

# BIBLIOGRAPHY

## 1st Trimester 2012

### International Humanitarian Law

International Committee of the Red Cross Library's  
classified acquisitions on international humanitarian  
law



**ICRC**



**ICRC**

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May 2012

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# Introduction

## The ICRC Library

The ICRC endeavors to prevent suffering by promoting and strengthening International Humanitarian Law (IHL) and universal humanitarian principles. The ICRC Library in Geneva contributes to this mission by keeping a strong collection of IHL documents to help ICRC colleagues in their work. While the library was primarily set up to support ICRC staff members, it also takes on its own share of dissemination role towards the general public.

To this effect, the library holds a wide collection of specific IHL documents at public disposal: Preparatory documents, reports, records, and final acts of the Diplomatic Conferences having led to the adoption of the main IHL treaties; records of the Red Cross and Red Crescent Movement Conferences during which numbers of questions related to IHL are discussed; every issue of International Red Cross Review from its creation until nowadays; all ICRC publications; rare documents published during the period between the creation of ICRC to the end of World War I and reflecting the effect of Dunant's idea; a unique collection of national legislations and national case law implementing IHL at a domestic level.

The library also acquires as much as possible external IHL publications, at least in English and French. Every journals article, chapter, book, working paper, report... is catalogued separately in order to make the library's online catalogue (<http://www.cid.icrc.org/library/>) one of the most exhaustive place to start researching IHL.

The library is open to the public from Monday to Thursday (9.00 to 17.00 non-stop) and Friday (9.00 to 13.00).

## Origin and purpose of the IHL bibliography

At first, the bibliography was initiated at the request of field communication delegates in charge of encouraging universities to offer IHL courses and of giving assistance to professors who teach this subject. The delegates needed a tool they could give their interlocutors to help them develop or update their knowledge in IHL.

According to their needs, it was decided to classify the documents so readers could pick-up only what they needed, access the documents as easily as possible and have abstracts so they could decide whether or not to read a document in entirety.

As it quickly appeared, the bibliography was also helpful to any other researcher, student or legal professional working in the field of IHL. Therefore, the library decided to make the product public.

In sum, the bibliography can be useful to develop and strengthen IHL knowledge, help ICRC delegations, National Societies, schools, universities, research centres ... to feed their library in the field of IHL, keep eyes on IHL hot issues being dealt with by academic authors, help authors in the process of writing articles, books, thesis or legal professionals who work on IHL on a daily basis to see what has been written on a specific IHL subject.

## How to use the IHL Bibliography

### Part I: Multiple entries for readers who only need to check specific subjects

The first part is tailored for them: fifteen IHL-centred categories have been developed in collaboration with ICRC legal and communication advisors. Each article, book or chapter is classified under every relevant category. This allows readers to identify as quickly as possible bibliographic references of interest without going through the whole bibliography. In order to avoid too long of a document, this first part only provides bibliographic reference and link to full text (when available). For the abstract, refer to the second part of the bibliography.

### Part II: All entries with abstract for readers who need it all

Instead of going through the first part and having references repeating, readers can just skip to the second part where all documents are alphabetically listed (by title) with an abstract. When provided by the author or the publisher, the abstract is copied. When not provided, the abstract is elaborated by the IHL Reference Librarian in charge of the bibliography.

### Access to document

Whenever an article is electronically available in full text, a link allows you to access the document directly. Some links only work from within ICRC HQ premises such as the library. All documents are available for loan at the ICRC Library. At the end of the bibliographic heading, "Cote xxx/xxx" refers to the ICRC library call number. In case your local library cannot provide you with some of the documents, requests for copies (in a reasonable amount) can be sent to [library@icrc.org](mailto:library@icrc.org)

### Chronology

This bibliography is based on the acquisitions made by the ICRC library during the past trimester. The ICRC library acquires relevant articles and books as soon as they are available. However publication date might not coincide with the bibliography period due to various editorial delays.

### Contents

The bibliography contains English and French writings related to IHL subjects: articles, monographs, chapters and reports or working papers.

### Sources

The ICRC library monitors a large panel of sources including all 120 journals to which the library subscribes, bibliographical databases, legal databases, legal publishers catalogues, legal research centres, NGOs, etc. It also receives various propositions from the ICRC legal advisers.

### Disclaimer

Classification is made by the library and does not necessarily reflect the opinions of the ICRC.

## Subscription and feedback

If you wish to receive the bibliography directly by mail whenever it's published, requests can be sent to [library@icrc.org](mailto:library@icrc.org) with the subject "IHL Bibliography subscription".

Comments and feedback are also welcome at the same e-mail address.

## I. General issues

(General catch-all category, Customary Law)

### The cumulative requirements of jus ad bellum and jus in bello in the context of self-defense

Keiichiro Okimoto. In: Chinese Journal of International Law Vol. 11, no. 1, March 2012, p. 45-75. - Cote 345.2/876 (Br.)

### De la théorie du droit à la réalité du terrain : l'humain au coeur des conflits

Emmanuel Goffi. - Paris : Choiseul, 2011. - p. 127-146. - In: Les conflits et le droit. - Cote 345.2/864

### Essays on law and war at the fault lines

Michael N. Schmitt. - The Hague : T. M. C. Asser Press ; Berlin ; Heidelberg : Springer, 2012. - XII, 637 p. ; 24 cm. - Cote 345.25/246

### The European Court of Human Rights and international humanitarian law

by Jean-Paul Costa and Michael O'Boyle. - Bruxelles : Bruylant, 2011. - p. 107-129. - In: La Convention européenne des droits de l'homme, un instrument vivant = The European Convention on Human Rights, a living instrument : mélanges en l'honneur de/essays in honour of Christos L. Rozakis. - Cote 345.2/870 (Br.)

### Extraterritorial law enforcement or transnational counterterrorist military operations : the stakes of two legal models

Geoffrey S. Corn. - New York : Columbia University Press, 2011. - p. 23-44. - In: New battlefields, old laws : critical debates on asymmetric warfare. – Cote 345.2/871

### Global violence : consequences and responses

ed. by Marco Odello, Gian Luca Beruto. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - 224 p. ; 23 cm. - Cote 355/699

### Humanity's law

Ruti Teitel. - Oxford [etc.] : Oxford University Press, 2011. - XII, 304 p. ; 24 cm. - Cote 345.2/872

### New battlefields, old laws : critical debates on asymmetric warfare

edited by William C. Banks. - New York : Columbia University Press, 2011. - VI, 308 p. : tabl., diagr. ; 23 cm. - Cote 345.2/871

### Toward an adaptive international humanitarian law : new norms for new battlefields

William C. Banks. - New York : Columbia University Press, 2011. - p. 1-20. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

## II. Types of conflicts

(Qualification of conflict, international and non-international armed conflict)

### Asymmetrical warfare and challenges to international humanitarian law

Wolff Heintschel von Heinegg. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - p. 83-95. - In: Global violence : consequences and responses. - Cote 355/699

### **Les enjeux et difficultés liés à la qualification de conflit armé en droit international humanitaire**

Isabelle Fouchard. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - p. 55-71. - In: Les menaces contre la paix et la sécurité internationales : aspects actuels. - Cote 345.2/869

### **The objective qualification of non-international armed conflicts : a Colombian case study**

Guillermo Otálora Lozano and Sebastián Machado. In: Amsterdam Law Forum Vol. 4, no. 1, Winter 2012, p. 58-77. - Cote 345.26/214 (Br.)

<http://ojs.uvu.vu.nl/alf/article/view/252/440>

### **Rethinking the law of armed conflict in an age of terrorism**

Christopher A. Ford and Amichai Cohen. - Lanham [etc.] : Lexington Books, 2012. - XXX, 325 p. : ill. ; 23 cm. - Cote 345.26/213

## **III. Armed forces / Non-state armed groups**

(Combatant status, compliance with IHL, etc.)

### **Applicability and application of the laws of war to modern conflicts**

Daphne Richmond-Barak. In: Florida Journal of International Law Vol. 23, no. 3, December 2011, p. 327-357. – Cote 345.29/166 (Br.)

### **Enhancing and enforcing compliance with international humanitarian law by non-state armed groups : an inquiry into some mechanisms**

Cedric Ryngaert and Anneleen Van de Meulebroucke. In: Journal of conflict and security law Vol. 16, No. 3, Winter 2011, p. 443-472

ICRC headquarters only: <http://jcsf.oxfordjournals.org/content/16/3/443.full.pdf>

### **The history of the inter-American system's jurisprudence as regards situations of armed conflict**

Christina M. Cerna. In: Journal of international humanitarian legal studies Vol. 2 (2011), p. 3-52

ICRC headquarters only: <http://www.ingentaconnect.com/content/mnp/jhls/2011/00000002/00000001/art00002>

### **Humanizing irregular warfare : framing compliance for nonstate armed groups at the intersection of security and legal analyses**

Corri Zoli. - New York : Columbia University Press, 2011. - p. 190-211. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

### **"Jousting at windmills" : the laws of armed conflict in an age of terror-state actors and nonstate elements**

David M. Crane and Daniel Reisner. - New York : Columbia University Press, 2011. - p. 67-84 : tabl., diagr.. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

### **Lawmaking by nonstate actors : engaging armed groups in the creation of international humanitarian law**

Anthea Roberts and Sandesh Sivakumaran. In: Yale journal of international law Vol. 37, issue 1, 2012, p. 107-152. - Cote 345.2/875 (Br.)

<http://www.yjil.org/print/volume-37-issue-1/lawmaking-by-nonstate-actors-engaging-armed-groups-in-the-creation-of-international-humanitarian-law>

### **Nonstate actors in armed conflicts : issues of distinction and reciprocity**

Daphné Richemond-Barak. - New York : Columbia University Press, 2011. - p. 106-129 : tabl.. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

### **Two sides of the combatant coin : untangling direct participation in hostilities from belligerent status in non-international armed conflicts**

Geoffrey Corn and Chris Jenks. In: University of Pennsylvania Journal of International Law Vol. 33, no. 2, Winter 2011, p. 313-362. - Cote 345.29/165 (Br.)

[http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/CornJenks33U.Pa.J.Int'IL.313\(2011\).pdf](http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/CornJenks33U.Pa.J.Int'IL.313(2011).pdf)

## **IV. Multinational forces**

N/A

## **V. Private actors**

### **From "mercenaries" to "private security contractors" : the (re)construction of armed security providers in international legal discourses**

Elke Krahmhann. In: Millennium Journal of International Studies Vol. 40, no. 2, 2012, p. 343-363. - Cote 345.29/163 (Br.)

