

Review Paper

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TERRORIST ACTS IN THE UNDERGROUND RAILWAY INFRASTRUCTURE

Abstract

The world is facing a major security crisis. Terrorist attacks that take place in large capitals and urban areas are becoming more and more frequent, and terrorists target large shopping centers, places where a large number of people gather, as well as traffic infrastructure. In particular, as a high-risk infrastructure, the underground railway, and city subways stand out, which are suitable for the implementation of various terrorist acts.

Terrorism in the most modern context of observation is closely related to current geopolitical events and war conflicts that are ongoing and taking place in the Middle East. The latest events in Gaza are the real trigger, which actualized racially and religiously

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motivated terrorism in the world. Members of Islam appear as perpetrators, while Christians and European metropolises are targeted.

Keywords: terrorism, railway, metro, victims, reckoning.

INTRODUCTION

Terrorism can be defined as the deliberate use of illegal violence or the threat to use violence to create a sense of fear with the aim of coercing or intimidating a government or society in order to achieve political, religious, and ideological goals (Milošević, 2017, p. 63). It is believed that the term terrorism was used for the first time in the 18th century and is associated with the French Revolution, only to come into the full focus of contemporary hatred in 1983 after the attack on the barracks in Beirut, as well as after the attack on the World Trade Center and the Pentagon in New York and Washington in 2001 (Trajković, 2023, p. 288).

The problem of international terrorism is primarily dealt with by international criminal law. International criminal law can be defined as a set of regulations that contain norms of criminal law that have an international character and norms of international public law, aimed at punishing and implementing criminal sanctions against those who have committed criminal acts with an international character (Nogo, 2016, p. 59).

International crimes that can be linked to international terrorism are war crimes, crimes against humanity, genocide, and aggression. In addition to these international crimes, the following crimes can be classified under the category of crimes related to international terrorism: hostage-taking, terrorism, crimes against persons under international protection, crimes against UN officials and associated personnel, war crimes mercenaries, acts of marketing and production of narcotic drugs, crimes against cultural heritage, etc. (Šurlan, 2011, p. 233).

The specific subject of interest of this paper refers to the way terrorist acts are carried out by abusing the underground railway infrastructure in large urban areas. What is noticeable is that terrorist organizations are constantly changing their modus operandi and try to outwit the security systems of the countries in which they intend to carry out a terrorist act with the most cunning and unexpected actions. The target of attacks are places where a large number of people gather, in order to achieve the main effect of terrorism, which is intimidation and insecurity on the part of a large number of people. Precisely, for this purpose, the underground railway infrastructure serves the best, which in big cities is a significant gathering place for a large number of people, who move from one point to another point within the same city.

CRIMINAL ACTS OF TERRORISM

According to the Positive Criminal Code of the Republic of Serbia,¹ Article 391 criminalizes the crime of terrorism. The basic form of a criminal offense is defined as an action undertaken by a person with the intention of seriously intimidating the population or coercing the Republic of Serbia or another state or international organization, with the aim of doing or failing to do something, seriously endangering important institutions, institutions, political, economic or social structures in the Republic of Serbia. On that occasion, there may be an attack on the life, body, and freedom of certain persons, kidnapping and hostage-taking, destruction of public and state-important buildings, destruction of traffic systems, infrastructure, information systems, general public good or other people's private property. Also, the part of terrorism should be understood as the hijacking of aircraft and other means of public transportation. A person who buys, acquires, produces or uses nuclear, biological, chemical, or other weapons or engages in the release of danger-

¹ "Official Gazette of RS", no. 85/2005, 88/2005 - corrected, 107/2005 - corrected, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019.

ous substances, setting fires, causing explosions or floods, and undertaking other actions capable of endangering the life and health of a large number of people, also commits the act of this criminal offense works.

The threat to carry out some of the actions from the basic form of the criminal offense is a lighter form of the criminal offense. The threat can be expressed either orally or in writing. It is important that it is serious, possible, stated in the present tense and that it is irrevocable. The seriousness of the threat is assessed from the aspect of the possibility that it will be realized. The question of the seriousness of the threat must always be viewed from the perspective of the person to whom the threat is made. If the person to whom the threat was issued takes the threat seriously, it is considered that the effect of the criminal act has been achieved. A threat usually makes known the manner in which the incriminated action will be taken, which tells the person who receives the threat enough about the existence of the intention to carry out the threat, but also about the ability of the one uttering the threat to carry out those actions. The possibility of the stated threat is evaluated on the basis of whether it is realistically achievable and whether it can be realistically undertaken. The present nature of the threat implies that it is realizable either in the present moment or in the immediate future. The inevitability of the threat implies that it was uttered in the capacity of a certain coercion that cannot be avoided in any way. Avoiding the coercion imposed by threat is not possible and it is put as the only possible possibility (Jovašević, 2011, p. 499).

