



REPUBLIC OF ALBANIA
SUPREME COURT
CRIMINAL SECTION

Basic Register number 70003-189-2023

Decision number

(SUMMARY/ABRIDGED)

DECISION IN THE NAME OF THE REPUBLIC

The Criminal Section of the Supreme Court composed of the judges:

Ilir PANDA	Juror in chief
Sokol BINAJ	Juror
Sandër SIMONI	Juror

reviewed this day on 25.04.2023, in a judicial hearing the criminal case under basic register number 70003-189-2023 concerning the following parties:

PETITIONER: Prosecutor's Office at the District Court of Tirana

SUBJECT: Approval of the request for extradition

Concerned party: Liangbin Chen

LEGAL BASIS: Articles 495 et seq of the Criminal Procedure Code;
Law no. 10193, dated 3.12.2009 "On jurisdictional relations with foreign authorities in criminal matters", as amended.

CRIMINAL SECTION OF THE SUPREME COURT

after hearing the report of the judge Sokol Binaj and deliberating the case in its entirety,

OBSERVES:

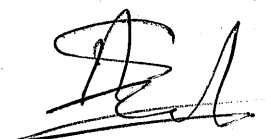
I. Circumstances of the case

1. During case trial at the district courts, it has transpired that Rinas Police Station, Tirana, on 11.07.2022 at around 14:00 hrs, while processing the passengers of "Air Albania" airline, London, Tirana, the Border Police controllers apprehended in *flagrante delicto* at the entrance help desks the citizen Liangbin Chen, identified with passport number 1449826. This citizen was detained because due to the check of TIMS system and then from the correspondence with the National Central Bureau of Interpol-Tirana, it was confirmed by e-mail that: *'Following the communication via telephone, we inform you as follows: From the verifications made in the ASF 2 system, it transpires that citizen Liangbin Chen, born on 06.11.1990, has been declared wanted by Interpol Beijing China (update of 11.07.2022) for the criminal offense of "Fraud". Interpol Beijing China has issued an international wanted notice for the above citizen on 04.07.2022 and an update of the Red Notice on 11.07. 2022 (since the judicial authorities of China, by the decision No. DG (X) BZ (2022)00055, dated 20.05.2022, have imposed a security measure of "Remand in prison" for the criminal offense of "Fraud", provided for in Articles of the Chinese Criminal Code.*

2. In these circumstances, Rinas Police Station, Tirana, on 11.07.2022, at around 17:20 hrs, made his arrest *in flagrante delicto* for the purpose of extradition due to the security measure of "remand in prison" against him, issued by the Chinese Judiciary authorities. Also, from the acts received through the General Prosecutor's Office by letter no. 1255/1 Prot./G.G, dated 12.07.2022, it is found that the Interpol National Central Bureau of Tirana, by letter no. 11271/4KI Prot. DKB135 VEL/2022, dated 12.07.2022, announced the arrest dated 11.07.2022 by Rinas Police Station, of Chinese citizen Liangbin Chen, born on 06.11.1990 in China and resident in Dubai. This subject has been declared internationally wanted based on criminal decision no. DG(X) BZ (2022) 00055, dated 20.05.2022, of the Deking Court, Zhejiang Province/China, which has imposed against him the security measure of "remand in prison" for committing the criminal offense of "fraud", provided by Article 266 of the Chinese Criminal Code

3. As above, based on Articles 495 et seq. of the Criminal Procedure Code of the Republic of Albania (CPC), as well as law no. 10193, dated 3.12.2009, as amended, it is requested the performance of the relevant procedural actions related to the extradition to China of the Chinese citizen Liangbin Chen

4. By virtue of the criminal decision under Basic Reg. 1563, dated 14.07.2022, the



District Court of Tirana, inter alia, has ruled: "The legal validity of the arrest of citizen Liangbin Chen. The imposition as a personal security measure against the citizen Liangbin Chen (son of Tianman Chen and Jei You, born on 06.11.1990) the one of "remand in prison" provided by Articles 238 and 495 of the Criminal Procedure Code related to the extradition procedure at the request of the Chinese authorities

5. The request for the extradition of the above cited citizen is based on the fact that the Chinese judicial authorities are based on criminal decision no. DG(X) BZ(2022) 00055, dated 20.05.2022, of Deking Court, Zhejiang Province/China, which, against the Chinese citizen Liangbin Chen, has imposed the security measure of "remand in prison" for committing the criminal offense of "fraud", provided by Article 266 of the Chinese Criminal Code, as well as provided for in Article 143 of the Albanian Criminal Code (CC). Attached to the request is the text of legal provisions with which the elements provided for in Article 489 of the CPC are fulfilled, and for the citizen Liangbin Chen, the prosecutor's office has filed within the legal time-limits a request to the court, to claim the approval of the permission to extradite this citizen. from the Republic of Albania to China, for the purpose of the security measure of remand in prison.

6. The Prosecutor's Office has asked information from the Prosecutor's Offices at the First Instance Courts of Judicial Districts, if there is a criminal proceeding under investigation, trial or sentence imposed against the citizen Liangbin Chen (son of Tianman Chen and Jei You, born on 06.11.1990), under the jurisdiction of the Prosecutor's Offices for criminal offenses committed in Albania or abroad. From the answers received, it appears that there is no legal cause not to allow his extradition to China

7. The Prosecutor's Office at Tirana District Court, after finding that the documentation forwarded about the Chinese citizen Liangbin Chen (son of Tianman Chen and Jei You, born on 06.11.1990), from the Ministry of Justice through the General Prosecutor's Office is complete and in accordance with the legislation in force on extraditions and the principle of reciprocity between the Republic of Albania and the Republic of China, based on Articles 495 et seq. of the Criminal Procedure Code of the Republic of Albania, as well as Law no. 10 193, dated 3.12.2009, as amended by laws 100/2013 dated 18.03.2013 and no. 97/2021 dated 07.07.2021 "On jurisdictional relations with foreign authorities in criminal cases", addressed the court to approve the request

8. **The District Court of Tirana** (Judge: Alfred Meça), by virtue of the Decision under Act no. 805 dated 13.10.2022, *inter alia*, has ruled:

"Admissibility of the request. Allowing the extradition of the citizen Liangbin Chen (son of Tianman Chen and Ye, born on 06.11.1990) to the People's Republic of China for the



purpose of the enforcement of the criminal decision no. DG (X) BZ (2022) 00055, dated 20.5.2022, of Deking Court, Zhejiang Province/China.

Dismissal of the request for revoking the security measure of "house arrest" imposed against the citizen Liangbin Chen.

A copy of this decision should be communicated to the Ministry of Justice of the Republic of Albania and the Embassy of the People's Republic of China...".

