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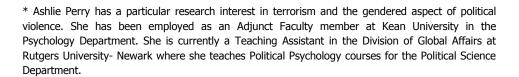*Terrorism as Genocide: Killing with "Intent"*

By Ashlie Perry*

It is plausible that terrorism can manifest itself as a form of genocide. Using Raphael Lemkin's definition of genocide and the UN Genocide Convention's definition of genocide, non-state and state terrorism are assessed as a form of genocide. Commonalities found in the definitions of both genocide and terrorism supports the argument. The psychology of terrorism and Lemkin's psychology of genocide describe similar motivations of perpetrators. The September 11th attacks and the U.S. invasion of Iraq are used as case studies to illustrate that terrorism can result in genocide or genocidal acts. Framing acts of terrorism as genocide allows for prosecution in international courts and brings a new perspective to the concept of killing with intent.

Key words: terrorism, genocide, psychology, international law

Rutgers University- Newark
9-19 Roseville Ave, Apt 104
Newark, NJ 07107
(229) 560-5858 M
(973) 484-7212 H
e-mail: ashlie.perry@rutgers.edu

* Ashlie Perry has a particular research interest in terrorism and the gendered aspect of political violence. She has been employed as an Adjunct Faculty member at Kean University in the Psychology Department. She is currently a Teaching Assistant in the Division of Global Affairs at Rutgers University- Newark where she teaches Political Psychology courses for the Political Science Department.

Terrorism as Genocide:
Killing with "Intent"

"Genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the group themselves."

Raphael Lemkin

Political violence is a broad term that encompasses different types of political action. Political violence can include intra-state or inter-state actions. Flanigan and Fogelman described domestic political violence as coups, rebellions, civil wars, political assassinations, major rioting, etc.[1] However, political violence also encompasses genocide, mass killings, protests, terrorism and other forms of direct action. Violence is a form of direct political action used by individuals and governments in an attempt to achieve a political goal; both genocide and terrorism fall under this category.

Etzioni (2004) becks the question "Under what conditions is democracy undermined?" in order to effectively wage war on terrorism. International relations have defined actors as both state and non-governmental organizations at the international level. Forms of violent acts, like terrorism, have changed the previous definition of "actors". Terrorism, as well as other acts of political violence, has shifted the focus from large scale conflicts between nation states to small arm battles. It is defined many ways by different institutions, depending on the institutions' agenda. The varying views of terrorism ultimately affect the way that each institution, state or government responds to terrorist acts. Despite the plethora of definitions, there are some commonalities. Terrorism is a form of direct political action used by individuals and governments in an attempt to achieve a political goal. For terrorist, the belief in major transformation of society, or millenarianism, allows for personal redemption even though violence is used (Crenshaw M. , "Has the Motivation of Terrorists Changed?", 2006).

There are more than 86, 000 documented terrorist attacks from 1970- 2008 alone (START Database). The prevalence of genocide has also increased in recent history. This brings forth the current research questions; can terrorism be a form of genocide? Can terrorism result in genocide or genocidal acts? Have there been instances of genocidal terrorism since the term was coined in 1945?

The argument put forth that terrorism, when using definitions prevlsouly established in genocide studies, certain condition of terrorism can be classified as a form of genocide.

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1. Flanigan, Folgelman, Patterns of Political Violence in Historical Comparative Perspective. *Comparative Politics*, 3:1, 1970, p. 1-20

Terrorism, according to Raphael Lemkin's definition, can be used as a form of genocide. This does not evoke the argument that all cases of terrorism are genocide nor that all genocides are acts of terrorism. However, the argument is put forth that non- state and state terrorism can be used as a form of genocide.

Drawing upon the New York Public Library's Raphael Lemkin Archives (1947-1959), Lemkin's definition of genocide, in contrast to the 1948 UN Convention definition, is used to draw comparisons between the concepts of genocide and terrorism. Would terrorism be considered a form of genocide under both Raphael Lemkin and the UN Genocide Convention's definitions of genocide?

