Combating the Crime of Establishing a Terrorist Website in Omani Law: Comparison with International Criminal Law

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Abstract

In light of the enormous revolution in the field of information technology (IT), which has facilitated the lives of people and made the world a small village, so many vital facilities, such as transportation, power plants and others, have been managed in several countries thereby saving a great deal of effort and time. Nevertheless, some of the crimes that accompany these technologies (Electronic Crimes) have put in front of the international community a major challenge of reducing or controlling these crimes. Perhaps the crime of creating a terrorist website is at the forefront of these crimes, which require concerted efforts and continual follow-up by the international community to monitor their activities and defeat their attacks. Electronic technology has provided the ideal climate for terrorists to spread their terrorism around the world and threaten world peace. The Omani legislator, like other international legislators, is concerned about the modern crime that coincides with or accompanies the advent of this technology. He quickly enacted legal legislation to deal with these criminal phenomena, including the phenomenon of establishing terrorist websites, by setting a law for combating the crimes of information technology, which treats this crime in one of its sections. This research paper highlights this serious crime from the perspective of Omani law and international criminal law in terms of objectivity to find out any possible areas of lacunae. The study depends on the inductive and analytical comparative methodology.The research is divided into four aspects: The first deals with the concept of terrorism in the language and terminology contexts, examining the conventional meaning of terrorism in Islamic law, Omani law, international criminal law as well as the Islamic Fiqh Academy. The second aspect deals with the fight against establishment of a terrorist website in accordance with the penalty text in the Omani law, cornerstone of physical and moral crime in accordance with the law of Oman, while addressing the physical elements of the physical effects that terrorists seek to achieve through this crime. The third aspect focuses on the penalty of the crime of creating a terrorist website in the international criminal law according to the international agreements issued in this regard, while the fourth aspect demonstrates recent examples of some terrorist websites. Then, the paper ends with a conclusion and recommendations.

1. Introduction

The rapid development of the field of information technology (IT) has resulted in new crimes that were not known in the past. The so-called Cyber Crimes or IT crimes have provided the criminals with a safe haven to carry out their crimes away from the eyes of authorities that strive to protect their technical facilities and information to prevent them from falling into the hands of terrorist organizations and hostile intelligence services. Perhaps the crime of creating a terrorist website is one of the most important modern crimes that threaten the sensitive service installations in countries and threaten their confidential information and, thus, it is considered a great challenge for the international community to make the necessary laws to limit their prevalence and widespread. But the legislative limitations and legal gaps remain inherent to this human legislation and this is, mainly, what motivated the researcher to examine the texts of Omani law and international criminal law to find out the extent to which they address this issue.

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Perhaps, the central question of this research is whether the Omani law has solutions that deal with and combat the crime of creating terrorist websites. Is there any need to amend the international criminal law, or enact an independent law dealing with this issue? The research will find possible answers some other questions as follows: (1) what is the concept of terrorism in language and terminology?(2)How has Omani law dealt with this crime regarding the objectivity of the punishment? (3) What are the components of this crime according to the Omani law? (4) What is the view and position of the international criminal law regarding this crime?

The researcher assumes that the Omani law deals with the crime of establishing terrorist websites, and that international criminal law suffers from the shortcomings that prevent the elimination of this type of modern crimes. The study will rely on inductive, analytical and comparative methods. Study limitation will be the rules of the Omani law, specifically the law combating IT crimes, and the international conventions related to internet issues. The research will be divided into four sections. The first examines the concept of terrorism in the language and terminology, looking into the conventional meaning of terrorism in Islamic law, Omani law, the international criminal law and the Islamic Fiqh Academy. The second sections concerns the issue of combating establishment of terrorist websites in Omani law, while addressing the material aspect of the physical effects which terrorists seek to achieve through this crime. The third section is on the penalty of establishing a terrorist website in international criminal law in accordance with international conventions, while the fourth and final inquiry lists examples of some terrorist websites, and then the conclusion and recommendations. The major difficulty faced by the researcher is the dearth of materials due to the modernity of the subject and the modernity of writing on it. The aforesaid led the researcher to rely on books that deal with the subject of electronic crimes in general and some articles and research published in the internet, which refer to this subject in general terms only.

Now we will pave the way for the study by addressing the concept of terrorism as in language and terminology.

2. Concept of terrorism in language and terminology

I. Concept of terrorism in language

Terrorism in the Arabic language is derived from the verb "Rahaba" that means: fear and panic, and the name of the actor is "IrhÉbÊ" i.e. "terrorist" and the source of "terrorism" which means intimidation, and the terrorist is the person who is spreading fear and panic(Zakaria, 1999), (Alansary, 2004), (Al-Razi, 1985).

II. Concept of terrorism in terminology

There is diversity of views and opinions on the definition of the concept of conventional terrorism. This may be due to the diversity of forms and manifestations of terrorism, the diversity of its forms and methods, the divergence of international and political views, and the different ideologies of countries towards it, where some consider it terrorism and others consider it legal.(Al-feel, 2011).

