

Actual Aspects of Counteraction to Terrorism in Modern Conditions

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Abstract: A study is considered some aspects of counteraction to terrorism in modern conditions. Researchers are stated the general characteristics of modern terrorism including the criminal and legal characteristic there are shown its public danger and social consequences. Examples of law-enforcement practice are given. Opinions of famous scientists of the Soviet and Post-Soviet periods investigated a terrorism problem are analysed.

Key words: Terrorism, counteraction to terrorism, prevention of terrorism, legal bases of counteraction to terrorism, analysed

INTRODUCTION

Researchers will try to consider concept of terrorism from different positions for determination of separate aspects of counteraction to terrorism in modern conditions.

First, there should be considered the terrorism as social phenomenon. Being the social, negative phenomenon, every year the terrorism problem has the increasing value as in world and inside at the republican scale as “terror” in translation from Latin (terror) means fear, the horror and it has the international character and by right it is referred to the most dangerous crimes of the present.

Secondly, the terrorism can be considered as form of dangerous criminal encroachment. High degree of public danger is that the cornerstone of terrorism there is aspiration of the subject to spread fear at people around, panic, to paralyze socially useful activity of citizens, normal functioning of bodies of authority and management and by that to achieve the antisocial objectives.

Thirdly, it is prevalence of terrorism. Acts of terrorism can be executed in any way but they are always directed on blasting of the government and emergence of feeling of uncertainty and fear at the population. As a rule, commission of an act of terrorism is caused a negative assessment not only in each concrete state but also at the international community in general.

Fourthly, it is deep historical roots of emergence of terrorism. There are known stories not only in centuries, but also in the millennia the facts of use of terrorism as means of political struggle (for example, Julius Caesar’s murder in Ancient Rome, attempt at the Chairman of the

Soviet government V.I. Lenin, attempt at the Head of Germany Adolf Hitler, murder of John Kennedy of the 35th President of USA on November 22, 1963, murder of Ahmad Kadyrov the President of the Chechen Republic on May 9, 2004, etc.).

However special danger and distribution it was gained in the second half of the 19th century and in the 20th century.

“A peak” of terrorism there can be considered the events on September 11, 2001 in the USA, when captured by terrorists the passenger airliners were brought down on two skyscrapers of the World shopping center in New York and on the building of the Pentagon (Ministry of Defence) in Washington, therefore thousands of citizens were killed and wounded.

Fifthly, there is an international character of terrorism. The terrorism, as well as modern crime is known no bounds. If to pay attention to the international practice, it is easy to note the increasing danger from terrorism. Society is begun “to get used” to the acts of terrorism occurring recently in the USA, the People’s Republic of China, Turkey, Libya, Afghanistan, Iraq, India, Syria, France and other foreign countries.

There were subjected to terrorist attacks and some neighboring countries such as Russia, Uzbekistan and others. Isolated facts of manifestation of terrorism are begun to take place and in Kazakhstan.

DISCUSSION

Proceeding from the stated provisions, characterizing terrorism there can be allocated the most important aspects of its counteraction in the Republic of Kazakhstan.

It is known that Kazakhstan takes the most active measures for counteraction to terrorism, both on legal, and on organizational levels.

So, the sufficient legal base on counteraction to terrorism is created in our country. In the Law of the Republic of Kazakhstan, adopted on July 13, 1999 “About counteraction to terrorism”, there was consolidated the concept of terrorism as illegal penal act or threat of its commission concerning natural persons or the organizations for undermining public safety, intimidation of the population, rendering impact on admission of the Republic of Kazakhstan by government bodies, the foreign states and the international organizations of decisions or for the purpose of the termination of activity of the state or public figures or from revenge for such activity.

Also, in the specified Law of the Republic of Kazakhstan it was defined the basic principles, the purposes of counteraction to terrorism and also bases of the organization of counteraction to terrorism.

Article 3 of the Law of the Republic of Kazakhstan “About counteraction to terrorism” is stated the basic principles of counteraction to terrorism:

- A priority of protection of life and health, rights of the persons who are endangered as a result of commission of terrorist crimes
- Due process of law
- Harmony of measures of counteraction to terrorism and degree of terrorist danger
- Priority of the prevention of terrorism
- Inevitability of punishment for implementation of terrorist activity
- Complex use of preventive, political, social and economic measures
- One-man management in operational management by the involved forces and means at carrying out of anti-terrorist operation

Further, in the Law of the Republic of Kazakhstan of January 6, 2012 “About national security of the Republic of Kazakhstan” (revised and expanded as of January 13, 2014) the terrorism, extremism and separatism in any manifestations are carried to threats of national security.

Finally, the concrete articles of the Criminal Code of RK, providing responsibility for terrorism and the related illegal activity are provided in the existing criminal legislation which came into force on January 1, 2015. For example: Articles of the Criminal Code of PK-255 Act of terrorism; 256 Propaganda of terrorism or appeals to commission of the act of terrorism; 257 creation, management of terrorist group and participation in its

activity; 258 financings of terrorist or extremist activity and other complicity to terrorism or extremism; 259 recruitment or training or arming of persons for the purpose of organization of terrorist or extremist activity; 260 passing of terrorist or extremist training; 434 failure to report about a crime.

