THE DEFINITION OF TRANSNATIONAL CRIME IN THE CONTEXT OF TERRORISM

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INTRODUCTION

The simplest task can be deceiving and can be more complex than initially perceived. So it is with the task of writing this paper. The seemingly straightforward task of defining crossborder (hereinafter referred to as ‘transnational’) crime in the context of terrorism is fraught with difficulties in the absence of any definitive scope to both ‘transnational crime’ and ‘terrorism’.

The approach of this paper is thus to briefly look at the wider scope of transnational crime which is then contained by the perimeters of terrorism. In so doing, references are made to relevant international instruments1 concerning terrorism. A brief comment will be made in relation to Malaysia at the end of this paper.2

Although terrorism is one of the transnational crimes, it also rears its ugly head under various other transnational crimes such as money laundering, illicit drug and arms trafficking. There is an undeniable growing links between transnational crime and terrorism as the former can provide funding to the latter and the latter can utilise the former in carrying out its activities.

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1 These include the relevant conventions, resolutions and declarations. The conventions are as listed in Appendix A.
2 Due to unavailability and limited access to documentation of MOUs, bilateral and multilateral treaties on the said matter, the writer’s comment is a qualified one.
WHAT IS TRANSNATIONAL CRIME?

Under the United Nations Convention Against Transnational Organized Crime, an offence is transnational in nature if:

(a) It is committed in more than one State;

(b) It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;

(c) It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or

(d) It is committed in one State but has substantial effects in another State.

The purpose of the Convention is to promote cooperation to prevent and combat transnational organized crime more effectively. This covers the prevention, investigation and prosecution of the stated offences and transnational serious crimes involving organized criminal groups. The offences are as established under articles 5, 6, 8 and 23 of the Convention. The Convention requires States to create the following new offences unless they already exist under domestic laws:

1. the participation in the criminal activity of an organized criminal group or the commission of serious offence involving an organized criminal group;

2. the laundering of proceeds of crime;

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3 DOC.A/55/383, adopted by resolution A/RES/55/25 of 15 November 2000 at the 55th session of the General Assembly of the United Nations and came into force on 29 September 2003 in accordance with Article 38. Malaysia is a signatory (26 September 2002) to this Convention although it has not taken any further action on it.

4 Article 3, paragraph 2.

5 See Appendix B.

6 Art 2 of the Convention defines the terms as such:

' serious crime' means conduct constituting and offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;

' organized criminal group' means a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes in order to obtain a financial or other material benefit.
3. corruption;
4. obstruction of justice.

TYPES OF TRANSNATIONAL CRIME

The types of criminal activities and serious offences committed by the organized criminal group may cover a wide range of crimes. The definition or rather the description of transnational organized crime is wide enough to cover a whole range of criminal activities or offences. In addition, money-laundering, corruption and offences relating to obstruction of justice are specifically stated.

As such transnational crimes may include illicit drug trafficking, arms smuggling and trafficking, trafficking of persons, piracy in the high seas, illicit trafficking in endangered species of wildlife, flora and fauna, offences against cultural heritage, piracy of intellectual property rights, bio-piracy, cybercrimes and the various acts of terrorism like hijacking and destruction of lives and property. The list is not exhaustive but inclusive.

For example, the United Nations Secretariat, as part of its Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice System, distributed to governments a questionnaire outlining the following categories of transnational crimes:7

1. money laundering
2. terrorist activities
3. theft of art and cultural objects
4. theft of intellectual property
5. illicit traffic in arms
6. aircraft hijacking
7. sea piracy
8. land hijacking
9. insurance fraud

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Transnational organized crime therefore can take on innumerable forms that states may not anticipate. The increased cross-border flow of goods, money and people have resulted in the expansion of the territorial reach of criminal organizations. The advancement of technology has been adopted and utilized by such groups not only to collect and transfer funds and profits from their criminal activities but also in the commission of such acts.

The definition stated above is very broad and highly interpretive. The implications of the UN Convention on Transnational Organized Crime will unravel itself in time as the many challenges and difficulties in the implementation of the Convention present themselves to the States and the world at large.8

DEVELOPMENT OF ORGANIZED CRIME9

A useful model to explain the way in which organized crime evolves involves the process of evolution of the crime organization from being predatory, to parasitical, and to symbiotic.

The predatory stage is when a street gang or other local crime group uses criminal violence to maintain dominance over territory, to eliminate enemies, and to create a monopoly over the illicit use of force. Criminal acts tend to be directed at immediate rewards
and satisfaction, rather than long-range plans or goals. Once domination is established, the predatory gang gains recognition amongst legitimate power brokers, local political leaders and “economic influentials” who can use the gang’s organization and skills at impersonal violence for their own ends, such as debt collection, turning out the vote, or eliminating political rivals or business competitors.

Criminal gangs emerge from the predatory to parasitical stage as they develop a corruptive interaction with legitimate power sectors, and mold their control of a territorial base with the power broker’s need for illicit services. There needs to be a “window of opportunity” through which the gang can pass to emerge as a fully-fledged organized crime group. The power brokers can exploit the predatory gang’s organizational skills, networks and skills in violence to create monopolies over the provision of illicit or scarce goods and services. Political corruption, which accompanies the provision of illicit goods and services, provides the essential glue binding together the legitimate sectors of the community and the underworld criminal organization. Increasingly, organized crime extends its influence over entire cities and regions and becomes an equal of, rather than servant to, the state.

At the symbiotic stage, the equal parasitical bond between organized crime and the political system becomes one of mutuality. The host has become dependent on the parasite – the monopolies and networks of organized crime to sustain itself. When organized crime reaches the symbiotic stage, it is no longer just a law enforcement problem; it is a matter of national security.

SCALE AND SIGNIFICANCE OF TRANSNATIONAL ORGANIZED CRIME IN THE ASIA PACIFIC REGION

Organized or enterprise crime, as described above, is prevalent throughout the Asia Pacific region and is involved in most of the criminal activities previously listed, particularly drug trafficking, money laundering, illegal migration, transnational prostitution, credit card fraud, counterfeit documentation, and corruption. Although some of the groups, such as the Chinese triads and Japanese Yakuza are structured along traditional organized crime lines, many of the other groups are structured more informally and readily from tactical alliances with other groups, on an opportunity basis.
The largest and most effective groupings in the Asia Pacific region are probably the various Chinese organized crime groups, including the triads. The activities of these groups are very diverse. It is estimated that internationally some 170,000 people are active in triads, such as the Sun Yee On, 14K, and Wo groups (all Hong Kong-based). All of these triads have extensive overseas contacts, especially in Southeast Asia, Europe, and the United States. However, there are a number of other very active groups in Burma and Thailand (Chiu Chow groups), Singapore, (Tiger Dragon Secret Society), and Malaysia (18 Gang and the Wah Kee), which do not appear to operate as triads but are nevertheless very actively and successfully involved in transnational crime, particularly the heroin triad.

The Japanese Yakuza is said to comprise some 87,000 members in 2,300 clans. According to the Japanese National Police Agency, the Yakuza generates about Y1.4 trillion annually from its criminal and business activities. Prior to 1992, membership of the Yakuza was not a strict discipline being imposed on its members. The three (3) major Yakuza groups are the Yamaguchi-gumi (26,000 members), the Shimiyoshi-Kai (8,000 members), and the Inagawa-Kai (8,000 members).

