The Increase of Terror Attacks in the Middle East

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While everyone was bidding farewell to a bloody 2016, a year heavily marked with terror attacks all over the globe, Istanbul was receiving the New Year with yet another horrific terror attack. At Istanbul’s Reina nightclub, which overlooks the Bosphorus river in the wealthy Ortaköy neighbourhood, a gunman opened fire into a crowd of hundreds of partygoers eventually killing 39
people and injuring 69 more. Most of the victims killed at the Reina club, which is often frequented by celebrities, were foreigners including many from the Middle East - from Lebanon, Syria, Kuwait, Tunisia, Morocco, Saudi Arabia.

The Islamic State claimed responsibility for the Istanbul nightclub massacre and hailed the gunman as a “heroic soldier of the caliphate,” in an official statement released by its news agency Amaq. Turkey’s New Year nightclub attack was part of the Islamist group’s global terror campaign, with an obvious concentration in the Middle East, its usual playground. The blood spilled in Istanbul is linked to the Christmas market attack in Berlin on December 19, 2016, Cairo’s Coptic church attack on December 11, 2016, the attacks in Nice in July 2016 and Paris in November 2015... Around the globe and all year long, in Baghdad, Aden, Jakarta, Tel Aviv and other places, Islamic extremists tried and still try to impose their ideology by spreading fear and terror.

However, for Turkey specifically, the year 2016 has been a terrible rollercoaster ride. It saw dozens of terrorist attacks from Istanbul through Turkey’s southern border with Syria, from the shootings and suicide bombings at Istanbul’s Atatürk International Airport on June 28, 2016, to bombs in the city’s tourist-filled squares and streets, to the assassination of the Russian ambassador in the capital Ankara on December 20, just a couple of weeks before the end of 2016. These attacks were systematically claimed by the Islamic State, the Kurdistan Worker’s Party (or PKK) and other splinter factions of outlawed Kurdish groups that have been at war with the Turkish authorities for several years. In October 2016, the United States Department of State issued a Turkey travel warning saying that “extremist groups are continuing aggressive efforts to attack US citizens in areas of Istanbul where they reside or frequent.” Within a year, Turkey has descended from its reputation of popular touristic destination to a disturbingly deplorable terror venue. With its economy struggling following an attempted coup last summer, and President Erdogan’s call for Turkish citizens to shift their savings from US dollars to the weakening lira in December 2016, the last thing that Turkey wanted was another terror attack of that caliber.

Besides, Turkey’s terror problem is two-dimensional: radical Islamist and Kurdish. For observers from the outside, the perfect scapegoat is to blame the increasing tendencies of autocratic rule of Turkey’s President Erdogan, especially after the failed coup attempt and the widespread purge that followed. Yet, the problem is more complicated.

Three decades of conflict have defined the relationship between the Turkish state and the insurgent Kurdistan Workers Party (PKK) resulting in between 30,000 and 40,000 people dead. In 2013, a ceasefire was reached, and two years later, in February 2015, a 10-point peace plan, called the Dolmabahçe agreement, was announced.

When the United States stroke a deal with Turkey in July 2015 to use its Incirlik airbase (which is close to the Syrian border) in order to strike ISIS targets, Turkey agreed to engage in the fight against the terrorist organisation too. However, Turkey seized the opportunity to target its old foes, the Kurds, who were gaining ground inside Syria. 2015 saw the two-year old ceasefire collapse, as several Turkish police and soldiers were killed in PKK-claimed attacks between July 20 and July 31, 2016. By 2016, Kurdish bombings, ambushes and gun attacks — mostly against Turkish military and police targets — became almost a monthly event.

With the Syrian war taking a turn in favor of the Syrian president, Bashar al-Assad, since the Russian president Vladimir Putin had rushed to save him in 2015, Turkish president Erdogan’s Syria policy also took a turn. Erdogan approached and mended fences with Putin until they announced a ceasefire deal on December 29, 2016 and claimed its paternity together. Since the Turkish-Russian rapprochement, the Islamic State has known that Turkey was transitioning from a non-threatening transit point into a full-fledged enemy. The Islamic State eventually propped up its attacks on Turkey, with pro-IS groups...
encouraging lone-wolf attacks in order to turn the holiday season into “days of terror and blood.”

