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### ARMS

**Au-delà de la Conférence d'examen de la CIAB = Beyond the BTWC RevCon** / Piers D. Millett... [et al.]. - In: Forum du désarmement = Disarmament forum, 1, 2011, 80, 72 p.  

En annexe : Model law Convention on cluster munitions : legislation for common law states on the 2008 Convention on cluster munitions  
341.67/290 (Br.)

341.67/682

**The treaty on the non-proliferation of nuclear weapons and the universalization of the Additional Protocol** / Masahiko Asada. - In: Journal of conflict and security law, Vol. 16, no. 1, Spring 2011, p. 3-34

### BIOGRAPHY

92/DUN 93

### CHILDREN

362.7/339

This article uses recent experience in Angola to demonstrate that young fighters were not adequately or effectively assisted after war ended in 2002.

Réf. ORG 2-d (ENG) (also available in French and Spanish)

### CONFLICT-VIOLENCE AND SECURITY

Réf. GUE 2-x

355/913


330/250

DETENTION

Dirty hands or dirty decisions ? : investigating, prosecuting and punishing those responsible for abuses of detainees in counter terrorism operations / Maureen Ramsay. - In: The international journal of human rights, Vol. 15, no. 4, May 2011, p. 627-643
323.2/282 (Br.)

431/221

331.51/145

323.2/575

323.2/576

GEOPOLITICS

323.12/525

323.11/ZAR 16

323.12/COL 17

323.11/CIV 4


HEALTH-MEDICINE


Contient également : Sick-nursing and health nursing (1893 essay). - Formal letters to her nurses (1872-1900) 356/237


HUMAN RIGHTS

Focusing on the case of Burundi, this article analyses the effectiveness of the international prohibition of amnesty for serious human rights crimes at the national level, in the context of complex war-to-peace transitions based on power-sharing deals between former opponents. On the one hand, the amnesty prohibition has clearly affected Burundi’s peace process and its proposed transitional justice process. The prohibition found its way into national legislation and no amnesty was granted for genocide, crimes against humanity and war crimes. Throughout its involvement with the Burundian peace process, the United Nations has systematically opposed the use of amnesty legislation that does not respect the constraints imposed by international law. On the other hand, imperatives of political expediency and the desire to safeguard short term political stability have given rise to the establishment and creative use of a sophisticated bypassing mechanism. Through the combination of limitations imposed on the jurisdiction of the national criminal justice system, the use of temporary immunities and the delayed establishment of proposed transitional justice mechanisms, the amnesty prohibition has – so far – been most effectively circumvented. The case of Burundi offers interesting insights into the limits of the global ‘justice cascade’.

This article discusses the human rights obligations of corporations that operate in bilateral zones of conflict. It analyzes the commercial activity of Israeli corporations in the Palestinian Gaza Strip from within the framework of the evolving jurisprudence on the human rights obligations of corporations. In recent years, greater attention has been paid to the role of commercial entities in violent contexts whose activities may, directly or indirectly, implicate
issues of human rights or international humanitarian law. International human rights law establishes a set of norms and obligations that are mainly enforced in relations among states or between states and their citizens. Unlike states, private commercial corporations are generally not treated as bearing direct human rights obligations under international law; human rights law applies only in a limited way to these corporations. Similarly, international humanitarian law, although increasingly applied to non-state actors, has yet to be applied directly to privately-owned companies.


On 24–25 September 2009, the Faculty of Laws, University College London and the International Humanitarian Law Project, London School of Economics held a conference in cooperation with the International Committee of the Red Cross entitled ‘The European Convention on Human Rights and International Humanitarian Law’. Armed conflict situations (including belligerent occupations) have increasingly become the subject of litigation before national courts and the European Court of Human Rights (ECtHR). As a result, there is now a substantial body of case-law on the application of the European Convention on Human Rights (ECHR) in armed conflict situations. The ECtHR has had to engage with questions involving situations of armed conflict and occupation since the Turkish intervention in Northern Cyprus in the 1970s. The increasing resort to the ECHR by claimants whose rights have allegedly been violated in contemporary armed conflicts and occupations, raise new and complex questions of law. To what extent does the ECHR, as a human rights legal regime, apply in such situations, especially when alleged violations have been perpetrated abroad? How does the ECHR interact with international humanitarian law (IHL)?


