

**REPUBLIC OF ALBANIA  
THE PARLIAMENT**

**LAW**

NR. 8290 date 24.02.1998

**ON THE USE OF FIREARMS**

According to the article 16 of the law NR. 7491, date 29.04.1991 "On the principal Constitutional dispositions", by proposal of the Council of Ministers

**The Parliament  
Of the Republic of Albania  
Has decided:**

**Article 1**

**The firearm is used as an extreme mean in order to stop or paralyze the illegal actions of the person or persons mentioned in this law, when the other means didn't give any result or when it is clear that their use will not be successful.**

**Article 2**

**The Armed Forces of the Republic of Albania, the other armed police forces created by law, not included in the Armed Forces, and the civil armed guards as well, they can use the firearm in order to protect life, rights and interests of themselves or another one from an unfair, true, casual assault at condition that the defensive character could be in proportion with the dangerousness of the assault (in conditions of self defense), and they are asked to face a real and casual danger, that threat him, another person or their property from a damage, at condition that the threat is not provoked by him self or the damage shouldn't be higher that the damage pushed (at condition of extreme need).**

**Article 3**

**The Armed Forces and other forces that are not part of it, but according to the laws are organically equipped with arm in aim to perform their duties, they can use their firearms especially in these conditions:**

## 1. From the Ministry of Interior's Police Forces

### a) Border Police

- When the borders of the Republic of Albania are assaulted from foreign military forces and from armed groups inside or outside the borders. In such cases they can use the firearm only by order of the superior commander.
- When they themselves or particular citizens are assaulted from groups or persons armed
- When, with other means or ways they can't accomplish their duty of State borders protection from border violators inside or outside of it and other cases when there are information that a grave crime is going to be committed against the State, live, health or against the property.
- Against the citizens who robe principal aerial, navigable and railways transport means.

The above mentioned cases have the same value for the persons who are helping the Border Police Forces.

### b) Public Order Police

- When there is a grave crime committed, terror, destruction or damage of the State property, public or private, with fire, explosive, firearms or other dangerous means, murder, robbery or theft of banks or buildings with big potential of art master-pieces and cultural materials, of cars transporting monetary values or important materials, and in case of violation committed by a group of people or kidnapping of a person, mentioned in the Penal Code.
- When there is a crime with firearms or other arms, explosive or toxic substances, with means which can't be controlled in movement.
- When there is a person that has committed a crime or is committing a heavy crime and tries to escape to the detention or the arrest.
- When condemned, detained, arrested persons try to escape from the prison, detention rooms or from places that they are supposed to be escorted, or from the means that transport them.
- When different persons with arms or by violence, try to release the prisoners or the detained from their detention rooms or the prison, from places that they are supposed to be escorted
- When different persons try to break through by violence or using arms, areas restricted by Police or roadblocks of the Public Order Police.
- When the forces of the Public Order or a third part, their premises as well, are assaulted with arms or other means, dangerous for the life and in concrete circumstances the assault can't be repealed with other means.

## 2. From the Ministry of Defense's Forces (except the cases connected with the direct fulfillment of the mission of entire territory of Republic of Albania protection)

- When armed persons or by other means equipped, try to enter by force in the military restricted zones protected.
- From military people inside the territory of a premise, when this premise is assaulted by armed persons or they try to destroy or robe it.

### **3. From the civil armed guards**

- **When different persons try to enter by force or by cars in restricted zones or in particular importance facilities defined by provisions, or facilities under protection**

#### **Article 4**

**The employees of the National Intelligent Service or other legal Police Forces that are not members of the Armed Forces but are equipped with firearms, may use their firearms according the conditions mentioned in the letter "b" of the Article 3.**

#### **Article 5**

**The firearms can't be used:**

- a) **Against the persons which appear to be minors (children, women and old people)**
- b) **In public areas, were there are meetings or gathering of people and life of others is in danger.**

**In these cases the firearms can be used only against people that are committing clear violence acts against another one or the property which consist in severe law violation, and the use of other restrictive measures didn't provide the needed result.**

#### **Article 6**

**With the interruption, breaking, ending of the attack or the giving up of the adversary, the use of firearms must be finished.**

#### **Article 7**

**Before the use of firearms against other people, they must be warned clearly and loudly.**

**When there is a person, who doesn't obey to an order and try to escape or react, the firearm is used but aiming the legs.**

**When circumstances can't allow the fulfillment of the above measures, the firearms may be used without any warning.**

#### **Article 8**

**When the Armed Forces or other Police Forces, that are not members of the Armed Forces and armed guards, use firearms in contradiction of the rules of this law, are responsible as the Penal Code terms.**

## Article 9

The Ministry of Interior, Ministry of Defense and National Intelligent Service are charged to make the provisions in the base and to enforce this law.

## Article 10

The decree No. 7449, date 5.1.1991 and every provision contradicting this law are not anymore valuable.

## Article 11

This law comes into power by its decrement by the President of the Republic

**CHAIRMAN**  
**Skender GJINUSHI**