

STATE TERRORISM: LEGAL ASSESSMENTS OF THE CONCEPT

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Abstract. *This article will focus on a large-scale concept that is not visualized in international law, state terrorism. The phenomenon of terrorism is one of the oldest in human history. At the same time, the political contradictions that existed between the states prevented high-quality international legal qualification. The Rome Statute of the International Criminal Court did not include such a crime as "state terrorism". State terrorism is aimed at mass intimidation of the population. It is carried out through indiscriminate bombing of civilian targets, demonstrative killings and threats of physical violence, psychological impact in the information environment. In case of aggressive war of Russia against Ukraine, it serves an instrument of implementing the genocide of the Ukrainian people. These acts carried out by the Russian army units during the invasion of Ukraine starting from 2014. Russia should be recognized as a terrorist state and its high commanders as international terrorists.*

Keywords: *state terrorism; international responsibility of Russia; terrorist state; genocide; Ukraine.*

Introduction

September 11, 2001 World Trade Center bombings shook the world. The terrorists of the Islamist extreme group al Qaeda hijacked commercial aircrafts and sent them to the Twin Towers in New York City and crashed into the Pentagon in Arlington, Virginia. The Twin Towers were ruined. Almost 3,000 people were killed that time. News agencies wrote then that the world would never be the same as it was. And we, ordinary people, experienced a personal tragedy from the realization that the state – a bastion of strength and confidence – barely protected its state institutions. It seemed to us that nothing worse could happen. And could it get any worse?

On February 24, 2022 Russian troops invaded Ukraine under invented pretexts “to protect the people of the Donbas separatist region in Ukraine” (Putin Orders “Special Military Operation” for Ukraine). In 72 hours, they expected to destroy Ukrainian leadership and demoralize Ukrainian population. Demonstrating cruelty toward peaceful Ukrainians, deliberate and systematic killings of civilians, launching rocket attacks on infrastructural civilian objects, Russian troops violated every principle of international law and the laws and customs of war that we know of.

Russia began actively carrying out diverse acts of a terrorist orientation from February 20, 2014 – the beginning of Russia's aggression against Ukraine. Intimidation of the population of the sovereign part of Ukraine – the Autonomous Republic of Crimea, and later the Donetsk and Luhansk Regions, direct threats and the destruction of it by the law enforcement agencies of Russia should be qualified as state terrorism.

Further actions of the Russian state became more and more cruel, indiscriminate and daring. April 17, 2014 the Russian anti-aircraft missile system “Buk” shot down the Boeing 777 civil aviation aircraft of the Malaysian Airlines, which was following the route from Amsterdam to Kuala Lumpur, as a result of which 283 passengers and 15 crew members perished.

Terrorist acts against Ukrainians committed on the territory of Ukraine are only a part of Russia's large-scale terrorist strategy. As noted in the Statement of the Saeima of the Republic of Latvia dated August 11, 2022: "Russia has for many years supported and financed terrorist regimes and organisations, being the largest arms supplier to the Assad regime in Syria, and has carried out terrorist attacks in sovereign countries, including the poisoning of the Skripal family in the territory of the United Kingdom..." (Saeima, 2022).

In the conditions of an undeclared war with Ukraine, Russian forces kill every day civilian population of Ukraine: deliberate attack on the theatre in Mariupol, the missile strikes on a residential area in Odesa Region, the attack on a shopping mall in Kremenchuk, missile strike on the city center of Vinnitsa, constant shelling of civilian infrastructure in Kharkiv, Mykolaiv, Kryvyi Rig, Dnipro and other big cities and small towns. All these actions testify to a deliberate, large-scale policy of intimidation of the inhabitants of Ukraine, which serves a means of implementing genocide of the Ukrainian people.

For an objective qualification of the acts of Russia according to international law, it is necessary to focus our research on the group of questions. What is the essence of the terrorist strategy? Are there international legal norms fixing the qualification features of state terrorism? How do national laws of the states qualify "state terrorism"? What is a practical reason of formulating and interpreting the notion "state terrorism"?

Terrorism and state terrorism: the essence of the terrorist strategy

There are many studies written about how terrorists operate. At the same time, scientists are still arguing about their motives. For our study, an understanding of terrorists' strategy is necessary in the context of qualifying the characteristics of state terrorism, which, in our view, constitutes an international crime. Moreover, we believe that the international community is ready to criminalize state terrorism, relying on the international legal instruments developed to combat terrorism as such and considering the expanding coalition against a terrorist state like Russia.

