

The legal-criminal aspects of terrorism under the Criminal Code of the Republic of Kosovo and Republic of Macedonia

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Abstract

The activities by various terrorism groups and individuals over the last decades are undoubtedly the main security challenge for many Western states. In the past decades, the target of terrorist attacks were usually senior state officials such as ministers, diplomats, senior military etc, whereby extremist and terrorist groups, by targeting such people tried to put pressure on legal governments of different states and other international factors so that they could achieve their goals, whether political, ideological, religious, financial, criminal, and so on. But after the 70s of the last century, the operational tactics of extremist and terrorist groups have changed drastically, because it is no longer necessary to attack state officials, but rather the target of terrorist attacks are now ordinary citizens.

Advancement in methods such as suicide attacks, car-bombs and other methods have made it more difficult for law enforcement to perform their key duty of protecting citizens, as well as to investigate, arrest and punish perpetrators. The use of improvised explosive devices when conducting a violent terrorist act causes large panic among citizens, and destroys material evidence, thus making the work of law enforcement agencies more difficult.

The goal of the terrorists, who conduct such attacks, is the great attention that the media pay to such acts. In order for the various states to be as ready as possible to combat extremism, radicalism and international terrorism, a great deal of cooperation is needed, initially within the various agencies of a state, and then also between different states. The joint operations in the arrest of leaders of extremist and terrorist groups have shown that this cooperation is indispensable.

The phenomenon of violent extremism that leads to terrorism in Kosovo is an integral part of general criminality, and due to the lack of proper study and treatment, is also causing consequences to our society. With a comprehensive legislative framework for combating violent extremism (LVE) leading to terrorism, in 2016, Kosovo expanded its legislative framework needed to counter new challenges in relation to LVE.

The subject of this study is the phenomenon of violent extremism and terrorism in Kosovo, thus focusing on that part of the legislation which mainly deals with Violent Extremism leading to Terrorism, and then elaborating the history, definitions and application of the measures taken by the Government of the Republic of Kosovo as well as the criminal legislation of R. Macedonia in this area.

Keywords: Kosovo, Macedonia, extremism, legislation, measures, terrorism.

Terrorism background and definition

Terrorism, manifested in various forms, has existed throughout history and in different types of political ideologies. The word terrorism has as many definitions as there are organizations and terrorist groups. This term has a different

meaning for different people, and efforts to properly define this term have faced difficulties. But the main purpose of finding a more comprehensive definition of terrorism is to distinguish it from other forms of violence, whether used by the state and its representatives, or by individuals, terrorist groups, but also by groups of other insurgent or criminals. Terrorism is a thousand years old technique used by different groups, where the most acute concern of today's governments is the groups that are currently active. Terrorist groups have adapted to the changing circumstances. During the Cold War, terrorist groups had the support of the Soviets, the United States of America or their respective allies.

Today there is no competitive military superpower and open support to terrorist groups can produce one massive military response as was the case of the fight against the Talibans¹ regime in Afghanistan. In response, the terrorist organizations have developed networks that provide mutual assistance to one another. Groups like Al-Qaeda have already established structures that resemble, in some aspects, to those of multinational criminal networks. Terrorist groups have created links with criminal organizations, especially those involved in the drugs market. Terrorists and drug cartels take advantage of weak governments, which have it very difficult to stop their activities. These international networks, which are in fact very loosely tied, can be very difficult to attack and defeated.

The term 'terrorism' is presented and interpreted in various forms. The word "terrorism" itself is a synthesis of the Latin word for terror and a Latin suffix of Greek origin "izm". The terror word has its roots in the verb "tras" which means vibration. It is encountered in the Greek words "ipe", in the Persian word "tresidan", the Latin "ters", the pelagian "dark" ... which means the deep and complete darkness, the world without light, but also the horror, the sadness, the cause of fear and vibration; from political violence, to the physical destruction of the opponent.² So we can conclude that the term terrorism is derived from the Latin word "terror" which means fear. Hence, terrorism, in the broadest sense, is the use of violence or intimidation in order to cause fear and insecurity to individuals or groups of citizens.³

The most effective definitions of terrorism include three factors: its essence (violence or threat to use violence); its target (civilians and persons who do not participate in combat operations); and its purpose (to win or hold some form of political power by installing fear and forcing some political and social changes violently).

With terrorist acts are understood those violent and unlawful acts or actions against the life and health of people, their liberty, which are crimes committed purposefully.⁴

Terrorism is defined as a systematic and organized violence against the passive subject, to which a feeling of insecurity and fear is caused or created, with the intent of his political subordination or in order to make the passive subject distrust the existing social regime, the political power of terrorists is created through exploitation and submission. At the same time, by exerting such violence, they influence over the

¹ Alan Collins, *Contemporary Security Studies*, translated by Enri Hide, Published by UET Press, Tirana, page 363).

² Dr. Boaz Ganor, "Defining Terrorism: Is one man's terrorist another man's freedom fighter?", International Policy Institute of Counter-Terrorism, Herzlyia Israel, 24 September, page 6.

³ Dr. Ismet Salihu, *Criminal Law*, Fama College, Pristine 2014, page 61.

⁴ Ismet Elezi, "E drejta Penale, Pjesa e Posaçme", Tirana Edition, p. 370.

political powers, making them subject to certain political concessions.⁵

In the social aspect, terrorism is interpreted as a direct and organized use of violence, mainly by groups and organizations that are willing to perform such acts, including assassinations, killings, hostage taking, in order to impose their will on the state and society, provoke psychic terror to a wider extent, causing the complex personal and collective fear, insecurity, distress, and apathy.⁶

But the main problem, which has directly affected the finding of an adequate definition of terrorism, is the fact that no definition, regardless of how comprehensive it is, can include all forms of terrorism, because the forms of terrorism have historically evolved through changes in tactics, tools used and attack targets. The United Nations has also failed to lay down a definition that would be applicable for all states of this organization, despite numerous and ongoing efforts.

The geo-strategic interests and the declared and undeclared alliances between states have also caused disagreements over the definition of terrorism because what is a terrorist organization, a terrorist group or a terrorist act for the United States of America and its allies does not constitute a terrorist organization, group or act for Russia and her allies, and vice versa. A concrete example emerging in this inconsistency is the "Hamas", which is regarded by the US as a terrorist organization, while Russia considered "Hamas" a political movement, or the Kosovo Liberation Army (KLA) which was and still is considered a terrorist organization by Russia, on the side other, the United States and other states considered KLA as a liberation movement, and they have been strongly supported. The rule "one man`s terrorist another man`s freedom fighter " is still present.

