

PANDEMICS AND BEYOND LEGAL IMPLICATIONS FOR COMBATTING ALTERNATIVE FORMS OF TERRORISM AND BIOTERRORISM

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Abstract

Preventing terrorism and bioterrorism is a top priority nowadays, both globally and locally. This article examines the phenomenon of terrorism and bioterrorism within a legal and ethical reflection within the framework of law and national security. This work aims to highlight this problem by discussing its factors, dynamics, and prospects in Albania compared to international law. These adjustments are surely well worth analyzing and bringing to the eye of prosecutors and lawmakers today. The study examines terrorism and bioterrorism, including their prosecution, legal measures, and major issues on a global, regional, and national level. By studying the phenomenon, behaviors, worldwide regulation, practices, and judicial predictions, we have come to a few conclusions concerning the suitability of our regulation with the supranational one, specifically with that of the European Union to enhance country-wide protection and improvements in the Rule of Law.

Keywords: terrorism, bioterrorism, legal measures, provisions, Rule of Law

1. Introduction

The combat against terrorism has been widely considered a demanding and crucial asset for the ongoing rule of law (Saul,2017; Annas,2014; Symeonidou-Kastanidou,2004; Panter,2012; Fitzpatrick,2003; Aid,2003). Terrorism is an extreme crime unrelated to any form of nationality, spiritual, or ethnic affiliation (Saul,2017; Dragu& Polborn,2013; Symeonidou-Kastanidou,2004; Gakhokizde,2001). Although there's no universal definition of terrorism in global jurisprudence, to label an act as "*terrorism*" that it can represent some characteristics, out of means of any political, philosophical, ideological, racial, ethnic, or religious considerations (Greene,2017;Saul,2017;Harris,2014; Martinez,2008; Rehman & Gosh,2008; Hinarejos,2007;Sikuta,2007; Monar,2005; Symeonidou-Kastanidou,2004; Saul,2003; Greenwood,2002) its evolution through new approaches is still on the priority of defense policies and human rights in any nation. Even though the definition of terrorism and alternative forms of terror conduct is complicated, this paper will make a definitional idea connected to acts of violence, either physical or mental, and the law as the regulatory entity between terrorism and society.

2. Method

In the present article, we will use analytical, comparative, and desk research approaches. The analytical method will use a scientific approach to explain the phenomenon by analyzing the studies of many influential scholars. The databases that were consulted were, among others: (1) *Criminal Justice Abstract*; (2) *Medline*; (3) *Proquest*; (4) *Sociofile/Sociological Abstracts*; (5) *Psychinfo*; (6) *Silver Platter*; (7) *Current Contents*; and, (8) *SSCI of the ISI*. Subsequently, a detailed study of the models, data, and empirical results they contributed was made. The

comparative method will examine the juridical framework and criminal sanctions in Albania compared to international law. The desk research will give a scientific view of laws, guidelines, and legislations that stipulate the insurance of terrorist offenses inside the country and beyond.

3. Terrorism and its various forms in the Western Balkans.

As distinct nations attempt to explore methods to prevent terrorism effectively, efforts are concurrently growing to apprehend why and whilst people are involved in terrorism, how this occurs, and the way it can be prevented from the beginning (Bures et al.,2020; Dragu & Polborn,2014; Dahlberg & Carpi,2011; Fabbrini,2009; Di Filippo,2008; Gakhokidze,2001). Terrorism takes place in many distinct contexts and unfolds in many forms. A way in defining terrorism may be to cognizance of stopping and punishing behaviors of an authentic terrorist nature. Although scholars have not been capable of discovering a consensus at the definition of terrorism, it's been agreed that a few acts represent terrorist acts (Bures et al.,2020; Nader,2017; Saul,2017; Harris,2014;Panter,2012;Saul,2013; Symeonidou-Kastanidou,2004;Wabrick,1983).

