Theses and Dissertations   1. Thesis and Dissertation Collection, all items

2004-06

Albania's counter-terrorism policy options: finding a strategy of common sense

Gjiknuri, Damian

Monterey California. Naval Postgraduate School

http://hdl.handle.net/10945/1208

NAVAL
POSTGRADUATE
SCHOOL

MONTEREY, CALIFORNIA

THESIS

ALBANIA'S COUNTER-TERRORISM POLICY OPTIONS: FINDING A STRATEGY OF COMMON SENSE

by

Damian Gjiknuri

June 2004

Thesis Advisor: Paul Pitman
Second Reader: Douglas Porch

Approved for public release; distribution is unlimited

THIS PAGE INTENTIONALLY LEFT BLANK

REPORT DOCUMENTATION PAGE		*Form Approved OMB No. 0704-0188*
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.		
1. AGENCY USE ONLY (*Leave blank*)	**2. REPORT DATE** June 2004	**3. REPORT TYPE AND DATES COVERED** Master's Thesis
4. TITLE AND SUBTITLE: Albania's Counter-terrorism Policy Options: Finding a Strategy of Common Sense		**5. FUNDING NUMBERS**
6. AUTHOR - Damian Gjiknuri		
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000		**8. PERFORMING ORGANIZATION REPORT NUMBER**
9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A		**10. SPONSORING/MONITORING AGENCY REPORT NUMBER**
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.		
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited		**12b. DISTRIBUTION CODE**
13. ABSTRACT: This research will assess the counter-terrorism policy options available to Albanian authorities. As part of this investigation, it will consider the nature of the terrorism threat, review the counter-terrorism policies that have been pursued in the past, and weigh the strengths and weaknesses of the current policy. These elements will provide background for an analysis of the available policy models on the basis of four main criteria: 1) political feasibility; 2) legal and constitutional constraints; 3) foreign policy objectives and 4) effectiveness. The state policy options this study will analyze can be placed under four broad categories: a) deterrence through hard line measures including military operation and emergency powers; b) co-option and conciliation; c) pursuit of sanctuary or a passive policy; or d) deterrence via criminal justice. All these options might be plausibly implemented by Albania; indeed they have been used at different times in different countries. The working hypothesis of this investigation is that a policy based mainly on deterrence through criminal justice will be the most effective way to counter the internal threats that Albania faces while improving the country's international standing.		
14. SUBJECT TERMS Terrorism, Albania, the Balkans, counter-terrorism policy, Islamists, national-extremism, organized crime, criminal justice.		**15. NUMBER OF PAGES** 128
		16. PRICE CODE
17. SECURITY CLASSIFICATION OF REPORT Unclassified	**18. SECURITY CLASSIFICATION OF THIS PAGE** Unclassified	**19. SECURITY CLASSIFICATION OF ABSTRACT** Unclassified	**20. LIMITATION OF ABSTRACT** UL

i

THIS PAGE INTENTIONALLY LEFT BLANK

ALBANIA'S COUNTER-TERRORISM POLICY OPTIONS: FINDING A STRATEGY OF COMMON SENSE

Damian Gjiknuri
Civilian, Ministry of Defense of Albania
Law Degree, University of Tirana, 1994

Submitted in partial fulfillment of the
requirements for the degree of

MASTER OF ARTS IN NATIONAL SECURITY AFFAIRS

from the

**NAVAL POSTGRADUATE SCHOOL
June 2004**

Author: Damian Gjiknuri

Approved by: Paul Pitman
                Thesis Advisor

                Douglas Porch
                Second Reader

                James J. Wirtz
                Chairman, Department of National Security Affairs

THIS PAGE INTENTIONALLY LEFT BLANK

ABSTRACT

This research will assess the counter-terrorism policy options available to Albanian authorities. As part of this investigation, it will consider the nature of the terrorism threat, review the counter-terrorism policies that have been pursued in the past, and weigh the strengths and weaknesses of the current policy. These elements will provide background for an analysis of the available policy models on the basis of four main criteria: 1) political feasibility; 2) legal and constitutional constraints; 3) foreign policy objectives and 4) effectiveness. The state policy options this study will analyze can be placed under four broad categories: a) deterrence through hard line measures including military operation and emergency powers; b) co-option and conciliation; c) pursuit of sanctuary or a passive policy; or d) deterrence via criminal justice. All these options might be plausibly implemented by Albania; indeed they have been used at different times in different countries. The working hypothesis of this investigation is that a policy based mainly on deterrence through criminal justice will be the most effective way to counter the internal threats that Albania faces while improving the country's international standing.

THIS PAGE INTENTIONALLY LEFT BLANK

TABLE OF CONTENTS

ACKNOWLEDGMENTS

This thesis is the culmination of what I have learned at the Naval Postgraduate School in Monterey, California, from January 2003 to June 2004. The NPS National Security Affairs graduate program is a unique learning opportunity combining the experiences of the U.S. and international students with the highly qualified professors that teach and lead us through our short time here.

I would like to thank Dr. Paul Pitman for his invaluable service as thesis adviser. I am in his debt for the many hours he spent advising me on this thesis. I will always be grateful to him for sharing his expertise and patient counsel, which have contributed to my intellectual development.

I would also like to thank Professor Douglas Porch who served as a second reader and provided me with important comments and suggestions.

I dedicate this work to the memory of my father, Professor Leke Gjiknuri, who worked relentlessly throughout his life for the progress of science and society in Albania, and left behind a legacy of honesty, integrity, and courage.

THIS PAGE INTENTIONALLY LEFT BLANK

I.   INTRODUCTION

A decade ago Albanians could be forgiven for believing that terrorism was something that happened to other people in far away countries. This is not the case today. Since the end of the Cold War, developments in Albania and in the Balkans have made the country vulnerable to new security threats from non-state actors, including terrorism. Indeed, recent events have shown that international terrorist organizations have not only penetrated Albania; they have also developed bases of operation and targeted foreign installations in the country.[1] The closure of the US Embassy in Tirana in August 1998, in response to fears of attacks, is emblematic of the situation. Some foreign governments have portrayed Albania as a sanctuary for terrorist organizations. Although these allegations have been exaggerated occasionally for political purposes, Albania cannot afford to be accused of being a safe haven for terrorists or of not doing enough to prevent terrorism. If this happens, it will jeopardize the country's political future by hampering its efforts for integration in to the European Union (EU) and the North Atlantic Treaty Organization (NATO).

 In the meantime, the terrorist threat has not only come from abroad, it has developed domestic features of its own. Whether it is related to Pan-Albanian extremist movements or organized crime, one thing is evident: terrorism represents a serious threat for Albania's infant democracy and beyond. Thus, Albania needs to develop counter-terrorism policies that will be effective, not only in quelling the violence, but also in protecting the internal political and social order without undermining the country's external policy.

A.   RESEARCH OBJECTIVE

This research will assess the counter-terrorism policy options available to Albanian authorities. As part of this investigation, it will consider the nature of the

---

[1] A group connected to Islamic Jihad planned to bomb the U.S. Embassy in Tirana during 1998, but it was prevented in time by the Albanian and US security forces. See U.S. Department of State, *Patterns of Global Terrorism 1999,* http://www.state.gov/www/global/terrorism/1999report/europe.html#Albania (accessed 20 January 2004).

terrorism threat, review the counter-terrorism (CT) policies that have been pursued in the past, and weigh the strengths and weaknesses of the current policy. These elements will provide the background for an analysis of the available policy models on the basis of four main criteria: 1) political feasibility; 2) legal and constitutional constraints; 3) foreign policy objectives; and 4) effectiveness.

Having described the main criteria for policy evolution, let us briefly expose the main policy options that will be used in this study. The state policy options we will analyze can be placed under four broad categories: a) deterrence through hard-line measures including military operation and emergency powers; b) co-option and conciliation; c) pursuit of sanctuary or a passive policy; or d) deterrence via criminal justice. All these options might plausibly be implemented by Albania; indeed, they have been used at different times in different countries. The working hypothesis of this investigation is that a policy based mainly on deterrence through criminal justice is the most effective way to counter the internal threats that Albania faces while improving the country's international standing.

The method of research will be policy analyses aiming at identifying the most effective and feasible counter-terrorism policy for Albania. The study will employ international sources and foreign government documents as well as Albanian daily press coverage of events in the country. It will also use policy and legal documents of the Albanian government thus helping to analyze Albania's current response. Previous experience of the author in law enforcement and the security field has been helpful for selecting the most reliable and in-depth sources for the purpose of this study.

This study should be of interest to Albanian policy-makers and analysts, and also to those concerned with the political future of the Balkan region. The recent history of the Western Balkans has shown that terrorism and extremist insurgencies have the ability to destabilize the region and hamper efforts to integrate this part of Europe into Euro-Atlantic structures. The war against terrorism requires the joint efforts of all countries. This thesis will contribute to documenting the policies of a small, yet peculiar country, located in a troublesome region, and with a Muslim majority, which seeks its future inside the European Union and is a strong supporter of the U.S.-led war against terrorism. The thesis will also highlight some of the challenges that transitional democracies face in

dealing with internal security issues and indicate where international assistance is particularly needed.

While no policy options can guarantee the complete eradication of the threat posed by political violence, the proposed model will contribute substantially to not only reducing the threat but also in fighting criminal violence in general. This result would be an improvement in the overall internal security situation, one of the key issues in Albania's bid for European Union membership.

B.   ORGANIZATION

This study consists of six chapters including this introduction, organized as follows:

Chapter II: "Threat Assessment," assesses the threat that Albania faces from three forms of terrorism and the conditions that have permitted their emergence. It covers both domestic political and social developments since the fall of Communism and resonating international events. Within the context of the overall level of violence in the country, the current threats are analyzed with particular attention to Islamic radicals, Pan-Albanian nationalism, and organized crime. The purpose of this chapter is primarily to present the environment and issues that Albania's counter-terrorism policy must address.

Chapter III: "Albania's counter terrorism policy since 1992," deals with current institutions and policies. It first describes the national security actors in the country and how security issues, including terrorism, are dealt with. Then it reviews the phases that the counter-terrorism policy has gone through since 1992 and the reasons for policy change. It analyzes Albania's current CT policy, in particular focusing on how it addresses the threats identified in Chapter II. Chapter III reveals the pitfalls and weakness of Albania's current policy and thus the need for a comprehensive policy review.

Chapter IV: "Assessment of four counter-terrorism policy models", assesses the four models of CT policy based on the criteria selected in this thesis. This chapter details the advantages and disadvantages that each policy offers, making a case for the criminal justice model.

Chapter V: "Implementing the Criminal Justice Model" will explore how this policy model might be adapted for Albania including the roles that the main state security agencies might play.

Chapter VI: "Conclusions" will present the findings and the necessary recommendations for changes in Albania's policy, providing information that additionally may guide international assistance.

C.   DEFINITIONS

Defining terrorism is a major challenge for any student of the field and so far there have been hundreds of definitions; yet, not a single one has been generally accepted. As Brian Jenkins has stated "terrorism is a contemporary problem with age-old dilemmas,"[2] thus making the issue of definition a titanic challenge. The overused cliché "One man's terrorist is another man's freedom fighter," still seems to be alive. For the purpose of this study, it will suffice to use a definition prepared by Alex P. Schmid, which is widely accepted in the academic world.

> Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby—in contrast to assassination—the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought.[3]

---

[2] Brian M. Jenkins, "Terrorism: A Contemporary Problem with Age-old Dilemmas," in *Terrorism: Roots, Impact, Responses,* ed Howard Lawrence (New York: Praeger, 1992), 21.

[3] This definition is selected from 109 different definitions of terrorism provided by the leading scholars on the field and published in Alex P. Schmid and Albert Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature* (North-Holland Publishing Company, 1988), 5.

Likewise, this thesis will use the definition of international terrorism used by the U.S. Department of State, that is, "terrorism involving citizens or the territory of more than one country."[4]

---

[4] Definition in accordance with Title 22 of the United States Code, Section 2656f(d).

THIS PAGE INTENTIONALLY LEFT BLANK

II. THREAT ASSESSMENT

Assessing security threats accurately is a painstaking effort for any government made more difficult by the fact that terrorism has the element of surprise as one of its components. Yet a clear understanding of the past trends and perpetrators, and if possible, the underlining causes of terrorism are needed for government preparedness and policy response. This chapter will assess the threats that Albania faces from terrorism with special emphasis on the conditions that have permitted its emergence. The current threats will be analyzed with particular attention to domestic and international Islamic inspired violence, Pan-Albanian nationalism, and organized crime. The purpose of this chapter is to consider the environment, trends and issues that counter-terrorism policy must address.

A. POST-COMMUNIST ENVIRONMENT

In order to support an appropriate policy against terrorism the environment that has permitted the emergence of the threat must be examined. Albania's post-Communist environment has been shaped by outside and inside events. This part of the analysis focuses on describing briefly the key features of these developments and their consequences for the country generated from a large body of literature that covers the development of post-Communist Albania.

Albania entered the post-Cold War era with the baggage of 45 years of the most repressive totalitarian regime in Europe. Since becoming an independent state in 1913, Albania experienced no democracy and was dominated by political violence and dictatorship culminating in a draconian Communist regime that ruled the country with an iron fist for more than four decades. Unlike countries such as the German Democratic Republic and Poland under Communism, there was not the least vestige of multi-party system in Albania, although such a system in many Warsaw Pact countries were in practice a mere façade. The first organized political opposition did not exist until December 1990, much later than in most East European states. This became the

7

Democratic Party (DP), which took power after the spring 1992 elections, thus marking the official end of the communist dominated period.[5]

Among the general population, some 65 per cent of which were peasants, there was little understanding of modern politics in a European sense. The legacy of regional and clan differences was to play an important part in national life in the years to come. The dominant ethos of the socialist regime had been the desire to establish the "new socialist man" defined by a stable Albanian identity and communist conscience. The extent to which this project failed can be seen in the overwhelming rejection of communism during the period of anarchy and chaos between 1990 and 1992. The overthrow of Communism was marked by a mass movement of peasants and workers against the one-party state. This often took violent and anarchic forms, with random attacks on all symbols of state property and institutions, not merely those associated with the Communist party[6] and the Communist regime. This period provide the first evidence of the Albanian state's inability to control parts of its natural territory, population, or even to defend its institutions from violence.[7] The political violence of this anarchic period left deep scars in the years to come.

The outbreak of war in the former Yugoslavia in 1992 raised tension levels throughout Albania. With a large Albanian minority in the Serbian province of Kosovo, concerns centered on a possible backlash against ethnic Albanians in Kosovo and possibly Macedonia. The subsequent breakup of Yugoslavia raised the issue of Kosovo's independence and even the hope for reunification under a "Great Albania."[8] The geo-

---

[5] See Miranda Vickers and James Pettifer, *Albania: From Anarchy to a Balkan Identity* (New York: New York University Press, 1997), 10-32.

[6] the name of the Communist ruling party was the Party of Labor of Albania (Partia e Punes e Shqiperise)—PLA.

[7] This period is known also as the period of "dark forces." Many state institutions were attacked and violent demonstrations were the mode of the day. Some events ended up with death casualties from both sides. In addition, looting of state property was widespread. The situation had even frightened the police and risked paralyzing the whole nation. These events constitute the first exhibition of political violence of post-Communist Albania.

[8] Greater Albania or "Ethnic Albania" presupposes unification of all Albanian inhabited areas of the Western Balkans including Kosovo, Western Macedonia and Northern Greece. The political movement is also known as "Pan-Albanianizm." See International Crisis Group, *Pan-Albanianizm: How Big a Threat to Balkan Stability?* Balkan Report, no.153 (Brussels: ICG 25 February 2004). http://www.crisisweb.org/home/index.cfm?id=1239&l=1 (accessed 10 January 2004).

political position of Albania proved ripe for nationalist insurgency and exposing Albania to new perils. This issue will be examined in greater detail.

For most of the 1990s, Albania remained a weak state, which had to struggle to maintain public order. Equally, if not more worrisome has been the evident symbiosis between politics and crime, whereby politicians and policeman are believed to be corrupt and criminal gangs control substantial sectors of the economy. During the 1990s Albania became a center of trans-Balkan smuggling and trafficking routes. A vibrant illegal domestic industry also developed as result, the EU has listed Albanian organized crime (OC) among the greatest threats to the Union's security. Somehow criminality has become both a symptom and cause of Albania's political paralysis.

Albania's problematic transition was almost thrown off track after the collapse of "pyramid" schemes in 1997, which wiped out the savings of many Albanians and led to armed revolts. Since then, the political scene has remained sharply divided between the Socialist Party (SP) and Democratic Party (DP), the two dominant political parties, which face no credible political alternatives. Above all, the 1997 crisis resulted in the collapse of the state apparatus and consequently the looting of enormous quantities of weapons from military and police depots.[9] The subsequent availability of weapons has facilitated the criminal attacks against the state and society.

It is against this background that the threat of terrorism developed. Weak governance, poor internal security, lax border control, political instability, and deliberate wrong polices have produced an environment that favors terrorism. These activities can be sub-characterized as Islamic militancy, nationalist insurgency, and violence against the state by organized crime, all of which must be addressed by Albanian security policy.

---

[9] In 1997, over 650,000 weapons and 1.5 million rounds of ammunition were looted, and estimates of how many weapons remain in circulation after numerous collection efforts vary. In 1998, Jayantha Dhanapala, the UN Assistant Secretary-General for Disarmament, put the number of looted weapons at 226,000 AK-47 assault rifles, 351,000 ordinary rifles, 25,000 machine guns, 38,000 pistols, 2,450 grenade launchers and 770 mortars. UN Development Program Office in Tirana, http://www.seesac.org/about/alb2.htm (accessed 10 May 2004).

B.   ISLAMISTS

The global focus on violence directed by Islamist[10] extremism-inspired violence that resulted from the 9/11 atrocities has raised questions about the potential of terrorist activities in the Balkans. This potential becomes significant when the forces of anti-secularization carried on by militant Islamists unfolds and seeks changes to the political landscape at the cost of western-style democracy. In the last 12 years Albania has not been immune to those forces. Although militant Islam has not emerged on a broad scale, it has been capable of threatening Western targets in the country and planting the seeds of violence in the domestic realm. In order to deal with this new threat, its roots, objectives, actors, connections and the recent trends of militant Islam in the country must be analyzed.

1.   Rebirth of Islam

In 1967, Albania was declared the world's first atheist country and the practice of religion was banned by law; but, the demise of the Communist regime in 1990 brought religion back and ready to be embraced by the majority of the people. Knowing little about religion or having any religious affiliation, the people started to identify themselves according to their family tradition, Muslim 70%, Catholic 10% and Christian Orthodox 20%. Although the popular belief is that religion does not have any importance among Albanians[11], foreign observers have noticed that even during the first years of Communism in 1946, 70 percent of Albanians freely proclaimed themselves as Muslims[12].

The distaste for religion was strongly promoted by the Communist ideology which saw religion as a conservative custom and an obstacle to the socialist "Cultural Revolution." Hoxha's[13] propaganda attacked religion as foreign to the Albanian nation, and historically had been used to divide the Albanians in the interest of foreign powers.[14]

---

[10] The term Islamists refers to partisans of Islamic theocracy, some of whom pursue their goals through normal political means, while others have turned to violence and terrorism.

[11] In the nineteenth century, the Albanian Renaissance poet, Pashko Vasa, declared, "The religion of Albanians is Albanianism."

[12] See Vickers and Pettifer, *Albania*, 96.

[13] Enver Hoxha was leader of the PLA in Albania from 1944 to 1985.

His regime hoped to appeal to the Albanian people's strong sense of national identity and their deep suspicion of foreign intentions toward their small country throughout history. The literature of the Albanian Renaissance of the nineteenth-century was amplified to stress the strong sense of nationalism and uniqueness of the Albanian nation which distorted the role that religion had played historically. The final blow against religion came at 1967 with the banning of any religious practices and literature, thus making Hoxha, arguably, a secularist champion compared even to Joseph Stalin or Mao Zedong. Although Albania officially proclaimed itself free from any religious influence and hence the first and the only truly atheist state, religious rituals continued underground. Moreover, the situation for Albanians living in Kosovo, Macedonia, and Montenegro (98 percent Muslim) had been different in that religion always played an important role in shaping their identities.

As was mentioned above, the majority of the Albanian population is Muslim by tradition. The conversion of the people to Islam was a gradual process that started with the Ottoman occupation. In the north, the propagation of Islam met with strong resistance from Roman Catholics, helped also by the mountainous terrain making the invader's incursion more difficult. Albania emerged from the Ottoman domination as a predominantly Muslim country dominated by the Sunnis. In the period between the two World Wars, independent Albania did not adopt a state religion. The constitution of the Republic, and then of the Kingdom, declared that Albania had no official religion, that all religions and faiths were respected, and that their liberty of practice was assured.[15]

In 1991, the ban on religious practices came to an end, resulting in a gradual revival of religious practice, together with the restoration and rebuilding of religious institutions. Starting in 1990, representatives of a number of Islamic groups began visiting the country. The government agreed to allow various Gulf States to build mosques and other religious institutions in exchange for investments in the impoverished economy. After the DP victory in the March 1992 election, an increased number of delegations from the Muslim world, led by the Saudis, poured in the country. The new

---

[14] Enver Hoxha, *Banner of Struggle for Freedom and Socialism* (Tirana, N.p., 1985), 107.

[15] Aleks Luarasi, *Historia e Institucioneve Juridike Shqiptare* (History of Legal Institutions in Albania), (Tirana: Shtepia Botuse Librit Shkollor, 1988), 48-49.

government showed un-cautious zeal to support the spread of Islam in the country. A spokesman of the Islamic Relief Agency,(which was latter closed down for its links with terrorism) said that without the help of DP which provided some trucks, it would have been difficult to distribute aid.[16] Saudi Arabia paid for the opening of new "*madrasas[17]*" printed million of copies of the Koran which were distributed throughout Albania.

Unlike the other religious groups that flocked to Albania during this period, the Islamic ones were intent on fostering an economic, as well as, cultural base in the country. In October 1992, a delegation from the Islamic Development Bank (IDB), headed by its chairman visited Tirana to lay the ground for Albania to join the bank. It promised huge loans to ameliorate Albania's economy. However the delegation also discussed plans to build a number of institutes to train teachers in Arabic and dispatch first groups of students to undergo training in IDB member countries.[18]

As Albania lacked the necessary cadres to preach Islam in the newly opened institutions, a wave of students was sent to Islamic countries to be trained. By 1993 there were more than 200 students studying theology mainly in Syria, Jordan, Saudi Arabia, Libya, Malaysia, Egypt, and Turkey. Islamic organizations helped to fund the expenses of those Albanians wishing to make the pilgrimage to Mecca; by 1993 more than a thousand Muslims went on the *hadj[19]* through the scheme.

After the hopes of Albanians for a quick economic recovery--built on the politician's exaggerated promises for huge investments from Europe and the U.S.--were beginning to fade, the issue of whether the future of Albania belonged to Europe or Islam surfaced. Besides the overwhelming Islamic presence, the core issue that triggered stiff political debates and opposition from inside and outside the country was the December 1992 decision by President Sali Berisha to join the Organization of the Islamic Conference (OIC) thus making Albania the first European country to join. The decision was taken quickly, without consulting the parliament, using the loophole of the

---

[16] Vickers and Pettifer, *Albania*, 102.

[17] A madrassa is a school where Islamic religion and law are taught.

[18] Vickers and Pettifer, *Albania*, 10.

[19] The hadj, or pilgrimage to Mecca, is one of the Five Pillars of Islam.

Provisional Constitutional Law, then in force. The real incentives behind the move were officially portrayed as economic, which indeed makes sense given the dire economic situation and lack of investments from the West. Yet other commentators suggest security concerns behind this astonishing decision. Witnessing the failure of European diplomacy to stop the massacres against the Muslims in Bosnia, and fearing a sudden Serbian military offensive in Kosovo, Albania may also have joined the OIC with Islamic diplomatic and military support in mind.[20]

When asked about growing criticism of Islamic influence in the country, Berisha stressed "that Albania would always remain a secular state hence he would like to see Albania act as bridge-builder between Europe and the Islamic world."[21] Although it can be assumed that the economic issue was the main force behind the move, the decision may have been facilitated by other figures sympathetic to political Islam besides Berisha. The head of National Intelligence Service-*Sherbimi Informativ Kombetar*-(SIS), Bashkim Gazidede, one of the key figures of the DP and a very close collaborator of Berisha, was also the chairman of Islamic Intellectuals Association of Albania (IIAA).[22] His zeal towards Islamists and his role in encouraging many Islamic NGOs-- some of them linked with terrorism -- to operate in the country, cast a shadow on the reasons presented by the President. Thus the semi pro-Islamic stance of the Albanian government facilitated the process of Islamist penetration. Not knowing much about the implications and hope for an economic miracle made Berisha's government unconcerned about this process. In the meantime political figures such as Gazidede were working around the clock receiving official delegations from the Arab world, hence deviating from the official duties and even compromising national security. In a normal European country this would sound as heresy, yet for the Albanian government it was business as usual, thus leading to the conclusion that the lax policy was not an accident instigated by mere ignorance.

