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**AIR WARFARE**

**Il diritto internazionale umanitario e la guerra aerea : scritti scelti / a cura di Gianni Angelucci, Luisa Vierucci.** - Firenze : Firenze University Press, 2010. - 312 p. ; 24 cm. - (Strumenti per la didattica e la ricerca ; 102). - Bibliographie : p. 313. - ISBN 9788864531243  
Il volume si propone di colmare una lacuna dell'editoria italiana sulle questioni giuridiche che sorgono con l'utilizzo del mezzo aereo nei conflitti armati. L'assenza di una normativa internazionale sulla condotta delle ostilità aeree, nonostante il crescente loro impiego, ha reso necessario dare avvio ad una riflessione sul tema attraverso una raccolta di scritti sui principi fondamentali del diritto umanitario e la loro applicabilità alle operazioni condotte dalle aviazioni e, più in particolare, all'attività di bombardamento aereo. Recenti decisioni giurisprudenziali e la pubblicazione, a cura della Harvard University, del Manual on International Law Applicable to Air and Missile Warfare sono prova dell'esigenza, avvertita a tutti i livelli, di disporre di un'articolata opera sulla materia.  
341.226/56

**L'usage de la force dans l'espace : réglementation et prévention d'une guerre en orbite / Hubert Fabre ; préf. : Joëlle Le Morzellec.** - Bruxelles : Bruylant, 2012. - XVI, 358 p. ; 24 cm. - (Organisation internationale et relations internationales ; 69). - Bibliographie : p. 321-338. Index. - ISBN 9782802737018  
341.226/57

**ARMS**

**Arms control in the 21st century : between coercion and cooperation / ed. by Oliver Meier and Christopher Daase.** - London ; New York : Routledge, 2013. - XI, 247 p. : tabl., graph. ; 24 cm. - (Routledge global security studies). - Bibliographies. Index. - ISBN 9780415698177  
341.67/707

**Building a better warbot : ethical issues in the design of unmanned systems for military applications / by Robert Sparrow.** - New York [etc.] : International Debate Education Association, 2012. - p. 214-226. - In: Laws of war and 21st century conflict. - Bibliographie : p. 224-226. - Tiré d'un article publié dans : Science Engineering Ethics Vol. 15, 2009  
345.2/894

**Committing core crimes through complicity : establishing an international criminal responsibility of arms brokers / Christina Schröder.** - In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict, Vol. 25, 2/2012, p. 69-74

**A decade of implementing the United Nations programme of action on small arms and light weapons : analysis of national reports / Sarah Parker and Katherine Green ; UNIDIR.** - New York ; Geneva : United Nations, 2012. - XXXII, 445 p. : graph., tabl. ; 21 cm  
341.67/711

**The nuclear question in the Middle East / Mehran Kamrava (ed.).** - London : Hurst, 2012. - XI, 297 p. : tabl. ; 22 cm. - Index. - ISBN 9781849042116  
341.67/710

**Nuclear weapons, justice and the law / Elli Louka.** - Cheltenham ; Northampton : E. Elgar, 2011. - VIII, 440 p. : tabl. ; 24 cm. - Index. - ISBN 9780857931085  
341.67/708

**Poison, gas and expanding bullets : the extension of the list of prohibited weapons at the Review Conference of the International Criminal Court in Kampala / Robin Geiss.** - In: Yearbook of international humanitarian law, Vol. 13, 2010, p. 337-352. - Bibliographie : p. 352  
Responses to the recent extension of the list of prohibited weapons at the Review Conference of the International Criminal Court (ICC) in Kampala, Uganda have been rather mixed. Some have hailed the amendments to Article 8 of the Rome Statute as a milestone development. Others speak of a blatant manifestation of the Rome Statute's inability to deal with prohibited

weapons in a meaningful and up-to-date manner. Certainly, the list of prohibited weapons has been extended in Kampala. But as constructed, does it adequately capture the realities of contemporary armed conflicts? In the pursuance of this question, in a first step, this contribution focuses on what actually happened in Kampala and why it had not already happened in Rome in 1998. In a second step, some light will be shed on what did not happen in Kampala. As is well known, initial proposals for the extension of the list of prohibited weapons had been far more extensive than the list that was ultimately adopted. Thirdly, in a final step this Comment concludes with an assessment of whether the Rome Statute's list of prohibited weapons in its amended form now better corresponds to the realities of contemporary armed conflicts.

**Prohibited weapons and the means and methods of warfare in the Rome Statute / Hennie Strydom.** - In: South African yearbook of international law, Vol. 35, 2010, p. 97-110. - Photocopies

Included in the Rome Statute's definition of war crimes are acts committed in international armed conflicts and which involve the use of poison or poisoned weapons; asphyxiating, poisonous or other gases; bullets which expand or easily flatten in the human body; or weapons, projectiles and material and methods of warfare which cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict. The applicability of this last category is made subject to two conditions: firstly, the weapons etcetera, must be the subject of a 'comprehensive prohibition' and, secondly, must be included in an annex to the Statute which must be effected by an amendment of the Statute in accordance with articles 121 and 123 thereof. These provisions do not create new rules of international humanitarian law. Instead, for purposes of the Rome Statute, their function is to criminalise prohibitions that already exist under either conventional or customary international law. The net result of the above provisions is that with regard to the means and methods of warfare, a set of traditional and contemporary norms now exists which have consequences not only for international law on state responsibility in case of non-compliance, but also for individual criminal responsibility where a war crime is shown to have been committed.

341.67/709 (Br.)

**Small arms and light weapons : the current regime is insufficient and ineffective : what do we need ? / Thyla Fonteijn.** - In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict, Vol. 25, 2/2012, p. 92-102

Small arms and light weapons have many devastating impacts on human security. Most states regulate small arms and light weapons in their domestic legislation, but this is done in a non-uniform manner, allowing the continued use and transfer of weapons. At the international level, various aspects with regard to small arms and light weapons are regulated. Therefore, treaty law with a focus on international humanitarian law will be considered first. This body of law regulates the use of these weapons to a certain extent, but not exhaustively. In a second step, customary international law with regard to such weapons is assessed, particularly focusing on the practice of international and regional initiatives. Recent and current initiatives such as the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, and the Arms Trade Treaty will be considered. Furthermore, there will be a critical discussion on the needs for future regulation, especially reflecting on the idea of a comprehensive small arms and light weapons treaty.

#### CHILDREN

**Child combatants and peace processes : challenges of inclusion and exclusion / Shelly L. Whitman.** - London ; Philadelphia : J. Kingsley, 2012. - p. 75-91. - In: Vulnerable children and the law : international evidence for improving child welfare, child protection and children's rights. - Bibliographie : p. 90-91. Photocopies  
362.7/340 (Br.)

**Child protection in humanitarian emergencies / Patrick O'Leary and Jason Squire.** - London ; Philadelphia : J. Kingsley, 2012. - p. 41-58. - In: Vulnerable children and the law : international evidence for improving child welfare, child protection and children's rights. - Bibliographie : p. 57-58. Photocopies  
362.7/210 (Br.)

**Children of the Greek civil war : refugees and the politics of memory / Loring M. Danforth, Riki Van Boeschoten.** - Chicago ; London : University of Chicago Press, 2012. - XV, 329 p. : fotogr., cartes, tabl. ; 23 cm. - Bibliographie : p. 305-320. Index. - ISBN 9780226135991  
362.7/366

**La protection de l'enfance dans les conflits armés : perspectives de mise en oeuvre des normes du droit international humanitaire et du droit international des droits de l'homme / par Antoine Meyer.** - Bruxelles : Bruylant, 2012. - p. 219-243. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle

Cette présentation s'attache aux développements récents et aux perspectives en matière de protection de l'enfance dans les conflits armés, avec un éclairage particulier sur la question des enfants associés aux forces et aux groupes armés. Elle vise un bref exposé des enjeux de protection et du cadre normatif de référence liant droit international humanitaire et droit international des droits de l'homme ; une mise en perspective des leviers juridiques et politiques de mise en oeuvre de ces normes et de réponse à l'"impératif humanitaire" reconnu dans l'engagement du Conseil de Sécurité des Nations Unies. Elle dégagera enfin quelques priorités pour la protection des enfants associés aux forces et aux groupes armés, dans une approche globale fondée sur les droits de l'enfant.

345.2/892

**Re-member : rehabilitation, reintegration and reconciliation of war-affected children / ed. by Ilse Derluyn... [et al.].** - Cambridge [etc.] : Intersentia, 2012. - XXXVIII, 568 p. : tabl., graph. ; 25 cm. - (Series on transitional justice ; vol. 11). - ISBN 9789400000278  
362.7/365

#### CIVILIANS

**Del dicho al hecho : la ONU y la violencia sexual contra hombres y niños durante conflictos armados / Sandesh Sivakumaran.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 877, marzo de 2010, p. 175-194

En este artículo se exponen las respuestas de la ONU frente a la violencia sexual contra hombres y niños en situaciones de conflicto armado, en particular, los pasos que se han dado con el fin de profundizar el conocimiento del problema, las medidas de prevención y protección adoptadas y las consecuencias para los acusados de cometer los delitos. En el artículo se evalúa el nivel actual de los conocimientos y los trabajos realizados sobre el tema de la violencia sexual contra los hombres y se advierte que, si bien ha habido progresos, éstos no siempre van en la dirección correcta.

**Sparing civilians, buildings and even the enemy / by Max Boot.** - New York [etc.] : International Debate Education Association, 2012. - p. 104-106. - In: Laws of war and 21st century conflict. - A également été publié dans : New York Times, March 30, 2003  
345.2/894

#### CONFLICT-VIOLENCE AND SECURITY

**Análisis de las pandillas desde la perspectiva de los grupos armados / Jennifer M. Hazen.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 878, junio de 2010, p. 265-285

Las pandillas se consideran desde hace tiempo una fuente de violencia e inseguridad, pero últimamente crece la tendencia a identificarlas como un factor de inestabilidad y de amenaza para el Estado. Sin embargo, estas bandas organizadas operan principalmente en situaciones que no son de conflicto. Esta realidad pone en tela de juicio la pertinencia de analizar las pandillas desde el punto de vista de los conflictos. Al examinar conceptos como los espacios sin gobierno, el Estado, la violencia y la sostenibilidad, se observan notables diferencias entre los grupos armados y las pandillas. Pocas pandillas llegan a representar un desafío directo para el Estado, lo cual dificulta la comparación con otros grupos armados e indica la necesidad de analizar las pandillas con un enfoque más específico.

