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Table of Contents

<u>AIR WARFARE</u>	<u>5</u>
<u>ARMS</u>	<u>5</u>
<u>CHILDREN</u>	<u>12</u>
<u>CIVILIANS</u>	<u>13</u>
<u>CONFLICT-VIOLENCE AND SECURITY</u>	<u>14</u>
<u>DETENTION.....</u>	<u>15</u>
<u>ECONOMY</u>	<u>16</u>
<u>ENVIRONMENT</u>	<u>17</u>
<u>GEOPOLITICS</u>	<u>19</u>
<u>HISTORY</u>	<u>20</u>
<u>HUMAN RIGHTS</u>	<u>21</u>
<u>HUMANITARIAN AID.....</u>	<u>23</u>
<u>ICRC-INTERNATIONAL MOVEMENT OF THE RED CROSS AND RED CRESCENT ...</u>	<u>23</u>
<u>INTERNATIONAL CRIMINAL LAW.....</u>	<u>25</u>
<u>INTERNATIONAL HUMANITARIAN LAW-GENERAL</u>	<u>27</u>
<u>INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES</u>	<u>31</u>
<u>INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION</u>	<u>34</u>
<u>INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION</u>	<u>36</u>
<u>INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS.....</u>	<u>39</u>
<u>INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT</u>	<u>42</u>
<u>INTERNATIONAL ORGANIZATION-NGO</u>	<u>46</u>
<u>MEDIA</u>	<u>46</u>
<u>PEACE.....</u>	<u>46</u>
<u>PROTECTION OF CULTURAL PROPERTY.....</u>	<u>48</u>
<u>PSYCHOLOGY</u>	<u>49</u>
<u>PUBLIC INTERNATIONAL LAW</u>	<u>49</u>

<u>REFUGEES-DISPLACED PERSONS</u>	<u>51</u>
<u>RELIGION</u>	<u>52</u>
<u>SEA WARFARE.....</u>	<u>52</u>
<u>TERRORISM.....</u>	<u>53</u>
<u>TORTURE</u>	<u>53</u>
<u>WOMEN-GENDER</u>	<u>54</u>

AIR WARFARE

Air warfare / Michael N. Schmitt. - Oxford : Oxford University Press, 2014. - p. 118-144. - In: The Oxford handbook of international law in armed conflict

This chapter is structured in two parts. It lays the groundwork for discussion with a survey of the historical *lex scripta* directly applicable to air operations, including efforts to craft restatements of the law of air warfare. However, most discussion is reserved for the second part, which considers the extant law of air operations from the perspective of airmen. It does so by examining the law governing the four questions that are central to their operations—where can they fly, at what can they shoot, how must they conduct air operations, and what weapons may they use.

345.2/952

Armed conflict on the final frontier : the law of war in space / Robert A. Ramey. - In: The air force law review, Vol. 48, 2000, p. 1-158. - Photocopies

341.226/66(Br.)

ARMS

Anticipating the biological proliferation threat of nanotechnology : challenges for international arms control regimes / Margaret E. Kosal. - The Hague : T.M.C. Asser Press, 2014. - p. 159-174. - In: New technologies and the law of armed conflict. - Bibliographie : p. 172-174

This chapter explores challenges—both in the technical realm and in international arms control regimes and laws—in the pursuit of nanotechnology as it intersects with the proliferation of biological weapons. Nanotechnology is thriving in academia, in the private sector, and in state science and technology programs. The security implications, both for traditional non-proliferation regimes and for misuse by non-state actors, have not received commensurate attention with other technological advances. At the same time, policy makers and the scientific community, domestically and internationally, are attempting to develop new means to address risks associated with biotechnology, including synthetic genomics. Although the potential threats of nanotechnology research in an age of terrorism or a new age of state-based proliferation may not be as easy to envision in the near term as those associated with biotechnology, the possibilities are becoming more real as nanotechnology is transitioned from the laboratory to products. A number of recent advances in nanotechnology have strongly suggested nanotechnology's malevolent potential in the hands of adversaries.

345.2/951

Arms transfers and international human rights law / Annyssa Bellal. - Cambridge ; New York : Cambridge University Press, 2014. - p. 448-471. - In: Weapons under international human rights law

The legality of any given weapon is typically determined by reference to at least three criteria: its inherent characteristics (for example, in accordance with international humanitarian law, whether it is a weapon of a nature to cause superfluous injury or unnecessary suffering against combatants, or is inherently indiscriminate); its typical impact (for example, where in most cases civilians caught up in armed conflict are disproportionately affected when compared with military utility, or when it tends to be used for torture); and, lastly, the actors who use it. These criteria all play a role in the regulation of arms transfer. This chapter assesses the mechanisms and criteria that have been elaborated - including the United Nations Arms Transfer Treaty, which was adopted on 2 April 2013 - to reduce the impact on individuals, groups, and societies. Since the 1990s a number of regional and international instruments have sought to regulate arms transfers. The normative weight of

these instruments differs, some being international or regional treaties, others being phrased in soft law terms. To date, none has asserted global control over the transfer of all conventional weapons. This, therefore, was the intent behind the elaboration of a global Arms Trade Treaty within United Nations auspices.

341.67/743

Cyberattacks and international human rights law / David P. Fidler. - Cambridge ; New York : Cambridge University Press, 2014. - p. 299-333. - In: Weapons under international human rights law

341.67/743

Death from above ? : the weaponization of space and the threat to international humanitarian law / Robert David Onley. - In: Journal of air law and commerce, Vol. 78, issue 4, fall 2013, p. 739-765. - Photocopies

While the widespread use of drones in combat today has justifiably led to extensive legal analyses in the early part of the twenty-first century, the broader ongoing weaponization of outer space - as seen through the proliferation of anti-satellite weapons technology and space-based bombers - has not garnered the same legal scrutiny. But as modern civilizations have become entirely dependent on satellite technology for the peaceful functioning of the global digital economy, the new found military capability to rapidly destroy a nation's satellite communication system represents a lethal and legal unknown that must be critically assessed. Through an examination of existing international laws on space weapons and a comparison with the laws relating to weapons of mass destruction, the need for a comprehensive global ban on anti-satellite and other low-earth orbit weapons platforms becomes evident and necessary for the preservation of the international humanitarian legal order. This paper focuses on anti-satellite weapons, in particular, and argues that such weapons should be treated like WMD's in order for the international legal system to deter the militarization of the nation state's final frontier: outer space. In the same manner that the utility of nuclear and chemical weapons was circumscribed by universal bans on their use, so too must anti-satellite and space-based weapons platforms, as will be argued herein.

341.67/36(Br.)

The developing law of weapons : humanity, distinction, and precautions in attack / Steven Haines. - Oxford : Oxford University Press, 2014. - p. 273-295. - In: The Oxford handbook of international law in armed conflict

This chapter covers seven key issues. First, the term "weapon" is discussed and a definition provided. Secondly, the weapons law element of LOAC will be explored, including how it relates to other existing bodies of law dealing with weapons. Thirdly, an account is given of the development of the conventional law of weapons, because the bulk of current weapons law is contained in treaties. Those treaties contain important principles underpinning weapons law and define its nature. A fourth aim of the chapter is to identify these principles and comment on their importance. Fifthly, since conventional law has a vital relationship with customary law, some comment is offered on the current state of the customary law of weapons. Sixthly, it returns to the issue of technology, in particular new technologies that represent significant challenges to existing law. Finally, some attempt is made to assess where the law might go in the future and what issues are likely to be on the agenda in the immediate term.

345.2/952

Examining autonomous weapon systems from a law of armed conflict perspective / Jeffrey S. Thurnher. - The Hague : T.M.C. Asser Press, 2014. - p. 213-228. - In: New technologies and the law of armed conflict. - Bibliographie : p. 227-228

This chapter explores the legal implications of autonomous weapon systems and the potential challenges such systems might present to the laws governing weaponry and the conduct of hostilities. Autonomous weapon systems are weapons that are capable of selecting and engaging a target without further human operator involvement. Although such systems have not yet been fully developed, technological advances, particularly in artificial intelligence, make the appearance of such systems a distinct possibility in the years to come. Given such a possibility, it is essential to look closely at both the relevant technology involved in these cutting-edge systems and the applicable law. This chapter commences with an examination of the emerging technology supporting these sophisticated systems, by detailing autonomous features that are currently being designed for weapons and anticipating how technological advances might be incorporated into future weapon systems. A second aim of the chapter is to describe the relevant law of armed conflict principles applicable to new weapon systems, with a particular focus on the unique legal challenges posed by autonomous weapons. The legal analysis will outline how autonomous weapon systems would need to be designed for them to be deemed lawful per se, and whether the use of autonomous weapons during hostilities might be prohibited in particular circumstances under the law of armed conflict. The third and final focus of this chapter is to address potential lacunae in the law dealing with autonomous weapon systems. In particular, the author will reveal how interpretations of and issues related to subjectivity in targeting decisions and overall accountability may need to be viewed differently in response to autonomy.

345.2/951

Existing and future weapons and weapons systems / Stuart Casey-Maslen. - Cambridge ; New York : Cambridge University Press, 2014. - p. 593-606. - In: Weapons under international human rights law

341.67/743

Extremely stealthy and incredibly close : drones, control and legal responsibility / Frederik Rosén. - In: Journal of conflict and security law, Vol. 19, no. 1, Spring 2014, p. 113-131

Drone technology is not only a game changer, it also triggers obligations. If we recast our perception of drones as solitary planes to one of a comprehensive technology with extensive surveillance and control capabilities, we encounter new and crucial legal implications of the use of drones in armed conflict. To make its argument, this article first places the surveillance and control capabilities of drone technology within the context of the European Convention of Human Rights. The European Court of Human Rights has found that the Convention applies in a number of cases where a member state exercised control and authority over persons or territories outside Europe. The article argues that this may affect the legal basis for European states that employ drones for attacks. The second part of the article examines the implications of the surveillance capabilities of drone technology for the principle of precaution in international humanitarian law (IHL). The argument is that drone technology offers an effective precautionary measure, which may trigger precautionary obligation across all weapons systems. If a state possesses drone technology, and if the deployment of this technology may potentially reduce unnecessary harm from armed attacks, including shelling, the state is obliged under IHL to employ this technology for precaution. In addition to identifying so far overlooked legal implications arising from the employment or availability of drone technology for attack in armed conflict, the article raises the more general question of how the laws of armed conflict should be applied in an era of total surveillance.

"A game of drones" : unmanned aerial vehicles (UAVs) and unsettled legal questions / Maritza S. Ryan. - Chicago : Section of Administrative Law and Regulatory Practice, American Bar Association, 2014. - p. 185-211. - In: The fundamentals of counterterrorism law

303.6/227

Implications for arms acquisitions of economic, social, and cultural rights / Gilles Giacca and Tahmina Karimova. - Cambridge ; New York : Cambridge University Press, 2014. - p. 472-503. - In: Weapons under international human rights law

341.67/743

Incapacitating chemicals : risk to the purpose and objectives of the Chemical Weapons Convention ? / Ladislav Streda, Jirí Patočka. - In: Kontakt, Vol. 16, Issue 1, March 2014, p. e57-e63. - Photocopies

Current trends in the use of military force are influenced by the tendency to minimize casualties and material losses. As a result, from the beginning of the 1990s, a new category of weapons appeared; the so-called "non-lethal" weapons, which are able temporarily to disable personnel from combat action (preferably without permanent consequences to their health, to the operation of other non-destructive combat material, or to their tactical and technical characteristics), and to protect the environment without limiting desired negative consequences to the enemy's national economy. However recent documents of the Organisation for the Prohibition of Chemical Weapons consider the term "non-lethal chemical weapons" inappropriate and do not recommend its use in connection with international conventions. Therefore these chemicals are classified as "less-than-lethal", "less-lethal" or "temporarily incapacitating agents" by law experts. NATO defines an incapacitating chemical as "A chemical agent which produces temporarily disabling conditions which (unlike those caused by riot control agents) can be physical or mental and persist for hours or days after exposure to the agent has ceased. Medical treatment, while not usually required, facilitates a more rapid recovery". The Chemical Weapons Convention includes a comprehensive definition of toxic chemicals which covers all types of lethal and incapacitating ("non-lethal") chemicals, but the term "incapacitating chemicals" is neither defined in the Chemical Weapons Convention nor otherwise used. There are a lot of potentially exploitable agents which could be placed in this group of chemicals and new agents continue to emerge.

341.67/37(Br.)

The legal challenges of new technologies : an overview / William H. Boothby. - The Hague : T.M.C. Asser Press, 2014. - p. 21-28. - In: New technologies and the law of armed conflict. - Bibliographie : p. 27-28

It is difficult to determine whether it is technology that challenges the law or the law that challenges the use of novel technologies in armed conflict. New technologies that are in use for weaponry are posing legal challenges such as greater civilian involvement in hostilities, technological asymmetry between warring parties, and legal response to public ethical debates as to the acceptability of introducing those new technologies into warfare. In relation to new technologies on the horizon, we cannot go much further than re-discovering the law versus new technology conundrum. This chapter concludes by emphasising the significance of weapons review under Article 36 of Additional Protocol I as a way of ensuring that existing legal norms are applied to modern technological developments and that the applicable law remains relevant as technology evolves.

345.2/951

Legal review of new technology weapons / Damian P. Copeland. - The Hague : T.M.C. Asser Press, 2014. - p. 43-55. - In: New technologies and the law of armed conflict. - Bibliographie : p. 55

New technology weapons, which employ novel means such as nanotechnology, cyber, space or directed energy, threaten to challenge the existing regulatory norms within which states

fulfils their legal review obligations. This legal review obligation, sourced from either customary international law or Article 36 of Additional Protocol I, is a natural consequence of the rule that a state's right to choose means and methods of warfare is not unlimited. States conduct their weapons reviews within the weapons law regulatory framework that is created by specific, treaty based, regulatory rules and general principles of the law of armed conflict. However, the unconventional nature of new technology weapons may reveal gaps in the existing body of weapons law that is largely created to regulate conventional weapons. The question is whether states are capable of regulating tomorrow's weapons with yesterday's laws. The chapter discusses the challenges faced by states in fulfilment of their weapons review obligation of new technology weapons. These challenges are the product of the non-prescriptive nature of the self-regulatory weapons review obligation, the apparent absence of relevant specific treaty regulation and its effect on the application of general principles of weapons law. The chapter finally discusses impediments to future regulation.

345.2/951

Military strategic use of outer space / Duncan Blake. - The Hague : T.M.C. Asser Press, 2014. - p. 97-114. - In: *New technologies and the law of armed conflict.* - Bibliographie : p. 112-114

A nation's space objects are not immune from warfare or conflict just because they are in orbit around the Earth. Countries should assume that their space assets can and will be targeted during hostilities both kinetically and non-kinetically. This chapter describes relevant technological developments in the space domain and how they are of military significance now, and potentially in the future. This chapter describes the development of space-based capabilities, some of which simply enable terrestrial warfare, but some of which potentially involve weapons "through", "to", "in" and "from" space. It also explores the utility and constraints of such capabilities, and theories about how such capabilities should be used.

345.2/951

Nanotechnology and the law of armed conflict / Hitoshi Nasu. - The Hague : T.M.C. Asser Press, 2014. - p. 143-157. - In: *New technologies and the law of armed conflict.* - Bibliographie : p. 155-157

Nanotechnology is a rapidly evolving field of science cutting across many disciplines including engineering, quantum physics, optics, chemistry and biology, and typically involves manipulation of matter on the atomic and molecular level in the size range of 1-100 nm (1 nm = 10⁻⁹ m) in one or more external dimensions. It enables, for example, the increased and tailored rate of energy release, manipulation of optical properties, increased electrical conductivity, and improved hardness and strength with reduced weight, which can find useful applications for advanced military equipment and weaponry. The introduction of nanotechnology into weaponry is also expected to influence the application and interpretation of the law of armed conflict, raising the question as to whether the existing rules are sufficiently clear and adequate in light of the technology's specific characteristics, as well as with regard to the foreseeable humanitarian impact it may have. This chapter revisits the rationale underlying the law of armed conflict and examines to what extent the problems arising from the use of nanotechnology-enhanced or enabled weapons could adequately be addressed within the current legal framework governing weaponry. To that end, this chapter focuses on the three enhanced capabilities that nanotechnology introduces to weaponry: (1) penetration; (2) accuracy and manipulation in the delivery of focused force application; and (3) camouflaging.

345.2/951

Prohibiting chemical and biological weapons : multilateral regimes and their evolution / Alexander Kelle. - Boulder ; London : L. Rienner, 2014. - VII, 287 p. : diagr., tabl., ; 24 cm. - Bibliographie : p. 239-274. Index. - ISBN 9781588269652

341.67/744

Remedies and reparations / Megan Burke and Loren Persi-Vicentic. - Cambridge ; New York : Cambridge University Press, 2014. - p. 542-589. - In: Weapons under international human rights law

341.67/743

The review of weapons under international humanitarian law and human rights law / Stuart Casey-Maslen, Neil Corney, and Abi Dymond-Bass. - Cambridge ; New York : Cambridge University Press, 2014. - p. 411-447. - In: Weapons under international human rights law

Reviews for military and law enforcement purposes have traditionally been seen as drawing on two distinct sources of international law: international humanitarian law and disarmament law (for military reviews), and human rights law and criminal justice standards (for law enforcement purposes). Yet just as law enforcement can benefit in its reviews from taking into account IHL and disarmament law - particularly the weapons that such laws prohibit - so too can the military benefit from incorporating respect for fundamental human rights law and criminal justice standards into its review procedures, particularly given their increased use of "less-lethal" weapons. In advancing the argument, this chapter also contests the suggestion, mooted by some, that "less-lethal" weapons should not be subject to the fundamental rules of IHL. Instead it proposes that all weapons should explicitly be adjudged under both IHL and human rights law and suggests how elements from these legal regimes - and from relevant international standards - can be used to evaluate legality.

341.67/743

Unmanned aerial vehicles : do they pose legal challenges ? / Ian Henderson and Bryan Cavanagh. - The Hague : T.M.C. Asser Press, 2014. - p. 193-212. - In: New technologies and the law of armed conflict. - Bibliographie : p. 211-212

While Unmanned Aerial Vehicles (UAVs) have been part of warfare for over 150 years, the recent increase in their use, particularly as part of targeted strikes in Afghanistan, Pakistan and Yemen, has resulted in heightened public and academic interest. A significant amount of the public and academic debate has focused on public international law issues. This chapter examines the most relevant aspects of international law to UAV operations, namely the law concerning the resort to and use of force by states (*jus ad bellum* and *jus in bello*). Drawing on the recently released Manual on International Law Applicable to Air and Missile Warfare published by the Program on Humanitarian Policy and Conflict Research at Harvard University, the authors critically examine the following main legal issues in relation to UAV operations: can a state respond in national self-defence to the actions of a non-state actor acting independently of any state; can a state use force in the territory of a third state against a non-state actor (what are the geographic limits of a non-international armed conflict?); what is the status of a civilian operator of a UAV in a non-international armed conflict; and is there an obligation under the law of armed conflict to positively consider the option of capture prior to attempting to kill? While the authors believe that there are preferred legal positions to be adopted on these points, it would be misleading to indicate that there are concluded positions that represent 'the law'. Rather, there is a variety of views, some of which command more or less agreement from states, judicial fora and commentators. Some positions certainly are more consistent with historical and more recent state practice, and it is generally those positions that the authors have found more persuasive.