---

[20] Ibid., 107.

[21] Ibid., 108; Interview with Sali Berisha by the author on 7 December 1993.

[22] Bashkim Gazidede will be mentioned frequently in this study as a significant player in fostering links with Islamists. He was the second most important figure during Berisha Administration, 1992-97. After 1997's violent events he fled the country and is believed to be in Syria. A number of foreign press and organizations have also revealed his links with radical Islam, thus somehow symbolizing the "lax anti-Islamist policy" of Albania during that period.

Yet not all Albanians agreed with this stand. There was fierce resistance demonstrated by the political opposition led by the Socialists (SP), who not only confronted the OIC membership on procedural grounds including the failure to get parliamentary approval, but also because of their belief that the future of Albania belongs to Europe. Ismail Kadare, Albania's most prominent intellectual and writer, and twice a candidate for the Nobel Literature Prize, criticized Islamic influence among Albanians. From his base in Paris he argued that Albania was increasingly identified as an Islamic country and that Christian Europe would therefore be less inclined to help it.[23] He than claimed that "Albanians have suffered equally from Communism and from Islam."[24] This remark caused a storm among many Albanian Muslims who accused Kadare of knowing little about Islam and creating religious divisions among Albanians. Debates continued in the press by both sides of the spectrum, showing once more that religion was an issue which had its political implications, further undermining the myth that the religion of Albanians is Albanianizm'.

2.   Islamic Humanitarian Relief and its Dual Purpose

The lack of European involvement, poor economic performance, membership in OIC and the conflicts in the Balkans triggered the proliferation of Islamic NGOs and missionaries from fundamentalist Islamic states such as, Saudi Arabia, Iran and Libya which besides their humanitarian aim has other purposes in mind, that of the fostering of religious intolerance and more.

"Give us a chance and help us stand on our feet," President Berisha told the Islamic countries.[25] The oil-rich Muslim "brethrens" quickly understood this appeal. It was the message they had long been waiting for. In his analysis on the expansion of Islamism, Gilles Kepel notes that:

> the sudden collapse of the Berlin wall, signaling a more general implosion
> of the Communist system, opened the way for the *umma*[26] to extend its
> political reach beyond Iron curtain….. The evaporation   of   militant

---

[23] *Le Figaro* (French daily newspaper), 3 March 1992.

[24] Ibid.

[25] Ali Othman, "Albania Begins Search for the Lost Islamic Moorings," *Arab News*, 8 December 1993.

[26] The umma is the Community of Faithful.

socialism created a vacuum that Islamism   seemed ideally qualified to
fill.[27]

Albania fell within this general pattern, yet it had its own peculiarities. Albania
represented an ideal place for the Islamist cause. The dire Communist legacy, new
developments in the Balkans, and encouragement by the host government prepared the
stage for the spread of Islamic NGOs. Besides providing much needed humanitarian help,
the Islamists wanted to import into Albania their own political agenda inspired by "pure
Islam". The same Arab news source that joyfully reported Albania's renewed
membership in the "Islamic Club," revealed the true agenda: the building of Albania as an
Islamic state which would follow three steps: first economic, then propagation of the
faith, and third, the establishing of Islamic government.[28]

The first factor that permitted the heavy involvement of Islamic missionaries and
their respective NGOs in Albania was the post-Communist legacy. It may seem ironic
that the legacy of the regime that tried to uproot religion from the Albanian soil was in
fact responsible for its revival. Yet, its socio-economic legacy proved a fertile ground for
international "Islamic Puritanism." When the religion was re-introduced to Albanians
after 1990 there were few people competent on religion matters and almost no proper
place, in Islamic sense, to host religious practices. Most of the Muslim religious
institutions had either been destroyed or transformed to serve other needs. The property
of the Muslim community had been confiscated by the Communist regime and the new
community had no means to support the "revival of Islam." Therefore, the help from
Arab oil-rich countries was pivotal in Islam's revival. It was instrumental in financing the
building of new mosques and religious schools as well as in training the new cadres of
Islam in and outside Albania.

The poor economic conditions that many Albanian families were experiencing,
particularly in rural areas, favored the penetration of Islamic NGOs. This was done by
providing social services and financial allocation to the poor. Islamic organizations were

---

[27] Gilles Kepel, *Jihad: The Trail of Political Islam* (Cambridge: Harvard University Press, 2002), 9.

[28] Othman, "Albania Begins Search for the Lost Islamic Moorings."

15

giving 25$ per month to poor parents, who in return, would sent their children to Islamic lessons, very often under the Wahhabi-Salafi influence.[29]

The need for social services and the inability of the state to provide them made Islamic institutions favorites to fill the void. This pattern of development has a parallel in the Muslim Brotherhood reaching parts of populations that states could not reach, as has been the case in Egypt, and elsewhere. Some of the investments were directed to water supply systems and health care clinics. The bulk of the money was coming from the Gulf States, Iran and Libya. In return the Albanian government gave them the right to build mosques and other religious institutions of their preference. Many of these new constructions had nothing in common with the Turkic tradition and resemble more that of the Gulf, hence making easier for those missionaries to introduce their new brand of Islam, Wahabism.

The Albanians, many of whom were too young to have experienced religion, were naively eager and curious. The situation was accurately revealed by a report of the Islamic Relief describing Albanian Muslims "as a dry sponge, ready to soak up anything given to them."[30] Therefore ignorance of the matters of Islam facilitated the Wahabists in selling their new ideas. As one former policy adviser in Albanian Islamic Community revealed "many of these outsiders were fanatics, who wanted to import their own problems into our country." Those problems he suggests include "religious intolerance, subjugation of women, and the Koran's harsh penal code. Their ultimate goal is a religious state."[31]

The developments in the Balkans since the fall of Communism followed by the wars in Yugoslavia triggered Islamic involvement in the area. The Islamic world was horrified by the massacres of their brethren in Bosnia and was quick to respond. To quote the *mujahadin* commander Abu Abdel Azis:

---

[29] Xhavit Shala, *Siguria Kombetare dhe Sfidat e Integrimit* (National Security and the Challenges of Integration), (Tirana: by the author, 2003), 102.

[30] International Crisis Group, *Bin Laden in the Balkans; the Politics of Antiterrorism*, Balkan Report no. 119, (Brussels: ICG, 9 November 2001), 5, http://www.crisisweb.org/home/index.cfm?id=1239&l=1 (accessed 20 December 2003).

[31] Itland Bisprendi, quoted by James Drake and Sandra Dallas "Listening to the call of Islam," *Business Week*, 23 March, 1998, 24.

only fifteen days lapsed after the conquest of Kabul and the Bosnian crisis began. This confirmed the saying of the Prophet, peace and blessing be upon him, who said,' Indeed Jihad will continue till the day of Judgment. A new Jihad started in Bosnia, we moved there, and we are with it, if Allah wills.[32]

The role of Islamic NGOs for the purpose of the Islamist cause was twofold: first to coordinate the help of the donors mostly from Saudi Arabia, Kuwait and other Gulf states, (the Saudis alone provided over $600 million); second, to take control and use humanitarian aid for their political ends.[33]

Without denying the positive role that some of the Islamic humanitarian missions played to mitigate the dire life conditions of the poor, many of those NGOs had other aims in mind. These aims were not only confined to the expansion of a more puritan Islamic observance, but also, they were the hub for furthering of the fundamentalist cause and a nexus of international Islamic terrorism.

3.   Terror Connections

The main purposes of the Islamists who took control of humanitarian NGO were to use them as bases of regional coordination; fund generators; facilitators for illegal activities; sanctuary for fugitives; and "clearing house" for local militants. The main groups involved were Islamic Jihad (IJ) and Al Qaeda, at least proven so far. For the purpose of this study they will be treated as one.

The attempt to bomb the U.S. Embassy in Tirana by 1998 and plans to kill U.S. Secretary of Defense William Cohen during his planed visit to Albania in 1999, indicated that Albania was being used as a "staging area for an attack" against a "target of opportunity."[34]   The well designed plans of attack revealed the extent of militant Islam and international terrorism penetration.

Al-Qaeda is structured in such a way that can operate without a centralized command. Its regional cells function as nodal points of its horizontal network. A number

---

[32] Sheikh al-Mujahideen Abu Abdel Aziz, quoted by Rohan Gunaratna, *Inside Al Qaeda: Global Network of Terror* (New York: Columbia University Press 2002), 132.

[33] Ibid., 133.

[34] For more on this issue see *Jane's Sentinel Security Assessment*, Albania: Internal Affairs http://jir.janes.com/docs/jir/search.jsp (accessed 14 September 2003).

of respected authorities using their qualified information have assessed that cells based in Albania have been used to coordinate operations in the Balkans.[35]   The cells were composed mostly of Saudis, Egyptians, Algerians, Sudanese, and Kuwaitis. According to Fatos Klosi, the Chief of the Albanian State Intelligence Service (*Sherbimi Informativ Shteteror--SIS)*, "the cells were using Albania as a springboard for their operations in Europe and operated under the cover of several humanitarian operations." Then he explained that "terrorists have already infiltrated other parts of Europe from bases in Albania through traffic in illegal immigrants, who have been smuggled by speedboats across the Adriatic to Italy in huge numbers."[36] During 1998 IJ acting at the behest of Al Qaeda, planed to bomb the U.S. Embassy in Tirana. The plan was thwarted in time by the intelligence sharing of several security services: however, the threat remained there and Islamists planned other attacks against US targets in the country.[37]   As a consequence, the U.S. Department of State closed down the Embassy in Tirana for almost a year. Those events showed the scale of penetration of Jihadists was deep and their ability to operate within the country high. However, they triggered harsh reactions from Albanian authorities and invited CIA operations against Albanian-based cells. A number of Al Qaeda and IJ were arrested and extradited to Egypt under the strict supervision of the CIA.

In Albania, the Islamists found a place where they can generate money. Under the guise of humanitarian efforts or some other legitimate status they have managed to carry out illicit profit making activities such as money laundering, illegal trafficking of weapons and human trafficking. In addition there are indications suggesting their involvement in narcotics. The trial of "Albanian returnees"[38] showed the connections

---

[35] See Gunaratna, *Inside Al Qaeda*, 10 and Yossef Bodansky, *Bin Laden: The Man who Declared War on America*, 2d ed. (Roseville, Ca.: Forum, 2001), 297-98.

[36] Fatos Klosi, Head of State Intelligence Service from 1997 to 2002, quoted in Bodansky, *Bin Laden: The Man Who Declared War on America*, 297.

[37] Here we are referring to the gunman killed by security guard when he tried to force his way in to the US Embassy and the plans to kill Secretary of Defense William Cohen and later General Wesley Clark, who were both forced to cancel their visit to Albania to avoid the attacks. See *Jane's Sentinel Security Assessment*, Albania: Internal Affairs

between IJ and Al Qaeda, and revealed the way Islamic terrorists generated money destined for humanitarian aid. Most of them were employed in Islamic charities and contributed 26 percent of their income to IJ.[39] Many of the individuals had key positions in those NGO, thus indicating the Islamist strategy to seize NGOs for the sake of extremist activities.

Investigations against Islamic terrorists in Western countries with ties to Albania have revealed another pattern of fund-rising for terrorism, namely legitimate business. The case of Yasim Kadi, an Al Qaeda collaborator was emblematic in exposing the issue. He was heading one of the biggest construction businesses in Tirana and is believed to have laundered millions of dollars for Al Qaeda.[40] In addition, the case of Darkanzanli, a Syrian-born businessman, revealed involvement in business activities such as real estate and the auto trade.[41] The above examples imply the vulnerability of the Albanian business environment for generating terrorism funds.

Other illegal activities were also a source of money for Islamists in Albania. These included forging documents and passports, illegal trafficking of human beings, and weapons. The rampant corruption, a well organized network of crime, and weak law enforcement response provided extra opportunity for Islamic terrorism to generate funds and expand their network. According to Bodanksy, the person in charge of such activities in the Balkans was Muhammad Al-Zawahiri (the brother of Dr. Ayman Al- Zawahiri, Bin Laden's right hand man).[42] The existence of a consolidated route of illegal migration

---

[38] The term referst to IJ members arrested in Albania. See *Jane's World Insurgency and Terrorism Center*, Terrorists Groups: Egyptian Islamic Jihad http://www4.janes.com/subscribe/jtic/doc_view_events.jsp?K2DocKey=/content1/janesdata/binder/jwit/jwit0292.htm@current&Prod_Name=JWIT&QueryText=&group=Egyptian+Islamic+Jihad (accessed 2 October 2003)

[39] See Susan Sachs "An Investigation in Egypt Illustrates Al-Qaeda Web", *New York Times*, 21 November 2001, 1.

[40] Yasim Kadi is on the US list of Al-Qaeda suspects. At the request of the US, Albanian authorities sequestered his investments and blocked his assets. The issue is still under legal review, yet Kadi has fled from the country. See US Department of Treasury: Office of Foreign Assets Control, Executive Order no. 13224, http://www.ustreas.gov/offices/eotffc/ofac/sanctions/t11ter.pdf (accessed 5 May 2004).

[41] See John Crewdson, "Suspect Offers Insight on Al-Qaeda Finances," *Chicago Tribune*, 5 October 2003, 1.

[42] Bodansky, *Bin Laden*, 268.

originating in Turkey via Bulgaria and Macedonia ends up in Albania where the illegal migrants are transferred by speedboats and then smuggled into the EU. Italian, but also Albanian law enforcement authorities estimate that 150 000 people have been smuggled via this route between 1997- 2002.[43] Islamists very often coordinate activities from Turkey and than intermediate with local traffickers. Most of the people trafficked through this route originate from the Muslim world and are destined as asylum seekers in Europe. Engaging themselves in this type of activity, terrorist organizations fulfill a twofold objective: firstly, expand their networks in the West by disguising terrorist members among the flocks of genuine refugees; and second, cut deals with organized crime to generate more funds for the organization. This paradigm is well confirmed by Albanian and foreign intelligence agencies and will continue to be a problem for Albania.[44]

Albania, with its chaotic transition from Communism after 1990, became a magnet for fugitive terrorists. Many of them changed names and documents in order to establish themselves in the new environment. The "lack of vigilance" from the Albanian authorities and easy immigration access for Arab citizens – under the auspices of the OIC - facilitated the process. By the year 1998, many important leaders of IJ had found shelter in Albania were they lived, married and even obtained Albanian passports. The new policy after the change of political regime in the country and the intensive involvement of the CIA terminated their sanctuary. Their capture initiated Egypt's biggest terrorism trial known as "the trial of Albanian returnees," in which eighty-seven people were convicted and sentenced ten of them to death including Dr. Al- Zawahiri, who was tried in absentia.[45]

The overall goal of fundamentalists is establishing a pure Islamic state in all Muslim inhabited areas. They hope that the *dawa* - the call to Islam-- will seize on the hurts of all Muslims to make that happen. It was with this strategy in mind when Islamists first came to Albania. Their first step was denationalization of the local Islam

---

[43] These figures, official statistics of the Albanian Ministry of Public Order, which are based on the assessment of Italian police authorities, were provided by the Office of Anti-trafficking of Albanian State Police in 2003.

[44] For more, see Garry Mason, "Immigration Criminals May Aid Terrorists," *Jane's Intelligence Review Magazine*, December 2002.

[45] Sachs, "An Investigation in Egypt Illustrates Al-Qaeda Web," 1.

and substituting for it a sort of "international Islam"-under the Wahhabists doctrine. Albania was not an isolated case but another example of the world trend. Kepel has noted that:

> The Wahhabits objective was to bring Islam to the forefront of the international scene, to substitute it for the various discredited nationalist movements, and to refine the multitude of voices within the religion down to single creed of the masters of Mecca.[46]

As described, the Islamic NGOs backed by the Saudi petro-dollars took over this mission. Yet they were not alone; important Albanian friends were quick to join the project. Internal Islamic forces led by Intellectual Islamic Association of Albania (IIAA) were pivotal for this project. The IIAA was headed by Gazidede, who was the Chief of Albania's Intelligence Service (SIS) (1992-1997), and a key political figure in the country. He himself became the hub for Islamic "humanitarian" aid coordination thus receiving many Arab dignitaries including fugitive terrorists and Afghan Jihadists. There were reports in international and local press that even Bin Laden himself visited the country during 1994; yet the reports are inconclusive and often trigger stiff political debates in Albania.[47]

The Islamic upsurge began with the introduction of radical Islam exploiting also the dissatisfaction of the local Muslims. Poverty, disillusion with Western policies, and the rise of crime and social disorder were believed to be the driving factors for some Muslims to join the "path of Islam." To gauge the extent to which this project has succeeded, it is enough to see that today the majority of the Albanian population seek their future in Europe, and have extended great sympathy to the US after September 11 attacks. However the seeds of radical Islam are well planted.

The radicalization of some parts of the local Muslims was based primarily on propagation by the local Islamic schools and recruitment of many Albanians for further training and education in the Gulf. The first signs of violence from that hatred- preaching surfaced during July 1994 when young Muslim students from a local Islamic school smashed and destroyed Christian religious objects infuriating many of the local leaders

---

[46] Kepel, *Jihad*, 70.

[47] ICG, *Bin Laden in the Balkans*, 5-6.

from both religions.[48] Following those events, the government was forced to close down the school; yet, violence against Christian churches, and calls for violence through anonymous pamphlets have continued. Education in radical Islam appears to be the main tool for recruitment while the best and brightest are sent outside of the country to receive further training. This has happened to thousands and many of them are back in Albania to pursue their cause of seizing control of the Albanian Muslim Community, a battle recently unfolding.

The spiritual leader of Albania's Muslims, Hafiz Sabri Koci, is more than eighty years old and in poor health. The radical group within the community, ironically self-proclaimed as "moderators" (as a result of their young age than their ideas) - seek control of leadership to impose a radical change in the policy of the Islamic Community. They consider the current leadership untrained and unwilling to upheld the "true Islam." Most of "moderators" have been trained in radical schools of the Gulf and hence seek the Arabization of Albanian Islam, as the true and only school of Islam. To what extent they are committed to fulfill this goal by any means remains to be seen; yet assassination of the actual leadership indicates that the stakes are high. The killing of Sali Tivari, the second highest figure within the Islamic community, on January 2003, shocked the public. The assassination was carried out in his office thus showing cooperation from inside. Despite some initial arrests, the investigation failed and the case is still unsolved. The former Head of the SIS, Klosi, told reporters "that Tivari met more than once with me to tell me about the pressure from a Muslim extremist wing, mainly youngsters educated in Arab countries, who wanted power in the community."[49] His statement was corroborated by the first *Imam* of Durres- the second biggest city in the country- saying that:

> a number of radicals had threatened Tivari before his death. These are mainly graduates from Saudi Arabia and Malaysia who are striving to establish a puritanical and political form of Islam in Albania. Representatives of this faction, adherents of the Salafi brand have been

---

[48] Shala, *Siguria Kombetare dhe Sfidat e Integrimit*, 96.

[49] F. Klosi, quoted in Lutfi Dervishi, "Albania: Imam Killing Exposes Muslim Divisions," *Gazeta Albania* (Albanian daily newspaper), 31 January 2003.

fighting with ever-growing persistence for leading posts in the Islamic Community.[50]

With his new power as the Secretary General of IC, Tivari had allowed himself the "luxury" of introducing a new spirit of moderation in Albanian Islam, yet his ideas had won him many enemies both within the community and with Albanian Muslims.[51] What has been more frightening for the Albanian authorities is that none of IC leaders wants to cooperate fully in discovering who was behind the killing leading many people to believe that things are worse than they seem from outside. Other local Islamic leaders are under similar threats from the "moderators" who use harassment and incite parts of the Islamic community in an effort to discredit the actual leadership as traitors to Islam. It is very naive to believe that this movement is sporadic and does not enjoy strong support within the Islamic community. In addition there have been indications that the radical section is being financed from the outside, most probably from organizations originating from the Gulf countries.[52] The battle for control of the IC has just begun and is going to continue. A pivotal moment will be the election of the new leadership, planned to be held during 2004. The new generations of Islamists are committed to seize power by any means, thus constituting a new type of threat un-witnessed before in the country. This threat deserves careful attention and a tailored response from the Albanian authorities.

In Albania the current threat perception about Islamists remains high in particular regarding international terrorism. This was recently demonstrated by increased security after the Istanbul bombings, and statements of Minister of Public Order (MPO) that Albania was threatened by terrorist actions and that police were making efforts to identify possible perpetrators.[53] He then openly admitted the concentration of local militants in

---

[50] E. Shefiku, quoted in "Albanian Jihad: Divided Sons of God," *Klan Magazine* (Albanian independent weekly), 23 January 2003.

[51] Ibid., 7.

[52] Imam of Elbasan, "They Threaten Us With Death," *Shekulli* (Albanian daily newspaper), 10 August 2003.

[53] The relatives of one of the fundamentalists responsible for the Istanbul bombings in November 2003 were questioned by police in Tirana, yet later released after providing no further information. Press Conference of the Minister of Public Order, Tirana 26 November 2003, http://www.mpo.gov.al (accessed on 27 November 2003).

some regions of Albania while revealing that most of them have spent time in some fundamentalist countries in the Middle East.[54] Following his statement, some days latter, a quantity of explosives was discovered close to the SIS headquarters and another bomb in Tirana's main square. Nobody claimed responsibility for these acts but - analysts believe it was a warning to the Albanian government. Other foreign intelligence agencies believe that the threat is high even though no terrorist action of severe scale has happen recently.[55] In the meantime there is an increased activity of local militants by threatening outspoken intellectuals who have openly criticized militant Islam.[56] Verbal Jihad is being expressed openly in the local press implying that local militants are becoming more of threat.

### 4.	Islamic Fundamentalism in Prospective

The issue of Islamic fundamentalism as an ideology and its corollary - the triumph of an Islamic state, has triggered particular attention in both the West and the East. It is of even greater importance for Muslim populated areas of the Balkans including Albania. Ironically, the two groups that most benefited from the US and Western European engagement in the region during the 1990s - the Bosnians and Albanians - have been portrayed within the region, and even beyond it, as potential supporters and sympathizers of Islamic fundamentalism and Bin Laden.[57] To a large extent those opinions have been helped by reports of Islamic terrorist connections in the region, as well as prejudice among many Europeans against Muslims. Despite the self-imposing limitation of this study focusing mainly on terrorism this section will briefly lay out some general observations about the prospects of political Islam in Albania.

---

[54] Ibid.

[55] According to Albanian press coverage, the Italian *Corriere della Sera* recently reported that Israel's MOSSAD (intelligence service) and Italy's SISMI (intelligence service) indicated that Al-Qaeda members based in Albania were planning to attack Italian and NATO targets. These allegations came after the attacks on Madrid and alerted many EU countries, in particular Italy and Greece, the latter because of Olympic Games scheduled to be held in Athens this year. See "Al-Qaeda in Albania," *Gazeta Shqiptare*, 15 March 2004.

[56] A number of intellectuals have been recently threatened because of their outspoken criticism of radical Islam in Albania. Some of the threats have been anonymous calls or even warning explosions near their homes. The police have investigated, but nobody has been arrested so far.

[57] ICG, *Bin Laden in the Balkans.*

In addition to the explanation provided about the historical deficiencies of Islam in Albania there are other mitigating factors that favor the triumph of Western style democracy in Albania over Islam.

First, the political and constitutional system already in place leaves no room for political Islam to rise. It is illegal, under the Albanian Constitution, to form political parties based on a religious agenda. In addition, among the current main political actors there is no overt tendency to change this legal clause. It is a deep-rooted perception among Albanians that keeping religious agendas outside mainstream political life is a prerequisite for national cohesion, given the country's delicate religious mosaic.

