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## **AIR WARFARE**

**Clever or clueless ? : observations about bombing norm debates / Charles J. Dunlap.** - Ithaca (Etats-Unis) ; London : Cornell University Press, 2014. - p. 109-130. - In: *The American way of bombing : changing ethical and legal norms, from flying fortresses to drones*

This chapter gives a military perspective on norms governing airpower. The author underlines the importance of the knowledge of past conflicts to inform the debate, all the while acknowledging that with respect to a highly technological means of warfare such as aerial bombardment, the value of historical examples is temporally limited. He discusses what he calls the "legal cacophony" governing aerial bombardment and shows some sympathy for the position that civilian morale is a legitimate focus in war, calling it "a key element of victory in modern war". He also questions the concept of civilian innocence and the fact that combatants are expected to take more risk than civilians. These ideas are further developed in a discussion of the use of airpower in counterinsurgency operations.

341.226/69

**Les enjeux de la guerre aérienne pour la protection de l'environnement : remarques à propos du Manual on international law applicable to air and missile warfare / Karine Bannelier.** - Paris : Pedone, 2015. - p. 247-262. - In: *Guerre aérienne et droit international humanitaire*

341.226/70

**Guerre aérienne et droit international humanitaire / sous la dir. de Anne-Sophie Millet-Devalle ; Université de Nice-Sophia Antipolis. UFR Institut du droit de la paix et du développement.** - Paris : Pedone, 2015. - 343 p. ; 24 cm. - ISBN 9782233007520

Alors que les opérations aériennes sont déterminantes dans la plupart des conflits armés contemporains, le droit qui leur est applicable est révélateur des réticences des puissances militaires à limiter l'usage de l'arme aérienne par des règles spécifiques et adaptées tant aux moyens qu'aux méthodes de guerre. Le droit international humanitaire n'en présente pas moins une forte densité dans la guerre aérienne et une nécessaire fluidité, dans un contexte de développements techniques et d'évolution du cadre stratégique. Les Actes du colloque organisé par le laboratoire GEREDIC (Groupement d'Etudes et de recherches sur le Droit International et Comparé - EA 3180) de l'UFR Institut du Droit de la Paix et du Développement (IDPD) de l'Université Nice Sophia Antipolis analysent les interrogations multiples sur la conformité de l'emploi de l'arme aérienne au droit international humanitaire illustrées par l'opération multilatérale menée en 2011 en Libye pour protéger la population civile, ou encore, plus récemment, par les opérations consistant à fournir un appui aérien aux forces irakiennes contre Daech.

341.226/70

**Histoire du droit international humanitaire dans la guerre aérienne / Michel Veuthey.** - Paris : Pedone, 2015. - p. 37-62. - In: *Guerre aérienne et droit international humanitaire.* - Bibliographie : p. 58-62

341.226/70

**La jurisprudence internationale en matière de guerre aérienne / Isabelle Moulier.** - Paris : Pedone, 2015. - p. 131-169. - In: *Guerre aérienne et droit international humanitaire*

341.226/70

**The law applies, but which law ? : a consumer guide to the laws of war / Charles Garraway.** - Ithaca (Etats-Unis) ; London : Cornell University Press, 2014. - p. 87-105. - In: *The American way of bombing : changing ethical and legal norms, from flying fortresses to drones*

In this chapter Charles Garraway gives a historical perspective on the development of international humanitarian law. The laws of war were originally developed for the protection of combatants, yet over time emphasis has shifted to the protection of civilians. He identifies a growing influence of human rights law on international humanitarian law, where the standards of the former are higher than those of the traditional laws of war. He provides examples from the European Court of Human Rights, which has heard cases related to Russia's conflict in Chechnya and to the Kosovo conflict. He also discusses the relationship between law and ethics.

341.226/69

**La neutralité à l'épreuve de la guerre aérienne / Anouche Beaudouin.** - Paris : Pedone, 2015. - p.195-246. - In: *Guerre aérienne et droit international humanitaire*

341.226/70

**Le principe de précaution dans la guerre aérienne / Marco Sassòli.** - Paris : Pedone, 2015. - p. 75-130. - In: *Guerre aérienne et droit international humanitaire*

341.226/70

**Les zones d'exclusion aérienne / Jean-Christophe Martin.** - Paris : Pedone, 2015. - p. 171-193. - In: *Guerre aérienne et droit international humanitaire*

341.226/70

## **ARMS**

**Banning autonomous killing : the legal and ethical requirement that humans make near-time lethal decisions / Mary Ellen O'Connell.** - Ithaca (Etats-Unis) ; London : Cornell University Press, 2014. - p. 224-236. - In: *The American way of bombing : changing ethical and legal norms, from flying fortresses to drones*

Scientific research on fully autonomous weapons systems is moving rapidly. At the current pace of discovery, such fully autonomous systems will be available to military arsenals within a few decades, if not a few years. These systems operate through computer programs that will both select and attack a target without human involvement after the program is activated. Looking to the law governing resort to military force, to relevant ethical considerations, as well as the practical experience of ten years of killing using unmanned systems (drones), the time is ripe to discuss a major multilateral treaty banning fully autonomous killing. Current legal and ethical principles presume a human conscience bearing on decisions to kill. Fully autonomous systems will have the capacity to remove a human conscience not only to extreme distance from a target -- as drones do now -- but also to remove the human conscience from the target in time. The computer of a fully autonomous system may be programmed years before a lethal operation is carried out. Without nearer term decisions by human beings, accountability becomes problematic and without accountability, the capacity of law and ethics to restrain is lost.

341.226/69

**Les bombardements à l'aide de drones et les principes du droit international humanitaire : la difficile conciliation des principes d'humanité et de nécessité militaire / Eric Pomes.** - Paris : Pedone, 2015. - p. 263-278. - In: *Guerre aérienne et droit international humanitaire*

341.226/70

**I have a drone : the implications of American drone policy for Africa and international humanitarian law / Adedokun Ogunfolu and Oludayo Fagbemi.** - In: *Revue africaine de droit international et comparé* = *African journal of international and comparative law*, T. 23, no 1, 2015, p. 106-128

**Improving UN planning for a humanitarian response to a nuclear detonation / John Borrie.** - In: *Bulletin of the atomic scientists*, Vol. 70, no. 5, 2014, p. 74-85. - Photocopies. - Bibliographie : p. 83-85

341.67/769 (Br.)

