THE CONCEPT OF INTERNATIONAL TERRORISM

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The article indicates that terrorism has turned into a complex socio-political phenomenon of an international scale. Terrorism is one of the most dangerous criminal phenomena of our time. International terrorism is seriously destabilizing the situation in the world. Terrorist acts have taken place in the past, but today we can talk about the globalization of terrorism.

Key words: Law, concept, international, legislation, health, article, crime.

In modern times, the fight against international terrorism is the most actual and leading problem of today. What is international terrorism in general? Many scientists have done research to answer this question. I.I. Karpetsi, N.S. Beglov, I.P. Blishenko, V.I. Blishenko, L.N. Galenskaya, N.V. Zhdanov, E.G. Lyakhov, Y.A. Reshetov, N.A. Chernyadeva, B.V. Levini, Ch.F. Mustafayev, Saul Ben, B. Zlatariki, B. Jenkinson, R. Rubinstein, P. Wilkinson and others can be examples to the scientists conducting research in this area.

Let's look at the definitions given by these scientists to international terrorism. Thus, I.I. Karpetsi writes about international terrorism: "It also refers to a socially dangerous act within a state (that is, involving two or more states) of an international nature, consisting of murder, attempted murder, to inflict grievous bodily harm, to take hostages for ransom, to restrict the liberty of persons by force, the creation of a special criminal association to impose torture or intimidation, and notes that this crime is usually accompanied by the destruc-

tion and looting of buildings, dwellings and other facilities" [7, p. 64-98].

B.V. Levin, is one of the authors who assesses "killing of diplomatic representatives, as well as political figures of foreign countries in order to increase international tensions and escalate political and military" as international terrorism [9, p.83].

International terrorism is an aggregate of socially dangerous acts of international scale that cause the death of people for no reason, complicate normal interstate diplomatic relations and international meetings between their representatives, as well as interstate transport links [6, p. 693].

International terrorism is an attack on various groups (police, army, nations, states) to change the political and economic balance of the world and achieve its goals [17, p. 24].

There are also authors who describe international terrorism as follows: "History shows that every struggle is based on certain moral values and ideas. It may not be liked by others. However, these moral values and ideas, which have captured hundreds or thousands of people for a single purpose, can give a great impetus to the struggle for the restoration of political justice in any form. When a person, a group of people, or any nation sees an unjust approach from outside to the solution of an issue of vital importance to itself, it fights for the restoration of its "justice". This struggle can be in many forms. One of the tactical forms of such a struggle is international terrorism". However, the author notes that in spite of all injustices,

no one has the right to restore justice at the expense of the innocent lives of others [3].

Ch.F.Mustafayev defines international terrorism as follows: "International terrorism is a revenge, self-assertion, forcing international organizations, authorities or heads of state of specific states to make any decision, to refrain from taking certain measures on the basis of international law, physical injury or killing of heads of state or government officials by specific individuals or groups of individuals for the purpose of violating international security or interstate relations, demolition of buildings of international organizations or their subordinate bodies in various ways, bodily injury or killing of their employees, the bombing of diplomatic missions or the bodily injury or killing of individuals working there, destruction of the property of the mentioned institutions or persons working in them, or spread of threats to commit such actions" [4, p.26].

International terrorism is not a specific type of this terrorism, but the fact that domestic terrorism goes beyond the borders of one or another state [5, p. 40].

International terrorism is the commission of acts aimed at violating or destroying the stable functioning of the fundamental political, constitutional, economic and social structures of any country or international organization in several states or in a way that may harm the interests of several states by violating public safety by the state through any person, group or employees of relevant bodies in order to secure their interests in the political, economic, social, religious, spiritual, cultural, etc. spheres, keeping the population in a state of panic, forcing public authorities and international organizations to show action or inaction, as well as a threat that such actions would result in [3].

International terrorism is defined as follows: "International terrorism is an act committed in violation of accepted and applicable international norms, diplomatic rules and rules of war, directed against the existing system and based on cruelty" [10].

There are also authors who consider international terrorism as a aggregate of socially dangerous acts at the international scale, which causes meaningless destruction of people, disrupts the normal diplomatic activity of states

and their representatives, complicates the implementation of international relations and meetings, as well as transport links between states [8].

