

Violence and terrorism
"Concepts"



العنف والارهاب
"المفاهيم"

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Violence and terrorism "Concepts"

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المخلص:-

تتمتع الدراسات التي تتناول العنف والارهاب باهمية كبيرة في عالم اليوم، لما لها من تأثير في حياة الافراد والشعوب والدول، واضحت تلك الممارسات تهدد حياة الناس والمجتمعات، وتترك العلاقات الدولية ومستقبل التنمية والسلام والاستقرار، ويُعد تحديد المفاهيم في الدراسات الاجتماعية عموماً، في غاية الصعوبة لتداخل الظروف والأحوال والأزمات التي عبرت عنها تلك المفاهيم. لذلك شكلت تلك المفاهيم تحدياً امام الباحث في مجمل الازمنة والافكار السياسية التي عالجتها.

ان العنف والارهاب، مفردتان متداخلتان مع بعضهما، الى حد يجعل المساحة المشتركة بينهما، متداخلة الى حد ما لخصوصية كل منهما، فالعنف يحتوي الارهاب، والارهاب صورة من صورالعنف، انهما مفهومان قديمان قدم البشرية، فلم يخل منها عصر ولا مكان، لكن ان نجعل منهما اساساً لحياة او فناء أمة او مجموعة من البشر، امر مثير للدهشة والاستغراب، لان البشرية خلقت لكي تتعايش وتتفاعل، وحياناً تتصارع، اما ان يصبح وجود أية أمة او مجموعة مرهوناً بزوال ونهاية الاخرى، فهو تصور ينم عن حالة عدوانية ومتوحشة.

فالعنف يحمل اوجه متعددة منها الارهاب، الاستبداد، الحرب، الاغتيال والاعتصاب والانتقام والتأثر...، وبذلك فان مشاكل العنف، مثل الاعداد تبدو غير متناهية، فهو متجدد، تجدد



Violence and terrorism "Concepts"



الحياة، ويثير الانتباه بتكراره فهو وسيلة (شرعية) لمن يمارسه، بحجة افتراض سلامة اهدافه، مستنداً في ذلك الى الافكار والعقائد الدينية وغير الدينية، رغم ان الاديان اعمق اثراً من ان تحصر في معنى انساني معين، فهو رابطة روحية تجمع البشر، وتصل بين الشعوب والافراد، وتلبي حاجتهم الى التعاون، وتؤلف قلوبهم وتنظم سلوكهم.

ان العنف يمكن ان يمثل التجلي الأكثر بروزاً للسلطة، لان كل قوى سياسية ممكن ان تتنافس وتتصارع من اجل السلطة، والعنف هو أقصى درجات الصراع، او هو وسيلة للسيطرة على الناس فقد أعطى الصراع من اجل السلطة والنفوذ والثروة مبرراً للعنف، والارهاب مفردة تختلط في اوسع معانيها بمفهوم العنف من جانب، بحق تقرير المصير من جانب اخر، ورغم عدم قدرة الفقه السياسي والقانوني، في تحديد الدلالة الوظيفية للمفهوم بحيث يمكن التفرقة بصورة قاطعة بين ذلك الذي ينطوي تحت أي من هذه المصطلحات الثلاثة. والارهاب يفترض استخدامه وسائل، هي في حد ذاتها، وسائل غير مشروعة، ان خوف الاشخاص او المجموعات، من تعرضها لحالات من العنف والارهاب من قبل السلطة او المعارضة الى جانب انعدام الثقة بالآخر، يخلق لديهم بعض الميول المدمرة للحفاظ على حرياتهم وعقائدهم و قوانينهم واحيانا حياتهم.

Abstract:-

Studies dealing with violence and terrorism are of great importance in today's world, because of their impact on the lives of individuals, peoples, and countries. It is clear that these practices threaten the lives of people and societies, and confuse international relations and the future of development, peace, and stability. Defining concepts in social studies in general is extremely difficult because they overlap. The circumstances, conditions and times through which these concepts were expressed. Therefore, these concepts presented a challenge to the researcher in all the times and political ideas that they dealt with.

Violence and terrorism are two terms intertwined with each other, to the extent that the common space between them overlaps to the extent of the privacy of each of them. Violence contains terrorism, and terrorism is a form of violence. They are two concepts as old as humanity, and no era or place has been devoid of them. But to make them a basis for life. Or the extinction of a nation or a group of people is surprising and astonishing, because humanity was created to coexist and interact, and sometimes conflict. However, the existence of any nation or group becomes dependent on the demise and end of the other, it is a perception that indicates an aggressive and savage state.



Violence and terrorism "Concepts"

Violence has multiple facets, including terrorism, tyranny, war, assassination, rape, revenge, and revenge... Thus, the problems of violence, such as the number, seem infinite. It is renewed, life is renewed, and it attracts attention with its repetition. It is a (legitimate) means for those who practice it, under the pretext of assuming safety. Its goals are based on religious and non-religious ideas and beliefs, although religions have a deeper impact than being limited to a specific human meaning. It is a spiritual bond that brings people together, connects peoples and individuals, satisfies their need for cooperation, forms their hearts, and regulates their behavior.

Violence can represent the most prominent manifestation of power, because all political forces can compete and struggle for power, and violence is the ultimate level of conflict, or it is a means of controlling people. The struggle for power, influence, and wealth has given justification for violence, and terrorism is a single entity that is mixed in a broader context. Its meanings include the concept of violence on the one hand, and the right to self-determination on the other hand, and despite the inability of political and legal jurisprudence to define the functional significance of the concept so Authority or opposition, coupled with a lack of trust in others, creates some destructive tendencies in them to preserve their freedoms, beliefs, laws, and sometimes their lives. that a definitive distinction can be made between that which is implied under any of these three terms. Terrorism assumes the use of means that, in and of themselves, are illegal means, because the fear of individuals or groups that they will be exposed to situations of violence and terrorism by...

First: The research problem:

The research problem centers on answering the central question: Is violence and terrorism specific to an era, a nation, a religion, a culture, or a specific civilization, or is it a characteristic practiced by peoples, civilizations, and cultures throughout their historical stages?

Therefore, we assumed that violence and terrorism are the result of the wrong interpretation of some religious texts on the one hand, and human ideas that embody human nature on the other hand, for the purpose of domination by spreading terror and chaos and defeating and surrendering the other, especially since many extremist groups and movements have taken from religion (Jewish, Christian, It is a cover for using terrorism against whomever you want, knowing that the Torah contains many texts that emphasize the use of terrorism, and the Book of Joshua is considered one of the books that most calls for terrorism.

The study will attempt to answer some of the following questions:



Violence and terrorism "Concepts"



- What is the role of religious text in providing terrorists with ideas and legitimate justifications for carrying out their actions?
- What are the religions, sects and trends accused of terrorism, by preparing an intellectual and ideological ground for terrorism?
- How are religious texts interpreted in certain circumstances, according to certain jurisprudence that supports the tendency towards terrorism?
- What are the psychological and social factors that pave the way for terrorist ideas and the use of violence by individuals and groups?
- What are the political ideas and behavioral practices that justify the use of violence and terrorism?

Defining the concepts of violence and terrorism

The problem of defining and specifying concepts is one of the fundamental problems in political analysis, as the definitions are multiple and overlap with each other, which creates a degree of confusion and confusion when using such concepts).¹ The lack of agreement is due to several considerations, including-² :

Political and social phenomena in general are complex, multi-variable phenomena, and therefore the concepts that indicate them are characterized by generality, complexity, and multi-dimensionality.

Concepts are the product of a shared social experience, and since the experiences of individuals and groups differ in terms of time and place, this is reflected in the meanings of concepts and their uses. Therefore, the use of certain concepts, or understanding them with specific connotations and meanings, in itself reflects preferences and biases closely related to the group's experience.

