



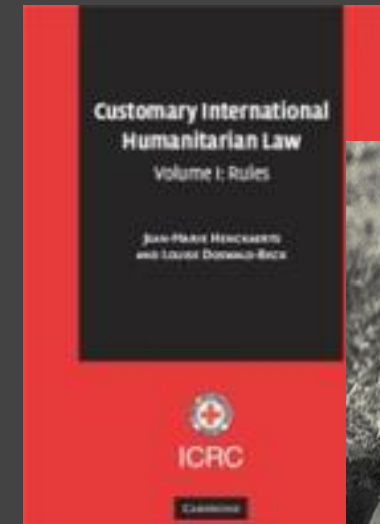
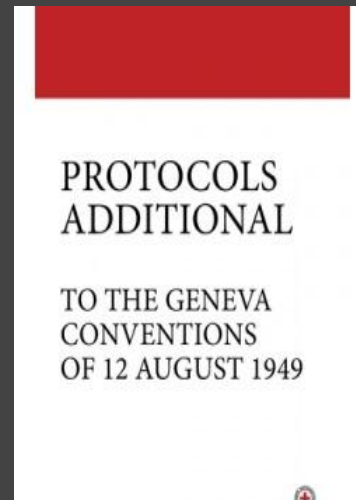
APPLICABLE RULES DURING JOINT AND MULTI-AGENCY OPERATIONS

Structure of presentation

1. What is international humanitarian law (IHL) / law of armed conflict (LOAC)?
2. What is international human rights law (IHRL)?
3. Relationship between IHL and IHRL in conflict
4. IHL and IHRL rules relating to use of force

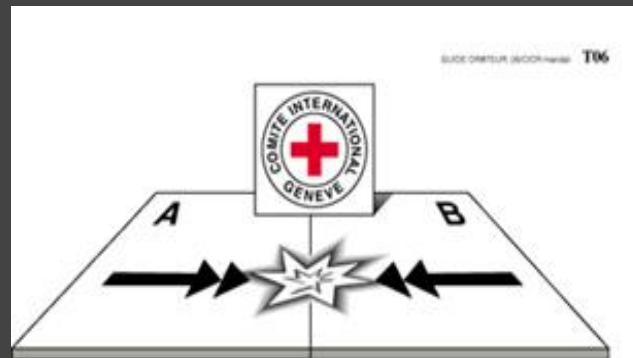
What is IHL/LOAC?

- Specialised rules designed to reduce the effects of armed conflict (particularly on civilians) and to limit the level of violence and arbitrariness
- Sources of IHL/LOAC:



Nigerian *Geneva Conventions Act* (1960)

When does IHL apply?

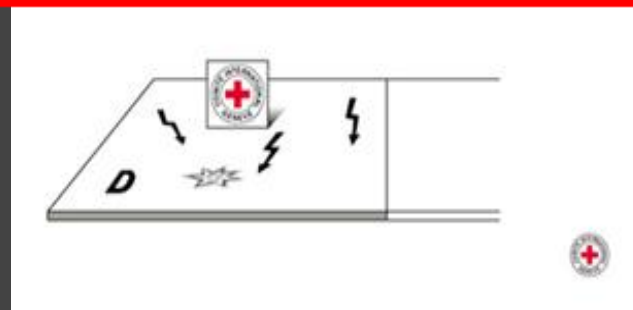


International armed
conflict & occupation



Non-international armed
conflict

► IHL APPLIES



Situations of violence
falling below the threshold
of armed conflict

► IHL DOES NOT APPLY

What is IHRL?

