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## ARMS

**Eliminating nuclear weapons : the role of missile defense / Tom Sauer.** - London : Hurst, 2011. - VII, 155 p. ; 22 cm. - Bibliographie : p. 141-155. - ISBN 9781849041478  
341.67/685

**A history of chemical and biological weapons / Edward M. Spiers.** - London : Reaktion Books, 2010. - 223 p. ; 23 cm. - Bibliographie : p. 207-208. Index. - ISBN 9781861896513  
341.67/689

**Nonlethal weapons and the outlook for their use by the forces of the collective security treaty organization / A. A. Nogovitsyn, A. V. Grundzinsky, A. I. Sporykhin.** - In: Journal of military thought, Vol. 20, no. 1, 2011, p. 112-121. - Photocopies  
The authors look at various aspects of nonlethal weapons production and procurement for the Armed Forces, provide a brief overview of current attitudes and approaches to the creation of such weapons abroad, give an analysis of the first experience of practical application of nonlethal weapons in fulfilling antiterrorist tasks by forces of the CSTO, and propose a package of measures intended to accelerate the procurement of this type of weapons for the forces.  
341.67/687 (Br.)

**Small arms, crime and conflict : global governance and the threat of armed violence / ed. by Owen Greene and Nicholas Marsh.** - London ; New York : Routledge, 2012. - XVI, 301 p. : tabl. ; 24 cm. - (Routledge studies in peace and conflict resolution). - Bibliographie : p. 263-291. Index. - ISBN 9780415567008  
341.67/688

## CHILDREN

**Child soldiers : from recruitment to reintegration / ed. by Alpaslan Özerdem, Sukanya Podder.** - Basingstoke ; New York : Palgrave Macmillan, 2011. - XXI, 325 p. : diagr., tabl., cartes ; 23 cm. - Bibliographies. Index. - ISBN 9780230241961  
362.7/346

**Children participating in armed conflict and international criminal law / Matthew Happold.** - In: Human rights and international legal discourse, Vol. 5, no. 1, 2011, p. 82-100  
This article discusses the international criminal law concerning the recruitment and use of children to participate in armed conflict. It examines the origins of the law, analyses its provisions and criticises its conformity, as applied, with principles of international criminal justice. The extent to which international criminal law is likely to play a significant role in ending the child soldier phenomenon is questioned.

**Does the ILO have a distinctive role in the international legal protection of child soldiers ? / Holly Cullen.** - In: Human rights and international legal discourse, Vol. 5, no. 1, 2011, p. 63-81

International Labour Organization (ILO) Convention No. 182 on the worst forms of child labour includes a prohibition on the forced or compulsory recruitment of child soldiers. The ILO's prohibition is wider in scope than some other international law rules relating to child soldiers in that it covers all those under 18 years of age and does not require proof of the existence of an armed conflict, whether international or internal. The ILO has made a distinctive contribution to the role of international law in the rehabilitation of former child soldiers through its emphasis, particularly in the context of technical assistance, on economic reintegration. However, ILO supervisory mechanisms are weak compared with those in international human rights law, and the ILO has shown little effectiveness in ensuring the implementation of its ban on child soldiers in countries experiencing armed conflict.

**From standard-setting to implementation : the Security Council's thematic focus on children and armed conflict / Bo Viktor Nylund.** - In: Human rights and international legal discourse, Vol. 5, no. 1, 2011, p. 101-119

This paper provides an overview of the Security Council's focus on children and armed conflict and how the mechanism established under the auspices of the Security Council has provided an avenue for the more effective implementation of international standards relevant to children.

On the one hand, the paper is specifically focused on the work of the Security Council Working Group on children and armed conflict, and its conclusions, and how these have pushed the implementation of relevant international instruments. On the other, the paper looks at the implementation of this mechanism in the field and the development of action plans with armed groups and forces that recruit and use children. The paper concludes that while there has been much progress for children who have been recruited and used by armed forces and groups, much more could be done to make the most of this mechanism. For instance, information gleaned through the Security Council mechanism could be used to inform various transitional justice mechanisms such as the ICC. The narrow scope of child recruitment has provided a useful entry point, but the time has come to take the agenda to the next level.

**The international campaign to prohibit child soldiers : a critical evaluation / Jay Williams.**

- In: The international journal of human rights, Vol. 15, no. 7, October 2011, p. 1072-1090. - Photocopies

The use of child soldiers has been universally condemned as abhorrent and inhumane and has been declared a war crime under the Rome Statute of the International Criminal Court 1998, (ICC) and the Optional Protocol 2000. Yet over the last decade, hundreds of thousands of children have fought and died in conflicts around the world. In 2006, the UN estimated that more than 300,000 children were actively involved in armed conflict. Given this, in an historic moment in the prosecution of child soldiering, on March 17, 2006, Thomas Lubanga was the first person arrested under warrant by the International Criminal Court (ICC) for war crimes against children, charged with enlisting and conscripting children under the age of 15 years to participate in hostilities in the mineral rich, North Eastern Ituri district of the Democratic Republic of Congo (DRC) between September 2002 and August 2003. The major finding of this article is that there is an abject lack of international support for the major international instruments prohibiting child soldiering, especially by the United States, China and Russia; that many demobilisation, disarmament and reintegration programmes (DDR) face a serious lack of funding, with many girl soldiers falling outside DDR programmes and that the current minimum age of 15 is too low. This article recommends that an international summit be convened and all relevant international instruments be amended to set a new minimum age of 18 for voluntary recruitment, 21 for active combat service and a new international commitment to be made to prohibit and prevent the use of child soldiers.

362.7/345 (Br.)

**International law on children and armed conflict / Sylvain Vité... [et al.].** - In: Human rights and international legal discourse, Vol. 5, no. 1, 2011, p. 2-119 : tabl.

Contient notamment: Protecting children during armed conflict : international humanitarian law / S. Vité. - Children participating in armed conflict and international criminal law / M. Happold

**Protecting children during armed conflict : international humanitarian law / Sylvain Vité.** -

In: Human rights and international legal discourse, Vol. 5, no. 1, 2011, p. 14-39

Children affected by armed conflicts enjoy both general and special protection under international humanitarian law. Like other categories of protected persons, they are entitled to humane treatment without any adverse distinction when in the hands... of a party to the conflict. As civilians, they are also protected against the consequences of hostilities, unless and for such time as they take a direct part in hostilities. Because of their particular vulnerability, children are also entitled to special respect and protection and must be given suitable care and assistance. Certain rules of international humanitarian law, applying both in international and non-international armed conflicts, address the specific needs of children. These rules cover a variety of issues, such as recruitment for and participation in hostilities, family unity, the deprivation of liberty, humanitarian care and assistance, and education.

**Protecting children in armed conflict : harnessing the Security Council's "soft power" / Matthew Happold.** - In: Israel law review, Vol. 43, no. 2, 2010, p. 360-380. - Photocopies

The United Nations Security Council's recent involvement in the protection of children in armed conflict, particularly by seeking to prevent the recruitment and use of child soldiers, has attracted little attention from international lawyers. However, the process, initiated by Council Resolution 1612, has interesting parallels with non-compliance mechanisms in international

environmental law and can be seen as an innovative attempt to harness the Security Council's "soft power" to engage both State and non-State parties to conflicts.  
362.7/22 (Br.)

#### CIVILIANS

**New conflicts and the challenge of the protection of the civilian population : conference report / by Marina Mancini.** - San Remo : Institut international de droit humanitaire, 2011. - 18 p. ; 30 cm. - Photocopies

In contemporary armed conflicts the overwhelming majority of the dead and injured are civilians and the bulk of the damages affect infrastructures vital to them. Actually, the very nature of armed conflicts has changed over the last two decades with dramatic consequences for the protection of the civilian population on the ground. An international conference on this issue was organized by the International Institute of Humanitarian Law (IIHL), in cooperation with the Institute for International Affairs (IAI), and held in Rome at the Ministry of Foreign Affairs on 14 December 2010. Speakers delivered comprehensive and thought-provoking presentations on a number of outstanding questions, including the interrelationship between international humanitarian law and human rights law, the concept of responsibility to protect and the role of peacekeeping forces in protecting civilians, the protection of the civilian population in asymmetric conflicts and in occupied territory, the protection of women and children, the criminal accountability for grave breaches of norms protecting civilians, and the obligations and responsibilities of non-state actors in this field.

345.2/592 (Br.)

**Operationalizing the responsibility to protect in the context of civilian protection by UN peacekeepers / Hotoshi Nasu.** - In: International peacekeeping, Vol. 18, no. 4, August 2011, p. 364-378

This article examines how operationalizing the "responsibility to protect" (R2P) concept may assist in defining the scope of civilian protection mandates for peacekeepers, which are ambiguously restricted by three caveats – "imminent threat of physical violence", "area of deployment" and "capabilities". It is argued that by restrictively interpreting civilian protection mandates in the light of R2P the limited resources of peacekeeping troops would be more effectively utilized to protect civilians from mass atrocity crimes. Greater investment would be required to build capacity among the more creative and specially trained units to protect civilians from physical violence, in addition to greater coordination between the military and those specially trained units.

#### CONFLICT-VIOLENCE AND SECURITY

**Le crime organisé et la violence en bande organisée dans le droit national et international / Pierre Hauck et Sven Peterke.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 219-251

Bien qu'il ne s'agisse pas de faits nouveaux, ce n'est que récemment que les États ont commencé à considérer le crime organisé et les actes de violence commis par des bandes organisées comme des menaces sérieuses à la sécurité publique. Cet article rend compte des difficultés rencontrées pour lutter efficacement contre ces phénomènes par des moyens juridiques et analyse les différentes stratégies adoptées jusqu'ici sur le plan national et international.

**Cyberwar and information warfare / ed. by Daniel Ventre.** - London : ISTE ; Hoboken (Etats-Unis) : J. Wiley, 2011. - XIX, 412 p. : tabl., graph., cartes, diagr. ; 24 cm. - Bibliographies. Index. - ISBN 9781848213043

355/913 (ENG)

**Les gangs territoriaux et leurs conséquences pour les acteurs humanitaires / Olivier Bangarter.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 199-218

Les gangs territoriaux sont aujourd'hui l'un des acteurs importants dans la violence urbaine, affectant la vie de millions d'autres personnes. Ils cherchent à se rendre maîtres d'un territoire pour y gérer l'ensemble des activités criminelles et/ou pour y "défendre" la population. De tels gangs se retrouvent à des degrés divers sur tous les continents, même si les plus médiatisés sont actifs en Amérique Centrale. La violence qu'ils causent a un impact humanitaire important,

tant sur la population en général que sur les familles de leurs membres et sur ces derniers eux-mêmes. Des organisations humanitaires peuvent se trouver confrontés à des gangs territoriaux lorsque elles mènent leurs activités "normales" dans l'espace d'un gang, mais aussi lorsque les besoins humanitaires de personnes sous le contrôle d'un gang peuvent en elles-mêmes justifier une action. L'article examine quelques pistes pour un engagement humanitaire dans un tel environnement : le dialogue avec les gangs – et la manière de créer une certaine confiance – l'éducation, les services, mais aussi le dialogue sur des questions de fond. Une telle action n'a de sens qu'à moyen ou long terme ; elle peut avoir un impact très positif mais ne permet de soigner que les symptômes d'un mal plus profond.

