

REPORT: Albania's Anti-Terrorism Steps

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Introduction

-Despite limited resources, Albania has continued to support the global war on terrorism and is an active country in the global anti-terror fight. The fight against terrorism is and remains one of the main priorities of our government.

Albania is committed to serve the goal of national and international security and to contribute to sustainable peace and stability worldwide.

Legislation

Albania criminalizes terrorist acts; financing of terrorism; collection, transfer and concealment of funds that finance terrorism; recruiting and training people to commit terrorist actions; incitement of terrorist actions; and establishing, leading, and participating in terrorist organizations. Through the drafting of laws, Albania aims to prevent and take the appropriate measures to address these concerns.

- *Albanian Criminal Doctrine of Terrorist Offenses* means ‘those acts of unlawful violence against life or health of humans, their personal freedom, etc., performed by fault, in order to seriously disturb public social order, the resurrection of panic and massive fear’ –the legislation provides for offenses of terrorism purposes in Article 230 of the Criminal Legal Code.
- *Albania’s Citizenship laws* were tightened after the 1998 bombing of two U.S. embassies in Africa, and thorough checks were made on applicants, in collaboration with international agencies. [During the lawless and anarchic period of the mid-1990s, it was easy for anyone to operate illicitly and undetected in Albania; some think that Islamist terrorists may have received Albanian citizenship during these years].
- On 19 June 2003, the Parliamentary Assembly enacted The Law on “*Prevention of Money Laundering*”, bringing Albania's legislation in compliance with international standards.
- In 2004, the Government froze the assets of terrorist financiers, curtailed the activities of suspect Islamic NGOs, and detained or expelled individuals suspected of having links to terrorism or attempting to foment religious intolerance.
- In July 2005, Parliament passed legislation to implement asset freezes against persons designated as terrorists or terrorist financiers by the United Nations.
- Statute on “*Prevention of Money Laundering and Financing of Terrorism*”ⁱ – On 19.05.2009, the Assembly of Albania adopted a this new legal statute which aims to fight against money laundering and products that derive from criminal acts as well as to prevent the financing of terrorism.
- “*Measures Against Financing Terrorism*”ⁱⁱ –On 10.10.2013, the Albanian Parliament adopted the Law no. 157 which abrogate the law of 15 July 2004, no.9258.

- In 2013 Albania approved ‘*The Anti-Terrorism, Organized Crime/ Illegal Traffic Strategy & Action Plan 2013-2016*’ⁱⁱⁱ (Decision of the Council of Ministers No. 663, 2013, 6035).
- In 2014, Parliament added three statutes to *Albania’s Criminal Code* aimed primarily at strengthening the government’s ability to address the problem of Albanian nationals who travel to fight in the conflict in Syria. This is further explained below (look under ‘ISIL section’).
- The Government of Albania has approved the *National Counter-Terrorism Strategy 2011-2015* (originally approved in 2002) and *the Action Plan* for its implementation—reaffirming the commitment to counter terrorism as a national priority. The objective of this strategy is to reduce the risk and the fear of terrorist attacks, and to limit the possible damage following any attack. Albanian authorities are reviewing the abovementioned strategy to adapt it to the new challenges. The reviewed strategy covers the period 2016-2020.

Albania: Law Enforcement, Counter-Terrorism Measures + Border Security

- In March 2014, Albanian State Police acted against an alleged Syria fighter recruitment circle, resulting in the arrest of nine people for “Inciting Acts of Terrorism.” Two of the arrestees were imams at mosques on the outskirts of Tirana that allegedly promote violent extremism. As of December 31, 2014, the investigation was ongoing.
- The Customs agency has improved its performance at ports of entry and has strengthened its relationship with the Border Police.
- The Bank of Albania has established a Task Force to monitor all financial activities of the secondary banks and their compliance with client verification in the context of the prevention of money laundering and financing of terrorism.
- In 2004, the government arrested local arms traffickers for dealing in surface-to-air missiles, which the State Department believes may have been intended for “regional extremists.”
- Albania has expelled suspected Islamic extremists and terrorists.
- Albania has also cooperated extensively to block financial and other assets of persons and groups operating in Albania with suspected links to terrorists. For example, Albania froze the accounts and assets of Jasin Kadi, a Saudi businessman who is thought to support Al Qaeda and have links with Saudi

suspected terrorist Abdel Latifi, who was extradited from Albania in 1999. Albania announced plans to auction off al-Kadi's assets in December 2004.

