

Overview of the definitions of terrorism in international criminal law

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Nowadays terrorism is one of the most dangerous, domestic and international security threat in the world. There are national, regional and global efforts in the field of counter-terrorism which are codified in international, regional and national criminal codes, treaties. Unfortunately and despite the seriousness of this threat there is no internationally accepted common definition of terrorism in the “global” international criminal law. At the level of regional and national treaties, in some parts of the criminal codes some types of terrorism are defined. Academic research and its results could be used at the legislation process, but this research has struggled to identify a widely accepted definition of terrorism. Hence we can find several definitions and typology of terrorism which could prove problematic for the legislators. This lack of common definition proves to be one of the main hurdles of effective cooperation among states and criminal authorities also having a negative impact on the effectiveness of counter-terrorism measures. My paper demonstrates in three chapters this definitional problem with regard to criminal law. In the conclusion I outline some proposals and probable directions of a new regulatory method in order to mitigate this problem through reaching an accepted common definition in legislations and criminal law.

Keywords: terrorism, international criminal law, definition, typology, conceptualisation

1. Introduction

Terrorism is one of the most dangerous, domestic and international security threat in the world. Especially since 9/11, the world could experience this threat and fear of terrorism. Of course several global, regional organisations, states started to fight against terrorism in the last decades. The legislation procedure is part of counter-terrorism and the aim of it is to punish terrorism, the perpetrators of terrorist offences.

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Therefore, several regulations, treaties, conventions and criminal codes defined terrorism as a punishable act at global, regional and national level. Why is it important to regulate terrorism in international, regional or national criminal law? Without a precise legal definition there is no chance to take criminal measures against perpetrators or cooperate among states, international organisations, criminal authorities or have an effective fight against terrorism. During the criminal procedure, the criminal authorities (police, prosecutor, judge) can only use criminal law and definition and a perpetrator could only be judged by this law. Therefore, it is important to have a precise definition in criminal law.

This paper shows that several definitions of terrorism exist in criminal law and academic research and each treaty, convention, organisation, state, researcher have their own definition. These definitions could not be synthesised and as we will see, criminal law has to create its own definition because there is no common accepted definition of terrorism.

The lack of the accepted common definition results not only in different interpretations, but in different measures against terrorism. Therefore, it is hard to measure and interpret it by data measurement.

There are two main databases which collect, analyse, measure and publish results related to terrorism. Both the European Union Terrorism Situation and Trend Report and the Global Terrorism Index are published yearly.

The Terrorism Situation and Trend Report 2019 notes² that the definition of the term terrorist offences is indicated in the Directive (EU) 2017/541, which gives place for interpretation and categorises terrorist organisations by their source of motivation (jihadist, right-wing, left-wing, ethno-nationalism terrorism and single issues).

Global Terrorism Index 2019 notes:³ “Defining terrorism is not a straightforward matter. There is no single internationally accepted definition of what constitutes terrorism and the terrorism literature abounds with competing definitions and typologies” and therefore used its own created definition.

2. Definitions in global, regional and some national criminal laws

“If you Google ‘definition of terrorism’, in less than half a second you get 48 million hits. [...] It has also been called ‘the Bermuda triangle of terrorism research’”.⁴

“Terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, must be condemned, as it constitutes one of the most

² Europol, *Terrorism Situation and Trend Report 2019*, 78–79.

³ Institute for Economics and Peace, *Global Terrorism Index 2019*, 4–8.

⁴ Alex P Schmid, ‘Links between Terrorism and Migration’, *ICCT Research Paper*, May 2016, Chapter 1, 1.

serious threats to international peace and security.” Report of the Special Committee on Terrorism (TERR 2018).

United Nations – as a global organisation – has not managed to accept a common criminal definition of terrorism, but the resolutions of the Security Council and the conventions and protocols of the United Nations related to terrorism constituted the primary international legal framework without a common definition as well. The United Nations has already adopted 12 conventions and protocols related to prevention and suppression of terrorism, each deals only with one type of terrorist offences (e.g. unlawful seizure of aircraft; suppression of the terrorist bombings).⁵

The United Nations tried to define terrorism and set up an Ad Hoc Committee on Terrorism, which defined terrorism in an informal text, the draft of Comprehensive Convention on International Terrorism as follows:

“Article 2.

