

TERRORISM AND NEOTERRORISM. THE ROMANIAN APPROACH

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ABSTRACT

The development of this true scourge in the whole world demands a more accurate knowledge and documentation on the emergence, development, operation, motivation that underlies terrorist actions, as well as a knowledge of the funding of these terrorist groups. Considering the fact that this scourge has existed since antiquity and the Middle Ages, so it has a true “history”, developed gradually in the 1700s, it has experienced a real “explosion” since 1968, reaching the peak in 2001, it is necessary that those entitled to know in depth this “phenomenon” and if they can not eradicate it, at least to unite their efforts at an international level and limit it as much as possible. At global level, there are sufficient determinants, but also reasons for this phenomenon to have a continuous development, and we are taking in consideration the continuous development of the armaments industry and the misguided policies of some governments.

KEYWORDS: aggression, asymmetric conflict, terrorist group, neoterorism, terror

1. Introduction

Terrorism can be seen as a specific phenomenon to an asymmetric conflict, waged from inferior states or states, organizations that abstain from the rules imposed by the Geneva Conventions.

This is the overriding reason why prevention and combat of this scourge must be found in the national security strategies of all the states in the world.

During the whole history, terrorism has existed since ancient times – since antiquity and the Middle Ages – its purpose was to cause terror and panic, aggression on human beings and, at the same time, civilization and systems values. The first organization that brings today’s terrorist forms of organization is considered by specialists and historians as the zealots of Judea who were organized in various forms to assassinate the Romans (as occupation forces) as well as the Jews, these the latter accusing him of collaborating with the

Romans. The motivation of the zealots was of a religious nature, given the differences of religion between them and the Romans, considering that because of the Romans they can not practice their own religion.

Then followed the actions of those in the Order of Assassins, actions that were strikingly similar to those of today’s organizations – sending one man to kill an important leader from the enemy. The group disappeared in 1273, after two centuries of its actions sowed terror in the Middle East.

From the disappearance of the Assassins’ Order to the end of the 1700s, no significant terrorist groups have been registered, and after the French Revolution, the modern era of terrorism began. In 1795, during the French Revolution, for the first time, the word terrorist and the word terrorism were used when the revolutionary government initiated a regime of terror. In response to the regime set up by the government, those who did not recognize

the revolution – its opponents – used assassination and intimidation of revolutionary agents as terrorist tactics.

Romania has been considered, for a long period of time, a small state without being facing acts of terrorism. That is the reason why, in the real sense of the subject, without having the power we could not reach our way of life and the security of the state.

The change has occurred since our country joined the North Atlantic Alliance (NATO) and the European Union (EU). These moments meant the assumption of obligations, including those to support the Member States and to participate – alongside them – in the fight against terrorist acts.

The phenomenon of terrorism is at the moment wide and the reasons are multiple: from the increase in the resources available to certain terrorist organizations, the easy access to modern technologies, the improvement of the organizational systems of the terrorist groups, the worrying increase in the number of sympathizers, especially in Western states.

All of the above considerations are, in my opinion, sufficiently serious reasons to initiate the study of the phenomenon of terrorism and neoterorism from its own perspective, which – I am sure – will lead to the knowledge of all the procedures and of the ways of action, with the aim of managed to provide confidence, security and freedom to all the inhabitants of the country (Baldwin, 1997, p. 23).

2. Terrorism: a Contemporary Manifestation?

Ever since the Roman legions, we can talk of the term terror, which is used against the enemy, in order to obey and, much more, to reach its own interests. The Romans also practiced the idea of a state terrorism, materialized in spectacular effects.

Later, the term has been changed. Thus, during the Middle Ages, crusaders who had the intention of releasing Jerusalem and the Holy Grave under the occupation of the

faithful of Muhammad – experienced Arab Muslim resistance, the conviction of the latter was that, dying for their religious faith, they would arrive in the Paradise of Allah and they will know eternal happiness.

It becomes fairly clear that this way of thinking is at least nonconstructive, given that we taking into discussion two different ideas: the army struggle that is taking place in a time frame of the war and the terrorization of an innocent and vulnerable population through acts cruelty in the name of a religious belief.

Today, terrorism occurs in both Muslims and other peoples, including the Japanese, Bengali, or Tibetan. It is not so important the way in which it is realized, but the idea that the suicide – considered a gesture of supreme honor and supreme sacrifice – is synonymous with the deliberate assassination of innocent people. This is an act of obvious terrorism.

As time had passed away, the meaning of this matter changed a lot: if in 1997 terrorism was considered an aspect of crime, and not in the area of political acts, since 2001, terrorism has come to represent a particular phenomenon complex that requires in-depth study to be able to receive, understand and find the best solutions to be eradicated.

Why is it eradicating? Because the followers, the participating characters are certain planetary terrorist clubs networks that would hold or co-ordinate weapons depots, meeting and training sessions, bank deposits, information centers, all of which are clandestine and conspiratorial.

