

# BIBLIOGRAPHY

## 3rd 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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# 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 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. An additional countries/region category has also been added for a regional approach. 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 or scans (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 each bibliography issue directly by e-mail, requests can be sent to [library@icrc.org](mailto:library@icrc.org) with the subject “IHL Bibliography subscription”.

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

# I. General issues

(General catch-all category, Customary Law)

## L'articulation entre le droit international humanitaire coutumier et conventionnel

par Paul Tavernier. - Bruxelles : Bruylant, 2012. - p. 87-113. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> si[è]cle. - Cote 345.2/892

## Droit international humanitaire coutumier : bilan de l'étude du CICR

par Jean-Marie Henckaerts. - Bruxelles : Bruylant, 2012. - p. 27-47. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> si[è]cle. - Cote 345.2/892

## Le droit international humanitaire face aux défis du XXI<sup>e</sup> si[è]cle

sous la dir. de Abdelwahab Biad et Paul Tavernier. - Bruxelles : Bruylant, 2012. - 325 p. - Cote 345.2/892

## Exploring humanitarian law : education modules for young people

ICRC. - Geneva : ICRC, April 2012. - Cote 345.2/790 (2012 ENG Br.)  
<http://www.cid.icrc.org/library/docs/DOC/icrc-002-0934.pdf>

## Explorons le droit humanitaire : modules d'éducation pour les jeunes

CICR. - Genève : CICR, avril 2012. - Cote 345.2/790 (2012 FRE Br.)  
<http://www.cid.icrc.org/library/docs/DOC/ICRC-001-0934.pdf>

## The fog of war reform : change and structure in the law of armed conflict after September 11

Peter Margulies. In: Marquette law review Vol. 95, issue 4, Summer 2012, p. 1417-1489. - Cote 345.2/877 (Br.)  
<http://ssrn.com/abstract=1921446>

## Humanitarian and security law : a compendium of international and european instruments

Jan Wouters and Philip De Man. - Cambridge [etc] : Intersentia, 2012. - 998 p. - Cote 345.2/895

## Jus post bellum : vieille antienne ou nouvelle branche du droit ? : sur le mythe de l'origine vénérable du jus post bellum

par Gregory Lewkowicz. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht Vol. 44, 2011-1/2, p. 11-25

## Just war, just peace and the jus post bellum

Inger Österdahl. In: Nordic journal of international law Vol. 81, no. 3, 2012, p. 271-293. - Cote 345/610 (Br.)

## The law of armed conflict and international human rights law : some paradigmatic differences and operational implications

Rob McLaughlin. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 213-243 34405. - Cote

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000079](http://journals.cambridge.org/abstract_S1389135911000079)

### **Participation of armed groups in the development of the law applicable to armed conflicts**

Sophie Rondeau. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 649-672

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-rondeau.pdf>

### **The principle of humanity under international humanitarian law in the "is/ought" dichotomy**

Yutaka Arai-Takahashi. In: Japanese yearbook of international law Vol. 54 (2011), p. 333-364. - Cote 345.2/896 (Br.)

### **Les trois livres sur le droit de la guerre**

Alberico Gentili ; trad., introduction et notes de Dominique Gaurier. - Limoges : Pulim, 2012. - 659 p. + 1 CD-ROM. - Cote 345.2/893

## **II. Types of conflicts**

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

### **Adjudicating armed conflict in domestic courts : the experience of Israel's Supreme Court**

Galit Ragan. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 61-95

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000031](http://journals.cambridge.org/abstract_S1389135911000031)

### **Classification of cyber conflict**

Michael Schmitt. In: Journal of conflict and security law Vol. 17, no. 2, Summer 2012, p. 245-260

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2/245.full.pdf+html>

### **The contemporary law of blockade and the Gaza Freedom Flotilla**

Andrew Sanger. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 397-446

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000158](http://journals.cambridge.org/abstract_S1389135911000158)

### **Counter-insurgency operations in Afghanistan : what about the "jus ad bellum" and the "jus in bello" : is the law still accurate ?**

Chris De Cock. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 97-132

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000043](http://journals.cambridge.org/abstract_S1389135911000043)

### **[Cyber war and international law]**

Mary Ellen O'Connell... [et al.]. In: Journal of conflict and security law Vol. 17, no. 2, Summer 2012, p. 183-297

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2.toc>

### **Cyber warfare and the notion of direct participation in hostilities**

David Turns. In: Journal of conflict and security law Vol. 17, no. 2, Summer 2012, p. 279-297

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2/279.full.pdf>

### **Laws of war and 21st century conflict**

E.L. Gaston, editor. - New York [etc.] : International Debate Education Association, 2012. - 226 p. ; 23 cm. - Cote 345.2/894

**The Palmer report and the legality of Israel's naval blockade of Gaza**

Russel Buchan. In: International and comparative law quarterly Vol. 61, part 1, January 2012, p.264-273

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S0020589311000650](http://journals.cambridge.org/abstract_S0020589311000650)

**The principle of distinction and cyber war in international armed conflicts**

Yoram Dinstein. In: Journal of conflict and security law Vol. 17, no. 2, Summer 2012, p. 261-277

Full text : only from ICRC headquarters: <http://jcs.oxfordjournals.org/content/17/2/261.full.pdf+html>

**Responsabilité de protéger et guerres "humanitaires" : le cas de la Libye**

sous la dir. de Nils Andersson et Daniel Lagot. - Paris : L'Harmattan, 2012. - 155 p. - Cote 345.25/263

**Rule selection in the case of Israel's naval blockade of Gaza : law of naval warfare or law of the sea ?**

James Kraska. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 367-395

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000146](http://journals.cambridge.org/abstract_S1389135911000146)

**Square pegs and round holes : Mexico, drugs, and international law**

Craig A. Bloom. In: Houston journal of international law Vol. 34, no. 2, 2012, p. 345-414. - Cote 345.27/70 (Br.)

**"War" in the jurisprudence of the Inter-American Court of Human Rights**

Laurence Burgogue-Larsen and Amaya Úbeda de Torres. In: Human rights quarterly : a comparative and international journal of the social sciences, humanities, and law Vol. 33, no. 1, February 2011, p. 148-174

[http://muse.jhu.edu/journals/human\\_rights\\_quarterly/v033/33.1.burgogue-larsen.pdf](http://muse.jhu.edu/journals/human_rights_quarterly/v033/33.1.burgogue-larsen.pdf)

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

(Combatant status, compliance with IHL, etc.)

**Closing the gap : symbolic reparations and armed groups**

Ron Dudai. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 783-808

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-dudai.pdf>

**Monitoring armed non-state actor compliance with humanitarian norms : a look at international mechanisms and the Geneva Call Deed of Commitment**

Pascal Bongard and Jonathan Somer. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 673-706

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-bongard-somer.pdf>

**Participation of armed groups in the development of the law applicable to armed conflicts**

Sophie Rondeau. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 649-672

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-rondeau.pdf>

**La problématique de l'adversaire irrégulier**

par Pierre Ferran. - Bruxelles : Bruylant, 2012. - p. 259-266. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle. - Cote 345.2/892

### **Protecting the silent victim form irregular actors : improving non-state compliance with the international law of environmental protection in armed conflict**

Catriona L. MacKay, Donald K. Anton. In: ANU college of law research paper No. 12-18, 2012, [52] p.. - Cote 363.7/119 (Br.)

### **Règles d'engagement : protéger les civils à travers un dialogue avec les acteurs armés non étatiques**

Académie de droit international humanitaire et de droits humains à Genève. - Genève : Académie de droit international humanitaire et de droits humains, 2011. - 98 p. - Cote 345.29/175 (FRE)

<http://www.adh-geneve.ch/docs/publications/Policy%20studies/R%C3%A8gles%20d%27engagement.pdf>

### **Rules of engagement : protecting civilians through dialogue with armed non-state actors**

Geneva Academy of International Humanitarian Law and Human Rights. - Geneva : Academy of International Humanitarian Law and Human Rights, 2011. - 88 p. - Cote 345.29/175 (ENG)

<http://www.adh-geneva.ch/docs/publications/Policy%20studies/Rules%20of%20Engagement.pdf>

### **Taking prisoners : reviewing the international humanitarian law grounds for deprivation of liberty by armed opposition groups**

Deborah Casalin. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 743-757

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-casalin.pdf>

### **The US Department of Defense law of war manual : an update**

Stephanie Carvin. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 353-363

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000134](http://journals.cambridge.org/abstract_S1389135911000134)

## **IV. Multinational forces**

### **Forces des Nations Unies et respect du droit international humanitaire : de l'importance de la notion de participation aux hostilités**

par Philippe Lagrange. - Bruxelles : Bruylant, 2012. - p. 291-311. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle. - Cote 345.2/892

### **International legal protection of human rights in armed conflict**

United Nations, Office of the High Commissioner for Human Rights. - New York ; Geneva : United Nations, 2011. - 119 p. - Cote 345.1/601

[http://www.ohchr.org/Documents/Publications/HR\\_in\\_armed\\_conflict.pdf](http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf)

## **V. Private actors**

### **Le droit international humanitaire, à la merci des entreprises militaires et de sécurité privées ?**

Marie-Ève Lapointe. In: Revue québécoise de droit international Vol. 24.1, 2011, p. 69-104. - Cote 345.29/173 (Br.)

[http://www.sqdi.org/images/volumes/24-1\\_3\\_Lapointe.pdf](http://www.sqdi.org/images/volumes/24-1_3_Lapointe.pdf)

## VI. Protection of persons

### Child soldiers : a reference handbook

David M. Rosen. - Santa Barbara [etc.] : ABC-Clio, 2012. - 323 p. - Cote 362.7/363

### Le droit international humanitaire protège-t-il assez la dignité des femmes ? : l'exemple du conflit israélo-palestinien

Katy Sakina Frattina. In: Revue canadienne droit et société Vol. 26, no 1, 2011, p. 51-67. - Cote 362.8/87 (Br.)

### Enhancing civilian protection from use of explosive weapons in populated areas : building a policy and research agenda

John Borrie and Maya Brehm. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 809-836

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-borrie-brehm.pdf>

### International humanitarian law and bombing campaigns : legitimate military objectives and excessive collateral damage

Christine Byron. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 175-211

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000067](http://journals.cambridge.org/abstract_S1389135911000067)

### International legal protection of human rights in armed conflict

United Nations, Office of the High Commissioner for Human Rights. - New York ; Geneva : United Nations, 2011. - 119 p. - Cote 345.1/601

[http://www.ohchr.org/Documents/Publications/HR\\_in\\_armed\\_conflict.pdf](http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf)

### The international protection of journalists in times of armed conflict and the campaign for a press emblem

Emily Crawford. - Sydney : The University of Sydney, August 2012. - [30] p. - Cote 070/35 (Br.)

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2139153](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2139153)

### The legality of using drones to unilaterally monitor atrocity crimes

Diana E. Schaffner. In: Fordham international law journal Vol. 35, issue 4, May 2012, p. 1121-1163. - Cote 345/611 (Br.)

### Les personnels humanitaires

par Arnaud de Raulin. - Bruxelles : Bruylant, 2012. - p. 157-179. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle. - Cote 345.2/892

### Protecting the "helpers" : humanitarians and health care workers during times of armed conflict

Helen Durham and Phoebe Wynn-Pope. In: Yearbook of international humanitarian law Vol. 14, 2011, p. 327-345

Full text : only from ICRC headquarters:

<http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=8660843&fulltextType=RA&fileId=S1389135912000104>

### La protection de l'enfance dans les conflits armés : perspectives de mise en oeuvre des normes du droit international humanitaire et du droit international des droits de l'homme

par Antoine Meyer. - Bruxelles : Bruylant, 2012. - p. 219-243. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle. - Cote 345.2/892

**Questions sur la guerre en Libye et le droit international humanitaire**

Daniel Lagot. - Paris : L'Harmattan, 2012. - p. 101-108. - In: Responsabilité de protéger et guerres "humanitaires" : le cas de la Libye. - Cote 345.25/263

**Relief workers : the hazards of offering humanitarian assistance in the theatre of war**

Shannon Bosch. In: South African yearbook of international law Vol. 35, 2010, p. 56-79. - Cote 361/578 (Br.)

**Responsabilité de protéger et guerres "humanitaires" : le cas de la Libye**

sous la dir. de Nils Andersson et Daniel Lagot. - Paris : L'Harmattan, 2012. - 155 p. - Cote 345.25/263

**Too rough a justice : the Ethiopia-Eritrea claims commission and international civil liability for claims for rape under international humanitarian law**

Ryan S. Lincoln. In: Tulane journal of international and comparative law Vol. 20, issue 2, Spring 2012, p. 385-419. - Cote 362.8/177 (Br.)

Full text : only from ICRC Headquarters:

<http://heinonline.org/HOL/Page?handle=hein.journals/tulicl20&collection=journals&index=journals/tulicl&id=393>

**Le viol et les autres crimes de violences sexuelles à l'encontre des femmes dans les conflits armés**

par Mélanie Dubuy. - Bruxelles : Bruylant, 2012. - p. 181-217. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle. - Cote 345.2/892

## VII. Protection of objects

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

**The art of armed conflicts : an analysis of the United States' legal requirements towards cultural property under the 1954 Hague Convention**

Elizabeth Varner. In: Creighton law review Vol. 44, 2011, p. 1185-1243. - Cote 363.8/30 (Br.)

**Le concept de "régime spécial" dans les rapports entre droit humanitaire et droit de l'environnement**

J. E. Viñuales. - Geneva : The Graduate Institute, Centre for International Environmental Studies, 2012. - 20 p. - Cote 363.7/121 (Br.)

[http://graduateinstitute.ch/webdav/site/cies/shared/publications/CIES\\_RP\\_12\\_VINUALES.pdf](http://graduateinstitute.ch/webdav/site/cies/shared/publications/CIES_RP_12_VINUALES.pdf)

**Protecting the silent victim form irregular actors : improving non-state compliance with the international law of environmental protection in armed conflict**

Catriona L. MacKay, Donald K. Anton. In: ANU college of law research paper No. 12-18, 2012, [52] p.. - Cote 363.7/119 (Br.)