- In 2004, the Government froze the assets of terrorist financiers, curtailed the activities of suspect Islamic NGOs, and detained or expelled individuals suspected of having links to terrorism.
- While weapons and other forms of logistical support had initially been smuggled from Albania to ethnic Albanian guerrillas in southern Serbia and western Macedonia, the government which came into force after 1997 tried to secure the country's borders and to halt arms smuggling and other illegal activity.
- An Inter-Ministerial Committee is established for ensuring a Security Policy.
- Several government agencies were set up as an Inter-Ministerial National Coordinating Committee for the fight against Money Laundering and Financing Terrorism (2003).
- In Albania state bodies are created and function as an anti-terrorist branch near State Intelligence Service, service fight against terrorism and arms trafficking. These organizations serve as specialized institutions to the fight against terrorist acts, which, through investigative work, aim preventing, detecting and battling terrorist activity.
- In Countering Radicalization to Violence and Violent Extremism: The Government of Albania provides financial support to the *Albanian Islamic Community (AIC)*, the official administrative body of the Albanian Sunni Muslim community, and actively engages it to discuss radicalization to violence and terrorist recruitment.
- Albania will create a *Centre against Terrorism and Religious Co-Existence* – in order to educate youngsters to become open minded and in an effort to fight/prevent global terrorism.

Albania—Institutional Framework

In the Republic of Albania there are several authorities within the Executive and the Judiciary, which are responsible for the suppression and combating of terrorism.

(i) Executive Institutions

1. *The National Security Council*—an advisory body of the President of the Republic which is responsible for determining plans, goals and objectives concerning security and the armed forces.

2. *The Inter-Ministerial National Coordinating Committee*—created in 2003; to coordinate work among ministries and agencies responsible for the fight against terrorism.

3. *The Ministry of the Interior and the General Police's Office* – responsible for keeping and protecting public order, preventing and investigating, in cooperation with prosecutors, all forms of crime and terrorism. They have within their structure *the Judicial Police and Anti-Terrorist Task Force and Economic Crime Directorate*. They are responsible for coordination, preparation, follow-up, implementation and application (execution) of the protection program on the basis of proposals of the General Attorney and reviews by the Commission (e.g. temporary measures); They also coordinate work with other international institutions and deal with the use of false identities, etc.

4. *The Ministry of Finance, the Money Laundering Prevention Directorate General*—is responsible for coordinating work between financial institutions on the fight against money laundering.

5. Other institutions involved in anti-terrorist activities are the following: *The State Information Service, The Military Intelligence Service, The Customs Service, The Ministry of Justice*.

6. *The Attorney General's Office* –is the institution responsible for the investigation and pre-trial hearing of terrorists. There is a directorate specifically responsible for the fight against organized crime and terrorism within it.

7. *The General Directorate for Prevention of Money Laundering* –is the institution which takes measures for the collection and management of data for persons who are involved in financing of terrorism.

(ii) Judicial Institutions

As for the judiciary, Albanian procedural law provides for different types of courts regarding the main trail in the first instance and an appeal court in matters and acts of terrorism.

- For this purpose, in 2003, *the Serious Crimes Court and the Serious Crimes Appeal Court* were set up in Albania—both are distinct from ‘normal courts’ that operate in the country.

