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## *Contents*

ARMS .....	3
CHILDREN .....	6
CONFLICT-VIOLENCE AND SECURITY .....	7
DETENTION .....	7
ECONOMY .....	9
ENVIRONMENT .....	9
GEOPOLITICS .....	9
HEALTH-MEDICINE .....	11
HISTORY .....	12
HUMAN RIGHTS .....	12
HUMANITARIAN AID .....	13
ICRC-INTERNATIONAL MOVEMENT OF THE RED CROSS AND RED CRESCENT .....	14
INTERNATIONAL CRIMINAL LAW .....	15
INTERNATIONAL HUMANITARIAN LAW-GENERAL .....	16
INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES .....	18
INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION .....	19
INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION .....	20
INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS .....	21
INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT .....	22
MEDIA .....	22
PEACE .....	23
PROTECTION OF CULTURAL PROPERTY .....	23
PUBLIC INTERNATIONAL LAW .....	23
RELIGION .....	24
TERRORISM .....	24
WOMEN-GENDER .....	25

## **ARMS**

**Autonome unbemannte bewaffnete Luftsysteme im Lichte des Rechts des internationalen bewaffneten Konflikts : Anforderungen an das Konstruktionsdesign und Einsatzbeschränkungen / von Robin Borrmann.** - Berlin : Duncker and Humblot, 2014. - 321 p. ; 24 cm. - (Schriften zum Völkerrecht ; Bd. 206). - Bibliographie : p. 290-318. Index. - ISBN 9783428143504

070/109

**Autonomous attack : opportunity of spectre ? / Bill Boothby.** - In: Yearbook of international humanitarian law, Vol. 16, 2013, p. 71-88. - Bibliographie : p. 88

This article tackles the tricky legal issues associated with autonomy and automation in attack. Having clarified the meanings of these notions, the implications of the rules of weapons law for such technologies are assessed. More challenging issues seem, however, to be raised by the law of targeting, and in particular by the evaluative assessments that are required of attackers, for example in relation to the precautions in attack prescribed by Additional Protocol I. How these rules can sensibly be applied when machines are undertaking such decision-making is therefore addressed. Human Rights Watch has called for a comprehensive ban on autonomous attack technologies and the appropriateness of such a proposal at the present stage of technological development is therefore assessed. The article then seeks to draw conclusions.

**Autonomous weapon systems under international law / researched and written by Nathalie Weizmann.** - [Genève] : Geneva Academy of International Humanitarian Law and Human Rights, November 2014. - 27 p. : tabl. ; 30 cm. - (Academy Briefing ; no. 8). - Photocopies. - ISBN 9782970086680

This Briefing focuses on the international legal implications of developing and using autonomous weapon systems. Section A considers autonomous weapon systems with respect to the law that governs inter-state use of force (*jus ad bellum*). Section B considers their legality under the international law of law enforcement. Section C assesses their use in armed conflicts under international humanitarian law, notably in regard to the rules on distinction, proportionality, and precautions in attack. Section D examines the international obligation to conduct a legal review of autonomous weapon systems. Section E considers the issue of accountability. A final section offers brief concluding remarks.

341.67/56(Br.)

**Autonomous weapons and human responsibilities / Jack M. Beard.** - In: Georgetown journal of international law, Vol. 45, issue 3, 2014, p. 617-681. - Photocopies

Although remote-controlled robots flying over the Middle East and Central Asia now dominate reports on new military technologies, robots that are capable of detecting, identifying, and killing enemies on their own are quietly but steadily moving from the theoretical to the practical. The enormous difficulty in assigning responsibilities to humans and states for the actions of these machines grows with their increasing autonomy. These developments implicate serious legal, ethical, and societal concerns. This Article focuses on the accountability of states and underlying human responsibilities for autonomous weapons under International Humanitarian Law or the Law of Armed Conflict. After reviewing the evolution of autonomous weapon systems and diminishing human involvement in these systems along a continuum of autonomy, this Article argues that the elusive search for individual culpability for the actions of autonomous weapons foreshadows fundamental problems in assigning responsibility to states for the actions of these machines. It further argues that the central legal requirement relevant to determining accountability (especially for violation of the most important international legal obligations protecting the civilian population in armed conflicts) is human judgment. Access to effective human judgment already appears to be emerging as the deciding factor in establishing

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practical restrictions and framing legal concerns with respect to the deployment of the most advanced autonomous weapons.

341.67/60(Br.)

**Banning the bang or the bomb ? : negotiating the nuclear test ban regime / ed. by Mordechai Melamud, Paul Meerts, and I. William Zartman.** - Cambridge : Cambridge University Press, 2014. - XVII, 373 p. : cartes, tabl., graph., diagr., ; 24 cm. - Bibliographies. Index. - ISBN 9781107044005

Contient notamment : Historical context and steps to implement the CTBT / P. S. Corden. - The negotiating process, 1994-1996 : a view from the chair / J. Ramaker. - Nuclear Test Ban Treaty implementation / H. Haak. - Enhance the legal status of the CTBTO pending the treaty entry into force / F. Cede

341.67/755

**Drone warfare / John Kaag and Sarah Kreps.** - Cambridge ; Malden : Polity, 2014. - IX, 195 p. : graph., tabl.. - (War and conflict in the modern world). - Index. - ISBN 9780745680989

341.67/756

**A game of drones : the legality of the use of unmanned aerial vehicles in targeted strikes and targeted killings / Parthan Shiv Vishvanathan**

The use of unmanned aerial vehicles, colloquially known as drones, by the United States of America is not a new phenomenon. However, while military forces have used these remotely piloted drones for decades, it is over the last decade that they have seen use as an offensive weapon used for military attacks. While currently drones still require human 'operators' it is foreseeable that these drones will in the future be programmed to be increasingly autonomous. The use of these pilotless drones in active combat raises several ethical, moral and legal questions that must be answered. The aim of this paper is to answer the legal question of whether the use of these drones in targeted killings violates the rules in international humanitarian law.

341.67/40(Br.)

**Humanitarian security regimes / Denise Garcia.** - In: *International affairs*, Vol. 91, no. 1, January 2015, p. 55-75

This article introduces a novel concept, humanitarian security regimes, and enquires under what conditions they arise and what is distinctive about them. Humanitarian security regimes are driven by altruistic imperatives aiming to prohibit and restrict behaviour, impede lethal technology or ban categories of weapons through disarmament treaties; they embrace humanitarian perspectives that seek to prevent civilian casualties, precluding harmful behavior, protecting and ensuring the rights of victims and survivors of armed violence. The article explores how these regimes appear in the security area, usually in opposition to the aspirations of the most powerful states. The existing regimes literature has mostly taken a functional approach to analyzing cooperation, lacks a humanitarian hypothesis and does not explore the emergence of new regimes in the core area of security. The author argues that in the processes of humanitarian security regime-making, it is the national interest that is restructured to incorporate new normative understandings that then become part of the new national security aspirations. This article intends to fill this gap and its importance rests on three reasons. First, security areas that were previously considered to be the exclusive domain of states have now been the focus of change by actors beyond the state. Second, states have embraced changes to domains close to their national security (e.g. arms) mostly cognizant of humanitarian concerns. Third, states are compelled to re-evaluate their national interests motivated by a clear humanitarian impetus. Three conditions for the emergence of

humanitarian security regimes are explained: marginalization and delegitimization; multilevel agency, and reputational concerns.

**The Middle East and the atom : continued anarchy or a regional nuclear energy community ? / Grégoire Mallard... [et al.].** - In: *Global governance : a review of multilateralism and international organizations*, Vol. 20, no. 4, Oct.-Dec. 2014, p. 499-544

Contient : The Middle East at a crossroads : how to face the perils of nuclear development in a volatile region / G. Mallard and P. Foradori. - Regionalizing nuclear energy in the Middle East : making progress on the nuclear- and WMD-free zone / M. I. Shaker. - The solution to the Iranian nuclear crisis and its consequences for the Middle East / S. H. Mousavian.

**Nuclear weapons under international law / ed. by Gro Nystuen, Stuart Casey-Maslen and Annie Golden Bersagel.** - Cambridge : Cambridge University Press, 2014. - XVIII, 503 p. : carte, tabl. ; 24 cm. - Index. - ISBN 9781107042742

341.67/757

**On limited nuclear war in the 21st century / ed. by Jeffrey A. Larsen and Kerry M. Kartchner.** - Stanford : Stanford Security Studies, 2014. - XXV, 282 p. : tabl., graph., carte ; 23 cm. - Index. - ISBN 9780804790895

Contient notamment : The origins of limited nuclear war theory / A. L. Ross. - Future scenarios of limited nuclear conflict / T. G. Mahnken. - The end of the nuclear taboo ? / G. H. Quester. - Limited nuclear conflict and the American way of war / J. M. Smith.

