

**Contemporary international crimes**

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**ABSTRACT**

Besides incrimination of crimes which are considered only in cases when they are committed during the armed conflict, whether internal or international, there are international crimes which are committed in peacetime.

In literature are counted many international crimes which by the elements that make up the image of such crimes, are committed in time of peace, but this does not exclude the possibility that such crimes can be committed during an armed conflict. Some of them are recognized and sanctioned in international legal documents or fixed in customary law, and some of them correspond exclusively to contemporary times respectively are the result of that technological development and the result of the development of advanced social relations on national and international levels. Numerous diverse discoveries in technique and technology have contributed greatly to the improvement of people's lives, also bringing with it the possibility of their misuse for criminal activity

Such crimes are:

- Terrorism
- Production and putting into circulation of narcotics
- Cybercrime
- Economic Criminality
- Environmental Crime

## 1. Terrorism

Terrorism, a violent act by which are caused the loss of lives of people on a large scale, causing significant material damage and leaving the long-term consequences, is very present in the international arena. Terrorism is a global problem, which, although fought by other countries and international entities by means of different methods, yet it is very difficult to prevent. The international community this global problem has been fighting since the time of operation of the League of Nations, with the adoption of the Convention on prevention and punishment of terrorism in v. 1937. (Kajmakovic, 101). Under this convention terrorism represent all criminal acts directed against any country, in order to create fear against certain persons, group of people or to the wider public. Although this Convention has never entered into force it decided a long tradition in the fight against terrorism.<sup>1</sup>

The efforts of the international community, headed by the UN, for the adoption of a convention on the prevention and combating of terrorism have failed, which can be seen from the fact that the Rome Statute of the ICC does not include terrorism as a separate crime upon which this court would have had jurisdiction.<sup>2</sup>The European Union's fight against terrorism envisaged in the Treaty of Maastricht in 1992 and in 1997 under the Treaty of Amsterdam, so that member countries can develop joint policies in the fight against terrorism, where competence in matters of terrorism may shared between the EU and its member countries.<sup>3</sup> Members of the Council of Europe in Strasbourg on 27.1.1977 adopted the European Convention on Suppression of Terrorism, being aware of the growing number of terroristic acts and for taking effective measures to prevent such acts and the actors to not escape prosecution and punishment, and that extradition is a particularly effective tool to achieve this result. In Article 1 of the European Convention on Suppression of Terrorism, are counted criminal offenses which if committed in the territory of the Contracting States shall not be

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<sup>1</sup> [www.idmalbania.org](http://www.idmalbania.org) [Instituti për Demokraci dhe Ndërmjetësim](#). Çështje të sigurisë, fq. 45

<sup>2</sup> Ibid, fq.46

<sup>3</sup> Ibid, fq.48

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regarded as political offenses, as political offenses linked with a political offense or as an inspired political offense, and those are:

- Criminal offenses included in the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed in The Hague on 16 December 1970;
- Criminal offenses included in the scope of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal on 23/09/1971;
- Serious offenses directed against life, physical integrity or liberty of persons entitled to international protection, including diplomatic agents;
- An offense involving kidnapping, taking a hostage or serious unlawful detention;
- Offenses involving the use of bombs, grenades, rockets, automatic firearms, or letter or parcel bomb if this use endangers persons and
- Attempt to commit a criminal offense mentioned above or participation as co-author or as an accomplice of a person who commits or attempts to commit such an offense. <sup>4</sup>This legal mechanism established by international organizations and states, attempts to somehow be able to prevent terrorist acts, although the company is very difficult to achieve such a thing, but at least by incriminating acts such as international conventions also in national legislation, perpetrators of such acts are responsible to be punished. Worldwide public opinion constantly witnessed various attacks that occur around the globe, those kind of acts that include a local area or a larger space. The international community is engaged constantly to detect and prevent such acts and terrorist attacks, but one thing is unfortunately very difficult and sometimes even impossible, because of the reason that comparing to the past, the options offered using technical and technological tools are very sophisticated and which normally are intended to improve the welfare of people, but unfortunately such discoveries are misused to achieve criminal goals. Mainly developed countries have extremely sophisticated methods of state security with the aim to protect citizens from possible terrorist attacks. States in the modern world live with the anxiety and fear that they might be the target of terrorist attacks, which is the purpose of the Confederates who carry out such acts, to put fear and uncertainty in the broader public.

