

V.V. Filinovich, PhD in Law,  
B.S. Scherbyna, PhD in Law  
(National Aviation University, Ukraine)

### **Aviation terrorism: a comparative legal analysis**

*The paper defines terrorism and aviation terrorism describes the reasons for such malicious acts. The level of influence of aviation terrorism on the modern aviation sphere and the world, in general, is considered individually. The study also analyzes the main international legal sources of regulation of the problem under consideration and gives recommendations on how to overcome it.*

According to H. Taylor, the crisis caused by the coronavirus pandemic, in its impact on air carriers, resembles the impact of the events of September 11, 2001, on the aviation industry [4]. And although the already mentioned coronavirus is a phenomenon that holds the whole world in fear today, aviation terrorism is no less terrible.

In this connection, we consider it necessary to study the concept of aviation terrorism, its features, give it a legal analysis, and also describe some of the most "high-profile" examples of such a crime. And let's start with the definition of the concept.

There is no single unified legal definition of terrorism that has been universally agreed upon by the world community. However, there are so-called consensus scholarly definitions developed by academics and international organizations.

So, back in 1994, the UN General Assembly provided this political description of terrorism: it is a criminal act to provoke a state of terror among the general public, groups, or individuals for political purposes. This cannot be justified under any circumstances, incl. taking into account racial, philosophical, political, and other grounds [3].

United States Code § 2656f under the indicated crime means deliberate violence with political motives, directed against non-combat goals and carried out by subnational groups or secret agents" [1].

Our world is constantly evolving, thereby giving terrorists new and very convenient targets-victims, for example, such as public transport systems with their subways, trains, and aircraft. We can say that the era of aviation terrorism dates back to 1968 when representatives of the Popular Front for the Liberation of Palestine hijacked an Israeli plane of the EL AL company.

Now the target of the air terrorists is not only the planes themselves, but also airports with their infrastructure, representative offices of air carriers, and so on. Unfortunately, the methods and types of attacks used by criminals are constantly developing.

To explain the nature of aviation terrorism, in our opinion, it is worth taking as a basis the definition given by the scientist A. Glen. By terrorism, he understands a social phenomenon in which people unite in groups to commit violence against

innocent and defenseless people. Also, A. Glen proposes to arrange the considered legal category in the following way:

- classify terrorism as a social phenomenon;
- indicate its deliberate nature;
- distinguish terrorism from other deliberate actions, taking into account the use of violence against defenseless victims, causing serious injury and death, causing fear and the like [2, p.64].

Thus, we can say that aviation terrorism is a kind of terrorism, in which the object of the malicious act will be the subject (subjects) participating in aviation activities or receiving income from it.

Among the most famous acts of aviation terrorism, in addition to the previously mentioned tragedy of September 11, 2001, it is worth mentioning the following:

- On December 22, 2001, Al-Qaeda spokesman Richard Reid hid a plastic bomb in his shoes. Fortunately, he failed to blow it up thanks to the active actions of the aircraft passenger.

- On May 7, 2002, China Northern Airlines was flying to Dalian, China when its crew reported a fire on the plane, followed by a request for an emergency landing. In the course of the investigation, it was revealed that the passenger of the flight, Zhang Pilin, with the help of gasoline, set fire to the airliner to obtain insurance compensation. Unfortunately, his actions resulted in carbon monoxide poisoning for almost everyone on board.

- August 24, 2004. On this day, an airline plane was hijacked with its subsequent explosion.

- December 25, 2009, A Northwest Airlines plane en route from Amsterdam to Detroit attempted to attack al-Qaeda members, but luckily they failed.

- October 29, 2010, Again, al-Qaeda members tried to detonate a cargo plane with plastic explosives.

- On October 31, 2015, a Metrojet plane en route from Egypt to St. Petersburg crashed over the Sinai, killing everyone on board. ISIS claimed responsibility for what happened.

- On February 2, 2016, the Daallo Airlines plane exploded shortly after departure due to the actions of a suicide bomber from Al-Shabaab. [5]

As A. Glen points out, the majority of European air carriers suffered serious losses due to terrorist attacks in the aviation sector. He also notes that the largest losses were incurred by Brussels Airlines, which was left without its Brussels center of operations, due to which it canceled many flights. At the same time, experts estimated losses at about 100 million euros. Lufthansa also lost 8 million euros in the first quarter of 2016, while Air France lost 155 million euros [2, p. 70].

The world community, concerned about the problem of aviation terrorism, has developed and adopted several international legal acts in this area, namely:

- 1963 Convention on Offenses and Certain Other Acts on Board Aircraft (Tokyo Convention). This document applies to crimes onboard any aircraft registered in a Contracting State while that aircraft is in flight or ... in any other area outside the territory of any State.

- Hague Convention for the Suppression of Unlawful Seizure of Aircraft. Its article 3.3 states that the document applies only ... if the place of take-off or the place

of actual landing of the aircraft onboard which the crime took place is outside the state of its registration. Article 3.5 permits the extradition of criminals and mutual assistance even if the hijacking of the aircraft is not related to an international element, but the criminal is found on the territory of a country other than the country of registration of the vessel.

- Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971. Its article 4 states that the Act applies regardless of whether the aircraft is on an international or domestic flight if the place of take-off or landing is outside the state of registration, or the perpetrators committed malicious acts in the territory of a state that is not the place of registration. Article 4.3 of this document is almost identical to Article 3.5 of The Hague Convention.

- 1988 Airports Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation. Created in addition to the Montreal Convention, criminalizes violence against passengers and interference with international airport facilities.

- Convention for the Suppression of Unlawful Acts Concerning International Civil Aviation 2010 This document considers the use of civil aircraft as a weapon with the intent to injure or cause the death of people as a violation of criminal law. Also, this act criminalized the use of civil aircraft for the discharge of biological, chemical, and nuclear weapons.

- 2010 Protocol to the Convention for the Suppression of Unlawful Seizure of Aircraft. It expanded the scope of the Convention to hijack an aircraft using modern technology [6, p. 33-35].

Thus, we can safely say that terrorism in general and aviation terrorism, in particular, is one of the most dangerous social phenomena in the modern world. More often than not, it is well-developed democracies, represented by their critical infrastructure, that become targets of terrorist attacks.

Today, terrorist attacks have had a terrible and tremendous impact on the entire aviation industry. The actions of aviation terrorists caused significant losses for air carriers, and also dealt a strong blow to the global tourist field. A further increase in aviation terrorism can lead to significant economic losses for the industry as a whole, but, most importantly, it affects the life and health of people. Only tough and confident regulation, cooperation of governments and interested communities, as well as the creation of rapid response centers for air threats will help overcome this problem.

## References

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