

SCIENTIFIC AND LEGAL FOUNDATIONS OF THE FIGHT AGAINST INTERNATIONAL TERRORISM

Hafiz Musayev*

Abstract

The main goal of the article is to study the scientific and legal basis of the fight against international terrorism in modern conditions. The main focus of the article is to conduct a scientific and legal analysis in the field of identifying terrorist activity, preventing it and minimizing its consequences in the presence of terrorist threats. The article also paid special attention to predicting the causes and conditions that give rise to terrorism and contribute to its existence, as well as the main directions of interaction during anti-terrorist activity. Taking into account the current situation in the world and in our country in order to optimize the anti-terrorist activity, expanding the information on ensuring the fight against terrorism, examining the legal framework, and coordinating the activities are also focused in the article.

Keywords: *terror, terrorism, international terrorism, international security, separatism, international law, convention, international relations.*

The characteristic of terrorism, which is particularly dangerous among the threats to international security, is almost similar in most literature (from the Latin "terror" - fear, panic, "terrorist" - causing fear, panic) and is generally understood as follows: "Any institution or organization creating fear in the society or in other states in order to achieve its goals" - which is considered the classic definition of terrorism. However, terrorism is not a simple process as shown in this definition, because it is "violence of a weak party with a known motive, including political goals" and is aimed at specific goals [4, p. 7]. Just as there are different reasons for the occurrence of terrorism, its forms and methods of implementation are also different. This variety, diversity makes the fight against terrorism extremely difficult. R. Sevdimaliyev, one of the Azerbaijani authors, characterized terrorism as an "action" carried out secretly or openly by various forces for the realization of their interests in various forms and means, as a phenomenon with a millennial history [11, p. 432].

The continuous discussion about the concept of international terrorism shows that the steps taken to solve the problem are insufficient. It is possible to interpret the concept of international terrorism on the basis of the provisions of Article 1 of the Framework Decision of the Council of the European Union dated 2002, as well as the last paragraph of the Preamble of the Convention of the Council of Europe "On the Prevention of Terrorism", which is worth focusing on separately. A comprehensive approach to the concept of international terrorism should be demonstrated, that is, political, economic, social, religious, spiritual, cultural, etc. should be considered as an act committed in order to ensure interests in the relevant fields. Practice shows that the abusing the principle of self-determination of international law, national, ethnic, religious, and other separatist activities aimed at breaking up the territories of states under the cover of international law should also be considered among the sources of international terrorism. Territories outside international and state control formed as a result of separatist activities are called "grey zones" in international law and are a favorable ground for locating terrorist camps, providing shelter to wanted terrorists,

* Ph.D in Law, Baku State University

training new members, as well as planning and committing terrorist acts, and in addition to creating conditions, it plays a major role in "terror export" to different regions of the world [5, p. 220].

In our opinion, the investigation of the causes and circumstances of the emergence of international terrorism should not be based only on the criminological method. Here, the methods and means of managing socio-political processes should be kept in mind, and the economic, social, political and ideological circumstances that lead to the emergence of international terrorism at the national, regional and global levels should be investigated and evaluated. Currently, international terrorism, which has gained citizenship in the international lexicon, has not been perfectly interpreted in international documents as a serious threat to international security, and probably will not be attempted soon. In this regard, it is necessary to pay attention to two points, firstly, in the conditions of such high speed of scientific and technical progress, inter-social stratification, the differences between wealth and poverty are deepening, so that in the created conditions, unimaginable types of terrorism arise and the scale of threats expands and deepens; secondly, the absence of a generally accepted international legal norm in relation to the terrorist, so that the person or groups who are the cause of any international terrorism can be described as "heroes" in one state and "terrorists" in another state.

