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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF ALBANIA

**THE PARLIAMENT BILL ON
THE REGULATION OF THE FUNCTIONING OF THE
PARLIAMENTARY INVESTIGATION COMMISSIONS**

Based on Articles 77, paragraph 3, 78 and 83, paragraph 1, of the Constitution of the Republic of Albania, by proposal of the Parliamentary Commission on Immunities, Mandates and Rules of Procedures, and a group of Members of Parliament:

**THE PARLIAMENT
OF THE REPUBLIC OF ALBANIA
D E C I D E D:**

CHAPTER I

GENERAL PROVISIONS

**Article 1
Purpose**

This law regulates the manner of the organisation and functioning of the Parliamentary Investigation Commissions set up by the Parliament according to Article 77 of the Constitution of the Republic of Albania.

**Article 2
Scope of Parliamentary Investigation**

The Parliamentary Investigation Commissions are established by the Parliament with a view of addressing a certain issue of public interest.

The conclusions drawn by the Parliamentary Investigation Commissions are not mandatory for the courts, but they are reported to the prosecutor's office. The latter examines them in the light of the legal procedure to find out whether any violation of the laws has taken place.

**Article 3
Definitions**

In the meaning of this law the term:

- "Commission" refers to the Parliamentary Investigation Commission provided for by the Constitution of the Republic of Albania and the rules of procedure established by this law;
- "Witness" refers to the person summoned by the Commission to provide evidence in its presence under the obligation provided for by the Code of Penal Procedure;
- "Proof" refers to all evidence or documents related to the object of the parliamentary investigation, and is handled according to the procedure established by this law;
- "Persons listened to in the form of free hearing" refer to persons summoned not in the quality of the witness provided for by the Code of Penal Procedure.

**CHAPTER II
THE SETTING UP, COMPOSITION AND FUNCTIONING OF THE
COMMISSION**

**Article 4
Establishment of the Commission**

The request to establish a Parliamentary Investigation Commission could be made by at least five Members of Parliament or a Permanent Parliamentary Commission. In the presence of more than half of all its members the Parliament takes a decision by a majority of votes.

In case the request is made by one fourth of all the Members of Parliament, the Parliament is obliged to establish the Parliamentary Investigation Commission.

The request for the setting up of the Commission forwarded to the Parliament shall describe the object for examination, as well as the motivation for the conduct of this investigation.

The duties, the composition and the schedule for the activity of the Parliamentary Investigation Commission are provided for in the decision by the Parliament on its establishment.

Article 5 Composition of the Commission

The Commission is made up of an odd number of members, no smaller than nine MP's and no bigger than 13 members.

The decision on the number of the MP's appointed as members of the Commission and the Parliamentary Bureau makes the representation of the parliamentary groups in it by proposal of the Speaker of the Parliament, and a consensus is reached to this effect. In case of failure to reach a consensus, the proposal is submitted to the plenary session, and a decision is taken by way of voting. Each parliamentary group appoints the MP's to represent it in the Commission according to the number determined.

As a rule, representatives from all the parliamentary groups make up the Commission in proportion to the number they have in the Parliament, thus ensuring as a rule the participation of at least one representative for each group.

Article 6 Chairmanship of the Commission

The Parliament elects the Chairmanship of the Commission in the plenary session within 10 days as of the decision taken by the Parliament to set up this Commission.

The Chairmanship of the Commission is made up of the Chairman, the Deputy Chairman and the Secretary.

The Chairmanship is elected by the Parliament by secret ballot.

Article 7 Convening of the Commission

The Chairman of the Commission convenes the Commission, and announces the date, the time and the agenda of the meeting in the next session, according to the decision taken previously by the Commission.

When the Chairman is absent, the Deputy Chairman takes over the Chairman's function.

The Secretary of the Commission addresses the administrative and technical issues of the Commission.

Article 8 The Quorum

The meetings of the Commission are valid when more than half of the total number of its members is present.

Article 9 Decisions by the Commission

The Commission takes its decisions when the majority of its members are present in the voting process.

The voting of the majority of the members of the Commission is required for decisions related to reports on the conclusions reached by the investigation the Commission has carried out.

The Commission usually votes by show of hand, except when, at the request of three Members of Parliament, nominal voting or secret ballot is required and the Commission decides on that.

Article 10 Divulgence of activity

The meeting of the Commission is open, except when, by proposal of three of its members, the Commission by majority of votes decides that it should be held with closed doors.

Article 11 Minutes of the Meetings

As a rule, each meeting of the Commission is recorded, and the shorthand minutes are taken, which are then published in the parliamentary documents except when the Commission decides otherwise.

At the end of each meeting the Chairman and the Secretary sign the minutes.

Article 12 Keeping of Secret

The members of the Commission, the experts consulted and the staff of the Commission, as well as all those cooperating with the Commission, are obliged to keep the secret of the investigations concerning all the acts and documents the Commission considers confidential.

