

## Jordan Role in Compacting International Terrorism

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### Abstract

Many Arabic countries are suffering from big waves of International terrorism, to a point that it requires from all countries to unify their efforts in compacting the international terrorism; Jordan in other hand had played a great role in compacting it, and as a result many laws had been issued in Jordan criminalizing such terrorist acts.

Not only that, but Jordan had joined the international coalition to compact the International terrorism effectively; as a result, the Jordanian forces are participating effectively in targeting many terrorist locations around the world, on the other hand it was targeted by many terrorist attacks resulted in many deaths and casualties among Jordanian citizens.

In this research I addressed the International terrorism concept and the laws issued in Jordan to compact terrorism, in addition pinpointing the acts that are considered terrorist acts.

the research ended with a conclusion that include the most important recommendations from the restate point of view.

**Keywords:** terrorism international, political crimes, convention

### 1. Introduction

Terrorism is considered one of the major crimes in our era. International jurisprudence, domestic and international organizations varied to a point that they had disagreed in setting a common definition of terrorism, and this difference was due to the differences in political and intellectual tendencies among nations, while we see that Western countries included resistance within the crimes of terrorism, we see that third world countries are separating between terrorism and resistance, to a point that they prohibit terrorism yet allowing the resistance.

Importance of the research: Since terrorism is listed among the list of political violence crimes, many of the Homeland Security personal and security investigators and courts are finding it difficult to distinguish between terrorism and other armed political violence crimes. therefore, the goal of this study is to distinguish and differentiate between these crimes, and we choose from the other political violence crimes, the most frequent crimes that overlapping with terrorism.

in this regard, Jordan had issued a number of laws to prevent terrorism and issued a special law, called Terrorism Prevention Act No. 55 of 2006, which included a definition of terrorism concept and special safeguards for those accused of terrorism.

Research problem: Arab region is exposed to many terrorist crimes, since terrorist organizations are occupying several Arab countries, including Iraq, Syria, Yemen and Libya. The international community has worked to form a joint armed forces to eliminate terrorism. Terrorist organizations have also committed numerous crimes against humanity, and against innocent civilians in general. thousands of civilians had fallen victims to these crimes. Although the basic problem is that terrorism had penetrated within civilians which led to make them subject to killing and destruction. Terrorism had led to displacement of millions of civilians domestically and internationally.

Research Methodology: This paper deals with the concept of terrorism and its relation to political Armed violence in international law, and legislation issued by Jordan in this regard, then we address the concept of terrorism in the Jordanian law. In the following topics:

## 2. The Concept of Terrorism in International Law

### 2.1 The Definition of Terrorism

One of the issues that differed by the nations is the subject of a specific definition of terrorism. This dispute has spilled into the corridors of the United Nations. The subject of the definition of international terrorism was included in the agenda of the twenty-seventh session of the General Assembly of the United Nations held on 18 December 1972.

The failure to agree on a common definition of terrorism, made each country come with its own concept of terrorism. The United States of America focused all their attention on the informal terrorism. In a draft resolution on terrorism and the draft convention on the prevention and punishment of certain acts of international terrorism submitted by the United States government to the General Assembly of the United Nations in the 26 of September 1972, the United States government restricted its attention to terrorism perpetrated by individuals and groups which was classified as informal terrorism. The argument for this is that this kind of terrorism is dangerous because it involves acts of illegal and unjustified killings, serious torture and kidnapping that threaten the international peace and security. The United States did not distinguish between these two issues which are legitimate act of violence (resistance) and the terrorist violence act, instead, they considered all violence acts are terrorist acts that must be prevented and punish the perpetrators<sup>1</sup>.

United Nations General Assembly has rejected the introduction of the American direction. Although it had condemned terrorism in its resolution No. 3034 on January 18, 1972, but it had considered when other countries demanded the need to distinguish between terrorism and the right of peoples to self-determination using armed struggle against colonialism, systems of racial discrimination, other forms of foreign domination and that United Nations supports the struggle of these people, especially national liberation movements struggle<sup>2</sup>.

after the twin towers of the World Trade incident in New York in 11 September 2001, the Security Council has issued resolutions numbered (1668/2001) and (1673/2001) under which it has taken many actions on many countries.

After all, the disputed definition of terrorism is one of the topics that remains at the international level. while it has been set and identified on the national level in many countries, which led to passing laws related to terrorism and recognised it according to each country interests.

While in the Arab world. Arabic language did not identify the Terrorism term as same as it is in the West. The word "Terrorism" had been Arabized to "Irhab" and considered a crime of armed political Violence committed by individuals against individuals or ruling authority, domestically and internationally<sup>3</sup>.

