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## **AIR WARFARE**

**"Death flies down" : the bombing of civilians and the paradox of international law / Ronald C. Kramer and Amanda Marie Smith.** - London ; New York : Routledge, 2014. - p. 110-130. - In: Towards a victimology of state war. - Photocopies. - Bibliographie : p. 126-130

It is international law that defines and helps us to "see" civilians who are bombed from the air as "victims," individuals who have experienced a "blameworthy harm". The paradox, however, is that while these laws provide substantive concepts and categories for possible legal definition and action (not to mention an epistemological framework for criminological analysis), they ultimately fail to provide protection and legal recourse for those who are victimized by the state crime of bombing civilians. This chapter examines this paradox, particularly with regard to bombing campaigns carried out by the United States of America.

344/636(Br.)

**Reflections on the law of neutrality in current air and missile warfare / by Peter Hostettler.** - In: Israel yearbook on human rights, Vol. 44, 2014, p. 145-166 : diagr.

**Targeting in air warfare / by Kenneth Watkin.** - In: Israel yearbook on human rights, Vol. 44, 2014, p. 1-67

The analysis of targeting in this article is divided into three parts. First, the nature of warfare as a State based activity and with it the impact the levels of war (e.g. strategic, operational and tactical) have on the application of air warfare is explored. Particular attention is paid to the development of airpower theory and challenges that arise in the use of airpower as a strategic "weapon". As demonstrated, it is the application of airpower to meet strategic goals that has impacted on the legal definition of "military objectives" and with it the effort to limit collateral civilian casualties and damage. Secondly, the military doctrine governing the application of airpower is reviewed. The framework developed by State military forces to conduct air warfare not only demonstrates how airpower theory is put into practice it highlights a number of the challenges facing military forces seeking to apply targeting 'principles'. This part discusses the operational planning process; and highlights targeting doctrine such as effects based targeting, the phases of the targeting cycle, and time sensitive targeting. Thirdly, building on the preceding contextual development, the late 20th Century attempt to regulate targeting is discussed. Particular attention is paid to the two main trends applied in interpreting the legal definition of military objectives. One approach seeks to restrictively apply the wording of Additional Protocol I with a bias towards narrowly viewing lawful targets as being more directly associated with the tactical level of war fighting. The second broader method applies a more traditional strategic approach seeing warfare as a State based activity resulting in a broader set to targets that may be attacked. Ultimately, it is suggested the second method of interpreting the law governing what objects may be attacked more accurately reflects how air warfare is conducted and wars are fought. The analysis then turns to the requirements of the principle of distinction; the identification of people and objects as targets; the resolution of doubt; and application of targeting precautions, both in the offence and defence. The goal of this assessment is to outline the challenges associated with applying international humanitarian law provisions to the targeting decision-making process.

**When does aerial bombing work ? : quantitative empirical tests, 1917-1999 / Michael Horowitz, Dan Reiter.** - In: Journal of conflict resolution, Vol. 45, no. 2, April 2001, p. 147-173. - Photocopies. - Bibliographie : p. 170-173

341.226/67(Br.)

**ARMS**

**Are non-lethal weapons a viable military option to strengthen the hearts and minds approach in Afghanistan ? / Sjef Orbons.** - In: Defense and security analysis, Vol. 28, no. 2, June 2012, p.114-130 : diagr.. - Photocopies

*341.67/750(Br.)*

**The Chemical Weapons Convention : a commentary / ed. by Walter Krutzsch, Eric Myjer, Ralf Trapp ; assistant ed. Jonathan Herbach.** - Oxford : Oxford University Press, 2014. - XXXIV, 728 p. ; 26 cm. - Bibliographie : [http://fdslive.oup.com/www.oup.com/academic/pdf/13/9780199669110\\_Bibliography.pdf](http://fdslive.oup.com/www.oup.com/academic/pdf/13/9780199669110_Bibliography.pdf). Index. - ISBN 9780199669110

*341.67/751*

**An illusion of safety : challenges of nuclear weapon detonations for United Nations humanitarian coordination and response / John Borrie and Tim Caughley.** - New York ; Geneva : United Nations, 2014. - XII, 88 p. : tabl., cartes ; 30 cm. - (UNIDIR ; 2014/6). - ISBN 9789290452034

*341.67/752*

**The legal aspects of military ground robots / by Ronan Doaré.** - [Fort Leavenworth] : Combat Studies Institute Press, 2014. - p. 73-88. - In: Robots on the battlefield : contemporary issues and implications for the future

Should new legal models be sought, such as liability for loss or harm caused by objects in one's care (fait des choses), properly suited to encompassing the specific missions and risks inherent to the deployment of robots? Or, conversely, should we content ourselves with applying existing legal provisions by taking the view that the use of robots does not alter the question of the division of liability in relation to the use of force and does not call for any major changes to the fundamentals of the various parties' liabilities if robots are deemed to be equipment? For now, it must be admitted that "unlike air forces which are equipped with attack drones, ground forces remain reluctant to deploy robots with attack capabilities. Control over fire on the ground remains the sole preserve of humans with no technological interface." However, developments are expected which might radically alter the application of certain provisions, and the provisions of international humanitarian law (IHL) in particular. Taking an interest in the legal aspects to military robotics makes it possible to both understand the legal framework of robot deployment and anticipate potential developments.

*355/1039*

**Mine action 2013 : special report / ICRC.** - Geneva : ICRC, April 2014. - 46 p. : fotogr., carte, tabl. ; 30 cm

*341.67/574(2013)*

**Optimal navigation for humanitarian demining robots / presented by Yannick Charles.** - [S.l.] : [s.n.], 2011. - 178 p. : fotogr., graph., tabl., diagr. ; 30 cm. - European master in advanced robotics, Ecole centrale de Nantes, Università degli studi di Genova, 2011. - Bibliographie : p. 163-171

*341.67/749*

**The silent killer : toxic chemicals for law enforcement and the Chemical Weapons Convention / Treasa Dunworth.** - In: New Zealand yearbook of international law, Vol. 10, 2012, p. 3-31. - Photocopies

*341.67/753(Br.)*

## CHILDREN

**Plight and fate of children during and following genocide / Samuel Totten, ed..** - New Brunswick (USA) ; London : Transaction, 2014. - 259 p. : tabl. ; 24 cm. - (Genocide : a critical bibliographic review ; 10). - Bibliographies. Index. - ISBN 9781412853552

Contient notamment : Children : the most vulnerable victims of the Armenian genocide / A. Darbinyan and R. Perromian. - The plight of children during and following the 1994 Rwandan genocide / A. Grzyb. - The Darfour genocide : the plight and fate of the black African children / S. Totten. - Sexual and gender-based violence against children during genocide / E. von Joeden-Frogey.

362.7/399

## CIVILIANS

**The immunity of civilians : a moral and legal study of attacks on the civilian population / Eva Küblbeck.** - In: Journal of international humanitarian legal studies, Vol. 4, issue 2, 2013, p. 262-295

The paper purports to consider the question of whether it is conceivable that a people, who have been occupied and whose rights have been severely violated for several decades, may legitimately target civilians as a last resort. Looking at terrorist attacks, inter alia suicide attacks, in the Palestinian- Israeli conflict, this paper scrutinizes philosophical and legal attempts to justify the deliberate killing of civilians in order to compel the opponent into changing his politics. The paper draws a simplified picture of the historical developments in the region and does not provide an exhausting analysis of the situation but rather highlights single events in order to examine the legal framework against the background of the conflict. It intends to raise rather than answer questions and aims at making a contribution to this complex discussion. Looking at several philosophical justifications of terrorism, the paper then turns to the issues of self-determination, necessity and self-defence. As expected, the discussion reinforces the prohibition to target civilians as one of the fundamental principles of humanitarian law. However, very interesting aspects come into view when investigating the limits of philosophical theories and legal standards regarding the question of last resort.

**The protection of civilians and civilian objects from the effects of air and missile warfare : are there any differences between the immediate battlefield and the extended battlefield ? / by Charles H.B. Garraway.** - In: Israel yearbook on human rights, Vol. 44, 2014, p. 125-144

The Harvard Manual on International Law Applicable to Air and Missile Warfare' (HPCR Manual) was published in 2009 as the result of a five year process involving experts from all parts of the world. At the start of the process, a number of questions were posed which individual members were tasked to examine and on which to prepare papers. These papers were then discussed amongst the group and used in the production of the final product. One of the questions related to the changing nature of the battlespace, partly caused by the advent of air power. When weapons were limited in range, the effects of warfare could be contained. However, air power brought in a new capability, to reach far beyond the front line and extend the effect of hostilities to areas previously outside the reach of even long-range artillery. Civilians, once comparatively immune from combat, now found themselves in danger. No longer were rear areas, away from the combat zone itself, safe. Hostilities could now reach to all parts and affect the whole population. But did the law adequately reflect this change in the character of conflict? Were there differences between the law that applied to protect civilians in close proximity to the battlefield itself and those now affected well away from the traditional frontline? This paper looks at the position and reaches the conclusion that the law does not so distinguish in terms of substance though how the law is applied may differ depending upon the specific circumstances.

## **CONFLICT-VIOLENCE AND SECURITY**

Dix thèses sur la guerre / Elie Barnavi. - [Paris] : Flammarion, 2014. - 141 p. ; 20 cm. - (Café Voltaire). - ISBN 9782081333086

355/1042

Nonstate actors in intrastate conflicts / ed. by Dan Miodownik and Oren Barak. - Philadelphia : University of Pennsylvania Press, 2014. - VI, 242 p. : diagr., tabl. ; 24 cm. - (National and ethnic conflict in the twenty-first century). - Bibliographie : p. 203-231. Index. - ISBN 9780812245431

355/1040

Proxy wars in cyberspace : the evolving international law of attribution / Michael N. Schmitt and Liis Vihul. - In: Fletcher security review, Vol. 1, issue 2, Spring 2014, p. 53-72 : ill. - Photocopies

355/1043(Br.)

Robots on the battlefield : contemporary issues and implications for the future / by Ronan Doaré... [et al.], general ed.. - [Fort Leavenworth] : Combat Studies Institute Press, January 2014. - XXXV, 260 p. : diagr., tabl., fotogr. ; 30 cm. - Bibliographies. - ISBN 9780989137256

355/1039

States of urban war : understanding the new military urbanism / Stephen Graham. - New York ; London : Routledge, 2014. - p. 224-238. - In: States of war since 9/11 : terrorism, sovereignty and the war on terror. - Photocopies. - Bibliographie : p. 237-238

355/1038(Br.)

Winning hearts and minds to lose control : exploring various consequences of popular support in counterinsurgency missions / Nori Katagiri. - In: Small wars and insurgencies, Vol. 22, no. 1, March 2011, p. 170-195 : tabl.. - Photocopies. - Bibliographie : p. 193-195

355/1037(Br.)

## **DETENTION**

Comité permanent international pour régler le sort des prisonniers de guerre chez les nations civilisées / Amédée Thierry... [et al.]. - 11 p.. - In: Bulletin non périodique de l'alliance universelle de l'ordre et de la civilisation

400.21/26DEP

Handbook on strategies to reduce overcrowding in prisons / United Nations Office on Drugs and Crime. - New York : United Nations, 2013. - X, 194 p. ; 30 cm. - (Criminal justice handbook series). - Bibliographie : p. 187-193

400/150

Humanitarianism and national sovereignty : Red Cross intervention on behalf of political prisoners in Soviet Russia, 1921-3 / Kimberly A. Lowe. - In: Journal of contemporary history, Vol. 49, no. 4, October 2014, p. 652-674

**The ICRC and the detention of Palestinian civilians in Israel's 1948 POW/labor camps / Salman Abu Sitta and Terry Rempel.** - In: Journal of Palestine studies, Vol. 43, no. 4, Summer 2014, p. 11-38 : tabl. - Photocopies

*400/152(Br.)*

**POWs and the great war : captivity on the eastern front / Alon Rachamimov.** - Oxford ; New York : Berg, 2002. - XII, 259 p. : tabl., fotogr., fac-sim. ; 22 cm. - (The legacy of the Great War). - Bibliographie : p. 231-250. Index. - ISBN 9781859735787

*400.2/355*

**Presumption of guilt : the global overuse of pretrial detention / Open Society Foundations.** - New York : Open Society Foundations, 2014. - 261 p. : tabl., graph., ill. ; 27 cm  
. - Bibliographie : p. 182-201. - ISBN 9781936133840

*400/151*

**Some controversies of detention in multinational operations and the contributions of the Copenhagen Principles / Bruce 'Ossie' Oswald.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 707-726

This paper discusses three main areas of controversy relating to detention in the context of multinational operations: the relationship between international humanitarian law and human rights law; the principle of legality in the context of relying on United Nations Security Council resolutions as a justification for taking detainees; and the transfer of detainees where there is, for example, a substantial risk of torture or cruel, inhuman or degrading treatment or punishment. The paper then considers how the Copenhagen Principles address these issues.

## **ENVIRONMENT**

**The ethics, principles and objectives of protection of the environment in times of armed conflict / Michael Bothe.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 91-108. - In: War and the environment : new approaches to protecting the environment in relation to armed conflict

The purpose of this study is to attempt to clarify the ethical requirements concerning the legal protection of the environment in armed conflict. It takes as its starting point a number of assumptions. The first is that there is an ethical underpinning for the law relating to the protection of the environment in armed conflict. The second assumption is that certain principles can be derived from these underpinnings. Finally, the third assumption is that such principles have inspired and continue to inspire the objectives of designing and applying a legal regime. The point of this study is to demonstrate whether, and if so why, these assumptions are correct.

*367.3/156*

**War and the environment : new approaches to protecting the environment in relation to armed conflict / ed. by Rosemary Rayfuse.** - Leiden ; Boston : Brill Nijhoff, 2014. - X, 234 p. ; 25 cm. - (The Raoul Wallenberg Institute Human Rights library ; 45). - Index. - ISBN 9789004270640

The chapters in this volume have their origins in papers presented at a Workshop held at Lund University in Sweden. The Workshop gathered together experts from Europe, the United States and Australia, including leading academics as well as representatives from the ICRC, the Swedish, Norwegian and Danish Red Cross Societies and the Swedish and Norwegian governments, to examine the relevance and adequacy of the existing regime for environmental protection during armed conflict as well as the ability of other international



legal mechanisms to contribute to the amelioration of damage to the environment arising as a result of or in relation to armed conflict. The book, like the Workshop, takes as its starting point the existing IHL regime for the protection of the environment during armed conflict and goes on to explore the application of other legal regimes that may be relevant to protection of the environment both during armed conflict and, as in the broader context envisaged by the ILC, in relation to armed conflict. As this thought-provoking volume demonstrates, a vast range of issues, actors and legal regimes must now be considered and some pro-active and imaginative research and thinking brought to bear in any consideration of this ever-important topic. Some papers appeared previously in a special issue of the Nordic Journal of International Law.

