ILLYRIUS

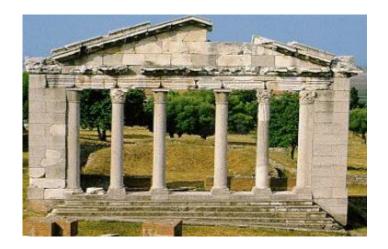




ISSN 2225-2894

International Scientific Review / n. 15 / (II-2020)

Scientific Review / Revistë Shkencore / Rivista Scientifica



Scientific Directors:

Ersi Bozheku – Giorgio Spangher

In collaboration with





Roma - Tirana - Prishtina

Illyrius International Scientific Review - ISSN 2225-2894

Scientific Review / Revistë Shkencore / Rivista scientifica

Scientific Directors / Drejtues shkencorë / Direttori Scientifici

Prof. Assoc. Dr. Avv. Ersi Bozheku

Professore Associato di diritto penale, Università di Tirana / Professore Associato di Diritto Penale, Università degli Studi eCampus / Direttore Esecutivo del Centro Studi, Alta Formazione e Ricerca Italo-Albanese del CEMAS "Sapienza" Università di Roma

Prof. Dr. Giorgio Spangher

Professore Emerito di Diritto Processuale Penale, "Sapienza" Università di Roma / Già-Preside della Facoltà di Giurisprudenza – "Sapienza" Università di Roma

Scientific Committee / Këshilli Shkencor / Comitato Scientifico

Italian Members / Antarë Italian / Componenti Italiani

Prof. Antonello Biagini

Professore Ordinario di Storia dell'Europa Orientale, "Sapienza" Università di Roma – Prorettore per gli Affari Generali, "Sapienza" Università di Roma

Prof. Dr. Avv. Alfonso M. Stile

Professore Emerito di Diritto Penale, "Sapienza" Università di Roma / Presidente Onorario dell'"Association Internationale de Droit Pénal" – Albanian National Group and Collective Members of Kosovo, united in AIDP – Albanian People Group

Prof. Dr. Avv. Antonio Fiorella

Professore Emerito di Diritto Penale, "Sapienza" Università di Roma

Prof. Dr. Avv. Andrea Castaldo

Professore Ordinario di Diritto Penale, l'Università di Salerno

Prof. Dr. Avv. Enrico Mezzetti

Professore Ordinario di Diritto Penale, Università degli Studi Roma Tre

Prof. Dr. Avv. Adelmo Manna

Professore Ordinario di Diritto penale, Università degli Studi di Foggia

Prof. Dr. Avv. Francesco Fimmanò

Professore Ordinario di diritto commerciale, Università del Molise

Prof. Dr. Avv. Lorenzo Picotti

Professore Ordinario di Diritto Penale, Università degli Studi di Verona / Vice-Presidente dell'"Association Internationale de Droit Pénal" – Gruppo italiano

Prof. Dr. Francesco Viganò

Professore Ordinario di Diritto Penale, Università Statale di Milano

Prof. Dr. Antonella Marandola

Professore Ordinario di Diritto Processuale Penale, Università LUM Jean Monnet di Bari

Prof. Dr. Avv. Giulio De Simone

Professore Ordinario di Diritto, Università del Salento

Prof. Dr. Avv. Nicola Pisani

Professore Ordinario di Diritto penale, Università degli Studi di Teramo

Prof. Dr. Giovanni Cimbalo

Professore Ordinario di Diritto Ecclesiatico, Università di Bologna Alma Mater Studiorum

Prof. Dr. Avv. Ali Abukar Hayo

Professore Ordinario di Diritto Penale, Università Nicolò Cusano

Prof. Assoc. Dr. Avv. Marco Gambardella

Professore Associato di Diritto Penale, "Sapienza" Università di Roma

Prof. Assoc. Dr. Luigi Cornacchia

Professore Associato di Diritto Penale, Università del Salento

Prof. Assoc. Dr. Cristiano Cupelli

Professore Associato di Diritto Penale, Università degli Studi Tor Vergata di Roma

Prof. Assoc. Dr. Avv. Nicola Selvaggi

Professore Associato di Diritto penale, Università Mediterranea di Regio Calabria

Prof. Assoc. Dr. Angelo Lalli

Professore Associato di Diritto Amministrativo, "Sapienza" Università di Roma

Prof. Assoc. Dr. Federica Botti

Professore Associato di Diritto Ecclesiastico, Università di Bologna Alma Mater Studiorum

Prof. Assoc. Dr. Fabio Piluso

Professore Associato di Economia degli Intermediari Finanziari, Università della Calabria.

