**Albania’s Institutions response for the thematic report to the General Assembly** **on “Human Rights, Humanitarian Law and Counter-Terrorism” by the Special Rapporteur on the promotion and protection of human rights while countering terrorism.**

1. Law no. 7895, dated 27.1.1995 "Criminal Code of the Republic of Albania", as amended, has provided in the general part, article 28, point 2, special forms of cooperation, giving the definition of a terrorist organization. Specifically, it is quoted that:

* Terrorist organization is a special form of criminal organization, composed of two or more persons, who have a stable cooperation in time, with the aim of committing acts with terrorist purposes.
* Meanwhile, point 5 of this article states that: Creating and participating in a criminal organization, terrorist organization, armed gang, or structured criminal group are considered criminal offenses and are punished according to the provisions of the special part of this Code or the provisions of other special penalties.

1.1. In the special part of the Criminal Code, chapter VII, are found the acts with terrorist intentions. Specifically:

* Article 230 (acts with terrorist intent) provides that the commission of the following acts, with the intent to spread panic among the population or to force state bodies, albanian or foreign, to commit or not to commit a certain act, or to destroy or seriously destabilize, the essential political, constitutional, economic or social structure of the Albanian state, of another state, institution or international organization, is punished with imprisonment of not less than fifteen years or with life imprisonment. Terrorist acts include, among other things: acts against the person which may cause death or serious injury: hijacking of aircraft, ships, other means of transport or fixed platforms or illegal exercise of control over them, with violence or by threatening to use violence or by any other form of intimidation: committing acts of violence against a person on board of an airplane in flight, aboard a ship or aboard a fixed platform when these acts may endanger the safety of the aircraft, vessel or fixed platform; destroying a functioning aircraft, a ship or a fixed platform or causing such damage to the aircraft, ship or its cargo or fixed platform, making it impossible or dangerous or may endanger the safety of flight, navigation or fixed platforms: spreading information that you know is untrue, endangering the safety of a flying aircraft or floating ship, and more.
* Article 230 /a (Financing of terrorism) stipulates that the provision or collection of funds, by any means, directly or indirectly, for the purpose of their use or knowing that they will be used, in whole or in part: for committed acts with terrorist intent, by a terrorist organization, by a single terrorist constitutes a criminal offense and is punishable by not less than fifteen years of imprisonment or life imprisonment
* Article 230 /b (concealment of funds and other assets that finance terrorism) has sanctioned that the transfer, conversion, concealment, movement or alienation of funds and other assets to which measures are taken against the financing of terrorism, in order to avoid detection and their location, are punishable by imprisonment from four to twelve years. In the following paragraphs of this provision are also found the qualifying circumstances. Thus, when this offense is committed during the exercise of a professional activity, in collaboration or more than once, it is punishable by imprisonment of seven to fifteen years, while when the commission of this offense has brought serious consequences, it is punishable by imprisonment of not less than fifteen years.
* Article 230 /c (Providing information by persons exercising public functions or in the exercise of duty or profession). This article provides for imprisonment from five to ten years in the event of notification to the declared persons or other persons of the data for verification or investigation of funds and other assets against which measures against the financing of terrorism are implanted , by persons exercising public functions or exercising their duty or profession.
* Article 230 /ç (Performing services and actions with declared persons). This article stipulates that the granting of funds and other assets, the performance of financial services as well as other transactions with declared persons, against whom measures are implemented against the financing of terrorism, are punishable by imprisonment of four to ten years.
* Article 231 (Recruitment of persons for committing acts with terrorist intent or terrorist financing), provides that the recruitment of one or more persons for committing acts with terrorist intent or terrorist financing, even when these acts are directed against another state, institution or international organization, if it does not constitute another criminal offense, is punishable by imprisonment of not less than ten years.
* Article 232 (Training for the commission of acts of terrorist intent) stipulates that the preparation, training and giving in any form of instructions even anonymously or electronically, for the production or use of explosives, firearms and ammunition, weapons chemical and bacteriological or nuclear substances or of any other nature, harmful and dangerous to people and property, as well as other techniques and methods for committing acts with terrorist intent and participating in such activities, even when these offenses are directed against another state, institution or international organization, unless it constitutes another criminal offense, is punishable by imprisonment of not less than seven years.
* Article 232 /a (Incitement, public call and propaganda for the commission of acts with terrorist intent), stipulates that incitement, public call, distribution of writings or propaganda in other forms, aimed at supporting or committing one or more acts for terrorist purposes and for financing terrorism, if it does not constitute another criminal offense, is punishable by imprisonment of four to ten years.
* Article 232 /b (threatening to commit acts with terrorist intent) states that serious threat to commit acts of terrorist intent, made against a public authority, another state or an international organization, is punishable by eight to fifteen years in prison.
* Article 233 (creation of armed mobs) provides for criminal liability in the event of the creation of armed mobs to oppose public order through violent acts against the life, health, personal freedom of the person, in order to arouse fear and mass insecurity, sentencing him to up to ten years in prison.
* Article 234 (Production of weapons of war) provides that the production, possession, transportation of weapons of war, chemical, biological, nuclear, poisonous or explosive, with the intent to commit acts of terror, are punishable by imprisonment of five to fifteen years.
* Article 234 /a (Terrorist organization) provides that the establishment, organization, direction and financing of a terrorist organization is punishable by imprisonment of not less than fifteen years. Participation in terrorist organizations is punishable by imprisonment of seven to fifteen years.

