

HOW DOES LAW PROTECT IN WAR?

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The interplay between IHL and IHRL poses specific challenges in the context of conduct of hostilities, especially when law enforcement operations are conducted along or in connection with military operations.

In contemporary armed conflicts, armed forces are increasingly expected to conduct not only combat operations against the adversary, but also law enforcement operations, in order to maintain or restore public security, law and order.

In practice, it is sometimes difficult to draw the line between situations governed by the conduct of hostilities paradigm (derived from IHL) and those governed by the law enforcement paradigm (mainly derived from human rights law).

To see why determining the appropriate applicable paradigm may have a crucial impact on the humanitarian consequences of an operation, and how the two paradigms differ, read the related chapter on IHL and Human Rights. ^[1]

New case studies:

- United States of America, The Death of Osama bin Laden [2]
- US, Lethal Operations against Al-Qa'ida Leaders [3]
- ECHR, Al-Skeini et al. v. UK [4]
- United States, Use of Armed Drones for Extraterritorial Targeted Killings [5]
- UN, Statement of a Special Rapporteur on Drone Attacks [6]
- General Assembly, The Use of Drones in Counter-Terrorism Operations [7]

Reference case studies:

- Human Rights Committee, Guerrero v. Colombia [8]
- Inter-American Court of Human Rights, Bámaca-Velasquez v. Guatemala [9]

Notions:

- Human Rights applicable in armed conflicts [10]
- Use of Force [11]
- Conduct of hostilities [12]
- Law enforcement [13]
- Lex Specialis [14]

To go further:

- The Use of Force in Armed Conflicts: Expert Meeting [15]
- Webinar: Use of Force in Armed Conflicts. Interplay between the Conduct of Hostilities and Law Enforcement Paradigms [16]
- Audio Course: Current challenges to IHL: The Use of force in armed conflicts: interplay between conduct of hostilities and law enforcement paradigms [17]

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- [3] <https://casebook.icrc.org/case-study/us-lethal-operations-against-al-qaida-leaders>
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