



Valdis Voins

**THEORETICAL AND PRACTICAL
ISSUES IN PREVENTING AND
FIGHTING TERRORISM IN THE
REPUBLIC OF LATVIA
AND THE EUROPEAN UNION**

Summary of the Doctoral Thesis
for obtaining the degree of a Doctor of Law
Speciality – Legal Sciences
Subfield – Criminal Law

Riga, 2015

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The Doctoral Thesis was carried out at Rīga Stradiņš University

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ABSTRACT

The topic of the doctoral thesis is “Theoretical and Practical Issues in Preventing and Fighting Terrorism in the European Union and the Republic of Latvia”. The aim of the study is to identify the criminal-law framework and practical situation in respect of prevention and restriction of terrorism, consider the possible problems, and analyse the international and national regulatory framework. The thesis examines practical solutions offered by national authorities for fighting terrorism and dealing with the aftermath of acts of terrorism, as well as possibilities of international collaboration within the European Union.

Structure of the thesis is created on the basis of logic, aims and objectives of the conducted study. The doctoral thesis consists of introduction, seven chapters and sub-chapters, conclusion, list of references, and eight appendices.

Introduction of the thesis explains topicality of the subject, identifies aims, objectives, object and subject of the study, as well as the employed scientific methods and methodology.

The first chapter of the thesis looks into theoretical problems of terrorism, the concept and essence of terrorism, development of definition, as well as difficulties and contradictions in trying to find a uniform approach to defining terrorism as a phenomenon. Criminal activities, which are inherent in organised crime groups and similar to terrorism, are not considered separately in the thesis.

The second chapter deals with potential of the threat of terrorism, decisive factors affecting it in the European Union and Latvia: external and internal factors of the threat of terrorism.

The third chapter examines issues in the criminal-law framework both at international and national levels. The criminal-law framework and the

framework of criminal proceedings significantly affect development of European Union law which is oriented towards harmonisation of law and promotion of cross-border cooperation.

The fourth chapter of the doctoral thesis is devoted to psychological aspects of terrorism, and possibilities of using knowledge to plan preventive activities for restriction of terrorism.

The fifth chapter of the thesis considers issues of anti-terrorism. If terrorism is recognised as a global threat to democratic society, its counter-measures must also be organised appropriately.

The sixth chapter of the thesis studies the Latvian system for prevention of terrorism and prospects of its optimisation. This chapter also identifies the competence of the responsible public authorities in crisis management pertaining to terrorism in Latvia.

The seventh chapter of the doctoral thesis focuses on human right issues related to fight against terrorism. As the threat of terrorism and terrorist attacks becomes more pronounced in EU, several member states have adopted new law for fighting terrorism. Such anti-terrorism law must be in compliance with the requirements of norms of human rights.

At the end of the thesis conclusions are drawn with regard to the threat of terrorism in the European Union and Latvia in the short and medium term. Several proposals are put forward for necessary amendments to the Latvian regulatory framework in respect of restricting development of terrorism, and imputation of liability for involvement in terrorist activities

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1. General Description of the Doctoral Thesis

1.1. Topicality and novelty of the subject

Development of the political process in modern world is linked to high level of global risks which similarly affect all states in all countries. The organised counter-measures must also be comprehensive and universal. As stated in the UN Security Council Resolution, “Terrorism is still one of the most serious threats to the existing world order and international safety in the current stage of development of civilisation”.¹ Exercise of the absolute right to life granted to any person, any member of the public, and guaranteed by Article 6 of the International Covenant on Civil and Political Rights² constitutes duly prevention of circumstances under which a person may lose his or her life, rather than detention and conviction of the persons which have violently taken or tried to take this life. Legal protection envisages a set of measures which are conducted under law with the aim of preventing preparation and implementation of acts of terrorism, instead of just investigation and finding of perpetrators after tragic events. Terrorism is not a new phenomenon, however, terrorism has taken new forms in the last decades such as cyberterrorism; the structure of networks of terrorist organisations, the means of implementation and sources of financing of acts of violence have become more versatile, thus the threat of terrorism has become more complex in general. Attacks carried out by terrorists on London and Madrid have significantly changed the understanding of the phenomenon itself, as well as the methods and means for fighting it. German criminologist and sociologist Henner Hess, which has studied interrelation between terrorism and mafia (organised crime), characterises the changes affecting terrorism in the 21st century as follows:

¹ UN Security Council Resolution 1373, adopted on 28 September 2001.

² UN International Covenant on Civil and Political Rights. Entry into force 26 March 1976.

“As I look back at the Red Brigades, the Baader-Meinhof Gang, the Weather Underground³ and other similar movements, which we studied as terrorism 20 years ago, I am indulging in nostalgia... In most cases the terrorism was more or less provincial.”⁴ The fight against terrorism in the European Union (hereinafter the “EU”) has traditionally fallen within the competence of member states, however, as a result of the last attacks terrorism is regarded as an issue affecting security of the entire EU, rather than only national security of member states, which currently have different regulatory framework. Views expressed by state leaders, scientists and politicians indicate that states have failed to correctly organise fight against radicalism and violent extremism in a qualitative manner. One of the most active voices is the former British Foreign Secretary David Miliband, which announced in 2009 that we “were not right” in selecting the specific methods for fighting this phenomenon, and the concept of “war against terrorism” only prolonged this fight and caused more harm than good” at the end.⁵ In the recent years the vector of the threat of terrorism has moved away from organised groups to individual terrorists which are more difficult to identify in due time, and their future steps are more unpredictable. Individual terrorists work independently or have limited contacts with terrorist organisations. These contacts mostly take place in a virtual environment, and parties rarely meet in real life. Counter-measures must be based on correct understanding of reasons for radicalisation. Threats of violent extremism are possible in all countries. At the end of the 1990s and at the beginning of the 21st century certain progress was achieved in review of international regulatory

³ Weather Underground Organization – an American radical left-wing organisation which operated in the USA from 1969 to 1977.

⁴ Henner Hess. Like Zealots and Romans: terrorism and empire in the 21st century, *Crime, Law and Social Change*, vol.39, No.4 (2003), p.345.

⁵ Hamed El-Said. Rehabilitating Radikals. Per *Concordiam (Journal of European Security and Defense Issues)* No.4. 11.03.2013. www.marshallcenter.org [Accessed 03.03.2014]

basis and drafting of new laws and regulations for common counteraction against separate terrorist offences. Terrorist activities strengthened international collaboration, as states were no longer able to individually fight terrorism which had no limits as to time or territory. It became clear that a common “global strategy to fight terrorism” was necessary. The coordinating role of the United Nations (hereinafter the “UN”), the EU and the North Atlantic Treaty Organisation (hereinafter the “NATO”) became more essential in cross-border cooperation in fighting terrorism. The doctoral thesis “Theoretical and Practical Issues in Preventing and Fighting Terrorism in the European Union and the Republic of Latvia” examines the issues concerning the threat of terrorism and counter-measures in Latvia as a separate state, as well as the role of our state in common international cooperation in this area. Terrorism is a multi-layered phenomenon, the study of which requires more than just limited examination of its legal aspects, therefore the thesis also covers financing of terrorism, and psychological aspects of individuals and operation of organisations. The problem is considered along with the coordinated activity of international organisations and associations.

The author has conducted analysis of international and national laws as a basis for international cooperation, and examined development of the definition of terrorism in his doctoral thesis. Over the last 30 years international laws and regulations have been developed in light with the trends of development of terrorism as a phenomenon. The thesis includes analysis of changes made to the Latvian legislation since regaining independence and the course of integration of international norms into national legislation. Novelty of the thesis is the overall examination of the issue from threat and risk assessment to practical counteraction against terrorist organisations in Latvia and EU, as well as evaluation of possible costs of fighting terrorism and justification of these costs

and return. Materials of the European Court of Human Rights⁶ (hereinafter the “ECHR”) indicate that counteraction of states against terrorism is carried out by committing separate violations of human rights. The thesis considers how the guarantees of the rights of persons prescribed in international laws and regulations and the Constitution of the Republic of Latvia are observed with regard to both victims of terrorist attacks and detained terrorists.

The author ascertains amount and payment procedure of national compensation to victims of violence in Latvia comparing them with the compensation to victims in other states. The thesis looks into the question in what emergency a state has the right to unilaterally derogate from provisions of the European Convention on Human Rights.⁷ Overall the thesis identifies the existing problems of fighting terrorism in Latvia and a potential increase in the threat in the future, as well as the possible improvements in operation of responsible authorities by practically preparing and implementing a set of anti-terrorism measures. On 3 July 2014, the Saeima (Parliament) of the Republic of Latvia finally decided to increase defence budget from 0.91% of gross domestic product (hereinafter “GDP”) in 2014 to 2% in 2020. Taking account of the geopolitical situation the government is planning to increase financing for defence to 2% of GDP sooner than it was planned before. Now Latvia envisages reaching the amount of financing specified by the NATO already in 2018. Part of this financing will also strengthen security in anti-terrorism. Financing for national internal security does not increase as rapidly as that for defence. The overall threat of terrorism, however, increases in Europe, and support of security measures must be adequate. Assessment of costs of anti-terrorism measures is necessary in Latvia considering compliance of the

⁶ European Court of Human Rights. [http://hudoc.echr.coe.int/eng#{"document_collectionid2":\["GRANDCHAMBER","CHAMBER"\]}.](http://hudoc.echr.coe.int/eng#{)

⁷ Article 15 (Derogation in time of emergency) of the European Convention on Human Rights.

amount of invested funds with the obtained result (level of the threat of terror). Calculations are necessary with regard to use of funds in a daily mode, in case of increased threats/crises, and for dealing with the aftermath of terrorist attacks. The major issue of the study is whether we would be able to appropriately respond to a real crisis. The study may be conducted by academic staff of university and practical specialists from the Anti-Terrorism Centre of the Security Police by attracting specialists from other areas which ensure operation of the anti-terrorism system in the state.