**Cyber security without cyber war / Mary Ellen O'Connell.** - In: Journal of conflict and security law, Vol. 17, no. 2, Summer 2012, p. 187-209  
Which government agency should have primary responsibility for the Internet? The USA seems to have decided this question in favour of the military—the US military today has the largest

concentration of expertise and legal authority with respect to cyberspace. Those in the legal community who support this development are divided as to the appropriate legal rules to guide the military in its oversight of the Internet. Specialists on the international law on the use of force argue that with analogy and interpretation, current international law can be applied in a way that allows great freedom without sending the message that the USA is acting lawlessly when it comes to the Internet. Others reject this argument as unnecessary and potentially too restrictive. The USA need not observe international law rules, especially not with respect to the Internet. The way forward is to follow the Cold War strategy of threatening enemies with overwhelming force and preparing to act on these threats. This article also questions the application of international law on the use of force to the Internet. Rather than rejecting international law in general, however, the thesis here is that international law rules governing economic activity and communications are the relevant ones for activity on the Internet. Moving away from military analogy in general and Cold War deterrence in particular, will result in the identification and application of rules with a far better chance of keeping the Internet open and safer for all.

**[Cyber war and international law] / Mary Ellen O'Connell... [et al.].** - In: Journal of conflict and security law, Vol. 17, no. 2, Summer 2012, p. 183-297  
Contient notamment: Cyber security without cyber war / M.E. O'Connell. - Classification of cyber conflict / M. Schmitt. - The principle of distinction and cyber war in international armed conflicts / Y. Dinstein. - Cyber warfare and the notion of direct participation in hostilities / D. Turns

**La démocratie et la guerre au XXI<sup>e</sup> siècle : de la paix démocratique aux guerres irrégulières / sous la dir. de Jean-Vincent Holeindre et Geoffroy Murat.** - Paris : Hermann, 2012. - 237 p. ; 23 cm. - ISBN 9782705682712  
355/953

**États de violence : essai sur la fin de la guerre / Frédéric Gros.** - [Paris] : Gallimard, 2006. - 309 p. ; 21 cm. - (NRF essais). - Bibliographie : p. 279-290. Index. - ISBN 9782070774517  
355/939

**The new reality of cyber war / James P. Farwell and Rafal Rohozinski.** - In: Survival, Vol. 54, no. 4, August-September 2012, p. 107-120

**La privatisation de la sécurité : logiques d'intrusion des sociétés militaires privées / Alexandre Henry ; préf. de Delphine Deschaux-Beaume.** - Paris : L'Harmattan, 2011. - 187 p. ; 22 cm. - (Diplomatie et stratégie). - Bibliographie : p. 173-181. - ISBN 9782296558748  
355/952

**La problématique de l'adversaire irrégulier / par Pierre Ferran.** - Bruxelles : Bruylant, 2012. - p. 259-266. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle  
345.2/892

**Psychology of war / Eduardo Manuel Alvarez and Arturo José Escobar, ed..** - New York : Nova Science, 2012. - IX, 134 p. : tabl., graph., ill. ; 24 cm. - (Psychology of emotions, motivations and actions). - Bibliographies. Index. - ISBN 9781619423121  
150/89

**When war ends : building peace in divided communities / ed. by David J. Francis.** - Farnham ; Burlington : Ashgate, 2012. - XIII, 217 p. : graph., tabl. ; 24 cm. - Bibliographie : p. 185-209. Index. - ISBN 9781409422945  
172.4/248

#### DETENTION

**An ethics of interrogation / Michael Skerker.** - Chicago ; London : University of Chicago Press, 2012. - 257 p. ; 23 cm. - Index. - ISBN 9780226761626  
400/126

**ENVIRONMENT**

**Adaptación al cambio climático : integrar la climatología en la labor humanitaria / Lisette M. Braman, Pablo Suarez y Maarten K. van Aalst.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 879, septiembre de 2010, p. 367-388

El cambio climático acrecienta el trabajo de las organizaciones humanitarias. Las personas vulnerables atendidas por el Movimiento de la Cruz Roja/Media Luna Roja tienen más posibilidades de experimentar nuevos tipos de desastres. Frente a los crecientes peligros, la información científica relacionada con las posibles amenazas puede utilizarse para reducir los riesgos y mejorar la asignación de los recursos. Ejemplos como el llamamiento de emergencia relacionado con la preparación para inundaciones en África Occidental en 2008 revelan los beneficios de convertir las alertas tempranas en acciones tempranas a nivel comunitario, nacional y regional, en escalas temporales que van desde horas hasta décadas antes de una amenaza inminente. Aprovechando una amplia gama de nueva información, las organizaciones humanitarias pueden fortalecer su trabajo incluso ante los crecientes riesgos de cambio climático.

**Cambio climático, desastres naturales y desplazamiento : un enfoque múltiple para resolver las brechas de protección / Vikram Kolmannskog y Lisetta Trebbi.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 879, septiembre de 2010, p. 389-409

Todos los años, los desastres relacionados con los fenómenos climáticos desplazan a millones de personas, y esta tendencia puede aumentar debido a la aceleración del cambio climático. Esta situación da lugar a una importante pregunta: ¿en qué medida los instrumentos existentes protegen con eficacia a las personas desplazadas de sus hogares por el cambio climático y los desastres naturales? En este artículo, los autores examinan, en primer lugar, los actuales instrumentos de protección y señalan las brechas existentes. A continuación, analizan diversas propuestas sobre el modo de solucionar esas brechas, centrándose en los desplazamientos transfronterizos inducidos por desastres naturales. Se recomienda un enfoque múltiple, en particular la interpretación de las normas existentes dinámica y orientada al contexto y la creación de nuevas disposiciones jurídicas. La adhesión al principio de no devolución y el análisis de si el regreso de los desplazados es posible, permisible o razonable podría ser una forma objetiva de empezar a formular regímenes de protección para las víctimas de los desplazamientos inducidos por desastres naturales.

**El cambio climático y sus repercusiones : creciente factores de estrés para las sociedades humanas / Martin Beniston.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 879, septiembre de 2010, p. 307-319

La conciencia de que los seres humanos deben preocuparse por el único «sistema de sostén de vida» representado por la Tierra y su medio ambiente tal vez se deba, en parte, al hecho de que, hasta hace poco, la evolución de la humanidad dependía mayormente de la calidad del medio ambiente y de los recursos que éste brinda, esto es, agua, alimentos y unas condiciones de salud favorables. Esos recursos siguen siendo esenciales, a pesar de los avances tecnológicos y de la aparente resistencia a la degradación del medio ambiente que afecta a muchas partes del mundo. Actualmente, las condiciones indispensables para la sostenibilidad humana (calidad y cantidad de agua, seguridad alimentaria y salud) se ven potencialmente amenazadas a causa de numerosos factores inducidos por el hombre. Entre éstos, el cambio climático es, sin duda, uno de los aspectos más duraderos de las perturbaciones antropogénicas de los recursos naturales. Este artículo aborda la posible evolución del clima a lo largo del siglo XXI, algunos impactos climatológicos importantes que pueden determinar la vida futura de las sociedades y los problemas que pueden presentarse, como las rivalidades por los recursos naturales y los conflictos y migraciones causados por el medio ambiente.

**Climate change as a driver of humanitarian crises and response / Peter Walker, Josh Glasser, Shubhada Kampli.** - Somerville : Feinstein International Center, June 2012. - 38 p. : tabl., fotogr. ; 30 cm. - Bibliographie : p. 32-38. Photocopies 363.7/120 (Br.)

**El derecho internacional y la protección del medio ambiente durante los conflictos armados : lagunas y oportunidades / Michael Bothe, Carl Bruch, Jordan Diamond y David Jensen.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 879, septiembre de 2010, p. 321-346



En la actualidad, en el derecho internacional humanitario (DIH) hay tres deficiencias en lo referente a la protección del medio ambiente durante los conflictos armados. En primer lugar, la definición de daño ambiental inadmisibles es demasiado restrictiva y poco clara; en segundo lugar, hay incertidumbres jurídicas en cuanto a la protección de elementos del medio ambiente como bienes de carácter civil; y en tercer término, la aplicación del principio de proporcionalidad, según el cual el daño al medio ambiente constituye "daño colateral", también es problemático. Esas lagunas ofrecen oportunidades concretas para clarificar y desarrollar el marco existente. Una forma de abordar algunas de las inadecuaciones del DIH podría ser la aplicación del derecho internacional del medio ambiente durante los conflictos armados. Sus detalladas normas, estándares, enfoques y mecanismos también podrían ayudar a precisar y ampliar los principios básicos del DIH para prevenir, abordar o evaluar responsabilidades en materia de daño ambiental durante los conflictos armados.

**Protecting the silent victim from irregular actors : improving non-state compliance with the international law of environmental protection in armed conflict / Catriona L. MacKay, Donald K. Anton.** - In: ANU college of law research paper, No. 12-18, 2012, [52] p.. - Photocopies. - Bibliographie : p. [41]-[51]

International humanitarian law has often been lacking, particularly in relation to environmental protection, and in its ability to regulate armed non-state actors (ANSAs). As a result, significant environmental harm has occurred throughout modern conflicts which increasingly involve actors who cannot be easily regulated under formal law. This paper, submitted as a law honours thesis in the ANU School of law under the supervision of Professor Don Anton, explores the limitations of the current legal regime, both formally and in its ability to practically protect the environment from the acts of ANSA's in armed conflict. It goes on to consider the ways in which this system might be improved ; through greater clarification and codification of existing law, increased informal mechanisms and institutional support for engagement with and monitoring of ANSA compliance with this law, and development of criminal liability for environmental war crimes. An holistic approach to implementation of these factors would allow greater opportunity for the protection of the environment in armed conflict and for sustainable post-conflict recovery.  
363.7/119 (Br.)

**Proteger el medio ambiente contra los daños : una obligación ineficaz ? / Karen Hulme.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 879, septiembre de 2010, p. 347-365

Poca es la atención que se presta a la obligación de protección establecida en el artículo 55(1) del Protocolo adicional I. Más allá del principio general de defender el valor del medio ambiente en tiempo de conflicto armado, ¿cuál es el alcance y contenido de esta obligación? Si es ineficaz, ¿qué la hace así? Teniendo en cuenta que esta disposición de protección, al igual que otras normas sobre el medio ambiente, establece un elevado umbral de daño, ¿las prácticas estatales han eliminado este obstáculo? La norma 44 del Estudio sobre el derecho consuetudinario parece indicar que sí — ¿o no es así? En última instancia, ¿merece la pena respetar la obligación de protección?

**Der Schutz des Meeres in bewaffneten Konflikten / Lars Kramm.** - In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict, Vol. 25, 2/2012, p. 74-84

#### GEOPOLITICS

**Le Chili / Christian Rudel.** - Paris : Karthala, 2011. - 197 p., [12] p. de fotogr. : cartes ; 22 cm. - (Méridiens). - Bibliographie : p. 191-192. - ISBN 9782811104450  
323.12/CHL 3

**Côte d'Ivoire : chroniques de guerre 2002-2011 / Philippe Duval ; préf. de Mamadou Koulibaly.** - Paris : L'Harmattan, 2012. - 260 p. ; 22 cm. - (Collection IREA). - ISBN 9782296970137  
323.11/CIV 6



**Eurasie : au coeur de la sécurité mondiale / dir. par Gaïdz Minassian ; préf. de Bertrand Badie.** - Paris : Autrement, 2011. - 310 p. : tabl., cartes ; 23 cm. - (Autrement Frontières). - Bibliographie : p. 295-301. Index. - ISBN 9782746715547  
323.14/42

**Géopolitique de l'océan Indien / Jean-Luc Racine... [et al.].** - In: Hérodote : revue de géographie et de géopolitique, No 145, 2e trimestre 2012, 167 p. : cartes, tabl.. - Bibliographies Contient notamment : L'océan Indien, laboratoire de la géographie militaire américaine / J.-L. Samaan. - Idéologies religieuses et réseaux transnationaux à travers l'océan Indien / É. Germain. - Lutte contre la piraterie, facteur structurant de sécurité pour l'océan Indien ? / V. Roger-Lacan.

