

ABSTRACT

This thesis deals with the international law institute of diplomatic asylum. Introduction analyzes early history of asylum law, focusing primarily on the period of ancient Greece and Rome, and later on the asylum practice of the Church, which as an influential institution of the medieval world greatly influenced development of asylum law. To be able to put diplomatic asylum in broader context of asylum law, thesis also deals with territorial asylum - classic form of asylum. There is also a marginal consideration on refugee issues. General discussion is followed by the analysis of diplomatic asylum itself. Diplomatic asylum as a Latin American legal particularism is a special form of asylum provided in the premises of diplomatic missions or in other suitable places. Thesis deals mainly with the interpretation of the necessary attributes that shaped diplomatic asylum and analyzes significant codification achievements in Latin America. A milestone in development of diplomatic asylum was the ruling of the International Court of Justice in Asylum case, put forward by Colombia and Peru, after a peruvian revolutionary, Mr. Haya de la Torre, was granted asylum in Colombian embassy in Lima, Peru in 1948. Negative attitude of the Court instigated legislative action of South American republics. During the 20th century South American region saw adoption of several conventions dealing with asylum issues, although the latest and most elaborative of them is the Convention on Diplomatic Asylum adopted during the 7th International Conference of American States in Caracas, Venezuela in 1954 as a result of the ICJ ruling on Asylum case. Thesis also deals with issues of consular and maritime asylum, which are specific subcategories of diplomatic asylum. Special consideration is given to asylum practice of the United States which through its historically strong influence on Latin America managed to push through some modifications of this institute. In the end thesis is concluded with current affair of Australian journalist Julian Assange, founder of Wikileaks, who is currently hiding in Ecuadorian embassy in London, where he was granted diplomatic asylum by Ecuadorian government. United Kingdom rejected grant of asylum and now demands his surrender. Finally, thesis contains analysis of legal basis for claims of both parties, options of further development and their impact on development of diplomatic asylum in the future.