

Fighting Extremism – The Legal Propositions

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Abstract

Law as an essential function of the state regulates social interests and arbitrates conflicting claims and demands security of person and property that can be achieved through instrumentality of law. In recent years, there has been an outcry of atrocities caused by various extremist groups like Boko-Haram of Nigeria where its imminent and consistent message of their intolerance in terms of religion, culture, social- has had many drastic changes in many regions of the world. The Islamic Extremism in India focused primarily on the conflict of Kashmir where India has the second largest Muslim population in the world. Even the religious extremism faced by India where the left wings (Naxalites and Maoists) are considered as the single biggest internal security threat have the low level insurgency in India's south central regions since 1967. In 2015 Paris, 12 people were killed in the terrorist attack in the office of Charlie Hebdo a French satirical magazine that published controversial Muhammad cartoons. Even in New Zealand the Christchurch mosque shooting are the two consecutive terrorist shooting attacks because of the 'Great Replacement' and White Genocide conspiracy theories.

The Secretary-General of United Nations calls for a comprehensive approach to prevent violent extremism encompassing not only essential security-based counter-terrorism measures but also systematic preventive steps to address the conditions that drive individuals to join violent extremist groups. The United Nations inter-agency process had executed the plan where the appeal of the international community is based on the outcomes of high-level meetings of the General Assembly and Security Council that provides recommendations to Member States and the United Nation System to prevent the further spread of extremism. In country like Nigeria, anti- terrorism law is indeed a commendable step where there are numerous ethnic groups, but unfortunately the Act does not address the root of the socio-economic causes responsible for the proliferation of Boko Haram activities as they are focused on giving the government more sweeping powers for tackling the scourge of terrorism.

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I. Introduction

Before diving into any explanation into this topic it is very important to know what law means. Law is a framework which is an amalgamation of rules which is used to conduct peaceful living in the society. The relationship between law and the social transformation is discussed in a wider aspect. Generally it talks about if all the laws implemented in the society had brought about positive changes, protection and has it contributed to the progress of the society or not?

Law is the best instrument of social change however, now and again social changes progresses toward becoming law. In India there are two principle foundations which rolls out improvement in law, to be specific the law-making body where new laws are sanctioned or alterations are done to the old demonstrations of the law to suit the need of great importance. The second foundation is of our legal importance, where understanding of the management of land and law of land exist together. Law ought not to be definite but rather should change as per the prerequisite and need of the general public emerging out of taking a break. It is this prescience at the top of the priority list.

The Indian Legal System has been observed to be the important instrument for the requirement of social change. The court has brought new amendments and ratification and added new measurements to the existing Laws.

II. How are Terrorism and Extremism Different?

When we examine the ideology and psychology of terrorists and terrorism obviously, when you talk about terrorism, you talk about the terrorists and why a person would commit such kind of act. Individuals may see terrorism as the only way forward and so accept the mass killing of civilians. This may be because they hold up an extreme view, be it their views on self-determination, religion or otherwise, but this doesn't have to be the case.

Again, not all terrorists are extremists. If we assume that all terrorists are extremists, then we end up labelling people that they are backward. Then, your belief may be considered “extreme” not because it actually is, but because it led you to commit acts that are seen as not acceptable and extreme.

The people who hold such view -- a view that many would consider extremely good in a way -- are treated as extremists in this particular ideology.

II.I. The Causes of Extremism and Working of the Extremist Psychology

A member staff, Robert Orell, who works in Exit Sweden, which is a support group which was to establish local networks to support the parents of children who were embedded in racist or violent groups, the client of Exit gives out the legitimate explanation of how extremism is induced in a teenager which was voiced to him by the experience of one of the clients of Exit. He proposed that teenagers who had an affinity towards delinquency and whose self-esteem were lower, the teenager gradually started getting into fights with other people and his peers. As the teenager grew he started assimilating himself into extremist Right-Wing Organizations. “I grew up in central Stockholm, which was quite middle class, fairly wealthy Swedes,” the client further narrates “We got into conflicts with suburban gangs which came in on Friday, and on Saturday evenings we’d go the youth club to fight.”