According to the change and change that characterize social concepts, some of them may disappear or disappear, until new meanings appear for a particular concept. To define the concept, we decided to focus on defining the concept of terrorism in our study, because it is one of the most bloody forms of violence that has become on an international scale and is beginning to greatly affect the world. Entire.

The concept of terrorism

Terrorism is a concept that has not been subject to a clear, agreed-upon definition through which the meaning of terrorism and terrorist acts can be explained. Therefore, the human sciences are unable to give terrorism a universally accepted explanation. Terrorism and terrorist acts remain without a clear and specific definition agreed upon by all peoples and countries. Today, the word terrorism is on every tongue, especially after it was applied to a number of acts of violence that cannot be described as terrorism. Some governments call terrorism every act of





Violence and terrorism "Concepts"



violence carried out by their political opponents, while enemies of governments consider themselves victims of state terrorism .³

Because terrorism is a concept of acts of violence that are characterized by speed and stealth, in which killing, destruction, and intimidation are practiced to achieve political goals, Islam stands against these concepts, and their equivalent in Arabic vocabulary, including (killing by treachery and betrayal). As for jihad, it is an explicit declaration of war determined based on texts and variables of reality. . Thus, it is not included in the concept of terrorism, as Islam is the broadest call for dialogue known to humanity. Definitions of terrorism have exceeded 100, and the concept of terrorism will be discussed in light of the following matters:

The first requirement: Definition of terrorism

First: Terrorism is a language and terminology:

Terrorism is fear, and with it the meaning of fear increases. As for panic, it is also used to refer to terrorism, but it is applied to the psychological state that occurs in the fearful person, because panic in language: a contraction and repulsion that a person experiences from the frightening thing, and therefore it is not said that we are afraid of God Almighty, while it is said that we are afraid of Him. God Almighty said: “The greatest fear will not grieve them, but the angels will meet them. This is your day which you were promised”⁴ while awe or terror is fear with apprehension and confusion. God Almighty said: “You have greater fear in their breasts than God. That is because they are a people who do not understand ”⁵

In Al-Munjjid: The terrorist is “the one who resorts to terrorism to establish his authority, and terrorist rule is a type of rule based on violence and the deliberate mechanism of revolutionary governments or groups.” As for terrorism in other cultures, the French dictionary defined it as “the terror that France witnessed during the years 1793-1794.”),⁶ and in the dictionary of the French Academy “it is the practice embodied by terror⁷, and the terrorist “is the person who tries to impose his point of view in a coercive way that arouses fear(⁸

The Dictionary of Social Sciences defines it as “an act that does not pay attention to the issue of victims, and it directs its blows that do not take a specific pattern towards its intended goals with the aim of creating an atmosphere of terror and fear ”⁹

In the English language, the Oxford Dictionary defines it as “frightening opponents if they oppose a government,” while the word terrorist “is a reference to the method practiced by the Jacobins and their agents during the French Revolution.”(¹⁰As for the Russian

Violence and terrorism "Concepts"



Encyclopedia, it defined terrorism as “a policy of systematic intimidation”¹¹

As for terrorism in international law, Dr. Abdel Aziz Muhammad Sarhan defined it as “an attack on lives, funds, and public and private property in violation of the provisions of international law from its various sources”¹².

As for the Dictionary of Jurisprudential and Legal Terms, it defines terrorism as “a threatening, sabotage act intended to sow fear and panic in the hearts of people, and to create turmoil and sow chaos, with the aim of reaching certain goals.” As for the Dictionary of Social Sciences Terms, it states that “terrorism is the method by which an organized group attempts to A party can achieve its goals through the use of violence”.

The Committee of Arab Experts gathered in Tunisia from 22-24 1989 AD to develop an initial Arab conception of the concept of international terrorism and to distinguish between it and the struggle of peoples for liberation, and established the following definition (It is an organized act of violence or the threat of it that causes fear or terror through acts Murder, assassination, hijacking aircraft, or detonating explosives, etc., which creates a state of terror, chaos, and disorder, which aims to achieve political goals, whether carried out by a state or a group of individuals against another state or another group of individuals, in cases other than cases of legitimate national armed struggle for liberation. And achieving the right to self-determination in the face of all forms of hegemony or colonial, occupying, racist or other forces, especially the liberation movements recognized by the United Nations, the international community and regional organizations, so that their actions are limited to the military or economic goals of the colonizer, occupier or enemy, and are not in violation of the principles of Human rights, and that the struggle of liberation movements be in accordance with the purposes and principles of the United Nations Charter and other resolutions of its bodies relevant to the subject .¹³

One of the most important definitions that dealt with terrorism is Gaucher’s definition, which defined it as “forms of fighting that are of little importance compared to the forms adopted in traditional conflicts, namely the killing of politicians or attacks on property.”¹⁴

It focuses on the following matters:

1 -The importance of military conflicts in relation to terrorism. This is true because terrorism has a large and frightening word, but it does not resolve the conflict. Terrorists are unable to eliminate their opponents, and the purpose of terrorism is only to weaken the opponent.





Violence and terrorism "Concepts"



2 -In this definition, killing politicians and attacking property, attacking property is an act of terrorism, and killing politicians is not the main goal because the main goal is to create a state of terror in society, and this situation is achieved by killing non-politicians, as is happening now in Iraq.

3 -This definition is limited to terrorism of individuals against the state, and state terrorism against individuals is the most severe and deadly, if we assume that the use of violence from individuals to the state is terrorism.

In this regard, if we assume that what is used against the state and what the state uses against individuals is considered terrorism, then the definition of terrorism is “the deliberate and organized use of means whose nature is to incite terror with the intention of achieving goals.” In this definition, the word “organized” is used, and terrorism is usually a use of unorganized force, as it does not go within One context of action because its goal is to terrorize and incite fear, and the jurist (Fascior Ski) defined it. Political terrorism is “a method of criminal action through which the perpetrator aims to impose his control through terror on society, or the state, in order to maintain general social relations or in order to change or destroy them.”¹⁵ Others believe that terrorism consists of either the use of force or the threat of it to control a specific situation. However, according to what we believe, it combines to some extent violence and terrorism. The definition states: “Every use of violence or threat to use it in a coercive and unlawful manner to create a state of fear.” Terror is intended to control a group or a state, and it is intended to have a specific psychological effect on a group or on the entire society.

Walter) sees terrorism as “a process of terror consisting of three elements: the act of violence or the threat to use it, the emotional reaction resulting from the extreme levels of fear that befell the victims or potential victims, and finally the effects that affect society due to violence or the threat to use it and the results of fear,”¹⁶

Walter’s division is somewhat consistent with Friedland’s definition, which says, “Terrorism is the tactical use of violence, the purpose of which is first to create a general atmosphere of fear and panic among the majority of the people ”¹⁷

As for Wilkinson, he went to the theory of terrorism as a political weapon based on a set of assumptions, including¹⁸:

1 -The number of people who face a severe threat to their lives will abandon their loyalty, principles and beliefs in order to save their lives. This assumption is incorrect because I believe that when a person faces all these challenges, he has no choice but to use counter-violence to

Violence and terrorism "Concepts"



preserve what is left. The best example is what is happening today. In Iraq, despite all the terrorism that the people suffer from, they still refuse and resist for the sake of life and for the principles and beliefs in which they believe.

2 -Terrorism inevitably leads to terrorizing the target or victim. This assumption is true to some extent.

3 -People who are exposed to some degree of intimidation or terror inevitably suffer from a collapse of will, which forces them to submit. Not all people, for some of them are driven by this terror to confront and not submit.