There are differences in the definition of terrorism even within the organizations and institutions of a country that deals with the fight against terrorism. In the United States, depending on the form and level at which a state institution deals with the fight against terrorism, there are different definitions.

The US Department of State for its own needs and purposes has modified a definition according to which: "Terrorism is a deliberate act of violence, politically motivated, against non-combatant personnel (non-combatants), who are clandestine (illegal) groups or individuals, usually in order to influence the public (audience)".⁷

The Federal Bureau of Investigation (FBI) considers that: "Terrorism is an unlawful act of using force or violence against citizens or property to prevent or coerce the government, the civilian population, or any of its segments, in order to achieve their political or social goals".⁸

The Federal Bureau of Investigation (FBI) considers that: "Terrorism is an unlawful

⁵ Sreten Kovacevic, "Terorizam i Jugoslavia", Beograd 1992, Faqe 8, quoted by Haki DEMOLLI, "Terrorizmi", Prishtina 2002, page 7.

⁶ Shkodrani A., "Terrorizmi dhe shërbimet sekrete", Tirana 2010, page 26, quoted by V. Latifi, I. Elezi, V. Hysi: Politika e Luftimit të Kriminalitetit", Juridica Prishtina 2012, page 141.

⁷ Nick Pratt, "Terrorism; History & Causes, Yesterday", page 6, PTSS 10-3, Specific Features Of Terrorism: UK, "European Centre For Security Studies", "George C. Marshall", Garmish- Partenkirchen, Gjermani.

⁸ Nick Pratt, "Terrorism; History & Causes, Yesterday", page 7, PTSS 10-3, Specific Features Of Terrorism: UK, "European Centre For Security Studies", "George C. Marshall", Garmish- Partenkirchen, Gjermani.

act of using force or violence against citizens or property to prevent or coerce the government, the civilian population, or any of its segments, in order to achieve their political or social goals.⁹

In cases where a state institution exercises terrorist acts against a part of its citizens, as were the actions of the state of Serbia against Kosovo Albanians during the 1990-1999, this would be considered terror or state terrorism. Nevertheless, in the circumstances when the same state institutions (or any other institution) exercises violence and commits terrorist acts against another state or to the citizens of that state anywhere in the world, then we would have another situation and this would no longer be state terror, but terrorism exercised against another state.

Finally, we can conclude that terrorism is an act of using violence or threatening to use serious violence against citizens, state institutions or their representatives and representatives of foreign states, violence that causes consequences on people and property and which intimidates citizens, forces institutions to act or not to act on a particular issue, so that political, ideological, religious and financial goals can be achieved.

Definition of terrorism under the Criminal Code of Kosovo

The Criminal Code of Kosovo, which entered into force on 01.01.2013, has advanced significantly compared to preliminary code regarding the regulation of articles with which different acts are considered criminal offenses. In the article 135, "Definitions of Terrorism Provisions" for the purposes of Articles 121-145, paragraph 1, quite comprehensively defines terrorism as a criminal offense. According to this article, Terrorism, act of terrorism or terrorist offense - implies the commission of one or more of the following criminal offenses with an intent to seriously intimidate a population, to unduly compel a public entity, government or international organization to do or abstain from doing any act, or to seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of the Republic of Kosovo, another State or an international organization:¹⁰

- 1.1. murder or Aggravated murder in violation of Articles 178 and 179 of this Code;
- 1.2. inciting or assisting suicide in violation of Article 183 of this Code;
- 1.3. assault, Assault with Light Bodily Injury and Assault with Grievous Bodily Injury in violation of Articles 187-189 of this Code;
- 1.4. sexual offenses in violation of Articles 230-232, 235-239 or 241 of this Code;
- 1.5. hostage-Taking, Kidnapping or Unlawful Deprivation of Liberty in violation of Articles 175, 194 or 196 of this Code;
- 1.6. pollution of drinking water or, food products; or pollution or destruction of the environment in violation of Article 270 and Chapter 27 of this Code;
- 1.7. causing general danger, arson or reckless burning or exploding in violation of Articles 334 or 365 of this Code;

⁹ Nick Pratt, "Terrorism; History & Causes, Yesterday", page 6, PTSS 10-3, Specific Features Of Terrorism: UK, "European Centre For Security Studies", "George C. Marshall", Garmish- Partenkirchen, Gjermani.

¹⁰ Criminal Code of Kosovo, Article 135, paragraph 1.

- 1.8. destroying, damaging or removing public installations or endangering public traffic in violation of Articles 129, 366, 378 or 380 of this Code;
- 1.9. unauthorized supply, transport, production, exchange or sale of weapons, explosives or nuclear, biological or chemical weapons in violation of Articles 176, 369 or 372-377 of this Code;
- 1.10. unauthorized acquisition, ownership, control, possession or use of weapons, explosives, or nuclear, biological or chemical weapons, or research into or development of biological or chemical weapons in violation of Articles 176, 369 or 372-377 of this Code;
- 1.11. endangering internationally protected persons in violation of Article 173 of this Code;
- 1.12. endangering United Nations and associated personnel in violation of Article 174 of this Code;
- 1.13. hijacking aircraft or unlawful seizure of aircraft in violation of Article 164 of this Code, or hijacking other means of public or goods transportation;
- 1.14. endangering civil aviation safety in violation of Article 165 of this Code;
- 1.15. hijacking ships or endangering maritime navigation safety in violation of Article 166 of this Code;
- 1.16. endangering the safety of fixed platforms located on the continental shelf in violation of Article 167 of this Code;
- 1.17. un-authorized appropriation, use, transfer or disposal of nuclear materials in violation of Article 176 of this Code;
- 1.18. threats to use or to commit theft or robbery of nuclear materials in violation of Article 177 of this Code; or
- 1.19. threatening to commit any of the acts listed in sub-paragraphs 1.1 to 1.18 of this paragraph.¹¹

In this paragraph of the Criminal Code of Kosovo are summarized 68 criminal acts and the threat to commit any of them, which are considered terrorist acts if committed for terrorist purposes.

All these criminal offenses are individually sanctioned in the Criminal Code of Kosovo, in different chapters and are subject to special sanctions, but in this article (135), as mentioned above, these actions are sanctioned if a criminal act has been committed which, by the target, purpose and other characteristics can be considered a criminal offense of terrorism. In cases where one or more of the abovementioned acts are carried out in order to intimidate the population for the purpose of improper imposition of the institutions to act or not to act on a particular matter or to destabilize or destroy state structures in all or part of the state, then such offenses shall be considered as terrorist offenses. Otherwise, if these objectives are missing or the act is committed for other purposes, the perpetrator will be responsible for that specific offense and not for the act of terrorism.

