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THEMATIC CONFERENCE PROCEEDINGS OF INTERNATIONAL SIGNIFICANCE



INTERNATIONAL SCIENTIFIC CONFERENCE

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# COUNTER TERRORISM AND MIGRANT CRISIS IN CONTEXT OF CRIMINAL LAW COOPERATION BETWEEN COUNTRIES OF THE REGION<sup>1</sup>

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**Abstract:** The Western Balkans is a region that is at the same time one of the migrant routes from the war-affected areas to the EU countries. Recent decades in the world have seen an increase in the number of terrorist attacks, which culminated in the attack on the Twin Towers of the 9/11 in the United States. In major cities across Europe, there has been a series of bombings and other attacks, particularly with the onset of the major migrant crisis in 2015. Armed conflicts in the areas of North Africa and the Middle East are still the main generator of the refugee wave, with new terrorist attacks. Although the increase in the number of attacks and migration leads to the link of research, they say the opposite. An effective counter terrorism and the elimination of the consequences of an attack implies, at the same time, the reaction of states on the national level, as well as international criminal law cooperation between states and organizations at the regional and global level. In the first part of the article, the authors briefly referred to the (un)defined notion of terrorism, then examining migration on the route of the Western Balkans and ultimately pointed to the legal and institutional mechanisms of criminal law cooperation of the countries of the Region in counter terrorism.

**Keywords:** Western Balkans, EU, terrorism, migration, criminal law cooperation.

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## INTRODUCTION

Armed conflicts in the countries of North Africa (Libya, Eritrea, etc.) and the Middle East (Syria, Yemen, Afghanistan and Iraq) were a generator of the refugee wave, with which, in addition, there are new terrorist attacks. Since the 1990s, it has been known that extreme and radical preachers of jihad appear among asylum seekers from the Middle and Far East countries. Notable examples included Abu Qatada in London, Sheikh Anwar al-Shaban in Milan, Abdul Rahman Ayub in Sydney and Mullah Krekar in Norway. Fears that terrorists are deliberately infiltrating refugee flows further escalated in the wake of the November 2015 terrorist attacks in Paris. At least two of the attackers are believed to have entered the European Union via Greece, posing as asylum seekers (Mullins, 2016:24). In response to terrorist attacks and the elimination of their consequences, not only was the reaction of the states on the national plane, but also the international criminal-law cooperation between states and organizations at the regional and global level. The Western Balkans is a region on the route of migrant path from the war zones to the developed countries of the EU, so the mutual cooperation of the states is an imperative of the survival and development of a modern society. In addition to criminal cooperation between states, cooperation between security services, border police, non-governmental sector in the exchange of actionable intelligence on migrants is also necessary from the aspect of proactive action in combating the emergence of terrorism.

Historically viewed terrorism occurs as a human civilization, even before Christ's birth, when the assassinations of political figures of that time were glorified. Attacks in Persia and Assyria, occurring during the 11<sup>th</sup> century, caused fear and panic throughout the Islamic Empire. During the French Revolution in the 18<sup>th</sup> century, Robespierre used terrorist tactics to destroy a large part of the French aristocracy, about 40,000 people, most of which ended up on the guillotine (Jovanović, 1990:139). The first terrorist act can be considered the murder of the tyrant Athena Hiparh, in 514 BC carried out by Harmody and Aristogeoton, who have since become the first Republican *martirers*. During the American Revolution, terrorism was being used against the British and their sympathizers in the ranks of the colonists. In the late decades of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup> century, in Tsarist Russia we recorded terrorist activities. Most of the terrorist groups that existed during the first half of the 20<sup>th</sup> century were guided by the idea of the liberation from colonial slavery, that is, 'the struggle for national liberation'. Since the end of the WW II, terrorism has become an important factor in subversive activity in many newly formed states (Živaljević, Jugović, 2014:86-87).