As for (Richard Clutterbeck), he relies on an old Chinese proverb that says, "Kill one person to scare ten thousand, and the killing is of civilians because killing one civilian scares ten thousand, but killing one policeman increases the determination of ten thousand policemen." According to this theory, terrorism is theater, and it primarily targets listeners more than the victim herself. (Raymond Aron) defines terrorism as "an act of violence in which the psychological impact outweighs the material results." Watson defined terrorism as "A strategy and method based on the organized use of violence in an organized collective attempt or a specific political party to draw attention to its goals."¹⁹

Some believe that terrorism is a crime from a legal standpoint, because it targets security and stability in the local community and the international community, by killing individuals or destroying money and property .²⁰

However, some glorified terrorism, such as Sartre, who saw terrorism as "the driving force of social organization and the key to freedom." He placed it at the highest level of human affairs, and its practice is one of the conditions for freedom, and Robcier saw "terrorism as an expression of virtue" and the program of the will of the people. The Russian version issued in 1876 glorifies the militant activity that is based on destroying the most harmful individuals in the government... and on punishing the perpetrators of the worst types of violence and oppression on behalf of the government... or (states) and arouses in the people the revolutionary spirit and their confidence in the success of the cause ²¹.

Here in this paragraph there is a complete confusion between the concepts of terrorism and the violence that the poor use to achieve goals that achieve a decent life for them, and that can only be achieved through violence used against tyrannical ruling regimes. However, the use of force by the state against its citizens remains terrorism, no matter what methods the state uses. It was formulated to justify the use of violence against its citizens, but the use of force by individuals against the state is violence used by individuals, as it is the voice of the voiceless.





Violence and terrorism "Concepts"

Second: Elements of terrorism.

Since terrorism is an act of armed violence between the state and individuals, it is characterized by the following :²²

-Terrorism is a military conflict, and this means that the state of demonstrations and parties is not considered terrorism. Terrorism is a physical military act that uses all weapons, and the threat of terrorism is not terrorism. Rather, the threat is considered (deterrence), as terrorism is what instills terror and fear in souls.

The goal of terrorism is to spread terror and fear in the hearts of people for the purpose of weakening or pressuring authority, for the purpose of abstaining from action or carrying out action.

-Terrorism seeks to achieve political goals. However, if the motive of the terrorist act is to achieve material goals, then this act is not considered terrorism. The political goal is to overthrow or weaken the ruling authority, or to abstain from or carry out an action (by the authority). The terrorist act may be against the people for a position The latter is from a specific minority, or against a foreign country due to the position of that country.

Terrorism does not depend on public confrontation. It relies on secrecy to prevent the knowledge of the people carrying out the military action, in order to grant immunity to them (the perpetrators) ²³. The strength of a terrorist act lies in the fact that the victim does not know when a terrorist act strikes him.

Terrorism is an act directed either against the human entity physically, which is called physical violence, or directed against property and institutions, which is called sabotage.

Terrorism is an armed conflict between the state and individuals, meaning between the strong and the weak, and sometimes it is even at the international level, but this does not include military conflict between states, because this falls within aggression and war, not terrorism.

-Sometimes a terrorist act is a symbolic act and does not mean burning a flag of a country or burning an effigy of a president. This, for example, does not necessarily involve terrorism. The terrorist act is basically meant as an act that carries a message of terror to all other potential victims²⁴

The continuity in creating terror and fear is what strengthens action and drives terrorist action. The terror and fear that terrorism creates is not limited to the actual terrorist act, but rather to the actions that are likely to occur in the future. The state of continuity is what creates fear and panic, because this state of waiting paralyzes the movement of society.

Terrorism comes from an organized group. If the state works to organize terrorism within a specific institution to carry out military actions against



Violence and terrorism "Concepts"



a specific group, then its action is considered terrorism. This includes the permanent terrorist institutions in France after the French Revolution, the former Soviet Union and Germany, and what the United States of America did in 2001 after the events of September 11, by launching terrorist operations against what it calls terrorists. The organization is important even for groups that use violence as a way to achieve their goals. An example of this is that in 2001, a group calling itself the Abu Sayyaf Group in the Philippines kidnapped a group of foreign tourists for a long period in order to draw attention to their demands for independence .²⁵

It is certain that terrorism aims to create a state of terror and fear, but this does not prevent it from having goals (political, economic, and social), and these goals are what give the action its character. If the goal is material, it is an ordinary crime .²⁶

-International law excluded two types of terrorism, gave them the status of legitimacy, and removed them from the category of terrorism: the first, the right of peoples to use armed struggle in order to determine the right to self-determination, and the second, the right of civilians in the occupied territories to resist the occupation, in the event that someone who carries out such acts is arrested. He is not subject to the provisions of internal laws, but rather is subject to the provisions of international law and enjoys the rights enjoyed by a prisoner of war. As for people who are exposed to state terrorism, there is nothing to protect them from this oppression except human rights means, which are other means that fall within or within the framework of political tensions. In many cases, there is no distinction between legality and illegality.

-Whether terrorism occurs inside or outside the state, it occurs within its internal laws. If the terrorists commit it and they are of the state's nationality, they will be held accountable within the internal law. If there are foreigners with them without support from the authorities of their countries, then they will also be held accountable within the internal law. However, the events of September 11 in America changed this context and terrorism became an international crime, because this change serves the American interest.

-In practice, all countries consider violence that comes from individuals against the state a crime punishable by law, while terrorism that comes from states against individuals is considered a legitimate act, and it is the duty of the authority to do so. Terrorism is considered a violation of the law because it includes a legally effective act that affects a person's physical and moral safety²⁷





Violence and terrorism "Concepts"



Terrorists consider their work legitimate and an expression of their goals. They believe that they are the chosen elite, and that they are patriots working for the interest of the country. This is a natural matter. There may be one or more social segments suffering from injustice and persecution. Their methods and demands may be legitimate, but the methods used are illegitimate. Such as armed violence.

-The international community agrees to prohibit terrorism, and we are with it, but before prohibiting it, it must study the reasons that led the individual to terrorism. The best way to deal with terrorism is to address the causes. Treating the effects of terrorism by prohibiting the means used by them will not solve the problem, or confronting terrorism with more severe terrorism. It will also not solve the problem, just as a distinction must be made between terrorism and the right of peoples to self-determination, and their right to resist occupation. The underestimation of human values and morals by the superpowers will push the whole world to use force against them under any name, and this is what is happening today in Iraq and Palestine.

Third: International efforts to reduce the phenomenon of terrorism.

The United Nations has identified the causes of terrorism, and they can be summarized as follows: 1- Failure to achieve the purposes and principles of the United Nations with regard to eliminating forms of colonialism, oppression and racism, and its resulting failure to achieve full respect for human rights and secure basic freedoms. This failure is sufficient to create a state of frustration among individuals and peoples, who have no choice but to do so. Resorting to violence to achieve its goals of freedom and securing their basic rights (the peoples), and of course this frustration extends to the subsequent paragraphs in which the United Nations also failed.

2 -The failure of the United Nations to achieve fruitful international cooperation, to solve the social and economic problems of developing countries, and to bridge the widening gap between rich countries and poor countries.

3 -The failure of the United Nations to find a sound, comprehensive and just settlement for many international problems, which erupted due to rape, deprivation, injustice and expulsion from the homeland to which some peoples were subjected, especially the Palestinian people.

4 -The inability of the United Nations to implement its decisions taken unanimously or by an overwhelming majority and impose sanctions on countries that aggress or violate international laws and norms. This inability and neglect encouraged the aggressor countries to persist, repeat their aggression, and disdain the international organization. It also pushed

Violence and terrorism "Concepts"



oppressed peoples and those at risk of genocide to take up arms in order to preserve their right to life. Based on the above, terrorism is condemned for the following reasons:

A - Because it is an unorganized act of violence that is not regulated by the laws of war and its customs, and to which armed conflicts are supposed to be subject, governed by the laws of war, and conducted in accordance with the provisions of international law.

