

Protecting Victims of Terrorism as a Social Concern: With a View to International and Regional Developments

Mehrdad Rayejian Asli*

Abstract

Terrorism is one of the most serious phenomena of concern to many countries as well as to the international community as a whole at least during last decades. In the meanwhile of its several characteristics, including the element of violence and the nature of perpetrators, to protect the victims of terrorism is a major issue discussed here as a social concern. Thus, the main question is to ask “why protecting victims of terrorism needs to be described as a social concern?” Despite of the international efforts whether at the global level, esp. within the United Nations system, or at the regional one, e.g. within the European system, the present article concludes that this group of victims still face challenges to obtain adequate remedy and redress similar to other groups of victims of crime and abuse of power.

Keywords: Victim, Terrorism, Protection, United Nations, Social Concern

Introduction

For jurists and criminologists, defining terrorism is a starting-point in their approach to explore the various dimensions of the phenomenon. At the international level, and in the absence of an agreed definition of terrorism, the United Nations (UN) has used various terms in several instruments to describe the concept. For example, *General Assembly Resolution 49/60 (1994)*¹ seeks to criminalize a number of armed activities, “including acts intended or calculated to provoke a state of terror in the general public”.² *The International Convention for the Suppression of the Financing of Terrorism of 1999*³ is another example in the UN terminology defining terrorism in the light of criminalization of terrorism financing.⁴ *The Security Council Resolution 1566 (2004) on Threats to international peace and security caused by terrorist acts* is the last example, mentioned here, which aimed to assist States in meeting their obligations under another *UNSC Resolution (1373: 2001)*⁵ to take domestic legislative action,⁶ even though it does not contain a given definition of terrorism.

* Faculty Member of Center for Research and Development of Humanities (SAMT Organization), Deputy of Research, and Dean of Department of Human Rights, UNESCO Chair of Human Rights, Peace and Democracy, SBU, Tehran, Iran (E-mail: mehrdad.rayejian@gmail.com). I hereby thank Dr. Asli Abbasi, one of my proficient colleagues at the UNESCO Chair, for presenting useful comments on my paper.

¹ General Assembly Resolution 49/60: Measures to eliminate international terrorism, A/RES/49/60, 84th plenary meeting, 9 Dec. 1994.

² The Doha Declaration: Promoting a Culture of Lawfulness, E4J University Module Series: Counter-Terrorism, Module 4: Criminal Justice Responses to Terrorism, UNODC, at <https://www.unodc.org/e4j/en/terrorism/module-4/key-issues/defining-terrorism.html>, July 19, 2019.

³ *Ibid.* Also see: UNSC Resolution 1267 (1999) of 15 October 1999.

⁴ According to Article 2 (1) (b) of the Convention: “Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act”.

⁵ Resolution 1373 (2001), on Threats to international peace and security caused by terrorist acts, Adopted by the Security Council at its 4385th meeting, on 28 September 2001, S/RES/1373 (2001), at

From a doctrine viewpoint, as a prominent example, in his article “The Indefinable Concept of Terrorism” (2006),⁷ George P. Fletcher, the famous American professor of jurisprudence, defines terrorism as a different dimension of crime. Indeed, he defines terrorism as a higher, most dangerous version of crime what he called “super-crime incorporating some of the characteristics of warfare”.⁸ Inferring from Fletcher’s definition, it could be said that there are three main serious phenomena we often engage in: crime and criminality (e.g. homicide and theft); war and warfare (i.e. aggression as invasion or war crimes as international crime); and terrorism. Thus, terrorism is not as crime, nor it is as war; terrorism is as terrorism.