**La Jordanie et la paix avec Israël / Simon Valadou ; préf. de Jean-Paul Chagnollaud.** - Paris : L'Harmattan, 2012. - 164 p. : cartes, tabl. ; 22 cm. - (Comprendre le Moyen-Orient). - Bibliographie : p. 141-152. - ISBN 9782296969483  
323.15/JOR 3

**Madagascar : le coup d'État de mars 2009 / Solofo Randrianja éd..** - Paris : Karthala, 2012. - 334 p., [6] p. de fotogr. : fotogr., cartes, graph., tabl. ; 24 cm. - (Hommes et sociétés). - Bibliographie : p. 303-320. Index. - ISBN 9782811106058  
323.11/MDG 1

**Revolt in Syria : eye-witness to the uprising / Stephen Starr.** - London : Hurst, 2012. - XII, 226 p. : cartes ; 22 cm. - Bibliographie : p. 217-218. Index. - ISBN 9781849041973  
323.15/SYR 7

**Smugglers and saints of the Sahara : regional connectivity in the twentieth century / Judith Scheele.** - Cambridge [etc.] : Cambridge University Press, 2012. - XI, 270 p. : cartes, fotogr. ; 24 cm. - (African studies ; 120). - Bibliographie : p. 243-265. Index. - ISBN 9781107022126  
323.15/DZA 21

**Sonia Gandhi : an extraordinary life, an indian destiny / Rani Singh ; foreword by Mikhail S. Gorbachev.** - New York : Palgrave Macmillan, 2011. - XIV, 268 p., [4] p. de fotogr. ; 24 cm. - Index. - ISBN 9780230104419  
92/321

## HISTORY

**Armenians and the allies in Cilicia :1914-1923 / by Yücel Güçlü.** - Salt Lake City : University of Utah Press, 2010. - VII, 281 p. : cartes ; 23 cm. - (Utah series in Turkish and Islamic studies). - Bibliographie : p. 253-271. Index. - ISBN 9780874809565  
94/480

**Il diradarsi dell'oscurità : il Trentino, i trentini nella seconda guerra mondiale 1939-1945 / Laboratorio di storia di Rovereto.** - Rovereto : Egon, 2009. - 3 vol. (XIX, 383, 445, 576 p.) : fotogr., fac-sim., dessins ; 30 cm + 1 DVD. - Bibliographie : vol. 3, p. 561-569. Index  
94/481 (I-III)

**Documents diplomatiques suisses = Diplomatische Dokumente der Schweiz = Documenti diplomatici svizzeri : 1967-1969 / Commission nationale pour la publication de documents diplomatiques suisses.** - Bern : Benteli, 1979-. - 23 vol. ; 25 cm. - Index. - Communément appelé "DDS"  
Choix de documents d'archives de la Confédération qui reflètent les divers aspects de la position internationale et de la politique étrangère de la Suisse, de 1848 à 1966.  
94/123 (XXIV)

**Guerre et exterminations à l'Est : Hitler et la conquête de l'espace vital 1933-1945 / Christian Baechler.** - Paris : Tallandier, 2012. - 523 p. : cartes ; 23 cm. - Bibliographie : p. 505-515. Index. - ISBN 9782847349061  
94/478

**Le traumatisme en héritage : conversations avec des fils et filles de survivants de la Shoah / Helen Epstein ; trad. de l'anglais par Cécile Nelson ; préf. de Boris Cyrulnik.** - [Paris] : Gallimard, 2012. - 490 p. ; 18 cm. - (Folio essais ; 565). - Titre original : Children of the Holocaust : conversations with sons and daughters of survivors. - Bibliographie : p. 481-488. - ISBN 9782070444083  
94/477

**War and diplomacy : the Russo-Turkish war of 1877-1878 and the treaty of Berlin / ed. by M. Hakan Yavuz with Peter Sluglett.** - Salt Lake City : University of Utah Press, 2011. - XIII, 610 p. : tabl., cartes ; 24 cm. - (Middle East studies). - Bibliographie : p. 565-596. Index. - ISBN 9781607811503  
94/479

#### HUMAN RIGHTS

**Health and human rights in Europe / Brigit Toebes (ed.)... [et al.]** - Cambridge [etc.] : Intersentia, 2012. - XVIII, 310 p. : tabl. ; 24 cm. - ISBN 9789400001510  
356/242

**Human rights and conflict : essays in honour of Bas de Gaay Fortman / ed. by Ineke Boerefijn... [et al.]** - Cambridge [etc] : Intersentia, 2012. - XV, 539 p. : fotogr. ; 24 cm. - Bibliographie : p. 525-539. - ISBN 9781780680545  
345.1/599

**Individual guarantees in the european judicial area in criminal matters = Garanties individuelles dans l'espace judiciaire européen en matière pénale / sous la dir. de M. Pedrazzi, I. Viarengo et A. Lang (eds.)** - Bruxelles : Bruylant, 2011. - IX, 389 p. ; 24 cm. - Index. - ISBN 9782802729938  
345.1/600

**International legal protection of human rights in armed conflict / United Nations, Office of the High Commissioner for Human Rights.** - New York ; Geneva : United Nations, 2011. - IV, 119 p. ; 30 cm. - Photocopies. - ISBN 9789211541915

This publication provides a thorough legal analysis and guidance to State authorities, human rights and humanitarian actors and others on the application of international human rights law and international humanitarian law for the protection of persons in armed conflict. It addresses, in particular, the complementary application of these two bodies of law. Chapter I outlines the legal framework within which both international human rights law and international humanitarian law apply in situations of armed conflict, identifying some sources of law, as well as the type of legal obligations imposed on the different parties to armed conflicts. It explains and compares the principles of both branches and also analyses who the duty bearers are of the obligations flowing from international humanitarian law and international human rights law. Chapter II analyses the formal requirements for the concurrent application of international human rights law and international humanitarian law, particularly from the perspective of the existence of an armed conflict and its territorial scope. It also deals with their limitations in such circumstances and discusses the problems resulting from their concurrent application. Chapter III deals with accountability and explores the legal framework determining State and individual responsibility for violations of international human rights and humanitarian law. It also presents victims' rights in the event of such violations. Finally, it gives an overview of the non-judicial forms of justice which can accompany (or in some cases be a substitute for) criminal justice. Chapter IV examines selected United Nations practice in applying international human rights and humanitarian law in situations of armed conflict, including practice by the Security Council, the Human Rights Council and its special procedures, the Secretary-General, and the Office of the High Commissioner for Human Rights. This chapter shows that the United Nations has a well-established practice of simultaneously applying international human rights law and international

humanitarian law to situations of armed conflict, including in protection mandates for field activities, and provides numerous examples.

345.1/601

#### HUMANITARIAN AID

**Cartographie et action humanitaire : la réflexion et l'expérience du CICR / par Robert**

**Mardini.** - In: *Humanitaire : enjeux, pratiques, débats*, No 32, juillet 2012, p. 46-53

Le CICR a adopté les systèmes d'information géographique (SIG) dès les années 1990. Il s'agissait de mieux répondre dans le monde entier aux personnes touchées par les conflits armés, d'autres urgences et les catastrophes naturelles. L'auteur présente la manière dont le CICR utilise cette technologie, certaines des raisons pour lesquelles il l'utilise, ainsi que quelques-uns des défis qu'elle pose.

**Desafíos humanitarios de la urbanización / Raimond Duijsens.** - In: *Revista internacional de la Cruz Roja : selección de artículos*, No 878, junio de 2010, p. 245-264

En la actualidad, más de mil millones de personas viven en asentamientos informales caracterizados por la vulnerabilidad y la pobreza. Desde varios puntos de vista, la situación "normal" en esos barrios marginales podría clasificarse como "crisis" y los niveles de violencia suelen contribuir a crear situaciones cercanas a un "conflicto armado". La difícil situación de esas personas atrae la atención de las organizaciones humanitarias, que deberían ampliar su ámbito de actividades para encarar la vulnerabilidad a los desastres y a la violencia como fenómenos complementarios. La aplicación del marco basado en la "seguridad humana" y en los "medios de vida" puede permitirles adoptar un papel proactivo. Sin embargo, la mayor intervención en este ámbito plantea varios desafíos, particularmente para el Movimiento Internacional de la Cruz Roja y de la Media Luna Roja.

**An enchanted tool ? : humanitarian assistance and the ILC draft articles on the protection of persons in the event of disasters / Dug Cubie.** - In: *The Irish yearbook of international law*, Vol. 4-5, 2009-10, p. 119-151. - Photocopies

361.9/40 (Br.)

**GHA [Global humanitarian assistance] report 2012.** - Wells (Royaume-Uni) : Development Initiatives, 2012. - 102 p. : graph., tabl., diagr., fotogr. ; 30 cm

361/533

**Humanitarian intervention : a history / Brendan Simms and D. J. B. Trim.** - Cambridge [etc.] : Cambridge University Press, 2011. - XV, 408 p. : cartes ; 24 cm. - Index. - ISBN

9780521190275

361/577

**Les personnels humanitaires / par Arnaud de Raulin.** - Bruxelles : Bruylant, 2012. - p. 157-179. - In: *Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle*

345.2/892

**La violencia y la acción humanitaria en medios urbanos : nuevos desafíos, nuevos enfoques / Marion Harroff-Tavel.** - In: *Revista internacional de la Cruz Roja : selección de artículos*, No 878, junio de 2010, p. 221-243

Garantizar el desarrollo armónico de las ciudades que experimentan un crecimiento rápido y ofrecer a una población en plena expansión servicios públicos dignos de ese nombre, ya sea en materia de seguridad, salud o educación, es un desafío para muchos Estados. Enfrentar dicho desafío se vuelve aún más difícil y urgente en la medida en que pueden producirse manifestaciones de violencia (revueltas del hambre, enfrentamientos de pandillas territoriales o de comunidades étnicas, actos de violencia xenófoba contra los inmigrantes, etc.), que por lo general no llegan a entrar en la categoría de conflicto armado, pero que no por ello son menos sanguinarias. Este artículo, basado en la experiencia del Comité Internacional de la Cruz Roja (CICR) y sus colaboradores, así como en las observaciones de los especialistas del ámbito académico, describe la vulnerabilidad de los más pobres y los inmigrantes en las zonas urbanas. Asimismo, enumera las dificultades a las que se enfrentan los actores humanitarios, con frecuencia acostumbrados a trabajar en zonas rurales. Por último, describe respuestas innovadoras y llenas de enseñanzas: microproyectos generadores de ingresos, ayudas en

efectivo o bonos, agricultura urbana, desarrollo de programas de prevención de la violencia o promoción de la salud para proteger a las personas afectadas por la violencia armada en los barrios desfavorecidos.

