

BIBLIOGRAPHY

3rd Quarter 2015

International Humanitarian Law

New acquisitions on international humanitarian law,
classified by subjects, at the International Committee
of the Red Cross Library



ICRC



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Introduction

The International Committee of the Red Cross Library

The International Committee of the Red Cross (ICRC) endeavours to prevent suffering by promoting and strengthening international humanitarian law (IHL) and universal humanitarian principles. The ICRC Library in Geneva contributes to this mission by maintaining an extensive collection of IHL documents to help ICRC colleagues in their work. While the Library was set up primarily to serve ICRC staff members, it also takes on its own share of IHL-promotion work with the general public.

To this end, the Library holds a wide collection of specific IHL documents that can be consulted by the public: preparatory documents, reports, records and minutes of Diplomatic Conferences where the main IHL treaties were adopted; records of Red Cross and Red Crescent Movement conferences, during which many IHL matters are discussed; every issue of the International Review of the Red Cross since it was founded; all ICRC publications; rare documents published in the period between the founding of ICRC and the end of the First World War and charting the influence of Dunant's ideas; and a unique collection of legislation and case law implementing IHL at domestic level.

The Library also acquires as many external IHL publications as possible, with those produced in English and French being the priority. Each journal article, chapter, book, working paper, report etc. is catalogued separately, making the Library's online catalogue (<http://www.library.icrc.org/library/>) one of the most exhaustive resources for IHL research.

The Library is open to the public from Monday to Thursday (9 a.m. to 5 p.m. non-stop) and on Friday (9 a.m. to 1 p.m.).

Origin and purpose of the IHL bibliography

The bibliography was first produced at the request of field communication delegates, who were in charge of encouraging universities to offer IHL courses and of assisting professors who taught this subject. The delegates needed a tool they could give their contacts to help them develop or update their IHL knowledge.

Given their needs, it was decided to classify the documents so readers could pinpoint what they needed, access the documents easily and use abstracts to decide whether or not to read a document in full.

It quickly emerged that the bibliography was also helpful to other researchers, students and legal professionals working in the field of IHL. The Library therefore decided to make the bibliography accessible to the general public.

In short, the bibliography can be useful for developing and strengthening IHL knowledge, helping ICRC delegations, National Societies, schools, universities, research centres etc. to build up their library's IHL collection, and keeping track of topical IHL issues being tackled by academics. It is also useful for authors in the process of writing articles, books and theses and legal professionals who work on IHL on a daily basis to see what has been written on a specific IHL subject.

How to use the IHL Bibliography

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

The first part is tailored for such readers, with 15 IHL categories that have been identified in conjunction with ICRC legal and communication advisers. An additional “Countries/Regions” category has been added for a regional approach. Each article, book and chapter is classified under every relevant category. This enables readers to swiftly identify references of interest without trawling through the whole bibliography. To avoid making the document too long, this first part only provides bibliographic references. For the abstract, please refer to the second part of the bibliography

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

Rather than going through the first part and coming across repeated references, readers can skip to the second part where all the documents are listed alphabetically (by title), together with an abstract. The abstract is either that produced by the author or the publisher, where provided, or is drawn up by the IHL reference librarian responsible for the bibliography. As a result of a fruitful partnership with the University of Toronto, a number of abstracts are now also produced by students involved in the International Human Rights Program (IHRP).

Access to document

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

Chronology

This bibliography is based on the acquisitions made by the ICRC Library over the past trimester. The Library acquires relevant articles and books as soon as they become available. However, the publication date may not coincide with the period supposedly covered by the bibliography due to publishing delays.

Contents

The bibliography lists English and French writings (e.g. articles, monographs, chapters, reports and working papers) on IHL subjects.

Sources

The ICRC Library monitors a wide range of sources, including all 120 journals to which the Library subscribes, bibliographical databases, legal databases, legal publishers’ catalogues, legal research centres and non-governmental organizations. It also receives suggestions from the ICRC legal advisers.

Disclaimer

Acquisitions are made by the Library and do not necessarily reflect the opinions of the ICRC.

Subscription and feedback

Please send your request for subscription or feedback to library@icrc.org with the subject heading “IHL bibliography subscription/feedback”.

I. General issues

(General catch-all category, Customary Law, Religion, Development of law, Scope, Multiple subjects monographies)

L'applicabilité de la coutume dans les conflits armés

Hamid El Haji ; préface d'Abdelhak Janati-Idrissi. - Paris : L'Harmattan, 2015. - 241 p.

The beginning of application of international humanitarian law : a discussion of a few challenges

Julia Grignon. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 139-162

<https://library.icrc.org/library/docs/DOC/irrc-893-grignon.pdf>

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compiled by Michèle Hou. - Geneva : ICRC, April 2015. - 167 p.

<https://library.icrc.org/library/docs/DOC/icrc-002-4240.pdf>

Droit international, guerre et paix

sous la dir. de Daniel Lagot. - Paris : L'Harmattan, 2015. - 226 p.

Droit international humanitaire

Dieudonné Kalindye Byanjira ; en collab. avec Jacques Kambale Bira'Mbovotte ; préf. de Nyabirungu mwene Songa Raphaël. - Paris : L'Harmattan, 2015. - 291 p.

The end of application of international humanitarian law

Marko Milanovic. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 163-188

<https://library.icrc.org/library/docs/DOC/irrc-893-milanovic.pdf>

Interview with Brigadier General Richard C. Gross

by Vincent Bernard and Anne Quintin. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 13-27 : photogr.

<https://library.icrc.org/library/docs/DOC/irrc-893-interview-gross.pdf>

Jus ad bellum economicum and jus in bello economico : the limits of economic sanctions under the paradigm of international humanitarian law

Nema Milaninia. - In: Economic sanctions under international law : unilateralism, multilateralism, legitimacy, and consequences. - The Hague : T.M.C. Asser Press, 2015. - p. 95-124

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41261.pdf>

War and law in the Islamic world

by Matthias Vanhullebusch. - Leiden ; Boston : Brill Nijhoff, 2015. - XIX, 281 p.

II. Types of conflicts

(Qualification of conflict, international and non-international armed conflict, asymmetric, cyber, urban, naval and aerial warfare...)

Denial of quarter : a critique on cyber warfare

Sanoj Rajan and Yashavi Nain. In: AALCO journal of international law Vol. 3, issue 2, 2014, p. 119-138

Detentions by armed opposition groups in non-international armed conflicts : towards a new characterization of international humanitarian law

Ezequiel Heffes. In: Journal of conflict and security law Vol. 20, no. 2, Summer 2015, p. 229-250

<http://jcsf.oxfordjournals.org/content/20/2/229.full.pdf>

Drones and the future of armed conflict : ethical, legal, and strategic implications

[ed. by] David Cortright, Rachel Fairhurst, and Kristen Wall. - Chicago ; London : University of Chicago Press, 2015. - XI, 295 p.

Ending the "drone war" or expanding it ? : assessing the legal authority for continued U.S. military operations against Al-Qa'ida after Afghanistan

Ryan J. Vogel. In: Albany government law review Vol. 8, 2015, p. 280-312

http://www.albanygovernmentlawreview.org/Articles/Vol08_1/8.1.280-R.%20Vogel.pdf

The International Committee of the Red Cross's (ICRC's) role in situations of violence below the threshold of armed conflict : policy document, February 2014

In: International review of the Red Cross Vol. 96, no 893, Spring 2014, p. 275-304

<https://library.icrc.org/library/docs/DOC/irrc-893-policy.pdf>

International humanitarian law and legitimate targets in cyber conflict

Farideh Shaygan. In: AALCO journal of international law Vol. 3, issue 2, 2014, p. 67-93

Introducing the fifth battlefield : cyber warfare and applicability of IHL therein

Mohsen Abdollahi, Parastou Esmailzadeh Molabashi. In: AALCO journal of international law Vol. 3, issue 2, 2014, p. 95-118

Persons controlling and operating drone aircrafts and computer network attacks : combatants or civilians ?

Muhammad Ali Siddiqui. In: AALCO journal of international law Vol. 3, issue 2, 2014, p. 37-57

Quand droits de l'homme et droit international humanitaire s'emmêlent : un regard critique sur l'arrêt Hassan c. Royaume-Uni

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The regulation of non-international armed conflicts : can a privilege of belligerency be envisioned in the law of non-international armed conflicts ?

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Michael N. Schmitt. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 189-206
<https://library.icrc.org/library/docs/DOC/irrc-893-schmitt.pdf>

Le rôle des accords spéciaux dans la rationalisation des conflits armés non internationaux

Gérard Aivo. In: Revue québécoise de droit international Vol. 27, no 1, 2014, p. 1-30
<http://www.sqdi.org/fr/revue-collection-v27n1-1.html>

Selected aspects of applicable international human rights law and international humanitarian law in naval counter piracy operations off the east coast of Africa

André R Smit. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 177-207
http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Special issue on cyber warfare and international humanitarian law

AALCO. In: AALCO journal of international law Vol. 3, issue 2, 2014

Strengthening international humanitarian law protecting persons deprived of their liberty : thematic consultation of government experts on grounds and procedures for internment and detainee transfers, Montreux, Switzerland, 20-22 October 2014

report prepared by Ramin Mahnad. - Geneva : ICRC, April 2015. - 62 p.
<https://library.icrc.org/library/docs/DOC/icrc-002-4234.pdf>

Targeting cyber arms dealers who directly participate in hostilities

Collin Allan. In: Southwestern journal of international law Vol. 21, 2015, p. 341-374

The use of force at sea in the 21st century : some reflections on the proper legal framework(s)

Efthymios D. Papastavridis. In: The journal of territorial and maritime studies Vol. 2, no. 1, January 2015, p. 119-138
<https://library.ext.icrc.org/library/docs/ArticlesPDF/41505.pdf>

Using force on land to suppress piracy at sea : the legal landscape of a largely untapped strategy

Steven R. Obert. In: Duke journal of comparative and international law Vol. 25, issue 2, Winter 2014, p. 197-236
<http://scholarship.law.duke.edu/djcil/vol25/iss2/1>

III. Armed forces / Non-state armed groups

(Combatant status, compliance with IHL, etc.)

The applicability of the law of armed conflict and human rights law to organised armed groups

Jann K Kleffner. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 49-64
http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Awakening self-interest : American military justice in Afghanistan and Iraq

Franklin D. Rosenblatt. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 295-340
<https://www.legal-tools.org/doc/0b06df/>

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Tavers McLeod. - Oxford : Oxford University Press, 2015. - XVII, 286 p.

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ICRC. - Geneva : ICRC, June 2015. - 66 p.
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Christopher Jenks. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 261-293
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Troop discipline, the rule of law and mission operational effectiveness in conflict-affected states

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IV. Multinational forces

Convergence and conflicts of human rights and international humanitarian law in military operations : a NATO perspective

Peter M Olson. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 227-245
http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

The interplay between human rights and international humanitarian law in UN operations

Daphna Shrager. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 211-225
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Marten Zwanenburg. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University

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The legal framework for protection of United Nations humanitarian premises during armed conflict

Lance Bartholomeusz. In: Max Planck yearbook of United Nations law Vol. 18, issue 1, 2014, p. 68-108

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United Nations peace operations and international law : what kind of law promotes what kind of peace ?

Kjetil Mujezinovic Larsen. - In: Promoting peace through international law. - Oxford : Oxford University Press, 2015. - p. 299-320

V. Private entities

Commentary on part I of the Montreux Document on pertinent international legal obligations and good practices for states related to operations of private military and security companies during armed conflict

Marie-Louise Tougas. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 305-358

<https://library.icrc.org/library/docs/DOC/irrc-893-tougas.pdf>

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Collin Allan. In: Southwestern journal of international law Vol. 21, 2015, p. 341-374

VI. Protection of persons

(Women, children, journalists, medical personnel, humanitarian assistance, responsibility to protect, displaced persons, humanitarian workers, ...)

Bravery or bravado ? : the protection of news providers in armed conflict

by Nina Burri. - Leiden ; Boston : Brill Nijhoff, 2015. - XVIII, 450 p.

Children and the International Criminal Court : analysis of the Rome Statute through a children's rights perspective

Cynthia Chamberlain. - Cambridge [etc.] : Intersentia, 2015. - XVIII, 273 p.

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Consent to humanitarian access : an obligation triggered by territorial control, not States' rights

Françoise Bouchet-Saulnier. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 207-217

<https://library.icrc.org/library/docs/DOC/irrc-893-bouchet-saulnier.pdf>

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William Maley. - In: Theorising the responsibility to protect. - Cambridge : Cambridge University Press, 2015. - p. 249-265
<https://library.ext.icrc.org/library/docs/ArticlesPDF/41498.pdf>

ICRC Q&A and lexicon on humanitarian access.

In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 359-375
<https://library.icrc.org/library/docs/DOC/irrc-893-q-a.pdf>

Increasing the cost of rape : using targeted sanctions to deter sexual violence in armed conflict

Najwa M. Nabti. - In: Economic sanctions under international law. - The Hague : T.M.C. Asser Press, 2015. - p. 43-67
<https://library.ext.icrc.org/library/docs/ArticlesPDF/41477.pdf>

The interest of states in accountability for sexual violence in armed conflicts : a case study of comfort women of the Second World War

Kiki Anastasia Japutra. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 171-228
<https://www.legal-tools.org/doc/0b06df/>

An overview of human rights violations of vulnerable groups in conflict-settings : current trends and patterns

Carmen Márquez Carrasco. In: Ordine internazionale e diritti umani N. 1, marzo 2015, p. 77-98
http://www.rivistaoidu.net/sites/default/files/6_Marquez_Carrasco.pdf

Respect for the dead : from the perspective of international humanitarian law (IHL) and Islam

Mohammad Azharul Islam, Maulana Obaid Ullah Hamzah. - Dhaka : ICRC, March 2015. - 76 p.

