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## SEVERAL REMARKS ON TERRORISM

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DOI: 10.13165/PSPO-21-28-02

**Abstract.** *The author is going to overview and analyse main strategies on terrorism through legal segment point of view. If you have right direction and right tools you can achieve your destination. Similar saying we can apply when we are analysing legal segment of strategy targeting terrorism.*

*The main figure in the terror act is a human being on choosing the direction of attack. One of descriptor's on terrorism is object, or in military language – a target. The author is going briefly overview targets of terrorists and measures taken to contradict their violent plans.*

*The novelty of this article is that this type of research has not yet been carried out in depth in Lithuania.*

**Keywords:** *Threat, terrorism, strategy, legal side of strategy, a target, strategic object.*

*“I want to say, with great humility, that terrorism is bad! It is bad in its origins and it is bad in its results. It is bad because it is born of hate, and it is bad in its results because it does not construct, it destroys! May all people understand that the path of terrorism does not help. The way of terrorism is fundamentally criminal” (Pope Francis)*

### Introduction

Terrorism is one of the oldest social phenomenon which accompany human beings through all circles of their existence. The appearance of above mentioned social event were facilitated by external and internal factors. We can analyze terrorism in two dimensions: as the social phenomena or as the threats. The author of this article is going to focus on as a threat which are following mankind from the very beginning and has a long history of evolution as a statehood, a state. **Main topics** of this article are two. Firstly, legal segment of strategy targeting terrorism. Secondly targets of terror attacks and means of usage to attack the target.

**The aims** of this paper are:

- to overview, analyse and present legal segment of strategy targeting terrorism; to overview, analyse targets of terror acts and countermeasure taken by state to protect the most valuable object;
- to analyze means in usage by terrorists to hit targets and measures to prevent it from happening taken by the state institutions;

The author of this article is going to use **research methods** such as: data collection, data analysis, descriptive research, analytical research, logical analysis to explore the topic. The research of this topic will allow us:

- to have broader view on legal segment of strategy targeting terrorism;
- to have clear view on the targets of terrorism and means to conduct the terror acts.
- to understand essence of some measures restricting some movement in some areas, additional security precaution measures to diminish possible risk to be targeted.

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## Legal segment of strategy targeting terrorism

Strategy originated from the necessity of peoples to defeat their enemies. Without enemies, the need for strategy is non-existent. Strategy is about shaping the future (M. Mckeown, 2011, p. 22). So, we need to know our enemies – in given case, terrorism in details. For example, motivations join to terrorist groups, age of terrorist. The goal of strategy is to present vision, directions how to cope with terrorism.

The strategy on terrorism should involve not only repressive measures reflected in the criminal laws and criminal procedure laws, special laws, but also oriented into search ways for peaceful resolution of conflict. For example, The Irish Peace Process to end civil conflict and brought stability in Northern Ireland since 1998.

Building strategy on national security, on counter-terrorism strategy two approaches can be in usage – soft and tough. The biggest challenge for international players, national lawmakers to find proper balance between strict measures and soft power dealing with terrorism. A lot of internal and external factors should be taken into account in preparing strategy, later amendments to already existing laws or introducing new laws in this field. Factors can be varying from cultural till political. Good examples could be Italy's and The Netherlands experience fighting with terror. According to USA based **research center Pewforum** data, despite large Muslim community in the countries, around 5 % of population of Italy and 7% - in The Nertherlands, whese countries didn't faced cruel attacks from terrorists side as experienced France, The United Kingdom, The Russian Federation.

Terrorist organizations calculate the risk of disclosure their activiy. The risk of interception correlates with expenditure on public order and safety as a fraction of GDP. The GDP also correlates with the population size and thus to the amount of police, other LEA, intelligent service resources available to protect any human target. Expenditures of totalitarian states for internal security are disproportionately large relative to the GDP, and indeed terrorist organizations have a lot of difficulties operating there (Kock Wiil, U., 2011, p. 40).

The United Nations General Assembly adopted the **Global Counter-Terrorism Strategy** on 8 September 2006. The strategy is a unique global instrument to enhance national, regional and international efforts to counter terrorism. All Member States have agreed the first time to a common strategic and operational approach to fight terrorism and making it a living document attuned to Member States' counter-terrorism priorities. The General Assembly reviews the Strategy every two years. The Global Counter-Terrorism Strategy in the form of a resolution and an annexed Plan of Action (A/RES/60/288) composed of 4 pillars:

1. Addressing the conditions conducive to the spread of terrorism
2. Measures to prevent and combat terrorism
3. Measures to build states' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in that regard;
4. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism.

