

LEGAL TOOLS TO COMBAT EXTREMISM AND TERRORISM



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Abstract. Terrorism as a product and instrument of extremism has many forms and modes of action, but fear is a common denominator. Fear as an instrument of ideological action. Just as extremism is called hate crime, where ideology plays a vital role, intimidation is an essential indicator of terrorism. The article deals with the manifestations of extremism and especially terrorism and the possibilities of legal solution of these activities.

Keywords: *Extremism, terrorism, right, population protection*

Introduction

If we want to characterize the origins of the manifestations of extremism and terrorism, we must state that together with organized crime and the proliferation of weapons of mass destruction, extremism and terrorism, especially its international form, are among the most serious social risks threatening the entire human civilization. Its essence is a social phenomenon, which is multidisciplinary in nature and originates mainly from expressions of aggression and intolerance. Social pedagogy with its focus and interdisciplinary character is then the most suitable scientific area for identifying and solving the manifestations of extremism and, moreover, terrorism in relation to extreme attitudes. Thus, the prevention of manifestations of extremism is more appropriate and undoubtedly more effective than punishment. However, even repressive tools are necessary to address this social phenomenon. A substantial part of the world has been affected or threatened by political or religious extremism or terrorism; actions by regional or transnational extremist and terrorist organizations and groups. Regardless of the considerable efforts of the security forces of democratic states to eliminate international extremism and terrorism, its activities are annually encountered around fifty to sixty countries.

1. Classification of extremism and terrorism

Extremism and terrorism can be classified from different perspectives and criteria. From the point of view of an endangered object (mostly the state), extremism and terrorism can be divided into internal and international, from the point of view of the goal pursued by extremists and terrorists to:

1. Political (political, ideological or religious)
2. Criminal (material benefit) and
3. Psychotic (satisfaction of a mentally ill person).

Political extremism and terrorism can be further divided into the following groups: Islamic-fundamentalist (Palestinian groups, Middle East region), religious-ethnic (IRA,

Balkan events), nationalist (ETA in Spain) and retreating left (Red Brigade).

The psychotic terrorism mentioned above is considered to be the least readable, when it is enough for its actors that their act will cause attention and horror, which in turn brings them perverse pleasure and satisfaction. In this case, violence is not the path to the primary enforcement of any particular requirement, but the goal itself. Islamic-fundamentalist terrorism based on Islamic extremism is now considered the most dangerous. His ideology condemns the political principles and the system of values of "Western civilization" and, as the only just arrangement of the world, recognizes its organization on a strictly Islamic basis. In the name of this ideology, Islamic fundamentalists

feel empowered to use violence in their confrontational attitude to the Western world.

Although the ways in which it is carried out, such as assassinations, kidnappings, hostage taking, murders, etc., are usually similar, the sources of extremism and terrorism and its focus often differ. Each category requires a different approach to its examination. Therefore, it is not just a purely theoretical question of where to place the terrorist act (under which category). This classification is important for prevention and for seeking effective ways to combat this phenomenon.

2. The roots of terrorism

It might seem that extremism and terrorism are something new, typical for the late 20th century. But is that really the case? There is no doubt that it is not. Russia is most likely the cradle of modern terrorism. Around 1875, part of the then intelligence (affiliated with the Narodnaya Volya Movement - National Will) adopted anarchist beliefs and saw the assassinations of oppression as the only way to free society from political and social blockade. At the end of the 19th century, terrorism, especially the assassination of the people representing the ruling power, was accepted by anarchist groups in Europe, Russia, and the United States as the best way to bring about political and social change.

Another developmental stage of extremism and terrorism in society can be linked to the national liberation movement in the so-called Third World countries. Support for the national and state independence movement in South America, Africa and Asia has become a new field of mutual competition between NATO and Warsaw Pact states during the Cold War. Often these two blocks funded resistance movements and various political factions or activities. They directly trained destruction and marauding specialists and sent their "advisors" directly to crisis areas. Thus, terrorism was no longer the expression of solely violent actions by some groups, but by coordinated action by a number of groups (often directly or indirectly organized by individual states) and particularly trained individuals, transcending national borders. Newly organized events have resulted in far greater casualties and more damage than ever.

There has been a fundamental shift from the earlier situation, which was best characterized by the terrorist expert Brian Jenkins in the mid-1970s saying "terrorists want a lot of watching people, but not many dead people". Current terrorism has also brought a new doctrine, finding the weakest point in the hostile system and attacking it with all available means. Kill as many people as possible, trigger hysteria and damage the economy.