The authors rightly point out that international terrorism is one of the most dangerous threats to the normal course of international relations and has a devastating effect on the rules of international law. Depending on the nature and scale of the organization, terrorism can be called as "an ongoing tactical form of struggle for any purpose." Sometimes this struggle turns into small wars and can be equally dangerous for all states, regardless of their scope. International terrorism is carried out in order to fulfill political, economic, social, psychological and other requirements. But the main goal and motive has a political character. The study of the causes and conditions of international terrorism should not only be based on the criminological method, but also on the methods and means of managing social and political processes. The economic, social, state-political and ideological factors that govern the emergence of international terrorism at the national, regional and global levels must be studied. At the same time, the objective reasons that strengthen and deepen the activities of international terrorism must be investigated. Discussions conducted in various UN bodies have once again shown that most countries attribute the emergence of international terrorism to the hunger and poverty of their peoples. Thus, while researching the main causes of international terrorism, most researchers have come to the conclusion that liberation movements are the reason for the existence of international terrorism. However, taking this as a key factor is not the right way out. This is an attempt for the principle to determinate fortune of peoples. Some scientists believe that one of the causes of international terrorism is various economic, social and political conflicts that have not yet been resolved [3].

An "Exclusive law against the Socialists" in Germany against the terrorist activities of anarchists in 1878, adoption of the laws against anarchists and banning the use of explosives in France, Belgium, Great Britain, Switzerland, Spain, Italy and Argentina are the legislative acts that form the basis of the fight against in-

ternational terrorism. In pre-revolutionary Russia, anti-terrorism-related laws were at the same level as in other European countries. Thus, the Law of 1903 provided for criminal liability for crimes committed against the supreme power, the imperial family. In 1898, at the invitation of Russia and with the participation of great European countries – Germany, Austria-Hungary, Sweden, Norway, Denmark, Switzerland, Turkey and Bulgaria, the International Rome Conference was organized and the main issue of this conference was the decision of the states on police cooperation in the fight against terrorist acts and the extradition of criminal anarchists [11, p. 101].

In the 1920s and 1930s, attempts were made to recognize terrorism as an international criminal offense in the international community. This was implemented within the framework of activity of the International Association on the Criminal Law (Association Internationale de Droit Penal). This organization was anti-Soviet and anti-communist, and the main focus was on harmonizing the position of western countries in the fight against Soviet terrorism on the basis of the unification of criminal legislation [19, p.474].

At the Brussels Conference in 1930, it was proposed to define “terrorism”. It states that anyone who commits a crime against life, against liberty, against physical integrity, or against private and state property in order to implement or express their political and social ideas must be punished. The distinctive feature was the indication of social and political purpose here. At the conference, it was proposed to define terrorism as follows: Any case of the following acts committed by the perpetrator that endanger human life, physical integrity, health or threaten to destroy important values will be considered as intentional use of means that may pose a threat to society:

- deliberate explosion, incineration, flooding, spreading of toxic and deadly substances, destruction and dismantling of signals, flashlights, devices or means intended for firefighting and rescue;
- disruption of transport, communications, railways, telephone, breakdown of hydraulic devices, lighting system;

- spoilage of drinking water or food, adding poison to them, spread of infectious diseases, epidemics [19, p. 479].

A year later, at the Paris Conference in 1931, the “political” and “social” motives underlying the concept of terrorism were rejected, it was emphasized that they were committed by “acts of violence”. Thus, “who uses incendiary or explosive devices, bombs, firearms, or deadly or poisonous devices against people or property with the intention of threatening the population, or attempts to spread an epidemic, infectious disease, or other catastrophe, or to harm public service or public activity, will be punished” [16, p. 169].

In 1934, in Marseille, France, Croatian separatists assassinated King Alexander I of Yugoslavia and French Foreign Minister Louis Barton. The suspected persons are fleeing to Italy. France demands the extradition of the accused persons under the treaty of 1870. However, the treaty did not provide for the extradition of perpetrators of political crimes. Based on this, the Turin Court of Appeal refused to extradite the accused persons to the French side, and substantiated that “the assassination of a statesman is a political crime and politically motivated and is against the political interests of another foreign state” [18, p.602]. After the Marseille terrorist attack, the League of Nations saw that the existing norms of international law condemning the act of terrorism did not guarantee the effectiveness of international cooperation and were insufficient [15, p.1999]. After that, the main issue in the resolution of the League of Nations was to draft a convention on the responsibility for crimes committed for political and terrorist purposes. The main principle of this resolution was that interference in the internal affairs of the state, the assassination of state officials should be considered terrorism and punished for it. In 1937, the Convention was adopted with the consent and signature of 24 states. Thus, the Convention of 1937 was entitled “On the Prevention and Punishment of Terrorism.” The Convention required states to criminalize terrorism and to consider extradition for political crimes. This Convention defines terrorism as follows: Terrorist act meant actions aimed at killing heads of state or state officials, diplomatic representatives, destruc-

tion or damage of state property, actions endangering people's lives [14, p. 2.]. Although the 1937 Convention laid the foundation for international cooperation in the joint fight against terrorism, it was poorly developed [16, p. 173]. However, these conventions could not prevent the terrorist acts committed by states during World War II. In the post-war period, a new stage in the fight against terrorism has begun. Like all international activities aimed at restoring stability after the Second World War, the fight against terrorism was carried out mainly within the framework of the UN.

