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TÍTULO: Elementos de crimen y evidencia de terrorismo internacional.

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RESUMEN: Hoy en día, el terrorismo se ha convertido en el fenómeno mundial más peligroso que afecta la seguridad de muchos países y regiones individuales, impidiendo el desarrollo normal de las relaciones internacionales. Los grupos terroristas aumentan sus capacidades financieras y técnicas. En el contexto de la globalización, el borrado de las fronteras entre los estados tiene lugar, lo que permite un movimiento sin trabas de fondos y flujos de información, la actividad terrorista se vuelve de naturaleza transnacional. Una lucha efectiva contra el terrorismo es imposible sin definir un concepto claro de este fenómeno que encajaría en la realidad y fue reconocido universalmente.

PALABRAS CLAVES: Legislación de información, actividad económica exterior, terrorismo, relaciones internacionales.

TITLE: Elements of crime and evidence of international terrorism.

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ABSTRACT: Nowadays, terrorism has become the most dangerous world phenomenon affecting the security of many countries and individual regions, impeding the normal development of international relations. Terrorist groups increase their financial and technical capabilities. In the context of globalization, the blurring of borders between states takes place, which allows unimpeded movement of funds and information flows, terrorist activity becomes transnational in nature. An effective fight against terrorism is impossible without defining a clear concept of this phenomenon that would fit into reality, and was universally recognized.

KEY WORDS: Information legislation, foreign economic activity, terrorism, international relations.

INTRODUCTION.

Terrorism is the biggest threat. The number of acts of violence in the modern world is increasing. For suspicious individuals, the state establishes surveillance in connection with the heightened threat of terrorism. In the world, the terrorist danger is growing every year.

The definition of terrorism is derived from the term terror. Terror is the creation of an environment of fear through violence. Hostage-taking and illicit trafficking in weapons and firearms help the terrorists. Terrorism does not recognize the borders of states. The international conventions of the EU also regulate relations in the field of countering terrorism.

Terrorism is a complex of crimes committed under peaceful conditions, the organized and deliberate commission of a criminal act, the illegal and deliberate commission by an individual of an act of violence against other people. The media also contributes to the escalation of terrorism.

Terrorism is the organizational activity of groups to commit murder and attempted use of violence and hostage-taking, torture and so on. Terrorist actions, accompanied by the hostage-taking of the most complex. Syrian terrorists are destroying historical values, which are considered global (Alekseev, 1981). Recruiters of destructive organizations operate both directly and through the Internet. The recruitment network for new members of terrorist organizations deserves a separate investigation in the CIS countries.

Terrorism is supranational when acts of violence cross borders, affecting the territory of citizens of another country.

DEVELOPMENT.

Studying the literature on the elements of the crime of international terrorism, the problem arises in the difficulty of determining the composition of the crime. Particular specificity is that international terrorism is considered the most complex and most dangerous crime of an international nature. It includes heterogeneous compositions: piracy, hostage taking, terrorist actions, etc.

The subject, as an element of this type of crime, is an individual or a group of people, the subjective side is considered to be guilty, but only in the form of direct intent, the objective side is only active actions, and the object of encroachment is peaceful cooperation and the normal implementation of international relations.

The main element of the act is the use of violence, which is considered the core of international terrorism and entails a public danger. The political goal, its achievement distinguishes such a crime from the general mass of international crimes. However, studying agreements on combating terrorism, they clearly trace the moment that regardless of the motives it cannot be considered

political, especially in the case of hostage taking - the fact of violence, deprivation of the will of a group of people, that is, the presence of potential victims of international terrorism.

International terrorism as a complex crime contains narrow elements of crimes. These are:

- ✚ The taking of hostages.
- ✚ The financing of terrorism.
- ✚ The seizure and hijacking of water and air transport, explosions, arson, and so on (Alekseev, 1981).

Agreements of an international character also highlight the specific elements of such a crime, they are:

- ❖ The international legal position of the victim of a crime of international terrorism.
- ❖ The commission of a terrorist act on board water, rail, air transport.
- ❖ Location of the criminal offender after the crime, his citizenship, the citizenship of his victims.

Focusing on *corpus delicti*, it is important to point out international legal sources, without which the qualification would be inaccurate and incomplete.

Approaching the beginning of the 21st century, the international community saw a real threat of the growing risks of terrorist acts by terrorist organizations. The waves of terrorism mostly swept over the countries of the West and all sorts of conventions and resolutions were adopted to prevent it. They mainly reflect the methods and plans to combat the phenomenon of international terrorism. The following international legal documents occupy a universal level:

- The Vienna Convention "On Combating Illicit Trafficking in Narcotic Drugs and Psychotropic Substances" (1988).
- The Rome Convention "On Combating Illegal Acts against the Safety of Maritime Navigation" (1988).
- The International Convention "On Combating Terrorist Bombing" (1997).
- World Convention for the Suppression of the Financing of Terrorism (1999).

➤ United Nations Convention against Transnational Organized Crime (2000).