3. Possible definitions of terrorism

There is, in principle, no universally accepted definition of extremism and terrorism. Different organizations work with different definitions. It can be stated that the definitions of terrorism are due to the legal framework of a country that considers activities and organizations to be terrorist. Even the US government cannot unite on one definition. There are many reasons why this is so. The question of the definition of extremism and terrorism has its place in discussions between states for decades. The first attempt to arrive at an internationally accepted definition was made under the League of Nations, but the convention proposed in 1937 never entered into force. The lack of unity in defining extremism and terrorism is a major obstacle to meaningful international defense means. In general, however, terrorism is a violent continuation of extreme ideas and attitudes.

A terrorist expert, A. Schmid, contributed to resolving this situation in 1992, saying that if the core of war crime (deliberate attacks on civilians, hostage taking and prisoner killing) is extended to peace, we can simply define terrorist acts as peaceful war crime counterparts.

Other terrorist experts characterize him as: use of force or imminent use of force to achieve political change (Brian Jenkins), the illegal use of force directed at innocent people to achieve a political goal (Walter Laqueur), a deliberate deliberate planned murder, injury and threat innocent in order to create fear and intimidation for political or tactical advantage (James M. Poland). However, most definitions share certain elements, emphasizing the purposeful use of physical violence against civilians to bring about a climate of general fear in the target population for political and social change.

It is not easy to define terrorism so that all aspects of its manifestations and impacts are affected. The content of the definition would certainly vary according to whether terrorism would be viewed from a legal, security, or sociological perspective. However, it would be common to all such definitions that these are unlawful acts of systematic perpetrating violence against the population and state authorities in order to cause fear, panic and destabilization of existing political circumstances.

The origin of the word terror is also interesting. He comes from a Latin *terrere* - scare, scare. It was only in the 14th century that modern Western dictionaries came through the French language. The first use in English is recorded in 1528. The basic mechanism of terror is contained in the old Chinese proverb: "Kill one and scare ten thousand." For decades, the methods of terrorism have changed, but the consequences of contemporary terror are just as horrible.

4. International framework for the fight against terrorism

Following the attacks in the United States on 11 September 2001, this concerns in particular the "Resolution and Action Plan of the Extraordinary European Council", published on 21 September 2001 in Brussels (Resolution No 1364 of the Government of the Czech Republic of 19 December 2001), "EU Council Common Position on Combating Terrorism" (2001/930 / CFSP of 27 December 2001) and "EU Council Common Position on the application of specific measures to combat terrorism" (2001/931 / CFSP of 27 December 2001), including all its updates, regulating the lists of persons and groups sanctioned by the European Union.

The EU Council in its document entitled "EU Council Common Position on the Use of Special Measures to Combat Terrorism" (2001/931 / CFSP) defines a terrorist act. A "terrorist act" is understood here as a set of listed acts that, by their nature or context, can seriously threaten the operation of a particular state or international organization. Under national law, acts are committed with the intention of:

- Seriously intimidating the population;
- To unduly encourage a government or international organization to take or take concrete steps;

- Seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or international organization, namely:
 - about an attack on human lives that can cause death;
 - attacks on the psychological integrity of people;
 - about kidnapping or taking hostages;
 - causing massive destruction of government or public facilities, transport systems, infrastructure facilities, fixed platforms on the continental shelf, public places or private property threatening human lives or resulting in severe economic losses;
 - the occupation of aircraft, ships or other means of public transport or the transport of goods;
 - the production, possession, procurement, transport, supply or use of weapons or explosives of a nuclear, chemical or biological nature, as well as the research or development of such weapons;
 - by releasing these dangerous substances into free circulation, by creating fires, explosions or causing floods, the course of which endangers human lives;
 - by interrupting or interrupting the supply of water, electricity or other essential resources, which can also endanger human lives;
 - threats by committing these acts mentioned above;
 - the management of a terrorist group;
 - participation in a terrorist group, including as an informer, provider of financial or material support, knowing that this assistance will help commit the group's criminal activities.

For the purposes of the same document, a "terrorist group" is defined as a structured group, composed of more than two persons, set up for a longer period of time and acting under the division of labor steps necessary to commit terrorist acts. This is not a coincidental or one-time association.