B - Because the type of victims is not necessarily all fighters who are exclusively targeted by armed conflicts, but rather they are mostly civilians who fall victim to terrorist acts.

C - A third party who has no stake in the conflict may become a victim of terrorism. Also, his country is not a party to it.

D - The most dangerous thing about terrorism is using political violence as a means to impose its wills and achieve its political goals and objectives. Therefore, it is capable of using various and innovative means and methods that make it difficult for the targeted party to prepare for it, and difficult to confront if it occurs. Therefore, the terrorist act often cancels the strategic balance equations calculated between the parties to the conflict.

However, international efforts to limit the phenomenon of terrorism are old, as they began before the League of Nations. The Second Hague Convention of 1899 and the Fourth Hague Convention of 1907 stipulated the following: - "A territory is considered occupied when it is effectively under the authority of the hostile army. Occupation is determined by the territory." In which this authority was established and was able to exercise its sovereignty over it²⁸

Through this, occupation is a military act in which the occupying state uses armed force, and the residents of the occupied state or region have the right to resist this occupation by all means, including the use of armed struggle. The Warsaw Conference of 1927 included political terrorism among the crimes of the Law of Peoples, while the Brussels Conference of 1930 included it. He stressed that political terrorism represents crimes that oppose the social organization of all countries of the world, and the Paris Conference in 1931 did not deviate from this context.²⁹

However, serious interest in the phenomenon of terrorism began during the era of the League of Nations, specifically 1934, when France submitted a request to the Secretary of the League in which it called for an international agreement to address crimes committed with the intent of terrorism following the killing of King Alexander I of Yugoslavia with his Foreign Minister Louis Barno in Marseilles. On 10/9/1934, the two





Violence and terrorism "Concepts"



perpetrators fled to Italy, and Italy refused to extradite them because the crime was political and extradition was not permissible.³⁰

At the request of France, the League formed a committee to study the rules of international law related to punishment for terrorist activity. It completed its work in 1935 by developing a draft treaty to punish perpetrators of terrorism. The report contained a proposal to establish an international criminal court specifically for terrorist crimes. Then the diplomatic conference held in Geneva approved the draft in 1937. . Article 1 of the draft convention defines terrorism as “criminal acts directed against a state when their goal is to cause terror against specific persons, groups, or the public ”.³¹

Two elements must be present in terrorism: the first is the physical or criminal act, and the second is the moral, which is intended to reach the criminal result for which the action was undertaken.

To confirm the idea of a criminal court, Romania submitted a request to the League of Nations that prompted it to conclude two agreements in 1937, the first to prevent and combat terrorism and the second to establish an international criminal court .³² The Geneva Convention of 1937 was the first international threat to limit terrorist acts and punish their perpetrators ³³.An agreement was concluded to prevent this crime and punish its perpetrators. However, the agreement only targeted one form of terrorism, which is revolutionary terrorism and attacks directed against state authorities. The countries pledged not to encourage terrorism, to prevent terrorist acts and activities that lead to them, and to punish their perpetrators.

Article 2 of the Convention defines terrorism as “acts of crimes against the state, its institutions, or groups of persons.” The acts that are considered terrorism are:

- Actions that cause death, physical injury, or loss of freedom to heads of state, their representatives, their heirs or successors, their wives, and the highest positions in the state.
- Persons carrying public responsibilities and holding public positions if these actions are directed against them in these capacities.
- Intentional sabotage or damage to public property or property allocated for public purposes and related to or subject to the authorities of another Contracting State.
- Any intentional act that endangers the lives of the public.
- Any attempt to commit any violation that falls within the scope of the previous acts.
- Manufacturing, possessing, or supplying weapons, supplies, explosives, or any harmful materials with the intention of committing any of the

Violence and terrorism "Concepts"



previous acts in any country that falls within the scope of the prohibited acts referred to previously.³⁴

In 1948, the United Nations succeeded in concluding a convention to legalize the crimes of human genocide, and it became effective in 1951. The acts described as this crime are committed by the state or its individuals to completely or partially eliminate a group, sect, race, or religion.³⁵

As for the Fourth Geneva Convention of 1949, it affirmed that the use of armed violence by civilians against invading forces does not make them terrorists or criminals, but rather they enjoy the rights of a combatant in light of international law.³⁶

Among the rights enjoyed by civilians in the occupied territories are the right to respect for their persons, honour, universal rights, religious beliefs, customs and traditions, and to be treated humanely.

It is prohibited to transfer civilians in the occupied territories, individually or collectively, or to exile them from the occupied territories to the territory of the occupying state or any other country. This is completely inconsistent with what America is doing in Afghanistan and Iraq. And what the Zionist entity is doing in Palestine.³⁷

The occupying state seeks the help of national or local authorities to improve the operation of facilities for children, ensure the provision of food and medical care, and prevent the effects of war. However, Iraqi cities are being struck and thousands of children are displaced without the United Nations reviewing its laws and decisions to stop American terrorism against Iraq.

The occupation may not force citizens to serve in its armed or auxiliary forces, and any pressure or propaganda to force them to volunteer is prohibited. And take all measures to prevent unemployment with the aim of forcing them to work in the service of the occupying state. The occupying state must provide the population with supplies and medical supplies, and it is its duty to import the necessary materials, food, and medical supplies if the country's resources are insufficient.³⁸

It may not seize civilian hospitals and their stores, nor may it seize public stores necessary for the population. The occupation is obligated to grant free passage of medical equipment and clinic supplies sent from residents of another party, even if they are an opponent of the occupation authorities.

The occupier must treat the civilian population, military personnel who have laid down their arms, the wounded and sick in good treatment and refrain from using terrorism against them. The American occupation forces in Iraq punish even the people and residents of areas who do not





Violence and terrorism "Concepts"

participate in military operations under various pretexts. They bomb entire cities with terrorist acts without any religious, moral, or legal motive, and deprive the resistance of its right to respond.

There are many conditions and duties that must be taken by the occupying state in the event that it occupies the territory of another state or occupies an entire state.

There are many paragraphs within this agreement, in addition to updating some of its articles in additional protocols in 1977.³⁹ The principle of the right of peoples to self-determination was mentioned in many texts of the United Nations Charter, which was the basis for the principle of equality between countries.⁴⁰

In its Resolution No. 1514 of 1960, the United Nations General Assembly adopted the right to grant independence to colonial countries and peoples, which stated:

1 -A quick and unconditional end to colonialism in all its demonstrative forms.

2 -Submission to foreign control is a denial of basic human rights.

3 -The right of all peoples to self-determination.

4 -Lack of political, economic, educational or social preparedness may not be taken

An excuse to delay independence.

5 -The necessity of taking the necessary steps to transfer powers to the peoples of the ungoverned territories

Self.⁴¹

The concept of the right to self-determination, which the United States considers terrorism, while it is stated in all international treaties and agreements that it is the right of peoples to determine their fate within the following rules:⁴²

1 -The right of the country to choose its constitution and political status, to enjoy sovereignty over its resources, to be independent in establishing its commercial relations, and to preserve its cultural and social value by independence in choosing its education system.

2 -The right of peoples to freely dispose of their wealth and natural resources, without violating any of the obligations arising from international economic cooperation based on common benefit. The Universal Declaration of Human Rights prohibits depriving a people of their means of subsistence.

3 -The right of colonized peoples to be liberated and govern themselves, and to choose the form of regime that they deem appropriate.

4 -The annexation of the largest part of one state to another state must be through a referendum by the residents of that region.