Prof. Assoc. Dr. Andrea Carteny,

Professore Associato di Storia Europa Orientale, "Sapienza" Università di Roma / Direttore del CEMAS Sapienza Università di Roma

Prof. Assoc. Dr. Pasquale Bronzo

Professore Associato di Diritto Processuale Penale, "Sapienza" Università di Roma

Prof. Straord. Dr Avv.. Giuseppe Saccone

Professore Straordinario di Diritto Processuale Penale, Università "Pegaso" di Napoli

Prof. Straord. Dr. Marco Margarita

Professore Straordinario di Diritto Tributario, Università degli Studi eCampus

Prof. Straord. Dr. Roberto Russo

Professore Straordinario di Diritto Costituzionale, Università degli Studi eCampus

Prof. Aggr. Dr. Avv. Giovanni Stile

Ricercatore, Professore Aggregato di "Economia e Criminalità", Seconda Università degli Studi di Napoli

Prof. Aggr. Dr. Roberto Flor

Ricercatore, Professore Aggregato di diritto penale dell'Economia, Università di Verona

Prof. Aggr. Dr. Simone Manfredi

Ricercatore, Professore Aggregato di Economia Aziendale, Università degli Studi di Cassino e del Lazio Meridionale

Prof. Aggr. Dr. Marco Cilento

Ricercatore, Professore Straordinario di Sociologia. Direttore del Corso di Laurea in Cooperazione Internazionale e Sviluppo, Sapienza Università di Roma

Prof. Aggr. Dr. Gabriele Natalizia

Ricercatore, Professore Aggregato di Scienza Politica alla Link University – Roma

Dr. Redi Shtino

Già - Vice Ministro dell'Istruzione della Repubblica d'Albania

Cons. Luca Ramacci

Consigliere presso la Suprema Corte di Cassazione

Cons. Eugenio Selvaggi

Sostituto Procuratore Generale presso la Suprema Corte di Cassazione

Cons. Francesco Brugaletta

Magistrato del Tribunale Amministrativo Regionale (T.A.R.) di Catania / Presidente di Sezione della Commissione Tributaria

Cons. Rosario Aitala

Magistrato.. Consigliere del Ministro degli Esteri per le aree di crisi e la criminalità internazionale

Cons. Luigi Pacifici

Magistrato. Sostituto Procuratore della Repubblica presso il Tribunale di Tivoli

Cons. Valerio De Gioia

Magistrato. Giudice presso la Prima Sezione Penale del Tribunale di Roma.

<u>Albanian and Kosovo Members /Antarë nga Shqiperia dhe Kosova /</u> Componenti da Albania e Kosovo

Prof. Dr. Ismet Elezi

Emeritorius Professor of Criminal Law, University of Tirana / Honorary President of '"Association Internationale de Droit Pénal" – Albanian National Group and Collective Members of Kosovo, united in AIDP – Albanian People Group

Prof. Dr. Artan Hoxha

Full Professor of Criminal Procedure Law, Rector of University of Tirana / ex-Dean of Faculty of Law, University of Tirana

Prof. Dr Altin Shegani

Full Profossor of Crimina Law, ex-Dean of Law Faculty, University of Tirana

Prof. Dr. Skender Kacupi

Full Professor of Criminal Law, ex-Dean of Faculty of Law, University of Tirana

Prof. Dr. Kudret Cela

Full Professor of Criminal Law, ex-Dean of Faculty of Law, University of Tirana

Prof. Dr. Sokol Mengiesi

Full Professor of Criminal Law, Dean of Faculty of Law, University of Tirana

Prof.assoc. Klodian Skenderaj

Associate Professor of Criminal Procedure Law Faculty of Law, University of Tirana

Prof.assoc. Mirela Bogdani

Associate Professor of Human Rights, Faculty of Law, University of Tirana

Dr. Erjon Muharremaj

Docent of International Criminal Law, Faculty of Law, University of Tirana

Prof. Dr. Ragip Halili

Full Professor of Criminology and Victimology, University of Prishtina - Kosovo Prof. Dr. Bajram Ukaj