Serbia was also exposed to continued terrorist activities after WW II by various terrorist organizations, especially anti-Yugoslav immigration, and more recently targeted by Albanian terrorist organizations, which destabilized the security situation in Serbia and the region. The additional complexity of the situation in Serbia was inevitably influenced by the migrant crisis, which demanded great efforts in engaging additional resources of the security and police services (human, financial, material, technical, etc.). By the end of the 1960s and early 1970s, terrorism was mostly talked about as the problem of the internal security of the states in which it emerged. Sometimes terrorist attacks had a wider regional character. However, by increasing the number of terrorist attacks and the number of victims of these actions, then using the Internet and social networks for the needs of terrorists, terrorism is increasingly being talked about as a global problem of civilization.

Until the 1970s, terrorism was seen as the work of individuals and small groups and insisted on the establishment of bilateral relations, and in that sense the obligation of states to deliver the perpetrators of a terrorist attacks to a state affected by the act, and later, under the auspices of the United Nations (UN) and the Council of Europe (CE), creates a somewhat broader and more comprehensive system of norms for the suppression of terrorism, in which

it does not insist on extradition, but also on the obligation of states that they will not in any way help and support terrorism (further readings in: Dwigans, Schmitt, 2011:86-102).

## REVIEW OF THE APPREHENSION AND CHARACTERISTICS OF TERRORISM

The term 'terrorism' originated during the French Revolution (1789-1799). Those who advocated the revolution and by its realization sought to establish the order of terror, which was most commonly realized in the period from 1793 to 1794, were marked by English theoretician Edmund Burke as terrorists. Crenshaw & Pimlott give four views to terrorism: 1) academic (theoreticians and scholars); official (Government and their institutions); 3) public view (attitudes of citizens and community) and 4) terrorists' view (Crenshaw, Pimlott, 2015:16-20).

There is no consensus on the definition of terrorism among scholars and terrorism researchers (See Ramsay, 2015:211-228; Krstić, 2016:288-301). There are numerous definitions of terrorism in the literature, depending on the authors, legal (law) schools and the socio-political system from which they originate. Definitions can be divided into general (doctrinal, political), specific (criminalistic) and mixed (Milošević, 1988:337-347). It is interesting to note that in the US, every law enforcement agency dealing with the problem of terrorism has its own definition (further readings: Schmid, Jongman, 1988:32-33). Terrorism is broadly defined as politically motivated violence perpetrated against non-combatant targets by sub national groups or clandestine agents (Perl, 2010:31). If the international community could agree upon a legal definition of acts of terrorism as a 'peacetime equivalent to war crimes' a more uniform treatment of terrorists would become possible (Crenshaw, Pimlott, 2015:16-21). In foreign literature the most mentioned is the definition by which terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-)clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby – in contrast to assassination – the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperilled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought (Schmid, Jongman, 1988:28). The greatest number of definitions of terrorism and appearance forms include elements of violence (method), citizens and government (goals) and provoking fear and deregulation of political or social changes (goals) (Božić, Nikač, Leštanin, 2017:591).

From the perspective of law enforcement agencies, the most important definition is the definition listed in the legal acts of a state or an international organizations (EU, UN, OSCE and similar). In addition to the actions covered by the Hague and Montreal Conventions, the European Convention on the Suppression of Terrorism, terrorist acts are implied, and those acts that can be assessed as a serious offence involving an attack against the life, physical integrity or liberty of internationally protected persons, including diplomatic agents; an offence involving kidnapping, the taking of a hostage or serious unlawful detention; an offence involving the use of a bomb, grenade, rocket, automatic firearm or letter or parcel bomb if this use endangers persons; and an attempt to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence (European Convention on the Suppression of Terrorism, 1977)<sup>2</sup>. Observing the region of the

<sup>2</sup> Ratified by the FRY and published in the Official Gazette-International Treaties No 10/01