Despite the fact that Armenian terrorist G. Nijde is recognized as a "national hero" in Armenia, he is recognized all over the world as a person who collaborated with the German fascists and committed murder. Even though his statue was erected in St. Petersburg, Russia, it was removed due to public pressure. The current situation requires the elimination of existing gaps in international legal norms. It is no coincidence that 109 different explanations were given to the concept of terrorism between 1936 and 1981. After the terrorist events of September 11, 2001 in the United States, although the VI Committee of the UN General Assembly considered numerous proposals in terms of the meaning of this concept, a general decision has not yet been adopted [2, p. 457-458].

However, according to researchers, international terrorism is considered as one of the important types of international crime. One of the researchers, L. Huseynov, divided international crimes into several groups according to the object of intent, and included international terrorism, along with aggression, genocide, apartheid and war crimes, as crimes against peace and security of humanity [9, p. 84]. It should be noted that L. Huseynov's textbook was published long before the terrorist incidents in the United States. The fight against international terrorism is considered a prerogative of the UN International Court of Justice, although the United States continues to fight against international terrorism without obtaining the consent of this organization.

The regional aspects of the fight against terrorism are included in Article 1 of the Framework Decision of the Council of the European Union and in the preamble of the Council of Europe Convention on "Prevention of Terrorism" adopted on May 16, 2005. According to those documents, "international terrorism - violation of public security by the state through the employees of any person, group, etc., in order to ensure their interests in political, economic, social, religious, spiritual, cultural, and other fields, keeping the population in panic. It is the perpetration of actions aimed at the destruction of any country or international organization from a political, constitutional, economic and social point of view by forcing the state bodies and international organizations to action or inaction on the territory of several states or in a way that may harm the interests of several states, as well as the threat that ends with the perpetration

of such acts". The National Assembly approved this Convention on February 3, 2014 and the Additional Protocol on December 30, 2023.

According to the Additional Protocol, the Parties established a 24/7 contact point for timely and rapid exchange of existing information on persons traveling abroad for terrorist purposes. In relation to the Republic of Azerbaijan, in accordance with Article 7 of the Additional Protocol, the State Security Service is designated as the point of contact. The statement also stated that the provisions of the Additional Protocol will not be applied by the Republic of Azerbaijan to the Republic of Armenia until the consequences of the conflict with the Republic of Armenia are completely eliminated and relations between the two states are normalized.

The Additional Protocol, which imposes new obligations and duties on each of the parties, shall be submitted to the depositary (General Secretariat of the Council of Europe) of the sixth state, including at least 4 member states of the Council of Europe, on the first day of the following month. (July 1, 2017) should have entered into force. After its entry into force, any State acceding to the Convention could accede to this Protocol, and at the same time, this Protocol could be denounced at any time. Additionally, denunciation of the Convention will automatically entail denunciation of this Protocol. So far, there have not been any incidents related to such a situation in practice.

According to the Additional Protocol, the criminal liability of the following acts was provided and the scope of liability was expanded in this regard:

- participation in a terrorist organization or group (Article 2);
- receiving terrorist training (Article 3);
- traveling or attempting to travel abroad for the purpose of terrorism (Article 4);
- provision or collection of funds for such trips (Article 5);
- organization and facilitation of such visits (Article 6).

The specified articles extended the scope of liability for other preparatory acts (public provocation, provision of training and involvement in terrorism, etc.) beyond those already covered by Convention No. 196 (Council of Europe "Convention on the Prevention of Terrorism"). Through the Additional Protocol, a number of provisions were added to Convention No. 196 aimed at implementing measures aimed at preventing the flow of foreign terrorist fighters into conflict zones, taking into account UN Security Council Resolution No. 2178 (2014) on "Threats to international peace and security as a result of acts of terrorism" [11, p. 432].