Lemkin also addresses the motivations to use genocide and the psychological scars that are evoked during and after genocides occur. The intent to evoke "fear, sorrow, pain, etc", mass movement, crowd behavior of actions against others, and the linkage between nationalism and genocide were used to describe genocide. Similarly some of the scars and motivations described by Lemkin are used in the psychological studies of terrorism. The research question emerges, what is the difference between terrorism and genocide? Using current literature, the Raphael Lemkin archive and case studies, the argument will be put forth that terrorism can result in genocide or acts of genocide. **Hypothesis 1:** *There are definitional similarities between the terms genocide and terrorism*. **Hypothesis 2:** *Terrorism can exhibit acts of genocide, per the established definition of genocide by Raphael Lemkin and the Genocide Convention*.

The current study highlights the affects of globalization and the fluidity of the terms genocide and terrorism. While academic literature has briefly addresses terrorism as a form of genocide, little has been done to bridge the gap between the concepts. An illustration will be made between the similarities of the terms, when genocidal terrorism has occurred and some of the usefulness of framing terrorism as a form of genocide. The paper also addresses the terms, and the definitional challenges of both genocide and terrorism. The September 11th attacks and the U.S. invasion of Iraq will be used as case studies to illustrate these points.

As a caveat, it should be noted that while there are some differences between Raphael Lemkin and the Genocide Convention's definition of genocide, both definitions are used to illustrate that either definition suffice in showing the similarities between conditional cases of terrorism and genocide. It is not the purpose of the paper to conflate the term genocide by stating that all incidents of terrorism are acts of genocide. Instead, the paper attempts to opertationalize the term genocide, under the current established guidelines in the field of genocide studies, with conditional cases of terrorism. It is also the goal of the paper to facilitate dialogue about the usefulness of framing the act of terrorism beyond its initial scope.

September 11th Attacks

The attack of September 11th, 2001, also known as 9/11, was a series of coordinated attacks against American civilians that resulted in the death of an estimated 2000-3000 people. The suicidal attacks, carried out by 19 militants, were linked to the Islamic extremist organization, the al-Qaeda (Pyszczynski, 2003). However, it is important to highlight the events that preceded the attacks to better grasp the ideology and reasoning behind the event and to illustrate its use as a case study.

The origin of Islamic fundamentalism has been traced to the creation of The Muslim Brotherhood in Egypt in 1928 (Laquer, 2003). The main agenda of the organization was ending political propaganda and building economic enterprise using nonviolent approaches. The organization built mosques, tried to stimulate economic reform and emphasized the importance of church and state being one. Influenced by individuals such as Sayed Qutb and al Zawahiri, the dynamics of "missions" began to morph over the decades. The word terrorist became a term that was loosely used to describe the Islamic groups with an extremist, jihad mission. The focus of "holy missions" shifted from the British occupancy in Egypt to the communist invasion of Afghanistan.

Although the Al-Qaeda is not often thought of as a genocidal organization, it has been suggested that "global jihad", as we now know it, began with an invasion of Afghanistan in 1979 (Keirnan, 2008). Current religious fundamentalist terrorist organizations in Pakistan and Afghanistan are marked as the result of the 1979 Soviet invasion of Afghanistan. The Soviet – Afghan War (1979-1989) began with the Soviet Union invading Afghanistan. The United States supported the Afghan resistant groups, self proclaimed Holy Warriors, with guns, training and resources (White, 2002, pp. 162-164). Osama bin Laden founded the al Qaeda in 1989 and joined forces with the mujahideen (Keirnan, 2008). The al- Qaeda called the Soviets the "foreign devils", a term that Osama bin Laden would later use to describe Americans.

The Soviet withdrew troops from Afghanistan in 1988, due to its collapsing system. The mujahideen felt that it was a personal victory (White, 2002). The withdrawal of troops and collapse of the Soviet system was viewed as a victory by God. In 1990 the United States involved itself in a conflict between two Arab nations; which was viewed as the United States pitting Arabs against one another. (White, 2002) Thus began the al-Qaeda's declaration of war against the United States. The plotting for the 2001 attacks began as early as 1992 with members of the group strategically placing themselves in jobs and institutions around the world (White, 2002). In 1998, Bin Laden stated that the duty of the Al-Qaeda is to kill Americans, whenever encountered and that all Muslims are required to fight the jihad (Keirnan, 2008).

