

The Terrorism and International Public Law

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Abstract

Despite the international community's interest in terrorism, it has not been able to develop a consistent and comprehensive definition of terrorism or to achieve tangible results on the ground concerning its definition of the phenomenon of terrorism because this concept is intertwined with other concepts such as patriotism, nationalism, and legitimacy. This article determines the nature of terrorism, and its elements, and characteristics independent of other crimes. The study aims to clarify points of disagreement and agreement between Arab and Western viewpoints. And both of them agreed that the goal of terrorism is to create a state of terror and panic among the population. However, they differ as to whether the liberation movements have a legitimate or terrorist character, which is reflected in the definition of terrorism by each of the two parties in their internal laws, not to mention the dispute that arose at the level of international forums, including the UN. Despite the many causes, forms, types, and objectives of terrorism, they agree about the element of violence, creating a state of chaos in the targeted societies, and trying to change regimes.

Keywords: Law, Terrorism, International Public Law, Anti-Terrorism.

INTRODUCTION

It has not yet been agreed to put a fixed and comprehensive definition of terrorism because this concept is intertwined with other concepts such as patriotism, nationalism, and legitimacy, which cannot be included in the list of terrorism. National criminal laws.

From a practical point of view, we find that the importance of the definition lies in an attempt, albeit small, to push international efforts towards adopting justice at the internal and international levels, by developing consistent and unified strategies to treat and combat these crimes, but rather to eliminate them from their roots.

Most of the literature on combating international terrorism indicates the absence of any objective, clear and specific definition of this phenomenon or its legal force binding on all countries, especially after the chaos that surrounded the international community after the events of September 11th (Rostow 2001).

The collapse of the entire world into a state of chaos and the call for a comprehensive international conference under the auspices of the United Nations to present an acceptable definition of “international terrorism” and to define its components and the legal obligations of states in combating terrorism and to bring its perpetrators to trial in a manner that constitutes a unified international legal reference to combat this scourge on all. Thus, this agreement is seen by many as an entrance to reformulating international relations under the principles of international law and in line with its spirit, which would alleviate this tension witnessed in various parts of the globe (Ward 2003).

This topic raises a set of questions that have sparked widespread controversy at all levels, whether at the legal, security or human rights, and ethical levels. These questions relate to the direct impact of the phenomenon of terrorism on human rights, which appeared on the media and social media from the systematic killings against unarmed civilians led by terrorist groups of various names.

The other effect appears by pushing governments to adopt policies and practices that go beyond the limits of what can be permitted by international law, but all of these actions remain legitimate because they appeared and emerged in an exceptional circumstance (Hosein 2004).

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There are several questions were raised in this regard, including:

How can terrorism be described if we cannot give it an international definition acceptable to all?

To what extent can the security approach be considered effective in confronting the terrorist act?

Does combating terrorism in an exceptional circumstance allow and justify limiting the rights of individuals?

Where are the judicial guarantees in areas where the law is absent?

What are the alternatives and proposals to reduce the threat of terrorism to guarantee the achievement of social justice?

The Difficulties That May Encounter During the Research

Any scientific research is surrounded by a set of difficulties that prevent its completion or disruption. In this research, the most difficulties faced by the lack of specialized objective scientific studies, as well as for the part related to scientific credibility and scientific impartiality about human rights violations due to the sensitivity of the subject to security, and it was also impossible to obtain Based on official statistics from security agencies related to the issue because it is an issue related to state security.

THE RESEARCH METHODOLOGY

Overlapping scientific approaches have been used between the analytical legal method and the historical method, with the help of the comparative method, to reach scientific and cognitive neutrality as much as possible in this subject.

The Research Plan

The research was divided into two sections, the first section dealt with the nature of terrorism and the historical development of this concept by dividing it into two demands, and the second topic dealt with the position of Arab criminal legislation on the crime of terrorism in Iraq, Egypt, Lebanon, and other Arab countries.

The Nature of Terrorism and its Historical Development

Attempting to put a useful and comprehensive definition of the concept of terrorism is difficult to define precisely from a legal point of view, due to the multiplicity of ideologies in the world and the differing views on terrorism, and the adaptation and interpretation of terrorism by states to serve their interests. (Bogmatsera et al. 2018).

Despite the absence of agreement on the definition of terrorism at the international level, most of the trends that discuss the definition, whether the socialist trend, the capitalist trend, or even the third world countries stand on the basic elements of the definition of terrorism, which they include in an act that brings a state of dread, intimidation, threat or terror. It is motivated mostly politically, whether it is committed behind an organized group or through countries that sponsor terrorism. (McClenon 1988).