The European Council adopted **EU Counter-terrorism strategy in 2005**, which commits the Union to combating terrorism globally, while respecting human rights and allowing its citizens to live in an area of freedom, security and justice. It is built around four pillars:

1. **Prevent** people from turning to terrorism and stop future generations of terrorists from emerging;
2. **Protect** citizens and critical infrastructure by reducing vulnerabilities against attacks;
3. **Pursue and investigate** terrorists, impede planning, travel and communications, cut off access to funding and materials and bring terrorists to justice;

4. **Respond in a coordinated** way by preparing for the management and minimisation of the consequences of a terrorist attack, improving capacities to deal with the aftermath and taking into account the needs of victims.

The harmonization of EU and EU Member States' counter-terrorism laws and strategies is pursued through several types of legislation. Some are legally binding on Member States and others are of a recommendatory nature. Binding EU legislation takes precedence over Member States' national law, which requires Member States to ensure that their national law is harmonized with EU law. The author of this chapter presents the list some of legal acts targeting terrorism in different ways: “Internal security strategy for the European Union Towards a European security model” adopted in 2010, “The Stockholm Programme - an Open and Secure Europe Serving and Protecting Citizens” adopted in 2010, “The European Agenda on Security” adopted in 2015 and steps on implementing it, The renewed EU Internal Security Strategy 2015-2020, “The EU Code of conduct on countering illegal hate speech online” adopted in 2016, Recommendation “on measures to effectively tackle illegal content online” in 2018.

The EU Commission launched “The Radicalisation Awareness Network” which brings together practitioners from all Member States to develop practices and equips them with the skills they need to address violent extremism. In 2015, the EU Commission launched the EU Internet Forum, which brings together governments, Europol, and the biggest technology and social media companies to ensure that illegal content, including terrorist propaganda, is taken down as quickly as possible. In 2017, the EU Commission set up a High-Level Commission Expert Group on radicalisation. In 2006 the European Parliament and the Council of the European Union adopted Directive 2006/24/EC “**on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks**”. The aim of the Directive was to harmonise the EU Member States’ provisions concerning the obligations of communications providers with respect to the retention of certain data, in order to ensure that the data are available for the purpose of the investigation, detection and prosecution of serious crime. It applies to traffic and location data on both legal entities and natural persons and to the related data necessary to identify the subscriber or registered user.

Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 “On the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC. On 15 March 2017, the EU adopted the Directive on **combating terrorism**, Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 “**on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU** etc. There is part of legal acts adopted by the EU institutions on terrorism.

The author of this article provides list of legal acts (not full) targeting terrorism in the Republic of Lithuania: The CC of the Republic of Lithuania, The Law of the Republic of Lithuania on the Basics of National Security, the National Security Strategy approved 2017 by the Seimas of the Republic of Lithuania, The State Progress Strategy “Lithuania’s Progress Strategy “Lithuania 2030” approved by the Seimas of the Republic of Lithuania, the Plan for Drafting of Long-term State Programmes for the Strengthening of Security approved by the Seimas of the Republic of Lithuania , Strategic action plan of Police Department under Ministry of Internal Affairs of the Republic of Lithuania etc. In all legal acts, terrorism considers to be a threat to national security and measures to cope with it must be in place.

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Financial Action Task Force (FATF) and MONEYVAL preparing guidelines on international level on money laundering, terrorism financing and states implemented provision into national law.

Three institutions responsible for the prevention of terrorist financing in the Republic of Lithuania. the Bank of Lithuania and the Financial Crime Investigation Service under The Ministry of the Interior of the Republic of Lithuania have the right to impose fines and impose sanctions on a financial institution or a branch of a foreign financial institution. Third – State Security Department of the Republic of Lithuania. Power and mandate enshrined in laws on Financial Crime Investigation Service and State Security Department of Lithuania who has the right to receive information from the said institutions free of charge, performs analysis of information related to terrorist financing. Financial Crime Investigation Service is connected to the EU Financial Intelligence Unit Information Exchange Network (FIU.NET), belongs to the Egmont Group, an organization uniting financial intelligence units.

Law of the Republic of Lithuania on Prevention of Money Laundering and Terrorist Financing.

Law of the Republic of Lithuania on provision of information to the public. For example, article 19.

