

## Terrorism as a notion and source of international law in the context of Albania

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### Abstract

Recently the world has become more uncertain by the terrorist acts of the Islamic State of ISIS, who attacked the center of Europe (Brussels, Paris) and attacks almost every day in Turkey, Iraq, Syria, Yemen, Oman, North Africa, and the latest case in Orlando, Florida in the US, leaving behind many victims and bringing panic, fear, uncertainty and significant economical damages.

The Islamic state with the theory "a state a flag" is attacking every day in every country where it is finding space, occupying certain territories, by trained terrorists, and threatening in all languages of the world that is recruiting in the name of Muslim religion. Seeing terrorism as a problem of great concern to citizens all over the world, we aim at analyzing this phenomenon and its risks in Albania.

**Keywords:** Terrorism, religion, ISIS, crime.

### Introduction

Modern terrorism knows no borders; it is a constant threat to peace, security, stability and economic prosperity across the globe. Terrorism is deliberate violence against non-combatant measure in order to influence public opinion to achieve political-, military-, economic- or ideological objectives. Terrorism consists of a crime by an individual, a group of people or a state. It is used to arouse in people a sense of fear. The causes of terrorism are political, economic, ideological, religious destabilization of society but also revenge. Different purposes have led to the establishment of various organizations which have later inspired fear and panic among the population. Many political ideas are widely used by terrorist organizations to justify their actions. Consequently terrorist groups exist in every ideology. If we speak with the words of Solana (2001), he analyzes that: *"Terrorism is an evil of our time. None of us is immune to it. Carried out attacks on New York and Washington, showed that their authors are introduced to new depths. Perform acts of violence because they do not accept the values of the civilized world: the rule of law, democracy, an open society and for freedom."*

In the last years, nearly daily television and newspapers provide shocking news of terrorist phenomena, such as murder, massive destruction that have jeopardized foundations of democracy and the rules of civil cohabitation returning as a common scene of normality. Although the only change is the place where strikes are carried out and the number of victims, France, Belgium, Turkey, Afghanistan, Palestine, Iraq, Spain, Pakistan, Africa, the Twin Towers in New York, Florida. Terrorism is a violent

form of modern war, and it peaked after the 9/11 attacks in 2001 with all the cruelty and the enormous consequences in human and material damage.

The events of 9/11, further attacks in Paris and Brussels in 2016, Syria, Iraq, Turkey, Palestine and Afghanistan are just examples of hundreds and thousands innocent people killed, which show conclusively how sharp the threat of Islamic terrorism is.

### **Methods and factors encouraging terrorism**

Terrorism is not born not out of place to the general environment, but there are several factors that nourish and keep it in action. Thus, we can mention political, social, economic, historical and religious factors, that when abused by people with influence in a society or social groups brings the basis for committing terrorist crimes.

#### **Individual terrorism**

This kind of terrorism has a spontaneous character and social basis. It has been practiced by some anarchists from the late nineteenth century, until the first decades of the twentieth century. We can cite examples of Ravachol in 1891, Santo Geronimo Caserio, who killed in 1894 President Sadi Carnot, without forgetting the various nihilistic acts in Russia, France, Spain or Italy where dignitaries often killed political personalities.

#### **Organized terrorism**

Given that is performed by a group of people and not the government can be simply called terrorism. During the last century in various countries, terrorism was widely used by extremists of the left and right. Islamic terrorists see themselves as warriors of God, while fighting their holy calling. This designation is the literary translation of the word Jihad, a term that has some other significance. Since the beginning of the 90s, Islamic terrorism has taken an increasingly broader sense in the international scheme.

#### **Racism and religious terrorism**

*Religious fanaticism* border of the accession of a particular religion or belief system is the behavior of those who are identified, in order to reach a greater and rigid intolerance compared to those who support different ideas. Frequent contacts between different cultures and religions in a period of globalization; seem to have increased cases of cracks between different views. The term Islam in Arabic means submission, submission to the will of God.

### **Terrorism in Albania**

The data obtained from different organizations in Albania show a number of 80 Albanian recruiters that fight in Syria. At first, we must say that this is not an exact figure, but the correct view is that there are Albanians who have fled to war in Syria. Also, there have been cases when Albanian citizens were convicted by the Albanian courts serving in religious cults for inciting and recruiting Albanian citizens to fight in Syria in the name of Allah. This situation is a very big concern that needs to be put in motion by the state keeping in mind that Albania is a country with different religions. In this sense, we believe that the main reasons that these Albanians have

joined the fights in Syria are:

Poverty, unemployment, injustice, discrimination, deepening economic inequity, lack of rule of law, abandonment of education and the lack of an effective and quality education. Religion is one of the less important factors that bring Albanian citizens to join terrorism. In this sense, work should be done in order to strengthen national security institutions and cooperation with international partners to prevent terrorist acts.