In addition, if we search in Arabic concepts for the meaning of the word terrorism, we find that terrorism has its source in terror, and its substance is terror, whose source is fear and the meaning of terror in the Arabic language is fear terror. The word "terrorism" in the language also goes back to the triple root "terrorize" which consists of two sections and it denotes two roots, one of which indicates fear and the other indicates accuracy and lightness, its time terror terrifies its fear, phobia by annexation and phobia by movement. Awe, i.e. fearlessness, and it was said dread, is fear, dread, dread, and it was said dread, fear with caution and confusion. (Toros 2009).

The mediator lexicon defined terrorism is a description given to those who use the path of violence to achieve their political goals, and terrorism is defined as the use of violence to intimidate, especially to achieve political goals. (Feitlowitz 2011).

Terrorism extends to deep depths in history, but in contemporary thought, we find that the French law touched upon political violence and called it "terrier" and the term "Terrorism" and they share to a large extent in denoting the same meaning, except that each of them has independent characteristics that reached in certain periods From the history of France to the point of contradiction, and if we compare the two terms, we find the word "Terror" "verb" and it's equivalent in English "Terror" is synonymous in the Arabic language "terrifying" or what France knew during the Great Revolution with political violence directed by individuals against the state (Besley and Persson 2011).

The word "Terrorism" means the political violence practiced by the state against individuals, and the definition of this word is terrorism. In the Western concept, the word "terror" which means terror of the weak differs from the word "terrorism" which means terror of the powerful. The term terrorism in the Arabic language includes the two mentioned types. (Fine 2010).

Defining the Concept of Terrorism

To this day, there is no specific definition of the crime of terrorism, and there are still different views regarding its treatment of the phenomenon of terrorism, which has contributed to the complexity of national and international attempts to address and combat this phenomenon.

The reason for the disagreement is due to the existence of problems related to the development of the phenomenon of terrorism, the complexity of its forms, the multiplicity of methods of perpetration, and its overlap with other phenomena. (Reid 1993).

Since the early part of the last century, we cannot ignore the international effort to combat terrorism and limit its sordid effects due to the central importance of legal means that attempt to define "terrorism." The issue of definition is an urgent necessity for international bodies to be able to adopt it as a unified legal reference. From adherence to a unified law, that includes all countries. (Mickolus 1979).

The Jurisprudential Definition of the Crime of Terrorism

Jurisprudence and law did not agree on a consistent and clear definition of terrorism because this concept is intertwined with national and legal concepts that are not considered terrorism in the same sense. By violent individuals or groups. (Sorel 2003).

Some scholars define terrorism as "an attack on lives, money, and public and private property in violation of the provisions of state law (Makarenko 2004). In addition, some scholars define political terrorism as a method of a criminal act through which the perpetrator aims to impose their control with fear over society or the state to maintain public social relations or to explain or destroy them (Wilson and Sullivan 2007).

By defining an analogy, the researchers defined it as "every use of violence or the threat of using it in a wasteful manner and a legitimate reversal of it to create a state of discord and terror with the intent of controlling it, a group, or a country, and this use has a certain psychological impact on a section of society or the whole society." Professor Mahmoud Sharif defined terrorism as an "internationally proven strategy of violence" motivated by ideological motives, and it seeks to create terror within a specific law of a particular society to achieve power or to propagate a demand or a grievance, regardless of whether the adherents of violence are working for themselves. On her behalf or on behalf of a country (Marsavelski 2012).

Moreover, jurisprudence defines it as "a symbolic act that takes place to produce a political effect by unusual means, given that violence or threat thereof, or it is a state of terror or panic that may motivate concessions regarding a specific and specific issue." (Ryan 1993).

The Spanish jurist "Quintiliano Saldaña y García-Rubio" defined it as terrorism constitutes all crimes, including political and social crimes, the execution of which is based on separate causes and constitutes a general danger

to the masses. He also adds that terrorist attempts consisting of international criminal acts that result in particular with the aim of spreading terror are the "subjective element", Or it is carried out by any means capable of creating a public danger as a "material element". (Millington 2019).

The International Definition of the Crime of Terrorism

The International Convention on the Suppression of Acts of Nuclear Terrorism for the year 2005, nuclear terrorism in Article (2) of the Convention as the commission of a crime within the meaning of this Convention, anyone who illegally carries out the following acts: (Jankowitsch-Prevor 2005).

Possession of a radioactive substance, placing, or possessing a radioactive device.