**The relationship between international humanitarian law and human rights / Constantine Antonopoulos. - In: Revue hellénique de droit international, 63e année, 2/2010, p. 599-634**

As a matter of normative objective, both branches of the law share an interest in the protection of individuals; in the case of human rights law this accounts for the entirety of its object and purpose, whereas in the case of IHL it extends to part of its object, albeit a fundamental one. The practice of states, the case-law of international tribunals and the writings of publicists support a convergence and complementarity in the application of human rights law and IHL.


This article finds that the CRC has incorporated the corpus of IHL into the Children's Convention and argues that it has an important role to play in interpreting international humanitarian law. The Children's Convention is the only core international human rights treaty that discusses humanitarian law explicitly and has an interpretive body to monitor its implementation. As a result, the CRC is the only human rights treaty body with a substantial existing humanitarian law jurisprudence. Further, the CRC considers reports from States under the Optional Protocol on Children in Armed Conflict, which recalls in its preamble the obligation of States parties “to abide by the provisions of international humanitarian law.” These features suggest that the CRC has unique institutional potential to interpret humanitarian law. Yet while the CRC offers analysis of IHL, its analysis is implicit. It is possible, by assembling various pronouncements in the Concluding Observations, to find examples of States parties’ obligations under IHL as they relate to respect for and protection of children. Nonetheless, the Committee’s structure and mandate prevent it from performing fact-specific and potentially precedent analysis. Still, we argue that the Committee may be able to modify slightly the format of its Concluding Observations in order to provide more explicit links from IHL to the Convention. Moreover, through its consistent pronouncements as to certain mandatory protections for children in situations of armed conflict, the Committee may be developing and solidifying norms of customary international humanitarian law.
HUMANITARIAN AID

361/511 (2010)

361/556

361/553 (Br.)

361/555

361/554

The utilization of peacekeepers to protect civilians confronting devastation remains an issue of considerable debate about whether sufficient capacity exists to take on the task. This paper examines the difficulties of providing resources both for quick response civilian protection against ongoing devastation and follow-on longer-term activities that can help guarantee against a resurgence of violence. Research drawing on the CPASS database of worldwide peacekeeping operations reveals two clusters of troop contributing countries: a UN set and a cross-cutting "Western" agendas group. The first cluster has demonstrated a willingness to deploy to long-term multidimensional peacekeeping missions that can help dampen the prospects of resurgence, and the second group (plus one important idiosyncratic actor) has demonstrated a willingness to take on usually shorter but more dangerous peace enforcement missions. For the foreseeable future, the most promising prospect for the protection of civilians involves the two clusters operating either in parallel or in sequence. While this division of labor may not be the most efficient way of doing business in an ideal world, it is the best we can expect for the world in which we live.
361/281 (Br.)

INTERNATIONAL CRIMINAL LAW

344/538

Defining aggression : an opportunity to curtail the criminal activities of non-state actors / Steve Beytenbrod. - In: Brooklyn journal of international law, Vol. 36, issue 2, 2011, p. 647-693
Part I of this Note provides a background of the international laws governing conflicts, particularly those relating to Non-State Actors (NSAs). Part II criticizes the current international framework for conflict resolution. Specifically, Part II discusses why international law is too
outdated to properly handle modern conflicts and how developments in international criminal law make it the best avenue for enforcing laws against NSAs. Part III focuses on the Rome Statute and particularly the 2010 review. Given that this review amended the Rome Statute to define the crime of aggression, this Note discusses the implications and shortcomings of this amendment. Lastly, Part IV argues that by passing a state-focused definition of aggression, the international community missed a critical opportunity to reign in the illegal activities of NSAs.


La décision Munyaneza constitue la première analyse judiciaire de la "Loi sur les crimes contre l’humanité et les crimes de guerre" et des définitions qu’elle propose des infractions de droit international maintenant criminalisées dans le système juridique canadien. Il s'agit d’un régime juridique nouveau, original et complexe, qui fait s'entrecroiser le droit international et le droit canadien, et qui constitue un pilier important de l'entreprise globale de lutte contre l'impunité pour les crimes internationaux les plus graves. L'auteure propose une analyse critique du jugement Munyaneza en ce qui concerne les éléments constitutifs du crime de génocide, des crimes contre l'humanité et des crimes de guerre. Elle offre une discussion de certains des aspects les plus difficiles des définitions de ces crimes et vise à contribuer à ce que la jurisprudence future soit cohérente avec l'esprit et la lettre de la loi et avec le droit international. Le régime des peines applicables en vertu de la loi est aussi brièvement analysé. 344/53 (Br.)


