

THE CRIME OF TERRORISM IN THE FRAMEWORK OF THE INTERNAL ARMED CONFLICT IN ECUADOR.

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Abstract

Ecuador is going through a time in which the social and political reality has been involved in a series of crises due to drug criminal groups that try to destabilize the governance of a State while attacking the economy of this country. This phenomenon has been increasing over recent years, so much so that the authorities on countless occasions have had to declare a state of emergency due to internal conflicts, and even arrange for the intervention of the armed forces so that, can intervene internally, reforming even its supreme norm. The research problem then lies in the need for the Ecuadorian people to have at their disposal effective measures or public policies to prevent innocent people from being punished for the crime of terrorism and leaving the acts that do deserve a sanction unpunished. That is why this research seeks to analyze the crime of terrorism in the framework of the internal armed conflict in Ecuador. In addition, it seeks to propose strategies based on international experience and adapted to the Ecuadorian context to prevent and mitigate terrorist activities. The methodology used in the research has a qualitative approach, since, through the exegetical and dogmatic method, the internal regulations on this topic are reviewed, as well as the theory necessary to understand the problem. Therefore, it is concluded that it is essential to strengthen the legal framework, improve the training of security forces and promote international cooperation to effectively confront the terrorist threat in the country.

Keywords: Crime, terrorism, armed conflict, drug crime

Introduction

No definition of terrorism can fully capture its meaning or scope, as it is constantly evolving. Those who practice it must continually find new ways to surprise their victims and new methods to sow terror in civil society and its institutions. The implantation of terror in a society is not a mere whim, but a strategic objective used to achieve certain ends. These ends are directly proportional to the damage inflicted and generally carry a media connotation, since terrorism seeks to send a clear message to the State. Based on this, terrorism has as its main objective to instill panic and insecurity in the population, in addition to making evident the vulnerability of any geographical space anywhere in the world. In other words, terrorist groups try to deter states, governments, organizations, and even the citizenry from carrying out certain plans and programs through their terror tactics.

The term terrorism originated during the French Revolution, specifically in relation to the Committee of Public Safety, also known as the Committee of Public Safety, which was a repressive body charged with judging those who departed from revolutionary ideals. Subsequently, in 1930, the term was used for the first time in scientific works by *Gunzburg* in Brussels. For Martínez (2022), this concept has been consistently described as a term with a negative connotation, highlighting its use to describe actions that generate fear and social destabilization.

One of the main means of achieving its purpose is the use of violence. In this regard, the World Health Organization (2021) defines violence as "the deliberate use of physical force or power, either effectively or threateningly, against oneself, another person, or a group or community, which causes or is likely to cause injury, death, psychological harm, developmental disorders, or deprivation" (p.23). Violence is used in terrorism to generate terror, and this objective can have social, political, economic, cultural, and religious implications, among others. Terrorists resort to various forms of violence to achieve their goals, such as bombings, beheadings and massacres. However, not every act of violence constitutes terrorism. In other words, while terrorism always manifests itself through violent acts, violence in itself does not amount to terrorism on all occasions.

Terrorism as such is not a recent phenomenon for society, since it has always existed in various forms. However, it has now acquired greater importance at the international level due to the methods it uses, which cause great social commotion. In Ecuadorian history, there has not been a previous era that has been characterized by terrorist actors, such as Colombia in the 90s. However, as a result of 2018, terrorist attacks in Ecuador have become more frequent, both within the prison system and in the territory in general.

The security crisis in Ecuador is not new, but the emergence of armed groups and insurgent movements that have destabilized entire regions of the country is. These internal conflicts have not only generated human and material losses, but have also had an impact on Ecuadorian society and its process of democratic, political, social and economic consolidation. In this context, the crime of terrorism has emerged as a central concern for state authorities, as well as for the population in general. Although the legal definition of terrorism may vary according to the legal framework of each country, in the Ecuadorian case, it is understood as any violent act that seeks to generate terror in the civilian population or coerce the authorities to achieve political, ideological or economic objectives.

