CHAPTER-V
GLOBAL TERRORISM

A. Introduction

The expression ‘Global Terrorism’ came into existence in our language specifically with September 11, 2001. The attack on the Twin Towers and the Pentagon in the USA was the First Quaking Spectacle of its kind watched on the television networks. Its tremors were felt all over the world. The part of the reason was that it happened in the United States, the most powerful state of the world. But, there was also another dimension to it. A survey of 25 opinion leaders in 24 countries, conducted by the international Hearted Tribune soon after, revealed among other things, that a large proportion of the respondents voted positive on one position: “It is good that Americans now know what it is like to be vulnerable”.¹

America has not only denied and ignored the sorrows of victims of their wars in many parts of the world, but also supported indirectly the terrorism.

Today, terrorism has assumed global dimensions and the examples of Sept. 11, 2001 and subsequent United States bombings is a challenge not only to global political solidarity but to the existence and efficacy of international law regime also. It was a biggest single terrorists strike in the history of terrorism with the largest number of causalities and the maximum economic damage. Nearly 5,000 people were killed and property worth about twenty billion dollars was damaged. It was marked as the beginning of the first major war of the 21st century the president W. Bush said that terrorism has emerged as global problem. Before this strike, America was not so much serious as today².

B. Problem of Terrorism in Various Countries

The cross border acts of aggression are primarily a threat to the internal security of the affected, however, the ramifications of such acts are of a global perspective and some deterrence of such acts has also evolved in the international sphere with growth and radical acceptance of international law.\(^3\)

Terrorism has become a global problem in which various states are affected.\(^4\) A brief scenario of some states badly affected by the terrorism is as under:-

1. Pakistan

(i) General :- Pakistan is one country which has permitted many known terrorists to reside and operate in its territory. The United States has many times asked the Pakistan to end support to elements that conduct terrorist training in Afghanistan and other parts, to prevent militant groups from acquiring weapons and to block the financial and logistic support to camps in Afghanistan and in India. In addition, the United States has urged Pakistan to closedown certain kinds of 'Madarasas' or religious schools' which actually serve as conduits for terrorism. Many credible reports indicate the Pakistani’s official support to the Kashmiri militant groups who are engaged in terrorism.\(^5\) The United State’s Assistant Secretary of State Richard Boucher said that “terror groups are responsible for attack in India and they had ‘origin’ and ‘link’ in Pakistan.”\(^6\)

(ii) Terrorist Groups :- In Pakistan, many terrorist organisations are residing and operating under the Shadow and with the aid of the Government. These groups

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\(^3\) Ibid.
\(^4\) Ibid. See also Abay Vasdy, "Global Terrorism Declining "The Times of India (New Delhi) May 11, 1994. See also Lal Kishan Advani "Terrorism is a Global Threat" The Hindu (Gurgaon) September 13, 2001.
\(^6\) Rajiv Sharma, "Terror groups have Origin in Pak," The Tribune (New Delhi) November 11, 2006.
are responsible for numerous terrorist attacks in India. General Pervez Musharraf’s regime publicly stated that Pakistan provided diplomatic, political and moral support for ‘freedom fighters’ in Kashmir including the terrorist groups but denied providing the militant training. He also said that “Kashmir is The Pakistan’s vital national interest and will not be compromised at any cost” and further pledged to continue providing political, diplomatic and moral support to Kashmir’s cause and acceptance of Kashmir will be the only solution of the Kashmir issue. The Prime Minister, Aziz also stated that Kashmir is the ‘core’ issue of their country. General Musharraf, speaking to a cheering audience primarily of his supporters from Pakistan and Pakistan occupied Kashmir on September 12, 2006, in Brussels, thundered: “Kashmir runs in the blood of every Pakistani” This was in tune with what he said earlier this year, Kashmir runs in Pakistan’s veins and in my veins”. The United States condemned the Pakistan for its role in global terrorism and used support for militant and terrorists group in Kashmir.

Some important terrorist organisations operating in Pakistan are as follows:

(a) Harkat-ul-Muahideen (HuM)
(b) Jaish-e-Moammad (JeM)
(c) Lashker-e-Toiba
(d) Hizbul Mujahidin
(e) Jamiat-ul-Mujahidin
(f) Dukhtaran-e-Millat
(g) Harkat-ul-Ansar/Harkat-ul-Jehad-e-Islami.
(h) Al-Umar-Mujahideen
(i) Al-Qaida
(j) Al Badar

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Supra n. 5.
K.J.M Varma, “Kashmir is of Vital Interest to Pak” The Tribune (Noida) February 6, 2005.
All these groups are engaged in the terrorist activities. In December, 1999, an Air India flight was hijacked which resulted in the release of the former Huw Leader Maulana Masood Azfal. The Pakistan had also been provided support to the Taliban with material, fuel, funding, technical assistance and military admires. Pakistan has not prevented large numbers of Pakistani Nationals from moving into Afghanistan to fight for Taliban. Pakistan is also providing the huge amounts to the Madrasas or the religious schools that serve as securing grounds for terrorism.\(^{10}\)

(iii) Religious Schools :- In Pakistan there are about 8,000 ‘Madarassas’ where seven lakh fifty thousand (7,50,000) to one million students learn to recite and obey Islamic Law. Many of these Madarassas or religious schools produce Islamic fundamentalists and prepare them for Jehad. Al most all the leadership of Talibans and other leaders of terrorist organisations including Mullah Omar, Azhar Masood and other were educated in the Madrasas in Pakistan. Most of them are most dreaded terrorists. The New York Times has reported that more than one thousand religious schools are engaged in brain washing girls and preparing them to ‘attain martyrdom’ by fighting in Kashmir and other parts, these religious schools often teach the ‘Koran’ and girls and women were proposed for terrorist activities.\(^{11}\) In June, 2004, General Musharraf himself admitted that many Madrasas were involved in military and extremism. At least 10 to 15 percent of the Madrasas often funded by Saudi Arabia, promoted militant form of Islam. There is considerable anti-American sentiment in Pakistan. Two-thirds of Pakistani favour the fusion of religion and politics. About 45 per cent of them have confidence in Osama Bin Laden’s ability “to do the right” in international affairs half of them think that the United States is bent upon world domination\(^{12}\).

(iv) Jehad :- Jehad means ‘to make efforts’. In the military context, it means fighting against oppression. So, Jehad action is to liberate the oppressed from tyranny. Jehad is not terror action against the innocent people nor to kill the innocent people. But according to the imagination of radical Muslims across international frontiers it is interpreted as:-

“If anyone keeps horse for Jehad in the way of Allah, motivated by his faith in Allah and his belief in his promise, then he will be rewarded on the day of resurrection for what the horse has eaten or drunk and for its dung and urine”. Indeed, power is shooting, power is shooting, power is shooting. The Jehadi document quoted so far goes on to enthuse Jehadis further citing Quoran 8:60:

“And arm against them, as far as you can with yours armed force and battle horses, so as to deter Allah’s enemy and your enemy and other besides who you do not know Allah knows them (all). And what you sacrifice for the cause of Allah will fully paid back to you and no injustice will be done unto you.”

Today the battle horses are taken to mean all forms of modern weapons. According to Sahih Al-Bukhari, whoever dies without having fought in the battle, nor having the sincere wish in his heart to fight in battle, dies on a branch of hypocrisy. Physical training for Jehad is must for all the Muslims. Muslims must be prepared to stretch their efforts to the edge of their capability. Every Muslims should take the training and participate in the Jehad, whether they are children, woman or old person.

(v) Inter-Service Intelligence (ISI) :- It is an intelligence agency of the Pakistan. Which has direct or indirect relationship with the terrorist groups and organisations. It has longstanding and indirect relationship with the Al Qaida, the United States know that terrorists had penetrated Pakistan security forces. The

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14 "Jehad in Chechnya” Azzam Publications, electronically accessed at www.quoqaz.de (German text, Translation into English by the Present Author).
15 Ibid.
16 Ibid.
17 Andrew G. Boston, "Islamic Holy war & Fate of non-Muslim" (2005) pp. 24-35.
ISI’s reliance on Bin Laden’s camps for training came to light in August 1998, when the United States launched a cruise missile attack against Al-Qaida camps near Khost (Afghanistan) in response to the bombings of two American Embassies in East Africa. The causalities included several members of a Kashmir militant group supported by Pakistan who were believed to be trained in the Al Qaida camps.\(^{18}\)

It is widely known that ISI officers have served as military advisors to the Taliban army.\(^{19}\) Several ISI officers have become intensely loyal to the Taliban and its hardline Islamic ideology. It has been noticed that ISI operatives visited Afghanistan after September 11 terrorist attacks to assist Taliban prepare its defences and strategy against United States attacks.

Indian Intelligence agencies have mapped the ISI’s activities with terrorism and drug running and even with activities subverting Pakistan’s own democracy. India has also noted that several ISI chiefs have been given important diplomatic assignments including ambassadorships to key European Countries to enable Pakistan advance its nuclear programme.\(^{20}\)

It is true fact that Pakistan’s intelligence agency ISI has overstepped all the limits. Even Pakistan’s Ministry of Defence the Sindh High Court held that it had no operational control over the ISI and the Military Intelligence (MI). The Defence Minister’s Representative Lt. Col Mohammad Iqbal Sahboo said the Inter Services Intelligence and Military Intelligence were only under the administrative control and therefore, could not enforce the court’s direction on both agencies in detention matters. It has refused to give up the position and privileges it had acquired during the Zia regime and pursued its own policy in the Afghanistan. It had access to unlimited financial resources and it perpetuated the military’s alliance with religious leaders forged by Zia-ul-Haq. The Dawn

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\(^{20}\) Ibid.
mentioned the specific example of misuse of the Mehran Bank money by the ISI to create the Islamic Jamhoori Itchad, an anti-PPP alliance. According to Pakistan’s officials, the police of Pakistan on India has been guided by its intelligence establishment, led by the Inter Services Intelligence (ISI). It has been the ISI that has propagated Pakistan using terrorism as an instrument of state policy. In fact, officials said, most of the top terrorist groups in the world have been created by the Pakistani intelligence agencies-Lashkar-e-Toiba is a wholly owned subsidiary of the ISI, as is the Jaish-e-Mohammad, both created to fuel the Kashmir militancy. The fact that they have now became bigger than their creator to evolve into an Al-Qaida associate can be construed as a dubious success.

(vi) Al-Qaida and Taliban: A senior United States security official in Kabul said that Islamabad was not doing enough to help flush out Taliban and Al Qaida Leaders from its territory but Pakistan has been accused of providing a safe heaven to Taliban and Al Qaida leadership in its tribal belt bordering Afghanistan, a charge denied by Islamabad. Marvin Weinbaum scholar-in-Residence, Middle East Institute, Washington said that Pakistan has been providing support to the Taliban and Al Qaida and they have free access to Pakistan. Pakistan president Pervez Musharaf has exposed his real game plan vis a vis the Taliban by signing with it an agreement at Miran (North Waziristan). The pact is that Taliban militants will spare Pakistani security forces and Government assets, and in return all check posts in the areas bordering, Afghanistan will be removed. The arrested Taliban activists will be released with promise not to put them behind bars. This is clear case of providing sanctuary to the forces wedded to violence. The Pakistan is following the “catch and release” strategy.