1. Any person commits an offence within the meaning of this Convention if that person, by any means, unlawfully and intentionally, causes:

(a) Death or serious bodily injury to any person; or

(b) Serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or the environment; or

(c) Damage to property, places, facilities, or systems referred to in paragraph 1 (b) of this article, resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or abstain from doing any act”.⁶

This draft has never been adopted by the General Assembly and therefore it is not a legal binding. This draft contains a very short ruling and therefore it could be used very well, because it does not try to rule every type of terrorism, only the core meaning of terrorism.

The predecessor of the United Nations, the League of Nations tried to reach a definition in the Convention for the prevention and punishment of terrorism in 1937, but the convention has never entered into force. This draft conceptualised the acts of terrorism (“means criminal acts directed against State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public” Article I. 2.) and obliged the states to punish them as criminal acts in Article 2:

⁵ United Nations, ‘Multilateral Treaties Deposited with the Secretary-General’, 31 May 2019.

⁶ United Nations, ‘Ad Hoc Committee on Terrorism 2001 Informal texts of article 2 of the draft comprehensive convention’, Document A/C6/56/L9.

- “(I) Any wilful act causing death or grievous bodily harm or loss of liberty to:
- (a) Heads of States, persons exercising the prerogatives of the head of the State, their hereditary or designated successors;
 - (b) The wives or husbands of the above mentioned persons;
 - (c) Persons charged with public functions or holding public positions when the act is directed against them in their public capacity.
- (2) Wilful destruction of or damage to public property or property devoted to a public purpose belonging to or subject to the authority of another High Contracting Party.
- (3) Any wilful act calculated to endanger the lives of members of the public.
- (4) Any attempt to commit an offence falling within the foregoing provisions of the present article.
- (5) The manufacture, obtaining, possession, or supplying of arms, ammunition, explosives or harmful substances with a view to the commission in any country whatsoever of an offence falling within the present article”.⁷

We can find more conventions, treaties at regional level, which deal with the definition and problem of conceptualisation of terrorism, terrorist acts, offences at criminal law level.

The Treaty on the Functioning of the European Union (TEFU) declares in the solidarity clause (Article 222): “The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack [...] The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to prevent the terrorist threat in the territory of the Member States or protect democratic institutions and the civilian population from any terrorist attack or assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack.”⁸

In order to establish minimum rules concerning the definition of criminal offences like terrorism, the European Parliament and the Council adopted directive 2017/541 on combating terrorism (EU Directive), which shall be applied by the Member States from 8 September 2018. The directive gives the so-called minimum rules referring to terrorism and listed some crimes with special aims as terrorist offence: According to Article 3, terrorist offences are: “1. Member States shall take the necessary measures to ensure that the following intentional acts, as defined as offences under national law, which, given their nature or context, may seriously damage a country or an international organisation, are defined as terrorist offences where committed with one of the aims listed in paragraph 2:

⁷ League of Nations, ‘Convention for the Prevention and Punishment of Terrorism’, Article I. 2, 2; Alex P Schmid, ‘Frameworks for conceptualising terrorism’, *Terrorism and Political Violence* 16, no 2 (2004), 198–199.

⁸ European Union, ‘Consolidated version of the Treaty on the Functioning of the European Union’, *Official Journal of the European Union*, 26.10.2016, C326/47-390.

- (a) attacks upon a person's life which may cause death;
 - (b) attacks upon the physical integrity of a person;
 - (c) kidnapping or hostage-taking;
 - (d) causing extensive destruction to a government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss;
 - (e) seizure of aircraft, ships or other means of public or goods transport;
 - (f) manufacture, possession, acquisition, transport, supply or use of explosives or weapons, including chemical, biological, radiological or nuclear weapons, as well as research into, and development of, chemical, biological, radiological or nuclear weapons;
 - (g) release of dangerous substances, or causing fires, floods or explosions, the effect of which is to endanger human life;
 - (h) interfering with or disrupting the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;
 - (i) illegal system interference, as referred to in Article 4 of Directive 2013/40/EU of the European Parliament and of the Council (1) in cases where Article 9(3) or point (b) or (c) of Article 9(4) of that Directive applies, and illegal data interference, as referred to in Article 5 of that Directive in cases where point (c) of Article 9(4) of that Directive applies;
 - (j) threatening to commit any of the acts listed in points (a) to (i).
2. The aims referred to in paragraph 1 are: (a) seriously intimidating a population;
- (b) unduly compelling a government or an international organisation to perform or abstain from performing any act;
 - (c) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation".⁹

The main problem of these minimum rules is that they do not define the word, phenomenon of terrorism, only some types of it. They contain either minimal regulations or some kind of terrorism as terrorist attacks. They use different words as well (e.g. terrorist acts, terrorist offence) in order to define this phenomenon. The disadvantage of this ruling is that if a new type of terrorism appears, the ruling should be changed and completed. For example, a problem appeared after the return of the Islamic State's warriors to Europe, who were citizens of the Member States of the European Union, therefore, the directive was completed with the crime of returning warriors as well.

