



## Legal Basis for the Prevention of Transport Terrorism

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**Annotation:** This article describes the international and national legal framework for the prevention and suppression of terrorist acts and, in particular acts committed by means of vehicles.

**Keywords:** terror, anti-terror, convention, pact, terrorist attack, act of terrorism, terror of transport, law enforcement agencies.

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### Introduction.

It is known that the need to increase the effectiveness of the fight against international terrorism at the universal level has been increasing since the first half of the last century.

As the process of combating terrorism is strengthened by the world community, the methods of committing terrorist acts are also changing. It should be noted that in recent years, there are more cases of the use of vehicles in committing terrorist acts. The concept of transport terrorism has been given different definitions by scientists. In particular, Russian scientists A.M.Kirokosyan<sup>1</sup> and L.Yu.Taova<sup>2</sup> defined that "**Terrorism in transport** is a specially organized form of violence, which is the implementation of actions of organized subjects calling for emergency aggression with or on vehicles, aimed at the implementation of extremist ideas."

### Results and its discussion.

Today, the legal basis for preventing and combating terrorist acts committed by vehicles is improving year by year.

Looking back on history, a number of international conferences on the elimination of terrorism were organized at the First International Congress of Criminal Law held in Brussels in 1926. At these conferences, the main directions of the fight against terrorism were defined and a number of international documents were adopted.

At the same time, during the activities of the League of Nations, terrorism was considered as one of the pressing issues. On December 10, 1934, a special committee was formed by the Council of the League of Nations to study the problems of terrorism and develop a draft Convention on combating it. On November 16, 1937, the League of Nations adopted international legal document - the Statute

<sup>1</sup> Киракосян А.М. Терроризм на транспорте как угроза современному обществу: социально-философский анализ: Автореф. дисс ... канд. филос. наук. – М: Воен. ун-т МО. РФ, 2007 – С. 15-25;

<sup>2</sup> Таова Л.Ю. Терроризм на транспорте как угроза современному обществу// Веб-сайт Кибернетика - <https://cyberleninka.ru/article/n/terrorizm-na-transporte-kak-ugroza-sovremennomu-obschestvu>, 12.2014.;

of the International Criminal Tribunal, based on the projects presented by this committee. This document was signed by 23 countries of the world and ratified only by the Indian government<sup>3</sup>.

Although the 1937 Convention was not without its shortcomings, it made a significant contribution to combating international terrorism. In particular, the states realized that it is possible to meet the threat of terrorism only if they are united to a certain extent, and today there is a need to create universal anti-terrorist mechanisms. Also, it can be said that the concept and mechanism of responsibility, the procedure for dealing with terrorist attacks at the international level, extradition issues in the convention were an important impetus for the creation of universal legal frameworks for the fight against international terrorism.

The quality and content of the process of creating universal legal mechanisms for the fight against international terrorism begins with the establishment of the United Nations (UN). At that time, terrorism was considered as only one kind of a criminal act, and it was considered that it would not be difficult to reach an agreement on this issue. Because of this, terrorism existed only in theory at that time. Later, UN documents stated definitions of terrorist attacks, revealed the forms, types and goals of terrorism.

It is under the initiative of the UN that today the universal conventions on the fight against international terrorism have been developed and put into practice. In addition, a number of special committees and commissions of the UN General Assembly were formed in order to implement effective measures to eliminate international terrorism.

In particular, the UN Ad Hoc Committee on International Terrorism was established in 1972 and is an auxiliary body of the General Assembly. The special committee is engaged in determining the generally accepted concept of international terrorism, studying the main causes of this phenomenon and developing specific recommendations and practical measures to combat it.

Today, 19 universal conventions and three additional protocols for various types of international terrorism on combating international terrorism have been adopted. These conventions stipulate the obligation of the states to recognize this set of actions as a crime under their national legislation, to provide mutual legal assistance, including the provision of necessary evidence during the trial and preliminary investigation<sup>4</sup>.

Currently, Uzbekistan has ratified 12 such international agreements. These are: The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971; Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973; International Convention Against the Taking of Hostages, 1979; Convention on the Physical Protection of Nuclear Material, 1980; Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988; Convention for the Suppression of Terrorist Bombings, 1997; International Convention for Suppression of Financing Terrorism, 1999.

The events of September 11, 2001 demanded from the international community more serious attention to the problem of international terrorism. After these events, many countries around the world revised their legislation and realized that they did not have a special framework for combating terrorism or that these laws could not meet today's requirements. The UN documents adopted later were focused on practical work aimed at further development of the theoretical basis for the study of the phenomenon of terrorism and the elimination of international terrorism.

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<sup>3</sup> Лукашук И.И. Международное право. – М.: «Москва», 2001. – С. 247.

<sup>4</sup> [Международные соглашения по борьбе с терроризмом.//www.un.org/russian/terrorism/instruments.shtml](http://www.un.org/russian/terrorism/instruments.shtml).

In particular, on September 8, 2006, 192 UN member states adopted a global anti-terrorist strategy, and on September 19 of this year, after a high-level meeting of the General Assembly, it was put into practice. This is the initial strategy that reflects the general approach of the countries of the world in the fight against terrorism<sup>5</sup>.

The researchers emphasize the need to include in the global anti-terrorist strategy an action plan aimed at eliminating the conditions that allow the spread of terrorism, as well as combating it. It recommended measures to strengthen the capacities of countries and the UN in this field. The following elements are the basis of this strategy:

- measures to eliminate the conditions that allow the spread of terrorism;
- measures to prevent and fight against terrorism;
- measures to strengthen the capacity of states to prevent and fight against terrorism and the role of the UN system in this field;
- Measures to ensure respect for human rights and the rule of law as a fundamental basis of the fight against terrorism.

