

## Terrorism and fight against it

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### Abstract

Terrorist acts in many parts of the world, including in Kosovo, have become very disturbing in the last two decades. The number of terrorist acts has been constantly increasing and the consequences of these acts have been severe, causing numerous casualties, great material and financial damage, a state of general insecurity, etc.

Through terrorist acts, the special interest of terrorist organizations is attempted, whether through: intimidation, coercion and blackmail for the authorities and international organizations to act or not to act, serious destabilization or destruction of political, constitutional, economic, social structures, etc. Since terrorist acts pose a great danger to any society, commitment to prevent and combat this phenomenon is necessary, reasonable and must be permanent.

Therefore, it is imperative that every society uses all its institutional mechanisms at its disposal, and in close cooperation with other international actors, must prevent and combat any kind of terrorist activity.

**Keywords:** Terrorist, terrorist acts, victims, intimidation, destabilization, combat, etc.

### 1. Introduction

Today, terrorism is considered one of the most serious threats to the national security of each country, but it is also one of the most serious threats to international security, especially given the global trends of violent extremism that has emerged especially after 9/11.

Terrorism as an organized criminal activity is a denial of democracy, its values and human rights. It consists in the commission of a crime by an individual, a group or by a state. The causes of terrorism are mainly political, for the destabilization of a society, but also for revenge in some cases. It usually refers to the killing of innocent people, for the realization of political goals in such a way as to create a media spectacle and reflections of general insecurity in public opinion.

The state with its institutional mechanisms has the obligation and bears the main responsibility for the prevention and fight against terrorism, as well as for the respect and protection of rights and fundamental human freedoms. Despite this, the state has a special interest in securing the support of society - public opinion to combat this phenomenon harmful to human society.

Terrorism, as an act committed by an individual, a group or even by the state itself, requires detailed treatment. Terrorist acts are quite difficult to detect in advance - before causing consequences, so it is necessary to acquire general knowledge of the concepts, notions and elements that make up such an act.

The spread of terrorism is a phenomenon which causes insecurity and fear at the

national and international level. Everyday life and dealing with this phenomenon has shown that this act knows no borders, it is a global threat, a threat to the well-being of human society, a threat to the security and life of human beings or peoples.

## 2. Terrorism and its notion

Contemporary terrorism, as one of the forms of “*sui generis*” violence, has become a great concern for every state, its security institutions, as well as for various international organizations. Today, across the globe, terrorism has become a dominant phenomenon of violence. Terrorist activity has always been and is a major problem for the international security system as it spreads fear, panic and insecurity among citizens.

In the definition of the notion of terrorism, violence is pointed out as the most striking indicator of contemporary terrorism. Their target is the government-state institutions and its citizens, causing general fear and violent change of the political system as a goal, causing a large number of human victims, material-financial damage.

Terrorist acts consist of the production, possession, profit-making, transportation, supply of equipment necessary for terrorist activities, and some of these acts, by their nature, constitute preparatory actions or ancillary actions in some of the forms of terrorist acts. Terrorism as a notion is defined and interpreted in different ways in contemporary society. The word “terrorism” itself is a synthesis of the Latin name terror and the Latin suffix, but of Greek origin, “ism”.

The word terror has its roots in the verb “*tras*”, which means tremor. This is found in the Greek words “*ipee*”, in Persian “*tersidan*”, Latin “*ters*” or “*tres*”, Pelasgian “darkness”, which means deep and complete darkness, the world without light, but also horror, sadness, cause of fear and trembling, political violence, to the physical destruction of the adversary (Latifi, Elezi, Hysi, 2012, p. 141-143). Socially, terrorism is interpreted as “the direct and organized use of violence, mainly by groups and organizations that physically, including assassinations, killings, hostage-taking, in order to impose their will on the state and society, to arouse psychic terror against the masses, causing the complex of personal and collective fear, insecurity, anxiety, panic and apathy.

This means committing one or more of the following offenses for the purpose of seriously intimidating the population, unjustly forcing a public body, government or international organization to commit or fail to commit any act, or to seriously destabilize or to destroy the basic political, constitutional, economic or social structures of the Republic of Kosovo, of another state or of an international organization (Criminal Code of the Republic of Kosovo, 2019, Article 128).