1.2. Length and structure of the doctoral thesis

The doctoral thesis consists of 250 pages, excluding appendices. Structure of the thesis is created on the basis of logic, aims and objectives of the conducted study. The doctoral thesis consists of introduction, seven chapters and sub-chapters, conclusion, list of references, and eight appendices.

1.3. Aim of the doctoral thesis

Explore the possibilities of prevention of terrorism and its threats as a problem, evaluate the system created for resolution of this problem, and develop recommendations for improvements to the system. Trace development of terrorism, specify the main characteristics of modern terrorism. Identify risks of the threat of terrorism in Latvia and EU and its possible increase in the future taking into account the overall situation of threat in EU. Develop practical methods for improving operation of public authorities which work in anti-terrorism and promote international collaboration with law enforcement agencies of EU and NATO member states. Systematise anti-terrorism measures to be implemented and expected. Clarify financial contribution of state to anti-terrorism measures according to the level of threat. Evaluate amount of national support to and possibilities for victims of terrorist attacks and their relatives,

and consider observance of human rights standards in the international fight against terrorism.

The following objectives have been defined in order to reach the set aim:

- 1) gather scientific studies on fight against terrorism, draw conclusions and formulate proposals paying attention to problems related to development of a single definition of terrorism;
- 2) study development of the existing regulatory framework, ascertain historical circumstances which affected the current situation and the existing problems;
- 3) conduct comparative analysis of the Latvian and international regulatory framework;
- 4) gather experience of other countries and statements of scholars about the definition, essence, types and promoting factors of terrorism, draw conclusions and formulate proposals which would allow to adjust European experience to Latvian circumstances, if necessary;
- 5) collect information about case law regarding involvement in terrorism, its support, financing and recruiting for terrorism;
- 6) explore psychology of terrorists and reasons for persons becoming interested in extremism in EU and Latvia;
- 7) evaluate mechanisms of international collaboration for fighting terrorism, and coordinating role of the UN and EN in the anti-terrorism organisation;
- 8) consider the capacity of Latvia to prevent the threat of terrorism to Latvia as a NATO member state;
- 9) study mechanisms of the protection of human rights in EU member states with regard to terrorism cases;

- 10) analyse the mechanisms and amounts of compensations to victims and persons killed in terrorist attacks and compare them in Latvia and other states;
- 11) assess the capacity of public authorities in Latvia to prevent the threat of terrorism and deal with the aftermath of terrorist attacks, and readiness of Latvia to provide support to other states.

1.4. Object and subject of the study

The level of terrorism and the threat of terrorism in Latvia and EU as a set of interconnected elements.

International and national regulatory framework in respect of counter-terrorism, the system of public authorities for risk assessment and organisation of counteraction which must be conducted to reduce and prevent the threat of terrorism, deal with the aftermath of terrorist attacks and provide support to victims.

1.5. Issues in the study

The following research issues are examined in the course of development of the doctoral thesis:

- 1) modern understanding of terrorism, its essence, types and their evolution, factors affecting the level of threat and their identification;
- 2) international and national regulatory framework for counter-terrorism measures, criminal liability for involvement in terrorist attacks, role of international organisations (UN, EU, NATO) in fighting terrorism;
- 3) psychological aspects of and motives for terrorism, recruiting for terrorism in Latvia and EU;

- 4) anti-terrorism measures taken by Latvian public authorities, possibilities of providing and receiving international assistance in order to prevent the threat of terrorism;
- 5) aspects of human rights in operation of public authorities by implementing activities to fight terrorism, guarantees and compensations ensured by state to the victims of terrorism.

1.6. Methods employed in the thesis

Taking account of the complex nature of terrorism, analysis of subject of the doctoral thesis is interdisciplinary employing general research methods such as comparison and summary, finding causal links, analysis and synthesis, deduction and induction, abstraction and concretisation, quality and quantity analyses, as well as different other research methods:

- Legal-historical method:

Separate aspects of the thesis are studied according to historical chronology. The historical method is employed in order to clarify the aims the legislator has wanted to reach by adopting provisions related to the study (*ratio legis*)⁸.

- Method of law comparison:

1) dogmatic comparison – a set of provisions is compared with other existing sets of provisions or legal systems or institutes;

2) historical comparison – development of provisions or legal institutes in different legal systems. The work includes comparison between definitions, recommendations and opinions of scholars and experts from different states, as well as best practices of EU and NATO member states.

⁸ *Ratio legis* (Latin) – reason for the law.

- Method of law modelling:

The thesis suggests making separate amendments and changes to Latvian legislation taking account of EU experience in anti-terrorism legislation and activities.

- Sociologic method:

Statistical data analysis, assessment of survey data, mathematical collection of received information.

Systematism is one of the universal characteristics of the existence – systemic organisation is inherent in all areas of reality. Modern legal science and practice are unthinkable outside the concept of systematism. Almost all basic principles of methodology of legal cognition are rooted in the methodology of systemic cognition.⁹ The methodology of systemic cognition is organically related to the concept of system analysis and different cognition methods in the process of system analysis. Study of this system constitutes evaluation of the system which is closely linked to determination of criteria for development and progress of the system and their use in the study and analysis of the system. In order to establish efficiency of the taken decisions, it is necessary to conduct analysis of the system within its development. The methodology of systematic cognition becomes the most arranged and safest foundation in order to manage complicated, interrelated areas allowing to find and analyse the components which form the system and connect them consecutively. The system for fighting terrorism is a system of different areas and several levels.

⁹ Vedins I. Sistēmiskās izziņas metodoloģija, “Administratīvā un kriminālā justīcija”, 2005. Nr.1., 48.lpp.

1.7. Theoretical, empirical and regulatory basis of the study

Regulatory basis. The analysis of basic concepts of terrorism is carried out in line with the leading conceptual trends suggested in Latvian and foreign literature.

The doctoral thesis is based on a wide range of laws and regulations:

- UN Conventions, Security Council Resolutions;
- Council of Europe Conventions;
- Legislation of EU Parliament, Council, Commission;
- Constitution of the Republic of Latvia, as well as its laws and other legislation regulating fight against terrorism and system of counteraction;
- Foreign law (France, Germany, the UK, Estonia, Lithuania, Russia, the USA).

Theoretical basis of the study is composed of writings of different authors in criminal law, criminology and psychology.

Empirical basis of the study of socially legal aspects of terrorism includes politically legal and historical doctrines and writings of Latvian and foreign lawyers, psychologists, sociologists: Walter Lequer, Alex.P. Schmid, Bruce Hoffman, Alain Bauer, Xavier Raufer, John Horgan, Patric Brogan, Noam Chomsky, Richard Clutterbuck., Marc Sageman, Benjamin Netanyahu, Andrejs Vilks, Andrejs Judins, Aldis Lieljuksis, Andrejs Berdņikovs, Talavs Jundzis, Valentija Liholaja, Uldis Krastiņš, Janis Teivāns-Treinovskis, Olga Petrova, Ivans Vedins, Raimonds Plāte, M. Trebin (*М. Требин*), K. Zharikov (*К. Жариков*), Udilov V. N. (*Удилов В.Н.*), V. Panov (*В. Панов*), A. Antsunov (*А.Анцупов*), A. Shipilov (*А. Шипилов*), B. V. P. Emelyanov (*Б. В. П. Емельянов*), O. B. Budnitskiy (*О. В. Будницкий*), L. G. Praysman (*Л.Г.Прайсман*), Ustinov V. V. (*Устинов В. В.*), Bazarkina D. Y. (*Базаркина Д. Ю.*), Modzhoryan L. A. (*Моджорян Л. А.*).

1.8. Approbation of results of the doctoral thesis

Results of the study have been presented at eighteen scientific conferences, twenty three articles and publications:

List of scientific conferences and publications

List of conferences

1. Antiterrorism Assistance Program (security of the major event), US Diplomatic Security Service. 27 June 2006.
2. High-Level Conference “Towards an EU strategy against violence in sport”, Brussels, 28–29 November 2007.
3. BAAF 5th International Conference “Global Community against Globalisation of Crime and Terrorism”, Jūrmala, 26 June 2008. Conference paper: “Pašreizējās terorisma tendences un tā apkarošanas problēmas Baltijas reģionā”.
4. RSU International Scientific Conference “Problems of Strengthening Security in Crisis”, Riga, 16 September 2009. Conference paper: “Policijas uzdevumi ar drošību saistīto risku profilaksē, gatavība terora aktiem un to seku pārvarēšanai-1”.
5. DU International Scientific Conference “Current Issues of State and Law”, Daugavpils, 23–24 October 2009. Conference paper: “Policijas uzdevumi ar drošību saistīto risku profilaksē, gatavība terora aktiem un to seku pārvarēšanai-2”.
6. “Police sciences and policing 2009”, Bratislava, 11–12 November 2009;
7. CEPOL Presidency Seminar “Crime, Police and Justice in the 21th Century”, Kolmarden, Sweden, 15–16 December 2009.