The events of September 11, 2001 in the United States gave impetus to the improvement of universal legal and organizational mechanisms in the field of combating terrorism, and the legislative base in this field was strengthened, and practical steps were taken. At the suggestion of UN Secretary General A. Guterres, the Counter-Terrorism Committee was established in order to implement practical measures on anti-terrorism based on Security Council Resolution No. 1373 [15]. Due to these facts, the events of September 11 can be considered as the beginning of a new stage in the fight against terrorism. However, it should be noted that despite the measures taken at the global level, terrorist actions carried out in the countries show that anti-terrorist activities are not very effective. At the same time, the possibility of terrorist acts being committed by means of weapons of mass destruction shows that the threats directed against the future of humanity are becoming stronger and more intense. Another important fact is that in modern times, the Western world blames the Eastern countries for terrorist activities, Islamic fundamentalism is blamed for the

occurrence of terrorist incidents, while the main cause of the two world wars is the civilized Western countries.

The main issue that complicates the fight against terrorism is that it has socio-economic reasons as well as political reasons. So, according to a number of researchers, terrorism is sometimes caused by people's financial situation, poverty, difficulties and deprivations they experience, and injustices they face. It should be noted that those who resort to terrorism for the sake of political interests often use socio-economic difficulties to implement their dirty intentions, which ultimately makes it difficult to prevent terrorism. Because people who consider the world unfair and want to restore it have always existed, exist and will exist from the time when humanity was formed. As a result of some terrorist organizations taking advantage of such people, we see that terrorism is expanding day by day, becoming global and "internationalized". It was no coincidence that the UN Security Council, after examining the international situation, created a special international commission to combat all types of international crime on December 1, 1950, and adopted its charter [7, p. 26-27].

In general, even if we accept that terrorism serves political interests, it is impossible to deny that "socio-economic problems" are at its root. The division of society into rich and poor is of such a serious nature that it allows us to say that the phenomenon of terrorism has a historical character, and it is clear that the authorities ensure that special groups protect their interests in this way. Although terrorism as a concrete concept in the modern sense emerged in the 20th century, its first forms existed even in ancient times and gradually became a state policy.

In modern political and legal literature, the presence of different forms of terrorism is one of the issues that cause serious debates. In the legal literature, it is possible to find quite extensive information about the "variety of types and forms" of terrorism. Among such forms, we see that state terrorism occupies a special place. According to researchers, state terrorism manifests itself in two forms. Firstly, the state's policy of terrorism against the opposition forces, ethnic minorities and protesting groups, and secondly, extremist non-governmental organizations. In the modern era, when there is a fierce fight against terrorism in the international world, the fact that states, which are the main actors of international politics, commit terrorism or support terrorism, even if secretly, shows that this fight is going very badly [8, p. 432]. In order to effectively fight against terrorism, first of all, it is required that the states refrain from such cases.

All forms and manifestations of terrorism began to be condemned in the conferences held since the late 80s of the XX century, only after that some progress was made in this field. However, there are other factors that turn the field of the fight against terrorism into a confused area, among which nationalism and separatism occupy an important place. After the end of the bipolar world order, great powers paid special attention to local conflicts in creating a new balance in the broken world order, and separatism was of great importance in creating such conflict centers. Ethnic groups living compactly in the territory of a certain state tried to establish their own national state at the expense of the territory they would get from that state, which ultimately led to separatist terrorism. The concept of "secessionist conflict" currently in political opinion is the result of separatism [9, p. 84].

The Nagorno-Karabakh conflict faced by the Republic of Azerbaijan among the conflicts that arose in the South Caucasus at the end of the 20th century can be considered a classic example of secessionist conflicts, in which the terrorist-separatism