### Some of the main characteristics of terrorism

Some of the key elements that characterize terrorism are:

- Use of systematic organized violence or intimidation;
- Exercise of violence by certain political groups;
- Causing a feeling of fear, insecurity and distrust in power to the masses;

- Extinction of people and material goods on a large scale;
- Issuance of certain political concessions;
- Gaining state power over a given territory;
- Publicity and attracting the attention of international opinion, etc. (Demolli, 2002, p. 9).

Terrorism is a method that can be used for unlimited types of purposes. It is the unique and inevitable method of warfare that involves free violence against innocent victims. Terrorists often claim that actions such as bombings, hostage-taking, and killings are the only means available to overthrow the authoritarian, tyrannical, or repressive regime (Latifi, 2014, p. 329).

### 3. Purpose and targets of strikes by terrorists

Kosovo as a new state is not immune to various terrorist activities. In the last decade it has been confronted several times by terrorist preparatory actions.<sup>1</sup>

In principle, terrorists are more practiced, more planned, more accurate, more selfless, and more responsible in sharing and performing tasks calmly, than ordinary professionals in the ranks of criminals. Terrorism, as a rule, is manifested by planned, systematic and organized activity, in which there is a lack of human mercy. What characterizes terrorist activity is violence or aggression. The *modus operandi* of terrorists shows a high degree of preparation and execution of certain actions (Latifi, Beka, 2013, p. 236).

Identifying victims is often completely irrelevant to terrorists. They aim to cause chaos, terror, fear and insecurity of citizens, creating conditions for the realization of their goals. For these reasons, terrorists make efforts with their actions to cause the greatest propaganda effects. They achieve this, for example, by hijacking planes and targeting institutions of economic or political importance,<sup>2</sup> industrial and energy facilities, military installations, airports, diplomatic and consular missions, poisoning

<sup>1</sup> On the evening of July 10, 2015, in accordance with the preliminary agreement, some people from Kosovo went to Lake Badovc (a source of drinking water for a large part of the population of Kosovo) with the iconography of the terrorist organization ISIS, to record a propaganda video and to post the same video on the Internet to prove to the world that ISIS (Islamic State) has a presence in the Republic of Kosovo. In order to carry out this plan, the defendants were equipped with automatic rifles {Kallash AK 47} with bayonets, with five cartridges and 32 bullets, as well as with military uniforms, face masks, gloves and the flag of the terrorist organization ISIS. For this reason, the Special Prosecution of the Republic of Kosovo had filed an indictment against six persons for criminal offenses related to terrorism, such as "preparation of terrorist offenses or criminal offenses against the constitutional order and security of the Republic of Kosovo", "assistance in committing the criminal offense of terrorism".

<sup>2</sup> The terrorist attack of September 11, 2001, is the day when the first plane crashed into one of the Twin Towers. The explosion of the second plane in the next Tower happened a little later. The two planes were hijacked by terrorists of the terrorist organization "Al Qaeda", led by Osama Bin Laden. The towers of the World Trade Center in Manhattan, which were completely engulfed by fire, collapsed within hours. A third plane crashed into the Pentagon. The fourth, was run from the White House in Washington, but crashed into a field near Shanksville after passengers and members of the the crew managed to divert him. In the attack against the Twin Towers, 2752 people lost their lives, including 343 firefighters and 60 police officers. The consequences of such a terrorist act had extremely serious consequences for the globe, and especially for the United States, which suffered economic and political upheaval.

of various sources of drinking water, poisoning of air, soil, food, spread of biological viruses on a global scale, etc. The selection of victims of assassination or abduction is made according to the same criteria. To carry out terrorist acts, terrorists use a wide arsenal of deadly means, ranging from those different means, such as: explosions, firearms with different powers and radii, to poisons, drugs, etc. (Latifi, Demolli, 2019, p.436).

#### **4. Terrorism as an organized form of criminal activity**

Just as it is difficult to define contemporary terrorism, it is also difficult to talk about its causes. Some authors (Klarin, 1978, p.26) rightly point out that terrorism can be easily tried and thrown away, but it is more difficult to clarify, to discover its roots and causes, to remove the prejudices and emotions that make it difficult to understand this phenomenon. Terrorism means the form of organization of criminal activity, which is characterized by committing acts of violence, committing assassinations and kidnappings, setting off explosions, fires and undertaking other actions of general danger.