8. RSU 9th Scientific Conference, Riga, 18–19 March 2010. Conference paper: “Eiropas Savienības prioritāte – terorisma, vardarbīga, kaujinieciska, ekstrēmisma draudu atklāšana un apkarošana”.
9. RSU International Scientific Conference “Strengthening Security in Crisis, New Challenges and Non-Traditional Approaches”, Riga, 8 April 2010. Conference paper: “Valsts policijas loma drošības nodrošināšanā”.
10. International Scientific Conference “Legal, sociological and psychological aspects of the Human safety”, 28 January 2011. Report: “Police Tasks and Responsibilities Insuring Public Order at Sport Events, Fan Violence Prevention”.
11. United States Embassy, State Police College (SPC), LGBT Seminar “Identification and Prevention of Hate Crimes”, Riga, 16 February 2012. Presentation: “Naida noziegumi: Likumpārkāpēju raksturojums un rīcības motīvi”.
12. RSU 11th Scientific Conference, Riga, 29–30 March 2012. Conference paper: “Labējā ekstrēmisma ietekme uz Eiropas Savienības iekšējo drošību”.
13. SPC 2nd International Scientific Conference “Current Issues in Preventing and Fighting Crime in Latvia and around the World”, Riga, 24–25 April 2014. Conference paper: “Naida noziegumu prevencija”.
14. SBS International Scientific-Practical Conference “Legal and Organisational Approaches to Resolution of Conflicts”, Riga, 27–28 April 2014. Conference paper: “Ūdens akvatorijas kontrole Rīgas Brīvdostā”.
15. Community Policing Preventing Radicalisation&Terrorism “The Trainer session”, Riga, 7–11 May 2012.

16. RSU International Scientific Conference “Current Issues of Innovative Jurisprudence”, Riga, 25 April 2013. Conference paper: “Terorisma draudu līmeni ietekmējoši faktori Latvijā”.
17. RSU International Scientific Conference “Legal Policy for Development of Society”, Riga, 23 April 2014. Conference paper: “Pretdarbība teroristiskajām organizācijām jaunu dalībnieku vervēšanā Eiropas Savienībā”.
18. “The Network of Prosecutors on Environmental Crime in the Baltic Sea Region”, Latvia, 4–5 September 2014, Conference paper: “Role of Riga Free Port Police in Protection of Riga Free Port Water Area Baltic Sea”.

List of publications

1. “Pulcēšanās brīvības aizsardzība un ierobežošana”, “Administratīvā un kriminālā justīcija”, Nr. 2, 2009.
2. “Kad sporta līdzjutēju kaislības sit devīto vilni”, “Latvijas Vēstnesis”, 11(2959), 22.01.2004.
3. “Sporta pasākumi: policijas uzdevumi”, “Kārtība un drošība”, Nr. 1, 08.2008.
4. “Publiskie pasākumi: policijas uzdevumi”, “Kārtība un drošība”, Nr. 2, 12.2008.
5. “Zaudējumu atlīdzināšana terorisma upuriem 1. daļa”, “Latvijas Vēstnesis”, 35(2983), 04.03.2004.
6. “Zaudējumu atlīdzināšana terorisma upuriem 2. daļa”, “Latvijas Vēstnesis” 39(2987), 11.03.2004.
7. “Vai jauna Eiropas nolaupīšana? 1. daļa”, “Latvijas Vēstnesis” 42(3200), 15.03.2005.
8. “Vai jauna Eiropas nolaupīšana? 2. daļa”, “Latvijas Vēstnesis” 43(3201), 15.03.2005.

9. "Advice for the staff of foreign diplomatic missions and the members of their families", the Republic of Latvia, Ministry of Interior, State Protection Service, Riga, 1997.
10. "Par problēmām, kas saistītas ar ārvalstu vēstniecību fiziskās apsardzes aizvietošanu ar tehniskām apsardzes iekārtām", "Likuma Vārdā", Nr. 20, 02.10.1997.
11. "Starptautiskais terorisms 1998. gadā", "Likuma Vārdā", Nr. 12, 17.06.1999.
12. "Teroristi pret diplomātiem 1. daļa", "Likuma Vārdā", Nr. 13, 01.07.1999.
13. "Teroristi pret diplomātiem 2. daļa", "Likuma Vārdā", Nr.14, 15.07.1999.
14. "Starptautiskā sadarbība cīņā pret terorismu 1.daļa", "Likuma Vārdā", Nr.17, 26.08.1999.
15. "Starptautiskā sadarbība cīņā pret terorismu 2.daļa", "Likuma Vārdā", Nr.18, 09.09.1999.
16. "Starptautiskā sadarbība cīņā pret terorismu 3.daļa", "Likuma Vārdā", Nr. 19, 23.09.1999.
17. "Starptautiskā sadarbība cīņā pret terorismu 4. daļa", "Likuma Vārdā", Nr.20, 07.10.1999.
18. "Čečenija. Terorisms 1991.–1999. 1. daļa", "Likuma Vārdā", Nr.01, 01.2000.
19. "Čečenija. Terorisms 1991.–1999. 2. daļa", "Likuma Vārdā",Nr.02, 02. 2000.
20. "Incidenti pie diplomātiskajām pārstāvniecībām 2001. gadā", "Likuma Vārdā", Nr.5, 05.2002.
21. "Minhenes Olimpiskās spēles/ terorisms un sports", "Likuma Vārdā", Nr.9, 09.2002.
22. "Nepieteiktais karš 1.daļa", "Likuma Vārdā", Nr.8, 08.2003.
23. "Nepieteiktais karš 2.daļa", "Likuma Vārdā", Nr.9, 09.2003.

2. SYNOPTIC OUTLINE OF CONTENTS OF THE DOCTORAL THESIS

2.1. Theoretical issues of modern terrorism

The first chapter of the doctoral thesis examines the issue of terrorism in modern world, studies the concept and essence of terrorism, as well as development of the definition of terrorism, difficulties and contradictions in trying to find a uniform approach to defining terrorism as a phenomenon. A uniform approach is very important in order to recognise a terroristic offence as crime in all UN member states. Survey results are used to provide grounds for conclusions drawn in the thesis. Surveys have been conducted in both Latvia and foreign states, which have extensive experience in organising fight against terrorism. The thesis does not cover activities of state power or regimes against its residents which are aimed at political intimidation. It also does not look into criminal activities which are characteristic of organised crime groups. Many authors are of the opinion that these crimes may be considered terroristic crimes. This might be true, as methods such as bombing, murders and hostage-taking are used by both terrorists and members of organised crime groups. In case of terrorists, the direct aim of violence and attack is to reach the actual aim, namely to intimidate and affect in order to achieve taking or non-taking of favourable political decisions. To reach the desired effect, terrorists need many victims and extensive media coverage of losses.

In order to understand the threat of separate types of terrorism in EU and Latvia, separate directions of terrorism are examined on the basis of motivation for offence: religiously motivated terrorism, left-wing terrorism, right-wing terrorism, special-issue terrorism, individual terrorists.

Religiously motivated terrorism. This form of terrorism is usually understood as Islamic violence which is based on misperception that use of

violence is a divine duty or act of self-immolation of a believer. The term „Islamic terrorism” was first replaced by the term “religiously motivated terrorism” in Europol’s 2012 Te-Sat report on terrorism and extremism in EU. Religious belief may lead to self-sacrifices in the name of idea in ways unimaginable. Religiously motivated violence may, however, come from any religion.

National, ethnic, separatist terrorism. The aim of this terrorism is to achieve political self-determination and international recognition, national independence of ethnic minority in a state in which power belongs to a larger nation. Motives for fight include nationalism, ethnic origin and/or religion.

Left-wing terrorism. The aim of this terrorism is change of the entire political, economic and social system of the state according to the left-wing extremism model. In many cases no model for future order is offered, the aim of the fight is to destroy the existing. The terrorism is usually ideologically based on Marxism (Leninism). This direction also includes anarchist/anti-globalist terrorist groups. The left-wing terrorism is not separated from anarchist terrorism in most of EU member states.

Right-wing terrorism. The aim of this terrorism is change of the entire political, economic and social system of the state according to the right-wing extremism model. This terrorism is ideologically based on national socialism. The main motivation for right-wing movement is xenophobia and hate against immigrants. In May 1995, Pērkonkrusts (Thunder Cross), a far-right political organisation which propagated ultra-nationalist ideas, was established or restored, as its leaders claimed, in Latvia. In 2006, a new association „Gustava Celmiņa centrs” (Gustavs Celmiņš’ Centre) was founded. The association was

named in honour of Gustavs Celmiņš¹⁰, the first leader of Pērkonkrusts. Ideologically and also in terms of the methods used for implementation of ideas “Gustava Celmiņa centrs” is a direct heir and follower of Pērkonkrusts.