Violence and terrorism "Concepts"



5 -The right of peoples to self-determination entails equality between states in terms of rights and obligations, regardless of the number of inhabitants and the size of the territory.

6 -Ensuring the sovereignty and independence of all countries and getting rid of colonial domination and foreign domination.

7 -Not to discriminate between peoples in any way, such as discrimination based on gender, religion or colour.

8 -The right of peoples to resort to armed struggle to get rid of colonial domination .⁴³

Tokyo Convention 1963: The Tokyo Convention relating to crimes and acts committed on board aircraft was signed on September 14, 1963. This agreement was concluded due to a wave of aircraft hijackings and the absence of legal rules to resolve the problems resulting from hijackings. It appoints the state competent to look into aircraft hijackings. The agreement stipulated the following :⁴⁴

-Crimes subject to the provisions of the Penal Code.

-Acts that are first considered crimes are also considered to be acts that would endanger, or are likely to endanger, the safety of the aircraft or the persons or property on board, or endanger good order or control on board.

- In the event that a person on board an aircraft commits by force, or threatens to use force, one of the illegal acts that constitute interference in the use of the aircraft, seizure of it, or another type of wrongful control of the aircraft, or in the event of an attempt to do so, the Contracting States are obligated to take all measures. appropriate and necessary to control the aircraft, maintain its legitimate pilot, and maintain his control over it. Crimes committed on board an aircraft registered in one of the Contracting States, regardless of the place of their occurrence, shall be considered as if they had been committed in the territory of the State in which the aircraft was registered.

Civil Aviation Safety Convention: The Convention for the Suppression of Crimes of Assault on the Safety of Civil Aviation was signed in Montreal on September 23, 1970.

The agreement specifies that the occurrence of one of the following acts constitutes a crime:

-Committing an act of violence against a person on board an aircraft while it is in flight if this act would endanger the safety of the aircraft.

Destroying an aircraft or causing damage to it that renders it unable to fly or potentially endangers its safety in flight.

Placing a device or material on an aircraft by any means that is likely to destroy this aircraft or cause damage to it that renders it incapable of flight, or to cause damage that is likely to endanger its safety in flight.





Violence and terrorism "Concepts"

-Destroying or damaging air navigation facilities or interfering with their operation if any of these actions would potentially endanger the safety of aircraft in flight.

-Communicating information known to be false in order to endanger the safety of aircraft in flight

Convention against the Unlawful Seizure of Aircraft: The Convention to Prevent the Unlawful Seizure of Aircraft was held in Lahali on December 16, 1970()

After many bilateral agreements were concluded to prevent the hijacking of aircraft, which included the Convention to Prevent the Illegal Seizure of Aircraft and the rules that countries are obligated to follow in the event that a person hijacks an aircraft or illegally seizes an aircraft, through the use of force or the threat of force or any form of intimidation with the aim of... Seizing aircraft or attempting to control them.⁴⁵

The agreements required that each contracting state undertake to make the act of illegal seizure of aircraft a crime punishable by penalties that include an aggravating circumstance.⁴⁶

After the Palestinian guerrillas carried out a guerrilla operation against the "Israeli" athletes in 1970, both the United States of America and the Zionist entity submitted a request to the former Secretary-General of the United Nations (Kote Waldheim) to include an item on the agenda of the United Nations General Assembly at its twenty-seventh session related to terrorism, and some requested Countries define the concept of terrorism first, and the Socialist Bloc's request was to exclude the term terrorism from acts of armed struggle waged by national liberation movements for independence because it falls within international conventions. However, Western countries emphasized that terrorism includes all acts, including the actions of national liberation movements .⁴⁷

Terrorism was included in the agenda of the twenty-seventh session of the United Nations General Assembly on December 18, 1971, and each country had its own concept of terrorism. The United States of America focused on informal terrorism, in a draft resolution on terrorism and a draft treaty to prevent and punish some acts of international terrorism submitted by the United States government. On September 26, 1972, the United Nations General Assembly limited its attention to terrorism committed by individuals and groups, which is called informal terrorism, because it includes acts of unlawful killing, serious bodily harm, and kidnapping that threaten international peace and security. In these two projects, the United States did not distinguish between legitimate acts of violence and terrorist acts of violence, and considered all acts of violence to be terrorist acts that must be prevented and their



Violence and terrorism "Concepts"



perpetrators punished. (The two American projects explicitly exclude the right of peoples to use armed struggle to determine their fate, and the right of civilians to resist foreign military occupation forces, which preceded international agreements. Resolutions of the United Nations General Assembly, if approved.

The United Nations General Assembly refused to accept the American approach, despite its condemnation of the reasons, by its Resolution No. 3034 on January 18, 1972, but it accepted what other countries demanded: the necessity of distinguishing between terrorism and the right of peoples to self-determination using armed struggle against colonialism, systems of racial discrimination, and types of foreign domination. The other, and that the United Nations supports these peoples, especially the struggle of national liberation movements.⁴⁸

However, this resolution, despite everything in it, did not address the causes of terrorism, which had escalated into an international phenomenon. Rather, it only stipulated its study and called for finding solutions to it. At the thirty-ninth session, the General Assembly addressed the issue of state terrorism, condemned the policies of states based on terrorism, and denounced actions taken by states with the aim of compensating for the social and political systems of other sovereign states.

The General Assembly obligated states to refrain from all acts and methods of terrorism as criminal acts, wherever and by whomever they are committed, and the obligation of individuals not to prepare and organize terrorist acts intended to be committed.

The problem facing the United Nations regarding the issue of terrorism is that it has not reached a comprehensive definition of terrorism, as the United States and its allied countries prohibit all types of political violence. While other countries see the need to distinguish between armed political violence that aims to achieve the right to self-determination and resistance to colonialism and armed political violence that aims to achieve other goals, the first has a legitimate character and the second may have personal goals.

One of the causes of terrorism is persecution and racial discrimination. Therefore, the United Nations called on all countries to solve the problem of these people and contribute to the gradual elimination of the causes behind terrorism, in addition to other reasons, including violations of human rights and fundamental freedoms and cases of foreign control. It asked all countries to release detainees and hostages and combat groups. Terrorists, drug traffickers, and their armed gangs use all kinds of violence.





Violence and terrorism "Concepts"

The United Nations General Assembly has placed obligations on countries to reduce the phenomenon of terrorism, including:

- States may not make their territories a place to organize and prepare terrorist acts against other countries or their citizens.

States are obligated to arrest terrorist persons and try them or hand them over to the state competent to try them.

-Joining international treaties to prevent terrorism. And take the necessary measures to implement them and conclude new treaties for this purpose.

-Cooperation between countries to exchange relevant information on preventing terrorism.

-Eliminating the underlying causes of international terrorism, including ending colonialism, eliminating racial discrimination, and preventing violations of human rights and fundamental freedoms() .

1 -Among other international efforts: - In this field, but outside the scope of the United Nations, the General Assembly of the Organization of American States recommended on July 30, 1970, the conclusion of an agreement to prevent attacks on some persons who enjoy protection in accordance with international law.

On December 14, 1973, an agreement was signed in Washington to prevent and punish persons who commit acts of terrorism that take the form of crimes against persons and other groups of international importance. Which also obligated member states to combat crimes committed against persons entitled to protection in accordance with international agreements.

On September 27, 1972, the United Nations General Assembly discussed the issue of international terrorism, and most countries condemned terrorism if it was intended to spread terror and fear, blackmail, or illicit gain.

Article 51 of the United Nations Charter allows the state to use the right of legitimate defense in the event that it is exposed to aggression, but it is necessary to define the actions that are considered aggression in order to allow states to use their right to legitimate defense. Given the difference in viewpoints in defining the meaning of aggression, the United Nations has held many Conferences over the course of thirty years, until in 1974 they reached General Assembly Resolution No. (3314) to define cases of aggression, through which the state or individuals are allowed to have legitimate individual or collective defense against the aggressor state. Without this resolution, Article (51) would have been suspended until now. .



