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TERRORISM: A NEW FRAMEWORK FOR ANALYSIS

An objective definition of terrorism is not only possible; it is also indispensable to any serious attempt to combat terrorism.

– Boaz Ganor

Abstract

In post 9/11 period, terrorism has emerged as a major challenge to international peace and security. Realizing the significance of the threat, international community has agreed to fight terrorism on a global scale. Paradoxically enough, the international community has been constantly failing in reaching an agreed definition of terrorism. The disagreement over the definition of terrorism makes the counter terrorism efforts more complicated. It is in this backdrop that the paper made an attempt to explore the major difficulties in reaching an agreed definition. It has identified the “definitional politics” which has created a “right-wrong quagmire” to be the single most important impediment. In order to address the “definitional politics” and to provide a scope for objective analysis, this paper has used the Right-Based Approach (RBA). With its main focus on human rights, the RBA has helped develop a new model for defining terrorism by analyzing the context and causes of violence. Further, the paper has applied the Right-based Model in the context of Bangladesh with special reference to the activities of the Jamaat-Ul-Mujahideen Bangladesh (JMB) to measure the applicability of the new model.

1. Introduction

As terrorism is a concept of political realm, the subjective interpretations of terrorism for political and ideological reasons make all the efforts at conceptualizing it very difficult. This difficulty in defining terrorism has been very clearly echoed by Chomsky (2001, 128) while he observed that defining terrorism was a difficult and irritating task. In spite of this difficulty, the state, organic intellectuals and the dissenters have constantly been attempting to define terrorism making it an over-defined concept (Ahmed 2006, 8). Some scholars

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like Walter Laqueur, however, are very sceptical about such attempts. Laqueur argues (1977, 5) “(A) comprehensive definition of terrorism...does not exist nor will it be found in foreseeable future. To argue that terrorism cannot be studied without such definition is manifestly absurd.” His position is challenged by many on practical grounds as Gibbs (1989, 329) said that if Laqueur’s logic was taken to be a fact, there would be an obscurantism to study terrorism.

The necessity of an agreed definition of terrorism has more acutely been felt especially in the post 9/11 security context. To make an effective global counterterrorism strategy, it has become an imperative to distinguish conceptually between terrorism and other forms of violence such as movements of national liberation, on the one hand, and the criminal activities of organized groups and *mastans*, on the other. One must bear in mind that “just as not all political violence is directed at the same targets, not all political violence is the same either” (Reveron and Murer 2008, 318). In spite of the fact that the democratic waves that set in the post-Cold War era making populace politically ever more powerful and use of violence increasingly illegitimate means to preserve peoples’ rights, the world has still been witnessing some kinds of revolutionary movements for defending the right to self-determination, social and cultural rights within the state, while criminal or illegal activities or anti social activities by some gangs have been the recurrent problems in many countries. If “revolutionary movements/fighting for national self-determination,” “criminal activities” and “terrorism” are seen through the same lens, there is a possibility of ineffective counterterrorism response while, at the same time, doing injustice to the people who are fighting for their just cause. Quainton (1980), the former Director of the Office for Combating Terrorism, United States Department of State, realized the necessity of an agreed definition while he noted “this problem of definition has bedevilled the development of an effective counter-terrorism strategy at both the national and international level.” Ganor (2002, 300) also argued that “developing an effective international strategy requires agreement on what it is we are dealing with, in other words, we need a definition of terrorism.” In addition, if international community fails to provide an acceptable definition of terrorism for all, the actual terrorists may take the opportunity of this conceptual disagreement. For example, al-Quada leader Osama Bin Laden has stated “every state and every civilization and culture has to resort to terrorism under certain circumstances for the purpose of abolishing tyranny and corruption (Reveron and Murer 2008, 311).” Thus, lack of definition will ultimately encourage future terrorism (Schmid 2004, 378).

The recent surge in research on the definitional aspect of terrorism has mainly focused on international terrorism using an international framework of analysis though global trends of terrorism show that terrorists all over the world are based within a certain state structure no matter at what level they operate. The use of the international framework in this respect overlooks the terrorist

organizations operating at the more local level with local agenda and regional level with regional agenda. Valla et al. (2008, 173) argued that “nearly one dimensional focus on international terrorism by policy makers, academics, the intelligence services, and, to a much lesser extent, local, state, and federal law-enforcement agencies provides an incomplete picture of the terrorist threats.” In the age of globalization and communication revolution where it becomes much easier for one to communicate any idea, ideology, plan and strategy *via* internet, domestic/state level terrorism can be as deadly as international terrorism with serious implications for international security. As religious terrorists operating at different levels share same kind of ideology with varying political objectives and reside in a certain state structure, it is better to use a state level framework in defining terrorism. This state level framework will help to provide a more comprehensive definition of terrorism.

Keeping the problems mentioned above in perspective, the purpose of the paper is to understand the difficulties in defining terrorism and, thus, helping to provide a new framework for analysis to define terrorism. In this pursuit, in Part 2 of the paper, an attempt has been made to find out what the actual problems in defining terrorism are. On the basis of the problems identified, Part 3 of the paper would provide a new model: Right-Based Model to define terrorism. In Part 4, the Jamaat-Ul-Mujahideen Bangladesh (JMB), one of the notorious militant groups of Bangladesh, will be analyzed as a case study in the light of the Right-Based Model.

2. Diagnosing the Problem in Defining Terrorism

Since the inception of the term “terrorism” in the political vocabulary during the French Revolution (1793-1794), it has been used both positively and negatively in different contexts and different periods. Up to the early twentieth century, terrorism referred to the revolutionary movements by the non-state actors who used the terrorist strategy to attain their revolutionary objectives. During this long period, terrorist strategies were sometimes used for the promotion of governance, raising anti-monarchical sentiments, and ensuring the rights of the deprived. Terrorism was perceived positively during this period (Hoffman 2006, 4). At that time, even terrorists were happy to style themselves as terrorist, Hoffman (2006, 13) stated that “the nineteenth-century anarchists unabashedly proclaimed themselves to be terrorists and frankly proclaimed their tactics to be terrorism.” After WWI, terrorism no longer remained as a means of non-state actors to attain their revolutionary objective, but it also became a means to abuse power by totalitarian states to repress their own citizens while following WWII, terrorism regained its revolutionary meaning. During that period, terrorists were especially considered to be freedom fighters/nationalists that fought against the colonial power and terrorism was used as one of the tactics in the struggle for independence, autonomy, recognition, or access to material resources (Reveron and Murer 2008, 311). Over time, this positive connotation

of terrorism has changed into a negative one especially in the aftermath of the 9/11 incident. Terrorism is in disrepute as it has never been in history. At present, terrorism has emerged as a global threat commanding much attention of the strategically important states and become one of the main focuses of the international security studies.

