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Religious Education: The Open Vein Spurting Terrorism Impacting Human Rights, International Instruments & Counter Terror Actions

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ABSTRACT

“With guns you can kill terrorists, with education you can kill terrorism.”

— *Malala Yousafzai*

Any country is a bounty of richness, brotherhood and culture before being destructed by any negative human act. Today, the images flashing on the surface is showing where has science and adventure landed man. Well, the year 1948 witnessed a clear evolution of new hope and human standards with a resolution brought by Universal Declaration of Human Rights, human rights being the prime concern of every state but over the past few years, the idea has been drifting, the International Bill of Human Rights with its purpose and rationale behind its art and craft comes out to be paradoxical. With human rights violations being a consequence of terrorism including other areas of conflict brought over power, religion, trade and commerce, the idea of cultural exchange, harmony, peace and all the basic ingredients acting as a baseline for the UN charter has become a shadow plain of utter ignorance. There is no denial to the fact that once in a blue moon a group of nations meet, discuss few agendas, sign a few documents however, later their own goals turn bleak. Global village, like our very own state, holds the duty to play a proactive role to protect the human rights of every individual. Also, the nations need to corner the idea of terrorism in one roof and leave religion aside to restore faith in humanity and human empowerment. If one can really understand terrorism then it is simply a bunch of humans bombarding humans for a totally remote motive. The paper focuses on the fact that how education, when thought the negative way can animate terror findings in human race and can lead to damage. Huge one! Despite certain instruments, countries have not yet countered the same except for India and US. We are still dealing with terror even in a democracy. It is only we who can regenerate, create and devastate at the same time.

Keywords: *UN Charter, UDHR, Human Rights, State, Global Village.*

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I. INTRODUCTION

The Universal Declaration of Human Rights, from its minutest corners has always kept human rights at the highest level of rights ever perceived. This text however, itself had never imagined that the document being a fine piece of art, will lose its credibility in the coming years. From right to life, liberty and due process, to equality in all respects, to recognition, to prohibition from discrimination and torture, it is a blanket text covering major essentials of a lifetime earnings. It comes to my mind as I pen this, a normal civilian who earns two meals a day has nothing to do with terrorism, a woman who has no husband to support her and has been selling her body has nothing to do with terrorism, a young tiny lad asking for alms alongside a neat and clean infrastructure has nothing to do with terrorism, perhaps a simple living layman never wants war or terrorism, then for what reason has it been ionized? This still remains dark and uncollected. So, what exactly terrorism involves and who are the worst hit by the atrocities or enmities among nations itself that they turn down to such inhumane levels becoming cannibals of its own kind. It is the innocence in the society which suffers, the normal living people in the society lose their lives and property, their hard-earned money, loss of family and a trauma being carried thereafter which roots in their mind and soul.

II. EPISODES OF TERRORISM: TRACING FROM THE PAST

As per the Global Data, terrorism varies year to year. Asia, Europe, count any corner of the world, terrorism has its nerves in that state. From 1990 to 2017 the graph has shown a relatively high year of deaths caused by terrorism, from the Global Terrorism Database, out of the total global deaths 95% occurred in Middle East, Africa or South Asia whereas, the count was less than 2% in America, Europe and Oceania combined².

It was in 1605 when the first bombing was attempted by a group of English Catholics in England to kill King James I with the goal of installing his nine-year-old daughter, Princess Elizabeth as the head of the state. However, the explosives were discovered a day before the planned detonation and the conspirators were killed. The year 1800 to 1899 witnessed a series of events impacting France, the United States, then United Kingdom, Spain, Russia (St. Petersburg), Chicago, Pittsburgh, Paris and Lyon which includes assassination, shooting, mass killings, prison escapes and even Hijacking at Constantinople Ottoman Empire which killed 6000 individuals perpetrated by Armenian Revolutionary Federation.

Then from 1900 to 1929, the 19th century brought a phase of powerful, stable and affordable

² Hannah Ritchie, Joe Hasell, Cameron Appel and Max Roser, *Terrorism, Our World in Data*, July 2013.

use of explosives where global integration reached an unprecedented level and radical movements became influential with the use of dynamite by the anarchists. It followed resentments resulting in assassination, bombing, kidnapping, shooting and riots affecting Italy (Monza, Trieste, Milan), Russia (St. Petersburg, Kiev, ApteKarsky Island), South East Europe (Thessaloniki, Ottoman Empire), Morocco, Spain, Sweden (Malmo), United States (Tulsa, Los Angeles, San Francisco, Jersey City, New York), Austria-Hungary(Sarajevo), Romania (Bolgrad, Bucharest), Dublin, Bulgaria, where those responsible were a number of revolutionary extremists and anarchists.