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21 Rajiv Sharma, "ISI has Overstepped all Limits the Dawn" The Tribune New Delhi July 24, 2006.
22 “Let’s not Spy on Each Other” The Times of India (New Delhi) August 24, 2006.
The alarming development came about soon after General Musharaf assured the Hamid Karzai Government in Kabul that “we are with you in fight against the Taliban and Al-Qaida”. This proves once again that what Pakistan under General Musharaf does has nothing to do with what it promises with Taliban. For some time the Taliban remnants have intensified their attacks on NATO and Afghanistan security forces. Pakistan’s hidden support to the extremists is the main factor behind this ugly reality. Taliban cadres have been having unrestricted access to Pakistan’s border towns and villages. Using them as sanctuaries Pakistani troops took the other way when they notice the movement of Taliban fighters.  

The Pakistan-Taliban pact will legalise the stay of the Taliban remnants in at least North Waziristan. Now, they will have more space and facilities to regroup themselves. The funds are not a problem for the extremists thanks to the Inter Services Intelligence (ISI) and a bomber opium crop in the areas where they have their bases in Afghanistan. The Pakistan Government is refusing to snap its links with Taliban, and helping the Taliban and the Al-Qaida. But this is false and Pakistan is providing every kinds of facilities to them.

2. Bangladesh

(i) General :- Bangladesh came into existence after the aftermath of the India and Pakistan war in 1971. India won the war with Pakistan but lost Bangladesh. Since 1971 Bangladesh did not have adequate military personnel and military equipment. Today also, its military is weak, and therefore, the required action can be taken at a low cost but the cost of action may be very heavy when the Bangladesh army gathers strength over time like that of Pakistan. Therefore, the nefarious activities are growing day by day and Government is unable to stop these activities.

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26 Ibid.
27 Ibid. See also J. L. Koul Jalali, “Global will against Terrorism” Press Trust of India, October 2, 1999.
(ii) **Terrorist Activities** :- Many terrorist groups like ULFA; and NDFB are operating in the different region of Bangladesh. India has been constantly accusing for supporting the militant groups as well as some 11 other Islamic fundamentalist organisations. The ULFA is reported to have over Rs. 400 crores of its extortion money deposited in Bangladesh’s two Banks i.e. Sonali and Rupali. According to intelligence agencies reports there have been found about 90 militant cadres training camps operating in Bangladesh alongwith the Indian border. The Government of India has brought these camps to the notice of the Government of Bangladesh. 

On August 17, 2005 about 400 small bombs suspected to have been planted by an Islamic militant outfit, exploded almost simultaneously in cities and towns across country killing at least two persons including a child and injuring 138. At least 46 suspects have been arrested from different parts of the country.

3. **Sri Lanka**

(i) **General** :- Sri Lanka has been facing the problem of terrorism for many years. The separatist group Liberation Tigers of Tamil Eelam (LTTE) has been fighting against an unresponsive and discriminatory Sinhala majority for a separate state of Eelam. The cadre’s members have no fear of death in their mind and they remain prepare to lay down their lives for fighting against the Government forces and they also consume the cyanide pill fastened around their necks when capture was imminent. The LTTE cadres are known for their high sense of discipline, strong determination, dedication, a high degree of motivation and innovation.

(ii) **Origin and Composition of LTTE** :- The Liberation Tigers of Tamil Eelam (LTTE) was formed on May 5, 1976 under the leader ship of Velupillai Prabakaran and has emerged as the most lethal, destructive, well organised and

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29 “Serious of blasts rocks Bangladesh” *The Tribune* (Gurgaon) August 18, 2005.
disciplined terrorist force in the world. The cadre is famous for their highly successful suicide killings operations.\textsuperscript{30}

The Liberation Tigers of Tamil Eelam (LTTE) cadre comprises of men, women, children, boys and girls. A deliberate policy of recruiting women and children was initiated after the signing of the IPKF accord. Nearly one-third of the LTTE cadre comprises women, who are assigned duties on the battle field, in the kitchen and in medical camps as nurses. There have been allegations of the LTTE abducting children from areas under its controls to file its dwindling ranks, and children are estimated to comprise up to 40 percent of the LTTE cadre. Recently LTTE released 35 child soldiers to be united with their parents but rebels still have many underage recruits. The child soldiers are between the ages of 12 to 18 years. According to the UNICEF the LTTE had the names of 1,301 children, some as young as 10 years old. But the Tigers say that they are not recruiting children as there were youngsters who voluntarily carry out the LTTE political and administrative work as they were unable to make a living elsewhere in the improvised region.\textsuperscript{31}

(iii) Major Strikes :- The Liberation Tigers of Tamil Eelam (LTTE) has made numerous attacks on Government, police, military and civilian targets in December 1999, the LTTE attacked on the president Chandrika Kumaratunga but fortunately she narrowly escaped. They assassinated the Tamil Politician Dr. Neelam Tiruchelvam in July 1999 and killed 34 bystanders at election rallies in December 1999. They gundown a Tamil Parliamentarian from Jaffna. The LTTE attacked on police officers killed 50 and wounded 77. They bombed on buses, trains and bus terminals and killed many persons and injured 80. The LTTE massacred more than 50 civilians in September 1999. They attacked at Sri Lanka Air Force and killed 21 Tamil civilians in 1991, they assassinated the former Prime Minister of India Rajiv Gandhi in 2000, they killed more than 100 persons

\textsuperscript{30} Supra n. 5. p. 119.
including Minister of Industrial Development Gonaratne and wounded dozens. On June 26, 2006 a suspected Tamil Tiger suicide bomber rammed on explosive-Laden motor cycle against the car of a top Sri Lankan Army General killing him along with three others on the outskirts of the capital. The Major-General Paramikalatunga who was the third-highest ranking officer in the army, was traveling to work when the suicide bomber banged his motor-cycle against the officer’s at the Pannipityita. Two soldiers, eight persons and a bystander were killed. On April 1, 2004 atleast nine persons were killed and many injured. On December 12, 2004. They killed the 2 persons and wounded 19 including the former wife of cricketer Ravi Shashtri. The LTTE has killed 65,000 persons till 2002. On April 5, 2007 LTTE rebels shot dead four Sri Lankan farmers in the Island’s northeast. On March 27, 2007. LTTE suicide bomber attacked on Lankan Army camp and killed 9 persons. This was first air attack on the camp. The Sri Lanka Government said “LTTE now has become a Global threat”. On April 2, 2007 at least 16 people were killed and 25 wounded when suspected LTTE rebels set off a blast abroad a crowded bus in eastern Sri Lankan. On May 30, 2007 Tamil Tigers Rebels attacked around Colombo and killed 9 persons and wounded 50.

4. United States of America (USA)

(i) General: The United States of America (USA) has been regarded as a very rich and powerful country in the world. It is also called super power in the world. But, it is also not spared from the activities of the terrorists.

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33 “At least nine killed and some wounded” The Tribune (Noida) April 10, 2002.
34 “Blast 2 killed and many Injured” The Tribune (Noida) December, 13, 2004.
35 G. Anandalingana, “Terrorism and Technology Workers” Indian Times (New Delhi) may 31, 2002.
36 “LTTE men killed is Farmers” The Tribune (New Delhi) April 6, 2007.
37 Suicide attack on Lankan Army camp, 9 killed” The Tribune New Delhi March 28, 2007.
(ii) Gravity of Problem of Terrorism: Many terrorist groups have been working in it and they have made a number of attacks. In 1995, there were two suspected terrorist acts recorded. In 1996 three, in 1997 four, in 1998 five, in 1999 twelve and from 2000 to till now many more acts have been recorded. Now it has been a grave concern to the national security. The Al-Qaida organisation led by Osama Bin Laden, activities has resulted in large-scale casualties and destruction in the United States. The single common objective of these organisations is to overthrow all Governments which are not ruled according to the Shariat or conservative Islamic law.40

The United States was not so much concerned before attack in 1993 and in September 2001 on the World Trade Center and the Pentagon, in which more than 5,000 people were killed and many thousand injured. It was the most serious terrorist attack in the United States in the whole world. A number of organisations are operating in the United States for instance, extremist groups such as the Palestinian Hamas, the Irish Republican Army, the Egyptian Al-Gama AL-Islamiya, the Lebanese Hizballah and the Al-Qaida. These groups have their presence in the USA and their members are primarily engaged in the fund raising, recruiting and low level intelligence gathering.41 Hizballah group has been responsible for deaths of more Americans than another terrorist group. The notorious acts committed by this groups are in 1983 it struck the United States Embassy and Marine Crops Barracks in Lebanon, in 1984 struck of the United States Embassy Annex in Beirut and in 1985 hijacking of TWA Flight 847.

(iii) Incident of Terrorists Attacks: Some major terrorist incidents reported in the USA are as follows:

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In 1988, terrorist deadly attacked on the downing of pan AM 103 in which 189 Americans were killed and many injured.

In 1990, 12 American were killed and 11 injured in attack.

In 1991, there were 7 Americans totalities and 14 casualties.

In 1992, 2 American were killed and many wounded.

In 1993, 109 persons were killed and 1,393 were injured in the attack of the World Trade Centre.

In 1994, total incidents recorded near about to 66.

In 2001, terrorist attack on World Trade Center and the Pentagon in which 5000 people were killed and many thousand injured.

According to the State Department, anti-united states acts/attacks are as follows :-


September 11, 2001 terror attacks on the World Trade Center and Pentagon in which 5000 person were killed and many thousand were injured, the main plotter Mr. Zacarais Moussaoui, a French National of Morocean descent, is the only person charged for the death penalty for plotting the attacks. Moussaoui was in jail on September 11, 2001, after being picked up on immigration violations. But the Jury ruled that he lied to investigators that prevented them from identifying and stopping some of the hijackers on that fateful day. Defence Attorneys focused on Moussaouï’s mental health, calling experts who testified him as being a delusional paranoid schizophrenic. While some of Jurors found that mental illness ran in Moussaoui family, none found him to be so mentally ill to consider it a mitigating factor for trial on the witness stand, Moussaoui displayed a complete lack of remorse for the deaths he had caused, saying he was sorry only that the attacks were not more lethal. “America, you lost – A won”, Moussaoui shouted after the Jury rejected the death sentence.42

5. Afghanistan

(i) General: Afghanistan is regarded as a center of training for the world wide terrorist activities. Many Pakistani terrorists have taken the training of the terrorist acts Afghanistan. The Taliban, which controlled the most of Afghan territory, permitted the operation of training and in doctrinarian facilities for non-Afghans and provided the logistic support to various kinds of terrorists groups including the Jihads in Chechnya, Lebanon, Kosovo, Kashmir, Pakistan etc. The Taliban had continued to host Osama bin Laden indicted in the November 1998 for the bombings of two United States embassies in the East Africa. The United States had sanctioned on the Taliban and repeatedly made clear that they will be held responsible for any terrorist acts committed by Bin Laden while he was in their territory.