The right-wing organisation successfully exploits the feeling of isolation which he sees on the teenager. The extremist organizations function by inhibiting the ideas of Black and White, by promulgating “us” and “them” or “good” and “bad” where the Whites are described as “us” and the Blacks, Jews or immigrants as “them.” Secondly, the extremist groups frame themselves as being superior to that of the other individuals or groups, primarily as a way for members to regain their lost or extinct self-esteem. Finally, extremist groups engage in a process of dehumanisation other groups of people. They give their opposing groups animalistic characteristics (like labelling immigrants as a “swarm of rats”). This reinforces the “us” versus “them” mentality and also legitimises violent actions.

II.II. Case Study on Extremism in Nigeria

Mohammad Yusuf an influential cleric Islamist from the state of Borno had created the Boko Haram group that is an Islamist militant group based in

Nigeria's North East. Members of the Nigerian Taliban were integrally involved in the founding and early evolution of Boko Haram.

Consequences: The political and socioeconomic grievances that provide ideological resonance and a security environment in which a group can attract recruits, funds, materiel, and safe havens. Boko Haram's ideology draws on a long-standing local tradition of Islamic radical reform that had emphasized the pursuit of justice for the poor through the imposition of Sharia. Boko Haram is an enemy of moderation and stability that have chosen to promote a violent ideology shrouded in between religion and language. Like the many other religious terrorist groups around the world, the eventual demise of Boko Haram will come through a combination of kinetic force, law enforcement, local intelligence, and diminishing the local resonance of the group's ideology. The Nigerian government has responded to Boko Haram and previous manifestations of violent religious extremism, like the Maitatsine riots primarily with a show of force. In addition to routine police searches, Nigeria's military forces have been deployed on multiple occasions to find and apprehend members of the group, search for weapons, enforce curfews, and other counterterrorism missions.³

Legal Provisions: Boko Haram is intended foremost as a useful background for members of U.S. Special Operations Forces, particularly those with interests or mission assignments in sub-Saharan Africa. Much of its analysis had complex and intersecting kinds of information needed of modern religiously inspired domestic terrorism to understand the phenomenon so it should hopefully be useful to the general counterterrorism practitioner as well. According to the recent Congressional report, the U.S. has publicly pressurise Nigeria's government to tackle corruption, encourage greater investment in the north, address poverty and joblessness, and promote government accountability and transparency. Some of Nigeria's security challenges have deep socioeconomic and structural roots. For example, large numbers of unemployed young men provide a fertile breeding ground for armed groups and extremists. With

³Clayton, Jonathan (2010), Nigeria Forced to Deal with Revival of Islamist Group Boko Haram, in: The London Times, 2 April, [online:timesonline.co.uk/tol/news/world/africa/article7085022.ece](http://online.timesonline.co.uk/tol/news/world/africa/article7085022.ece)> (last visited 30 February 2010).

governmental and nongovernmental resources properly deployed, the energies of a youthful population could be directed toward more productive pursuits, like the critical infrastructure and development efforts. A collaborative and networked approach—combining the strengths of the public and private sector, and particularly of civil society organizations—should have a cornerstone of the effort to combat Boko Haram.⁴

A variety of factors had even influence a person's decision to engage in terrorist activity from kinship and ideology to the availability of weapons and criminal network connections. Organisation that is perceived as legitimate is then able to exert influence on the individual's perceptions of environmental conditions and what to do about them. Thus, the religious dimension of Boko Haram's ideology and its perceived capability of providing critical legitimacy must be taken into account. Boko Haram's ideology had portrayed the world in terms of an epic struggle between good and evil, and they are convinced in their own revealed truth from God. Many religious terrorist groups share even a common belief that they are following the will of God, and that only the true believers are guaranteed salvation and victory.⁵

III. A Brief History into the Conflict of Kashmir

The dispute of Kashmir dates back from 1947. The partition of 1947 led to the creation of India and Pakistan along religious lines. After the independence the citizens didn't want the existing princes to fill the vacuum left by the British. Mahaharaja Hari Singh's hope to remain independent was dashed when in October 1947 Pakistan sent in Muslim tribesman who were knocking at the gates of Srinagar and creating clouds of havoc. Due to the situation of emergency Mahaharaja Hari Singh fled to India to seek help from the Indian Government to assist Kashmir with military assistance, which led Mahaharaja Hari Singh to sign the Instrument of Accession with India, thus ceding Kashmir to India on October 26 1947.

