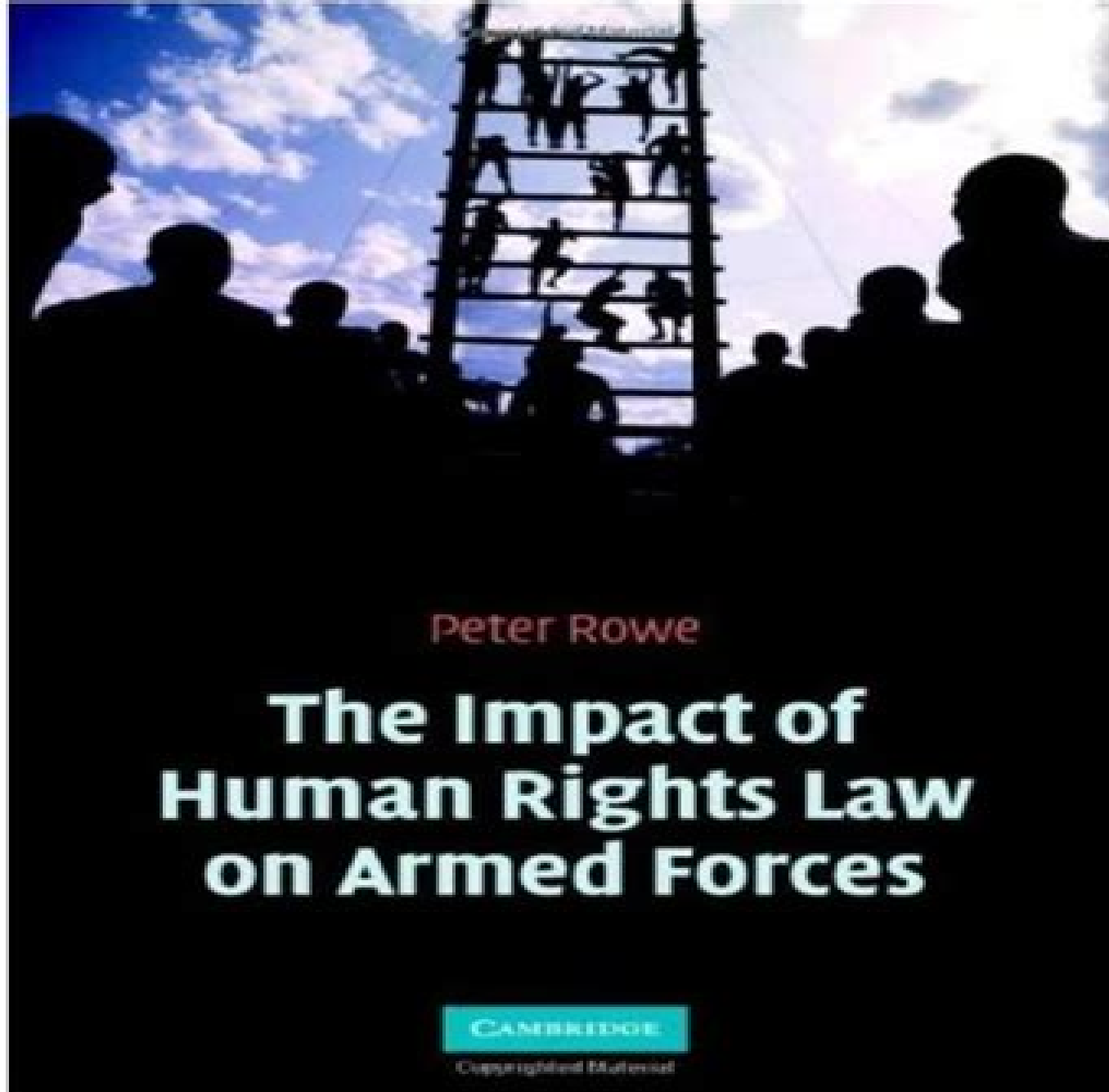




The Impact Of Human Rights Law On Armed Forces

Pauline Therese Collins



The Impact Of Human Rights Law On Armed Forces:

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Human Rights in the Indian Armed Forces Dr. U C Jha, Dr Sanghamitra Choudhury, 2019-03-18 The military plays an important role in nation building and national security Notwithstanding special requirements of military life the members of the armed forces should enjoy the rights guaranteed in the Constitution and other relevant international human rights treaties which India has ratified to the extent that those rights are available to other citizens of the country The guarantee of a fair trial should apply to all proceedings under the military legal system including summary trial and summary systems of court martial The government must ensure the economic social and cultural rights of military personnel including housing medical care education free legal aid and social security Derogations of the Fundamental Rights under Article 33 should not be carried so far as to create a class of citizens who are not entitled to the benefits of the liberal interpretation of the Constitution This book is aimed at all those who are involved in promoting protecting and enforcing the rights of not only the members of the armed forces but also the other forces engaged in the security of the country It will of relevance to parliamentarians government officials military authorities and members of the civil society who have a stake in the armed forces