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<sup>4</sup> Konventat Evropiane për shtypjen e terrorit, Përmbledhje aktesh ndërkombëtare për drejtësinë, Botim i qendrës së publikimeve zyrtare, Qershor 2010

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In literature and in everyday there are mentioned many causes, circumstances and factors which different criminal Groups see them as reasons to undertake terrorist acts. An act of terrorism can be carried out in the context of war and may be considered as a serious offense, as a serious violation of the laws of war, an act of terrorist violence may be the primary purpose use as a propaganda tool of communication in order to impress a particular audience; the use of terrorist violence and its interpretation as a sacrifice for religious purposes, whereby terrorist intends to sacrifice innocent civilian lives for their purposes and themselves as martyrs.(Hide, Tirane 11). All the above mentioned forms are forms that are actually used by different terrorist groups at different times and spaces around the globe. Generally, terrorism is a very dynamic phenomenon, which varies according to the trends in the use of terrorism, by what terrorism changed in parallel line with the instruments of violence and communication, making it to change to the context in which it operates. (Hide, Tirana, 11).

In theory are mentioned several reasons which push certain criminal groups to undertake terrorist acts such as: revenge and retaliation, intimidation and disorientation, requirements or political blackmail, propaganda for the introduction of fear and directing attention in a certain direction, martyrdom through suicide operations as a path to spiritual liberation, the use of various terrorist acts in order to eliminate the opposition or opposing forces etc. (Hide, Tirana, 11). The range of objects that can be the target of terrorist attacks is very broad, but usually as often attacked in practice are presented to us those objects which are attended by a large number of people, in order to incurring a maximum number of great loss of lives and considerable material damage.

Even regarding to subjects that can be presented as potential perpetrators of terrorist acts, the range is very broad and difficult to categorize in one or two groups. However, researchers have tried to make a categorization of groups in ethno-nationalist, separatist or irredentist, racist groups and right extremism, revolutionary groups, the left and anarchist extremism, state terrorist actors, criminal organizations that use terrorist tactics, groups specific causes etc. (Hide, Tirana, 15-16). Besides terrorism conducted by certain individuals and criminal groups, we also state terrorism carried out by the holders of state functions. For the form of state terrorism is hesitated to talk too much because the actions undertaken by holders of state functions can manifest in any of the forms of terrorism, but when they

carry the seal itself supposedly to protect national interests, which they often hid from countries through a powerful propaganda media, the victims of these acts too many times are convicted as criminals.

Therefore this form of terrorism is even more dangerous because it is performed by an apparatus of physical force which is well organized and the possibility that these acts are covered and their perpetrators to escape responsibility is very great.

## **2. The production and put into circulation of narcotics and psychotropic substances**

The international system of drug control is based on three United Nations conventions related to drugs and that the Single Convention on Narcotic Drugs of v.1961, the Convention against illicit traffic in Narcotic Drugs and Psychotropic Substances v. 1971 and the Convention against illicit traffic in narcotic drugs most often and psychotropic substances v. 1988, which enjoy almost universal adherence and restrict the use of several hundred psychoactive substances for medical and scientific use. The abuse of these substances, and mainly of opiates including heroin, cannabis, cocaine and crystallized cocaine and amphetamine-type stimulants (ATS, ecstasy, amphetamines and other synthetic stimulants), is an important global issue. <sup>5</sup>Production and putting into circulation of narcotics and psychotropic substances is a global problem with consequences in many fields ranging from health to organized crime. Drug addiction is a widespread and very dangerous socio-pathological occurrence, from which modern society is suffering serious consequences with a balance of hundreds of dead and sick anywhere in the world. (Kambovski, 1998.281).The use of intoxicating drugs and psychotropic substances causes considerable mental and healthy damages, in many cases with fatal consequences. Most of the users are young people who can more easily fall under the influence of intoxicating drug smugglers and psychotropic substances which to achieve their goals of material benefits, infringe on any value undermining the lives of many young people across the globe, who are victims of these criminal minds and broken. Generally intoxicating drug trafficking and psychotropic substances is one of the black markets which derives most revenue, which states that the

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<sup>5</sup> Raporti mbi situatën CARPO, fq. 21