### **Private military contractors and changing norms for the laws of armed conflict**

Renée De Nevers. - New York : Columbia University Press, 2011. - p. 150-168 : tabl.. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

### **La responsabilité des entreprises multinationales pour violation du droit international humanitaire**

Régis Bismuth. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - p. 129-143. - In: Les menaces contre la paix et la sécurité internationales : aspects actuels. - Cote 345.2/869

### **Les sociétés militaires et de sécurité privées**

Florence Parodi. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - p. 145-161. - In: Les menaces contre la paix et la sécurité internationales : aspects actuels. - Cote 345.2/869

## **VI. Protection of persons**

### **Child soldier victims of genocidal forcible transfer : exonerating child soldiers charged with grave conflict-related international crimes**

Sonja C. Grover. - Heidelberg [etc.] : Springer, 2012. - XVI, 302 p. ; 22 cm. – Cote 362.7/355

### **Children as direct participants in hostilities : new challenges for international humanitarian law and international criminal law**

Hilly Moodrick-Even Khen. - New York : Columbia University Press, 2011. - p. 133-149. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

**L'emploi de civils et de prisonniers de guerre à des fins militaires devant le TPIY**

Fausto Pocar. - Leiden ; Boston : M. Nijhoff, 2012. - p. 371-382. - In: Perspectives of international law in the 21st century = Perspectives du droit international au 21<sup>e</sup> siècle : liber amicorum professor Christian Dominicé in honour of his 80th birthday. - Cote 345.25/247 (Br.)

ICRC headquarters only: <https://ext.icrc.org/library/docs/ArticlesPDF/32967.pdf>

**Politics and the world of humanitarian aid**

Wolf-Dieter Eberwein. - Farnham ; Burlington : Ashgate, 2011. - p. 363-375. - In: The Ashgate research companion to non-state actors. - Cote 341.215/223

**Recording and identifying European frontier deaths**

Stefanie Grant. In: European journal of migration and law Vol. 13, no. 2, 2011, p. 135-156. - Cote 325.3/303 (Br.)

**The right to education for children in emergencies**

Allison Anderson, Jennifer Hofmann and Peter Hyll-Larsen. In: Journal of international humanitarian legal studies Vol. 2 (2011), p. 84-126

ICRC headquarters only: <http://www.ingentaconnect.com/content/mnp/jhls/2011/00000002/00000001/art00004>

**Should child soldiers be punished for war crimes ? : inspired by the case of Omar Khadr**

Victor Roman. - Saarbrücken : Lap Lambert Academic, 2011. - 69 p. ; 22 cm. - Cote 362.7/354

## VII. Protection of objects

(Environment, cultural property, water, medical mission, emblem, etc.)

**Destruction of environment during an armed conflict and violation of international law : a legal analysis**

Rishav Banerjee. In: Asian yearbook of international law Vol. 15, 2009, p. 145-188. - Cote 363.7/114 (Br.)

**Documents officiels : conférence diplomatique sur l'adoption du troisième Protocole additionnel aux Conventions de Genève du 12 août 1949 relatif à l'adoption d'un signe distinctif additionnel (Protocole III), 5-8 décembre 2005, Genève, Suisse**

Confédération Suisse, Département fédéral des affaires étrangères DFAE. - Berne : Département fédéral des affaires étrangères, 2012. - V, 134 p. : ill. ; 30 cm. - Cote 345.21/13 (FRE)

[http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/intrea/depch/warvic.Par.0047.File.tmp/mt\\_120320\\_pa3doc\\_fr.pdf](http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/intrea/depch/warvic.Par.0047.File.tmp/mt_120320_pa3doc_fr.pdf)

**L'eau et la guerre : éléments pour un régime juridique**

Mara Tignino. - Bruxelles : Bruylant, 2011. - XXIV, 489 p. ; 24 cm. - Cote 363.7/112

**L'eau et le droit humanitaire**

par Philippe Weckel. - Paris : Pedone, 2011. - p. 369-383. - In: L'eau en droit international. - Cote 363.7/105

**Official documents : Diplomatic Conference on the adoption of a Third protocol additional to the Geneva Conventions of 12 August 1949, and relating to the**

### **adoption of an additional distinctive emblem (Protocol III), 5-8 December 2005, Geneva, Switzerland**

Confédération Suisse, Federal Department of Foreign Affairs FDFA. - Bern : Federal Department of Foreign Affairs, 2012. - V, 132 p. : ill. ; 30 cm. - Cote 345.21/13 (ENG)

[http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/intrea/depch/warvic.Par.0046.File.tmp/mt\\_120320\\_pa3doc\\_en.pdf](http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/intrea/depch/warvic.Par.0046.File.tmp/mt_120320_pa3doc_en.pdf)

### **La protection de l'environnement en temps de conflit armé**

Séverine Borderon, Virginie Linder. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - p. 185-204. - In: Les menaces contre la paix et la sécurité internationales : aspects actuels. - Cote 345.2/869

### **Revitalizing the antique war crime of pillage : the potential and pitfalls of using international criminal law to address illegal resource exploitation during armed conflict**

Larissa van den Herik and Daniëlla Dam-De Jong. In: Criminal law forum Vol. 22, no. 3, September 2011, p. 237-273. - Cote 363.7/110 (Br.)

### **The role of the Swiss armed forces in the protection of cultural property**

Stephan Zellmeyer. - Woodbridge (Royaume-Uni) : Rochester (Etats-Unis) : Boydell, 2010. - p. 159-166. - In: Archeology, cultural property and the military. - Cote 363.8/68

## **VIII. Detention, internment, treatment and judicial guarantees**

### **Addendum for the war on terror : somewhere in Switzerland, Dilawar remembered, and why the Martens Clause matters**

Wm. C. Peters. In: Social justice Vol. 37, no. 2-3, 2010-2011, p. 99-122. - Cote 400.2/325 (Br.)

### **The ECtHR's judgment in Al-Jedda and its implications for international humanitarian law**

Maral Kashgar. In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict Vol. 24, 4/2011, p. 229-233

### **Global violence : consequences and responses**

ed. by Marco Odello, Gian Luca Beruto. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - 224 p. ; 23 cm. - Cote 355/699

### **Preventive detention of individuals engaged in transnational hostilities : do we need a fourth protocol additional to the 1949 Geneva Conventions ?**

Gregory Rose. - New York : Columbia University Press, 2011. - p. 45-63 : diagr.. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

## **IX. Law of occupation**

### **The ECtHR's judgment in Al-Jedda and its implications for international humanitarian law**

Maral Kashgar. In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict Vol. 24, 4/2011, p. 229-233

**The international law of occupation**

Eyal Benvenisti. - Oxford [etc.] : Oxford University Press, 2012. - XXIV, 383 p. ; 24 cm. - Cote 345.28/44 (2012)

**Israel, Turkey, and the Gaza blockade**

Daniel Benoliel. In: University of Pennsylvania Journal of International Law Vol. 33, no. 2, Winter 2011, p. 615-662. - Cote 345.28/90 (Br.)

[http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/Benoliel33U.Pa.J.Int'IL.615\(2011\).pdf](http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/Benoliel33U.Pa.J.Int'IL.615(2011).pdf)

**The Israeli Supreme Court and the incremental expansion of the scope of discretion under belligerent occupation law**

Guy Harpaz and Yuval Shany. In: Israel Law Review Vol. 43, no. 3, 2010, p. 514-550. - Cote 345.28/88 (Br.)

<http://law.huji.ac.il/upload/Harpaz.pdf>

## X. Conduct of hostilities

(Distinction, proportionality, precautions, prohibited methods)

**Asymmetrical warfare and challenges to international humanitarian law**

Wolff Heintschel von Heinegg. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - p. 83-95. - In: Global violence : consequences and responses. - Cote 355/699

**Direct participation in hostilities : a concept broad enough for today's targeting decisions**

Eric Talbot Jensen. - New York : Columbia University Press, 2011. - p. 85-105. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

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ICRC headquarters only: <https://ext.icrc.org/library/docs/ArticlesPDF/32967.pdf>

**L'emploi des robots sur le champ de bataille à l'épreuve du droit international humanitaire**

Philippe Frin. - Paris : Economica, 2011. - p. 177-184. - In: Les robots au coeur du champ de bataille : rencontres sur le thème de : la robotisation du champ de bataille : aspects éthiques et juridiques. - Cote 355/938

**Essays on law and war at the fault lines**

Michael N. Schmitt. - The Hague : T. M. C. Asser Press ; Berlin ; Heidelberg : Springer, 2012. - XII, 637 p. ; 24 cm. - Cote 345.25/246

**The implications of drones on the just war tradition**

Daniel Brunstetter and Megan Braun. In: Ethics and International Affairs Vol. 25, no. 3, 2011, p. 337-358. - Cote 341.67/699 (Br.)

**Israeli civilians versus Palestinian combatants ? : reading the Goldstone report in light of the Israeli conception of the principle of distinction**

Jean-Philippe Kot. In: Leiden Journal of International Law Vol. 24, issue 4, December 2011, p. 961-988. - Cote 345.26/212 (Br.)

ICRC headquarters only: <https://ext.icrc.org/library/docs/ArticlesPDF/32519.pdf>

### **"Jousting at windmills" : the laws of armed conflict in an age of terror-state actors and nonstate elements**

David M. Crane and Daniel Reisner. - New York : Columbia University Press, 2011. - p. 67-84 : tabl., diagr.. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

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### **Silent enim leges inter arma, but beware of background noises : domestic courts as agents of development of the laws of armed conflict**

Yaël Ronen. - Jerusalem : International Law Forum of the Hebrew University of Jerusalem Law Faculty, October 2011. - 30 p. ; 21 cm. - Cote 345.22/194 (Br.)

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1953172](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1953172)

### **The principle of proportionality under international humanitarian law and Operation Cast Lead**

Robert P. Barnidge. - New York : Columbia University Press, 2011. - p. 171-189. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

### **Targeted killings : law and morality in an asymmetrical world**

ed. by Claire Finkelstein, Jens David Ohlin, Andrew Altman. - Oxford [etc.] : Oxford University Press, 2012. - XX, 496 p. : diagr. ; 25 cm. - Cote 345.25/248

### **Two sides of the combatant coin : untangling direct participation in hostilities from belligerent status in non-international armed conflicts**

Geoffrey Corn and Chris Jenks. In: University of Pennsylvania Journal of International Law Vol. 33, no. 2, Winter 2011, p. 313-362. - Cote 345.29/165 (Br.)

[http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/CornJenks33U.Pa.J.Int'IL.313\(2011\).pdf](http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/CornJenks33U.Pa.J.Int'IL.313(2011).pdf)

### **The use of combat drones in current conflicts : a legal issue or a political problem ?**

Sebastian Wuschka. In: Goettingen Journal of International Law Vol. 3, no. 3, 2011, p. 891-905. - Cote 341.67/700 (Br.)

<http://gojil.uni-goettingen.de/ojs/index.php/gojil/article/download/224/pdf-wuschka>

## **XI. Weapons**

### **Arms control and international humanitarian law**

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

**Cluster munitions and international law : disarmament with a human face ?**

Alexander Breitegger. - London ; New York : Routledge, 2012. - XIII, 271 p. : fotogr., ill. ; 24 cm. - Cote 341.67/693

**International humanitarian law, new forms of armed violence and the use of force**

Robert James McLaughlin. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - p. 115-123. - In: Global violence : consequences and responses. - Cote 355/699

## XII. Implementation

(ICRC, protecting powers, fact finding commission, other means of preventing violations and controlling respect for IHL, state responsibility)

**Enhancing and enforcing compliance with international humanitarian law by non-state armed groups : an inquiry into some mechanisms**

Cedric Ryngaert and Anneleen Van de Meulebroucke. In: Journal of conflict and security law Vol. 16, No. 3, Winter 2011, p. 443-472

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Yaël Ronen. - Jerusalem : International Law Forum of the Hebrew University of Jerusalem Law Faculty, October 2011. - 30 p. ; 21 cm. - Cote 345.22/194 (Br.)