The Kosovo Criminal Code contains three essential elements for an act to be considered a terrorist offense. In order for a criminal offence to be considered terrorism, any act should be cumulative and contain these elements or otherwise the lack of one of such elements shall constitute an offence of a different nature, but not a terrorist offence.

¹¹ Dr. Ismet Salihu, "E drejta Penale, Pjesa e Posaçme", Fama College, Prishtina 2014, page 58-60.

Committing an act with the purpose to seriously intimidate a population, to unduly compel a public entity government or international organization to do or abstain from doing any act, or to seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of the Republic of Kosovo, another State or an international organization is considered terrorism.

a) Funds

In Article 135, paragraph 2, the legislator has made the authentic interpretation of the meaning of the term "funds" leaving no room and opportunity for interpretation by law enforcement authorities because authentic interpretation obliges courts and other bodies to enforce the law as interpreted by the legislator. The term "**funds**" includes assets of any kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evincing title to or interest in such assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, and letters of credit.¹² So any person who collects such funds and which in any form will be used for terrorist activities would be performing the criminal offense.

b) Financial Resources

The term "**financial resources**" - includes, but is not limited to, lodging, safe houses, false documentation or identification, financial services, facilities, personnel, weapons, means of transportation, communications equipment and other physical assets, except necessary medicine.¹³

c) Terrorist group - Article 135, paragraph 5 defines the "**terrorist group**" as a structured group of more than two persons, established over a period of time and acting in concert to commit terrorism. A structured group is a group that is not randomly formed for the immediate commission of an offense and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure

d) Performing terrorist actions

e) The manner, means and actions with which a terrorist act is committed are numerous. To be considered as a terrorist offense, any offense committed pursuant to Article 135, paragraph 1 of the CCK, must be carried out with the following aims: **a)** For the purpose to seriously intimidate a population; **b).** to unduly compel a public entity, government or international organization to do or abstain from doing any act; **c)** to seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of the Republic of Kosovo, another State or an international organization.¹⁴ *An active subject committing* a terrorist offense can be any person (delicta comunia). These actions are usually carried out in co-perpetration by an individual structured in terrorist groups, although in some cases these acts are carried out by single individuals, who in American literature are known as "Lonely Wolves". Such cases are rare, but cannot be said to have never happened. In 1995 Timoty McWigh, a US-based right-wing sympathizer,

¹² Criminal Code of Kosovo, Article 135, paragraph 2.

¹³ Criminal Code of Kosovo, Article 135, paragraph 3.

¹⁴ Commentary of the Criminal Code of the Republic of Kosovo, Prishtina 2014, Edition I, page 391, Ismet Salihu, Hilmi Zhitija, Fejzullah Hasani.

parked a truck full of explosives in front of the FBI building in Oklahoma City, and then 166 people died from the explosion,¹⁵ and up to the attack of September 11, 2001 in New York and Washington as the largest terrorist attack on US soil. *As a passive subject* or as a victim of terrorist offenses, a wider range of persons is presented. Diplomatic Representatives, Police and Army Officers, Justice System Personnel, Businessmen, and journalists who contradict terrorist groups, clerics, rivals from other groups, innocent citizens (civilians), and other groups of people are victims of terrorist acts.

f) Assistance in terrorism

g) Article 137 of the CCK (Assistance in Terrorism), in paragraphs 1-3, has incriminated cases when a person does not report the preparation or commission of a terrorist act, does not report the perpetrator of the terrorist act or the case when a person after the commission of a terrorist act helps the perpetrator or offender to avoid arrests by law enforcement agencies or, after commissioning, helps the perpetrator by providing funds or other resources. The terms "funds" and "financial resources" as set out in Article 135, paragraphs 2 and 3 are explained above. Although the aid and its types are defined in Article 33 of the CCK, in this article the abovementioned acts and omissions are considered as aid in the commission of the offense of terrorism. Aid is an undertaking of actions by which a person intentionally helps another to commit a criminal offense. Aid actions are outside the performance of an act whereby the aide only helps the perpetrator to perform the offense while he or she does not participate, and those acts of assistance make a contribution to the commission of the offense.¹⁶ Assistance as a form of criminal co-operation can be provided as physical and psychological aid and in any case, for each criminal offense, assistance to commit the offence is punishable by law.

Facilitating the acts of terrorism

It is a very specific criminal offense that includes some very specific situations which, although similar to the assistance foreseen under Article 137 of the CCK, have some essential differences. This distinction consists in the fact that the acts of facilitation for the purpose of terrorism, as opposed to assistance, apart from being more specific, are different to the act of assistance and is softer and more sophisticated.¹⁷

In this article there are many elements of terrorism financing, which many states in their Criminal Codes have foreseen as a separate criminal offense. Albania has done the same, whereby Article 230/ad in its Penal Code has foreseen many actions that are considered to serve the financing of terrorism.

The first form of committing this offense is considered to be when "anyone who, in any way, directly or indirectly provides, solicits, collects or conceals funds or other material means with the intent or knowing that they will be used, in whole or in part, for or from a terrorist group or for committing a terrorist offense".¹⁸

¹⁵ Associated Press. June 20, 2001, "Victims of Oklahoma City Bombings".

¹⁶ Dr Ismet Salihu, "E Drejta Penale, Pjesa e Përgjithshme", Prishtina 2012, page 397.

¹⁷ Ibidem, page 67.

¹⁸ Criminal Code of Kosovo, Article 138, paragraph 1.

The second form of this offense (paragraph 2) is a special type of assistance to the perpetrator of the crime after the commission of the offense, and the distinction from the first form consists in the fact that the perpetrator is not assisted to conceal the offense from the justice bodies, but is only provided with funds or other material means for him to exist even after the commission of terrorist offenses. This second form of facilitation can only be carried out in a direct way and the foreseen punishment is from 2 to 15 years.¹⁹

The main difference, even contradictory, between Article 138 of the CCK and Article 36B of the Law on the Prevention of Money Laundering and Financing of Terrorism (LPMLFT) is the severity of the punishment because according to KPC the perpetrator of this offense is sentenced from 5 to 15 years of imprisonment, while the law on terrorist financing provides for a sentence of 7 to 20 years. Here is a situation in which some basic principles of law are contradicted, but we consider that, having regard to the principle of "lex specialis derogat generale generale" in the case of commission of a criminal offense of financing terrorist, the provision of the LPMLFT of Kosovo should be applied.

