

## CENTRE FOR ADVANCED STUDY IN INTERNATIONAL HUMANITARIAN LAW

### **EVENT REPORT: Third session of 2-credit course on International Humanitarian Law**

#### **Faculty: Dr. Sunod Jacob**

The Centre for Advanced Studies in International Humanitarian law successfully conducted the third lecture on the topic ‘**Relationship between International Humanitarian Law and International Human Rights Law,**’ as part of its two-credit certificate course on International Humanitarian Law. The lecture was given by Dr. Sunod Jacob, Senior Fellow for International Law & Multilateralism at the Peninsula Foundation. He began by explaining the basics of International Humanitarian Law (IHL) and International Human Rights Law (IHRL), followed by the divergences and convergences between the two. He discussed that IHRL has a jurisdictional component to it, in the sense that it governs the relationship between the government of a nation and its citizens (and sometimes the citizens of other nations too), while the same is not true for IHL which applies to parties to the conflict and civilians. IHL comes into motion only when there is an armed conflict and every instance of violence cannot be classified as an armed conflict. A violent scenario may be a manifestation of a law-and-order problem or disturbance and tension short of armed conflict, in these situations IHL will not come into play. Certain provisions are complimentary to both IHL as well as IHRL, these are the Right to Life, Prohibition against Torture, Prohibition against Ill-treatment, and Fair Trial. Provisions such as Freedom of Expression, Freedom of Assembly, etc. are unique to IHRL while provisions such as Protection of wounded, sick, and shipwrecked, Protection of Prisoners of war and civilian internees, Conduct of Hostilities, etc. are unique to IHL, however, both the branches share a common goal i.e., Protection of the individual and respect for life. A brief discussion on the concepts of Lex Specialis and Lex Generalis was also held.

He laid special emphasis on the application of the two branches of Public International Law. An in-depth discourse on the use of force in Armed Conflict *vis a vis* the interplay between the conduct of hostilities and law enforcement paradigms was held by discussing various case studies. He remarked that the questions of law arising in the case studies were still under debate and hence there was no right or wrong answer to these questions. This allowed the participants to form their own opinions backed by their unique reasoning which ultimately led to an extremely

fruitful discussion as diverse opinions were discussed openly. The in-depth discourse was followed by an enriching Q & A session wherein questions were raised about the applicability of IHL and IHRL in certain specific scenarios. For instance, while discussing a case study wherein an armed group has the logistical support of a criminal group in the context of a Non-International Armed Conflict, a question was raised about whether the degree of support by the criminal group could lead to the inference of its combatant nature. The speaker replied by discussing the factual matrix test in such situations and that the combatant nature can or cannot be inferred on the basis of whether or not the criminal group subscribes to the ideology of the armed group. The session ended with the faculty coordinator, Dr. Sangeeta Taak presenting the vote of thanks to the speaker, followed by the moderator extending the same to all the participants.