Taking life, causing serious bodily harm, or intending to cause damage to property or the environment.

Using any radioactive substance or radioactive device that in turn constitutes a way to use a nuclear substance or causes damage in any way that leads to the release of radioactive substance or the threat of its release.

Coercing a natural or legal person, an international organization, or a state, to do something or to refrain from doing an act.

The Special Geneva Convention, which was formed for the prevention and suppression of terrorism for the year 1938, also defined in its first and second articles terrorism according to the following: (Bassiouni 2021)

Article 1: "Criminal acts directed against the state that would signal panic and terror to individuals, groups of people, or the public."

Article (2): "I have identified and enumerated a group of acts that are exclusively terrorist acts, and these acts are intentional acts directed against life or bodily integrity:

Heads of state or persons who exercise powers that affect states or their successors by inheritance or abuse.

Spouses of the persons referred to in the previous clause.

Persons entrusted with public functions or tasks when such acts are committed against them due to the exercise of these functions or tasks.

Deliberate sabotage or damage to public or specialized conditions for public use owned by another party or subject to its supervision.

Attempting to commit the crimes stipulated in this article.

Manufacture, possession, or supply of weapons, ammunition, explosives, or harmful materials to carry out one of the crimes stipulated in this article.

As for the Arab Convention on Combating Terrorism, which was signed in Cairo on April.22,1998, its first article defined terrorism as "every act of violence or threat of it and its motives or purposes were in implementation of an individual or collective criminal project and with the aim of sowing terror among people or intimidating them into harming, or Exposing their lives or interests to danger, or causing damage to the environment, or to a facility or public or private property, or to occupying or seizing it, or exposing a national resource to danger." (Arab Convention on the Suppression of Terrorism, 22 April 1998).

As for Article 2, cases of struggle by various means, including armed struggle against foreign occupation and aggression for liberation and self-determination under the principles of international law, are not considered a terrorist crime, and none of these cases is considered: "Any act that affects the heritage unity of any of the Arab countries."

THE HISTORICAL DEVELOPMENT OF THE CONCEPT OF TERRORISM

Terror in Antiquity Ages

Various indications are pointing to the idea of terrorism in the Pharaonic era, where the sons of the Nile faced different types of terrorism that may differ in their characteristics and means from the terrorism that we know at present. The most famous of them is that King "Setekh (Seth)" assassinated the brother of King "Osiris" to replace him in the rule of Egypt. (Hare 1999).

As for the Greeks, their political crime was linked to the religious concept, of their infusion between gods and humans, and they considered violating the majesty of the gods in their conception a political crime that deserved the death penalty. The penalty was that a person administered poison to herself/ himself, which is the same way that Socrates was executed in the year (399 BC). (Erenler et al. 2011).

In the Greek era, the view of political crime developed, and a distinction began to be made between it and religious crime, and the first was placed within the framework of crimes directed against the Greek state, its building, and its sovereignty. When the signs of the democratic system appeared in Greek cities, and in the interest of the Greek society to preserve the form of republican rule at the time, several Among the laws punish those who harm the system of government or try to infringe upon it, or even those who suspicion swirled around him, and the system of exile and deportation was applied, and this was a precautionary and preventive measure to confront the two political crimes. (Borowitz 2005).

In the Roman era, terrorism took the form of violence, whether from the rule against the ruled or vice versa. When Alexander the Great conquered the Near East in the period between (323-333 BC) he used violence against the peoples of the East.²

At the beginnings of the first century AD, some terrorist groups emerged that aimed to weaken the Roman Empire. In the period between (66-73) AD, a terrorist movement appeared based on its deportation to religious groups of insults, and its members were called "Zilunin" and this movement used the harshest forms of violence against the Roman Empire by destroying its facilities and destroying its palaces. (Hess 2003).

Terror in the Middle Ages

When tracing the terrorist crime in the Middle Ages, we find that it was affected by the feudal and religious nature, where the nobles in Europe used gangs of terrorism to undermine their noble opponents, and the slaves were fleeing from the fiefdoms of their masters, and forming gangs for revenge, murder, theft and spreading chaos in the property of their masters.³

It is mentioned that at the beginning of the Middle Ages Christianity began its spiritual march to Rome, the capital of the empire, but it encountered great obstacles, due to the rulers' use of the means of oppression and torture. As a result, a violent conflict occurred between the advocates of pacifist Christianity and the ruling men in Rome. The famous Milan Decree was issued in the year (313). A.D. The church became in record time a great power after the alliance between the church and the feudal lords, which in turn led to an increase in oppression and torture. In the fifth century, a theory of just war was added, which was intended. It provides cheap comfort to consciences by moving between the moral ideals of the Church and the political necessities surrounding it (Betten 1922).