Individual terrorists. Terrorists working individually or in small groups are a new serious threat to international security. Terrorism changes, the latest technologies allow flight of individual, radical thought. People read radical literature individually on the internet and become extremists themselves, they acquire the necessary information and plan attacks. Many attacks would not fall within the group of terrorist attacks, however, generally available means used for these attacks and difficulties in forecasting and preventing them give clear grounds for suspecting that similar tactics may be used by determined terrorists.

Special-issue terrorism. Violence with the aim of changing separate policy or practice in a specific community. This applies to terrorist groups overwhelmed by animal, environmental protection and other special ideas.

2.2. Potential of the threat of terrorism and its decisive factors in Europe and Latvia

Threat of terrorism. National security is closely linked not only to social and economic development and development of domestic policy, but also these processes in Europe and other places around the world.

Threat of terrorism in Latvia. Latvia supports international collaboration to fight terrorism by jointly turning against this global threat and restricting its further expansion. Escalation of terrorism in the Middle East, including activities of ISIL terrorist groups, terrorist activities in Afghanistan,

¹⁰ Gustavs Celmiņš (born 1 April 1899 in Rīgā, died 10 April 1968 in San Antonio) – politician, leader of organisation “Ugunskrusts”, later “Pērkonkrusts”, holder of “Lāčplēsis Military Order”.

North Africa and the Horn of Africa, Nigeria, Europe, Canada, the USA and other places all over the world, demonstrates a growing threat of terrorism at international level. The foreign fighter phenomenon has also become a global challenge, as foreign fighters join terrorist groups and become involved in military conflicts abroad. This also causes a threat to security of residents of European countries, including Latvia, taking into consideration that these persons have already carried out terrorist activities in Europe and are planning to continue doing this in the future. Latvia supports fight against terrorism by joining the international coalition coordinated by the USA to counter ISIL terrorist group.

Factors of the threat to national security, basic principles, priorities and measures of its prevention are determined in the National Security Concept. “The analysis of trends of international terrorism shows that the level of the threat of terrorism will not decrease in Europe in a medium-term framework. Assessing risks in the Northern European, which geographically and geopolitically also includes Latvia, it may be concluded that the threat of terrorism has remained present in 2014.”¹¹ Public survey, which was conducted by the European Commission in autumn 2013, does not indicate terrorism as a problem in Latvia, however, Latvian respondents (5%) perceive terrorism as a problem in EU in general (according to respondents, the major EU problem is economic situation – 42%).¹² The level of the threat of terrorism in Latvia did not change significantly and remained relatively low in 2013.

Participation in peacekeeping operations. In 2013, Latvia continued working as an active and responsible ally of NATO and EU. This included participation in international operations, strengthening its military, civil and crisis management capacity, increasing financing for security, providing assistance and solidarity to those who need it and actively cooperating

¹¹ Public Report 2014 of the Security Police.

¹² Standart Eurobarometer 80. October-November 2013. European Commission.

bilaterally and multilaterally. “Provided an agreement is reached on legal status of a new mission (in Afghanistan) planned after 2014, Latvia undertakes to participate in this mission. The Latvian government remains ready to provide assistance to the Afghanistan armed forces and police from 2015 to 2017 on the basis of annual financing amounting to USD 500 thousand. In light of the challenge presented by illegal distribution of narcotics from Afghanistan, Latvia has been allocating financing amounting to USD 30 thousand on an annual basis since 2011 participating in NATO-Russia Council’s counter narcotics training project.”¹³

Asylum seekers and refugees. Instability in the Middle East, and civil war in Syria continue affecting security of Latvia and its allies. The security situation is affected by conflicts, which cause destabilisation in neighbouring regions and states, an increase in the number of asylum seekers and refugees, proliferation of weapons of mass destruction, as well as facilitate radicalisation of communities and increase the threat of terrorism. In 2013, Latvia became engaged in collective work to reduce the effect of humanitarian consequences of the Syrian conflict on civilians. “In 2013, Latvia contributed an amount of EUR 50 thousand to the United Nations’ fund to support Syrian refugees.”¹⁴ Valerie Ann Amos, Baroness Amos, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, has indicated in her report to the UN Security Council that half of Syrian residents have become displaced persons: 7.6 million of people have been displaced within the country, while more than 3 million of residents have become refugees and left Syria.¹⁵

¹³ Report “On National Security of Latvia” given by the Prime Minister of the Republic of Latvia to the Saeima. MK No. 90/TA –1223(2014).

¹⁴ Report “On National Security of Latvia” given by the Prime Minister of the Republic of Latvia to the Saeima. MK No. 90/TA–1223(2014).

¹⁵ UN News Center. 15.12.2014.

Illegal entry. A number of refugees trying to illegally enter EU increased rapidly in 2013. According to Frontex data, 107 thousand of illegal immigrants were detained at the external borders of EU which is 34.5 thousand more than in 2012. According to Frontex data, 270 thousand of illegal immigrants tried to enter EU in 2014. It has been indicated in Frontex annual report that immigrants trying to enter EU came from Syria, Eritrea, Afghanistan and Albania which are considered states of an increased risk of terrorism. Frontex experts suggest that illegal immigration will keep increasing in EU and the greatest risk area is the Mediterranean Sea through which illegal immigrants from North Africa and Turkey will try to enter EU. In 2013, the external border of the Republic of Latvia was crossed by more than 4.4 million of people, out of which the frontiers provisions were violated by 6,639 persons (0.15% of all persons crossing the border). In 2013, 97 third-country nationals were detained as a result of illegally crossing the national border which is 50.5% less than in 2012. In 2014, the number of persons illegally crossing the national border increased. Latvia is becoming more and more popular as a target of illegal immigrants or travellers in transit. “This year we have already detained 107 persons (data about 10 months of 2014), while last year the number was 49 over the entire year. A week ago border guards detained another group of Vietnamese – 14 people which arrived from Russia. It does not seem that the number of persons illegally crossing the border is likely to decrease.¹⁶ In addition to the established efforts of persons to illegally enter Latvia by crossing the green border, there are also cases related to illegal transportation of goods bypassing the designed points of transportation of goods/cargoes. As to illegal crossing of national borders with fraudulent travelling documents, 78 persons have been detained at the external border.

¹⁶ N. Garbars, Chief of the State Board Guard. Interview to the Latvian Radio, 07.11.2014.

Factors of the internal threat. Information about the Muslim community in Latvia is specific and non-specific at the same time. The community itself characterises its numerical strength and categories of members as follows: “There could more than 10,000 ethnic Muslims in Latvia, however, the actual number of all Muslims could be under 1,000. The fact that many people convert to Islam abroad, fragmentation, living separately, busy work schedule, many rare or non-existent meetings, living abroad, as well as uncertainty about individual views and practice do not allow to establish even approximate number of Muslims, whether they belong to ethnic Muslim peoples or they are Latvians or Russians which have converted to Islam.”

A certain threat to security of Latvia may be caused by left and right-wing extremists. In 2014, separate Neo-Nazi groups, which mostly avoided active operation or violent attacks, continued operating in Latvia. Left-wing extremists did not have significant support in Latvia. It may not, however, be excluded that left-wing or right-wing extremists could become engaged in violent activities in Latvia. There are currently no grounds to believe that these groups might cause a significant threat to the national security in the near future.¹⁷ One of the major priorities of national security is to ensure national economic security. Risks to interests of national security are presented by efforts of separate forces to use attacks on economic objects as means for reaching their aims in our state and affect decisions of external policy. A number of members of the Latvian Muslim community, including converts, continued studying in regions where terrorist groups were especially active. The analysis of trends of terrorism shows that residence of continuous nature in such regions may facilitate interest in radical interpretation of Islam or even establishing contacts with the existing members of terrorist groups located in these regions. This in turn negatively affects interests of Latvian security after return of these persons.¹⁸

¹⁷ Public report 2013 of the Security Police.

¹⁸ Public report 2013 of the Security Police.

2.3. Issues of regulatory framework of terrorism

Violent acts of terrorism constitute crimes against public order and peace. A person may be held liable for commitment of such acts under general criminal law, for instance, for commitment of murder, organisation of bombing or other violent crime without the need to prove a special terroristic intent, i.e. to directly intimidate people or influence the government to carry out specific activities or not. Lack of general legislation in respect of terrorist crimes means that a person may only be prosecuted after event, the consequences of which are tragic and destructive in many cases, or after a crime attempt.

The modern legal science examines the phenomenon of terrorism from three aspects:

- 1) criminal offence;
- 2) terrorist organisation/group;
- 3) terroristic doctrines.

UN regulatory framework. Basic requirements for recognising terrorism as a criminal offence have been incorporated in UN conventions, protocols and resolutions. After ratification of universal documents on terrorism counteraction, it is necessary to start incorporating their provisions and requirements into national regulatory framework.

Regulatory framework of the Republic of Latvia and EU. Countries started to form international communities already in the 1950s. Thus it became and is still necessary to harmonise law in order to jointly solve problematic issues caused by different legal systems and their application. Currently the criminal-law framework and the framework of criminal proceedings are significantly affected by development of EU law which is oriented towards harmonisation of law and promotion of cross-border cooperation. Article 3 of the Council Framework Decision 2008/919/TI stipulates that member states shall take the necessary measures to comply with requirements of this

Framework Decision by 9 December 2010 and forward to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision. Amendments were duly made to the Latvian criminal legislation in order to prescribe liability for activities of terroristic nature not provided for in Section 88 “Terrorism” of the Criminal Law. On 1 June 2005, amendments to the Criminal Law entered into force, under which the Law was supplemented with Section 88¹ “Financing of Terrorism”.

