

The Importance of Considering Victimological Prevention Mechanisms in Terrorism Acts



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Summary

This paper has its main aim in the study of those victimization processes that arise as consequence of a terrorist offense. Specifically, the characterization of the consequences manifested in the victims of such acts differs from other criminal typologies, which entails specific characteristics regarding to intervention. In this sense, although the first part of the study will focus on carrying out a general analysis of the existing victim legislation, the rest of the content will show the special impact that victims of terrorism suffer from these acts, being necessary to carry out a comprehensive intervention with this group. In this way, it is essential to propose an interdisciplinary approach to warn about the need to train not only health professionals, but also legal operators, but also to avoid that a process of primary victimization resulting in secondary or tertiary processes of victimization. It is precisely one of the fundamental objectives of prevention mechanisms.

Keywords: Terrorism crimes; Victims; Victimization processes; Integral intervention; Action measures

Introduction

There is not an exhaustive and rigorous análisis about the victim until the middle of the s. XX; moment in which Victimology born as a scientific discipline linked to criminological sciences. It is not until years later (1980); when the presence of the victim's figure begins to be accommodated in the Administration of Justice [1]. In this regard; although there is no doubt that the "victim" has always existed (since the first crimes or antisocial event that could be described throughout history); the truth is that his study does not arrive until centuries later. In line with the above; there were different social movements; as well as various experts and investigations; who agreed on the need to provide a greater place and social coverage for the victims; but only refers to the person who suffers the consequences of a fact described as a crime in current legislation will be classified in this way; do not taking into account other victims from antisocial. According with that; the notion of victim would be very restrictive; not considering other types of victims (e.g.; person who suffers damage as a result of an antisocial event not considered criminal; an animal attack; or even a natural catastrophe. So; the question is; would not it be a process of damage to the affected person? Would not these physical; psychological and social sequels that could significantly affect the individual result from these acts? According to all of this; and together with the investigations carried out by various authors; the feminist movements; the International Congresses and Symposiums; and the obvious

citizen claim; it is been possible to create an ideal context for the victim's consideration at the social level; being its culmination with the representation and presence of the figure of the victim at the judicial level.

Specific Legislation on Victim Matters as a Result of Terrorist Acts

Apart from the aspects previously mentioned; it is necessary to consider and make some points in an independent section in relation to the victim regulation that exist in Spain regarding terrorism acts. We have to point out the following legislation:

- a) Law 32/1999; of Solidarity with the Victims of Terrorism; which is established as the first Law in which the Spanish State pays tribute to the people affected by these acts.
- b) Law 29/2011; of Recognition and Integral Protection for Victims of Terrorism. With the "integral" technique; as the same that happened with the Organic Law 1/2004; the legislator makes clear that need to act in a global way with the victims; understanding the allusion of the concept not only to the legal context; but also like an action framework that affects the intervention of different specialists.
- c) Royal Decree 671/2013; approving the Regulation of Law 29/2011 of Recognition and Comprehensive Protection

of Terrorism Victims. This is a text that unifies the repairs; grants or decorations described in the previous Law.

As can be seen; the Spanish legislator opts for the “integral protection” for the aforementioned collective; aspect or nuance that is also evident in general terms with the promulgation of the Statute of the Victim of Crime in 2015.

The Victimization Processes

Focusing the issue on the victimization processes that characterize terrorist acts; one of the first approach that should be considered is how far the aforementioned concept should be extended; that is; although it could be represented by those who have been directly by the illicit act; the issue becomes much more complex when it comes to defining who individuals are indirectly affected by those criminal acts (e.g.; family members). That is why special care should be taken to understand the complexity of the victimization process; not only by the criminal act itself and its consequences; but also, the direct and the indirect victims that should be intervention object. In this regard; a different performance model should be given depending on the victim’s characterization. In the same way; the understanding of the meaning of “terrorism”; as well as its characterization; reconfirms the complexity of the intervention and the different levels that it entails. Thus; for example; in the case of jihadist attacks; Organic Law 2/2015; of the modification of the Criminal Code; warns about the modification in the corresponding criminal rates. A new form of violence that makes victims’ feelings especially unprotected. Leaving apart the debate that could arise based on criminal measures for this type of group; the truth is that the social alarm arises in other indirectly victimized group; that is; immigrants who share a similar but not extremist culture (e.g.; terrorist acts carried out by the Islamic State). One would therefore speak of an indirect victimization; diffuse for not being exactly localizable; but concrete for understanding the group affected. In this way; the magnitude of the victimization processes regarding the projection of the damage caused by the crime is again appreciated; as well as the need of getting interventions from an integral perspective and from different levels.