On the morning of September 11th 2001 the world woke to the "102 minutes" that changed America and the face terrorism. At 8:46 a.m. it became breaking news that an American Airlines flight with 92 passengers was flown into the Tower One of the World Trade Center. By 10: 30 a.m. three other planes crashed as a part of the systematic attack (Pyszczynski, 2003). . A fourth plane was deterred by the 45 passengers on board and crashed in Pennsylvania. The flight was presumably headed towards Washington D.C. with the intention of striking the White House. In all, an estimated 3000 people lost their lives during the September 11th attacks, majority of which were in the attacks of the North and South Towers of the World Trade Center in New York City.

The attacks of 9/11 were an attempt by an extremist organization to destroy, and at the least disrupt, the everyday functions of a particular group of people. The planes that destroyed the WTC (World Trade Center) were a symbol of all financial institutions within the United States. The Pentagon was symbolic of US military operations. The Pentagon is known worldwide for being the institution that makes American military decisions. Destruction of the Pentagon would render the US militarily weak and incapable of defending itself. The fourth plane, thwarted by the passengers on board the aircraft was destined for the White House, the symbol of US government.

Can terrorism be genocidal?

> **"We calculated in advance the number of casualties from the enemy who would be killed... I was the most optimistic of them all... due to my experience in the field... They were overjoyed when the first plane hit the building, I said to them: be patient." - Osama bin Laden (Pyszczynski, 2003)**

It is more than plausible to think of terrorism as encompassing genocidal acts. The U.S. Department of State, prior to 2001, defined terrorism as "***premeditated***, politically motivated *violence perpetrated against noncombatant targets* by sub-national groups or clandestine agents, usually intended to influence an audience (Hudson, 1999)." A common theme amongst the various definitions of terrorism is the concept of *killing with **intent***.

Genocide is defined as , "any of the following acts committed with ***inten**t to destroy, in whole or in part, **a national**, ethnical, racial or religious group, as such*:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group." (1948 United Nations Genocide Convention)

Additionally, ethnic cleansing is legally treated like genocide by the UN and the International Criminal Tribunals. Ethnic cleansing, according to the UN, includes mass intimidation of a group, by threat or use of violence, to leave their homeland. More than 72,000 New Yorkers were displaced from their homes after 9/11 (Travis, 2010). The UN Convention on the Prevention and Punishment of the Crime of Genocide indicates that genocidal acts do not have to involve the intentional killing (physical) of all members of a group. The intention to harm or render a group incapacitated is sufficient grounds for the crime of genocide; therefore, the use of terror can be acts of genocide (Wilshire, 2005). The acts of genocidal terrorism not only included the attacks of September 11th but the subsequent anthrax packages that killed several more Americans and continued to scare and disrupt the lives of Americans beyond the boroughs of New York City.

The debate over whether terrorism could be considered genocide began before the term genocide was coined and before terrorism was a legal concept. In 1930 the 3rd Conference for the Unification of Penal Law listed the offense of an "instrument capable of producing a public danger" as terrorism.

Lemkin stated that the term "public danger" was too limited and should be broadened further. He urged that "danger" should include a more generalized concept named transnational danger (Lemkin, Acts Consituting a General (Transnational) Danger Considered as Offenses Against the Law of Nations, 1933). Terrorism, as he knew it, was not a legal concept and was too confounded to include as a type of genocide. Lemkin introduced his concept of "Barbarity and Vandalism as transnational danger", terms that would later be replaced with the word genocide. Lemkin did agree that terrorism, as with other forms of violence, was a transnational danger.

It has been purported that if the generation of a group, in and through world experiences, is disrupted their reality dissolves and their identity becomes less salient (Wilshire, 2005). The prolong condition of disenchantment and wearing a way of "self" makes genocide more likely. Subsequently, the individual's home group, or self, way of doing things are threatened by the outside, or "other", group's way (Wilshire, 2005). The constant menace of external forces threatens the illusion of group immortality. This gives way to terror and retaliation.

In the current study we addressed the invasion of Britain in Egypt, the invasion of the Soviet Union in Afghanistan and the US occupation in Saudi Arabia. The prolong threat to the "sense of self", arguably, has excited a sense of terror in certain populations. The threat is met with retaliation, or self "corruption, in a backlash of the West. Genocidal acts of terrorism resulted from the constant threat from "others", out-group, aimed at the in-group, the Arab world. Using the theory posited by Wilshire, a linkage is made between the "self", others", and the manifestation of genocide and terrorism.