**Le troisième protocole additionnel aux Conventions de Genève du 12 août 1949 et le Cristal Rouge**

par François Bugnion. - Bruxelles : Bruylant, 2012. - p. 49-86. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle. - Cote 345.2/892

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

### The European court of human rights' Al-Jedda judgment : the oversight of international humanitarian law

Jelena Pejic. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 837-851

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-pejic.pdf>

### Is there a right to detain civilians by foreign armed forces during a non-international armed conflict ?

Peter Rowe. In: International and comparative law quarterly Vol. 61, part 3, July 2012, p. 697-711

Full text : only from ICRC headquarters:

<http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=8670046&fulltextType=RA&fileId=So020589312000292>

### Taking prisoners : reviewing the international humanitarian law grounds for deprivation of liberty by armed opposition groups

Deborah Casalin. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 743-757

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-casalin.pdf>

### Le "terroriste" et le droit international humanitaire

par Philippe Ch.-A. Guillot. - Bruxelles : Bruylant, 2012. - p. 267-289. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle. - Cote 345.2/892

## IX. Law of occupation

### Adjudicating armed conflict in domestic courts : the experience of Israel's Supreme Court

Galit Ragan. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 61-95

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000031](http://journals.cambridge.org/abstract_S1389135911000031)

### The contemporary law of blockade and the Gaza Freedom Flotilla

Andrew Sanger. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 397-446

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000158](http://journals.cambridge.org/abstract_S1389135911000158)

### International humanitarian law and human rights law in peace operations as parts of a variable ius post bellum

by Frederik Naert. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht Vol. 44, 2011-1/2, p. 26-37

### International territorial administrations and post-conflict reforms : reflections on the need of a jus post bellum as a legal framework

by Eric De Brabandere. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht Vol. 44, 2011-1/2, p. 69-90

**Le jus post bellum remet-il en cause les règles traditionnelles du jus contra bellum ?**

par Olivier Corten. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht Vol. 44, 2011-1/2, p. 38-68

**Occupation and other forms of administration of foreign territory : expert meeting : report**

prepared and ed. by Tristan Ferraro. - Geneva : ICRC, April 2012. - 147 p. - Cote 345.28/91

<http://www.cid.icrc.org/library/docs/DOC/icrc-002-4094.pdf>

**Rule selection in the case of Israel's naval blockade of Gaza : law of naval warfare or law of the sea ?**

James Kraska. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 367-395

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000146](http://journals.cambridge.org/abstract_S1389135911000146)

**Unlawful presence of protected persons in occupied territory ? : an analysis of Israel's permit regime and expulsions from the West Bank under the law of occupation**

Alon Margalit and Sarah Hibbin. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 245-282

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000080](http://journals.cambridge.org/abstract_S1389135911000080)

## X. Conduct of hostilities

(Distinction, proportionality, precautions, prohibited methods)

**Civilian intelligence agencies and the use of armed drones**

Ian Henderson. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 133-173

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000055](http://journals.cambridge.org/abstract_S1389135911000055)

**Counter-insurgency operations in Afghanistan : what about the "jus ad bellum" and the "jus in bello" : is the law still accurate ?**

Chris De Cock. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 97-132

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000043](http://journals.cambridge.org/abstract_S1389135911000043)

**Cyber warfare and the notion of direct participation in hostilities**

David Turns. In: Journal of conflict and security law Vol. 17, no. 2, Summer 2012, p. 279-297

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2/279.full.pdf+html>

**Drone attacks under the jus ad bellum and jus in bello : clearing the "fog of law"**

Michael N. Schmitt. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 311-326

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000109](http://journals.cambridge.org/abstract_S1389135911000109)

**International humanitarian law and bombing campaigns : legitimate military objectives and excessive collateral damage**

Christine Byron. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 175-211

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000067](http://journals.cambridge.org/abstract_S1389135911000067)

**Laws of war and 21st century conflict**

E.L. Gaston, editor. - New York [etc.] : International Debate Education Association, 2012. - 226 p. - Cote 345.2/894

**Notion de participation directe aux hostilités : interprétation du Comité international de la Croix-Rouge**

par Stéphane Ojeda. - Bruxelles : Bruylant, 2012. - p. 247-257. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> si[è]cle. - Cote 345.2/892

**The principle of distinction and cyber war in international armed conflicts**

Yoram Dinstein. In: Journal of conflict and security law Vol. 17, no. 2, Summer 2012, p. 261-277

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2/261.full.pdf>

**Questions sur la guerre en Libye et le droit international humanitaire**

Daniel Lagot. - Paris : L'Harmattan, 2012. - p. 101-108. - In: Responsabilité de protéger et guerres "humanitaires" : le cas de la Libye. - Cote 345.25/263

**Regulatory approaches to unmanned naval systems in international law of peace and war**

Robert Frau. In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict Vol. 25, 2/2012, p. 84-91

**Relief workers : the hazards of offering humanitarian assistance in the theatre of war**

Shannon Bosch. In: South African yearbook of international law Vol. 35, 2010, p. 56-79. - Cote 361/578 (Br.)

**Rule selection in the case of Israel's naval blockade of Gaza : law of naval warfare or law of the sea ?**

James Kraska. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 367-395

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000146](http://journals.cambridge.org/abstract_S1389135911000146)

**Targeting, command judgment, and a proposed quantum of information component : a fourth amendment lesson in contextual reasonableness**

Geoffrey S. Corn. In: Brooklyn law review Vol. 77, issue 2, Winter 2012, p. 437-498. - Cote 345.25/183 (Br.)

**Who may be killed ? : Anwar al-Awlaki as a case study in the international legal regulation of lethal force**

Robert Chesney. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 3-60

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S138913591100002X](http://journals.cambridge.org/abstract_S138913591100002X)

## XI. Weapons

**Drone attacks under the jus ad bellum and jus in bello : clearing the "fog of law"**

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Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000109](http://journals.cambridge.org/abstract_S1389135911000109)

### **Enhancing civilian protection from use of explosive weapons in populated areas : building a policy and research agenda**

John Borrie and Maya Brehm. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 809-836

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-borrie-brehm.pdf>

### **Poison, gas and expanding bullets : the extension of the list of prohibited weapons at the Review Conference of the International Criminal Court in Kampala**

Robin Geiss. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 337-352

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000122](http://journals.cambridge.org/abstract_S1389135911000122)

### **Prohibited weapons and the means and methods of warfare in the Rome Statute**

Hennie Strydom. In: South African yearbook of international law Vol. 35, 2010, p. 97-110. - Cote 341.67/709 (Br.)

### **Small arms and light weapons : the current regime is insufficient and ineffective : what do we need ?**

Thyla Fontein. In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict Vol. 25, 2/2012, p. 92-102

## **XII. Implementation**

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

### **Adjudicating armed conflict in domestic courts : the experience of Israel's Supreme Court**

Galit Ragan. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 61-95

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000031](http://journals.cambridge.org/abstract_S1389135911000031)

### **Closing the gap : symbolic reparations and armed groups**

Ron Dudai. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 783-808

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-dudai.pdf>

### **Domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side**

Ivana Vuco. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 327-336

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000110](http://journals.cambridge.org/abstract_S1389135911000110)

### **Le droit des droits de l'homme et le droit humanitaire dans les concepts professionnels des forces de maintien de l'ordre : [points essentiels du manuel Servir et protéger]**

Comité international de la Croix-Rouge. - Genève : CICR, janvier 2012. - 35 p. - Cote 345.2/689-1 (2012 FRE)

<http://www.cid.icrc.org/library/docs/DOC/ICRC-001-0809-2012.pdf>

### **The European court of human rights' Al-Jedda judgment : the oversight of international humanitarian law**

Jelena Pejic. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 837-851

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-pejic.pdf>

**Harmonising the individual protection regime : some reflections on the relationship between human rights and international humanitarian law in the light of the right to life**

Vera Gowlland-Debbas. - Leiden ; Boston : M. Nijhoff, 2009. - p. 399-418. - In: The diversity of international law : essays in honour of professor Kalliopi K. Koufa. - Cote 345.2/897 (Br.)

**Human rights and humanitarian law in professional policing concepts : [highlights from the book To serve and to protect]**

International Committee of the Red Cross. - Geneva : ICRC, January 2012. - 35 p. - Cote 345.2/689-1 (2012 ENG)  
<http://www.cid.icrc.org/library/docs/DOC/icrc-002-0809-2012.pdf>

**Humanitarian engagement under counter-terrorism : a conflict of norms and the emerging policy landscape**

Naz K. Modirzadeh, Dustin A. Lewis and Claude Bruderlein. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 623-647  
<http://www.cid.icrc.org/library/docs/DOC/irrc-883-modirzadeh-lewis-bruderlein.pdf>

**The legality of using drones to unilaterally monitor atrocity crimes**

Diana E. Schaffner. In: Fordham international law journal Vol. 35, issue 4, May 2012, p. 1121-1163. - Cote 345/611 (Br.)

**Les limites du droit international pénal et de la justice pénale internationale dans la mise en oeuvre du droit international humanitaire**

par Marco Sassòli et Julia Grignon. - Bruxelles : Bruylant, 2012. - p. 133-154. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle. - Cote 345.2/892

**Monitoring armed non-state actor compliance with humanitarian norms : a look at international mechanisms and the Geneva Call Deed of Commitment**

Pascal Bongard and Jonathan Somer. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 673-706  
<http://www.cid.icrc.org/library/docs/DOC/irrc-883-bongard-somer.pdf>

**The US Department of Defense law of war manual : an update**

Stephanie Carvin. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 353-363  
 Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000134](http://journals.cambridge.org/abstract_S1389135911000134)

**"War" in the jurisprudence of the Inter-American Court of Human Rights**

Laurence Burgorgue-Larsen and Amaya Úbeda de Torres. In: Human rights quarterly : a comparative and international journal of the social sciences, humanities, and law Vol. 33, no. 1, February 2011, p. 148-174  
[http://muse.jhu.edu/journals/human\\_rights\\_quarterly/v033/33.1.burgorgue-larsen.pdf](http://muse.jhu.edu/journals/human_rights_quarterly/v033/33.1.burgorgue-larsen.pdf)

**What's new in law and case law across the world : biannual update on national legislation and case law : January-June 2011**

[ICRC]. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 853-872  
<http://www.cid.icrc.org/library/docs/DOC/irrc-883-reports-documents.pdf>

**Who may be killed ? : Anwar al-Awlaki as a case study in the international legal regulation of lethal force**

Robert Chesney. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 3-60  
 Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S138913591100002X](http://journals.cambridge.org/abstract_S138913591100002X)

## XIII. International Human Rights Law

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

### **L'application extraterritoriale de la convention européenne des droits de l'homme en Irak : Cour européenne des droits de l'homme, arrêt Al-Skeini e.a. et Al-Jedda c. Royaume Uni, 7 juillet 2011**

par Ioannis K. Panoussis. In: Revue trimestrielle des droits de l'homme 23<sup>ème</sup> année, no 91, juillet 2012, p. 647-670. - Cote 345.1/353 (Br.)

### **Le droit des droits de l'homme et le droit humanitaire dans les concepts professionnels des forces de maintien de l'ordre : [points essentiels du manuel Servir et protéger]**

Comité international de la Croix-Rouge. - Genève : CICR, janvier 2012. - 35 p. - Cote 345.2/689-1 (2012 FRE)

<http://www.cid.icrc.org/library/docs/DOC/ICRC-001-0809-2012.pdf>

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International Committee of the Red Cross. - Geneva : ICRC, January 2012. - 35 p. - Cote 345.2/689-1 (2012 ENG)

<http://www.cid.icrc.org/library/docs/DOC/icrc-002-0809-2012.pdf>

### **International humanitarian law and human rights law in peace operations as parts of a variable ius post bellum**

by Frederik Naert. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht Vol. 44, 2011-1/2, p. 26-37

### **International legal protection of human rights in armed conflict**

United Nations, Office of the High Commissioner for Human Rights. - New York ; Geneva : United Nations, 2011. - 119 p. - Cote 345.1/601

[http://www.ohchr.org/Documents/Publications/HR\\_in\\_armed\\_conflict.pdf](http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf)

### **The law of armed conflict and international human rights law : some paradigmatic differences and operational implications**

Rob McLaughlin. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 213-243

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000079](http://journals.cambridge.org/abstract_S1389135911000079)

### **"War" in the jurisprudence of the Inter-American Court of Human Rights**

Laurence Burgogue-Larsen and Amaya Úbeda de Torres. In: Human rights quarterly : a comparative and international journal of the social sciences, humanities, and law Vol. 33, no. 1, February 2011, p. 148-174

[http://muse.jhu.edu/journals/human\\_rights\\_quarterly/v033/33.1.burgogue-larsen.pdf](http://muse.jhu.edu/journals/human_rights_quarterly/v033/33.1.burgogue-larsen.pdf)

**Who may be killed ? : Anwar al-Awlaki as a case study in the international legal regulation of lethal force**

Robert Chesney. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 3-60

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S138913591100002X](http://journals.cambridge.org/abstract_S138913591100002X)

**XIV. International Criminal Law****Individual criminal responsibility in international law**

Elies van Sliedregt. - Oxford [etc.] : Oxford University Press, 2012. - 337 p. - Cote 344/579

**International criminal justice and jus post bellum : the challenge of ICC complementarity : a case-study of the situation in Uganda**

par Cedric Ryngaert et Lauren Gould. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht Vol. 44, 2011-1/2, p. 91-121

**Le juge combattant**

par Rafaëlle Maison. - Bruxelles : Bruylant, 2012. - p. 114-132. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> si[è]cle. - Cote 345.2/892

**Les limites du droit international pénal et de la justice pénale internationale dans la mise en oeuvre du droit international humanitaire**

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**Poison, gas and expanding bullets : the extension of the list of prohibited weapons at the Review Conference of the International Criminal Court in Kampala**

Robin Geiss. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 337-352

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000122](http://journals.cambridge.org/abstract_S1389135911000122)

**Prohibited weapons and the means and methods of warfare in the Rome Statute**

Hennie Strydom. In: South African yearbook of international law Vol. 35, 2010, p. 97-110. - Cote 341.67/709 (Br.)

**Too rough a justice : the Ethiopia-Eritrea claims commission and international civil liability for claims for rape under international humanitarian law**

Ryan S. Lincoln. In: Tulane journal of international and comparative law Vol. 20, issue 2, Spring 2012, p. 385-419. - Cote 362.8/177 (Br.)

Full text : only from ICRC Headquarters:

<http://heinonline.org/HOL/Page?handle=hein.journals/tulicl20&collection=journals&index=journals/tulicl&id=393>

**XV. Contemporary challenges**

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

**Civilian intelligence agencies and the use of armed drones**

Ian Henderson. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 133-173

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000055](http://journals.cambridge.org/abstract_S1389135911000055)

**Classification of cyber conflict**

Michael Schmitt. In: Journal of conflict and security law Vol. 17, no. 2, Summer 2012, p. 245-260

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2/245.full.pdf>

**[Cyber war and international law]**

Mary Ellen O'Connell... [et al.]. In: Journal of conflict and security law Vol. 17, no. 2, Summer 2012, p. 183-297

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2.toc>

**Cyber warfare and the notion of direct participation in hostilities**

David Turns. In: Journal of conflict and security law Vol. 17, no. 2, Summer 2012, p. 279-297

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2/279.full.pdf>

**Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle**

sous la dir. de Abdelwahab Biad et Paul Tavernier. - Bruxelles : Bruylant, 2012. - 325 p. - Cote 345.2/892

**Drone attacks under the jus ad bellum and jus in bello : clearing the "fog of law"**

Michael N. Schmitt. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 311-326

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000109](http://journals.cambridge.org/abstract_S1389135911000109)

**The fog of war reform : change and structure in the law of armed conflict after September 11**

Peter Margulies. In: Marquette law review Vol. 95, issue 4, Summer 2012, p. 1417-1489. - Cote 345.2/877 (Br.)

<http://ssrn.com/abstract=1921446>

**Humanitarian engagement under counter-terrorism : a conflict of norms and the emerging policy landscape**

Naz K. Modirzadeh, Dustin A. Lewis and Claude Bruderlein. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 623-647

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-modirzadeh-lewis-bruderlein.pdf>

**Laws of war and 21st century conflict**

E.L. Gaston, editor. - New York [etc.] : International Debate Education Association, 2012. - 226 p. - Cote 345.2/894

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Yoram Dinstein. In: Journal of conflict and security law Vol. 17, no. 2, Summer 2012, p. 261-277

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2/261.full.pdf>

**Questions sur la guerre en Libye et le droit international humanitaire**

Daniel Lagot. - Paris : L'Harmattan, 2012. - p. 101-108. - In: Responsabilité de protéger et guerres "humanitaires" : le cas de la Libye. - Cote 345.25/263

**Règles d'engagement : protéger les civils à travers un dialogue avec les acteurs armés non étatiques**

Académie de droit international humanitaire et de droits humains à Genève. - Genève : Académie de droit international humanitaire et de droits humains, 2011. - 98 p. - Cote 345.29/175 (FRE)

<http://www.adh-geneve.ch/docs/publications/Policy%20studies/R%C3%A8gles%20d%27engagement.pdf>

**Responsabilité de protéger et guerres "humanitaires" : le cas de la Libye**

sous la dir. de Nils Andersson et Daniel Lagot. - Paris : L'Harmattan, 2012. - 155 p.  
 . - Cote 345.25/263

**Rules of engagement : protecting civilians through dialogue with armed non-state actors**

Geneva Academy of International Humanitarian Law and Human Rights. -  
 Geneva : Academy of International Humanitarian Law and Human Rights, 2011. - 88  
 p. - Cote 345.29/175 (ENG)  
<http://www.adh-geneva.ch/docs/publications/Policy%20studies/Rules%20of%20Engagement.pdf>

**Square pegs and round holes : Mexico, drugs, and international law**

Craig A. Bloom. In: Houston journal of international law Vol. 34, no. 2, 2012, p. 345-  
 414. - Cote 345.27/70 (Br.)

