared, also ex officio, in any state or stage of the proceedings.
3. The decision of non-admission is notified to the one who has filed the appeal, and it it subject to appeal to the High Court, within its competence.
4. When the court decides the non-admission of the appeal, the decision shall be considered as not appealed for execution purposes.

Article 420/1
Reinstatement of time limits to appeal
(added by law no.35/2017, dated 30/03/2017, article 237)

1. The parties shall be reinstated in the time limit to appeal if they prove lack of possibility to meet the time limit, because of force majeure or event of fate. The request of re-instatement shall be accompanied by the appeal, otherwise it shall not be admitted.
2. When the trial is held according to the provisions of article 351 of this Code, the defendant may request reinstatement of the time limits to appeal if he proves that he has not been informed of the decision.
3. The request for reinstatement shall be submitted within 10 days from the disappearance of the fact constituting an event of fate or force majeure, whereas in cases foreseen in paragraph 2, it shall be submitted from the day the defendant has been informed effectively of the decision. Re-instatement shall not be allowed for more than once for each party in any stage of the proceedings.
4. If the appellant fails to appear in the hearing, without any justified ground, despite having been duly notified of the date and time or withdraws the request, the court shall decide the non-admission of the request.
5. When the request is admitted and the decision for which time limits reinstatement is allowed is an imprisonment sentence decision that has been executed, the execution of the sentence shall be suspended. The court shall order the immediate release of the defendant unless he has been detained because of the precautionary measure of arrest.
6. The court shall reason the decision within 5 days from its announcement.
7. The decision allowing reinstatement of time limits may be appellant against together with the final decision.
8. The decision refusing the request for reinstatement of time limits may be appeled against within 5 days. The court of appeal shall examine the appeal in closed session within 15 days from the date of receiving the acts.

Article 421
Charging of expenses

1. Upon the decision rejecting or declaring the appeal inadmissible, the private party who has filed it is charged with the expenses of the proceedings.
2. The co-defendants having participated in the trial are charged with the expenses jointly with the defendant who has filed the appeal.
3. In appeal trials only for civil interests, the expenses shall be charged to the private party losing the trial.

CHAPTER II
APPEAL

Article 422
The right of appeal
(changed words in point one by law no.35/2017, dated 30/03/2017, article 238)

1. The prosecutor, the defendant and the civil plaintiff and the civil defendant are entitled to file an appeal against decisions of the first instance court.

Article 423
Counter appeal

1. The party not having filed an appeal within the time period may file a counter appeal within five days from the day he received the notification of the appeal of the other party.
2. The counter appeal is submitted and notified according to the general rules on appeals.
3. The counter appeal of the prosecutor does not have any effect on the co-defendant who did not file an appeal.
4. The counter appeal loses its effect if the appeal of the other party is not admitted or it is withdrawn.

Article 424
Competent court
(point 3 added by law no.8813, dated 13/06/2002, changed point three by law no.9085, dated 19/06/2003, article 6; point 2 repealed by law no.9911, dated 05/05/2008, article 6; changed point three by law no.35/2017, dated 30/03/2017, article 239)

1. The Court of Appeal shall decide on appeals against decisions of the District Court.
2. Repealed
3. The Anti-Corruption and Organised Crime Court of Appeal shall decide on appeals against the decisions of the Anti-Corruption and Organised Crime Court.

Article 425
Limits of case review
(changed point one, changed words in letter "c" of point two, added letter "ç" and words in point two and three by law no.35/2017, dated 30/03/2017, article 240)

1. The court of appeal reviews the case within the grounds presented in the appeal. For the questions of law to be reviewed *ex officio,* and for the grounds presented in the appeal which are not based on personal motivation, the court of appeal shall review also the part related to co-defendants who have not filed an appeal.
2. If the prosecutor or the accusing victim file an appeal, the Court of Appeal:

a) may give the fact a more severe legal qualification, change the type or raise the punishment sentence, change the precautionary measures and impose any other measure provided for or allowed by the law;
b) may convict a person who has been acquitted, acquit him under a ground different from what has been admitted in the appealable decision, impose the measures indicated in the letter "a";
c) may apply, change or exclude supplementary or alternative sentences.
ç) give the fact a more severe legal qualification than the one requested by the prosecutor, if the case falls within its subject matter competence. In this case, the court shall reopen judicial examination and apply the provisions of paragraph 2, of article 375, of this Code.

3. If only the defendant appeals, the court may not impose a more severe sentence, a more severe precautionary measure, acquittal on less favourable grounds than that of the appealed decision, nor give the fact a more severe legal qualification.

Article 426
Preliminary actions of the trial
(amended by law no.41/2021, dated 23/03/2021)

1. The reporting judge of the case in the court of appeal is appointed by lot.
2. The reporting judge sets the date and time of the trial in accordance with the calendar for the examination of cases, based on the order of arrival of the file at the court of appeal. Priority is given to cases related to extraditions abroad, cases in which the defendant is in pre-trial detention, and cases for which the High Court has decided to overturn the decision of the court of appeal and return the case for reconsideration to this court.
3. The reporting judge of the case orders the summoning of the defendant, the civil plaintiff and the civil defendant, as well as their defenders and representatives. The appearance deadline cannot be less than ten days.
4. The summons order is invalid when the defendant has not been securely identified or when the place, day, and time of appearance have not been specified.

Article 426/a
Judicial examination in the Court of Appeal
(added by law no.35/2017, dated 30/03/2017; title amended, phrase repealed in point 1 by Law no. 41/2021, dated 23/03/2021)

1. Initially, the presiding judge verifies the appearance of the parties. In case the parties have not appeared, the presiding judge verifies whether the notifications have been regular and whether the absence is justified.

2. After verifying the parties and their legitimacy, the court announces the judicial panel and declares the discussion open.
3. The presiding judge or a member of the judicial panel briefly reports the court file and the grounds raised in the appeal.
4. When the appeal has been filed only by one of the parties, that party speaks first. When both the prosecutor and the defendant have filed appeals, the prosecutor speaks first.
5. In the examination of the case on appeal, the provisions on the procedure of trial at first instance shall be observed as far as they are applicable.
6. The court may order the parties to present their claims briefly, also setting the time deemed sufficient. The parties may not present in the hearing grounds other than those raised in the appeal.

Article 427
Repetition of the judicial examination
(added and changed words in point one and changed point four by law no.35/2017, dated 30/03/2017, article 242; repealed wording in point one by law no.41/2021, dated 23/03/2021)

1. When a party in the act of appeal requests the re-taking of evidence admitted in the trial at first instance or the taking of new evidence, the court, if it deems that it cannot decide based on the existing case file, repeats the judicial examination.
2. For evidence that is discovered after the first instance trial or that emerges on the spot, the court decides, as appropriate, whether or not to admit them.
3. The repetition of the judicial examination is also decided ex officio when the court deems it necessary.
4. When the defendant has been declared not guilty, the court of appeal cannot declare him guilty solely on the basis of a different evaluation of the evidence taken during the first instance trial. In such a case, the court of appeal repeats the judicial examination.
5. For the repetition of the judicial examination, decided pursuant to the above paragraphs, the procedure continues immediately, and when this is not possible, the judicial examination is postponed for a period not longer than ten days.

Article 427/a
Appeal trial in consultative chambers
(*added by law no.41/2021, dated 23/03/2021*)

1. In cases where this Code provides for the appeal trial in consultative chambers, the trial is conducted based on the acts and/or documents.
2. The reporting judge orders the notification of the parties according to Article 426 of this Code. The parties have the right, up to 5 days before the hearing in consultative chambers, to submit written submissions regarding the reasons raised in the appeal and the counter-appeal.
3. For cases examined by a panel composed of three judges, the reporting judge prepares in advance and distributes to the members a summarized report of the judicial file and the reasons raised in the appeal.
4. The examination of the case in consultative chambers proceeds if the notifications of the parties have been duly made.
5. Minutes of the hearing in consultative chambers are kept by the judicial secretary.

Article 428

Decision of the Court of Appeal

(removed wording in letter "c" and "ç", changed words in letter "ç" of point one and added point two by law no.35/2017, dated 30/03/2017, article 243)

1. 1.The Court of Appeal, after examining the case, decides:

a) to uphold the decision;
b) to change the decision;
c) to quash the decision and dismiss the case when there are grounds not permitting the initiation and continuation of the proceedings;
ç) to quash the decision and return the acts to the first instance court, if the provisions regarding the conditions to be a judge in the concrete case, the number of judges necessary for constituting the chambers, as defined in this Code, the exercise of the prosecution by the prosecutor and his participation in the proceedings, the participation of the defendant, of his defence lawyer or of the representative of the accusing victim, the violation of the provisions for the introduction of new charges are not respected and also in any case when specific provisions foresee the nullity of the decision.

2. A copy of the decision shall be immediately notified to the first instance court.

Article 429

Returning the documents to the first instance court

(removed words in point one by law no.35/2017, dated 30/03/2017, article 244)

1. In case of a decision according article 428, letter ç), the court of appeal shall order to transmit the acts to another chamber of the same court.
2. When appeal to the High Court has not been filed, the file with the documents is transmitted to the court that has issued the decision.