#### ICRC-INTERNATIONAL MOVEMENT OF THE RED CROSS AND RED CRESCENT

**Confronting the unthinkable : the International Committee of the Red Cross and the Cuban missile crisis, October-November 1962 (Part Two) / François Bugnion.** - In: Schweizerische Zeitschrift für Geschichte = Revue suisse d'histoire = Rivista storica svizzera, Vol. 62, Nr. 2, 2012, p. 299-310

**Le troisième protocole additionnel aux Conventions de Genève du 12 août 1949 et le Cristal Rouge / par François Bugnion.** - Bruxelles : Bruylant, 2012. - p. 49-86. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle. - Bibliographie : p. 85-86  
345.2/892

#### INTERNATIONAL CRIMINAL LAW

**Droit d'ingérence humanitaire et normes internationales impératives : essai sur les crimes de guerre, crimes contre l'humanité et crime de génocide / Pétilion Muyambi Dhen ; préf. de Mwayila Tshiyembe.** - Paris : L'Harmattan, 2012. - 206 p. ; 22 cm. - (Géopolitique mondiale). - Bibliographie : p. 195-204. - ISBN 9782296962095  
344/581

**International criminal justice and jus post bellum : the challenge of ICC complementarity : a case-study of the situation in Uganda / par Cedric Ryngaert et Lauren Gould.** - In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, Vol. 44, 2011-1/2, p. 91-121  
In 2004, the Government of Uganda referred the situation in northern Uganda - where the Government was embroiled in an armed conflict with the rebels of the Lord's Resistance Army - to the International Criminal Court. Lately, the Government has embarked on a transitional justice process to deal with the effects of the conflict internally. This raises the question whether the ICC should defer to the Government's efforts on the basis of the complementarity principle, notably with respect to its arrest warrants against the LRA commanders. In this contribution, it is argued that the Court's admissibility determination should be informed by grassroots perceptions regarding appropriate transitional justice approaches towards reconciliation. The Court may want to critically engage with preconceived Western notions of accountability and retribution in post bellum situations, and possibly countenance "alternative" or somewhat more "lenient" sentencing of LRA leaders in the interest of peace and reconciliation.

**Le juge combattant / par Rafaëlle Maison.** - Bruxelles : Bruylant, 2012. - p. 114-132. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle  
345.2/892

**La mise en oeuvre de la responsabilité pénale du chef d'État / Bryar S. Baban ; préf. d'Yves Petit.** - Bruxelles : Larcier, 2012. - 567 p. ; 24 cm. - (Droit international). - Bibliographie : p. 533-552. Index. - Thèse, Faculté de droit, Université de Strasbourg, mai 2011. - ISBN 9782804451769  
344/582

**Transitional justice and restorative justice / Guest ed. : David O'Mahony and Jonathan Doak.** - In: International criminal law review, Vol. 12, issue 3, 2012, p. 305-587  
Contient notamment : Restorative justice and transitional justice at the ECHR / J. A. Sweeney. - Evaluating the contribution of sentencing to social justice : some conceptual problems / R. Henham. - Collective reparations at the Extraordinary Chambers in the Courts of Cambodia / C. Sperfeldt.

**INTERNATIONAL HUMANITARIAN LAW-GENERALITIES**

**L'articulation entre le droit international humanitaire coutumier et conventionnel / par Paul Tavernier.** - Bruxelles : Bruylant, 2012. - p. 87-113. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle  
345.2/892

**Droit international humanitaire coutumier : bilan de l'étude du CICR / par Jean-Marie Henckaerts.** - Bruxelles : Bruylant, 2012. - p. 27-47. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle  
345.2/892

**Humanitarian and security law : a compendium of international and european instruments / Jan Wouters and Philip De Man.** - Cambridge [etc] : Intersentia, 2012. - XIV, 998 p. : tabl. ; 24 cm. - Index. - ISBN 9781780680514  
345.2/895

**The law of armed conflict and international human rights law : some paradigmatic differences and operational implications / Rob McLaughlin.** - In: Yearbook of international humanitarian law, Vol. 13, 2010, p. 213-243. - Bibliographie : p. 242-243  
Debate over the degree to which International Human Rights Law (IHRL) should legitimately inform and alter the interpretation of the Law of Armed Conflict (LOAC) is increasing in intensity. It is not a new debate—G.I.A.D. Draper was considering the issue in 1971, and there have been numerous general statements by the UN recognizing that there is indeed interplay between the two bodies of law. Yet despite a long formative period, the debate—which is now beginning to attract much greater attention jurisprudentially, operationally, and academically—is still being conducted in a procedurally flawed manner. This flawed procedure has two characteristics. First, it is characterized by a process of reverse engineering. By this the author means it is characterized by reasoning from a limited number of particular instances to arrive at a general thesis, followed by the subsequent re-application of this apparent general thesis to other instances. The second procedural characteristic is that the debate is substantially in the form of a one-way argument. The author will briefly elaborate on both.

**The legitimization of violence : a critical history of the laws of war / by Chris af Jochnick and Roger Normand.** - New York [etc.] : International Debate Education Association, 2012. - p. 29-36. - In: Laws of war and 21st century conflict. - Tiré d'un article publié dans : Harvard international law journal, Vol. 35, Winter 1994

There is a critical unspoken assumption that gives rhetorical power to the idea of a legal war - specifically, that a legal war is more humane than an illegal war. A legal war connotes a war that is proper and just, rather than a war that merely complies with a set of technical guidelines. That the Gulf War is considered to be the most legalistic war ever fought adds to its image as a just and relatively humane war. This Article challenges the notion that the laws of war serve to restrain or "humanize" war. Examination of the historical development of these laws reveals that despite noble rhetoric to the contrary, the laws of war have been formulated deliberately to privilege military necessity at the cost of humanitarian values. As a result, the laws of war have facilitated rather than restrained wartime violence. Through law, violence has been legitimated.  
345.2/894

**Rules of war, laws of war / by Gary D. Solis.** - New York [etc.] : International Debate Education Association, 2012. - p. 19-28. - In: Laws of war and 21st century conflict. - Tiré d'un chapitre publié dans : The law of armed conflict : international humanitarian law in war / G. D. Solis, 2010  
345.2/894

**INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES**

**Civilian intelligence agencies and the use of armed drones / Ian Henderson.** - In: Yearbook of international humanitarian law, Vol. 13, 2010, p. 133-173. - Bibliographie : p. 170-173  
The use of drones to conduct lethal strikes by the United States against people associated with the Taliban and al Qaeda has been the subject of many recent publications. The Chairman of the US House of Representatives Subcommittee on National Security and Foreign Affairs



recently identified, among others, three main questions on the use of armed drones: a. Who can be a legitimate target? b. Where can that person be legally targeted? c. Does it make a difference if the military carries out an attack, or whether other civilian government entities may legally conduct such attacks? The focus of this article is on the third question. However, the answer to any one of these questions might vary based on the answers to any other of the questions. While the discussion has tended to focus on US activities, and particularly those of the CIA in Pakistan and other regions (e.g., Yemen), the purpose of this article is to discuss the legal issues in a more general context.

**Drone attacks under the jus ad bellum and jus in bello : clearing the "fog of law" / Michael N. Schmitt.** - In: Yearbook of international humanitarian law, Vol. 13, 2010, p. 311-326. - Bibliographie : p. 326

As the war in Afghanistan and the fight against transnational terrorism wage on with no immediate end in sight, US forces have increasingly turned to drone (technically labeled an unmanned aircraft system or UAS) strikes to target Taliban insurgents and Al Qaeda terrorists, especially in Pakistan's tribal areas of North and South Waziristan. Despite their evident military utility, controversy has erupted over the operations. Most legal criticism focuses on two issues—the use of drones in other states' territory and the incidental civilian deaths caused by the drone attacks. The former derives from the jus ad bellum, that aspect of international law restricting the resort to force by states, whereas the latter is based in the jus in bello (international humanitarian law), which governs how combat operations may be conducted. Unfortunately, discourse over these and related issues has evidenced serious misunderstanding of the strictures of international law. This brief article explores both the jus ad bellum and jus in bello implications of drone attacks. It is intended to clear the 'fog of law' that surrounds the operations, much of it resulting from either misunderstanding of the weapon system or misinterpretation of the applicable law. The article concludes that there is little reason to treat drones as distinct from other weapons systems with regard to the legal consequences of their employment. Nor is there a sound basis for heightened concern as to their use. On the contrary, the use of drones may actually, in certain cases, enhance the protections to which various persons and objects are entitled under international humanitarian law (IHL).

**Fighting the laws of war : protecting civilians in asymmetric conflict / by Charli Carpenter.** - New York [etc.] : International Debate Education Association, 2012. - p. 96-103. - In: Laws of war and 21st century conflict. - A également été publié dans : Foreign Affairs, March-April 2011  
345.2/894

**International humanitarian law and bombing campaigns : legitimate military objectives and excessive collateral damage / Christine Byron.** - In: Yearbook of international humanitarian law, Vol. 13, 2010, p. 175-211. - Bibliographie : p. 208-211  
Despite the introduction and increasing use of 'smart' bombs, recent bombing campaigns in Iraq, Afghanistan and Serbia, formerly known as the Federal Republic of Yugoslavia (FRY), have resulted in what some commentators consider to be an unacceptably high level of civilian casualties, especially when compared with the low level of combatant casualties in the attacking force. This paper will focus on the law which applies during international armed conflicts to aerial bombardment or missiles launched from warships in the context of individual criminal responsibility for such bombardment. This necessitates a focus on the rules of aerial bombardment as set out in Additional Protocol I (API) which have been developed by the International Criminal Tribunal for the former Yugoslavia (ICTY) and by the definitions in the Rome Statute of the International Criminal Court (ICC) and in its Elements of Crime, although some comment will also be made as to the duties of non-state parties to API. In this context, first the principle of distinction between civilians and military and civilian objects and military objectives will be considered. Secondly, the principle of proportionality, that is, the duty not to cause excessive civilian casualties, will be examined and will look at questions such as whether long term collateral damage should be taken into account in the proportionality equation. Finally, the application of this law to non-international armed conflicts will be briefly assessed.