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1953172](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1953172)

## XIII. International Human Rights Law

(Focus on situations of armed conflict and other situations of violence)

**The ECtHR's judgment in Al-Jedda and its implications for international humanitarian law**

Maral Kashgar. In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict Vol. 24, 4/2011, p. 229-233

**The European Court of Human Rights and international humanitarian law**

by Jean-Paul Costa and Michael O'Boyle. - Bruxelles : Bruylant, 2011. - p. 107-129. - In: La Convention européenne des droits de l'homme, un instrument vivant = The European Convention on Human Rights, a living instrument : mélanges en l'honneur de/essays in honour of Christos L. Rozakis. - Cote 345.2/870 (Br.)

### The history of the inter-American system's jurisprudence as regards situations of armed conflict

Christina M. Cerna. In: Journal of international humanitarian legal studies Vol. 2 (2011), p. 3-52

ICRC headquarters only: <http://www.ingentaconnect.com/content/mnp/jhls/2011/00000002/00000001/art00002>

### Human rights, the laws of war, and reciprocity

Eric A. Posner. - Chicago : The University of Chicago, September 2010. - 25 p. ; 30 cm. - Cote 345.1/159 (Br.)

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1693974](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1693974)

## XIV. International Criminal Law

### Child soldier victims of genocidal forcible transfer : exonerating child soldiers charged with grave conflict-related international crimes

Sonja C. Grover. - Heidelberg [etc.] : Springer, 2012. - XVI, 302 p. ; 22 cm. – Cote 362.7/355

### Protecting and respecting civilians : correcting the substantive and structural defects of the Rome Statute

Adil Ahmad Haque. In: New Criminal Law Review Vol. 14, no. 4, Fall 2011, p. 519-575. - Cote 344/570 (Br.)

### Short considerations on the international criminal liability in the context of armed conflict in the contemporary period

Valentin Stelian Badescu. In: Studii de drept romanesc = Romanian law studies review Year 23 (56), no. 2, April-June 2011, p. 187-202. - Cote 344/266 (Br.)

ICRC headquarters only: <https://ext.icrc.org/library/docs/ArticlesPDF/32772.pdf>

### Silent enim leges inter arma, but beware of background noises : domestic courts as agents of development of the laws of armed conflict

Yaël Ronen. - Jerusalem : International Law Forum of the Hebrew University of Jerusalem Law Faculty, October 2011. - 30 p. ; 21 cm. - Cote 345.22/194 (Br.)

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1953172](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1953172)

### Les TPI et le droit international humanitaire : la responsabilité du commandement

Stéphane Bourgon. - Paris : Choiseul, 2011. - p. 171-184. - In: Les conflits et le droit. - Cote 345.2/864

### War crimes and international criminal law

Willem-Jan van der Wolf [ed.]. - The Hague : International courts association, 2011. - XX, 641 p. ; 23 cm. - Cote 344/568

## XV. Contemporary challenges

(Terrorism, DPH, cyber warfare, asymmetric war, etc.)

### Aspects critiques des nouveaux concepts sur la sécurité humaine

Raffaella Diana. - Paris : Choiseul, 2011. - p. 81-96. - In: Les conflits et le droit. - Cote 345.2/864

**Asymmetrical warfare and challenges to international humanitarian law**

Wolff Heintschel von Heinegg. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - p. 83-95. - In: Global violence : consequences and responses. - Cote 355/699

**Direct participation in hostilities : a concept broad enough for today's targeting decisions**

Eric Talbot Jensen. - New York : Columbia University Press, 2011. - p. 85-105. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

**L'emploi des robots sur le champ de bataille à l'épreuve du droit international humanitaire**

Philippe Frin. - Paris : Economica, 2011. - p. 177-184. - In: Les robots au coeur du champ de bataille : rencontres sur le thème de : la robotisation du champ de bataille : aspects éthiques et juridiques. - Cote 355/938

**Global violence : consequences and responses**

ed. by Marco Odello, Gian Luca Beruto. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - 224 p. ; 23 cm. - Cote 355/699

**Humanizing irregular warfare : framing compliance for nonstate armed groups at the intersection of security and legal analyses**

Corri Zoli. - New York : Columbia University Press, 2011. - p. 190-211. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

**The implications of drones on the just war tradition**

Daniel Brunstetter and Megan Braun. In: Ethics and International Affairs Vol. 25, no. 3, 2011, p. 337-358. - Cote 341.67/699 (Br.)

**Israeli civilians versus Palestinian combatants ? : reading the Goldstone report in light of the Israeli conception of the principle of distinction**

Jean-Philippe Kot. In: Leiden Journal of International Law Vol. 24, issue 4, December 2011, p. 961-988. - Cote 345.26/212 (Br.)

ICRC headquarters only: <https://ext.icrc.org/library/docs/ArticlesPDF/32519.pdf>

**Lawmaking by nonstate actors : engaging armed groups in the creation of international humanitarian law**

Anthea Roberts and Sandesh Sivakumaran. In: Yale journal of international law Vol. 37, issue 1, 2012, p. 107-152. - Cote 345.2/875 (Br.)

<http://www.yjil.org/print/volume-37-issue-1/lawmaking-by-nonstate-actors-engaging-armed-groups-in-the-creation-of-international-humanitarian-law>

**Les menaces contre la paix et la sécurité internationales : aspects actuels**

Hélène Hamant... [et al.]. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - 224 p. ; 30 cm. - Cote 345.2/869

[http://www.univ-paris1.fr/fileadmin/IREDIES/Projet\\_MARS/MARS\\_Livre\\_blanc.pdf](http://www.univ-paris1.fr/fileadmin/IREDIES/Projet_MARS/MARS_Livre_blanc.pdf)

**La protection de l'environnement en temps de conflit armé**

Séverine Borderon, Virginie Linder. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - p. 185-204. - In: Les menaces contre la paix et la sécurité internationales : aspects actuels. - Cote 345.2/869

## La responsabilité des entreprises multinationales pour violation du droit international humanitaire

Régis Bismuth. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - p. 129-143. - In: Les menaces contre la paix et la sécurité internationales : aspects actuels. - Cote 345.2/869

## Rethinking the law of armed conflict in an age of terrorism

Christopher A. Ford and Amichai Cohen. - Lanham [etc.] : Lexington Books, 2012. - XXX, 325 p. : ill. ; 23 cm. - Cote 345.26/213

## Targeted killings : law and morality in an asymmetrical world

ed. by Claire Finkelstein, Jens David Ohlin, Andrew Altman. - Oxford [etc.] : Oxford University Press, 2012. - XX, 496 p. : diagr. ; 25 cm. - Cote 345.25/248

## The use of combat drones in current conflicts : a legal issue or a political problem ?

Sebastian Wuschka. In: Goettingen Journal of International Law Vol. 3, no. 3, 2011, p. 891-905. - Cote 341.67/700 (Br.)

<http://gojil.uni-goettingen.de/ojs/index.php/gojil/article/download/224/pdf-wuschka>

# XVI. Countries

## Afghanistan

### Addendum for the war on terror : somewhere in Switzerland, Dilawar remembered, and why the Martens Clause matters

Wm. C. Peters. In: Social justice Vol. 37, no. 2-3, 2010-2011, p. 99-122. - Cote 400.2/325 (Br.)

## Côte d'Ivoire

### The right to education for children in emergencies

Allison Anderson, Jennifer Hofmann and Peter Hyll-Larsen. In: Journal of international humanitarian legal studies Vol. 2 (2011), p. 84-126

ICRC headquarters only: <http://www.ingentaconnect.com/content/mnp/jhls/2011/00000002/00000001/art00004>

## Iraq

### The international law of occupation

Eyal Benvenisti. - Oxford [etc.] : Oxford University Press, 2012. - XXIV, 383 p. ; 24 cm. - Cote 345.28/44 (2012)

## Israel - Palestine

### The international law of occupation

Eyal Benvenisti. - Oxford [etc.] : Oxford University Press, 2012. - XXIV, 383 p. ; 24 cm. - Cote 345.28/44 (2012)

### Israel, Turkey, and the Gaza blockade

Daniel Benoliel. In: University of Pennsylvania Journal of International Law Vol. 33, no. 2, Winter 2011, p. 615-662. - Cote 345.28/90 (Br.)

[http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/Benoliel33U.Pa.J.Int'IL.615\(2011\).pdf](http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/Benoliel33U.Pa.J.Int'IL.615(2011).pdf)

### **Israeli civilians versus Palestinian combatants ? : reading the Goldstone report in light of the Israeli conception of the principle of distinction**

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ICRC headquarters only: <https://ext.icrc.org/library/docs/ArticlesPDF/32519.pdf>

### **The Israeli Supreme Court and the incremental expansion of the scope of discretion under belligerent occupation law**

Guy Harpaz and Yuval Shany. In: Israel Law Review Vol. 43, no. 3, 2010, p. 514-550. - Cote 345.28/88 (Br.)

<http://law.huji.ac.il/upload/Harpaz.pdf>

### **The principle of proportionality under international humanitarian law and Operation Cast Lead**

Robert P. Barnidge. - New York : Columbia University Press, 2011. - p. 171-189. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

## **Kosovo**

### **The international law of occupation**

Eyal Benvenisti. - Oxford [etc.] : Oxford University Press, 2012. - XXIV, 383 p. ; 24 cm. - Cote 345.28/44 (2012)

## **Switzerland**

### **The role of the Swiss armed forces in the protection of cultural property**

Stephan Zellmeyer. - Woodbridge (Royaume-Uni) : Rochester (Etats-Unis) : Boydell, 2010. - p. 159-166. - In: Archeology, cultural property and the military. - Cote 363.8/68

## **Turkey**

### **Israel, Turkey, and the Gaza blockade**

Daniel Benoliel. In: University of Pennsylvania Journal of International Law Vol. 33, no. 2, Winter 2011, p. 615-662. - Cote 345.28/90 (Br.)

[http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/Benoliel33U.Pa.J.Int'lL.615\(2011\).pdf](http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/Benoliel33U.Pa.J.Int'lL.615(2011).pdf)

## **United Kingdom**

### **The ECtHR's judgment in Al-Jedda and its implications for international humanitarian law**

Maral Kashgar. In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict Vol. 24, 4/2011, p. 229-233

## **United States**

### **Addendum for the war on terror : somewhere in Switzerland, Dilawar remembered, and why the Martens Clause matters**

Wm. C. Peters. In: Social justice Vol. 37, no. 2-3, 2010-2011, p. 99-122. - Cote 400.2/325 (Br.)

### **The implications of drones on the just war tradition**

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## All with Abstracts

### Addendum for the war on terror : somewhere in Switzerland, Dilawar remembered, and why the Martens Clause matters

Wm. C. Peters. In: Social justice Vol. 37, no. 2-3, 2010-2011, p. 99-122. - Cote 400.2/325 (Br.)