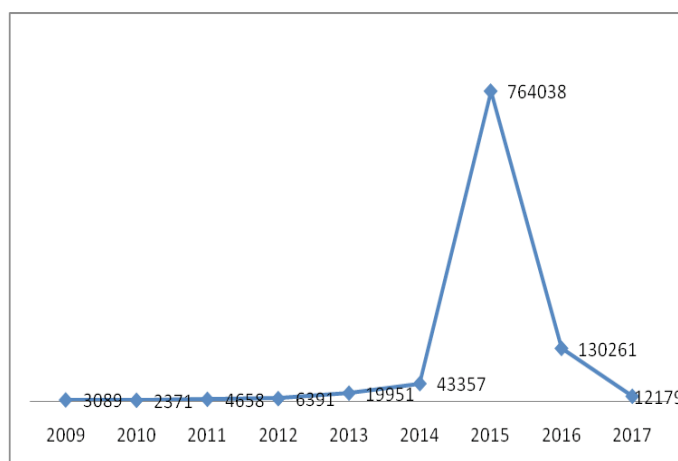
Western Balkans, all countries in their legal acts regulating crimes have prescribed a set of felonies pertaining to terrorism.

*The elements of terrorism are fear, violence, goals and motives.* The most important element is fear as a psychological phenomenon aimed at disturbing citizenship and challenging public reaction. Violence implies the use of physical force or serious threats with the aim of causing injury and is a basic method of terrorist behavior. Terrorist targets are primarily political and are about to lead to political changes through violence. Reasons for the execution of terrorist acts are different, today there are ideological motives closely related to political goals (Božić, Nikač, Leštanin, 2017:590).

The main characteristic of terrorism is that terrorist acts are with primary political goals, while assets that use terrorists are essentially criminal (Nikač, 2015:55-63). The political component of terrorism, which often serves as a ‘weapon’ for resolving political disagreements and contradictions in a society, tells us that contemporary state relations are far from being able to resolve conflict situations in a way that is defined in the international community under the cover of declarations, charters and conventions (Krstić, 2015:3012). Most authors who have studied the phenomenon of terrorism believe that the political component is one of the essential elements of terrorism. This can be seen in bilateral agreements, then in the legislation of many countries, as well as in the documents of repressive state authorities (Gaćinović, 2015:171). We conclude that terrorism is undoubtedly one of the most severe manifestations of political crime and one of the greatest dangers in contemporary society.

## MIGRATION AND WESTERN BALKANS COUNTRIES

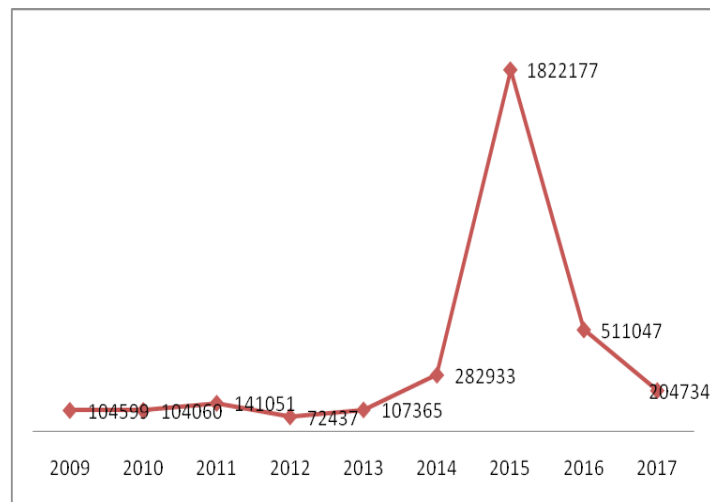
Migration and migrant flows have been known since ancient times because people have always sought better resources (water, hunting grounds, etc.), a better standard of living, generally speaking a better life. In the context of this article, migration can be understood as a process of moving from one place to another that should become central to its life activities, i.e. professional, economic, cultural, religious, social and other relationships.



