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ARMS

Arms control and international humanitarian law / Carlo Trezza. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - p. 129-132. - In: Global violence : consequences and responses
355/699

The implications of drones on the just war tradition / Daniel Brunstetter and Megan Braun. - In: Ethics and International Affairs, Vol. 25, no. 3, 2011, p. 337-358. - Photocopies
Increasingly, the United States has come to rely on the use of drones to counter the threat posed by terrorists. Drones have arguably enjoyed significant successes in denying terrorists safe haven while limiting civilian casualties and protecting U.S. soldiers, but their use has raised ethical concerns. The aim of this article is to explore some of the ethical issues raised by the use of drones using the just war tradition as a foundation. We argue that drones offer the capacity to extend the threshold of last resort for large-scale wars by allowing a leader to act more proportionately on just cause. However, they may be seen as a level of force short of war to which the principle of last resort does not apply; and their increased usage may ultimately raise jus in bello concerns. While drones are technically capable of improving adherence to jus in bello principles of discrimination and proportionality, concerns regarding transparency and the potentially indiscriminate nature of drone strikes, especially those conducted by the Central Intelligence Agency (CIA), as opposed to the military, may undermine the probability of success in combating terrorism.
341.67/699 (Br.)

International humanitarian law, new forms of armed violence and the use of force / Robert James McLaughlin. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - p. 115-123. - In: Global violence : consequences and responses
355/699

Mine action 2011 : special report / ICRC. - Geneva : ICRC, April 2012. - 37 p. : photogr., carte, tabl. ; 30 cm
341.67/574 (2011)

Nuclear weapons in the information age / Stephen J. Cimbala. - London ; New York : Continuum, 2012. - 238 p. : tabl., graph. ; 23 cm. - Bibliographie : p. 219-229. Index. - ISBN 9781441126849
341.67/702

The use of combat drones in current conflicts : a legal issue or a political problem ? / Sebastian Wuschka. - In: Goettingen Journal of International Law, Vol. 3, no. 3, 2011, p. 891-905. - Photocopies
The regulation of the employment of combat drones in current conflicts is a central issue of recent discussions in international law. Contrary to misinterpretations in the media, this article claims that the legal framework regarding today's drone systems is settled. The author first provides an assessment of unmanned combat drones as a new technology from the perspective of international humanitarian law. He then proceeds to the vital point of the legality of targeted killings with remotely operated drones. Further, he discusses the preconditions for applicability of humanitarian law and human rights law to such operations. In conclusion, the author holds the view that the legal evaluation of drone killings depends on the execution of each specific strike. Assuming that targeted killings with drones will generally only be legal under the law of armed conflict, States might be further tempted to label their struggle against terrorism as 'war'.
341.67/700 (Br.)

White phosphorous munitions : international controversy in modern military conflict / Philip Hashey. - In: New England Journal of International and Comparative Law, Vol. 17, 2011, p. 291-315. - Photocopies
This article examines the current state of international law governing the use of white phosphorus munitions and argues that the ambiguous legal status of white phosphorus has become untenable given recent controversies in Fallujah and Gaza. This article further argues

that the deployment of white phosphorus munitions may already be illegal in many circumstances under either the Chemical Weapons Convention or the Convention on Certain Conventional Weapons or both. However, changes may be necessary to one or both treaty regimes to explicitly ban the use of white phosphorus munitions in some situations, particularly when used in urban areas. A more definitive consensus on the legality of white phosphorus use will reduce the current state of confusion, which is obscuring the debate in the public, the media, the military, and even among legal scholars and commentators.

341.67/701 (Br.)

CHILDREN and CIVILIANS

Estado mundial de la infancia 2012 : [niñas y niños en un mundo urbano] / UNICEF. - New York : UNICEF, 2012. - IX, 142 p. : fotogr., graph., cartes, tabl. ; 28 cm. - (Estado mundial de la infancia). - ISBN 9789280645996
Réf. *ORG 2-d (SPA)*

Great expectations : UN peacekeeping, civilian protection, and the use of force / Alan Doss. - Geneva : Geneva Centre for Security Policy, December 2011. - 43 p. : graph. ; 30 cm. - (GCSP Geneva papers - Research Series ; no. 4). - Photocopies

Despite the growing emphasis on protection in UN peacekeeping mandates, it remains difficult to assess over time how successful UN peacekeeping operations have been in protecting civilians. This absence of mission-effectiveness assessment has contributed to public doubt and raised questions about the impact of the UN approaches to civilian protection. However, a decade of field experience in these four missions indicates that the use of force in the name of protecting civilians has become more engrained in the peacekeeping discourse. This experience has further shown that the UN is prepared to assume a more robust protection posture in peacekeeping operations. In the meantime, the use of force still needs to be properly underpinned by country specific, well-structured protection strategies that are politically realistic and adequately resourced.

361/419 (Br.)

Reimagining child soldiers in international law and policy / Mark A. Drumbl. - Oxford [etc.] : Oxford University Press, 2012. - XII, 239 p. ; 24 cm. - Bibliographie : p. 216-234. Index. - ISBN 9780199592654

362.7/357

The rights of children in international criminal law : [children as actor and victim of crime] / D. de Ruiter (ed.). - [S.l.] : International Courts Association, 2011. - XV, 332 p. ; 23 cm. - ISBN 9789058870902

362.7/358

La situation des enfants dans le monde 2012 : [les enfants dans un monde urbain] / UNICEF. - New York : UNICEF, 2012. - IX, 142 p. : fotogr., graph., cartes, tabl. ; 28 cm. - (La situation des enfants dans le monde). - ISBN 9789280645989

Réf. *ORG 2-d (FRE)*

The state of the world's children 2012 : [children in an urban world] / UNICEF. - New York : UNICEF, 2012. - IX, 142 p. : fotogr., graph., cartes, tabl. ; 28 cm. - (The state of the world's children). - ISBN 9789280645972

Réf. *ORG 2-d (ENG)*

CONFLICT-VIOLENCE AND SECURITY

The Ashgate research companion to war : origins and prevention / ed. by Hall Gardner and Oleg Kobtzeff. - Farnham ; Burlington : Ashgate, 2012. - XVI, 664 p. : diagr., tabl. ; 25 cm. - Index. - ISBN 9780754678267

355/941

Cyberwarfare and its impact on international security, 19 February 2009, United Nations, New York / [by James Andrew Lewis]. - New York : United Nations, June 2010. - IV, 25 p. ; 22 cm. - (UNODA occasional papers ; no. 19). - ISBN 9789211422757

The United Nations Secretary-General's Advisory Board on Disarmament Matters held its fifty-first and fifty-second sessions in New York from 18 to 20 February 2009 and in Geneva from 1 to 3 July 2009, respectively. As part of the improvements made in its method of work since 2008, the Board focuses its deliberations during both its annual sessions on two or three substantive agenda items. In 2009, one of the substantive agenda items for discussion included "Cyberwarfare and its impact on international security". The Board was able to conduct a stimulating exchange of views on matters pertaining to cyberwarfare and security. With regard to the topic, the Board suggested that the Secretary-General should raise the awareness of both governments and the general public of the emerging risks and threats related to cyberwarfare whenever possible. At its February session in New York, James Andrew Lewis, Senior Fellow and Program Director at the Center for Strategic and International Studies, provided the Board members with a presentation on the issue of cyberwarfare and security.
355/710 (Br.)

Economies of violence : reflections on the World Development Report 2011 / Michael J. Watts. - In: *Humanity : an international journal of human rights, humanitarianism, and development*, Vol. 3, no. 1, Spring 2012, p. 115-130

Review of the book "World development report 2011 : conflict, security and development".
The end of innocence : rethinking noncombatancy in the Post-Kosovo era / Charles J. Dunlap. - In: *Strategic review*, Summer 2000, p. 9-17. - Photocopies
355/670 (Br.)

Food riots as representations of insecurity : examining the relationship between contentious politics and human security / Thomas O'Brien. - In: *Conflict, security and development*, Vol. 12, no. 1, March 2012, p. 31-49

Global violence : consequences and responses / ed. by Marco Odello, Gian Luca Beruto. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - 224 p. ; 23 cm. - (Politica studi). - ISBN 9788856837711
355/699

Modern military strategy : an introduction / Elinor C. Sloan. - Abingdon ; New York : Routledge, 2012. - 151 p. ; 25 cm. - Bibliographie : p. 137-144. Index. - ISBN 9780415777711
355/942

Obama's secret wars / by Pir Zubair Shah... [et al.]. - In: *Foreign policy*, No. 192, March/April 2012, p. 56-96 : fotogr., cartes, graph.
Contient : My drone war / P. Zubair Shah. - The Obama doctrine / D. Rohde. - Collateral damage / P. Salopek. - The FP survey : the future of war / M. Slattery. - Think again : cyberwar / T. Rid. - The body counter / T. Rosenberg.

The Oxford handbook of war / ed. by Julian Lindley-French and Yves Boyer. - Oxford [etc.] : Oxford University Press, 2012. - XIX, 709 p. : diagr., tabl. ; 26 cm. - Bibliographies. Index. - ISBN 9780199562930
355/940

Paix et guerres au XXI^e siècle / Dario Battistella. - Auxerre : Sciences Humaines, 2011. - 159 p. : tabl. ; 19 cm. - (La Petite Bibliothèque de Sciences Humaines). - Bibliographie : p. 147-152. Index. - ISBN 9782361060121
355/715

Les robots au coeur du champ de bataille : rencontres sur le thème de : la robotisation du champ de bataille : aspects éthiques et juridiques / sous la dir. de Ronan Doaré, Henri Hude. - Paris : Economica, 2011. - VIII, 214 p. : tabl. ; 24 cm. - (Guerres et opinions). - ISBN 9782717861099
355/938

"The boys are coming to town" : youth, armed conflict and urban violence in developing countries / Josjah Kunkeler, Krijn Peters. - In: International journal of conflict and violence, Vol. 5, no. 2, 2011, p. 277-291. - Bibliographie : p. 290-291. - Photocopies 355/692 (Br.)

Traité de stratégie / Hervé Coutau-Bégarie. - 7e éd. revue et augm.. - Paris : Economica : Institut de stratégie et des conflits, 2011. - 1200 p. : cartes, tabl., graph., diagr., ill. ; 24 cm. - (Bibliothèque stratégique). - Bibliographie : p. 1025-1143. Index. - ISBN 9782717860740 355/937

DETENTION

Can counter-terrorist internment ever be legitimate ? / Fiona de Londras. - In: Human rights quarterly : a comparative and international journal of the social sciences, humanities, and law, Vol. 33, no. 3, August 2011, p. 593-619

Counter-terrorist internment is generally rejected as illegitimate from a human rights perspective. However, while the practice of counter-terrorist internment has long resulted in the infringement of human rights, this article argues that the concept of internment holds some potential for legitimacy. This potential can only be realized if four legitimacy factors are fully embraced and complied with: public justificatory deliberation, non-discrimination, meaningful review, and effective temporal limitation. Outlining these factors, this article imagines a system of internment that is legitimate from a human rights perspective and can serve both real and pressing security needs, and rights-based legitimacy needs.

Les conditions de détention en France : rapport 2011 / Observatoire international des prisons. - Paris : La Découverte, 2012. - 336 p. : fotogr. ; 24 cm. - ISBN 9782707159090 400/119

Di là del muro : il campo di concentramento di Treviso (1942-1943) / Francesca Meneghetti. - Treviso : ISTRESCO, 2012. - 503 p. : fotogr., tabl., graph. ; 24 cm. - (Studi ricerche e fonti ; 10). - Bibliographie : p. 477-480. Index. - ISBN 9788888880709 400.3/157

Guerre d'Algérie : les prisonniers des djounoud / Yves Sudry ; préf. de Maurice Bazot. - Paris [etc.] : L'Harmattan, 2005. - 216 p. : cartes, tabl. ; 22 cm. - (Histoire et perspectives méditerranéennes). - Bibliographie : p. 207-213. - ISBN 9782747579506 400.2/326

International law aspects of repatriation of prisoners of war during hostilities : a reply / by Howard S. Levie. - In: American journal of international law, Vol. 67, no. 4, October 1973, p. 693-710

International law issues raised by the transfer of detainees by Canadian forces in Afghanistan / Marco Sassoli and Marie-Louise Tougas. - In: McGill law journal = Revue de droit McGill, Vol. 56, no. 4, June 2011, p. 959-1010. - Photocopies

The transfer of Afghan detainees to Afghan authorities by Canadian forces raised concerns in public opinion, in Parliament, and was the object of court proceedings and other enquiries in Canada. This article aims to explore the rules of international law applicable to such transfers. The most relevant rule of international humanitarian law (IHL) applies to prisoners of war in international armed conflicts. However, the conflict in Afghanistan, it is argued, is not of an international character. The relevant provision could nevertheless apply based upon agreements between Canada and Afghanistan and upon unilateral declarations by Canada. In addition, international human rights law (IHRL) and the very extensive jurisprudence of its mechanisms of implementation on the obligations of a state transferring a person to the custody of another state where that person is likely to be tortured or treated inhumanely will be discussed, including the standard of care to be applied when there is an alleged risk of torture. While IHL contains the rules specifically designed for armed conflicts, IHRL may in this respect also clarify as *lex specialis* the interpretation of concepts of IHL. Finally, the conduct of Canadian leaders and members of the Canadian forces is governed by international criminal law (ICL). This article thus demonstrates how IHL, IHRL, and ICL are intimately interrelated in

contemporary armed conflicts and how the jurisprudence of human rights bodies and of international criminal tribunals informs the understanding of IHL rules.
400/124 (Br.)