**Proportionality and restraint on the use of force : the role of nongovernmental organizations / Margarita H. Petrova.** - Ithaca (Etats-Unis) ; London : Cornell University Press, 2014. - p. 175-190. - In: *The American way of bombing : changing ethical and legal norms, from flying fortresses to drones*

Although the principle of proportionality is indisputably vague and has allowed both critics and defenders of the same military action to rest their arguments on it, in this chapter Margarita Petrova shows how nongovernmental organizations (NGOs) have successfully mobilized it as part of their efforts to ban a specific category of weapons, cluster munitions, and how in turn the achieved prohibition might provide grounds for further limitations on the use of explosive force within populated areas. She argues that NGOs have used principles of proportionality (and discrimination) from international humanitarian law (IHL) as a basis for their arguments but that these principles alone were not sufficient to achieve a prohibition. During the time when NGOs relied exclusively on legal grounds in seeking better civilian protection, their demands were limited to calls for more reliable cluster munitions and the prohibition of their use in populated areas. IHL considerations helped place the issue on the agenda of international talks at the Convention on Certain Conventional Weapons, but they didn't produce new regulations. A breakthrough came when NGOs and supportive states reframed the debate in humanitarian terms and raised political considerations about the cost of civilian casualties in a stand-alone negotiation process for a new treaty that Norway launched in 2007.

341.226/69

**Red Cross alert ! / Peter Maurer.** - In: *The spokesman*, No. 128, 2015, p. 28-37. - Photocopies. - L'article est suivi d'un poème de David Krieger, "In Hiroshima peace memorial park", d'un autre de Toge Sankichi, "At a first aid post" et de "Ghost, fire, water" de Iri Maruki and Toshiko Akamatsu

341.67/767 (Br.)

**Toward a drone accountability regime / Allen Buchanan... [et al].** - In: *Ethics and international affairs*, Vol. 29, no. 1, Spring 2015, p. 15-70 : graph.  
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.

341.67/770

**Up in arms : a humanitarian analysis of the arms trade treaty and its New Zealand application / Susan O'connor.** - In: *New Zealand yearbook of international law*, Vol. 11, 2013, p. 73-105. - Photocopies

341.67/768 (Br.)

**Use of explosive weapons in densely populated areas : implications for international humanitarian law / Kesolofetse Lefenya.** - In: African yearbook on international humanitarian law, 2014, p. 68-86

**What's wrong with drones ? : the battlefield in international humanitarian law / Klem Ryan.** - Ithaca (Etats-Unis) ; London : Cornell University Press, 2014. - p. 207-223. - In: The American way of bombing : changing ethical and legal norms, from flying fortresses to drones

In this chapter, Klem Ryan refutes the notion that drones are no different from other weapons systems - such as helicopters or long-range missiles. He argues that drones have led to a respatialization of the battlefield that undermines important assumptions of international humanitarian law (IHL) as it is conceived in the Hague and Geneva Conventions, namely that belligerents mutually occupy a distinct physical space in which war is conducted. They have the effect of collapsing the key barrier upon which the concepts of combatant identity and distinction rely for their efficacy. Thus drones represent a decisive break with conventional limited war and may render IHL impotent to impose effective restraints on the conduct of future conflicts.

341.226/69

## **CHILDREN**

**Protecting children in armed conflict through complementary processes of political engagement and international criminal law / David S. Koller.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 71-100. - In: The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungel

In this chapter David Koller describes the development of international humanitarian law relating to children and the problems in the enforcement of that law. It traces the evolution of the Children and Armed Conflict agenda of the United Nations and international criminal law as two new means to enforce international humanitarian law. The chapter examines the purported challenges arising at the intersection of the three paradigms of international humanitarian law, criminal accountability, and political engagement. It concludes that the purported conflict between political negotiations and criminal punishment is actually inherent in each paradigm and not a consequence of conflicting paradigms. However, other potential paradigmatic clashes may emerge if the processes of political engagement and criminal accountability are allowed to become unmoored from their international humanitarian law foundations.

345.2/979

## **CIVILIANS**

**The United Nations in Afghanistan : policy as protection ? / A. Niki Ganz.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 136-165. - In: The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungel

This chapter discusses the United Nations' efforts to coordinate the protection of civilians in Afghanistan, focusing on the challenges the UN faces in implementing its mandate as shaped by the competing interests of both the Taliban and international military forces on the ground. Although the UN is able to participate in the establishment of norms for the protection of civilians during peace keeping missions, the track record of success in protecting civilians from harm has been mixed, as evidenced by the metrics of civilian casualties. However, the UN's

work in raising the awareness of this problem has been effective in reducing even more grievous injury to an already afflicted population.

345.2/979

## **CONFLICT-VIOLENCE AND SECURITY**

**Drones and targeted killings : ethics, law, and politics / Sarah Knuckey, ed..** - New York [etc.] : International Debate Education Association, 2015. - VII, 388 p. ; 23 cm. - ISBN 9781617700996

Contient notamment : The efficacy and ethics of U.S. counterterrorism strategy / J. O. Brennan. - Limiting armed drone proliferation / M. Zenko and S. Kreps. - Confession of a drone warrior / M. Power.

355/1063

**La guerre juste : les enjeux éthiques de la guerre au XXI<sup>e</sup> siècle / Jean-François Caron.** - [Québec] : Presses de l'Université Laval, 2015. - VIII, 149 p. ; 23 cm. - ISBN 9782763726168

355/1060

**The modern mercenary : private armies and what they mean for world order / Sean McFate.** - Oxford [etc.] : Oxford University Press, 2014. - XX, 248 p. : fotogr., graph., fac-sim. ; 24 cm. - Bibliographie : p. 209-237. Index. - ISBN 9780199360109

355/1061

**La puissance militaire / Serge Sur... [et al.].** - In: Questions internationales, No 73-74. mai-août 2015, p. 1-188 : cartes, fotogr., graph.

Contient notamment : Les nouveaux équilibres de la puissance militaire au XXI<sup>e</sup> siècle / C. Grand. - Que signifie la puissance aérienne aujourd'hui ? / L. Labaye. - La puissance navale : nouveaux acteurs, nouveaux enjeux / P. Hébrard. - La modernisation des armées en Europe / P.- O. Eglemme.

