

THE ROLE OF THE POLICE IN PREVENTING AND COMBATING TERRORISM

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Abstract

In this paper, we will examine the role of the Kosovo Police in investigating crimes in general and the role of the KP in investigating crimes related to terrorism in particular. The legal mandate for the investigation of crimes for the Police is based on the Constitution of Kosovo in the Criminal Code, the Criminal Procedure Code and the Police Law.

The Police, during its development as an organization of a new state, in its beginnings, had difficulties in preventing and combating terrorism. The fight against terrorism constitutes a very complex sector not only in terms of the commission of terrorist acts but also in terms of the means and methods used by suspects in committing their crimes. Recent technical and technological developments have had a positive impact on achieving the prevention of terrorism and combating it, but on the other hand, they have created opportunities for terrorists and terrorist groups to use new means, techniques and methods in achieving their results. While in the not too distant past, terrorists have carried out their acts in classic forms of committing crimes, nowadays they also use the latest developments to carry out their attacks. In carrying out their acts, they can now be tens and thousands of kilometers away, having greater opportunities to prevent their capture by law enforcement agencies. They now use computer programs to steal, hinder or sabotage the work of state institutions and in this way manage to have access to classified information and manage to put the lives of our citizens at risk.

In order to combat terrorism, the state must update and advance its legislation by adapting to developments in the country and around it. Kosovo has followed the same practice by adapting its legislation depending on the problems that have appeared on the ground. This research will analyze the aspect of updating the laws that Kosovo has undertaken since the declaration of Independence in 2008 until today in order to prevent and combat terrorism in all its forms.

Another phenomenon that will be analyzed in this paper will be the establishment and advancement of the capacities of the Kosovo Police in the fight against terrorism, by analyzing the situation at its beginnings, then during the development of its capacities as well as the needs that the Police may have further in this regard.

Keywords: Law, Kosovo Police, prevention, combat, terrorism.

Introduction

In this paper we will examine the role of the Kosovo Police in investigating crimes in general and the role of the KP in investigating crimes related to terrorism in particular, as well as the tools and methods used by the KP in preventing and combating terrorism. The legal mandate for the investigation of crimes for the Police is based on the Constitution of Kosovo in the Criminal Code, the Code of Criminal Procedure and the Law on Police.

The basis for the work of the KP originates in the constitution and expressly states: The Police of the Republic of Kosovo is responsible for maintaining public order and security throughout the territory of the Republic of Kosovo. In order to maintain public order and security, it is very important that the fulfillment of the duties of state bodies is not only as a reactant in situations but also to develop human and legal capacities in preventing actions that conflict with the law and as such endanger people's lives and their material goods. Every crime is important to prevent, but cases related to terrorist acts are of particular importance, not only because acts related to terrorism pose a great danger to society, but their prevention also

increases the trust of citizens in institutions and this turns out to be good because in this way citizens can provide information and closer cooperation with the Police and other state bodies involved in the prevention of terrorism.

Investigative actions in our Republic are led by the State Prosecutor, who, through his authorizations based on the law, authorizes the Kosovo Police to carry out investigative actions either in the prevention of criminal offenses or in the investigation of acts that have occurred. The same principle is also developed in cases related to criminal offenses of terrorism.

The police, during its development as an organization of a new state, in its beginnings had difficulties in preventing and combating terrorism. The fight against terrorism constitutes a very complex sector not only in terms of the commission of terrorist acts but also in terms of the means and methods used by suspects in committing their crimes. Recent technical and technological developments have had a positive impact on achieving the prevention of terrorism and combating it, but on the other hand have created opportunities for terrorists and terrorist groups to use new means, techniques and methods in achieving their results. While in the not too distant past, terrorists have committed their acts in classic forms of committing crimes, nowadays they also use the latest developments to carry out their attacks. In carrying out their acts, they can now be tens and thousands of kilometers away, having greater opportunities to prevent their capture by law enforcement agencies. They already use computer programs to steal, hinder or sabotage the work of state institutions and in this way they manage to gain access to classified information and manage to put the lives of our citizens at risk.

In order to combat terrorism, the state must update and advance its legislation by adapting to developments in the country and around it. Kosovo has followed the same practice by adapting its legislation depending on the problems that have emerged in reality. This research will analyze the aspect of updating the laws that Kosovo has undertaken since the declaration of Independence in 2008 until today in order to prevent and combat terrorism in all its forms.

Another phenomenon that will be analyzed in this paper will be the establishment and advancement of the capacities of the Kosovo Police in the fight against terrorism, by analyzing the situation at its beginnings, then during the development of its capacities, as well as the needs that the Police may have in this regard.

Preventing and combating terrorism today constitutes one of the greatest challenges in contemporary societies. Recent developments in society have raised to high levels the possibilities of committing crime in general and crimes related to terrorism in particular, and as a phenomenon that should not be overlooked by state bodies involved in the investigation of crimes, it is required to increase skills and develop working methods in order to prevent and combat these crimes.

