

TERRORISM

- ▣ EUROPEAN CRIMINAL BAR ASSOCIATION
- ▣ October 2018
- ▣ By Nancy Hollander

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GOLDBERG URIAS **&** WARD P.A.



How to Define Terrorism

- ▣ “We have cause to regret that a legal concept of ‘terrorism’ was ever inflicted upon us. The term is imprecise; it is ambiguous; and above all, it serves no operative legal purpose.”
- ▣ R.R. Baxter, *A Skeptical Look at the Concept of Terrorism*, *Akron Law Review* 7 (19973/74), 380 ff. (380).

- ▣ “Terrorism is a term without legal significance. It is merely a convenient way of alluding to activities, whether of States or of individuals, widely disapproved of and in which either the methods used are unlawful, or the targets protected, or both.”
- ▣ R. Higgins, The general international law of terrorism in: R. Higgins/M. Flory, International Law and Terrorism, London 1997, 13 (28).

- ▣ No Agreement in International Law
- ▣ Most definitions include the following:
 - Threat or act of violence
 - Intimidation of a civilian population
 - Damage to property
 - Threat to national security

▣ Is it significant that the Rome Statute creating the International Criminal Court does not include a definition of terrorism?

Do We Need the Crime of “Terrorism?”

- ▣ War crimes
- ▣ Crimes against humanity
- ▣ Genocide
- ▣ Rape
- ▣ Taking Hostages
- ▣ Seizure of aircraft
- ▣ Nuclear events
- ▣ Disrupting vital natural resources
- ▣ Destabalizing a national economy

Bias in the Name

- ▣ How do we distinguish between terrorists and freedom fighters?
- ▣ If the definition includes attacking the civilian population, can there ever be any justification?
- ▣ How to define a civilian?

Bias in the Definition?

- ▣ Existing Governments “defend”
- ▣ The opposition “terrorizes”

- ▣ When governments “disappear” civilians, is that terrorism?
- ▣ When governments target “alleged terrorists” and kill them, is that terrorism?

MYANMAR

The Rohingya – Terrorists
or Freedom fighters?

The Buddhists – Terrorists
or defenders of their
country?



- ▣ On a wall outside a Jewish settlement in Hebron, West Bank--- terrorists?

Famous “Terrorists” who later became Statesmen

George Washington

- ▣ Staged prolonged guerilla war against lawful government. Britain considered him a terrorist.
- ▣ Executed civilians who didn't believe in his revolution.
- ▣ Stole gunpowder and raided supply depots.
- ▣ Threatened to burn New York
- ▣ Became first President of the United States

Menachem Begin

- ▣ Played central role in violent resistance to the British Mandate of Palestine.
- ▣ Bombed the King David Hotel in 1946, killing 91 people.
- ▣ Became Prime Minister of Israel.
- ▣ Won the Nobel Peace Prize.
- ▣ Britain considered him a terrorist.

THE PALESTINE POLICE FORCE

REWARD

A REWARD OF L.P. 2000 WILL BE PAID BY THE PALESTINE GOVERNMENT TO ANY PERSON GIVING INFORMATION WHICH LEADS DIRECTLY TO THE APPREHENSION OF THE PERSON WHOSE NAME AND PHOTOGRAPH APPEAR HEREUNDER.

**قوة پوليس فلسطين
مكافأة**

تسلي حكومة فلسطين مكافأة قدرها ٢٠٠٠ جنيه فلسطيني لأي شخص يعطي اخبارية تؤدي مباشرة لاطلاق القبض على الشخص الذي اسمه وصورته أدناه.

משטרת פלשתינה (א"י).

גמול

פרס בסך 2000 לא"י ירושלים ע"י הממשלה הא"י לכל אדם שימסור ידיעה שתוביל באופן ישר לידי מאסרו של האדם ששמו ותמונתו נקובים להלן.



מקום מגוריו

מגוריו: 10 שוק
1000 - 100 שוק
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MERRATHEN WEGGON

Age: 38 years
Height: 175 cms.
Build: Slim
Hair: long, wavy
T-shirt: red
Speaks: Polish, English, Hebrew.
Particularities: Appears to be fully shaven.
Walks with a peculiar flat-footed stride.

מקום מגוריו

גובה: 175 ס"מ
שקל: 150 ק"ג
צורה: רזה
שיער: ארוך, גלי
חולצה: אדומה
שפה: פולנית, אנגלית, עברית
הערות: נראה שגולתו מוחלטת
הולך עם צעד ייחודי בעל כף שטוחה

INFORMATION MAY BE GIVEN AT ANY TIME TO ANY POLICE OFFICER OR TO ANY POLICE STATION

Jerusalem,
July, 1945

J. M. RYMER JONES
Inspector-General.

יכולת אסוף האחריות כי אי וקת לאי מאבט בוליס או אי מרכז בוליס

ג. מ. ריימר ג'ונס
מפקח הבוליס العام

القديس
تولز سنة 1945

את הידיעה אפשר למסור בכל זמן לכל שומר או לכל תחנת משטרה.
ג. מ. ריימר ג'ונס
מפקח הבוליס

ירושלים
יולי 1945

Mahatma Gandhi

- ▣ Caused severe economic interference to British interests in India through organized marches.
- ▣ Destroyed British property
- ▣ Britain considered him a terrorist.

Nelson Mandela

- ▣ Led armed militia which launched guerilla attacks against government assets.
- ▣ 27 years in prison, for sabotage, treason, homicide.
- ▣ President of South Africa.
- ▣ Won the Nobel Peace prize.
- ▣ South Africa considered him a terrorist.

Gerry Adams

- ▣ Allegedly planned Bloody Friday bomb blitz of 1972 in Northern Ireland--130 civilians killed.
- ▣ Allegedly planned 22 bombings.
- ▣ Became President of Sinn Fein, largest political party in Northern Ireland.
- ▣ Member of Parliament for Belfast West (1983 - 1992).
- ▣ Britain considered him a terrorist.

Yasser Arafat

- ▣ Smuggled weapons into the British Mandate of Palestine during the 1948 Arab-Israeli war.
- ▣ Implicated in numerous attacks against Israel.
- ▣ Became Chairman of the PLO.
- ▣ Won the Nobel Peace Prize.
- ▣ Israel considered him a terrorist.

Statesmen or Terrorists?

- ▣ Which terrorists of today will become the statesmen of tomorrow?
- ▣ Which statesmen of today will be remembered as terrorists?