From then on, it started as if nowhere to stop, the non-governmental participants came into the limelight in 1930 to 1949, brought in some new groups of extremists and yet another threat to mankind, which was the Atomic bomb in 1945. The first one used by the United States on Japan (used Uranium, “Little Boy” on Hiroshima and Plutonium, “Fat Man” on Nagasaki on 6th & 9th August, 1945 respectively) during World War II, producing a blast equal to 15,000 and 21,000 tonnes of TNT. The loss was such in Hiroshima, that where the blast in one blow devastated an area of 11.4 Square Km, killing 70,000 immediately and thereby surpassing a toll of 100,000, destroying and damaging 67% of the structure of the city and its heart. Nagasaki, though being smaller in size, the loss of life and property was reduced to 39,000 killed and 24,000 were injured, where about 40% of the city was destroyed and Japan surrendered the next day. After that, the bomb was in the global town wrapped in for fission feasts by India, Pakistan, France, China, Great Britain and Soviet Union. The aftermath was a series of bombing in Palestine at King Hotel and Ben Yehuda Street by Palestine Arab groups, the Irgun which is a Zionist Paramilitary Organization, the Sweden attack against the Norrskensflamman- a communist newspaper by a group of five conspirators, in the United states where the Mad Bomber had planted over 30 bombs in public places such as the Grand Central Terminal and the Paramount Theatre, also, in the Philippines, where a detonator planted in an airliner exploded thirty minutes after departure killing thirteen people.

By the year with the league of rising nationalism, terrorism was unfolding a paragraph in the prints again, in 1950 to 1969, bombings and frequent mass killings took on the toll adding Lebanon, Cyprus, South Africa, Canada, Argentina, South Vietnam, Falkland Islands, Italy and Ireland. The human life and worry about the same reached the hearts and minds of the world leader, but there on with terrorism at its rising spree, several world leaders became active to counter the same. By this time, the organizations were funded, recruited and bred in many states, unaware about their underground poisoning hubs, nations were bombarded, innocents killed, women sold and yet, the bulletins briefing us.

III. TERRORISM: UNWRAPPING THE DEFINITION

Britannica defines terrorism as a calculated use of violence to create a general climate of fear in a population and thereby to bring about a particular political objective. Terrorism has been practiced by political organizations with both rightist and leftist objectives, by nationalistic and religious groups, by revolutionaries, and even by state institutions such as armies, intelligence services, and police³. The definitions of terrorism are convoluted and contentious because of the inherent fear and violence brought about by the very word, the term in its recent usage has developed an intense taint. Coined in the 1790s, in reference to the term used by the French revolutionaries, history traced mass execution by guillotine carried out by Robespierre of the Jacobin party but now in 20th century terrorism is associated with the ineffective regimes of the government followed by resentment formed among its own population.

All we know is that the conventional practices of implicating terror have changed so far and power, might and religion has surfaced the arms and mouth of individuals who perfectly create a sense of panicky in the society whereby violence betrays love, affection, harmony and brotherhood. It is often said, that conventional methods of artilleries focused more on inflicting the use of arms showing the might and strength of Military power that uses terror propaganda to win over troops and masses like what happened in the Viet Cong in Vietnam and Khmer Rouge in Cambodia. Thus, Terrorism is the calculated use of violence to create fear and achieve political goals when the show of power and might through military tactics does not assure a possible win.

With over 109 definitions of Terrorism, the American Political Philosopher Michael Walzer phrased that, Terrorism is the deliberate killing of innocent people, at random, to spread fear through a whole population and force the hand of its political leaders.⁴ It is not only individual agencies within the same governmental apparatus that cannot agree on a single definition of terrorism. Experts and other long-established scholars in the field are equally incapable of reaching a consensus⁵. It has been written that the question of defining terrorism is "irresolvable" because "its natural home is in polemical⁶, ideological⁷ and propagandist⁸

³ John Philip Jenkins, *Terrorism*, Encyclopaedia Britannica (February 10, 2020, 14.40 PM).

⁴ Robert Mackey, "Can Soldiers Be Victims of Terrorism?", *The New York Times*, (November 20, 2009, 08.35AM)

⁵ Bruce Hoffman, *Inside Terrorism*, Columbia University Press (March 08, 2020, 15.56 PM).

⁶ A Written attack on a political decision.

⁷ A system of societal beliefs that are judgemental of the way things are or ought to be.

⁸ A person who tries to persuade people to support a particular idea or a group often by giving inaccurate information.

contexts⁹."

Experts disagree about "whether terrorism is wrong, either by definition or as a matter of fact or that it should be defined in terms of its aims, or its methods, or both, or neither; whether or not states can perpetrate terrorism; they even disagree about the importance or otherwise of *terror* for a definition of *terrorism*¹⁰.

State Terrorism is an act conducted by the state against its own citizen or against any other state mostly politically motivated but affects a larger audience in the region.

In November 2004, The United Nation Secretary General in the report described terrorism as any act which is intended to cause death or serious bodily injury to civilians or non-combatants aimed at intimidating a population or coercing a government or an International Organization to do or to abstain from doing any act. The duty of International community to embrace upon the principle "Responsibility to Protect" was impressed upon, as the basis for collective action against genocide, ethnic cleansing and crime against humanity. Recognizing that this duty first and foremost lies on the state, but where the state giants fail, it is on the shoulders of the international community to look upon. However, a very apt definition of terrorism has not been coined by the United Nations machinery due to divergence of opinions on self-determination and National Liberation. So far, it has become impossible to conclude a Comprehensive Convention on International Terrorism which would incorporate every single facet of legally binding definition of Global Terrorism¹¹.