The main activities of the Yakuza groups are in small businesses (especially construction), real estate and finance companies, drug trafficking (particularly crystal methamphetamine or “ice”), protection and extortion rackets against corporate businesses (using Sokaiya i.e. “special racketeers”, usury, corruption of public officials and businessmen, prostitution, gambling, film and entertainment industry), and importing illegal workers into Japan. Externally, the various Yakuza groups are active in the United States (particularly in Guam, the Marianas and Hawaii), the Philippines, other states in Southeast Asia, and Australia, where they generally target members of the local Japanese community or Japanese tourists.

Japanese gangs, both based in Vietnam and emerging from the Vietnamese refugee communities overseas have become a significant new transnational crime problem. Originally, many Vietnamese gangs members (particularly Sino-Vietnamese, known as “Viet-ching” were employed for protection and as “street enforcers” for Chinese triad groups abroad. However, since the early 1990s, Vietnamese criminal groups have been operating internationally in their own right. Internationally, Vietnamese criminal groups and entrepreneurs have become increasingly involved in heroin trafficking and money laundering.
In addition to the groups considered above, there are Australian, European, Korean, Nigerian, Pakistani, Russian, South American, and United States and other regional criminal groups or entrepreneurs operating in the Asia Pacific, particularly in transnational organized crime in transnational drug trafficking and money laundering.

REGIONAL COOPERATION AGAINST TRANSNATIONAL CRIME

The countries within the Asia-Pacific basin are gradually pooling their resources to combat transnational crime. These are manifested by recent developments to include the Asian Regional Conference against Piracy sponsored by Japan last April 2000 and attended by 15 countries within East Asia. The conference resulted in the adoption of a Regional Action Plan against Piracy which incorporates the three-pronged solution proposed by the late Prime Minister Keizo Obuchi namely: the establishment of a “regional coastguard body”, strengthening support for shipping companies and the improvement of regional coordination to respond to attack.

The Asian Regional Initiative Against Trafficking (ARIAT) in Women and Children was held in Manila on March 2000 attended by 22 countries within the Asia-Pacific, the European Union and concerned intergovernmental and non-governmental organizations, functional commissions and offices of the United Nations. It resulted in the realization of a Regional Action Plan against Trafficking in Women and Children.

Other existing regional instruments of cooperation particularly in the field of human trafficking are the Beijing Declaration and Platform for Action, the Bangkok Declaration on Irregular Migration and the Manila Process.

The Association of Southeast Asian Nations (ASEAN), which is in the process of integrating with countries of northeast Asia to include China, Japan and South Korea through the institutionalization of the ASEAN Plus Three Process, exemplifies a more concrete legal and institutional framework against transnational crime. Since the Association’s inception in 1967, member-countries have persistently adopted measures to strengthen the foundation for a prosperous and peaceful region. This includes the declaration of ASEAN Concord of 1976 calling all member countries to intensify cooperation against illegal drugs and reiterated at the 5th ASEAN Summit of 1995, in Bangkok, Thailand, calling for the realization of a drug-free ASEAN.
These initiatives including those agreed by the ASEAN Heads of Government during their 1st Informal Summit in 1996 and the results of the 29th and 30th ASEAN Ministerial Meeting (AMM) in Indonesia, enjoining all member-countries to consolidate their resources against all forms of transnational crime, were incorporated in the ASEAN Vision 2020. This gargantuan covenant was adopted during the 2nd Informal Summit of the ASEAN Heads of Government held in Kuala Lumpur in 1997 outlining broad but attainable objectives in all fields of cooperation to include transnational crime.

In attaining such vision, ASEAN leaders are institutionalizing series of plans, programs and strategies in the realization of a peaceful, progressive and stable Southeast Asia. Foremost among these initiatives is the Hanoi Plan of Action conceived during the 6th ASEAN Summit in December 1998. It outlines the political, economic and social priorities of the Southeast Asian region within a 6-year time frame. The ASEAN Foreign Ministers issued a Joint Declaration for a Drug-Free ASEAN at the conclusion of the 31st ASEAN Ministerial Meeting in Manila in July 1998.

A more practical instrument derived from the ASEAN Vision 2020 is the ASEAN Declaration on Transnational Crime formulated by the ASEAN Ministers of Interior/Home Affairs in Manila in December 1997. It reiterates and further strengthens the commitment of ASEAN against transnational crime and paves the way for the realization of an ASEAN Plan of Action on Transnational Crime. An institutional framework was also put in place through the establishment and regular convening of an ASEAN Ministerial Meeting on Transnational Crime (AMMTC) whose membership includes the respective interior/home affairs ministers of member-states. It is the highest policy-making body of the ASEAN cooperation on Transnational Crime and acts as a coordinating body for all activities of relevant regional institutions such as the ASEAN Senior Officials on Drug Matters and the ASEAN Chiefs of National Police (ASEANAPOL).

The AMMTC is assisted by a Senior Officials Meeting on Transnational Crime (SOMTC) that acts as its implementing arm. The SOMTC is further tasked to formulate work programs to realize the ASEAN Plan of Action on Transnational Crime including the constitution of ad hoc committees to execute specific programs and projects.

As a test on the functionality of this institution, the AMMTC held its 2nd regular meeting in Yangoon, Myanmar on June 23, 1999.
and adopted the ASEAN Plan of Action on Transnational Crime. It also approved, in principle, the establishment of the ASEAN Center for Combating Transnational Crime (ACTC). The SOMTC was directed to form a working group to prepare a full report on the feasibility of establishing the ACTC. Such working group convened at the Philippine Center on Transnational Crime (PCTC) in August 1999 and endorsed the establishment of the ACTC to the SOMTC.

The ACTC is envisioned to establish a shared regional database among ASEAN countries for information on criminals, methodologies, arrests, and convictions on transnational crime. It is located in Manila with personnel seconded from member-countries of ASEAN.

**INTERNATIONAL COOPERATION AGAINST TRANSNATIONAL CRIME**

The international community under the auspices of the United Nations has, in several occasions manifested its concerns over the threat posed by transnational crime in all its forms. The Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order recognize the need to suppress illicit drug trafficking and other transnational crimes and the need to institutionalize extradition and mutual legal assistance as instruments of international cooperation. These international documents are instrumental in the drafting and ratification of the 1988 United Nations Convention against Illicit Traffic in Narcotic drugs and Psychotropic Substances to supplement and reinforce existing treaties against other forms of transnational crimes. These instruments also heralded the 1990 United Nations agreement on model treaties to include the Model Treaties on Extradition, Mutual Assistance in Criminal Matters, Transfer of Proceedings in Criminal Matters, and the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released.

The Naples Political Declaration and Global Action Plan against Organized Transnational Crime underscore the need for a common approach, direction and a holistic anti-transnational crime agenda. It is the forerunner of the draft United Nations Convention against Transnational Organized crime as well as three additional and supplementary protocols on trafficking in persons, on smuggling of migrants and on the illicit manufacturing of and trafficking in firearms.
The adoption of the Convention on Transnational Organized Crime and the formulation of its related protocols\(^\text{10}\) stress the indispensability of these international instruments in the face of the threat posed by transnational crime. Apart from ratifying and implementing them within a given timeframe, member states have committed to explore other areas of cooperation designed to prevent and combat transnational crime in all its forms.

