

Criminality, Victimhood and War: Post-9/11 War on Terror (WoT)

Understanding the term terrorism becomes vital in the context of criminality, victimhood and war in the Post-9/11 War on Terror (WoT). With much critical evaluation, it has been noted that the term WoT represents different kinds of wars, which are sometimes not even close to the conventional way of considering the word 'war'. Rather than a war of missiles and guns, WoT is more socio-political, legally structured and initiated internationally as per the requirement of the respective nation. It was on the 16th of September 2001, just 5 days after 9/11; that the former President of the United States George W. Bush coined the term "war on terrorism" (WoT). This war gets defined by Bush as a war against the "radical network of terrorists, and every government that supports them" (The President, 2001). In the first 100 days after 9/11, The President (2001a) initiated the 'unprecedented coalition against international terrorism', and started the destruction of al-Qaeda, irrespective of the age and gender of its members. This US-led initiative soon turned into Global WoT and the peripheries were extended to every possible domain of fear and threat to the security of citizens. However, amidst consistent opposition and controversies related to the implementation of WoT, it was President Barack Obama of the US who declared an end to WoT on the 23rd of May 2013, still keeping the focus on handling specifically identified terrorist networks. In a way the war against terrorism continues but rather than following a generalised way of alienating religious groups like the Muslims, now it is more focussed only on those people who are involved in terroristic activities. The cases of criminality and the instances of victimhood in the post 9/11 questioned WoT vehemently. With the assurance to protect and create accountability towards the security of global citizens, the post-9/11 WoT violated

humanitarian norms. However, it is also important to understand here that though violence against violence is also violence, still there were no other options to suppress the increasing terroristic activities from diversified sources, al-Qaeda in particular. In the current scenario, the term terror and the war against it are more about the involvement of humanitarian grounds, the concern of generating fear, and restrictions to any kind of victimisation.

According to Schmid (2023), the word terror is the by-product of fear and threat and has often been marked synonymous with extremism, violent extremism, etc. on the contrary, this is not an effective way of understanding the term terror or the activities of terror leading to terrorism, because “*One man’s terrorist is the other man’s freedom fighter*” (Schmid, 2023, p. 2). It is therefore evident that the concept of terror gets complicated when it comes to WoT. The approach to the war depends on the kind of terrorism considered by the respective party or the authority. However, the root cause of terror as identified by Schmid (2023) gets illustrated in Figure 1:

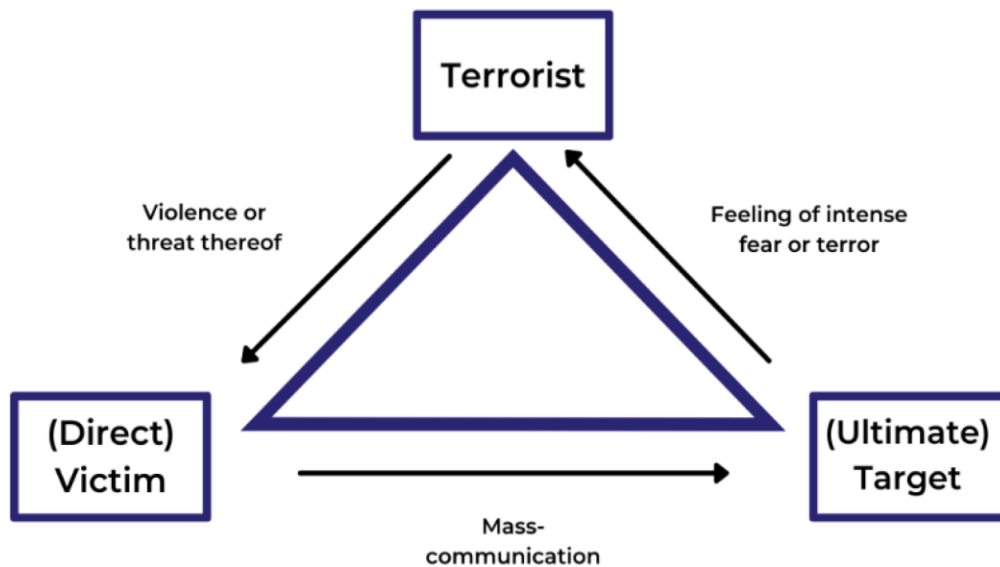


Figure 1 Fear, Threat, Victimisation under WoT (Source: Schmid, 2023, p. 7)