IV. THE REASON AND THE MEN IN CONFLICT

In the line of understanding Terrorism, it is very necessary to underline those who actually get involved in such terror activities. Who are they, to what religion or faith do they belong? Whether they have been victims of any humiliation or atrocities which motivated them towards such illicit and inhumane practices or whether they are maniacs being driven by a mission to kill and bury its own kind? Psychology behind terrorism is difficult to understand, and it keep one question open, whether they are "driven" or "pushed" to it?

Before 1980, pathology was considered to be the driving or pushing force behind an individual's involvement in a series of human crime, it was an idea of disrepute and had to shed. Now the idea is that the roots of terrorism lies not in the individual, but in the wider

⁹ Jenny Teichman, "How to Define Terrorism", 64 *Philosophy* 505, 505–517 (1989)

¹⁰ Ibid.

¹¹ Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change on *A More Secure World: Our Shared Responsibility* (A/59/565/2004).

circumstances in which the terrorist live and act¹².

Becoming a terrorist is not out of choice, but a resultant effect of long deliberation. Leading to a fact that, when a certain group of individuals are not happy with the ongoing regimes and policies of its ruling government, they turn out to be violent and belligerent towards the government but in the same exercise they turn out to be aggressive and repulsive towards the civilian population as well. What seeds in uprising a resentment towards government policies by certain sections of the society churns hatred, resorting to protests, agitation but terrorism is the ace in the hole for those who feel alienated in the societal setup, who are believed to be a victim of social injustice. Studies reveal, out of many calculations and interviews, individuals land into this business out of influence by showing videos and movies of mass agitations to disturb human peace and affect an individual to such a large extent that he forgets what is humanity. So, what was human a minute ago, is now an animal.

Research has enlisted a number of possible causes for terrorist activities. These include:

Social and political divergence that has changed the course of the States and its subjects. Apartheid was once a common form of social injustice but some people turned out to be a terror menace when their civil liberties are harmed and are perceived victims of Social injustice believing that they have been stripped of something they feel entitled to.

Religious dilutions prevail over the true faith. No religion involves any devotee in an inhuman practice, it is the negative of every book that is being taught which becomes a concentrated point of hypnotism for the naïve, however it is believed that religion unites, terrorism is a purpose of many such actions based on religion. Religion is used as a tool to incarcerate the unholy and vile behaviour in the society or to vindicate impious thoughts against their faith. Religious Terrorism is not always about intolerance towards one faith or the other. Divergence of faith may germinate within two sects of the same religion as well resulting into terrorist attacks like the Protestants and catholic Christians or the Sunni and Shia Muslims or the Brahmins and Shudhra or any sub caste within the Hindus.

Ideological Position varies, some groups use terrorism to inflict upon a particular ideology they believe in, this is not backed by any religious or political idea but to be followed by people. Like, the racist groups who used violence to guard their beliefs in the recent past.

Socio-economic inequalities suggest that *Necessity is the mother of all inventions*. What worst can it be more than poverty, lack of education and political freedom daunted by unliberated

¹² Simon Cottee, *What Motivates Terrorists*, The Atlantic (June 09, 2015, 13:57 PM).

access to their civil rights, can tend to poise people towards terrorism? People in these situations are more prone to be levied by terrorist organizations in the garb of some advantages¹³.

Terrorism is a charged term. It is often used with the connotation of something that is "morally wrong". Governments and non-state groups use the term to abuse or denounce opposing groups whereas psychological variables encourage and inhibit people's participation in terrorism¹⁴. What comes out to be comprehended from various definitions and readings is that it sums up to the act of violence and fear, but studies show it is more than just mere act of violence and fear where even women atrocities are involved, children and the younger ones are targeted. So, it is not just limited to one aspect of violence and fear alone¹⁵.

The answer to who are involved in terrorism might go back to why they are involved. See layman is busy building marbles and structures, visioning for a smart future, but in the same go there is someone around the world being trained or we can say taught in a manner inferior to what the regular boys and girls in the school go and learn. No one has engineered any such art which helps in becoming the terrorist, circumstances do. Terrorist fall into a category, that when questioned they have a justifiable amount of reason to do the same eventually a motivating force behind their actions as to what they profess and what guides them to do so. No one can possibly find one normal reason, as they have an excuse and clearly defy and justify the same but the reason which motivates them still remains incomprehensible.

With every discussion above, there comes a question is it just the circumstance or people have the same question as of mine, Religion! Really?

V. DOES RELIGION CREATE TERROR?

With the coining of terrorism, started the practices of Religious Extremism where inciting terrorism through mobilization of religion came to the surface. Talk about any religion, when oppressed or have been victims of social injustice, they are religiously sculpted and mobilized to fall trap of such activities. Religious terrorism can be communal, genocidal, nihilistic, or revolutionary. It can be committed by lone wolves, clandestine cells, large dissident movements, or governments. And, depending on one's perspective, there is often debate about

¹³ Martha Crenshaw, *Causes of Terrorism*, Vol. 13, *Comparative Politics* 379, pp. 379-399 (1981).

