



ICRC

**New acquisitions
of the Library**

Mid-March to April 2014

**Nouvelles acquisitions
de la Bibliothèque**

Mi-mars à Avril 2014

International Committee of the Red Cross
Library

19, av. de la Paix, 1202 Geneva

Phone +41 22.730.20.30. Fax +41 22.730.20.82

library@icrc.org

www.icrc.org

Catalogue www.cid.icrc.org/library

Library opening hours in 2014

Mondays to Thursdays 09.00 - 17.00

Fridays 09.00 - 13.00

**[Liste complète des acquisitions par ordre alphabétique d'auteur en un
Clique ici](#)**

Contents

ARMS	5
CHILDREN	6
CIVILIANS	6
CONFLICT-VIOLENCE AND SECURITY	7
DETENTION.....	7
GEOPOLITICS.....	8
HEALTH-MEDICINE	9
HISTORY	9
HUMANITARIAN AID.....	9
ICRC-INTERNATIONAL MOVEMENT OF THE RED CROSS AND RED CRESCENT	10
INTERNATIONAL CRIMINAL LAW.....	10
INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES	12
INTERNATIONAL HUMANITARIAN LAW-GENERAL	13
INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION	14
INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION	14
INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS.....	14
INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT.....	17
INTERNATIONAL ORGANIZATION-NGO.....	18
MISSING PERSONS.....	18
NATIONAL RED CROSS AND RED CRESCENT SOCIETIES.....	19

PEACE 19

PROTECTION OF CULTURAL PROPERTY 19

PUBLIC INTERNATIONAL LAW.....20

REFUGEES-DISPLACED PERSONS21

RELIGION.....21

TERRORISM.....21

WOMEN-GENDER.....22

ARMS

Beyond bounds : Morocco's Rif war and the limits of international law / Anna Chotzen. - In: *Humanity : an international journal of human rights, humanitarianism, and development*, Vol. 5, no. 1, Spring 2014, p. 33-54

This paper examines the failure of international humanitarian law to sufficiently regulate the use of advanced military technologies, specifically in conflicts between sovereign and non-sovereign actors. This failure is twofold. First, the regulation of weapons consistently lags behind their development and use. Second, international humanitarian law generally excludes non-sovereign actors from its jurisdiction. Juxtaposing the 1925 Geneva Gas Protocol with the contemporaneous Moroccan Rif War reveals loopholes in international humanitarian law that enable major powers to enjoy unrestricted use of advanced military technologies toward imperial ends. This paper contends that the failure to regulate chemical warfare in the 1920s has significant parallels with the nebulous legal status of drone warfare today.

Overcoming Pakistan's nuclear dangers / Mark Fitzpatrick. - In: *Adelphi*, 443, March 2014, 171 p. : cartes. - Index

Protecting civilians and humanitarian action through the arms trade treaty / ICRC. - [2nd ed.]. - Geneva : ICRC, November 2013. - 4 volets : photogr. ; 21 cm. - (In brief)

Every year, the widespread availability and misuse of weapons leads to the displacement, wounding, rape or death of hundreds of thousands of civilians. States, National Red Cross and Red Crescent Societies and civil society all have a role to play in reducing the human cost of poorly regulated arms transfers. All States are encouraged to sign, ratify and implement the 2013 Arms Trade Treaty so that transfers of conventional arms and ammunition are not authorized if there is a clear risk that the arms will be used to commit serious violations of IHL or international human rights law. This leaflet describes the humanitarian rationale for the Arms Trade Treaty and its main commitments.

341.67/683(Br.)

Protéger les civils et l'action humanitaire par le traité sur le commerce des armes / CICR. - [2e éd.]. - Genève : CICR, novembre 2013. - 4 volets : fotogr. ; 21 cm. - (En bref)

Chaque année, des centaines de milliers de civils sont déplacés, blessés, violés ou tués du fait de la disponibilité généralisée et de l'emploi abusif des armes. Les États, les Sociétés nationales de la Croix-Rouge et du Croissant-Rouge, et la société civile ont tous un rôle à jouer dans la réduction du coût humain des transferts d'armes insuffisamment réglementés. Tous les États sont encouragés à signer, ratifier et mettre en œuvre le Traité sur le commerce des armes de 2013 afin que les transferts d'armes classiques et de munitions ne soient pas autorisés s'il existe un risque manifeste que les armes soient utilisées pour commettre des violations graves du droit international humanitaire ou du droit international des droits de l'homme. Ce dépliant décrit le but humanitaire du Traité sur le commerce des armes et les principaux engagements qui y figurent.

Classification

341.67/683 (2013-FRE-Br.)

CHILDREN

African children's right to participate in their own protection : perspectives from South Sudan / Marisa O. Ensor. - In: *The international journal of children's rights*, Vol. 22, no. 1, 2014, p. 68-92. - Bibliographie : p. 88-92

Children and youth in armed conflict / by Ann-Charlotte Nilsson. - Leiden ; Boston : M. Nijhoff, 2013. - 2 vol. (XXVII, XXI, 1587 p.) : tabl. ; 24 cm. - (The Raoul Wallenberg Institute Human Rights library ; vol. 43). - Bibliographie : p. 1475-1557. Index. - ISBN 9789004260252
362.7/392(I-II)

Engaging or shaming ? : an analysis of UN's naming and shaming of child abusers in armed conflict / C. Nyamutata. - In: *Journal of international humanitarian legal studies*, Vol. 4, issue 1, 2013, p. 151-173

The impact of armed conflict on children has been recognized for some time as a major humanitarian problem. In 1999, the United Nations (UN) Security Council began taking up the abuse of children during armed conflict as a regular thematic issue. As part of the protective framework, the UN adopted a "strategy" of "naming and shaming" government forces and rebel groups recruiting, killing, maiming, raping or other sexual abusing of children during conflict. The philosophical justification of the public exposures is premised on the supposed stigmatic and deterrent effect on named and shamed offenders. However, little analysis has gone into the impact of this UN policy. This paper has the modest aim of assessing the UN's naming and shaming practice since inception of the policy in 2002. The efficacy of shaming sanctions is contestable. The recent UN annual statistics on the exposed parties do not seem to evince a convincing causal link between of naming and shaming and adherence to international humanitarian law and international human rights law, particularly among armed non-State groups (ANSAs) so far. Naming and shaming represents an antagonistic modus operandi. This paper argues that humanitarian engagement with ANSAs offers a non-confrontational and corrective approach and thus greater promise for compliance and protection of children during armed conflict than naming and shaming.

