

Position of Media and Law Enforcement Institutions in the Fight Against Violent Extremism and Terrorism – The Case of North Macedonia

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Abstract

The organized system for the prevention of violent extremism and terrorism constitutes a necessary step in the framework of the detection and effective prevention of criminal activities related to these two acts.

National strategies and action plans, as important state documents, as well as the National Committee for the Suppression of Violent Extremism and the Fight against Terrorism need unquestionable support from the media as well as law enforcement institutions, in the form of a Task Force which would function on the basic principles and strategic goals of this prevention system.

A very important role in this preventive system would have the media, which would promote this war, in a form acceptable to the public, while also maintaining not only its principles but also social balances.

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1. Defining the "foreign warrior" phenomenon

The emergence of foreign fighters today is one of the top priorities on the international community's agenda and poses a challenge to international and national law. They always come up with some innovations and specifics, though as an issue it is not new. They are still a very current phenomenon in the Balkan region and beyond, thus attracting considerable attention.

Foreign fighters are linked to international terrorist networks and are therefore considered a major terrorist threat, especially after returning to their country of origin or habitual residence. They come back with great experience and great courage. The fear is that foreign fighters with experience in the use of weapons and explosives may plan and carry out terrorist acts upon their return to their homeland or form new terrorist cells, recruit new members or provide funding for activities or terrorist movements.

There are many attempts to define the phenomenon or the term "foreign warriors"¹. Despite this fact, it still remains unstudied or insufficiently researched for several reasons, such as:

- a. First, research on foreign fighters is extremely limited by the lack and distrust of data, namely open source information on their numbers, identities, trajectories and motivations.
- b. Second, the term "foreign fighter" is vague and misunderstood, i.e., "foreign fighter" does not exist as a term established in the political science literature, and,
- c. Third, studies of "foreign fighters" are largely limited or reduced to studies of terrorism, which are often linked to al-Qaeda. Consequently, one can accept the belief that "foreign fighters" are a lost middle class category between local insurgents on the one hand and international terrorists on the other².

2. "Foreign fighters" and the confrontation of North Macedonia

The Republic of Northern Macedonia has faced in recent years an uncontrolled influx and transit of a large number of refugees and migrants destined for EU countries as their final destination. This left other countries in the region

¹ The definition of the phenomenon "Foreign Warrior" was made by United Nations Security Council Resolution 2178 (2014) S / RES / 2178.

² See: Foreign Terrorist Fighters Handbook on Judicial Training Institutes in Southeast Europe, UNITED NATIONS Vienna, 2019, pg. 8.

constantly exposed to possible asymmetric threats arising from the manifestation of ethnic intolerance, religious intolerance and extremism, which create a fertile ground for radicalization that can lead to terrorism.

The actualization of the phenomenon of "foreign fighters" as well as the flow of migrants and refugees from the countries of the middle East and North Africa have contributed to the growing threat of terrorism. Given all this, a serious challenge is early warning and identifying potential terrorist threats.

Given the nature of this global phenomenon, the institutional contribution of Northern Macedonia has been commendable. The state is committed to taking measures to prevent the transfer of foreign fighters intending to carry out attacks on certain targets throughout Europe. In addition, the priority in this battle is the discovery of possible links between terrorists and criminal networks that "facilitate" the smuggling of persons at risk and the strengthening of international cooperation as a key tool for early detection and timely prevention of these dangers and security threats.

In order to establish better control and prevent the transfer of potential terrorists among migrants, it is essential to introduce unified mechanisms in the prevention and control, exchange of data, information, dynamics, management of common issues, teams of shared, creating a shared database, etc. In this way, the state overlaps and rises in the face of any possible threat and creates the opportunity to send a clear message to terrorist groups that there is an organized system for the prevention, early detection and effective prevention of their terrorist activities.

In 2017, the Republic of Northern Macedonia established the National Committee for the Prevention of Violent Extremism and the Fight against Terrorism¹. This Committee was set up as a competent body for strategy building, coordination of activities between important entities in the field of early identification, prevention and prosecution and sanctioning the perpetrators of these acts. Also, two national strategies with action plans for the realization of strategic goals have been approved, namely the one for the Prevention of Violent Extremism and the Fight against Terrorism². Both strategic documents have been developed on the common guiding principles and strategic goals which are in function of the protection and security of citizens, the rule of law and democratic values as well as the building of inclusive institutions.

3. Institutional measures

Each state must propose measures to prevent threats and dangers in terms of extremism and terrorism.