**Nouvelles guerres et théorie de la guerre juste / Jean-Marc Flükiger.** - Gollion : Infolio, 2011. - 120 p. : graph. ; 18 cm. - (Illico ; 29). - Bibliographie : p. 115-117. - ISBN 9782884748087  
355/918

**Peacebuilding : preventing violent conflict in a complex world / Dennis J. D. Sandole.** - Cambridge ; Malden (Etats-Unis) : Polity, 2010. - VII, 251 p. : diagr., tabl. ; 21 cm. - (War and conflict in the modern world). - Bibliographie : p. 204-232. Index. - ISBN 9780745641669  
172.4/242

**Les systèmes de drones au coeur des conflits modernes : de la nécessité d'une clarification / par Grégory Bouterin.** - In: Annuaire français de relations internationales, Vol. 12, 2011, p. 755-770. - Photocopies  
355/8 (Br.)

**Why not kill them all ? : the logic and prevention of mass political murder / Daniel Chirot and Clark McCauley ; with a new preface by the authors.** - Princeton ; Oxford : Princeton University Press, 2010. - XIV, 268 p. ; 24 cm. - Bibliographie : p. 219-248. Index. - ISBN 9780691145945  
355/914

## DETENTION

**America's longest held prisoner of war : lessons learned from the capture, prosecution, and extradition of General Manuel Noriega / Geoffrey S. Corn, Sharon G. Finegan.** - In: Louisiana law review, Vol. 71, issue 4, Summer 2011, p. 1111-1146. - Photocopies  
As America's longest held Prisoner of War (POW), Noriega's capture, detention, prosecution, and ultimate extradition provide many important lessons in the balance between the protection of POWs and the flexibility afforded to detaining States to address pre-capture misconduct committed by these captives. It is therefore somewhat ironic that in the post-September 11th debates over the relative merits of extending POW status to captured al Qaeda and Taliban personnel, so little attention has been paid to the plight of General Noriega. His ouster from power, capture, trial, conviction, twenty years of incarceration, and most recent efforts to block extradition offer a fascinating insight into the intersection of national security and law, both domestic and international. What was his status upon capture? If a POW, what was the scope of his lawful immunity, and what was his status upon conviction in a domestic criminal court? How did Congress criminalize his conduct in Panama? Did an invasion to bring him to justice implicate due process concerns? Would his extradition violate the Geneva Prisoner of War Convention, and if so, what remedy did the Convention provide for the General? Through General Noriega's journey, this article will survey each of these legal issues and the law relied on to resolve them. While the authors do not intend to suggest that lessons from Noriega case mandate reconsideration of the status of captured al Qaeda and Taliban personnel, it does indicate the fallacy of asserting that extending POW status (or perhaps only combatant immunity) to such enemy belligerents will disable the ability of the nation to address their pre-capture misconduct.  
431/86 (Br.)

**At the hands of the State : when arrest and imprisonment prove fatal / Caroline Fournet.** - Farnham [etc.] : Ashgate, 2010. - p. 169-190. - In: The right to life and the value of life : orientations in law, politics and ethics. - Bibliographie : p. 189-190

345.1/586

**Captured in war : a study of the criteria under international law for lawful internment in armed conflict / par Els Elisabeth Debuf.** - [S.l.] : [s.n.], 2011. - 718 p. : tabl. ; 30 cm. - (Thèse ; no 904). - Thèse, Institut des hautes études internationales et du développement, Université de Genève 2011. - Bibliographie : p. 633-718

Who can be interned on the basis of existing international humanitarian law, for what reasons and for how long? By answering those questions, the author wishes to contribute to the academic efforts aimed at clarifying the international legal framework for internment in armed conflict. Moreover, in the process of answering our specific research questions, the author also hopes to contribute to a number of other debates in international law, in particular that on the interaction between simultaneously applicable norms of international humanitarian law and international human rights law.

323.2/580

**A comparative look at extraterritoriality : Bagram and beyond / introd. remarks by Chimène Keitner ; remarks by Kal Raustiala... [et al.].** - In: Proceedings of the 104th annual meeting [of the] American Society of International Law, 2010, p. 103-114. - Bibliographie : p. 113-114

This panel looks at a series of questions (nationality, territory, other factors,...) that courts in multiple countries are facing that involve the extraterritorial application of domestic constitutional law and domestic legal framework for the protection of human rights. The approaches of the United States, Canada and United Kingdom in determining the reach their domestic rights regimes beyond their national borders are presented.

**A unified theory of detention, with application to preventive detention for suspected terrorists / Alec Walen.** - In: Maryland law review, Vol. 70, no. 4, 2011, p. 871-938. - Photocopies

In this Article, I argue for a unified theory of detention that explains how the wide range of defensible modes of detention, including the detention of prisoners of war and of some suspected terrorists, can be justified within a liberal tradition that respects the liberty of autonomous individuals. The overarching principle for what I call the Autonomy Respecting Model of Detention is this: Those who can be adequately policed and held accountable for their choices as normal autonomous agents and who can control whether their interactions with others will be impermissibly harmful can be subjected to long-term detention only if they have committed a crime for which long-term punitive detention or loss of the right not to be subjected to long-term preventive detention is a fitting punishment. The Autonomy Respecting Model justifies the long-term preventive detention of prisoners of war on the ground that were such prisoners to escape or be released, they would not be policed in a way that would hold them accountable for their use of force in the future. The model justifies the long-term preventive detention of suspected terrorists only in those cases in which they too would be effectively unaccountable for their future actions. Importantly, the autonomy respecting model does not allow the long-term preventive detention of suspected terrorists simply because they are predicted to pose a threat larger than that of almost all other criminals

323.2/581 (Br.)

## ENVIRONMENT

**Cadre de référence pour la gestion de l'environnement dans les programmes d'assistance : Comité international de la Croix-Rouge (CICR), Division assistance, septembre 2009.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 393-454

**Le développement du droit international au carrefour du droit de l'environnement, du droit humanitaire et du droit pénal : les dommages causés à l'environnement en période de conflit armé international / Julian Wyatt.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 301-360

Cet article explique comment les règles du droit international applicables à des problèmes transversaux peuvent combiner avec bonheur les compétences existantes et les forces institutionnelles de différentes branches du droit international applicables simultanément. Il étudie également comment les divers cadres de référence utilisés par ceux qui travaillent dans

les différents domaines peuvent fortement influencer sur l'évaluation et l'application ultime des règles transversales adoptées.

**Droit international protégeant l'environnement en période de conflit armé : lacunes et opportunités / Michael Bothe, Carl Bruch, Jordan Diamond and David Jensen.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 273-300

Le corpus de droit international humanitaire (DIH) relatif à la protection de l'environnement dans les conflits armés souffre de trois déficiences essentielles. Tout d'abord, la définition de ce qui constitue une « atteinte inadmissible à l'environnement » apparaît à la fois trop restrictive et peu claire ; ensuite, des incertitudes juridiques demeurent quant à la protection des éléments de l'environnement en tant que biens de caractère civil ; enfin, l'application du principe de proportionnalité lorsque l'atteinte à l'environnement constitue un « dommage incident » est également problématique. Toutefois, à ces diverses lacunes correspondent des opportunités spécifiques de clarifier et développer le cadre juridique existant. L'application du droit international de l'environnement (DIE) en période de conflit armé pourrait constituer l'une des façons de parer à certaines défaillances du DIH. Les normes, standards, approches et mécanismes détaillés figurant dans le DIE pourraient également contribuer à clarifier et à développer les principes de base du DIH afin de prévenir, actionner ou évaluer la responsabilité en matière de dommages causés à l'environnement lors d'un conflit armé.

**L'eau en droit international / Frédérique Coulée... [et al.].** - Paris : Pedone, 2011. - 405 p. ; 24 cm. - ISBN 9782233006165  
363.7/105

**L'eau et son rôle dans la paix et la sécurité internationales / Mara Tignino.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 361-392

La pénurie d'eau, exacerbée par les changements climatiques, a des répercussions sur la disponibilité de cette ressource première et peut menacer la paix et la sécurité. Protéger l'eau des effets de la guerre non seulement contribue à préserver une ressource naturelle indispensable à la vie, mais c'est également un moyen pour les parties au conflit d'engager des négociations et de rétablir la confiance et la paix.

**Environmental justice in situations of armed conflict / Phoebe Okowa.** - Cambridge [etc.] : Cambridge university press, 2009. - p. 231-252. - In: Environmental law and justice in context. - Bibliographie : p. 250-252. - Photocopies

Within the environmental justice debate, the central question addressed in this chapter, is one of the extent to which the enforceable content of the law of armed conflict requires states to ensure that their military operations conform with national and international law for the protection of the environment. It is an enquiry into what procedures and opportunities are in place for the public to challenge planned military action on the basis of the potential environmental risk that they entail. Secondly, it evaluates the normative content of *ius in bello*, and the extent to which its regulatory content is directed at the protection of the environment. It examines the extent to which environmental values permeate decision-making in military operations, in particular, in the calculation of what are acceptable risks or not. Thirdly, it involves an assessment of the extent to which existing institutional frameworks address the question of responsibility for environmental damage. This involves an inquiry into the distribution of war-related environmental losses and methods of calculating them. But it also involves an inquiry into criminal processes that may be in place for dealing with transgressions. It is suggested that it is only in relation to the last two incidents that the law of war attempts to incorporate in any meaningful way the concept of corrective or remedial justice.

363.7/104 (Br.)

**Interview de Achim Steiner / par Claude Voillat et Michael Siegrist.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 259-272

Achim Steiner est directeur exécutif du Programme des Nations Unies pour l'environnement (PNUE) et sous-secrétaire général des Nations Unies. Le 1er mars 2009, il a été nommé directeur général de l'Office des Nations Unies à Nairobi (ONUN). De 2001 à 2006, il a été directeur général de l'UICN (Union internationale pour la conservation de la nature).

**Revue technique : guide pratique pour les essais de pompage de puits / CICR.** - Genève : CICR, septembre 2011. - 104 p. : fotogr., tabl., graph. ; 21 cm. - (Référence)

Les recommandations pratiques présentées dans ce guide sur les essais de pompage reflètent des années d'expérience acquise sur le terrain lors de l'exploitation de forages dans des contextes ruraux et urbains, de l'Afrique à l'Asie, en passant par le Moyen-Orient. Dans les régions en proie à un conflit armé ou à de fortes tensions où travaillent les ingénieurs du CICR, la meilleure source d'eau potable est souvent la nappe phréatique. Une bonne connaissance de la technique de forage, ainsi qu'une analyse complète de la situation locale qui place la dignité humaine et les besoins de la communauté au premier plan tout en tenant compte des préoccupations environnementales plus vastes, est un élément clé de la réussite de toute opération visant à trouver des solutions durables et économiques pour la population.  
363.7/100 (FRE)

## GEOPOLITICS

**30 years in Afghanistan : ICRC photo archives account by Alberto Cairo.** - In: International review of the Red Cross, Vol. 93, no. 881, March 2011, p. 159-171

The Review asked Alberto Cairo, head of the ICRC orthopaedic programme in Afghanistan since 1992, to make his own selection of pictures from the ICRC's photo library collection, which covers its activities in conflicts throughout the world from the 1860s to the present day.