Terrorism

Crenshaw (2006) argues that the motivation and objectives that explain the choice of methods, for terrorist have not changed over the years. Radical organizations unite people of various backgrounds and temperaments. It is the membership in the extremist group and collective belief system that binds members together, not the violence. Whether it is identity as a group member, a national or ethnic group, or the belief system of the group, they are the dynamics that propel various forms of political violence. Their belief in the enemy overpowers the fact that people will die and generally places the group in the role of victims. In most terrorist groups there is a perceived injustice, a need for belong and identity.

Similarly, the same occurs in genocidal groups. Lemkin notes that in each case of genocide there is a group that is "aware of injustice and insults heaped upon it by the other [group]". Using the current case study, hijackers came from various backgrounds but were bound together on a jihadist mission because they had adopted a similar belief system. Identity with a group, whether religious, cultural or national, plays a large role in the formation of terrorists. Similarly, group identity is a cornerstone of Raphael Lemkin's concept of genocide.

Genocide

Genocide, as it is most commonly used, is based on the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. However, the term genocide was coined by Raphael Lemkin, an advocate that pushed for the term genocide to become a part of international law and as a Crime Against Humanity.

Lemkin's definition included the "disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups…" (Lemkin, 1945). The attacks of September of 11th were aimed at the disintegration of both political and economic institutions.

A common misconception about genocide lies in the semantics of its definition. It should be noted that genocide does not necessarily mean the murder of "indelible group members" (Rummel, 2002). Sections (a) and (e) of Article 6 of the ICC Statute makes it clear that perpetrators can use tactics other than killing one or all members of a particular group. Acts of terrorism and genocide do not always include one act that involves the murder of an

entire group. Genocide includes the intent to destroy and encompasses a multitude of acts that attempt to carry out the genocidal plan. It is noted that the *intention* to destroy a particular group of people, institutions and livelihood using terrorist attacks is a genocidal form of action.

It has become apparent that the "intent" part of the genocide definition is an misunderstood criterion. The term intent, identified as the perpetrator's aim or goal, can be conduct or "the initial acts in an emerging pattern" (Rummel, 2002). The al Qaeda's campaign against American can be viewed as acts of as "emerging pattern". In 1993 the al Qaeda bombed the WTC and had a firefight with Army Rangers in Somalia. In 1995 car bombs were planted in military personnel vehicles in Saudi Arabia, bombed trucks at the US Air Force base in Saudi Arabia in 1996, bombed the US embassies in Tanzania and Kenya in 1996 and continued to be active up until the September 11th attacks (White, 2002).

The most common interpretations of genocide are more domestic in nature, such as atrocities that occur within a single state. The framing of genocide as a single nation event has omitted terrorism from being considered a form of genocide. Terrorism, specifically, was included as a transnational danger that should be punishable under international law (Lemkin, 1933).

Lastly, the definitional challenge of defining genocide should be noted. As with the definitional woes of civil wars, scholars deliberate on the number of deaths that are need to constitute a genocide, civil war, etc. The Genocide Convention, as well as Raphael Lemkin, purposefully omits assessing a numerical cut-off on what should be considered an atrocity. Lemkin, and the Convention, uses the generic term "a group". Upon this premise, the definition of genocide is applicable for the purposes of this study.

Terrorism and genocidal acts

> **"Well, you know, what happened on the 11th of September was not just an average crime. It is a crime against the United States, but a crime against humanity. Some 4,000 people lost their lives; this wasn't routine."**
>
> **Former Secretary General Colin Powell**

Raphael Lemkin's definition of genocide explicitly states that the intentional killing or attempt to destroy a group is genocide. Conversely, terrorism is the premeditated, or intentional, killing of non-combatants with the hopes of influencing an audience. Terrorism, nor genocide, occurs in a vacuum. There are steps that lead to the culminating events, with a history between the two main groups involved. There are eight identified stages of genocide; classification, symbolization, dehumanization, organization, polarization, preparation, extinction and denial (Stanton, n.d.). The eight stages of genocide are applied to the case studies of the September 11th attacks. The eight stages are not mandatory to recognize cases of genocidal terrorism but to illustrate the linkage between the abstract concepts.