Albania's population in general is pro-Western and looks to its future within Euro-Atlantic structures. It is no accident that Albania's main foreign policy objective is membership in the EU and NATO; hence, any internal political progress is measured by the ability to fulfill the obligations of this process, which would sharply restrict the role for political Islam. The role played by Islam in the post-Cold War reality of Albanians has been limited, at times problematic but much weaker than the Western one. One of the most pressing security issues for Albanians - the war in Kosovo - demonstrated the limited role that Islam played in it despite great fear of massive Islamic involvement. In reality Jihadists played a marginal role amongst Kosovo Liberation Army (KLA).[58] On the contrary, the tiny role of Islamists was compensated for, by the overwhelming involvement of the Western U.S.-led coalition responsible for ending the massacres against Albanians in Kosovo. The intervention had a huge impact among the Albanian Muslims and beyond, overturning some historical suspicions towards the West. Albania's geographical position has favored a broad economic and cultural exchange with Western Europe. The EU is Albania's biggest treading partner, and the majority of Albanian émigrés have settled in the West building a cultural and economic bridge between Albania and the West.

Under the current local and international developments the prospects of Islamic triumph seems grim in Albania. However the threat can arguably emerge if political developments not only in Albania, allow it. A possible failure in the integration process

---

[58] See Tim Judah, *Kosovo: War and Revenge* (New Haven: Yale University Press, 2002), 174 -75.

or the EU's final decision not to expand its borders outside historical Christendom[59] may prepare the stage for political radicalism including Islam as an alternative. In the meantime, the role of Albanian government is detrimental in preventing and deterring any manifestation of militant Islam. The state must be vigilant even in the issues that traditionally are outside its priority such as religious communities, their finances and education. Above all, government cannot depend on "the naive idea that Albanians are special creatures born with religious tolerance and there is nothing in the world to alter that"[60] to quote an Albanian scholar.

C.   NATIONALIST EXTREMISM

Given the presence of tens of thousands of ethnic Albanian former paramilitary fighters who are Muslims by tradition if not, for the most part, by observance, some (though by no means all) senior international community sources describe the potential terrorist threat from nationalism as significant.[61] The threat becomes more serious given that the Balkans are filled with small-time renegades who combine criminal activity with thin separatist ideology. Less noticed, but of real significance to the political development in the region, was the decision by the United States to send a strong message to ethnic Albanian leaders that "any provocative acts by armed Albanian groups would be seen by the U.S. as support for terrorism".[62] The Bush Administration was quick to list a number of Albanian paramilitaries on the US terrorist "black list" thus transforming words into actions.[63] The United Nation Mission in Kosovo (UNMIK) decision to label the "Albanian National Army" (ANA) a terrorist organization was another reminder of the

---

[59] The term refers to the idea that only Christian nations can be part of the EU. See Samuel P. Huntington, *The Clash of Civilization and the Remaking of the World Order* (New York: Simon and Shuster, 1996), 126.

[60] Pirro Misha, "Religious Tolerance or Irresponsibility?" *Klan,* 10 January 2003

[61] ICG, *Bin Laden in the Balkans,* 2.

[62] Statement released on 15 October 2001 by the U. S. Office in Kosovo http://www.usofficepristina.rpo.at/pressr/2001.htm (accessed 10 October 2003).

[63] Seventeen Albanians were listed in the terrorist list. Most of them are ex-paramilitary fighters and members of ANA and ANUF. See *Shekulli*, 16 September 2003.

existence of actors in the region whose goal is the creation of a Pan-Albanian state.[64] The attacks and operations of ANA and other affiliated groups extending across the region threaten the delicate truce in the Western Balkans. KLA off-shoots aim to use the same liberation appeal to population as the KLA did to mobilize the people transforming itself from a tiny secretive group to a formidable guerrilla movement.[65]

This section will analyze briefly the origins of the Pan-Albanian ideology, the development of the Albanian nationalist movements in the post-Cold War era, and current extremist groups involved and implications for Albania and wider.

1.   The "Dream of a Greater Albania"

In recent years, the specter of a "Greater Albania" has again been haunting policy circles in America and Western Europe. But what is this phenomenon, why has it become such a perceived menace?

The expression "Greater Albania" is considered to be contrary to the interest of the Albanians, who do not want to be regarded as expansionist and insist that one speak of "ethnic Albania," which also refers to greater territory yet makes the Albanian claims seem more "neutral" than political. The objective is the creation of single Albanian state unifying all ethnic Albanian territories under one state. The commonly used cliché of "Greater Albania" has won supremacy in descriptions by international diplomacy symbolizing the potential ethno-extremism that it encompasses.

The "Greater Albania" myth arose with the emergence of the "Eastern Question" and the Balkan wars that erupted at the beginning of the twentieth century. The "Great Powers" sponsored peace agreement at a London conference in 1913 sealed the territorial quarrel by compensating the belligerent parties with former Ottoman territories inhabited largely by Albanians.[66] More than fifty percent of the Albanian population was left outside the newly created "rump Albanian state." Serbia acquired most what is known as

---

[64] The decision was taken by Micheal Steiner, UN Special Representative in Kosovo on 16 April 2003. See UNMIK Press Release, 16 April 2003, http://www.unmikonline.org/press/2003/pressr/pr947.htm (accessed 20 February 2004).

[65] In the beginning, the KLA was considered a terrorist organization, not only by Serbia. On 23 February 1998, the U.S. envoy in the region, Robert Gelbard, declared that KLA was without any question a terrorist organization. See Judah, *Kosovo: War and Revenge*, 138.

[66] Leften S. Stavrianos, *The Balkans Since 1453* (New York: New York University Press, 2000), 731.

Kosovo and parts of Southern Serbia, while Macedonia and Montenegro received smaller parts. Greece, on the other hand was compensated with the northern part of Epirus, which was largely inhabited by Muslim Albanians. In contrast with Albanian areas in the former Yugoslavia, Greece has been effective in assimilating and displacing the Albanians thus the issue of "Cameria" is essentially over.[67]

It would be misleading to talk about some broad-based "Greater Albania" movement. Rather, there is a feeling of cross-border nationhood that has been exploited by both Albanian and anti-Albanian militants. In Albania, since the collapse of the Communist dictatorship, only marginal groups have campaigned for an expansion of Albanian territory, while the incumbent governments have opposed any border revisions at the expense of neighbors. Both government and opposition have supported the aspirations of the Albanian leadership in Kosovo, Macedonia, and Montenegro yet have been careful not to be associated with irredentist or expansionist programs. "Greater Albania" sentiments are certainly not rooted in Albania itself where nationalism was suppressed or internalized by the Hoxha regime and where difficult domestic conditions remain the overwhelming priority for the majority of Albanians.

Outside of Albania itself, three kinds of movements have been visible among the Albanian populations, and in the mainstream they are not expansionist: first, an outright independence movement in Kosovo; second, an autonomist-separatist movement in Macedonia; third a separatist movement in southern Serbia.

The issue of national liberation has been mostly focused in areas of former Yugoslavia and in particular in Kosovo where the Albanians have been the overwhelming majority. The cause of liberation has had its ups and downs in the course of history and has depended on international development. Facing a far greater and stronger Serbian state, Albanians have not done much during the course of the last century to alter the situation. The sporadic yet continuous uprisings and rebellions did little to promote the

---

[67] There have been two long-established groups of people of Albanian descent living in Greece: the Muslim "Chams" and Orthodox "Arvanitas." Most the Chams were expelled by Greece in the 1920s, followed by the second wave that was displaced after World War II on the pretext of collaboration with the Nazis. The remaining "Arvanitas" have been assimilated into mainstream Greek culture and have lost their ethnic identity.

liberation cause hence inviting harsh Serbian response which in itself paved the way for the perpetual hate and spiral of violence.

The rise of Slobodan Milosevic to power in the mid-1980s and with him the rebirth of Serbian nationalism, sewed the seeds of the coming conflict. Under the slogan of ending Albanian irredentism and saving the Serbian minority from Albanian persecution, Milosevic stripped the Albanians of their autonomy, enforced direct police rule, and so prepared for the final showdown that would solve the issue once and forever.

The fall of Communism opened a new page in the history of the region. The Balkan nations are very sensitive to changes in international scene and once something happens the region becomes a central part of it. The new security vacuum, the shake-up of Yugoslavia, and the subsequent secession of Slovenia and Croatia ignited the Albanian desire for their own country. They immediately proclaimed independence and formed a "phantom state" led by a pacifist named Ibrahim Rugova.[68] Understanding the futile idea of creating a "Greater Albania"- a move unwanted by the international community which was against any idea of border change - he and his party, the Democratic League of Kosovo (DLK) preached the recognition of Republic of Kosovo as an independent state. Rugova's "Gandhi style" pacifist movement hoped that the West would reward their pacific attitude by giving the Albanians the same right of secession as they did to Slovenes, Croats and later Bosnians. But Rugova was wrong. During the Dayton peace negotiations, the issue of Kosovo was not part of the agreement and Kosovo was considered Serbia's internal problem. Nevertheless, the conference recognized the human rights abuses that Serbia had to address in order to gain the full support of the West.[69] The Dayton outcome raised doubts of the DLK's strategy to gain independence by peaceful means, thus leaving the Albanians with no other option but military action. It was against this background and in response to it that the political violence in Kosovo unfolded culminating in KLA guerilla warfare, Serbia's bloody crack-down, and then by NATO intervention in mid 1999.

With the province's liberation by NATO forces in June 1999, Kosovo witnessed

---

[68] See Judah, *Kosovo: War and Revenge*, 65.

[69] ibid., 120-126.

the expulsion of repressive Serb security forces and the return of over a million Albanian refugees. Under the UN Mission in Kosovo (UNMIK), NATO established a Kosovo Force (K-FOR) that effectively safeguarded the territory from Serbian military intervention. However, several shortcomings of the Kosovo operation have also been evident. Very limited Kosovar Albanian authorities have been established, thus contributing to slowing the development of political institutions. There have also been persistent delays in the training and deployment of an indigenous police force and the establishment of a credible and professional judiciary system that could enforce law and order in the territory.

The most important failing is the lack of a final legal status for Kosovo. Western leaders believe that postponing the decision on Kosovo's status will allow for a democratic consolidation inside Serbia, and improved democratic standards in Kosovo, thus enabling a new relationship to emerge between Serbia and Kosovo. However, NATO may be faced with escalating anger among the Albanian community if the UN insists on preserving Kosovo within Serbia or Yugoslavia. The vast majority of Albanians support statehood irrespective of any leadership changes in Belgrade. The very latest violence in Kosovo revealed once more the almost impossible ethnic pacification and impatience from the side of Albanians.[70]

The "non-status" stalemate and the growing impatience of the Albanians coupled with the terrorist acts of ANA in the name of Pan-Albanianizm, cast a shadow on the current truce. The emergence of Pan-Albania issue and sporadic involvement of some ex-KLA fighters indicates that national extremism is still a serious issue which can do more damage than good for Kosovo's future.

Unlike Kosovo, Albanians are a minority within the state of Macedonia, yet a considerable one.[71] Ethnic relationships have always been a source of tension and

---

[70] On 17 March 2004, the unstable foundations of four and a half years of gradual progress in Kosovo buckled and gave way. Within hours the province was immersed in anti-Serb and anti-UN rioting and had regressed to levels of violence not seen since 1999. By 18 March the violence mutated into the ethnic cleansing of an entire minority villages and neighborhoods. The rampage left nineteen dead; nearly 900 injured; 700 Serb, Ashkali and Roma homes, up to 10 public buildings, 30 Serbian churches and two monasteries damaged or destroyed; and roughly 4,500 people displaced. See International Crisis Group, *Collapse in Kosovo,* Europe Report no. 155 (Brussels: ICG 22 April 2004) http://www.crisisweb.org/home/index.cfm?id=1239&l=1 (accessed 29 April 2004).

violence. The Albanian population perceived themselves as second class citizens within the state. In particular issues, such as the use of the Albanian language as an official one, university education in Albanian, and an equal share of government jobs have been the centerpiece of the animosity. Unlike the Albanians of Albania, the ones of Macedonia (AM) have long lived in contact with Kosovars in the Former Yugoslavia, until the border between FYROM and the Yugoslav Federation separated them. The war in Kosovo inspired many Albanians in Macedonia to wage war and achieve what they have not achieved in years. Helped a lot by the fact that many KLA members were AM, as well as the porous border between Kosovo, Albania, and Macedonia made it possible for the insurgent group National Liberation Army (NLA) to start a campaign of violence against the Macedonian state. The conflict would have deteriorated into a wider Balkan war, but for the swift intervention of the international community.

The Ohrid Peace Agreement in August 2001 paved the way for the disbandment of the NLA and its integration into mainstream politics. The agreement assumed responsibilities for both sides and was guaranteed by NATO and the EU. Therefore the Macedonian state would go through a period of political reform by upgrading the rights of Albanians.[72] EU took over the disarmament mission which is considered, at large, a success story. However, there was still dissatisfaction among the most sinister groups of Albanians which could not digest the compromise and give up the secession agenda. These people turned to support other splinter violent groups such as "Albanian National Army" (ANA). Despite the progress achieved so far, tensions between Albanian and Macedonian Slavs remain. Faced with other pressing issues, such as organized crime and renewed terror violence, Macedonia still faces uncertainty for the future.

The Presevo Valley (PV) – the municipalities of Presevo, Medveja and Bujanovc are situated in southern Serbia on the border with Kosovo. Albanians are the majority population in the area. They have been subjected to decades of discrimination, which was intensified by the Milosevic government in the late 1980s. In an unofficial referendum

---

[71] According to the official Macedonian census figures released on 1 December 2003, Albanians constitute 509,083 (25.2%) of Macedonia's population of 2,022,547.

[72] For more on the events see International Crisis Group. *Macedonia: No Room for Complacency* Balkan Report no. 149 (Brussels: ICG 23 October 2003) http://www.crisisweb.org/home/index.cfm?id=1239&l=1 (accessed 10 April 2004).

organized by their leaders in 1992, a majority of ethnic Albanians in PV expressed the desire that their part of southern Serbia become part of Kosovo. Inspired and helped by their ethnic kin in Kosovo, small radical Albanian groups began to organize under the banner of NLPMB[73] in 2000. Exploiting Belgrade's light security presence in the three miles Ground Safety Zone (GSZ) - created by the technical agreement between Belgrade and NATO in June 1999 - they attacked police and army units. After just under a year and half of fighting in which about 100 were killed, NATO convinced NLPMB commanders to lay down their arms. The Albanians pledged to "demilitarize, demobilize, disarm and disband" the NLPMB in exchange for guarantees that Albanian fighters would be amnestied, refugees allowed to return, a multiethnic police force formed and Albanians integrated into public institutions from which they had been excluded for decades.[74] A detailed blueprint, complete with goals and timelines, was drawn up by Serbia's Deputy Prime Minister, Nebojsa Covic (the Covic Plan).[75] Sporadic violence still occurred, however since August 2003 attacks against Serbian military and moderate Albanian have increased. The attacks appear to have been carried out by the ANA which indeed claimed the responsibility for some of them. Cross-border extremist activities, combined with claims from ANA in the name of Pan-Albanianism refocused attention on the trans-border Albanian extremists who are carrying out similar attacks in Kosovo and Macedonia.

2. Albanian National Army (ANA)

One of the biggest question marks in the southern Balkans today concerns the shadowy "Albanian National Army" (ANA). It has been difficult to pin down, though it has claimed responsibility for incidents in Macedonia, southern Serbia, Macedonia and Kosovo in 2003. The ANA website[76] espouses a program of Pan-Albanian nationalism

---

[73] The Liberation Army of Presevo, Medveja and Bujanovc (*Ushtria Clirimatare e Medvejes, Presheves dhe Bujanovcit*)—NLPMB.

[74] For more on the conflict in Southern Serbia, see International Crisis Group, *Southern Serbia's Fragile Peace*, Balkan Report no. 152 (Brussels: ICG, 9 December 2003) http://www.crisisweb.org/home/index.cfm?id=1239&l=1 (accessed 20 December 2003).

[75] The complete Covic Plan was publicly released as a small booklet, *Program for Solution of the Crisis in the Pcinja District*, N.p., n.p.: 2001.

[76] See http://ribashkimiishqiperise.com (accessed 10 September 2003).

that calls for a Greater Albania encompassing Albania, Kosovo, southern Serbia, the western and northern portions of Macedonia, and Greece's Epirus region created through armed struggle.

The ANA was established in 1999 and its political spokesman the Albanian National Union Front *(Fronti per Bashkimin Kombetar Shqipetar*--ANUF). ANUF operates mainly in Western Europe where most of its leaders, political refugees, propagate their cause among the Albanian Diaspora. The main political leader is believed to be Idajet Beqiri, a lawyer from Albania proper who is closely linked with ex–"*sigurimi*," the former Communist secret police.

The organization carried out a number of fundraising events in some Western European countries and in Albania in the name of ANA. In this as much else, ANA bears at least a superficial resemblance to the fledgling Kosovo Liberation Army in the mid-1990s. A portion of the money is believed to come from illegal trafficking of heroin and cigarettes through the "triple junction" area where borders of Serbia, Kosovo and Macedonia meet. It was close to this area that many ANA clashes with Macedonian police happened indicating the strategic importance that this area has for their lucrative business.

The ANA usually launches low-risk, high publicity attacks with mines, explosives, mortars, and rocket launchers, which are intended to maintain the idea that they are engaged in a struggle, and keep organization's morale high and hence the cash flowing. The ANA has targeted civilians and military personnel including the international peacekeeping force[77] in Macedonia, Kosovo, and southern Serbia as well as occasionally threatened Albanian authorities. It was after the attack on a railway bridge in Zvecan, Kosovo, that UNMIK declared ANA a terrorist organization. The attack was of symbolic importance as the group's spokesman declared it was aimed at "cutting the links between Belgrade (the Serbian capital) and Kosovo"[78]. Although one bomb

---

[77] Two Polish NATO peacekeepers and their Macedonian translator died on March 4, 2003 when their vehicle hit two anti-tank mines in Sopot , Macedonia. See Shape News Morning Update, 5 March 2003, http://www.nato.int/shape/news/2003/03/n030305.htm (accessed 25 February 2004).

[78] See Neil Barnett and Jeta Xharra, "Macedonian Clashes Sparks Ohrid Fears," *Jane's Intelligence Review Magazine*, 1 October 2003

exploded prematurely killing the two perpetrators, it revealed an alarming fact; one of the dead persons was a member of the Kosovo Protection Force (KPF). The KPF was created at the end of the Kosovo crisis in 2000 as halfway measure between a Kosovo army, as demanded by the local population, and disarmament of the KLA. Its principal mission is disaster relief and reconstruction, but it has the rank, structure, and appearance of an army, and indeed most Kosovars regard it as the Kosovo Defense Force in waiting.

After the bridge bombing and coping with another terrorist attack against a bus where twelve Serb civilians died, also carried out by a KPF member, UNMIK authorities came under a lot of pressure to investigate the KPF and restrict some of its activities. Some critics even went further to require disbanding the KPF; but, KPF officials said "that alienating the organization plays into the hands of the outlawed and extremist groups like ANA who can't wait to have 5,000 men disbanded from KPF, who could be potential AKSH recruits."[79] This argument is valid and KPF's continuation may present less risk than disbandment.

The KPF connection demonstrated the ANA's ability to recruit members even among more established organized bodies, indicating the potential for its ideological appeal as well as difficulty tracking down its membership.

The Albanian government has publicly opposed ANA's policy and action. Yet, most of the political leadership appears to be related one way or another to Albania. Idajet Beqiri, the Secretary General of ANUF, the political wing of ANA is an Albanian citizen and so is Spiro Butka known by the *nom de guerre* "General Gradica," posing as military commander of the ANA.

Having recognized the danger and implication from ANA's policy and the fact that a number of ANA members are Albanian citizens, the Albanian government has pledged to crack down on the militant group. The government decision is also a logical result of the Western pressure, in particular from the U.S. Albanian police immediately arrested some political activists of ANA, Gafur Adili and Ali Mustafaj, whose names were listed on a U.S. terrorist list. ANA demanded their immediate release or "the Albanian government will assume all responsibilities for their acts".[80] Adili and Mustafaj

---

[79] Ibid.; Senior KPF officer interviewed by the author.

were acquitted during the trial six months later revealing legal deficiencies in proving their connections to ANA actions as well as the inability to sentence them for ethnic-hatred related offenses. They still remain in Albania.

ANUF maintains a presence in Albania's political spectrum and less than two years ago had a public gathering in Tirana to transform its agenda into a popular movement for national unification. Up to date this project has failed, and ANUF represents a marginal force.[81] However, its legal presence in the country, as well as, its political organization and membership are issues that need to be addressed. By all accounts, many members of this organization are related to the ex-secret service which makes them well equipped to deal with a variety of tasks. In some instances there has been collusion between members of present security apparatus, in particular intelligence officers, and ANA members, based on mutual sympathy and more.[82] With well found links of organized crime and trans-border smuggling, the ANA seeks to use Albanian territory as a sanctuary and in particular to coordinate its cash flow through illegal or legitimate entities.

3. Threat Level

Based on the current evidence, security analysts think that the "Albanian National Army" (ANA) poses a threat of violence and aims to destabilize the region, but it also appears to lack cohesion, legitimacy and crucially, a broad base of support among Albanian people.[83]

As described, the ANA bears some superficial resemblance to the Kosovo Liberation Army in the mid-1990s. The KLA achieved transition to widespread acclaim among Kosovars because the passive resistance policies of Ibrahim Rugova's Democratic League of Kosovo were seen to have failed in the face of the government of Slobodan Milosevic; especially, the annulment of Kosovo's status as an autonomous province and

---

[80] See ANA Communiqué to Albanian Government, 20 July 2003, http/.www.ribashkimiishqiperise.com (accessed 20 November 2003).

[81] According to Beqiri, the ANUF has more than twenty thousand members, a figure far exaggerated. Interview with Idajet Beqiri, *Intervista* (Albanian weekly newspaper), 12 July 2003.

[82] According to ICG, Albanian government efforts are hampered by a small but influential group in the military and intelligence services who sympathize with the insurgents. See ICG, "*Pan-Albanianizm: How Big a Threat to Balkan Stability?* 13.

[83] See the analysis by Barnett and Xhara in "Macedonia Clashes Spark Ohrid Fears."

increasing violence towards the Kosovar majority. This dynamic is absent in the case of the ANA.

The 2001 Ohrid Agreement is holding well in Macedonia, and while there is undoubtedly impatience and frustration in Kosovo over the province's final status, it is incomparable to the desperate situation of Kosovo under the Milosevic regime.

Pan-Albanianism, too, has little obvious support. Traditionally Albanian nationalists have spoken in terms of a "Greater Albania," but public statements of Kosovar leaders in particular suggest that this is no longer the case. Even one of the most radical Albanian parties in Kosovo, the People's Movement of Kosovo (KPM), has given up on unifying all Albanian-inhabited areas of the Balkans. Instead, the KPM proposes Kosovo-Albania unification and claims no connection or support for the political program of the ANA. Hashim Thaci, the KLA's former leader and now leader of the Democratic Party of Kosovo, said: "There is no need for ANA, the time for war has passed and it's time to achieve democratic progress in the region."[84]

As moves towards Kosovo's final status talks begin, there is a danger that the existence of ANA as a phenomenon beyond the control of local politicians will nonetheless strengthen the hand of those politicians, much in the way that the threat of "Real IRA" action has sometimes strengthened the negotiating position of Sinn Fein in Northern Ireland.

Aside from the criminal dimension - which is a typical feature of all Balkan rebels, - ANA's backers appear to be bidding for the radical high ground, left vacant by the disbandment of the KLA. Should the Kosovar elite and general population perceive that Serbia's position is strengthening in advance of final status negotiations, for which no date has yet been set, then that position may attract greater support of ANA. Equally, in the worst case, the ANA flag may prove a rallying point for former KLA members who want to return to arms. This pattern was seen in the 1998-99 conflict, when local bands of *kacaks* (men following the Albanian tradition of insurgency) declared allegiance to the KLA, despite limited prior acquaintance with the organization.

The emergence recently of another "phantom" group, the National Army of Montenegro (UKMZ), which still has not taken any action, exposes the issue of

[84] Ibid.