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Rosemary Grey. In: International feminist journal of politics Vol. 16, no. 4, 2014, p. 601-621
<https://library.ext.icrc.org/library/docs/ArticlesPDF/41502.pdf>

Sexual violence in armed conflicts : a violation of international humanitarian law and human rights law

Gloria Gaggioli. In: International review of the Red Cross Vol. 96, no. 894, Summer 2014, p. 503-538
<https://library.icrc.org/library/docs/DOC/irrc-894-gaggioli.pdf>

Transforming reparations for conflict-related sexual violence : principles and practice

Fionnuala Ní Aoláin, Catherine O'Rourke, Aisling Swaine. In: Harvard human rights journal Vol. 28, issue 1, Spring 2015, p. 65-146
<http://tinyurl.com/41263-NiAolain>

VII. Protection of objects

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

Addressing the intentional destruction of the environment during warfare under the Rome Statute of the International Criminal Court

Steven Freeland. - Cambridge [etc.] : Intersentia, 2015. - VIII, 353 p.

The legal framework for protection of United Nations humanitarian premises during armed conflict

Lance Bartholomeusz. In: Max Planck yearbook of United Nations law Vol. 18, issue 1, 2014, p. 68-108

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41500.pdf>

The prohibition of environmental damage during the conduct of hostilities in non-international armed conflict

Tara Smith. - [S.l.] : [s.n.], 2013. - 245 p.

<http://aran.library.nuigalway.ie/xmlui/handle/10379/3523>

La protection de l'environnement en période de conflit armé

Léonelle Flore Nguinta Heugang Diekouam ; préf. de Jean Claude Tcheuwa. - Paris : L'Harmattan, 2015. - 225 p.

VIII. Detention, internment, treatment and judicial guarantees

Compliant rebels : rebel groups and international law in world politics

Hyeran Jo. - Cambridge : Cambridge University Press, 2015. - XXII, 331 p.

Detentions by armed opposition groups in non-international armed conflicts : towards a new characterization of international humanitarian law

Ezequiel Heffes. In: Journal of conflict and security law Vol. 20, no. 2, Summer 2015, p. 229-250

<http://jcsf.oxfordjournals.org/content/20/2/229.full.pdf>

Interplay as regards dealing with detainees in international military operations

Bruce "Ossie" Oswald. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 67-97

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Quand droits de l'homme et droit international humanitaire s'emmêlent : un regard critique sur l'arrêt Hassan c. Royaume-Uni

par Philippe Frumer. In: Revue trimestrielle des droits de l'homme 26ème année, no 102, avril 2015, p. 481-507

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41471.pdf>

Strengthening international humanitarian law protecting persons deprived of their liberty : thematic consultation of government experts on grounds and procedures for internment and detainee transfers, Montreux, Switzerland, 20-22 October 2014

report prepared by Ramin Mahnad. - Geneva : ICRC, April 2015. - 62 p.

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IX. Law of occupation

Belligerent occupation and ICC territorial jurisdiction

Michail Vagias. - In: The territorial jurisdiction of the International Criminal Court. - Cambridge : Cambridge University Press, 2014. - p. 209-242
<https://library.ext.icrc.org/library/docs/ArticlesPDF/41259.pdf>

The current status of Crimea : Russian territory, occupied territory or what ?

Michael Bothe. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review = Tijdschrift voor militair recht en oorlogsrecht = Zeitschrift für Wehrrecht und Kriegsvölkerrecht = Rivista di diritto militare e di diritto della guerra = Revista de derecho militar y de derecho de la guerra 53/1, 2014, p. 99-112

On the relationship between international humanitarian law and human rights law in times of belligerent occupation : not yet a coherent framework

Andrea Carcano. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 121-152
http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

X. Conduct of hostilities

(Distinction, proportionality, precautions, prohibited methods)

Denial of quarter : a critique on cyber warfare

Sanoj Rajan and Yashavi Nain. In: AALCO journal of international law Vol. 3, issue 2, 2014, p. 119-138

Extraterritorial targeting by means of armed drones : some legal implications

Jelena Pejic. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 67-106
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Identifying the enemy : civilian participation in armed conflict

Emily Crawford. - Oxford : Oxford University Press, 2015. - XXIII, 255 p.

International humanitarian law and legitimate targets in cyber conflict

Farideh Shaygan. In: AALCO journal of international law Vol. 3, issue 2, 2014, p. 67-93

Interplay as regards conduct of hostilities

Michelle Lesh. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 99-120
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Introducing the fifth battlefield : cyber warfare and applicability of IHL therein

Mohsen Abdollahi, Parastou Esmailzadeh Molabashi. In: AALCO journal of international law Vol. 3, issue 2, 2014, p. 95-118

Law and morality at war

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Compliance with the law of armed conflict : an Israeli perspective

Marlene Mazel. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 117-139
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The interest of states in accountability for sexual violence in armed conflicts : a case study of comfort women of the Second World War

Kiki Anastasia Japutra. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 171-228
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PAKISTAN

Drones and the future of armed conflict : ethical, legal, and strategic implications

[ed. by] **David Cortright, Rachel Fairhurst, and Kristen Wall.** - Chicago ; London : University of Chicago Press, 2015. - XI, 295 p.

Ending the "drone war" or expanding it ? : assessing the legal authority for continued U.S. military operations against Al-Qa'ida after Afghanistan

Ryan J. Vogel. In: Albany government law review Vol. 8, 2015, p. 280-312
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Operationalizing use of drones against non-state terrorists under the international law of self-defense

Jordan J. Paust. In: Albany government law review Vol. 8, 2015, p. 166-203
http://www.albanygovernmentlawreview.org/Articles/Vol08_1/8.1.166-Paust.pdf

Using force against terrorists "outside areas of active hostilities" : the Obama approach and the Bin Laden raid revisited

Christian Schaller. In: Journal of conflict and security law Vol. 20, no. 2, Summer 2015, p. 195-227
<http://jcsf.oxfordjournals.org/content/20/2/195.full.pdf>

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Droit international, guerre et paix

sous la dir. de **Daniel Lagot.** - Paris : L'Harmattan, 2015. - 226 p.

RUSSIAN FEDERATION**The current status of Crimea : Russian territory, occupied territory or what ?**

Michael Bothe. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review = Tijdschrift voor militair recht en oorlogsrecht = Zeitschrift für Wehrrecht und Kriegsvölkerrecht = Rivista di diritto militare e di diritto della guerra = Revista de derecho militar y de derecho de la guerra 53/1, 2014, p. 99-112

SIERRA LEONE**Sexual violence against child soldiers : the limits and potential of international criminal law**

Rosemary Grey. In: International feminist journal of politics Vol. 16, no. 4, 2014, p. 601-621
<https://library.ext.icrc.org/library/docs/ArticlesPDF/41502.pdf>

SOMALIA**Selected aspects of applicable international human rights law and international humanitarian law in naval counter piracy operations off the east coast of Africa**

André R Smit. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 177-207
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Using force on land to suppress piracy at sea : the legal landscape of a largely untapped strategy

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SWITZERLAND**Prosecuting members of the armed forces for core international crimes : a judicial act in the self-interest of the armed forces ?**

Roberta Arnold. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 341-357
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SYRIA**Consent to humanitarian access : an obligation triggered by territorial control, not States' rights**

Françoise Bouchet-Saulnier. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 207-217
<https://library.icrc.org/library/docs/DOC/irrc-893-bouchet-saulnier.pdf>

Of arms, funding and "non-lethal assistance" : issues surrounding third-state intervention in the Syrian civil war

Tom Ruys. In: Chinese journal of international law Vol. 13, issue 1, p. 13-53
<http://dx.doi.org/10.1093/chinesejil/jmu003>

UKRAINE**The current status of Crimea : Russian territory, occupied territory or what ?**

Michael Bothe. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review = Tijdschrift voor militair recht en oorlogsrecht = Zeitschrift für Wehrrecht und Kriegsvölkerrecht = Rivista di diritto militare e di diritto della guerra = Revista de derecho militar y de derecho de la guerra 53/1, 2014, p. 99-112

Droit international, guerre et paix

sous la dir. de **Daniel Lagot.** - Paris : L'Harmattan, 2015. - 226 p.

UNITED KINGDOM**Proportionality in perspective : historical light on the law of armed conflict**

Jeremy Rabkin. In: San Diego international law journal Vol. 16, issue 2, 2015, p. 263-340

<http://ssrn.com/abstract=2624777>

Quand droits de l'homme et droit international humanitaire s'emmêlent : un regard critique sur l'arrêt Hassan c. Royaume-Uni

par **Philippe Frumer.** In: Revue trimestrielle des droits de l'homme 26^{ème} année, no 102, avril 2015, p. 481-507

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41471.pdf>

UNITED STATES**Awakening self-interest : American military justice in Afghanistan and Iraq**

Franklin D. Rosenblatt. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 295-340

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Interview with Brigadier General Richard C. Gross

by **Vincent Bernard and Anne Quintin.** In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 13-27 : photogr.

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The long-term international law implications of targeted killing practices

Christof Heyns and Sarah Knuckey. - In: Drones and targeted killings : ethics, law, and politics. - New York [etc.] : International Debate Education Association, 2015. - p. 298-318

<http://www.harvardilj.org/wp-content/uploads/2013/01/Heyns-to-publish.pdf>

Military self-interest in accountability for core international crimes

Morten Bergsmo and Song Tianying (ed.). - Brussels : Torkel Opsahl Academic EPublisher, 2015. - XXVI, 444 p.

<https://www.legal-tools.org/doc/0b06df/>

Operationalizing use of drones against non-state terrorists under the international law of self-defense

Jordan J. Paust. In: Albany government law review Vol. 8, 2015, p. 166-203

http://www.albanygovernmentlawreview.org/Articles/Vol08_1/8.1.166-Paust.pdf

Ownership of international humanitarian law

Richard J. Goldstone. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 35-42

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Proportionality in perspective : historical light on the law of armed conflict

Jeremy Rabkin. In: San Diego international law journal Vol. 16, issue 2, 2015, p. 263-340

<http://ssrn.com/abstract=2624777>

Rule of law in war : international law and United States counterinsurgency in Iraq and Afghanistan

Tavers McLeod. - Oxford : Oxford University Press, 2015. - XVII, 286 p.

Self-interest of self-inflicted : how the United States charges its service members for violating the laws of war

Christopher Jenks. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 261-293

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Toward a drone accountability regime

Allen Buchanan... [et al]. In: Ethics and international affairs Vol. 29, no. 1, Spring 2015, p. 15-70 : graph.

Using force against terrorists "outside areas of active hostilities" : the Obama approach and the Bin Laden raid revisited

Christian Schaller. In: Journal of conflict and security law Vol. 20, no. 2, Summer 2015, p. 195-227

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YEMEN

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YUGOSLAVIA

Assistance, direction and control : untangling international judicial opinion on individual and state responsibility for war crimes by non-state actors

Shane Darcy. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 243-273

<https://library.icrc.org/library/docs/DOC/irrc-893-darcy.pdf>

All with Abstracts

Addressing the intentional destruction of the environment during warfare under the Rome Statute of the International Criminal Court

Steven Freeland. - Cambridge [etc.] : Intersentia, 2015. - VIII, 353 p. - Cote 363.7/165

Acts perpetrated during the course of warfare have, through the ages, led to significant environmental destruction. These have included situations where the natural environment has intentionally been targeted as a 'victim', or has somehow been manipulated to serve as a 'weapon' of warfare. Until recently, such acts were generally regarded as an unfortunate but unavoidable element of armed conflict, despite their potentially disastrous impacts. The existing international rules have largely been ineffective and inappropriate, and have in practical terms done little to deter deliberate environmental destruction, particularly when measured against perceived military advantages. However, as the significance of the environment has come to be more widely understood and recognised, this is no longer acceptable, particularly given the ongoing development of weapons capable of widespread and significant damage. This book therefore examines the current international legal regime relevant to the intentional destruction of the environment during warfare, and argues that such acts should, in appropriate circumstances, be recognised as an international crime and should be subject to more effective rules giving rise to international criminal responsibility. It also suggests a framework within the Rome Statute of the International Criminal Court as to how this might be achieved.

L'applicabilité de la coutume dans les conflits armés

Hamid El Haji ; préf. d'Abdelhak Janati-Idrissi. - Paris : L'Harmattan, 2015. - 241 p. - Cote 345.2/981

En dépit de la codification, le rôle et la place de la coutume demeurent importants dans les conflits armés. Plusieurs problèmes entravent l'applicabilité du droit conventionnel. Ainsi la coutume demeure une source juridique incontournable pour "humaniser" les conflits armés et participer à la construction et à la consolidation de la paix dans le monde. La relation coutume - traité - jurisprudence est une relation de complémentarité et non de hiérarchisation, et les trois sources sont parfaitement complémentaires.

