

# Chapter 1

## LEGISLATIVE REQUIREMENTS AND KEY TERMS

This report is submitted in compliance with Title 22 of the United States Code, Section 2656f (the “Act”), which requires the Department of State to provide Congress a full and complete annual report on terrorism for those countries and groups meeting the criteria of the Act. Statutory excerpts relating to the terms used in this report and a discussion of the interpretation and application of those terms in this report are included below.

### Excerpts and Summary of Key Statutory Terms\*

Section 2656f(a) of Title 22 of the United States Code states as follows:

*(a) ... The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by April 30 of each year, a full and complete report providing -*

*(1) (A) detailed assessments with respect to each foreign country –*

- (i) in which acts of international terrorism occurred which were, in the opinion of the Secretary, of major significance;*
- (ii) about which the Congress was notified during the preceding five years pursuant to section 2405(j) of the Appendix to Title 50; and*
- (iii) which the Secretary determines should be the subject of such report;*

*(B) detailed assessments with respect to each foreign country whose territory is being used as a sanctuary for terrorist organizations;*

*(2) all relevant information about the activities during the preceding year of any terrorist group, and any umbrella group under which such terrorist group falls, known to be responsible for the kidnapping or death of an American citizen during the preceding five years, any terrorist group known to have obtained or developed, or to have attempted to obtain or develop, weapons of mass destruction, any terrorist group known to be financed by countries about which Congress was notified during the preceding year pursuant to section 2405(j) of the Appendix to Title 50, any group designated by the Secretary as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), and any other known international terrorist group which the Secretary determines should be the subject of such report;*

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\* These excerpts and this report reflect amendments to the Act that were contained in legislation passed in December 2004 (P.L. 108-458 and P.L. 108-487). By their terms, those amendments, which did not apply to last year's report, apply to this and subsequent reports under the Act.

*(3) with respect to each foreign country from which the United States Government has sought cooperation during the previous five years in the investigation or prosecution of an act of international terrorism against United States citizens or interests, information on -*

- (A) the extent to which the government of the foreign country is cooperating with the United States Government in apprehending, convicting, and punishing the individual or individuals responsible for the act; and*
- (B) the extent to which the government of the foreign country is cooperating in preventing further acts of terrorism against United States citizens in the foreign country; and*

*(4) with respect to each foreign country from which the United States Government has sought cooperation during the previous five years in the prevention of an act of international terrorism against such citizens or interests, the information described in paragraph (3)(B).*

Section 2656f(b) of Title 22 of the United States Code sets forth certain specific information to be included in the report where feasible, including a newly effective statistical reporting requirement discussed below under “Statistical Information.”

Section 2656f(d) of Title 22 of the United States Code defines certain key terms used in Section 2656(a) as follows:

*(d)...*

*(1) the term "international terrorism" means terrorism involving citizens or the territory of more than one country;*

*(2) the term "terrorism" means premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents; and*

*(3) the term "terrorist group" means any group practicing, or which has significant subgroups which practice, international terrorism.*

### **Interpretation and Application of Key Terms**

For purposes of this report, the terms “international terrorism,” “terrorism,” and “terrorist group” have the definitions assigned to them in 22 USC. 2656f(d) (see above). The term “non-combatant,” which is referred to but not defined in 22 USC. 2656f(d)(2), is interpreted to mean, in addition to civilians, military personnel (whether or not armed or on duty) who are not deployed in a war zone or a war-like setting.

It should be noted that 22 USC 2656f(d) is one of many U.S. statutes and international legal instruments that concern terrorism and acts of violence, many of which use definitions for terrorism and related terms that are different from those used in this report. The interpretation

and application of defined and related terms concerning terrorism in this report is therefore specific to the statutory and other requirements of the report, and is not intended to express the views of the U.S. Government on how these terms should be interpreted or applied for any other purpose. Accordingly, there is not necessarily any correlation between the interpretation of terms such as “non-combatant” for purposes of this report and the meanings ascribed to similar terms pursuant to the law of war (which encapsulates the obligations of states and individuals with respect to their activities in situations of armed conflict).

### **Statistical Information**

As recently amended, Section 2656f(b) of Title 22 of the United States Code provides that the report must contain *"to the extent practicable, complete statistical information on the number of individuals, including United States citizens and dual nationals, killed, injured, or kidnapped by each terrorist group during the preceding calendar year."* The statistical information included in the statistical annex to this report has been provided by the National Counterterrorism Center (NCTC), which has a statutory mission to serve as the U.S. Government's knowledge bank on international terror groups. Statistical information compiled by NCTC with respect to non-combatant targets is included in this annex. NCTC has noted in its foreword that, because of revisions in methodology, the figures in the annex are not directly comparable to statistics reported in previous years. NCTC does not track statistics with respect to combatant casualties (except to the extent that they are incidental to acts of terrorism targeting noncombatants).

The report does not contain statistical information specifically concerning combatants. The focus of the terrorism report, as is clear from the definition of terrorism, is on violence against noncombatant targets. Further, it would not be practicable to provide such statistics, as the government does not maintain -- and would have great difficulty maintaining -- statistics that distinguish between incidents against combatants by terrorist groups and by others, including insurgents, in Iraq and Afghanistan.

### **Contextual Reporting**

Adverse mention in this report of individual members of any political, social, ethnic, religious, or national population is not meant to imply that all members of that population are terrorists. Indeed, terrorists rarely represent anything other than a tiny fraction of such larger populations. It is terrorist groups -- and their actions -- that are the focus of this report.

Furthermore, terrorist acts are part of a larger phenomenon of violence inspired by a cause, and at times the line between the two can become difficult to draw. This report includes some discretionary information in an effort to relate terrorist events to the larger context in which they occur, and to give a feel for the conflicts that spawn violence. Thus, this report will discuss terrorist acts as well as other violent incidents that are not necessarily international terrorism and therefore are not subject to the statutory reporting requirement.