

Some Thoughts on the Victims of Terrorism

Gál István László*

Abstract

Terrorism is a complex phenomenon, one of the most serious global and national security risks today. The danger in terrorist acts lie in their unpredictability and in their fast and mobile striking effect. In addition to civilian casualties, governments insidiously conspire to abuse other basic rights in the name of fighting terrorism; they tighten security to an unreasonable degree, impose petty rules and regulations, and censor the masses, hence, creating police states devoid of freedom and instilled with fear – the perfect breeding grounds for terrorism.

Keywords: terrorism, human rights, criminal code, Counter Terrorism Centre, United Nations

I. The Concept of Terrorism

Terrorism is a complex phenomenon, one of the most serious global and national security risks nowadays. The social costs of victims of terrorism can be divided into two categories: personal (dead, injured, health damage) and financial (additional financial expenses generated by various responses to terrorism). Its material and non-material effects are huge, and if we also take the indirect effects into account, we can hardly come up with an exhaustive list. The cost elements that I consider to be the most important are the following.

Terrorist acts are one of the most dangerous criminal offenses. Their protected legal interest is the public interest with regard to the forceless and uninterrupted operation of states, governmental agencies, furthermore the population's uninterrupted, calm way of life that is free of fear¹.

The basic motivation behind terrorism at the end of the past century were anarchism and nationalism; although this is the past for today's terrorism, many components of their ideals are to be seen in the justification of terrorist acts in following eras and are the motivating power behind those acts. Their set of instruments differed as well (daggers, poison, bombs), they committed a sequence of attacks against Heads of States and monarchs – from the French president Carnot at the top of the list down to Queen Elisabeth². Nevertheless, it can be stated that

* Full professor, Head of Department of Criminal Law, University of Pécs, Hungary, Faculty of Law; University of Public Service Faculty of Military Sciences and Officer Training. Contact: gal.istvan@ajk.pte.hu.

¹ E. Belovics, G.M. Molnár, P. Sinku, *Büntetőjog II. a 2012. évi C törvény alapján [Criminal Law II in accordance with Act 2012 C] HVG-ORAC Lap-és Könyvkiadó Kft., Budapest, 2012, p. 471.*

² Gy. Szövényi, *A terrorizmus jellegzetességei az ezredfordulón [The characteristics of terrorism at the turn of the millennium]*, Európai Tükör, 1998/3, p. 92.

terrorism is distinctly a phenomenon of the 20th century and has developed into a severe problem after World War II in three main geographic regions: Western Europe, the Middle East and Latin America.

“Terrorism is the systematic use of force or threats to use force drawing upon different ideologies, abiding by a specific logic and taking on different forms. Its aim is to achieve political endeavours by developing opportunism amongst victims, the audience, within the state and the society. The declared objective usually is of political, ideological, religious, ethnic etc. nature enforcing a radical change; a sequence of acts applied in order to achieve the objective. However, the tool used for the achievement is a common and violent criminal offense”³. The most crucial challenges to be faced in the future are nuclear terrorism, ecoterrorism, biological terrorism, cyber terrorism as well as the acts of radical religious terrorist groups, which have to be seen as an increasingly serious problem. Studies addressing terrorism agree that it is mainly a political phenomenon based on both structural and psychological factors. It is considered that modernization, democracy and tension undealt with may lead to conditions resulting in terrorism.

The danger in terrorist acts lie in their unpredictability and in their fast and mobile striking effect. The change between the terrorism of previous eras and today's terrorism is based on quality but the main differences developed through history⁴. 9/11 can be considered as a main turning point in the history of terrorism (and potentially in the history of mankind). The structure and the method of financing terrorist organizations have changed.

In the past 50 years, when this phenomenon started to become an unprecedented threat, many international conventions have been emerged in connection with terrorist acts, which were fully implemented into the Hungarian Criminal Code⁵.