345.2/951

The use of armed drones / Stuart Casey-Maslen. - Cambridge ; New York : Cambridge University Press, 2014. - p. 382-407. - In: Weapons under international human rights law

There is scant overall agreement on the legality under international law of drone strikes. Depending on the case, and one's appreciation of applicable law, drone strikes may be extrajudicial executions in violation of human rights or lawful acts in bello. The chapter aims to unpick international legal issues engaged by drone strikes. It first reviews the history of

development of armed drones then analyzes the applicability of international humanitarian law. It then turns to the legality of a drone strike without sufficient nexus to an armed conflict and how international law of law enforcement would apply.

341.67/743

The use of firearms in law enforcement / Stuart Casey-Maslen. - Cambridge ; New York : Cambridge University Press, 2014. - p. 3-31. - In: Weapons under international human rights law

341.67/743

The use of incapacitants in law enforcement / Michael Crowley. - Cambridge ; New York : Cambridge University Press, 2014. - p. 357-381. - In: Weapons under international human rights law

341.67/743

The use of "less-lethal" weapons in law enforcement / Abi Dymond-Bass and Neil Corney. - Cambridge ; New York : Cambridge University Press, 2014. - p. 32-52 : tabl.. - In: Weapons under international human rights law

341.67/743

The use of riot control agents in law enforcement / Michael Crowley. - Cambridge ; New York : Cambridge University Press, 2014. - p. 334-356. - In: Weapons under international human rights law

A range of "less-lethal" weapons using chemical agents have been developed and employed with the purported intention of incapacitating personnel (or threatening such incapacitation if the targets do not leave the exposure area), while minimising fatalities and serious injuries. However, concerns have been expressed by a wide range of authorities within and outside governments about the use and misuse of certain "less-lethal" chemical agents. This chapter analyses riot control agents and explore how their use is constrained by relevant international law and standards, including international human rights law, the international law of law enforcement, and the Chemical Weapons Conventions and 1972 Biological and Toxin Weapons Conventions.

341.67/743

The use of weapons and jus ad bellum / Stuart Casey-Maslen. - Cambridge ; New York : Cambridge University Press, 2014. - p. 282-295. - In: Weapons under international human rights law

341.67/743

The use of weapons in armed conflict / Stuart Casey-Maslen and Sharon Weill. - Cambridge ; New York : Cambridge University Press, 2014. - p. 240-281. - In: Weapons under international human rights law

This chapter describes the relationship between International humanitarian law (IHL) and International human rights law (IHRL) as it pertains to the use of weapons in armed conflict. General IHL criteria outlaw the use under any circumstances of weapons possessing certain characteristics (either because they are inherently indiscriminate, or because they are of a nature to cause superfluous injury or unnecessary suffering), while the rules of distinction,

proportionality, and precautions in attacks govern combat action "on the battlefield". It is argued that in other circumstances IHRL standards governing the use of lethal force apply.

341.67/743

The use of weapons in counterpiracy operations / Alice Priddy. - Cambridge ; New York : Cambridge University Press, 2014. - p. 122-160. - In: Weapons under international human rights law

341.67/743

The use of weapons in peace operations / Nigel D. White. - Cambridge ; New York : Cambridge University Press, 2014. - p. 197-239. - In: Weapons under international human rights law

This chapter assesses how weapons may lawfully be used in peace operations. As it is observed, modern peace operations represent a challenge for the development of international human rights-based standards for the use of weapons since such operations are multinational and contain a range of armed components. The author finds that while training, preparation, and risk assessment prior to the deployment of peace operations are improving, clear, human-rights-compliant standards still need to be elaborated, particularly by the United Nations.

341.67/743

Weapons and armed non-state actors / Andrew Clapham. - Cambridge ; New York : Cambridge University Press, 2014. - p. 163-196. - In: Weapons under international human rights law

This chapter discusses the complex interreaction between weapons and armed non-state actors. It looks first at the legality of state transfers of arms to rebels and then at their legal obligations as individuals, armed groups, and as putative states.

341.67/743

Weapons and the human rights responsibilities of multinational corporations / Ralph G. Steinhardt. - Cambridge ; New York : Cambridge University Press, 2014. - p. 507-541. - In: Weapons under international human rights law

341.67/743

Weapons under international human rights law / ed. by Stuart Casey-Maslen. - Cambridge ; New York : Cambridge University Press, 2014. - XLVIII, 633 p. : tabl., ; 24 cm. - Index. - ISBN 9781107027879

Contient notamment : The use of firearms in law enforcement / S. Casey-Maslen. - The use of weapons in peace operations / N. D. White. - The review of weapons under international humanitarian law and human rights law / S. Casey-Maslen, N. Corney, and A. Dymond-Bass. - Weapons and the human rights responsibilities of multinational corporations / R. G. Steinhardt

341.67/743

CHILDREN

Children and the first verdict of the International Criminal Court / Diane Marie Amann. - In: Washington university global studies law review, Vol. 12, no. 3, p. 411-432. - Photocopies

Early prosecutions before the ICC focused on the war crimes of recruiting and using child soldiers. The ICC's first trial, Prosecutor v. Lubanga, dealt exclusively with those crimes. The experiences of children thus underlay the ICC's first verdict; that is, the conviction,

sentencing, and reparations decisions that ICC Trial Chamber I issued in Lubanga in 2012. Examining those three decisions, this article discusses how Trial Chamber I treated both child soldiering and, more broadly, the issue of children in armed conflict. The article concludes by touching on prospects for the ICC's future treatment of these matters. This article first makes a foray into history.

362.7/7(Br.)

Enfants-soldats et droits des enfants en situation de conflit et post-conflit : réalités et enjeux / sous la dir. de Mohamed Abdelsalam Babiker, Maxence Daublain, Alexis Vahlas. - Paris : L'Harmattan, 2013. - 299 p. ; 22 cm. - (Inter-national). - ISBN 9782336299303

Contient notamment : La protection des enfants dans les conflits armés : comment réaliser de nouveaux progrès ? / J.- M. de la Sablière. - Prévention, démobilisation et réinsertion communautaire des ex-enfants associés aux forces et aux groupes armés / M. Daublain et P. Effebi. - Armed non-state actor and child protection / A. Goodlife. - Protection of children rights under islamic laws in Sudan : conflit or congruence wiith human rights and humanitarian law norms / M. A. Babiker

362.7/394

Independent human rights institutions for children : an actor for the protection of children's rights during armed conflict ? / Ann Linnarsson [and] Vanessa Sedletzki. - In: Human rights quarterly : a comparative and international journal of the social sciences, humanities, and law, Vol. 36, no. 2, May 2014, p. 447-472

Making them Indonesians : child transfers out of East Timor / Helene van Klinken. - Clayton : Monash University Publishing, 2012. - XXXVII, 212 p. : cartes, fotogr., tabl. ; 24 cm. - Bibliographie : p. 191-204. Index. - ISBN 9781876924805

362.7/393

Protection of children rights under Islamic laws in Sudan : conflict or congruence with human rights and humanitarian law norms / Mohamed Abdelsalam Babiker. - Paris : L'Harmattan, 2013. - p. 199-230 : tabl.. - In: Enfants-soldats et droits des enfants en situation de conflit et post-conflit : réalités et enjeux

This chapter primarily focuses on the substantive protection of children rights in Sudan under Islamic laws and how such laws are in harmony or in conflict with international humanitarian and human rights norms related to the protection of the rights of the child. The chapter audits and reviews Sudanese children laws, including the newly enacted Child Act 2010, and review the extent Sudan has harmonized or incorporates its laws along the lines of what is required under the Convention on the Rights of the Child, 1989, and the African Charter on the Rights and Welfare of the Child. In this respect, the chapter relies heavily on the government of Sudan submitted periodic reports to the Committee of the Rights of the Child.

362.7/394

CIVILIANS

Assuming risk : a critical analysis of a soldier's duty to prevent collateral casualties / Cheryl Abbate. - In: Journal of military ethics, Vol. 13, no. 1, April 2014, p. 70-93. - Bibliographie : p. 90-93

Recent discussions in the just war literature suggest that soldiers have a duty to assume certain risks in order to protect the lives of all innocent civilians. I challenge this principle of

risk by arguing that it is justified neither as a principle that guides the conduct of combat soldiers, nor as a principle that guides commanders in the US military. I demonstrate that the principle of risk fails on the first account because it requires soldiers both to violate their strict duty of obedience and loyalty and to exceed their special obligations to protect their fellow comrades, the state, the state's constituents and other protected civilians. I then illustrate that the principle of risk fails on the second account since it conflicts with the commander's primary obligation to protect and promote the welfare and lives of his or her soldiers. I conclude by arguing that we cannot reasonably expect soldiers and commanders to adhere to the principle of risk until there is a radical, institutional-level transformation of militaristic goals, values, strategies, policies, warrior codes and expectations of service members in the US armed forces.

Crowd management, crowd control, and riot control / Stuart Casey-Maslen. - Cambridge ; New York : Cambridge University Press, 2014. - p. 53-79. - In: Weapons under international human rights law

341.67/743

Moving forward with the responsibility to protect : using political inertia to protect civilians / Steven J. Rose. - In: Boston college international and comparative law review, Vol. 31, issue 1, 2014, p. 209-240. - Photocopies

361/607(Br.)

CONFLICT-VIOLENCE AND SECURITY

Advanced introduction to international conflict and security law / Nigel D. White. - Cheltenham ; Northampton : E. Elgar, 2014. - X, 144 p. ; 22 cm. - (Elgar advanced introductions). - Index. - ISBN 9781781007419

355/1029

The direction of war : contemporary strategy in historical perspective / Hew Strachan. - Cambridge ; New York : Cambridge University Press, 2013. - XIV, 322 p. ; 23 cm. - Index. - ISBN 9781107654235

355/1025

The fog of peace : the human face of conflict resolution / Gabrielle Rifkind [and] Giandomenico Picco. - London ; New York : I.B. Tauris, 2014. - XXI, 266 p. ; 22 cm. - Bibliographie : p. 260-262. Index. - ISBN 9781780768977

355/1023

Den Gegner schützen ? : zu einer aktuellen Kontroverse in der Ethik des bewaffneten Konflikts / Bernhard Koch (Hrsg.). - Baden-Baden : Nomos ; Münster : Aschendorff, 2014. - 293 p. ; 24 cm. - (Studien zur Friedensethik ; Bd 47). - Bibliographies. - ISBN 9783848707843
Contient notamment : Wer trägt die Risiken ? : eine Einleitung in den vorliegenden Band / B. Koch. - Personenrechte und die Kriegsrechtsbestimmungen / D. Rodin. - Dürfen Soldaten vorsätzlich töten ? : eine theologische Untersuchung / R. G. Kennedy

355/1026

Geography, territory and sovereignty in cyber warfare / David Midson. - The Hague : T.M.C. Asser Press, 2014. - p. 75-93. - In: New technologies and the law of armed conflict. - Bibliographie : p. 91-93

Cyberspace is a vital part of the modern world with much of our current economic prosperity relying on continued access to the internet. Cyberspace is also a place where conflict can occur, but where international law could be applied to control that conflict. Unlike other domains cyberspace is not exclusively physical and it does not have the same tangible properties of geography as land, sea and air. These differences lead to some difficulties in

the application of the law of armed conflict to cyberspace. However, a pragmatic approach to interpretation allows the law of armed conflict to be applied to the ethereal geography of cyberspace. In particular, laws, such as neutrality and those controlling the use of force, that place geographic limits on international and non-international armed conflicts can be applied to limit the extent of these conflicts in cyberspace. Likewise, laws that govern naval blockade can, in some circumstances, usefully guide application of international law to a 'cyber blockade'. These laws can be applied because, while cyberspace is not an entirely physical domain, actions within cyberspace will still have effects on people, places and objects that do exist in the physical world.

345.2/951

Grounds for war : the evolution of territorial conflict / Dominic D. P. Johnson and Monica Duffy Toft. - In: *International security*, Vol. 38, no. 3, winter 2013/2014, p. 7-38 : tabl. - Photocopies
355/18(Br.)

Routledge handbook of civil wars / ed. by Edward Newman and Karl DeRouen. - London ; New York : Routledge, 2014. - XV, 390 p. : graph., tabl. ; 25 cm. - Bibliographies. Index. - ISBN 9780415622585
355

Routledge handbook of human security / ed. by Mary Martin and Taylor Owen. - London ; New York : Routledge, 2014. - XIX, 344 p. : tabl., cartes, diagr. ; 26 cm. - Bibliographies. Index. - ISBN 9780415581288

Contient notamment : Human security : from definitions to investigating a discourse / D. Gasper. - Security and development : context specific approaches to human insecurity / R. Jolly. - The United Nations and human security : between solidarism and pluralism / E. Newman. - From concept to method : the challenge of a human security methodology / M. Martin and D. Kostovicova

355/1027

The theory and practice of irregular warfare : warrior-scholarship in counter-insurgency / ed. by Andrew Mumford and Bruno C. Reis. - London ; New York : Routledge, 2014. - VIII, 161 p. ; 24 cm. - (Studies in insurgency, counterinsurgency and national security). - Index. - ISBN 9780415836906

Contient : Constructing and deconstructing warrior-scholars / A. Mumford and B. C. Reis. - Warrior-scholarship in the age of colonial warfare : Charles E. Callwell and small wars / D. Whittingham. - David Galula and Roger Trinquier : two warrior-scholars, one French late colonial counterinsurgency? / B. C. Reis. - Warrior-scholars in the United States marine corps : from the small wars in the Caribbean to th "three block war" and beyond / D. Strachan-Morris. - A very sharp eye : Moshe Dayan's counterinsurgency legacy in Israel / E. Shamir. - Low intensity operations in theory and practice : general Sir Frank Kitson as warrior-scholar / H. Bennett and R. Cormac. - Warrior-scholarship in the age of globalised insurgency : the work of D. KilCullen / A. Mumford. - Counterinsurgency, American-style : David Petraeus and twenty-first century war / J. A. Russell
355/1028

DETENTION

Guantanamo and the end of hostilities / Eric Talbot Jensen. - In: *Southern Illinois university law journal*, Vol. 37, March 2013, p. 491-512. - Photocopies

Detainees in the War on Terror have been at Guantanamo Bay for over a decade. The justification for these detentions has been, at least in part, the on-going hostilities in Afghanistan. However, President Obama's announcement in his 2013 State of the Union

address that "By the end of [2014] our war in Afghanistan will be over" may undercut the continuing detention authority for at least some of these Guantanamo detainees. This paper analyzes the legal doctrine of release and repatriation in light of President Obama's announcement and concludes that the President's determination that hostilities have concluded between specific Parties to an armed conflict and the corresponding withdrawal of troops from the area of conflict creates a presumption that detainees from that conflict should be repatriated. This presumption may be overcome on an individual basis by a finding that released and repatriated fighters will return to the battle.

400.2/354(Br.)

International fair trial guarantees / David Weissbrodt. - Oxford : Oxford University Press, 2014. - p. 410-440. - In: The Oxford handbook of international law in armed conflict

The right to a fair trial is a fundamental human right. It ensures that no one is deprived of liberty without due process of law. The use of military commissions by the United States for the trial of 'unprivileged enemy belligerents' has initiated a new debate over the scope and meaning of fair trial guarantees, particularly during periods of armed conflict. The main purpose of this chapter is to chart the basic contours of fair trial guarantees as articulated in international humanitarian law (IHL) and international human rights law (IHRL). It first identifies the principal treaty provisions that guarantee the right to a fair trial during armed conflict; then it explores the concept of a "regularly constituted court" a vital element in fair trial guarantees, to move to examine the actual content of the fair trial guarantees as expressed in treaties and other instruments of international law. Finally, it explores how the normative standards of the fair trial guarantees apply in the practice of military commissions.

345.2/952

Portals to hell : military prisons of the civil war / Lonnie R. Speer. - Mechanicsburg (Etats-Unis) : Stackpole books, 1997. - XIX, 410 p., [32] p. de fotogr. : tabl. ; 24 cm. - Bibliographie : 377-398. Index. - ISBN 9780811703345

400.2/353

Les prisonniers de guerre allemands : France, 1944-1949 : une captivité de guerre en temps de paix / Fabien Théofilakis. - Paris : Fayard, 2014. - 762 p., [16] p. de pl. : tabl., cartes ; 24 cm. - Bibliographie : p. 711-739. Index. - ISBN 9782213663043

400.2/352

Prisonniers de la Grande Guerre : victimes ou instruments au service des Etats belligérents : [partie] I / Olivier Lahaie... [et al.]. - In: Guerres mondiales et conflits contemporains : revue d'histoire, No 253, janvier-mars 2014, p. 3-88

Contient notamment : Les interrogatoires de prisonniers allemands par les services de renseignements français (1914-1918) / O. Lahaie. - L'action du Saint-Siège en faveur des prisonniers de guerre pendant la Première Guerre mondiale / F. Latour. - Les prisonniers de guerre français internés en Suisse (1916-1919) / M. Walle

The use of weapons in custodial centers / Silvia Suteu. - Cambridge ; New York : Cambridge University Press, 2014. - p. 80-121. - In: Weapons under international human rights law

341.67/743

ECONOMY

Economic security / ICRC. - [2nd ed.]. - Geneva : ICRC, October 2013. - 4 volets : fotogr. ; 21 cm. - (In brief)

The ICRC's work to promote economic security is intended to ensure that households and communities can cover their unavoidable expenditures and maintain or restore sustainable livelihoods. This leaflet provides a comprehensive overview of the range of ICRC activities in

this area -- from emergency distributions of food and household items to establishing programmes for sustainable food production and micro economic initiatives. It illustrates clearly that food is not enough. Unavoidable expenditures also include shelter, access to health care, education, and taxes, among others.

*330/235(2013-ENG-Br.)
0954/002(2013)*

La grande chute : vers la guerre ? / Lambert Issaka. - Paris : L'Harmattan, 2014. - 210 p. ; 24 cm. - (Diplomatie et stratégie). - Bibliographie : p. 203-207. - ISBN 9782343029276
330/202

Sécurité économique / CICR. - [2e éd.]. - Genève : CICR, octobre 2013. - 4 volets : photogr. ; 21 cm. - (En bref)

L'action que mène le CICR pour promouvoir la sécurité économique vise à garantir que les ménages et les communautés soient en mesure de couvrir leurs dépenses essentielles et de maintenir ou de rétablir des moyens de subsistance durables. Cette brochure fournit un aperçu détaillé des activités du CICR dans ce domaine, de la distribution d'urgence de vivres et d'articles ménagers à la mise en œuvre de programmes de production vivrière durable et de projets microéconomiques. Elle montre clairement que l'approvisionnement en vivres ne suffit pas. Le logement, les soins de santé, l'éducation et les impôts, entre autres, sont également des dépenses inévitables.