In Egypt, the bombing of the Coptic Orthodox church in Cairo on December 11, 2016, for which the Islamic State claimed responsibility, killed 25 people and wounded 49, mostly women and children. The alleged terror suspect named by Egyptian president Sisi, 22-year-old Mahmoud Shafiq Mohamed Mostafa, had been arrested in 2014 by Egypt’s security forces when he and his classmate were participating in a protest for the Muslim Brotherhood opposition. According to his lawyer, he spent a year in jail and was tortured without being charged with any real crimes.

Although the theory of causality between state repression and radicalisation has been extensively debated, there remains ample evidence that the two are correlated especially in the current cases of terror attacks in Egypt and Libya. The Global Terrorism Index for 2016 indicates that terrorism in Egypt is at its highest level since 2000, with Egypt ranking 9th globally. According to Foreign Affairs magazine, “in 2015 [in Egypt] there were 662 deaths, an increase of 260 percent from 2014. In contrast, from 2000 to 2012, the most deaths recorded in one year was 92, which was in 2005.”

President Sisi’s repression, especially of the entire non-violent opposition, whether Islamist or not, has created an environment where extremists and radical ideologies thrive. Since Sisi seized power in July 2013, ISIS’ Egyptian branch Wilayat Sayna has conducted most of the terror attacks inside Egypt. Before the July 2013 military coup, the group (originally called Ansar Bait al-Maqdis) focused its operations in the Sinai province and was mainly targeting Israel. However, after the coup, it extended its operations to Egypt’s mainland, where it consistently targeted regime officials and security forces. In the fall of 2016, Wilayat Sayna brought down a Russian plane over Egypt’s Sinai Desert, killing all 224 people on board.

Other Islamist groups have also emerged in Egypt, forming their own insurgency groups, which do not necessarily align ideologically with IS. Groups such as Ajnad Misr (Soldiers of Egypt), Hasm Movement
Decisiveness, and Liwaa al-Thawra (Revolution’s Brigade Movement) are motivated by political grievances. They are mainly drawing support and recruits from Muslim Brotherhood supporters who were crushed by President Sisi’s regime, as well as from those who might have lost some of their relatives and family members in the aftermath of the coup, particularly following the massacre of Rabaa in August 2013, which killed an estimated 1,000 protestors, mostly supporters of the ousted President Morsi, of the Muslim Brotherhood.

When it comes to Iraq, the heartland of the Islamic State that saw its rapid advancement spread like wildfire in 2013-2014, IS seems to be mainly losing ground to an international coalition of about 50,000 Iraqi security personnel, Kurdish fighters, Sunni Arab tribesmen and Shia paramilitary forces, which are involved in the assault against the Islamic State’s last major stronghold in Mosul, Iraq. In Syria, the US-led air campaign, which began in September 2014, has conducted almost 6,000 strikes by coalition forces, which include countries like Australia, Bahrain, France, Jordan, the Netherlands, Saudi Arabia, Turkey, United Arab Emirates and the UK. Russia, which is not part of the coalition, also began bombing what it called “terrorists” in Syria in September 2015. IHS says the jihadists have lost about 16% of the land they held at the beginning of 2016, and that overall they have lost just over a quarter of the territory they controlled in January 2015. As of July 2016, the Islamic State controlled a territory “about the size of Ireland” in Syria and Iraq combined. This has caused an eventual surge in IS attacks around the globe, and inside Syria and Iraq specifically. When the Caliphate was first proclaimed in 2014, its objective was to control more territory and to increase the number of recruits as well as the people living under the caliphate – which amounted to almost 10 million. However, in 2017, IS’ ambitions and objectives seem to have changed. It now appears that the Islamic State is honing its efforts to inspire followers, and focusing on more careful planning and coordination in its attacks. Its increase in complex mass-casualty attacks in Iraq and Syria therefore became a routine to terrorise the populations and seek control.

Jordan, often labeled as Washington’s best Arab ally and as a key partner in the campaign against IS in Syria, provides the US-led coalition with airbases and other critical operational support. More importantly, King Abdullah of Jordan is a leading voice of regional moderation, a key voice in countering the IS and al-Qaeda narrative. The King’s pro-West policies have made the kingdom a longtime target of Islamist militants. Hence, a fair share of terrorist plots have been intercepted by Jordanian security forces, while other attacks saw success. On June 21, seven Jordanian guards were killed near the Syrian border during a suicide attack claimed by the Islamic State. The incident was Jordan’s largest terrorist attack in more than a decade. In December, 10 people, including four extremists, were killed during an anti-terrorist operation in Karak.