The classification stage can be as simple as making the identifications of "us" and "them". Classifications can be made on the grounds of religion, ethnicity, race or nationality. As it is argued, the September 11th attacks were a form of genocidal terrorism. There was a classification of "us", Wahhabi jihadist, versus "them, the Americans or Westerners. Symbolization, the next stage, is giving names to the created categories or distinguishing

individuals by the way they dress or a particular color. Identifying a group as "Westerners" or "Jews" gives a name to the classified group. Symbolization does not mean that genocide will occur unless the next step occurs.

During the next stage of genocide, dehumanization, a particular group is denied their humanity. The aim is to help individuals overcome the aversion of murdering another human being (Stanton, 1987). During this stage hate propaganda are spread to individuals to entice involvement with the movement. Rhetoric against Americans and Western societies began to surface in the early 1980s. In preparation of the September 11th attacks against Americans, cassettes were circulated in the region where the hijackers came from, stating that "blood was inevitable" (Gold, 2003) .

Organization is the stage of genocide where killing is planned by either a state or terrorist organizations (Stanton, n.d.). Members of the group are trained, armed or strategically placed in different areas. During the fifth stage of genocide, polarization occurs. Osama bin Laden repeatedly stated that it was the mission of all Muslim to take down the enemy of Islam. Polarization forces one to completely support the cause or to act as a standby, no room is left for the middle ground opinion.

During the preparation phase of genocide victims are separated out because of their religious or ethnic identity. Preparation for extinction, the next phase, has begun. In the current case study, specific locations were target for the attacks. Extermination can include revenge killing of another group. Political leaders (the White House), military officials (the Pentagon), and the heart of US economy (the WTC) was chosen due to what they symbolized in America. Extinction occurred on the day of September 11th when all other stages culminated in the act of genocidal terrorism.

The final stage of genocide is denial. Denial occurs after extermination and is an indicator of future genocidal behaviors. There is an attempt to hide evidence that genocide occurred. Leaders of the genocidal group cling to power until they flee into exile. The hijackers of the 9/11 attacks were part of a suicide mission that eradicated all members and the opportunity for them to speak about or be tried for the acts committed. Soon after the terrorist attacks the al Qaeda began closing cells that were associated with the events. The organization stated that it was the "foreign devils" that brought such actions upon themselves and they were simply completing a holy mission, not committing murder.

September 12th and the US invasion of Iraq[2]

The U.S. invasion of Iraq is used as a case study exhibit when acts of terrorism can become genocidal. Undoubtedly, the concept of state terrorism is a contested concept. However, the academic literature on state terrorism has increased. A recent argument of state terrorism is the U.S. invasion of Iraq (Baylis, 2002).

The United States' "war on terror" did not begin with the George W. Bush's foreign policy. The United States' global war on terror began with George H.W. Bush's mission in Somalia. The Clinton administration continued the mission. The attack on perpetrators and civilians alike was a tactic continued by the Bush Administration (Bacevich, 2002).

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2. The state terrorism case study of the US invasion of Iraq can be removed.

Undeniably, the scope of homeland security has changed post September 11th attacks, in both the United States and in the European Union. On September 12th, President Bush announced that the attacks were "acts of war" and solicited aid from allies in the "war on terrorism". The United States was not going into combat with another nation but with a group of individuals that were at a tier lower than the state level. The US was waging a war against a group of people, or non-state actors. The Bush Administration's "war on terror" became one of the first post- Westphalian wars that included a borderless and global scope. The amount of American lives that have been lost in the "War on Global Terrorism" has surpassed the amount of lives lost during the 9/11 attacks (Baylis, 2007).

The US began preparing its invasion of Iraq in 2002. The formal invasion of the country began with a series of air strikes throughout the region (Baylis, 2007). Estimations of civilian, or "insurgency", casualties have rarely been reported beyond the confidential status. An Iraqi General, and other detainees, died under US custody. Deaths were listed as "massive blows to the head" and death by suffocation with an electrical cord while in a sleeping bag (Travis, 2010). The Red Cross began reporting incidents of mistreatment of prisoners by military intelligence at Abu Ghraib prison. Prisoners complained of beatings, food deprivation, etc.

At Camp Cropper in Baghdad, the Red Cross noted incidences where military personnel fired on unarmed civilians after they protested or attempting to leave the conditions of the camp. At the camp 3,000 prisoners lived 80 per tent with only trenches for latrines (Travis, 2010). The US government denied the Red Cross' claim and revoked their access to camps that were suspected of violating human rights.