Now, one would ask the characteristics of terrorism through which we could be able to define it. Finding out the characteristics makes it evident that to which kind of definition we refer in the article and how we could raise the subject of protecting victims of terrorism as a social concern. Accordingly, apart from its introduction and conclusion, the present article consists of three main parts. After exploring the main characteristics of terrorism and reviewing terrorist attacks of the Islamic State of Iraq and Syria (ISIS) as a case study on the most serious concern terrorist organization during current decades of the Third Millennium, we will focus on main topic of the essay, i.e. the protection of victims of terrorism, as its research problem. Indeed, we intend to explain the topic as a social concern both for the global society as well as for the Iranian one.

A. Characteristics of Terrorism

Considering the fact that an adequate definition of terrorism is regarded as extremely difficult,⁹ so we can say there is currently no agreed definition.¹⁰ However, among different definitions, it seems that we can find several characteristics by which terrorism could be identified. As a typical definition, we can prefer Fletcher’s description that bears eight primary factors on terrorism.¹¹ These are as follows: the factor of violence, the required intention, the personality of victims and perpetrators, the justice and motive of their cause, the level of organization, the dramatic performances (called by Fletcher as “*Theatre*”), and the absence of guilt. These characteristics indicate a multi-dimensionality and/or an inter-disciplinarity in the definition. Multi-dimensionality of the definition denotes the complexity of terrorism that seems to be inevitable even though it may expose terrorism to sophistry. In other word, a multi-disciplinary approach may obstruct to reach a unified definition because it does not allow understanding terrorism within an independent or a unified field of study. But inter-disciplinarity of the definition reflects the role and the place of concepts, hypotheses and findings of various fields of study, including law, sociology, psychology, criminology and victimology within a unified research agenda.

<https://www.un.org/ruleoflaw/blog/document/security-council-resolution-1373-2001-on-threats-to-international-peace-and-security-caused-by-terrorist-acts/>, July 21, 2019.

⁶ Paragraph 3 of the Resolution defines terrorism as: “... *criminal acts, including against civilians, committed with intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and calls upon all States to prevent such acts and, if not prevented, to ensure that such acts are punished by penalties consistent with their grave nature*”. (Security Council resolution 1566 (2004) on Threats to international peace and security caused by terrorist acts, S/RES/1566 (2004), Adopted by the Security Council at its 5053rd meeting, on 8 Oct. 2004, at <https://www.un.org/ruleoflaw/files/n0454282.pdf>, July 21, 2019).

⁷ Fletcher, George P. (2006); *The Indefinable Concept of Terrorism*, *Journal of International Criminal Justice*, 4, p. 894.

⁸ *Ibid.*

⁹ McLaughlin, Eugene, Muncie, John (2019); *The Sage Dictionary of Criminology*, SAGE, Forth Edition, p. 539.

¹⁰ O’Brien, Martin, Yar, Majid (2008); *Criminology: The Key Concepts*, First Published, Routledge, p. 170.

¹¹ Fletcher, 2006; *op. cit.*, p. 894.

I would like to add a ninth element to the mentioned list that is heinousness and cowardice. ‘The Security Council Press Statement’ on terrorist attack in *Sistan-Baluchestan* (Iran in Feb. 2019) is a good example for the importance of the added factor in which the members of SC “condemned in the strongest terms the heinous and cowardly the occurred terrorist attack”.¹² Considering the twin terms, as a main element in multiple characteristics of terrorism, our inference is as follows: The former attaches to the terrorist act in itself, while the latter is linked to its perpetrators, yet both seem to be similar enough to warrant being into one by connecting to the victims of terrorism and terrorist attacks. In other word, the added factor not only describes all elements of the act (terrorist acts/activities), but also plays a key role to explain the nature of perpetrators and victims of terrorism. Besides these characteristics, we will focus on terrorist attacks’ ISIS, as well as on protection of victims of terrorism, as the main topic of study here.