*330/235(2013-FRE-Br.)
0954/001(2013)*

ENVIRONMENT

Climate change and human security during armed conflict / Erik V. Koppe. - In: Human rights and international legal discourse, Vol. 8, no. 1, 2014, p. 68-83

This article focuses on the relationship between climate change and human security in times of armed conflict. After all, the effects of climate change are likely to increase the vulnerability of those caught up in armed conflict. This article thus seeks to clarify the rules of public international law which would appear to be most relevant for the protection of the victims of armed conflict under such circumstances. These rules follow not only from international humanitarian law, which is primarily applicable in times of armed conflict, but also from international human rights law. Before discussing these rules in more detail, however, this article first considers the relationship between climate change and armed conflict in general and the legal framework relevant to seeking to prevent armed conflict. The article ends with a brief conclusion.

Conflict minerals and the law of pillage / Patrick J. Keenan. - In: Chicago journal of international law, Vol. 14, no. 2, winter 2014, p. 524-558. - Photocopies

The illicit exploitation of natural resources — often called conflict minerals — has been associated with some of the worst violence in the past half-century, especially in the Democratic Republic of Congo. Prosecutors and scholars have struggled to develop legal tools to adequately hold accountable those who have been responsible for the exploitation of civilians and resources in conflict. The most common legal tool, the crime of pillage, has been inadequate because it has been applied only to discrete, relatively small episodes of theft. As important as it has been, the episodic theory is of limited utility when applied to what have been called resource wars in which combatants struggled for control over access to exploitable resources. In these conflicts, there was substantial evidence that a principal reason for the conflict and an important source of revenue to fund the various fighting forces was resource revenue. In response, scholars and advocates have attempted to develop a corporate theory of the crime of pillage. The corporate theory calls for the prosecution of individuals or entities who purchase or use resources derived from conflict areas or that are

extracted under the direction of those involved in the war. The problem with the two dominant theories of pillage is that the episodic theory of prosecution fits squarely into existing law but is too narrow to address the kinds of harms that occur in modern resource wars, and the corporate theory of prosecution fits the facts but is too broad to fit comfortably into existing law. What has been missing is a theory that fits the facts more closely while at the same time fitting more easily into existing law. This Article supplies such a theory, one that is consistent with the law underpinning the traditional episodic theory while accomplishing some of the goals of the corporate theory. Under the systematic approach, individuals could face prosecution for their participation in large-scale pillage operations, such as controlling a mine whose proceeds were used to fund the fighting. Using the International Criminal Court's ongoing prosecution of Bosco Ntaganda, a notorious Congolese warlord, as a case study, this Article shows that the systematic theory of pillage would allow for prosecution when individuals created a process or system by which to engage in exploit resources they did not own – a form of theft – when that exploitation was sufficiently connected to the overall conflict.

363.7/155(Br.)

Nanotechnology and military attacks on photosynthesis / Thomas Faunce. - The Hague : T.M.C. Asser Press, 2014. - p. 175-190. - In: New technologies and the law of armed conflict. - Bibliographie : p. 188-190

Advancing scientific knowledge regarding the photosynthetic process at a molecular level has raised the possibility of widespread artificial photosynthetic projects in the future, for example, for large-scale or 'off-grid' renewable energy and food production. The value that these projects would have to states and the global community, attracts the possibility that artificial photosynthesis, and the photosynthetic process in general, may become 'direct' military targets. This chapter explores the extent to which the existing principles of the law of armed conflict, international environmental law and the ENMOD Convention are capable of regulating a direct attack on natural or artificial photosynthesis. In particular, it examines whether the basic principles of international environmental law prohibit direct manipulation of natural or artificial photosynthesis and are applicable during warfare. It then analyses whether natural photosynthesis may be protected from direct military attack under Articles 35(3) and 55 of Additional Protocol I or under the ENMOD Convention.

345.2/951

Protection of the natural environment / Jean-Marie Henckaerts and Dana Constantin. - Oxford : Oxford University Press, 2014. - p. 469-491. - In: The Oxford handbook of international law in armed conflict

This chapter seeks to give an overview of the existing legal protection for the natural environment during armed conflict. Part 1 focuses on general rules of international humanitarian law, ie rules that were not adopted specifically with that end in mind, but which do in fact provide protection for the natural environment. These include: (a) the rules protecting enemy property from wanton destruction, (b) the prohibition against pillage, (c) the rules protecting civilian objects during hostilities, (d) the rules protecting objects indispensable to the survival of the civilian population, and (e) the rules regulating the use of weapons during armed conflict. Part 2 focuses on those rules that specifically provide such protection. As far as treaty law is concerned, the only two provisions in this category are Articles 35 and 55 of AP I, both of which protect the environment only against 'widespread, long-term and severe damage. Part 3 identifies some of the gaps and deficiencies in the law and presents possible remedies, including efforts currently under way.

345.2/952

Wasser als Mittel oder Ziel eines Militärschlags im bewaffneten Konflikt / Razika Fareed. - In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict, Vol. 27, 1/2014, p. 44-51

Water on the international security agenda : does water scarcity encourage the use of water as weapon or target of war ? / Laura Puts. - In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict, Vol. 27, 1/2014, p. 36-44

While the total amount of available water on our planet does not change, there are multiple countries that are experiencing water scarcity today. It has become a precious resource, being used as currency when buying tanks or exercised as tool to exert political pressure. Where more than one country access a shared water body to serve agricultural, industrial and domestic purposes, there is an equal chance for cooperation or conflict. Access to water can also play an important military or political role during times of (international) armed conflict. Vital water infrastructure and dams can be attacked and water reservoirs poisoned. Although International Humanitarian Law vies to protect water in its Additional Protocols, the legal texts are formulated vaguely and unspecifically. Alternative soft-law instruments are seen as expressions of political will rather than being used to prevent damage to water infrastructure during armed conflict. Existing law to prevent damage need to be strengthened, reformulated and enforced.

GEOPOLITICS

Counterinsurgency in Africa : the Portuguese way of war, 1961-1974 / John P. Cann ; foreword by Bernard E. Trainor. - Solihull : Helion, 2012. - XI, 210 p. : cartes, fotogr., tabl. ; 24 cm. - (Helion studies in military history ; no. 12). - Bibliographie : p. 193-201. Index. - ISBN 9781907677731

323.11/39

Le génocide au village : le massacre des Tutsi au Rwanda / Hélène Dumas. - Paris : Ed. du Seuil, 2014. - VII, 364 p. : cartes, fotogr., ill. ; 24 cm. - (L'univers historique). - Bibliographie : p. 339-361. - ISBN 9782021166866

323.11/RWA

23

Libya : from repression to revolution : a record of armed conflict and international law violations, 2011-2013 / ed. by M. Cherif Bassiouni. - Leiden ; Boston : M. Nijhoff, 2013. - LXIII, 933 p. : cartes ; 24 cm. - (International criminal law series ; vol. 5). - Bibliographie : p. 859-926. Index. - ISBN 9789004257344

The book provides a historical overview of the country and the ruinous policies of the Qadhafi regime, a chronological review of the evolution of the conflict, a description of the belligerents and their organizational makeup, an account of the NATO intervention and its legality, a basic legal characterization of conduct of the belligerents and the various accountability mechanisms pursued thus far, and appraisal of the post-conflict period, as well as a detailed assessment and legal characterization of ten different theatres of conflict, including Benghazi, Tripoli, Misrata, Sirte and the Nafusa Mountains.

323.15/LBY

1

Putin's world / Lawrence Freedman... [et al.]. - In: Survival, Vol. 56, no. 3, June-July 2014, p. 7-101

Rwanda, racism et génocide : l'idéologie hamitique / Jean-Pierre Chrétien et Marcel Kabanda. - Paris : Belin, 2013. - 379 p. : carte, tabl. ; 22 cm. - Bibliographie : p. 363-367. Index. - ISBN 9782701148601

323.11/RWA 22

Remapping India : new states and their political origins / Louise Tillin. - London : Hurst, 2013. - XIV, 268 p. : tabl., graph., cartes ; 22 cm. - Bibliographie : p. 245-259. Index. - ISBN 9781849042291

323.13/IND 10

The violence of development : resource depletion, environmental crises and human rights abuses in Central America / Martin Mowforth. - London : Pluto press, 2014. - XVI, 256 p. : cartes, tabl., diagr. ; 23 cm. - Bibliographie : p. 243. Index. - ISBN 9780745333946

323.12/30

The unknown future of Syria / David W. Lesch. - In: Mediterranean politics, Vol. 18, no. 1, 2013, p. 99-105. - Photocopies

323.15/SYR12(Br.)

HISTORY

Crimes de guerre à Habère-Lullin : 26 décembre 1943, 2 septembre 1944 / Claude Barbier. - Saint-Julien-en-Genevois : La Salévienne, 2013. - 449 p. : fotogr., cartes, portr., ill. ; 22 cm. - Bibliographie : p. 423-443. - ISBN 9782905922328

94/514

The Great War / Pierre Purseigle... [et al.]. - In: International affairs, Vol. 90, issue 2, March 2014, p. 249-439

Contient notamment : The First World War and the transformation of the state / P. Purseigle. - Dumb donkeys or cunning foxes ? : learning in the British and German armies during the Great war / R. T. Foley. - Against a "world of enemies" : the impact of the First World War on the development of Hitler's ideology / B. Simms. - An improvement on colonialism ? : the "A" mandates and their legacy in the Middle East / P. Sluglett

The Great War and the origins of humanitarianism, 1918-1924 / Bruno Cabanes. - Cambridge ; New York : Cambridge University Press, 2014. - VII, 390 p. ; 24 cm. - (Studies in the social and cultural history of modern warfare ; 41). - Bibliographie : p. 327-359. Index. - ISBN 9781107020627

94/512

La mémoire spoliée : les archives des Français, butin de guerre nazi puis soviétique (de 1940 à nos jours) / Sophie Coeuré. - Nouv. éd. rev. et actualisée. - Paris : Payot, 2013. - 375 p. : fotogr., tabl. ; 17 cm. - (Petite bibliothèque Payot ; 924). - Bibliographie : p. 339-360. Index. - ISBN 9782228909044

94/513

A scrap of paper : breaking and making international law during the Great War / Isabel V. Hull. - Ithaca (Etats-Unis) ; London : Cornell University Press, 2014. - XIII, 368 p. ; 25 cm. - Bibliographie : 333-356. Index. - ISBN 9780801452734

A century after the outbreak of the Great War, we have forgotten the central role that international law and the dramatically different interpretations of it played in the conflict's origins and conduct. In A Scrap of Paper, Isabel V. Hull compares wartime decision making in Germany, Great Britain, and France, weighing the impact of legal considerations in each. Throughout, she emphasizes the profound tension between international law and military necessity in time of war, and demonstrates how differences in state structures and legal

traditions shaped the way in which each of the three belligerents fought the war. Hull focuses on seven cases in which each government's response was shaped by its understanding of and respect for the law: Belgian neutrality, the land war in the west, the occupation of enemy territory, the blockade, unrestricted submarine warfare, the introduction of new weaponry (including poison gas and the zeppelin), and reprisals. Drawing on voluminous research in German, British, and French archives, the author reconstructs the debates over military decision making and clarifies the role played by law—where it constrained action, where it was manipulated to serve military need, where it was simply ignored, and how it developed in the crucible of combat. She concludes that Germany did not speak the same legal language as the two liberal democracies, with disastrous and far-reaching consequences. The first book on international law and the Great War published since 1920, *A Scrap of Paper* is a passionate defense of the role that the law must play to govern interstate relations in both peace and war.

94/515

HUMAN RIGHTS

Economic, social, and cultural rights in armed conflict / Eibe Riedel. - Oxford : Oxford University Press, 2014. - p. 441-468. - In: *The Oxford handbook of international law in armed conflict*

Previously, states parties in the midst of violent conflict tended to be excused from effective monitoring and implementation of their human rights obligations until peace-time conditions were restored. States were referred to IHL and other international law rules in armed conflict situations. In the last 20 years, however, the practice of human rights treaty bodies has gradually changed. Today the human rights treaty bodies regularly question states parties on the realization of human rights, even in times of armed conflict, and a number of authors have addressed how human rights obligations can apply alongside or instead of IHL rules. The focus of debate has been primarily on the relationship between civil and political rights (cp-rights) and IHL rules, in particular the protection of the right to life during armed conflict situations. Economic, social, and cultural rights (esc-rights), by contrast, have received little or no attention. Examples given in the IHL context usually focus on the prohibition of torture and inhuman and degrading treatment, violations of the right to life, the prohibition of slavery, restrictions of freedom of movement, etc, which of course mark grave violations of human rights. Yet the Geneva Conventions of 1949 and the Additional Protocols of 1977 also contain specific obligations in respect of esc-rights. People who die of hunger or starvation, are denied access to basic health care, face deplorable working conditions, lack housing, water, and adequate sanitation, all suffer as much, if not more than those whose rights are violated under many provisions of the International Covenant on Civil and Political Rights (ICCPR).

345.2/952

Extraterritorial lethal targeting : deconstructing the logic of international law / Michael N. Schmitt. - In: *Columbia journal of transnational law*, Vol. 52, no. 1, 2013, p. 77-112. - Photocopies

Caustic debates over extraterritorial targeting, which is usually conducted by remotely piloted aircraft (so called "drones"), have plagued the international law community for a number of years. Although that topic merits attention, the discourse has been marked by an unusually high degree of counter-normative and counter-factual assertions. In particular, pundits often ask the wrong questions or answer the right ones by reference to the wrong body of law. The result is growing confusion, as analytical errors persist and multiply. Despite public perceptions, the issue is not the drones themselves, for the relevant legal rules and principles apply equally to any method or means of warfare (drone, manned aircraft,

artillery, cruise missile, special forces team, etc.). Instead, two factors common to all such operations lie at the heart of their legality, or lack thereof: 1) extraterritoriality, and 2) lethality. The goal of this Essay is to deconstruct the logic of international law relating to so-called "targeted killings" by sharply delineating the legal questions they raise and offering a coherent analytical framework for examining them. No attempt is made to definitively resolve the questions themselves; the framework is methodological, not substantive.

345.26/255(Br.)

Human rights violations arising from conduct of non-state actors / Jan Arno Hessbruegge. - In: Buffalo human rights law review, Vol. 11, 2005, p. 21-88. - Photocopies

345.1/95(Br.)

The international covenant on economic, social and cultural rights : commentary, cases, and materials / Ben Saul, David Kinley and Jacqueline Mowbray. - Oxford : Oxford University Press, 2014. - LXIII, 1292 p. ; 25 cm. - Bibliographie : p. 1233-1241. Index. - ISBN 9780199640300

345.1/616

International human rights law in time of armed conflict / Derek Jinks. - Oxford : Oxford University Press, 2014. - p. 656-674. - In: The Oxford handbook of international law in armed conflict

The Geneva Conventions of 1949 govern automatically warfare as well as international and non-international armed conflicts. The applicability of the 'law of war' was previously delimited by formal acts of state such as a declaration of war or a formal 'recognition of belligerency', a formalistic approach that was significantly revised by the Geneva Conventions. This chapter examines the relationship between IHL and international human rights law (IHRL). It first discusses the nature of the 'armed conflict' inquiry and considers IHL as *lex specialis* displacing or qualifying the application of IHRL. It then outlines three fundamental respects in which the *lex specialis* claim misconstrues or distorts IHL: IHL and affirmative authorization, 'armed conflict' as determinant of regime boundaries, and reciprocity and humanitarian protection as inducement for compliance. It argues that the very notion of competing legal frameworks is incompatible not only with the text, structure, and history of the Geneva Conventions, but also with the institutional and behavioral foundations of contemporary IHL.

345.2/952

International law of victims / Carlos Fernandez de Casadevante Romani. - Heidelberg [etc.] : Springer, 2012. - IX, 274 p. ; 24 cm. - Bibliographie : p. 269-274. - ISBN 9783642281396

345.1/615

International legal regimes, armed forces and international jurisdictions / Marco Odello. - Cambridge [etc.] : Intersentia, 2013. - p. 15- 50. - In: Armed forces and international jurisdictions

The author discusses laws that apply to armed forces in the context of the relationship between International Humanitarian Law (IHL) and International Human Rights Law (IHRL). He begins by examining the historical context in which these areas of law developed. The author finds that the traditional distinction between Laws of Peace and Laws of War can no longer be upheld in the context of contemporary forms of violence that do not fit within traditional categories of armed conflict. He finds IHL and IHRL difficult to apply where, for example, armed forces cannot be seen as engaging in "armed conflict". The author finds that although the International Court of Justice clarifies the relationship between IHL and IHRL in certain contexts, uncertainty remains. Additionally, the author considers the applicability of IHL

where a State exercises effective control over a certain territory, even where it belongs to another State. The author discusses the difficulty of implementing IHL, specifically in relation to problems of *ratione materiae* and *ratione personae* where different jurisdictions are subject to rules regarding particular subject-matter or specific individuals. Lastly, the author considers the ability of International Criminal Law to address problems related to prosecutions based on violations of both IHL and IHRL. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]

345.2/951

Members of the armed forces and human rights law / Peter Rowe. - Oxford : Oxford University Press, 2014. - p. 521-542. - In: The Oxford handbook of international law in armed conflict

This chapter will discuss what is encompassed by the term 'armed forces' and who are entitled to be called members of the armed forces. It will also explore the role of human rights law from the standpoint of members of the armed forces and others who take an active part in hostilities. How a state, or an organized armed group, treats its own members in the light of this law is a variant on this theme and also requires discussion.

345.2/952

The right to life / William A. Schabas. - Oxford : Oxford University Press, 2014. - p. 365-386. - In: The Oxford handbook of international law in armed conflict

The right to life has many dimensions. Some of them, such as the question of when the right to life begins (abortion) and whether the right can be waived (suicide) seem to have little or no connection with issues of armed conflict. On the other hand, three issues are relevant in this context: (i) the relationship between the right to life as set out in international human rights law and international humanitarian law; (ii) the interplay between the norms on capital punishment as they appear in both the international humanitarian law treaties and the human rights treaties; (iii) the impact on the right to life of the rules of international law on the recourse to armed force. Each of these issues is examined in turn.

345.2/952

HUMANITARIAN AID

Managing the "republic of NGOs" : accountability and legitimation problems facing the UN cluster system / J. Benton Heath. - In: Vanderbilt journal of transnational law, Vol. 47, no. 1, 2014, p. 239-293. - Photocopies

361/24(Br.)

ICRC-INTERNATIONAL MOVEMENT OF THE RED CROSS AND RED CRESCENT

The role of the International Committee of the Red Cross / Jakob Kellenberger. - Oxford : Oxford University Press, 2014. - p. 20-34. - In: The Oxford handbook of international law in armed conflict

The International Committee of the Red Cross (ICRC) is an independent and impartial organization dedicated to the protection and care of victims of armed conflict and other violent situations. It also vows to uphold international humanitarian law (IHL) and universal humanitarian principles. This chapter explains the ICRC's mandate and activities, and its contributions to the clarification and development of IHL.