For the sake of a coherent and logical analysis, we will draw our attention on the research of scholars who best strengthen the logic of our arguments, as well as who bring new insights into the understanding of the theoretical aspects of the fight against terrorism.

Beginning her study, Cynthia C. Combs suggested to start from the broad notion, stating that the terrorism could be defined "*a synthesis of war and theater, a dramatization of the most proscribed kind of violence – that which is deliberately perpetrated on civilian noncombatant victims – played before an audience in the hope of creating a mood of fear, for political purposes*" (Combs, 2022). Here one can see its crucial components: involves an act of violence; state of fear; visualisation; civilian noncombatant victims; political motives.

Obviously, the thinking activity of the personality of the criminal involved in terrorist activity is characterized by mental deviations. Hence the acceptance and even desire for dangerous consequences.

But the description of the motives of the terrorist's actions is not only related to his personal mental disorders. A terrorist believes that such an activity will lead to a change in the political situation.

If we consider terrorism in its historical perspective, it turns out that the political motives have changed, but the strategy has not changed.

Does it have its roots in the 1st century and is it related to the religious and political struggle for Jewish liberation (Sicarii Zealots)? (Horsley, 1979). Or is it about the 11th century and the religious paramilitary formation based in Iran and Syria (Al-Hashshashin), which

carried out politically motivated murders during the Abbasid period? (Daryoush, 2019). Or is it a later phenomenon associated with the Reign of Terror of the Jacobins in France in the 18th century? Or is it even more recent, related to the terrorist activities of the “Narodnaya Volya” (“People’s Will”) in the 19th century in the Tsarist Russia and the assassination of Tsar Alexander 2? All of the perpetrators were united by the intent – to intimidate, and to do so in the most dangerous and “screaming” form.

What differs, perhaps, is the systematic terror policy of V. Lenin and the USSR toward their own citizens. But it differs in scale and an even greater degree of cynicism. The key feature – the desire to intimidate – remains the same.

Scientists have come to a similar conclusion before. American political scientist Martha Crenshaw and British military expert John Pimlott in 1997 described the phenomenon of terrorism in detail in their work “International Encyclopedia of Terrorism” (Crenshaw, Pimlott, 1997), pointing out the long and varied history of this phenomenon, showing the psychology of the terrorist, giving a chronology of events, naming terrorist groups and offering a detailed bibliography for further research. This work leaves no blank spots in understanding the essence of terrorist activity, where the main motive is intimidation as a means of achieving political goals. Whatever the historical period, whatever the methods of indiscriminate damage to human life, health and private property, the bombing of civilians, concentration camps, hostage-taking, punishment without trial, through terrorism the state authorities and criminal groups tried to achieve a radical change in the political situation.

The work of Martha Crenshaw and John Pimlott is noteworthy in that, it contains a definition that 81 percent of researchers agree with and indicates an established view of “terrorism” in doctrine: *“Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group, or state actors, for idiosyncratic, criminal, or political reasons, whereby – in contrast to assassination – the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators. Threat and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought”* (Crenshaw, 1997).

In addition to a comprehensive definition, the authors conclude that terrorism, as a specific policy of the French Revolution, looks different today, that the distinction between political and criminal terrorism depends on the angle of view (Crenshaw, 1997). In this context, we must make an observation: *Ex injuria jus non oritur*. A wrongful act cannot be assessed as a legal act. This Roman maxim must be interpreted generically, bearing in mind the criminality of the very intent, the terrorist strategy. When we are talking about the violation of international law, when the population is indiscriminately killed, its property destroyed, the question of the “viewpoint of the observer” cannot arise.

Reflecting on the nature of terrorist strategy, Zoi Aliozi argument is interesting.

After pointing out the fallacy of the question of the essence of terrorism, she suggested looking at the origin and context of the concept, where “state terrorism” “is the mother phenomenon and root of all forms of terrorism” (Aliozi, 2015). Having made a qualitative linguistic analysis of the term in Greek, Z. Aliozi concluded that “terrorism” as a political system stood on a par with such types as democracy, aristocracy and autocracy (Aliozi, 2015). A good illustration for understanding the author’s logic is to point out that the suffix *kratos*, as described by Cornelius Castoriadis, should be translated as “raw violence” (Aliozi, 2015). It

turns out that even the most progressive political system – democracy – literally translates as "brute violence of the people". As for state terrorism, according to Z. Aliozi, it is a criminal political system (Aliozi, 2015), where "state terrorism takes the form of foreign policy, shaped by the presence and use of weapons of mass destruction" (Aliozi, 2015). And this conclusion is as succinct and accessible as possible to indicate the essence of the term, which we study in relation to its modern content.