The GDP of the country shrunk to a 5th of what it was prior to the "war on terror" invasion. By 2004 thousands of Iraqis were homeless and over 5 million were displaced by the continuing war (Travis, 2010). Electricity production deteriorated after the onset of war. Testimonies showcase instances where individuals were taken from their home, beaten, money taken from them and released with no explanation or charges rendered. Individuals subject to the treatment included possible perpetrators, men and women civilians. The term "insurgency" was used frequently by the Bush Administration to give a title to the individuals that they were pursuing. Regardless of status as a civilian or insurgent, the United States entered Iraq with the intention of eradicating a group of people.

The United States began classifying terrorist as Muslim or Islamic extremists, creating an "us" and "them" dynamic. Most can agree that not all terrorists are Muslim, and we can also summate that not Muslims are terrorist. However, the Bush Administration successfully labeled terrorist as Middle Easterners and/or Muslim.

It is estimated that the documented civilian deaths in Iraq is 100, 000 to 110, 000 people (Unkown, 2011) since the US invasion. This estimation is on the documented reports; this excludes missing persons or undocumented deaths.

The Psychology of Terrorism and Genocide

Raphael Lemkin explained genocide from a psychological, sociological and political science perspective (Lemkin, 1947). Psychological reactions can occur on three levels; the victimized group, the genocidist and the outside world. The victimized group and the genocidist levels of psychological reaction will be addressed using both the psychology of terrorism and genocide.

The genocidist

There are paralleling similarities between the psychology of terrorism and the psychology of genocide. It is the case of both genocide and terrorism that there is the sense of the "other". The idea of "self" was replaced with the group ideologies and the individual takes on the enemy of the group.

Some individuals may join a movement for solidarity with the group that they identify with. A common motivational factor that appears in the literature is identity. Membership into a group is a positive attraction for terrorist (Horgan, 2005). This notion suggests that individuals who feel isolated from the broader society are drawn to membership with a group that they feel gives them an "identity".

Staub and Bar-Tal (2003) investigated origin factors to acts such as mass killing and genocide. Social conditions, psychological processes and cultural elements are thought to be contributing factors. Ongoing difficult social conditions limits the fulfillment of basic human needs. Psychological reactions result as the response to prolonged difficult conditions. Psychological responses include a strong identification with a group, creating ideologies and social beliefs, and devaluating others.

For terrorist, a motivational factor is the perceived injustice that their "group" is experiencing. Motivational factors include identity, perceived injustice and a need for belonging. Insiders are trusted while individuals "outside" of the group are distrusted. Similarly, Lemkin notes that cases of genocide include an awareness of "injustices and insults heaped upon it by the other (New York Public Library)."

The victimized group

The victims of the attacks were not just those who died in the Towers but witnesses, family members of the deceased and the overall US population. Gallup polls indicated that 20% of the American population knew someone, or knew someone who knew someone, that was missing, killed or hurt by the terrorist attacks. The psychological scars of mass death caused by the genocidal act of terrorism were felt months after the event.

The initial reaction to terrorism was shock, followed by denial, sorrow, fear and then hostility (from the previously mention sense of injustice). Lemkin postulates that there is a feeling of pain, sorrow, reception of injustice, and the frustration from the loss of lives that occur with genocides. He notes that the term "Lest we forget" is often used by genocide victims. The term has been frequently used when describing the terrorist attacks of 9/11.

Policy Implications

There is limited information pertaining to terrorism as a form of genocide. Even more marginal is the selection of literature that addresses the usefulness of framing the act of terrorism beyond its initial scope. Frye (2002: 169) argues that there are two benefits or framing terrorism as a crime against humanity or as genocide. First, it allows large scale acts of terrorism to be legally tried as a crime against humanity or as genocide. It broadens the legal capacity to try terrorism as more than an act of terrorism but would allow prosecution in two other categories. Secondly, if terrorism is framed as genocide it allow for universal jurisdiction.

Allowing terrorism to have universal jurisdiction, via trying terrorism as genocide or as a crime against humanity, allows cohesiveness amongst nations by using a common approach. The European Union defines terrorism in a manner that is structurally different than the US. Despite operational differences a universal jurisdiction would allow the same course of action and higher success rate of prosecution for acts of terrorism.