36

spillover.[85] The pattern of spillover has been seen in southern Serbia and Macedonia after the Kosovo conflict ended. If this happen, it will reinforce perceptions that Albanians are terrorists intending on destabilizing the entire region by seeking to create a larger ethnically pure Albania.

The role that Albania itself has to play is critical in dealing with the extremism issue. Being the main hub for all Albanian connection in the region, as well as vulnerable to trans-border illegal activity, makes the country attractive for the aims of terrorists disguised under the patriotic cause. The flow of weapons that run through the country, facilitated by criminal links, "fuel the fire" and poses a great threat to the country as witnessed during the September 1998 revolt. Albania must play the central role in "cooling down the passions of nationalism"; it is a prerequisite for the road to European integration; yet, above all, is a duty to enhance the country's security.

In a region that remains tense in the wake of recent conflict, the activities of the ANA and other extremist groups cannot simply be dismissed. Its attacks and rhetoric fit into a general pattern of destabilization across the region and, as Kosovo's final status climbs the political agenda, it should be closely watched for signs of transformation into a more formidable or popular movement.

D. ORGANIZED CRIME

As Alison Jamieson has noted "where authority is eroded and the state is weak, terrorism and organized crime activities become a means of making war without declaring it - a state of permanent low intensity conflict."[86] In the Balkans, the line between political violence and organized crime is very thin or even blurred by the overlap of objectives, while the sub-state violent groups, whether political or criminal are converging. The growth of illegal networks has strengthened the links between illicit markets in different commodities and relations between individual groups within the

---

[85] In January 2004, a new group declared through a web site that it was ready to start a campaign of violence against Montenegran authorities and had as its objective liberation of Albanian populated areas and unification with Albania. However, many analysts doubt the existence of this terrorist group which has not yet taken any action." See "Albanians Take Arms in Montenegro," *Gazeta Shqiptare*, 13 January 2004.

[86] Alison Jamieson, "Transnational Organized Crime: A European Perspective," *Studies in Conflict and Terrorism* 24 (September-October 2001), 378.

criminal world, not only purely criminal but also quasi-political. According to Interpol sources:

> Albanian organized crime groups are hybrid organizations, often involved both in criminal activity of an organized nature and in political activities, mainly relating to Kosovo. There is certain evidence that the political and criminal activities are deeply intertwined. Also, it has become increasingly clear that Albanian crime groups have engaged in significant cooperation with other transnational crime groups.[87]

Even though organized crime (OC) groups do not seek to overturn the political order they use violence against the state whenever the latter gets in its way. OC is using terrorist methods with efficacy, aiming at terrorizing the state, criminal justice and those sections of the public which seek justice and accountably. In other words, they attempt to achieve what traditional terrorists have often sought, the paralyzing of the state and society. In the case of Albania, the trend is frightening and poses a great threat to the country's future. It not only erodes the state power but also can allow the country to become a hub of regional and international terrorism. Henceforth it is no surprise that due to its insufficient border security, corruption and organized crime, Albania is considered by the US as an attractive target for exploitation by Islamic and regional terrorism.[88] This well documented trend has also been recognized by the Albanian government.

This subchapter will analyze briefly the origins of organized crime in Albania, its international expansion and organized crime's use of terrorist violence against the state and implications deriving from it.

1. The growth of Albanian Organized Crime[89]

Several extraneous factors explain the current, relatively strong, position of Albanian organized crime:

---

[87] Statement by Ralf Mutschke, Assistant Director, Criminal Intelligence Directorate, International Criminal Police Organization. *Hearing before Committee on the Judiciary, Subcommittee on Crime, December 13, 2000: "The Threat Posed by the Convergence of Organized Crime, Drugs Trafficking and Terrorism,"* 4, http://gopher.house.gov/judiciary/muts1213.htm (accessed 10 October 2003).

[88] U.S. Department of State, *Patterns of Global Terrorism 2001*, ttp://www.state.gov/documents/organization/10291.pdf (accessed 10 October 2003).

[89] In describing the origins and the growth of Albanian OC, this study will be based on the analyses conducted by Interpol, Europol and Italian Directorate of Anti-Mafia Investigation, as well as the comprehensive study of the origins of Albanian OC by Gus Xhudo.

1. From 1990 on, the process of democratization in Albania has not been an easy road and resulted many time in a loss of state control in a country that had been totally dominated by the communist party and a system of repression. Loss of state structures resulted in the birth of criminal activities, which further contributed to the loss of state structures and control.

2. Due to a highly developed ethnic conscience-fortified by a Serb anti- Albanian politics in the '80s and '90s, Albanians, particularly Kosovars, have developed a sense of collective identity necessary to engage in organized crime. According to Europol even in the case when they engage with other groups, the relationship often concern ethnic groups with which they share family ties.[90] When considering the presence of Albanians in Europe, one has to keep in mind the massive emigration of Albanians to West European countries in the 1990s. For those emigrants to EU countries or Switzerland, the temptation to engage in criminal activities was very high as most of them were young Albanian males, in their twenties and thirties, who were unskilled workers and who had difficulties finding employment. Many of them came into contact with Albanian organized crime through Albanian communities located throughout Western Europe, which gave an impetus to the dispersion and internationalization of Albanian criminal groups.

3. Alternative routing for about 60% of European heroin became necessary in 1991 with the outbreak of the war in Yugoslavia and the blocking of the traditional Balkan route. In the Balkan region, two routes seem to have replaced the former traditional route, disrupted by the Yugoslavian conflict: one Northern route running mainly through Bulgaria, then Romania and Hungary, and one Southern route running from Bulgaria through F.Y.R.O.M., the Kosovo region and Albania. For Italian organized crime, Albanians were ideal couriers in the drug trafficking business running through Albania as they were able to circumvent the area border patrols after the outbreak of the war in Yugoslavia. Heroin was thus to a large extent smuggled through Albania, over the Adriatic into Italy and from there on to Northern and Western Europe. The war also enabled organized criminal elements to start dealing in arms on a large scale.[91] Another

---

[90] Mutschke, *Convergence of Organized Crime, Drugs Trafficking and Terrorism,* 6.

factor which contributed to the development of criminal activities, was the embargos imposed on Yugoslavia by the international community in the early 90's and on the FYROM by Greece (1993-1994). Very quickly, an illegal triangular trade in oil, arms and narcotics developed in the region with Albania being the only state not hit by international sanctions

4. In 1997, the so-called pyramid savings schemes in Albania collapsed. This caused nationwide unrest between January and March 1997, during which incredible amounts of military equipment disappeared (to reappear during the Kosovo conflict). Even though organized crime groups were probably unable to control the situation, it seems clear that they did profit from the chaos by acquiring a great number of weapons. Albanian organized crime also profited from the financial pyramids which they seem to have used to launder money on a large scale. Before the crash, an estimated $500 to $800 million seems to have been transferred to accounts of Italian criminal organizations and their Albanian partners. This money was then reinvested in Western countries.[92]

2.   Present Status: Organization, International Links and Power

The typical structure of the Albanian Mafia is hierarchical. Concerning "loyalty," "honor," and clan traditions, (blood relations and marriage being very important) most of the Albanian networks seem to be "old-fashioned" and similar to the Italian Mafia networks of thirty or forty years ago. Thus, the Northern Albanian Mafia, which runs the drug wholesale business, is also known by the name of "The Fifteen Families."[93]

Regarding cooperation with other trans-national criminal groups, the Albanian Mafia seems to have established good working relationships with the Italian Mafia. On the July 27 1999 police in Durres (Albania), with Italian assistance, arrested one of the godfathers of the "Sacra Corona Unita," Puglia's Italian Mafia. This Albanian link seems to confirm that the Sacra Corona Unita have "officially" accepted Albanian organized crime as a "partner" in Puglia, Italy and delegated several criminal activities.[94] Southern

---

[91] Gus Xhudo. "Man of Purpose: The Growth of Albanian Criminal Activity," *The Ridgway Center for International Security Studies* 2 (Spring 1996), 2-3.

[92] Mutschke, *Convergence of Organized Crime, Drugs Trafficking and Terrorism,* 7.

[93] Ibid., 6.

Albanian groups also seem to have good relationships with Sicily's "Cosa Nostra," which appears to be moving steadily into finance and money laundering, leaving other illegal activities to other groups. Close relationships also exist with other criminal groups active along the Balkan route, where Turkish wholesalers, Bulgarian and Romanian traffickers are frequent business partners. There are also indications that a South American cartel has become active in Albania through Albanian middlemen, in order to place more cocaine on the European market.[95]

Currently, more than 80% of the heroin on the European market has been smuggled through the Balkans, having mainly been produced in Afghanistan and traveled through Iran and Turkey or Central Asia. An average of more than a ton of heroin and more than ten tons of hashish are seized along those Balkan routes each year.[96] According to U.S. DEA estimations, between four and six tons of heroin leave Turkey each month bound for Western Europe, traveling along the Balkan routes and smuggled mainly by Albanian groups.[97]

Albanian trafficking networks are becoming more and more powerful, partly replacing Turkish networks. According to some estimates, Albanian networks control about 70% of the heroin market today in Switzerland, Germany, Austria and the Scandinavian countries. According to analyses by the Swedish and Norwegian police, 80% of the heroin smuggled into the countries can be linked to Albanian networks. In 1998, Swiss police estimated that 90% of the narco-business in the country was dominated by Albanians.[98]

---

[94] Direzione Investigativa Antimafia (Directorate of Anti-mafia Investigation), *Activity Report for the Italian Parliament, 2000*, http://www.interno.it/dip_ps/dia/eng/1sem2000.htm (accessed 21Janury 2004).

[95] Europol, *2003 EU Organized Crime Report*, 14, http://www.europol.eu.int/publications/EUOrganisedCrimeSitRep/2003/EUOrganisedCrimeitRep2003.pdf (accessed 10 February 2004).

[96] Mutschke, *Convergence of Organized Crime, Drugs Trafficking and Terrorism*, 7.

[97] Direzione Investigativa Antimafia, *Activity Report for Italian Parliament 2002*, http://www.interno.it/dip_ps/dia/eng/1sem2002.htm (accessed 21January 2004).

[98] National Criminal Intelligence Service, "UK Threat assessment 2002," http://www.ncis.co.uk/ukta/2002/default.asp (accessed 25 January 2004).

Albanian criminals are also involved in the traffic of illegal immigrants to Western European countries. It is part of international trafficking networks, which not only transport Albanians, but also Kurds, Chinese, and people from the Indian subcontinent. The Albanian groups are mainly responsible for the crossing of the Adriatic Sea from the Albanian coast to Italy. Departures most often take place from Vlora, some of them from Durres or even from Ulcinj in the South of Montenegro. By the end of 1999, the crossing cost about $1,000 for an adult and $500 for a child. It is interesting to notice that some illegal immigrants had to pay for their journey only once in their home country (e.g. $6,000 in Pakistan), even though the nationality of the trafficking groups changed as they moved along.[99] This implies that Albanian groups are only a part of international distribution networks. In 1999, approximately 10,000 people were smuggled into EU countries via Albania every month. The Italian border patrol intercepted 13,118 illegal immigrants close to the Puglian coast from January until July 1999. It estimated arrivals in this coastal region at 56,000 in 1999. [100]

Trafficking in women and forced prostitution seemed to have become much more important for Albanian organized crime in 1999. About 300,000 women from Eastern European countries work as prostitutes in Europe. More and more seem to be "organized" in Albanian networks that are not only limited to ethnic Albanian prostitutes, but also comprise women from Romania, Bosnia, Moldova, and Russia. The "pimps"often pretend to be Kosovars in order to have the status of political refugees, although many of them come from Albania. Some seem to control the "business" from abroad. The UK and Belgium, in particular, seem to be the seat for several leaders of the trafficking networks.[101]

Overall the growing of Albanian organized crime has been rapid and sustainable and gained the reputation for violence. It is no surprise that Western sources consider Albanian OC not only a threat to the region but also the main threat for democracy in Albania.

---

[99] Neil Barnett. "Albanian Traffickers Provide Back Door to Schengen Zone," *Jane's Intelligence Review Magazine*, 1 March 2004, 3.

[100] Direzione Investigativa Antimafia, *Activity Report for Italian Parliament 2000*.

[101] Mutschke, *Convergence of Organized Crime, Drugs Trafficking and Terrorism*, 9.

3.   The Threat of Organized Crime

The activity of the OC has not only distorted the image of the country and become the main obstacle for the EU integration process, but it is also a direct threat to the country's physical security. OC has arrested the democratic development in the country thus becoming the greatest threat to the future of Albania. Lord Robertson, the then NATO's General Secretary, warned that OC is the greatest threat for some countries in the Balkans - obviously Albania is in the top of the list.[102] Albanian OC has become so notorious that according to EUROPOL it poses a serious threat to the EU, and deserves a swift response by EU countries.[103]

However, the primary focus of this study is violence against the state; thus, it will disregard the other dangers that organized crime pose to the state and society. In Albania, the main OC use of terrorist type of violence has been assassinations and attacks against officials on duty such as policemen, judges, and politicians, as well as attacks against police and government buildings.

Organized Crime uses terrorist violence to oppose public policy of the government or impede investigations against them. Selective assassinations or indiscriminate bombings serve as a message for the government to alter its policy or to sometimes saturate law-enforcement efforts.

The favorite weapons have been explosives and light weapons. To a certain extent their objectives are fulfilled thanks also to the collusion of state apparatus and the fear that this kind of violence engenders. In answering the question of "how strong the Albanian criminal 'barons' are and why Albanian government has not been capable to tackle them," Francesco Mandoi, the deputy director of the Italian Anti-Mafia Prosecutor's Office, said:

> ...I can not forget an episode that happened some time ago in Tirana while we were discussing with Albanian collogues about ending an investigation for one of the powerful Albanian criminal families." This is very difficult" they told me. "They have an armed group stronger than the police thus if we touch them we are risking a civil war" [104]

---

[102] Lord George Robertson, addressing the "Regional Conference on Border Management and Security," held in Ohrid, Macedonia, 22 May 2003, http://www.nato.int/docu/speech/sp2003.htm (accessed 5 February 2004).

[103] EUROPOL, *2003 European Union Organized Crime Report,* 14.

In the last five years there have been hundreds of armed attacks against the police forces from which more than 200 police officers have lost their lives in the line of duty. The list includes from regular policemen, investigators, and high police officials.[105] There have also been a number of cases in which houses of prominent judges have been blown up by explosives.

Hakmarrje per Drejtesi-Revenge for Justice (RJ), has been the most influential group in violence and lethality against the state. The group is involved in various criminal acts bank robbery, kidnapping for ransom, drugs and appears to have invested money in the licit economy. It has used car bombs and selective assassinations of a number of officials including the Director General of Prisons. The Shyti brothers (Orik and Leart), believed to be the leaders of the group, are the sons of the former Minister of the Interior during the Communist regime, who was imprisoned along with his two sons later by the Berisha government. They were charged for acts of terrorism and other serious offences. Authorities portrayed the group as linked with extreme left and ex-members of *Sigurimi*. Yet during the 1997 state collapse they manage to escape and continue their activity. When the General Prosecutor decided to press again with the investigation last year they threatened to retaliate and indeed killed his personal security officer in front of the GP's family. According to chef prosecutor of the Italian Anti-Mafia, who came to help with investigation, the act was a warning to the authorities not to press on the issue.[106] Even though two important members of this group have been arrested recently in Belgium and Switzerland, the process of extradition exposed other difficulties in the way. The refusal of extradition based on political grounds not only demonstrated the weak cooperation between respective states in criminal matters, but also the difficulty that crimes with political background assume when dealt with internationally.[107]   In the meantime

---

[104] Interview with Francesco Mandoi, *Gazeta Shqiptare*, 6 November 2003.

[105] The number is an official statistic of the Ministry of Public Order of Albania.

[106] Summary of the letter sent by Pier Luigi Vinja to the Albanian General Prosecutor, published in *Koha Jone* (Albanian daily newspaper), 9 October 2003.

[107] The Belgian Court refused the extradition of Altin Arapi based on legal irregularities in Albania's extradition request and because the fugitive had applied for political asylum in Belgium. The same happened in the first hearding of the case of Orik Shyti, but the Swiss Court will reconsider the extradition request during the year 2004. *Gazeta Shqiptare*, 28 February 2004.

investigation of the issue led to a purge among members of the police and intelligence services for collusion with the group, thus increasing debates over whether Revenge for Justice is linked to the past regime or is a purely criminal one. The fact that many of the expelled intelligence and police officers held positions of importance during the communist regime and were reemployed by the Socialists when they took power, gives some credibility to the theory that there may be some links with the extreme left.[108]

Another fearful indicator of OC using terror-inflicting methods has been the use of sophisticated weapons. Modern bombs triggered by mobile technology have been occasionally used in OC assassinations in particular in the Tropoja region. Located in the north of the Albania, bordering Kosovo and Montenegro, the province is a lawless area that serves as a haven for fugitives from justice and trafficking activity. The trafficking activity has not only empowered local criminal families, but also has been the source of political violence, sometimes with severe consequences.[109] During the organized crime clan assassinations of 1998-2000, remote control bombs were the weapon of choice. The trend has had devastating affects on the public, yet its preeminence in lethality secured the victory of a clan sympathetic to the political opposition.[110] The special police forces sent from Tirana have continuously encountered fierce resistance. Occasionally criminal groups have attempted to seize the police station by the force of arms. This region will continuously present a threat to country's security. As was previously described, the region has been the hotbed for insurgency in Kosovo and formed part of the main trail of

---

[108] The issue has occupied the Albanian media in the last year. Many police and intelligence officers have been accused of helping the group by altering their criminal dossiers and destroying important evidence. In the meantime relatives of the "terrorists" have been employed by the police and SIS. There are allegations by the opposition that the Socialists were engaged in a truce with the group; that is why the criminal case was suspended for years. However, the opening of investigations invited violence thus somehow confirming the collusion of important members of the security apparatus with the group, based on ideological grounds and possibly more.

[109] On 12 September, Azem Hajdari, a member of parliament and the "right-hand man" of DP Party leader Berisha, was assassinated by members of organized crime supplying arms to KLA. Over the next two days Tirana was in turmoil and armed members of the opposition stormed the government building.

[110] More than 150 persons were killed during this clan rivalry including 25 government officials. On many occasions the weapons of choice have been explosives and remote controlled bombs. After the clan rivalry, the situation was dominated by the R. Malaj clan and affiliated with the Berisha's Democratic Party. Since then, the group has turned its arms against the state, by attacking police stations and officials sent from Tirana.

arms supply to KLA. It has also drawn attention of the international press as being the haven of international Islamists, although the evidence for this claim is still inconclusive, another result of the weak hold of central government over the area.

The efficacy of sophisticated bombs provided extra-incentives for other criminal groups to acquire such capabilities. In November 2003, police in the city of Shkoder seized a number of remote control explosives coming from Montenegro, destined for Tirana, and arrested the middleman. According to the Minister of Public Order the sophisticated bombs were destined for a terrorist action in Tirana. [111] It is believed that the bombs were imported by a powerful crime family with a strong presence in legitimate business including the media.[112] Two months latter another huge stock of explosives were discovered near the Montenegro border indicating that the explosive smuggling trend was alive and well.

Another alleged source of terrorist violence that the country has experienced has been the domestic issue of property privatization and expropriated property owners. Dissatisfied ex-owners have turned to acts of terror to address their grievances. (However, this theory is based more on intelligence assessment rather than any concrete legal case). The main target has been power lines and water pipelines and in some occasions private enterprises while most of the acts have been limited to specific geographical areas. Even the prime minister himself has been a target.[113] Three persons who were arrested for the assassination attempt were released for lack of evidence. Despite the high damages in property costs caused by continuous blasts and the wave of insecurity transmitted to the public, nobody has been convicted for the acts so far. In general, this trend seems to be pervasive, yet no careful analysis has been done to assess the level of coordination or even if there is any. The state's failure to curb this kind of violence erodes public faith, adds more to the mystery, and encourages further violence.

---

[111] Official statement by the MPO, *Gazeta Shqiptare*, 26 November 2003.

[112] Confidential source in the Office of the General Prosecutor.

[113] The acts have been mostly concentrated in the northern region of the country. In 2003 alone, there were more than 25 cases of explosion against state property including urban areas. The most prominent case has been the attempted assassination of then Prime Minister Ilir Meta in 2001. He escaped miraculously when his car passed close to a bomb set to destroy his car.

In Albania the threat from terror is multi-pronged and multi-purpose yet it always causes fear and disrupts the normal life of the nation. The domestic threat indicators, that of Islamist, Nationalists, and organized crime combined, indicate that the level of threat is considerable even though it has not reached alarming proportions. However, indications are that there are direct links between the three; they very often appear to cooperate or facilitate each other's activity thus saturating the state's response actions and blurring the focus on individual response. Therefore the threat from terrorism is not limited to world concerns about international terrorism; it is also identified as newer forms of terror originating from organized crime and other domestic political actors such nationalists, who even though do not want to overthrow the status quo, their presence and activity must be a great concern for Albania's security, sometimes even more than conventional military threats.

THIS PAGE INTENTIONALLY LEFT BLANK

III.   ALBANIA'S COUNTER-TERRORISM POLICY SINCE 1992

Since the fall of Communism, Albania's anti-terrorism policy has seen a variety of highs and lows resulting from the dynamic of the threat and also from the country's own political choice as well as external factors. The changes in government response are noteworthy for this study, not only as a historical account but also as background for assessing the current policy and identifying issues that still need to be addressed. This chapter will do so in a concise way.

A.   CURRENT INSTITUTIONAL AND LEGAL POSTURE

Overall, Albania's anti-terrorism policy is in the hands of the civilian authority and scattered among various executive agencies that carryon other tasks besides fighting terrorism. Albania is a parliamentary democracy, thus the main responsibility for internal affairs falls under the executive branch headed by the prime minister. The main institutions responsible for dealing with public order including terrorism are the police and intelligence services. The State Police, part of the Ministry of Public Order (MPO), is responsible for law and order as well as border management.[114] The intelligence process is the responsibility of both SIS (State Intelligence Service) and MIS (military intelligence). The main job is conducted by SIS, authorized by law to deal with terrorism issues among other tasks. The supervision and leadership of the criminal investigations falls under the Prosecution service (*Prokuroria e Republikes*) which is not part of the executive but acts as an independent judicial body.

There is no separate legislation covering terrorism however in the Albanian Penal Code there is chapter covering terrorist acts,[115] but its definition is not clear enough. For the purpose of criminal law, terrorism acts are violent acts that are intended to seriously disturb public order and install fear and uncertainty in the public. An act may be considered terrorist, per se, if it is perceived as disturbing and frightening for the public despite its motivation thus leaving the government a wide margin of appreciation. Other

---

[114] The MPO has under its wing the State Police and Republican Guard. The latter is responsible for VIP protection and the security of the main state institutions.

[115] Albanian Penal Code, Chapter VII, art. 230-34.

crimes that are of a terrorist nature, according to a widely accepted definition of terrorism, are scattered in other chapters of the Penal Code (PC), crimes against the state, and state officials or crimes inspired by ethnic or religious hatred. However, despite various criminal offences provided in the PC all terrorists acts are investigated by special bodies dealing with terrorism thus making them, one way or another, crimes of a terrorist nature.[116]

Within some of the main institutions in charge, there are specialized sections responsible for dealing with terrorism. In the State Police, there is special service called SKAKTET,[117] particularly in charge of investigating crimes of a terrorist nature. However no such specialized body exists within the Prosecution Service. They rather fall under the rubric of "serious crimes" and are prosecuted as such by a pool of prosecutors that handles serious crime. Along this line, there is no special court to adjudicate terrorist crimes which are handled by the courts of general jurisdiction. The area of intelligence is left totally to SIS; sometimes police make a contribution as well.[118]

At the central level there is no single body responsible for coordinating Albania's counter-terrorism policy. Partly by law and partly by default this matter seemed to be covered by SIS, yet the Ministry of Public Order has an important role to play. Unlike some Western countries, in Albania the National Security Council plays more of consultative than an executive role. It gathers occasionally upon the request of the President of the Republic who indeed is more of figurehead than the real head of the executive. As a result the NSC does not have any power nor does it play any role in formulating the counter-terrorism policy.