Regional and International Cooperation

General

- Albania is a member of the UN, OSCE, NATO, and the Organization of Islamic Cooperation.
- The Albanian government participated in the Foreign Terrorist Fighters roundtable for Balkan countries hosted by the State Department on the margins of the United Nations General Assembly.
- Albania continues to cooperate closely with the United States and other governments in sharing information and investigating terrorist-related groups and activities.
- Albania chaired the *SEECP (South East Europe Cooperation Process)*' meeting held in Tirana on February 24, 2015 where the Ministers of Foreign Affairs of all the SEECP countries, released a joint statement to unite forces, intensify cooperation and commitment in the fight against terrorism.
- In the fight against terrorism Albania works in close cooperation also with regional and international agencies like the *United Nations Organization, SECI, EUROPOL, INTERPOL* etc.
- Albania continued to be a strong supporter of counterterrorism efforts in 2014 when joined the *Global Coalition to Counter the Islamic State in Iraq and the Levant*.
- In August and December 2014, Albania donated a sizeable amount of weapons and ammunition to Peshmerga forces in northern Iraq. Another donation of some 20 thousands of ammunition has been made by the Albanian authorities in March 2016 in the framework of the Global Coalition against ISIL/Daesh.
- Albania has ratified all 12 *UN International Conventions and Protocols* relating to the fight against terrorism.
- *UN Security Council Resolutions* on terrorism are directly applicable in Albania and considered as part of the domestic legislation.
- Albania is party to a number of bilateral and multilateral treaties in the field of mutual legal assistance in criminal matters and extradition.
- Alongside commitments related to the *Council of Europe, UN* and *OSCE* frameworks, Albania's counter-terrorism portfolio includes engagements in the *NATO* framework, as well as cooperation terrorism-related initiatives of sub-regional partnerships such as the *South-East Cooperation Process (SECI)*, the *Organization of the Black Sea Cooperation (BSEC)*, the *Adriatic and Ionian Initiative (AII)*, the *Central European Initiative (CEI)* and the *South-Eastern European Cooperation Process (SEECP)*.

Detailed: Albania' Co-operation with Key International Organizations **[Defense + Security]**

Taking into account that, in general, all forms of national terrorism are linked to international terrorism, since it is a phenomenon of international dimension, Albania places international co-operation as a primary issue in the fight against terrorism.

1.NATO (North Atlantic Treaty Organization)

- By joining the North Atlantic Organization on 1 April 2009, Albania officially became a fully-fledged NATO member. In this regard, the Republic of Albania has accomplished its most important foreign-policy and security goal.
- In implementation of its political engagement to actively contribute to the fight against terrorism, Albania became in May 2007 an official contributor to *NATO's Active Endeavour Maritime Operation* in the Mediterranean.
- Since 2002, Albania contributes to ISAF operation in Afghanistan, which, though not being a counterterrorism operation in per se, is helping to prevent Afghanistan from becoming a base of international terrorism by assisting the government of Afghanistan in expanding its authority and implementing security.
- NATO HQ Tirana is a key forum for bilateral consultations and advice on the implementation of Albania's security and defence reforms.
- Albania's subscription to the objectives of the *Partnership Action Plan on Defence Institution Building* supports Albania's efforts in ensuring the maintenance of democratic control of the armed forces—by promoting effective judicial oversight, offering appropriate command arrangements and wider consultations.
- Albania's participation in the *PfP Planning and Review Process (PARP)* since 1999 has helped develop the ability of its forces to work with NATO. PARP is a core element of cooperation under the Membership Action Plan. The PARP provides a framework through which Albania can work with the Allies on achieving force interoperability with NATO. Consultations on the modernization of military civilian communications systems, surveillance systems, maritime units, logistics and other areas are ongoing.
- Albania joined the *Operational Capabilities Concept (OCC)* in 2005—a mechanism through which units available for PfP operations can be evaluated and better integrated with NATO forces to increase operational effectiveness.