Terrorism is such a crime, which is strongly affected to the human rights, and the policy of war on terror is also strongly affected to human rights too⁶. “In the War on Terrorism, what becomes of international human rights? It seems beyond dispute that the war model poses a threat to international human rights, because honoring human rights is neither practically possible nor theoretically required during war”⁷. “Terrorism aims at the very destruction of human rights, democracy and the rule of law. It attacks the values that lie at the heart of the Charter of the United Nations and other international instruments: respect for human rights; the rule of law; rules governing armed conflict and the protection of civilians; tolerance among peoples and nations; and the peaceful resolution of conflict. Terrorism has a direct impact on the enjoyment of a number of human rights, in particular the rights to life, liberty and physical integrity. Terrorist acts can destabilize Governments, undermine civil society, jeopardize peace and security, threaten social and economic development, and may especially *negatively*

³ L. Korinek, *A terrorizmus [Terrorism]* in K. Gönczöl, K. Kerecsi, L. Korinek, M. Lévy (eds.), *Kriminológia – Szakkriminológia [Criminology]*, CompLex Kiadó, Budapest, 2006, p. 447.

⁴ A. Gergely, *A terrorizmus természetrajza [The nature of terrorism]*, Kapu, 1994/10-11, p. 92.

⁵ See more: A. Kasznár, *A terrorizmus megjelenése Magyarországon az 1970-es és 1980-as években [The emergence of terrorism in Hungary in the 1970s and 1980s]*, in (T)ERROR & ELHÁRÍTÁS 2017/1-2, pp. 98-101.

⁶ See more: L. Kóhalmi, *Az önvédelmi korrupció koncepciója [The concept of self-defense corruption]* in JURA 21/1, 2015, pp. 65-69.

⁷ D. Luban, *The War on Terrorism and the End of Human Rights* in *Philosophy & Public Policy Quarterly*, Vol. 22, No. 3, 2002, p. 13.

*affect certain groups. All of these have a direct impact on the enjoyment of fundamental human rights*⁸.

“A 2009 study conducted by the University of North Carolina concluded that the most commonly utilized counter-terrorism tactics, such as extrajudicial killings, torture, forced disappearances, and political imprisonment are, in fact, themselves acts of terror. To terrorize in the name of combating terrorism is ironically hypocritical. When counter-terrorists use the tactics of terrorists in order to counter terror, they descend to their moral level and just add more terror to the world. And if that were not enough, when counter-terrorists terrorize people, they generate more terrorists. In addition to civilian casualties, governments insidiously conspire to abuse other basic rights in the name of fighting terrorism; they tighten security to an unreasonable degree, impose petty rules and regulations, and censor the masses, hence, creating police states devoid of freedom and instilled with fear – the perfect breeding grounds for terrorism. Thus, we are facing a vicious cycle: counter-terrorism breeds more terrorism, and then more terrorism breeds more counter-terrorism, and so on, ad infinitum”⁹.

II. The Cost of Terrorism for the Society and for the Victims

The social costs can be divided into two groups: personal (dead, injured, health damage) and financial (financial extra costs generated by the reactions to terrorism). Terrorism is a complex phenomenon, one of the most serious global and national security risks. Both its financial and non-financial effects are huge and if we take in consideration the indirect effects also, then it is quite impossible to make a perfect list. In my opinion the most important cost elements are the following.

a) Death and injury

The biggest danger of the terrorist attacks is that they want to kill people. All of the important terrorist attacks of the past demanded human victims generally of the order of tens or hundreds but there have also been bigger attacks. *Presently the most serious (and unfortunately the most realistic) fear is such an attack with a weapon of mass destruction against a big city, which city's center is located near the harbor.* In such cities lots of containers are unloaded from the commercial ships but only a very small part of these containers are checked. If in the future we should check all containers of all commercial ships, then it would make international trade more expensive in such a way that could cause damages like the worldwide economic crisis that appeared last year.

b) Direct medical effect

We also have to mention that apart from the dead and injured victims it is interesting that the terrorist attacks indirectly can have health damaging effects, even years after the attack. Transcriptionally these people are also to be considered as victims of terrorism. According to the researches of American psychiatrists the live broadcast of the terrorist attack of September 11th, 2001 increased the frequency of heart illnesses to its triple in the next three years¹⁰.

⁸ <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf> (accessed on 17.09.2017).

⁹ http://www.huffingtonpost.com/lydia-canaan/fighting-terrorism-withou_b_9513034.html (accessed on 17.09.2017).