Article 430

Rulings on the execution of a civil obligation

1. Upon request by the civil plaintiff, the Court of Appeal may decide on the temporary execution of the obligation, if the first instance court has not expressed its opinion or has refused the request. It may also decide on the suspension of the execution of the obligation to prevent serious and non-repairable damage which may occur.

Article 430/1

Announcing and filing the decision

(added by law no.35/2017, dated 30/03/2017, article 245)

1. The presiding judge or a member of the panel announces the decision in the hearing by reading the dispositive of the decision.
2. After the dispositive, the presiding judge reads the reasoned decision. The reasoning of the decision may be given in writing and in a summary form, indicating the main grounds on which

the decision is based. In this case, the court delivers the summary form of the decision in writing to the parties in the hearing.

3. The decision shall be deposited immediately with the court secretary immediately after its announcement. The assigned employee shall sign and write the date of the deposition.
4. When the decision is announced in a summary form, it shall be reasoned within 30 days from its announcement. This time limit may be extended for another 30 days if the case is tried by the Anti-Corruption and Organized Crime Court.
5. The period foreseen to reason the decision in writing, pursuant to paragraph 4 of this article may be extended in exceptional cases due to justified grounds. The chairperson of the court has to be notified thereof.

CHAPTER III
APPEAL TO THE HIGH COURT

SECTION I
GENERAL RULES

Article 431
Direct appeal to the High Court
(changed by law no.8813, dated 13/06/2002; repealed by law no.35/2017, dated 30/03/2017, article 246)

Article 432
Appeal against decisions of the Court of Appeal
(amended by law no.8813, dated 13/06/2002, no.35/2017, dated 30/03/2017, article 247)

1. Appeal to the High Court against decisions issued by the Court of Appeal may be filed for the following reasons:

a) non-compliance with or improper application of substantive or procedural law, which is important for uniform interpretation or development of the judicial practice;
b) non-compliance or wrong application of procedural law, having as consequence the invalidity of the decision, absolute invalidity of acts or non-usability of evidence;
c) the decision subject to appeal is contrary to the practice of the Criminal Chamber or Joint Chambers of the High Court.

2. When it deems it necessary, the Court shall request written memoranda from the parties.

Article 432/a
Appeal in the interest of the law
(added by law no.8180, dated 23/12/1996 and repealed by the Decision of the Constitutional Court no.55, dated 21/11/1997)

Article 433

Non-admissibility of appeal

(added punctuation and sentence in point one, changed and removed words in point two by Law no.35/2017, dated 30/03/2017, article 248)

1. The appeal is not admitted if it is filed for reasons different from the ones allowed by the law and if the High Court deems that the case must not be reviewed by it, pursuant to the provisions of paragraph 1, Article 432, of this Code.
2. A judicial panel of three judges shall decide on the inadmissibility of the appeal in closed session.

Article 434

Limits of review by the High Court

(Point one changed and point two added by law no.35/2017, dated 30/03/2017; point 3 added by Law no.41/2021, dated 23/03/2021)

1. The High Court reviews the case within the limits of the grounds raised in the appeal.
2. If the appeal is accepted for review, the High Court has the right to decide also on issues of law that are mainly established.
3. In cases when the High Court mainly questions issues of law, on which the parties have not previously submitted their opinion, before the review, notification of the parties is ordered and a deadline is set for submitting their written statements on the legal issues. Notification in these cases is made according to the general rules.

Article 434/a

Content of the appeal

(added by law no.41/2021, dated 23/03/2021)

1. The appeal must contain:

a) the parties in dispute;
b) the decision being challenged;
c) a summarized presentation of the facts of the case;
ç) the grounds on which the annulment of the decision is requested, as well as the arguments supporting the claim that grounds for appeal exist according to the provisions of Article 432 of this Code;
d) the power of attorney of the lawyer in cases when the appeal is filed by the accused or private parties.

2. The appeal may be submitted in accordance with the format approved by the decision of the High Court Council.

Article 435

Filing of the appeal

(changed point 1 by law no.35/2017, dated 30/03/2017; changed point 1 by law no.41/2021, dated 23/03/2021)

1. The appeal is submitted in writing within 45 days from the day following the notification of the decision of the court of appeal. The time limit for submitting the appeal against a decision of the court of appeal by which the decision is annulled and the case is returned to the first instance court is 20 days. The appeal is reviewed by the High Court no later than two months from the moment of its registration in the judicial registry.
2. The act of appeal and the written submissions must be signed, under penalty of inadmissibility, by the defense counsel. When the defendant does not have a chosen defense counsel, the president of the chamber appoints a defense counsel ex officio, and in this case, the notifications are also made to the defendant.

Article 435/a
Cross-appeal
(added by law no.41/2021, dated 23/03/2021)

1. The party against whom the appeal has been filed may oppose it with a cross-appeal within 20 days from the day it has received notification of the other party's appeal. In the case where the appeal has been filed against a decision of the court of appeal by which the decision has been annulled and the acts have been returned to the court of first instance, the time limit for filing the cross-appeal is 10 days.
2. The cross-appeal is notified to the party who filed the appeal within 20 days from the communication of the appeal.
3. The rules provided in Article 423 of this Code apply to the cross-appeal.

SECTION II
HEARING IN THE HIGH COURT

Article 436
Preliminary actions
(changed point three by law no.35/2017, dated 30/03/2017, article 251; changed point two by law no.41/2021, dated 23.3.2021)

1. The Chairman of the High Court designated the relevant chambers to review appeals.
2. The reporting judge appointed by lot sets the date and time for the examination of the case in the deliberation chamber in accordance with the trial scheduling rules provided by law.
3. The court secretary notifies the parties on the time and date of the hearing at least 30 days in advance by posting on the notification corner and on the official website. If the parties have electronical addresses declared or recognized, the secretariat shall also notify to these addresses.

Article 436/a
Examination of the case
(added by law no.41/2021, dated 23/03/2021)

1. The examination of the appeal in the Criminal Chamber of the High Court, as a rule, is conducted based on documents in the deliberation chamber.
2. The reporting judge presents the report, reflecting in it, among other things, the content of the appealed decision, the claims and grounds raised in the appeal, the objections submitted in the counter-appeal, the examination of facts relevant for making the decision, and his proposal for the legal resolution of the case.
3. For the examination of the case in the deliberation chamber, minutes are kept by the judicial secretary.

Article 437

Judicial review

(changed words in point 1 by law no.8813, dated 13/06/2002; changed words in point 1 by law no.35/2017, dated 30/03/2017; changed point 1 by law no.41/2021, dated 23/03/2021)

1. The court, in the deliberation chamber, decides on the examination of the case in a court session with the presence of the parties when:

a) the case presents importance from the point of view of the law, for the unification or development of judicial practice;
b) it is assessed as necessary by the Criminal Chamber to summon and hear the parties due to the issues or complexity of the case in the cases defined in letters “b” and “c” of point 1 of article 432 of this Code.

2. The norms related to publicity, the order of the hearing, and the direction of the discussion in the trials of the first and second instance are respected in the High Court, as far as they are applicable.
3. The defendant and the private parties are represented by their defenders.
4. The president of the chamber verifies the standing of the parties and the regularity of the notifications.
5. The assigned judge reports the case. After the speech of the prosecutor, the defenders and the representatives of the private parties make their defense. Rejoinder is not allowed.

Article 438

Unification and amendment of judicial practice

(changed by law no.8813, dated 13/06/2002; title, point one and three changed, words added in point four by law no.35/2017, dated 30/03/2017; changed by law no.41/2021, dated 23/03/2021)

1. The Criminal Chamber, ex officio or upon request of the parties, may decide to initiate the trial procedure to unify or amend judicial practice. The initiation of the procedure for amending judicial practice may also be decided by the President of the High Court.
2. The interim decision of the Criminal Chamber or of the President of the High Court for referring the case to a judicial hearing determines the issues raised for unification or the unified judicial practice that needs to be amended. The decision is published immediately after its reasoning on the official website of the High Court.

3. The trial for unification of judicial practice is conducted by the Criminal Chamber with a panel of 5 judges, in which participate the judicial panel reviewing the appeal and two other judges of the chamber drawn by lot.
4. The trial for the amendment of unified judicial practice is conducted by the Joint Chambers of the High Court. The President of the High Court, as the presiding judge of the Joint Chambers, sets the date and time for the hearing of the case for amending judicial practice. The Joint Chambers adjudicate according to the rules established for the chamber when no less than two-thirds of all members of the High Court participate.
5. The date and time of the judicial hearing are notified to the parties by the judicial secretariat according to the general notification rules at least 15 days before the date of the hearing.
6. The Criminal Chamber or the Joint Chambers, ex officio or upon request of the parties, may decide to amend the issues raised for unification or amendment of judicial practice. This interim decision is published on the official website of the High Court.
7. Due to the interest presented by the unification or amendment of judicial practice, in these trials, when necessary, the High Court may request a written opinion from the State Advocacy, as well as from public or private legal persons considered to have special knowledge on the legal issues raised for unification or amendment of judicial practice. The High Court, in the request for submitting the written opinion, sets a deadline within which the opinion may be submitted, which in any case cannot be less than 14 days. The written opinions are not binding and are published on the official website of the High Court.
8. The decision of the Criminal Chamber and the Joint Chambers is binding for the courts in the adjudication of similar cases.