The applicability of the law of armed conflict and human rights law to organised armed groups

Jann K Kleffner. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 49-64. - Cote 345.2/980

This chapter critically analyses different explanations of the binding nature of the law of armed conflict (LoAC) and human rights law (HRL) on organised armed groups (OAGs). After briefly defining the concept of an "organised armed group", the chapter addresses five different explanations. A first such explanation is to construe the binding nature of the LoAC and HRL on OAGs through the state. A second one is to rely on the fact that both bodies of law are binding upon the individual. Thirdly, it is being suggested that LoAC and HRL are binding OAGs because such groups exercise de facto governmental functions. Fourthly, it is argued that OAGs possess (limited) international legal personality which entails that the LoAC and HRL bind them as a matter of customary international law. Finally, the consent of an OAG is offered as the basis for the binding nature of LoAC and HRL.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Assistance, direction and control : untangling international judicial opinion on individual and state responsibility for war crimes by non-state actors

Shane Darcy. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 243-273

Despite the general consistency in the treatment of international humanitarian law by international courts and tribunals, recent decisions have seen significant disagreement regarding the scope of indirect responsibility for individuals and States for the provision of aid or assistance to non-State actors that perpetrate war crimes. The divisions at the international criminal tribunals with regard to the "specific direction" element of aiding and abetting are reminiscent of the divergence between the International Court of Justice and the International Criminal Tribunal for the former Yugoslavia on the question of State

responsibility for supporting or assisting non-State actors that engage in violations of international law. This article analyzes this jurisprudence on individual and State responsibility for the provision of support to non-State actors that breach international humanitarian law, and considers the interaction and interrelationship between these related but distinct forms of responsibility.

<https://library.icrc.org/library/docs/DOC/irrc-893-darcy.pdf>

The automation and proliferation of military drones and the protection of civilians

Noel Sharkey. In: Law, innovation and technology Vol. 3, issue 2, 2011, p. 229-240. - Cote 341.67/776 (Br.)

The post 9/11 and Gaza conflicts have created a dramatic increase in the use of remotely piloted armed drones. Although there is currently a "man-in-the-loop" for all lethal targeting operations, that role is set to shrink rapidly as more autonomous operation becomes available. Current autonomous robots cannot discriminate between combatant and non-combatant targets, do not have battlefield awareness, cannot reason appropriately or make proportionality decisions. The author points to the dangers of relying on future technological fixes. With over 50 countries now buying and developing the technology, autonomous armed drones could become dominant in future war. The author examines the impact in relation to international humanitarian law. Military necessity is considered as a possible way to allow the new indiscriminate weapons to be deployed. Finally, the paper examines concerns about drone attacks being considered to be actions short of warfare.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41487.pdf>

Awakening self-interest : American military justice in Afghanistan and Iraq

Franklin D. Rosenblatt. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 295-340. - Cote 345.29/225

In this chapter, Franklin D. Rosenblatt embarks on an empirical study of the effectiveness of the US court-martial system in Afghanistan and Iraq. He provides an overview of US court-martial practices in these two countries, drawing on numerous after-action reports, from which he concludes that the full-bore application of military justice is not viable in combat. Consequently, faulty accountability for military crimes has undermined counter-insurgency endeavours and diminished the armed forces' legitimacy. Rosenblatt suggests making military justice more portable and relevant to better serve strategic goals.

<https://www.legal-tools.org/doc/0b06df/>

Back to the future : reflections on the advent of autonomous weapons systems

Michael A. Newton. In: Case Western Reserve journal of international law Vol. 47, issue 1, Spring 2015, p. 5-23. - Cote 341.67/778 (Br.)

This essay refocuses the debate over autonomous weapons systems to consider the potentially salutary effects of the evolving technology. Law does not exist in a vacuum and cannot evolve in the abstract. Jus in bello norms should be developed in light of the overarching humanitarian goals, particularly since such weapons are not "inherently unlawful or unethical" in all circumstances. This essay considers whether a preemptive ban on autonomous weapons systems is likely to be effective and enforceable. It examines the grounds potentially justifying a preemptive ban, concluding that there is little evidence that such a ban would advance humanitarian goals because of a foreseeable lack of complete adherence. The essay concludes by suggesting three affirmative values that would be served by fully vetted and field-tested technological advances represented by autonomous weapons. Properly developed and deployed, autonomous weapons might well advance the core purposes of jus in bello by helping to balance the twin imperatives of military necessity and humanitarian interests.

<http://scholarlycommons.law.case.edu/jil/vol47/iss1/5>

The beginning of application of international humanitarian law : a discussion of a few challenges

Julia Grignon. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 139-162

This article discusses some of the challenges related to the beginning of application of international humanitarian law (IHL). It concludes that IHL pertaining to international armed conflicts begins to apply as soon as one State employs force in the territory of another State without the latter's consent, provided that the violence is of a collective nature. In the case of non-international armed conflicts, this article

acknowledges that it is now well settled that the two key criteria are the organization of the parties to the conflict and the level of intensity of the violence. This article shows however that some of the challenges inherent to the beginning of application of IHL make it almost impossible to identify a very single point in time at which it begins to become applicable, be it for international armed conflicts, including occupation, or non-international armed conflicts.

<https://library.icrc.org/library/docs/DOC/irrc-893-grignon.pdf>

Belligerent occupation and ICC territorial jurisdiction

Michail Vagias. - In: The territorial jurisdiction of the International Criminal Court. - Cambridge : Cambridge University Press, 2014. - p. 209-242. - Cote 344/645 (Br.)

This chapter examines issues relating to the concept of territory in Article 12(2)(a) ICC Statute ('the territory of which') and the territorial scope of application of the Rome Statute. In analysing the legal questions arising from situations of belligerent occupation, this chapter first formulates some of the basic principles of applicable treaty law and international humanitarian law. Subsequently, three different situations are examined; first, the case of occupation of the territory of a State Party by another State Party (e.g. Uganda/DRC over Ituri), secondly the occupation of the territory of a State Party by a State not Party (e.g. Cyprus/Turkey, respectively), and thirdly the case of occupation of the territory of a State not Party by a State Party (e.g. Iraq by the United Kingdom). General conclusions are offered at the end.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41259.pdf>

Bibliography 2014 : international humanitarian law : based on the International Committee of the Red Cross library classified acquisitions

compil. by Michèle Hou. - Geneva : ICRC, April 2015. - 167 p. - Cote 345.2/922 (2014)

A compilation of the four electronic quarterly International humanitarian law bibliographies issued by the ICRC Library during the year 2014. Based on the library's regular and extended acquisitions on IHL, this bibliography is aimed at helping students, professors and legal professionals be up-to-date and have an overview of issues being dealt with by academic authors in specific subjects of IHL. It contains articles, chapters, books, reports and working papers in English and French. Subject headings include general issues, types of conflict, armed forces and non-state actors, multinational forces, detention and treatment of persons, private actors, protection of persons, protection of objects, conduct of hostilities, weapons, law of occupation, international criminal law, human rights, implementation, contemporary challenges and countries. Easy to use, the bibliography also offers abstracts.

<https://library.icrc.org/library/docs/DOC/icrc-002-4240.pdf>

Bravery or bravado ? : the protection of news providers in armed conflict

by Nina Burri. - Leiden ; Boston : Brill Nijhoff, 2015. - XVIII, 450 p. - Cote 070/115

During the last decade, the image of war correspondents in the news has shifted dramatically. Reports are no longer full of cheerleading stories of embedded journalists. Instead, stories of war reporters being attacked, kidnapped or injured prevail. Sadly, the former heroic witnesses to war have become victims of their own story. In this book, Nina Burri provides the first comprehensive analysis on how international law protects professional and citizen journalists, photographers, cameramen and their support staff during times of war. Using examples from recent armed conflicts in Iraq, Libya, Gaza and Syria, Burri explores the means, methods and risks of contemporary war coverage and examines the protection of news providers by international humanitarian law, international criminal law and human rights law.

A brief overview of legal interoperability challenges for NATO arising from the interrelationship between IHL and IHRL in light of the European Convention on Human Rights

Kirby Abbott. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 107-137

This article briefly overviews some of the current and future challenges to NATO legal interoperability arising from the relationship between international humanitarian law (IHL) and international human rights law generally and between IHL and the European Convention on Human Rights in particular.

<https://library.icrc.org/library/docs/DOC/irrc-893-abbott.pdf>

Children and the International Criminal Court : analysis of the Rome Statute through a children's rights perspective

Cynthia Chamberlain. - Cambridge [etc.] : Intersentia, 2015. - XVIII, 273 p. - Cote 362.7/404

This study offers an analysis and recommendations for the ICC to fulfil its mandate, particularly vis-à-vis child victims and witnesses of crimes within the ICC's jurisdiction. It firstly analyses the Rome Statute and other applicable law of the ICC, which give the ICC not only a clear penal mandate, but also require that the ICC respects, as a minimum, the safety and well-being of victims and witnesses, particularly those who are most vulnerable, such as children.

Commentary on part I of the Montreux Document on pertinent international legal obligations and good practices for states related to operations of private military and security companies during armed conflict

Marie-Louise Tougas. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 305-358

The Montreux Document on Private Military and Security Companies (Montreux Document) was adopted in 2008 by seventeen States to reaffirm and, as far as was necessary, clarify the existing obligations of States and other actors under international law, in particular under international humanitarian law (IHL) and international human rights law (IHRL). It also aimed at identifying good practices and regulatory options to assist States in promoting respect for IHL and IHRL by private military and security companies (PMSCs). Today, fifty-one States and three international organizations have endorsed the Montreux Document. It contains twenty-seven "Statements" – sections recalling the main international legal obligations of States in regard to the operations of PMSCs during armed conflicts. Each statement is the reaffirmation of a general rule of IHL, IHRL or State responsibility formulated in a way that clarifies its applicability to PMSC operations. This article aims to detail the basis of each legal obligation mentioned in the first part of the Montreux Document (Part I). The article follows the structure of Part I, in order to better facilitate its comprehension. The second part of the Montreux Document, relating to good practices, is not covered in this article.

<https://library.icrc.org/library/docs/DOC/irrc-893-tougas.pdf>

Compliance with the law of armed conflict : an Israeli perspective

Marlene Mazel. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 117-139. - Cote 345.29/225

This chapter offers an Israeli perspective on the self-interest of accountability. Marlene Mazel establishes that Israel's history, core values and institutional features contribute to its commitment to the law of armed conflict. In this connection, she recalls the Eichmann trial and its legacy for universal jurisdiction. Mazel then follows the current jurisprudence of the Supreme Court of Israel regarding the legality of certain military conduct and the importance of national investigations of alleged violations of the law of armed conflict, where the Court seeks to prevent violations, educate troops and uphold the rule of law. Finally, the Turkel reports are used to illustrate the point that effective accountability mechanisms may affirm the credibility and international image of the military.

<https://www.legal-tools.org/doc/0b06df/>

Compliant rebels : rebel groups and international law in world politics

Hyeran Jo. - Cambridge : Cambridge University Press, 2015. - XXII, 331 p. – Cote 345.29/224

Seventeen million people have died in civil wars and rebel violence has disrupted the lives of millions more. This book finds that some contemporary rebel groups actually comply with international law amid the brutality of civil conflicts around the world. Rather than celebrating the existence of compliant rebels, the author traces the cause of this phenomenon and argues that compliant rebels emerge when rebel groups seek legitimacy in the eyes of domestic and international audiences that care about humanitarian consequences and human rights. By examining rebel groups' different behaviors such as civilian killing, child soldiering, and allowing access to detention centers, Compliant Rebels offers key messages and policy lessons about engaging rebel groups with an eye toward reducing civilian suffering in war zones.

Conflicts of law : NGOs, international law, and civilian protection in wartime

James Ross. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 247-273. - Cote 345.2/980

Protecting a population from harm was long thought to be neatly divided into rules for armed conflict situations and rules for peacetime. However, parallel to that distinction being disavowed - or at least muddled - has been the increasing role played by human rights organisations in areas where international humanitarian law (IHL) is applicable. Human rights organisations have increasingly added IHL to their work. More and more have taken on conducting field investigations in battle zones, advocating for treaties on weapons such as anti-personnel landmines and cluster munitions, and playing an active role in proceedings before the international criminal courts. In doing so they have had to develop research and advocacy skills on IHL. At the same time, they have been able to bring to the debates on IHL issues, more in-depth understandings of international human rights law. This has been particularly useful in those areas where the boundaries of IHL and human rights law intersect or overlap. Often these have been issues where IHL has been vague, such as the rules for the treatment of detainees in non-international armed conflicts. On other issues, such as humanitarian access, IHL rules are more protective than those of human rights law. And on particularly vexing issues such as 'targeted killings', the jury remains out as to the best way to apply international law to ensure civilians the best protection from wrongful attack.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Consent to humanitarian access : an obligation triggered by territorial control, not States' rights

Françoise Bouchet-Saulnier. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 207-217

The debate about the legality of cross-border relief operations has been revived in the wake of the failures experienced by international humanitarian organizations in their response to humanitarian needs in Syria.

<https://library.icrc.org/library/docs/DOC/irrc-893-bouchet-saulnier.pdf>

La convention d'Oslo sur les armes à sous-munitions

Ariane Mafo ; préf. Alain Didier Olinga. - Saarbrücken : Éditions universitaires européennes, 2013. - 359 p. - Cote 341.67/775

Le 1er Août 2010, la convention d'Oslo entrait en vigueur, deux ans seulement après qu'elle ait été ouverte à signature à Dublin. Cette étape du processus d'Oslo intervenait après des négociations menées en un temps record, du fait de la gravité des problèmes découlant de l'utilisation des armes à sous-munitions. En effet, elles présentent deux risques majeurs pour les civils: le risque de dommages collatéraux et celui des restes explosifs de guerre. La communauté internationale a, dans le cadre de la Convention sur Certaines Armes Classiques, essayé en vain d'y apporter une réponse. Suite à cet échec, une poignée d'États, associés à la cluster munition coalition, a initié une négociation parallèle qui a abouti à la convention d'Oslo. Celle-ci pourra-t-elle donc efficacement adresser le problème de ces armes? Si le contenu audacieux de la convention témoigne de la détermination des États à lutter définitivement contre ces armes, cette volonté devra néanmoins faire face à des acteurs et facteurs dont l'existence atténuerait l'application sereine de la convention.