Terrorism always comes from criminal groups or associations, known as organized crime or narco-criminals, who in Ecuador maintain complete control of rehabilitation centers; and, with this, they manage to proliferate their reach to civil society, seeking to destabilize the country's politics and economy, and even target political leaders. In addition to the above, terrorism is a criminal offense contained in the Comprehensive Organic Criminal Code, enacted in 2014 in Ecuador, which punishes the person or group of people who commit these acts prohibited by law.

Results

The criminal type of terrorism in criminal dogma

Terrorism within criminal dogma is a figure that has been gaining strength in recent decades. The criminalization of terrorism aims to establish a clear legal framework for identifying and punishing conduct that seeks to instill terror in the population, destabilize public order and coerce Governments or international entities. According to Fernández (2019): "criminal dogmatics is responsible for studying the essential elements that make up the criminal type of terrorism, providing a detailed analysis of its subjective and objective components" (p. 14).

In the same vein, according to Gómez (2020), Article 573 of the Spanish Penal Code defines terrorism as: "the commission of any serious crime against the life, physical integrity, liberty or security of persons, among other legal assets, with the aim of subverting the constitutional order or seriously disturbing the public peace" (p.19). This approach highlights the importance of the

terrorist purpose, which distinguishes these acts from other serious crimes. The intentionality of generating a state of terror and coercion is a key element that must be proven for the correct application of this criminal type.

In this context, it is essential to analyse both the subjective and objective elements of the offence of terrorism. Subjective elements include the intent and purpose of the perpetrator of the crime. "The specific intent of terrorism implies not only the will to commit violent acts, but also the purpose of causing terror and achieving certain political, ideological, or religious objectives" (Quintero, 2021, p. 15). This intentional element differentiates terrorism from other common crimes, such as homicide or kidnapping, where the purpose does not transcend the immediate harm to the victims.

Objective elements, on the other hand, refer to the specific conducts that constitute terrorist acts. These can include, but are not limited to, homicides, serious injuries, kidnappings, and the destruction of critical infrastructure. That is why, according to Rodríguez (2020):

It is essential that these actions are carried out with the purpose of terrorizing the population or coercing governments or international organizations. The classification must be precise enough to avoid arbitrary interpretations, but also broad enough to cover the various forms that terrorism can take in practice (p. 27).

A controversial aspect in the criminal dogma of terrorism is the clear delimitation between terrorist acts and other acts of political or social violence. Pérez and Sánchez (2022) argue that: "the inclusion of a criterion of political or ideological purpose helps to draw this dividing line, but they also point out that this criterion can be interpreted subjectively, which poses challenges for its judicial application" (p. 25). Therefore, it is crucial that criminal legislation provides clear and specific guidelines to ensure that only behaviors that truly seek to generate a state of terror are punished.

Recent jurisprudence has stressed the importance of considering the context in which terrorist acts are committed. In this regard, López (2023) highlights that courts must evaluate the specific circumstances of each case, including the magnitude of the harm caused, the impact on the community, and the nature of the threats made. This contextual assessment is essential for a fair and equitable application of anti-terrorism laws.

In conclusion, the criminal definition of terrorism in criminal dogma encompasses a detailed analysis of the subjective and objective elements that make up this crime. The purpose of instilling terror and coercing Governments or organizations is central to the definition of terrorism, and its proper criminalization requires a combination of legislative precision and interpretative flexibility. Criminal dogma must continue to evolve to face the challenges posed by contemporary terrorism, ensuring an effective and fair legal response.

Combating terrorism in domestic and international law

The fight against terrorism, both in domestic and international law, presents complex and multifaceted challenges that require effective coordination between countries and a robust legal framework. At the domestic level, countries have developed various strategies and legislation to confront terrorism, seeking to balance security and human rights. According to González (2021): "national legislation has evolved to adapt to new forms of terrorism, incorporating measures such as increasing penalties, expanding definitions of terrorist offences and improving cooperation mechanisms between security agencies" (P.16). However, these measures often face criticism for potential violations of civil liberties and fundamental rights, posing a dilemma between security and human rights.

In the international arena, cooperation between states is crucial in the fight against terrorism. International instruments, such as the International Convention for the Suppression of the Financing of Terrorism (2002) and United Nations Security Council resolutions, provide a basis for transnational cooperation and the exchange of information, which is why (Torres, 2020) determines:

These tools seek to harmonize national laws and facilitate the extradition of suspects, as well as the implementation of sanctions against those who finance terrorist activities. Despite these efforts, the effectiveness of international cooperation is often limited by differences in national legislation and security priorities (p. 22).