Violence and terrorism "Concepts"



Attention to the issue of terrorism was imposed on the international organization after the major countries were subjected to terrorist operations, and defining the specifications of aggression, which included a state sending armed gangs, irregular forces, or mercenaries by the state or in its name to act against another state is considered aggression, not terrorism, and aggression includes... The powers of the Security Council, while terrorism does not fall within the powers of the Security Council.

2 -In European efforts: - A convention was concluded to prevent terrorism in 1977 within the framework of the European Council, and it addressed international terrorism in the following areas :⁴⁹

- Hijacking planes.
- Actions directed against persons with special protection and diplomats.
- The use of bombs, granite, missiles and missiles that threaten humans.
- Taking hostages and illegal detention of individuals.
- Attempting or participating in any of the previous crimes.

Many international treaties were concluded, including:

International Convention against the Taking of Hostages, adopted in New York on December 17, 1979 (). The Protocol relating to the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementing the Convention against Unlawful Acts against the Safety of Civil Aviation signed in Montreal on February 24, 1988 ⁵⁰

And the Convention for the Prevention of Unlawful Acts Against the Safety of Maritime Navigation, drawn up in Rome on March 10, 1988 ⁵¹

Protocol relating to the prevention of unlawful acts directed against the safety of fixed installations located on the continental shelf drawn up in Rome on March 10, 1988 .⁵²

Although the phenomenon of international terrorism was active in the seventies, it subsided in the eighties and nineties because the state that helps terrorists took responsibility for their actions. This country may be exposed to a military attack by the countries against which terrorism has been directed () (Convention on the Marking of Plastic Explosives for the Purpose of Preventing Them, held in Montreal on March 1, 1991() .

-3As for the Arab efforts: - In this field, they came for specific reasons. The Arab League Charter did not stipulate the issue of dealing with terrorism, even though the entire Arab nation, from the Ocean to the Gulf, is exposed to terrorism.

This issue was raised when Britain, the United States, and France each asked the Security Council on November 27, 1991, to demand that Libya hand over two of its citizens suspected of the bombing of an American passenger plane over the village of Lockerbie in Scotland in December 1988, to be tried in America. The Security Council issued



Violence and terrorism "Concepts"



three resolutions on the subject (731, 748, and 883) during the years 1992/1993 to force it to hand over citizens and announce its renunciation of terrorism. However, Libya resorted to the International Court of Justice, considering that the dispute was legal and was examined by the International Court of Justice in accordance with the Montreal Convention in 1971. The court issued a decision It had jurisdiction to consider the case, and Libya at that time sought various international organizations, including the Secretary-General of the United Nations, the Organization of African Unity, and the Arab League.()

In 1998, the Arab League issued a resolution that included the League's concern about terrorists using some countries as a starting point for plotting their plots and spreading their ideas. The Council rejected it and condemned terrorism in its various forms. The Council decided the following:

- 1 -Urging countries that harbor terrorists to appreciate the negative effects of the presence and employment of these terrorists and the danger their activities pose to strong Arab security.
- 2 -Calling on these countries to stop harboring terrorists and to reconsider the capabilities they offer them and the facilities they provide to help them carry out their destructive activities.
- 3 -Requesting these countries to take the necessary legal arrangements and administrative procedures to monitor the movements of the terrorists concerned and identify them, and to hand over lists of their names to the relevant Arab countries, and hand them over to their countries as wanted persons for justice.
- 4 -Assigning the Secretary-General to follow up on this issue and submit proposals regarding it to the Council at its next session.

The truth is that the decision came in parallel with the Security Council decision. The League did not stand firmly with Libya, so its decision was general and bears more than one interpretation, but it is in line with international pressures and the weakness of the Arab League.

On April 5, 1999, Libya handed over the suspects to the Netherlands in the presence of representatives of the United Nations, Saudi Arabia, South Africa, and Egypt. After that, the countries announced the suspension of sanctions, and they were tried by a Scottish court. In January 2001, I decided to acquit one of them and sentence the other to life imprisonment. The Security Council decided to lift the embargo imposed on Libya. The United States also announced the continuation of the embargo imposed on Libya since 1986, and the European Union issued a statement continuing the embargo on military equipment.

Violence and terrorism "Concepts"



In 1994, the United Nations General Assembly issued the Declaration on Measures Aiming to Eliminate International Terrorism, a declaration that was reaffirmed by the General Assembly in October 1995, stressing the importance of international cooperation in eliminating terrorism.⁵³

At the forty-fourth session, on February 17, 1996, the General Assembly decided, by its resolution No. 49/60, the declaration regarding measures aimed at eliminating international terrorism, which stated the following :
54

-The categorical condemnation of all acts of terrorism, its methods and practices, considering that they are criminal acts that cannot be justified wherever they are committed, and whoever their perpetrators are.

-Terrorist acts constitute a serious violation of the purposes and principles of the United Nations, may constitute a threat to international peace and security, and endanger friendly relations between countries. It hinders international cooperation and aims to undermine human rights, fundamental freedoms, and democratic rules for all.

-Criminal acts that intend to spread a state of terror for political purposes among the general public, a group of people, or specific persons are acts that cannot be justified in any way, regardless of their nature.

-States, guided by the purposes and principles of the Charter of the United Nations and other relevant rules of international law, must refrain from organizing, inciting, assisting or participating in terrorist acts. In the territories of other countries and condoning the organization's activities within their territories.

States must fulfill their obligations stipulated in the Charter of the United Nations and other provisions of international law, with regard to combating terrorism, and take effective and decisive measures in accordance with the relevant provisions of international law and international human rights standards in order to eliminate terrorism as follows - :

- Refrain from organizing, inciting, facilitating, financing, encouraging, or condoning terrorist activities, and not using each other's territories to establish terrorist facilities, training camps, or to prepare or organize crimes that could be committed against other countries or their citizens. -

-Ensuring the arrest, trial or extradition of perpetrators of terrorist acts in accordance with its internal laws.

-Seeking to conclude a special agreement for this purpose on a bilateral, regional and multilateral basis, and concluding model cooperation agreements.

-Mutual cooperation between them in exchanging information to prevent and combat terrorism.



Violence and terrorism "Concepts"

-Taking all necessary steps to implement international agreements and harmonize internal legislation with international agreements.

-Taking measures before granting asylum, provided that the asylum seeker has not participated in terrorist activities.

Countries should strengthen their role in this field by exchanging information related to preventing and combating terrorism, as well as the effective implementation of international agreements and others on a bilateral and regional basis.

-Encouraging countries to suppress and eliminate terrorism with the aim of ensuring the availability of a comprehensive legal framework that covers all aspects of this issue.

-Encouraging countries to become parties to international treaties related to various aspects of terrorism.

The United Nations and all its relevant bodies must make every effort to strengthen measures aimed at combating and eliminating acts of terrorism and strengthen its role in this field.

The Secretary-General of the United Nations should assist, within existing resources, with the following to enhance international cooperation:

A - Collecting data on the status of multilateral, regional and bilateral agreements related to international terrorism, including incidents caused by international terrorism.

B - Preparing a summary of national laws and regulations related to the prevention and suppression of international terrorism in all its forms and manifestations.

C- Conduct an analytical review of existing international legal instruments, and work to develop a comprehensive law of treaties that address the issue of international terrorism.

D- Assisting countries to hold workshops and training courses on combating crimes related to international terrorism.

E- All countries must reinforce and implement the provisions of this Declaration.

