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ENGLISH only



MISIONI I PËRHERSHËM
I REPUBLIKËS SË SHQIPËRISË
PRANË ORGANIZATAVE
NDËRKOMBËTARE
VJENË

PERMANENT MISSION
OF THE REPUBLIC OF ALBANIA
TO THE INTERNATIONAL
ORGANIZATIONS
VIENNA

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NOTE VERBALE

The Permanent Mission of the Republic of Albania to the International Organizations in Vienna presents its compliments to all Permanent Delegations and Missions of the Participating States of the Organization for Security and Cooperation in Europe and to the OSCE Conflict Prevention Centre, and with reference to the Decision 02/09, "Technical Update of the Questionnaire on the Code of Conduct FSC.DEC/2/09", dated 01 April 2009, has the honor to provide the updated information on Albania's OSCE Questionnaire on the Code of Conduct on Politico Military Aspects of Security, valid as of 16 April 2012.

The Permanent Mission of the Republic of Albania avails itself of this opportunity to renew to all Permanent Delegations and Missions of the Participating States of the Organization for Security and Cooperation in Europe and to the OSCE Conflict Prevention Centre, the assurances of its highest consideration.



Attachment

Vienna, 10th of May, 2012

To:
All Permanent Delegations and Missions to the OSCE
OSCE Conflict Prevention Centre
VIENNA

**Information Exchange on the OSCE Code of Conduct
on Politico-Military Aspects of Security
Republic of Albania**

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Section I: Inter-State elements

1.

Account of measures to prevent and combat terrorism

1.1

To which agreements and arrangements (universal, regional, sub regional and bilateral) related to preventing and combating terrorism is your State a party?

Please see Annex 1.

1.2

What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

In compliance with its international obligations and national legislation, the Government of Albania (hereinafter GoA) has adopted and implements the National Plan on the Fight against Terrorism. The first plan was adopted in 2002, in the aftermath of the events of 11 September 2001. The plan defined the tasks and responsibilities of all relevant law enforcement institutions involved in the fight against terrorism. With a view to implement the National Plan these institutions have been engaged in the improvement of their respective legal and institutional framework.

In this context, the criminal code of Albania was amended in 2003 and in 2007 adding new provisions and sanctions with the view to condemn all the perpetrators of terrorist acts and their facilitators. Albania's legal framework in the fight against terrorism is in line with the recommendations of the Council of the Europe Union Framework Decision on the Fight against Terrorism (13.06.2002), which requires all member states to approximate the definition of terrorist crimes, including crimes committed by terrorist groups.

On 30.07.2008 the Council of Ministers of Albania approved decision no. 1140 on the "Inter-departmental strategy to fight organized crime, trafficking and terrorism". This strategy determines Albania's strategic priorities in the fight against organized crime and terrorism, as well as aims to harmonize inter-departmental actions, to identify phenomena, to determine the goals to be achieved and defines the avenues to monitor the implementation of the strategy. The Action Plan to implement the "Inter-departmental strategy to fight organized crime, trafficking and terrorism" was approved by Council of Minister Decision (hereinafter CMD) no. 1103, dated 14.11.2009. The Action Plan provides for concrete implementation measures, defines the implementing institutions, respective timelines and financial costs of the implementation.

With a view to implement its international obligations and to strengthen inter-departmental coordination the GoA approved in 2001 the National Strategy on the Fight against Terrorism and its Action Plan (CMD no. 675, dated 06.7.2011.) The new strategy analyses causes, factors and circumstances leading to terrorism. It highlights tasks and responsibilities of all relevant actors and institutions involved in the fight against terrorism; defines measures to prevent, protect and prosecute acts of terrorism as well as measures on their implementation; plans and shows the paths of the strategy implementation; identifies financial needs and possible

financial sources for the realization of obligations in relation to the implementation of this strategy.

The Joint Ordinance (No. 1227/1, dated 01.04.2008) of the Minister of Interior and General Prosecutor (No. 1075/1, dated 15.04.2008) "On the full function of Judicial Police Services in State Police" has also been approved. Its purpose is to determine the level of state police employees who deal with judicial police functions, jurisdiction/subject competencies within which/where they exercise their procedural activity, cases of further investigations by prosecutor's order, ways of preservation and delivery of procedural acts to the prosecutor Office, rules and timelines of ongoing investigations.

In the framework of the fight against terrorism and in compliance with its obligation, the GoA has put in place several measures to prevent and fight the financing of terrorism. Please see below paragraph 1.4.

1.3

What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

War on terrorism directly engages specialized structures of State Police, State Intelligence Service and the Armed Forces.

- Police Forces

The mission of the State Police Antiterrorism Structures is to detect, prevent and fight possible terrorist acts as well as every activity related to terrorist phenomena inside the country. Police intelligence is the main component of antiterrorism structures in the prevention of terrorism. This process includes collection, assessment, analyses and use of information on extremist trends. It is carried out to accomplish national needs for public security as well as in the framework of prevention and detection of criminal offences with terrorist intent. All activities are carried out in line with relevant laws and bylaws.

- The Department of Border and Migration of the General Directorate of State Police

Pursuant to the Law on the State Police (No. 9749, dated 04.06.2007) the Department of Border and Migration in the General Directorate of State Police monitors internally all the border line and Border Crossing Points (BCP) of the Republic of Albania. This department has human and logistic resources, which make possible the monitoring and the control of the green and blue border.

- Intelligence Service

It performs an important role in the fight against terrorism. Although it does not have executive powers the Intelligence Service, through its regional contact points, closely cooperates and exchanges sensitive information on terrorism-related activities with Albania's law enforcement agencies and general prosecutor's office etc.

- Albanian Armed Forces

According to the national legislation of the Republic of Albania, the Armed Forces of the Republic of Albania (AAF) do not have direct responsibility and accountability in preventing and combating terrorism. However, the Military Intelligence Service (MIS) of the AAF performs important support tasks in the prevention of terrorist acts. In particular, the MIS collects, analyses and submits information on activities that relate to terrorism. In compliance with the provisions of Albania's constitution and relevant laws the AAF may assist the

State Police in guarding sensitive national institutions within the territory of the country.

1.4

Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

- *Financing of terrorism;*

The first measures aimed at fighting the financing of terrorism in Albania were adopted back in 2004 (Law no. 9258, dated 15.7.2004 on the “Measures to fight the Financing of Terrorism). To implement the provisions of this law, the CMDs no. 718 and 767, dated 14.11.2007 on the “List of financers of terrorism” was approved. The law determines the measures against financing of terrorism, competences and cooperation among relevant structures charged with the control and the implementation of these measures. The purpose of this law is to prevent and fight against terrorist subjects and those who facilitate and finance terrorism, confiscating and seizing their funds and assets.

Later on the Parliament of Albania passed Law no. 9917, dated 19.5.2008, “For the Prevention of Money Laundering and the Financing of Terrorism”, which laid the ground for the approval of specific bylaws and regulations, especially CMD no. 1077, dated 27 October 2009 on “Approving the National Strategic Document”, on “Financial Crime Investigation” and the Ministry of Finance’s Guidance no.15, dated 16.02.2009 on “Preventing Money Laundering and Fight against the Financing of Terrorism in the Customs System”.

In order to implement the above-mentioned legislation and to effectively prevent money laundering and the financing of terrorism the GoA has set up the General Directorate for the Prevention of Money Laundering (hereinafter GDPML) at the Ministry of Finance. GDPML was first set up in 2001, and since then has served as the Financial Intelligence Unit of Albania. In line with the existing legislation the GDPML has, *inter alia*, the following mandate:

- To prevent money laundering and fight the financing of terrorism by means of gathering, verifying, assessing and controlling information provided by financial services providers, non-financial services providers and others;
- To prevent money laundering and fight the financing of terrorism by means of suspending or freezing any transaction in order to prevent the transfer or disposal of assets originating from criminal activities;
- Coordinate its activity with other law enforcement and intelligence agencies, such as the Ministry of Interior, General Prosecutor, the Intelligence Service of Albania, as well as other international agencies.

The GoA has also set up a special Inter-Departmental Committee to Coordinate the Fight against Money Laundering and the Financing of Terrorism. The committee is chaired by the Prime Minister and consists of the Ministers of Interior, Treasury, Foreign Affairs, Defence, Justice as well as the General Prosecutor, the President of the National Bank and the Director of the Intelligence Service. The Committee convenes at least once a year and has approved its regulations. It provides strategic guidance to Albania’s national policy in the areas of money laundering and financing of terrorism.

