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A CRITICAL ANALYSIS OF CONTEMPORARY COUNTER-TERRORISM

Abstract

In this paper the author analyses the contemporary counter-terrorism especially in the context of relevant international and national regulatives. The author first considers counter-terrorism measures in investigation of crimes of terrorism. In the name of protecting states and citizens, “war on terrorism” in some countries legitimized many actions directed towards the suppression of any potential danger from terrorism. Some boundaries have been crossed when the treatment of suspicious individuals is concerned and in that sense the author discusses the use of torture in fight against terrorism. Another issue that is subject of discussion in this paper is treatment of persons convicted for terrorism. There are two dimensions of that treatment. On the one side is penitentiary treatment ie. the process which take place in prisons and on the other side we can talk about post-penal treatment of convicts for terrorism. The author criticizes the way how dominant approach in contemporary penitentiary and postpenal treatment of terrorists – the program of deradicalization, is realizing. Finally, the author considers counter-terrorism activities of some countries during the Covid-19 pandemic and possible future situation when it comes to terrorism which will influences the application of counter-terrorism measures.

Keywords: critical analysis, counter-terrorism, terrorism, measures, investigation, penitentiary treatment, post-penal treatment, Covid-19 pandemic

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INTRODUCTION

Nowadays when terrorism attracts public interest it is expected that counter-terrorism activity is very popular topic worldwide. The special attention is given to those measures undertaken by the most powerful countries especially in the past two decades. The occurrence of 11 September 2001, the terrorist attack on the United States of America (USA), was without a doubt, responsible for significant changes globally when the counter-terrorism measures are concerned. The following sequence of events linked to terrorism, in Europe, amplified on the one side the feeling of fear among the global population and on the other side, strengthened the readiness of states to oppose more intensively and radically to the problem of terrorism. Those changes affected both those countries which had previous experience with terrorist attacks and the ones which had no contact with them whatsoever.

The main characteristic of dominant counter-terrorism approach today is one-sidedness of the official reaction which is in line with the retributive approach in the context of prosecution and punishment of terrorist acts. This paper will cover the general issues of the appearance and perception of the counter-terrorism approach which sometimes steps out of the framework of formal retribution and encompasses the measures which cannot, in principle, be considered as an allowed and legitimate means for fighting any type of criminal activity.

Special attention will be paid to use of torture as a counter-terrorism measure, especially how it is perceived, as it gained momentum after the terrorist attack on the USA in 2001. One of the question which arose over the context of suppression of terrorism, whether is allowed to limit or suspend some human rights of terrorists in order to gain information which can save people's lives. The verdicts of relevant judicial institutions, like European Court of Human Rights (ECtHR), show us the possible path to do it.

The position of prisoners convicted for terrorism while they are serving sentence or during the post-penal treatment also attracts public interest. Different programs of deradicalization bring into the question the validity of such approach especially if we consider this issue in the generally context of resocialization. Majority of

states, worldwide, especially in Europe and North America, have uniform rules for penitentiary treatment of all prisoners which are in accordance with international rules in that field. Having that in mind every attempt for introducing some new rules in treatment of prisoners for terrorism must be in line with existing ones.

Finally, Covid-19 pandemic influences the activities of terrorist organizations and vice versa counter-terrorism activities of states. Some changes are visible but what will happen during the next period remains to be seen.

COUNTER-TERRORISM MEASURES IN INVESTIGATION OF TERRORISM

Even though the suppression of terrorism is one of the may-or preoccupations of some Western countries like USA, Great Britain, France or Spain but also some other countries like Israel, implementing counter-terrorism measures is not a matter of national policy anymore. After 11 September, United Nation (UN) Member States are not only entitled to defend their “national security” against terrorist threats but now have an obligation under international law to implement specific measures as set out in UN Security Council Resolution (UNSC, S/RES/1373) as well as “other measures” to combat terrorism (Redress 2004). However the biggest public attention attract activities which undertakes the USA. The Bush Administration rejected the previous American approach to counter-terrorism, which had primarily employed the combined tools of diplomatic cooperation, economic sanctions, and internationally coordinated law enforcement measures (Weiner 2007, 137).

In the name of protecting states and citizens from terrorists, such counter-terrorism measures have begun to be used, which often call into the question the clearly established concept of human rights. The question arises whether the importance of the fight against terrorism might permit states to use all necessary means, even if these means infringing upon other norms which protect fundamental human rights and values of the international community (De Beer 2018, 55).