OSCE¹ (Organization for Security and Co-operation in Europe)¹ Presence in Albania

- Albania participates on a regular basis in events related to counter-terrorism that are organized under the auspices of the *Organization for Security and Cooperation in Europe*.
- Albania welcomes the increased activity by the OSCE and its *Action against Terrorism Unit (ATU)* in this field, especially with regard to discussions on new concepts in counterterrorism, cyber-terrorism, protection of critical infrastructure against terrorist attacks, container-security, and prevention of counterfeiting of travel documents.
- The OSCE through its *Office for Democratic Institutions and Human Rights (ODIHR)* makes a practical contribution to the implementation of UN convention related to terrorism.

Council of Europe

Albania is actively committed to the fight against terrorism in the framework of the Council of Europe and is also a party to the relevant international legal instruments.

- On 6 February 2007, Albania signed and ratified both, (i) *the Council of Europe Convention on Prevention of Terrorism (ETS 196)* and the (ii) *Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198)* and has implemented in national legislation new provisions and laws related to these conventions.
- On 09.09 2011, Albania ratified the *Third Additional Protocol to the European Convention on Extradition (CETS no.209)* (signed on 10.11.2010), which entered into force on 01.05.2012 and;
- On 14.08.2013, Albania also ratified the *Fourth Additional protocol to the European Convention on Extradition (CETS no.212, signed on 20.09.2012)*, that entered into force on 01.06.2014.

United Nations

- Albania has signed and ratified all United Nations Anti-Terrorist Conventions and Protocols relating to terrorism.
- Albania supports the work of the UN Security Council and the obligations which derive from the resolutions of the UN Security Council on the fight against terrorism have been implemented in Albania.

¹ A key goal of the Organization is to promote the international legal anti-terror framework, such as universal anti-terrorism agreements and the United Nations Security Council Resolutions.

- Resolution 2178 (2014) of Security Council “*Threats to International Peace and Security caused by Terrorist Acts*”—Albania welcomed the adoption of the recent resolution of UN, as part of its commitment for maintaining peace and security all over the world.

IAEA (The International Atomic Energy Agency) –in the context of Nuclear Security & Protection against Nuclear Terrorism

- Albania has implemented the *IAEA’s Action Plan on Nuclear Safety* which is aimed at strengthening our national nuclear security regime and improving the radioactive monitoring capacities of the country.
- Albania is committed to do its part in strengthening international co-operation in the field of nuclear security in order to ensure effective prevention, detection, delay and response to security of radioactive materials.

Albania, adopting itself accordingly in the light of Anti-ISIL/Daesh Measures

At present, the greatest threats come from the Middle East and North Africa, where radical groups, such as the so-called Islamic State of Iraq and the Levant (ISIL)/Daesh, pose a grave threat widely across the globe. The Government of Albania is among the first countries to respond to the international effort to counter ISIL, as a challenge which will require a long-term engagement of the international community. In this framework, Albania has been at the forefront of the international effort to stop the flow of foreign fighters in Western Balkan, by taking concrete, legislative, administrative and security measures, adopting specific laws, punishing the act of participating into conflicts and wars in other countries.

- In this framework, the Council of Ministers, approved on 19.08.2014, *the Decision No. 543, about the Contribution for the Government of the Republic of Iraq*, within the efforts of the international coalition for the counter terrorism. Through this decision, Albania Government gave to the Government of the Republic of Iraq about 89,000 pieces of weapons and ammunition of different types (bullets, grenades, shells).
- Additionally, due to this new situation, the Government of Albania has made some essential changes to the Criminal Code, encouraged by the participation of Albanians in Syria and Iraq wars, as foreign fighters. The proposed changes were necessary because the existing law did not include

the actual phenomenon of Albanians that call or organize groups to fight outside the territory of Albania.