It is also important to stress the numerous intergovernmental and non-governmental organizations, specialized agencies, functional commissions, and other offices that are mostly attached to the Economic and Social Council (ECOSOC) of the United Nations that are actively assisting states and regional organizations to overcome this global menace. The United Nations Office for Drug Control and Crime Prevention (ODCCP), for example, has designed and is currently implementing three global programmes on international crime prevention. These are the global programmes against corruption, trafficking in human beings and assessments of transnational organized crime.

TERRORISM

Introduction

‘Terrorism’, originating from the French 18th century word *terrorisme* (under the Terror), is the term commonly used to refer to the calculated use of violence or the threat of violence, against the civilian population, usually for the purpose of obtaining political or religious goals.

History

During the French Revolution (1789-1799), the most severe period of the rule of the Committee of Public Safety (1793-1795) was labelled “The Terror” (1793-1794), epitomizing state terror directed primarily at the state’s own citizens: the Committee’s Jacobin adherents became “Terrorists” (with a capital “T”). The Committee’s leader Maximilien Robespierre is particularly noted for his fanaticism in pursuing what he believed was honest goals.

\(^{10}\) See Appendix C.
Before the 19th century, some terrorists went out of their way to avoid casualties among innocents not involved in the conflict. For example, Russian radicals intent on the assassination of Alexander II of Russia (reigned March 2, 1855 – March 13, 1881) cancelled several actions out of concern that they might injure women, children, elderly persons, or other innocents. When the assassination was finally performed, only the Tsar, his assassin Ignatei Grinevitski and a few members of the Tsar’s escort are known to have been killed or wounded — no “innocents”.

Historically, groups may resort to terrorism when they believe all other avenues, including economics, protest, public appeal, and organized warfare, hold no hope of success. This suggests that perhaps one approach to combat terrorism is to ensure that in any case where there is a population feeling oppressed, that at least some avenue of gaining attention to problems is kept open, even if the population in question is in the minority on an opinion.

Other rationales for terrorism include attempts to gain or consolidate power either by instilling fear in the population to be controlled, or by stimulating another group into becoming a hardened foe, thereby setting up polarizing us-versus-them dynamic. A third common rationale for terrorism is to demoralize and paralyse one’s enemy with fear; this sometimes works, but can also stiffen the enemy’s resolve. Often, several of these reasons may explain the actions of a particular group. In general, retribution against terrorists can result in escalating tit-for-tat violence.

**Significant terrorist incidents and ‘famous’ terrorist organizations**

Significant terrorist incidents include the Oklahoma City bombing (April 19, 1995), the Omagh bombing in Northern Ireland (August 15, 1998) and the September 11, 2001 terrorist attacks in the USA. The Israeli-Palestinian conflict has also spawned a significant number of terrorist incidents, the Munich massacre of Israeli Olympic athletes in 1972, the failed bombing of the World Trade Center in New York in 1993, the Passover massacre of Jews during a religious celebration in 2002, the Maalot massacre of 21 school children and 5 teachers in 1974, and Hebron massacre of Muslims at pray in 1994, the Bali bombing in 2002 and the Madrid bombing in March 2004.

The deadliest terrorist attack ever committed was the September 11, 2001 terrorist attacks. The deadliest terrorist attack ever planned
was Operation Bojinka; the first phase, which called for the death of Pope John Paul II and the bombing of 11 airliners, had a prospective death toll of about 4,000 if it had been pulled off. The plot was aborted after an apartment fire in Manila, Philippines on January 5, 1995, exposed the plot to police. The terrorists were slightly more than two weeks away from implementing their plot.

Since 1968, the US State department has counted deaths from terrorism. In 1985, it counted 816 deaths, the highest up to that time. The deaths decreased over the years, then rose to 3,295 in 2001, most as a result of the September 11 Terrorist Attacks. In 2003, however, more than 1,000 people died as a result of terrorism, the highest toll for any year with no one huge terrorist attack (like 9/11). Many of these deaths occurred from suicide bombings in Chechnya, Israel, and Iraq.

Some famous terrorist organizations\textsuperscript{11} of the 20th century include:

- the American Ku Klux Klan (Founded in 1865 and revived several times since),
- the Irish Republican Army (founded 1919),
- the Pakistani Lashkar-e-Toiba and Jaish-e-Mohammad,
- two pre-state Zionist groups: Irgun (founded 1931) and Lehi (Founded 1940),
- the Spanish ETA (founded 1959),
- the Canadian Front de Libération du Québec (founded 1963),
- the Palestine Liberation Organization (founded 1964),
- the German Red Army Faction (also known as the Baader-Meinhof Gang, founded 1967),
- the Italian Red Brigade (founded 1969),
- the American Weathermen (founded 1969),
- the Peruvian Shining Path (active since the late 1960s),
- the Palestinian Black September (founded 1976),
- Puerto Rico’s Los Macheteros (founded 1976),

\textsuperscript{11} Appendix D.
• Hezbollah (founded 1982),
• the Islamic Jihad (active in Egypt and Palestine since the late 1970s) and
• internationally acting al-Qaeda (founded in 1988).

Famous Terrorists and Former Terrorists

The classification of a person or group as “terrorist” is nearly always disputed. Listed below are some of the better-known individuals who are regarded as terrorists (or as having been terrorists in the past) by a significant body of opinion. In many, perhaps most, cases there is also a significant body of contrary opinion. Inclusion of many people in this one list does not indicate any type of equivalence between them. Leaders of governments have not been included even when they are widely regarded as guilty of “state terrorism”.

• Mohammed Atta and his September 11, 2001 accomplices (deceased)
• Muhammad Atif (deceased)
• Yihia Ayash (deceased)
• Said Bahaji
• Djamel Beghal
• Menachem Begin (1913-1992), the leader of the Irgun (1944-1948)
• Ramzi Binalshibh
• Yasser Arafat (1929-), the leader of Fatah and Chairman of Palestine Liberation Organization (1969-)
• Haj Amin Al-Husseini (1893-1974), the grand mufti of Jerusalem
• Sheikh Ahmed Yassin, the “spiritual” leader of HAMAS
• David Copeland aka the “London Nailbomber”
• Byron De La Beckwith (1921-2001)
• Riduan Isamuddin, aka “Hambali”
• Luke Helder aka the “Smiley Face” bomber
• Khadaffy Janjalani
• Theodore Kaczynski aka the “Unabomber”
• Mohammed Jamal Khalifa
• Amir Khattab (deceased)
• Osama bin Laden, (al-Qaeda)
• Tomioka Makoto (deceased)
• Timothy McVeigh, the Oklahoma city bomber (deceased)
• Khalid Sheik Mohammed, (al-Qaeda)
• Zacarias Moussaoui, (al-Qaeda)
• Imad Mugniyah
• Hassan Nasseralla, secretary-general of Hizballah
• Terry Nochols, associate of Timothy McVeigh
• Abu Nidal (deceased)
• Jose Padilla, (al-Qaeda)
• Talwinder Singh Parmar (deceased)
• Abeddalla Qawasameh (deceased)
• Abd Al-Aziz Rantisi, leader of Hamas
• Richard Reid, AKA the “Shoebomber”
• Inderjit Singh Reyat
• Ilich Ramirez Sanchez aka “Carlos the Jackal”
• Paul Rose
• Yitzhak Shamir, one of Lehi leaders
• Abraham Stern (deceased)
• C.D. Stephenson (1891-1966)
• Mahmoud Tawallbe (deceased)
• The Weather Underground
• Tohir Yuldashev
• Ramzi Yousef
• Ayman al-Zawahiri, (al-Qaeda)
Overview of Terrorism\textsuperscript{12}

The following are conclusions based on the ICT\textsuperscript{13} research in 1998-1999. Though not exhaustive, it paints a sufficiently clear picture of the extent and trend of terrorism.