Mohammed Jawad and the military commissions of Guantánamo / David J.R. Frakt. - In: Duke law journal, Vol. 60, issue 6, 2011, p. 1367-1411. - Photocopies
The military commission of U.S. v. Mohammed Jawad, (in which the author served as lead defense counsel) perhaps more clearly than any other case demonstrated that the government was relying on its ability to use coerced evidence to earn convictions, even for invented war crimes. In this notorious case, which the New York Times called "emblematic of everything that is wrong with Guantanamo Bay" the prosecution repeatedly took extreme and unsupportable positions in litigation before the commission in an effort to preserve its ability to use coerced evidence and to convict detainees for non-existent war crimes. Even with all the advantages afforded to the government by the MCA and MMC, the prosecution was unable to make its case against Mr. Jawad and was ultimately forced to dismiss the charges and release him when a federal judge granted his petition for a writ of habeas corpus. Through the story of Mohammed Jawad and the disintegration of the case against him we can see the larger narrative of the abject failure of the military commissions of the Bush Administration.
400.2/94 (Br.)

Nottebohm's nightmare : have we exorcised the ghosts of WWII detention programs or do they still haunt Guantanamo ? / Cindy G. Buys. - In: Chicago-Kent journal of international and comparative law, Vol. 11, 2011, p. 1-77. - Photocopies
This article begins by telling the story of Mr. Frederich Nottebohm, a German-born businessman from Guatemala, and how he and his extended family came to be caught up in the U.S.-Latin American Detention Program. It relates the motivations behind the creation of the program and analyses the legality of the program under both United States and international law existing at the time. The article then examines the extent to which the law has evolved and whether the changes in the law would lead to a different result today. The article then draws parallels between the arrest, detention and trial of alleged "alien enemies" during World War II and those practices being employed today with respect to alleged "unlawful enemy combatants" in the current fight against terrorism. Finally, the article suggests some lessons that may be learned regarding the treatment of so-called "alien enemies" during times of conflict that have relevance for current U.S. policies regarding the arrest, detention and trial of suspected foreign terrorists.
400.1/17 (Br.)

Old behind bars : the aging prison population in the United States / Human Rights Watch. - New York [etc.] : Human Rights Watch, 2012. - 104 p. : fotogr., graph., tabl. ; 27 cm. - ISBN 9781564328597
400/121

La prison, du temps passé au temps dépassé / sous la dir. de Sylvie Humbert, Nicolas Derasse et Jean-Pierre Royer. - Paris : L'Harmattan, 2012. - 230 p. ; 22 cm. - (Droit, société et risque). - Bibliographies. - ISBN 9782296556508
400/123

Prisons en Europe : pour une pénologie critique et humaniste / Sonja Snacken. - Bruxelles : Larcier, 2011. - 249 p. : tabl., diagr. ; 21 cm. - (Crimen). - Bibliographie : p. 237-242. - ISBN 9782804441302
400/122

Protection of terrorism suspects under international humanitarian law : a case study of Guantanamo Bay / Prosper Tegamaisho. - Saarbrücken : Lambert Academic Publishing, 2010. - 72 p. ; 22 cm. - Bibliographie : p. 69-72. - ISBN 9783843375221
400.2/327

"Schalit wird nicht der letzte sein" : Geiselnahmen israelischer Soldaten durch militante arabische und palästinensische Gruppen / Tina Roeder. - In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict, Vol. 25, 1/2012, p. 19-26

Within public international law, especially in the area of humanitarian law, hostage-takings have in the past mostly been discussed with regard to civilians. Purposeful abductions of members of regular armed forces of a state have often been disregarded. This is probably partly due to a certain ambiguity concerning the question whether the captivity of soldiers in all of its manifestations is not, at least if occurring within international armed conflict, conclusively regulated in the Third Geneva Convention, which does not mention hostage-taking explicitly. In the context of the Middle East conflict, legal appraisal is at least seemingly further impeded by the complicated background conditions present. On the occasion of the release of the Israeli soldier Gilad Schalit in October 2011 from five years of captivity in the custody of the Palestinian Hamas, the following article presents examples and background information on abductions of Israeli soldiers and comments on the sources and applicability of the prohibition of hostage-taking in humanitarian law.

A square peg in a round hole : stretching law of war detention too far / Laurie R. Blank. -

In: Rutgers Law Review, Vol. 63, no. 4, Summer 2011, p. 1169-1193. - Photocopies
This Article highlights three problems with the past and newly proposed indefinite detention of terrorist suspects, problems that expose how this system stretches the traditional notion of law of war detention beyond its limits. For many reasons, the system poses severe challenges to fundamental American principles of adjudication of individual accountability and granting individuals their "day in court." These broader questions concerning the morality of indefinite detention, the appropriate system for prosecution of terrorist suspects, and the lawfulness generally of detention in the context of counterterror operations are beyond the scope of this Article and are addressed in numerous law review articles, newspaper articles, and opinion pieces. This Article does not purport to analyze the full scope of detention options for persons captured within the context of the conflict with al-Qaeda and other terrorist groups. Rather, this Article will focus on the problems created by affixing the label of "law of war" or "under the laws of war" to the indefinite detention ongoing and further contemplated in Executive Order 13,567 and in the Terrorist Detention Review Reform Act : problems of definition, problems of purpose, and problems of posture.

400.1/16 (Br.)

Terrorists, enemy combatant detainees and the judicial system / Jian Sun and Miguel

Masipag eds.. - New York : Nova Science, 2011. - VIII, 156 p. ; 26 cm. - (Terrorism, hot spots and conflict-related issues). - Index. - ISBN 9781614703914

400/120

Transcending, but not abandoning the combatant-civilian distinction : a case study / Alec

Walen. - In: Rutgers Law Review, Vol. 63, no. 4, Summer 2011, p. 1149-1168. - Photocopies

400.1/15 (Br.)

ECONOMY

The economics of killing : how the west fuels war and poverty in the developing world /

Vijay Mehta. - London : Pluto press, 2012. - IX, 237 p. : graph., tabl. ; 22 cm. - Index. - ISBN 9780745332246

330/253

Les nouvelles guerres économiques : 110 fiches réponses aux questions clés /

Christophe-Alexandre Paillard. - Paris : Ophrys, 2011. - 633 p. ; 24 cm. - Bibliographie : p. 613-625. Index. - ISBN 9782708013223

330/252

ENVIRONMENT

Climate wars : why people will be killed in the twenty-first century / Harald Welzer ; transl.

by Patrick Camiller. - Cambridge ; Malden (Etats-Unis) : Polity, 2012. - VII, 222 p. : tabl., graph., cartes ; 24 cm. - Index. - ISBN 9780745651453

363.7/91 (ENG)

Destruction of environment during an armed conflict and violation of international law : a legal analysis / Rishav Banerjee. - In: Asian yearbook of international law, Vol. 15, 2009, p.

145-188. - Photocopies

This Article examines, in light of the recent events (Case studies) and commentary, current legal protections for the environment during an armed conflict such as Article 35(3) and Article 55 of the Additional Protocol I to the Geneva Conventions, 1977 or the Convention on the Prohibition of Environmental Modification (ENMOD) Techniques etc., which prohibits environmental destruction during war. After outlining existing rules and exploring some of the criticisms levelled against their effectiveness, this Article considers potential consequences arising from possible violations of these provisions. Finally, it proposes how current rules can be modified and calls for a new law to provide more effective protection of the environment during times of armed conflict. Indeed, it concludes that the strongest protections are contained in the non-environment-specific provisions of the laws of armed conflict.
363.7/114 (Br.)

Environmental protection in armed conflict / Karen Hulme. - Cheltenham [etc.] : E. Elgar, 2010. - p. 586-604. - In: Research handbook on international environmental law. - Bibliographie : p. 603-604. - Photocopies
363.7/48 (Br.)

The year that shook the rich : a review of natural disasters in 2011 / by Elizabeth Ferris and Daniel Petz. - Washington : Brookings Institution : London School of Economics Project on Internal Displacement, 2012. - XXIII, 142 p. : fotogr., tabl., graph. ; 26 cm
361.9/63 DEP

GEOPOLITICS

The Arab awakening : America and the transformation of the Middle East / Kenneth M. Pollack... [etc.]. - Washington, D.C. : Brookings Institution, 2011. - XVI, 381 p. : diagr., graph., tabl. ; 24 cm. - Index. - ISBN 9780815722267
323.15/24

Chroniques birmanes [bande dessinée] / **Guy Delisle.** - [S.l.] : Guy Delcourt, 2007. - 262 p. : tout en ill. ; 23 cm. - (Shampoing). - ISBN 9782756009339
323.13/MMR 10

Chroniques de Jérusalem [bande dessinée] / **Guy Delisle.** - [S.l.] : Guy Delcourt, 2011. - 333 p. : tout en ill. ; 23 cm. - (Shampoing). - ISBN 9782756025698
323.15/ISR 42

Les Érythréens : récit / Léonard Vincent. - Paris : Payot & Rivages, 2012. - 245 p. : carte ; 21 cm. - ISBN 9782743622930
323.11/ERI 5

Getting Somalia wrong ? : faith, war and hope in a shattered state / Mary Harper. - London ; New York : Zed Books, 2012. - XIII, 217 p. : fotogr., cartes ; 22 cm. - (African arguments). - Bibliographie : p. 208-209. Index. - ISBN 9781842779330
323.11/SOM 15

Guerre d'Algérie : mémoires parallèles / Michel Lefebvre... [et al.]. - In: Le Monde Hors-série, Février-Mars 2012, 98 p.
Contient notamment : À Kalaa, mémoire vive de l'Algérie / I. Mandraud. - "Le Monde" relance le débat sur la torture / F. Beaugé. - Ces Algériens qui ont défié la France / R. de Rochebrune. - 1962, l'indépendance, mais à quel prix ? / A. M. Amer.
323.15/DZA 19

Kadhafi : vie et mort d'un dictateur / Hélène Bravin. - Paris : F. Bourin, 2012. - 265 p., [4] p. de pl. : fotogr., carte ; 21 cm. - Bibliographie : p. 251-253. Index. - ISBN 9782849412855
92/320

Kazakhstan : surprises and stereotypes after 20 years of independence / Jonathan Aitken. - London ; New York : Continuum, 2012. - X, 200 p., [7] p. de fotogr., [1] p. de cartes ; 25 cm. - Index. - ISBN 9781441116543
323.14/KAZ 3

Latin America 1810-2010 : dreams and legacies / Claude Auroi, Aline Helg ed.. - London : Imperial College Press, 2012. - XXIX, 538 p. : tabl., graph., cartes, fotogr. ; 24 cm. - Bibliographies. Index. - ISBN 9781848168466
323.12/26

Maras : gang violence and security in Central America / ed. by Thomas Bruneau, Lucía Dammert, and Elizabeth Skinner. - Austin : University of Texas Press, 2011. - VIII, 309 p. : graph., tabl. ; 23 cm. - Bibliographie : p. 265-289. Index. - ISBN 9780292729285
323.12/27

Memory and conflict in Lebanon : remembering and forgetting the past / Craig Larkin. - London ; New York : Routledge, 2012. - XI, 226 p. : fotogr., carte, tabl. ; 24 cm. - (Exeter studies in ethno politics). - Bibliographie : p. 201-218. Index. - ISBN 9780415587792
323.15/LBN 13

Post-war justice and durable peace in the former Yugoslavia / by the Council of Europe, Commissioner for human rights. - Strasbourg : Council of Europe, 2012. - 48 p. : fotogr. ; 24 cm. - (Issue paper)
323.14/YUG 40

Printemps arabe et démocratie / Serge Sur... [et al.]. - In: Questions internationales, No 53, janvier-février 2012, p. 4-84 : tabl., cartes, fotogr.. - Bibliographie : p. 84
Contient : Mirage ou perspective / S. Sur. - Les bouleversements arabes : leçons, espoirs et interrogations / F. Charillon. - La fin d'un modèle autoritaire / J.-N. Ferrié. - Les dynamiques à l'oeuvre dans les pays du Maghreb / P. Vermeren. - Egypte : de l'unification contre l'opresseur aux incertitudes transitionnelles / Y. el-Chazli. - Yémen : les aléas d'une transition chaotique / F. Mermier. - Palestine : d'une nation sans État à un État sans sa nation / V. Romani. - Les réactions ambivalentes de la communauté internationale / N. Dufrière. - Révolutions des pays de l'Est, révolutions arabes : comparaison n'est pas raison / E. Lhomel
323.15/23

Pyongyang [bande dessinée] / Guy Delisle. - Paris : L'Association, 2003. - 176 p. : tout en ill. ; 25 cm. - (Ciboulette ; 37). - ISBN 9782844141132
323.13/KOR 8

Shenzen [bande dessinée] / Guy Delisle. - Paris : L'Association, 2000. - 1 vol. (non paginé) : tout en ill. ; 25 p.. - (Ciboulette ; 23). - ISBN 9782844140357
323.13/CHN 17

Vies ordinaires en Corée du Nord / Barbara Demick ; trad. de l'américain par Guillaume Marlière. - Paris : Albin Michel, 2010. - 326 p. : carte, fotogr. ; 23 cm. - (Latitudes). - ISBN 9782226217394
323.13/KOR 7

Yemen divided : the story of a failed state in South Arabia / Noel Brehony. - London ; New York : I.B. Tauris, 2011. - XXII, 257 p., [4] p. de fotogr. : cartes ; 22 cm. - Bibliographie : p. 240-249. Index. - ISBN 9781848856356
323.15/YEM 4

HUMAN RIGHTS

Human Rights Watch world report 2012 : events of 2011 / HUMAN RIGHTS WATCH. - New York [etc.] : Human Rights Watch, 2012. - 676 p. : fotogr. ; 23 cm. - ISBN 9781583229217
Réf. ORG 2-j (2012) (excluded from loan)

The rogue civil airliner and international human rights law : an argument for a proportionality of effects analysis within the right to life / Robin F. Holman. - In: Canadian yearbook of international law = Annuaire canadien de droit international, Vol. 48, 2010, p. 39-96 : tabl.. - Photocopies

Existing theoretical approaches to international human rights law governing the state's duty to respect and ensure the right not to be arbitrarily deprived of life fail to provide a satisfactory analytical framework within which to consider the problem of a rogue civil airliner - a passenger-carrying civil aircraft under the effective control of one or more individuals who intend to use the aircraft itself as a weapon against persons or property on the surface. A more satisfactory approach is provided by the addition of a norm of proportionality of effects that is analogous to those that have been developed within the frameworks of international humanitarian law, moral philosophy, and modern constitutional rights law. This additional norm would apply only where there is an irreconcilable conflict between the state's duties in respect of the right to life such that all of the courses of action available will result in innocent persons being deprived of life
345.1/374 (Br.)