B. Terrorist Attacks: A Case Study on ISIS

The Islamic State of Iraq and the Levant, also known as ISIS,¹³ and also known by its Arabic-language acronym *Da’esh*, is a fundamentalist Salafi jihadist militant group that gained global prominence in 2014 when it proclaimed itself a worldwide *caliphate* (an Islamic state) after its establishment in some parts of Iraq and Syria.¹⁴ The United Nations has recognized the group as a terrorist organization and held ISIS responsible for violations of human rights as well as for war crimes.¹⁵ After international reaction to ISIS, it gradually lost control of Iraq in 2017 until 2019 in which it lost their significant territories in the Middle East.¹⁶

ISIS has claimed responsibility for a number of high-profile terrorist attacks outside Iraq and Syria apart from human rights violations and war crimes within these territories. According to reports and some statistics,¹⁷ ISIS “conducted or claimed to conduct over 55 terrorist attacks in round 20 countries, which led to killing estimated 2060 victims” (other than injured). In the meanwhile, Iran has been the target of nine terrorist attacks on its seven cities and/or provinces during 2006-2019 among which some cases linked to ISIS¹⁸ that resulted to killing of an estimated 274 victims (not including the wounded).¹⁹

¹² Security Council Press Statement on Terrorist Attack in Sistan-Baluchestan Province, Iran, SC/13703. February 2019, at <https://www.un.org/press/en/2019/sc13703.doc.htm>.

¹³ It is officially known as the Islamic State (IS)

¹⁴ <https://www.rand.org/topics/the-islamic-state-terrorist-organization.html>, July 12, 2019

¹⁵ For example, the UN Security Council Resolution 2249, unanimously adopted on 20 November 2015, unequivocally condemns in the strongest terms the horrifying terrorist attacks committed by ISIS in several countries during 2015 (<https://www.un.org/press/en/2015/sc12132.doc.htm>). The Secretary-General in his eighth report on the threat posed by ISIS to international peace and security and the range of UN efforts in support of Member States in countering the threat (2019), denoting the Security Council Resolution 2253 (2015) declares that the strategic-level report reflects the gravity of the ISIS threat, as well as the range of UN efforts to support Member States in counter with the treat (https://www.un.org/sc/ctc/wp-content/uploads/2019/02/N1901937_EN.pdf). Regarding the human rights abuses as international crimes, for instance, Amnesty International in its official report published in 2014 highlights that ISIS has carried out ethnic cleaning on a historic scale in northern Iraq that systematically targeted non-Arab and non-Sunni Muslim communities (Amnesty International (2014); *Ethnic Cleaning on a Historic Scale: Islamic States Systematic targeting of Minorities in Northern Iraq*, 1st Published, Amnesty International Ltd, p. 4).

¹⁶ Where is ISIS today? The end of the ISIS Caliphate, at <https://www.mei.edu/multimedia/video/end-isis-caliphate>, July 13, 2019. Also, see: Ninth report of the Secretary-General on the threat posed by ISIL (Da’esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat, S/2019/612, at <https://undocs.org/pdf?symbol=en/S/2019/612>.

¹⁷ Yourish, Karen, *et al* (2016), How Many People Have Been Killed in ISIS Attacks around the World, The New York Times, at <https://www.nytimes.com/interactive/2016/03/25/world/map-isis-attacks-around-the-world.html>

¹⁸ It should be noted that Iran has played a significant role in combating ISIS since it considers the terrorist group as a major threat to its borders as well as to its national security. The mission of Iran to fight ISIS sometimes called as ‘leading from behind’ that means supporting some groups within Iraq through

All the facts demonstrate the significance of protecting the victims of terrorist attacks or overall victims of terrorism. As the sequel shows, we can discuss about the issue as a concern for global society as a whole and for the Iranian society particularly suffered harm through terrorization.

C. Protection of Victims of Terrorism

Considering the terrorist attacks and acts of terrorism, a major issue alongside preventing recurrence of the events and inevitability of punishment of the perpetrators is to protect the victims of those attacks or acts. Two main examples of such a consideration can be found both at global and regional levels.