⁴Human Rights Watch (2005), *Revenge in the Name of Religion: The Cycle of Violence in Plateau and Kano States*, in: Human Rights Watch Report,17, 8a, 7-10.

⁵Ilesanmi, Simeon (2001), *Constitutional Treatment of Religion and the Politics of Human Rights in Nigeria*, African Affairs, 100,529-554.

Thus, India and Pakistan fought its first War over Kashmir from 1947-48. After which India took the dispute over to the United Nations. In a resolution dated August 13, 1948, the UN asked Pakistan to remove its troops, after which India was to be remove its troops too. Pakistan ignored the UN mandate and continued fighting. Due to which a ceasefire was decided that 65 percent of the Kashmir will be with India and the remaining will be in the hands of Pakistan. The ceasefire was temporary but the Line of Control (LOC) remains de facto border between two countries. In 1957 Kashmir was incorporated into the Union of India with respect to the special status of Article 370 and Article 35A of Indian Constitution.

By 1989, the valley witnessed a series of insurgency of militant groups, some demanding independence (azadi) and some demanding merging with Pakistan. Several parties comprising that of MUF had grown militant wings of their own: Al Barq was the armed adjunct of Abdul Ghani Lone's People's Conference and Al Fateh of Shabbir Shah's People's League, both in the favor of independence. In the mid-1990s a number of "foreign militants"—mostly "jihadis" after the Soviet withdrawal from Afghanistan in 1989 (including Afghans, Chechens, Somalis, and others)—joined combat in Kashmir. And then, there are the Pakistan-backed LeT and JM, which are still active in small numbers in the 21st century.

Besides throwing out bombs and organizing kidnappings in and around, the JKLF also conducted a series of targeted killings, especially in 1989 and 1990. These have continued to questioning the group's professed allegiance to the ideals of secularism, since several of the victims were Hindus. The JKLF's defence has been that their targets were picked not for their religion but only for their association with the state apparatuses of Kashmir and India, seen as instruments of Kashmir's subjugation. But not all its killings can be justified as acts of war.

The land of Jammu, Kashmir and Ladakh known for its picturesque beauty, culture and its heritage, but what is more distinct about these states is the long drawn tug of war between India, Pakistan along with China for Ladakh. And when Article 370 and 35A was scrapped out, resurfacing of News channels to cover the issue sky-rocketed.

On 5th of August, 2019, a significant day for India to mark its History, President Ram Nath Kovind promulgated the Indian Constitution that the provisions of the Indian Constitution shall be applicable to the state of Jammu and Kashmir as well as Ladakh. By exercising the Presidential Powers, Ram Nath Kovind scrapped out Clause 1 of Article 370 and also the presidential order has done away with the sections under Article 35A, which provides special privileges to the state of Jammu and Kashmir as well as Ladakh as “permanent residents” of the state. While defining the term “permanent residents”, “*Jammu and Kashmir will now be governed by the laws applicable to other Indian citizens and states.’ Also Ladakh will be the Union territory of India but without legislature.*”

As the order stamped, *Section 144 of the Indian Penal Code (IPC)* which was imposed in the state, which prohibits gathering of four or more people.

According to this Art. 370, except for defence, foreign affairs finance and communication, the Parliament needs the state Government’s concurrence for applying all the other laws. The Centre had no power to declare Emergency under Article 360 in the state. Thus, the Union Government could not declare on grounds of internal disturbance or imminent external danger until it gets concurrence from the State Government of Jammu and Kashmir. Before the scrapping of Article 370 and 35A, the scenario was such that the Union Government had no say and had no hand to directly control over Kashmir, or to minimise terrorism and extremism over that area.