Thus, there is a need for a solid cooperation of firmness and patience to succeed in the final elimination of all the aforementioned negative aspects.

3. Terrorism in Heritage

The term terrorism has its etymology in Latin, “*terror, terroris*”. The term has a military connotation, originally used by the Roman legions, in the desire to enforce the

laws, using terror and obedience in this respect.

One of the oldest terrorists, Hitler, proudly issued the hypothesis that the only way to triumph against reason is by terror and force.

There was interest in perception, and in giving explanation regarding that subject:

a) Quintiliano Saladana (1925) named it a “*voluntary act committed against life*” (Cărbune, 2015);

b) At the League of Nations Conference (1935-1936) the idea of a “*criminal act*” aimed at “*creating terror*” among mankind was erased (Cărbune, 2015);

These examples resumed an obvious idea: terrorism is not so easy to be received, nevertheless, it has been created by human society. But it only sums up accumulations and negative aspects, which are on the border with banditism.

Researching the phenomenon in its complexity, it can easily be seen that terrorism is certainly an extremely complex social phenomenon, threatening not only for what is visible but, moreover, for what is not as obvious as for a fine observer of the evolution of society: we can find many explanations, but no clear reason or obvious justification.

Since the 19th century, there have been factors that have stimulated the formation of terrorist groups, among these factors, the technology of weapons and the radical policies of various states have been the determinants. Also during this period, these groups proved their cruelty, succeeding in assassinating even heads of state (from France, Italy, Russia or USA). However, there were exceptions, groups that acted atypically, the example comes from Russia, where the terrorist group “*Narodnaya Volya*” is considered a model. The basis of the statement is the actions of the members of this group who, better to give up the mission than to endanger other people who were not involved in assassinations.

Modern terrorism emerges in 1968,

with the hijacking of El Al Israel Airlines by the terrorist group the Popular Front for the Liberation of Palestine (FPEP). The novelty was not due to the hijacking of the airplane but to the fact that it was the first time a plane was hijacked because it belonged to a carrier and that it was the first time the passengers were taken hostage by the terrorist group to solve some claims.

What has increased the terror of the actions of these terrorist groups has also been the internationalization of terrorism, which has emerged shy in the 1970s – in the form of cooperation between Palestinian groups and European radicals – and has been manifested since 1974 in the form joint operations between FPEP and the Japanese Red Army (ARJ). Also, the bombs exported by the Irish Republican Army (IRA) to states in South America, particularly in Colombia, have made this terror intensified.

Perhaps the maximum terror moment was reached on September 11, 2001, when Islamic terrorists hijacked several civilian planes and used them in the New York Tower World Trade Center and the Pentagon in Washington, the true symbols of the United States, the most powerful state in the world.

4. Retrospective Legislation

Almost all strategies and programs developed by governmental institutions of the democratic countries on preventing and combating terrorism have as their objectives the prediction, prevention, discouragement and reaction. Romania has not made a discordant note, as such has adopted a series of legislative and administrative measures aimed at protecting life and bodily integrity, guaranteeing the freedom and dignity of its own citizens, representatives of foreign states and all individuals who are on the territory of the country.

Regarding the prevention and fight against terrorism, at present in Romania all norms have been adopted in close connection with the normative provisions of

the international conventions to which Romania is a party.

In view of the existing legal basis, we refer to the following norms: Law 51/1991 on national security of Romania, whereby terrorism is classified as a threat to national security; Law 14 of 2002 – on the organization and functioning of the Romanian Intelligence Service (SRI), the prevention and combating of terrorism.

Developments since September 11, 2001 have once again demonstrated that no country in the world – be it the strongest – can assure the security of its own citizens on its own, but only engaging in an effort together with other states.

From a legislative point of view, there are several important moments at national level:

- 2001 – when SRI was designated, by decision of the Supreme Council of National Defense (CSAT), national antiterrorism authority;
- 2002 – when the CSAT approved the National Strategy for Prevention and Combating Terrorism, a doctrinal document setting Romania's strategic priorities in the field;
- 2002 – when the National System for Prevention and Combating Terrorism (SNPCT) was created, based on the Strategy, which includes 21 public authorities and institutions with responsibilities in the field, under the technical coordination of SRI;
- 2004 – the National Terrorist Alert System was approved by CSAT;
- 2004 – The Romanian Parliament approved the Law no. 535 on the prevention and combating of terrorism;
- 2005 – the Antiterrorist Operational Coordination Center was established, SRI structure, which ensures the technical coordination of SNPCT;
- 2006 – CSAT approved the Methodology for the organization and

implementation of counterterrorism intervention, which sets out the concrete procedures for managing a terrorist crisis situation);

- 2007 – CSAT approved the Strategy for communication and dissemination of information to prevent and limit the effects of a terrorist risk or terrorist crisis;
- 2008 – the General Protocol on Organization and Functioning of SNPCT was updated;
- 2008 – SRI was designated – by Law no. 146/2008 – competent authority for the implementation of the PRUM Treaty, namely the national contact point for information exchange in the prevention of terrorist offenses and the National Contact Point and Coordination for Armed Companions on Aircraft. The choice was due to Romania's accession to the Treaty between the Republic of Austria, the Kingdom of Belgium, the Kingdom of Spain, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, and the issue of the document concerned the deepening of cross-border cooperation, combating terrorism, cross-border crime and illegal migration.