F- Pursue efforts to eliminate all acts of terrorism by strengthening international cooperation, developing training for international law, and increasing the efficiency of competent organizations and relevant organizations and bodies.

G - We can say that this declaration forbade terrorism but did not define it. It forbade the types of terrorism, but did not specify what its types are. If terrorism is from within the state, how can states intervene in order to prevent it? Here there is interference in internal affairs. Moreover, he did not distinguish between legitimate armed violence and what we talked



Violence and terrorism "Concepts"



about previously. He did not even refer to previous resolutions that affirm the right of peoples to self-determination. Then he confused between aggression that occurs between states, and terrorism that occurs between the state and individuals.

Because it did not address the causes, it did not ask the colonial and racist countries to grant peoples the right to self-determination, in addition to addressing the causes of poverty, backwardness, and the problems that people suffer from. Then he considered terrorism a state that threatens international peace and security, among which it is the weakest state in cases of armed struggle. Then, he mixed terrorism with special crimes such as drugs, arms trade, money laundering, nuclear material smuggling, and other illegal acts, while the motives of terrorism are mostly political in addition to... Religious, social and economic motives, while the second type of business has only material motives.

One of the strangest international efforts to confront terrorism is the call made by former US President Bill Clinton in 1996 to hold the Sharm El-Sheikh conference on terrorism, which was called the Peacemakers Conference, on March 13, 1996. The importance of this conference comes from the fact that it turned the scales so that the killer became killed and vice versa. Then the Arabs After nearly a full century of suffering, they put an end to their struggle against occupation and oppression. The right to self-determination is classified as terrorism. The terrorism and killing carried out by the Zionist entity is self-defense. This is what more than thirty heads of state and government, the majority of them Arabs, reached at the conference. The final statement condemned acts of armed resistance under the name of violence and terrorism, and the conference stressed the duty of the conference countries to cooperate bilaterally and regionally. And confronting terrorism, and the conference took procedural decisions regarding the exchange of information and intelligence cooperation, and then they were soon accompanied by agreements that were concluded under the direction of the head of the CIA and under his auspices, and they are generally concentrated on the following points- :

- 1 -Follow up on the issue of financial resources of terrorist groups, how to obtain and collect them, and dry up their sources.
- 2 -Monitoring the arms trade and restricting the opportunities for these terrorist organizations to obtain them.
- 3 -Cooperation in arranging the agencies that combat terrorism.
- 4 -Exchanging information between governments, especially their intelligence services.
- 5 -Preventing terrorists from obtaining weapons of mass destruction.





Violence and terrorism "Concepts"



On March 31, 1997, the Secretary-General of the United Nations drew the attention of states to the Declaration on Measures to Limit Terrorism, and asked states to provide relevant information on June 30, 1997, but the response was few, and general discussions were held that were far from defining international terrorism, and focused on the issue Cooperation to fight terrorism.⁵⁵

The Arab countries had to take advantage of this international gathering to set specific standards that separate armed struggle from terrorism, even if only in a simple way. They do not have the right to erase the entire struggle of the peoples for reconciliation with America. What did the participating Arab regimes call the struggle of the Palestinian people throughout the period preceding the conference? At the same time, what was the name of the suffering and terrorism to which the Palestinian people were exposed? We are not against peace, but peace with human dignity, the unity of the land, and ending the occupation, or at least limiting it and not expanding it. As for the efforts of the Security Council related to situations that threaten international peace and security, on October 19, 1999, it issued its resolution, in which it pointed to the increasing cases of international terrorism that endanger the lives and safety of individuals. In all parts of the world, as well as the peace and security of all countries ⁵⁶

The resolution referred to combating terrorism at the national level, and to the United Nations strengthening international cooperation in this regard on the basis of the principles of the United Nations Charter and the standards of international law, including respect for international humanitarian law and human rights.

He also referred to the prevention of international terrorism, including acts in which states are involved in order to maintain international peace and security.

It is noted that this resolution did not distinguish between terrorism and aggression and also condemned the (Security Council) resolution in paragraph (1.)

All types of terrorism, its methods and practices are considered criminal acts that cannot be justified, regardless of their motives. This also contradicts the resolutions of the General Assembly, which distinguished between legitimate political violence, which calls for the right of peoples to self-determination, and illegitimate political violence. All types of armed political violence were considered illegitimate. In addition, the resolutions of the General Assembly called for addressing the causes that lead to armed violence, while the resolution The Security Council did not look at the causes that lead to terrorism.

Violence and terrorism "Concepts"



The Security Council resolution called on states to adhere to the following:

- 1 -Cooperating among themselves, especially through bilateral and multilateral agreements and arrangements, to prevent terrorism, protect their citizens and other persons from terrorist attacks, and bring the perpetrators of such acts to justice.
- 2 -Using all legal means, to prevent and suppress any terrorist acts, preparations for them, or financing them in its territories.
- 3 -Depriving those who plan, finance, or commit acts of terrorism of safe havens by ensuring their arrest, trial, or extradition.
- 4 -Take appropriate measures in accordance with the relevant provisions of national and international law, including international human rights standards, before granting refugee status, to ensure that the asylum seeker does not participate in terrorist acts.
- 5 -Exchange information in accordance with international and national law and cooperate in administrative and judicial matters to prevent the commission of terrorist acts.
- 6 -Requests the Secretary-General to pay special attention in his reports submitted to the General Assembly to the need to prevent and combat the danger that threatens international peace and security as a result of terrorist activities.

This resolution established that the United Nations is the primary source for dealing with terrorism, and that the Secretary-General is the one who determines the danger of terrorism to international peace and security, while the Security Council is the one who determines the form of terrorist action, which threatens international peace and security, not the General Assembly.

One of the most important decisions taken at the United Nations is Security Council Resolutions 1368 and 1373, which were due to the attacks that the United States of America was subjected to on September 11, 2001. With these two resolutions, the United States extended its complete control over the entire world under the pretext of pursuing terrorism (legitimately, at least from a standpoint). For its consideration, see the text of the decisions in Appendix (1) and (2).

The two aforementioned resolutions contradict the Charter of the United Nations and the goals of the international organization, and contradict the principles of human rights, the Universal Declaration of Human Rights, the Third Geneva Convention of 1984 regarding the treatment of prisoners of war, and the rules for the extradition of political refugees adopted between countries under multilateral and bilateral agreements. The Security Council violated international law.⁵⁷



Violence and terrorism "Concepts"



Based on this logic, the United States has begun to contradict the provisions of international law regarding the Taliban forces and Al-Qaeda organizations. Bush Jr.'s saying: "Whoever is not with us is against us" eliminated the principle of neutrality, which is the most important principle of public international law. The prisoner-of-war rules apply to prisoners from the Taliban forces and Al-Qaeda organizations (regardless of our own position on them). The Third Geneva Convention regarding the treatment of prisoners of war, in its second and third articles, considers the Taliban forces and Al-Qaeda organizations to be prisoners of war, and they enjoy the rights and privileges stipulated in the agreement. However, American forces killed the prisoners in the detention camp in Kabul, exterminated more than 400 prisoners, and transferred many of them to Guantánamo, the naval base in Cuba. American officials, especially the Minister of Defense, have stated that prisoners from the Taliban forces and Al-Qaeda organizations do not enjoy the rights of prisoners and will be subject to severe procedures. Military courts have been formed to try them and they have been placed in solitary confinement under the pretext that the Security Council has authorized them to do so.⁵⁸

What is happening now in Iraq is no different from that, if not more. The Abu Ghraib prison scandal and all the American occupation prisons are evidence of the American violations against Iraq, in addition to the ongoing attack on the city of Fallujah under the pretext of the presence of terrorists. In the second attack, the American forces used weapons that violate the legal and moral rules, and even Internationally prohibited weapons: According to what was reported by eyewitnesses, American violations of human rights in Iraq went beyond prisons to enter Iraqi homes, assault women and children, and completely displace families from their places of residence. We do not know what law the American administration is basing all these violations on.