1. Categories and period of occurrence\textsuperscript{14}

The incidents of nuclear terrorism (involving attacks or threats against nuclear facilities and radiological terrorism) sharply declined over the past three decades, from 120 incidents during the 1970’s to only 15 in the 1990’s. In contrast, the incidents of chemical and biological terrorism showed a gradual but steady rise. In the 1970’s there were 14 incidents of chemical terrorism and 10 incidents of biological terrorism; in the 1980’s there were 34 incidents of chemical terrorism and 13 incidents of biological terrorism; whereas in the 1990’s there are 36 reported incidents of chemical terrorism and 18 incidents of biological terrorism.

2. Severity\textsuperscript{15}

The incidents were classified into seven categories according to their degree of severity. This permitted a more refined analysis.

Threats represented 55% of the incidents: 20% were threats to use weapons of mass destruction in terrorist attacks. In this category, threats to use chemical agents represented the majority of incidents (55%), threats to use biological weapons, 25%, and nuclear terrorism threats 20%. Threats against facilities represented 34% of the incidents, all of them threats against nuclear reactors and installations.

Twenty-five percent of the incidents related to an actual terrorist attack. Thirteen percent of the incidents referred to action against facilities of weapons of mass destruction, the majority of them against nuclear facilities, but always when nuclear material was

\textsuperscript{12} The New Terrorism – Anatomy, Trends and Counter Strategies, Andrew Tan and Kumar Ramakrishna (eds.), Singapore, Eastern Universities Press.
\textsuperscript{13} International Policy Institute for Counter-Terrorism.
\textsuperscript{14} Appendix E, as cited by Ely Karmon, Senior ICT Researcher in his article “Countering NBC Terrorism”, January 12, 2003.
\textsuperscript{15} ibid.
absent form the facility and thus did not present a real physical danger to the environment. Twelve percent of the incidents refer to actual use of non-conventional agents. In this category were included incidents that resulted in casualties but also incidents in which the perpetrators succeeded in placing the materials at its destination without causing any injuries. Eighty-eight percent of the incidents of actual use of agents of mass destruction were incidents of chemical terrorism.

3. Location

Almost 54% of the incidents occurred in the United States. Nearly 28% of the incidents occurred in Europe.

The incidents that took place in the Middle East represented only 4% of the total. Of those, 10 out of 12 were incidents of chemical terrorism and 2 were of biological nature. However, it should be noted that Middle Eastern countries (Egypt, Iraq, Iran and possibly Sudan) made relatively massive use of chemical weapons on the battlefield, which means that these countries and their proxies had fewer moral constrains against the use of such weapons.

Ten percent of the incidents occurred in Asia, mainly Japan (mainly incidents of chemical terrorism) and less than 2% in South America and Africa.

4. The incidents of terrorist acts in January-March 2004 are as follows:

January 29, 2004  Suicide bombing on Jerusalem Municipal Bus
January 21, 2004  Potential 20th hijacker detained at Guantanamo
January 19, 2004  Suicide carbomb outside U.S. headquarters in Baghdad
January 1, 2004   New Years Eve Explosion in Iraqi Capital

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16 ibid.
17 Appendix F.
18 Sourced from ICT Terrorism News Archive.
February 27, 2004  Aum Shinri Kyo leader sentenced to death  
February 22, 2004  Rush Hour Bombing on Jerusalem City Bus  
February 6, 2004  Suicide Bomber suspected in Blast on Moscow subway  
February 1, 2004  Two suicide bombings in Iraqi Kurdish headquaters  
March 22, 2004  Hamas leader Ahmed Yassin killed in Israeli airstrike  
March 14, 2004  Suicide bombing at Ashdod Port  
March 12, 2004  Al Qaida claims Madrid bombings  
March 11, 2004  Nearly 200 Killed in Madrid Train Bombings  
March 3, 2004  Shias targeted in simultaneous bombings in Iraqi holy places

The stand against terrorism

The stand against terrorism taken by the General Assembly and the Security Council of the United Nations is stated in the various declarations and resolutions. Acts of international terrorism is declared to be one of the most serious threats to international peace and security in the twenty-first century. All acts, methods and practices of terrorism are condemned as criminal and unjustifiable, regardless of their motivation, wherever and by whoever committed. It covers criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes. The acts, methods and practices of terrorism are declared to be contrary to the purposes and principles of the United Nations.

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The stand against terrorism is similarly echoed by the Heads of State of the Non-Aligned Movement at the XIII Conference of Heads of State or Government of the Non-Aligned Movement. It was reaffirmed that:

“criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons, for whatever purposes, wherever and by whoever committed are, in any circumstance, unjustifiable, whatever the considerations or factors that may be invoked to justify them”.

International terrorism was in the event, unequivocally condemned as a criminal act. A call to differentiate it from legitimate struggle of peoples under colonial or alien domination and foreign occupation, for self-determination and national liberation was made. Support was expressed to the efforts in combating terrorism at national, regional and international levels.

The United Nations has over the years focussed on treaties that criminalized specific manifestations of terrorism. This is reflected by the twelve universal instruments dealing with terrorism in its various forms. Additionally, there are seven regional instruments and numerous other instruments.

What is terrorism?

Despite the strong stand against terrorism, it is ironic that to date there is no universally accepted definition of terrorism. The term terrorism is not defined in any of the said instruments although it is stated in the International Convention for the Suppression of Terrorist Bombings (1997) and the International Convention for the Suppression of the Financing of Terrorism (1999). The latter indirectly defines ‘terrorism’ as:

“any act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act”.

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21 Appendix A.
22 Appendix A1.
In the past decade, efforts have been intensified on the international arena to create comprehensive international standards to deal with terrorism. Several resolutions have been adopted by the United Nations, starting with the Declaration on Measures to Eliminate International Terrorism 1994.\(^{23}\)

Currently, there is an ongoing effort in the drafting of the Comprehensive Convention on International Terrorism and the Convention for the Suppression of Acts of Nuclear Terrorism.

Although there is a general consensus amongst States on the importance of and urgency in eradicating terrorism, there exists important disagreements on several issues, the definition of ‘terrorism’ being one of them.

Under the draft Comprehensive Convention on International Terrorism which obligates Parties to cooperate in the prevention and punishment of acts of terrorism, the act of terrorism is defined as:

“a person unlawfully and intentionally causing or threatening to cause violence by means of firearms, weapons, explosives, any lethal devices or dangerous substances, which results, or is likely to result, in death or serious bodily injury to a person, or a group of persons or serious damage to property – whether for public use, a State or Government facility, a public transportation system or an infrastructure facility.

It includes:

(i) attempts to commit such an offence,

(ii) participation as an accomplice in the commission of such an offence,

(iii) organizing or directing others to commit such an offence

(iv) contributing to the commission of such an offence; and

(v) commission of any of the offences defined in the various Conventions aimed at combating terrorism.”