As marked in Figure 1, the interrelation between terroristic psychology and the factors of fear and threat gets instigated by the intense fear of terror which develops to the stage of attacking the victims through the act of violence or threat. As this fear and threat gets shifted to mass communication through direct victimisation, the ultimate target of terror and the need for WoT gets established. Hence, the idea of terror or WoT is a matter of perception. The criminality involved in terror is harmful at both the physical and mental periphery of an individual or a community. These acts of criminality and violence get justified from diversified directions and the logical concerns were subject to debate and controversies.

While considering the war against terror, the reflections of criminology were much identified as a reply to the generated fear and the act of victimisation. At the same time, the torture and humiliation done to innocent people with similar religious belief systems; created complications in understanding the difference in implementing the war against terror. Laree (2022) evaluated the criminological side of WoT and similar proceedings for

understanding the true nature of terror. the violent proceedings of terror to defend the security of the nations are also noted to be a part of criminal acts. Following the social disorganization theory, Laree (2021) argued that the cultural and social influences from the neighbourhood are much more liable to disrupt the terror-based ideologies in society. This will not only increase the rates of crime but also pave the way for the perpetration of terrorism. While referring to organised terroristic activities as similar to white-collar crime, Laree (2021) interpreted that *mainstream criminology has been enriched by widening its scope to include political extremism* (p. 1). This leads to the appeal that criminality must get assessed in a much broader context and that terror to prevent terror should be evaluated with better justifications.

However, it is important to note here that the increasing count of fear and the continuous pressure of terrorism engraved the world after the terrorist attack of 9/11 in the United States (Altheide, 2013). The reports from the Global Terrorism Index 2023 confirm that even after a decade, the impacts and the terror of 9/11 still prevail in every corner of the world (IEP, 2023). Backed by the sensational news reports, the questions about the security system of one of the most advanced military powers, the US became very obvious. The threat has increased manifold, still policies, international laws and legislative regulations towards terror were much focussed since then. The post 9/11 world and the US in particular attained Operation Enduring Freedom, whereby there was the development of WoT with a profound impact on the Islamic world with the negative behavioural approach towards the Muslim communities. The objective was to generate and manage a global security environment in the Muslim world increasingly challenging in the future and could place greater demands on U.S. political and military resources.

However, as declared by the reports from Bridge (2021) it is also very evident that the politics of countering terrorism has turned much biased in the US and the globe led by the US. In the process of counter-terrorism, the US government in particular and the Western nations, in general, have extended non-tolerance to terrorism. As a result, the definition of terrorism has been distorted and reconstructed as per the sense of insecurity and the need to develop advanced security systems in these states. On a critical note, Kanji (2020) has noted that it is the WoT that has been much debated in justification and indulgence to criminality, the increase in the trend of victimhood and the politics-backed reason for terror war. The proceedings of brutality, violence and victimisation of specific communities under such indulgence are a serious concern to human rights. It is this discourse of justification on the terror of 9/11 that made the US government address global counter-terrorism as the weapon to eradicate terrorist activities from the world. As a result, rather than a fight against terroristic fear, the political involvement on this ground has created insecurities even for the general population. With much speculation and analysis, Godefroidt (2023) noted that the fear and threats of terroristic activities are usually not much over the general population but are meant for the political parties governing the state. It is the government that built the aura of threat and fear that leads to the worsening condition of victimisation and an increase in criminal activities.

