Combating Cyberterrorism under International Law

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1. Introduction


International terrorist organisations have resources that enable them to control certain territories, get involved in armed conflicts in different parts of the world and collaborate with transnational criminal corporations. International terrorism develops under the influence of various factors in the development of modern society. Members of international terrorist organisations use the internet for their own pur-
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poses. Many experts agree with the opinion that terrorist organisations are able to conduct cyber-attacks at various levels of intensity.3

Existing law enforcement measures and mechanisms of international police cooperation can fail to be efficient when dealing with a cyber-attack conducted by a terrorist organisation. There are several reasons for such an opinion: a terrorist organisation can conduct cyber-attack from the territories of several States; a State which is the victim of an attack can have a very limited time for reaction; cyber-attacks against important military infrastructure or the control systems of nuclear power plants can potentially rise to the level of armed attack. In this regard the author analyses various possible reactions of a State which the victim of a terrorist cyber-attack in accordance with international law: self-defence, countermeasures and actions based on the “plea of necessity”. Multilateral and bilateral cooperation of law enforcement bodies in the field of combating cyberterrorism should be the subject of a separate study and thus is not covered in this article.

2. Modern Terrorism

Criminological and legal definitions of terrorism and cyberterrorism continue to be a subject of discussion. At present there are more than a hundred definitions describing different aspects of terrorism.4 We can identify the following common elements in a number of definitions for terrorism:
– Acts of terrorism directed against the lives, health, rights and legitimate interests of different subjects in order to coerce a third party;5
– Political goals of terrorists;6
– The public nature of acts of terrorism, the unlawful use of force or violence to intimidate or coerce a government or the civilian population.7

The author proposes his own definitions of terrorism and international terrorism, which include two additional important elements: identification of subjects of terrorism and description of terrorism not only as acts of terrorism but also as other ancillary criminal activities of these subjects.