363.7/156

## GEOPOLITICS

**Among the ruins : Syria past and present / Christian C. Sahner.** - London : Hurst, 2014. - XXX, 223 p. : fotogr., cartes ; 23 cm. - Index. - ISBN 9781849044004

323.15/SYR13

**Chine : une nouvelle diplomatie ? / Alice Ekman... [et al.].** - In: Politique étrangère, 2014, 3, p. 9-75

Contient notamment: Asie-Pacifique : la priorité de la politique étrangère chinoise / A. Ekman. - Discordes en mer de Chine méridionale : les eaux troubles du sud-est asiatique / I. Storey. - La Chine et les institutions économiques multilatérales : entre révisionnisme et statu quo / F. Nicolas.

**Egypte : entre révolution(s) et autoritarisme / Bernard Rougier... [et al.].** - In: Moyen-Orient : géopolitique, géoéconomie, géostratégie et sociétés du monde arabo-musulman, No 24, octobre-décembre 2014, p. 15-69 : fotogr., cartes, graph.

Contient notamment : Entre révolution(s) et autoritarisme : où va l'Egypte ? / B. Rougier et S. Lacroix. - Frères musulmans : comment (ne pas) sortir de la clandestinité ? / M. Vannetzel. - La (ré)invention d'Alexandrie : un engagement citoyen pour l'avenir d'une ville / Y. El Chazli. - Une économie à bout de souffle : entre crise et défis / entretien avec A. Adly.

**Jérusalem : portrait de famille / scénario Boaz Yakin ; ill. Nick Bertozzi ; trad. de l'anglais (américain) par Basile Béguerie.** - [Bruxelles] : Casterman, 2013. - 394 p. : tout en ill, carte, diagr. ; 24 cm. - ISBN 9782203024090

323.15/ISR

**L'Iran : nouvelle puissance régionale ? / Jean-Paul Burdy... [et al.].** - In: Diplomatie : affaires stratégiques et relations internationales, No 70, septembre-octobre 2014, p. 40-63 : fotogr., carte, tabl.

Contient : La République islamique d'Iran, au coeur de recompositions potentielles au Moyen-Orient, 2001-2014 / J.-P. Burdy. - Un an de présidence Rohani : activisme diplomatique et inertie de la politique intérieure / M. Ladier-Fouladi. - L'Iran, au coeur de la poudrière régionale. - L'Iran et la "communauté internationale" : la normalisation impossible ? / C. Therme. - L'éventuel retour de l'Iran sur le devant de la scène pétrolière : une perspective en demi-teinte / T. Hurel. - Iran : quelles perspectives économiques et commerciales ? / T. Coville

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**Le printemps des Arabes / un récit de Jean-Pierre Filiu, dessins et couleurs de Cyrille Pomes.** - [Paris] : Futuropolis, 2013. - 103 p. : tout en ill. ; 28 cm. - Bibliographie. Index.. - ISBN 9782754808613

*323.15/30*

**Le processus de paix en Colombie / José Dario Rodriguez Cuadros.** - In: Etudes : revue de culture contemporaine, No 4210, novembre 2014, p. 21-32

**State of the world's minorities and indigenous peoples 2014 : events of 2013 : freedom from hate / ed. by Peter Grant.** - London : Minority Rights Group, 2014. - 240 p. : fotogr., graph., cartes, tabl. ; 24 cm. - ISBN 9781907919473

*323.10/36*

**"The camp" and "the lesser evil" : humanitarianism in Sri Lanka / David Keen.** - In: Conflict, security and development, Vol. 14, no. 1, March 2014, p. 1-31. - Bibliographie : p. 29-31

**The crisis in the Central African Republic / Enrica Picco... [et al.].** - In: Humanitarian exchange : the magazine of the Humanitarian Practice Network, No. 62, September 2014, 31 p. : fotogr., diagr.

Contient notamment : Prioritising protection of civilians in peacekeeping in the Central African Republic / A. Giffen and M. Keenan. - Safeguarding distinction in Central African Republic / E. Fanning. - Adapting to anarchy : the ICRC in the Central African Republic / S. Maguire. - Gender-based violence in the Central African Republic : IRC's response / D. Trimiño Mora, E. Roesch and C. Poulton.

**The Occupied Palestinian Territory and international humanitarian law : a response to Peter Maurer / Shawan Jabarin.** - In: International review of the Red Cross, Vol. 95, no. 890, Summer 2013, p. 415-428

This opinion note presents a Palestinian perspective on the relevance and effectiveness of international humanitarian law to Israel and the Occupied Palestinian Territory. It continues the discussion initiated by ICRC's president Peter Maurer, in the previous issue of the Review, on the legality and humanitarian consequences of Israeli policies and practices regarding certain key issues related to the occupation, namely the routing of the West Bank Barrier, the building of Israeli settlements in the Occupied Palestinian Territory and the annexation of East Jerusalem. A response piece by Alan Baker, former legal adviser of Israel's Ministry of Foreign Affairs, to Peter Maurer's article was published in the same issue.

## **HEALTH-MEDICINE**

**Attacks on medical missions : overview of a polymorphous reality : the case of Médecins Sans Frontières / Caroline Abu Sa'Da, Françoise Duroch and Bertrand Taithe.** - In: International review of the Red Cross, Vol. 95, no. 890, Summer 2013, p. 309-330

The aim of this article is to carry out a preliminary analysis of issues relating to the types of violence that are directed against humanitarian medical missions. Starting from the observation that violence can cause some degree of disruption for a medical organisation such as Médecins Sans Frontières, despite its wide experience which has brought it much wisdom and generated numerous and sporadic responses to such events, the article offers a more subtle analysis of terms and of situations of violence so as to contribute to the establishment of a research project and, in a second phase, to an awareness-raising campaign focusing on these complex phenomena.

**Can the incidental killing of military doctors never be excessive ? / Laurent Gisél.** - In: International review of the Red Cross, Vol. 95, no. 889, Spring 2013, p. 215-230

Military medical personnel and objects, as well as wounded and sick combatants, are protected against direct attack under the principle of distinction in international humanitarian law. However, some authors argue that they are not covered by the principles of proportionality and precautions. This opinion note explains that military medical objects constitute civilian objects under the rules governing the conduct of hostilities. It also demonstrates that, in view of the object and purpose of the First Additional Protocol to the Geneva Conventions, expected incidental casualties of military medical personnel and wounded and sick combatants must be included among the relevant incidental casualties under the principles of proportionality and precautions. This stems in particular from the interpretation of the obligation 'to respect and protect' as the overarching obligation of the special protection afforded to all medical personnel and wounded and sick. Support for this conclusion can be found in a number of military manuals and in the Additional Protocol's preparatory work and Commentaries. This conclusion also reflects customary law.

**The ethics of engaged presence : a framework for health professionals in humanitarian assistance and development work / Matthew R. Hunt... [et al.].** - In: Developing world bioethics, Vol. 14, no. 1, April 2014, p. 47-55. - Photocopies

*356/266(Br.)*

**Healthcare on the battlefield : in search of a legal and ethical framework / Brigit Toebes.** - In: Journal of international humanitarian legal studies, Vol. 4, issue 2, 2013, p. 197-219 : tabl.

During armed conflicts healthcare workers or medical personnel often work under extremely difficult and dangerous circumstances. In such situations doctors and nurses, hospitals and medical units are at a serious risk of being attacked. Medical personnel also face complex ethical dilemmas when it comes to the treatment of patients from all sides of a conflict. This concerns military medical personnel in particular: as members of the armed forces, they face dilemmas of 'dual loyalty' where they may have to choose between the interests of their employer (the military) and the interests of their patients. This contribution looks at these issues from the perspectives of medical ethics, international humanitarian law (ihl), and human rights law (hrl). The article argues that the standards of medical ethics continue to apply during armed conflicts, and that during such situations medical ethics, ihl and hrl are mutually reinforcing. The principle of 'medical neutrality' and the human 'right to health' are positioned as key norms in this field. The article presents a normative framework for the delivery of health care on the battlefield in the form of a set of commitments for actors involved in the conflict, including the belligerent parties and (military) medical personnel.

**A human rights approach to health care in conflict / Katherine H. A. Footer and Leonard S. Rubenstein.** - In: International review of the Red Cross, Vol. 95, no. 889, Spring 2013, p. 167-187

Attacks on and interference with health care services, providers, facilities, transports, and patients in situations of armed conflict, civil disturbance, and state repression pose enormous challenges to health care delivery in circumstances where it is most needed. In times of armed conflict, international humanitarian law (IHL) provides robust protection to health care services, but it also contains gaps. Moreover, IHL does not cover situations where an armed conflict does not exist. This paper focuses on the importance of a human rights approach to addressing these challenges, relying on the highest attainable standard of health as well as to civil and political rights. In particular we take the Committee on Economic, Social and Cultural Rights General Comment No. 14 (on Article 12 of the International Covenant on Economic, Social and Cultural Rights) as a normative framework from which states' obligations to respect, protect and fulfil the right to health across all conflict settings can be further developed.

**In conversation with Pierre Gentile.** - In: International review of the Red Cross, Vol. 95, no. 890, Summer 2013, p. 341-350

In 2011, the International Red Cross and Red Crescent Movement launched the Health Care in Danger project, a global initiative with an ambitious objective: to improve the security of health-care delivery in armed conflicts and other emergencies. Two years later, Pierre Gentile, the ICRC's Head of Project, speaks about the achievements, the challenges and the way forward to make this intention a reality.

**In conversation with the members of the national permanent roundtable for the respect of the medical mission in Colombia / by Marisela Silva Chau and Ekaterina Ortiz Linares.** - In: International review of the Red Cross, Vol. 95, no. 889, Spring 2013, p. 73-82

The Colombian National Permanent Roundtable for the Respect of the Medical Mission (hereinafter 'the Roundtable') is a platform launched in 2008 on the initiative of the Ministry of Health and Social Protection and the Emergency Control Centre of the Ministry of Health of Cundinamarca with the support of the International Committee of the Red Cross (ICRC) and the Colombian Red Cross. It provides a space for discussion on topics related to the protection and safeguarding of health services, in the context of the non-international armed conflict taking place in Colombia. The permanent members of the Roundtable include a representative of the Ministry of Health and Social Protection, a representative of the Presidential Programme for Human Rights and International Humanitarian Law, the Colombian Red Cross and the ICRC. In this interview, the members of the Roundtable give their perspectives on the motives that inspire its work and the main challenges that it faces for the protection of the medical mission in Colombia.

**Interview with Walter T. Gwenigale / by Pedram Yazdi and Varney Bawn.** - In: International review of the Red Cross, Vol. 95, no. 889, Spring 2013, p. 13-21

Dr Walter T. Gwenigale is the Minister of Health and Social Welfare of the Republic of Liberia. A practising surgeon for more than 30 years, including during the civil war, he has served as Bong County health officer, director of Phebe Hospital and president of the Christian Health Association of Liberia. He has also served on the World Health Organization's executive board and as a board member of the Roll Back Malaria campaign. In this interview, Minister Gwenigale explains how the armed conflict in Liberia impacted on the work of remotely-located Phebe hospital, on the needs of its patients and on the ability of the hospital staff to provide them with adequate medical care.

**The legal framework applicable to insecurity and violence affecting the delivery of health care in armed conflicts and other emergencies / Alexander Breitegger.** - In: International review of the Red Cross, Vol. 95, no. 889, Spring 2013, p. 83-127

Ensuring respect for, and protection of, the wounded and sick and delivery of health care to them were at the origin of the Red Cross and Red Crescent Movement, as well as the development of international humanitarian law (IHL). In today's armed conflicts and other emergencies, the problem is not the lack of existing international rules but the implementation of relevant IHL and international human rights law (IHRL) which form a complementary framework governing this issue. Against the backdrop of the different manifestations of violence observed by the ICRC in the field and expert consultations held in the framework of the Health Care in Danger Project, this article identifies commonalities between the two legal regimes, including with respect to obligations to provide and facilitate impartial health care; prohibitions of attacks against wounded and sick and health-care providers; prohibitions to arbitrarily obstruct access to health care; prohibitions to harass health-care personnel, in violation of medical ethics; or positive obligations to ensure essential medical supplies and health-care infrastructure and protect health-care providers against violent interferences by others. The article concludes by indicating certain areas where implementation of existing IHL and IHRL is needed, including in domestic normative frameworks, military doctrine and practice, as well as training of healthcare personnel on these international legal frameworks and medical ethics.

**Making sense of apparent chaos : health-care provision in six country case studies / Enrico Pavignani...** [et al.]. - In: International review of the Red Cross, Vol. 95, no. 889, Spring 2013, p. 41-60

This research examines the impact on health-care provision of advanced state failure and of the violence frequently associated with it, drawing from six country case studies. In all contexts, the coverage and scope of health services change when the state fails. Human resources expand due to unplanned increased production. Injury, threat, death, displacement, migration, insufficient salaries, and degraded skills all impact on performance. Dwindling public domestic funding for health causes increasing household out-of-pocket expenditure. The supply, quality control, distribution, and utilisation of medicines are severely affected. Health information becomes incomplete and unreliable. Leadership and planning are compromised as international agencies pursue their own agendas, frequently disconnected from local dynamics. Yet beyond the state these arenas are crowded with autonomous health actors, who respond to state withdrawal and structural violence in assorted ways, from the harmful to the beneficial. Integrating these existing resources into a cohesive health system calls for a deeper understanding of this pluralism, initiative, adaptation and innovation, and a long-term reorientation of development assistance in order to engage them effectively.

**Medical ethics in peacetime and wartime : the case for a better understanding / Vivienne Nathanson.** - In: International review of the Red Cross, Vol. 95, no. 889, Spring 2013, p. 189-213

Health-care workers face ethical dilemmas in their decision-making in every clinical intervention they make. In times of armed conflict the decisions may be different, and the circumstances can combine to raise ethical tensions. This article looks at the tensions in peacetime and in times of armed conflict and examines the types of cases that doctors and other health-care workers will face. It also discusses the common ethical decision-making framework and the role of communication within both clinical care and ethical analysis.

**Reflections on the Colombian case law on the protection of medical personnel against punishment / Ekaterina Ortiz Linares and Marisela Silva Chau.** - In: International review of the Red Cross, Vol. 95, no. 890, Summer 2013, p. 251-265

One of the fundamental rules for the protection of health-care personnel in any circumstance, including contexts of armed conflicts, provides for a prohibition on punishing medical professionals who merely act in accordance with medical ethics. However, although the reasons for this prohibition may seem obvious, in contexts of non-international armed conflicts the provision of medical care to wounded and sick members of non-state armed groups can expose medical personnel to accusations of participation in criminal activities. Based on the Colombian domestic legislation and jurisprudence on the matter, this article aims to propose elements of analysis on the apparent contradiction that exists between, on the one hand, the prohibition against punishing medical personnel for merely providing health care to the wounded and sick who need it, and on the other, the prerogative of the state authorities to restore order and security within their territory through the imposition of criminal sanctions on members of non-state armed groups or their aiders and abettors.