It can be said that it was born from the womb of that theory, all the elements of injustice, tyranny, and state terrorism, and after the spread of Islam in Europe in Andalusia, the Christian Inquisition spread against Muslims and forced them to leave the country or die by fire. (Harvey 2008).

Terrorism in the Modern Era

The use of the term “terrorism” to denote a political and legal meaning did not begin until the late eighteenth century, after the execution of the death penalty of “Maximilien Robespierre,” By the ruler of France, who was described as a terrorist, after he issued a decree confiscating homes and arresting tens of thousands of suspects. The matter stops at this point. Rather, the death sentence was carried out without a court, as they are outlaws and traitors. Therefore, it can be said without hesitation that the period of the rule of “Wasir” is one of the first forms of state terrorism in the modern era. (Topacio 2020).

The danger of terrorism increased after the middle of the twentieth century after the spread of globalization and the transformations in many societies that were deepened by the information and communication revolution. Relatively easily through suspicious civil society organizations, they used the media to spread their motives and successes in their operations. The globalization of terrorist groups expanded the use of the Internet in communication and enabled terrorist groups to include communications and cooperate with each other (Greene 2015).

There is no doubt that the concept of terrorism in the modern era reached its height in the attacks of September 11th, 2001, as the world in general and the American people, in particular, law surprised by a terrorist group hijack in several American civilian planes and directing them to carry out a suicide attack. Indeed, the World Trade Center in New York, consisting of two skyscrapers, was destroyed. Two giants, in addition to the destruction of part of the US Department of Defense, and that incident led to the killing of four thousand innocent civilians who were not to blame, whether they were in that place at the time of the accident.

As a result of that terrorist incident, the United States of America has exposed the map of American foreign policy was changed, as well as a reviewed the internal system of the United States of America. In addition, the Muslim Arabs faced media bias against them and the public opinion was charged towards them. The American administration, which added the character of strict secrecy to the ongoing investigations, and the collation of information and decorated a wide campaign for the inevitability of military action and the response to the terrorist operation and pointed the finger of accusation at Al-Qaeda and its leader, "Osama bin Laden".

The repercussions of the terrorist operation had a set of responses to this outrageous act to amend the penal legislation and the issuance of urgent legislation and laws to prevent and combat terrorism as a result of that concurrent catastrophe, as well as countries, tended to, hold international regional conferences and conclude agreements to prevent and combat terrorism.

The Terrorism in the Arab Criminal Laws, its Types, and Causes

Although there are political and jurisprudential differences between the Arab countries, they are unanimously agreed to combat terrorism in all its forms, especially if the issue is related to societal security and national security of the country, and at other times it extends to include the country’s relationship externally, such as the Jordanian legislation that deals with the protection of diplomatic delegations.

Iraqi Laws

In the exceptional circumstances, it is required that there be a justification for derogating from some of the obligations contained in human rights instruments, such as the existence of a threat that impedes the continuation of normal life and its regular rhythm of which the state is formed.

In accordance with what is termed by international jurisprudence (wars, and serious political crises, which include acts of violence, serious internal disturbances, terrorism, acts of internal sabotage, and natural disasters), and after the American occupation, given the dangerous security conditions and the dire repercussions that continue to afflict Iraq at that stage, and the need to seriously confront terrorists and those who tamper with the law, Based on that, the National Safety Law and the Emergency Law were subsequently approved in the 2005 Iraqi Constitution.

The National Safety Law

The transitional government at that stage sought to protect the rights of citizens to a free and dignified life, guarantee their basic and civil rights, and commit to creating the appropriate security environment for holding free and democratic elections as dictated by the Transitional State Administration Law, in support of the rule of law and the independence of the judiciary, increasing its effectiveness and oversight, and to prevent the abuse of force in exceptional circumstances. National Safety Order No. (1) Of 2004 was issued, which included declaring a state of emergency by the Prime Minister after the approval of the Presidency, which includes a statement of the state of emergency and its causes and specifying the area it includes. On the freedom of Iraqi citizens and foreigners in Iraq and the imposition of a curfew Isolating and inspecting areas that witness a serious threat to security, imposing restrictions on funds and possession of prohibited items, placing precautionary seizures on funds accused of conspiracy, disobedience, rebellion, assassinations, and bombings, taking precautionary measures on all types of telecommunications, imposing restrictions on land, air and water transportation, and imposing restrictions on Public and commercial stores, clubs, unions, companies, institutions, and departments, setting the dates for their opening and closing, monitoring their work and placing guards on them after obtaining a judicial decision in this regard, and taking quick military and security measures and decisions that are limited and appropriate in the areas where the state of emergency has been declared.