The Council of Europe adopted the Convention on the Prevention of Terrorism on 16 May 2005 in Warsaw, which entered into force on 1 June 2007. The convention

⁹ European Union, 'Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA', *Official Journal of the European Union*, 31.03.2017, L 88/13.

deals with “terrorist offence”, which “means any of the offences within the scope of and as defined in one of the treaties listed in the Appendix (Article 1.1.)”. There are 11 international conventions adopted by the United Nations listed in the appendix (e.g. Convention on the Physical Protection of Nuclear Material).¹⁰ It is interesting that Belgium, the United Kingdom and Ireland have not ratified this convention yet. The Convention does not define terrorism as a phenomenon. It only rules some types of terrorist phenomena and it could not be used among the member states because it has not been ratified by some member states.

In Africa, the Organisation of African Unity adopted the Convention on the Prevention and Combating of Terrorism on 1 July 1999, which entered into force on 6 December 2002. The Convention was signed by 50 African states and ratified by 43 states. This convention does not define terrorism itself, only some acts, types of it, which can be considered a terrorist act (Article 1.3.) if the act intermediates or coerces states or governments to do or not to do something or the act disrupts services or creates public emergency or general insurrection in a State. The convention notes that “political, philosophical, ideological, racial, ethnic, religious or other motives shall not be a justifiable defence against a terrorist act” (Article 3.2.).¹¹

Similarly to the African convention, the Shanghai Cooperation (representing Asia) adopted a convention referring to terrorism as well, the Convention on Combating Terrorism, Separatism and Extremism on 15 June 2001. The Convention entered into force on 29 March 2003. It does not define terrorism itself. It only notes that terrorism means some acts (listed in the annex of the convention) and other acts which cause intimidation in the population, violate public security, coerce public authorities or an international organisation to do or to abstain from doing any act (Article 1. 1) a–b).¹²

These two conventions follow the method of the European Union, because they list some crimes with special aims as terrorism, but they could not be used for all kinds and types of terrorism.

At national level we can find several criminal codes or special terrorist acts. There is no opportunity to present each national criminal legislation in details; therefore, I only mention a few of them. Most of the member states of the European Union follow the mentioned EU Directive and harmonise its own legislation according to it. The Hungarian Criminal Code (Number 100 year 2012, article 314–319) translated the text of the EU Directive and defines this phenomenon as terrorist acts. The Danish Criminal Act (The Criminal Code Order No. 909 of 27 September 2005, as amended by Act Nos. 1389 and 1400 of 21 December 2005, article 114) contains the expression “shall be guilty of terrorism”, but it includes the text of the Directive of the European Union, which refers to terrorism as some terrorist offences and not as terrorism.

¹⁰ Council of Europe, *Convention on the Prevention of Terrorism*, 16 May 2005, 1–8.

¹¹ Organisation of African Unity, *Convention on the Prevention and Combating of Terrorism*, 01 July 1999, 4–5.

¹² Shanghai Cooperation, *Convention on Combating Terrorism, Separatism and Extremism*, 15 June 2001, 1.

In Europe, France, Belgium and the United Kingdom are affected most by terrorism in the last years. According to the TESAT-Report 2019, there were 60 terrorist attacks in the United Kingdom, 30 in France and 4 in Belgium and around 632 people were arrested because of committing terrorist crimes in these three countries.¹³ The French Criminal Code contains several acts of terrorism and listed some crimes with special aims as terrorist acts (Criminal Code article 421-1 – 422-7).¹⁴ The main problem is that the Criminal Code does not define the word and phenomenon of terrorism, only some types of it. The Belgian Criminal Code (Article 137–141)¹⁵ contains terrorist offences as punishable acts without defining terrorism.