Based on the authors' inferences, the following conclusions must be drawn regarding the essence of the terrorist strategy.

State terrorism can be seen as both a policy and a method. Politics presupposes the existence of a strategy for state behaviour, described in a political doctrine. This strategy may be clearly described in an official document, such as a foreign policy strategy, or it may contain hidden goals and be presented through the media. State terrorism as a method is a tool for implementing a criminal policy of the state, such as a policy of genocide, as in the case of Russia in Ukraine.

State terrorism: absence of workable legal qualification in international law?

The discussion of the qualifying "terrorism" in international law is one of the oldest. The codification work began with the Romanian delegation's request to the League of Nations in 1926 to consider drafting a "convention to render terrorism universally punishable" (Saul, 2006). The first working definition of "terrorism" was considered as a part of the work of International Conferences for the Unification of Criminal Law between 1930 and 1935. Such a formulation was considered: *"The intentional use of means capable of producing a common danger that represents an act of terrorism on the part of anyone making use of crimes against life, liberty or physical integrity of persons or directed against private or state property with the purpose of expressing or executing political or social ideas will be punished"* (Saul, 2005).

As we can see, the cause for such an act was expressing or executing political or social ideas. Such a definition described the phenomenon of terrorism broadly enough, but reflected little of the essence of "state terrorism". On the one hand, if one assesses the motivation of the states participating in the Conferences, it is clear that states were not prepared to criminalize the acts of states that practiced terrorism, such as the USSR. On the other hand, states did not set out to address the elements of international crimes of states at these conferences. They were working under the conventional crimes.

The definition of "terrorism" as an international crime was worked on within the framework of the League of Nations, between 1934 and 1937. It was prompted by the need to protect the first persons of states or persons representing them. The resulting Convention on the Prevention and Punishment of Terrorism (*Convention for the Prevention and Punishment of Terrorism, 1937*), adopted in 1937 and signed by 24-member states of the League of Nations, affirmed *"the duty of every State to refrain from any act designed to encourage terrorist activities directed against another State"* (art. 1 (1)). Art. 1 (2) contained a provision stating that *"the expression "acts of terrorism" means criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public"* (*Convention for the Prevention and Punishment of Terrorism, 1937*). Thus, the emphasis was on the phrase "criminal acts," and the objective side covered "the creation of a state of fear, horror". The perpetrator's intent involved exposure to "particular persons, or a group of persons or the general public" (*Convention for the Prevention and Punishment of Terrorism, 1937*). At the same time, the context of Art. 2 clearly established the focus of such crimes: *"Heads of States, persons exercising the prerogatives of the head of the*

State, their hereditary or designated successors". Potential victims of terrorism were seen as an instrument of influence on the state, and the state was associated with its first persons or persons representing it in the international arena.

Over time, the understanding of the object and objective aspect of terrorism has been refined. The question of the relationship between the concepts of "terrorist" and "freedom fighter" emerged, when developing countries in the UN required "to exclude from the definition of terrorism the acts or transactions of national liberation movements..." (Cassese, 2004).

If we turn to the further history of the formation of the concept of "terrorism" in international law, it is necessary to agree with the argument of A. Cassese. He argued the position that the formed concept of terrorism exists (Cassese, 2004). And one of the most convincing arguments, in our opinion, is the fact of the existence of an international treaty, the provisions of which prohibit terrorism. What was really missing was "*agreement on the exception*" (Cassese, 2004). Speaking of the Art. 33 (1) of the Fourth Geneva Convention of 1949, Art. 4 (2) (d) of the Second Additional Protocol of 1977 to the Geneva Conventions, Art. 4 of the Statute of the International Criminal Tribunal for Rwanda (ICTR), A. Cassese indicates that the draftsmen of these documents had "*a fairly clear idea of what they were prohibiting*" (Cassese, 2004). That means that the authors of these international legal documents "*deliberately or unwittingly were referring to a general notion underlying treaty law and laid down in customary rules*" (Cassese, 2004).

Later, conventions were adopted to regulate liability for aircraft hijacking, crimes against civil aviation, hostage taking, and the financial system of the state. These conventions segmented the methods used by terrorists to commit their crimes and were aimed at improving national legislation.