Qualified forms of this criminal offense occur in two forms. The first severe form occurs in the case when the action from the basic form results in the death of one or more persons or when there is greater destruction. A qualified consequence occurs due to the negligence of the perpetrator, and if the qualified consequences occurred deliberately, then we are talking about the most serious form of this criminal act. In that case, the maximum criminal sanction can be up to ten years in prison.

Another qualified form of criminal offense occurs in the case of intentional deprivation of life of one or more persons. The difference between the first and second qualified forms is whether the action was performed intentionally or negligently. The prison sentence ranges from twelve to thirty or forty years.

From the corpus of terrorist crimes, there is also the criminal offense of public incitement to the commission of terrorist acts, provided for in Article 391a. In order for this criminal offense to exist, it is necessary that the invitation to commit a terrorist act is public. Without the existence of the public element, or more precisely, if the act was pronounced without the presence of other persons, this criminal act would not exist. Also, if a limited number of persons are aware of the invitation to commit a terrorist act, there can be no talk of the existence of this criminal act (Milašinović & Mijalković, 2011, p. 13).

The criminal offense of recruiting and training to commit terrorist acts is referred to in Article 391b. consists of two acts of preparation, which are criminalized as a separate criminal offense. The first form of this offense consists in recruiting other persons to join terrorist organizations or to participate in certain terrorist acts. Recruiting should be understood as actions of persuading and persuading a certain person to join a terrorist organization and start acting for the interests of that organization. Recruitment can be considered in the above context as incitement to complicity in these criminal acts.

Incitement aims to create or strengthen the intention of another person to become part of a terrorist organization, that is, to start acting in the interests of a terrorist organization. In the event that a person without incitement has already made a decision to join a terrorist organization or act for its interests, this criminal offense will not exist. In the event that the decision made was not final and firm and that the act of incitement contributed to the consolidation of that intention, then there are elements of this criminal act. Persuasion can be carried out in various ways and can be carried out actively, when a person is given promises and intensively told that he should join a terrorist

organization, and passively when a person is made aware of the benefits he can have from joining a terrorist organization or abuse of official position or position of superiority and superiority.

Another form of this criminal offense exists when the perpetrator gives instructions and instructions to another person on the manufacture and use of explosive devices, cold, and firearms or trains persons to engage in terrorist acts.

The use of a deadly device is a criminal offense under Article 391v. and consists in the use of a deadly device with the aim of depriving another person of his life, causing him serious bodily injury, or causing damage to important state infrastructure, facilities of vital importance for the supply of citizens and the functioning of the economy. A lethal device in the context of this provision of the Criminal Code should mean explosives, chemical agents, biological agents, poisons, and radioactive agents.

The first serious form of this criminal offense occurs when a deadly device is deliberately used with the aim of inflicting serious physical injuries on a person or significant damage to a significant object. The threatened prison sentence for this more severe form ranges from five to fifteen years. Another more serious form occurs if a person is deprived of life by the deliberate use of a deadly device. For this form, the minimum sentence of imprisonment is fifteen years, and the maximum sentence is thirty or forty years of imprisonment.

The criminal act of destruction and damage to a nuclear facility is referred to in Article 391g. The Criminal Code consists in the intentional deprivation of life or causing serious bodily injury to a person in such a way that the environment is endangered and greater material damage is caused, a nuclear facility is destroyed, thereby causing the danger of a nuclear disaster. The threatened prison sentence for this form of this offense ranges from two to ten years.

A more serious form of this criminal offense exists if, as a result of the act of this criminal offense, serious bodily injury was intentionally caused or a nuclear facility was significantly damaged. For this type of crime, a prison sentence of five to fifteen years is prescribed. The second more serious form of this offense occurs if there was intentional deprivation of life of one or more persons. The minimum prescribed penalty for this offense is ten years' imprisonment, and the heaviest penalty is thirty or forty years of imprisonment.

Financing terrorism is a criminal offense under Article 393 of the Criminal Code of the Republic of Serbia, which represents a source of finance for the full or partial execution of a terrorist crime, provided for in the Criminal Code. Funds obtained through illegal actions can be used to finance a terrorist group, individuals who commit terrorist acts, provide weapons and other means to carry out terrorist activities, finance training and improvement of individuals who commit terrorist acts, finance the families of terrorist victims, etc. (Bataljević et al, 2018, p. 62). The threatened prison sentence for this crime ranges from one to ten years, with the mandatory confiscation of funds obtained through illegal actions, which are intended to finance terrorism.