The United Kingdom – which is affected most seriously by terrorism in Europe – has more terrorism acts. The first terrorism act in 2000 interpreted terrorism as follow:

- “1. (1) In this Act “terrorism” means the use or threat of action where—
- (a) the action falls within subsection (2),
 - (b) the use or threat is designed to influence the government or an international governmental organisation] or to intimidate the public or a section of the public, and
 - (c) the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause. (2) Action falls within this subsection if it—
 - (a) involves serious violence against a person,
 - (b) involves serious damage to property,
 - (c) endangers a person’s life, other than that of the person committing the action,
 - (d) creates a serious risk to the health or safety of the public or a section of the public, or
 - (e) is designed seriously to interfere with or seriously to disrupt an electronic system.”¹⁶

In other continents, in Africa, Australia and America we can find terrorist acts as well. For example, the Federal Democratic Republic of Ethiopia has adopted a Proclamation on anti-terrorism (Proclamation No. 625/2009) on 7 July 2009, which entered into force on 28 August 2009. This proclamation defined terrorist acts (part two, point 3) similarly to the European criminal acts: “Whosoever or a group intending to advance a political, religious or ideological cause by coercing the government, intimidating the public or section of the public, or destabilizing or destroying the fundamental political, constitutional or, economic or social institutions of the country: 1/ causes a person’s death or serious bodily injury; 2/ creates serious risk to the safety or health of the public or section of the public; 3/ commits kidnapping or hostage taking; 4/ causes serious damage to property; 5/ causes damage to natural resource, environment, historical or cultural heritages; 6/

¹³ Europol, *Terrorism Situation*, 11.

¹⁴ *The French Criminal Code*.

¹⁵ *The Belgian Criminal Code*.

¹⁶ United Kingdom, *Terrorism Act 2000*.

endangers, seizes or puts under control, causes serious interference or disruption of any public service; or 7/ threatens to commit any of the acts stipulated under sub-articles (1) to (6) of this Article is punishable with rigorous imprisonment from 15 years to life or with death.”¹⁷

The Australian Criminal Codes distinguish terrorism offence and terrorist acts, but the criminal legislation is similar to the United Kingdom’s legislation, because in the text the motivation, aims are the same (Criminal Coda Act 1995, Division 72 Subdivision A): “an action or threat of action where:

(a) the action falls within subsection (2) and does not fall within subsection (3); and

(b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and

(c) the action is done or the threat is made with the intention of:

(i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or

(ii) intimidating the public or a section of the public.

(2) Action falls within this subsection if it:

(a) causes serious harm that is physical harm to a person; or

(b) causes serious damage to property; or

(c) causes a person’s death; or

(d) endangers a person’s life, other than the life of the person taking the action; or

(e) creates a serious risk to the health or safety of the public or a section of the public; or

(f) seriously interferes with, seriously disrupts, or destroys, an electronic system including, but not limited to:

(i) an information system; or

(ii) a telecommunications system; or

(iii) a financial system; or

(iv) a system used for the delivery of essential government services; or

(v) a system used for, or by, an essential public utility; or

(vi) a system used for, or by, a transport system.

(3) Action falls within this subsection if it:

(a) is advocacy, protest, dissent or industrial action; and

(b) is not intended:

(i) to cause serious harm that is physical harm to a person; or

(ii) to cause a person’s death; or

(iii) to endanger the life of a person, other than the person taking the action; or

¹⁷ Federal Democratic Republic of Ethiopia, *Proclamation on anti-terrorism*.

(iv) to create a serious risk to the health or safety of the public or a section of the public.”¹⁸

There are several acts and organisations in the United States of America, which deal with terrorism, counter-terrorism and security issues. The definition of terrorism in the Homeland Security Act of 2002 [Section 2. Definitions (15)] emphasises through the protection of human life and critical infrastructure the security of civilian population and nation: “The term “terrorism” means any activity that—

(A) involves an act that—

(i) is dangerous to human life or potentially destructive of critical infrastructure or key resources; and

(ii) is a violation of the criminal laws of the United States or of any State or other subdivision of the United States; and

(B) appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping.”¹⁹

These criminal codes and acts face the same problem, how can we define, conceptualise terrorism in the most suitable way? These definitions only define some types of terrorism and could not be used against the new phenomena.

3. Definitions in academic research

As we see, there are diverse legal definitions. The legislation could collect experience, view, methodology or could use the results of academic research. But related to the conceptualisation of terrorism, we face the same problem as at the legislation. There is no accepted common definition, only debates about it and several variations of the same thing. Terrorism has been defined in many ways since decades. We only have more and more definitions. Every scholar tries to make a new one.

