**Albania’s Institutions response for the Report to the General Assembly on torture-free trade: examining the feasibility, scope and parameters for possible common international standards.**

*1.What are the regional and/or national instrumments or policies guiding your country for the regulation of trade in goods used for a) capital punishment b) torture or other cruel, inhuman or degrading treatment or punishment? Please provide examples. Which governrnent department/agency is responsible for monitoring the implementation of such regulations/policies, if any?*

Currently there is no legal or sub-legal act (law or regulation / DCM) to determine / regulate the prevention and prohibition of the production, export, import of goods / items / means used for capital punishment, torture, ill-treatment or other cruel / inhuman and humiliating punishment.

The state police as an implementing law institution whose mission is: "Maintaining public order and security, guaranteeing the implementation of the law, in accordance with the Constitution and international acts, respecting human rights and freedoms", has under administration and we use weapons, tools and equipment for the use of force which are known by law.

In Article 99 of Law no. 108/2014 Amended “On the State Police” stipulates that: “A police officer has the right to carry a weapon. The types of weapons, neuro-paralyzing substances and other means of use of force by the police are determined by a decision of the Council of Ministers ”.

In pursuance of this obligation has been drafted and adopted Decision no. 293, dated 08.04.2015 "On the approval of the types of weapons, neuro-paralyzing substances and other means of using force by the State Police".

In this DCM, the list of tools / equipment administered by the State Police is defined, as: firearms for individual and collective use; special weapons, ammunition, lacrimogenic / irritating substances; protective equipment / tools and the use of force for individual and collective use.

In order to use the means / equipment in accordance with the law and only to achieve a legitimate goal and respect and guarantee fundamental human rights and freedoms, the State Police has approved and implemented the Standard Procedure of the State Police. for their use, such as: standard procedures for the use of firearms; rubber stick; binding cuffs; the use of force and the reporting of its use; use of lacrimogenic and neuroparalizing substances; securing arrested / detained persons; escorting persons to the premises of the State Police, etc.

Decision of the Council of Ministers no. 471 dated 06.05.2009 "On the approval of the types of weapons and the manner of their use by the prison police" and Order no. 6596/1 dated 24.08.2009 of the Minister of Justice “On the approval of means and equipment in use by the Prison Police”

The above means can be procured through tendering procedures according to the legal provisions approved by the Albanian Government for licensed firms. The General Directorate of Prisons does not carry out any licensed import-export activity, but provides them through competition procedures and operators participating in them.

The technical specifications of the means are determined by the General Directorate of Prisons in accordance with the legal provisions and international acts for the means allowed for use in the prison system.

*3. Do you agree with the proposed categorization of goods used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment indicated in paragraph 8 of the introduction to this questionaire (see above)? If not, which categories would you propose?*

We agree with the categorization of goods / means used for capital punishment, torture or other cruel, inhuman or degrading treatment / punishment.

In the list of goods / tools used for capital punishment, torture or other cruel, inhuman or degrading treatment / punishment, we suggest that the following goods / tools be added:

* guillotine.
* Curved and sharp swords used for capital punishment (beheading).
* Handcuffs for restricting human beings, designed to anchor on a wall, floor or ceiling.
* Restrictive chairs, fitted with handcuffs or other devices to restrain a human being.
* Wooden or iron tables / skeletons and beds equipped with handcuffs or other devices to restrain and keep a human being connected.
* Shield with sharp metal rivets.
* Stick / rod of iron, wood or other material that has pins or sharp spikes fixed to its length.
* scourge for torturing.
* handcuffs (used for torture by the German army during World War II and by totalitarian / communist regimes).

*4. Please indicate whether you believe there should be an exhaustive list of goods under each category. If yes, should there be a mechanism for regular updating of the lists under each category?*

Yes, we suggest that the list of goods under each category should be an exhaustive one, which also should be updated on regular basis by dedicated mechanism. That would make easier the evaluation and monitoring process of implementation of these standards.

*5. Should the proposed common international standards prohibit trade in goods which have no practical use other than for the purpose of capital punishment or torture or other cruel, inhuman or degrading treatment or punishment? If not, please provide further explanations.*

Yes, the trade in goods which have no practical use other than for the purpose of capital punishment or torture or other cruel, inhuman or degrading treatment or punishment should be prohibited by the proposed international standards.

*6. Should the proposed common international standards provide for strict control of trade in goods that could be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment and goods that could be used for the purpose of capital puinishment? If not, please provide justification.*

Yes, these standards should provide strict control of trades in goods that could be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment and goods that could be used for the purpose of capital punishment

*7. What types of activities linked to "import, export and transfer" should the proposed common international standards regulate? Please consider activities such as transit, promotion, technical assistance and training, brokering, sharing technology.*

Likewise, we think that the rules for the identification / registration, storage, administration, transit (transfer from one state to another) of some of the goods / means used for capital punishment, torture or other cruel treatment / inhumane or humiliating punishment should be regulated and defined, by entities registered and provided with the relevant permit / authorization for the purpose of organizing and presenting these tools in exhibitions or their storage in museums.