To transfer or not to transfer : identifying and protecting relevant human rights interests in non-refoulement / Vijay M. Padmanabhan. - In: Fordham law review, Vol. 80, no. 1, October 2011, p. 73-123. - Photocopies

Human rights law imposes upon States an absolute duty not to transfer an individual to another State where there are substantial grounds for believing he or she will be tortured or subjected to cruel, inhuman or degrading treatment. In recent years the obligation to provide non-refoulement protection has run into conflict with the State's obligation to protect its public from aliens suspected of involvement in terrorism. Expulsion is the traditional tool available to States to mitigate the threat posed by dangerous aliens. With this tool removed, States often lack an alternative route to mitigate this threat, with criminal prosecution and indefinite detention pending deportation not available for various reasons. The result has been numerous cases where States have been forced either to release dangerous aliens back into their State, consistent with international law, or to find alternative means to deal with the threat in the shadow of human rights law. This Article argues that human rights law should recognize the important clash of human rights duties that arises in these transfer situations: the State's duty to protect aliens from post-transfer mistreatment clashes with its duty to protect members of the public from rights violations committed by dangerous private persons within society. Recognition of this rights competition is important for two reasons. First, for too long human rights scholars and bodies have dismissed the security consequences of non-refoulement as outside the concern of human rights. Second, once a rights competition is accepted, human rights law prescribes a methodology for mediating between conflicting rights: balancing. A balancing approach would allow States a margin of appreciation to determine in the first instance how to choose between competing duties. The role of human rights apparatus, including national courts, international institutions and non-governmental organizations is to monitor this balance and to push States where the balance chosen appears over or under rights protective.
345.1/369 (Br.)

HUMANITARIAN AID

The anthropologist as witness : humanitarianism between ethnography and critique / Nicolas Guilhot. - In: Humanity : an international journal of human rights, humanitarianism, and development, Vol. 3, no. 1, Spring 2012, p. 81-101

Review of two books : Humanitarian reason : a moral history of the present / D. Fassin. - Forces of compassion : humanitarianism between ethics and politics / E. Bornstein and P. Redfield.

Armed humanitarians : the rise of the nation builders / Nathan Hodge. - New York [etc.] : Bloomsbury, 2011. - VIII, 338 p. ; 24 cm. - Bibliographie : p. 323-327. Index. - ISBN 9781608190171
361/573

The chaos of humanitarian aid : adhocacy in the Republic of Georgia / Elizabeth Cullen Dunn. - In: Humanity : an international journal of human rights, humanitarianism, and development, Vol. 3, no. 1, Spring 2012, p. 1-23

Diplomatie humanitaire et gestion des crises internationales : actes de la conférence internationale organisée par la Fondation française de l'Ordre de Malte, 27-28 janvier 2011 à l'UNESCO. - Saint-Évarzec : Editions du Palémon, 2012. - 198 p. ; 25 cm. - ISBN 9782916248271

Lors de cette conférence, le CICR était représenté par Angela Gussing, directrice adjointe pour les opérations globales.

361/571

Engaging private security providers : a guideline for non-governmental organisations / Max P. Glaser. - London : European Interagency Security Forum, 2011. - 29 p. : tabl. ; 30 cm. - (EISF Briefing paper). - Photocopies. - Bibliographie : p. 26

361/570 (Br.)

Humanitarian negotiations revealed : the MSF experience / Claire Magone, Michael Neuman, Fabrice Weissman (Ed.). - New York : Columbia University Press : Médecins Sans Frontières, 2011. - XIII, 287 p. : cartes ; 22 cm. - Index. - ISBN 9780231703147

361/559 (ENG)

The humanitarian response index 2011 : addressing the gender challenge / DARA. -

Madrid : DARA, 2011. - 329 p. : fotogr., tabl., graph. ; 28 cm. - Bibliographies. - ISBN 9788461576265

361/483 (2011)

India's growing involvement in humanitarian assistance / Claudia Meier, C.S.R. Murthy. - Berlin : Global Public Policy Institute, 2011. - 47 p. : cartes, diagr., graph. ; 30 cm. - (GPPi Research paper ; no. 13). - Bibliographie : p. 39-47

361/569

Knowledge creation and reliable decision-making in complex emergencies / Bjørn Ivar Kruke and Odd Einar Olsen. - In: Disasters : the journal of disaster studies and management, Vol. 36, no. 2, April 2012, p. 212-232 : tabl., diagr.. - Bibliographie : p. 229-232

Local to global protection in Myanmar (Burma), Sudan, South Sudan and Zimbabwe / Ashley South and Simon Harragin... [et al.]. - London : Overseas Development Institute, February 2012. - IV, 27 p. : tabl., diagr. ; 30 cm. - (HPN Network Paper ; no. 72). - ISBN 9781907288586

This Network Paper presents the findings of five community-based studies on self-protection in Myanmar (Burma), Sudan, South Sudan and Zimbabwe. The studies demonstrate how vulnerable people take the lead in activities to protect themselves and their communities. Often, local understandings of 'protection' are at variance with – or extend beyond – how the concept is used by international humanitarian agencies. In most of the studies, livelihoods and protection were intimately linked. Customary law and local values and traditions mattered at least as much as formal rights. Psychological and spiritual needs and threats were often considered as important as physical survival. Local understandings and self-protection activities, while hugely important for everyday survival, are rarely acknowledged or effectively supported by aid agencies. The studies also examine how vulnerable communities view the protection activities of local, national and international agencies, including humanitarian organisations, as well as political and armed groups. In some cases, local organisations provide valuable protection services, while non-state armed groups can represent both protection actors and agents of threat. Protection initiatives by outside actors (states, humanitarian agencies and peacekeepers) are seen as less important than strategies of self-protection. The case studies also illustrate that, while self-protection strategies may be crucial for survival, they rarely provide the degree of safety, security and dignity that people need. Furthermore, some local protection activities expose people to further risk. Thus, vital as it is, local agency cannot be regarded as a substitute for the protection responsibilities of national authorities or – when that fails – international actors. The paper suggests that two distinct but complementary approaches to protection are required: strengthening local capacities for self-protection, while at the same time generating the international political will (as well as national public interest) to prevent or stop

targeted attacks on civilians. It concludes with some guidance for promoting locally-led protection.
361/267

New humanitarians ? : frame appropriation through private military and security companies / Jutta Joachim and Andrea Schneiker. - In: Millennium : journal of international studies, Vol. 40, no. 2, 2012, p. 365-388. - Photocopies
361/572 (Br.)

NGOs and corporations : conflict and collaboration / Michael Yaziji and Jonathan Doh. - Cambridge [etc.] : Cambridge University Press, 2009. - XIX, 191 p. : diagr., tabl. ; 23 cm. - (Business, value creation, and society). - Index. - ISBN 9780521686013
341.215/239

Saudi Arabia as a humanitarian donor : high potential, little institutionalization / Khalid Al-Yahya, Nathalie Fustier. - Berlin : Global Public Policy Institute, 2011. - 35 p. : cartes, graph., tabl. ; 30 cm. - (GPPi Research paper ; no. 14). - Bibliographie : p. 32-35
361/568

The evolution of the responsibility to protect : at a crossroads ? / Phil Orchard. - In: International affairs, Vol. 88, no. 2, March 2012, p. 377-386
Review article of the following books : Global politics and the responsibility to protect : from words to deeds / A. J. Bellamy. - The responsibility to protect : norms, laws, and the use of force in international politics / R. Thakur. - Humanitarian intervention and the responsibility to protect : who should intervene ? / J. Pattison. - International authority and the responsibility to protect / A. Orford. - Can intervention work ? / R. Stewart and G. Knaus.

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 One) / François Bugnion. - In: Schweizerische Zeitschrift für Geschichte = Revue suisse d'histoire = Rivista storica svizzera, Vol. 62, Nr. 1, 2012, p. 143-155

Solférino : 24 juin 1859 / Pierre Pellissier. - [Paris] : Perrin, 2012. - 218 p. : cartes ; 20 cm. - Bibliographie : p. 211-213. - Index. - ISBN 9782262037062
94/475

INTERNATIONAL CRIMINAL LAW

Aggression : after Kampala / ed. by Claus Kress and Philippa Webb. - In: Journal of international criminal justice, Vol. 10, no. 1, March 2012, 288 p.
Contient notamment : The crime of aggression and the resort to force against entities in statu nascendi / A. G. Wills. - Judicial independence at risk : critical issues regarding the crime of aggression raised by selected human rights organizations / L. von Braun and A. Micus. - What is aggression ? : comparing the jus ad bellum and the ICC statute / M. E. O'Connell and M. Niyazmatov. - Amending the amendment provisions of the Rome statute : the Kampala compromise on the crime of aggression and the law of treaties / A. Zimmermann.

Essays on international criminal justice / Hector Olasolo. - Oxford ; Portland (Oregon) : Hart, 2012. - XLII, 213 p. ; 24 cm. - Bibliographie : p. 201-213. - ISBN 9781841130521
344/569

Génocide, crimes contre l'humanité et crimes de guerre face à la justice : les juridictions internationales et les tribunaux nationaux / Henri D. Bosly, Damien Vandermeersch. - 2e éd.. - Bruxelles : Bruylant, 2012. - 285 p. ; 24 cm. - Bibliographie : p. 273-277. - ISBN 9782802735403
344/508

Obeying restraints : applying the plea of superior orders to military defendants before the International Criminal Court / Christopher K. Penny. - In: Canadian yearbook of

international law = *Annuaire canadien de droit international*, Vol. 48, 2010, p. 3-38. -
Photocopies

This article addresses the content and ramifications of the unique plea of superior orders, illustrating the complexities of absolving wartime behaviour on this basis as well as the legitimate rationale for doing so in certain cases. The article discusses the general legal obligations for soldiers to obey commands ; outlines the historical development and legal content of the corresponding plea of superior orders ; and assesses the potential future application by the International Criminal Court of this specialized "mistake of law" doctrine. The author argues that in light of its moral and practical ramifications it should be considered by the court as both a full defence and a factor in mitigation of sentence, in a manner conceptually distinct from duress. However, the author cautions that the ICC must be careful to encourage, rather than discourage, individual moral autonomy, to the extent possible. A full defence should remain open to soldiers only when they have acted under a reasonable albeit mistaken belief in the legality of their orders. Especially on the modern battlefield, soldiers must continue to act and be judged as "reasoning agents" and not as mere automatons.

344/574 (Br.)

Prosecuting starvation in the extraordinary chambers in the courts of Cambodia / J. Solomon Bashi. - In: *Wisconsin international law journal*, Vol. 29, Spring 2011, p. 34-69. -
Photocopies

Although numerous governments have manipulated food supplies in an effort to control their constituents and target specific populations, there is no legal precedent for trying and convicting government leaders for government-induced famines. As the Extraordinary Chambers in the Courts of Cambodia (ECCC) attempts to administer justice to the victims of the Democratic Kampuchea (DK) regime, which held power from 1975 to 1979, the court should examine the feasibility of prosecuting the DK leaders for the starvation that they caused. While starvation may not have been the most brutal type of crime committed by the DK regime, it was certainly the most prevalent. This article discusses the evolution of starvation as an international crime and ascertains how these laws apply to any potential prosecution for starvation of DK leaders in the ECCC.

344/572 (Br.)

Protecting and respecting civilians : correcting the substantive and structural defects of the Rome Statute / Adil Ahmad Haque. - In: *New Criminal Law Review*, Vol. 14, no. 4, Fall 2011, p. 519-575. - Photocopies

The Rome Statute of the International Criminal Court fails to fully enforce four core principles of humanitarian law designed to protect civilians: distinction, discrimination, necessity, and proportionality. As a result, it is possible for a combatant with a culpable mental state, without justification or excuse, and in violation of humanitarian law, to kill civilians, yet escape criminal liability under the Rome Statute. The Rome Statute also ignores or misapplies three fundamental criminal law distinctions : between conduct offenses and result offenses, between material elements and mental elements, as well as between offenses and defenses. The purpose of this article is to expose these defects and propose a way to over-come them. This article proposes a redefined offense of Willful Killing that fully incorporates the principles of distinction and discrimination as well as a new affirmative defense that fully incorporates the principles of necessity and proportionality. Only by adopting such an approach can international criminal law provide civilians the legal protection and moral recognition they deserve. The recent adoption of an operative definition of the crime of aggression during a Review Conference in June 2010 suggests that further reform of the Rome Statute is achievable.

344/570 (Br.)

Provisional measures of the International Court of Justice in armed conflict situations / Gentian Zyberi. - In: *Leiden journal of international law*, Vol. 23, 2010, p. 571-584. -

Photocopies

344/576 (Br.)