(ii) Role of Al-Qaida and Taliban: The Al-Qaida had made many attacks in the many countries. On December 25, 1999 the Taliban supported the hijacked Indian Air Lines flight 814 to land at Kandhar airport. The hijacking ended on 31 December when the Indian Government released three prisoners who were in the Indian Jails in exchange of the passengers aboard the aircraft. The hijackers murdered one of Indian passangers during the course of the incident. The Taliban did not take action against the hijackers and stated that they should leave the Afghanistan.\(^{43}\) Till year 2000, the Taliban had continued to host the Osama Bin Laden despite the United Nations sanctions and the international pressure to hand over the Osama Bin Laden to stand trial in the United States. In October 2000, a terrorist bomb attack against the US cole in Aden Harbor, Yemen killed 117 United States sailors and injured many others. In September 2001, the Al Qaida attacked on the World Trade Center and the Pentagon in which more than 5000 people were killed and many thousand injured. It was a most destructive terrorist attack in the United States in the world. The Al Qaida group was held responsible

\(^{43}\) Supra n. 5. See also P.S. Suryanarayana, "Afghanistan: 9 State of New Concern" The Hindustan Times (New Delhi) January 6, 2001.
for this attack by the USA and in return the USA attacked on the Taliban. After many days struggle, the America got some success but Osama Bin Laden whereabouts still remained unknown.

According to American Intelligence and counter-terrorism, the senior leaders of Al-Qaeda operating from Pakistan have re-established significant control over their once battered worldwide terror network and have setup a band of training campus in the tribal regions near the Afghan border. Further American officials said their was mounting evidence that Osama Bin laden and his deputy, Ayman Al-Zawahri, had been steady building an operations hub in the mountainous Pakistani tribal area of North-Waziristan. The United States has also, identified several new AL-Qaida compounds in North Waziristan and these compounds work under the guidance of their commanders and Zawahri. The Al-Qaida infrastructure in the region is gradually becoming more mature and gaining more strength despite more than 5 years of a sustained American led campaign to weaken it. The Al-Qaeda’s resurgence in Afghanistan and Pakistan has become a major problem for the Bush Administration.44

(iii) Major Strikes: They are mercilessly killing the innocent person. Recently terrorist kidnapped an Indian engineer K. Suryanarayana and M.R. Kutty and beheaded them is the inevitable outcome of a situation wherein Pakistan is now in a position to blatantly support the Taliban in an effort to destabilize the United States backed Hamid Karzai’s Government in Afghanistan. The United States Department’s co-ordinator for counter-terrorism Henry Crumpton Stated in Kabul that most of the Al-Qaeda and Taliban leaders are in Pakistan and the United States did not know where Osama Bin Laden was hiding, he was probably in or on the Pakistan side border Mr. Crumpton said that Pakistan is not doing enough to root out Al Qaida and Taliban leaders who have found safe heaven on the soil of Pakistan. He further added that the alliance of Al-Qaida and Taliban Leaders

were stepping up violence in the southern and Eastern provinces of Afghanistan bordering Pakistan has been the birth place of Taliban.\textsuperscript{45}

On November 25, 2006, A suicide bomb blast in a restaurant in eastern Afghanistan and killed 15 Afghans most of them were soldiers.\textsuperscript{46} On the same day. At least 40 Taliban insurgents were killed in an operation by the Afghan police in Uruzgan province.\textsuperscript{47}

On May 19, 2007, A suicide bomber killed 10 Civilians and wounded at least 30 others people including foreign troops in a crowded market in south eastern.\textsuperscript{48}

On June 10, 2007, Taliban Guerillas attacked on President Hamid Karzai but fortunately he narrowly escaped and on the same day in another incident 47 Taliban killed in a battle between police and Taliban militants.\textsuperscript{49}

On June 23, 2007, 80 Taliban Insurgents killed by the Foreign forces.\textsuperscript{50}

6. Chechnya

(i) General :- The Chechnya came into existence after fall of the Russia. It is a tiny republic in the North Caucasian region the Russian Federation and is situated between the Black and Caspian seas in the South-West of Russia. The disintegration of the USSR at the end of 1991 resulted in creation of 15 separate countries, most of whom chose to remain members of the Commonwealth of Independent States (CIS). The Chechens regarded as freedom loving people and they speak the language of Turkic and belong to Islam. Grozny is capital of Chechnya. Dzokhar Dudayev was given the charge of the Independent Chechnya after disintegration from the Soviet Union in 1991. Dudayev was was an air force General and a member of the Chechnya. The Russian President Boris Yeltsin did nothing for almost three years for Chechnya after handing over the charge to the


\textsuperscript{46} "Suicide blast 15 Afghans dead" The Tribune (New Delhi) November 26, 2006.

\textsuperscript{47} Ibid.

\textsuperscript{48} "Blast Suicide Bomber kills 10 in Afghanistan" The Tribune (New Delhi) May 20, 2007.

\textsuperscript{49} "Karzai unharmed in Taliban attack" The Tribune (New Delhi) June 11, 2007.

\textsuperscript{50} 80 Taliban killed The Tribune (New Delhi) June 24, 2007.
Dudayev. There were no arm and ammunition. Most of the skilled workers had left the Chechnya and gone to Russia. To run this state, Dudayev began criminal networks that is arms smuggling, money laundering and drug trafficking. Many believe that Dudayev being an educated Chechen has belonging to the former Soviet elite and direct negotiations with Yeltsin.

(ii) Proxywar between Chechnya and Russia :- The Yeltsin Government launched military action against the Chechnya Dudayev with hoping to conquer the Chechnya. The Russians had to fight a cruel and protracted war and there were gross human rights violations. In May, 1996, Dudayev killed. After his death Chechen leadership passed in to the hands of the fanatical leader Shamil Basayev who began mobilizing the Chechens in the name of Islam.\(^{51}\) The Russian’s Secretary of Security Council General Alexander Lebed sent to mediate with the Chechens General Lebed.

(iii) Chechen Warlord Shamil Basayev : The Chechen warlord, Shamil Basayev, most wanted man in Russia has been killed in an operation by Russian special forces in the southern Russian province of the Ingushetia in the volatile North Caucasus bordering Chechnya.\(^{52}\) Shamil Basayev was the face and brains of the Chechen rebels, but his death is unlikely to be a fatal blow to the insurgency that has bloodied Russian troops for a dozen years and whose violence has spread throughout Russia’s poor and resentful largely Muslim North Caucasus. As Basayev thrived for years after a Russian mine blew off one of his legs, the Chechen rebels have kept up their fight despite the loss of an array of charismatic and wily leaders.\(^{53}\)

(iv) Major Terrorist Attacks :- On June 14, 1995, Hospital attack in Budyonnovsk, north of Chechen border kills 100.

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• On August 1999, Apartment bombings kill 300 in Moscow and two other Russian cities.
• On October 23, 2002, Takeover ends with 129 hostages and 41 Chechen militants dead at Moscow theater.
• On December 27, 2002, suicide trends bombing on Chechnya’s Moscow-based Government headquarters in Grozny kills 72.
• On December 5, 2003, suicide bombing on computer train kill in Southern Russia.
• February 6, 2004, Moscow subway explosion kills 41.
• May 9, 2004, Attack kills Chechen president Akhmed Kadyrov and 24 people in Grozny.
• August 24, 2004, Simultaneous air crash on take off kills 90 at Moscow airport.
• August 31, 2004, Suicide bombing outside Moscow subway station kills 10.
• September 1, 2004, Besian school seizure ends with 331 civilians killed.
• October 13, 2005, Attacks on capital of Kabardina-Balkariya republic kills 139, including 94 militants.54

7. Russia

(i) General: Russia has been facing the menace of Islamists extremists for past many years. There have been operating many Islamists Extremists Organisations which receiving funds and support from the foreign Mujahideen. They have also extensive links to Middle East, South Asian and Central Asian Islamist Extremists groups as well as with Osama bin Laden. The Chechen militant activity has been thriving in the Russia. Russian troops are confronting with militants in routine. They entered Chechnya in a campaign to eliminate the foreign terrorists from the

54 Ibid.
North Caucasus. Russian cities are full of victims and raised concern about terrorism in the Russian Federation.\textsuperscript{55}

(ii) **Major Incidents**: There have been many terrorist incidents in Russia some of the major strikes of the terrorists are as under:

- On September 4, 1999, a truck bomb exploded in front of an apartment complex at a Russian military base in buybacks, Dagestan, killing 62 persons wounding 174. On the same day, authorities discovered a second bomb on the base and it was disarmed before it could caused casualties.

- On September 8 & 13, 1999, a powerful explosions demolished two Moscow apartment buildings killing more than 300 persons and wounding 200 others.

- On September 16, 1999 Powerful exploded in volgodonsk city, killing 17 persons and injuring more than 500 persons.

India and Russia discussed the problem of terrorism and agreed to combat terrorism. Russia's Foreign Minister Mr. Safonov evoked concern over the terrorist threat that still emanates from Afghanistan despite the United States led anti-terror campaign. He said that this problem should be tackled collectively.\textsuperscript{56}

8. **Israel Palestine**

(i) **General**: The Gaza Strip is the main issue of the Israel and Palestine and both countries are fighting against each other for seizing and grabbing it. The Israel has been surreptitious and continuing the land grab in the West Bank in 1858 it had seized the 59 percent territory of West Bank. The Palestine only has control over 22 percent. Israel has 106 settlements, 400,000 settlers and 23 local authorities in the West Bank. The 2.2 million Palestinians who are being increasingly marginalized are not allowed to use the security roads that carries cross the territory linking Jewish settlers. The 700 km fence (walls of razer wire and deep ditches) which Israel is now building at a cost of $ 2 million per


\textsuperscript{56} The Hindu (New Delhi) April 7, 2004.
kilometer will encroach on another 8 percent of the West Bank. The United Nations (UN) has denounced it as "an unlawful act of annexation." The United Human Rights Commission also warned that by cutting of 210,000 Palestinians from the employment, schools and social services, the fence will bread a new generation of refugees and displaced people. Unemployment is high, 60 percent. Houses are regularly demolished. Palestinian villages are starved of water, and their fields and orchards are lopped off by Jewish settlements, Israeli fortifications, roads and fences. The Hague has also expressed concern over such permanent changes in the occupied territory. The Israel's Supreme Court as well as the International Court of Justice at the Haque has expressed concern against the fencing.\textsuperscript{57} Israel conquered the Gaza strip from Egypt in 1967 war which Egypt gradually abandoned.\textsuperscript{58} 

(ii) Role of Sheikh Ahmad: Sheikh Ahmed Yasin, a spiritual leader of Hamas, assassinated by Israel was born in Mid 1930s. He along with his family, has been living in the Gaza strip for a long time. He loved very much to his native land. He grew up at a time when the British and the others were conspiring to seize his dear land. He had seen the flight and miseries of the Palestinians. In 1948, he vowed to liberate Palestine. He was attacked by paralysis at an early age. In 1960, he formed an organisation which is called the Palestine Liberation organisation (PLO). Some were not satisfied with him. He surely would have been ignored in mid 1960s when the PLO had become the buzzword. He lunched the first Palestinian anti-fathwa, which began in 1987. This also mark the beginning of Palestinian resistance in the occupied territories, as until now it was carried by the PLO from the Lebanon and other Arab countries. He was helped to form the HAMAS which is short form of an Arabic name that means the

\textsuperscript{57} Sunanda K. Datt Ray "It will lead to for Terrorism" The Tribune (New Delhi) March 27, 2004. 
\textsuperscript{58} Ibid.
movement for Islamic Resistance. HAMAS workers have carried out their activities with exemplary zeal conviction and commitment.

