Summary

The definition of terrorism in international law

The subject of this graduation thesis is to explore problem of defining terrorism in international law. Although it is very broad topic, the thesis has attempted to explore most of the questions this issue has offered. First of all, it examines reasons why define terrorism in international law. Further this study provides information about perception of the term terrorism in the past depending on the political and social conditions and about how the terrorist attacks influenced the effort to find the definition of terrorism. The thesis pays big attention to regional treaty in which terrorism is defined and uses it as a comparison basis for finding the elements of the definition, since regional international treaty law has achieved the biggest success in this area. However, in the last two decades successes have achieved on universal level, especially by the adoption of the International Convention for the Suppression of Financing of Terrorism, which is the first universal agreement binding defines terrorism. This study also introduces the latest development of efforts to create a Comprehensive Convention on the Suppression of International Terrorism, which is, unfortunately, no more than small.

Given the decades-long efforts to define terrorism, the thesis also focused on examining whether could arise customary definition at that time. Of course, it is reflected a year old Interlocutory Decision of the Special Tribunal for Lebanon, which has addressed the issue of customary definition of terrorism. The author of this study, however, disagree with conclusion of the decision and gives reasons for it. The Interlocutory Decision of the Special Tribunal also has expressed that although there is a definition of terrorism in time of peace, there is not one in the situation of armed conflict. The thesis devoted that issue briefly – in this case comes to the same conclusion as the Interlocutory Decision.

After analyses of the existing definitions, this study presents an overview of the elements which are regularly repeated in definitions of terrorism. However, it notes that these elements do not have always the same meaning in all definitions. The study concludes, there is no generally accepted definition of terrorism in international law, but the reasons for it are more political rather than legal. It will depend on the will of States only, when and if would be reached compromise and the definition of
terrorism will be created – it would by probably almost at the same time as the treaty
definition as well as the customary one.

Keywords (English):

terrorism, definition of terrorism, national liberation movements, State terrorism,
customary definition, international humanitarian law