Regarding the financing of terrorism and the international obligation of states to cooperate among them, the UN Resolution 1373 of 28 September 2001 was adopted. According to this resolution, adopted only a few days after the attacks that took place on 11th of September 2001, states are obliged to prevent financing of terrorism; criminalize (foresee as a criminal offense) the collection of funds for terrorism purposes; freeze the financial assets of anyone who participates or facilitates terrorism, and take the necessary steps to prevent its own citizens or other persons from creating or collecting funds, materials or any other direct or indirect assistance that may be used to commit terrorist acts.²⁰

Recruitment for terrorism

Terrorist groups attach great importance to the issue of recruiting new members, because the future of the group itself depends from the recruitment process. Recruitment is usually done through the media but also through direct contacts. Forms of recruitment are many, but one of the most efficient and widely used forms is recruiting by performing terrorist attacks where sympathizers are persuaded of the power of the group, and when state bodies undertake acts of brutal use of force. Usually, certain persons are recruited from poor neighbourhoods, schools, prisons, religious or cultural communities. Recruiters usually target people who have specific skills and knowledge in a particular area, such as skills in the use of weapons, knowledge in building explosive devices, use of electronic equipment, knowledge in the field of finance, chemistry, technology, or other fields that are useful. A recruited person means a person who has gone beyond the simple fact of having received terrorist messages, who has been indoctrinated by these messages and has become a member of the organization by passing the preliminary assessment from the recruiter who ascertains that he or she is "matured" and "ready" to join the

¹⁹ Ibidem, page 68.

²⁰UNSC Resolution 1373, Article 1 paragraph a,b,c,d.

terrorist group.²¹

The Criminal Code of Kosovo in Article 139 envisaged a punishment by 5 to 15 years for the criminal offense of recruitment for terrorism. Recruitment to commit terrorist acts is a kind of specific action in the spectrum of all kinds of terrorist offenses. The term recruitment in the sense of this incrimination, envisaged in the provision above, implies the following actions: a) calling or encouraging another person to become a member, to join the terrorist group; b) when anyone is called to participate in the commission of a terrorist act; c) When invoked to participate in the activities of the terrorist group; d) when it is invoked to provide funds or material resources that will be used to commit terrorist acts or other terrorist activities.²²

The perpetrator of this act can be any person who calls other persons to participate in terrorist activities, collecting funds or material goods. This act is done only by means of direct intent.

Training for terrorism

Following the successful recruitment of new members, it is essential that they be trained in general or specific areas related to the use of weapons, devising and installation of improvised explosive devices, combat techniques, use of various tools, etc. Depending on the planned operation, the trainers select the most physically, professionally and morally prepared candidates and only after the completion of the training, they appoint the most prepared candidates for the attack. Such a practice was followed by Pakistani terrorist group "Lashkar`I Taiba" where 32 selected candidates were trained for 18 to 24 months in the use of weapons and explosives and at the end only 10 of them were sent to Mumbai, India, where from 26 November to 29 November 2008 they attacked several targets, killing 166 people, of which 150 civilians and 16 law enforcement officials.²³

The Criminal Code of Kosovo, in Article 140, has foreseen terrorism training as a special offense. According to paragraph 1 of this article, this criminal offense is carried out in the form of the so-called necessary co-operation, since at least two persons and a trainer should participate in it, whereby the person who is trained receives instruction-training by another person. So the criminal offense is committed by the person who trains, i.e. enables another to commit acts of terrorism, as well as the person who receives, accepts, or becomes capable of carrying out terrorist acts.²⁴

For the purposes of this article, the term "training for terrorism" means training or instruction in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of carrying out or contributing to the commission of a terrorist offense, knowing that the skills provided are intended to be used for this purpose.²⁵ As it is

²¹National Security Research Divisoin, "Al-Qaeda- TerroristSelection and Recruitment", page 16.

²² Dr. Ismet Salihu, "E drejta Penale, Pjesa e Posaçme", Fama College, Pristine 2014, page 68.

²³ Colonel Behram A.Sahukar, "The Mumbai Attack, Analysis and Impact", Program On Terrorism and Security Studies, (PTSS 10/3), "Europian Centre For Security Studies", "George C. Marshall", Garmish- Partenkirchen, Gjermani.

²⁴ Dr. Ismet Salihu, "E drejta Penale, Pjesa e Posaçme", Fama College, Pristine 2014, page 69.

²⁵Criminal Code of Kosovo, Neni 140, paragrafi 2.

seen, the perpetrator will only be held responsible if the trainer has known that the lessons and knowledge given and the training provided will be used to commit a terrorist offense. This offense may be committed by any person who has knowledge that training will enable others to commit terrorist acts and deliberately provides such training, but may also be carried out without any such intentions. The punishment for this offense is foreseen from 5 to 15 years of imprisonment.²⁶

The push for the commission of terrorist offenses

This criminal offense is committed when anyone publicly or through public means of communication invokes or sends messages in order to induce an indefinite number of persons to commit terrorist offenses. The invitation, message or recommendation to commit terrorist acts may be direct or indirect. It is important that the call or message be public and with such content, nature and performance which poses a risk to one or more persons; there is an intention to exert influence to commit one or more terrorist offenses.²⁷ Such public invitations to incite indefinite persons to undertake terrorist acts, in addition to the means of information, can also be made in religious facilities, in various associations camouflaged as associations of cultural character, during turmoil or rioting of citizens, etc. Individuals within terrorist organizations, influential clerics, or group leaders use specific measures by calling on them to commit terrorist acts. This differs from the incite provided in the form of criminal co-operation, because this is addressed toward indefensible persons, i.e. making public calls, and through this call it is intended to drive any person, whomever he or she might be, in committing one or more terrorist offenses.

