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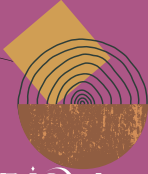
COMMENDATION OF TERRORIST ACTS ON SOCIAL MEDIA: STRIKING A BALANCE BETWEEN FREEDOM OF EXPRESSION AND RESTRICTIVE MEASURES

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COMMENDATION OF TERRORIST ACTS ON SOCIAL MEDIA: STRIKING A BALANCE BETWEEN FREEDOM OF EXPRESSION AND RESTRICTIVE MEASURES

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All praise is due to Allah, Lord of the worlds; and may Allah's blessings and peace be upon the seal (last) of the His prophets and messengers Muhammad (p.b.b.u.h.), and upon his family and companions.

In Surat Al-Ahzab, Allah Almighty says, "(70) O you who have believed, fear Allah and speak words of appropriate justice. (71) He will [then] amend for you your deeds and forgive you your sins. And whoever obeys Allah and His Messenger has certainly attained a great attainment."¹

Prophet Muhammad (p.b.b.u.h.) has been narrated as saying, "Whoever believes in Allah and the Last Day, let him speak good or remain silent."²

Moreover, our noble Sharia is affluent with messages and evidence that urge us to embody good ethics, patience, truthful speech, and to avoid erroneous speech that leads to the destruction and dispersion of the nation.

Given the various forms of information technology tools and their limitless ability to transfer information content in real time to the farthest corners of the world, users have become media producers and journalists. They are now able to create and distribute information content through internet forums or social media platforms. Others are affected by the nature of this content, whether positively or negatively, making us truly aware of its danger when it comes to the threat of ideology and its safety from the scourge of extremism.

It cannot be denied that there are powerful media outlets whose primary objective is to counter speeches that glorify terrorist acts. Countries around the world are working to combat such discourse on both international and national levels. It cannot also be denied that we face another fiercer media stream that has turned social media into platforms undermining counter-extremism efforts to carry out its extremist agendas in a digital environment that has plunged the world into a constant state of chaos, making it difficult to control what is being disseminated or broadcast.

We know for a fact that social media platforms, due to their diverse features, have empowered extremists to spread their toxic ideologies through accounts, websites, electronic channels, and even online games containing videos, images, or comments including statements or scenes that invade users' emotions, especially the youth, leading them toward the abyss of intellectual extremism. Ultimately, this may push them towards deviance or criminal acts.

While commending behavior is one of the activities frequently practiced via the internet or social media, the question we pose in this paper is whether advocating terrorist activities across these platforms is subject to the concept of freedom of expression, or is it rather a prohibited behavior?

This topic is, in fact, highly controversial, as legal opinions diverge on this matter and have had an impact on judicial decisions. Therefore, our answer to the question above will be approached based on an analytical methodology, starting with defining the concept of *commendation* and clarifying related concepts. We will seek to understand the nature of this behavior, particularly if it pertains to activities characterized by terrorist extremism. Our discussion will then address the religious, legal, and judicial perspectives, aiming to interpret this behavior and culminate in conclusions and recommendations that may differentiate between freedom of expression and restrictive measures.



First: The Concept of Commending Terrorist Acts

In this section, we aim to delve into the concept of commending extremist terrorist acts, in order to elucidate the dimensions of this concept in a clear, logical, and systematic manner that supports our purpose in writing this paper.

1. The Concept of Commendation:

In «Al-Ghunni» monolingual Arabic dictionary: the verb 'Habbatha' (with 'Tahbeeth' as its infinitive) means 'to commend', i.e. to consider something as being suitable and acceptable. In «Modern Standard Arabic Dictionary»: the verb 'Habbatha' means to praise or to commend. For instance, Habbatha al-shakhs qala lahu habbatha; and 'Habbatha al-amr' praised and favored it in a positive way. For example, Uhabbith an yakun al-ijtima' fi qaa'at al-jami'a, and 'Habbatha uslubban/as-safar: Nazara ilayhi beredan wa ihsan³.