The rules, practice, and jurisprudence of international courts and tribunals / by Chiara Giorgetti. - Leiden ; Boston : M. Nijhoff, 2012. - XXXII, 611 p. : tabl. ; 25 cm. - (International litigation in practice ; vol. 4). - Index. - ISBN 9789004194823
344/575

Tadic revisited : some critical comments on the legacy and the legitimacy of the ICTY / Mia Swart. - In: Goettingen journal of international law, Vol. 3, no. 3, 2011, p. 985-1009. - Photocopies

This article will return to questions raised during the establishment of the ICTY and particularly the Tadic case. It will be argued here that the aspect of Tadic that remains unresolved is the fundamental question of whether the ICTY has been established legitimately. The legitimacy argument forms an important part of the legacy debate of the ICTY. Although the Tadic Appeals Chamber has formally answered the question of the legitimacy of the ICTY it will be argued that the reasoning of the Appeals Chamber was not sufficiently strong or persuasive. The legitimacy debate reflects the wider influence of the ICTY's jurisprudence since some of the arguments made by the Tadic Appeals Chamber have been replicated or repeated in the trials of Saddam Hussein and Charles Taylor. The legitimacy question is crucial since it affects the very foundations of the ICTY. If the legitimacy of the ICTY is not established satisfactorily, it affects how one considers the achievements mentioned above. In a sense the substantive and procedural achievements of the ICTY are dependent on the legitimacy of the ICTY. This article will consider the difference between the ICTY's self-perception and the way the work of the Tribunal over the last sixteen years has been perceived from the outside. The focus of the article will be on the lingering question of the legitimacy of the Tribunal. It has argued that legitimacy can also be acquired after the initial establishment. The article will consider whether the ICTY's initial defect in legitimacy could subsequently be remedied by the fairness of the proceedings and the moral power of the ICTY.

344/571 (Br.)

The war crimes trial that never was : an inquiry into the war on terrorism, the laws of war, and presidential accountability / Stuart Streichler. - In: University of San Francisco law review, Vol. 45, no. 4, Spring 2011, p. 959-1004. - Photocopies

While President George W. Bush was in office, a cottage industry developed calling for his impeachment. Some even made a case for prosecuting him in a court of law. Many of the criminal offenses the President allegedly committed involved his conduct in the war on terrorism. Actions taken in the war on terrorism during President Bush's years in office have raised a number of disturbing questions. One of the most significant is whether members of the U.S. armed forces, Central Intelligence Agency ("CIA") agents, security contractors, and others working for the United States committed war crimes. If so, was this attributable to a "few bad apples, or does culpability extend to the highest officials in the Bush Administration, including the President? Although no trial is forthcoming, it is still possible to explore the issue of presidential accountability and assess the President's actions under the laws of war. Part I of this Article examines what constitutes a war crime under U.S. law by comparing the legal definition with the popular understanding of that term. Part II explains how, in a political system structured to curb the abuse of power, it could have been possible for the executive to violate the laws of war. Part III then analyzes the case against the President as if it were going to trial. It does not address every technical legal issue that could arise. Instead, the aim is to show generally how a war crimes trial could clarify what happened and resolve outstanding questions of criminal liability. To that end, this last section suggests lines of questioning for the cross-examination of President Bush.

344/573 (Br.)

INTERNATIONAL HUMANITARIAN LAW-GENERALITIES

Applying a sovereign agency theory of the law of armed conflict / Eric Talbot Jensen. - In: Chicago journal of international law, Vol. 12, Winter 2012, p. 685-727. - Photocopies

The current bifurcated conflict classification paradigm for applying the Law of Armed Conflict (LOAC) has lost its usefulness. Regulation of state militaries was originally based on the principle that the armed forces of a state were acting as the sovereign agents of the state and were granted privileges and given duties based on that grant of agency. These privileges and duties became the bases for the formulation of the modern LOAC. During the twentieth century, the LOAC became bifurcated, with the complete LOAC applying only to armed conflicts

between sovereigns and only few provisions of the law applying to armed conflicts that were not between sovereigns. This bifurcation has led to a lack of clarity for the sovereign's agents in LOAC application and given states the ability to manipulate which law applies to application of force through their agents. The applicability of the LOAC should no longer be based on the manipulable and unclear conflict classification paradigm, but should instead return to its foundations in the sovereign's grant of agency. Thus, anytime a sovereign applies violent force through its armed forces, those armed forces should apply the full LOAC to their actions, regardless of the type or of the conflict.

345.2/882 (Br.)

The fog of war reform : change and structure in the law of armed conflict after September 11 / Peter Margulies. - [S.l.] : Roger Williams University School of Law, [2011]. - 47 p. ; 30 cm. - (Legal studies research paper series ; 110). - Photocopies

Since the attacks of September 11, 2001, the law of armed conflict (LOAC) has been locked in a bitter conflict between utilitarians, who generally defer to state power, and protective theorists, who seek to shield civilians by curbing official discretion. However, protective theorists' scrutiny of states is burdened by hindsight bias. Failing to recognize the challenges faced by states, protective theorists have ignored the risk to civilians posed by violent non-state actors such as terrorist networks. Because of this blind spot, protective theorists have embraced changes such as the ICRC's Guidance on Direct Participation in Hostilities that exacerbate LOAC's asymmetries, creating a "revolving door" that shields terrorist bomb makers while permitting continuous targeting of state forces. Holistic signaling requires the United States to support the law of armed conflict, even when adversaries such as Al Qaeda reject that framework. Applying the structural test, a state can use a sliding scale of imminence and necessity to justify targeting Al Qaeda-affiliated terrorists in states unwilling or unable to apprehend those operatives. However, the material support charges against Hamdan signal a troubling turn to victors' justice that will ultimately harm counterterrorism efforts. Stressing a linear time horizon and holistic signaling defuses rhetoric and sharpens deliberation about post-9/11 LOAC changes.

345.2/877 (Br.)

Human rights and the law of war : the Geneva Conventions of 1949 / William I. Hitchcock.

- New York : Oxford University Press, 2012. - p. 93-112. - In: The human rights revolution : an international history. - Photocopies

Do the Geneva Conventions of 1949-the cornerstone of international humanitarian law-belong in the history of human rights? It seems not: most surveys of human rights history neglect the Conventions entirely. Historians rarely place Geneva alongside other founding documents of the "human rights revolution" of the 1940s. To be sure, historians of human rights will argue that the Geneva Conventions do not figure prominently in their work because the Conventions form part of the laws of war. Yet this defense-that Geneva does not belong in the human rights "story"-has of late been fatally undermined. Powerful forces have combined to bring Geneva to the forefront of human rights debates. Scholars of international humanitarian law have recently noted that during the post-1945 period, the laws of war and human rights converged. Today, legal scholars-if not historians-generally consider the Geneva Conventions as one of a series of international treaties that form part of the human rights regime, and that compel states to recognize and respect the inalienable right of individuals to exist in freedom, security, and dignity.

345.2/880 (Br.)

IHL supplement for use in courses in international criminal law / Beth Van Schaack. -

[S.l.] : Santa Clara University School of Law, March 2012. - 52 p. : fotogr., cartes ; 30 cm. - (Legal studies research papers series ; No. 04-12). - Photocopies

345.2/883 (Br.)

Living in the "new normal" : modern war, non-state actors, and the future of law /

Christopher A. Ford. - Lanham [etc.] : Lexington Books, 2012. - p. 229-304. - In: Rethinking the law of armed conflict in an age of terrorism

In many regards, the advent of modern irregular conflict - especially in its specifically counterterrorist (CT) incarnation - has indeed led to some growth in the power in the Executive Branch. But this has not occurred willy-nilly, or without attendant dynamics of bargained adjustment. Indeed, rather than being a process that could be likened to the swing of a

pendulum back and forth between extremes, the intra-governmental dynamics of CT war and legality in the United States have looked more like a process of punctuated evolution. Expedient single-branch executive responses to crisis have been to some extent adjusted as the courts and Congress have stepped in - and as successive presidents have taken office - but there has been much more ratification than retrenchments in these respects, and more continuity than change in CT policy since the first phase of the U.S. response after 9/11.

345.26/213

"New rules for new wars" : international law and just war doctrine for irregular war / George R. Lucas. - In: *Case western reserve journal of international law*, Vol. 43, no. 3, 2011, p. 677-705. - Photocopies
345.2/878 (Br.)

A new twist on an old story : lawfare and the mixing of proportionalities / Laurie R. Blank. - In: *Case western reserve journal of international law*, Vol. 43, no. 3, 2011, p. 707-738. - Photocopies

The claim that a just cause erases any wrongs committed in war is an old story, just like the opposite claim that an unjust cause renders all acts unlawful. International law has traditionally reinforced a strict separation between *jus ad bellum* - the law governing the resort to force - and *jus in bello* - the law governing the conduct of hostilities and protection of persons during conflict. Nonetheless, we see today a new twist on this old story that threatens the separation between *jus ad bellum* and *jus in bello* from the opposite perspective. In essence, there is an ever-louder claim that excessive civilian deaths under *jus in bello* proportionality render an entire military operation unjust under *jus ad bellum*. Protection of civilians is a central purpose of international humanitarian law (IHL) and media coverage of conflict and civilian deaths is critical to efforts to minimize human suffering during war. However, insurgent groups and terrorists exploit this greater focus on civilian casualties to their own advantage through tactics often termed "lawfare," such as human shields, perfidy, and other unlawful tactics. Not only do they seek greater protection for their fighters, but they also use the resulting civilian casualties as a tool of war. This article analyzes the growing use of alleged violations of *jus in bello* proportionality to make claims of disproportionate force under *jus ad bellum*. In doing so, it highlights the strategic and operational ramifications for combat operations and the impact on investigations and analyses of IHL compliance and accountability. Ultimately, this new twist on an old story has significant consequences for the application of IHL, for decisions to use force, and for the implementation of strategic, operational, and tactical goals during conflict. Most of all, it places civilians in increasing danger because it encourages tactics and strategies that directly harm them.

345.2/879 (Br.)

Official documents : Diplomatic Conference on the adoption of a Third protocol additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an additional distinctive emblem (Protocol III), 5-8 December 2005, Geneva, Switzerland / Confédération Suisse, Federal Department of Foreign Affairs FDFA. - Bern : Federal Department of Foreign Affairs, 2012. - V, 132 p. : ill. ; 30 cm
345.21/13 (ENG) (also available in French, Spanish, Arabic, Chinese, and Russian)

The strange pretensions of contemporary humanitarian law / Jeremy Rabkin. - Lanham [etc.] : Lexington Books, 2012. - p. 41-70. - In: *Rethinking the law of armed conflict in an age of terrorism*

What's new in today's world is not the effort to persevere in attempts to restrain the violence of war. The most remarkable novelty is the notion that such restraints can be insisted upon, even when one side ignores them, and even when noncompliant fighters gain systematic advantage from their disregard of the agreed-upon standards. Four general claims will be elaborated in this chapter. First : the seeming premise of today's international humanitarian law - that this law binds the conduct of military operations, regardless of circumstances or consequences - is not the culmination of a time-honored tradition, as sometimes portrayed, but is, in fact, a recent and radical innovation. Second : the current standards were, to a large extent, the products of efforts by anti-Western governments and movements, seeking to change previously accepted standards to their own advantage. Third : advocacy organisations such as the International Red Cross, Human Rights Watch and Amnesty International have strong incentives to embrace an

anti-Western view of the relevant standards, albeit one disguised as a neutral or internationalist view. Fourth : many Western governments now give credibility to such efforts, because they no longer expect to engage in actual military operations of their own.

345.26/213

War and the vanishing battlefield / Frédéric Mégret. - In: Loyola University Chicago international law review, Vol. 9, no. 1, Fall/Winter 2011, p. 131-155. - Photocopies

These days, the battlefield hardly seems to be a term of art in international humanitarian law discourse. The laws of war are about conflicts, international or non-international, and hostilities or zones of combat. It is customary to contrast the conventional war of yesterday that occurred in relatively neatly delineated spaces with today's complex, asymmetrical, or even post-modern wars that do not depend on the classical battlefield. Certainly, the idea of disciplined armies meeting in a rural setting at dawn to fight each other off belongs to distant memories. This article will suggest that the application of the laws of war nonetheless remains more haunted by the idea of the battlefield than is commonly acknowledged, and that the concept provides a crucial variable to understand the law's evolution. Indeed, it will contend that the "battlefield" continues to serve a strong role in assessing why, when and how international humanitarian law applies (or does not). In turn, the destructuring of the concept of the battlefield has had a strong impact on the very possibility of the laws of war, and of war itself. These issues have not escaped the attention of some international lawyers but they have tended to be seen mostly through the prism of the most recent developments, notably the "War on Terror." This article will suggest that the definition of the battlefield has always been central to the genesis and evolution of the laws of war, and that the idea of the battlefield captures more of what constitutes war as an activity than many other indicators.

345.2/881 (Br.)

INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES

After "Top Gun" : how drone strikes impact the law of war / Laurie R. Blank. - In:

University of Pennsylvania journal of international law, Vol. 33, no. 3, Spring 2012, p. 675-718. - Photocopies

The first section will address foundational questions regarding the application of the law of armed conflict to drones, including the legality of armed drones as a weapons system and their use in accordance with the key law of armed conflict requirements of distinction, proportionality, and precautions in attack. Although many argue that the "joystick mentality" of remotely piloted aircraft and weapons can lead to desensitization and a decreased likelihood of adherence to international norms, the examination below demonstrates that drones indeed offer extensive and enhanced opportunities for compliance with the law of armed conflict. In the second section, this article will explore how the burgeoning use of armed drones raises new questions for some traditional concepts and categories within the law of armed conflict, such as the status of persons and the geographical locus of attacks and hostilities, and potentially new challenges in the implementation of distinction and proportionality.

345.25/260 (Br.)