They employ: a) *criminal offenses in opposition to civilians, devoted with the purpose of inflicting dying or extreme physical harm, or kidnapping of persons, b) attacks regardless of means of political, philosophical, ideological, racial, ethnic, spiritual or comparable considerations, with the intention of scary a nation of terror within the public, in a set of people, or specifically people, intimidation of the populace or forcing a central authority or worldwide agencies to carry out an action of terror; c) acts that represent crimes below the mild and in line with the outline of worldwide conventions and protocols concerning intentional terrorism of the constitutional order and democratic governance and d) choosing specific targets, with the intention of spreading worry and terror within the populace.*

Schultz (1980) proposed seven kinds of factors that might be distinctive for terrorist agencies and organizations:

1. reasons that initiate terrorism.
2. environment.
3. goals to be achieved.
4. techniques terrorists employ.
5. strategies used.
6. supporting organizations.
7. the way of participation of its members.

Thinking about how terror-based attacks have progressed over time, research has divided among what has been designated " *old terrorism*" and "*new warfare*"(Dinniss,2018; Gofas,2012; Kaldor,2005; Kometer,2004; Laqueur,2000; Spencer, 2006; Rosenhau,1997). This viewpoint refers to the first type of terror in Europe during the 70s and 80s, known as "*old terrorism*". This kind of terror pointed toward utilizing dread for political power, freedom, or the ascent of nationalism. It occurred in settings of intergroup fighting and in a completely confined way. "*New terrorism*" refers to indiscriminate targeting with an international focus, spreading panic and death regardless of the form of attack and the type of target (Kometer,2004). Jeff Victoroff (2005) proposed a few typologies of terrorism founded on factors consisting of the variety of these involved: *the promoters, the location, the motivations, the ideology, the targets, or the method*. A summary of these typologies is given in the following table.

Table 1: Types of Terrorism (adopted by Victoroff,2005)

<i>Variable</i>	<i>Types of terrorism</i>
Number of people involved	Individual or Group
Sponsorship/Promoter	State, insurgent substate, or individual
Relationship with authority	Antiestal or proestal
Location	State or transnational
Military status	Civil, paramilitary, military
Spiritual motivation	Secular or religious
Financial motivation	Idealist or mercantilism
Politic ideology	Left/socialist, right/fascist or anarchist
Hierarchical role	Promoter, leader, and followers
Readiness to die.	Suicidal or non-suicidal
Targets	Properties, concrete individuals, crowds of people
Methods.	Bombs, assassinations, kidnappings, seizure of critical places, poisonings, rapes, others (bioterrorism, cyberterrorism)

Yet another scholar (Ganor, 2008) reviewed the primary typologies of terrorism, and the variations among them in an integrating model. In the author's view, terrorist agencies are labeled primarily based on the variables that restrict their activities. Any of the above classifications may be very useful. But what's critical to the spotlight is they need to be taken into consideration as compendiums of perfect dimensions. Any typology or type needs to be understood as a continuous entity (ibidem). Compared to different sorts of violence, terrorism has not often been empirically evaluated through science (LaFree & Ackerman, 2009; Ackerman et al.,2006; Victoroff, 2005; Fitzpatrick,2003; Chalk,1998; Crenshaw &Horowitz,1983). Its assessment techniques are mostly prone to the unpredictability and the consequences of the attacks within the population (LaFree& Ackerman,2009). In the case of Western Balkans, terror attacks seem to be most associated with the "classical" forms of incidents, with a preference toward bombing and explosives and usually toward private citizens. As revealed by the Global Terrorism Database (GTD), Albania has viewed 311 incidents of terror attacks between 1975-2020 with a peak in 2000 when 80 incidents were reported (GTD,2023). Most of the attack type was bombing /explosives (138), then armed assaults (101), and at least at the infrastructure and facility harms (30) or assassinations (23). The prime targets are private citizens who hire professionals, police stations/officers, government, businesses, and less often military, diplomats, or journalists. The preferred weaponry regards explosives (155), firearms, especially AK47 (134), and incendiary (20). It is worth noting here that the number of causalities in these attack forms is almost 0, while fatalities are around 214 and injuries are around 193. The country is almost at the same trajectory when compared with the other Western Balkan countries: Serbia (231 terror incidents) with bombing explosives (116) from private citizens (75) and police (45). Fatalities in Serbia are not significant (20) while injuries are 78. A significantly low percentage of incidents (19) is in North Macedonia where the form of attacks is still bombing/explosives (10), targets on business (5), police (4), and religious figures (3). No fatalities or casualties were reported, and they reported minor injuries (3). Montenegro reported 47 incidents, mostly bombing/explosions (19) and fewer assassinations (13) and armed assaults (10). The targets in