(iii) Key Incidents:

- **On March 21, 2004**, Spiritual leader of the Palestinian group ‘HAMAS’ Sheikh Ahmed Yasin was killed in an Israeli air strike when he was leaving a mosque in Gaza city; six body guards were also killed and 15 persons injured. He had been fighting in the region for the past 50 years.

- **On March 21, 2004**, Israeli troops killed three Palestinian militants and two by standers in Gaza strip raid that sparked clashes.

- **On March 26, 2004**, Palestinian militant group HAMAS has threatened “an earth shaking response” to Israeli’s assassination of HAMAS founder Sheikh Ahmed Yassin. The threat was made by group’s military wing, Ezzedine-al-Qassam Brigades, in a video tape broadcast by the Al-Abrabiya satellite channel.

- **On April 16, 2004**, the militant Palestinian Islamic resistance movement Hamas, greeted at a rally in the Gaza, the purported comments by Osama bin Laden that he would seek revenge for Israeli’s assassination of the Sheika Ahmed yasin.

- **July 10, 2006** Israel pounded the Gaza strip with fresh air strikes. As many as 42 Palestinians and an Israeli soldier were killed since Israel poured tanks and troops into the Gaza strip in a bid to stop Palestinian rocket attacks and to win the release of a captive soldier. One Palestinian militant was also killed and seven other people wounded in Israeli air raids.

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over Gaza city. An Israeli assault helicopter also bombed a metal workshop in the city.65

- **On July 15, 2006** Israeli air strikes killed at least 30 civilians pounding Lebanon for a fourth straight day to punish it for letting Syrian and Iranian backed.66

- **On April 18, 2004**, Israel assassinated the top HAMAS leader Abdul Aziz al-Rantissi in a missile strike giving a major blow to the militant group before a planned United States backed withdrawal from the Gazastrip. Two of Rantissi’s body guards were also killed in the attack in which two missile were fired at a car. The senior HAMAS leader Ismail Haniya said “Israel will regret this, revenge is coming and this blood will not be wasted.”67

- **On July 12, 2006**, Israel killed at least 24 Palestinian in the Gaza strip including members of one family in the air strike. They also destroyed a house where the Army Senior Commanders of the HAMAS were meeting. HAMAS, which came to power in the Palestinian territories after January 2006 election, is dedicated to Israel’s destruction. Israel launched the air strikes after militants including HAMAS gunman abducted a soldier state. Israel pulled troops and Jewish settlers out of Gaza after 38 years of occupation.68

- **On July 13, 2006**, Israeli in air strike destroyed the office of the Palestinian Foreign Minister Mahmoud Al Zahar while fighting along a second front in Lebanon to free a captured soldier and stop Palestinian militants firing rockets into the Jewish state. Zahar, a senior leader of the ruling HAMAS Isamist movement said that Israel is targeting to everybody, every house and every tree of the Palestine.

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9. Lebanon Israel

(i) General: There has been a complicated problem between the both countries and both are raiding on each other.

(ii) Major Strikes: Following major strike are as under:

- **On July 13, 2006**, Israel struck airport and blockaded Lebanese ports expanding reprisals that have killed 52 civilians in Lebanon since Hezbollah captured two Israeli soldiers and killed eight a day earlier. The Lebanese Shia Muslim group retaliated by raining rockets onto towns in northern Israel. A woman killed and 29 people were injured, including children in Nahariya Israeli. The violence has been fierce since 1996. According to Israeli's security forces in air strikes in the south Lebanon at least 50 civilians killed and more than 100 were wounded. Ten members of a family were killed in Dweir village and 7 family member died in baflay. A Lebanese soldier killed and two civilians and a Bezbollah fighter also killed in the air strikes. Hezbullah said it seized the Israeli soldiers to win freedom for Arab Prisoners in Israel and had fired 60 rockets at Nahariya in response to the massacres of civilians in the south and assaults on infrastructure.  

- **On July 16, 2006**, Hezbollah rockets killed 8 persons in the Israeli city of Mafia and bombs shook Beirut as Israel pursued a five-day old assault in Lebanon aimed at crippling the Muslim group. Hezbullah said the attack was in revenge of Israelis killing of civilians and destruction of Lebanese infrastructure. In these operations 20 persons were also wounded in Haifa, Israeli's third largest city which was hit by about 20 rockets, including one that struck a railway station causing most of casualties.  

- **On July 17, 2006**, Nine Lebanese soldiers were killed and many more wounded in Israeli air strikes on two army bases on the northern Lebanese

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coast. The troops were killed in strikes on an army base at the port of Tripoli and at Abdeh there could be more causalities. According to the Lebanon sources, more than 300 persons, mostly civilian, have been killed and hundreds wounded during past eight days of Israeli military action. According to reports about three Indian going missing and it was evacuating about 1000 persons from Lebanon. There are about between 1000 to 2000 Indians. Israeli launched wave of air strikes on Lebanon and Hezbollah fighters unleashed a barrage of Rockets. In these strikes at least 38 Lebanese civilians and 4 soldiers were killed five Israeli soldiers were also killed in action.

10. United Kingdom (UK)

(i) General: The United Kingdom is also not spared from the activities of terrorists. Terrorists have made many attacks on it. During the early 1990s the city of London was attacked a number of times by the IRA. The IRA has been demanding a separate state. The initial security responses were the result of large bombs that exploded in the city in April 1992 and 1993, as well as a number of smaller detonations. Subsequently, strategies were devised for the city which included the construction of road blocks, the use of armed check paths, the development of a series of public and private CCTV networks, a number of traffic restrictions, increasingly visible policing and a series of private initiatives.

(ii) Role of IRA: The Irish Republican Army started its campaign in the 1990s and aim was to bring terror to the heart of London. Until February 1992, a small terrorist bomb exploded in Fernival street in the northern city. After April 1992 such incidents enhanced and IRA exploded another bomb in the Baltic exchange at St. Mary Axe, in the heart of city. This was the first major bomb strike in the city. After this bomb attack, some traffic management measures were introduced

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71 "a Lebanese soldiers were killed in Israeli strikes" The Tribune, July 18, 2006.
73 "Lebanon cease fire comes into Effect" The Tribune, August 14, 2006.
on experimental basis on a number of city roads especially these in the vicinity of prominent city buildings by the authority.74

(iii) Major Incidents :- Some major strikes are as under :

- **On July 1990**, IRA attacked on the stock exchange
- **On February 1992**, bomb exploded at Fernival Street.
- **On April 1992**, another bomb exploded at St. Mary Axe.
- **On June, 1992**, A minor explosion in Coleman Street in the center of the Square Mile.
- **On April 24, 1993**, IRA exploded a bomb at Bishops gate.
- **On August 1993**, a bomb found in the Worm Wood Street.
- **On September 1994**, IRA ceasefire due to the downgrading of visible police presence and check post become permanent.
- **On February 1996**, a bomb detonated in Docklands in the city of London and Manchester.
- **In 1997**, IRA was involved in blowing up various electricity substation around the capital.
- **On February 1997**, decision taken to extend the rising of Steel Westwards.
- **On September 2001**, 9/11 attack and fear of further attacks.75
- **On July 7, 2005**, at least 7 explosions six in London subway and one in a double-decker bus went off during morning rush hour killing 45 persons and injuring 1000, forcing authorities to shut down the entire underground network and bus services. A group calling itself “The Secret

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Organisation of Al-Qaida in Europe" said it has carried out the blasts in retaliation to Britain’s involvement in Iraq and Afghanistan.76

- **On July 21, 2005**, Four explosions rocked three tube stations and a bus in The Midday immediately, after the explosions at Oval, Shepherds Bush and Warren Street Subway Stations and a bus on Hackney road in the east London the British Capital was put on high alert but no casualties occurred.77

- **On August 10, 2006**, A bomb plot failed in the U.K. The plan was made to blow up 11 planes over the pacific with a liquid explosive. The teenaged son of a Muslim immigrant from India and a suspected Al-Qaida leader in Britain are among the 24 persons arrested in connection with the failed plot to blow up the United States-bound planes from Britain. The 17 years old Abdul Patel was the youngest terror suspect.78

The United Kingdom has made many laws to control international and domestic terrorism. The police have authority to arrest, detain, confiscate evidence and seize cash suspected of being used to fund terrorist activities and designated terrorist organisation. The United Kingdom has passed two important counter terrorism laws and continued its close co-operation with the United States and others made in the fight against terrorism. The Anti-Terrorism Act 2000 passed in July and effective in February 2001 replaces temporary and emergency laws dealt with Northern Ireland related terrorism. However recently, it Act has repealed and passed the Anti Terrorists Act 2006. At present, this is in operating. London and Washington are working together to combat terrorism. United Kingdom and India have also made agreement to combat terrorism collectively.

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11. Tajikistan

(i) General: Tajikistan is also facing the destructive menace of terrorism. There have been several incidents of domestic terrorism occurred between 1999 and 2000. The IMU is a significant international terrorist organisations which is active in the Tajikistan in 1999.

(ii) Terrorist Strikes: In 2000, a small car bomb planted on a vehicle belonging to the European Community Humanitarian Organisation exploded in Dushanbe and several children were injured. In October 2000 an unoccupied car belonging to the Chairman at the Democratic party was bombed. In December 31, 2000, four churches were bombed, several causalities resulted from the bombing. The Tajikistan Government does not support the Islamic Movement of Uzbekistan (IMU). Although it is unable to check the activities of this organisation.