Thus far, the terms ‘terrorism’ has eluded the confines of a universally accepted definition. Academics, politicians, security experts, journalists and lay persons, all use a variety of definitions of terrorism. Each definition focuses on either the modus operandi, motivations or characteristics of terrorism. In a survey of leading academics in the field, 24 109 different definitions were obtained. The recurring elements of the definitions were:

1. violence, force
2. political
3. fear, emphasis on terror
4. threats
5. psychological effects and anticipated reactions
6. discrepancy between targets and victims
7. intentional, planned, systematic, organized action
8. methods of combat, strategy, tactics.

There are many unresolved issues in the definition of terrorism. These include the boundary between terrorism and other forms of political violence, whether state terrorism and resistance terrorism form part of terrorism, whether terrorism can be justified, the relationship between guerrilla warfare, national liberation and terrorism and the relationship between crime and terrorism.

In a nutshell, is one man’s terrorist another man’s freedom fighter? Must the definition of terrorism be dependant on who defines it? The difficulty in defining terrorism lies in the fact that it has been subjected to the subjective perception of the party defining it.

An objective and exhaustive definition has been forwarded by Dr. Boaz Ganor 25 as:

“terrorism is the intentional use of, or threat to use violence against civilians or against civilian targets, in order to attain political aims”.

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24 As cited in the book Political Terrorism, SWIDOC, Amsterdam and Transaction Books, 1988, p. 5; Alex P. Schmidt and Albert I. Jongman et al.
25 Director of the International Policy Institute for Counter-Terrorism.
This definition has three important elements:

1. the essence of the activity involves the use of or threat to use, violence
2. the aim of the activity is always political. (It was suggested that the motivation behind the political objective is irrelevant for the purpose of defining terrorism.)
3. the targets of terrorism are civilians.

The importance of defining ‘terrorism’ is reflected at the operational level of combating terrorism. It forms the basis and operational tool in efforts to combat terrorism.

A pertinent question is whether States as well as organizations can be held responsible for carrying out terrorist acts? The answer to this question lies in the form of existing realm of international law. According to international conventions, any deliberate attack upon civilians in wartime by regular military forces is defined as a ‘war crime’. Such an act during peacetime constitutes a ‘crime against humanity’. Thus, such acts by states are already covered by international law. Ironically, organizations are not governed by the current international law!

TRANSNATIONAL CRIME IN THE CONTEXT OF TERRORISM

Having explored briefly the wide scope of transnational crime and given an overview on terrorism, we shall now attempt to work out an understanding of what constitute transnational crime in the context of terrorism.

Transnational crime in the context of terrorism would be those transnational crimes which are committed:

1. to fund the activities of terrorists
2. to facilitate the terrorist groups in their activities; or
3. to further the aims of terrorist groups.

The inter-linking of transnational crime and terrorism may result in the ‘partnership’ between existing organized criminal groups and terrorist group. It may be for a particular ‘event’ or the commission of transnational crime by the terrorists themselves. It matters not
who the players are. So long as the transnational crime is committed for the purposes above, it adds the dimension of terrorism to its existence.

**CYBER CRIME AND TERRORISM**

The advent of technological advances in the information and communication technology has expanded the reach of terrorist groups beyond their domestic jurisdiction. It has facilitated the networking and support system of such groups. It has also opened up the channel for audience to the world population via various websites set up by the terrorist groups.26 These are the uses which are available to all and sundry. The difference lies in the purpose behind the communication. Investigations of the September 11 attack revealed the utilization of information and communication technology to carry out the attack. The utilization of information and communication technology in itself however is not a crime but can be utilized as evidence of the crime.

However, there is a need to protect information infrastructure from improper utilization and attacks. In line with concerns regarding the vulnerability of information infrastructure to improper utilization and attacks, a draft International Convention To Enhance Protection From Cyber Crime and Terrorism has been prepared. It acknowledges the potentially grave consequences of attacks and improper utilization to persons and governments worldwide. The consequences include failures of system, damage to critical infrastructure, economic losses and interruption of communication.

The draft Convention creates offences under Article 3 and 427 which link the unlawful use of a cyber system as a material factor in committing an act made unlawful by the stated treaties. The treaties mentioned are those that govern acts of terrorism.

It is undeniable that cyber crime, attacks and improper utilization of transnational information infrastructure can have the added dimension of terrorism. As such, governments must keep abreast with such development by updating and creating the necessary legislation. This is necessary to ensure that efforts to counter terrorism

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26 Cyberspace - A New Medium of Communication, Command and Control by Extremists, Michael Whine, director of the Board of Deputies of British Jews Defence and Group Relations Division, May 5, 1999.

27 See Appendix G.
bear fruit. It is also to facilitate the setting up of the appropriate infrastructure for the effective investigation, prosecution and enforcement of such offences.

MALAYSIA

To date, Malaysia has ratified or acceded to only five of the universal instruments. These are:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft
2. Convention for the Suppression of Unlawful Seizure of Aircraft
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents
5. International Convention for the Suppression of Terrorist Bombings

There are also various memorandum of understanding, declaration of cooperation, bilateral agreements and extradition orders (as passed under the Extradition Act 1992) which are applicable in the context of terrorism. These include:

2. Declaration of Cooperation between the Government of Malaysia and the Government of United States of America on Cooperation to Combat International Terrorism
3. Perintah Ekstradisi (Republik Indonesia) 1992
4. Perintah Ekstradisi (Amerika Syarikat) 1997
5. Perintah Ekstradisi (Hong Kong) 2000

To come to a meaningful attempt at defining transnational crime in the context of terrorism in so far as Malaysia is concerned, a thorough research, perusal and analysis of all the relevant documents is needed. Perhaps the task will be better accomplished by someone with access to all the relevant documents.
CONCLUSION

Nevertheless, it can be concluded that a crime is transnational if:

1. it is committed in more than one country or jurisdiction;
2. it is committed in one country but a substantial part of its preparation, planning, direction or control takes place in another country;
3. it is committed in one state but involves an organized criminal group that engages in criminal activities in more than one country; or
4. it is committed in one country but has substantial effects in another country.

In the context of terrorism, the transnational crime must fulfil the following three elements:

1. the essence of the activity involves the use of or threat to use, violence
2. political aim
3. the targets are civilians

The above criteria will assist in identifying whether or not a transnational crime is one which also involves terrorism.

Due to constraint of space, the writer has refrained from elaborating on each type of transnational crime. Of particular importance is money laundering which is linked to the financing of terrorist groups and their activities. It is also to be noted that there are various other specific issues pertaining to this topic. These include the following:

1. financing of terrorist groups and their activities
2. jurisdiction
3. mutual legal assistance
4. extradition
5. investigation
6. prosecution
7. enforcement
Appendix A

Universal Instruments on Terrorism

5. International Convention against the Taking of Hostages, 1979
Appendix A1

Regional Instruments

1. OAS Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance, 1971
2. European Convention on the Suppression of Terrorism, 1977
3. SAARC Regional Convention on Suppression of Terrorism, 1987
5. Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism, 1999
7. OAU Convention on the Prevention and Combating of Terrorism, 1999

Other Instruments

2. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949
3. Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949
4. Geneva Convention relative to the Treatment of Prisoners of War, 1949 (selected excerpts)
5. Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949
6. Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I0), 1977
7. Protocol Additional to the Geneva Conventions of 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977
UN Convention Against Transnational Organized Crime

Article 5

Criminalization of participation in an organized criminal group

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

   (a) Either or both of the following as criminal offences distinct from those involving the attempt or completion of the criminal activity:

      (i) Agreeing with one or more other persons to commit a serious crime for a purpose relating directly or indirectly to the obtaining of a financial or other material benefit and, where required by domestic law, involving an act undertaken by one of the participants in furtherance of the agreement or involving an organized criminal group;

      (ii) Conduct by a person who, with knowledge of either the aim and general criminal activity of an organized criminal group or its intention to commit the crimes in question, takes an active part in:

         a. Criminal activities of the organized criminal group;

         b. Other activities of the organized criminal group in the knowledge that his or her participation will contribute to the achievement of the above-described criminal aim;

   (b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of serious crime involving an organized criminal group.