¹⁰ <http://www.stop.hu/articles/article.php?id=320646> (accessed on 17.09.2017).

c) Financial damages

Terrorist attacks usually cause significant financial damages too. The ratio of the effective financial damages caused by a blast can be multiple to the historical cost of the whole terrorist act.

Without any doubt it was the fall of the twin towers of the World Trade Center and the neighbor buildings (adding the value of the four airplanes) was the attack that caused the most serious financial damages in the history of terrorism. According to estimations the direct costs of 27.2 billion USD caused by the September 11 attacks contributed to 0.25 % of the annual GDP of the United States of America in 2001. The loss of the private sector was 14 billion dollars, 1.5 billion dollars the expense of the local government, 0.7 billion the loss of the federal government while the rescue and the cleaning away of the ruins cost 11 billion.

d) Damaging effects on national economy (tourism, catering, stock exchange, etc.)

Apart from the direct financial damages, most of the attacks cause indirect damages also to the attacked city, region or country but the attack of September 11. also had economic effects on international levels.

As a consequence of the blast on Bali in 2002 the GDP of Indonesia decreased by 2%! The blasts in Istanbul set the economic growth of Turkey back and the flow-out of Western capital started. The approximately 18 billion USD income of London coming from tourism was decreased by approximately 33% by the terrorist attack in 2005¹¹.

Apart from this terrorist attacks cause decreases on the financial markets of the given country but a bigger attack can have effects on the stock exchanges of the whole world.

e) Extra costs in the financial intermediate system

The continuous lookout on terrorist financing and the announcing of the suspicious cases appear as extra tasks to the institutions of the financial intermediate system (banks, investment services, insurance companies, etc). The costs of which are not measurable and it is even hard to estimate them. Namely because these institutions had already been using and working this system even previously in order to precede and prevent money laundering. The bigger banks for example employ several colleagues in the compliance (to comply to different laws) area, their salaries and the cost of the regular training of the employees of course mean an extra cost but these costs would arise even if they did not have the task to check on terrorist financing¹².

f) The costs of prevention and investigation (criminal investigation, jurisdiction, secret service)

Terrorism generates extra costs in criminal investigation, jurisdiction and secret service. Of these the extra cost of the secret service is the most important. The fight against terrorism most probably raised the budget of the secret services by several billion dollars worldwide.

g) The costs of penalty execution

The closing of the Guantanamo base was first raised after the election of Barack Obama as president. Apart from having grave human right problems, the institutions

¹¹ S. S. Costigan, D. Gold, *Terronomics*, ASHGATE, Great Britain, 2007, p. 22.

¹² E. Balázs, *Economic Crimes in the Hungarian Penal Code* (Studies regarding criminality in the economic field Romanian and Hungarian legislations, Debrecen, 2008, p. 228.

for the execution of penalties that are maintained especially for terrorist-suspicious people must have high costs too.

h) The cost of military actions

The military actions that are generated directly or indirectly by terrorism form one of the most serious cost factors. However, there is no agreement in the related articles if these actions were provoked by the terrorist attacks or if the terrorist attacks were just reasons for applying military means for other, underlying purposes.

III. A Terrorist Case from Hungary

In the past ten years an average of 3 terrorist acts took place in Hungary. However, these cannot be seen as terrorist acts in “classic” criminological terms, but as criminal offenses, which have been declared as terrorist acts by the increasingly spreading scope of criminal law. Pursuant to the Hungarian criminal law the common criminal offenses listed in the section “Acts of Terrorism” of the Criminal Code have been declared as terrorist acts, when e.g. the objective of the perpetrator is to intimidate the general public, coerce a government agency, another State into doing, not doing or countenancing something; or to disrupt e.g. the operation of an international organization.

One of the cases attracting huge interest in the press has been the criminal proceeding against Ahmed H. Due to the “situation caused by mass immigration” in Hungary, the state of emergency was declared on 15th of September 2015 and on the same day new rules in asylum and criminal law became applicable. This reform on the Asylum Act obliges refugees to file their asylum requests within one of the newly established transit zones alongside the Schengen external borders. The transit zones on the Hungarian-Serbian border – Röszke and Tompa – opened on 15th September 2015, but in the beginning only hundred requests were allowed per day. The border crossing at Röszke, where thousands were previously able to enter the EU per day, was basically closed overnight. As a consequence thousands of people were trapped; not able to move forward anymore and not knowing what was happening¹³.

