REPORTING ON ARMED CONFLICTS & OTHER SITUATIONS OF VIOLENCE: THE LAW

What am I reporting on?

- ARMED CONFLICT
- OTHER SITUATIONS OF VIOLENCE

What kind of armed conflict?

- international
- non-international

What should I know about the use of force?

- the use of force by those involved in hostilities must stay within the limits set by IHL
- care must be taken to spare civilians and civilian objects

IF VIOLATED • war crime

- law enforcement officials (i.e. police, security, military forces) may use force, BUT
- only as exceptional measure, if all other means failed and in case of imminent threat of death or serious injury

IF VIOLATED • violation of human rights law + criminal law
What law should I refer to?

**IN ARMED CONFLICT**

INTERNATIONAL HUMANITARIAN LAW (IHL)

**IN OTHER SITUATIONS OF VIOLENCE**

INTERNATIONAL HUMAN RIGHTS LAW (IHRL)

NATIONAL LAW

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**INTERNATIONAL HUMAN RIGHTS LAW**

In principle, IHL prevails over IHRL in armed conflicts BUT where IHL is insufficiently precise or does not address a particular issue, IHRL complements it.
The story behind the story

Which sources can I use?

**IN ARMED CONFLICTS**
(international and non-international)

- Four Geneva Conventions of 1949
- Additional Protocols I, II & III of 1977 and 2005
- Other (e.g. weapons treaties)

**TREATY IHL**

- Article 3 common to the four Geneva Conventions of 1949
- Additional Protocols II & III of 1977 and 2005
- Other (e.g. weapons) treaties

**CUSTOMARY IHL**

**INTERNATIONAL HUMAN RIGHTS LAW**

Examples of International Human Rights Law:
- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social, and Cultural Rights
- Convention on the Rights of the Child
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention relating to the Status of Refugees
- International Convention for the Protection of All Persons from Enforced Disappearance
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- Code of Conduct for Law Enforcement Officials
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- Guiding Principles on Internal Displacement

**NATIONAL LAW**

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**NATIONAL LAW**