



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 MILITARY OPERATIONS, DUTY TO CONDUCT EFFECTIVE INVESTIGATIONS AND EXTRATERRITORIAL APPLICATION OF THE ECHR: HAS THE COURT GONE TOO FAR IN *HANAN V. GERMANY*?

The *Hanan v. Germany* case regards the alleged violation by Germany of the procedural limb of Article 2 (right to life) of the European Convention of Human Rights (ECHR), consequent to an airstrike killing about fifty persons in the course of a NATO-led international military mission in Afghanistan conducted under a mandate given by the United Nations Security Council. The question of admissibility is particularly interesting as the extraterritorial application of the Convention is maintained based exclusively on the existence of three “special features”, creating a jurisdictional link for the purposes of Article 1 ECHR. The judgment raises questions as to the content of the (not particularly) special features identified by the Court and the missed reference to the question of attribution of conduct and its relevance in the admissibility discourse. However, the decision appears legally sound if one considers *inter alia* the nature of the contested obligation and the particular circumstances of the case and it should be warmly received to the extent that it potentially extends the ECHR’s scope and related accountability guarantees in complex scenarios.