The victimization process should not be directly identified with the criminal act; since while it becomes punctual or sporadic. For the understanding of the victimization process; the risk factors (individual; social and contextual); should be considered (e.g.; go through a place at a certain time; be a member of the State Security Forces and Corps; or represent a specific political position; among other aspects). In the same way; the initial modus operandi of the active subject (criminal); will also be conditioned by the mentioned precipitation factors of the wrongful act (e.g.; lack of security; isolated victim). However; despite all of that; and beyond that such action that falls on the person or group becomes criminalized; one aspect what is clear is the need to demand a reinforced and a general reparation to

individuals who suffer the effects of terrorism acts. In this sense and beginning with the process of primary victimization until culminating in a process of prolonged tertiary victimization; as far as the sequels are concerned; the following considerations should be highlighted [2].

- a. The victims are; by definition; characterized by the existence of a traumatic event; since objectively there is and; directly or indirectly; a serious damage or threat to physical and psychological well-being. In addition; the lived event involves the experimentation of a set of feelings and emotions that will come to affect; in a significant way; the habitual routine of the individuals. All this derives; in a great part of the situations; in mental pathology.
- b. Indirect victims may also experience similar consequences; whether they witnessed the traumatic event by itself. In these situations; special mention would be made about family members or people who maintain a work affinity; moreover; it could even be extrapolated to the case of the immigrant group previously mentioned. In the same way; people who care for victims (e.g.; health personnel; emergencies; etc.); could suffer from this process of indirect primary victimization; extrapolating even the effect to general. Reflection of that would be appreciated in the social solidarity in the presence of a terrorist attack; or the different manifestations or anniversaries that are carried out on the occasion of these events.
- c. In relation to the group of victims of terrorism; it is necessary to highlight the process of multi-victimization; or multiple victimization. As known as chronic victimization; it is understood by the former the possibility of suffering new victimizations (e.g.; by the absence of intervention or by the inadequacy of it; by the messages transmitted by the media; etc.).
- d. In the same way; the existence of hidden victimization is an obvious fact when referring to the impact of terrorist acts.
- e. In addition; together with the above; the effects of terrorist victimization still increase to a greater extent when there is no identification of the culprit or when people have not been arrested yet; as the feeling of insecurity is increased.

Ultimately; victimization processes in risk groups must be considered with special caution; not only because of the type of wrongfulness of which they are part; which by their definition becomes traumatic; but because of the magnitude of the damage generated and the big amount of people who could be affected.

The Importance of Protecting Victims of Terrorism

The need for greater protection for victims of terrorist acts has been proclaimed from different international postulates. As an example; the Directive 2012/29/EU; in which this need

to understand the victim of terrorist acts such as a natural person who has suffered from a damage or harm; in particular; injuries; becomes clear physical or mental; emotional damage or economic damage; directly caused by a crime; as well as indirect victims; understood as the relatives affected when the victims have died in the terrorist act; providing them a better support and assistance services; as well as the necessary protection measures. Accordingly; it is important to applaud the specific mention to the consideration and protection of those damages that are not exclusively physical; even to victims' relatives [3]. This last aspect includes; precisely; the Declaration on Fundamental Principles of Justice for Victims of Crimes and Abuse of Power approved by Resolution 40/34 of the General Assembly of the United Nations.