341.67/754

**Unacceptable risk : use of explosive weapons in populated areas through the lens of three cases before the ICTY / Maya Brehm ; ed. : Roos Boer, Frank Slijper.** - Utrecht : Pax, November 2014. - 85 p. : carte, fotogr., graph. ; 30 cm. - Photocopies. - ISBN 9789070443788

This report examines how military experts assessed the acceptability of explosive weapon use in three cases brought before the Yugoslavia Tribunal (ICTY). The report finds that many experts considered weapons like unguided rockets and grenades inappropriate to use in a city. But the report also finds that existing legal rules for the protection of civilians leave much room for differing interpretations.

341.67/59(Br.)

**Weaponising neurotechnology : international humanitarian law and the loss of language / Gregor Noll.** - In: *London review of international law*, Vol. 2, issue 2, 2014, p. 201-231

In recent years, research on military applications of neuroscience has grown in sophistication, raising the question as to whether states using weapon systems that draw on neuroscience are capable of applying international humanitarian law (IHL) to that use. This article argues that neuroweapons largely eliminate the role of language in targeting, render unstable the distinction between superior and subordinate, and ultimately disrupt the premise of responsibility under IHL. It concludes that it is impossible to assess whether future uses of these weapons will be lawful under IHL.

341.67/45(Br.)

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## **CHILDREN**

**Breaking imaginary barrier : obligations of armed non-state actors under general human rights law : the case of the Optional Protocol to the Convention on the Rights of the Child / Seira Yun.** - In: *Journal of international humanitarian legal studies*, Vol. 5, issue 1-2, 2014, p. 213-257

This paper seeks to clarify the confusions regarding the relationships between international human rights law and international humanitarian law, the principle of equality of belligerents, and the use of the term “should” in treaties. For this purpose, it examines, as a case study, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, on which doctrine is divided whether Article 4(1) thereof is binding on armed non-State actors. First, this paper reconceptualizes international humanitarian law as a subset of international human rights law, which share the same purpose, mutually reinforce, and depend on each other. Second, drawing on the customary rules of treaty interpretation under the Vienna Convention on the Law of Treaties and through a comprehensive analysis of the authentic texts in other languages and the travaux préparatoires, it argues that the term “should” in the operative part of treaties always creates legally binding obligations and that the equality principle does not strictly apply to norms applicable during peacetime. As such, despite its use of “should” and differential treatment between States and armed non-State actors, Article 4(1) of the Protocol creates a direct human rights obligation on armed non-State actors.

**International law and child soldiers / Gus Waschefort.** - Oxford ; Portland : Hart publishing, 2015. - X, 254 p. : tabl., diagr. ; 24 cm. - (Studies in international law ; vol. 53). - Bibliographie : p. 221-246. Index. - ISBN 9781849465205

This book commences with an analysis of the current state of child soldiering internationally. Thereafter the proscriptive content of contemporary norms on the prohibition of the use and recruitment of child soldiers is evaluated, so as to determine whether these norms are capable of better enforcement. An 'issues-based' approach is adopted, in terms of which no specific regime of law, such as international humanitarian law (IHL), is deemed dominant. Instead, universal and regional human rights law, international criminal law and IHL are assessed cumulatively, so as to create a mutually reinforcing web of protection. Ultimately, it is argued that the effective implementation of child soldier prohibitive norms does not require major changes to any entity or functionary engaged in such prevention; rather, it requires the constant reassessment and refinement of all such entities and functionaries, and here, some changes are suggested. International judicial, quasi-judicial and non-judicial entities and functionaries most relevant to child soldier prevention are critically assessed. Ultimately the conclusions reached are assessed in light of a case study on the use and recruitment of child soldiers in the Democratic Republic of the Congo.

362.7/402

**The right to health of the child : an analytical exploration of the international normative framework / Sarah Ida Spronk-van der Meer.** - Cambridge [etc.] : Intersentia, 2014. - XIX, 345 p. : tabl. ; 24 cm. - Bibliographie : p. 301-333. - ISBN 9781780682723

362.7/402

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## **CONFLICT-VIOLENCE AND SECURITY**

**The criminology of war / ed. by Ruth Jamieson.** - Farnham ; Burlington : Ashgate, 2014. - XXXV, 553 p. ; 25 cm. - (International library of criminology, criminal justice and penology - second series). - Bibliographies. Index. - ISBN 9780754623946

Contient notamment : Criminalizing war : criminology as ceasefire / V. Ruggiero. - The transformation of violence in Iraq / P. Green and T. Ward. - Abu Ghraib : imprisonment and the war on terror / A. F. Gordon. - War and rape : a preliminary analysis / R. Seifert. - A continuum of violence : gender, war and peace / C. Cockburn. - "I didn't want to die so I joined them" / R. Maclure and M. Denov.

345.2/966

**The war report : armed conflict in 2013 / ed. by Stuart Casey-Maslen.** - Oxford : Oxford University Press, 2014. - XLIX, 593 p. : tabl. ; 25 cm. - Index. - ISBN 9780198724681

This War Report provides detailed information on every armed conflict which took place during 2013, offering an unprecedented overview of the nature, range, and impact of these conflicts and the legal issues they created. In Part I, the Report describes its criteria for the identification and classification of armed conflicts under international law, and the legal consequences that flow from this classification. It sets out a list of armed conflicts in 2013, categorizing each as international, non-international, or a military occupation, with estimates of civilian and military casualties. In Part II, each of the 28 conflicts identified in Part I are examined in more detail, with an overview of the belligerents, means and methods of warfare, the applicable treaties and rules, and any prosecutions for, investigations into, or robust allegations of war crimes. Part III of the Report provides detailed thematic analysis of key legal developments which arose in the context of these conflicts, allowing for a more in-depth reflection on cross-cutting questions and controversies. The topics under investigation in this Report include US policy on drone strikes, the use of chemical weapons in Syria, the protection of persons with a disability, and national and international war crimes trials. The Report gives a full and accessible overview of armed conflicts in 2013, making it the perfect first port of call for everyone working in the field.

355/1018(2013)

## **DETENTION**

**Beyond process : the material framework for detention and the particularities of non-international armed conflict / Ramin Mahnad.** - In: Yearbook of international humanitarian law, Vol. 16, 2013, p. 33-51. - Bibliographie : p. 51

Deprivation of liberty in non-international armed conflict (NIAC) has suffered no shortage of attention over the last decade with issues surrounding the legal basis and procedural requirements for detention having received the most focused attention. In the course of these debates, international lawyers have looked to rules found in international humanitarian law (IHL) applicable in international armed conflict (IAC) for guidance, and many have argued that as a matter of either law or policy, the procedural aspects of detention in NIAC should be approached in a similar manner. As these discussions have evolved, their focus on grounds and procedure has left another core aspect of IHL relatively unnoticed, along with its potential role in the evolution of NIAC detention law and policy: in addition to providing a procedural framework for detention in armed conflict, IHL also provides material framework for detention that addresses the physical conditions in which detainees are to be held and the way detention and detention facilities are managed. It is often overlooked that in IAC, IHL's accounting for the unique situation of armed conflict does not stop at the right to detain or the grounds and

procedures for doing so, but also informs extensive rules on the material aspects of detention. The result is a series of essential and unique protections—often going beyond those found in human rights law—designed to address specific vulnerabilities caused by armed conflict. This article calls attention to this aspect of IHL and asks whether the logic and reasoning that informs the material framework for detention established by the Geneva Conventions should have a role to play in the evolution of law and policy governing the material framework for detention in NIAC.

**The Copenhagen Process and the Copenhagen Process Principles and Guidelines on the Handling of Detainees in International Military Operations : challenges, criticism, and the way ahead / Thomas Winkler.** - In: *Journal of international humanitarian legal studies*, Vol. 5, issue 1-2, 2014, p. 258-288

The article describes some of the key legal questions and challenges encountered and dealt with during the Copenhagen Process on Handling of Detainees in International Military Operations, including the relationship between international humanitarian law and international human rights law. It also addresses some of the criticism directed at the process, and looks at the way ahead for ensuring the best possible protection of individuals detained during international military operations. The article concludes that the Copenhagen Process Principles and Guidelines does constitute an important step forward in that regard, and that application of the Principles and Guidelines by the participants and the international community more broadly, including by the United Nations Security Council, is paramount in ensuring this common goal.