**The role of health-related data in promoting the security of health care in armed conflict and other emergencies / Robin Coupland.** - In: International review of the Red Cross, Vol. 95, no. 889, Spring 2013, p. 61-71

Health-related data provide the basis of policy in many domains. By using a methodology specifically designed to gather data about any form of violence and its impact, violence affecting health-care personnel, health-care facilities, and the wounded and sick in these facilities can be quantified on an objective basis. The impact of this form of violence and its accompanying insecurity goes beyond those directly affected to the many who are ultimately denied health care. Reliable data about both the violence affecting health-care personnel and facilities and the 'knock-on' effects of this violence on the health of many others have a critical role to play in influencing the policies of all stakeholders, including governments, in

favour of greater security of effective and impartial health care in armed conflict and other emergencies. The International Committee of the Red Cross has undertaken a study that attempts to understand on a global basis the nature and impact of the many different kinds of violence affecting health care.

**States' obligations to mitigate the direct and indirect health consequences of non-international armed conflicts : complementarity of IHL and the right to health / Amrei Müller.** - In: International review of the Red Cross, Vol. 95, no. 889, spring 2013, p. 129-165

Armed conflicts have numerous adverse health consequences for the affected populations, many of which occur in the long-term. This article analyses in detail how international humanitarian law (IHL) and the right to health complement each other in obliging states to mitigate the direct and indirect health consequences of non-international armed conflicts. With its historical origin and purpose of protecting wounded and sick combatants of standing governmental armies, IHL focuses on the protection of the wounded and sick suffering from the direct health consequences of armed conflicts, such as injuries resulting from ongoing hostilities. The right to health is more expansive: it obliges states to prioritise the provision of primary health care through creating and maintaining an accessible basic health system. This focus enables it to highlight and address the indirect health consequences of armed conflicts, such as the spreading of epidemic and endemic diseases and rising child and maternal mortality and morbidity.

**Violence against health care : insights from Afghanistan, Somalia, and the Democratic Republic of the Congo / Fiona Terry.** - In: International review of the Red Cross, Vol. 95, no. 889, Spring 2013, p. 23-39

This article explores the methodology and main findings of field studies conducted for the ICRC 's Health Care in Danger project in Afghanistan, Somalia, and the Democratic Republic of the Congo between 2010 and 2013. It discusses some of the actions that the ICRC takes in its health programmes to facilitate access to health care, and its approach to promoting better respect for the laws protecting it. It then suggests what more needs to be done to curb the violence.

**The Vukovar hospital case from the perspective of a national investigative judge / Miroslav Alimpic.** - In: International review of the Red Cross, Vol. 95, no. 890, Summer 2013, p. 267-286

Among the increasingly frequent acts of non-compliance with, and grievous violations of, international humanitarian law around the world, especially in non-international armed conflicts, attacks on objects and persons enjoying special protection, and their abuse, as well as the misuse of the distinctive emblems of the Red Cross and Red Crescent, come as no surprise. Although a repressive approach to the problem - through the prosecution and punishment of perpetrators - cannot completely prevent such occurrences, an effective and appropriate judicial stigmatisation can significantly contribute to making them as rare as possible. In this regard, the court proceedings held before the War Crimes Chamber in Belgrade and the International Criminal Tribunal for the former Yugoslavia in The Hague in connection with the events in and around the Vukovar Hospital and Ovcara farm have provided an appropriate judicial response. This is notwithstanding the fact that, at least for now, not all perpetrators have been prosecuted for their acts (or failure to act) at the time of the commission of these grave crimes.

**A way forward in protecting health services in conflict : moving beyond the humanitarian paradigm / Leonard S. Rubenstein.** - In: International review of the Red Cross, Vol. 95, no. 890, Summer 2013, p. 331-340

Attacks on health workers, clinics, hospitals, ambulances and patients during periods of armed conflict or civil disturbance pose enormous challenges to humanitarian response and constitute affronts to the imperatives of human rights and civilian protection



## HISTORY

**Appia : généalogie d'une famille et de ses alliances / par Yvette C. Develey.** - Genève : Genève humanitaire, Centre de recherches historiques, 2014. - 77 p. : diagr. ; 30 cm. - (Genève humanitaire ; vol. 27). - ISBN 9782991630695

92/328

**Dictionnaire historique de la Suisse / publ. par la Fondation Dictionnaire historique de la Suisse (DHS) ; réd. en chef: Marco Jorio.** - Hauterive : G. Attinger, 2002-. - 13 vol. : cartes, ill. ; 28 cm. - ISBN 9782882561336. Dernier volume reçu = XIII.

94/279(VII-XIII)

**Der Erste Weltkrieg : in globaler Perspektive / Daniel Marc Segesser.** - 2. Aufl. - Wiesbaden : Marixverlag, 2012. - 249 p. ; 21 cm. - Bibliographie : p. 239-249. - ISBN 9783865399533

94/521

**Inter gentes : hommes d'état, diplomates, penseurs politiques / Bénédicte de Tscharnier.** - Gollion : Infolio ; Genève : Ed. de Penthes, 2012. - 383 p. : ill. ; 19 cm. - (Suisse dans le monde). - Bibliographies. - ISBN 9782884746656

Contient notamment les biographies de Gustave Moynier, Henry Dunant, Max Huber, Carl Jacob Burckhardt, Marcel Junod et André Rochat.

92/329

**Insel der unsicheren Geborgenheit : die Schweiz in den Kriegsjahren 1914-1918 / Georg Kreis.** - Zürich : Neue Zürcher Zeitung, 2014. - 299 p. : fotogr., ill., graph., carte ; 21 cm. - Bibliographie : p. 293-299. - ISBN 9783038239024

94/520

**Spécial seconde guerre mondiale (1re partie) : le débarquement : le 6 juin 1944 et la bataille de Normandie / Eric Meyer réd..** - In: Géo histoire, No 15, juin-juillet 2014, 138 p. : fotogr., cartes, ill.

94/518-1

**Trench warfare : 1850-1950 / by Anthony Saunders.** - Barnsley (United Kingdom) : Pen and Sword military, 2010. - VIII, 231 p., [16] p. de fotogr. : tabl. ; 24 cm. - Bibliographie : p. 211-220. Index. - ISBN 9781848841901

94/519

## HUMAN RIGHTS

**The Cambridge handbook of human dignity : interdisciplinary perspectives / ed. by Marcus Düwell... [et al.].** - Cambridge : Cambridge University Press, 2014. - XXII, 608 p. ; 26 cm. - Bibliographies. Index. - ISBN 9780521195782

345.1/621

La guerra justa y el sistema interamericano de protección de derechos humanos : un estudio del ius in bello y ius ab bellum a la luz del Plan Condór / Laura M. Giosa, Simón Conforti y Renso A. Sujodolski. - Buenos Aires : Editorial universitaria de Buenos Aires, 2014. - p. 323-343. - In: Justificar la guerra ? : discursos y prácticas en torno a la legitimación del uso de la fuerza y su licitud en el derecho internacional. - Bibliographie : p. 342-343

345/669

Human Rights Watch world report 2014 : events of 2013. - New York : Human Rights Watch, 2014. - X, 667 p. : fotogr. ; 23 cm. - ISBN 9781609805555

Réf.ORG-2-j(2014)

## **HUMANITARIAN AID**

Fighting and helping ? : a historical-institutionalist explanation of NGO-military relations / Chiara Ruffa and Pascal Vennesson. - In: Security studies, Vol. 23, issue 3, 2014, p. 582-621 : tabl.. - Photocopies

361/615(Br.)

From face-to-face to face-to-screen : remote management, effectiveness and accountability of humanitarian action in insecure environments / Antonio Donini and Daniel Maxwell. - In: International review of the Red Cross, Vol. 95, no. 890, Summer 2013, p. 383-413

This article provides a first attempt at analysing the complex set of issues around remote management practices in insecure environments and their increased use. It looks at definitions and reviews existing published and grey literature on remote management and related practices. It tries to situate remote management in the evolving context of post-Cold War strategies of dealing with conflict and crisis. On the basis of interviews with a cross-section of aid workers, senior headquarters managerial and policy staff, donors, and research institutions, it provides an assessment of current remote management practices, with a particular focus on Afghanistan and Somalia, and their implications for the future of humanitarian action.

Humanitarian action and the responsibility to protect / guest ed.: Hugo Slim and Alex J. Bellamy. - In: Global responsibility to protect, Vol. 6, no. 2, 2014, p. 117-263 : tabl.

Contient notamment : Responsibility to protect : a humanitarian overview / J. Holmes. - The metrics and ethics of protecting civilians / U. Reichold and A. Binder. - The evolution from integrated missions to "peace-keepers on steroids" : how aid by force erodes humanitarian access / M. Hofman.

361/617

The law regulating cross-border relief operations / Emanuela-Chiara Gillard. - In: International review of the Red Cross, Vol. 95, no. 890, Summer 2013, p. 351-382

In view of the challenges frequently encountered in providing assistance to civilians in opposition-held territories, consideration is sometimes given to cross-border relief operations. Such operations raise numerous legal questions, including whose consent is required ; what constitutes arbitrary withholding of consent ; what the consequences of withholding of consent are, both for those wishing to provide assistance and for the parties withholding consent ; and what alternatives exist for providing assistance in such circumstances.



**The notions of the responsibility to protect and the protection of civilians in armed conflict : detecting their association and its impact upon international law / Raphaël van Steenberghe.** - In: Goettingen journal of international law, Vol. 6, no. 1, 2014, p. 81-114. - Photocopies

The article focuses on the recent trend evidenced in United Nations and State practice towards associating the responsibility to protect with the protection of civilians in armed conflict. It analyzes whether such a trend is well-founded by shedding light on the common and distinct features of the two notions. In addition, it examines the normative impacts of such association on international law, mainly on international humanitarian law since the protection of civilians in armed conflict is founded upon this law. The article concludes that, although the responsibility to protect and the protection of civilians in armed conflict share similar features, such as the ultimate objective that they pursue and the general content of their protection, a closer look reveals significant differences between the two notions, mainly due to their specific underlying logic. It observes that their association has precisely led to export the reaction aspects peculiar to the responsibility to protect into the field of the protection of civilians in armed conflict. Such association may have the potential not only to influence the nature of the responsibility to protect by enabling it to evolve from a political to a legal concept, but also and more probably to have an impact on international humanitarian law. This could have the advantage of both clarifying and putting the accent on the possibility and necessity of coercive intervention of the international community in case of violations of the international humanitarian law rules related to the protection of civilians. However, such evolution is not without risk for this law. In particular, it may affect its neutral nature or lead to conflate the primary and collective responsibility that it provides with the ones under the responsibility to protect.

361/616(Br.)

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

**150 anos de ação humanitária : o Comitê internacional da Cruz Vermelha (CICV) de 1863 aos dias de hoje / CICV.** - Brasília : CICV, maio de 2014. - 83 p. : fotogr., carte ; 21 x 23 cm

362.191/1605(POR)

**150 años de acción humanitaria : el Comité internacional de la Cruz Roja (CICR) de 1863 a los días de hoy / CICR.** - Brasília : CICR, abril de 2014. - 84 p. : fotogr., carte ; 21 x 23 cm

362.191/1605(SPA)

**The Empress Shōken Fund : a century of Japanese beneficence / [ed. by Toni Pfanner and Justine Kouppari].** - [S.l.] : Joint Commission of the Empress Shōken Fund, 2012. - 111 p. : fotogr., tabl., ; 28 cm. - Bibliographie : p. 112

362.191/1603

**ICRC strategy 2015-2018 : adopted by the ICRC Assembly on 18 June 2014 / ICRC.** - Geneva : ICRC, July 2014. - 16 p. ; 30 cm. - (Reference (ICRC))

The ICRC's Institutional Strategy is an ambitious four year plan that reaffirms ICRC's commitment to improving the protection afforded to people caught up in armed conflict and other situations of violence. With a distinct focus on health activities and an emphasis on responding to the problems of sexual violence and forced displacement, the Strategy sets out a vision and a path for addressing growing humanitarian needs. In the face of new and ongoing challenges, innovative approaches are needed to maintain access to affected populations, broaden contacts with arms carriers and other actors of influence, strengthen

the Red Cross and Red Crescent Movement, and develop the ICRC's contribution to the global and regional debates on humanitarian law and policy issues.

4203/002

362.191/1256(Br.)

Les photographies du Comité international de la Croix-Rouge lors de son action de secours au sortir de la Seconde Guerre mondiale : un regard sur l'enfance allemande (1945-1950) / Coraline Dussex, sous la dir. de Irène Herrmann. - [S.l.] : [s.n.], 2014. - 115 p. : fotogr., fac-sim., tabl. ; 30 cm. - Photocopies. - Mémoire de Master en Histoire transnationale, Université de Genève, 2014. - Bibliographie : p. 96-101

362.191/1604

The relevance of the fundamental principles to operations : learning from Lebanon / SORCHA O'CALLAGHAN and LESLIE LEACH. - In: International review of the Red Cross, Vol. 95, no. 890, Summer 2013, p. 287-307

Many aid agencies and commentators suggest that humanitarian principles are of little value to the humanitarian crises of today. However, through profiling the experience of the Lebanese Red Cross, this article highlights the enduring value and impact of the application of the International Red Cross and Red Crescent Fundamental Principles as effective operational tools for acceptance, access and safety. Having suffered a series of security incidents during the civil war and subsequent disturbances and tensions, this National Society deliberately sought to increase its acceptance amongst different groups. One of the approaches used was the systematic operational application of the Fundamental Principles. Today, the Lebanese Red Cross is the only public service and Lebanese humanitarian actor with access throughout the country. This article seeks to address the relative absence of attention to how humanitarian organisations apply humanitarian principles in practice - and their responsibility and accountability to do so - by describing the systematic approach of the Lebanese Red Cross.

Storia del Comitato internazionale della Croce Rossa : da Solferino a Tsushima / Pierre Boissier ; a cura di Raimonda Ottaviani, Paolo Vanni ; traduzione di Veronica Grillo, Boris Dubini ; presentazione François Bugnion. - Firenze : Tassinari, 2014. - XV, 315 p. : fotogr., ; 23 cm. - (Quaderni "Henri Dunant" ; no 14). - ISBN 9788887057881

Cet ouvrage couvre l'histoire du Mouvement de 1863 à 1912, celle de l'évolution du droit de la guerre de la Convention de Genève de 1864 à la Xe Convention de La Haye de 1907, au fil des conflits (Solferino, 1859 - Tsushima 1905). L'auteur présente les actions du CICR, alors que les Sociétés de secours et les conflits se multiplient : Guerre franco-allemande de 1870, Guerre d'Orient de 1875-1878, Guerre hispano-américaine de 1898, etc. Cet ouvrage est d'une lecture aisée, malgré sa densité.