355/1062

## **DETENTION**

**Health care in detention : a practical guide / ICRC.** - Geneva : ICRC, May 2015. - 95 p. : tabl., diagr. ; 30 cm. - (Reference (ICRC)). - Bibliographie : p. 87-91. Index

This booklet contains practical advice for assessing public health and its determinants in places of detention throughout the world. It draws heavily on the ICRC's extensive experience in this field. The booklet will be of great assistance to health authorities, prison authorities and all those responsible for the provision of health care in prisons who seek to maintain or improve the health of people deprived of their freedom.

400/157

**When is not caring ethical ? : the medical ethics and legal framework of refusing to treat detainees subjected to interrogations and torture / Shannon M. Coit.** - In: University of Pennsylvania journal of international law, Vol. 36, issue 3, 2015, p. 755-784. - Photocopies

400/158 (Br.)

## **ENVIRONMENT**

**Armed opposition groups and the right to exercise control over public natural resources : a legal analysis of the cases of Libya and Syria / Daniëlla Dam-de Jong.** - In: Netherlands international law review, Vol. 62, issue 1, April 2015, p. 3-24. - Photocopies. - Bibliographie : p.23-24

This article examines whether international law provides a legal basis for the exploitation of natural resources by armed opposition groups. This issue is particularly pertinent in light of the ongoing armed conflict in Syria — and the 2011 armed conflict in Libya, where third states are looking for ways to provide non-military support to the opposition movement, including by allowing it to export oil. This article examines three potential legal bases for a right for armed opposition groups to exploit natural resources: international humanitarian law, the recognition of the armed opposition group as the representative of the state and its recognition as the representative of the people. While this article concludes that current international law does not allow armed opposition groups to exploit natural resources, it argues in favour of applying the concept of usufruct from international occupation law to internal armed conflicts. On the basis of this concept, highly organised armed opposition groups would be granted a right to exploit the natural resources situated within the territory under their control for the purpose of establishing and maintaining a civilian administration.

363.7/161 (Br.)

**International law and governance of natural resources in conflict and post-conflict situations / Daniëlla Dam-de Jong.** - Cambridge : Cambridge University Press, 2015. - XXII, 484 p. : tabl. ; 24 cm. - (Cambridge studies in international and comparative law). - Bibliographie : p. 432-454. Index. - ISBN 9781107093836

363.7/162

## **GEOPOLITICS**

**Confronting civil war : the level of resilience in Abyei area during Sudan's civil war in the 1990's / Luka B. Deng Kuol.** - In: Civil wars, Vol. 16, no. 4, December 2014, p. 468-487 : tabl., diagr.

**The dance of truth and justice in postconflict peacebuilding in Sierra Leone / Lydia A. Nkansah.** - In: Revue africaine de droit international et comparé = African journal of international and comparative law, T. 23, no 2, 2015, p. 199-225

**Enforced hospitality : local perceptions of the legitimacy of international forces in Afghanistan / Lisa Karlborg.** - In: Civil wars, Vol. 16, no. 4, December 2014, 425-448

**État du monde arabe / Mathieu Guidère.** - Louvain-la-Neuve : De Boeck, 2015. - 198 p. : cartes, tabl. ; 19 cm. - (Monde arabe - Monde musulman). - Index. - ISBN 9782804191139

323.15/35

**Géopolitique de l'Iran : de l'empire confiné au retour de la puissance / sous la dir. de Antoine-Louis de Prémonville et Thomas Flichy de la Neuville.** - Paris : Presses universitaires de France, 2015. - 172 p. : cartes, graph., tabl. ; 24 cm. - (Major. Géopolitique). - Bibliographie : p. 165-170. Index. - ISBN 9782130631620

323.15/IRN 15



**Humanitarian aid and political aims in Eastern Ukraine : Russian involvement and European response / Andrei Scrinic.** - In: *Eastern journal of European studies*, Vol. 5, issue 2, December 2014, p. 77-89. - Photocopies. - Bibliographie : p. 87-89

323.14/43 (Br.)

**Le Kurdistan / Shwan Jaffar... [et al.].** - In: *Maghreb - Machrek*, No 222, juin 2015, p. 13-107 : cartes, fotogr.. - Bibliographies  
Contient notamment : La politique culturelle du gouvernement régional du Kurdistan - Irak / S. Jaffar. - Les territoires kurdes au Moyen-Orient : contrôle politique versus développement économique / G. Gautier. - Les Kurdes de Syrie et le projet du Rojava : rêve éphémère ou espoir durable ? / C. Roussel.

**The Penguin state of the world atlas / Dan Smith.** - 9th ed. completely rev. and updated. - New York : Penguin Books, 2012. - 144 p. : fotogr., graph., diagr., tabl., cartes ; 25 cm. - Bibliographie : p. 138-142. Index. - ISBN 9780143122654

Réf. GEO 2-e

**Reportages : Palestine, Irak, Kushinagar, femmes tchéchènes, crimes de guerre, immigrants africains / Joe Sacco ; trad. de l'américain par Sidonie Van den Dries sauf, Les indésirables, trad. d'Olivier Ragasol.** - [Paris] : Futuropolis, 2011. - 194 p. : tout en ill. ; 27 cm. - ISBN 9782754806695

323.10/38

## **HEALTH-MEDICINE**

**Between flesh and steel : a history of military medicine from the Middle Ages to the war in Afghanistan / Richard A. Gabriel.** - Washington : Potomac, 2013. - IX, 301 p. : tabl. ; 24 cm. - Bibliographie : p. 271-284. Index. - ISBN 9781612344201

356/277

**Medical law and medical ethics / Nils Hoppe and José Miola.** - Cambridge : Cambridge University Press, 2014. - XXII, 306 p. ; 25 cm. - Bibliographies. Index. - ISBN 9781107612372

356/278

**The right to health and international humanitarian law : parallel application for building peaceful societies and the prevention of armed conflict / Amrei Muller.** - In: *Wisconsin international law journal*, Vol. 32, no. 3, Fall 2014, p. 415-456. - Photocopies

This article argues that obligations flowing from the right to health and international humanitarian law (IHL) in peacetime can contribute to preventing armed conflict and to creating lasting peace. Direct IHL obligation on states to "take all necessary measures for the execution" of IHL "without delay" can strengthen obligations under the right to health to adopt strong domestic laws protecting individuals' existing access to health care and setting out a plan for the building and further development of an effective health system. Moreover, the picture of a well-functioning health system that underlies IHL can supplement and concretize obligations under the right to health in times of peace to actively take measures to build a comprehensive health system, even if it cannot be claimed that states have far-reaching (positive) obligations directly under IHL in times of peace. An integrated approach to the implementation of the right to health and health-related IHL obligations at all times, even in times of peace, can be supported by the principle of systemic integration under article 31 (3) (c) of the Vienna Convention on the Law of Treaties. Furthermore, taking into account health-related IHL obligations in times of peace, together with obligations under the right to health,

can arguably contribute to strengthening a health system's capacity to react to and cope with emergency situations. If an armed conflict breaks out, this could help limit the direct and indirect public health consequences of such a conflict, and also lead to a swifter re-building of health infrastructure after the conflict has ended.

