

Fighting terrorism and extremism in the Russian Federation and worldwide: common issues

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Abstract

This article is dedicated to the issues that the Russian Federation faces during its anti-terrorism prevention and policy development with a focus on three aspects - the specifics of criminological manifestations of terrorism and extremism in Russia, their links with international trends in this field and the problems faced by the state on the way to counteract these negative phenomena. The basis for this article is the research conducted by us in the framework of research to counter terrorism and extremism in the Far Eastern Federal University, in the field of national, comparative and international law.

Key words: Terrorism, Extremism, Antiterrorism Prevention, Law.

La lucha contra el terrorismo y el extremismo en la Federación de Rusia y en todo el mundo: problemas comunes

Resumen

Este artículo está dedicado a los problemas que enfrenta la Federación de Rusia durante su prevención antiterrorista y desarrollo de políticas con un enfoque en tres aspectos: los aspectos específicos de las manifestaciones criminológicas del terrorismo y el extremismo en Rusia, sus vínculos con las tendencias internacionales en este campo y Problemas que enfrenta el estado en el camino para contrarrestar estos fenómenos negativos. La base de este artículo es la investigación que realizamos en el marco de la investigación para combatir el terrorismo y el extremismo en la Universidad Federal del Lejano Oriente, en el campo del derecho nacional, comparativo e internacional.

Palabras clave: Terrorismo, Extremismo, Prevención Antiterrorista, Derecho.

1. Introduction

Terrorism and extremism are close categories that describe the two sides of one negative social phenomenon. Extremism as an idea can easily turn into a terror-based ideology and continue as terrorist actions. Most of the terrorists started from the communities of extremely inclined people, so in such context extremism can be understood as some forerunner of terrorism. Nowadays terrorism turns from the extreme politically inspired crimes into the wide range of actions that understood as terror and we can hardly find a state that has no concerns about the terrorist threat. It is very different from the previous generations, the time before 2001, when developed states (maybe excluding only the Great Britain) paid little attention to terrorism, particularly in the Third World. Since then, though the Middle East and Asia have figured most prominently in the war on terrorism, when Africa is increasingly coming into focus, terrorism and terror-close ideas became the biggest issue for USA, EU and post-Soviet territories.

The unified definitions of terrorism and extremism in legal doctrine do not exist, it's proven controversial. There is a variety of them in different national legal acts Kuznetsov and Kuznetsov (2013a), so, taking into account the multiple meanings included in legislation, it is hard to imagine the unified term, incorporated, for example, into the international legislation. However, the main characteristics of the terrorism are agreed - the analysis of different sources shows that two of them are always included: (a) it is an ideology of violence with the massive social terror (fear) as the main instrument, (b) to achieve a political, religious, or ideological aim. As for extremism, it is usually interpreted as radical views on social and political issues. There is a general opinion that the start point of global terrorism-fighting is the 11th of September, 2001. In most of the sources relative to the topic, we can find opinions that this terror act, with more than 4000 victims, pushed the attention of the governments and scientists to the problem (Graham, 1997). It is also a part of the opinion that the War on Terrorism Bush (2001) turned terrorism into the international threat, transnational crime and put it between crimes against statehood and society, also as against peace and humanity.

Such provisions are only partially true: the shock that society has endured influenced a lot the anti-terrorism policies and practices, however, the first changes in the area, especially amendments to anti-terrorism laws, started long before the autumn of 2001. For example, the legislation of the UK was changed the legislation a year earlier when empowered the Terrorism Act 2000. It was the first amendment into the list of changes that contains eleven special acts that have been empowered for next ten years. This Act superseded and repealed the Prevention of Terrorism (Temporary Provisions) Act 1989 and the Northern Ireland (Emergency Provisions) Act 1996. The same tendencies can be found in other states. The Russian Federation is among them – terrorism as a threat was not unknown for the legislator in the Soviet Union and was included in the criminal codes of that time, but the special modern concept of terrorism crimes was developed in the criminal doctrine only after 1991 - long before 2001.

This article is dedicated to the issues that the Russian Federation faces during its anti-terrorism prevention and policy development. We focused on three aspects - the specifics of criminological manifestations of terrorism and extremism in Russia, their links with international trends in this field; the main directions of legal regulation and, thirdly, the problems faced by the state on the way to counteract these negative phenomena. The basis for this article is the research conducted by us in the framework of research to counter terrorism and extremism in the Far Eastern Federal University Korobeev et al. (2013), in the field of national, comparative and international law.