At the global level, Security Council, in its Press Statement on terrorist attack in Iran,²⁰ viewed terrorism as one of the most serious threats to international peace and security. They expressed their deepest sympathy and condolences to the families of the victims and to the Government of Iran and wished a speedy and full recovery to those who were injured. As a regional instance, in its revised *Guidelines on the protection of victims of terrorist acts* (2017),²¹ the Committee of Ministers of the Council of Europe underlines the requirement of implementing an efficient protection policy as such the effects of terrorism on victims and their close family members.

Overall, in victimological literature, protecting victims is originated from victims' rights movements around the world,²² and victimologists use several expressions interchangeably, including 'victim advocacy', 'support for victims', 'assistance or aid to victims', and of course, 'protecting/protection of victims'.²³ Regardless of the terminological matter, finding a model for protection of victims of terrorism seems to be necessary. The model derives from the typical model in victimology. Some references of the typical model could be found in victimology and criminology textbooks. One of the European examples has been contained in a French book entitled "*Victimes et Victimologie*" (Victims and Victimology) by *Gérard Lopez* and *Gina Filizzola* (1996) in which they propound four-fold protections consisting of medical, psychological, social and economic-legal.²⁴ Inspiring the above model as well as what is contained in the provisions of *the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (the 1985 Declaration)*, I have redefined a more comprehensive model firstly introduced in "Protective Victimology" (2005),²⁵ later updated in its new edition "Assistance-oriented Victimology" (2011).²⁶ The model consists of a six-

equipping them with weapons, intelligence and military forces as well. Iran established its contribution to fight ISIS when the Commander of Islamic Revolutionary Guard Corps (*Qods Force*) declared the termination of ISIS in 2017 (For further information, see: Esfandiary, Dina, Tabatabai, Ariane (2015); Iran's ISIS Policy, *International Affairs*, 91: 1, p. 15; also Gen. Soleimani congratulates Ayatollah Khamenei and Muslims on ISIS termination, at <http://english.khamenei.ir/news/5283/Dec. 26, 2019>).

¹⁹ Erdbrink, Thomas, Islamic State Claims Deadly Iran Attacks on Parliament and Khomeini Tomb, *The New York Times*, at

<https://www.nytimes.com/2017/06/07/world/middleeast/iran-parliament-attack-khomeini-mausoleum.html>

²⁰ See: Security Council Press Statement on Terrorist Attack in Sistan-Baluchestan Province, Iran, SC/1370314 FEBRUARY 2019, at <https://www.un.org/press/en/2019/sc13703.doc.htm>.

²¹ Revised Guidelines of the Committee of Ministers of the Council of Europe on the protection of victims of terrorist acts, adopted by the Committee of Ministers at its 127th Session, Nicosia, 19 May 2017, in *Protections of Victims of Terrorist Acts: Human Rights and Terrorism* (2018), Council of Europe Revised Guidelines, Printed at the Council of Europe, p. 5.

²² Jaquier, Veronique; "International Victims' Rights Movement", in Fisher, Bonnie S., Lab, Steven P. [eds] (2010); *Encyclopedia of Victimology and Crime Prevention*, Vol. 2, SAGE, p. 1005.

²³ For example, see Woulhuter, Lorraine *et al* (2009); *Victimology: Victimisation and Victims' Rights*, 1st Published, Routledge Cavendish, pp. 143-146.

²⁴ Lopez, G., Filizzola, G. (2009); *Victimes et Victimologie*, 2nd [Persian Edition], Traduit en Persan: Rouh-al-dine Kordalivande, Ahmad Mohammadi, Tehran, MADJD, pp. 125-133.

²⁵ Rayejian Asli, Mehrdad (2005); *Protective Victimology*, 1st Published, Tehran, Dadgostar Publications, pp. 77-96.

²⁶ Rayejian Asli, Mehrdad (2011); *Assistance-oriented Victimology*, 2nd Edition, Tehran, Dadgostar Publications, pp. 81-101.

fold that used here for protection of the victims of terrorism. Various aspects of the model, which we could define with respect to the effects of victimization, are divided into material, penal, economic, legal, medical, psychological, and social protection.²⁷ Considering these aspects, a typical model is formed that encompasses several dimensions.