**INTERNATIONAL HUMANITARIAN LAW-GENERALITIES**


Despite the high density and sheer volume of the Law of Armed Conflict (LOAC), there is considerable indeterminacy within its structure. Understanding the interpretive space generated...
through the rules/standards dichotomy as well as through the policy/law interface resident within this indeterminacy permits greater appreciation of how LOAC is used to advance strategic goals. The purpose of this article is to examine various interpretive approaches to LOAC and to reveal the significance of such approaches to questions of both legal validity and broader considerations of legitimacy. Positivism remains the dominant interpretive idiom, but it contains vulnerabilities in its assumptions, not least is the wide malleability of language. In the current operating environment, within the counter-insurgency (COIN) context in particular, it is becoming evident that standard canons of LOAC interpretation may not be sufficient to achieve the desired military and political goals sought. Indeed recent COIN guidance concerning interpretation of LOAC reflects an approach reminiscent of the US legal realist style of the early to mid 20th century. This results in a more overt demand for greater social and political appreciation of the use of law to modulate violence.

Controlling the recourse to war by modifying jus in bello / Ryan Goodman. - In: Yearbook of international humanitarian law, Vol. 12, 2009, p.53-84

According to a bedrock principle of international law, the rules regulating the recourse to war and the rules regulating conduct during war must be kept conceptually and legally distinct. The purported independence of the two domains – the ‘separation principle’ – remains unstable despite its historic pedigree. This essay explores recent developments that threaten to erode the separation. The author analyzes, in particular, doctrinal innovations that result in the regulation of the recourse to war through alterations of jus in bello. International and national institutions have incentivized states to pursue particular paths to war by tailoring the rules that regulate conduct in armed conflict. Some warpaths are accordingly rewarded, and others are penalized. The article then explores potential consequences, first, on state behavior involving the use of force and, second, on state behavior involving the conduct of warfare. One significant conclusion is that these recent developments channel state behavior and justifications for using force toward security-based and strategic rationales. These efforts – whether intended or not – risk suppressing ‘desirable wars’ and inspiring ‘undesirable wars.’ These recent developments also undercut humanitarian protections by undermining the mechanisms for compliance with legal norms on the battlefield.


The International Committee of the Red Cross casts itself as both a unique protector of individual victims of war and a special guardian of the body of international humanitarian law. It manages and reconciles these two roles through a complex, unconventional strategy that includes secret communications with warring parties, ambiguity in conveying its legal views to them, and, at times, a complete avoidance of legal arguments when persuading actors to follow international rules. This modus operandi not only challenges some standard views about the methods used by actors seeking to convince law violators to comply with norms; it also opens the door to a richer theoretical understanding of legal argumentation in that process of persuasion. The resulting construct consists of a matrix of inputs that determine how a persuading entity will deploy legal arguments and outputs that convey the dimensions of the resulting argumentation. Both the theory and the ICRC’s work suggest that entities concerned with compliance would often do best to settle for a target to act consistently with a norm rather than to internalize it. They also raise difficult moral questions about whether compliance with international law is the optimal goal if it has adverse consequences for the values an institution seeks to uphold.

Mistreatment of the wounded, sick and shipwrecked by the ICRC study on customary international humanitarian law / James P. Benoit. - In: Yearbook of international humanitarian law, Vol. 11, 2008, p.175-219
In 2005, the International Committee of the Red Cross (ICRC) completed a ten-year study on customary international humanitarian law, based on an assessment of the State practice of over 150 nations over the preceding thirty years. Somewhat surprisingly, but perhaps owing to the sheer size of the ICRC Study, only two states have officially responded to the ICRC: the United States and Israel. Although an analysis of the US response is beyond the scope of this paper, it generally criticizes the ICRC Study's unorthodox methodology, including both the State practice it considered, and its lack of proof of opinio juris. The ICRC is a venerable organization, traditionally viewed as the guardian of international humanitarian law. Its study is a monumental work compiling a surfeit of State practice. Nevertheless, the ICRC Study articulates 'rules' that are not sustainable under the traditional theory of customary international law formation, as may be seen by the examination in Section 3 of the three seemingly uncontroversial rules proposed for handling the wounded, sick and shipwrecked.

