

ILLYRIUS



SAPIENZA
UNIVERSITÀ DI ROMA

Centro di Ricerca e Cooperazione
con l'Eurasia, il Mediterraneo
e l'Africa Sub-sahariana



ISSN 2225-2894

International Scientific Review / n. 14 / (I-2020)

Scientific Review / Revistë Shkencore / Rivista Scientifica

SPECIAL EDITION

“EU-WESTERN BALKANS COOPERATION ON JUSTICE AND HOME AFFAIRS”

ESSAYS

edited by

Teresa Russo, Anna Oriolo, Gaspare Dalia



Scientific Directors:

Ersi Bozheku – Giorgio Spangher

In collaboration with



Albanian National Group
Collective Members of Kosovo

Roma – Tirana – Prishtina

Price: 7 euro

Illyrius

International Scientific Review – ISSN 2225-2894

Scientific Review / Revistë Shkencore / Rivista scientifica

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ISSN 2225-2894

*This review is published twice-yearly and adopts a **double blind peer review** procedure for evaluation and acceptance.
Kjo revistë del në shtyp me një frekuencë 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. 14/ (I-2020)

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ESSAYS

edited by

TERESA RUSSO, ANNA ORIOLO, GASPARE DALIA



This Special Issue collects some of the essays of the Jean Monnet Module “*EU-Western Balkans Cooperation on Justice and Home Affairs*” (EUWEB) admitted to financing by the European Commission for the period 2019-2022. It is edited by: Teresa Russo (Coordinator of the EUWEB Module), Anna Oriolo and Gaspare Dalia (Key Staff Members of the EUWEB Module).

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PREFACE

This Special Issue of the ILLYRIUS, International Scientific Review, dedicated to the Jean Monnet Module “*EU-Western Balkans Cooperation on Justice and Home Affairs*” (EUWEB) elucidates part of the results of the first edition of the EUWEB Module that, hosted by the University of Salerno, offers a three-year specialization course on the EU Cooperation on Justice and Home Affairs (JHA) with the Western Balkans in the view of their accession to the Union. Admitted to financing by the European Commission for the period 2019-2022, the EUWEB Module provided for an in-depth and technical analysis of the JHA sector that is one of the main areas of cooperation between the EU and Western Balkans and concerns a matter of extreme political importance for the EU. In fact, in line with the EU’s ‘new approach’ to the accession process, opening chapters on judicial reform and fundamental rights (chapter 23) and on justice, freedom and security (chapter 24) have been a top priority in the negotiations with Montenegro and Serbia and now with Albania and Macedonia.

The future of the Western Balkans in the European Union depends on the linked perspectives of integration and security that result from the policy-making choices and the political and legal instruments adopted at international, European and national level to reinforce reform efforts and bring tangible progresses. The Western Balkans’ accession to the EU is so strictly connected with the security to the extent that it requires these countries for more guarantees according to EU-oriented reforms and projects. Several times, the European Commission has confirmed the European future of the Balkan region as a geostrategic investment in a

stable, strong and united Europe based on common values in compliance with the EU principles of the rule of law, justice, democracy and respect for fundamental rights.

After all the planned training activities and thanks to the participation of distinguished speakers and experts in the field also coming from the Western Balkans Countries, the first edition of the EUWEB Module ended. These activities consisted of preliminary meetings that started on 15 November 2019, when we promoted the first roundtable debate *on Planning and Enhancing EU-Western Balkans Cooperation on Justice and Home Affairs (JHA)* at EPOKA University, a key partner institution in the implementation of the Module. Academic staff members from the Department of Law, the Department of Political Science and International Relations, the Center for European Studies of EPOKA University, as well as external stakeholders, participated in this roundtable debate. We shared our views on the main challenges faced in the area of the rule of law in Albania also in view of EU accession of the Western Balkan Countries. The roundtable ended with the adoption of a *Joint Work Plan* determining the activities to be carried out by both institutions within the framework of the implementation of the EUWEB Module. On the same day, 15 November 2019, the *Open Forum on Planning and Enhancing EU-Western Balkans Cooperation on Justice and Home Affairs (JHA)* took place at EPOKA University. In November 2019, the second roundtable concerning *Planning and Enhancing EU-Western Balkans Cooperation on Justice and Home Affairs* took place at the University of Salerno. It was attended by academics, as well as by practitioners and legal experts in the fields of the EUWEB Module. The approach was multidisciplinary and the discussion highlighted the need to overcome the

legal obstacles as well as the cultural ones that still divide the Balkan countries.