Montenegro were towards police (14) and the government (13). Fatalities (18) and injuries (19) were reported to be higher in Montenegro rather than in the other countries in the region. Kosovo had 342 terror attacks with a peak of 60 attacks in 2000. The primary attack type is bombing/explosion (166), armed assaults (127), and less towards infrastructure and facilities (21). Most attacks appear to be on private citizens (121), police (78), and businesses (40). Casualties in Kosovo appear to be almost the same as in Albania, while fatalities of more than 10 dead 89 and injured 121.

4. New terrorism: alternative forms to the classical attacks

Biological warfare

Biological warfare uses harmful organisms to make people, animals or plants sick or dead (Gofas,2012; Hodge,2012; Spencer,2006; Kaldor,2005; Jacobs,2004). The use of disease-causing agents to wipe out a group of people has been happening for centuries. Plague-infected bodies were used by the Tatars to defeat their enemies in the 13th century. During the 18th century, Sir Jeffrey Amherst triggered an epidemic among hostile American Indians by distributing blankets contaminated with smallpox (Variola virus). In Japan during the 1960s, intentional food poisoning by a bacteriologist resulted in several instances of typhoid and dysentery (Hodge,2012). In 1985, the Rajneeshee religious group contaminated salad bars and caused gastroenteritis in Oregon, affecting 750 people. The impact of these microorganisms was determined by their ability to cause infection, their virulence, lethality, pathogenicity, incubation period, and stability (Mayor,2019; Hodge,2012). Based on these facts, scientists categorized chemical pathogens according to their potential of infection and mortality (Kottow,2003; Broussard,2001). The most utilized technique for spreading a biological agent is through stationary or mobile spraying mechanisms, utilizing aircraft, automobiles, vessels, and cruise missiles. The size of the particles employed ranges from 0.3 to 5µm, to facilitate their inhalation into the alveoli. A compact aircraft carrying 100 kg of B. anthrax spores and equipped with a sprinkler system can administer a lethal dosage to 3 million individuals (Granato et al.,2019). As in all forms of war, biological warfare was addressed in many Conventions and Security Protocols of chemical weapons over the years (Millett,2010). The Biological Weapons Convention (B.T.W.C) is the most important one, signed by Moscow and Washington on April 10, 1972, and enforced on March 26, 1975 (see UN SC Resolution No.1540) . The Convention tests complete disarmament and suppression of mass distribution weapons (UN Security Council Resolution No. 1540). The main provisions of the B.T.W.C convention are outlined in the *Article 1) Commitment to not produce, purchase, or store biological weapons; Article 2) Commitment to destroy or divert agents, toxins, weapons, and delivery systems for peaceful purposes within nine months of the treaty's entry into force; Article 3) Commitment to not transfer biological weapons to others and not to assist in their production; Article 4) Commitment for each state to be responsible for its own jurisdiction or control and Article 5) Commitment to reciprocal consultation and cooperation.* With violation, the State Party files a lawsuit against the other State Party to the UN Security Council presenting well-founded proof (and the Council initiates an inquiry). Article 10 regards the commitment to share information between state members regarding Bio agents and toxins for peaceful intentions. However, there are several challenges in the implementation of this commitment, including: a) Possession of biological weaponry for research and prevention purposes. b) Lack of independent and truly impartial verifications. c) Inspections subject to the veto power of the UN Security Council. Moreover, there have been repeated infringements of the 1972 Convention on the Prohibition of Biological Weapons, which has been consistently disregarded. This was demonstrated, for instance, at the war in

Korea (Powell,2019; Frischknecht,2003). The B.T.W.C is currently ratified by 183 parties including Palestine, Egypt, Haiti, Somalia, and Syria. While most African states, Kosovo and Israel have still not recognized the convention (see Kimball- Arms Control Association,2018).