In compliance with the EU recommendations, the State Police is continuously strengthening the fight against money laundering and terrorism financing. Interagency cooperation has been consolidated. Currently there are 7 Joint Interagency Investigation Units (Tirane, Durrës, Vlorë, Fier, Shkodër, Korçe and

Gjirokastër), consisting in 30 police officers, and experts of financial crime investigation structures.

In line with law no. 9284, dated 30.09.2004 “On Prevention and fighting of organized crime” and law no.10192, dated 03.12.2009 “On prevention and fighting of organized crime and trafficking through preventive measures against criminal assets”, the fight against organized crime is a strategic priority of the GoA and Albania’s State Police. This objective has been reflected in the seven years strategy of State Police. Taking into account the trends and features of organized crime the application of sequestration and seizure methods of assets derived by criminal activities was evaluated as necessary.

The investigation of the criminal assets falls under the responsibility of the Section of Investigation of Criminal Assets, which is a special structure within the State Police.

Regarding the measures related to confiscated assets, law no. 10192 dated 03.12.2009 “On prevention and combating of organized crime and trafficking through preventive measures against criminal assets”, clearly defines that incomes derived from seizure of criminal assets will serve to set up a special fund on prevention of criminality and legal education. Specifically, this fund serves to:

- Improve Criminal Justice functions, by sending the assets into the administration of General Prosecutor and Ministry of Justice.
- Improve pre-investigations of organized crime and development of witnesses protection programs as well as the collaborators of justice by sending these assets into administration of the relevant ministry
- Assist victims of organized crime, violence as well as stimulate social programs for these categories by sending these assets into administration of the relevant ministry

Furthermore, CMD no.1077, dated 27.10.2009, “On the Investigation of Financial Crime” has been approved. It aims to fight actively and continuously economic-financial crime, money laundering and terrorism financing; offences that seriously damage political and economical stability of the country, national security, and in general democracy and rule of law. This document aims at creating a long term platform as well as balancing effective prevention and investigation of crimes in economical and financial field, too.

CMD no. 44, dated 10.06.2009, on the approval of the regulation “On the prevention of money laundering and financing terrorism” aims at preventing the use of subjects listed in Law No. 9917, dated 19.05.2008, (for example, banks of second level) which are monitored and/or licensed by the National Bank of Albania on money laundering and/or financing terrorism.

- *Border controls*

As of 15 December 2010 Albania enjoys visa free regime with the European Union. Albania performs border checks and surveillance in compliance with the Schengen and INTERPOL standards, as well as the MEMEX system. In this framework, the Total Information Management System (TIMS) has been installed at Border Check Points (BSPs). The latter use biometric passport readers and equipment for fingerprint verification.

The procedures at BCPs are based on the use of TIMS by the border guard officers. If needed the Interpol database can be checked by the police officer directly from his control booth. Access to TIMS is available at all border crossing points in the

control booths. At Border checks, TIMS is used so that each passenger is registered and checked against wanted persons and entry- and exit ban -databases. In the TIMS system several databases are interconnected such as valid travel documents database and wanted persons. The TIMS system automatically checks all these databases and alerts if there is a hit in these databases. Practical application of the principle "one stop-control" is another step of the control and the creation of facilities for the border crossing at peak periods.

Furthermore, the Ministry of Interior has approved the instruction to the Border and Migration Police "On the procedures for the control and supervision of the state border". The procedures are in compliance with Schengen standards and are implemented at all BCPs.

The overall infrastructure of border control is constantly improving. To date, the first lot of communication system "TETRA" has been established to control the blue border. New equipment for the control and supervision of the green and blue border by Mobile Operational Groups has also been added.

The records of information on permissions to stay (including immigration, issues related to foreigners and refugees) have been applied into the e-permissions to stay module, part of e-register of foreigners, which is installed into TIMS. This information is installed online at all BCPs. Albania has commenced the process of establishing biometric permissions for foreigners.

Referring to the Air and Sea Security 7 new speedy navigation lifeboats are into operation thanks to IPA Project 2009. Also the radios of TETRA communication system have been set up, which were provided by projects of European Delegation in the framework of QNOD (Lot I). In cooperation with Maritime Directorate the Memorandum of Cooperation of FAL Committee for the implementation of Regulation "On formalities of boats operating in seaports of Republic of Albania" is being finalized.

- *Travel document security;*

As of 1 March 2012 biometric passports are the only travel document of Albanian citizens. All BCPs use biometric passport readers and equipment for fingerprint verification. The use of biometric electronic documents has facilitated registration at BCPs because most of the data is processed in a shorter time. Reading of electronic documents via scanners that are used by Border and Migration Police is simpler. It is also possible the automatic reading of the image of the holder of the document. Real-time registration into TIMS system of documents and their reading during entry/exit at border crossing points, gives the possibility of comparison with the existing data reducing the possibility of abuse.

Additionally, border notifications with different features reflected into TIMS in real-time increases the quality of border control. At the same time TIMS system generates in real-time also the alerts on persons sought nationally or internationally. Alerts are generated also for suspected persons on different criminal events.

Implementing the Ordinance of Police General Director no. 503 dated 02. 06. 2008, Interpol Tirana records continuously the lost/stolen documents into Interpol Databases System. During 2011 into IPSP ASF2 System have been registered 3154 passports.

- *Container and supply chain security;*

The port of Durres receives approximately 80% of the 1,500 sea containers entering Albania each month, the bulk from the People's Republic of China and South America via feeder routes from Greece, Cyprus and Italy. The remaining 20% of the container traffic arrives overland via two border points with Greece – Kakavija and Kapshtica from different points of origin including Turkey.

The Customs Service of the Republic of Albania operates in compliance with the provisions of the Customs' Code. Control procedures at the crossing points are carried out in keeping with the stipulations of Section 2 of the Code (articles 11 and 12) "On Control, Supervision and Competences of Customs Service".

With reference to the equipment used to screen containers, Custom Service currently has one Nuctech mobile scanner in the port of Durres. Other four scanners have been installed since 2010; each of them is used at the border crossings of Kakavija and Kapshtica, as well as at the smaller port of Vlora.

Customs uses "ASYCUDA World" for their basic risk analysis system which is based upon the nature of goods, country of origin, the history of the importing company and any other intelligence. Meanwhile, the Border Police have their own, separate risk analysis system, but it is envisaged that in due course the systems in use will be common, thus enabling better targeting of illegal activities to include all aspects of trans-national crime.

Border and Migration Police closely cooperate with the Custom Service based on the provision of the relevant Memorandum of Understanding. Although Border and Migration Police deals primarily with the control passengers and vehicles, it closely cooperates with the Customs in cases of detections of illegal activities, which are processed jointly.

The effectiveness of the Cooperation has increased as a result of the implementation of Albania's Integrated Border Management plan. Customs have undertaken joint training at the police academy and are currently drafting a joint training plan with the police. They have several joint teams who share equipment, vehicles and accommodation.

- *Security of radioactive sources;*

Protection from radiation in the Republic of Albania and the safety and security of sources of ionizing radiation is provided for by Law no. 8025, dated 9.11.1995 "On protection from ionizing radiation", amended in July 2008. Albania's legislation is in compliance with EU directive 96/29 and BSS No. 11. The law also ensures the effective independence of the regulatory Body, reinforced through the 2008 amendments. The Radiation Protection Commission (RPC) members are nominated by the Council of Ministers without conflict of interest with users.

The above mentioned law includes provisions on security and safety of radiation sources, on duties and functions of the Regulatory body, regulatory responsibilities, the way of completion of legislation in the field of radiation protection and duties of the Office for Radiation Protection (ORP). This law also provides for the licensing of all activities and practices related to ionizing radiation as defined in relevant regulations. The Law also opens the way to full inspection process and sanctions. Basically, our legislation is founded on four basic pillars, namely legislation, licensing, inspection and sanctions.

The 2008 amendments took into consideration other elements such as security of source, increasing the independence of the regulatory body, increasing the level of

adoption of relevant regulations through relevant CMD, national inventory of ionizing radiation near the ORP. Since 2004 RPC is working toward implementation of "Code of Conduct on Safety and Security of Radioactive Sources" IAEA. It has adopted and approved a set of regulations in the radiation protection field, safety and security.

The Council of Minister of Albania has further approved

- The Regulation "On the physical security of the radioactive materials in the Republic of Albania", Decision No 344, date 29 April 2011;
- The Regulation on "Categorization of radioactive sources in the Republic of Albania", Decision No. 09, date 07 January 2010 of Council of Ministers;
- The Regulation "On the treatment of radioactive waste", Decision No. 08, date 07 January 2010 of Council of Ministers.