Do soldiers' lives matter ? : a view from proportionality / Reuven (Ruvy) Ziegler and Shai Otzari. - In: Israel law review, Vol. 45, no. 1, 2012, p. 53-69. - Photocopies

A military operation is about to take place during an ongoing international armed conflict; it can be carried out either by aerial attack, which is expected to cause the deaths of enemy civilians, or by using ground troops, which is expected to cause the deaths of fewer enemy civilians but is expected to result in more deaths of compatriot soldiers. Does the principle of proportionality in international humanitarian law impose a duty on an attacker to expose its soldiers to life-threatening risks in order to minimise or avert risks of incidental damage to enemy civilians? If such a duty exists, is it absolute or qualified? And if it is a qualified duty, what considerations may be taken into account in determining its character and scope? This article presents an analytic framework under the current international humanitarian law (IHL) legal structure, following a proportionality analysis. The proposed framework identifies five main positions for addressing the above queries. The five positions are arranged along two 'axes': a value 'axis', which identifies the value assigned to the lives of compatriot soldiers in relation to lives of enemy civilians; and a justification 'axis', which outlines the justificatory bases for assigning certain values to lives of compatriot soldiers and enemy civilians: intrinsic, instrumental or a combination thereof. The article critically assesses these positions, and favours a position which

attributes a value to compatriot soldiers' lives, premised on a justificatory basis which marries intrinsic considerations with circumscribed instrumental considerations, avoiding the indeterminacy and normative questionability entailed by more expansive instrumental considerations.

345.25/251 (Br.)

L'emploi des robots sur le champ de bataille à l'épreuve du droit international humanitaire / Philippe Frin. - Paris : Economica, 2011. - p. 177-184. - In: Les robots au coeur du champ de bataille : rencontres sur le thème de : la robotisation du champ de bataille : aspects éthiques et juridiques
355/938

The Goldstone report : politicization of the law of armed conflict and those left behind / Joshua L. Kessler. - In: Military law review, Vol. 209, Fall 2011, p. 69-121 : cartes

This article addresses the legal issues specifically pertaining to Operation Cast Lead in Gaza, and the United Nations Human Rights Council fact-finding mission's troubling analysis thereof. Ultimately, the article concludes that the Mission's one-sided analysis of Operation Cast Lead overshadows the very real and pressing effects of war on the civilian populations of both Israel and Gaza. By superimposing a capabilities-based paradigm on international humanitarian law—holding the attacker to a higher legal standard than the defender in an armed conflict—the Mission creates an environment that encourages non-state actors to circumvent the law, while rendering adherence to the law for nation-states nearly impossible. First, a historical context of the conflict and the applicable law is reviewed, providing a backdrop for the military operation and its causes. This background is followed by a discussion of the legal standards that apply to Operation Cast Lead under IHL. The article then addresses the Goldstone Report's strengths and weaknesses, to include a critique of select findings of the Mission as they relate to the IHL. Finally, this article concludes with a discussion of the value of the Goldstone Report as a whole, rejecting the politicization of asymmetric warfare (epitomized in the Goldstone Report) as counter-productive to achieving the intent of the IHL: to respect a nation-state's military necessities while at the same time protecting non-combatants caught between adversaries on the field of battle.

Legal ramifications of the war in Gaza / Johan D. van der Vyver. - In: Florida journal of international law, Vol. 21, no. 3, December 2009, p. 403-448. - Photocopies

The purpose of this Article is to highlight the major rules of international (humanitarian) law that have been implicated by the war in Gaza. The first section of this Article is devoted to the international status of Gaza. Although Israel in 2005 officially withdrew from the Gaza Strip, there are compelling grounds for maintaining that Gaza is de facto still subject to Israeli occupation. If that is found to be the case, resistance to Israeli occupation would qualify as a war of liberation, which in terms of Protocol I to the Geneva Conventions of 12 August 1949 is subject to the rules of international humanitarian law applying to international armed conflicts. That is the focus of the second part of this Article. The legality and legitimacy of a war of liberation do not afford a right to freedom fighters to conduct hostilities by all conceivable means, and especially do not exonerate the belligerents from attacking civilians or civilian targets. Hamas conducted its militant operations from within a civilian environment. The consequences of doing that is analyzed in the fourth section of this essay. The possibility of this amounting to using civilians as a human shield is discussed at some lengths. In the fifth section, focus shifts to Israel. It is there argued that Israel had every right to defend itself against the armed attack orchestrated by Hamas. However, the ways and means of doing that are again not without far-reaching limitations. Section six again turns attention to Hamas. The law relating to the inherent right of individual or collective self-defense does not apply to Hamas, since the hardships suffered by Gaza residents in consequence of Israeli control measures did not amount to an armed attack as required by Article 51 of the U.N. Charter.

345.25/249 (Br.)

Measure twice, shoot once : higher care for CIA-targeted killing / Afsheen John Radsan, Richard Murphy. - In: University of Illinois law review, Vol. 2011, no. 4, p. 1201-1241. - Photocopies

To rein in the killer drones, this Article looks to foundational IHL principles to develop limits on the CIA's campaign in Pakistan and on the possible extension of that campaign to other

countries outside the United States. In particular, this Article argues that IHL's requirements of distinction and military necessity generally require the CIA to achieve a very high level of certainty that a targeted person is a legitimate object of attack before carrying out a drone strike. To capture this level of certainty, one might borrow the "beyond reasonable doubt" standard from the criminal law, the "clear and convincing" standard from civil law, or create some new phrase. Also, to honor the principle of precaution, the CIA's Inspector General must review every CIA drone strike, including the agency's compliance with a checklist of standards and procedures for the drone program. The results of these reviews should be made as public as consonant with national security. These controls are, in the language of IHL, "feasible precautions" for the remote-control weapons of the new century.
345.25/250 (Br.)

Military operations, battlefield reality and the judgment's impact on effective implementation and enforcement of international humanitarian law / [Laurie R. Blank]. - [Atlanta] : International Humanitarian Law Clinic at Emory University School of Law, 2012. - 17 p. ; 30 cm. - (Emory Public Law Research Paper ; no. 12-186). - Photocopies
On November 4, 2011, the International Humanitarian Law Clinic at Emory Law School convened a group of military operational law experts to analyze the broader legal issues in and implications of the recent judgment of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the case of Prosecutor v. Gotovina, which focused on Operation Storm, the Croatian operation to re-take the Kraijina region in the summer of 1995. The report sets forth the experts' consensus views and concerns regarding the application of the law in the judgment, highlighting four key areas: the imposition of what amounts to a strict liability standard imposed on commanders who attack lawful military objectives in populated areas; the flawed application of the principle of proportionality; the failure to consider or apply Article 58(b) of Additional Protocol I and its obligations for defending parties to take precautions; and the failure to properly recognize and rest the legal analysis on the operational complexity inherent in the targeting process. The report also emphasizes a range of institutional concerns and second order effects resulting from the judgment: the effect on future military operations; the consequences for the respect for and development of international law; and specific overarching concerns regarding the role of the commander and the role of legal advisers during military operations.
345.25/243 (Br.)

The principle of proportionality : "force protection" as a military advantage / Robin Geiss. - In: Israel law review, Vol. 45, no. 1, 2012, p. 71-89. - Photocopies
"Force protection" is a primary concern of every military commander. Undoubtedly, it is an important and legitimate factor in the planning of every attack. However, when it comes to the humanitarian proportionality principle there is considerable controversy over the question to what extent "force protection" can be factored into the humanitarian proportionality calculus as a relevant military advantage to be weighed against expected civilian casualties, injuries and damage. This question is pursued in this article.
345.25/252 (Br.)

The proportionality principle in operation : methodological limitations of empirical research and the need for transparency / Aaron Fellmeth. - In: Israel law review, Vol. 45, no. 1, 2012, p. 125-150. - Photocopies
The principle of proportionality, notoriously obscure in application and subjective in interpretation, has been enforced so rarely as to call into question its potency as a meaningful international legal standard. Nonetheless, international criminal tribunals, academics, and the ICRC's monumental study on customary international humanitarian law all confidently proclaim the principle as embedded in the customary international law applicable to both international and non-international armed conflicts. To assess whether these claims are accurate, and to flesh out how states interpret the principle in practice, the author and a colleague have undertaken a long-term, multinational empirical study of state practice in interpreting and enforcing the proportionality principle. This article discusses the methodological options available and explains the one chosen for the proportionality study. The limitations of the study, in spite of its deliberate methodology, suggest that the debilities of the proportionality principle may not be conceptual as much as a byproduct of unnecessary military secrecy. This article concludes that greater transparency in state compliance with the rule of discrimination and the

principle of proportionality would, at least, facilitate an understanding of how the hitherto obscure principle operates in practice and, at best, could create systemic effects that would decrease the dangers to civilians in armed conflicts.

345.25/256 (Br.)

Proportionality under jus ad bellum and jus in bello : clarifying their relationship /

Raphaël van Steenberghe. - In: Israel law review, Vol. 45, no. 1, 2012, p. 107-124. -

Photocopies

Proportionality is a condition provided under both jus ad bellum and jus in bello. Based on a particular interpretation of state practice and international case law, recent legal literature argues that the two notions of proportionality are interrelated in that proportionality under jus in bello is included in the assessment of proportionality under jus ad bellum. This article seeks to refute such a position and, more generally, to clarify the relationship between the two notions of proportionality. The main argument of the article is in line with the traditional position regarding the relationship between jus ad bellum and jus in bello. It is argued that, although sharing common features and being somewhat interconnected, the notions of proportionality provided under these two separate branches of international law remain independent of each other, mainly because of what is referred to in this article as the "general versus particular" dichotomy, which characterises their relations. Proportionality under jus ad bellum is to be measured against the military operation as a whole, whereas proportionality under jus in bello is to be assessed against individual military attacks launched in the framework of this operations. This article nonetheless emphasises the risk of overlap between the assessments of the two notions of proportionality when the use of force involves only one or a few military operations. Indeed, in such situations, the "general versus particular" dichotomy, which normally enables one to make a distinct assessment between the two notions of proportionality, is no longer applicable since it becomes impossible to distinguish between the military operation as a whole and the individual military attacks undertaken during this operation.

345.25/253 (Br.)

Section IX of the ICRC interpretive guidance on direct participation in hostilities : the end of jus in bello proportionality as we know it ? / Jann K. Kleffner. - In: Israel law review, Vol. 45, no. 1, 2012, p. 35-52. - Photocopies

Section IX of the ICRC Interpretive Guidance on Direct Participation in Hostilities asserts: 'In addition to the restraints imposed by international humanitarian law on specific means and methods of warfare, and without prejudice to further restrictions that may arise under other applicable branches of international law, the kind and degree of force which is permissible against persons not entitled to protection against direct attack must not exceed what is actually necessary to accomplish a legitimate military purpose in the prevailing circumstances'. The present article scrutinises arguments that have been, or can be, advanced in favour of and against a 'least harmful means' requirement for the use of force in situations of armed conflict as suggested in Section IX. The principal aim of the article is to examine the question whether such an additional proportionality requirement forms part of the applicable international law.

345.25/254 (Br.)

Targeted killing : the Israeli experience / Steven R. David. - Lanham [etc.] : Lexington

Books, 2012. - p. 71-98. - In: Rethinking the law of armed conflict in an age of terrorism
In this chapter, it is argued that targeted killing is fully consistent with Israeli law. Israel's use of targeted killing also fits with traditional Just War doctrine, in that it is both discriminate and proportionate. By meting out punishment to the guilty, targeted killing also meets the retributive demands of the Israeli population. While the policy of targeted killing makes sense for Israel, however, it is argued that it can be improved upon. Israel should be forthright and unapologetic about its policy of targeted killing, for it is a moral and legal imperative in light of the situation Israel faces. The following pages will explain these points in more detail.

345.26/213

Targeted killings : law and morality in an asymmetrical world / ed. by Claire Finkelstein, Jens David Ohlin, Andrew Altman. - Oxford [etc.] : Oxford University Press, 2012. - XX, 496 p. : diagr. ; 25 cm. - Index. - ISBN 9780199646487

The questions raised by targeted killing are not going away any time soon : they are at once timely and enduring. This volume is the first appearance in print of a collection that brings

together scholars from across disciplines for a sustained and reasoned discussion of these questions. In this introduction, I provide material intended to orient readers, coming as they will from a broad range of academic and non-academic backgrounds. Section I explains what is meant by "asymmetric" armed conflict and how terrorism is connected to such conflict. Section II examines the term, "terrorism", sketching and defending a concept of terrorism that informs the various contributions to this volume. Section III describes the two main approaches to assessing the legality and morality of targeted killing : the law-enforcement and the armed-conflict models. Section IV summarizes each subsequent chapter, drawing contrasts and remarking on similarities among them, and Section V offers some brief concluding thoughts.

345.25/248

Two sides of the combatant coin : untangling direct participation in hostilities from belligerent status in non-international armed conflicts / Geoffrey Corn and Chris Jenks. -

In: University of Pennsylvania Journal of International Law, Vol. 33, no. 2, Winter 2011, p. 313-362. - Photocopies

The Article begins by discussing the law of armed conflict's categorization of civilians and belligerents (combatants in International Armed Conflict), and how a lack of an explicit treaty definition of combatant in the Non International Armed Conflict context (NIAC) is an obstacle to acknowledging analogous categorization in NIAC. The Article then explores organizational membership and how subordination to command and control is the fundamental difference between belligerents and civilians in any armed conflict. It will explain the difference between status and conduct based targeting and why a focus on conduct to assess belligerent status is merely a permutation of traditional status recognition analysis. The Article then contrasts that approach by examining why the use of conduct undermines the extension of the Direct Participation in Hostilities (DPH) rule to define enemy belligerent forces. These problems result in the [ICRC] DPH Study's problematic and arguably schizophrenic imposition of a minimum force requirement even when targeting those engaged in Continuous Combat Function (CCF). The Article will then address why treating all non-state opposition personnel as civilians taking a direct part in hostilities—even when applying the CCF concept—provides these operatives with an unjustifiable windfall and conflates law and rules of engagement. The Article concludes with a proposal of how to reconcile the DPH Study with status based targeting presumptions : maintain the distinction integrity.

345.29/165 (Br.)

