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FIGHT AGAINST TERRORISM WITHIN THE RULES OF INTERNATIONAL LAW AND CROATIAN LEGISLATIVE RESPONSE

Abstract:

At the end of 20th and the beginning of the 21st century terrorism was recognized as one of the most dangerous phenomenon for international community, as well as for the national security of state(s). That period was marked by an expansion of legal norms aimed to the suppression of terroristic activities. It was shown as necessary to develop the complete system of domestic measures for fight against terrorism, which could be adequately used within the system of global and regional cooperation of states worldwide. The United Nations, as well as the regional organizations have become significant players in the global and regional effort to eradicate terrorism and are very dedicated to this task.

Nevertheless, there is no internationally accepted definition of terrorism. In practise, the term is used to describe both violence perpetrated by a state, and violence perpetrated by individuals of non-state actors, during the time of armed conflict and the time of peace. It is understood as relating to politically motivated violence perpetrated to cause death or injury to civilian, with the aim of intimidating a wider audience. These (internationally described) elements are largely reflected in national laws. However, which acts of politically motivated violence constitute terrorism, and who the perpetrators can be remain highly contested, in relation to position of the state concerned.

At the same time, some specific issues based on the concept of human rights protection while countering terrorism appeared in this context and represents the significant questions to be answered.

The legal framework against terrorism of the Republic of Croatia includes relevant international and regional documents and provisions of national legislation. At national level Croatia uses wide-ranging legislation in order to cover different aspects of the suppression of terrorism. Activities in the field of criminal law within the frame of Croatian Criminal Code were especially important. The Criminal Code sets out the offenses that criminalize various forms of terrorism. Besides the criminal offense of terrorism, financing of terrorism and terrorist association, in Croatian substantive criminal legislation were also integrated the criminal offenses of public provocation to terrorism, recruitment for terrorism and training for terrorism. With the adoption of those criminal offenses the national criminal legislation was completely harmonized with relevant international and regional documents.

In spite of the significant range of activities that have been taken with the goal to prevent terrorism, some shortcomings could be found in the Croatian perception of the terrorism.

Keywords:

fight against terrorism, international law, croatian criminal law