Given their complex nature of the issue, we can express the view that intensified collective action is necessary, not only for the security services but also for all social actors in political, legal, educational, social and religious terms. These measures should be proposed in several areas of action, such as:

- a. Identify all the factors that lead to the radicalization of potential terrorists and their multidisciplinary and integrated treatment;
- b. Pursuing a policy where, above all, it must be proactive preventive actions, against repressive measures, achieving a balance between effective protection from modern risks and dangers, as well as the protection of the freedoms and rights of citizens already achieved;
- c. Continuous development and improvement of the normative and institutional infrastructure of the country, in accordance with the growing threats of terrorism and its modern manifestations;
- c. Implementation of complex educational, social and security measures and activities by all social actors; specific projects for the de radicalization of already radicalized individuals and the rehabilitation and re-socialization of former terrorists.

4. Objective reporting and public information

The role of the media in the fight against terrorism and violent extremism is inalienable, although in the legal framework of the two strategic government documents in 2018, the media is mentioned as a "tail" of words and not part of normative measures and concrete actions of these strategies. In these strategies, the media is mentioned only in a general paragraph: *"The Government of Northern Macedonia has a social and collective responsibility*

¹ National Strategy of the Republic of Macedonia for the fight against terrorism, https://vlada.mk/sites/default/files/dokumenti/bpt_nacionalna_strategija_2018.pdf, accessible 20.4.2021

² National Strategy of the Republic of Macedonia for Prevention of Violent Extremism, https://vlada.mk/sites/default/files/dokumenti/sne_nacionalna_strategija_2018.pdf, accessible 20.4.2021

to deal with violent extremism and the threat of terrorism through religious, local, MEDIA and educational approaches, emphasizing its strengths and advantages, in order to maintain the cohesion of society”¹.

These documents do not have a clear concrete norm for the role of the media, nor that of possible information campaigns, treatment, etc., of the issue of terrorism and violent extremism. Since the adoption of these two strategies until today (2021), the media has not conducted any campaign, even awareness with certain television programs in the context of this war. The government strategies themselves thank the media for increasing attention to ISIS² atrocities around the world (in the context of world news unfolding on their screens), but not for treating the phenomenon of terrorism and radicalism as an internal North Macedonian issue.

The treatment in the media of cases of extremism, radicalism, rehabilitation of former fighters returned from conflict countries such as Syria, that of institutional treatment such as. Awareness and campaigning by the Ministry of Internal Affairs, the Ministry of Justice, the Islamic Religious Community or even civil society organizations is almost non-existent on television screens.

Radicalism and terrorism remain a taboo which is whispered only in small local circles, and the only cases where the media address such topics are those funded by foreign embassies. This meal "financing" does not enable a frontal confrontation of the phenomenon of radicalism and terrorism, but activists, imams and sociologists of multiculturalism (who are invited to speak in television studios) express their opinions in general on the values of coexistence, healthy society etc. Recent amendments to the Criminal Code (2014) for unauthorized participation in "foreign military, police, paramilitary or pre-police formations" dictate a sentence of up to 5 years³. According to the data, around 150 citizens of Northern Macedonia have taken part in the fighting in Iraq and Syria, of which 35 are believed to have died there, while 23 of the 83 who returned to northern Macedonia have received sentences⁴.

The most notorious case addressed in the media was the one codenamed "Cell" since August 2015. In the same case, last year two consecutive operations took place, in August⁵ and December, with a total of 10 detained others, on suspicion of creating a network from Kumanovo to Skopje, with suspected links in Kosovo, which aimed to carry out attacks on state institutions⁶. Even at the beginning of this case, "Cell 1", quickly passed in the shadows and without treatment the sentence of 7 years in prison of the imam of the Tutunsus mosque in Skopje, 36-year-old Rexhep Memishi. Pursuant to Article 322-a of the Criminal Code, he was convicted of recruiting for foreign paramilitary organizations⁷. The media took the case lightly, citing only the indictment that Memishi was the main recruiter for ISIS in northern Macedonia, but none of them approached the mosque and the Islamic community that Memishi frequented. Although not in detail, the reports and information were treated by the media in more correct tones, compared to the language used in the past, but, nevertheless, they were a reflection of the tone of power.

When the country faced such sensitive interfaith cases, Macedonia experienced a wave of unrest and violence, including an intergovernmental crisis, precisely because of the tone followed by the ruling party in those years, VMRO-DPMNE. The case of the Vevcani carnivals of 2012, where the Islamic religion was ironized with pornographies⁸, provoked tensions between the Albanian people (mainly of the Islamic religious faith) and the Macedonian people (mainly of the Orthodox faith) to the point of burning churches and mosques. At the time, tensions were fueled more by the ruling Macedonian party and its nationalist tones, while when the political class climate is calm and interethnic relations are stable, the media also handles such sensitive events correctly. Exceptions are online media which are not included in the media law and are not considered as such to be sanctioned for possible violations of existing laws, especially those for inciting hatred or inciting interfaith and intercultural intolerance⁹.