Terrorism has many definitions; It has been defined as: "an assault on lives, money, public and private property in violation of the provisions of the state law"<sup>4</sup>, while in a closer definition by a law personal named Vasiorska,

<sup>1</sup> view the United states view of Terrorism: Waheed Abdul Majeed, Terrorism, and America and USA, who will put of the fire, 1st. edition, Cairo, Egypt, Dar Mesr AlMahroosa, 2002, p. 8.

Dr. Mohamad Waleed Abdulaheem, Resistance and the Israeli Terrorism" and the international Law, webpage no. 15. Abdelaziz Mohamad Abdulhadi, International Terrorism, Arab Renaissance Publishing House, Cairo (1986), p. 11 and after. and Ismael Alazzal, Terrorism and International Law, University Corporation for Studies and Publishing and Distribution, Beirut (1990), pp. 12 et seq.

<sup>2</sup> the United Nations General Assembly's decision stated as follows: "General Assembly expresses its deep concern about the increasing acts of violence that threaten or destroy innocent human lives or suffered fundamental freedoms at risk.

General Assembly urges States to devote immediate attention to find peaceful solutions for the reasons that cause violence.

General Assembly reaffirm the inalienable right to self-determination and independence of all peoples under colonial and systems of racial discrimination and other forms of foreign domination. It declares its support for the legitimate struggle of the peoples, especially the struggle of national liberation movements.

The General Assembly declares its condemnation of the continuing acts of oppression and terrorism practiced by the colonial regimes and racism in denial of the legitimate right of peoples to self-determination and independence and other basic human rights.

General Assembly calls on States to take all appropriate measures at the national level in order to remove the problem of international terrorism in a quick and definitive bearing in mind the provisions of this decision." U.n Doc. A/8791- 1972.

<sup>3</sup>The name of terrorism from doing rehab. For this act gloss multiple in the Arabic language. As it stated in many Quranic verses with different meanings. Awe of them and monastic Trhabon. Reviewing the meaning of the word rehab: Mukhtar Asahah, Mohammed Razi, Part I, Lebanon Library Publishers, 1995, p 109 and finally in a strange effect, Muhammad island c 2 Dar Al-Fikr Beirut 1979, p 280 ..

<sup>4</sup> Dr. Abdulazeez Sarhan, regarding the Definition of International Terrorism, the Egyptian Council for international Law, volume 29, Cairo, 1973, p. 17.

also view the definition of Terrorism from the following sources:

Paul Wilkinson, Terrorism and The Liberal State , The Macmillan Press , London 1977.pp.5.

Feitlowitz, Marguerite. *A Lexicon of Terror: Argentina and the Legacies of Torture*. New York: Oxford University Press, 1998. pp.12.

who said that: "political terrorism is an criminal approach intended act aimed to take control of awe on society, or the state in order to maintain public social relations, or in order to change it, or destroy it"<sup>5</sup>. while in another asymptotic definition it is defined as:" every use of violence or the threat of using it in in any way to create a state fear and terror to take control, weather it is falling on a group of people or a state"<sup>6</sup>.

we define terrorism as: "a crime of one the organized political violence crimes executed by secret organization targeted to spend fear in the society leading to the weakening or falling of the ruling authorities.

The terror is based on the following éléments:<sup>7</sup>

A- Armed action: it consists of armed acts aimed against the authority or a specific sector in the society, to drop it, weaken it or guide the public to the reluctance it preventing their support.

B- The victims are not specified: it is directed against specific individuals, or against innocent people of the community to give the idea that the authority is not able to protect them.

C- The work is organized and sustained: terrorism is an orderly and continuous work, it is well structured for being released from armed political organisation that plan this type of violence, therefore it doesn't end by one,, but continues to sequential acts.

D- implanting fear: terrorism includes physical acts against certain individuals in power. Pursuant psychology against others who share the people who were liquidated, creating a state of terror within them.

E- Subject to domestic law: terrorism is considered an inside job and has no international status in terms of criminal jurisdiction. Terrorism is subject to the laws of the countries and their courts, when the terrorist act on the territory is located, or on the national and international interests, even if the terrorists were foreigners.

F- The weakest types of armed political violence: despite the fact of the large devastating effects that may occur by terrorism, but it is the weakest types of armed political violence. if they could make a revolution, or insurrection or armed political unrest, they would not adopt terrorism. since a terrorist can sneak at night, plant an explosive device on a public road, and then disappears from sight. This device could explode causing the killing of hundreds of innocent people. therefore the work of terrorists is simple, but with serious consequences, because it deals with easy accessed innocent victim, most widespread, and less protected.

Terrorism is often practiced against innocent individuals, or against state institutions, and its called individuals terrorism, or terrorism of the weak. also states might practice terrorism through non-governmental organizations against some individuals, in what is called as mighty terrorism or counter-terrorism. its worth noting that State terrorism against individuals should be through unknown non-governmental organizations and non-attributable to the State, this way there is no evidence to prove that it is coming from the state. but when it is proven so then it is not terrorism, but a crime to violate the law and the state bears responsibility for their act; if it is against their own citizens, and take responsibility if the aggression was against a foreign state or against its citizens<sup>8</sup>.