International law also plays an important role in the formulation of strategies for preventing and responding to terrorism. The principle of universal jurisdiction allows states to prosecute and prosecute individuals involved in terrorist acts, regardless of where the crimes were committed. This principle, however, faces challenges in its application due to sovereignty issues and the need for concrete evidence to secure convictions. In addition, for García and Pérez (2021): "international organizations such as the UN and Interpol have developed mechanisms to facilitate collaboration and assistance in investigations, although their capacity for direct intervention is limited by the consent of member states" (p. 11).

Internally, the effective implementation of counterterrorism strategies requires not only robust laws, but also adequate infrastructure for the prevention, detection, and investigation of terrorist activities. The integration of advanced technologies and the strengthening of intelligence capabilities are essential to anticipate and neutralize threats. In addition, continuous training of security forces and the development of rapid response protocols are crucial for effective action in the face of terrorist incidents.

Under the above considerations, taking the words of Sánchez (2022), the fight against terrorism both domestically and internationally requires a combination of legislative measures, international cooperation, and adequate resources. While significant progress has been made in the creation of legal frameworks and transnational collaboration, challenges remain that must be addressed to ensure an effective and human rights-respecting response. Continued cooperation and adaptation to new threats are essential to strengthening global security and protecting societies from terrorist acts.

However, among the international instruments, there is one that, in a specialized way, regulates the subject of armed conflicts, the Geneva Conventions of 1949, including their common Article 3 and Additional Protocol II, which contain norms that have the quality of *jus cogens*, since they have been widely recognized and accepted by the international community. These norms have a high moral value and, at present, no action or agreement that contradicts their content could be accepted. The Constitutional Court of Ecuador, in Opinion No. 2-24-EE/24, states that, with regard to the Geneva Conventions of 1949, the International Court of Justice has held that:

Indeed, many rules of humanitarian law applicable in armed conflict are so fundamental to respect for the human person and the "elementary considerations of humanity" that the Geneva Conventions have enjoyed broad adherence. Moreover, these fundamental rules must be observed by all States, whether or not they have ratified the conventions containing them, because they constitute intransgressible principles of customary international law (p.15).

In the same way, within Article 3 common to the Geneva Conventions (1949) it establishes norms designed to guarantee a minimum level of humanity in the context of non-international armed conflicts (NIAC). This article prescribes humane treatment for persons who are not directly involved in hostilities, without making distinctions based on race, color, religion or belief, gender, origin, fortune, or other similar criteria. In addition, it establishes a strict prohibition of:

Attacks on life and bodily integrity, especially homicide in all its forms, mutilation, cruel treatment, torture and torture; (b) hostage-taking; (c) violations of personal dignity, especially humiliating and degrading treatment; (d) convictions and executions without trial before a legitimately constituted tribunal, with judicial guarantees recognized as indispensable by civilized peoples (Geneva Conventions, 1949, art. 3).

There are fundamental rights that must be safeguarded within the international arena, which is why the different international instruments, which seek to protect the citizens who are members of a State who only need well-being and that their rights are guaranteed by the State such as security, living in an environment free of violence, life, health, a dignified life, among others.

Constitutional meaning of the internal armed conflict

To delve into this subtopic, it is imperative in the first instance to define what an internal armed conflict is, or non-international armed conflict, which in the words of Vargas (2021) "is defined as a non-international confrontation or war that occurs within a State between its armed forces and dissident armed forces or organized armed groups" (p. 53). According to Article 1 of Protocol II Additional to the Geneva Conventions promulgated in 1949, this type of conflict occurs when such groups, under responsible command, exercise sufficient control over a part of the territory of the State to carry out continuous and coordinated military operations.