Terrorist association is a criminal offense under Article 393a. which occurs if two or more persons join forces over a long period of time for the purpose of committing criminal acts in the field of terrorism.

TERRORIST ACTS AND TRAFFIC

When terrorism is mentioned in the context of traffic, it mainly refers to the criminal offense of hijacking an aircraft, ship, and other means of transport from Article 293 of the Criminal Code of the Republic of Serbia. The offense is committed by a person who, by force or threat of using force, takes control over an aircraft in flight or over a ship during navigation or over another public means of transport while driving or over a mobile platform in the con-

tinental shelf. The threatened prison sentence for this offense ranges from two to ten years. A more serious form of criminal offense occurs if there is serious physical injury to a person or material damage of a larger scale. For this type of crime, the prison sentence ranges from two to twelve years. The most serious form of crime occurs in the case of the death of one or more persons. Then the perpetrator is threatened with a prison sentence ranging from five to fifteen years.

Aircraft hijackings are particularly significant for terrorist organizations, as they have a strong impact on international and geopolitical relations and create a sense of fear and insecurity. Activities that arise in connection with aircraft and air traffic can be very diverse: the hijacking of aircraft, planting explosive devices in aircraft, airports, shooting down aircraft, aircraft collisions, and suicide attacks of aircraft on important facilities on the ground, as well as attacks on airports, airlines and other significant traffic infrastructure (Bjelajac & Jovanović, 2012, p. 123).

The criminal offense of aircraft hijacking was first regulated at the international level by the Convention for the Suppression of Unlawful Hijacking of Aircraft in 1970, adopted in The Hague. Any possibility of unauthorized taking control of an aircraft in flight by using force or threatening to use force is suppressed. The object of the criminal offense is exclusively an aircraft in flight because the act of the offense includes exclusively taking control of an aircraft in flight. Sabotage on an aircraft can be carried out even if it is not in flight, but this does not constitute this criminal act, but some other acts of diversion and terrorism, because it results in a forced landing of the aircraft and a potential danger to the safety of the aircraft, its passengers and crew.

By hijacking an aircraft in flight, members of a terrorist organization realize multiple interests. On the one hand, they draw media and political attention to themselves, becoming the number one topic in the domestic and international media, and on the other hand, they create a sense of fear and insecurity for future passengers on any other airline route.

The hijacking of the aircraft itself can be an act of a terrorist group, but also of an individual terrorist. Typically, control of an aircraft is taken to achieve the goals and requirements of an organization or individual. Individual terrorists most often hijack aircraft with the aim of drawing attention to themselves and intimidating the public and political structures. Many of them are guided solely by personal motives, as well as the desire to prove themselves both in front of their terrorist organizations and in front of others. In earlier examples of hijackings, we could face the personal motives of the hijackers, such as the desire to escape from a country where there was no rule of law and guarantees of basic rights and freedoms, for example (Crenshaw, 1989, pp. 89-114).

Today, most terrorist acts in air traffic occur as a result of international terrorist activity as the activity of a group, and less often as the result of the activity of an individual terrorist. Aircraft hijackings appear as well-organized actions, with highly developed logistics and secured political support of the country that publicly or covertly supports the terrorist organization.

Yugoslavia very often encountered hijackings of aircraft. Given that there was no democracy in Yugoslavia and that information was selectively released to the public, there is a well-founded suspicion that many hijackings and attempted hijackings of aircraft were skillfully hidden from the public, so as not to damage the idyllic security image of Yugoslavia. For example, there are unconfirmed reports that in the period from 1949 to 1980 there were dozens of hijackings of aircraft, and the public only knows about a few of them (Kukobat, 2024, p 417).

The first publicly known hijacking of a Yugoslav Air Transport (JAT) plane took place on October 17, 1951.² The aircraft DC-3, which was operating on the Zagreb - Belgrade route, was hijacked. However, instead of the destination, the plane was directed via Ljubljana to Zurich. In Zurich, the crew was met by

² There are doubts that it was actually the second abduction, and that the first took place in July 1949, but there is no information about it or it is not publicly available. Then the plane was forcibly taken to Zurich, and the hijackers demanded political asylum.

the police, and the captain and navigator requested political asylum, which indicates that they voluntarily diverted the aircraft to Zurich and that this hijacking was not a terrorist organization, but rather an individual act of disaffected Yugoslavs. citizens who wanted to seek political asylum in Switzerland.