Protection of civilians during armed conflicts / Stylianos Politis. - In: Revue hellénique de droit international, 63e année, 2/2010, p. 1011-1018
The higher cost during a war is always paid by fighters, as thousands of them die and even more get injured. They die having in mind the completion of an aim. When the aim is their country's defence then it is sacred and the sacrifice is the ultimate duty. However, the death of civilians who lose their lives during war conflicts motivated by fanaticism and hate, or by weapons which nowadays become more and more destructive causing 'collateral damages' without any distinction, cannot be considered as such. Based on the rules and regulations of modern international law, efforts are made to cut down and if possible to eliminate war consequences to civilians.

345.2/846

A world without war is easy to imagine, hard to realize and impossible to remember. Mankind wages war. Human fascination with warfare and weaponry remains relentless. The creativity, effort, time and resources spent on improving weaponry are impressive and constant. Luckily, man is not a cruel, immoral, and sadistic animal only putting its efforts into increasingly clever ways of applying force. Soon after the first wars came the first rules. From 1868 onwards, the process of codifying rules of warfare and making them written laws of war started. This thesis
evolves around the question whether the changed ways in which war is fought, as far as technological innovation spurs them, require a reform of those laws of war.

INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES


Operation Cast Lead, the Israeli military operation in Gaza that began on December 27, 2008, demonstrated anew the challenges international humanitarian law faces in contemporary conflict. The Goldstone Report presented an opportunity to examine critically how the law applies in complicated modern warfare and how the law might be used to solve difficult problems such conflict poses. This article analyzes the Goldstone Report's application of the law to the conduct of both parties in the conflict to examine how it applies and interprets the legal standards within the framework of the Gaza conflict. In particular, the article focuses on two main shortcomings in the Goldstone Report's application of IHL: areas in which the report could have benefitted from a greater sensitivity to the complexities of modern warfare, and areas in which its approach is questionable as a matter of law. First, the article highlights the report's flawed examination of the challenges posed by contemporary conflicts in two fundamental areas of IHL: distinction and military objectives. Both require that military commanders and soldiers understand who is a civilian and who is a fighter or combatant, and which targets are military targets and which are civilian objects. Without a thorough and sophisticated understanding of how to make these determinations, military commanders, soldiers and policy makers will face grave difficulty in planning and carrying out military operations within the bounds of the law. The challenges presented in Operation Cast Lead are emblematic of some of the most difficult dilemmas modern warfare poses. Second, the article highlights several areas in which the Goldstone Report's application of IHL is questionable, either because it uses the incorrect legal standard or because it applies the wrong law when more than one body of law applies. The report errs twice in its treatment of the principle of proportionality, first by approaching jus in bello proportionality retrospectively rather than prospectively, and second by conflating jus ad bellum proportionality with jus in bello proportionality. Additional problems arise in its analysis of the law governing precautions in attack and the treatment of prisoners of war, and its assessment of responsibility for specific crimes, including attacks on civilians, destruction of property and hostage taking.


The ICRC, following extended discussions with a large group of experts, has adopted and issued a non-legally binding document entitled ‘Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law’ consisting of ten recommendations and about fifty pages of related commentary. The discussion process which preceded production of the Interpretive Guidance was contentious and no consensus was reached on the issue of Direct Participation in Hostilities under International Humanitarian Law. The discussion process which preceded production of the Interpretive Guidance was contentious and no consensus was reached on the issue of Direct Participation in Hostilities. As the result, the ICRC, as it was entitled to do, issued its own interpretation of the applicable law. The author of this article, who was involved in all of the expert meetings, reviews and comments on the Interpretive Guidance and attempts to make an assessment of its general viability and of its acceptability to the wider IHL community.