As for foreign language dictionaries, the "Dictionnaire Français Académique" defines this behavior as 'apologie' or 'glorifier,' which means commenting or speaking about something in a positive manner.⁴

In English, the "Oxford Dictionary" defines the term as 'glorification,' which means making something appear better or more important than it actually is, similar to 'praise,' which signifies commendation, admiration, or approval.⁵ In 2004, a working group at the European Council defined this behavior as a "general expression of praise for terrorists or terrorist acts."⁶

From these definitions, we understand that the essence of commending is an expressive activity originating from an individual who approves, praises, commends, supports, or endorses another person's actions or behavior toward a specific situation, whether through gestures, images, signals, or any other means. This activity is limited to personal expression and does not extend to physical action.

Commendation could also be an expression related to a

situation that the advocator sees as positive, which others might perceive negatively, and vice versa. This term may bear similarities to other terms such as "incitement," which urges a specific action, and "advice," which involves guiding and advising others. It might align with "effort," meaning working toward something, "hinting," referring to something implicitly without being stated directly, as well as various other terms.⁷

2. The Concept of Terrorist Acts:

Terrorism is in general one of the terms whose concept and negative impact on various societies, regardless of their ethnicities, we will never forget. Despite the international efforts made to combat terrorism and the resulting 19 global treaties linked to countering this phenomenon⁸, it continues to adapt and evolve in line with the development of society itself. Currently, we are witnessing the evolution of the concept of "cyberterrorism," which we will discuss in the next section.

Nevertheless, defining terrorism as a global phenomenon has not been an easy task. Scholars unanimously recognize the difficulty in crafting a universally accepted definition due to differing perspectives of each country regarding the nature of acts falling under this category. What one country considers an act of terrorism might not be classified as such in another country. Generally speaking, terrorism is rooted in the idea of employing violence or threats of violence against a state's policies or its fundamental components. It is committed by groups driven by extremist ideological beliefs, with the intent to achieve specific political and strategic objectives, or to create an atmosphere of instability, fear, or intimidation within society.

To avoid redundancy and lengthy exposition of the concept of terrorism, we have chosen to focus on key definitions relevant to our study. Among these is the United Nations' definition, which defines terrorism as "acts that endanger human lives, threaten fundamental freedoms, or violate human dignity."⁹

The U.S. Department of State defines terrorism as “violence driven by political motives, premeditatedly executed against non-combatant civilians or unarmed military personnel, carried out by national groups or clandestine agents.”¹⁰

The Arab Convention for the Suppression of Terrorism, issued in 1998, defines terrorism as “any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people causing fear by harming them, or placing their lives, liberty or security, in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardize national resources.”

Similarly, the Cooperation Council for the Arab States of the Gulf’s (GCC) agreement, in its first article, classifies a “terrorist crime” as any committed or attempted crime with the intention of furthering a terrorist purpose in any Contracting State, or against the properties, interests, or nationals of such a State. This includes incitement to terrorist crimes, promotion or approbation thereof, or the printing, dissemination or possession of writings, printed materials or recordings, regardless of their nature, if they have been prepared for distribution or for viewing by others and include promotion or approbation of such crimes.

The Islamic Jurisprudential Council defined terrorism as “aggression carried out by individuals, groups, or countries with hostility against humanity in their religion, blood, mind, property, and honor.” This encompasses forms of intimidation, harm, threats, and unwarranted killing, as well as actions associated with banditry and highway robbery, and any form of violence or threat inflicted as part of an individual or collective criminal endeavor. Such acts are intended to sow panic or intimidate people, causing them harm, endangering their lives, freedoms, security, or conditions. It includes causing damage to the environment, public or private facilities and properties, or jeopardizing national or natural resources. All of this falls within the scope of corruption on earth, which Allah Almighty has forbidden.¹¹

Various legal legislations have adopted these concepts by defining terrorist acts in Arab and foreign national laws. However, these definitions differ in terms of the terminology used to define behaviors falling under the concept of terrorist activities. Among these behaviors is

the act of “commendation,” as some have explicitly used this term or its synonyms, while others have considered it to be subsumed under “promotion” or “incitement” as will be discussed later.