The RPC has approved and implements the Guidance on import-export and transit of radioactive sources of category 1 and 2 in the Republic of Albania (no. 134, date 12.4.2011). RPC adopted a declaration in support of "Code of Conduct on Safety and Security of Radioactive Sources" IAEA Nr. 1388 14/04/2004 and a letter was sent and the Director General of ANEA stressing the fact that Albania is working towards the implementation of this Code.

Implementation of relevant international standards, for example, compliance with IAEA Regulations

The above documents are in compliance with IAEA documents related to security of radioactive sources. They also take into account elements of security during the transport.

Changes in institutional arrangements

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Strategy development

The RPC is currently working to draft the National Policy and Strategy for the treatment of radioactive waste in Albania.

Measures to prevent the illegal storage, circulation or use of CBRN weapons and related materials

The RPC is a part of the system mainly related with prevention of trafficking and search of any orphan source.

Measures to regulate laboratories and other premises involved in the production, storage or use of the above

Albania already has a consolidated system on procedures for licensing inspection and enforcement. There is no production of radioactive sources in Albania

Awareness raising with relevant trade bodies (laboratories, regulatory bodies etc)

The Center of Applied Nuclear Physics works as a supporting team in the case of orphan sources.

International co-operation/technical assistance activities (for example, participation in NATO CBRN training)

RPC has been working with the US Government on that issue.

- *Use of the Internet and other information networks for terrorist purposes;*

The 2008 amendments of the Criminal Code of Republic of Albania (law No.10023, dated 27.11.2008) added 12 new provisions defining cybercrimes in the field of information technology or criminal offences committed through computer systems. These changes are based on the Budapest Convention on "Cyber Crimes" (ratified by parliament in 2000) and the Protocol of the Convention on Cyber Crimes, with regard to penalizing the racist or xenophobic acts via internet. The provisions of the Criminal Code define procedures of sequestration and fastened safety of computer data, based on the Budapest Convention on "Cyber Crimes".

All e-communication systems operated and used by police structures are monitored and secured based on the special Memorandum of Understanding between the Embassy of United States in Albania, ICITAP Programme in Albania, Ministry of Interior of Republic of Albania and Albanian State Police signed in Tirana on 20 November 2006.

All activities and incidents comprising breaches of the Code fall within the jurisdiction of the State Police, which operates through the pertinent central institutional mechanisms: the section against Cyber Crimes. This section was established within the Department for Crimes Investigation of the General Police Directorate of Albania in June 2009. This newly-created structure examines cyber evidences, investigates cyber-crimes and other crimes related to the use of computer and computer networks for terrorist purposes as well for money laundering in order to finance terrorism on the internet. Its staff has steadily increased to meet the growing need of the section. Today it employs 22 police (it was founded with only 6 police officers).

The Albanian Parliament has adopted the Law No. 9699, dated 26.03.2007, "On the ratification of Cooperation Strategic Agreement between the Republic of Albania and the European Police Service (EUROPOL)" which was signed on 05.02.2007. On 1 December 2009 the following documents have been signed in the Hague;

- The Memorandum of Understanding on the establishment of secure communication networks between Europol and the Republic of Albania;
- The Action Plan on the Implementation of the Cooperation Strategic Agreement between the Republic of Albania and EUROPOL;
- Technical Document, Bilateral Agreement between Europol and the Republic of Albania on the installation of Computer Networks.

- *Legal co-operation including extradition;*

According to the Constitution, the extradition of an Albanian citizen without a bilateral treaty in place, expressly providing for the extradition of Albanian citizens, is prohibited. Yet, the Albanian legislation does not require a bilateral treaty for the consent to extradition when the person in question is not an Albanian citizen.

Article 11 "Extradition" of the Criminal Code of Republic of Albania stipulates that "Extradition may be permitted only if it is expressly provided for in international agreements to which the Republic of Albania is a party". Pursuant to the provisions of the Criminal Procedure Code, extradition is permitted only on basis of a request addressed to the Ministry of Justice (MoJ). The request may be addressed directly

or via diplomatic channels. If the MoJ accepts the extradition request it conveys the procedure to the appropriate authorities.

The Criminal Procedure Code of Albania devotes special articles (488-503) to the legal relations with foreign states on criminal matters and to the detailed procedures that govern extradition.

The conditions of extradition are specified in article 490, i.e.:

- Extradition is permitted under the express condition that the person subject to extradition shall not be prosecuted, sentenced nor shall he be surrendered to another country for a criminal offence which has occurred prior to the request for the handover, other than the one for which the extradition is provided for;
- The requirements of the paragraph 1 shall not be considered if: a) the extraditing party gives express consent that the extradited person is prosecuted even for another criminal offence and the extradited person agrees thereupon; b) the extradited person, although having had the opportunity, has not left the territory of the country he is extradited after forty five days from his release or after has left is returned voluntarily.
- The Minister of Justice may impose even other requirements it deems appropriate.

Furthermore, Albania is party to several legal agreements regarding the cooperation in the criminal field and part of some Conventions and International Treaties:

- European Convention on Extraditions, entered into force on 17/08/1998.
- European Convention for Mutual Legal Support, ratified on 04/04/2000.
- European Convention on the Transfer of Criminal Proceedings, ratified on 04/04/2000.
- European Convention on International Validity of Criminal Decisions,
- Convention for the Transfer of Convicted Persons, ratified on 04/04/2000.
- Convention on Cyber-crimes, ratified on 20/06/2002.
- Additional Protocol of the Convention on Cyber-crimes, with regard to penalizing the racist or xenophobic acts via Internet, ratified on 26/11/2004.
- Convention of the CoE of the Prevention of Terrorism, ratified on 06/02/2007.
- Convention of the Council of Europe on Laundering, Detection, Seizure and Confiscation of Crime Proceeds and Financing of Terrorism etc.

The communication between Albania and other countries in the area of mutual legal assistance in criminal matters is governed by appropriate international agreements to which Albania is a state party and by the relevant stipulations of Albania's Criminal Procedure Code (Articles 488-503). Albania is party, *inter alia*, to the European Conventions:

- "On Mutual Legal Assistance in Criminal Matters" and its additional protocols, signed on 9.05.1998, ratified on 04.04.2000 and entered into force on 03.07.2000;
- On transfer of proceedings in criminal matters" signed on 19.05.1998, ratified on 04.04.2000 and entered into force on 05.07.2000.

Following the entry into force of the Conventions, the Republic of Albania provides proper mutual legal assistance in criminal matters, in conformity with its provisions.

Most recently the Albanian parliament passed Law no. 10193, dated 03.12.2009 “On Jurisdictional Relations with Foreign Authorities in Criminal Matters”. The approval of this law marks a significant step forward in the improvement of Albania’s legal framework in the area of legal assistance in criminal matters. The provisions of the new Law comply with EU standards, and create a new system centered on the authority the Ministry of Justice. However, cases in which local and foreign authorities can send their requests directly to Courts or public prosecutor’s offices have also been envisaged.

There are two other positive aspects of the law that are worth mentioning:

- The new system is highly effective due to the presence of precise deadlines for each procedure;
- Clearly defines competences for international arrest warrants for Albanian citizens. In fact, the new Law has attributed to public prosecutor’s offices specific competences in issuing the aforesaid warrants both during investigative phases and at the end of trials.

- *Safe havens and shelter to terrorists and terrorist organizations*

The Republic of Albania has taken several measures to prevent the use of its territory as safe haven and shelter to terrorists and terrorist organizations. Among others, the Anti-terrorism Unit of the General Police Directorate in close cooperation with Border and Migration Police controls and monitors suspect individuals that enter and reside in the territory of the Republic of Albania. These tasks are also performed by other state agencies involved in the fight against terrorism, in particular by the Intelligence Service. The latter has no executive powers, but in the framework of the cooperation with other law enforcement institutions, it collects (including the data of informative services of foreign partner countries), assesses and analyses information on the use of Albanian territory for purposes of terrorist activities against other countries and as appropriate, it cooperates with State Police and/or Prosecutor’s Office for the prevention of this activity.

In the framework of the migration system reform, the Parliament of Albania has passed the Law no. no 9959, dated 17.07.2008, “On Foreign Citizens”, followed by the approval of Decision of Council of Ministers no. 362, dated 01.04.2009 "On specification of criteria, procedures and documentation for the entry, stay and treatment of foreign citizens in the Republic of Albania”.

Article 28 (Refusal to issue permanent permit of stay) of the law “On Foreign Citizens” stipulates that a foreign citizen is refused the issuance of a permanent permit of stay in case his stay in the country would constitute a threat to national security or public order and security. Article 17 of the Decision of the Council of Ministers stipulates that foreign citizens who have applied for a permit of stay are subject to prior verification and confirmation of their penal record by the State Police and the Intelligence Service.