From a constitutional perspective, armed conflict can be defined according to the aforementioned author, as a figure that can be eradicated through the constitutional guarantees established by the different constitutions. From this perspective, the internal armed conflict is characterized by a series of legal and political dimensions that influence the way in which these confrontations are managed and the protection of human rights in situations of prolonged violence. According to López (2020):

Modern constitutions must balance the need to maintain public order and security with respect for fundamental rights, especially in situations of internal armed conflict. This tension is manifested in constitutional provisions that grant the state broad powers to confront insurgencies, while at the same time imposing limits and guarantees to prevent abuses and guarantee respect for human rights (p. 59).

Thus, in the case of Latin America, where several countries have faced internal armed conflicts, the constitutional meaning is reflected in how constitutions address the state of emergency and the exceptional measures that can be taken in these contexts. The constitutions of countries such as Colombia and Peru have developed specific mechanisms to manage internal armed conflicts, including the possibility of declaring states of emergency that allow authorities to take more drastic measures in terms of security and justice. However, in the words of Rivas (2022) "the implementation of these measures must be subject to strict controls to avoid human rights violations, and it is here that constitutions establish a framework for oversight and accountability" (p. 18).

For its part, Ecuador contains within the constitutional text the figure of the state of emergency when there is an armed conflict. This is a unique constitutional attribution of the President of the Republic and can be exercised within a period of time within the mandate. Constitutional jurisprudence also plays a crucial role in the interpretation and application of norms related to the internal armed conflict. In this regard, constitutional courts must ensure that measures taken during a conflict do not contravene fundamental principles enshrined in the constitution, such as human dignity and equality before the law.

The armed conflict seen from the constitutional sphere directly influences the co-legislative power of the central administration, that is, the Executive Branch, at least in Ecuador. According to Pérez (2023):

The incorporation of international human rights principles into national constitutions and laws has led to greater protection of the rights of persons affected by the internal armed conflict. Constitutional norms that reflect international commitments, such as the Geneva Conventions and Additional Protocols, help ensure that military operations and security policies are conducted in a manner that respects international human rights standards (p. 25).

In conclusion, the constitutional meaning of the internal armed conflict is a complex issue that involves a balance between the need for security and respect for human rights. Constitutions play a fundamental role in regulating these conflicts, establishing both the powers of the State and the limits necessary to protect the people affected. Jurisprudence and secondary legislation complement these constitutional principles, ensuring a just and equitable response to internal armed conflicts. In this regard, the Constitutional Court of Ecuador, in judgment No. 2-24-EE/24, determines that:

To understand the extent of the cause of internal armed conflict, it is essential to consider the international treaties on the subject that Ecuador has ratified and that are part of the constitutional block. As background, it should be noted that the Constitutional Court, in opinion 8-19-TI/19, determined that Additional Protocol III to the Geneva Conventions of 1949 "is part of the block of constitutionality, being an instrument within the *corpus iuris* of international humanitarian law that regulates aspects related to armed conflicts" (p. 14).

Thus, this constitutional body determines that the Geneva Conventions of 1949 and their Additional Protocol II establish norms that have the character of *jus cogens* or peremptory norms of general international law. Article 53 of the Vienna Convention on the Law of Treaties (1969) provides:

A peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm that cannot be modified by agreements to the contrary and that can only be altered by a subsequent norm of the same nature (p. 56).

These international norms have been included in the internal regulations of each State, which undoubtedly generate protection for people; and, due to the hierarchical level at which they are located, they have more weight than any other normative text. According to the well-known Kelsen pyramid, the Constitution is at the top followed by international instruments; however, according to Article 424 of the Constitutional Charter of Ecuador (2008), the international instruments that best develop rights will even be above the Constitution itself.

International Humanitarian Law in the Face of the Declaration of Internal Armed Conflict

International Humanitarian Law plays a fundamental role in armed conflicts both internally and internationally. At the same time, specific rules are established that seek to curb suffering and protect those who do not participate directly in hostilities or conflict. According to the International Committee of the Red Cross (2020):

Its main function is to ensure the protection of civilians and combatants who have ceased to participate in the conflict, such as the wounded and prisoners of war, by ensuring that they are treated humanely. In addition, it regulates the permitted methods and means of warfare, prohibiting the use of weapons and tactics that cause unnecessary suffering or disproportionate harm.