**Le "terroriste" et le droit international humanitaire**

par Philippe Ch.-A. Guillot. - Bruxelles : Bruylant, 2012. - p. 267-289. - In: Le droit  
 international humanitaire face aux défis du XXI<sup>e</sup> si[è]cle. - Cote 345.2/892

**Who may be killed ? : Anwar al-Awlaki as a case study in the international legal regulation of lethal force**

Robert Chesney. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 3-  
 60

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S138913591100002X](http://journals.cambridge.org/abstract_S138913591100002X)

## XVI. Countries/Regions

### Afghanistan

**Counter-insurgency operations in Afghanistan : what about the "jus ad bellum" and the "jus in bello" : is the law still accurate ?**

Chris De Cock. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 97-  
 132

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000043](http://journals.cambridge.org/abstract_S1389135911000043)

**Is there a right to detain civilians by foreign armed forces during a non-international armed conflict ?**

Peter Rowe. In: International and comparative law quarterly Vol. 61, part 3, July  
 2012, p. 697-711

Full text : only from ICRC headquarters:  
<http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=8670046&fulltextType=RA&fileId=S0020589312000292>

**Le jus post bellum remet-il en cause les règles traditionnelles du jus contra bellum ?**

par Olivier Corten. In: Revue belge de droit international = Belgian review of  
 international law = Belgisch tijdschrift voor internationaal recht Vol. 44, 2011-1/2, p.  
 38-68

### Congo (Democratic Republic of)

**Child soldiers : a reference handbook**

David M. Rosen. - Santa Barbara [etc.] : ABC-Clio, 2012. - 323 p. - Cote 362.7/363

## **Etiopia – Eritrea**

### **Too rough a justice : the Ethiopia-Eritrea claims commission and international civil liability for claims for rape under international humanitarian law**

Ryan S. Lincoln. In: Tulane journal of international and comparative law Vol. 20, issue 2, Spring 2012, p. 385-419. - Cote 362.8/177 (Br.)

Full text : only from ICRC Headquarters:

<http://heinonline.org/HOL/Page?handle=hein.journals/tulicl20&collection=journals&index=journals/tulicl&id=393>

## **Irak**

### **L'application extraterritoriale de la convention européenne des droits de l'homme en Irak : Cour européenne des droits de l'homme, arrêt Al-Skeini e.a. et Al-Jedda c. Royaume Uni, 7 juillet 2011**

par Ioannis K. Panoussis. In: Revue trimestrielle des droits de l'homme 23<sup>ème</sup> année, no 91, juillet 2012, p. 647-670. - Cote 345.1/353 (Br.)

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par Olivier Corten. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht Vol. 44, 2011-1/2, p. 38-68

## **Ireland**

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<http://www.cid.icrc.org/library/docs/DOC/irrc-883-dudai.pdf>

## **Israel - Palestine**

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Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000031](http://journals.cambridge.org/abstract_S1389135911000031)

### **The contemporary law of blockade and the Gaza Freedom Flotilla**

Andrew Sanger. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 397-446

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000158](http://journals.cambridge.org/abstract_S1389135911000158)

### **Domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side**

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Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000110](http://journals.cambridge.org/abstract_S1389135911000110)

### **Le droit international humanitaire protège-t-il assez la dignité des femmes ? : l'exemple du conflit israélo-palestinien**

Katy Sakina Frattina. In: Revue canadienne droit et société Vol. 26, no 1, 2011, p. 51-67. - Cote 362.8/87 (Br.)

### **The Palmer report and the legality of Israel's naval blockade of Gaza**

Russel Buchan. In: International and comparative law quarterly Vol. 61, part 1, January 2012, p.264-273

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S0020589311000650](http://journals.cambridge.org/abstract_S0020589311000650)

### **Rule selection in the case of Israel's naval blockade of Gaza : law of naval warfare or law of the sea ?**

James Kraska. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 367-395

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000146](http://journals.cambridge.org/abstract_S1389135911000146)

### **Unlawful presence of protected persons in occupied territory ? : an analysis of Israel's permit regime and expulsions from the West Bank under the law of occupation**

Alon Margalit and Sarah Hibbin. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 245-282

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000080](http://journals.cambridge.org/abstract_S1389135911000080)

## **Kosovo**

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## **Libya**

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sous la dir. de Nils Andersson et Daniel Lagot. - Paris : L'Harmattan, 2012. - 155 p. ; 22 cm. - Cote 345.25/263

## **Mexico**

### **Square pegs and round holes : Mexico, drugs, and international law**

Craig A. Bloom. In: Houston journal of international law Vol. 34, no. 2, 2012, p. 345-414. - Cote 345.27/70 (Br.)

## **South Africa**

### **Closing the gap : symbolic reparations and armed groups**

Ron Dudai. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 783-808

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-dudai.pdf>

## **Sierra Leone**

### **Child soldiers : a reference handbook**

David M. Rosen. - Santa Barbara [etc.] : ABC-Clío, 2012. - 323 p. - Cote 362.7/363

## Uganda

### International criminal justice and jus post bellum : the challenge of ICC complementarity : a case-study of the situation in Uganda

par Cedric Ryngaert et Lauren Gould. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht Vol. 44, 2011-1/2, p. 91-121

### Child soldiers : a reference handbook

David M. Rosen. - Santa Barbara [etc.] : ABC-Clio, 2012. - 323 p. - Cote 362.7/363

## United Kingdom

### L'application extraterritoriale de la convention européenne des droits de l'homme en Irak : Cour européenne des droits de l'homme, arrêt Al-Skeini e.a. et Al-Jedda c. Royaume Uni, 7 juillet 2011

par Ioannis K. Panoussis. In: Revue trimestrielle des droits de l'homme 23ème année, no 91, juillet 2012, p. 647-670. - Cote 345.1/353 (Br.)

### The European court of human rights' Al-Jedda judgment : the oversight of international humanitarian law

Jelena Pejic. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 837-851

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-pejic.pdf>

## United States

### The art of armed conflicts : an analysis of the United States' legal requirements towards cultural property under the 1954 Hague Convention

Elizabeth Varner. In: Creighton law review Vol. 44, 2011, p. 1185-1243. - Cote 363.8/30 (Br.)

### Child soldiers : a reference handbook

David M. Rosen. - Santa Barbara [etc.] : ABC-Clio, 2012. - 323 p. - Cote 362.7/363

### Civilian intelligence agencies and the use of armed drones

Ian Henderson. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 133-173

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000055](http://journals.cambridge.org/abstract_S1389135911000055)

### Counter-insurgency operations in Afghanistan : what about the "jus ad bellum" and the "jus in bello" : is the law still accurate ?

Chris De Cock. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 97-132

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000043](http://journals.cambridge.org/abstract_S1389135911000043)

### Drone attacks under the jus ad bellum and jus in bello : clearing the "fog of law"

Michael N. Schmitt. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 311-326

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000109](http://journals.cambridge.org/abstract_S1389135911000109)

### The fog of war reform : change and structure in the law of armed conflict after September 11

Peter Margulies. In: Marquette law review Vol. 95, issue 4, Summer 2012, p. 1417-1489. - Cote 345.2/877 (Br.)

<http://ssrn.com/abstract=1921446>

### **Humanitarian engagement under counter-terrorism : a conflict of norms and the emerging policy landscape**

Naz K. Modirzadeh, Dustin A. Lewis and Claude Bruderlein. In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 623-647  
<http://www.cid.icrc.org/library/docs/DOC/irrc-883-modirzadeh-lewis-bruderlein.pdf>

### **Targeting, command judgment, and a proposed quantum of information component : a fourth amendment lesson in contextual reasonableness**

Geoffrey S. Corn. In: Brooklyn law review Vol. 77, issue 2, Winter 2012, p. 437-498. - Cote 345.25/183 (Br.)

### **Le "terroriste" et le droit international humanitaire**

par Philippe Ch.-A. Guillot. - Bruxelles : Bruylant, 2012. - p. 267-289. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> si[è]cle. - Cote 345.2/892

### **The US Department of Defense law of war manual : an update**

Stephanie Carvin. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 353-363  
Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000134](http://journals.cambridge.org/abstract_S1389135911000134)

### **Who may be killed ? : Anwar al-Awlaki as a case study in the international legal regulation of lethal force**

Robert Chesney. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 3-60  
Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S138913591100002X](http://journals.cambridge.org/abstract_S138913591100002X)

## **Yemen**

### **Who may be killed ? : Anwar al-Awlaki as a case study in the international legal regulation of lethal force**

Robert Chesney. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 3-60  
Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S138913591100002X](http://journals.cambridge.org/abstract_S138913591100002X)

## **Yugoslavia**

### **International humanitarian law and bombing campaigns : legitimate military objectives and excessive collateral damage**

Christine Byron. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 175-211  
Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000067](http://journals.cambridge.org/abstract_S1389135911000067)

### **Le juge combattant**

par Rafaëlle Maison. - Bruxelles : Bruylant, 2012. - p. 114-132. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> si[è]cle. - Cote 345.2/892

## All with Abstracts

### Adjudicating armed conflict in domestic courts : the experience of Israel's Supreme Court

**Galit Ragan.** In: Yearbook of international humanitarian law Vol. 13, 2010, p. 61-95

This Article will focus on how the Israeli Supreme Court has gradually incorporated the Law of Armed Conflict into its judgments when reviewing the Executive's policies, and will trace the historical circumstances and legal developments which have contributed to and enabled the creation of such jurisprudence. It will also address the question of whether the Israeli experience can be utilized by other jurisdictions. Part II of this Article will provide a brief overview of the status of international law in domestic Israeli courts and the legal framework that applies to executive action in Judea and Samaria and the Gaza Strip. Part III will describe the transition in Israel to an armed conflict paradigm with respect to the Israeli hostilities with Palestinian armed groups, while Part IV will focus on recent Israeli case law in this regard. These cases illustrate the gradual move by the Court toward adjudicating questions which relate more and more closely to the battlefield. Part V will follow with an analysis of the circumstances which have led to this transition in the Israeli context. It will also discuss whether the Israeli experience is comparable to courts in other jurisdictions which encounter similar legal dilemmas.

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000031](http://journals.cambridge.org/abstract_S1389135911000031)

### L'application extraterritoriale de la convention européenne des droits de l'homme en Irak : Cour européenne des droits de l'homme, arrêt Al-Skeini e.a. et Al-Jedda c. Royaume Uni, 7 juillet 2011

**par Ioannis K. Panoussis.** In: Revue trimestrielle des droits de l'homme 23<sup>ème</sup> année, no 91, juillet 2012, p. 647-670. - Cote 345.1/353 (Br.)

Les arrêts Al Skeini et Al-Jedda sont fondamentaux pour cerner la question de l'étendue géographique d'application de la Convention européenne des droits de l'homme. La Cour européenne revisite plusieurs questions importantes : celle du concept de "juridiction" au sens de l'article 1er de la Convention, celle de la responsabilité des Etats agissant en dehors de leur territoires sur le fondement d'une résolution du Conseil de sécurité des Nations Unies et celle des relations entretenues entre la Convention et ces mêmes résolutions. En permettant l'application extraterritoriale de la Convention en Irak, la Cour fait ainsi évoluer sa jurisprudence antérieure tout en laissant encore quelques zones d'ombre, qui devront être élucidées à l'avenir.

### The art of armed conflicts : an analysis of the United States' legal requirements towards cultural property under the 1954 Hague Convention

**Elizabeth Varner.** In: Creighton law review Vol. 44, 2011, p. 1185-1243. - Cote 363.8/30 (Br.)

Following the looting of the Iraqi National Museum in 2003 countries and scholars around the world called upon the United States of America to ratify the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. Scholars and the media wrote articles indicating the ratification of the 1954 Hague Convention would prevent another looting incident such as the one at the Iraqi National Museum because the United States would have a legal requirement to protect cultural property from third parties, including civilians. Still, other scholars claimed customary international law already imparted a legal requirement upon the United States to protect cultural property from third parties. Some sources, however, indicated that the United States did not have a legal requirement to protect cultural property from third parties under the 1954 Hague Convention. Ambiguities in the 1954 Hague Convention have fostered these inconsistencies in views of the protections afforded to cultural property under the Convention. On March 13, 2009, the United States Senate ratified the 1954 Hague Convention. Now that the Senate has ratified the Convention, this discrepancy in views of the United States' legal requirements under the 1954 Hague Convention has taken on increased relevance. This article outlines the 1954 Hague Convention and defines cultural property under the Convention. This article also considers States' legal requirements towards cultural property before and during armed conflict and illuminates discrepancies in views of the States' legal requirements towards cultural property during armed conflict. Then, while analyzing key provisions in the 1954 Hague Convention that imparts legal requirements towards cultural property during occupation, this article highlights discrepancies in views of the States' legal requirements towards cultural property during occupation. Finally, this article analyzes if there should be a duty to protect cultural property from third parties during armed conflict and occupation and if the United States could have a legal requirement outside the 1954 Hague Convention to protect cultural property from third parties during armed conflict and occupation.

## **L'articulation entre le droit international humanitaire coutumier et conventionnel**

par **Paul Tavernier**. - In: *Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle*. - Bruxelles : Bruylant, 2012. - p. 87-113. - Cote 345.2/892

Cette contribution présente en premier lieu, la problématique classique qui se traduit par un va-et-vient constant entre le droit coutumier et le droit conventionnel. Si dans un premier temps, les auteurs et les praticiens mettaient l'accent sur la supériorité de la règle conventionnelle sur la règle coutumière, on s'est aperçu et on s'aperçoit de plus en plus, que les deux corps de règles ne s'excluent nullement et qu'au contraire, ils s'enrichissent mutuellement. En deuxième lieu, elle constate que la problématique de l'articulation entre le droit coutumier et le droit conventionnel a été renouvelée du fait de l'entrée en scène de nouveaux acteurs du droit humanitaire, notamment les organisations internationales, les ONG, les acteurs non étatiques et même les individus. Cela se traduit par une participation non négligeable de ces nouveaux acteurs à l'élaboration des normes, tant conventionnelles que coutumières, du droit international humanitaire, mais cela pose aussi la question de l'applicabilité et de l'application des normes humanitaires à ces nouveaux acteurs, ou à certains d'entre eux -, qui sont de plus en plus impliqués dans les conflits armés.

## **Child soldiers : a reference handbook**

**David M. Rosen**. - Santa Barbara [etc.] : ABC-Clío, 2012. - 323 p. - Cote 362.7/363

This book exposes the role of children in war, describing where, why, and how children are deployed, the attempts made by international organizations to protect children, and the underlying political and cultural issues that make this such a thorny issue. In conflict-torn countries such as Myanmar and Uganda, the use of child soldiers in military and paramilitary operations continues to occur despite widespread condemnation and the efforts of organizations such as the Coalition to Stop the Use of Child Soldiers. *Child Soldiers: A Reference Handbook* traces the evolution of child soldiers from approximately 1940 onwards, covering important historical to modern conflicts. The subject is discussed from a global perspective, with particular attention given to areas where the use of child soldiers is most prevalent. The book covers the complex underlying reasons for the continued use of child soldiers in the modern world, examines the political and psychological consequences of using children—both male and female—in military and paramilitary organizations, and describes how this subject has been addressed by international law and various human rights organizations.