- In the amended Albanian Criminal Code, the concept of foreign fighters, which has not been foreseen before in Article 265 (Inciting hatred or strife between nationalities, races and religions), is now provided in Articles 265/a, 265/b, 265/c.
 - ✚ According to Article 265/a, participation in military formations, military or paramilitary organizations in an armed conflict taking place in the territory of a foreign state or the participation in any type of training conducted by these structures, without being a citizen in a foreign country or a member of the armed forces of one of the parties in conflict, is punishable by imprisonment of three to eight years.
 - ✚ When this criminal act is committed with the intent of overthrowing the constitutional order or violation of the territorial integrity of a foreign state, is punishable by imprisonment of five to ten years as defined in article 265/a.
 - ✚ According to Article 265/b, the organization to participate in military action in a foreign country, including: Promoting, recruiting, organizing, directing, training, equipment, creation or use of funds or other assets for financing, material support of persons in any form and manner, aiming to commit the offense provided by Article 265/a, is punishable by imprisonment of eight to fifteen years.
 - ✚ The call for participation in violent military action in a foreign country is punishable by imprisonment up to three years.

- The creation of *Counter-Terrorism Directorate*, as part of the Albanian State Police, extended in 12 regions, by the Ministry of Interior on 17.10.2014. This new structure replaced the Counter Terrorism Sector within the Directorate for Serious Crimes of the Department of Criminal Investigations.

[Noting the continued threat to international peace and security posed by terrorism, in accordance with the obligations under international law, the new structure will strengthen the national counter terrorism efforts and capacities, to combat by all means, the new threats posed especially by foreign terrorist fighters.]

International Agreements and Conventions

In conformity with *Article 122 of the Albanian Constitution*, any international agreement that has been ratified constitutes part of the internal legal system. Furthermore, an international agreement that has been ratified by law has precedence over national laws that are not compatible with it.

-*Convention on the Prevention of Terrorism*—constitutes a solid base and a very important legal instrument in the fight against terrorism. The purpose of the ratification of this Convention by the Albanian government is boosting efforts of the Albanian state in preventing terrorism and its negative effects on the full enjoyment of human rights, particularly the right to life, through measures taken both nationally and in the framework of international cooperation

- *International Convention for Combating the Financing of Terrorism*— another act adopted by Albania, which aims the prevention and counteraction, through appropriate measures by the Albanian state, toward financing of terrorists and terrorist organizations. Following the ratification of this Convention, many other

Relevant Council of Europe conventions – Albania	Signed	Ratified
Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism [CETS No. 198]	22.12.2005	01.05.2008
Council of Europe Convention on the Prevention of Terrorism [CETS No. 196]	22.12.2005	01.06.2007
Convention on Cybercrime [ETS No. 185]	23.11.2001	01.07.2004
Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems [ETS No. 189]	26.05.2003	26.11.2004
Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime [ETS No. 141]	04.04.2000	01.02.2002
European Convention on the Compensation of Victims of Violent Crimes [ETS No. 116]	09.10.2003	01.03.2005
European Convention on the Suppression of Terrorism [ETS No. 90]	04.02.2000	21.09.2000
Protocol amending the European Convention on the Suppression of Terrorism [ETS No. 190]	09.10.2003	15.11.2004
European Convention on the Transfer of Proceedings in Criminal Matters [ETS No. 73]	19.05.1998	04.04.2000
European Convention on Mutual Assistance in Criminal Matters [ETS No. 30]	19.05.1998	04.04.2000
Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 99]	19.05.1998	04.04.2000
Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters [ETS No. 182]	13.11.2001	20.06.2002
European Convention on Extradition [ETS No. 24]	19.05.1998	19.05.1998
Additional Protocol to the European Convention on Extradition [ETS No. 86]	19.05.1998	19.05.1998
Second Additional Protocol to the European Convention on Extradition [ETS No. 98]	19.05.1998	19.05.1998
Third Additional Protocol to the European Convention on Extradition [CETS No. 209]	10.11.2010	09.09.2011
Fourth Additional Protocol to the European Convention on Extradition [CETS No. 212]	20.09.2012	14.08.2013