Accordingly, the commendation of terrorist acts is a behavior that praises, approves, or glorifies the acts or activities carried out by terrorists. It involves using words or phrases that express favoring terrorist acts. Some world experts have defined it as “positively presenting terrorist acts” or “a discourse that glorifies and encourages terrorism.”¹² International experts in counter-terrorism have defined it as “an open expression of praise, support, or justification for terrorists or their terrorist acts.”¹³ Consequently, this behavior is a subject of investigation, often occurring after a terrorist act has taken place or after praising statements from individuals with extremist or violent ideologies.



Second: Commendation of Terrorist Acts through Social Media and Assessing their Danger.

In this section, we aim to first examine the evolution of the terrorism phenomenon within the information technology revolution and communication networks. After that, we elaborate on the concept of promoting terrorist activities and their danger when carried out through social media platforms.

1. The Evolution of Terrorism within the Information Technology Revolution and Communication Networks

With the advent of modern technology and the advancement of communication networks across various domains, to the point where their tools have become an integral part of human life, and given their clear benefits, especially in facilitating communication channels between individuals in terms of time and space, it is not surprising that terrorist organizations seek to employ these tools to achieve their goals¹⁴. This has led to the emergence of terms such as “cyber terrorism,” “electronic terrorism,” “cyber-based terrorism,” and other related names that describe this model or relationship.

Researchers have defined this term in various ways. One definition characterizes it as the “use of computer networks to destroy or disable critical national infrastructure, such



as energy, transportation, and government operations, or to terrorize a government or civilians.”¹⁵ Another definition describes it as the “intersection of terrorism and cyberspace, involving unlawful attacks on computers, networks, and the information stored therein, with the intention of compelling or threatening governments or communities to achieve objectives sufficient to cause harm or fear.”¹⁶ It can also be understood as the “utilization of modern technological means and the information revolution through cyberspace by terrorist groups, states, or individuals for physical or psychological aggression, threats, or intimidation against governments and individuals, in order to achieve political, ethnic, or religious purposes.”¹⁷ From these definitions, we find that the evolution of terrorism is based on the idea of utilizing modern technology to carry out various terrorist operations. Groups or organizations have discovered that these tools have provided them with capabilities that ease their tasks compared to traditional methods. One of these tasks is remote execution of terrorist operations with minimal effort, and also employ smart robots to carry out these operations. In addition, one of the advantages is achieving greater losses against both states and individuals, especially as they have adopted technology across various domains. They have also gained the ability to hide within the cyberspace realm. Attacks can be launched without identifying the source of origin, with platforms like the Darknet or the Deep Web serving as windows through which groups or organizations can camouflage themselves in cyberspace and carry out their activities.

Various types of social media networks serve as gateways for these operations. They connect groups or organizations through the creation of accounts or websites, and producing digital content in the form of text, images, or videos to spread their ideology and promote their principles. Likewise, they employ these platforms to outline the methods they follow for different terrorist operations and recruit new individuals to join them.¹⁸ It is worth noting that subscribing to these networks and enjoying their services comes at very low costs, and they provide a convenient and secure means to convey their messages to the public.

Based on the information mentioned above, we find that terrorist groups or organizations operate in the virtual environment using several patterns, all of which revolve around the use of information technology tools and communication networks. The concept of cyber terrorism

can only be realized through these means. **Therefore, these patterns can be summarized as follows:**

1. Utilizing information technology tools and communication networks as means to carry out unlawful tasks. This could involve creating malicious viruses, stealing information, generating content, and more.
2. Directing attacks towards infrastructure, systems, and networks to execute various operations such as system breaches or penetrations and maintaining access.
3. Utilizing the cyberspace environment as a platform to disseminate various forms of terrorist content. This includes text, images, videos, and more. This content can be discovered or searched for through search engines, accessed, or distributed via chat applications, enabling them to spread their toxic ideologies.