## **Civilian intelligence agencies and the use of armed drones**

**Ian Henderson**. In: *Yearbook of international humanitarian law* Vol. 13, 2010, p. 133-173

The use of drones to conduct lethal strikes by the United States against people associated with the Taliban and al Qaeda has been the subject of many recent publications. The Chairman of the US House of Representatives Subcommittee on National Security and Foreign Affairs recently identified, among others, three main questions on the use of armed drones: a. Who can be a legitimate target? b. Where can that person be legally targeted? c. Does it make a difference if the military carries out an attack, or whether other civilian government entities may legally conduct such attacks? The focus of this article is on the third question. However, the answer to any one of these questions might vary based on the answers to any other of the questions. While the discussion has tended to focus on US activities, and particularly those of the CIA in Pakistan and other regions (e.g., Yemen), the purpose of this article is to discuss the legal issues in a more general context.

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000055](http://journals.cambridge.org/abstract_S1389135911000055)

## **Classification of cyber conflict**

**Michael Schmitt**. In: *Journal of conflict and security law* Vol. 17, no. 2, Summer 2012, p. 245-260

This article examines the classification of conflicts consisting of only cyber operations under international humanitarian law. 'International armed conflicts' are those that are 'armed' and 'international'. The article contends that the former criterion is met when cyber operations amount to an 'attack' because they injure individuals or damage objects, whereas the latter requires that the operations be between or attributable to States. 'Non-international armed conflict' occurs when hostilities between a State and an 'organized' armed group reach a particular level of intensity. To be sufficiently intense, such cyber operations must be 'protracted'; isolated incidents do not suffice. Intensity also requires that the level of violence exceed that of riots or civil disturbances. Injury or damage is not alone sufficient. Cyber operations conducted by individuals cannot qualify because they are insufficiently 'organized'. Groups organized on-line may be assessed on a case-by-case basis, but the traditional organization criteria render it difficult for them to

qualify. The article concludes that while cyber exchanges may sometimes amount to international armed conflict, classification as non-international armed conflict is problematic.

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2/245.full.pdf+html>

### **Closing the gap : symbolic reparations and armed groups**

**Ron Dudai.** In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 783-808

The question of whether non-state armed groups could and should provide reparations to their victims has been largely overlooked. This article explores this gap, with a particular focus on symbolic reparations, such as acknowledgement of the truth and apologies. It argues that, while the question is fraught with legal, conceptual, and practical difficulties, there are some circumstances in which armed groups are capable of providing measures of reparations to their victims. The article identifies the issue of attacks on informers as one potential area for armed groups to provide such measures, and demonstrates that in a few cases armed groups have already engaged in actions that could be seen as analogous to symbolic reparations. The article's main case study is provided by recent actions by the Irish Republican Army (IRA) in relation to its past attacks against suspected informers.

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-dudai.pdf>

### **Le concept de "régime spécial" dans les rapports entre droit humanitaire et droit de l'environnement**

**J. E. Viñuales.** - Geneva : The Graduate Institute, 2012. - 20 p. - Cote 363.7/121 (Br.)

Une partie de la doctrine a accueilli de manière peu critique le concept de "régime spécial", au point même que les interactions normatives sont parfois conceptualisées en termes de rapports entre des "sous-systèmes" ou des "régimes spéciaux", tels que le droit humanitaire ou le droit de l'environnement. Une analyse des techniques régissant l'applicabilité de normes potentiellement concurrentes dans une situation donnée montre, cependant, que le droit international positif fait peu de cas de telles étiquettes. Ces rapports sont, pour l'essentiel, aménagés au niveau des normes, traités ou systèmes de traités juridiquement liés. L'appartenance d'une norme ou d'un traité à un ensemble descriptif tel que le droit humanitaire ou le droit de l'environnement n'a de portée juridique qu'exceptionnellement et, même dans ces cas, cette portée ne va pas de soi. D'une manière plus générale, le chapitre souligne la nécessité d'utiliser de manière nuancée des catégories telles que le droit humanitaire ou le droit de l'environnement, dont l'existence en tant que réalité juridique reste à démontrer.

[http://graduateinstitute.ch/webdav/site/cies/shared/publications/CIES\\_RP\\_12\\_VINUALES.pdf](http://graduateinstitute.ch/webdav/site/cies/shared/publications/CIES_RP_12_VINUALES.pdf)

### **The contemporary law of blockade and the Gaza Freedom Flotilla**

**Andrew Sanger.** In: Yearbook of international humanitarian law Vol. 13, 2010, p. 397-446

In the early hours of 31 May 2010, Israel intercepted six vessels on the high seas carrying humanitarian aid to Gaza justifying its actions by invoking its right to enforce the blockade and prevent contraband from reaching the territory. This paper examines the interception from the perspective of international law by considering three pivotal sets of questions: (1) can Israel invoke a prima facie right to blockade Gaza? What is the legal basis for this right? What effect, if any, does the characterisation of the Israeli-Hamas conflict have? (2) If Israel does have a prima facie right to blockade Gaza, is the blockade legally constituted and maintained? What factors must be taken into consideration? Finally, (3) can Israel lawfully intercept vessels on the high seas without permission of the flag-state? In what circumstances, and under what conditions, can Israel undertake such an operation? Did Israel act lawfully when it intercepted the Flotilla vessels? The paper concludes that although it is likely that Israel's blockade on Gaza is not prima facie unlawful, to the extent that the blockade starves the civilian population or prevents that population from receiving supplies necessary for its survival, it is undoubtedly illegal under international law.

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000158](http://journals.cambridge.org/abstract_S1389135911000158)

### **Counter-insurgency operations in Afghanistan : what about the "jus ad bellum" and the "jus in bello" : is the law still accurate ?**

**Chris De Cock.** In: Yearbook of international humanitarian law Vol. 13, 2010, p. 97-132

The nature of contemporary operations in Afghanistan reflect the complexities of their environment, particularly in the field of terrorism and insurgency and the reaction of states in combating those (new) forms of violence, generally referred to as counterterrorism (hereinafter CT) and counterinsurgency (hereinafter COIN). Whereas the complexity of this new environment is well recognized, there is however disparity in the international community on how to respond to those threats, varying from law

enforcement (preventing, detecting and bringing terrorists to justice) to full scale war, or a combination thereof. Nevertheless, recognizing that terrorism constitutes one of the most serious threats against peace and security, the UN Security Council has recalled on different occasions the need to combat terrorism in accordance with applicable international law, including international humanitarian law and international human rights law. The aim of this paper is to analyze the rules applicable in COIN operations in Afghanistan.

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000043](http://journals.cambridge.org/abstract_S1389135911000043)

### **[Cyber war and international law]**

**Mary Ellen O'Connell...** [et al.]. In: *Journal of conflict and security law* Vol. 17, no. 2, Summer 2012, p. 183-297

Contient notamment: Cyber security without cyber war / M.E. O'Connell. - Classification of cyber conflict / M. Schmitt. - The principle of distinction and cyber war in international armed conflicts / Y. Dinstein. - Cyber warfare and the notion of direct participation in hostilities / D. Turns

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2.toc>

### **Cyber warfare and the notion of direct participation in hostilities**

**David Turns.** In: *Journal of conflict and security law* Vol. 17, no. 2, Summer 2012, p. 279-297

The domain of cyber warfare being relatively new, it is not yet matched by any comparatively novel international legal paradigm; the cyber conflicts of the present and (probably) the future therefore fall to be regulated under the existing *lex lata*. This article, assuming a scenario of international armed conflict, seeks as a specific example to apply the notion of direct participation in hostilities from Additional Protocol I (1977) to cyber war. This aspect of the topic is likely to assume particular importance in light of the contemporary tendency in many developed, Western armed forces to outsource technical specialist work (like information technology) to civilians. Whether or not such civilians can be said to be directly participating in hostilities—based on the accepted constitutive elements of threshold of harm, direct causation and belligerent nexus identified in the International Committee of the Red Cross' Interpretive Guidance (2005)—will also have implications for the objects and places that could lawfully be targeted in future cyber conflicts.

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2/279.full.pdf+html>

### **Domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side**

**Ivana Vuco.** In: *Yearbook of international humanitarian law* Vol. 13, 2010, p. 327-336

Taking as its starting point United Nations General Assembly Resolution 64/254, the United Nations Human Rights Council's committee of independent experts in international humanitarian and human rights laws was convened to monitor and assess the domestic legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, with an eye to their conformity with international standards.

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000110](http://journals.cambridge.org/abstract_S1389135911000110)

### **Le droit des droits de l'homme et le droit humanitaire dans les concepts professionnels des forces de maintien de l'ordre : [points essentiels du manuel Servir et protéger]**

**Comité international de la Croix-Rouge.** - Genève : CICR, janvier 2012. - 35 p. - Cote 345.2/689-1 (2012 FRE)

Cette brochure destinée aux audiences impliquées dans des activités de maintien de la loi résume les points essentiels du manuel Servir et protéger. Elle traite des principes et des règles des droits de l'homme et du droit international humanitaire se rapportant aux pratiques professionnelles utilisées pour l'application des lois dans les contextes démocratiques.

<http://www.cid.icrc.org/library/docs/DOC/ICRC-001-0809-2012.pdf>

## **Le droit international humanitaire protège-t-il assez la dignité des femmes ? : l'exemple du conflit israélo-palestinien**

**Katy Sakina Frattina.** In: *Revue canadienne droit et société* Vol. 26, no 1, 2011, p. 51-67. - Cote 362.8/87 (Br.)

Comment définir et protéger la dignité de la femme en période de conflit armé ? Cette étude tentera de saisir les enjeux et dilemmes du droit à la dignité et des questions de diversité en droit international humanitaire, en prenant pour exemple le conflit israélo-palestinien. L'auteure proposera une autre approche possible du droit à la dignité, celle-ci étant dans le cadre légal du droit international humanitaire, essentiellement associée à la sexualité de la femme. Cette approche permettra d'engager plus en avant des débats occultés par les diversités sociales en périodes de guerre.

## **Le droit international humanitaire, à la merci des entreprises militaires et de sécurité privées ?**

**Marie-Ève Lapointe.** In: *Revue québécoise de droit international* Vol. 24.1, 2011, p. 69-104. - Cote 345.29/173 (Br.)

La multiplication des entreprises militaires et de sécurité privées ainsi que leur implication croissante au sein des conflits armés soulèvent de nombreuses interrogations au-delà de la (complexe) question du statut de ces compagnies au regard du droit international humanitaire. Nous chercherons ici à déterminer l'impact de cette « privatisation de la guerre » sur l'évolution du droit international public et, tout particulièrement, sur le droit international humanitaire. Plus précisément, est-il envisageable que le DIH soit appelé à se conformer graduellement aux exigences d'un marché de la guerre? À cet égard, nous tenterons de démontrer que la logique commerciale qui prévaut présentement quant à la régulation des entreprises militaires et de sécurité privées s'inscrit dans un parcours historique à l'intérieur duquel les acteurs privés agissant en période de conflits armés se sont vus accorder une légitimité fluctuant au gré des intérêts étatiques. Ce travail sera divisé en trois parties. Nous aborderons tout d'abord la question de la présence d'acteurs « privés » au sein des conflits armés dans une perspective historique, afin de démontrer que la perception de la violence légitime en tant qu'apanage de l'État est une construction récente. En second lieu, nous analyserons les causes sous-jacentes à l'apparition, puis à la multiplication des entreprises militaires et de sécurité privées, pour ensuite voir comment ces dernières s'articulent avec le droit international humanitaire. En dernier lieu, nous proposons une réflexion sur l'impact de la « privatisation de la guerre » sur le droit international public et sur le droit international humanitaire plus particulièrement.

[http://www.sqdi.org/images/volumes/24-1\\_3\\_Lapointe.pdf](http://www.sqdi.org/images/volumes/24-1_3_Lapointe.pdf)

## **Droit international humanitaire coutumier : bilan de l'étude du CICR**

**par Jean-Marie Henckaerts.** - In: *Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle*. - Bruxelles : Bruylant, 2012. - p. 27-47. - Cote 345.2/892

En 1995, le Groupe intergouvernemental d'experts pour la protection des victimes de la guerre proposa que le CICR entreprenne une étude sur les règles coutumières de droit international humanitaire applicables dans les conflits armés internationaux et non internationaux. Après 10 ans de recherche et de consultations, l'étude a été publiée en 2005. La pratique de plus de 150 États est actuellement mis à jour par un projet mené par la Croix-Rouge Britannique et le CICR. Ce chapitre analyse l'impact et l'utilisation de l'étude, examine certains éléments de la méthode employée et expose brièvement les travaux du projet CRB/CICR, selon le plan suivant: 1. impact de l'études; 2. méthode suivie pour l'études; 3. mise à jour de l'étude.

## **Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle**

**sous la dir. de Abdelwahab Biad et Paul Tavernier.** - Bruxelles : Bruylant, 2012. - , 325 p. - Cote 345.2/892

L'ouvrage s'interroge sur la pertinence des règles du droit international humanitaire. Ces règles permettent-elles de répondre aux problèmes apparus depuis leur adoption et qui constituent autant de défis à leur pertinence au XXI<sup>e</sup> siècle ? La multiplication des conflits dits « déstructurés » dans les États « défaillants », ainsi que l'extension des guerres asymétriques ont révélé le rôle croissant d'acteurs non étatiques sur fond de « privatisation de la sécurité ». Ainsi, la prolifération de groupes armés non étatiques (« terroristes » et « mercenaires ») agissant aux limites des règles du droit international humanitaire vient compliquer la notion de « participation directe aux hostilités » destinée à assurer la protection des civils. Parallèlement, les « guerres asymétriques » (Irak, Afghanistan, Liban et Gaza) sont pleines d'enseignements pour ce qui est des méthodes et moyens de guerre. Elles illustrent sous un nouveau jour la complexité de l'application des Conventions de Genève dans un contexte d'asymétrie des capacités militaires. Tout en mettant à rude épreuve les règles régissant la conduite des hostilités, ces conflits

révèlent ainsi les défis posés par les nouvelles technologies militaires (« drones de combat », bombes à sous-munitions, armes au phosphore blanc ou à uranium enrichi) en termes de protection des civils.

### **Drone attacks under the jus ad bellum and jus in bello : clearing the "fog of law"**

**Michael N. Schmitt.** In: Yearbook of international humanitarian law Vol. 13, 2010, p. 311-326

As the war in Afghanistan and the fight against transnational terrorism wage on with no immediate end in sight, US forces have increasingly turned to drone (technically labelled an unmanned aircraft system or UAS) strikes to target Taliban insurgents and Al Qaeda terrorists, especially in Pakistan's tribal areas of North and South Waziristan. Despite their evident military utility, controversy has erupted over the operations. Most legal criticism focuses on two issues—the use of drones in other states' territory and the incidental civilian deaths caused by the drone attacks. The former derives from the jus ad bellum, that aspect of international law restricting the resort to force by states, whereas the latter is based in the jus in bello (international humanitarian law), which governs how combat operations may be conducted. Unfortunately, discourse over these and related issues has evidenced serious misunderstanding of the strictures of international law. This brief article explores both the jus ad bellum and jus in bello implications of drone attacks. It is intended to clear the 'fog of law' that surrounds the operations, much of it resulting from either misunderstanding of the weapon system or misinterpretation of the applicable law. The article concludes that there is little reason to treat drones as distinct from other weapons systems with regard to the legal consequences of their employment. Nor is there a sound basis for heightened concern as to their use. On the contrary, the use of drones may actually, in certain cases, enhance the protections to which various persons and objects are entitled under international humanitarian law (IHL).

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000109](http://journals.cambridge.org/abstract_S1389135911000109)

### **Enhancing civilian protection from use of explosive weapons in populated areas : building a policy and research agenda**

**John Borrie and Maya Brehm.** In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 809-836

Every day, and in a range of contexts, the use of explosive weapons in populated areas harms civilians. Evidence is growing that elevated levels of civilian harm fit a recurrent pattern, suggesting that more coherent and effective humanitarian responses are needed to enhance civilian protection, especially changes in behaviour of users of explosive weapons. This article describes the effects of explosive violence, critically examines how the existing humanitarian law regime tends to address this issue and explores some current developments in building a research and policy agenda to try to reduce civilian harm from the use of explosive weapons.