Order No 52-V of 24 February 2014 on Supervision of proper implementation of the international sanctions within the limits of competence of the Financial Crime Investigation Service under the Ministry of the Interior

Order No 1B-372 of 1 July 2011 of the Director General of the Customs Department under the Ministry of Finance approving the procedures of declaration of the cash brought from EU Member States to the Republic of Lithuania, from the Republic of Lithuania and through its territory to other EU Member States and of origin control

Article 25 Criminal Code of the Republic of Lithuania (hereinafter referred as to “CC”) on forms of Complicity states that “*1. Forms of complicity shall be a group of accomplices, an organized group or a criminal association....4. A criminal association shall be one in which three or more persons linked by permanent mutual relations and division of roles or tasks join together for the commission of a joint criminal act – one or several less serious, serious and grave crimes. An anti-state group or organisation and a terrorist group shall be considered equivalent to a criminal association.*

National lawmaker didn't include into Article 39 (1) of CC of the Republic of Lithuania on Release from Criminal Liability When a Person Actively Assisted in Detecting the Criminal Acts Committed by Members of an Organized Group or a Criminal Association **the members of terrorist group**. It could be valuable to include into it.

**Hate crime:** Article 170 of Criminal Code (hereinafter – CC) of the Republic of Lithuania. Incitement against Any National, Racial, Ethnic, Religious or Other Group of Persons. Punishment – a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to three years.

Article 170 (1.) of CC of the Republic of Lithuania. Creation and Activities of the Groups and Organizations Aiming at Discriminating a Group of Persons or Inciting against It. Soft punishments - a fine or by restriction of liberty or by arrest or by a custodial sentence for a term of up to one year.

Article 216 of CC of the Republic of Lithuania. Laundering of Crime-Related Property, articles 250-252 of CC of the Republic of Lithuania.

The laws of the Republic of Lithuania allow the usage of intelligence information for criminal proceedings. Although the Republic of Lithuania doesn't have the Law on the prevention of terrorism act.

The case law of the Republic of Lithuania in this area is poor, only a few cases were considered in court: Eglė Kusaitė (case 2K-46-677/2016229) and Michael Campbello (case 1A-4-398 / 2017230).

According to the levels provided in the standard operation procedure for determining, announcing and preparing for the Terrorist Threat Level, the level of the terrorist threat in Lithuania is currently low. The author’s opinion each European Union Member State has to have National Counter-terrorism strategy, Action plan and Road map.

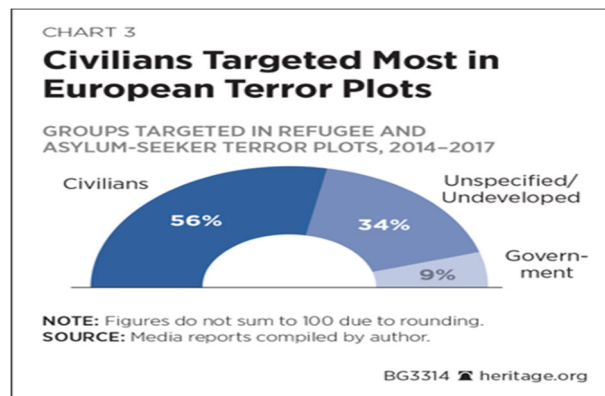
**Cooperation of organized crime groups and terrorist groups.** Due to new technologies for communication, encryption your messages, secure channel for communication made easier live for terrorist groups on cooperation with organized crime groups in such areas as fake documents, weapons, explosive material. Nowadays, it is possible to do directly through the Internet anonymously. It is dangerous tendency the convergence between criminal and terrorist groups. Earlier, communication between organized crime groups and members of terrorist groups on acquisition of fake documents, weapon, other banned items were direct in many cases. There was high risk that country’s intelligence agencies can fix contacts. It prevented some organized crime group for cooperation with terrorist organizations in some areas, mainly in acquisition of firearms, ammunition, fake documents. Despite this factor, the organized crime groups and terrorist groups successfully cooperated in drug trafficking from South America to Europe, from Asia to Europe.

To sum up, legal segment of strategy in respect of **terrorism, national lawmakers** has to be focused on prevention of terrorism oriented crimes by effective and comprehensive social policy, balanced legal instruments and sufficient financial, human resources, flexible and effective organizational means, management culture of agencies tackling with above mentioned threat etc., factors.

Before launching strategy, action plan and road map into implementation phase, we should consider existing difficulties on choosing proper prevention measures, instruments, quality of statistical data.

### Targets of terrorism and means in usage to attack

According to research and educational institution “**Heritage foundation**” based in USA civilians were, are the most targetted object during terrorist attacks



In accordance with data of organization “**Visionofhumanity**” the most frequent forms of terrorism in 2018 were hostage takings and armed assaults, together comprising 84 % of attacks.