Updating legislation to prevent and combat terrorism

Since gaining independence in 1999, Kosovo has been under the supervision of the UN peacekeeping mission known as UNMIK. During this period, the Provisional Institutions have functioned and thus adopted a Provisional Criminal Code in which the chapter on criminal offenses related to terrorism was also included. Later in 2008, Kosovo declared its independence and now the Institutions have adopted a new Criminal Code in which several criminal offenses were added that were not previously included in the Provisional Code, some of which are: Facilitation in the commission of terrorism (Article 138); Recruitment for terrorism (Article 139); Training for terrorism (140); Incitement to commit terrorist offenses (141); Hiding or failing to report terrorists and terrorist groups (142); Organization and participation in a terrorist group (Article 143); Preparation of terrorist acts or criminal acts

against the constitutional order and security of the Republic of Kosovo (Article 144); Insignificance of committing a terrorist act (Article 145).¹

Our country as a developing country in its early days had to draft, approve and begin to implement laws and legal norms that have served and continue to serve in the prevention and detection of terrorism.

Kosovo as a new state, depending on developments in the country and the region, has often undertaken legal initiatives through which it has aimed to prevent and protect citizens and the state from terrorism. Looking at the developments in the country, region and the world, the Parliament of Kosovo during 2015 has adopted special laws through which it has aimed and sanctioned the participation of citizens in wars outside the territory of the Republic of Kosovo. Therefore, this case is evidence that the legal framework must be updated depending on the circumstances and events in the country, region and the world.

Even later, in 2018, the Criminal Code was adopted, in which the criminal offense of Traveling for the Purposes of Terrorism (Article 137) was added as a separate offense to the chapter on offenses related to terrorism². In addition, the amendments to the codes were not enough and for this reason, special laws were adopted with the aim of preventing terrorism, such cases are the law: Law on the Prohibition of Joining Armed Conflicts Outside the Territory of the Country (2012), Laws No. 03/L-196; No. 04/L-178 and No. 05/L-096 on the Prevention of Money Laundering and Combating the Financing of Terrorism (2010).

The legal framework in the fight against terrorism must be complemented and adapted to the levels of crime in which they occur in the respective countries. Laws must create opportunities for institutions dealing with the prevention of terrorism to have sufficient legal space for their actions to bring balance between preventing and combating terrorism and protecting and safeguarding human rights. It is important that states adapt the legal framework to the level of risk posed by terrorism in their countries.

State strategies in preventing and combating terrorism

Kosovo as a new state, in addition to the normative and legal aspect with laws and the Criminal Code, since 2009, the Kosovo Institutions, specifically the Government of the Republic of Kosovo, have been drafting state strategies for preventing and combating terrorism. These strategies emphasize the role of the Institutions and their duties in preventing and combating terrorism. These strategies are usually 5-year in duration and as such analyze the challenges faced by the country and plan actions for 5-year periods. The Strategy for Preventing and Combating Terrorism for the period 2023-2028 is currently in implementation, which was approved together with the action plan on 29.06.2023 at the meeting of the Government of Kosovo.³

This strategy emphasizes the duties of the Institutions in preventing and combating terrorism and, as a security Institution, the responsibilities of this Institution for the Kosovo Police are emphasized. It emphasizes that the Kosovo Police, as a law enforcement agency within the Ministry of Internal Affairs, has the main responsibility in preventing and combating terrorism, through the Directorate against Terrorism and other supporting structures within the Kosovo Police.⁴

This strategy also emphasized the role of a comprehensive approach in preventing and combating terrorism. It emphasizes that effective prevention and combating of terrorist threats is achieved through a comprehensive approach to this phenomenon by all institutions of the

¹ Code No. 04/L-082 Criminal Code of the Republic of Kosovo (Articles 138-145)

² CODE NO. 06/L-074 CRIMINAL CODE OF THE REPUBLIC OF KOSOVO (article 137, paragraph 1, p.48)

³ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=76052> Decision no. 21/148 page. 21, accessed. 07.12.2025 19:00.

⁴ State Strategy for Preventing and Combating Terrorism 2023 – 2028. Page 28.

Republic of Kosovo, communities, civil society, representative groups, the private sector and international organizations.⁵

The role of the Kosovo Police in preventing and combating terrorism

The role of the KP in preventing and combating terrorism constitutes a broad and quite challenging area for the KP. The means and methods used by terrorists in carrying out their acts pose a great social risk and require the advancement of the means and methods of work of law enforcement bodies in combating and preventing them. The Kosovo Police, like most police forces in the world, is part of the civil state bodies that deal with preventing and combating terrorism. This can also pose problems for the Police since terrorists are known to use the most barbaric and brutal means and methods during the execution of their acts, through which they cause fear and terror in a large number of citizens.

It is very important for the Police to have a collaborative approach with the community, as a large amount of information that can be very useful for preventing and combating terrorism originates from there. The KP has continuously paid attention to this area and in 2017 issued a manual “The role of community policing in identifying and preventing radicalism and violent extremism leading to terrorism” which has foreseen several steps and actions that will influence the realization of this mission. This manual emphasizes daily conversations with citizens belonging to the area of responsibility of the police sector, starting with representatives of businesses (cafes, restaurants, etc.), representatives of religious communities, management of primary and secondary schools, the parent community, road traffic participants, etc. From all of these mentioned actors, police officers can collect valuable information to identify any suspicious activity, criminal offense or even any radicalized person with potentially violent extreme tendencies.⁶

The prevention of any criminal offense, including criminal offenses related to terrorism, is very important, but equally important is the fight against and detection of cases of terrorism.