12. Uzbekistan

(i) General: Uzbekistan is also not spared from the activities of the Islamic Movement of Uzbekistan (IMU). The United States has designated the IMU as a foreign terrorist organisation.

(ii) Terrorists Attacks: In February 1999, IMU exploded 5 car bombs in the Down Town Tashkent City and Killed 16 persons and injured more than 100. The Government had arrested many suspects persons who were involved in the bombings. In November 1999, the Uzbekistani forest rangers encountered a group of IMU members in a and four foresters and three Ministry of Internal Affairs policemen were killed.

On April 6, 2004 at least 22 persons were killed and dozens wounded in a series bomb attacks. The Uzbekistan authorities blamed the attacks on radical Islamists linked to the Al-Qaida.

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80 Ibid.
13. Spain

(i) General: Spain is also suffering from the destructive and heinous activities of Terrorists.

(ii) Terrorist Attacks: Recently, the Al-Qaida organisation attacked on the Madrid computer train of Spain and killed 191 persons and injured 1500. It said that the Spain was warned to withdraw its forces immediately from Iraq and Afghanistan or face consequences. The Spain did not withdraw its forces. The organisation felt that the Spain helped the USA and its allies which are considered by them as enemies of the Muslim community.  

14. Algeria

(i) General: Terrorism in Algeria has been simmering for long time. Religious Terrorism in Algeria is associated with Mustafa Bouyali a man who conducted a violent struggle against the state from 1981 until 1987. When he was killed his followers never laid down arms.

(ii) Gravity of Problem of Terrorism: The Armed Islamic Group (GIA) came into being in October 1992. It attracted many other Islamists between 1993 and 1994. It grew not only in the center of Algeria but also in the east and west of the Algeria. In January 2000, Armed Islamic Group militia (composed of about 800 militants) declared that they would abide by the peace. From 1995 to 1998 Islamic militants mainly relied on violent clashes with security forces. From 1996 to 1999 violence level of these militants was very cruel and there were a series of massacre. These massacres involved militants armed with guns, crude bombs, knives and ammunitions. According to an estimate, the violence has taken the 150,000 lives in Algeria. On April 11 2007, terrorists struck at the Prime Minister office killing 30 persons and injuring more than 160. On April 26, 2007 terrorist’s struck and killed many innocent people. Recently, on September 9, 2007 at least 28 persons were killed and 60 injured in bomb blast.

83 Supra n. 42 p. 299-304.
15. Georgian

(i) **General** :- It has also been facing the spillover violence from the Chechen conflict. Russia pressurised the Georgian Government to introduce the stronger border to stop the flow of man and arms because Chechen fighters entered Georgia with refugees to hide.

(ii) **Key Incidents** :- In 1999 terrorists kidnapped 7 United Nations Observers and demanded a significant ransom for their release. In 2000 Georgia faced the violence from the Chechen conflict. Terrorist hostaged the two International Red Cross Staff employees in the Pankisi Gorge and later released under the condition that the kidnappers would not face any kind of criminal charges.

16. Armenia

(i) **General** :- Armenia is also not spared from the problem of terrorism. Terrorists have made many attacks.

(ii) **Key Incidents** :- Five Armenian gunmen opened fired on a parliament session October 1990, killing 8 Government leaders including Prime Minister Vozgen Sarkisyan and the National Assembly Speaker Karen Demirchyhan. The gunmen claimed that they were protesting against the inaction of Government which is responsible for miserable social and economic conditions of the Armenia since many years. On November 25, 1999, terrorist threw a grenade on the Russian Embassy compound causing no injuries but damaging many cars.

17. Azerbaijan

(i) **General** :- It is also facing a serious threat from the international terrorism. The Mujahideen organisation has been operating within its borders. Due to many serious incidents of the terrorist groups, Azerbaijan has increased its border controls with the countries. In 2000, it took strong steps to curb the international networks of the Cheney's fighters and international Islamic organisations. Azerbaijan police arrested seven men under suspicion of working with the Mujahidin and the Islamic groups.
18 Other States:- Turkey and Japanese Switzerland also suffering from the international terrorism. Many kinds of incidents have occurred in both countries and many people have been killed.  

C. Legal Principles against International Terrorism

General :- International terrorism has to be curbed at any cost otherwise it will prove very fatal to whole the world. In a past a number of attempts have been made to control it within and outside the League of Nations and the United Nations organisation. On December 10, 1934, the council of league of nations unanimously passed a resolution to constitute a committee of Experts with a view to draft a tentative International Convention to curb offences in pursuant of political terrorism, after the assassination of King Alexander I of Yugoslavia and the Prime Minister Louis Barthou of France on October 9, 1934. From Nov. 1 to 16, 1937, an International Conference held in Geneva. Two conventions were adopted by this conference. The first was the Convention for the Prevention and Punishment of Terrorism and the second, the Convention for the Creation International Criminal Court. The conventions did not come into force for want of requisite ratifications. After the establishment of the United Nations, many conventions have been held for the suppression of specific forms of international terrorism which are briefly discussed as under :-

1. Air Craft Hijacking:

Four conventions and a protocol have been held for purpose of suppressing the acts of unlawful interference in the operation of air services. These conventions are as under :-

(i) The Tokyo Convention, 1963 :- The convention of offences and certain other acts committed on board aircraft was signed at Tokyo in a diplomatic conference

\[\text{For More Details, See Appendix B.}\]

The first convention received only one ratification that of India on January 1, 1941. The convention did not enter into force. See also Feodor Starcevic "U.N.'s role in combating terrorism". The Hindustan Times, April 14, 2002
on September 14, 1963. It came into force on December 4, 1969. Article 1 clause 1 covers:

(a) offences against penal law.

(b) acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board.

The applicability of the convention has been elaborated in the clause 2 which provides that “the convention shall apply in respect of offences committed or acts done by a person on board any aircraft registered in a contracting state, while that aircraft is in flight or on the surface of the high seas or of any other areas outside the territory of any state.”

Clause 4 which exempts the application of the convention to aircraft in the military, customs or police services.86

(a) Defects in the Tokyo Convention :- There were a number of deficiencies and shortcomings in the Tokyo Convention which are as follows:

(i) the Convention neither defined the term hijacking nor made any effort to deal with the offences itself presumably because the act of hijacking was not regarded as a crime. It simply laid down that what would be consequences if the hijacking takes place.

(ii) the Convention did not extend to domestic airlines (except when the airlines pass over the high seas.

(iii) There was an absence of the provision regarding clearly formulated principle of inescapable punishment whereby the offender may be taken into custody by the contracting state initiate criminal proceeding or extradite the offender. Article 16 makes it clear that the convention does not create an obligation to grant extradition.87

87 Ibid.
(ii) **The Hague Convention, 1970** :- There has been an alarming increase in the incidents of hijacking of aircrafts. In year 1968, there were 30 successful incidents of hijacking and in 1969 the number 89. These incidents had jeopardized the operation of the air-services. All these incidents perhaps occurred due to the deficiencies in the Tokyo Convention. In order to curb the hijacking incidents another convention was held on December 16, 1970 at the Hague. Therefore it is called as the Hague Convention. The main purpose of this Convention was to suppress the activities of unlawful seizure of aircrafts. It came into force on October 14, 1971. Article 1 of the Convention defined the offences which may be covered by the Convention. – It states that “any person who on board an aircraft in flight:-

(a) unlawfully, by force or threat or by any other form of intimidation, seizes, or exercises control of that aircraft, or attempts to perform any such act, or

(b) is an accomplice of a person who performs or attempts to perform any such act, commits an offence”. Thus in addition to actual wrong doer, his accomplice also would be deemed to be guilty of the offence under this Convention.

Article 2 of this Convention requires each contracting state, to make the offence punishable by serious penalties. The Convention applies to international as well as domestic flights. Further, it also applies forced landings. Article 7 of this Convention made it imperative for the contracting state in the territory of which the alleged offender is found, if it does not extradite him, to submit the case, without any exception whatsoever to its competent authorities for the purpose of prosecution. But, the Convention does not provide prosecution as obligatory. The competent authorities will decide about the prosecution in each case whether case is of any ordinary offence or serious nature offence.88

Article 8 of the Convention stipulates the extradition of offenders. It says that “the offence shall be deemed to be included as an extraditable offence in any existing extradition treaty”, and it shall be an obligation of the contracting states

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88 Dr. H.O. Aggarwal, "International Law and Human Rights" (2001) pp. 582-598.
to include the offence as an extraditable offence in every future treaty. Therefore, this convention may be considered as constituting an extradition treaty in respect of the offence of hijacking and the same will not be deemed as a political offence. The offender shall have to be extradited even if the offence has been committed for political gains. Further, the Convention also provides that "the extradition shall be subject to conditions provided by the laws of the respected states." 89

(a) Shortcomings of the Hague Convention :- There has been a number of deficiencies in the Hague Convention these are as follows:

(i) the scope of the convention is not wide;
(ii) the convention only protects an aircraft in flight;
(iii) the convention protects an aircraft in flight only in the event of seizure;
(iv) an act is qualified as an offence only when it is committed by a person on board the particular aircraft;
(v) the Convention does not provide any relief for damage caused to passengers and goods;
(vi) the Convention failed to recognize that hijacking is a crime under the International Law.

(iii) The Montreal Convention, 1971 :- This Convention was held on September 23, 1971 as a diplomatic conference in Montreal. The main purpose of this Convention was suppression of unlawful acts against the safety of Civil Aviation. It came into force on December 14, 1971. Article 1 of this convention lays down that "any person commits an offence if he unlawfully and intentionally:

(a) performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of the aircraft; or
(b) destroys an aircraft in service or causes damages to such aircraft which renders it incapable of flight or which is likely to endanger its safety in the flight; or
(c) places or causes to be an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft or to cause damage to it which is likely to endanger its safety in flight; or

89 Ibid.
(d) destroys or damages air navigation facilities or interferes with their operation, or
(e) communicates information which he knows to be false thereby endangering the safety of an aircraft in flight.

Further it says that "a person also commits an offence if he :-
(a) attempts to commit any of the offences mentioned in the paragraph 1 of this article or
(b) is an accomplice of a person who commits or attempts to commit any such offence"

(c) The above mentioned provisions of this Convention are directed against those acts which endanger the safety of the aircraft in flight. Some other provisions of this Convention regarding the prosecution and extradition are identical to the Convention of Hague.