The order required that decisions and orders issued for the seizure, arrest of persons, and funds be presented to the investigating judge and that the accused be represented within twenty-four hours before the judge. Exceptional decisions and procedures The National Consultative Assembly has the right to monitor the implementation of these procedures, provided that the decisions and procedures of the Prime Minister are subject to the oversight of the Court of Cassation and the Federal Supreme Court. These courts have the right to rescind those decisions and procedures and decide their nullity, illegality, or approval, taking into account exceptional circumstances. The National Safety Law did not grant the Prime Minister any authority legal enabling him to impose penal sanctions or to disrupt or cancel the law of state administration. Despite some legal drawbacks to the National Safety Law, including the lack of a legal link between the articles. For example, but not limited to, we find that the article (3- Sixthly) restrictions are imposed on trade unions, associations, institutions, and departments if they are related to the crimes mentioned in Article (7), first paragraph, which are the crimes of murder, rape, kidnapping, sabotage, bombing, destruction of public and private funds, possession of military weapons and their equipment, manufacture, trade, and smuggling. It is reasonable to commit a murder crime, and if it was committed by one of the members, why is the legal person punished and their balances suspended and their activities suspended, which in turn led to the exploitation of this article to stop the balances of all unions, federations, humanitarian associations, and civil society organizations by the Prime Minister's decision No. 8750 in 2005, which is still in effect, which disrupted The activities of these organizations for a long time without any of them committing any legal violation, Despite this, the National Safety Order included acceptable legal guarantees to monitor the decisions and actions of the Prime Minister, whether by the Presidency, the National Assembly, or the judiciary.

The Iraqi Constitution and the Emergency Law

The new Iraqi constitution of 2005 came devoid of a statement of the guarantees that were mentioned in the aforementioned National Safety Law. In Article 58 ninth, the House of Representatives was authorized to declare a state of emergency by a two-thirds majority at the request of the President of the Republic and the Prime Minister. It is extendable, and the Prime Minister is empowered with the necessary powers that enable administer the country's affairs during the period of declaring a state of emergency, the Prime Minister presents to the Council of Representatives the measures taken and the consequences of declaring a state of emergency. The constitution mentioned in paragraph (c) the powers of the Prime Minister, where he indicated that they are regulated by law in a way that does not contradict the constitution. This paragraph was brief and did not tell us any Among the provisions of the constitution that the powers should not contradict and did not refer to international and regional agreements or any of the human rights instruments and did not refer to the bodies that exercise control over the decisions and actions of the prime minister and no law has been issued so far regulating the powers granted to the prime minister, which led to a legislative vacuum The House of

Representatives should have avoided it and passed legislation regulating these powers instead of referring to the powers contained in the National Safety Order No. 1 of 2004, which contradicts some of the current constitutional provisions and reality of life, including:

The duration of the state of emergency in the constitution is only thirty days that can be renewed, and the period in the national safety order is sixty days.

The difference in the authority that authorizes the Prime Minister to declare a state of emergency.

Changes in the legislative bodies in Iraq, especially after the issuance of the 2005 constitution.

The different security situation, which has deteriorated a lot after the date of the issuance of the national safety order, and the presence of new challenges that need legislation that confronts these challenges and is proportional to them, but in a manner that does not lead to a widespread violation of basic human rights principles while preserving the basic rights contained in the constitution.

That the declaration of a state of emergency be only in the areas where the security is disturbed and not imposed on the areas that do not suffer any disturbance so that life does not become suspended in the country without justification and so that the policy of the state of emergency remains inevitable and continues for indefinite periods that casts a shadow over all aspects of life.

The constitution has given the judiciary in Iraq the right to take measures through which decisions and actions issued by the executive authority are canceled in the event of their illegality or ratification of decisions and actions if they comply with the law. As for the state of emergency declaration, it is an act of sovereignty. Do not go beyond administrative decisions subject to judicial oversight.

We also find in the text of Item Nine of Article (61) of the Iraqi Constitution for the year 2005 the powers of the Council of Representatives and can be included in the following:

The emergence of a state of war or the emergence of an exceptional circumstance that cannot be addressed by ordinary laws.

If a joint request is submitted by the President of the Republic and the Prime Minister to the House of Representatives requesting approval of declaring a state of emergency.