5. The Bioterrorism

From the early eighties of the 20th century, a chain of terrorist attacks, the most well-known of which became that of September-October 2001 within-side the United States, consisting of sending of letters infected with spores of anthrax, confirmed that during this region the maximum concrete danger is particularly represented with the aid of using bioterrorism, a phenomenon even greater tough than biologic war (Radosavljevic et al.,2018; Troiano,2016; Urbano & Urbano,2004; Urbano,2004;Kottow,2003;Hodge,2002). "Bioterrorism" is terrorism performed with the use and/or danger of using organic dealers and/or organic weapons (Radosavljevic et al.,2018;Urbano& Urbano,2004; Kottow,2003). At present, every nation across the globe denounces terrorism and all forms of actions intended for terrorism. Under the universally accepted legal description, countries have mutually decided to label terrorism as: *actions that jeopardize or pose a risk to the well-being, physical condition, or possessions of individuals, or deliberate endeavors to subvert the constitutional system and democratic administration, primarily by exerting influence on decision-makers and legislators without any discrimination in target selection and with the intention of instilling fear and panic in the populace*(Hodge,2012;Jeansonne,2012; Dragu & Polborn,2012; Fitzpatrick,2003; Hodge,2002;. Greenwood,2002; Gostin,2002). Even "bioterrorism" is warfare, conducted in an "asymmetrical" manner, between two or more "enemy" parties, which do not respond to the same rules: for example, the international community meticulously regulates every activity and even the road transport of infectious materials is regulated as "*Transport of dangerous goods*" and is governed by the ADR agreement "*Accord Dangerous Routes*" signed in Geneva on 30 September 1957 and updated in the 1st of January 2023 by UN member states (see UN ADR Volume 2,2021). Categories 6.1 and 6.2 of the ADR classify infectious materials that pose a risk for bioterror as stipulated even in Article 9 of the Albanian Criminal Code(idem). There are numerous factors that scholars have identified as contributing to the increasing interest in the potential utilization of biological weapons for terrorist motives (Clark & Pazdenik,2016; Balmer et al.,2016;Kottow,2003; Bayer & Colgrove,2002; Carcamo et al.,2002;Annas,2002). First, a basic microbiology lab can produce a lot of pathogens at a low cost. Second, identifying and detecting biological weapons is complex, making them a serious threat for acts of sabotage. Other factors include the opportunity to carry out a destructive action that primarily affects living organisms; the versatility of use, with the ability to contaminate extensive areas if contagious biological agents are employed; to target objectives if non-contagious biological agents are disseminated on specific substrates; the ability to select or engineer (using innovative genetic engineering techniques) diseases with biological and technical characteristics suitable for use; ease of converting production facilities for aggressive biological pharmaceutical plants, biological research and development laboratories, or industrial plants connected to the biological sector and the accessibility of knowledge, including through the internet, for covert bio laboratories (referred to as "*garage biology*"), although certain aspects of biotechnological research may not be accessible to everyone. Fortunately, from a pragmatic stance, a few deterrents as the effect of weather patterns on the power of the organic hostile substance; the relatively steady movement of most ailments brought about by microorganisms and the aggressor's necessity for suitable treatment and preventive measures for the utilized illness have confined the usage of organic weapons past worldwide proclamations and settlements.

Both the UN and NATO (2022-2023) have drawn up an updated list of infectious agents with the connected well-being perspectives and microorganisms which mostly all NATO members have ratified (see Bioterrorism Agents, C.D.C.P.,2023). A summary of this list can be found in the following table:

Table 2: Bioterrorism Agent

A	B	C
<ul style="list-style-type: none"> - Anthrax (<i>Bacillus anthracis</i>) - Botulism (<i>Clostridium botulinum</i> toxin) - Plague (<i>Yersinia pestis</i>) - Smallpox (variola major) - Tularemia (<i>Francisella tularensis</i>) - Viral hemorrhagic fevers, including. <ul style="list-style-type: none"> o <i>Filoviruses</i> (<i>Ebola</i>, <i>Marsburg</i>) o <i>Arenaviruses</i> (<i>Lassa</i>, <i>Machupo</i>) 	<ul style="list-style-type: none"> - Brucellosis (<i>Brucella</i> species) - Epsilon toxin of <i>Clostridium perfringens</i> - Food safety threats (<i>Salmonella</i> species, <i>Escherichia coli</i> O157:H7, <i>Shigella</i>) - Glanders (<i>Burkholderia mallei</i>) - Melioidosis (<i>Burkholderia pseudomallei</i>) - Psittacosis (<i>Chlamydia psittaci</i>) - Q fever (<i>Coxiella burnetii</i>) - Ricin toxin from <i>Ricinus communis</i> (castor beans) - Staphylococcal enterotoxin B - Typhus fever (<i>Rickettsia prowazekii</i>) - Viral encephalitis (alphaviruses, such as eastern equine encephalitis, Venezuelan equine encephalitis, and western equine encephalitis]) - Water safety threats (<i>Vibrio cholerae</i>, <i>Cryptosporidium parvum</i>) 	<ul style="list-style-type: none"> - Emerging infectious diseases such as <i>Nipah virus</i> and <i>Hantaviruses</i>