It was at that point that the “war on terrorism” was declared and, like many similar wars, led by one of the greatest powers in the world. USA’s global dominance on different levels appeared anew in the sphere of fighting terrorism. It should not be forgotten that the subject of terrorism was regularly present in American presidents’ speeches ever since the 1970s. Such speeches were directed towards promoting the aggressive reactionary politics in order to demonstrate USA’s zero tolerance policy towards terrorism and make it abundantly clear that the perpetrators will be harshly and instantly punished (La Free and Dugan 2009, 423). “War on terrorism” legitimized many actions directed towards the suppression of any potential danger from terrorism. For the sake of state’s security, especially the security of their citizens and as a way of prevention of possible terrorist attacks, boundaries have been crossed when the treatment of suspicious individuals is concerned, i.e. a well-known method of “establishing the truth” has made its entrance through the back door – torture. In the face of an apocalyptic scenario of a possible attack where the terrorists would be ready to use firearms for mass destruction, why would we not resort to torture so as to gather necessary information and save numerous human lives (Di Cezare 2020, 12). Although torture is an illegal activity, on what on a global level refers the UN Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment and Punishment (Convention against Torture RES/39/46), the manifold examples of its use speak in favor of the fact that it is an increasingly present, especially within the context of terrorism suppression. Throughout human history, torture has been most frequently employed against people who are not full members or citizens of a society, such as slaves, foreigners, prisoners of war, and members of racial, ethnic, and religious outsider groups (Einolf 2007, 117).

One of the main characteristics of modern counter-terrorism is justifying the obviously illegal and illegitimate measures for the sake of protecting the population and national interests of the affected countries. This use is enabled by the political power which is used for population manipulation by creating the image of terrorism as a constant and serious threat that targets basic values of one society. Political power encourages giving complete authorization for torture application, which would become an emergency counter-terrorism measure and which would primarily work through the

mechanism of intimidation (Di Čezare 2020, 12, 13). Advocates of torture application point towards the final goal of each information gathering process – establishing the truth which can, in their opinion, be determined only through this mechanism when terrorism is concerned. However, torture should not be observed through the law of truth, but through the law of power (Di Čezare 2020, 15). The act of transitioning to the use of torture made it impossible to establish any truth, it was disabled in advance because a clear pre-determined meaning, which could never be questioned, but rather confirmed through the use of torture, was attributed to it.

It can be asked if the prohibition of terrorism and the prohibition of torture are both norms of *jus cogens* which allow no derogation, is there a norm conflict when both norms are applied to the same situation, and can this be resolved through the limitation of one of the norms, namely the prohibition of torture (De Beer 2018, 69). The answer could be that the prohibition of terrorism and the prohibition of torture respectively, both protect the same fundamental value, namely the right to human dignity. Accordingly, there can be no balancing or limitation of values in order to arrive at any type of normative hierarchy (De Beer 2018, 78). But what happens afterwards when the judicial system is included in the process of torture legitimization? Namely, there are two possible directions, i.e. results, one which would, at first, seem more logical, more meaningful, and would imply that the judicial system dismisses torture as unequivocally prohibited measure that represents the negation of basic human rights. However, sometimes it is expected that the judicial system contributes to the war against terrorism, as it is not enough to secure a “win” on the home court and reach “truth”, but rather necessary to give a formal framework to the said process. In the end, this means that the other direction is, in fact, the only possible one that, regardless of the general prohibition of torture (both within the international and national framework), pre-set binding principles and regulations are broken in case of terrorism.

The role of the ECtHR in defending the sanctity of a system of justice, untainted by torture, has been marginalized when observing the matters from the point of view of the most powerful states, i.e. their governments, especially when Great Britain and