This offense, as envisioned in Article 141 of the CCK, is considered as having been committed based on the action to affect another person or persons to commit terrorist acts. So, for this act to exist, it is not necessary to have committed one or more terrorist offenses. This offence can be done by any person. This action can be done with direct intent, but it can also be carried out with eventual intent and the punishment foreseen is from 1 to 5 years of imprisonment.²⁸

Concealment or failure to report terrorists and terrorist groups

Article 142, paragraph 1 of the CCK has stipulated as a special criminal offense when whomever has information or knowledge that a terrorist group has established and that group or one of its members is *hiding*, or in any form obstructs the law enforcement bodies during their investigation to *detect and arrest* them. As actions for the commission of the offense referred to in paragraph 1 of this Article shall be considered cases when anybody: **a)** conceals the existence of a terrorist group or its members; **b)** obstructs the detection of such a group; or **c)** prevent the arrest of the group or its members.²⁹

²⁶Dr. Ismet Salihu, "E drejta Penale, Pjesa e Posaçme", Fama College, Pristine 2014, page 69-70.

²⁷Ibidem, page 70.

²⁸Ibidem, page 69.

²⁹Dr. Ismet Salihu, "E drejta Penale, Pjesa e Posaçme", Fama College, Pristine 2014, page 71.

Paragraph 2 of Article 142 of the CCK incriminates cases where a person *hides or does not report the preparation of a criminal offense*; if the preparation was made for the purpose of committing the act of terrorism. Failure to report the preparation of the criminal offense is foreseen in Article 385 of the CCK, but Article 142) relates only to the non-notification of the preparation of acts of terrorism. This paragraph also provides the failure to report the perpetrator of a terrorist offense under Article 386 and failure to report terrorist acts that have been attempted or committed.

Paragraph 3 of Article 142 of the CCK sanctions the concealment, non-disclosure, obstruction of detection or arrest of perpetrators of a terrorist offense or the provision of assistance following the commission of a terrorist offense under Article 388 of this Code. The assistance provided following the commission of a terrorist offense includes the accommodation of a perpetrator or a person previously convicted by the justice system of such offense, concealing evidence that links the perpetrator to the criminal offense, etc. This offense, in all of its three forms, can be performed by any person and only by virtue of intent. The punishment for the first form of this offense is from 3 to 10 years, for the second form is 6 months to 5 years, and for the third form 3 to 10 years of imprisonment.³⁰

Organization and participation in a terrorist group

Most terrorist offenses are committed in cooperation of two or more individuals, which constitutes a specific terrorist group. The damage caused from terrorist offenses committed by the group is much greater than those committed by a single individual because the offenses committed by the group are better planned, involving more people with specific abilities in certain areas, instructions and roles separated during the execution of the act. Certainly, there are times when a single person can commit a terrorist act with colossal consequences. The best example is the case of the Oslo attack in Norway on July 22, 2011.³¹

Considering the great risk posed by terrorist offenses committed in co-operation, the CCK has stipulated the option of incriminating preparatory actions from the moment the terrorist group is established, regardless of whether the terrorist offenses have yet been committed or not.

Article 143 of the CCK in paragraph 1 has foreseen as a special criminal offense the organization or directing a terrorist group, which shall be punished by a fine of up to five hundred thousand (500,000) EUR and by imprisonment of ten (10) to twenty (20) years. This paragraph concerns only the leaders of terrorist groups and is the only offense of such nature, which in addition to the punishment of imprisonment, also contains the sanction of a fine. The importance attached to the arrest and punishment of terrorist groups' leaders is clearly observed within the Criminal Code of Kosovo, considering that arresting or eliminating them, in one way or another, is the perpetual goal of state bodies involved in investigating and prosecuting such

³⁰ Ibidem, page 71.

³¹ Andres Bering Breivik a person with far-right views and ideas, with an openly expressed Islamophobia, committed the most serious terrorist attack on Norway's history by killing 90 people in what is considered to be one of the safest states in the world.

offenses. Following the attacks of 11 September 2001, the US for 10 years tracked the Al-Qaida leader Osama bin Laden, engaging numerous military forces, special units, CIA secret agents and the FBI or the latest satellite technology. For many terrorist groups, especially for Al-Qaeda, its leader represented the symbol and the ideology of the organization itself, so the arrest or murder of terrorist group leaders will weaken or completely annihilate the organization.³²

Paragraph 2 of this article sanctions the participation of any person in a terrorist group, and for this offense to be consumed, it is not necessary to commit a terrorist act, hence this paragraph sanctions participation in a terrorist group, and if one person as a member of the group does in fact perform e.g. murder for purposes of terrorism, he or she shall not be charged with having committed two offenses, but only one offense, i.e. the criminal offense of murder which absorbs the offense of participating in a terrorist group.³³ A person found guilty of participating in a terrorist group is sentenced with 5 to 10 years imprisonment.

The criminal offence of leading or instructing a terrorist group, and participation in a terrorist group, can be performed by any person, and these acts are done intentionally. This criminal offense, i.e. organization and participation in terrorist groups has been increasingly committed by Kosovo citizens, who are participating in the Syria war, and many of them are part of the groups that have direct links to Al-Qaeda, such as Al-Nusra. About 150 Kosovo citizens are participating in the fighting in Syria, and if we add the number of Albanians coming from Albania, Macedonia and other western countries, their number adds up to 450. So far, as a result of the fighting between different groups and the fighting against the official government forces in Syria, around 8 Albanian citizens from Albania, 21 Kosovo citizens, 10 Macedonian Albanian, and 1 Albanian from the Presevo Valley have been killed.³⁴

Preparation of terrorist acts or offenses against the constitutional order and security of the Republic of Kosovo

Under Article 144 of the CCK, preparing for the commission of a terrorist act is foreseen as a criminal offense, as provided for in Article 27, paragraph 1 of this Code (preparation of criminal offense). Considering the great threat posed by terrorist acts, preparing for a terrorist act has been incriminated as a criminal offense, more specifically any person who prepares the commission of any of the offenses set out in Articles 135 to 142 of the CCK is considered guilty even though the offense itself has not been executed.

In paragraph 2 of this article, "the preparation of a criminal offense" includes supplying or making available for the perpetrators the means to commit a criminal offense, removing the impediments to the commission of a criminal offense, agreeing, planning or organizing with other persons the commission of a criminal offense, any other activities that create conditions for the direct committal of a criminal offense,

³²Dr. Ismet Salihu, "E drejta Penale, Pjesa e Posaçme", Fama College, Pristine 2014, page 72.

³³Ibidem, page 72.

³⁴<http://www.gazetatema.net/web/2014/09/14/ne-siri-dhe-irak-deri-tani-40-shqiptare-te-vrare>, 19.09.2014, 13:40h.

but which do not constitute the act itself.³⁵

Paragraph 3 foresees these kinds of preparatory actions for committing terrorist acts and offenses against the constitutional order and security of Kosovo; sending or carrying into or out of the territory of the Republic of Kosovo weapons, explosives, poison, supplies, ammunition or other material for the commission of one or more criminal offenses in this chapter.