As it continues to spread its terror, the Islamic State’s shift in strategy might secure a prolongation for its survival but it is losing ground it previously occupied.

**Terrorist Crimes left without a Unified Definition**
As terrorist violence increases, the world remains divided on a unified legal definition of what should be considered to be acts of terrorism. While there are varied definitions as stated by the national laws of different countries, the international court of the Special Tribunal for Lebanon (STL) has developed a unique legal international definition for this type of crime.

**United Nations and UN Security Council**

Despite several attempts by the UN General Assembly in the latest decades to reach a binding, unified final definition of “terrorism,” no agreement could be reached because of the widely different points of views among member states. For example, no common ground could be found on whether violence used by regimes for quelling rebel movements within their respective territories can be defined as “acts of terrorism.” The United Nations nor the UN Security Council have never levelled direct charges against any of its member states for committing “terrorist” crimes against their own people. International laws, especially the Four Geneva Conventions and the Rome Statute of the International Criminal Court, have come up with definitions of war crimes, crimes against humanity, genocide, and the crime of “aggression” (as defined by the International Criminal Court). However, these laws have failed to address the definition of terrorism as a different type of crime that may not necessarily target a large number of people, unlike crimes against humanity and genocide; and that should not necessarily fall under the category of armed conflict, unlike war crimes.

Nearly 80 years have passed since the first attempt to come up with an international definition of terrorist crimes, when the League of Nations — the international organisation that was created in the aftermath of the First World War, even before the establishment of the United Nations — drafted the 1937 Convention for the Prevention and Punishment of Terrorism. However, it was never ratified and never came into force, in part because of disputes among the member states over the articles on extradition. The Convention had defined “acts of terror” as “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 ,” including causing or attempting to cause death or serious bodily injuries, depriving heads of state or their immediately members of families or liberty, or the possession of weapons and explosives for the purpose of committing crimes against individuals or public property in that state.
Resolution No. 210/51

On 17 December 1996, the UN General Assembly approved Resolution No. 210/51 to form a special committee to draft the Comprehensive Convention on International Terrorism, according to a proposal made by India. The mandate of the committee was renewed and reviewed every year for 21 years by the UN General Assembly, and in accordance with specific agendas. On 14 December 2015, the UN General Assembly approved the Resolution No. 70/120, which recommended the establishment of a working group to draft the Comprehensive Convention on International Terrorism. However, discussions hit a dead end wall too, due to the continuous disagreements on the definition of “terrorism” between the member states that joined the committee and the working group. For example, these discussions have not yet been able to decide on the common criteria to distinguish between a “terrorist organisation” and a “liberation organisation.” The discussions were also unable to agree on one viewpoint on whether acts committed by the regular military forces of the states against their respective citizens should be labeled as “acts of terror.” Instead, the discussions agreed on limiting the proposed definition of terrorism to acts committed by individuals targeting the state, its institutions, or the public.

Despite these divisions on the definition of terrorism, in 1996 the UN General Assembly approved by a majority of votes a declaration that is non-binding on its member states, regarding “measures that should be taken to minimise acts of international terrorism,” defining terrorist acts as those “designed to spread panic among people, a particular group, and specific individuals for political purposes.” In 2004, the UN General Assembly approved Resolution No. 1566, which condemned acts of terror and referred to them as acts “committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror, or compel a government or international organization to do or to abstain from doing any act which contravenes terrorism-related conventions and protocols.” However, this declaration remains non-binding on member states because of the absence of a clear decision that would include an implementation mechanism with the goal of reducing international or national types of acts of terrorism.

Special Tribunal for Lebanon

According to the official website of the “Special Tribunal for Lebanon,” the tribunal which was created after the murder of the former Lebanese prime minister Rafiq Hariri in 2005, is considered the first court of its kind that deals with terrorism as a different type of crime, which is described by the UN Security Council as a “threat to international peace and security.” The court applies the definition of Lebanese law on terrorism, considering that it is committed through means that are liable to create public danger, with some of these means being “explosive devices, inflammable materials, poisonous or incendiary products, or infectious or microbial agents.”