**Afghanistan : an historical and geographical appraisal / William Maley.** - In: International review of the Red Cross, Vol. 92, no. 880, December 2010, p. 859-876

Afghanistan's current difficulties are in large measure the product of a troubled history and a troubled geographical location. These have combined to produce a debilitated state, open to meddling from a range of external powers, that has now experienced decades of trauma. The current insurgency that afflicts the country is sustained by the sanctuaries in Pakistan from which the Taliban operate. Unless and until there is progress on this front, the situation in Afghanistan will remain stalemated.

**Between a rock and a hard place : integration or independence of humanitarian action ? / Antonio Donini.** - In: International review of the Red Cross, Vol. 93, no. 881, March 2011, p. 141-157

This article looks at the tension between principles and politics in the response to the Afghan crisis, and more specifically at the extent to which humanitarian agencies have been able to protect themselves and their activities from overt instrumentalization by those pursuing partisan political agendas. After a short historical introduction, it focuses on the tensions around the issue of 'coherence' – the code word for the integration of humanitarian action into the wider political designs of the United Nations itself and of the UN-mandated military coalition that has been operating in Afghanistan since late 2001. The article ends with some more general conclusions on the humanitarian-political relationship and what Afghanistan 'means' for the future of humanitarian action.

**Dynamic interplay between religion and armed conflict in Afghanistan / Ken Guest.** - In: International review of the Red Cross, Vol. 92, no. 880, December 2010, p. 877-897

In approaching this subject the most important thing to understand is how Afghans perceive things to be. On to this must be grafted factors about their environment, beliefs, and character that most affect their response. The physical characteristics of their environment are easy to define and describe, but their character, relationship to Islam, and how the two combine and affect their mode of warfare is more complex – a knot of truly Gordian proportions. However, if the past is accurately factored into the present, this enables contextual understanding, which is the key to unlocking the puzzle.

**The future of Afghanistan : an Afghan responsibility / Taiba Rahim.** - In: International review of the Red Cross, Vol. 92, no. 880, December 2010, p. 993-1002

Bad news about Afghanistan is a daily reality. War has plagued the country for three uninterrupted decades. Afghan women and men face daunting survival struggles. The majority of them have known nothing else but war. Considerable responsibility lies on the shoulders of Afghans themselves, who have caused extensive suffering for their fellow countrywomen and men. This article, however, argues that the future of Afghanistan lies in Afghan hands. The solution to its current problems cannot and will not come from outside. It is time for Afghan men

and women to confront their problems, to address their divisions, and to envisage home-grown solutions.

**Géopolitique du Sahara / André Bourgeot... [et al.].** - In: *Hérodote : revue de géographie et de géopolitique*, No 142, 3e trimestre 2011, 237 p.

Contient notamment : *Désordre, pouvoirs et recompositions territoriales au Sahara / Emmanuel Grégoire et André Bourgeot.* - *Sahara, perspectives et illusions géopolitiques / Yves Lacoste.* - *Sahara de tous les enjeux / André Bourgeot.* - *La Libye après Kadhafi : essai de prospective géopolitique du conflit libyen / Jean-François Daguzan et Jean-Yves Moisseron.* - *Enchevêtrements géopolitiques autour de la lutte contre le terrorisme dans le Sahara / Antonin Tisseron.*

**Impunity and insurgency : a deadly combination in Afghanistan / Norah Niland.** - In:

*International review of the Red Cross*, Vol. 92, no. 880, December 2010, p. 931-950

The judgement of key decision-makers to ignore the critical problem of impunity – the lack of accountability for egregious human rights violations – contrary to the wishes of the vast majority of Afghans has had devastating, if predictable, consequences. Disillusionment with the continued abuse of power, along with the steady increase in war-related casualties, is a significant driver of the escalating insurgency. Experience over the past nine years highlights an urgent need to address the strategic issue of systemic and structural injustice. It is not realistic to envisage an end to armed conflict and the development of democratic and accountable state institutions while impunity reigns.

**Interview with Dr Sima Samar / by Markus Cott and Robert Whelan.** - In: *International review of the Red Cross*, Vol. 92, no. 880, December 2010, p. 847-857

Dr Sima Samar was born in Jaghoori, Ghazni, Afghanistan, on 3 February 1957. She obtained her degree in medicine in February 1982 from Kabul University, one of the few Hazara women to do so. She practised medicine at a government hospital in Kabul, but after a few months was forced to flee for her safety to her native Jaghoori, where she provided medical treatment to patients throughout the remote areas of central Afghanistan. The interview was conducted in Kabul, Afghanistan, on 7 February 2011 by Markus Cott, Deputy Head of the International Committee of the Red Cross delegation in Kabul, and by Robert Whelan, communication delegate.

**The right to counsel as a safeguard of justice in Afghanistan : the contribution of the International legal foundation / Jennifer Smith, Natalie Rea, and Shabir Ahmad Kamawal.**

- In: *International review of the Red Cross*, Vol. 92, no. 880, December 2010, p. 951-966 : graph.

In Afghanistan, rule of law projects have placed a heavy emphasis on rebuilding courts and law enforcement institutions. Little attention has been given to the critical element of defence, particularly criminal defence services for the poor. Yet, without defence lawyers, there can be no rule of law. This article examines the right to counsel in Afghanistan and the indispensable role that defence lawyers are playing in the development of the justice system, illustrated by the experience of the International Legal Foundation. By providing early and effective representation to their clients, lawyers ensure that Afghanistan's new laws and constitutional provisions protecting the rights of the accused are implemented.

**State-building in Afghanistan : a case showing the limits ? / Lucy Morgan Edwards.** - In:

*International review of the Red Cross*, Vol. 92, no. 880, December 2010, p. 967-991

Since the 1990s, the concept of 'state-building' has become the means by which intervenors have attempted to tackle 'state failure/fragility'. The 'ideal' referred to when attempting to do this – both theoretically and in practice – has been that of the classic 'nation-state' as developed by Max Weber. To answer the question posed by the title above, the article first looks generally at the evolution of the current state-building paradigm and global governance discourse. Second, a background of historical attempts at state-building in Afghanistan is given. Third, an assessment is made of the international community's approach to Afghanistan since 2001. Finally, the appropriateness of replicating a Weberian state-building model onto more traditional societies such as Afghanistan – where modes of governance and authority are often informal, complex, and characterized by historical and charismatic sources of legitimacy – is addressed. Until now, such contexts have barely been acknowledged, still less understood, by intervenors.

Today, however, some academics are beginning to outline an alternative response to state fragility, recognizing more traditional sources of legitimacy and a hybridity of political order.

#### HUMAN RIGHTS

**Human rights and humanitarian law : conflict or convergence / Christopher Greenwood. -**

In: Case Western Reserve journal of international law, Vol. 43, nos. 1&2, 2010, p. 491-512. -  
Frederick K. Cox International Law Center Lecture in Human Rights and Humanitarian Law. -  
Photocopies

The relationship between the international law of human rights and international humanitarian law is a highly controversial topical subject. To one group, everything that happens in the war on terror and, in particular at Guantanamo, is a matter solely for the laws of war. It fits into the box marked "humanitarian law" so that human rights law has nothing whatever to do with it. To another group, it is a human rights and law-enforcement issue that has little or nothing to do with the laws of war. The lecturer tries to show that neither of those two perspectives gives the whole truth. Neither is a self-contained entity and their keenest proponents do themselves a disservice by pretending that the two bodies of law are mutually exclusive and must always be in conflict. A human rights lawyer should be a humanitarian lawyer as well. Similarly, particularly, a military lawyer, cannot today overlook the dimension of the international law of human rights. It's a matter of being a good lawyer rather than being a human rights lawyer or a humanitarian lawyer.

345.1/36 (Br.)

**Human rights in times of conflict and terrorism / Louise Doswald-Beck. - Oxford [etc.] :**

Oxford University Press, 2011. - XLV, 550 p. ; 26 cm. - Bibliographie : p. 535-540. Index. -  
ISBN 9780199578931

345.1/590

#### HUMANITARIAN AID

**Freedom's battle : the origins of humanitarian intervention / Gary J. Bass. - New York :**

Vintage Books, 2009. - X, 509 p. ; 21 cm. - Index. - ISBN 9780307279873

361/558

**Many reasons to intervene : French and British approaches to humanitarian action / Karl**

**Blanchet and Boris Martin ed.. - London : Hurst, 2011. - XVII, 139 p. ; 22 cm. - Index. Titre**

original: Critique de la raison humanitaire : dialogue entre l'humanitaire français et anglo-saxon.

- ISBN 9781849041423

361/440 (ENG)

**Violence et action humanitaire en milieu urbain : nouveaux défis, nouvelles approches /**

**Marion Harroff-Tavel. - In: Revue internationale de la Croix-Rouge : sélection française, Vol.**

92, 2010, p. 175-197

Assurer un développement harmonieux de villes en croissance rapide et offrir à une population en pleine expansion des services publics dignes de ce nom, que ce soit en matière de sécurité, de santé ou d'éducation, est un défi pour nombre d'États. Ce défi est d'autant plus difficile et urgent à relever que des manifestations de violence (émeutes de la faim, affrontements de gangs territoriaux ou de communautés ethniques, actes de violence xénophobe contre des migrants, ...) qui n'atteignent généralement pas le seuil d'un conflit armé, mais n'en sont pas moins meurtrières, peuvent se produire. Sur la base de l'expérience du Comité international de la Croix-Rouge (CICR) et de ses partenaires, ainsi que des constats de spécialistes du milieu académique, cet article décrit la vulnérabilité des plus pauvres et des migrants en milieu urbain. Il évoque les difficultés auxquelles les acteurs humanitaires, souvent habitués à travailler en zone rurale, doivent faire face. Enfin, il dépeint des réponses novatrices et riches d'enseignements : microprojets générateurs de revenus, secours en cash ou en bons, agriculture urbaine, mise sur pied de programmes de prévention de la violence ou de promotion de la santé pour protéger des personnes affectées par la violence armée dans des quartiers défavorisés.

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

**Le Comité international de la Croix-Rouge et le sauvetage des Juifs d'Europe : l'émigration vers la Palestine, 1942-1948 / Gruere Noémie.** - [S.l.] : [s.n.]. - 2011. - 180 p. : cartes, fotogr. ; 30 cm. - Mémoire, Faculté des Lettres et Civilisations, Université Jean Moulin Lyon III, 2011. - Bibliographie : p. 173-176  
362.191/1480

**La Croce Rossa tra soccorso e diplomazia umanitaria / Massimo Barra.** - In: Rivista di studi politici internazionali, Vol. 78, no. 1, gennaio-marzo 2011, p. 33-39. - Photocopies  
362.191/1201 (Br.)

**The International Committee of the Red Cross in Afghanistan : reasserting the neutrality of humanitarian action / Fiona Terry.** - In: International review of the Red Cross, Vol. 93, no. 881, March 2011, p. 173-188

Neutrality as a guiding principle of humanitarian action was roundly rejected by most actors in Afghanistan's latest conflict. One party to the conflict commandeered assistance and aid organizations into a counter-insurgency campaign, and the other rejected Western aid organizations as agents of an imperialist West. The murder in 2003 of the International Committee of the Red Cross (ICRC) water engineer Ricardo Munguia, because of what he symbolized, cast doubt on whether the ICRC could be perceived as neutral in this highly polarized context. Rather than abandon a neutral stance, however, as so many aid organizations did, the ICRC persevered and, through some innovative and sometimes risky initiatives, managed to show both sides the benefits of having a neutral intermediary in conflict. Today, the ICRC continues to expand its reach to Afghans in dire need of humanitarian assistance.