policy of Armenia and Nagorno-Karabakh Armenians played a particularly serious role. The states of the world community, which supported the Republic of Armenia and a number of international organizations, who turned a blind eye to the terrorist acts committed by the Armenian bandits, took the position that the occupation of Nagorno-Karabakh was the realization of the Armenians' right to self-determination. This was compatible with the interests of the Armenian separatists who tried to separate Karabakh from Azerbaijan. It was not by chance that the Armenian-Russian military forces occupied Nagorno-Karabakh and 7 districts around it, and more than 1 million of our compatriots lived as refugees/displaced people in their homeland for 30 years. This showed that their goal was to invade Azerbaijani lands and carry out mass terrorist-genocide policy against Azerbaijanis [3, p. 16]. If terrorism were not such a conflicting problem, if some states and international organizations did not approach this issue from "double standards", other nations with Armenian characteristics would not be able to use it. In general, according to statistics, more than 50 acts of terrorism were carried out by Armenia against our country at different times, as a result of which thousands of our compatriots were killed and many innocent people were crippled for life. Therefore, terrorism is a crime against humanity, regardless of its manifestations.

One of the main problems in the fight against terrorism is the religious factor, which the Western political-legal opinion (S. Huntington) called the "clash of civilizations". The religious factor, which is among the reasons that lead to terrorism, has always been used by some forces using its influence on people, and many have tried to justify it by giving religious content to terrorist acts. One of the reasons why terrorist organizations and groups operate "successfully" under the name of the religious factor is that it is easier to attract people to certain terrorist acts in the name of religion and jihad, because the struggle conducted through ideological or political factors sometimes does not produce the desired results. At all stages of history, certain forces skillfully used the religious factor to achieve their goals. In this sense, the clash of civilizations is an unavoidable reality. What is happening between the West and the East in modern times is a practical proof of this.

A characteristic feature of "religious" terrorist organizations is that their goals are quite broad. According to the ideology of most of these organizations, anyone who denies their religion is an enemy and should be treated as an enemy. Today, the most obvious example of "religious" terrorism is the Al-Qaeda terrorist organization. Despite all this, it is unacceptable to equate the name of a religion with terrorism. Instead of preventing terrorism, such an attitude deepens and leads to consequences that are extremely difficult to imagine, are individuals who target all people regardless of their political and social status, although all religions consider killing innocent people a sin.

From this point of view, the genocide and terrorist acts committed against all humanity by Armenian terrorist organizations, especially ASALA, who dream of "Greater Armenia" are more terrible. Citizens of Turkey and Azerbaijan predominate among its victims. Genocide, which is a more terrible form of such terrorism, has gone down in memory with countless tragedies against the Turkish world. In the 20th century alone, Armenians committed two terrible genocides against the people of Azerbaijan. The March genocide of 1918 and the Khojaly genocide of 1992 are clear evidence of Armenian brutality. The killing of thousands of innocent children, women and old people by Armenian terrorists during these genocides is a grave crime not only against the people of Azerbaijan, but against the entire humanity. This nation, poisoned

by Nazism fighting for "Greater Armenia", first of all targeted the Turkic world, opened a front against the Islamic world under the cover of religion and caused tragedies. In the sanctions imposed by the US government against Iran on May 9, 2002, the names of Armenian institutions were included, and they were accused of crimes against humanity. However, despite the existence of facts, the absence of any punishment for the terrorist organizations sponsored by Armenia is primarily due to the actions of those who patronize Armenia itself.

In 1998, the national leader Heydar Aliyev, by signing the decree on the political-legal assessment of the March genocide, showed the atrocities caused by Armenian vandalism to the whole world, and the international community saw the terrible consequences of Armenian terrorism [1]. H. Aliyev voiced his opinion that "these terrible events should receive their political and legal price as serious crimes against humanity" and called the world to fight against the consequences of terrorist-separatism. Currently, as a result of the successful foreign policy of Azerbaijan, the number of countries recognize the Khojaly genocide and condemn Armenian terrorism. However, Armenian terrorist groups like Asala, Dashnaksutyun, etc., continue their terrorist acts, if necessary, against other nations, in order to achieve their ugly goals which lead to suffer and death of an innocent people. During the 44-day Patriotic War and the anti-terrorist operations carried out soon after, the Azerbaijani Armed Forces punished all the terrorist acts committed by Armenians throughout history, and established the right and justice.