9. The District Court of Tirana, inter alia, has argued that in relation to what has been claimed by the parties in this litigation, the court establishes the belief that the request of the Prosecutor's Office to allow the extradition of the citizen Liangbin Chen to the Republic of China is fair and should be held admissible as such. From the formal side, the Court deems that the request fulfils the conditions required by law, according to the institute of extradition provided by Articles 488 et seq. of the CPC. Articles 490 and 491 of the CPC set out the conditions of extradition

10. In the case of Liangbin Chen, the Court finds no reason for not accepting the extradition request. The court finds no reason for not accepting the request for extradition. From the acts presented, it transpires that a criminal decision is in force (security measure of "remand in prison") against the citizen Liangbin Chen, according to criminal decision no. DG (X) BZ (2022) 00055, dated 20.05.2022, of Deking Court, Zhejiang Province/China

11. The criminal offense for which the citizen Liangbin Chen is suspected, is also foreseen by the Albanian legislation, respectively by Articles 143 et seq. of the Criminal Procedure Code

12. The extradition of citizen Liangbin Chen has been approved by the Ministry of Justice of the Republic of Albania, as by letter 2500/3 Prot. OSH, dated 22.07.2022, the acts regarding the security measure and the continuity of the extradition procedures have been forwarded to the General Prosecutor's Office

13. None of the causes provided for in Article 491 of the CPC are found. Therefore, for how long has it been proven that: (i) there is a security measure of "remand in prison" issued by the Chinese Court against the citizen Liangbin Chen; (ii) the acts have been formally approved by the Ministry of Justice of the Republic of Albania and; (iii) none of the reasons provided for in Article 491 of the CPC are found, the Court has no reason to take a decision against extradition.

14. Regarding the defence claims of citizen Liangbin Chen, the Court observes they have no influence on the Court's decision-making. Regarding the claim for the lack of documentation, the Court deems that the Chinese authorities, and then Ministry of Justice, have presented the necessary documentation to meet the criteria for allowing extradition. The request



for extradition is detailed, provides facts and evidence as well as legal references or procedural guarantees/safeguards. The form of the decision "arrest approval" is not typical of the format of Albanian court decisions, but this fact (the format of the decision) cannot be a cause to refuse extradition.

15. Regarding the claims about the state of health, the court deems that the physical condition of the citizen whose extradition is requested, is not a cause provided for by Article 491 of the CPC and thus does not constitute an influencing element in the acceptance or not of the request

16. Regarding the positions of various international organizations and institutions cited by the defence, the Court deems that in the current state of Albanian legislation and relations between the Republic of Albania and the Republic of China, there is no legal obstacle for not allowing extradition. Even the Resolution of the European Parliament itself, cited by the defence, calls for EU member states to take measures or suspend or cancel treaties or agreements with the Republic of China. As long as the Parliament of Albania does not appear to have taken measures of this level, the Court deems that there are no reasons /causes to decide against the request for extradition

Regarding the claims of defence for the revocation of security measure, the court deems there is no room for accepting this request. According to the provisions of Article 493 of the CPC, "... Coercive measures shall be revoked when the proceeding before the court has not been completed within three months from the beginning of their execution...". Currently, the citizen Liangbin Chen is under "house arrest" security measure, imposed by the District Court of Tirana by virtue of the decision no. 1563/1, dated 09.09.2022. It transpires that the above measure was implemented exactly on 09.09.2022, i.e. even the 3-month term has not elapsed since the enforcement of this security measure.

17. The concerned party, Liangbin Chen, has filed an appeal against **the above decision**, claiming: *"7. Amendment of the criminal decision no. 805 of the basic registry, dated 13.10.2022, of Tirana District Court, for allowing the extradition of the Cambodian citizen Liangbin Chen to the People's Republic of China. 2. Rejection of the extradition request of the Cambodian citizen Liangbin Chen. 3. Revocation of the coercive measure imposed against the Cambodian citizen Liangbin Chen"*.

18. **The Appeal Court of Tirana** (Judge: Genti Shala), by virtue of the Decision no. 1245, dated 20.12.2022, has ruled: *"Upholding Tirana District Court Decision under Act no. 805"*.

19. This court, after reviewing the case on the reasons of appeal, verified the acts of the file, analysed them in relation to the court decision, deemed that the district court decision



is based on law, as well as on evidence

20. In terms of the criminal procedural provisions, the surrender of a person to a foreign country for the execution of a prison sentence or an act attesting his prosecution for a criminal offense, can only be done through extradition, which is allowed only on the basis of a request to the Ministry of Justice. Referring to the provisions of point 2 of Article 39 of the Constitution, extradition can be allowed only when it is expressly provided for in international agreements to which the Republic of Albania is a party and only by court decision. The Republic of Albania has ratified the European Convention on Extradition and its additional protocols by law no. 8322, dated 02.04.1998, "On the ratification of the Council of Europe Convention on Extradition and two Additional Protocols". From the content of Articles 5, 39 and 116 of the Constitution, as well as Article 10 of the CPC, the sources of law regulating extradition in the Albanian legislation are the Constitution of the Republic of Albania, ratified multilateral and bilateral international agreements, accepted principles and norms/standards of international law, as well as the provisions of CC and CPC (see the Constitutional Court decision no. 4, dated 05.02.2014).

21. The Appeal Court, upon examining the reasons presented by the defence, takes into account Articles 489, 491 of the CPC. In relation to what has been claimed by the parties in this litigation, the Appeal Court deems that Tirana District Court rightly accepts the request of the Prosecutor's Office to allow the extradition of citizen Liangbin Chen to the Republic of China, as the request meets the conditions required by law, according to the institute of extradition provided by Articles 488 et seq. of the CPC

22. In the meaning of legal provisions, the Appeal Court does not find any cause for not accepting the request for extradition. From the documents presented, it follows that a criminal decision (security measure of remand in prison) is in force against the citizen Liangbin Chen according to criminal decision no. DG (X) BZ (2022) 00055, dated 20.05.2022, of the Degan Court, Zhejiang Province/China. The criminal offense for which the citizen Liangbin Chen is suspected, is also foreseen by the Albanian legislation, respectively by Article 143 of the Criminal Code. The extradition of citizen Liangbin Chen has been forwarded by the Ministry of Justice of the Republic of Albania, as by letter 2500/3 Prot. OSH, dated 22.07.2022, the acts regarding the security measure and the continuity of the extradition procedure have been forwarded to the General Prosecutor's Office

23. Regarding the claim of the defence for the lack of documentation, the Court deems that the Chinese authorities and then the Ministry of Justice have presented the necessary documentation to meet the criteria for allowing extradition. The request for extradition is detailed, provides facts and evidence as well as legal references or procedural



guarantees/safeguards. The form of the decision "arrest approval" is not typical of the format of Albanian judicial decisions, but this fact (the format of the decision) cannot be a cause to refuse extradition.

