

CICR

Regional human rights courts and internal armed conflicts / Michele D'Avolio

Document type:	Article
Title:	Regional human rights courts and internal armed conflicts
Author zone:	Michele D'Avolio
Host item entries:	Intercultural human rights law review,
Languages:	English
General Note:	Photocopies
Abstract:	<p>This article explores the role of regional human rights courts in internal armed conflicts and asks the question: How have regional human rights courts contributed to the development of, and interplay between, international humanitarian and international human rights law in internal armed conflicts? First it sets forth a brief discussion of the laws of war ("LOW") as they pertain to internal armed conflict. This discussion will establish the framework for a discussion of the interplay between International Humanitarian Law ("IHL") and International Human Rights ("IHR") and, more specifically, why issues of convergence arise with regard to these two bodies of law. The article compares the ICJ's approach to the approach taken by regional courts in addressing human rights violations during internal armed conflict with a focus on the European Court of Human Rights' opinion in the Isaveya 3 cases, the Inter-American Commission of Human Rights' decision in the Abella 4 case, and the Inter-American Court of Human Rights' decisions in the Las Palmeras 5 and Bamaca Velasquez 6 cases. These cases provide a framework to examine the contribution that regional courts have made in developing a coherent jurisprudence on this issue. This article examines the implications of these decisions regarding the relationship between IHL and IHR, the challenges that these decisions pose to the current understandings of the scope of each area of law, and what this all may mean for the future of laws governing internal armed conflicts.</p>
Authors:	D'Avolio, Michele
Keyword in English:	HUMAN RIGHTS CASE LAW IHL (INTERNATIONAL HUMANITARIAN LAW) NON-INTERNATIONAL ARMED CONFLICT EUROPEAN COURT OF HUMAN RIGHTS APPLICABILITY
Keyword in French:	DROITS HUMAINS JURISPRUDENCE DIH CONFLIT ARME NON INTERNATIONAL COUR EUROPEENNE DES DROITS DE L'HOMME APPLICABILITE

Call number	Disposability / Due date
345.1/390 (Br.)	Available