In the Section concerning the *Essays*, this Special Issue includes the contributions of some of the several speakers who participated in the Module's activities concerning the domains of EU enlargement process (**Bargiacchi, Hitaj & Vasjari, Panebianco, Russo**), migration and asylum management (**Cirogu, Nikodinovska Krstevska, Melfi, Papageorgiou, Sinagra**), transnational crimes and human rights (**Maksimova, Oriolo, Tafani, Valvo**), and judicial and police cooperation (**Dalia, Mulleti, Ranaldi, Tommaselli**).

Thanks to a bottom-up approach, some of the students participating to the EUWEB Module have been included in the establishment of the EUWEB Secretariat conducting the following activities: pure basic research (research of documents, sources and judgements); strategic basic research (selection of documents, sources and judgements in order to undertake to acquire new knowledge); applied research (elaboration of original work undertaken primarily to acquire new knowledge with a specific application in view); experimental development (elaboration of systematic work, using existing knowledge gained from research or practical experience). The results of such activities are published in the *Essays* focusing on a critical analysis of international and EU case-law (**Busillo, Vannata**) and in the Section on *Western Balkans Stabilization and EU Enlargement: A Selection of Documents* (**Conte, Gargano, Medici, Naddeo, Potenza, Rispoli, Schiavo**).

Furthermore, the EUWEB Module's activities consisted of: an open inaugural conference; 16 lectures; a "awareness" cultural initiative for Albanian students in collaboration with PAMECA V, EURALIUS V, the

Italian Superior School of the Magistracy, the Italian Agency for Development Cooperation and the Albanian School of Magistrates; a focus on *The fight against corruption in the reticular legality: The multilevel criminal system* within the EUWEB Module Section “EU-Western Balkans Cooperation in Judicial and Police Matters, Corruption Crimes and Cooperation between Police and Judicial Authorities at International, European and National Level”; initiatives in cooperation with the Jean Monnet Module “Solidarity in the EU Law” (SoEULaw); a final Conference.

We worked hard to complete our programme despite the COVID-19 emergency shifting online all our activities and ensuring an innovative and multidisciplinary approach in the EU legal studies in order to promote excellence in the teaching of EU issues related to immigration, the fight against transnational crime, police and judicial cooperation and the protection of fundamental rights with the Western Balkans bringing them closer to the Union. We are very delighted with the results achieved. The first edition of the EUWEB Module has been attended by more than 60 participants divided among Italian and Albanian students of law, economics, political science and engineering, graduates, Ph.D. candidates, lawyers, candidate lawyers, law enforcement officials, civil servants and civil society.

All the students were invited to submit a final paper on the topics of the EUWEB Module and the three best papers, selected by the Commission including the Module’s Teaching Staff Members, have been discussed during the Final Conference of 23 June 2020. One of these is now published in this Special Issue in the Section concerning *Student Research and Report Writing (Et-hemaj)*.

The EUWEB Module produced also very interesting research activities and outputs, such as the International Roundtable in cooperation with Raoul Wallenberg Institute of Human Rights and Humanitarian Law and Fulbright Sweden concerning *The Legal “Burqa Ban” Trend: Criminalizing the Trivial or Separating National and International Law?*, May 21-22, 2020. The results of the Roundtable will be collected in the book *LAW, CULTURAL STUDIES AND THE “BURQA BAN”. AN INTERDISCIPLINARY HANDBOOK* (Anja Matwijkiw & Anna Oriolo eds., Intersentia 2021). ECTS have been recognized both to Italian and Albanian students, as well as our activities have been also recognized by the Council of the Salerno Bar Association with the attribution of training credits.

We are really grateful to all those who took part in this first edition of the EUWEB Module both as students and speakers. Special thanks go to the guys of the Secretariat who worked really hard and to Prof. Ersi Bozheku, Scientific Coordinator of the ILLYRIUS Review who supported our work and entrusted us with the editing of this Special Issue.

See you in the second edition!



Teresa Russo

24 June 2020



Anna Oriolo



Gaspare Dalia

Biographical Notes