Article 438/a
Preliminary ruling
(added by law no.41/2021, dated 23/03/2021)

1. If the Criminal Chamber or the Joint Chambers of the High Court, during the examination of the case in the consultation chamber or in a judicial hearing, decide to address the European Court of Human Rights or other international courts, according to the obligations arising from the international agreements ratified by the Republic of Albania, they decide to suspend the examination of the case.
2. The suspension decision lasts until the decision of the international court is issued. The decision of the international court is notified to the parties together with the date of the hearing.

SECTION III

DECISION

Article 439
Taking the decision

1. The decision is issued immediately after the termination of the hearing, except for cases when the chairperson of the Chamber deems it necessary to postpone the rendering of the decision as long as necessary, due to the complex nature or the importance of the case.
2. The decision is signed by all members of the Chamber and is announced in the hearing being read by the presiding judge or one of the judges.

Article 440
Mandatory application of the requirements of the decision

1. The requirements and the conclusions of the High Court are binding to the court, re-examining the case.

Article 441
High Court decisions
(added letter "d" by law no.8813, dated 13/06/2002; amended by law no.35/2017, dated 30/03/2017; amended by law no.41/2021, dated 23/03/2021)

1. After the examination of the case, the Criminal Chamber or the Joint Chambers of the High Court decide:

a) the inadmissibility of the appeal in cases where it has been filed for reasons other than those provided for in Article 432 of this Code;
b) the quashing of the decision of the Court of Appeal and the upholding of the decision of the Court of First Instance;
c) the quashing of the decision of the Court of Appeal and the remittal of the case for re-examination to that court with a different panel of judges;
ç) the quashing of the decisions of the Court of Appeal and the Court of First Instance and the remittal of the case for retrial at first instance, where the provisions related to the conditions for being a judge in the concrete case, the number of judges required for the formation of panels as provided for in this Code, the exercise of criminal prosecution by the prosecutor and his participation in the proceedings, the participation of the defendant, his defense counsel or the representative of the accusing victim, the violation of the provisions regarding the filing of new charges, as well as in any case where special provisions foresee the invalidity of the decision, have not been respected;
d) the quashing of the decisions of the Court of First Instance and the Court of Appeal and the termination of the proceedings without remitting the case for re-examination;
dh) the modification of the decisions of the Court of Appeal and the Court of First Instance and the final resolution of the case when the application of procedural or substantive law does not require a reassessment of the facts or the evidence of the case;
e) the upholding of the decision of the Court of Appeal.

2. In cases where the Criminal Chamber or the Joint Chambers of the High Court decide on the unification or amendment of judicial practice, the court formulates in the decision the rule of law for each issue submitted for resolution in the intermediate decision taken during the trial of the case. In such case, the decision shall be published in the Official Gazette.

Article 442

Quashing the decision and resolving the case without returning for re-examination

(repealed letter "b" and "c", changed point two by law no.35/2017, dated 30/03/2017, article 255)

1. The High Court decides to quash the decision and to resolve the case without sending it back for re-examination if:

a) the fact does not constitute a criminal offence, the criminal offence is extinct or the criminal proceedings should not have been initiated and continued;
b) Repealed;
c) Repealed;
ç) the decision appealed against and another previous decision connected with the same person and with the same criminal offence, issued by the same or another criminal court, contradict each other;

2. In the case foreseen by letter "a" the Court decides to dismiss the case, whereas in the case foreseen by letter "ç" it decides that the decision imposing a less severe punishment shall be enforced.

Article 443

Quashing the decision and returning the documents for re-examination

1. Except for the cases provided for by article 442, the High Court, when quashing a decision, shall send the acts to the court that has issued the decision quashed.
2. If not all parts of the decision are quashed, the High Court shall declare in the dispositive of its decision which parts are quashed.

Article 444

Quashing the decision only in respect to civil effects

1. If the High Court quashes only the holdings or the parts related to the civil lawsuit, or if it sustained the recourse of the civil plaintiff against the decision to acquit the defendant, the High Court sends the relevant acts to the competent civil court.

Article 445

Correction of errors

1. Legal errors in the reasoning of the decision or wrong reference to the law shall not result in the quashing of the appealed decision unless they had decisive influence on its dispositive. However, the Court shall specify in its decision the errors and the corrections.

Article 446

Effects of the decision on precautionary measures

1. If the continuation of detention or of a supplementary punishment or a precautionary measure must cease, on the basis of a decision by the High Court, the secretary shall immediately notify the dispositive to the prosecutor near the relevant court.

Article 447
Retrial after quashing

1. During the retrial, a debate on the competence recognized by the quashing decision shall not be permitted.
2. The retrying court shall respect the decision of the High Court for any issue of law it has decided upon.
3. The invalidities having occurred in previous trials or during preliminary investigations may not be presented in the retrial.
4. The quashing of the decision also applies to the defendant who has not filed an appeal, except if the reason of quashing is personal.

Article 448
Appeal against the decision after retrial

1. The decision of the retrying court is subject to appeal to the High Court, if it is issued by the court of appeal, and subject to appeal to the Court of Appeal, if it is issued by the first instance court.
2. The decision of the retrying court may be appealed only for grounds not connected to the issues already decided by the High Court or due to non-observance of article 447, paragraph

Article 448/1
Announcing and filing the decision
(added by law no.35/2017, dated 30/03/2017, article 256)

1. The presiding judge or member of the panel announces the decision in the hearing by reading the dispositive.
2. After the dispositive, the presiding judge reads the reasoned decision. The reasoning of the decision may be issued in writing and in a summary form, indicating the main grounds on which the decision is based.
3. The decision shall be filed immediately with the secretary after its announcement. The assigned employee shall sign and note down the date of the filing.
4. When the decision is announced in a summary form, it shall be reasoned within 60 days from its announcement. This time limit may be extended for another period of 30 days if the case is tried by the Joint Chambers.
5. The time limit set for reasoning the decision in writing, pursuant to paragraph 4 of this article, may be extended in exceptional cases due to justified grounds. In this case, the chairperson of the Court is notified.

CHAPTER IV
REVISION

Article 449

Decisions subject to review

(amended by law no.35/2017, dated 30/03/2017, article 257)

1. The revision of final judgments is allowed at any time in the cases and under the conditions provided for by this Code, even if the sanction has been executed or is extinguished.
2. The revision of the final judgment of acquittal or conviction is not allowed when it aims at aggravating the position of the convicted person.

Article 450

Revision cases

(added words in letter "b" and letter "d", "dh" and "e" in point one by law no.35/2017, dated 30/03/2017, article 258)

1. The revision may be requested:

a) if the facts stated in the merits of the decision are not compatible with those of another final judgment;
b) if the decision is based on a civil or administrative court decision, which has been revoked subsequently;
c) if, after the decision, new evidence appeared or has been discovered which solely or along with the ones already evaluated prove that the decision is wrong;
ç) if it is proven that the decision was issued as a result of the falsification of the acts of the trial or of another fact provided by law as a criminal offence.
d) if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision;
dh) if the extradition of a person tried in absentia is granted on the explicit condition that the case be re-tried. The request for re-trial may be submitted within 30 days from the date of extradition of the person. The request submitted within that time limit may not be refused.
e) if the person is tried in absentia pursuant to article 352 of this Code and requests the case to be re-tried. The request shall be filed within thirty days from the date he is informed. The request submitted within that time limit may not be refused.

Article 451

Request for revision

(added words in letter "a" of point one by law no.35/2017, dated 30/03/2017, article 259)

1. The following persons may request the revision:

a) the convicted person, the defence lawyer specifically authorised by him or his legal guardian, and, if the convicted person has died, his heir or relative;
b) the prosecutor attached to the court having issued the decision.

Article 452

Form of the request

(changed point one and three by law no.8813, dated 13/06/2002; changed words in point one and three, added letter "d" and "dh" in point two by law no.35/2017, dated 30.03.2017, article 260)

1. The request for revision shall be filed personally or through the representative. It shall contain the evidence legitimating it and shall be submitted, eventually along with documents, to the secretary of the first instance court having issued the decision.
2. In the cases provided for by article 450, paragraph 1, letters "a", "b" "ç", "d" and "dh", the request shall be accompanied by certified copies of the acts referred to.
3. In case of the death of the person tried after submission of the request for revision, the court appoints a legal guardian, who exercises the rights that in the revision procedure would have pertained to the tried person.