Convergence and conflicts of human rights and international humanitarian law in military operations

ed. by Erika de Wet, Jann Kleffner. - Pretoria : Pretoria University Law Press, 2014. - XII, 416 p. - Cote 345.2/980

The book explores the implications of the increased interplay between international human rights law (IHRL) and international humanitarian law (IHL) in military operations, sometimes in ways that imply convergence and other times in ways that suggest conflict. These convergences and/or conflicts are particularly acute in non-international armed conflicts, situations of belligerent occupation and in the area of peace support operations (PSOs). Non-international armed conflicts imply that individuals, including members of organized non-state armed groups and civilians that directly participate in hostilities, are 'within the jurisdiction' of the territorial state against whom they are fighting. IHRL and IHL may therefore apply in parallel. In a similar vein, the control exercised by a belligerent occupant regularly entails an exercise of 'jurisdiction' and hence triggers the applicability of human rights norms. As far as PSOs are concerned, it becomes increasingly difficult to classify them as taking place in a context of 'peace' or 'armed conflict'. More often than not, the situation implies elements of both. In all of the aforementioned contexts, the interplay between the fields of IHRL and IHL as the areas of law that provide the most pertinent regulatory frameworks for the conduct of pertinent actors – states, international organisations, organised armed groups and individuals – is elevated to great practical significance. This edited volume contains 16 peer-reviewed essays by academics and practitioners.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Convergence and conflicts of human rights and international humanitarian law in military operations : a NATO perspective

Peter M Olson. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 227-245. - Cote 345.2/980

This chapter addresses the interplay between international humanitarian law (IHL) and international human rights law (IHRL) from the perspective of the North Atlantic Treaty Organization (NATO). Peter Olson illuminates how NATO's mission, history and resulting structure directly shapes its approach to the interplay between IHL and IHRL. Since NATO is designed to function as a mechanism for common action by sovereign states rather than as an autonomous entity, it has not developed a single doctrine in this regard. Instead, it applies IHL and IHRL in NATO operations in a manner reflecting the individual national legal positions of the 28 Allies. The chapter examines the implications of this approach against the background of recent NATO practice.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

The current status of Crimea : Russian territory, occupied territory or what ?

Michael Bothe. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review = Tijdschrift voor militair recht en oorlogsrecht = Zeitschrift für Wehrrecht und Kriegsvölkerrecht = Rivista di diritto militare e di diritto della guerra = Revista de derecho militar y de derecho de la guerra 53/1, 2014, p. 99-112

Action by both Crimean and Russian public authorities for the purpose of making the Crimean Peninsula part of the territory of the Russian Federation has given rise to a hot political debate and to a prolific flow of legal doctrinal literature. Most Western authors agree with the prevailing view among Western politicians that this was an annexation which was unlawful and therefore invalid. But most legal assessments of the situation stop at this point. They do not address the question as to the ensuing status of the Crimea under international law and what are, as a consequence, the rights and duties of its inhabitants as well as the rights and duties of third States. The present paper aims at examining several legal aspects of the situation, with a focus on the following issues : what is the legal status of the territory assuming that the annexation by the RF is indeed unlawful ? What are the rights and duties of the population in case of a valid or of an invalid alteration of the territorial status ? What are the rights and duties of third States in relation to an invalid annexation ? What are practical options to deal with the problem ?

The debate over autonomous weapons systems

Gregory P. Noone and Diana C. Noone. In: Case Western Reserve journal of international law Vol. 47, issue 1, Spring 2015, p. 25-35. - Cote 341.67/777 (Br.)

The debate over Autonomous Weapon Systems (AWS) has begun in earnest with advocates for the absolute and immediate banning of AWS development, production, and use arguing AWS should be banned because these systems lack human qualities, such as the ability to relate to other humans and to apply human judgment, that are necessary to comply with the law. In addition, the weapons would not be constrained by the capacity for compassion, which can provide a key check on the killing of civilians. The opposing viewpoint in this debate articulates numerous arguments that generally include: it is far too premature and too speculative to make such a proposal/demand; the Law of Armed Conflict should not be underestimated in its ability to control AWS development and future operations; AWS has the potential to ultimately save human lives (both civilian and military) in armed conflicts; AWS is as inevitable as any other technology that could potentially make our lives better; and to pass on the opportunity to develop AWS is irresponsible from a national security perspective. The purpose of this article is to help refine the AWS debate.

<http://scholarlycommons.law.case.edu/jil/vol47/iss1/6>

Denial of quarter : a critique on cyber warfare

Sanoj Rajan and Yashavi Nain. In: AALCO journal of international law Vol. 3, issue 2, 2014, p. 119-138. - Cote 345.26/274

It is an established principle of humanitarian law that the aim of any military operation in warfare should not be to kill combatants, but to defeat the enemy, even if the killing of combatants for that aim is essential. Denial of quarter means killing an enemy who has surrendered. It has been mandated under IHL to protect both combatants and non-combatants from unnecessary suffering and to protect human rights. In cyber warfare, it is a bit difficult to observe as it does not give the targeted individuals a realistic opportunity to surrender. Since cyber warfare falls under the definition of attack within the meaning of IHL, the prohibition of denial of quarter is equally applicable to cyber warfare as to kinetic warfare.

Detentions by armed opposition groups in non-international armed conflicts : towards a new characterization of international humanitarian law

Ezequiel Heffes. In: Journal of conflict and security law Vol. 20, no. 2, Summer 2015, p. 229-250

This article investigates a particular armed opposition groups' behavior: detentions during hostilities. This is an important concern since these non-state actors repeatedly deprive persons of liberty during armed conflicts. Interestingly, international humanitarian law (IHL) does not explicitly address such actions, thus seemingly leaving them to be regulated by the domestic law of the State concerned which, in general, only authorizes its own agents to carry out such acts. Therefore, armed opposition groups could never detain individuals legally in a non-international armed conflict. Nonetheless, this can be inconsistent in the application of the principle of equality of belligerents, which affirms that all parties to an internal armed conflict have the same scope of rights regardless of their cause. In the following pages, a number of arguments focusing on real-life scenarios will be presented in order to show that, despite not being explicit, armed opposition groups are logically and implicitly authorized by IHL to detain individuals who are engaged in an armed conflict against them.

<http://jcsf.oxfordjournals.org/content/20/2/229.full.pdf>

Droit international, guerre et paix

sous la dir. de Daniel Lagot. - Paris : L'Harmattan, 2015. - 226 p. - Cote 345/680

Contient notamment : Le droit international et la guerre : ambiguïtés et problèmes actuels / D. Lagot. - Le triptyque droit humanitaire, justice internationale, responsabilité de protéger : situation actuelle/ D. Lagot. - Droit humanitaire et responsabilité de protéger : quelques réflexions / R. Brauman.

Droit international humanitaire

Dieudonné Kalindye Byanjira ; en collab. avec Jacques Kambale Bira'Mbovotte ; préf. de Nyabirungu mwene Songa Raphaël. - Paris : L'Harmattan, 2015. - 291 p. - Cote 345.2/983

Ouvrage sur les fondamentaux du DIH dans une approche jus-anthropocentrique. Divisé en deux parties, l'une théorique et l'autre pratique, l'ouvrage aborde les deux facettes du DIH: le "droit de Genève" et le "droit de la Haye".

Drones and the future of armed conflict : ethical, legal, and strategic implications

[ed. by] David Cortright, Rachel Fairhurst, and Kristen Wall. - Chicago ; London : University of Chicago Press, 2015. - XI, 295 p. - Cote 345.26/273

Contient notamment : Assessing the debate on drone warfare / D. Cortright and R. Fairhurst. - The morality of "drone warfare" / J. M. Welsh. - International law and drone attacks beyond armed conflict zones / M. E. O'Connell. - Justifying the right to kill : problems of law, transparency, and accountability / P. Kebriaei.

The end of application of international humanitarian law

Marko Milanovic. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 163-188

This article provides an overview of the rules governing the end of application of international humanitarian law (IHL), or the law of armed conflict. It articulates the general principle that, unless there is a good reason of text, principle or policy that warrants an exception, the application of IHL will cease once the conditions that triggered its application in the first place are no longer met. For IHL to apply, its distinct thresholds of application – international armed conflict, belligerent occupation and non-international armed conflict – must continue to be satisfied at any given point in time. The article also examines situations in which a departure from the general rule is warranted, as well as the factors that need to be taken into account in determining the end of each type of armed conflict. In doing so, the article analyzes terminating processes and events, which generally end the application of IHL (but not necessarily all of it), and transformative processes and events, which end the application of one IHL sub-regime but immediately engage another. Finally, the article briefly looks at the (putative) armed conflict between the United States and Al Qaeda and its seemingly imminent end.

<https://library.icrc.org/library/docs/DOC/irrc-893-milanovic.pdf>

Ending the "drone war" or expanding it ? : assessing the legal authority for continued U.S. military operations against Al-Qa'ida after Afghanistan

Ryan J. Vogel. In: Albany government law review Vol. 8, 2015, p. 280-312. - Cote 345.26/275 (Br.)

If the United States withdraws from Afghanistan in 2016, as President Obama has pledged it will, there is a legitimate question as to whether the United States may lawfully continue its war against al-Qa'ida, or whether the war against al-Qa'ida, always a contested concept in and of itself, is inexorably tied to the war in Afghanistan. And if a conflict against al-Qa'ida may continue after the close of the conventional conflict in Afghanistan, questions remain regarding whether al-Qa'ida's affiliates, associated forces, and "successors" may be part of the continuing conflict and where that conflict may take place. The answers to these questions are fraught with significant operational effects – consider, for example, the effects on detention authority at Guantanamo Bay (GTMO) or drone strikes in Pakistan or Yemen – each based on the existence of an armed conflict with al-Qa'ida and conducted under the law of war. This article addresses each of these issues in turn.

http://www.albanygovernmentlawreview.org/Articles/Vol08_1/8.1.280-R.%20Vogel.pdf

Extraterritorial targeting by means of armed drones : some legal implications

Jelena Pejic. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 67-106

The use of "drones" has grown exponentially over the past decade, giving rise to a host of legal and other issues. Internationally, it is the utilization of armed drones by States for the extraterritorial targeting of persons that has generated significant debate. This article attempts to outline some aspects of the relevant legal framework, with a focus on the international law applicable to drone strikes in situations of armed conflict. It briefly addresses the *jus ad bellum* and then centres on the *jus in bello*, addressing, in turn, questions related to when there is an armed conflict, what the rules on targeting are, who may be targeted and where persons may be targeted.

<https://library.icrc.org/library/docs/DOC/irrc-893-pejic.pdf>

A gender perspective on the relationship between HRL and IHL

Bonita Meyersfeld. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 21-48. - Cote 345.2/980

The first part of the chapter traces the trajectory of international humanitarian law and international human rights law's responses to gender-based violence. This analysis lays the foundation for a consideration of how the two areas of law have converged, either explicitly or implicitly. The second part identifies the many areas of convergence that according to the author ought to occur. In other words, there are several human rights violations that ought to constitute a violation of international humanitarian law. The final part of this chapter argues that a seismic change is necessary for a proper response to the changing nature of conflict and its impact on women. Similarly, it probes whether the principles of international humanitarian law could be used to better understand and address gender-based violence outside of conflict situations.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Human rights in armed conflict : law, practice, policy

Gerd Oberleitner. - Cambridge : Cambridge University Press, 2015. - XX, 412 p. - Cote 345.1/628

It is now widely accepted that international human rights law applies in situations of armed conflict alongside international humanitarian law, but the contours and consequences of this development remain unclear. This book revisits, organizes and contextualizes the debate on human rights in armed conflict and explores the legal challenges, operational consequences and policy implications of resorting to human rights in situations of inter- and intra-state violence. It presents the benefits and the drawbacks of using international human rights law alongside humanitarian law and discusses how the idea, law and policy of human rights influence the development of the law of armed conflict. Based on legal theory, policy analysis, state practice and the work of human rights bodies it suggests a human rights-oriented reading of the law of armed conflict as feasible and necessary in response to the changing character of war.

Human rights protection during armed conflict : what, when and for whom ?

Iain Scobbie. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 3-19. - Cote 345.2/980

This essay seeks to examine some of the under-discussed questions in the debate regarding human rights and the law of armed conflict. What are the implications of the classification of a conflict in mapping this relationship? This is principally a technical matter. More incisively, and more conceptually, to what extent does the State bear responsibility to protect the human rights of its combatants? Could this question be a test case, or breaking point, in this debate?

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Humanitarian law in the Inter-American human rights system

Dinah Shelton. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 365-393. - Cote 345.2/908

In this chapter Dinah Shelton examines how the Inter-American Commission and Inter-American Court of Human Rights have considered the relationship between international human rights law (IHRL) and international humanitarian law (IHL). She outlines the (sometimes divergent) approaches of these bodies in relation to the scope of their jurisdiction to apply IHL; the threshold of violence that triggers application of IHL norms; and the content of the relevant norms.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Humanitarian law, refugee protection and the responsibility to protect

William Maley. - In: Theorising the responsibility to protect. - Cambridge : Cambridge University Press, 2015. - p. 249-265. - Cote 325.3/220 (Br.)