- *Prevention of violent extremism and radicalization that lead to terrorism*

The security threat stemming from violent extremism and radicalization that lead to terrorism has been acknowledged and duly addressed in the “National strategy on the fight against terrorism”. In this regard, the prevention of the phenomena that might bring about violent extremism and radicalization is one of the key elements of the Strategy, which aims to “reduce the threat of terrorism to our country and its interests, by improving security and increasing community’s confidence in the national measures tailored to prevent terrorist acts”.

Responsible institutions are tasked to put in place legal and administrative measures in order to analyze, assess and follow up any signal that might bring about terrorist acts. One of the main objectives of this Strategy is to “Develop and enhance the transparency for community with regard to negative phenomena that might lead to radicalism or extremism” This target will be achieved by strengthening cooperation between all police structures and civil society in order to exchange information in relation to all forms of radicalism and extremism. It also is important that cooperation between the anti-terrorism structures and community police officers who organize meetings with community in order to raise awareness and prevent all forms of radicalism and extremism. These measures have been foreseen in the Action Plan Strategy.

The prevention of terrorist and extremist acts in the Strategy is specified in one of its objectives as follows; “The control of grievances that may lead to radicalism and extremism”. The injustices and complaints as a result of lack of tolerance between community groups can have a strong impact on the level in which the individuals will accept radicalism and extremism. It is important also the commitment with the isolated communities in order to efficiently control their differences to reduce pressure and to increase dialogue.

The early identification of conflicts is one of the most important steps to prevent terrorist acts. It is important to support individuals who are judged to be exposed to extremism and radicalism. The main purpose is to identify these individuals at an early stage (in advance) (before they commit a terrorist act), by giving them legal aid and by dissociating them from extremist activity. These measures will be associated by necessary legal and administrative acts that guarantee the permanent phases of cooperation with these individuals.

These preventive measures will be implemented by the Ministry of Education and Science, by the Regional Educational Directorates, High Schools as well as in cooperation with State Police in the framework of the fulfillment of the annual training plan during 2011 has conducted the following trainings related to the fight against terrorism with the officers of the anti-terror structures;

- Training with topic “Criminal Offences against Terrorist Acts” from 08.01.2011 until 01.02.2011 in Cairo, Egypt, with the participation of 20 officers.
- Training with topic “Fight against Terrorism 2011” from 26.09.2011 until 30.09.2011 in Belgrade, with the participation of 2 officers.
- Training with topic “Criminality Regarding Cyber Crime in the Field of Organized Crime, Terrorism and Money Laundering, from 28.09.2011 until 30.09.2011 Police Educational Centre, with the participation of 12 officers.
- Training with topic ”Different European Models of the Fight against Organized Crime, White Collar Crimes, Fundamental Cases against Money Laundering and Financing of Terrorism as well as the Investigation Procedures of these Cases” , from 24 until 26.10.2011 in the Prosecutors Office with the participation of 7 officers.

- *Public-Private Partnerships (PPPs) in countering terrorism*

The public institutions involved in the fight against terrorism are: the Ministry of Interior, the Department for Crime Investigation and the Directorate against Serious Crimes/Sector against Terrorist Acts. All these structures have an important impact on the prevention of financing terrorism and terrorist acts. These structures conduct procedural and investigative activities as well as cooperate with other security institutions especially with the Anti-terror Directorate, in the Albanian Intelligence Service. These structures cooperate with the General Prosecutors Office, which is the institution involved in the fight against terrorism.

At the same time in the General Prosecutors Office works the Interception and Telecommunication Office.

General Directorate of Police in the fight against terrorism and financing of terrorism closely cooperates with the Ministry of Finances with FIU which is a specialised financial unit for the prevention and fight against money laundering and financing of terrorism. This directorate works as a national centre in charge of gathering, analysing and delivering to the law enforcement agencies of data on the possible activities of money laundering and financing of terrorism.

- *Protection of energy infrastructure from terrorist attacks*

International Cooperation is based on a working agreement on the establishment of operational cooperation between the Ministry of Interior of the Republic of Albania and the European Agency for the Management of Operational Cooperation in the External Borders of the Citizens Members of the EU (FRONTEX) – adopted on 18 February 2009;

In the framework of the implementation of Agreement with FRONTEX in the field of operational cooperation, officers of Border and Migration police have participated in the operation “SATURN” and “POSEIDON”, accredited in the BCPs of Kakavija and Kapshtica, with forces from Greek police and Frontex, during 2009 and 2010. There have been conducted also trainings from the specialists of FRONTEX on Risk Analysis and on the exchange of information between airports in the region.

In the framework of international cooperation, it has been signed on 3 October 2008 the Memorandum of Understanding between the Ministry of Interior of the Republic of Albania, Bosnia–Herzegovina, Croatia, Macedonia, Montenegro and Serbia aiming to establish a system for the exchange of statistical information on illegal migration and involvement in a regional system for the early prevention.

Cooperation with the Italian law enforcement authorities (Guardia di Finanza):

In the framework of the Sea Border Control and Surveillance, the Border and Migration Police closely cooperates with Guardia di Finanza based on the Protocol of Understanding between the Government of the Republic of Albania and the Government of the Republic of Italy regarding the program for the development and support of Albanian Police Forces and between the two countries in the fight against criminality, between the Italian Liaison Office in Albania and the Albanian Liaison Office in Italy.

With this Unit which is located in Durres and Sazan Island, has been established a good tradition and the common activity in the operational framework is based on the following aspects:

- Organisation of common measures in order to increase security in ports.
- Pursuant to international agreements the regime of movement of vessels in the internal and territorial maritime area.
- The exchange of information in the investigation-rescue operations.
- Organisation of measures for the prevention and defeat of illegal activities via sea.

- *Cross border cooperation*

After the adoption of the new IBM Strategy, based on the EU Recommendations for Western Balkans countries on IBM, also pursuant to the Convention for Police Cooperation between SEE Countries signed in Vienna on 5 May 2006, Albania is focused in concrete fields of the cross-border cooperation with foreign countries.

The Council of Ministers of the Republic of Albania and the Government of Montenegro have signed the Protocol “On the conduction of joint activities of Border Control in JBCP Muriqan-Sukobine. The signing of this protocol has guaranteed the functioning of the JBCP according to standards based on the principle “one stop, one check” not only between the agencies of one party but between the agencies of both countries in the JBCP, by facilitating the border control procedures in this JBCP and by reducing the time for the control of individuals and vehicles.

There have been signed and are being implemented the Agreement for Cross Border Police Cooperation with Montenegro, Macedonia and Kosovo through which countries are committed to:

- Organise meetings between Border Police leaders at local, regional and national level.
- Establishment of Contact Persons between Border Policies at national level.
- Establishment of the Liaison Officers Network.
- Construction of joint BCPs, integrated as well as joint offices for exchange of information.
- Establishment of joint patrols.
- Exchange of Risk Analysis Information.
- Encouragement of joint operations.
- Joint Management of information
- Coordinate joint investigations,

In particular, “Joint Procedures of Border Control for BCPs of Morine, Qafe Morine and Qafe Prush” are in place between Albania and the Republic of Kosovo.

Albania has signed Protocols for Border Joint Patrols with Montenegro and Macedonia, while joint operations aiming to “defeat any type of border trafficking, and to prevent illegal border crossing” have been organised with the Greek Police. This is done by synchronising forces and dividing service sectors. At the end of each operation a joint analysis of the results is conducted.

National Contact Points between Border Police have been established and are operational in Albania.

Technical assistance benefits by border police in the framework of “IPA 2009” are the following:

- Seven vessels for the blue border structures have been delivered,
- The construction of Border and Migration Commissariat of Saranda has started;
- The equipment for the radio-communication system, for the Inter-institutional Operational Maritime Centre have been delivered and have been made all necessary arrangements from the IT specialist.

2. Stationing of Armed Forces on foreign territory

2.1 Provide information on stationing of your States Armed Forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

Albania does not have armed forces permanently stationed on the territory of other OSCE participating states. As part of international operations Albania deploys on temporary bases military units in the framework of multinational military formations which carry out activities as part of the UN, EU and NATO.

With reference to the area of application of the Code of Conduct on Politic-Military Aspects of Security, Albania currently contributes forces to squad level (consisting of 11 military personnel) in the Republic of Bosnia-Herzegovina and 7 staff officers in the KFOR Headquarters in Kosovo.

The temporary deployment of Albanian military personnel on the territory of other OSCE participating States in the context of training and exercises is governed by bilateral agreements with the respective countries.