Article 453

Examination of the request

(amended by law no.8813, dated 13/06/2002; removed words in the title and in point three, changed words in point two- and three, added point four by law no.35/2017, dated 30/03/2017, article 261)

1. The request of revision is examined by the first instance court having issued the decision.
2. If the request is submitted based on grounds other than those provided for by article 450, or if it is submitted by those who are not entitled, or if it is manifestly not grounded, the Court decides to reject it.
3. If the request is admitted, the Court decides to send the case to another panel of the same court for re-trial. This decision is not subject to appeal.
4. Until a decision is issued by the revising court, according to article 456 of this Code, the convicted person shall keep the same procedural status.

Article 454

(amended by law no.8813, dated 13/06/2002; no.35/2017, dated 30/03/2017, article 262)

1. The court receiving the request may decide to suspend the enforcement of the conviction.
2. Against such decision, the parties may file an appeal to the Court of Appeals, whose decision is subject to appeal.
3. Upon request of the civil defendant, the court in charge of the re-trial of the case may order the suspension of execution of civil obligations for the duration of the trial.

Article 455

Revision trial

(changed point one by law no.8813, dated 13/06/2002)

1. The retrying court shall set the date of the judicial hearing and order the summoning of the parties.

2. The provisions of the first instance trial shall apply within the limits of the grounds presented in the request for review.

Article 456
Decision

1. The decision shall be issued pursuant to the provisions regulating the rendering of decisions by the first instance court.
2. If the request for revision is accepted, the court shall quash the decision. The decision may not be issued by only making a different evaluation of the evidence taken in the previous trial.
3. If the request is refused, the court charges the expenses to the person having submitted it, and if the suspension is ordered, the court shall decide on the reinstatement of the execution of the decision or of the precautionary measure.
4. Upon request of the interested person, the acquitting decision shall be posted in a summary form in the district where the decision has been issued and in the last residence of the convicted person. The chairperson of the court may order that such decision is announced in a newspaper.

Article 457
Rulings in case of acceptance of the request
(removed words in point one by law no.8813, dated 13/06/2002)

1. When rendering an acquitting decision, the court orders the return of the amounts paid for the execution of the fine, for the expenses of the court proceedings, the cancellation of property precautionary measures, as well as the compensation for damages in favour of the civil plaintiff who has participated in the revision trial. It shall also order the restitution of the confiscated items, unless their production, use, transportation and detention constitutes a criminal offence.

Article 458
Appeal against the decision
(amended by law no.8813, dated 13/06/2002)

1. The decision issued in the revision trial is subject to appeal.

Article 459
Compensation for unlawful conviction
(removed words in point five by law no.8813, dated 13/06/2002)

1. The person acquitted during the revision, who has not contributed intentionally or by gross negligence to cause the judicial error, is entitled to compensation in proportion with the duration of the sentence and personal and familiar consequences deriving from the sentence.
2. The compensation is made by payment of an amount of money or by providing living means.
3. The request for compensation shall be filed, under penalty of inadmissibility, within two years from the day the decision of revision has become final and is submitted to the secretary of the court that issued the decision.

4. The request shall be communicated to the prosecutor and all interested persons.
5. The decision of compensation is subject to appeal.

Article 460
Compensation in case of death

1. If the convicted person dies, even before the revision trial, his heirs have the right to compensation. Unworthy heirs shall not have this right.

Article 461
Consequences of inadmissibility and rejection of the request for revision

1. The decision of inadmissibility or rejection of the request for revision does not prejudice the right to submit a new request based on other evidence.

TITLE IX
EXECUTION OF DECISIONS

CHAPTER I
EXECUTION OF DECISIONS

Article 462
Enforceable decisions
(changed point three by law no.35/2017, dated 30/03/2017, article 263)

1. The sentence of the court is brought for enforcement immediately after becoming final.
2. The decision of acquittal, exclusion of the tried person from punishment and the one for the dismissal of the case are brought for enforcement immediately after their announcement.
3. The following are final decisions:

a) the first instance court decision when it is not appealed by the parties within the legal time limit, when it is non-appealable or when the appeal is not admitted for the reasons provided for in article 420 of this Code. In cases with co-defendants, the decision shall become final for the defendant who has not filed an appeal, notwithstanding the appeal of other co-defendants, provided that the prosecutor has not filed an appeal. When the prosecutor has not filed an appeal and the case is examined on the basis of the appeal of other co-defendants, the decision shall become final for the defendant who has not filed an appeal in a trial with co-defendants, notwithstanding the appeal filed with by the other co-defendants;
b) the decision of the appeal court, when it finally settles the case, pursuant to letters “a”, “b” and “c” of paragraph 1, of article 428 of this Code;
c) the decision of the High Court in the cases of extradition and transfer of the sentenced persons.

4. The way of execution of the criminal decisions is regulated by special law.

Article 462/a
Execution of decisions against minors
(added by law no.35/2017, dated 30/03/2017, article 264)

1. The prosecutor and the juvenile section of courts in judicial district courts are competent to take measures and review requests related to the execution of decisions issued towards minors.
2. The manner of execution of measures and any decision issued towards minors shall be governed by special law.

Article 463
Actions of the prosecutor

1. The prosecutor at the first instance court which has issued the decision takes measures for the execution of the decision. He makes requests to the competent court and intervenes in all actions concerning execution.
2. The decisions of the prosecutor are notified, within thirty days, to the defence lawyer elected by the interested person or, when there is no such, to the one appointed by the prosecutor.
3. When necessary, the prosecutor may request that the execution of special actions be carried out by a prosecutor of another district.
4. When the execution starts, the prosecutor notifies in writing the court, which has issued the decision.

Article 464
Execution of imprisonment sentences

1. In order to execute an imprisonment decision, the prosecutor issues an order of execution.
2. The order of execution contains the personal data of the convicted person, the dispositive of the decision and the necessary rulings on execution.
3. When the convicted person is under precautionary detention in prison, the order is sent to the State authority that administers the prisons and is notified to the interested person, whereas when the convicted person is not under precautionary detention in prison, his/her imprisonment shall be ordered.
4. It is proceeded in the same way in cases of the enforcement of decisions of compulsory hospitalisation in medical or educational institutions.

Article 465
Calculation of the precautionary detention in prison and of sentence served

1. When imposing the length of imprisonment, the prosecutor shall calculate the period of precautionary detention in prison already served for the same offence or for another criminal offence, the served period of punishment to imprisonment for another criminal offence when the punishment is revoked or when for the criminal offence has been awarded amnesty or pardon.

2. In any case, the calculation shall comprise only the period of precautionary detention in prison or the punishment served after the commission of the criminal offence subject to the imposition of the punishment to be executed.
3. After making the calculation the prosecutor issues the order which is notified to the convicted person and his defence lawyer.

Article 466
Execution of the precautionary measures issued by the court

1. The precautionary measures ordered by the court are executed by the prosecutor in the court that has issued the decision.

Article 467
Execution of a fine decision

1. Decisions containing a fine penalty are executed by the bailiff's office.
2. When it is proven the impossibility to execute a fine penalty, in whole or in part, the prosecutor files a request to the court that has issued the decision to make the conversion. Upon request of the convicted person, the court may postpone the conversion up to six months. Such period is not calculated in the prescription time limits.
3. The decision of conversion is subject to appeal, which suspends its execution.

Article 468
Execution of supplementary punishments

1. For the execution of the supplementary punishment, the prosecutor sends the extract of the conviction decision to the judicial police authorities and to other interested authorities.

Article 469
Execution of several decisions

1. When a single person is sentenced for various criminal offences the prosecutor in the court of the last decision demands from the court to determine which sentence shall be executed, observing the rules regarding the joinder of sentences.
2. The request of the prosecutor is notified to the sentenced and his defence lawyer.

CHAPTER II
HEARINGS BY THE COURT OF CASES RELATED TO THE EXECUTION OF DECISIONS

Article 470
Competent court for execution
(changed words in point one, repealed point two by law no.35/2017, dated 30/03/2017, article 265)

1. The court of the place of execution shall be the competent court to examine the requests and allegations related to its execution.
2. Repealed

Article 471

Court procedure

(point five is renumbered point six, added point five by law no.35/2017, dated 30/03/2017, article 266)

1. The court proceeds with the request of the prosecutor, the interested person or defence lawyer.
2. When the request is evidently groundless or the repetition of a rejected request, based on the same grounds, the court, after hearing the prosecutor, declares it non-admissible by decision, which is notified within five days to the interested person. The decision is subject to appeal.
3. Except for cases provided by paragraph 2, the court establishes the date of the hearing and notifies the parties and defence lawyers at least ten days before the hearing.
4. The hearing is held in the necessary presence of the prosecutor and of the lawyer. The interested party can be heard personally or through letters of rogatory.
5. If the requesting party fails to appear at the hearing without a reasonable cause, despite having been duly notified of the date and time, withdraws the request, or changes its object, the Court shall declare it non-admissible.
6. The court renders a decision, which is notified to the parties and defence lawyers. The decision is subject to appeal, but it does not suspend the execution, except when the court that has issued it decides otherwise.