A. Concept of terrorism in Islamic law

We find that the Holly Quran does not use the term "terrorism" in this formula, but uses a different formulae derived from the source (rahab). Some of them give the meaning of fear and panic as stated in the verse: "And prepare for them as far as you can from the strength, even the ropes of horses to harness the enemy of God and your enemy and others who myoudo not know but God knows them. And whatever you spend in the way of God is surely given back to you as you will never be dealt wrongly by God" (Al-Anfal:60).

في قوله تعالى: ﴿وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ وَمِنْ رِبَاطِ الْخَيْلِ تُرْهِبُونَ بِهِ عَدُوَّ اللَّهِ وَعَدُوَّكُمْ وَآخَرِينَ مِنْ دُونِهِمْ لَا تَعْلَمُونَهُمُ اللَّهُ يَعْلَمُهُمْ وَمَا تُنْفِقُوا مِنْ شَيْءٍ فِي سَبِيلِ اللَّهِ يُوَفَّ إِلَيْكُمْ وَأَنْتُمْ لَا تُظْلَمُونَ﴾ [الأنفال: 60]

Other verses indicate the meaning of monasticism and worship, as in the verse that says as follows:

"Then we sent on their traces our messengers and wisent Jesus, son of Mary and gave him the gospel and made in the hearts of those who followed him, kindness and mercy and monasticism they invented, we wrote on them only to seek the satisfaction of God, but they did not take care of, so we gave the believers their reward but many of them are sinners"[2].

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[2]Al Hadid: verse 27. The word "rahab" was mentioned in Surat al-Tawbah, verse 34, and the word "rahib" in Surat al-Ma'ida, verse 82, all of which indicate worship and monasticism. At Al-Hashemi, Nasser: Terrorism; roots, signs and tools of treatment (Amman, Jordan, Dar Al-Hamed for Publishing and Distribution, 1, 2016) p. 47 et seq. Al hawary Mohamed: Terrorism; concept,

قوله تعالى: ﴿ثُمَّ قَفَّيْنَا عَلَى آثَارِهِم بِرُسُلِنَا وَقَفَّيْنَا بِعِيسَى ابْنِ مَرْيَمَ وَآتَيْنَاهُ الْإِنجِيلَ وَجَعَلْنَا فِي قُلُوبِ الَّذِينَ اتَّبَعُوهُ رَأْفَةً وَرَحْمَةً وَرَهْبَانِيَّةً ابْتَدَعُوهَا مَا كَتَبْنَاهَا عَلَيْهِمْ إِلَّا ابْتِغَاءَ

رِضْوَانِ اللَّهِ فَمَا رَعَوْهَا حَقَّ رِعَايَتِهَا فَآتَيْنَا الَّذِينَ آمَنُوا مِنْهُمْ أَجْرَهُمْ وَكَثِيرٌ مِنْهُمْ فَاسِقُونَ﴾ [الحديد: 27]

It is noted that the Holy Qur'an does not mention the term " turhiboon" or "intimidate" except in the position of defending Islam ordering the preparation of forces and being ready for the inculcation of fear and panic in the hearts of those who prey on Islam. It is a potential force to plant fear and panic in the hearts of enemies so that they do not dare fight Muslims.

In the Prophet's Hadeeth, there is no much mention of the word "rahab" which means fear or meanings nearer to it. The famous word close to "fear" is in the prayer Hadeeth "in requesting and fear of you"[3]. أي

في حديث الدعاء "رغبةً ورهْبَةً إليك".

The word (raghbah) (which means request or need or a wish) precedes the word (fear) to show that Islam is a religion of love and affection not intimidation and alienation.

B. Concept of terrorism in the anti-terrorism Omani law[4]

The Omani Anti-Terrorism Act defines terrorismas: "Every act of violence or threat of violence[5]committed in the implementation of an individual or collective criminal enterprise and for the purpose of a terrorist. The purpose of the terrorist act is considered if it was done to intimidate or frighten people or endanger their lives, freedoms, security or rights. It is also considered in cases of causing damages to the environment or any public or private property as well as in cases of exposing a national resource for danger. It is also applied when it threatens the stability or territorial integrity of the Sultanate, its political unity or sovereignty. It is as well applied when it prevents orobstructspublic authorities from exercising their functions, or interferes with the application of the basic rules, laws or regulations of the Statute of the State"[6]

C.   Concept of terrorism in international criminal law

The term*terrorism*is defined in the First International Convention on the Suppression of Terrorism, signed in Geneva in 1937, in the first section defining terrorism acts as: "criminal acts directed against a State which, by their nature and purpose, frighten a specific people or groups of people, or the public.

Although this Convention is not supported by the majority of members, the researcher, from own point of view, sees that the definition is limited to external terrorism only and does not refer to the internal terrorism practiced by some governments against their peoples, nor does it exempt the actions emanating from the liberation movements against Colonists.

Several international treaties have followed the Geneva Convention on specific forms and types of terrorism. The list includes the following: the Tokyo Convention on Offenses and Acts Committed on Board of Aircrafts, signed on 14 September 1963; the Hague Convention on the Illicit Appropriation of Aircraft, signed on 26 /12/ 1970; the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed on 23 September 1971 and its affixed Protocol signed at Montreal on 10 May 1984.