I. Recognition of Victims of Terrorism

As a general rule, internationally reflected in *the UN Declaration 1985*, all victims are treated with compassion and respect for their dignity.²⁸ It construes as an essential test called *fair treatment*. In the context of victimology, the term means to secure the effective recognition of, and respect for, both victims of crime and victims of abuse of power.²⁹ Recognition of victims of terrorism as a priority requires compassion and respect for their dignity as well as survivors and their family or relatives by issuance of a statement. We could find such an approach in the mentioned before *2019 Security Council Press Statement* on terrorist attack in Iran in which SC expressed a deepest sympathy and condolences to the families of the victims and to the Government of Iran wishing a speedy and full recovery to those injured in the terrorist attack. As a regional example, *the Council of Europe Revised Guidelines 2017* also recognizes the fair treatment as its third Principle as follows: “States must respect the dignity and the private and family life of victims [of terrorist acts]”.³⁰

II. Providing Special Legal Rights to the Victims of Terrorism

Recognition of, and respect for, victims requires providing special legal rights for those who suffer harm because of crime and abuse of power. Crime and abuse of power indicate significant forms of violating the victims’ rights. Furthermore, they demonstrate that the rights of their victims have not been adequately recognized.³¹ On the one hand, any crime and/or abuse of power may be regarded as a breach of the victim’s fundamental rights like the right to life or the right of freedom. On the other hand, occurrence of a crime, particularly in the form of a criminal abuse of power may indicate a denial of victim’s rights or a prejudice to his/her rights. Thus, all victims are entitled to access to the mechanisms of justice for the purpose of prompt redress for the harm suffered as well as for the rights violated or denied. It is another part of an internationally general rule which is entitled *Access to Justice in the UN Declaration 1985*.³² Accordingly, access to justice necessitates providing special legal rights to the victims to which they are entitled to be informed.³³

Regarding victims of terrorism, although the UN views the access to justice as a fundamentally important issue for the State Parties,³⁴ provision of mechanisms of access to justice is not merely in charge of national legislation. Therefore, it seems to be necessary that the victims of terrorism be enable to access to justice and to obtain redress through formal and informal procedures; i.e. not only through legislative, judicial and administrative mechanisms within the legal system but also by peacefully resolutions of conflicts within the civil society. Moreover, they are entitled to enjoy support, as one of their special rights, from community to which they belong, and at a higher level, from the society as a whole, i.e. global community.³⁵

²⁷ Rayejan Asli, Mehrdad (2006); Iranian Criminal Justice System in light of International Standards Relating to Victims, *European Journal of Crime, Law and Criminal Justice*, Vol. 14, p. 196.

²⁸ *Guide for Policy Makers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1999), UNODCCP, Centre for International Crime Prevention, p. 17.

²⁹ *Ibid*; p. 5.

³⁰ Revised Guidelines of the Committee of Ministers of the Council of Europe on the protection of victims of terrorist acts; *op. cit.*, p. 7.

³¹ *Guide for Policy Makers; op. cit.*, p. 5.

³² *Ibid*.

³³ *Ibid*; p. 19.

³⁴ United Nations Office on Drugs and Crime: UNODC (2015); *Good Practices in Supporting Victims of Terrorism within the Criminal Justice System Framework*, United Nations Office, Vienna, p. 27.

³⁵ At the regional level, *the Council of Europe Revised Guidelines 2017* recognizes the principle of ‘access to justice’ by providing the right of access to competent court in order to bring an action in support of victims

III. From Psychological Protection To Social Support

Experience of victimization may be a more serious than any event or disaster. The victimization not only bears physical and financial impacts, but also has psychological injury or suffering and social cost imposed to the victim or to the public.³⁶ Meanwhile, considering the difference between crime and terrorism as a significant point referred before (See I. Introduction), it should be noted that experience of terrorism is definitely more serious than crime, most likely similar to abuse of power. Terrorism whether a terrorist attack or an act of terrorism inflicts a huge harm to their victims that its reparation could be so difficult if one does not say 'impossible'. The mental injury or emotional suffering of victimization of terrorism necessitates a systematic psychological protection by the family of direct victim of terror and all persons or agencies responsible for the terrorist event and their victimization.