In addition, following the attacks in Madrid on 11 March 2003, the Declaration on Combating Terrorism, which was endorsed by the European Council on 26 March 2004, contains an annex to the European Council's Action Plan. By joining the EU, all EU Council Regulations implementing common positions from which terrorism is concerned are binding and directly applicable in the Czech Republic,

in particular Council Regulation 2580/2001 on specific restrictive measures directed against certain persons and entities in the fight against terrorism.

The Czech Republic is a party to the following international legal instruments linked to the issue of terrorism: Convention on Criminal and Certain Other Acts Committed on Board Aircraft (Tokyo, Decree No. 102/1984 Coll.); Convention on the Suppression of Unlawful Assignment of Aircraft (The Hague, Decree No. 96/1974 Coll.); Convention on the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, Decree No. 16/1974 Coll.); Convention on the Prevention and Punishment of Crimes Against Persons Benefiting from International Protection, including Diplomatic Representatives (New York, Decree No. 131/1978 Coll.); International Convention against Hostage (New York, Decree No. 36/1988 Coll.); Convention on the Physical Protection of Nuclear Material (Communication of the Ministry of Foreign Affairs No. 114/1996 Coll.); United Nations Convention on the Suppression of Terrorist Bombing (published under No. 80/2001 Coll.), European Convention on the Suppression of Terrorism (Strasbourg, FMZV Communication No. 552/1992 Coll.) biological and toxin weapons (Decree No. 96/1975 Coll.).

The Czech Republic has also signed and recently ratified, for example, the UN Convention on the Suppression of the Financing of Terrorism (New York, Communication of the Ministry of Foreign Affairs No. 18/2006 Coll.).

5. General legislation and legal means of combating terrorism

The Constitution of the Czech Republic (Constitutional Act No. 1/1993 Coll.) Does not create the necessary constitutional basis for ensuring state security. Some of its provisions concern only military defense, even to a limited extent. Neither does the Constitution of the Czech Republic contain the institutional definition of special bodies in this narrowed concept of defense. According to the preamble to the Constitution of the Czech Republic, citizens are determined to protect the Czech Republic and are aware of their responsibilities to others and to their responsibilities towards the whole. However, there is no specific

determination of the obligations of all for the benefit of the Czech Republic's security.

The Charter of Fundamental Rights and Freedoms (Constitutional Act No. 2/1993 Coll.) Enshrines the right to protection of life, health and property values, specifically in its articles 6 (everyone has the right to life) and 31 (everyone has the right to health protection).

According to the Constitutional Act No. 110/1998 Coll., On the Security of the Czech Republic, the state is the guarantor of the protection of lives, health and property values. Moreover, according to Article 1 of this Constitutional Act, ensuring the sovereignty and territorial integrity of the Czech Republic, protecting its democratic foundations and protecting the lives, health and property values is a fundamental duty of the state. The purpose of the Constitutional Act on the Security of the Czech Republic is to set obligations in the interest of ensuring the security of the state and thus to supplement the constitutional order of the Czech Republic. This Constitutional Act operates alongside the Constitution of the Czech Republic and thus enables the state to function in crisis situations that the Constitution does not envisage. If the sovereignty, territorial integrity, democratic foundations of the Czech Republic or, to a large extent, internal order and security, lives and health, property values or the environment are threatened, or international commitments on common defense need to be fulfilled, it may be declared by intensity, the territorial extent and nature of the situation, an emergency, a state of emergency or a state of war.

The concept of constitutional law is based on a comprehensive concept of national security that combines foreign policy, military defense and internal security and order. Its aim is to take care of man, his life, respect for human rights and freedoms, the protection of property and life security, and the preservation of state functions as a security institution.

Without the fundamental constitutional rules, which are primarily the basic obligations of all authorities, legal and natural persons to carry out national security tasks and specific crisis management systems, no other necessary laws can be prepared. Above all, it is the laws that define in detail the responsibilities and tasks of state authorities, bodies of territorial self-governing units, legal

and natural persons according to the needs of securing the state and also the needs of securing obligations resulting from accepted international treaties

6. Subject legislation and legal means of combating terrorism

Special regulations stipulate powers and responsibilities within the defined competencies of state authorities and bodies of territorial self-governing units so that the protection of lives, health and property values at the required level is ensured in these areas. In fulfilling the set tasks, the administrative authorities are primarily based on the field of their competence set out by Act No. 2/1969 Coll., On the Establishment of Ministries and Other Central Authorities of the Czech Republic (the so-called Competence Act).