Source: Adapted by the National Center for Emerging and Zoonotic Infectious Diseases (NCEZID)

To discuss bacteriological warfare, the agents utilized must have a *high ability to infect* (i.e., a strong capacity to enter, survive, and multiply in a host organism), *high potency* (they must cause a disease capable of resulting in death), and, notably, they must *possess a significant level of contagiousness*, so that many secondary cases can be generated. While the impact of conventional weapons is limited to a destructive explosion, bacterial particles can infect thousands of individuals, who can then spread the infection (Clark & Pazdernik,2016; Millett,2010; Carattoli,2006; Jacobs,2004). The agents predominantly used are bacteria, whose spores can be dispersed in the form of an aerosol and contaminate the surrounding area for many kilometers. Genetically modified organisms pose a great threat that requires urgent research. Subsequently, the all-around wide scene of infectious agents can extensively grow thanks to genetic modifications. Even viruses and bacteria can be genetically changed with the recombinant DNA method to make significantly more considerable natural weapons as they are fit for killing (Millett,2010).

6. Legal treatment of terrorism and bioterrorism as per Albanian Criminal Law

The Albanian criminal legislator, in the Criminal Code, penalizes various criminal offenses, that we will refer to as "*criminal offenses of terrorism*". Albania is engaged in the satisfaction of all commitments emerging from deals, protocols, and peaceful accords endorsed by it, in the field of Weapons of mass destruction restraint. The Republic of Albania has satisfied its commitments, particularly in the execution of Resolution 1540 (2004) of the United Nations Security Council, for the harmonization of public and worldwide regulation in prevention of the spread of Weapons of Mass destruction (see Resolution 1540 of UNSC,2004).

Albania does not produce nor imports any kind of biological or mass destruction weapon.

In accordance with the international accords it has ratified, the country has made progress in developing a lawful, appropriate, and effective structure for fulfilling its responsibilities in combating terrorism and preventing its occurrence. For instance, Albania and Italy are leading the way in the fight against terrorism with a joint Task Force since the first meeting of the Italian minister to Tirana in 2015. Following the events in Paris, the collaboration between the parties (countries of the Western Balkans region) as well as with the EU was brought to the forefront the issue of fighting terror. Citizens of Albania joined terrorist groups in Syria due to social problems, poverty, and religious extremism. The amendments made to the Criminal Code, such as the additions to Law 9086 of 19.06.2003 (see Albanian Criminal Code,2021), Law 9275 of 16.09.2004 (see Criminal Code, 2004), and Law 9686 of 26.02.2007 (see Article 231 of the Criminal Code,2007) had a significant importance in the battle against terrorism. Considering the circumstances in the global fight, it was essential to review the Criminal Code to penalize criminal offenses related to terrorism. The provisions in question are categorized in Chapter VII - *Acts with terrorist intent* (title altered by law no. 9686, dated 26.2.2007, article 14) Article 230 of the Criminal Code which explicitly states(see Albanian Criminal Code updated,2021): "*Committing the following acts, with the intention of causing panic in the population or interesting state authorities, Albanian or foreign, to perform or refrain from performing a specific act, or to seriously damage or destabilize essential political, constitutional, economic or social structures of the Albanian state, another state, international institution or organization, shall be punished by imprisonment for a minimum of fifteen years or life imprisonment.*" According to Albanian legislation, acts with terrorist intent include: a) *actions against individuals*, which may result in death or severe injury; b) *the hijacking* of airplanes, ships, other modes of transportation or fixed platforms or the *unauthorized takeover* of control over them, through violence or by threatening to use violence or by any other form of intimidation; c) *engaging in acts of aggression* against an