Paragraph 4 provides for specific preparatory actions for the offenses of this Chapter. In the sense of this paragraph, these preparatory actions are considered to be committed in cases where anyone for the purpose of committing one or more acts of terrorist offenses in this Chapter, dispatches or transfers armed groups, equipment, or other material resources into or out of the Republic of Kosovo.³⁶

The first form of this offense under paragraph 1 is punishable by 1 to 5 years; the second form, according to paragraph 3, is punishable by 5 and 15 years of imprisonment, while the third form, according to paragraph 4, is punishable by 10 to 20 years of imprisonment. All forms of this offense can only be committed intentionally.

Irrelevance of the commission of a terrorist offense

In the provision of Article 145 of the CCK it is expressly stated that for an act to constitute an offense as set forth in Articles 135-144 of this Chapter, it is not necessary that a terrorist offense actually be committed. Specifically and expressly in this article it is stipulated that for these criminal offenses, the persons will be punished for preparatory actions, as if they had committed the criminal offense.³⁷ Although no terrorist attack has been conducted as the perpetrators of such an act may have planned, any preparatory action for the commission of an attack implies criminal liability for the persons involved in those preparatory actions.

According to Article 27 of the CCK, the preparation of a criminal offense includes the supplying or making available the means to commit a criminal offense; removing the impediments to the commission of a criminal offense; agreeing, planning or organizing with another person the commission of a criminal offense; as well as, other activities that create conditions for the direct commission of a criminal offense, but which do not constitute the act itself.³⁸

Unauthorized crossing of border or border crossings

In addition to the criminal offenses provided in the Chapter for Terrorism Offenses, the criminal offenses related to illegal border crossing or the offenses committed in the border area are related to the acts of terrorism. In the Criminal Code of Kosovo, as a special offense has been foreseen the unauthorized crossing of the border crossings points or border lines.

Pursuant to Article 146 of the CCK, whoever crosses a border or boundary of the

³⁵Criminal Code of Kosovo, Neni 143, paragrafi 3.

³⁶Dr. Ismet Salihu, "E drejta Penale, Pjesa e Posaçme", Fama College, Pristine 2014, page 74.

³⁷Dr. Ismet Salihu, "E drejta Penale, Pjesa e Posaçme", Fama College, Pristine 2014, page 74.

³⁸ Criminal Code of Kosovo, Neni 27, paragrafi 2.

Republic of Kosovo at any location other than at an authorized border or boundary crossing point shall be punished by a fine of two hundred fifty (250) EUR or by imprisonment of up to six (6) months.

2. When the offense provided for in paragraph 1. of this Article is committed by a perpetrator who is accompanied by a child or another person, the perpetrator shall be punished by a fine of up to two thousand five hundred (2,500) EUR or by imprisonment of up to one (1) year.

3. When the offense provided for in paragraph 1 of this Article is committed under one or more of the following circumstances, the perpetrator shall be punished by imprisonment of six (6) months to three (3) years: 3.1. the perpetrator was previously convicted of a criminal offense provided for in this Article; 3.2. during the course of apprehension, the perpetrator flees, attempts to flee, or otherwise resists apprehension by the police or KFOR; 3.3. the crossing is undertaken between the hours of 8:00 in the evening to 6:00 in the morning during the period from 1 April to 30 September, or between the hours of 6:00 in the evening to 6:00 in the morning during the period from 1 October to 31 March; or 3.4. the perpetrator is in possession of a weapon, ammunition or military clothing, supplies or equipment

4. An attempt to commit the offense provided for in paragraphs 1 or 2 of this Article shall be punishable. 5. A person is not criminally liable under this Article for crossing at an unauthorized border or boundary crossing point if the crossing occurred at a checkpoint that was temporarily established by COMKFOR. 6. No criminal proceedings involving the offense provided for in this Article shall be initiated or continued against any bona fide refugee or internally displaced person coming from a territory where his or her life or body or fundamental freedoms or rights are threatened, provided that he or she has presented himself or herself to the police or KFOR within a reasonable time and shows good cause for crossing at an unauthorized border or boundary crossing point.³⁹

The offences of this nature are important for the field of terrorism because terrorist groups use weak border controls to illegally smuggle persons and various tools and resources that can be used for propaganda, training or even for the perpetration of terrorist offenses. The globalization process in this era, whereby boundaries between states have been opened and the concept of border safeguards has changed, allowed more opportunities of for terrorist groups to cross borders more easily.

Inciting national, racial, religious or ethnic hatred, discord or intolerance

This criminal offense as foreseen in the CCK is quite wide spread and usually consumed in the phase of radicalization of youngsters who are then led toward committing terrorist acts. It has been foreseen that persons who in any form or way incite hatred and religious, ethnical and gender intolerance shall be punished under this provision. It is interesting to emphasize that in some cases the Imams of mosques in Kosovo have been charged with these offences, because more often than not they have violated these provisions during their lectures by offending other nationalities and religions and by making direct or indirect calls for Kosovo youngsters to take

³⁹Criminal Code of the Republic of Kosovo, Article 146, paragraph 1-5.

part in the war in Syria or Iraq.

According to Article 147 of the Criminal Code of Kosovo "Whoever publicly incites or publicly spreads hatred, discord or intolerance between national, racial, religious, ethnic or other such groups living in the Republic of Kosovo in a manner which is likely to disturb public order shall be punished by a fine or by imprisonment of up to five (5) year.

2. Whoever systematically or misusing his or her position or authority commits the offense provided for in paragraph 1 of this Article or causes unrest, violence or other serious consequences for the commission of such offense shall be punished by imprisonment of one (1) up to eight (8) years.

3. Whoever commits the offense provided for in paragraph 1 of this Article in a systematic manner or by taking advantage of his or her position or authority or causes disorder, violence, or other grave consequences by the commission of such offense shall be punished by imprisonment from one (1) to eight (8) years.

4. Whoever commits the offense provided for in paragraph 3 of this Article in a systematic manner or by taking advantage of his or her position or authority or causes disorder, violence or other grave consequences by the commission of such offense shall be punished by imprisonment of two (2) to ten (10) years.