This chapter is concerned with a particular theoretical problem, namely how parallel but distinct norms can come into conflict with each other. It is easy to assume that norms with a broadly similar humanitarian impetus will prove complementary, but that need not be the case. The reason for this is that norms are implemented in a highly political environment in which considerations of domestic politics may dispose rulers to seek ways of avoiding responsibilities that their predecessors may have voluntarily accepted. The area of greater risk is with respect to refugees: here, the emerging R2P norm may be exploited by states seeking to free themselves of responsibilities under existing refugee norms. This chapter is directed at identifying how this risk might arise, and how it can be minimised.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41498.pdf>

ICRC Q&A and lexicon on humanitarian access

In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 359-375

In situations of armed conflict, access to the victims thereof is regulated by IHL. The rules of IHL regulating humanitarian access must be respected by all parties to an armed conflict. In that framework, offers of services by an impartial humanitarian organization, such as the ICRC, cannot be interpreted as interference in States' internal affairs, nor as recognition of or support to a party to the conflict. Yet, parties to armed conflicts sometimes explicitly refuse access altogether or to certain areas. They might also implicitly/indirectly prevent access, for instance by creating legal, administrative and other practical obstacles impeding humanitarian action. In other cases, it is the absence of minimum conditions of security that prevents access by humanitarian personnel to individuals in need. This absence of security may materialize in the worst cases in direct threats and attacks against humanitarian personnel. There are different underlying reasons for recent constraints on humanitarian access. One of them is a growing perception over the last years that humanitarian aid has become more and more politicized. This is why the ICRC constantly seeks to remind and convince parties that its humanitarian action is apolitical and abides in all circumstances by the principles of neutrality, impartiality and independence. It has also repeatedly called over the years for respect for IHL provisions related to humanitarian access.

<https://library.icrc.org/library/docs/DOC/irrc-893-q-a.pdf>

Identifying the enemy : civilian participation in armed conflict

Emily Crawford. - Oxford : Oxford University Press, 2015. - XXIII, 255 p. - Cote 345.29/223

Over the past twenty-five years, significant changes in the conduct of wars have increasingly placed civilians in traditional military roles - employing civilians to execute drone strikes, the 'targeted killing' of suspected terrorists, the use of private security contractors in combat zones, and the spread of cyber attacks. Under the laws of armed conflict, civilians cannot be targeted unless they take direct part in hostilities. Once civilians take action, they become targets. This book analyses the complex question of how to identify just who those civilians are.

The impact of religion on military self-interest in accountability : an Islamic Shari'ah perspective

Adel Maged. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 141-169. - Cote 345.29/225

In this chapter, Adel Maged investigates the relationship between the law of armed conflict and the Islamic Shari'ah as he contemplates the latter's impact on military self-interest in accountability. He asserts that Islamic Shari'ah has established sound legal and moral foundations for preventing and punishing core international crimes, through ethical principles of military engagement and norms regarding the conduct of hostilities in times of war. Religious beliefs should thus provide incentives for accountability in the Islamic world. Meanwhile, Maged cautions against extremist groups' abuses of interpretations of Islamic teachings to justify their atrocities.

<https://www.legal-tools.org/doc/0b06df/>

Increasing the cost of rape : using targeted sanctions to deter sexual violence in armed conflict

Najwa M. Nabti. - In: Economic sanctions under international law. - The Hague : T.M.C. Asser Press, 2015. - p. 43-67. - Cote 362.8/238 (Br.)

Increasingly, the United Nations Security Council (UNSC) has applied targeted sanctions against individuals and entities in an effort to deter sexual violence against civilians in conflict. The use of targeted sanctions for this purpose marks a fundamental shift in the international community's perceptions regarding conflict-related sexual violence, now considered a threat to international peace and security warranting UNSC intervention. This chapter considers the UNSC's use of targeted sanctions to deter wartime sexual violence, as one available tool within the larger framework of women, peace and security initiatives to combat sexual violence in conflict. While the UNSC's ability to impose targeted sanctions has the potential for deterrence, improved implementation is needed to increase the cost of permitting or using sexual violence in conflict. The chapter concludes with recommendations to improve the effectiveness of targeted sanctions through consistent, comprehensive, and transparent action against responsible persons.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41477.pdf>

The interest of states in accountability for sexual violence in armed conflicts : a case study of comfort women of the Second World War

Kiki Anastasia Japutra. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 171-228. - Cote 345.29/225

This chapter undertakes a case study of the practice of using 'comfort women' in Japanese-occupied territories in Asia during the Second World War and the related accountability process. After assessing the attitude of the successive Japanese governments and positions taken by international and domestic courts, Kiki A. Japutra concludes that there has been a lack of will to address the crimes relating to comfort women. She goes on to illustrate the 'positive interests' for States to ensure accountability for serious crimes, which are different from mere legal obligation. Such interests include preventing undesirable incursion on sovereignty, building judicial capacity, enhancing the State's image and credibility, promoting reconciliation processes, and relieving the burden of guilt and shame of the younger generation.

<https://www.legal-tools.org/doc/0b06df/>

The International Committee of the Red Cross's (ICRC's) role in situations of violence below the threshold of armed conflict : policy document, February 2014

In: International review of the Red Cross Vol. 96, no 893, Spring 2014, p. 275-304

The aim of this policy document is to affirm and explain the ICRC's role in situations of violence below the threshold of armed conflict. Indeed, the ICRC may mistakenly be perceived as having a role to play only in armed conflict situations. This document demonstrates that this has never been the case, whether in respect of the legal sources underpinning the ICRC's work and mission or its past operational practice. In addition, this document implicitly confirms that armed conflicts remain at the heart of the ICRC's scope of action,

which nevertheless also comprises other situations of violence, as defined in this document (i.e. those in which the violence is collective but remains below the threshold of armed conflict). The ICRC decides to act in such situations of violence only after having engaged in a specific process of analysis based on simple criteria for involvement: the existence of significant humanitarian consequences generated by the situation of violence and the relevance of the humanitarian action it is considering in response. This policy document also recalls that, in this type of situation in particular, the ICRC ensures that it has the consent of the State for its work and that it strives to work in partnership with other, preferably local, players, above all, if possible, with the National Society.

<https://library.icrc.org/library/docs/DOC/irrc-893-policy.pdf>

International fact-finding mechanisms : lighting candles or cursing darkness ?

Cecilie Hellestveit. - In: Promoting peace through international law. - Oxford : Oxford University Press, 2015. - p. 368-394. - Cote 172.4/273

The chapter discusses international fact-finding mechanisms and their role in the promotion of peace. It relies on a stringent view of peace as 'negative peace', a reflection of the absence of armed conflict. It shows that international fact-finding mechanisms have gained ground as tools by which the international community responds to man-made emergencies that could threaten peace, but also give rise to various dilemmas. The chapter identifies tensions that arise between fact-finding for the purpose of conflict prevention, confidence-building fact-finding as part of treaty enforcement regimes, and finally fact-finding with the aim of ensuring accountability for international crimes. The chapter asks numerous crucial questions in this regard: "Do international fact-finding mechanisms serve to bemoan violations of international law while concealing inadequacies in its ability to respond appropriately, or does fact-finding in fact respond to the predicament of fact-finding as 'a significant weapon in the armoury of world order'?"

International humanitarian law and legitimate targets in cyber conflict

Farideh Shaygan. In: AALCO journal of international law Vol. 3, issue 2, 2014, p. 67-93. - Cote 345.26/274

The principle of distinction lies at the center of international humanitarian law (IHL) on the basis of which the legitimate targets of military operations in the context of an armed conflict are essentially determined. IHL, thus, prohibits indiscriminate attacks and limits them to military objectives. This article seeks to explore, if this body of international law - designed to apply on kinetic warfare - provides or has the potential to offer enough protection against humanitarian consequences of cyber attacks for civilian population and civilian objects. The identification of combatants or perpetrators of cyber attacks, as well as of military objects in cyber realm can practically pose difficulties. In addition, the interconnectedness of civilian and military infrastructure in cyber space is a significant factor to be taken into account when applying the principles governing the conduct of hostilities. This factor requires, at the same time, a high level of precaution in distinguishing lawful targets in order to control and limit the collateral effects at a level justified by IHL. Therefore, it would be necessary to transpose at least some of the fundamental rules of IHL governing the conduct of hostilities to the cyber realm, having in mind its specific characteristics.

The international humanitarian law implementation paradigm and the idea of military self-interest in accountability

Song Tianying. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 43-60. - Cote 345.29/225

This chapter discusses accountability in the context of international humanitarian law implementation. Song Tianying examines two conditions for international humanitarian law implementation: the material capabilities and willingness of the military. The first condition envisions international humanitarian law implementation through a professional military organisation, where effective accountability plays a crucial role. The second condition concerns the self-interest of the military in complying with international humanitarian law. In this regard, competing interests in military decision-making are also considered. In light of the international efforts to fight impunity, Song concludes that the military's internal accountability for serious international humanitarian law violations is key to reinforcing its professionalism and retaining essential values in the modern age.

<https://www.legal-tools.org/doc/0b06df/>

Interplay as regards conduct of hostilities

Michelle Lesh. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 99-120. - Cote 345.2/980

In this chapter Michelle Lesh examines the convergence and conflicts of the normative frameworks of international humanitarian law (IHL) and international human rights law (IHRL) during the conduct of hostilities. She illustrates the complexities of the relationship between the two regimes by assessing the extent to which the right to life in IHRL come to play a role during military operations that are regulated by the rules on the conduct of hostilities under IHL. Central to her analysis is the role of the *lex specialis* doctrine as informed by the principles of military necessity and humanity.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Interplay as regards dealing with detainees in international military operations

Bruce "Ossie" Oswald. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 67-97. - Cote 345.2/980

In this chapter Bruce Oswald explores the application of IHL and IHRL in non-international armed conflicts and peace operations when taking and handling detainees. He examines, in particular: the phases of detention in military operations, the legal regimes that apply to detention; the approaches taken by some states, international organisations and tribunals to the interplay; and how the interplay impacts on the treatment of detainees.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

The interplay between human rights and international humanitarian law in UN operations

Daphna Shrager. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 211-225. - Cote 345.2/980

This chapter focuses on the interplay between international humanitarian law (IHL) and international human rights law (IHRL) during United Nations operations. It emphasises in particular the perspective of the United Nations on the applicability of IHL and IHRL to its operations, as distilled from the organisation's practice in the context of the administration of territories; the practicing of law and order functions (such as arrest and detention); the handing over of individuals on United Nations premises to national authorities for prosecution; and the responsibility of the organisation for violations of IHL and IHRL.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

The interplay of international humanitarian law and international human rights law in peace operations

Marten Zwanenburg. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 153-176. - Cote 345.2/980

In this chapter Marten Zwanenburg examines the relationship between international humanitarian law (IHL) and international human rights law (IHRL) in peace operations, specifically multinational operations established or authorized by the United Nations to establish or maintain international peace and security. He explores the applicability of IHL and IHRL to these operations, paying particular attention to the question whether the law of international armed conflict or that of non-international armed conflict would be relevant. He also explores the implications of the role of *lex specialis* in situations where both IHRL and IHL apply during peace operations.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Interview with Brigadier General Richard C. Gross

by Vincent Bernard and Anne Quintin. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 13-27 : photogr.

Brigadier General Richard C. "Rich" Gross is the US Army Legal Counsel to the Chairman of the Joint Chiefs of Staff. He attended the Military Academy at West Point and was commissioned in the US Army as a second lieutenant in the Infantry. He also attended the University of Virginia School of Law and the US Army Judge Advocate General's Corps. He holds a Master's degree in strategic studies from the US Army War College. Prior to his current position, he served as the Chief Legal Adviser for the Joint Special Operations Command, the International Security Assistance Force (ISAF), US Forces-Afghanistan (USFOR-A) and at US Central Command. The scope of application of international humanitarian law (IHL) is a deceptively simple concept;

broadly speaking, it is where, when and to whom the IHL rules apply. Although this has always been a precondition for discussing IHL issues, the outer limits of the law's applicability remain unsettled. To open this issue on the nuances of the scope of the law's application, Brigadier General Gross gave the following interview providing the US perspective on the circumstances in which IHL applies, and the challenges that lie ahead in light of the ongoing evolution of the way war is waged.

<https://library.icrc.org/library/docs/DOC/irrc-893-interview-gross.pdf>

Introducing the fifth battlefield : cyber warfare and applicability of IHL therein

Mohsen Abdollahi, Parastou Esmailzadeh Molabashi. In: AALCO journal of international law Vol. 3, issue 2, 2014, p. 95-118. - Cote 345.26/274

The rules applicable to cyber warfare and cyber attacks have become a main concern in international plane. International humanitarian law (IHL) and the law of armed conflicts as governing body of law to any armed conflicts do not explicitly contain any treaty or custom regulating the cyber attacks or any provision which outlaw them. Fundamental principles of IHL provide that an armed conflict occurs when an attack results in injury, death, damages or destruction. A cyber attack does not always lead to an armed conflict. However according to the effect-based approach which is also reflected in Tallinn Manual, it is logically concluded and deduced that a cyber attack may constitute an armed conflict if an attack results in physical injury to a person, death or damages to objects. Due to the elasticity of IHL, some cyber attacks can be adjusted to these rules, although some argue that the principle of proportionality and distinction are challenged in this respect. About the Stuxnet virus as a case study, since the virus has been disabled, it did not reach the threshold of an armed attack. Nevertheless, the charter and the customary international law about prohibition on the use of force have been violated.

The jurisprudence of the International Court of Justice and international criminal courts and tribunals

Gentian Zyberi. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 395-416. - Cote 345.2/980

This chapter analyses the jurisprudence of the International Court of Justice and international criminal courts and tribunals in the application of international humanitarian law (IHL) and international human rights law (IHRL). First the chapter places within a broader perspective the role of international courts (ICs) in interpreting and developing the relationship between IHRL and IHL by explaining briefly ICs multifaceted functions in the contemporary legal order. The chapter then examines various topics which are central to both these bodies of law, namely the ICs emphasis on the fundamental shared values of human dignity and humanity; the extension of legal protection for certain categories of persons; the issue of reparations for serious violations of IHL and IHRL; and the role of ICs in preventing such violations. Finally a reflection on the contribution of the ICs to clarifying the issue of the relationship between human rights and humanitarian law is provided.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Jus ad bellum economicum and jus in bello economicum : the limits of economic sanctions under the paradigm of international humanitarian law

Nema Milaninia. - In: Economic sanctions under international law : unilateralism, multilateralism, legitimacy, and consequences. - The Hague : T.M.C. Asser Press, 2015. - p. 95-124. - Cote 345.2/907 (Br.)