Article 472

Doubt on the physical identity of the imprisoned person

1. In case of uncertainty on the identity of the person arrested in order to enforce the sentence, the court questions him, performs the investigations necessary for his identification and takes decision which is notified to the interested person.
2. When it ascertains that he is not the person to be subjected to execution, the court orders his immediate release. In case the identity remains uncertain, it decides the suspension of the execution, the release of the prisoner and notifies the prosecutor to complete further investigations.
3. In case the error on the identity of the person is certain, the prosecutor orders his release and sends immediately the acts to the court.

Article 473

Mistaken name

1. When a person is sentenced instead of another person because of error relating to the name, the court decides the correction only in case the person who should be subjected to proceedings is summoned as a defendant also with another name to appear in trial. To the contrary, it is decided the review of the case pursuant to the article 450, paragraph 1, letter “c”. In any case, the execution against the person who is convicted by mistake is suspended.

Article 474
Several decisions on the same fact

1. In case several decisions are issued against the same person for the same fact, the court orders the execution of the decision by which is expressed the lightest punishment, declaring the others as non-enforceable. In case the main punishments are equal, the supplementary punishment shall be considered.
2. In case there are some decisions of dismissal or acquittal, the interested person indicates the decision to be executed and if he does not do this, the prosecutor in case of dismissal and the court in case of acquittal, order the enforcement of the most favourable decision.
3. In case of a decision of acquittal and of a conviction decision, the court orders the execution of the decision of acquittal, revoking the conviction decision, whereas in case of a decision of non-initiation issued by the prosecutor and of a decision issued [by the court] in trial, the court orders the execution of the decision issued in trial.

Article 475
Joinder of sentences

1. In case of more decisions, taken in various proceedings against the same person, the convicted person or the prosecutor may request from the court to follow the rules of joinder of sentences.

Article 476
Postponing the execution of decision
(changed point three by law no.35/2017, dated 30/03/2017, article 267)

1. The court which has issued the conviction decision, upon request of the convicted person, the defence lawyer or of the prosecutor, may decide the postponement of the execution of the decision in the following cases:

a) when the convicted person suffers an illness, which constitutes an obstacle for the execution of the decision. The execution shall be postponed until the convicted person is recovered;
b) when the convicted person is pregnant or she has a baby under one year old. The execution shall be postponed until the child reaches the age of one year;
c) when the immediate serving of the punishment may bring serious consequences to the convicted person or his family. The postponement of the execution in these cases may not exceed six months;
ç) in any other case evaluated by the court as particular, in which case the execution is postponed up to three months.

2. Upon submission of the request, the court has the right to suspend the execution of the decision until that is examined.
3. The court shall reason the decision within 5 days. The decision may be appealed within 5 days. The court of appeal shall decide on the appeal within 10 days from the date of receipt of acts.

Article 477
Conditional release

1. The court of the place of the execution orders the conditional release and the revocation of the conditional release, pursuant to the criteria provided by the Criminal Code.
2. The request may not be repeated before six months have passed from the day the decision rejecting the request has become final.

Article 478
Release of prisoner
(repealed by law no.35/2017, dated 30/03/2017, article 268)

Article 479
Revocation of the decision because of abrogation of the criminal offence
(added point two by law no.35/2017, dated 30/03/2017, article 269)

1. In case of abrogation or declaration of unconstitutionality of the criminal provision, the court revokes the conviction decision, declaring that the fact is not provided as a criminal offence. It is proceeded in the same way, when a non-initiation or acquittal decision has been issued by reason of the extinction of the criminal offence.
2. The request shall be immediately examined and in any case not later than 24 hours from the moment of filing of the request by the court where it is submitted, even if the latter has no territorial jurisdiction.

Article 480
Other powers

1. In the execution phase, the court is competent to decide on the extinction of the criminal offence after conviction, on the extinction of the punishment, on supplementary punishments, on the confiscation or on the restitution of sequestered items, as well as on any case provided by law.
2. In case is ascertained the extinction of the criminal offence or of the punishment, the court declares it, also ex officio, by taking the relevant measures.

CHAPTER III
CRIMINAL RECORDS

Article 481
Criminal records office
(added point two by law no.35/2017, dated 30/03/2017, article 270)

1. In the criminal records office, at the Ministry of Justice, there are deposited the extracts of the decisions for persons tried for criminal matters.
2. The court of first instance shall send to the office of the judicial register an extract of the punishment decision within 10 days from the date of the decision becomes final, when it is

not appealed, and within 10 days from the date of receipt of acts, when the decision is appealed.

Article 482
Entries in the criminal record book

1. In the criminal record there are registered by extracts:

a) the conviction decisions, once they become final;
b) the decisions issued by the court in the execution phase;
c) the decisions related to the execution of supplementary sentences;
ç) decisions of acquittal and dismissal of the case.

Article 483
Cancellation of records
(added letter "ç" by law no.35/2017, dated 30/03/2017, article 271)

1. The records in the register are cancelled after the reception of the official notification of the death of the person to whom the records refer or when he reaches the age of eighty.
2. The records shall also be cancelled when they are related to:

a) decisions revoked due to revision or abrogation of the criminal offence;
b) the decisions of acquittal or dismissal, on expiry of ten years from the date on which the decision has become final;
c) decisions of punishment for misdemeanours when a fine penalty has been issued, on expiry of ten years from the day when the decision has been executed.
ç) measures and punishment decisions on misdemeanours committed by minors, when they reach 21 years of age.

Article 484
Criminal record certificates

1. Justice and state administration bodies and entities in charge with public services are entitled to take a certificate of the records of a certain person, when the certificate is necessary for the execution of their functions.
2. The prosecutor may request the above certificate for the defendant or the convicted person and, by authorisation of the court, he and the defence lawyer may also request certificate for the victim and witnesses.
3. The person subject to the note in the criminal record is entitled to take the respective certificate and he has no obligation to explain the reasons in the request.

CHAPTER IV
PROCEDURAL EXPENSES

Article 485
Expenses suffered by the state

1. The criminal procedural expenses are paid in advance by the state, except those related to the acts requested by the private parties.
2. The procedural expenses include the expenses during all stages of the proceedings for examinations, experiments, expertise, notifications, for the defence lawyers appointed ex officio and any other expenses duly recorded.
3. In the final decision the court defines the obligation to pay the expenses paid in advance by the State.

Article 486
Payment of the procedural expenses

1. The obligation to pay procedural expenses are executed by the bailiff's office.
2. In case of insolvency, the bailiff's office informs the financial police, which obtains data on the real financial situation of the obligated person and on any changes of it.

Article 487
Settlement of complaints on expenses

1. Complaints related to procedural expenses are subject to decisions of the court which has issued the decision, which acts pursuant to the rules provided for by article 471.

CHAPTER I
EXTRADITION

SECTION I
EXTRADITION ABROAD

Article 488
Meaning of extradition

1. The transfer of a person to a foreign country to execute an imprisonment decision or the delivery of an act, which proves his proceedings for a criminal offence, can be made only by means of extradition.

Article 489
Request for extradition

1. The extradition is permitted only upon request submitted to the Ministry of Justice.
2. The request for extradition are attached:

a) the copy of the imprisonment conviction decision or of the proceedings' acts;
b) a report of the criminal offence in charge of the person subject to extradition indicating the time and the place of the commission of the offence and its legal qualification;
c) the text of legal provisions to be applied, indicating whether for the criminal offence subject to extradition the law of the foreign country provides death penalty.

ç) personal data and any other possible information which is useful to define the identity and the citizenship of the person subject to extradition.

3. When more requests for extradition concur, the Minister of Justice sets the order of review. He takes into consideration all the circumstances of the case and, particularly the date of the reception of the request, the importance and the place where the criminal offence is committed, the citizenship and the domicile of the person subject to request, as well as the possibility of a re-extradition by the requesting country.
4. In case for a sole offence the extradition is requested simultaneously by several countries he/she shall be transferred to the country subject to the criminal offence or to the country within which territory has been committed the criminal offence.

Article 490
Conditions on extradition
(added the words in point three by law no.99, dated 31/07/2014)

1. The extradition is allowed under the express condition that the extradited person shall not be prosecuted, shall be not convicted nor he/she shall be transferred to another country for a criminal offence which has occurred before the request for extradition and which is different from the one for which extradition is granted.
2. The requirements of paragraph 1 shall be not considered:

a) when the extraditing party gives express consent that the extradited is prosecuted even for another criminal offence and the extradited does not oppose;
b) when the extradited, although he/she was able, has not left the territory of the country to which he/she has been transferred, after forty-five days from his release or when after leaving it, he/she has returned voluntarily.

3. The Ministry of Justice may impose even other conditions which it considers as appropriate, without exceeding the provisions of the international acts to which Albania is part of and the reservations and legal declarations.