International Humanitarian Law currently faces significant challenges in its application in the event of the declaration of an internal armed conflict, as it is intended to protect those who do not have any intervention in conflicts; however, the political or social situation around the world does not allow this function to be fully fulfilled. In the words of González (2021):

When an internal armed conflict is recognized, either by an official declaration or by the situation on the ground, IHL comes into play to limit the impact of the war on the civilian population and on combatants who have ceased to participate in hostilities. IHL, through the Geneva Conventions and their Additional Protocols, establishes essential standards for the protection of civilians, the regulation of war tactics and the guarantee of humane treatment for prisoners of war and the wounded (p. 52).

One of the fundamental aspects of IHL in the context of an internal armed conflict is the distinction between combatants and non-combatants. According to Pérez and Martínez (2022) "the principle of distinction is central to protecting the civilian population from the effects of armed violence" (p. 25). This implies that parties to the conflict must direct their operations only against military objectives and avoid indiscriminate attacks that could cause harm to the civilian population. Violation of this principle can lead to accusations of war crimes and the imposition of international sanctions, as underlined by the recent jurisprudence of the International Criminal Court (ICC).

The application of IHL also faces challenges in terms of compliance and monitoring during internal armed conflicts. The lack of a central authority and the presence of multiple non-State actors complicate monitoring and ensuring compliance with humanitarian standards. For Rivas (2023) "in many cases, international humanitarian organizations must play an active role in monitoring conditions and in intervening to protect victims of the conflict" (p. 35). However, security and limited access to conflict areas can restrict their ability to act and their effectiveness. In addition, the implementation of IHL norms in internal armed conflicts requires adaptation to the particularities of the conflict and the realities on the ground. According to López (2021):

Adapting humanitarian norms to the dynamics of internal armed conflict may involve the negotiation of specific agreements between parties to conflict, such as the establishment of safe zones or humanitarian corridors, to minimize the impact of hostilities on areas inhabited by civilians. The ability of parties to conflict to engage in these humanitarian measures can vary significantly, depending on their objectives and the nature of the conflict (p. 32).

In this regard, it is worth mentioning the Inter-American Court of Human Rights, which has pointed out that there is an equivalence between common article 3 of the Geneva Conventions of 1949 and the provisions of the American Convention (1969) as well as other non-derogable

international human rights instruments, such as the right to life and the right not to be subjected to torture or cruel treatment. inhuman or degrading. This equivalence is due to the fact that both human rights treaties and international humanitarian law in some cases establish similar standards and, in general, share the objective of preserving and protecting humanity and human dignity.

In summary, International Humanitarian Law plays a fundamental role in regulating and protecting during internal armed conflicts, but faces significant challenges in its application and monitoring. The effective implementation of its principles requires continued engagement by all parties involved and active cooperation by international and humanitarian organizations.

Terrorism and its influence on the declaration of internal armed conflict in Ecuador

In the Ecuadorian context, terrorism has had a significant impact on the declaration of internal armed conflicts, influencing the way in which the State responds to security challenges and how the situation is defined and managed. Terrorism, being a form of political violence that seeks to destabilize order and generate fear in the population, can be a determining factor in the escalation of a conflict towards an official declaration of internal armed conflict. According to Martínez (2022) "Ecuador has faced several episodes of violence that, although they have not always reached the level of a declared internal armed conflict, have been characterized by terrorist acts that have seriously altered the stability of the country" (p. 27).

Thus, it is mentioned that terrorism can destabilize both socially and politically, creating an environment of uncertainty and chaos that can lead the authorities to consider a declaration of internal armed conflict. This declaration implies a series of exceptional measures and the application of a more severe legal framework to confront violence. For his part, Fernández (2021) points out that "in Ecuador, the increase in terrorist activities linked to insurgent or criminal groups may precipitate a more aggressive response by the State, which may include the imposition of states of emergency and the deployment of military forces" (p. 18). In other words, different governments in response to terrorist acts can take more drastic or violent measures, which sometimes harms civil society more.

