



Weekly Briefing

Albania political briefing:
Former Prosecutor General convicted for corruption
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Former Prosecutor General convicted for corruption

Summary

The immediate aftermath of the general elections is filled with a series of high-impact events. It appears that the winning party didn't take too much time to celebrate, and the defeated party did not truly absorb or accept the results. This briefing will analyze a first occurrence of its kind in Albania, the conviction of one of the most controversial figures in Albanian judiciary history, former Prosecutor General Adriatik Llalla.

Even though the judiciary system is supposed to be independent of political influences, three decades of Albanian transition have proved differently. Llalla becomes so the highest Albanian official of the Judiciary branch to be ever convicted since 1991.

Introduction

On May 20th, The Special Court Against Corruption and Organized Crime has sentenced the former Chief Prosecutor, Adriatik Llalla, to 2 years in prison. In addition to the prison sentence, the court has decided that Llalla will not hold public office for 5 years. Some of his properties was also seized. The Chief Prosecutor of the Republic, the most important man of one of the most powerful institution in the country, has been convicted.

For some, this is just the first of the domino effect that will hit the unaccountability culture of high officials in Albania. For others, this is just too little, too late.

Role and life of the former Prosecutor General

The General Prosecutor is the highest authority exercising the criminal prosecution and representing the accusation in court on behalf of the Albanian state. He/she is also responsible of the carrying out a series of important duties assigned by law to the prosecution. For the exercise of duties provided by law on prosecution, the General Prosecutor issues different orders and instructions.¹

After the regime change in 1991, Albania has counted nine chief prosecutors. Albanians are well aware that that politics is heavily invested in this position, thus this person is always at the center of attention.

¹ General Prosecutor's Office of the Republic of Albania (Official Government Website). Office and the Role of General Attorney. Retrieved from: http://www.pp.gov.al/web/Office_and_the_role_of_General_Attorney_21_2.php#.YLTHFqgzY2w

Adriatik Llalla is a former Albanian judge who started his professional path as a judiciary police officer in the district of Lushnja, where he worked as prosecutor for three years. He was later Prosecutor of Kavaja and Head Prosecutor of Fier district until 2005. He moved on as deputy Head Prosecutor in the Tirana judiciary district in 2005–2008. He joined the Prosecutorial Council in 2006, which he after chaired in 2007–2008. In 2008 he was elected Head of the High inspectorate of the Declaration and Audit of Assets, where he served for two years. In 2010, he was elected as Head of the Integrity Experts' Network.

Llalla was appointed General Prosecutor of Albania in 22 November 2012, under the then right-wing government of Sali Berisha.

When he first took this high office, he vowed to investigate corrupt politicians but no prosecution happened during his 5-years mandate. In the last months of his mandate, Llalla claimed that members of organized crime threatened him and his family and that his family had left for Europe to seek asylum.

Llalla served as the Prosecutor General of the Republic of Albania until 2017.

In 2017 the United States (US) Ambassador to Tirana, Donald Lu, accused Llalla of being an "*enemy of the justice reform*" – the flagship reform program that Albania was implementing, aiming to clean up the notoriously corrupt justice system. In February 2018 the US State Department announced via then-Secretary of State Rex Tillerson that they had designated Adriatik Llalla as a corrupt foreign official, thereby banning them from entering the country.²

Later in April 2018, the new prosecution accused Llalla of refusing to declare his true assets, for money laundering, and other financial crimes.

Demise and investigation

Former Chief Prosecutor Adriatik Llalla resigned on December 8th, 2017 after his term expired and was replaced by Arta Marku only by the votes of the Socialists in the parliament. Llalla escaped the Vetting process after submitting his resignation from the system before the Independent Qualification Commission started investigating him. The commission accepted Llalla's request by removing him from the system and not passing to Vetting. The Public Commissioner appealed to the Special Appellate Panel against the KPC decision.

² U.S. Department of State (2018, February 14). Public Designation of Adriatik Llalla under Section 7031(c) of the FY 2017 Consolidated Appropriations Act. Retrieved from: <https://2017-2021.state.gov/public-designation-of-adriatik-llalla-under-section-7031c-of-the-fy-2017-consolidated-appropriations-act/index.html>

Also, Adriatik Llalla is one of the three former senior Albanian officials, for whom the American Secretary of State, Mike Pompeo, on February 14, 2018, announced the decision that he will never trespass on American soil.³

Investigations into Adriatik Llalla started soon after his dismissal from the prosecution office was official.

In March 2018, the Special Prosecution Office against Corruption and Organized Crime opened a criminal case against him for large-scale money laundering, through the purchase of low-priced land and the sale of 20-30 times more expensive. In the same year, prosecutors seized Llalla's apartment in Tirana and about 5.4 hectares of land that at the time, according to the Prosecution, had a total value of more than 98 million Albanian Lek or about 900,000 dollars.⁴

After three years of trial, in May 2021, the court found him guilty, sentenced him to imprisonment and seizure of some of his assets, for which he did not justify the source of the money.