The Armed Forces have a limited role in internal affairs and are called in as the last resort to reestablish law and order. There have been attempts in the past to use them yet the effects have been marginal, not to say negative. However, with the new law

---

[116] The crimes against state officials, crimes against constitutional order, terrorism acts, and crimes committed by explosives are all investigated by the SKAKTET office, in charge of investigating terrorism in general.

[117] *Sektori I Krimit Anti Kushtetues, Terrorist dhe Eksplosivit* (Sector of Anti-Constitutional Crimes, Terrorism and Explosives) which is part of the State Police under the MPO.

[118] Apart from the role of investigation Criminal Police, part of the State Police, collect criminal intelligence on a regular basis due to various police investigations, questionings, and other police means authorized by law.

creating a Coastal Guard there is a role for the armed forces to play in particular in the management of the sea border.[119] Surprisingly enough, the drafting of the 2002 National Plan of Action against Terrorism was drafted by the Ministry of Defense (MOD) which seemed to have primacy in the issue. This ambiguity in the current policy will be analyzed later.

B.   EVOLUTION OF ALBANIA'S ANTI-TERRORISM POLICY

Even though Albania's counter-terrorism policy is far from perfect, it has gone through positive historical evolution. This process has been triggered by internal and external factors which illustrate some of the difficulties in perceiving the threat from terrorism, as well as the preferences by the various political coalitions in power. The government response can be divided in two phases; the sanctuary phase or lax policy from 1992 until 1998, and the reactive phase from 1998 and on. The change corresponds with the political transition of the ruling political parties and reflects their point of view of the issue.

1.   Sanctuary Phase 1992-1998

This phase corresponds to the greatest political and social transformation in the history of Albania, following the collapse of Communism, during which time the Democratic Party (DP) remained in power under Berisha. The intermediate period before March 1992, was a period of political turmoil and civil disorder which inflicted deep marks in the psyche of the Albanian people.[120] In fact, since then, public safety and law and order have become the centerpiece of Albanian political life. As was explained in the previous chapter, the brief socio-political transformation brought onto the scene the issue of terrorism, which was unheard of during dictatorial times. The new post-Communist government had to deal with the new dynamic of threats and implications originating from new religious and geo-political changes in the country and beyond. In confronting these changes, at least in dealing with international Islamists, the Albanian government chose a passive policy and allowed the country to become a "sanctuary" for some Islamic

---

[119] The new law on the "Coastal Guard" approved by the Parliament in 2003 authorizes it to safeguard the sea-border and prosecute any violators of border regulations. It is a major shift from the legal point of view as for the first time military units will enforce general law.

[120] Vickers and Pettifer, *Albania,* ch. 3-4.

terrorist organizations. This came partly as a semi-deliberate choice, partly as result of lack of knowledge of the issue, in a period that required the government to cope with other priorities. In the mindset of the new political ruling class, anti-Communism was the centerpiece of the government's program and it paid less attention to the new looming threats.

As was mentioned above, in its quest for international support and economic aid to quell poverty, the Albanian government placed hopes in its new Arab-Muslim friends. The Albanian entry into OIC set the stage for Arab involvement in the country. That, in exchange forged the political choice of a lax policy towards anything with Arab origin. Arab citizens, many of whom posed as missionaries of god or business entrepreneurs were free to travel without visas in the country. These developments created the perfect conditions for Islamists to use Albania as a sanctuary in order to promote their cause. This did not come as surprise-indeed it was both anticipated and encouraged by powerful elements within Berisha's administration in charge of national security. B. Gazidede, the leading Islamic intellectual who had become the Chief of SIS, was the mastermind behind this policy. Not only was he engaged in pure conflict of interest, by being the chief of country's state secret service while the leader of Islamic intellectuals, but also he was active behind the scenes to transform the country into a haven for international Islamists. It was during his "reign' that Islamic organizations consolidated their presence in the country. Many foreign and domestic sources have identified the "hospitability" of the Albanian government at that time towards Islamic radicals.[121] In the meantime, the fact that no investigation was carried out nor any government scrutiny initiated regarding foreign Islamist elements, speaks clearly about the deliberate choice of the government. There is no concrete or cumulative indication whether this policy served its framers: yet, the fact that the policy helped the Islamic fugitives to take refuge in Albania, and invited great criticism in the international arena, did more damage than good. Unfortunately, no serious investigation was carried by the subsequent governments, which followed the Albanian political tradition of accusing the predecessors for their policy yet not providing concrete evidence of what went wrong. The silence policy was also helped by the fact

---

[121] There have been an overwhelming number of reports in the international and local press of the role of Gazidede in fostering links with radical Islam. See ICG, *Bin Laden in the Balkans*, 5-6; Antoine Sfeir, et al., eds., *Dictionnaire Mondial de L'Islamism* (World Dictionary of Islamism), (Paris: Plon, 2002), 44-45.

that many intelligence documents were burned or disappeared during the turmoil of 1997. In addition, the very pro-Islamic nexus, Gazidede, fled the country and is believed to have taken refuge in Syria, thus contributing further to the mystery; however few doubts about his intentions exhibited during his "reign" remain.

Overall, the sanctuary policy toward international terrorism did contribute to the distortion of the country's image creating ample opportunities for terrorists to promote their cause and strike when the moment was ripe. Attempts to attack Western targets in 1998 and 1999 proved the failure of sanctuary approach hence the scale of danger that international terrorism posed to Albania.

2.   Reactionary Phase

The attempted actions of Islamist and the involvement of foreign security agencies triggered a strong reaction from the Albanian government. By 1998 the new political leadership that took power after the 1997 crisis clearly understood the perils of the passive policy.

First, the Socialist government tried to detach itself from Islamic influence. The Socialist Prime Minister declared that Albania did not consider itself to be a member of OIC, even though this action was more a political maneuver than a technical disengagement from the organization.[122] Yet, it was enough to justify Albania's low profile in the organization. These events marked the beginning of new era of colder relationships between the Islamic world and Albania.

The new government was also pressed by foreign states to take a new course. In particular, C.I.A. cooperation with the Albanian secret services and police marked the change in the official counter-terrorism policy. As a result of this cooperation during 1998 and 1999 a number of international terrorists were arrested and extradited to Egypt await trial. As Bodansky has noted, Albanian authorities acknowledged that the arrests followed the U.S. intelligence sources even though there was no legal cause to arrest them.[123] Facing legal difficulties while being pressured by the U.S. the authorities chose

---

[122] The issue of membership is still unclear under Albanian law. The parliament is the only entity entitled to ratify or disapprove an international legal treaty. However, in 1993, the President had the power to enter into international treaties which would later be approved by parliament. Until this day, there has been neither approval nor disapproval from the parliament, thus leaving the issue open. It was only approved by the parliament's Foreign Relations Commission, yet not ratified by parliament. See "Albania to Recognize its Islamic Conference Membership," *Deutsche Presse-Agentur*,10 December 1998.

a unique procedure. The first group of suspects were placed under house arrest, and later "disappeared" to appear later in Egyptian custody.[124] By such actions the Albanian authorities invited criticism from human rights groups; however, the stakes were high when the biggest power was interested in their arrest. Facing legal difficulties to extradite the Islamist fugitives, the government entered in a bilateral extradition agreement with Egypt to avoid further legal hurdles. Albanian security forces were also involved in an armed exchange with Islamic militants who resisted arrest.[125] Between 1998 and 2000 more than fifty international Islamists were arrested in or deported from Albania, most of them extradited to other countries. Learning that most of international terrorists were acting under the guise of humanitarian helpers, the government shut down a number of such organizations as a punitive as well as preventive measure. The Albanian Prime Minister announced the new course of policy by stating that "we have to put to an end the previous policies of no control over whoever enters the country."[126] This period marked the turning point in the Albanian counter-terrorism policy and its efforts were praised by the U.S. and other Western countries. International terrorism was becoming an important facet of security and it was emphasized as such even in the National Security Strategy of Albania.[127]

The main brunt of the fight fell to SIS which was also helped by Western counterparts not only with intelligence but also with equipment and other resources to improve its capabilities. One well-noticed characteristic was the lack of criminal processes in Albanian courts and the preference to extradite or deport the arrested persons, which even though a favorable option demonstrates the reluctance and legal inability of the Albanian criminal justice system to deal with it. Albanian had not ratified

---

[123] Bodansky, *Bin Laden*, 254.

[124] It was reported that the individuals were "kidnapped" by the intelligence officers and delivered to a US plane which transported them to Egypt.

[125] During a 1998 police raid in Tirana, the suspects engaged in a exchange of fire with police who killed one and wounded another. *BBC Summary of World Broadcasts*, 17 December 1998.

[126] *Koha Jone*, 16 August 1998.

[127] Sec. 9.4 of the National Security Strategy and Defense Policy of the Republic of Albania (Tirana: Ministry of Defense Publishing House, 2000).

any of the UN conventions dealing with terrorism. This was done only after 9/11 events and the international fury that followed.[128]

In the aftermath of September 11, some international media and neighboring governments portrayed Albania as haven of terrorism and made allegations of links between ethnic Albanian insurgents and Islamic terrorism. Understanding the delicate position and the tendency to blame states with Muslim majorities, the Albanian government engaged in a show of force to demonstrate the contrary. A number of raids were lunched against Islamic-based groups and a number of their principal officers were deported, sometimes without proper legal procedures while, in the meantime, the government revoked visa privileges for many Arab nationals. Criminal processes against terrorist finances were initiated. In particular, a main action on this front was the freezing of the accounts and assets of Jasim Kadi, a Saudi businessman who owned several companies in Tirana (and whose assets had also been frozen in the United States).[129]

The Albanian political class understood that the bid for NATO and EU membership required a tough stance against terrorism; thus, they were left with no other choice but to pursue it. However, there is still disagreement on who is the target or the enemy. As it will analyze later, most of emphasis is placed on international actors while leaving untouched the domestic militants, Pan-Albanian movements and organized crime. This emphasis is also reflected in the current Anti-Terrorism Action Plan, which was approved by the government in January 2002 reflecting the political difficulties or biased view on the latter issues.

To conclude, the Socialist government did change the policy by reacting more strongly to international terrorism thereby terminating the sanctuary of international fugitives. Albania's commitment to fight terrorism has gained the recognition of U.S. and

---

[128] Here we refer to the twelve UN Conventions related to terrorism. For the full list, see Appendix A.

[129] Kadi is thought to support Al-Qaeda and have links with a Saudi suspected terrorist, Abdel Latifi, who was extradited from Albania in November 1999. See Kristin Archick and Paul Galles, *Europe and Counterterrorism* (New York: Nova Science Publishers, 2003), 41-42.

European partners,[130] yet the commitment is not sufficient without better understanding of the threat and a proper strategy to meet it.

C.   ANALYZING THE CURRENT GOVERNMENT ACTION PLAN

The overwhelming Western sensitivities and foreign policy toward terrorism issues triggered some energetic attempts in Albania to borrow or co-opt the antiterrorism agenda. At the end of 2001 the action plan was drafted and on January 28, 2002, the "National Action Plan Against Terrorism" (NAPAT) was approved by the Albanian government. The drafting of this document was supervised and coordinated by the Ministry of Defense and conducted by an intra-governmental working group which had representatives from almost all ministries. However, the group did not really meet more than two or three times and the document was sent for the government's approval within a month's time. The government's act of approval was well publicized in the mass media, and politicians from all sides rushed to declare their willingness, and the commitment of Albania to be on the side of the U.S.–led international coalition against terror.

Despite pro-American sentiments and political commitments against terrorism, the 'NAPAT' was anything but a clear strategy against terrorism. This does mean that the government did not show commitment in tackling the issue. In fact, the government overreacted toward the issue by screening all Middle Eastern citizens residing in Albania. A number of them were expelled without a proper legal process. Nevertheless, the immediate overzealous action does not guarantee success in the long run if the phenomena has not been analyzed thoroughly and is biased in one direction, namely imported Islamic terrorism.

The document, despite the strong commitment in its preamble, does not thoroughly analyze the possible threats properly. In fact the threat is almost unidentified at all, and in particular lacks a clear assessment of where do these threats originate other than international Islamist terror. There is no mention of internal actors nor threats deriving from ethnic insurgency and terrorist threats of organized crime, even though the

---

[130] Testifying before Senate Foreign Relations Committee in June 2002, US Ambassador-designate James Jeffry stated that "Albania has done everything that we have asked in the campaign against terrorism." Ibid., 41.

last two issues are key issue in terms of security and occupy the center of EU's integration agenda. The links between organized crime and terror are well proven in Albania. Therefore, for a strategy to be successful, it must include this dimension as well. To be clear it is not suggested that the actual document deal with OC in depth, yet not to mention it at all does not speak well for the strategy.[131]

In addition there is no word about the Pan-Albanian movement and the implications deriving from it. The fear of an ethnic violence upsurge is well founded and indeed many foreign institutions have requested decisive actions by the Albanian government.[132] Even though the Albanian government has recognized the importance of the issue and has acted in quelling national-extremism, there is no policy document that highlights its strategy on this issue. This apparently ambiguous posture has to do with internal politics and disagreement over the nationalism issue, yet it speaks clearly on the shortcomings of the current anti-terrorism plan.

Another facet of current strategy weakness is the lack of coordination hence the unclear responsibility about whose institution is responsible for the application of strategy. The action-plan allocates obligation and measures for all ministries but without clarifying who will be in the lead for the assessment of the policy. As Bruce Hoffman has concluded, without an effective and overall command and coordination structure any counter-terrorism strategy can rarely deliver success.[133] Even though need for a centrally coordinative mechanism is admitted there has been neither concrete steps in this field nor the document provided any possible institution responsible for it.

The fact that the strategy was prepared in a record period of time and led by the Ministry of Defense ads more to the confusion. The armed forces play a very marginal role on the issue, thus one may be stunned by the fact MOD was the leader in the process. This adds more to the perception that the government prefers a reactionary and ad hoc

---

[131] In a twist of irony, following violent criminal attacks in February 2004, Prime Minister Nano stated that the "government [would] not yield to criminal terrorism," thus emphasizing a threat that is left unmentioned in the current strategy. *Shekulli*, 10 February 2004.

[132] See ICG. *Pan-Albanianism: How Big a Threat to Balkan Stability,* 11-13.

[133] Bruce Hofmann and Jennifer Morrison-Taw, "A Strategic Framework for Countering Terrorism," in *European Democracies Against Terrorism: Governmental Policies and Intergovernmental Cooperation*, ed. Fernando Reinares (Aldershot: Ashgate Publishing, 2000), 9.

policy to a clear proactive one. The drafting of the NAPAT was done with urgency and during a period when the government was preoccupied with its own survival which may explain the shortcomings of the current antiterrorism document.[134]

The document is poorly drafted and it seems more like a routine action plan of the government doing daily business rather than focusing specifically in terrorism. There are a few things specific to terrorism and general commitment of cooperation between various institutions yet without establishing a clear mechanism of how this cooperation will be fulfilled. A great deal of the strategy is focused on post-event management measures in a case of massive attack or any chemical attack. Although that is an important aspect it is still a bit irrelevant in the case of Albania. By taking into account the size and the role played by tiny Albania in the international scene, it is very unlikely that the country will be a target of a massive terrorist attack. On the contrary the strategy should have been focused more on well identified local related threats.

More then two years has passed since the action-plan was approved thus providing an opportunity to assess how it has been implemented. Aside from some operational measures of a secretive nature which are hard to assess, the rest can somehow be assessed. A great deal of achievement is in the field of international cooperation and the ratification of all twelve UN Conventions related to terrorism.[135] Some success in the direction of control of illegal money has been achieved although far from what is required. It still remains one of the weakest points in the government's efforts.[136] There is still no word of changes in the criminal code in relation to terrorist offences even though it was one of the stated priorities. In terms of financial support for anti-terrorism

---

[134] The drafting of the document followed the events of September 11, but for the Albanian government other priorities were in place. The government was under attack from the leader of its own political party, who accused it of corruption and pushed an agenda for change, which indeed happened in January 2002, the very same month that the NAPAT document was approved, when Prime Minister Meta resigned and a new government was formed. It is believed that the reason the drafting of NAPAT was led by the Ministry of Defense is that Meta did not wish to cooperate with the Minister of Interior.

[135] Here reference is to ratification during 2003 of all twelve UN Conventions dealing with terrorism. For the full list, see Appendix A.

[136] See European Union, Commission, *Albania: Stabilization and Association Report 2003* (Brussels: EU Commission, 26 March 2003, 31.
http://europa.eu.int/comm/external_relations/see/sap/rep2/com03_339.htm (accessed 20 February 2004).

efforts, there has been very little achievement and no extra money provided to state agencies in charge of anti-terrorism.[137]

In sum, Albania's current anti-terrorism policy is reactive /repressive yet still is in its embryonic phase. This is reflected in the current NAPAT document which is anything but a clear strategy. It is more a commitment under certain outside pressure than a thorough assessment of the problem as well as appearing to be narrowly focused. It reflects, on one side, the hesitation of the Albanian political elites to deal with this delicate issue, and, on the other side, the need to do something about it not only to satisfy its own security but also to respond to outside pressure. However, one thing is clear, although there is a building consensus and understanding of the problem, there are different views on how to approach it. The time is ripe to review the experiences of both Albanian authorities and those of other countries which may be useful in elaborating a proper counter-terrorism strategy for Albania. Bad or good experiences whether of others or Albania's own can shed light on possible policy choices, and that is what this study will strive to do.

---

[137] Statement by the former Head of SIS, Fatos Klosi, *Gazeta Shqiptare*, 20 January 2003.

THIS PAGE INTENTIONALLY LEFT BLANK

IV.   ANALYSES OF THE COUNTER- TERRORISM POLICY MODELS

There is no harder task than defining a clear-cut policy against political violence. A vast body of academic work has been dedicated to providing the right and most effective solution against illegal violence, including terrorism, yet no definite solution has been proven so far, despite the variety of options available to governments. In defining an overall strategy, most analysts agree that democracies must seek not only physical security but also liberty and justice.[138] This is even truer for transitional countries with fragile checks and balances as well as fresh memories of a dictatorial past.

Another problem that arises in addressing the threat is the sheer number of forms that terrorism can take, each quite different from the other. As was discussed above, some groups confine their activity to assassination, others to property damage and sabotage. Some plant the seeds of extremism for future violence, others use terror for inhibiting government policy. All actors have different objectives when committing their acts. Therefore, combating any particular form of terrorism requires specific understanding of the problem and accordingly a specific response, thus making the overall strategy harder to define. Understanding these limitations, this chapter will consider broad policy options that the Albanian government might adopt to deal with terrorism and its causes: 1) deterrence through hard line measures including military operations and emergency powers; 2) co-option and conciliation; 3) sanctuary or a passive policy; or 4) deterrence through criminal justice. All these options might be plausibly implemented by Albania; indeed they have been used in different countries at various times.

In order to achieve the stated goal our analyses will assess the effectiveness of four well recognized counter-terrorism policy alternatives on the basis of four criteria: 1) political feasibility 2) legal and constitutional constraints, 3) Albania's foreign policy objectives; and 4) effectiveness.   In particular, the principles of legality, proportionality, protection of fundamental freedoms, and improvement of public safety will be important

---

[138] This is the main conclusion of many standard works, including Paul Wilkinson in *Terrorism Versus Democracy: Liberal State Response* (London: Frank Cass, 2000); Alex P. Shmid and Ronald D. Crelinsten, eds., *Western Responses to Terrorism* (London: Frank Cass, 1993); Grant Wardlaw, *Political Terrorism: Theory, Tactics and Counter-measurers* (Cambridge: Cambridge University Press, 1989); and Philip B. Heymann, *Terrorism, Freedom, and Security: Winning without War* (Cambridge: MIT Press, 2003).

milestones for the proposed policy. These criteria are a deliberate choice for a country that is striving to join the club of democratic Europe; otherwise, Albania's future will be seriously compromised. While no policy option can guarantee the complete eradication of the threat posed by political violence, the proposed model will contribute substantially not only to reducing the threat of terrorism but also to fighting criminal violence in general.

A.   HARD LINE RESPONSE

This model assumes a substantial repressive policy based on emergency power legislation, abolition of certain human rights - in particular those guaranteeing normal due process laws, allowing the police to conduct searches without a warrant, arrest citizens without charges, hold them in jail without bringing them to trial, deport foreigners without respect to their immigration status, and use abusive interrogation techniques. In addition, the power and number of security forces will be increased in part by deploying military and paramilitary forces. Finally even extrajudicial killing may be permitted to eliminate dangerous elements. All of these measures can be part of specific legislation covering crimes related to any kind of terrorism.[139]

The overwhelming machinery of the state, if used heavy handedly can theoretically give immediate results in curbing violence. Indeed during its troubled history, Albania's various repressive regimes have achieved miracles in public security. In fact, over the long run such measures did more damage than good for the internal stability of the country, let alone the issue of democracy. However, in addressing criminal violence the temptation to use a hard line approach is high and has even shown brief revival during last ten years. The introduction of emergency powers in March 1997 was emblematic, yet instead of resolving the crisis it made matters worse.

Nevertheless, assume that for a certain period, the option of emergency power would be justified for immediate goals and for the overriding cause of public order. Each dimension of emergency powers will be expected to contribute to the state's response. Relaxing or modifying due processes laws, for example, is designed to improve the

---

[139] This definition of a "hard-line policy" is based on Michel Freeman, *Freedom or Security: The Consequences for Democracies Using Emergency Power to Fight Terror* (Westport, Ct.: Praeger, 2003), 10-12.

ability of the police and judiciary to arrest and convict suspected persons. To facilitate the arrests of suspected individuals, emergency powers can allow the police to conduct searches without a warrant from a judge. In addition police may be allowed to arrest any person without charge and hold him as long as deemed necessary. It can lower the legal burden for conviction by allowing uncorroborated confessions to convict a suspect. On certain occasions the state can use military forces to conduct police duties and impose a curfew, thus enabling police to focus on investigations. In the case of extra- judicial killing, security forces can provoke any situation to eliminate possible suspects instead of arresting them. Overall, all these measures have been used in various emergency situations by many countries, sometimes successfully in curbing violence and destroying terrorist organizations. In the case of Albania, this option can be used on a temporary basis and with the intention to give a strong blow to any kind of terrorism thus assuring the public that fighting all forms of terrorism with eventual success would improve the country's safety and future. Having said that, the issue of great concern is how feasible this option is for Albania based on the criteria selected.

The political will of a nation is a critical factor in determining the success of any given security policy. Therefore before taking the initiative to introduce any radical change in public policy the government must calculate what support they are going to get from a broader spectrum of politics besides that of the governing political party. As things are today in Albanian politics, introducing a hard line approach is likely to confront many difficulties.

First, there is little cooperation between ruling and opposition parties and political life is very polarized. In addition, little agreement exists about what constitutes a threat to the state, and, in general, the opposition does not trust the government. Fear always exists that any drastic measures to confront public order will raise the opposition's suspicion that these measures are going to be used against them. This has been the pattern of behavior from any political party in opposition. In 1996, when the Democratic Party (DP) government, introduced changes in the Criminal Code by increasing and fixing sentences of serious crimes, the opposition led by the Socialist Party (SP) boycotted the voting and even challenged the legislation on the grounds of constitutionality. Even during the 1997 crisis, when introduction of emergency legislation was a necessity as riots and political

violence escalated into an overt insurgency, the Socialist-led opposition not only opposed these extraordinary measures but also denounced them to the public, thus further exacerbating the already tense situation.[140] Even introduction of moderate legislation may trigger political tensions, thus making the issue of compromise in the field of security very difficult. This is not solely related to the usual game of politics, but above all to general fear that wide powers may be abused by the government. World experience, and especially that of Albania, tends to support this paradigm of abuse. Analysts tend to agree that a brief introduction of emergency powers can only have relative success if supported by all political actors, and the public, and to be less abusive requires strong checks and balances and well founded democratic institutions, including those in charge of security. Albania, with its infant democracy and turbulent politics provides few incentives to properly handle a hard-line policy.