Due to which the areas under Jammu and Kashmir was very susceptible to terror attacks from rival countries. And if any decision which ought to take place through the Union and the Central Government it had to have the permission of the state Government of Jammu and Kashmir.

Now, after the scrapping of Article 370 the Union and the Central Government has directly control over the land of Jammu and Kashmir, which would enable them to tackle terror attacks fluently and bring about peace and changes gradually if not instantly.

IV. A brief Conflict of Naxalites and Maoist

The Naxal Movement was the result of the exploitation of the landless tillers and also the denial of social justice by the administration that gave birth to extreme discontent among the masses. The Naxals support Maoist sentiment and ideologies. It was started in West Bengal which then moved slowly and spread across Eastern India in less developed areas of rural central and eastern India, such as Chhattisgarh, Odisha and Andhra Pradesh. After the Independence, the system of Zamindari was abolished but proper land distribution measures were not taken into consideration. Which led the landowners prospered fast, the landless continued to struggle for food and their day to day survival. In several agricultural dependent areas, the poverty levels were as high as 95 per cent.⁶ These issues were longstanding and there was no dearth of reform legislation. But the spirit of the law remained confined to paper and the people were left to suffer. Therefore, it recognized that the causes were in essence of socio-economic.

IV.I. Tackling Naxalism

The Government in retaliation launched a huge police operation which drove the perpetrators and the movement underground and arrested the leaders of the Naxalite Movement. The emergency of 1975 was a carte-blanc of submerging and destroys the movement. But ironically after the emergency of 1975, the retaliation against the stated was more heated.

The Government has formed an 'Empowered Group of Ministers'headed by Home Minister and Select Chief Ministers to tackle the problem of Naxalism. The West Bengal Government launched the West Bengal (Prevention of Violent Activities) Act 1970 to arm itself to succumb the uprising.

In Andhra Pradesh in 1983, the N.T. Rama Rao Government liberalized arms licensing to protect people from the Naxalites.

⁶Anwar S, "NAXALISM AND ITS CAUSES" (*Jagranjosh.com* May 23, 2017)
<<https://m.jagranjosh.com/general-knowledge/naxalism-and-its-causes-1400242166-1>> last visited October 14, 2019

IV.II. Legal Provisions to curb Naxalism

Rehabilitation and Resettlement Policy, 2007

The Government initiated a rehabilitation policy on 11 October 2007 for the easy displacement of people who lose their land for industrial growth. Under this policy in exchange of land will be given, job prospective at least one member of the family, a vocational training and housing benefits to people in rural areas and urban areas will be of some benefits

Forest Rights Act, 2006

The Ministry of Environment and Forests has allowed the use of 1 hectare of land for non-forest purposes and conversion of kutchha roads into pukka roads.

Modernising the Police Force

The Government launched a scheme of Police forces in the Naxal affected areas. Under this scheme arms and types of equipment were leveled up and also the tactical equipments including communications, vehicles and infrastructure facility were improved. Trigger zones of Naxals also asked to be fortified.

Government to strengthen the security matters thus set-up the Indian Reserve (IR) battalions. The Centre has also raised an amount provided to each battalion to Rs.20 crores from the previous Rs.13 crores. In April 2006, the government authorized the formation of nine more Indian reserve battalions of 1000 personnel each. To ensure that the activities by the Nepalese Maoists don't affect India, SSB has been deployed along the Indo-Nepal border.

In the concluding lines, it can be said that it has been exactly 52 years since the first Naxal attack which started from the Naxalbari district of West Bengal. Lots of stringent laws, regulation and alterations have been added in the Naxal-Maoist affected areas by the Government. As per the current scenario:

As of 2018 reports, Chhattisgarh, Orissa, Jharkhand and Bihar are still the hotbeds of Naxalism. West Bengal, Maharashtra and Andhra Pradesh are in the list of partially affected. Naxalites are trying to make inroads into Kerala, Karnataka, Assam and Tamil Nadu.

On the other hand, it has been also reported by the Ministry of Home Affairs that the plight of Naxalism has shrunk from 106 to 60 districts spread over 11 states.