This essay focuses on the murder of an Afghan taxi driver at Bagram Air Base by U.S. soldiers in December of 2002. When this brutal mistreatment was reported, a junior enlisted soldier who asked whether his unit was acting in accordance with the Geneva Conventions. The noncommissioned officer glibly responded that "Geneva was somewhere in Switzerland." Regardless of a proper characterization of U.S. intervention in Afghanistan under international law, and whether any of the four Geneva Conventions of 1949 fully applied to the conflict at that time, physical abuse of detainees hors de combat is a war crime in violation of long settled principles of the law of armed conflict (LOAC), as well as domestic U.S. law under the umbrella of the Constitution's Supremacy Clause. First appearing in a resolution at the Hague Convention conference of 1899, and the later 1907 convention to which the United States is a party, the Martens Clause requires that in situations arising in war and occupations not covered by existing conventions, "the inhabitants and belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and from the dictates of the public conscience." Early U.S. Army commanders in Afghanistan placed little emphasis on enforcing international law applicable to detainees held at the Bagram Control Point (BCP). Judge advocate staff officers for the command were likely unaware of all aspects of the handling and interrogation techniques applied by BCP personnel. Still, they profoundly misunderstood basic provisions of international law that should have guided U.S. actions and failed to implement proper LOAC training regimes and legal oversight of operations.

### Applicability and application of the laws of war to modern conflicts

Daphne Richemond-Barak. In: Florida Journal of International Law Vol. 23, no. 3, December 2011, p. 327-357. - Cote 345.29/166 (Br.)

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

### Arms control and international humanitarian law

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

Until the 20th century, the attention was mainly concentrated on conventional weapons since they were the only weapons available. But even today humanitarian disarmament is principally focused on conventional weapons since they are the ones being used in current international and domestic conflicts and cause practically all the victims and sufferings. But the casualties and sufferings caused by chemical weapons during the WWI were the determining factor that led to the Geneva Protocol of 1925 prohibiting the use of chemical/biological weapons in armed conflict, thus opening the chapter of humanitarian disarmament with regard to weapons of mass destruction.

## Aspects critiques des nouveaux concepts sur la sécurité humaine

Raffaella Diana. - Paris : Choiseul, 2011. - p. 81-96. - In: Les conflits et le droit. - Cote 345.2/864

Il est souvent fait mention que les Etats seraient confrontés à un nouveau type de troubles de la sécurité, pour lesquels le paradigme du maintien de l'ordre ne serait plus approprié. Selon cette position, le droit international des conflits armés, ou droit international humanitaire (DIH), ne serait pas non plus adapté pour faire face à ces situations. En effet, parce qu'elle ne s'oppose pas des Etats, cette violence ne répond pas à la définition de "conflit armé international". Par ailleurs, parce qu'elle se déroule dans une zone géographique qui déborde les frontières nationales, elle ne correspondrait pas non plus à un conflit interne. Or affirmer que, par leur nature, ces situations rendraient le droit existant inapplicable, rend la marge de manœuvre des Etats très grande, multipliant les possibilités de restrictions arbitraires des libertés. Il suffit de penser aux législations antiterroristes adoptées par plusieurs gouvernements au lendemain du 11 septembre, à certaines adaptations du DIH proposant de nouvelles catégories juridiques ou encore la résurgence du débat sur l'acceptabilité de la torture. Mais pouvons-nous affirmer que les conflits contemporains sont dépourvus de cadre légal? Quels sont les critères qui permettent de définir un conflit armé et de déterminer quel droit est applicable à une situation de violence?

## Asymmetrical warfare and challenges to international humanitarian law

Wolff Heintschel von Heinegg. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - p. 83-95. - In: Global violence : consequences and responses. - Cote 355/699

Asymmetric warfare clearly constitutes a challenge to the international legal order and to its underlying values. While it does not justify a deviation from well-established rules and principles of the law of armed conflict, it necessary to strengthen that law by offering incentives, especially to non-State actors, to comply with that law if it is applicable *ratione materiae*. Since, however, such incentives will very often prove futile, because asymmetric actors will not abandon the options opened by a deliberate violation of the law of armed conflict, a thorough investigation/fact-finding by a neutral and respected international commission will be the first step that could contribute to repressing such conduct. A second step is criminal prosecution - either under domestic or under international criminal law.

## Child soldier victims of genocidal forcible transfer : exonerating child soldiers charged with grave conflict-related international crimes

Sonja C. Grover. - Heidelberg [etc.] : Springer, 2012. - XVI, 302 p. ; 22 cm. - Cote 362.7/355

This book provides an original legal analysis of child soldiers recruited into armed groups or forces committing mass atrocities and/or genocide as the victims of the genocidal forcible transfer of children. Legal argument is made regarding the lack of criminal culpability of such child soldier "recruits" for conflict-related international crimes and the inapplicability of currently recommended judicial and non-judicial accountability mechanisms in such cases. The book challenges various anthropological accounts of child soldiers' alleged "tactical agency" to resist committing atrocity as members of armed groups or forces committing mass atrocity and/or genocide. Also provided are original interpretations of relevant international law including an interpretation of the Rome Statute age-based exclusion from prosecution of persons who were under 18 at the time of perpetrating the crime as substantive law setting an international standard for the humane treatment of child soldiers.

## Children as direct participants in hostilities : new challenges for international humanitarian law and international criminal law

Hilly Moodrick-Even Khen. - New York : Columbia University Press, 2011. - p. 133-149. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

This chapter addresses two major challenges arising from the issue of child terrorists. The first is how contemporary humanitarian law deals with incidents of children participating in terrorist activities. The second issue addressed here is the criminalization of acts of terrorism carried out by children.

## Cluster munitions and international law : disarmament with a human face ?

Alexander Breitegger. - London ; New York : Routledge, 2012. - XIII, 271 p. : fotogr., ill. ; 24 cm. - Cote 341.67/693

This book offers a comprehensive argument for why pre-existing international law on cluster munitions was inadequate to deal with the full scope of humanitarian consequences associated with their use. The book undertakes an interdisciplinary legal analysis of restraints and prohibitions on the use of cluster munitions under international humanitarian law, human rights law, and international criminal law, as well as in relation to the recently adopted Convention on Cluster Munitions (CCM). The book goes on to offer an in-depth substantive and procedural analysis of the negotiations which led to the 2008 CCM, in part based on the author's experiences as an adviser to Cluster Munitions Coalition-Austria.

## The cumulative requirements of jus ad bellum and jus in bello in the context of self-defense

Keiichiro Okimoto. In: Chinese Journal of International Law Vol. 11, no. 1, March 2012, p. 45-75. - Cote 345.2/876 (Br.)

It is sometimes suggested that even if certain measures in self-defense violate jus in bello (international humanitarian law), such measures can be continued by justifying them on the basis of jus ad bellum (international law regulating the resort to force), in particular by justifying that the measures were necessary and proportionate in relation to the initial armed attack. However, State practice, decisions of international courts and arbitration, and opinions of experts indicate the contrary, that if the measures in self-defense violate jus in bello, those violations cannot be ignored or nullified by justifying the measures as necessary and proportionate self-defense. Once the measures in self-defense violate jus in bello, they must be ceased immediately.

## De la théorie du droit à la réalité du terrain : l'humain au coeur des conflits

Emmanuel Goffi. - Paris : Choiseul, 2011. - p. 127-146. - In: Les conflits et le droit. - Cote 345.2/864

Aujourd'hui, inscrire l'action militaire dans le droit est un impératif pour tout militaire. Il permet, outre de garantir au militaire le bénéfice de la protection prévue par les textes de droit des conflits armés (DCA), d'offrir un garde-fou contre les risques de dérives. Cependant, pour appliquer ce droit efficacement, il est bien entendu nécessaire d'en connaître le fondement et le contenu. C'est au travers de ce prisme que doivent être comprises les contraintes juridiques imposées par les textes de DCA. Cette importance de l'humain dans les conflits se retrouve tout au long de l'histoire du phénomène guerrier. L'auteur revient sur l'histoire du DCA ainsi que sur les nombreux débats qui se sont fait jour autour de l'universalité des Conventions de Genève. Les armées françaises, comme de nombreuses autres armées de par le monde, ont toujours eu à cœur de préserver l'humain. Cela étant, les formes de conflictualités contemporaines ne sont que très rarement propices à une application aisée des principes du DCA.

## Destruction of environment during an armed conflict and violation of international law : a legal analysis

Rishav Banerjee. In: Asian yearbook of international law Vol. 15, 2009, p. 145-188. - Cote 363.7/114 (Br.)

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

## Direct participation in hostilities : a concept broad enough for today's targeting decisions

Eric Talbot Jensen. - New York : Columbia University Press, 2011. - p. 85-105. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

The first section offers a brief history of the development of the applicable standards for combatants, lawful and unlawful, and civilians, those who take a direct part in hostilities and those who do not. The second section analyzes how these standards apply to targeting during military operations and the potential results for civilians. It further describes how these standards and their effect on targeting operations have come under severe criticism in the current war against transnational terrorist organizations, leading some call for a revision of the law. The third section explains why such a revision is unnecessary and proposes a contemporary understanding of the definition of direct participation in hostilities that reconciles necessity and humanity.

## Documents officiels : conférence diplomatique sur l'adoption du troisième Protocole additionnel aux Conventions de Genève du 12 août 1949 relatif à l'adoption d'un signe distinctif additionnel (Protocole III), 5-8 décembre 2005, Genève, Suisse

Confédération Suisse, Département fédéral des affaires étrangères DFAE. - Berne : Département fédéral des affaires étrangères, 2012. - V, 134 p. : ill. ; 30 cm. - Cote 345.21/13 (FRE)

Contient notamment: Projet de Protocole additionnel aux Conventions de Genève du 12 août 1949 relatif à l'adoption d'un signe distinctif additionnel (Protocole III). - Acte final et ses annexes. - Allocutions liminaires. - Comptes rendus des séances plénières de la Conférence Diplomatiques. - Amendements soumis par le Pakistan et le Yémen qui ont été proposés par les États de l'Organisation de la Conférence islamique. - Résultat du vote sur l'adoption du Protocole III additionnel. - Liste des délégués et des participants à la Conférence

[http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/intrea/depch/warvic.Par.0047.File.tmp/mt\\_120320\\_pa3doc\\_fr.pdf](http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/intrea/depch/warvic.Par.0047.File.tmp/mt_120320_pa3doc_fr.pdf)

## L'eau et la guerre : éléments pour un régime juridique

Mara Tignino. - Bruxelles : Bruylant, 2011. - XXIV, 489 p. ; 24 cm. - Cote 363.7/112

Les enjeux économiques et sociaux autour de l'eau, cette ressource vitale mais vulnérable, s'affirment en même temps qu'émerge un droit humain à l'eau. Le droit international a progressivement créé un régime particulier de règles applicables à cette ressource en temps de conflit armé. En résultent plusieurs principes, règles et régimes spécifiques applicables pendant un conflit armé. Le présent ouvrage se propose de recomposer le puzzle des principes et règles applicables à l'eau par des regards croisés sur un objet complexe du droit international. Par une lecture globale et systémique des normes applicables de droit international, l'étude dresse une synthèse des règles applicables en temps de conflit armé, mais également lors des phases précédant un conflit et durant les phases post-confliktuelles. L'angle d'approche est l'analyse des articulations entre les divers corpus de normes applicables. En soulignant les liens étroits entre le droit international humanitaire, le droit international relatif aux droits humains et le droit international des cours d'eau internationaux, l'ouvrage plaide pour une lecture harmonieuse des normes qui régissent la protection de l'eau en temps de conflit armé.