**The Copenhagen process : principles and guidelines / Jacques Hartmann.** - In: *Yearbook of international humanitarian law*, Vol. 16, 2013, p. 3-32. - Bibliographie : p. 30-32

This article analyses the outcome of the "Copenhagen Process on the Handling of Detainees in International Military Operations": a five-year multi-stakeholder effort to develop principles and good practices on detention in international military operations. The Process concluded in 2012 when 18 States "welcomed" a set of non-binding "Principles and Guidelines." The Principles and Guidelines address uncertainties surrounding the legal basis for the detention, treatment, and transfer of detainees during international military operations, drawing on both human rights and international humanitarian law. This article comments on the Principles and Guidelines, shedding some light on the context in which they were developed and adopted.

**A dialogue : ethics, law, and the question of detention in non-international armed conflicts / James Turner Johnson.** - In: *Yearbook of international humanitarian law*, Vol. 16, 2013, p. 53-68. - Bibliographie : p. 68

This chapter begins with the observation that non-international armed conflicts pose serious challenges to the efforts to regulate war in both international law and recent ethical discourse, and argues that neither has responded well to these challenges. Various problems in both are identified. The second part of the chapter examines the historical conception of just war accepted as consensual in the West from the high Middle Ages till early in the modern period, arguing that it provides a helpful frame for thinking ethically about non-international armed conflicts. The third section of the chapter carries this reasoning forward, applying it to non-international armed conflicts generally and to the problem of detention in such conflicts specifically.

**Legitimacy and compliance with international law : access to detainees in civil conflicts, 1991-2006 / Hyeran Jo and Catarina P. Thomson.** - In: *British journal of political science*, Vol. 44, issue 2, April 2014, p. 323-355 : tabl., graph.

Existing compliance research has focused on states' adherence to international rules. This article reports on state and also non-state actors' adherence to international norms. The analysis of warring parties' behaviour in granting the International Committee of the Red Cross (ICRC) access to detention centres between 1991 and 2006 shows that both governments and

rebel groups adhere to the norm of accepting the ICRC in order to advance their pursuit of legitimacy. National governments are more likely to grant access when they are democracies and rely on foreign aid. Insurgent groups are more likely to grant access when they exhibit legitimacy-seeking characteristics, such as having a legal political wing, relying on domestic support, controlling territory and receiving transnational support.

400/153(Br.)

**La protection des prisonniers de guerre en droit international humanitaire / Catherine Maia, Robert Kolb et Damien Scalia.** - Bruxelles : Bruylant, 2015. - IV, 643 p. ; 24 cm. - (Organisation internationale et relations internationales ; 78). - Bibliographie : p. 559-638. - ISBN 9782802744962

400.21/470DEP

## **ECONOMY**

**The politics of conflict economies : miners, merchants and warriors in the African borderland / Morten Boas.** - London ; New York : Routledge, 2015. - XXI, 162 p. ; 24 cm. - (Routledge advances in international relations and global politics ; 118). - Bibliographie : p. 149-159. Index. - ISBN 9780415580847

330/264

## **ENVIRONMENT**

**Oil, domestic conflict, and opportunities for democratization / Jeff D. Colgan.** - In: Journal of peace research, Vol. 52, no. 1, 2015, p. 3-16 : tabl.. - Photocopies. - Bibliographie : p. 15-16

363.7/157(Br.)

## **GEOPOLITICS**

**Les acteurs internationaux dans la crise ivoirienne / Jacob Amino Assoumba.** - Paris : L'Harmattan, 2014. - 532 p. : fac-sim., cartes, photogr. ; 24 cm. - Bibliographie : p. 505-524. - ISBN 9782343018812

323.11/CIV7

**Burmese lives : ordinary life stories under the Burmese regime / ed. by Wen-Chin Chang, Eric Tagliacozzo.** - Oxford [etc.] : Oxford University Press, 2014. - VIII, 268 p. : fotogr., tabl., cartes, diagr. ; 24 cm. - Bibliographies. Index. - ISBN 9780199335046

Contient notamment : **Burmese and Muslim : Islam and the Hajj in the Sangha State / E. Tagliacozzo.** - **By sea and by Land : Stories of two Chinese traders / W. - C. Chang.** - **From the "loyal" to the "revolutionary" Karen : looking at Burma's post-independent eras / A. Maung Thawngmung**

323.13/MMR11

**From the pit to the market : politics and the diamond economy in Sierra Leone / Diane Frost.** - Woodbridge : J. Currey, 2012. - XXI, 226 p. : tabl., fotogr., fac-sim. ; 22 cm. - (African issues). - Bibliographie : p. 203-220. Index. - ISBN 9781847010605

323.11/SLE12

**Krise der Neutralität? / Max Huber.** - In: Schweizer Monatshefte, hf. 1, April 1957, 37. Jr. - Exposé

323.14CH

**La guerre de Corée et ses enjeux stratégiques de 1950 à nos jours / sous la dir. de Pierre Journoud ; avec la collab. d'Antoine Bondaz, Jeanne Briand et Laurent Quisefit ; préf. d'Alain Delissen.** - Paris : L'Harmattan, 2013. - 478 p. : tabl., cartes, graph., ill. ; 24 cm. - (Inter-National). - Bibliographie : p. 425-449. Chronologie. - ISBN 9782343024561

Contient notamment : Le travail humanitaire et la guerre de Corée : la Croix-Rouge internationale dans le camp de Kojedo / J. Briand. - L'arrestation et l'internement des civils étrangers de Séoul en Corée du Nord pendant le conflit coréen, 1950-1953 / L. Quisefit. - Les conséquences économiques de la guerre : la Corée du Sud de 1950 à 1979, de l'économie assistée au take off / R. R. Park-Barjot. - La prochaine guerre de Corée sera-t-elle nucléaire ? / M. Peron-Doise.

323.13/KOR11

**The Korean war / Max Hastings.** - London [etc.] : Pan Books, 2010. - XXII, 576 p., [32] p. de fotogr. : cartes ; 20 cm. - (Pan military classics series). - Bibliographie : p. 535-540. Index. - ISBN 9780330513654

323.13/KOR12

**Libye : de la révolution au chaos / Ali Bensaâd... [et al.].** - In: Moyen-Orient : géopolitique, géoéconomie, géostratégie et sociétés du monde arabo-musulman, No 25, janvier-mars 2015, p. 15-61 : fotogr., graph., cartes

Contient notamment : Les trajectoires chaotiques d'une reconstruction étatique / A. Bensaâd. - Une société en recomposition après quatre décennies de dictature / K. al-Marache. - Violence, milices et fracture ethnique à Sabha / R. Tabib. - Les tumultueuses relations de la Libye avec ses voisins / P. Vermeren.

**Middle Eastern security, the US pivot and the rise of ISIS / ed. by Toby Dodge and Emile Hokayem.** - In: Adelphi, 447-448, December 2014, 256 p. : graph.

Contient notamment : The crisis of the Iraqi state / T. Dodge and B. Wasser. - Iran, the Gulf States and the Syrian civil war / E. Hokayem. - Is Russia an outside power in the Gulf ? / S. Charap. - China and the Middle East / A. Neill. - Securing Middle East oil / P. Noël.

**Paper tigers : China's nuclear posture / Jeffrey Lewis.** - In: Adelphi, 446, 2014, 158 p. : tabl.. - Index

**Religion, conflict and peace in Sri Lanka : the politics of interpretation of nationhoods / Jude Lal Fernando.** - Zürich ; Münster : Lit, 2013. - XVIII, 362 p. ; 24 cm. - (Theology, ethics and interreligious relations ; vol .2). - Bibliographie : p. 345-362. - ISBN 9783643904287

323.13/LKA12

**Surmonter la crise en Centrafrique / Jean-Arnold de Clermont.** - In: *Etudes : revue de culture contemporaine*, No 4213, février 2015, p. 7-17

**The Taliban revival : violence and extremism on the Pakistan-Afghanistan frontier / Hassan Abbas.** - New Haven ; London : Yale University Press, 2014. - 280 p., [8] p. de fotogr. : cartes, ; 24 cm. - Bibliographie : p. 260-262. Index. - ISBN 9780300178845

323.13/AFG28

**Ukraine : histoires d'une guerre : 21 novembre 2013 - 5 septembre 2014 / Michel Segal ; préf. de Vineyardsaker.fr.** - [Marseille] : Autres temps, 2014. - 268 p. ; 21 cm. - (Polémiques). - ISBN 9782845215108

323.14/UKR3

**Die Ukraine-Krise / Ute Finckh-Krämer... [et al.].** - In: *Die Friedens-Warte : journal of international peace and organization*, Bd. 89, H. 1-2, 2014, p. 17-290 : tabl.. - Bibliographies