**Interview with Fatima Gailani / by Walid Akbar Sarwary.** - In: International review of the Red Cross, Vol. 93, no. 881, March 2011, p. 5-9

Ms Fatima Gailani was appointed as the President of the Afghan Red Crescent Society in 2005. She was born in 1954 in Kabul and is the daughter of Pir Sayed Ahmed Gailani, the leader of the National Islamic Front of Afghanistan, who fought against the Soviet occupation of Afghanistan in the 1980s. She lived in exile during the Soviet invasion of Afghanistan and acted as spokesperson in London for the Afghan Mujahideen. After her return to Afghanistan she was chosen as a delegate to the Emergency Loya Jirga (Grand Council) of June 2002 and was appointed as a constitution-drafting and -ratifying commissioner.

**Manuel du Mouvement international de la Croix-Rouge et du Croissant-Rouge : droit international humanitaire, statuts et règlements, principales politiques du Mouvement international de la Croix-Rouge et du Croissant-Rouge, choix de résolutions de la Conférence internationale de la Croix-Rouge et du Croissant-Rouge, du Conseil des délégués et de l'Assemblée générale de la Fédération / Comité international de la Croix-Rouge, Fédération internationale des sociétés de la Croix-Rouge et du Croissant-Rouge.**

- 14e éd.. - Genève : CICR : Fédération, 2011. - 1366 p. : ill. ; 22 cm. - Index  
Cet ouvrage majeur réunit tous les textes qui servent de base aux diverses activités du CICR, de la Fédération internationale et des Sociétés nationales. Il comprend les Principes fondamentaux de la Croix-Rouge et du Croissant-Rouge ; les principales Conventions, principaux traités et autres textes fondamentaux du droit international humanitaire ; les politiques, stratégies et plans d'action qui guident l'action des composantes du Mouvement et une sélection des principales résolutions adoptées dans le cadre des réunions statutaires du Mouvement. Ce manuel est périodiquement mis à jour et réédité. Instrument indispensable au bon fonctionnement du Mouvement international de la Croix-Rouge et du Croissant-Rouge, il constitue également un guide précieux pour tous ceux qui s'intéressent à l'action humanitaire.  
362.191/97 (14e éd. 2011 FRE)

Réf. MOU 3 (14e éd. 2011 FRE) (excluded from loan)

**Medición de resultados / CICR.** - Ginebra : CICR, octubre de 2010. - 94 p. : fotogr., tabl., graph. ; 21 cm. - Bibliographie : p. 93-94  
362.191/1478 (SPA)

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**INTERNATIONAL CRIMINAL LAW**

**Aggressors' rights : the doctrine of "equality between belligerents" and the legacy of Nuremberg / Michael Mandel.** - In: Leiden journal of international law, Vol. 24, no. 3, 2011, p. 627-650. - Photocopies

The moral and legal debate over the separation of jus in bello from jus ad bellum generally assumes that the law of war supports this separation and the concomitant doctrine of 'equality between belligerents', also known as the 'duality' or the 'symmetry' principle. This article examines the Nuremberg-era precedents and legal scholarship, as well as more recent legal and scholarly material, and argues that the general assumption is wrong and that the arguments supporting the radical legal separation of the two jus's are unconvincing.  
344/547 (Br.)

**Beyond victor's justice ? : the Tokyo war crimes trial revisited / ed. by Yuki Tanaka, Tim McCormack and Gerry Simpson.** - Leiden ; Boston : M. Nijhoff, 2011. - XXXI, 402 p. : tabl. ; 25 cm. - (International humanitarian law series ; vol. 30). - Index. - ISBN 9789004203037  
344/553

**Exploring the boundaries of international criminal justice / ed. by Ralph Henham and Mark Findlay.** - Farnham ; Burlington : Ashgate, 2011. - XI, 283 p. ; 24 cm. - (International and comparative criminal justice). - Bibliographies. Index. - ISBN 9780754649793  
344/551

**Kononov v. Latvia : a partisan and a criminal : the European Court of Human Rights takes a controversial stance on war crimes / Mariya S. Volzhskaya.** - In: Tulane journal of international and comparative law, Vol. 19, issue 2, 2011, p. 651-668. - Photocopies  
The ECHR decision in the noted case is a big step forward in the continuing efforts to incentivize those working to bring war criminals to justice. The ECHR's holding that Latvia's conviction of Kononov was not barred by the statute of limitations is a testament to the powerful principle that war crimes charges are not subject to time limits in international law. The ECHR's affirmation of Latvia's conviction of Kononov, a former Allied soldier, is perhaps also evidence that the ECHR is ready to branch out from the one-sided approach of Nuremberg. It is difficult to predict whether more cases like Kononov's will be brought as an aftermath to the noted case given Russia's heavy involvement and its tendency to put political pressure on its neighbors. However, the ECHR took a strong stance in applying contemporaneous law to the facts without regard to Kononov's status as a former Allied soldier, a stance that serves to depoliticize the not-so-distant past of WWII.  
344/57 (Br.)

**La modificación del código penal español por ley orgánica 5/2010, en materia de crímenes de guerra : un paradigma en la protección penal de las víctimas de la guerra / José Luis Rodríguez-Villasante y Prieto.** - In: Revista española de derecho militar, 95-96, enero-diciembre 2010, p. 149-174

**The Nuremberg military tribunals and the origins of international criminal law / Kevin Jon Heller.** - Oxford [etc.] : Oxford University Press, 2011. - XVIII, 509 p. : tabl. ; 24 cm. - Bibliographie : p. 487-492. Index. - ISBN 9780199554317  
344/552

**The residual mechanism : bringing the work of the ad hoc international criminal tribunals to completion / Guido Acquaviva, Thomas Wayde Pittman, Catherine Denis.** - In: Journal of international criminal justice, Vol. 9, no. 4, September 2011, p. 787-837  
Contient : Was a residual mechanism for international criminal tribunals really necessary ? / G. Acquaviva. - The road to the establishment of the international residual mechanism for criminal tribunals : from completion to continuation / T. W. Pittman. - Critical overview of the "residual functions" of the mechanism and its date of commencement (including transitional arrangements) / C. Denis

**South-East Asia and international criminal law / by Richard J. Goldstone.** - Oslo : Torkel Opsahl Academic EPublisher, 2011. - 23 p. ; 30 cm. - (FICHL Occasional Paper Series ; no. 2). - Edited version of a lecture presented in Bangkok on 13 June 2011 as "The 5th Princess

Maha Chakri Sirindhorn Lecture on International Humanitarian Law". - Photocopies. - ISBN 9788293081388

Addressing the topic of South East Asia and International Criminal Law, Professor Goldstone first provides a brief overview of the historical development of the main principles underpinning the laws of armed conflict. He notes that the basic rule of reciprocity as a legal restraint in warfare has an ancient – and in no way a purely Western – heritage. He further reflects on the role of Nuremberg, the international ad hoc tribunals and the International Criminal Court in establishing individual criminal responsibility for atrocities, and the ongoing effort to strengthen accountability for such crimes. He argues that alongside Asia's economic rise comes the opportunity to be a force for good as well as for prosperity. The Asian countries can – and should, suggests Professor Goldstone – play a significant role in the strengthening of the respect for and implementation of international criminal law.  
344/60 (Br.)

**Torture in international criminal law : recent case law / C. Tofan (ed.).** - The Hague : International courts association, 2011. - 216 p. ; 24 cm. - ISBN 9789058870919  
323.2/583

**The witnesses : war crimes and the promise of justice in The Hague / Eric Stover.** - Philadelphia : University of Pennsylvania Press, 2007. - XII, 230 p. : carte ; 22 cm. - (Pennsylvania studies in human rights). - Bibliographie : p. 213-218. Index. - ISBN 9780812219944  
344/550

#### INTERNATIONAL HUMANITARIAN LAW-GENERALITIES

**La cour internationale de justice et le droit international humanitaire : une lex specialis revisitée par le juge / par Abdelwahab Biad ; [préf. de Mohammed Bedjaoui ; avant-propos de Paul Tavernier].** - Bruxelles : Bruylant : Universités de Paris-Sud et Rouen, 2011. - XLI, 210 p. ; 24 cm. - (Collection du CREDHO ; 17). - Bibliographie : p. 193-206. Index. - ISBN 9782802730019  
345.2/855

**Il diritto internazionale umanitario ed il suo rispetto : una sfida permanente / Cornelio Sommaruga.** - [S.l.] : [s.n.], luglio 2008. - 23 p. ; 30 cm. - Lectio magistralis donnée à l'occasion de l'octroi du titre de Docteur honoris causa en droit international, faculté de droit, université d'Insubria (15 juillet 2008 : Côme). - Photocopies  
345.2/587 (Br.)

**The individual in international humanitarian law / Kate Parlett.** - Cambridge [etc] : Cambridge University Press, 2011. - p. 176-228. - In: The individual in the international legal system : continuity and change in international law  
In international armed conflict, rules which limit the conduct of armed forces have the potential to engage individuals in the international legal system. In internal armed conflict, the extension of belligerent rights and obligations to armed opposition groups effectively engages individuals. This chapter surveys the development of international humanitarian law with respect to individuals in both spheres. The extent to which individuals have been engaged in the international legal system will be assessed against the orthodox accounts of the international legal system examined in part I. In recent scholarship it has been suggested that there is convergence in humanitarian law applicable in international and non-international armed conflicts; but in this chapter they are addressed separately for several reasons, including the diversity in the historical development of the applicable rules in each type of conflict.  
345/589

**On the doctrinal origins of ius in bello : from rights of war to the laws of war / Peter Hagggenmacher.** - The Hague : Eleven international, 2011. - p. 325-358. - In: Universality and continuity in international law. - Photocopies  
Jus in bello, humanitarian law or law of armed conflict are the three expressions that are used interchangeable to designate the law applicable in warfare although their import is not quite the same. The author takes a look back on classical writings on the law of armed conflict to explain the notions each expression entails and how they were developed.

345.210/26 (Br.)

**[Principes de droit des conflits armés (russe)] / Eric David.** - [4e éd.]. - [Moscou : CICR], 2011. - 1141 p. ; 24 cm. - Bibliographie : p. 1053-1080. Index. - ISBN 9785940131601  
345.2/636 (2011 RUS)

**Le renforcement de la protection juridique des victimes des conflits armés : étude du CICR sur l'état actuel du droit international humanitaire / Jakob Kellenberger.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 455-461  
Allocution de Jakob Kellenberger, 21 September 2010

**The role of international humanitarian law in human rights law / Louise Doswald-Beck.** - Oxford [etc] : Oxford University Press, 2011. - p. 106-126. - In: Human rights in times of conflict and terrorism  
345.1/590

**Terrorism and armed conflict : insights from a law and literature perspective / Andrea Bianchi.** - In: Leiden Journal of International Law, Vol. 24, no.1, 2011, p. 1-21. - Photocopies  
This article examines some selected issues relating to terrorism and international humanitarian law (IHL): the characterization of the nature of armed conflicts in which armed groups, qualified as 'terrorist', are involved; terrorism as a war crime; and the determination of the status and treatment (including detention) of terrorist suspects apprehended in the course of an armed conflict. The analysis emphasizes the importance of legal categories and legal qualifications of factual situations for the purpose of determining the applicable law as well as the crucial importance of taking societal practice into account when evaluating the state of the law in any given area. The main focus of the article, however, is on providing a few basic insights, drawn from the law & literature movement, on international humanitarian law and terrorism. Short of any epistemological ambition, literature is used as a remainder that the law is not a set of neutral rules, elaborated and applied independently of context and historical background; that the human condition remains central; and that legal regulation cannot be oblivious to it. Finally, mention is made of interpretive techniques, developed in the field of literary studies, that may help establish social consensus on the interpretation of IHL grey areas.  
303.6/199 (Br.)