**Law and policy of targeted killing / by Gabriella Blum and Philip Heymann.** - New York [etc.] : International Debate Education Association, 2012. - p. 166-173. - In: Laws of war and



21st century conflict. - Tiré d'un article publié dans : Harvard National Security Journal, Vol. 1, June 27, 2010  
345.2/894

**Notion de participation directe aux hostilités : interprétation du Comité international de la Croix-Rouge / par Stéphane Ojeda.** - Bruxelles : Bruylant, 2012. - p. 247-257. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle  
345.2/892

**Questions sur la guerre en Libye et le droit international humanitaire / Daniel Lagot.** - Paris : L'Harmattan, 2012. - p. 101-108. - In: Responsabilité de protéger et guerres "humanitaires" : le cas de la Libye  
345.25/263

**Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions : addendum : study on targeted killings / by Philip Alston.** - New York [etc.] : International Debate Education Association, 2012. - p. 174-177. - In: Laws of war and 21st century conflict. - Tiré de : United Nations, Human Rights Council, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, May 28, 2010, A/HRC/14/24/Add.6, paras. 70-73; 79-86  
345.2/894

**Responsabilité de protéger et guerres "humanitaires" : le cas de la Libye / sous la dir. de Nils Andersson et Daniel Lagot.** - Paris : L'Harmattan, 2012. - 155 p. ; 22 cm. - (Histoire et perspectives méditerranéennes). - Index. - ISBN 9782296560222  
La Charte des Nations Unies affirme le principe de non-ingérence dans les affaires intérieures d'un État, y compris de la part de l'ONU elle-même. Plusieurs de ses résolutions dans l'histoire récente, en particulier dans les années 2000, ont cependant mis en avant l'idée qu'une intervention, le cas échéant armée, peut s'imposer en cas de crise humanitaire ou de graves violations des droits humains dans un pays. De nombreuses questions, apparues à nouveau au grand jour avec la guerre en Libye, restent cependant posées au niveau du droit, de la manière dont il est appliqué, et sur le fond. Ce livre, issu d'une conférence de l'ADIF, Association pour le droit international humanitaire, présente les analyses de juristes, représentants d'organisations humanitaires et spécialistes des relations internationales. S'il y a consensus pour condamner les violations des droits humains, une majorité exprime une grande méfiance envers les guerres "humanitaires", des points de vue différents étant cependant présentés par les représentants d'Amnesty International et Human Rights Watch. Les auteurs espèrent ainsi contribuer à la réflexion collective sur ces problèmes.  
345.25/263

**Targeting, command judgment, and a proposed quantum of information component : a fourth amendment lesson in contextual reasonableness / Geoffrey S. Corn.** - In: Brooklyn law review, Vol. 77, issue 2, Winter 2012, p. 437-498 : tabl.. - Photocopies  
The principle of distinction requires belligerents to constantly distinguish between lawful objects of attack and all other persons, places, and things. While the principle of distinction is a manifestation of the balance between military necessity and humanity, it is also an expression of perhaps an even more central tenet of the Law of Armed Conflict (LOAC) : the assumption that the only legitimate object of war is to weaken enemy forces. Accordingly, the legal regulation of targeting is based on a conclusive presumption that the deliberate infliction of death or destruction to civilians or civilian property will never contribute to this objective, thereby obligating belligerents to limit their destructive efforts to military objectives only. The framework for determining what is and is not a lawful target of attack is known as the military objective test. This article proposes a quantum of information framework to facilitate the effective implementation of the military objective test. In support of this proposal, the article will provide a comparative analysis of United States constitutional Fourth Amendment jurisprudence, focused specifically on the relationship between several distinct quantum of proof standards for assessing reasonableness and the interests they were developed to balance. Part I of this article addresses the relationship between the LOAC and the military targeting process. Part II discusses the concept of reasonableness as it relates to that process and to U.S. criminal search and seizure law. Part III outlines the contextual reasonableness equation, which is

based on the proportional relationship between the nature of the intrusion on a protected interest and the quantum of information required to render that intrusion reasonable. Parts IV and V propose a framework for application to the military targeting process, and then the article concludes.

345.25/183 (Br.)

**US/NATO targeting of Afghan drug traffickers : an illegal and dangerous precedent ? / by Dapo Akande.** - New York [etc.] : International Debate Education Association, 2012. - p. 130-135. - In: *Laws of war and 21st century conflict.* - A également été publié dans : *EJILTalk!*, September 13, 2009

In August, the United States Senate Foreign Relations Committee, released a report ("Afghanistan's Narco-War: Breaking the Link Between Drug Traffickers and Insurgents") which confirmed that U.S. forces in Afghanistan are now mandated to kill or capture drug traffickers in Afghanistan who have links to the Taliban. The Taliban is estimated to receive between \$70 million and \$500 million dollars a year from the drugs trade and this money is said to play a critical role in financing the insurgency. Therefore, NATO (led on this issue by the US and the UK) consider it essential to starve the Taliban of the funds which make the insurgency in Afghanistan possible. However, targeting of individual drug traffickers or of drugs labs and other objects associated with the drugs trade raises some fundamental questions about who or what is a lawful target in armed conflict. The US and NATO's policy appears to be a regrettable return to the notion of "quasi combatants" and to the idea of total war in which persons or industries connected to the war effort become legitimate targets. Given that the International Criminal Court has jurisdiction over acts committed in Afghanistan and the Office of the Prosecutor has been collecting information in order to decide whether to open an investigation into alleged crimes committed in that country, US and NATO commanders ought to pay careful consideration to the legality of their targeting policy.

345.2/894

**Who may be killed ? : Anwar al-Awlaki as a case study in the international legal regulation of lethal force / Robert Chesney.** - In: *Yearbook of international humanitarian law*, Vol. 13, 2010, p. 3-60. - Bibliographie : p. 56-60

Anwar al-Awlaki is a dual Yemeni-American citizen who has emerged in recent years as a leading English-language proponent of violent jihad, including explicit calls for the indiscriminate murder of Americans. According to the US government, moreover, he also has taken on an operational leadership role with the organization al Qaeda in the Arabian Peninsula (AQAP), recruiting and directing individuals to participate in specific acts of violence. Does international law permit the US government to kill al-Awlaki in these circumstances? The use of lethal force in response to terrorism—especially the use of such force by the United States and Israel—has been the subject of extensive scholarship, advocacy, and litigation over the past decade. Yet we remain far from consensus. The al-Awlaki scenario accordingly provides an occasion for fresh analysis. Part 1.2 opens with a discussion of what we know, based on the public record as reflected in media reports and court documents, about AQAP, about al-Awlaki himself, and about the US government's purported decision to place him on a list of individuals who may be targeted with lethal force in certain circumstances. Part 1.3 explores objections founded in the UN Charter's restraints on the use of force in international affairs, emphasizing Yemen's potential objections under Article 2 of the Charter. Part 1.4 considers whether an attack on al-Awlaki would best be understood as governed by International Humanitarian Law (IHL) or International Human Rights Law (IHRL), and whether and when either body of law would actually permit the use of lethal force.

#### INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION

**Adjudicating armed conflict in domestic courts : the experience of Israel's Supreme Court / Galit Ragan.** - In: *Yearbook of international humanitarian law*, Vol. 13, 2010, p. 61-95. - Bibliographie : p. 93-95

This Article will focus on how the Israeli Supreme Court has gradually incorporated the Law of Armed Conflict into its judgments when reviewing the Executive's policies, and will trace the historical circumstances and legal developments which have contributed to and enabled the creation of such jurisprudence. It will also address the question of whether the Israeli experience can be utilized by other jurisdictions. Part II of this Article will provide a brief overview of the status of international law in domestic Israeli courts and the legal framework that

applies to executive action in Judea and Samaria and the Gaza Strip. Part III will describe the transition in Israel to an armed conflict paradigm with respect to the Israeli hostilities with Palestinian armed groups, while Part IV will focus on recent Israeli case law in this regard. These cases illustrate the gradual move by the Court toward adjudicating questions which relate more and more closely to the battlefield. Part V will follow with an analysis of the circumstances which have led to this transition in the Israeli context. It will also discuss whether the Israeli experience is comparable to courts in other jurisdictions which encounter similar legal dilemmas.

**Counter-insurgency operations in Afghanistan : what about the "jus ad bellum" and the "jus in bello" : is the law still accurate ? / Chris De Cock.** - In: Yearbook of international humanitarian law, Vol. 13, 2010, p. 97-132. - Bibliographie : p. 127-132

The nature of contemporary operations in Afghanistan reflect the complexities of their environment, particularly in the field of terrorism and insurgency and the reaction of states in combating those (new) forms of violence, generally referred to as counterterrorism (hereinafter CT) and counterinsurgency (hereinafter COIN). Whereas the complexity of this new environment is well recognized, there is however disparity in the international community on how to respond to those threats, varying from law enforcement (preventing, detecting and bringing terrorists to justice) to full scale war, or a combination thereof. Nevertheless, recognizing that terrorism constitutes one of the most serious threats against peace and security, the UN Security Council has recalled on different occasions the need to combat terrorism in accordance with applicable international law, including international humanitarian law and international human rights law. The aim of this paper is to analyze the rules applicable in COIN operations in Afghanistan.

**Counterinsurgency, rule of law operations, and international law / by David P. Fidler.** - New York [etc.] : International Debate Education Association, 2012. - p. 72-78. - In: Laws of war and 21st century conflict. - A également été publié dans : ASIL Insights, Vol. 11, no. 24, September 19, 2007

In the second week of September 2007, leading U.S. military and diplomatic officials provided long-awaited reports to Congress and the President on U.S. political and military activities in Iraq. These hearings focused attention on how much progress U.S. counterinsurgency (COIN) efforts have made in Iraq. Although debate surrounding these events centered on the question of the withdrawal of U.S. troops, the testimony and hearings connect the ongoing attempts by the U.S. government to adjust to the challenges presented by waging COIN campaigns. In the wake of perceived failings of the United States in fighting insurgencies in Afghanistan and Iraq, leaders in the U.S. military have led efforts to develop doctrine and guidance for future COIN operations, including a new COIN field manual for the U.S. Army and Marines and a "rule of law handbook" for military lawyers. Interestingly, this new doctrine and guidance frequently emphasize the importance of international law to waging effective COIN campaigns and undertaking rule of law activities in COIN and post-conflict contexts. This Insight considers how these new strategies involve international law.

345.2/894

**Domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side / Ivana Vuco.** - In: Yearbook of international humanitarian law, Vol. 13, 2010, p. 327-336

Taking as its starting point United Nations General Assembly Resolution 64/254, the United Nations Human Rights Council's committee of independent experts in international humanitarian and human rights laws was convened to monitor and assess the domestic legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, with an eye to their conformity with international standards.

**Forces des Nations Unies et respect du droit international humanitaire : de l'importance de la notion de participation aux hostilités / par Philippe Lagrange.** - Bruxelles : Bruylant, 2012. - p. 291-311. - In: Le droit international humanitaire face aux défis du XXIe siècle  
345.2/892

**Les limites du droit international pénal et de la justice pénale internationale dans la mise en oeuvre du droit international humanitaire / par Marco Sassòli et Julia Grignon.** -

Bruxelles : Bruylant, 2012. - p. 133-154. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle  
345.2/892

**The US Department of Defense law of war manual : an update / Stephanie Carvin.** - In: Yearbook of international humanitarian law, Vol. 13, 2010, p. 353-363. - Bibliographie : p. 363  
One of the major legal instruments the US Department of Defense (DoD) will be relying on in terms of planning and carrying out its activities in the near future is a new law of war military manual which is expected to be published sometime in 2011. While on the surface such a document may not seem of critical interest to those interested in security/strategic studies or to humanitarian activists seeking to ban rather than regulate violence, there are important reasons to place a certain amount of emphasis on this DoD product and to expect that it will have a significant impact, especially on issues that are presently widely debated within the humanitarian legal community. This article aims briefly to introduce the background of the US military Manual, and illustrate the path taken to bring it to fruition over nearly three decades. It will conclude with a brief description of what the manual will look like when it is eventually published.