Consequently, terrorism works on spreading horror and fear, it is a secretly organized acts and characterized as the weakest types of armed political violence, with the most serious in results, and it is difficult to control.

Terrorism is the phenomenon of the curent era, it emerged with the appearance of globalization. And some countries are working on the fight against terrorism by means of terrorism called terrorism to counter terrorism<sup>9</sup>.

<sup>5</sup> Quoting Dr. Adonis Akra, political terrorism, discussion in the origins political Terrorism - a research of the phenomenon and human dimensions, Pioneer House Beirut, 1983, p 90.

There asymptotic definition of terrorism is defined as: "any act of violence regulator aims to create a state of despair or fear intent to destabilize the confidence of citizens in their government or their representatives or guided them with a view to an existing system or structure in order to boost or enhance the authority of the Government of the list." check:

Dr. Mohammed Walid Abdel Rahim, a former resistance and terrorism source, p. 14.

The review of the definition of terrorism and its concept: Feitlowitz, Marguerite. *A Lexicon of Terror: Argentina and the Legacies of Torture*. New York: Oxford University Press, 1998.

<sup>6</sup> .36 p ,1996 Cairo library Madbouly terrorism, political Hariz, Nasser Abdel

<sup>7</sup> :factors and definition Terrorism viewAlex P. Schmid , Political Terrorism, A Research Guid to Concepts Theories , Data Bases and Literature. – Amsterdam , North Holland Publishing co. 1983. P. 76.

<sup>8</sup> Andrei Buffer, and strategic deterrence, translation Akram Derry, Pioneer House, Beirut, 1970, p 31. Colonel P. And Mekshh, Blitzkrieg, translation Ismat Sharif, Pioneer House Beirut, 1970, p 24.

It is the state of Israeli terrorist organizations Irgun, the Organization Alczyka in the Soviet Union. Review: Dr. Adonis Akra, a source Sabak.s 70.

<sup>9</sup> details more:Seumas Miller Terrorism and Counter-Terrorism, Ethics and Liberal Democracy: Seumas Miller (Charles Sturt University, Australia)Series: Blackwell Public Philosophy Series 2001.

And compacting terrorism had become part of foreign policy of the United States of America<sup>10</sup>, launching its campaign against terrorism under the name “the global war on terror”<sup>11</sup>.

## 2.2 *Terrorism Relationship with Crimes of Armed Political Violence*

Terrorism is mixed with and political violence, since each aims to achieve political goals and uses violence against his opponent, and because of this rapprochement, many intellectuals went to the definition of terrorism as political violence.

As political violence is defined as: “any action which includes the attack on others with the intention to controlling them by killing, destruction and subjugation for a change in policy in the system of government in its symblos” and that terrorism is a form of political violence”<sup>12</sup>. In all cases, organised crimes do not enter within the crimes of terrorism, because organized crime does not fall within the armed crimes of political violence, but an ordinary non-political crimes<sup>13</sup>. therefore, the publishing of articles in newspapers opposed to power, and demonstrations are not considered acts of political militant.

Also Political unarmed violence actions of the state that does not include the use of armed force; such as arresting, deprivation of basic freedoms, the confiscation of money, disrupting the political parties, preventing the demonstration and gatherings, the confiscation of opinion freedom and publishing, and the denial of freedom of movement and travel. in addition to the armed Political violence, which comes from individuals aims to achieve political purposes and goals.

Despite that, terrorism is considered as a type of armed political violence, but it is characterized by certain features from other types of armed political violence, including:

A- Terrorism is based on fear, intimidation among community workers, make it in a constant state of anticipation and that is the main aim and intention of terrorist acts. while the aim of other armed political violence is to confront overthrown authorities<sup>14</sup>.

B- Terrorism does not distinguish between target's target, it might hurt the members of the authority and state institutions, or the lives of innocent people, but political violence targets only members of the Authority.

C- Terrorism is an organised and sustained work expresses a certain idea. While other varieties of political violence is not organised nor continuous.

D- Terrorism work demonstrates the movement's ability to affect the community and it is led by a small group, and it indicate the state of weakness, while other political violence rely on the broad masses and their influence in the street while they are in a strong state.

E- Terrorism is working to destabilise the existing power, claiming that their aim not to assume power in the short run. while other political armed violence work to over through the ruling party in short term.

F- Terrorism works in secret and confidentiality, while other acts of political violence operate openly. If a terrorist act appeared openly in certain premises, then it shifted from terrorism to disobedience or rebellion or civil war.