Conclusion

Violence is a broad and non-specific term, practiced by humanity in all historical eras, and it is equivalent to every act of affection and peace. We can define violence as "the excessive use of force, directly, with the goal of causing harm to people and property, and it is one of the means to which individuals sometimes resort." "When the remaining means are unable to convey their voice, it is usually used by individuals against the state. It is an actual use, intended to achieve a specific goal, which may end with the achievement of that goal and is usually against specific people who have a relationship with the state."



Violence and terrorism "Concepts"



As for terrorism, it is a form of violence, and terrorism is also ancient. Man first used it against nature in order to be able to live in it, and then he turned to using it against his fellow man to achieve his goals. We can define it as “the use of force or the threat of using it, the goal of which is to cause harm and destruction.” And spreading terror among people, while violence does not aim to spread terror among people. Terrorism is usually used by the state against the people, or by the occupier against the occupying state. Terrorism does not target specific people. In most cases, it targets innocent people, because the extent of terror increases with increasing the number of victims. Terrorism may not have specific goals. It is terrorism for the sake of terrorism. It will not stop unless it is eliminated directly. It does not target specific people related to the state, while it targets people in general.

The real problem is the lack of scientific standards to determine what violence or terrorism is. What we can call violence is called terrorism by others, and vice versa. This duality in interpreting concepts comes from the increase in cases of occupation and the suppression of the freedom of others. One of the reasons for occupation in the twenty-first century is the judiciary. On terrorism (as the proponents of this trend claim). While in the twentieth century, occupation represented a form of terrorism, according to what was stated in the international resolutions that we discussed previously, so the state and its people under occupation had the right to resist the occupation, but today this resistance is considered terrorism.

There are those who distinguish between violence and terrorism, considering that the goal of the former is destruction, while the goal of terrorism is terror and intimidation, not destruction. This means that the element of fear and terror does not represent an essential and direct topic for the perpetrator of violence. Because the goal of violence is to weaken and destroy the opponent. As for terrorism, its purpose is to create an atmosphere of terror and fear that helps the terrorist achieve his goals through the psychological effect that the practice of organized violence has on the opponent.

We summarize as follows:-

Terrorism is legally and legally condemned because it is a negative method.

-There is no legitimacy that can be sought to practice terrorism, and if there is talk about legitimacy, it is about the legitimacy of using violence or not.





Violence and terrorism "Concepts"

-It is permissible to use violence, according to Sharia and law, in cases where a person is exposed to imminent danger, in accordance with the conditions set by both Sharia and law for such use.

Exceeding the limits set by Sharia and the law for the use of violence will turn the user into an arbitrary person who exceeds the limit.

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⁵ Suhail Al-Fatlawi, "Terrorism and International Terrorism," (Baghdad: Department of General Cultural Affairs, 2002), p. 17.

⁶ Surat Al-Anbiya: Verse 103.

⁷ Surah Al-Hashr: Verse 13.

⁸Al-Munajjid, p. 238.

⁹ Quoted from Dr. Riyad Aziz Hadi, "Human Rights, Violence and Terrorism," previously mentioned source, p. 43.

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¹¹ Anis Claude, "International Order and World Peace," translated by Abdullah Al-Erian, (Cairo: Dar Al-Nahda Al-Arabiya, [ed. T]), p. 9.

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¹⁷ Khaled Obaidat, *The Phenomenon of Terrorism*, a lecture published in the Jordanian Al-Rai newspaper in its issue of November 26, 1979, p. 44.

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¹⁹ Abdel Aziz Muhammad Abdel Hadi, "International Terrorism," (Cairo: Dar Al-Nahda Al-Arabiya, 1986), p. 40.

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- ²³ The aforementioned source, pp. 12-13.
- ²⁴ Quoted from: Dr. Nadeem Issa Khalaf, previously mentioned source, pp. 160-161.
- ²⁵ Quoted by: Saad Ali Hussein and Bassem Ali Khorasan, "Defining International Terrorism," Translated Studies, No. 11, Baghdad Center for International Studies, 2002, p. 27. See: Higgins' definition in the aforementioned source, pp. 28-29, and also Page Baxter's definition. , same source, p. 28.
- ²⁶ Salem Ibrahim bin Amer, previously mentioned source, p. 34.
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- ³⁰ Suhail Al-Fatlawi, "Terrorism and International Terrorism," previously mentioned source, p. 29.
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- ³² Osama Al-Ghazali Harb, "Terrorism" as one of the manifestations of the use of violence in the Arab world and internationally, Arab Dialogue Series: Violence and Politics in the Arab World, Amman, Arab Thought Forum, 1987, p. 25.
- ³³ The aforementioned source, p. 26.
- ³⁴ Suhail Al-Fatlawi, "Terrorism and International Terrorism," previously mentioned source, p. 31.
- ³⁵ For more see: Dr. Hassanein Tawfiq Ibrahim, previously mentioned source, p. 47.
- ³⁶ Yahya Al-Jamal, "Violence and Human Rights," Arab Journal for Human Rights, No. 3, 1969, p. 67.
- ³⁷ Study of the United Nations Secretariat, quoted from: Al-Haq, Issue 1.
- ³⁸ Khalil Ismail Al-Hadithi, "International terrorism is legally or politically condemned," Journal of Political Science, No. 26, 2002, p. 105.
- ³⁹ Occupation is also defined as "a state invading the territory of another state with its fighting forces, seizing it by force, and placing it wholly or partially under its effective control temporarily." It is also known as "effective occupation to force the occupying state to fulfill its obligations." See D. Issam Al-Attiyah, "International Legitimacy (Damascus: Arab Writers Union, 1992), p. 30.
- ⁴⁰ For more on this agreement, see Dr. Suhail Al-Fatlawi, "Terrorism and International Terrorism," previously mentioned source, pp. 262-264.
- ⁴¹ The definition of terrorism was established in this conference as the deliberate use of means to create a common danger to commit an act that endangers life, threatens human safety and health, and destroys material property. These acts include arson, explosion, dumping, and igniting suffocating or harmful materials, and creating chaos in means of transportation. Vandalism of government property, public approval services, pollution, and intentionally causing poisoning of drinking water or food, which causes diseases whether in humans, animals or plants. For more on the subject, see Dr. Abdel Rahim Sidqi, "Political Terrorism and Criminal Law" (Cairo: Arab Culture House, 1985), p. 99.





Violence and terrorism "Concepts"



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⁴⁴ Charles Zur Ghabib, previously mentioned source, p. 240.

⁴⁵ Ismail al-Ghazal Harb, a previously mentioned source, p. 79.

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⁵² For more on this topic, see Article 55 of the United Nations Charter, which calls for the establishment of friendly and sound relations between peoples, see Dr. Suhail Al-Fatlawi, "Terrorism and International Terrorism," previously mentioned source, p. 244.

⁵³ For more on the topic, see: the aforementioned source, pp. 256-278.

⁵⁴ Francis Anthony Boyle, "The Future of International Law and American Policy," (Malta, Center for the Study of the Islamic World, [D-T]), p. 155.

⁵⁵ The second paragraph of Article 1 of the International Covenant on Economic, Social and Cultural Rights, and the second paragraph of Article 1 of the International Covenant on Civil and Political Rights, see: UNIFEM Special Calendar, 2004.

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⁵⁷ United Nations, Treaty Series, Volume 4-7, No. 10106, quoted by Dr. Suhail Al-Fatlawi, "Terrorism and International Terrorism," previously mentioned source, p. 178.

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Violence and terrorism "Concepts"



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