**Les violations du droit humanitaire et l'action du CICR durant la 2<sup>ème</sup> guerre du Golfe / par Nathan Broquet.** - [S.l.] : [s.n.], juillet 2012. - 75 p. ; 30 cm. - Mémoire, Faculté de Droit, Université de Neuchâtel, 24 juillet 2012. - Bibliographie : p. 5-9  
345.22/201

**Wiedergutmachung für Opfer internationaler bewaffneter Konflikte : die Rechtsposition des Individuums bei Verletzungen des humanitären Völkerrechts / Nora Matthiesen.** - Berlin : LIT, 2012. - XVIII, 542 p. ; 21 cm. - (Völkerrecht und internationale Beziehungen ; Bd. 5). - Bibliographie : p. 527-542. - ISBN 9783643115065  
Kriege töten Menschen, verletzen sie, berauben sie ihrer Lebensgrundlage. Häufig missachten Konfliktparteien die Regeln des humanitären Völkerrechts, die Individuen gerade hiervoor schützen sollen. Es stellt sich dann die Frage, ob die Opfer einen eigenen Wiedergutmachungsanspruch haben, den sie selbst prozessual durchsetzen können. Die Autorin gibt unter Einbeziehung der zunehmenden Individualisierung des Völkerrechts Antworten. Zur Überwindung eines Durchsetzungsdefizits im Völkerrecht schlägt sie die Errichtung eines internationalen Gerichtshofs für Menschenrechte und humanitäre Rechte vor.  
345.22/200

#### INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION

**IHL and civilian participation in hostilities in the OPT / by the Program on Humanitarian Policy and Conflict Research, Harvard University.** - New York [etc.] : International Debate Education Association, 2012. - p. 136-149. - In: Laws of war and 21st century conflict. - Tiré de : Program on Humanitarian Policy and Conflict Research, Policy Brief, Harvard University, October 2007

Part I of this Policy brief examines the international legal framework applicable to the targeting of civilians who take a direct part in hostilities, in particular with reference to the recent Israeli Supreme Court decision. Part II defines the main components of direct participation of civilians. Part III addresses current uncertainties in the context of international and domestic law by suggesting three key questions for scholars and practitioners to consider in determining the lawfulness of targeting any given individual who is alleged to be taking a direct part in hostilities. Part IV concludes with a review of the current debate.

345.2/894

**Unlawful presence of protected persons in occupied territory ? : an analysis of Israel's permit regime and expulsions from the West Bank under the law of occupation / Alon Margalit and Sarah Hibbin.** - In: Yearbook of international humanitarian law, Vol. 13, 2010, p. 245-282. - Bibliographie : p. 281-282

The new Israeli military legislation formalized the policy of expulsion of Palestinians from the West Bank to Gaza that Israel had carried out sporadically since 2003. The reason given for these expulsions has not been that the individual deportee poses a specific security risk, but rather is based on his or her outdated Gazan registered address and arguing unlawful presence in the West Bank. The requirement to hold a stay permit, and the risk of expulsion in

its absence, applies also to individuals who moved to the West Bank before 2007, when these permits were first introduced. Despite years of living in the West Bank, their registered address remains as the Gaza Strip, mostly due to the Israeli refusal to register the change, and in some cases, even children subsequently born in the West Bank have been registered with the same address as their parents. It is estimated that the recent Military Order exposes tens of thousands of Palestinians to expulsions from the West Bank to the Gaza Strip. This paper examines the legality of this practice, as illustrated in the Azzam case and formalized in the recent military legislation, from the perspective of International Humanitarian Law. Clearly, the Israeli Policy also has important implications for the human rights of the affected Palestinians and it is necessary to examine its lawfulness under International Human Rights Law as well.

#### INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS

**Le droit international humanitaire, à la merci des entreprises militaires et de sécurité privées ? / Marie-Ève Lapointe.** - In: Revue québécoise de droit international, Vol. 24.1, 2011, p. 69-104. - Photocopies

La multiplication des entreprises militaires et de sécurité privées ainsi que leur implication croissante au sein des conflits armés soulèvent de nombreuses interrogations au-delà de la (complexe) question du statut de ces compagnies au regard du droit international humanitaire. Nous chercherons ici à déterminer l'impact de cette « privatisation de la guerre » sur l'évolution du droit international public et, tout particulièrement, sur le droit international humanitaire. Plus précisément, est-il envisageable que le DIH soit appelé à se conformer graduellement aux exigences d'un marché de la guerre? À cet égard, nous tenterons de démontrer que la logique commerciale qui prévaut présentement quant à la régulation des entreprises militaires et de sécurité privées s'inscrit dans un parcours historique à l'intérieur duquel les acteurs privés agissant en période de conflits armés se sont vus accorder une légitimité fluctuant au gré des intérêts étatiques. Ce travail sera divisé en trois parties. Nous aborderons tout d'abord la question de la présence d'acteurs « privés » au sein des conflits armés dans une perspective historique, afin de démontrer que la perception de la violence légitime en tant qu'apanage de l'État est une construction récente. En second lieu, nous analyserons les causes sous-jacentes à l'apparition, puis à la multiplication des entreprises militaires et de sécurité privées, pour ensuite voir comment ces dernières s'articulent avec le droit international humanitaire. En dernier lieu, nous proposons une réflexion sur l'impact de la « privatisation de la guerre » sur le droit international public et sur le droit international humanitaire plus particulièrement.

345.29/173 (Br.)

**Relief workers : the hazards of offering humanitarian assistance in the theatre of war / Shannon Bosch.** - In: South African yearbook of international law, Vol. 35, 2010, p. 56-79. - Photocopies

In this piece the author will unpack the legal status of relief workers under international humanitarian law (IHL) deployed to the theatre of international armed conflicts. In undertaking this investigation, the author will begin with a brief discussion of the definitional requirement of neutrality, and explore the legal implications and limitations that default civilian status might have for relief workers. She considers, briefly, the unsuccessful attempts at granting relief workers special protection by virtue of international treaty law. She then turns to explore the issue of whether the actions of relief workers might in fact amount to unlawful, direct participation in hostilities, and what consequences might flow from this possible conclusion in light of the 'ICRC's Interpretive guide on direct participation in hostilities'. In conclusion, she examines the risk of detention and prosecution in when belligerents detain relief workers on the suspicion that they might be participating directly in hostilities.

361/578 (Br.)

#### INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT

**Classification of cyber conflict / Michael Schmitt.** - In: Journal of conflict and security law, Vol. 17, no. 2, Summer 2012, p. 245-260

This article examines the classification of conflicts consisting of only cyber operations under international humanitarian law. 'International armed conflicts' are those that are 'armed' and 'international'. The article contends that the former criterion is met when cyber operations amount to an 'attack' because they injure individuals or damage objects, whereas the latter requires that the operations be between or attributable to States. 'Non-international armed conflict' occurs when hostilities between a State and an 'organized' armed group reach a



particular level of intensity. To be sufficiently intense, such cyber operations must be 'protracted'; isolated incidents do not suffice. Intensity also requires that the level of violence exceed that of riots or civil disturbances. Injury or damage is not alone sufficient. Cyber operations conducted by individuals cannot qualify because they are insufficiently 'organized'. Groups organized on-line may be assessed on a case-by-case basis, but the traditional organization criteria render it difficult for them to qualify. The article concludes that while cyber exchanges may sometimes amount to international armed conflict, classification as non-international armed conflict is problematic.

**Cyber warfare and the notion of direct participation in hostilities / David Turns.** - In:

Journal of conflict and security law, Vol. 17, no. 2, Summer 2012, p. 279-297 : tabl.

The domain of cyber warfare being relatively new, it is not yet matched by any comparatively novel international legal paradigm; the cyber conflicts of the present and (probably) the future therefore fall to be regulated under the existing *lex lata*. This article, assuming a scenario of international armed conflict, seeks as a specific example to apply the notion of direct participation in hostilities from Additional Protocol I (1977) to cyber war. This aspect of the topic is likely to assume particular importance in light of the contemporary tendency in many developed, Western armed forces to outsource technical specialist work (like information technology) to civilians. Whether or not such civilians can be said to be directly participating in hostilities—based on the accepted constitutive elements of threshold of harm, direct causation and belligerent nexus identified in the International Committee of the Red Cross' Interpretive Guidance (2005)—will also have implications for the objects and places that could lawfully be targeted in future cyber conflicts.

**Five wars of globalization / by Moisés Naím.** - New York [etc.] : International Debate

Education Association, 2012. - p. 185-199. - In: Laws of war and 21st century conflict. - A

également été publié dans : American University international law review Vol. 18, no. 1, 2002 345.2/894

**The principle of distinction and cyber war in international armed conflicts / Yoram**

**Dinstein.** - In: Journal of conflict and security law, Vol. 17, no. 2, Summer 2012, p. 261-277

Computer Network Attacks (CNAs) do not automatically come within the framework of the definition of 'attack' in conformity with the law of armed conflict (LOAC). Consequently, some so-called CNAs (especially, those used only as means of intelligence gathering) do not qualify as 'attacks' in the sense of LOAC. Only CNAs entailing 'violence' do. CNAs constituting 'attacks' in the LOAC sense are governed by the same rules that apply to kinetic attacks. In particular, they are subject to the application of the cardinal principle of distinction between combatants/military objectives and civilians/civilian objects. Consequently, deliberate attacks against civilians/civilian objects are prohibited, and so are indiscriminate attacks. An important extrapolation of the principle of distinction is the principle of proportionality, whereby—when lawful targets are attacked—collateral damage to civilians/civilian objects must not be expected to be 'excessive' compared with the military advantage anticipated. This is a complex construct, applying to CNAs as much as to other attacks. Feasible precautions must be taken prior to any attack, including a CNA. When a civilian is engaged in any form in a CNA, the act constitutes direct participation in hostilities and the actor loses civilian protection from attack.

**"War" in the jurisprudence of the Inter-American Court of Human Rights / Laurence**

**Burgogue-Larsen and Amaya Úbeda de Torres.** - In: Human rights quarterly : a comparative

and international journal of the social sciences, humanities, and law, Vol. 33, no. 1, February

2011, p. 148-174. - Initially published in Spanish in: Anuario colombiano de derecho

internacional, vol. 3 especial, 2010, p. 117-153

How have Inter-American Human Rights bodies dealt with the notion of "war", which has been transformed over time into the notion of internal and international "armed conflicts"? This question provides the analytical foundation of the first part of this study, which sets out the various types of conflicts that have occurred in the American continent. These situations (armed conflicts, internal strife, State terrorism) have produced a wide range of legal categorizations, utilized by both the Commission and Inter-American Court of Human Rights in their case-law. This conceptual delimitation carried out by these two bodies is all the more important as it affects the law that applies to armed conflicts. Indeed, by analysing this question, the never-ending debate on the relationship between International Human Rights Law and International



Humanitarian Law reappears. The second part of this study therefore focuses on the issue of discovering whether and in which way jus in bello has found its place into the Inter-American Human Rights bodies' case-law. As the active political life of Latin American societies has shown, the study of the different applicable legal regimes also requires looking into "state of emergency" Law, an issue which has been shaped by the Inter-American Court and Commission's work.