According to a decision by the Appeals Chamber of the Special Tribunal for Lebanon on 16 February 2011, the list of means used in a case of acts of terror was provided in detail for clarification purposes. The chamber ruled that the “means used in an attack were not dispositive in determining whether an attack is terrorism or simply murder” – but in doing so, under this resolution, the Appeals Chamber had for the first time defined terrorism as an international crime.

Moving back to the content of the aforesaid decision, the chamber had said that the Special Tribunal for Lebanon, unlike other international courts, is limited [in its definition of terrorism] to the objective rules stipulated by the Lebanese law on the definition of crimes. The Chamber added that the tribunal will apply the Lebanese law as interpreted and applied by Lebanese courts, “unless that interpretation or application turns out to be unreasonable, leads to clear injustice, or does not conform with international principles and rules that are binding on Lebanon.”
Accordingly, the first legal definition of the elements of a crime issued by an international tribunal in connection with terrorist crimes came as follows:

“[A terrorist crime is (a) an act committed with the intention of spreading panic, whether this act is considered to be a crime according to the provisions of the penal code or not; [And, it is every act that involves] (b) the use of explosive devices, inflammable materials, poisonous or incendiary products, or infectious or microbial agents.”

In conclusion, the ruling of the Appeals Chamber of the Special Tribunal for Lebanon broadened the definition of terrorist crimes, the means of which are exclusively listed in the Lebanese law on terrorism issued on 11 January 1958. The list, however, does not include attacks committed with machine guns, chemical or biological weapons.

**US Definition of “Terrorism”**

The laws of the United States have differentiated between “international terrorism” crimes and “the crimes of domestic terrorism,” in Chapter 113-b of the US Code as follows:

“(1) The term “international terrorism” means activities that -
(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State.
(B) appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion; affect the conduct of a government by mass destruction, assassination, or kidnapping; and occur primarily outside the territorial jurisdiction of the United States; or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which the perpetrators of these crimes operate or seek asylum.

(2) the term “domestic terrorism” means activities that:
(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;
(B) appear to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or affect the conduct of a government by mass destruction, assassination, or kidnapping; and occur primarily within the territorial jurisdiction of the United States.”

**European Union**

For its part, the European Union has defined terrorist crimes in the first article of the “Council Framework Decision on Combating Terrorism” of 13 June 2002 as acts that “may seriously damage a country or an international organization where these acts are committed with the aim of: seriously intimidating a population, unduly compelling a government or international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or international organisation.”

In the Arab world, individual states are strengthening anti-terror laws as extremist violence is increasing. Ever-broadening measures expand government powers and increasingly limit civil liberties.

**“Terrorism” Lists**

Despite the lack of a unified definition on international terrorism, the United States, among other
countries, have prepared lists of “terrorist” organisations and have imposed economic and political sanctions, as well as banned the citizens and institutions of the respective countries, as well as Third World countries, from economic dealing with these organisations, in accordance with bilateral security and economic agreements. The European Union along with other countries, has adopted an additional list that is independent from the US list.

Since 1997, the Bureau of Counterterrorism and Countering Violent Extremism, which is part of the US State Department, has been publishing names of dozens of organisations labeled as “terrorist organisations” on a list that includes more than 60 organisations so far. On top of the list is the “Abu Nidal Organisation,” which was designated a terrorist organisation on 8 October 1997, while the “Islamic State of Iraq and the Levant” is at the bottom of the list, designated on 20 May 2016. The list also includes organizations such as Hamas and Hizballah, designated on 8 October 1997. The Al-Nusrah Front was put on the list on 15 May 2014.

In summary, the world seems to agree that terrorism is a crime that goes beyond individuals and that is mainly aimed at spreading panic among the people and destabilising countries or regimes. There also is a common agreement between countries on the fact that terrorist organisations use specific means that are dangerous to the people’s lives, including kidnapping and the use of unlicensed or prohibited weapons for committing murder or to cause mass destruction. At the same time, the world, and the governments of countries in particular, are divided on the parties that should be held responsible for committing such crimes, and whether the heads of states and rulers — not only individuals — should be held responsible for committing terrorist crimes in their home countries or abroad.