**War and intention / Darrell Cole.** - In: Journal of military ethics, Vol. 10, issue 3, September 2011, p. 174-191. - Bibliographie : p. 190-191  
Right intention is one of the staple criteria of traditional just war theory. In classical terms, right intention is met when a belligerent aims to achieve a just and peaceful order. I will address the problem of determining when a belligerent has satisfied the criterion of right intention. I will argue that right intention is determined by observing a belligerent's acts during and after a conflict. Intention is not merely a private mental act known ultimately only by the people who express the intentions of their governments. Rather, right intention is a communal, public act, for the observable circumstances are how intention is determined. I will demonstrate the effectiveness of this way of determining intention by concentrating on the stated intentions of the Allies before World War II and of the U.S. before the First and Second Gulf Wars. The goal of the paper is to demonstrate that the international community can check a belligerent's stated intentions both while the war is in progress and after the war has ended. I will argue that how well a belligerent conforms to the jus in bello and, when appropriate, to the jus post bellum, provide the international community with much of the information it needs to determine whether or not right intention has been met.

**War and laws : changing scenario / S. C. Narang.** - Delhi : Prashant, 2010. - VIII, 328 p. ; 23 cm. - Bibliographie : p. 325-326. Index. - ISBN 9789380565026  
345.2/838

#### INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES

**Afghanistan, Pakistan, and the modern challenges to use of force law / introd. remarks by Mary Ellen O'Connell ; remarks by Paul Pillar... [et al.].** - In: Proceedings of the 104th annual meeting [of the] American Society of International Law, 2010, p. 161-183

Afghanistan and Pakistan present complex situations where application of such principles as the right to kill without warning, and the right to detain without trial, require very careful analysis of both facts and law. Topics addressed are: current U.S. policy, strategy and challenges in Afghanistan and Pakistan ; international humanitarian law issues that have arisen in connection with military operations in the region especially with respect to the use of combat drones ; CIA operations in the region, particularly with respect to U.S. law, but pointing out where there may be gaps between U.S. law and international law governing operations ; strengths and weaknesses in current international humanitarian law from the perspective of U.S. strategy.

**Constraints on the waging of war : an introduction to international humanitarian law / Frits Kalshoven, Liesbeth Zegveld.** - 4th ed.. - Cambridge [etc.] : Cambridge University Press, 2011. - XI, 295 p. ; 23 cm. - Index. - ISBN 9781107600324

This fully revised fourth edition of *Constraints on the waging of war* considers the development of the principal rules of international humanitarian law from their origins to the present day. It particularly focuses on the rules governing weapons, and the legal instruments through which respect for the law can be enforced. Combining theory and actual practice, this book appeals to specialists as well as to students turning to the subject for the first time.

345.2/415 (2011 ENG)

**The Goldstone report and the modern law of war / by Omar Dajani, Abraham Bell ; introd. remarks by Lucy Reed ;** - In: Proceedings of the 104th annual meeting [of the] American Society of International Law, 2010, p. 73-86

The first comment - "The importance of the Goldstone" by Omar Dajani - highlights what are in the view of the author the Goldstone report's most important contributions to the law of armed conflict and to efforts to promote compliance with the obligations it imposes. The second comment - "A critique of the Goldstone report and its treatment of international humanitarian law" by Abraham Bell - considers that criticism raised against the Report are well-founded and that the nearly five hundred page Report failed in almost every respect.

**Has the armed conflict in Afghanistan affected the rules on the conduct of hostilities ? / Robin Geiss and Michael Siegrist.** - In: International review of the Red Cross, Vol. 93, no. 881, March 2011, p. 11-46

The armed conflict in Afghanistan since 2001 has raised manifold questions pertaining to the humanitarian rules relative to the conduct of hostilities. In Afghanistan, as is often the case in so-called asymmetric conflicts, the geographical and temporal boundaries of the battlefield, and the distinction between civilians and fighters, are increasingly blurred. As a result, the risks for both civilians and soldiers operating in Afghanistan are high. The objective of this article is to assess whether – and if so how much – the armed conflict in Afghanistan has affected the application and interpretation of the principles of distinction, proportionality, and precaution – principles that form the core of legal rules pertaining to the conduct of hostilities.

**The Layha for the Mujahideen : an analysis of the code of conduct for the Taliban fighters under Islamic law / Muhammad Munir.** - In: International review of the Red Cross, Vol. 93, no. 881, March 2011, p. 81-120. - En annexe : The Layha [code of conduct] for mujahids

The following article focuses on the Islamic Emirate of Afghanistan Rules for the Mujahideen to determine their conformity with the Islamic *jus in bello*. This code of conduct, or Layha, for Taliban fighters highlights limiting suicide attacks, avoiding civilian casualties, and winning the battle for the hearts and minds of the local civilian population. However, it has altered rules or created new ones for punishing captives that have not previously been used in Islamic military and legal history. Other rules disregard the principle of distinction between combatants and civilians and even allow perfidy, which is strictly prohibited in both Islamic law and international humanitarian law. The author argues that many of the Taliban rules have only a limited basis in, or are wrongly attributed to, Islamic law.

**The protective scope of common article 3 : more than meets the eye / Jelena Pejic.** - In: International review of the Red Cross, Vol. 93, no. 881, March 2011, p. 189-225

Non-international armed conflicts are not only prevalent today, but are also evolving in terms of the types that have been observed in practice. The article sets out a possible typology and argues that Common Article 3 to the Geneva Conventions may be given an expanded geographical reading as a matter of treaty law. It also suggests that there is a far wider range of

rules – primarily of a binding nature, but also policybased – that apply in Common Article 3 armed conflicts with regard to the treatment of persons in enemy hands and the conduct of hostilities.

**Réglementation des lois et coutumes de la guerre, Manuel des lois de la guerre : rapport de M. Moynier [présenté lors de la cinquième commission de la session d'Oxford 1880 de l'Institut de droit international].** - In: *Annuaire de l'Institut de droit international*, Vol. 1, 1928, p. 579-585, 700-727. - Photocopies

Le rapport de M. Moynier est suivi du texte du manuel d'Oxford de 1880 ainsi que d'un extrait du procès-verbal de la séance plénière tenue par l'Institut à Oxford, le 9 septembre 1880, sous la présidence de M. M. Bernard.

345.25/58 (Br.)

**War and law in cyberspace : the conduct of hostilities in and via cyberspace / by Robin Geiss.** - In: *Proceedings of the 104th annual meeting [of the] American Society of International Law*, 2010, p. 371-374

The commentator considers that the law of armed conflict is flexible enough to accommodate new technological developments and is therefore applicable to newly developed means and methods of warfare that find no explicit mentioning in the established legal order. Although the conduct of hostilities in and via cyberspace presents some difficult questions, it does not put into question the general validity of IHL's fundamental principles.

#### INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION

**Conceptions of war and paradigms of compliance : the "new war" challenge to international humanitarian law / Nicolas Lamp.** - In: *Journal of conflict and security law*, Vol. 16, no. 2, Summer 2011, p. 225-262

The article argues that the so-called "new wars" pose a fundamental challenge to international humanitarian law (IHL). Although not historically new, this type of war differs in crucial respects from the conception of war that underlies the traditional paradigm of compliance of IHL. At the heart of this paradigm lie certain assumptions: that IHL embodies a compromise between the interests of the warring parties and humanitarian concerns, and that the warring parties face a number of incentives to comply with the law. The article argues that these assumptions lose their plausibility under the circumstances of the "new wars". As a result, the traditional enforcement mechanisms of IHL invariably fail in these conflicts. The second part of the article discusses the international legal response to the "new wars". In particular, it considers international criminal prosecutions, the activities of the International Committee of the Red Cross and measures by the United Nations Security Council. In the common elements of these measures the article identifies the contours of a new paradigm of compliance in IHL that shifts the emphasis from voluntary compliance to external enforcement.

**De la sanction pénale à donner à la Convention de Genève : rapport présenté au nom de la Commission par MM. G. Moynier et Ed. Engelhardt [lors de la sixième commission de la session de Cambridge 1895 de l'Institut de droit international].** - In: *Annuaire de l'Institut de droit international*, Vol. 3, 1928, p. 523-783. - Photocopies

Le rapport est suivi des délibérations et du projet de résolutions sur la sanction pénale à donner à la Convention de Genève, adopté en séance du 12 août 1895.

345.22/180 (Br.)

**El derecho internacional humanitario y su relación con el derecho interno de los estados / Elizabeth Salmón ; prólogo de Juan Antonio Carrillo Salcedo.** - Lima : Pontificia Universidad Católica del Perú : Palestra, 2007. - 321 p. ; 21 cm. - (Derecho PUCP. Monografías ; no. 5). - Bibliographie : p. 299-321. - ISBN 9789972224676

345.22/179

**Ensuring respect : the European Union's guidelines on promoting compliance with international humanitarian law / Andrea Breslin.** - In: *Israel law review*, Vol. 43, no. 2, 2010, p. 381-413. - Photocopies

The European Union as a prominent regional organization is increasingly expected to contribute positively in terms of the promotion of certain values, both by European Union citizens and by the international community. These values include the promotion and development of

international law, including international humanitarian law. The focus of this article is on the influence, actual and potential, of the European Union in terms of promoting humanitarian law externally, and on ensuring respect of humanitarian law by third States. It briefly discusses the evolution of the duty to ensure respect and outlines the relevance of international humanitarian law to the external action of the European Union. The European Union Guidelines on Promoting Compliance with International Humanitarian Law are introduced and the background, content, and potential are explored. While not constituting binding law, these guidelines represent the position of the European Union in relation to promoting humanitarian law externally and reflect the responsibilities of European Union Member States with regard to ensuring respect for humanitarian law.

345.22/186

**International and local enforcement measures in response to serious violations of IHL during the Gaza military operations in December 2008- January 2009 : the Goldstone report and subsequent developments / Alon Margalit.** - In: Yearbook of Islamic and Middle Eastern Law, Vol. 15, 2009-2010, p. 79-93. - Photocopies

The allegations regarding serious violations of international humanitarian law (IHL) during the three weeks of hostilities in the Gaza strip from late December 2008, some of them cited in the Goldstone report, require both parties to the conflict to initiate a domestic enforcement process. International law directs Israel, as well as the Hamas government in Gaza, to open criminal investigations into serious allegations of grave breaches of the Fourth Geneva Convention, to prosecute and punish the perpetrators when evidence so demands and to compensate the victims where appropriate. This short paper describes and evaluates the enforcement efforts taken both at international and domestic levels. So far, various reports suggest that local enforcement procedures do not meet international standards. However, a close and persistent involvement of the international community in the domestic process may still lead to improved results in terms of accountability and justice for the victims.