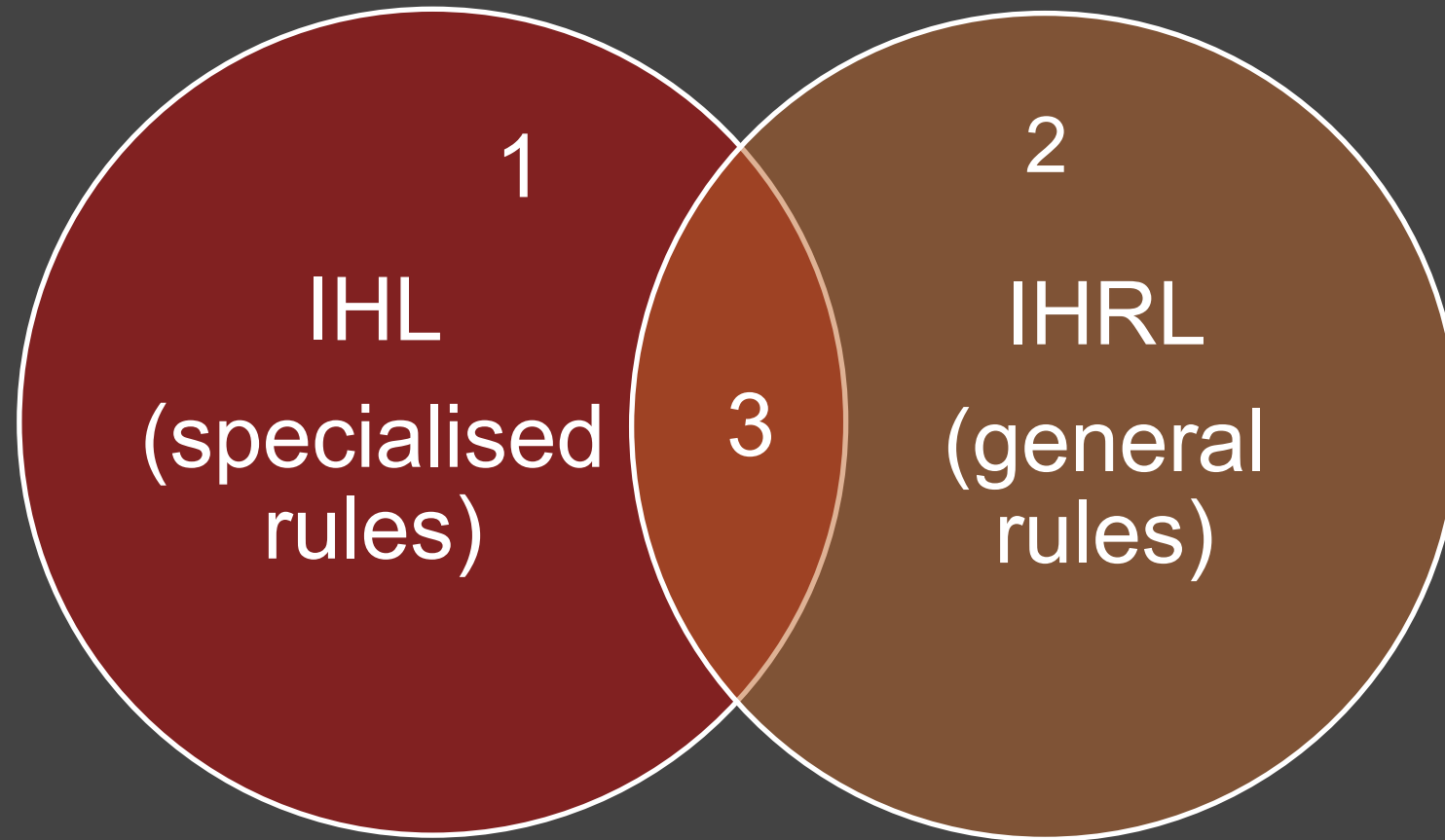
- General rules regulating the relationship between the State and its citizens
- When does IHRL apply.....all the time!
- Sources of IHRL in Nigeria:

Human Rights treaties ratified by Nigeria	Nigerian law
International Covenant on Civil and Political Rights	Nigerian Constitution ACJA
African Charter on Human and People's Rights	African Charter Act
Convention on the Rights of the Child	Child Rights Act
Convention Against Torture, Cruel, Inhuman Treatment	<i>Draft bill</i>
Convention on Enforced Disappearances	-
Kampala Convention on Internally Displaced Persons	<i>Draft bill</i>



CICR

IHL & IHRL during armed conflict





CICR

IHL & IHRL rules during armed conflict

What do IHL and IHRL say about...