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-borrie-brehm.pdf>

### **The European court of human rights' Al-Jedda judgment : the oversight of international humanitarian law**

**Jelena Pejic.** In: International review of the Red Cross Vol. 93, no. 883, September 2011, p. 837-851

The European Court of Human Rights' judgment in the Al-Jedda case dealt with the lawfulness of UK detention practice in Iraq under the European Convention on Human Rights. The Court's opinion could, however, be read as having broader implications for the ability of states parties to that treaty to conduct detention operations in situations of armed conflict. This article analyzes what the Court did – and did not say – about the application of international humanitarian law.

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-pejic.pdf>

### **Exploring humanitarian law : education modules for young people**

ICRC. - Geneva : ICRC, April 2012. - Cote 345.2/790 (2012 ENG Br.)

Exploring Humanitarian Law (EHL) is an education programme that introduces young people between 13 and 18 years of age to the basic rules and principles of international humanitarian law (IHL). The teaching methods used in EHL require students to play an active role in the process of learning. This enables them to develop a "humanitarian" perspective and to understand a subject as seemingly dry, and complicated, as IHL. This leaflet presents in brief the objectives and goals for EHL.

<http://www.cid.icrc.org/library/docs/DOC/icrc-002-0934.pdf>

## **Explorons le droit humanitaire : modules d'éducation pour les jeunes**

CICR. - Genève : CICR, avril 2012. - Cote 345.2/790 (2012 FRE Br.)

Explorons le droit humanitaire (EDH) est un programme éducatif destiné à sensibiliser les jeunes de 13 à 18 ans aux règles et aux principes essentiels du droit international humanitaire (DIH). Les méthodes d'enseignement utilisées exigent des élèves qu'ils participent activement au processus d'apprentissage. Cela leur permet d'acquérir une "perspective humanitaire" et de bien appréhender une matière aussi austère et complexe que peut le paraître le DIH. Ce dépliant donne un bref aperçu des objectifs du programme EDH.

<http://www.cid.icrc.org/library/docs/DOC/ICRC-001-0934.pdf>

## **The fog of war reform : change and structure in the law of armed conflict after September 11**

Peter Margulies. In: Marquette law review Vol. 95, issue 4, Summer 2012, p. 1417-1489. - Cote 345.2/877 (Br.)

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

<http://ssrn.com/abstract=1921446>

## **Forces des Nations Unies et respect du droit international humanitaire : de l'importance de la notion de participation aux hostilités**

par Philippe Lagrange. - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle. - Bruxelles : Bruylant, 2012. - p. 291-311. - Cote 345.2/892

La position dominante aujourd'hui, tant des praticiens que de la doctrine, est de considérer que les forces des Nations Unies amenées à combattre, quelle que soit leur forme, doivent respecter les règles du droit international humanitaire. Un certain nombre d'interrogation demeure cependant, s'agissant notamment des principes applicables - ceux propres au droit des conflits armés international ou ceux prévus en cas de conflits armés non internationaux - et surtout du seuil d'effectivité des combats à prendre en considération pour admettre qu'il y a participation aux hostilités.

## **Harmonising the individual protection regime : some reflections on the relationship between human rights and international humanitarian law in the light of the right to life**

Vera Gowlland-Debbas. - In: The diversity of international law : essays in honour of professor Kalliopi K. Koufa. - Leiden ; Boston : M. Nijhoff, 2009. - p. 399-418. - Cote 345.2/897 (Br.)

We find a considerable literature on the links which are being forged not only between human rights and humanitarian law, but also with refugee law, disarmament or arms control, environmental law and international peace and security, all areas of which in the past were hermetically sealed off from one another. This trend has raised its own set of problems for there are important collisions and tensions between such fundamental interests and values, but the problems are gradually being ironed out in practice and in the courts though not always in a totally satisfactory manner. This contribution first highlights the points of divergence and convergence between human rights and humanitarian law then turn to the applicability of human rights law in time of armed conflict and its interplay with humanitarian law.

## **Human rights and humanitarian law in professional policing concepts : [highlights from the book To serve and to protect]**

**International Committee of the Red Cross.** - Geneva : ICRC, January 2012. - 35 p. - Cote 345.2/689-1 (2012 ENG)

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

<http://www.cid.icrc.org/library/docs/DOC/icrc-002-0809-2012.pdf>

## **Humanitarian and security law : a compendium of international and european instruments**

**Jan Wouters and Philip De Man.** - Cambridge [etc] : Intersentia, 2012. - 998 p. - Cote 345.2/895

*Humanitarian and Security Law: A Compendium of International and European Instruments* presents a comprehensive and easily accessible compilation of the most important legal instruments that pertain to armed conflicts and security threats and which are of use and interest to practitioners and researchers working in the areas of international and European humanitarian and security law. It is the first compendium that methodically compiles all relevant instruments both at the international and the European level.

## **Humanitarian engagement under counter-terrorism : a conflict of norms and the emerging policy landscape**

**Naz K. Modirzadeh, Dustin A. Lewis and Claude Bruderlein.** In: *International review of the Red Cross* Vol. 93, no. 883, September 2011, p. 623-647

This article identifies two countervailing sets of norms – one promoting humanitarian engagement with non-state armed groups (NSAGs) in armed conflict in order to protect populations in need, and the other prohibiting such engagement with listed ‘terrorist’ groups in order to protect security – and discusses how this conflict of norms might affect the capacity of humanitarian organizations to deliver life-saving assistance in areas under the control of one of these groups. Rooted in international humanitarian law (IHL), the first set of norms provides a basis for humanitarian engagement with NSAGs in non-international armed conflict for the purpose of assisting populations under their control and promoting compliance with the rules of IHL. The second set of rules attempts to curtail financial and other forms of material support, including technical training and co-ordination, to listed ‘terrorist’ organizations, some of which may qualify as NSAGs under IHL. The article highlights counter-terrorism regulations developed by the United States and the United Nations Security Council, though other states and multilateral bodies have similar regulations. The article concludes by sketching ways in which humanitarian organizations might respond to the identified tensions.

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-modirzadeh-lewis-bruderlein.pdf>

## **Individual criminal responsibility in international law**

**Elies van Sliedregt.** - Oxford [etc.] : Oxford University Press, 2012. - 337 p. - Cote 344/579

This book examines the concept of individual criminal responsibility for serious violations of international law, i.e. aggression, genocide, crimes against humanity and war crimes. Such crimes are rarely committed by single individuals. Rather, international crimes generally connote a plurality of offenders, particularly in the execution of the crimes, which are often orchestrated and masterminded by individuals behind the scene of the crimes who can be termed ‘intellectual perpetrators’. For a determination of individual guilt and responsibility, a fair assessment of the mutual relationships between those persons is indispensable. By setting out how to understand and apply concepts such as joint criminal enterprise, superior responsibility, duress, and the defence of superior orders, this work provides a framework for that assessment. It does so by bringing to light the roots of these concepts, which lie not merely in earlier phases of development of international criminal law but also in domestic law and legal doctrine. The book also critically reflects on how criminal responsibility has been developed in the case law of international criminal tribunals and courts. It thus illuminates and analyses the rules on individual responsibility in international law.

## **International criminal justice and jus post bellum : the challenge of ICC complementarity : a case-study of the situation in Uganda**

par Cedric Ryngaert et Lauren Gould. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht Vol. 44, 2011-1/2, p. 91-121

In 2004, the Government of Uganda referred the situation in northern Uganda - where the Government was embroiled in an armed conflict with the rebels of the Lord's Resistance Army - to the International Criminal Court. Lately, the Government has embarked on a transitional justice process to deal with the effects of the conflict internally. This raises the question whether the ICC should defer to the Government's efforts on the basis of the complementarity principle, notably with respect to its arrest warrants against the LRA commanders. In this contribution, it is argued that the Court's admissibility determination should be informed by grassroots perceptions regarding appropriate transitional justice approaches towards reconciliation. The Court may want to critically engage with preconceived Western notions of accountability and retribution in post bellum situations, and possibly countenance "alternative" or somewhat more "lenient" sentencing of LRA leaders in the interest of peace and reconciliation.

## **International humanitarian law and bombing campaigns : legitimate military objectives and excessive collateral damage**

Christine Byron. In: Yearbook of international humanitarian law Vol. 13, 2010, p. 175-211

Despite the introduction and increasing use of 'smart' bombs, recent bombing campaigns in Iraq, Afghanistan and Serbia, formerly known as the Federal Republic of Yugoslavia (FRY), have resulted in what some commentators consider to be an unacceptably high level of civilian casualties, especially when compared with the low level of combatant casualties in the attacking force. This paper will focus on the law which applies during international armed conflicts to aerial bombardment or missiles launched from warships in the context of individual criminal responsibility for such bombardment. This necessitates a focus on the rules of aerial bombardment as set out in Additional Protocol I (API) which have been developed by the International Criminal Tribunal for the former Yugoslavia (ICTY) and by the definitions in the Rome Statute of the International Criminal Court (ICC) and in its Elements of Crime, although some comment will also be made as to the duties of non-state parties to API. In this context, first the principle of distinction between civilians and military and civilian objects and military objectives will be considered. Secondly, the principle of proportionality, that is, the duty not to cause excessive civilian casualties, will be examined and will look at questions such as whether long term collateral damage should be taken into account in the proportionality equation. Finally, the application of this law to non-international armed conflicts will be briefly assessed.

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000067](http://journals.cambridge.org/abstract_S1389135911000067)

## **International humanitarian law and human rights law in peace operations as parts of a variable ius post bellum**

by Frederik Naert. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht Vol. 44, 2011-1/2, p. 26-37

This article addresses the application of international humanitarian law (IHL) and human rights law (IHRL) in peace operations and how this is relevant to the ius post bellum. The author first highlights the challenges in defining the ius post bellum as a legal concept, in particular as regards scope of application, relationship with other areas of international law and content. He advocates a ius post bellum comprising variable rules resulting from the applicability and interaction of other fields of law. The author then analyzes relevant questions of the applicability of IHL and IHRL in peace operations. He submits that each peace operation has a distinct legal framework, which may include IHL and/or IHRL, and that the challenge is forging agreement on which rules apply when and how they interact and should be applied in peace operations. The author concludes that IHL and IHRL are important parts of what one could call a variable ius post bellum.

## **International legal protection of human rights in armed conflict**

United Nations, Office of the High Commissioner for Human Rights. - New York ; Geneva : United Nations, 2011. - 119 p. - Cote 345.1/601

This publication provides a thorough legal analysis and guidance to State authorities, human rights and humanitarian actors and others on the application of international human rights law and international humanitarian law for the protection of persons in armed conflict. It addresses, in particular, the complementary application of these two bodies of law. Chapter I outlines the legal framework within which both international human rights law and international humanitarian law apply in situations of armed conflict, identifying some sources of law, as well as the type of legal obligations imposed on the different

parties to armed conflicts. It explains and compares the principles of both branches and also analyses who the duty bearers are of the obligations flowing from international humanitarian law and international human rights law. Chapter II analyses the formal requirements for the concurrent application of international human rights law and international humanitarian law, particularly from the perspective of the existence of an armed conflict and its territorial scope. It also deals with their limitations in such circumstances and discusses the problems resulting from their concurrent application. Chapter III deals with accountability and explores the legal framework determining State and individual responsibility for violations of international human rights and humanitarian law. It also presents victims' rights in the event of such violations. Finally, it gives an overview of the non-judicial forms of justice which can accompany (or in some cases be a substitute for) criminal justice. Chapter IV examines selected United Nations practice in applying international human rights and humanitarian law in situations of armed conflict, including practice by the Security Council, the Human Rights Council and its special procedures, the Secretary-General, and the Office of the High Commissioner for Human Rights. This chapter shows that the United Nations has a well-established practice of simultaneously applying international human rights law and international humanitarian law to situations of armed conflict, including in protection mandates for field activities, and provides numerous examples.

[http://www.ohchr.org/Documents/Publications/HR\\_in\\_armed\\_conflict.pdf](http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf)

### **The international protection of journalists in times of armed conflict and the campaign for a press emblem**

**Emily Crawford.** - Sydney : The University of Sydney, August 2012. - [30] p. - Cote 070/35 (Br.)

War correspondents have long been vulnerable to violence, by dint of their profession. Embedded amongst military units, or else unilaterally venturing into war zones, journalists who seek to cover events in conflict areas knowingly place themselves at risk of injury or death by their acts. The Geneva Conventions and Additional Protocol I – both of which regulate international armed conflicts – offer some protections for journalists during times of international armed conflict, but the increasingly amorphous character of twenty-first century armed conflicts has meant that journalists most often find themselves reporting on non-international armed conflicts, or conflicts that do not meet the threshold of armed conflict under international law. Recently, an international campaign, emanating from journalist advocacy organizations, has argued for the introduction of an internationally protected and recognized emblem, similar to the Red Cross emblem, as a means by which journalists can be identified as persons deserving special protection. The Press Emblem would be part of a larger convention geared towards the protection of journalists in armed conflict situations. Therefore, this article will examine the reasons behind the call for special protections, analyze and examine the current legal protections for journalists, and the perceived deficiencies of those protections, for media personnel who operate in conflict zones. This article will examine the substance of the prototype convention for the protection of journalists and analyze whether such a convention is indeed a necessary and useful addition to the law of armed conflict.

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2139153](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2139153)

### **International territorial administrations and post-conflict reforms : reflections on the need of a jus post bellum as a legal framework**

**by Eric De Brabandere.** In: *Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht* Vol. 44, 2011-1/2, p. 69-90

It has become trite to claim that the increasing attention to post-conflict reconstruction and the creation of international administrations to oversee this process has resulted in a "legal void" in the transition from war or conflict to peace. The author will challenge this idea. The article will particularly focus on the suggested normative implications of the use of international territorial administration as a post-conflict reconstruction device. It will more specifically focus on the legal authority in post-conflict situations and on the existing rules on responsibility for post-conflict reconstruction, namely the laws of occupation and the role of the Security Council. The author will then discuss the adequacy and usefulness of existing conceptions of jus post bellum as a legal notion.

### **Is there a right to detain civilians by foreign armed forces during a non-international armed conflict ?**

**Peter Rowe.** In: *International and comparative law quarterly* Vol. 61, part 3, July 2012, p. 697-711

This article considers whether there is any lawful authority for foreign armed forces assisting a territorial State during a non-international armed conflict to arrest and detain civilians. Taking the backdrop of Iraq and Afghanistan it considers relevant UN Security Council resolutions including Resolution 1546 (2004) relating to Iraq which authorized the multi-national force (MNF) 'to take all necessary measures' and

provided for the internment, for imperative reasons of security, of civilians. In respect of Afghanistan, a number of resolutions authorized the International Assistance Stabilisation Force (ISAF) to 'take all necessary measures'. It challenges the notion that the positive rights under international humanitarian law applicable to an international armed conflict apply, *mutatis mutandis*, to a non-international armed conflict, where national law (including human rights law having extra-territorial effect) is of primary (although not of exclusive) significance. It also considers which body of national law, that of the sending or that of the receiving State, applies to determine the lawfulness of detention of foreign civilians. The article recognizes that the arrest and detention of civilians may be necessary during a non-international armed conflict but concludes that the lawful justification for doing so needs to be clearly established.