345.2/952

Toute une vie d'humanitaire : 50 ans de terrain d'un médecin-carnettiste / Pascal Grellety Bosviel, Sophie Bocquillon. - Bordeaux : Elytis, 2013. - 237 p. : fotogr., cartes, ill. ; 24 cm. - ISBN 9782356391247

Depuis sa première mission humanitaire en 1964, au Yémen, pour le compte du Comité international de la Croix-Rouge (CICR), le docteur Pascal Grellety Bosviel a passé un demi-siècle sur le terrain des plus grands conflits mondiaux. Son histoire est celle d'un destin tout entier dédié à sauver des vies. Cofondateur de Médecins Sans Frontières, il se révèle aussi brillant carnetiste, mêlant dessins, photos et textes de terrain, avec la volonté farouche de témoigner, de laisser une trace de l'expérience vécue et de dire toute l'horreur des conflits. Médecin, chirurgien de guerre par nécessité, reporter dessinateur, "Docteur Pascal" revient ici, avec la complicité de Sophie Bocquillon, sur ses missions et ses 70 carnets de voyage, parfois au bout de l'enfer...

362.191/1499

Les vrais Français ou le véritable caractère des Français décrit par eux-mêmes : manuscrits de Henry Dunant 4536-4548 : (film n. 814 - CD F1716) / par Paolo Vanni ; présentation Peter Maurer, Jakob Kellenberger, Francesco Rocca ; préf. Francesco Caponi ; avec la collab. de M.R. Bosi... [et al.]. - Firenze : Croce Rossa Italiana, 2014. - 2 vol. (XXX, 641 p.) ; 21 x 28 cm. - (Quaderni "Henry Dunant" ; no 6). - Fac-similés des manuscrits. - Bibliographie : p. XIX. - ISBN 9788887057874

362.191/1449(VII-part.2)

362.191/1449(VI-lpart.1)

XXXIe Conférence internationale de la Croix-Rouge et du Croissant-Rouge, Genève, 28 novembre - 1er décembre 2011, Conseil des délégués du Mouvement international de la Croix-Rouge et du Croissant-Rouge, Genève, 26 novembre 2011 : résolutions. - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 94, 2012/1, p. 261-325

Contient : Résolutions du Conseil des délégués de 2011: Résolution 1: Vers l'élimination des armes nucléaires ; Résolution 2: Les relations des composantes du Mouvement international de la Croix-Rouge et du Croissant-Rouge avec les acteurs humanitaires extérieurs ; Résolution 3: Stratégie pour le Mouvement international de la Croix-Rouge et du Croissant-Rouge ; Résolution 4: Révision des statuts et de l'assise juridique des Sociétés nationales ; Résolution 5: Mise en oeuvre du Protocole d'accord et de l'Accord sur des arrangements opérationnels datés du 28 novembre 2005 entre le Croissant-Rouge palestinien et le Magen David Adom d'Israël ; Résolution 6: Préservation du patrimoine historique et culturel du Mouvement international de la Croix-Rouge et du Croissant-Rouge ; Résolution 7: Préparation et réponse des Sociétés nationales aux conflits armés et autres situations de violence ; Résolution 8: Ordre du jour et programme de la XXXIe Conférence internationale de la Croix-Rouge et du Croissant-Rouge ; Résolution 9: Proposition de candidats aux postes de responsables de la XXXIe Conférence internationale de la Croix-Rouge et du Croissant-Rouge. - Résolutions de la XXXIe Conférence internationale de la Croix-Rouge et du Croissant-Rouge : Résolution 1: Le renforcement de la protection juridique des victimes des conflits armés ; Résolution 2: Plan d'action quadriennal pour la mise en oeuvre du droit international humanitaire ; Résolution 3: Migration : garantir l'accès, la dignité, le respect de la diversité et l'intégration sociale ; Résolution 4: Renforcement du rôle d'auxiliaire : partenariat pour des Sociétés nationales plus fortes et développement du volontariat ; Résolution 5: Les soins de santé en danger : respecter et protéger les soins de santé ; Résolution 6: Inégalités en matière de santé, en particulier en ce qui concerne les femmes et les enfants ; Résolution 7: Renforcer les cadres normatifs et lever les barrières réglementaires à l'atténuation des catastrophes, à l'intervention et au relèvement ; Résolution 8: Mise en oeuvre du Protocole d'accord et de l'Accord sur des arrangements opérationnels datés du 28 novembre 2005 entre le Croissant-Rouge palestinien et le Magen David Adom d'Israël ; Résolution 9: Notre monde. A vous d'agir : pour l'humanité.

INTERNATIONAL CRIMINAL LAW

Forfeiture of assets at the International Criminal Court : the short arm of international criminal justice / Manuel Galvis Martínez. - In: *Journal of international criminal justice*, Vol. 12, no. 2, May 2014, p. 193-217

A hybrid strategy to prosecute the waging of war / Marta Sosa Navarro. - In: *Spanish yearbook of international law*, Vol. 17, 2011-2012, p. 73-93. - Photocopies

The Kampala Conference held in 2010 to review the Rome Statute portrays a discouraging image regarding the fight against impunity for those responsible for the waging of war. Its outcome reflects the international community's lack of willingness to take the necessary steps to hold accountable those responsible for the crime of aggression. Regardless of the existing agreement on its definition, the International Criminal Court's jurisdiction has been postponed again, fostering the need to resort to alternative formulas to prosecute this crime. This paper aims to study the possibility of prosecuting aggression as a crime against humanity in so far as the illegal use of force amounts to "other inhuman acts of similar character (...)", articulated in article 7.1.k of the Statute. It also searches for alternative procedures to prosecute these crimes, focusing on the emerging role of domestic jurisdiction through the consolidation of the *aut dedere aut judicare* clause.

344/93(Br.)

L'immunité de juridiction pénale des membres du personnel militaire d'une opération de maintien de la paix des Nations Unies : cas de la MONUSCO / Bienfait Kujirakwinja Kalinda.

- In: *Revue de droit international et de droit comparé*, No 4, 2013, p. 549-594. - Photocopies
Les opérations de maintien de la paix des Nations Unies ont plusieurs fois été ternies par des crimes commis par le personnel militaire onusien. Il y a peu, en République Démocratique du Congo, des accusations ont surtout porté sur les violences sexuelles commises à l'égard des femmes et des enfants. En vertu de l'immunité de juridiction dont jouissent les casques bleus, ceux-ci ne sont justiciables que dans leurs pays d'origine ; loin des victimes. Plusieurs facteurs démontrent cependant qu'ils n'y sont presque jamais inquiétés. Leurs crimes restent ainsi impunis. Cet article propose alors un mécanisme de prise en compte de l'impérieuse nécessité de rendre justice aux victimes en mobilisant, d'une part, une responsabilité internationale et de l'autre, en atténuant l'immunité absolue dont jouissent les casques bleus.

344/111(Br.)

International criminal law with Asian characteristics ? / Simon Chesterman. - [S.l.] : National University of Singapore, Faculty of Law, April 2014. - 41 p. : tabl. ; 30 cm. - (Working paper ; 2014/002). - Photocopies

The history of international criminal law typically effaces Asian experience of the topic. This is partly because incidents such as the Tokyo Trial disclose racial and colonial biases that are now seen as embarrassing. Yet failing to engage with Asian experience also impoverishes our understanding of the possibilities and limitations of international criminal law. In particular, pragmatic adaptation of "universal" principles in various Asian jurisdictions offers a helpful lens through which to view the inherent tension between legitimacy and effectiveness in international criminal trials: the desire for legitimacy that goes beyond a state whose leaders may have engaged in unspeakable acts; the need for effectiveness at the local level if any resolution of a conflict is to be enduring. A more nuanced understanding may also help explain an apparent paradox: despite having a long tradition of restrictions on the conduct of hostilities, Asian states today are twice as unlikely to have accepted the jurisdiction of the International Criminal Court when compared with any other region.

344/83(Br.)

Israel, Palestine and the ICC : territory uncharted but not unknown / Yaël Ronen. - In: *Journal of international criminal justice*, Vol. 12, no. 1, March 2014, p. 7-25

Justice delayed, not denied : statutory limitations and human rights crimes / Jan Arno Hessbruegge. - In: Georgetown journal of international law, Vol. 43, issue 2, 2012, p. 335-385. - Photocopies

From the vantage point of morality and sound legal policy, time bars should not apply to the prosecution of human rights crimes or related reparation claims. Under the civil law tradition, however, even the most serious crimes have traditionally been subject to prescription. In common law systems, statutes of limitations have posed a major obstacle to reparation claims based on human rights crimes, including historical wrongs. In the era of the Rome Statute of the International Criminal Court, customary international law has finally progressed to a stage where States may not point to the passage of time to escape their duty to prosecute and punish perpetrators of genocide, crimes against humanity, and war crimes in their own courts. Furthermore, the vast majority of states are obligated under international treaty law to also abolish statutes of limitations for other human rights crimes, in particular torture and extrajudicial killings. This also has repercussions for crimes committed in a more distant past, as international law allows (but does not require) states to abolish domestic statutes of limitations with retroactive effect, even where the prosecution of acts amounting to international crimes had already become time-barred. While justice delayed no longer means justice denied in respect of the prosecution of human rights crimes, not enough thought has been given to whether the same can be said for related reparation claims. This Article demonstrates that the right to an effective remedy under international human rights treaty law renders claims based on genocide, crimes against humanity, and war crimes imprescriptible. Regrettably, state practice does not follow this approach, which has so far prevented the emergence of a norm of customary international law to that effect.

344/96(Br.)

The plea of superior orders in the Hong Kong trials / Bing Bing Jia. - Oxford : Oxford University Press, 2013. - p. 169-198. - In: Hong Kong's war crimes trials. - Photocopies

344/115(Br.)

The role of the Rome Statute in the criminalization of apartheid / Paul Eden. - In: Journal of international criminal justice, Vol. 12, no. 2, May 2014, p. 171-191

Silence at the Nuremberg trials : the international military tribunal at Nuremberg and sexual crimes against women in the Holocaust / Hilly Moodrick-Even Khen and Alona Hagay-Frey. - In: Women's rights law reporter, Vol. 35, issue 1, Fall 2013, p. 43-66. - Photocopies

344/621(Br.)

The practice of international courts and tribunals on armed forces : issues of status and attribution / Andrea Carcano. - Cambridge [etc.] : Intersentia, 2013. - p. 141-167. - In: Armed forces and international jurisdictions

345.2/951

Twenty years of international criminal law : from the ICTY to the ICC and beyond / Theodor Meron, Fatou Bensouda. - In: Proceedings of the [...] annual meeting of the American Society of International Law, No. 107, 2013, p. 407-420

War crimes / Suzannah Linton. - Oxford : Oxford University Press, 2013. - p. 95-135. - In: Hong Kong's war crimes trials. - Photocopies

Hong Kong's war crimes process, adjudicating offences from Hong Kong and the New Territories, China (Taiwan, and also Shanghai and Waichow), Japan, and on the High Seas,

resonates with the leitmotif of events in multiple jurisdictions across Asia as the Japanese forces swept through and conquered large swathes of Asia in the 1930s and 1940s. This chapter's objective is to engage with the war crimes aspects of the trials held in Hong Kong, and to extract a deeper understanding from the cases themselves, a major task given the serious limitations that the lack of reasoned judgments poses. The majority of the Hong Kong cases actually involved war crimes against civilians. This category of war crimes raises some good substantive issues for closer consideration (involuntary displacement/deportation, torture and other ill-treatment, and unlawful killing of civilians). This study deliberately centralizes the Hong Kong cases; the objective is to excavate a forgotten legal process and shed light on the law of war crimes as it emerges from these cases. Before moving to war crimes against civilians in occupied territory, this chapter first establishes the sources of the law of war crimes relied on in these Hong Kong trials.

344/114(Br.)

War crimes and other international "core" crimes / Paola Gaeta. - Oxford : Oxford University Press, 2014. - p. 737-765. - In: The Oxford handbook of international law in armed conflict

Under the orthodox approach, war crimes were considered crimes under international law only as a means to enforce international rules of warfare at the national level. This basic principle of international law was challenged and eventually discarded following the trials of war criminals before the Nuremberg Tribunal and the Tokyo Tribunal. However, the revolutionary precedent established by the Nuremberg and Tokyo trials did not develop into a fully-fledged body of international criminal rules, known as 'international criminal law', until the end of the Cold War, when the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda were set up by the United Nations Security Council. This chapter focuses on the criminalization of war crimes under international law and compares it with the parallel criminalization of crimes against humanity and genocide.

345.2/952

INTERNATIONAL HUMANITARIAN LAW-GENERAL

Aplicabilidad en el ámbito interno y en tiempos de paz de las normas de ius cogens del derecho internacional humanitario / Regina Ingrid Díaz Tolosa. - In: Estudios constitucionales, Vol. 10, núm. 2, 2012, p. 281-321. - Photocopies

El derecho internacional humanitario contiene normas perentorias de derecho internacional general (ius cogens) cuyo núcleo fundamental, la protección de la dignidad humana, coincide con el del derecho internacional de los derechos humanos. En opinión de la autora, esta convergencia permite utilizar ciertas normas del derecho internacional humanitario, en el foro doméstico, fuera del ámbito de los conflictos armados, en los casos de violaciones de derechos fundamentales en tiempo de paz, al menos como un elemento de interpretación que coadyuve a determinar el sentido y alcance de las normas que protegen los derechos fundamentales.

345.2/953(Br.)

A broad overview of the law of armed conflict in the age of terror / Shane R. Reeves and David Lai. - Chicago : Section of Administrative Law and Regulatory Practice, American Bar Association, 2014. - p. 139-161. - In: The fundamentals of counterterrorism law

At the most fundamental level, law and war are seemingly irreconcilable terms. "Law" implies an orderly polity where human relations and behaviors are governed usually by plentiful and inescapable rules, whereas the term "war" connotes an abandonment of restraint of rules by substituting in their place brutal force. For the greater part of recorded history, the relationship between the imposed obligations of law and the violence of war best

understood as described by Cicero, the famous Roman philosopher, when he stated "inter arma leges silent" - in times of war the laws are silent. However, despite an absence of formal legal obligations, belligerents made some efforts to limit the brutality of warfare, particularly when men began to fight as organized groups, through informal rules and customs. Seventeenth-century jurist Hugo Grotius, recognizing these customary obligations while simultaneously understanding the savagery of hostilities, noted that in warfare, belligerents must "not believe that either nothing is allowable, or that everything is".

303.6/227

Current challenges to international humanitarian law / Antonio Cassese. - Oxford : Oxford University Press, 2014. - p. 3-19. - In: The Oxford handbook of international law in armed conflict

In the view of the author, the real weakness of humanitarian law lies in the fact that in the numerous wars that plague the planet, civilians are no longer protected. All wars, internal or international, result in massacres. Why? The reason is very simple: the segment of IHL that governs the conduct of hostilities, namely the use of the means of war (arms) and the methods of war (attacks against the enemy), is loose and flawed by lacunae. The first failing is the total and asymmetric nature of modern armed conflicts. The entire body of law which we have at our disposal today is modelled on a Rousseauian conception of war, fought between two armies. As a result, the author identifies specific gaps: First, guerrillas and terrorists are discouraged from respecting IHL, irregular combatants usually do not comply with the prescriptions of IHL and make no effort to distinguish themselves from civilians. A second serious deficiency of modern IHL lies in the fact that it does not sufficiently limit the exorbitant military might of belligerent powers. Thirdly, IHL fails to control the actions of 'private contractors. A fourth deficiency of modern IHL is that there are no effective mechanisms for determining when a belligerent has violated that very law. Finally, IHL fails to secure compensation to victims. After identifying these gaps, the author proposes action on three levels to mitigate the devastation of armed conflicts: the drawing up of non-binding guidelines; the set up of flexible and effective monitoring mechanisms; and the compensation of victims

345.2/952

Customary humanitarian law today : from the academy to the courtroom / Theodor Meron. - Oxford : Oxford University Press, 2014. - p. 37-49. - In: The Oxford handbook of international law in armed conflict

Today, customary international law has effectively moved from the domain of academia to the courtroom. Customary international law now comes up in almost every international court and tribunal, in almost every case, and frequently has an impact on the outcome. International courts ranging from the ICJ, the Iran-United States Claims Tribunal, and the ICSID arbitral tribunals to the regional human rights courts have pronounced on important issues of customary international law in recent years. The author believes it is in the international criminal tribunals - particularly in the International Criminal Tribunal for the former Yugoslavia (ICTY) - that the jurisprudence on customary international law has been most rich.

345.2/952

Derecho internacional humanitario / Humberto Silva Cubillan. - Caracas : Fondo editorial Agenda XXI, 1996. - VI, 294 p. : portr. ; 23 cm. - Bibliographie : p. 283-287. - ISBN 9789806409002

345.2/954

Ethical challenges of new military technologies / Stephen Coleman. - The Hague : T.M.C. Asser Press, 2014. - p. 29-41. - In: New technologies and the law of armed conflict. - Bibliographie : p. 41

The development and use of new military technologies raises many ethical issues. Simply examining the law regarding the use of such technologies does not capture many of these issues, since while there is certainly an intimate relationship between law and ethics, the questions raised by these two disciplines differ. Perhaps the soldier of the future might simply enter into battle in a virtual sense, by piloting a remotely controlled device, or managing attacks against the enemy's computer systems through cyber warfare. But whatever the future may be, it is impossible to get a sense of what the laws governing armed violence 'ought' to be without considering the ethical issues that such new military technologies raise. This chapter considers the issues which new military technologies raise both with regard to jus ad bellum (justice of war) and jus in bello (justice in war).

345.2/951

The gentle modernizer of the law of armed conflict ? / Inger Österdahl. - Oxford : Oxford University Press, 2014. - p. 207-228. - In: Jus post bellum : mapping the normative foundations

This chapter argues that jus post bellum is necessary in order to cope constructively with the consequences of armed conflict. At the same time, the introduction of a systematic and comprehensive jus post bellum will challenge the traditional conceptual categories relating to the law on the use of force. The purpose of jus post bellum is presumed to be the achievement of a just and stable peace based on democracy, human rights, and the rule of law. The introduction of jus post bellum will move the focus away from the beginning towards the middle and end of armed conflict. It will have an impact on jus ad bellum and jus in bello. Its introduction will also move the focus away from military necessity toward humanitarian values. It will further make armed conflict law less state-centered and more people-centered.

345/650

The individualization of war : from war to policing in the regulation of armed conflicts / Gabriella Blum. - Stanford : Stanford law books, 2014. - p. 48-83. - In: Law and war

In this essay, the author argues that the "humanization of international humanitarian law" marks a shift from collectivism toward cosmopolitan individualism in the regulation of wartime conduct. In other words, wartime regulation has evolved from a predominantly state-oriented set of obligations - which viewed war as an intercollective effort - to a more individual-focused regime; and consequently, these wartime obligations are owed not only to other parties to the conflict but, at least in aspiration, to the entire international community. The author demonstrates how various contemporary debates over particular doctrines and practices of war both reflect and refract the overarching question of the collective or individualized nature of war. Among these debates are the distinction between the jus ad bellum and the jus in bello; the application of the principle of proportionality in the jus in bello; the project of international criminal law; reparations to victims of war ; and detention of terrorists. By framing these issues as implicating the individual or collective nature of war, the tradeoffs that exist between a cosmopolitan or national view of war are highlighted.