The approval of two-thirds of the House of Representatives to declare a state of emergency or to apply the theory of exceptional circumstances.

Issuance of a law regulating the powers granted to the Prime Minister to face this circumstance.

The Prime Minister presents the measures he takes under exceptional circumstances and the results he reached after taking those appropriate measures within fifteen days from their end.

Emergency Law in the Kurdistan Region

We find that declaring the emergency law in the region and determining the decisions and actions taken by the Prime Minister of the region are subject to the oversight of the National Court of Cassation and the Court of Cassation for the Kurdistan Region, and the Federal Court has the right.

The Iraqi Supreme Council can cancel those decisions and procedures and decide their nullity, illegality, or approval, considering the exceptional circumstances under which those decisions and procedures were issued.

We also find in the text of Item Nine of Article (61) of the Iraqi Constitution for the year 2005 the powers of the Council of Representatives and can be included in the following:

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The Prime Minister presents the measures he takes under exceptional circumstances and the results he reached after taking those appropriate measures within fifteen days from their end.

Lebanese Law

The Lebanese legislator did not overlook the threats of terrorism, so a text related to terrorism was placed in Article 314 of the Lebanese Penal Code of 1943 under the title of terrorism and a definition of terrorist acts as “all acts that are expected to create a state of panic, and are committed by means such as explosive devices, inflammable materials, toxic or incendiary products.” Epidemiological factors or microbes that may cause a public danger.

Egyptian Laws

Terrorism was not far from the land of Kenana, especially from extremist Islamic groups in general and the Muslim Brotherhood in particular. Therefore, Egyptian jurisprudence tended to develop a legal article dealing with terrorist cases, as Article (6) of the amended Egyptian Penal Code No. (27) For the year 1992 was defined for terrorism.” The use of force, violence, threat, or intimidation resorted to by the offender in the implementation of an individual or collective criminal project, with the aim of disturbing public order, or endangering the safety and security of society if this would harm people, or instill fear among them, or endanger their lives or security, or cause harm. the environment, communications, transportation, money, buildings, public or private property, or its occupation or appropriation, or preventing and obstructing the exercise of public authorities, places of worship, or science institutes to carry out their work, or obstructing the application of the constitution, laws, or regulations.”

Jordanian Laws

After the events of September 11th, and as a result of international and regional pressures, the Jordanian legislator went to the definition of terrorism in Law No. (54) of 2001 in the Penal Code, where Article (147.7) stipulates that terrorism is “the use of violence or threat to disturb public order or expose The safety and security of the community is at risk if that leads to intimidation among people, endangering their security and their lives, harming the environment, international facilities, or diplomatic missions, or disrupting their security or seizing them, or endangering national resources or disrupting the application of the provisions of the constitution. The Jordanian government imposes on those accused of terrorism hard labor and imprisonment for five years. (*Jordanian Penal Code amended,1960*).

Types of Terrorism

Terrorism is either internal, against individuals against their state, it is called terrorism of individuals, or it occurs by the state against individuals, or in violation of the provisions of the law, then it is considered state terrorism, and this division of terrorism in terms of its perpetrator.

State Terrorism: (Claridge 1996)

The term state terrorism is one of the modern terms in international law that has not been prompted by in-depth research and study so far, especially since many jurists find that all state actions are characterized by normal or exceptional legitimacy. Despite that, a group of jurists went to define state terrorism on it is a set of actions through which the state spreads terror among the citizens within the state to ensure that they are subject to the wishes of the government or abroad to achieve some interests that serve the state and which it cannot achieve by legitimate means.

The state possesses legal institutions and means that enable it to impose its control and apply its laws on the people, and it uses the harshest types of terrorism due to the means of terrorism that it possesses that the weak do not possess, including the application of emergency laws, public security, and the public interest. The state often uses terrorism against religious or national minorities, or ethnic groups.

Countries commit terrorism “directly or indirectly” using a set of tools they possess, such as employees of all kinds of intelligence services, members of the armed forces, or a group of agents, or it is indirectly when the state invites foreign individuals and groups to provide them with assistance, training, or care to carry out acts of terrorism on its behalf.

These activities can be summed up as follows:

Acts of terrorism by current state employees.

The state's use of unofficial agents to carry out terrorist acts.

Providing military and financial aid.

Providing a haven for terrorists on its territory.

Not providing a group of explicit or implicit assistance.