2. Commending Terrorist Acts and Assessing their Danger through Social Media:

Commending Terrorist Acts and Assessing their Danger through Social Media:

Commending terrorist acts, as we have seen earlier, refers to an expression issued by an individual who praises or accepts acts that cause harm to lives or properties. It may also involve favoring a discourse that includes extremist ideologies or beliefs through digital textual, visual, or video content that is mainstreamed or broadcast via social media networks. Publishing this content is one of the strategies employed by terrorist organizations and groups. Therefore, promotion is an activity associated with terrorist actions, not terrorism itself. In this context, the question arises: is the nature of commending terrorist acts an incitement activity, or is it simply propaganda? Does the danger of commending such acts differ from other activities? Does this activity pose a threat when conducted via social media networks?

Incitement is a positive behavior that influences others to commit illegal acts. This behavior is based on affecting an individual's thoughts and encouraging them through unconventional means to engage in unlawful activities. The individual is driven to commit these unlawful acts, including acts of terrorism, due to this influence. This behavior must be direct to be considered criminal, implying that it carries guidance or urges others to commit terrorist acts, such as inciting others to use force against

a specific group, sect, or belief. However, if the incitement is indirect, it is not considered criminal. This means that it must be aimed at directing others to commit a specific criminal act¹⁹. Accordingly, the crime of incitement is not significantly different from the crime of hate speech if they both involve promoting the use or threaten to use violence against a certain group, belief, ethnicity, or nationality. Promotion, on the other hand, is not about reporting on terrorist activities, but involves advocating terrorist ideology and conveying it to the public through any channel, including social media networks. This could include spreading tactics or analyses of executing their operations.²⁰

In this way, the activity of commending, inciting, and propagating exhibits similarities in terms of their nature as acts related to terrorist actions. Similarly, they all share the same tool, aim, and the potential danger they pose to social peace, national unity, and public order. However, the conceptual understanding and the severity of the harm caused by these activities can vary from one country to another. The distinction between them becomes evident in the timing of their occurrence: incitement occurs before the terrorist act, whereas commendation occurs afterward. Promotion can happen both before and after the terrorist act, and this behavior is closer to commendation in that its actors seek to glorify their actions and consider them heroic deeds.

Regarding the other part of the question, we all know that social media platforms play an active role in shaping and influencing public opinion, and the danger of this lies in the fact that a significant portion of this environment is comprised of youth who are susceptible to being influenced by these ideas. What assists extremist and terrorist organizations is the ability to create fake accounts to coordinate among themselves, interact with potential recruits, and lure them into joining. This gradual shift takes them from being individual users to becoming part of an extremist group identity.²¹ After the collapse of ISIS in Iraq and Syria in 2018, one of the key survival strategies for the organization has been to recruit new followers by disseminating diverse digital content across various social media platforms. Researchers refer to this as a “force multiplication” strategy, achieved through social media to project the organization as more powerful than it actually is, and to create the illusion that it is still capable of mobilizing and rallying supporters.²²



Third: The Extent to which Commendation of Terrorist Acts is Considered Subject to the Freedom of Expressing Opinion and Thought

Some believe that the commendation of terrorist acts is one of the activities that are part of the freedom of expression and thought. We try to explain the basis of this by touching briefly upon the idea of this freedom and its purpose, and then we stand on the evidence of the extent to which commendation is considered an activity within the scope of this freedom.

1. The Basis of Respect for Freedom of Expressing Opinions, Ideas and Beliefs in International, Regional and National Instruments

Needless to say that the will of man and his inner feelings cannot be controlled by anyone except the individual himself. He may hate, love and express this by any means of expression. This freedom is a historical social value that receives great attention, especially in developed societies. For this reason, societies have sought to protect it from any restrictions that limit the will of man from expressing his opinion, thought or beliefs as long as he believes in them.