Contient notamment : *Debatte : Aussenpolitische Konsequenzen aus der Krise ? / U. Finckh-Krämer, M. Sarrazin.* - *Die Ukraine-Krise : Geopolitik und Identität im Verhältnis zwischen Russland und dem Westen / A. Pradetto.* - *Emerging from the shadow : the Ukrainian-Russian crisis and the OSCE's contribution to the European security architecture / A. Gawrich.* - *Ungebetene Gäste : zum Eingreifen auf Einladung in der Ukraine 2014 / H. Krieger*

**Der völkerrechtliche Status der Krim und ihrer Bewohner / Hans-Joachim Heintze.** - In: *Die Friedens-Warte : journal of international peace and organization*, Bd. 89, H. 1-2, 2014, p. 153-179. - Bibliographie : p. 177-179

**The war machines : young men and violence in Sierra Leone and Liberia / Danny Hoffman.** - Durham ; London : Duke University Press, 2011. - XXII, 295 p. : fotogr., fac-sim. ; 24 cm. - (The cultures and practice of violence series). - Bibliographie : p. 273-287. Index. - ISBN 9780822350774

323.11/41

**The warrior state : Pakistan in the contemporary world / T. V. Paul.** - Oxford [etc.] : Oxford University Press, 2014. - XII, 253 p. : cartes, tabl. ; 25 cm. - Index. - ISBN 9780199322237

323.13/PAK14

## **HEALTH-MEDICINE**

**First do no harm : medical ethics in international humanitarian law / by Sigrid Mehring.** - Leiden ; Boston : Brill Nijhoff, 2015. - XII, 500 p. : tabl. ; 24 cm. - (International humanitarian law series ; vol. 44). - Bibliographie : p. 445-495. Index. - ISBN 9789004279155

Although working on the sidelines of armed conflicts, physicians are often at the centre of attention. *First Do No Harm: Medical Ethics in International Humanitarian Law* was born from the occasionally controversial role of physicians in recent armed conflicts and the legal and ethical rules that frame their actions. While international humanitarian, human rights and criminal law provide a framework of rights and obligations that bind physicians in armed conflicts, the reference to 'medical ethics' in the laws of armed conflict adds an extra-legal layer. In analysing both the legal and the ethical framework for physicians in armed conflict, the book is invaluable to practitioners and legal scholars alike.

356/268

**Promoting access to health care in "other situations of violence" : time to reignite the debate on international regulation / Eve Massingham, Kelisiana Thynne.** - In: *Journal of international humanitarian legal studies*, Vol. 5, issue 1-2, 2014, p. 105-129

In the last ten years or so, the international community has seen an increase in the suppression of revolutionaries or insurrectionists by authoritarian regimes. There has also been a growing urbanisation of violence, in which gangs infiltrate urban societies due to a lack of provision of State services. This landscape of violence continually morphs from one dominated by armed conflicts (to which international humanitarian law (ihl) applies) to one that increasingly involves 'other situations of violence' which fall short of the threshold of armed conflict (and which are not regulated by ihl). These 'other situations of violence', whilst wildly disparate in many ways, share the tragedy (also shared with armed conflict) of the impediments they place on access to health care by those left vulnerable as a result of the breakdown of domestic legal order. This paper reviews existing laws and principles, which could apply to 'other situations of violence' such as those found in ihl and human rights law. It makes the case that an international framework could have a stronger presence in the regulation of 'other situations of violence', in order to ensure the protection of those who need it most.

## HISTORY

**1944 : Maison de Verre, musée mémorial / Fondation Carl Lutz.** - Budapest : Fondation Carl Lutz, [s.d.]. - 68 p. : fotogr., fac-sim. ; 25 cm. - Chronologie

La Maison de Verre à Budapest est un symbole internationale de courage moral. En 1944, sous la protection diplomatique du vice-consul suisse Carl Lutz et avec la contribution des activistes juifs, la Maison a été un centre de protection pour des milliers de personnes et a permis d'en sauver bien plus encore.

94/527

**The G-word : the Armenian massacre and the politics of genocide / Thomas de Waal.** - In: *Foreign Affairs*, Vol. 94, no. 1, January/February 2015, p. 136-148 : fotogr.

**Souvenirs de la campagne de Garibaldi dans le Tyrol en 1866 / par Louis Appia.** - In: *L'ame de la jeunesse*, [1866], 23 p.

94/245

## HUMAN RIGHTS

**Facilitating peaceful protests / written by Milena Costas Trascasas and Stuart Casey-Maslen.** - [Genève] : Geneva Academy of International Humanitarian law and Human Rights, January 2014. - 33 p. ; 30 cm. - (Academy Briefing ; no. 5). - Photocopies. - ISBN 9782970086635

In societies that are experiencing economic hardship or political repression, protests are unavoidable. Peaceful protests should be understood as an expression of individual and collective freedom which is essential to the exercise of personal liberty and vital to the life of a democracy. A state that obstructs or prevents peaceful protests, deems them unlawful, or uses force to disperse or deter them, is not only violating the right to freedom of assembly but also creating conditions that invite violence. It is in the state's own interest to ensure that protests can occur, and that they can occur peacefully. The right of assembly for the purpose of peaceful protest has become an increasingly pressing public issue. This Academy Briefing seeks to establish how states can responsibly discharge their obligation not only to allow but also to facilitate it.

345.1/116(Br.)

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**Institutional approach between IHL and IHRL : current trends in the jurisprudence of the Inter-American Court of Human Rights / Elizabeth Salmón.** - In: *Journal of international humanitarian legal studies*, Vol. 5, issue 1-2, 2014, p. 152-185

Recently, the interaction between international human rights law (IHRL) and international humanitarian law (IHL) has been significantly developed by the jurisprudence of the Inter-American Court of Human Rights (IACtHR). This article analyzes this recent trend from the cases of the Santo Domingo Massacre and Afro communities displaced from the Cacarica River Basin (Operation Genesis) of this tribunal to assert its competence not only to use IHL to interpret the Inter-American human rights instruments but, at the same time, to approach a direct use of humanitarian standards, which creates a gray area between the interpretation and application of such area of law. In doing so, the Court resorts to the *lex specialis*, if the IHL norm is the most specialized for the case, and uses IHL to a limited extent, only to expand the content of human rights, but not to judge on possible violations of IHL, which results in a methodology of pick and choose of IHL provisions.

**The relationship between economic, social, and cultural rights and international humanitarian law / Gilles Giacca.** - Oxford : Oxford University Press. - p. 308-342. - In: *Economic, social, and cultural rights in international law : contemporary issues and challenges.* - Photocopies

This chapter first explores the meaning of economic, social, and cultural (ESC) rights from the perspective of international humanitarian law (IHL). It then examines the general articulation of both human rights law and IHL. It moves, next, to the relevance of ESC rights in the application of IHL. As the UN human rights bodies develop their approach on the application of human rights law in armed conflict, we are likely to see terms and rules of IHL being complemented or interpreted in the light of the developing law in this area. Finally, the role of IHL in the interpretation of ESC rights is examined to understand how the UN Committee on ESC Rights, as well as other mechanisms, have referred directly or indirectly to IHL rules in practice in order to interpret or define the content of certain rights.

345.1/109(Br.)

**Some thoughts on the relationship between international humanitarian law and international human rights law : a plea for mutual respect and a common-sense approach / Terry D. Gill.** - In: *Yearbook of international humanitarian law*, Vol. 16, 2013, p. 251-266. - Bibliographie : p. 265-266

This essay provides a commentary on the ongoing discussion of the relationship between the two legal regimes and attendant paradigms of hostilities and law enforcement in armed conflict. The discussion has, to an extent, taken the form of a disconnect between the IHL and IHRL communities. In order to get past this, a plea is made here to apply basic well established tools of legal methodology, to apply both regimes within their respective scope of application and to utilise common sense in determining which regime is the most relevant to a particular situation. This is in the interest of legal coherence and maintaining respect for the law, as well as in the interest of the persons the law is meant to protect.

## **HUMANITARIAN AID**

**Non-state actors and the evolution of humanitarian norms : implications of the Sphere Charter in health and nutrition relief / Shahla Ali, Tom Kabau.** - In: *Journal of international humanitarian legal studies*, Vol. 5, issue 1-2, 2014, p. 70-104

The Sphere Humanitarian Charter, a self-regulation instrument of humanitarian non-State actors, establishes principles and minimum standards in the provision of humanitarian assistance in select vital life-saving relief activities, especially in nutrition and health. The

Charter articulates principles and minimum standards for facilitating the achievement of rights and obligations enshrined in various international legal “soft law” instruments. Due to the multiplicity of international legal instruments, the Sphere Charter provides a tool for a coherent understanding and application of relevant obligations, and therefore increases accountability and efficiency. The Sphere Charter bold human rights based approach to humanitarian assistance, including its articulation of a right to receive humanitarian assistance, may contribute to the evolution of the international legal regime into a more “victim centered” system. The central argument postulated in this article is that although the Sphere Charter is not a binding legal instrument, it has significant normative value that may contribute to progressive developments in the legal regime governing humanitarian assistance, and is particularly helpful in improving accountability and quality in the provision of nutrition and health relief. The Sphere Charter framework for local participation is particularly viewed as significant in engendering accountability in relief activities.