345.2/949

International humanitarian law in armed conflicts / Voislav Vasileski. - Skopje : Military Academy "General Mihailo Apostolski", 2003. - 538 p. ; 24 cm. - Bibliographie : p. 527-533. Index. - ISBN 9789989134012

345.2/955

The law of neutrality / Paul Seger. - Oxford : Oxford University Press, 2014. - p. 248-270. - In: The Oxford handbook of international law in armed conflict

While neutrality, as generally understood, may cover a wide range of behaviour, the law of neutrality is not only narrower, but also more precise in its scope. First, the duties and rights of neutrality only apply to sovereign states and not to any other subjects of international law. Secondly, they only apply in a situation of an international armed conflict between two or more states. Thirdly, they impose a limited set of obligations upon the state, these will be explained further in this Chapter. In essence, the core duty of a neutral state is to refrain from supporting, through militarily means, warring parties in an international armed conflict.

345.2/952

The legality of the killing of Osama Bin Laden / by John Cerone. - In: Proceedings of the [...] annual meeting of the American Society of International Law, No. 107, 2013, p. 47-51

New rules for victims of armed conflicts : commentary on the two 1977 Protocols Additional to the Geneva Conventions of 1949 / by Michael Bothe, Karl Josef Partsch, Waldemar A. Solf ; with the collab. of Martin Eaton. - 2nd ed. reprint revised. - Leiden ; Boston : M. Nijhoff, 2013. - XXXII, 843 p. : ill., tabl. ; 24cm. - (Nijhoff classics in international law ; vol. 1). - Bibliographie : p. 813-818. Index. - ISBN 9789004246294

It is a major cultural achievement that violence in armed conflicts is restrained by international legal rules. As the nature of these conflicts changes, these rules have to be adapted accordingly in order to provide effective protection for the victims. The adoption of the two Protocols Additional to the Geneva Conventions in 1977 was a major step in this development. The authors, who were involved in the negotiation of these two treaties, give a first hand account of the meaning of the text and the intent of the negotiators. The book is, thus, an important tool to better understand and implement these treaties which have proved their salutary importance in the all too many conflicts during the last decades. The current volume is a revised reprint, with new introductory materials, of the original text published in 1982.

345.2/443(2013)

New technologies and the law of armed conflict / Hitoshi Nasu, Robert McLaughlin. - The Hague : T.M.C. Asser Press, 2014. - XX, 259 p. ; 24 cm. - Bibliographies. Index. - ISBN 9789067049320

Contient notamment : The legal challenges of new technologies : an overview / W. H. Boothby. - Geography , territory and sovereignty in cyber warfare / D. Mison. - The law applicable to military strategic use of outer space / D. Blake. - Examining autonomous weapon systems from a law of armed conflict perspective / J. S. Thurnher

345.2/951

The Oxford handbook of international law in armed conflict / ed. by Andrew Clapham and Paola Gaeta ; assistant ed.: Tom Haeck, Alice Priddy. - Oxford : Oxford University Press, 2014. - LXXXIV, 909 p. ; 25 cm. - Index. - ISBN 9780199559695

Part A provides the historical background and sets out some of the contemporary challenges. Part B considers the relevant sources of international law. Part C describes the different legal regimes: land warfare, air warfare, maritime warfare, the law of occupation, the law applicable to peace operations, and the law of neutrality. Part D introduces crucial concepts in international humanitarian law: weapons and the concepts of superfluous injury and unnecessary suffering, the principle of distinction, proportionality, genocide and crimes against humanity, grave breaches and war crimes, and internal armed conflict. Part E looks at fundamental rights: the right to life, the prohibition on torture, the right to fair trial, economic, social and cultural rights, the protection of the environment, the protection of cultural property, the human rights of the members of the armed forces, and the protection of children. Part F covers important issues such as: the use of force, terrorism, unlawful combatants, the application of human rights in times of armed conflict, refugee law, and the

issues of gender in times of armed conflict. Part G deals with accountability issues including those related to private security companies and armed groups, as well as questions of state responsibility brought before national courts and issues related to transitional justice.

345.2/952

Treaties for armed conflict / Robert Kolb and Katherine Del Mar. - Oxford : Oxford University Press, 2014. - p. 50-87. - In: The Oxford handbook of international law in armed conflict

After explaining six reasons why the law of armed conflict is one of the branches of public international law that has been the most intensely codified through treaties, this chapter analyzes: the relationship between treaty law and customary law; problems with ratification of IHL treaties, reservations to IHL treaties, legal relationship between IHL treaties, interpretation of IHL treaties, special agreements, denunciation of IHL treaties and finally, the legal effect of breach of an IHL treaty.

345.2/952

INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES

Are we reaching a tipping point ? : how contemporary challenges are affecting the military necessity-humanity balance / Shane R. Reeves, Jeffrey S. Thurnher. - In: Harvard national security journal features, 2013, 12 p.. - Photocopies

This short article addresses the relationship between the principles of military necessity and humanity, and warn that an overemphasis on humanity may be unfolding in the contexts of the "capture or kill" debate, autonomous weapons systems, and cyber warfare.

345.25/297(Br.)

"Kill 'em and sort it out later" : signature drone strikes and international humanitarian law / Kristina Benson. - In: Global business and development law journal, Vol. 27, issue 1, 2014, p. 17-51. - Photocopies

As of this writing, signature drone strikes have been used to kill thousands of people in Yemen, Pakistan, and Afghanistan. Signature strikes, where unknown individuals are targeted for their "signatures," or behavioral patterns, have killed or injured hundreds of civilians, caused massive psychological trauma among civilian populations, complicated the relationship between the U.S. and Pakistan, and compromised the stated objective of winning hearts and minds. Even so, no scholarly articles have focused on signature strikes' legality under International Humanitarian Law. This paper uses on-the-ground investigative reports and recently leaked, Justice Department legal analysis to argue that signatures are a problematic proxy for direct participation, and violate the principles of distinction and proportionality.

345.25/300(Br.)

The "Kundus incident" of 4 September 2009 : was the aerial attack ordered by German Colonel Klein lawful under international humanitarian law ? / Tim Banning. - Bonn : Universität Bonn, Institute for Public International Law, January 2014. - 15 p. ; 30 cm. - (Bonn research papers on public international law ; no. 1/2014). - Photocopies

In its recent judgement of 11 December 2013 the Bonn Regional Court dismissed an action brought by the victims of aerial attack in Kundus ordered by German Colonel Klein on 4 September 2009. The Court did not support the notion of "official misconduct", which would have made the Federal Republic liable. On the occasion, this article offers an analysis of the attack and assesses its lawfulness under International Humanitarian Law. The analysis is largely based on the published findings of a Parliamentary Inquiry Commission on the Kundus incident. It concurs with the Court's finding that the two hijacked petrol tanker trucks posed indeed legitimate military targets, but it also opposes the Court's view that all feasible

measures for preventing harm to civilians were adopted. This article argues that numerous obligations under International Humanitarian Law were disregarded and that, in fact, an unlawful attack on civilians occurred.

345.25/298(Br.)

The law applicable to military strategic use of outer space / Duncan Blake. - The Hague : T.M.C. Asser Press, 2014. - p. 115-140. - In: *New technologies and the law of armed conflict.* - Bibliographie : p. 138-140

Space power theories discussed in the previous chapter, as well as the realities of the strategic utility of weapons of space and the strategic importance of space itself are reflected in the legal framework for the use of space. These factors were present when the Cold War superpowers negotiated the Outer Space Treaty and several other constitutive legal instruments. But as Cold War relations thawed, the impetus for treaty-making diminished. Concurrently the space domain became more congested, competitive and contested with many more entrants. There were and still are efforts to address the current challenges to space security but the instruments resulting from, or proposed by, those efforts lack the same legal force as the original, constitutive legal instruments; they are somewhat vague and their approach to the unfortunate and controversial possibility of hostilities in space is tentative at best. The constitutive legal instruments for the space domain do not directly deal with the possibility of hostilities in space in detail, but they do indirectly contemplate the application of the law of armed conflict. Both the constitutive legal instruments and the subsequent efforts to address the current challenges to space security influence the way in which the law of armed conflict potentially applies to hostilities in outer space. However, there remains great uncertainty about the application of the law of armed conflict to hostilities in the space domain. Efforts to achieve greater clarity must be undertaken before such hostilities occur, in part because such efforts will help to address some of the current challenges in space security.

345.2/951

Modern technologies and targeting under international humanitarian law / Charlotte Lülf. - Bochum : Ruhr-Universität Bochum, Dezember 2013. - III, 59 p. ; 30 cm. - (IFHV working paper ; vol. 3, no. 3). - Bibliographie : p. 51-59. - Photocopies

Over the last decades, the worldwide evolution and advancement of technology interfused nearly all aspects of life, including the conduct of States and non-State actors in armed conflict. The *lex specialis* governing armed conflicts, international humanitarian law (IHL), has always been challenged by these transformation of conflicts and continuously advancing weaponry. However, those involved in armed conflict situation, especially those taking part in actual combat, are in need of precise regulation or at least interpretation thereof to determine which conduct is lawful and which is not. Therefore modern technologies and the alteration in targeting made possible by their use have to be continuously reassessed for their compliance with IHL and its overall objectives. This thesis focuses on two distinctive types of modern technology, on the one hand unmanned Aerial Vehicles (UAV) and unmanned combat aerial vehicles (UCAV) and on the other hand cyber attacks and their (il)legality under the laws of armed conflict.

345.25/299(Br.)

The principle of distinction between civilians and combatants / Nils Melzer. - Oxford : Oxford University Press, 2014. - p. 296-331. - In: *The Oxford handbook of international law in armed conflict*

Today, the majority of armed conflicts are of a non-international character, that is to say, they involve at least one belligerent party composed entirely of non-state actors, whose organization, equipment, training, and discipline rarely match those of state armed forces. At the same time, there has been a continuous shift of military operations into civilian population centres. The ensuing intermingling of armed actors with the civilian population

has not only exposed the latter to increased collateral dangers, but has also facilitated the involvement of civilians themselves in activities more closely related to military operations, from providing food, shelter, equipment, and intelligence to combatants, up to direct participation in combat. Even more recently, the increased outsourcing of traditionally military functions has inserted numerous private contractors and civilian intelligence personnel or other civilian government employees into the modern battlefield. Moreover, contemporary military operations often attain an unprecedented level of complexity, involving the coordination of a great variety of interdependent human and technical resources in different locations. All of these factors have caused confusion and uncertainty as to the distinction between legitimate military targets and persons protected against direct attacks. These difficulties are further aggravated where combatants do not distinguish themselves from the civilian population, for example during undercover military operations or when acting as farmers by day and fighters by night. As a result, civilians are more likely to fall victim to erroneous or arbitrary targeting, while armed forces—unable to properly identify their adversary—bear an increased risk of being attacked by persons they cannot distinguish from the civilian population. This trend, which threatens to undermine some of the most fundamental achievements made in 'humanizing' warfare, calls for a careful analysis of the legal concepts and rationale underlying the principle of distinction with a view to clarifying its meaning in light of the circumstances prevailing in contemporary armed conflicts.

345.2/952

Proportionality in the law of armed conflict / Enzo Cannizzaro. - Oxford : Oxford University Press, 2014. - p. 332-352. - In: The Oxford handbook of international law in armed conflict

The purpose of this chapter is to reappraise legally the notion of proportionality in humanitarian law (*ius in bello*), by itself and in its relations with the law governing the resort to the use of armed force (*ius ad bellum*). The relationship between the rules that determine the legality of the use of force and those which tend to impose restraints on military action, presents an interesting object of analysis and a litmus test for assessing the future development of the law of armed conflict. The two first sections separately analyse the structure and content of proportionality in *ius in bello*, and in *ius ad bellum*. The final section is devoted to the role of proportionality in the relationship between the two regimes.

345.2/952

Uncertainty on Somalia's beaches : the legal regime of onshore anti-piracy operations / Frederic Wiesenbach. - In: Journal of conflict and security law, Vol. 19, no. 1, Spring 2014, p. 85-112

In March 2012, the EU decided to expand the Atalanta anti-piracy mission to Somalia's beaches. Simultaneously Atalanta's operational strategy has been changed and the constraining rules for the use of force under the law-enforcement paradigm and international human rights law (IHRL) have been eased towards the less strict rules governing the use of force in hostilities under international humanitarian law (IHL). A problem-orientated comparison exemplifies that the law-enforcement and the hostilities paradigms required from Atalanta forces entirely different reasoning for the lawful conduct of force and impose specific restrictions on the permissible means and tactics. An analysis of hypothetical rescue scenarios further examines that the status of the actors and extend of force change the legal paradigm which has serious implications for the lawful conduct of force. Hence, the Atalanta command must take serious attention to the legal status under which rescue operations are conducted to avoid breaches of IHL or IHRL.

INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION

Armed forces and the International Court of Justice : the relevance of international humanitarian law and human rights law to the conduct of military operations / Giulio Bartolini. - Cambridge [etc.] : Intersentia, 2013. - p. 51-89. - In: Armed forces and international jurisdictions

This article reviews the International Court of Justice's (ICJ) role in defining International Humanitarian Law (IHL) through its case law. The author notes that while the ICJ jurisprudence is limited in volume, the ICJ has made important contributions to IHL through cases, *Nicaragua v USA* (1986), *Congo v Uganda* (2005), and advisory opinions, *Nuclear Weapons* advisory opinion (1996), *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (2004). The author argues that the ICJ has reaffirmed and clarified legal principles surrounding IHL. For example, the ICJ has combined "Hague Law" and "Geneva Law" into a single, complex system for IHL. Moreover, the ICJ has stressed that there is underlying customary law to certain international treaties, such as the VIII Hague Convention, which apply despite non-ratification. Furthermore, other international bodies rely on the legal principles developed by the ICJ. However, the ICJ's decisions have been too brief, making some principles ambiguous. The author also examines the application of the definition of armed conflict, conduct of hostilities, the law of occupation, humanitarian assistance, and guarantees for the implementation of IHL in ICJ jurisprudence. Finally, the author considers ICJ case law relating to the extraterritorial application of human rights treaties and the relationship between IHL and HRL. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]

345.2/951

Investigations into military operations : what impact on transitional justice ? / Laurie R. Blank. - In: *Israel law review*, Vol. 47, issue 1, March 2014, p. 85-104. - Photocopies

The recent proliferation of external investigations into military operations raises important questions for the conduct of military operations and the interpretation and implementation of international law. The impact of such investigations, and their reports, extends beyond how they influence the military and the implementation of the law of armed conflict, however. As countries and societies embroiled in lengthy conflicts begin to explore the value and effectiveness of undertaking transitional justice efforts during conflict, rather than only after conflict, investigations into military operations and specific incidents can play an important – and perhaps unexpected – role. This article focuses specifically on the interrelationship between investigations and transitional justice efforts. As investigations into military operations become a common tool in the international and national arsenal, understanding how they interact with and affect broader transitional justice efforts and goals becomes important, for both the conceptualization of investigations and the development of transitional justice mechanisms. This article addresses the relationship between investigations and the truth-telling aspect of transitional justice mechanisms, as well as the impact of the use of law and legal analysis on the legitimacy of the investigations and on potential transitional justice mechanisms.

345.22/239(Br.)

Limits of law : promoting humanity in armed conflict / Sarah Sewall. - Stanford : Stanford law books, 2014. - p. 23-47. - In: *Law and war*

The chapter's focus is explaining the gap between the U.S. traditionalist view of the law and that of the progressives. This gap is not well understood by Americans, who are routinely reassured that the U.S. military abides by the laws of war and then perplexed as outside critics dispute U.S. claims. It discusses the two general perspectives on the law and illustrate their implications through two examples : defining military objectives and taking precautions to protect civilians. In both cases, the U.S. rejects progressive standards yet routinely takes additional measures to protect civilians for reasons that are independent of the law. It is the

norm of minimizing civilian casualties, however, not the law, that prompts these additional measures. Indeed, normative argument divorced from law offers progressives and alternative means of pushing advanced military powers to enhance civilian protections. Yet the most fundamental IHL challenge remains enforcement of the most basic protections for civilians. Even the U.S. is uneven in enforcement of the basic rules of war. The history of American prosecution of service members for IHL violations illustrates this vexing challenge. Progressives should place less emphasis upon raising legal requirements for protecting civilians than upon enforcing minimal standards.

345.2/949

Preventing and repressing international crimes : towards an "integrated" approach based on domestic practice : report of the third universal meeting of national committees for the implementation of international humanitarian law / prepared by Anne-Marie La Rosa. - Geneva : ICRC, February 2014. - 2 vol. (108, 341 p.) : tabl. ; 21 cm + 1 CD-ROM. - (Reference (ICRC))

The report, based primarily on national practice, offers a pragmatic approach to the prevention and suppression of international crimes, paying particular attention to the Statute of the International Criminal Court. This report, which takes into account the work and reflections that followed the Universal Meeting, includes discussions on various means and solutions available in meeting the challenges associated with incorporating IHL (in particular, repressive aspects) into national law. The report also provides reflections on other important issues, including universal jurisdiction and the role of punishment in the prevention of serious violations of IHL. The volume 2 contains reference documents aimed at supporting States' efforts on the issues discussed during the universal Meeting.

345.22/221(I-ENG)

345.22/221(II-ENG)

4138/002(vol.1)

4138/002(vol.2)

Re civilian casualty court martial : prosecuting breaches of international humanitarian law using the Australian military justice system / Joshua Kelly. - In: Melbourne university law review, Vol. 37, issue 2, 2013, p. 342-371. - Photocopies

In Re Civilian Casualty Court Martial, disciplinary charges preferred against two Australian commandos accused of causing the deaths of five civilians during a night-time raid in Afghanistan were dismissed as being wrong in law. Despite the relevance of 'war crimes' under the Criminal Code (Cth) to their conduct, the charges preferred against the commandos were based on the ordinary crimes of 'manslaughter' and 'dangerous conduct', available under the Defence Force Discipline Act 1982 (Cth). Through an analysis of the decision to dismiss the charges as wrong in law, this article discusses the issues raised by the prosecution of breaches of international humanitarian law using the Australian military justice system, and asks whether disciplinary charges based on ordinary crimes, or war crimes, should be preferred when prosecuting such breaches.

345.22/238(Br.)

State responsibility and the individual right to compensation before national courts / Christian Tomuschat. - Oxford : Oxford University Press, 2014. - p. 811-839. - In: The Oxford handbook of international law in armed conflict

Normally, states parties to an armed conflict settle the financial consequences of that conflict in the traditional way, if ever they reach agreement, by concluding comprehensive treaties that embrace also all the claims that their nationals may have acquired on account of the conflict. The most common form of reparation consists of lump sum payments that do not differentiate between the different groups of victims. Remedies for individuals are not available within the framework of international humanitarian law (IHL) at the international level. This chapter explores state responsibility and the individual right to compensation before national courts, in particular violations of IHL. It looks at compensation claims before

the courts of the alleged wrongdoing state, as well as those claims outside the alleged wrongdoing state. It considers national reparation programmes, tort claims arising from military operations during non-international armed conflict, tort claims arising from international armed conflict, the territorial clause, jus cogens versus jurisdictional immunity, implications for public policy, and universal jurisdiction for reparation claims.