Emergency powers can take many forms, depending on whether they are in response to war, economic depression or natural disasters. In more severe situations such as external aggression, the Constitution of Albania provides the government with the authority to take all kinds of measures that are necessary to defend the country, thus making the case of war very unique yet irrelevant in addressing internal political violence. Against terrorism, emergency powers typically restrict or suspend due process rights, limit the freedom of the media and swing the separation of powers in favor of a stronger executive. However, a policy option including that of a hard-line should be based on the Constitution otherwise, as Wilkinson's noted, "failure to uphold the constitutional authority and the rule of law is a betrayal to the people."[141]

The Constitution of Albania dedicates a whole section to extraordinary measures and the grounds on which they can be applied. Emergency powers allow use of the military to restore public order but, no suspension of basic human rights. Thus, in the

---

[140] The events of March 1997 were emblematic of the issue. The Berisha administration declared a state of emergency, imposing a dusk-to-dawn curfew, with the security forces possessing the authority to open fire, uphold order, and disperse crowds. Gatherings were limited to a maximum of four people, restraints were placed on political activity, and a complete information blackout was imposed on the media. The opposition parties formed a union of nine political parties and asked for a political solution instead of a crackdown. See Jane Perlez "Albania Calls an Emergency as Chaos Rises," *New York Times*, 3 March 1997.

[141] Paul Wilkinson: *Terrorism and the Liberal State* (New York: New York University Press, 1986), 127.

Albanian Constitution, with the exception of the state of war and grave natural disaster - when some of the normal political institutions may be stalled - in no other case do the formal democratic institutions cease to exist.[142] Accordingly, only in such cases may elections be canceled. Even so, parliament would still exist. In the case of a serious breach of public order or immediate danger to constitutional order, the Constitution gives the Parliament the initiative to request that the government declare a state of emergency limited to sixty days; the act may be renewed by the parliament for another thirty days without exceeding ninety days in total.[143] Therefore, government can introduce extraordinary measures always with the support of the Parliament and for a limited duration. The Constitution allows the use of armed forces in support of police when the latter is unable to restore public order.[144] Under this provision, and in the case of an upsurge in political violence, or when the threat is perceived as high, the government may exercise emergency powers. However, any attempt to bypass the normal legal system and in particular to suspend *habeas corpus* is illegal and certain to fail. The Constitution provides that in no case can the fundamental rights be abolished, including those that guarantee the individuals' a fair criminal proceeding, right to a lawyer, the right to be notified of criminal charges, the right to fair trial. In sum the Constitution guarantees all that an emergency legislation seeks to neutralize.[145] Furthermore, Article 177, Par 2, of the Constitutions provides that no revision to the Constitution may be undertaken during the time that extraordinary measures are in place, thus making it impossible to initiate any changes that can restrict *habeas corpus*. Therefore government is left with limited choice, that of involving armed forces to support public order for a limited time which, besides better control of the territory, can do little to defeat or apprehend secretive groups.

---

[142] Constitution of the Republic of Albania, art. 170-71.

[143] Ibid., art 173, para 1 and 3.

[144] Ibid., art 173, para 2.

[145] Ibid., Art 175, Para 1.

Albania's security is closely related to its foreign policy; not because of country's influence in world affairs but its dependence on it. Albania's key foreign policy objective is membership in EU and NATO. Even though EU and NATO are different organizations they both embody the principles of democracy, individual liberty, the rule of law and consolidated democratic institutions, thus they are treated as the same for the purpose of this study. Moreover, Albania's military strength is insignificant for the "Alliance," thus leaving the issue of democratic progress and stability the main issue to be reckoned with. The EU started preliminary negotiations with Albania over a Stabilization and Association Process (SAP) in February 2003. The President of the European Commission Romano Prodi, said, "the process would include commitment to human rights, democracy, a market economy, free trade, and the fight against crime and corruption."[146] This implies that Albanian public policy would be subject to intense scrutiny from Brussels, thus making the EU a constant "intruder" to be reckoned with. Albania's counter terrorism policy must be in conformity with EU principals and in particular Art F, Para 1 and 2 of "Maastricht Treaty" which states:

> 1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and rule of law, principles which are common to the Member States.

> 2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law. [147]

Based on the above, the hard line option assumes great risks when it comes to safeguarding these principles. The EU is very sensitive to the issues of human rights and is unlikely to tolerate any significant, long-standing, government sponsored restrictions of civil liberties even if done in the name of national security. It is no surprise that most recent EU/SAP report calls on Albania to do more in the area of human rights and

---

[146] Romano Prodi made this declaration during his official visit in Tirana on 31 January 2003, *Albanian Telegraphic Agency (ATA).*

[147] Europan Unioin, *Treaty on European Union*, 29 July 1992 http://europa.eu.int/eur-lex/en/treaties/dat/EU_treaty.html (accessed 10 January 2004).

protection of minorities.[148] Even though the EU acknowledges Albania's progress in human rights, there are still issues of concern in particular cases of police abuse and inefficacy of the judiciary to handle human rights cases.[149] This underlines the importance that human rights safeguards play in the process of EU integration. The case of Turkey's security policy and EU criticism is emblematic of the issue.

In the light of Stabilization and Association Process (SAP) Albania has pledged to recognize the primacy of the European Convention on Human Rights (ECHR), hence accepting its judicial review over domestic internal disputes. Thus introduction of extraordinary measures which seeks to simplify and/or bypass the normal criminal procedures even for a brief period will eventually encounter grave criticism and legal sanctions from the European Court of Human Rights. This would complicate or deteriorate Albania's standing in the EU integration process. Western European experiences have shown that even members of the EU have run into similar conflicts with European institutions in charge of human rights when they introduced emergency measures to combat terrorism. The case of UK's extraordinary powers to fight terrorism is an example of the issue; the European Court of Human Rights was very critical of British policy on issues of internment without trial, non-corroboration of testimonies, and imprisonment without trail even though the powers were approved by the Westminster Parliament.[150] The Court opinion reiterated that in a liberal democracy, anti-terrorist polices should comply with the rule of law, not only in the matter of legality, but also that the rules legally enacted should comply with fundamental human rights and freedom. This conclusion has been and still is the main theme of the EU's anti-terrorism response, and hence an obligation for future candidates for EU membership. Therefore, Albania should know that any overreaction in the name of public security is likely to face strong opposition from the EU, something that Albania must avoid at any cost.

---

[148] European Union, Commission, *Albania: Stabilization and Association Report 2003*, 7.

[149] Ibid., 7.

[150] See David Bonner, "The UK Response to Terrorism: the Impact of Decisions of European Judicial Institution and of the Northern Ireland 'Peace Process'," in *European Democracies Against Terrorism : Governmental Policies and Intergovernmental Cooperation,* ed. Fernando Reinares (Aldershot: Ashgate Publishing, 2000), 51.

Assessing the effectiveness of any given policy, from the state perspective, requires time, good intelligence, and evaluation of statistics. In other words, a state should first identify the potential actors, attack them with the powers provided by emergency legislation, and then assess the outcome in terms of the total number of violent acts, number of arrests, or the number of suspects eliminated.[151] Therefore, assessing the effectiveness of a hard-line option in the case of Albania is impossible in quantitative terms; yet, some prospective assessment can be done based on the previous research conducted in other countries that have used similar powers. In the meantime, even examples of the hard-line response used by post-communist Albania may generate some indicative assessments.

The most commonly cited study in assessing the effectives of hard-line option has been that of Christopher Hewitt. Looking at the policy response of five countries in the 1970s and early 1980s he found that on the basis of time and correlation:

There is no evidence that repression is an effective strategy. Whether we measure repression in terms of the deprivation of civil liberties, the size of the security forces, the amount of military activity or the number of terrorists killed by the security forces, the more repressive the regimes are no more successful in reducing terrorism than the more liberal regimes. Increasing repression did not lower the level of terrorist violence in Cyprus, Spain, Northern Ireland or Italy. [152]

The same conclusion is supported by most other policy analysts whose findings match Hewitt's conclusion. Moreover, emergency powers tend to be abusive in terms of duration and scope thus the myth of effectiveness vitiated by public disdain. Even though, in the case of Albania, its duration is constitutionally limited, engaging in a repressive campaign is unlikely to address the threat that Albania faces, and in particular the fact that the source of political violence is multi-pronged and not limited to a specific group. Without clearly identifying the potential elements and organizations and assessing their strength, a repressive policy can encounter more hurdles than results. It may lead to abuses in order to justify results thus slowly sliding into a grey zone - that of "terrorism from above." Glimpses of the last scenario were witnessed during the introduction of the

---

[151] Freeman, *Freedom or Security*, 12, 28-29.

[152] Christopher Hewitt. *The Effectives of Anti-Terrorist Policies* (Lanham, Md.: University Press of America, 1984), 94-95.

state of emergency during Albania's 1997 crisis. The emergency powers, employment of the army and quasi-paramilitary forces, national curfew, and the ban of the free press did little to stop the violence. On the contrary, the security forces inflamed the silent majority by acting as vigilantes instead of law enforcers.[153] The 1997 events proved not only the futility of the emergency power but showed that poor training and accountability can allow security forces to run out of control. Another interesting case from which to draw lessons was the French policy against terrorism in Algeria in the late 1950s. The French hard-line response not only failed to quell the violence, but also alienated the majority of non- European population, which eventually benefited the terrorists and helped to achieve their goals. It already proved what an author has said, "terrorism strategy achieves its goal not through its acts but through the response to its acts."[154]

Besides the myth that a hard-line policy option can eradicate terrorism threat, there is little evidence to support its being the preferred choice of a democratic state. A post-dictatorial country such as Albania may be tempted to address the issue of terrorism once and forever by employing heavy-handed policies, yet it is very unlikely that this is the most feasible option in the range of choices. Before taking any action, a government should remind itself of Nietzsche's famous dictum: "He who fights with monsters might take care lest he thereby become a monster."[155] Albania's history is full of such monsters- it is important to make sure that the country's new democracy does not produce a new monster.

B.   CONCILIATION POLICY

Negotiations, compromise, and conciliation rest at the heart of democratic political processes and are an available option against terrorism. In Martha Crenshaw's view terrorism declines because of three factors: physical defeat of extremists by the government, the group's decision to abandon terrorist strategies, and organizational

---

[153] The case in focus is the burning of *Koha Jone* headquarters, an opposition newspaper, as well as a number of abuses against various sections of population and members of the press by security forces, in particular from intelligence agents and paramilitary forces.

[154] David Fromkin, "The Strategy of Terrorism," *Foreign Affairs* 53 (Oct 1974 - Jul 1975), 692.

[155] Friedrich Nietzche, *Beyond Good and Evil* (New York: Random House Inc, 1966), 112.

disintegration.[156] In this regard, abandonment of violence and organizational disintegration may result from a government's conciliatory policy by luring terrorists to abandon their cause or by disrupting their base of support and shifting them to mainstream politics.[157] In other words, the government has to make concessions and initiate reforms to satisfy the political demands of the extremists. This may include considering them as legitimate actors in politics and assuming that this new role will end the violence. Indeed the world is rich with such examples including in the Balkans, as was the case of Albanian national-separatist movements in the former Yugoslavia.[158]

A conciliatory policy is a very legitimate option for Albania. It must be in harmony with the political will of the nation in order to be considered as a workable option. It is important to consider how this policy would apply, because Albania's various political actors would vary in their responses, depending on specific threats and whom the policy would address.

In the case of Islamists, a negotiable framework would assume concessions to the Islamist cause. All things being equal, it is unlikely that the main political actors would consider such a stance nowadays. No mainstream political party supports any reform at the cost of secularism; hence, those reforms could generate political opposition from the non-Muslim part of the population. A pro-Islamic stance has been attempted in the past and not succeeded, convincing the very political actors who hosted the idea to abandon this cause once and forever.[159]

The issue of nationalism is full of variables in terms of political reception. Albania itself is not threatened directly by any separatist movements; yet, as was discussed above, its role and territory may serve as a rear base for Albanian extremist groups in the region. Their demands are aimed at forcing the Albanian government to

---

[156] Martha Crenshaw, "How Terrorism Declines" *Terrorism and Political Violence* 3, no. 1 (1991): 69-87.

[157] See Peter C. Sederberg," Conciliation as a Counter-Terrorist Strategy," *Journal of Peace Research* 32, no. 3 (August 1995), 295-312.

[158] Reference is made here to the insurgencies in Macedonia and Southern Serbia where the NLA and LAPMB were respectively part of negotiation and political deals. See ICG, *Pan-Albanianizm: How Big a Threat to Balkan Stability?*

[159] Here reference is to the pro- Islamic character of the DP government during 1992-1997.

support their movement, or at least not to take actions that would disrupt their activities in Albanian territory. This is similar to the relationship between the IRA and the Republic of Ireland. Direct support may be a hidden desirable option for some, yet is out of question in real politics.[160] Most political parties understand that following a nationalist cause is political suicide as it would alienate them from foreign diplomacy and the majority of the population who prefer the path of neutrality.

When it comes to organized crime, the issue of concession is out of the question despite high levels of corruption in different areas of politics. By all odds, most political parties want to distance themselves from crime, thus making it impossible for an overt concession to materialize.

Conciliation is more a political instrument than a legal norm; therefore in terms of legality, it does not appear to contradict any constitutional norm. However, any reform to address the issue of Islamists requires constitutional change. The Constitution of Albania forbids any manifestation of political-religious cause and holds secularism as a sacred principle.[161] In addition, Albania has subscribed to a considerable number of international conventions dealing with cooperation in justice matters that have primacy over Albanian law.[162] Therefore it is illegal to come to agreements with individuals or groups which are wanted internationally or are responsible for acts against international peace. Any violation of those obligations may invite sanctions from the international community.

The Balkans has been a hotbed of cultural and nationalist conflict throughout history, thus forcing the EU and U.S. to take an active stance in the region. In addition, the global focus on terrorism that resulted from 9/11 events has amplified the scrutiny over the role that each individual country plays. Therefore, the Albanian government

---

[160] Here reference is to a number of political parties namely, the Party of Legality, the UNFB, and the Communists, which support the cause of Great Albania. In addition, the former King Leka, who returned to Albania from forced exile, has explicitly supported the unification of Albanian territories, provoking bitter polemics with FYROM and the international community. ICG, *Albania: State of a Nation*, 4-5.

[161] Article 10 of the Albanian Constitution states that Albania has no official religion and is a secular state.

[162] Art 122, para 1, of the Constitution of Albania states that international agreements ratified by parliament are part of the internal juridical system and take superiority over any domestic laws that are not compatible with it.

must demonstrate an active policy rather then retreat under duress as its preferred choice. The latest EU-SAP report emphasized explicitly the active role that Albania should play against terrorism and in condemning the nationalist extremism movements.[163] The Albanian government has no choice but to follow this advice if it wants to stay on the integration track.

Based on the above, the conciliatory model, even though possible, would incur great costs for Albania. However, it is still of great interest to see how effective this model might be. Conventional wisdom in anti-terrorism literature asserts that concession leads to further violence and make the state appear weak in the eyes of public and the challenger.[164] Based on Albania's development and especially the growth of organized crime since 1997, countering the specific threats that Albania faces, by conceding to terrorist demands or legitimizing the political cause of extremists, would be anything but effective. International experience has shown that striking deals with Islamists and legitimizing their cause invites further radicalization and violence which would be hard to curb within democratic standards.[165] In the meantime, allowing extremists, even under the name of Pan-Albanianizm, to use the country as their preferred rear base, can invite further violence and other foreign complications. The same is true for organized crime hence pushing the country to join the path towards anarchy instead of prosperity. Even the proponents of a conciliatory policy agree the punitive actions may be the most plausible response against isolated fringe groups thus limiting the option of conciliation to groups that enjoy broad based support.[166] None of the terrorist actors that operate in Albania enjoy any considerable support, and conceding to demands that come from

---

[163] The EU has designated a number of individuals of ANA as extremists and has required that the Albanian government show restraint and neutrality in the issue of insurgency. *Gazeta Shqiptare,* 10 February 2004.

[164] This conclusion is supported by a number of authoritative scholars such as Paul Wilkinson, Alex P. Schmid, and Grant Wardlaw.

[165] In his work, Gilles Kepel has extensively covered the results of political accommodation with Islamist in countries such as Egypt, Malaysia and Pakistan and shown that its outcome has often been an encouragement of radicalism instead of its decline.

[166] For full analyses of the conciliation option see Sederbergm "Conciliation as a Counter-Terrorist Strategy."

fringe sections of society may pave the way for any sort of agenda or any group, yet un-negotiable by any standard.

In sum, the Albanian government should be concerned about policy implications before engaging in a conciliation policy. These implications include matters of foreign and domestic policy. Above all, conciliation policy does not provide a long-lasting solution. On the contrary, as Christopher Hewitt has observed:

> Reforms do affect the level of violence but they do so in a complex fashion. Policy makers should anticipate that concessions made from the position of weakness would increase violence and that during creation of new institutions terrorists will be very active.[167]

C.   "SANCTUARY DOCTRINE" LEADING TO A PASSIVE POLICY

The "sanctuary doctrine" attempts to isolate the country from international terrorism by creating within Albania a sanctuary both for and from international terrorists. This policy requires making Albania's policy and soil as neutral as possible with respect to the issues that motivate international or regional terrorism. As a result, terrorist groups would have nothing to fear and nothing to achieve in Albania, as long as they did not perpetrate acts of terrorism within Albania or against Albanian interests.

This policy could address both international Islamists and Pan-Albanian extremists and indeed has inspired the DP government response until 1997. In this context, the option has been a workable solution for Albania to have considered, yet it triggered bitter political disputes in the country. After revelation of the extent of Islamist's influence and in particular their well developed plans to use the country as the springboard for terrorism in Western Europe, the Socialists denounced the sanctuary doctrine adopted by the Democratic Party (DP) during its governance. The bitter polemics, as well as the condemnation by the West of any country that harbors terrorists has made this policy to fall short on support. Humiliated by press accusation in and outside Albania, the DP entered a race of rhetoric and accusations denouncing the government for trying to make capital of the issue.[168] The competition in accusing one

---

[167] Hewitt, *Effectiveness of Anti-Terrorist Policies*, 54.

another on the lax attitude against Islamists that followed the 9/11 events revealed the depth of the policy of sanctuary and its implications for Albania. The issue was exacerbated by accusations by neighboring countries that Albania had been a haven for terrorist groups in the region.[169] Most of the accusations were triggered by Western sensitivities towards Islamic terrorism and in particular the Bush Administration's anti-terrorism agenda, thus transforming anti-terrorism policy into a yardstick of measuring friendship to the Western world. The sanctuary policy was condemned as encouraging terrorism and countries were required to act against any brand of terrorism. Thus all mainstream Albanian political actors even, those who had been more sympathetic to Islamists or nationalist movements where left with one choice, that of denying any sanctuary to terrorists.

The above argument applies to judging the sanctuary option as a tool of reaching foreign policy objectives. Any inaction from the Albanian side would very likely trigger Western criticism and possible reduction in foreign aid. It would not only hamper the country's effort to integrate into the EU and NATO, but also might expose the country to political sanctions, hence deteriorating its position in the troubled region by portraying the Albanians as a factor of instability. International cooperation against terrorism, as well as, the constructive role that Albania must play is a keystone to the process of EU and NATO integration.

Albania has signed all international conventions dealing with international terrorism thus assuming the legal responsibility to enforce them. Any passive attitude can be considered as a material breach and Albania may be held responsible. Besides being politically inopportune, overlooking the enforcement of laws is illegal in a state governed by the rule of law.

---

[168] Reports in the international press that Bin Laden visited Albania in 1994, as well as information about the collaboration of former Director of the Secret Service B. Gazidede with Islamists caused a political storm among the government and opposition. The opposition accused the government of exploiting the sensitivities of terrorism to cover its corruption and oppression against opposition, while the government denounced the DP for its sanctuary policy toward Islamists. The issue was followed by many pro-government and opposition newspapers which engaged in a race to reveal and sometime fabricate the facts. See ICG, *Bin Laden in the Balkans,* 5.

[169] Ibid., 5-6.

The sanctuary policy might seem to be a plausible way to avoid attacks by disengaging the state from terrorist activity as long as perpetrators did not engage in violence against the state or its interests. Past experience has shown that this option remains more a myth than a reality. The international experience indicates that sooner or later violence will spill over into the country that favors sanctuary. The case of France during the early 1980s with both Islamic terrorism and Basque nationalism is emblematic of this pattern.[170] Even the undeclared sanctuary policy that Albania followed during 1992-1998 proved futile when the Islamist's intentions and plans to execute violence in the country become evident. Providing sanctuary to terrorists may increase the opportunity for extremist organizations to recruit local members and plant seeds for future violence. It will also further erode the state's authority, degrading it in the eyes of the public.

Likewise in the case of Pan-Albanian movements, the sanctuary policy may cause more harm than good. The freedom that extremists may enjoy to operate within Albania for the purpose of conducting operations outside Albanian borders, would allow them to accumulate logistical and operational networks that could easily be turned upon their host when the moment is ripe, or to threaten government to adopt their policy line. The violent events of September 1998, in Albania, and the involvement of Kosovo insurgency members in the internal violence demonstrates the risk this policy assumes.[171]

In sum this policy has political, moral, and security implications and is neither effective in preventing terrorism nor is it a good recipe for curbing it.

---

[170] This conclusion is based on Michael M. Harrison, "France and International Terrorism: Problem and Resposne," in *The Deadly Sin of Terrorism: Its Effects on Democracy and Civil Liberty in Six Countries*, ed. David A. Charters (London :Greenwood Press, 1994); and Paddy Woodworth, *Dirty War Clean Hands: ETA, GAL and Spanish Democracy* (Cork: Cork University Press, 2002).

[171] On September 12, Azem Hajdari, the right-hand man of DP Party leader Berisha, was assassinated by members of organized crime supplying arms to KLA. Over the next two days Tirana was in turmoil and armed members of the opposition stormed the seat of government. Among the attackers were members of a KLA splinter group which was using North of Albania as its base of support and training. Some Kosovars believed that the Socialist government were not supportive enough of the insurgency and joined the calls of DP to overthrow the government thus hoping for more sympathetic government for their cause. For more on this issue see Judah, *Kosovo: War and Revenge*, 177-78.

D.   CRIMINAL JUSTICE APPROACH

This policy model presumes the primary use of the criminal justice system to deal with terrorism by treating it as a criminal and subversive activity. The main responsibility will rest on judicial, police and intelligence services using the normal legal system; although, specific modifications may be made to enhance the investigative capabilities under normal criminal procedural law. Primacy on investigation with the purpose of arrest and conviction is the key element of the criminal justice model. It strips the political quality from the criminal act treating all perpetrators as common criminals. Therefore, the society must respond with the full force of law to combat terrorism as an illegal violence, while avoiding any deviation from the due processes of law. The various forms of the criminal justice model have been the dominant choice of Western democratic societies in curbing political violence. This option provides a clear incentive for Albania's policymakers to consider.[172] Accordingly, Albania's needs and the criminal justice approach will be considered next.

The majority of scholars tend to agree that any anti-terrorism policy exercised by a democratic society must remain under the authority of democratically elected civilian leaders. Therefore, political backing is at the core of this paradigm. Within a highly politically polarized society, such as Albania's, any policy application must be perceived as being apolitical and un-manipulated by the government; otherwise it will be more divisive than effective. The criminal justice approach - at least on a superficial level - tends to be acceptable by the majority of the political spectrums of society.

Under this model, the executive's actions would be checked by the judicial system which would have the final say in the issue by convicting the perpetrators of crimes despite their motives. The judicial system of post-Communist Albania is, in principle, independent and is protected by a constitutional shield. But, it still suffers from corruption and therefore is susceptible to political interference.[173] This perceived

---

[172] This conclusion is based on Alex P.Schmid and Ronald D.Crelinsten, eds., *Western Responses to Terrorism* (London: Frank Cass 1993).

[173]The Albanian Constitution guarantees the independence of the judiciary. The governing body of the judiciary is the High Council of Justice. For more information of Albanian judiciary and its problems see Organization for Security and Co-operation in Europe, OSCE Presence in Albania, *Legal Sector Report for Albania*, February 2004, http://www.osce.org/documents/pia/2004/02/2117_en.pdf (accessed 20 March 2004).

independence of the judiciary can be the common denominator when it comes to divergent political view on the issue. In the meantime, by de-politicizing the issue of punishment, it becomes more acceptable for all. As was mentioned above, the perceived threat level, and in particular branding certain groups as terrorists, has been and is a debatable issue in Albania. This is more significant when it comes to domestically motivated acts which very often have triggered political debates and mutual accusations, unfortunately a common feature of Albanian politics.[174] Historically, it has been more common to condemn the acts of violence than to delve into their motivations. As a result, one does not need much skill to understand that in this politically volatile environment separating political motives from acts of violence is the right response, and there is no better model than criminal justice to do that. Judged by their rhetoric, the majority of political actors are committed to fighting crime, as well as, understanding that political violence in Albania originates from a variety of sources. Thus only under the umbrella of criminal justice they can agree and support a repressive policy toward violence. At the same time using the parliamentary and judicial oversight mechanisms already in place, interested groups can enjoy enough political leverage to check any dangerous or threatening behavior from the executive.