In theory the notion of terrorism is used in a broad and narrow sense. In a broad sense, it includes various criminal activities such as: criminal terrorism, on the basis of which property interests are encountered; psychic terrorism, which is characterized by religious and magical purposes; war terrorism, which is manifested in the use of means to cause terror for military purposes, and political terrorism, which is directed at the realization of certain political goals. Defining terrorism, the FBI (The Federal Bureau of Investigation) highlights the illegal use of violence against persons or property, intimidation or coercion against government, civilians, sections of society. These methods of terrorism are used for political or social purposes. Jenkins Brian, on the other hand, in the sense of terrorism involves the use or threat of use of violence for the purpose of various political achievements causing fear as a programmed effect of terrorist acts. Walter Laquer, for the meaning of terrorism emphasizes the illegal use of violence for political purposes where innocent people suffer. In the narrow sense of the word, which is more present in the literature, this notion is used for political terrorism.

#### **5. Terrorist acts**

Terrorist acts are committed with violent acts against the life (with murder), health (torture, injury) of people due to state activity or public service, planting explosives (tritol), through kidnapping, as a form of illegal removal of freedom, seizure (holding a person hostage), hijacking of travel equipment. As a necessary element of the figure is required the arrival of criminal consequences (Elezi, 2002, p.327). Whereas, acts of violence against property are committed with violent acts through theft (here it is a matter of robbery), damage and mass destruction by breaking windows, doors, burning cars, apartments, social and cultural buildings or in any other way vandalism. Then, the distribution of hazardous substances is carried out with active actions that are expressed in the distribution in air, soil, or water of substances hazardous to

human life and health of animals. One of the other terrorist acts is the creation of armed mobs. This crime is committed with active illegal actions, which are expressed in the creation of armed crowds to oppose public order through violent action against the life, health, personal freedom of the person and property (Latifi, Beka, 2013, p.235).

## **6. Specific forms and causes of terrorism**

Like other forms of crime, terrorism has its own forms of presentation. The forensic and criminological aspects of terrorism seek to highlight the causes, purposes and other elements. The causes of terrorism lie in the ideological, political and economic contradictions of contemporary society. Internal causes are poverty, human rights violations, genocide, neo-fascism, apartheid, racial discrimination, and state-related elements (socio-political and economic status). External causes lie in the contradictions of the international economic order, aggression, occupation, colonialism and interference in the internal affairs of foreign states. This group of causes conditionally belongs to the objective ones and subjective ones are those that belong to the perpetrators and are related to psychopathological, moral and personality disorders of the persons.

The forms of presentation of terrorism are influenced by the ideology which determines the goals and actions of terrorist groups. Some authors talk about the so-called terrorist ideologies of national minority groups (anarchism, revolutionary Marxism, reactionary neo-fascism, etc.). Political motives do not accept perpetrators who are criminally motivated, irresponsible, who invent political intentions and actors of pseudo-terrorism (indiscriminate terror). The classification of terrorism and the forms of its presentation are done according to the most different criteria. The most common divisions are into: domestic and international terrorism; individual and mass; selective and non-selective. The literature also mentions compromise, agitation, national, religious, revolutionary and state terrorism. As for state terror, it can be noted that it is manifested in acts of violence against its own citizens, apartheid, genocide and special warfare. These acts are treated as crimes against humanity and violations of the norms of international humanitarian law (Latifi, Beka, 2013, p.256).

## **7. Fighting terrorism and terrorist activities in Kosovo**

The policy of combating terrorism is a key tool, but certainly not the only one, which operates effectively through the Criminal Code for the incrimination of criminal offenses with terrorist intentions, as well as through penalization - severe criminal sanctions against guilty persons who commit them, also playing the role of legal-criminal prevention against other persons. This strategy is cross-sectoral, because otherwise the fight against this serious and complex crime cannot be conceived. Based on the content of the strategy, preventive measures against acts with terrorist intentions have crossed internal borders and extend to interregional, inter-European and international cooperation and interaction. Cooperation and interaction in the

harmonization of measures to combat and prevent acts with terrorist purposes are a necessity and guarantee for achieving the effectiveness of criminal legislation and other multifaceted social and state measures to combat terrorism (Latifi, Elezi, Hysi, 2012, p. 141-146).

The difficulties of fighting terrorism are different, but also dependent on the ways of committing terrorist acts, the tools and weapons used to commit terrorism, as well as the place and territory where terrorist acts are committed. The detection and prevention of terrorist acts that have large-scale consequences is also complicated by the lack of technical-technological, electronic equipment of the state, which must counter terrorism.