The increasing approaches to terroristic activities are marked to get closer evaluations by scholars. Critical evaluations bring to the notice that there are constant conflicts in terms of making righteous decisions towards humanitarian and military-oriented decisions. White (2018) analysed the aspects against mercenaries that legitimatise exchange in outsourcing military and refers to the dominance of neoliberal states towards the establishment of private military companies (PMCs). The PMCs are active in restricting transactions to be made towards non-combat activities for gaining 'global security

assemblages'. White (2019) evaluated the post-traumatic stress disorder (PTSD) of the government, whereby the soldiers-turned-contractors in different kinds of private military labour markets. White (2019) declared that at least in the case of the UK governance the positioning of military actions is subject to political-economic proceedings. In the UK, there are currently four very active counter-terrorism proceedings. these proceedings are legislatively and legally implemented under the peripheries of (Gov.UK, 2023):

- Terrorism Act 2000,
- Anti-Terrorism Crime and Security Act 2001,
- Prevention of Terrorism Act 2005, and
- Terrorism Act 2006.

In response to 9/11, it was in December 2001, that the UK Parliament came up with the implementation of the Anti-Terrorism Crime and Security Act 2001 (or the ATCSA). It is in Part 4 of ATCSA that the Home Secretary of the Gov.UK gets empowered towards the detention of foreign terrorist for an indefinite period, and are not allowed to get deported not even under the risk of facing ill-treatment (as against Article 3 ECHR) (ECHR, 2022). As the governance concentrates on economic concerns in the PSTD and aims to attain maximisation of profits; there contradicts the socio-political issue of connecting the military with the civilians. This complicates the profession of security bodies and allows humanitarian interventions in terroristic cases (White, 2019). Masters and Regime (2020) reflected that the phase post-9/11 created the process of reorienting the population of the Northern Hemisphere towards the proceedings to safeguard public security. It was an amalgamated effort for the establishment of political stability and overall management of

restricting terroristic attacks and victimhood. It is a call for WoT indeed with the object to handle the actions of 'threatening Other'. Governments from the West in particular were now highly engaged in WoT, especially when it comes to the protection of citizens and cases of revoking citizenship in case there is any terroristic background.

By developing research based on 325 studies from 1985 to 2020, Godefroidt (2023) confirmed that the act of terrorism is subject to getting connected to smaller concerns of hostility added by political and social perspectives on conservatism. However, when it comes to acts of terrorism, there are wider variations in assessing the Islamic approach towards terrorism, fear and victimisation, as against any other kind of terroristic activity. As of now, the US government and the governments of the Western nations are engaged in focusing on the Islamic image of terrorism (Godefroidt, 2023) and in this process, the concerns of handling WoT are getting focussed more on the Muslim communities, leading them to victimhood. This refers to the biased approach of WoT which is trying to restrict terroristic attacks, yet at the same time is getting more concerned about victimizing Muslims in general. Following such specifications and the biased approach of WoT, Walker (2019) made direct reference to the need for anti-terrorist squads and legal regulations after the incident of 9/11 of the year 2001. Walker (2019) refers to this day as a day that 'changed everything'. While referring to the UK, Walker (2019) stated in the legal regimes, the UK governance developed towards anti-terrorism laws but has always been ambiguous and without any specific or determined declaration. However, things changed after the London bombings on the 7th of July 2005, and there emerged initiations against Foreign Terrorist Fighters (FTF) and the Islamic State of Iraq and the Levant (ISIL). The UK decided to offer a clearer knowledge and standpoint towards the understanding of all kinds of possible terroristic dynamism and thereby construct strategically structured counter-terroristic policies and military interventions. It is in this

context that the counter-terrorist-related cases were interpreted differently, rather with stricter decisions. In the UK, the effective implication of restorative justice stands for core principles and values that create scopes for preventing any kind of violent extremism. The most balanced aspect of this implementation is that it is even meant to protect human beings in general and establish humanitarian grounds to prevent crime and victimhood of any kind (Biffi, 2021). However, there are variations in the practical implementation of this form of justice in the UK.