Though terrorism constitutes a major threat to international system, the United Nations, fails to provide an acceptable definition for it. The League of Nations Convention for the Prevention and Punishment of Terrorism (1937) defines terrorism as “criminal acts directed against a State or intended to create a state of terror in the minds of particular persons, or a group of persons or the general public (Thayer 2005, 80).” This definition of terrorism was not adopted by the UN Charter in 1945. The UN and international community did not consider the issue of defining terrorism more seriously until the terror incident at the Munich Olympic Games that took place in summer 1972 when the Israeli Olympic team was taken hostage and murdered by the Black September. The aversion to defining terrorism during the Cold War period was partly due to the conceptual ambiguity between terrorism and liberation war, a phenomenon that characterized the Cold War politics. However, ten “sectoral” conventions and protocols were developed between 1960s and early 1990s by many international organizations but in vain (Corell 2002). It was only after the terrorist incidents in 2001 that the Ad Hoc Committee on Terrorism adopted the draft UN Comprehensive Convention on International Terrorism, which states,

if a person by any means unlawfully and intentionally commits acts whose purpose and its nature and context is to intimidate a population, or to compel a government or an international organization to do or abstain from doing any act, then it constitutes terrorism (Khatri 2003).

This definition in the draft Convention did not see the light of day as the 56-member Organization of the Islamic Conference refused to adopt a definition that fails to differentiate between national liberation movement and terrorism (Schmid 2004, 388). Therefore, it was again the terrorists vs. freedom fighters dichotomy that became one of the key contentious issues in defining terrorism. Outside the United Nations, a lot of collective and individualistic efforts at the national, regional and international level have been made to reach an agreed definition of terrorism but in vain. Even different agencies of the US Government including the State Department, Defence Department and Federal Bureau of Investigation have been using different kinds of definition in their fight against terrorism though the Code of Federal Regulations of USA has given a legal definition of terrorism (Thayer 2005, 80). All these indicate that defining terrorism is a daunting task.

Schmid, Jongman, et al. (1988, 5-6) identified 109 definitions of terrorism which have 22 definitional elements. A separate study conducted by Leonard et al. (2004, 789) which examined 73 definitions found in the articles published in

three leading journals on terrorism: *Terrorism*; *Terrorism and Political Violence*; *Studies in Conflict and Terrorism*, identified 19 definitional elements. The latter study made a comparison of the frequencies of definitional elements with those of Schmid and Jongman.

Table 1: Frequencies of Definitional Elements of “Terrorism”

Elements	Schmid and Jongman Survey (1998) Frequency (%)	Leonard Weinberg, Ami Pedahzur and Sivan Hirsch-Hoefler Survey Frequency (%)
1. Violence, force	83.5	71
2. Political	65	60
3. Fear, terror emphasized	51	22
4. Threat	47	41
5. (Psychological) effects and (anticipated) reactions	41.5	5.5
6. Victim-target differentiation	37.5	25
7. Purposeful, planned, systematic, organized action	32	11
8. Method of combat, strategy, tactic	30.5	31.5
9. Extra-normality, in breach of accepted rules, without humanitarian	30	0
10. Coercion, extortion, induction of compliance	28	5.5
11. Public aspect	21.5	18
12. Arbitrariness, impersonal, random character; indiscriminate	21	0
13. Civilians, non-combatants, neutrals, outsiders as victims	17.5	22
14. Intimidation	17	11
15. Innocence of victims emphasized	15.5	10
16. Group, movement, organization as perpetrator	14	29
17. Symbolic aspect, demonstration to others	13.5	5.5
18. Incalculability, unpredictability, unexpectedness of occurrence of violence	9	1
19. Clandestine, covert nature	9	7
20. Repetitiveness, serial or campaign character of violence	7	0
21. Criminal	6	5.5
22. Demands made on third parties	4	1

Source: Weinberg, Leonard, Pedahzur, Ami and Hirsch-Hoefler, Sivan. 2004. The Challenges of Conceptualizing Terrorism. *Terrorism and Political Violence* 16, no. 4:781

The comparative analysis cited above (Table 1) shows that except three definitional elements, (i. extra-normality, in breach of accepted rules, without humanitarian; ii. arbitrariness, impersonal, random character; indiscrimination; and iii. repetitiveness, serial or campaign character of violence), 16 elements identified by Leonard et al. (2004) are similar to those identified by Schmid et al. (1988) though the frequency is not the same. From the above Table, it is also clear that “violence and threat of violence” has become the most important key element of terrorism while other most commonly used definitional elements are: “political”, “threat”, “fear, terror emphasized”, “victim-target differentiation”, “public aspect”, “Method of combat, strategy, tactic”, “purposive, planned, systematic, organized action”, “Civilians, non-combatants, neutrals, outsiders as victims”, “Intimidation” and “Group, movement, organization as perpetrator”. This comparative analysis also indicates that most of the scholars on terrorism share the same kind of understanding in identifying the key elements of terrorism. However, there is no consensus on the definition of terrorism yet. In identifying the key problem behind it, Ganor argued that defining terrorism is based on the subjective outlook of the definers. According to Ganor (2002, 288):

this position, naturally, contributes nothing to the understanding of an already difficult issue. Nor does the attempt to divide terrorism into categories such as ‘bad and worse terrorism,’ ‘internal terrorism and international terrorism,’ or ‘tolerable terrorism and intolerable terrorism.’ All these categories reflect the subjective outlook of whoever is doing the categorizing – and purely subjective categories will not help us to determine who are the real terrorists.