Bombings and armed assaults have been the most common type of terrorist attack over the past two decades. Recent attacks in Europe, Israel present new tendency of terrorists in choosing means to carry out terror acts such trucks, vehicle, reconstruction technique, knife, daggers, axes, gas balloons, flammable liquids and other civilian devices freely accessible, designed to other goal, tasks but might be used to harm, kill people, damage property. Improvised weapon, such as knives and vehicles, are the weapons of choice with which recent attacks were carried out. These weapons, except for explosive devices, do not require much preparation or special skills to be employed in terrorist attacks, which are either carefully prepared or carried out spontaneously.

EU took prevention measure in the arm market by tightening provisions on firearms control and obtaining them. EU adopted Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of firearms. The directive obliges EU Member States to bring their national laws provisions into line with EU standards on the traceability of all firearms and essential components, obliges them to label even replaceable firearm components, and restricts the rights of firearms owners to modify firearms themselves. According to provisions of above mentioned Directive Member States *shall take all appropriate measures to prohibit the acquisition and possession of the firearms, the essential components and the ammunition classified in category A*, also requirements were set up for amount of ammunition for owners of firearms.

The directive is a mandatory, binding legal act for EU Member States. It lays down only minimum measures in the field of firearms control. EU Member States may introduce more stricter firearms control measures. In Lithuania, this area is regulated by the Law on the Control of Weapons and Ammunition of the Republic of Lithuania.

In the EU strengthening the protection of public spaces, airports, other strategic objects is one of the priority areas on combating with terrorism. EU issued binding and non-binding character legal acts on protection of strategic objects and requirements for protection of such objects. For example, Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002.

European Commission Joint Research Center presented review on vehicle barrier protection guidance in 2017. It follows after deadly terror attacks carried by terrorists using vehicles in Nice, Berlin London, Stockholm, Barcelona. Recommendation focuses on procedures for the design, testing and installation of vehicle barriers to protect public areas and areas with so-called "**soft targets**" from terrorist attacks using a vehicle as the weapon. Attention is drawn to public places in all EU cities with a high concentration of people, such as pedestrian areas, fairs, tourist sites, an outdoor market and town squares. Potential terrorists can refuse an act of terrorism simply because there is a high probability that it will fail. Although so-called "**soft targets**" are the most appropriate target if there is no reliable protection. It leads to conclusion that terrorists use cold-blooded calculation before they conduct an attack.

The Republic of Lithuania took appropriate methods and measures to protect public areas, strategic objects. For example, according to the **Republic of Lithuania Law on the protection of objects of importance to ensuring national security** all objects (enterprises, facilities, property and economic sectors) are divided into categories according to their importance for national security. Different state and private institutions are in charge for protection of objects of importance to ensuring national security. For example, Dignitary Protection Service of the Republic of Lithuania, Public Security Service under the Ministry of

Interior of the Republic of Lithuania, Police Department at the ministry of Interior of the Republic of Lithuania, etc.

Part 1 of article 66 of the Aviation Law of the Republic of Lithuania states that *Airports and carriers shall ensure aviation security. These undertakings must have aviation security ensuring programmes approved by the CAA and plans to establish respective services (appoint a responsible staff member (members). Other entities operating inside the controlled area of the airport must have plans of aviation security and unconditionally implement the requirements of the services, which ensure the security of civil aviation. 2. The personnel of the services, which ensure the security of aviation, shall have the right within the scope of their competence, to conduct personal inspection and checks of articles, apprehend and hand over to law enforcement institutions persons who have violated the requirements of aviation security and also, the baggage, goods and postal parcels, which contain articles and substances which are prohibited in air transportation.*

In accordance with provision of above-mentioned law additional aviation security measures might be impose based on information on the increase level of threat of a terrorist act. Three levels of quality control on aviation safety and several layers of security exist in the international airports of Lithuania. It allows to reduce level of threat and minimize the risk of persons who in charge for security of strategic object to be penetrate by terrorists. For example, to receive sensitive date on security measures at airport from staff by using different methods, including violent.

## Conclusions

The strategy on terrorism should involve not only repressive measures reflected in the criminal laws and criminal procedure laws, special laws, but also oriented into search ways for peaceful resolution of conflict, it has to include non repressive measures.

Legal segment of strategy in respect of **terrorism, national lawmakers** has to be focused on prevention of terrorism oriented crimes by effective and comprehensive social policy, balanced legal instruments and sufficient financial, human resources, flexible and effective organizational means, management culture of agencies tackling with above mentioned threat etc., factors. Before launching national counter terrorism strategy into implementation phase, we should consider existing difficulties on choosing proper prevention measures, instruments, find proper balance between repressive and non-repressive measures targeting such social phenomenon – as terrorism.

The Republic of Lithuania needs the Law on the prevention of terrorism act.

Bombings and armed assaults have been the most common type of terrorist attack. Civilians were, are the most targetted object during terrorist attacks.

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