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causes and tools of treatment. Published at http://www.assakina.com. Aqeel, Mohammed bin Abdul Aziz, Electronic Incitement to Terrorism; Adaptation and Jurisprudence (Twitter as example), published on the website http://repository.nauss.edu.sa

[3]The Prophet (peace and blessings of Allah be upon him) said: "If you take your bed to sleep, then say : "O God, I have surrendered myself to you, and I have turned my face to you, and I have delegated my matter to you, and I have given my back on you, , There is no refuge and no refuge from you except to you, I believed in your book, which you sent down and your messenger, which was sent' if he died that night , he is on the basis of nature (Fitrah). "This is a saheeh hadeeth from the hadeeth of Abi-Ishak narrated by al-Baraa bin azib. Agreed upon and raised by Al buukhaari from Adam ibn Abi Iyas and others (244). It is narrated by Muslim from Abu Musa and Bendar, from Ghandar, from the section on section Al-Dhikr, Du'aa 'and Al-Istgafar (The Hadith) (2710). Comprehensive library website http://shamela.ws

[3]Issued by Royal Decree No. 8/2007 on 22/1/2007.Oman, Anti-Terrorism Law, Article (1). Angati Syed Ahmed Sanad, International Cooperation in Combating Terrorism, Research published in the book: Combating Terrorism for a Group of Authors (Amman, The Academies for Publishing and Distribution, Dar Al-Hamed Publishing and Distribution, 1, 2014) p. 213.

[5] Please, crosscheck the original source. This word should not be there, except the error is in the original.

It also includes the United Nations Convention on the Law of the Sea, signed in Jamaica on 10 December 1982, including some texts relating to piracy; the Convention for the Suppression of Terrorist Acts of Explosives, signed on December 15, 1997, as stipulated in the Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly of the United Nations on 9 December 1999, which reads as follows:

"It constitutes an offense for any person by any means and unlawfully to collect funds for the purpose of using to commit an offense of terrorism, and any act aimed at killing or injuring a civilian person not taking part in hostilities".(Al-Hawaidi, 2011).

Despite plenty international conventions relating to terrorism, the task of defining the concept of terrorism in international law remains a subject of disagreement and a common definition of terrorism has not yet been seen until now[7]. Actually, due to the political views and considerations dominating this issue, the first standard to be considered by most of countries is the personal benefits and mutual relationships. This has made terrorism to become a tool for achieving political goals and objectives, whether confrontation is internal between the political authority and the opposition groups, or external between countries. Thus, terrorism has become the use of power or violence in political conflicts.

D. Concept of terrorism in accordance with the Islamic jurisprudence Organization subtitled Islamic Conference Association

Islamic jurisprudence organization defines terrorism as "aggression, intimidation, or physical or moral threat emanating from states, groups or individuals against human beings, in their religion, self, dignity, mind or property unlawfully, in all forms of aggression and images of corruption on the earth."(Muhsen, 2012).

This researcher believes that Omani law has expanded the definition of terrorism by introducing some acts that go beyond the concept of terrorism, such as harming people and endangering their lives, which are ordinary crimes applicable in the Omani Penal Code[8]. Besides, not all use of violence, force and fear is terrorism e.g., the armed aggression of a State against another State often leads to spreading of terror and fear in the victim State, but it does not apply to the description of terrorism. However, it is an act of aggression that the international legislator has considered an independent crime like terrorism in means and results.

Therefore, the researcher believes that the definition of the organization of Islamic Conference is comprehensive, conclusive without limitation and brief without deficiency. Using that definition, we can summarize the elements of terrorism as follows:

a. If there is an act of violence (aggression, intimidation, threats), whether material or moral, emanating from states, groups or individuals. This action is often characterized by organization and professionalism to achieve the greatest impact and results of the terrorist act.

b. That aggression is being directed against the person in his or her religion, self, presentation, mind or money[9] without any right and to achieve certain objectives, whether religious, political or ethnic[10]

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[6]There is a committee formed by the United Nations General Assembly to prepare a draft of international convention against terrorism since 1972, but it has not given its final report till now. Moin Rabbani, editor of Washington-based Middle East Report, Terrorism has become a political title for classifying enemies rather than as a technical term for the definition of criminal acts that violate the laws of war and under which perpetrators can be held accountable". At Al-Hashemi, Nasser: Terrorism; roots, signs and tools of treatment (Amman, Jordan, Dar Al-Hamed for Publishing and Distribution, 1, 2016) p. 47 et seq.