In June 1952, there was another hijacking of an aircraft in Yugoslavia. It is about a DC-3 type airplane, which operated on the route Zagreb - Pula. The aircraft was full of famous passengers, members of the cultural and scientific community of Yugoslavia.³ The three hijackers tried to divert the plane from the route to the Italian city of Forli by using force and firearms. The pilot had to follow the order and diverted the aircraft to the required destination.

Between 1956 and 1959, there were three hijackings. All three kidnappings took place at the Tivat airport. The first hijacking took place on September 18, 1956, and a Junkers plane was hijacked, which was operating on the route Tivat - Belgrade. The hijacker was an individual who, using firearms, ordered the captain to leave the regular line and head for Italy. Despite attempts to calm the situation, the crew had to follow the hijacker's orders, so the captain headed for the airport in Ancona. After landing, the hijacker was successfully subdued by the Italian police, and the whole unpleasant event passed with minor injuries, which were sustained by one passenger.

The second hijacking from the Tivat airport took place on October 12, 1957, when a DC-3 aircraft was hijacked, which was operating on the Tivat-Zagreb route. In this situation, there were two kidnappers, armed with firearms as well as cold weapons. The hijacker's request was to direct the plane to Italy. The captain was forced to contact the airport in Barletta, where permission to land was refused. After a long and arduous flight over the Adriatic Sea, the airport in Bari allowed the plane that was under siege by the hijackers to land. Upon landing, the hijackers demanded political asylum.

³ Among the most famous passengers were writer Ivo Andrić, Aleksandar Belić, academic and Siniša Stanković, president of the Academy of Sciences and Arts and president of the Presidium of the National Assembly.

The failed attempt to hijack an aircraft took place on September 25, 1981, during the hijacking of a “Boeing B 727” airplane, which was operating on the route Titograd - Dubrovnik - Belgrade. The four hijackers demanded from the crew that the plane leave its regular route and head for South Africa. However, the passengers, who were 108 in total and the entire football club Budućnosti from Titograd, when they saw what was happening, attacked the kidnappers and thus thwarted their intention. The aircraft was forced to land at the airport in Larnaca (volimpodgoricu.me).

SUBWAY

When talking about security risks directly related to traffic infrastructure, it is impossible not to mention the risks posed by road and rail traffic. Sabotages that can be carried out with traffic signals represent an equal risk for both road and rail traffic. Specifically, these sabotages are carried out by classic cyber-attacks on traffic systems, which in the first place implies the degradation of the traffic management system, either road or railway (Životić & Antonović, 2021, p. 180).

The underground railway infrastructure is a significant scene of many terrorist acts. Among the first underground railways to be attacked by terrorism is the railway in the Japanese capital, which was attacked with sarin gas by the extreme organization “Followers of the apocalyptic cult Aum Shinrikyo” in 1995. The leader of this organization, Shoko Asahara, was behind this attack. As a result of the release of sarin in the Tokyo subway, 1,050 people were injured, 17 of them fatally. This attack is considered the largest chemical terrorist attack that has ever occurred (Rutić, 2016, p. 294).

In recent times, among the more drastic attacks on the city’s underground railway infrastructure, we single out two attacks on the London subway. The first attack took place on July 7, 2005, carried out by four suicide terrorists. They activated explosive devices in the London subway in the early hours of

the morning, when the frequency of passengers is the highest. In the space of only fifty seconds, three explosive devices were activated, while the fourth was activated in Tailstock Square. About 700 people were injured in this attack, while 56 were killed. The attackers carried explosive devices in their hand luggage, and they were activated remotely, using time detonators.

The second attack on the London Underground took place on July 21, 2005. This time, trains near Shepherd's Bush, Warren Street and Oval stations were targeted. Compared to the previous one, this attack was unsuccessful, as only one attacker was injured, who fled the scene (Zirojević, 2014, p. 114).

Just one year earlier, on March 11, 2004, an attack on the Madrid subway was carried out, and in that terrorist attack 2050 people were injured, while 192 of them died. The modus operandi was similar to a year later. In the early hours of the morning, ten explosive devices were activated in four passenger trains, which were traveling on the subway in Madrid. The early morning hours were chosen for the attack because of the high frequency that exists at that time of day. Precisely, for this reason, there are so many victims of this attack. The Basque separatist organization ETA claimed responsibility for the attack.

On August 31, 2004, the Salafist-Jihadist organization "Karaćajevski Džemat" carried out a terrorist attack on the Moscow metro station "Rizhskaya" by activating an explosive device, which killed nine people.