Besides, special attention is paid to a problem of terrorism from the leaders of the state in the Republic of Kazakhstan as effective fight against terrorism directly promotes to ensuring of national security in the country. President of Kazakhstan N.A. Nazarbayev in the book “Critical Decade”, speaking about safety problems was noted that the national security is urged to provide guarantees of invulnerability of the main, vital interests of the country-the national sovereignty, a territorial integrity, protection of the population. In this sense, the national security acts as a life support system of the state: there is no national security-there is no state (Nazarbayev, 2003).

Kazakhstan as the participant of the UN carries out active cooperation within global counter-terrorist strategy. Since, 2013 there is realized the 5 years program for counteraction to religious extremism and terrorism in the country within which special law enforcement agencies only in 2013-2014 prevented several attempts of terrorism. President of Kazakhstan N.A. Nazarbayev in his Address to the people of Kazakhstan “Strategy “Kazakhstan-2050”: New political course of the established state” paid to a terrorism problem special attention. He specified that the state and citizens have to stand together against all forms of manifestations of radicalism, extremism and terrorism... It is entrusted to develop the program for fight against religious extremism and terrorism to the Government together with Administration.

There is should be considered the statistics. In Kazakhstan since 2011 there were recorded over 10 acts of terrorism in which were died 21 persons, among them 17 employees of law enforcement and special bodies. These situations took place in Almaty, Taraz, Aktobe. It is known that over 100 people are in the foreign terrorist organizations. It is not the secret that these organizations extend the negative policy in Kazakhstan.

Over hundred cases of participation of our citizens in terrorist activity abroad are recorded in recent years. The striking example-participation of Kazakhstan citizens in terrorist activity in Syria (about 300 people) as it was known from mass media to all public.

According to the Prosecutor General’s Office extremist and terrorist structures don’t stop attempts of transfer of their radical activity to Kazakhstan.

Special services of Kazakhstan were prevented nine acts of terrorism in 2013-2014. For example, in April, 2014 two adherents of radical religious ideology propagandized

to go to Syria and to participate in military operations against law enforcement agencies. They were condemned by a judgment for 5 years. The foreign terrorist group specially prepared our citizen and sent to Kazakhstan for creation of terrorist armed group.

According to the Prosecutor General's Office of RK, in 2013 there were committed 65 such crimes and in 2014 and it was registered 52 crimes. The 29 people were condemned for commission of an extremist and terrorist crime in 2014. In Atyrau one citizen was included into terrorist group of Afghanistan through social networks and he urged to become fighters. He was imprisoned for 8 years for this crime.

The 15 organizations were recognized terrorist, 6- extremist since 2004. Their activity was stopped on the territory of the republic.

There is looked through the tendency of forward approach of terrorism to the Republic of Kazakhstan. According to scientists, the terrorism which had unprecedented scope in the second half of the 20th century is one of the burning issues faced mankind today. Sharp strengthening of its negative impact on development of the international relations and interstate life of many countries is testified that the terrorism became one of the most dangerous challenges of the international security and turned into a global problem.

The terrorism had become an object of research of scientific criminologists of the countries of the foreign and neighboring countries. There were defended candidate and doctoral dissertations on this problem, it was published the manuals, monographs and scientific articles. And the majority of them support idea of its prevention and then fight. As terrorism, as well as a serious disease is easier to prevent, to warn, than to treat and eliminate its consequences.

So, for example, according to S.M. Ivlev, the terrorism is among the most dangerous threats to mankind in the modern world. Necessity of counteraction to terrorism is realized not only the certain states but also the world community in general, in particular after large-scale acts of terrorism in Russia, the USA, England and other countries. The modern international terrorist organizations are capable to work on a global scale and possess as practice was shown, the powerful institutional and material capacity and also enviable viability. Meanwhile, correctly estimating danger of terrorism, fairly paying special attention to development of means of counteraction to it, we still can't accurately define essence and limits of this phenomenon. It is not about constantly correction of the fight purpose depending on modifications of object. Unfortunately, there is no full definiteness in the object and consequently and in means of fight.

Other scientist D. Olshanskiy considers that the terrorism is called terrorism, therefore it is inevitable. Fight against terrorism is heavy, high cost and ineffective. It is carried not active but jet character. Terrorists have advantage of "the first step": they conduct a terrorist attack in the beginning and then they are started looking for, catching and punishing. So, it is useless to fight against terrorism. It is much more productive to eliminate with preventive measures the terrorism reasons. There are especially allocated ideological, religious, social, economic, political and geopolitical roots in respect of prevention of the most obvious external in relation to mentality of the person reasons (Olshansky, 2002).

The prevention of terrorism is carried out also in the process of cooperation of law enforcement agencies of the Republic of Kazakhstan with intelligence services of the countries of the near and far abroad, about which there is rather stated in detail by Zhursimbayev (2010)'s work "Law enforcement agencies of the Republic of Kazakhstan".