However, until the end of the XIX century, terrorism was not discussed as seriously in international relations as it is today, and terrorism was considered an ordinary criminal event. However, in recent years, the problem of terrorism has become the most discussed issue in international relations.

The need to prevent this threat has brought together all countries of the world, except those that support terrorism. Different states have adopted various conventions to fight against terrorism.

Since 1963, 13 universal conventions and 3 protocols recognizing international terrorism, which specify the forms of action, have been adopted.

Since the mid-1960s, the fight against international terrorism and crimes against humanity has been carried out in two directions:

- preparation of the International Convention for the Suppression of Terrorism;
- preparation of the Code of Crimes against peace and human security.

In 1972, the UN General Assembly began to establish a universal legal base for fighting against terrorism. In December 1972, the UN General Assembly during the discussion on measures taken by the UN General Assembly in December 1972 to prevent terrorism and other forms of violence, the resolution No. 3034 was adopted. In accordance with paragraph 9 of this Resolution, the Special Committee on Terrorism issues has been established. However, these documents do not define terrorism.

The 1973 report of the Special Committee on International Terrorism states that the study of the causes of international terrorism is

possible only after a clear definition of international terrorism [3].

Recently, the joint struggle of great states, first of all of the eight most economically developed countries – the United States, Canada, Great Britain, France, Germany, Italy, Japan and Russia – against terrorism, is of great importance in preventing and eliminating international terrorism. The first meeting of the Group of Seven was held on November 15-17, 1975 in Rambouillet, France. The political issues of the world were also discussed at these meetings, where the issues of overcoming economic problems and strengthening economic integration were discussed. The first meeting of the Group of Seven was held on November 15-17, 1975 in Rambouillet, France. The political issues of the world were also discussed at these meetings, where the issues of overcoming economic problems and strengthening economic integration were discussed. After the emergence of terrorism as a problem in international relations in the late 1970s, the problems of terrorism have already been discussed in the meetings and consultations of the Group of Seven. This was a time when diplomatic missions and persons with international immunity, civil aviation, civilian facilities, etc. were already included among the targets of terrorism [20].

The European Convention for the Suppression of Terrorism was signed by the member states of the Council of Europe on 27 January 1977 and is currently in force.

The authors of research in this field note that this Convention is the most successful document in the fight against terrorism [12, p.585]. According to Article 1 of the draft of this Convention, international terrorism is any action of an individual or group of individuals, regardless of name, directed against an internationally protected transport or communications system for the purpose of intimidating or harming the public or killing hostages or members of the public, caused damage to property or lands under international protection for the purpose of breaking friendly relations between states or between citizens of separate states [13].

On 27 January 1977, the member states of the Council of Europe signed the European Convention "On the Suppression of Terrorism", which agreed to extradite criminals con-

victed of terrorism and undertook a number of commitments.

The basis of the Group of Seven's collective anti-terrorist policy and its attitude to the problem was laid at the sixth meeting held in Venice, Italy on June 22-23, 1980. An economic declaration and a statement on the hostage-taking of diplomats were adopted at the meeting. The statement said that the heads of state and government, deeply concerned about the terrorist attacks on diplomatic and consular staff, including their hostages, said they were decided to fight against such acts. The Group of Seven called on all states to abide by the International Convention against hostages, as well as the Convention signed in 1973 on the Elimination and Punishment of Crimes against Internationally Protected Persons. The heads of state and government condemned the hostage-taking of diplomatic and consular officials in violation of international law. The heads of state and government considered that all states should take appropriate measures to prevent such cases. The heads of state and government condemned the hostage-taking cases of diplomatic and consular officials who contradict the international legal norms. The heads of state and government considered that all states should take appropriate measures to prevent such cases. The statement also emphasized that diplomatic and consular missions operating in the country should be provided with immediate assistance if they face such an act of terrorism. The signatories condemn the failure of states that are committed to international law to fight terrorism. States that have signed the statement condemn the failure of states that are committed to international law to fight terrorism. A statement on terrorism was adopted at the end of the 7th meeting of the Group of Seven in Ottawa, Canada, on July 20-21, 1981. In a statement, the heads of state and government expressed deep concern over recent international terrorism, increased material and military support to terrorist organizations, the provision of shelter to terrorist groups, the establishment of training camps for terrorists, and the hijacking of aircraft, diplomatic missions and consular staff. The participants of the meeting emphasized the importance of

expanding cooperation in the fight against the international threat [20].