The cause of a state of emergency due to international or internal armed conflict, is provided for in Article 164 of the Constitution of the Republic of Ecuador (2008), it is particular because the existence of an armed conflict, whether international or non-international, and the consequent application of international humanitarian law or *jus in bello*, does not require a declaration of a political and/or legal nature. It is not necessary for the President of the Republic to recognize it in a decree, for the National Assembly to ratify it in a resolution, or for the Constitutional Court to issue a favorable opinion on the matter. However, within the Ecuadorian State it happens in this way, regulating within the legal-political aspect the crises due to armed conflict, in order to justify the drastic actions that may be taken by the authorities.

In the same vein, the Constitutional Court of Ecuador has clarified that the existence of an armed conflict does not depend on institutional facts (constituted by legal acts, such as the declaration of states of emergency), nor does it require any pronouncement from international organizations, international courts, human rights protection organizations or the International Committee of the Red Cross itself. but rather they constitute crises that emanate from society *per se*.

The influence of terrorism on the declaration of an internal armed conflict is also manifested in the legal and political measures taken by the Government. According to Gómez (2023):

Security laws and policies in Ecuador have been adjusted in response to terrorist attacks, reflecting an adaptation of the State's strategies to deal with the threat more

effectively. These adjustments include amending anti-terrorism laws and strengthening the capacities of security forces. However, these measures must be balanced with respect for human rights, a critical aspect that can be compromised in situations of high tension (p.28).

In practice, the declaration of an internal armed conflict has implications for both national legislation and international cooperation. According to López and Sánchez (2022) "when a conflict is officially declared as such, the State must follow certain procedures and guidelines under International Humanitarian Law (IHL), which regulates the treatment of armed conflicts and the protection of affected persons" (p. 36). The influence of terrorism on this declaration also affects the way in which Ecuador relates to the international community in terms of support and assistance, as well as in cooperation with international organizations to address the consequences of the conflict.

Moreover, the impact of terrorism on the declaration of internal armed conflict is not only limited to government responses and security policies, but also has profound effects on civil society and public perception of the conflict. Rivas (2022) argues that terrorist acts can alter the perception of the conflict, affecting the way in which the population and the media interpret the situation, which can influence the legitimacy and support for the government's actions. Therefore, in civil society, erroneous and exaggerated ideas of events are going to be closed. The challenge is to manage this influence in a way that protects human rights while effectively confronting the terrorist threat. For an Ecuadorian media outlet Plan V (2024) determines that:

The word terrorism is often associated with the operations of armed groups abroad, which carry out attacks and attacks against civilians and military forces. In the context of the recent conflict in the Gaza Strip, the attack by the terrorist group Hamas against Israeli populations unleashed an offensive by the Hebrew country, which, according to the United Nations, has destroyed the Strip to the point of making it uninhabitable. But in Ecuador, since the signing of Decree 111 by President Daniel Noboa, on January 9, the Government and the Armed Forces and police began to consider as "non-state belligerents" and "terrorists" the armed gangs that operate throughout the national territory, but have their headquarters in provinces of the Coast. such as Esmeraldas, Guayas, Manabí, El Oro and Los Ríos (Retrieved from <https://www.planv.com.ec/historias/crimen-organizado/terrorismo-ecuador-como-se-procesa-sospechosos-el-conflicto-armado>).

Beyond the political declaration, the Prosecutor's Office has promoted since last year judicial cases for terrorism against criminal gangs, some made up of minors, obtaining several convictions through the application of this legal figure. Terrorism is defined in a detailed article of the Comprehensive Organic Criminal Code (COIP, 2014), specifically in Article 366, which lists various criminal behaviors that can be punished with sentences of up to 13 years in prison.

For the aforementioned author, in 2023 the State Attorney General's Office has reported that some arrests have been made of people belonging to members of the most famous main criminal gangs in Ecuador and who have committed acts of terrorism in Ecuador, thus, it has been possible to arrest members of the Lobos and the Choneros, with possession of explosives; this, through operations and raids where explosives such as dynamite, and fuels such as gas cylinders and gasoline canisters have been confiscated. Thanks to these investigations, it has also been possible to show that there is the participation of several adolescents under 18 years of age. Here, López (2023) argues that:

The involvement of teenagers, mainly men, in criminal gangs has not prevented sentences for terrorism from being imposed on minors. In these cases, recourse has been had to article 385, paragraph 3, of the Children and Adolescents Code, which states: "For offences punishable by imprisonment of more than ten years, the measure of reprimand and institutional internment of four to eight years shall be applied" (p. 32).