**The US Humanitarian Assistance Facilitation Act : maintaining humanitarian space in US legislation / Antonio Galli.** - In: *Journal of international humanitarian legal studies*, Vol. 5, issue 1-2, 2014, p. 130-151

United States (US) counter-terrorism measures - including the us Code on material support, sanction regimes and donor restrictions - have the unintentional affect of constraining humanitarian action. Under current us law, incidental financial transactions with designated entities, even when necessary for the provision of purely humanitarian aid, are prohibited. Engagement to ensure the protection of civilians, gain access to vulnerable populations, ensure staff security or coordinate the implementation of humanitarian programmes that could be considered “training [...] or expert advise” would similarly be subject to individual criminal liability under us jurisdiction. In contexts where designated entities are present, humanitarian actors are potentially faced with undermining their impartiality and neutrality by choosing beneficiaries on criteria other than needs alone, or compromising the principle of humanity by choosing not to provide assistance in certain areas despite potential greater needs there. Passage of the House Resolution 3526, otherwise known as the Humanitarian Assistance Facilitation Action, would decriminalize incidental financial transactions with designated entities, but it would do little to change the legal challenges to a range of other types of humanitarian engagement for the provision of assistance and protection to civilians. It would also not change us donor restrictions that often prevent any direct engagement with designated entities.

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

**Naissance d’une idée : la fondation du Comité international de la Croix-Rouge et celle du Mouvement international de la Croix-Rouge et du Croissant-Rouge : de Solférino à la première Convention de Genève (1859-1864) / François Bugnion.** - In: *Revue internationale de la Croix-Rouge : sélection française*, Vol. 94, 2012/4, p. 113-147 : portr., fotogr., fac-sim.

Confronté à l’horreur d’un champ de bataille et témoin de l’abandon des blessés de guerre, Henry Dunant a su tirer de ce traumatisme deux idées de génie : la création de sociétés de secours volontaires permanentes et l’adoption d’un traité protégeant les militaires blessés et tous ceux qui s’efforcent de leur venir en aide. À l’initiative de Gustave Moynier, un Comité se forme à Genève pour mettre en oeuvre les propositions de Dunant. Ce Comité - qui prendra bientôt le nom de Comité international de la Croix-Rouge (CICR) - réunit deux conférences internationales, dont la première pose les bases des futures sociétés de secours et dont la seconde adopte la première Convention de Genève. Le présent article vise à retracer les circonstances qui ont conduit à la création du CICR, puis à celle du Mouvement international de la Croix-Rouge et du Croissant-Rouge, de Solférino à l’adoption de la Convention de Genève. 362.191/1315(Br.)

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## **INTERNATIONAL CRIMINAL LAW**

**Enforcement of violations of IHL : the ICTY statute : crimes and forms of liability / Yasmin Naqvi.** - In: *University of Tasmania law review*, Vol. 33, no. 1, 2014, p. 1-27

344/639(Br.)

**Interpreting crimes in the Rome Statute of the International Criminal Court / Leena Grover.** - Cambridge : Cambridge University Press, 2014. - XIV, 459 p. : tabl. ; 24 cm. - Bibliographie : p. 421-444. Index. - ISBN 9781107067721

344/640

**An introduction to the law of international criminal tribunals : a comparative study / Geert-Jan Alexander Kooops.** - Ardsley : Transnational Publishers, 2003. - XXX, 207 p. ; 23 cm. - (International and comparative criminal law series). - Bibliographie : p. XXI-XXIII. Index. - ISBN 9781571053107

344/641

**Le lien de connexité entre le crime et le conflit armé dans la définition des crimes de guerre / Jacques B. Mbokani.** - Bruxelles : La Charte, 2014. - p. 33-46. - In: *Vingt ans de justice internationale pénale*

Les crimes de guerre supposent l'établissement préalable d'un conflit armé. Lorsque ce conflit armé est de caractère non-international, il doit impliquer des groupes armés organisés. L'analyse de l'affaire Unosom II permet de revenir sur le sens de cette expression. La qualification des crimes de guerre peut être appliquée aux civils lorsqu'ils entretiennent des liens avec les combattants, en particulier lorsque, dans le cadre d'un conflit armé, ils s'associent aux militaires ou aux milices pour commettre des crimes contre d'autres civils. Les affaires relatives à la tragédie rwandaise de 1994 jugées par la Cour d'assises de Bruxelles permet d'illustrer cette réalité. Enfin, les crimes de guerre supposent que les violations graves de l'article 3 commun sont perpétrées par un camp contre un autre. C'est ce qui permet d'établir le lien de connexité entre un crime et le conflit armé et d'opérer un distinguo entre les crimes de guerre et les crimes contre l'humanité. Lorsqu'il s'agit des violations graves des droits de l'homme perpétrées par un camp contre ses propres membres, il sera difficile d'établir ce lien de connexité. L'affaire Lumumba permet de revenir sur cet élément.

344/637

**The Mavi Marmara incident and the International Criminal Court / Russell Buchan.** - In: *Criminal law forum*, Vol. 25, issue 3-4, December 2014, p. 465-503

On 15 May 2013 the OTP announced that it was conducting a preliminary examination of the events surrounding Israel's enforcement of its naval blockade against the Mavi Marmara on 31 May 2010 in order to determine whether a formal investigation into the incident should be opened. According to Article 53 of the Rome Statute, the OTP shall open a formal investigation where there is a reasonable basis to believe that (a) the ICC possesses temporal, territorial and subject-matter jurisdiction in relation to the situation, (b) it is admissible before the ICC and (c) that a formal investigation would not be contrary to the interests of justice. The application of this framework to the events that occurred on 31 May 2010 is difficult and complex, especially in regard as to whether the situation can be considered of sufficient gravity to warrant the ICC's attention and whether any of the crimes enumerated in Article 5 of the Rome Statute have been committed. This notwithstanding, I argue that there is a reasonable basis to believe that these criteria are satisfied and therefore conclude by encouraging the OTP to open a formal investigation into the situation.

347.799/155(Br.)

**The practices of apartheid as a war crime : a critical analysis / Paul Eden.** - In: Yearbook of international humanitarian law, Vol. 16, 2013, p. 89-117. - Bibliographie : p. 113-117

The human suffering caused by the political ideology of apartheid in South Africa during the Apartheid era (1948-1994) prompted worldwide condemnation and a variety of diplomatic and legal responses. Amongst these responses was the attempt to have apartheid recognised both as a crime against humanity in the 1973 Apartheid Convention as well as a war crime in Article 85(4)(c) of Additional Protocol I. This article examines the origins, nature and current status of the practices of apartheid as a war crime and its possible application to the Israeli-Palestinian conflict.

**The relationship of international humanitarian law and war crimes : international criminal tribunals and their statutes / Robert Cryer.** - Cambridge : Cambridge University Press. - p. 117-146. - In: Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe

The law of war crimes is not the same as IHL per se, although, the two have large overlaps. There are differences, on both sides, which ought to be borne in mind. Therefore, this contribution looks at how IHL and the law of war crimes have been seen to relate and how one has contributed to the other, with specific reference to the approach of international criminal tribunals to the issue. It does so, after some initial comments about the conceptual relationship between the two, by looking at the extent to which international criminal tribunals have considered themselves to apply their Statutes as determinative of the substantive law they are to apply, or as at least a partial renvoi to IHL (and within that, what version of IHL), and thus, the extent to which their judgments can contribute to our understanding of the latter body of law.

345.2/967

## **INTERNATIONAL HUMANITARIAN LAW-GENERAL**

**[Le Comité international de la Croix-Rouge et la protection des victimes de la guerre (chinois)] / [François Bugnion].** - Qingdao : Qingdao Publishing, [2014]. - 384 p. : fotogr., tabl. ; 25 cm. - Bibliographies. Index. - ISBN 9787555211792

Comment le CICR est-il constitué ? quelles sont les tâches qui lui sont assignées ? quels sont les principes qui guident son action ? telles sont les questions auxquelles le présent ouvrage a pour objet de répondre, en combinant une approche historique et juridique. Par là, l'auteur vise à mettre en lumière les facettes complémentaires du développement de la pratique du CICR et de celui du droit international humanitaire, dont le Comité est à la fois le promoteur et le garant.