(iv) The Protocol to the Montreal Convention 1988 :- A protocol to the Montreal Convention held on February 25, 1988 at Montreal Headquarters of the ICAO. It came into force after it has been ratified by 10 states. The protocol stipulated severe penalties for unlawful international acts of violence against persons at an airport serving international civil aviation which:

(a) causes or are likely to cause serious injury or death or
(b) damages the facilities or disrupts the service at such airport. Severe penalties are provided in this convention for such persons. Parties to the protocol would be expected to establish their jurisdiction over the offence not only if the offence is committed in their territory but also when the alleged offender is present in their territory and the offence committed elsewhere. They would have the choice either to extradite the offender to the state where ac was committed or to present the case to their own authorities for purposes of prosecution.⁹⁰

⁹⁰ Ibid.
2. The Marking of Plastic Explosives for the Purpose of Detection Convention, 1991: The International Conference on Air Law adopted the Convention on the Marking of Plastic Explosives for purpose of detection. It was held in February-March 1991, at the Montreal headquarters of the ICAO. This Convention required the countries to prohibit and prevent the manufacture in their territory of unmarked explosives, as well as movement of such explosives into or out of their territory. All the plastic explosives have to be marked by the manufactures with any one of four 'detection agents' agreed upon by the conference. Further, it is also provided that within three years, plastic explosives stocks not specially held for military or police activities are to be destroyed, used or rendered ineffective. Those for military or police functions are to be similarly disposed of within 15 years. An International Explosive Technical Commission will be setup, which would assess developments in plastic explosive manufacturing marking and detection, and keep the international community informed. The main purpose of this Conventions is to prevent the explosive manufacturing as well as movement in or out of their respective territory.

3. The Taking of Hostages Convention, 1979: There are a number of taking of hostages instances which have been committed by the terrorists. In order to control such instances, the Taking of Hostages International Convention was adopted by the General Assembly of the United Nation on December 7, 1979. Its preamble clearly laid down that the 'Taking of Hostages' is an offence of grave concern to the international community and it is urgently necessary to develop international co-operation between the states in devising and adopting effective measures for prevention, prosecution and punishment of all acts of taking of hostages and magnification of, international terrorism. The state party in the territory of which the alleged offender is found, shall, if it does not extradite to, be obliged to submit the case to its competent authorities for

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91 See General Assembly Resolution 34/116.
92 The Taking of Hostages, 1979 Article, 7.
the purpose of prosecution, through proceedings in accordance with the laws of that state.93


(i) Object :- The South Asian Association for Regional Co-operation (SAARC) convention on suppression of terrorism was held on Nov. 2-4, 1987 in the Kathmandu. The main purpose of this convention was to prevent and eliminate the terrorism from the region as the Heads of the member-states of the SAARC recognised the seriousness of the problems of terrorism. The members of the SAARC agreed that co-operation among the SAARC states was vital if terrorism was to be prevented and eliminated. They also condemned all acts, methods and practices of terrorist as criminal and deplored their impact on life and property, socio-economic development, political stability, regional and international peace and co-operation. Further, they requested to each states to refrain from organizing, instigating, assisting or participating in acts of terrorist. Aware of the danger posed by the spread of terrorism and its harmful effect on peace, cooperation friendship and good neighbourly relations and which could also jeopardise the sovereignty and territorial integrity of states recognised by the member of the SAARC. Finally they resolved to take effective measures to ensure that perpetrators of terroristic acts do not to escape from prosecution and punishment.

(ii) Salient Features of the Convention :- There are some salient features of this Convention are discussed as below:

(a) Recognisation of Extradition :- According to the convention the following offenders shall be regarded as terroristic and for the purpose of extradition shall not be regarded as a political offences or as an offence connected with a political offence or as an offence inspired by political motives.

(i) an offence mentioned in the Hague Convention, 1970;

(ii) an offence within scope of the Montreal Convention 1971;

93 Id at. 8. See also Robert A Friedlander, "Terrorism : Documents of International and Local Control (1979) pp. 1-150.
(iii) an offence within scope of the act against international protected persons, 1973;
(iv) murder, manslaughter, assault causing bodily harm, kidnapping hostage taking and offence relating to fire arms, weapons, explosives and dangerous substances, when used as a means to perpetual indiscriminate violence involving death or serious bodily injury to persons or serious damages to property.
(v) an attempt or conspiracy to commit an offence as described above, aiding, abetting or counseling the commission of such an offence or participating as an accomplice in the offences.94

(b) Inclusion of Serious Offence: Any two or more contracting states may, by agreement, for purpose of extradition between SAARC member states, decide to include any other serious offence involving violence, which shall not be regarded political offence or an offence connected with a political offence or an offence inspired by political motives.95

(c) Incompatible Extradition: Under this convention, the extradition treaties and arrangements are regarded incompatible between the contracting states. If a contracting state which makes extradition conditional on the treaty receives a request for extradition from another contracting state with which it has no extradition treaty, the requested state may consider this as the basis for extradition in respect of offences as described in Art. 1. In another case where the contracting states do not make extradition conditional on the existence of a treaty, shall recognize the offences according to the Article 1 of this convention.96

(d) Extradition of Person Suspected: Where a contracting state in whose territory a person suspected of having committed an offence is found and such state has received a request for extradition from another contracting state shall have to extradite to such person suspected to the state. If it does not extradite

94 The SAARC convention suppression of Terrorism, 1987 Art. 1.
95 Id Art. 2.
96 Id. Art. 3.
such person then the case shall be submitted without delay and exception for consideration to competent authorities and such authorities would take action according to its law. The contracting state may also take measures as it deems appropriate and consistent with its own national laws.

(e) Notification and Information to Requesting State: An information in writing shall be immediately submitted to the requesting state for appropriate measures by the another contracting state in whole territory an alleged offender is found.

(f) No Obligation of Extradition: The Contracting states shall not be obliged to extradite, if it appears to the requested state that by reason of the trivial nature of the case or for surrender or return of a fugitive offender not being made in good faith or in the interests of justice or for any other reason it is unjust or inexpedient to surrender or return the fugitive offender.

(g) Affording Mutual Assistance and Co-operation: According to their national laws, the contracting states shall afford the greatest measure of mutual assistance in connection of proceedings brought in respect of the offender including the supply of all evidence at their disposal necessary for the proceedings. They shall co-operate among themselves through consultations between appropriate agencies, exchange of information, intelligence and expertise and such other cooperative measures as may be appropriate for preventing terroristic activities.


(i) Object: International Convention on the Suppression of Terrorism held in New York in view of grave concern about the world-wide escalation of acts of terrorism in all forms, which endanger or take innocent lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings. The

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97 Id Art. 4.
98 Id Art. 5.
99 Id Art. 6.
100 Id Art. 7.
101 Id Art. 8.
acts, methods and practices of terrorism constitute a grave violation of the purposes and principles of the United Nations, which may pose a threat to international peace and security. In this Convention, it was recognised that the financing, planning and inciting of terrorist acts also contrary to the purposes and principles of the United Nations, and it is duty of the every contracting party to bring to justice those who have participated in such terrorist acts. It was also stated that the suppression of acts of international terrorism, including those in which states are directly or indirectly involved, is an essential element for the maintenance of international peace and security, and the sovereignty and territorial integrity of states. The main object of the convention was to prevent and punish acts of terrorism and all the contracting states are directed to undertake to co-operate among themselves by taking all the measures that they may consider effective under their own laws.\textsuperscript{102}

(ii) \textbf{Major Offences} :- The following acts have been considered as an offence under the meaning of this convention.

(a) When any person commits an offence unlawfully and intentionally causes or threaten to cause violence by means of firearms, weapons, explosives, any lethal device or dangerous substance which results or is likely to result in death or serious bodily injury to a person or group of persons or serious damages to property whether used for public use, a state or Government facility, a public transportation system or an infrastructure facility.\textsuperscript{103}

(b) Any offence within the scope of the following conventions :-


(iii) The Crimes against internationally protected persons, including diplomatic agents as adopted by the General Assembly on December 14, 1973.

\textsuperscript{102} \textit{International Convention on suppression of Terrorism}, 1997 Art 1.

\textsuperscript{103} Ibid.


(vi) A protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf.


(viii) Any offence within the scope of any convention global or regional aimed at combating terrorism.

(c) Any person who commits an offence or participate as an accomplice in any offence mentioned above.

(d) Any person who intentionally or with knowledge commits an offence or organises or directs to another to commit an offence or contribute to person(s) or group of persons.104

(iii) Refrain from Commission of Terrorist Offences :- All the contracting states shall refrain from organising, instigating, facilitating, financing, assisting or participating in the commission of terrorist activities. They (states) shall not allow their respective territories to be used for terrorism installations and training camps, or for the preparation or organisation of terrorist activities and asylum also not be granted to the asylum seeker who has engaged in terrorist activities. The contracting state shall co-operate in preventing and punishing the crime as described in Art. 2 of this Convention and in conformity with the principles of the charter of the United Nations. They shall submit the information about the terrorist to the another contracting states as soon as possible.105

(iv) Procedure after Receiving Information :- The concerned contracting state, after receiving information that a person who has committed or who is alleged to have committed an offence, shall take such measures as may be necessary under

104 Id Art. 2.
105 Id Art. 5.
its domestic law and to investigate the facts contained in the information. The prosecution shall be started against the offender through the competent authorities in accordance with the laws of that state. The offender against whom proceedings are being brought in connection with any of offences shall be guaranteed fair treatment at all stages of the proceedings including enjoyment of all the rights and guarantees provided by law of the states in the territory in which he is present.106

(v) Affording of Mutual Judicial Assistance in Criminal Matters :- The contracting states shall afford the mutual judicial assistance in criminal matters in connection with proceedings which brought in respect of the offender. This assistance may not be refused on the sole ground that it concerns a political offence or an offence connected with political offence or an offence inspired by political motives.107

(vi) Consideration of Extraditable Offences :- The offences referred in the Article 2 of this Convention shall be considered as extraditable offences in any extradition treaty existing between the contracting states. If, a contracting state that makes extradition conditional on the existence of a treaty receives a request for extradition from another contracting state, with whom it has no extradition treaty, the requested state may at its option consider this convention as the legal basis for extradition in respect of the offences as mentioned in the Article 2. The extradition shall be subject to the other conditions provided for by the law of the requested state. Those contracting states do not make extradition conditional, the extradition shall recognise the offences as extraditable between themselves.108


(i) General :- This Convention was held in December 1999 in New York. The main purpose of this convention was to suppress the finance of terrorism as it was a matter of grave concern to the international community as a whole. In this

106 Id Art. 6.
107 Id Art. 7.
108 Id Art. 8.
convention, it was also considered that the nature and seriousness of acts of international terrorism depend on the financing that terrorists may obtain and were convinced that there is urgent need to enhance international co-operation among states in devising and adopting effective measures for the prevention of the financing of terrorism as well as for its suppression through the prosecution and punishment of its perpetrations.

(ii) Salient Features

(a) Funds of Terrorism: Funds means assets of every kind whether—

(i) tangible or intangible,

(ii) moveable or immovable,

However acquired and legal documents or instruments in any form including electronic or digital evidencing till to, or interest in, such assets including, but not limited to bank, credits, travelers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit etc.

(iii) A state or Governmental facility means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an inter-Governmental organisation in connection with their official duties.