This chapter argues that economic sanctions — including sanctions imposed outside of the armed conflict context — should be regulated by the principles underlying international humanitarian law (IHL). It considers the challenges associated with applying other sources of law, namely international human rights law and the law on countermeasures, to economic sanctions and the benefits of viewing sanctions through IHL. The chapter then describes what limits would regulate economic sanctions when borrowing IHL principles. In doing so, the chapter constructs two general categories of rules: *jus ad bellum economicum* — or the principles concerning when economic sanctions can be used — and *jus in bello economicum* — or the principles concerning limits governing sanctions programs.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41261.pdf>

Law and morality at war

Adil Ahmad Haque. In: Criminal law and philosophy Vol. 8, issue 1, January 2014, p. 79-97. - Cote 345.25/328 (Br.)

Through a critical engagement with Jeremy Waldron's work, as well as the work of other writers, I offer an account of the relative scope of the morality of war, the laws of war, and war crimes. I propose an instrumentalist account of the laws of war, according to which the laws of war should help soldiers conform to the morality of war. The instrumentalist account supports Waldron's conclusion that the laws of war justifiably prohibit attacks on civilians even if it turns out that some civilians lack a moral right not to be killed. Importantly, the instrumentalist account also offers what Waldron thinks impossible: a non-consequentialist defense of the failure of the laws of war to prohibit the killing of nonthreatening combatants. Finally, I argue that new war crimes can be broader than the morality of war as well as established laws of war and that many of the arguments for defining war crimes more narrowly than either the morality of war or the laws of war are unconvincing. In all of these ways, I hope to carry forward Waldron's project of exploring the relationship between law and morality in war.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41499.pdf>

The legal advisor of the Canadian armed forces addressing international humanitarian law and international human rights law in military operations

Blaise Cathcart. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 275-300. - Cote 345.2/980

This chapter analyses the role of the legal advisor in applying international humanitarian law (IHL) and international human rights law (IHRL) during military operations. Taking a Canadian perspective, Blaise Cathcart discusses the impact of IHL and IHRL in the provision of legal advice by legal advisors of armed forces during armed conflict. He elaborates in particular on the extra-territorial application of IHRL during armed conflict, being one of the most challenging and controversial issues that legal advisors are confronted with.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

The legal framework for protection of United Nations humanitarian premises during armed conflict

Lance Bartholomeusz. In: Max Planck yearbook of United Nations law Vol. 18, issue 1, 2014, p. 68-108. - Cote 341.215/262 (Br.)

The United Nations, its premises and personnel are increasingly present in the theatre of armed conflict across the globe. During armed conflict, UN humanitarian agencies are now more likely to stay or arrive and deliver than to evacuate. Parties to an armed conflict may fight in close proximity to UN premises. Today, from the Gaza Strip to South Sudan to Syria, during armed conflict thousands of displaced civilians seek shelter in UN premises and the protection of the blue UN flag, which is perceived to give better protection than fundamental principles of international humanitarian law (IHL). What is the legal framework for protection offered by the UN flag to UN humanitarian premises, including to displaced civilians they may shelter during armed conflict? To use the language of State responsibility, this paper considers the relevant primary obligations of IHL and UN law, how a possible conflict between those primary obligations is resolved, and then considers the legal consequences of a breach of the relevant primary obligation in accordance with the secondary rules of the law of State responsibility.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41500.pdf>

The long-term international law implications of targeted killing practices

Christof Heyns and Sarah Knuckey. - In: Drones and targeted killings : ethics, law, and politics. - New York [etc.] : International Debate Education Association, 2015. - p. 298-318. - Cote 355/1063

Current targeted killings practices and the attempts to legally justify those strikes present a challenge to the systematic protection of the right to life under international law. We are now witnessing a significant effort by some states to insulate their "targeted" uses of deadly force from international scrutiny and to redefine international law in order to serve narrow and short-term interests. This presents a serious risk of leaving everyone less secure, particularly if other states around the world, as they acquire the new technology, claim for themselves the same expanded rights to target their enemies without meaningful transparency or accountability. The challenge is to ensure that strong protections of the right to life under international law survive the practices of a few states, technological developments, and outlier attempts to redefine core legal standards.

<http://www.harvardilj.org/wp-content/uploads/2013/01/Heyns-to-publish.pdf>

Military justice and self-interest in accountability

Arne Willy Dahl. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 21-34. - Cote 345.29/225

In this chapter, Arne Willy Dahl addresses the trend of “civilianisation” of military justice systems, a recurring theme of this anthology, and evaluates this phenomenon from the perspective of the armed forces’ long-term self-interest in having an effective accountability system. For soldiers, military justice may provide not only the hope of fair trial but also guidance and confidence after their sometimes challenging decisions in combat. For commanders, such jurisdictions may minimise the damage to reputation caused by individual violations and avoid unnecessary friction with the local population in the area where the force operates. Dahl then discusses three elements for an effective justice system: independence, military expertise and portability.

<https://www.legal-tools.org/doc/0b06df/>

Military or civilian jurisdiction for international crimes ? : an approach from self-interest in accountability of armed forces in international law

Elizabeth Santalla Vargas. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 401-425. - Cote 345.29/225

This chapter seeks to address the question of how the selection of jurisdictional forum for core international crimes may serve the military interest. Assisted by regional and international case law and practice, especially the Latin American experience, Elizabeth Santalla Vargas argues that civilian courts should try human rights violations, even if they are committed by military personnel. Similarly, civilian courts are generally more suitable to try war crimes, despite the controversies surrounding them in some contexts. The legitimacy and credibility of the jurisdictional forum may favour the military by minimising risks of superior responsibility and living up to the complementarity test used by the ICC.

<https://www.legal-tools.org/doc/0b06df/>

Military self-interest in accountability for core international crimes

Morten Bergsmo and Song Tianying (ed.). - Brussels : Torkel Opsahl Academic EPublisher, 2015. - XXVI, 444 p. - Cote 345.29/225

Is it in the enlightened self-interest of armed forces to have perpetrators of core international crimes brought to justice? This anthology adds the ‘carrot’ perspective of self-interest or incentives to the common rhetoric of ‘stick’ – legal obligations and political pressures. Twenty authors from around the world discuss why military actors themselves often prefer accountability. The self-interests presented in this book are multi-dimensional: from internal professionalization to external legitimacy; from institutional reputation to individual honour; from operational effectiveness to strategic stakes; from historical lessons to contemporary needs; from religious beliefs to aspirations for rule of law; from minimizing civilian interference to pre-empting international scrutiny. The case is made for long-term self-interest in accountability and increased military ‘ownership’ in repressing core international crimes.

<https://www.legal-tools.org/doc/0b06df/>

Mind the gap : the lack of accountability for killer robots

Human Rights Watch, International Human Rights Clinic (IHRC). - [S.l.] : Human Rights Watch, 2015. - 38 p. - Cote 341.67/780

Mind the Gap details the significant hurdles to assigning personal accountability for the actions of fully autonomous weapons, or “killer robots.” This accountability gap stems from the fact the weapons would select and engage targets without meaningful human control, and is one of several important reasons why a ban is urgently needed. Military commanders or operators could be found guilty under criminal law if they deployed a fully autonomous weapon with the intent to commit a crime. But they would likely elude justice in the more common situation in which they could not foresee or prevent an autonomous robot’s unlawful act—such as targeting civilians, even if no human commander or programmer intended for the robot to do so. The obstacles to accountability would be equally high under civil law. Civil liability would be virtually impossible, at least in the United States, due to the immunity granted by law to the military and its contractors and the evidentiary obstacles to products liability suits. Many other countries have similar systems of sovereign immunity. Even if successful, a civil suit would have limited effectiveness as a tool for accountability. While monetary damages can assist victims, they are not a substitute for criminal accountability in terms of deterrence, retributive justice, and moral stigma.

<http://hrw.org/node/133918>

Nonlethal weapons, noncombatant immunity, and the principle of participatory liability

Michael L. Gross. In: Case Western Reserve journal of international law Vol. 47, issue 1, Spring 2015, p. 201-216. - Cote 341.67/779 (Br.)

In defiance of international law, nonlethal weapons inflict direct harm upon noncombatants. To permit their use, this paper considers three competing arguments. First, nonlethal weapons inflict no harm; second, nonlethal weapons cause harm but do not violate the principle of noncombatant immunity; and third, some civilians, namely those who providing war sustaining aid, are liable to nonlethal harm under the principle of participatory liability. The first claim has no merit. Nonlethal weapons inflict pain and suffering, albeit transitory. Combatants, however, are not always protected from all forms of direct harm. When subjected to economic sanctions, for example, noncombatants may suffer severe hardship. By analogy, noncombatants may suffer limited harm from nonlethal weapons when intended to prevent greater harms that come from conventional military attacks. Finally, not all noncombatants deserve immunity at all. Those providing war sustaining aid are liable to disabling but nonlethal force.

<http://scholarlycommons.law.case.edu/jil/vol47/iss1/15>

Of arms, funding and "non-lethal assistance" : issues surrounding third-state intervention in the Syrian civil war

Tom Ruys. In: Chinese journal of international law Vol. 13, issue 1, p. 13-53. - Cote 341.67/773 (Br.)

In spite of legal objections, the European Union (EU) in May 2013 gave the conditional green light for the transfer of arms to the Syrian Opposition Council. The EU's decision is not a solitary move. Several other States, including Russia, the United States, Qatar and Saudi Arabia, have provided arms, funding and/or "non-lethal assistance" either to the Syrian government or to rebel forces combatting the Assad regime. The present contribution aims to shed light on the legality of such assistance. On the one hand, it assesses legal objections related to the fact that third-State assistance is used for the commission of widespread war crimes and human rights violations. On the other hand, it examines the compatibility of such assistance with the non-intervention principle and, in so doing, examines to what extent the latter principle discriminates between de jure governments and non-State armed groups in the context of a civil war.

<http://dx.doi.org/10.1093/chinesejil/jmu003>

On the relationship between international humanitarian law and human rights law in times of belligerent occupation : not yet a coherent framework

Andrea Carcano. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 121-152. - Cote 345.2/980

This chapter analyses the relationship between the law of belligerent occupation and its relationship with international human rights law (IHRL). After first illustrating the legal basis on which one can argue that a state is required to comply with IHRL in the territory it happens to occupy, the chapter explores the extent to which IHRL has impacted on the authorities, responsibilities, and duties of an occupying power as framed by the law of occupation. It further examines the implications of the law of occupation as *lex specialis* for the applicability of IHRL during occupation, as well as whether adherence to IHRL standards could augment the normative powers of the occupying power.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Operationalizing use of drones against non-state terrorists under the international law of self-defense

Jordan J. Paust. In: Albany government law review Vol. 8, 2015, p. 166-203. - Cote 345.25/326 (Br.)

This article addresses whether the laws of war apply to use of measures of armed force against members of al Qaeda, the propriety of self-defense targetings of non-state actors in a foreign state, who and what can be targeted under the law of self-defense, criteria for operationalizing choice with respect to when and how to target, and certain future types of drones that might be utilized. Also addressed are reasons why human rights law and the U.S. Constitution do not prohibit legitimate self-defense targetings. A final section addresses limitations that exist under a law enforcement paradigm and why measures of self and collective self-defense are not simplistically measures of domestic law enforcement.

http://www.albanygovernmentlawreview.org/Articles/Vol08_1/8.1.166-Paust.pdf

An overview of human rights violations of vulnerable groups in conflict-settings : current trends and patterns

Carmen Márquez Carrasco. In: Ordine internazionale e diritti umani N. 1, marzo 2015, p. 77-98. - Cote 345.1/631 (Br.)

This paper provides a specific focus on the list of vulnerable groups which has been identified in the EU Strategic Framework and in EU conflict/crisis management policies: namely, children, women, refugees and internally displaced persons (IDPs) and indigenous peoples. Those groups have been selected because they represent different approaches of vulnerability: inherent (children), gender-based (women) group-based (indigenous peoples), and depending on a specific status (IDPs and refugees). As regards the methodology, this essay follows a hybrid approach, mixing disciplinary approaches, policy and legal analyses, and provides data compiled by existing databases and human rights reports. In particular, several illustrations of current data on patterns, perpetrators and trends of serious human rights violations committed against selected vulnerable groups are presented. The paper is structured into three sections. Section one is focused on the relationship between human rights violations and conflict. Section two first explains the notion of vulnerability and how this notion relates to the selected vulnerable groups. It then presents an overview of serious human rights violations against those groups taking into account the legal and policy framework with a particular focus on EU instruments.

http://www.rivistaidu.net/sites/default/files/6_Marquez_Carrasco.pdf

Ownership of international humanitarian law

Richard J. Goldstone. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 35-42. - Cote 345.29/225

In this chapter, Richard J. Goldstone takes on what may in effect be a precondition for military self-interest in accountability, namely a sense of ownership of international humanitarian and criminal law. Goldstone notices the worrisome trend that such sense of ownership has declined in the past two decades. He then traces the origin and evolution of international humanitarian law to the military, before considering the US armed forces as an example of how the sense of ownership has fluctuated historically. The case is made for increased military ownership and, in turn, the awareness of military self-interest in accountability for core international crimes.