1. Use of force

2. Detention

3. Treatment of protected persons

4. Humanitarian assistance

Use of Force in armed conflict

IHL

Conduct of hostilities

Distinction

Proportionality

Precautions

IHRL

Law Enforcement

Necessity

Proportionality

Legality

Accountability

Conduct of hostilities (IHL): *principle of distinction*

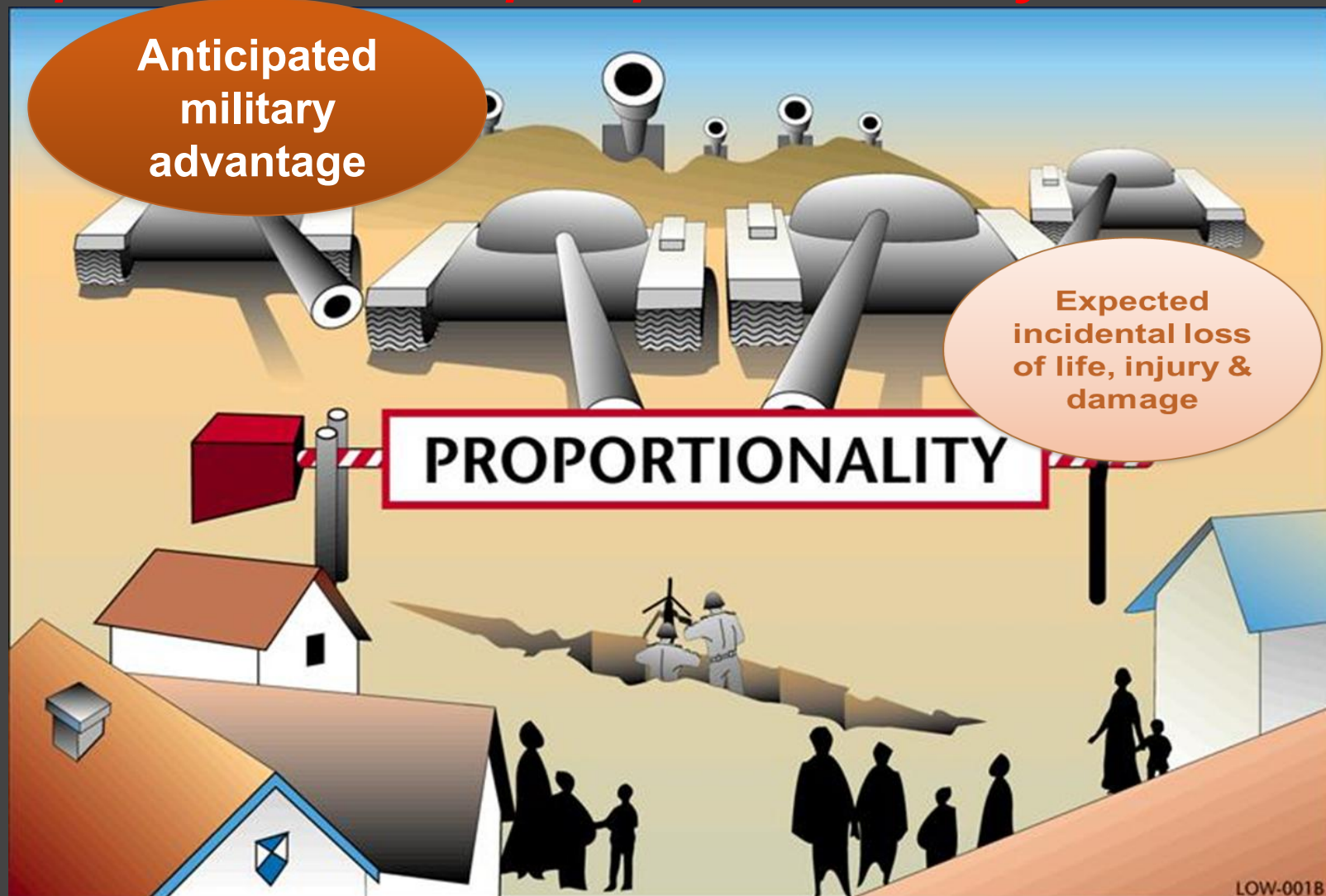
1. Combatants/fighters v. civilians



2. Military objectives v. civilian objects



Conduct of hostilities (IHL): *principle of proportionality*



Conduct of hostilities (IHL): *principle of precautions*

ACTIVE PRECAUTIONS

- Verify that the target is a military objective
- Choose means and methods of attack which will minimise collateral damage
- Effective advance warnings to civilian population

PASSIVE PRECAUTIONS

- Take all feasible precautions against the effects of attack e.g. avoid locating military objectives in or near civilian objects such as schools, IDP camps etc.

Law Enforcement (IHRL): *principle of necessity*

- Law enforcement officials may use force only when strictly necessary
- Force must only be used as an exceptional measure of last resort to pursue a legitimate objective:
 - defence of life or limb
 - arresting someone who presents a threat to life or limb
 - preventing a crime that involves threat to life or limb
- The degree of force should be escalated gradually (e.g. verbal warning, show force, “less-than-lethal” force, lethal or potentially lethal force).

Force

- Force is an action. By imposing strength upon a certain individual there is an influence on his will and behavior.
- Force is used to impose the law.
- Means of coercion allowed by law:
 - ▶ Bodily force, truncheon, tying up, handcuffs, coercive stop of vehicles, dogs, chemicals, water jets, etc.