2. The knowledge, intent, aim, purpose or agreement referred to in paragraph 1 of this article may be inferred from objective factual circumstances.

3. States Parties whose domestic law requires involvement of an organized criminal group for purposes of the offences established in accordance with paragraph 1(a)(i) of this article shall ensure that their domestic law covers all serious crimes involving organized criminal groups. Such States Parties, as well as States Parties
whose domestic law requires an act in furtherance of the agreement for purposes of the offences established in accordance with paragraph 1(a)(i) of this article, shall so inform the Secretary-General of the United Nations at the time of their signature or of deposit of their instrument of ratification, acceptance or approval of or accession to this Convention.

Article 6

Criminalization of the laundering of proceeds of crime

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

   (a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

   (ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

   (b) Subject to the basic concepts of its legal system:

   (i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

   (ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

2. For purposes of implementing or applying paragraph 1 of this article:

   (a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;
(b) Each State Party shall include as predicate offences all serious crime as defined in article 2 of this Convention and the offences established in accordance with articles 5, 8 and 23 of this Convention. In the case of States Parties whose legislation sets out a list of specific predicate offences, they shall, at a minimum, include in such list a comprehensive range of offences associated with organized criminal groups;

(c) For the purposes of subparagraph (9b), predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State party implementing or applying this article had it been committed there;

(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence;

(f) Knowledge, intent or purpose required as an element of an offence set forth in paragraph 1 of this article may be inferred from objective factual circumstances.

**Article 8**

**Criminalization of corruption**

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

   (a) The promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;
(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences conduct referred to in paragraph 1 of this article involving a foreign public official or international civil servant. Likewise, each State Party shall consider establishing as criminal offences other forms of corruption.

3. Each State Party shall also adopt such measures as may be necessary to establish as a criminal offence participation as an accomplice in an offence established in accordance with this article.

4. For the purposes of paragraph 1 of this article and article 9 of this Convention, “public official” shall mean a public official or a person who provides a public service as defined in the domestic law and as applied in the criminal law of the State Party in which the person in question performs that function.

Article 23

Criminalization of obstruction of justice

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences covered by this Convention;

(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences covered by this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public officials.
Appendix C

The Protocols related to the Convention Against Transnational Organized Crime are:

1. Protocol against the Smuggling of Migrants by Land, Air and Sea;

2. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

3. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.
Appendix D

List of terrorist groups

Groups considered by many to be terrorist and the countries where they are/were active. Defunct groups are marked in italics.

Islamic groups

- Abu Sayyaf – Philippines
- Al-Qaida – International
- Ansr al-Islam – Iraq
- Armed Islamic Group – Algeria and Europe
- Hamas – Gaza Strip/West Bank/Israel
- Harakut ul-Ansar (HUA) – Pakistan and Kashmir
- Hizballah – Lebanon
- Islamic Movement of Central Asia – Central Asia
- Islamic Movement of Uzbekistan – Uzbekistan
- Jemaah Islamiyah – Southeast Asia
- Palestinian Islamic Jihad – Gaza Strip/West Bank/Israel
- Egyptian Islamic Jihad – Egypt
- Maktab al-Khidamar – Afghanistan
- Muslim Brotherhood – International
- People Against Gangsterism and Drugs – South Africa
- Salafish Group for Call and Combat – Algeria

Front organisations

- Al Barakaat
- Benevolence International Foundation
- Global Relief Foundation
• Holy Land Foundation for Relief and Development

• Konsojaya Trading Company

• Abu Nidal Organization – International (went by the name of Black September during the 1972 Olympics in Munich)

• Al-Aqsa Martyr’s Brigade – Gaza Strip/West Bank/Israel

• Democratic Front for the Libereation of Palestine (DFLP-Hawatmen) – Syria/Lebanon/West Bank

• Palestine Liberation Organization – Gaza Strip/West Bank/Israel

• Popular Front for the Liberation of Palestine (PFLP) – Gaza Strip/West Bank/Israel

• PELP-GC – Gaza Strip/West Bank/Israel

• The Popular Resistance Committees – Gaza Strip/Israel

**Zionist terrorist groups**

• Irgun – British mandate of Palestine (some dispute the definition of the Irgun as a terrorist group due to its avoidance of civilian casualties)

• Jewish Defense League – United States

• Kach – Israel and United States

• Stern gang- British mandate of Palestine

**Groups in Northern Ireland Republican**

• Continuity Irish Republic Army

• *Fenian Brotherhood*

• Provisional Irish Republican Army

• Real Irish Republican Army

• Irish National Liberation Army
Loyalist

- Loyalist Volunteer Force
- Orange Volunteers
- Ulster Freedom Fighters
- Ulster Volunteer Force

Other separatist and anti-imperialist groups

- ETA (Basque Fatherland and Liberty) – Spain and Southern France
- Front de Liberation du Quebec – Canada
- Kurdistan Workers Party (PKK) – Turkey
- Liberation Tigers of Tamil Eelam – Sri Lanka
- Los Macheteros – Puerto Rico
- *Mau Mau* – Kenya
- National Front for the Liberation of Corsica (FLNC) – France

Leftish groups

- Action Directe – France
- Armenian Secret Army for the Liberation of Armenia (ASALA) – Lebanon and Armenia
- Chukaku-Ha – Japan
- Japanese Red Army (Sekigun) – Japan
- GRAPO – Spain
- *Khmer Rouge* – Cambodia
- Manuel Rodriguez Patriotif Front – Chile
- Montoneros – Argentina
• National Liberation Army – ELN in Colombia
• November 17 (17N) – Greece
• Red Army Faction (popularly known as the Baader-Meinhof Gang) – Germany
• Red Brigades (Brigade Rosse) – Italy
• Revolutionary Armed Forces of Colombia (FARC) – Colombia
• Shining Path (Sendero Luminoso) – Peru
• Symbionese Liberation Army – USA
• Weathermen – USA

Neo-Nazi and white-supremacist groups
• Boeremag – South Africa
• Combat 18 – United Kingdom
• Ku Klux Klan – USA, United Kingdom
• National Socialist Movement – United Kingdom
• The Order - USA
• Organisation de l’Armee Secrete – France, Algeria
• World Church of the Creator – USA

Other terrorist groups
• The Angry Brigade – United Kingdom (anarchists)
• Army for the Liberation of Rwanda – Rwanda (Hutu emancipatory; possibly genocidal)
• Aum Supreme Truth (Aum Shinrikyo) – Japan (homicidal religious cult)
• Autodefensas Unidas de Colombia – Columbia
• Contras – Nicaragua (anti-communist)
• Croatian Revolutionary Brotherhood – Yugoslavia
• Death Squads – El Salvador (anti-communist)

• Earth Liberation Front – USA (radical environmentalist) – avoids harming people or animals, but is considered by the FBI to be a terrorist group

• EOKA (ethniki Organosis Kypriakou Agonistov) – Cyprus (anti-Turkish, pro-Enosis)

• Interahamwe – Rwanda

• Revolutionary United Front – Sierra Leonean rebels

• Umkhonto we Sizwe (“Spear of the nation”) – South Africa
### Appendix E

#### Table of Incidents by Categories and Period of Occurrence

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#### Table of Incidents by Degree of Severity

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### Diagram of Incidents by Their Location

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Appendix F

List of terrorist incidents

15th Century

- 1492-1502 - In a series of four expeditions to what is now the West Indies, Christopher Columbus launched a genocidal campaign against native Arawaks that monks described as including murder, torture, dismemberment and mass rape.