Guaranteeing the broadest protection to minors in the aftermath of disasters : re-framing the international discussion in terms of child abduction, sale, and trafficking / Silvia Scarpa. - In: *Journal of international humanitarian legal studies*, Vol. 4, issue 1, 2013, p. 135-150

Handbook of resilience in children of war / Chandi Fernando, Michel Ferrari, editors. - New York [etc.] : Springer, 2013. - XIII, 311 p. : diagr., tabl. ; 26 cm. - Bibliographies. Index. - ISBN 9781461463740

362.7/391

Tchéchénie, enfances criblées par la guerre / par Aude Merlin. - In: *Humanitaire : enjeux, pratiques, débats*, 37, mars 2014, p. 4-13

CIVILIANS

"Humanitarian rights" : bridging the doctrinal gap between the protection of civilians and the responsibility to protect / Dan Kuwali. - In: *Journal of international humanitarian legal studies*, Vol. 4, issue 1, 2013, p. 5-46

The right to intervene under Article 4(h) of the African Union (AU) Constitutive Act and the third pillar of responsibility to protect (R2P) provides for the possibility of using military force to protect civilians from mass atrocities. However, both Article 4(h) and R2P do not specify how the military can or should use force to protect civilians. The omission to define how the military should use force to protect populations at risk was brought to the fore by the implementation of UN Security Council Resolution 1973, through which NATO has been

criticized to have overstepped the Security Council mandate. The doctrinal deficit on protecting civilians is worsened by legalistic thinking on the normative separation of human rights and humanitarian law, a division driven by their historical roots. Nonetheless, human rights violations occur during warfare and humanitarian law violations may also be human rights violations. Both spheres of law are complimentary and mutually reinforcing and victims do not distinguish whether they have suffered human rights or humanitarian law violations. What they need is protection. This paper presents a 'humanitarian rights' approach as the symbiotic methodology for civilian protection that recognizes the inherent dignity and worth of every human being.

Revisiting humanitarian safe areas for civilian protection / Phil Orchard. - In: Global governance : a review of multilateralism and international organizations, Vol. 20, no. 1, Jan.-Mar. 2014, p. 55-75 : tabl., diagr.

CONFLICT-VIOLENCE AND SECURITY

Cyber "hostilities" and the war powers resolution / Allison Arnold. - In: Military law review, Vol. 217, Fall 2013, p. 174-192

This article begins with an analysis of the "Military Activities in Cyberspace" section of the National Defense Authorization Act for Fiscal Year 2012 (NDAA 2012) and its connection to the War Powers Resolution. Part III examines the record of the 1973 Congress to review how the term "hostilities" came to be the operative language of the War Powers Resolution. Part IV explores how the executive branch has explained which type of military activities it considers to be "hostilities" under the statute. In Part V, the "hostilities" analysis is then applied in the cyber context using the Stuxnet computer virus attack in Iran as a test case.

Dealing with wars and dictatorships : legal concepts and categories in action / Liora Israël, Guillaume Mouralis, eds. ; in collab. with Valeria Galimi and Benn E. Williams. - The Hague : T. M. C. Asser Press, 2014. - Bibliographies. - ISBN 9789067049290

355/1022

DETENTION

Eau, assainissement, hygiène et habitat dans les prisons / Pier Giorgio Nembrini. - [2e éd.]. - Genève : CICR, novembre 2013. - 128 p. : dessins, tabl., graph. ; 30 cm. - (Référence). - Bibliographie : p. 128

Ce manuel donne un aperçu des compétences techniques acquises par les ingénieurs du CICR confrontés à des problèmes d'environnement dans de nombreuses prisons. Il donne des solutions à toute une série de problèmes connexes tels que l'approvisionnement en eau, l'évacuation des eaux usées et des déchets ou l'hygiène générale et la santé. Le manuel est destiné à tous ceux qui travaillent en milieu carcéral et peuvent contribuer à l'amélioration des conditions de détention.

400/88(2013-FRE)

Les prisonniers en 1914-1918 : acteurs méconnus de la grande guerre / Frédéric Médard ; préf. du professeur François Cochet. - [Paris] : Sotéca, 2010. - 350 p. : graph., tabl., carte ; 23 cm. - Bibliographie : p. 281-304. - ISBN 9782916385624

400.2/351

The seizure of Abu Anas Al-Libi : an international law assessment / Gordon Modarai... [et al.]. - In: International law studies, Vol. 89, 2013, p. 817-838

The author analyzes the extraterritorial capture of Abu Anas Al-Libi by U.S. forces in Libya, in order to determine the international law issues that arise in such circumstances. The author first addresses the issue of border crossing and establishes that international law requires the

consent of the territorial State, or absent that, a self-defence claim on the part of the actor State. In Al-Libi's case, the conflicting statements of U.S. and Libyan governments make it impossible to determine whether the U.S. had Libyan consent to carry out its operation. The author then explains that international law requires the actor State to have grounds in law for the physical capture of its target. A capture may be justified by the laws of armed conflict applicable in a non-international armed conflict (NIAC), which the U.S. claimed this was. Alternatively, if there is no NIAC ground, general international laws regulating enforcement of a State's domestic criminal jurisdiction must be the standard of evaluation. Finally, the author analyzes the factors that make a detention lawful both under the laws of armed conflict and human rights law, concluding that Al-Libi's detention in a warship was permissible since neither body of law expressly prohibited detention at sea. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]

Surviving a Japanese internment camp : life and liberation at Santo Tomás, Manila, in World War II / Rupert Wilkinson. - Jefferson, NC : McFarland, 2014. - XI, 234 p. : fotogr., cartes, ill. ; 26 cm. - Bibliographie : p. 221-228. Index. - ISBN 9780786465705

400.2/349

The war years : life in Cockermouth and at Moota POW camp / Gloria Edwards, Cockermouth Museum Group. - Cockermouth : Little Bird, 2009. - 147 p. : fotogr. ; 25 cm. - Bibliographie : p. 145. - ISBN 9780955184543

400.2/350

GEOPOLITICS

1971 : a global history of the creation of Bangladesh / Srinath Raghavan. - Cambridge ; London : Harvard University Press, 2013. - 358 p. : graph., carte ; 24 cm. - Bibliographie : p. 331-346. Index. - ISBN 9780674728646

323.13/25

A poisonous thorn in our hearts : Sudan and South Sudan's bitter and incomplete divorce / James Copnall. - London : Hurst, 2014. - XXII, 315 p. : cartes ; 22 cm. - Index. - ISBN 9781849043304

323.11/SDN29

Disturbed valley : a case of protracted armed conflict situation in Northeast India / Rameshchandra Ningthoujam. - In: Anuario de acción humanitaria y derechos humanos = Yearbook on humanitarian action and human rights, Núm. 11/2013, p. 185-205 : fotogr., tabl.

Interrupting the balance : reconsidering the complexities of conflict in South Sudan / Naomi Pendle. - In: Disasters : the journal of disaster studies and management, Vol. 38, no. 2, April 2014, p. 227-248 : tabl.. - Bibliographie : p. 245-248

We created Chávez : [a people's history of the Venezuelan revolution] / George Ciccariello-Maher. - Durham ; London : Duke University Press, 2013. - XI, 320 p., [12] p. de fotogr. : carte ; 24cm. - (Latin American studies). - Index. - ISBN 9780822354529

323.12/VEN

1

The Korea's / Charles K. Armstrong. - 2nd ed.. - New York ; London : Routledge, 2014. - X, 138 p. : fotogr., carte, tabl. ; 23 cm. - Bibliographie : p.129-132. Index. - ISBN 9780415643108
323.13/KOR 10

Understanding the conflict in Syria : some key questions / Joris Couvreur. - In: Studia diplomatica, Vol. 66, no. 2, 2013, p. 101-116

HEALTH-MEDICINE

Health care in danger : the responsibilities of health-care personnel working in armed conflicts and other emergencies / ICRC. - [2nd ed.]. - Geneva : ICRC, April 2013. - 103 p. : fotogr. ; 21 cm. - (Reference (ICRC))

A guidance document in simple language for health personnel, setting out their rights and responsibilities in conflict and other situations of violence. One surgeon who reviewed the text said: "It's what I wish I'd had in my pocket when I first went into the field as a surgeon with the ICRC." It explains how responsibilities and rights for health personnel can be derived from international humanitarian law, human rights law and medical ethics.