 - ▶ Also by posing threat of use of force.

Graduation of the use of Force

- Mere presence
- Verbalization
- Command voice
- Swarming
- Firm grip
- Come-along hold
- Impact – Non-lethal
- Impact Lethal
- Deadly Force

Law Enforcement (IHRL): *principle of proportionality*

- The degree of force used must be strictly proportionate to the threat posed. However, proportionate force does not mean equal force



Law Enforcement (IHRL): *principle of precautions*

Planning and control of operations

- Law enforcement operations have to be carefully planned in order to avoid, as much as possible, the use of force and to minimize the risk to endanger bystanders.
- Law enforcement officials shall endeavour, to the greatest extent possible, to limit damage and injury, and respect and preserve human life.
- Training, weapons and equipment must be given accordingly.

Use of force: summary of rules

IHL

Conduct of hostilities

Distinction
(combatants v. civilians)

Proportionality
(military advantage v.
collateral damage)

Precautions
(active and passive
precautions)

IHRL

Law Enforcement

Necessity
(only when strictly necessary,
measure of last resort)

Proportionality
(level of force must be
proportionate to objective)

Precautions
(planning, training,
equipment)

Detention in connection with the armed conflict

Arbitrary detention is prohibited (IHL, IHRL, Nigerian Constitution)

- *There must be a valid legal basis*
- *Detainees must be afforded due process*

Criminal Detention

Individuals can be detained for purposes of prosecuting crimes committed in connection with the conflict

They must be afforded judicial guarantees (IHL, IHRL, Nigerian Constitution)