Contemporary Challenges to the Laws of War Caroline Harvey, James Summers, Nigel D. White, 2014-10-16 The laws of war are facing new challenges from emerging technologies and changing methods of warfare as well as the growth of human rights and international criminal law International mechanisms of accountability have increased and international criminal law has greater relevance in the calculations of

political and military leaders yet perpetrators often remain at large and the laws of war raise numerous normative structural and systemic issues and problems This edited collection brings together leading academic military and professional experts to examine the key issues for the continuing role and relevance of the laws of war in the twenty first century Marking Professor Peter Rowe s contribution to the subject this book re examines the purposes of the laws of war and asks whether existing laws found in treaties and customs work to achieve these purposes and if not whether they can be fixed by specific reforms or wholesale revision *Criminal Jurisdiction over Armed Forces Abroad* Rain Liivoja,2017-09-28 This book studies the principles and practice of extending a country s criminal law to offences committed abroad by their armed forces personnel **The Right to Life in Armed Conflict** Ian Park,2018-02-15 The application of the right to life during armed conflict is an issue that polarizes opinion and generates considerable debate Many believe that human rights law has no place in armed conflict yet the European Court of Human Rights and domestic courts have ruled that it can apply The exact contours of how the right to life applies during armed conflict remain largely unresolved In this text Ian Park seeks to clearly articulate the right to life obligations of states during both international and non international armed conflict in respect of those individuals affected by the actions of states armed forces and members of the armed forces themselves In determining the right to life obligations of states Park identifies the sources of law from which right to life obligations arise how case law has developed and modified these obligations and analyses how the law creates obligations in practice Implicit in this analysis is a consideration of recent armed conflicts and the actions of states that lead to a series of concrete proposals designed to best ensure compliance with a state s right to life obligations *Military Investigations in Armed Conflict* Claire Simmons,2024-04-02 An allegation is made that a war crime was committed by a soldier during a conflict Who should investigate the allegation How should they investigate This book explores a topic of critical importance in legal and policy discussions surrounding the accountability of military operations in armed conflict and problematises some presumptions that are often made about the topic The work provides the international legal framework necessary to address these questions and establishes the precise standards of independence and impartiality as applicable to investigations in armed conflict It questions the assumption that the standards of independence and impartiality of investigations should be measured in the same way that we measure these standards for judges courts and tribunals It also explores the ways in which military institutions and culture as well as the context of armed conflict may impact on the effectiveness of investigations or the perception of justice by those affected By demonstrating the precise ways in which military investigations can contribute to or hinder the effectiveness of investigations the book clarifies States responsibilities with regard to their accountability efforts for serious violations of international law in armed conflict The work will be a valuable resource for academics researchers and policy makers working in the areas of international humanitarian law international human rights law as well as political science and military ethics **Military Justice in the Modern Age** Alison

Duxbury, Matthew Groves, 2016-08-04 Military justice is changing rapidly due to both domestic and international influences This book explains what is happening and why **Civil-Military 'Legal' Relations: Where to from Here?** Pauline Therese Collins, 2018-04-03 Civil military relations establishes the civilian control over the military to protect democratic values This book argues analysis of the CMR is distorted by the absence of consideration of the judicial arm with the civil seen as referring only to the executive and or legislature The civil courts approach to military discipline and the impact that has for CMR within the United Kingdom United States and Australia is investigated The author concludes that by including the courts in the development of CMR theory militarisation of the civilian domain is discouraged A paradigm shift acknowledging the fundamental role of all three organs of government in liberal democracies for control of States power is essential for genuine civilian oversight House of Commons - Defence Committee: UK Armed Forces Personnel and the Legal Framework for Future Operations - HC 931 Great Britain: Parliament: House of Commons: Defence Committee, 2014-04-02 UK military personnel as individuals are properly subject to UK and international law wherever they serve and there are processes to ensure scrutiny of their individual behaviour and legal compliance but in the last ten years legal judgments in the UK and elsewhere against the MoD have raised a number of legal ethical and practical questions for the Armed Forces and their conduct of operations The growing number of such challenges is leading to a feeling of disquiet amongst military personnel and informed commentators about the extent and scale of judicial involvement in military matters There are two aspects of the use of human rights law in military operations that most concern the Committee The extraterritorial application of the European Convention on Human Rights has allowed claims in the UK courts from foreign nationals However the requirement for full and detailed investigations of every death resulting from an armed conflict is putting a significant burden on the MoD and the Armed Forces Secondly there has been a failure of the accepted principle of combat immunity most recently evidenced in the Supreme Court majority judgment in June 2013 allowing families and military personnel to bring negligence cases against the MoD for injury or death This seems to us to risk the judicialisation of war and to be incompatible with the accepted contract entered into by Service personnel and the nature of soldiering

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