

Topic: - Terrorism in international law

The need to define terrorism in International criminal law

Ben Saul has noted that a "A combination of Pragmatic and Principled arguments supports the case for defining terrorism in international law, including the need to condemn violations to human rights, to protect the state and deliberative politics, to differentiate Public and Private violence and to ensure international Peace and security.

Carlos Diaz Paniagua, who coordinated the negotiations of the Proposed United Nations Comprehensive Convention on International Terrorism,

noted, on his part, the need to provide a precise definition of terrorist activities in International law. "Criminal law has three purposes: to declare that a conduct is forbidden, to prevent it, and to express society's condemnation for the wrongful acts. The symbolic, normative role of criminalization is of particular importance in the case of terrorism.

The criminalization of terrorist acts expresses society's repugnance at them, invokes social censure and shame, and stigmatizes those who commit them.

Moreover, by creating and reaffirming values, criminalization may serve, in the long run, as a deterrent to terrorism, as those values are internalized.

Thus, international criminal law treaties that seek to prevent, condemn and punish terrorist activities, require precise definitions!

The definition of the offence in criminal law treaty plays several roles. First and foremost, it has the symbolic, normative role of expressing society's condemnation of the forbidden acts. Second, it facilitates agreement. Since states tend to be reluctant

to ensure take stringent obligations in matters <sup>relational</sup> to the exercise of their domestic jurisdiction, a precise definition of the crime which restricts the scope of those obligations, makes agreement less costly.

Thus it provides an intersubjective basis for the homogeneous application of the treaty's obligations on judicial and police cooperation.