Protection of the population against contemporary threats in the Czech Republic is addressed through crisis legislation. It is relatively new legislation from the turn of the millennium. Until then, the area of crisis management was not addressed at all and the area of the integrated rescue system was insufficient, consisting of regulations too general, issued over a period of more than twenty years, focused on specific emergencies, without the possibility of central management and coordination. In particular, the backbone of this crisis legislation is: Act No. 239/2000 Coll., On the Integrated Rescue System, Act No. 240/2000 Coll., On Crisis Management, Act No. 241/2000 Coll., On Economic Measures for Crisis Situations, and of the latest legislation, it is appropriate to mention Act No. 181/2014 Coll., on Cyber Security.

Other relevant legal regulations for chemical weapons are Act No. 356/2003 Coll., On Chemical Substances and Chemical Preparations, Act No. 19/1997 Coll., On Certain Measures Related to the Prohibition of Chemical Weapons. Act No. 18/1997 Coll., On the peaceful use of nuclear energy and ionizing radiation, is important for the area of radionuclide and ionizing radiation.

The incorporation of foreign complaints into the legal order of the Czech Republic resulted in the recent adoption of Act No. 537/2004 Coll., Amendment to the Criminal Code and the Firearms Act, which entered into force on 22 October 2004.

Thus, the Criminal Code (Act No. 40/2009 Coll., The Criminal Code) added a new offense

of a terrorist attack that is not focused only on the protection of the state's constitution, but primarily on the protection of general democratic principles when attacked by anyone in the territory of our republic. The factual principle protects to the fullest extent the principles mentioned against any form of action that is terrorist in nature. The newly formulated facts allow to prosecute in the same way acts of persons who threaten terrorist attack or knowingly materially and especially financially, support terrorist activity. Sufficient financial support for terrorist activities is a prerequisite for the activities of these criminal structures, so such conduct is formulated into a specific set of facts which clearly show that financial support for terrorism deserves the same severe punishment as its own terrorism.

The terrorist attack does not exclude the actual existing constituency of terror because it punishes the attempt or complete deliberate killing of another intent to harm the constitutional establishment of the republic (typically the murder of a constitutional representative of the Republic, which does not have to be a terrorist attack that presupposes a disruption of the constitutional establishment of the republic). keeping the crime of subversion of the republic, as it is a violent action against a republic or its authorities, where violence can be perpetrated not only on persons, but also on matters, and those attacks directed against the republic or its authorities, such as violent mass actions committed in the specific intention to disrupt the constitutional system, territorial integrity or defense of the republic or to destroy its independence. Basically, for similar reasons, the Criminal Code leaves a crime of marauding that covers the destruction or damage of a thing or its unusable in a specific marauding intent, which is not covered by a terrorist attack on a case-by-case basis

7. Conceptual materials and norms

Already on 10 December 2003, the Government approved the amended Security Strategy of the Czech Republic - a basic conceptual document containing the most important principles of the Czech Republic's security policy. In response to changes in the security environment and in the Czech Republic's position as a result of integration processes, it decided to amend the Security Strategy of the Czech Republic. The text for

the basic security organization for the Czech Republic refers to NATO, with the Czech Republic supporting the development of the EU's common foreign and security policy and complementary development of the capabilities of both organizations. Newly a strategic threat, it refers to global terrorist activities coupled with the proliferation of weapons of mass destruction and their means of delivery, and highlights the "privatization" of threats. Security comprehends comprehensively from assurance at individual citizen level to nationwide. It emphasizes the protection of electronic, communications and information networks, and the fight against corruption and organized crime. It contains two new chapters - Public Information Policy and the Czech Security System. The most discussed part of the text - Article 42 - opens the possibility for the Czech Republic to "engage before the crisis arises" because the impacts of non-state actors' attacks can reach a mass scale and are directed primarily against civilian targets. The government cannot allow the immediate and identified threat to grow into a terrorist attack with disastrous consequences.

