

Jacked in: Legal Challenges of the Use of Brain Machine Interfaces in Conflict and Security Situations

The use of brain machine interfaces (BCI) in conflict and security situations raise a number of unique challenges for international humanitarian law (IHL), human rights and individual criminal responsibility. This presentation will highlight the difficulty of categorising the interface and the subsequent effects on the application of principles of IHL such as the prohibition against causing superfluous injury or unnecessary suffering, and the impact of the use of interfaces that mediate data-flow to the user on principles of distinction, proportionality and precaution. Human rights of the enhanced soldier including the right to bodily integrity, freedom of expression and fair trial rights will all gain new dimensions when viewed in relation to BCI. These also raise questions about what it means to 'know' a piece of information. A final question will be posed as to the effects on individual criminal responsibility when BCI are subject to interference – either by the soldier's own state or hacked by a third party.