This need for a comprehensive action on the figure of the victim (direct or indirect); is precisely the postulate that reaffirms the Victims' Statute inside the Spanish regulation; understanding the victim; and the process of victimization; from a global perspective. Thus; it is properly indicated in the Statute that "the protection and support of the victim is not only procedural; nor does it depend on their position in a process; but also takes on an extra-processual dimension. It is based on a broad concept of recognition; protection and support; for the sake of the integral protection of the victim". In the same vein; the Statute claims that "it is essential to offer the victim the maximum facilities for the exercise and protection of their rights; with the reduction of unnecessary procedures that involve the second victimization; granting information and effective guidance of the rights and services that they are entitled; the referral by the competent authority; a humane treatment and the possibility of being accompanied by the person they designate in all their procedures; notwithstanding the procedural representation that may proceed; among other measures ". All this under the perspective of a victim not only directly affected; but also indirectly harmed. According to the text; and despite of the existence of standardized protocols; the victimization process must be approached in an individualized way; since each subject experiences the facts in an idiosyncratic way. However; although the symptomatology experienced is usually located within the continuum from least to greatest severity; the consequences of terrorist acts are usually quite significant. Thus; for example; symptoms related to anxiety; stress; or depression; are common in that population; interfering with daily life. In the same way; this process of multiple victimization; normally linked to chronic victimization; becomes evident when it is referred to the victim's reparation for the damage caused; either because sometimes the temporary delay of the criminal process favors revictimization; because the sanction imposed is largely not considered "fair" in relation to the criminal acts that were carried out. As can be seen; all the previously linked premises pray with the basic postulate of the World Health Organization (WHO) (1948) in the understanding of the concept of health; referring to a "state of

complete physical; mental and social well-being ; and not only the absence of conditions or diseases ". This is precisely the translation that the legislation makes in the victim regulations; understanding that the integral approach must pass through the warning of the achievement of a state of general well-being.

Prevention Mechanisms

The obligation; or rather; the duty of solidarity that is generated at the social level in the face of the existence of a terrorist act; reaffirms the importance and relevance of these kind of criminal acts. In this regard; it is essential to provide professionals with specific action tools for victims of terrorist acts. Thus; although the victims' needs depend on the type of illicit; or on the particular situation of the victim; and on the specific consequences resulting from the traumatic event; there is no doubt that his right to repair or compensation for the damage It must be present from the beginning of the process; together with those other more basic needs; such as the right to information and the duty of protection [4]. The victims of terrorism are defined as a group of special vulnerability; which justifies precisely that prevention is established as a better measure of action; and not only in the face of the possible existence of such altercations but; and on everything; after the presence of a traumatic event of such characteristics. In this sense; the perspectives on the guardianship of the victims; as well as the possibility of avoiding a major severity in the consequences derived from said primary victimization process; affect the consideration of the following victim needs; namely [5].

- i. The need for public recognition for the condition of a victim of terrorism; mainly in terms of the understanding of pain by society and institutions; as well as the demand for a "culture of protection" because of them. At this point it would be possible to warn about the possible instrumentalization of the victim for political purposes.
- ii. Truthfulness of the facts; where the reliable knowledge of them is established as a key piece for the acceptance and rehabilitation of life of the people involved.
- iii. Civic memory in favor of the victims of terrorism as a public memory and memory of the injustices and delegitimization of said acts.
- iv. The fact of "doing Justice" as an unconditional duty in a Social and Democratic State of Law; avoiding any kind of revictimization (e.g.; secondary to an irregularity in the criminal or tertiary process before an insufficient conviction for the active subject).
- v. Respect for the dignity of the victims of terrorism; which culminates from the satisfaction of the five axes four axes mentioned above; that is; recognition; truth; memory and justice; to which dignity is added.

To sum up; the five axes face to victim invisibility. In the criminal proceedings; visibility is understood from the point of view of participation; action; and the victim as an active person throughout the entire procedure. In addition; there is also the need to intervene from a qualitatively different point of view to other criminal types; precisely in order to avoid the revictimization; acting from the most preventive point of view. In this sense; authors such as Serrano report that “the protection granted by Spain thanks to current legislation would be between a medium level and the beginning of the maximum level; given that public recognition has been given to the condition of victim and to some extent they have collected specific needs of these people. This protection; in any case will be part of what concerns the prevention and minimization of secondary victimization and subsequent victimizations [6]. However; the protection of this group of risk should not be understood from a paternalistic point of view by the State Justice System [7,8].

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