In terms of constitutionality, the use of criminal justice model is legal *par excellence.* However, here the model must refer to a system that is non-abusive or distorted. It is well known that many deviations from the rule of law and respect for due process have occurred under the auspices of a criminal justice model even in Western democracies.[175] As mentioned above, the option of deviating from normal legal procedure faces constitutional obstacles, yet improvements of criminal legislation to

---

[174] The case in point was the terrorist group "UCKSH." According to the government, the group included members of the DP and was responsible for attacks on some police stations in the north of the country during 1998. Their objective was to overthrow the Socialist government by violent actions, yet many of the members were related to organized crime figures. The Prime Minister denounced the group as terrorist and employed special police forces to counter the violence. However, the whole process went through a rough political debate in which the opposition accused the government of concocting the plot and condemned the police's hard measures. The same grievances have recurred in later cases, which shows the issue's potential to inflame political divisions. See Alfred Peza, "14 Shtatori i Klosit (Klosi's 14 September)," *Klan Magazine*, 20 October 2002.

[175] The case of Spain's "dirty war" against the ETA and Britain's response to the IRA are emblematic of the issue.

facilitate and improve investigation and conviction can be undertaken under the current constitutional constraints. These improvements may cover serious and organized crime including terrorism while respecting the rule of law and avoiding any constitutional conflict.

There is no other policy but criminal justice that finds a full resonance with EU goals. EU counter-terrorism policy under the Maastricht third pillar Justice and Home Affairs (JHA) has under the jurisdiction of the criminal justice system. In the EU, the terrorist phenomenon is closely linked to issues of illegal immigration, narcotics and smuggling. By bringing these areas under one overarching forum, the K4 Committee, the EU is seeking to foster the level of inter-governmental and inter-service coordination necessary for any effective counter-terrorism policy.[176] At a European conference in London in December 2002, the EU Commissioner for External Relations, Chris Patten, stated that:

> The situation concerning organized crime, extremism and corruption is grave in the Balkans -- but especially in Albania. If you want to confirm how serious the problem of organized crime is in Albania, ask the FBI or any other police organizations in the world. We need serious cooperation with Albanian authorities to cope with this phenomenon. [177]

In the light of Patten's words, as well as the recognized threats that originate from the lawless Balkans, improving the criminal justice posture is *sine qua non* for Albania's effort at EU integration. In March 2004, the EU warned again that Albania must do more in improving its criminal justice system to fight organized crime if it wants to remain on track for eventual membership.[178]   Meanwhile, the same concern is shared by the U.S. and NATO officials thus making the application of the criminal justice machinery a valuable option.

---

[176] See Peter Chalk, "The Third Pillar on Judicial and Home Affairs Cooperation, Anti-terrorist Collaboration and Liberal Democratic Acceptability," in *European Democracies Against Terrorism: Governmental Policies and Intergovernmental Cooperation*, ed. Fernando Reinares (Aldershot: Ashgate Publishing, 2000), 184.

[177] See Chris Patten's address to the "European Conference on the Fight Against Organized Crime in South Eastern Europe" held in London 25 November 2002, reported in *Koha Jone,* 2 December 2002.

[178] Patten's remarks to the President of Albania in Skopje, Macedonia on 6 March 2004 were reported in *Gazeta Shqiptare,* 7 March 2004.

Critics may say that using criminal justice against political violence is not always effective, for legal process in itself is lengthy, exhaustive, expensive, and awkward. This rationale serves as a justification to deviate from conventional judicial and law enforcement procedures in hope of quick resolution. Yet, as was argued previously, this does not guarantee success; indeed, it can make matters worse. Addressing Albania's threat criminal justice model will tend to be the most effective in the long run. Albania's terrorism problems are very often intertwined with organized crime activity thus requiring a proper CT policy that can tackle this whole spectrum of activities. Improved legal measures can deal with entire networks and groups conspiring or using violence as well as by attacking their logistics and finances. As early as 1984, Christopher Hewitt concluded that the one measure that seems to work in reducing violence was the arrest or internment of terrorists.[179] Therefore, the arrest and eventual conviction of individuals can effectively curb violence and disrupt the organizations that further those acts. It was mostly through criminal justice systems that most of the European nations succeeded in the 1970s and 1980s in defeating the main threat of domestic terrorism.

The Albanian public is accustomed to and willing to tolerate a police bureaucracy that would certainly be viewed as invasive in other Western democracies. Law enforcement services therefore have more maneuverability to investigate or enforce public order. However, any possible success requires professional training of police, resources and an effective legal framework. All the necessary legal and operational improvements can be carried out within the criminal justice model. All those measures may require structural changes and additional bureaucratic and financial burden, an issue that may be addressed with the EU and other international organizations. If one looks closer at the current structure of EU aid to Albania, the bulk of the money goes to improving the criminal justice system, thus ameliorating one of the great concerns this policy model faces.[180]

---

[179] See Hewitt, *Effectiveness of Anti-Terrorist Policies,* 94-95.

[180] In 2003, 20 million EUR, out of a total of 46 Million EUR in direct assistance to Albania, were designated for fighting crime. See "European Commission Adopts Annual Program for Albania," 15 July 2003, http://europa.eu.int/comm/external_relations/see/news/ip03_1019.htm (accessed 10 January 2004).

The criminal justice model will contribute the most, not only to reducing the threat but also in fighting criminal violence in general, therefore improving the internal security situation, a key issue in accelerating Albania's association process with EU and NATO.

As a matter of fact, no policy options can fully guarantee the eradication of the threat posed by political violence. However in the range of choices, Albania must chose a policy that not only can bear fruit in answering violence but also preserve and strengthen the delicate democratic balance within society. The policy criteria chosen for this study can serve as a milestone in selecting the right approach. As was proven above, save the "Criminal Justice model" all other policy options, one way or another, derogate the selected yardsticks thus making the Criminal Justice approach the most feasible option to utilize. (For a summary of the findings see Table 4-1)

Albania has yet to define clearly its policy model and hence create a set of institutions for combating terrorism that can persist over the long term and respond to an evolving threat. Anti-terrorism institutions and policy responses have the tendency to wither and rigidify in times of low threat. But, terrorism itself is a permanent although irregular feature of modern life. To prevent future waves of attacks, however far off they might be, and to avoid re-inventing a slightly different wheel for each occurrence will require giving life to institutions that can persist and evolve even in times of low-threat. Criminal justice is a permanent feature of democratic society and working within it gives answer to any kind of violence while it takes care for life, liberty, and unity that a democratic nation wants, in addition to physical security.

Table 4-1 -Assessment of Four Policy Models Based on the Selected Criteria of This Study

CRITERIA *Policy Models*	POLITICAL FEASIBILITY	CONSTITUTIONAL AND LEGAL CONSTRAINTS	FOREIGN POLICY OBJECTIVES	EFFECTIVEN -ESS
Hard Line Response	Not acceptable	Impossible because of Constitutional constraints	Damages Albania's main foreign policy objectives	Not effective over time
Conciliation Policy	Unlikely to be acceptable	Does not infringe on any Constitutional provision in principle, apart from the Islamist cause which requires fundamental Constitutional revision to address Islamists' demands	Damages Albania's main foreign policy objectives	Not effective over time
"Sanctuary doctrine" leading to passive policy	Unlikely to be acceptable	Failure to enforce international and domestic law is illegal	Damages Albania's main foreign policy objectives	Not effective
Criminal Justice	Acceptable	Does not infringe any Constitutional principle	Supports Albania's foreign policy objectives	Most likely to be effective

THIS PAGE INTENTIONALLY LEFT BLANK

V.   IMPLEMENTING THE CRIMINAL JUSTICE MODEL

Considering Albania's most useful counter-terrorism option, the criminal justice response should be tailored in a way that can serve the country's needs. The rule of law is the backbone of democracy and an effective criminal justice system is an essential part of it. It is only through the effective exercise of justice that society can defend itself against illegal violence. In facing terrorist violence, the state, the only legitimate possessor of force in a human community, must neither show signs of weakness nor must it overreact. It has to design a correctly calibrated right response to meet all threats. Final conviction of terrorists requires the professional contribution of intelligence, police, investigation, and judiciary. Improving their capacities is pivotal to the process. This chapter will explain the role that each of Albania's main criminal justice institutions should play in applying a successful strategy, and identifying the necessary changes and elements to facilitate that goal.

A.   THE ROLE OF INTELLIGENCE

Perhaps the most important foundation for an effective counterterrorist strategy is an effective intelligence. Gathering intelligence about violent groups has a twofold purpose: first to prevent acts of political violence from occurring; secondly to assist political leaders in responding properly including investigation.[181] Criminal organizations, including those that engage in acts of terrorism are based on cell structures, operate clandestinely, and are usually small in number, thus making very difficult for authorities to detect and arrest members of those organizations if they do not posses enough information prior to, or once an act happens, at least to have a provisional list of suspects. For that reason, the development of high-quality intelligence is a crucial requirement for   defeating any terrorist campaign or dismantling any organization that furthers violence. The authorities need to know about the groups and individuals seeking to pursue terrorist actions or extremist agendas, their motives, leadership, membership,

---

[181] Philip B. Heymann, *Terrorism and America: A Commonsense Strategy for a Democratic Society* (Cambridge: MIT Press, 1998), 129.

supporting actors, logistics, and financial resources, and their links with criminal world or foreign elements.

As was said, the primary objective would be to prevent any incidents or as Wilkinson has said, to prevent terrorism to develop beyond its incipient stage.[182] For promising results, intelligence should be centrally coordinated which many scholars agree with. The goal is to be able to combine a large number of seemingly unrelated pieces of information and find within them a revealing pattern. Many Western European counties namely Germany and Italy have managed to achieve attainable success based on central coordination of intelligence.

Even if the acts are impossible to prevent, as often happens, at least intelligence should be able to provide information on possible perpetrators and who is behind them. Therefore, qualitative analyses of previous intelligence can give possible leads to investigations. To realize this, intelligence must constantly monitor and have insight from human sources within organizations.

Albanian intelligence has had mixed results when it comes to prevention and detection of terrorism. One of the difficult issues that Albanian intelligence services face is the lack of proper coordination at the highest level. Even though there are a number of intelligence services scattered in various fields, there is no evidence of strong coordination or a legal act to enforce it. Much of the information, useful for intelligence purposes is secured by police forces during their everyday duties; yet this information is rarely shared with SIS. When such sharing does occur it is conducted on an informal basis. As a result, when acts occur there is always a tendency for agencies to blame each other for lack of support. The situation continues and weakens efforts to foster future cooperation. The issue of coordination is pounding and there are a number of good examples from democratic countries that can provide light on what has to be changed at the central government level. Examples of UK's Joint Intelligence Committee (JIC), or the U.S. intelligence community, are emblematic in showing how important central coordination is to intelligence.

Many dramatic acts have caught the Albanian authorities by surprise and even in the cases of success in resolving issues, it has been more as result of the decisive help of

---

[182] Wilkinson, *Terrorism Versus Democracy,* 106.

84

foreign counterparts than the genuine work of the Albania's intelligence services. International cooperation is always needed, yet domestic intelligence must be a position to support the policymakers with real information and not solely rely on foreign help. Many domestic issues are of a primary interest for Albanian intelligence which is in a better position to understand the dynamics of specific local issues. In order to do so an up-to-date mentality and genuine commitment is needed. Albania's intelligence officers are enlisted from a narrow stratum of society and very often linked to the past Communist regime. Even though, in general, they have been good professionals, they tend to focus on the issues of foreign based counter-espionage rather than new emerging threats. This explains both relative successes against Islamists - if not counting the help of Western services - and somehow weak and delayed response against nationalist extremists and organized crime. The failure in the latter issues has to do not only with the lack of intelligence capabilities, but also with dubious motivation as well as possible collusion on the part of intelligence officers. Many intelligence officers have been involved in supporting the Pan-Albanian insurgency in the territories of the former Yugoslavia directly, or by providing the necessary sanctuary for their logistic support in Albania.[183] This shortcoming has even drawn criticism from outside, thus requiring that political plans be transformed into concrete action.

The Albanian government, at least at the political level, has understood that the role of intelligence is detrimental to a successful campaign against terrorism and organized crime. Prime Minister Fatos Nano openly criticized the intelligence service (SIS) for their unsatisfactory performance against organized crime and agents' involvement in corruption, while requiring a profound reform of the service.[184] It is yet to be seen what changes government will deliver. However, reorganization towards a better coordination at the central level, full reform of personnel, training and technology, are pivotal elements for future success. In addition, establishing a working oversight mechanism can avoid and punish any deviation from the law, as well as improve the accountability and image of the service. Letting the previous failures be covered by the dust of time will just allow the past to repeat itself.

[183] ICG, *Pan-Albanianism: How Big a Threat to Balkan Stability*? 13.

[184] *Gazeta Shqiptare*, 25 January 2004.

B.   THE ROLE OF THE POLICE

The main burden of carrying out the task of law and order to discover and suppress the crimes of political nature, lies with the national police force. The counter-terrorism measures employed by the police are the same they employ in fighting other serious crime. Hence, the task involved requires specialized expertise of the modus operandi, weaponry, tactics, as well as effective response at the crime scene. In addition the Albanian state police also function as a criminal investigative body in support of the prosecution process.

The Albanian State Police is the only centralized police force in the country and is immune to the overlapping and bureaucratic quarrels common in countries with many police services. It is in a privileged position, in terms of scope and power, which ranges from public order to investigation. Therefore it is well equipped institutionally to carry out antiterrorist tasks. However, there are a number of issues that the Albanian police force should consider before expecting a long term success.

As was mentioned before, there is need for better coordination between police and secret services by avoiding any demonstration of professional envy and jealousy. The police posses and acquires extensive information during their everyday work and some of it could be useful for intelligence, by enriching their analyses for phenomena related to political violence. The intelligence service possesses well-developed analyses and a great deal of specific information that police are not capable of producing. Therefore the help of intelligence is needed for starting the investigation. At the end, it is the police procedural actions that are admissible to the court thus requiring that intelligence information be transformed into a police investigation procedure. For this to happen, close cooperation between the two is needed.

The police get many tips from the public whose support is decisive for any anti-crime campaign. The watchful eye of the public can prevent many acts as well as thwart clandestine conspiracy, yet the public must believe that it is helping a great cause and the police are working in their best interests. The continued allegations of corruption, police violence, and sometimes even open collusion with terrorists as in the "Revenge for

Justice" case,[185] can seriously damage the police-public relationship Thus, image improvement is one of the greatest challenges for the Albanian police today.

Fighting the immediate causes of violence and controlling any situation requires highly analytical skills from the police. Thus a great deal of work should be dedicated to assessing the powers of criminal organizations, and to what extent they can exercise their power. So far, Albanian authorities lack any comprehensive study of organized crime, its structure and main groups that employ highly sophisticated violence to terrorize the state. Thus creating a centralized structure for combating organized crime and terrorism is necessary to have guidance in allocation of resources and in evaluating the success of the employed measures.

Special police forces which are under the authority of MPO, will always play an important role in dealing with hostage situations or engaging dangerous individuals. Their continuous training should remain a necessity. Even though a situation may not occur for a period of time, there is no guarantee that it will never happen; hence, having a well trained force to deal with crisis can eliminate many of the consequences.

The role of the police is decisive also in coordinating the information and legal assistance with foreign law enforcement counterparts. Most of the police's success has been due to professional cooperation with Western European counterpart agencies. The extent of the Albanian diaspora, the international dimension of the OC groups, and reliability on West-European investigative technologies makes international cooperation an effective adjunct to fight terror in Albania.

C. THE ROLE OF THE JUDICIAL SYSTEM

The final success takes place when perpetrators are convicted for the crimes committed. For this axiom to be fully applicable, it needs an effective judicial system, which not only can deliver justice in terms of convictions, but also systematically respects the rule of law. Albania's judicial system (Prosecutors and Courts) has been

---

[185] A number of police officers have been accused of distorting the testimonies and destroying important evidence in the investigation files for the organization. Some of the accused are also members of the secret service. Due to this fact, the MPO ordered a full investigation of the issue and dismissed a number of officers from different ranks for these allegations. The matter is still under investigation and nobody has gone to trial yet. *Gazeta Shqiptare,* 2 November 2003.

suffering from the same symptoms that other state institutions have during this transitional period. In general terms the system needs to address the issue of professionalism, accountability, and honesty. This section focuses primarily on the issue of organization and the role that judicial bodies can play in fighting terror.

Countries may opt to create special courts to deal with political crimes, (Diplock Courts in N. Ireland, and the special courts in France are the cases in point: even the use of military courts to convict terrorists in the case of the U.S., recently) and thus the choice and response varies on their tradition, particular threat, and the tradeoff between security and freedom. Based on the suggested model of criminal justice, it is in the best interest of the Albania's democracy that the anti-terrorism effort be placed under the normal judicial system, thus avoiding any attempt to create a separate system of justice. Yet this does not mean that further improvement within the actual system cannot be made solely for the purpose of further efficacy. This may imply creation of professional judicial bodies that can deal with serious crimes or organized crime. Such an effort to create a centralized serious crime court in Albania is underway and the court will treat terrorism as well. This court must be located in the capital and a similar structure should be formed in General Prosecutors Office (GPO). The advantages of this improvement, within the normal judicial system, are proven in similar situations in Italy, Spain, and France.

The centralized system of courts and prosecution will create a pool of professionals who will deal with similar cases on a daily basis and will improve the communication between the judges and prosecutors facilitating the issuance of accelerated search or surveillance warrants, so much needed in investigating crimes of high conspiracy. Being located in the capital and provided with a special treatment in terms of personal security, the judges and prosecutors will feel less personally threatened by criminal elements. It will also improve the efficiency of trials by facilitating the transfer of witnesses and defendants, as well as, obtaining legal assistance from foreign countries. Overall there are a number of advantages to creating such a centralized court, based in the capital and with government's full support of all judicial concerns.

D. LEGISLATIVE REFORM

To make the reform in justice work, a legal framework under which the system must work should be created. The legislation can play a vital role, not only in helping the system, but above all to strike the right balance between freedom and security. Throughout this study it was argued that it is in the best interest of Albania to avoid emergency legislation, yet at the same time recognizing actual legal weakness that should be addressed to match a threat. This section will describe a number of legal measures that can help the system of justice operate while respecting the fundamental legal principles already in place. Many democratic countries have enacted similar legal reforms to address similar issues related to terrorism and organized crime. The legal measures can be substantive and procedural; thus, both will be addressed

Increasing penalties and introducing new criminal offences are important substantive measures of legal reform. These measures are normally directed toward crimes of an organized nature and provide increased penalties and consider them as an aggravating factor in sentencing. Albania should consider redefinition of terrorism as crimes including conspiracy, to commit an illegal act of a terrorist nature. The definition may include elements of subversion of the democratic order, or crimes against the state, and not just crimes the cause fear to the public, which is a wide yet a vague concept. This would enable the justice system to target organized groups that have anti-constitutional agenda and organized crime groups that inhibit the state's policy by force. Many law enforcement, judicial personnel, and distinguished scholars have argued that "conspiracy offense" and the "participation in criminal organization offense" has been a powerful tool in the hands of authorities in disrupting criminal organizations of every nature.[186] Italy has followed this road with notable success, thus providing Albania with a good example, especially when taking into account the similarities and geographical proximity of both countries.[187]

---

[186] Those conclusions are provided by Phil Williams and Ernesto U. Savona in *The United Nations and Transnational Organized Crime* (London: Frank Cass, 1996, 51) and Heymann, *Terrorism and America*, 120-127.

[187] See Alison Jamieson, *The Antimafia: Italy's Fight against Organized Crime* (London: Macmillan, 2000), 40-74.

Attacking financial resources is another effective measure in depriving extremists of their means to conduct their unlawful acts. This is the most effective way in dealing with organized crime groups. It is also an obligation, deriving from the UN International Convention for the Suppression of the Financing of Terrorism of which Albania is a member, which provides that states should create criminal offences to target terrorist finances.[188] As mentioned, nationalist-extremist organizations further their operations by raising money from the Albanian diaspora. They receive money from foreign donors, as in the case of Islamists, or get involved in criminal activity to raise money. The main purpose of OC is making money and they use terror to force government out of their way not interfere with money-making businesses. Therefore, attacking OC's finances should be a priority of state legislation. There are a number of ways to deal with the problem, ranging from extensive regulation of financial institutions' activity to forfeiture of so-called "black money." In terms of forfeiture, a process in which Albanian authorities have shown consistent weaknesses, the most effective way is providing legislation that allows preventive forfeiture of assets - it allows the court to order the seizure of assets inconsistent with person's apparent income and, in this event the person is required to explain the origin of the assets; otherwise, the court may order definitive forfeiture of the unaccounted part. The second form, in addition to the preventive one, is the confiscation, upon conviction, of the proceeds from, or the means to commit a crime. Even in the case of purely political terrorism, both forms can be effective. The forfeiture can be applied against assets of political parties or other organizations supporting extremist agendas, in particular those that still proclaim the Pan-Albanian cause and have dubious finance sources. Overall, the enactment of proper legislation that will facilitate forfeiture and, in particular "preventive forfeiture," is a useful measure which has been applied successfully by many Western democracies.[189]

---

[188] Art 4, para 1 and 2 of UN International Convention for the Suppression of the Financing of Terrorism. For the text of the Convention, see http://untreaty.un.org/English/Terrorism.asp (accessed 14 May 2004).

[189] The case in point is the United Kingdom, the Republic of Ireland and Italy. In the UK and Ireland, this procedure is called civil forfeiture while in Italy, preventive forfeiture. Both measures are based on transferring the burden of proof to the accused instead of the state, making it easier to prove the case. Italy has been a pioneer in this field since 1992 and has been followed by Ireland. The UK introduced the measures with the Prevention of Terrorism Act 2000. See Ernesto U. Savona, *European Money Trail* (Amsterdam: Harwood Academics Publishers, 2000).

Legislative acts that facilitate criminal procedure are the other facet of required reform in criminal justice. The objective is to facilitate confession, improve investigation techniques, protect witnesses, and attract collaborators of justice. Facilitating confessions can be done by relaxing the legal barriers to witness confession by allowing distance testimony in serious and dangerous crimes. In the meantime, allowing electronic surveillance and, in particular, granting the prosecutor the possibility to allow immediate search or surveillance warrants, can increase success of the investigation of terrorist-related crimes. Yet for a successful criminal proceeding, the cooperation of witnesses is a pivotal element, in particular with conspiracy crimes which leave no visible clues. Witnesses are far more easily subjected to intimidation than other participants in the criminal proceeding. To address that, countries have set up witness protection schemes also covering collaborators of justice. Therefore, well defined legislation, which covers the protection of the witnesses is required, including application of secret locations and foreign exchange programs. If such a system is well in place and running, a number of conspirators will be attracted to defect from the criminal organization and collaborate with the authorities, thus providing valuable insights into the organization's structure and membership. Only then can authorities may dismantle the entire organization, thus making collaboration from inside the most effective away of tackling it. It was due to this policy that the Italian state achieved measurable success against the Red Brigades and MAFIA in 1980s and 1990s.[190]

E.   INTERNATIONAL COOPERATION

As terrorism and organized crime are becoming trans-national phenomena, any response must be global as well. International terrorists have proven to be not only highly sophisticated but extremely adaptable in their efforts to exploit the existing gaps in international cooperation. Against this background, international cooperation needs to be strengthened. Albania can make significant contribution to cooperation and will gain from it.

---

[190] See Alison Jamieson, *The Heart Attacked: Terrorism and Conflict in the Italian State* (London: Mayor Boyars, 1989) and *Antimafia: Italy's Fight against Organized Crime*.