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annual revenue from this trafficking ranging between 300 and 500 billion dollars. (Kambovski, 1998.281). The international community has long been suffering from trafficking in drugs and psychotropic substances. Drug trafficking has existed long ago especially opium. Arabs were the ones who brought opium through Persia to India and China, but it also cultivated by the Egyptians, Assyrians, Greeks and Romans.(Malekian,1991,133-134) In the past centuries around the years 1850-1900 opium trade expanded mainly by the British, the French, Germans and Portuguese. There was some tendency to limit the trade, but such a thing was difficult to realize and the reason that the states did not want to do such a thing was because opium trade was a lucrative business. On the international scene until sometime in early 1900-1912 it did not have any international convention which would limit the opium trade. There were several bilateral and multilateral documents between states which were not effective. (Malekian, 1991.133-134). The international community to prevent the cultivation, production and trafficking narcotics and psychotropic substances and for the purpose of accountability and sanction of these drug traffickers, has adopted a number of international conventions on this issue, such as the International Opium Convention, Hague, v1912; Convention for the suppression of production, domestic trade and willing to use opium adopted in Geneva in 1925; International Opium Convention, Geneva, 1925; International Protocol Opium Convention, Geneva, 1925; Convention for limiting the manufacture and regulating the distribution of narcotic drugs, Geneva 1931; The agreement for the printing of smoking opium, Bangkok, 1931; Convention for the suppression of illicit trafficking in dangerous drugs, Geneva, 1936; Protocol amending the Agreement, Conventions and Protocols on Narcotic Drugs, adopted in The Hague in 1912, Geneva 1925 and 1931 in Bangkok in 1931 and in Geneva in 1936; Protocol brought under international control drugs outside the scope of the Geneva Convention of v.1931, for limiting the production and regulation of the distribution of narcotic drugs amended by the Protocol signed at Lake Success, New York in 1946 and Paris 1948; Protocol for limiting and regulating the cultivation of red as well as the production and the use of opium, New York, 1953; Convention on the Territorial Sea and adjacent areas, Geneva, 1958; Single Convention on Narcotic Drugs, New York, 1961; Convention on Psychotropic Substances, Vienna, 1971; The only Protocol of the Convention to narcotic drugs, Geneva 1972; Convention on the Law of the Sea, Montego Bay, 1982 and the United Nations Convention on illicit trafficking

of narcotic drugs and psychotropic substances, 1988. (Malekian, 1991.137-138). Usually the production and circulation of narcotics and psychotropic substances are related to criminal organizations, which exist in almost every country of the world, organizations which are well organized, with a large number of members, with a hierarchy and internal functioning laws. These organizations are also utilizing the advantages of the techniques and technology for the delivery of drugs, doing it in such a sophisticated way that it is almost impossible to be investigated and disappear. Investigation and discovery of these traffickers becomes even more difficult when they are done in cooperation with certain government structures of the state.

Trafficking narcotic substances although fought by means of different methods whether by states or international organizations, it is very difficult to prevent, investigate, discover or combat because it is transnational crime with global reach whose branches cannot leave without touching any corner of the world. Closely associated with drug trafficking is money laundering, namely the goal of traffickers who earned money from drug trafficking to reinvest in legal businesses, which intended to use many different methods. Modern society is suffering from this negative socio-pathological phenomena, and the results of preventing or at least reducing it are too pessimistic despite the fact that the same is fought with a high intensity as in the national and in international levels.

### **3. Cybercrime**

The rapid development of technique and technology, and thus the information and computer technology, therefore, carry the very best that are very useful to the man in the modern world and that human lives have perfected and made it more easy. However, such a thing has a flip side of the coin for discoveries and such achievements are often misused and could easily be used for realization of criminal purposes. Despite numerous efforts by different authors for determining the definition of cybercrime, so far there is no universally accepted definition. This form of crime, unlike other forms, it still presents a comprehensive phenomenon and it is only a general form through which are presented different types of criminal acts, as well as additional difficulties in the definition of cybercrime, it represents the diversity of forms

through which it appears and the speed with which it spreads. In general, computer crime and criminality means being performed via the computer or when the computer is the target of committing the criminal act, (Dimitrijevic, Slideshare, I-II) which is a general and superficial definition because in itself it does not include all forms of possible surface appearance of this phenomenon, which as mentioned above is very complicated and as a result of this, technology is perfected constantly and with this also the criminal forms which can be completed. Cybercrime counts as the latest modern time- type of criminality (Dimitrijevic, Slideshare, I-II) where some authors the beginnings of presenting Cybercrime relate it with self development of digital electronic fields of life, from where began the misuse of the money with the help of computers. (Bjelajac, Dasic, Spasovic, 2011, 568).