¹⁴ Sinclair, Samuel Justin; Antonius, Daniel, *The Psychology of Terrorism Fears*, Oxford University Press, US, 14, 14-17 (2012).

¹⁵ Hannah Ritchie, Joe Hasell, Cameron Appel and Max Roser, "Terrorism", *Our World in Data*, (2013). <https://ourworldindata.org/terrorism>'.

whether the perpetrators should be classified as terrorists or religious freedom fighters¹⁶.

The current foot-in is of a religious wave as per David Rapoport¹⁷, where the ideological bend and revolutionary vision predominates. A Hindu as per the definition under the Hindu Marriage Act, be it any sub-sect, teaches its offspring to pray, respect and practice its own faith, a Christian involves the practice of going to the Church every Sunday, Jains, avoid eating garlic and onion made culinary, the Muslims considered to be the most faithful and abiding of all faith, practice the five time Namaz, observe Ramzan and all the basic rituals in its religion, so when all the religions in one, net down a small point of raising the idea of brotherhood, humanity and solidarity, how come terrorism comes into picture? Be it any religious text, they all talk about oneness, restoration and germination, an act of god will only be towards kindness and humanity. It will not motivate a human mind towards devastation and mutiny.

Since 1980, Terrorist activities have been motivated by religion¹⁸. Faith becomes an easy target of manipulation and conviction; it identifies a relatable grief of a person or a circumstance that one can feel agonized and forms a rationale behind falling to such alluring world of guns and bloodshed. After 9/11, it was found that 79 percent of the men who inflicted killing and attacks on the American soil, were sons of Saudi Arabia. A 2002 reports by Centre for Strategic and International Studies (CSIS) indicates that Schools in Saudi Arabia foster tolerance towards other religions and cultures while some textbooks taught Islamic tolerance while others viciously condemned Jews and Christians use rhetoric that was little more than hate literature, thereby the education system of Saudi Arabia came into question. Also, that the Kingdom's interpretation of Islam that is *Wahabism*¹⁹, which was taught as the core syllabi of the School's Standard Curriculum may hold some responsibility for inciting violence against the West. The US failed to verify that each year six million students receive an education directing religious hatred, inciting violence, and war that further reaches millions of others as they are spread far and wide in the Muslim world by a state that claims moral authority as the custodian of Islam's holiest sites. The US officially recognized that the ideology of Islamist Extremism, behind the terrorist attacks has been proliferating worldwide. The west became vigilant about it and after a recent visit of the US president Donald Trump, where he urged the Muslim nations to counter

¹⁶ Religious Terrorism, *Terrorist Environments*, Sage publications, Chapter 6, Pg. 130-156.

¹⁷ David C. Rapoport, "*The Four Waves of Rebel Terror: International Dimensions and Consequences*", UCLA Geneva, September 11.

¹⁸ United Nations Commission on International Religious Freedom report on *Teaching Intolerance in Pakistan*, Islamabad (2016).

¹⁹ "Wahhabism" derived from the name of a Muslim scholar, Muhammad bin Abd al Wahhab. The term "Wahhabism" is broadly applied outside of the Arabian Peninsula to refer to a Sunni Islamic movement that seeks to purify Islam of any innovations or practices that deviate from the seventh-century teachings of the Prophet Muhammad and his companions.

Islamist Extremism within its soil which inspires terror groups. Certain recommendations were made including a periodical review of the textbooks and publication of the reports annually on the contemporaneous editions of the Saudi government's textbooks, to halt major defence contracts between America and Saudi Arabia so long as the Saudi government publishes, posts or approves textbook citing hatred and violence in young minds against any religion or group, the State Department to report on the distribution of Saudi textbooks and education materials throughout the world and lastly, that Saudi Arabia should be impressed upon to end its ideology based on religious persecution²⁰.

A 2005 report from the Freedom House Centre for Religious Freedom narrates the "No and Never" in the government publications of Saudi Arabia at a great labyrinth, distributed in the Islamic Mosques and Centres. A disrespectful attitude, a feeling of "hate" incited to condemn the other religion was carved out through the readings however, a Muslim showing faithful attitude or advocating tolerance towards another faith is considered to be an infidel²¹.

Not just Islamic, but Jewish and Christian terrorism have been running episodes across the country. Jewish religious terrorism is terrorism committed by extremists within Judaism motivated by religious rather than ethnic or nationalistic beliefs²². Like the religious movement of zealotry to incite people of Judea province to expel Roman empire from Israel or like the Lehava, Sicarii, or Brit Hakanaim. Christian terrorism which represents those who profess Christian motivation or goals, was a result of the Balkan War that produced same figures and sediments as the Islamic Terrorism. They have Christian believes at odds with conventional Christianity.