356/275 (Br.)

**Safeguarding the provision of health care : operational practices and relevant international humanitarian law concerning armed groups / ICRC.** - Geneva : ICRC, June 2015. - 66 p. : fotogr., graph., carte ; 30 cm. - Bibliographie : p. 66

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.

356/276

## **HISTORY**

**1914-2014 : la Grande Guerre et le monde de demain / coordonné par Etienne de Durand.** - In: *Politique étrangère*, 2014, 1, p. 5-245 : carte  
Contient notamment : La "der des ders" : guerre totale, paix totale ? / P. Moreau Defarges. - L'héritage de la Grande Guerre : états souverains, mondialisation et régionalisme / G.-H. Soutou. - 1914-1918 et la redéfinition de la guerre / H. Strachan. - Europe : d'une démilitarisation [à] l'autre / E. de Durand. - La Première Guerre Mondiale et la balkanisation du Moyen-Orient / G. Corm.

**L'Afrique et son environnement européen et asiatique / Jean Jolly ; préf. de V. Y. Mudimbé ; introd. de Brigitte Senut.** - Paris : L'Harmattan, 2008. - 167 p. : cartes ; 30 x 30 cm. - Bibliographie : p. 162-164. Index. - ISBN 9782296057739

Réf. HIS 2-c

## **HUMAN RIGHTS**

**The African Court on Human and Peoples' Rights and the use of provisional measures for the protection of the civilian population in armed conflict situations / Frédéric Bostedt.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 331-382. - In: *The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungal*

In this chapter Frédéric Bostedt discusses the efforts of the African Court on Human and People's Rights in 2011 to protect Libyan persons demonstrating against the regime of Colonel Muamar Gadaffi. Holding that there existed a situation of extreme gravity and urgency, the African Court issued a provisional measure ordering Libya to stop these actions. Bostedt utilises this case as a starting point to analyse how and under what circumstances provisional measures by human rights courts can be used to protect civilians in the case of an armed conflict or similar emergency situations. He posits that human rights courts have generally developed an adequate procedure to quickly react to a situation and order provisional measures. The substantive requirements for ordering provisional measures do not appear to be high hurdles in a situation

of armed conflict, and the requirements of gravity, urgency, and irreparable harm may even be presumed to exist in such situations. Although the scope of provisional measures makes them a suitable tool to protect civilians in armed conflict situations, their binding nature is no guarantee for compliance. The implementation of a provisional measure depends on the state concerned, and the political pressure by supervisory bodies is the only means available for compelling a state to comply.

345.2/979

**Human rights in armed conflict : law, practice, policy / Gerd Oberleitner.** - Cambridge : Cambridge University Press, 2015. - XX, 412 p. ; 26 cm. - Bibliographie : p. 351-382. Index. - ISBN 9781107087545

345.1/628

**Human Rights Watch world report 2015 : events of 2014 / Human Rights Watch.** - New York : Human rights watch ; Bristol : Policy Press, 2015. - X, 644 p. : fotogr. ; 23 cm. - ISBN 9781447325482

Réf. ORG 2-j (2015)

**The long-term international law implications of targeted killing practices / Christof Heyns and Sarah Knuckey.** - New York [etc.] : International Debate Education Association, 2015. - p. 298-318. - In: Drones and targeted killings : ethics, law, and politics

355/1063

**Promoting and protecting the long-term needs of victims of armed conflict : the potential role of national human rights institutions / Kirsten Roberts.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 385-427. - In: The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungal

This chapter begins by examining the current focus of the international standards for the rights of victims of conflict, with its concentration on justice and justice-linked reparation, as well as examining the more holistic approach to victims that has been taken in relation to other international instruments. Some of the issues faced by victims of conflict are then outlined, in order to demonstrate how justice or monetary compensation may be insufficient to meet victims' needs. The complex policy and practical needs of victims is highlighted through the example of Northern Ireland's system of support for victims and survivors, which indicates that a more holistic approach is warranted and that the needs of victims of conflict should be a focus at the national level. The chapter then examines the role and functions of national human rights institutions (NHRIs) and provides some country-specific examples where NHRIs have already been active in advocating for victims' rights, before concluding with some ideas as to how NHRIs have the potential to be active in reducing the marginalisation of victims going forward.

345.2/979

## **HUMANITARIAN AID**

**Humanitarian negotiation : key challenges and lessons learned in an emerging field / Rob Grace.** - Cambridge, MA : Advanced Training Program on Humanitarian Action (ATHA), [2015]. - 12 p. ; 30 cm. - (ATHA white paper series). - Photocopies

361/27 (Br.)

**The impact of humanitarian context conditions and individual characteristics on aid worker retention / Valeska P. Korff... [et al.].** - In: *Disasters : the journal of disaster studies and management*, Vol. 39, no. 3, July 2015, p. 522-545 : tabl.. - Bibliographie : p. 542-545

**Improving humanitarian aid : how to make relief more efficient and effective / David Miliband and Ravi Gurumurthy.** - In: *Foreign Affairs*, Vol. 94, no. 4, July/August 2015, p. 118-129 : fotogr.

**The politics of humanitarian technology : good intentions, unintended consequences and insecurity / Katja Lindskov Jacobsen.** - New York ; London : Routledge, 2015. - XI, 183 p. ; 25 cm. - (Routledge studies in conflict, security and technology). - Bibliographie : p. 152-176. Index. - ISBN 9781138022072

361/637

**Regime change for humanitarian aid : how to make relief more accountable / Michael Barnett and Peter Walker.** - In: *Foreign Affairs*, Vol. 94, no. 4, July/August 2015, p. 130-141 : fotogr.

