



Confiscation Report of Criminal Assets and Constitutional Guarantees

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The research

- Confiscation is among the most important legal instruments in the fight against organized crime and money laundering
- In this paper is treated the extent of the confiscation field of action, his report with constitutional guarantees

Keywords

- Seizure
- Constitutional guarantees
- Criminal assets
- The presumption of innocence, etc..

Introduction

- Prediction of confiscation in Albanian legislation as a tool of preventing and combating organized crime and money laundering through the seizure of assets
- An issue of significant importance of the study is related with the relationship between the legal framework of confiscation and protection of human rights and fundamental freedoms.

The concept of seizure

- In criminal justice systems traditionally are known seizures of assets as a result of their connection with a criminal offense.
- The system chosen by the Republic of Albania offers more guarantees to respect the rights of persons affected by the seizure.

The scope of seizure

- In the Albanian law is predicted that the confiscation of criminal assets is applied also to the assets of persons generated before the entry into force of this Law.
- Cases when the proceeds of crime could have passed in the possession of third persons: Albanian legislation has solved this problem by expanding the circle of persons associated with the offender, who may be confiscated.

Third parties and property rights

- How to deal with third parties that have property rights in connection with criminal proceeds?
- The confiscation of proceeds of criminal offenses should be ordered when a person is found guilty of an offense. This fact constitutes a weak point for seizure procedures.

The principle of presumption of innocence

- It's violated the principle of presumption of innocence, passing the burden of proof to the person against whose property assets are confiscated?
- The technique of the burden of proof determined in the Albanian law "*anti-mafia*" in this regard, does not contradict the principle of presumption of innocence.

Conclusions

- The Criminal Code of the Republic of Albania, shows that our system offers more guarantees to respect the rights of persons affected by the seizure.
- Confiscation of property is not placed "blindly" on all assets.
- Albanian law does not contradict the principle of presumption of innocence; the court shall provide jurisdiction over property and not against its owner.