Also, there are the following main legal documents aimed at preventing transport terrorism:

1) The Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963, Tokyo). This convention focuses on the following:

- used in situations where there is a threat to the safety of pilots;
- If the pilot-in-command has sufficient information that one of the persons on board has committed or is about to commit actions that threaten the safety of the flight, the captain is allowed to independently take measures aimed at limiting the actions of this person.
- Contracting States are required to arrest the offender and return control to the lawful commander of the aircraft.

2) Convention for the Suppression of Unlawful Seizure of Aircraft (1970,

The Hague). This convention focuses on the following:

- it is a crime to use or threaten to use violence against any person on board an aircraft while in flight, or to seize or control an aircraft;
- the signatories of the convention undertake to apply "severe penalties" to cases of illegal possession of aircraft;
- according to the convention, the agreed states are obliged to detain offenders to transfer them to the appropriate authorities for criminal prosecution in the future;
- Parties agreed in accordance with the Convention undertake to assist each other in criminal proceedings.;

3) The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. The Convention focuses on the following main issues:

- performing illegal or intentional acts of violence during the flight against persons on the aircraft board, if these actions threaten the safety of the aircraft;
- installation of explosives on board the aircraft;
- attempt to perform the above-mentioned actions;

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<sup>5</sup> Международные соглашения по борьбе с терроризмом. <http://www.un.org/russian/terrorism>.

- actions such as being a participant in this type of crime or attempted crime have been declared a crime;
- the signatories of the convention undertake to apply "severe punitive measures" to cases of illegal possession of aircraft;
- the agreed countries are required to arrest offenders in order to hand them over to the appropriate agencies in the future when opening a criminal case;

4) Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988, Montreal).

The Montreal Convention aims to prevent terrorist attacks at airports serving international civil aviation.

In addition, the following:

- Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, 2010;
- Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, 2010;
- Protocol to amend the Convention on Offences and Certain other Acts Committed on board Aircraft, 2014;
- Including the Convention for the suppression of unlawful acts against the safety of maritime navigation, 1988 and others.

As the issue of combating terrorism is gaining international importance, the Republic of Uzbekistan is gaining sufficient experience in this regard. Our government actively participates in the fight against terrorism by establishing bilateral and multilateral cooperation in order to strengthen the legal framework for preventing this problem.

Agreements on bilateral cooperation in the field of combating crime, terrorism, illegal trade in narcotic drugs and psychotropic substances were signed and relevant activities were launched in this regard with Turkey (April 5, 1993, December 19, 2003), Russia (April 27, 1995), Ukraine (June 20, 1995), Georgia (September 4, 1995), Germany (December 16, 1995 November), Pakistan (October 19, 1996), Turkmenistan (April 27, 1995), Czech Republic (June 17, 1998),

Bulgaria (May 7, 1999), Iran (June 11, 2000), Azerbaijan (July 25, 2000), Italy (November 21, 2000), Moldova (December 19, 2000) and UAE (September 2008)<sup>6</sup>.

On April 21, 2000, treaty was signed in Tashkent between the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, and the Republic of Uzbekistan Concerning Joint Action in the Struggle against Terrorism, Political and Religious Extremism, Transnational Organized Crime. Also, in 2008, at the Bucharest summit of NATO, the first president of the Republic of Uzbekistan, Islam Karimov, initiated the development of cooperation within the framework of the "6+3" (six countries bordering Afghanistan and the USA, Russia and NATO) project in order to ensure peace and stability in Afghanistan, which is a hotbed of terrorism and drug trafficking. its emergence is also important in ensuring regional security and in making our country free from the threat of terrorism.

In addition, the Republic of Uzbekistan has ratified more than 10 international conventions defining the legal basis of the fight against terrorism within the framework of the UN. In particular, on January 24, 2008, the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan

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<sup>6</sup> Мирзалиев А.Г. Ҳалқаро терроризм намоён бўладиган асосий соҳалар ва унга сабабчи омиллар (Ўзбекистон мисолида): дисс ... маг.дисс. –Т.: СТИБОМ, 2009. – Б. 30-31.;

adopted the law "On the accession of the Republic of Uzbekistan to the International Convention for the Suppression of Acts of Nuclear Terrorism" (New York, April 13, 2005)."

The basis of the national legislation of the Republic of Uzbekistan in the field of combating terrorism is Article 155 of the Criminal Code of the Republic of Uzbekistan, the Law "On Combating Terrorism" adopted on December 15, 2000, and bilateral and multilateral treaties and agreements ratified by the Oliy Majlis.

The issues of identifying transport terrorism and combating it within the country are also regulated by these documents.

In particular, in the basic concepts of Article 2 of the law, the definition given to the concept of terrorist act states that vehicles can be used in the commission of a terrorist attack.

### **Conclusion.**

In conclusion, it should be noted that when analyzing the legal foundations of the fight against international terrorism, it became clear that the legal documents within the framework of international or national statehood are scattered, and there are no single names that systematize and regulate all aspects of transport terrorism. In particular, if the documents regulating this direction are divided into various conventions at the international level, it was found that the normative documents related to transport safety and the fight against terrorism are partially regulated at the level of national statehood. We also believe that the existence of the mentioned legal norms is not enough to increase the effectiveness of the fight against transport terrorism. Improving the quality of implementation of these norms serves to positively solve the problem.

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