Schmid (2004, 413) has identified 15 basic reasons behind not to have a common definition of terrorism. These are listed below:

- i. terrorism is a “contested concept” and political, legal, social science and popular notions of it are often diverging;
- ii. the definition question is linked to; (de-)legitimization and criminalization;
- iii. there are many types of “terrorism” with different forms and manifestation;
- iv. the meaning of the term has undergone changes during more than 200 years of its existence;
- v. terrorist organizations are (semi-)clandestine and the secrecy surrounding them makes objective analysis difficult;
- vi. the definition question one’s own (national) interest, and, consequently double standards tend to be applied;
- vii. the boundaries with other forms of political violence (e.g. assassination, guerrilla warfare are hazy or unclear;
- viii. the state, with its (claimed) monopoly of the use of force and its legal definition power, can exclude any of its own activities (e.g. criminal justice model, war model);

- ix. it is linked to discussion of primary responsibility for initiating a downward spiral of action-oriented-reaction violence and a discussion of root causes;
- x. some authors use two different vocabularies (force vs. violence; terror vs. terrorism) for state-and non-state actors;
- xi. the conceptual and normative frameworks of the users of the term differ (e.g. criminal justice model, war model);
- xii. the discussion on terrorism has been linked to issues regarding self-determination, armed resistance against foreign occupation and racist regimes;
- xiii. those who engage in acts of terrorism often engage in other, more legitimate, forms of armed conflict and/or engage in political processes;
- xiv. the violence perpetrated by the terrorists' opponent might be as indiscriminate, or worse, than the ones deemed "terrorists";
- xv. the assessment of the terrorist act is intertwined with the discussion concerning the actor's goals and the status of the actor itself.

Though Schmid identified 15 separate reasons as to why it is difficult to define terrorism, these problems are intertwined. The foremost reason which Schmid spoke about is that terrorism is a "contested concept". The politics behind defining terrorism makes the concept a contested one. When the state itself conducts terrorist activities against its people, which we call state-sponsored terrorism, it tries to legitimise its terrorist acts with different labels. On the other hand, when some groups of people who use violence as a last resort to ensure their rights in a structure that recurrently fail to ensure the same, the state may brand them as terrorists declaring their activities illegitimate. Derek S. Reveron et al. (2008, 312-313) argued

the choice to call a political act 'terrorism' often has a 'prescriptive policy relevance as well as moral connotation.'... The application of such a label can make governments adverse to the distinction between violent opposition and non-violent dissent, or the distinction between rebellion and civil disobedience.

Chechnya can be cited as an example. It has been under the emergency since 2000. Security force of Chechnya regularly has been using "extreme violence against people." In a report of the Russian Human Rights Organization, it was estimated that there were about 3000-5000 Chechen who disappeared since December, 1999 (Washington Post 2005, 20). To investigate the problem, UN Commissioner for Human Rights, Mary Robinson called Russia to account for human rights abuses in the absence of state of emergency and Justice Minister Yuri Chaika argued that it was part of the fight against terrorism (Reveron and Murer 2008, 316). The example is illustrative of the fact that whoever defines terrorism, defines it in a way that safeguards their parochial interests. They

include some components of terrorist activities while excluding others to serve their purpose. In their analyses, they do not take cognizance of the actual context and environment, why violence is used that can help to draw a line between terrorist acts and other forms of political violence. As the diagram shows, this fact of being a contested concept links the question of (de-)legitimation and criminalisation with terrorism and also explains why the definers adopt double-standard in analysing terrorism. It is this politics behind terrorism which makes the meaning of terrorism a flexible and ever changing issue. There is no set standard to find out what is just and what is unjust, and what is right and what is wrong. Without an objective set of standards, people tend to interpret it subjectively. Weinberg et al. (2004, 778-779) argued

terrorism is a concept – seems to suffer from ‘border’ and ‘membership’ problems. Where does terrorism stop and other forms of political violence begin, guerrilla warfare or urban guerrilla warfare, for example? The same acts, such as air piracy or assassinations, may be considered acts on some occasions but not on others....

As a result, Laqueur (1977, 5) argued “terrorism had appeared in so many different forms and under so many different circumstances.”

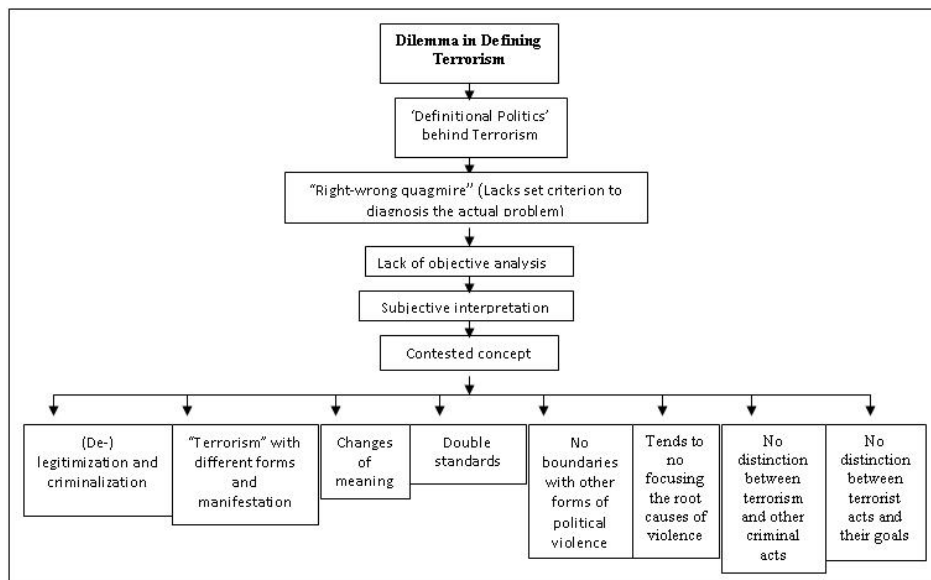


Figure 1: Dilemma in Defining Terrorism

Figure 1 shows that the main reason of the dilemma in defining terrorism is politics behind it or what I call ‘definitional politics’. Because of this politics, there is no clear-cut demarcating line between what terrorism is and what it is

not. It is, however, important to distinguish between them as Mitchell (1991, 14) opined that “a definition of terrorism must clearly establish what terrorism is not.” From the above discussion and the diagram, it is clear that the problems identified by Schimd are basically interlinked originating from definitional politics based on the “right-wrong quagmire”.

3. Right-Based Approach: A New Model for Defining Terrorism

For an objective analysis of terrorism, it is very important to understand the actual phenomenon of terrorism which will essentially help to resolve the “right-wrong” quagmire caused due to the definitional politics. A researcher must have “intellectual honesty” that Alex Schimd pointed out to set up criteria to analyse the phenomenon. It is indisputable that people (civilian population) are one of the basic components in defining terrorism. Recent trends of terrorism show that people have become one of the primary victims of terrorist operations. On the other hand, they are the ones who are the target of the radical ideological propaganda. These contradictory positions of using the general mass in terrorism necessitate the setting up of a general standard where people would be taken as a centre of concern/basis of analysis to resolve the “right-wrong” quagmire.