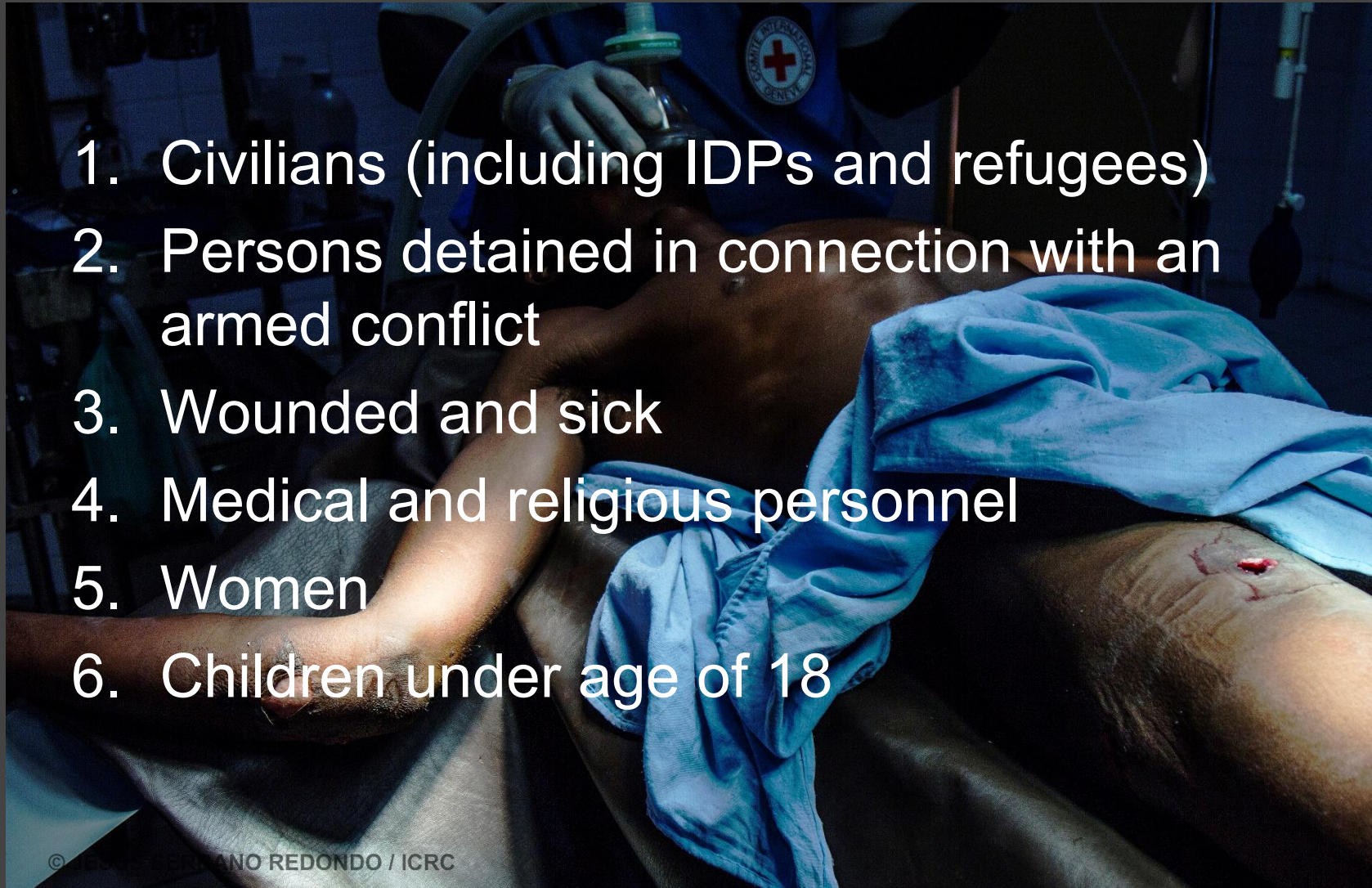
Internment

Individuals can be detained for imperative reasons of security (IHL)