362.191/683(I-ITA)

## INTERNATIONAL CRIMINAL LAW

The role of international criminal prosecutions in increasing compliance with international humanitarian law / by Robert Cryer. - In: Israel yearbook on human rights, Vol. 44, 2014, p. 247-272

A steady race towards better compliance with international humanitarian law ? : the ICTR 1995-2012 / Dominik Steiger. - In: International criminal law review, Vol. 14, issue 6, 2014, p. 969-1027

This article reviews the legacy of the International Criminal Tribunal for Rwanda (ICTR) under a specific compliance perspective and asks whether the Tribunal's jurisprudence furthered the adherence to norms of international criminal and humanitarian law. The Tribunal's impact on the circulation, emergence and enforcement, of the prohibitions of genocide and other serious violations of international humanitarian law will thus be scrutinised. Furthermore, the legitimacy of the ICTR's jurisprudence plays a major role as human beings not only follow a logic of consequence but also a logic of appropriateness. This combined approach will show that the ICTR - despite its shortcomings - has furthered compliance by diffusing the norms of international criminal and humanitarian law not only to Rwanda and the Great Lakes Region, but also to the international community.

## **INTERNATIONAL HUMANITARIAN LAW-GENERAL**

**L'applicabilité temporelle du droit international humanitaire / Julia Grignon.** - Genève [etc.] : Schulthess, 2014. - XVI, 487 p. : diag. ; 23 cm. - Thèse, Faculté de droit, Université de Genève, 2012. - Bibliographie : p. 421-473. Index. - ISBN 9783725585076

Alors que l'applicabilité temporelle du droit international humanitaire (DIH) n'était jusqu'à présent traitée que de façon éparse, confidentielle et le plus souvent au détour d'autres questions juridiques qui y sont liées, cette thèse de doctorat offre une étude complète de la question. Sont ainsi traités aussi bien le début que la fin de l'applicabilité générale du DIH, tour à tour pour les conflits armés internationaux (dont les situations d'occupation) et pour les conflits armés non internationaux. Sont également examinés tous les aspects dérogatoires ou spécifiques prévus par les instruments pertinents. Sont en outre proposées des définitions pour certaines expressions clés telles que « fin générale des opérations militaires » et « fin des hostilités actives », le tout étant illustré de nombreux exemples liés à des conflits armés contemporains, rassemblant ainsi dans un même volume des réflexions décisives de droit international humanitaire.

345.2/909

**The application of international human rights law in non-international armed conflicts / Jean-Marie Kamatali.** - In: Journal of international humanitarian legal studies, Vol. 4, issue 2, 2013, p. 220-261

Since the end of the Cold War, the world has experienced a decrease in international conflict and a significant increase in non-international armed conflict (niac). Despite this change, however, international law has been very slow in adapting its laws that initially were crafted with international armed conflict in mind to the new niac environment. There is a growing recognition that international humanitarian law (ihl) is not well equipped to deal with issues of human rights violations committed during niac. New efforts to make international human rights law (ihrl) applicable in such conflicts have, however, raised more questions than answers. There is still no consensus on whether international human rights law applies to niac. Furthermore, the question on whether non-international armed groups are bound by international human rights obligations remains controversial. This article tries to analyze where international law stands now of these questions. It proposes steps international law could follow to move from its current rhetoric to a more practical solution on these questions. The three solutions proposed are: individual agreements to respect human rights during armed conflict, the possibility of an icj advisory opinion and the option of a protocol additional to international human rights treaties relating to their application in niac.

**The concept of armed conflict in international humanitarian law / by Krisztina Huszti Orban.** - [S.l.] : [s.n.], 2014. - 385 p. ; 30 cm. - Thesis, International Studies, Graduate Institute of international and development studies, Geneva, 2014. - Bibliographie : p. 355-385

This study embarks on a search for a (more or less) common understanding of the concept of armed conflict in the context of the international / non-international dichotomy, as provided

for by the Geneva Conventions and their Additional Protocols. In this sense it examines the constitutive elements of armed conflict attempting to answer the question: what distinguishes peacetime from armed conflict ? Understanding the concept of armed conflict first of all necessitates an inquiry into the traditional bifurcation of conflict into those of international and non-international character, as set up under the regime of the Geneva Conventions. In this regard, this research investigates the fundamental facets which separate the two main categories of armed conflict. Moreover, subtypes of each category will be given due attention, with the relevance of such a differentiation also being addressed. For this reason, Part I explores the notion of international armed conflict in the sense of Common Article 2 of the Geneva Conventions, as well as Article 1 (4) of Additional Protocol I. Part II will venture into examining the anatomy of non-international armed conflicts, both under Common Article 3 and Additional Protocol II. Part III aims at tackling some of the challenging aspects of conflict classification, where the presence of international elements may influence or complicate the legal classification. Moreover, the analysis will consider, whenever relevant, the adequacy of the concept of armed conflict as interpreted today (whether international or non-international) to suitably ensure protection in situations where the application of international humanitarian law is demanded.

345.2/964

**Conflict law : the influence of new weapons technology, human rights and emerging actors / William H. Boothby.** - XV, 464 p. ; 25 cm. - Bibliographies. - ISBN 9789462650015

In this, the second decade of the 21st Century, the law relating to conflict is confronted by a number of challenges this book seeks to identify and to discuss. Topics as diverse as the evolving spectrum of conflict, innovations in weaponry, automated and autonomous attack, the depersonalisation of warfare, detention operations, the influence of modern media and the application of human rights law to the conduct of hostilities are examined to see to what extent existing legal norms are under attack. The book takes each topic in turn, explains relevant provisions of contemporary law and analyses exactly where the legal problem lies. The analysis then develops the theme, examining for example the implications of current rules as to deception operations for certain applications of cyber warfare.

345.2/963

**The Eritrea-Ethiopia Claims Commission and customary international humanitarian law / Agnieszka Szpak.** - In: Journal of international humanitarian legal studies, Vol. 4, issue 2, 2013, p. 296-314

The aim of the article is to highlight several issues concerning the customary international law status of a number of international humanitarian law (IHL) treaty provisions that arose during the proceedings of the Eritrea-Ethiopia Claims Commission. Specifically, two key issues will be analyzed, namely the Commission's findings that the Geneva Conventions and some provisions of Additional Protocol I reflected customary international law and that international landmine conventions create only treaty obligations and do not yet reflect customary international law. Also, some more detailed conclusions relating to particular problems, such as the issue of the customary nature of the ICRC's right to visit prisoners of war and its binding character for non-parties to the Geneva Conventions, will be discussed. The 2005 ICRC Study on Customary International Humanitarian Law and the International Criminal Tribunal for the former Yugoslavia's jurisprudence will also be included as a point of reference to identify the customary character of certain provisions. The main conclusion is that the Commission has significantly contributed to the emerging consensus regarding the status of certain norms of international humanitarian law as customary norms. Furthermore, it has identified lacunae in the existing standards of humanitarian law and suggested the development of new norms to fill those gaps.

**Regulating war in the shadow of law : toward a re-articulation of ROE / Kristin Bergtora Sandvik.** - In: Journal of military ethics, Vol. 13, no. 2, July 2014, p. 118-136. - Bibliographie : p. 133-136

The experiences of multinational engagements in Kosovo in the late 1990s, and then more recently Afghanistan from 2001 and Iraq from 2003, have led to a political debate about the linkage between legality and legitimacy. At the heart of contemporary political and academic discourses about war are questions about the scope and content of the law of armed conflict. Considerably less attention has been given to another mode of regulating warfare, namely Rules of Engagement (ROE), despite their operational significance. This article seeks to begin to bridge this knowledge gap by examining ROE as a means to achieving greater legal accountability for the use of force against civilians. To that end, the article aims to do two things: first, to use examples from the US and the multinational context to develop a typology of the various issues that might affect ROE adversely in a legal accountability perspective, either as a background context or through the deployment and use of ROE itself; and second, to look at ways of rearticulating ROE, setting them on a path toward a more standardized and judicialized form of accountability.

**Second annual transatlantic workshop on international law and armed conflict : report : July 17-18, 2014 at Pembroke College, University of Oxford / prepared by Gilles Giacca and Eleanor Mitchell. - [S.l.] : [s.n.], 2014. - 13 p. ; 30 cm. - Photocopies**

Based on roundtable discussions, the workshop was divided into six sessions focusing on key issues relating to international law and armed conflict. On the first day, participants considered the relationship between IHRL and IHL, beginning with a general exploration of this topic before focusing more specifically on how the relationship between the two bodies of law shapes questions relating to responsibility for compliance and accountability for violations. Discussion on the second day was concerned with the idea of boundaries, both between different types of armed conflict and between armed conflict, other situations of violence, and peace. The aim was not only to identify these boundaries with greater precision but also to examine the extent to which they might be porous in terms of the potential overlap between the legal regimes applicable on each side.

345.21/45(Br.)

## **INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES**

**Combatants' life and human dignity / by Asa Kasher. - In: Israel yearbook on human rights, Vol. 44, 2014, p. 219-246**

**Is formalism a friend or foe ? : saving the principle of distinction by applying function over form / Martijn Jurgen Keeman. - In: Journal of international humanitarian legal studies, Vol. 4, issue 2, 2013, p. 354-389**

Contemporary armed conflicts are known to blur the categories of civilians and combatants, leading to problems with the principle of distinction. These categories are the result of an essentially formalised IHL, and have become less accurate by being over- or under-inclusive. Although formalism is vital to IHL's functioning, maintaining it in its present excessive strength perpetuates distinction problems. In numerous cases a functional inroad based on actual conduct has been introduced, for instance with the concept of direct participation in hostilities. This solution should be implemented across a wider spectrum. Where the two categories are difficult to tell apart, a functional approach for one category benefits the other. This article shows how this can be attained by using existing rules and principles of IHL, such as the concept of military objectives and the prohibition on terrorism, or newer rules.

**Issues relating to the use of civilian "human shields" / by Yoram Dinstein. - In: Israel yearbook on human rights, Vol. 44, 2014, p. 273-291**

**Jus ad bellum and jus in bello considerations on the targeting of satellites : the targeting of post-modern military space assets / by Michel Bourbonnière and Ricky J. Lee.** - In: Israel yearbook on human rights, Vol. 44, 2014, p. 167-217

**A return to coercion : international law and new weapon technologies / Jeremy Rabkin, John Yoo.** - In: Hofstra law review, Vol. 42, issue 4, Summer 2014, p. 1187-1226. - Photocopies

In recent years, the U.S. has threatened air strikes against Syria and insisted on the possibility of air strikes against Iran, in both cases to deter development of weapons of mass destruction. Such threats represent a return to the idea that international law allows states to impose punitive measures by force. Most academic specialists claim that the UN Charter only authorizes force in immediate self-defense. Many commentators embrace the related doctrine that lawful force can only be exercised against the opposing military force. But there remains more logic in the older view, that international law authorizes force for a wider variety of challenges and against a wider range of legitimate targets. Since there is no global protective service, nations must use force more broadly in self-defense and greater powers must sometimes use force to resist the spread of weapons of mass destruction, to disrupt terror networks, to stop aggressive designs before they provoke all out war. There are good reasons to insist on restraints that limit loss of life among civilians, but civilian property does not have the same claims. But with today's technologies, cyber attacks or drone strikes can focus on carefully chosen civilian targets. That approach can help resolve disputes between nations with less overall destruction -- the ultimate purpose of the laws of war.

*345.25/308(Br.)*

**"Shock and awe" : should developed states be subject to a higher standard of care in target selection ? / James R. Lisher.** - In: Israel defense forces law review, Vol. 2, 2005-2006, p. 149-171. - Photocopies

Coalition forces have used precision-guided munitions (PGMs) in ever increasing numbers over the last fifteen years. From Operation DESERT STORM (ODS), to Operation ALLIED FORCE, and Operation IRAQI FREEDOM (OIF) Coalition forces have used PGMs to effectively neutralize military objectives while sparing noncombatants the adverse effects of war. This article looks at this new practice of using PGMs and asks if developed nations are now legally required to only use PGMs in all future armed conflicts? Additionally, should new legal standards for use of force be imposed as new warfare technologies, such as information warfare, develop? In analyzing these questions this article has looked at the historical development of LOAC and its main purpose: to spare noncombatants the adverse effect of warfare. While no convention exists to guide modern militaries dealing with these issues, the four customary international law prongs of military necessity, discrimination, proportionality, and humanity, applied correctly, will enable developed militaries to deploy new weapons systems in compliance with LOAC. Finally, this article looks at the negative consequences of holding developed nations to a more stringent standard of care than the rest of the world by applying Brig Gen Charles Dunlap's theory of lawfare. If developed nations are held to a higher standard of care in targeting, then less-developed nations will be able to add a new weapon to their arsenal, namely lawfare (using legal means to achieve a military objective). This article concludes by stating an increased standard has not developed, nor should. Such a stricter standard would create a negative pressure on developed countries from developing more precise effective weapons systems. This is not a positive result for noncombatants as it rewards States, like Iraq, who violate LOAC's current proscriptions while penalizes those who do not.

*345.25/309(Br.)*



## **INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION**

**Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects / Derek Jinks, Jackson N. Maogoto, Solon Solomon, ed.. - The Hague : Asser Press, 2014. - VII, 508 p. ; 24 cm. - Bibliographies. Index. - ISBN 9789462650077**

International humanitarian law has been perceived till now as encompassing only judicial cases concerning refugee protection or war crimes prosecutions, particularly in domestic fora. Yet, the last decade has witnessed a revolution in the way judicial bodies – international and domestic alike – are ready to tackle complex security aspects pertaining to the laws of war. The present volume follows the international and domestic courts' jurisprudential evolution as they deal with issues like the classification of armed conflicts, direct participation in hostilities and the nexus between international humanitarian law and human rights law. Projecting the field's jurisprudential development, the volume examines the role of international humanitarian law also in the realms of quasi-judicial bodies.

345.22/249

**Applying the laws of armed conflict in swiss courts / Roberta Arnold. - The Hague : Asser Press, 2014. - p. 317-333. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 332-333**

With the entry into force, on 1st January 2011, of the amended Criminal Code (CC) and Military Criminal Code (MCC), and the new Criminal Procedure Code (CrimPC), which is now uniformly applicable at both federal and cantonal level, Switzerland has equipped itself with more efficient tools for the implementation of the Laws of Armed Conflict (LOAC) and the fight against impunity for their violations. At the same time, the Swiss juridical world has already been acquainted with some cases involving application of the LOAC, having reached its gates. The purpose of this chapter is to map these developments in the Swiss legal landscape as well as mark some landmark cases that have highlighted application of IHL in the Swiss domestic jurisdiction, in particular the "G Case" and the "Niyonteze case".

345.22/249

**Aut deportare aut judicare : current topics in international humanitarian law in Canada / James Yap. - The Hague : Asser Press, 2014. - p. 355-387. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 386-387**

The Canadian experience with international humanitarian law is dominated by cases involving foreign nationals accused of committing war crimes abroad. Canada has developed a system whereby these individuals can be pursued either through criminal prosecutions, or through immigration proceedings modeled after the Exclusion Clause in Article 1F(a) of the Refugee Convention. In practice, the immigration remedies are far more frequently pursued. In the context of a debate that is relevant in many countries, this chapter examines the comparative characteristics of the two types of procedures and the merits of relying, as Canada does, almost exclusively on the immigration option. The chapter also reviews other current topics in international humanitarian law in Canada, for instance the domestic civil liability of a Canadian corporation for complicity in war crimes committed in other countries, as well as the role that norms of international humanitarian law play in the extraterritorial application of Canadian constitutional law. The author concludes by calling upon international tribunals adjudicating war crimes and crimes against humanity to consider as a useful resource the now extensive body of cases emanating from courts in Canada and other countries that have decided similar issues in the context of refugee and immigration proceedings.