[7]The Omani law ensures the human right to preserve body through criminalizing any physical hurt action (personal hurt) in text of Acts 247, 248, 249, 254, 255 of the Penal Code promulgated by Decree No. (7/74). Article (247) of the Penal Code, which stipulates that: Of the Penal Code on the criminalization of victimization, even if it is simple: "A penalty of up to six months' imprisonment or a fine of one to twenty Riyals shall be imposed on either of the two who beat, injures[please check the original. Both words should not be there] a person without causing any illness or disobedience. For a period of more than ten days, the prosecution of the aggrieved party shall be prosecuted, and the complainant's waiver of his claim shall waive the public right action. If the sentence is in the case, the penalty will be dropped. "The Omani Penal Code also provides for an independent forum for crimes that pose a danger to the general public, in accordance with Articles 277 (270), the offense of arson or the result of negligence, is not valid or poses a danger to safety, and the crime of contaminating drinking water to endanger the public safety of the community

[8]Human capital means the money owned, by people, such as their own property, from money, property and trade, or to the public such as public property or public utilities, and within that environment and national resources belonging to States.

c. In terrorism, the end justifies the means; terrorists therefore seek to use all forms of aggression, corruption and destruction in an unusual manner, with the aim of creating a state of terror and panic that will create a certain psychological impact on those directly targeted[11]

3. Combating the crime of creating a terrorist website in the Omani law
I: the text of the criminalization and its vocabulary

a.   Text of Criminalization

"A punishment of imprisonment and a fine of not less than R.O 100,000 and not more than RO 200,000 will be imposed on anyone who was found that he has established a terrorist website, used the information network or the means of information technology for terrorist purposes or disseminates the ideas and principles of a terrorist organization or has involved in the financing of terrorist operations or training, facilitating contacts between terrorist organizations or between their members and leaders, or in disseminating methods of manufacturing explosives, weapons and instruments used especially in terrorist operations "[12]

b.   Key words of the text of the criminalization
Website

The Omani IT Crimes Act defines website as "the place of making electronic information available on the Internet through a specific address."[13]

The Arab Convention defines it for combating information technology crimes with the same definition as in Omani law, which is an identical definition[14]. Others define it as "Information stored on a page, whereas each page contains certain information formed by the page designer using a set of symbols called hypertext markup language (HTML), and the pages are viewed with the request of the WWW Browser that decodes the HTML and instruct to show the generated pages"(Al-Adly, 2016).

Information Network

Oman's law defines it as "a link between more than one way of information technology to obtain and exchange electronic data and information."[15]Others have defined it as "a network of hundreds of computers connected to each other either by telephone or by satellite."(Al-Qar'an, 2017).

 This researcher believes that the definition of Omani law is more comprehensive as it refers to the means and purpose of the network.

Information technology tools

It is defined by Omani law as: "An electronic device used to process, store, transmit or receive electronic data and information, such as computers and communication devices."[16]

Terrorist purpose

The Anti-Terrorist Omani Law defines terrorist purpose criterion as stated in section 1 of the law that the purpose is "terrorist" if it is intended to terrorize, intimidate, endanger or threatening to endanger the lives, freedoms, security, or endanger the stability or territorial integrity of the Sultanate or its political unity or sovereignty, prevent or impede its public powers from exercising its functions, or interfere with the application of the provisions of the Statute of the State or of the laws or regulations.[17]

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[9]Terrorist action is often organized and indiscriminate to achieve the greatest political results and is different from organized crime whose members seek to achieve material results, benefits and self-gains.

[10]Group of Authors, Counter terrorism, op. Cit., P. 74 et seq.

[11] Article (20) of the law against IT crimes.

[12]Article (1 / h) of the law against IT crimes

[14]The Arab Convention for the Suppression of Information Technology Crimes in Article (2) defines website as "the place of making electronic information available on the Internet through a specific address".

[15]Article (1 / g) of the law against the crimes of information technology Oman

[16]Article (1 / f) of the law of combating IT crimes

[17]Article (1) of the Omani Anti-Terrorism Law

II. Elements of the crime of establishing a terrorist website in Omani law

Through the text of the criminalization, it is clear to us that the elements of the crime of establishing an electronic terrorist site in Omani law are the physical elements of the criminal behavior defined by the article of criminalization, and the moral element that is the knowledge and will of the offender at the moment of committing the crime.

1. Physical element

It is the criminal behavior that emanates from the perpetrator as voluntary movements to achieve certain material effects. In this crime, the criminal uses his hand -with a free will- in the establishment of the website on the internet to achieve some effects and material gains. Terrorist groups have been involved in the establishment of terrorist sites on the internet. Some experts have estimate 4500 websites, and the number may be much greater as some experts believe that the sites of Al-Qaeda alone are up to 4800 .[18]This is why governments find it very difficult to control and block these sites. Once a terrorist site is blocked, another terrorist site is shown indicating that the terrorists take into account the follow-up by governments to their sites so they are trying to create the largest number of terrorist websites on the internet.[19] Europe and America are the main compartments of most terrorist sites because they accept the hosting of websites that are often used to spread extremist ideology, training on the use of weapons and the arts of the industry of death and destruction. Terrorists are aiming to achieve some materialistic effects through establishment of e-terrorist websites referred to in the Omani Information Technology Crimes Act as follow:

a. Spread extremist ideology and publicize the terrorist organization

The terrorist organizations seek their own website, which serves as a platform for them to identify and spread their extremist ideas away from the eyes of the security sergeant. They also comment on news issued by bodies and countries they oppose or declare responsibility for some terrorist attacks as done by Al Qaeda leader Osama bin Laden when he claimed responsibility for the September 11 attacks on the United States, and as his deputy Ayman al-Zawahiri when commenting on some terrorist bombings in the Arab area and elsewhere.