24. In view of the foregoing, the Appeal Court concludes that in the meaning of Article 489 of the Criminal Procedure Code, which provides for the acts to be forwarded by the requesting state, in cases of submission of a request for extradition, it has transpired that, on the part of the requesting state, through the Ministry of Justice of the Republic of Albania, submitted all acts in compliance with the procedural deadlines and exhaustively.

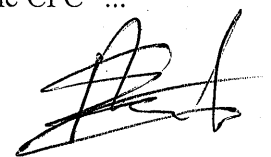
25. The Appeal Court analyses the prohibitive (negative) conditions provided for in Article 491 of the Criminal Procedure Code and does not find any of the causes foreseen in this provision. In relation to what the defence claims for the prohibitive condition that extradition cannot be granted for an offense of a political nature or when it transpires that the person is wanted for political purposes, the Appeal Court considers it has been proven that the criminal offense for which the Chinese citizen Liangbin Chen is suspected, does not have a political or military character and that this citizen is not wanted by the Chinese state for political purposes

26. Regarding the prohibitive condition that extradition cannot be granted when there is reason to believe that the wanted person will be subjected to persecution or discrimination or punishment or cruel, inhuman or degrading treatment or actions that constitute a violation of a fundamental human right, while adjudicating the request for extradition and the accompanying documentation, the existence of no circumstances was proven, which would establish the court belief that citizen Liangbin Chen will be subjected to persecution or discrimination due to race, religion, sex, nationality, language, political beliefs, personal or social status or cruel, inhuman or degrading punishment or treatment, or actions that constitute a violation of human rights

27. Regarding the positions of various international organizations and institutions cited by the defence, the Court deems that in the current state of the Albanian legislation and relations between the Republic of Albania and the Republic of China, there are no legal obstacles for not allowing extradition. Therefore, the court deems there are no reasons to decide against the request for extradition

28. Regarding the claims about the health condition, the Court deems that the physical condition of the citizen whose extradition is requested, is not a cause provided for in Article 491 of the Criminal Procedure Code and thus does not constitute an influencing element in the acceptance or not of the request

29. The district court rightly deems that there is no room for accepting the request for the revocation of security measure. According to the provisions of Article 493 of the CPC "...

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4. Coercive measures shall be revoked when the proceedings before the court are not completed within three months from the start of their execution...". Currently, the citizen Liangbin Chen is under the security measure of "house arrest" imposed by Tirana District Court by virtue of the decision under Act no. 1563/1, dated 09.09.2022 and approved by the Appeal Court. It transpires that the above measure was implemented exactly on 09.09.2022, i.e. even the 3-month term has not elapsed since the implementation of this security measure.

30. As analysed above, the Appeal Court deems that the decision of Tirana District Court is fair and as such should be upheld.

31. **The concerned party Liangbin Chen has filed a recourse against the decision** no. 1245, dated 20.12.2022, of the Appeal Court of Tirana, **claiming:** *"Cancellation of Tirana District Court Decision 805 dated 13/10/2022. Cancellation of Tirana Appeal Court Decision 1245, dated 20.12.2022. The decision on dismissal of the request of the prosecution body regarding the extradition of the citizen Liangbin Chen (son of Tianman Chen and Ye, born on 06.11.1990) to the People's Republic of China, with a view of the enforcement of the criminal decision no. DG (N) BZ (2022) 00055, dated 20.05.2022, of Deking Court, Zhejiang Province/China. His immediate release from the "house arrest" security measure.*

II. Grounds of recourse:

- *Both decisions were taken in serious violations of procedural norms/standards, in serious violations of supplementary laws on extradition and jurisdictional relations, in serious violations of European Conventions and in serious violations of European jurisprudence/case law and the decision-making of Strasbourg Court.*

- *Ministry of Justice, by "urgent" letter no. 2500/7 Prot., dated 19.08.2022, communicated and forwarded to the Attorney General the documentation sent by the Chinese Authorities via email dated 19.08.2022. In this letter, the Ministry of Justice clarifies that the documentation has arrived by email and that it is translated only in English and that the documentation translated into Albanian would be made available to the Attorney General as soon as possible. It transpires that the documentation is scanned and not original. The request for extradition is dated 15.08.2022. Ministry of Justice, by letter no. 2500/9 Prot., dated 19.08.2022, addressed to the Ministry of Public Security of the People's Republic of China, requesting the latter that in the case of representation, the request is not in Albanian, but in English and that such request, based on the internal criminal legislation, should be an original or a copy true to the original, as well as accompanied by a translation in Albanian language.*

- *The Request for Extradition does not meet the formal elements provided for in Article 489 of the Criminal Procedure Code and Law no. 10193/2009, as amended. Referring to the case law, the procedural position of the applicant is adopted by the District Prosecutor, but*



with the changes made by law no. 35/2017 by which point 1 of Article 492 of the Criminal Procedure Code has been amended, the position of the applicant is taken by the Foreign State (Applicant), in the case of the Cambodian citizen Liangbin Chen from the People's Republic of China.

- Firstly, despite the fact that the prosecutor represents the Ministry of Justice, he cannot keep the case in perpetuum, but within 3 months he must set the court in motion to examine the request that came from the foreign state (requesting state), regardless of whether the requirements provided for in Articles 489-491 were fulfilled or not.

- Secondly, he has the right to request from foreign authorities, through the Ministry of Justice, the documentation and information he deems necessary, especially when the request for extradition is for a specific criminal proceeding, for which the Ministry of Justice has been notified/recognized through the proceeding act.

- Thirdly, the Prosecutor cannot provide additional reasons, nor argue the request for extradition, even less justify it with a view of its admissibility by the Court

- The request for extradition and the accompanying documentation should be submitted in the form and content required by the Criminal Procedure Code.

- The request for extradition should be in writing. The European Convention on Extradition adopts the same position in Article 12 of the Fourth Additional Protocol, when it stipulates that "The request is made in writing and presented through diplomatic channels". But also in the law no. 10193, dated 3.12.2009, "On Jurisdictional Relations with Foreign Authorities in Criminal Matters, Article 5 point 5 provides for that acts should be sent through diplomatic channels and be in Albanian language

- In the case under trial, the request does not meet the formal and substantial elements provided for in Article 489 of the Criminal Procedure Code and Law 10193/2009, as amended. In the dossier presented by the Prosecutor in the capacity of representative of the Ministry of Justice, no criminal proceeding act of the prosecuting authority in the People's Republic of China against Langlin Chen emerged.