individual on an aircraft in motion, on a vessel, or on a stationary structure, when these actions have the potential to jeopardize the safety of the aircraft, vessel, or structure; c) *obliterating an operational aircraft*, a ship, or a stationary structure, or inflicting damage on such a degree to the aircraft, ship, or its cargo or the fixed platform, rendering it impossible or posing a risk to the safety of the flight, floating, or fixed platform; d) *deploying*, through any means, a device or substance on a functioning aircraft, ship, or fixed platform, that can annihilate the aircraft, ship, or fixed platform, or cause harm to the aircraft, ship, or its cargo or the fixed platform, and which poses a threat or may pose a threat to the safety of the flight, navigation of the ship, or the fixed platform; e) *destroying or impairing flight* equipment or sea navigation equipment or *tampering with their functionality*, when such an act may endanger the safety of the aircraft or ship; g) *sharing false information* that endangers the safety of an aircraft in flight or a ship in navigation; h) *the murder or abduction of an internationally protected individual*, in accordance with Article 9 of the Criminal Code, or any other assault on their person or freedom; i) *violent assault* on the office, personal residence or mode of transportation of an internationally protected individual, as stipulated in Article 9 of the Criminal Code, when this assault puts the person or their freedom at risk; j) *hostage-taking* or abduction of the individual and making threats to murder, harm or continue to detain them; k) seizing, possessing, utilizing, transferring, selling, disposing or disseminating *nuclear material*, intentionally and without legal authorization, when it results in or has the potential to cause loss of life or serious harm to any person or substantial damage to property; l) *theft*, misappropriation or fraudulent acquisition of *nuclear materials*; m) *seeking nuclear materials* through coercion, violence or any other form of threat; n) the manufacture, storage, procurement, transportation or trade of *explosives, firearms, biological, chemical or nuclear weapons*, as well as *scientific research for the development of weapons of mass destruction*; o) committing acts of violence, utilizing any device, substance or weapon, *against an individual at an international civilian aviation airport*, when these acts lead to or have the potential to cause serious harm or death to individuals; p) *devastation or severe harm to the premises or equipment* at an airport of international civil aviation or to an aircraft located at this airport that is not in flight or the disruption of airport services, using any equipment or weapon, when such actions endanger or have the potential to endanger the security of the airport; q) disseminating, positioning, discharging or *detonating explosives or other lethal devices*, in public settings, in the offices of a state or government, the public transportation system or in public infrastructure, as well as the dispersal of hazardous substances in the environment, causing fires, floods, explosions, with the aim of causing death or grave bodily harm or with the aim of inflicting extensive destruction on the aforementioned places, settings or systems, when such destruction results in or may result in significant economic losses; r) *severe and extensive destruction of public property*, public infrastructure, the transportation system, the information system and private property, putting lives at risk; n) causing the disruption of the provision of water, electricity or any other crucial resource, or any other act intended to cause the death or serious injury of civilians or any other person not actively involved in combat actions in a situation of armed conflict, carried out for the purposes defined in the initial paragraph of this article.

Table 3: The existing internal legal framework related to Bioterrorism and the M-ADM Strategy

Legal Framework of Bioterrorism and M-ADM	
	Law no. 8025, issued 9.11.1995, " <i>On protection from ionizing radiation</i> ", amended
	Law no. 9092, issued 3.7.2003, " <i>On the implementation of the "Convention on the prohibition of the development, production, storage and use of chemical weapons and on their destruction"</i> "
	Law no. 9251, issued 8.7.2004, " <i>Maritime Code of the Republic of Albania</i> ", amended
	Law no. 9917, issued 19.5.2008, " <i>On the prevention of money laundering and terrorist financing</i> ", amended
	Law no. 118/2012, " <i>On the transport of dangerous goods</i> "
	Law no. 71/2016, " <i>On National border control</i> "
	Law no. 15/2016, " <i>On the prevention and fight against infections and infectious diseases</i> "
	Law no. 27/2016, " <i>On the management of chemicals</i> "
	Law no. 46/2018, " <i>On state control of international transfers of military goods and dual-use items and technologies</i> "
	Law no. 45/2019, " <i>On civil protection</i> "

