

CICR

The European Court of Human Right's engagement with the international humanitarian law / Samuel Hartridge

Document type:	Chapter
Title:	The European Court of Human Right's engagement with the international humanitarian law
Author zone:	Samuel Hartridge
In:	Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects
Editor:	The Hague : Asser Press, 2014
Physical description:	p. 257-287
Languages:	English
	Bibliographie : p. 286-287
Abstract:	<p>This chapter evaluates the jurisprudence to the European Court of Human Rights in order to ascertain how effectively it engages with international humanitarian law. The chapter briefly outlines the nature of the interaction between human rights and humanitarian law, including a discussion of the leading cases from the International Court of Justice and the concept of <i>lex specialis</i>. From that point, the chapter works to assess key cases relating to the extraterritorial application of the European Convention on Human Rights in situations of military occupation and armed conflict. This section will examine whether the basis for extending jurisdiction beyond the territorial limits of the Convention state is coherent with IHL. Another important facet of the Court's jurisprudence is its treatment of cases that have arisen in internal conflicts. In such cases, the Court has been even more unwilling to engage with humanitarian law. A brief case study of two subjects that are of central importance in armed conflicts, namely the use of lethal force and the grounds for detention, show that this reluctance is carried through to the interpretation and application of substantive Convention rights.</p>
Authors:	Hartridge, Samuel
Keyword in English:	IHL (INTERNATIONAL HUMANITARIAN LAW) EUROPEAN UNION EUROPEAN COURT OF HUMAN RIGHTS SCOPE RIGHT TO LIFE ARMED CONFLICT
Keyword in French:	DIH UNION EUROPEENNE COUR EUROPEENNE DES DROITS DE L'HOMME CHAMP D'APPLICATION DROIT A LA VIE CONFLIT ARME
Go to:	Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects / Derek Jinks, Jackson N. Maogoto, Solon Solomon, ed.

Call number	Disposability / Due date
345.24/350	See main document