Addressing the needs of victims of terrorism in the OSCE region

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Introduction
Although terrorism has already featured on the international agenda for many years, attention to the plight of victims of terrorism has been conspicuous in its absence until fairly recently. The policy response to terrorism in most states was mainly restricted to adjusting police tactics and criminal procedural laws for organized crime to the new demands placed on law enforcement. The increased attention to terrorism in general due to recent worldwide large-scale terrorist acts has brought the victim of terrorism to the fore.

Much of the public and political attention is directed towards ‘catastrophic’ terrorist attacks which lead to many casualties and fatalities. The possible consequences of terrorist acts can be disastrous; on 9/11, 2001, more than 2600 people died at the World Trade Center, 125 died at the Pentagon, and 256 died on the four aircraft, while some 250 others were injured. In Madrid, on 11/3, 2004, 191 people were killed. The Bali bombings of 12 October 2002 killed 202 people, 164 of whom were foreign nationals (resulting in so-called cross-border victims). A further 209 people were injured. The Beslan School Hostage that began on 1 September 2004 killed 334 civilians, including 186 children and hundreds more were injured. It has been stated that ‘times have changed and we have ‘progressed’ — or perhaps ‘regressed’ — from individual terror to ‘mass terror’. Since the terrorism of the late 19th century, there appears to be an erosion of moral inhibitions. While an anarchist terrorist would not throw a bomb against the police chief if he was in company of his wife and children, today — as we saw in Beslan — children are explicitly targeted. They were targeted not despite but because of their innocence, which, presumably in the eyes of the perpetrators, enhances the terrorists’ bargaining power.'

The latest Europol Situation and Trend Report noted that in particular

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2 These serve as examples. Unfortunately, many more examples can be given, such as the Lockerbie crash on 21 December 1988 in which 270 people were killed, or the London Bombings on 7 July 2005 which killed 52 commuters and injured 700. See for terrorism databases: The National Consortium for the Study of Terrorism and Responses to Terrorism at http://www.start.umd.edu/data/gtd/ and the RAND-MIPT Terrorism Incident Database at http://www.tkb.org/RandSummary.jsp?page=about.
Jihadist (Islamist) terrorism aims at mass casualties. For example, the report noted that the failed attack in Germany and the foiled London multiple hijacking plot in the summer of 2006 demonstrated that jihadist terrorists aim at mass casualties.

Notwithstanding the cases of mass victimisation or ‘catastrophic terrorism’, most of the terrorist acts committed are relatively small-scale incidents. The Europol Situation and Trend Report showed that of the 498 attacks carried out in the EU in 2006, the vast majority resulted in only limited material damage and were not intended to kill. It should not therefore be assumed that catastrophic terrorism occurs on a frequent scale and that terrorist attacks are always intended to cause mass victimization.

Since the mid-1980s several international instruments have been adopted defining basic minimum rights for victims in the criminal justice system. To illustrate this, in 1985 the UN General Assembly unanimously adopted the Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power. In 2001, the EU adopted the EU Council Framework Decision on the Standing of Victims in Criminal Proceedings and in 2006 the Council of Europe adopted Recommendation (2006)8 on Assistance to Crime Victims. Besides these general instruments, the international legal framework contains instruments that incorporate victims’ rights for a specified group of victims. Increasingly, general victims of crime policies branch out into specialized policies for particular groups of victims. Amongst others there are instruments or policies for victims of trafficking (see the UN Protocol to Prevent, Surpress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime), victims of sexual violence and abuse or victims of terrorism. It is the last-mentioned group that is the focus of this contribution.

The European Union addressed the issue of victims of terrorism in its 2002 Framework Decision on Combating Terrorism, with its preamble stating that ‘victims of terrorist offences are vulnerable, and therefore specific measures are necessary with regard to them’, which is followed by the requirement, in article 10.2, that ‘in addition to the measures laid down in the Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings, each Member State shall, if necessary, take all measures possible to ensure appropriate assistance for victims’ families.’

The Council of Europe (CoE) addressed the issue of victims of terrorism in 2005, when it adopted guidelines that focus specifically on victims of terrorism. Comparing the content of the more general victims’ rights instruments and these specific guidelines, some minor differences can be identified. The CoE Guidelines contain a provision relating to continuing and emergency assistance and a provision on the possible negative effects of media.

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