This interest is deeply rooted internationally and regionally before being rooted nationally. The Universal Declaration of Human Rights of 1948 is a clear example of this, as it stipulated the respect for this freedom within the framework of Articles 18 and 19, and within the context of the same articles, the International Covenant on Civil and Political Rights of 1966 stipulated respect for this freedom. Regionally, the European Convention on Human Rights of 1950 addressed the protection of this freedom in Articles 9 and 10 therein, and the African Charter on Human and Peoples' Rights of 1981 maintained this freedom in Articles 8 and 9 therein. The Arab Charter on Human Rights of 1994 also tackled this value in the first and second clauses of Article 30. The Charter also indicated in the third clause of Article 1 that Arab societies are based on the correlation between awareness of rights and commitment to duties and are dominated by the values of equality, tolerance, and moderation. The declaration of the Gulf Cooperation Council countries of human rights issued in 2015 in Articles 6 and 9. It is worth mentioning that the Cairo Declaration of the Organization of Islamic Cooperation in 2020 affirmed this freedom in Article 19



therein, explaining in its introduction that fundamental rights and public freedoms in Islam are part of the Islamic religion and that they are divinely mandated provisions, which were revealed to Prophet Muhammad (p.b.b.h.).²³

Respect for this freedom has also been reflected in most national constitutions in world countries keen to address it as a constitutional and legal value that guarantees the right of individuals to exercise this freedom.

The exercise of this freedom has developed due to the technological movement and its transference through various social media networks, as it contributed to taking the interaction of individuals and the expression of their opinions from their geographical scope to the farthest countries of the world until new social organizational structures capable of guiding public opinion were created for us. However, the question now is how can expression by symbols be conceived without supporting comments or images?

It is noticeable that the language of expression by symbols is defined by icons chosen by the user to express his position. There are symbols to express approval, such as the "Like" icon. On the other hand, there are symbols that express rejection ("Dislike" icon) signifying the user's disagreement. Therefore, the expressions made by the user clarify his attitude. As for republishing or broadcasting without any comments, photos or other content, this indicates, in our opinion, the user's consent because his role in such cases is supportive of the broadcast or broadcast content because s/he knows that this process would expand the scope of the content, which constitutes a positive point that groups seek to reach.

2. Commendation is an Activity that is not Subject to Prohibition and its Restriction is a Violation of Freedom of Expression and Thought

In May 2015, a declaration was issued by a group of experts in the field of freedom of expression in the United Nations. The declaration is concerned with the freedom of information in the Organization for Security and Cooperation in Europe, the freedom of expression in the Organization of American States, and the freedom of expression and access to information in the African Commission on Human and Peoples' Rights. The declaration addressed a number of issues related to freedom of expression and thought, in which the experts expressed their dissatisfaction with the attack on this freedom by subjecting individuals to criminal liability for expressing facts related to terrorism. They believe

that such liability should be limited to direct incitement to a terrorist act in a narrow sense,²⁴ and not indirect or ambiguous expression as described in their report, such as using the term "glorification," "justification" or "encouragement" of terrorism.

The Declaration also stated that the issue of blocking content on the Internet cannot be justified on the basis of respect for human rights.²⁵ Amnesty International described the anti-terrorism laws in Europe after the 2015 attacks as harsh because they restrict many freedoms, including freedom of expression, as it criminalized praising or commending terrorist acts²⁶, and the organization itself criticized some countries in this regard. A number of human rights activists have also argued that the concept of commendation, glorification, or other vague or loose concepts, being terms based on the idea of probability (i.e., the possibility that the public will be affected by such terms, including subsequent explanation and interpretation based on it) may make it difficult to determine the purpose for which individuals are subject to criminalization. This will also allow the judiciary and investigation authorities a wide interpretation of the definition and content of this activity²⁷. This issue caused controversy when some users glorified the assassination of the Russian ambassador to Turkey, as the Public Prosecution in the Kingdom of Morocco charged some of those who praised this incident on social media networks.²⁸

In addition, some have explained that UN Security Council Resolution No. 1624, issued on December 14, 2005, which is the first international instrument dealing with the issue of incitement to terrorist acts²⁹, was limited to the prohibition of direct incitement to terrorist acts, and that this resolution referred to the need to respect the freedom of expression, which is warranted by international instruments. All of these explains restricting incitement to being direct and banning any other indirect form.³⁰ However, this decision was a justification for criminalizing the commendation of terrorist acts specifically in Europe³¹.