Within the national boundaries, it is identified by formal or informal mechanisms that the government or the civil society represents. Governmental mechanisms are all measures and/or policies place in legislative, judicial and administrative bodies according to the separation of powers principle. Non-governmental or civil society mechanisms are all measures, activities or practices accomplished by informal institutions like family, NGOs and suchlike.³⁷ However, providing such mechanisms to the victims of terrorism, as reaffirmed by *the Council of Europe Revised Guidelines 2017*,³⁸ should be done through a cooperative endeavor. Accordingly, governments are encouraged to cooperate with civil society representatives, especially those of NGOs involving the protection of victims of terrorism.

At the international level, the UN certainly pioneers the protection of victims of terrorism throughout the world. Accordingly, *the GA Resolution 40/34* to which *the UN Declaration 1985* is annexed affirms the necessity of adopting international measures in order to secure the universal recognition of, and respect for all victims as well as their rights.³⁹ *The Council of Europe Revised Guidelines 2017*⁴⁰ reaffirms the implementation of an efficient policy, including the societal recognition, at national level, of the suffering of victims and the maintenance of the duty of remembrance.

Such an important issue indicates a multi-dimensional social support for victims of terrorism encompassing various aspects of assistance and aid in the framework of typical model of protection for victims of terrorism.

IV. A Multi-dimensional Social Support for Victims of Terrorism

Such a model of social support for victims of terrorism at least consists of four elements.

a. To enhance the awareness of victims of terrorism of their basic rights:

Whereas informing victims of their rights in seeking redress through judicial and administrative mechanisms by formal or informal procedures is essential, *a fortiori* victims of terrorism should aware of their basic rights to redress. It depends on themselves to know having been victimized and as such, they are entitled to get remedy and reparation for their victimization.⁴¹

of terrorist acts. (Revised Guidelines of the Committee of Ministers of the Council of Europe on the protection of victims of terrorist acts; *op. cit.*, p. 8).

³⁶ *Handbook on Justice for Victims on the use and application of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1999); UNODCCP, Centre for International Crime Prevention, pp. 4, 6.

³⁷ For instance, items [j] and [m] of *the Council of Europe Revised Guidelines 2017* respectively recognize the important role of the associations for the protection of victims, and invite the governments of the member States to ensure disseminating among representatives of civil society (Revised Guidelines of the Committee of Ministers of the Council of Europe on the protection of victims of terrorist acts, *op. cit.*, p. 6.).

³⁸ *Ibid*; p. 10.

³⁹ Guide for Policy Makers; *op. cit.*, p. 5.

⁴⁰ Revised Guidelines of the Committee of Ministers of the Council of Europe on the protection of victims of terrorist acts, *op. cit.*, p. 6.

⁴¹ It should be noted that *the Council of Europe Revised Guidelines 2017* merely puts its member States in charge of giving information to victims of terrorist acts (*Ibid*; p. 7).

b. To increase the realization of the public to the victims of terrorism and to sensitizing the public to the cognizance as a social concern:

It is essential to create such a realization in the public even though it depends on the public themselves. Each member of a society should be educated and trained in respect to victimization of terrorism and those who have been experienced the victimization. When everyone puts oneself in the victim's shoes, the public would realize the necessity of support for him/her for the obvious reason we all recognize ourselves as injured not merely those who suffered harm from terrorism. This is the same social concern. *The Council of Europe Revised Guidelines 2017*⁴² accepts the essential element as a principle entitled 'raising public awareness' and makes the representatives of the victims of terrorist acts responsible for the involvement in raising public awareness.