By Government Resolution No. 1466 of 16 November 2005, the Government of the Czech Republic adopted the "National Action Plan to Combat Terrorism: Updated 2005-2007". This is an update of the document following the original "National Action Plan to Combat Terrorism" (adopted by Government Resolution No. 385 of 10 April 2002); "National Action Plan to Combat Terrorism: Updated 2003" (Adopted by Government Resolution No 361 of 14 April 2003) and "National Action Plan to Combat Terrorism: 2004 Updated" (Adopted by Government Resolution 19 May 2004 No. 479). It is a key

publicly accessible document that summarizes the actions already under way and in preparation to maintain and increase the country's preparedness for a terrorist attack against its interests at home and abroad. The text consists of a brief list of tasks that need to be fulfilled in concrete terms (Schedule of the Czech Republic's Measures to Combat Terrorism) and the Czech Republic's Counter-Terrorism Passage, which describes a wide range of currently applicable organizational, legislative, personnel and scientific research measures. nature. This includes steps in the field of civil aviation security, critical infrastructure protection, measures to improve the functioning of the Integrated Rescue System or asylum procedures. The coordinator of activities related to the preparation, evaluation and updating of the National Action Plan for Combating Terrorism is the Security Policy Department of the Ministry of the Interior. The main reason is to concentrate all the key tasks in the fight against terrorism in one place and to give them the power of political support in the form of a government resolution. The National Counter-Terrorism Action Plan not only updates the current situation but will be updated as needed, depending on developments at home and abroad. The 2005-2007 Action Plan is already the fourth document of its kind since 2002. The model for the establishment of the National Action Plan to Combat Terrorism was the document "Resolution and Action Plan of the Extraordinary European Council", published on 21 September 2001 in Brussels. His text was a follow-up to the "Euro-American Ministerial Declaration on Combating Terrorism", also adopted in Brussels on 20 September 2001.

Conclusion

Contemporary geopolitical developments in the world, enlargement of NATO and the EU by new members, the staunch attitude of the Republican administration in the United States to address US security issues, when the new US National Security Strategy leaves the concept of deterrence and replaces it with preventive strikes, brings security risks that can be brief characterize in the following points.

Local wars and NATO armed intervention contribute to radicalization of extremist and terrorist groups. These groupings thrive, based on Muslim beliefs, to foment passions among Muslims and gain support, background and sympathizers for organizing terrorist attacks. European states acting as US allies in armed conflicts must realistically count on the fact that even their territory is likely to be the target of a terrorist attack. An example of an already executed attack is eg Spain. The terrorist attack in Madrid on March 11, 2004, by Al Qaeda-related people, symbolizes and commemorates the attack on the US September 11, 2001: the Spanish event became 911 days after

US attacks, and used in English-speaking countries to mark the attack on America symbol 9/11. Great Britain (London) also has experience with the terrorist attack. Subsequently, the acts of terrorism are understood to include the violent activities of the so-called Islamic State, whether in the territory it controls (controlled), or in other countries, especially the EU, where Islamic state fighters infiltrated with other migrants within the so-called "migration" waves, respectively. Migration crisis.

In the EU, strong national minority bases have historically formed from former colonies. Although it is a generation of people who have been born in Europe, acquired education and status here, they still have strong family and religious ties to countries where extremist and terrorist groups organize their activities. These bases are complemented by people from new waves of immigration. In addition, the free movement of people, goods and services in the European Union and the increasing illegal economic migration of the Eastern world to Europe make it much easier for terrorist groups to deploy hobbies and logistical operations.

Research and technology development brings new electronic means, computer technology, communication tools and data encryption and decryption capabilities, as well as new weapon systems. All of this is of interest to terrorist groups. The existence of a number of so-called national reference laboratories where deadly viruses and bacteria that are capable of causing deadly epidemics of unprecedented proportions in the hands of terrorists are also a serious risk.

The functioning of the security system, the construction of its individual components, economic and financial security are a long-term and demanding process. As it is virtually impossible to successfully counter terrorist acts at tactical level, preventive measures are most effective in countering terrorism. From this point of view, the following can be considered the most important:

- legislation (the basis of this system, it is a legislative expression of powers and mutual links of individual components, determination of their duties and obligations of citizens in constitutional and other laws),
- systematic preparation of crisis management experts
- intelligence services performance and cooperation at both bilateral and multilateral international level,
- systematic training of specialists to fight terrorism
- public awareness and preparation,
- functional integrated rescue system, finance and logistics.

As another and not insignificant tool to combat the manifestations of extremism and terrorism, there is, apart from repression and prevention, a possible interdisciplinary approach, using tools from the field of criminology, social work, and the like. social pedagogy.

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