Law no. 535/2004 at art. 4, item 7, defines the terrorist actions as follows: „*preparation, planning, favoring, committing, directing, coordinating, controlling the terrorist act, as well as any other activities carried out after its committing, if related to the terrorist act*”.

Other normative acts with an incidence in the field of preventing and combating terrorism on the territory of Romania are:

- Law no. 21/1991 on Romanian citizenship, as subsequently amended and supplemented;
- Law no. 126/1995 on the regime of explosive materials, as subsequently amended and supplemented;

- O.U.G. no. 26/2000 on associations and foundations, as subsequently amended and supplemented;
- O.U.G. no. 105/2001 on the state border of Romania, as subsequently amended and supplemented;
- O.U.G. nr. 159/2001 on preventing and combating the use of the financial and banking system for the purpose of financing acts of terrorism, including the list of persons and entities identified by the Committee set up to monitor the implementation of Resolution no. Security Council Resolution 1267 (1999) (Government Emergency Ordinance No. 159/2001 was repealed by Article 46 of Law 535/2004 on the prevention and combating of terrorism, with the exception of the annex thereto);
- Law no. 678/2001 on preventing and combating trafficking in human beings, as subsequently amended and supplemented;
- H.G. no. 21/2001, regarding the participation of Romania, together with the N.A.T.O. member states, in the actions for fighting international terrorism;
- O.U.G. no. 194/2002 on the regime of aliens in Romania, republished;
- H.G. no. 467/2002 approving the List of natural and legal persons suspected of committing or financing acts of terrorism;
- Law no. 656/2002 on the prevention and sanctioning of money laundering, as well as for introducing measures for preventing and combating the financing of acts of terrorism with subsequent amendments and completions;
- Law no. 39/2003 on preventing and combating organized crime;
- Law no. 295/2004 on the regime of arms and ammunition, as subsequently amended and supplemented;

- Law no. 302/2004 on International Judicial Cooperation in Criminal Matters, as subsequently amended and supplemented;
- H.G. no. 784/2004 approving the List of natural and legal persons suspected of committing or financing terrorist acts;
- H.G. no. 1272/2005 approving the list of individuals and legal persons suspected of committing or financing acts of terrorism;
- Law no. 122/2006 on asylum in Romania, with subsequent amendments and completions;
- O.U.G. no. 202/2008 on the implementation of international sanctions.

5. Conclusions

Our country has often had the privilege of taking part in many agreements, conferences, international actions, in which terrorist acts were studied. However, we do not have a legal act in force expressing sanctions for this type of action. Moreover, criminal law does not define terms in the lexical field of terrorism (acts of terrorism, terrorist organization, member of a terrorist organization).

In Romanian legislation, reference is made to attack. It is the endangering of national security. On the other hand, attack is violent material and is directed against the person's life, integrity or health.

Also, diversion acts are the degradation or even the destruction of communication channels, means of transport, industrial or agricultural products: the way of committing is through explosions, fires or other means.

The Romanian Parliament adopted the “*National Security Strategy of Romania*”, where a huge amount of punctual laws are analyzed and adopted to punish all those actions that might disturb the life of human beings, body integrity or the freedom of a person, the threat (which produces a state fears), blackmail (the unjust gain of a non-

patrimonial benefit), offenses of violence (injuries, material damage).

In 2002, our country surprised the international world by being among the few nations that adopted a “*National Strategy for Prevention and Combating Terrorism*”; it truly has showed our country's desire for improvement.

Moreover, Romania has set the main paths and directions of action through the National Security Strategy. This document shows active participation and involvement in the international cooperation of the entire spectrum of risks and threats, both to the Romanian nation and to world stability.

Romania is a state of law, firmly involved in the fight against the prevention and combating of all forms of risk, namely threats of a terrorist nature. The very Constitution of our country provides: the treaties ratified by the Parliament, according to the law, are part of the internal law.

An integral part of the fight against any ideas or actions that could lead to

terrorist activities, the Supreme Council of Defense of our country adopted the National Strategy for Prevention and Combating Terrorism in April 2002. By signing this document, an active cooperation between ministries and national agencies. At the same time, within the S.R.I. (structure with technical coordination role), it was decided to set up the Inspectorate for the Prevention and Combating the Terrorism.

Namely, the security process in the broad sense has been taken into discussion and debated in various contexts, as well as analyzed, both methodologically and practically.

Nowadays, Romania has signed certain agreements on cooperation for the prevention and combating of terrorism, acting within NATO, the EU or other international organizations with the stated aim of strengthening democracy and fighting terrorism, even through military participation – if it is necessary.

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