Terrorism is divided into different types, not only for what reasons and by what forces, but also by what means and under what conditions, and such variety makes the fight against terrorism quite difficult. It is no coincidence that according to the nature of the means used, terrorist acts are divided into two groups: traditional and technological. The use of means used to attack people and material objects for political purposes is considered traditional terrorism. Terrorist acts involving the use of radioactive, highly dangerous, toxic substances, chemical and biological means are considered technological terrorism. One of the most characteristic features of technological terrorism is that it is based on new technologies and has a wide range of applications. According to researchers, the most dangerous form of technological terrorism is atomic-nuclear terrorism, which is very likely to be carried out using this tool in modern times. In general, the more serious the application of new technologies is to the development of science, the more it leads to the development of terrorism. The application of modern information technologies to various fields has led to the emergence of new types of activities in the information environment - information conflict, information attack, cybercrime, cyberterrorism and a number of other similar phenomena. Currently, the issue of ensuring national information security is very urgent in the world. That is why cyber-terrorism is considered one of the most widespread terrorist methods in modern times and has been included in the national security doctrines of all states, on the other hand, this type of terrorism forces states to cooperate seriously.

The fact that terrorism is such a multifaceted and contradictory process is one of the main factors that complicates the fight against it. According to the modern political opinion, if all mentioned types of terrorism are fully understood and states do not allow terrorist acts, people will not be deceived by terrorist groups that influence their minds in the name of serving religion. In this way, the media will reconstruct the propaganda work, determine the concrete criteria that separate the two legal categories, such as

separatism and the determination of national destiny, and then the fight against terrorism at the international level will bear fruit. However, in the conditions of state terrorism and geopolitical interests, in the conditions of serious socio-economic differences between societies, classes and states, it is impossible to clear the minds of people of jealousy and envy, cognitive factors in a broad sense. Therefore, it will not be possible to remove the factors that cause terrorism from the intelligence of the world, which ultimately makes it impossible to abandon terrorism as a means of struggle. If we proceed from the norms of religious morality, despite the injustices we have observed, no one has been given the right to restore justice at the cost of the innocent lives of others [12, p. 95-96].

At the end of the 20th century, the end of the bipolar world order and the transition to a new international security system created new threats to international security. In the current situation, the threats arising from the competition between the militarily and technically powerful states and which existed over time have faded into the background. The threats of nuclear conflict and war with the use of other modern weapons have given way to "new threats" - international terrorism, proliferation of weapons of mass destruction, internal military conflicts and international military interventions, disruption of the ecological balance, spread of new types of international crime and other threats. In the modern era, the international complex activity covering a wide range of areas has become a necessity, not the one-directionality of ensuring security, either at the national level or in the international world [13, p. 6].

It should be noted that after the end of the "cold war", the countries of the NATO block, especially the USA, England, France, Italy, and other countries believed that the main reason for the emergence of international terrorism is threats and dangers created by socialist countries. However, even after the well-known events and the collapse of the socialist block, the threat of international terrorism not only did not disappear, but took on a more dangerous and serious scale, because after the international balance was disturbed, open/covert competition and struggle began between the Western block states to fill the void, the causes and manifestation of terrorism forms have also been updated.

According to the typology in the current political and legal literature, the attitude towards the classification of types of terrorism is ambiguous, in our opinion, the main reason for this is the emergence of new types of terrorism and international criminality in the course of social and political development. According to R. Sevdimalyev, terrorism has become an independent global political, economic and international power in modern times, and has the ability to solve not only local, but also regional and international issues. Terrorism in all its manifestations has the ability to threaten the countries of the world. The author also notes that international terrorism is particularly dangerous and the success of the fight against it depends on its collective conduct [10, p. 11-13].

There is no consensus among political scientists and lawyers on the issue of dividing terrorism into different types, as generally, state, international and domestic terrorism types are distinguished, each of which has specific characteristics and forms.

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