17th Century

- 1605 – Failed Gunpowder Plot to blow up English Parliament with James I in attendance.

18th Century

- 1793-1794 - During the Reign of Terror in France hundreds were killed in public executions of those accused of treason by a Revolutionary Tribunal.

19th Century

- 1856, 1858, 1859 - Raids by John Brown in his fight against slavery.
- 1864 Nov. 29 - In the Sand Creek Massacre more than 150 Cheyenne people travelling with Chief Black Kettle were massacred by Colorado militia troops.
- 1864 - In Sherman’s March to the Sea a victorious army pillaged and destroyed civilian property throughout much of Georgia.
- 1865-1882 - Jesse James and his gang attack “Northern” railroads and banks in personal continuation of the American Civil War.
- 1881 March 1 - Tzar Alexaner II of Russia is assassinated by a People’s Will (Narodnaya volya) terrorist.
- 1881-1884 - Waves of Jewish pogroms sweep southern Russia. The word pogrom becomes international.
- 1890 Dec 29 - At the Wounded Knee Massacre civilians were machine gunned to death in retaliation for 7th Cavalry combat losses.
• 1889-1918 - During these years, 2,522 African Americans were lynched by mobs of Anglo vigilantes, mostly in the American South.

1910s-1960s

• 1910 - A bomb at the Los Angeles Times newspaper building in Los Angeles, California killed 21 workers.

• 1914 - Assassination of Franz Ferdinand, Archduke of Austria, precipitating World War I.

• 1920 - Jerusalem pogrom of April, 1920 incited by Haj Amin Al-Husseini (subsequently the grand mufti of Jerusalem).

• 1920 - A bomb exploded on Wall Street in New York City, killing 30 peoples and wounding 400 others.

• 1929 August 23 - The ancient Jewish community of Hebron is destroyed in the Hebron massacre.

• 1937-1945 - Hundreds of thousands of civilians were intentionally killed in aerial bombardment of cities first by German forces then mutually by warring nations throughout WWII.

• 1945 - Allied troops discovered large scale detention camps in Germany, where millions had died of starvation, disease and murder in group-sized gas chambers during a reign of wartime terror.

• 1946 - Bombing of King David Hotel, the British Army HQ, by the Zionist terrorist group Irgun.

• 1946 July 4 - The Kielce pogrom of Jews who returned home from the death camps: 42 dead, 200 wounded.

• 1948 - Deir Yassin massacre.

• 1953 - Qibya massacre.

• 1962 - In Operation Northwoods U.S. Secretary of Defense proposed U.S. operatives could hijack airliners, assassinate Cuban refuges and commit other acts of terrorism in the U.S. to be blamed on Cubans.

• 1963 - 16th Street Baptist Church bombing. A member of the Ku Klux Klan bombed a Church in Birmingham, Alabama, killing four girls.
• 1965 March 5 - The U.S. president starts “Rolling Thunder” bombing campaign to terrorize Ho Chi Minh into negotiating with the U.S.

• 1969 - A bomb in a Bank killed 16 people in Milan.

1970s


• 1970 - Nahariya/Avivim School Bus Attack by Palestinian PLO terrorists.

• 1972 - Lod Airport Massacre by the Japanese Red Army terrorists.

• 1972 - Munich Olympics Massacre by Black September.

• 1972 - Bloody Friday nine are killed and many injured as Provisional Irish Republican Army (IRA) set off 22 bombs.

• 1974 - Guildford pub bombing by the IRA leaves 5 dead and 44 injured.

• 1974 - Birmingham pub bombing by the IRA kills 19, 182 people are injured.

• 1974 - Kiryat Shmona Massacre at an apartment building by the Popular Front for the Liberation of Palestine Palestinian terrorists.

• 1974 - Maalot Massacre at the Maalot High School in Northern Israel by Popular Front for the Liberation of Palestine Palestinian terrorists.

• 1974 - UVF detonate 3 car bombs in Dublin and one in Monaghan.

• 1975 - Tel Aviv Savoy Hotel guest attacked by Palestinian PLO terrorists.

• 1976 - Hijacking of Air France Flight 139 (Tel-Aviv-Paris) and the following Operation Entebbe.

• 1976 - 73 died when a Cubana aircraft was bombed while flying from Barbados to Havanah.
• 1978-1995 - The Unabomber kills three and injures 29 in a string of anti-technology bombings.

• 1978 - A bomb is detonated outside the CHOGM meeting in Sydney Australia, killing 2 people. 3 Ananda Marga members are later arrested and jailed for the attack.

• 1978 - Palestinian Fatah terrorist on the Tel Aviv – Haifa highway kill 34 Israelis.

• 1979 - Lord Mountbatten and three others are killed by IRA.

1980s

• 1980 - Archbishop Oscar Romero assassinated by Death squads in El Salvador.

• 1980 - Four US nuns killed by death squads in El Salvador.

• 1980 - December U.S trained Salvadoran Army unit executes 800 civilians at the village of el Mozote.

• 1980 - Neo-Fascist bomb kills more than 80 people in Bologna railway station.

• 1982 - In the September 16-18 Sabra and Shatila Refugee Camp Massacre, Christian Phalangist irregular army units massacre several thousand men, women and children. An Israeli Commission found then defense minister Ariel Sharon partially responsible.

• 1982 - Two bombs in Hyde Park and Regent’s Park, London by the IRA kill 18 members of the Household Cavalry and the Royal Green Jackets seven horses are also killed.


• 1983 - Harrods bomb by the IRA. Six are killed (including three police officers) and 90 wounded during Christmas shopping at the West London department store.

• 1984 - IRA bomb in the Grand Hotel Brighton 5 are killed in an attempt to kill members of the British cabinet.
• 1985 - TWA Flight 847 hijacking.

• 1985 - Achille Lauro cruise ship hijacking by Palestinian Liberation Front.

• 1985 - IRA mortar attack kills nine soldiers in Newry.

• 1985 - Air India flight 182 is blown up by a bomb put onboard the flight from Canada by Sikh nationalists. All 329 passengers are killed.

• 1985 - Egypt Air Flight 648 hijacked by Abu Nidal group, flown to Malta, where Egyptian commandos storm plane; 60 are killed by gunfire and explosions.

• 1985 - Palestinian terrorists kill twenty people inside Leonardo da Vinci International Airport near Rome and Vienna International Airport in Vienna.

• 1986 - New Year’s Eve fire at the Dupont Plaza Hotel in San Juan, Puerto Rico, claimed 97 lives, mainly in the casino area. Fire set by 3 hotel workers, trying to make tourists stay away from Puerto Rico as a protest to their working wages.

• 1986 - TWA Flight 840 bombed on approach to Athens airport; 4 Americans, including an infant killed.