356/243 (2013 ENG)

HISTORY

Documents diplomatiques suisses = Diplomatische Dokumente der Schweiz = Documenti diplomatici svizzeri : 1848 - 1969 / Commission nationale pour la publication de documents diplomatiques suisses. - Bern : Benteli, 1979-. - 25 vol. ; 25 cm. - Index. -

Communément appelé "DDS"

Choix de documents d'archives de la Confédération qui reflètent les divers aspects de la position internationale et de la politique étrangère de la Suisse, de 1848 à 1966.

94/123(I-XXV)

Der Grosse Krieg : die Welt 1914 bis 1918 / Herfried Münkler. - Berlin : Rowohlt, 2014. - 923 p. : cartes, fotogr., ; 22 cm. - Bibliographie : p. 868-908. Index. - ISBN 9783871347207

94/511

HUMANITARIAN AID

Handbuch humanitäre Hilfe / Jürgen Lieser, Dennis Dijkzeul (Hrsg.). - Heidelberg [etc.] : Springer, 2013. - XXVII, 466 p. : diagr., fotogr., tabl., graph., ; 24 cm. - Bibliographies. Index. - ISBN 9783642322891

Contient notamment : Das Mandat der humanitären Hilfe : Rechtsgrundlagen und Prinzipien / H. Spieker. - Das internationale humanitäre System und seine Akteure / D. Dijkzeul und D. Reinhardt. - Humanitäre Hilfe und staatliche Souveränität in Gewaltkonflikten / H.-J. Heintze. - Militärinterventionen in Namen der Humanität ? / J. Hippler

361/606

La sécurité des humanitaires en question / par Stéphane Vinhas. - In: Humanitaire : enjeux, pratiques, débats, 37, mars 2014, p. 74-85

ICRC-INTERNATIONAL MOVEMENT OF THE RED CROSS AND RED CRESCENT

[Dr. Junod's unrealized assistance to atomic bomb victims ? (japonais)] / [Hiroshi Higashiura]. - In: The journal of humanitarian studies, Vol. 2, March 2013, p. 91-95

362.191/1498

Un geste d'humanité à Hiroshima / Jean-François Berger. - In: The journal of humanitarian studies, Vol. 2, March 2013, p. 80-90 : fotogr.. - Texte en français suivi de la traduction japonaise

362.191/1498

[Dr. Junod's unrealized assistance to atomic bomb victims ? (japonais)] / [Hiroshi Higashiura]. - In: The journal of humanitarian studies, Vol. 2, March 2013, p. 91-95
362.191/1498

Un geste d'humanité à Hiroshima / Jean-François Berger. - In: The journal of humanitarian studies, Vol. 2, March 2013, p. 80-90 : fotogr.. - Texte en français suivi de la traduction japonaise
362.191/1498

INTERNATIONAL CRIMINAL LAW

Armenian genocide reparations / Susan L. Karamanian... [et al.]. - In: International criminal law review, Vol. 14, issue 2, 2014, p. 219-469

Contient notamment : The Armenian genocide : from recognition to reparations / Aram I. - Jumping hurdles backwards : the Armenian genocide and the International Criminal Court / D. Jacobs. - Restoration of historical memory and dignity for victims of the Armenian genocide : a human rights law approach to effective reparations / R. J. Wilson. - Ius humanitatis and the right to reparation for international crimes in foreign domestic courts

Birth of the modern laws of war : Lieber to Versailles / David M. Crowe. - Basingstoke ; New York : Palgrave Macmillan, 2014. - p. 79-114. - In: War crimes, genocide, and justice : a global history

344/619

Colonialism : the Americas, Asia, and Africa / David M. Crowe. - Basingstoke ; New York : Palgrave Macmillan, 2014. - p. 47-78. - In: War crimes, genocide, and justice : a global history

344/619

Crimes of war : antiquity to the middle ages / David M. Crowe. - Basingstoke ; New York : Palgrave Macmillan, 2014. - p. 1-24. - In: War crimes, genocide, and justice : a global history

344/619

Droit humanitaire pénal / Jacques Fierens ; préf. de Pascal Vanderveeren. - Bruxelles : Larcier, 2014. - 372 p. ; 24 cm. - (Manuels Larcier). - Bibliographie : p. 341-348. Index. - ISBN 9782804440558

Est-il possible de dire dans le langage du droit ce qui s'est passé à Auschwitz ou au Rwanda ? La guerre peut-elle être légale ? Les victimes ont-elles une place dans la procédure et dans le processus de mise au jour de la vérité judiciaire ? Les accusés de génocide ou de crimes

contre l'humanité sont-ils des monstres ou des barbares ? Juge-t-on les vrais responsables des crimes commis ? Existe-t-il des infractions universelles ? Infliger la peine de mort ou une peine de prison à un génocidaire a-t-il du sens ? Les juridictions internationales sont-elles autre chose que des tribunaux de vainqueurs ? Sont-elles inféodées aux intérêts politiques ? Pour répondre à ces questions, cet ouvrage retrace de manière synthétique l'histoire du droit humanitaire, en détermine les principaux enjeux et s'interroge sur le sens des réponses qu'il prétend apporter aux grands questionnements qui le traversent.

344/620

The genocide and Geneva Conventions : Eichmann, Lemkin, Tibet, Guatemala, and the Korean war / David M. Crowe. - Basingstoke ; New York : Palgrave Macmillan, 2014. - p. 283-328. - In: War crimes, genocide, and justice : a global history

344/619

IHL : Soviet-Afghan war, Saddam Hussein, ad hoc tribunals, and Guantánamo / David M. Crowe. - Basingstoke ; New York : Palgrave Macmillan, 2014. - p. 329-378. - In: War crimes, genocide, and justice : a global history

344/619

Le nettoyage ethnique : aspects de droit international / Sébastien Marmin ; préf. de Syméon Karagiannis. - Paris : L'Harmattan, 2014. - 503 p. ; 24 cm. - Bibliographie : p. 453-500. Index. - ISBN 9782343000329

Le nettoyage ethnique est une pratique visant à réaliser l'homogénéité démographique sur un territoire donné. Il peut ainsi s'analyser comme un instrument de création d'un Etat-nation. Les règles internationales de garantie des droits fondamentaux opposeront une résistance face à cette pratique qu'il semble pertinent d'évaluer à l'heure où de nombreuses tensions communautaires sont encore à déplorer de par le monde. L'enjeu d'une telle entreprise est de déterminer l'opportunité d'élaborer une règle prohibitive spécifique au nettoyage ethnique. Celui-ci peut être entrepris sous couvert d'un conflit armé ou en temps de paix. Le droit international des droits de l'homme est applicable dans les deux hypothèses mais laisse cependant des possibilités de dérogations en temps de guerre. Celles-ci seront compensées par l'application, en période de conflit armé, d'un droit spécifique appelé droit international humanitaire. Les règles les plus à même de prévenir le nettoyage ethnique seront à rechercher dans ces deux corps de règles ainsi que dans le droit international des minorités.