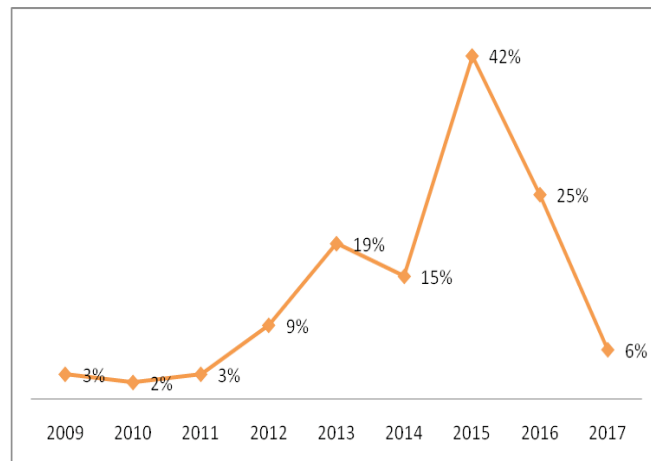
**Chart 1:** The number of illegal EU border crossings - route “Western Balkans” (Source: Frontex<sup>3</sup>)

<sup>3</sup> <https://frontex.europa.eu/along-eu-borders/migratory-map/> accessed 25.05.2018.

As we have already mentioned, the main causes of major migration towards the EU are war conflicts on the territory of North Africa and the Middle East, as well as poverty in those regions, because it is in the nature of man to avoid accidents or any cause to endanger security (see: Simeunović, 2017:32-35; Lečić, 2017:97-102). According to the main indicators, the problem of migration decreased during 2017 compared with the previous period. The most critical year was 2015, when it was the largest influx of migrants in general (Chart 2) and on the route 'Western Balkans' where Serbia is located (Chart 1).



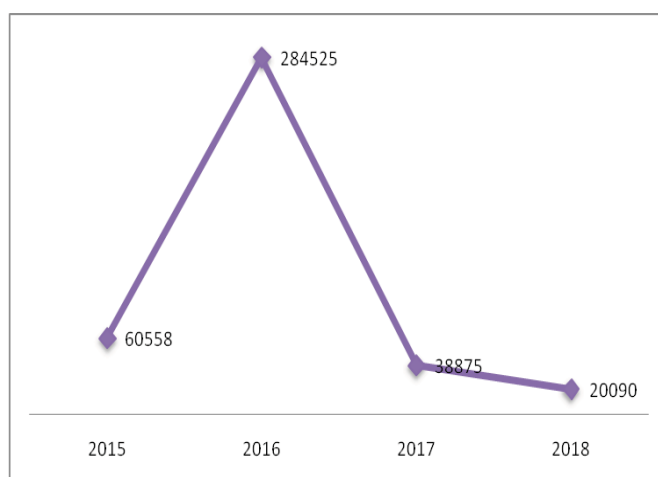
**Chart 2:** The total number of illegal EU border crossings (Source: Frontex)



**Chart 3:** Participation of the route "Western Balkans" in the total number of illegal EU border crossings (Source: Frontex)

As we can see from the presented data, the tendencies of illegal crossings of the EU border on the route 'Western Balkans' fully correspond to the tendencies we see in the total number of illegal crossings of the EU border on all routes (sea and land borders of the EU). What

has to be noted is that as early as 2012, the 'Western Balkans' route is gaining in importance because there is an increase in participation in the total number of illegal crossings of the EU border. Like all other indicators, the highest participation is recorded in 2015 when 42% of the total number of illegal crossings was made on the 'Western Balkans' route (Chart 3). In 2016 and 2017, the participation of the route 'Western Blakan' marked a significant decline as a result of the EU-Turkey agreement on the closure of the migrant route in Turkey.



**Chart 4:** The total number of illegal crossings to the EU borders for the first three months of the last four years (Source: Frontex)

Comparing in 2018, the total number of illegal crossings of the EU border has marked a significant drop compared to previous years. The more critical period was in the first three months of 2016 when the highest number of illegal crossings was recorded (Chart 4).