In this backdrop, this paper attempts to provide a set of criteria to define terrorism on the basis of Right-Based Approach (RBA). The RBA can not only be used as a theoretical framework to mitigate the conceptual ambiguity in defining terrorism as this approach considers people as the central element of human development. It also will help to understand the actual context and phenomenon of terrorism, thus, helping us address the definitional politics regarding terrorism. The RBA uses human rights as the basis for human development which aims to ensure equal and equitable life for people in the society. According to Baehr (1999, 1), the conventional definition of human rights states, “human rights are internationally agreed values, standards or rules regulating the conduct of states towards their own citizens and towards non-citizens.” “In theory, human rights are inherent, universal and inalienable, meaning they are held by everyone by virtue of being human and cannot be given up or taken away (Thoms and Ron 2007, 683).” Human rights includes civil liberties, freedom of speech, expression of religion, the right to life, physical integrity and the fulfilment of all kinds of basic needs which are required for a healthy life. This approach addresses the “need to identify, isolate and analyse factors that impact on the development of human potential and to develop strategies that enable key duty bearers to fulfil their responsibilities” (United Nations Development Assistance Framework in Bangladesh: 2006-2010, March 2005). Thus, by ensuring human rights of people the RBA in turn helps to protect human security. According to Alkire (2003, 3),

“the objective of human security is to safeguard the ‘vital core’¹ of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfilment.”

The rationale behind applying the RBA as a conceptual framework in defining terrorism is the fact that a conceptual framework is seen as a tool to analyse the causes of the problems encountered, establish linkages between them and, finally, to place greater focus on root causes. Hence, the RBA centred on human rights will be able to address the issue of conceptual clarity regarding terrorism by focusing on the root causes of violence. Here, it is needed to be mentioned that as a socially constructed conceptual framework – RBA itself is not beyond political criticism. Therefore, the definition or the understanding of terrorism which will be developed by using it would not be purely apolitical. As the RBA uses people as the main concern for development, there is a possibility of ensuring a more acceptable basis to analyse terrorism by using the RBA.

There is no disagreement that the use of violence or threat to use violence to intimidate the general mass is a key characteristic of terrorism. Through their violent strategy (use or threat to use of violence) the terrorists wish to have their presence and power felt drawing mass attention and ensuring massive publicity. Hence, it is important to analyse the purpose of violence to understand the context and circumstances where violence is used and conflicts take place. Researches show that violation of human rights cause internal armed conflict. Thomas et al. (2007, 704) argued

Violations of civil and political rights, by contrast, are more clearly identifiable as direct conflict triggers. When populations are unsettled by long-standing inequalities in access to basic needs and political participation, government repression may push some opposition groups over the brink.

¹ Vital core consists of fundamental human rights which all persons and institutions are obliged to respect or provide, even if the obligations are not perfectly specifiable (Alkire 2003, 3)

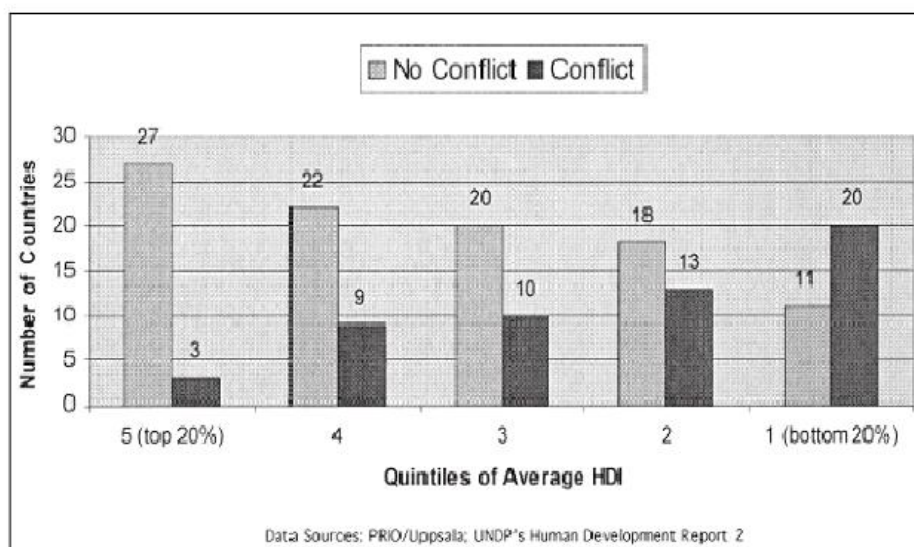


Figure 2: Incidence of Internal Armed Conflict by Quintiles of Average Human Development Index (HDI) (153 Countries from 1990 to 2003) (Thoms and Ron, 689)

Figure 2 ranks most of the states by quintiles of HDI during the period of 1999 to 2003. The figure depicts the relation that higher degrees of HDI scores may lead to lower level of internal conflicts such as twenty-seven in the top quintile were peaceful while three were violent. On the other hand, lower degrees of HDI scores may lead to higher level of international conflicts, i.e., twenty countries in the bottom quintile experienced more violence while eleven did not (*Ibid.*, 688-689).

Keeping this in view, the RBA framework will be used to analyse whether human rights violation in a certain context cause internal armed conflicts or induce violent reaction in order to provide a contextual background to define terrorism more objectively. In the existing literature on definition of terrorism, it has been found that in most cases, scholars, who are struggling to define terrorism, analyse the nature of terrorist activities and the nature of violent acts in defining terrorism rather than analysing the purposes of violence. For example, Brain Jenkins felt that the idea of analysing the nature of act is important for defining terrorism rather than the nature of cause (Hoffman 2006, 16). Such analysis may lead to ignorance of the just cause of the deprived people who resort to violence as the last resort in a context where their rights are routinely violated. More importantly, by such analysis, there is a chance of doing injustice to the deprived. Moreover, defining terrorism by the nature of act, as Hoffman (2006, 16) opined, “fails to differentiate clearly between the violence perpetrated by states and by non-state entities.” Departing traditional ways of defining

terrorism, Ganor (2002, 294) used a people-centric approach when he defined terrorism as “the intentional use of, or threat to use, violence against civilian or against civilian target, in order to attain political aims.” It consists of three basic components: i. the essence of the activity – the use of, or threat to use, violence; ii. aim of the activity – political; and iii. targets of terrorism – civilian. Using people as the focal point of analysis in defining terrorism, Ganor distinguished guerrilla warfare and criminal activities from terrorism. His comparative analysis on guerrilla warfare and terrorism presented that both are the part of non-conventional warfare which may include revolutionaries, anarchists and freedom fighters.

