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Terrorism as a crime in international and domestic law : open issues / Claudia Martin

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Abstract:	<p>The existing anti-terrorist conventions, the negotiations on Draft Terrorism convention to combat international terrorism and the Resolutions adopted by the UN Security Council in the aftermath of September 11 have created a patchwork of norms that lack a cohesive approach in articulating acts that constitute terrorism in current international law. The goal of this chapter is to explore two issues that remain unresolved as a result of the lack of definition of terrorism in international law and that have become either an obstacle for combating this crime or have adversely impacted the respect of other rules of international law, especially human rights and humanitarian law principles. The first of these issues involves the blurring between the notion of terrorism and armed conflict. The second aspect explores the impact that the failure to articulate a definition of terrorism coupled with the obligations arising out of UN Security Council Resolutions and other anti-terrorist treaties have had on the protection of human rights in the domestic jurisdiction of states. Consideration is also made on the impact that the lack of a definition of terrorism has on the international judicial cooperation of states for purposes of prosecuting alleged terrorists.</p>
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