After declaring the state of emergency as a consequence of mass immigration hundreds of migrants assembled on the Serbian side of the road border crossing Röszke-Horgos on the 16th of September 2015. The peaceful minded groups of people with the aim to enter Hungary became aggressive over time, trying to tear down the fence, some of them throwing stones at the policemen on the Hungarian side. Many policemen were injured during the confrontation. According to the judgement of the Court of First Instance Ahmed H. threatened with breaking down the cordon and attacking the police. The suspect has addressed the mass several times with a megaphone, threw stones at the police three times himself and has illegally entered Hungary after opening the gate closing down the crossing point. Ahmed H. then returned to the Serbian side and could only be detained 3 days later. According to prosecution this act has to be considered a terrorist act because the suspect did use force against the representative of public authority in order to force the police to let him enter the country.

On 30th of November 2016 Ahmed H. was convicted in Szeged to 10 years imprisonment on account of illegally crossing the border and a terrorist offense. In

¹³ <http://no-racism.net/article/5234> (accessed on 17.09.2017).

addition, he was expelled from the Hungarian state territory indefinitely. On 15th of June 2017 the appeal hearing took place in Szeged: resulting in the procedure being resubmitted to the first instance court, whilst the accused remains in pre-trial detention. Ahmed H. has been detained since September 2015 and has therefore been imprisoned for almost 2 years now. In addition to national press and 2 representatives of the international media, Amnesty International Hungary, one delegate of the Swiss Democratic Lawyers (ELDH member organization) and supporters of Ahmed H. were also present and attended the hearing¹⁴.

Pursuant to Hungarian criminal law what Ahmed H. committed is a terrorist act. The perpetrator of Syrian nationality was convicted of a terrorist act and of the illegal crossing of the border at first instance by the General Court of Szeged. As a consequence, he was sentenced to imprisonment of 10 years in a high secured prison and has been expelled from Hungary. The Court of Appeal of Szeged repealed the decision. The proceeding is still ongoing in the autumn of 2017.

In Hungary, the detection and prevention of terrorist acts falls within the correspondence of the Counter Terrorism Centre¹⁵. This state agency is specialized on prosecution and intelligence service. Pursuant to the relevant legislation (Government decree 295/2010. (XII. 22.) its main tasks are as follows:

- a) It analyses and evaluates the threat of terrorism on Hungary.
- b) It organizes and coordinates the activity of state agencies for the prevention of and response on terrorist acts, performs preparational, implementation and administrative tasks in connection with the Counter Terrorism Centre.
- c) It contributes towards developing the national program on the protection of critical infrastructure, evaluating the level of threat and the elaboration of plans on security action plans, furthermore – according to a specific contract –, it is responsible for the protection of the critical infrastructure being important in terms of terrorist threats.
- d) Pursuant to the government decree on the protection of individuals and designated establishments it provides protection for the General Prosecutor and the Prime Minister, and fulfils other tasks regarding the protection of persons, which were temporarily or on case-by-case basis assigned to it by the Minister of Policing.

At intelligence level the Counter Terrorism Centre (TEK) plays an essential role. Although they can use the police powers under the Chapter 7 of the 1994 Police Act (covert operations), the TEK does not conduct investigations, but operates exclusively in the area of collecting intelligence. Their sources include human intelligence, financial intelligence, technical intelligence (telephone/wiretapping, internet and other communication surveillance) and foreign counterpart information. The information is classified until the TEK decides to file a report on suspicion of terrorism-related offences to the law enforcement authorities. Though the TEK has not yet specifically focused on financing terrorism, this aspect has come up in other intelligence actions, for instance with regard to suspicions of business activities being used to financially support terrorist organizations (which were however later not confirmed). The TEK is clearly well-informed and aware of terrorist threats, even if until now it has not found concrete indications of terrorist-related activities and considers that there is not yet

¹⁴ <http://no-racism.net/article/5234> (accessed on 17.09.2017).