the USA are concerned (Silverman and Thomas 2012, 283). It is notable how the United Kingdom government argued before the ECtHR in *A. and others v. the United Kingdom* (ECtHR, 3455/05) that the exception to the right to liberty should be broadened in the counter-terrorism context by balancing society's interests in combating terrorism against the individual's interest in a reasonably prompt release from detention pending deportation (Hamilton and Lippert 2020, 140). The additional risk of breach of the guarantee of a fair trial arises from the international character of modern terrorism. In view of the severe antagonism, after being extradited or deported, terrorists face a greater risk of violation of due process, being tortured and being exposed to capital punishment (Wilt and Paulussen 2019, 321). The most recent judgment the Grand Chamber of the ECtHR passed in the case of *Big brother watch and others v. the United Kingdom* (ECtHR, 58170/13, 62322/14 and 24960/15) should be mentioned, as it is important from the point of view of counter-terrorist measure application. It is pointed out in a secluded opinion of a few judges who agree with the majority on all counts in the operative part of the judgment, except for operative points 3 (no violation of Article 8 of the Convention in respect of the receipt of intelligence from foreign intelligence services) and 5 (no violation of Article 10 of the Convention in respect of the receipt of intelligence from foreign intelligence services) that this judgment fundamentally alters the existing balance in Europe between the right to respect private life and public security interests, in that it admits non-targeted surveillance of the content of electronic communications and related communications data, and even worse, the exchange of data with third countries which do not have comparable protection to that of the Council of Europe States (ECtHR, 58170/13, 62322/14 and 24960/15, par. 1 and par. 59)¹. Furthermore, with the present judgment, the Strasbourg Court has just opened the gates for an electronic "Big Brother" in Europe (ECtHR, 58170/13, 62322/14 and 24960/15, par. 60)². In another case before the Grand Chamber of the ECtHR – *Centrum för rättvisa v. Sweden* (ECtHR, 35252/08) for which the judgment was passed the same day as the *Big Brother* case, a similar ques-

1 Joint partly concurring opinion of judges Lemmens, Vehabović and Bošnjak; Partly concurring and partly dissenting opinion of judge Pinto de Albuquerque.

2 Partly concurring and partly dissenting opinion of judge Pinto de Albuquerque.

tion arose. Unlike in the previous case, all judges voted with the majority on all counts of the operative part while separate opinions indicated that the judgment should go considerably further in upholding the importance of the protection of private life and correspondence, in particular by introducing stricter minimum safeguards, but also by applying those safeguards more rigorously to the impugned bulk interception regime³.

When it comes to the USA the responses of the Bush Administration after 11 September were not solely about bringing anyone to justice for the terrorist attacks, it was also about expanding USA global power and conquest all in the name of righteousness (Rothe and Muzzatti 2004, 347). Jose A. Alvarez argues that the Bush Administration's torture memoranda are a massive retrograde step wherein those sources of international obligation that are not ignored or relegated to mere considerations of "policy" are mangled beyond recognition. In that sense Alvarez (2006, 222) points out that memoranda writers torture the foundational instruments of modern international law, presumably for policy ends.

It is important to emphasize that the path towards overcoming the limitations of terrorism treatment wasn't a simple and spontaneous one. This is clearly observed in the example of the USA. Forming torture as a legitimate measure for resolving serious national issues, among which threats from terrorism as well, started with the above-mentioned declaration of war on terrorism in the American public space, yet it was necessary to take a series of other more sophisticated steps so as to set every single thing in its current place. The creation of the corresponding discourse on torture implied the engagement of bearers – both those from the political and the intellectual sphere of the American life. Donatella Di Cesare (2020) underlines that it all began with a single essay written by Thomas Nagel, one of the most authoritative voices of American analytical philosophy, in 1971, titled "War and Massacre" (38). Starting with the dilemma whether the "moral basis for war rules" exists and studying the preferable "behavior" during war operations, Nagel compares two possible approaches – the absolutist one equated to pacifism, i.e. the point of view which does not make any compromises when its principles are concerned and

3 Joint concurring opinion of judges Lemmens, Vehabović and Bošnjak.

which does not allow any rule breaking, under any circumstance, even if the said rule breaking would prevent far greater damage in comparison to how little damage would be made when breaking the said rules. On the other hand, he highlights utilitarianism as an approach that aims towards the “maximization of good and minimization of evil”, which is achievable both through institutional (within the formal framework) and through individual action (Di Cezare 2020, 39). A utilitarian is a noble tormentor who needs to “get his hands dirty” in order to eliminate greater damage at the expense of inflicting lesser evil. They are sufficiently aware of the moral and legal principles, what is more, they break them with a heavy heart, yet do it in highly extreme circumstances so as to achieve a noble goal (Di Čezare 2020, 42).