These organizations are aiming to make maximum use of electronic resources to promote their ideas and objectives using certain custom applications[20].

Moreover, some terrorist websites do not only direct their messages to their agents and financiers, but also to the target audience for terror and intimidation to launch psychological campaigns against these communities by showing horrific films of prisoners and hostages before and during their execution to create a kind of horror.

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[18]In her research on jihad on the internet, Hannah Rogan quoted retired colonel Timothy Thomas in his research entitled "Al Qaeda and the Web, The Risk of Web Planning." His statement: "Al Qaeda likes the Web and cyber planning can be a tool A terrorist organization that is more important than the Cyber Terrorism option, decides that planning on the web is the use of digital technology to coordinate an integrated plan that stretches across geographical areas that may result and may not result in a bloodletting scheme. Modern web "that The Internet is useful for terrorist networks because of some of its features: ease of access, lack of control, ease of communication, ease of information flow, text, audio and visual transmission, and the development process is inexpensive. Viewed by Hanna Rougan, Jihad on the Web. How to use al-Qaeda and fundamentalist groups The Web, a report published at http://www.rihanapress.com, p. 4 and 5.

[19]Arneigrasser; The German expert of the Institute of Information Technology and Art in the city of Karlsruhe German in an interview: The process of monitoring the Internet is more like a "cat and mouse game," where the security authorities are making great efforts in the prosecution and follow-up and the terrorists in turn are doing what they can afford in inventing and develop new methods to avoid such prosecution and surveillance. Viewed at Al-Adli, Digital Terrorism in Bahraini Law, op. Cit., P. 100, and Dichy Lee, The Internet as a Tool for Digital Terrorism in the Age of Globalization and Informatics, www.dw.com

[20]Such as the application launched by the organization on twitter and carried the title "Dawn", which was intended to extend its followers and sympathizers' news of the organization, and the application can be downloaded only after permission to access personal information of the user, such as media content and data and the network " Which enables the program administrators to identify the user and interests, friends and family and locate, as well as that the organization produces a huge amount of high-montage videos that mimic Hollywood in the manufacture of films, videos and music, which aims to organize through which Arab and Western youth are invited to join the organization, where more than 3,000 citizens of Western countries are estimated to have migrated to the territory under the control of the organization, which indicates the success of the organization in advertising its organization through its websites. Viewed at Saifi, Hassan Niazi, use of a social media advocate, a research paper published on the website: http://www.arabmediasociety.com, p. 5.

Also, they seek to publish some of the strategic documents through websites, such as the document issued in December 2003 entitled "Iraq Jihad: hopes and risks" which shows the appropriate strategy to force the coalition forces headed by USA to go out of Iraq and "Mujahideen Road Map" issued by Abu Hafs al-Masri Brigades, which promotes jihad and gives a glimpse about the organization and its extremist ideology in order to legitimize the idea of the alleged jihad(Yousef, 2016), (Al-feel, 2011), (Al-Adly, 2016), and(Sindh).

Hanna Rougan has classified terrorist websites in terms of spreading extremist thought into three types:

The first type includes the official websites of terrorist organizations and their men. Those are working to disseminate the ideas and ideologies of the organization or the owner of the website through books and articles of their own or have a direct relationship to the thought Organization or leader. These websites are a means of communication between the organization or its leader and the public. Examples of these sites are the official site of the Trench Coat and its website is: www.wbs.reb rebtheiuverg.html, a Nazi organization Characterized by extreme racism against the blackish, Spanish and other minorities.

Members of this organization have expertise and intelligence in the field of computer as revealed by the American police in its investigations into the crime of the two American students Eric Harric and DglanKelbolda committed against their colleagues in high school in the city of Tilton, Colorado, which killed 15 students. It is alleged that they openly announced through the organization's website that they would make in April an influential day that the Americans would not forget(Awadi, 2006). Another example is the website of Sheikh Abu Mus'ab al-Suri where he shows his book: "The call to the global Islamic resistance", which places great importance on advocating extremist thought. Other sites belong to the Islamic State Organization.

The second type includes forums and personal blogs through which the correspondents convey the news of the groups. It is considered an official source for transfer of information of, and data on these groups. An example of these forums and the most famous is "AlHesba", which lists the news of some terrorist organizations such as Al Qaeda, besides disseminating of reading and audio materials with the corresponding thoughts.