344/618

The Nuremberg IMT trial / David M. Crowe. - Basingstoke ; New York : Palgrave Macmillan, 2014. - p. 151-193. - In: War crimes, genocide, and justice : a global history

344/619

Peace, law, and the crimes of World War II / David M. Crowe. - Basingstoke ; New York : Palgrave Macmillan, 2014. - p. 115-150. - In: War crimes, genocide, and justice : a global history

344/619

Post-World War II national trials in Europe and Asia / David M. Crowe. - Basingstoke ; New York : Palgrave Macmillan, 2014. - p. 243-282. - In: War crimes, genocide, and justice : a global history

344/619

Seeking international criminal justice in Syria / Annika Jones. - In: International law studies, Vol. 89, 2013, p. 802-816

In light of the many and serious offences that have taken place during recent hostilities in Syria, the author concludes that prosecuting war crimes and crimes against humanity will require the use of both domestic and international courts. She contends that Syria's domestic courts have potential for greater impact within the Syrian population but could suffer from a lack of capacity and allegations of bias. The International Criminal Court (ICC) is suited for prosecuting high-profile perpetrators who may be more politically charged. However, since Syria is not a party to the Rome Statute there would be difficulties in bringing a Syrian case to the ICC. A UN Security Council referral is one solution, but some permanent members have expressed a lack of support for such a referral. An ad hoc international criminal justice tribunal, like that established for Yugoslavia or Rwanda, is a less attractive option than using the ICC, since it would still require a UN Security Council agreement, and would be less economically efficient. Finally, since war crimes and crimes against humanity are subject to universal jurisdiction, third-party State courts, could act, but they would likely encounter evidentiary difficulties. The author concludes that not only do both international and domestic courts seem necessary to ensure justice, but an involvement of international courts would also likely benefit Syria's domestic courts through the exchange of experience. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]

The Tokyo IMT trial / David M. Crowe. - Basingstoke ; New York : Palgrave Macmillan, 2014. - p. 195-241. - In: War crimes, genocide, and justice : a global history

344/619

War crimes, genocide, and justice : a global history / David M. Crowe. - Basingstoke ; New York : Palgrave Macmillan, 2014. - VIII, 501 p. ; 24 cm. - Index. - ISBN 9780230622241

Contient notamment : The genocide and Geneva Conventions : Eichmann, Lemkin, Tibet, Guatemala, and the Korean war - IHL : Soviet-Afghan war, Saddam Hussein, ad hoc tribunals, and Guantánamo

344/619

War crimes in China and postmedieval Europe / David M. Crowe. - Basingstoke ; New York : Palgrave Macmillan, 2014. - p. 25-45. - In: War crimes, genocide, and justice : a global history

344/619

INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES

Belligerent targeting and the invalidity of a least harmful means rule / Geoffrey S. Corn, Laurie R. Blank, Chris Jenks, Eric Talbot Jensen. - In: International law studies, Vol. 89, 2013, p. 536-626

The law of armed conflict provides the authority to use lethal force as a first resort against identified enemy belligerent operatives. There is virtually no disagreement with the rule that once an enemy belligerent becomes hors de combat – what a soldier would recognize as “combat ineffective” – this authority to employ deadly force terminates. Recently, however, some have forcefully asserted that the LOAC includes an obligation to capture in lieu of employing deadly force whenever doing so presents no meaningful risk to attacking forces, even when the enemy belligerent is neither physically disabled or manifesting surrender. Proponents of this obligation to capture rather than kill, or use the least harmful means to incapacitate enemy belligerents, do not contest the general authority to employ deadly force derived from belligerent status determinations. Instead, they insist that the conditions that rebut this presumptive attack authority are broader than the traditional understanding of the meaning of hors de combat embraced by military experts, and include any situation where an enemy belligerent who has yet to be rendered physically incapable of engaging in hostilities may be subdued without subjecting friendly forces to significant risk of harm. This essay is a

comprehensive rebuttal of this least harmful means LOAC interpretation. It highlights what Additional Protocol I does not require. In particular, the fact that Additional Protocol I – by any account the most humanitarian-oriented LOAC treaty ever developed – did not impose any affirmative least harmful means obligation vis à vis belligerents undermines any assertion that such an obligation may be derived from the positive LOAC. It emphasizes how this least harmful means concept, especially when derived from an expanded interpretation of the meaning of the concept of hors de combat, is fundamentally inconsistent with the tactical, operational, and strategic objectives that dictate employment of military power.

INTERNATIONAL HUMANITARIAN LAW-GENERAL

Handbook on international rules governing military operations / ICRC. - [2nd ed.]. - Geneva : ICRC, December 2013. - 459 p. : tabl. ; 23 cm. - (Reference (ICRC)). - ISBN 9782940396320

Modern military operations include combat in armed conflict, law enforcement activities, and peace support operations. In this increasingly complex environment, it is imperative that armed forces incorporate international humanitarian law and relevant human rights law into the planning and execution of military operations. This Handbook highlights the most important elements of the international law governing military operations and places them in a practical, operational context. It is intended to facilitate the law's application by all armed forces and to assist commanders in their task of incorporating that law into military strategy, operations and tactics. It is therefore a fitting successor to the original Handbook on the Law of War for Armed Forces compiled by Frédéric de Mulinen and first published by the ICRC over 30 years ago.

345.24/60(2013ENG)

IHL : the basics of international humanitarian law / ICRC. - [2nd ed.]. - Geneva : ICRC, October 2011. - 4 volets : fotogr. ; 21 cm. - (In brief)

What is international humanitarian law (IHL)? Why is it important? How and who does it protect? Simple and concise answers to these and other related questions are given in this leaflet, including a brief overview of the ICRC's role as the "guardian" of IHL. An ideal first introduction to IHL.

345.2/297(2011ENGBr.)

Law and war / ed. by Austin Sarat, Lawrence Douglas, Martha Merrill Umphrey. - Stanford : Stanford law books, 2014. - 234 p. ; 24 cm. - (The Amherst series in law, jurisprudence, and social thought). - Index. - ISBN 9780804787420

Law and War explores the cultural, historical, spatial, and theoretical dimensions of the relationship between law and war—a connection that has long vexed the jurisprudential imagination. Historically the term "war crime" struck some as redundant and others as oxymoronic: redundant because war itself is criminal; oxymoronic because war submits to no law. More recently, the remarkable trend toward the juridification of warfare has emerged, as law has sought to stretch its dominion over every aspect of the waging of armed struggle. No longer simply a tool for judging battlefield conduct, law now seeks to subdue warfare and to enlist it into the service of legal goals. Law has emerged as a force that stands over and above war, endowed with the power to authorize and restrain, to declare and limit, to justify and condemn. In examining this fraught, contested, and evolving relationship, Law and War investigates such questions as: What can efforts to subsume war under the logic of law teach us about the aspirations and limits of law? How have paradigms of law and war changed as a result of the contact with new forms of struggle? How has globalization and continuing practices of occupation reframed the relationship between law and war?