When it comes to the counter-terroristic approaches in contrast to the humanitarian context of victimhood, the case of *Begum v Home Secretary* under the Supreme Court of the United Kingdom (UKSC) holds great relevance. This is a case, whereby Shamima Begum, who was born in the UK, ran away to Syria at the age of 15 to be a part of the ISIL (UKSC, 2020). However, by 2019, Shamima returns to England and claims British citizenship. This creates serious protests as people of the UK were not in favour of considering a jihadist. However, as declared by Begum, the Islamic State are highly engaged in trafficking "*Yazidi women into sexual slavery and forced marriage*" (Yusuf and Swann, 2021). Further as reported by Vale (2021) Begum stated that she joined IS only to "*get married, have children and live a pure Islamic life*". This appears to be a normal desire, but there was a dark side of this desire that was revealed later to Begum. It was all about the radicalisation of girls and women in the IS which crosses every limit of sexual harassment and violence. This is a kind of situation that refers to the kind of terror that the women face under the influence of the Islamic following.

As the case was finalised under the jurisdiction of the UKSC, on the 26th of February 2021, the verdict rejected the appeal to return and avail citizenship of the UK Begum (UKSC, 2020). This appeared to be an apt decision in terms of the security concerns of

the state. In this context, a spokesperson from the Home Office, UK stated that the Government of the UK considers national security as the top priority and in terms of maintaining national security and for the safety of the general public this rejection of Shamima Begum is highly supported (Sabbagh, 2021). However, the contrary point of view as that of Labenski (2019) continues. The concerns were related to the participation of women in armed conflict and the need to understand the factors behind female perpetrators. The concerns are more close association with the factors that create a desire to join the IS and the later revelation of violence, threat and fear among the younger generation. It is highly complex and critical to understand the discourse of threat, fear and victimisation under terroristic events. Shaping of public perceptions as exemplified above in the case of Begum v Home Secretary, the humanitarian concerns and security issues are subject to come into conflict in a very complicated way. Irrespective of these complex and complicated tussles, the WoT has attained adequate attention from innumerable frontiers.

On the other hand, Logan (2021) investigated the military centres for veterans which are found to be much different from the non-veterans, especially in the context of criminogenic risk. According to the research led by Logan (2021), prior military service appeared to be a kind of liability as there were demands towards institutional adjustment, followed by the negative results and experience of (mal) adjustment. In this context, it is appropriate to mark Reeve (2019) who delved into the psychological construct of terrorism and analysed the factors of radicalisation. The results from Reeve offered the complicated connection between personal, social political and above all economic conflicts. Under such conditions, the UK government initiated a counterterrorism policy with 'terrorism offences' which refrained from any terroristic violence and are identified as psychological disruptions (Reeve, 2019). As an extension to such investigation, Brown

and Pearson (2019) exposed the spectrum of extremism, which comprises far-right, followed by socialist as well as jihadist activities. The investigative approach led by these scholars is in terms of the activities which are not only 'radical', but also are identified as 'extremist' activities initiated through internet-based online platforms (Brown and Pearson, 2019). This kind of development demands more interrogative and cyber-based advanced technological proceedings to prevent terroristic activities on global platforms. The participation of member states of the UN can be an added edge to this kind of initiative.

The role of the United Nations in this domain of Global Counter-Terrorism is the member states are committed to supporting the purpose of eradicating terrorism and promoting international solidarity towards all those people who are victims of terrorism and are engaged in the activities of civil society. There are four pillars of the Global Counter-Terrorism Strategy of the UN (see Figure 2).