Full text : only from ICRC headquarters:

<http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=8670046&fulltextType=RA&fileId=S0020589312000292>

## Le juge combattant

par **Rafaëlle Maison**. - In: *Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle*. - Bruxelles : Bruylant, 2012. - p. 114-132. - Cote 345.2/892

Le juge dit "international", en l'occurrence un juge sans expérience combattante, est-il compétent pour se substituer à la personne qu'il juge, le combattant, dans l'appréciation des options militaires qui se trouvaient à sa disposition? Quelle est sa légitimité à connaître d'un combat où il ne fut pas impliqué? En somme, comment le juge pénal international, qui n'a plus de lien direct avec les guerres dont il est saisi, peut-il en juger les acteurs? Certaines affaires récentes soulèvent directement ce type de questions. Elles invitent à penser l'apport de la justice pénale internationale au droit des conflits armés contemporains. Elles invitent aussi à mesurer les possibilités de comprendre l'étrangeté: l'étrangeté des pratiques et de cultures de guerre par rapport au modèle d'abord posé par les Conventions de Genève, mais aussi l'étrangeté de la guerre pour le juge "international".

## Le jus post bellum remet-il en cause les règles traditionnelles du jus contra bellum ?

par **Olivier Corten**. In: *Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht* Vol. 44, 2011-1/2, p. 38-68

L'apparition des théories du jus post bellum coïncide historiquement avec les difficultés rencontrées pour justifier certaines occupations contemporaines de territoires (Yougoslavie, Afghanistan, Irak) au regard, d'une part, du jus in bello et, d'autre part, du jus contra bellum. Dans les deux cas, une partie de la doctrine a été amenée à identifier un nouveau corps de règles apte à combler les lacunes du droit international positif par une revitalisation des théories jusnaturalistes de la guerre juste. A l'analyse, on peut toutefois se demander si les "lacunes" du jus contra bellum sont bien réelles. Ce dernier a en effet pour vocation à s'appliquer de manière continue et à interdire non seulement le déclenchement mais aussi la poursuite de la guerre et de l'occupation susceptible d'en résulter. En même temps, les compétences élargies conférées au Conseil de sécurité permettent de moduler l'application de ces règles en fonction des particularités de chacune des situations envisagées. Il est vrai que ces règles ne sont pas toujours effectivement appliquées, en raison des rapports de force qui président à leur mise en œuvre. La création d'un hypothétique jus post bellum ne semble cependant pas à même de résoudre pareil problème, qui renvoie en réalité aux limites de tout ordre juridique en général et de l'ordre juridique international en particulier. Au contraire, en tendant à limiter le champ d'application du jus contra bellum et du jus in bello, ou encore à assouplir ou éluder certaines de ses règles bien établies, le jus post bellum semble avoir davantage pour vocation d'aligner le droit sur une pratique qui lui est contraire que, à l'inverse, de permettre de condamner cette pratique au nom du droit existant.

## Jus post bellum : vieille antienne ou nouvelle branche du droit ? : sur le mythe de l'origine vénérable du jus post bellum

par **Gregory Lewkowicz**. In: *Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht* Vol. 44, 2011-1/2, p. 11-25

Depuis quelques années, un mouvement doctrinal cherche à fonder l'existence d'un "droit après la guerre" à côté ou en creux des règles traditionnelles du jus in bello et du jus ad bellum. Outre les arguments normatifs et tirés de la pratique, les partisans de ce mouvement doctrinal cherchent à conférer à leur propre construction une légitimité tirée de l'Histoire du droit des gens. Dans cette contribution, l'auteur examine la pertinence de cette thèse. Au terme d'une analyse de plusieurs auteurs centraux de la littérature du droit des gens, l'auteur conclut qu'il n'existe pas dans cette tradition de droit de la transition du conflit à la paix.

## Just war, just peace and the jus post bellum

Inger Österdahl. In: *Nordic journal of international law* Vol. 81, no. 3, 2012, p. 271-293. - Cote 345/610 (Br.)

Justice after war is becoming an increasingly pressing concern. The cases of Afghanistan, Iraq and most recently Libya illustrate the importance of as well as the difficulties involved in the efforts to manage the outcome of armed conflict in a constructive way. The jus post bellum is meant to serve as the normative framework for the efforts to stabilise the post-conflict situation. The jus post bellum also has the future peaceful and arguably democratic and human rights respecting development of the post-conflict society in view. This article aims at drawing the conceptual and substantive contours of the jus post bellum and to discuss its relationship with other parts of international law, primarily the other bodies of law making up the law of armed conflict. Depending on one's perspective the jus post bellum can be claimed not yet to exist, to exist already or irrespective of which to be superfluous as a separate category of law. The article recognises the apparent need for a comprehensive post-conflict law to serve as a bridge between war and stable peace. What way the international community should take in order to arrive at a just and useful normative framework for building peace is far from certain, however.

## The law of armed conflict and international human rights law : some paradigmatic differences and operational implications

Rob McLaughlin. In: *Yearbook of international humanitarian law* Vol. 13, 2010, p. 213-243

Debate over the degree to which International Human Rights Law (IHRL) should legitimately inform and alter the interpretation of the Law of Armed Conflict (LOAC) is increasing in intensity. It is not a new debate—G.I.A.D. Draper was considering the issue in 1971, and there have been numerous general statements by the UN recognizing that there is indeed interplay between the two bodies of law. Yet despite a long formative period, the debate—which is now beginning to attract much greater attention jurisprudentially, operationally, and academically—is still being conducted in a procedurally flawed manner. This flawed procedure has two characteristics. First, it is characterized by a process of reverse engineering. By this the author means it is characterized by reasoning from a limited number of particular instances to arrive at a general thesis, followed by the subsequent re-application of this apparent general thesis to other instances. The second procedural characteristic is that the debate is substantially in the form of a one-way argument. The author will briefly elaborate on both.

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000079](http://journals.cambridge.org/abstract_S1389135911000079)

## Laws of war and 21st century conflict

E.L. Gaston, editor. - New York [etc.] : International Debate Education Association, 2012. - 226 p. - Cote 345.2/894

The laws of war and 21st century conflict explores how international law considers and confronts the so-called new warfare. To many, modern conflict appears unlike any we have known before. A modern battlefield might as easily be found in an urban shopping mall or in the frontline trenches of a failed state. Weaponry that once populated science fiction novels and movies is now a reality, with unmanned aerial drones used against military targets in several countries and automated robots replacing some soldiers on the battlefield. Globalization and the diffusion of technology have eroded state controls and empowered other actors, from terrorist groups to mercenaries. Now, the most deadly threats might be activated by the push of a cell-phone button or from a computer hacker's screen on the other side of the world. Yet, despite how different modern warfare appears on its face, is it so fundamentally different from wars of the past? Many of the most prevalent forms of conflict, including terrorism and guerrilla warfare, have long existed. Even if modern warfare does not present such unique or unparalleled challenges as we might at first conclude, can the same international rules that have been developed and used since the mid-19th century still apply to 21st century warfare? This anthology explores some of the critiques of the framework of the laws of war, presents suggestions for reform, and explores persistent grey areas in the regulation of armed conflict.

## The legality of using drones to unilaterally monitor atrocity crimes

Diana E. Schaffner. In: *Fordham international law journal* Vol. 35, issue 4, May 2012, p. 1121-1163. - Cote 345/611 (Br.)

This Note focuses on the legality of employing unmanned aerial vehicles ("UAVs"), often referred to as "drones," to gather information about the commission of atrocities in another state without that state's consent. The relevance of UAVs to the collection and dissemination of visual evidence of atrocity crimes is acute. As states reduce their citizens' free access to technology as a means of retaining power, the resulting difficulty in receiving reliable data on ongoing atrocities will likely increase the value of intermediary mechanisms. UAVs may, therefore, constitute a legitimate intermediary humanitarian interference

mechanism, given their ability to provide useful atrocity response services without recourse to force. Because of this, greater attention should be paid to delineating the legal limits surrounding the use of UAVs to deter atrocity crimes.

### **Les limites du droit international pénal et de la justice pénale internationale dans la mise en oeuvre du droit international humanitaire**

par **Marco Sassòli et Julia Grignon**. - In: *Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle*. - Bruxelles : Bruylant, 2012. - p. 133-154. - Cote 345.2/892

Pour formidable que soit l'essor du droit international pénal et de la justice pénale internationale depuis deux décennies, il ne doit pas masquer les difficultés qui en découlent pour la mise en oeuvre du droit international humanitaire. D'une part du fait du fonctionnement du droit international pénal et de la justice pénale internationale: en particulier, ils peuvent décrédibiliser le droit international humanitaire, occulter d'autres modes de mise en oeuvre tout aussi importants et efficaces, donner l'impression que tout ce qui n'est pas criminalisé est licite et accentuer la méfiance à l'égard de tout mécanisme d'établissement des faits. D'autre part, du fait d'interprétation spécifiques reflétées par quatre exemples: l'introduction du caractère prolongé du conflit comme élément de définition du conflit armé non international, l'émergence de règles irréalistes lorsqu'il s'agit de les opposer à ceux qui combattent, l'apparition de la notion d'allégeance dans la définition des personnes protégées et la conception extensive de la notion d'entreprise criminelle commune.

### **Monitoring armed non-state actor compliance with humanitarian norms : a look at international mechanisms and the Geneva Call Deed of Commitment**

**Pascal Bongard and Jonathan Somer**. In: *International review of the Red Cross* Vol. 93, no. 883, September 2011, p. 673-706

Armed non-state actors are involved in most armed conflicts today, yet international law provides few mechanisms to ensure that they comply with humanitarian norms applicable to them. In particular, monitoring and verification mechanisms that address the conduct of armed non-state actors rarely appear in multilateral treaties, and, even when they do, are weak and not applied in practice. Over the past few years, a number of alternative mechanisms have been developed to better monitor respect of humanitarian norms during internal armed conflicts and verify allegations of violations. This article examines the strength of these various mechanisms and then focuses on the Deed of Commitment, an innovative instrument developed by the Swiss-based non-governmental organization Geneva Call, to hold armed non-state actors accountable. Experience with the Deed of Commitment on the prohibition of anti-personnel mines shows that these alternative mechanisms can be effective in ensuring better compliance with at least some humanitarian norms.

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-bongard-somer.pdf>

### **Notion de participation directe aux hostilités : interprétation du Comité international de la Croix-Rouge**

par **Stéphane Ojeda**. - In: *Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle*. - Bruxelles : Bruylant, 2012. - p. 247-257. - Cote 345.2/892

Cette contribution se propose de présenter brièvement les principaux éléments de l'interprétation du CICR de la notion complexe de participation directe aux hostilités, pour ensuite en approfondir un aspect particulier, celui de la fonction de combat continue en conflit armé non international, une des nouveautés majeures du Guide interprétatif suscitant chez certains experts quelques réactions auxquelles ce chapitre amène quelques éléments de réponse.

### **Occupation and other forms of administration of foreign territory : expert meeting : report**

prepared and ed. by **Tristan Ferraro**. - Geneva : ICRC, April 2012. - 147 p. - Cote 345.28/91

This report, a major outcome of the ICRC project on occupation and other forms of administration of foreign territory, aims only to document the debates that took place during three meetings of experts. This document is divided in two parts. The first part summarizes the main results of the discussions among experts. The second part consists of a more detailed report by the ICRC of the proceedings of the three meetings. It also includes the agenda of each meeting, the list of the participants, and some expert's written contributions.

<http://www.cid.icrc.org/library/docs/DOC/icrc-002-4094.pdf>

## **The Palmer report and the legality of Israel's naval blockade of Gaza**

**Russel Buchan.** In: *International and comparative law quarterly* Vol. 61, part 1, January 2012, p.264-273

On 3 January 2009 Israel deployed a naval blockade against Gaza in order to prevent materials entering or leaving Gaza that could be used by Hamas in its ongoing armed conflict with Israel. With the humanitarian crisis in Gaza worsening, on 31 May 2010 a flotilla of vessels carrying humanitarian aid expressed its intention to violate the naval blockade and deliver the aid to Gaza. Before violating the blockade and whilst still on the high seas, Israel sought to enforce its blockade and capture the vessels. This occurred largely without incident except in relation to the Mavi Marmara, which resisted capture by the Israeli Special Forces and continued to sail in the direction of Gaza. As Israel Special Forces boarded the Mavi violence ensued, with nine crew members of the Mavi being killed and dozens of others injured. Israel eventually assumed control of the ship and the crew members were detained and the vessel and its cargo confiscated. Whether or not Israel's interdiction of the Mavi was permissible under international law has caused considerable controversy. Indeed, three high profile reports have been published examining the legality of the incident. Most recently, in September 2011 the Palmer Report was published (named after the Chair of the four members Panel, Sir Geoffrey Palmer). All in all, the Panel finds that Israel's blockade of Gaza was lawful. However, the Panel also concludes that the enforcement of the blockade against the Mavi on 31 May 2010 was unlawful and that Israel's treatment of the crew members whilst they were detained was in violation of international human rights law. In this commentary the author will assess the accuracy of the Panel's interpretation and application of the international law of naval blockade to Israel's blockade of Gaza.

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S0020589311000650](http://journals.cambridge.org/abstract_S0020589311000650)

## **Participation of armed groups in the development of the law applicable to armed conflicts**

**Sophie Rondeau.** In: *International review of the Red Cross* Vol. 93, no. 883, September 2011, p. 649-672

The topic of participation of armed groups in the development of legal instruments binding them is particularly important and needs to be addressed urgently. Many scholars and organizations have advocated recently for the participation of armed groups in the development of legal instruments binding them, with a view to ensuring their adhesion to the law. However, practical and legal considerations seem to make this participation extremely difficult in practice. Creative solutions have to be found. After reviewing five main reasons why armed groups should be involved in the advancement of the law governing armed conflicts, this article offers a brief overview of selected means by which armed groups should be engaged in the creation of future norms, as well as in the interpretation and contextualization of existing norms.

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-rondeau.pdf>

## **Les personnels humanitaires**

par **Arnaud de Raulin.** - In: *Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle.* - Bruxelles : Bruylant, 2012. - p. 157-179. - Cote 345.2/892

La problématique de la protection du personnel humanitaire trouve-t-elle une réponse efficace et adaptée à travers la législation et les textes existants? Sur le plan juridique, est-ce que le droit est un instrument pertinent et efficace pour protéger le personnel humanitaire? D'un point de vue logistique, est-ce que les conditions d'intervention des humanitaires sont encadrées et appuyées par des moyens de sécurité suffisants?

## **Poison, gas and expanding bullets : the extension of the list of prohibited weapons at the Review Conference of the International Criminal Court in Kampala**

**Robin Geiss.** In: *Yearbook of international humanitarian law* Vol. 13, 2010, p. 337-352

Responses to the recent extension of the list of prohibited weapons at the Review Conference of the International Criminal Court (ICC) in Kampala, Uganda have been rather mixed. Some have hailed the amendments to Article 8 of the Rome Statute as a milestone development. Others speak of a blatant manifestation of the Rome Statute's inability to deal with prohibited weapons in a meaningful and up-to-date manner. Certainly, the list of prohibited weapons has been extended in Kampala. But as constructed, does it adequately capture the realities of contemporary armed conflicts? In the pursuance of this question, in a first step, this contribution focuses on what actually happened in Kampala and why it had not already happened in Rome in 1998. In a second step, some light will be shed on what did not happen in Kampala.

As is well known, initial proposals for the extension of the list of prohibited weapons had been far more extensive than the list that was ultimately adopted. Thirdly, in a final step this Comment concludes with an assessment of whether the Rome Statute's list of prohibited weapons in its amended form now better corresponds to the realities of contemporary armed conflicts.

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000122](http://journals.cambridge.org/abstract_S1389135911000122)

### **The principle of distinction and cyber war in international armed conflicts**

**Yoram Dinstein.** In: *Journal of conflict and security law* Vol. 17, no. 2, Summer 2012, p. 261-277

Computer Network Attacks (CNAs) do not automatically come within the framework of the definition of 'attack' in conformity with the law of armed conflict (LOAC). Consequently, some so-called CNAs (especially, those used only as means of intelligence gathering) do not qualify as 'attacks' in the sense of LOAC. Only CNAs entailing 'violence' do. CNAs constituting 'attacks', in the LOAC sense, are governed by the same rules that apply to kinetic attacks. In particular, they are subject to the application of the cardinal principle of distinction between combatants/military objectives and civilians/civilian objects. Consequently, deliberate attacks against civilians/civilian objects are prohibited, and so are indiscriminate attacks. An important extrapolation of the principle of distinction is the principle of proportionality, whereby—when lawful targets are attacked—collateral damage to civilians/civilian objects must not be expected to be 'excessive' compared with the military advantage anticipated. This is a complex construct, applying to CNAs as much as to other attacks. Feasible precautions must be taken prior to any attack, including a CNA. When a civilian is engaged in any form in a CNA, the act constitutes direct participation in hostilities and the actor loses civilian protection from attack.