CHAPTER III RULES OF PROCEDURE FOR THE CONDUCT OF THE INVESTIGATION AND THE DATA COLLECTION

Article 13 Competencies and Restrictions

In the work for the collection of evidence and the investigation of the case, the Commission enjoys the same competencies and is subject to the same restrictions as those, which are valid for the authority of the penal proceedings, on the basis of the provisions of the Code of Penal Procedure.

Article 14 Investigation Activity

Except for investigations described in Article 13, the Commission could also carry out investigations of a cognitive character, while seeking information in the ways it deems suitable, as well as by organising free hearings that the Commission examines and considers as proofs.

All the state-run and private structures are obliged to accept the requests filed by the Commission to the effect that they submit the required information.

Refusal to provide the required information makes them be held legally and administratively responsible on the basis of the law in force.

Article 15 Interrogation of Witnesses

The Commission requires that evidence is provided by any citizen who has knowledge about facts considered necessary so as to conduct and take investigations through to the end.

Those individuals summoned in the capacity of witness are delivered a document issued by the judicial police of the judicial departments in the prosecutor's office.

If in the course of the witnesses' cross-examination the Commission finds out that it has to do with a penal act, which does not constitute the object of the investigation, it asks the prosecutor's office to start penal proceedings.

The relevant sanctions provided for in the Penal Code and the Code of Penal Procedure are applied with regard to those individuals summoned as witnesses.

The requirements and provisions of the Code of Penal Procedure are applied concerning the cross-examination of the witness or the person listened to in the form of free hearing.

Article 16 Requiring Acts and Documents

The Commission is entitled to ask the judicial authorities or the prosecutor's office to provide acts and documents related to the ongoing proceedings and investigations, as well as copies of previous acts and documents related to the parliamentary investigation.

When, for reasons of the secrecy of investigation, the investigation authority considers that it cannot shirk the obligation to keep the secret, it issues a motivated refusal document. When

the Commission considers that there is no motivation, the investigation authority shall provide without delay the information required by the Parliamentary Investigation Commission.

The Commission specifies the acts and documents that should be rendered public, especially those concerning requirements for further ongoing investigations.

The judicial acts and documents in the phase of preliminary investigation are kept secret.

Article 17 **Summoning of experts**

When it deems it necessary the Commission has the right to summon individuals in the capacity of experts in compliance with the legal obligation provided for in the Code of Penal Procedure so that they can forward their own opinion on facts and data related to the parliamentary investigation.

Article 18 **Professional Secret**

For violation of the investigation and state secret by the members of the Commission and other persons who receive knowledge about them, Articles 159, 160 and 161 of the Code of Penal Procedure are applied.

CHAPTER IV **CONCLUSIONS OF THE COMMISSION AND COOPERATION** **WITH OTHER STATE INSTITUTIONS**

Article 19 **Final Report**

The Commission delivers the final report in the form of a public report within the deadline determined in the decision for the setting up of the Commission. Occasionally, the report contains the conclusions, the measures for the persons responsible, and the eventual proposals for legislative amendments.

In the case when the Commission, for objective reasons, does not succeed in closing investigations within the scheduled time, it asks the Parliament to extend the deadline while providing argument in support of this request.

Article 20 **Decision by the Parliament**

Having been introduced to the report, the Parliament takes the decision to deliver the report to the relevant bodies, as well as on the other parliamentary and legislative measures that need to be undertaken.

Following the decision made, the Parliament takes after having heard the report, the Commission ceases to act.

Article 21
Cooperation with the General Attorney’s Office

In the conduct of different investigation and procedural actions the Commission cooperates with the General Attorney’s Office. At the Commission’s request, the General Attorney is obliged to appoint one or two prosecutors and an officer of the judicial police, according to need and the object of investigation.

The appointed prosecutor or the prosecutors are attached to the Commission permanently until investigation is concluded.

The prosecutors report to the Commission alone on their performance under the Commission mandate.

Article 22
Publication of the Report

The Commission’s report contains recommendations for the publication of the report, as well.

CHAPTER V
FINAL PROVISION

Article 23
The Budget and the Auxiliary Staff of the Commission

The Commission has its own budget available for its activity. The allocation of this budget is provided for in the decision on its establishment taken by the Parliament.

The expenses carried out by the Commission are endorsed and followed up by the Chairmanship of the Commission. The members of the Commission are remunerated for their activity on the basis of the decision made by the Parliament on the participation in the permanent parliamentary commissions.

In the performance of its own duties, the Commission is supported by a permanent auxiliary staff who is remunerated as provided for by the relevant legislation.

The auxiliary staff is appointed by the Speaker of the Parliament by proposal of the Chairman of the Commission.

Article 24
Coming into Force of the Law

This law comes into force

CHAIRMAN
Skënder GJINUSHI