Despite that terrorism is one kind of armed violence, but it is characterised by the fact that the crime of terrorism is not committed for its sake, but to achieve another goal, which is planting the state of fear and panic among the community, while other political violence is committed for its own sake and not meant to intimidate others. And that terrorism considered the weakest types of political violence, being discreet and unknown and is done in secret, hunting the innocent and easy victims stress-free. And when it terrorists start to have headquarters and well-known personalities, it is not permissible to call them terrorists, but they fall under the political violence crimes.

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<sup>10</sup> Isdetai for Marc Sageman Understanding Terror Networks University of Pennsylvania Press, 2004, pp.14.

<sup>11</sup> For details see the global war against terrorism and position of «ternationa Lawli: law Helen Duffy, 'War On Terror' And The Framework Of International Law, Cambridge Univ Pr (2005), pp. 23.

<sup>12</sup> Leonard B. W. and Davis, Introduction to Political Terrorism, Graw Hill Pub. New York, 1989, p.10. also view Terrorism- Paul R. Pillar, Terrorism and U.S. Foreign Policy Brookings Institution Press; Pbk. Ed edition (January 2004), pp.28.

<sup>13</sup> References for organized crime: Jihad Mohammad Albraizac, organized crime, the House of Culture, Amman, 2008, p. 11, and beyond.

<sup>14</sup> - :terror spreading in terrorism of role the about References Walter Reich. Origins of Terrorism: Psychologies, Ideologies, Theologies, States of Mind Woodrow Wilson Center Press; 1 edition 1998, pp.14.

### 2.3 The Relationship between Terrorism and Political Crimes

Political crimes are the crimes that target government or country structure, or its functions, beside targeting the rights of individuals and governments as well. also the crimes that are done to facilitate or cover political crimes, therefore the definition of political crimes are as follows: "crimes that are directed against the political form of a certain group of people living in a form of state, providing that their is no personal motives what so ever"<sup>15</sup>. There are crimes of the so-called international political crimes<sup>16</sup>.

As for how to distinguish political crime for ordinary crime, there are illuminated key in jurisprudence and legislation at the present time:

1- Doctrine Profile: This depends on the offender intention and consider it as the main criterion to distinguish between political and ordinary crimes. so its considered political when the intention and motive are politically, and is considered ordinary when intention and motives are of personal base.

2- Substantive doctrine: which places the nature of the offended right, or the nature of location that was damaged, If the government was the victim or any if its system related or political institutions then crime is considered political crime, or it is considered an ordinary crime if it it done for other purposes.<sup>17</sup>.

Their is a similarity between political crime and terrorism, due to the fact that each of them is a violent and armed action for political reasons. The overlap between terrorism and political crime urged some writers to classify them into one category and that was "political terrorism"<sup>18</sup>, with this convergence, but they differ in the core fundamentals such as:-

A- the international system had settled on the inadmissibility of extradition for political criminals if they fled to another country. So that many of the laws of the countries and international conventions prohibit extradition of political criminal to the state where the crime was committed<sup>19</sup>. Political offender may find asylum in a particular country in a move called regional Asylum, or might fled to a foreign country embassy then it is called diplomatic asylum. In both cases, political criminal could not be handed to the state he committed his crime in. The extradition agreements prohibit extradition of political refugees. As for the terrorist, states are obliged to extradite him to the State which he committed a crime against them to stand trial for the crime committed against them. A Proclamation by the General Assembly of the United Nations No. 49/60 dated 17 / February to February 1995, and by the Security Council resolutions numbered 1268 and 1373, issued in 2001, demanded not to grant political asylum to people accused of international terrorism. If they had been granted political asylum they must be handed over to the state in which they had committed his crime against it.

B- The political offender is considered a nationalist who has good manners, kindness and with honour. And his motive to commit a crime comes from his willingness and desire to reform the system in his country. And that his work does not include the intimidating of others, or to impose terror on them. While the terrorist action is not related or connected to his community values, in addition to the fact that his crime affect negatively the society in whole.

C- Political crimes and unified by specific actions when implemented, and usually ends without arousing fear and terror against the citizens. While terrorist acts are connected and continuous. since terrorist acts strength lies in the continuation of the process.

D- Political crime may not include the armed political violence, and forming parties and associations contrary to the laws, or publishing political issues against the state or insulting a state official. While terrorism is based on armed political violence.

<sup>15</sup> Dr. Abdul Wahab Homd, political criminality, Dar truth Beirut 1992, p 11.

Also known as "the crime that disturb the country's political system, which aims to be or the effects of compromising the integrity of the internal state at risk." check:

Dr. Mohammed al-Fadil lectures in political crimes, Damascus University Press, 1963, p 13.

<sup>16</sup> ,crimes political international for References

Edward M. Wise, Ellen S. *International Criminal Law: Cases and Materials* , Podgor, Roger Stenson Clark, Lexis Nexis (2004)

Ellen S. Podgor *Understanding International Criminal Law* , Lexis Nexis (2004)

<sup>17</sup> .68 p. 1977 Baghdad, printing, and vertisingad for Foundation Iraqi the Iraq, in extradition aileron, Amir Abdul Dr.