## L'eau et le droit humanitaire

par Philippe Weckel. - Paris : Pedone, 2011. - p. 369-383. - In: L'eau en droit international. - Cote 363.7/105

L'eau constitue un objet du droit international humanitaire depuis fort longtemps et bénéficie même d'une protection particulière dans les deux Protocoles de 1977 aux Conventions de Genève. Le régime de l'eau varie en fonction de l'usage auquel elle est destinée. Ainsi elle apparaît même comme une arme dans le cadre du droit de la guerre.

## The ECtHR's judgment in Al-Jedda and its implications for international humanitarian law

Maral Kashgar. In: *Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict* Vol. 24, 4/2011, p. 229-233

On 7 July 2011, the European Court of Human Rights (the Court) rendered its judgment in the case *Al-Jedda v. The United Kingdom*. The judgment focuses on two main issues: the application of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) to the acts of military forces acting under a United Nations Chapter VII mandate and the scope of application of Article 5 ECHR in armed conflict situations. It concerns several fundamental issues with respect to Human Rights Law and its relation to International Law such as the question of conflicts between obligations arising under the Convention on the one hand, and obligations arising under the UN Charter as well as under International Humanitarian Law (IHL) on belligerent occupation on the other. Interestingly, *Al-Jedda* is one of the very rare cases in which the Court explicitly examined the content of IHL provisions which sheds some light on the Court's case law on human rights in times of armed conflict. This case comment focuses on those aspects which are particularly relevant for IHL after having briefly introduced the reasoning of the Court.

## L'emploi de civils et de prisonniers de guerre à des fins militaires devant le TPIY

Fausto Pocar. - Leiden ; Boston : M. Nijhoff, 2012. - p. 371-382. - In: *Perspectives of international law in the 21st century = Perspectives du droit international au 21e siècle : liber amicorum professor Christian Dominicé in honour of his 80th birthday*. - Cote 345.25/247 (Br.)

C'est une donnée bien connue des conflits armés contemporains que les civils sont fréquemment la cible principale des hostilités et que les prisonniers de guerre, ainsi que les détenus civils, sont souvent l'objet de mauvais traitements dans le cadre des opérations militaires. Tandis que ces traitements constituent souvent des formes de violence exercée à l'encontre de ces non-combattants en violation du droit international humanitaire — tels que déportation, transfert forcé, torture, viol — ils peuvent également s'exprimer dans l'emploi forcé des personnes concernées dans la conduite des hostilités et pour le but de celle-ci, soit pour l'édification de structures de défense soit aux fins de protection d'installations militaires ou de l'armée de l'autorité qui détient ces individus. Les remarques contenues dans ce chapitre visent à mettre en valeur la criminalisation de ces comportements et leur prise en compte par la jurisprudence du Tribunal pénal international pour l'ex-Yougoslavie (TPIY). Ce dernier a eu en effet au cours de son mandat l'occasion de se prononcer sur la nature criminelle de ces comportements dans le cadre de procès instaurés contre leurs auteurs, en établissant ainsi, pour la première fois, une jurisprudence internationale dans ce domaine, qui a contribué à la clarification des éléments de ces crimes de guerre sur la base du droit international humanitaire coutumier et conventionnel.

ICRC headquarters only: <https://ext.icrc.org/library/docs/ArticlesPDF/32967.pdf>

## L'emploi des robots sur le champ de bataille à l'épreuve du droit international humanitaire

Philippe Frin. - Paris : Economica, 2011. - p. 177-184. - In: *Les robots au cœur du champ de bataille : rencontres sur le thème de : la robotisation du champ de bataille : aspects éthiques et juridiques*. - Cote 355/938

L'émergence de nouveaux acteurs robotisés aux cotés des acteurs traditionnels bouscule les règles du DIH. Une robotisation du champ de bataille ferait voler "en éclat", certaines notions fondamentales du DIH (combattant et non combattant, objectif militaire et bien civil...) et certains principes majeurs (proportionnalité, discrimination, nécessité...). Après avoir exposé dans une première partie les éléments du DIH, il sera présenté dans une seconde partie, les incidences juridiques du développement de la robotisation des théâtres d'opération.

## Enhancing and enforcing compliance with international humanitarian law by non-state armed groups : an inquiry into some mechanisms

Cedric Ryngaert and Anneleen Van de Meulebroucke. In: *Journal of conflict and security law* Vol. 16, No. 3, Winter 2011, p. 443-472

As international humanitarian law (IHL) is binding on non-state armed groups (NSAGs) without their having participated in its development and adoption, for effective compliance it is key that NSAGs give

their actual consent to be bound by IHL norms. Various legal instruments are, and can be, used to this effect: unilateral declarations, codes of conduct, special (bilateral) agreements and multilateral agreements. All these instruments have their advantages and drawbacks. The most important drawback is probably that NSAGs use these instruments to curry favour with the international community, without their having internalized the norms or having provided for a rigorous system of monitoring compliance with the norms laid down in the instruments. However, some outside actors have made commendable efforts to engage NSAGs with a view to improving compliance, such as the ICRC, Geneva Call (an NGO) and the UN Security Council. Given the nature of NSAGs—they are often ragtag bands whose goals determine their means—it is not always self-evident to draw their attention to compliance with IHL norms. International actors have to tread carefully, but sanctions should not be eschewed in case of persistent breaches of IHL. Such sanctions may include travel bans, and prosecution of both NSAGs and their leaders under international criminal law.

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## Les enjeux et difficultés liés à la qualification de conflit armé en droit international humanitaire

Isabelle Fouchard. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - p. 55-71. - In: Les menaces contre la paix et la sécurité internationales : aspects actuels. - Cote 345.2/869

La doctrine juridique et les discours politiques font apparaître diverses expressions destinées à décrire les nouvelles formes de conflits armés contemporains. Elles traduisent les difficultés croissantes d'appréhender les conflits armés contemporains et diverses situations de violence actuelles au travers des qualifications traditionnelles admises par le droit international humanitaire, qui se limitent aux conflits armés internationaux et conflits armés non internationaux. L'objet de cette étude tend à montrer qu'avant d'envisager de nouvelles qualifications de conflits armés, ou de remettre en question l'adéquation des normes de droit international humanitaire aux situations actuelles, il serait avant tout souhaitable, pour une plus grande sécurité juridique, de préciser les critères de qualification les plus objectifs possibles, des conflits armés traditionnels, afin de clarifier les conditions de déclenchement de l'application du droit international humanitaire.

## Essays on law and war at the fault lines

Michael N. Schmitt. - The Hague : T. M. C. Asser Press ; Berlin ; Heidelberg : Springer, 2012. - XII, 637 p. ; 24 cm. - Cote 345.25/246

This collection of essays by Professor Michael N. Schmitt, Chairman of the International Law Department at the United States Naval War College, draws together those of his articles published over the past two decades that have explored particular fault lines in the law of armed conflict. As such, they examine the complex interplay between warfare and law, seeking to identify where the law and warfare appear to diverge, and where such apparent divergence can be accommodated through contextual interpretation of the law. Each essay examines a particular issue in either the *jus ad bellum* (the law governing resort to force) or *jus in bello* (international humanitarian law) that has proven contentious in terms of applying extant norms to the evolving face of armed conflict. Among the topics addressed are counter-terrorism, cyber operations, asymmetrical warfare, assassination, environmental warfare and the participation of civilians in hostilities. The essays brought together in this book, dealing with the most complex and controversial issues of International Humanitarian Law and the use of force, form a unique collection of often cited works, used as a foundation for subsequent work in the area.

## The European Court of Human Rights and international humanitarian law

by Jean-Paul Costa and Michael O'Boyle. - Bruxelles : Bruylant, 2011. - p. 107-129. - In: La Convention européenne des droits de l'homme, un instrument vivant = The European Convention on Human Rights, a living instrument : mélanges en l'honneur de/essays in honour of Christos L. Rozakis. - Cote 345.2/870 (Br.)

The Court is being called, with increasing frequency, to find violations of principles of IHL or to interpret the European Convention of Human Rights against the background of such principles or to make detailed assessments of the state of principles of IHL at a given historical moment. The Court's competence appears to be limited to applying only the provisions of the Convention and its protocols if one considers articles 1, 19 and 32. However, these instruments also form part of general public international law and the Court made it clear that they are to be interpreted against the background of either international treaty law or customary international law. This chapter analyses how international law generally sees the relationship

between the two branches of law, what the Convention itself says about IHL and what approach the Court has taken to issues of IHL that have arisen in cases before it.

## **Extraterritorial law enforcement or transnational counterterrorist military operations : the stakes of two legal models**

Geoffrey S. Corn. - New York : Columbia University Press, 2011. - p. 23-44. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

This chapter challenges the dominant theory that military operations against transnational terrorist groups that do not fall neatly within statecentric conflict categories must be treated as extraterritorial law enforcement activities. It argues that international humanitarian law is the more appropriate and logical regulatory framework for military operations involving the use of combat power based on an inherent invocation of the principle of military objective, including those beset by regulatory uncertainty when they fall outside accepted law-triggering categories derived from Articles 2 and 3 of the Geneva Conventions. The second stage in the argument for extending the law-of-war framework to counterterror military operations invokes an important but little-known U.S. military policy based on an exemplary use of humanitarian-law principles - even when the enemy is a nonstate entity with no link to the state in which it operates.

## **From "mercenaries" to "private security contractors" : the (re)construction of armed security providers in international legal discourses**

Elke Krahmman. In: Millennium Journal of International Studies Vol. 40, no. 2, 2012, p. 343-363. - Cote 345.29/163 (Br.)

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

## **Global violence : consequences and responses**

ed. by Marco Odello, Gian Luca Beruto. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - 224 p. ; 23 cm. - Cote 355/699

The book contains the proceedings of the 33rd San Remo Round Table marking the 40th Anniversary of the Institute held in Sanremo from 9 to 11 September 2011. It offers a stimulating review of the legal and practical challenges posed by contemporary armed conflicts and other situations of violence, the book focuses on a broad range of critical situations, including the problems of deprivation of liberty, detention and judicial guarantees in armed conflicts.

## **The history of the inter-American system's jurisprudence as regards situations of armed conflict**

Christina M. Cerna. In: Journal of international humanitarian legal studies Vol. 2 (2011), p. 3-52

Faced with insurgencies and situations of internal armed conflict in a number of Organization of American States (OAS) member states, some states called upon the Inter-American Commission on Human Rights (IACHR) to take into account the operations of irregular armed groups when assessing the situation of human rights in their countries. The IACHR responded that only assessment of state actions had been included within its mandate and that the OAS member states should amend the IACHR's Statute if they

wished to expand its mandate. The OAS member states failed to do so. In 1996, the International Court of Justice (ICJ), in its Advisory Opinion on Nuclear Weapons, set forth its view on the relationship between international human rights law (IHRL) and international humanitarian law (IHL). In 1997, following the ICJ's Opinion, the IACHR began to apply IHL as the *lex specialis* in its assessments of the situation of IHRL and IHL to cases involving situations of armed conflict and continued to do so until the Inter-American Court of Human Rights (IACtHR) declared the IACHR incompetent to apply IHL. This article submits that the IACtHR erred in its judgment on the Preliminary Objections in *Las Palmeras v. Colombia*.