Regulatory framework of separate states. Knowledge of criminal law of other states is important for at least three reasons:

1. Located in the same geographical space, law enforcement agencies of different states must actively cooperate in order to fight crime in all its aspects and prevent commitment of criminal offences in a uniform and efficient manner;

2. Legal constructions incorporated in laws and regulations of other states may help to develop our criminal law;

3. Information about foreign criminal legislation is important to our nationals travelling abroad.

2.4. Psychological aspects of terrorism

It is very important in preparation and implementation of counter-measures against terrorism to study the phenomenon of terrorism from the psychological aspect, taking account of provision of psychological assistance to victims of terrorist attacks and psychological training of staff of law enforcement agencies.

As to the psychological aspects of terrorism as a phenomenon, attention must be paid to the following aspects:

- psychological aspects of terrorist activities and motivation of terrorists;
- psychology of terrorist organisations and organised groups and settings of their operation;
- psychology of victims of terrorism and provision of possible assistance;
- psychological pressure of terrorists on society and counteraction.

Terrorism as a uniform phenomenon consists of the following levels:

- the highest position in the hierarchy of terroristic operation is occupied by terrorism ideologists;
- the second level is taken by terrorism “administrators”, representatives of the brain centre, planners of terrorist attacks and managers/supervisors of their implementation;
- specialists having good knowledge of psychotechnology and psychology are at the third level. They are engaged in recruiting persons, which would carry out terrorist attacks, and providing special psychological preparation for carrying out these attacks;
- persons that directly carry out terrorist attacks are at the fourth level;
- the fifth level is occupied by persons who perform different support functions, for instance, provide documents, housing, transport, weapons and explosives to those which carry out terrorist attacks.

Motivation of suicide terrorists. The motivation of suicide terrorists to sacrifice themselves by carrying out terrorist attacks deserves special attention.

Suicide attacks are not a new phenomenon. Although latest technologies have made current methods more destructive, this type of attack has a long history.¹⁹

Psychology of victims of terrorism. Terrorism is based on fear of sufficiently large part of society. Fear is emotion which, first of all, points to a terrorist attack. If the fear factor is removed from event, it is classified as a criminal offence, maybe especially severe one, including murder, but it does not evoke feeling of common fear and vulnerability, as it seems “usual”. Fear is unpleasant emotion caused as a response mechanism when a living organism faces danger. A person, object or situation may become a reason for fear in person’s imagination:

- 1) as the possible or imagined cause of evil/putting forward hypothesis/;
- 2) expecting disaster;
- 3) direct contact with a person /object which is referred to as the imagined factor of danger.

Fear may manifest itself differently: as a strong feeling of fear, anxiety, nervousness, worry, annoyance, terror, panic.

The psychological condition of a victim of terrorism (most often hostage) is such that a victim has positive feelings towards terrorists and sometimes even defends them. The victim identifies with the captor. This irrational reaction is produced in people who find themselves in a survival situation where rational reactions turn out to be inefficient and hopeless. This

¹⁹1. In the first century AD, two Jewish sects – Zealots and *Sicarii* – attacked Roman invaders and their allies in public places in Judaea knowing that they will be killed. 2. In the 11th–13th century the Murderers cult was active in Iran and Syria, members of which killed their victims directly knowing that they had no hope of running away. 3. In the middle of the 18th century suicide groups turned against the colonial order in India, Indonesia, Philippines. 4. In the 19th century Russian anarchists attacked supporters of the tsar regime killing both themselves and their victims. 5. In the World War II Japanese aviators-the *Kamikaze* pilots performed a ritual of self-sacrifice “taking the enemy with them”.

psychological phenomenon is known as Stockholm syndrome.²⁰ According to the FBI data, approximately 27% of hostages show evidence of Stockholm syndrome.²¹ One commonly used hypothesis to explain the effect of Stockholm syndrome is based on Freudian theory.²² It suggests that identifying with the aggressor is one way that the ego defends itself without the person actually being aware of this. When a victim starts to believe the same values as the aggressor, the victim is no longer perceived as a threat by the aggressor and the aggressor starts to adopt more relaxed attitude towards the victim or sometimes even starts to care about it.²³ The term “Stockholm syndrome” was coined by the Swedish criminologist Nils Bejerot²⁴, which introduced it when analysing condition of hostages in a bank vault. Stockholm syndrome occurs in cases when hostages are not affected physically but rather psychologically. The syndrome becomes more pronounced if hostages are divided into groups and have no opportunity to contact each other. Under circumstances of complete physical dependence on the aggressor, the victim is ready to take all acts of the aggressor as a personal favour.

²⁰ **Stockholm syndrome** – it was named after the robbery in 1973 in Stockholm, capital of Sweden, where six bank employees were held hostage from 23 to 28 August. Hostages started to completely identify with the captors and even wanted to leave together with them. Two hostages became engaged to the captors when they were already in prison.

²¹ G. Dwayne Fuselier. Placing the Stockholm Syndrome in Perspective. FBI Law Enforcement Bulletin... July 1999, pp. 22-25.

²² Sigmund Schlomo Freud – Austrian neurologist and psychiatrist, the father of psychoanalysis.

²³ K. Ian. Mackenzie. The Stockholm Syndrome Revisited: Hostages, Relationships, Prediction, Control and Psychological Science. Journal of Police Crisis Negotiations 4 (1) February 2004: 5–21.

²⁴ Nils Bejerot – Swedish psychiatrist and criminologist, known for his work on drug abuse and for coining the term “Stockholm syndrome”.

2.5. Organisational aspects of anti-terrorism

Currently, all the main directions of modern counteraction to terrorism from the international community and national parties can be divided into three major sections, which are closely interrelated and are not exercisable individually. One section is to prevent terrorism, the spread of an environment favorable to the creation of new regulatory provisions, financial flows to strengthen control, public education and other preventive measures. The second section is a special forces training, the provision of technical means, all that is required in response to actual or real threatening crisis. The third section is up to the bombings: support for victims and the consequences of identification. Countermeasures package consists of prevention reaction force and minimizing the consequences of terrorist attacks and elimination:

- Terrorism prevention, terrorism drivers of cognition and restrictions: Counteraction against terrorist state system.
- Terrorism Funding restriction. Any kind of support to stay empowerment, the possibility of obtaining travel documents for the restriction.
- Why do people turn to terrorism? Recruitment to the possibility of reduction.
- Reducing the attractiveness of terrorism.
- Arms, explosives and precursors and the acquisition of the possibility of a reduction.
- Critical infrastructure more secure. Transport infrastructure protection;
- Resources, web control extremist ideas and the theory of distribution, the exchange of information in the field of terrorism hireozācijās field for new entrants in the field of recruitment.

2. Special “forces” measures in the preparation and performance:

- Special Unit organization, maintenance and training.
- Investigation of terrorist acts, the offender search and punishment.
- International Cooperation in special operations.

3. The underlying acts of terrorism Minimization or elimination of the consequences:

- Provision of payment of compensation to victims of terrorist act and the result, families of those killed.
- Human Rights and terrorism.
- Public Confidence in national security systems recovery after the bombings.

Counteraction to terrorism is a top priority for preventive measures aimed at preventing conditions, when people focus on and support terrorism, extremist and radical ideas spread. The Company wants to live in a safe condition and rightly expect from the state rather than counting corpses and loss already following an act of violence, but in due time make a set of measures to prevent terrorist activities. As a separate chapter in the fight against terrorism is an event investigation process: Identifying the perpetrator, arrest and trial. Inevitability of punishment is undoubtedly both preventive effect, as well as events of force composition.

Terrorist groups and entities. As one of the terrorist operation of restrictive measures is to identify persons, groups and entities which are recognized as terrorist or terrorist activities supportive. According to these lists are subject to restrictive measures. The lists consists of international organizations of the UN, the EU, as well as some countries (USA, United Kingdom, Australia, the Russian Federation). Latvian Republic recognizes the lists of people who are suspected of involvement in terrorist activities, drawn up by:

- European Union,
- North Atlantic Treaty Organization,
- United Nations Security Council.

Terrorism the restrictive measures. The UN Counter-Terrorism Centre (hereinafter UNCCT) priorities for action:

1. Development of the National and Regional Strategies.
2. The national counter-terrorism potential establishment support.
3. The financing of terrorism.
4. Propaganda restriction.
5. Human Rights compliance in the fight against terrorism.
6. Terora Victims Support Act.
7. Property protection.
8. Border management.
9. Internet control.