### **International criminal court**

The idea to establish an International Criminal Court has its origins in the early years after the war of the last century, when it was adopted at the international conference in Geneva to chase and punish terrorist crimes. Although the International Court had jurisdiction only in some countries, it was adopted by the Diplomatic Conference convened in Rome, the Statute of the International Criminal Court (CPI). The institutional treaty entered into force on 1.7.2002 after its ratification. It has jurisdiction to adjudicate on "the most serious crimes of international significance" (Article 1 and 5 CPI). In particular CPI may adjudicate the crimes of genocide (Article 6), crimes against humanity (Article 7), war crimes (Article 8) and formally and on the crime of aggression (Article 5 section 2). However, the CPI jurisdiction over aggression is suspended until the Assembly of State members of the CPI will not adopt a definition of the crime against peace caused by aggression. Regarding the competence *rationa e temporis*, CPI has exclusive jurisdiction for crimes committed after its entry into force. CPI may intervene in crimes committed in the territory of a member state of the Statute, or crimes committed by individuals who have the nationality of a contracting state. Activity Court is centered on the principle of completeness (item 1) in the sense that the repression of international crimes is reserved CPI-only where it found that state which has jurisdiction is unable or unwilling to launch and develop process (Article 17). Further, the matter under investigation must be sufficiently severe as to justify the intervention of the Court (Article 17, section 1).

A situation in which the international crimes were committed can be brought to the attention of the court by three different modes. The Security Council has the power to block, even temporarily, exercise the jurisdiction of the Court (Article 16). Such power was exercised by the Security Council twice in the case of the US. CPI consists of 18 judges, there is a section of first instance and an appeal, a chancellor and a prosecutor's office.

### **Conclusions**

The world is changing from day to day. Previous challenges and global problems of the past, are connected with new challenges, which are also global and, as such, can be met only with the joint efforts of the international community. The phenomenon of Islamic terrorism and the fight against it in the wide front have had serious implications for the 21-st century. It is interesting to mention here the view of American historian Bernard Lewis. He sees the tragic events of 9/11 as a tragic consequence of the conflict that has existed for a long time between the Islamic world and the West, a conflict in which the Islamic world dominated 300 years ago, when the Ottomans failed in their second attempt to conquer Vienna.

In the historical point of view, the deep causes of this war are political failures of various Arab regimes, which were created after the fall of the Ottoman Empire, and especially after the collapse of the European colonialist system. Not coincidentally executives of some of these countries (Egypt, Syria and Iraq) supported a Pan-Arab League, with the aim of humiliating Israel in 1967. This alternative location soon took a more politicized version of Islam, which in today's political jargon is known as "Islamism" and represents a very dangerous movement within Islam itself and Muslim societies in general. Its key ideology is based in the rejection of all Western political models and the creation of "pure" Islam states, which means totalitarian theocratic states, which have their foundations in Islamic law (sharia).

In conclusion, we wish to emphasize that the fight against Islamist terrorism is not a war between the West and the East, "Occident" and "Orient" between the United States and Europe on the one hand, and the Arab world, on the other hand, between Christianity and Islam, between rich countries and developing countries. Moreover, the Muslim religion and the West have not been and are not solely exclusive to each other - as the Christian religion and the East were not and are not necessarily antagonistic to each other. Terrorism has no home. Terrorism arises and develops within national borders of a single state, as well as in space transcending national boundaries, posing threat to all peoples and nations of the world. The today terrorism is transnational.

Another significant fact is that nowadays Islamic radicalism and terrorism are phenomena that occur primarily among believers of Sunni sect. Differences and conflicts between Sunni and Shia are as old as the Muslim religion. These two sects of the same religion have developed over century's different theology. While Shiites, for example, believe in saints, honor the graves of holy men, accept the authority of a spiritual leader to perfect as vicegerent of God and believe that the Koran must be interpreted in accordance with the time and sensibilities of today, Sunnis have simple rituals, they don't recognize any clerical authority and consider the Koran as sacred text, which does not need any interpretation. While Shi'ism, has historically been and remains a form of peaceful and moderate Islam, Sunnism is increasingly characterized by sectarian violence. Terrorism is not linked to any of this particular ethnic group. Terrorism is a phenomenon that can emerge and develop wherever it finds fertile ground, wherever there are groups and social structures of the state, which are interested in elements of terrorism and terrorist activity. In this sense, the fight against terrorism is not a battle, because it does not have a uniform.

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