

HANDOUT 1: 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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| <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">1. when the UN Security Council decides to use force collectively to restore international peace and security, or2. 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

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.