345.2/704(CHI)

**Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe / ed. by Caroline Harvey, James Summers and Nigel D. White.** - Cambridge : Cambridge University Press, 2014. - XXIV, 383 p. : portr. ; 24 cm. - Index. - ISBN 9781107063556

The laws of war are facing new challenges from emerging technologies and changing methods of warfare, as well as the growth of human rights and international criminal law. International mechanisms of accountability have increased and international criminal law has greater relevance in the calculations of political and military leaders, yet perpetrators often remain at large and the laws of war raise numerous normative, structural and systemic issues and problems. This edited collection brings together leading academic, military and professional experts to examine the key issues for the continuing role and relevance of the laws of war in the twenty-first century. Marking Professor Peter Rowe's contribution to the subject, this book

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re-examines the purposes of the laws of war and asks whether existing laws found in treaties and customs work to achieve these purposes and, if not, whether they can be fixed by specific reforms or wholesale revision.

345.2/967

**Debates and dichotomies : exploring the presumptions underlying contentions about the geography of armed conflict / Laurie R. Blank.** - In: Yearbook of international humanitarian law, Vol. 16, 2013, p. 297-318. - Bibliographie : p. 317-318

An examination of the growing literature on the topic of the geography of armed conflict suggests that the differences of opinion, between and among academics, policymakers and military lawyers, for example, are nearly intractable. Statements about the propriety of a certain target under the law of armed conflict are often met by pronouncements regarding the role of *jus ad bellum* in cabining the use of force in the territory of another state or the restrictive parameters of the international human rights/law enforcement regime for addressing individuals who pose a threat or danger to others. Indeed, one might easily conclude that the participants in these debates are simply operating in entirely separate analytical paradigms, leading to interesting and challenging intellectual discussions but not to productive conversations that advance the analysis and move beyond the debate to effective potential resolution of a complicated and multi-layered issue. However, unlike pornography or terrorism, where notwithstanding a myriad of different definitions, “you know it when you see it”, little agreement exists even on whether there is a specific, definable geography of armed conflict at all. To help move beyond this impasse, this article explores the presumptions underlying the ongoing debates regarding the geography of armed conflict, in an effort to untangle the debates and provide new opportunities and venues for discussion—and thus to help advance the development of the law of armed conflict and other relevant bodies of law. These presumptions appear in particular in four dichotomies that inherently help drive the debates but are brushed aside or not taken into consideration: law versus policy; authority versus obligation; territory versus threat; and submission of the collective enemy versus elimination of an individual threat. For each or any of these dichotomies, the lens through which one views the contrasting positions will then have a significant—if not determinative—effect on considerations and conclusions regarding questions of geography and the battlefield. As a result, recognizing these dichotomies and understanding how they impact the current discourse is critical to any effective conversation, whether in the academic or policy arenas.

**Development of new rules or application of more than one legal regime ? / Dieter Fleck.** - Cambridge : Cambridge University Press, 2014. - p. 51-70. - In: Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe

345.2/967

**International law, armed conflict and the construction of otherness : a critical reading of Dr. Seuss's "The butter battle book" and a renewed call for global citizenship / John Hursh.** - In: New York law school law review, Vol. 58, no. 3, p. 617-652. - Photocopies

While certainly a powerful critique of nuclear arms proliferation, *The Butter Battle Book* is perhaps even more valuable for its description of how societies progress toward armed conflict. This article examines that process through an international legal framework, questioning when – and even whether – international law generally, or international humanitarian law specifically, could intervene as two states march toward self-annihilation. This article argues that current international law fails to prevent states from reaching such military standoffs. To address this failing, it calls for a progressive international law concerned foremost with human dignity and global citizenship, and less so with strong state sovereignty. Part II provides a concise history of the Yook-Zook conflict, examining the conflict’s root cause, its escalation, and its unresolved conclusion. Part III discusses international law in relation to the Yook-Zook conflict. Focusing on the U.N. Charter and international humanitarian law, this Part addresses whether an armed conflict exists, the crime of aggression, and the legality of nuclear weapons.

Part IV discusses the construction of otherness. This Part examines the process of constructing the other in relation to international law. In addition, this Part asks how a more progressive international law could address the problem of otherness by looking to the Global Peoples Assembly proposed by Richard Falk and Andrew Strauss and the jurisprudential approach of former International Court of Justice Judge Christopher Weeramantry as possible solutions. Part V concludes.

345.2/967(Br.)

**Principles of the laws of war in ancient India and the concept of mitigating armed conflicts through controlled fights / Sanoj Rajan.** - In: *Journal of international humanitarian legal studies*, Vol. 5, issue 1-2, 2014, p. 333-351

While modern international humanitarian law is most directly linked to 19th and 20th century Europe and The Hague and Geneva Conventions, cultures throughout history have developed rules of warfare for the protection of non-combatants and civilian populations. This paper provides an overview of the Dharma-based Hindu and Buddhist norms for conflict in Ancient India, and then proceeds to a detailed examination of the practices of Ankam and Mamamkam on the medieval Malabar Coast from the Sangam period through the rule of the Zamorins of Calicut. Ankams were ad hoc proxy duels between professional fighters conducted to resolve inter-state disputes, while Mamamkam was a periodic contest designed to allow relatively bloodless transfer of power. Both demonstrate an understanding of modern concepts of proportionality, distinction and victims' protection. The paper concludes by enumerating the humanitarian values carried by Ankams and Mamamkam.

**Responsibility to protect and the plenitudinal mindset of international humanitarian law / Christopher R. Rossi.** - In: *Journal of international humanitarian legal studies*, Vol. 5, issue 1-2, 2014, p. 352-395

The Responsibility to Protect is almost fifteen years old and yet opinions diverge widely about its utility as a tool of international humanitarian law. Scholars and diplomats continue to debate its most discussed feature - the secondary responsibility of the international community to aid suffering populations of internal disputes when the host State or United Nations Charter system fails to do the same. This paper argues that much of the current debate is out of focus and at cross purpose and is due to disconnected strands of a plenitudinal mindset in law, found elsewhere as well in humanitarian law, which tend to view humanitarian law either from structural or substantive perspectives, but not from both perspectives. A unified understanding of the plenitudinal mindset re-focuses the discussion around an important common denominator, the need to bridge legal gaps and avoid the appearance of non liquet in the development of international humanitarian law. Disconnected discussions on the Responsibility to Protect are not as disconnected as they appear because opposing views regard as equally odious the silences and gaps of the United Nations Charter system. Borrowing somewhat from social process theory, this paper highlights the need and ability of international humanitarian law to re-forge the broken chain that can strengthen the Responsibility to Protect.

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

**Direct participation and the principle of distinction : squaring the circle / Charles Garraway.** - Cambridge : Cambridge University Press, 2014. - p. 169-190. - In: *Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe*

345.2/967

**The future of article 5 tribunals in the light of experiences in the Iraq war 2003 / Nicholas Mercer.** - Cambridge : Cambridge University Press, 2014. - p. 149-168. - In: Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe  
345.2/967

## **INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION**

**Army legal services and academia / A. P.V. Rogers and Gordon Risius.** - Cambridge : Cambridge University Press, 2014. - p. 30-48. - In: Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe

This chapter is intended to provide a short history of the relationship between serving or retired officers of the Army Legal Services (ALS) and academic lawyers, together with some reflections from the ALS point of view on the usefulness of the relationship and suggestions as to how it might be developed.

345.2/967

**A critical discussion of the second Turkel report and how it engages with duty to investigate under international law / Michelle Lesh.** - In: Yearbook of international humanitarian law, Vol. 16, 2013, p. 119-145. - Bibliographie : p. 144-145

The aim of this article is to reflect upon accountability under international law through the framework of a specific example. The Turkel Commission is a public commission of inquiry appointed by the Government of Israel. It issued its second and final report, which addresses Israel's mechanisms for investigating violations of international law according to the laws of war, in February 2013. The Report primarily focuses on International Humanitarian Law (IHL) but also attends to International Human Rights Law (IHRL). The duty to investigate under international law is an evolving process because treaty law lacks detail, particularly regarding the manner of conducting an investigation. Under IHRL that duty has been enriched by the jurisprudence of regional human rights courts and soft law. Under IHL duty (which is even sparser in detail) it has been aided by state practice and the jurisprudence of international tribunals. The Turkel Report is the first major study on the duty to investigate and it informs much of the analysis of this article. The article provides a descriptive review of the Report and a critical discussion of the way this current national development offers a meaningful contribution to the development of the obligation imposed by international law to investigate alleged violations.