Regarding to the beginnings of presenting Cybercrime ,opinions state that the misuse exists from an earlier time , in the early twelfth century, ie when they were presented by the first comptroller mechanics. (Bjelajac, Dasic, Spasovic, 2011, 568). Human society these technological equipments has greatly incorporated them in all spheres of social life and nowadays it is difficult to imagine the functioning of people without these devices, because we all somehow have become addicted to such devices . And therefore each of us, or various institutions and countries at any moment can become the target of cyber attacks and victims of various computer abuses. State and private institutions, different agencies use advanced communications and information technology, for better functioning, the progress of the tasks and functions of each institution. Today's citizens believe the information systems and information security, which deals with personal data such as passport and ID card for deposits and payments,vote etc . (Beka, Dures, 6). Therefore both citizens and state organizations can easily fall prey to cyber attacks, which can suffer significant damage. As a result of this, countries in general have created a national strategy for the protection of national strikes of its own citizens as well as state institutions, which can be different depending on the real needs of the state as well as being based on personal experiences or other entities which are faced with such attacks.

Every day we are all witnesses of cyber attacks that occur throughout the world. Given the damage that can be caused by attacks on information systems and the international community is committed to prevent such crimes through the application of preventive and repressive measures. Preventive measures relating to undertake various activities in order to

detect the resources, conditions, circumstances or omissions related to the unauthorized use or misuse of computers. (Dimitrijevic, Slideshare, VII). Also to fight cybercrime very important are the national criminal legislation and its harmonization with international and regional conventions on cybercrime, strengthening the legislation of data protection in accordance with international and European standards, the creation of specialized units within the criminal justice authorities to detect and combat cybercrime, training of law enforcement authorities not only to investigate computer crime but also in the implementation of legal provisions adequately, financial investigations and prevention and control of fraud and money laundering on the Internet, cooperation between local law enforcement and internet service providers, more efficient cooperation regionally and internationally.<sup>6</sup> Only through applying the strategies and stringent preventive measures and repression by state governments can be fought and prevented this criminal phenomenon somehow very dangerous with long-term negative consequences.

#### **4. Environmental Crime**

The damage and destruction of natural goods made by many entities who not only damage people's physical health but also cause long-term harmful consequences that endanger the existence of people on earth. Conducting ecological criminal acts and their incrimination as criminal action aimed at preventing and combating this damaging phenomenon of the latest new time. Public opinion has become later aware of the need for the protection of natural goods that is continuously destroyed by human hand for the purposes of one or several personal benefits and for economic purposes. The problem of conservation and environmental progress is raised as an all humankind problem, because no country individually has no independent ecological system, thus the harmful substances released into the atmosphere and their effects strike not only a limited circle, but spread and operate much beyond ,passing geopolitical boundaries. (Gruda, 2007.447). Within the general crime, ecological crime is considered as a substrate harmful action on the environment, l crime,

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<sup>6</sup> Projekt i përbashkët BE/KE për bashkëpunimin rajonal kundër krimet kompjuterik miratuar nga Takimi i ministrave dhe zyrtarëve të lartë të Ministrive të Brendshme dhe të Sigurisë, të Ministrave të Drejtësisë dhe shërbimeve të Prokurorisë të vendeve dhe rajoneve pjesëmarrëse në Projektin Cyber Crime @IPA (Shqipëria, Bosnja Hercegovina, Kroacia, Mali i Zi, Serbia, IRJM, Turqia dhe Kosova, Dubrovnik, Kroaci, 15 shkurt 2013)

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ecological crime substrate calculated as a harmful action on the environment, which in the course of development of society is a component of the newly-crime, directed against human-environmental values, which in the set of values that social community preserves they take even more values, because such ecological values are a prerequisite for survival on earth not just for certain individuals but also for the existence of the human species in general. (Milosavljevic, 2009). Protecting the environment is a serious problem with human society is facing. As a result of the rapid development of technique and technology, resource utilization and application of new and powerful energy, the construction of the large number of industrial facilities, the creation of large urban environments, have brought highlighting pollution of the resources of the world's natural living. (Bjelajac, Dasic, Spasovic, 2011, 568). The problem of environmental using and conservation is actualized initially in developed countries due to the ruthless and uncontrolled exploitation of natural resources, and during the application of new technologies, followed by developing countries, which because of the poverty and backwardness, their natural wealth have been exploited from developed countries. (Gruda, 2007.448). In terms of saving the environment general and regional states and international organizations, governmental or non-governmental character as the United Nations, Council of Europe, NATO, KIVER, specialized institutions, scientific institutions in the field of biology, medicine chemistry, hydrology, technology, economics, law, etc. they have begun to analyze, to propose and take measures towards protecting the environment and in order to cope with the rapid technological developments, such similar applications, demographic explosion, which seriously damage the environment. (Gruda, 2007.448). The need to preserve and protect the environment, ie awareness of the international community to build international strategies and undertake preventive and repressive measures towards the protection of the environment has begun to intensify somewhere in the sixties where in 1968 the United Nations. The need to preserve and protect the environment, ie awareness of the international community to build international strategies and undertake preventive and repressive measures towards the protection of the environment has begun to intensify somewhere in the sixties where in 1968 the United Nations decided to convene the first conference for the protection of the environment in which it adopted a series of statements, resolutions, recommendations, etc., which simultaneously provide the basis for the initiation, development and intensification of actions for the preservation and