The use of unmanned aerial vehicles in contemporary conflict : a legal and ethical analysis / Sarah Kreps, John Kaag. - In: Polity advance online publication, 13 February 2012, 26 p.. - Photocopies

The increased use of unmanned aerial vehicles (UAVs) in contemporary conflict has stirred debate among politicians, government officials, and scholars. Spokespeople for the U.S. government often highlight the precision of UAVs and argue that this quality enables military action to comply with the international humanitarian law principles of distinction and proportionality. This article criticizes the technologically advanced weapons on the same ground on which the U.S. government has defended them : meeting international standards of distinction and proportionality. The article opens with a discussion of the legal implications of Just War theory. It then offers a critique of the politico-military discourse surrounding UAVs and presents a philosophical framework that might lessen the confusion surrounding the ethics of modern warfare. The article closes with a discussion of the various ways that defenders of the UAVs overstate the ability of technology to answer difficult legal and political questions that the principles of distinction and proportionality pose.

345.25/258 (Br.)

INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION

Confronting terrorism : human rights law, or the law of war ? / Juan Carlos Gómez

Ramírez. - Lanham [etc.] : Lexington Books, 2012. - p. 215-227. - In: Rethinking the law of armed conflict in an age of terrorism

Today, most wars faced by states are with enemies who, like criminals, operate in small groups and in ways that are nebulous and covert. Such enemies engage in armed actions within the civilian population and, more frequently, against them. Human rights law and international humanitarian law are the legal tools society currently uses to face any criminal or otherwise hostile manifestation. By some accounts, however, terrorists and their actions do not fit within or

deserve the legal guarantees established by HR treaties and conventions, while yet not always meeting the minimum requirements for the application of IHL that permit and expand the possibility of use of force by states and international organizations to prevent and contain extremely hostile actions.

345.26/213

Individual remedies for victims of armed conflicts in the context of mass claims settlements / Eyal Benvenisti. - Leiden [etc.] : M. Nijhoff, 2012. - p. 1085-1105. - In: Coexistence, cooperation and solidarity : liber amicorum Rüdiger Wolfrum, vol. 2. - Photocopies

The emerging law on the peaceful resolution of armed conflicts has to address, among other issues, the resolution of claims of individual victims of violations of the law during the conflict. The question is whether - and, if so, how - international law should limit the discretion of parties to the conflict when they negotiate a comprehensive settlement of all the outstanding claims. This essay sets out to explore this question. The essay envisages negotiations towards a comprehensive settlement of all outstanding issues. This settlement will ultimately be part of a peace treaty in a case of an international armed conflict, or part of an internal agreement following an internal armed conflict, or both. The questions are similar : to what extent should the discretion of these parties be constrained by international law ? Does the law at present empower individual victims to seek reparations in courts for violations of international humanitarian law ?

345.22/198 (Br.)

Necessity, proportionality, and distinction in nontraditional conflicts : the unfortunate case study of the Goldstone report / Elizabeth Samson. - Lanham [etc.] : Lexington Books, 2012. - p. 195-213. - In: Rethinking the law of armed conflict in an age of terrorism

This chapter highlights the challenges of applying the international humanitarian law principles of military necessity, proportionality, and distinction to nontraditional armed conflicts, exploring these issues through an examination of the Report of the United Nations Fact-Finding Mission on the Gaza Conflict, also known as the "Goldstone Report".

345.26/213

Schadensersatz wegen Verletzungen des Gewaltverbots als ius post bellum am Beispiel der Eritrea-Ethiopia Claims Commission / Markus Krajewski. - In: Zeitschrift für ausländisches öffentliches Recht und Völkerrecht = Heidelberg journal of international law, 72. Jg., 1/2012, p. 147-176

Der Beitrag untersucht Funktion, Voraussetzungen und Umfang von Schadensersatzansprüchen wegen Verletzungen des Gewaltverbots mit Blick auf die Frage, ob die Feststellung und Realisierung derartiger Ansprüche über ihre Wiedergutmachungsfunktion hinaus eine friedenskonsolidierende Wirkung nach dem Ende des Konflikts entfalten können. Damit wird ein Bezug zu den Debatten über die Bedeutung und Konturen des ius post bellum als einem Rechtsregime der Friedenskonsolidierung nach bewaffneten Konflikten hergestellt. Im Mittelpunkt des Beitrags steht die Entscheidung der Eritrea-Ethiopia Claims Commission (EECC), die Äthiopien wegen der Verletzung des Gewaltverbots durch Eritrea während des eritreisch-äthiopischen Krieges von 1998 bis 2000 Schadensersatz zubilligte. Da es sich um eine der wenigen völkerrechtlichen Entscheidungen, in denen ein derartiger Anspruch gewährt wurde, handelt und die EECC zu zentralen Fragen des Gewaltverbots und der Staatenverantwortlichkeit Stellung nahm, dürfte die Entscheidung zu einem wichtigen Bezugspunkt für die weitere Entwicklung dieser Rechtsgebiete werden. Der Beitrag entwickelt die These, dass die Entscheidungen der EECC zur dogmatischen Weiterentwicklung des ius post bellum beitragen, dass die konkrete Auswirkung auf die Post-Konfliktsituation in Äthiopien und Eritrea aufgrund der Besonderheiten beider Staaten bislang jedoch minimal geblieben ist.

Standards of proof in international humanitarian and human rights fact-finding and inquiry missions / by Stephen Wilkinson. - [S.l.] : [s.n.], [2011]. - 69 p. : tabl., graph. ; 30 cm. - This research project was undertaken under the auspices of the Geneva Academy of International Humanitarian Law and Human Rights in close cooperation with Geneva Call. - Photocopies

As human rights and humanitarian commissions of inquiry and other fact-finding mechanisms gain influence in international society, a key question that has not yet been fully addressed is

whether such bodies need to apply a minimum formal standard of proof (or degree of certainty) when they adjudicate on such serious matters. This report starts to address that question.
345.22/199 (Br.)

Understanding when and how domestic courts apply IHL / Laurie R. Blank. - In: Case western reserve journal of international law, Vol. 44, 2011, 20 p.. - Photocopies
345.22/197 (Br.)

Les violations du droit humanitaire au Proche-Orient : le cas de l'opération "Plomb durci" à la lumière du rapport Goldstone / par Abdelwahab Biad. - [Bruxelles] : Bruylant, [2011]. - p. 93-106. - In: Proche-Orient et sécurité internationale. - Photocopies
345.26/216 (Br.)

INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION

The international law of occupation / Eyal Benvenisti. - 2nd ed.. - Oxford [etc.] : Oxford University Press, 2012. - XXIV, 383 p. ; 24 cm. - Bibliographie : p. 353-370. Index. - ISBN 9780199588893
345.28/44 (2012)

Israel, Turkey, and the Gaza blockade / Daniel Benoliel. - In: University of Pennsylvania Journal of International Law, Vol. 33, no. 2, Winter 2011, p. 615-662. - Photocopies
This Article provides a critical assessment of the crisis between Israel and Turkey, the two most prominent military powers in the Eastern Mediterranean region. It concerns the Israeli blockade over the Gaza Strip. This Article critically analyzes the Turkish-led position that has been adopted by governments worldwide, including Arab governments, human rights NGOs, and several organs of the United Nations, in their joint critique of the Israeli blockade or siege policy towards Gaza. This topic is especially pertinent given the backdrop of Israel's recent litigious enforcement of its naval blockade in international waters. The Article separately evaluates both countries' behaviors in these recent events. It also admits the need to discretely assess Israel's blockade policy over Gaza at land, air, and sea. The Article cautions against Turkey's rather weak legal reasoning in framing Israel's legal regime, *ab initio*, as belligerent occupation law, absent armed conflict towards Hamas-led Gaza, thereby missing the opportunity to assess Israel's adherence to the laws of armed conflicts more accurately. This Article unveils Turkey's oblique denial of Israel's lawful right to self defense by failing to correctly analyze Israel's application of the laws of armed conflicts towards Hamas.
345.28/90 (Br.)

The Israeli Supreme Court and the incremental expansion of the scope of discretion under belligerent occupation law / Guy Harpaz and Yuval Shany. - In: Israel Law Review, Vol. 43, no. 3, 2010, p. 514-550. - Photocopies
On December 29, 2009, the Israeli Supreme Court, sitting as the High Court of Justice, delivered its judgment in *Abu Safiya v. The Minister of Defense*, annulling an order issued by an Israeli Military Commander, which completely barred Palestinians from travelling on Route 443, a major road in the West Bank. This note criticizes the *Abu Safiya* judgment as indicative, notwithstanding its specific outcome, of the Supreme Court's ongoing willingness to expand the *ratione materiae* and *ratione personae* of occupation law and to allow the military authorities to protect the interests of Israelis in the West Bank, even at the expense of the stronger rights conferred upon the local Palestinian population by the *lex specialis* — the laws of belligerent occupation.
345.28/88 (Br.)

Waging waterfare : Israel, Palestinians, and the need for a new hydro-logic to govern water rights under occupation / Jeffrey D. Stein. - In: New York Journal of International Law and Politics, Vol. 44, No. 1, Fall 2011, p. 165-217. - Photocopies
345.28/89 (Br.)

INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS

Applicability and application of the laws of war to modern conflicts / Daphne Richemond-Barak. - In: Florida Journal of International Law, Vol. 23, no. 3, December 2011, p. 327-357. - Photocopies

The article examines if, and how, the laws of war apply to conflicts involving non-state actors - whether they are guerilla groups, terrorist organizations or private military contractors. Non-state actors, which are not party to treaty-based norms regulating the conduct of war, cannot be assumed to operate on the basis of reciprocity. Given that reciprocity is the assumption underlying this entire body of law, the question arises of whether, in the absence of reciprocity, the law continues to apply. I answer this question in the affirmative. I argue that the involvement of non-state actors in warfare does not, in and of itself, affect the applicability of the laws of war. The only situation in which a state may not be bound by all of humanitarian law is when an opposing non-state party repeatedly violates international humanitarian law in an international armed conflict. Having established the applicability of most, if not all, of international humanitarian law to most conflicts involving non-state actors, I analyze the application of the law to these actors. I argue for a more expansive interpretation of the concept of "combatant" - one which allows for the greater application of international humanitarian law to these actors, an easier implementation of the principle of distinction, and improved protection of civilian population. I review the historical evolution of the principle of distinction, how it became fundamental to international humanitarian law, and how the concept of "combatant" evolved over time from an activity-based to a membership-based designation. I then examine the substance of the law as stated in the Geneva Conventions, which diverge, I argue, from both earlier and subsequent characterizations of combatant status. I conclude by offering an interpretation of combatant status which would allow more non-state actors to accede to combatant status.

345.29/166 (Br.)

Enemy status and military detention in the war against al-Qaeda / Karl S. Chang. - In: Texas international law journal, Vol. 47, no. 1, 2011, p. 1-73. - Photocopies

This article presents "enemy" as a concept for defining the legal limits on military detention in the United States' campaign against al-Qaeda. Existing frameworks have sought to define the governments's military detention authority in terms of "combatant", a concept drawn from jus in bello-international law governing how enemies fight one another. Although helpful for informing who may be detained under the government's war powers, "combatant" is not the correct legal concept for defining the limits of that authority. Instead, the correct legal concept is "enemy," a concept that has been defined in the international law of neutrality—a species of jus ad bellum. Unlike jus in bello, which specifies the relations between opposing belligerents, neutrality law specifies the relations between belligerents and neutrals—those outside the conflict. Neutrality law explains when non-hostile persons, organizations, and states forfeit their neutral immunity and acquire enemy status. Neutrality law's role in defining who belligerents may treat as enemies in war is important not only as a matter of international law, but also domestic law. Interpreting the war powers conferred by Congress to be informed by the framework of duties and immunities in neutrality law balances, on the one hand, giving the President the full range of authority necessary to wage war successfully and, on the other, ensuring that the President uses the powers Congress grants only for the war that Congress has authorized. Lastly, this Article uses neutrality law's framework of duties and immunities to describe who may be detained as an enemy in the ongoing war against al-Qaeda.

345.29/167 (Br.)

Enhancing and enforcing compliance with international humanitarian law by non-state armed groups : an inquiry into some mechanisms / Cedric Ryngaert and Anneleen Van de Meulebroucke. - In: Journal of conflict and security law, Vol. 16, No. 3, Winter 2011, p. 443-472

As international humanitarian law (IHL) is binding on non-state armed groups (NSAGs) without their having participated in its development and adoption, for effective compliance it is key that NSAGs give their actual consent to be bound by IHL norms. Various legal instruments are, and can be, used to this effect: unilateral declarations, codes of conduct, special (bilateral) agreements and multilateral agreements. All these instruments have their advantages and drawbacks. The most important drawback is probably that NSAGs use these instruments to curry favour with the international community, without their having internalized the norms or having provided for a rigorous system of monitoring compliance with the norms laid down in the

instruments. However, some outside actors have made commendable efforts to engage NSAGs with a view to improving compliance, such as the ICRC, Geneva Call (an NGO) and the UN Security Council. Given the nature of NSAGs—they are often ragtag bands whose goals determine their means—it is not always self-evident to draw their attention to compliance with IHL norms. International actors have to tread carefully, but sanctions should not be eschewed in case of persistent breaches of IHL. Such sanctions may include travel bans, and prosecution of both NSAGs and their leaders under international criminal law.

From "mercenaries" to "private security contractors" : the (re)construction of armed security providers in international legal discourses / Elke Krahmman. - In: Millennium Journal of International Studies, Vol. 40, no. 2, 2012, p. 343-363. - Photocopies

The proliferation of armed security contractors in Iraq and Afghanistan has led to widespread criticism of their insufficient control through international laws and conventions. This article suggests that one reason for this omission has been the (re)construction of actors who provide armed force for profit in international legal discourses. During most of the 20th century, armed persons who participated in foreign conflicts for monetary gain were identified as 'mercenaries'. They were outlawed through international legal documents such as the United Nations (UN) Convention on Mercenarism and given restricted rights in the First Additional Protocol to the Geneva Conventions. Today, the same types of actors are increasingly defined as 'private security contractors', and new discourses and international agreements are emerging that attribute to them legality and legitimacy. The aim of this article is to examine the changing legal constructions of armed security providers since the 1970s and the consequences with respect to their control. The article argues that the (re)construction of actors who supply armed force for money in international legal discourses has been made possible by three main discursive strategies: the distinction between persons and corporations providing armed force for profit, the changing focus from the motivations of these actors to their relationship to a 'responsible command', and the shift from a concern about the actors to one about certain activities.
345.29/163 (Br.)