2. The Criminological Analysis of Terrorism in the Russian Federation

According to the legal doctrine, terrorism is the use or threat of action designed to influence the government or to intimidate the public, made for the purpose of advancing a political, religious or ideological cause, where that action involves serious violence against a person, serious damage to property, endangers a person's life, other than that of the person committing the action, creates a serious risk to the health or safety of the public or a section of it, or is designed seriously to interfere with or seriously disrupt an electronic system (Curzon and Richards, 2007). All the examples, we analyzed, show, that the main aim of any terrorist organization is the overthrow of state power or significant changings in political doctrine of a state. In general, terrorism and terrorist organizations are the form of organized criminal activity with similar elements. This parallels can be made in the characteristics of financing such crimes - when the profits that used for criminal activity come from money-laundering of criminal assets, also as finances coming from the corrupted officials or the members of the organization who supports them from the official legal businesses. All that characteristics sometimes are used for the hypothesis when terrorism and organized crime are described as two sides (forms) of one concept Korobeev and Dremluga (2014), for example, in such states like Columbia or Mexico.

We cannot agree with this because of some reasons. First of all, both of them have the different aims. As it was cited above, the main purpose of any terrorist organization is an overthrow of state power or significant changings in political doctrine of a state. The financial interest used there only as a cause to involve new members into the terrorism. As it was proofed by the N. Litvinov in his research, the poor financial income and unemployment are used to attract young people in their early twenties to join the terrorist organizations in the Northern Caucasian part of Russia (Litvinov, 1999). Most of them start interesting in terrorism and extremism ideology because such kinds of criminal activity usually paid or, at least, guarantee any profit. The erroneous mixing of terrorism and organized crimes comes, in our opinion, from the using of terror methods by the

criminal organizations, especially involving in drugs market, human trafficking, etc. In the same time, we did not find any proof that leaders of criminal organizations have any ambitions to take power over a state, except the activities in Somaliland where piracy as crime is very mixed with terrorism methods (Knyazeva and Knyazeva, 2013). Russian experience shows that the involvement of criminal leaders into political spheres usually is the backside of legalization the criminal assets and criminal businesses. They never want to be connected with the previous criminal businesses in any way, trying to whitewash Kalachev (1999) the past. The same tendencies can be found in Japan, where yakudza, local criminal organization, are very concentrated on the legalization of their businesses (Korobeev and Sonin, 2014).

In contrary, terrorist organizations used the official fame to spread the ideology. Obligatory components of terrorism are: an act of violence, a generator of information (message), a channel for transmitting information, a target audience. Speeches of Osama Ben Laden on Al Jazeera Channel or the blogs and websites of Chechen terrorists, like Doku Umarov. Terrorist organizations act in an open way, trying to introduce them as radical political societies, or traditionalist political organizations. It also allows attracting financial support or businesses. In the 2000s the number of cases with organizations and banks suspected of money laundering and financing of terrorist organizations pushed the Central Bank of the Russian Federation to create a list of the terrorist organizations and organizations, supported terrorism (Builov and Yacheistov, 2002). Before that (till 2002) there was no any legal basis to refuse such individuals or organizations in providing bank operations. In most of the criminological sources, the general opinion is that terrorism in Russia - not a very common issue, comparing to the Middle East states. However, the number of terror acts that became Russian 11th of September is broad. The example is the explosion of residential buildings in September 1999 in Moscow, Buinaksk, and Volgograd, which resulted in the death of 307 people, more 1700 was wounded. No less terrible in its consequences was the act of terrorism with hostage-taking in Moscow in October 2002, with 130 of the victims and the act of terrorism in Beslan in September in 2004, 334 people (mostly children) were killed, more than 800 injured. In the terrorist acts in Volgograd at the railway station on December 29, 2013, and the explosion of a trolleybus on December 30, 2013, 44 people died and 76 were injured. At the beginning of 2014, there was an attack on the Republican Press House, when 10 law enforcement officers were killed and 28 were injured. All these acts were followed with the wide information support provided by terrorist organizations.