- Administration of the criminal proceeding act of the Chinese authorities on the part of the Court, is a criterion for the review and assessment of the extradition of any subject, not only of the represented. The Prosecutor, pursuant to Article 489 point 2/a, should submit the criminal proceeding act of the competent authorities, People's Republic of China, along with the Request for Extradition. The act of criminal proceeding and its inclusion in the trial dossier being attached to the request for extradition, is a fulfilment of Constitutional and Conventional guarantees/safeguards.

- Article 28 of the Constitution includes the guarantee of Habeas Corpus without



reservations. The Constitution does not differentiate the type of proceeding or its nature, and even less the subject against whom this proceeding takes place, a foreigner or an Albanian citizen. Article 489 point 2 (a) is the materialization of Habeas Corpus principle during extradition procedures abroad. The court has the constitutional and procedural obligation to be introduced to the act of proceeding which contains the charge, as well as the criminal facts attributed to the person sought to be extradited. In addition, the Court, which by decision has deprived a certain person of his freedom, should communicate him precisely the proceeding act to fully guarantee him Habeas Corpus.

- In the material aspect, the administration of the act of criminal proceeding, in addition to it, also the report on the criminal offense, contain data on the fulfilment or not of the conditions for allowing extradition, in view of showing whether the request is founded or not. According to Article 13 of the European Convention on Extradition, if the data notified by the Requesting Party (foreign state) are considered insufficient to afford an opportunity to the Requested Party to make a decision based on this Convention, it will request the completion of the necessary information and may set a deadline for their provision.

- Point 2 sub-point (b) of Article 489 of the Criminal Procedure Code must be understood in its intent and cannot be interpreted literally. The court should be clear that when the legislator used the term "criminal offense", he did not have in mind the relevant Articles of the special part of the Criminal Code, but refers to the entirety of actions and events related to the person sought to be extradited. The legislator has not considered drawing up a report on the elements of criminal offense for which the person seeks to be extradited, but on the criminal fact attributed to him. This meaning does not emerge except from a structural and original interpretation (that is, looking at the norm/standard in relation to the Constitution or its purpose, but also from its text itself, specifying the time and place of commission of the offence and its legal qualification. "To understand that the legislator refers precisely to a report on the facts attributed to the person, it also emerges from the definition of sub-point (c) "the text of the legal provision to be applied..."

- The legislator has determined and ordered that the Court be introduced to the criminal facts charged against the Represented, and pursuant to Article 13 of the European Convention on Extradition, when the court considers the facts presented in the report to be insufficient, may request from the People's Republic of China to submit additional information. Therefore, in the conditions where both the act of criminal proceeding and the report on the offense are missing, we can only abstract on the request for extradition, especially when the Ministry of Justice itself admits that the acts brought by the Chinese authorities by email were neither original, nor translated into Albanian language, even beyond the 40-day term.



- In the specific case, the criminal offense of "fraud" is provided for in the Albanian Criminal Code and in many legislations of other countries, but the nature of offense, facts, circumstances, actions or omissions, qualities of the subject, legal relationship that guarantees and even the form of guilt differ. If the facts attributed to the person sought to be extradited, fulfil none of the elements of the criminal offense of fraud, provided for in Article 143 of the Criminal Code.

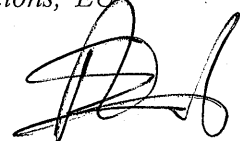
-The lack of formal elements is clearly explained and clarified above, but also find the reasons why this request should be rejected in the conditions when these formal elements are not fulfilled. The aforementioned criteria for the admissibility of the request for extradition are of a cumulative nature, hence they must be met simultaneously. In this view, the non-fulfilment of one of them would suffice for the request for extradition to be rejected (see the Decision no. 95 dated 14.07.2022, point 17).

- In these conditions, the request for extradition by the Chinese authorities, both in form and content, is considered irrelevant. Since this request does not meet the said criteria, it should not be held admissible.

- In this process, it must be clearly understood what is administered by the court is not evidence in the meaning of Article 149 of the Criminal Procedure Code, but documents and data

- The extradition of Mr. Liangbin Chen cannot be granted as there are reasons dictated in Articles 490, 491 of the Criminal Procedure Code. According to Article 3/1 of the Convention "On Extradition", Article 11, letter "b" of the Criminal Code and Article 491, letter "a", of the Criminal Procedure Code, extradition is not allowed in cases where the offense for which he is sought, is considered by the state to which extradition is requested, as a political offense or as an offense related to a political offense. The same rule applies if the requested party has serious reasons to believe that the request for extradition for a non-political criminal offense has been made with a view of prosecuting or punishing the person, for grounds related to race, religion, nationality or political opinions, or when the individual's situation is at risk to be aggravated for one of these reasons. Therefore, these reasons constitute an absolute obstacle to extradition.

- The Chinese authorities, through the Ministry of Justice, have not been presented to us any guarantees that the citizen Liangbin Chen will not be prosecuted and will not be punished for another criminal offense occurred before the request for extradition, not fulfilling the condition stipulated by Article 490, point 1. But even if this guarantee were presented by the receiving state, the prosecutor should collect evidence that Chinese authorities apply this guarantee, as below we will present data from important international organizations, EU



reports and resolutions of the European Parliament or US State Department that they are not respected.

- As above, but also according to the Decision no. 72, dated 4.11.2021, of the Criminal Section of the Supreme Court, one of the fundamental principles in the criminal process/litigation is that of the burden of proof, which the prosecution always bears.

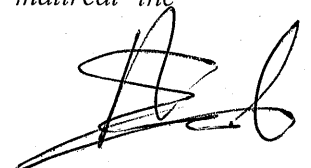
- The citizen Liangbin Chen has applied to waive the Chinese citizenship as the Chinese State Authorities arbitrarily instituted the persecution as a result of his acquaintance with the Malaysian citizen Wong Si Yun, who is of Muslim faith, a faith which the citizen Liangbin Chen also practices since meeting her. The fear of persecution culminates as a result of the situation occurred in Xinjiang for non-respect of human rights regarding the situation of religious and ethnic minorities, genocide and crimes against humanity in 2018, the year when the citizen Liangbin Chen has left China and settled in Cambodia, taking Cambodian citizenship as a result of this arbitrariness and then he married the Malaysian citizen Wong Si Yun, but also because of his innovative ideas regarding his profession as an IT programmer.