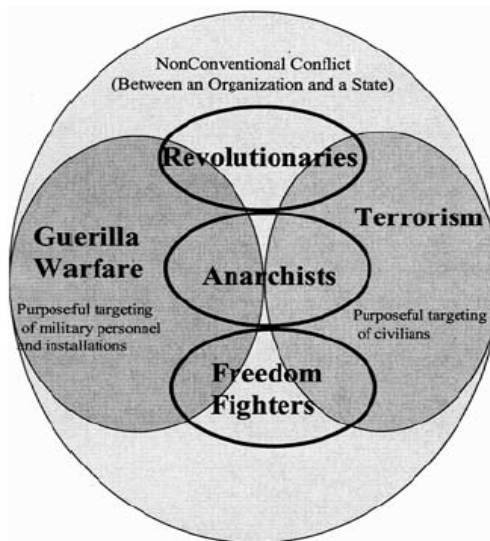


Figure 3. Ganor's (2002, 298) model of distinguishing Guerrilla Warfare and Terrorism on the basis of means and ends.

One of the main weaknesses of his analysis, however, is that though he gave emphasis on analysing the nature of threat for defining terrorism by only focusing on the “deliberate target on civilian”, he did not consider that state institutions can also be target for them. More importantly, what his analysis missed is to incorporate root causes for terrorism/violence thus ignoring contexts which lead one to resort to violence. Moreover, he (Ganor 2002, 293) stated that ‘the concept of ‘terrorist’ and ‘freedom fighter’ are not mutually contradictory.’ Such a definition that failed to address grey areas or the ‘right-wrong quagmire’ is not conceptually rigorous and morally acceptable.

To find out the actual causes of violence for defining terrorism, the RBA at first will explore whether the violence is carried out to ensure the rights of the people. If violence is carried out to ensure the rights of people in a context where

their rights are routinely violated and they do not have any standard mechanism for redressing the grievances, the violent act cannot be considered terrorism. It is undoubtedly a critical task to identify the actual cause as all the groups who resort to violent means to attain their objectives always try to establish “just claim” in support of their activities. In this regard, three factors have to be determined to investigate whether ensuring “human rights” is the main purpose of using violence.

Firstly, One has to examine the goals or aims of the violent groups. This is important because it will help to determine whether violence is used to ensure/protect the rights of the majority people or the group(s) of people who are deprived of their rights. There is a tendency to resort to violence when people feel deprived as Gurr (1970) argued that people become resentful and disposed to political action when they share a collective perception that they are unjustly deprived of economic and political advantages enjoyed by other groups. In analysing the issue, one needs to look into two interrelated points. On the one hand, one must examine whether the context of violence is characterised by violation of human rights by the dominant group and the extent of such violation. On the other hand, one must also measure the extent of support to the movement on the part of the deprived people in whose name violence or threat to use violence is used.

Secondly, If violence is caused due to human rights violation, it would automatically lead the case to be excluded from being terrorism. To determine this, one needs to set the next criterion as the availability of redressal mechanism in the given context. In other words, it is crucial to find out whether the state/community has necessary legal structure or the peaceful means to resolve the grievances emanating from the violation of human rights. Essentially one needs to investigate whether the regime/government concerned intentionally deprives some groups of people of enjoying their rights in a state or the violation is due to the poor socio-economic conditions; whether the regime/government is authoritarian/totalitarian; whether the state is occupied by foreign forces and whether all these conditions cause human rights violation or not. In spite of having enough legal structure and accessible redressal mechanism, if violence is used by a group or groups of people in the name of ensuring peoples’ political, economic, social or any other rights in a state, the use of violence will be disqualified to meet the human rights criterion to justify their activities as a means to preserving peoples’ rights.

Thirdly, to meet the human rights criterion, to justify violence, the primary target of the violent act cannot be the civilian or their properties. The recent trends of terrorism show that the primary victims of violent acts are the civilian population or their properties besides state institutions (Akhter, 2009). Exploiting the relative weakness of civilians being unarmed, terrorists aim to portray themselves as a force capable of harming the civilians in a country thus creating panic among

the mass and the authority concerned to attain their goals. The fact that civilian/general mass and their properties are repeatedly being targeted of violent activities make it clear that promotion or protection of human rights are not the main purpose of violence and only then such violence would be qualified to be labelled as terrorism.

When people become the primary target of violence, it makes a clear distinction between terrorism and other forms of (non-)political movement, such as movements for liberation/national self determination, human rights movements as in the latter cases civilians are not made primary target of violence. Importantly, when human rights are the main concern for violence, civilian and their properties cannot become the primary target of violence as civilian/innocent people are not responsible for their sufferings rather it may be the foreign occupiers, authoritarian/totalitarian regimes/rulers, their military or whom they consider their enemy. When civilian or the general mass/innocent people are not the primary target of violence, though sometimes they may fall victim to such violence quite unintentionally, then the use of violence or threat of violence meet the human rights criterion of violence and it cannot be considered terrorism.

Besides these three factors identified to meet the human rights criterion to justify violence, it is also essential to bear in mind that terrorism should always be based on political ideology and this essentially distinguishes it from other forms of violent criminal activities. Karim (2003, 10) argued, "When people want to achieve political power by the use of force, terrorism is born." The end goal of terrorism is always political which can have social or economic objective i.e. regime change in a state system, changing the political structure of a state, changing the socio-economic policy structure and so on. Pillar (2006, 25) has argued that "Terrorists' concerns are macro concerns about changing a larger order; other violent criminals are focused on the micro level of pecuniary gain and personal relationships." If the cause of violence is political, terrorists use a radical ideology to justify their violent activities against the general mass. This political nature of terrorism would untimely help to overcome the conceptual overlapping between the criminal activity and terrorism by demarcating the grey line between their activities.