Full Professor of Criminal Law, Dean of Law Faculty, University of Prishtina – Kosovo / Honorary President of '''Association Internationale de Droit Pénal'' – Albanian National Group and Collective Members of Kosovo, united in AIDP – Albanian People Group

Prof. Dr. Mejdi Bektashi

Full Professor of Economics, Vice-Dean of Law Faculty, University of Prishtina – Kosovo Prof. Assistant Avni Puka

Assistant Professor of Criminal Law, Dean of Law Faculty, University of Prishtina – Kosovo / Vice-president of "Association Internationale de Droit Pénal" – Albanian National Group and Collective Members of Kosovo, united in AIDP – Albanian People Group / Executive Director of International Institute of Legal and Criminal Studies - IILCS

Editorial and Administrative Responsible / Përgjegjës per Botimet dhe Administramin / Responsabile per l'Editoria e l'Amministrazione

Mattia Romano – Sokol Skenderaj – Avni Puka

ISSN 2225-2894

Review of CESIAL – Italo-Albanian Center of Studies, High Formation and Researches of CEMAS "Sapienza" Università di Roma

Reviste e CESIAL – Qendra e Studimeve, Formimit te Larte dhe Kerkimeve Italo-Shqiptare e CEMAS "Sapienza" Universiteti i Romes.

Rivista del CESIAL – Centro Studi, Alta Formazione e Ricerca Italo-Albanese del CEMAS "Sapienza" Univeristà di Roma.

This review is published twice-yearly and adopts a **double blind peer review** procedure for evaluation ad acceptance.

Kjo revistë del në shtyp me një frekuence semestrale dhe përdor procedurat e vlerësimit dhe të pranimit **double blind peer review**Rivista avente periodicità semestrale che si avvale della procedura di valutazione e accettazione **double blind peer review**

Illyrius

International Scientific Review ISSN 2225-2894

Scientific Review / Revistë Shkencore / Rivista scientifica

n. 15/ (II-2020)

Index

Articles/Artikuj/Articoli

Prof. Assoc. Dr. Klodjan Skenderaj - Msc. Angelina Zhidro	
Theoretical and practical aspects of allowed readings accordin	g to
the Albanian Criminal Procedural Law	15
Prof. Aggr. Giovanni Stile Ph.D.	
Prof. Aggr. Giovanni Stile Ph.D. Rispetto della vita umana e inviolabilità della persona: rifless	ion

(Respect for human life and inviolability of the person: bioethical and bio-juridical reflections on the status of the embryo)
Henris Balliu LL.M - Ejona Bardhi Ph. D Anisa Angjeli Ph. D. Free Economic Zones
Irida Xheneti Ph.D. Cand. "Covid 19 as stimulus for a new multilateral Cold War, the role of the Balcan region countries and NATO in such a scenario"71
Ledia Hysi Ph. D. Cand. Le riforme in Albania e il ruolo dell'Unione Europea: una panoramica sui risultati raggiunti e osservazioni sulle cinque priorità chiave
Artili Mandro PhD. Cand. Guidelines of the committee of Ministers, Council of Europe on child-friendly justice and on the justice system for children in Albania
Fatri Islamaj Ph.D. Cand. Information Technology as an Inseparable Component Supporting all Court Activities: Proposing a Model for Albania139
Avv. Desirée Rizzo La particolare tenuità del fatto nello specchio dell'omesso versamento IVA. Riflessioni a margine di Cass., Sez. III, 22/01/2019, n. 15020

Opinions/Opinione/Opinioni

Artil Mandro Ph.D. Cand

The obligation to protect and safeguard the environment, as a future generation right - the role of judiciary......185

Books review/Recension librash/Recensione libri

Mattia Romano Ph.D. Cand.

Recensione a "Diritto penale. Dottrina, casi e materiali" – Terza edizione – Zanichelli 2020 di Prof. Avv. Enrico Mezzetti201 (Review to "Criminal law. Doctrine, cases and materials "- Third edition - Zanichelli 2020 by Prof. Avv. Enrico Mezzetti)

"Covid 19 as stimulus for a new multilateral Cold War, the role of the Balcan region countries and NATO in such a scenario"

Irida Xheneti Ph.D. Cand. (1)

Summary: .I. Introduction. - .II. The impact of COVID 19 on Europe credibility. - .III. Competition from China and Russia to win the Balkans. - .IV. Conclusion. - .V. References.

