

TASK 1 - conclusions

Strategic Situations	Applicable Law
A) Peace	Domestic Law Human Rights
B) Internal Disturbances & tension	Domesti Law/Emergency Legislation Human Rights
C) Non-International Armed Conflicts of lower Intensity	GC I – GC IV, 3 H.CP, 4, 19 Domestic Law Human Rights
D) Non-International Armed Conflicts of higher intensity	GP II Domestic Law Human Rights (limited derogations)
E) Liberation Conflict	GC I – GC IV GP I Human Rights (limited derogations)
F) International Armed Conflicts between States	Law of Armed Conflict (all) Human Rights (limited derogations)
G) Occupation	H IV R, 42-56 GC IV, art 47-78 Human Rights (limited derogations)
H) Neutrality	H V, H XIII Human Rights (limited derogations)
I) Cease-Fire	Domestic Law Human Rights
J) Peace Operations	International Humanitarian Law (all) Human Rights San Remo Peace Agreements*

TASK 2 - conclusions

Nature of the conflict: NON-INTERNATIONAL ARMED CONFLICT

Except for a few provisions on non-international armed conflict, the International Humanitarian Law deals with international armed conflict. Nevertheless, much more detailed provisions on international armed conflict can be used as a guide in non-international armed conflicts as well as situations falling short of armed conflict.

In peace time, human rights law applies. As violence escalates, the International Humanitarian Law begins to take effect overlapping with human rights, taking over completely in full international armed conflict as States are allowed to derogate from their obligations under human rights law. However, certain rights can never be derogated. These include:

- the right to life;
- the right not to be subjected to torture or inhuman treatment;
- the right not to be enslaved;
- the right not to face retroactive.

Human Rights and the International Humanitarian Law are complementary and cover similar areas.

Laws applicable			
No	Human Rights	Laws	IHL
1	ECHR, 14 UDHR, 1/2 CCPR, 20/26	Equality -no discrimination	GC IV, 13 GP I, 75 GP II, 4
2	ECHR, 2/5 UDHR, 3 CCPR, 6	Right to life, freedom, security, death sentence	GC IV, 68/75 GP I, 40/42/51/75
3	ECHR, 4 UDHR, 4 CCPR, 8	No slavery	GP II, 4.2(f)
4	ECHR, 3 UDHR, 5 CCPR, 7	No torture, cruel, inhuman or degrading treatment	GC IV, 27/31(32) GP I, 75 GP II, 4
5	UDHR, 6/8 CCPR, 16/26	Equal laws and protection	GC IV, 64/80
6	UDHR, 9 CCPR, 9/11	No arbitrary arrest, detention or exile	GC IV, 41/49/71/79
7	ECHR, 6 UDHR, 10	Fair and public hearing by an independent & impartial tribunal	GC IV 64/73 GP I, 75 GP II, 6
8	ECHR, 6/7 UDHR, 11 CCPR, 14/15	Innocence presumed, public trial no retrospectivity of laws	GC IV, 33/65/57 GP I, 75 GP II, 6
9	ECHR, 8 UDHR, 12 CCPR, 17	Private and family life, home, correspondence, honour and reputation	GC IV, 27 GP I, 76/77
10	ECHR.P4, 2/4 UDHR, 13 CCPR, 12/13	Freedom of circulation	GC IV, 35/48
11	UDHR, 14	Right of exile, except in case of breach	GC IV, 45/70
12	UDHR, 15	Right of a nationality	
13	ECHR, 12 UDHR, 16 CESC, 23/24	Marriage, family	GC IV, 24/27
14	ECHR.P1, 1 UDHR, 17	Right to own property	GC IV, 53
15	ECHR, 9/10 UDHR, 18/19	Freedom of Speech, conscience, religion, language	GC IV, 58/93
16	ECHR, 11 ECHR.P1, 3 UDHR, 20/23 CCPR, 21/22/25 CESC, 6/9	Freedom of association, election, social security, work	GC IV, 39/40/52
17	UDHR, 24	Rest and leisure	
18	UDHR, 25 CESC, 11/12	Standard of Living, health	GC IV, 55/89-92
19	ECHR.P1, 2 UDHR, 26 CESC, 13/14	Education	GC IV 1-94 GP II, 1-4
20	UDHR, 27 CESC, 15	Cultural Life	GP I, 53 GP II, 51 H.CP
21	CCPR, 20	No propaganda for war & no advocacy for discrimination	GC IV, 51
22	ECHR, 15	No derogations in war-time	

Abbreviations:

Abbreviation

ECHR
UDHR
CCPR
CESCR

Convention

European Convention of Human Rights
Universal Declaration of Human Rights
International Convention on Civil & Political Rights
Intrenational Convenant on Economic, Social & Cultural Rights

Humanitarian laws applicable to a non-international armed conflict			
No	Nature	Conditions	Law Applicable
1	Internal tensions and unrest	Riots, sporadic & isolated acts of violence	Human Rights, Marten Clause, National Laws
2	Internal & Low intensity Conflicts	Armed conflict between regular troops and rebels/dissidents. The latter do not control parts of territories.	GC I to GC IV, 3 H.CP., 4 National Laws (unless there are derogations) Marten Clause
3	Internal & High Intensity conflict (Civil War)	Opposing forces: <ul style="list-style-type: none"> ➤ responsible command; ➤ exercising such control over part of its territories as to enable them to carry out sustained military ops; ➤ respect for IHL 	GC I, 3 GC IV, 3 GP II, 3 H.CP., 4

Humanitarian rules for the combatant		
No	Rules	Reference
1	The civilian population and individuals civilians shall be respected	GP II, 13
2	The civilian population and individuals civilians can not be displaced or deprived or deported	GP II, 17
3	Acts of terrorism and the taking of hostages are prohibited	GC I, GC II, GC III, GC IV, common art. 3
4	No adverse distinction based on race, colour, sex, language, religion or belief, political or other opinion shall be made in humanitarian treatment	GC I, GC II, GC III, GC IV, common art. 3 GP II, 2(1)
5	Respect and treat humanely those persons who do not take part or who have ceased to take part in hostilities	GP II, 4(1)
6	Murder and cruel treatment such as torture, mutilation, humiliating or degrading treatment, such as rape, prostitution are prohibited	GC I, GC II, GC III, GC IV, common art. 3 GP II, 4(2)
7	The wounded and sick shall be respected and protected	GC I, GC II, GC III, GC IV, common art. 3 GP II, 5(1)/7
8	Medical & Religious Personnel shall be respected and protected	GP II, 9
9	Persons deprived of their liberty shall be treated humanely	GP II, 5
10	Pillage is forbidden	GP II, 4(2)
11	Relief societies (e.g. Red Cross & Red Crescent) will be respected in all circumstances	GP II, 12/18