International cooperation can be formal and informal. Formal cooperation can be based in bilateral and multilateral treaties and covering issues such as extradition, mutual legal assistance, exchange of information, and seizure of properties. All those measures can have an immediate effect in tackling terrorism and organized crime, if states decide to fully cooperate. Albania is party to all international conventions dealing with terrorism and/or organized crime, thus it can fully take advantage of opportunities that those treaties create. In addition, informal cooperation can play a decisive role in tackling crimes of a political nature. Often states refuse to assist each other when crimes are of the political nature, reflecting the difficulty in addressing the issue of terrorism internationally. To avoid this gap, states must demonstrate a full political will to confront the issue and not base their efforts solely on formal treaties which may be full of loopholes and escape clauses. In their study of trans-national crime, Williams and Savona have developed an applicative framework on which international cooperation should focus:

- Harmonization of legislative and other countermeasures;
- Training and exchange of law enforcement and criminal justice personnel;
- Information-sharing among relevant agencies;
- Joint force operations and /or task forces;
- Protection of witnesses, investigators, and judge;
- Elaboration of new measures and updating of existing ones, on the basis of periodic assessment of results achieved;
- Technical cooperation and assistance in drawing up such counter-measurers;
- Clear identification of coordinating authorities in the individual countries;
- Measures to encourage adoption of and improve the implementation of existing cooperation arrangements;
- Effective coordination of activities at the bilateral, regional and multilateral level.[191]

Many of Albania's problems are one way or another related to international actors. The number of Albanian émigrés in the EU and their involvement in international crime makes mutual cooperation an urgency rather than a choice. The EU with its geographic proximity and excellent opportunities, has been the favorite sanctuary from justice of many Albanian fugitives to hide and reorganize themselves. In addition, Albanian OC is recognized as one of the main threats to the EU, which should encourage the EU seek

---

[191] Williams and Savona , *The United Nations and Transnational Organized Crime*, 101.

better cooperation with Albanian authorities.[192]   This dynamic can help the Albanian state in seeking mutual cooperation, not only by providing the EU countries with what they request, but also by getting something in return. The EU specialized agencies have developed detailed studies about the operational strength of Albanian criminal and extremist groups. Their knowledge can be a great help for the Albanian criminal justice authorities.[193] This will not only help the Albanian state to curb the current problems, but also will foster a long-lasting relationship between justice professionals playing their a in Albania's effort at European integration.

Western counter-terrorism practices suggest that, with the commitment of sufficient resources as well as full legislative and political backing, the criminal justice institutions are capable of resolving cases of terrorism. Against this background, it would be unwise to gamble by avoiding democratic principles already in place in Albania, principles that the country had lacked for years. Rather, enhancing the existing criminal justice system can offer the long-lasting solutions to terrorism and organized crime. However, there is need for social realism as to what can be achieved. Put bluntly, reduction and containment is realistic in these circumstances; yet, an ambition to fully eradicate the threat is unrealistic.

---

[192] EUROPOL, *2003 European Union Organized Crime Report,* 25-26.

[193] The author has drawn on confidential analyses of the extent and operations of Albanian OC in Europe and beyond prepared by DIA, Europol, Interpol, the NCIS and other Western agencies as well as contacts with justice and law enforcement officials in many European countries.

THIS PAGE INTENTIONALLY LEFT BLACK

VI.   CONCLUSIONS

This study assessed the counter-terrorism policy options available to Albanian authorities. It recommended the Criminal Justice model as the most appropriate CT policy option for Albania. As part of this investigation, it considered the nature of the terrorism threat, reviewed the counter-terrorism policies that have been pursued in the past, and weighed the strengths and weaknesses of the current policy. All of the above served as background for the selection of our preferred counter-terrorism model, Criminal Justice.

A.   MAJOR FINDINGS

Terrorism in Albania originates manly from sub-state actors who can be placed in three categories: Islamist, Nationalist-expansionists, and Organized Crime. The terrorism threat in Albania appeared and developed during the transition period that followed the fall of Communism and was encouraged by a variety of domestic and international factors, many of which still bear on events of the present.

Islamists are inspired by extreme political Islam and seek the Islamization of Albania's secular political spectrum. Although this goal has not succeeded and militant Islam has not emerged on a popular scale, the presence of foreign elements, recruitment of local militants, and acts of violence have made the Islamist threat pressing. Indeed, terrorism may be symptom of Islamists' political decline.

Nationalist–expansionist groups that operate under the banner of the Pan-Albanianizm are another facet of the terrorism threat. Even though their violent activities are not directed against Albania, their presence exposes the country to other dangers on the international scene. Adding to the criminal element, a common feature of these groups, the threat becomes more serious and should be perceived as such by the Albanian government. Moreover, Albania has a duty to avoid being used as a springboard for attacks which obviously can have great political ramifications. Finally, the Pan Albanian movement may target the government if it does not support them.

Albanian organized crime is well established and possesses a lot of strength financially and militarily alike. It has been capable of attacking the state and hampering

its public policy, thus making it arguably the greatest threat that Albania is facing. Apart from the direct physical terrorist threat, it is one of the greatest obstacles for democratic progress in the country. By all accounts OC will be the major terrorist challenge for the Albanian state and may create further violence if the state decides to engage in a serious fight.

In Albania, the threat from terror is multi-pronged and of multi-purpose; yet, it always causes fear and disrupts the normal life of the nation. The domestic threat indicators, that of Islamist, Nationalists, and OC combined, indicate that the level of threat although considerable has not yet reached alarming proportions. However, there is indication that there are direct links between the three; very often they appear to cooperate or facilitate each other's activity thus saturating the state's actions and blurring the focus of individual response.

Albania's anti-terrorism policy has seen varieties of highs and lows. It has gone through two different phases in relation to Islamist threat and has paid little attention to the other two forms of terrorism treated in this study. From 1992 until 1997, the Albanian government has followed the "sanctuary policy" helped by the pro-Islamic character of the governing elite during that period. The change in Albania's political leadership in 1997, and intensive Western involvement, transformed the policy to a reactive one. This remains the current counter-terrorism policy of the Albanian government. It is narrowly focused on international terrorism and not addressing the other threats described in this study. Even though there was an attempt to design a clear strategy (NAPAT) against terrorism after September 11 events, the CT policy still remains unfocused and hampered by institutional and operational flaws. Moreover, no single institution is responsible for coordinating policy nor is there a mechanism for assessing threat indicators.

The above elements provided background for an analysis of the selected policy models on the basis of four main criteria: 1) political feasibility; 2) legal and constitutional constraints; 3) foreign policy objectives; and 4) effectiveness. The state policy options analyzed were placed under four broad categories: a) deterrence through hard line measures including military operation and emergency powers; b) co-option and conciliation; c) pursuit of sanctuary or a passive policy; or d) deterrence via criminal justice. The first three policy options, one way or another, fall short of the selected

criteria making the Criminal Justice approach the most feasible option to utilize. It is the model that can not only bear fruit in responding to terrorist violence but also preserves the delicate balance of the Albanian democracy.

For the Criminal Justice model to be successful in meeting the threats it must undergo a number of changes. It is the strong belief of this author that without substantive changes in the Albanian criminal justice system, little progress can be expected. The Albanian justice institution has to overcome its reactive mentality and focus more on proactive policy. To make that happened, emphasis must be placed on intelligence and investigation thus which require changes in legislation, training, and resources; but above all a different work mentality, leaving aside professional envy and reluctance to share information between institutions working for the same goal. It is time to establish a functioning command and coordination structure before further terrorist violence erupts. The lack of such structure not only allows the initiative to pass to the terrorists, but allows confusion to develop among security agencies, a characteristic that has damaged the state's reaction in the past.

B.   RECOMMENDATIONS FOR INTERNATIONAL ASSISTANCE

Judging from its internal problems and resources, Albania alone cannot meet its internal security threats, including terrorism. In the meantime, there is a general interest from the side of the EU to embark Albania on the European integration process, thus creating opportunities un-witnessed in Albanian history. Therefore, some of the resource requirements can be mitigated by the EU's assistance since the EU has a great interest in tackling Albania's internal problems because of its geographic proximity to the Union. Therefore the focus of the assistance when provided should be directed as follows:

- Increase EU financial aid in the areas of police, border control, customs, and prisons. The aid should include training and equipment for security personnel and, in particular, those related to enhancement of investigative capabilities.
- There is need for infrastructure improvements for court buildings by increasing their security and equipping them with modern technology to handle court files. This might start with the future Court of Serious Crimes expected to be located in the capital Tirana.

- The EU might consider taking charge of the witness protection scheme by financing and training personnel as well as providing safe and secure locations in EU countries for important witnesses.

- Technical assistance can be very useful for Albanian authorities in particular in drafting and enforcing the new legislation covering enhanced investigative capabilities, asset forfeiture, and testimonies provided at a distance. In particular, the experts from Italy could be a great professional asset for the process due to similarities, proximity, and connections that already exist not only between two nations but also their criminal elements.

C. FUTURE RESEARCH

This study is the first effort in the academic field to document terrorist trends and respective policy responses of the Albanian government after the Cold War. It is also the first effort to look at possible CT policy choices that can be applied in accordance with the threat context. Therefore, the author acknowledges the limitations of this study to answer all possible questions or variations related with to the topic. Three problems in particular will warrant future investigation.

The terrorism threat and policy responses of the other Western Balkans states (Macedonia, post-Milosevic Serbia, and Bosnia-Herzegovina). All three countries seem to face similar problems, including OC and nationalist extremism and also are on the same track for future EU membership. Yet, little is known about their policy responses. This may be pivotal for any regional approach and coordination in the future between Albania and these neighboring countries.

When the state becomes more aggressive and tackles organized crime, at same time the level of terrorist violence may grow, as was the case in Italy in the early 1990s. It may be of a great interest to study the level of violence if and when a new aggressive strategy is designed and applied against OC by the Albanian government.

International cooperation is an important element in the war against terror. In this context, and including latest developments in terms of the terrorism threat within the EU, it would be interesting to examine the changes and the role of the EU counter-terrorism

policy towards the non-EU countries, and especially from Eastern and South-eastern Europe, candidates for future membership.

THIS PAGE INTENTIONALLY LEFT BLANK

APPENDIX – A. UNITED NATIONS CONVENTIONS ON TERRORISM
RATIFIED BY ALBANIA

1. Convention on Offences and Certain Other Acts Committed Aboard Aircraft, signed at Tokyo on 14 September 1963.

2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970.

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971.

4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.

5. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979.

6. Convention on the Physical Protection of Nuclear Material 1979.

7. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988.

8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988

9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988.

10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.

11. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

12. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

For full text of the Conventions see the UN Treaty Collection
http://untreaty.un.org/English/Terrorism.asp (accessed 14 May 2004)

THIS PAGE INTENTIONALLY LEFT BLANK

APPENDIX – B. LIST OF ACRONYMS/ ABBREVIATIONS

AM	Albanians from Macedonia
ANA	"Albanian National Army" (terrorist organization)
ANUF	Albanian Front for National Unification
CIA	Central Intelligence Agency
CT	Counter-terrorism
DIA	*Direzione Investigativa Antimafia* (Italian Directorate of Anti-mafia Investigation)
DLK	Democratic League of Kosovo
DP	Democratic Party of Albania
ECHR	European Convention on Human Rights
ETA	*Euzkadi Ta Askatasuna* (Basque Fatherland and Liberty)
EU	European Union
FBI	Federal Bureau of Investigation
FYROM	Former Yugoslav Republic of Macedonia
GP	General Prosecutor
GPO	General Prosecution Service
GSZ	Ground Safety Zone
IC	Islamic Community
IC	Islamic Community
IDB	Islamic Development Bank
IIAA	Islamic Intellectual Association of Albania
IJ	Islamic Jihad
IRA	Irish Republican Army
JIC	Joint Intelligence Committee
KFOR	NATO's Kosovo Force
KLA	Kosovo Liberation Army
KPF	Kosovo Protection Force
KPM	People's Movement of Kosovo
MOD	Ministry of Defense
MPO	Ministry of Public Order

NAPAT	National Action Plan Against Terrorism
NATO	North Atlantic Treaty Organization
NGO	Non Governmental Organization
NLA	National Liberation Army
NLPMB	Liberation Army of Presevo, Medveja, and Bujanovc
NSC	National Security Council
OC	Organized Crime
OIC	Organization of Islamic Conference
OSCE	Organization for Security and Cooperation in Europe
PC	Penal Code
PM	Prime Minister
PV	Presevo Valley
RJ	Revenge for Justice
SAP	Stabilization and Association Process
SIS	State Intelligence Service
SISMI	*Servizio per la Infomazione e la Sicurezza Militare* (Italian Military Intelligence Service)
SP	Socialist Party of Albania
U.S.	United States of America
UKMZ	"National Army of Montenegro" (terrorist organization)
UN	United Nations
UNMIK	United Nation Mission in Kosovo

APPENDIX – C. MAP OF ALBANIA

Courtesy of the General Libraries, the University of Texas at Austin

105

THIS PAGE INTENTIONALLY LEFT BLANK

APPENDIX – D. MAP OF HISTORICAL ETHNIC ALBANIA OR "GREATER ALBANIA"

Courtesy of "The Times" of London

THIS PAGE INTENTIONALLY LEFT BLANK

BIBLIOGRAPHY

Albania. *Constitution of the Republic of Albania*. [Tirana]: Keshilli I Ministrave, 1998.

Albania. *Penal Code of the Republic of Albania*. [Tirana]: Ministria e Drejtesise, 1995.

Albania. *Penal Procedure Code of the Republic of Albania*. [Tirana]: Ministria e Drejtesise, 1995.

Albania. Parliament. *National Security Strategy and Defense Policy of the Republic of Albania*. Tirana: Ministry of Defense Publishing House, 2000.

Archick, Kristin and Paul Gallis. *Europe and Counterterrorism.* New York: Nova Science Publishers Inc. 2003.

Barnett, Neil and Jeta Xharra. "Macedonian Clashes Spark Ohrid Fears." *Jane's Intelligence Review Magazine*, 1 October 2003.

Barnett, Neil." Albanian Traffickers Provide Back Door to Schengen Zone." *Jane's Intelligence Review Magazine*, 1 March 2004.

Bodansky, Yossef. *Bin Laden: The Man Who Declared War on America*. 2d ed. Roseville, Ca.: Prima Publishing, 2001.

Bonner, David. "The UK Response to Terrorism: the Impact of Decisions of European Judicial Institution and of the Northern Ireland 'Peace Process'," in *European Democracies Against Terrorism: Governmental Policies and Intergovernmental Cooperation*, ed. Fernando Reinares, 31-73. Aldershot: Ashgate Publishing, 2000.

Chalk, Peter. "The Third Pillar on Judicial and Home Affairs Cooperation, Anti-terrorist Collaboration and Liberal Democratic Acceptability" *European Democracies Against Terrorism: Governmental policies and intergovernmental cooperation*. ed. Fernando Rainares, 227-43. Aldershot: Ashgate Publishing., 2000.

Charters, David A., ed. *The Deadly Sin of Terrorism: Its Effects on Democracy and Civil Liberty in Six Countries.* London: Greenwood Press, 1994.

Crenshaw, Martha. "How Terrorism Declines." *Terrorism and Political Violence* 3, no.1 (1991): 69-88.

Crewdson, John. "Suspect Offers Insight on Al-Qaeda Finances." *Chicago Tribune*, 5 October 2003.

Dervishi, Lutfi. "Albania: Imam Killing Exposes Muslim Divisions." *Gazeta Albania* (daily newspaper), 31 January 2003.

Drake, James and Sandra Dallas. "Listening to the Call of Islam." *Business Week*, 23 March 1998.

European Union. *Treaty on European Union*, N.p., n.p., 29 July 1992. http://europa.eu.int/eur-lex/en/treaties/dat/EU_treaty.html (accessed 10 January 2004).

European Union. Commission. *Albania: Stabilization and Association Report 2003.* Brussels: EU Commission, 26 March 2003. http://europa.eu.int/comm/external_relations/see/sap/rep2/com03_339.htm (accessed 20 February 2004).

Europol. *EU Organized Crime Report for 2003.* Brussels: Europol Office, 2004. http://www.europol.eu.int/publications/EUOrganisedCrimeSitRep/2003/EUOrganisedCrimeitRep2003.pdf (accessed 10 February 2004).

Freeman, Michel. *Freedom or Security: The Consequences for Democracies Using Emergency Power to Fight Terror.* Westport, Ct.: Praeger, 2003.

Fromkin, David. "The Strategy of Terrorism". *Foreign Affairs* 53, (October 1974- July 1975): 683-98.

Gunaratna, Rohan. *Inside Al Qaeda: Global Network of Terror*. New York: Columbia University Press, 2002.

Hewitt, Christopher. *The Effectives of Anti-terrorist Policies*. Lanham: University Press of America, 1984.

Heymann, Philip B. *Terrorism and America: A Commonsense Strategy for a Democratic Society*. Cambridge: MIT Press, 1998.

_____ . *Terrorism, Freedom, and Security: Wining without War.* Cambridge: MIT Press 2003.

Hofmann, Bruce and Jennifer Morrison-Taw. "A Strategic Framework for Countering Terrorism," in *European Democracies Against Terrorism: Governmental Policies and Intergovernmental Cooperation*, ed. Fernando Reinares, 3-30. Aldershot: Ashgate Publishing, 2000.

Hoxha, Enver. *Banner of Struggle for Freedom and Socialis.* Tirana: n.p., 1985.

Huntington, Samuel P. *The Clash of Civilization and the Remaking of the World Order*. New York: Simon & Shuster, 1996.

International Crisis Group, *Bin Laden in the Balkans: the Politics of Antiterrorism.* Balkan Report, no.119. Brussels: ICG, 11 March 2003. http://www.crisisweb.org/home/index.cfm?id=1239&l=1 (accessed 12 December 2003).

_____, *Pan-Albanianizm: How Big a Threat to Balkan Stability?* Balkan Report, no.153. Brussels: ICG, 25 February 2004. http://www.crisisweb.org/home/index.cfm?id=1239&l=1 (accessed 20 December 2003).

_____, *Macedonia: No Room for Complacency*. Balkan Report, no.149. Brussels: ICG, 23 October 2003. http://www.crisisweb.org/home/index.cfm?id=1239&l=1 (accessed 20 December 2003).

_____, *Collapse in Kosovo*. Europe Report, no. 155. Brussels: ICG, 22 April 2004. http://www.crisisweb.org/home/index.cfm?id=1239&l=1 (accessed 29 April 2004).

_____, *Albania: State of a Nation 2003*, Balkan Report, no. 140. Brussels: ICG, 11 March 2003. http://www.crisisweb.org/home/index.cfm?id=1239&l=1 (accessed 12 December 2003).

Italy. Ministry of Interior. Direzione Investigativa Antimafia (Directorate of Anti-mafia Investigation). *Activity report for Italian Parliament, 2000.* http://www.interno.it/dip_ps/dia/eng/1sem2000.htm (accessed 21Janury 2004).

Jamieson, Alison "Transnational Organized Crime: A European Perspective," *Studies in Conflict and Terrorism* 24 (September- October 2001): 377-87.

_____, *The Antimafia: Italy's Fight against Organized Crime*. London: Macmillan, 2000.

_____, *The Heart Attacked: Terrorism and Conflict in the Italian State*. London: Mayor Boyars, 1989.

Jenkins, Brian M. "Terrorism: A Contemporary Problem with Age-old Dilemmas," in *Terrorism: Roots, Impact, Responses,* ed. Howard Lawrence, 10-72. New York: Praeger, 1992.

Judah, Tim. *Kosovo: War and Revenge*. New Haven: Yale University Press, 2002.

Kepel, Gilles. *Jihad: The Trail of Political Islam*. Cambridge: Harvard University Press, 2002.

Kristo, Artan. Interview with Idajet Beqiri, *Intervista* (Albanian weekly newspaper), 12 July 2003.

Organization for Security and Co-operation in Europe. OSCE Presence in Albania. *Legal Sector Report for Albania*. N.p.: OSCE, February 2004. http://www.osce.org/documents/pia/2004/02/2117_en.pdf (accessed 20 March 2004).

Luarasi, Aleks. *Historia e Institucioneve Juridike Shqiptare* (History of Legal Institutions in Albania). Tirana: Shtepia Botuse Librit Shkollor, 1988.

Mason, Garry. "Immigration Criminals May Aid Terrorists," *Jane's Intelligence Review Magazine*, December 1993.

Misha, Pirro. "Religious Tolerance or Irresponsibility?" *Klan Magazine* (independent weekly), 10 January 2003.

Nietzche, Friedrich. *Beyond Good and Evil.* New York: Random House, 1966.

Othman, Ali. "Albania Begins Search for the Lost Islamic Moorings," *Arab News*, 8 December 1993.

Perlez, Jane. "Albania Calls an Emergency as Chaos Rises*," New York Times*. 3 March 1997.

Peza, Alfred. "14 Shtatori i Klosit (Klosi's 14 September)." *Klan* (weekly magazine), 20 October 2002.

Robertson, George. "Opening Remarks." Remarks Presented at the Regional Conference on Border Management and Security, Ohrid, Macedonia, 22 May 2003. http://www.nato.int/docu/speech/sp2003.htm (accessed 5 February 2004).

Sachs, Susan. "An Investigation in Egypt Illustrates Al-Qaeda Web," *New York Times.* 21 November 2001.

Savona, Ernesto U. *European Money Trail*. Amsterdam: Harwood Academics Publishers, 2000.

Schmid, Alex P. and Albert Jongman. *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature*. Amsterdam: North-Holland Publishing Company, 1988.

Schmid, Alex P. and Ronald D. Crelinsten, eds. *Western Responses to Terrorism*. London: Frank Cass, 1993.

Sederberg, Peter C. "Conciliation as a Counter-Terrorist Strategy," *Journal of Peace Research* 32, no.3 (August 1995): 295-312.

Sfeir, Antoine, et al., eds. *Dictionnaire Mondial de L'Islamisme* (World Dictionary of Islamism). Paris: Plon 2002.

Shala, Xhavit. *Siguria Kombetare dhe Sfidat e Integrimit* (National Security and the Challenges of Integration). Tirana: by the author, 2003.

Stavrianos, Leften S. *The Balkans Since 1453*. New York: New York University Press, 2000.

United Kingdom. National Criminal Intelligence Service. *UK Threat Assessment 2002*. http://www.ncis.co.uk/ukta/2002/default.asp (accessed 25 January 2004).

United States. Congress. House. Committee on the Judiciary. Subcommittee on Crime. *The Threat Posed by the Convergence of Organized Crime, Drugs Trafficking and Terrorism.* Report prepared by Ralf Mutschke, Assistant Director, Criminal Intelligence Directorate, International Criminal Police Organization. Hearing before Subcommittee on Crime 13 December 2000. http://gopher.house.gov/judiciary/muts1213.htm (accessed 10 October 2003).

_____. Department of State. *Patterns of Global Terrorism 1999*. http://www.state.gov/documents/organization/10291.pdf (accessed 10 October 2003).

_____. _____. *Patterns of Global Terrorism 2001*. http://www.state.gov/www/global/terrorism/1999report (accessed 20 January 2004).

_____. Department of Treasury. Office of Foreign Assets Control. Executive order no. 13224. http://www.ustreas.gov/offices/eotffc/ofac/sanctions/t11ter.pdf (accessed 5 May 2004).

Vickers, Miranda and James Pettifer. *Albania: From Anarchy to a Balkan Identity.* New York: New York University Press, 1997.

Wardlaw, Grant. *Political Terrorism: Theory, Tactics and Counter-measures*. Cambridge: Cambridge University Press, 1989.

Wilkinson, Paul. *Terrorism and the Liberal State*. New York: New York University Press, 1986.

_____, *Terrorism Versus Democracy: Liberal State Response.* London: Frank Cass, 2000.

Williams, Phil and Ernesto U. Savona. *The United Nations and Transnational Organized Crime.* London: Frank Cass, 1996.

Woodworth, Paddy. *Dirty War Clean Hands: ETA, GAL and Spanish Democracy*. Cork: Cork University Press, 2002.

Xhudo, Gus. "Man of Purpose: The Growth of Albanian Criminal Activity," *The Ridgway Center for International Security Studies*, 2, no.1 (Spring1996): 1-23.

THIS PAGE INTENTIONALLY LEFT BLANK

INITIAL DISTRIBUTION LIST

1. Dudley Knox Library
   Naval Postgraduate School
   Monterey, California

2. Paul Pitman
   Naval Postgraduate School
   Monterey, California

3. Douglas Porch
   Naval Postgraduate School
   Monterey, California

THIS PAGE INTENTIONALLY LEFT BLANK