352.2/952

INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION

Comment déterminer le début et la fin d'une occupation au sens du droit international humanitaire / Tristan Ferraro. - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 94, 2012/1, p. 73-106

Le droit international humanitaire (DIH) ne définit pas précisément la notion d'occupation, pas plus qu'il ne fournit de normes strictes permettant d'établir à quel moment débute et s'achève une occupation. L'article ci-après propose une analyse détaillée de la notion d'occupation et de ses éléments constitutifs au regard du DIH, et arrête un ensemble de critères juridiques permettant de déterminer dans quelles conditions une situation doit être qualifiée d'occupation aux fins du DIH. Il conclut en suggérant une adaptation de ces critères juridiques aux caractéristiques spéciales de l'occupation par un intermédiaire et de l'occupation par les forces multinationales.

Les dilemmes de la protection des civils des territoires occupés : l'exemple précurseur de la Première Guerre mondiale / Annette Becker. - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 94, 2012/1, p. 55-71

Si les avancées du droit humanitaire dit « de Genève » et du droit international dit de « La Haye », ne restèrent pas lettre morte pendant le Premier Conflit mondial, ce fut surtout en ce qui concerne les blessés et les prisonniers de guerre, mieux protégés que les civils par le droit conventionnel humanitaire encore balbutiant. Si l'idéal d'humanité a pu alors trouver réalisation à grande échelle grâce aux efforts du Comité international de la Croix-Rouge (CICR) et d'une myriade d'autres organisations charitables, confessionnelles ou non, cependant les entorses et les violations de ce droit ont été le fait de tous les belligérants dès lors qu'ils en eurent la possibilité. Les différentes populations occupées, sur les fronts ouest, est et dans les Balkans, en furent les cobayes et les victimes exemplaires.

Le droit de l'occupation belligérante devant la Cour suprême israélienne / David Kretzmer. - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 94, 2012/1, p. 107-140

Depuis la guerre de 1967, au cours de laquelle Israël a occupé la Cisjordanie et la bande de Gaza, la Cour suprême d'Israël a été saisie de milliers de requêtes concernant des actes de l'armée et d'autres autorités dans ces territoires occupés. Cet article examine l'apport de la jurisprudence de la Cour dans ces affaires au droit de l'occupation belligérante. Il aborde d'abord les questions relatives à la compétence et aux normes applicables pour ensuite analyser la manière dont la Cour a interprété les besoins militaires, le bien-être de la population locale, les modifications de la législation locale et l'utilisation des ressources. Il examine ensuite l'attitude de la Cour à l'égard de la nature prolongée de l'occupation et de l'existence de colonies israéliennes, de colons et de travailleurs pendulaires israéliens dans les territoires occupés, l'introduction d'un triple critère de proportionnalité afin d'évaluer la nécessité militaire et les hostilités dans les territoires occupés. Dans la section finale, l'auteur tire quelques conclusions générales sur la contribution apportée par la Cour au droit de l'occupation.

Le droit de l'occupation est-il applicable à la phase d'invasion ? / Marten Zwanenburg, Michael Bothe et Marco Sassòli. - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 94, 2012/1, p. 31-54 : portr.

Trois experts du droit de l'occupation — Marten Zwanenburg, Michael Bothe et Marco Sassòli — ont bien voulu prendre part à ce débat en défendant trois conceptions différentes. Marten Zwanenburg considère que l'unique critère permettant de fixer le moment où une invasion devient une occupation est celui qui est défini dans l'article 42 du Règlement de La Haye et rejette donc la "théorie de Pictet". Michael Bothe, s'il s'oppose lui aussi à la théorie de Pictet, considère qu'une éventuelle phase intermédiaire entre l'invasion et l'occupation, si elle devait exister, ne pourrait être que très brève et que, une fois qu'un envahisseur a pris le contrôle d'une partie d'un territoire envahi, le droit de l'occupation s'applique. Enfin, Marco Sassòli défend la théorie de Pictet et affirme que, afin d'éviter toute lacune juridique, il convient de ne faire aucune distinction entre la phase d'invasion et la phase d'occupation pour appliquer les règles de la IV^e Convention de Genève. Afin de satisfaire à des exigences de clarté et de brièveté, nos trois auteurs ont simplifié certaines subtilités de leur argumentation. Le lecteur comprendra que leur positions réelles peuvent être plus nuancées qu'elles n'apparaissent dans ces pages.

L'emploi de la force en période d'occupation : maintien de l'ordre public et conduite des hostilités / Kenneth Watkin. - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 94, 2012/1, p. 179-236

Le présent article explore le droit qui régit le maintien de l'ordre public et la sauvegarde de la sécurité intérieure en situation d'occupation belligérante. A l'instar de ce qui s'est produit en Irak en 2003-2004, tout conflit armé international s'accompagne d'un risque de généralisation de la violence. Inévitablement, les forces militaires et les forces de police s'engagent dans des activités qui se juxtaposent et se recoupent. Or, les normes relatives au maintien de l'ordre sont basées sur les droits de l'homme, tels que le droit à la vie, et sont également présentes dans le droit international humanitaire. Ainsi, en période d'occupation militaire, tant les normes qui régissent la conduite des hostilités que les normes relatives au maintien de l'ordre public sont applicables. Leur mise en oeuvre simultanée au titre du droit international humanitaire et des droits de l'homme vient en fait renforcer la protection des habitants des territoires occupés.

"Gate of the sun" : applying human rights law in the occupied Palestinian territories in light of non-violent resistance and normalization / Keren Greenblatt. - In: Northwestern journal of international human rights, Vol. 12, issue 2, spring 2014, p. 152-190. - Photocopies

This paper argues that the prolonged duration of the Israeli occupation of the Palestinian territories (hereinafter "OPT"), combined with the intensifying non-violent resistance, justifies a stronger human rights law approach, rather than an IHL approach, in the administration of the Palestinian population and lands. The first section reviews the origins and fundamentals of the international law of belligerent occupation and its relation to international human rights law. The second section provides a brief background of the Israeli occupation of the OPT, particularly of the West Bank. The third section reviews the different approaches to what the applicable legal framework in this situation ought to be, including the Israeli and Palestinian approaches and those of the international community. The fourth section discusses the different approaches and argue that, currently, the most persuasive applicable legal framework is a strong human rights law approach, with a few general norms borrowed from the law of armed conflict. The final section analyzes the case of Bab Alshams in light of this proposed approach and show how this approach would have produced radically different outcomes.

345.28/110(Br.)

Interview de Raja Shehadeh / par Vincent Bernard, Michael Siegrist et Anton Camen. - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 94, 2012/1, p. 13-29

Dans cet entretien, Raja Shehadeh s'exprime sur la pertinence du droit de l'occupation aujourd'hui et livre ses réflexions personnelles sur Israël, l'Autorité palestinienne et le travail d'organisations internationales telles que le CICR.

The law of occupation / Philip Spoerri. - Oxford : Oxford University Press, 2014. - p. 182-205. - In: *The Oxford handbook of international law in armed conflict*

In many recent volatile situations, the law of occupation has been responsive to the challenges at hand, in particular those relating to humanitarian emergencies, arising from the effective control of a territory - or part thereof - by foreign forces. Yet, the applicability and application of the law of occupation to such contexts also raises a number of legal issues. In this respect, several important questions are of concern including the beginning and end of occupation, the delimitation of the rights and duties of the Occupying Power (including the highly debated issue of transformative occupation and the sensitive topic of prolonged occupation), as well as the interaction between the law of occupation and human rights law or the legal framework governing the use of force in occupied territory. This chapter addresses a few selected issues which, from the author's perspective, have had particularly important operational implications on the ground insofar as their legal dimension may have a direct impact on the population living in a territory subject to the effective control of a foreign army.

345.2/952

Les obligations relatives aux droits de l'homme dans le cadre de l'occupation militaire / Noam Lubell. - In: *Revue internationale de la Croix-Rouge : sélection française*, Vol. 94, 2012/1, p. 237-260

Le présent article examine l'applicabilité du droit international des droits de l'homme dans des situations d'occupation militaire. Partant du postulat qu'il peut y avoir des obligations en matière de droits de l'homme dans de telles circonstances, il analyse leurs modalités précises d'applicabilité des droits de l'homme et la relation de ces droits avec la notion d'occupation. Enfin, il indique les obstacles pratiques et juridiques à la mise en oeuvre des obligations relatives aux droits de l'homme et plaide pour une démarche contextuelle qui permette de protéger les droits de l'homme tout en admettant les réalités concrètes de l'occupation militaire.

Occupation transformative et impulsion unilatéraliste / Gregory H. Fox. - In: *Revue internationale de la Croix-Rouge : sélection française*, Vol. 94, 2012/1, p. 141-177

L'occupation de l'Irak en 2003 a suscité un important débat entre les juristes. Une occupation pouvait-elle être "transformative" ? N'était-il pas traditionnellement interdit à l'occupant de modifier de manière substantielle l'infrastructure juridique ou politique de l'Etat dont il contrôlait le territoire ? L'expérience irakienne a conduit certains commentateurs à affirmer que, d'une part, ce "principe conservateur" avait été peu observé dans la pratique et que, d'autre part, une occupation à des fins de transformation était en accord avec plusieurs tendances importantes du droit international moderne. Ces tendances incluraient notamment la reconstruction, sur base libérale et démocratique, des Etats sortant d'un conflit, l'application extraterritoriale des obligations conventionnelles relatives aux droits de l'homme et le déclin des conceptions abstraites de la souveraineté territoriale. L'auteur du présent article estime que ces prises de position sont très excessives. La pratique des Puissances occupantes ne confirme pas la thèse selon laquelle les transformations libérales démocratiques sont répandues. Par ailleurs, il n'a jamais été allégué que les traités relatifs aux droits de l'homme exigeaient que les Etats parties légifèrent dans les territoires d'autres Etats. Plus important encore, le principe conservateur joue un rôle capital en imposant des limites à l'appropriation unilatérale par l'occupant des pouvoirs législatifs de l'Etat subordonné. Certes, les actions de transformation post-conflit ont constitué l'une des caractéristiques de l'ordre juridique de l'après guerre froide, mais ces actions ont été menées de manière collective, le plus souvent par le biais du Chapitre VII de la Charte des Nations Unies. Autoriser les occupants à renverser cette tendance en réfutant toute nécessité d'approbation collective des "réformes" entreprises dans les Etats occupés équivaldrait à valider un unilatéralisme anachronique. Une telle démarche irait à l'encontre de la multilatéralisation de tous les aspects des conflits armés, évidente dans tous les domaines, bien plus que dans la seule reconstruction post-conflit.

Post-occupation law / Yaël Ronen. - Oxford : Oxford University Press, 2014. - p. 428-446. - In: Jus post bellum : mapping the normative foundations

This chapter examines the notion of post-occupation law as a body of law that applies after the termination of occupation and regulates transition from dependence created by the occupant to self-sufficiency. Post-occupation law should address both individual and collective interests. The analysis indicates that post-occupation law must be distinct from (albeit possibly related to) existing bodies of law. Unlike the laws of occupation and international human rights law, it is geared towards transition rather than premised on static effective control; and unlike the responsibility to protect and other proposed regimes, it is based on past conduct rather than forward-looking. A new body of law would nonetheless be informed by existing bodies of law and shaped by reference to their respective areas of application.

345/650

Responsibility for regime change / Jay Butler. - In: Columbia law review, Vol. 114, no. 3, April 2014, p. 503-581 : tabl.. - Photocopies

What obligations does a state have after it forcibly overthrows the regime of another state or territory? The Hague Regulations and the Fourth Geneva Convention provide some answers, but their prohibition on interfering with the governing structure of the targeted territory is outmoded. Based on a careful examination of subsequent practice of the parties to the conventions, this article asserts a new interpretation of these treaties and argues that regime changers are now under positive obligations in the postwar period and beyond. Through their conduct and evaluation of modern regime-change missions, states, both individually and acting collectively through international organizations, have manifested revised understandings of obligations in the postconflict phase of military operations. Accordingly, this article argues that regime-changing states now not only have Geneva-based direct obligations to establish security in the territory, promote representative local government, protect the human rights of the local population, assist with postconflict reconstruction, and safeguard minority groups while exercising control over the territory, but also that such states must ensure that the successor regime - whose installation their initial military intervention facilitated - is one that respects international human rights law.

345.28/109(Br.)

INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS

Engaging with armed groups : a human rights field perspective from Nepal / Frederick Rawski. - In: International organizations law review, Vol. 6, issue 2, 2009, p. 601-626. - Photocopies

Theoretical uncertainty surrounding whether and to what extent non-state actors are obligated to abide by international human rights and humanitarian norms has impacted the policies and practices of human rights field presences, including those of the United Nations. The paper presents the case of Nepal, where international organizations have been forced by circumstance to engage with a range of non-state armed groups, to illustrate how current limitations of human rights law regarding non-state actors impact the work of human rights field monitors. Drawing upon the global administrative law paradigm, it argues for the development of a 'soft law' framework governing human rights aspects of international organizations' engagement with armed groups.

345.29/207(Br.)

Focusing on armed non-state actors / Andrew Clapham. - Oxford : Oxford University Press, 2014. - p. 766-810. - In: The Oxford handbook of international law in armed conflict

This chapter examines the role and obligations of armed non-state actors in armed conflict. It suggests that the traditional approach of international law which excludes armed non-state actors from its list of suitable subjects is not helpful in protecting innocent victims and creates the impression that armed groups inhabit a lawless world. It proposes a number of options that can be considered when addressing violations of international law committed by armed non-state actors. These include encouraging codes of conduct and deeds of commitment, imposition of sanctions and criminal accountability, and launching initiatives aimed at the underlying causes of the conflict

345.2/952

The law applicable to peace operations / Dieter Fleck. - Oxford : Oxford University Press, 2014. - p. 206-247. - In: The Oxford handbook of international law in armed conflict

This chapter looks into some salient issues within the wider field of peace operations, focusing on existing gaps and policy problems of legal regulation. It starts with certain frictions that have evolved during the genesis of these operations and their current legal challenges. The following sections suggest a critical look at the existing legal basis and political control of these operations, comment on the status of peacekeepers in the host country and in transit states, and examine select issues of applicable law and policy for the conduct of peace operations. These include security and safety; command and control; freedom of movement, communications, and logistic support; and relevant operational law issues including compliance by peacekeepers with human rights obligations, protection of civilians, force protection, and operational detentions. Problems concerning the accountability of sending states, international organizations, and individual wrongdoers are discussed in context with factfinding, judicial control, and the desirability of their improvement. Finally, some conclusions are drawn, focusing on implementation gaps and desirable legal developments.

345.2/952

Private military and security companies / James Cockayne. - Oxford : Oxford University Press, 2014. - p. 624-655. - In: The Oxford handbook of international law in armed conflict

The arrival of large numbers of PMSC personnel on geostrategic key battlefields has quite literally placed them at the centre of contemporary discussions about the regulation of armed conflict. Their form, statutory duties to contractual clients and shareholders, and often their conduct raise difficult questions for international lawyers. Are PMSC personnel civilians, or combatants, or sometimes one and sometimes the other? Can they be targeted for attack? If they cannot effectively be distinguished from either civilians or combatants, how can opposing forces know whether it is lawful to attack them? And, perhaps centrally, who is ultimately responsible for their conduct before international law - especially if they are merely private actors, working for private clients? The persistence of these questions has led to numerous attempts in the last decade at both the national and international levels to clarify laws and policies around the regulation of PMSCs. These complexities coalesce around a number of recurring points of disputation, including the legitimacy of PMSCs' presence on the battlefield, the protections PMSC personnel enjoy, and the privileges they benefit from. This chapter first explores these recurring themes, then examines whether 'states are the answer' to these regulatory questions. Highlighting the limits of state power - and desire - to regulate commercial actors on the battlefield, it moves on to explain why some commentators in fact see states as "the problem". In a final section, it explores whether and how international law might be coming to provide the primary rules of conduct which might serve as the basis for the development of non-traditional mechanisms for enforcing international law: through domestic and civil litigation, and through industry action.

345.2/952

The regulation of private military and security contractors / Faiza Patel... [et al.]. - In: Proceedings of the [...] annual meeting of the American Society of International Law, No. 107, 2013, p. 199-210

Content : Introductory remarks by A. Clapham. - Regulating private military and security companies : a comprehensive solution / F. Patel. - U.S. legislative and regulatory developments and the International Code of Conduct for Private Security Providers : filling the accountability gap ? / M. Roggensack. - A European approach to the regulation of PMSCs / M. Sossai. - Remarks by V. Zellweger

Should rebels be amnestied ? / Frédéric Mégret. - Oxford : Oxford University Press, 2014. - p. 519-541. - In: Jus post bellum : mapping the normative foundations

This chapter explores the link between jus post bellum and insurgency, with a particular focus on the treatment of amnesties. Insurgents have become a central feature of jus post bellum, but their normative status remains unclear. There is consensus that regardless of the cause they pursued, insurgents should be accountable for violations of the laws of war and other international crimes. The more difficult question is how the fact of having taken up arms in itself should be treated. Analyzing why a privilege of belligerency is recognized in international armed conflicts, the chapter argues that a normatively defensible argument for the amnesty of insurgents must necessarily be based on a partial recognition (at least of the "agree to disagree" type) of the international legitimacy of some insurgencies, particularly those against a regime engaged in massive human rights violations or a foreign occupation in violation of international law.

345/650

Targeted killing of drug lords : traffickers as members of armed opposition groups and/or direct participants in hostilities / Patrick Gallahue. - In: International journal on human rights and drug policy, Vol. 1, 2010, p. 15-33. - Photocopies

In 2009, the United States announced that it had placed fifty Afghan drug traffickers with links to the Taliban on a 'kill list.' This controversial proposal essentially weds the counter-narcotics effort with the mission to defeat the Taliban, and challenges a cornerstone of international humanitarian law, the principle of distinction. This article argues that drug traffickers, even those who support the Taliban, are not legitimate targets according to the rules applicable to non-international armed conflict. It explores the notions of membership in armed groups, civilian status and acts that result in the loss of protection, and argues that the US plan violates international humanitarian law.

345.29/208(Br.)

Unlawful combatants / Knut Dörmann. - Oxford : Oxford University Press, 2014. - p. 605-623. - In: The Oxford handbook of international law in armed conflict

One of the most debated subjects in international humanitarian law (IHL) over the years has been the legal situation of "unlawful combatants". In legal writing it has been addressed in some detail after the adoption of the Geneva Conventions of 1949 and then prior to the adoption of the 1977 Additional Protocols to the Geneva Conventions. The debate emerged again with some intensity following the US-led military campaign in Afghanistan, which started in 2001. Different understandings have been expressed and thus different approaches suggested with regard to the legal framework applicable to the possible detainability and targetability of "unlawful combatants". It was asserted in certain circles that "unlawful combatants" do not have any protection whatsoever under IHL, or that they are a category of persons outside the scope of either the Third Geneva Convention or the Fourth Geneva Convention of 1949. Many others opposed these assertions vehemently. While the term has been used earlier, this contribution will look at the time after the adoption of the Geneva Conventions as these treaties and subsequent treaties – in particular the 1977 Additional Protocols to the Geneva Conventions – as well as customary international law set the legal framework for contemporary armed conflicts. Prior to the Geneva Conventions of 1949 the treatment of unlawful combatants was governed through the Martens' clause. At the time of

the two World Wars, in international practice, unlawful combatants were dealt with harshly, even allowing them to be shot after capture.