**The Routledge companion to humanitarian action / ed. by Roger Mac Ginty and Jenny H Peterson.** - London ; New York : Routledge, 2015. - XXVII, 458 p. : tabl. ; 26 cm. - (Routledge companions). - Bibliographies. Index. - ISBN 9780415844420

Contient notamment : Critical readings of humanitarianism / R. Christie. - Securitization and threats to humanitarian workers / L. Fast. - Professionalisation of the humanitarian response / A. Redmond. - The Red Cross and Red Crescent / M. Kapila. - Humanitarian futures / R. Kent and S. Evans.

361/636

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

**35 years of ICRC : souvenirs and anecdotes / Vincent Nicod.** - In: *The journal of humanitarian studies*, Vol. 4, March 2015, p. 21-26. - Photocopies

362.191/916 (Br.)

**Un accès plus sûr : introduction : kit d'information sur un accès plus sûr / CICR.** - Genève : CICR, mai 2015. - 19 p. : tabl., diagr. ; 30 cm. - (Référence)

Cette publication donne un bref aperçu de l'approche « Un accès plus sûr » en matière de développement et de préparation aux situations d'urgence, en mettant l'accent sur le Cadre pour un accès plus sûr. Elle reprend les principaux aspects du Cadre, explique en quoi cet outil est essentiel pour toute Société nationale, et donne des orientations quant au moment et à la manière de l'appliquer. Cette publication fait partie du Kit d'information sur un accès plus sûr, qui contient également d'autres documents renfermant des descriptions et des indications plus détaillées, des outils et des études de cas de Sociétés nationales.

362.191/1608 (FRE Br.)

**Humanity in action : annual review for the private sector 2014 / ICRC.** - Geneva : ICRC, May 2015. - 32 p. : fotogr., graph., cartes ; 30 cm. - (Focus)

Humanity in action 2014 explains the ICRC's wide-ranging activities and how it spends its money, gives an overview of the impact of ICRC action during the year and introduces some of the people who benefited.

362.191/1615 (ENG)

**The Red Cross and Red Crescent / Mukesh Kapila.** - London ; New York : Routledge, 2015. - p. 179-190. - In: *The Routledge companion to humanitarian action.* - Bibliographie : p. 190

361/636

## **INTERNATIONAL CRIMINAL LAW**

**About responsibility / Wolfgang Schomburg.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 34-52. - In: *The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungal*

This chapter is the text of Wolfgang Schomburg's commentary "On responsibility", which was presented during the 2013 Joakim Dungal Lectures in International Justice, in which Schomburg addresses several aspects of criminal responsibility in national and international law. He posits that, in national criminal law, individual criminal responsibility may be attached to a failure to act if there is a duty under the law to act such that omission is equated to committing a crime. The international law concept of the responsibility to protect seeks to address the international community's efforts to adequately prevent and punish genocide, war crimes, and crimes against humanity. The notion of transitional justice describes the idea of addressing, conceptualising, and clarifying the necessary steps to regain peace and to work on reconciliation. The chapter concludes by addressing the concept of command responsibility in international criminal law, in particular in light of the Oric case before the International Criminal Tribunal for the former Yugoslavia.

345.2/979

**Criminalising the denial of a fair trial as a crime against humanity / Shannon Ghadiri.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 200-230. - In: *The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungal*

In this chapter Shannon Ghadiri examines whether the denial of a fair trial should be considered a crime against humanity. After a review of post-Second World War era cases dealing with the subject, she examines the application of human rights law regarding fair trial rights during national emergencies. Emphasis is placed on the fact that such derogations result in the right to a fair trial finding greater protection during times of war than during times of peace.

345.2/979

**El derecho penal internacional frente a los actos de terror acaecidos durante un conflicto armado / Abraham Martínez Alcañiz.** - In: *Revista española de derecho militar*, No. 102, julio-diciembre 2014, p. 89-127

**Disproportionate attacks in international criminal law / Francesco Moneta.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 261-296. - In: *The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungal*

This chapter analyses the notion of disproportionate attack in international humanitarian law and international criminal law. It discusses how the International Criminal Tribunal for the former Yugoslavia has grappled with the practical challenge of defining and applying the war crime of disproportionate attack. Special focus is devoted to questions of the existence of this crime in non-international conflict, of the constituent elements of such a crime, and of the required balancing test between military advantage and injury to civilians. The author provides suggestions on how to address these questions and concludes that further attention to the notion of disproportionate attack from judicial authorities (especially the International Criminal Court) is needed.

345.2/979

**Don't forget the Far East : a modern lesson from the Chinese prosecution of Japanese war criminals after World War II / Nathaniel H. Babb.** - In: *Military law review*, Vol. 222, Winter 2014, p. 129-155

This article analyses China's approach to prosecuting Japanese war crimes after the Second World War and highlights the value of this model and the practical lessons-learned it offers for prosecuting future war crimes. In particular it surveys how China's three system approach (participation in the International Military Tribunal for the Far East, United States-led trials and domestic trials) could have been used to alleviate or eliminate the key shortcomings of the Special Court for Sierra Leone.

**Elaborating justice for victims at the International Criminal Court : beyond rhetoric and The Hague / Luke Moffett.** - In: *Journal of international criminal justice*, Vol. 13, no. 2, May 2015, p. 281-311

**The formation of a customary international crime : global terrorism human (in)security / Noemi Gal-Or.** - In: *International criminal law review*, Vol. 15, no. 4, 2015, p. 665-699

**An incomplete narrative : prosecuting sexual violence crimes at the Extraordinary Chambers in the Court of Cambodia / Rachel Killean.** - In: *Journal of international criminal justice*, Vol. 13, no. 2, May 2015, p. 331-352

**International legal personality, collective entities, and international crimes / Joanna Kyriakakis.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 79-104. - In: *Responsibilities of the non-state actor in armed conflict and the market place : theoretical considerations and empirical findings.* - Bibliographie : p. 101-104

The aim of this chapter is to interrogate some of the controversies arising from the claim that collective entities are international legal persons in so much as they have a set of obligations under customary international criminal law, at least in terms of *jus cogens* crimes. It examines the concept of international legal personality, given that it is at times held up as an automatic shield against claims that such obligations exist. It investigates the issue in the following way. The first part considers the nature of the "legal personality" concept drawing particularly on the insights of Ngaire Naffine developed in the domestic context. The second part then identifies some underlying concerns regarding the recognition of non-state collective actors as duty bearers or rights holders under international law. The final part then provides some preliminary comments as to why an inclusive approach to the actors bound by international criminal law is more consistent with the principles of that field of law, as opposed to an interpretation that limits its obligations exclusively to natural persons.