Freedom of movement and the right to protection (asylum) are human rights that are inviolable and guaranteed by both international and internal normative legal acts. Adding to this the great openness and democratic mentality of the states of the Western world as well as wealth, then it becomes clear to us why migrants choose to go to those countries. According to Eurostat data (Asylum statistics<sup>4</sup>), the majority of asylum seekers themselves come from Syria, Iraq and Afghanistan who are also affected by war, but at the same time the countries in whose territory the Islamic State (IS) operates, which can use migrant routes for sending their fighters and carrying out terrorist attacks. In 2015, the EU received over 1.2 million applications for asylum (first-time applicants), which is more than double the number in 2014. Germany, Hungary, Sweden and Austria received about 2/3 EU applications for asylum in 2015, while Hungary, Sweden and Austria are the largest recipients of asylum requests per capita (Asylum statistics).

The countries of the Western Balkans, excluding Croatia, are not the members of the EU yet and thus do not represent the ultimate destination of migrants, but only the transit area. At the same time, this is a problem for these countries given the border with the EU where illegal border crossings are very pronounced, as well as the fact that they are not part of Frontex<sup>5</sup> which would make their work with migrants considerably easier. Therefore, they must

<sup>4</sup> Available at [http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics) accessed 14.05.2018.

<sup>5</sup> Frontex is the acronym of French title *Frontières extérieures* and represents the European Agency for Border and Coast Guard, whose task is to promote, coordinate and develop the management of the

have intensive cooperation with all EU agencies responsible for migration affairs in order to promptly take appropriate measures. In addition to the IS fighters infiltrated among the refugees, there may also be a process of radicalization and recruitment during migration through the presentation of content through a mobile phone, tablets, sharing of publications, but also through a 'live word' or the preaching of 'extreme' imams. If we have in mind that 82% of asylum seekers in the EU are under 35 and that 52% are men the Western Balkans present the EU's 'last defense' from the wave of migration and hence terrorism (Asylum statistics). In order to prevent radicalization and recruitment processes on the migrant route, the law enforcement agencies together with the NGOs must conduct detailed interviews with migrants to 'open their hearts and souls' and get relevant information on the appearance of terrorists among refugees. This is a great challenge, bearing in mind the religious beliefs, culture, mentality and other character traits of each migrant (as dictum says '*One man's terrorist another man's freedom fighter*').

Historically observed large migrations and terrorism are in some way linked (see in: Lečić, 2017:108), but refugee terrorists are an exception to the rule. There is a very small number of jihadist terrorists operatively working in the West. Those who came as refugees do not have to be involved in terrorism before they arrive until there is evidence of 'sleeping cells' (Mullins, 2016:25). It should be noted that, taking into account the research (see: Ellis, Pantucci, Zuijdewijn, Bakker, Smith, Gomis, Palombi, 2016:33-41), the likelihood of increasing terrorist attacks by *Lone Wolf Terrorists* (See Beydoun, 2018:1213-1244; Feldman, 2018:39-60) represent a much greater challenge for law enforcement agencies with regard to their characteristics (loneliness, lack of material nature of engagement, absence of support or/and communication with terrorist organizations, etc.). As a reason for this, we see the possibility of dissatisfaction of incoming migrants with life in Western Europe, the possibility of radicalization via the Internet, the functioning of right-wing organizations, the possession of military training, the availability of means of execution (weapons, explosives). It is therefore necessary that the countries of the Western Balkans, as so-called 'first action measures', carry out the identification and registration of migrants in order to record the data in a single database that can serve for further monitoring of security interests.

## INTERNATIONAL CRIMINAL LAW COOPERATION

The legal sources of international criminal law cooperation derive from the legal rules and the principles of international law and international relations established by the Charter of the UN and other documents that form the general legal and institutional framework of international criminal law relations. Forerunner of international cooperation institutional forms between states and police organizations were international conferences held in Frankfurt (1846), Brussels (1847) and Stockholm (1878) (Nikač, 2015:25). International police cooperation was intensified after the anti-archist conference in Rome in 1898, which followed a number of terrorist actions in the Europe. A special resolution was adopted at the conference, which envisages the establishment of national anti-anarchist units, while the international plan envisages the cooperation of police organizations and the exchange of information.