ICRC headquarters only: <http://www.ingentaconnect.com/content/mnp/jhls/2011/00000002/00000001/art00002>

## Human rights, the laws of war, and reciprocity

Eric A. Posner. - Chicago : The University of Chicago, September 2010. - 25 p. ; 30 cm. - Cote 345.1/159 (Br.)

Human rights law does not appear to enjoy as high a level of compliance as the laws of war, yet is institutionalized to a greater degree. This paper argues that the reason for this difference is related to the strategic structure of international law. The laws of war are governed by a regime of reciprocity, which can produce self-enforcing patterns of behavior, whereas the human rights regime attempts to produce public goods and is thus subject to collective action problems. The more elaborate human rights institutions are designed to overcome these problems but fall prey to second-order collective action problems. The simple laws of war institutions have been successful because they can exploit the logic of reciprocity. The paper also suggests that limits on military reprisals are in tension with self-enforcement of the laws of war. The U.S. conflict with Al Qaeda is discussed.

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1693974](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1693974)

## Humanity's law

Ruti Teitel. - Oxford [etc.] : Oxford University Press, 2011. - XII, 304 p. ; 24 cm. - Cote 345.2/872

In *Humanity's Law*, Ruti Teitel offers an account of one of the central transformations of the post-Cold War era: the profound normative shift in the international legal order from prioritizing state security to protecting human security. As she demonstrates, courts, tribunals, and other international bodies now rely on a humanity-based framework to assess the rights and wrongs of conflict; to determine whether and how to intervene; and to impose accountability and responsibility. Cumulatively, the norms represent a new law of humanity that spans the law of war, international human rights, and international criminal justice. Teitel explains how this framework is reshaping the discourse of international politics with a new approach to the management of violent conflict. She maintains that this framework is most evidently at work in the jurisprudence of the tribunals-international, regional, and domestic-that are charged with deciding disputes that often span issues of internal and international conflict and security. The book demonstrates how the humanity law framework connects the mandates and rulings of diverse tribunals and institutions, addressing the fragmentation of global legal order.

## Humanizing irregular warfare : framing compliance for nonstate armed groups at the intersection of security and legal analyses

Corri Zoli. - New York : Columbia University Press, 2011. - p. 190-211. - In: *New battlefields, old laws : critical debates on asymmetric warfare*. - Cote 345.2/871

This chapter begins by showing how new challenges of regulating nonstate armed groups in armed conflict has eroded the original balance at the core of humanitarian law between state's national security interests and humanitarian priorities to reduce unnecessary suffering for all victims of conflict. It then explores how nonstate armed groups, by adopting an asymmetric strategy calculus that treats compliance with the law as a tactical vulnerability, have succeeded in leveraging compliance in their favor and, in turn, co-opted conventional incentives for increasing compliance, such as relaxed combatant status in Additional Protocol I.

## The implications of drones on the just war tradition

Daniel Brunstetter and Megan Braun. In: *Ethics and International Affairs* Vol. 25, no. 3, 2011, p. 337-358. - Cote 341.67/699 (Br.)

Increasingly, the United States has come to rely on the use of drones to counter the threat posed by terrorists. Drones have arguably enjoyed significant successes in denying terrorists safe haven while

limiting civilian casualties and protecting U.S. soldiers, but their use has raised ethical concerns. The aim of this article is to explore some of the ethical issues raised by the use of drones using the just war tradition as a foundation. We argue that drones offer the capacity to extend the threshold of last resort for large-scale wars by allowing a leader to act more proportionately on just cause. However, they may be seen as a level of force short of war to which the principle of last resort does not apply; and their increased usage may ultimately raise jus in bello concerns. While drones are technically capable of improving adherence to jus in bello principles of discrimination and proportionality, concerns regarding transparency and the potentially indiscriminate nature of drone strikes, especially those conducted by the Central Intelligence Agency (CIA), as opposed to the military, may undermine the probability of success in combating terrorism.

## International humanitarian law, new forms of armed violence and the use of force

Robert James McLaughlin. - Milano : Franco Angeli : International Institute of Humanitarian Law, 2011. - p. 115-123. - In: Global violence : consequences and responses. - Cote 355/699

IHL is manifesting in new ways within the context of use of force in relation to non-international armed conflict. This contribution centres upon a recent amendment to the 19[9]8 Rome Statute of the International Criminal Court to incorporate a new provision within article 8 which makes it an offence to employ in non-international armed conflicts bullets which expand or flatten easily in the human body. What was old and settled in IHL is new and novel again. This example clearly illustrates the complexities of the relationship between IHL and human rights law. This is particularly evident in the fact that the prohibition exists in one context, but does not apply in the other.

## The international law of occupation

Eyal Benvenisti. - Oxford [etc.] : Oxford University Press, 2012. - XXIV, 383 p. ; 24 cm. - Cote 345.28/44 (2012)

This thoroughly revised edition of the 1993 book traces the evolution of the law of occupation from its inception during the 18th century until today. It offers an assessment of the law by focusing on state practice of the various occupants and reactions thereto, and on the governing legal texts and judicial decisions. The underlying thought that informs and structures the book suggests that this body of laws has been shaped by changing conceptions about war and sovereignty, by the growing attention to human rights and the right to self-determination, as well as by changes in the balance of power among states. Because the law of occupation indirectly protects the sovereign, occupation law can be seen as the mirror-image of the law on sovereignty. Shifting perceptions on sovereign authority are therefore bound to be reflected also in the law of occupation, and vice-versa.

## Israel, Turkey, and the Gaza blockade

Daniel Benoliel. In: University of Pennsylvania Journal of International Law Vol. 33, no. 2, Winter 2011, p. 615-662. - Cote 345.28/90 (Br.)

This Article provides a critical assessment of the crisis between Israel and Turkey, the two most prominent military powers in the Eastern Mediterranean region. It concerns the Israeli blockade over the Gaza Strip. This Article critically analyzes the Turkish-led position that has been adopted by governments worldwide, including Arab governments, human rights NGOs, and several organs of the United Nations, in their joint critique of the Israeli blockade or siege policy towards Gaza. This topic is especially pertinent given the backdrop of Israel's recent litigious enforcement of its naval blockade in international waters. The Article separately evaluates both countries' behaviors in these recent events. It also admits the need to discretely assess Israel's blockade policy over Gaza at land, air, and sea. The Article cautions against Turkey's rather weak legal reasoning in framing Israel's legal regime, ab initio, as belligerent occupation law, absent armed conflict towards Hamas-led Gaza, thereby missing the opportunity to assess Israel's adherence to the laws of armed conflicts more accurately. This Article unveils Turkey's oblique denial of Israel's lawful right to self defense by failing to correctly analyze Israel's application of the laws of armed conflicts towards Hamas.

[http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/Benoliel33U.Pa.J.Int'IL.615\(2011\).pdf](http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/Benoliel33U.Pa.J.Int'IL.615(2011).pdf)

## Israeli civilians versus Palestinian combatants ? : reading the Goldstone report in light of the Israeli conception of the principle of distinction

Jean-Philippe Kot. In: Leiden Journal of International Law Vol. 24, issue 4, December 2011, p. 961-988. - Cote 345.26/212 (Br.)

Goldstone's recent retraction can leave the reader of the report that bears his name somewhat perplexed. Indeed, if the deliberate intent to target civilians could be discussed in some specific attacks listed, such a report nevertheless describes a pattern of behaviour that cannot be swept aside without disregarding the order of priorities set by the Israeli legal system itself. Through analysis of the new Israeli military code of ethics as well as the Israeli Supreme Court case law, this paper examines how civilians in Gaza were deliberately put at risk by a specific interpretation breaking down the flat rule of civilian immunity into a more complex construction opposing the Israeli soldiers' right to life to the rights of an "enemy population".

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## The Israeli Supreme Court and the incremental expansion of the scope of discretion under belligerent occupation law

Guy Harpaz and Yuval Shany. In: Israel Law Review Vol. 43, no. 3, 2010, p. 514-550. - Cote 345.28/88 (Br.)

On December 29, 2009, the Israeli Supreme Court, sitting as the High Court of Justice, delivered its judgment in Abu Safiya v. The Minister of Defense, annulling an order issued by an Israeli Military Commander, which completely barred Palestinians from travelling on Route 443, a major road in the West Bank. This note criticizes the Abu Safiya judgment as indicative, notwithstanding its specific outcome, of the Supreme Court's ongoing willingness to expand the *ratione materiae* and *ratione personae* of occupation law and to allow the military authorities to protect the interests of Israelis in the West Bank, even at the expense of the stronger rights conferred upon the local Palestinian population by the *lex specialis* — the laws of belligerent occupation.

<http://law.huji.ac.il/upload/Harpaz.pdf>

## "Jousting at windmills" : the laws of armed conflict in an age of terror-state actors and nonstate elements

David M. Crane and Daniel Reisner. - New York : Columbia University Press, 2011. - p. 67-84 : tabl., diagr.. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

This chapter focuses on the status, rights, and obligations of nonstate entities within the framework of international humanitarian law. More specifically, it describes the existing rules and paradigms of international law, including some recent examples of state practices in this regard, to present a new framework for the treatment of nonstate members within an armed conflict.

## Lawmaking by nonstate actors : engaging armed groups in the creation of international humanitarian law

Anthea Roberts and Sandesh Sivakumaran. In: Yale journal of international law Vol. 37, issue 1, 2012, p. 107-152. - Cote 345.2/875 (Br.)

This article considers whether non-state armed groups can, do and should play a role in the creation of international humanitarian law applicable in non-international armed conflicts. Focusing on non-state armed groups, it is possible to move away from the traditional statist approach to sources, which denies armed groups any role in law creation, without moving to the extreme position of giving such groups complete control over their obligations or equal lawmaking powers with states. To this end, the author suggest various mechanisms (unilateral declarations, hybrid treaties, and possibly quasi-custom) for giving armed groups an opportunity to recognize existing obligations or undertake new ones, while reducing the risk of placing them on par with states or downgrading international humanitarian protections. These mechanisms could provide a way to involve non state armed groups in the creation of international humanitarian law while respecting the crucial and primary role of states.

<http://www.yjil.org/print/volume-37-issue-1/lawmaking-by-nonstate-actors-engaging-armed-groups-in-the-creation-of-international-humanitarian-law>

## Les menaces contre la paix et la sécurité internationales : aspects actuels

Hélène Hamant... [et al.]. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - 224 p. ; 30 cm. - Cote 345.2/869

Cet ouvrage collectif est le fruit du travail d'un groupe de chercheurs rassemblés au sein du projet MARS (Nouvelles menaces contre la paix : actions, règles et sécurité internationales), 2007-2010.