(iv) Proceeds means any funds derived from or obtained, directly or indirectly, through the commission of an offence which are mentioned in Article 2 of this convention.109

(iii) Offences: (a) Any person who, directly or indirectly, willfully or unlawfully, provides or collects funds with intention that such funds should be used or with knowledge that such are to be used in full or in part in order to carry out the activities of terrorism. Such acts shall be regarded as an offence.

(b) Any other act intended to cause death or serious bodily injury to 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 organisation to do or to abstain from doing any act.

(c) Any person who commits or attempts to commit an offence under the meaning of this convention

(d) Any person who participates as an accomplice in any offence or organises or directs others to commit an offence or contributes to the commission of one or more offences, such contribution should be intentionally or contribute to group with aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence such person shall be punishable under this convention.110

(iv) Detection, Freezing and Seizure of Funds of Terrorists :- An appropriate measures, for detection, freezing and seizure of any funds of terrorists, shall be taken by the each state party. Such forfeiture funds shall be utilized to compensate the victims of offences.111

(v) Appropriate Measures against Offender by the State :- An appropriate action shall be taken, against a person who has committed or who is alleged to have committed an offence, by the state in which territory he is present. Such person or offender shall be entitled to communicate without delay with the nearest appropriate representative of the state of which he is a national or which is entitled to protect that person’s right, if such person is a stateless person, the state in which he habitually resides, shall be informed. The rights of persons shall be exercised in conformity with the laws and regulations of the state in the territory of which the offender or alleged person is present.112

110 Id Art. 2.
111 Id Art. 8.
112 Id Art. 9.
(vi) **Discharge of Obligation in Respect of Extradition** :- If such offender does not extradite, then the state party shall submit a case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in this regard under the law. Whenever a state party is permitted to extradite or surrender one of its nationals only upon the condition that such person will be returned to that state to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender was sought. Such a conditional extradition shall be sufficient to discharge the obligation by the state.\(^{113}\)

(vii) **Incompatible Extradition** :- States parties undertake to include such offences as extraditable offence in the every extradition treaty to be subsequently concluded between them. Extradition shall be incompatible among all the states parties in case, where no extradition treaty is existence it may, at its option, consider this convention as a legal basis for extradition in respect of the offences.\(^{114}\)

(viii) **Affording Provision of Assistance in Connection with Extradition/Criminal Investigations** :- The states parties shall afford assistance to the requesting parties in connection with criminal investigations or criminal or extradition proceedings in respect of the offences including in obtaining evidence in their possession for the proceedings. States parties may not refuse a request for mutual legal assistance on the ground of bank secrecy. The requesting party shall not transmit nor use information or evidence furnished by the requested party for investigations, prosecutions or proceedings other than those stated in the request without the prior consent of the requested party.\(^{115}\)

(ix) **Transfer of a Detained or Serving Sentence to Person** :- A person who is being detained or is serving sentence in the territory of one state party whose presence in another state party is requested for purposes of identifying evidence

\(^{113}\) Id Art. 10.

\(^{114}\) Id Art. 11.

\(^{115}\) Id Art. 12.
for the investigation or prosecution of offences may be transferred on the following conditions (a) the person freely gives his or her informed consent. (b) the competent authorities of both states agree, subject to conditions as those states may deem appropriate. The state to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless requested of authorized by the state from which the person was transferred. The requesting state shall without delay implement its obligation to return the person to the requested state. Such person shall not be prosecuted or detained or subjected to any other restriction of his/her personal liberty in the territory of the state to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the state from which person was transferred.116

(x) Co-operation in Prevention of Offences :- Each states parties shall co-operate in the prevention of the offences by taking all the practicable measures and adopting their domestic legislation. They shall also be made counter-preparations for the commission of offences within or outside their territories including :-

(a) The states parties shall prohibit the opening of the accounts of the unidentified person. When necessary, necessary measures shall be taken to verify the identity of the such person

(b) State parties shall report promptly to competent authorities regarding unusual large transactions and unusual patterns of transactions

(c) States parties shall maintain for at least 5 years, all necessary records on transactions on domestic and international level.

(d) States parties shall have supervision on all money transmission agencies.

(e) States parties shall monitor the physical cross-border transportation of cash and bearer negotiable instruments and to ensure their proper use international level without delay.

116 Id Art. 16.
(f) Each states parties shall exchange the information in accordance with their domestic law and co-coordinating administrative form.

(g) Each states parties shall establish and maintain the channels of communication between their competent authorities.

(h) Each states parties shall identify, whereabouts and the activities of persons in respect of whom reasonable suspicion exist.

(i) Each states parties shall exchange information through the international criminal police organisation and interpol.  

(xii) Communication of Final Outcome About Offender to the Secretary-General of the United Nations: Final outcome of the proceedings about the alleged offender shall be communicated to the Secretary-General of the United Nations, who shall also transmit the information to the other states parties.

(xii) Submission of Dispute to Arbitration: If there is any dispute between two or more states parties concerning the interpretation or application of this convention which cannot be settled through negotiation within a reasonable time, shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organisation of the arbitration, any one of these parties may refer the dispute to the International Court of Justice by application in conformity with the statute of the court.

(i) **Object** :- The main object of this summit was to suppress the network of terrorists and elimination of their activities and to root out terrorism.\(^{120}\)

(ii) **Place of Summit** :- The Summit was held on April 3-4, 2007 at the Delhi, India. This summit consists of eight countries i.e. Afghanistan Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. It was a unique 14\(^{th}\) SAARC Summit which was inaugurated by Prime Minister Dr. Man Mohan Singh.

(iii) **Salient Features** :- The important features of this summit are as under :-

(a) Dr ManMohan Singh, Prime Minister of India Chaired the Summit and urged to SAARC members" to root out terrorism" so as to create an atmosphere in which efforts to usher in prosperity and co-operation in South Asia could succeed.

(b) Pakistan Prime Minister Shaukat Aziz did not use the word "terrorism" in its inaugural presentation but a menace that afflicts all SAARC Nations except Bhutan and the Maldives.

(c) Afghanistan, which became the eight member of the South Asian Association for Regional Cooperation (SAARC) strongly raised the issue of terrorism. The president Hamid Karzai said it was the common duty of all member countries to fight terrorism and stop its sources including financial and political support.

(d) Sri Lanka also strongly raised the issue of terrorism and appealed to the SAARC forum to work jointly on a counter-terrorism strategy. "Unless, we act collectively as a region, transborder terrorist groups will find safe heavens in other parts of the region". He further said the region as a whole was not safe from barbaric terrorist groups.\(^{121}\)

(e) Bangladesh also strongly raised the issue of terrorism and urged the SAARC grouping to take bold steps to combat terrorism in all its forms and manifestations

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\(^{120}\) Rajiv Sharma, "Duty Free Access for LDCs; "The Tribune (New Delhi)" April 4, 2007.

\(^{121}\) Ibid.
and build a South Asia free from the chains of poverty and hunger. He further said “It will be not impossible to realise our dream of a prosperous South Asia without addressing the security concerns of regional countries.”

(f) Maldives President Maumoon Abdul Gayoom also addressed the Summit and disclosed, the challenges of poverty and terrorism. He further said Allah will never change the condition of people until they change themselves.”

(g) Nepalese Prime Minister Girja Prasad Koirala and Bhutan Prime Minister Lyonpo Khandu Van Ghcuk also addressed the 14th Summit and raised the issue of terrorism.122

The Eight-Nation Regional grouping, in a declaration at the end of its two day Summit, also called for “urgent conclusion of a comprehensive convention on International terrorism” an initiative with which India is closely associated. The leaders underlined that terrorism was a threat to peace and security in the region. They reaffirmed their commitment to implement all international conventions relating to combating terrorism as well as the SAARC regional convention on Suppression of terrorism and the Additional protocol to the SAARC Regional Convention dealing with the prevention and suppression of financing of terrorism.

The SAARC leaders agreed to the existing SAARC conventions to combat terrorism, narcotics and psychotropic substances trafficking in women and children and other trans-national crimes. They expressed their commitment to take every possible measure to prevent and suppress financing of terrorists acts by criminalizing the provision, of acquisition and collection of funds through front organisations and also to counter illicit trafficking of narcotic drugs, trafficking in persons and illicit arms. They also urged India to prepare a draft of SAARC convention on mutual assistance in criminal matter and to examine the idea of a draft convention, before the second meeting of SAARC interior/home minister scheduled to be held in October 2007 in India.123

122 Ibid.
On developmental issue, the SAARC leaders gave a call to setup a South Asian Economic union and a South Asian customs union to accelerate economic development in the region, which houses one fifth of the world’s seven billion people.

(iv) Other Major Decisions :- At the 14th SAARC Summit the following major decisions were taken :-

(a) To setup a South Asian University in India,
(b) The setup a food bank to supplement national efforts towards food security and meet regional food emergencies.
(c) To setup a SAARC village in each member state, and work towards greater connectivity of all kinds within South Asia.124

D. United Nations Resolutions against Terrorism

The General Assembly of the UN has adopted a number of resolutions against terrorism. Some of them are as under:

(i) Resolution 46/51 : Measures to Eliminate International Terrorism125


Urged all states to prevent the preparation of terrorism within and outside these territories.

(a) To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts.
(b) To cooperate in exchanging relevant information about terrorism

124 Ibid.
125 December 9, 1991 meeting 67 approved by sixth committee (A 146/654).
(c) To take promptly all necessary steps.
(d) To take immediate action to safe release of all hostages and abducted persons, whoever being held.
(e) To take effective and resolute measures for the speedy and final elimination of international terrorism.

(ii) United Nations Security Council Resolution on International Terrorism, 1999 :

The Security Council deeply concerned by the increase in acts of international terrorism which endangers the lives and well-being of individuals worldwide as well as the peace and security of all states and condemned all acts of terrorism irrespective of motive, wherever by whomever committed, and also minded all relevant resolutions of the General Assembly including resolution 49/60 of December 9, 1994, by which it adopted declaration on measures to eliminate international terrorism. Emphasizing the necessity to intensify the fight against terrorism at the national level and to strengthen under the auspices of the United Nations, effective international co-operation in this field on the basis of the principles of the charter of the United Nations and norms of international law. Including respect for international humanitarian law and human right and also supporting the efforts to promote universal participation in and implementation of the existing international anti-terrorist conventions, as well as to develop new international instruments to counter the terrorist threat, commending the work done by the General Assembly, relevant United Nations Organs and specialized agencies and regional and other organisations, to combat international terrorism determined to contribute, in accordance with the charter of the United Nations, to the efforts to combat terrorism in all its forms. Further it is reaffirmed that the suppression of acts of international terrorism, including those in which states are involved, is an essential contribution to the maintenance of international peace and security.