Even later, the idea of "terrorism" as a concept was specified and described in detail in the International Convention for the Suppression of the Financing of Terrorism 1999, where for the purpose of a comprehensive and complete description of the qualifying features, the authors of the document referred to nine conventions that affect a certain aspect and gave a voluminous description of the phenomenon of terrorism as such (Art. 2 (1) b) (Cassese, 2004).

But is there a clear vision for states regarding the concept of "state terrorism"?

State terrorism is a voluminous concept. In the author's 1998 dissertation on "Political and Legal Aspects of International Terrorism," I classified terrorism and categorized it as a type of political terrorism, such as: "1) state terrorism as an international crime affecting the interests of one or more foreign states; 2) state terrorism as an international crime against its own citizens" (Пухра, 1998).

The direct object of state terrorism as an international crime was then identified, viz: "international peace and security; international stability and legality; ensuring the right of peoples to self-determination; the foundations of international cooperation; the human person, his rights and freedoms" (Пухра, 1998).

Today, in the context of Russia's war against Ukraine, it is obvious that state terrorism is not the main goal of criminals, but is an instrument of the execution of the gravest international crime, such as genocide. And if earlier, when analysing the acts of states that patronize terrorism, I wrote about its secrecy, now the spectrum of criminal acts begins with open threats to destroy the civilian population, infrastructure facilities, the Ukrainian people as a whole. In the broadest sense, *state terrorism is a tactic of organized violence by a state represented by its organs, built on economic pressure, psychological impact, political pressure, military invasion and aimed at eliminating politicians, developing and maintaining panic among the population in order to change the existing social order, overthrow the government, and destroy the state and its people*. As in the case of terrorism, terrorist states use the technique of intimidation.

Intimidation of the victim state's population can be carried out through murder, serious bodily injury, destruction of critical infrastructure, etc. That is, intimidation itself constitutes criminal acts.

Explosions in Ukrainian residential neighbourhoods, train stations and squares, murders and serious bodily injuries, intimidation of civilians through torture and mockery, must be qualified under Art. 2 of Convention on the Prevention and Punishment of the Crime of Genocide 1948 (Convention on the Prevention and Punishment of the Crime of Genocide) and under Art. 6 of the Rome Statute of the International Criminal Court 1998 (Rome Statute of the International Criminal Court). Here the intention of the terrorist state extended to the destruction of the Ukrainian people.

However, it is not only about genocide, i.e., extermination of an entire people but of actions of the state that harm the peaceful existence of a sovereign state, its political independence, the safety of its population and intimidate it, threaten its life and well-being. Such actions are considered by socio-political sciences as terrorism, and the policy of such a state as terrorism (Тимченко, Яцишин, 2020).

Addressing terrorism as collective penalties and likewise all measures of intimidation or of terrorism are prohibited by Art. 33 (I)¹ of the Convention (IV) relative to the Protection of Civilian Persons in Time of War in 1949 (Convention (IV) relative to the Protection of Civilian Persons in Time of War), and by the Art. 4 (2)(d) of the Second Additional Protocol of 1977 (Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)). This norm is one of the postulates, the very logic of international humanitarian law.

Russia's actions in the form of intimidation of the Ukrainian civilian population should also be qualified as crimes against humanity, for in the essence of Art. 7 of the Rome Statute of the International Criminal Code they refer to "a widespread or systematic attack", causing suffering, serious injury to body or to mental or physical health of the large number of people.

The quintessence of the concept of "state terrorism" can be well seen in the International Convention for the Suppression of the Financing of Terrorism 1999, the authors of which attempted to qualify "acts of terrorism in all its forms and manifestations":

"Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act" (Article 2 (1) b International Convention for the Suppression of the Financing of Terrorism 1999).

This definition clearly shows such qualifying features as: 1) intention to cause death or serious bodily injury; 2) civilian population (or any other person not taking an active part in the hostilities) as an object (as an instrument of influence on decision-making body – government or an international organization), or a government or an international organization (which was forced to do something); 3) the situation of armed conflict; 4) the purpose to intimidate a population, or a government or an international organization; 5) acts of intimidation or compelling to do or to abstain from doing any act.

The above-mentioned arguments show that in international law there is a clear vision of the essence of "state terrorism," the commission of which is due to military action and constitutes a crime under international law. At the same time, the authors of international legal instruments did not specify the word "state" (noun or adjective) when describing or specifying terrorism. This does not prevent us from understanding the real context of the international legal provisions. Obviously, *state terrorism is indiscriminate violence, realized in the form of a*

widespread or systematic attack, causing death or serious bodily injury to large numbers of people during hostilities.