The third type contains distribution websites, which are various websites that share the goal and purpose of maintaining extremist ideology adopted by some terrorist groups. It also works to redistribute visual, audio and print materials that are related to the ideology of the group or produced by the sympathizers and supporters of this group. These websites are usually managed by intelligent and experienced people regarding websites technology. Examples of these sites are the site of al-Qaeda established by some sympathizers of al-Qaeda and its extremist thoughts to re-deploy versions of al-Qaeda in the Arabarea e.g., Voice of Jihad and AlBattar(Roughan).

b. Recruitment of terrorists

Terrorists often use several languages on their terrorist website to reach as many followers as possible; they use Twitter and Facebook platforms to reach their target audience through the language they understand. Twitter includes their use of some popular hackles to spread their message and ideas. HasnaHak, Christian Science Monitor correspondent, states that one of the things that attract young adolescents in general and the American youth in particular to terrorist organizations, especially ISIS (DAESH),and made them eager to follow the websites of terrorist organizations is a sense of disappointment and lack of affiliation to the society.

So, they imagine the sense of identifying with terrorist organizations. Most followers of these groups are from disgruntled gangsters or criminals, drug traffickers and those who have been sentenced (the most despicable of societies). If those foreign fighters in ISIS are traced, one will realize the intimate relationship between these fighters and the organization. This indicates the success of this organization to create a false image in the minds of those youth about the identity and the sense of family and belonging through the false ideas transmitted in their websites on the internet. Moreover, the recruitment of terrorist sites is not limited to male category of young men, but extends to females, especially, those who feel isolated and introverted as a result of their emergence in religiously extremist homes. Most of the websites targeting women are run by women like them trying to convince their counterparts with the idea of migrating to the places in which these organizations are located as it is going on in Syria where the organization attracts many teenage girls to join through some females who have been trained for this task[21].

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[21]Irine Marie, a researcher at the Strategic Dialogue Institute (ISD), a leading anti-radical organization, points out that women are very successful in recruiting female counterparts; women are more comfortable when a woman communicates with them; this

c. Financing terrorist operations

Terrorists use the internet, through their websites, to obtain financial support to finance their terrorist operations. They use all fraudulent methods to obtain such support. Sometimes, they use personal data of users of internet easily to get through inquiries and surveys that may be found in some websites. Thus, they attract them by sending e-mail messages or chatting in the electronic chat forums to call them to visit the terrorist website. There they beg them to give financial donations to the organization, taking advantage of their kind feelings and sympathy with some humanitarian issues that cause the person to donate without a doubt that he or she is donating to a terrorist organization. Sometimes, the organization publishes its operations on its own website or in dialogue websites, prompting supporters of their intentions to donate money to them(Al-Qar'an, 2017)(Al-Adly, 2016)(Tarawanah, 2008)(Ozern, 2010).

d. Training for terrorist operations and manufacture of explosives

Any terrorist operation carried out by terrorist organizations is undoubtedly preceded by prior training and planning on the mechanism of its implementation. If the training is practical, it carries a lot of risk to these organizations; there is the tendency of been discovered. Internet with its advantage of concealment removes this concern about being discovered. This has led many of these organizations to produce and disseminate guidelines for terrorist operations on the internet, including methods of planning, training, implementation and means of concealment (Al-Qar'an, 2017), (Al-Adly, 2016), (Al-feel, 2011).

This assists these organizations in recruiting young people and turning them from peaceful fellows to terrorists without the need for direct practical training. Most of these websites[22]contain an electronic window explaining how to make explosives, poisons and incineration and how to use them for killing. It also contains a full explanation of the methods of kidnapping, assassination, placing explosives in the places to be targeted as well as the methods of remote sniping, how to manufacture weapons and explosives and the method of assassination of individuals during interruption of electricity at night(Muzmatah).

e. Communication and concealment

The internet has provided terrorist organizations with means of communication among their members, or between them and other terrorist organizations through electronic windows such as websites, forums, e-mails and chat rooms as well as programs that can be used for communication and concealment at the same time. Therefore, coded secret messages can be sent without being known or paid attention to, and this makes it easier for a terrorist to operate completely free from surveillance and does not have to disclose his or her identity, nor leave any evidence to indicate it[23]. Internet has provided a huge amount of data about the participants and their social media that are exploited by terrorists to reach the largest number of supporters or, at least, followers[24].

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reduces their concern about leaving their family. The Association for Research and Analysis of Terrorism (TRAC) estimates that approximately six female recruits are invited to this task. View at Alsaifi: The use of a social media by ISIS, p. 7.

[22]The website of the seventh day, the Egyptian newspaper reported on 6/3/2009 that there are more than 300 thousand websites dealing with manufacturing of explosives from smoke bomb to time and wireless bombs www.youm7.com.

[23]Twitter is one of the most important social media tools used by terrorists to interact and coordinate their terrorist operations, providing them with the ability to create virtual communities that can be automatically configured during any events that are of concern to terrorist organizations. Perhaps, the most prominent example of this terrorist attacks is the one that occurred in Mumbai, Republic of India on 26 November 2008, which killed about 164 victims, and wounded more than 300 victims. Investigations reveal that Lashkar-e-Taiba, Pakistan was coordinating the perpetrators of the attack from Pakistan, and to inform them of the latest developments by relying on the latest news on Twitter, such as the movements of the Indian counterterrorism units and places of concentration, and in Lebanon launched the "Ahrar Al Sunna - Baalbek" twitter on Twitter. The organization threatened to demolish the "shirk" churches in the Bekaa and purge them of the "crusaders." Later, through investigations, they discovered that the source of this garland was from a foreign country. See: Al-Rumaih, Yousef Ahmed, Terrorism in social networks, article published on Al-Jazeera website: www.al-jazirah.com on 23/3/2015, and Vivian Aqiki, Terrorism on the "All You Must Know" sites, published article on the website of the Lebanese newspaper Al-Nahar: https://www.annahar.com on 24 July 2014.