Of course, there are some sceptics saying that “terrorism is not, and will never be, a conceptually clean label”.²⁰ Or as Didier Bigo says “terrorism does not exist: or more precisely, it is not a useable concept in social science”.²¹ Walter Laquer who notes that a common definition could not be accepted because “one man’s terrorist

¹⁸ Australia, *Crimes Act 1914, Act No. 12 of 1914 as amended*, Section 3; *Criminal Code Act 1995, No. 12 1995*, Division 72 Subdivision A, 100.1 and 101.1

¹⁹ United States of America, ‘Homeland Security Act of 2002’, Section 2, Definitions (15).

²⁰ Tom Parker and Nick Sitter, ‘The Four Horsemen of Terrorism – It’s not Waves, it’s Strains’, *Terrorism and Political Violence* 28, no 2 (2015), 25.

²¹ Alex P Schmid, ‘Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review’, *International Centre for Counter-Terrorism, ICCT Research Paper*, March 2013, 15.

is another man's freedom fighter".²² Despite this approach, Walter Laquer still uses a definition for terrorism: "Terrorism is the illegitimate use of force to achieve a political objective by targeting innocent people."²³

According to the opinion of Boaz Ganor, there is a need for having a common definition of terrorism, because without it there is no chance to have a serious attempt to combat terrorism. He also created a definition: "Terrorism is the intentional use of, or threat to use, violence against civilians or against civilian targets, in order to attain political aims."²⁴

C.A.J. Coady defined terrorism similarly to Boaz Ganor: "The organised use of violence to attack non-combatants ("innocent" in a special sense) or their property for political purposes."²⁵

The weakness of Laquer's, Ganor's and Coady's definitions is that they include only political purposes and aims; nevertheless, terrorism is related to wider aims and motivations (e.g. religious aims).

Alex P Schmid condensed the elements of terrorism in a definition: "Terrorism is an anxiety-inspiring method of repeated violent action, employed by semi clandestine individual, group, or state actors, for idiosyncratic, criminal, or political reasons, whereby – in contrast to assassination – the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as a message generators. Threat- and violence-based communication processes between terrorist (organization), (imperilled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought."²⁶

The problem of this definition is that it is too long and tries to reflect to all elements of terrorism as a phenomenon but it is detailed too and not able to be used in practice. And what could we do if a new method or element of terrorism appears? We should modify the definition again and again. And in criminal law, the constancy and computability of the law are basic principles.

Tore Bjorgo defines terrorism from a military point of view and states that "terrorism is a set of methods of combat rather than an identifiable ideology or movement, and involves premeditated use of violence against (primarily) non-

²² Boaz Ganor, 'Defining Terrorism: Is One Man's Terrorist another Man's Freedom Fighter?', *Police Practice and Research* 3, no 4 (2002), 287.

²³ Gregor Bruce, 'Definition of Terrorism – Social and Political Effects', *Journal of Military and Veterans' Health* 21, no 2 (2013), 27.

²⁴ Ganor, 'Defining Terrorism', 294.

²⁵ C. A. J. Coady, 'Terrorism and Innocence', *The Journal of Ethics* 8, no 1 (2004), 39.

²⁶ Alex P Schmid, 'Terrorism – The Definitional Problem', *Case Western Reserve Journal of International Law* 36, no 2 (2004), 382.

combatants in order to achieve a psychological effect of fear on others than the immediate targets”.²⁷

Alex P Schmid’s and Tore Bjorgo’s definition deal with the psychological effect of terrorism and it effects not only on victims but on population as well. Similarly, Enders–Hoover–Sandler notes that terrorism has direct and indirect victims and the impact on population behind the terrorist acts is relevant as well: “Terrorism is the premeditated use or threat to use violence by individuals or subnational groups to obtain a political objective through the intimidation of a large audience beyond that of the immediate victim.”²⁸

Alex P Schmid was maybe the first who tried to collect the several definitions and analyse their elements in order to find a common definition through the use of these elements. He examined 109 definitions according to 22 definitional elements and he ranked it in order of the frequency and as we see above in his definition there are 16 elements of 22.²⁹ According to Schmid’s study, Leonard Weinberg, Ami Pedahzur and Sivan Hirsch-Hoefler reviewed the new definitions and elements and notes, that “terrorism is a politically motivated tactic involving the threat or use of force or violence in which the pursuit of publicity plays a significant role”.³⁰

This kind of summary has its own disadvantages as well. As Kimberly A Powell described this definition of terrorism “excludes school shooters as the shooter is typically acting out in range versus attempting to send a message to higher power”.³¹ On the other hand, these definitions are too detailed, too long and try to regulate everything, but as we already know, one cannot determine a good definition with this method because newer and newer types and elements of terrorism appear again and again (e.g. the problem of the returning fighters).