Qualification of state terrorism by national law

States' counterterrorism laws have different pasts and contexts. One of the most settled is the U.S. legislation. It combines a variety of approaches and strategies, from creating "a strong and sophisticated counterterrorism enterprise" to "diplomacy" that will "to reduce the threat of large-scale terrorist attacks on the homeland," and will contribute to overcoming the «national security challenges, including strategic competition, cybersecurity threats».¹

French anti-terrorist legislation has a rich history, dating back to the 19th century, when the state adopted exceptional provisions under wartime regulations, and focused today on combating Islamic radicalism (How the November 2015 attacks marked a turning point in French terror laws).

Since Russia's full-scale invasion of Ukraine, the counterterrorism laws received new development and a new setting. Never before the issue of international responsibility for state terrorism has been discussed on a large scale. And if previously states created lists of terrorist states very rarely and hardly ever a list of sanctions against them was formed (for example, the United States included Sudan, Iran, Syria, North Korea and Cuba in its list of terrorist states), now the issue of Russia's responsibility for committing large-scale terrorist attacks against civilians in Ukraine is subject to general discussion.

Ukraine belongs to the category of states that have not had a long experience in combating international terrorism. For some time, its legislation followed the logic of the development of international legal norms in this direction. The same way was followed, for example, by Italy, which anti-terrorist legislation began to develop after the terrorist acts of September 11, 2001 in New York.

Art. 1 of the 2003 Law of Ukraine "On Combating Terrorism" enshrines a whole range of notions defining the essence of terrorist activity (Закон України «Про боротьбу з тероризмом», 2003). Based on the provisions of this article, "a terrorist state is a state that openly, using its own armed forces, other armed groups, or covertly, using armed groups acting on behalf of and/or in the interests of such a state, commits terrorist acts, acts of international terrorism" (Закон України «Про боротьбу з тероризмом», 2003). The term "state terrorism" is not interpreted, but it is clear from the text that "*all forms and manifestations of terrorism*" (a term used in most international legal conventions and UN resolutions) are punishable.

The same article defines "international terrorism" including such elements as:

Objective

- (1) commission of a crime – on a global or regional scale; violent acts (kidnapping, seizure, murder of innocent people or threat to their life and health, destruction or threat of destruction of important national economic facilities, life support systems, communications, use or threat of use of nuclear, chemical, biological and other weapons of mass destruction).

¹ To read more: National Strategy for Countering International Terrorism. National Security Council, June 2021. [Online]. Available at: <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>; Country Reports on Terrorism 2021. US Department of State. [Online]. Available at: <https://www.state.gov/reports/country-reports-on-terrorism-2021> (Accessed: 20 April 2023)

The subjective side

- (2) motives and intentions – "in order to achieve certain goals" (according to the text of the Law of Ukraine); in order to create an atmosphere of fear (according to international legal documents).

Based on these provisions, as well as on the logic of international legal conventions of an anti-terrorist nature, the provisions of the European conventions, a general formulation of "state terrorism" emerges, identical to the one that we presented in the previous paragraph.

National legislation formulates the motives in different ways. Thus, according to the decision of the Constitutional Court of Spain, this may be the "feeling of insecurity within the society" (Walter, 2017).

The Italian law, on the other hand, defines the terrorist's purpose as "eliminating the democratic order" (Walter, 2017).

At the beginning of May 2022, the Seimas of the Republic of Lithuania (Resolution on the recognition of the actions of the Russian Federation in Ukraine as genocide and the establishment of a Special International Criminal Tribunal to investigate the crime of Russian aggression, 2022) recognised Russia's war against Ukraine as genocide and "advocates the establishment of a Special International Criminal Tribunal (hereinafter referred to as the Special Tribunal) to investigate and assess the crime of Russian aggression against sovereign Ukraine and to bring those responsible to justice, through the united efforts of the international community and on the basis of the precedents of history (Nuremberg, Tokyo, Sierra Leone and the other special tribunals)". The Resolution Nr. XIV-1070 of the Seimas of the Republic of Lithuania of 10 May 2022 specified: *«that the Russian Federation, whose military forces deliberately and systematically target civilian targets for bombing, is a state sponsor and perpetrator of terrorism»* (Resolution on the recognition of the actions of the Russian Federation in Ukraine as genocide and the establishment of a Special International Criminal Tribunal to investigate the crime of Russian aggression, 2022).