The attack on the Moscow metro happened again in 2010 but with much more serious consequences. In the early hours of the morning, in two consecutive attacks, 38 people lost their lives. The attacks took place in the busiest subway stations in Moscow, Lubyanka, and near the Park of Culture. What is particularly interesting and sets this case apart from the others, is that the attackers were suicide women. Russian authorities blamed terrorist organizations from the North Caucasus for the attack (slobodnaevropa.org).

In 2010, terrorist organizations planted explosives in subway cars, and at the end of 2013, the subway in Volgograd was attacked. The subway in St.

Petersburg was targeted on October 31, 2015. The target was tourists from Egypt, of whom 224 were killed. The terrorist organization "Islamic Republic" claimed responsibility for this attack.

In April 2011, there was a terrorist attack in the subway in Minsk, at the "Ok-tobarska" metro station, which is only a hundred meters from the presidential residence. On that occasion, around 100 people were injured, and 11 of them lost their lives. No terrorist organization claimed responsibility for this attack.

CONCLUSION

Traffic represents a very important component of modern life, the lifeblood, without which it would be really difficult to imagine the normal and orderly functioning of the life of a modern person. People travel very long distances, covering long distances. Modern means of air, water, rail and road transport significantly help them in this. However, a person in transport is an easy target for those who engage in illegal terrorist activities.

In fact, the authors deal with the relationship between terrorism and traffic, with reference to terrorist acts that took place in railway traffic, with special reference to the city's underground railway, which has so far proven to be the most frequent target of terrorist groups and individuals. A parallel was drawn with the hijacking of aircraft and terrorist acts that occurred in air traffic. Aircraft hijackings have so far proven to be a very common *modus operandi* of many terrorist groups, as well as individuals, who used aircraft hijacking to achieve the interests of terrorist groups, as well as individual interests.

The paper presents the chronological order of events of terrorist hijackings after the Second World War in the territory of the former Yugoslavia, along with an analysis of specific motives for the realization of these activities. They are presented in the context of the political situation and the degree of rule of law and democratic rights that were valid on the soil of Yugoslavia at the time.

When talking about the underground railway infrastructure, it has proven to be extremely suitable for various types of terrorist attacks, from biological-chemical methods, to the use of explosives and other means. From the example related to the Tokyo subway, it is clearly seen that the subway is suitable for the release of various chemical agents, poisons and harmful substances that can directly damage the life and health of people who happen to be in the subway, up to the activation of explosive devices, which suicide bombers, through the placement of various explosive devices, which we could see in the attacks in Madrid, London, Minsk, Moscow, Saint Petersburg, Volgograd and other world capitals.

Also, the case of the so-called canister bomb, which was placed in the London Underground, indicates another possibility of placing explosive devices within the facilities of the railway infrastructure.

Given that terrorist activities are expanding and that current geopolitical events favor their additional development, it is clear that critical infrastructure should be placed under a special type of supervision and work to completely eliminate even the smallest possibilities for a possible terrorist act. In the paper itself, it was noted that during the period of intensive hijacking of aircraft in Yugoslavia, there were almost no protective measures aimed at capturing potential terrorists and terrorist groups. Considering that, they could easily bring different types of weapons, fire and cold, into the plane, and without much difficulty, they could realize their terrorist intentions. Today, security measures must be raised to the maximum level. Preventive action must be such that every new attempt at a terrorist act is thwarted in a timely manner, and thus the consequences are minimized.

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TERORISTIČKI AKTI U PODZEMNOJ ŽELEZNIČKOJ INFRASTRUKTURI

Sažetak

Svet se suočava sa velikom bezbednosnom krizom. Sve su češći teroristički napadi koji se događaju u velikim prestonicama i gradskim sredinama, a na meti terorista se nalaze veliki tržišni centri, mesta okupljanja većeg broja ljudi, kao i saobraćajna infrastruktura. Tu se posebno, kao infrastruktura visokog rizika ističe podzemna železnica, gradski metroi, koji su podesni za realizaciju raznih terorističkih akata.

Terorizam u najsavremenijem kontekstu posmatranja je u tesnoj vezi sa aktuelnim geopolitičkim dešavanjima i ratnim sukobima koji intenzivno traju i dešavaju se na prostoru Bliskog istoka. Najnovija dešavanja u Gazi su pravi okidač, koji je aktuelizovao rasno i verski motivisani terorizam u svetu. U ulozi izvršilaca se javljaju pripadnici islama, dok su na meti hrišćani i evropske metropole.

Ključne reči: terorizam, železnica, metro, žrtve, obračun.