Relevant United Nations conventions – Albania	Signed	Ratified
Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963)		1.03.1998
Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, 1970)		21.10.1997 a.
Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971)		21.10.1997 a.
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, 1988)		29.05.2002
Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973)		22.01.2002 a.
International Convention against the Taking of Hostages (New York, 1979)		22.01.2002 a.
Convention on the Physical Protection of Nuclear Material (Vienna, 1979)		04.04.2002 a.
Amendment to the Convention on the Physical Protection of Nuclear Material (Vienna, 2005)		26.04.2013 (date of deposit) r.
Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988)		17.09.2002 a.
2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (London, 2005)	No	
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988)		17.09.2002 a.
2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (London, 2005)	No	
Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991)		19.12.2004 a
International Convention for the Suppression of Terrorist Bombings (New York, 1997)		22.01.2002 a.
International Convention for the Suppression of the Financing of Terrorism (New York, 1999)	18.12.2001	10.04.2002
International Convention for the Suppression of the Financing of Terrorism (New York, 1999)	18.12.2001	10.04.2002
International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 2005)	23.11.2005	

Albania—Countering the Financing of Terrorism:

- The *Albanian Financial Intelligence Unit (FIU)* is a member of the Egmont Group.
- Albania is also a member of the *Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)*, a Financial Action Task Force (FATF)-style regional body.
- Albania has adopted measures against persons and organizations listed by the UN as financiers of terrorism, and it has established a preventive anti-money laundering/combating the financing of terrorism (AML/CFT) system

that includes extended due diligence and the obligation to file suspicious transaction reports and currency transaction reports.

- The FATF currently lists Albania on its list of High Risk and Non-Cooperative Jurisdictions. Since June 2012, Albania has been working with FATF and MONEYVAL to address the identified weaknesses in AML/CFT.
- In 2013, Albania adopted a new law against financing terrorism to comply with the FATF and MONEYVAL' recommendations and since, it has focused on its implementation. In 2014, this resulted in the confiscation of approximately 10 million Euros (approximately US \$11,189,000), a large increase from the 213,000 Euros (approximately US \$241,712) confiscated in 2013.

Albania in Combating Terrorism: Challenges and Weaknesses

- While Albanian law enforcement actively detects and deters illicit activities related to drugs and smuggling, it has not taken an equally aggressive approach to countering potential terrorist threats. With concern about terrorism increasing in connection with foreign terrorist fighters, however, the Albanian State Police announced plans in October 2014 to expand substantially its Counter-Terrorism Unit. A significant effort will likely be needed to equip and train the Unit sufficiently to achieve the necessary level of capacity to counter terrorism effectively.
- Albania does not have the capacity to collect biometric data other than that contained on biometric identity cards and passports presented at border crossing points. The Department of Justice's International Criminal Investigative Training Assistance Program (ICITAP), funded by the Department of State, provided a new information technology module to the Albanian government which gives it the capacity to incorporate online fingerprint identification functions, and is in the process of providing fingerprint scanning equipment to equip all 26 border crossing points. The border control module will allow Albanians to collect entry and exit information of international travelers.

Endnotes

ⁱ This law is in full compliance with international standards and provides for the coordination among all state institutions, bank sector, insurance companies, gambling or games entities of casinos or private companies, etc. that deal with money transactions, the movable and immovable assets in the territory of Albania, carried to this territory or only in transit.

ⁱⁱ This law is in full compliance with international standards and provides for the coordination among all state institutions, bank sector, insurance companies, gambling or games entities of casinos or private companies, etc.

that deal with money transactions, the movable and immovable assets in the territory of Albania, carried to this territory or only in transit.

ⁱⁱⁱ http://www.qbz.gov.al/botime/fletore_zyrtare/2013/PDF-2013/142-2013.pdf

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