¹⁵ Hungarian name: *Terrorelhárítási Központ*, TEK.

need for immediate action, while at the same time recognizing the importance of raising awareness for the terrorist threat¹⁶.

“In September 2018, a Hungarian court eventually found him guilty of “complicity in an act of terror”, under the country’s extremely vague counter-terrorism laws. While delivering the final judgement, the judge acknowledged that Ahmed had in fact tried to calm the situation and mediate between the police and the crowd. He was originally sentenced to 10 years in prison. Following an appeal, a retrial was ordered in which he was again convicted and given a reduced sentence of five years in prison, despite a glaring lack of evidence to back up the extremely serious charge. The United Nations, the European Parliament and the US State Department all expressed concern about Hungary’s deliberate misapplication of terrorism charges in Ahmed’s case”¹⁷.

IV. Some Conclusions

One reason for why no “traditional” terrorist attack took place in Hungary that needs to be highlighted is the effective operation of the Counter Terrorism Centre. This agency is subject to the responsibility of intervention before the commitment of a terrorist act and in this case misuse of firearms will be registered within the criminal statistics, as the perpetrator has been detained before he/she could commit a criminal offense with his/her illegally obtained firearm. Other possible reason could be that we had luck in the past decades. We cannot prove, what is right, but the point is the same: there was no serious terrorist attack in Hungary up to this day. This doesn’t mean, that we don’t have to prepare or that we will never have a serious terrorist attack in the future in Hungary. We have to find the best practice and the balance between the human rights and the security in the next years too.

References

1. Balázs, E., *Economic Crimes in the Hungarian Penal Code* (Studies regarding criminality in the economic field Romanian and Hungarian legislations, Debrecen, 2008).
2. Belovics, E., Molnár, G.M., Sinku, P., *Büntetőjog II. a 2012. évi C törvény alapján [Criminal Law II in accordance with Act 2012 C]* HVG-ORAC Lap-és Könyvkiadó Kft., Budapest, 2012.
3. Costigan, S. S., Gold, D., *Terronomics*, ASHGATE, Great Britain, 2007.
4. Gergely, A., *A terrorizmus természetrajza [The nature of terrorism]*, Kapu, 1994/10-11.
5. <http://no-racism.net/article/5234> (accessed on 17.09.2017).
6. <http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MER-Hungary-2016.pdf> (17.08. 2022).
7. http://www.huffingtonpost.com/lydia-canaan/fighting-terrorism-withou_b_9513034.html (accessed on 17.09.2017).

¹⁶ <http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/MER-Hungary-2016.pdf> (accessed on 17.08.2022).

¹⁷ <https://www.amnesty.org/en/latest/press-release/2019/09/ahmed-h-what-happened/> (accessed on 05.09.2022).

8. <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf> (accessed on 17.09.2017).
9. <http://www.stop.hu/articles/article.php?id=320646> (accessed on 17.09.2017).
10. <https://www.amnesty.org/en/latest/press-release/2019/09/ahmed-h-what-happened/> (accessed on 05.09.2022).
11. Kasznár, A., *A terrorizmus megjelenése Magyarországon az 1970-es és 1980-as években [The emergence of terrorism in Hungary in the 1970s and 1980s]*, in (T)ERROR & ELHÁRÍTÁS 2017/1-2.
12. Korinek, L., *A terrorizmus [Terrorism]* in K. Gönczöl, K. Kerecsi, L. Korinek, M. Lévy (eds.), *Kriminológia – Szakkriminológia [Criminology]*, CompLex Kiadó, Budapest, 2006.
13. Kőhalmi, L., *Az önvédelmi korrupció koncepciója [The concept of self-defense corruption]* in JURA 21/1, 2015.
14. Luban, D., *The War on Terrorism and the End of Human Rights* in *Philosophy & Public Policy Quarterly*, Vol. 22, No. 3, 2002.
15. Szövényi, Gy., *A terrorizmus jellegzetességei az ezredfordulón [The characteristics of terrorism at the turn of the millennium]*, Európai Tükör, 1998/3.