3. Implementation of other international commitments related to the Code of Conduct

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

The OSCE documents on arms control, disarmament and confidence- and security-building measures constitute an essential pillar of Europe's current security architecture. The faithful observation of the provisions contained therein and the implementation of existing commitments in the spirit of transparency and cooperation - as a tangible contribution to Europe's indivisible and cooperative security system - is ensured in close cooperation by appropriate state structures, in particular by the Ministry of Foreign Affairs and Ministry of Defence.

The Republic of Albania fully complies with the commitments and the spirit of the Code of Conduct on Politico-Military Aspects of Security and the Vienna Document 2011, including the provisions of Chapter IX of the VD-11 (Compliance and Verification) on inspections and evaluation visits.

Furthermore, the Republic of Albania has already fulfilled all legal obligations stemming from Conventions on Chemical Weapons, Cluster Ammunitions and Prohibition of Anti-Personnel Mines. With respect to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, Albania has held the Presidency of the 10th Meeting of State Parties from November 2010 to November 2011.

Although not a state party in the treaty on Conventional Armed Forces in Europe, Albania attaches the utmost importance to the restoration of the viability of its regime.

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

Please refer to paragraph 3.1

Section II: Intra-State elements

1. National planning and decision-making process

1.1 What is the national planning and decision-making process in determining/approving military posture and defense expenditures in your State?

The basis for the defence planning system is laid down in national legislation. The key institutions of defence planning include the Parliament, the Government's Working and Coordination Body. The Ministry of Defence (MoD) plays a crucial role in overall management of defence planning and in co-ordination of measures ensuring the state's readiness for defence. Defence Planning Process includes political objectives, and National Security Policy.

Since the beginning of 2010, the MoD's has assumed overall responsibility for conducting both the medium-term and yearly planning. Formerly, the Chief of Defence was responsible for medium-term planning.

At the strategic level, the defence planning consists of long-term plans and programs, which project the future target force, as well as anticipate the main requirements and priorities of the AAF development.

The Planning, Programming, Budgeting and Execution System (PPBES) is synchronized and in line with the national Integrated Planning System (IPS) of the government. This system will better serve the purpose of program coordination with the resources, and provides a sound decision-making of the government regarding the defence budget.

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

Albania is a law abiding member of the international community of nations and acts in accordance with international law.

Drawing and adoption of policy and planning documents that defines military capabilities of the Albanian Armed Forces, is being conducted in a transparent and open manner and all adopted documents are available to domestic and international public. In that way, all interested states have insight in the current situation and reasons for development of military capabilities.

Albania contributes to international security and stability by engaging in dialogue and cooperation with countries throughout the world, as well as by providing modest contributions in peacekeeping and humanitarian aid.

2. Existing structures and processes

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

Military Forces

The constitution of Albania and other legal acts on civil-military relations provide a clear delineation of authority and a system of subordination and command and the control echelon of defence structures in times of peace and war. They provide for the civilian democratic control of the Armed Forces at the strategic level, whereas at the operational level the command and control is held by military authorities.

Democratic political control of the Albanian Armed Forces is constitutionally guaranteed through article 12, paragraph 2, which stipulates that the Armed Forces are subject to civilian control.

Article 167 of the constitution stipulates that Military personnel in active duty cannot be elected or appointed in other state offices and cannot participate in political parties or other political activities.

These constitutional principles are implemented through the provisions of law no. 8671, dated 26.10.2000 "On the powers and authorities of command and strategic guidance of the Albanian Armed Forces".

Article 3 of law no. 8671, dated 26.10.2000, stipulates that powers and command authorities of the armed forces have the following hierarchical order: the Parliament, the President, the Council of Ministers, the Prime Minister, the Minister of Defence, the Chief of General Staff, and the Commanders of the Land, Navy and Air Force.

As this order shows, the Parliament is clearly vested with the oversight authority. It approves the National Security Strategy, the Defence Policy and Military Strategy, the Defence Laws and Budget and exerts parliamentary control over activities related with the armed forces. The oversight authority is exercised through the standing Security Committee. The competences of the Committee are foreseen in the internal regulations of the Parliament.

In line with the stipulations of the Constitution and above-mentioned law, the President of the Republic of Albania exercises the leadership of the Armed Forces through the Prime Minister and Minister of Defence in peacetime. In wartime the President of the Republic appoints and dismisses the Armed Forces Commander upon proposal by the Prime Minister.

The Prime Minister is responsible for the leadership, development, and the state of the Armed Forces in peacetime. The Council of Ministers is the highest executive body. It proposes laws on defence, executes the laws approved by the Parliament, defines the main approaches of national policy, and issues normative acts with temporary legislative power. The Council of Ministers manages the activity for the accomplishment of the tasks in the defence field, in accordance with the constitution, laws and decisions of the National Security Council.

The Minister of Defence is accountable before the Parliament, President and Prime Minister for the development and execution of defence policies. The Minister of Defence is a member of the Council of Ministers and the National Security Council. The Minister of Defence is responsible for the headship and control of the Armed Forces, the accomplishment of their mission, the management of the defence budget and the fulfilments of defence policy objectives.

National Intelligence Service

Law no. 8391, dated 28.10.1998 “On national intelligence service” and other bylaws constitute the legal framework for the activities of Albania’s Intelligence Service. Article 4 of this law stipulates that the National Intelligence Service operates under the authority of the Prime Minister. In order to control the activities of the Intelligence Service the Council of Ministers appoints a General Inspector who reports to the Prime Minister (article 12 of the, law).

Articles 7 and 8 of the law provide for the parliamentary control of the activities of Albania’s Intelligence Service. The control is exercised by the relevant standing parliamentary committee, which can also oversee the use of fund allocated to the Intelligence Service. The director of the Intelligence Service reports to the Committee at least once a year. The Director of the Intelligence Service also reports to the Council of Ministers, as determined by the Prime Minister.

The Director of the National Intelligence Service is appointed by the President of the Republic upon proposal of the Prime Minister.

The Albanian State Police

Civil and democratic control on the State Police is achieved through the Assembly of Albania, Ministry of Interior and the Ombudsman.

The activity of Albania’s State Police is governed by Law no. 9749, dated 04.06.2007 “On State Police”. The State Police is part of the Ministry of Interior and reports to the Minister of Interior (article 7 of the law). The budget of the State Police is approved by the Parliament.

The Minister of Interior reports to the Parliament and to the Standing Security Committee in regular bases.

The Parliament of Albania has established the Internal Control Service (ICS) in the Ministry of Interior (law no. 10002, dated 6.10.2008) whose mission aims to guarantee to the community a responsible, democratic and transparent police service, in keeping with the relevant legislation in place. The activities performed by the ICS aim at preventing, unveiling and investigating criminal offences committed by police officers. The ICS also inspects the activities of the State Police against the implementation of the legislation in place.

The law places the ICS under the direct authority of the Minister of Interior, who is responsible for its activity.

The Guard of the Republic of Albania

This is a structure with a special status in the Interior Ministry, which has the mission of preserving and protecting the high state authorities and their residences, as defined by law. The Guard of the Republic of Albania is under the jurisdiction of the Minister of the Interior Affairs.

Guard of the Republic of Albania preserves and protects:

- a) The President of the Republic, the Speaker of the Parliament, the Prime Minister, and their families.
- b) Foreign personalities who come into our country, in the rank of Albanian personalities of the letter "a" and "c".

c) the Head of the Constitutional Court, the Deputy Speakers of the Parliament, members of the Council of Ministers, the President of the Supreme Court, the Attorney General, the Director of the State Intelligence Service, the Head of the Supreme State Audit, the Governor of the Bank of Albania, the Ombudsman, the Chairperson of the Central Election Commission, the Leader of the Largest Majority Party, the Leader of the Opposition Party and the Mayor of Tirana.

d) Presidential residences, the Assembly and Council of Ministers, and other residences defined by the Council of Ministers.

d) Dwellings of the personalities mentioned in the letters "a", "b" and "c" of this article.

The structure of the Guard of the Republic consists of the Headquarter, the Director and other subordinate structures. The structure, organization, chain of command and the staff of the Guard of the Republic of Albania are determined by the Council of Ministers upon the proposal of the Minister of Interior Affairs.

The Guard Commander has the full authority of command and control of all activities of the Guard. He is accountable before the Minister of Interior Affairs for the training and readiness of the units of the Guard and for the fulfillment of its mission. The Commander of the Guard of the Republic shall be appointed by the Prime Minister, upon the proposal of the Minister of Interior Affairs. He is selected among senior officers of the Guard and State Police.

Paramilitary Forces

Albania has no paramilitary forces.