<sup>18</sup> .seq et 164 p. 150 p. -m 1996 Cairo Library, Madbouly terrorism, political Hariz: Nasser Abdel

<sup>19</sup> Dr. Abdul Amir aileron, op. Cit., P. 69

### 3. Jordan Efforts in Compacting the Fight against Terrorism

Jordan had issued a number of laws to combat terrorism, and work through the Arab League to issue a special counter-terrorism resolutions, and joined several international treaties on the Prevention of Terrorism:

#### 3.1 Jordan's Anti-Terrorism Legislation

Jordan issued a number of laws to combat terrorism. Of which:

##### A - temporary law No. 24 of 2001

After the events of September 2001, the temporary law No. 24 of 2001 was issued, and accordingly Jordanian Penal Code was amended to impose many restrictions, procedures, naming crimes and expanding the number of crimes under the pretext of combating terrorism. and in article (147) stated some banking business is terrorism if it is proven that it is related or considered to have a relationship with suspicious terrorist activities. it also held the bank official accountable for conducting such transactions of he knew already about such actions, therefore he should be punished by imprisonment, and confiscation of funds deposited.

The above mentioned law expanded its punishment to impose the death penalty. if the there was killing resulting from the use of explosives, or inflammatory material, or toxic products, or the Holocaust, or epidemiological, or germ. while In the case of disabling means of communications and computer systems, or penetrate their networks, or jamming them, the offender sentenced to life imprisonment.

In article (149) of the Act many political crimes had been included and considered crimes of terrorism. From that, the temporary prison with hard labor is exposed on anyone who commits any act that would undermine the political regime or inciting its opposition, or change the economic or social state. and anyone who held hostages in an intention to extort any official or private person. and if the detention led to the death of one of the hostages punishable offender to death.

##### B- Act No. 45 of 2003

Under this law the Jordanian Penal Code was amended. article (150) was amended and stated that every speech, or action intended to, or result in inciting sectarian strife or racism, or provoking conflict between sects and various members of the nation is punishable by imprisonment for not less than six months nor more than three years and a fine not exceeding five hundred dinars. the Law considered all crimes that affecting the state dignity are terrorist crimes; Including the abuse of national unity, prestige of the state or its unity, insulting the dignity of individuals, their reputations and freedoms. punishment for such offences is imprisonment for a term not less than three months and not exceeding six months or a fine not exceeding five thousand dinars, or both. The law also authorised the closure of the newspaper, which publishes such material. the State Security Court is the specialised court to look after these crimes.

##### C- Jordan's anti-terrorism law No. (55) of 2006

Jordan issued a an independent Terrorism Prevention Act , looking at it as a law that include the definition of terrorism and the works that is considered terrorism, terrorist elements and the guarantees for the people accused of terrorism. The law consists of nine articles<sup>20</sup>.

##### D- law amending the law of Prevention of Terrorism No. 18 of 2014.

An amendments on Prevention of Terrorism Act No. 55 of 2006 where articles 2, 3 and 7 of the original law were amended.

#### 3.2 Jordan's Arabian Efforts in the Fight Against Terrorism

Jordan worked through the Arab League in 1998 to pass a resolution to stating the Arab league concerns over the fact that terrorists had considered some countries as a platform to manage their plots and spread their destructive ideas, benefiting from their stay in such countries that facilities their stay and offer financial, materialistic and media support to them. The Board rejected these actions and condemned terrorism in all its forms. The Council decided the following:

A- "Urge the states that harbour terrorists to consider the negative effects of the presence of these terrorists, the nature of their work and the extent of danger they represent to the Arab national security.

B- urging these countries to stop harbouring terrorists and reconsider the possibilities offered to them that facilities to help them exercise their destructive activities.

<sup>20</sup> Article II of the Prevention of Terrorism Act Jordanian No. (55) for the year 2006 published on page 4264 of the Official Gazette No. 4790 dated 1/11/2006.

C- inquire from these countries to take the necessary legal arrangements and administrative procedures to monitor the movements of terrorists involved and counted and deliver the relevant Arab countries lists of their names, and hand them over to the affiliated countries as wanted to justice.