.I. Introduction.

The COVID-19 pandemic changes and challenges our lives in more than one way. It has pushed almost every person on the planet to narrow their focus on how to get by day after day. In response to the public health crisis, countries across the world have closed their borders to try to limit the transmission and protect themselves. This lockdown has put both

[.]

⁽¹⁾ Ph.D. Cand. in Political Sciences, Sapienza University of Rome. Firs Secretary of Albanian Embassy of Rome.

globalization and economies under suspension. Many experts warn that the public health crisis we face today will inevitably become an economic crisis in the following months but potentially a national security issue as well.

Countries around the world are trying to curb the economic consequences of this pandemic by providing relief for their economies. On the other hand, the COVID-19 pandemic seems as a "make or break" challenge for the EU. Member countries which have been most affected by the devastating consequences of the Coronavirus accuse the block of a lack of solidarity. Others have called upon for a more coordinated international response through NATO, G7, G20, etc. It seems that Coronavirus plants the new crop of instabilities that potentially has the power to rearrange the world system we know today. As it happens with the crisis of this scale, the pandemic will aggravate some of the negative developments such as shrinking of global economy, state collapse, migrations, the rise of nationalism and authoritarianism, etc.

With western democracies struggling to contain the virus and its consequences, many have praised Chinese response and other authoritarian regimes' strategies in tackling the crisis. Both China and Russia have seized the momentum and emerged as international benefactors, sending medical equipment, supplies, and human resources to the affected countries.another element of competition is becoming also the production of anticovid vaccines. All the countries would like to have the primacy, maybe without realizing that such issues can't be subject of competition².

_

² The Future of NATO in the post Covid-19 era, Tarik Oguzlu.

This virus called Covid 19 has produced the most serious crisis since the post-war, affecting a system of institutions, political, economic and social relations, which were not vaccinated against biological threats.

But, unlike other international organizations, we can say that the Covid-19 pandemic crisis has strengthened the Atlantic Alliance, which reacted with a strong spirit of solidarity. Upon overcoming the first impact, NATO has quickly responded to the Allied needs, adapting its complex political-military organization to support civil efforts and activating the Euro-Atlantic Disaster Response Coordination Centre (EADRCC) to coordinate the air transport of doctors, patients, medical devices and field hospitals.

Since 2010, article 15 of the Strategic Concept includes "health risks" in NATO's security scenario. However, biological threats directly undermine national security and must be addressed with specific strategies that cannot be generically framed within the environment of hybrid threats. Covid-19 has also produced relevant effects on all three of NATO's fundamental tasks: collective defence, crisis management and cooperative security³.

In the new context of global bio-insecurity, the concept of resilience embodied in Article 3 of the Treaty must be revised in a more rigorous way. Therefore, the protection of NATO forces in operation, as well as the preservation of critical national assets and supply chains, require more attention.

The pandemic crisis offers further prominence to article 4 of the North Atlantic Treaty and to the political dimension of the

_

³ New Geopolitics After Covid-19- by: Atlantic Treaty Association – 30.04.2020

Alliance, which confirms itself as the irreplaceable forum for transatlantic consultation on security issues.

Moreover, in the current security scenario, article 5 and the core principle of collective defence implies a broader and more demanding solidarity commitment. In fact, in a global pandemic crisis, NATO most likely would not be called upon to intervene in defence of a conventional aggression to a single allied country. Probably, it would be requested to provide all 30 Allies with the necessary support against a biological agent.

In this context, the Supreme Headquarters of the Allied Forces in Europe (SHAPE) could be further engaged in early warning, situation awareness and air transport for monitoring threats originating from agents of a biological nature, as well as for the planning and managing of complex operations in support of civilian authorities⁴.

In the current security landscape, Covid-19 could seriously impact the fragile institutions and health system of the Western Balcan countries, with serious consequences on the political and social stability of the region⁵.

