INTRODUCTION

The last decade of the twentieth century and the first decade of the twenty-first will be remembered as decades when terrorism captured the attention of the world. On September 11, 2001, the terrorist group al-Qaeda attacked the United States, the world's most powerful military and political power, and inflicted a lethal blow on thousands of unsuspecting civilians that shook the social structures and the conscience of the people of the nation. This attack and those that followed around the world were broader in scope, greater in number, and more closely followed by the global media than all those that had preceded them.

The aggressive persistence shown by terrorists and the publicity that their attacks received during this period forced government policy makers and citizens alike to face fundamental questions regarding the nature of terrorism and the course of action societies should take when attacked.

Assassinations, massacres, and killings of large groups of persons for political reasons are regrettable tragedies that have, sadly, often been perpetrated in the past and most likely will be perpetrated in the future, but not all tragic politically related violence can be considered terrorism. In fact, contrary to what seems to be the general understanding of the word, terrorism is not a type or category of political violence, such as riots, rebellions, insurgencies, low-intensity conflicts or civil wars, but a mode of it, embracing all of these forms of political violence. Riots or rebellions *per se* are not terroristic nor are insurgencies, low-intensity conflicts or civil wars, but they may become terroristic or, more precisely, some of their participants may become terrorists when they use violence and terror in a form that is unacceptable to people subscribing to generally agreed elementary principles of humanity. If terrorism can be described as a tactic or type of fighting that involves violence or threat of violence, terror, and political demands, then terrorist groups are those that practice terrorism as a main tactic to fight a political enemy, often governments responsible for the safety of the community or population under their control. However, it is necessary to clarify that while terrorist groups are those engaged mainly in the commission of terrorist acts, any individual, group, or institution that commits a terrorist act cannot escape responsibility for that criminal act. It is not a defense to argue that terrorism was committed in the name of a popular cause, a religious movement, or a governmental action, that makes the act legitimate, because it does not.

In the face of a terrorist threat, civil society has to rely on the authorities entrusted with its defense, and these authorities, in turn, have at their disposal an ample arsenal inherited from previous battles with terrorist foes: criminal prosecutions may punish a long list of behaviors constituting acts of terrorism, national security operatives may be authorized to adopt preventive actions to detect and eliminate terrorist dangers to political security and stability, and military forces could be deployed within and abroad to destroy terrorist forces constituting a military threat. Yet, it is argued, the threat posed by terrorism today is unlike any in the past; for the first time an almost undetectable small group of persons, bent on terrorist attacks, is capable of causing destruction on such

a large scale that it may actually represent a challenge to the political legitimacy and functioning of governments.

Regardless of the accuracy of this assertion, modern terrorist groups seem to be hardly a formidable enemy, and yet their impact on modern societies in the last two decades has been unprecedented. Indeed, modern terrorist groups are relatively small in number and they are short in existence; even in terms of victims, their contribution to the immense number of people killed or injured worldwide is hardly significant when compared to the thousands of victims reported by civil wars or by common violent crime. Still, today's terrorist groups have demonstrated capabilities and skills that no government can seriously ignore—the ability to develop and use weapons on a lethal massive scale, along with the ability to capture the attention of popular causes and in that way obtain support, financing, and new members.

 These capabilities and skills are often the result of successful sponsorship or support from legitimate political actors, such as governments, political parties, rebellions, insurgencies and warring factions, in pursuit of political objectives or short-term goals that can be best advanced by engaging terrorist groups. It is known, for instance, that al-Qaeda has been protected and supported by the Saudi, Afghan, Yemeni, and Pakistani governments at some point in time; similarly, other international terrorist groups and their attacks have been linked to governments and government intelligence agencies, confirming the existence of a relationship between terrorist groups and governments or other political entities that clearly increases the seriousness of the terrorist danger.

This perception of terrorism as an enhanced threat in the eyes of governments, whether justified or not, is more permanently reflected in the modifications of the structure and functioning of governments with a view to effectively prevent and punish terrorism. In Western societies the most complete and meaningful record of the impact of terrorism can be found in the orderly collection of laws, statutes, and judicial and administrative decisions that constitute the legal culture of a country as it relates to politically related violence and terrorism. The legal record shows that terrorism has had a substantial impact on the international community and in many individual countries. Myriad of new laws, statutes, and mandates have been enacted and implemented and many wellsettled legal principles have been under challenge. In England, for instance, trial without jury (Diplock courts) was introduced as a direct response to terrorism, while in the United States a fictitious law-free jurisdiction (Guantánamo Bay detention center) was created to detain and interrogate terrorism suspects. Legislative action is, however, only part of the story on record. Today's struggle against terrorism includes the initiation of two major wars, under U.S. initiative and leadership, and the declaration of "war on terror" involving military actions in other countries; it also includes new treaties, resolutions from international bodies, military mandates and executive orders leaving a very large imprint indeed of the actions taken and the responsibilities incurred.

The Legal Language of Terrorism is an effort to provide access to view the legal record on terrorism as it appears today. This book includes terms related to terrorism covering both the necessary background information and the basic concepts forming the legal fabric on which terrorism law is based and imple-

mented. As background information *The Legal Language of Terrorism* describes terms that refer to political violence and the legal framework on which the law of armed conflict is built, the relationship between human rights and terrorism, and the international organizations and courts that implement policies and provisions related to political violence. In its coverage of basic concepts *The Legal Language of Terrorism* describes terms following three different viewpoints: (a) terrorism as a criminal activity, (b) terrorism as an act of war, and (c) terrorism as a political challenge.

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