2.2 How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The principle of democratic control over the security forces is enshrined and stems from the Constitution of Albania and other Constitutional principles. It is implemented by specific laws on State Police, National Intelligence Service and on the Powers and authorities of command and strategic guidance of the Albanian Armed Forces.

The democratic control over the security forces is exercised by:

a) The Parliament of Albania, through its mechanisms for approving the state budget and performing oversight functions, in particular by the standing Security Committee. According to article 80 paragraph 1 of the Albanian Constitution, the democratic control is exercised over the Ministers through hearing sessions or questions times. In its activities the committee is entitled to draw upon independent and professional expertise. In order to investigate of particular national and public interest the Parliament can also set up ad-hoc inquiry committees.

The Parliament exercises oversight on the Prime Minister and the Minister of Defense. The Prime Minister is responsible to the Parliament for the guidance and the state of the Albanian Armed Forces (article 15 of law 8671, dated 26.10.2000), whereas the Minister of Defense is responsible for the implementation of Albania's Defense Policy.

b) By the Council of Ministers on cases provided for by the constitution and the law.

- c) The Ministers of Defense and Interior, who, in their respective areas of activity, are accountable for and control of the armed forces and the police forces. According to article 80 of the Constitution and article 19 of the Parliament's internal regulations, the Ministers report to the Security Committee and to the plenary session of the Parliament.

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

Military forces

According to the Constitution of the Republic of Albania, The Parliament, The President and the Council of the Ministers have responsibilities and rights, in regards to the national security and defence issues.

The Parliament of the Republic of Albania is the only organism that approves laws in the security and defence field of the country. The Parliament has constitutional competencies to declare the war, emergency state, partial and general mobilization, ratification of the agreements and the scrutiny, management and approval of defence budget.

Parliamentary democratic control is exercised through legal means, directly from the Parliament and respective commissions. In this context, its activity is focused in laws, defence budget and policies execution in order to ensure that the Armed Forces act only within the constitutional framework. Members of the parliament can draw attention to acts of the Armed Forces, which in their view may be contrary to the Constitution.

The President of Albania, with the constitutional authorities of the Head of the State, of representing the unity of the nation, of Head of the National Security Council is the highest authority of the Albanian Armed Forces. All senior officers of the Albanian Armed Forces are appointed by the President who, at any time and as defined by Law, can also dismiss them. In wartime, the President of the Republic is Commander-in-Chief of the Armed Forces and he appoints and dismisses the Commander of the Armed Forces, based on the proposal of the Prime Minister.

The National Security Council is an advisory organ to the President and exercises its activity based on the Constitution, laws and obligations derived by international agreements ratified by the Parliament. This Council advises the President of the Republic for the issues concerning security and defense of the country.

The Council of Ministers is the highest organ of the executive power. It is responsible for the implementation of the National Security Strategy and the state and developments of security instruments and national resources in accordance with the Constitution and laws.

According to the Albanian Constitution, the Armed Forces mission is to guarantee the independence and territorial integrity and the constitutional order of the country.

The Albanian Armed Forces, in time of peace, have the following tasks:

- providing combat readiness for defense (in the context of a national and collective defense)
- monitoring and surveillance of the national territorial space (land, sea, air)

- participation in humanitarian aid operations in case of environmental disaster in support of civil authorities
- participation in Peace Support Operations
- Prevention and management of environmental damage from military activities

Paramilitary forces

Albania has no paramilitary forces.

3. Procedures related to different forces personnel

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

Military forces

The AAF includes professional military personnel and civilian personnel employed in the structures of the AAF. As of 1 January 2010 Albania has a volunteer military service system. The transformation of AAF into a fully volunteer military service system has been accomplished, and no conscripts have been recruited after 2009.

Policies and practices for further career development of military personnel are based on their experiences, training and years in services.

The system of management and development of the human resources has at the centre of gravity the training and education of the officers, NCOs, professional soldiers, and civilian personnel with the necessary experience and skills to serve in and out of the country. This system includes the management of the entire life cycle of the personnel, from the identification of the needs, recruitment, education and training of the personnel in service, the economic and financial support, promotion and career development, until their final retirement and support and integration into the civilian society.

The policies and recruiting strategies based on modern marketing which promotes the AAF values, benefits and social guaranties of the personnel and their families, aim at the qualitative growth of the AAF.

According to the Law, every male and female citizen, aged 18-30 years old, has the right to be enrolled as a professional soldier on voluntary bases. Candidates appear at Personnel Recruitment Centers and undergo medical examinations and physical tests. All candidates must have completed studies at high school level. After selection, the candidates must sign a minimum three year contract, which can be renewed for three other years at the request of the individuals. After signing the contract, recruits are sent to the National Basic Training Center. After completing the basic training they continue the appropriate special training in the Troop Schools. Professional soldiers can not leave the armed forces without completing service contract.

Paramilitary forces

Albania has no paramilitary forces.

3.2 What kind of exemptions or alternatives to military service does your State have?

In the Republic of Albania there is no compulsory military service. Thus, as a consequence, there is no alternative military service.

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

Principles on the legal status of military personnel

The rights and limitations of the freedom of military personnel in Albania are set by Law. According to the Law "On Military Personnel Status", the personnel serving in Albanian Armed Forces enjoy special status and privileges stemming from the nature of their service to the country.

Military personnel enjoys the right to be informed, protection of personality, free medical care, health insurance in case of illness or injury while performing their duty, the right to vote, the right to exercise religion.

Because on the very nature of the service to the country, the military personnel cannot be a member of any political party, cannot participate in political meetings and is forbidden to make political propaganda in interest of any political party.

List of rights of military personnel

- the right to be informed,
- protection of personality,
- free medical care for all family members,
- health insurance in case of illness or injury while performing their duty,
- the right to vote,
- the right to exercise religion

Summary list of decrees relating to legal assistance of military personnel

Service complaint of armed forces personnel is permitted in cases such as:

- Against directives of military superiors (article 26 of the Law on the Status of the Military Personnel, No 9210, dated 23.03.2004)
- Against verdicts on promotion (article 28 of the Law on Promotion and Military Career in the Armed Forces of the Republic of the Albania, number 9171, dated 22.01.2004)
- In all cases where armed forces personnel consider themselves unjustly treated (article 26 of the Law on the Status of the Military Personnel, No 9210, dated 23.03.2004)

Legal assistance is given to military personnel in cases as follow:

- Verdicts on exception / exemption from the armed forces (Paragraph 1, article 28 of the Law on Promotion and Military Career in the Armed Forces of the Republic of the Albania, number 9171, dated 22.01.2004)

Means and proceedings for dealing with penal cases are based on Military Penal Code (Law No 80003, dated 28.09.1995 and No 8919, dated 04.07.2002).

4. Implementation of other political norms, principles, decisions and international humanitarian law

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

Albanian armed forces are commanded, manned, trained and equipped in ways that are consistent with the provisions of International Humanitarian Law, obligations and commitments related to the use of Armed Forces in armed conflict, including the Hague Conventions of 1907 and 1954, the Geneva Conventions of 1949, the Additional Protocols of 1977, as well as the 1980 Convention on the Use of Certain Conventional Weapons. Such provisions are included in different field manuals and regulations, published and distributed to all officers and NCOs.

All military training programs in all levels include due training hours which contain topics regarding International Humanitarian Law and Law of War. Albanian Armed Forces personnel who are sent abroad for military missions, besides the other tests that they must pass, are examined and certified for the acknowledgement of the above mentioned laws.

4.2 What has been done to ensure that Armed Forces personnel are aware of being individually accountable under national and international law for their actions?

Albanian armed forces personnel who are vested with command authority are trained to exercise it in accordance with relevant national as well as international law and are made aware that they can be held individually accountable under those laws for the unlawful exercise of such authority and that orders contrary to national and international law must not be given.

All armed forces personnel is trained and instructed in international humanitarian law, rules, conventions and commitments governing armed conflict and they are aware that they are individually accountable under national and international law for their actions.

Military training system in the Republic of Albania consists of career training of an individual, regular daily training of individuals or units and ad-hoc training for specialized courses for individuals or pre-deployment training of particular units. Provisions of International Humanitarian Law are included in the current general training programs.

In the Republic of Albania, military academic education is centralized within the TRADOC. This institution provides appropriate education, including mandatory lectures of International Humanitarian Law to all commanders and members of their staffs. There is a significant amount of these lectures both in Bachelor's curriculum and Master's curriculum.

4.3 How does your State ensure that Armed Forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

Missions and tasks of the Albania Armed Forces are driven based on main documents according to the tasks in and outside of Albania.