This provision foresees very high penalties for persons who carry out this work and such a possibility and have all persons. Furthermore this provision is aggravated when the offences has been committed and has therefore resulted in any public disturbances or any other form of violence. The most severe form of this offence is when the same is committed by official persons.⁴⁰

Regulation of criminal offences related to terrorism in the Criminal Code of Macedonia

The Criminal Code of Macedonia has foreseen, similar to other contemporary criminal codes, several specific actions, which if discharged by a person or a group of persons, would represent a criminal offence of terrorism. The inclusion of this action in the criminal code is a preventive measure because it makes it clear to individuals and groups that committing these acts would put them in the subject of criminal liability. Below you can find the criminal offence of terrorism foreseen under the Criminal Code of Macedonia, including the forms of committing such offences, the type of persons more inclined to commit such offences, along with fundamental and qualified forms, the height and the type of punishments etc.

Terrorist Organizations (Article 394-a)

(1) Any person who organizes a group, gang or other criminal enterprise to commit the criminal offences of murder, corporal injuries, abduction, destruction of public facilities, transport systems, infrastructure facilities, information systems and other facilities of general use, hijacking of airplanes or other means of public transport,

⁴⁰Commentary of the Criminal Code of Kosovo, Ismet Salihu, Hilmi Zhitija, Fejzullah Hasani, Page 403, Publication I, Pristina, 2014.

production, possession or trade in nuclear weapons, biological, chemical weapons and other types of weapons and hazardous materials, dispersal of hazardous radioactive, poisonous and other dangerous substances or arson or causing explosions, destruction of plants and facilities for supply of water, energy and other fundamental natural resources, with an intention to endanger the lives and bodies of the citizens and create a feeling of insecurity and fear, shall be sentenced to imprisonment of at least eight years.

(2) The member of the group, gang or other criminal enterprise, as well as the person, who assists in any possible manner, shall be sentenced to imprisonment of four, up to ten years.⁴¹

(3) The sentence as referred to in paragraph (2), shall be also imposed to any person who publicly calls for, instigates or supports the establishment of a terrorist organization.

(4) The perpetrator of the crime as referred to in paragraph (1), who, by discovering the organization, or in any other manner prevents the execution of the planned crimes, shall be sentenced to imprisonment of 3 months, up to 3 years, or he or she may be acquitted.

(5) The perpetrator of the crime as referred to in paragraph (2), who discovers the organization before committing one of the crimes referred to in paragraph (1) as its member or for its benefit, shall be acquitted.

(6) Any real estate used, and the items and objects intended for preparation of the crimes referred to in paragraphs (1), (2) and (3) shall be seized.⁴²

Terrorism (Article 394-b)

(1) Any person who commits one or more crimes of murder, corporal injuries, abduction, destruction of public facilities, transportation systems, infrastructure facilities, computer systems and other facilities of general use, hijacking of airplanes or other means of public transportation, production, possession, transportation, trade, procurement or use of nuclear weapons, biological, chemical weapons and other types of weapons and hazardous materials, as well as research in the direction of development of biological and chemical weapons, release of dangerous radioactive, poisonous and other dangerous substances or causing fire or an explosion, destruction of facilities for water supply, energy supply or other basic natural sources, with the intention to endanger human life and body and to create feeling of insecurity or fear among citizens, shall be sentenced to imprisonment of at least ten years.⁴³

Any person who seriously threatens to commit the crime referred to in paragraph (1) of this article directly or indirectly, by using electronic means or other ways, with the intention to endanger human life and body and to create feeling of insecurity or fear among citizens, shall be sentenced to imprisonment of at least eight years.

Any person who publicly calls for, by spreading a message or making it publicly

⁴¹Afrim Osmani, Criminal Code of the Republic of Macedonia, Skopje 2015, Second Edition, Page 324.

⁴²Criminal Code of the Republic of Macedonia, Article 394, paragraph a.

⁴³ Afrim Osmani, Criminal Code of the Republic of Macedonia, Skopje 2015, Second Edition, Page 325.

available in any other manner, with an intention to instigate some of the activities referred to in paragraph (1) of this article, when the appeal itself creates a danger of committing such a crime, shall be sentenced to imprisonment of four to ten years.

The sentence referred to in paragraph (1) of this article shall be also applied for a person who forces someone to perform the crime specified in paragraph (1) of this article by force or serious threat upon the person's life and body or upon the life and body of the person's closely related people.

The sentence referred to in paragraph (2) shall also be imposed to any person who shall agree with another person to commit the crimes referred to in paragraph (1), or shall invite another person to join an enterprise or a group with an intention to commit the crime referred to in paragraph (1).

Any person who organizes manufacture, prepares, produces, sells, buys, transports or holds explosives, firearms or other types of weapons or hazardous substances intended to commit the crime as referred to in paragraph (1), as well as any person who conducts training, or in any other manner prepares another person to commit the crime referred to in paragraph (1), shall be sentenced to imprisonment of at least four years.

A person who performs a grand larceny in order to obtain the necessary objects to commit any of the crimes referred to in paragraph (1) of this article, shall be sentenced to imprisonment of at least four years.

If the crime has been committed by a legal entity, it shall be punished with a monetary fine.⁴⁴

Any real estate used, and the items and objects intended for preparation or committing the crimes shall be seized.⁴⁵

Financing of terrorism (Article 394-c)

(1) Any person who provides or collects funds in any way, directly or indirectly, unlawfully and consciously, with the intention to use them, or knowingly that they will be used, fully or partially, to commit the criminal offence of hijacking an airplane or a ship (Article 302), endangerment of air traffic security (Article 303), terrorist endangerment of the constitutional order and security (Article 313), terrorist organization (Article 394-a), terrorism (Article 394- b), crimes against humanity (Article 403-a), international terrorism (Article 419), taking hostages (Article 421) and other crimes of murder or serious bodily injuries, committed with an intention to create a feeling of insecurity and fear amongst the citizens, shall be sentenced to imprisonment of at least eight year.

(2) A person who in any way directly or indirectly gives, provides or collects money or other property however acquired with the intention to be used or with knowledge that they may be used, fully or partially, to prepare committing the criminal offence from paragraph (1) of this Article, regardless if the money or other property are used or utilized for committing such crime shall be punished with imprisonment of at least

⁴⁴Afrim Osmani, Criminal Code of the Republic of Macedonia, Skopje 2015, Second Edition, Page 326.

⁴⁵Criminal Code of the Republic of Macedonia, Article 394, paragraph b.

four years of imprisonment.

(3) A person who publicly calls for, by disseminating, or making available to the public in any other manner, a message that instigates the perpetration of some of the actions referred to in paragraph (1) of this article, and when the call itself creates a danger for realization of such action, shall be sentenced to imprisonment of four to ten years.