The Terrorism of Individuals: (Bjelopera 2017)

Individuals carry out terrorism in all its forms. Terrorism, whether it is state terrorism or the terrorism of organizations, individuals carry out by militias and other parties. The state uses individuals to implement its terrorism against its opponents, and organizations, militias, and parties carry out its terrorism through individuals, but the work was done to describe the violence that individuals carry out for the benefit of the state. Terrorism of the state, given that it is the planner of this terrorism, and the violence carried out by organizations, militias, gatherings, and parties are called terrorism of individuals and means terrorism Individuals Armed political violence by individuals against their state or another state or other individuals and terrorism of individuals is called stabbing terrorism because terrorism of individuals is the weakest type of armed struggle.

And the terrorism of individuals is every reaction to the terrorism of the authority of the state, which is directed against the state by groups and individuals opposing it, and individual terrorism is terrorism committed by individuals for various reasons, and it is called the one who performs it against an existing regime to overthrow it and replace it with another regime and it ends. This type of terrorism, either with the establishment of an alternative regime, and some of them define what is meant by individual terrorist crimes by saying “those crimes that are committed outside the regulatory framework, although this does not preclude that these crimes are committed within the framework of an individual or collective criminal project or based on a criminal agreement, because these forms do not assume the existence of a terrorist organization or organization.” The existence of a terrorist organization with a structural structure, even for a period, presupposes the existence of an agreement between its members.

The Causes of Terrorism: (Crenshaw 1981)

While delving into the probe of terrorism and its causes, we find that the main motives of terrorism practiced by individuals or groups are the desire to express or disseminate an opinion, thought, doctrine, religion, or a specific position, or to engage in a case by force and violent methods after the failure of peaceful means. This terrorism can also achieve national or revolutionary goals.

The Political Reasons And Motives: (Jackson 2009)

Political action is nothing but an attempt to convince a society or a large segment of it of the correctness of a particular position, and since it is characterized by persuasion that is based on freedom of opinion, the political

solution is by its nature a non-violent action as long as violence is a coercive means to impose opinion and will on others.

However, the failure to persuade, whether due to the lack of political discourse in its ideological, religious, nationalist, or otherwise, or the absence of a sound environment for that, especially because of violence that comes from a party other than individuals, which necessitates resorting to violence by deviating from the acceptable limits in an attempt to impose. This position is intimidating and intimidating from the point of view of the state.

Political terrorism is terrorism that adopts political goals directed at the state and its institutions, organizations, or bodies. The political motive is considered one of the most important motives motivating terrorism, which prepares individuals and groups to resort to violence to achieve certain political goals, including the control of control, the imposition of a certain political doctrine, or the establishment of a specific political entity, or taking a certain political position or refraining from it, and in this context, it can be said that the commission of terrorist operations with a political motive and creating a state of confusion and intertwining in the relationship between terrorism and the legitimate use of force that the rules of international law warn, as well as confusing terrorist acts with acts of legitimate resistance to foreign occupation.

The motives of violence become political motives, especially when a contradiction occurs in the structures of the political, social, and cultural system in the absence of solidarity and national integration, a state of lack of social justice, or the deprivation of certain forces in the society of political rights, or the failure to satisfy basic needs of community members such as education and health.

Economic Reasons and Motives: (Shelley and Picarelli 2005)

In the era of globalization, most of the economies of the third world have become affiliated with Western circles and economically developed countries, and this is what the tools of global globalization have worked to establish during the past decades using the International Monetary Fund, the World Trade Organization, the World Bank and giant companies and in this context and with the expansion of privatization policies of the poor became poorer, the wealth of the rich increased, unemployment, social diseases, and other problems increased.

Given the role of the economy in international life, and its the new force in today's world in classifying countries from rich, poor, and weak, deliberate sabotage and the destruction of the economies of some countries has become one of the most important motives for international terrorism in the current period.

This contributes to the destruction of the economies of the third world countries and developing countries that live in a state of economic deprivation, especially since poverty, urgent material need, and inequality in the distribution of resources and wealth (Al-Khafaji 2021).

The most prominent evidence of this is the global youth movement Which began in France in 1986 as a starting point for a youth rebellion that engulfed many parts of the world after many experiences of economic growth faltered in many parts of the third world countries after a period of optimistic expectations that followed the disposal of traditional colonialism, but tyranny and chaos and the rule of international forces in the global economy Increased incidence of armed violence.

Personal, Psychological, and Cultural Reasons and Motives: (Hudson 1999)

Movements may resort to armed violence for cultural and social motives after being prevented from practicing traditions or values that contradict the ideas of the state, and this violence is expressed by rejection or protest and boycott of Western or tributary phenomena from outside society.