Article 491
Non-admissibility of the request for extradition
(amended by law no.35/2017, dated 30/03/2017, article 272; repealed letter "c" by law no.41/2021, dated 23/03/2021)

Extradition may not be granted:

a) for an offence of political nature or when it results that it is requested for political reasons;
b) when there are grounds to think that the requested person shall be subject to persecution or discrimination due to race, religion, sex, citizenship, language, political belief, personal or social state or cruel, inhuman or degrading punishment or treatment or acts which constitute violation of fundamental human rights;
c) repealed;
ç) when the proceeding is initiated or tried in Albania, although the offence is committed abroad;

d) when the criminal offence is not foreseen as such by the Albanian legislation;
dh) the Albanian State has issued an amnesty for this criminal offence;
e) when the requested person is Albanian citizen and there is no agreement providing otherwise;
ë) when criminal prosecution or the punishment is prescribed under the law of the requested state.
f) when the requested person is tried in absentia, except in case the requesting State provides safeguards for the revision of the decision.

Article 492
Actions of the prosecutor
(changed point one by law no.35/2017, dated 30/03/2017, article 273)

1. Unless the Ministry of Justice refuses a request for extradition sent by a foreign State, it shall, within 10 days, forward the acts to the prosecutor attached to the competent court, through the Prosecutor General.
2. The prosecutor, after receiving the request, orders the appearance of the interested person in order to identify him and to obtain his eventual consent for the extradition. The interested is explained the right to be assisted by a defence lawyer.
3. The prosecutor, through the Minister of Justice, requests from the foreign authorities the documents and the information which he considers necessary.
4. Within three months from the date on which the request for extradition has arrived, the prosecutor submits the request to the court for examination.
5. The request of the prosecutor shall be deposited in the secretary of the court along with the acts and sequestered items. The secretary office shall take care of the notification of the person subject to extradition, his defence lawyer and the possible representative of the requesting country who, within ten days, have the right to access to the documents and to issue copies of them as well as to examine the sequestered items and to present memoranda.

Article 493
Coercive measures and sequestrations
(added words in point four and added point six by law no.35/2017, dated 30/03/2017, article 274)

1. Upon request of the Ministry of Justice, presented through the prosecutor, coercive measures and sequestration of the material evidence and of the items related to the criminal offence for which extradition is requested, may be imposed against the person subject to extradition.
2. The imposing of the coercive measures shall be regulated by the provisions of the title V of this Code, *mutatis mutandis*, keeping in consideration the requirements to guarantee that the person for whom extradition has been requested shall not escape from transferring.
3. The coercive measures and the sequestration shall be not imposed when there are reasons to believe that the requirements to provide a decision in the favour of extradition do not exist.
4. The coercive measures are revoked when within three months from the start of their execution it has not terminated the proceedings before the court. Upon the request of the prosecutor the time period can be prolonged, but not longer than one month, when necessary to make particularly complex verifications. If an appeal is filed with the Court of Appeal or the

High Court, the coercive measure shall be revoked if trial has not been finalized within 3 months from the receipt of acts respectively for each court.

5. The competent court to render a decision pursuant to the above paragraphs, is the district court or, during the proceedings before the court of appeal, the latter one.
6. The court examining the request for imposition of a coercive measure shall also examine the request for extradition. In any case, upon request of the Ministry of Justice, the court shall revoke the precautionary measure it has imposed.

Article 494

Temporary execution of coercive measures

(changed words in point six by law no.35/2017, dated 30/03/2017, article 275)

1. Upon request of the foreign country, presented by the Minister of Justice through the prosecutor in the competent court, the court may impose temporarily a coercive measure before the request for extradition arrives.
2. The measure may be imposed when:

a) the foreign country has declared that the person has been subjected to a measure restricting his personal freedom or to a sentence by imprisonment and that it is going to present request for extradition;
b) the foreign country has presented detailed information on the criminal offence and sufficient elements for the identification of the person;
c) there exists a risk for him to escape.

3. The competency to impose the measure shall belong, respectively, to the district court in whose territory the person has the domicile, residence or the house or the court of the district where he is. In case the competence cannot be determined in the manners defined above, competent shall be the court of the judicial district of Tirana.
4. The court may also order the sequestration of the material evidence and of the items pertaining to the criminal offence.
5. The Ministry of Justice gives notice to the foreign country of the temporary execution of the coercive measure and of the possible sequestration.
6. The coercive measures are revoked if, within eighteen days after the arrest and anyhow in a maximum of forty days after the arrest, the request for extradition and the documents enclosed do not arrive to the Ministry of Justice.

Article 495

Arrest by the judicial police

(changed words in point two and three by law no.8813, dated 13/06/2002; changed the first sentence in point one, changed words and added a second sentence in point three, by law no.35/2017, dated 30/03/2017, article 276)

1. When an international arrest warrant is issued, the judicial police shall carry out the temporary arrest of the person.
2. The authority which has carried out the arrest shall immediately inform the prosecutor and the Minister of Justice. The prosecutor, within forty-eight days, shall make the arrested

available to court of the territory where the arrest has taken place, sending also the relevant documents.

3. The court, within forty-eight hours from the submission of the request, shall validate it and impose a coercive precautionary measure, if the relevant requirements are met, or shall order the release of the arrested person. When the arrested person is an Albanian citizen and there is no bilateral agreement on extradition of citizens with the State where the arrest warrant was issued, the court shall order his immediate release. The decision issued by the court shall be notified to the Minister of Justice.
4. The arrest shall be revoked in case the Ministry of Justice does not request, within ten days from the approval, its continuance.
5. The copy of the decision issued by the court regarding the coercive measures and sequestrations, pursuant to these articles, shall be notified to the prosecutor, interested person and his defence lawyers, who may file an appeal to the court of appeal.

Article 496

Hearing of the person under coercive measure

(changed and removed words in point one by law no.35/2017, dated 30/03/2017, article 277)

1. In case a precautionary measure is imposed, the court, as soon as possible and, anyway, not later than three days from the execution of the measure, shall make sure of the identity of the person and takes its possible consent to extradition, reflecting this in the minutes.
2. The court informs the interested person on the right to a defence lawyer and, in absence of the latter, appoints him a defence lawyer *ex officio*. The defence lawyer must be notified, at least twenty-four hours before for the abovementioned actions and has the right to participate to them.

Article 497

Hearing the extradition request

1. After the reception of the request of the prosecutor, the court fixes the hearing and notifies, at least ten days in advance, the prosecutor, the person subject to request for extradition, his defence lawyer and the eventual representative of the requesting state.
2. The court collects data and makes the necessary verifications and hears the persons summoned to appear before the trial.

Article 498

Court decision

(changed point one and five by law no.35/2017, dated 30/03/2017, article 278)

1. The court renders a decision in favour of the extradition when there are serious indications of guilt, or when there is a final conviction decision. In such case, when there is a request of the Minister of Justice, presented through the prosecutor, the court orders the precautionary detention in prison for the person who should be extradited and who is in free state, as well as the sequestration of the real evidence and items which belong to the criminal offence.
2. The court renders the decision rejecting the extradition in cases provided for the non-acceptance of the request for extradition.

3. When the court renders the decision against extradition, the extradition cannot be executed.
4. The decision against the extradition prohibits the rendering of any subsequent decision in the favour of the extradition due to a new request submitted for the same facts by the same State, except when the request is based on elements that have not been evaluated by the court.
5. The decision of extradition regarding the request for extradition may be appealed to the court of appeal by the interested person, his defence lawyer, the prosecutor within 10 days.

Article 499
Rulings on extradition

1. The Ministry of Justice decides on the extradition within thirty days from the date the decision of the court has become final. After the expiration of this time period, even in case the decision is not issued by the Minister, the person for whom extradition is requested shall be released, if the requested person is subject to a coercive measure.
2. The person shall be released even in case the request for extradition is rejected.
3. The Ministry of Justice communicates the decision to the requesting State and, when this is favourable, the venue of person's handing over, and the date by which it is expected to start. The time period of the person's handing over is fifteen days from the fixed date and, upon motivated request of the requesting State, it may be also extended to fifteen other days. For reasons that do not depend on the parties it can be set another day for handing over, but always within the time limits established by this paragraph.
4. The extradition decision shall lose its effects and the extradited shall be released in case the requesting State does not proceed with the taking over of the extradited person, within the set time limit.

Article 500
Suspension of handing over

1. The execution of extradition is suspended when the extradited should be tried in the territory of Albanian State and must serve a punishment for criminal offences committed before or after that subject to extradition. But the Ministry of Justice, after listening the competent proceeding authority of the Albanian State or the one of the execution of sentence, might order the temporary handing over in the requesting State of the person subject to extradition, defining the time periods and the way how to operate.
2. The Ministry may agree that the rest of the punishment is served in the requesting State.

Article 501
Extending extradition and re-extradition

1. In case of new request for extradition, submitted after the handing over of the extradited person for a criminal offence occurred before the handing over, different from the one for which extradition was granted, the provisions of this chapter shall apply, to the extent applicable. Statements of the extradited, made before the judge of the requesting State for the extension of the extradition shall be attached to the request.
2. The court proceeds in absentia of the extradited.

3. There shall not be any trial in case the extradited has accepted the extension of the extradition, by the statements provided for in paragraph 1.
4. The above provisions shall also apply in case the State, to whom the person has been handed over, requests the consent for re-extradition of the same person in another State.