Radicalization and recruitment limitation. Preventive measures to curb the spread of terrorism in general a central position, or one of the central holds the restrictive measures of terrorist movement and the restoration of human resources in addition to raising prevention. Terrorist organizations constantly need to involve new members to replace those who perished, arrested and those who for various reasons, terrorist activities stopped. “US expert opinion that the person, recruitment, having legal standing to be located in the US and the European Union on their territory, is one of the priority tasks in the preparation of acts of terrorism in Western countries.” Objectives and ideologies distribution, movements become massive. Terrorist ideologues and managers invest enormous financial resources, attract the best people in the dissemination of ideas and recruiting new members. States should take adequate retaliatory measures people's involvement in extremist activities, the main of which is to prevent the conditions in society that contribute to the

spread of radical ideas and people's willingness to accept the invitation to become new members of terrorist organizations, to engage in extremist or even terrorist groups. These risks exist in Latvia, particularly among the youth, who are the recruiters target audience

Restriction of terrorist financing. In April 2007 the TV channel AL-Jazeera broadcast on “Al-Qaeda” forces in Afghanistan Shayk alleged leader Mustafa Abu al-Yazid in a statement: “With regard to the Jihad in Afghanistan in the first place, they are financial. Taliban Mujahideen are counted in the thousands, but they not have enough money. There are hundreds of people who want to carry out operations, to turn into martyrs, but they were unable to find the funds to equip themselves accordingly. Thus, funding is a major pillar of jihad.” Terrorist financing can be divided into two main areas: the same realization of terrorist attacks and terrorist funding network maintenance. Committing offenses resulting from the laundering cycle in full can be divided into three stages:

- 1) illegal funds investment or placement;
- 2) rooting legitimate financial system;
- 3) integration step.

Trafficking in firearms control. Terrorists for their own ends most commonly used in improvised explosive items and guns. Given the large amount of weapons in legal international arms market, illegal trade, which was engaged as a national company, the organized crime groups. Arms trade is one of the most profitable lines of business. Also the customer base is wide: from countries to guerrilla movements and terrorists.

Explosives and precursors control. The strategic objective of the EU with regard to the strengthening of the security of explosives is to combat the acquisition of explosives, manufacture and use at EU level, thus protecting the public from attacks in which explosives are used, while keeping in mind that

explosives and precursors can be used also for other nolūkiem.2008. On 11 April, the Council of the EU adopted the “EU Action Plan on enhancing the security of explosives”, which is attached four sections embedded in explosives safety measures .

Critical infrastructure security. Critical infrastructures are physical and IT installations, networks, services and assets which, if they are destroyed, or if it is terminated, can seriously harm the health, safety and welfare and hinder the work of the Government. Critical infrastructure in many sectors of the economy and in the state, local government or private control and ownership. “Critical Infrastructure” shall mean those assets, systems or parts thereof which are essential for the maintenance of vital societal functions, protection of human health, safety, security and economic or social well-being, and the disruption or destruction of significant impact in a Member State because of the failure to maintain those functions. “21st century global security environment play an increasing role of chemical, bacteriological, radioactive and nuclear threats. In particular, it relates to the global spread of these weapons and the possibility that weapons of mass destruction could fall into the possession of organized crime groups, which can be used in weapons of mass destruction against civilian critical infrastructure targets and the civilian population.”

Retaliatory measures to prevent bioterrorism. Biological terrorism is the deliberate dissemination of biological agent with the intent to cause human illness and death, creating public confusion, panic and fear. Terrorists may resort to non-conventional means such as biological weapons or dangerous substances. Some of these have the capacity to infect thousands of people, contaminate soil, buildings and vehicles to destroy, destroy agriculture and infect animal populations and thus affect food and feed throughout the food supply chain. Biological agents (bacteria, viruses and other microorganisms) is

normally found in nature, but in the case of terrorism they are modified in order to increase the infectivity and resistance to the medicine, as well as make them more resistant to the environment. From a statistical point of view bioterrorism attack is low. After the distribution of biological agents will take some time to appear on the consequences of an attack during the illness initially may even resemble a normal outbreak. The incubation period, depending on the biological agent ranges from a few hours (toxins) to several days or even weeks.

Crisis Management. “No single Member State has all the means, resources and expertise to deal effectively with all possible kinds of specific or large scale crisis situations requiring special intervention. It is therefore of utmost importance that each Member State may request assistance from another Member State.” Under the Treaty on European Union (hereinafter TFEU) The Union and the Member States to work together, a spirit of solidarity if a Member State is a terrorist attack or natural or man-made disaster. Article includes a provision for a “solidarity clause”. In order to deal with a crisis situation, the Member State may request assistance from another Member State a special intervention unit, the necessary assistance or branch:

- a) “special intervention unit” means any law enforcement unit that specializes in the control of a crisis situation;
- b) “crisis situation” shall mean any situation in which the competent authorities have reasonable grounds to believe that there is a criminal offense presenting a serious direct physical threat to persons, property, infrastructure or institutions in that Member State;
- c) “competent authority” means the national authority which may make requests and give authorizations regarding the special intervention units.

A Member State may receive support for crisis control, such as:

- 1) the equipment or technical assistance;
- 2) knowledge or competence;
- 3) the real action territory (using weapons if so required).

The costs of counter-terrorism measures. How many paid anti-terrorism measures: programs, databases, special forces and technical resources, training. International terrorism is not costly, individual acts of terrorism does not require large distribution and human resources, but provides an opportunity to attract the world's attention and to intimidate the weakest the strongest. What means the company ready to shift to its own security from the terrorist threat, or the investment is adequate. Often the government to choose between daily necessities and anti-terrorist financing measures, which constitute only part of the overall national security. Budget funds are limited, and anti-terrorist financing measures must be based on threat analysis, intelligence, special studies. The amount of funds allocated directly to the proposed anti-terrorism measures and the ambition of the country's overall position in the field of security. A new direction in financing is in practice means of redistribution, the waiver of the direction of financing, which are recognized as inefficient, outdated and a little perspective.

2.6. System for prevention of terrorism and prospects of its optimisation in Latvia

National Security Concept of terrorism prevention context. Latvian national security system and its tasks are determined by the National Security Law, which provides that the national security system consists of state authority and administration institutions implementing and Latvian citizens, the law delegates obligations and rights set out in the national security area of competence. National Security system is in good time to predict and prevent the country's internal and external risks to safeguard national defense, public

security and democratic development, as well as to develop a common, systemic national security policy, coordinated and targeted at all levels of government to meet its established legal, economic, social, military, security and other measures. National security system to ensure effective management of the country to overcome the situations of danger

The Latvian authorities with terrorism-related crisis management.

“Public threats occasional case of the Crisis Management Board is coordinated civil-military cooperation and public administration institutions operational measures for overcoming national threat” Crisis Management Council is a coordinating body whose aim is to provide national and local institutions concerted action. Security Police is the main coordinating body Latvian counter-terrorism field. National safety authorities defined in Article 15 of the Law body which Latvian is responsible for counter-terrorism measures in the organization and marketing.

2.7. Human rights in the context of fight against terrorism

“Everyone charged with a criminal offense shall be presumed innocent until proved guilty according to law.” Respect for human rights procedure any kind of counter-terrorism measures must include a “fair treatment” for people who can be carried out or supported organizationally, financially or otherwise of acts of terrorism. The concept of “fair treatment” is very broad. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 3 states: “Member State may not send, sent back or extradited a person to another state, there must be reasonable grounds for believing that this person may be at risk of torture.” Every year, 11 March, the EU notes the day of remembrance for the victims of terrorism. Intensification of terrorist threats and attacks in the EU, several Member States have led to new national legislation to combat it. Such counter-terrorist legislation must

comply with the European Convention on Human Rights. Council of Europe Committee of Ministers in July 2002 adopted guidelines for human rights and the fight against terrorism and called on Member States to ensure that they were “widely disseminated among all authorities responsible for the fight against terrorism.” Ninth paragraph 2 states that a person accused of terrorist activities benefits from the presumption of innocence. “1. Any accused is presumed innocent until proved guilty according to law.” 2. Everyone accused is guaranteed the right of defense. “On 6 September 2006, US President George W. Bush confirmed that the CIA was operating a secret detention program outside the United States: “a small number of suspected terrorist leaders and operatives captured during the war They have been held and questioned outside the United States, in a separate program operated by the CIA” and the fact that many of those held in custody was later transferred to Guantánamo and that it is strongly suspected that other prisoners are still held in secret places of detention.” The Federal Bureau of Investigation (FBI) in its 2 January 2007 report notes mentioning 26 testimonies of mistreatment in Guantánamo since 11 September 2001; EP with its 18 January 2006 decision to set up a “temporary committee on the alleged use of European countries by the CIA to transport and illegal detention of prisoners, on 24 November 1983 in Strasbourg, was signed the” European Convention on the compensation of victims of violent crimes. “Every year in the world going on around 10–15 thousand terrorist acts, which are losing their lives or being maimed for about 50 thousand people.” These figures may not be totally accurate, because accounting systems in different countries are different. The statistics will also affect the political position and national interests: that one terrorist to another freedom fighter. This time we may be of interest figures that are rarely made public – how many people have suffered in terrorist acts, how many people have been linked to the victims of terrorist acts and therefore, albeit indirectly, become dependent on terrorist violence. How many children get an education

and are unable to realize themselves in life, how many people will be miserable old age, because lost support. And all just because their breadwinners or relatives fatal coincidence because just at that time were in the exact place where a stranger violently tried to pursue their political objectives of covetousness.