In addition, the UN General Assembly is deeply concerned about acts of terrorism in all its forms, including acts that endanger the lives of innocent people or cause their death, have detrimental consequences for international relations and threaten the security of States, and directly or indirectly involve States, as well as is convinced that the prevention of acts of international terrorism serves the maintenance of international peace and security, based on existing international agreements related to various aspects of the problem of international terrorism – the Convention “On Crimes committed on Aircraft and a number of other acts” signed on September 14, 1963, the Hague Convention “On the Suppression of unlawful seizure of Aircraft” dated December 16, 1970, the New York International Convention “On the Suppression of the hostage-taking” dated December 17, 1979, the Rome Convention “On the Suppression of Unlawful Acts against the Safety of Maritime Navigation” dated March 10, 1988, etc., the Declaration “On measures to eliminate International Terrorism” was adopted on December 9, 1994. These conventions reflect the basic principles and legal aspects of the fight against terrorism.

The Declaration states that acts, methods and practices of terrorism are a gross disregard for the purposes and principles of the United Nations. This threatens international peace and security, endangers friendly relations between states, impedes international cooperation and undermines human rights, fundamental freedoms and democratic foundations of society [1, p. 177-178].

UN Resolution No. 1373 dated on September 28, 2001 was also welcomed by the world community. The resolution envisages the implementation of comprehensive measures against international terrorism under the auspices of the United Nations at the national, regional and universal levels. Implementation of these measures is mandatory, and non-compliance with them may be accompanied by UN Security Council sanctions.

These practical measures include the following:

- prevention of terrorist financing;

- establishment of criminal liability for the intentional transfer and collection of funds in the territory of any country for the purpose of defending terrorism;

- immediate control of funds, financial assets and economic resources of individuals and organizations related to terrorist activities;

- taking a tough stance against states engaged in activities such as "taking" terrorists and equipping them with weapons;

- strengthening border control measures to prevent the freedom of movement of terrorists and terrorist groups;

- implementation of cooperation and exchange of information between all states in order to prevent terrorist acts, adoption of punitive measures against those guilty in conducting such actions [20].

In addition to acceding to the above-mentioned Conventions as a state fighting against terrorism, the Republic of Azerbaijan has acceded to the Convention "for the Suppression of unlawful acts against the safety of civil aviation" of 23 September 1971 by the Law No. 740-IQ dated November 9, 1999, the UN Convention "on the prevention and punishment of crimes against persons using international defense, including diplomatic agents" dated December 14, 1973 by Law No. 61-IIQ of February 2, 2001 of the Republic of Azerbaijan, the Protocol "on fighting against illegal violence at airports serving international civil aviation" dated February 24, 1988, supplementing the Convention for the suppression of unlawful acts against the safety of civil aviation by the Law No. 741-IQ of 9 November 1999 of the Republic of Azerbaijan, the UN Convention "on Suppression of Bomb Terrorism" of December 16, 1997 by the Law No. 60-IIQ dated February 2, 2001 of the Republic of Azerbaijan, the International Convention "for the Suppression of the Financing of Terrorism 1999" by the Law No. 332-IIQD dated May 17, 2002 of the Republic of Azerbaijan, the UN Convention "for the Suppression of Acts of Nuclear Terrorism" of 13 April 2005 by the Law No. 725-IIIQ of 2 December 2008 of the Republic of Azerbaijan. By acceding to the anti-terrorist coalition, the Republic of Azerbaijan has contributed to the fight against terrorism.

At present, double standards, racial and ethnic conflicts, poverty and hunger, religious fanaticism, territorial claims, separatism and religious extremism, sabotage-violation of foreign special service agencies, activity on violation of internal stability, money laundering (legalization), has led to the spread and development of terrorism. At present, the crime of terrorism has developed at the regional level and has become a source of danger [2, p. 320].