V. Paris Attack: Charlie Hebdo Killing

V.I. Consequences

A French terror suspect linked by police to the 2015 attack on [Charlie Hebdo](#) that killed 12 people has been arrested in Djibouti. AbouHazma (Peter Cherif), is to be transferred to France for questioning over allegations that he masterminded the shootings in Paris. Cherif who was a close friend and Said Kouachi, had burst into Charlie Hebdo's and gunned down staff at an editorial conference on 7th January. The gunmen killed a security guard at an event being held in a Dallas suburb on 3rd May; the gunmen were subsequently shot and killed by police. The brothers escaped, [killing a police officer on the way out](#), and fled north. The Southern Poverty Law Center uses the group's other name, to Stop Islamisation of America, and list it as a hate group. It is not a competition for cartoons of the Prophet but a far longer event chain of Islamophobic antagonism inside Western democracies that is designed to provoke violent responses. Thus, it is an event that is seen to compete for inclusion, or not, by the narratives proffered by different political discourses, themselves the very stuff of history.⁷

V.II. Legal Provisions

The counter-terrorism laws have approved the intelligence services to tap suspects' phones and emails without a judge's approval, as well as placing hidden cameras in homes and tracers in cars would be allowed by the bill. Politicians from both the Socialist majority and the conservative opposition supported it, and with the government arguing it was urgent with the apparent spread of Islamist radicalization in France⁸. Prime Minister Manuel Valls claimed that it was a French variant of the controversial Patriot Act passed in the

⁷France 24 (2015e) The papers: The French September 11.

⁸Marcus J (1995) The National Front and French Politics: The Resistible Rise of Jean-Marie Le Pen. New York: New York University Press.

US following the September 11 terror attacks vital to counter-terrorism activities. The work of intelligence services, gives them more powers to be more efficient in the fight against terrorism and serious crime which was provided by the framework of the bill.” Edward Snowden La Quadrature du Net revealed the NSA and said: Prime Minister was given the power to undertake massive and uncontrolled surveillance of the population that was given by the representative of the French people. France has an established tradition of enacting laws relating to freedom of the press, notably the Law on the Freedom of the Press of July 29, 1881. The circulation of ideas that fostered the greater levels of global interaction, standards and regulations when it comes to freedom of expression where the variations have served greater attention was dramatically enhanced by the communication technologies.⁹

VI. New Zealand the Christ Church Mosque Shooting Attack

The two terrorist consecutive shooting attacks at mosques in [Christchurch, New Zealand](#), took place during [Friday Prayer](#) on 15 March 2019. The attacks began the suburb of [Riccarton](#) at Al Noor Mosque at the [Linwood Islamic Centre](#). A 28 year old from Grafton New South Wales, Australia had described it as a white supremacy and alt extremism globally. 51 people were killed in the attack. Prime Minister Jacinda Arden had described it as one of New Zealand’s darkest days as it is often considered as a safe country due to low level of insurgency.

VII. UN on Counter Terrorism Operations

The General Assembly in 2006 had adopted the UN Global Counter-Terrorism Strategy. The number of fatalities threats of violent extremism and terrorism have increased rapidly-caused by extremism has risen steadily, from 3329 in 2000 to 32,685 in 2014. It is largely because of the rise of the Islamic State and Boko Haram. These groups have increasingly used violence to shock the global public, with many activities constituting war crimes and crimes against

⁹PEW (2011) The future of the global Muslim population: Projections for 2010–2030. Pew Research Centre Report; Forum on Religion and Public Life.

humanity. UN strategies to develop an indicative overview of activities and tasks¹⁰.

VII.I. Tackling Conditions Conducive to Terrorism

UN counter-terrorism would be expected to support various tasks conventionally as a part of the peace-building-development spectrum. The Plan of Action distinguishes between root causes or 'push' factors (example poor governance, marginalization, inequality, lack of opportunities) and factors that may 'pull' individuals towards radicalization. This would contribute to a potentially transformative peace-building agenda.