International Convention not specifically regulate the procedure for compensation of damage. These issues are addressed at the national level. The compensation paid by the competent authority of the Member State in whose territory the crime was committed. The compensation paid to victims of intentional crimes by the competent authority of the Member State in whose territory the crime was committed. This Directive establishes a system of cooperation to facilitate access to compensation to victims of crime in cross-border cases. Victims can turn to an authority in the Member State which is their permanent place of residence, and it should ease any practical and linguistic difficulties arising from the cross-border case. There are two options:

- the victim of damage suffered by Latvian territory committed a criminal offense;
- the victim of damage suffered by other European Union Member State is made a criminal offense.

CONCLUSION

As a result of the study, having reached the goal defined for the work and completed the tasks, the author has drawn the following conclusions:

1. The mitigation of terrorism threats is a common international problem. Society is becoming vulnerable, criminals abuse the greatest values of democracy: the reduction of personal freedom and public control mechanisms. Democracy is like a match which one person uses to light a candle while another to light a Bickford fuse, for blowing up a supermarket. In conditions of freedom and tolerance, radicals who do not recognize the values of democracy encounters little physical resistance in their activities. “Islamists become convinced of the efficiency of violent methods when they see the lack of confidence in the West... the West needs allies – Muslims. However, enormous Islamophobia will become inevitable if the Muslim leaders will not implement oversight over their fanatics, and the Western leaders will not cease to justify principles such as freedom of speech”.²⁵ This also applies to terrorists motivated by other ideologies.

2. I believe that the General conditions for fighting terrorism in Europe today are the following:

- We fight terrorism, jihadism and radical Islam, but we do not fight religion: Islam and Muslims.
- We defend the values of democracy and the values of the secular State.
- Counter-terrorism measures must be implemented in such a way as to prevent divisions in society along ethnic or confessional affiliations.

²⁵ Wall Street Journal, 08.01.2015

3. Common European growth, the unity of the Member States and efficient cooperation of EU institutions will determine to a large extent the Latvian economic development scenarios. In creating its foreign policy, Latvia must take into account such common EU foreign policy challenges as immigration, the Middle East conflict and terrorism threats. Foreign policy agenda may also be significantly influenced by international events, for example, the international energy price fluctuations, the question of Palestinian independence and the results in the negotiations with Iran.

4. In 2015 Latvia continues to contribute to NATO's attempts to support the safety and stability of Afghanistan, by starting a new training mission and providing financial support to the Afghanistan National Security Forces. Latvia will lead the EU working groups on combating terrorism, and will organize the EU-Central Asia seminar on counterterrorism. This is also a way to contribute to the EU-Central Asia dialog on security matters, including counterterrorism²⁶. In addition to domestic policy factors, Latvia's foreign policy will be primarily influenced by the developments both in the EU and its neighbors. The development of the situation in Europe and in particular in Eastern Ukraine will be an important precondition for the creation of security policy.

5. As the presiding country in the EU Council (01.01.–30.06.2015), Latvia defined three main lines of action:

- Competitive Europe;
- Digital Europe;
- Engaged Europe.

Terrorist attacks in Europe (January 7 attack on the Charlie Hebdo office in Paris, planned large-scale terrorism acts in Belgium that were prevented in

²⁶ The annual report of the Minister of Foreign Affairs of the Republic of Latvia on the accomplished and planned activities in foreign policy and European Union affairs in 2014–2015.

<http://latviaspb.ru/lv/Arpolitika> [viewed on 12.02.2015]

the last moment with a broad counterterrorism operation on January 15; February 14 the terrorist attack in Copenhagen during a freedom of speech conference and in a synagogue) influenced the Latvian presidency agenda. An important part of the agenda was taken by the European internal security matters and the fight against terrorism. The EU Council of Justice and Home Affairs in March agreed on urgent counterterrorism measures that Latvia must actively take part in as well:

- The systematic verification of travel documents and identities on the external EU borders;
- elimination of the Internet content that stimulates terrorism and radicalization;
- the fight against the illegal trade of firearms;
- to reach an agreement regarding one of the Central instruments in the fight against terrorism - the European Union Passenger Data Register, by the end of 2015.

6. Latvia's ratings in terms of threats, activity and popularity of violent organizations is suggesting that the State security policy in relation to counterterrorism is effective and the funds invested yield an appropriate result. However, such logic is too simplified. Many other aspects influence the situation and the terrorism threat level in Latvia: society has developed, the socio-economic situation has improved, the quality of education improves, the level of prosperity is rising, and police carries out its work better.

7. On July 3, 2014, the Parliament of the Republic of Latvia in the final reading decided that the defense budget will be increased from 0,91% of the GDP in 2014 to 2% by the year 2020. Given the geopolitical situation, the government intends to increase funding for defense to 2% of the GDP faster than planned so far. Now Latvia plans to reach the funding amount required by NATO already in 2018. Part of this funding will reinforce the security also on counterterrorism. The National domestic security funding does not increase as

fast as in the field of defense. However, in general the threat of terrorism in Europe is increasing and the support for security measures in Latvia must be adequate as well.

8. Regardless of the relatively low level of terrorism threat in Latvia, the Security Policy Counterterrorism Center in cooperation with other institutions involved in counterterrorism activities must focus on the development of the national counterterrorism system, ensuring its operational readiness and effective response to the increase of terrorism threats, and maintain regular contact with foreign partners.

9. Unlike conventional terrorist activities with demands and attempts to influence the decision-making process, the situation is now destabilized with violence that is characteristic of the criminal underworld. Members of organized crime may be involved in such activities. This may be used along the Eastern border of Latvia where common interests may arise between organized crime groups and persons that intend to destabilize the political situation. The goal is to weaken the national structures and to create a sense of instability in society: the one party needs this to carry out illegal cross-border activity, the other party wants to gain influence and, in case of luck, political power in a destabilized situation. Therefore the fight against organized crime that will positively impact the terrorism threat level is significant for Latvia.

10. The terrorism threat level in Latvia will not change significantly in nearest future, although certain tendencies indicate possible long term risks. With deteriorated security situation in various terrorism risk regions (in particular Syria and Iraq), the entry possibilities in Latvia of persons associated with terrorism are increasing. Increasing contacts with foreign Muslims, supporters of radical interpretations of Islam, in the future may stimulate the risk of radicalization in the Latvian Muslim community as well. The increasing role of the Internet in the radicalization of European Muslims increases the risk that the radical interpretation of Islam and religiously motivated violence may

find adherents among Muslims in those countries where radical ideas are currently not common and where radical groups are currently not active. The right-wing and left-wing extremists currently lack public support, intellectual and financial resources for implementing their ideas.

11. The question is what policy will be supported by Europe, including the Latvian society, if it will become necessary to make a choice between human rights and the strengthening of counterterrorism measures (regulatory framework) that will certainly limit certain rights. Taking into account the current terrorism threat level and its character in our country, it may be predicted that the choice of the Latvian people between “order and the pure values of democracy” will not be in favor of the additional restriction introduction. However, Latvia as EU Member State must adhere to the common position of the Union which is represented by the large Member States (France, Germany, UK) where the level of terrorism threat is very high.

To efficiently address the existing problems and preventively limit the threat of terrorism in the future, the author proposes to take the following measures in Latvia:

1. The counterterrorism measures in Latvia for reduction of threat must be planned in three directions:

- 1) limiting the spread of radical idejas;
- 2) limiting the possibilities of extremists travelling to conflict regions;
- 3) control of persons returning from conflict regions.

2. Additional measures are necessary for eliminating content that simulates terrorism and radicalization on the Internet. To restrict the recruitment of new members of terrorist organizations. More frequently the calls are directed not at the potential warriors but to the people who could carry out support functions: doctors, cooks, mechanics, fitness instructors.

3. Mass media plays a big part in the psychological preparation of the public. However, the publication of sensational materials gives the exactly

opposite effect. The wide circulation of suicide bomber images, publication of the ideas of terrorist ideologists, without the depiction of the “heroic struggle” of the immediate terrorists, creates a string of copycats such as phone terrorists or hate inciters on the Internet. Without limiting the distribution of information and the freedom of opinion, in the interests of public security the journalists must be convinced that it is unacceptable to transform a terror act in a theatrical performance: “the governments have the primary responsibility for the press and media freedom and protection and in the worst cases they increasingly implement legal pressure, that is, abuse the legislation in the field of counterterrorism and counter-extremism, national security, treason or coup d'état, to limit this freedom; indicates that there is a need to strike a balance between national security matters and information freedom to prevent illegal acts and ensure the independence of the press and the media; also recognizes that mass media empires belonging to politicians are sometimes authorized to carry out disinformation campaigns; stresses that it is of particular importance that the press and mass media may act independently and without political and financial pressure; expresses concerns regarding the general recession trend with respect to the freedom of the press and the media in various countries both in Europe and outside of it, according to the latest annual reports on indexes and analysis.”²⁷ The competent national institutions must ensure constructive cooperation with the media. “Freedom of speech and the pluralism of mass media – including the Internet – are fundamental European values; stresses the significance of the press and the media in the EU expansion and digital freedom policy in this respect, in the belief that these freedoms are to be human rights and therefore are a component of the Copenhagen political criteria.”²⁸

²⁷ June 12, 2013 European Parliament resolution regarding the freedom of the press and media in the world “Global press and media freedom” (20122/2081(INI)).