[http://www.univ-paris1.fr/fileadmin/IREDI/Projet\\_MARS/MARS\\_Livre\\_blanc.pdf](http://www.univ-paris1.fr/fileadmin/IREDI/Projet_MARS/MARS_Livre_blanc.pdf)

## New battlefields, old laws : critical debates on asymmetric warfare

edited by William C. Banks. - New York : Columbia University Press, 2011. - VI, 308 p. : tabl., diag. ; 23 cm. - Cote 345.2/871

Recognizing that many of today's conflicts are low-intensity, asymmetrical wars fought between disparate military forces, William C. Banks's collection debates nonstate armed groups and irregular forces (such as terrorist and insurgent groups, paramilitaries, child soldiers, civilians participating in hostilities, and private military firms) and their challenge to international humanitarian law. Banks and others believe gaps in the laws of war leave modern battlefields largely unregulated, and governing parties suffer without guidelines for responding to terrorism, transnational armed forces, and asymmetrical tactics, such as the targeting of civilians. These gaps also embolden weaker, nonstate combatants to exploit forbidden strategies and violate the laws of war. Attuned to the contested nature of post-9/11 security and policy, this collection juxtaposes diverse perspectives on existing laws and their application in contemporary conflict. They set forth a legal definition of new wars, describe the status of new actors, chart the evolution of the twenty-first-century battlefield, and balance humanitarian priorities with military necessity. Though they contest each other, these contributors ultimately re-establish the legitimacy of a long-standing legal corpus and rehumanize an environment in which the most vulnerable targets, civilian populations, are themselves becoming weapons against conventional power.

## Nonstate actors in armed conflicts : issues of distinction and reciprocity

Daphné Richemond-Barak. - New York : Columbia University Press, 2011. - p. 106-129 : tabl.. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

This chapter follows an unconventional approach to reading the Geneva Conventions and their Protocols, by drawing on an expanded body of sources to inform our understanding of the principle of distinction. The chapter reviews the historical evolution of the principle, how it became so fundamental to the laws of war, and how the concept of "combatant" evolved over time from an activity-based to a membership-based designation. The substance of the law, as stated in the Geneva Conventions, is then examined. On the issue of reciprocity, this chapter argues that the involvement of nonstate actors in warfare does not, in and of itself, affect the applicability of the laws of war.

## The objective qualification of non-international armed conflicts : a Colombian case study

Guillermo Otálora Lozano and Sebastián Machado. In: Amsterdam Law Forum Vol. 4, no. 1, Winter 2012, p. 58-77. - Cote 345.26/214 (Br.)

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

<http://ojs.ubvu.vu.nl/alf/article/view/252/440>

## Official documents : Diplomatic Conference on the adoption of a Third protocol additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an additional distinctive emblem (Protocol III), 5-8 December 2005, Geneva, Switzerland

Confédération Suisse, Federal Department of Foreign Affairs FDFA. - Bern : Federal Department of Foreign Affairs, 2012. - V, 132 p. : ill. ; 30 cm. - Cote 345.21/13 (ENG)

Include: Draft of the Protocol Additional to the Geneva Conventions of 12 August 1948, and Relating to the Adoption of an Additional Distinctive Emblem (Protocol III). - Final Act and Annexes. - Introductory Speeches. - Record of the Plenary Sessions of the Diplomatic Conference. - Amendments submitted by Pakistan and Yemen which were proposed by the States of the Organisation of the Islamic Conference. - Result of the vote for the adoption of the Third Additional Protocol. - Detailed list of delegates and participants in the Conference

[http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/intrea/depch/warvic.Par.0046.File.tmp/mt\\_120320\\_pa3doc\\_en.pdf](http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/intla/intrea/depch/warvic.Par.0046.File.tmp/mt_120320_pa3doc_en.pdf)

## Politics and the world of humanitarian aid

Wolf-Dieter Eberwein. - Farnham ; Burlington : Ashgate, 2011. - p. 363-375. - In: The Ashgate research companion to non-state actors. - Cote 341.215/223

The term 'humanitarian action' is generally used to characterize all types of assistance to people in need: old people or orphans, poor people or victims of natural disasters and armed conflicts. A very precise and restrictive definition of concern in this chapter exists as well: life-saving activities in armed conflicts and war. This restricted definition refers to its specification in international humanitarian law (IHL). IHL does not include humanitarian action in natural disasters, which is regulated by national legislation even though for humanitarian actors the same principles apply as in the case of armed conflicts. IHL specifies the rights and obligations of the parties to armed conflicts. The basic documents are the four Geneva Conventions (1949) and the two Additional Protocols (1977). Whereas states are well defined, this is not the case for armed groups, and even less so for non-governmental humanitarian actors. Anybody may define themselves as humanitarian workers, any organization may call itself a humanitarian organization and every humanitarian organization may interpret differently the principles guiding their interventions in armed conflicts. This absence of well-defined and applied universal standards is a crucial issue given amounts spent on life-saving activities. This chapter will describe the evolution of the relevant legal framework defining the principles and norms, that is to say the theory, the practice and its evolution over time. In doing so it will indicate that theory and practice do not always come into line due to the changing role of humanitarian action as a recognized political issue area and the profound changes have occurred since the end of the Cold War. The review of the main elements of the present structure of the international humanitarian system and the adaptation processes that have been taking place will be discussed followed by an analysis of some of the core issues non-governmental humanitarian organizations are confronted with.

## Preventive detention of individuals engaged in transnational hostilities : do we need a fourth protocol additional to the 1949 Geneva Conventions ?

Gregory Rose. - New York : Columbia University Press, 2011. - p. 45-63 : diagr.. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

This chapter argues that renewed development of international legal norms is necessary to address transnational armed conflict with nonstate entities, and it tentatively explores the generative role of national laws in developing the basis for new international law. The chapter provides a comparative analysis of laws in Australia, Israel and the United States, focusing on their legal processes for preventive detention relating to national security.

## The principle of proportionality under international humanitarian law and Operation Cast Lead

Robert P. Barnidge. - New York : Columbia University Press, 2011. - p. 171-189. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

This chapter critically examines the principle of proportionality under international humanitarian law and contextualizes its vulnerabilities by looking at Israel's actions during Operation Cast Lead in the Gaza strip between December 27, 2008 and January 18, 2009. It begins by providing a black-letter law overview of

the principle. The second half of this chapter looks at the largely negative international reaction to Israel's actions during Operation Cast Lead.

## Private military contractors and changing norms for the laws of armed conflict

Renée De Nevers. - New York : Columbia University Press, 2011. - p. 150-168 : tabl.. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

First, this chapter lays out humanitarian law's classifications of different actors and discuss how PSCs (Private Security Companies) fit within this framework by examining how their status, who they work for, and the jobs they do affect PSC employees' standing under humanitarian law. It then examines the implications of reliance on PSCs given the increased likelihood of asymmetric conflicts and concludes with a discussion of the similarities and differences in the challenges for law and policy presented by contractors and children on the battlefield.

## Protecting and respecting civilians : correcting the substantive and structural defects of the Rome Statute

Adil Ahmad Haque. In: New Criminal Law Review Vol. 14, no. 4, Fall 2011, p. 519-575. - Cote 344/570 (Br.)

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

## La protection de l'environnement en temps de conflit armé

Séverine Borderon, Virginie Linder. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - p. 185-204. - In: Les menaces contre la paix et la sécurité internationales : aspects actuels. - Cote 345.2/869

La protection de l'environnement repose sur un arsenal juridique hétérogène mis en oeuvre par une pluralité d'acteurs (États, organisations internationales, ONG, secteur privé...). Cette recherche a conduit à faire le constat de l'inefficacité de cet ensemble normatif et à envisager de nouvelles pistes de travail. Élaboration et/ou clarification des instruments juridiques, renforcement de la prise en compte de l'environnement dans le cadre opérationnel du conflit (planification - évaluation environnementale), réduction de l'empreinte écologique des équipements militaires, "gestion environnementale" du post-conflit sont autant de propositions envisagées dans le présent rapport.

## Recording and identifying European frontier deaths

Stefanie Grant. In: European journal of migration and law Vol. 13, no. 2, 2011, p. 135-156. - Cote 325.3/303 (Br.)

Migrant deaths at EU maritime borders have more often been seen in the context of national border control, than in terms of migrant protection and human rights. The 2009 Stockholm Programme accepted the need for action to avoid tragedies at sea, and to 'record' and 'identify' migrants trying to reach the EU. But it did not specify how this should be done. There are parallels between these migrant deaths, and deaths which occur in conflict and humanitarian disaster. The principles of human rights and humanitarian law which apply in these situations should be developed to create legal and policy frameworks for use in the case of migrants who are missing or who die on EU sea frontiers. The purpose would be to enable evidence of identity to be preserved, to protect the rights of families to know the fate of their relatives, and to create common national and international procedures.

## La responsabilité des entreprises multinationales pour violation du droit international humanitaire

Régis Bismuth. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - p. 129-143. - In: Les menaces contre la paix et la sécurité internationales : aspects actuels. - Cote 345.2/869

Compte tenu de la conduite croissante d'activités économiques dans des zones de conflits armés, la responsabilité des entreprises multinationales pour violation du droit international humanitaire est une question d'importance majeure. Alors que l'attention s'est davantage focalisée sur la responsabilité pénale individuelle, il se développe plusieurs mécanismes rendant possible ou envisageable la responsabilité des personnes morales pour de telles violations. Ce rapport vise à montrer qu'en dépit de l'absence de mécanismes de mise en œuvre à l'encontre de ces entités au niveau international, il se développe, d'une façon certes encore timide, une responsabilité sociale des entreprises aux échelons nationaux. Ces mécanismes souffrent toutefois de plusieurs lacunes qu'il conviendra de mettre en perspective.

## Rethinking the law of armed conflict in an age of terrorism

Christopher A. Ford and Amichai Cohen. - Lanham [etc.] : Lexington Books, 2012. - XXX, 325 p. : ill. ; 23 cm. - Cote 345.26/213

This book brings together a range of interdisciplinary experts to examine the problematic encounter between international law and challenges presented by conflicts between developed states and non-state actors, such as international terrorist groups. Through examinations of the counter-terrorist experiences of the United States, Israel, and Colombia—coupled with legal and historical analyses of trends in international humanitarian law—the authors place post-9/11 practice in the context of the international legal community's broader struggle over the substantive content of international rules constraining state behavior in irregular wars and explore trends in the development of these rules. From the beginning of international efforts to rewrite the laws of armed conflict in the 1970s, the legal rules to govern irregular conflicts of the "state-on-nonstate" variety have been contested terrain. Particularly in the wake of the 9/11 attacks, policymakers, lawyers, and scholars have debated the merits, relevance, and applicability of what are said to be competing "war" and "law enforcement" paradigms of legal constraint—and even the degree to which international law can be said to apply to counter-terrorist conflicts at all. Ford & Cohen's volume puts such debates in historical and analytical context, and offers readers an insight into where the law has been headed in the fraught years since September 2001. The contributors provide the reader with differing perspectives upon these questions, but together their analyses make clear that law-governed restraint remains a cardinal value in counter-terrorist war, even as the law stands revealed as being much more contested and indeterminate than many accounts would have it.