To bring it again, a 2016 Islamabad report by USCIRF, reported a contention that schools in Pakistan teach bias, inferiority and distrust towards non-Muslims and non-Islamic faiths. The texts and books in the curriculum creates a mirage perception that the non-Muslim folks are westerners or British colonisers, this gross generalization and stereotypical portrayals of religious minority communities signal that they are untrustworthy, religiously inferior, and ideologically scheming and intolerant, thereby creating a rationale that Pakistani Hindus are outsiders, not our nations own. To the extent of what is taught in the schools and to what the law says, treating non-Muslim minorities at different part is a clear religious discrimination and below the lines of a democratic institution which makes them suffer various religious

²⁰ "Teaching Hate, Inspiring Terrorism: Saudi Arabia's Educational Curriculum" July 19, 2017, Testimony of Nina Shea, Director Hudson Institute Centre for Religious Freedom.

²¹ Freedom House, "Saudi Publications on Hate Ideology Fill American Mosques," Jan. 2005

²² Mark Burgess, *Explaining Religious Terrorism Part 1: The Axis of Good and Evil*, Agentura.Ru Studies and Research Centre (May 20, 2004, 11:16 AM).

atrocities that go uncanny and unnoticed, with what happened in Asia Bibi case, minority is yet unwanted in the suburbs of Pakistan. Another issue is the wide inclusion of disputed historical facts as settles history, which further closed the gates of young mind to look beyond the books and fanatics. Also, from the textbooks of the Sindh provinces, the Hindus and other religions have been portrayed as the destroyers of the Muslim faith.

VI. TIME TO COUNTER TERRORISM: INTERNATIONAL ORGANIZATIONS COMING INTO ACTION

As of today, there is resentment, rebellion and a rage running either politically motivated, socially or out of religious discords or social injustice. These terror group did not come handy with money, arms or funds, but with few progressive and motivating ideas²³. Now, after the World War II, the League of Nations turned out to be an utter failure, being unable to prevent the most unbelievable and indigenous crimes affecting mankind and its species. Post 1945, a series of debates and political sensitivities towards terrorism, ringed in the evolution of United Nation that dealt with the issues of terror and rising violence by the “Liberation Fighters” arguing on the lines of safeguarding their right to self-determination²⁴. In the year 1945, another attempt was made in restoring faith in humanity, the United Nations organization was carved out of the ashes of the League of Nations. The United Nations Charter impresses upon certain major objectives and goals together aimed at achieving an overall development of the Global Community and maintaining peace and security based on the principles of equal rights and self-determination of the people with an obligation of developing friendly relations but on operation these goals and objectives started becoming controversial with the failure of league of nations earlier and then the troubles ventured by the terrorist organization questioned the very status and structure of the Global Community. The year 1948, jolted with the International Bill of Rights, the three major instruments, the UDHR, the International Convention on Civil and Political Rights (ICCPR), International Convention on Economic, Social and Cultural Rights (ICESCR) and the optional protocols brought thereafter. Human rights circumferences around the UN Charter seven times, unfolding the very basis of its formation after the US bombarding by Japan thereby becoming the key promoting factor for the protection of humans and its kind. It has beautifully coined certain rights which are inherent in a human being, the state does not give them, nor does it come to us by any law or rule, these rights are “inherent”, that is to say, inbuilt by the very basis of the fact of being a human, it is inborn and cannot be

²³ Jodi Vittori, *The Evolution of Terror Resourcing*, Terror Financing and Resourcing, Springer Link.

²⁴ Introduction to International Terrorism, Counter Terrorism, UNDOC (UN, Vienna, 2018).

taken away, it is inalienable, nor can we be separated from the realms of these rights, they form the world, part of community, family and are essential for the very own existence of our kind. Now there comes another question, that when such a strong power vests in us for our very own existence, then from where do these tainted organizations get the power to take away the human life in one explosion. Be it any faith, human rights exist without any discrimination on race, caste, creed or background. Alright, now with this very cluster of rights, which is implicitly crafted as well in the respective municipal laws of the state, how come non state actors defeat the very nature of these rights? It is very right to say that, when asked about the reasons or justification of such acts, they are able to justify, but at the cost of human life? The same old discussions of Holy text enlighten us that this is vile and unexpected. In such situation, a counter terrorism is required, because it is not merely about the rights of you or them, it is a humanity which is losing its relevance. To what is happening in Syria, to what happened to Rohingyas, to why the CRPF soldiers were mass bombed? Also, how the security is breached to an extent that such unforeseen incidents take place. Call them terrorist, or label them as per their ideological goals as revolutionary, separatist or nationalist or liberalist or religious war mongers, the loss caused to human life cannot be neglected. The answer has to be given back. As of today, science has reached everybody, apart from the unconventional forms of terrorism, modern terrorism practice has been making the headlines with nuclear terrorism like fabricating a nuclear bomb or attacking a nuclear reactor and high-tech terrorism like involving cyber-attacks, ecological terrorism and terrorist attacks aimed at destroying public places and cultural heritage. The approach of the international community has shaped its universal anti-terrorism conventions efficiently around serious international human crimes so as to counter terrorism and reduce the risk to human life to the minimalist possible.

