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THE RELATIONSHIP BETWEEN HUMAN RIGHTS  
LAW AND INTERNATIONAL HUMANITARIAN LAW  
IN THE JURISPRUDENCE OF THE EUROPEAN  
COURT OF HUMAN RIGHTS

Implications of the decision *Hassan v United Kingdom*

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## **Abstract**

With the increased development of ever more specialised and detailed sub-branches of general international law emerging, the debate on the interplay between IHL and IHRL is by no means the only one, but given the similar underlying humanitarian concerns of both branches, certainly one which has raised particular interest by scholars. Despite a vast array of theoretical views and academic debates and the IJC' important but apparently changing statements on the matter, the debate as regards how to make IHL and IHRL co-exist without norm conflicts is still ongoing and far from being settled. On the European level, the ECtHR, often had to consider the realities of armed conflict when interpreting and applying the provisions of the ECHR but it did not engage with the interplay between human rights and international humanitarian law in detail. Its recent change in position in the decision of the matter *Hassan v United Kingdom* and its explicit acknowledgment of the importance of the norms of IHL for the interpretation of the Convention are positive but its approach of adding an additional ground for detention, borrowed from IHL, into an otherwise narrowly framed provision of the ECHR is certainly not without problems. In providing a broader look at the picture by taking historical and theoretical sources into account, the present thesis analyses the first decision of the ECtHR in which the interplay between IHL and IHRL was tackled.

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