



Ordine internazionale e diritti umani

International Legal Order and Human Rights
Ordenamiento Jurídico Internacional y Derechos Humanos
Ordre juridique international et Droits de l'Homme

INTERNATIONAL HUMANITARIAN LAW AND INTERNATIONAL HUMAN RIGHTS LAW: ANALYSIS OF ITS RELATIONSHIP IN THE LIGHT OF THE THEORY OF COMPLEMENTARITY AND THE PRINCIPLE *LEX SPECIALIS DEROGAT LEGI GENERALI*

Traditionally, the doctrine has been divided on the relationship between International Humanitarian Law (IHL) and International Human Rights Law (IHRL). There are authors who have shown themselves in favour of a separatist approach, by virtue of which both legal entities are considered distinct, and must remain separate. On the contrary, since the sixties a complementary position has taken hold in the doctrine. This is based on the idea that, although they have different roots, both regimes can complement each other in certain situations. This circumstance means that the relationship between both branches of international law continues to be the subject of debate today. And is that, despite the recognition of the simultaneous application of both legal regimes in situations of armed conflict by international jurisprudence, there are still important gaps on this issue. In this context, the praxis of international institutions and courts is of special interest and relevance. It is, therefore, necessary to reflect on the interrelation of both legal regimes, as well as on the principles of interpretation in light of international law in order to achieve a concrete and effective model of interpretation that is capable of resolving different future conflicts between both branches of law.