c. To enhance the understanding government to the terrorism as an important issue:

Protecting victims of terrorism not only is a concern to the public, but also must be a significant issue for the sovereignty. The government should take terrorism more a more serious than criminality. Crime may be regarded as an individual affair. It means that although crime inflicts harm to the society, yet a criminal perpetrates it. Therefore, the major issue for the government is how to punish the criminals. Terrorism instead seems a higher, most dangerous version of crime as a collective issue bearing mass injuries or huge harm widespread and therefore it should be more particularly addressed.

d. To provide the real redress for the Victim:

The last component of a multi-dimensional social support for victims of terrorism is to provide remedies to them. Despite several expressions used for the remedy in the victimological context, we take the international approach contained in *the UN Declaration 1985* upon which the concept 'redress' is divided into two main types: *restitution* and *compensation*.⁴³ The former denotes to remedy by the offender (perpetrators of terrorism, here). Thus, all perpetrators or third parties responsible for the terrorist attacks or acts of terrorism should make fair restitution to victims of those attacks or acts, and/or to their families or dependents. A fair restitution consequently consists of reimbursement of expenses incurred because of harm or loss suffered by terrorist attacks or acts of terrorism, the provision of services and the restoration of rights even if it is as return of property or monetary payment. The latter implies to remedy by the State (the government in which a terrorist attack/act occurred, or to which its victims belong). Therefore, where restitution is not fully available from the perpetrators of terrorism, States should seek to provide financial compensation to all direct and indirect victims of terrorism. In the same way, *the Council of Europe Revised Guidelines 2017*, as a new international example, serves the compensation as a generic term (without any distinction to restitution).⁴⁴ The European compensation system is initially provided through the confiscation of the property of the perpetrators, organizers and sponsors of terrorist attacks/acts. However, when it is not available through above, the State on the territory of which the terrorist attack/act occurred should contribute to compensate the victims, whether direct or indirect, and national or foreign.

Conclusion

Victims of terrorism struggle with obstacles and get into difficulties far more the concerns and disasters of victims of crime and even victims of abuse of power. Although criminologists and victimologists seek to introduce an appropriate model and find a way to provide a better protection and support for the group of victims, accessing to justice for victims of terrorism does not appear to be fully provided. The problem may originate in international mechanisms which those function is the provision of such aids and helps. As we know, after *the 1985 Declaration*, the UN has not yet succeeded to adopt a convention for the victims. Furthermore, despite the sample of victims of violent crime that led to *the 1983 European Convention*, there is not a regional binding instrument within the European system, as the innovatory in many international developments including in the field of

⁴² *Ibid*; p. 9.

⁴³ Guide for Policy Makers; *op. cit.*, pp. 24, 26.

⁴⁴ Revised Guidelines of the Committee of Ministers of the Council of Europe on the protection of victims of terrorist acts, *op. cit.*, p. 8.

victims issues. Given the circumstances, it seems to be on the agenda the top issue of protecting victims of terrorism as a social concern in all countries, i.e. in the international community as a whole.

References

Books & Articles:

- Esfandiary, Dina, Tabatabai, Ariane (2015); Iran's ISIS Policy, International Affairs, 91: 1.
- McLaughlin, Eugene, Munice, John (2019); *The Sage Dictionary of Criminology*, SAGE, Forth Edition, p. 461.
- O'brien, Martin, Yar, Majid (2008); *Criminology: The Key Concepts*, First Published, Routledge.
- Yourish, Karen, et al (2016), *How Many People Have Been Killed in ISIS Attacks around the World*, The New York Times, at <https://www.nytimes.com/interactive/2016/03/25/world/map-isis-attacks-around-the-world.html>
- Erdbrink, Thomas, *Islamic State Claims Deadly Iran Attacks on Parliament and Khomeini Tomb*, The New York Times, at <https://www.nytimes.com/2017/06/07/world/middleeast/iran-parliament-attack-khomeini-mausoleum.html>
- Revised Guidelines of the Committee of Ministers of the Council of Europe on the protection of victims of terrorist acts*, adopted by the Committee of Ministers at its 127th Session, Nicosia, 19 May 2017, in *Protection of Victims of Terrorist Acts: Human Rights and Terrorism* (2018), *Council of Europe Revised Guidelines*, Printed at the Council of Europe.
- Jaquier, Veronique; "International Victims' Rights Movement", in Fisher, Bonnie S., Lab, Steven P. [eds] (2010); *Encyclopedia of Victimology and Crime Prevention*, Vol. 2, SAGE.
- Woulhuter, Lorraine et al (2009); *Victimology: Victimisation and Victims' Rights*, 1st Published, Routledge Cavendish.
- Lopez, G., Filizolla, G. (2009); *Victimes et Victimologie*, 2nd [Persian Edition], Traduit en Persan: Rouh-al-dine Kordalivande, Ahmad Mohammadi, Tehran, MADJD.
- Rayejian Asli, Mehrdad (2005); *Protective Victimology*, 1st Published, Tehran, Dadgostar Publications.
- Rayejian Asli, Mehrdad (2011); *Assistance-oriented Victimology*, 2nd Edition, Tehran, Dadgostar Publications.
- Rayejian Asli, Mehrdad (2006); *Iranian Criminal Justice System in light of International Standards Relating to Victims*, European Journal of Crime, Law and Criminal Justice, Vol. 14.
- Guide for Policy Makers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1999), UNODCCP, Centre for International Crime Prevention.
- Handbook on Justice for Victims on the use and application of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1999); UNODCCP, Centre for International Crime Prevention.
- United Nations Office on Drugs and Crime: UNODC (2015); *Good Practices in Supporting Victims of Terrorism within the Criminal Justice System Framework*, United Nations Office, Vienna.

Documents and Internet Addresses:

- Gen. Soleimani congratulates Ayatollah Khamenei and Muslims on ISIS termination, at <http://english.khamenei.ir/news/5283/Dec.26,2019>
- Ninth report of the Secretary-General on the threat posed by ISIL (*Da'esh*) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat, S/2019/612, at <https://undocs.org/pdf?symbol=en/S/2019/612>
- SC/1370314 FEBRUARY 2019, at <https://www.un.org/press/en/2019/sc13703.doc.htm>
- <https://www.un.org/press/en/2019/sc13703.doc.htm>
- <https://www.mei.edu/multimedia/video/end-isis-caliphate>, July 13, 2019
- https://www.un.org/sc/ctc/wp-content/uploads/2019/02/N1901937_EN.pdf
- <https://www.un.org/press/en/2015/sc12132.doc.htm>
- Security Council resolution 1566 (2004) on Threats to international peace and security caused by terrorist acts, S/RES/1566 (2004), Adopted by the Security Council at its 5053rd meeting, on 8 Oct. 2004, at <https://www.un.org/ruleoflaw/files/n0454282.pdf>.
- Resolution 1373 (2001), on Threats to international peace and security caused by terrorist acts, Adopted by the Security Council at its 4385th meeting, on 28 September 2001, S/RES/1373 (2001), at: <https://www.un.org/ruleoflaw/blog/document/security-council-resolution-1373-2001-on-threats-to-international-peace-and-security-caused-by-terrorist-acts/>
- General Assembly Resolution 49/60: Measures to eliminate international terrorism, A/RES/49/60, 84th plenary meeting, 9 Dec. 1994.
- The Doha Declaration: Promoting a Culture of Lawfulness, E4J University Module Series: Counter-Terrorism, Module 4: Criminal Justice Responses to Terrorism, UNODC, at



United Nations
Educational, Scientific and
Cultural Organization



- UNESCO Chair for Human Rights,
Peace and Democracy
- Shahid Beheshti University
Islamic Republic of Iran