Since 1963, the International Community has crafted 19 international legal instruments to counter terrorist acts. These instruments were developed under the auspices of the United Nations and the International Atomic Energy Agency, and are open to participation by all member states²⁵.

1. The 1963,1970,1971,1988,2010 and 2014 instruments focused on conventions and protocols regarding civil aviation.
 - a. The 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft applies to acts affecting the in-flight safety and assurance. It authorizes the

²⁵ United Nations International Legal Instruments, Office of Counter Terrorism, <https://www.un.org/counterterrorism/international-legal-instruments>.

aircraft commander to impose reasonable measures, including restraint, on any person, he or she has reason to believe has committed or is about to commit such an act, where necessary to protect the safety of the aircraft and requires the contracting States to take custody of offenders and to return control of the aircraft to the lawful commander.

- b.** The 1970 Convention for the Suppression of Unlawful Seizure of Aircraft penalizes an act by any person on board an aircraft in flight to "unlawfully, by force or threat thereof, or any other form of intimidation, to seize or exercise control of that aircraft" or to attempt to do so. The convention requires the party states to the convention to impose severe penalties on the offence of hijackings and where the states that have custody of offenders, to either extradite or submit the case for prosecution and to assist each other in connection with criminal proceedings brought under the Convention.
- c.** The 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation makes unlawful and intentional act of violence against a person on board an aircraft an offence if that act is likely to endanger the safety of the aircraft; to place an explosive device on an aircraft; to attempt such acts; or to be an accomplice of a person who performs or attempts to perform such acts. It requires parties to the convention to make the offence punishable by imposing severe penalties and in case of custody to either extradite the offender or submit the case for prosecution.
- d.** The 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation extends the provisions of the Montreal Convention to encompass terrorist acts at airports serving international civil aviation
- e.** The 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation- Criminalizes the act of using civil aircraft as a weapon to cause death, injury or damage; the act of using civil aircraft to discharge biological, chemical and nuclear (BCN) weapons or similar substances to cause death, injury or damage, or the act of using such substances to attack civil aircraft. The act of unlawful transport of BCN weapons or certain related material or a cyber-attack on air navigation facilities constitutes an offence. A threat to commit an

4. The 1980 Convention on the Physical Protection of Nuclear Material is an instrument regarding the nuclear material which criminalizes the unlawful possession, use, transfer or theft of nuclear material or threats to use nuclear material to cause death, serious injury or substantial property damage. The 2005 Amendments to the Convention on the Physical Protection of Nuclear Material makes it legally binding for States Parties to protect nuclear facilities and material in peaceful domestic use, storage as well as transport and provides for expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material and mitigate any radiological consequences or sabotage to prevent and combat related offences.
5. The 1988 and 2005 Convention are an instrument regarding the maritime navigation. The 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation establishes a legal regime applicable to acts against international maritime navigation that is similar to the regimes established for international aviation. It provides that where a person unlawfully and intentionally seizes or exercises control over a ship by force, threat, or intimidation or to perform an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of the ship or to place a destructive device or substance aboard a ship and other acts against the safety of ships shall constitute an offence and be culpable.

In the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation criminalizes the use of a ship as a device in furtherance of the act of terrorism;

Also, transporting on board a ship various material with the knowledge that they are intended for the purpose of the cause of threat, to cause death or serious injury or damage in furtherance to an act of terrorism or transporting persons who have committed an act of terrorism is criminalized. The convention introduces procedures for governing the boarding of a ship believed to have committed an offence.

6. The 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf establishes a legal regime applicable to acts against fixed platforms on the continental shelf that is similar to the regimes established against international aviation.
7. The 2005 Protocol to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf adapts the changes to the

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation to the context of fixed platforms located on the continental shelf.

8. The 1991 Convention is an instrument regarding explosive materials. The 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection is designed to control and limit the use of unmarked and undetectable plastic explosives. The parties are obligated in their respective territories to ensure effective control over "unmarked" plastic explosive, i.e., those that do not contain one of the detection agents described in the Technical Annex to the treaty. Each party must take necessary and effective measures to prohibit and prevent the manufacture of unmarked plastic explosives to prevent the movement of unmarked plastic explosives into or out of its territory as well as exercise strict and effective control over possession and transfer of unmarked explosives made or imported prior to the entry into force of the Convention. It ensures that all stocks of unmarked explosives not held by the military or police are destroyed, consumed, marked, or rendered permanently ineffective within three years and to ensure that unmarked plastic explosives held by the military or police are destroyed, consumed, marked or rendered permanently ineffective within fifteen years and to ensure the destruction of any unmarked explosives manufactured after the date of entry into force of the Convention for that State forthwith.