Though terrorism is different from guerrilla warfare especially on the basis of making civilians its primary target, sometimes terrorists use guerrilla warfare strategy to attain their political aim primarily targeting both the civilian/innocent people or state institutions or targeting both. For example, over the years, the way the Islamist militancy has grown in Bangladesh shows two distinct phases: 1. Strategic Defensive² (early 1990-1998) and 2. Strategic Stalemate³ (1999-

² First stage of Mao's Guerrilla Warfare

³ Second stage of Mao's Guerrilla Warfare

2005). The first phase ‘*Strategic Defensive*’ was concerned with the formation of the Huji-B and JMB, propaganda of Jihadi ideology, strengthening of their network, establishment of regional bases and procurement of arms and ammunition. During this period, they did not carry out any major bomb blasts or other terrorist incidents. They gradually moved to the second stage – ‘*Strategic Stalemate*’. In this phase, they became strong enough to carry out major terrorist attacks at the national level at an average rate of slightly above 5 major attacks a year. These attacks were a clear indication of their strength with which they significantly threatened the state structure of Bangladesh. However, their recent trends show that they had to roll back to the stage of ‘*Strategic Defensive*’ following the execution of the six militant kingpins in 2007 and constant dragnet by law enforcers and strong commitments and new initiatives on the part of the incumbent government. They now once again get involved in the process of: 1) radicalisation and 2) strengthening networks.

Therefore, on the basis of the right based approach the following model (Figure 4) has been developed to define terrorism.

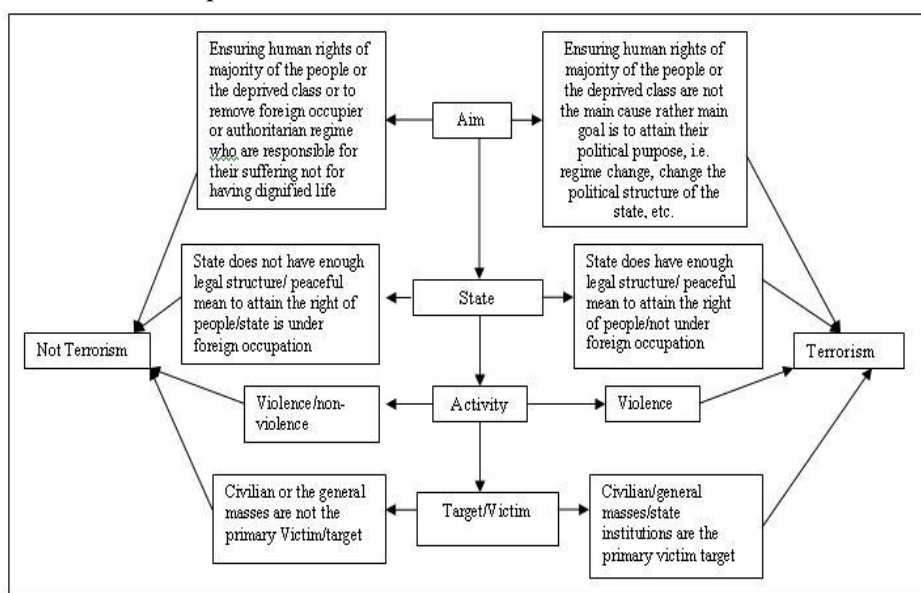


Figure 4: Right-Based Model for Defining Terrorism

With the RB model terrorism can be defined as: *Act of violence/means of violence/threat of violence used by the extremist groups who share radical ideology to attain their political goal rather to ensure the rights of the majority of people/deprived class in spite of having enough legal or peaceful means in the state structure, against general people/civilian or their properties or the state structure systematically and clandestinely.*

This definition contains five premises:

- i. act of violence or threat to use violence is the main means to attain the goal;
- ii. goal is completely political;
- iii. causes of violence or other extremist activities are not to preserve/protect the human rights of deprived class;
- iv. innocent people/general mass, their properties besides state institutions repeatedly become the primary target/victim of violence; and
- v. violence is used in spite of having legal structure or peaceful redressal mechanism that could ensure the rights of civilians/general mass.

Here, it is to be noted that a violent act can be considered terrorism only when it is compatible with the premises mentioned above.

4. The Bangladesh Context: Case of JMB

Being one of the largest Muslim majority states in the strategically important South Asia, Bangladesh has increasingly been seen as the locus of a significant and expanding threat deriving from radicalized Islamist mobilization, though there are some different opinions regarding the nature of terrorism facing Bangladesh in terms of its link with international terrorism in the post 9/11 world.

After the independence of Bangladesh, some of the major political parties who were in power in different periods tried to use Islam directly or indirectly for their political gains. The result of such politicization of Islam is the rise of some Islamic groups in the state. Some of these groups got prominence in the mainstream politics, while others remained marginalized. To make the situation worse, after the Soviet withdrawal from Afghanistan, many Bangladeshi mojahedin returned from Afghanistan with new political ideology of Jihad. These groups vowed to turn Bangladesh into an Islamic state through jihad though historically Islam spread in this region through the sufis and saints who preached the tolerant version of Islam (Ahmed 2005, 8). In the circumstances, post-Afghan political ideology of Jihad and traditional sufism-inspired tolerant version of Islam prevailing in Bangladesh for centuries were antithetical to each other. Meanwhile, 9/11 and the subsequent developments significantly boosted the jihadi forces and their cause globally including Bangladesh. Thus, in the aftermath of 9/11, extremist forces and their activities become more visible and focused.

The prominent Islamist terrorist groups active in Bangladesh are: Harkat-ul-Jihad-al-Islami (Huji), Jamaat-Ul-Mujahideen Bangladesh (JMB), Jagrata Muslim Janata Bangladesh (JMJB), Hizbut Tauhid and Allahr Dal. *The Daily Star*, a popular Bangladeshi newspaper identified that there are as many as 30

militant groups active in Bangladesh (Ahsan 2005). One of the main goals of these groups is to turn Bangladesh into an Islamic state through *jihād*. Their activities involve bomb/grenade attacks, propaganda, networking, and abduction for ransom etc. As their activities are identical, in this paper, on the basis of the RB Model, JMB activities have been evaluated critically to determine whether JMB is a terrorist organization that carries out terrorist activities in Bangladesh.