D- Instruct the Secretary General to follow up this matter and submit a report to the Council at its next session.<sup>21</sup>"

### *3.3 Jordan's International Efforts in the Fight Against Terrorism*

Jordan had joined many international conventions on the prevention of terrorism, including:

- A. Convention on crimes and Other Acts Committed on Board the aircrafts signed in Tokyo on September 14, 1963.
- B. Convention for the Suppression of Unlawful Seizure of Aircraft, signed in The Hague - December 16, 1970.
- C. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal on September 23, 1971.
- D. Convention for the Suppression of Crimes against Internationally Protected diplomatic staff and Punishment adopted by the United Nations General Assembly on December 14, 1979.
- E. The International Convention against the Taking of Hostages adopted by the UN General Assembly on December 17, 1979.
- F. Protocol for the Suppression of Unlawful violence in aircraft Serving International Civil Aviation signed in Montreal on February 24, 1998.
- G. Convention on the distinguishing of Plastic Explosives for the Purpose of Detection signed at Montreal in March 1991.

all of these above mentioned international conventions are related to combating international and internal terrorism in all its forms.

### *3.4 Jordan Participation in the International military Coalition*

The international coalition to combat terrorism was formed by the United States, the Europeans and many countries in 2014, Jordan has participated in this alliance and executed operations against terror sites in Iraq. Jordan also provides military advice to countries that suffer from terrorism.

## **4. The Concept of Terrorism in Jordanian Law**

In his fight against terrorism, Jordan followed the path of other countries. We will discuss the definition of terrorism and the acts that are considered terrorist acts in Jordan's laws:

### *4.1 The Definition of Terrorism in the Jordanian Law*

The modified article no. 147 of the Jordanian Penal Code had identified terrorism, as "Terrorism means: the use of violence or threat of using violence, whatever its motives and purposes, that occurs in the work of an individual or a group aim of disturbing public order or endangering the safety and security of society to risks, such risk includes the spread of horror among the people and intimidate them, or risk their lives, inflicting harm to the environment or public facilities, property, private property, international facilities and diplomatic missions, or occupy any of them, or capture or endangering national resources, or disable the application of the provisions of the Constitution and the laws "<sup>22</sup>.

This definition had identified the terrorist act, and the person who commit it, its goal, crime body, or that the victim that is exposed to terrorism.

While in a closer definition, Jordanian anti -terrorism law had identified the terrorist act as: "Every intentional act committed by any means that might lead to the killing of anyone, or may cause physical harm, or damage to public property, or private, or in transport or the environment, or in infrastructure facilities, or in international organizations, diplomatic missions, if the end of it disturbing public order and endangering the safety and security the intentions were risking the safety of general order, and risking the general public and safety to

<sup>21</sup>Review the text of the resolution: Egyptian Journal of International Law, Volume IV Fifty-1998, the Egyptian Society of Cairo. 299 p.

<sup>22</sup> Amended article of the Law No. (45) for the year 2001 published in the Official Gazette No. (4510) (p. 4467).

danger, or to influence the State policy, or the government, or force them to work, or abstain from, or disturbing the national security by intimidation or violence"<sup>23</sup>.

Definition of a terrorist act, included its methods, the victim, places that could be reached by terrorism has included, its implications, and its private and public objectives.

the two mentioned definitions of terrorism in the Jordanian laws are lengthy and included extensive census of the terrorist act and include an expanded description of those who dealt with terrorism.

#### *4.2 Elements of Terrorism in the Jordanian Law*

From the definition cited by Jordan's anti-terrorism law, we can conclude terrorist elements in Jordanian law, as follows:

A- The terrorist act is intended: The terrorist act is intended: This means that the offender want the result of his crime. which means that his crime is premeditated;

B- The multiplicity of the means to commit a terrorist act: the terrorist act could be committed with known weapons; rifle and pistol, or explosions, knives, or theft;

C- The terrorist act lead to physical effects. Terrorism is an armed action that causes material damage.

D- The availability of mental element: these crimes must have a target, which is that the aim of such acts is the breach of public order, and endangering the safety and security of society, or disable the application of the provisions of the Constitution or laws or influence state policy, or government, or force the government to do certain actions, or to abstain from such, or breach of national security;

E- The psychological factor of the act: the terrorist act is intended to intimidate the community. The article mentioned explicitly that terrorism depends on one of the three cases; fear, intimidation and violence.

#### *4.3 The Acts That Are Considered Terrorism in the Jordanian Law*

Jordanian law, named and stated the acts that are considered terrorist acts, namely:

A- Any killing of a person or cause physical harm to him, regardless of murder type and the means used, or the victim of murder, whether it is official or ordinary civilian.

B- Damage to public or private property. which includes but not limited to; private, public, military and civilian institutions, and private property owned by people.

C- Harming of international bodies or diplomatic missions. therefore it is considered a terrorist act, to hit the staff of international organizations, diplomatic missions, headquarters, private or public property, their means of transportation and and any thing that is related to their communications, work and conferences.

D- Disturbing the public order. by setting up road barriers, the sit-in areas for blocking traffic, and unauthorized riots and demonstrations.

E- Endangering the safety and security of society; by shootings, burning wheels and spreading toxic substances.

F- Disabling the applying of constitution or laws. by preventing legislative, executive and judicial authorities from exercising their work.