Full text: only from ICRC headquarters: <http://jcsf.oxfordjournals.org/content/17/2/261.full.pdf+html>

### **The principle of humanity under international humanitarian law in the "is/ought" dichotomy**

**Yutaka Arai-Takahashi.** In: *Japanese yearbook of international law* Vol. 54 (2011), p. 333-364. - Cote 345.2/896 (Br.)

The paper starts with two main premises: first, that much more saliently than in other fields of international law, interpretation of International Humanitarian Law (IHL) rules is, through the overarching principle of humanity, contingent on different subjective values derived from the metaphysical world, the world beyond our concrete, verifiable, social sphere; second, that while the principle of humanity is often associated with "ought"-driven, deductive methodology, the principle of military necessity has a penchant for inductive reasoning based on rigorous empirical data and accuracy. The paper's analysis turns to the time-honoured philosophical theme on the dichotomy between the law as it is and the law as it ought to be to obtain guidelines for explaining how to flesh out the "posited moral" concept of humanity when construing IHL. In that process, the paper teases out schematically implications drawn from different strands of legal thought on the separation or unification of this division. After undertaking such theoretical inquiries, it suggests that Ronald Dworkin's theory on interpretation be applied to acquire analytical insight into the mechanism of distilling and feeding moral values into the normative framework of IHL.

### **La problématique de l'adversaire irrégulier**

**par Pierre Ferran.** - In: *Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle*. - Bruxelles : Bruylant, 2012. - p. 259-266. - Cote 345.2/892

Si l'adversaire irrégulier est un acteur ancien de l'histoire militaire, il s'est toutefois au travers des guérillas et des guerres de libération nationale du XIX<sup>e</sup> et surtout XX<sup>e</sup> siècle profondément renouvelé. L'adversaire irrégulier cherche à tirer profit de l'asymétrie du conflit qui l'oppose à une force régulière. Si le droit des conflits armés pose une distinction claire entre les conflits armés non internationaux et les autres formes de violence, en pratique cependant cette distinction n'a souvent qu'une faible portée opératoire dans le contexte des conflits asymétriques. Cette contribution passe en revue les trois types de problèmes qui peuvent être distingués: la "guerre contre le terrorisme", la définition du niveau de violence et la distinction entre civil et combattant.

### **Prohibited weapons and the means and methods of warfare in the Rome Statute**

**Hennie Strydom.** In: *South African yearbook of international law* Vol. 35, 2010, p. 97-110. - Cote 341.67/709 (Br.)

Included in the Rome Statute's definition of war crimes are acts committed in international armed conflicts and which involve the use of poison or poisoned weapons; asphyxiating, poisonous or other gases; bullets

which expand or easily flatten in the human body; or weapons, projectiles and material and methods of warfare which cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict. The applicability of this last category is made subject to two conditions: firstly, the weapons etcetera must be the subject of a 'comprehensive prohibition' and, secondly, must be included in an annex to the Statute which must be effected by an amendment of the Statute in accordance with articles 121 and 123 thereof. These provisions do not create new rules of international humanitarian law. Instead, for purposes of the Rome Statute, their function is to criminalise prohibitions that already exist under either conventional or customary international law. The net result of the above provisions is that with regard to the means and methods of warfare, a set of traditional and contemporary norms now exists which have consequences not only for international law on state responsibility in case of non-compliance, but also for individual criminal responsibility where a war crime is shown to have been committed.

### **Protecting the "helpers" : humanitarians and health care workers during times of armed conflict**

**Helen Durham and Phoebe Wynn-Pope.** In: Yearbook of international humanitarian law Vol. 14, 2011, p. 327-345

In recent years a gradual understanding has developed on the need to take a broader view of the concept of "protection" during times of armed conflict. Whilst destruction and suffering caused directly by warring parties continues to be a matter of deep concern, focus has started to also turn to an examination of the indirect impact armed conflict has on civilian populations. In particular, the large number of deaths caused by disruption to medical and humanitarian assistance is gaining attention. The Harvard Burden of Disease Unit has recently called for more reliable data on the health effects of armed conflict. The Small Arms Survey of the Graduate Institute of International and Development Studies, Geneva, has stated that armed conflict is a major cause of ill health and mortality not just from obvious injuries and death on the battlefield but also due to factors such as loss of access to basic health care. They estimate that in contemporary conflicts there is a ratio of four indirect to one direct death due to armed conflict. The scale of the problem can be seen, for example, in the Democratic Republic of the Congo where it is estimated that 38,000 excess deaths per month are caused mostly by easily treatable diseases which go untreated due to insecurity arising from armed conflict. The conflict in Iraq has had similar effects; between 2003 and 2007, 18,000 of the country's 34,000 doctors fled and many other were killed, with a catastrophic impact on the health care system.

Full text : only from ICRC headquarters

<http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=8660843&fulltextType=RA&fileId=S1389135912000104>

### **Protecting the silent victim form irregular actors : improving non-state compliance with the international law of environmental protection in armed conflict**

**Catriona L. MacKay, Donald K. Anton.** In: ANU college of law research paper No. 12-18, 2012, [52] p. - Cote 363.7/119 (Br.)

International humanitarian law has often been lacking, particularly in relation to environmental protection, and in its ability to regulate armed non-state actors (ANSAs). As a result, significant environmental harm has occurred throughout modern conflicts which increasingly involve actors who cannot be easily regulated under formal law. This paper, submitted as a law honours thesis in the ANU School of law under the supervision of Professor Don Anton, explores the limitations of the current legal regime, both formally and in its ability to practically protect the environment from the acts of ANSA's in armed conflict. It goes on to consider the ways in which this system might be improved; through greater clarification and codification of existing law, increased informal mechanisms and institutional support for engagement with and monitoring of ANSA compliance with this law, and development of criminal liability for environmental war crimes. An holistic approach to implementation of these factors would allow greater opportunity for the protection of the environment in armed conflict and for sustainable post-conflict recovery.

### **La protection de l'enfance dans les conflits armés : perspectives de mise en oeuvre des normes du droit international humanitaire et du droit international des droits de l'homme**

**par Antoine Meyer.** - In: Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle. - Bruxelles : Bruylant, 2012. - p. 219-243. - Cote 345.2/892

Cette présentation s'attache aux développements récents et aux perspectives en matière de protection de l'enfance dans les conflits armés, avec un éclairage particulier sur la question des enfants associés aux

forces et aux groupes armés. Elle vise un bref exposé des enjeux de protection et du cadre normatif de référence liant droit international humanitaire et droit international des droits de l'homme ; une mise en perspective des leviers juridiques et politiques de mise en œuvre de ces normes et de réponse à l'"impératif humanitaire" reconnu dans l'engagement du Conseil de Sécurité des Nations Unies. Elle dégage enfin quelques priorités pour la protection des enfants associés aux forces et aux groupes armés, dans une approche globale fondée sur les droits de l'enfant.

### **Questions sur la guerre en Libye et le droit international humanitaire**

**Daniel Lagot.** - In: Responsabilité de protéger et guerres "humanitaires" : le cas de la Libye. - Paris : L'Harmattan, 2012. - p. 101-108. - Cote 345.25/263

Amnesty, Human Rights Watch et d'autres organisations ont dénoncé à juste titre les violations des droits de l'homme pendant de longues années sous le régime de Kadhafi, et celles des droits de l'homme et du droit international humanitaire pendant le conflit armé récent. Leurs analyses conduisent cependant à plusieurs questions concernant les crimes des insurgés, les bombardements occidentaux, les attaques généralisées contre la population, les attaques indiscriminées et emploi de mines antipersonnel et d'armes à sous munitions, la présence militaire dans les villes,

### **Règles d'engagement : protéger les civils à travers un dialogue avec les acteurs armés non étatiques**

**Académie de droit international humanitaire et de droits humains à Genève.** - Genève : Académie de droit international humanitaire et de droits humains, 2011. - 98 p. - Cote 345.29/175 (FRE)

Le rapport Règles d'engagement. Protéger les civils à travers un dialogue avec les acteurs armés non étatiques, est un document de référence essentiel pour les acteurs de l'humanitaire et de la médiation qui cherchent à engager un dialogue humanitaire avec des acteurs armés non étatiques (AANE). Ce rapport vise à répondre à certains défis majeurs auxquels est confrontée la communauté internationale (c'est-à-dire les États, les organisations internationales, les ONG travaillant dans ce domaine) face au manque de respect par les AANE des normes internationales. La partie principale de ce rapport présente les conclusions et constatations centrales du projet, en s'appuyant sur des exemples concrets de pratiques actuelles. Il propose également une analyse des problèmes d'ordre juridique - dans le cadre du droit national et international - auxquels sont confrontés tous les acteurs qui cherchent à améliorer le respect du droit international par les AANE.

<http://www.adh-geneve.ch/docs/publications/Policy%20studies/R%C3%A8gles%20d%27engagement.pdf>

### **Regulatory approaches to unmanned naval systems in international law of peace and war**

**Robert Frau.** In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict Vol. 25, 2/2012, p. 84-91

This article evaluates unmanned military systems deployed in naval warfare. Even more than unmanned aerial systems, unmanned naval systems (UNS) pose a challenge to the law applicable in armed conflict. Thus, the status of such systems as well as the legal consequences that arise out of that classification will be analysed. However, as of today no agreed classification exists. Therefore it is argued that states should classify UNSs as warships. Thus, they would be entitled to sovereign immunity and passage rights under international law of the sea. Additionally, under international humanitarian law they would be entitled to exercise belligerent rights, most importantly to engage in attack. As a downside, they may be lawfully targeted anytime during an armed conflict.

### **Relief workers : the hazards of offering humanitarian assistance in the theatre of war**

**Shannon Bosch.** In: South African yearbook of international law Vol. 35, 2010, p. 56-79. - Cote 361/578 (Br.)

In this piece the author will unpack the legal status of relief workers under international humanitarian law (IHL) deployed to the theatre of international armed conflicts. In undertaking this investigation, the author will begin with a brief discussion of the definitional requirement of neutrality, and explore the legal implications and limitations that default civilian status might have for relief workers. She considers, briefly, the unsuccessful attempts at granting relief workers special protection by virtue of international treaty law. She then turns to explore the issue of whether the actions of relief workers might in fact amount to unlawful, direct participation in hostilities, and what consequences might flow from this possible conclusion in light of the 'ICRC's Interpretive guide on direct participation in hostilities'. In conclusion, she

examines the risk of detention and prosecution in when belligerents detain relief workers on the suspicion that they might be participating directly in hostilities.

### **Responsabilité de protéger et guerres "humanitaires" : le cas de la Libye**

**sous la dir. de Nils Andersson et Daniel Lagot.** - Paris : L'Harmattan, 2012. - 155 p. - Cote 345.25/263

La Charte des Nations Unies affirme le principe de non-ingérence dans les affaires intérieures d'un État, y compris de la part de l'ONU elle-même. Plusieurs de ses résolutions dans l'histoire récente, en particulier dans les années 2000, ont cependant mis en avant l'idée qu'une intervention, le cas échéant armée, peut s'imposer en cas de crise humanitaire ou de graves violations des droits humains dans un pays. De nombreuses questions, apparues à nouveau au grand jour avec la guerre en Libye, restent cependant posées au niveau du droit, de la manière dont il est appliqué, et sur le fond. Ce livre, issu d'une conférence de l'ADIF, Association pour le droit international humanitaire, présente les analyses de juristes, représentants d'organisations humanitaires et spécialistes des relations internationales. S'il y a consensus pour condamner les violations des droits humains, une majorité exprime une grande méfiance envers les guerres "humanitaires", des points de vue différents étant cependant présentés par les représentants d'Amnesty International et Human Rights Watch. Les auteurs espèrent ainsi contribuer à la réflexion collective sur ces problèmes.

### **Rule selection in the case of Israel's naval blockade of Gaza : law of naval warfare or law of the sea ?**

**James Kraska.** In: Yearbook of international humanitarian law Vol. 13, 2010, p. 367-395

On 27 September 2010 the UN Human Rights Council in Geneva released its analysis of the 31 May 2010 boarding of the large passenger liner, Mavi Marmara, by forces of the Israeli Navy. The ship was interdicted in the eastern Mediterranean Sea by Israeli commandoes, who rappelled vertically onto the top deck of the ship from a helicopter. The boarding incident and ensuing melee that unfolded on the deck of the ship left several Israeli military members seriously injured and resulted in the death of nine Turkish nationals. The event ignited a firestorm of controversy in international humanitarian law. These sad and unfortunate results raise interdisciplinary questions concerning both fact selection – determining what actually happened, or whose version of the facts are accepted – and rule selection – what was the legal relationship between Israel and the vessel Mavi Marmara. The overriding legal issues lay at the intersection of the international law of the sea and the law of naval warfare, which is a subset of international humanitarian law (IHL). Dissecting the legal elements of the raid is important for a better understanding of what happened – and how to prevent a reoccurrence.

Full text : only from ICRC headquarters: [http://journals.cambridge.org/abstract\\_S1389135911000146](http://journals.cambridge.org/abstract_S1389135911000146)

### **Rules of engagement : protecting civilians through dialogue with armed non-state actors**

**Geneva Academy of International Humanitarian Law and Human Rights.** - Geneva : Academy of International Humanitarian Law and Human Rights, 2011. - 88 p. - Cote 345.29/175 (ENG)

The report Rules of engagement, protecting civilians through dialogue with armed non-state actors is an essential reference document for humanitarian and mediation practitioners dedicated to humanitarian engagement with armed non-state actors (ANSAs). This report aims to address some of the key challenges faced by the international community (e.g. states, international organizations, NGOs working in the field) when dealing with lack of compliance with international norms by ANSAs. The main body of the report sets out the main conclusions and findings of the project, with supporting illustrations from current practice as well as a review of the legal challenges - under national as well as international law - that confront anyone seeking to improve respect for international law by ANSAs.

<http://www.adh-geneva.ch/docs/publications/Policy%20studies/Rules%20of%20Engagement.pdf>

### **Small arms and light weapons : the current regime is insufficient and ineffective : what do we need ?**

**Thyla Fontein.** In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict Vol. 25, 2/2012, p. 92-102

Small arms and light weapons have many devastating impacts on human security. Most states regulate small arms and light weapons in their domestic legislation, but this is done in a non-uniform manner, allowing the continued use and transfer of weapons. At the international level, various aspects with regard to small arms and light weapons are regulated. Therefore, treaty law with a focus on international

humanitarian law will be considered first. This body of law regulates the use of these weapons to a certain extent, but not exhaustively. In a second step, customary international law with regard to such weapons is assessed, particularly focusing on the practice of international and regional initiatives. Recent and current initiatives such as the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, and the Arms Trade Treaty will be considered. Furthermore, there will be a critical discussion on the needs for future regulation, especially reflecting on the idea of a comprehensive small arms and light weapons treaty.