Instrument regarding terrorist bombings

9. The 1997 Convention is an instrument regarding terrorist bombings. The 1997 Convention for the Suppression of Terrorist Bombings creates a regime of universal jurisdiction over the unlawful and intentional use of explosives and other lethal devices in, into, or against various defined public places with intent to kill or cause serious bodily injury, or with intent to cause extensive destruction of the public place.
10. The 1999 International Convention for the Suppression of the Financing of Terrorism is an instrument regarding terror financing. It requires the parties to take preventive steps and counteract the financing of terrorists, whether direct or indirect through groups claiming to have charitable, social or cultural goals or which also engage in illicit activities such as drug trafficking or gun running. To commit States to hold those who finance terrorism criminally, civilly or administratively liable for such acts and provides for the identification, freezing and seizure of funds allocated for terrorist activities, as well as for the sharing of the forfeited funds with other States on a case-by-case basis. Bank secrecy is no longer adequate justification for refusing to cooperate.

11. The 2005 International Convention for the Suppression of Acts of Nuclear Terrorism is an instrument regarding nuclear terrorism. It covers a broad range of acts and possible targets, including nuclear power plants and nuclear reactors. It covers threats and attempts to commit such crimes or to participate in them, as an accomplice. It stipulates that offenders shall be either extradited or prosecuted and encourages States to cooperate in preventing terrorist attacks by sharing information and assisting each other in connection with criminal investigations and extradition proceedings and it deals with both crisis situations (assisting States to solve the situation) and post-crisis situations (rendering nuclear material safe through the International Atomic Energy Agency (IAEA)).

VII. IMPACT OF TERRORISM ON HUMAN RIGHTS

Recalling the setbacks, the September 2016 Uri attack in the state of Jammu and Kashmir was reported as the deadliest attack on the security forces in Kashmir. The Jaish-e-Mohammad terrorist group were responsible for the attack. This was followed by the postponement of the SAARC summit. Another one, where armed militant with Ak47 attacked the CRPF group centre in Rampur, Uttar Pradesh reported on January, 2008. The Lashkar-e-Taiba group claimed responsibility for the attack on the camp. The 2006 Malegaon serial blasts, the 2007 Samjhauta express bombing, the Ajmer Dargah bombing of 2007, the Indian Parliament attack 2001, the December 2000 terrorist attack on the Red Fort. This is not just limited to our land only. The November 1979 seizure of the Great Mosque in Mecca by Ikhwan which is a Saudi Army clan made up of traditionally nomadic tribesman. The 1983 Beirut Barrack bombings in Lebanon. The 1985, Buddhist Borobudur Temple bombing in Indonesia where nine detonators damaged the temple property and stupas. The world trade centre bombing in 1993 in the New York city, United States. The 1993 bombing of the Pan Am Flight 103 over Lockerbie, Scotland and there after the biggest one in Europe in 2004 in Madrid, Spain. The Moscow Metro bombings of 2010 in Russia, where the Caucasus Emirate claimed the responsibility. These groups performing the mass murders and killings are innumerable. Every country has been fighting with one across the borders or within.

There is an adverse impact of terrorism on human rights since it 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 affect certain groups. All of these have a direct impact on the enjoyment of fundamental human rights. The destructive impact of terrorism on human rights and security has been recognized at the highest level of the United Nations, notably by the Security Council, the General Assembly, the former Commission on Human Rights and the new Human Rights Council.

Specifically, Member States have set out that terrorism:

- Threatens the dignity and security of human beings everywhere, endangers or takes innocent lives, creates an environment that destroys the freedom from fear of the people, jeopardizes fundamental freedoms, and aims at the destruction of human rights;
- Has an adverse effect on the establishment of the rule of law, undermines pluralistic civil society, aims at the destruction of the democratic bases of society, and destabilizes legitimately constituted Governments;
- Has links with transnational organized crime, drug trafficking, money-laundering and trafficking in arms, as well as illegal transfers of nuclear, chemical and biological materials, and is linked to the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, hostage-taking and robbery;
- Has adverse consequences for the economic and social development of States, jeopardizes friendly relations among States, and has a pernicious impact on relations of cooperation among States, including cooperation for development; and
- Threatens the territorial integrity and security of States, constitutes a grave violation of the purpose and principles of the United Nations, is a threat to international peace and security, and must be suppressed as an essential element for the maintenance of international peace and security.

International and regional human rights law makes clear that States have both a right and a duty to protect individuals under their jurisdiction from terrorist attacks. This stems from the general duty of States to protect individuals under their jurisdiction against interference in the enjoyment of human rights. More specifically, this duty is recognized as part of States' obligations to ensure respect for the right to life and the right to security. The right to life, which is protected under international and regional human rights treaties, such as the International Covenant on Civil and Political Rights, has been described as "the supreme right" because without its effective guarantee, all other human rights would be without meaning. As

such, there is an obligation on the part of the State to protect the right to life of every person within its territory and no derogation from this right is permitted, even in times of public emergency. The protection of the right to life includes an obligation on States to take all appropriate and necessary steps to safeguard the lives of those within their jurisdiction.