345.2

Manuel de droit de la guerre / David Cumin. - Bruxelles : Larcier, 2014. - 534 p. ; 24 cm. - (Masters droit). - Bibliographie : p. 439-501. Index. - ISBN 9782804469450

345.22/237

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

345.2

INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION

The duty to make amends to victims of armed conflict / Scott T. Paul. - In: Tulane journal of international and comparative law, Vol. 22, issue 1, Winter 2013, p. 87-117. - Photocopies

In the past decade, calls for monetary payments by warring parties to the civilians they harm have become significantly louder and more prominent. The law of armed conflict permits parties to harm civilians as long as the harm is not excessive to the concrete and direct military advantage they anticipate gaining through an attack. This Article examines the current state of international law regarding duties owed to victims suffering harm as a result of lawful combat operations, and it discusses the moral obligations these warring parties owe to them because they caused the harm. The Article notes that civilians who suffer incidental losses as a result of lawful acts during armed conflict are not currently entitled to any compensation or reparation and that the parties responsible for causing them harm typically ignore them. This Article argues that the solution proposed by international civil society groups and practiced by some states, known as "making amends", meets an important but long overlooked moral obligation on warring parties.

345.22/236(Br.)

INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION

Unexplored outcomes of Tadic : applicability of the law of occupation to war by proxy / Tom Gal. - In: Journal of international criminal justice, Vol. 12, no. 1, March 2014, p. 59-80

The Tadic ICTY Appeal judgment (1999) has clarified that certain armed conflicts usually classified as non-international are in fact of an international character when a state controls a non-state armed group. This clarification reaffirms the existence of a sub-type of international armed conflict: wars by proxy (Tadic-type conflicts). It also suggests a different legal analysis of a state's ability to occupy another state's territory using a non-state armed group. However, the ICTY Appeals Chamber has neither examined this possibility in depth (i.e. whether applying the law of occupation in such circumstances is legally feasible or practical) nor assessed the results of this application. This article proposes both theoretical and practical foundations for applying the law of occupation, and specifically Geneva Convention IV, to Tadic-type conflicts. The article tries to identify the advantages of such an application from an international criminal law perspective and suggests adjustments and modifications required to enhance the protection of victims and ensure responsibility for violations of international humanitarian law in such circumstances.

INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS

An analysis of the legal status of CIA officers involved in drone strikes / Donna R. Cline. - In: San Diego international law journal, Vol. 15, no. 1, 2013, p. 51-114. - Photocopies

The United States uses drone strikes to target and kill suspected members of al Qaeda and its supporters, and many of these attacks have been carried out by CIA officers. This article analyzes whether the CIA officers participating in the drone strikes should be considered as civilians directly participating in hostilities, and what the possible consequences are for this

status. The article first provides a background on international and non-international armed conflicts and presents the key elements used to distinguish between the two. An explanation of the legal categories of actors found in armed conflict is also provided, including a discussion of the "terrorist" and "unlawful combatant" labels and why they are not recognized legal categories in international humanitarian law. The article includes a section on when targeted killings may be justified by self-defense under Article 51 of the United Nations Charter. Finally, the article examines whether the targeted drone strikes are being carried out inside an armed conflict and what the legal status is of the CIA officers carrying out the drone strikes.

345.29/204(Br.)

Armed forces and international jurisdictions / Marco Odello, Francesco Seatzu (eds.). - Cambridge, [etc.] : Intersentia, 2013. - XV, 234 p. ; 24 cm. - Bibliographie : p. 213-215. Index. - ISBN 9789400001831

345.2/950

Continuing impunity of peacekeepers : the need for a convention / Siobhan Wills. - In: *Journal of international humanitarian legal studies*, Vol. 4, issue 1, 2013, p. 47-80

Since the end of the Cold War United Nations (UN) authorised peacekeeping missions have tended to be not only more complex, but also much more interventionist and more robust than could ever have been imagined in the early days of peacekeeping.¹ However, because peacekeeping is not explicitly provided for under the UN Charter, and has developed ad hoc in response to changing perceptions as to the nature of the role and responsibilities of peacekeeping missions, it is often unclear what laws are applicable to peacekeeping missions and when those laws apply. This paper explores the implications of that lack of clarity, focusing in particular on gaps in the international law regulating the conduct of peacekeepers. The author argues that the current approach, whereby prosecution for crimes committed by peacekeepers is dealt with primarily through the domestic law of the Troop Contributing State, is unsatisfactory, and is likely to remain unsatisfactory despite efforts to persuade Contributing States' to establish the legal and administrative frameworks necessary to prosecute and punish their troops for crimes committed outside their territorial borders. A convention based regime specifically tailored to ensuring that peacekeepers are held accountable to internationally agreed standards would be the most effective way of enabling the UN to comply with the rule of law standards it itself espouses.

International humanitarian law, non-state armed groups and the International Committee of the Red Cross in Colombia / Miriam Bradley. - In: *Journal of international humanitarian legal studies*, Vol. 4, issue 1, 2013, p. 108-134

This article analyses the experiences of the International Committee of the Red Cross (ICRC) in Colombia, and has two main purposes: first, to elaborate on the relationship between international humanitarian law (IHL) and the practical work of the ICRC in internal armed conflict; and second, to use our enhanced understanding of that relationship to shed light on important questions regarding the nature and effectiveness of IHL with respect to non-State armed groups. It proceeds in three main parts. First, it provides background on the work of the ICRC to contextualise the subsequent analysis, establishing the importance of IHL in the work of the ICRC in general. Second, it shows that for the ICRC, IHL is a means to an end (namely protection) rather than an end in itself, and that it is not the only (or even necessarily the primary) means to that end. Third, it argues that the ICRC often finds that reference to IHL is counter-productive to achieving desired protection outcomes, and that this calls into question the adequacy and effectiveness of the IHL framework itself. Finally, it concludes by suggesting why the existing framework may be less than optimal for achieving its aims, and how future research could contribute to a more comprehensive assessment of the appropriateness and adequacy of existing IHL.

International rules and standards for policing / ICRC. - [3rd ed.]. - Geneva : ICRC, January 2014. - 64 p. : photogr. ; 21 cm. - (Reference (ICRC)). - ISBN 9782940396337

This brochure intended for audiences involved in law-enforcement functions summarizes the main points of the manual entitled *To serve and to protect*. It addresses the principles and rules of human rights and humanitarian law relevant to professional law enforcement in democratic contexts.

345.2/689-1(2014ENG)

The mercenary moniker : condemnations, contradictions and the politics of definition / Aaron Ettinger. - In: *Security dialogue*, Vol. 45, no. 2, April 2014, p. 174-191. - Bibliographie : p. 189-191

Despite considerable efforts, the concept of the 'mercenary' remains ill-defined within the scholarly literature on non-state combatants. In common usage, 'mercenary' is intended to function as a descriptive category of combatant, denoting certain unique or transhistorical properties. Instead, however, it is a highly subjective, imprecise and politicized term. This article critically analyses historical, legal and philosophical definitions of 'mercenary', and asks whether it is worth retaining the term as an analytical category at all. In short, the answer is no. The article's exposition of the 'mercenary moniker' uncovers the statist political ethic that anchors different interpretations of the mercenary concept. It shows that conceptions of the mercenary are deeply rooted in a Westphalian political ethic of war and conflict that upholds the instrumentality of the state to notions of political community, morality and identity. Accordingly, it argues that 'mercenary' should be jettisoned from the academic conceptual vocabulary of non-state combatants, and proposes 'freelance militant' as an alternative. Properly contextualized, this alternative could make possible a conceptual vocabulary that is able to clearly distinguish between such freelance militants and other non-state combatants.