²⁸ June 12, 2013 European Parliament resolution regarding the freedom of the press and media in the world “Global press and media freedom” (20122/2081(INI))

4. Once again the possibility of Latvia joining the information system “System Control and Protection of Explosives for the Prevention and Combating of Terrorism” (“SCEPYLT”) must be considered. This system allows better control over the circulation of explosives and explosive devices in Europe. “SCEPYLT” gives the possibility for EU Member States to digitalize the EU internal circulation of explosives, the competent institutions will be able to exchange information faster. Latvia has not joined the system due to the financial considerations: the national annual installment for using “SCEPYLT” may reach up to EUR 15 000.

5. Latvia has an interest in supporting the EC project “Common guidelines on firearm deactivation standards and techniques”. Within the EU there is a large number of illegal firearms circulating from the Balkans that are used for criminal purposes. A new illegal firearm spreading problem region is Ukraine, from where firearms may also appear in the Baltic States. A single EU procedure for deactivating firearms will be an additional restrictive element for weapons. The current diversity of approaches allows purchasing gas and signaling weapons in one country, transforming them in shooting with live ammunition, and use them in another country.

6. Latvia must complete the European Commission task and register the Latvian national explosives and explosive device manufacturer codes in the information system “CIRCA” (system for document distribution). It is essential to use IT tools, developing mechanisms that ensure reliable, timely and transparent data collection and notification to the Member States and the Commission, as well as to ensure the access of Latvian law enforcement professionals to the international information system. The network has an internal confidential information exchange system – the internal network “CIRCA”, managed by the Commission. Companies that wish to import or

export the controlled substances must notify the Commission by sending a completed registration form available on the website.²⁹

8. The involvement of European citizens in Middle East conflicts is largely a personal choice of each individual that must not be supported in any way, since the suffusion of new forces strengthens the military capabilities of the extremist organizations, delays conflict resolution and increases the number of casualties. The greatest threat to the European internal safety is represented by persons who have already gained experience of battle and, upon returning home, are prepared to spread extremist ideas and apply their experience in Europe to bring their ideas to life. The latest events indicate that the return of persons from military conflict regions and their extremist activity in the homeland is a relevant issue for Latvia as well.

9. Currently the Latvian State institutions may react to violations that have taken place, but are relatively limited in their capacity to prevent their occurrence. Consultations and discussions should begin regarding the expansion of preventive measures in the Latvian legal system. Although on February 12, 2015 the Parliament adopted a modification to the Criminal Law that defines criminal liability for the involvement in armed conflict abroad, it is essentially impossible to influence a person before he/she has travelled to the conflict zone and engaged in the armed conflict. National institutions may only warn such a person about the consequences of such actions. It is necessary to define legal instruments that could allow to not just judge, but also to prevent or significantly hinder crimes. In this case that could mean the rights to take away the passport if the information available to the secret services indicates that the person truly intends to engage in a military conflict abroad. Of course, any person that would have such a preventive measure applied, would have the right to appeal such a decision. This practice is current in many European

²⁹ http://circa.europa.eu/Public/irc/env/review_2037/library

countries that are facing their citizens going to Syria and Iraq. On November 13, 2014, France adopted the counterterrorism law “Regulations regarding the strengthening of the fight against terrorism” (“Renforçant les dispositions relatives à la lutte contre le terrorisme”), which reinforces specific provisions of the law (the 1986 law “On the fight against terrorism”, “Criminal Law”, “Criminal Code”, the 1881 “Press Law”) and grants new authority to national institutions in their fight against terrorism and enhances responsibility for participation in terrorist acts.

10. I propose to edit Article 24, “Divesting Latvian citizenship”, Part 1 (of the Citizenship Law) with the following wording:

(1) Latvian citizenship shall be removed from a person if he/she: without the permission of the Cabinet of Ministers voluntarily serves in the armed forces of another country or a military organization, internal army, security services, police or is an employee of law enforcement institutions, with the exception of cases when the person serves in the armed forces or military organization of a European Union Member State, the Member State of the European Free Trade Association, NATO Member State, Australian Union, Federal Republic of Brazil, New Zealand, or the armed forces or a military organization of a country with which the Republic of Latvia has an agreement for recognition of dual citizenship, and in the case of revocation of Latvian citizenship, the person does not become a stateless person.”

To complement the Article 24 of the Citizenship Law with a new 5th clause to Part 1:

“5. Voluntarily participates in the activities of terrorist organizations that is included in the terrorist lists of the United Nations Security Council, European Union Council, European Union Member States, NATO Member States, or is included in the list of terrorists recognized in the Republic of Latvia.”

It is necessary to start a discussion on the possibility to not apply to terrorists the requirements of Article 8 of the 1961 Convention on the reduction

of statelessness, in order to permit the revocation of Latvian citizenship for terrorist activity even if the person would become stateless.

11. I recommend supplement Article 14 “Removal of the identifying document” of the Identifying Document Law with 2¹ part:

“(2¹)

1) The person who has reasonable grounds to suspect that he/she plans to travel abroad in order to:

1. Engage in terrorist activity or military conflict.

2. Travel to the activity zone of a terrorist group under the conditions that would create public threat upon return to Latvia.

2) The person is issued with a preliminary document that temporarily replaces the identifying document.

3) The decision on the withdrawal of the identifying documents and issue of the preliminary document is adopted by the Minister of Interior Affairs.

4) The procedure and conditions for the withdrawal of the identifying documents defined in Part 2¹ of Article 14 of this law shall be determined by the Cabinet of Ministers.”

To supplement the Article 7 “Types of temporary documents” of the Identifying Document Law with the following:

- Part 6¹ Preliminary document that is issued in place of an identifying document withdrawn according to the procedure of Article 14, Part 2¹.

To express the Part 7 of Article 7 “Types of temporary documents” of the Identifying Document Law in the following wording:

“Preliminary documents are issued by the Ministry of Foreign Affairs. The preliminary document indicated in Part 6¹ of the Law is issued by the Office of Citizenship and Migration Affairs.”

12. In order to expand the capacities of the Ministry of Interior Affairs to limit the engagement of persons in terrorist activities, I recommend to

supplement the Article 13 “Competence of the Ministry of Interior Affairs” of the National Security Law³⁰ with the following Part 3:

“(3) On the basis of the recommendation of the Head of the Security Policy, according to the procedure defined by the Cabinet of Ministers, the Minister of Interior Affairs makes the decision to withdraw an identifying document, issue a preliminary document and prohibit to leave the country.”

In order to define the procedure, conditions and terms for withdrawal of the identifying documents, new regulations of the Cabinet of Ministers are necessary. I suggest a draft for the Cabinet of Ministers regulations

It is necessary to define liability for violating the prohibition to leave the country in the Criminal Law³¹, supplementing it with a new Article 77.⁴:

“(1) For leaving the country illegally, violating the prohibition to leave the territory of the state with the goal to actively participate in an ongoing armed conflict outside of the territory of the Republic of Latvia or participate in terrorist activities, - punished with imprisonment of up to three years and probation up to three years.

(2) For illegally leaving the country, violating the decision to withdraw identifying documents, with the goal to evade the hand-over of the identifying documents, - punished with imprisonment of up to one year and probation up to one year.”

Summarizing the results of the study, in conclusion I would like to say that the current level of terrorist threat in Europe will remain in the medium term. In May of 2015 in Warsaw (Poland) a street exhibition took place where several caricatures on the topic of Islam were publicly exhibited. In the image, several men dressed in traditional Muslim garb are seen photographing the exhibition.

³⁰ National Security Law, “Latvijas Vēstnesis”, 473/476 (2384/2387)

³¹ Criminal Law, “Latvijas Vēstnesis”, 199/200 (1260/1261), 08.07.1998

Will such demonstrations increase the level of security in Europe? In the near future the EU Member States will certainly strengthen common policy in limiting illegal migration and the forced integration of immigrants in the European society. These processes will also impact Latvia, the conditions must be clear regarding how much we are prepared to become engaged in solving the common EU immigrant problems, how many funds can we dedicate to these goals. Bearing in mind the increasing number of illegal immigrants arriving in Latvia, the State Border Guard has well-founded fears regarding the future capacity to house illegal immigrants. In 2015 in three months 49 persons have been detained for illegal crossing of the “green” border, all of them citizens of Vietnam, while 6 Russian, 5 Latvian, 1 Belorussian and 1 Tajikistan citizens³² have been detained for their transportation and organization of transport. With the increasing number of immigrants, the risks of rising crime and terrorism threats are also increasing. "The pressure of migration and the management of migration flows are defined as high priority during the Latvian presidency of the EU Council. A large part of measures have been carried out or are being currently implemented. However, bearing in mind the latest trends in connection with the increasing migration pressure in the EU, we must do more not just in the central and Eastern Mediterranean region, but also along the land border with the Western Balkans in order to meet the main challenges of migration"³³. The World Institute for Economics and Peace (IEP) published the annual terrorism review³⁴, Latvia (light blue color) is included among the group of countries where **Terrorism does not exist**. All security measures must be planned and implemented in order to ensure that the color of Latvia in this map would not change for as long as possible.

³² www.iem.gov.lv/aktualitates/jaunumi

³³ www.iem.gov.lv/aktualitates/jaunumi

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