At various stages of the threat of violent extremism, once manifested through the recruitment of foreign fighters, is now, gradually transformed into terrorism widespread within Kosovo. The trends of violent extremism in Kosovo are almost similar to those elsewhere in European countries. Kosovo Police and the Kosovo Intelligence Agency have prevented about four possible terrorist attacks in Kosovo in the last two years. Attempted terrorist attacks were prepared by ISIS sympathizers and involved men who had never participated in the conflicts in Syria and Iraq. However, it should be noted that to date, no terrorist attack has been carried out / completed in Kosovo. Out of 135 former foreign fighters from Kosovo, five were directly or indirectly involved in any activity related to attempted attacks or terrorist activities in Kosovo, including the attack prevented by the Kosovo authorities in the 2018 World Cup qualifier match between Albania and Israel. In Kosovo, one in 25 returnees from Syria has engaged in attempted suspected terrorist attacks, which have been prevented by Kosovo security authorities (Perteshi, 2018, p.8).

About 135 individuals have returned to Kosovo and are being tried in local courts. About 75 Kosovo foreign fighters are reported killed, while about 190 individuals are estimated to have remained in conflict zones (Perteshi, 2018, p.8). A particular concern that has emerged in Kosovo these days is the issue of the temporary admission of hundreds or thousands of Afghans to be transferred to Kosovo and Albania as US allies after its withdrawal from Afghanistan. Given the possibility of infiltration of Afghan radicals in this transfer, this issue will present a great uncertainty for the national security of Kosovo, given the fact that Kosovo's current security capabilities still need further development and advancement.<sup>3</sup>

In order to fight terrorism, the criminal legislation of the Republic of Kosovo has sanctioned many terrorist acts and activities, ranging from committing, assisting, recruiting, training, inciting, concealing or not reporting terrorists or terrorist groups, organizing and participating in terrorist groups, and preparation of terrorist acts against the constitutional order and security of the state of Kosovo. Thus, according to Article 129 of the Criminal Code of the Republic of Kosovo, the commission of a terrorist act means that: Whoever commits a terrorist act is punished by not less than five (5) years of imprisonment. When such an act results in serious bodily injury to one or more persons, then the perpetrator shall be punished by not less than ten

<sup>3</sup> The withdrawal (quickly and without a good exit strategy) of American troops and its allies from Afghanistan and the immediate seizure of power by the Taliban, have created a chaotic situation in Afghanistan and could create serious security problems, etc., in some European countries from the great influx of refugees.

(10) years of imprisonment. But, if such an act results in the death of one or more persons, the perpetrator shall be punished by imprisonment of at least fifteen (15) years or by life imprisonment. It results from the fact that according to the Kosovo criminal legislation, every terrorist act and activity is punishable by a minimum of 5 years of imprisonment and a maximum of life imprisonment. According to this Criminal Code also: Assistance in committing terrorism;<sup>4</sup> Facilitating and financing the commission of terrorism;<sup>5</sup> Recruitment for terrorism;<sup>6</sup> Terrorism training;<sup>7</sup> Incitement to commit terrorist acts;<sup>8</sup> Concealing or not reporting terrorists or terrorist groups;<sup>9</sup> Organizing and participating in a terrorist group;<sup>10</sup> Travel for the purposes of terrorism;<sup>11</sup> Preparation of terrorist acts or criminal offenses against the

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<sup>4</sup> According to the Criminal Code of the Republic of Kosovo, Article 130, Assistance in committing terrorism. Whoever assists the perpetrator or accomplice after committing a terrorist act, by providing funds or other material resources to such person or persons for any purpose, shall be punished by imprisonment of three (3) to ten (10) years.

<sup>5</sup> Article 131, Facilitation and financing in the commission of terrorism. Anyone who, in any way, directly or indirectly, provides, seeks, collects or conceals, organizes, prepares, makes available funds or other material means or directs others to such actions, with intent to be used, know or reasonable grounds for believing that they will be used, in whole or in part, for or by a terrorist individual, terrorist group, or to commit or contribute to the commission of a terrorist act, shall be punishable by a fine of up to five hundred thousand (500,000) euros and with imprisonment of five (5) to fifteen (15) years.

<sup>6</sup> Article 132, Recruitment for terrorism. Anyone who calls on another person to commit or participate in the commission of a terrorist act or to participate in the activities of a terrorist or terrorist group shall be punished by imprisonment of five (5) to fifteen (15) years.