Which undoubtedly makes us think that these criminal organizations are very well structured, to the point of having every detail planned; for which, they use different methods and resources even more sophisticated than the public forces. The money with which these organizations are financed in all cases comes from drug trafficking, another crime that is closely related to terrorism, it is even mentioned by the aforementioned author that terrorism also originates from reaching transit objectives and fewer drug controls in certain territories.

Discussion

Under all the foregoing background, it is mentioned that, in the first instance, the armed conflict can take two forms. In the first place, there is the international armed conflict, which translated into common words constitutes wars, the problems that, between two or more States, occur for political, diplomatic, social, economic or even religious reasons. This is also the case with the internal armed conflict, which, due to its intrinsic characteristics, is a conflict that is generated within a national territory, due to different circumstances, generally led by subversive groups or by different criminal organizations.

Within Latin American countries throughout history, there have been seasons or epochs within which terrorism has taken control of the political and economic decisions of a State. Thus, for example, in Mexico or Colombia, terrorism has taken over the streets, where criminals lived terrorizing the people to get the answers they wanted from the authorities. For its part, in Ecuador, although terrorism has been present throughout the history of the Republic of Ecuador, it is not until 2018 that uncertainty full of insecurity and poverty begins to be experienced in this State.

Ecuador, which began in 2018 with the prison crises, the massacres that were taking place in the different rehabilitation centers were gradually spreading to the streets and harming civil society. The murders of journalists, candidates for dignitaries, even a presidential candidate and an attack on journalists on a very famous channel during the live broadcast, have come to cause panic in the general population. Traveling through the national territory has generated fear and a crisis in all sectors of the country. So much so that there have been stoppages of activities, mobilizations and various disagreements that show resistance to these acts, but mainly in opposition to the response and measures that the State has taken to cease these terrorist acts.

In Ecuador, even within the year 2023, a popular consultation was proposed, to reform the Constitution, in order to adopt new measures that provide security to the population and can combat crime and delinquency. Among one of the main reforms is to include the armed forces, that is, the military, in the care of the citizenry, internally. As well as toughening the penalties for some crimes, in order to prevent their commission and to endorse the figure of extradition for those who commit crimes of organized crime and other crimes.

The Comprehensive Organic Code provides for the crime of terrorism, specifically in article 366, punishing this conduct with a maximum of up to 26 years of imprisonment. The main characteristic of this criminal type is that, personally or by forming an organization or

association, the population or even a part of it is provoked or kept in a state of fear and terror, this must be carried out through acts that put at risk the protected legal rights such as life, integrity or freedom. If these acts are committed against public and private institutions, the media, transport services, etc., the penalties will be toughened and cause not only the commission of this crime, but also a series of behaviors that trigger a concurrence of infractions.

Conclusions

Terrorism is a conduct that has been restricted by the Ecuadorian legal system, which is based on generating fear in a sector or in the population in general, through the use of violence and acts that generate danger to the life, dignity or integrity of people. In general, terrorism is a figure that has been contemplated both nationally and internationally, since it is a negative phenomenon that is increasingly expanding globally. Terrorism always comes hand in hand with violent acts that can generate repercussions within a territory, whether in the social, economic or even political aspects.

Now, internal armed conflicts are those confrontations that occur within a national territory, by insurgent or subversive groups against the government; and that the latter responds, leaving in the middle the civilian population that must face the consequences. In the specific case of Ecuador, terrorism has provoked an internal armed conflict on a permanent basis since terrorist acts today have become something of every day, where there are violent deaths, attacks, political crimes and others, which has destabilized the country, drastically and very harshly. generating more poverty, price inflation, in general the measures adopted by the State in its attempt to confront crime, have harmed the people.

The internal armed conflict in which Ecuador finds itself has brought negative consequences, which in turn are the result of a series of bad decisions by previous governments, agreements with criminals that have not been renewed, demonstrating their fury, taking it out on society in general. It is prudent to reach strategic alliances between the different political groups that are within the legislative body to strengthen internal regulations, support the president and be able to join forces against terrorists; However, with such an isolated assembly and with its lack of preparation, the only thing that is sought is the political monopoly and its particular interests.