2. In the legal reform package, the trial of any criminal offense committed by a structured criminal group, criminal organization, terrorist organization and armed gang, as defined by the Criminal Code, is within the jurisdiction of the Court against Corruption and Organized Crime (Article 75 / he Code of Criminal Procedure).

3. In addition to the relevant provisions in the Criminal Code against terrorism, the Assembly of the Republic of Albania has approved the law no. 18/2020, "On the approval of the Normative act with the force of law, no. "For preventive measures in the framework of strengthening the fight against terrorism, organized crime, serious crime and consolidation of public order and security."

This normative act defines temporary preventive measures in the framework of strengthening the fight against organized criminal organizations and groups, terrorist organizations, armed gangs, individuals involved in serious crimes, as well as procedures, competencies and criteria for the implementation of these measures to the subjects of this normative act. Through the provisions of this normative act with the force of law, the aim is emergency and temporary intervention in the conditions of the need to strengthen and intensify the fight against organized crime, organized criminal organizations and groups, as well as any other criminal and terrorist group, armed gangs, individuals involved in serious crimes, with the aim of consolidating security in the country, through increasing the capacity and level of detection, tracing and prevention of organized crime, serious crimes, terrorism and use of property of illegal origin from organized crime (Article 2). During the implementation of this normative act, the following principles are respected:

* Respect for fundamental human rights and freedoms in the interpretation and implementation of the provisions of the ECHR and the consolidated practice of the ECtHR;
* Necessity and proportionality of the use of preventive measures according to the provision of this normative act;
* The secret of performing actions;
* Increasing public safety and preventing the benefit of criminal activity, object of this normative act.

4. Also, through decision no.296, dated 10.5.2019, of the Council of Ministers, "On the approval of priority recommendations for the General Prosecutor, in the fight against crime, for 2019", the priority recommendations of the Council of Ministers to be followed have been determined, from the prosecution body in the fight against crime for 2019, in the following directions: fight against corruption, fight against organized crime, respect for human rights, inter-institutional cooperation. In order to strengthen the fight against organized crime, the Council of Ministers, inter alia, has recommended to the Attorney General to strengthen cooperation with national and international law enforcement agencies in cases of organized crime related to terrorist financing, organization and management of criminal organizations, narcotics trafficking, trafficking in human beings, laundering of products derived from criminal offenses or criminal activity.

5. Within a very short time, the draft decision "On the approval of priority recommendations for the General Prosecutor, in the fight against crime, for 2020" will be forwarded for consideration to the Council of Ministers. The Albanian government supports and demands the maximum commitment of law enforcement institutions, in taking measures to intensify the fight against terrorism and international crime, in full respect of individual freedoms and rights, equality of citizens before the law and its international commitments.