The authors of the resolution did not use the term "state terrorism," but based on the document it is obvious that the wording *«terrorism, such as the killing and torturing of the civilian population of Ukraine, bombardment of residential buildings and other civilian objects»* refers to it. Here the word "state" indicates the affiliation of the acts, in other words.

The same document referred to the private company "Wagner", recognized as a terrorist organization by many states, which committed crimes in the form of "brutal executions in Syria", as well as the responsibility of Kadyrovites for terrorist acts (Resolution on designating the private company Wagner as a terrorist organization, 2023).

On August 11, 2022 the Saeima of the Latvian Republic adopted a statement on Russia's targeted military attacks against civilians and public areas in Ukraine, recognising Russia's violence against civilians as terrorism and Russia as a state sponsor of terrorism (Saeima adopts statement declaring Russia a state sponsor of terrorism, 2022). The Latvian parliament has described the qualifying attributes of "state terrorism" of Russia at length, also without using the term itself, but implying it: *«Russia has for many years supported and financed terrorist regimes and organisations, being the largest arms supplier to the Assad regime in Syria, and has carried out terrorist attacks in sovereign countries, including the poisoning of the Skripal family in the territory of the United Kingdom and the downing of Malaysia Airlines flight MH17, which cost the lives of 298 people...»* (Saeima adopts statement declaring Russia a state sponsor of terrorism, 2022).

In these provisions, the duration of Russia's terrorist activities, its commitment to ignoring the principles of the sovereign equality of states, non-interference in internal affairs, non-use of force, etc., is well traced.

The Saeima of the Latvian Republic emphasized in its statement that “*recognises Russia's violence against civilians committed in pursuit of political aims as terrorism, recognises Russia as a state sponsor of terrorism, and calls on other likeminded countries to express the same view...*” (Saeima adopts statement declaring Russia a state sponsor of terrorism, 2022).

What is the practical significance of recognizing a state as a terrorist state?

According to the opinion of Doug Bandow, an American political writer: “Calling a state or movement “terrorist” is primarily symbolic, a bit of name-calling to discredit the discreditable... It would be better to simply abolish the practice of naming countries state sponsors of terror than to continue diluting the label” (Bandow, 2022).

In the author's view, such recognition demonstrates the lack of tolerance of states for international crimes, and thus reaffirms their intention to fight for the principles of international law. Such recognition could be the beginning of the application of a new economic policy towards a terrorist state and its supporters.

Russia's war against Ukraine has dotted all the “i's” regarding the qualification of this criminal act. The terrorist attacks are so large-scale, so overt, and so insidious that there is not a single doubt about the need to call Russia a terrorist state and its activities state terrorism.

Previously, the states had feared a breach of idyllic relations with Russia. It took the whole year 2022 for most of the world to be finally convinced of the falsity, cavaliness and cruelty of this state, of its rejection of democratic values and its intention to destroy the established world order.

Conclusions

A brief excursion into history shows that the terrorist's main motive is the intention to intimidate the population. Terrorism cannot be considered a legitimate method of conflict resolution. An unlawful act cannot be assessed as a legal act (*Ex injuria jus non oritur*). “State terrorism” is a criminal political system that can act as a system that absorbs other peoples and then terrorism carried out by the state serves as an instrument of genocide. “State terrorism” can constitute the essence of crimes against humanity because of its mass, systemic nature, high level of cruelty and duration.

In international law there is a clear vision of the essence of “state terrorism”, the commission of which is due to military action and constitutes a crime under international law. At the same time, the authors of international legal instruments did not specify the word “state” when describing or specifying terrorism. Which does not prevent us from understanding the real context of the above-mentioned articles. Obviously, *state terrorism is indiscriminate violence, realized in the form of a widespread or systematic attack, causing death or serious bodily injury to a large number of people during hostilities*. There is a notion of the essence of “terrorism,” “terrorist state,” and “international terrorism” in national law. In a broad sense, *state terrorism is a tactic of organized violence of the state represented by its bodies, built on economic pressure, psychological impact, political pressure, military invasion and aimed at the elimination of political figures, development and maintenance of panic among the population in order to change the existing social order, overthrow the government, destruction of the state and its people*.

What is the practical significance of the formulation of the term "state terrorism"? It is related to the understanding of the duration, multifacetedness, and scope of the crime itself. This, in turn, will make it possible to objectively and fairly qualify the acts of the offender.

The aggression of the Russian Federation against Ukraine, indiscriminate and brutal murders, rapes, psychological pressure against its civilian population should be regarded as acts of state terrorism, and Russia as a terrorist state.

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