The regional level is supported by the following documents:

- ✓ The OIC Code on Combating International Terrorism of 1994.
- ✓ The Treaty on Cooperation of the CIS Member States in Combating Terrorism of 1999.
- ✓ The Shanghai Convention on Combating Terrorism, Separatism and Extremism of 2001.
- ✓ European Convention on Money Laundering, identification, seizure and confiscation of the proceeds from criminal activity in 1990, and many others.

The international legal doctrine distinguishes between several criteria that can help in defining and distinguishing crimes at the international level and an international crime of a terrorist nature. These include the degree of public danger for citizens of a state, the importance and significance of violated acts of an international legal nature, the reasons for which international crimes of a terrorist nature arise, as well as the severity of the committed crime of an international terrorist nature. Here, we have in mind the very force of gravity, determined by the criteria of something like this: monstrosity, barbarism, cruelty, fanaticism, etc., or arising from the scale of committed illegal acts - mass character.

There is an opinion of such an author as A.N. Trainin, who logically believes that there is a tort component of crimes in international terrorism - the killing of people, the destruction of property, the preparation for a terrorist act, the very fact of financing terrorist activities, the taking of hostages, and so on. Such crimes are combined into concepts of crimes against the world and humanity (Trainin, 1969).

In general, these crimes pay more attention to such elements of the crime as the object and the subject. They are fundamental in defining crimes of an international character; on their basis, it is possible to clearly distinguish between crimes of an international character and international terrorism. Based on the many points of view of scientists, international crimes are those that have a state in the subject,

and only a state. But, on the basis of international documents, individuals are also allowed to apply to the subjects.

The qualification of an international unlawful act to the state itself, in our case, a terrorist act has a political note, and when it comes to resolving the issue of the involvement of a particular state in such a crime, it is not a criminal law to face such a crime, but public international law.

Results.

It should be noted that sometimes a legal entity can be considered as a subject of a crime, and it was also reflected in the draft Statute of the International Criminal Court that the recognition of such an opinion was not confirmed and it is considered that legal entities cannot in principle be considered as such. Today, this opinion has been settled due to the fact that terrorist acts are committed not by a single legal entity, but by entire international terrorist organizations, and they clearly cannot be assigned to such a cell.

The object of an international crime is the public international relations themselves, that is, already settled by international law, which are attacked by terrorism. Generally revealing in more detail all the objects of the crime of international terrorism, one can come to the conclusion that these are: international relations, life and health of the civilian population, international cooperation of countries, security of state borders and territorial integrity, property of states, and generally development of states in a peaceful way.

International terrorism can be viewed as a multi-site crime. V.A. Vasilevsky believes that it has a direct, common and indirect object (Vasilevsky,1976). By direct, it implies the consequences of the crime itself, the consequences for the objects, general international relations themselves that could be regulated by the efforts of the countries on a particular issue, and the indirect object is the relationship between the third party (which basically the state itself acts) and the injured person (who often the victim herself is a hostage, etc.).

In addition to the general object of this crime, there are specific objects - air, water, railway communications and communications, diplomatic relations between the countries of citizenship of terrorists and the country of citizenship of the victims.

Having dealt with the object and the subject, it is important to pay attention to such elements of the crime as the objective and subjective side. Thus, the objective side manifests itself in specific criminal actions or omissions of the state in relation to individuals and legal entities that are victims. Specifically, in international terrorism, the objective side is clearly and clearly reflected in the violation of the principle of non-interference in the internal affairs of the state, the violation of the sovereignty of the state, and also in the settlement of the conflict in a peaceful manner.

The causal relationship is revealed in a perfect terrorist act, which was prepared by a terrorist group, localized in one country with harmful and dangerous consequences that were suffered by another country or several such states.

Not surprising is the fact, that the country does not want to admit that it was the immediate initiator of the conflict. Rather, the terrorist groups themselves take the blame themselves, boldly declaring that they have committed such an act in the name of something. Therefore, when it comes to a terrorist act, it is difficult to establish a causal relationship with a particular country.

As for the establishment of guilt itself, the difficulty itself lies in the fact that if it is not on the individual, but on the state.

CONCLUSIONS.

The composition of the crime of international terrorism and domestic terrorism can be attributed to the compositions of the real danger, not excluding some of the signs, which are: qualifying sign (group of persons by prior agreement, with the use of firearms); an especially qualifying attribute (an organized group if, through negligence, resulted in the death of a person or other grave consequences, to which can be attributed grievous bodily harm to two or more persons, disabling life-support

objects, disruption of transport operations, major material damage if they are fraught with to nuclear facilities using either nuclear materials, radioactive substances or sources of radioactive radiation).

The very threats of committing a terrorist act have in their nature an informational expression, an informational sign, except for the physical sign understood - the actual accomplishment of such an act. It turns out an act of terrorism - an intermediate crime, a kind of advance to the public, which bears intimidation of the population.

International terrorism in the manifestation of its actions is characterized by signs of political and violent manifestation, and the qualification itself has the character of a foreign element, which is not difficult to guess from the very phrase "international terrorism". Complex multidimensional composition is rightly recognized as the most difficult and lengthy in the disclosure (investigative action).

This topic implies the integrated approaches of the authors and scholars who work together to study the qualification of the crime with all its aspectual components, which derive from one another.

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