In some of its rulings in this regard, the Kuwaiti Court of Cassation has acquitted those who intellectually believe and sympathize with terrorist organizations, as long as this sympathy and thoughts are not translated into action. According to the Court, statements without actual and realistic communication and if there are not financial acts backing terrorist organizations, then there is enough evidence for convicting them with the crime of calling to join illegal organizations or promoting their ideas. It is worth mentioning that this verdict came in contrast to the

appealed verdict, as the court considered that sympathy with ISIS, and embracing its ideas, is considered a punishable crime, even if the accused did not commit an act that causes physical harm to others.



Fourth: Commendation of Terrorist Acts between Prohibition and Criminalization

After the frequent surge in terrorist activities, the increase of religious hatred, especially through social networks, and the expansion of recruitment in most of the world countries, nations unanimously rejected terrorism and related acts. This section tries to identify the position of the Islamic Sharia on this behavior, and to state the penal laws that criminalize it.

1. The Position of Islamic Sharia on this Activity

Exploring the tolerant teachings of Islamic Sharia, one will find that they reject all forms of violence and extremism constituting the activity of terrorism. This discussion complements what is previously mentioned in the introduction that the Islamic Sharia teachings transcend the morals of Muslims and doing good to others, even if they are enemies. Allah Almighty has commanded Muslims to be patient even in discussing matters with others in order to reach solutions that may be helpful in the call for Islam. This is mentioned in The Holy Quran in His saying: in sura At Tawba verse (6) "And if anyone of the polytheists seeks your protection, then grant him protection so that he may hear the words of Allah. Then deliver him to his place of safety. That is because they are a people who do not know"³², and in sura An-Nahel in verse (125) "Invite to the way of your Lord with wisdom and good instruction, and argue with them in a way that is best. Indeed, your Lord is most knowing of who has strayed from His way and He is most knowing of who is [rightly] guided"³³

Furthermore, the Almighty commands His noble Prophet (p.b.b.h.) to forgive those who offend him and to be patient with the disbelievers, by saying in verse: "(34) And not equal are the good deed and the bad. Repel [evil] by that [deed] which is better; and thereupon the one whom between you and him is enmity [will become] as though he was a devoted friend."³⁴.

The sayings of Prophet Muhammad (p.b.b.h.) is also abundant with how tolerant this religion is, and the importance of kindness in dealing with others. It was

reported by Aisha, may Allah be pleased with her, that the Prophet (p.b.b.h.) said, "Allah is kind and He loves kindness and confers upon kindness which he does not confer upon severity and does not confer upon anything else besides it (kindness)." narrated by Muslim³⁵, and she also reported that the Prophet (p.b.b.h.) said: "When Kindness is found in anything, it adds to its beauty and when it is withdrawn from anything, it makes it defective"³⁶. In another saying of the Prophet (p.b.b.h.), Jarir bin Abdullah narrated that he heard the Messenger of Allah (p.b.b.h.) says: "He who is deprived of kindness is deprived of all good"³⁷. All these honorable hadiths show the virtue of kindness in words and deeds with all creatures and urge Muslims to behave accordingly, and to renounce violence and its ways.

If the purposes of the Islamic Sharia, for which Prophet Muhammad (p.b.b.h.) is sent to bear, establish the rules of security and peace and spread the language of cooperation, tolerance and moderation, and are full of many signs to fight forms of extremism, violence and aggression against others, then what is the Sharia ruling against those who glorify such forms? And to what extent they are considered as an incitement to cause harm?