As a result of research based on the statistics, provided by law enforcement bodies and special services, it was established that in the North Caucasus, as in a number of other regions of Russia, there are two interrelated processes: the intensification of terror criminal activity and the external aggression provided by the international terrorist organizations. Thus, in 2010, in the North Caucasus was committed 466 terrorist crimes, in 2011 - 578, in 2012 - 557, and in 2014 - 760 (Pavlik, 2015). In 2015 and 2016 there was a decrease of terrorism acts, in 2016 there was 26% less of such crimes than in 2015¹. In this way, about 85% are committed on the territory of the North Caucasus. Terrorism in the Russian Federation follows the main tendencies so that it is definitely a part of the transnational terrorist activity, not a national criminal problem raised from the extremist views of some social groups. Though as the negative phenomena, it combines international and national characteristics that influence the anti-terrorism policy into the state.

¹ Russian Agency of Legal and Judicial Information, December 26, 2016. See the Official website: http://rapsinews.ru/incident_news/20160224/275477084.html

The internal factors causing the emergence spread of terrorism in the Russian Federation include: (i) inter-ethnic, inter-confessional and other social contradictions; (ii) availability of conditions for the activities of extremist individuals and associations; (iii) insufficient efficiency of law enforcement bodies? Also, as of administrative, legal and other measures to counteract the terrorism; (iv) improper control over the dissemination of ideas of propaganda of violence; the ineffective measures against organized crime and corruption; (v) insufficient social adaptation of people, participated in the armed conflicts abroad and in the state into society; (vi) the feeling of ideological absence by significant number of people who are called as the last Soviet generation (means born in 1980-1985) that follows the social disorder and the absence of social support. As for external factors contributing to the spread of terrorism in the Russian Federation, the continuing attempt of the international terrorist organizations to intervene in certain regions of the Russian Federation and different terrorist activity near the state border of the state are the main two. At the same time, as the most dangerous external vectors of terrorism the foreign and international terrorist and extremist (including religious) organizations should be named, also as different national-radical, separatist movements and organizations, that provides the political views (usually traditionalists and fundamentalists) very attractive to the focus social groups - male people in the early 20s (Korobeev and Maltsev, 2016).

The Muslim religion here is not a must, there are a number of examples of involvement the victims of the different religions or non-religious people. In our opinion, the radicalization of political views is the main reason for terrorism in the Russian Federation. Because of the activity of extremist (including religious) social movements and organizations that use violent methods, primarily terrorist, to achieve their purposes, Illegal armed formations, as well as various kinds of paramilitary structures that cover radicalized associations and groups, the extremism in the Russian anti-terrorist policy and legislation is a parallel issue that cannot be excluded from the problem overview. However, as we mentioned during different researches of the area Korobeev AND Morozov (2013), that concept is not really familiar outside the post-Soviet criminal law doctrine.

3. Extremism Phenomenon as a Forerunner of Terrorism in the Russian Federation.

The common position of Russian criminologists is that the both extremism and terrorism are the result of the phenomena known as legal nihilism (Nomokonov, 2010) - the complete denial of legal values shared by the society. Currently, in the Russian Federation, there is about 400 extremist organization providing nationalists ideology, from which 34 organizations are radical and 16 entities act on the inter-regional basis, means have branches in the Russian territories (Shlyahin, 2016). The activities of extremist groups the mass becomes more and more violent. The example is the famous neo-Nazi raid in Moscow on October 20, 2007, with 27 victims, 4 of which were killed. According to the data, providing by the Ministry of Internal Affairs, the number of participants of various extremist organizations (nationalist organizations, fan groups, etc.) reaches 200 thousand people. The most active organizations are the Army of People's Will, National-Socialist society, Movement against Illegal immigration, Slavic Union, Northern brotherhood (Nurgaliev, 2009).

Among the roots of extremism as socio-cultural phenomenon experts name intolerance creating the boundaries between us and others Baal (2012) in society, intolerance against those members of society belonging to the other social groups, social groups with different political opinions, economic, aesthetic, moral, religious ideas belonging to different ethnic groups. In the atmosphere of permanent changes, the number of people who are not integrated into social life is growing steadily causing the increase in the number of extremist groups. Their characteristics are

rigid authoritarian thinking and radical behavior against everything and everybody that is different. Some of the authors also as experts of governmental entities name the socio-cultural differences as the main cause of growing extremism in Russia. It is the conflicts on the basis of collisions between secularity and religion, different moral aspect of different ethnic groups, or so-called ethnic crimes when society strongly associates some of the criminal activities with a particular national minority.