- The family of citizen Liangbin Chen has left China illegally by crossing the border secretly from the Chinese State Authorities and settled in Cambodia to escape persecution by the Authorities, which we prove by their Chinese passports bearing no stamp for exiting China and specifically the passport of his mother Ye Youqing with no. EDI657808 and of his father Chen Tianman with no. ED1657821

- Another reason that does not meet the conditions for extradition is the one established by law no. 10193 dated 3.12.2009 "On Jurisdictional Relations with Foreign Authorities in Criminal Matters", Article 32 thereof, letter "dh. In addition to the conditions provided for in the Criminal Code and the Criminal Procedure Code, the extradition of a person to a foreign country is allowed when the following conditions are also met: dh) the person whose extradition is sought, at the time of submitting the request for extradition, has not applied for or been granted asylum in Albania to the requesting state.

- We inform you that citizen Liangbin Chen has submitted a request for political asylum to the Regional Directorate of Border and Migration, Tirana, which forwarded it to the State Police General Directorate at the Department for Border and Migration. This Department, by letter no. L-22/1, dated 27.9.2022, sent this request to the Directorate of Asylum, Foreign Citizens and Citizenship at the Ministry of Interior, which is reviewing it.

- We also clarify that citizen Liangbin Chen has Cambodian citizenship and that he waived his Chinese citizenship although his request for the waiver of Chinese citizenship was rejected, a fact showing that Chinese authorities want to use any instrument and means to legitimate and justify their intent to persecute, discriminate against and maltreat the



Cambodian citizen Linbing Chen. Pursuant to Article 9 of the Law of the People's Republic of China, Chinese citizens who acquire foreign citizenship automatically lose their Chinese citizenship.

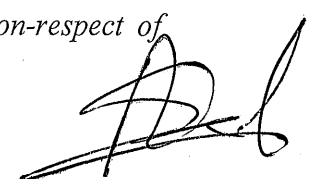
- Apart from the conditions provided by Articles 489-491 of the Criminal Procedure Code, we should take into account that the Republic of Albania and the People's Republic of China have relations based on the principle of good faith and mutual recognition of the acts of states, which have signed joint agreements, fulfilling the obligations of international law according to the principle of good faith between states, in accordance with the rules provided by Vienna Convention "On Treaties Law", acceded to by law no. 8696, dated 23.11.2000 and as far as it concerns extradition between the states of China and Albania, there is no bilateral agreement for the purposes of extradition to override the principles defined in the Criminal Procedure Code, nor prevail over other Conventions that Albania is a party to, such as the European Convention on Extradition or the ECHR.

- In view of the foregoing, it is important to answer the questions: how can the conditions be proven, as well as motives or rationale for not granting a person's extradition and what resources can be used?

- To understand how broad the spectrum of "sources" is, we can draw analogy to the case law of the Court of Cassation of the Republic of Italy, which in a decision of its Criminal Section, asserts that the court (in the case of Italy, the Appeal Court) is based on proving the causes (reasons) and conditions for not allowing the extradition of a person to another country in the documents drawn up by Non-Governmental Organizations.

- This refers to organizations such as Amnesty International, Transparency International, Human Rights Watch, Freedom House etc, whose reliability is universally accepted and confirmed, in relation to these documents drawn up by these non-governmental organizations. The Criminal Section of the Supreme Court has adopted the same position by the Decision no. 72, dated 4.11.2021.

The provisions of the Criminal Procedure Code of the Republic of Albania, on Extradition, are almost identical to those of the Italian Criminal Procedure Code, therefore the analogous interpretation finds room to better understand the spirit of the Code and to more objectively realize the implementation of the provisions foreseen therein, which was also done by the Criminal Section of the Supreme Court by Decision no. 72, dated 4.11.2021. The Criminal Section of the Supreme Court notes that the court's examination of the fact should not be only a formal control of the verification of the conditions based on the accompanying documentation of the request for extradition, as when facts presented are clearly inconsistent with the supporting documentation and there are justified reasons for the non-respect of



fundamental rights and freedoms, the presumption of equivalent respect for the fundamental human rights and freedoms on the part of the requesting state can be exceeded, and the court can consider as an obstacle to the extradition of citizens, when this fact is sufficiently justified in the relevant court decision (see the decision of the Criminal Section no. 134 dated 07.05.2014).

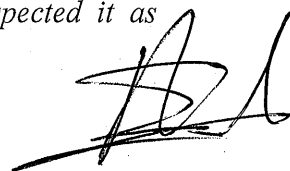
- In fact, the reports and assessments of the level of democracy, governance, corruption, respect for human rights, issued by these international non-governmental organizations and the US State Department show that in the People's Republic of China, they are beyond the standard set by these organizations. China is a dictatorial country that commits genocide and crimes against humanity, arbitrary arrests and detentions, torture of large numbers of those who are imprisoned, murders by the government, abductions and forced disappearances by the government where prisoners are abused and tortured, as well the rights to freedom and security, and the right to a due legal process, are not respected.

-Yet, the European Union has also undertaken Reports, Declarations and Resolutions regarding extraditions with China. In this link you have the EU report on the prohibition of extraditions with China and Hong Kong,

<https://www.scmp.com/news/china/diplomacy/article/3129599/eu-mulls-end-extradition-treaties-china-over-hong-kong> EU mulls end to extradition treaties with China... dated 15.04.2021, where, inter alia, European countries state a prohibition of extraditions with the Chinese state due to the suppression of the freedoms of citizens in the country. In the link below you may find Resolution B-9-2022-0312 of June 2022 "Resolution of the European Parliament on the situation of human rights in Xinjiang, including Xinjiang police files [https://www.europarl.europa.eu/doceo/document/B-9-2022-0312 EN, html](https://www.europarl.europa.eu/doceo/document/B-9-2022-0312_EN.html).

Among others, in point 8 of this Resolution, the European Parliament appeals to member states to suspend extradition treaties with China. This Resolution came as a result of the situation in Xinjiang for non-respect of human rights and the situation for the prohibition of the arbitrariness of Chinese state for the situation of religious and ethnic minorities in 2018, the year when the citizen Liangbin Chen also left China to Cambodia and has acquired Cambodian citizenship as a result of this arbitrariness and the fear of persecution by Chinese authorities as a result of knowing the Malaysian citizen Wong Si Yun, who is of Muslim faith, which the citizen Liangbin Chen also practices. since meeting her and then he got married to her.

- The citizen Liangbin Chen travelled from London to Tirana on 11.07.2022, where he was also arrested by the Albanian police and was not detained by the authorities of the United Kingdom even though they have exited the European Union, they have respected it as



resolution B -9-2022-0312 of the European Parliament dated 07.06.2022, as well as the EU report on the prohibition of extraditions with China, dated 15.04.2021.

-Albania's biggest challenge is its membership in the EU, as it recently opened negotiations for membership (acquiring the status of a candidate country) with the EU. In order to be a member of the European Union, the candidate countries must approximate their respective legislation with that of the EU, otherwise known as "acquis communautaire. Therefore, it is its obligation to implement all the reports, resolutions or directives approved in the framework of EU, and in case of non-implementation, there will be sanctions. This means that our country takes a step behind with the integration of Albania in the EU.

