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PERMANENT MISSION OF
THE REPUBLIC OF ALBANIA
GENEVA

Prot. 180

The Permanent Mission of the Republic of Albania to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and in the reference of its letter, has the honour to present the information provided by Albania, related the Resolution 30/15 (Human rights and preventing and countering violent extremism).

The Permanent Mission of the Republic of Albania to the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 18th March 2016

Office of the High Commissioner for Human Rights
Geneva.

Protection and promotion of human rights and the contribution towards the prevention and fight against violent extremism

✚ General considerations on the relationship between protection of human rights and security related issues

Respecting human rights and guaranteeing security are inversely proportional. It is generally acknowledged by evidence that terrorist acts more likely take place in countries with a low security environment, with a low performance of state institutions, with lack of tradition on democracy. Such acts tend also to develop in an environment of religious behavior and belief, where there is a low threshold of legal regulation for freedom of expression and assembly etc.

It is therefore crucial to understand the paradoxical ramifications between the need for security while respecting and promoting human rights in full compliance with international norms and regulations.

The terrorist attacks in Paris, on the 13th November 2015, were accompanied by the long-run theological debate of the need for the limiting of the civil liberties that exceptional situations like the barbaric acts of terrorism may entail.

In this regard, there are short- and long-term considerations of the issue.

In a short-term, the need for increased security is more important than the protection of the alleged individual, who carries acts of terror with horrific loss of innocent human life.

In a long-term perspective, in the case of terrorism, such as of ISIL/Daesh, it is precisely the change of the democratic nature of the state and the restriction of individual freedoms resulting from acts of extreme violence, making the terrorist groups to gain some temporary powers.

Having said that, it is of utmost important the strengthening of restrictive measures towards potential or suspected terrorist, by keeping them in constant monitoring, while underlining the necessity of compliance with international laws on human rights.

Based on the above considerations, it is necessary that the legislative measures undertaken in the framework of strengthening security and preventing possible terrorist acts may consist on:

- Having clear goals to ensure security, but being careful neither to violate any human rights or belief, nor cause any discriminations to individuals or social groups;
- Law enforcement agencies should not be authorized to arrest suspects without a sound legal basis upon which those suspects are to be charged with.

- The freedom of expression of individuals must continue to be guaranteed and individuals allowed to express their opinions in the media or in the cyberspace;
- The international law for deportation and the current conventions in force on the prohibition of acts of torture against them, should be applied precisely, as well as towards the individuals suspected of terrorist acts, as on the other applicable cases of crimes of different nature.

🚩 Measures taken from Albanian in The Context of The Domestic Legislation and Laws against terrorism

Albania has already in place a full legislation for the prevention and fighting the phenomenon of terrorism sponsorship. From 2014 onwards, Albanian citizens who involve in military hostilities abroad face legal charges in Albania, starting from three to eight years imprisonment.

To date, nine Albanian citizens have been arrested on this basis; whilst four others have been accused of recruiting people with the purpose of conducting and financing terrorist acts. The above-mentioned individuals were charged according to:

The Albanian Criminal Procedure Code –Article 98/2014 (following approval on 31 July 2014 and coming into force on 3 September 2014), which punishes “the organization of, the call for participation or the direct participation in hostilities as a specific act”—reflecting the recommendations of UNSCR 2178.

🚩 Measures taken from Albania in regard of the promotion of human rights in the framework of the long-term prevention of terrorism and radicalization.

- **Monitoring the radicalization and extreme behavioral tendencies in the prisons.**

During 12-14 January 2016 the European Commission and the British Embassy in Tirana, conducted a monitoring mission for the assessment of the radicalization tendencies in the Albanian prisons. The mission aimed at fact-finding which may lead to radicalization and helping the Albanian authorities to prepare the draft-report on the possible measures to prevent radicalization in prisons.

- **Training modul for the persons with high social danger and long-term sentences**

The relevant Albanian authorities have established a training modul for prisoners with long-term sentences. The modul includes issues such like: abuse with substances, criminal thinking, anger management, family relations, adjustment to changes, effects

on the victims etc, all social factors that could also lead to radicalization and inspiration to follow terrorist ideologies. The length of this modul depends on each individual.

- **Twining project**

Since January 2016, the Albanian authorities are implementing a twining project with the support of the EU Delegation the United Kingdom. The project purpose is the reform of the penitentiary system. The project aims the contribution at various fields for the rehabilitation and social inclusion of former –prisoners.

- ✚ **Measures taken during the period of January 2015 – March 2016 for the prevention of torture/mistreatment, the address and respect of the rights of the persons deprived from their freedom into the police premises, according to the international standards.**

In addition to that, in the spirit of respecting the rights of the persons deprived of their freedom, during 2015, various specialized training have been conducted for the improvement of the technical and professional level of police's personnel.

- ✚ **Independent Human Rights Institutions**

Throughout 2015 the Ombudsman, has conducted several controls/monitoring in all local police structures and accordingly send reports, resulting from them. The findings and the relevant recommendations, were shared with the State Police and all the relevant structures, in order to be included and implemented in their work.

In the spirit of improving the cooperation between the Ombudsman and State Police for the recording, addressing/investigating the complaints made against police and the punishment of the responsible officers, the work of drafting and approving a Memorandum of Cooperation is under process.

It should be noted that after the registration of the concerning issues in the field of addressing and respecting the rights of the persons detained and arrested in the police premises, administrative acts have been issued by the Chief of State Police and the General Director for Public Security.

In addition to that, 12 controls from the structures of the General Directory for Public Security have been made, having in mind the implementation of the measures from the police structures for the fulfillment of the legal obligations for respecting the rights of the persons detained or arrested in the polices premises.