International criminal law assistance can be understood in a broader and narrower sense. In a broader sense, international criminal justice assistance includes any action or measure

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European external borders in accordance with the EU Charter of Fundamental Rights and the concept of integrated border management. The Agency also monitors border situations, helps border authorities to exchange information with member states, assess vulnerability to assess the capacity and readiness of each member state to face challenges at its external borders, including the pressure of migration. More available at <https://frontex.europa.eu/about-frontex/mission-tasks/> Accessed on May 14, 2018.



in progress, during and after the criminal proceedings of a state authority in order to achieve cooperation in a specific criminal matter (e.g. witness examination, evidence collection for the needs of the proceedings, transfer of criminal prosecution, execution of a foreign criminal conviction). In the narrower sense, international criminal justice includes only part of the legal aid and consists of providing assistance to competent foreign authorities during the course of the criminal proceedings. This type of aid is known in the doctrine as 'small' or 'primary' criminal justice assistance (Nikač, 2015:232). In operational terms, the international criminal cooperation of the states in the field of prevention and suppression of all forms of crime, is realized as: international judicial cooperation (criminal justice assistance) and international police cooperation (Gajić, Spasić, 2014:146).

Observing from the aspect of the quantity of international criminal justice cooperation, three forms of cooperation are distinguished: 1) *bilateral* - implies the exchange of information and contacts of liaison officers, representatives of states, departments and judicial bodies; 2) *regional* - i.e. operation on continents through the existing structures - CE, EU, EUROPOL, EUROJUST, Schengen treaty, the Organization of American States, etc.; and 3) *multilateral* - under which we mean acting through the existing organizations - INTERPOL, UN, OSCE, NATO and others.

The jurisdiction of a particular state to initiate the procedure of international criminal justice is determined on the basis of several principles that must be fulfilled: *the territorial principle, the citizenship principle, the universal principle, the protection principle and the personal principle*. The territorial principle implies that each state investigates perpetrators of felonies (in this case, terrorists) committed in the territory of that state, which is also provided for in the basic criminal legislation. The principle of citizenship means that each state has the inviolable right to prosecute its national who has committed the felony of terrorism in its territory, wherever it is. Under the principle of universal jurisdiction, the jurisdiction of a state is established regardless of the fact that a terrorist is not a national and is out of reach of state authorities, nor does the felony of terrorism have been committed on its territory. Observed from the aspect of the counter terrorism, piracy and international crimes in the theory and practice of international relations, this principle is very important because it is applied in the case of a terrorist in Afghanistan by the US. The main protagonist of the so-called 'protection principle' are the US and imply that there is a certain degree of threat to national security. 'Threat to National Security' is a very broad concept that makes this principle very controversial. The US, in addition to counter terrorism, have also been prosecuting drug cartel chiefs from Mexico and Colombia, for they believe that 'organized crime is jeopardizing US national security'. Responsibility for conduct abroad that hurts one of its citizens can be exercised on the basis of the principle of passive personality. The use of this principle, in the previous period of the line, is gaining increasing recognition in the case of terrorism (Dwigans, Schmitt, 2011:96). In particular, it is sufficient for a national of a particular state to be the victim of a particular felony or/and criminal proceeding abroad that his home state establishes jurisdiction for the commission of this felony. This principle applies in particular to the great powers that possess sufficient international authority and use diplomatic pressure to arrest and condemn the perpetrators of the crime.

In order to improve international criminal law cooperation, closer interconnection of Member States and the adoption of common rules in the field of criminal justice, the CE adopted the European Convention on International Legal Assistance in Criminal Matters, which established the following forms of assistance: a) court inquiries, b) delivering the judicial acts and files, c) access to the court of witnesses, expert witnesses and accused defendants, and d) delivery of data from court files (European Convention on Mutual Assistance in

Criminal Matters<sup>6</sup>). In addition to regular forms of assistance, the Convention also provides for some specific forms of international criminal justice assistance, such as providing information regarding (criminal) proceedings (Nikač, 2015:234). This information may also refer to the aforementioned information taken during the procedure for identifying and registering migrants who are malnourished in a single database to be used in a further (criminal) procedure.