Security Council called up on all states:

126 Documents/1999/1071, October, 18, 1999.
(a) To implement fully the international anti-terrorist conventions.
(b) To encourage all states to consider the matter on priority
(c) To co-operate to each other states through bilateral and multilateral agreements and arrangements.
(d) To prevent and suppress terrorist acts.
(e) To protect their nationals and other persons against terrorist attacks and bring to justice the perpetrators of such acts.
(f) To protect their territories through lawful means.
(g) To deny to these who plan, finance or commit terrorist acts.
(h) To take appropriate measures in conformity with relevant provisions of national and international law including international standards of human rights.
(i) To exchange information in accordance with international and domestic law.
(j) To co-operate an administrative and judicial matters in order to prevent the commission of terrorist acts.

(iii) United Nations Security Council Anti-Terrorism Resolution 2001 :- The Security Council reaffirming its earlier resolutions decided that all states shall:

(a) prevent and suppress the financing of terrorist acts.
(b) Criminalise the funds or collections as collected by all means by the terrorists-directly or indirectly.
(c) Freeze without delay such funds and collections or financial assets of terrorists or assets of those persons who are directly or indirectly involved in the acts of terrorism.
(d) Prohibit their nationals or any person and entities within their territories from making any funds financial assets or economic resource or financials or other related services who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or
controlled, directly or indirectly, by such persons and of persons and 
entities acting on behalf of or at the direction of such persons.

(e) Refrain from providing any form of support, active or passive.

(f) Take the necessary steps to prevent the commission of terrorist acts.

(g) Deny safe heaven to those who finance plan, support, or commit terrorist 
acts, or provide safe heavens.

(h) Prevent those who finance, plan facilitate or commit terrorist acts using 
their territories.

(i) Afford to one another the greatest measure of assistance in connection 
with criminal investigations or criminal proceedings relating to the 
financing or support of terrorist acts including assistance in obtaining 
evidence in their possession necessary for type proceedings.

(j) Prevent the movement of terrorist or terrorist groups by effective border 
controls and controls on issuance of identity papers and travel documents.

(k) Ensure that no person participate in financing, planning preparation or 
perpetration of terrorists.

(iv) The Security Council also called up on all states to:-

(a) Find ways of intensifying and accelerating the exchange of operational 
information regarding the networks, forged or falsified travel documents, 
traffic in arms, explosives or sensitive materials, use of communications 
technologies by terrorist groups, and the threat posed by the possession of 
weapons of mass destruction by terrorist groups.

(b) Exchange information and co-operate on administrative judicial matters to 
prevent the commission of terrorist acts in accordance with international 
and national law.

(c) Co-operative, particularly through bilateral and multilateral arrangements 
and agreements, to prevent and suppress terrorist attacks and take action 
against perpetrated of such acts.
(d) Become parties as soon as possible to the relevant International Conventions and Protocols Relating to Terrorism, including the International Convention for the Suppression of the Financing of Terrorism of December 9, 1999.

(e) Take appropriate measures in conformity with the relevant provisions of national and international law including international standards of human rights.

(f) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts and that claims of political motivation are not recognised as grounds for refusing requests for the extradition of alleged terrorists.

E. Review: - The word 'Global Terrorism' came into existence in our language after the attack on the Twin Towers and Pentagon in USA on September 11, 2001 in which at least 5000 people were killed. It was most destructive incident all over the world. Before this incident, Americans have ignored the sorrow of victims of terrorism in many parts of the world and also supported the terrorism indirectly. Today, terrorism has assumed global dimensions and examples of September 11, 2001 and subsequent bombings is a challenge not only to global political solidarity but to the existence and efficacy of international law regime also.127 Pakistan is one country which has permitted many known terrorists to reside and operate in its territory. The United States has asked many times Pakistan to end support to such evil elements and close down the terrorist training camps on its territory. The United State feels that the terror groups which are responsible for attacks, in India had their 'origin' and 'link' in Pakistan.128 However, it is denied by Pakistan. However, Pakistan is saying that it shall provide the diplomatic, political and moral support for the freedom fighters in the Kashmir and Kashmir runs in the blood of every Pakistani. They will not

127 Supra nn. 1, 3.
128 Supra nn. 5,6
compromise at any cost and also get it because it has become their 'core' issue.\textsuperscript{129}

In Pakistan many terrorist organizations are operating. There are about 8,000 Madrasas where seven lakh fifty thousand to one million students learn to recite and obey Islamic Law. Many of these Madarassas produce Islamic fundamentalists and prepare them for Jehad. The Inter-Service Intelligence (ISI) of Pakistan also has direct relation with such terrorist groups. The ISI’s agents arrested in India admit their role in such activities. The ISI is also providing funds to the terrorist groups. Many chiefs of ISI are motivating militants to strike to Jammu and Kashmir and other parts of country for the purpose of getting the Jammu and Kashmir.\textsuperscript{130} The ISI has close relation with the Al Qaida and are supporting the Taliban also.\textsuperscript{131}

Bangladesh, the neighbouring country of India is also considered as terrorism supporting country. In this country, like Pakistan many terrorist organizations are operating which are fighting against our country. The Government has informed the Bangladesh about it and required to take stern steps against such organisations. According to reports there are about 90 militant cadres training camps operating in Bangladesh along with Indian border. The Government of India has brought the activities of these camps to the notice of Government of Bangladesh.\textsuperscript{132}

In Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE) has been fighting against an unresponsive and discriminatory Sinhal majority for a separate state of Eelam. These cadres are known for their high sense of discipline, strong determination, dedication and a high degree of motivation and innovation. These cadres are also famous for their highly successful suicide killings. The Government of Sri Lanka has been maintaining the vigilance and designing counter measures to combat the LTTE. It has also been preparing a suitable policy for removing the poverty. The Government is planning to introduce tough

\textsuperscript{129} Supra\textsuperscript{7, 8.}
\textsuperscript{130} Supra\textsuperscript{9, 10, 16, 19.}
\textsuperscript{131} Supra\textsuperscript{21, 24.}
\textsuperscript{132} Supra\textsuperscript{31,32.}
anti-terrorism laws to fight increasing threat from LTTE. The provisions of the Prevention of Terrorism Act and Emergency Law will come into effect shortly to stem ethnic violence which has resulted into the death of over 3,400 people and displaced hundreds of civilians in the last 12 month (year, 2006). The new law provides wide powers of arrest and detention to the security forces and the police.\textsuperscript{133} Terrorists attacked on World Trade Center and Pentagon in America in which more than 5,000 people were killed and many thousand injured. It was the most serious terrorist attack in the United States and the whole world. Zacaraias Moussaohi was found the main plotter and was sentenced to death penalty for plotting the attack.\textsuperscript{134} Afghanistan has been considered the center of training for the worldwide terrorist activities. The Taliban which had controlled the most of Afghani territory, permitted the operation of training and indoctrination facilities for non-Afghans and provided the logistic support to various kinds of terrorists groups. Till year, 2000 the Taliban had continued to host Osama-Bin-Laden despite United Nations sanctions and international pressure to handover to Osama Bin Laden to stand trial in the United States. The Taliban Government did not hand over the Osama Bin Laden, and ultimately America attacked on the Taliban and destroyed the Taliban Government and network of the Al-Qaida but Osama Bin Laden's whereabouts remained unknown and that whether he is alive or died. Mr. Hamid Karzai was appointed the President of the Afghanistan later on. At present also the Taliban and Al-Qaida groups are killing the innocent people. However, the network of Al-Qaida could not be destroyed completely. Mr. K Suryanarayana and M. R. Kutty the two Indian engineers, has been recently beheaded in Afghanistan.\textsuperscript{135}

Chechnya is suffering from the terrorist activities. There are also many Islamic groups who are fighting against the Russia Basayev was a popular leader of the warlords who was currently killed in attack. Russia, Israel, and Lebanon

\textsuperscript{133} Supra nn. 33, 41-42.
\textsuperscript{134} Supra nn. 44, 46.
\textsuperscript{135} Supra n. 48.
are also facing the problem of terrorism. Many Islamic organizations are involved in the terrorist activities and many thousand people have been killed. In United Kingdom (UK) IRA group is operating and it is demanding a separate Irish State. This groups has made many attacks in London and other part of the country.

Tajikistan, Uzbekistan, Spain, Algeria, Georgia, Armenia, Azerbaijan, Turkey, Switzerland and Japan, are also not spared from the activities of terrorists. Therefore, it will not be wrong to say that the problem of terrorism has global dimensions and therefore the same may be regarded as "Global Terrorism".\textsuperscript{136}

International terrorism has to be curbed at any cost otherwise it will prove very fatal to the whole world. The League of Nations and United Nations unanimously passed a resolution to constitute a committee of experts with a view to draft International Convention to curb offences in pursuant of political terrorism. Two conventions were held in Geneva. First was the Convention for Prevention and Punishment of Terrorism and second was the Convention for Creation of an International Criminal Court.\textsuperscript{137} After the establishment of the United Nations, Many conventions have been concluded for suppression of specific forms of international terrorism. These conventions may be enumerated as follows:

(i) The Tokyo Convention, 1963
(ii) The Haque Convention 1970
(iii) The Montreal Convention, 1971
(iv) The Protocol to the Montreal Convention 1988
(vii) The SAARC Regional Convention on Suppression of Terrorism, 1987
(ix) The Convention for the Suppression of Terrorist Bombings, 1997,

\textsuperscript{136} \textsuperscript{137} Supra nn. 88-93. Supra nn. 92-120.


The purpose of all these conventions is to check the activities of the terrorism. From 1963 to 1969, there has been an alarming increase in the incidents of hijacking of the aircrafts. There were about 89 incidents. There are a number of Hostages instances which have been committed by the terrorists.\(^{138}\) There were also a number of killings of innocent’s people and the destruction of the property. Therefore, all the contracting states have agreed to prevent and eliminate the terrorist activities. They have also agreed to recognise the extradition regarding the criminals. These conventions provide that the states shall co-operate among themselves by taking all the measures that they may consider effective under their own laws to curb terrorism. Further, each state is to refrain from organising, instigating, assisting or participating in acts of terrorism. They also resolved to take effective measures to ensure that perpetrators of terrorist acts do not escape from prosecution and punishment by providing for their extradition or prosecution. It was also resolved that the financing, planning and inciting of terrorist acts are contrary to the principles of the United Nations and it is the duty of every state to suppress the finance of the terrorists.

The United Nations has requested all states, through various resolutions, to prevent and suppress the international terrorism and implement fully international anti terrorist conventions, co-operate to each other through bilateral and multilateral agreements and arrangements, protect their nationals and other persons against terrorists attack and bring to justice the perpetrators of such acts, exchange information in accordance with international and domestic law, co-operate on administrative and judicial matters in order to prevent the commission of terrorist acts.\(^{139}\)

\(^{138}\) Supra n. 124.

\(^{139}\) Supra n. 136.