<https://www.legal-tools.org/doc/0b06df/>

Persons controlling and operating drone aircrafts and computer network attacks : combatants or civilians ?

Muhammad Ali Siddiqui. In: AALCO journal of international law Vol. 3, issue 2, 2014, p. 37-57. - Cote 345.29/274

Due to the recent developments and advancements in technology, the conventional format of war has been converted to a technological warfare. Enemy can be destroyed with the use of a cluster of computers controlled in a room, which could be located far away from the battlefield. This strategy is not only cost effective but also saves the life of a soldier which could be endangered if he was actually deployed on the battlefield. However, such phenomenal change in the war format has given birth to a few complicated questions. In a conventional warfare, it is relatively easy to distinguish between a combatant and a civilian. However, in modern warfare aided by technology, it would be difficult to determine whether the person operating remotely through a computer is a combatant or a civilian as defined under international humanitarian law. This paper attempts to determine, in accordance with international humanitarian law, when such persons lose their civilian status and become a legitimate target for their enemy.

The potential of the arms trade treaty to reduce violations of international humanitarian law and human rights law

Gro Nystuen and Kjolv Egeland. - In: Promoting peace through international law. - Oxford : Oxford University Press, 2015. - p. 209-226. - Cote 172.4/273

The chapter evaluates the potential of the Arms Trade Treaty to identify and reduce violations of international humanitarian law and human rights law. It assesses the process and the outcome of the negotiation of an Arms Trade Treaty, the first international instrument that makes an explicit link between arms export and its potential consequences in terms of violations of international humanitarian law and human rights law. The chapter presents the negotiation history of the ATT, comparing it to other recent treaty negotiations within humanitarian disarmament, and discusses the association between international

law and peace studies. The main aim of the chapter is to present the ATT's provisions for regulating the situations in which arms exports will be prohibited.

The prohibition of environmental damage during the conduct of hostilities in non-international armed conflict

Tara Smith. - [S.l.] : [s.n.], 2013. - 245 p. - Cote 363.7/163

This thesis examines the adequacy of the laws of armed conflict to prohibit environmental damage in non-international armed conflict. The overall conclusion is that the laws of armed conflict are not adequate in this regard because they do not apply in equal measure to state and non-state actors and they only provide piecemeal indirect environmental protection, which conforms to the requirements of the principle of legality and the rule of international law in only very specific circumstances. The thesis begins by tracing the historical development of the environmental dimension of the laws of armed conflict, to explain the absence of direct environmental protection provisions and to contextualise the discussion in the subsequent chapters. It also briefly outlines the nature of the environmental damage caused by state and non-state actors in non-international armed conflict. Subsequently, the treaty-based and customary laws of armed conflict that have the potential to indirectly protect the environment in non-international armed conflict are identified and discussed. This examination of the laws of armed conflict is supplemented by analysis of the extent to which the proscriptive gaps in the laws of armed conflict can be filled by other branches of international law and mechanisms of international accountability.

<http://aran.library.nuigalway.ie/xmlui/handle/10379/3523>

Proportionality in perspective : historical light on the law of armed conflict

Jeremy Rabkin. In: San Diego international law journal Vol. 16, issue 2, 2015, p. 263-340. - Cote 345.25/327 (Br.)

The argument of this article is that the proportionality rule in Additional Protocol I to the Geneva Conventions does express a doctrine that has real roots in western military practice, but it was not traditionally understood as the severe constraint on military operations that the Red Cross propounds. The western States at the Geneva drafting conference did not resist the proportionality rule. In fact, they were active sponsors of that formulation. They understood that rule to be consistent with past practice, including most Allied tactics in the world wars. At the time of the drafting conference, World War II was still within the personal memory of most delegates and even within the professional experience of some delegates. They understood that they were tightening humanitarian constraints in some ways, but did not think they were totally rewriting the law of war.

<http://ssrn.com/abstract=2624777>

Prosecuting members of the armed forces for core international crimes : a judicial act in the self-interest of the armed forces ?

Roberta Arnold. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 341-357. - Cote 345.29/225

In this chapter, Roberta Arnold explores the possible self-interest in prosecuting serious international crimes, both for the military as an institution and for individual members of the military. From the institutional perspective, repressing serious international crimes benefits the military's image, corporate spirit and mission accomplishment. On an individual level, high-ranking officers may have an interest in the smooth exercise of command and control and in avoiding criminal charges as superiors, while ordinary soldiers may want to distance themselves from the misconduct of their comrades and work in a safe environment. Arnold also deems that prosecution will better serve the military's interest if carried out by a military judicial system that is independent, transparent and fair.

<https://www.legal-tools.org/doc/0b06df/>

La protection de l'environnement en période de conflit armé

Léonelle Flore Nguinta Heugang Diekouam ; préf. de Jean Claude Tcheuwa. - Paris : L'Harmattan, 2015. - 225 p. - Cote 363.7/164

Comment préserver l'espace où résident les êtres vivants face aux exigences de la nécessité militaire ? L'objectif de cet ouvrage est d'amener les acteurs du droit en général, et ceux du droit de l'environnement en particulier, à encadrer, voire éradiquer les conséquences de la guerre pour le bien-être des générations présentes et futures.

Puzzles of proportion and the "reasonable military commander" : reflections on the law, ethics, and geopolitics of proportionality

Robert D. Sloane. In: Harvard national security journal Vol. 6, issue 2, 2015, p. 299-343. - Cote 345.25/329 (Br.)

This article offers modest reflections on jus in bello proportionality. It suggests that the law of armed conflict (LOAC) build on the only consensus legal standard that exists: that of the good-faith reasonable military commander. The difficulty — here, as with any reasonableness standard — is to identify factors that realistically can, and legally should, guide adherence to it and to consider the objective and subjective dimensions of judgments under the standard. Part II scrutinizes the content and status of Additional Protocol I's (API) canonical definition of proportionality. It analyzes its text and context to bring out the extent to which API compels more, and more diverse, subjectivities and indeterminacies than commonly recognized. This is not a problem to be solved; it is an inexorable feature of the principle. Part III therefore critiques perhaps the most popular effort to invest proportionality with more precise substantive content: the idea that it requires elites to conduct hostilities "as if" their own noncombatants were the ones at risk. Part IV considers the prospects for promoting proportionality within the spectrum of lawfulness authorized by the current standard. Those prospects depend on dynamics exogenous to the letter of positive international law but not, for that reason, beyond the influence of international lawyers.

<http://harvardnsj.org/wp-content/uploads/2015/06/Sloane.pdf>

Quand droits de l'homme et droit international humanitaire s'emmêlent : un regard critique sur l'arrêt Hassan c. Royaume-Uni

par Philippe Frumer. In: Revue trimestrielle des droits de l'homme 26ème année, no 102, avril 2015, p. 481-507. - Cote 345.1/629 (Br.)

Dans son arrêt de principe Hassan c. Royaume-Uni, la Cour européenne des droits de l'homme était amenée pour la première fois à explorer de manière détaillée les rapports entre le droit de la Convention européenne des droits de l'homme et le droit international humanitaire en situation de conflit armé international. Le présent article examine sous un angle critique la solution dégagée par la Cour et le raisonnement qui la sous-tend. Il est également suggéré que la Cour aurait pu recourir à une solution alternative.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41471.pdf>

A regional perspective on the convergence and conflicts of human rights and international humanitarian law in military operations : the European Court of Human Rights

Karin Oellers-Frahm. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 333-363. - Cote 345.2/980

In this chapter Karin Oellers-Frahm examines the extent to which the European Court of Human Rights (ECtHR), which has jurisdiction to interpret and apply the European Convention on Human Rights, has to consider international humanitarian law (IHL) as *lex specialis* in cases that result from armed conflicts. This raises questions as to whether IHL can be directly applicable by the ECtHR *ratione materiae*; about the limits of the jurisdiction of the ECtHR *ratione personae*; and the manner in which IHL shapes the ECtHR's decisions on the merits.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

The regulation of non-international armed conflicts : can a privilege of belligerency be envisioned in the law of non-international armed conflicts ?

Claus Kress and Frédéric Mégret. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 29-66

The Debate section of the Review aims to contribute to reflection on contemporary questions of humanitarian law, policy or action. In this issue of the Review, we invited two experts in international humanitarian law (IHL) — Claus Kreß and Frédéric Mégret — to debate on how IHL applicable in non-international armed conflict (NIAC) should develop. In the two pieces that follow, Professor Kreß submits for debate a new norm of international law outlawing NIACs — a *jus contra bellum internum* — with a corresponding set of rules applicable in NIACs — a *jus in bello internum*. The *jus in bello internum* would give the "privilege of belligerency" — akin to combatants' privilege in international armed conflicts — to non-State actors in NIACs, providing an incentive for them to comply with these new rules of civil war. Frédéric Mégret

critically examines the proposed privilege of belligerency, pointing out its problematic aspects and positing that the creation of such a privilege is, in fact, not desirable.

<https://library.icrc.org/library/docs/DOC/irrc-893-krev-megret.pdf>

The relationship between international human rights and humanitarian law in the African human rights system : an institutional approach

Frans Viljoen. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 303-332. - Cote 345.2/980

In this chapter, Frans Viljoen explores the relationship between international humanitarian law (IHL) and international human rights law (IHRL) in the African human rights system. The chapter deals with the fledgling attempts as well as the future potential of the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights and the African Committee of Experts on the Rights of the Child to apply IHL either indirectly through interpretation or in a more direct manner.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Respect for the dead : from the perspective of international humanitarian law (IHL) and Islam

Mohammad Azharul Islam, Maulana Obaid Ullah Hamzah. - Dhaka : ICRC, March 2015. - 76 p. - Cote 297/157

This paper examines the provisions related to respect for the dead under contemporary international humanitarian law (IHL) and Islam. Issues such as the search for missing persons, appropriate treatment and disposal of the dead and human dignity are examined. The first part focuses on the Four Geneva Conventions and their Additional Protocols as well as principles of customary IHL. The second part focuses on the Qur'an, Sunnah of the Prophet Muhammad (PBUH), practices of the companions (especially the rightly guided Caliphs) and juristic writing. The final part draws a parallel between these two frameworks.

Rewired warfare : rethinking the law of cyber attack

Michael N. Schmitt. In: International review of the Red Cross Vol. 96, no. 893, Spring 2014, p. 189-206

The most significant debate regarding the applicability of international humanitarian law to cyber operations involves interpretation of the rules governing cyber "attacks", as that term is understood in the law. For over a decade, the debate has been a binary one between advocates of the "permissive approach" developed by the author and a "restrictive approach" championed by those who saw the permissive approach as insufficiently protective of the civilian population and other protected persons and objects. In this article, the author analyses that debate, and explains a third approach developed during the Tallinn Manual project. He concludes by suggesting that the Tallinn Manual approach best approximates the contemporary law given the increasing value which societies are attributing to cyber activities.

<https://library.icrc.org/library/docs/DOC/irrc-893-schmitt.pdf>

Le rôle des accords spéciaux dans la rationalisation des conflits armés non internationaux

Gérard Aïvo. In: Revue québécoise de droit international Vol. 27, no 1, 2014, p. 1-30. - Cote 345.22/264 (Br.)

Depuis la Seconde Guerre mondiale, on assiste à une multiplication des conflits armés non internationaux. Cependant, le droit est lacunaire, permettant ainsi aux belligérants de violer presque systématiquement le droit international humanitaire (DIH). Les dispositions du DIH offrent la possibilité aux combattants de conclure entre eux des accords spéciaux afin d'appliquer ces règles, en tout ou en partie. En tant que tels, ces accords y revêtent une importance particulière en ce qu'ils permettent de pallier l'insuffisance des règles minimales. À cette fin, la présente étude identifie les caractéristiques et les effets juridiques des accords spéciaux et examine les rôles respectifs des États, les organisations internationales et le Comité international de la Croix-Rouge dans la rationalisation des conflits armés non internationaux.

<http://www.sqdi.org/fr/revue-collection-v27n1-1.html>

Rule of law in war : international law and United States counterinsurgency in Iraq and Afghanistan

Tavers McLeod. - Oxford : Oxford University Press, 2015. - XVII, 286 p. - Cote 345.22/263

Rule of Law in War places International Law at the center of the transformation of United States counterinsurgency (COIN) that occurred during the Iraq and Afghanistan wars. It claims International Law matters more than is often assumed and more than we have previously been able to claim, contradicting existing theoretical assumptions. In particular, the book contends International Law matters in a case that may be regarded as particularly tough for international law, that is, the development of a key military doctrine, the execution of that doctrine on the battlefield, and the ultimate conduct of armed conflict. To do so, the book traces International Law's influence in the construction of modern U.S. COIN doctrine, specifically, Field Manual 3-24, Counterinsurgency, released by the U.S. Army and Marine Corps in December 2006. It then assesses how international law's doctrinal interaction held up in Iraq and Afghanistan. The account of this doctrinal change is based on extensive access to the primary actors and materials, including FM 3-24's drafting history, field documents, and interviews with military officers of various ranks who have served multiple deployments in Iraq and Afghanistan.

Safeguarding the provision of health care : operational practices and relevant international humanitarian law concerning armed groups

ICRC. - Geneva : ICRC, June 2015. - 66 p. - Cote 356/276

Safe access to health care is essential for both civilians and combatants in conflict situations. But for this to happen, health-care personnel have to be respected and protected by all parties to a conflict and be able to perform their humanitarian duty without fearing for their safety. This publication is a practical tool that provides armed groups and other interested audiences with information on relevant IHL obligations and practical measures that armed groups can adopt to safeguard the provision of health care. It is the result of a two-year consultation process, carried out by the ICRC as part of the Health Care in Danger project, with more than 30 armed groups engaged in non-international armed conflicts around the world.