Furthermore, that does not mean that by doing so the rules are negated or dismissed, because the exceptions such as terrorism, in fact, just confirm them. The most compelling argument that torture may be necessary or justified is the “ticking time bomb” scenario. Blanket condemnation of torture are often countered with a hypothetical situation in which a captive knows where a time bomb has been hidden and refuse to divulge the information (Pfiffner 2005, 316). Some authors consider “ticking time bomb” scenario as a case of extreme emergency and have dilemma whether it is justifiable to abuse prisoners terrorists in order to gain information (May 2018, 232). Emphasizing the “positive aspects” of the utilitarian and the “negative aspects” of the absolutist approach has led, in time, to torture being accepted as a noble mechanism which is, although inflicting pain, completely acceptable to use in dire situations such as necessity for protection against terrorist attacks. Basically, terrorism is the Trojan horse of the democratic political establishment because trying to stop the terrorists who stealthily emerge from this horse to raze the democratic establishment, by methodically curtailing the freedom rights can turn any avid promoter of the war on terror into a dictator (Köhalmi 2016, 164).

Fostering the belief within the general public that the application of force is the only effective measure for fighting terrorism disables any kind of discussion on the subject of prevention of terrorism. Prevention is considered only within the framework of repressive measure application, in order to dissuade any potential

terrorism perpetrators from the idea of committing such acts, while it does not contribute at all to eliminating the conditions which lead to committing terrorist acts. Tightening the penal policy is, in the formal sense, the basic mechanism for fighting terrorism, whereby is supported by the above-mentioned “extreme” counter-terrorism measures whose legitimacy and legal status can be questioned in many situations.

At this point, the notorious American counter-terrorism strategy should be mentioned, the “targeted killings”, which are, also, presented to the public as one of the key methods for fighting the new religious-based Islamic terrorism. Such behaviour is justified by the attitude that the execution of terrorist groups’ leaders (like for example the leader of Al-Qaeda) is a highly important objective which should be taken with the aim of suppressing that type of terrorism. One of the most recent examples of the “targeted attacks” is assassination of Iran’s General Qasem Soleimani in early January 2020. In general USA drones and planes shatter Middle Eastern cities, destroy buildings and kill people (Clement and Scalia 2020).

Many pieces of evidence suggests that relying on severe sanctioning alone to counter- terrorism is unlikely to be successful (La Free and Dugan 2009, 426). Although small effects consistent with a deterrence perspective were discovered, these become inconsequential when their backlash counterparts are taken into account (Carson 2017, 213).

Literature points out that applying retributive counter-terrorism measures affects the change of terrorist strategies, i.e. terrorist organizations adapt to introduced measures in order to avoid critical points, or in different words, the areas in which they can be easily discovered, such as airports. Introducing harsh counter-terrorism measures within airport control reduced the probability of terrorist attacks in the field of air traffic, but it also redirected terrorist activities towards choosing other, more convenient places (La Free and Dugan 2009, 427). Even some more radical counter-terrorist measures, like the aforementioned “targeted killings”, have proven to be stimulating for terrorist populations, so some results of several concrete pieces of research on backlash as it pertains to counter-terrorism showed the killings of Al Qa’ida leaders may have rallied support for the global jihadist base (Carson 2017, 213).

At first glance it seems paradoxical that the application of counter-terrorism measures, which are to a great extent preventive and limiting, can be an instigator of terrorist actions. By introducing various limitations and measures of control, attention is paid to terrorists, thus they are given more power. So, Western countries' governments, through "war on terrorism", actually become accomplices to terrorism strengthening (Bek 2011, 26). In that sense, we can come across various opinions, in the context of terrorism suppression, which stem directly from some counter-terrorism policy makers. Thus, using the example of France, we can mention the attitude presented by certain local policy-makers that a simplistic repressive approach cannot be the solution to terrorism. This critique calls for a most honest analysis of the causes of terrorism and for a more comprehensive policy approach, able to deal with the numerous aspects and dimensions of the issue (Amato 2019, 343).

Within the scope of criminological thoughts it can be notified punching of the different directions which include theories that contains legitimacy, strain, and situational variables and which indicate that strategies which aimed at decreasing the benefits of terrorism through improving the legitimacy of government, solving widespread grievances that produce strain, or attending to situational features that increase the costs of terrorism might be more effective than strategies based only on increasing punishment (La Free and Dugan 2009, 416).

Concerning the Criminal Courts' penal policy, the influence of certain illegal circumstances, especially in those countries which have experienced large terrorist attacks, should be underlined. Research results thereof indicate that the timing of an offender's adjudication in proximity to major terrorist incidents significantly affects sentencing outcomes (Amirault and Bouchard 2017, 283).