VII.II. Preventing and Combating Terrorism

The US Army doctrine on counter-terrorism operations focuses on the F3EAD process (find, fix, finish, exploit, analyze and disseminate). This process can be grouped into four stages of a cycle:

1. Intelligence, surveillance and reconnaissance (ISR) activities.
- 2 Operations to capture, kill or 'otherwise rendering the node ineffective and incapable'.
3. Questioning and screening individuals found', 'collecting all material that may contain useful intelligence and information'.
4. Reinsert the information gained in the intelligence cycle (Analyze and Disseminate).

VII.III. Ensuring respect for human rights for all and the rule of law while countering terrorism

For instance, making sure that this would apply to all tasks and activities targeting of terrorists does not cause unlawful harm to civilians that detention and interrogation are monitored, for defined time periods and in accordance with

¹⁰United Nations, A more secure world, supra note 2 at 1, available at <http://www.org/secureworld/report2.pdf>.

international standards; and that the privacy of individuals is upheld and that data is safeguarded in connection with surveillance of digital communication.

First UN Counter Terrorism Operation

In the complex security environment MINUSMA is today operating that includes asymmetric threats. United Nations, MINUSMA is a relevant peacekeeping operation to examine when assessing how far the UN and the Security Council have moved towards developing a UN counter-terrorism operation, in terms of mandate and practice. The first mandate, issued on 25 April 2013, authorized the mission, support of the transitional authorities of Mali, to stabilize the key population centers, to prevent the return of armed elements to those areas and to deter threats and take active steps.¹¹

Financial Implications: The UN Counter-Terrorism Centre established as a part of the UN Counter-Terrorism Task Force (CTITF) had received a donation in 2014 to strengthen its ‘tools, technologies and methods to confront and eliminate the threat of terrorism’ of 100 million USD from Saudi Arabia. UNDP, Preventing and Responding to Violent Extremism. The UN Development Programme (UNDP) and others have launched broad projects aimed at funding this new agenda.¹²

Political Implications: Leader’s Summit chaired by US President Barack Obama, UK Prime Minister David Cameron cited terrorism as a motivating factor for contributing more troops, Mason, “UK to Deploy Troops-on peacekeeping held during the 2015 General Assembly. The US Mission to the UN noted the ‘jihadist insurgency’ in Mali as an example of a challenge that the UN needed to be better equipped to deal with. Western and African member states want UN peace operations to be more relevant to be seen as challenges of the twenty-first century.

MINUSMA may be ‘perceived as a party to the conflict’. This is not only a matter of perception, but a legal question by becoming a *de jure* party to the

¹¹Promotion and Protection of Human Rights: Protection of Human Rights and Fundamental freedom while countering terrorism, u.N ESCOR, Comm’n on Humn. Rts., U.N.DOC E/CN.4/2005/103 at 6,21 (prepared by Robert K.Goldman).

¹²United Nations Security Council, Security Council Resolution 1540 (2004),S/RES/1540, New York, 28 April 2004; United Nations Security Council, Security Council Resolution 1566 (2004), S/RES/1566, New York, 1 October 2004.

conflict, UN peacekeeping operations to maintain a clear division of labor and distinction of roles' had close cooperation with Operations Serval-Barkhane-Sabre was also one of the issues addressed by the HIPPO panel recommendation that force to engaged in offensive combat operations is important for. The ramifications may be far-reaching and concern not only the mission itself, but also other parts of the UN family on the ground.¹³

The Secretary-General's progress report on MINUSMA stated that 'human rights violations committed in the name of countering violent extremism will give terrorists their best recruitment tools'.¹⁴