Albania has endorsed the proposed legislation of the "*International Convention for the Suppression of Acts of Nuclear Terrorism*", of the United Nations. The ratification was endorsed under decision no. 647 of October 17, 2005, of the Government, and signed on 23 November 2005, at the headquarters of the United Nations (see the United Nations,2005). This proposed legislation was approved by the Assembly of Albania on June 8, 2023, and was formulated by the Ministry of the Interior under Article 17 of Law No. 43/2016, "*On International Agreements in the Republic of Albania*", Article 100 and Article 121 of *The Albanian Constitution*, which, in clause "a", of point 1, establishes that: "1. *Endorsement and withdrawal from international agreements by the Republic of Albania is done by law, where they are related to a) territory, peace, alliances, political and military matters.* In the Decision No. 33, issued 22.1.2020 "*For the Approval of the National Strategy for the non-proliferation of weapons of Mass Destruction and the Action Plan for its Implementation*" the Albanian Strategy of Defense has determined that "*the Republic of Albania does not possess weapons of mass destruction, nor will it develop or support any activity that leads to their spread, but will contribute with all capacities to the improvement and will not to the proliferation of weapons of mass destruction*"(see the Strategy against WMD,2020). What ought to be considered is that during the execution period of these arrangements, in substantial cases yet additionally in the practices and systems of forestalling the peculiarity, the crucial common liberties and human rights endorsed in the Albanian Constitution are always regarded (see the Constitution, Articles 15-20). Starting from the passage into power of the Criminal Code of 1995, the

criminal offense provided by Article 230 of the Criminal Code, "*Offenses with terrorist intentions*" has gone through two amendments, specifically by Article 15 of Regulation no. 9686, issued 26.02.2007 "*On Additions and Amendments to Regulation No. 7895 of 27.01.1995 Criminal Code of the Republic of Albania*", as amended and by Article 27 of Regulation No. 23/2012, issued 01.03.2012 "*On Additions and Amendments to Regulation No. 7895, issued 27.01.1995 'Criminal Code of the Republic of Albania' amended*". With the changes of 2012, the above rundown of acts named having terroristic plans would be added with numerous cases. The components of the objective side (*actus reus*) and the subjective side (*mens rea*) picture of criminal terrorist offence have stayed unaltered. Corresponding to the objective side, the offense with fear-based terror purpose requires the presence of at least one of the offenses accommodated by letter a - n of Article 230 of the Criminal Code of Albania. In this way, as per Albanian jurisprudence, an offence with terroristic purposes can show up in various structures, from acts against the individual, to the commandeering of airplane, naval ships, to the obliteration or harm of decisively significant infrastructures for the national security. From the point of view of the law, the legislator has preceded the different types of criminal offenses that can be committed in the framework of a terrorist intention of the author. However, a behavior or activity may be lawful, but prohibited if it is carried out for terrorist purposes. Commonplace is the case of the supporting of psychological warfare, described by Article 230/a of the Criminal Code, where albeit the component of giving or gathering reserves is in itself a lawful action, it becomes unlawful on the off chance that it is utilized as an element of i) committing of a terrorist act; ii) terrorist organization or iii) by a solitary terrorist. As to the subjective side, the criminal offense given by Article 230 of the Criminal Code is an offense with a twofold spectrum. To confront an offense of terrorist acts, the individual should not just purposefully commit one of the offenses recorded in Article 230 of the Criminal Code (*dolus generalis*), but, he should likewise have committed it with a terroristic purpose (*dolus specialis*). *Dolus specialis* for the terrorist purpose act is found in the primary paragraph of Article 230 of the Albanian Criminal Code. To the people who under the Article five of the Albanian National Security Act, for whom there are affordable suspicions of participation in terrorist organizations, armed gang or terrorist business enterprise, upon request of the enforced law institutions are subject to some criminal provisions as:

- a) limitation of movement, responsibility, or the prohibition of living in a single or numerous administrative units, for a time of up to one year.
- b) expulsion from the territory for overseas residents for a time of up to one year.
- c) blocking off or banning the usage of the passport or different legitimate identity documents for a time no longer than 60 days until 1 year.
- d) the degree of prohibition of leaving the territory of the Republic of Albania, for a period of up to one year.