Because of this the Presidential Decree of May 7, 2012, No. 602 On ensuring the interethnic cooperation was issued in order to harmonize the interethnic relations, the strengthening of the unity of the multinational society of the Russian Federation and providing the conditions for its development. It was entrusted to the Government of the Russian Federation together with public authorities of the Russian Federation to develop a set of measures aimed to prevent the growing of ethnic criminal groups and extremists' organizations. Together with this the Methodological Recommendations on the Counteracting Extremism among the Youths were developed by the Ministry of Sport, the Ministry of Internal Affairs and the Federal Security Service. According to their data the 80% of members of extremists groups are younger than 30-year-old. In the Recommendations the following factors involving them are identified: (i) the aggravation of social tension in the youth environment; (ii) educational problems, problems on the labor market, social inequality, reducing the authority of law enforcement agencies; (iii) criminalization of a number of spheres of public life, broad involving in criminalized businesses; (iv) organizations and sects integrating religious fanaticism, denial of legal norms and constitutional rights and obligations; (v) manifestation of the so-called Islamic factor (propaganda among young Muslims of Russia with ideas of religious extremism, the organization of the departure of young Muslims to study in the countries supported ISIS, where they are recruited in terrorist organizations); (vi) the growth of nationalism and separatism; (vii) Illegal circulation of funds for extremist actions (some youth radical organizations, illegally manufacture and store explosives, and teach how to use firearms and cold steel, etc.).

According to the General Prosecution Office of the Russian Federation, Russian extremists' crimes are manifested in two main types. It is foundation and actions of religious-separatist associations or illegal armed groups, inspired by pseudo-Islamic ideas coming from abroad. Basically, they are not even ideological, but follow military and political goals. The second type, as a reaction to this, is the activation of Russian nationalists, which is increasingly shifting to the field of violent crimes, even committing terrorist acts against both migrants and Russian citizens, ethnical minorities, mostly of the North Caucasus. That is the reason why in the Russian Federation criminal law doctrine places terrorism and extremism as two sides of one phenomenon, where extremism treated as a predecessor of terrorism, basic idea used to commit terrorist crimes (Kuznetsov and Kuznetsov, 2013b). So the criminal doctrine research them together and it is impossible to separate the issues of terrorism and extremism in the states that use that concept instead of hate crimes Korobeev and Lobach (2014) or radicalization ideology.

4. The Issues of Extremism and Terrorism into the Russian Criminal law

Extremism, as it goes from the above, is the adherence to extreme views, methods of action, usually in politics or social life. From the academics' point of view, it is a commitment to the certain system of views and ideas, based on the intolerance toward fundamental principles of the constitutional system of the state and its democratic rights and freedoms that is characterized by the inner willingness to express these views by the violent way. We do not agree with such a broad explanation because during our research we made a conclusion that extremism is more sociological,

not psychological concept. Some researches proved that the extremism is defined by the way it is socially constructed. We also should say that the extremism phenomenon can be considered from the different positions of philosophy, sociology, politology, physiology, religious studies, etc. In the Russian Federation, it is a predecessor of terrorism, the previous step that can be radicalized further into the terrorist ideology.

Russia ratified the Shanghai Convention on Combating Terrorism, Separatism and Extremism 2001, unfortunately, it did not implement the definition of extremism² in the national law. The Russian legislators in the case of extremism criminalization rely mostly on trial and error methods, providing not a definition, but a list of actions into the art. 1 of Act on Counteracting Extremism. This follows with the problem when, as a result of the excessive politicization of the lawmaking process the scope of criminally liable actions started continuously widen. Because of that process, the significant crimes were amended several times: art. 280 of the Criminal Code of the Russian Federation, dedicated on public appeal for a realization of extremism activity, has been changed three times; art. 282(1) (foundation of extremism entity or organization) - four times; art. 282 (2) (organization of activities of an extremist entity) - two times. The reference to criminal punishable ways of committing a crime, the list of which is in Art. 1 of the Law N 114, it is not enough to determine the means of its implementation to establish the limits of criminal prohibition. It is necessary to clearly and distinctly disclose the nature of the crime for subsequent application - that is, for both the potential criminal and the law enforcement official.