345/679

**Judicial "law-making" in the jurisprudence of the ICTY and ICTR in relation to protecting civilians from mass violence : how can judge-made law be brought into coherence with the doctrine of the formal sources of international law ? / Robert Heinsch.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 297-330. - In: *The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungal*

This chapter examines the value of decisions of international criminal tribunals against the background of the legacy of the International Criminal Tribunal for Yugoslavia and the International Criminal Tribunal for Rwanda. Starting from the observation that both tribunals, during their 20 years of existence, have contributed considerably to the extension of the scope of legal protection of victims of mass atrocities, Heinsch looks at how this sometimes progressive jurisprudence can be harmonised with the assumption of article 38(1)(d) of the Statute of the International Court of Justice that decisions of international courts and tribunals can only be seen as subsidiary sources of international law. Discussing the current academic discourse on the normative value of decisions of international criminal courts, Heinsch comes to the conclusion that article 38(1)(d) is not fully reflective of the current reality of the status of sources of international law. The author suggests that the value of decisions of international



tribunals should rather be seen as a quasi-formal source of international law, having the capacity not only to crystallize newly-developing customary international law, but also to create new rules of customary international law for the protection of victims of armed conflicts and mass atrocities.

345.2/979

**The place of international criminal law within the context of international humanitarian law / Chris Black.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 231-260. - In: The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungal

In this chapter Chris Black offers a reflection on the proper place enjoyed by the concept of repression in the broader scheme of international humanitarian law (IHL). He undertakes to demonstrate how IHL's primary focus is to prevent violations rather than responding to them. He argues that it is only within the context of taking corrective (or possibly repressive) action in the event of serious violations of IHL that a potential criminal justice response arises. He then examines the inter-relationship of two different conceptions of IHL and cautions that excessive attention to international criminal prosecutions may undermine IHL's preventative aims.

345.2/979

**Strategic litigation : the role of NGOs in international criminal justice / Reed Brody... [et al.].** - In: Journal of international criminal justice, Vol. 13, no. 2, May 2015, p. 205-256

Contient notamment : Doing justice for the Liberian victims of mass atrocity : NGOs in aid of universal jurisdiction / O. Bekou. - "Sadder but wiser" ? : NGOs and universal jurisdiction for international crimes / H. van der Wilt. - Universal jurisdiction is not disappearing : the shift from "global enforcer" to "no safe haven" universal jurisdiction / M. Langer.

**Structure, functions and initial achievements of the Mechanism for International Criminal Tribunals (MICT) / Johann Soufi, Sophie Maurice.** - In: International criminal law review, Vol. 15, issue 3, 2015, p. 544-564

## **INTERNATIONAL HUMANITARIAN LAW-GENERAL**

**The American Revolution 240 years later : was it a just war ? / guest ed. : Glenn Moots.** - In: Journal of military ethics, Vol. 14, issue 1, April 2015, p. 1-97. - Bibliographies

Contient notamment : The declaration of the United Colonies : America's first just war statement / E. Patterson and N. Gill. - The American revolution : not a just war / G. Frazer. - A contagion of violence : the ideal of jus in bello versus the realities of fighting on the New York frontier during the revolutionary war / J. K. Martin. - Jus in bello, rape and the British army in the American revolutionary war / H. Hoock.

**Convergence and conflicts of human rights and international humanitarian law in military operations / edited by Erika de Wet, Jann Kleffner.** - Pretoria : Pretoria University Law Press, 2014. - XII, 416 p. ; 30 cm. - ISBN 9781920538323

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.

345.2/980

**The history and development of the law of armed conflict (part I) / Arthur van Collier.** - In: *African yearbook on international humanitarian law*, 2014, p. 44-67

**Human rights protection during armed conflict : what, when and for whom ? / Iain Scobbie.** - Pretoria : Pretoria University Law Press, 2014. - p. 3-19. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations*

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?

345.2/980

**The ICRC study on customary international humanitarian law as viewed through the prism of 14th-18th century jurisprudential thought / Albert Nell.** - In: *African yearbook on international humanitarian law*, 2014, p. 1-43

**Kollateralopfer : die Tötung von Unschuldigen als rechtliches und moralisches Problem / Matthias Gillner, Volker Stümke (Hrsg.).** - Baden-Baden : Nomos ; Münster : Aschendorff, 2014. - 258 p. : tabl., diagr. ; 24 cm. - (Studien zur Friedensethik ; Bd. 49). - ISBN 9783848719082

Contient notamment : *Kollateralopfer und die moralische Verantwortung von Soldaten. Einführende Überlegungen / S. Gruner.* - *Menschenrechtsschutz oder Humanitäres Völkerrecht / A. Gebhardt.* - *Das Humanitäre Völkerrecht im nicht-internationalen bewaffneten Konflikt, Probleme und Herausforderungen / G. Hankel.*

345.2/982

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

**The American way of bombing and international law : two logics of warfare in tension / Janina Dill.** - Ithaca (Etats-Unis) ; London : Cornell University Press, 2014. - p. 131-144. - In: *The American way of bombing : changing ethical and legal norms, from flying fortresses to drones*

This chapter shows that there are two fundamentally different notions of what the distinction between civilians and combatants in war ought to look like. One is exemplified in recent U.S. doctrine, specifically air force doctrine, which is inspired by a long line of strategic thinking about air power. The other understanding of distinction emerges from a systematic interpretation of the positive international law that defines a legitimate target of attack as codified in the First Additional Protocol to the Geneva Conventions of 3 June 1977. The chapter demonstrates that these diverging notions of what it means to properly distinguish in war are indicative of the struggle between two fundamentally different visions for how combat operations ought to be conducted. The law, when interpreted systematically, aims to regulate



warfare by allowing only the targeting of that which needs to be open to engagement if a competition between two militaries is to proceed. It envisions warfare to follow a logic of sufficiency. The alternative approach to distinction prescribes attacking what helps end the war most quickly and achieve its political goals most directly. It is based on a logic of efficiency. The two logics have radically different implications for which parts of a modern society can become objects of attack from the air.