345.22/249

**Domestic humanitarian law : developing the law of war in domestic courts / Ashley Deeks.** - The Hague : Asser Press, 2014. - p. 133-164. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 163-164

Several states have been engaged for years in armed conflicts against non-state actors outside their territory. These conflicts implicate a wide array of difficult questions related to international humanitarian law ('IHL'). Yet for structural and political reasons, the international community has not attempted to craft a new treaty to regulate these armed conflicts, and state practice is not yet sufficiently robust to crystallize new rules of customary international law. Although we have no new international rules to guide states' conduct in these contexts, that is not to say that we have no new rules at all to regulate these types of armed conflict. The new rules simply stem from non-international sources. Domestic courts of certain states have played a significant role in establishing new rules to govern how those states must conduct themselves during these armed conflicts. These courts have stepped in to interpret, extend, and craft laws applicable in armed conflict, producing what this chapter terms 'domestic humanitarian law' ('DHL'). DHL is important for two reasons. First, it establishes detailed, legally binding rules by which particular states' militaries must conduct themselves in extra-territorial conflicts. Second, the existence of DHL will have a significant effect on future IHL developments. DHL will affect the production and content of customary rules, the likelihood of future agreements about IHL, and the substance of those future rules in the event such an agreement emerges. The proliferation of DHL has the propensity to reduce international calls for a new treaty and complicates the initial negotiating positions of states whose courts have produced DHL. But DHL has advantages as well for IHL development, akin to the U.S. constitutional idea that U.S. states serve as experimental 'laboratories' in which different approaches to problems are tested. Because states will continue to face serious challenges in developing new IHL treaty rules on the international stage, the production of new interpretations and norms in U.S. and other domestic courts represents a potentially important phase in the development of IHL. As importantly, the phenomenon of DHL allows us fruitfully to explore the nature of domestic court decisions more generally in the project of international law creation.

345.22/249

**The European Court of Human Right's engagement with the international humanitarian law / Samuel Hartridge.** - The Hague : Asser Press, 2014. - p. 257-287. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 286-287

This chapter evaluates the jurisprudence to the European Court of Human Rights in order to ascertain how effectively it engages with international humanitarian law. The chapter briefly outlines the nature of the interaction between human rights and humanitarian law, including a discussion of the leading cases from the International Court of Justice and the concept of *lex specialis*. From that point, the chapter works to assess key cases relating to the extraterritorial application of the European Convention on Human Rights in situations of military occupation and armed conflict. This section will examine whether the basis for extending jurisdiction beyond the territorial limits of the Convention state is coherent with IHL. Another important facet of the Court's jurisprudence is its treatment of cases that have arisen in internal conflicts. In such cases, the Court has been even more unwilling to engage with humanitarian law. A brief case study of two subjects that are of central importance in armed conflicts, namely the use of lethal force and the grounds for detention, show that this reluctance is carried through to the interpretation and application of substantive Convention rights.

345.22/249



**The interaction between domestic law and international humanitarian law at the Extraordinary Chambers in the Courts of Cambodia / Patricia Hobbs.** - The Hague : Asser Press, 2014. - p. 289-314. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 313-314

This chapter focuses on the law applied by the Extraordinary Chambers in the Courts of Cambodia (ECCC) to deal with the violations of humanitarian law that took place in Cambodia during the Khmer Rouge regime. After a survey of the events that characterised one of the most despicable periods of human rights and humanitarian law violations, the discussion will focus on the particular nature of the Chambers, as they constitute a hybrid tribunal rather than a pure international criminal tribunal in the shape of the ad hoc tribunals for Rwanda and the former Yugoslavia. The desire to bring standards and norms of international criminal justice within the Cambodia's judicial structure is evidence of Cambodia's twofold intent: first of all, to bring justice to the victims of the atrocities committed by the Khmer Rouge regime; secondly, to ensure that the ECCC's decisions are firmly rooted in the principles of international criminal justice, especially the legality principle. The importance of this approach cannot be underestimated, as Cambodia strives to deal with accountability and to avoid the pitfalls of the previous ad hoc tribunals. The discussion will then turn towards an analysis of the laws applicable by the ECCC, looking at particular examples to evaluate how the Chambers have used domestic laws, either to provide a better interpretation of a particular issue or to enable them to extend criminal liability in the light of current developments. Nonetheless, it will be seen that the Chambers decisions are guided by an elements of foreseeability in order to ensure compliance with the legality principle.

345.22/249

**The International Commission of Inquiry on Darfur and the application of international humanitarian norms / Makane Moïse Mbengue and Brian McGarry.** - The Hague : Asser Press, 2014. - p. 451-478. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 477-478

Although the UN International Commission of Inquiry on Darfur found copious violations of human rights law and humanitarian law in the Sudan, it determined that there had been no specific intent to commit genocide. This chapter analyzes several related facets of the Commission's findings, both on their own merits and in comparison to the case law of the International Court of Justice, the International Criminal Court, and ad hoc criminal tribunals. These include the use of subjective criteria to classify victims as a protected people under the Genocide Convention, the relationship between considerations of motive and the *dolus specialis*, the attribution of paramilitary activities to the State in the absence of a clear governmental policy of genocide, and the value of distinctions between genocide and other atrocities such as ethnic cleansing. The authors ultimately connect inconsistent aspects of the Commission's reasoning on the genocide question to its stipulation that it is "not a judicial body," a very restrictive understanding of its role that limited cohesion with the standards of other legal bodies involved in the ongoing crisis.

345.22/249

**International humanitarian law in Indian courts : application, misapplication and non-application / Chintan Chandrachud.** - The Hague : Asser Press, 2014. - p. 389-413. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 412-413

This chapter seeks to provide an analytical snapshot of international humanitarian law in the Supreme Court and High Courts in India. The bulk of the chapter is dedicated to an analysis of the application of international humanitarian law norms in post-independence judicial decisions. The case law has been categorised into four broad themes: occupation and annexation of territory; prisoners of war; terrorism and the war on terror; and the meaning of aggression. The chapter also critically analyses cases in which Indian courts have failed to appreciate the nuances of, and thereby misapplied, international humanitarian law. Finally, a

few cases where Indian courts conspicuously omitted to cite international humanitarian law, where they could have done so, are briefly discussed.

345.22/249

**International humanitarian law in the courts of Australia / Emily Crawford.** - The Hague : Asser Press, 2014. - p. 335-353. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 352-353  
Australia's courts most often grapple with international humanitarian law in the context of refugee and asylum cases, and in cases that deal with extradition requests. However, Australia has also had some cause to directly investigate war crimes, though attempts at prosecuting such acts in the courts of Australia have proven to be less than successful. This chapter will look at some of the major cases in Australia's legal history where international humanitarian law has been examined and applied.

345.22/249

**Interpretations of IHL in tribunals of the United States / Michael W. Lewis and Peter Margulies.** - The Hague : Asser Press, 2014. - p. 415-449. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 447-449

Tribunals of the United States have been interpreting IHL ever since the nation was founded. Even before the enactment of the US Constitution, several Founding Fathers believed that membership in the community of nations should be a fundamental aim of the new republic. In the more than two centuries since the Constitution's enactment, US policy and practice have typically remained within the membership conception. This chapter has described both how the membership conception has influenced US judicial interpretations of IHL and how these interpretations have in turn influenced the international conception of that body of law. US departures from the membership conception of IHL have usually involved measures taken by the executive branch. US tribunals have responded to these departures in a variety of ways. Sometimes they have accepted these initiatives, but often they have rejected them or tailored the measures to IHL principles. This pattern emerged after the Civil War, when the US Supreme Court held in *Ex parte Milligan* that a military commission could not try a non-belligerent for acts committed outside the theater of war. In *In re Yamashita*, the Supreme Court upheld a military commission conviction based on a then-novel theory of command responsibility. That doctrine went on to become a key building block for international tribunals. The September 11 attacks provide the latest illustration of the membership argument. After the executive branch responded to the attacks with efforts to change IHL rules on interrogation, detention, and the jurisdiction of military commissions courts pushed back. These responses were often effective, although the Supreme Court's decision in *Hamdan v. Rumsfeld* classifying the struggle with al Qaeda as a NIAC may have raised more questions than it answered. With regard to detention courts have applied IHL principles to determine membership in armed groups and the US has begun to implement administrative reviews based on the Fourth Geneva Convention.

345.22/249

**Introducing international humanitarian law to judicial and quasi-judicial bodies / Derek Jinks, Jackson Nyamuya Maogoto and Solon Solomon.** - The Hague : Asser Press, 2014. - p. 1-27. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 25-27

During the last decade, international humanitarian law has acquired a new vigor in the jurisprudence of international and domestic courts and tribunals. Alongside standard application in cases concerning refugees or war crimes prosecutions, recent jurisprudence has seen international humanitarian law acquiring an assertive stance on highly debated and complex issues, relating to the conduct of warfare. This chapter maps the judicial as well as institutional and thematic expansions international humanitarian law has undertaken during the last years, attempting to project also the field's preponderance in international and

domestic jurisprudence also in the future. In this respect, the role of quasi-judicial bodies will be also stressed.

345.22/249

**Order within anarchy : the laws of war as an international institution / James D. Morrow.** - New York : Cambridge University Press, 2014. - XIV, 354 p. : tabl., graph, diagr. ; 23 cm. - Bibliographie : p. 321-336. Index. - ISBN 9781107626775

Order Within Anarchy focuses on how the laws of war create strategic expectations about how states and their soldiers will act during war, which can help produce restraint. International law as a political institution helps to create such expectations by specifying how violence should be limited and clarifying which actors should comply with those limits. The success of the laws of war depends on three related factors : compliance between warring states and between soldiers on the battlefield, and control of soldiers by their militaries. A statistical study of compliance of the laws of war during the twentieth century shows that joint ratification strengthens both compliance and reciprocity, compliance varies across issues with the scope for individual violations, and violations occur early in war. Close study of the treatment of prisoners of war during World Wars I and II demonstrates the difficulties posed by states' varied willingness to limit violence, a lack of clarity about what restraint means, and the practical problems of restraint on the battlefield.

345.22/250

**The responsibility to protect and common article 1 of the 1949 Geneva Conventions and obligations of third states / Hanna Brollowski.** - Amsterdam : Amsterdam University Press, 2012. - p. 93-110. - In: Responsibility to protect : from principle to practice. - Photocopies

Much of the existing opposition to Responsibility to Protect (RtoP), seems to be based on the strand of thought that sovereignty signifies the unimpaired capacity to make authoritative decisions with regard to the population and territory of the State. These States have protested against a right for third States to interfere within their sovereign matters. This chapter proposes that even if one were to subscribe to such notion of sovereignty, it is clear that States have voluntarily surrendered parts their otherwise unlimited power by signing certain treaties, thereby agreeing to be bound by their specific provisions and international law in general. It is crucial to focus on this aspect to counteract non-constructive, politically or morally motivated trends to the likes of RtoP, which potentially undermine existing legal tools. This becomes even more crucial in the fight against gross human rights violations such as those covered by the very concept, namely crimes against humanity, war crimes, genocide and ethnic cleansing. When contemplating the available legal tools covering these crimes, the four 1949 Geneva Conventions (GCI-IV) stand out. They are considered the cornerstones of international humanitarian law (IHL) and codify the most important rules applicable during international and national armed conflicts. In particular their common Article I offers some interesting prospects for a system of internationally shared responsibility to address third State violations of GCI-IV, including scenarios covered by the 'RtoP' concept.

345.22/248(Br.)

**The role of the U.S. judicial branch during the long war : drone courts, damage suits, and Freedom of Information Act (FOIA) requests / Lesley Wexler.** - The Hague : Asser Press, 2014. - p. 61-102. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 101-102

What role, if any, do courts have to play in regulating the use of drones for targeted killing? This chapter suggests that the judiciary may play an important role in the debate over the executive branch's decisions regarding IHL, even if it declines to speak to the substance of such cases. While this chapter remains skeptical that courts will ever reach the merits on IHL questions, the chapter concludes by suggesting that creative use of the judiciary has helped insert IHL into the public debate over targeted killings to encourage greater accountability. It discusses the executive branch's behavior in the shadow of the judicial and legislative

branches. First, even as the Obama administration failed to acknowledge drone strikes explicitly, a number of government officials gave speeches providing some sense of the justifications for and the limitations upon targeted killings. Second, members of the Obama administration began leaking documents providing extensive details on legal questions surrounding targeted killings, including some relating to the application and interpretation of IHL norms. Lastly, the Obama administration efforts to institutionalize its targeted killing practices may enhance compliance with IHL norms and create more significant internal oversight and review. The final part concludes by noting additional reform measures to bolster these protections in the absence of a stronger judicial role.

345.22/249

## **INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS**

**Accountability and protection of UN peacekeepers in light of MONUSCO / Tomas Macura.** - In: Die Friedens-Warte : journal of international peace and organization, Bd. 88, H. 3-4, 2013, p. 143-156. - Bibliographie : p. 154-156

Military personnel involved in United Nations peacekeeping operations have operated without an effective legal framework regulating their conduct since the end of the Cold War. The explosion of peacekeeping as a response to non-international armed conflict has too often resulted in poorly trained and under-equipped peacekeepers facing renewed hostilities because a party to the conflict has breached the terms of a ceasefire agreement. This article critically examines the protection granted to peacekeepers in such situations and how they can be held accountable for serious crimes in the context of international humanitarian law and international criminal law. MONUSCO, the United Nations Organization Stabilisation Mission in the Democratic Republic of Congo, is considered in light of the recent deployment of an intervention brigade to directly confront rebel forces.

**The applicability and application of international humanitarian law to multinational forces / Tristan Ferraro.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 561-612

The multifaceted nature of peace operations today and the increasingly violent environments in which their personnel operate increase the likelihood of their being called upon to use force. It thus becomes all the more important to understand when and how international humanitarian law (IHL) applies to their action. This article attempts to clarify the conditions for IHL applicability to multinational forces, the extent to which this body of law applies to peace operations, the determination of the parties to a conflict involving a multinational peace operation and the classification of such conflict. Finally, it tackles the important question of the personal, temporal and geographical scope of IHL in peace operations.

**International humanitarian law interoperability in multinational operations / Marten Zwanenburg.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 681-705

This article describes some of the challenges raised by multinational operations for the application of international humanitarian law. Such challenges are the result of different levels of ratification of treaties, divergent interpretations of shared obligations, and the fact that there is no central authority that determines who is a party to an armed conflict. The article discusses methods that have been developed to ensure 'legal interoperability'. Some of these methods attempt to avoid situations where such interoperability is required. Where this is not possible, a 'maximalist' or a 'minimalist' approach can be taken, and in practice these are usually combined.