We have found that it is really difficult to clarify the Sharia ruling against the commendation of terrorist acts. It is also challenging to consider it an indirect incitement or, as it is referred to in Islamic jurisprudence as incitement to cause harm, because commending terrorist acts does not directly induce committing a terrorist crime. Commendation does not include a call to act, rather it is merely a praise, or similar action that indicates a person's approval of the incident.

When the incident falls within the concept of terrorist acts such as killing, destruction of property or other activities that may intimidate or terrorize peaceful citizens, it is not possible to justify or defend a murderer who kills people or a saboteur who destroys property or incites such destruction, or just defend them under the guise of freedom of expression. Those who sympathize with these acts belong to the same corrupt doctrine of persons pretending to follow our Islamic Sharia, while Islam denounces all their deeds.

Therefore, the commendation of these activities is a dangerous tool that results in stirring up sedition and hatred among people. Such speeches or comments may indirectly affect a group dominated by emotions, especially young people. This danger increases with the wide spread of social media that truly recruited and



attracted this group because of its content (distorted images, clips and comments) on the Internet, which spreads the pain and tragedies that afflicted the Islamic nation. Those who commend terrorist acts have long exploited these platforms to quickly spread their toxins around the world. This exploitation is not about an expression of opinion as much as it is igniting the emotion of young people specifically to generate hatred that may amount to recruiting them to carry out or help execute terrorist acts by individuals described as 'lone wolves'. The seriousness of this matter leads to the description of the advocates of violence, extremism and terrorism as the "Sitting Kharijites". They are the ones who incite people with words while sitting, not fighting with the sword. These people have a great role in fueling the Kharijite doctrine³⁸, especially if the words or comments are made by an eloquent man who deceives people using his rhetoric and ascribing his words as directly coming from Sunnah. Therefore, the saying of the noble Prophet (p.b.b.h.) "Whoever believes in Allah and the Last Day, let him say good, or let him be silent" must be the standard to follow suit in this regard.

2. Penal Laws Provisions on the Commendation of Terrorist Acts

Most criminal laws criminalize commending terrorist acts in light of the international efforts that resulted after the Security Council meeting in 2004. In the following section, we will highlight some of the foreign legislations pertaining to this behavior, followed by the relevant Arab legislations.

a. Criminalization of Commend Terrorist Acts in some foreign laws

A number of European countries have specifically criminalized this conduct in their laws as a preventive mechanism to prevent terrorist activities. For example, the English Terrorism Act 2006, in which the legislator devoted section 2, clause 3, to criminalizing the Commendation of terrorism as indirect conduct to encourage or imitate terrorism. It explicitly stated that: "For the purposes of this section, the statements that are likely to be understood by a reasonable person as indirectly encouraging the commission or preparation of acts of terrorism or Convention offences include every statement which-(a) glorifies the commission or preparation (whether in the past, in the future or generally) of such acts or offences; and (b) is a statement from which members of the public could reasonably be expected to infer that what is being

glorified is being glorified as conduct that should be emulated by them in existing circumstances"³⁹. The Commendation of terrorist acts is criminalized by the French legislator in Article 421-2-5 of the French Penal Code, which stipulates that: "Directly provoking acts of terrorism or publicly advocating such acts is punishable by five years' imprisonment and a fine of €75,000. The penalties are increased to a seven-years imprisonment and a fine of €100,000 when the acts are committed using an online public communication service." The French legislator has stated its wording resulting from Law No. 2014-1353 that reinforcing the provisions relating to the fight against terrorism, cannot, without infringing the freedom of expression and communication, be interpreted as suppressing an offense of concealment condoning acts of terrorism as in the Press Law No. 1881.⁴⁰ The Spanish legislator also criminalized this behavior in Article 578 of the Criminal Code, stipulating that "whoever presents an apology or justification by public expression or publication of the felonies mentioned in Articles 571 to 577 of this law, or whoever participates in their commission, or in committing acts involving defamation, contempt, or humiliation of victims of terrorist crimes or their relatives, shall be punishable by imprisonment for one to two years."