### **Square pegs and round holes : Mexico, drugs, and international law**

**Craig A. Bloom.** In: *Houston journal of international law* Vol. 34, no. 2, 2012, p. 345-414. - Cote 345.27/70 (Br.)

The drug-related violence in Mexico has become so ubiquitous that President Calderon is using the Mexican Army to fight the drug cartels. This paper argues that this situation rises to the level of a non-international armed conflict and discusses the international legal obligations and rights that arise from that designation under international humanitarian law. Under international humanitarian law, to qualify as a non-international armed conflict, there must be protracted armed violence involving at least one sufficiently organized non-state party. This requirement does not give any guidance on how to answer the threshold question of how much or what kind of organization is sufficient. The paper proposes a bright line test for determining the existence of a non-international armed conflict based on the text of the Geneva Conventions. This paper addresses the non-international armed conflict taking place between Mexico and the drug cartels, and then proposes options that Mexico and the international community can undertake to curb the violence and ensure compliance with its international humanitarian law obligations. These options include referral of these violations to the International Criminal Court, the United States conditioning funding for Mexican anti-narcotics efforts on compliance with international humanitarian law, and ICRC engagement with Mexico and the cartels to promote compliance and protect civilians.

### **Taking prisoners : reviewing the international humanitarian law grounds for deprivation of liberty by armed opposition groups**

**Deborah Casalin.** In: *International review of the Red Cross* Vol. 93, no. 883, September 2011, p. 743-757

While detention by armed opposition groups in non-international armed conflict is a reality that is foreseen and not prohibited by international humanitarian law, the grounds upon which it may take place are not defined. This article looks more closely at the customary international humanitarian law prohibition on arbitrary deprivation of liberty, and how it can apply to armed opposition groups in a manner that makes compliance realistic. It focuses on the legal bases upon which armed opposition groups may detain persons who are taken into custody in order to remove them from hostilities or for security purposes. An approach to detention by armed opposition groups based on the principles of international humanitarian law applicable to international armed conflicts is explored and its limitations defined.

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-casalin.pdf>

### **Targeting, command judgment, and a proposed quantum of information component : a fourth amendment lesson in contextual reasonableness**

**Geoffrey S. Corn.** In: *Brooklyn law review* Vol. 77, issue 2, Winter 2012, p. 437-498. - Cote 345.25/183 (Br.)

The principle of distinction requires belligerents to constantly distinguish between lawful objects of attack and all other persons, places, and things. While the principle of distinction is a manifestation of the balance between military necessity and humanity, it is also an expression of perhaps an even more central tenet of the Law of Armed Conflict (LOAC) : the assumption that the only legitimate object of war is to weaken enemy forces. Accordingly, the legal regulation of targeting is based on a conclusive presumption that the deliberate infliction of death or destruction to civilians or civilian property will never contribute to this objective, thereby obligating belligerents to limit their destructive efforts to military objectives only. The framework for determining what is and is not a lawful target of attack is known as the military objective test. This article proposes a quantum of information framework to facilitate the effective implementation of the military objective test. In support of this proposal, the article will provide a comparative analysis of United States constitutional Fourth Amendment jurisprudence, focused specifically on the relationship between several distinct quantum of proof standards for assessing reasonableness and the interests they were developed to balance. Part I of this article addresses the relationship between the LOAC and the military targeting process. Part II discusses the concept of reasonableness as it relates to that process and to U.S. criminal search and seizure law. Part III outlines the contextual reasonableness equation, which is based on the proportional relationship between the nature of the intrusion on a protected interest and the quantum of information required to render that intrusion reasonable. Parts IV and V propose a framework for application to the military targeting process, and then the article concludes.

## **Technological challenges for the humanitarian legal framework : proceedings of the 11th Bruges Colloquium, 21-22 October 2010 = Les défis technologiques posés au cadre juridique humanitaire : actes du 11ème colloque de Bruges, 21-22 Octobre 2010**

ICRC , Collège d'Europe. In: Collegium No. 41, Automne 2011, 130 p.. - Cote 345.25/175

Contains : Session 1: New technology on the battlefield. Session 2: Cyber warfare. Session 3: Remote-controlled and autonomous weapons systems. Session 4: Outer space: a new conflict theatre ?. Panel discussion: How will technological development challenge IHL in the 21st century ?

[http://www.coleurope.eu/sites/default/files/uploads/page/collegium\\_41\\_o.pdf](http://www.coleurope.eu/sites/default/files/uploads/page/collegium_41_o.pdf)

## **Le "terroriste" et le droit international humanitaire**

par **Philippe Ch.-A. Guillot**. - In: *Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle*. - Bruxelles : Bruylant, 2012. - p. 267-289. - Cote 345.2/892

Le terrorisme international - ou plutôt transnational - est caractéristique des nouvelles formes de conflictualités qui se "démilitarisent" dans le sens où elles ne sont plus combattues uniquement par des soldats et qu'elles ne sont plus dirigées principalement contre des cibles militaires. En découle-t-il pour autant une obsolescence du droit international humanitaire? Assurément, non. Le phénomène terroriste ne remet nullement en cause la pertinence du "droit de Genève" qui se révèle adaptable et adapté. Tout d'abord, parce que les Conventions et les Protocoles prohibent les actes terroristes; ensuite, parce que la pratique des États en lutte contre des mouvements terroristes démontre que des solutions "nouvelles" ne sont pas nécessaires pour faire efficacement face à cette menace; enfin, la jurisprudence admet que "Confronting the dangers of terrorism constitutes a part of international law dealing with armed conflicts of international character". Non seulement le droit humanitaire est adapté à la lutte contre le terrorisme, mais encore, la lutte contre le terrorisme doit s'adapter au droit international humanitaire lorsqu'elle prend la forme d'un conflit armé.

## **Too rough a justice : the Ethiopia-Eritrea claims commission and international civil liability for claims for rape under international humanitarian law**

**Ryan S. Lincoln**. In: *Tulane journal of international and comparative law* Vol. 20, issue 2, Spring 2012, p. 385-419. - Cote 362.8/177 (Br.)

The developments in international law prohibiting rape during armed conflict have grown at a rapid pace in recent decades. Whereas rape had long been considered an inevitable by-product of armed conflict, evolution in international humanitarian law (IHL) has relegated this conception mostly to the past. The work of international criminal tribunals has been at the forefront of this change, developing the specific elements of the international crime of rape, and helping to change the perception of rape in international law. Violations of IHL, however, also give rise to civil liability. Despite the advances with respect to rape made in the international criminal law context, non-criminal adjudication of claims for rape has been rare. Recently, the Ethiopia-Eritrea Claims Commission completed eight years of work, making numerous damage awards for civil claims based on violations of IHL that occurred during the war between those two states. Among the claims it heard were several claims for rape, brought by both parties. Thus, the completed work of the Ethiopia-Eritrea Claims Commission represents an important opportunity to examine civil adjudication of claims for rape under IHL. This Article asks whether the work of the Commission has helped to extend the protections afforded by IHL, and whether its treatment of the claims for rape is in line with the progress made within IHL regarding the conceptualization of rape. It locates and analyzes the work of the Commission within the broader changes that have occurred within IHL with respect to rape, outlines the work of the Commission, and analyzes its substantive and procedural decisions. This Article argues that, while the Commission contributed certain substantive and procedural advances to IHL, it may have simultaneously created certain gaps in the IHL regime and hindered the conceptualization of rape within IHL.

Full text : only from ICRC Headquarters:

<http://heinonline.org/HOL/Page?handle=hein.journals/tulicl20&collection=journals&index=journals/tulicl&id=393>

## **Les trois livres sur le droit de la guerre**

**Alberico Gentili ; trad., introduction et notes de Dominique Gaurier**. - Limoges : Pulim, 2012. - 659 p. + 1 CD-ROM. - Cote 345.2/893

Alberico Gentili est un juriste, professeur royal italien du 17<sup>e</sup> siècle qui a mis en place une réflexion sur le droit de la guerre au niveau international. Sa démarche est de faire valoir des solutions valides pour son époque, à partir de situations contemporaines. De 1588 à 1589, trois ouvrages sur le droit de la guerre virent le jour et furent remaniés et publiés dans le *De jure belli Libri tres* en 1598, réédité en 1612. La

présente traduction s'appuie sur cette réédition. Cet ouvrage a déjà fait l'objet de deux traductions, en anglais et en italien. Une nouvelle traduction s'avérait nécessaire car les deux précédentes présentaient de trop nombreuses libertés prises avec le texte original, un manque de rigueur dans la vérification des sources, des passages entièrement réécrits dans une langue plus lyrique, plus littéraire. La présente traduction, si elle se montre plus rude sur le plan littéraire, reste néanmoins fidèle à l'écriture de Gentili. Le traducteur a pris soin de présenter les sources romaines qui ont inspiré ce texte afin de donner aux lecteurs toutes les clés de compréhension. Cette nouvelle traduction tient donc de référence absolue pour les travaux sur le droit de la guerre d'Alberico Gentili. C'est à ce jour la traduction la plus riche, la plus complète et la plus fidèle à la pensée de l'auteur. De plus, le cd-rom accompagnant le recueil présente en fac-similé le texte original en langue latine de l'édition de 1612.

### **Le troisième protocole additionnel aux Conventions de Genève du 12 août 1949 et le Cristal Rouge**

**par François Bugnion.** - In: *Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle.* - Bruxelles : Bruylant, 2012. - p. 49-86. - Cote 345.2/892

La question réglée par le protocole III est un sujet d'étonnement pour tous ceux qui découvraient ce problème, que de voir qu'une question en apparence aussi anodine, était restée aussi longtemps sans solution. Pour comprendre la négociation qui conduisit à l'adoption du Protocole III, il faut saisir les enjeux sous-jacents à la question de l'emblème et, pour comprendre ces enjeux, un détour par l'histoire est indispensable. En effet, la problématique de l'emblème est issue d'une succession de décisions prises à des moments différents, donc chacune avait sans doute une rationalité au moment où elle avait été adoptée, mais dont la somme débouchait sur une situation qui défiait la raison et qui paraissait injuste et discriminatoire. Ce chapitre retrace ces différentes décisions et leurs conséquences.

### **Unlawful presence of protected persons in occupied territory ? : an analysis of Israel's permit regime and expulsions from the West Bank under the law of occupation**

**Alon Margalit and Sarah Hibbin.** In: *Yearbook of international humanitarian law* Vol. 13, 2010, p. 245-282

The new Israeli military legislation formalized the policy of expulsion of Palestinians from the West Bank to Gaza that Israel had carried out sporadically since 2003. The reason given for these expulsions has not been that the individual deportee poses a specific security risk, but rather is based on his or her outdated Gazan registered address and arguing unlawful presence in the West Bank. The requirement to hold a stay permit, and the risk of expulsion in its absence, applies also to individuals who moved to the West Bank before 2007, when these permits were first introduced. Despite years of living in the West Bank, their registered address remains as the Gaza Strip, mostly due to the Israeli refusal to register the change, and in some cases, even children subsequently born in the West Bank have been registered with the same address as their parents. It is estimated that the recent Military Order exposes tens of thousands of Palestinians to expulsions from the West Bank to the Gaza Strip. This paper examines the legality of this practice, as illustrated in the Azzam case and formalized in the recent military legislation, from the perspective of International Humanitarian Law. Clearly, the Israeli Policy also has important implications for the human rights of the affected Palestinians and it is necessary to examine its lawfulness under International Human Rights Law as well.

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### **The US Department of Defense law of war manual : an update**

**Stephanie Carvin.** In: *Yearbook of international humanitarian law* Vol. 13, 2010, p. 353-363

One of the major legal instruments the US Department of Defense (DoD) will be relying on in terms of planning and carrying out its activities in the near future is a new law of war military manual which is expected to be published sometime in 2011. While on the surface such a document may not seem of critical interest to those interested in security/strategic studies or to humanitarian activists seeking to ban rather than regulate violence, there are important reasons to place a certain amount of emphasis on this DoD product and to expect that it will have a significant impact, especially on issues that are presently widely debated within the humanitarian legal community. This article aims briefly to introduce the background of the US military Manual, and illustrate the path taken to bring it to fruition over nearly three decades. It will conclude with a brief description of what the manual will look like when it is eventually published.

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## **Le viol et les autres crimes de violences sexuelles à l'encontre des femmes dans les conflits armés**

par **Mélanie Dubuy**. - In: *Le droit international humanitaire face aux défis du XXI<sup>e</sup> siècle*. - Bruxelles : Bruylant, 2012. - p. 181-217. - Cote 345.2/892

La première partie de chapitre procède à l'analyse des conventions internationales organisant la protection des victimes, des femmes particulièrement, durant les conflits, et montre de grandes lacunes, la batterie de textes ne suffisant pas à condamner avec véhémence le viol et les violences sexuelles. La deuxième partie s'attache aux travaux des tribunaux pénaux internationaux et à la jurisprudence internationale qui étoffe le droit international humanitaire, contribuant largement à combler les lacunes normatives.

## **"War" in the jurisprudence of the Inter-American Court of Human Rights**

**Laurence Burgogue-Larsen and Amaya Úbeda de Torres**. In: *Human rights quarterly : a comparative and international journal of the social sciences, humanities, and law* Vol. 33, no. 1, February 2011, p. 148-174

How have Inter-American Human Rights bodies dealt with the notion of “war”, which has been transformed over time into the notion of internal and international “armed conflicts”? This question provides the analytical foundation of the first part of this study, which sets out the various types of conflicts that have occurred in the American continent. These situations (armed conflicts, internal strife, State terrorism) have produced a wide range of legal categorizations, utilized by both the Commission and Inter-American Court of Human Rights in their case-law. This conceptual delimitation carried out by these two bodies is all the more important as it affects the law that applies to armed conflicts. Indeed, by analysing this question, the never-ending debate on the relationship between International Human Rights Law and International Humanitarian Law reappears. The second part of this study therefore focuses on the issue of discovering whether and in which way jus in bello has found its place into the Inter-American Human Rights bodies’ case-law. As the active political life of Latin American societies has shown, the study of the different applicable legal regimes also requires looking into “state of emergency” Law, an issue which has been shaped by the Inter-American Court and Commission’s work.

[http://muse.jhu.edu/journals/human\\_rights\\_quarterly/v033/33.1.burgogue-larsen.pdf](http://muse.jhu.edu/journals/human_rights_quarterly/v033/33.1.burgogue-larsen.pdf)

## **What's new in law and case law across the world : biannual update on national legislation and case law : January-June 2011**

[ICRC]. In: *International review of the Red Cross* Vol. 93, no. 883, September 2011, p. 853-872

The biannual report on national legislation and case law is an important tool in promoting the exchange of information on national measures for implementation of international humanitarian law (IHL). The ICRC was asked to undertake this task of information exchange through a resolution adopted at the 26th International Conference of the Red Cross and Red Crescent in 1996.

<http://www.cid.icrc.org/library/docs/DOC/irrc-883-reports-documents.pdf>

## **Who may be killed ? : Anwar al-Awlaki as a case study in the international legal regulation of lethal force**

**Robert Chesney**. In: *Yearbook of international humanitarian law* Vol. 13, 2010, p. 3-60

Anwar al-Awlaki is a dual Yemeni-American citizen who has emerged in recent years as a leading English-language proponent of violent jihad, including explicit calls for the indiscriminate murder of Americans. According to the US government, moreover, he also has taken on an operational leadership role with the organization al Qaeda in the Arabian Peninsula (AQAP), recruiting and directing individuals to participate in specific acts of violence. Does international law permit the US government to kill al-Awlaki in these circumstances? The use of lethal force in response to terrorism has been the subject of extensive scholarship, advocacy, and litigation over the past decade. Yet we remain far from consensus. The al-Awlaki scenario accordingly provides an occasion for fresh analysis. Part 1.2 opens with a discussion of what we know, based on the public record as reflected in media reports and court documents, about AQAP, about al-Awlaki himself, and about the US government’s purported decision to place him on a list of individuals who may be targeted with lethal force in certain circumstances. Part 1.3 explores objections founded in the UN Charter’s restraints on the use of force in international affairs, emphasizing Yemen’s potential objections under Article 2 of the Charter. Part 1 considers whether an attack on al-Awlaki would best be understood as governed by International Humanitarian Law (IHL) or International Human Rights Law (IHRL), and whether and when either body of law would actually permit the use of lethal force.

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