The ICC currently cannot hear crimes of terrorism because their jurisdiction is limited to war crimes and crimes against humanity. Framing terrorism as genocide would allow the crimes to be heard by tribunals. Framing terrorism as a crime against humanity would allow offenses to be heard by the International Criminal Court. Each individual country not has to be responsible for prosecuting perpetrators. This is especially important in countries weak or fragile states are not able to try perpetrators.

Terrorism as genocide

The argument was put forth that non- state and state terrorism can manifest itself in genocidal acts. Three research questions emerged; can terrorism be a form of genocide? Can terrorism result in genocide or genocidal acts? Have there been instances of genocidal terrorism since the term was coined in 1945? Would terrorism be considered a form of genocide under both Raphael Lemkin and the UN Genocide Convention's definitions of genocide?

Using the attacks of September 11th, it was concluded that terrorism can be a form of genocide and exhibit genocidal acts. The case also serves as an example of a genocidal terrorism since Lemkin's inception of the term genocide in 1945. Further drawing up Stanton's *Eight Stages of Genocide* specific examples of genocidal terrorism are described. The attacks of September 11th were the result of an "in" group, attempting to destroy in part or whole an "out" group. The al-Qaeda worked for a decade planning the attacks of 9/11, purposefully targeted the political, military and economic institutions. Lemkin's definition of genocide included the "disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups…"; an objective of the terrorist organization.

There are commonality betweens the definition of genocide and terrorism. Using both the 1948 UN Convention and Lemkin's definition of genocide, it is concluded that terrorism can be considered a form of genocide. The U.S. Department of State, prior to 2001, defined terrorism as "**premeditated**, politically motivated *violence perpetrated against noncombatant targets* by sub-national groups or clandestine agents, usually intended to influence an audience." The 5 part US legal definition of terrorism includes "violent and illegal activity that is intended to intimidate or coerce a civilian population or government". A common theme amongst the various definitions of terrorism is the concept of *killing with **intent***. The same "intent" stipulation is found in the definition of genocide. Genocide is defined as , "any of the following acts committed with **inten**t *to destroy, in whole or in part, **a national**, ethnical, racial or religious group, as such*…" The operational similarities support the theory that terrorism could be considered a form of genocide.

The term state terrorism has not "officially" been used in the past international conventions due to some arguments that terrorism can only apply to non-state actors. However, a case study was provided to illustrate when state terrorism can become genocidal; assuming that the US invasion of Iraq is a plausible case for state terrorism.

There is limited literature that addresses terrorism as a form of genocide. Little has been done to bridge the gap between the concepts. Illustrating the similarities of the terms and when genocidal terrorism has occurred adds to the usefulness of framing terrorism as a form of genocide. The benefits of viewing terrorism as genocide, or a crime against humanity is twofold. First, it allows large scale acts of terrorism to be tried as a crime against humanity or as genocide. Secondly, if terrorism is framed as genocide it allow for universal jurisdiction. The broadening of terrorism's legal capacity would allow greater success for prosecution.

The rational for reframing terrorism is not to revamp the current international criminal court but to allow certain cases of terrorism to go on trial in the ICC. The argument of the current study is to reframe the concept of terrorism for more breadth in legal prosecution and less of a moral judgment on the individuals that should be on trial for terrorism. If an individual is a citizen in Country A and is guilty of a crime of terrorism in Country A, he/she could be tried in the ICC or domestically. The case would not be limited to the jurisdiction of Country A. More importantly, if an individual is a citizen of Country A but commits a crime in Country B, the case could then be heard in the ICC. This would address some the legal concerns that current surround international terrorism.

A limitation of the study is that it relies heavily on literature from the fields of political science and sociology. The current study would benefit from the addition of information of the legal perspective of prosecuting terrorism as genocide. It is also understood that using the term genocide too broadly can conflate the term. The current paper focuses on the benefits of reframing the concept of terrorism, not broadening the term genocide. It also draws upon Raphael Lemkin archival documents, using information not generally addressed in academic literature regarding genocide and includes the perspective of genocide from the term's creator. While Raphael Lemkin's definition of genocide is more applicable to the case of reframing terrorism, both Lemkin's and the Genocide Convention are applicable in supporting the current argument.

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