PENITENTIARY AND POST-PENAL TREATMENT OF TERRORISTS

A special segment of counter-terrorism activities refers to how the countries treat the perpetrators in correlation to terrorism while they are serving imprisonment sentence or as a part of the post-penal treatment after being released from the prison. The

discourse on the special treatment of convicts for acts of terrorism dominates in the public sphere and has become especially relevant in the context of the debate on returnees from the battlefield in Syria and other Middle Eastern countries where the Islamic State is active, given the fear of interested countries from the negative influence of radicalized individuals. These are basically requests for deradicalization of these persons, mostly insisting on a certain intervention that would primarily be applied in prisons during the execution of a prison sentence, but also emphasizing the need for continuous treatment, which would include special post-penal treatment. It should also be mentioned that the importance of special treatment of defendants for the acts of terrorism is often emphasized in public, during their detention, forgetting the presumption of innocence and that those persons cannot be subjected to treatment before the end of the criminal procedure.

The treatment of convicts as well as the post-penal treatment of persons who have served a prison sentence are traditionally regulated in the relevant laws in the field of execution of criminal sanctions. After the Second World War, there was a need to build a new, different system of imprisonment instead of the previous combined-progressive system. Influenced by appropriate theoretical directions - positivist thinking about the causes of crime and the need to combat them through prison treatment and the New Social Defense Movement, which advocated the humanization of criminal law, the League of Nation first adopted a set of rules on the treatment of prisoners (Ignjatović 2019, 181). At the First Congress of the United Nations for the Suppression of Crime and the Treatment of Criminals, the Standard Minimum Rules for the Treatment of Convicts were adopted, which are still valid today (Standard Minimum Rules, RES/663 C and RES/2076).

Regardless of the differences that exist within the national framework, the treatment of convicts in prisons as well as post-penal treatment is in principle regulated so that rules are applied regardless of the type of crime for which a person has been convicted. Individualization in the execution of criminal sanctions is one of the most important principle applied here and which implies that all convicts should be treated in accordance with their re-education capabilities. It is the same when it comes to terrorists

and other persons who are perpetrators of a crime which has an extremist character. This further means that the decision on the choice of treatment that will achieve the best possible effect is left to the experts within the institutions for the execution of criminal sanctions as well as to the appropriate services in the post-penal process.

Another important momentum should be pointed out in the context of dealing with any convict, including persons convicted for a terrorist act. It is a question of voluntary participation in the implementation of resocialization treatment as well as post-penal treatment, which is the gold standard in the field of execution of criminal sanctions. If someone does not want to be subjected to treatment of any kind, he cannot be forced to do so, because in that way the possibility of adequate and efficient implementation of a certain treatment is seriously questioned. Penitentiary treatment is a dynamic aspect of the resocialization process and it cannot be achieved if the convicted person does not actively participate in its implementation. If we consistently implement the principle of voluntariness, we cannot force those convicted of terrorism to undergo any treatment inside or outside prison. In other words, it is necessary to obtain prior consent.

The question then arises as to how the narrative of special treatment that should be applied to terrorists and similar categories of perpetrators fits into all of the above. This special treatment is usually called: *deradicalization program* which main goal is the elimination or removal of all those factors that led to the radicalization of the individual and his participation in activities that have a terrorist character. That narrative does not mention any kind of voluntariness, but on the contrary, the “obligation” of the treatment that will be applied without exception. Without the intention to minimize the importance of a different approach to solving the problem of terrorism and extremism, there is no justification for bypassing something that was established seven decades ago as a standard in the treatment of convicts.

However, when considering the experience of various actors at the international level regarding the response to terrorism and extremism, different conclusions are drawn. Responses to violent extremism and the prevention of radicalization that leads to

violence, including in prisons, remains a key priority for many governments and a major issue of discussion at the international level (Penal Reform International 2020, 12). In regards to this, almost every media report on terrorism follows and discusses the process of de-radicalization of persons who are affiliated to terrorism. It is usually indicating to the authorities' inadequate response, due to absence of de-radicalization program in prisons is concerned, or insisting on the inefficiency of existing programs, which is, according to analysts of the prison system, proven by the fact that recidivism linked to extremism and terrorism still exists. The dominant discourse on how recidivists should be treated puts emphasis on the necessity to apply special and different treatment from everything that exists in the penal practice of one state and can have different consequences. There is a tendency to widely define the idea of "extremism" which is used as an excuse for taking counter-terrorism measures within prisons.