According to opinion of a number of scientists, the terrorism is closely connected with organized crime. Terrorist groups can be part of organized criminal groups (Akimzhanov, 2005).

The acts of terrorism which taken place in the Republic of Kazakhstan in recent years are shown that the problem of fight against terrorism is represented a complex and at the same time actual challenge. It is impossible to solve it only by forces of law enforcement agencies.

Considering the social and economic reasons of terrorism in the Law of the Republic of Kazakhstan "About counteraction to terrorism" among the purposes of counteraction to terrorism, are specified:

- Identification, prevention, suppression of terrorist activity, prevention of terrorism, minimization and (or) elimination of consequences of terrorism
- Protection of the personality, society and the state against terrorism
- Identification and elimination of the reasons and conditions, promoting implementation of terrorist activity

Proceeding from the specified statement and also social essence of terrorism, in our opinion, complex prevention has to be the main direction of fight and it has to be at various levels (all-social, special and criminological, individual) which were offered by the famous scientist Sakharov (1972) in 80th years of the 20th century.

According to an opinion of scientists, the prevention of crimes is a purposeful influence of the state, society, natural and legal entities on processes of determination and causality of crime for prevention of involvement in

crime of new faces, commission of new criminal acts, expansions of criminalization of the public relations.

CONCLUSION

In our opinion, fight against terrorism shouldn't be reduced only to identification and neutralization of specific criminals and criminal groups of a terrorist orientation. This process has to assume broader and large-scale actions which realization would promote not only elimination of the specific criminals and criminal formations but also to be directed on elimination of the reasons and conditions promoting their functioning by involvement in this process of more broad masses and also prevention of commission of repeated crimes.

The special attention should be paid to development of special, applied science which has to promote scientific maintenance of practical activities of law enforcement agencies at the republican level, at the level of areas, to provide the deep factorial analysis of terrorism and the predictive direction in counteraction to terrorism.

According to an opinion of the famous scientific criminologist, Doctor of law, Professor Yu and Kazakov (2002), the prevention of terrorism should be carried out in the following concrete directions:

Impact on the main, even the global phenomena and processes in society having terrorist effect. He calls this direction strategic and specifies that it would be natural if it was preceded long-term and even by superlong-term forecasting of the most considerable terrorist activity with determination of its possible subjects.

Identification and prevention of acts of terrorism which could be committed in the near future or even soon. It assumes identification of subjects and objects of terrorism, its reasons, ways and other circumstances.

Suppression of committed terrorism and acts of terrorism concerning the state and public figures, detention guilty and committal for trial.

The prevention, preclusion and suppression of such crimes, similar to terrorism as seizure of hostages, genocide, diversion, infringement of life of the person which is carrying out justice or preliminary investigation, etc. The special place in fight against terrorism is belonged to the international state and public organizations and also coordination of efforts of the different countries in the prevention and suppression of this evil (Yu, 1998).

And the general concept of counteraction to terrorism has to be based on the general principles of the organization of fight against crime to which, according to the famous scientist V.N. Kudryavtsev are referred:

- Legality
- Moral
- Commitment
- Economic validity
- Efficiency (Kudryavtsev, 2003)

Great preventive value in fight against terrorism has strengthening of the prevention of all types of crime and especially connected with terrorism.

Tendencies of further strengthening of fight against terrorism and creation of necessary bases of its prevention have to find the reflection and in other major legal acts of the Republic of Kazakhstan, in which it is necessary to provide a package, aimed at providing an appropriate law and order in society and activation of fight against crime.

In relation to a problem of counteraction to terrorism it is necessary to take as a basis, declared by the head of state, the principle of zero tolerance to a disorder as the terrorism is called for providing this disorder.

The President of Kazakhstan N.A. Nazarbayev in the Address to the people of Kazakhstan "Strategy "Kazakhstan-2050": New political course of the established state" noted that the developed society is begun with discipline and an order in everything: comfortable entrance, accurate yard, pure streets and friendly persons. We shouldn't be reconciled even with the smallest offenses, hooliganism, lack of culture as it is intruded upon public tranquillity, reduces quality of life.

At the organization of counteraction of crime in general and to terrorism in particular, it is necessary to take into account an opinion that this process has to assume broader and large-scale actions which realization would promote not only elimination of the concrete reasons and conditions of terrorism.

Complex prevention of crime as a wide nation-wide task of social character has to be applicable to counteraction to terrorism. As this direction is rather developed in the theory and it is well known to the public.

Moreover, considering importance of a problem of prevention of crime it is created the legal framework of preventive work in Kazakhstan.

So, the Law of the Republic of Kazakhstan "About prevention of offenses" was adopted on April 29, 2010 (No. 271-IV LRK).

Therefore, it is necessary to strengthen the preventive direction with involvement as it is possible a general population in counteraction with terrorism as it is extremely difficult to counteract terrorism without participation in this process of society especially in modern conditions.

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