The problem of countering extremism on the territory of Russia is the inability to do this even in the criminal law doctrine. The omission of the theoretical base and previous research in this area forces the legislator to try to determine the limits of the prohibition. However, the main problem (and this includes both terrorism and extremism) as a result of the political conjuncture in the legislation, the scope of the ban began to expand uncontrollably, which led to excessive congestion in the dispositions of norms and the uncertainty in the composition of the crime. The academic discussion, in another way, offers the great variety of opinions and theories, from the general aspects in international or comparative law to the applicability of different forms of the punishment on the national field. Such an uncertainty of interpretation, in our opinion, is a direct consequence of the absence of a clearly defined, fixed in the law concept of criminal policy, one for its own purposes. At the moment, there are a number of disparate normative acts in Russia, including some directions and tactics of combating crime, including terrorism and extremism, which, however, are also subject to private changes and additions. As a result, their implementation is extremely contradictory. We believe that it is the criminal policy that should be at the core of the fight against extremism and terrorism, it should determine the main directions and goals of the counteraction, its stages.

The next problem is the backwardness of the legislation from the trends of extremism and terrorism. Since the adoption of the law On Countering Terrorism in 2006, this phenomenon has undergone significant changes. The emergence of an Islamic state that has overcome the previous characteristics of a terrorist organization, including even as extensive as Al-Qaida was, shows that terrorism can no longer be perceived only as a form of destructive radical opposition to the political doctrine of the state on the part of individuals. ISIS distinguishes too many new features from

² Extremism is an act aimed at seizing or keeping power through the use of violence or changing violently the constitutional regime of a State, as well as a violent encroachment upon public security, including organizations, for the above purposes, of illegal armed formations and participants in them, criminally prosecuted in conformity with the national laws of the Parties. (Shanghai Convention on Combating Terrorism, Separatism and Extremism, Shanghai, 15th July, 2001).

previous existing terrorist organizations: it has elements of statehood (internal law, even criminal law, currency), self-financing, political support, the biggest number of members of the organization, the breadth of propaganda that encompasses almost all of the states, political ambitions, and the goal of uniting all Muslim states and peoples into one country. In addition, their activities went beyond the national criminal law. Those acts committed by ISIS correspond to the international war crimes and crimes against peace and humanity. The breadth of confrontation has shifted from the stage of combating terrorism and preventing individual terrorist acts into a full-scale war, in which many states are involved. All this, unfortunately, is not reflected in the Russian legislation and criminal policy as it should be.

5. Conclusion

Nowadays we face a great number of challenges, and extremism, and terrorism are in the first place. The negative phenomenon requires the adequate reaction from the governments and international society. Experts believe that today the Islamic terrorism takes on the features of political and religious conflict, opposing of which the developed liberal-democratic states, on the one hand, and the Muslim states - on another. Among the terrorists, the predominant numbers of members are supporters of the ideas of Wahhabism that is spread around the world, including in Europe, US, Post-Soviet states. However, now we see a completely different picture than it was in 2001. First, the very structure of the terrorist organization has changed, which has acquired many similarities with the criminal organization, and many - with political movements and parties. Secondly, despite the primary focus of terrorism ideologists on Muslim youth (according to some experts), practice shows that the dangers of involvement are exerted by any members of society. There are many examples of how young people from secular families accepted the ideology of IGIL and joined terrorist organizations. Thirdly, on the example of Russia, we see that extremism and terrorism are not only two sides of one phenomenon that can even be perceived as a motive and method of achieving the common goal. We also see that they now do not necessarily concern sensitive areas in the form of nationalist views - extremist political and cultural organizations, pseudo-religious sects, environmental terrorists and persons who use terror to increase the profit from their criminal activities are the big part of all terrorist crimes.

The legislation, which does not have time for these changes, as a result, becomes the anchor that negatively affects the success of counteracting those negative phenomena. Wrong or limited theories about the causes and consequences of the changes, embodied in the amendments to the laws, also slow down the process of counteracting. Thus, our main conclusion is the following - at this stage of the Russian Federation, it is worth combining the international experience of countering terrorism with the basic advantages of the national criminal doctrine. We believe that the development of a unified concept of criminal policy, the rejection of numerous changes in the law in favor of creating a common classical norm that establishes certain limits of the crime, and the transfer of tracking external changes in terrorism and extremism as criminality rather than crime, from criminal law to practical law enforcement, will lead to an increase in the effectiveness of counteracting these phenomena.

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