The law of neutrality does not apply to the conflict with Al-Qaeda, and it's a good thing, too : a response to Chang / Kevin Jon Heller. - In: Texas international law journal, Vol. 47, no. 1, Fall 2011, p. 115-141. - Photocopies

In his Article "Enemy Status and Military Detention in the War Against Al-Qaeda," Karl Chang addresses the critical problems of the scope of a state's detention authority in non-international armed conflict (NIAC). He rejects the idea that the scope of detention in NIAC is determined by the distinction between "combatants" and "civilians". Instead, he argues that "the legal limit on military detention is 'enemy,' a concept that has been defined in the law of neutrality." This article is a response divided into three sections. Part I criticizes Chang's assertion that the law of neutrality applies to the conflict between the United States and al-Qaeda, explaining why neutrality law would apply only if the United States or third states recognized al-Qaeda as a legitimate belligerent, a status that the United States would desperately want to avoid. Part II demonstrates that the power to detain is far more limited under the law of neutrality than Chang believes and that permitting states to declare neutrality would undermine the United States' counterterrorism efforts. Finally, Part III explains why, contrary to Chang's claim, the law of neutrality no longer determines the limits of the jus ad bellum, its rules having been effectively supplanted by the U.N. Charter's prohibition on the use of force.
345.29/170 (Br.)

The law that turned against its drafters : guerrilla-combatants and the First Additional Protocol to the Geneva Conventions / Ariel Zeman. - Lanham [etc.] : Lexington Books, 2012. - p. 1-40. - In: Rethinking the law of armed conflict in an age of terrorism

This chapter explores the effect of the First Additional Protocol's provisions on customary international law, both with regards to the question of entitlement to prisoner-of-war status and with regard to the application of the principle of distinction in the conduct of warfare. At the heart of the argument lies the proposition that state practice may have a destructive effect on customary norms that exceeds its constitutive effect. This is precisely what has happened with the Protocol. While the Protocol's provisions regarding guerilla insurgency failed to acquire a status of customary norms, they nonetheless undermined the customary status of preexisting rules. The implications of this are twofold and - from the perspective of the Protocol's drafters, who intended to give additional protections to groups fighting against state adversaries in

irregular conflicts - sadly ironic. First, the Protocol failed to expand the category of guerillas entitled to POW status under customary law. Second the Protocol eroded much of the protection against attack previously afforded to guerillas under the customary law principle of distinction. Hence, from the perspective of guerilla fighters, the Protocol had only adverse consequences in terms of its influence on the state of customary international law.
345.26/213

Multilevel regulation of military and security contractors : the interplay between international, European and domestic norms / ed. by Christine Bakker and Mirko Sossai. - Oxford ; Portland : Hart, 2012. - XXXVIII, 625 p. ; 24 cm. - (Studies in international law ; Vol. 38). - Index. - ISBN 9781849462488

The outsourcing of military and security services is the object of intense legal debate. States employ private military and security companies (PMSCs) to perform functions previously exercised by regular armed forces, and increasingly international organisations, NGOs and business corporations do the same to provide security, particularly in crisis situations. Much of the public attention on PMSCs has been in response to incidents in which PMSC employees have been accused of violating international humanitarian law. Therefore initiatives have been launched to introduce uniform international standards amidst what is currently very uneven national regulation. This book analyses and discusses the interplay between international, European, and domestic regulatory measures in the field of PMSCs. It presents a comprehensive assessment of the existing domestic legislation in EU Member States and relevant Third States, and identifies implications for future international regulation. The book also addresses the crucial questions whether and how the EU can potentially play a more active future role in the regulation of PMSCs to ensure compliance with human rights and international humanitarian law.

345.29/172

Rethinking the regulation of private military and security companies under international humanitarian law / Joseph C. Hansen. - In: Fordham international law journal, Vol. 35, no. 3, 2011, p. 698-736. - Photocopies

Presumptively treating the vast majority of Private Military and Security Companies (PMSC) personnel as civilians, although consistent with a general IHL presumption in favor of civilian status, is overinclusive and leads to legal and practical difficulties : it fails to recognize the truly military-like operations of some PMSCs (indeed, some are contracted to perform direct military operations) ; the indeterminacy of the nature and temporal scope of direct participation may prove unworkable in practice ; and personnel taking an active part in the hostilities are chargeable with unprivileged belligerency for duties they may have been hired to perform. PMSC personnel contracted to engage specifically in the type of activity that constitutes direct participation in hostilities should be categorically presumed to be members of organized armed forces and should be required to abide by the requirements of Article 4(A)(2) of the Third Geneva Convention. If contracting States hired PMSCs to engage in contractor combatant activities, a proposed treaty provision would presume the PMSC personnel to be combatants and contracting States would be required to ensure that such contractors abided by the requirements of Article 4(A)(2).

345.29/169 (Br.)

South african private security contractors active in armed conflicts : citizenship, prosecution and the right to work / S. Bosch, M. Maritz. - In: Potchefstroom electronic law journal, Vol. 14, no. 7, 2011, p. 71-125. - Photocopies

345.29/164 (Br.)

Unregulated armed conflict : non-state armed groups, international humanitarian law, and violence in Western Sahara / Orla Marie Buckley. - In: North Carolina journal of international law and commercial regulation, Vol. 37, Spring 2012, p. 793-845. - Photocopies
The majority of armed conflict today occurs within states and involves one or more non-state armed groups (NSAGs). Despite the increasing role of NSAGs in armed conflict, international humanitarian law remains state-centric and provides limited opportunities for armed groups to comply with its provisions or engage in its development. This comment argues that the legal framework regulating internal armed conflict and NSAGs is inadequate and much weaker than the rules that govern states involved in international armed conflict. Part II examines the

definition and development of NSAGs and discusses the advantages and disadvantages of accommodating NSAGs under IHL. Part III outlines the current legal framework of IHL to determine the level of regulation of NSAGs during an internal armed conflict. Part IV looks specifically at the application of IHL to one NSAG, the Polisario Front. Part V offers recommendations, focusing on measures to hold NSAGs more accountable and to better incorporate NSAGs into the IHL legal framework.

345.29/168 (Br.)

Untangling belligerency from neutrality in the conflict with Al-Qaeda / Rebecca Ingber. -

In: Texas international law journal, Vol. 47, no. 1, Fall 2011, p. 75-114. - Photocopies
 This Article provides a survey of the legal architecture currently governing the conflict with al-Qaeda and the Taliban, and — considering that operating framework — presents a defense of critical law of war constraints on state action. It responds to Karl Chang's Article, "Enemy Status and Military Detention in the War Against Al-Qaeda," which proposes a broad legal theory of detention based on the law of neutrality and divorced from core protective law of war constraints. In responding to this and other calls for broad authority, this Article supports the complex though crucial practice of applying jus in bello principles, such as the principle of distinction between belligerents and civilians, to modern armed conflicts such as that with al-Qaeda and the Taliban. To the extent the U.S. government and other states rely on an armed conflict paradigm to support broad authorities, they must likewise constrain themselves in accordance with the international legal regimes governing such conflicts.

345.29/171 (Br.)

INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT

Armed violence in Manipur and human rights / Oinam Jitendra Singh. - In: The Indian journal of political science, Vol. 72, no. 4, Oct.-Dec. 2011, p. 997-1006. - Photocopies. - Bibliographie : p. 1005-1006

The structural violence in Manipur has led to various forms of secondary violence. Gross human rights violations including torture, extra-judicial detention, rape and enforced disappearance have become endemic. The situation in Manipur is a clear case of an "internal disturbance" or non-international armed conflict requiring invocation of Article 355 of the Constitution (Chapter XVIII dealing with emergency powers) and not of a "public order" problem. In such situation both the parties to the conflict should at the minimum follow the common article 3 of the Geneva Conventions and strictly follow the rules of engagement under the relevant international humanitarian laws.

345.26/218 (Br.)

Asymmetrical warfare and challenges to international humanitarian law / Wolff Heintschel von Heinegg. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - p. 83-95. - In: Global violence : consequences and responses

355/699

At the fault-lines of armed conflict : the 2006 Israel-Hezbollah conflict and the framework of international humanitarian law / Andrew Yuile. - In: Australian international law journal, Vol. 16, issue 1, 2009, p. 189-218. - Photocopies

The laws of armed conflict, or international humanitarian law (HL), divide armed conflict into two categories, international and non-international, with far fewer rules applicable to the latter. The conflicts of today, however, increasingly blur the lines between the two, often involving non-State parties with military capabilities on a par with States, and wreaking the same destruction as conflicts between States. One such example was the conflict in 2006 between Israel and Hezbollah. This article examines whether the conflict in Lebanon was international or non-international, and asks which laws applied to that conflict. The article argues that the 2006 conflict was non-international, and concludes that only the bare minimum treaty protection, as well as relevant customary laws, applied. In doing so, the article explores the legal problems created by modern conflicts with powerful non-State actors like Hezbollah. It argues for an expansion in the application of the laws applicable to international armed conflict in order to fill the lacuna, and calls for an independent international body to make determinations on the classification of conflicts until the gap between the rules of international and non-international armed conflict can be closed.

345.26/219 (Br.)

The objective qualification of non-international armed conflicts : a Colombian case study / Guillermo Otálora Lozano and Sebastián Machado. - In: Amsterdam Law Forum, Vol. 4, no. 1, Winter 2012, p. 58-77. - Photocopies

Armed conflict has raged in Colombia since at least the 1960s, involving governmental forces, rebel groups and paramilitary forces. The government of Álvaro Uribe (2002-2010) declared that Colombia was not in a 'state of armed conflict' but was rather facing a 'terrorist threat.' This declaration was done in fear of conferring a political status to the armed groups and, most particularly, in fear that a recognition of armed conflict would open the possibility of endowing the Revolutionary Armed Forces of Colombia (FARC) with 'belligerency status'. From a legal point of view, the government's fears were unfounded, since contemporary international humanitarian law does not require formal recognition for a situation to qualify as armed conflict. During the Uribe administration, efforts were made by the Ministry of Defence to identify operational rules of engagement with precision, violations of international humanitarian law were publicly denounced and the apex courts adjudicated on issues of international humanitarian law. This seemingly paradoxical situation illustrates the importance of the objective definition of armed conflict, which has been an essential characteristic of international humanitarian law since 1949.

345.26/214 (Br.)

Privileging asymmetric warfare (Part III) ? : the intentional killing of civilians under international humanitarian law / Samuel Estreicher. - In: Chicago journal of international law, Vol. 12, Winter 2012, p. 589-603. - Photocopies

The overarching objective of the law of armed conflict is the minimization of harm to civilians during such conflicts. Yet, at least in some circles, there is a reluctance to make evaluative judgments about non-state groups who, in a variety of contexts, intentionally target civilians as a tactic in pursuing their political or military objectives. The focus of this paper is on Common Article 3 of the Geneva Conventions of 1949 - the strongest, least debatable basis for applying certain IHL principles to those who kill noncombatants during internal armed conflict. It seeks to demonstrate that Common Article 3 binds both the state and those seeking its violent overthrow. The binding force of Common Article 3 flows both from the positive premise that states can legislate on behalf of all those within its territory, even its armed opponents, and from the fact that Common Article 3 reflects customary international law.

345.27/122 (Br.)

Sovereignty and neutrality in cyber conflict / Eric Talbot Jensen. - In: Fordham international law journal, Vol. 35, no. 3, 2012, p. 815-841. - Photocopies

Cyber activities in general, and cyber warfare in particular, place stress on the traditional notions of sovereignty, challenging both belligerent nations and neutral nations in the application of law to cyber operations during international armed conflict. Therefore, a neutral state must not knowingly allow acts of cyber warfare to be launched from cyber infrastructure located in its territory or under its exclusive control. Upon arrival at the computer in State H, the malicious malware from the shipboard computer combines with the cyber tool at the beacon and creates cyber malware that is then forwarded to a computer in State X to which State G has previously gained access. In other words, considering the modified scenario, turning the nonparty state into a neutral provides another legal paradigm (along with domestic criminal law) by which the nonparty state could prevent or punish the actions of both the nonstate actor and potentially the state party to the NIAC for cyber operations that violated its neutrality. Cyber activities in general and cyber conflict in particular place stress on traditional LOAC notions, challenging both belligerent nations and neutral nations in the application of law to cyber operations. For example, recognizing that Internet traffic that traverses the computer infrastructure of a neutral nation is not a violation of that nation's neutrality provides greater clarity to states planning cyber operations of desiring to maintain neutrality.

345.26/217 (Br.)

Targeting the "terrorist enemy" : the boundaries of an armed conflict against transnational terrorists / Kelisiana Thynne. - In: Australian international law journal, Vol. 16, 2009, p. 161-187. - Photocopies

Following the terrorist attacks of 11 September 2001, the US declared Al-Qaeda and its associates as "the terrorist enemy". Under the previous and current administrations, the US's security strategies have focused on combating this "terrorist enemy" in various ways including the so-called "war on terror" or "war with Al-Qaeda" : an armed conflict against transnational terrorists to which international humanitarian law ("IHL") supposedly applies. This article considers the notion of targeting transnational terrorists under IHL. The article addresses the issue of whether an armed conflict against terrorists exists and what sort of armed conflict it may be. It then examines whether terrorists are legitimate targets in and outside an armed conflict, drawing on the recent "Interpretive guidance on direct participation in hostilities" by the International Committee of the Red Cross. The article concludes that terrorist attacks in general do not give rise to armed conflict ; that there is no legitimate war against transnational terrorists ; and therefore, that military targeting of such transnational terrorists can only occur in limited circumstances.