Goal:

JMB propagates that their main aim is to establish Islamic rule in Bangladesh. It wants to change the very political structure of state, which is now democratic, into a theological state. It means that its goal is to capture the state power and transform the system of government. Therefore, it is easy to understand that its goal is very much political. Amin (2008, 27) stated that this ideology of JMB was heavily guided by the writings of Abul Wahab and Ibn Tamiyyah. The followers of the Wahabism (1703-1792) sometime are known as Salafi. The salafis argued that they learned Islam from Hazrat Mohammad (SAW - pbuh), therefore, their interpretation is based on pure understanding of Islam (Wiktorowicz 2005, 75). Wahabism put emphasis on rigidity in practicing Islam. There are three streams of interpretation in Wahabism – purists, politicians and jihadis. The purists put emphasis on non-violent methods of propagation, purification, and education. They view politics as a diversion that encourages deviancy. Politicians, in contrast, emphasize application of the Salafi creed to the political arena, which they view as particularly important because it dramatically impacts social justice and the right of God alone to legislate. Jihadis take a more militant position and argue that the current context calls for violence and revolution (Wiktorowicz 2005, 208). While, Ibn Tamiyyah, who had a great influence on Abd al-Wahhab's intellectual thinking, argued that if a Muslim ruler who fails to implement Islamic law in his domain, it is inevitable to carry out rebellion against the Muslim ruler. The Islamist terrorist groups in Bangladesh including JMB belong to the jihadis group. For example, it was stated in the leaflets of JMB that were found at various bombing sites of 17 August 2005 stated

We are the soldiers of Allah. We have taken up arms for the implementation of Allah's law the way the Prophet, his companions and heroic Mujahideen have implemented for centuries. If the government does not establish Islamic law in the country after (third) warning and, rather, it goes to arrest any Muslim on charge of seeking Allah's laws or it resorts to repression on Alem-Ulema, the Jamaatul Mujahideen (JMB) will go for counteraction, Insha Allah. ...Those who want to give institutional shape to democracy are the enemies of Islam ... if they want 'hedayet [blessings] of Allah', both the government and the opposition should unitedly introduce Islamic law immediately by burying party conflicts. Democracy is the product of evil power. Democracy is the main

weapon to establish evil forces in the world. This evil order allows the arrest of Mujahideen who are on Allah's path (Unpublished 2005).

To attain their goal of establishing a state with Saria law (Islamic law), they use the strategy of radicalisation to motivate people with the jihadi ideology. For example, in one of their jihadi books titled "Islamer Prokrito Ruprekha", the author said, "It is a fully military program, citing the great prophet Mohammad (pbuh) went into 107 battles in 9 years to establish Islam in the world. He also directed all his followers to continue their battles or jihad against the mosreqa and kafir. So we adopted a military program (Hossain 2008)." One of the leaflets titled 'Prokrito Islamer Daak' said, "We are observing some Islamic rules at a personal level, like namaz, Ramadan, Hajj, etc., but in most fields like economics, politics, the judiciary, and other social activities, we follow the rules made by men. So they are all mosreqs." They are propagating "anybody who does not join the organisation is a kafir or infidel, and military measures are a must to establish Islam (*Ibid.*)."

Activity and Target/Victim:

The followers of JMB propagate that the means of attaining their goal of establishing an Islamic State with Sharia law is jihad. Jihad is essentially a violent method as it holds the idea of arms revolution. It is assumed that JMB has started its activities since late 1990s under the leadership of Shaikh Abdur Rahman who was executed along with other JMB kingpins in 2006. There is still doubt about the exact origin of JMB. Its existence came to surface on May 20, 2002 when police arrested 8 JMB members at Parbatipur in Dinajpur district along with 25 petrol bombs and documents detailing the outfit's activities. Before the series bomb blasts at a time across the country in 2005 operated by this outfit, people and society at large were not that much aware of the activities of this group. Through this blast, JMB members were successful to create panic and fear among the people and since then JMB has been perceived as a threat to the nation.

JMB activities can be divided into two categories viz., organisational and operational. Following is an evaluation of both categories of activities.

1. Organisational activities:

These activities include organising themselves in an institutional structure, radicalisation of people with Jihadi propaganda, creating a highly indoctrinated and dedicated core group within the organisation, strengthening network, establishment of regional bases, arms training, procurement of arms and ammunition, and increasing new members. JMB is trying to regroup themselves under new names and forms, and their activities remained unabated. Many detained JMB leaders and activists at the grass-root level have disclosed that the

leaders and suicide squad members of the banned outfit had been regrouping. It has been found that after the incidents of August 17 serial bomb blast in 2005, some of the militants fled from the country and recently they have returned to their areas and started regrouping (Aman 2008). It was reported that some JMB members were trying to regroup in Gaibandha, by holding public meetings, recruiting members and collecting tolls (Daily Star Correspondent 2008).

JMB is recruiting new members in a bid to strengthening the party. It is even engaged in recruiting cadres under threat and coercion. The main recruiting strategy of JMB is jihadi propaganda, distribution of leaflets, handbills, CD and books about Jihad. It is inviting people to join JMB and trying to motivate villagers in the name of Jihad to establish 'Islamic rule' in the country. Villagers are called *kawfir* when/if they refuse to listen to militants (*Ibid.*).

For training, regrouping and indoctrinating people, JMB organisers have chosen remote villages, *char* and *haor* areas across the south-western, north-western and north-eastern districts of Bangladesh. Sources in the intelligence agencies said that the *chars* dotting Sirajganj, Jamalpur, Sherpur and Pabna, all in the north-western districts, have long been used as training camps. The militants consider those places safe as it takes hours for the law enforcers to reach there and, thus, allow them enough time to flee (Staff Correspondent 2007).

2. Operational activities:

Their operational activities include bomb/grenade attacks and killings. After the execution of the six militant kingpins of JMB, its command and control structure suffered a severe blow. Therefore, their militant activities like bomb/grenade attacks have also virtually ceased. JMB members exploded more than a thousand bombs between 2000 and 2005 and killed at least 64 civilians (Staff Correspondent 2007), while a huge number of people were injured (Table 2).

Table 2: Violent Incidents and the Number of People Killed and Injured by JMB (2002-2005)

Year	Violent Incidents	Number of People Killed and Injured
2002	Bomb blast in Cinema Halls, Circus in Satkhira,	
	Four cinema halls in Mymensingh	19 killed and about 100 injured
2003	Bombing in Sufi Shrine, Tangail	A number of people were killed and injured
	Murder of Chistiya Shrine Employees	5 killed
2004	Attack on professor Humayun Azad	
	Bomb blast at Jatra (a form of traditional Bangla opera) stages in various districts including Gaibandha, Bogra, Sherpur, Tangail and Rajshahi	
2005	Countrywide serial bomb blasts	2 killed and 104 injured
	Bomb blast at Chittagong, Chandpur and Lakshmipur courts	2 killed and 34 injured
	Bomb blast at Jhalakathi	2 Killed and 3 injured
	Bomb blast at Sylhet with a judge being the target	
	Bomb blast in the office of the district's lawyers' association in the court building, Gazipur	7 killed and many injured
	Bomb blast at a Chittagong court	3 injured
	Bomb blast in front of an office of a cultural organization, Udichi, Netrokona	8 killed and many more injured

Source: Staff Correspondent 2007

It is also observed that the terrorist attacks targeted both civilian establishments and state institutions including courts, DC offices, cultural institutions, cinema halls, NGO offices, press clubs, public meetings and cultural programmes. They have targeted judges, lawyers, cultural activists, politicians and people in general. It has also been observed that JMB often targeted politically sensitive places in order to attract public attention.

