

THE RIGHTS AND GUARANTEES OF PERSONS SUSPECTED AS TERRORISTS ACCORDING TO INTERNATIONAL LAW

PHD BURIM TAHIRI

University Haxhi Zeka – PEJË, KOSOVO

ABSTRACT

Terrorism presents a serious threat for all democratic states in the world. There have been many discussion and various designations regarding the definition of terrorism, but one definition may be considered as a more comprehensive one. From the sociological point of view the definition terrorism shall usually mean every violent act conducted towards persons as well as things, carried out through terrorist methods with the closely political purposes.

Taking into consideration all this, there have been done and are continuously being done attempts on creation of mechanisms for prevention of this phenomenon that is very disturbing for all democratic states in the whole world, even that such a thing is very difficult. It is important to note that there have been done, are being and should be done attempts at national and international level on creation of legal framework which should impact in prevention of terrorism. When we talk about his framework which determines the terms and methods for prevention of terrorism, it is important to mention that beside the mechanisms on prevention of terrorism, there have been established even normative acts which shall guarantee the rights to persons who are suspected as terrorists. From this fact there has derived the creation of a normative stability regarding the training of persons suspected as terrorists by guaranteeing them the fundamental rights. Initially, within the rights which shall be guaranteed to persons suspected as terrorists there shall be the right of living, where no one has the right to deprive someone else from life. In case that there begins a judicial procedure towards such persons, then there shall be taken into consideration the presumption of innocence upon which these persons shall be considered innocent until there is taken a final decision by the competent bodies. Regarding this, a fair trial shall be guaranteed to these persons. Moreover, the opportunity of using a legal mean in such judicial processes has influenced in the quality and fairness of judgement of such cases that are related to terrorism and persons suspected as terrorists. Furthermore, in case of arrest, these persons shall be guaranteed with the rights that are defined in many international conventions; the rights that will be presented and treated generally in this paper.

Keywords: The rights, Guarantee, Persons, Terrorist, International Law.