• 1986 - Berlin discotheque bombing on April 6, the La Belle discotheque, a known hangout for U.S. soldiers, was bombed, killing 3 and injuring 230 people, for which Libya is held responsible.

• 1986 - Pan Am Flight 73 is hijacked; 22 people killed when plane is stormed in Karachi, Pakistan.

• 1987 - Enniskillen massacre. Remembrance Day parade in Enniskillen, County Fermanagh is bombed by the IRA and 11 are killed and 63 injured.

• 1988 - Pan Am Flight 103 bombing (Lockerbie).

• 1989 - Ten Royal Marines bandsmen are killed and 22 injured when base in Deal, Kent is bombed by the IRA.

• 1989 - UTA Flight UT-772.
1990s

• 1990 - A series of car bombings directed by the IRA in Northern Ireland leave 7 people dead and 37 wounded.

• 1991 - Two IRA members are killed by their own bomb in St Albans.

• 1992 - Israeli Embassy destroyed by car bomb in Buenos Aires, Argentina; 29 die.

• 1992 - Eight Protestant builders killed by an IRA bomb on their way to work at any Army base near Omagh.

• 1993 - World Trade Center bombing.

• 1993 - Failed New York City landmark bomb plot.

• 1993 - Mumbai car bombings in India.

• 1993 - IRA bomb in Warrington kills two children.

• 1993 - IRA detonate a huge truck bomb in the City of London at Bishopsgate, killing two and causing approximately £350m of damage.

• 1993 - A bomb at a fish and chip shop on the Protestant Shankill Road, Belfast kills 10 people, including two children.

• 1994 - Bombing of Jewish Center in Buenos Aires, Argentina kills 86 and wounds 300.

• 1994 - Baruch Goldstein machine gun attack on mosque in Hebron.

• 1994 - Air France Flight 8969 is hijacked by GIA members who planned to crash the plane on Paris but didn’t succeed.

• 1994 - A small bomb explodes on board Philippine Airlines flight 434, killing a Japanese businessman. Authorities found out that Ramzi Yousef planted the bomb to test it for his planned terrorist attack.

• 1995 - Operation Bojinka is discovered on a laptop computer in a Manila, Philippines apartment by authorities after an apartment fire occurred in the apartment.

• 1995 - Sarin gas attack on the Tokyo subway.

• 1995 - Oklahoma City bombing.
• 1995 - Bombing of military compound in Riyadh, Saudi Arabia.

• 1996 - Central Bank Bombing in Sri Lanka kills 90 and wounds 1,400.

• 1996 - A series of four suicide bombings in Israel leave 67 dead and 161 wounded within 10 days.

• 1996 - Centennial Olympic Park bombing, killing one and wounding 111.

• 1996 - IRA break their cease-fire and kill two in a bomb at the Canary Wharf towers in London.

• 1996 - Manchester bombing by IRA.

• 1996 - Khobar Towers bombing.

• 1997 - Islamic terrorists attack tourists at the Luxor pyramids in Egypt, killing 58 people, many of them German and Japanese vacationers.

• 1998 - U.S. embassy bombings.

• 1998 - Omagh bombing by the so-called “Real IRA” kills 29.

• 1999 - Gunmen opened fire on Shi’a Muslims worshipping in an Islamabad mosque killing 16 people injuring 25.

• 1999 - David Copeland nail bomb attacks against ethnic minorities and gays in London.

• 1999 - Ahmed Ressam is arrested on the US-Canada border in Port Angeles, Washington; he confessed to planning to bomb the Los Angeles International Airport as part of the 2000 celebration terrorist attacks plot.


• 1999 - Jordanian authorities foil a plot to bomb US and Israeli tourists in Jordan and pick up 28 suspects as part of the 2000 celebration terrorist attacks plot.

• 1999 - Indian Airlines Flight 814, which just took off from Kathmandu, Nepal for Indira Gandhi International Airport in Delhi, India is hijacked, one passenger is killed and some hostages are released. After negotiations between the Taliban and the Indian government, the last of the remaining hostages on board Flight 814 are released.
• 1999 - Russian Apartment Bombings lead Russia into Second Chechen War.

2000s

• 2000 - The last part of the 2000 celebration terrorist attacks plot fails, as the boat meant to bomb the USS The Sullivans sinks.
• 2000 - Beginning of a campaign of attacks on civilians in Israel.
• 2000 - USS Cole bombing.
• 2000 - German police foil plot to attack a cathedral in Strasbourg, France.
• 2001 - Paris embassy terrorist attack plot foiled.
• 2001 December 13 - Terrorist attack on Indian Parliament.
• 2001 - Palestinian attacks against Israeli civilians continue.
• 2001 - Richard Reid attempts to destroy American Airlines Flight 63, is subdued by passengers and flight attendants before he could detonate his shoe bomb.
• 2002 - Singapore embassies terrorist attack plot foiled.
• 2002 June 14 - Terrorist attack outside US Consulate in Karachi.
• 2002 - Limburg tanker bombing in Yemen.
• 2002 - Murder of Daniel Pearl.
• 2002 - Bali car bombing of holidaymakers.
• 2002 - Zamboanga bombings in the Philippines.
• 2002 - Moscow theatre siege.
• 2002 - Most deadly year of Palestinian terror campaign against Israel, including the Passover Massacre in which 30 people are killed.
• 2002 - Chechen militants carry out several deadly suicide bombings across Russia and nearby provinces, killing more than 250 people.


• 2003 May 16 - Casablanca Attacks in Casablanca, Morocco leaves 41 dead. The attack involved 12 bombers and 5 targets. The targets were “western and Jewish”. Attack attributed to al-Assirat al-Moustaquim, a Moroccan group but “al-Qaeda influence not ruled out.”

• 2003 August 19 - Canal Hotel Bombing in Baghdad, Iraq kills 22 people including the top UN representative, Sergio Vieira de Mello.

• 2003 - Borrowing a name from a 1996 book on the tactic, Shock and Awe, U.S. president uses attacks on television studios and hotels, among other targets, to terrorize supporters of Saddam Hussein.

• 2003 - In response to the US invasion of Iraq, terrorists in that country stage dozens of suicide bombings targeting Iraqi and Coalition targets.

• 2003 - Istanbul Bombings – Within five days, truck bombs go off at two synagogues, the British Consulate, and the HSBC Bank in Istanbul, Turkey.

• 2003 October 15 - A bomb is detonated by Palestinians against a US diplomatic convoy in the Gaza Strip.

• 2004 - 109 Kurds are killed in 2 suicide bombings in Irbil, Iran.

• 2004 - Bomb on Moscow subway kills 39.
Appendix G

Draft International Convention To Enhance Protection From Cyber Crime and Terrorism

Article 3

Offenses

1. Offenses under this Convention are committed if any person unlawfully and intentionally engages in any of the following conduct without legally recognized authority, permission, or consent:

   (a) creates, stores, alters, deletes, transmits, diverts, misroutes, manipulates, or interferes with data in a cyber system for the purpose and with the effect of providing false information in order to cause substantial damage to persons or property;

Article 4

Attempts, Aiding and Abetting, Conspiracy

An offense under this Convention is committed if any person unlawfully and intentionally:

1. attempts to engage in any conduct prohibited in Article 3;

2. aids or abets others in engaging or attempting to engage in any conduct prohibited in Article 3; or

3. conspires with others to engage in any conduct prohibited in Article 3.
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