improvement of the environment. (Kambovski, 1998.293) As a result of an international awareness for incrimination and sanctioning of actions that damage the natural benefits, have been approved several of conventions on this issue as the Convention for the protection of the sea in 1954 , the fuel pollution and the Convention on the open sea in 1958, whereas the right to a healthy environment is filed in basic natural rights in all contemporary documents of the human rights, only in recent decades have been approved over one hundred multilateral documents (Kambovski, 1998.293 ) with which are regulated many issues dealing with the issue of preserving the environment by damaging various factors. In the fight against ecological crime most of the states except they have implemented international conventions in their legislation or in any form they respect and implement such rates, those in the national criminal legislation incriminate actions against the environment as special criminal acts which are sanctioned by domestic legislation.

### **5. Economic Criminality**

Economic crime is a criminal-legal category, whose notion is not clearly defined in theory. Regarding the notion of economic crime there are more definitions given by different authors, which mainly are to be determined by socio-economic circumstances prevailing in a given country. So a group of authors think that economic crime are the actions or behavior of the natural or legal persons that cause social risk and harm the new social policies and economic; another group of authors think that economic crime is characteristic attack on the organization and functioning of the economic system; another group economic crime considers incriminating attacks in the overall economic system ; and a group of authors are of the opinion that the essence of economic crime offenses is related to damage caused to property in the performance of economic activities. However, in general regarding the definition of the notion of economic crime in most countries it is determined by the legal provisions contained in laws or penal codes of countries, because the majority of modern criminal law with their criminal legislation have incriminated and sanctioned actions indicating the economic criminality. The phenomenon of economic crime is a negative social phenomenon which is carried out by people who have a certain degree of professional economic knowledge and who enjoy certain positions in the economy and payment operations who through the use of positions and given authorizations, benefit large material

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funds, causing damage to the state budget and people in general. (????). Upon the recommendation of the Council of Ministers of the Council of Europe, as offenses that are part of economic crime counts: 1. Criminal acts with cards; 2. Fraud and abuse of economic situation by multinational companies; 3. cybercrime as identity theft and disrespect for the confidentiality of data; 4. Fraud related to embezzlement and misuse of national and international grants; 5. false national firms; 6. Falsification of balance sheets of legal and accounting offenses; 7. fraud concerning economic situation and corporate capital of companies; 8. Failure to comply with the standards for health insurance and employee retention; 9. Fraud to the detriment of creditors as bankruptcy and failure of banking or industrial rights; 10. Consumer fraud; 11. Illegal competition; 12. Fiscal delicts; 13. Customs delicts; 14. Delicts regarding control of money and market 15. Scholarships Delict. (????). Actions that take part in economic crime, except that they cause considerable material damage when they are undertaken on the territory of a state, this crime more and more takes international dimensions as a result of economic cooperation of many physical and legal entities by which the possibility of attack is even large. The international community aware of the fact that economic crime poses a threat to their economy and hence for democracy states, issuance of legal provisions for combating economic crime is a crucial factor for the prosperity and welfare of all citizens. Different organizations and international institutions have adopted a number of agreements, conventions and recommendations dealing with the economic crime, such as: United Nations Convention against transnational organized crime, the Council of Europe Convention on money laundering, debts, blocking and confiscation of revenue from crime in 1990, the European Union Convention on the protection of the financial interests in 1995 OECD Convention on combating bribery of foreign public officials in international business transactions, the European Union's Directive on prevention of the use of the financial system for money laundering purposes in 1991 Interpol Resolution on money laundering in 1995 etc. Despite the commitment of countries and international organizations in the areas of legal incrimination of actions constituting economic crime it is necessary to build strategies with the more effective measures to combat economic crime because due to some specifics that characterize economic crime, it is difficult to detected and combated, and consequently to this type of crime is present a high degree of "dark number" of intelligence and investigation.

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