According to the court decision, the former General Prosecutor hid the property and provided false information in the annual statements that senior officials are obliged to sign regarding their assets.

The judge that convicted him, a member of the Special Court against Corruption and Organized Crime, said Llalla could not justify the money to buy and then sell 5.4 hectares of land, buy an apartment and grant his family a living standard in Germany.

The justice reform: What/who is next?

Former Prosecutor General Adriatik Llalla is the first case of a senior official being convicted by the newly formed judicial institutions known as the Special Anti-Corruption Structures (SPAK). The justice reform was approved in July 2016 and started in early 2017. The vetting process, as an important part of this reform, removed from the system hundreds of judges and prosecutors who did not justify assets with their sources of income. Most of them faced no other penalty than losing their jobs but lately prosecutors have issued asset seizure orders for some of those dismissed.

³ Dosja.al (2021, May 20). 2 vite burg për Adriatik Llallën, ish-kryeprokurorit i konfiskohet pasuria, s'mund të mbajë poste publike për 5 vite. Retrieved from: <https://dosja.al/spak-kerkon-2-vite-burg-sot-pritet-shpallja-e-pretences-per-adriatik-llallen/>

⁴ Ruci, A. (2021, May 21). Tiranë: Burg dhe sekuestrim pasurie për Adriatik Llallën. *Deutsche Welle (DW)*. Retrieved from: <https://www.dw.com/sq/tiran%C3%AB-burg-dhe-sekuestrim-pasurie-p%C3%ABr-adriatik-llall%C3%ABn/a-57604423>

Llalla was not among these who were dismissed because he decided to resign from the justice system following the end of his mandate as General Prosecutor.⁵

Some days after the conviction, Llalla made a public appearance on a television program stating that he will appeal this conviction and he is adamant he will reverse it. Furthermore, he made the argument that his conviction was a political move related to his actions as the main prosecutor of the country.

He stated that in executing his duties, he was at times influenced by foreign dignitaries in Albania and singled out a person, former European Union (EU) representative to Albania.

According to Llalla, he was asked by EU Ambassador Romana Vlahutin to follow the example of Croatia.

“She [Vlahutin] told me that for Albania to join the EU, it must follow the path of Croatia and arrest Sali Berisha, and so you have the opportunity to show your strength to help Albania join the EU.” – Llalla concluded.

He also commented on his relationship with former US Ambassador to Albania, Donald Lu, and confirmed the personal frictions as well as some hypothesis on the ambassadors’ involvement in Albania’s internal affairs.

The conviction for Llalla came one day after another sensational event. On May 19th 2021, US Secretary of State Antony Blinken declared as "unwanted person" in the US territory the former Prime Minister and President Sali Berisha. As Llalla, Berisha was designated for "involvement in significant corruption" and he and his immediate family are prohibited to enter the US.

Some argue that lengthy trial of former Chief Prosecutor, only recently sentenced by the Albanian judiciary institutions, shows that the roots of evil are deep and the power of the judiciary with all its resources is still scarce.⁶

On this path, many are asking if for former Albanian leader Berisha there would be the same fate, as the former General Prosecutor. Indeed, for the ones that hope that the "non grata" for Berisha or the sentence for the former chief prosecutor are good signs of a process that has just started, and they rejoice on it.

On the other hand, the country remains with such a degree of informality, where evidence is one of the few things that cannot be collected properly as respect for the state institution is still low. But most importantly, political interference in all judiciary aspects is still high.

⁵ Erebara, Gj. (2021, May 20). Albania Jails Former General Prosecutor Llalla for Corruption. *BalkanInsight*. Retrieved from: <https://balkaninsight.com/2021/05/20/prison-sentence-for-albania-former-general-prosecutor-adriatik-llalla/>

⁶ Andoni, B. (2021, May 19). Pas Berishës, Drejtësia duhet të kapi trenin e duhur! *Shqiptarja*. Retrieved from: <https://shqiptarja.com/lajm/pas-berishes-drejtesia-duhet-te-kapi-trenin-e-duhur>

Meanwhile, the Special Prosecution Office unofficially admits that there are other former justice officials under investigation affected by the vetting.

Conclusion

In all this ordeal, one conclusion is certain: the punishment doesn't fit the crime!

It is clear that the moral dimension of events is missing. One of the former most powerful persons in Albania, is now convicted. With properties around Albania and Europe, savings that go beyond any salary calculation, with all the members of his family living in Germany, and with charges of corruption, he is sentenced to two years.

Most probably he will not see a day in jail, and yet his personal involvement in damages to the country are still to be accounted for.