As part of this obligation, States must put in place effective criminal justice and law enforcement systems, such as measures to deter the commission of offences and investigate violations where they occur; ensure that those suspected of criminal acts are prosecuted; provide victims with effective remedies; and take other necessary steps to prevent a recurrence of violations²⁶. In addition, international and regional human rights law has recognized that, in specific circumstances, States have a positive obligation to take preventive operational measures to protect an individual or individuals whose life is known or suspected to be at risk from the criminal acts of another individual²⁷, which certainly includes terrorists. Also, important to highlight is the obligation on States to ensure the personal security of individuals under their jurisdiction where a threat is known or suspected to exist. This, of course, includes terrorist threats. In order to fulfil their obligations under human rights law to protect the life and security of individuals under their jurisdiction, States have a right and a duty to take effective counter-terrorism measures, to prevent and deter future terrorist attacks and to prosecute those that are responsible for carrying out such acts. At the same time, the countering of terrorism poses grave challenges to the protection and promotion of human rights. As part of States' duty to protect individuals within their jurisdiction, all measures taken to combat terrorism must themselves also comply with States' obligations under international law, in particular international human rights, refugee and humanitarian law²⁸.

VIII. CONCLUSION

As of now, fear and violence sums up a terrorist activity when it assaults the domain of human rights, but to the surprise of every country, no one can afford the loss of human life and property, no one can tolerate the grief and agony caused by the loss of a life at home or family or vicinity or the soldiers martyred across the borders. There is no denial to the fact that with every act of fear and violence, targets are civilians or non-combatants. This is because if a government or any state machinery is under power, the idea of securing its citizen is of the

²⁶ Updated Set of principles for the protection and promotion of human rights through action to combat impunity, (E/CN.4/2005/102/Add.1) and Human Rights 49 Committee, views on communication N° 195/1985, Delgado Páez v. Colombia, 12 July 1990 (A/45/40 (vol. II), annex IX, sect. D).

²⁷ Kiliç v. Turkey (ECHR 28 Mar 2000), Velásquez Rodríguez v. Honduras (1988).

²⁸ Human Rights, Terrorism and Counter Terrorism, Office of United Nations High Commissioner for Human Rights, Factsheet No. 32, (2008).

state, the very responsibility to protect and guard its citizens wellbeing. Terrorism on the other hand, makes them a soft target, as they come handy in crowded places, shopping centres, stations, transportation, all in all everywhere, general public is subjected to inhuman bombarding, explosions, hijacks, armed attacks, kidnappings, hostages, mass shootings, etc. These Naxals and Maoist are not so largely a threat to any country as is a separate group or organization from a different nation. For example, no one had ever imagined after 1947 that one of its own part like Pakistan would be germinating with consistent manures and fertilizers the crops of baby terrorists in its own land. Like first time I came to know about this real bully in everyone's life was back in numerical "9/11". But this jaw dropping event was incarnated much before that. September 11 were four coordinated terrorist attacks by a terrorist group Al-Qaeda. Now not just one, but after investigations, a huge network of such group has come to the surface and the count has never stopped. Perhaps past 2001, US never had such major attack again until 2013, Boston Marathon Bombing. Since then the line of Action has been active and non-state actors are clearly being checked and brought in the limelight one after the another. But then there comes a question, that where are these terror junctions, that work so perfectly, that the toll of loss to life is the direct fact what the news bulletins reveal on the happening of the event? Can we locate them? One such thing happened as well, when the United States on May 2, 2011 killed Osama Bin Laden in Abbottabad, Pakistan. The news brought chills to every human ears when it flashed on their Television screens, code-named Operation Neptune Spear ordered by the United States then President Barack Obama and carried out in a US Central Intelligence Agency (CIA) by a team of United States Navy SEALs from the United States Naval Special Warfare Development Group (also known as DEVGRU or informally by its former name, SEAL Team Six) of the Joint Special Operations Command with CIA supporting from the ground²⁹. First time that terrorism was countered the right way. After Osama's burial at sea, Pakistan demolished the three-storey structure residence for past five years, it then came to the ears, that being an Islamic nation it was one such place breeding Terrorism in its womb. The year 2019 was reported to be the watershed moment in the history of India's fight against terrorism as well, bringing into light those who are responsible for the attack against the motherland, to justice. February 14, 2019 when India witnessed Pulwama attack by Jaish-e-Mohammad, received huge outrage and condemnation by the International community whereby the 15-member nation Security Council called it a "heinous and cowardly suicide bombing" which resulted in blacklisting of the terror mind Masood Azhar.

²⁹ Philip Sherwell, *Osama bin Laden killed: Behind the scenes of the deadly raid*, The Telegraph (May 07, 2011).

Preventing Terrorist attack is a challenge even for the developed nations well equipped with resources and military power. As per UN chronicle, with recurring events, the US has developed certain strategies to counter evolving threat and its allies have adopted the same with new technologies. The Security council has handed over a longlist of measures with a daunting task: the proactive role of police, securing territorial borders, constricting financial controls, remodelling criminal justice system subject to administering inter-mutual legal assistance to other countries conducting trials of convicts in their courts. Although, this process is degreed, but the Global Village might begin with ratification of these convention with by and large bringing strong terrorism-related laws to the dais. India and US have already done their part, they have done it for their people, they countered and now it's time that the world participates equally to counter terrorism.

Human sacrifices have been mostly linked with taboos, but terrorism is no such taboo. It will take global efforts to capture, cut and kill the germs of terror.