As a result of the above-mentioned and other reasons, in addition to the UN, various regional and international organizations (Interpol, OSCE, NATO, CIS, OAS, League of Arab States, etc.) are fighting against terrorism. These include the 1987 Regional Convention for the Suppression of Terrorism, adopted by the Regional Cooperation of South Asian Countries, the 1998 Arab Convention on the Prevention of Terrorism, the African Union Convention on the Prevention and Combating of Terrorism, and the International Convention against Terrorism. The Convention on Combating Terrorism, the Convention for the Suppression of International Terrorism signed at the 1999 Conference of the Organization of Islamic States, Inter-American Convention against Terrorism, signed by the Organization of American States in 2002, Shanghai Convention 2001 on the suppression of terrorism, separatism and extremism, 1999 Agreement between the CIS countries on Cooperation in the fight against interstate terrorism.

We respect the opinion of every scientist who defines international terrorism, and we propose to define international terrorism as follows.

International terrorism means that, in order to compel the authorities or heads of state of a particular state to make any decision, to refrain from taking certain measures on the basis of international law, to violate international security or interstate relations, it must be understood that any individual or group of individuals may apply or threaten to commit any criminal offenses under the relevant articles of the Criminal Code against heads of state or government officials.

References

1. Commentary on the Criminal Code of the Republic of Azerbaijan / edited by F.Y. Samandarov, part II, Baku: Huquq Publishing House, 2018, 800 p.
2. Babashov F. Criminological nature of the crime of terrorism at the regional level and its prevention // Ministry of Internal Affairs of the Republic of Azerbaijan, Police Academy, Actual problems of criminological research of regional crime, III International Scientific-Practical Conference, Baku, 2015, p.318-324.
3. Ahmadov S., Hasanov R. Causes and typology of international terrorism. Military knowledge, 2008, No.3, p.100-111 // <http://www.elibrary.az/docs/>
4. Mustafayev Ch.F. Terrorism (concept, causes, warning and forecasting). Baku, Chinar-Print publishing house, 2005, 191 p.
5. Беглова Н.С. Терроризм: поиск решения проблемы // США: экономика, политика, идеология. № 1, 1991, с.36-45. S. 40
6. Большой юридический словарь/ Под ред. А.Я. Сухарева, В.Д. Зорькина, В.Е. Крутских. М: Инфра-М, 1997, 790 с.
7. Карпец И. И. Преступления международного характера. М: Юрид. лит., 1979, 264 с.
8. Кулжабаева Ж.О. правовые формы сотрудничества государств в борьбе с международным терроризмом // <http://www.law.edu.ru>
9. Левин Б.В. Ответственность государств в современном международном праве. М: Международные отношения, 1966, 152 с.
10. Пашкевич, Игорь Леонидович. Современный терроризм как объект социально-философского анализа, Волгоград: 2009 // https://static.freereferats.ru/_avtoreferats/
11. Чернядьева Н.А. Международный терроризм: происхождение, эволюция, актуальные вопросы правового противодействия М: Проспект, 2019, 336 с.
12. Dumitriu E. The E.U.'s Definition of Terrorism: The Council Framework Decision on Combating Terrorism // German Law Journal. 2004. Vol. 5. No 5. p. 585-602.. P.585
13. European Convention on the Suppression of Terrorism, signed at Strasbourg on 27 January 1977, // <http://conventions.coe.int/>
14. League of Nations. Convention for the Prevention and Punishment of Terrorism. Serie de Publications de la Societe des Nations. p. 2.
15. Lon Doc CRT1//Terrorism:documents of international and local control.Dobbs Ferry, New-York, 1979,V.1, p.1999.
16. Saul Ben. Defining Terrorism in International Law. New York: Oxford, 2008, 373 p.
17. Thackrah J.R. Terrorism: A Definition-al Problem' in Wilkinson, P. and Stewart, A.M. Contemporary Research on Terrorism. Aberdeen University Press, 1987, p. 24–41. p. 24
18. Walters F. History of the League of Nations, Oxford, 1992, p.602.
19. Zlaticar, B. History of international terrorism and its legal control. In M. Cherif Bassiouni – Springfield, III. : Charles Thomas, 1975. p. 474-484.
20. <https://meqam-m.webnode.com/meqam-leler/>

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**ПОНЯТИЕ МЕЖДУНАРОДНОГО
ТЕРРОРИЗМА**

В статье указывается, что терроризм превратился в сложное социально-политическое явление международного масштаба. Терроризм относится к числу самых опасных преступных явлений современности. Международный терроризм серьезно дестабилизирует обстановку в мире. Террористические акты имели место и в прошлом, но сегодня можно говорить о глобализации терроризма.

Ключевые слова: право, понятие, международный, законодательство, здоровье, статья, преступление.