## Revitalizing the antique war crime of pillage : the potential and pitfalls of using international criminal law to address illegal resource exploitation during armed conflict

Larissa van den Herik and Daniëlla Dam-De Jong. In: Criminal law forum Vol. 22, no. 3, September 2011, p. 237-273. - Cote 363.7/110 (Br.)

This article explores the potential of international criminal law in addressing the problem of illegal exploitation of natural resources in conflict areas, with a specific focus on the war crime of pillage and the prospective role of the International Criminal Court. It discusses whether the war crime of pillage can adequately capture the phenomenon of illegal exploitation of natural resources during armed conflict, or whether alternative tools or crime definitions might be more useful to address this negative phenomenon. The article examines the practice of international courts in relation to pillage charges and explores their role in prosecuting the illegal exploitation of natural resources. It concludes with some thoughts on whether the revival of the crime of pillage should be perceived as the panacea to the problem of "resource conflicts" or whether it is rather an empty shell.

## The right to education for children in emergencies

Allison Anderson, Jennifer Hofmann and Peter Hyll-Larsen. In: Journal of international humanitarian legal studies Vol. 2 (2011), p. 84-126

This paper presents the key international legal instrument relevant for education, their use and links with policy frameworks and tools being developed by the humanitarian community to address education rights of children in conflict and emergencies. It describes the current thinking around the right to education in emergencies and why education is a central right to uphold from the onset of a crisis. It gives a brief

introduction to how education can meet the international legal standards, as well as the international policy frameworks, such as the Millennium Development Goals and Education for All. A continuous case study focuses on Cote d'Ivoire and how the right to education fared in the conflict of that country between 2000 and 2010. The paper looks at issues of enforceability and applicability of the right to education in emergencies, highlighting challenges and mechanisms at national, regional and international levels. The role of the InterAgency Network for Education in Emergencies' (INEE) Minimum Standards for Education as well as the Inter-Agency Standing Committee's (IASC) Education Cluster is discussed, again with specific reference to Cote d'Ivoire, and the centrality of existing monitoring and reporting mechanisms for child rights violations are highlighted. Bringing together all of these elements in one place and making a strong case for the use of both humanitarian and human rights law in securing the right to education in emergencies is what this article brings to the discussion, arguing that the Convention of the Rights of the Child must be seen as the most central instrument.

ICRC headquarters only: <http://www.ingentaconnect.com/content/mnp/jhls/2011/00000002/00000001/art00004>

## **The role of the Swiss armed forces in the protection of cultural property**

Stephan Zellmeyer. - Woodbridge (Royaume-Uni) : Rochester (Etats-Unis) : Boydell, 2010. - p. 159-166. - In: Archeology, cultural property and the military. - Cote 363.8/68

Cultural property has increasingly become the target of choice in civil and ethnic conflicts, a development which the Swiss Peace Corps has seen for itself during its mission in Kosovo. In security circles, there is a growing concern that cultural property could be a potentially attractive target also for terrorist groups. This chapter presents the protection of cultural property model adopted by the Swiss armed forces and the changes it already has undergone and conjectures on the further changes that may be required in the future.

## **Short considerations on the international criminal liability in the context of armed conflict in the contemporary period**

Valentin Stelian Badescu. In: Studii de drept romanesc = Romanian law studies review Year 23 (56), no. 2, April-June 2011, p. 187-202. - Cote 344/266 (Br.)

This article addresses issues of international criminal responsibility from a dual perspective, an analysis regarding international criminal responsibility for infringements of international humanitarian law and another on liability for environmental damage in case of armed conflict.

ICRC headquarters only: <https://ext.icrc.org/library/docs/ArticlesPDF/32772.pdf>

## **Should child soldiers be punished for war crimes ? : inspired by the case of Omar Khadr**

Victor Roman. - Saarbrücken : Lap Lambert Academic, 2011. - 69 p. ; 22 cm. - Cote 362.7/354

This paper takes a theoretical approach to examining the justification for punishing child soldiers for war crimes. The author uses a wide range of academic literature from the field of Politics, Philosophy, Sociology, Media, Law and Psychology to explain this very complex issue surrounding child soldiers. The author is inspired by Omar Khadr's case, a young soldier who has been detained since he was at the age of 15, November 2002, in Guantanamo Bay and tried for alleged war crimes. The paper analyses this apparent breach of international law through an ethical lens with the hope that it can find a real justification for punishing child soldiers who commit atrocities. The author goes through controversial issues such as childhood being a social construct and children being rational moral agents, the diffusion of combatant's responsibility for war crimes and the moral justification of punishment. The aim of this paper is to launch an in-depth debate on a topic which might have been considered straightforward, but as the author proves, it deserves the full attention of scholars in the field of Political Science and Law.

## **Silent enim leges inter arma, but beware of background noises : domestic courts as agents of development of the laws of armed conflict**

Yaël Ronen. - Jerusalem : International Law Forum of the Hebrew University of Jerusalem Law Faculty, October 2011. - 30 p. ; 21 cm. - Cote 345.22/194 (Br.)

Attempts to bring issues related to the laws of armed conflict before domestic courts encounter numerous procedural and substantive obstacles. As a result, there is almost no domestic jurisprudence dealing directly with the law on the conduct of hostilities as a matter of state responsibility. Domestic courts have

nonetheless contributed to the development of this law through decisions concerning international criminal law and the law of occupation (and through it, international human rights law). Since each of these spheres of the laws of armed conflict is characterized by different fundamental principles, the limits of reliance on this jurisprudence in developing the law on the conduct of hostilities must be acknowledged, lest the latter be reshaped in a manner which is inconsistent with its basic tenets.

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1953172](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1953172)

## Les sociétés militaires et de sécurité privées

Florence Parodi. - [Paris] : Institut de recherche en droit international et européen de la Sorbonne, [2010]. - p. 145-161. - In: Les menaces contre la paix et la sécurité internationales : aspects actuels. - Cote 345.2/869

Depuis les années 1990, les sociétés militaires et de sécurité privées se sont imposées à beaucoup de professionnels qui ont vocation à évoluer sur le théâtre d'hostilités. Outre les Etats et leurs armées, les organisations internationales, les organisations non gouvernementales, mais aussi les entreprises, ont eu l'occasion de côtoyer ces nouveaux acteurs, voire de travailler avec eux. Il importe donc dans ce rapport de préciser le statut de ces sociétés au regard de certaines règles de droit international. Il s'agit de souligner à partir des réponses réunies sur la base d'un questionnaire adressé à différents professionnels les difficultés à faire rentrer ces nouveaux acteurs dans un cadre juridique suffisamment effectif au regard de la particularité de leur activité, et voir dans quelle mesure certaines de ces difficultés peuvent être dépassées. L'objectif de ce rapport est en effet de fournir à travers des recommandations certains outils pour appréhender au mieux les sociétés militaires et de sécurité privées d'un point de vue juridique.

## Targeted killings : law and morality in an asymmetrical world

ed. by Claire Finkelstein, Jens David Ohlin, Andrew Altman. - Oxford [etc.] : Oxford University Press, 2012. - XX, 496 p. : diagr. ; 25 cm. - Cote 345.25/248

The questions raised by targeted killing are not going away any time soon : they are at once timely and enduring. This volume is the first appearance in print of a collection that brings together scholars from across disciplines for a sustained and reasoned discussion of these questions. In this introduction are provided material intended to orient readers, coming as they will from a broad range of academic and non-academic backgrounds. Section I explains what is meant by "asymmetric" armed conflict and how terrorism is connected to such conflict. Section II examines the term, "terrorism", sketching and defending a concept of terrorism that informs the various contributions to this volume. Section III describes the two main approaches to assessing the legality and morality of targeted killing : the law-enforcement and the armed-conflict models. Section IV summarizes each subsequent chapter, drawing contrasts and remarking on similarities among them, and Section V offers some brief concluding thoughts.

## Toward an adaptive international humanitarian law : new norms for new battlefields

William C. Banks. - New York : Columbia University Press, 2011. - p. 1-20. - In: New battlefields, old laws : critical debates on asymmetric warfare. - Cote 345.2/871

Introduction qui résume le contenu des différents chapitres du volume.

## Les TPI et le droit international humanitaire : la responsabilité du commandement

Stéphane Bourgon. - Paris : Choiseul, 2011. - p. 171-184. - In: Les conflits et le droit. - Cote 345.2/864

S'il est souhaitable qu'un commandant qui a manqué à son devoir de contrôle et à son obligation de supervision puisse être tenu pénalement responsable de violations commises par un subordonné, il doit y avoir un mécanisme objectif - connu et appliqué uniformément - qui permet d'évaluer la responsabilité des commandants militaires. Il faut éviter que ces derniers ne deviennent les boucs émissaires de toutes les violations commises par les membres des forces armées en opérations. C'est pourquoi les tribunaux pénaux internationaux ont consacré beaucoup de temps, d'énergie et de ressources à comprendre, baliser et appliquer la doctrine de la responsabilité du commandement de façon juste et équitable au cours des dernières années. C'est justement de ces efforts et de la jurisprudence relative des tribunaux internationaux dont il est question dans ce chapitre.

## Two sides of the combatant coin : untangling direct participation in hostilities from belligerent status in non-international armed conflicts

Geoffrey Corn and Chris Jenks. In: University of Pennsylvania Journal of International Law Vol. 33, no. 2, Winter 2011, p. 313-362. - Cote 345.29/165 (Br.)

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

[http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/CornJenks33U.Pa.J.Int'IL.313\(2011\).pdf](http://www.law.upenn.edu/journals/jil/articles/volume33/issue2/CornJenks33U.Pa.J.Int'IL.313(2011).pdf)

## The use of combat drones in current conflicts : a legal issue or a political problem ?

Sebastian Wuschka. In: Goettingen Journal of International Law Vol. 3, no. 3, 2011, p. 891-905. - Cote 341.67/700 (Br.)

The regulation of the employment of combat drones in current conflicts is a central issue of recent discussions in international law. Contrary to misinterpretations in the media, this article claims that the legal framework regarding today's drone systems is settled. The author first provides an assessment of unmanned combat drones as a new technology from the perspective of international humanitarian law. He then proceeds to the vital point of the legality of targeted killings with remotely operated drones. Further, he discusses the preconditions for applicability of humanitarian law and human rights law to such operations. In conclusion, the author holds the view that the legal evaluation of drone killings depends on the execution of each specific strike. Assuming that targeted killings with drones will generally only be legal under the law of armed conflict, States might be further tempted to label their struggle against terrorism as 'war'.

<http://gojil.uni-goettingen.de/ojs/index.php/gojil/article/download/224/pdf-wuschka>

## War crimes and international criminal law

Willem-Jan van der Wolf [ed.]. - The Hague : International courts association, 2011. - XX, 641 p. ; 23 cm. - Cote 344/568

The International Criminal Law Series published by the International Courts Association (ICA) aims at the providing of summarised and practical guides on all aspects of International Criminal Law. This volume contains: History. - Definition of war crimes. - Jurisdiction. - Prosecution of war crimes. - War crimes in international armed conflict. - War crimes in non-international armed conflict. - War crimes jurisprudence of the International Tribunal for the Former Yugoslavia. - War crimes jurisprudence of the International Criminal Tribunal for Rwanda.

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