345.25/261 (Br.)

Virtual battlegrounds : direct participation in cyber warfare / Emily Crawford. - [S.l.] : The University of Sydney Law School, 2012. - [20] p. ; 30 cm. - (Legal studies research paper ; no. 12/10). - Photocopies

This paper looks at the question of direct participation in cyber hostilities under the international law of armed conflict, or international humanitarian law (IHL) as it is also known. The paper examines the history and development of the concept of direct participation in hostilities by civilians, which serves as an exception to the principle of civilian or non-combatant immunity. In charting the development of the concept, this paper looks at landmark attempts to legally define the concept of direct participation, including the Israeli Targeted Killings Case, and the International Committee of the Red Cross (ICRC) study into direct participation. Using this legal background, this paper then analogises direct participation in the context of cyber hostilities, and critically examines the ways in which civilians may be deemed to be direct participating in cyber hostilities. The paper also posits some solutions to potentially problematic situations raised by civilian participation in cyber warfare.

345.26/215 (Br.)

MEDIA

Attacks on the press in 2011 : a worldwide survey by the Committee to Protect Journalists / Joel Simon [et al.] ; pref. by Sandra Mims Rowe. - New York : Committee to Protect Journalists, 2012. - III, 451 p. : photogr. ; 23 cm. - Index. - ISBN 9780944823316
070/86

Violence and war in culture and the media : five disciplinary lenses / ed. by Athina Karatzogianni. - London ; New York : Routledge, 2012. - XVI, 280 p. ; 24 cm. - (Media, war and security). - Bibliographies. Index. - ISBN 9780415665230
070/87

PUBLIC INTERNATIONAL LAW

Bréviaire de jurisprudence internationale : les fondamentaux du droit international public / par Giovanni Distefano et Gionata P. Buzzini. - 2e éd. revue et augm.. - Bruxelles : Bruylant, 2010. - XII, 1630 p. : tabl. ; 19 cm. - ISBN 9782802728016
345/596

Cyber operations and the jus ad bellum revisited / Michael N. Schmitt. - In: Villanova law review, Vol. 56, no. 3, 2011, p. 569-605. - Photocopies
345/605 (Br.)

Cyber sanctions : exploring a blind spot in the current legal debate / Marco Benatar and Kristof Gombeer. - [S.l.] : European Society of International Law, 2011. - 23 p. ; 30 cm. - (ESIL conference papers series ; no. 9/2011). - Photocopies

This article aims to bring to attention the prospective use of a novel category of coercive methods, cyber sanctions. Whilst acknowledging their untapped potential as a means available to international institutions, in particular the United Nations Security Council (UNSC), for targeting and pressurizing (non-)state actors, we maintain that there are several legal concerns surrounding their utilization that deserve closer attention. As regards the UN Charter, we

discuss the growing acknowledgment that cyberspace is an area of conflict warranting UNSC action, the appropriate legal basis for executing measures travelling through cyberspace, as well as the competences of regional organizations in this regard. Furthermore, we contemplate to what extent UNSC is bound by other norms if it chooses to utilize these digital methods. More precisely, we look into some possible normative constraints emanating from human rights law and international humanitarian law. Having addressed these various juridical aspects we conclude that whereas the law as it stands today appears able to partially accommodate cyber sanctions, as is often the case, new technology stretches old law, sometimes to the breaking point.

345/599 (Br.)

Headquarters agreements and the law of international organizations / Thomas A.

Mensah. - Leiden [etc.] : M. Nijhoff, 2012. - p. 1463-1495. - In: Coexistence, cooperation and solidarity : liber amicorum Rüdiger Wolfrum, vol. 2. - Photocopies

345/600 (Br.)

International law as a regulatory framework for sexual crimes committed by

peacekeepers / Gabrielle Simm. - In: Journal of conflict and security law, Vol. 16, no. 3, Winter 2011, p. 473-506

Opting out of the law of war : comments on Withdrawing from international custom /

David Luban. - In: The Yale law journal online, Vol. 120, 2010, p. 151-167. - Photocopies

345/602 (Br.)

Promises of states under international law / Christian Eckart. - Oxford ; Portland : Hart,

2012. - XX, 335 p. : tabl., diagr. ; 24 cm. - (Studies in international law ; vol. 37). -

Bibliographie : p. 323-331. Index. - ISBN 9781849462327

345/597

Third state obligations and the enforcement of international law / Lea Brilmayer and

Isaias Yemane Tesfalidet. - In: New York University Journal of International Law and Politics, Vol. 44, No. 1, Fall 2011, p. 1-53. - Photocopies

345/598 (Br.)

Treaty denunciation and "withdrawal" from customary international law : an erroneous analogy with dangerous consequences / Lea Brilmayer and Isaias Yemane Tesfalidet. -

In: The Yale law journal online, Vol. 120, 2011, p. 217-231. - Photocopies

345/603 (Br.)

War, aggression and self-defence / Yoram Dinstein. - 5th ed.. - Cambridge : Cambridge University Press, 2011. - XXXII, 375 p. ; 23 cm. - Index. - ISBN 9781107401457

Le droit international établit des limitations à l'emploi de la force par les Etats. La Charte des Nations Unies prévoit l'interdiction du recours à l'emploi de la force avec 2 exceptions : le droit naturel de légitime défense et l'application de mesures destinées à la sécurité collective. La première partie de l'ouvrage clarifie certaines notions telles que : guerre, début de la guerre, fin de la guerre suite à un traité de paix ou à un armistice, interruption des hostilités et neutralité. La deuxième partie étudie le rôle joué par l'interdiction du recours à l'emploi de la force dans les relations entre Etats à travers l'histoire et le droit international contemporain.

345/317 (2011)

Withdrawing from international custom / Curtis A. Bradley and Mitu Gulati. - In: The Yale law journal, Vol. 120, issue 2, November 2010, p. 202-275. - Photocopies

345/601 (Br.)

Withdrawing from international custom : terrible food, small portions / Carlos M. Vázquez. - In: The Yale law journal online, Vol. 120, 2011, p. 269-291. - Photocopies 345/604 (Br.)

PSYCHOLOGY

Interventions humanitaires en santé mentale dans les violences de masse / Évelyne Josse, Vincent Dubois ; préf. de Louis Crocq. - Bruxelles : De Boeck, 2009. - 301 p. : diagr. ; 24 cm. - (Crisis manuels). - Bibliographie : p. 259-263. Index. - ISBN 9782804104092 150/86

REFUGEEES-DISPLACED PERSONS

Beyond occupation : protected persons and the expiration of obligations / Tom Syring. - In: ILSA Journal of international and comparative law, Vol. 17, no. 2, Spring 2011, p. 417-435. - Photocopies 325.3/190 (Br.)

Climate change, forced migration, and international law / Jane McAdam. - Oxford [etc.] : Oxford University Press, 2012. - XVIII, 319 p. ; 24 cm. - Bibliographie : p. 281-304. Index. - ISBN 9780199587087 325.3/474

Internally displaced persons / Khalid Koser. - Oxford [etc.] : Oxford University Press, 2011. - p. 210-223. - In: Global migration governance. - Bibliographie : p. 222-223 325.3/460

Kriegsflüchtlinge : Gewalt gegen Zivilpersonen in bewaffneten Konflikten als Herausforderung für das Flüchtlingsrecht und den subsidiären Schutz / Nora Markard. - Tübingen : Mohr Siebeck, 2012. - XVIII, 413 p. ; 23 cm. - (Jus Internationale et Europaeum ; 60). - Thèse, Juristische Fakultät der Humboldt-Universität, Berlin, 2011. - Bibliographie : p. 377-405. Index. - ISBN 9783161517945 325.3/475

TERRORISM

Applying necessity and proportionality to anti-terrorist self-defence / Christian J. Tams and James G. Devaney. - In: Israel law review, Vol. 45, no. 1, 2012, p. 91-106. - Photocopies This article seeks to assess whether and how the two main limitations on the exercise of self-defence – namely necessity and proportionality – could be adapted to self-defence outside the inter-state setting. It shows that both limitations do indeed require some adaptation in order to be applied to anti-terrorist self-defence. With respect to necessity, we argue that this adaptation is actually a chance to make sense of a requirement that is of very limited practical relevance in the inter-state setting. As the article shows, necessity can assume a crucial role in the anti-terrorist setting: in order for trans-border uses of force to be necessary, states invoking self-defence must demonstrate that the terrorist threat cannot be repelled by the host state (on whose territory the terrorists are based). As for proportionality, recent debates about anti-terrorist self-defence expose the weaknesses of proportionality as a restraint on self-defence. Construed primarily as a prohibition against excessive force, even in the inter-state setting, proportionality has always been dependent on the nature of the aims pursued in the name of self-defence. Recent anti-terrorist practice suggests that many states are prepared to accept far-reaching uses of force against terrorists. It also suggests that, in applying proportionality, the targeted (or otherwise) character of the response is of crucial importance. The law is clearly in a state of flux, but in debates such as those about Turkey's use of force against the PKK or Israel's military operations against Hamas or Hezbollah, one can see the beginning of a process of developing guidelines on proportionality. 303.6/202 (Br.)

Counter-terrorism : international law and practice / ed. by Ana María Salinas de Frías, Katja L.H. Samuel and Nigel D. White. - Oxford [etc.] : Oxford University Press, 2012. - LXXII, 1156 p. ; 25 cm. - Bibliographie : p. 1085-1133. Index. - ISBN 9780199608928
303.6/201

Guarding the guards in the war on terrorism / Yuval Shany. - Lanham [etc.] : Lexington Books, 2012. - p. 99-131. - In: Rethinking the law of armed conflict in an age of terrorism A debate on the propriety of any counterterrorism strategy should arguably address not only the substantive merits of specific acts pursued under the existing policy - that is, whether the targeted killing of dangerous terrorists, or the torture of terrorists under "ticking bomb scenarios" can ever be justified - but also the policy's institutional or second-order implications. Part I will identify three principal institutional settings in which key decisions on the war on terror are reviewed and discussed ; it is claimed that in all of those settings the executive branch is subject to insufficient oversight and that, as a result, given the executive's structural incentives, an improper application of counterterrorism norms can be expected to occur. Part II describes some of the political dynamics that cause the executive to perform inadequate right balancing, and which limit the ability of other branches of government to correct such decisions and actions. Part III then discusses the possibility of remedying the inadequate oversight procedures which are currently in place by way of strengthening international supervision over counterterrorism policies, clarifying the law governing counterterrorism policies - in particular, norms governing the invocation of the "armed conflict paradigm".
345.26/213

Le Hezbollah global : [les réseaux secrets de l'Iran] / Kaveh le forgeron. - Paris : Choiseul, 2012. - 378 p. ; 21 cm. - (Document). - ISBN 9782361590192
303.6/203

The vulnerabilities of online terrorism / Manuel R. Torres Soriano. - In: Studies in conflict and terrorism, Vol. 35, no. 4, 2012, p. 263-277. - Photocopies
303.6/72 (Br.)

TORTURE

L'élimination / Rithy Panh avec Christophe Bataille. - Paris : Grasset, 2011. - 332 p. ; 21 cm. - Bibliographie : p. 331-333. - ISBN 9782246772811
323.2/179

The signature of evil : (re)defining torture in international law / Steven Dewulf. - Cambridge [etc.] : Intersentia, 2011. - XIX, 617 p. : diagr. ; 25 cm. - Bibliographie : p. 601-617. - ISBN 9781780680217
323.2/178

Des soldats tortionnaires : guerre d'Algérie : des jeunes gens ordinaires confrontés à l'intolérable / Claude Juin. - Paris : Robert Laffont, 2012. - 363 p., [4] p. de fotogr. ; 22 cm. - (Le monde comme il va). - Thèse de doctorat en sociologie, École des hautes études en sciences sociales, mars 2011. - Bibliographie : p. 321-337. - ISBN 9782221129753
323.2/180

Terrorism, ticking time-bombs, and torture : a philosophical analysis / Fritz Allhoff. - Chicago ; London : The University of Chicago Press, 2012. - XII, 266 p. : tabl., graph. ; 24 cm. - Bibliographie : p. 243-260. Index. - ISBN 9780226014838
323.2/181

Why do authoritarian regimes sign the Convention against torture ? : signaling, domestic politics and non-compliance / James R. Hollyer and B. Peter Rosendorff. - In: Quarterly journal of political science, Vol. 6, no. 3-4, 2011, p. 275-327. - Bibliographie : p. 325-327. - Photocopies
323.2/35 (Br.)

WOMEN-GENDER

False dichotomies of transitional justice : gender, conflict and combatants in Colombia / Shana Tabak. - In: New York University journal of international law and politics, Vol. 44, no. 1, Fall 2011, p. 103-163. - Photocopies
362.8/169 (Br.)

Targeting civilians in war : feminist contributions / Laura Sjoberg and Jessica L. Peet. - New York, [etc.] : Routledge, 2011. - p. 169-187. - In: Feminism and international relations : conversations about the past, present and future. - Photocopies
362.8/10 (Br.)

Women, gender, and terrorism / ed. by Laura Sjoberg and Caron E. Gentry. - Athens ; London : The University of Georgia Press, 2011. - XV, 250 p. ; 23 cm. - (Studies in security and international affairs). - Index. - ISBN 9780820340388
362.8/170

Women suicide bombers : narratives of violence / V. G. Julie Rajan. - Abingdon ; New York : Routledge, 2011. - XII, 384 p. ; 24 cm. - (Critical terrorism studies). - Bibliographie : p. 349-373. Index. - ISBN 9780415532464
362.8/171