b. Criminalization of Commendation of Terrorist Acts in some Arab laws

Most Arab countries followed suit in criminalizing the commendation of terrorist acts, such as the Moroccan Criminal Code, which criminalized it under the description of praise for terrorist acts in the second clause of the Article 218-2 amended by Law No. 86.65-2015, stipulating that "any person who propagandizes, praises or promotes for the benefit of a terrorist person, entity, organization, gang or group by one of the means stipulated in the first clause of this article shall be punishable with the same punishment. However, if the perpetrator is a legal person, he shall be punishable by a fine ranging between 1,000,000 and 10,000,000 dirhams and dissolving that person, along with taking the preventive measures stipulated in Article 62 of this Law, without prejudice to the rights of others and without prejudice to the penalties that may be issued against the administrators or employees of the legal person who commit the crime or attempt". In Algeria, Article 87 (bis) of the Penal Code mentioned terrorist acts, stipulating that "Any person who praises, encourages, or finances the acts mentioned in Article 87 (bis) above by any means whatsoever, shall

be punishable by temporary imprisonment from five to ten years and a fine of 100,000 DZD to 500,000 DZD". Article 87 (bis) 5 has a specific provision for praising and stipulates the same penalty if documents, publications or recordings praising the acts mentioned in this section are intentionally reprinted or published.

Article 1 of The GCC Convention on Combating Terrorism considers commendation as a terrorist offence⁴¹. The Kingdom of Saudi Arabia has adhered to this agreement, as Article 34 Law of Combating Crimes of Terrorism and its Financing of 2017 stipulates that **"Any person who advocates or promotes a terrorist ideology, a terrorist entity, a terrorist crime, or the ideology of its perpetrator; expresses sympathy with its perpetrator or justifies, promotes, or lauds his act or crime; or acquires or possesses any type of document, publication, or recorded material that includes justification, promotion, or praise of a terrorist ideology or a terrorist crime with the intention of publication or dissemination, shall be punishable by imprisonment for a term not exceeding 8 years and not less than 3 years"**. In Bahrain, Law No. 58 of 2006 on the Protection of Society from Terrorist Acts, as amended by the provisions of Law No. (8) of 2019, stipulates in Article 11 that **"Any person who, by any means, promotes, glorifies, exalts, justifies, or commends acts that constitute a punishable terrorist activity, whether inside or outside Bahrain, shall be punishable by imprisonment for a period not exceeding five years and a fine not less than 2,000 BHD and not exceeding 5,000 BHD..."**.



Conclusion

The legitimate, social and legal evidence presented in this paper aims to protect the society from the dangers of ideological extremism on the Internet and social media networks. It also aims to prevent users from being affected by the content published on such networks, which may lead to engaging in any act of support for terrorist organization, especially among the young people upon whom these organizations depend. Commendation, or other synonymous terms highlighted in this paper, if made public through these channels, cannot be considered as part of the freedom of expression, because people who support such violent content know that it will affect others, especially if it is made by influencers, otherwise they would not have published or broadcast this content. Moderation is required to avoid the publishing, republishing or broadcasting such content if it would be understood as an advocacy for such terrorist activities, which are rejected by religions and criminalized by laws. As long as the content includes extremist thoughts, confronting commendation requires effective measures to protect generations from this ideological deviation.

This behavior is criminalized regardless of its publisher's intent, since publishing or broadcasting such thought is implicitly taken as an approval of its content. The public, in all categories, will see this approval, and may sympathize with it, ultimately making them a source of support for these networks.

We hope that international, regional and national efforts will be coordinated to block extremist content on the Internet in order to protect societies, and to prevent terrorist heads and their wolves from continuing to implement their malicious, mind-bending plans.





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