345.22/181 (Br.)

**Multilateral versus unilateral exercises of universal criminal jurisdiction / Jean d'Aspremont.** - In: Israel Law Review, Vol. 43, no. 2, 2010, p. 301-329. - Photocopies

This Article draws a distinction between two types of exercise of universal criminal jurisdiction with a view to demonstrating that one of them is deeply detrimental to domestic IHL enforcement mechanisms, and especially zeroes in on contemporary unilateral exercises of universal criminal jurisdiction, arguing that their unilateral character deprives domestic enforcement procedures of their legitimacy and efficacy. It begins by distinguishing between unilateral and multilateral uses of universal criminal jurisdiction. It then explains why unilateral exercises of universal jurisdiction and the absence of conventional basis do not, per se, stir any problems of legality. Its last part shows that unilateral exercises of universal jurisdiction, while not generating any problem of legality, fuel problems of legitimacy because of the discourse that generally accompanies such proceedings as well as the impossibility to relate such exercises to the consent of the State of nationality of the accused or that where the crime was committed. On this occasion, it is shown that the perceived illegitimacy of unilateral exercises of jurisdiction can prove harmful to the legitimacy and efficacy of domestic IHL enforcement procedures as a whole.

345.22/185 (Br.)

**State immunity and war crimes : the Polish Supreme Court on the Natoniewski case / Marcin Kaldunski.** - In: Polish Yearbook of International Law, Vol. 30, 2010, p. 235-262. - Photocopies

The article critically assesses the decision of the Polish Supreme Court in *Natoniewski v. Federal Republic of Germany*. It argues that the decision as such reflects contemporary international law practice. Consequently, the holding of the Supreme Court that State immunity is applicable to acts *de iure imperii* committed on the territory of the forum State during an armed conflict even though they may amount to war crimes seems to be correct. This conclusion also means that the Court refused to engage in law-making activity by declining to endorse interpretation, which would permit to reject State immunity by attaching superior importance to human rights. Although the article recognizes that the reasoning of the Supreme Court as well as the choice of arguments is well-balanced and convincing, it also identifies certain instances in which the Court is not entirely persuasive. In the opinion of the author, one of the most

important drawbacks in the reasoning relates to the characterization of State immunity as a procedural, rather than substantive, issue.  
345.22/182 (Br.)

**Zur Anwendung des humanitären Völkerrechts in Nordafghanistan / Norbert B. Wagner.** - In: Neue Zeitschrift für Wehrrecht, Jg. 53, H. 2, 2011, p. 45-61. - Photocopies  
345.22/183 (Br.)

#### INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION

**L'applicabilité du droit de l'occupation aux forces de maintien de la paix des Nations Unies / Tristan Ferraro.** - Milano : Giuffrè, 2008. - p. 179-205. - In: La sécurité collective entre légalité et défis à la légalité. - Photocopies  
345.28/86 (Br.)

**Is the Gaza Strip still an occupied territory ? : divergent approaches in international humanitarian law / Tamás Hoffmann.** - Budapest : Saxum Kiadó Cím, 2011. - p. 28-44. - In: Nemzetközi jog és európai jog : új metszéspontok. - Photocopies  
Since Israel withdrew its troops from the Gaza Strip, there has been a fierce academic but also political debate over the legal status of the territory. While the Israeli government repeatedly asserted that by giving up military presence it has abrogated its rights and duties as occupant, a substantial number of countries and international lawyers maintain that notwithstanding the lack of territorial control Israel still remains the Occupying Power. This short article attempts to clarify this problem by analyzing the legal concept of occupation and applying it to the factual situation in the Gaza Strip. It concludes that the two opposing positions can be reconciled by applying a functional approach: in the absence of effective control over the territory Israel does not occupy the Gaza Strip but it still has to discharge obligations flowing from the law of occupation to the extent Palestinians are "in the power" of Israel.  
345.28/87 (Br.)

**State responsibility in disputed areas on land and at sea / Enrico Milano, Irini Papanicolopulu.** - In: Zeitschrift für ausländisches öffentliches Recht und Völkerrecht = Heidelberg journal of international law, 3/2011, 71. Jahrg., p. 587-640  
Departing from the observation that traditionally the law of State responsibility has hardly interacted with the law of territory, the article examines how these two fields of international law may relate in the case of State action in contested areas, be they terrestrial or marine. Assessing recent international practice, particularly the case law of the International Court of Justice and arbitral tribunals, and differentiating between land and maritime disputes, it identifies the primary obligations incumbent upon States when acting in contested areas - relating to State sovereignty and sovereign rights, *ius ad bellum*, *ius in bello*, procedural obligations pending the final settlement of the dispute - and it examines the consequences of the breach of those primary norms, in terms of secondary obligations, as well as third States' duties and obligations. The legal framework specifically created for disputed maritime areas by Art. 74 para. 3 United Nations Convention on the Law of the Sea (UNCLOS) and Art. 83 para. 3 UNCLOS, including its implications for land disputes, is specifically analysed. The authors submit that, at a time of increasingly pro-active policies and robust actions taken by States in contested areas, more attention should be devoted to the extent to which the law of State responsibility, especially with regard to relevant forms of reparation, has to adapt to the content and scope of primary norms applicable to that specific context.

#### INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS

**International law and armed non-state actors in Afghanistan / Annyssa Bellal, Gilles Giacca, and Stuart Casey-Maslen.** - In: International review of the Red Cross, Vol. 93, no. 881, March 2011, p. 47-79  
An effective legal regime governing the actions of armed non-state actors in Afghanistan should encompass not only international humanitarian law but also international human rights law. While the applicability of Common Article 3 of the 1949 Geneva Conventions to the conflict is not controversial, how and to what extent Additional Protocol II applies is more difficult to assess, in particular in relation to the various armed actors operating in the country. The applicability of international human rights law to armed non-state actors – considered by the authors as important, particularly in Afghanistan – remains highly controversial. Nevertheless,

its applicability to such actors exercising control over a population is slowly becoming more accepted. In addition, violations of peremptory norms of international law can also directly engage the legal responsibility of such groups.

**Mercenaries in Libya : ramifications of the treatment of "armed mercenary personnel" under the arms embargo for private military company contractors / Hin-Yan Liu. - In:**

Journal of conflict and security law, Vol.16, no. 2, Summer 2011, p. 293-319

The inclusion of "armed mercenary personnel" within the terms of the arms embargo imposed upon Libya in SC Resolution 1970, and further elaborated in SC Resolution 1973, although largely unnoticed, holds three significant implications. First, there is the apparent reduction of mercenary personnel from the category of combatancy to that of a method or means of warfare. This may have the subtle effect of reducing or eliminating the human dimension in any such persons. Secondly, there is an implicit departure from the notoriously restrictive definition of "mercenary" under international law. While this may have the welcomed effect of reinvigorating the stigmatising appellation and renew its potential utility such an inference may not only be subject to a semantic explanation but further obfuscate what objectionable characteristics are being targeted. Thirdly, the explicit use of the broader term 'armed mercenary personnel' is likely to include a significant category of contractors working for Private Military Companies (PMCs). The effect of this is not only to deny armed PMC contractors access to Libyan territory, but crucially illuminates their close proximity to the stigmatised individual mercenary, as defined under international law; the result will be to elucidate the contrived and artificial nature of the legal distinction between the traditional mercenary and the armed PMC contractor. This proximity questions the appropriateness of recent British suggestions of employing PMCs to aid Libyan rebels and may act as a yardstick by which to gauge contemporary regulation frameworks.

**What's in a name ? : the categorisation of individuals under the laws of armed conflict / Noam Lubell. - In: Die Friedens-Warte : journal of international peace and organization, Bd. 86, H. 3-4, 2011, p. 83-110. - Bibliographie : p. 106-110**

This article seeks to examine matters relating to the categorisation of individuals under the laws of armed conflict, with particular reference to issues that have been at the centre of attention in the past decade, and often linked with the so called "war on terror". Notably, during these same years the IHL community has been virtually transfixed by the process of expert meetings and documents that culminated with a publication by the International Committee of the Red Cross (ICRC) on direct participation in hostilities. Both the "war on terror" and the ICRC process have together provided much of the ammunition in the lively confrontations of contrasting legal opinions on individual status under IHL. The focus of this article is on the actual effects of categorisation of individuals -particularly in the conduct of hostilities- and whether the controversies over the labels used are in fact a major concern or, perhaps, more of a distracting smokescreen.

**INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT**

**The law on asymmetric warfare / Eyal Benvenisti. - Leiden ; Boston : M. Nijhoff, 2011. - p. 931-950. - In: Looking to the future : essays on international law in honor of W. Michael Reisman. - Photocopies**

This essay asserts that it is time to recognize that asymmetric warfare is a distinct phenomenon that is, and should be, subject to a distinct set of substantive norms and not only to different modalities of enforcement. Conscious of Toni Pfanner's provocative challenge-"If wars between States are on the way out, perhaps the norms of international law that were devised for them are becoming obsolete as well"-this essay argues that it is in fact already possible to discern new norms for asymmetric warfare, both internal and international. It is further suggested that once we grasp that asymmetric warfare is a very different beast, we will be able to explore the potential for improving the protection of non-combatants by treating the law on asymmetric warfare as distinct from the law applied in traditional symmetric conflicts. Part II begins by noting the changing norms of war and explaining this evolution as a response to the challenge of asymmetric warfare. Part III then explores potential areas in which the law on asymmetric warfare can and should further depart from traditional symmetric warfare law. Part IV concludes with a call to recognize asymmetric warfare as a distinct type of conflict that should be free of the confines of a law that was designed to address the traditional wars of past. Humanity would be better served were this type of warfare to have its own carefully tailored set of norms.

345.2/854 (Br.)

**The legal characterization of the armed conflicts in Afghanistan and Iraq : implications for protection / by Siobhan Wills.** - In: *Netherlands international law review*, Vol. 58, no. 2, 2011, p. 173-208. - Photocopies

This article explores the implications for the protection of civilians and other vulnerable persons, of the requalification of a conflict downwards from international to non-international, focusing in particular on the changes in the characterization of the conflicts in Afghanistan and Iraq from 2001 and 2003 respectively. Determining the legal character of an armed conflict is rooted in an inherently political interpretation of black letter treaty law. It is generally agreed that when the United States and its coalition allies entered the wars in Afghanistan in 2001, and Iraq in 2003, their operations in those countries were initially subject to the laws of international armed conflict. However the International Committee of the Red Cross (ICRC) has determined that the conflict in Afghanistan became non-international with the establishment of the United States' backed government of Hamid Karzai on 19 June 2002 and that the conflict in Iraq became non-international with the establishment of the Iraqi Interim Government on 28 June 2004. The basis for this requalification is Article 2 of the Geneva Conventions read in conjunction with an interpretation of the meaning of 'state' (and of its power to authorize a foreign intervention in its own territory) that is inherently, and possibly inevitably, political. Changes in the legal characterization of a war have profound implications for the protection of both non-combatants and combatants under international humanitarian law, in particular for humanitarian access; for the protection of non-nationals from deportation; for the protection of detainees; for the conduct of hostilities; and for the protection of persons transferred into the hands of local authorities. The practical consequence of a requalification of an armed conflict downwards to non-international is a marked loss of protection for persons that were protected by the Geneva Conventions in the earlier stages of the conflict.