Networks in non-international armed conflicts : crossing borders and defining "organized armed group" / Peter Margulies. - In: *International law studies*, Vol. 89, 2013, p. 54-76

The author examines the definition of organized armed groups (OAGs) under the law of armed conflict and examines how that definition relates to Al Qaeda and the ability for States to use force against them. Additional Protocol II to the Geneva Convention defines OAGs narrowly to include groups that control part of a State's territory. The author argues for a broader interpretation of OAGs and as an example points to case law from the International Criminal Tribunal for the former Yugoslavia and the Inter-American Commission on Human Rights. A broader definition would allow States to target individuals performing a continuous combat function, as opposed to IHLR's narrower, concrete imminent threat to the life of an individual requirement. A broader definition would also allow OAG members to be prosecuted by international tribunals rather than under municipal law. The author argues that Al Qaeda has sufficient organizational structure to be considered an OAG due to: the existence of bureaucracy, discipline mechanisms, monitoring and documentation, and the ability to assess performance. Furthermore, Al Qaeda has synergistic relationships with, and strategic influence over, other regional groups, including al Shabab and Al Qaeda in the Arabian Peninsula. Al Qaeda's OAG status is sufficient to justify the targeting of these affiliate groups. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]

The responsibility of armed opposition groups for violations of international humanitarian law : challenging the state-centric system of international law / Ezequiel Heffes. - In: *Journal of international humanitarian legal studies*, Vol. 4, issue 1, 2013, p. 81-107

Most of the present rules of international law regulate the behavior of States. Within States, however, there are other entities such as corporations, non-governmental organizations, individuals, international governmental organizations and armed opposition groups that are regulated by different national and international regimes. In this regard, non-State armed opposition groups present particular challenges to international law due to their dominant presence and participation in armed conflicts. Armed opposition groups are one of the most important actors in international humanitarian law today. Yet, taking into consideration that they a priori have certain international humanitarian obligations to fulfill, it remains unclear

what the implications are when they, as a group, commit violations. Among these uncertainties, is that there is no formally recognized mechanism to attribute such breaches to the relevant non - state armed opposition group as such. In fact, unlike States, they have no organs. Similarly, there is also no consensus on circumstance that could preclude the wrongfulness of these breaches for armed opposition groups. By challenging the State-centric system of public international law, this article analyses the possible application of certain rules contained in the International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts (2001) to violations of international humanitarian law by armed opposition groups.

To serve and to protect : human rights and humanitarian law for police and security forces / ICRC ; [forward by Peter Maurer]. - [2nd ed.]. - Geneva : ICRC, March 2014. - 438 p. : tabl. ; 23 cm. - (Reference (ICRC)). - Bibliographie : p. 405-414. Index. - ISBN 9782940396306

Law enforcement officials play a key role in society, serving and protecting the people and upholding the law. That role is valid at all times, including during armed conflicts and other situations of violence. By engaging in dialogue with police and security forces about the law and their operations, the ICRC supports their efforts to incorporate the rules and standards of international law into their procedures. For the past 20 years, the manual *To Serve and To Protect* has provided guidance for that dialogue. This updated version takes that successful endeavour a step further, using recent experience to explain the international rules and standards applicable to the law enforcement function and their practical implications for law enforcement work.

345.2/689(2014ENG)

INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT

Les cyber-attaques dans les conflits armés : qualification juridique, imputabilité et moyens de réponse envisagés en droit international humanitaire / Laura Baudin. - Paris : L'Harmattan, 2014. - 246 p. : tabl. ; 24 cm. - (Le droit aujourd'hui). - Bibliographie : p. 205-209. - ISBN 9782343026367

345.27/135

Geography of armed conflict : why it is a mistake to fish for the red herring / Geoffrey S. Corn. - In: *International law studies*, Vol. 89, 2013, p. 77-107

The author argues that the two traditional categories of International and Non-International Armed Conflict are under-inclusive, particularly in light of the emergence of international terrorism as a national security threat. Transnational Armed Conflict (TAC) has gained traction as a potential new category of armed conflict but has also generated concerns over its apparent legitimization of military operations with unlimited geographic scope. In response to this concern, some have proposed limiting TACs to defined "hot zones" of conflict. However, the author argues that it is the nature of the threat that determines a state's military scope of operations. In particular, the idea of limiting operations against international terrorism to defined locales, betrays a critical aspect of the TAC typology - bringing the fight to the enemy. Further, history has shown that conflict geography is also affected by a complex interplay among concepts of *jus ad bellum*, *jus in bello*, and neutrality, rather than contained by pre-defined geographic limits. The author argues that the geographic constraints of armed conflict as determined by law are perhaps better achieved through political choices. Instead, focusing efforts on the TAC-related issues of targeting belligerents and limiting preventative detention during long-term conflicts will provide a better balance between national security realities and the individuals affected armed conflict. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]

The geography of cyber conflict : through a glass darkly / Ashley S. Deeks. - In: *International law studies*, Vol. 89, 2013, p. 1-20

The author discusses the Unwilling and Unable test and its continued relevance for states responding to cyber, as opposed to conventional, attacks being launched from within non-hostile, third party states. Originally justified by the United States in response to non-state actors like Al-Qaeda in the wake of 9/11, the Unwilling and Unable test outlined the factors to consider when deciding whether or not to respond with force to attacks launched through third-party states deemed to be unwilling and unable to respond. Ashley Deeks argues that the Unwilling and Unable test can be used to justify responsive action to cyber armed attacks launched by non-state actors through the networks of non-hostile and third-party states. The test has five factors that victim states should use when assessing whether a third-party state has met the test of being unwilling and unable to respond to an attack launched from their servers. Deeks further argues that, despite the legal and technological uncertainty of cyber warfare, America has been working towards advancing the cyber law and applying it. She offers five reasons for why the US might be pursuing this course, which reflects an awareness of the controversy of its geographic approach to the Al Qaeda conflict, as well as a trend towards legalism. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]

Global armed conflict ? : the threshold of extraterritorial non-international armed conflicts / Sasha Radin. - In: *International law studies*, Vol. 89, 2013, p. 696-743

This article discusses the application of the laws of war to 'extraterritorial non-international armed conflicts' (ENIACs): conflicts that cross international borders but which are not fought between sovereign states. Examples include the Israel-Hezbollah conflict, drone strikes, and attacks by Al Qaeda in the Arabian Peninsula. The difficulty applying the laws of war to ENIACs is that the Geneva Conventions cover only international wars and civil wars, while ENIACs occupy a distinct middle ground. The author discusses four common approaches to applying the laws of war to ENIACs: applying laws of international conflict, applying laws of civil (non-international) conflict, creating a third category of conflict, or not submitting ENIACs to any laws of war. The author uses the customary law established around the Geneva Conventions, especially Common Article 3 on non-international conflicts, to advocate applying the laws of non-international conflicts to ENIACs. The author then focuses on the significant work that would be required to adapt Common Article 3 to extraterritorial conflict. Two major concerns are applying the ICC's Tadic test for defining armed conflicts to situations involving loosely-structured paramilitary groups; and determining the geographic application of the chosen laws of war to conflicts spilling across territorial boundaries. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]

