**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

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### IN SITUATIONS OF VIOLENCE OTHER THAN ARMED CONFLICT (internal disturbances, tensions):

<table>
<thead>
<tr>
<th>National law + international human rights law</th>
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<td>⇒ e.g. riots, demonstrations, sporadic acts of violence, chronic violence related to criminal activities</td>
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- Human rights may be derogated from in public emergencies

- Some human rights are non-derogable:
  - 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

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### GOING TO ARMED CONFLICT:

**UN Charter**

- Prohibits States from using or threatening to use force in their international relations

**Two exceptions:**

1. When the UN Security Council decides to use force collectively to restore international peace and security, or
2. For individual or collective self-defence in the event of an armed attack against a UN member State.

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### IN ARMED CONFLICT:

- National law + international humanitarian law

- Between States (international)

- Or between a State and an armed group, or between armed groups (non-international)

- 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:
  - 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

- Protect people from arbitrary behaviour of governments

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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.