**India and the Additional Protocols of 1977 / Srinivas Burra.** - In: Indian journal of international law, Vol. 53, no. 3, July-September 2013, p. 422-450

A decision by a State not to become a party to a treaty provokes us to explore and identify a set of probable reasons for its refusal. A starting point for the identification of reasons for a State's decision to become or not a party to a treaty is to evaluate the substance and the direct obligations that emanate from the concerned treaty. The present article attempts to engage in such an exercise. It deals with the issue of India's refusal to become a party to the Additional Protocols (APs) of 1977 in the backdrop of a recommendation made by a Committee of Experts in this regard. It deals with five salient features of the two APs which have either strengthened the existing Geneva Conventions of 1949 or added new obligations. A narration of these features intends to identifying those aspects of the two Protocols which would have prevented India from becoming a party to them. It critically analyses the position taken by India with respect to those aspects which are the contribution of the APs. This is primarily based on the positions taken by India during the negotiation of the to Protocols and also its position on related issues at other occasions.

345.22/251(Br.)

**International humanitarian law in the universal periodic review of the UN Human Rights Council : an empirical survey / Lijiang Zhu.** - In: *Journal of international humanitarian legal studies*, Vol. 5, issue 1-2, 2014, p. 186-212

In 2006 the UN General Assembly established the Human Rights Council and its Universal Periodic Review (UPR). The functions and procedures of the UPR were mainly elaborated in Human Rights Council Resolution 5/1, adopted on 18 June 2007. The section of the latter resolution describing the basis upon which States' compliance with human rights obligations and commitments is to be assessed includes a reference to international humanitarian law (IHL). However, IHL is mentioned separately from other bases of review in paragraph 2, and there is debate about whether or not IHL constitutes a basis of review, properly speaking. Nevertheless, the inclusion itself is a positive contribution to IHL in that it incorporated IHL among the standards of reference for the UPR mechanism. An empirical survey of reviews carried out to date shows that States' compliance with their respective IHL obligations have been reviewed in this mechanism, and that those States which were actively opposed to the reference to IHL as basis of review before the adoption of Resolution 5/1 have been shifting to actively make recommendations to other States on the observance of IHL obligations. This demonstrates that IHL has been widely accepted as a basis of review, and that the UPR mechanism has become the only State reporting system in the implementation of IHL.

## **INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION**

**Prosecution of war crimes by invading and occupying forces : applicable legislation and competent courts / Festus M. Kinoti.** - In: *Journal of international humanitarian legal studies*, Vol. 5, issue 1-2, 2014, p. 289-332

The paper considers prosecution of civilians protected under the Fourth Geneva Convention for war crimes, focusing on applicable legislation and competent courts. It first focuses on occupying forces looking at both the issue of applicable legislation and competent courts then shift its focus to invading forces. The paper concludes by briefly recapping its findings and commenting on whether the same strike a proper balance between ensuring prosecution of war criminals and protection of protected civilians.

**Security Council mandates and the use of lethal force by peacekeepers : what place for the laws of war ? / Nigel D. White.** - Cambridge : Cambridge University Press, 2014. - p. 95-116. - In: *Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe*

The chapter explores the gap between the Security Council's mandate and the use of lethal weapons by peacekeepers and its implications for the law applicable to the use of force by peacekeepers. The argument is that the more coercive the mandate becomes, the more it might be expected that peacekeepers use force in accordance with the laws of war. However, the reality is that, unless they (exceptionally) become combatants in an armed conflict, they remain bound by human rights law, specifically, to respect the right to life. The question then becomes whether the human rights legal framework is sufficient to allow peacekeepers to carry out their mandate or whether it is possible to identify a new legal framework as part of an emerging *jus post bellum*?

345.2/967

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

**Civilian social media activists in the Arab Spring and beyond : can they ever lose their civilian protections ? / David Heitner.** - In: *Brooklyn journal of international law*, Vol. 39, issue 3, 2014, p. 1207-1249. - Photocopies

Part I of this Note provides a background of civilian participation in conflict and the use of social media, both before and during the Arab Spring, by examining the dissidents' actions and the regimes' reactions. This examination focuses heavily on the situation in Syria, as its civil war is the closest to a traditional intrastate armed conflict, and dissidents using social media in such a conflict are more likely to cause military harm. Part II addresses the current provisions and interpretations of international law that result in civilian dissidents who use social media, either losing or maintaining their protection from targeting. Part III analyzes and evaluates the different applications of social media activities that may result in the loss of civilian protection in light of the different interpretations of a civilian's direct participation in hostilities. Part IV discusses the strengths and weaknesses of each interpretation of direct participation and propose additional criteria for determining when a social media activist has lost his or her civilian protection. These additional criteria seek to balance a regime's right to defend itself from what could be employed as a new type of military threat against the legitimate rights of a social media activist.

345.29/217(Br.)

**Crossing borders to target Al-Qaeda and its affiliates : defining networks as organized armed groups in non-international armed conflicts / Peter Margulies and Matthew Sinnott.** - In: *Yearbook of international humanitarian law*, Vol. 16, 2013, p. 319-345. - Bibliographie : p. 341-345

Al-Qaeda's dispersal and the rise of regional terrorist groups such as Al-Shabaab in Somalia have raised the stakes for defining an "organized armed group" (OAG). If an entity fails the OAG test, a state may use only traditional law enforcement methods in responding to the entity's violence. Both case law and social science literature support a broadly pragmatic reading of the OAG definition. While the International Criminal Tribunal for the former Yugoslavia (ICTY) has cited factors such as existence of a headquarters and imposition of discipline, ICTY decisions have found organization when evidence was at best equivocal. Moreover, terrorist organizations reveal surprisingly robust indicia of organization. Illustrating this organizational turn, a transnational network like Al-Qaeda operates in a synergistic fashion with regional groups. Moreover, recent news reports have suggested that current Al-Qaeda leader Dr. Ayman al-Zawahiri has attempted to assert operational control over the specific targeting decisions of Al-Qaeda affiliates, although that effort has not been uniformly successful. Furthermore, while Al-Qaeda does not micromanage most individual operations, it exercises strategic influence, e.g., through a focus on targeting Western interests. When such strategic influence can be shown, the definition of OAG is sufficiently flexible to permit targeting across borders. In addition, the doctrine of co-belligerency, borrowed from neutrality law, provides a basis for targeting that is not confined by state boundaries. Even when these indicia are absent, individuals within non-Al-Qaeda groups may be targetable if they engage in coordinated activity with Al-Qaeda.

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

**Cyber warfare and international humanitarian law : a matter of applicability / Evangelia Linaki.** - In: *Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict*, Vol. 27, 4/2014, p. 169-176

This article deals with the notion of "cyber warfare" within the context of international humanitarian law. As a first step, the terms of "cyber warfare" and "cyber attack" are clarified. Subsequently, an effort is made to look into whether and, if so, under what kind of circumstances a cyber operation can trigger or amount to an armed conflict, by employing the traditional distinction between an international armed conflict and a non-international armed conflict. However, two more criteria are suggested - a consequential approach and the affinity of cyber operations with military operations. According to which international humanitarian law would regulate a cyber operation occurring within the context of an existing armed conflict. Lastly, an analysis of cyber incidents - including "Stuxnet" - is provided, which contributes to the identification of the most important challenge international humanitarian law faces with regard to cyber warfare : attribution of conduct.

**International law and drone strikes in Pakistan : the legal and socio-political aspects / Sikander Ahmed Shah.** - London ; New York : Routledge, 2015. - VIII, 247 p. ; 24 cm. - (Routledge research in the law of armed conflict). - Bibliographies. Index. - ISBN 9780415828017

345/672

**"It's a bird ! It's a plane ! It's a non-international armed conflict !" : cross-border hostilities between states and non-state actors / Lindsay Moir.** - Cambridge : Cambridge University Press, 2014. - p. 71-94. - In: *Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe*

345.2/967

## **MEDIA**

**Is journalism the new (inter)national battlefield ? : an analysis of the protection offered to journalists in armed conflict / Isabel Düsterhöft.** - In: *Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict*, Vol. 27, 4/2014, p. 156-168

The important role that journalists play in covering conflicts and the inherent dangers that they face are often overlooked and underestimated. It is clear that journalists and their essential function in reporting on conflicts are misunderstood and that they have become effective targets in waging war. This article looks at the legal protection available to journalists in times of armed conflict, whether these are respected and how they may be improved. The author argues that with the recent deliberate arrests, attacks and murders of journalists, the dynamic of protecting this profession has changed and their deployment to war zones need to be better weighed and prepared.