At the initiative or request of the prosecutor, the court may order the subject: a) not to leave the declared residence without prior notification to the official supervisory authority; b) to declare to the public security authorities, responsible for supervision, the times and places where he can be found every day and to appear on the specified days and whenever required by the supervisory authority, c) not to participate in gatherings, public organizations, sports, social/cultural activities.

The court takes a decision on the validation of the safety measure inside forty-eight hours from the instant the prosecutor's request. An attraction may be filed towards the court's decision within 5 days of receiving expertise or notification.

7. Conclusions

The role of criminal law is essentially to demonstrate the essential nature of penal intervention. In supporting the matters of security and terror issues it encourages the alternative prevention or solution of crime (Greene,2017; Bikundo,2014; Harris,2014; Dragu et aöl.,2013; Fabbrini,2009; Alston et al.,2008; Di Filippo,2008; Barnidge,2007; Bures,2006; Butler et al.,2002; Gakhoizde,2001; Chalk,1998; Alexander, 1994). As part of the present work, we have tried to explain in the form of a legal analysis the threat of terrorism and bioterrorism in Albania in relation to other countries of the European Union. Although our country does not have a facility dedicated to the production of biological weapons or nuclear weapons, Albania's role in the fight against terrorism and all its manifestations is significant. Although our country does not work directly in the production, supply, or distribution of non-conventional weapons, like almost all countries in the Western Balkans, it had an impact on areas of recruiting and supplying human resources for terrorist organizations, together with Bosnia and Herzegovina, North Macedonia, and Kosovo. There is no doubt that the events we are facing today and especially after the pandemics, have large dimensions and deep roots, which require far-reaching solutions to be effectively controlled. Major social and legal changes pave the way for long research debates on issues related to rights and laws that protect against biological attacks. In this line, our country supports and improves the system protection system, but little or nothing has been done in terms of legal education of the people, the media, and social stakeholders despite the significant risk we face, such as in the case of poisoning of drinking water in Bulqiza on June 5, 2023. On the other hand, Albania, like all the countries of the Western Balkans, supports the international system supporting the multidimensional fight against terrorism and other forms. Let us note here, for example, Albania's role in the United Nations as a temporary member of the Security Council since January 1, 2022. And even if our country has the necessary laws to punish terrorist acts and their forms, their funding, money transfer, recruitment, training, motivation, creation, and participation in terrorist organizations society and that it has mutual cooperations with international partners, other efforts should be done for its more effective implementation in the country. Training and supporting the state police and law enforcement agencies so that they obtain the appropriate level of capability to counter terrorism and hybrid warfare is essential to our national security. Now, Albania does not have the technical capacity to collect biometric or specific facial data (except for TIMS) at the border crossings but granting these rights will provide better data for the management of everyone's potential criminal record in all partner countries. In this process, Albania must have the necessary technologies, such as the possibility of treating finger imprints to all border crossing points. The funding of these technologies from the state budget is important in such times because the threats to Albania are real and present. Albania must also plan against people and organizations listed by the United Nations as funding for terrorism, based on a special law, a system of prevention against the manifestations of money laundering of allied terrorism. Government support and religious communities should be encouraged to inform the adherence groups as well. Likewise, Albania must increase security in its territory with the aim of eliminating the practice of recruiting adolescents and young people into terrorist networks, especially those for murder for hire, planting explosives or is the spread of public panic and gang fighting. School-curricula and other national legal-social and defense awareness campaigns are important for this achievement. If the control of events characterized by social harmfulness has criminal law as an extrema ratio, this does not occur only to satisfy guarantee needs, more than legitimate in a social state governed by law, but also occurs, and perhaps above all, for efficiency needs in control (Popov,2021; Pavlidis,2020; Saul,2017; Nambisan,2017; Harris,2014;Wade,2013; Oosterom-Staples,2008; Silverman,2006; Sutton,2004;

Urbano,2004; Hodge,2002;Wilkinson,1993). The law must, even in the darkest crisis, continue to be based on the principle of offensiveness, reasonableness, subsidiarity, extrema ratio, legality, criminal liability, humanity, and above all citizen's education.

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