

# **Responsibility of States for Unlawful Acts in Cyberspace**

## **Abstract**

This master's thesis addresses the topic of responsibility of state for the unlawful acts in cyberspace. The research subject is the application of the legal norms and the possibility of the state being held responsible in the field of collective security and human rights in cyberspace. It discusses mainly the question of use of force, armed attack, and aggression. Regarding the human rights, this master's thesis focuses on right to private life and family life, freedom of expression and right to life. This thesis delimitates the rules of responsibility of state under the Articles on Responsibility of State for Unlawful acts.

In the chosen fields it was found that the international public law applies in limited manner also to cyberspace. In cyberspace, many attacks take place, which may result in breach in different fields of international law. To answer the question of the state responsibility, it was firstly dealt with, whether the subject-matter of this breaches can be reached in cyberspace. Following the analysis of the contemporary case law and state positions, it was argued, that the responsibility for the breach of prohibition of use of force may be applied in cyberspace.

This thesis uses terms of armed attack and aggression and also the possibility of state to be held responsible for their commitment in cyberspace. In this field this thesis did not come to conclusion, that aggression may be committed in cyberspace. However, it argues that there exists possibility for a state to be held responsible for the breach of prohibition on use of force and armed attack. It is due to the lack of state positions and case law.

In the field of human rights this thesis analyses the case of the European Court of Human Rights. This thesis argues that the freedom of expression and right to privacy, including mass surveillance, is protected in cyberspace. The right to life is also discussed, however no clear conclusion is made on this topic, whether the human life will be protected even through cyberspace.

This thesis concludes the current new finds and comes to conclusion, that the contemporary law regarding cyberspace is not sufficient, more so temporary. New legislation should be more focused on the specifics of cyberspace, which the international community will have to face.

**Keywords: Cyberspace, state responsibility, collective security, human rights**