Although the Convention has been ratified by all CE Member States, it has contributed to the unification of extradition law, however, it is important to draw attention to certain shortcomings: it prescribes the possibility of refusing the extradition of its own nationals and perpetrators of political crimes, leaving the regulation of the extradition procedure to national legislation, and provides for the possibility of reserving certain provisions of the Convention, which in practice led to the bilateralization of the Convention (Hržina, Rošić, Stipišić, 2012:845). From the aspect of the counter terrorism, the subject of discussion is precisely the possibility of refusing to provide criminal assistance if it is a political offense. Terrorism as a felony, as well as all other crimes that belong to a group of criminal offenses related to terrorism (aiding, financing, etc.) in most of the criminal justice systems are classified into political felonies. Therefore, countries that have a political interest not to cooperate in the counter terrorism have an excuse that is in accordance with the Convention. The possibility of placing reservations on certain provisions of the Convention also leaves a wide margin for countries that are latently helping and funding terrorist activities.

As a temporary solution to this problem may be bilateral agreements between states. Thus, the Republic of Serbia has concluded bilateral agreements with Austria, Italy, Turkey, Cyprus and Albania on cooperation in the fight against terrorism, including cooperation in the field of organized crime, the suppression of illegal trafficking in drugs, weapons, people and other forms of crime. The Republic of Croatia has the same treaties with other countries, which has concluded a large number of international agreements on cooperation in the fight against terrorism, organized crime and other areas with almost 40 different states (Božić, Nikač, Lešt-anin, 2017:594-595).

As a systemic solution, *de lege ferenda*, we see the complete abolition of the possibility of reserving to the Convention reservations by states in the course of accession and ratification, and in particular it concerns crimes in the field of terrorism, organized crime and corruption. Also, when it comes to political crimes, terrorism and all other crimes related to terrorist activities must be exempt from political connotation. In this way, it would become crystal clear which countries really and sincerely advocate effective counter terrorism, and which are only declaratively advocating this fight.

## CONCLUDING CONSIDERATIONS

Confronting terrorism as a global problem requires much more organized and broader social, political, normative determination and definition, but also determining the cause of its manifestation. The counter terrorism must be in accordance with internationally recognized principles and rules. Preventing and combating forms of terrorism as a pathological phenomenon cannot consist only of repressive methods and penalties, the operation of police or/and judicial authorities. More attention should be paid to the causes as well as to the prevention of this danger and include all segments of society.

Although individual cases of infiltration of the IS fighters among refugees or/and the conduct of terrorist attacks by migrants have been recorded, it cannot be noted that migration

<sup>6</sup> Ratified by the FRY and published in the Official Gazette-International Treaties No 10/01

will influence the increase in the phenomenon of terrorism in the Western Balkans. This can happen in the rest of the EU, but more as an individual act as a result of self-radicalization than as act organized and orchestrated by a terrorist organization.

In contemporary conditions, specialized authorities must reveal terrorist threats in preparation, through conspiratory penetration into terrorist organizations and groups, they learn about planning terrorist actions and their bearers. Terrorist organizations and groups can only confront the more mobile, more efficient, better trained and, above all, better informed specialized police/judiciary services. In addition, effective and permanent cooperation between law enforcement agencies (and judicial authorities), both with one another and with citizens, can lead to the identification of individuals who have been radicalized and their timely arrest.

Although countries are aware of the threat of terrorism and the necessity of an effective counter terrorism, they still 'jealously' guard the part of their sovereignty regarding the adoption of certain international rules and cooperation with other countries. In addition, we had the opportunity to see how EU member states behave in conditions of a migrant crisis (border closure, wall construction, human rights violations, etc.). In the future, states must give their full contribution in mutual cooperation through the exchange of *actionable intelligence* and other forms of international (criminal) cooperation.