[24]The YouTube site, for example, serves as a repository for a wealth of information documented in video and audio, which is undoubtedly a fertile source for terrorist organizations to extract information from them.

This researcher believes that social media has played a dangerous role, not only at the level of terrorist organizations, but also at the level of liberal movements led by peoples against their authoritarian governments, and at the level of wars waged by some countries against others.

Therefore, social media has proved to be effective tools to achieve victories and results in the real life, and this imposes on the international community to cooperate continual to monitor this tool before its aggravation otherwise it could be a cause of spread of chaos and irreparable damage and destruction in societies.

2.   Moral element

Any crime has a physical element that includes its material components and has a moral element that includes the psychological components that have concurrently accompanied the criminal act committed by will and intention. Beyond any doubt, the will in any crime is the sinner's will that directed the unlawful act. Therefore, the will is considered the link between the perpetrator and the physical incident of the crime. This link disappears or vanishes if the free will or choice of the person disappears either for an external reason such as coercion or for an internal reason such as the mental or psychological state. The criminal intent occurs when a person directs his free will to commit the unlawful act with his or her prior knowledge that it is against the law. The original nature of man has the freedom of choice; therefore, if he uses this freedom to choose the path contrary to the law, it is undoubtedly worthy of accountability and punishment if there was nothing to interrupt that freedom(Husni, 1988), (Najm, 2000).The crime of creating a terrorist website certainly stands on having the two elements of will and intent. The will of the terrorist is behind his choice to create a terrorist website for the purpose of disseminating extremist ideology, financing terrorist operations, or recruiting terrorists. He intended to train them to carry out terrorist operations and manufacture explosives, or achieve communication between terrorist leaders and their followers, with prior knowledge that this is contrary to the law and expected to achieve the criminal harmful results during the commission of this act.

4. Combating the Crime of creating a terrorist website in the International Criminal Law

a.   European Convention for Prevention of Internet Crime (Budapest Convention, 2001)

This Convention is one of the clearest international legal conventions on this issue. It was submitted by the European Commission on Crime Problems (CDBC) and the Committee of Experts on Cyber Crimes, which deals with the electronic crimes in a precise and transparent manner. Chapter II of the Convention includes actions to be taken at the national level. The first section deals with the substantive texts of computer crimes, which divide the crimes into four groups. The first group includes crimes targeted to information security elements such as abuse of devices, interference in computer systems and illegal login. The second group concerns computer crimes of forgery and rubbery. The third group deals with crimes related to the content of information. In this regard, only one example was mentioned which is the child pornography and it criminalizes any activity related to this issue. The fourth group deals with the subject of criminal contribution, initiation and punishment standards and the moral responsibility of persons. Chapter III of the Convention deals with the subject of international cooperation in the fight against computer crimes, while Chapter IV deals with the final provisions(Arab, 2006), (Ghayed, 2013).

The crime of creating a terrorist website is one of the content crimes in which the computer plays a role in the criminal environment. Terrorists use computers and the internet to spread their terrorist ideas, recruit terrorists, train terrorist operations and communicate with one another. However, the Budapest Convention is noted to limit the content crimes to child prostitution crimes only[25], it does not refer to other types of crimes that are no less dangerous than child prostitution crimes such as cybercrime, crimes of provocation, sedition, and other crimes. This may be explained as follows. The convection, in general is rules and directives of the countries that ratify it, who should put their own mark when enacting national legislation in this aspect to preserve their national sovereignty. This researcher believes that failure of the Convention to include many computer crimes, especially the electronic terrorism, creates many problems for the member states. The least of all is imposing a specific limited vision, which undermines the sovereign side of states; and creates many objections by some so that the Convention will not achieve the desired goal in this regard.

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[25]Article 9 of the Budapest Convention, which provides that "the State organizing the Convention shall take legislative measures to criminalize the intentional display, distribution, transfer or other acts of any person that would provide or facilitate the provision of child pornography through a system of Computer, and criminalizing the production of child pornography materials for distribution through the computer system. "

b. United Nations Convention against the Illicit Use of Information Technology for Criminal purpose[26]

This Convention consists of guiding measures for the States Members at the United Nations and is aimed at preventing and combating criminal use of information technology. Article one of the Convention states in paragraph (e) that "legal systems should protect the confidentiality and integrity of data and computer systems and their availability from any obstruction and to ensure that those who misuse them for criminal purposes are punished(UN, n.d.).The crime of creating a terrorist website is merely a use of a computer system for a criminal purpose and is, therefore, within the generality of such measures under the Convention. In addition, several resolutions have been passed by The General Assembly of the United Nations on ensuring safe use of technology and information networks. They call, in all its decisions, the Member States to take into consideration the issue of combating illicit use of information technology and the efforts done by Crime Prevention Commission and Criminal Justice Commission and other national and international organizations(Labaki).