State Structure:

Since independence in 1971, Bangladesh has undergone numerous zigzags, by-paths and occasional set-backs in the way of establishing democracy. In the process, it had experienced military rule for a long period, but it has started a relatively stable journey towards democracy since 1991. Majority of people in

Bangladesh are in favour of democracy. “World Values Survey” conducted in 2001 showed that 98 percent of respondents in their survey supported democratic system in Bangladesh while another study titled “State of Democracy in South Asia” by SDSA Team held in 2008 found that 96 percent of Bangladeshi respondents were in favour of democracy (SDSA Team 2008, 11). Moreover, high turnout in national elections in Bangladesh, particularly 80% voter turnout in the national elections held in December, 2008 (Wikipedia) also prove that most of the people of Bangladesh are very much inclined to the democratic system. Barring a few exceptions, Muslim, Hindus, Christians and Buddhists as well as a host of indigenous communities live in Bangladesh in a relatively peaceful and harmonious environment. Growing poverty, corruption, state failure in satisfying basic needs of the people, criminalization of economy and politics, growing inequality, large-scale illiteracy, and increasing unemployment are the major impediments to a stable democratic system. In the circumstances, the record of Bangladesh has been poor in terms of ensuring basic human rights, though the state is bound to protect human rights of its people as enshrined in the Constitution of Bangladesh promulgated in 1972. Table 3 is an attempt to highlight part of the violation of human rights in Bangladesh as against relevant constitutional guarantee.

Table 3: Human Rights Violations in Bangladesh vis-à-vis Constitutional Guarantee

Types of Security	Threats to Security	Key Relevant Passages in the Constitution
Economic security	Threats to economic security emanating from poverty, unemployment, economic exploitation, economic instability, etc.	Article 15 of the Constitution: Provision of basic necessities. It shall be a fundamental responsibility of the state to attain, through planned economic growth, constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens: <ol style="list-style-type: none"> 1. the provision of the basic necessities of life, including food, clothing, shelter, education and medical care; 2. the right to work, that is the right to guaranteed
Health security	Threats to health, e.g. from infectious disease, accident and injury, poor sanitation etc.	
Food security	The threat of hunger caused by the lack of reliable food supplies	

Environmental security	Threat to a productive, healthy life due to environmental factors such as natural disasters, poor resource management, and climate change	employment at a reasonable wage having regard to the quality of work;* 3. the right to reasonable rest, recreation and leisure; and 4. the right to social security, that is to say to public assistance in case of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans or in old age, or in other such cases.
Personal security and security of possessions	Threats to life, and physical and emotional well-being from all forms of crime, including theft, violent and organised crime (and the fear of such crimes)	Article 31 of the Constitution: Right to protection of law. To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and in particular no action detrimental to the life, liberty, body, reputation or property if any person shall be taken except in accordance with law.
Security from misuse of drugs and alcohol*	Threats to personal security from drug-related crime; threats to health security for drug addicts and their families; threats to social/community security in areas/groups with high levels of abuse	
Tenure security	Threats to arising from contestation of land use, and from landlessness.	Article 42 of the Constitution: Rights to property. (1) Subject to any restrictions imposed by law, every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property, and no property shall be compulsorily acquired, nationalized or requisitioned save by authority of law.
Political security	Threats to personal, community or national security from political instability, political violence, and politically-backed	Article 37 of the Constitution: Freedom of assembly. Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order

	criminal activity	health. Article 39 of the Constitution: Freedom of thought and conscience, and of speech. (1) Freedom of thought and conscience is guaranteed.
<p>* Article 20 of the Constitution also guarantees 'Work as a right and duty': "(1) Work is a right, a duty and a matter of honour for every citizen who is capable of working, and everyone shall be paid for his work on the basis of the principle "from each according to his abilities to each according to his work".</p> <p>* Drug and alcohol abuse does not fit neatly into one category, containing elements of personal security, health security and social stability. Given the importance of drug abuse to the public, and too many of the key informants interviewed, it is categorized as a separate form of insecurity in Bangladesh requiring its own targeted response.</p>		

Source: Human Security in Bangladesh, London: SAFERWORLD, May 2008:13

This is true that the poor socio-economic conditions and violations of human rights create conducive environment for internal conflict. However, it is observed that the jihadi ideology/religious extremism which is propagated by the terrorist groups like JMB has no connection with the promotion of human rights of the people in Bangladesh. Moreover, Bangladesh is a democratic state. In such a political structure, it is possible to attain basic human rights through non-violent means. Thus, in view of having favourable environment for redressing the grievances regarding the human rights violation, there is no compelling reason to resort to violent means. It is in this backdrop that using violence or threat to use violence against general mass or their properties or the state institutions for attaining the political objective of establishing Sharia law or Islamic state by the JMB or other Islamist terrorist organisations are not at all justifiable, desirable and politically acceptable.

5. Conclusion

Terrorism, a complex social phenomenon, has become a major security issue that requires both serious academic and practical attention. However, neither scholars nor policymakers have been able to work out an acceptable definition for it. The most important factor that hinders the development of an acceptable definition for terrorism is 'definitional politics'. To be more precise, so far, terrorism has been defined subjectively which resulted in the lack of objectivity and academic rigour resulting in a "right-wrong quagmire". To reach an acceptable definition of terrorism, governments, academia and all other actors must be free from political prejudices. The "Right-Based Model" being apolitical can address the issue in a more comprehensive and rigorous manner with a set of objective criteria. This model focuses on the issue of human rights to distinguish between freedom fighters and terrorists and, thus, paving the way for resolving

the dilemma often expressed through a cliché: ‘One man's terrorist is another man's freedom fighter’. The definition developed through this model will not only help the policymakers in their efforts to identify actual terrorists and respond accordingly but also contribute to overcoming the conceptual ambiguity regarding the issue.

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