G- To influence the policy of the State, or the government, or force them to work or to refrain from their work.

H- Breach of national security, riots and unauthorized demonstrations and prevent the internal security forces to do their work<sup>24</sup>.

I- Recruit people from inside or outside the Kingdom to join groups that aim to commit terrorist acts inside the Kingdom or against its citizens, or its interests abroad<sup>25</sup>.

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<sup>23</sup> Article II of Jordan's anti-terrorism law.

<sup>24</sup> Article II of the Prevention of Terrorism Act Jordanian No. (55) for the year 2006 published on page 4264 of the Official Gazette No. 4790 dated 1/11/2006.

<sup>25</sup> Article (3) of the Code of Jordan's anti-terrorism as follows: "Subject to the provisions of the penal code in force in effect, prohibits terrorist acts and is seen in the following business role: -

A. do by any means, directly or indirectly, provides or collects funds or measure used for the purpose of committing a terrorist act or with the knowledge that it will be used in whole or in part, whether I sign or not is mentioned in the Kingdom work for or against its citizens or its interests abroad.

(B) the recruitment of persons within or outside the Kingdom to join groups that aim to commit terrorist acts inside the Kingdom or against its citizens or its interests abroad.

J- attacking transportation. Such as aircraft, cars, trains and ships. Whether inside or outside Jordan. Whether it was state owned or private while working or parked.

K- Polluting the environment. Include polluting the national and international human environment, land, sea, or land across many international animal protection environment treaties<sup>26</sup> and polluting the environment in the seas<sup>27</sup>, continental and water, the atmosphere, biodiversity<sup>28</sup>, contaminating soil and landscapes<sup>29</sup>, chemicals<sup>30</sup>, waste<sup>31</sup>, and industrial and nuclear hazards<sup>32</sup>.

L- Exposure to infrastructure. such as attacking the official buildings and private laboratories such as schools, universities, bridges, hospitals, police stations, army and civil defence, national and international telecommunications, schools, roads and bridges.

M- Knowledge of the existence of a terrorist act, the law has been committed to every person aware of a terrorist plot to inform the competent organs<sup>33</sup>. In the case of submission of false information shall be punished by a criminal penalty, by the State Security Court<sup>34</sup>.

N- Article III of the amended terrorism Act No. 18 of 2014 had considered the following acts as terrorist acts:

- Acting by any means, directly or indirectly, to provide or collect funds or manage it in the intent to be used to commit an act of terrorism or finance terrorists, whether the terrorist act is executed or not, inside or outside the Kingdom related to its citizens or interests.
- Acting by any means to expose the kingdom to the risk of hostility or harm its relationship with foreign country or expose Jordanians to the risk of reprisals fall on them or on their properties.
- Join or attempt to join any armed groups or terrorist organizations, recruiting or attempting to recruit people to join or train others for this purpose, whether inside or outside the Kingdom.
- The establishment of an association or affiliation to, or any group, organization or association, or the exercise of any action with the intent to commit terrorist acts in the kingdom or against its citizens or its interests abroad.
- The use of the information system or or the internet or any means of publishings or media or the establishment of a website to facilitate acts of terrorism or support of a group, organization to be associated with terrorist acts or promote their ideas, or financing, or carrying out any action that would endanger the Jordanians or their property to the risk of hostile acts or reprisals located on them.

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(C) establishment of any grouping, organization or association or affiliation therein with intent to commit terrorist acts in the UK or against its citizens or its interests abroad. "

<sup>26</sup> One of these agreements: restricted to agriculture on birds Protection Convention of 1902 and the Convention on the protection of species endangered seals, held in 1911 and the Treaty on the border between Canada and the United States in 1911.

<sup>27</sup> It is these conventions: the International Convention for the Protection of the thickness of the whale, held in Washington in 1946 and the International Convention concerning the environmental impact of shipping (MARPOL), held in 1973 and the International Convention on the Law of the Sea, held in 1982 and the International Convention to maintain Altonaat Atlantic (Aakat), Rio de Janeiro, held in 1986 . And agree to respect the private international action relating to the conservation of fishing resources and conduct of the ships on the high seas in 1993. The agreement on fish that move in different kinds of marine regions and major migratory fish held in 1995 stocks.

<sup>28</sup> It is these conventions: Convention on International Trade of the types of plants and animals wild endangered (Saites), held in Washington in 1973. The agreement migratory species that belong to the animals wild, held in Bonn in 1979 and the international commitment on the plants on the genetic resources under the auspices of Nutrition and Agriculture Organization in Rome 1983. The Convention on biological diversity of Rio de Janeiro, held in 1992.

<sup>29</sup> One of these agreements: the Treaty on the South Pole, held in Washington, the protection in 1959 and the Convention on Wetlands of International Importance especially waterfowl - Ramsar on housing in 1971, and the Convention on the fight against desertification Paris held in 1994.