<sup>7</sup> Article 133, Training on terrorism. Whoever provides or receives training in terrorism shall be punished by imprisonment of five (5) to fifteen (15) years.

<sup>8</sup> Article 134, Incitement to commit terrorist acts is punishable by imprisonment of one (1) to five (5) years.

<sup>9</sup> Article 135, Concealment or non-disclosure of terrorists or terrorist groups. Whoever conceals the existence of a terrorist or terrorist group or its members, prevents the detection or capture of the terrorist group or its members, is punishable by imprisonment of three (3) to ten (10) years.

<sup>10</sup> Article 136, Organization and participation in a terrorist group. Whoever creates, organizes or leads a terrorist group shall be punished by a fine of up to five hundred thousand (500,000) Euros and by imprisonment of ten (10) to twenty (20) years. Whoever participates in the activities of a terrorist group shall be punished by imprisonment of five (5) to ten (10) years.

<sup>11</sup> Article 137, Travel for purposes of terrorism. Anyone who travels to or from the territory of the Republic of Kosovo with the intention to commit, contribute or participate in the commission of a terrorist act or with the intention to participate in the activities of a terrorist or terrorist group or for the purpose of providing or receiving training in terrorism is punishable by imprisonment of three (3) to ten (10) years. Anyone who in any way assists as provided for the commission of a criminal offense in this article and as defined in Article 33 of this Code, organizes or facilitates the trip of any person knowing that the trip is for the purposes provided in paragraph 1 of this article is punishable by imprisonment from one (1) to eight (8) years.

constitutional order and security of the Republic of Kosovo<sup>12</sup>, etc. are sanctioned with imprisonment in adequate height with the policies of combating crime and punishment in Kosovo, which is also adequate and in line with the concept of re-socialization and reintegration of convicts for the crime committed. Also, in Kosovo in 2018, the Ministry of Finance issued an Administrative Instruction on National Risk Assessment for Money Laundering and Terrorist Financing, the purpose of which is to regulate and define standard procedures for a general process for national risk assessment for money laundering and financing of terrorism and informal economy (risk assessment), including identification, analysis and assessment of risks and weaknesses.<sup>13</sup>

The Government of the Republic of Kosovo has also drafted in advance the Counter-Terrorism Strategy (2012 - 2017), which document contained strategic and specific objectives, through which defined the mechanisms, methods and manner of action plan, in order to implement an effective policy counter-terrorism at both national and international level, as well as fostering cooperation between all subjects of international law.

## Conclusions

Today's civilization is endangered by the unprecedented growth of terrorist organizations in the world, with special emphasis on Syria, Iraq, Afghanistan, etc. Successfully confronting terrorism as one of the most serious threats in the contemporary world, is possible only with a systematic, planned and coordinated engagement at the national and international level.

Terrorism is used to arouse in people a sense of fear and insecurity, which in many cases is far greater than the real consequences of the act. These acts target the population or important sectors of a state.

Different goals have led to the establishment of various terrorist organizations which then through their messages of political or religious character, have aroused fear, insecurity and panic among the population. Many political ideas have been instrumentalized by terrorist organizations to justify their actions.

The threat from internally developed terrorism and the ongoing radicalization comes from several directions. Violent extremist ideologies are still prevalent in the families of foreign fighters who have been to areas of religious conflict and war, especially those who follow conservative teachings.

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12 Article 138, Preparation of terrorist acts or criminal offenses against the constitutional order and security of the Republic of Kosovo. Whoever prepares the commission of criminal offenses under Articles 128-137 of this Code, shall be punished by imprisonment of one (1) to five (5) years. Whoever sends or carries in or outside the territory of the Republic of Kosovo weapons, explosives, poisons, equipment, ammunition or other material for committing one or more criminal offenses shall be punished by imprisonment of five (5) to fifteen (15) years. Whoever, for the purpose of committing one or more terrorist acts, sends or carries armed groups, equipment or other material resources to or outside the Republic of Kosovo, shall be punished by imprisonment of ten (10) to twenty (20) years.

<sup>13</sup> Administrative Instruction, Ministry of Finance of the Republic of Kosovo, No.04 / 2018.

Despite this, it turns out that most of the foreign fighters who returned after the fighting in Syria and Iraq, have been tried or are on trial, ie have been convicted for their involvement in terrorist activities. Terrorism can not be eradicated only through the use of military force, but through the change of overall social relations, the development of democracy and the mass education of public opinion on terrorism and its consequences.

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