Article 502
Transiting

1. The transit through the territory of the Albanian State of an extradited person from a State to another, is authorised, upon request of the latter, by the Ministry of Justice, if the transfer does not impair the sovereignty, the security or other State interests.
2. The transit is not authorized:

a) when the extradition is granted for facts which are not provided as criminal offences by the Albanian law;
b) in the cases provided for by article 491, paragraph1;
c) when it is about an Albanian citizen, for whom the extradition in the State requesting the transit, would not be given.

3. The authorization is not required in case the transit is made by air ways and no landing in the Albanian territory is foreseen. But, when a landing occurs, the provisions regulating the precautionary measure shall apply, to the extent compatible.

Article 503
The costs of extradition

1. The expenses done in the Albanian territory are covered by the Albanian party, when there is no other agreement.

SECTION II
EXTRADITION FROM ABROAD

Article 504
Request for extradition
(changed point four by law no.35/2017, dated 30/03/2017, article 280)

1. The Ministry of Justice is competent to request to a foreign State the extradition of a person under proceedings or convicted, against whom a measure restricting the individual freedom must be executed. To this purpose, the prosecutor at the court in whose territory the proceedings take place or the conviction decision is issued, makes a request to the Ministry of Justice, sending the necessary acts and documents. When the Ministry does not accept the request, it notifies the authority which has made it.
2. The Ministry of Justice is competent to decide on the conditions possibly imposed by the foreign country to grant the extradition, when they are not contrary to the main principles of

the Albanian juridical order. The proceeding authority is obliged to respect the accepted conditions.

3. The Ministry of Justice may decide, for the purpose of extradition, the searching abroad for the proceeded or sentenced person and his temporary arrest.
4. Precautionary detention in prison served abroad, as a consequence of a request for extradition submitted by the Albanian State, shall be calculated as part of the imposed sentence, pursuant to the rules provided in Article 57 of the Criminal Code.

CHAPTER II
INTERNATIONAL ROGATORY LETTERS

SECTION I
ROGATORY LETTERS FROM ABROAD

Article 505
Competencies of the Ministry of Justice

1. The Ministry of Justice decides to proceed with the rogatory letter of a foreign authority concerning communications, notifications and the obtaining of evidence, except when it deems that the requested actions impair the sovereignty, the security and important interests of the State.
2. The Ministry does not proceed with the rogatory letter when it appears clearly that the requested actions are expressly prohibited by law or when they are contrary to the fundamental principles of the Albanian judicial order. The Ministry does not proceed with the rogatory letter when there are founded reasons to believe that the considerations regarding race, religion, sex, nationality, language, political beliefs or the social state may cause a negative influence on the performance of the process.
3. In cases when the rogatory letter has as object the summons of a witness, an expert or a defendant before a foreign judicial authority, the Ministry of Justice shall not proceed with the rogatory letter when the requesting State does not give sufficient guarantees for the inviolability of the summoned person.
4. The Ministry has the right not to proceed with the rogatory letter in case the requesting State does not give due guarantee for reciprocity.

Article 506
Judicial proceedings
(amended by law no.99, dated 31/07/2014)

1. The foreign rogatory letter cannot be executed before a favourable decision has been issued by the court of the place where the person must be subject to proceedings.
2. The district prosecutor, after obtaining the acts from the Ministry of Justice, submits a request to the court, within five days of the submission of acts by the Ministry of Justice.
3. The court rules on the execution of the rogatory letter by decision, within 10 days from the submission of the request.
4. The execution of the rogatory letter shall not accepted:

a) in the cases when the Ministry of Justice does not proceed with the rogatory letter, pursuant to the provisions of international acts in which the Republic of Albania is a party and relevant reservations and legal declarations [made by it].
b) when the fact for which the foreign authority proceeds is not provided as a criminal offence by the Albanian law.

Article 507
Execution of rogatory letters
(changed point one by law no.35/2017, dated 30/03/2017, article 281)

1. The court accepting the request for the execution of a rogatory letter, shall perform the requested action or authorise to this purpose the prosecutor, in cases allowed by the law.
2. For the performance of the requested actions the provisions of this Code shall apply, except in the cases when special rules requested by the foreign judicial authority must be observed, and which are not contrary to the principles of the Albanian judicial order.

Article 508
Summoning of witnesses requested by a foreign authority

1. The summoning of the witnesses, who have their residence or domicile in Albania, to appear before the foreign judicial authority, are sent to the prosecutor of the relevant district, who takes measures for the notification, acting in the same way as for the notification of the defendant in free state.

SECTION II
ROGATORY LETTERS FOR ABROAD

Article 509
Delivery of rogatory letters to foreign authorities

1. The rogatory letters of courts and prosecution offices, addressed to foreign authorities for notifications and obtaining of evidence, shall be sent to the Ministry of Justice, which takes the measures to deliver them.
2. When ascertaining that the security or other important interests of the State might be at risk, the Ministry, within thirty days from the receipt of the rogatory letter, decides not to proceed.
3. The Ministry communicates to the proceeding authority that has presented the request, the date of its reception and delivery of the rogatory letter or the order not to proceed with the rogatory letter.
4. In cases of urgency, the proceeding authority may order the direct delivery of the rogatory letter, informing the Ministry of Justice.

Article 510
Inviolability of the person summoned

1. The person summoned on basis of the rogatory letter, when appearing, may not be subjected to restrictions of personal freedom due to facts occurred before the summons notification.
2. The inviolability provided for by paragraph 1 shall cease when the witness, the expert or the defendant, having had the possibility, has not left the territory of the Albanian State, after the expiration of fifteen days from the moment when his presence was no longer requested by the judicial authority or when, after having left, he/she has turned back voluntarily.

Article 511
Value of the documents obtained by means of rogatory letter

1. When the foreign country has imposed conditions for the use of the requested acts, the Albanian proceeding authority is obliged to respect them, provided they are not contrary to the prohibitions provided by law.

CHAPTER III
EXECUTION OF THE CRIMINAL DECISIONS

SECTION I
EXECUTION OF FOREIGN CRIMINAL DECISIONS

Article 512
Recognition of foreign criminal decisions

1. The Ministry of Justice, when receiving a criminal decision issued abroad for Albanian or foreign citizens or persons without citizenship, but residing in the Albania or for persons proceeded criminally in the Albania shall send to the prosecutor at the district court of the person's domicile or residence a copy of the decision and of the relevant documents, along with the translations in Albanian language.
2. The Ministry of Justice requests the recognition of a foreign criminal decision when it deems that pursuant to an international agreement, such decision must be executed or recognised for other effects in the Albania.
3. The prosecutor shall submit a request to the district court for the recognition of the foreign decision. He may request the necessary information from foreign authorities, through the Ministry of Justice.

Article 513
Recognition of criminal decisions of foreign courts on civil liabilities

1. Upon request of the interested person, in the same proceedings and by the same decision, may be declared valid the civil rulings of the foreign decision in relation to the obligation to restitute the property or to compensate the damage.
2. In the other cases, the request is presented, by the one who has an interest, to the court where the civil rulings of the foreign decision would be executed.

Article 514

Conditions for recognition

(repealed letter "e" by law no.8813, dated 13/06/2002)

1. The foreign court decision may not be recognized when:

a) the decision has not become final pursuant to the laws of the State in which it has been issued;
b) the decision contains rulings which are contrary to the principles of the Albanian judicial order;
c) the decision has not been issued by an independent and impartial court or the defendant has not been summoned to appear to trial or he /she has not been granted the right to be questioned in a language he understands and to be assisted by a defence lawyer;
ç) there are grounded reasons to believe that the proceedings have been influenced by considerations regarding race, religion, sex, language or political beliefs;
d) the fact for which is issued the decision is not provided as a criminal offence by the Albanian law;
dh) for the same fact and against the same person in the Albanian State a final decision has been issued or a criminal proceeding is ongoing.
e) repealed.

Article 515

Coercive measures

(added sentence in point one and three, changed words in point two by law no.35/2017, dated 30/03/2017, article 282)

1. Upon request of the prosecutor, the court that is competent for the recognition of a foreign decision may impose a coercive measure to the convicted person who is in the Albanian territory. When imposing coercive measures, the provisions of title V of this Code shall apply, to the extent applicable.
2. The Court, within three days from the execution of the coercive measure, takes measures for the identification of the person and notifies him immediately about the right to have a defence lawyer.
3. The coercive measure imposed under this article shall be revoked when from the start of its execution three months have passed without a decision of recognition is issued by the district court or six months without such decision has become final. If an appeal is filed with the Court of Appeal or the High Court, the coercive measure shall be revoked if trial has not been finalized within 3 months from the receipt of acts respectively from each court.
4. Revocation and replacement of the coercive measure is decided by the district court.
5. Copy of the decision issued by the court is notified, after the execution, to the prosecutor, the person convicted by a foreign court and to his defence lawyer, who may file an appeal to the court of appeal.