**A NATO perspective on applicability and application of IHL to multinational forces / Peter M. Olson.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 653-657

Questions of the applicability and application of international humanitarian law (IHL) to multinational forces are of central interest to the North Atlantic Treaty Organisation (NATO, also referred to as 'the Alliance' or 'the Organisation'). Far from being incidental, multinational military coordination is the Organisation's raison d'être and the driving concept behind its methods, history and operations. Since the end of the Cold War, it has conducted a series of major multinational military operations - in and around the Balkans, Afghanistan, Libya and elsewhere - in which questions of the application of IHL have inevitably arisen.

**Observance of international humanitarian law by forces under the command of the European Union / Frederik Naert.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 637-643. - Egalement publié dans : Recueils de la Société internationale de droit militaire et de droit de la guerre 19, 2013, p. 373-404

This contribution identifies the main issues relevant for the applicability and application of international humanitarian law (IHL) in military operations under the command of the European Union (EU) and briefly describes the EU's practice and policy in this respect.

**Perspective on the applicability and application of international humanitarian law : the UN context / Katarina Grenfell.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 645-652

The applicability of international humanitarian law (IHL) to United Nations (UN) forces has long generated discussion. When peacekeepers have become engaged in hostilities of such a nature as to trigger the application of IHL, questions have arisen as to whether they should be equally subject to the rules of IHL.

**Status of NGOs in international humanitarian law / by Claudie Barrat ; foreword by Georges Abi-Saab.** - Leiden ; Boston : Brill Nijhoff, 2014. - XIII, 384 p. : tabl. ; 25 cm. - (Graduate institute of international and development studies ; vol. 14). - Bibliographie : p. 347-379. Index. - ISBN 9789004269675

In Status of NGOs in International Humanitarian Law, Claudie Barrat examines the legal framework applicable to NGOs in situations of armed conflict. The author convincingly demonstrates, contrary to convention, that in addition to the ICRC, the National Societies and the IFRC, numerous other NGOs referenced in humanitarian law treaties have a legal status in IHL and therefore legitimate claim to employ IHL provisions to respond to current challenges. On the basis of clear and thorough definitions of these entities, Barrat argues that existing NGOs meeting stringent definition can benefit from customary rights and obligations in both international and non-international armed conflict.

341.215/254

## **INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT**

**Active and passive precautions in air and missile warfare / by Marco Sassoli and Anne Quintin.** - In: Israel yearbook on human rights, Vol. 44, 2014, p. 69-123

This contribution constitutes a commentary and critical discussion of the HPCR Manual on International Law Applicable to Air and Missile Warfare produced by the Program on Humanitarian Policy and Conflict Research at Harvard University (HPCR Manual). It is largely based upon a report written by one of the authors for the Expert Group that drafted the HPCR Manual. The introduction first determines the status of the HPCR Manual and tackles some general questions about the relation between treaty law and customary law in air and missile warfare, as well as whether the same rules apply, on the one hand, to hostilities taking place



on land, sea and in the air, and on the other hand, to both international and non-international armed conflicts. Following this, it then looks at the precautionary measures to be taken by the attacker. Before discussing the individual provisions contained in Article 57 of the 1977 First Additional Protocol to the Geneva Conventions (Protocol I), certain general questions on precautionary measures are addressed. Next, it details the precautionary measures recommended by Article 58 of Protocol I. For both sections, the methodology consists of first looking at each precautionary measure as foreseen in Protocol I and determining its status under customary law. The article then assess how each rule has generally been interpreted, and more importantly how each rule has been applied to air and missile warfare, discussing what specific problems exist, particularly in the context of air-to-air hostilities.

**Applicability test of Additional Protocol II and common article 3 for crimes in internal armed conflict / Noëlle Quénivet.** - The Hague : Asser Press, 2014. - p. 31-60. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 57-60

Modern warfare raises important, often difficult questions about conflict classification and applicable legal frameworks. These challenges typically concern whether a conflict should be deemed as international or non-international and which legal regime applies in virtue of this classification. It is this issue that Noëlle Quénivet develops in this chapter. Focusing on non-international conflicts, she examines the impact of the international criminal tribunals' jurisprudence on the classification of non-international conflicts as either falling under Common Article 3 or under the Additional Protocol II. Quénivet sketches the difference between the two treaty regimes as far as application of IHL is concerned, with Common Article 3 permitting such application in cases of dissident groups fighting each other, whereas the Additional Protocol II requires the conflict to be between a government and internal belligerent forces. Proceeding to explain that the Additional Protocol II cannot be considered either *lex posterior* or *lex generalis* to Common Article 3, Quénivet illustrates this through reference to state practice, demonstrating that there exists a bifurcation as regards legal regulation for non-international armed conflicts. Consequently and based on these premises, Quénivet explores the applicability test of these two different treaties in the jurisprudence of various international criminal courts and tribunals.

345.22/249

**The definition of internal armed conflict in asylum law : the 2014 Diakité judgment of the EU Court of Justice / Céline Bauloz.** - In: Journal of international criminal justice, Vol. 12, no. 4, September 2014, p. 835-846

In the European Union, asylum-seekers not only have the opportunity to apply for refugee status, but also for subsidiary protection when risking serious harm if sent back to their country of origin. This form of complementary protection is granted, *inter alia*, to those fleeing indiscriminate violence stemming from international or internal armed conflicts. While this serious harm has often been interpreted by national courts in light of international humanitarian law, in its Diakité Judgment of 30 January 2014, the Court of Justice of the European Union adopted a new definition of "internal armed conflict" differing from the humanitarian law understanding. The present article enquires into the reasons given by the Court to discard international humanitarian law as the appropriate interpretative framework and into the protective and systemic implications of such a distinct definition.

**How does the involvement of a multinational peacekeeping force affect the classification of a situation ? / Eric David and Ola Engdahl.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 659-679

In this issue of the Review, we invited two experts in international humanitarian law (IHL) and multinational peace operations - Professor Eric David and Professor Ola Engdahl - to debate on the way in which the involvement of a multinational force may affect the classification of a situation. This question is particularly relevant to establishing whether the situation amounts to an armed conflict or not and, if so, whether the conflict is international or non-

international in nature. This in turn will determine the rights and obligations of each party, especially in a context in which multinational forces are increasingly likely to participate in the hostilities.

**Reconocimiento de beligerancia y uso de la fuerza : la construcción de legitimidad en la Selva Lacandona / Marcos D. Kotlik.** - Buenos Aires : Editorial universitaria de Buenos Aires, 2014. - p. 241-268. - In: Justificar la guerra ? : discursos y prácticas en torno a la legitimación del uso de la fuerza y su licitud en el derecho internacional. - Bibliographie : p. 266-268

345/699

## **INTERNATIONAL ORGANIZATION-NGO**

**La Comision de derecho internacional y su obra / Naciones Unidas.** - 4a ed.. - Nueva York : Naciones Unidas, Servicios de informacion publica, 1989. - X, 366 p. ; 23 cm. - ISBN 9789213331538

345.1/622(1988-SPA)

**La Commission du droit international et son oeuvre / [Nations Unies].** - New York : Nations Unies, 1967. - VII, 192 p. ; 23 cm. - (Publications des Nations Unies). - Bibliographie : p. 349-355. Exemplaire espagnole date de 1967

Historique des efforts de développement et de codification du droit international antérieurs à l'existence de la Commission. Exposé des méthodes de travail de la Commission. Analyses de questions ou sujets de droit international que la Commission a examinés. Exposé des mesures que l'Assemblée générale a prises comme suite à l'examen de ces questions par la Commission, compte rendu des résultats auxquels ont abouti les conférences diplomatiques que l'Assemblée générale a convoquées pour examiner les projets préparés par la Commission. Annexes : Statut de la Commission, Projets préparés par la Commission, Conventions multilatérales etc.

345.1/622(1967-FRE)

**The work of the International law commission / [United Nations].** - New York : United Nations, 1967. - VII, 168 p. ; 23 cm. - (United Nations publications). - Bibliographie : p. 167-168.

Historique des efforts de développement et de codification du droit international antérieurs à l'existence de la Commission. Exposé des méthodes de travail de la Commission. Analyses de questions ou sujets de droit international que la Commission a examinés. Exposé des mesures que l'Assemblée générale a prises comme suite à l'examen de ces questions par la Commission, compte rendu des résultats auxquels ont abouti les conférences diplomatiques que l'Assemblée générale a convoquées pour examiner les projets préparés par la Commission. Annexes : Statut de la Commission, Projets préparés par la Commission, Conventions multilatérales etc.

345.1/622(1967-ENG)

## **MEDIA**

**La protection physique des collaborateurs de médias européens envoyés en zone de guerre : enjeux, problèmes, solutions, questionnements / Vicky Huguelet.** - [S.l.] : [s.n], 2014. - 121 p. : graph. ; 30 cm. - Mémoire de master, Académie du journalisme et des médias, Université de Neuchâtel, 2014. - Bibliographie : p. 61-67

070/106

## MISSING PERSONS

Enforced disappearance : challenges to accountability under international law / Helen Keller... [et al.]. - In: Journal of international criminal justice, Vol. 12, no. 4, September 2014, p. 731-808

Contient notamment : Enforced disappearance and the European Court of Human Rights : a "wall of silence", fact-finding difficulties and states as "subversive objectors" / H. Keller and C. Heri. - Redress for enforced disappearance : why financial compensation is not enough / S. Fulton. - The pitfalls of regulating the legal status of disappeared persons through declaration of death / G. Citroni.

## NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

Au service de l'humanité : histoire de la Croix-Rouge luxembourgeoise : 1870 - 1914 - 2014 / Charles Barthel ; avec les contrib. de Jacques Hansen et Gaby Sonnabend. - Luxembourg : Croix-Rouge luxembourgeoise, 2014. - 349 p. : fotogr., fac-sim., graph. ; 29 cm. - Index. - ISBN 9789995900892

SN/LU/6

Red Cross in Slovakia : 1919-1938 / Zora Mintalová, Bohdan Telgársky ; The Slovak Red Cross, Museum of the Slovak Red Cross. - Martin (Slovak Republic) : Vydavateľstvo Matice slovenskej, 2005. - 194 p. : fotogr., fac-sim. ; 22 cm. - Bibliographie : p. 190-192. - ISBN 9788089208012

SN/CS/22

Red Cross in Slovakia : 1939-1947 / Zora Mintalová, Bohdan Telgársky. - Martin (Slovak Republic) : Vydavateľstvo Matice slovenskej, 2005. - 159 p. : fotogr. ; 22 cm. - Bibliographie : p. 157-158. - ISBN 9788089208043

SN/CS/23

Red Cross in Slovakia : 1989-1992 / Katarína Cizmáriková, Bohdan Telgársky. - Martin : Vydavateľstvo Matice slovenskej, 2013. - 132 p. : fotogr., tabl. ; 22 cm. - Bibliographie : p. 126. Index. - ISBN 9788081151217

SN/CS/21

## NATURAL DISASTERS

El derecho internacional y la cooperación frente a los desastres en materia de protección civil / Carlos R. Fernández Liesa, J. Daniel Oliva Martínez. - [Madrid] : Dirección General de Protección Civil y Emergencias, 2012. - 86 p. : fotogr. ; 30 cm

361.9/65-DEP



## **PEACE**

**The allocation of responsibility for internationally wrongful acts committed in the course of multinational operations / Paolo Palchetti.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 727-742

The article aims to examine, in light of the codification work of the International Law Commission and of the most recent practice, some issues concerning the allocation of responsibility between an organisation and its troop-contributing states for the conduct taken in the course of a multinational operation (with a specific focus on UN operations). After explaining the general rule of attribution of conduct based on the status of the multinational force as an organ or an agent of the organisation, this article will examine the validity of special rules of attribution of conduct based on the notions of 'effective control' or 'ultimate control' over the acts of the multinational force. Finally, I will discuss the possibility of dual responsibility of both the organisation and the troop-contributing state concerned.

**From peacekeeping to peacebuilding : the evolution of the role of the United Nations in peace operations / Ronald Hatto.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 495-515

Multifunctional peace operations have become an integral part of international society to the extent that they are now one of the major regulating institutions of international relations. The United Nations (UN) is the main player in setting up such operations. The UN has seen a major but gradual evolution of its role in maintaining and establishing peace. Having developed peacekeeping as a form of impartial interposition between belligerents during the Suez Crisis in 1956, the UN has continually broadened its sphere of action. These cumbersome and complex operations are demanding and present the UN with a number of challenges.

**Interview with Lieutenant General Babacar Gaye, United Nations military adviser for peacekeeping operations / by Vincent Bernard and Mariya Nikolova.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 485-493

Lieutenant General Babacar Gaye has been the serving UN Military Adviser for Peacekeeping Operations and Head of the Office of Military Affairs for the past three years. He has exercised command responsibilities at all levels of the military hierarchy and has been among the privileged officers to lead the Senegalese military.

**The legal status of personnel involved in United Nations peace operations / Dieter Fleck.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 613-636

This article examines the status of military and civilian personnel of sending states and international organisations involved in UN peace operations. It undertakes an assessment of relevant customary law, examines various forms of treaty regulation and considers topics and procedures for effective settlement of open issues prior to the mission. The author stresses the need for cooperation between the host state, the sending states and the international organisation in this context. He draws some conclusions with a view to enhancing the legal protection of personnel involved in current and future UN peace operations.

**Peace operations by proxy : implications for humanitarian action of UN peacekeeping partnerships with non-UN security forces / Jérémie Labbé and Arthur Boutellis.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 539-559

Mandates of United Nations (UN) peacekeeping missions increasingly include stabilisation and peace enforcement components, which imply a proactive use of force often carried out by national, regional or multinational non-UN partners, operating either in support of or with the support of the UN, acting as 'proxies'. This article analyses the legal, policy and perception/security implications of different types of 'peace operations by proxy' and the additional challenges that such operations create for humanitarian action. It suggests some

mitigating measures, including opportunities offered by the UN Human Rights Due Diligence Policy, for a more coherent approach to the protection of civilians, but also acknowledges some of the limitations to an independent UN-led humanitarian action.

**Peaceland : conflict resolution and the everyday politics of international intervention / Séverine Autesserre.** - New York : Cambridge University Press, 2014. - XIII, 329 p. : carte, tabl. ; 23 cm. - (Problems of international politics). - Bibliographie : p. 289-320. Index. - ISBN 9781107632042

172.4/264

**The protection of civilians mandate in UN peacekeeping operations : reconciling protection concepts and practices / Haidi Willmot and Scott Sheeran.** - In: International review of the Red Cross, Vol. 95, no. 891/892, Autumn/Winter 2013, p. 517-538

The 'protection of civilians' mandate in United Nations (UN) peacekeeping operations fulfils a critical role in realising broader protection objectives, which have in recent years become an important focus of international relations and international law. The concepts of the 'protection of civilians' constructed by the humanitarian, human rights and peacekeeping communities have evolved somewhat separately, resulting in disparate understandings of the associated normative bases, substance and responsibilities. If UN peacekeepers are to effectively provide physical protection to civilians under threat of violence, it is necessary to untangle this conceptual and normative confusion. The practical expectations of the use of force to protect civilians must be clear, and an overarching framework is needed to facilitate the spectrum of actors working in a complementary way towards the common objectives of the broader protection agenda.