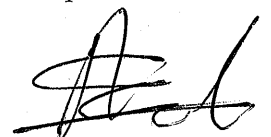
- In cases of extradition, as we stressed above, the Prosecutor does not represent the prosecution, but the Albanian State, more specifically the Ministry of Justice (Article 492 of the Criminal Procedure Code) and as such it should claim the fulfilment of obligations stemming from the ECHR or rather the Reports, Declarations and Resolutions of the European Union mentioned above concerning the non-extradition to China of the citizen Liangbin Chen.

- Otherwise, we will continue to address this issue to the relevant institutions. In this link you may find the Human Rights report on the situation in China <https://www.hrw.org/world-report/2022/country-chapters/china-and-tibetworldreport2022>

- China-Human Rights Watch, where, inter alia, this report states that the Chinese government, in all measured parameters, has a deteriorated situation of the rights and freedoms of people in the country, as well as evidence of crimes against humanity and other abuses, including mass detention, torture and cultural persecution, as well as suppression of the rights of citizens to defend themselves in fair judicial processes and punishment of persons seeking the protection of human rights.

- In terms of the rights and freedoms, freedoms and rights such as freedom of religion have been manifestly violated, where Chinese law allows people to practice only five officially recognized religions within officially approved premises and the authorities maintain control over the appointments of personnel, publications, finances and seminar applications. Since 2016, when President XI called for the "sinicization" of religions aimed to ensure that the Chinese Communist Party is the arbiter of people's spiritual lives, state control over religion has been strengthened and other religions, such as Islam, are banned and torture, arrests and unjust trials and other human acts have been committed against all those who practise it.

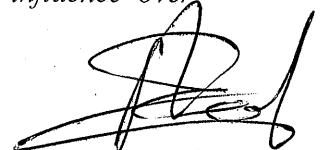
- Do not forget Albania of years before 1990. We are all fellow sufferers. Regarding the Freedom of Expression, Chinese authorities escorted, arrested or prosecuted many people for their online posts and private chat messages criticizing the government, as well as for those who brought innovations via Internet by banning all platforms in China and making trumped-



up charges against them. In this link you have Amnesty International's report on China [https://www/search/china/Amnesty international report 2021/22](https://www/search/china/Amnesty%20international%20report%202021/22) which, inter alia, confirms the fact that human rights in China continue to be violated and the situation worsens, presenting cases of unfair trials, secret trials, arbitrary pre-trial detention, fabricated charges, arbitrary decisions, use of tortures and other ill-treatments of prisoners etc.

- The authorities have arrested and detained many people seeking the protection of human rights for long periods under unjustifiable charges, broadly defined and vaguely formulated. Without access to family and lawyers of their choice, and without effective fair trial mechanisms, many persons were reportedly subjected to torture and other ill-treatment while under pre-trial detention. According to this report, many people appear to have mysteriously disappeared. In relation to rights and freedoms, these freedoms and rights are manifestly violated and in 2017, the Government continued to implement broad policies that severely restricted the freedoms of Muslims collectively, based on religion and ethnicity and use harsh violence, intimidation and arbitrary mass detention to eradicate Islamic and Turkish religious beliefs. Hundreds and thousands of men and women from predominantly Muslim ethnic groups were imprisoned. Authorities continue to arrest, charge and imprison individuals merely for expression, as the case of activist student Tony Chung who was sentenced to three years and seven months of imprisonment on trumped-up charges for riot and money laundering. Chinese authorities continued to exert pressure against other governments to extradite Uyghurs and dissidents living abroad, as the case of Idris Hasan, who was arrested at Casablanca airport on July 19 after flying to Morocco from Turkey. Arrested for more than five months, Idris Hasan remained at risk of extradition to China, where he could face lengthy arbitrary detention, torture and other ill-treatments.

- Regarding the death penalty, thousands of people are executed each year and the latest case on August 10, Robert Schellenberg, a Canadian citizen convicted of drug trafficking, had his imprisonment sentence increased to a death sentence during a one-day retrial. The trial coincided with a diplomatic dispute between Canada and China. Amnesty International believes that evidence it has collected provides: "a factual basis for this conclusion that the Chinese government has committed at least the following crimes against humanity, imprisonment or other severe physical deprivation of liberty in violation of the basic rules of international law, torture and persecution. In this link you have the Freedom House report on China: <https://freedomhouse.org/search/Key-china> Freedom House report China, where inter alia, 24 organizations demand actions against the Chinese state over abuses of the justice system and human rights violations, where the CPP dominates the judicial system, with courts at all instances monitored by party political-legal committees that have influence over

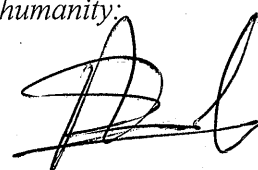


appointment of judges (most judges are members of the CPP), court operations and decisions and sentences, violations of due legal process are widespread in practice. Criminal trials are often held secretly and the conviction rate is estimated at 98 percent or more. Prosecutors rely heavily on confessions, many of which are obtained through torture, despite laws prohibiting such practices. A measure taken against the lawyers seeking to enforce human rights, has left defendants without effective or independent legal counsel, while affected lawyers are either in prison, under house arrest or unable to continue practicing their profession. Extrajudicial forms of detention remain widespread, with detainees usually held in isolation and without any contact. The police keeps individuals in secret detention for up to six months. This form has increased in recent years. Conditions in the detention facilities are difficult, with reports of insufficient food, regular beatings and deprivation of medical care. The use of torture and other forms of coercion are widely used to obtain confessions, especially to force political and religious dissidents to renounce their beliefs.

Regarding the death penalty, it is estimated that thousands of people are executed each year. The actual/current figure is considered a state secret. Also, in relation to the Rule of Law, in terms of Procedural and Criminal Justice, it is ranked the 154th out of 165 countries. Further, from 2008 until now, China has regressed in respecting the Rule of Law and human rights. In this link you have the report of the US State Department on China Report 2021/22 <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/china>

-This report, inter alia, stipulates that the People's Republic of China is an authoritarian state and the Communist Party is the main authority. During this period, many of the cases specified in the report occurred, including genocide and crimes against humanity, arbitrary arrests and detentions, tortures of a large number of those in prison, murders by the government, intimidation and forced disappearances by the government, torture by the Government, inhuman conditions of prisons and detention and in many cases, life-threatening conditions etc.