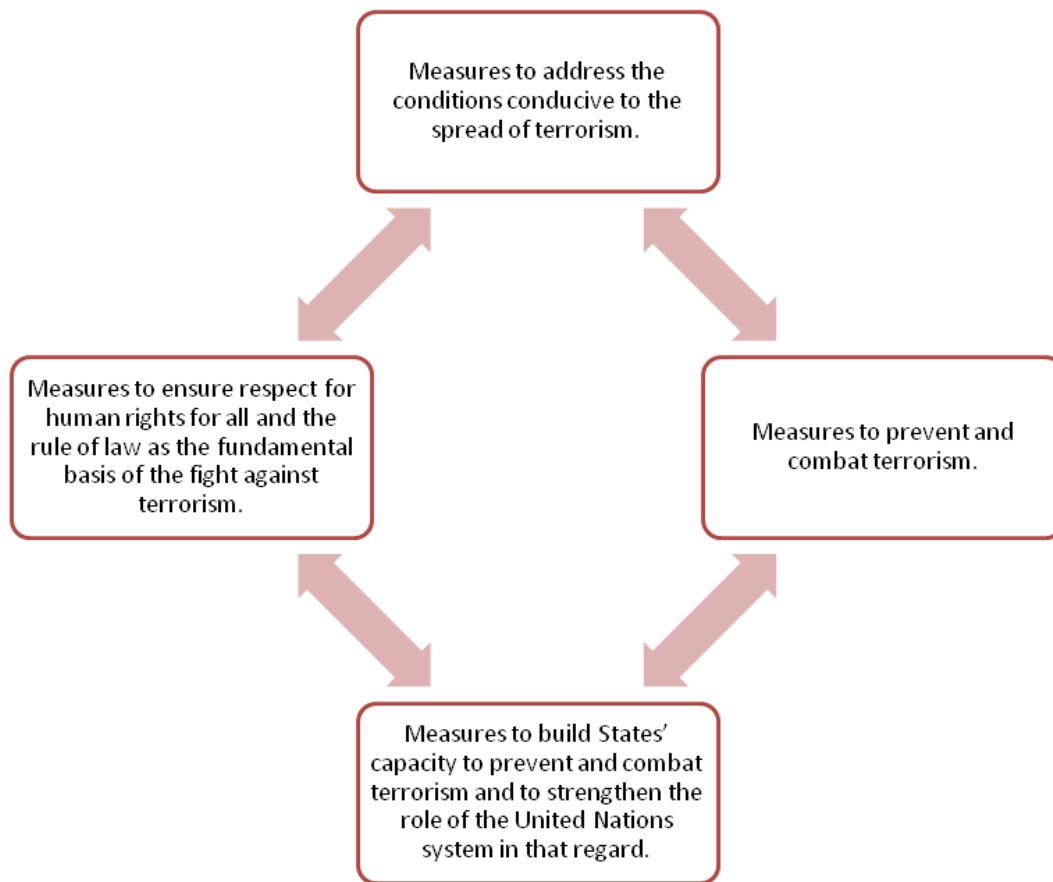


Figure 2 The UN's Global Counter-Terrorism Strategy (Source: UN, 2022)

Keeping the aforementioned pillar intake, the United Nations also maintains good practices to imply war against terrorism, whereby the victim-centered proceedings were followed and the human rights as well as the general well-being of the individual must remain as a priority. Within the criminal justice system of the UN, the victims of terrorism must gain appropriate attention and support from the government, yet at the same time, criminality against terrorism is also a matter to be maintained under the regulations of human rights (UNDOC, 2015). A few of the good practices as suggested by the UNDOC (2015) towards the victims of terrorism are the establishment of services to support the victims, offering training to the professional justice sector in protecting the human rights of the victims, encouraging victims from participating in the support services, and to assure that there are adequate scopes for effective communication for

revival. These are the regulations which are also implied to people who were part of terroristic groups under the provisions of '*Liberty and security of the person*' (UN, 2008, p. 36). There is protection to the individual human beings irrespective of his or her actions under the international humanitarian law and peremptory norms, which are non-derogable and in clear terms prohibit any kind of arbitrary deprivation from the state of individual liberty or availing the *fundamental principles of a fair trial, including the presumption of innocence* (Human Rights, 2007; OHCHR, 2022).

Consequently, the humanitarian aspects of treating victims of terrorism and even people who were adjacent to terroristic activities restrict criminality and prevent victimhood of all kinds. In this reference, the cases like Shamima Begum stand as a matter of huge controversy. But again it is still a concern to the national security and instances of humanitarian liberty to the members of the terrorist groups are not recommended.

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