345.26/209 (Br.)

**Terrorism and armed conflict : insights from a law and literature perspective / Andrea Bianchi.** - In: *Leiden Journal of International Law*, Vol. 24, no.1, 2011, p. 1-21. - Photocopies

This article examines some selected issues relating to terrorism and international humanitarian law (IHL): the characterization of the nature of armed conflicts in which armed groups, qualified as 'terrorist', are involved; terrorism as a war crime; and the determination of the status and treatment (including detention) of terrorist suspects apprehended in the course of an armed conflict. The analysis emphasizes the importance of legal categories and legal qualifications of factual situations for the purpose of determining the applicable law as well as the crucial importance of taking societal practice into account when evaluating the state of the law in any given area. The main focus of the article, however, is on providing a few basic insights, drawn from the law & literature movement, on international humanitarian law and terrorism. Short of any epistemological ambition, literature is used as a remainder that the law is not a set of neutral rules, elaborated and applied independently of context and historical background; that the human condition remains central; and that legal regulation cannot be oblivious to it. Finally, mention is made of interpretive techniques, developed in the field of literary studies, that may help establish social consensus on the interpretation of IHL grey areas.

303.6/199 (Br.)

**The tremors of Tadic / Dino Kritsiotis.** - In: *Israel law review*, Vol. 43, no. 2, 2010, p. 262-300. - Photocopies

This article considers the impact, or tremors, of paragraph 70 of the decision on interlocutory appeal on jurisdiction of the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia in *Prosecutor v. Tadic*, which was delivered in October 1995. It establishes, and seeks to make clear, that the commitment of the Appeals Chamber in paragraph 70 of that decision was to provide definitions for both of the concepts of international and noninternational armed conflicts, even though some impressions might be that the Appeals Chamber tended to run together these different concepts in order to provide a singular and overarching definition of "armed conflict." In separate and successive turns, the article explores the specific components of each concept as identified by the Appeals Chamber—first, for international armed conflicts, and, then, for non-international armed conflicts—before testing them against particular facts from practice as well as hypothetical examples, but the article also makes use of a comparative investigation as to what the Appeals Chamber said for each form of armed conflict when

contrasted with each other. It is examined the extent to which these components have threaded themselves through subsequent practice—specifically the relationship of the 1998 Rome Statute of the International Criminal Court with the concept of non-international armed conflict—so as to chart the full progress of the jurisprudence of the Appeals Chamber in the afterlife of Tadic: hence the designation of the “tremors” of Tadic.  
345.27/120 (Br.)

#### MEDIA

**The enforcement of humanitarian law towards journalists in the internal armed conflict in Indonesia / Isplancius Ismail.** - In: US-China law review, Vol. 8, issue 6, June 2011, p. 597-604. - Photocopies

Journalists as part of the press in having their professions to cover news in the area of armed conflict are always in the dangerous situation and they often become the victims or moreover they are dead even though the actions on the protection for journalists have been ruled in some international convention such as in Article 13 of the Geneva Convention I, II (year 1949) and Article 4 of the Geneva Convention III (year 1949) and Article 79 Sub Division of the Additional Protocol I (year 1977). The protection for journalists also becomes the obligation of the States Parties especially those who are involved in the armed conflict including Indonesia. Indonesia has already ruled the protection for journalist in the Acts of The republic of Indonesia Number 40 (year 1999) on the Press especially in Article 8 that "...journalists in having their professions have the rights to get the legal protection". Even if the freedom of the press is not under the competency of the International Committee of the Red Cross (ICRC) as an international humanitarian body which has special duty in the field of humanitarian law, however in the events of disappearing, arresting of journalists in the area of internal armed conflict have become the problem of the ICRC. This research has three specific purposes. Firstly, this research is for describing on the scope of the international humanitarian law. Secondly, this research is also for exploring the responses of the experts on international humanitarian law against the existing international convention and additional protocol concerning with the protection for the journalists. Thirdly, this research is for analyzing the law enforcement against the protection of the journalists in covering news in the internal armed conflict in Indonesia the research results that the protection for the journalists has occurred because of the three reasons. Indonesia has not any standard and solution mechanism of the protection for the journalists, and the journalists themselves do not understand the humanitarian law well, therefore journalists have been disadvantaged when they cover the news in the area of armed conflict.

070/82 (Br.)

#### MISSING PERSONS

**Enforced disappearance in international humanitarian law / Lisa Ott.** - Cambridge [etc.] : Intersentia, 2011. - p. 131-155. - In: Enforced disappearance in international law  
323.2/582

**Enforced disappearance in international law / Lisa Ott.** - Cambridge [etc.] : Intersentia, 2011. - XXI, 325 p. ; 24 cm. - Bibliographie : p. 319-325. - ISBN 9781780680040  
323.2/582

#### PROTECTION OF CULTURAL PROPERTY

**Schools and armed conflict : a global survey of domestic laws and state practice protecting schools from attack and military use / Human Rights Watch.** - New York [etc.] : Human Rights Watch, 2011. - 159 p. : fotogr., tabl. ; 27 cm. - ISBN 9781564327949  
This report examines—in three separate chapters—law and state practice relevant to three issues: (1) protecting civilian objects (buildings and other infrastructure) from intentional attack; (2) protecting education buildings from intentional attack, and (3) deterring education facilities from being used or occupied by government security forces and non-state armed groups. Each chapter begins by examining the relevant international law, including both the international treaties that bind states that have ratified them, and what is known as customary international law, which is binding on all states. The report then analyzes how different countries are applying protections for education facilities within their own domestic law, especially within criminal law and military law. Finally, each chapter examines relevant examples of state behavior in

providing these protections. Such examples can be particularly useful because state practice—specially when carried out in a way that indicates that the country accepts that it is legally required to act in a certain way—can be influential in understanding and developing customary international law.

363.8/66

#### **PUBLIC INTERNATIONAL LAW**

##### **Armed attack, non-state actors and a quest for the attribution standard / Michal Kowalski.**

- In: Polish Yearbook of International Law, Vol. 30, 2010, p. 101-130. - Photocopies  
Article 51 of the UN Charter, in affirming the inherent right of self-defence of each UN Member State "against which an armed attack has occurred", clearly indicates that the concept of armed attack plays a key role in delineating the right of self-defence. The concept in question was not, however, defined in the UN Charter, and no universally acceptable definition has yet emerged either in practice or in doctrine. One of the fundamental questions to be addressed in this context is who must engage in armed activity for it to qualify as an armed attack. This question is of particular relevance today because of the threat of international terrorism and the expansion of the concept of armed attack through the inclusion of an act of terrorism. The article discusses in some detail the emerging legal framework for attribution of actions undertaken by non-state actors to states.

345/590 (Br.)

**Grands systèmes de droit contemporains / Gilles Cuniberti.** - 2e éd.. - Paris : L.G.D.J., 2011. - 510 p. ; 20 cm. - (Manuel). - Bibliographie : p. 485-490. Index. - ISBN 9782275036038

Réf. DRO 4

**Michael Reisman, human dignity and the law / Siegfried Wiessner.** - Leiden ; Boston : M. Nijhoff, 2011. - p. 21-29. - In: Looking to the future : essays on international law in honor of W. Michael Reisman. - Photocopies

345/592 (Br.)

**State control over private military and security companies in armed conflict / Hannah Tonkin.** - Cambridge [etc] : Cambridge university press, 2011. - XXIV, 310 p. ; 24 cm. - (Cambridge studies in international and comparative law). - Bibliographie : p. 264-293. Index. - ISBN 9781107008014

345/591

#### **REFUGEES-DISPLACED PERSONS**

**Faith-based humanitarianism in contexts of forced displacement / Philippe Marfleet... [et al.].** - In: Journal of refugee studies, Vol. 24, no. 3, September 2011, p. 429-625. - Bibliographies

Bibliographies

Contient notamment : Faith-based aid to people affected by conflict in Jos, Nigeria : an analysis of the role of christian and muslim organizations / N. Orji. - The role of faith and faith-based organizations among internally displaced persons in Kenya / D. S. Parsitau. - Faith and humanitarianism : it's complicated / E. Ferris

**Migration and climate change : an overview / Étienne Piguet, Antoine Pécoud, and Paul de Guchteneire.** - In: Refugee survey quarterly, Vol. 30, no. 3, 2011, p. 1-23

#### **RELIGION**

**Combatants, not bandits : the status of rebels in Islamic law / Sadia Tabassum.** - In: International review of the Red Cross, Vol. 93, no. 881, March 2011, p. 121-139

The Islamic law on rebellion offers a comprehensive code for regulating the conduct of hostilities in non-international armed conflicts and thus it can be used as a model for improving the contemporary international legal regime. It not only provides an objective criterion for ascertaining existence of armed conflict but also recognizes the combatant status for rebels and the necessary corollaries of their de facto authority in the territory under their control. Thus it helps reduce the sufferings of civilians and ordinary citizens during rebellion and civil wars. At the same time, Islamic law asserts that the territory under the de facto control of the rebels is de

jure part of the parent state. It therefore answers the worries of those who fear that the grant of combatant status to rebels might give legitimacy to their struggle.

**L'atlas des religions : pays par pays les clés de la géopolitique / [Jean-Pierre Denis, Alain Frachon, éd.].** - [Paris] : Malesherbes Publications, [2007]. - 194 p. : cartes, diagr., graph., fotogr. ; 30 cm. - (La vie - Le monde). - Index  
*Réf. REL 1-a (excluded from loan)*

**The price of freedom denied : religious persecution and conflict in the twenty-first century / Brian J. Grim, Roger Finke.** - Cambridge [etc.] : Cambridge University Press, 2011. - XIII, 257 p. : diagr., graph., tabl. ; 23 cm. - (Cambridge studies in social theory, religion and politics). - Bibliographie : p. 223-237. Index. - ISBN 9780521146838  
*281/40*

#### SEA WARFARE

**The international law of naval blockade and Israel's interception of the Mavi Marmara / by Russell Buchan.** - In: Netherlands international law review, Vol. 58, no. 2, 2011, p. 209-241. - Photocopies

In this article I discuss the legality of Israel's interception of the Mavi Marmara on May 31 2010. Although Israel's stopping, boarding and inspection of the Mavi whilst on the high seas would undoubtedly constitute a violation of the law of the sea during peace time, I examine whether this violation can be justified on the basis of international humanitarian law. Specifically, Israel asserts that it was enforcing a naval blockade. I examine the legality of this blockade. I suggest that the blockade was unlawful on the basis that customary international humanitarian law permits the use of naval blockades only in times of an international armed conflict. I argue that on May 31 2010 Israel was not engaged in an international armed conflict with Hamas.

Moreover, I submit that customary international law prohibits the use of blockades where they are intended to deny the civilian population objects essential for its survival or where the damage to the civilian population is excessive in relation to the anticipated military advantage. Israel argues that the intention of the blockade was to prevent war material from being delivered to Hamas fighters. This notwithstanding, I argue that because this blockade was causing a severe humanitarian crisis in Gaza on May 31 2010, it was incompatible with customary international law and therefore unlawful. Furthermore, even if the deployment of the blockade could be considered lawful, I argue that the enforcement of the blockade was unlawful because Israel's use of force to capture the vessel went beyond what was necessary in the circumstances.