According to strict limitation set forth in these documents armed forces cannot perform other tasks. The activities of armed forces are under control of constitutional authorities or authorities to whom such control is entrusted to, by a special article of the National Constitution, thus in case of transgression of competences it is upon civilian authorities to act accordingly.

Furthermore, the free media contribute to openness of operations, as an additional element to prevent armed forces operations which might serve to limit the exercise of human and political rights. Human Rights are also part of training programs and curricula's in different courses. In case of operations in support of the police, armed forces units are used for guarding and protection duties of critical infrastructure.

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's Armed Forces are politically neutral?

Human rights of soldiers are embodied in Human Rights Charter No. 2/1993 Coll., (which is applicable for every person under the jurisdiction of the Republic of Albania and is part of its constitutional law). Limits of basic rights and freedoms may be imposed only by enacted law and based on conditions set forth in the Human Rights Charter. As military personnel represents a special group whose rights may be limited to fulfilling their tasks.

The Republic of Albania has institutionalized civilian democratic control over armed forces in its Constitution, and has built by law a command and control system by high civilian authorities at the strategic level, whereas at the operational and tactical levels, command and control is by high military authorities.

According to Article 12 of the Constitution of the Republic of Albania, Armed Forces are politically neutral.

Members of the armed forces are prohibited by Law from being members of any political party and make propaganda in the interests of any political party.

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

Albanian Defence Policy and Doctrine are consistent with international law related to the use of armed forces, including in armed conflict and the relevant commitments of the Code of Conduct on Politico-Military Aspects of Security. According to the Albanian Constitution any international obligation must be embodied into Albanian legislation. The Albanian Armed Forces respect the Additional Protocol to the Geneva Conventions of August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of June 1977 and the obligations under Article 82. Provisions of the international law which are included in the doctrines and different field manuals derive from these doctrines.

4.6 What has been done to integrate women into conflict prevention, crisis management and post conflict rehabilitation through its activities?

I: Prevention

1. Measures to increase armed forces personnel understanding of the special needs and contributions of women in conflict.

Inclusion of specific matters related to the protection of women's and girl's rights in the basic education of armed forces.

Based on the Chief of Defense's Directive, gender issues and protection of girls' and women's rights are included in the programs and curricula's of education of military personnel in Armed Forces.

Availability of specialized in-service training for armed forces personnel on the protection of women's and girl's rights.

Specific modules on women's and girls' rights are included in the curricula of education in Defense Academy.

Inclusion of specific matters related to the protection of women's and girl's rights in the pre-deployment training for international peacekeeping missions.

Albanian troops participating in international peace support operations, conduct a specific training before deployment. Part of this specific training are well acquainted with the customs, traditions and culture of the country where they will serve and the issues related to the protection of the rights of girls and women in the conflict areas.

Availability of plans to address and gather information from local women populations in areas at risk of conflicts.

Gathering of information from local women populations is part of the information collection plan in the regions in which Albanian troops are deployed.

Inclusion of systematic gender analysis of areas at risk of conflicts, including gender-disaggregated socio-economic indicators and power over resources and decision making.

Information collected in areas where Albanian troops are deployed, which include gender issues as well, is analyzed and processed through the chain of command of international HQ.

2. Measures to address the violation of the rights of women and girls, in line with international standards.

The basic document that protects fundamental rights and freedoms of the individual in the Republic of Albania (RA) is the Constitution. It affirms the principle of equality as a fundamental principle and pre-condition for the functioning of state organs and does not allow any form of discrimination against the individual (Constitution, Article 18, paragraph 1 and 2).

Another important document is the "Law on Gender Equality Society" (No. 9970, dated 24.07.2008), based on the principle of equality and non-discrimination and

other principles enshrined in the Constitution, the Convention on the Elimination of All Forms of Discrimination against Women, as well as all other international acts ratified by the Albanian Parliament (Article 3, paragraph 1).

The National Council on Gender Equality was established by the Prime Minister, Regulation No. 3, dated 8.1.2009, which is an advisory body for gender issues. This Council is chaired by the Minister in charge of gender equality, and is composed of 9 (nine) deputy Ministers and three members representing civil society.

Regarding the armed forces, there are no serious gaps that will require immediate action in relation to respecting the legal rights of girls and women who serve in the Armed Forces. This issue is monitored closely in order to avoid the gender abuses during the military service.

II: Participation

1. Measures to increase the number of women in general and in decision-making positions in the armed forces and the ministry of defence.

Actual Total % of Female military personnel in % of military personnel in Albanian Armed Forces:

- OF-3 to OF-5 is 8.2% of female
- OF-1 to OF-2 is 13.8% of female
- OR-5 to OR-9 is 11.5% of female
- OR-1- to OR-4 is 12.1 of female

The Albanian Armed Forces are working to obtain expertise in the field of gender equality and to strengthen our capacity to implement the Resolution 1325 of UN Security Council. The number in percentage of women serving in the Armed Forces of the Republic of Albania is aimed to reach 15% of the total number of military personnel.

2. Measures to increase the number of women in peacekeeping forces.

During 2011, a female officer carrying a lieutenant rank took part in the Operation Enduring Freedom in Kabul/Afghanistan.

One female officer carrying a lieutenant rank took part in the ISAF Military Operation in Herat and one professional female soldier participated in the Combat Mission in Kandahar/Afghanistan.

In the framework of the "Adriatic Charter 5", Albania is working to incorporate a large number of women in the medical platoon to be sent to Afghanistan.

III: Protection

1. Increased access to justice for women whose rights are violated.

Number and percentage of reported cases of exploitation and abuse allegedly perpetrated by uniformed peacekeepers that are referred, investigated and acted upon.

For the reporting period, there was no case involving Albanian peacekeepers.

IV: Other information

Information on the development, implementation and evaluation of a National Action Plan to implement UNSCR 1325.

Albania is working on updating the National Action Plan (established in 2007) to implement UNSCR 1325. Parts of this Plan are included in Defense Directive for the year 2012.

National Council on Gender Issues is established by the Prime Minister, which is an advisory body for gender issues. This Council is chaired by the Minister in charge of gender issues, and is composed of 9 (nine) deputy Ministers (including MoD) and three members representing civil society.

Section III: Public access and contact information

1. Public access

1.1 How is the public informed about the provisions of the Code of Conduct?

Experts from various state institutions (MOD, MFA, MOI, Parliament, etc.) in charge of implementation of the different sections of the Code of Conduct participate on a regular basis in international and regional events dedicated to the implementation and exchange of information on this document. However, further efforts are needed to improve public awareness on the aims of the Code and its provisions.

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

As to now Albania's official replies to the questionnaire of the Code of Conduct have never been made public. However, the Ministry of Foreign Affairs is considering the possibility to post the current questionnaire on the official website of the Ministry of Foreign Affairs, in a special link we intend to dedicate to Albania's relations with the OSCE and CoE and our priorities within the two organizations.

1.3 How does your State ensure public access to information related to your State's armed forces?

Public access to the information related to the Armed Forces is becoming easier. The Law on the Transparency and Access to Public Information that ensures the rules of public access to the information regarding the state administration in general includes, as well as, the Albanian Armed Forces.

The Ministry of Defense provides transparency and public access to information related to the Armed Forces. The information and press centre is operational in the Ministry of Defense. Albanian Parliament approves the defense expenditures and exercises constraints and limitations in military expenditures. All documents of strategic level such as: the National Security Strategy, the Defense Policy, the National Military Strategy, the White Paper, etc. are open to the public opinion.

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

The national point of contact for the implementation of the code is

The Arms Control and Disarmament Unit

Ministry of Foreign Affairs

Contacts:

Mr. Gert Kodra; E-mail: gert.kodra@mfa.gov.al.

Tel: 00355 42 36 40 90 Ext. 79214

ANNEX 1

Albania has ratified 13 out of 16 UN counter-terrorism conventions and protocols

I. UNITED NATIONS

- 1. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents** (New York 14 December 1973); Ratified. Entered into force on 21.02.2002.
- 2. International Convention against the Taking of Hostages**, (New York, 17 December 1979); Ratified. Entered into force on 21.02.2002.
- 3. International Convention for the Suppression of the Financing of Terrorism**, (New York, 9 December 1999); Ratified. Entered into force on 10.05.2002.
- 4. International Convention for the Suppression of Terrorist Bombings**, (New York, 15 December 1997). Entered into force on 21.02.2002.
- 5. International Convention for the Suppression of Acts of Nuclear Terrorism** (New York, 13 April 2005); Signed on 25 November 2005. Not ratified yet.

II. INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

- 6. Convention on Offences and Certain Other Acts Committed on Board Aircraft** (Tokyo, 14 September 1963); Ratified on 06.03.1997, Entered into force on 01.03.1998.
- 7. Convention for the Suppression of Unlawful Seizure of Aircraft** (The Hague, 16 December 1970); Ratified on 06.03.1997, Entered into force 20.11.1997.
- 8. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation** (Montreal, 23 September 1971); Ratified on 06.03.1997 Entered into force 20.11.1997
- 9. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation supplementary to the Convention for the Suppression of Unlawful Acts against the safety of Civil Aviation** (Montreal, 24 February 1988). Ratified. Entered into force on 22.05.2002
- 10. Convention on the Marking of Plastic Explosives for the Purpose of Detection** (Montreal on 1 March 1991), Ratified. Entered into force on 06.03.2000.

III. INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

- 11. Convention on the Physical Protection of Nuclear Materials**, (Vienna, 3 March 1980); Ratified on 5 March 2002; Entered into force on 4 April 2002

II.1. Agreements between Albania and the IAEA

- 1. Agreement between the Republic of Albania and the Agency on the application of protective measures on all nuclear activities of Albania,**

Signed on: 1 July 1986, Ratified on 28 January 1988, Entered into force on 25 March 1988.

IV. INTERNATIONAL MARITIME ORGANIZATION (IMO)

- 12. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation** (Rome, 10 March 1988); Ratified. Entered into force on 17.09.2002.
- 13. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf**, (Rome on 10 March 1988); Ratified. Entered into force on 17.09.2002.

V. COUNCIL OF EUROPE

- 1. European Convention on the Suppression of Terrorism** (Strasbourg, 27 January 1977); Signed on 04.04.2000. Ratified on 21.9.2000. Entered into force on 22.12.2000.
- 2. Protocol amending the European Convention on the Suppression of Terrorism** (Strasbourg, 15 May 2003); Signed on 9.10.2003. Ratified on 15.11.2004.
- 3. European Convention on Extradition** (Paris, 13.12.1957) and first and second Additional Protocols. Signed on 19.5.1998. Ratified on 19.5.1998. Entered into force on 17.8.1998
- 4. European Convention on Mutual Assistance in Criminal Matters** (Strasbourg, 20.4.1959) and first and second Additional Protocols. Signed on 19.5.1998. Ratified on 4.4.2000. Entered into force on 3.7.2000.
- 5. European Convention on the Transfer of Proceedings in Criminal Matters** (Strasbourg, 15 May 1972); Signed on 19.5.1998. Ratified on 4.4.2000. Entered into force on 3.7.2000.
- 6. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime** (Strasbourg, 08 November 1990). Signed on 4.4.2000. Ratified on 31.10.2001. Entered into force on 01.2.2002
- 7. Convention on Cybercrime** (Budapest, 23 November 2001) Signed on 23.11.2001. Ratified on 20.6.2002. Entered into force on 1.7.2004.
- 8. Additional Protocol to the Convention on Cybercrime concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.** Signed on 26.5.2003. Ratified on 26.11.2004. Entered into force 1.3.2006.
- 9. Council of Europe Convention on the Prevention of Terrorism** (Warsaw, 15 May 2005). Signed on 22.12.2005. Ratified on 6.2.2007. Entered into force on 1.6.2007.
- 10. Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism** (Strasbourg, 15 May 2005). Signed on 22.12.2005. Ratified 6.2.2007. Entered into force on 1.5.2008.

VI. OTHER AGREEMENTS

As to now, Albania is party to several bilateral and multilateral agreements and Memorandums of Understanding (MoU) aimed at countering organized crime, international trafficking and terrorism.

1. MoU between the Ministry of Interior (MoI) of Albania and the MoI of the Federal Republic of Austria to strengthen cooperation in the area of internal security. Signed on 27.01.2010.
2. Agreement between the Government of Albania (GoA) and the Government of the Kingdom of the Belgium on police cooperation. Signed on 22.05. 2005. Entered into force on 01.05.2008.
3. Agreement between the Council of Ministers of the Republic of Albania and the Council of Ministers of the Republic of Bosnia-Herzegovina on cooperation in the fight against trafficking, in particular terrorism, illegal drugs trafficking and organized crime. Signed on 24.03.2009. Entered into force on 4.3.2010.
4. Agreement between the Council of Ministers of the Republic of Albania and the Government of the Republic of Bulgaria in the fight trafficking and organized crime. Signed on 29.1.2007. Entered into force on 4.10. 2007.
5. Agreement between the Council of Ministers of the Republic of Albania and the Government of the Czech Republic on the fight against crime. Signed on 27.04.2009. Entered into force 01.01.2010.
6. Agreement between the Council of Ministers of the Republic of Albania and the Government of the French Republic on internal security cooperation. Signed on 15.5.2008. Ratified by law no. 9955, dated 17.7.2008.
7. Agreement between the Government of the Republic of Albania and the Government of the Republic of Hungary on cooperation in the fight against terrorism, drug trafficking and organized crime. Signed on 12.2.1999. Entered into force on 24.08.1999.
8. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Republic of Italy in the fight against crime. Signed in Tirana on 19.06.2007. Ratified by law no. 9799, dated 10. 09. 2007.
9. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Republic of Latvia in the fight against terrorism, organized crime and illegal trafficking of narcotics, psychotropic substances and precursors. Signed on 16.12.2009. Entered into force on 22.07.2010 and ratified by law no. 10265, dated 26. 04. 2010.
10. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Republic of Malta in the fight against illegal trafficking of narcotics, psychotropic substances and organized crime. Signed on 19.02.2002. Entered into force.
11. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Former Yugoslav Republic of Macedonia in the fight against terrorism, organized crime, illegal trafficking of narcotics,

psychotropic substances and precursors, illegal migration and other illegal activities. Signed on 17.06.2004. Entered into force on 20.05.2005.

12. Agreement of cooperation between the GoA and the Government of the Republic of Rumania in the fight against terrorism, organized crime, illegal trafficking of narcotics and psychotropic substances and other illegal activities. Signed on 07.06.2002. Entered into force on 19.12.2002.
13. Agreement of cooperation between the GoA and the Government of the Republic of Slovenia in the fight against terrorism, illegal trafficking of narcotics and organized crime. Signed on 24.11.1993. Entered into force.
14. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Republic of Montenegro in the fight against organized crime, illegal trafficking and other criminal activities. Signed on 31.10.2003. Entered into force.
15. Agreement of cooperation between the Council of Ministers of the Republic of Albania and the Government of the Republic of Serbia in the fight against organized crime, illegal international trafficking of narcotics and terrorism. Signed on 11.3.2010 and ratified by the Parliament.
16. MoU between the Ministry of Treasury of the Republic of Albania and the Investigative Board against Financial Crime of the Republic of Turkey to exchange financial intelligence information regarding money laundering and the financing of terrorism. Signed in Ankara and Tirana respectively on 14.07.2008 and 21.07.2008. Entered into force upon signature.
17. Agreement between the Council of Ministers of the Republic of Albania and the Cabinet of Ministers of Ukraine on cooperation in the fight against crime. Signed on 27.05.2003. Entered into force.
18. Agreement between the Council of Ministers of the Republic of Albania and the Federal Council of Switzerland on police cooperation in the fight against crime. Signed on 21.9.2005. Entered into force on 18.07.2007.
19. "Convention on police cooperation in South East Europe. Signed in Vienna on 05.05.2006. Ratified by Albania in October 2007.
20. Additional protocol on Combating Terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation Participating States in Combating Crime, in particular its Organized Forms. Signed on 03.12.2004. Ratified by law no. 9500, dated 03.4.2006. Entered into force.
21. Since September 2009 Albania is part of the EU initiative, undertaken in cooperation with the Czech Republic and the Republic of Slovenia, to exchange with the Western Balkans EU's counter-terrorism Best Practices.
22. Decision of the Council of Ministers of the Republic of Albania, Nr. 452, dated on 16.06.2010 "On approval in principle of the" Memorandum of Understanding for cooperation and support for the Secretariat of the Police Cooperation Convention for South East Europe, 21 May 2010"
23. On 28 January 2011 in Ljubljana/Slovenia Albania signed the "Declaration on Police Cooperation in Combating International Terrorism" which is a

continuation of International Police Cooperation Initiative in the fight against terrorism. By signing this declaration Albania becomes a member of this initiative, together with Slovenia, Serbia, Montenegro, Austria and Bosnia-Herzegovina.

24. Memorandum of Understanding between Minister of Interior of the Republic of Albania and Federal Ministry of Interior of the Republic of Austria on reinforcing the cooperation in the field of internal security, signed in Vienna on 27.01.2010.