Not all countries have the tools and equipment to support evidence from crime scenes. And not all terrorism-related crimes are committed by suspects within the country, but in most cases suspects use various sources from abroad to carry out their acts.

The Kosovo Police, within its organizational structure within the Investigation Division, has also established a special Directorate for the Investigation of Terrorism Cases, and this Directorate investigates and handles cases of criminal offenses related to terrorism.⁷

The main objectives of the Counter-Terrorism Directorate are: to prevent and disable terrorists from recruiting, planning, influencing and building legitimacy within Kosovo, which objectives must be achieved through all legal and ethical forms determined by applicable laws in the Republic of Kosovo and international ones.⁸

The Kosovo Police, in addition to preventing and combating terrorism, within the organizational structure also has police units that are trained and equipped with modern means to combat terrorist individuals and groups. It is very important for these units to have all forms of support, including personnel and equipment support, in order to achieve their mission of preventing terrorists from achieving their goals.

In the KP organization chart, the Special Units Department also operates the Directorate of Special Intervention Units (DNJSI), which is the directorate of elite units of the Kosovo Police, specialized in dangerous anti-terrorism operations and extreme interventions. Equipped with advanced training and modern technology, DNJSI is ready to react quickly and precisely to threats that endanger the security of citizens and the state. Its members are trained to cope

⁵ State Strategy for Preventing and Combating Terrorism 2023 – 2028. Page.8.

⁶ Handbook – Proactive Police Approach, Kosovo Police, 2017, p. 74

⁷ <https://www.kosovopolice.com/departamentet/departamenti-i-hetimeve/> accessed by date: 16.12.2025 16:11

⁸ <https://www.kosovopolice.com/departamentet/departamenti-i-hetimeve/> accessed by date: 16.12.2025 18:33

with critical situations, including the neutralization of terrorists and complex operations that require high efficiency and professionalism.⁹

Terrorists have shown us in the past that they can use weapons and equipment that are in military use when committing their acts, which the police, as a civil organization, are prohibited from using in the legislation of various countries around the world. Therefore, it is necessary for states in general to adapt their legislation and create legal spaces so that in the face of terrorism, special units or groups within the police have the right to use weapons, equipment and military equipment so that when confronting terrorists, they can reduce and eliminate the risk posed by terrorists to themselves and citizens in general. This is also related to the fact that as a form of committing terrorist acts, suspects use weapons, bombs and other tools that cause a lot of damage and eliminate traces of the crime, which in this case constitutes a challenge in identifying and linking the perpetrators of these acts to the crime committed.

It is very important that the KP gives due importance and the deserved treatment to the special police units that deal with the handling of terrorism cases. These units, such as those that deal with the prevention and fight against terrorism as well as the units that are involved in anti-terrorist operations, must be treated with dignity so that the members of these units have the right motivation to carry out their duties responsibly. Motivation is not only related to the monetary aspect, but is also related to the fact that these units must be provided with the necessary personnel, technical and logistical space to be prepared to confront terrorist groups.

State institutions and police leadership structures must take into account that these police officers are more important than any program and equipment that terrorists may possess and that people are the ones who control the equipment and not the other way around.

A very important aspect is also the selection of personnel who are part of the units that deal with the prevention, investigation and combating of terrorist cases. Special attention should be paid to the operators of the special anti-terrorist forces. They should be supported with appropriate training both within the country but also with other friendly units of the European Union countries and the USA, and technical and technological equipment that affect the accomplishment of their tasks. This includes modern weapons, equipment for maneuvering in difficult weather conditions, light, wind, etc.

It is important to create these special forces if circumstances allow them to be created in planned conditions and not in emergency cases. This is related to the quality of the selection of personnel and the possibility of their proper training. In emergency situations, a large number of operators can be certified as members of special units, but their quality may not reach the necessary levels for confronting terrorist groups. In the training and selection of special forces operators, the principle that quality is more important than quantity should be taken into account. A small group of 8 to 12 well-trained and tactically-operational operators can perform tasks that in other situations cannot be performed by a larger number of police officers. The number of special anti-terrorist forces should be proportional to the population of the country and be adjusted to the proportion that EU countries have.

Different EU countries have faced different forms of terrorism and their experience, the tools and methods used by these countries can be of great use in our country's fight against terrorism. It is important that elite police units have legal support and additional authorizations, unlike other police units, and when confronting terrorists and terrorist groups, use proportionate means to neutralize the danger that may come from terrorists.

International cooperation is regulated in various forms, either by agreements involving many countries or by bilateral agreements between our country and other countries.

⁹ <https://www.kosovopolice.com/departamentet/departamenti-i-hetimeve/> accessed by date: 16.12.2025 19:30

International cooperation should be carried out in many areas, including the harmonization of legislation with countries in the region and the EU, professional development with training of personnel, whether in the prevention, investigation or fight against terrorism.

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