*347.799/137 (Br.)*

**Sûreté maritime et violence en mer = Maritime security and violence at sea / sous la dir. de José Manuel Sobrino Heredia.** - Bruxelles : Bruylant : Ed. de l'Université de Bruxelles, 2011. - XVI, 518 p. : tabl., graph., cartes ; 23 cm. - (Collection de droit international ; 68). - ISBN 9782802730170  
*347.799/136*

#### TERRORISM

**The legality and reciprocity of the war against terrorism / Robbie Sabel.** - In: Case western reserve journal of international law, Vol. 43, no. 1&2, 2011, p. 473-482. - Photocopies

Modern international humanitarian law has no satisfactory solution to the dilemma posed by a regular army in combat with an irregular force that deliberately targets civilians. In the past, the laws of war allowed an army to attack enemy civilians as a reciprocal measure to an attack on its own civilians. Modern humanitarian law has attempted to outlaw such measures of reciprocity. The question is posed as to whether the attempt to outlaw such reciprocity has in fact contributed to the protection of civilians or perhaps has encouraged irregular forces to attack civilians. The article also presents the cruel and arbitrary nature of reciprocal attacks against civilians and suggests that a more humanitarian approach might be to permit such action against the governmental organs controlling irregular forces.

*303.6/103 (Br.)*

**Transnational islamic networks / Imtiaz Gul.** - In: International review of the Red Cross, Vol. 92, no. 880, December 2010, p. 899-923

Besides a surge in terrorist activities, events following the 11 September terrorist attack on the United States have raised a new challenge for the world: the emergence of transnational Islamic networks, predominantly influenced by organizations such as Ikhwan al Muslimeen (the Muslim Brotherhood) and Al Qaeda, which are helping to spread a particular religious ideology across the globe and are also having an impact on pre-existing groups in Afghanistan and Pakistan. This article gives an overview of the role of Islamist networks and their influence, drawn from Al Qaeda and the Muslim Brotherhood, in South and South-west Asia and the Afghanistan–Pakistan region in particular. It also explains how local like-minded outfits have used Al Qaeda's anti-Western jargon to recruit foot soldiers and enlist support within their society, besides serving as financial conduits for the radical Wahabite/Salafi reformists.

#### WOMEN-GENDER

**Le Conseil de sécurité et les femmes en situation de conflit armé : entre renforcement de la protection humanitaire et implication dans la consolidation de la paix / Alain-Guy Tachou-Sipowo.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 125-147

L'interprétation téléologique du chapitre VII de la Charte des Nations Unies donne au Conseil de sécurité des pouvoirs insoupçonnés. En établissant que les violations massives des droits de l'homme en situation de conflit armé constituent une menace contre la paix et que les femmes sont les plus touchées par le fléau de la guerre, le Conseil adopte depuis 1999 des résolutions qui les visent spécifiquement. Ces instruments concourent à l'évolution du droit humanitaire applicable aux femmes et leur reconnaissent une participation active aux efforts de paix. L'article analyse d'une part les fondements en vertu desquels le Conseil a pu s'arroger un tel rôle et envisage d'autre part la protection qu'il apporte concrètement. Il conclut que le bilan de la responsabilité du Conseil, de protéger les femmes en situation de conflit armé, est mitigé. Les résolutions thématiques et déclaratoires sur lesquelles il s'appuie en majorité sont inefficaces en l'absence de force contraignante. L'auteur propose à cet effet que le Conseil concentre ses efforts sur les situations et laisse la fonction normative aux organes dotés de la légitimité de légiférer.

**Le dialogue de la différence : le droit international humanitaire vu sous l'angle de l'équité entre les sexes / Helen Durham et Katie O'Byrne.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 37-60

Le présent article se penche sur la signification et l'utilité potentielle d'un point de vue tenant compte de l'équité entre les sexes pour examiner le droit international humanitaire (DIH). À cette fin, il passe en revue une série de thèmes reflétant une distinction entre les sexes dans le DIH, notamment le rôle des femmes en tant que combattantes et l'utilisation de la violence sexuelle en période de conflit armé. Les auteurs affirment que le fait de développer davantage et de mieux comprendre ce point de vue tenant compte de l'équité entre les sexes favorisera la résilience et l'efficacité du DIH en tant que structure juridique, et renforcera la protection des personnes opprimées et mises en situation de faiblesse en période de guerre.

**Les femmes dans les lieux de détention / Julie Ashdown et Mel James.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 83-103

Les systèmes carcéraux tiennent rarement compte des sexospécificités, et ce, encore moins dans les situations de conflit. Lorsque des femmes sont détenues, il est indispensable de faire appliquer des normes internationales qui répondent aux besoins spécifiques des femmes. Le présent article passe en revue les dispositions du droit international pertinentes en la matière, ainsi que les considérations liées aux sexospécificités devant être prises en compte dans leur application.

**Les femmes et la guerre : une approche historique / Daniel Palmieri et Irène Herrmann.** - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 23-35. - Sur le site web, le titre est différent : Entre Amazones et Sabines : une approche historique de la question des femmes dans la guerre

De nos jours, la guerre est encore perçue comme étant l'apanage des hommes uniquement. Les femmes en sont généralement exclues, sauf à être des victimes passives de la brutalité que leur infligent leurs contemporains masculins. Pourtant, l'histoire montre qu'à travers les âges, les femmes ont, elles aussi, joué un rôle dans les conflits armés et en ont parfois même été les principales protagonistes. Cet article raconte la longue histoire et les multiples facettes

de l'implication des femmes dans la guerre sous l'angle de leur participation active ou passive à ce type de violence, et questionne la pertinence d'une division sexuelle des rôles en temps de guerre.

**"Ils sont venus avec deux fusils" : les conséquences des violences sexuelles sur la santé mentale des femmes victimes dans les contextes de conflit armé / Evelyne Josse. -**

In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 105-124  
Les violences sexuelles ont de graves conséquences sur la santé mentale des individus qui les subissent. Au niveau psychique, elles produisent une mutation radicale de la perception que les victimes ont d'elles-mêmes, dans la manière dont elles conçoivent leurs relations à leur environnement social immédiat et, plus largement, à la société dans son ensemble, ainsi que dans la façon dont elles appréhendent le passé, le présent et l'avenir. Elles laissent donc des traces durables au sens où le rapport à soi-même, aux événements et aux autres est modifié. Au niveau social, elles ont pour conséquence de corrompre l'identité sociale des victimes, de leur dérober leur valeur et de les disqualifier comme personne (elles acquièrent une réputation de femmes infidèles ou licencieuses). Elles induisent donc une modification des rapports sociaux au sein de la population et pervertissent la dynamique communautaire.

**Improving the protection of women and girls during armed conflict : workshop report / Geneva Call, Appel de Genève. - Geneva : Geneva Call, 2010. - 21 p. : fotogr. ; 30 cm. - Photocopies**

Geneva Call brought together 23 participants, representing eight armed non-State actors (ANSAs) from Myanmar/Burma, Philippines and India, over four days in December 2010, to discuss the prevention and prohibition of sexual and gender-based violence linked to armed conflict. It was the first time that such a meeting of ANSA representatives has taken place to discuss this topic, and to seek to take steps towards concrete, practical solutions.  
362.8/153 (Br.)

**Interview de Mary Robinson / par Toni Pfanner et Deborah Casalin. - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 11-21**

Première femme élue à la présidence de l'Irlande (1990-1997), Haut Commissaire des Nations Unies pour les droits de l'homme de 1997 à 2002, et actuellement présidente de Realizing Rights : The Ethical Globalization Initiative, Mary Robinson a consacré la majeure partie de sa vie à la défense des droits de l'homme. Tant dans sa carrière universitaire (à la faculté de droit du Trinity College) que dans ses fonctions de législatrice et d'avocate, elle s'est toujours efforcée d'utiliser le droit comme un instrument de changement social.

**De l'impuissance à l'action : la pluralité des expériences des femmes dans les conflits armés / Medina Haeri et Nadine Puechguirbal. - In: Revue internationale de la Croix-Rouge : sélection française, Vol. 92, 2010, p. 61-82**

Bien que les femmes fassent généralement preuve d'une capacité à aller de l'avant et d'un courage remarquables en adoptant de nouveaux rôles et en prenant de nouvelles responsabilités lorsqu'elles doivent faire face aux ravages de la guerre, elles continuent d'être dépeintes par de nombreux acteurs humanitaires comme intrinsèquement faibles et vulnérables – une image qui entraîne une absence perceptible des femmes dans les organes décisionnels, que ce soit durant ou après les conflits. Le présent article défend la nécessité de considérer la pluralité des expériences des femmes dans la guerre, qu'elles soient chefs de famille, victimes (et survivantes) de violences sexuelles, cheffes communautaires ou combattantes armées.

**Onze femmes face à la guerre / Nick Danziger ; [ Frédéric Joli ; préf. de la reine Rania Al-Abdullah]. - Lyon : Lieux Dits ; Outremont (Canada) : Ed. du passage, 2011. - 191 p. : tout en ill. ; 32 cm. - ISBN 9782362190377**

En 2001, le photographe Nick Danziger réalise onze histoires de femmes dans plusieurs situations de conflits armés, en Sierra Leone, en Serbie, en Bosnie-Herzégovine, en Afghanistan, en Israël, en Cisjordanie, dans la bande de Gaza et en Colombie. Ce travail répond à l'époque à une commande du CICR qui souhaite, par la photographie, illustrer une étude consacrée à la situation et aux besoins particuliers des femmes dans les conflits armés et autres situations de violence: Femmes face à la guerre. Le travail de Nick Danziger devient rapidement une exposition, Femmes face à la guerre, qui voyage dans de nombreux pays. Dix ans plus tard, s'est posée la question de savoir ce qu'étaient devenues ces onze héroïnes qui

avaient prêté leur image à la cause des femmes impliquées dans les conflits armés. Patiemment, l'enquête fut menée à travers différents réseaux, notamment celui des délégations du CICR sur le terrain. Aujourd'hui, en 2011, les voici réunies dans ce livre.  
*362.8/155*

**Soldatinnen : Gewalt und Geschlecht im Krieg vom Mittelalter bis heute / Klaus Latzel, Franka Maubach, Silke Satjukow (Hrsg.).** - Zürich : F. Schöningh, 2011. - 486 p. : fotogr., tabl. ; 23 cm. - (Krieg in der Geschichte (KRIG) ; Bd. 60). - ISBN 9783506769268  
*362.8/154*

**Supporting women in a difficult security environment : the ICRC's programmes for women-headed households in Iraq / Caroline Douilliez-Sabouba.** - In: Humanitarian exchange : the magazine of the Humanitarian Practice Network, No. 51, July 2011, p. 7-9 : fotogr.

The International Committee of the Red Cross (ICRC) delegation in Iraq created a "Women and War" advisor position in 2008, responsible for assessing and integrating women's needs into ICRC programmes. Although no confirmed figures exist, there are estimates of over a million women-headed households (WHHs) in Iraq. Despite limitations on access imposed by insecurity, it was possible to meet Iraqi women from all walks of life in Jordan and in more secure areas in Iraq, to discuss the problems affecting them. Based on these initial consultations and working with contacts provided by local NGOs, the ICRC organised a field survey in partnership with an Iraqi NGO in Baghdad. Although the survey was limited in scope (30 structured questionnaires in one neighbourhood), the results confirmed the serious difficulties WHHs were facing.