But if we examine these definitions we can define some common elements, which can be taken into account at the legislation. And we might avoid some problems. Some of these elements can be:

- terrorism is a kind of politically or ideologically motivated violence, which can never be justified
- terrorism is often used mislead by the media, politicians and by the perpetrators themselves
- terrorism is widely varied and sometimes we define it from the viewpoint of result (e.g. hijacking)

²⁷ Bruce, ‘Definition of Terrorism’, 27.

²⁸ Adesoji Adelaja, Justin George, Takashi Miyahara and Eva Penar, ‘Food Insecurity and Terrorism’, *Applied Economic Perspectives and Policy* 41, no 3 (2018), 477.

²⁹ Leonard Weinberg, Ami Pedahzur and Sivan Hirsch-Hoefler, ‘The Challenges of Conceptualizing Terrorism’, *Terrorism and Political Violence* 16, no 4 (2004), 780–782.

³⁰ Ibid. 786.

³¹ Kimberly A Powell, ‘Framing Islam/Creating Fear: An Analysis of U.S. Media Coverage of Terrorism from 2011–2016’, *Religions* 9, no 9 (2018), 2.

- terrorism has several types and each type has its own goal, method, motivation (newer and newer types and methods (e.g. 50 years ago we could not imagine cyberterrorism or tactical attacks by drones), means (e.g. the use of internet, media, telecommunications devices) and source (e.g. terrorist organisations have their own source of incomes) appeared

4. Conclusions

As we see, terrorism as a punishable act has been defined in several global, regional treaties, conventions and national criminal codes, but there is a lack of an accepted common definition in criminal law. Summarising the common elements, we can agree that every type of terrorism is crime and must be punished. But there is the principle of “*nullum crimen et nulla poena sine lege*” (no crime and no penalty without a law) in criminal law and therefore we should create the accepted common criminal definition at least at regional or national levels in order to take better measures against perpetrators, terrorist organisations and to facilitate the cooperation among the international organisations and criminal authorities.

1. Achieving or accepting this common definition we should take into account that we need a short definition, which contains the main element of terrorism and can reflect to the new types of terrorism as well (e.g. cyberterrorism). And in that case we should not modify the criminal codes, conventions all the time.

We should try to define terrorism and terror as briefly as possible and not try enumerate every element or type of these phenomena.

The United Nations, as the only global organisation could not define an accepted common definition. But it is rather the fault of its members and their political-ideological differences. I think these differences will interfere with the common conceptualisation of terrorism at global level in the future as well. The mentioned Ad Hoc Committee on Terrorism’s draft has never been adopted by the General Assembly and therefore it is not legally binding. This draft contains a very short definition, therefore it could be used very effectively.

At regional level the main problem is that the mentioned treaties, conventions do not define the word and phenomenon of terrorism, only some types of it.

At national level some states have defined terrorism but because of the different criminal codes of states, every state uses different definition of terrorism, and this is one of the main hurdles of effective cooperation in criminal cases.

The disadvantage of the regional and national regulations and criminal laws is that if a new type of terrorism appears, the law should be changed and completed.

2. Sometimes the state and its representatives are supporting terrorism (e.g. state sponsored terrorist organisations in another state) or they commit terrorist acts, crimes against some groups of their own population. Despite this phenomenon,

the so-called state terrorism is not defined as a criminal act in the criminal law. I think the common definition has to contain state terrorism as well. Of course global, regional, bilateral conventions, treaties are ratified by the states. Therefore, I think state terrorism could not be defined at global level, only at regional or national level.

3. Terrorism should be distinguished from terror, war crimes, crimes against humanity. So in case of terrorism, we should speak of terrorist organisations and terrorist acts.

4. We should protect the human rights of victims and perpetrators as well, but we should not forget that one's human right could not limit or hurt another person's human right.

5. I think one of the most suitable definitions of terrorism should be: Terrorism is a politically or ideologically motivated violent act against the members of a society or infrastructure.

Until the acceptance of a common definition, we could use the already accepted rules of conventions, treaties and criminal codes in criminal processes and in counter-terrorism.

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