

WHO IS A TERRORIST?

Definition of Terrorism

There is no internationally accepted definition of terrorism. The State Department defines terrorism in Title 22 of the United States Code, Section 2656f(d). That statute contains the following definitions:

- The term "terrorism" means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience. "Noncombatant" is interpreted to include, in addition to civilians, military personnel who at the time of the incident are unarmed and/or not on duty.
- The term "international terrorism" means terrorism involving citizens or the territory of more than one country.
- The term "terrorist group" means any group practicing, or that has significant subgroups that practice, international terrorism.

The Islamic states insist that fighting an occupation cannot be considered terrorism. It is resistance, they claim, something that is permitted according to international law. In fact, there is no such right of resistance to occupation in international law.

There are several international conventions that define war crimes. These definitions apply to events that occurred at the time of World War II and immediately afterwards, when armies were fighting armies. With the development of terrorism by groups that are not state entities, the whole concept of what a war crime is has changed.

U.N. on Terrorism

The two most recent UN terrorist conventions on Suppression of Financing of Terrorism and Terrorist Bombings make clear that criminal acts **"are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature."** Or in the words of Israeli Ambassador Yehuda Lancry in the 2001 General Assembly debate: "Terrorism is defined by what one does, not by what one does it for."

United Nations Resolution 1373 (2001) calls for the suppression of financing and improvement of international cooperation in the fight against terrorism. The Counter Terrorism Committee, chaired by Spain, is responsible for monitoring states' compliance with this resolution. Resolution 1390 (2002) provides for sanctions for non-compliance with Resolution 1373. The problem lies, once again, in the absence of an internationally recognized screening mechanism for identifying terrorist groups.

State Department List of Terrorist Organizations

The U.S. State Department campaign to seize terrorist assets includes organizations that target Israel. This places Hamas, Hezbollah, Islamic Jihad and the Popular Front for the Liberation of Palestine on a par with the Al Qaida network of Osama bin Laden. All groups listed as foreign terrorist organizations are subject to the executive order President Bush signed soon after the Sept. 11 attacks, meaning that the Treasury Department can impound the assets of these terrorist organizations and of individuals who are suspected of providing financial aid to them.

Who is a Combatant?

International law deals with two generic situations: war and peace. There are laws of warfare and different laws apply to countries when there is peace. Where does a terrorist fit in to this structure? In peacetime, people are divided into two different categories. They are either law-abiding citizens or criminals, to be dealt with by the police and the courts. In wartime, people are categorized as either civilians or combatants. **There is general consensus that anyone taking part in hostilities is a combatant, regardless of where he lives or whether or not he wears a uniform.**

There is a basic asymmetry between an army and a terrorist organization. The army has to wear uniforms and carry arms openly. The terrorists can hide amongst the civilian population. The terrorists can take out their weapons and shoot and then hide the weapons again. When the army shoots back, it is accused of shooting "civilians." When anyone on the Palestinian side is killed, he is never considered a combatant even if he has been actively engaged in acts of war.

A country -- whether it is Israel, or the United States in its fight with al-Qaeda -- whose army is involved in fighting a terrorist organization which has no state and no boundaries, has to be able to carry out those acts necessary to deal with terror.

How Arafat's Palestinian Authority Became an "Entity Supporting Terrorism"

At the time of the signing of the first Oslo Agreement on September 13, 1993, Israel saw the Palestine Liberation Organization as a counterweight to the militant fundamentalist challenge of Hamas -- an offshoot of the Muslim Brotherhood, and Islamic Jihad -- disciples of Iran's Ayatollah Khomeini.

While PLO and Hamas were competitors for influence among the Palestinians, their evolving relations appeared to be characterized by increasing collusion rather than confrontation. Since the formation of the new Hamas cabinet on March 20, 2006, tensions have progressively risen in the Gaza strip between Fatah and Hamas terrorists.

The PLO Reconciles with Hamas

A six-point agreement was signed between the military wings of the PLO and Hamas on April 22, 1994. Yasser Arafat refused to dismantle the military potential of his Islamic opposition and in fact encouraged the building of the terror infrastructure. In 1996, Israel's Chief of Military Intelligence warned that Arafat was preserving this situation for final-status negotiations with Israel in order to provide negotiating leverage.

Arafat's Own Security Forces Join Terrorist Attacks Against Israel

The most significant military development was the involvement of forces over which Arafat had **direct command** (Palestinian Authority security forces) in the terrorist violence against Israel. This first occurred in September 1996, and since September 2000 became a regular occurrence.

Palestinian Incitement

Every inquiry into Palestinian suicide attacks finds that these do not just happen spontaneously but rather, flow from a large and sophisticated infrastructure. Convincing individuals to become suicide bombers is not easy. It requires ideas and institutions. The process began with the Palestinian Authority inculcating two things into its population, starting with the children: a hatred of Jews and a love of death. School curricula, camp activities, TV programming and religious indoctrination all portray Israelis, as sub-human beings deserving of being killed. They deprecate the instinct for self-preservation, telling impressionable young people that sacrificing their lives is the noblest of all goals.

Recent Developments

From 2003 to 2008, 8827 Kassam rockets and mortars were fired from Gaza into the Israeli town of Sderot and the western Negev region of Israel making day to day life very difficult. In 2008, there were over 2700 attacks on the Western Negev. Attacks continued after a June 2008 ceasefire agreement though the number of attacks decreased significantly.

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