<https://library.icrc.org/library/docs/DOC/icrc-002-4243.pdf>

Selected aspects of applicable international human rights law and international humanitarian law in naval counter piracy operations off the east coast of Africa

André R Smit. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Pretoria : Pretoria University Law Press, 2014. - p. 177-207. - Cote 345.2/980

This chapter is situation specific in as far as it provides a South African perspective on the international law framework behind African driven counter piracy operations. It discusses the context of the Somali piracy, the international law on maritime piracy, alternative international crimes to maritime piracy, and analyses the application of international humanitarian law and international human rights law to the combating, capturing, arrest and transfer of maritime pirates.

http://www.pulp.up.ac.za/pdf/2014_15/2014_15.pdf

Self-interest of self-inflicted : how the United States charges its service members for violating the laws of war

Christopher Jenks. - In: Military self-interest in accountability for core international crimes. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 261-293. - Cote 345.29/225

In this chapter, Christopher Jenks highlights the disparity in charges for similar violations of the laws of war committed by US service members and enemy belligerents. He explains the incentives behind such charging practice and poses the important question as to whether narrowing the accountability gap and increasing transparency may better serve the military's interest.

<https://www.legal-tools.org/doc/0b06df/>

Sexual violence against child soldiers : the limits and potential of international criminal law

Rosemary Grey. In: International feminist journal of politics Vol. 16, no. 4, 2014, p. 601-621. - Cote 362.7/406 (Br.)

In addition to participating in hostilities, girl soldiers are often raped, sexually enslaved and used as "bush wives" by their commanders and fellow soldiers. As this issue of sexual violence against girl soldiers has

become increasingly visible in recent cases before the International Criminal Court (ICC) and Special Court for Sierra Leone (SCSL), attempts have been made to prosecute this conduct within the established framework of international criminal law. Most recently, this issue has been addressed in the case of *The Prosecutor v Bosco Ntaganda*, one of the six cases that have come before the ICC from the situation in the Democratic Republic of Congo. On 9 June 2014, the Pre-Trial Chamber confirmed the charges in the Ntaganda case, and found that the rape and sexual slavery of girl soldiers in Ntaganda's armed group by other members of that group could constitute war crimes under Article 8(2)(e)(vi) of the Rome Statute. This article considers what the Ntaganda decision adds to the jurisprudence on sexual violence against child soldiers, and what it demonstrates about the limits of the law.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41502.pdf>

Sexual violence in armed conflicts : a violation of international humanitarian law and human rights law

Gloria Gaggioli. In: *International review of the Red Cross* Vol. 96, no. 894, Summer 2014, p. 503-538

Sexual violence is prevalent in contemporary armed conflicts. International humanitarian law and human rights law absolutely prohibit all forms of sexual violence at all times and against anyone; international criminal law moreover provides for the individual criminal responsibility of sexual crimes' perpetrators. These three bodies of law importantly reinforce each other in this field. The discrepancy between the facts on the ground and the law is a matter of concern that cannot be explained by potential legal gaps or uncertainties. What is needed is to find new ways of improving implementation for existing laws at the domestic and international levels.

<https://library.icrc.org/library/docs/DOC/irrc-894-gaggioli.pdf>

Special issue on cyber warfare and international humanitarian law

AALCO. In: *AALCO journal of international law* Vol. 3, issue 2, 2014. - Cote 345.26/274

Content notamnt : Persons controlling and operating drone aircrafts and computer network attacks : combatants or civilians ? / Muhammad Ali Siddiqui. - International humanitarian law and legitimate targets in cyber conflict / Farideh Shaygan. - Introducing the Fifth Battlefield : cyber warfare and applicability of IHL therein / Mohsen Abdollahi and Parastou Esmailzadeh Molabashi. - Denial of quarter : a critique on cyber warfare / Sanoj Rajan and Yashasvi Nain.

Starvation as a weapon : domestic policies of deliberate starvation as a means to an end under international law

by Simone Hutter. - Leiden ; Boston : Brill Nijhoff, 2015. - XVIII, 305 p. . - Cote 345/682

In this book Simone Hutter explores, within the framework of international law, the legality of using deliberate starvation as a means to an end. A close look at modern famine shows that, in many cases, food scarcity is not the product of coincidence, but a side effect or result of a deliberate strategy. Starvation is an efficient instrument when used to exert pressure and power, in times of war and peace. Simone Hutter demonstrates how international human rights law and international humanitarian law prevent deliberate starvation as a means of achieving political goals. She focuses on highly divisive and under-discussed instances in which states deploy deliberate starvation domestically, i.e. within the state's own national territory.

Strengthening international humanitarian law protecting persons deprived of their liberty : thematic consultation of government experts on grounds and procedures for internment and detainee transfers, Montreux, Switzerland, 20-22 October 2014

report prepared by Ramin Mahnad. - Geneva : ICRC, April 2015. - 62 p. - Cote 400/155-7

This report provides an account of the October 2014 thematic consultation of government experts on grounds and procedures for internment and detainee transfers in relation to non-international armed conflict. The consultation was part of the ICRC's Strengthening International Humanitarian Law initiative, and was organized pursuant to Resolution 1 of the 31st International Conference of the Red Cross and Red Crescent. A previous thematic consultation – on conditions of detention and particularly vulnerable detainees – was also held in 2014, and is the subject of a separate report.

<https://library.icrc.org/library/docs/DOC/icrc-002-4234.pdf>

Targeting cyber arms dealers who directly participate in hostilities

Collin Allan. In: *Southwestern journal of international law* Vol. 21, 2015, p. 341-374. – Cote 345.25/330 (Br.)

This article examines the targetability of an often overlooked group of potential participants in armed conflicts — cyber arms dealers. It employs the perspectives outlined by the International Committee of the Red Cross in its Interpretive Guidance on Direct Participation in Hostilities and the recently published Tallinn Manual: The International Law Applicable to Cyber Warfare, a manual compiled by experts on the law as it pertains to cyber operations. Cyber arms dealers are a group of potential participants in armed conflicts who have avoided much of the discussion surrounding cyber warfare and cyber participation in hostilities. The cyber tools they create have enabled an individual to single-handedly take down 10,000 websites and allowed hundreds of individuals to participate via cyberspace in the kinetic operations against Georgia during the 2008 conflict between Russia and Georgia. Given the United States' declaration that it reserves the right to respond to cyber attacks with kinetic force, it is crucial to determine when states may target participants legally. This paper analyzes different scenarios to determine when a cyber arms dealer may be targeted by parties involved in a non-international armed conflict.

Toward a drone accountability regime

Allen Buchanan... [et al]. In: *Ethics and international affairs* Vol. 29, no. 1, Spring 2015, p. 15-70 : graph. - Cote 341.67/770

Contient notamment : Accountability for targeted drone strikes against terrorists ? / N. C. Crawford. - The informal regulations of drones and the formal legal regulations of war / J. Dill. - Targeted killing : accountability and oversight via a drone accountability regime / D. Whetham.

Transforming reparations for conflict-related sexual violence : principles and practice

Fionnuala Ní Aoláin, Catherine O'Rourke, Aisling Swaine. In: *Harvard human rights journal* Vol. 28, issue 1, Spring 2015, p. 65-146

The United Nations Secretary-General's adoption of a Guidance Note on Reparations for Conflict-Related Sexual Violence (2014) marks an important supplement to recent normative developments in the area of gender-sensitive reparations. Despite these progressive normative advances, there remain conceptual gaps in the legal and policy framework for reparations addressing conflict-related sexual violence and, consequently, ongoing challenges in the implementation of gender-sensitive reparations, which this article identifies. Challenges include the exclusion of women from legal remedies due to definitional, operational, and enforcement bias in the creation and implementation of reparation regimes. Moreover, a limited understanding of who can be the victim of sexual harm means that violence against men is often unseen and unaccounted for when states and other international actors conceive and implement reparations. This article comprehensively reviews international and domestic practices, addressing legal rules, policy debates, and reparations programming for conflict-related sexual violence. The article concludes that a commitment to transformative reparations is critical to gender-sensitive reparations. Transformative reparations address the immediate reparative needs of survivors of sexual harm, while also being fully cognizant of the social and economic barriers to full equality for women in many societies. Thus, transformative reparations go beyond the immediacy of sexual violence, encompassing the equality, justice, and longitudinal needs of those who have experienced sexual harms. To this end, we propose ten practice-based principles to inform future reparations practice in judicial, peacemaking, and programming contexts for conflict-related sexual violence.

<http://tinyurl.com/41263-NiAolain>

Troop discipline, the rule of law and mission operational effectiveness in conflict-affected states

Róisín Burke. - In: *Military self-interest in accountability for core international crimes.* - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 359-399. - Cote 345.29/225

In this chapter, Róisín Burke provides a comprehensive overview of the interest of armed forces deployed on peace operations or other missions to ensure effective investigation and prosecution of serious international crimes committed by their members in host States. She draws lessons from past incidents and identifies a range of reasons for accountability: ethical and moral values, self-regulation and internal discipline, the image of the armed forces and their States, their relationship with host State populations and with their home public, retention of control by military justice systems, operational effectiveness and legitimacy, and the promotion of the rule of law.

<https://www.legal-tools.org/doc/0b06df/>

United Nations peace operations and international law : what kind of law promotes what kind of peace ?

Kjetil Mujezinovic Larsen. - In: Promoting peace through international law. - Oxford : Oxford University Press, 2015. - p. 299-320. - Cote 172.4/273

The chapter discusses the notion of "peace" in international peace operations with a mandate from the United Nations Security Council, and how international law promotes or prevents the achievement of such peace. The chapter shows that international peace operations generally pursue a "liberal peace", and how this general concept is translated into concrete functions in particular operations. The chapter shows that the UN Charter and international law in general do little to promote peace through the creation of peace-building or other peace operations, since they neither require nor encourage such creation even though it is permitted. The chapter discusses further how international humanitarian law, international human rights law, and other regimes that regulate the conduct of personnel may contribute to the achievement of peace in peace operations.

The use of force at sea in the 21st century : some reflections on the proper legal framework(s)

Efthymios D. Papastavridis. In: The journal of territorial and maritime studies Vol. 2, no. 1, January 2015, p. 119-138. - Cote 347.799/159 (Br.)

Even though states often resort to the use of force in the maritime domain, there is certainly ambiguity as to its legal justification. States and international scholars oscillate between justifications provided under the *jus ad bellum* and self-defence or under the rules on law enforcement. At the same time the relevance of traditional law of naval warfare is heavily questioned. The present article attempts to delineate the legal contours of the use of force at sea and demonstrate that it may be subject to different and discrete legal regimes.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/41505.pdf>

Using force against terrorists "outside areas of active hostilities" : the Obama approach and the Bin Laden raid revisited

Christian Schaller. In: Journal of conflict and security law Vol. 20, no. 2, Summer 2015, p. 195-227

More than 13 years after the launch of Operation Enduring Freedom, the focus of US counterterrorism operations has gradually shifted from Afghanistan and Pakistan to the Arabian Peninsula, Somalia and Northern Africa. The use of drones and Special Forces in these regions causes difficult problems under international law. In particular, it is often far from clear whether a specific attack or raid triggers application of the law of armed conflict. The White House, therefore, issued a policy guideline in 2013, which states that lethal force will be used 'outside areas of active hostilities' only against targets that pose a 'continuing, imminent threat' to US persons. This policy reflects a conception of the right to self-defence according to which a state may target particularly dangerous persons irrespective of their status under international humanitarian law or human rights law ('self-defence targeting'). It is a characteristic feature of the Obama administration's approach to pick and choose from the legal concepts of self-defence and armed conflict in order to design a flexible normative framework for its operations against Al Qaeda and other extremist groups abroad. The present article focuses on different facets of this approach and shows how both concepts are utilized to justify such operations. The killing of Osama bin Laden in May 2011 was a particularly instructive case since it raised a variety of issues under *jus ad bellum* and *jus in bello*.

<http://jcsf.oxfordjournals.org/content/20/2/195.full.pdf>

Using force on land to suppress piracy at sea : the legal landscape of a largely untapped strategy

Steven R. Obert. In: Duke journal of comparative and international law Vol. 25, issue 2, Winter 2014, p. 197-236. - Cote 345.27/147 (Br.)

This paper analyzes the international legal framework underlying the use of force on land in Somalia to eliminate the pirates' means of carrying out lethal attacks at sea. Part I addresses the fundamental question of whether the use of military force against pirates and their bases ashore is legally supportable. The author argues that because the Security Council has authorized "all necessary measures" pursuant to Somali government consent, the use of force in Somalia to accomplish the goal of suppressing piracy at sea is authorized, consistent with the limitations set forth in the applicable Resolutions. After concluding that the Security Council's mandate includes military force, Part II examines what body of law would apply to the practical implementation of that mandate. The author concludes that even if this unique scenario does not

rise to the level of an armed conflict, there are significant reasons why International Humanitarian Law (IHL), also known as the Law of Armed Conflict (or LOAC), should be found to apply to the limited use of force in Somalia.

<http://scholarship.law.duke.edu/djcl/vol25/iss2/1>

War and law in the Islamic world

by **Matthias Vanhullebusch**. - Leiden ; Boston : Brill Nijhoff, 2015. - XIX, 281 p. - Cote 297/156

Armed conflict, today, has diverged from war as it was known in generations past, and from this, has tested the means by which conflicts and violence are regulated. Written with an eye to a region plagued by such conflicts, this book examines the origins and roles that two distinct systems of governance – Islamic law and international humanitarian law – have played in conflicts past and present.

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