A certain social group may suffer from religious persecution within society, so it is forbidden for them to practice their religious rituals or promote them, especially if the existing regime follows a different religious policy that harms other religious groups, which pushes these different religious groups to armed struggle against the state.

Personal and psychological factors are closely linked to political, ideological, and economic factors. The marginalized youth who loses the meaning of life in the third world countries for reasons related to their sense of injustice, inequity, unemployment, poverty, and lack of a decent life is vulnerable to deviations and access to the worlds of crime and terrorism. (Comer and Kendall 2007)

In this regard, some scholars say, “The material aspects represent a good percentage of the underlying motives behind the resorting of some individuals to terrorist activities, when there is a conflict between the need and its satisfaction, and when the available material capabilities are limited to meeting the requirements and needs of individuals, and when contacts increase between these individuals and between the rich and the poor. And when the gap between the two parties increases, and when terrorist organizations provide the appropriate for these people to buy the rent and satisfy the many needs raised, the weak-spirited tend to engage in terrorist activities through terrorist criminal organizations. (Moghaddam 2005).

There is a close relationship between terrorism and psychological factors, especially with the existence of new global transformations and a sense of inferiority among individuals, which were caused by such transformations, which increased the rate of violence and individual criminality, and this appears in the crimes of political terrorism. However, the spontaneous factors remain exclusively on the individual side and do not explain state terrorism.

On the cultural level, the peoples of third world countries suffer from the negative repercussions of globalization, which has created a set of cultural conflicts within the same society, some of which support terrorism and others oppose it. Supporting terrorism the terrorist groups that deliberately hijacked planes and other terrorist means may block the devotion of the media to serve its interests, to publish issues, reasons, and justifications that prompted it to do these actions, influence public opinion, attract popular support, and support for it. (Romey 2001).

CONCLUSION

After we delve into this phenomenon, are acquainted with its verbal and idiomatic concept, learn about the development of this phenomenon historically and what happened after the events of September 11th, the positions of the Arab legislator on this phenomenon, and identify its causes and motives, we can draw a set of conclusions and recommendations.

The Most Important Search Results

Legal jurists have not yet agreed on setting a consistent and comprehensive definition of terrorism because this concept is intertwined with legitimate national and national concepts that are not considered terrorism in the same sense for some. However, we can differentiate the crime of terrorism as any behavior that causes panic and terror in the hearts of an unspecified group of people. People if deliberately committed to this end.

Work has been done to classify the crime of terrorism on based one perpetrator and the means used in terrorist operations, so the crime of terrorism is classified into the terrorism of individuals and groups and state terrorism, in which the state turns from supporting terrorism and terrorist organizations to an original actor in the terrorist operation, as well as in terms of scope and effects to local terrorism whose practice is limited and its operations within countries.

The main motives of terrorism practiced by individuals and groups are attributed to the desire for an opinion, thought, doctrine, religion, or a specific stance on an issue by force and violent methods. The goal behind this terrorism may also be to achieve national or revolutionary goals.

The international character is what distinguishes international, national, or local terrorism. Terrorism is international if one of its material or personal elements is attached to it, or it is linked to an international crime. The concept of terrorism at the national or international levels remains a single concept, meaning the use of violence to create a state of terror and panic and to achieve goals. To which the offender is aiming.

The latest international development in the field of criminalizing and combating terrorism is the International Convention for the Suppression of Nuclear Terrorism issued in 2005. The agreement aims to strengthen international cooperation in combating terrorism and contribute to setting effective measures under the law.

RECOMMENDATIONS

The necessity of establishing a specific, comprehensive definition of terrorism and its elements.

Economic and cultural reasons are considered among the most prominent reasons that push individuals to drift into terrorist acts, and states must bear their responsibility in achieving a measure of economic stability for members of society. This is on the one hand and the other hand, states must give space for cultural and religious freedom to avoid individuals immersing in extremist ideas.

The Arab countries, in particular, should hold a regional conference through which the cultural gap between their members is narrowed and mechanisms are set to achieve this, excluding extremist religious ideas and spreading a spirit of tolerance.

Reconsidering the economic policies of Arab countries away from the policies of the International Monetary Fund, which aims in one way or another to impose negative economic policies aimed at creating a controversial situation between the ruling regimes and their peoples.

Reconsidering some provisions of the terrorism law in some Arab countries by giving the legislative and judicial authority a supervisory aspect over governments during the application or extension of emergency laws to preserve the security of individuals, even under exceptional circumstances.

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