The UN Special Rapporteur on the promotion and protection of human rights pointed in March 2020 that the use of the terminology of "extremism" and its expanding ambit and underlined that 'the category of "extremist" crimes is particularly vague and problematic' with abuse of 'extremism' law and practice potentially leading to sustained human rights violations (Penal Reform International 2020, 12). All convicted for any act of an extremist nature, no matter whether it is affiliated to terrorism or not, are, in effect, categorized together, which means co-accommodation and subjection to the same, special treatment. Therefore, it should not come as a surprise that criminal infestation occurs, in lieu of the effect of de-radicalization.

At the end of this section, attention should be given to another vastly important matter in regards to understanding the process of de-radicalization in prisons. At this point we will reflect on the example of the Republic of Serbia, considering that we can hear the narratives, in public, which insist on the application of special programs for terrorist convict de-radicalization (and in a broader sense, extremism), along with introducing special post-penal programs dedicated to this category of convicts. First of all, it should be underlined that the questions of how convicts should be treated, especially within the post-penal treatment, compared to all other

convict categories, are established by corresponding legal regulations (LECS 2019, LENCAM 2018) which do not make a difference between the convicts, but rather anticipate a certain mechanism through which a suitable individual program of prison treatment, i.e. post-penal program, is chosen. Whereby a clear assignment is given to trained professionals to establish all relevant facts for the creation of aforementioned programs, and that would, within the context of terrorism, mean paying attention to the moment of radicalization as well. The question why would special treatment be given to the perpetrators of terrorist acts in comparison to other convicts, especially those who were convicted for other serious felonies (such as murder, rape...) is raised. This question alone bears additional weight in the light of the statistical information on the number of crimes affiliated to terrorism committed on a yearly basis in many states, is highlighted, particularly if the relative part to the total number of crimes perpetrated within one year in one territory is analysed. This can be clearly seen in the example of Serbia. During 2019, a total of 28112 people were convicted in the Republic of Serbia. Out of that number, only one person was convicted for a terrorist crime, while seven people were convicted for the act of terrorist association (Statistical Office of the Republic of Serbia 2009, 68-74). On this basis it can be concluded that insisting on special de-radicalization programs represents an exaggeration which cannot in essence contribute to the enhancement of counter-terrorist measures.

COUNTER-TERRORISM DURING THE COVID-19 PANDEMIC

The global pandemic of the corona virus (Covid-19) generally affected crime trend, including terrorism as well. The influence of the pandemic, i.e. the newly formed circumstances within which the world functions, can be observed in relation to the problem of terrorism from the positive and negative point of view. On the one side, closing down countries with the aim of suppressing the pandemic and closely monitoring current waves of virus-spreading in the past 18 months, significantly affected (and affects) people and commodity transportation, both within the national and international frameworks. This has, inevitably, left a mark on the

functioning of terrorist groups in regards to potential plans both in terrorist propaganda expansion, i.e. organizing activities which would gather new participants and followers, and in the context of committing terrorist acts. Closing down the public space almost all over the world, made it impossible for the terrorists to spread propaganda in such a way and organize the committing of terrorist acts in such areas. In other words, terrorists are denied the opportunity to realize one of the most important short-term goals of terrorism – causing and sowing fear among the population, which is the easiest and fastest to achieve through a surprising terrorist action in an area where there is constant movement and presence of a large number of people.

During the pandemic, according to the UN Institute for Training and Research (UNITAR 2020) by spreading disinformation, conspiracy theories and propaganda about the virus through online and offline settings, violent extremist movements and terrorist groups aim at sowing mistrust in authorities. The fact is that spreading propaganda, attracting followers and recruiting new active members through the internet have increased in recent years. Due to restrictions of movement, violent extremist and terrorist groups may further increase their efforts to recruit new members through social media and other online forums. Young people remain particularly vulnerable as they are likely to spend more time online due to closed schools, shut down of leisure activities and lost employment opportunities.

