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The duty to investigate in situations of armed conflict: an examination under international humanitarian law, international human rights law, and their interplay
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The duty to investigate in situations of armed conflict

This study explores the duty to investigate potential violations of the law during armed conflict, and does so under international humanitarian law (IHL), international human rights law (IHRL), and their interplay. Through a meticulous comparative legal analysis, it maps out the scope and contents of investigative obligations. On the basis of general international law, it also develops and applies a step-by-step methodology for resolving issues of interplay between both legal regimes. In doing so, this study clarifies the scope of application and contents of investigative obligations under both legal regimes, as well as for situations to which both apply. The study finds that the oft-heard narrative that to require States to conduct human rights investigations during armed conflict would impose inordinate burdens on them, and would be wholly unrealistic in light of the realities of hostilities, is unfounded and in need of revision.

The methodology which this study develops for resolving issues of interplay lends itself to broader application than this research project alone, and can guide future research into issues of interplay.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research programmes 'Exploring the Frontiers of International Law' and 'Effective Protection of Fundamental Rights in a Pluralist World'.



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