345.2/952

INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT

The application of jus post bellum in non-international armed conflicts / Kristen E. Boon. - Oxford : Oxford University Press, 2014. - p. 259-268. - In: Jus post bellum : mapping the normative foundations

Jus post bellum's deep moral and legal associations with the humanitarian tradition have meant that predominant approaches to the concept have tended to focus on international wars and international actors at the expense of any deep exploration of what role jus post bellum might play in non-international or internal situations. Now that non-international armed conflicts outnumber international armed conflicts by a significant margin, it is time to reassess the scope of jus post bellum norms in cases of internal conflict. This contribution argues that some jus post bellum principles will be the same regardless of the nature of the conflict—specifically, those derived from international criminal law and human rights law. Nonetheless, this chapter argues that in areas where jus post bellum relates to rebuilding and reconstruction after non-international conflicts, it should be regulated by the principle of “bounded discretion” and show deference to local authorities.

345/650

Criminalizing humanitarian relief : are U.S. material support for terrorism laws compatible with international humanitarian law ? / Justin A. Fraterman. - In: International law and politics, Vol. 46, no. 2, winter 2013, p. 399-470. - Photocopies

In the wake of the U.S. Supreme Court's decision in *Holder v. Humanitarian Law Project*, there has been much discussion about the potentially chilling effect that U.S. material support laws may have on the provision of humanitarian assistance in both disaster and war zones. This Article examines these issues in depth, providing an analysis of the material support legal regime and the Humanitarian Law Project decision, the regime's potential legal impact on humanitarian organizations, and the interaction between these laws, international law, and U.S. constitutional law. More specifically, this Article advances a number of arguments: First, it posits that the material support laws pose a serious threat to the provision of much needed humanitarian relief. Next, it argues that the United States has a clear obligation under international humanitarian law—more specifically under the Geneva Conventions—to refrain from interfering with the provision of humanitarian assistance in certain circumstances. As a result, the material support laws as applied to humanitarian relief organizations place the United States in violation of its international legal obligations. The Article then considers the impact of this conflict as a matter of U.S. domestic law, looking at the literature and jurisprudence on self-executing treaties to examine whether the Conventions are judicially enforceable in U.S. courts. In doing so, it asserts that some provisions of the Conventions could arguably provide humanitarian workers and organizations facing criminal prosecution with a defence against allegations of providing material support. Finally, the Article considers a possible enlarged humanitarian exception to the existing statutory regime, as well as the particular difficulty faced by the International Red Cross movement in adapting its activities to ensure compliance with the material support laws.

345.22/240(Br.)

Cyber operations and the use of force in international law / Marco Roscini. - Oxford : Oxford University Press, 2014. - XXVIII, 307 p. : tabl. ; 24 cm. - Bibliographie : p. 289-300. Index. - ISBN 9780199655014

The internet has changed the rules of many industries, and war is no exception. But can a computer virus be classed as an act of war? Does a Denial of Service attack count as an armed

attack? And does a state have a right to self-defense when attacked in cyber space? With the range and sophistication of cyber attacks against states showing a dramatic increase in recent times, this book investigates the traditional concepts of 'use of force', 'armed attack', and 'armed conflict' and asks whether existing laws created for analogue technologies can be applied to new digital developments. The book provides a comprehensive analysis of primary documents and surrounding literature to establish whether and how existing rules on the use of force in international law apply to cyber operations. In particular, it assesses the rules of the jus ad bellum, the jus in bello, and the law of neutrality (whether based on treaty or custom), and analyses why each rule applies or does not apply in the cyber context. Those rules which can be seen to apply are then discussed in relation to each specific type of cyber operation. The book addresses the key questions of whether a cyber operation amounts to the use of force and, if so, whether the victim state may exercise its right of self-defense; whether cyber operations trigger the application of international humanitarian law when they are not accompanied by traditional hostilities; what rules must be followed in the conduct of cyber hostilities; how neutrality is affected by cyber operations; and whether those conducting cyber operations are combatants, civilians, or civilians taking direct part in hostilities. The book is essential reading for everyone wanting a better understanding of how international law regulates cyber combat.

345.26/254

Direct participation in hostilities from cyberspace / Collin Allan. - In: Virginia journal of international law, Vol. 54, no. 1, December 2013, p. 173-193. - Photocopies

As demonstrated by the cyber attacks against Georgia in 2008 and the cyber attacks against Aramco in 2012, civilians are increasing their participation in armed conflicts through cyber attacks. In 2009, the International Committee of the Red Cross (ICRC) published a document on how to determine when a civilian's participation in armed conflict reaches the necessary level to render him or her targetable by one of the parties to the conflict. The Tallinn Manual was published this year to provide legal guidance in cyber situations. While professionals have written in this area previously, it is the first time that experts have compiled a manual of rules to indicate how international law applies to cyber situations. It includes a section on direct participation in hostilities through cyber means. This paper compares and contrasts the ICRC's approach and the Tallinn Manual's approach. The author reaches the conclusion that the Tallinn Manual's approach has the general effect of lowering the standard for civilians' actions in meeting the direct participation in hostilities bar. This makes a civilian participating in hostilities through cyber means targetable in more situations than a civilian participating in hostilities under the ICRC's framework.

345.29/205(Br.)

From jus in bello to jus post bellum : when do non-international armed conflicts end ? / Rogier Bartels. - Oxford : Oxford University Press, 2014. - p. 297-314. - In: Jus post bellum : mapping the normative foundations

This chapter discusses how to identify the moment when the law dealing with situations of armed conflict (jus in bello or international humanitarian law) ceases to apply and makes way for the law governing the period after the conflict ends. Neither the end of non-international armed conflicts nor the end of the temporal scope of international humanitarian law is defined in treaty law. This chapter proposes using the criteria and identifying factors for the lower threshold at the start of non-international armed conflicts to determine when such conflicts end and when international humanitarian law no longer applies. The chapter describes the challenges in using these criteria and factors, and sets out a modified framework that can serve to identify when the fighting between the parties to the conflict drops below the threshold of intensity and organization and when it thus ceases to be a non-international armed conflict.

345/650

Internal (non-international) armed conflict / Eric David. - Oxford : Oxford University Press, 2014. - p. 353-362. - In: The Oxford handbook of international law in armed conflict

The quantitative development of norms applicable to internal armed conflicts was confirmed in the recent ICRC Study on Customary International Humanitarian Law (2005), that shows that among the 161 rules contained in the study, at least 137 (and perhaps even 144 rules) are applicable to both non-international and international armed conflicts. This chapter briefly examines the variety and complexity of IHL rules applicable to non-international armed conflicts (NIACs), and then turn to the criteria for identifying the existence of a non-international armed conflict.

345.2/952

International humanitarian law in civil war / Emily Hencken Ritter. - London ; New York : Routledge, 2014. - p. 323-333. - In: Routledge handbook of civil wars. - Bibliographie : p. 333

This chapter presents a summary of prevailing legal and social science scholarship on the application of IHL to the context of civil war. After a brief description of the obligations states have to IHL in international conflict, it identifies the differences and the difficulties of applying these international obligations to non-state parties engaged in conflict and even states parties faced with short-term incentives to violate their obligations. The primary mechanism by which compliance with IHL is enforced in international conflict - the threat of reciprocal violations that would impact one's own forces in the future - does not hold much sway in internal conflicts, which have explicit incentives to target those outside of the main parties and are short term in nature. IHL thus relies on new international institutions like the International Criminal Court to prosecute and deter major war crimes that would occur in civil wars - which also suffer from enforcement problems in their institutional infancy. This chapter argues that the nature of civil war undermines the efficient application, and thus practice, of international humanitarian obligations in non-international armed conflict.

355/1024

Land warfare / Yves Sandoz. - Oxford : Oxford University Press, 2014. - p. 91-117. - In: The Oxford handbook of international law in armed conflict

This Chapter reviews the principles and rules of IHL that apply to land warfare. Those rules that have retained their full relevance-which is the case for most of them-will be highlighted. Equally important, those few rules that deserve to be clarified or rendered more precise or that, in some cases, could justifiably be considered afresh will also be discussed. This review proceeds first by presenting IHL from the perspective of the foot soldier, outlining in detail his or her rights and duties. This emphasizes the fact that compliance with IHL depends first on the conduct of each individual soldier. Of course, in focusing on the individual soldier, it would be wrong to ignore the responsibility of the chain of command. Decisions made by commanders and the high command contrary to the principles of IHL, including the use of prohibited weapons, giving orders that breach humanitarian rules, failure to prevent violations and failing to fulfil duties to train their subordinates, will all be examined in less detail towards the end of the Chapter.

345.2/952

The law or armed conflict and the responsible cyber commander / Jody M. Prescott. - In: Vermont law review, Vol. 38, book 1, 2013, fall 2013, p. 101-145. - Photocopies

This article first briefly reviews the different national positions on cyberspace and cyber strategies that address the applicability of international law and LOAC. Second, to provide a perspective that is less nation-centric, this article describes positions taken on LOAC's applicability in cyberspace by an international group of experts who compiled the recently published Tallinn Manual and describe how this work, along with national positions, helps delimit a potentially dangerous "grey zone" of military cyber operations that is perhaps only

governed, at this point, by national Rules of Engagement (ROE). Third, to put this "grey zone" in an operational context, this article explores the practical challenges cyber commanders, and by extension, their legal advisors, face so that the effects of knowing the extent to which LOAC is applicable and the standards by which cyber ROE are created might be better appreciated. Finally, this article concludes with a discussion of potentially significant military personnel selection and education policies in developing responsible cyber commanders. Only a holistic approach to these important tasks is likely to generate sufficient transparency to allow the international community to properly understand how military cyber operations will be conducted in conformance with LOAC, or with ROE that may be largely informed by LOAC or LOAC-like principles.

345.29/206(Br.)

Legal phantoms in cyberspace : the problematic status of information as a weapon and a target under international humanitarian law / Jack M. Beard. - In: *Vanderbilt journal of transnational law*, Vol. 47, no. 1, 2014, p. 67-144. - Photocopies

Reports of state-sponsored harmful cyber intrusions abound. The prevailing view among academics holds that if the effects or consequences of such intrusions are sufficiently damaging, international humanitarian law (IHL) should generally govern them – and recourse to armed force may also be justified against states responsible for these actions under the *jus ad bellum*. This article argues, however, that there are serious problems and perils in relying on analogies with physical armed force to extend these legal regimes to most events in cyberspace. Armed conflict models applied to the use of information as a weapon and a target are instead likely to generate "legal phantoms" in cyberspace – that is, situations in which numerous policy questions and domestic criminal issues are often misinterpreted as legal problems governed by the IHL framework or the *jus ad bellum*. This article assesses this dilemma in the context of four key problem areas relating to dimensions of information: (1) problems of origin, organization, and availability; (2) problems of access and control; (3) problems of exploitation; and (4) problems of manipulation and content.

345.26/253(Br.)

Postwar / Robert M. Chesney. - In: *Harvard national security journal*, Vol. 5, issue 1, 2014, p. 305-334. - Photocopies

Does it really matter, from a legal perspective, whether the U.S. government continues to maintain that it is in an armed conflict with al Qaeda? Critics of the status quo regarding the use of lethal force and military detention tend to assume that it matters a great deal and that shifting to a postwar framework will result in significant practical change. Supporters of the status quo tend to share that assumption and oppose abandoning the armed-conflict model for that reason. This Essay argues that both camps are mistaken about this common premise. For better or worse, shifting from the armed-conflict model to a postwar framework would have far less of a practical impact than both assume.

345.26/251(Br.)

Where do cyber hostilities fit in the international law maze ? / William H. Boothby. - *The Hague* : T.M.C. Asser Press, 2014. - p. 59-73. - In: *New technologies and the law of armed conflict.* - Bibliographie : p. 73

Significant portions of the international law of armed conflict are concerned with the notion of "attack", and that is really where the first intellectual challenge confronts us when we consider notions of cyber warfare and, more specifically, of cyber attack. This chapter considers how an attack is understood in relation to cyberspace, and what challenges the use of cyberspace for hostile purposes poses to the application of various principles and rules of the law of armed conflict, particularly the principle of precaution, weapons review, and the issue of control.

345.2/951

INTERNATIONAL ORGANIZATION-NGO

La responsabilité des organisations internationales : un état des lieux à l'issue des travaux de la Commission du droit international des Nations Unies / sous la dir. de Yann Kerbrat, Pierre Klein et Valérie Michel. - In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, Vol. 47, 2013-1, 205 p.

Contient notamment : Sanctions et contre-mesures : risques de confusion dans les articles de la CDI sur la responsabilité des organisations internationales / Y. Kerbrat. - Le régime de responsabilité des opérations de paix de l'Union européenne : quelles règles applicables ? / G. Marhic. - Régime général de responsabilité ou *lex specialis* ? / M. Forteau. - Les organisations internationales entre "responsibility" et "accountability" : le régime de responsabilité esquissé par la CDI est-il adapté aux organisations internationales ? / V. Richard

The responsibility of international organisations for conduct arising out of armed conflict situations / Hennie Strydom. - In: South African yearbook of international law, Vol. 34, 2009, p. 101-131. - Photocopies

It is a well-settled principle of international law that international organisations are subjects of international law and capable of possessing international rights and duties and of enforcing such rights by bringing international claims for breach of an international obligation against the organisation. At least theoretically, the reverse situation enjoys equal recognition, namely that international organisations may be held responsible for their wrongful acts as a logical consequence of the powers and duties bestowed upon them in terms of their constitutive instruments. In the latter instance there is, amongst others, the rather sensitive issue of the vicarious liability borne by member states of the international organisation and / or by a regional organisation in the case of shared mandates and responsibilities. Recently, the underlying issues involved in such a scenario were well-illustrated by the Behrami and Al-Jedda judgments which feature later in this contribution. In addressing the subject-matter of this article three broadly defined areas come under discussion: the UN Charter practice ; the relevant provision of the International Law Association ; and the emergent jurisprudence of recent, and often controversial, case law.

341.215/252(Br.)

MEDIA

A war of perception : the struggle for legitimacy, influence and power through media in post-2001 Afghanistan / Joshua Dalton. - In: Central Asian survey, Vol. 33, issue 3, 2014, 17 p.. - Bibliographie : p. 14-17. - Photocopies

070/105(Br.)

PEACE

Accountability of peacekeepers / Andreas von Arnould... [et al.]. - In: Die Friedens-Warte : journal of international peace and organization, Bd. 88, H. 3-4, 2013, 233 p.. - Bibliographies

Contient notamment : Modes of legal accountability : the Srebrenica example / A. von Arnould, S. Buszewski. - Victims caught between a rock and a hard place : individual compensation claims against troop-contributing states / P. Stöckle. - Accountability and

protection of UN peacekeepers in light of MONUSCO / T. Macura. - The victims who are not quite victim enough : how the ICC creates divides within victim communities / M. J. Machado Forero, S. Karlsson, L.-M. Rudi

Dire la guerre, penser la paix : actes du Colloque international de Strasbourg, 14-16 mai 2012 / Matthieu Arnold... [et al.] ; sous la dir. de Frédéric Rognon. - Genève : Labor et Fides, 2014. - 441 p. : tabl. ; 23 cm. - (Le champ éthique ; no 62). - ISBN 9782830915426

Contient notamment : Typologie des conflits contemporains : les défis de l'option militaire / J.-P. Thonier. - Autour de la guerre juste : dilemmes et paradoxes moraux, juridiques et politiques / P. Hassner. - Paix et développement dans une Afrique déchirée : le cas des pays des Grands Lacs / B. Majagira. - La responsabilité de protéger : instrument de paix, arme de guerre ? / J.-B. Marie. - Les juridictions "gacaca" au Rwanda : quelle justice après un génocide ? / G. Vallière-Luhahe

172.4/262

Examining the use of amnesties and pardons as a response to internal armed conflict / Andrew G. Reiter. - In: Israel law review, Vol. 47, issue 1, March 2014, p. 133-147. - Photocopies

The use of amnesty for human rights violations has been heavily criticised on legal, ethical and political grounds. Yet amnesties have been the most popular transitional justice mechanisms over the past four decades, particularly in the context of internal armed conflict. States justify these amnesties by claiming they are important tools to secure peace. But how successful is amnesty in accomplishing these goals? This article seeks to answer this question by analysing the use and effectiveness of 236 amnesties used in internal armed conflicts worldwide since 1970. The article first creates a typology of the use of amnesty in the context of internal armed conflict. It then qualitatively examines the impact on peace of each type of amnesty. The article finds that most amnesties granted in the context of internal armed conflict have no demonstrable impact on peace and security. Yet amnesties granted as carrots to entice the surrender of armed actors occasionally succeed in bringing about the demobilisation of individual combatants or even entire armed groups. More importantly, amnesties extended as part of a peace process are effective in initiating negotiations, securing agreements, and building the foundation for long-lasting peace.

172.4/7

(Br.)

Peacetime regime for state activities in cyberspace : international law, international relations and diplomacy / Katharina Ziolkowski (ed.). - Tallinn : NATO Cooperative Cyber Defence Centre of Excellence, 2013. - XXX, 746 p. : diagr., tabl., ; 25 cm. - Bibliographie : p. 691-738. - ISBN 9789949921171

Contient notamment : Back-tracing and anonymity in cyberspace / M. Pihelgas. - Technical defence methods, tools, techniques and effects / E. Caliskan and R. Peterson. - General principles of international law as applicable in cyberspace / K. Ziolkowski. - Territorial sovereignty and integrity and the challenges of cyberspace / B. Pirker. - International cyber crisis management and conflict resolution mechanisms / L. Areng. - Freedom and security in cyberspace : shifting the focus away from military responses towards non-forcible countermeasures and collective threat-prevention

172.4/261

The relationship between truth commissions and armed forces / Alison Bisset. - Cambridge [etc.] : Intersentia, 2013. - p. 189-205. - In: Armed forces and international jurisdictions

345.2/951

Toward a new amnesty : the Colombian peace process and the Inter-American Court of Human Rights / Gustavo Alvira. - In: Tulane journal of international and comparative law, Vol. 22, issue 1, winter 2013, p. 119-144. - Photocopies

The article discusses the peace process in Colombia as of November 2013. Presently, the Colombian conflict which originated during the Cold War, has three main actors: the State, the Revolutionary Armed Forces of Colombia (FARC) and the paramilitaries. Negotiating the end to an internal armed conflict within the current international law regime poses unique challenges to national governments. Although the executive and legislative branches of the Colombian government have expressed a willingness to grant complete amnesty to demobilized FARC combatants, Colombia's obligations under customary international law and treaty law have significantly impaired the state's ability to negotiate an end to the conflict. The article shows how the Inter-American Court of Human Rights strict amnesty jurisprudence is currently holding the Colombian peace process hostage.