Moral ambiguities underlying the laws of armed conflict: a perspective from military ethics / Th. A. van Baarda. - In: Yearbook of international humanitarian law, Vol. 11, 2008, p. 3-49

The law of armed conflict suffers from an internal ambiguity. The Declaration of St Petersburg (1868) made the ambiguity explicit when it stated that ‘the necessities of war ought to yield to the requirements of humanity’. The Lieber Code (1863) was less explicit, though it suffered from the same ambiguity. The Code received a lengthy critique from the Confederate Secretary of War who stated bluntly: ‘A military commander under this code may pursue a line of conduct in accordance with the principles of justice, faith and honour, or he may justify conduct correspondent with warfare of the barbarous hordes who overran the Roman Empire, or who, in the Middle Ages, devastated the continent of and menaced the civilisation of Europe’. Which of the two considerations, the Confederate Secretary demanded to know, should prevail: humanity or necessity?
The rendulic ‘rule’ : military necessity, commander’s knowledge, and methods of warfare / Brian J. Bill. - In: Yearbook of international humanitarian law, Vol. 12, 2009, p. 119-155
Unlike most other areas of international law which address only State responsibilities, the law of war assigns to individuals the responsibility to observe positive rules. The threat of being charged with a war crime, with all the attached opprobrium, is the chief means by which observance of the law of war is ensured. No one could rightly argue that war crimes prosecutions, even if they were always effectively prosecuted – and they are not – ensure perfect compliance with the law, but they are the best mechanism devised to date. Although war crimes trials has earlier antecedents, the prosecutions following World War II marked the beginning of the modern war crimes model. World War II prosecutions were notable for the scale of atrocities alleged in the various indictments. Once the crimes were defined, and the architecture put in place to establish the various tribunals, proof of wrongdoing was rarely in doubt. There were expected legal issues to be sure: claims of ex post facto crimes, immunities for acts of state, and the defense of superior orders, among many others; but in general prosecutors fully expected convictions across the board. And many convictions did result, though there were several exceptions that resulted in full or partial acquittals.

In October 2008, upon the request of the Afghan government, NATO Defence Ministers meeting in Budapest agreed that ‘ISAF [International Security Assistance Force] can act in concert with the Afghans against facilities and facilitators supporting the insurgency, in the context of counternarcotics, subject to the authorization of respective nations’. In explaining the scope of the contemplated actions, NATO officials noted that drug producers and traffickers who aided the ongoing insurgency could now be attacked. NATO's Supreme Allied Commander Europe (SACEUR), US General Bantz Craddock, justified the policy on the ground that the Taliban reaped over $100 million annually from the drug trade. US Secretary of Defence Robert Gates likewise defended the decision as sound strategy. It soon became clear that other key figures were less enamoured with the new approach, or the subsequent guidance issued to effectuate it. On 5 January 2009, Craddock instructed General Egon Ramms, the German Commander of Allied Joint Force Command Brunssum, which oversees NATO operations in Afghanistan, ‘to attack directly drug producers and facilities throughout Afghanistan’. The threshold for engagement seemed to require little connection to the insurgency. According to SACEUR's guidance, it was ‘no longer necessary to produce intelligence or other evidence that each particular drug trafficker or narcotics facility in Afghanistan meets the criteria of being a military objective’ because the alliance ‘has decided that (drug traffickers and narcotics facilities) are inextricably linked to the Opposing Military Forces, and thus may be attacked’.

Changing the landscape : Israel’s gross violations of international law in the occupied Syrian Golan / Ray Murphy and Declan Gannon. - In: Yearbook of international humanitarian law, Vol. 11, 2008, p. 139-174
Successive Israeli governments have adopted a number of policies to control and contain the Syrian population since Israel began its occupation. Numerous villages have been destroyed, thousands driven from their homes, private and public property expropriated, the remaining Arab villages have been prevented from expanding and the free movement of people curtailed. In 1981, Israel enacted legislation that purported to annex the territory. This move was widely condemned by the international community and from the perspective of international law, the Syrian Golan remains an occupied territory to which the laws of occupation apply. The northern hemisphere summer of 2008 marked the 41st anniversary of Israel's occupation. This report outlines the background to the occupation and the consequences for the local population. It then examines the action of the Israeli authorities and argues that certain practices by the Israeli Defence Forces constitute war crimes, which in some cases may also amount to grave breaches of the Fourth Geneva Convention governing the protection of civilians.