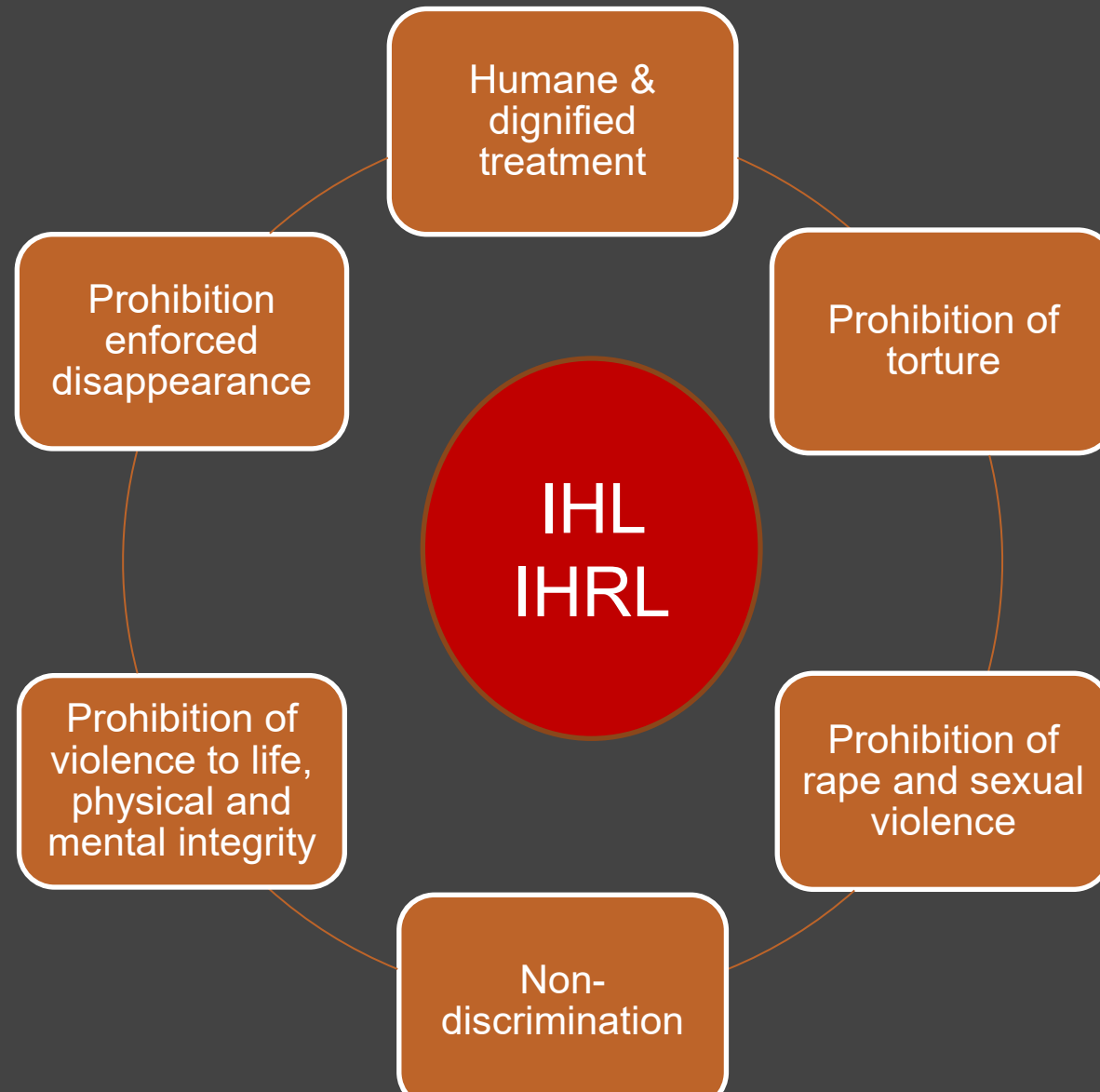
They must be afforded procedural safeguards (IHL, IHRL, Nigerian Constitution)

Treatment of protected persons

1. Civilians (including IDPs and refugees)
2. Persons detained in connection with an armed conflict
3. Wounded and sick
4. Medical and religious personnel
5. Women
6. Children under age of 18



Treatment of protected persons



Humanitarian Assistance (IHL)

1. States have the primary obligation to meet the needs of the civilian population (IHL, Kampala Convention)
2. Impartial humanitarian organizations can offer their services, particularly if the needs of the civilian population are not fulfilled (IHL, Kampala Convention)
3. Impartial humanitarian activities are subject to the consent of the parties to the armed conflict. Parties to an armed conflict must consent when the needs of civilians are not fulfilled.



Thank you for your attention!