Shutting down the borders and directing countries towards resolving their own local issues, first and foremost within the context of the pandemic – such as how to control the virus-spread, how to conduct vaccination and balance the inevitable restrictions, led to certain changes when it comes to how terrorists behaved. Small number of terrorist acts are of a limited scope occurred, in the sense that there was a low number of participants and that the target choice was limited, and mostly these were situations of a local character. Apart from the “expected” sites and places of attack, such as the examples which occurred in France in September and October 2020 (the execution of a teacher in a Parisian suburbs for showing the caricature of the prophet Muhammad or the attack on two people not far from the editorial office of Charlie

Hebdo magazine), there was also one unexpected terrorist attack, from the point of view of Western public. The target was Austria, i.e. more precisely its capital Vienna, in November 2020. This attack on Austria was a surprise, because all the previous, regular terrorist activities focused towards “typical” terrorist targets such as France, Great Britain, Spain, were abandoned. This surprise indicated to a series of issues, because on one end, it demonstrated the unpreparedness of less “risky” countries to properly react when terrorism is concerned, whereas the question of vulnerability and risk of terrorism arose anew, as if some countries have only then woken up from their lull and realized that they, too, can be targets of terrorism, while not being completely ready for that. Media reported that the perpetrator of the terrorist act was caught buying ammunition for a Kalashnikov in Slovakia earlier that year in July, and was not successful as he did not have the adequate licence. Slovakia’s officials state that they have forwarded the information regarding this attempt to the Austrian officials, but an adequate reaction from their end was missing. In public, that terrorist attack was presented as an act of a lone terrorist, a sympathizer of the Islamic state, although it could also be heard that the Islamic state took responsibility for this attack (BBC 2020).

It would appear that the long-lasting pandemic and countries’ focus on the epidemiological situation has put the issue of terrorism in the background. This can have an upside to it, mostly because the overemphasized tension present ever since 11 September has deflated, yet we should remain aware of the possible downside of that change. The main dilemma is how the perpetrators of terrorist acts will behave at some point after the evident calm in terrorists’ activities and the lack of media interest due to other currently burning subjects. At one hand, the weakened attention of the general public can have a stimulating effect on the terrorists who will, once the global situation is completely normalized, i.e. when the pandemic ends, take the offensive when it comes to getting attention and spreading what is momentarily a weaker version of fear of terrorism, to which the countries must be prepared. Re-opening the borders and cutting off restrictions in regards to travelling is something which has long been awaited by the general population, whereas we should not dismiss the fact that terrorists are also “looking forward” to this normalization. This does not mean that

we should go from one extreme to the other and obsess over risks from a potential attack, but, of course, caution is necessary.

CONCLUSION

Fighting terrorism within the modern framework is an extremely complex process. Although, from the point of view of criminal sciences, it represents just another form of crime, as opposed to a series of other crimes, its occurrence, manifestation, understanding, and in the end reaction of different participants, is affected by a sequence of local and global factors which are intertwined and make a complete and clear portrayal of this phenomenon difficult. Regardless of the fact that terrorism is primarily a form of crime, it should not be neglected other dimensions important for a complete and adequate understanding of this phenomenon, like political context in which terrorism occurs.

Suppression of terrorism is very difficult task for most countries faced with that problem. The main dilemma is what type of counter-terrorism approach has the best chances for success – repressive one which is now dominated or officials should do much more to improve prevention activities. With no doubt public generally expects repressive attitude toward crime in generally and especially when it comes to some forms of crime, like terrorism. Having that in mind is not difficult to make conclusion that public will be probably willing to provide consent for some extreme measures if necessary beyond the fact that is might not in accordance with law or legitimate. The reality of torture is not something which fits the universal concept of human rights but when necessary the advocates of using torture and similar extreme measures in fight against terrorism point to the necessity of protecting lives of people potentially endangered by terrorists.

Part of the counter-terrorism approach is special treatment of prisoners convicted for terrorism and similar crimes, as well as the treatment of those who have served their sentences and been released from prison. The debate on these situations very often undermines the need to align these efforts with the existing framework, for dealing with these categories, which is set out long time ago. The main problem is the attempt to establish at all costs

some new and different rules for dealing with terrorists and other extremists without enough thought that the existing ones can also provide an adequate response.

Finally one of the most important issues that must not be forgotten in counter-terrorism activities is that suspected terrorists and condemned terrorists as well are still humans which means that their human rights must be protected in accordance with domestic and international regulative.

We could therefore say that the task of the present, i.e. us who live in it to try to get rid of “inherited conflicts from the past” and in that way provide ourselves and the coming generations a future that will be aware of the differences, and be clairvoyant for the similarities. The truth, we write these words with certain trepidation, because the question is whether the exposed understanding of the solution has a realistic chance for success. Shall we fail because we have been prone to fall, or will we move from the word, from which it all began, to deeds that will direct us to some brighter horizons? That is the question to which is very difficult to give a precise answer.

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