<sup>30</sup> One of these agreements: International Code of Conduct on the Distribution and Use of Pesticides sponsored by the Food and Agriculture Organization held in Rome in 1985 and the Convention on the media ways and compromise necessary in the case of dangerous chemicals replaced an international trade meeting in Rotterdam in 1998 agreement.

<sup>31</sup> One of these agreements: the control of trans-waste-border movement and destruction, held in Basel 1989. Convention and the Convention attended the import and control of hazardous waste transboundary movement and governance in Africa, held in Bamako in 1991. Special hazardous waste transboundary held in Panama in 1992, the movement of the regional agreement.

<sup>32</sup> One of these agreements: the effects of industrial accidents agreement in the border areas Hlnsanka held in 1992 and the Convention on nuclear security held in Vienna in 1994.

<sup>33</sup> Article (5) of the Code of Jordan's anti-terrorism as follows: "Notwithstanding the provisions of any other legislation, to every person aware of a terrorist plot or look at related to terrorist activity information that informs the public prosecutor or the security services within the Kingdom or against its citizens or its interests abroad. "

<sup>34</sup> Article (8) of the Code of Jordan's anti-terrorism "is concerned with the State Security Court to consider the crimes stipulated in this Law."

- The Possession or acquisition, manufacture, import, export, transfer or sale or delivery of explosive material or toxic chemical or biological or radiological or flamboyant or incendiary or what is related to these substances, weapons or ammunition, or to deal with any of them on any face, on the intent to use them for terrorist acts or illegally.
- The attack on the king's life or his freedom or Queen or the Crown prince or one of the custodians of the throne.
- Every action committed for the aim of provoking armed rebellion against the existing authorities under the Constitution, or prevent them from exercising their functions derived from the Constitution or change the state constitution by illegal means.
- The formation of gangs intent to rob passers-by and infringing on people, property or commit any other act of banditry.

#### *4.4 The Preparations for Terrorism*

Jordan's anti-terrorism law considered the preparatory acts are an act of terrorism, and called them terrorist acts, these acts are considered terrorist acts even if the terrorist act was not carried out:

- A. to commit action by any means directly or indirectly; offer, collect, fund-raising intended to be used to commit a terrorist act, or with the knowledge that it will be used in whole or in part, whether inflicted or the work mentioned in the kingdom did not occur, or against its citizens, or its interests abroad.
- B. Recruit people inside or outside the kingdom, to join groups that aim to commit acts of terrorism within Jordan, or against its citizens, or its interests abroad.
- C. The establishment of any group or organisation, or association, or affiliation with intent to commit terrorist acts in the kingdom or against its citizens or its interests abroad<sup>35</sup>.

#### *4.5 Ensure Accused of Terrorism in the Jordanian Law*

- A. Article IV of Jordan's anti-terrorism code gave the Prosecutor the authority to book, inspect and impose censorship on money, providing that these measures should not take more than one month.
- B. The accused in terrorism may appeal against the decision of the Attorney General of the State Security Court within three days of the prosecutor decision. Then court shall decide the appeal within one week of submission date.
- C. 3- the accused of terrorism has the right to challenge the State Security Court's decision to the Court of Cassation. And the Cassation Court should view the appeal within one week from the date of receiving the claim..
- D. These guarantees, are considered special legal and judicial guarantees for the people who are accused of terrorism.

### **5. Conclusion**

The terrorism is considered one of the weakest types of armed political violence, but the world is viewing it as a serious and dangerous issue, all countries of the world are cooperating to in order to combat it, because it is unknown action with unknown victims done in unknown time in an unknown location. After the 11th. of September 2001 terrorist attack in USA , the world ran into huge chaos, and issued many numerous international resolutions and emergency laws, restricting human rights in order to reduce the cases of terrorism.

Jordanian law has followed up the laws of developed countries in the fight against terrorism. Terrorism and calculated the actions that are considered terrorist actions granting suspects and accused the legal and judicial means to protect their rights and personality, so they will not be abused.

The researcher recommends:

That terrorism as a crimes of armed political violence, need to be studied by scientific methods to address its causes and drain its resources. The lifting of injustice, inequality and authoritarianism on the wealth of nations is an issue that it will reduce terrorist actions, or even eliminates it. The feeling of injustice and oppression is one of the reasons that generate terrorism and increase its severity. Eliminating terrorism could not be achieved by double punishment, but must work on cultural and social awareness, which starts from the earliest stages of childhood, and through means of education, media and culture. This requires the development of an global

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<sup>35</sup> Article (3) of the Code of Jordan's anti-terrorism

economic, political, educational, world culture that includes all the people of the world, that will eliminate racial segregation and caste discrimination, and to end colonialism and occupation of any means, and applying equality principle among people.

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