- Regarding torture, although the law prohibits physical abuse and ill-treatment of detainees and prohibits prison guards from coercing confessions, insulting the dignity of prisoners and beating or encouraging others to beat prisoners. There are credible reports that the authorities routinely ignored prohibitions against torture, especially in politically sensitive cases. Many former prisoners and pre-trial detainees reported being beaten, raped, subjected to electric shocks, forced to sit on a bench for hours, hung by the wrists, deprived of sleep, force-fed, forced to take medicine against their will. According to this report, Amnesty International believes that evidence it has collected provides a factual basis for the conclusion that Chinese government has committed at least the following crimes against humanity:



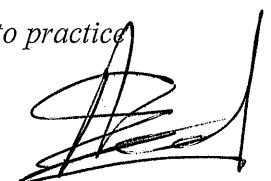
imprisonment or other severe physical deprivation of liberty in violation of fundamental rules of international law; torture and persecution.

-Conditions in the penitentiary institutions for both political prisoners and those committing criminal offenses were generally harsh and often life-threatening or degrading. The lack of adequate and timely medical care for prisoners remained a serious problem, despite official safeguards that prisoners have the right to seek immediate medical treatment. Prison authorities occasionally refused medical treatment to prisoners

- Regarding arbitrary arrests, arbitrary arrest and detention remained systematic. Although the law guarantees public safety, officers have broad administrative detention powers and the ability to detain individuals for long periods without formal arrest or criminal charges. Lawyers, people, activists of rights, journalists, religious leaders and ex political prisoners and their family members continued to be targeted for arbitrary detention or arrest.

- Although the law envisages that pre-trial detainees are allowed to meet defence lawyers first, or the criminal procedure law requires the court to provide a lawyer to a defendant who did not have one; as he is blind, deaf, mute or mentally ill, is a minor, either faces a life sentence or death, courts often do not respect this legal provision. Lawyers reported significant difficulties when meeting their clients in pre-trial detention centers. Denial of public fair trial, even though the law states that courts will exercise judicial power independently, without interference from administrative bodies, social organizations and individuals, the judiciary did not exercise judicial power independently. Judges regularly receive political instructions on pending cases, including instructions on how to rule, from both the government and the Chinese Community Party, especially as politically the cases are more sensitive. The Central Committee of Political and Legal Affairs of the Chinese Community Party has the authority to review and direct judicial actions at all levels of the judiciary. All appointments to the judiciary and the prosecutor's office require approval from the Chinese Community Party Organization.

- Although the law reaffirms the presumption of innocence, the criminal justice system remained biased towards a presumption of guilt. Courts often severely punished defendants who refused to plead guilty. Legal remedies for violations of defendants' rights were insufficient. Trials are behind the doors to the public, sometimes to family members and to deny the defendant's access to a defence attorney. Defendants have the right to legal aid, but the vast majority of defendants appeared at trial without a lawyer. Lawyers are required to be members of the All-China Bar Association controlled by the Chinese Community Party and the Ministry of Justice, and all lawyers are required to pledge their loyalty to the Chinese Community Party leadership upon the issuance or annual renewal of their license to practice



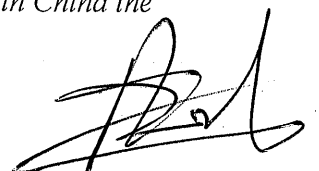
the lawyer's profession. Defence lawyers participated in less than 30% of criminal cases.

On November 21, China Change reported that more than 40 lawyers lose their licenses because of their human rights work since 2016. Several other lawyers refused to represent the defendants. In some cases, the authorities prevented the defendant's chosen lawyers from taking the case and appointed their own lawyer instead. The government suspended or revoked the business licenses or legal licenses of multiple lawyers who took on sensitive cases such as the protection of democracy, dissidents or religious activists. Lawyers did not have access to their clients' preliminary procedure, had limited time to review evidence, and were not allowed to communicate with defendants during trials. Contrary to the law, defendants were often not assigned a lawyer until the case was brought before the court.

- Politically motivated retaliation against individuals settled abroad. Threats, harassments, surveillance and coercion. Reports continued throughout the year in relation to the People's Republic of China pressure on relatives of persons located outside China who spoke publicly about the bans and abusive policies.

- Another reason why the court should decide on the non-declaration of citizen Liangbin Chen, is the one related to health. Citizen Liangbin Chen has been diagnosed at Healthcare Hospital, Royal Square Medical Center in Singapore on 24.12.2020, with a lobulated cystic lesion sized 1.2x0.6x 0.5. By letter no. 1289/1 Prot. dated 05.08.2022, of the Penitentiary Institution 302 Tirana, it is informed about the medical progress of this citizen. Afterwards, an MRI of the head of this citizen was performed, which confirmed the cyst in the corona radiata, but with a dimension of 12.7 mm. Even according to the Forensic Expertise Act no. 2037 conducted by the Institute of Forensic Medicine, it is confirmed that citizen Liangbin Che suffers from a cyst on the right side of the brain in its depth, observed in 2020, which has been increasing in volume since the first moment.

Even the ECtHR has many practical cases regarding the health condition of the person to whom the coercive measure of imprisonment has been applied, also defining reference criteria such as the medical conditions of the prisoner, adequacy of medical assistance and care provided in the prison and the guarantee of imprisonment measures in accordance with the health state of the applicant. The court has assessed these cases in the interpretation of Article 3 of the ECHR, highlighting them as the most fundamental values of a democratic society. The Court has qualified as a violation of Article 3 of the Convention, cases when the state authorities of pre-trial detention supervision, cannot provide qualified medical treatment of the disease and its absence endangers the life or health of the person and serves as a reason to change the security measure, when these criteria are met, as the present case. According to the above reports and especially from the US State Department, it is evident that in China the



lack of adequate and timely medical care for prisoners is a serious issue, despite official guarantees that prisoners have the right to immediately seek medical treatment. Prison authorities occasionally refused medical treatment to prisoners.

In these conditions, due to such disease that requires adequate and timely medical care, this citizen's life is threatened. Referring again to the Decision no. 72, dated 4.11.2021, of the Criminal Section of the Supreme Court, point 46, in such circumstances the Court is obliged to question the value of the applicant's guarantees that he would not be subjected to torture, given that it appears there are no objective means to monitor their fulfilment. Yet, regardless of what the Supreme Court orders in our case, we have no guarantee afforded by the People's Republic of China, to be questioned.

- As above, the life of citizen Liangin Chen would be at risk, if the Court allows the Extradition to the People's Republic of China. Extradition would constitute a violation of Article 3 of the European Convention on Human Rights. Evidence from a variety of objective sources shows that extremely poor pre-trial detention conditions, as well as ill-treatment and torture, remain a major concern for all observers of the situation in China. The protection afforded by Article 3 is broader than that foreseen by Article 33 of the Convention of 1951 relating to the Status of Refugees. Even acknowledging that guarantees have been afforded, reports note that Chinese authorities have systematically denied access by international observers to the country, and particularly to the pre-trial detention facilities.