341.226/69

**An analysis of whether the actions of the 7th cavalry at Wounded Knee Creek on 29 December 1890 were crimes under the applicable law of the time / Grant Dawson.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 13-33. - In: The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungel

This chapter is the text of a lecture given by Grant Dawson at the Inaugural Joakim Dungel Lectures in International Justice on 25 May 2012. The lecture is an attempt to complete a piece of Joakim Dungel's unfinished scholarship. The chapter first sets the factual and historical stage for the events that unfolded on 20 December 1890 in present day South Dakota, whereby a number of Native Americans and members of the 7th Cavalry of the U.S. Army were killed. The relevant domestic and international law that applied to the situation is identified. This law is then applied to the facts of the incident, in order to ascertain whether any criminal liability could have been assigned to the actions of the 7th Cavalry, especially for the killing of women and children. The chapter concludes that incidents like Wounded Knee can serve as didactic tools to prevent such killings in the future.

345.2/979

**Bombing civilians after World War II : the persistence of norms against targeting civilians in the Korean war / Sahr Conway-Lanz.** - Ithaca (Etats-Unis) ; London : Cornell University Press, 2014. - p. 47-63. - In: The American way of bombing : changing ethical and legal norms, from flying fortresses to drones

In this chapter Sahr Conway-Lanz argues that, in spite of the high number of civilian casualties caused by bombing campaigns of World War II and the Korean War, the moral prohibition against targeting civilians did not disappear during this time in the United States. American leaders continued to claim that US air power was being used in a discriminate manner and almost never advocated the purposeful targeting of civilian populations as such. A certain elasticity in the definition of "military targets" and the emphasis placed on intention in rationalizing harm to civilians may account for the high number of civilian casualties during the Korean War. The chapter also recalls efforts to strengthen the protection of civilians and shield them from direct attack both through the revision of U.S. military manuals and the development of international humanitarian law.

341.226/69

**Drones and the law of armed conflict : the state of the art / Gleider I. Hernández.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 53-67. - In: The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungel

This chapter records Gleider Hernández's presentation at the 2014 Joakim Dungel Lectures in International Justice. The use of drones (unmanned aerial vehicles) has raised a number of questions with respect to the application of principles relating to *jus ad bellum* and *jus in bello*. The author seeks to highlight some points about the efficacy and legality of such operations. He highlights a number of legal questions on which there appears to be consensus as to the legality or illegality of such operations, including the applicability of international human rights law, the organisation and intensity thresholds to be met, and the conduct of hostilities. He also discusses many of the points on which there remains serious divergence of views: the threshold

to be met for the invocation of a right to self-defence, the geography of conflict, the standards through which to measure direct participation in hostilities, and the obligation to investigate.

345.2/979

**Force protection, military advantage, and "constant care" for civilians : the 1991 bombing of Iraq / Henry Shue.** - Ithaca (Etats-Unis) ; London : Cornell University Press, 2014. - p. 145-157. - In: *The American way of bombing : changing ethical and legal norms, from flying fortresses to drones*

In this chapter Henry Shue discusses the complex triangular balance among military advantage, force protection and "constant care" for civilians. He focuses on the 1991 war against Iraq, led by the United States, in which air power played a major role. He draws upon the relevant articles of the First Additional Protocol to the Geneva Conventions, particularly Article 57(3), which he understands to have customary status in international law. He describes the U.S. aerial destruction of the entire Iraqi electrical grid as a violation of the norms of proportionality, an excessive favoring of force protection and military advantage over due care for civilians.

341.226/69

**Targeting civilians and U.S. strategic bombing norms : plus ça change, plus c'est la même chose ? / Neta C. Crawford.** - Ithaca (Etats-Unis) ; London : Cornell University Press, 2014. - p. 64-86. - In: *The American way of bombing : changing ethical and legal norms, from flying fortresses to drones*

In this chapter Neta C. Crawford analyses the evolution of United States leaders' normative beliefs about targeting civilians with conventional strategic bombing and the evolution of the practices themselves. She argues that these have changed dramatically, from the belief that targeting civilians was militarily necessary and effective to the emergence of the norm of civilian immunity, with the Vietnam War being the turning point. She explores possible reasons for this change, including a new understanding of military necessity and the negative political effects of the loss of moral legitimacy that occurs when civilians are harmed through carelessness or deliberate intention. The Vietnam War, the Gulf War, the Bosnia and Kosovo campaigns as well as post 9/11 wars provide further evidence to support these explanations for the change in bombing norms and practices.

341.226/69

## **INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION**

**A deterrent effect of domestic German prosecutions for crimes committed by German military in Afghanistan ? : protecting civilians from inadvertent attacks by friendly foreign forces / Jan Nemitz.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 166-199. - In: *The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungel*

This chapter outlines a number of legal and factual issues related to the military involvement of Germany and other foreign troops in the armed conflict in Afghanistan. It starts with a general introduction into the current situation of German and other nations' military presence in Afghanistan. It then addresses the legal basis for Germany's operations in this country, as well as the law applicable during these operations. Subsequently, three legal proceedings are presented which involved acts of German soldiers in the context of the armed conflict in Afghanistan (and Iraq). This is followed by an attempt to show which lessons should be learned from those cases. In so doing, this chapter aims at demonstrating what has been done - and what has yet to be done - to prevent civilians from being victimised in the armed conflict in Afghanistan and elsewhere. In particular, this chapter emphasises the need for proper training

of military personnel and civilians alike in international humanitarian law and international criminal law. While this is merely one element to reduce the number of civilian victims, it is an indispensable factor in any effort to strengthen the protection of civilians.

345.2/979

**Detering jus in bello violations of superiors as a foundation for military justice reform / Robert Bejesky.** - In: *Wayne law review*, Vol. 60, no. 2, Winter 2015, p. 395-467

This article emphasizes that a decisive query to both curbing battlefield crimes, and to cultivating favorable behavior within existing hierarchical dynamics, should center on examining whether there are effectual deterrents to illicit acts during armed combat in the form of anticipated punishment for perpetrators throughout the military hierarchy and whether there are sensible remedies for victims. Expectations about the law and remedies may heighten vigilance when officials issue chain of command directives and may curtail warfare transgressions by subordinates through exemplars of laudatory behavior. By contrast, excessively elastic precedential conceptions of military necessity approaching impunity may pare the success of achieving the policy intent of substantive and procedural reforms.

345.22/262 (Br.)

