

MAIN BRANCHES OF LAW RELEVANT FOR SITUATIONS OF VIOLENCE

AT ALL TIMES: national law + international human rights law

protect people from arbitrary behaviour of governments



<p>IN SITUATIONS OF VIOLENCE OTHER THAN ARMED CONFLICT (internal disturbances, tensions):</p> <p>national law + international human rights law</p> <p>⇒ e.g. riots, demonstrations, sporadic acts of violence, chronic violence related to criminal activities</p> <hr/> <ul style="list-style-type: none"> human rights may be derogated from in public emergencies¹ some human rights are non-derogable: <ul style="list-style-type: none"> prohibition of arbitrary deprivation of life prohibition of torture and of other cruel, inhuman, humiliating or degrading treatment or punishment prohibition of retroactive conviction or punishment 	<p>GOING TO ARMED CONFLICT:</p> <p>UN Charter</p> <p>⇒ prohibits States from using or threatening to use force in their international relations</p> <p>Two exceptions:</p> <ol style="list-style-type: none"> when the UN Security Council decides to use force collectively to restore international peace and security, or for individual or collective self-defence in the event of an armed attack against a UN member State. 	<p>IN ARMED CONFLICT:</p> <p>national law + international humanitarian law</p> <p>⇒ between States (international)</p> <p>⇒ or between a State and an armed group, or between armed groups (non-international)</p> <hr/> <ul style="list-style-type: none"> not concerned with whether the use of force is legal or illegal, or whether a war is just or unjust strike a realistic and pragmatic balance between military necessity and considerations of humanity protect those suffering the effects of armed conflict with rules for: <ul style="list-style-type: none"> those who are not, or no longer, taking part in hostilities, and the means and methods of warfare
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AT ALL TIMES: international criminal law

focuses on **individual responsibility** for the most serious international crimes

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¹ Situations that threaten the life of a nation, such as an exceptional crisis, natural disaster or any other emergency situation that affects the whole nation.