## **PUBLIC INTERNATIONAL LAW**

**Distinguishing friend from foe : law and policy in the age of battlefield biometrics / Alison Mitchell.** - In: The Canadian yearbook of international law = Annuaire canadien de droit international, Vol. 50, 2012, p. 289-330. - Photocopies

345/664(Br.)

**The evolutionary interpretation of treaties / Eirik Bjorge.** - Oxford : Oxford University Press, 2014. - XXV, 213 p. ; 24 cm. - Bibliographie : p. 195-208. Index. - ISBN 9780198716143

345/665

**Justificar la guerra ? : discursos y prácticas en torno a la legitimación del uso de la fuerza y su licitud en el derecho internacional / Emiliano J. Buis (dir.) ; Simón Conforti... [et al.].** - Buenos Aires : Editorial universitaria de Buenos Aires, 2014. - 350 p. ; 23 cm. - (Estudios). - Bibliographies. - ISBN 9789502322711

Contient notamment : Las dos caras de la Carta de las Naciones Unidas : entre el realismo y la teoría de la guerra justa / N. Maisley. - Reconocimiento de beligerancia y uso de la fuerza. La construcción de legitimidad en la Selva Lacandona / M. D. Kotlik. - La conducta de los individuos y la conducta de los estados en el crimen de agresión : caminos paralelos, caminos bifurcados / N. M. Luterstein. - La guerra justa y el sistema interamericano de protección de derechos humanos : un estudio del ius in bello y ius ad bellum a la luz del Plan Cóndor / L. M. Giosa, S. Conforti y R. A. Sujodolski.

345/669

Legal and ethical precepts governing emerging military technologies : research and use / George R. Lucas. - In: Amsterdam law forum, Vol. 6, no. 2, Winter 2014, p. 23-33. - Photocopies

345/663(Br.)

Principes du droit de la guerre / J.-J. Rousseau ; texte établi, annoté et comment. par Bruno Bernardini et Gabriella Silvestrini. - Paris : J. Vrin, 2014. - 120 p. ; 18 cm. - (Bibliothèque des textes philosophiques). - ISBN 9782711625598

345/668

Research handbook on the law of treaties / ed. by Christian J. Tams, Antonios Tzanakopoulos, Andreas Zimmermann. - Cheltenham ; Northampton : E. Elgar, 2014. - XV, 661 p. ; 24 cm. - (Research handbooks in international law). - Index. - ISBN 9780857934772  
Contient notamment : Regulating treaties : a comparative perspective / M. Paparinskis. - Treaty breaches and responses / C. J. Tams. - Treaties and armed conflict / Y. Ronen. - Treaties and international organizations : uneasy analogies / P. Webb.

345/668

Source of state practice in international law / ed. by Ralph F. Gaebler, Alison A. Shea. - 2nd rev. ed.. - Leiden ; Boston : Brill Nijhoff, 2014. - XIV, 576 p. ; 25 cm. - ISBN 9789004178861

345/666

## **REFUGEES-DISPLACED PERSONS**

The African war refugee : using IHL to interpret the 1969 African Refugee Convention's expanded refugee definition / Tamara Wood. - Leiden ; Boston : Brill Nijhoff, 2014. - p. 179-203. - In: Refuge from inhumanity ? : war refugees and international humanitarian law

The expanded refugee definition in Article 1(2) of the African Refugee Convention is the object of investigation of this chapter. This definition has often been praised for providing better protection to persons fleeing war, conflict and generalised violence than its counterpart in the Refugee Convention. Recourse to other areas of international law, including IHL, has been described as the 'logical starting point' for interpreting the African definition's novel terms. Drawing on scholarship and her own field research, Wood provides detailed analysis of how IHL may be applied to the interpretation of the definition's four refugee-producing 'events' — external aggression, occupation, foreign domination and events seriously disturbing public order. While recognising that full interpretation requires these events to be considered in conjunction with the definition's other elements, her analysis of the events themselves illustrates both the potential and limitations of IHL in this regional context.

325.3/495

Causation in international protection from armed conflict / Hélène Lambert. - Leiden ; Boston : Brill Nijhoff, 2014. - p. 57-78. - In: Refuge from inhumanity ? : war refugees and international humanitarian law

This chapter takes an empirical point of departure, arguing that armed conflict has changed to increasingly expose civilians to the effects of war. Even if the literature on civil war shows strong correlations between conflict, social disorder and economic collapse, courts are still wrestling with the challenge of conceptualising these links in legal terms. Lambert's contribution addresses the issue of causation as central to a proper understanding of how IRL can protect people fleeing the indiscriminate effects of generalised violence. In these cases,

she argues, conventional causal analysis (or 'effective causation') does not adequately capture the complexity of contemporary refugee flows. Lambert advocates a 'constitutive causation' approach that opens up enquiry into the underlying material conditions that produce the threats that compel civilians to flee, and places weight on the experience and perceptions of the displaced. She asks whether IHL is currently equipped to play a significant role in our understanding of constitutive causation in the refugee context.

325.3/495

**Changing tracks as situations change : humanitarian and health response along the Liberia - Côte d'Ivoire border / Katharine Derderian.** - In: *Disasters : the journal of disaster studies and management*, Vol. 38, no. 4, October 2014, p. 673-689. - Bibliographie : p. 687-689

**Le droit international de la migration / sous la dir. de Brian Opeskin, Richard Perruchoud, Jillyanne Redpath-Cross.** - Genève : Schulthess ; Cowansville (Canada) : Y. Blais, 2014. - XVIII, 573 p. : tabl., cartes, graph. ; 25 cm. - Bibliographies. Index.. - ISBN 9783725569540

Contient notamment : Sources du droit international de la migration / V. Chetail - Droits de l'homme internationaux des migrants / D. Weissbrodt et M. Divine - Femmes, enfants et autres groupes de migrants marginalisés / J. Bhabha - Evolution des processus, du droit et des institutions touchant à la migration dans les régions / K. Popp.

325.3/497

**Exclusion is not just about saying 'no' : taking exclusion seriously in complex conflicts / Geoff Gilbert.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 155-175. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

This contribution asks: what behaviour during a conflict ought to lead to exclusion from refugee status? Given that Article 1 F(a) of the Refugee Convention refers to both war crimes and crimes against humanity, it represents a conscious decision on the part of the drafters to refer to complex conflicts, not necessarily complex 'armed' conflicts. Since the exclusion clauses must be interpreted narrowly, Gilbert examines not only the serious crimes for which exclusion might arise, but also the attribution of individual responsibility. In doing so he assesses how far IRL may require an autonomous meaning for terms used within IHL, international criminal law and the wider corpus of international law in general.

325.3/495

**Expanding refugee protection through international humanitarian law : driving on a highway or walking near the edge of the abyss ? / Stéphane Jaquemet.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 79-98. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

Stéphane Jaquemet observes that the majority of refugee law experts and decision makers emphasise the differences between IHL and IRL rather than highlighting the points of convergence. By contrast, the United Nations Security Council is an enthusiastic — at times overenthusiastic — advocate of a more creative and protective interface between IRL, IHL and HRL. To get out of what he calls a 'sterile debate' between the pro and anti-IHL-reading, Jaquemet proposes a different approach that goes back to the basics of both national and international protection. In a country at war, he argues, the indicators of national protection are squarely located in the interaction between IHL and HRL. Nolens volens, the existence of grave breaches of IHL and serious violations of HRL will indicate a failure of national protection and be the trigger for international protection. By using IHL (and HRL) to determine the scope of national protection, and IRL (and HRL) for that of international protection, the interface gains in depth whilst the integrity of each branch of law is preserved.

325.3/495

**Flussi migratori dall'America Latina : diritto, politiche, prospettive : atti del Seminario internazionale 22-23 novembre 2010, Roma, Istituto italo-latino americano : iniziative italiane per il bicentenario dell'indipendenza dell'America Latina = Flujos migratorios de América Latina : derecho, políticas, perspectivas : actas del seminario internacional 22-23 noviembre 2010, Roma, Instituto italo-latino americano : iniciativas italianas para el bicentenario de la independencia de América Latina / Istituto internazionale di diritto umanitario. - Sanremo : Istituto internazionale di diritto umanitario, 2011. - 199 p. : graph., tabl., fotogr. ; 24 cm**

*325.3/223*

**Humanitarian crises and migration : causes, consequences and responses / ed. by Susan F. Martin, Sanjula Weerasinghe and Abbie Taylor. - London ; New York : Routledge, 2014. - XXIII, 375 p. : graph., tabl., diagr. ; 24 cm. - Bibliographies. Index. - ISBN 9780415857321**

**Contient notamment: Health crises and migration / M. Edelstein, K. Koser and D. L. Heymann. - Environmental process, political conflict and migration : a Somali case study / A. Lindley. - Environmental stress, displacement and the challenge of rights protection / R. Zetter, J. Morrissey. - Protecting non-citizens in situations of conflict, violence and disaster / K. Koser.**

*325.3/494*

**Inclusion of refugees from armed conflict : combatants and ex-combatants / Eric Fripp. - Leiden ; Boston : Brill Nijhoff, 2014. - p. 128-154. - In: Refuge from inhumanity ? : war refugees and international humanitarian law**

Eric Fripp argues that the use of IHL as a complement to HRL in determining the protective ambit of Article 1A(2) of the Refugee Convention is true to the general rules of treaty interpretation, and that reference to IHL is valuable in assessing refugee claims made against a background of armed conflict. The thrust of his chapter is devoted to examining the interesting question of how IHL might be relevant to determining claims for refugee status under the Refugee Convention by those who cannot be considered as civilians. His analysis is directed towards the situation of persons who remain combatants, as well as those who are no longer combatants (ex-combatants), and encompasses consideration of claims by those who were children when they fought (child soldiers).

*325.3/495*

**Laws of unintended consequence ? : nationality, allegiance and the removal of refugees during wartime / David James Cantor. - Leiden ; Boston : Brill Nijhoff, 2014. - p. 345-372. - In: Refuge from inhumanity ? : war refugees and international humanitarian law**

IHL does offer certain forms of protection against refoulement or return to particular classes of war victims. David Cantor shows that — for civilians in the power of a party to the conflict — such protection may be located in the IHL provisions dealing with deportations, transfers and forced displacement. He begins by examining the degree to which the law of international armed conflict governing the treatment of civilians in occupied territories and that relating to the protection of aliens in the territory of a hostile belligerent provide for non-return in their provisions on transfers, deportations and repatriations. He also considers whether the provisions in the law of non-international armed conflict concerning forced displacement of civilians might offer protection against refoulement. Whilst the term 'non-return' maybe more accurate than 'non-refoulement' in describing the kinds of protection offered, he concludes that IHL does indeed offer some level of protection — albeit patchy — to civilians fearing return to armed conflict. Given the extensive ratification of IHL treaties, the practical implications of this finding for 'refugee' protection are not insignificant.

*325.3/495*

**The (mis)use of international humanitarian law under article 15(c) of the EU qualification directive / Céline Bauloz.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 247-269. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

It is important to bear in mind that beneficiaries of subsidiary protection in EU law are not Refugee Convention refugees, such that the source of protection obligations accepted on their behalf by EU Member States must be sought elsewhere. This, creates a normative challenge for refugee lawyers. In particular, the author examines the role of IHL for the purpose of interpreting Article 15(c). She suggests that one fundamental reason militates against a purely IHL interpretation of Article 15(c), namely: the distinct functions of IHL and subsidiary protection or, more broadly, IRL. This becomes apparent when analysing three key concepts in Article 15(c) — 'indiscriminate violence', 'civilian' and 'international or internal armed conflicts'. Since the IHL contents of these terms cannot, in her view, meet the protective purpose of subsidiary protection, she concludes that recourse to IHL carries the risk of restricting the scope of the latter to the detriment of those in need of international protection.

325.3/495

**Non-refoulement between "common article 1" and "common article 3" / Reuven (Ruvi) Ziegler.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 386-408. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

The duty to 'respect and ensure respect' for the 1949 Geneva Conventions contains an implicit obligation not to refole victims and potential victims of war. This is the bold contention developed by Ruvi Ziegler. His contribution considers the non-refoulement obligations of nonbelligerent states in on-going armed conflicts. The main claim of this chapter is that, in an armed conflict, where it is determined that violations of Common Article 3 are occurring, there ought to be a (rebuttable) presumption that all parties to the 1949 Geneva Conventions, whether engaged in that armed conflict or not, undertake not to return persons 'taking no active part in hostilities' fleeing such violations even if they fail to meet the 'refugee' definition in Article IA(2) of the Refugee Convention. Non-refoulement may thus be utilised to invoke the responsibility of parties to the 1949 Geneva Conventions to protect civilians (of other states) from the harms of armed conflicts, thus making IHL, international criminal law and IRL mutually reinforcing.

325.3/495

**Non-refoulement, temporary refuge, and the "new" asylum seekers / Guy S. Goodwin-Gill.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 433-459. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

Guy Goodwin-Gill revisits the notion of 'temporary refuge' for those in flight from conflict as it emerged in the 1980s, and considers to what extent it can be regarded as a norm of customary international law, in the light of State and UN practice, theoretical approaches to custom as a source of international obligations, and related developments over the past thirty years. The principle of temporary refuge, he argues, comprises more than its core obligations of admission and non-return to situations of danger; and he makes the case for de-linking the concept of refuge from the principle of non-refoulement and developing refuge itself as the overarching principle of protection.

325.3/495

**Of autonomy, autarky, purposiveness and fragmentation : the relationship between EU asylum law and international humanitarian law / Violeta Moreno-Lax.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 295-341. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

The undisputed human rights roots of subsidiary protection notwithstanding, Violeta Moreno-Lax reminds us that EU asylum law has developed as an autonomous system of international



protection. This is particularly evident from the CJEU case law on subsidiary protection and the way in which Article 15(c) of the EU Qualification Directive has been construed. Taking account of the specificities of the EU legal order and drawing on the jurisprudence of the relevant courts and treaty bodies, Moreno Lax advocates for a return to the basics of treaty interpretation as a way to solving the interpretative impasse. Through the prism of Article 31 of the Vienna Convention on the Law of Treaties, it becomes apparent why systems of international law develop some sort of isolationism (or autonomy) and why recourse to extrinsic sources of interpretation should remain secondary.