INTERNATIONAL ORGANIZATION-NGO

Gulf charities and islamic philanthropy in the "age of terror" and beyond / ed. by Robert Lacey and Jonathan Benthall. - Berlin : Gerlach Press, 2014. - X, 401 p. : tabl., diagr. ; 25 cm. - Bibliographies. Index. - ISBN 9783940924322

Contient notamment : Sacralized or secularized aid ? : positioning Gulf-based muslim charities / M. J. Petersen. - The islamic charities project (formerly Montreux initiative) / J. Benthall. - Giving to give, and giving to receive : the construction of charity in Dubai / A. Parkhurst

MISSING PERSONS

Enforced disappearances in international human rights / María Fernanda Pérez Solla ; foreword by Manfred Nowak. - Jefferson, NC ; London : McFarland, 2006. - V, 241 p. ; 23 cm. - Bibliographie : p. 225-238. Index. - ISBN 9780786423255

332/80

NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

150 ans de passion humanitaire : la Croix-Rouge genevoise de 1864 à 2014 / Guy Mettan (direction éditoriale) ; François Bugnion, Jean-François Pitteloud, Serge Nessi... [et al.]. - Genève : Slatkine, 2014. - 158 p., [40] p. de fotogr. et fac-sim. ; 24 cm
Contient notamment : La fondation de la Croix-Rouge à Genève / F. Bugnion. - L'esprit de Genève et la Croix-Rouge / F. Bugnion. - La philanthropie genevoise au temps de Henry Dunant / J.-F. Pitteloud. - La CRG et les guerres du XXe siècle / S. Nessi.

SN/CH/23

PEACE

Negotiating justice ? : human rights and peace agreements / International Council on Human Rights Policy. - Versoix : International Council on Human Rights Policy, 2006. - V, 162 p. ; 22 cm. - Bibliographie : p. 145-155. - ISBN 9782940259717

172.4/145

Visions of peace : Asia and the West / ed. by Takashi Shogimen and Vicki A. Spencer. - Farnham ; Burlington : Ashgate, 2014. - IX, 195 p. ; 24 cm. - (Justice, international law and global security). - Bibliographies. Index. - ISBN 9781409428701

Contient notamment : Eirene : ancient Greek goddess and concept of peace / P. A. Hannah. - Concept of peace in Hinduism : a historical analysis / K. Roy. - Enlightenment perspectives on war and peace / B. Buchan

172.4/260

PROTECTION OF CULTURAL PROPERTY

Conserver la mémoire des conflits / par Roger Mayou ; avec la collab. de Patrick Auderset et Sophie Chapuis. - Bruxelles : Bruylant, 2014. - p. 183-196 : fotogr.. - In: Le patrimoine culturel, cible des conflits armés : de la guerre civile espagnole aux guerres du 21e siècle

363.8/83

Le patrimoine culturel, cible des conflits armés : de la guerre civile espagnole aux guerres du 21e siècle / sous la dir. de Vincent Négri. - Bruxelles : Bruylant, 2014. - XVIII, 249 p. : fotogr., ill. ; 24 cm. - Bibliographies. - ISBN 9782802738138

À partir de l'épisode fondateur que constitue la préservation du patrimoine artistique espagnol et son évacuation vers Genève lors de la guerre civile entre 1936 et 1939, ce volume explore, à travers les contributions d'un panel d'experts, l'évolution des pratiques et du droit international assurant la protection des biens culturels lors des conflits. Les expériences menées jusqu'à nos jours pour que soient préservés le patrimoine et les témoins des cultures qui forgent notre mémoire collective, ébranlée par les guerres, sont également décrites et analysées, de même que le rôle des institutions spécialisées et dédiées à cette entreprise. Les contributions rassemblées dans cet ouvrage sont issues d'un colloque international sur la sauvegarde des biens culturels lors des conflits armés et des crises, au Musée d'art et d'histoire de Genève. Ce colloque international a bénéficié du patronage de l'UNESCO.

363.8/83

Le patrimoine culturel matériel et immatériel : quelle protection en cas de conflit armé ? / Christiane Johannot-Gradis. - Genève [etc.] : Schulthess ; Paris : LGDJ, 2013. - XXXIX, 832 p. ; 23 cm. - (Collection genevoise. Droit international). - Thèse, Faculté de droit, Université de Genève, 2013. - Bibliographie : p. 789-821. Index. - ISBN 9783725569441

L'individu est vulnérable en cas de guerre dans son intégrité physique mais aussi dans son identité culturelle, notamment dans les conflits à composante ethnique, culturelle ou religieuse. La destruction du patrimoine culturel peut alors devenir un enjeu du conflit. Le sort du patrimoine culturel ainsi pris dans la tourmente n'est pas uniforme. Dans diverses contrées il existe par des monuments ou objets, un patrimoine "matériel" essentiellement protégé par le droit des conflits armés ; ailleurs, là où le bâti est éphémère, il s'exprime dans l'oralité, la gestuelle, la musique ou d'autres expressions que livrent les individus avec leurs supports. Ce patrimoine est principalement "immatériel". Cette thèse vise à démontrer que tout patrimoine culturel est matériel et immatériel, et que le droit applicable en cas de conflit peut le protéger, d'abord avec le droit des conflits armés, mais aussi par d'autres instruments applicables, tels que les traités de droits de l'homme ou les Conventions de l'UNESCO sur le patrimoine culturel.

363.8/82

PUBLIC INTERNATIONAL LAW

Le droit contre la guerre : l'interdiction du recours à la force en droit international contemporain / Olivier Corten ; préf. de Bruno Simma. - 2e éd. rev. et augm.. - Paris : Pedone, 2014. - VII, 932 p. : tabl. ; 24 cm. - Bibliographie : p. 881-883. Index. - ISBN 9782233007001

345/553(2014)

The law of State responsibility in relation to border crossings : an ignored legal paradigm / Louise Arimatsu. - In: International law studies, Vol. 89, 2013, p. 21-53

This article examines the law of State responsibility and situations where a State's violent intervention into another state for the purpose of fighting a non-state actor is in law considered self-defence. The author notes the International Court of Justice's rejection of the use of self-defence under Article 51 of the UN Charter against non-State actors and how this diverges from recent practices of States; the author attempts to find a coherent solution. She discusses reasons for preserving the traditional reading to avoid problems of discerning the point at which, though defensive force is no longer required, the State continues to engage in armed conflict. The author points to the plea of necessity, suggesting that international law already has an exception to the prohibited use of force that gives States in these circumstances a valid explanation for their actions in law. The author concludes that rather than extending Article 51, necessity is a more logical way to justify intervention where the consent of the territorial State is not forthcoming. The plea of necessity precludes responsibility for an action that is otherwise considered a wrongful use of force. It allows lawful intervention and avoids the arbitrary attribution of wrongdoing to another State. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]