#### MEDIA

**The politics of war reporting : authority, authenticity and morality / Tim Markham.** - Manchester ; New York : Manchester University Press, 2011. - 214 p. : tabl. ; 24 cm. - Bibliographie : p. 184-209. Index. - ISBN 9780719085284  
070/89

**A threat to impartiality : reconstructing and situating the BBC's denial of the 2009 DEC appeal for Gaza / Jiska Engelbert, Patrick McCurdy.** - In: Media, war and conflict, Vol. 5, no. 2, August 2012, p. 101-117. - Bibliographie : p. 115-117

#### PUBLIC INTERNATIONAL LAW

**International humanitarian law and human rights law in peace operations as parts of a variable ius post bellum / by Frederik Naert.** - In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, Vol. 44, 2011-1/2, p. 26-37

This article addresses the application of international humanitarian law (IHL) and human rights law (IHRL) in peace operations and how this is relevant to the ius post bellum. The author first highlights the challenges in defining the ius post bellum as a legal concept, in particular as regards scope of application, relationship with other areas of international law and content. He advocates a ius post bellum comprising variable rules resulting from the applicability and interaction of other fields of law. The author then analyzes relevant questions of the applicability of IHL and IHRL in peace operations. He submits that each peace operation has a distinct legal framework, which may include IHL and/or IHRL, and that the challenge is forging agreement on which rules apply when and how they interact and should be applied in peace operations. The author concludes that IHL and IHRL are important parts of what one could call a variable ius post bellum.

**International territorial administrations and post-conflict reforms : reflections on the need of a jus post bellum as a legal framework / by Eric De Brabandere.** - In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, Vol. 44, 2011-1/2, p. 69-90

It has become trite to claim that the increasing attention to post-conflict reconstruction and the creation of international administrations to oversee this process has resulted in a "legal void" in the transition from war or conflict to peace. The author will challenge this idea. The article will particularly focus on the suggested normative implications of the use of international territorial administration as a post-conflict reconstruction device. It will more specifically focus on the legal authority in post-conflict situations and on the existing rules on responsibility for post-conflict reconstruction, namely the laws of occupation and the role of the Security Council. The author will then discuss the adequacy and usefulness of existing conceptions of jus post bellum as a legal notion.

**Le jus post bellum remet-il en cause les règles traditionnelles du jus contra bellum ? / par Olivier Corten.** - In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, Vol. 44, 2011-1/2, p. 38-68

L'apparition des théories du jus post bellum coïncide historiquement avec les difficultés rencontrées pour justifier certaines occupations contemporaines de territoires (Yougoslavie, Afghanistan, Irak) au regard, d'une part, du jus in bello et, d'autre part, du jus contra bellum. Dans les deux cas, une partie de la doctrine a été amenée à identifier un nouveau corps de règles apte à combler les lacunes du droit international positif par une revitalisation des théories jusnaturalistes de la guerre juste. A l'analyse, on peut toutefois se demander si les "lacunes" du jus contra bellum sont bien réelles. Ce dernier a en effet pour vocation à s'appliquer de manière continue et à interdire non seulement le déclenchement mais aussi la poursuite de la guerre et de l'occupation susceptible d'en résulter. En même temps, les compétences élargies conférées

au Conseil de sécurité permettent de moduler l'application de ces règles en fonction des particularités de chacune des situations envisagées. Il est vrai que ces règles ne sont pas toujours effectivement appliquées, en raison des rapports de force qui président à leur mise en oeuvre. La création d'un hypothétique jus post bellum ne semble cependant pas à même de résoudre pareil problème, qui renvoie en réalité aux limites de tout ordre juridique en général et de l'ordre juridique international en particulier. Au contraire, en tendant à limiter le champ d'application du jus contra bellum et du jus in bello, ou encore à assouplir ou éluder certaines de ses règles bien établies, le jus post bellum semble avoir davantage pour vocation d'aligner le droit sur une pratique qui lui est contraire que, à l'inverse, de permettre de condamner cette pratique au nom du droit existant.

**Jus post bellum : vieille antienne ou nouvelle branche du droit ? : sur le mythe de l'origine vénérable du jus post bellum / par Gregory Lewkowicz.** - In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, Vol. 44, 2011-1/2, p. 11-25

Depuis quelques années, un mouvement doctrinal cherche à fonder l'existence d'un "droit après la guerre" à côté ou en creux des règles traditionnelles du jus in bello et du jus ad bellum. Outre les arguments normatifs et tirés de la pratique, les partisans de ce mouvement doctrinal cherchent à conférer à leur propre construction une légitimité tirée de l'Histoire du droit des gens. Dans cette contribution, l'auteur examine la pertinence de cette thèse. Au terme d'une analyse de plusieurs auteurs centraux de la littérature du droit des gens, l'auteur conclut qu'il n'existe pas dans cette tradition de droit de la transition du conflit à la paix.

**Just war, just peace and the jus post bellum / Inger Österdahl.** - In: Nordic journal of international law, Vol. 81, no. 3, 2012, p. 271-293. - Photocopies

Justice after war is becoming an increasingly pressing concern. The cases of Afghanistan, Iraq and most recently Libya illustrate the importance of as well as the difficulties involved in the efforts to manage the outcome of armed conflict in a constructive way. The jus post bellum is meant to serve as the normative framework for the efforts to stabilise the post-conflict situation. The jus post bellum also has the future peaceful and arguably democratic and human rights respecting development of the post-conflict society in view. This article aims at drawing the conceptual and substantive contours of the jus post bellum and to discuss its relationship with other parts of international law, primarily the other bodies of law making up the law of armed conflict. Depending on one's perspective the jus post bellum can be claimed not yet to exist, to exist already or irrespective of which to be superfluous as a separate category of law. The article recognises the apparent need for a comprehensive post-conflict law to serve as a bridge between war and stable peace. What way the international community should take in order to arrive at a just and useful normative framework for building peace is far from certain, however. 345/610 (Br.)

**The legality of using drones to unilaterally monitor atrocity crimes / Diana E. Schaffner.** -

In: Fordham international law journal, Vol. 35, issue 4, May 2012, p. 1121-1163. - Photocopies  
This Note focuses on the legality of employing unmanned aerial vehicles ("UAVs"), often referred to as "drones," to gather information about the commission of atrocities in another state without that state's consent. The relevance of UAVs to the collection and dissemination of visual evidence of atrocity crimes is acute. As states reduce their citizens' free access to technology as a means of retaining power, the resulting difficulty in receiving reliable data on ongoing atrocities will likely increase the value of intermediary mechanisms. UAVs may, therefore, constitute a legitimate intermediary humanitarian interference mechanism, given their ability to provide useful atrocity response services without recourse to force. Because of this, greater attention should be paid to delineating the legal limits surrounding the use of UAVs to deter atrocity crimes. 345/611 (Br.)

#### REFUGEES-DISPLACED PERSONS

**The 1951 refugee convention and the protection of people fleeing armed conflict and other situations of violence / Vanessa Holzer.** - Geneva : UNHCR, September 2012. - 45 p. ; 30 cm. - (Legal and protection policy research series). - Photocopies  
325.3/253 (Br.)

**The humanitarian condition : Palestinian refugees and the politics of living / Ilana Feldman.** - In: *Humanity : an international journal of human rights, humanitarianism, and development*, Vol. 3, no. 2, Summer 2012, p. 155-172

**The neglected generation : the impact of displacement on older people / HelpAge International, Internal Displacement Monitoring Centre.** - London : HelpAge International, 2012. - 55 p. : fotogr., tabl. ; 30 cm. - Bibliographie : p. 54-55. Photocopies. - ISBN 9781872590653  
325.3/277 (Br.)

**Women and girls fleeing conflict : gender and the interpretation and application of the 1951 refugee convention / Valerie Oosterveld.** - Geneva : UNHCR, September 2012. - 48 p. ; 30 cm. - (Legal and protection policy research series). - Photocopies  
362.8/56 (Br.)

#### SEA WARFARE

**The contemporary law of blockade and the Gaza Freedom Flotilla / Andrew Sanger.** - In: *Yearbook of international humanitarian law*, Vol. 13, 2010, p. 397-446. - Bibliographie : p. 444-446

**Regulatory approaches to unmanned naval systems in international law of peace and war / Robert Frau.** - In: *Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict*, Vol. 25, 2/2012, p. 84-91

This article evaluates unmanned military systems deployed in naval warfare. Even more than unmanned aerial systems, unmanned naval systems (UNS) pose a challenge to the law applicable in armed conflict. Thus, the status of such systems as well as the legal consequences that arise out of that classification will be analysed. However, as of today no agreed classification exists. Therefore it is argued that states should classify UNSs as warships. Thus, they would be entitled to sovereign immunity and passage rights under international law of the sea. Additionally, under international humanitarian law they would be entitled to exercise belligerent rights, most importantly to engage in attack. As a downside, they may be lawfully targeted anytime during an armed conflict.

**Rule selection in the case of Israel's naval blockade of Gaza : law of naval warfare or law of the sea ? / James Kraska.** - In: *Yearbook of international humanitarian law*, Vol. 13, 2010, p. 367-395. - Bibliographie : p. 394-395

On 27 September 2010 the UN Human Rights Council in Geneva released its analysis of the 31 May 2010 boarding of the large passenger liner, Mavi Marmara, by forces of the Israeli Navy. The ship was interdicted in the eastern Mediterranean Sea by Israeli commandoes, who rappelled vertically onto the top deck of the ship from a helicopter. The boarding incident and ensuing melee that unfolded on the deck of the ship left several Israeli military members seriously injured and resulted in the death of nine Turkish nationals. The event ignited a firestorm of controversy in international humanitarian law. These sad and unfortunate results raise interdisciplinary questions concerning both fact selection — determining what actually happened, or whose version of the facts are accepted — and rule selection — what was the legal relationship between Israel and the vessel Mavi Marmara. The overriding legal issues lay at the intersection of the international law of the sea and the law of naval warfare, which is a subset of international humanitarian law (IHL). Dissecting the legal elements of the raid is important for a better understanding of what happened — and how to prevent a reoccurrence.