6. The activity of the Directorate Countering Terrorism at the Albanian State Police, for the prevention, detection, investigation and crackdown of individuals / groups with the tendency to commit terrorist acts, is based on;

- Constitution of the Republic of Albania,

- Criminal Code of the Republic of Albania, Law no. 7895, dated 27.01.1995, as amended.

- Code of Criminal Procedure of the Republic of Albania, Law no. 7905, dated 21.03.1995, as amended.

- Code of Criminal Justice for Juveniles, Law no. 37/2017,

- Law No. 108, dated 31.07.2014 "On the State Police", as amended.

- National Security Strategy, approved by Law No. 103, dated 31.07.2014.

- Inter-sectorial Strategy for the Fight against Terrorism 2016-2020 and Action Plan, approved by DCM, no. 765, dated 02.11.2016.

- Law no. 8677, dated 02.11.2000, "On the organization and functioning of the Judicial Police", as amended.

- Law no. 157/2013 "On measures against terrorist financing", as amended.

- National Strategy for Combating Violent Extremism and Action Plan, approved by Decision no. 930, dated 18.11.2015.

- Annual Program of the General Directorate of State Police.

- Action Plan for the implementation of the Police Strategy 2018 - 2020.

7. Our country has not faced real terrorist acts and victims, but rather with the phenomenon of citizens traveling to the conflict zone in Syria / Iraq, participating in fighting alongside ISIS, and taking family members, women and children there.

In the framework of state measures for the reception and treatment of Albanian citizens who are expected to return from the conflict areas such as Syria / Iraq, an Additional Plan and Plan of Inter-Institutional Action has been drafted “On the reception and treatment of Albanian citizens when returning from countries in conflict Syria / Iraq ”, approved by Order of the Prime Minister No. 169, dated 01 November 2018, and no. 148, dated 05.11.2019

Both of these documents are in full compliance for fundamental human rights and freedoms by state institutions, which are tasked with taking measures and capacity building to assist this category of citizens for medical check-ups, assistance with a psychiatrist, reintegration into work and society and integration into children's schools.

8. Fundamental human rights and freedom are at the core values of Albanian legislation, which equally protect not only albanians but also foreign citizens, especially in the protection of vulnerable categories (such as women, pregnant women, individuals with specific needs, invalids which are sick, children, immigrants, etc.).

9. The structures of the Directorate on Countering Terrorism, in cooperation with the Prosecution for Serious Crimes and the Prosecutions of the Judicial Districts, during 2015-2020, have conducted investigations for individual organizers, financiers and participants in the conflict abroad, which includes criminal offenses: "Terrorist organization" , "Participation in hostilities in a foreign country", "Organization for participation in hostilities in a foreign country", "Financing Terrorism", "Recruitment of persons for the purpose of committing terrorist acts", "Promotion, public call and propaganda for committing acts of terrorism”, “Incitement to hatred or strife between nationalities, races and religions ”, provided for in Articles 234/a, 265/a, 265/b, 230/a 231, 232/a and 265, of the Criminal Code.

10. Also in the case of the arrest of citizens suspected of aiding the organization and planning of a terrorist act during the Albania-Israel football match in November-December 2016, but also in the events in Bularat, Gjirokastra, all police actions have been in accordance with the law for the State Police and in fulfillment of institutional duties.

11. The State Police (Directorate on Countering-Terrorism) throughout its activity in the fight against violent extremism and terrorism, has not dealt with any case where it has been manifested/claimed, violation of fundamental human rights and freedoms, as in the execution phase of security measures, detention/arrest during police operations or during interrogation of suspected individuals/involved in acts of terrorist intent.

12. The protection of human rights during the investigation of individuals involved in terrorist acts has been addressed in all trainings conducted with the structures of the Counter-Terrorism Directorate, including those organized by the OSCE, where special emphasis is placed on the protection of rights and fundamental human freedoms at various stages of anti-terror investigation.