La ocupación bélica / Agustín Corrales Elizondo. - In: Revista espanola de derecho militar, 93, enero-junio 2009, p. 37-62
Contient notamment : - Concepto de ocupación bélica. - Régimen jurídico y consecuencias de la ocupación en el ámbito del DIH. - Aplicación de la normativa de ocupación militar a las
operaciones de organizaciones internacionales, en particular en los casos de operaciones de paz y de administraciones civiles transitorias de carácter internacional. - Problemas durante la ocupación: cambios de situación, movimientos de resistencia o acciones de combate en el territorio ocupado. Actos terroristas y de otras personas civiles. - Consideración especial de la construccion de un muro en territorio palestino en el marco del conflicto entre Israel y Palestina. - Reflexiones sobre la situación creada con motivo de la ocupación de Irak. - Consideración de las actuaciones en Afganistán y Haití.

INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS

**The civilian in modern war / Adam Roberts.** - In: Yearbook of international humanitarian law, Vol. 12, 2009, p. 13-51
There is a widespread view that civilians are worse off in today's wars than ever before. Civilians are often deliberately targeted by belligerents or are victims of 'collateral damage'. They form the majority of victims of landmines. They are used as human shields. They are displaced from their homes, even from their country. They are affected, often more than soldiers, by the pestilence, famine and displacement that wars bring in their wake. They are often particularly vulnerable in the types of war that are most prevalent in the world today – including civil wars and asymmetric conflicts. Children are forced to become soldiers. How can it be that the lot of civilians in war remains so dire, when so much attention has been paid to the protection of civilians in war – not just in international treaties, but in the work of international organizations and also that of numerous humanitarian bodies?

**La responsabilidad de las organizaciones internacionales por las violaciones del derecho internacional humanitario y los derechos humanos : fundamentos de atribución del hecho ilícito internacional / José Manuel Cortés Martin.** - In: Revista espanola de derecho militar, 94, julio-diciembre 2009, p. 75-118

**Some comments and observations on the Montreux document / Marie-Louise Tougas.** - In: Yearbook of international humanitarian law, Vol. 12, 2009, p. 321-345
Growing concerns that PMSCs were operating in a legal vacuum led to increasing calls for further clarification on the role of such entities in conflict zones and to mounting pressure to develop a regulative framework under international law. In September 2008, 17 States endorsed the Montreux Document, an initiative sponsored by the Swiss government and the ICRC. The Montreux Document is a non-binding document aimed at identifying and reasserting the most relevant international legal obligations that govern the conduct of PMSCs during armed conflicts. It also provides for a set of guidelines on 'good practices' for States in regard to the operation of PMSCs in armed conflicts. Although it does not create any legal obligations, and only recalls existing ones, it is the first intergovernmental document to address international obligations in respect to the activities of PMSCs. It can thus be seen as a first step toward the establishment of a better regulative framework of PMSCs' activities in conflict zones. This article provides an overview of the process that led to the endorsement of this document and an analysis of its content. It also addresses some of the questions left unanswered by the Montreux Document.


Current peace operations often include an element of enforcement. Such operations are based upon Chapter VII of the United Nations Charter and are regularly endowed with a right to use 'all necessary measures' to fulfill the tasks set down in the particular mandate from the UN Security Council. Such operations, moreover, are often deployed in unstable conditions that border on armed conflict, or in areas of existing conflict. At times, the military forces involved in these operations are also involved in the armed conflict itself. The utilization of military force naturally raises the question of the legal status of personnel in peace operations under international humanitarian law (IHL). They represent the international community and as such are protected personnel. But how should they be treated from the perspective of IHL? Should they, despite their obvious military characteristics, be regarded as civilians? At what point, if
any, could they be regarded as combatants? On the issue of change of status under IHL, does the same threshold apply for the operation’s military forces as for other military personnel? Does the involvement of peace forces in an armed conflict, made up of contributions from a number of States, automatically cause that conflict to assume an international nature? Are the Convention on the Safety of United Nations and Associated Personnel and IHL, applicable in non-international armed conflicts, mutually exclusive? These dilemmas are well illustrated by the difficulties facing the International Security and Assistance Force (ISAF) in Afghanistan.

**INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT**

**Territory, boundaries and the law of armed conflict / Louise Arimatsu.** - In: Yearbook of international humanitarian law, Vol. 12, 2009, p. 157-192
Israel’s military operation in the Gaza Strip from 27 December 2008 until 18 January 2009 raised a host of legal questions on status and the conduct of hostilities, many of which have been subjected to intense scrutiny. But perhaps the two most troubling questions that remain unresolved concern the appropriate legal regime that governed the conflict and the geographical reach of the law. Was this an international armed conflict? If so, who were the ‘contracting parties’ and what was the territorial scope of the conflict? Alternatively, was the armed conflict one between a state, Israel, and a non-state actor, Hamas, and thus subject to the rules that apply in non-international armed conflict? This latter position jars with our intuition not least because the codified law assumes non-international armed conflict takes place within the territory of a contracting state. The disquiet is apparent in the Israeli Supreme Court judgment of 2009, Physicians for Human Rights v. Prime Minister, in which the Court had to determine the legal regime governing the armed conflict between Israel and ‘the Hamas organization’. Describing the normative ‘arrangements’ as ‘complex’, it noted that ‘the classification of the armed conflict between the state of Israel and the Hamas organization as an international conflict raises several difficulties’

**PUBLIC INTERNATIONAL LAW**


**REFUGEES-DISPLACED PERSONS**

**RELIGION**

Réf. REL 1

297/149

**TERRORISM**

*Al-Qaida et la guerre contre le terrorisme / dossier dirigé par Marc Hecker.* - In: Politique étrangère, 2, 2011, p. 249-317

*Where precision is the aim : locating the targeted killing policies of the United States and Israel within international humanitarian law / Michael Elliot.* - In: The Canadian yearbook of international law = Annuaire canadien de droit international, Vol. 47, 2009, p. 99-158. - Photocopies
If state practice is any indication, targeted killing is increasingly becoming regarded as a viable and effective response to the threat posed by terrorist organizations. Its growing role in armed conflict makes it particularly important that international humanitarian law (IHL) prove capable of providing an effective framework within which this practice may be governed. As it is currently conceived, however, IHL has shown itself ill-suited to the particular nature of armed conflicts between states and terrorist organizations on a broad level and, more specifically, to the practice of targeted killing. This article examines the decision of the Israeli Supreme Court in Public Committee against Torture in Israel v. the Government of Israel as an example of an attempt to fit targeted killing in the context of state-terrorist conflicts within IHL. In particular, it will consider two aspects of the court's judgment : (1) its categorization of terrorists; and (2) its imposition of the "least harmful means" requirement. It will argue that the former exposes the problems that accompany recognizing targeted killing as lawful by interpreting the prevailing legal rules in such a way as to tailor them to the context. It will further argue that the latter, in resorting to an underlying principle of IHL and adapting its articulation to the particular circumstances in which targeted killing occurs, presents the preferable means by which to recognize targeted killing as lawful in state-terrorist conflicts.
345.26/207 (Br.)

**WOMEN-GENDER**


On 23 October 2009, the African Union officially adopted the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). The product of over two years of deliberation and consultation with AU member states and partners, the Kampala Convention represents an important step in the development of legally binding instruments of protection for internally displaced persons (IDPs). Such an accomplishment, while commendable, comes at a time of increasing insecurity and violence for IDPs, especially internally displaced women, who are disproportionately represented within this population. This article considers the legal protections encompassed within the Kampala Convention from a gendered perspective, analyzing the extent to which the Convention adequately acknowledges and addresses the unique vulnerabilities of internally displaced women. Specifically, the article considers the ways in which the Kampala Convention includes women in the drafting process, expands conceptions of gender-based violence, encourages protections of economic, social, and cultural rights, and extends obligations to non-state actors. In sum, the article argues that, while the progressive legal developments of the African Union deserve much praise, there
remain continued limitations in conferring adequate protection to the most prevalent victims of internal conflict: internally displaced women.

362.8/147 (Br.)

**Femmes en guerre / numéro coordonné par Sophie Milquet et Madeleine Frédéric.** - In: Sextant, 2011-28, 120 p.

362.8/148


362.8/149