325.3/495

**The Oxford handbook of refugee and forced migration studies / ed. by Elena Fiddian-Qasmiyeh... [et al.].** - Oxford : Oxford University Press, 2014. - XXVIII, 747 p. : tabl., graph. ; 26 cm. - Bibliographies. Index. - ISBN 9780199652433

Contient notamment : Refugees and humanitarianism / M. Barnett. - Humanitarian reform : from coordination to clusters / S. Russell and V. Tennant. - Conflict and crisis induced displacement / S. Kenyon Lischer. - Children and forced migration / J. Hart. - Gender and forced migration / E. Fiddian-Qasmiyeh.

325.3/493

**Persecution and the nexus to a refugee convention ground in non-international armed conflict : insights from customary international humanitarian law / Vanessa Holzer.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 101-127. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

This chapter analyses the central international refugee law (IRL) concept of 'persecution' and the nexus between the well-founded fear of persecution and a Refugee Convention ground. Holzer's contribution usefully examines in which situations the Refugee Convention refugee definition should be interpreted in the light of international humanitarian law (IHL). Her argument is that IHL provides instructive but limited guidance on the interpretation of these aspects of the refugee definition where protection claims relate to situations of non-international armed conflict, by identifying unlawful ways of conducting hostilities and by indicating the presence of causes unrelated to military necessity. Her central argument, however, is that the overall guiding principle for interpreting treaty provisions resides in their humanitarian object and purpose, which serves to ensure that recourse to IHL enhances, rather than restricts, refugee protection.

325.3/495

**Protection against the forced return of war refugees : an interdisciplinary consensus on humanitarian non-refoulement / Jennifer Moore.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 411-432. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

In this chapter, Jennifer Moore argues for scholarly and practitioner consensus around the norm of protection against forced return for 'war refugees' — a humanitarian form of non-refoulement extending to all individuals displaced by armed conflict, regardless of whether they meet the persecution-based definition of a refugee set forth in the Refugee Convention. Moore shows how both IRL and IHL are essential in defining the scope and application of the norm. She argues that, in addition to its importance in the context of IRL and IHL, humanitarian non-refoulement has broader relevance to the promotion of international peace and security, implementation of the Responsibility to Protect, and progress towards the Millennium Development Goals.

325.3/495

**Protection of refugees and displaced persons in the Asia Pacific region / ed. by Angus Francis and Rowena Maguire.** - Farnham ; Burlington : Ashgate, 2013. - XIII, 252 p. : tabl., graph., carte ; 24 cm. - (Law, ethics and governance series). - Index. - ISBN 9781409455400

Contient notamment : Shifting powers : protection of refugees and displaced persons in the Asia Pacific region / A. Francis and R. Maguire. - The search for protection in Southeast Asia / T. Hunt and N. Errington. - Internally displaced persons in Northern Thailand : involuntary relocation and the need for regulation / P. Intaramanon. - The international regulation of persons displaced by climate change / R. Maguire and L. Kruger.

325.3/496

**Refuge from inhumanity ? : canvassing the issues / Jean-François Durieux and David James Cantor.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 3-35. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

This short opening chapter seeks to provide an introduction to some of the main issues canvassed by the volume. Towards this end, it begins by setting out the factual and legal context within which the contemporary appeal of exploring and charting the interaction between IRL and IHL has emerged. It then turns to consider why the issue of interaction between these two legal regimes is important and how the relationship might be configured; various important points of interaction cross-cutting the chapters contribute to the volume are highlighted for the benefit of the reader.

325.3/495

**Refuge from inhumanity ? : war refugees and international humanitarian law / ed. by David James Cantor and Jean-François Durieux.** - Leiden ; Boston : Brill Nijhoff, 2014. - XVII, 494 p. ; 25 cm. - (International refugee law series ; vol. 2). - Bibliographie : p. 461-484. Index. - ISBN 9789004261587

This book contributes to a long-standing but ever topical debate about whether persons fleeing war to seek asylum in another country - 'war refugees' - are protected by international law. It seeks to add to this debate by bringing together a detailed set of analyses examining the extent to which the application of international humanitarian law (IHL) may usefully advance the legal protection of such persons. This generates a range of questions about the respective protection frameworks established under international refugee law and IHL and, specifically, the potential for interaction between them. As the first collection to deal with the subject, the eighteen chapters that make up this unique volume supply a range of perspectives on how the relationship between these two separate fields of law may be articulated and whether IHL may contribute to providing refuge from the inhumanity of war.

325.3/495

**Revisiting the civilian and humanitarian character of refugee camps / Maja Janmyr.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 225-246. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

This chapter describes the curious 'amalgamation of international law' evidenced in the rule relating to the 'civilian and humanitarian character' of refugee camps. This norm has in recent decades emerged as an important principle of international law, drawing on IRL, IHL, the laws of neutrality and the UN Charter. Tracing the origins of the principle as well as its developments in UN documents, the author seeks to clarify the respective influences of IHL and IRL in defining what is (or should be) 'civilian' and 'humanitarian' in the settlement of refugees. She asks whether, in the application of this asylum-related principle, 'civilian' and 'humanitarian' are direct imports, perversions, or vague imitations of the same concepts in IHL. She concludes that the IRL terms do not — and are not intended to — correspond with their IHL meaning; they serve an operational and functional, rather than strictly legal, purpose.

325.3/495

**The scope of the obligation not to return fighters under the law of armed conflict / Françoise J. Hampson.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 373-385. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

Françoise Hampson considers a range of situations which may arise in international and non-international armed conflicts, specifically in relation to whether fighters may be able to prevent their transfer to a particular State against their will. In order to avoid distorting IHL, her analysis starts by examining factual situations and considering what view IHL may take of the freedom of movement issue contained in each of these.

325.3/495

**A simple solution to war refugees ? : the Latin American expanded definition and its relationship to IHL / David James Cantor and Diana Trimiño Mora.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 204-224 : tabl.. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

This contribution explores how the expanded refugee definition offered by the 1984 Cartagena Declaration on Refugees protects war refugees. Noting that the existing scholarship borrows considerably from IHL in its attempt to interpret the Cartagena definition, their contribution differentiates itself by adopting a more contextual analysis that relates the expanded Cartagena definition to the Declaration's wider approach to the protection of refugees fleeing war in Latin America. As an alternative to what they call a 'conventional' analysis of the Cartagena definition, the authors propose an approach that gives greater emphasis to context and purpose. Through so doing, they illustrate the current role — and future potential — of IHL in determining the scope of the Cartagena definition in Latin America.

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**The Syria crisis, displacement and protection / Roger Zetter... [et al.].** - In: *Forced migration review*, Issue 47, September 2014, 47 p. : photogr.

Contient notamment: Development and protection challenges of the Syrian refugee crisis / R. Zetter and H. Ruadel. - Limited legal status for refugees from Syria in Lebanon / D. Aranki and O. Kalis. - Protection challenges of mobility / M. Phillips and K. Starup. - The mental health of Syrian refugee children and adolescents / L. James... [et al.]. - How the crisis is altering women's role in Syria / Z. Haddad.

**The "war flaw" and why it matters / Hugo Storey.** - Leiden ; Boston : Brill Nijhoff, 2014. - p. 39-56. - In: *Refuge from inhumanity ? : war refugees and international humanitarian law*

Hugo Storey returns to the famous 'war-flaw' identified in his earlier writing. This refers to the failure of international protection to analyse claims by persons fleeing armed conflict by reference to the correct international law framework, i.e. IHL. In his view, an interpretative advocacy that affirms the autonomy of IRL is a slippery slope that may lead to the emergence of a distinct and parallel body of jurisprudence on war refugees that is disconnected from the international law devoted to armed conflict: IHL and international criminal law. Aware of the academic commentary which his proposal has attracted, Storey's chapter refines his 'war-flaw' argument and addresses some of these subsequent comments and developments, which he takes under four sub-headings: (i) the international law context of refugee law; (ii) the difficulties that IRL has with armed conflict cases; (iii) attempts to solve these using HRL; and (iv) attempts to solve these using IHL.

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**What protection for persons fleeing indiscriminate violence ? : the impact of the European courts on the EU subsidiary protection regime / Evangelina (Lilian) Tsourdi. - Leiden ; Boston : Brill Nijhoff, 2014. - p. 270-294. - In: Refuge from inhumanity ? : war refugees and international humanitarian law**

This chapter introduces — alongside IHL — the jurisprudence of the European Court of Human Rights (ECtHR) into an assessment of the 'value-added' of Article 15(c). Tsourdi compares and contrasts decisions of the ECtHR and of the Court of Justice of the EU (CJEU) in cases involving protection-seekers fleeing indiscriminate violence and critically analyses the findings of the CJEU in the *Elgafaji* judgment. She asserts that, based on the latest case law of the ECtHR, protection against refoulement under Article 3 of the ECHR is not substantially different in scope from that available under Article 15(c) of the EU Qualification Directive. For the latter to retain relevance, she suggests, a limited importing of IHL provisions into the interpretative process may prove necessary — and she shows how, in this area too, ECtHR jurisprudence may offer valuable guidance.

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## **RELIGION**

**Bad religion ? : religion, collective action, and the onset of armed conflict in developing countries / Matthias Basedau, Birte Pfeiffer, and Johannes Vüllers. - In: Journal of conflict resolution, July 2014, 30 p. : tabl., diagr.. - Photocopies. - Bibliographie : p. 28-30**

281/60(Br.)

## **SEA WARFARE**

**International humanitarian law in the maritime context : conflict characterization in judicial and quasi-judicial contexts / Rob McLaughlin and Dale Stephens. - The Hague : Asser Press, 2014. - p. 103-132. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 131-132**

The development and application of modern international humanitarian law to the maritime environment has a considerably long pedigree, going back at least to the nineteenth century. The invocation of this body of law is frequent and is applied in highly calibrated ways by numerous States, particularly in recent times and especially by those States possessing 'blue water' Navies. Notwithstanding this considerable practice, international Judicial bodies such as the ICJ have been extremely resistant to exploring, applying or even opining on this volume of law, even in cases where such issues are squarely presented. It is unclear why this is so, especially given the recent growth of jurisprudence and scholarship on IHL in the land context. This article explores the opportunities presented to the ICJ to deal with this body of law and compares this nugatory experience with the role of quasi-judicial bodies that were commissioned in the wake of the 'Flotilla incident of 10 May 2010' where there was deep attention paid to issue of maritime IHL. The various Commissions of Inquiry in that instance were compelled to tackle key IHL issues in the maritime context and provided a valuable insight into the interpretation of this law, even if the outcomes reached resulted in widely divergent trajectories of reasoning. It is likely that this experience will provide fertile ground for international judicial machinery to draw upon in years to come. The analysis will encompass the issue of characterization of conflict, the challenges associated with particular problems of the law of blockade, the use of force, international human rights and the law-policy interface. It will also examine the methodologies employed and will touch on the nature of the liberal promise of invoking law to regulate violence in armed conflict.

345.22/249

**The Mavi Marmara incident and the application of international humanitarian law by quasi-judicial bodies / Russell Buchan.** - The Hague : Asser Press, 2014. - p. 479-503. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 502-503

Whether Israel's enforcement of its naval blockade against the Mavi Marmara on 31 May 2010 was in conformity with international humanitarian law has been recently considered by four quasi-judicial bodies. This chapter compares and contrasts the four reports produced by these quasi-judicial bodies and identifies significant discrepancies between them as to the interpretation and application of international humanitarian law (the law of naval blockade). In the light of this, this chapter then locates the role of quasi-judicial bodies within the broader context of international adjudication; specifically, and although recognising the clear benefits of quasi-judicial bodies in a world order where judicial bodies proper are often unable to exercise their jurisdiction, this chapter flags up some of the potential problems that this new type of adjudication yields for international law generally and international dispute resolution in particular.

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## **TERRORISM**

**The interaction of the international terrorism suppression regime and IHL in domestic criminal prosecutions : the UK experience / Kimberley N. Trapp.** - The Hague : Asser Press, 2014. - p. 165-182. - In: Applying international humanitarian law in judicial and quasi-judicial bodies : international and domestic aspects. - Bibliographie : p. 181-182

This chapter explores the interaction between terrorism suppression and international humanitarian law in the context of domestic terrorism prosecutions. The chapter sketches the relevant terrorism suppression treaty regime and explores the possible interpretations, which should be given to regime interaction clauses therein. In particular, this chapter argues that the interaction between terrorism suppression and international humanitarian law dictated by treaty results in both a floor and a ceiling on the exercise of domestic criminal jurisdiction—creating international law limitations on the right of State Parties to criminalise acts of war as 'terrorism'.

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## **WOMEN-GENDER**

**La atención al género en las normas convencionales y consuetudinarias de DIH : la necesidad de un adiestramiento en la materia que garantice el cumplimiento de las mismas, de conformidad con las resoluciones de Naciones Unidas / Velázquez Ortiz, Ana Pilar.** - Madrid : Dykinson, 2013. - p. 127-170. - In: Formación y adiestramiento sensible al género del personal cívico-militar y el empoderamiento de la mujer : reflexiones en torno a las operaciones de paz en el marco de la política exterior y de seguridad común de la Unión Europea. - Photocopies. - Bibliographie : p.167-170

362.8/224(Br.)

**Les femmes dans le système nazi / Christian Ingrao... [et al.].** - In: L'histoire, No 403, septembre 2014, p. 40-65

Contient notamment: 20 millions de femmes victimes et actrices / C. Ingrao. - La fabrique des surveillantes SS / E. Mailänder et A. Tricot. - "La présence des femmes rend la tuerie ordinaire" / W. Lower.

362.8/223

**Les lois genrées de la guerre / Responsable du numéro : Fabrice Virgili.** - In: *Clio : femmes, genre, histoire*, 39/2014, 329 p. : tabl., graph.. - Bibliographies

*362.8/222*

**Reconceptualizing gender, reinscribing racial-sexual boundaries in international security : the case of UN Security Council resolution 1325 on "Women, peace and security" / Nicola Pratt.** - In: *International studies quarterly*, Vol. 57, issue 4, December 2014, p. 772-783. - Photocopies. - Bibliographie : p. 780-783

*362.8/220(Br.)*

**Sexual violence in conflict and post-conflict societies : international agendas and African contexts / ed. by Doris Buss... [et al.].** - New York ; London : Routledge, 2014. - XIII, 290 p. : tabl. ; 24 cm. - (Routledge African studies ; 18). - Bibliographies. Index. - ISBN 9781138019522

Contient notamment : Seeing sexual violence in conflict and post-conflict societies : the limits of visibility / D. Buss. - Through war to peace : sexual violence and adolescent girls / D. Sharkey. - The representation of rape by the Special Court for Sierra Leone / V. Oosterveld. - International assistance to combat sexual violence in the Congo : placing Congolese women at the heart of the process ! / D. Tougas.

*362.8/225*

**Sexual violence in Sierra Leone's civil war : "virgination", rape, and marriage / Zoe Marks.** - In: *African affairs*, Vol. 113, no. 450, January 2014, p. 67-87. - Photocopies

*362.8/221(Br.)*

**Untangling sex, marriage, and other criminalities in forced marriage / Frances Nguyen.** - In: *Goettingen journal of international law*, Vol. 6, no. 1, 2014, p. 13-45. - Photocopies

*362.8/226(Br.)*