172.4/4(Br.)

Transition and justice : negotiating the terms of new beginnings in Africa / guest ed.: Gerhard Anders and Olaf Zenker. - In: Development and change, Vol. 45, no. 3, May 2014, p. 395-630. - Bibliographies

Contient notamment : Making good citizens from bad life in post-genocide Rwanda / S. Turner. - New law against an old state : land restitution as a transition to justice in post-apartheid South Africa ? / O. Zenker. - Transitional justice, states of emergency and business as usual in Sierra Leone / G. Anders. - "When we walk out, what was it all about ?" : views on new beginnings from within the International criminal tribunal for Rwanda / N. Eltringham

Transitional justice / Nicolas Michel and Katherine Del Mar. - Oxford : Oxford University Press, 2014. - p. 840-883. - In: The Oxford handbook of international law in armed conflict
This chapter examines the different transitional justice mechanisms established to respond to serious international crimes that have occurred in the context of armed conflict. These transitional mechanisms include truth-seeking mechanisms such as truth commissions, commissions of inquiry, and judicial fact-finding. This chapter considers the problems that may arise in the interaction among different transitional justice mechanisms such as protection of the rights of the accused. It also argues that transitional justice requires a coordinated approach among a plurality of mechanisms to assist a society in transitioning from a state of armed conflict in which serious international crimes were committed, to a peaceful and reconciled future.

352.2/952

PROTECTION OF CULTURAL PROPERTY

"Culture for development" and the UNESCO policy on the protection of cultural property during armed conflict / Sigrid Van der Auwera. - In: International journal of cultural policy, Vol. 20, no. 3, 2014, p. 245-260. - Photocopies

UNESCO increasingly points to the value of culture for sustainable development. However, if we review UNESCO policies on the protection of cultural property in the event of armed conflict, developing countries do not seem to find access or implement them. Consequently, this paper analyses UNESCO initiatives related to the protection of cultural property in the event of armed conflict from a developmental perspective and explores whether they are adequate and inclusive for developing countries. Data for this paper were gathered from document analyses and additional expert interviews obtained via email questionnaires. The paper finds that UNESCO tends to be willing to improve the situation. However, the ratification rates of the relevant UNESCO Conventions in developing countries remain low, the implementation of these instruments is almost non-existent and the commitment to UNESCO protection policies is insufficient. This is mainly due to a lack of awareness and to the fact

that the initiative has to come from the state concerned; the possibilities for international cooperation are still quite limited.

363.8/84(Br.)

War and cultural heritage : an analysis of the 1954 Convention for the protection of cultural property in the event of armed conflict and its two protocols / Kevin Chamberlain. - 2nd ed.. - Builth Wells : Institute of Art and Law, 2013. - X, 247 p. : ill. ; 24 cm. - Index. - ISBN 9781903987315

Ouvrage en 6 parties: Part 1. Introduction and historical background. Part 2. The Convention for the protection of cultural property in the event of armed conflict, signed on 14th May 1954 in The Hague (including the annexed regulations for the execution of the convention). Part 3. Protocol for the protection of cultural property in the event of armed conflict, signed on 14th May 1954 in The Hague. Part 4. The Second protocol to the Hague Convention for the protection of cultural property in the event of armed conflict, The Hague, 26th March 1999. Part 5. Epilogue. Part 6. Text of the 1954 Convention and other international instruments.

363.8/51(2013)

PSYCHOLOGY

Ordinary people as mass murderers : perpetrators in comparative perspectives / ed. by Olaf Jensen and Claus-Christian W. Szejnmann. - Basingstoke ; New York : Palgrave Macmillan, 2008. - XVIII, 228 p.. - (The Holocaust and its contexts). - Index. - ISBN 9781137349330

Contient notamment : Perpetrators of the Holocaust : a historiography / C-C W. Szejnmann. - Women under National Socialism : women scope for action and the issue of gender / C. Herkommer. - On killing and morality : how normal people become mass murderers / H. Welzer. - International law after the Nuremberg trials and Rwanda : how do perpetrators justify themselves ? / G. Hankel

150/96

Sous le feu : la mort comme hypothèse de travail : [comment des hommes ordinaires peuvent faire des choses extraordinaires] / Michel Goya. - Paris : Tallandier, 2014. - 266 p. ; 22 cm. - Bibliographie : p. 259-266. - ISBN 9791021004306

150/97

PUBLIC INTERNATIONAL LAW

Between law-breaking and law-making : Syria, humanitarian intervention and "what the law ought to be" / Carsten Stahn. - In: Journal of conflict and security law, Vol. 19, no. 1, Spring 2014, p 25-48

Extraterritorial lethal targeting : deconstructing the logic of international law / Michael N. Schmitt. - In: Columbia journal of transnational law, Vol. 52, no. 1, 2013, p. 77-112. - Photocopies

Caustic debates over extraterritorial targeting, which is usually conducted by remotely piloted aircraft (so called "drones"), have plagued the international law community for a number of years. The discourse has been marked by an unusually high degree of counter-normative and counter-factual assertions. In particular, pundits often ask the wrong questions or answer the right ones by reference to the wrong body of law. The result is growing confusion, as analytical errors persist and multiply. Despite public perceptions, the issue is

not the drones them-selves, for the relevant legal rules and principles apply equally to any method or means of warfare (drone, manned aircraft, artillery, cruise missile, special forces team, etc.). Instead, two factors common to all such operations lie at the heart of their legality, or lack thereof: 1) extraterritoriality, and 2) lethality. The goal of this Essay is to de-construct the logic of international law relating to so-called "targeted killings" by sharply delineating the legal questions they raise and offering a coherent analytical framework for examining them. No attempt is made to definitively resolve the questions themselves; the framework is methodological, not substantive.

345.26/252(Br.)

From jus ad bellum to jus ad vim : recalibrating our understanding of the moral use of force / Daniel Brunstetter and Megan Braun. - In: Ethics and international affairs, Vol. 27, issue 1, spring 2013, p. 87-106. - Photocopies

345/653(Br.)

The International Court of Justice / Robert Kolb. - Oxford ; Portland : Hart, 2013. - LIII, 1307 p. ; 25 cm. - Bibliographie : p. 1275-1281. Index. - ISBN 9781849462631

345/649

Jus ad bellum and cyber warfare in Northeast Asia / Boris Kondoch. - In: Journal of East Asia and international law, Vol. 6, no. 2, autumn 2013, p. 459-478. - Photocopies

Cyber attacks have become a grave threat to international peace and security. Northeast Asia is a critical point of many of these cyber operations. First, South Korea has been the target of cyber attacks from North Korea. Second, there are harsh debates on this matter between the US and China. While the United States have expressed their concerns about the growing threat of cyber intrusions from China, the People's Republic of China has blamed the US for attacks against their respective computer networks. From the perspective of the jus ad bellum, potential cyber attacks raise a number of difficult and complex issues. The following article examines which cyber operations amount to the use of force as stipulated in Article 2(4) of the UN Charter and discusses the conditions under which type of cyber attacks could trigger the right to self-defense. In addition, other available remedies outside the framework of Article 51 of the UN Charter will be discussed.

345/651(Br.)

Jus post bellum : mapping the normative foundations / ed. by Carsten Stahn, Jennifer S. Easterday, Jens Iverson. - Oxford : Oxford University Press, 2014. - XXXIV, 564 p. : diagr., graph., tabl. ; 26 cm. - Index. - ISBN 9780199685899

Contient notamment : Jus post bellum as a partly independent legal framework / D. Fleck. - The concept of jus post bellum in international law : a normative critique / E. De Brabandere. - Post-war states : differentiating patterns of peace / A. Suhrke. - Conflict termination from a human rights perspective : state transitions, power-sharing, and the definition of the "post" / M. Wählisch

345/650

NGOs : legitimate subjects of international law / Eduardo Szazi. - Leiden : Leiden University Press, 2012. - 310 p. : tabl. ; 24 cm. - Thesis, University of Leiden, 2012. - Bibliographie : p. 291-305. Index. - ISBN 9789087281496

345/656

Re-evaluating the role of international law in territorial and maritime disputes in East Asia / Hitoshi Nasu and Donald R. Rothwell. - In: Asian journal of international law, Vol. 4, issue 1, January 2014, p. 55-79. - Photocopies

Recently increased tensions across East Asia over territorial and maritime disputes show glimpses of brinkmanship. However, the past experiences of Western colonization and Japan's imperialism within the region add complexity to those disputes challenging our understanding of legal debates surrounding territorial and maritime disputes. This article examines the extent to which the relevant rules of international law are capable of providing "justice" by accommodating the unique historical contexts in the region in settling highly politically sensitive territorial and maritime claims. It finds that the existing rules of international law are more than capable of accommodating the peculiar historical contexts of East Asia in the resolution of territorial and maritime disputes, whilst acknowledging that certain ambiguities in the law are contributing to some of the current tensions that have arisen over these disputes.

345/652(Br.)

The sources of international law / Hugh Thirlway. - Oxford : Oxford University Press, 2014. - XXI, 239 p. ; 24 cm. - (Foundations of public international law). - Index. - ISBN 9780199685394

345/654

Use of force / Giovanni Distefano. - Oxford : Oxford University Press, 2014. - p. 545-573. - In: The Oxford handbook of international law in armed conflict

345.2/952

REFUGEES-DISPLACED PERSONS

Armed conflict and forced migration : a systematic approach to international humanitarian law, refugee law, and international human rights law / Vincent Chetail. - Oxford : Oxford University Press, 2014. - p. 700-734. - In: The Oxford handbook of international law in armed conflict

This chapter examines the application of three branches of international law to forced migration and refugee protection in an armed conflict. It provides a comparative assessment of these branches of international law in terms of their application to protection of refugees in war, refugees fleeing war, and refugees in post-war contexts. The analysis indicates that international humanitarian and refugee law are not a panacea in terms of protection, and that it is international human rights law that fulfils the central function of filling the gaps in protection left by humanitarian and refugee law.

345.2/952

The property rights of refugees and internally displaced persons : beyond restitution / Anneke Smit. - London ; New York : Routledge, 2012. - XII, 257 p. : tabl. ; 24 cm. - Bibliographie : p. 211-249. Index. - ISBN 9780415731904

325.3/489

Regional perspectives on refugee protection / Anja Klug... [et al.]. - In: Proceedings of the [...] annual meeting of the American Society of International Law, No. 107, 2013, p. 357-370
The right not to be displaced in international law / Michèle Morel. - Cambridge [etc.] : Intersentia, 2014. - XXXIII, 320 p. : tabl. ; 25 cm. - (International law series ; 13). - Bibliographie : p. 311-320. - ISBN 9781780682051

Every year, millions of people worldwide are forced to leave their homes and become displaced due to a variety of causes, including conflict and persecution, development

projects and natural disasters. This book explores the role of international human rights law in protecting people against involuntary displacement. It does so with reference to the idea of a "human right not to be displaced" ;, the central focus of the book, and examines its existence, desirability, content and enforcement. It starts with a discussion of the meaning of "displacement" and clarifies how this phenomenon can be framed as a human rights issue. The following part deals with the question of how new human rights in general come into existence and under what conditions their creation or emergence is desirable. Against this background, the current status of the right not to be displaced in international law is thoroughly analyzed. The final part of the book examines the desired future for this emerging human right. The author aims to contribute to a better understanding of the international legal framework for the protection of people against their forced movement, as well as to the search for more powerful, tenacious legal mechanisms to prevent or mitigate human displacement. While many works have been written on various legal issues surrounding the protection from specific forms of displacement, this is the first book treating the topic in a comprehensive manner, considering displacement broadly, approaching the issue from a rights-based perspective, and analyzing the complete framework of relevant normative developments at the international level.

325.3/490

RELIGION

The chaplaincy exception in international humanitarian law : "American-born cleric" Anwar al-Awlaki and the global war on terror / K. Benson. - In: Buffalo human rights law review, Vol. 20, 2013/2014, p. 1-36. - Photocopies

Anwar al-Awlaki, frequently described by the media as an "American-born cleric," was the first American citizen to be targeted for extrajudicial assassination by the Obama administration as part of the Global War on Terror (GWOT). While there have been scholarly works considering the legality of his killing under domestic law, none have examined his status as a chaplain under International Humanitarian Law (IHL), what this designation could mean for the legality of Anwar al-Awlaki's killing, or what his killing could mean for the GWOT in general. This paper provides a necessarily brief history of Al Qaeda in the Arabian Peninsula (AQAP) and Anwar al-Awlaki's journey thereto before discussing the Bush and Obama administrations' positions on pertinent legal issues. After establishing that IHL applies in the case of the al-Awlaki killing, it is argued that al-Awlaki conformed to IHL's standard of religious personnel due to his position as a "cleric," casting doubt on the legality of his killing. The precedent set by his killing therefore has important ramifications for other clerics working in cases where IHL applies.

281/59(Br.)

SEA WARFARE

Cyber war, cybered conflict, and the maritime domain / Peter Dombrowski and Chris C. Demchak. - In: Naval war college review, Vol. 67, no. 2, Spring 2014, p. 71-96. - Photocopies

347.799/150(Br.)

Maritime warfare / Wolff Heintschel von Heinegg. - Oxford : Oxford University Press, 2014. - p. 145-181. - In: The Oxford handbook of international law in armed conflict

This contribution deals with the principles and rules of international law applicable to international armed conflicts at sea, ie with the law of naval warfare and the law of maritime neutrality. Although naval engagements during non-international armed conflicts occurred in the past, the law governing such conflicts is not addressed here.

345.2/952

Unmanned naval vehicles and the law of naval warfare / Robert McLaughlin. - The Hague : T.M.C. Asser Press, 2014. - p. 229-246. - In: New technologies and the law of armed conflict. - Bibliographie : p. 245-246

This chapter examines the adequacy of the existing law of the sea and law of armed conflict in regulating and assessing the employment of unmanned vehicles in maritime operational contexts. On the basis of a general assumption as to the enduring relevance and utility of existing law in addressing the challenges of new technology in the maritime domain, the chapter focuses upon unmanned vehicles as a case study of how existing law can meet the challenge of describing and regulating the military applications of new technology at sea. To this end, the analysis concentrates upon two talismans fundamental to defining and understanding this relationship: (1) the status of unmanned vehicles at sea, most particularly in terms of their legal personality and access to flag state immunities; and (2) the poise and positioning of unmanned vehicles at sea in terms of the legal affront they may generate.

345.2/951

TERRORISM

The fundamentals of counterterrorism law / ed. by Lynne Zusman. - Chicago : Section of Administrative Law and Regulatory Practice, American Bar Association, 2014. - XV, 399 p. : diagr. ; 23 cm. - Bibliographies. Index. - ISBN 9781627223652

Contient notamment : FBI domestic and foreign counterterrorism operations / R. M. Blitzer. - What is the mission ? why is countering terrorism so difficult ? / T. M. Chacho and M. J. Meese. - Presidential usurpation or congressional abdication : an alternative view of legislative-executive relations and the power to go to war / P. S. Rundquist. - Privatizing the war on terror : the legal and policy challenges of outsourcing America's counterterrorism fight to private military, security and intelligence contractors / D. Wallace. - Demystifying terrorists financing / J. Breinholt.

303.6/227

Terrorism / Andrea Bianchi and Yasmin Naqvi. - Oxford : Oxford University Press, 2014. - p. 574-604. - In: The Oxford handbook of international law in armed conflict

This chapter first examines in which circumstances IHL applies to acts of terror or terrorism. It then looks at how acts of terror and terrorism are prohibited forms of warfare in situations of armed conflict, as well as the rules applicable to operations of so-called "counter-terrorism". Subsequently, the issue of how individual criminal responsibility has come to be attached to acts of terrorism and acts of terror under international humanitarian law will be examined. Issues connected to the status, detention, and treatment of terrorist suspects in international humanitarian law will be briefly discussed as well. Overall, the chapter focuses on the so-called "grey areas" of international humanitarian law, where the existing framework and rules of IHL seem to struggle to accommodate contemporary manifestations of armed conflict, particularly when actors, qualified by one of the parties as "terrorists" are involved. The concluding section offers some thoughts on how these areas of uncertainty might be eventually resolved and on how the international community can meet the main challenges in the interpretation and implementation of IHL.

345.2/952

TORTURE

Torture and organised violence contributions to a professional human rights response / ed. by Peter Berliner, Julio G. Arenas [and] Jan Ole Haagenen. - [Copenhagen] : Dansk psykologisk forlag, 2005. - 407 p. : tabl., diagr. ; 22 cm. - Bibliographies. - ISBN 9788777064067

323.2/197

Torture and other cruel, inhuman, or degrading treatment or punishment / Manfred Nowak. - Oxford : Oxford University Press, 2014. - p. 387-409. - In: The Oxford handbook of international law in armed conflict

Since respect for human dignity constitutes a kind of leitmotiv for both IHL and IHRL, the absolute prohibition of torture and other forms of ill-treatment plays a central role in both legal frameworks. Although the terminology is slightly different in IHL, interpretation should seek to reconcile these differences as far as possible. If provisions of IHL have a wider scope of application or are simply more detailed than IHRL, they should be given preference. If provisions of IHL grant less protection than IHRL, they should have priority only if so required by the necessity of armed conflict. In this chapter, the three phenomena of ill-treatment - torture, cruel and inhuman treatment or punishment and degrading treatment or punishment - will be analysed under both IHRL and IHL in light of relevant literature and jurisprudence. Should there be any major differences or contradictions between the relevant norms under the respective legal frameworks, an interpretation aimed at clarifying which norms have precedence will be offered.

345.2/952

WOMEN-GENDER

Aid, NGOs and the realities of women's lives : a perfect storm / ed. by Tina Wallace and Fenella Porter, with Mark Ralph-Bowman. - Rugby (UK) : Practical action, 2013. - VIII, 240 p. : ill. ; 24 cm. - Bibliographies. Index. - ISBN 9781853397790

362.8/212

Gender and armed conflict / Christine Chinkin. - Oxford : Oxford University Press, 2014. - p. 675-699. - In: The Oxford handbook of international law in armed conflict

This chapter examines the gender-specific harms suffered by women in armed conflict and the international legal framework for responding to them. It discusses how rape and other forms of sexual assault against women during armed conflict have become visible and acquired higher priority within the international legal order since the early 1990s because of feminist activism and intervention. This chapter also highlights legislative and jurisprudential developments that contributed to the increased protection of women during armed conflict. These include the creation of the ad hoc international criminal tribunals, the United Nations Security Council resolutions on 'women, peace and security', and the International Tribunal for the former Yugoslavia.

345.2/952

The roles of women in contemporary political and revolutionary conflict : a thematic model / Lauren Vogel, Louise Porter, Mark Kebell. - In: Studies in conflict and terrorism, Vol. 37, issue 1, 2014, p. 91-114 : tabl., diagr.. - Photocopies

362.8/213(Br.)

Women, Islam, and resistance in the Arab world / Maria Holt, Haifaa Jawad. - Boulder ; London : Lynne Rienner, 2013. - IX, 211 p. ; 24 cm. - Bibliographie : p. 183-197. Index. - ISBN 9781588269256

362.8/211