The Syrian intervention : assessing the possible international law justifications / Michael N. Schmitt. - In: International law studies, Vol. 89, 2013, p. 744-756

This article considers five possible justifications in international law for US military intervention in Syria: Security Council authorization, self-defense, enforcing treaty violations, invitation, and humanitarian intervention. The UN Charter allows intervention only with Security Council authorization or in self-defense. However, Russia and China have vetoed intervention, and Syria has not attacked or directly threatened another state. The Security Council also has a monopoly on using force to punish violations of international law, including Syria's breaches of treaties and customary law against chemical weapons. The author also dismisses the option of accepting an invitation to intervene from Syria's rebels, as the US continues to recognize the Assad regime as Syria's government. The author argues that only the doctrine of humanitarian intervention might justify an attack. Recent interventions without Security Council authorization, in Africa and Yugoslavia, may support a customary law of humanitarian intervention. Unlike the US, the UK has repeatedly cited humanitarian intervention over Syria. The UK has developed three conditions for justifying humanitarian

intervention: major distress, lack of alternatives, and necessity and proportionality. The author proposes a fourth: expected operational effectiveness. The author concludes by commending the UK's development of a framework for humanitarian intervention as the most plausible legal basis for intervention in Syria. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]

REFUGEES-DISPLACED PERSONS

Protecting civilians in refugee camps : unable and unwilling states, UNHCR and international responsibility / by Maja Janmyr. - Leiden ; Boston : M. Nijhoff, 2014. - X, 400 p. ; 24 cm. - (International refugee law series ; vol. 1). - Bibliographie : p. 359-391. Index. - ISBN 9789004256972

325.3/488

The Syrian crisis and the principle of non-refoulement / Mike Sanderson. - In: International law studies, Vol. 89, 2013, p. 776-801

The author advocates for a comprehensive right of non-refoulement for Syrians escaping from a violent civil war to surrounding states. Non-refoulement is the right not to be forcibly returned to a territory where one's freedom is threatened. This right is endorsed by the 1951 Refugee Convention and the 1967 Protocol to the Convention, which are the two basic legal instruments for the protection of refugees. Unfortunately, only two of the five States currently receiving Syrian refugees are parties to these instruments and neither has implemented them comprehensively. However, the author explains that the available protection regime can be enhanced by virtue of the fact that non-refoulement is guaranteed by the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT). All five receiving States are parties to both conventions. The author also argues that the right of non-refoulement has attained the status of preemptory public international law and is a supervening international norm that must be adhered to by all receiving States as well as any others choosing to involve themselves in the Syrian conflict. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]

RELIGION

The sharia and islamic criminal justice in time of war and peace / M. Cherif Bassiouni. - New York : Cambridge University Press, 2014. - XXI, 385 p. : tabl. ; 23 cm. - Bibliographie : p. 343-376. Index. - ISBN 9781107684171

This innovative and important book applies classical Sunni Muslim legal and religious doctrine to contemporary issues surrounding armed conflict. In doing so it shows that the shari'a and Islamic law are not only compatible with contemporary international human rights law and international humanitarian law norms, but are appropriate for use in Muslim societies. By grounding contemporary post-conflict processes and procedures in classical Muslim legal and religious doctrine, it becomes more accessible to Muslim societies who are looking for appropriate legal mechanisms to deal with the aftermath of armed conflict. This book uniquely presents a critique of the violent practices of contemporary Muslims and Muslim clerics who support these practices. It rebuts Islamophobes in the West that discredit Islam on the basis of the abhorrent practices of some Muslims, and hopes to reduce tensions between Western and Islamic civilizations by enhancing common understanding of the issues.

281/58

TERRORISM

Géopolitique du terrorisme / Jean-Michel Dasque. - Paris : Ellipses, 2013. - 303 p. ; 24 cm. - Bibliographie : p. 289-295. - ISBN 9782729881177
303.6/225

Terror and consent : the wars for the twenty-first century / Philip Bobbitt. - New York : A. A. Knopf, 2008. - X, 672 p. : fotogr. ; 24 cm. - Bibliographie : p. 647-661. Index. - ISBN 9781400042432

303.6/34

Terrorisme et insurrection : évolution des dynamiques conflictuelles et réponses des états / sous la dir. d'Aurélie Campana et Gérard Hervouet. - Québec : Presses de l'université du Québec, 2013. - XIV, 268 p. : tabl., cartes, diagr. ; 23 cm. - ISBN 9782760535343

Contient notamment : Insurrection et terrorisme : la nouvelle configuration du champ de bataille / J. Krieger. - Cartographie des groupes talibans et de leurs modes d'action en Afghanistan et au Pakistan / J. Schofield. - Insurrection locale ou agenda global ? Déconstruire les logiques du "terrorisme somalien" / B. Ducol. - Contre-terrorisme et contre-insurrection - les "nouvelles" doctrines militaires / J.-J. Patry et N. Vilboux

303.6/226

Understanding terrorism and political violence : the life cycle of birth, growth, transformation, and demise / Dipak K. Gupta. - London ; New York : Routledge, 2008. - XIX, 283 p. : graph., carte, tabl. ; 23 cm. - (Political violence). - Bibliographie : p. 242-273. Index. - ISBN 9780415771658

303.6/33

WOMEN-GENDER

Gender-based violence in emergencies / Dharini Bhuvanendra... [et al.]. - In: Humanitarian exchange : the magazine of the Humanitarian Practice Network, No. 60, February 2014, 35 p. : fotogr.

Contient notamment : Preventing gender-based violence : getting it right / D. Buscher. - Collecting data on sexual violence : what do we need to know ? : the case of MSF in the Democratic Republic of Congo / C. Magone. - Engaging armed non-state actors on the prohibition of sexual violence in armed conflict / A. Lamazière. - The ICRC's response to sexual violence in armed conflict and other situations of violence / S. Cotton and C. Nicol. - Linking food security, food assistance and protection from gender-based violence : WFP's experience / G. Pattugalan

Gender violence in armed conflicts / Instituto da Defesa Nacional. - Lisboa : Instituto da Defesa Nacional, 2013. - 224 p. : tabl., graph. ; 23 cm. - (IDN cadernos ; no 11). - Bibliographies. - ISBN 9789722722346

Contient notamment : Sexual violence in armed conflicts : a global overview / H. Carreiras. - Gender, disarmament, demobilization and reintegration and violent masculinities / I. Specht. - Gender based violence and international humanitarian law : steps to improve the protection of women in war / M. Veuthey. - Gender based crimes as "tools of war" in armed conflicts / F. J. Leandro

362.8/208

Genocidal gender and sexual violence : the legacy of the ICTR, Rwanda's ordinary courts and gacaca courts / Usta Kaitesi. - Cambridge [etc.] : Intersentia, 2014. - XIII, 271 p. ; 24 cm. - (Supranational criminal law : capita selecta ; vol. 17). - Bibliographie : p. 255-268. - ISBN 9781780682105

362.8/210

Resilience in South Soudanese women : hope for daughters of the Nile / Godriver Wanga-Odhiambo. - Lanham [etc.] : Lexington Books, 2014. - XIX, 219 p. : cartes, tabl. ; 24 cm. - Bibliographie : p. 205-212. Index. - ISBN 9780739178669

362.8/209