## LITERATURE

1. Asylum statistics, Eurostat
2. Beydoun K.A. (2018) Lone Wolf Terrorism: Types, Stripes, and Double Standards, *Northwestern University Law Review Online* 112(5):1213-1244
3. Božić V, Nikač Ž, Leštanin B. (2017) Fight against terrorism in the European union and in the states of region, *Conference Proceedings „Impact of Changes in Operational Environment on Preparation and Execution (Design) of Operations“* (1):587-599
4. Gajić Z., Spasić D., (2014) Extradition and Police Activities Related to Foreign International Notices, *Bezbednost* 56(1):144-157
5. Gaćinović R, (2015) The Role of the Military in Combating the Terrorist Activities, *Vojno delo* 67(2):170-184
6. Dwigans D.L., Schmitt M.N. (2011) International Law and Counterterrorism. in eds. Harmon C., Pratt N., Gorka S., *Toward a Grand Strategy Against Terrorism*. McGraw-Hill, New York, p.86-102
7. European Convention on Mutual Assistance in Criminal Matters, 'The Official Gazette-International Treaties' No 10/01
8. European Convention on the Suppression of Terrorism, 'The Official Gazette-International Treaties' No 10/01
9. Ellis C, Pantucci R, Zuijdewijn JR, Bakker E, Smith M, Gomis B, Palombi S (2016) Analysing the Processes of Lone-Actor Terrorism: Research Findings, *Perspectives on Terrorism* (10)2:33-41
10. Živaljević D, Jugović A, (2014) Terrorism as Security Problem and Social Deviance, *NBP Journal of Criminalistics and Law* 19(1):85-96
11. Jovanović S, (1990) *Vođi francuske revolucije*, Sabrana dela, BIGZ, Beograd

12. Krstić M, (2015) International Police Cooperation in Service of Fight Against Terrorism, *Megatrend Review* 12(3):311-328
13. Krstić M. (2016) The Challenge of Defining the Contemporary Terrorism, *Vojno delo* 68(3):288-301
14. Lečić B, (2017) Current Migration to Europe and the Problem of Terrorism, *The Culture of Polis* 14(2):95-116
15. Milošević M, (1988) *Terorizam kao krivičnopravna kategorija*, Bezbednost 30(4):337-347
16. Mullins S, (2016). Terrorism and Mass Migration, *Per Concordiam* 7(1):23-29
17. Nikač Ž, (2015) *Međunarodna policijska saradnja*, KPA, Beograd
18. Perl R.F, (2010) *International Terrorism: Threat, Policy, and Response*, Diane Publishing
19. Ramsay G. (2015) Why Terrorism Can, but Should not be Defined, *Critical Studies on Terrorism* (8)2:211-228
20. Schmid, A., Jongman, A. (1988). *Political Terrorism, A New Guide to Actors, Authors, Concepts, Databases, Theories and Literature*. Transaction, New York
21. Simenunović D. (2017) Migration Crisis as Security Challenge for Western Balkan Countries-State in 2017 and Perspective, *The Culture of Polis* 14(2):31-56
22. Feldman M. (2018) Terrorist 'Radicalising Networks': A Qualitative Case Study on Radical Right Lone-Wolf Terrorism, in eds. Steiner K., Önnorfors A. *Expressions of Radicalization: Global Politics, Processes and Practices*, Palgrave Macmillan, Cham p.39-60
23. Hržina D., Rošić M., Stipišić Lj. (2012) Extradition Procedures in the Republic of Croatia-Practical Aspects, *Croatian Annual of Criminal Law and Practice* 19(2):843-868
24. Crenshaw M., Pimlott J. (2015) *International Encyclopedia of Terrorism*, Routledge, London
25. <https://frontex.europa.eu/along-eu-borders/migratory-map/> Accessed on May 25, 2018.
26. <https://frontex.europa.eu/about-frontex/mission-tasks/> Accessed on May 14, 2018.