5. Examples of terrorist websites

Many terrorist organizations and associations have established internet websites on which they disseminate their extremist ideology, recruit people to be affiliated with them or consider them as a means of communication among their members, or plan to carry out their terrorist attacks against their opponent persons or countries. Terrorist websites include:

A. Western terrorist websites
1. The site of the Kokalux Klan terrorist organization,www.kkk.com, is a racist organization that espouses white supremacy and includes many racist associations e.g., America First, Positive Christianity, White race, Covenants and Charters. The website includes the name of the leader of this organization, its internal regulations and programs, and the actions it has taken to disseminate its radical racist ideology. This website has been blocked by the United States of America.
2. The Mafia Trenshkut: www.memberswbs.met is a Nazi organization characterized by extreme racism against blacks, Spanish and other minorities. It has students wearing special uniforms consisting of long black coats and chanting slogans such as "All should be killed". Members of this organization have experience and intelligence in the field of computer as revealed by the American police in its investigations into the crime of American students: Eric Harric and DglanKelbolda, which they committed against their colleagues in high school in the city of Tilton, Colorado, where 15 students were killed. They announced explicitly through their organization's website that they would make from the month of April influential days that will not be forgotten by the Americans(Awadi, 2006).

B. Terrorist websites belonging to Al-Qaeda and ISIS

i. . Al-Nida website: it is the official website of Al-Qaeda initiated after the events of 11 September 2001 through which the organization's media statements by its leaders are issued.
ii.Al-Battar:It is a military journal specializing in military and field information for Al-Qaeda.
iii.ZirwatAl-Sinam website:It is a periodical electronic journal published by Al-Qaeda's media section.
iv. The Voice of Jihad website: It is a quarterly magazine published by Al-Qaada in the Arab region, containing some of the dialogues and statements of the organization's leaders and ideologues(Al-Qar'an, 2017), (Al-Adly, 2016).
v. ISIS has a huge advertising arsenal on the internet containing all forms of media outlets of blogs, forums and websites as well as several institutions of production image and video[27].

This researcher posits that proliferation of websites created by the terrorist organizations predicts the magnitude of electronic terrorism in current time, and the extent of precision by these extremist organizations to propagate tirelessly their extremist ideology in all ways and means. This imposes a burden on the governments and the international community to use all means to defeat this terrorism and to disrupt its activities as much as possible.

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[26]The Convention is issued by the United Nations by resolution No. (63/55) dated 12/4/2000.See: AlFeel, Ali Adnan, Cyber Crime, previous source, p. 330

[27]The researcher Hisham al-Hashemi, a specialist on extremist groups, says: "Daadash's organization attaches great importance to the media, so that its leaders regard the electronic media committee as one of the most important fronts of the work." The supervisors of the media work of the organization are mostly Saudi Salafists because they enjoy the language of sound and sound, and a prolific speech in the forensic evidence to prove loyalty to Abu Bakr al-Baghdadi.

6. Conclusions and Recommendations

Results

a. The meaning of terrorism in Arabic language comes in harmony with the linguistic meaning, both of which carry the meaning: intimidation, panic and horror.
b. The Omani law has expanded its definition of terrorism; it introduced some acts that depart from the concept of terrorism, such as harming people and endangering their lives; and those are ordinary crimes that are subject to the Omani Penal Code.
c. Elements of the crime of establishing an electronic terrorist website in Omani law has a physical element represented in the criminal act defined precisely by the act of criminalization, and the moral element represented by the will and intent of the offender before committing the crime.
d. The internet has provided an enormous amount of data about participants in the network and social media that terrorists use to reach as many supporters or followers as possible.
e. Dissemination of extremist ideology and recruitment of terrorists is one of the terrorists' greatest goals in establishing their websites.
f. The international conventions do not include most computer crimes, especially, those relating to electronic terrorism. This puts the Member States in many problems, at least the imposition of a specific limited vision which undermines the sovereign side of States and creates many objections. Therefore, these conventions will not achieve the desired goal in combating the internet crimes in general and cyber terrorism in particular.
g. The large number of websites created by terrorist organizations indicates the magnitude of electronic terrorism in current times and the extent to which these extremist organizations are mobilizing and spreading their extremist ideology in all ways and means tirelessly. This imposes the burden on governments and the international community to take all means and ways to defeat terrorism and to obstruct its activity as much as possible.

Recommendations

a. There should be a unified definition of the concept of terrorism agreed upon by the international community away from political ideologies and private interests.
b. There should be strict procedural provisions in the law to combat the crimes of information technology in Omanilaw and international agreements that control and limit the spread of terrorist websites.
c. A unified international committee should be established under the umbrella of the United Nations to coordinate and joint efforts in combating cybercrime, particularly, to monitor and block terrorist websites continuously.
d. Continuous cooperation among States through their security and judicial authorities is the way of choice to legally trace the owners of terrorist websites.

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