Article 516

Determining the sanction

(added sentence in point two by law no.35/2017, dated 30/03/2017, article 283)

1. When recognising a foreign decision, the court determines the punishment to be served in the Albanian state. It converts the punishment imposed in the foreign decision into one of the punishments provided for the same fact by the Albanian law. This punishment must correspond, by nature, to the one which has been established in the foreign decision. The length of the punishment may not exceed the maximum term provided for the same fact by the Albanian law.
2. When the foreign decision does not specify the length of the punishment, the court establishes it based on the criteria indicated in the Criminal Code. In no case the imposed punishment may be higher than the one imposed by the recognized criminal decision.
3. When the execution of the punishment rendered in a foreign State has been conditionally suspended, the court, with the decision of recognition, in addition to other issues, rules also on the conditional suspension of the punishment. The court does the same when the defendant has been conditionally released in the foreign country.
4. In order to establish a punishment by fine, the amount indicated in the foreign decision shall be converted in equal value into Albanian currency, applying the exchange rate of the day on which the recognition was decided.
5. The decision of recognition regarding the execution of a confiscation shall also order the execution of the confiscation.

Article 517
Sequestration

1. Upon request of the prosecutor, the competent court may impose the sequestration of the items that can be confiscated.
2. The decision is subject to appeal.
3. Provisions regulating the preventive sequestration shall apply, to the extent applicable.

Article 518
Execution of the foreign decision

1. After being recognised, the criminal decisions of foreign courts are enforced in conformity to Albanian law.
2. The prosecutor in the court that has made the recognition of a decision takes the measures for its execution.
3. The imprisonment sentence served in the foreign country is calculated for the effects of the execution.
4. The monetary proceeds of the execution of a fine decision are deposited into the bank of Albania. It may be deposited with the State where the decision was issued, upon its request, when that State, under the same circumstances would have decided the deposit in favour of the Albanian State.
5. The confiscated items shall be delivered to the Albanian state. They are delivered, upon its request, to the State where the decision subject to recognition is issued, when the latter, under the same circumstances would have decided the delivery in the Albanian State.

SECTION II
EXECUTION ABROAD OF THE ALBANIAN CRIMINAL DECISIONS

Article 519
Requirements for executing abroad

1. In cases provided by international conventions or by article 501, paragraph 2, the Ministry of justice requests the execution abroad of the criminal decisions or gives the consent when it is requested by a foreign State.
2. The execution abroad of a criminal conviction decision with restriction of the personal freedom may be requested or permitted only if the convicted person has become informed of the consequences, has declared freely that he gives his consent and when the execution in the foreign State is appropriate to his social rehabilitation.
3. The execution abroad is also allowed when there are conditions provided by paragraph 2, if the convicted person is in the territory of the State to whom the request has been addressed and the extradition has been rejected or anyway is not possible.

Article 520
Court decision

1. Before requesting the execution of a decision abroad the Ministry of Justice shall send the acts to the prosecutor, who shall submit a request to the court.
2. The consent of the convicted person should be given before the Albanian court. In case he is abroad the consent may be given before the Albanian consular authority or before the foreign court.

Article 521
Cases when execution of the sentence abroad is not allowed

1. The Minister of Justice cannot request the execution abroad of a criminal decision by restriction of personal freedom when there are grounds to believe that the convicted person shall be subject to persecution or discrimination acts by reason of race, religion, nationality, language or political opinions or inhuman, cruel or degrading punishment and treatment.

Article 522
Request for precautionary detention in prison abroad

1. When it is requested the enforcement of a decision restricting the personal freedom and the convicted person is abroad, the Ministry of Justice shall request his precautionary detention in prison.
2. With the request for the execution of a confiscation the Ministry of Justice has the right to request the sequestration of items which can be confiscated.

Article 523
Suspension of execution in the Albanian State

1. The execution of the sentence in the Albanian State is suspended once the execution in the foreign State has started.
2. The sentence may no longer be enforced in the Albanian State when, pursuant to the foreign countries laws, it has been entirely served.

Article 524
Final Provisions

1. Criminal Procedure Code of the People's Socialist Republic of Albania, approved by the law number 6069, dated 25.12.1979, along with amendments and ulterior modifications as well as any other provision running against this Code are abrogated.

Article 525
(added paragraph 2 by law no.7977 dated 26/07/1995; paragraph 2 changed by law no. 8027 dated 15/11/1995)

This Code shall enter into force on August 1, 1995.

For criminal cases which on the date of entry into force of this Code, are under investigation or at first instance court as well as at appeal court, the previous Criminal Procedure Code provisions shall be applied, but at any case not later than March 1, 1996.

Transitional Provision
(provided by law no.8570, dated 20/01/2000)

The time limits for the duration of pre-trial detention, according to this law, shall apply to persons who are detained after its entry into force.

Transitional Provision
(provided by law no.8602, dated 10/04/2000)

The criminal misdemeanors that are under adjudication on the date of entry into force of this law and which, according to it, must be adjudicated by a single judge, shall continue to be tried by the judge who has presided over the panel of judges, recognizing as valid the procedural actions carried out up to that moment.

The crimes that are under adjudication on the date of entry into force of this law and for which a sentence of a fine or imprisonment not exceeding five years is provided, shall continue to be adjudicated by a panel of three judges.

Transitional provision added by law no.8813, dated 13/06/2002

Procedural provisions pertaining to serious crime courts will be applied after coming into force of the law that sets the operating date of their activity.

Transitional Provision
(provided by law no.145/2013, dated 02/05/2013)

Notwithstanding the amendments provided in Article 1 of this law, the criminal proceedings initiated before the entry into force of this law shall be adjudicated by the court having subject-matter jurisdiction according to the legislation in force at the time of commission of the criminal offense.

Transitional provision

(provided by law no.21, dated 10/03/2014)

Criminal cases for which the adjudication has started or has been requested to start, before the date this law enters into force, shall continue to be adjudicated at the district court or court of appeal.

Transitional provision

(provided by law no.35/2017, dated 30/03/2017)

1. Until the establishment of the Court against Corruption and Organised Crime, the criminal cases under its substantive jurisdiction according to the article 75/a of the Code amended by this law, shall be tried respectively by the Court of Serious Crimes and judicial district courts.
2. After the establishment of the Court against Corruption and Organised Crime, the cases pending trial before the courts of general jurisdiction, as well cases over which re-adjudication may be decided, shall be completed by the latter.
3. Acts and evidence obtained until the entry into force of this law, shall be valid and usable even when the law provides for different regulations.
4. Until the establishment of the Special Prosecution Office, the cases under investigation for criminal offences or subjects under Article 75/a of the Code amended by this law, shall be investigated respectively by the Prosecution Office attached to the Court of First Instance for Serious Crimes and prosecution offices attached to the judicial district courts, according to the jurisdiction defined before the entry into force of this law.
5. After the establishment of the Special Prosecution Office, the cases being investigated by the prosecution offices attached to the First Instance Court of Serious Crimes shall be transferred according to the jurisdiction, to the Special Prosecution Office, pursuant to article 75/a of the Code amended by this law and to the prosecution offices attached to the judicial district courts. The same rule shall apply even to the cases being investigated by the prosecution offices attached to the judicial district courts which are transferred to the jurisdiction of the Special Prosecution Office.
6. Paragraphs 6, 7 and 8 of Article 57 of the Law no. 95/2016 “On organisation and functioning of institutions fighting corruption and organised crime”, shall be repealed.
7. The composition of the panel of judges shall be regulated by the provisions of this law irrespective of the different provisions in other laws.

Transitional provision

(provided by law no.147/2020, dated 17/12/2020)

1. Material evidence, for which the final decision of the procedural authority has not disposed of pursuant to point 1 of Article 190 of the Code of Criminal Procedure, prior to the entry into force of this law, shall pass in favor of the state administrative authority and shall be

administered according to the special legislation on the administration of seized assets and material evidence.

2. The material evidence referred to in point 1 of this article, for which five years have passed since the final decision, shall be destroyed by order of the court, upon the request of the procedural authority, pursuant to point 6 of Article 215 of the Code of Criminal Procedure, while preserving the respective samples.

Transitional provision

(provided by law no.41/2021, dated 23/03/2021)

1. The composition of judicial panels, as well as the trial procedure in the High Court, shall be regulated according to the provisions of this law, notwithstanding different provisions in other laws.
2. Appeals that have been filed but not yet examined shall be considered admissible if they fulfill the provisions of the law in force at the time of their filing.
3. Cases under the jurisdiction of the Special Prosecution Office Against Corruption and Organized Crime and the Special Courts Against Corruption and Organized Crime, as determined by Article 75/a prior to the entry into force of this law, and which have been registered before June 1, 2021, shall be investigated and adjudicated by the Special Prosecution Office Against Corruption and Organized Crime and the Special Courts Against Corruption and Organized Crime, regardless of the change in subject-matter jurisdiction pursuant to Article 7 of this law.

Promulgated by Decree no. 1059, dated 5.4.1995, of the President of the Republic of Albania, Sali Berisha