In this perspective, Security Force Assistance can play a crucial role in assisting Host Nations' governments and security forces in coping with the disease. These efforts can have a dual beneficial effect: on the one hand, it will improve the conditions of the local population with the possible implementation of effective health protocols combined with the provision of

⁵ The geopolitical implications of the COVID-19 pandemic, Policy Department for External RelationsDirectorate General for External Policies of the Union PE 603.511 - September 2020.

⁴ The Geopolitical Implications of COVID-19,Speech by NATO Secretary General Jens Stoltenberg at the German Institute for Global and Area Studies (GIGA).

medical equipment. On the other hand, it will indirectly provide NATO troops with an additional shield against the disease through the improvement of the general health conditions in the operational environment, but also strengthening its position in these important and fragile region, eliminating the attempts of Russia and China through their old and new methods to penetrate again.

.II. The impact of COVID 19 on Europe credibility.

Muddled initial reactions to the COVID-19 crisis tarnished the EU's image in the Western Balkans. Europe should not take for granted the extent of its influence over its backyard in the face of Chinese and Russian charm offensives.

The European Union's soft power, largely stemming from the attractiveness of its model, could be impaired by COVID-19. The EU's external influence is strongest in countries that seek to emulate the EU and eventually become members, principally today in the Western Balkans: Albania, Bosnia-Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia.

However, maybe the lack of solidarity among EU countries in the first weeks of the COVID-19 crisis response, the closing of borders that left many people stranded and the apparent lack of concern for the needs of the region dented the EU's image in the Balkans.

The EU's unstable initial response towards its neighbours in south-east Europe did not help improve perceptions. It initially banned exports of medical supplies to them, and even though this step was subsequently corrected it left an impression of abandonment. Though the EU reprogrammed and topped up ongoing assistance to help these countries meet crisis needs, it did not include them in its own crisis recovery package. As a result, the credibility of the EU's outreach to the region, already eroded by apparently endless membership talks and enlargement fatigue, seems to have been further dented⁶.

.III. Competition from China and Russia to win the Balkans.

COVID-19 has encouraged China and Russia, already active in the Balkans, to try to fill the widening geopolitical gap by offering assistance and investment as well as negative reporting, fake news and disinformation aimed at the EU. Pro-Russian media portray EU assistance as a belated effort to catch up with Russian and Chinese support. Storylines include rumours of the EU's imminent collapse because of its failure to deal with the pandemic, the Union's selfishness in its external actions, and its exploitation of the crisis to advance its own interests. By contrast, these sources portray Russia and China as the only trustworthy powers in the crisis, and as saviours who helped Italy and Serbia while the EU dithered⁷.

Statements from political leaders in Serbia reinforce this narrative, building on longstanding government claims that the country benefits from close links with China and Russia as well as the EU. President Aleksandar Vučić called European solidarity "a fairy tale" and said that China was the only country able to provide substantial aid to Serbia in the crisis. Posters of President Xi Jinping and Chinese flags were displayed

⁶ Has COVID-19 dented the EU's credibility in the Balkans?Bruegel.org

⁷ Has COVID-19 dented the EU's credibility in the Balkans?Bruegel.org

prominently in Belgrade for several weeks. Images of Prime Minister Ana Brnabić meeting the first of eleven Russian planes carrying supplies were broadcast live on Serbian television. We can see that between March and May 2020, Serbian news articles about China became much more positive and articles about the EU rather more negative. Serbian state television regularly presented the EU in a negative light, while depicting China and Russia positively⁸.

.IV. Conclusions.

In this context, it is very important the cooperation between NATO, the European Union and the United Nations in the areas of prevention, research, monitoring and resilience is also crucial to develop and apply severe regulations to effectively track hazardous and biological materials, as well as to ensure the compliance with bio-safety standards of the laboratories treating microorganisms.

Nevertheless, the new wider NATO commitments cannot distract the Allies from the fundamental tasks of deterrence and defence towards the assertive posture of the Russian Federation and from the threats and risks originating from proliferation, terrorism, disruptive technologies and cyber space. Moreover, it isn't excluded that China could exploit the pandemic and economic crisis, for predatory interests on Western strategic assets and companies⁹.

⁸ Sino–Russian Interests in Serbia Competitive, Coordinated or Complementary? Veerle Nouwens and Emily Ferris.