(4) With the punishment from paragraph (3) of this Article shall be punished the person who with another person agrees to commit a crime under this Article or invites another person to join an organization or group with the intention to commit crime under this Article.

(5) The person who will create a group or gang with the purpose of committing a crime under this Article shall be sentenced to imprisonment of at least ten years.

(6) The member of the group or the gang from paragraph (5) under this Article shall be sentenced to imprisonment of at least five years.

(7) The member of the group or gang who will reveal the group, or the gang before it commits a crime in its capacity or its name can be liberated from punishment.

(8) Official, person responsible in a bank or other financial institution or person who performs activities of public interest, who pursuant to a law is authorized for undertaking measures and activities to prevent financing terrorism, who consciously will fail to undertake the measured provided by law and thus will allow executing the crime under this Article, shall be sentenced to imprisonment of at least four years.⁴⁶

(9) The punishment under paragraph (8) under this Article shall be applied to an official or responsible person who without authorization will reveal data to a client or unauthorized person regarding the proceeding for examining suspicious transactions or undertaking other measures and activities to prevent financing terrorism.

(10) The person who will commit the crimes from paragraphs (8) and (9) under this Article, although was not aware of the possibility of the occurrence of harmful consequences, and according the circumstances and his/her personal properties has been obliged and could have been aware of that possibility shall be sentenced to imprisonment of at least three years.

(11) If the crime under this Article is committed by legal person, it shall be punished with fine and termination of the legal person.

(12) The money and property intended for preparation and execution of the crimes under this Article shall be seized.⁴⁷

Repressive measures in the fight against extremism and terrorism

Depending on the threat posed by attacks or terrorist activities in a country or region, various state agencies will be involved in this fight. States in the fight against terrorism, such as the United States, Great Britain and France, have also directly engaged military forces in Iraq and Afghanistan in order to fight terrorist groups. Turkey also has silently engaged its army for years in the south-east part of the country in the war

⁴⁶Afrim Osmani, Criminal Code of the Republic of Macedonia, Skopje 2015, Second Edition, Page 327.

⁴⁷Criminal Code of the Republic of Macedonia, Article 394, paragraph c.

against the Kurdish rebels, whom are referred as terrorists by the official Ankara. States that are less affected by terrorist activities usually fight this phenomenon, or rather say follow-up on any suspected terrorist activity, through law enforcement bodies, which in most cases implies that police organizations of specific states are involved in this war, assisted by other state security agencies. In addition to the armed forces (the military), the secret services and many other institutions are involved in the fight against terrorism and its prevention.

The Kosovo Police, who's General Directorate has a Counter Terrorism Department in its structure, has the main role in preventing and combating terrorism in Kosovo.⁴⁸ This directorate has the legal mandate to monitor all suspected activities of individuals and organizations that are predisposed to spread interfaith hatred among Kosovo citizens through the spread of radical Islamic doctrines. Kosovo Police in general and the Counter Terrorism Department in particular have many legal duties and obligations, including the investigation of suspected activities and the prosecution of all potential perpetrators of any terrorist act, as provided for in the Criminal Code and in the Code Procedure Criminal of Kosovo. The CTD cooperates closely with the Directorates and other police departments within the organization, while outside the organization, cooperates closely with the Financial Intelligence Unit,⁴⁹ with Kosovo Intelligence Agency (KIA), Kosovo Customs, Kosovo Security Force (KSF), National Counter Terrorism Coordinator, Ministry of Finance, Tax Administration, Courts and Prosecutions as well as with EULEX and KFOR. The already good cooperation, which should continue to be further built, should also be established with the Ministry of Education, the Ministry of Culture, Youth and Sports and the Mines Department, as well as with non-governmental organizations, media, public opinion and any other mechanism that can in any form contribute to the prevention and combating of terrorism or any kind of extremism. International cooperation must also be advanced, both in relation to neighbouring countries, as well as to other distant states and other relevant international institutions.

Conclusions

During my work on this topic, I have researched local and international literature, referred to laws and other by-laws of the Republic of Kosovo, the Republic of Macedonia but also to various international acts. We have also addressed international practices in combating violent extremism and terrorism. From the overall review, we have come to the following conclusions:

- ✓ Terrorism is the biggest challenge in maintaining order and security.
- ✓ No state is immune to this dangerous phenomenon.
- ✓ Each state must take all the necessary steps to minimize violent extremism and terrorism.
- ✓ The only way of ensuring victory of this phenomenon is identifying and addressing

⁴⁸Walter Laquer, "Roots of Terrorism", PTSS 10-03, #2613-E, page 1, "European Centre For Security Studies", "George C. Marshall", Garmish- Partenkirchen, Germany.

⁴⁹The Financial Intelligence Unit (FIU) assists the KP Counter-Terrorism Directorate in investigating cases of terrorist financing.

the causes that drive young people to extremism.

- ✓ It is crucial that states/state institutions at an early stage interrupt and eliminate the causes driving any person to get involved in extremism or terrorism.
- ✓ Raising the level of education in certain areas, improving infrastructure, job creation, serious lectures against extremism, opening new perspectives for young people, quality health and social services, etc. are some of the measures that need to be taken in order to prevent extremism and terrorism.
- ✓ Ignoring, avoiding and hoping that nothing will happen is one of the worst mistakes that state institutions often make in many countries when faced with such challenges.
- ✓ Issuing laws will not be enough to handle this serious security challenge, but rather implementation of law is necessary, and it would be wrong to expect positive results in this war against extremism and terrorism if the laws are impossible to implement.
- ✓ Advance and proper implementation of the laws: the Law on the Prevention of Money Laundering and Terrorist Financing, the Law on the Prohibition of Joining Armed Conflicts Outside State Territory, other laws such as those concerning the control of pesticides or gases, the law on education, the law on customs, the police and security services, the law on international jurisprudence and many other laws.
- ✓ Harmonizing the laws in force, therefore, laws must be in compliance and under no circumstances contradicting each other because it will be used by extremist and terrorist groups.
- ✓ Establishment of state institutions and their professional preparation in the fight against violent extremism and terrorism
- ✓ Cooperation between state institutions and their coordination.
- ✓ Finally, the cooperation with international security institutions and organizations such as NATO, INTERPOL, and Europol is of great importance.

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Ligji nr. 03/L-224 për Këshillin Prokurorial të Kosovës.

Ligji nr. 03/L-223 për Këshillin Gjyqësor të Kosovës.

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