

Human Rights/Law Enforcement Framework

The Law of Armed Conflict Framework

Primary Objective: to Prohibit Arbitrary Treatment of Individuals by State Actors by Limiting Situations Requiring Resort to Force

Primary Objective: Regulate the Conduct of Hostilities Between States or Other Organized Armed Belligerent Groups by Limiting Violence to Only that Which is Necessary to Subdue an Opponent

Presumption that Individuals Act on Their Own Volition

Presumption that Hostile Group Members Act Pursuant to Leaders' Will

Presumes Individuals Normally Comply with State Authority and Are Therefore Inoffensive

Presumes Members of Hostile Groups Intend to Inflict Harm on Opponent and are Therefore Presumed Offensive

Requires State Actor to Make Individualized Judgment to Support Deprivations of Life or Liberty (Conduct Based Deprivations)

Authorizes Deprivations of Life and Liberty Based on Presumption of Offensiveness (Status Based Deprivations)

Allows Minimum Force Necessary to Restore the Status Quo: Deadly Force is a Measure of Last Resort

Allows for Application of Overwhelming Force: Deadly Force as a Measure of First Resort

Proportionality: Protects the Object of Deliberate Violence from Application of Excessive Force

Proportionality: Protects Collateral Victims of Deliberate Violence from Excessive Collateral Suffering Resulting from Lawful Attack