⁹ China's Approach to the Belt and Road Initiative and Europe's Response, Giulia Di Donato

Furthermore, above all, now more than ever NATO and the EU are called upon to strengthen cooperation in countering the growing misinformation and disinformation campaigns implemented by Moscow, Beijing, and other non-state actors, through the pervasive and uncontrolled use of modern social media¹⁰.

Over seventy years after its establishment, NATO proved to be the Organization that adapted itself to respond to the new challenges of a changing security environment quicker than any other multilateral institution. However, in the current complex and demanding scenario it is vital that the Alliance is provided with the necessary capabilities and financial resources to continue operating effectively and to prevent a global health crisis from becoming a security crisis affecting the security of the citizens, territories and fundamental freedoms¹¹.

It must be understood that this virus should not be the object of competition or a return to the Cold War era but an opportunity to act united in a war that is no longer individual but worldwide.

The war is not with the virus itself but with the reality that he was able to create, a reality that on the one hand requires adaptation and on the other hand probably gives us the message that there is no going back ...

And finally Covid 19 probably gives the message of how meaningless any kind of war is, cold or not ... Now, not

Balkaninsight.com.

11 The Alliance in the pandemic chaosand the role of the NATO SFA COE-

¹⁰ COVID-19 Provides New Material for Russian Anti-EU, Balkaninsight.com.

Interview with the President of the Atlantic Treaty Association –ATA–FABRIZIO W. LUCIOLLI

war, but the survival of human existence must be the only common goal....

.V. References.

Bozorgmehr K, Saint V, Kaasch A, Stuckler D, Kentikelenis A. COVID and the convergence of three crises in Europe. Lancet Public Health. 2020;S2468-2667(20)30078-5. doi:. http://dx.doi.org/10.1016/S2468-2667(20)30078-5 PubMed Brandenberger J, Tylleskär T, Sontag K, Peterhans B, Ritz N. A systematic literature review of reported challenges in health care delivery to migrants and refugees in high-income countries - the 3C model. **BMC** Public Health. 2019;19(1):755. doi:. http://dx.doi.org/10.1186/s12889-019-7049-x PubMed The UN Refugee Agency. Operational portal refugee situations -Mediterranean 2020. route. Available at: https://data2.unhcr.org/en/situations/mediterranean Trend Tableau Publique. COVID19 Tracker. 2020. https://public.tableau.com/profile/stevie.soler#!/vizhome/Tre ndTracker-COVID19/TrendTracker-COVID19 keyboard_arrow_upThe UN Refugee Agency. Operational portal on refugee situations - western Balkans. 2020. Available at: https://data2.unhcr.org/en/situations/westbalkans. Renee M. Greece quarantines second migrant camp after COVID-19 case confirmed. In: Reuters, editor. Athens: Reuters; 2020. keyboard_arrow_upLugli M. To truly beat COVID-19, we need "sans frontières" solidarity. The New Hunanitarian. 13 April 2020. Available at: http://www.thenewhumanitarian.org/opinion/2020/04/13/gl obal-coronavirus-public-health-solidarity.

The UN Refugee Agency. IOM, UNHCR announce temporary suspension of resettlement travel for refugees. 17 March 2020. https://www.unhcr.org/news/press/2020/3/5e7103034/iom-unhcr-announce-temporary-suspension-resettlement-travel-refugees.html (accessed 2020 March 31)

Bozorgmehr K, Biddle L, Jahn R, Wahedi K, McKee M. Evacuate.Moria.Now. Open letter to the European Commission and the European Emergency Response Coordinator. 27 March 2020. Available at: https://www.evacuate-moria.com/.

Brandenberger J, Gmünder M, Pohl C, Buser S, Ritz N. Reasons for admission in asylum-seeking and non-asylum-seeking patients in a pediatric tertiary care centre. Swiss Med Wkly. 2020;150:w20252

Balkans in Eye of Viral Storm Jamie Dettmer, 14.08.2020

Has COVID-19 dented the EU's credibility in the Balkans-Aliénor Cameron and Michael Leigh?...Bruegel.org

Sino-Russian Interests in Serbia Competitive, Coordinated or Complementary? Veerle Nouwens and Emily Ferris.

New Geopolitics After Covid-19- by: Atlantic Treaty Association – 30.04.2020

The Alliance in the pandemic chaosand the role of the NATO SFA COE- Interview with the President of the Atlantic Treaty Association -ATA-FABRIZIO W. LUCIOLLI