#### TERRORISM

**9/11 ten years after : perspectives and problems / ed. by Rachel E. Utley.** - Farnham ; Burlington : Ashgate, 2012. - X, 242 p. : tabl. ; 24 cm. - Bibliographies. Index. - ISBN 9781409424550  
303.6/209

**The 9/11 wars / Jason Burke.** - London [etc] : Penguin Books, 2012. - XXI, 709 p., [16] p. de fotogr. : cartes ; 20 cm. - Bibliographie : p. 627-666. Index. - ISBN 9780141044590  
303.6/211

**Kill or capture : the war on terror and the soul of the Obama presidency / Daniel Klaidman.** - Boston ; New York : Houghton Mifflin Harcourt, 2012. - XV, 288 p. ; 24 cm. - Index. - ISBN 9780547547893  
303.6/210

**The law of war in the war on terror / by Kenneth Roth.** - New York [etc.] : International Debate Education Association, 2012. - p. 65-71. - In: Laws of war and 21st century conflict. - A également été publié sur le site web de Human Rights Watch, December 22, 2003  
345.2/894

**The politics of the Geneva Conventions : avoiding formalist traps / by Rosa Brooks.** - New York [etc.] : International Debate Education Association, 2012. - p. 46-56. - In: Laws of war and 21st century conflict. - A également été publié dans : Virginia journal of international law, Vol. 46, Fall 2005  
345.2/894

**Le "terroriste" et le droit international humanitaire / par Philippe Ch.-A. Guillot.** - Bruxelles : Bruylant, 2012. - p. 267-289. - In: Le droit international humanitaire face aux défis du XXIe siècle  
345.2/892

**Torture and the terror war / Patrick J. Buchanan.** - New York [etc.] : International Debate Education Association, 2012. - p. 43-45. - In: Laws of war and 21st century conflict. - A également été publié dans : The American Cause, January 10, 2005  
345.2/894

#### WOMEN-GENDER

**El diálogo de la diferencia : el derecho internacional humanitario y las perspectivas de género / Helen Durham y Katie O'Byrne.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 877, marzo de 2010, p. 35-58

En este artículo, se presenta un análisis del significado y de la posible utilidad de aplicar una "perspectiva de género" al derecho internacional humanitario (DIH). Para ello, las autoras abordan una serie de temas relacionados con el género dentro del marco del DIH, incluido el papel de las mujeres como combatientes y el uso de la violencia sexual en tiempo de conflicto armado. En opinión de las autoras, el fortalecimiento y la comprensión de una perspectiva de género contribuirán a la capacidad de adaptación y a la eficacia del DIH como sistema jurídico y robustecerán la protección de las personas que, en tiempo de guerra, son victimizadas y se encuentran en situación de debilidad.

**Entre amazonas y sabinas : un enfoque histórico del papel de las mujeres en la guerra / Daniel Palmieri e Irène Herrmann.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 877, marzo de 2010, p. 21-33

En la actualidad, la guerra se sigue percibiendo como una prerrogativa exclusivamente masculina. En general, las mujeres están excluidas del debate sobre la guerra, salvo como víctimas pasivas de la brutalidad que les infligen sus contemporáneos varones. Sin embargo, la historia demuestra que, a través de las épocas, las mujeres también han participado en los conflictos armados y que incluso han desempeñado papeles protagónicos. En este artículo, se aborda la larga historia y las múltiples facetas de la intervención de la mujer en la guerra desde el punto de vista de su participación activa o pasiva en este tipo de violencia, y se pone en tela de juicio la pertinencia de la división de los papeles basada en el sexo en el contexto de la guerra, haciendo referencia a la práctica ancestral de la violencia armada.

**Gender-based violence against civilian women in postinvasion Iraq : (re) politicizing George W. Bush's silent legacy / Katrina Lee-Koo.** - In: Violence against women, Vol. 17, no. 12, 2011, p. 1619-1634. - Bibliographie : p. 1632-1634. Photocopies  
362.8/24 (Br.)

**Mujeres, conflictos armados y lenguaje : género, violencia y discurso / Laura J. Shepherd.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 877, marzo de 2010, p. 119-136

El análisis crítico de las palabras y los conceptos que se utilizan en los textos de formulación de políticas permite que los responsables de su aplicación eviten reproducir de manera inconsciente las distintas formas de opresión y exclusión que esas políticas buscan superar. En este artículo, la autora hace un análisis del capítulo 5.10 de las "Normas integradas de las Naciones Unidas para el desarme, la desmovilización y la reintegración" y sostiene que los responsables de formular políticas, los encargados de aplicarlas, los académicos y los estudiantes inevitablemente crean o modifican significados mediante sus bienintencionadas intervenciones, pero que esto no necesariamente conduce a la inercia política o práctica.

**Mujeres en detención / Julie Ashdown y Mel James.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 877, marzo de 2010, p. 97-118

Los sistemas penitenciarios rara vez tienen en cuenta las diferencias entre los sexos, y menos aún en situaciones de conflicto. En el caso de las mujeres detenidas, es fundamental que no sólo se apliquen las normas internacionales sino que, al hacerlo, se tengan presentes las necesidades particulares de las mujeres. En este artículo, se presenta una reseña del derecho internacional pertinente y las consideraciones de género que se han de tener en cuenta al aplicarlo.

**On the frontlines : gender, war, and the post-conflict process / Fionnuala Ní Aoláin, Dina Francesca Haynes, Naomi Cahn.** - Oxford [etc.] : Oxford University Press, 2011. - XII, 358 p. : diagr. ; 24 cm. - Index. - ISBN 9780195396652  
362.8/175

**La participación de las mujeres en el genocidio de Ruanda : madres o monstruos ? / Nicole Hogg.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 877, marzo de 2010, p. 59-95

La participación de las mujeres en el genocidio de Ruanda (ocurrido en 1994) debe analizarse en el marco de las relaciones de género que predominaban en la sociedad ruandesa durante el período previo. Muchas mujeres "comunes" participaron en el genocidio pero, en general, sus actos de violencia manifiesta fueron significativamente menores en número que los cometidos por hombres. Dada la naturaleza indirecta de los delitos cometidos por mujeres, a lo que se suma la "caballeridad" de los hombres, es probable que las mujeres no estén suficientemente representadas entre las personas enjuiciadas por delitos relacionados con el genocidio, a pesar del amplio concepto de complicidad existente en la ley gacaca de Ruanda. Las mujeres que ocupaban posiciones de liderazgo desempeñaron un papel particularmente importante en el genocidio y, en sus encuentros con la ley, suelen entrar en juego las imágenes ligadas al género, entre ellas la de "mujer delincuente" o "monstruo".

**Las resoluciones 1325 y 1820 del Consejo de Seguridad : promover las cuestiones de género en los conflictos armados y en el derecho internacional humanitario / Amy Barrow.** - In: Revista internacional de la Cruz Roja : selección de artículos, No 877, marzo de 2010, p. 157-173

Si bien los Convenios de Ginebra contienen disposiciones específicas relacionadas con los géneros, la realidad de las experiencias de hombres y mujeres en los conflictos armados ha puesto de manifiesto las limitaciones en cuanto a género y las restricciones conceptuales del derecho internacional humanitario. Los fallos del Tribunal Penal Internacional para ex Yugoslavia (TPIY) y del Tribunal Penal Internacional para Ruanda (TPIR) han logrado ciertos avances en cuanto a ampliar las definiciones de la violencia sexual y la violación durante los conflictos. Las respuestas más recientes del derecho público internacional, en particular la adopción de las resoluciones 1325 y 1820 del Consejo de Seguridad, se han centrado en la mujer, la paz y la seguridad y han procurado llamar la atención sobre la cuestión de género en situaciones de conflicto armado. En este artículo, la autora destaca la reciente elaboración de normas relativas a la mujer, la paz y la seguridad. Pese a su importancia, esas normas tal vez no sean suficientemente enérgicas para contribuir al desarrollo de una visión de género en el ámbito del derecho internacional humanitario. En este sentido, las disposiciones existentes son objeto de constantes exámenes.

**Too rough a justice : the Ethiopia-Eritrea claims commission and international civil liability for claims for rape under international humanitarian law / Ryan S. Lincoln.** - In:



Tulane journal of international and comparative law, Vol. 20, issue 2, Spring 2012, p. 385-419. - Photocopies

The developments in international law prohibiting rape during armed conflict have grown at a rapid pace in recent decades. Whereas rape had long been considered an inevitable by-product of armed conflict, evolution in international humanitarian law (IHL) has relegated this conception mostly to the past. The work of international criminal tribunals has been at the forefront of this change, developing the specific elements of the international crime of rape, and helping to change the perception of rape in international law. Violations of IHL, however, also give rise to civil liability. Despite the advances with respect to rape made in the international criminal law context, non-criminal adjudication of claims for rape has been rare. Recently, the Ethiopia-Eritrea Claims Commission completed eight years of work, making numerous damage awards for civil claims based on violations of IHL that occurred during the war between those two states. Among the claims it heard were several claims for rape, brought by both parties. Thus, the completed work of the Ethiopia-Eritrea Claims Commission represents an important opportunity to examine civil adjudication of claims for rape under IHL. This Article asks whether the work of the Commission has helped to extend the protections afforded by IHL, and whether its treatment of the claims for rape is in line with the progress made within IHL regarding the conceptualization of rape. It locates and analyzes the work of the Commission within the broader changes that have occurred within IHL with respect to rape, outlines the work of the Commission, and analyzes its substantive and procedural decisions. This Article argues that, while the Commission contributed certain substantive and procedural advances to IHL, it may have simultaneously created certain gaps in the IHL regime and hindered the conceptualization of rape within IHL.

362.8/177 (Br.)

**Understanding and proving international sex crimes / Morten Bergsmo, Alf Butenschon Skre and Elisabeth J. Wood (eds.).** - Beijing : Torkel Opsahl Academic EPublisher, 2012. - XIV, 894 p. : tabl. ; 25 cm. - (FICHL Publication Series ; no. 12). - Index. - ISBN 9788293081296

362.8/176

**"Vinieron con dos armas" : las consecuencias de la violencia sexual en la salud mental de las víctimas mujeres en los contextos de conflicto armado / Evelyne Josse.** - In:

Revista internacional de la Cruz Roja : selección de artículos, No 877, marzo de 2010, p. 137-156

La violencia sexual tiene graves consecuencias en la salud mental de los individuos que la padecen. A nivel psíquico, provoca una transformación radical en la percepción que las víctimas tienen de sí mismas, en la manera en que conciben sus relaciones con su entorno social inmediato y, de forma más amplia, con la sociedad en su conjunto, así como también en la manera en que perciben el pasado, el presente y el futuro. Por lo tanto, dejan marcas duraderas ya que se modifica la relación de la persona consigo misma, con los hechos y con los demás. A nivel social, corrompe la identidad social de las víctimas, las desvaloriza y las descalifica como personas (estas adquieren una reputación de mujeres infieles o licenciosas). Provocan, pues, una transformación en los vínculos sociales dentro de la población y pervierten la dinámica comunitaria.

**Le viol et les autres crimes de violences sexuelles à l'encontre des femmes dans les conflits armés / par Mélanie Dubuy.** - Bruxelles : Bruylant, 2012. - p. 181-217. - In: Le droit international humanitaire face aux défis du XXIe siècle

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