- In such circumstances, the Court is obliged to question the value of guarantees that the applicant would not be subjected to torture or other inhuman treatment, considering that there seems to be no objective means to monitor their fulfilment. If extradited to China, the applicant will likely be detained and face many years in prison up to life imprisonment. There are sufficient grounds to believe that he would face a real risk of being subjected to treatment contrary to Article 3 of the ECHR. In relation to this Article, there is also a practice of the ECHR (no.2)-77633/16 Marcello Viola v. Italy Judgment 13.06.2019 by which this court considers it inhumane to deny the release on parole, if one does not cooperate with the authorities from the Italian state, as he is denied the right to reintegrate for this specific case and not with the cases we presented above, referring to the reports of international organizations or the US State Department that are currently happening in China, which are genocide and crimes against humanity. Likewise, Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides for that no State Party shall deport, challenge or extradite a person to another State where he/she has serious reasons to believe that he risks being subjected to torture.

- The criminal offense of fraud in China is punishable by life imprisonment, while this



punishment in Albania is far from this legal provision. The Constitutional Court of the Republic of Albania, by virtue of the Decision no. 9, dated 26.02.2016, in order to reach a conclusion, the sentence terms must be proportional to the situation that dictated them, the spirit of the Constitution. The criminal sanction of any nature must only aim at the re-education and then the integration of the convict in social life. The court, taking into account the consolidated European doctrine in this field, has stressed that the criminal sentence should constitutionally acceptable. It must also be fair in proportion to the offense (see the Constitutional Court Decision no. 19, dated 01.06.2011). The same position has been adopted by the homologous constitutional courts, such as the Constitutional Court of Germany, by the Decisions no. BVerfGE 19,342. BVerfGE 88,203. BVerfGE 45,187, according to which "The principle of proportionality derives from the principle of rule of law, in fact from the very essence of fundamental rights, especially personal freedom, which must be limited by the state power only to the extent that it is necessary for the protection of public interest. Meanwhile, according to international reports, the right to a due legal process is not guaranteed in China, nor is there a guarantee of punishment, where according to the report of organizations such as Amnesty International, Transparency International, Human Rights Watch, foreign citizens who have been extradited to China have faced secret trials, where they have also received the death penalty for crimes that did not provide for such punishment.

- The case filed by the Dejing County People's Prosecutor's Office is formulated based on a charge of "fraud" against Mr. Liangbin CHEN, even though the facts listed as having been committed by him and their interpretation in the acts are only related to the organization of gambling games. The acts do not establish the identity of the victims of crime, their quality and/or quantity, nor the mechanism through which the relevant fraud was committed. The act does not explain the benefit of territorial and substantive jurisdiction by the Chinese judicial authorities, in the conditions when, as we stated above, at the time of the commission of the act claimed by the state, Langben Chen did not enjoy Chinese citizenship and was not located in the territory of that country. The Albanian authorities have not even requested and have not received even a formal guarantee that the extradition will be realized with the guarantees of Article 2 and 3 of the European Convention on Human Rights from the requesting authorities. Until recently, the Albanian judicial authorities, apart from underestimating this guarantee, do not respect the Recommendations of the European Parliament, as a legislature of a Union of States with which the Republic of Albania is to enter the status of opening the relevant negotiations and the obligation to approximate the legislation.

- The extradition practice for Liangbin Chen lacks full compliance with the Chinese

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legal norms/standards applied to Mr. Liangbin CHEN's case. Only in the international wanted notice act we find foreseen as maximum punishment for him in the People's Republic of China, that of life imprisonment. Although nothing guarantees the capital punishment of Mr. Liangbin CHEN, life imprisonment constitutes a qualitatively different punishment and significantly disproportional to the extent that Albanian and European legislation punishes the criminal offense of fraud.

- The rule of specialty remains not only unpromising in extradition practice, but also accompanied by recent bitter experiences, where the People's Republic of China underestimates the initial conditions of extradition and aggravates the accusatory quality and quantity of the extradited subject.

- The extradition of Mr. Liangbin Chen from the Republic of Albania to the People's Republic of China has been allowed by the lower level Courts, WITHOUT LAW! Article 39, point 2 of the Constitution of Albania, but also Article 11 of the Albanian Criminal Code establishes imperatively that extradition can only be allowed when it is expressly provided for by international agreements to which Albania has acceded and is a party. Referring to the above-mentioned provisions, the Republic of Albania cannot extradite any individual without an extradition agreement with the requesting state. We do not have an agreement with the People's Republic of China, therefore the extradition allowed so far is unconstitutional and illegal. From the content of the Prosecution's request to the Court to allow the extradition of Mr. Liangbin Chen and from the reasoning of the Court's decision to accept this request, it can be observed the ambiguity of the Prosecutor and Judges, respectively, whether the reason for the extradition is the criminal offense of "fraud" or "computer fraud" and if it is provided by Article 143/b or Article 143 of the Albanian Criminal Code.

- The European Court of Human Rights in Liu vs. Poland (Application no.37610), dated 06.10.2022, inter alia, has unanimously decided to declare the request admissible; considers that in case of extradition of the applicant to China, there would be a violation of Article 3 of the Convention; stipulates that something not foreseen in Article 5-1 of the Convention has happened etc.

-In reference to this decision, our entire position and the court's obligation to refuse the extradition of citizen Liangbin Chen to China, is clarified. With the belief and hope in your decision-making, we await the assignment of hearing and the decision according to our requests.

II. Assessment of the Criminal Section of Supreme Court



FOR THESE REASONS,

The Criminal Section of the Supreme Court, pursuant to Article 441, point 1, letter "dh" of the Criminal Procedure Code,

DECIDED:

The change of Tirana Appeal Court Decision no. 1245, dated 20.12.2022 and the Decision under Basic Register no. 805, dated 13.10.2022, of Tirana District Court.

Dismissal of the request to allow the extradition of citizen Liangbin Chen (son of Tianman Chen and Jei You, born on 06.11.1990) to the People's Republic of China, as a result of the implementation of the criminal decision no. DG (X) BZ (2022) 00055, dated 20.05.2022, of the Deking Court of Zhejiang Province, China.

The revocation of security measure of "house arrest", imposed against the citizen Liangbin Chen, for the purpose of this extradition related proceeding.

Tirana, on 25.4.2023

JUROR

JUROR

JUROR IN CHIEF

Sandër SIMONI

Sokol BINAJ

Ilir PANDA

Signature

Signature

Signature

Seal