Security Council

United Nations organ (Security Council) has borne most of the responsibility for addressing-the problem of terrorism. A number of terrorist acts in 1998 jolted the conscience of mankind. A group of terrorists made an unsuccessful attempt on the life of President Hosni Mubarak of Egypt, on 26 June 1995 who was attending a meeting of the Organization of African Unity in Addis Ababa. Three of the suspects sought refuge in the Sudan, whose Government declined to grant Egypt's request for their extradition and on January 1992. 748 resolutions (1992), characterized the Libyan actions as a threat to international peace and security and invoked Chapter VII of-the Charter of the United Nations in imposing a broad range of sanctions, was adopted. Even it was later-reinforced by resolutions 883 (1993) and 1192 (1998). The Security Council imposed economic sanctions and a ban on commercial-flights following the Sudan's refusal to grant extradition of the individuals suspected of carrying out the attacks-on the life of President Mubarak. The sanctions which was lifted on 28 September 2001 after the Government decided to expel various individuals suspected of terrorism, including Osama Bin Laden himself had a marked effect on the conduct of the Sudanese authorities.¹⁵

¹³United Nations General Assembly, In Larger Freedom: Towards Development, Security, and Human Rights for All, A/59/2005, New York, 21 March 2005.

¹⁴United Nations Security Council, Security Council Resolution 1540 (2004), S/RES/1540, New York, 28 April 2004; United Nations Security Council, Security Council Resolution 1566 (2004), S/RES/1566, New York, last visited Oct 1 2004.

¹⁵Chandal de Jonge Oudraat, The Role of the Security Council, supra note 9, at 157.

The Counter Terrorism Committee

The Counter-Terrorism Committee, established Resolution 1373 (2001) a subsidiary organ of the Security Council comprising all 15 of its members and charged with monitoring-compliance with the resolution. All MemberStates to submit reports on the measures that they had adopted in implementation of the Council's decisions was constructed by the committees to begin its work.

In the four years of its existence, the Counter-Terrorism Committee has maintained an active, rigorouscorrespondence with Member States.¹⁶

United Nations Counter Terrorism: Adaptation and Embedded Ideas

Terrorists do not only violate the lives of innocents, but state authorities, too, stand accused of acting indiscriminately, opportunistically, and illegally in their moves to counter terrorism. In this section the power of the council both as a signal and overriding concern to build state capacity to counter terrorism and to carry out deadly attacks to undermine the terrorist attacks. Even it addresses the issue of human rights concern that had an overwhelming focus on prevention and denial. Also argues the argumentation of the resources of these communities. The second investigates about the renewal of attention to human rights that led to some recapturing of human rights and human security. The particular committees have influenced the committee chair. The Security s council attention to terrorist threats increased markedly in the post cold war period the sanction that is imposed in the post war period against Taliban Regime in Afghanistan, Libya, and Sudan. The 1993 bombing in the world trade center in New York, 1998 attack on the US embassies at Nairobi and Daar Es Salam, and the 2000 attack in the USS Cole that moved US Security agenda and incorporated an operational role for the UN. Also established a committee made up of all 15 members to oversee state efforts to implement these sanctions. The 9/11 terrorist attack resulted in the passage of Security Council resolutions on 1373 on 2008 28 September under chapter VII provisions like 1267. The significant resolution had imposed sweeping legal obligations on UN member states. As the Counter Terrorism Committee is a committee of 15 members that

¹⁶Counter Terrorism Committee: a Human Rights Perspective on Counter Terrorist Measures (24 Sept 2002), <http://www.un.org/Docs/sc/committees/1373/briefings/> (last visited)

set up a monitor state obligations primarily through state provisions or executive or legislature.

VIII. Conclusion

Extremism is defined as a legal term and more a politicized notion appearing in government instruments. The presence of a prejudicial motive appears to be a key factor in determining the extremist nature of an act, and if such a motivation is proven it is considered an aggravating circumstance.

Organisations and individuals can be held administratively and criminally liable for violating anti-extremist legislation or committing other crimes if these crimes were motivated by hatred. Such offenders are most often accused of disseminating religious hatred. Legislation defining and criminalizing "extremism" is ultimately about restricting human rights in order to protect certain so-called general public interests. "Extremism" would gain in precision if it were linked to a means rather than focused on so-called "extremist goals".

The scope of powers granted to law enforcement agencies and local executives should be defined with precision. The provisions where this formulation is used should be reconsidered. The little added value of the draft-laws over some constitutional provisions, it may be worth considering another strategy such as a national action plan or a more comprehensive or inclusive legislative reform, which would include preventive and educational measures.