Bibliographic References

National Constituent Assembly of Ecuador. Constitution of the Republic of Ecuador (Official Gazette 449 of Oct. 20, 2008)

National Assembly of Ecuador. Comprehensive Organic Criminal Code (Official Gazette Supplement 180 of Feb. 10, 2014)

International Committee of the Red Cross. (2020). *Manual of International Humanitarian Law*. Geneva: ICRC.

International Committee of the Red Cross. Geneva Conventions of 1949. Retrieved from <https://www.icrc.org/es/document/los-convenios-de-ginebra-de-1949-y-sus-protocolos-adicionales>

Fernández, A. (2019). *Terrorism in Criminal Dogma: A Critical Analysis*. Editorial Jurídica Española.

Fernández, A. (2021). *Evolution of security policies in response to terrorism in Ecuador*. Journal of International Studies, 31(2), 113-130.

- García, J., & Pérez, A. (2021). *The Principle of Universal Jurisdiction in the Fight against Terrorism: Challenges and Perspectives*. Journal of Criminal Law and Criminology, 29(2), 77-92.
- Gómez, M. (2020). *The criminal type of terrorism in the Spanish Penal Code: A current vision*. Spanish Journal of Criminal Law, 22(3), 45-68.
- Gómez, M. (2023). *Terrorism and legislation in Ecuador: Adjustments and reforms*. Yearbook of Criminal Law and Criminology, 35(1), 44-62.
- González, R. (2021). *Evolution of anti-terrorist legislation and its impact on human rights*. Yearbook of International Law, 40(1), 112-130.
- López, F. (2023). *Recent Jurisprudence on Terrorism: Analysis of Cases and Trends*. Journal of Modern Criminal Law, 19(1), 23-47.
- López, J. (2020). *The constitutional regulation of the state of emergency in contexts of internal armed conflict*. Yearbook of Comparative Constitutional Law, 35(2), 91-109.
- López, J., & Sánchez, T. (2022). *The impact of terrorism on international cooperation and International Humanitarian Law*. International Law Review, 29(4), 88-105.
- López, M. (2023). *International cooperation in the fight against terrorism: Current status and challenges*. International Security Review, 15(1), 34-50.
- Martínez, F. (2022). *Human rights and counter-terrorism measures: A difficult balance*. Journal of Human Rights and Security, 18(4), 22-40.
- Martínez, F. (2022). *Terrorism as a factor in the declaration of internal armed conflict: The case of Ecuador*. Journal of Latin American Security Studies, 17(3), 56-74.
- World Health Organization (2021). World Report on Violence and Health. Retrieved from https://iris.who.int/bitstream/handle/10665/67411/a77102_spa.pdf?sequence=1
- Pérez, L., & Sánchez, T. (2022). *Delimitation of terrorism from other crimes: Criteria and challenges*. Anuario de Derecho Penal, 28(1), 87-105.
- Pérez, M. (2023). *Constitutional jurisprudence and human rights in contexts of armed conflict*. Journal of Constitutional Law, 21(1), 44-62.
- Quintero, R. (2021). *Subjective elements of the crime of terrorism: Intentionality and purpose*. University Press.
- Rivas, D. (2022). *Exceptional Measures and Fundamental Rights: An Analysis of the Constitution and the Armed Conflict*. Latin American Journal of Constitutional Law, 30(3), 115-132.
- Rivas, D. (2022). *Public perception and government response to terrorism in Ecuador*. Journal of Security and Public Policy, 28(2), 77-95.
- Rodríguez, J. (2020). *Terrorism and Criminal Law: Study of Terrorist Conduct*. International Journal of Criminal Law, 34(2), 112-134.
- Sánchez, L. (2022). *Advanced technologies and their role in the fight against terrorism*. National Security Review, 33(3), 88-105.
- Torres, I. (2020). *International instruments in the fight against terrorism: A critical assessment*. Global Law and Policy Review, 26(2), 58-73.
- Vargas, R. (2021). *The Internal Armed Conflict and the Constitution: Challenges and Approaches*. Editorial Jurídica Internacional.