¹ National Strategy of the Republic of Macedonia for Prevention of Violent Extremism, https://vlada.mk/sites/default/files/dokumenti/sne_nacionalna_strategija_2018.pdf, accessible 20.4.2021

² Ibid.

³ See changes in the Penal Code, <https://www.slvesnik.com.mk/Issues/6ed04b3db86643b297d84aa94513d055.pdf>, accessible 27.4.2021

⁴ See: Balkan countries consider the prosecution of terrorism a challenge, <https://detektor.ba/2020/07/06/analiza-birn-a-nejednako-procesuiranje-terorizma-u-sest-zemalja-zapadnog-balkana/?lang=sq> accessible 27.4.2021

⁵ See: The group "Cell" was preparing for an attack !, <https://alsat.mk/grupi-celula-pergatitej-per-sulm/> accessible 27.4.2021

⁶ See: The investigation for the group suspected of terrorism continues, the financing of the structure is investigated, <https://alsat.mk/vijon-hetimi-per-grupin-e-dyshuar-per-terrorizem-hetohet-financimi-i-strukture/> accessible 27.4.2021

⁷ See: Macedonia: Five people sentenced to prison for participating in IS, <https://www.evropaelire.org/a/27744457.html> accessible 27.4.2021

⁸ See: Vevcani Carnival 2012 - how to play with Muslims, https://www.youtube.com/watch?v=tGTCa_7cNsU accessible 27.4.2021

⁹ Portals are not introduced in the law as media (neither in the Law on Media, despite the legal changes in 2013 - Article 2 nor

While the media is vocal after sensational police operations against terrorist and extremist activities, almost no television (including the state-funded public) deals with broader coverage of the phenomenon of radicalism, terrorism and violent extremism. It would be even more unbelievable to think that the media would also cover the rehabilitation process - the social reintegration of people returning from the wars in Syria and elsewhere.

5. Compensation fund for damage caused to victims

In the context of subjective civil law, in this case we understand the life of man and his health. When this subjective civil law will be exposed to a certain risk, in civil law the claim is activated, as a means of institutional protection. The holder of subjective civil law, in cases when assessing for an institutional protection, may initiate legal proceedings. In order to ensure protection, in addition to the claim, the existence of certain presumptions is needed, which create legal force and in this case a direct effect is gained on the legal obligation of the responsible person and in the interest of the injured party. Compensation is the product to be achieved by legal protection in case of violation of subjective civil law.

Today, theory and civil legislation distinguish between property (material) and non-property (non-material) damage. Property damage causes consequently the damage to the property of the injured party in the narrow economic sense, thus the loss of property illegally. Therefore, the compensation of property damage also aims to restore the property of the injured party to its previous state by "filling" the difference created between his current economic situation, with what he would be in if the illegal fact was not proven.

Regarding property damage, it is worth mentioning that it distinguishes between the loss suffered by the reduction of property, known as actual damage or emergency damage (*damnum emergens*) and the lost profit (*lucrum cessans*). In principle, the difference between emergency damage (*quantum mihi abest*) and missing profit (*quantum lucrari potui*) lies in the actuality or not of the impaired property interest. In the first case, the object of the damage is the reduction, the loss of a current property interest, thus a property that belongs (in *re ipsa*) to the injured party at the time of causing the damage. In the case of missing profit we are dealing with the impossibility of gaining a future property interest, thus a property that does not yet belong to the injured party at the time of causing the damage¹.

Northern Macedonia needs a more adequate legal solution for victims of criminal offenses that would include victims of terrorism and violent extremism. Victims need institutional support in accordance with the principle of social solidarity, in order to prevent their possible secondary victimization as additional suffering in proceedings before institutions. The existence of a special Fund would also guarantee the payment of compensation for the damage experienced by these victims.

Injuries and expenses that can be compensated according to a new legal solution, namely from that State Fund should include serious physical injuries or damage to health, serious mental health disorders, loss of ability to work, medical expenses and hospital treatment, funeral expenses etc.

Conclusions and recommendations

Smuggling of migrants should not be treated as a single issue because it is not excluded from the impact of committing another criminal offense such as trafficking in human beings. In this context, the legal position of the victims occupies an important place. For the victim it is more important to compensate the damage experienced by violent criminal offenses in relation to the epilogue of a criminal proceeding. Identifying, apprehending perpetrators and dealing with criminal justice is in the public interest and attacks the institutions of the state system. Therefore, the state must provide a clear legal and institutional framework so that victims can easily and safely exercise their subjective rights.

In national strategies and action plans, the media and media reporting should also play an important role, in order to ensure civic inclusion in the fight against criminalized actions in this area.

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Biography

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