**Die Rechtsstellung des Kriegskorrespondenten im Völkerrecht / von Yasser Abdelrehim.** - Berlin : Duncker and Humblot, 2014. - 297 p. ; 24 cm. - (Schriften zum Völkerrecht ; Bd. 207). - Bibliographie : p. 274-294. Index. - ISBN 9783428141036

070/110

**Social media and disasters : a functional framework for social media use in disaster planning, response, and research / J. Brian Houston... [et al.].** - In: *Disasters : the journal of disaster studies and management*, Vol. 39, no. 1, January 2015, p. 1-22 : tabl.. - Bibliographie : p. 18-22

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## PEACE

**International peace conferences / by Bertrand G. Ramcharan.** - Leiden ; Boston : Brill Nijhoff, 2015. - X, 275 p. ; 24 cm. - (Nijhoff law specials ; vol. 86). - Bibliographie : p. 267-269. Index. - ISBN 9789004245891

172.4/265

## PROTECTION OF CULTURAL PROPERTY

**Destroying the shrines of unbelievers : the challenge of iconoclasm to the international framework for the protection of cultural property / Kevin D. Kornegay.** - In: *Military law review*, Vol. 221, Fall 2014, p. 153-179

This article seeks to locate the destruction of the Bamiyan Buddhas within the framework of the post-World War II international laws that were developed to prevent the loss, damage, and destruction of cultural property, defined generally as the tangible constituents of cultural heritage. This article argues that the destruction of the Bamiyan Buddhas was a crime under international law and assesses two possible approaches that have been proposed for criminal prosecution of individuals involved in their destruction. One approach would argue that the destruction of the Bamiyan Buddhas violated the human rights of a particular culture or people; the other would argue that the destruction of the Buddhas was a crime against humanity (*crimina juris gentium*). After offering an historical overview of cultural-property protections under international law, this article will place the destruction of the Bamiyan Buddhas in its historical and political context before testing the “rights-based” and “crimes-against-humanity” theories for criminal prosecution of the responsible actors by briefly applying each theory to the facts and circumstances surrounding the destruction of the Buddhas. The article will conclude that a “crimes-against-humanity” approach to prosecutions for willful destruction of cultural property offers greater potential to strengthen the protections afforded to cultural property under international law.

## PUBLIC INTERNATIONAL LAW

**Beyond R2P : a proposed test for legalizing unilateral armed humanitarian intervention / Jeremy A. Haugh.** - In: *Military law review*, Vol. 221, Fall 2014, p. 1-74

**L'indérogeabilité au service de la défense de la dignité humaine / Delphine Olivia Hayim.** - Saarbrücken : Presses Académiques Francophones, 2014. - p. 210-546. - In: *Le concept d'indérogeabilité en droit international : une analyse fonctionnelle des normes indérogeables : entre unité et contingence*

Le concept d'indérogeabilité, bien que d'usage fréquent dans le discours juridique, n'a été que rarement examiné de manière rigoureuse. Les normes, qui ne souffrent d'aucune dérogation, se retrouvent pourtant dans divers domaines du droit international. Cet ouvrage se fonde sur l'étude de trois espaces normatifs dans lesquels cette catégorie semble jouer un rôle central: le jus cogens, les droits humains et finalement, le droit onusien. L'hypothèse initiale est que le droit remplit, au sein de l'ordre international, des fonctions tant juridiques, systémiques qu'axiologiques, d'où le choix d'adopter une perspective fonctionnelle. Ce chapitre aborde l'indérogeabilité telle qu'elle existe et se déploie dans le domaine des droits humains, aussi bien en temps de paix que de guerre : droits de l'homme indérogeables, droit international humanitaire comme une branche indérogeable ne résonnent pas comme des slogans inédits. Une assimilation presque automatique est réalisée entre ces ensembles du droit international et le jus cogens, participant encore plus à la confusion entre indérogeabilité et impérativité. Il s'agira de saisir la spécificité de l'indérogeabilité quand elle est évoquée en lien avec la question de la protection internationale des droits humains et des libertés fondamentales. Cette

indérogeabilité doit aussi remplir un certain nombre de fonctions et il faudra confirmer ou infirmer la présence des similitudes fonctionnelles entre cette dimension précise de l'indérogeabilité et celle attachée au jus cogens.

345/670(I)

**La justice transitionnelle en droit international / Noémie Turgis ; avant-propos de Jean-Marc Sorel.** - Bruxelles : Bruylant, 2014. - XVI, 627 p. ; 24 cm. - (Organisation internationale et relations internationales ; 76). - Bibliographie : p. 555-607. Index. - ISBN 9782802743552

345/673

**Technology and the law on the use of force : new security challenges in the twenty-first century / Jackson Maogoto.** - London ; New York : Routledge, 2015. - XIII, 111 p. ; 24 cm. - (Routledge research in international law). - Bibliographie : p. 93-101. Index. - ISBN 9780415694339

345/674

## **RELIGION**

**The justification of religious violence / Steve Clarke.** - Oxford [etc.] : Wiley Blackwell, 2014. - XII, 259 p. ; 23 p.. - (Blackwell public philosophy ; 15). - Bibliographie : p. 215-241. Index. - ISBN 9781118529720

281/63

**Religion, war, and ethics : a sourcebook of textual traditions / ed. by Gregory M. Reichberg, Henrik Syse ; with the assistance of Nicole M. Hartwell.** - New York : Cambridge University Press, 2014. - XII, 742 p. ; 26 cm. - Bibliographies. Index. - ISBN 9780521738279

281/62

## **TERRORISM**

**Boundaries of the battlefield : a critical look at the legal paradigms and rules in countering terrorism / Jessica Dorsey and Christophe Paulussen.** - In: Yearbook of international humanitarian law, Vol. 16, 2013, p. 219-250. - Bibliographie : p. 248-250

Report of the symposium entitled "The boundaries of the battlefield : a critical look at the legal paradigms and rules in countering terrorism". During the symposium, twenty-seven top panellists and moderators from academia, civil society, governments, the military and multilateral organisations discussed the contours of various approaches states take against non-state actors with the goal of countering terrorism. Specifically, the symposium addressed issues related to uses of force and how these may affect and define the geographic and temporal scope and limitations of the laws of armed conflict in relation to counter-terrorism. Besides this main theme, which operates within the armed conflict paradigm, the symposium also discussed and assessed the law-enforcement paradigm. Specifically, this paper elaborates on a number of key questions raised during the conference; these relate to the temporal and geographical limitations of armed conflict, the interplay between international humanitarian law and international human rights law, as well as the use of drones, the law enforcement approach to counter-terrorism and the possible need for a new framework for countering terrorism.

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**Counter-terrorism and international law since 9/11, including in the EU-US context / Gilles De Kerchove and Christiane Höhn.** - In: Yearbook of international humanitarian law, Vol. 16, 2013, p. 267-295. - Bibliographie : p. 294-295

The article provides an inside view into the EU's practices and views related to counter-terrorism and international law. It explains the EU's criminal justice approach to the fight against terrorism and provides arguments for the effectiveness of this response in practice. The authors set out the tools for regional law enforcement and judicial cooperation the EU has adopted since 9/11, based on the principle of mutual recognition, as well as EU-US cooperation in this area. It also looks at the role of the military in the fight against terrorism. In a second part, the article deals with questions related to the international legal framework for the fight against terrorism, such as the existence of not of an armed conflict in the legal sense against Al Qaeda. It also explains relevant initiatives in the EU-US context, including the EU-US legal advisers' dialogue, the EU framework to support the closure of Guantánamo and the EU input to the implementing provisions of the National Defense Authorization Act.

**Failed states and the origins of violence : a comparative analysis of state failure as a root cause of terrorism and political violence / Tiffany Howard.** - Farnham ; Burlington : Ashgate, 2014. - XII, 210 p. : tabl., cartes, graph., diagr. ; 24 cm. - Bibliographie : p. 163-186. Index. - ISBN 9781472417800

303.6/229

**Pour en finir avec le terrorisme : l'équivoque de la terreur, de la Révolution française aux attentats jihadistes / Ami-Jacques Rapin.** - Bern [etc.] : P. Lang, 2014. - V, 219 p. : diagr. ; 21 cm. - Bibliographie : p. 205-213. Index. - ISBN 9783034313520

303.6/230

## **WOMEN-GENDER**

**Motherhood and war : international perspectives / ed. by Dana Cooper and Claire Phelan.** - Basingstoke ; New York : Palgrave Macmillan, 2014. - X, 265 p. ; 23 cm. - Bibliographies. Index. - ISBN 9781137437952

Contient notamment : The women's resistance movement in Argentina : las madres de Plaza de Mayo / E. Shabliy. - War opponents and proponents : Israeli military mothers from Rivka Guber to "four mothers" / U. Lebel. - Motherhood as a space of political activism : Iraqi mothers and the religious narrative of Karbala / F. Shabbar. - Mothers and memory : suffering, survival, and sustainability in Somali clan wars / M. H. Ingiriis

362.8/227