**The emerging paradigm for operational incident investigation / Rob McLaughlin.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 197-220. - In: *Investigating operational incidents in a military context : law, justice, politics*

In this closing chapter Rob Mc Laughlin considers the following questions: what can we learn about the proper conduct of investigations into operational incidents from recent cases, and what does the future hold for legal and military authorities in this area? The key influences over the evolution of investigations in this area are the expansion of the pool of relevant law, the development of technology that enables better communication of information and gathering of evidence (while at the same time raising unrealistic expectations that military operation should be error-free), the greater contribution by NGOs of various sorts, and finally the interconnectedness of states in operational matters which gives rise to even greater complexity (of law, and interested parties) in the investigatory process. There are three features of investigations that the author believes will characterize developments in the next decade and beyond. First, there will be greater demands for transparency of investigations, including about who conducted the investigation, and how. Second, the scope of what counts as an "operational incident" will continue to expand, to encompass the sources of information and intelligence that led to an operation, and other parts of its planning. And third, investigations will remain open-ended, in the sense that both facts and findings may be revisited formally again and again.

345.22/260

**Haditha : a case study in response to war crimes / Tom Ayres.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 87-97. - In: *Investigating operational incidents in a military context : law, justice, politics*

In this chapter Brigadier-General Tom Ayes, writing in a private capacity, focuses on US troop activities in Haditha during the Iraq War. In November 2005, Marines were allegedly involved in the deaths of Iraqi civilians in Haditha. Marines involved in the incident, members of the chain of command, and a serving Judge Advocate were later charged under the US Military's Uniform Code of Military Justice. The disposition of these cases and a brief contrast and comparison to other war crimes in Iraq and Afghanistan are discussed.

345.22/260

**Introduction : the challenges of investigating operational incidents / David W. Lovell.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 1-19. - In: Investigating operational incidents in a military context : law, justice, politics

In this introduction David W. Lovell presents an overview of challenges encountered when investigating alleged breaches of international humanitarian law or military disciplinary regulations; namely a lack of will or mechanisms to investigate incidents thoroughly, the independence of the body carrying out the investigation, issues of jurisdiction and applicable law, media attention and international politics. He also clarifies the terminology and presents the case studies further analyzed in the book.

345.22/260

**Investigating violations of international human rights law and international humanitarian law through an international commission of inquiry : Libya and beyond / Annemarie Devereux.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 99-122. - In: Investigating operational incidents in a military context : law, justice, politics

This chapter discusses the role of International Commissions of Inquiry (ICOI) in investigating human rights and humanitarian law violations and uses the example of the International Commission of Inquiry for Libya to highlight some of the legal and methodological challenges which arise in conducting such investigations. The discussion deliberately encompasses violations of both human rights and humanitarian law, given the application of both sets of law in armed conflict and the potential dual characterization of many factual scenarios.

345.22/260

**The maxim of Thucydides : transparency, fact-finding, and accountability in East Timor / Clinton Fernandes.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 51-70. - In: Investigating operational incidents in a military context : law, justice, politics

This chapter discusses the investigation of war crimes and crimes against humanity under Indonesian occupation in East Timor. The author raises the issue of justice - or its absence - in cases where the alleged wrongs have been undertaken in an expeditionary operation by the stronger power and the military justice system of that power is the one responsible for conducting investigations. He reminds us that power is an essential element in some investigations, and particularly in the initial decision about whether to investigate. He examines how civil society groups have attempted to close the investigatory gap, and suggests further ways in which transparency, fact-finding and accountability might be introduced.

345.22/260

**La mise en oeuvre des principes de distinction et de proportionnalité en matière d'opérations aériennes / Xavier Perillat Piratoine.** - Paris : Pedone, 2015. - p. 315-328. - In: Guerre aérienne et droit international humanitaire

341.226/70

**The UK in Basra and the death of Baha Mousa / Rachel Kerr.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 71-85. - In: Investigating operational incidents in a military context : law, justice, politics

This chapter discusses the investigation into the death of an Iraqi civilian, Baha Mousa, while in British custody at a military detention centre in Basra. The author considers the legal framework governing British forces in Iraq, including the applicability of international humanitarian law and international human rights law. The case was prosecuted as a war crime in the military justice system and as a violation of the European Convention on Human Rights, however in spite of these proceedings, no one was found directly responsible for Baha Mousa's death. The author also examines the political ramifications of this case and of other allegations of unlawful killing and abuse for the British Government and Army.

345.22/260

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

**The applicability of the law of armed conflict and human rights law to organised armed groups / Jann K Kleffner.** - Pretoria : Pretoria University Law Press, 2014. - p. 49-64. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations*

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.

345.2/980

**Beyond attribution : responsibility of armed non-state actors for reparations in Northern Ireland, Colombia and Uganda / Luke Moffett.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 323-346. - In: *Responsibilities of the non-state actor in armed conflict and the market place : theoretical considerations and empirical findings*

This paper explores the responsibility of armed non-state actors for reparations to victims. Traditionally international law has focused on the responsibility of the state, and more recently the responsibility of convicted individuals before the International Criminal Court, to provide reparations for international crimes. Yet despite the prevalence of internal armed conflict over the past few decades, the responsibility of armed groups for reparations has been neglected in international law. Although there is a tentative emerging basis for armed groups to provide reparations under international law, such developments have not yet crystallized into hard law. However, when considering the more substantive practice of states in Northern Ireland, Colombia and Uganda, a greater effort can be discerned in ensuring that such organizations are responsible for reparations. This paper finds that not only can armed non-state actors be held collectively responsible for reparations, but due to the growing number of internal armed conflict they can play an important role in ensuring the effectiveness of reparations in remedying victims' harm. Yet, finding armed groups responsible for reparations is no panacea for accountability, due to the nature of armed conflicts, responsibility may not be distinct, but overlapping and joint, and such groups may face difficulties in meeting their obligations, thus requiring a holistic approach and subsidiary role for the state.

345/679

**Establishing direct responsibility of armed opposition groups for violations of international humanitarian law ? / Veronika Bílková.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 263-284. - In: *Responsibilities of the non-state actor in armed conflict and the market place : theoretical considerations and empirical findings*

This chapter scrutinizes the possibility of establishing a new legal regime which would make it possible to hold armed opposition groups per se directly accountable for violations of international humanitarian law (IHL). The first section analyses the regimes of responsibility of States and of individual criminal responsibility, which are already in place under current international law and which ensure an indirect responsibility of AOGs for violations of IHL. The section shows both the potential and the limits of these regimes concluding that there is indeed an accountability gap. The second section discusses the possibility of establishing a regime of direct responsibility of AOGs for violations of IHL. It asserts that although there is a tendency in favour of such a regime, it has so far been prevented from materialising by various political and legal dilemmas, which remain unresolved and also largely unaddressed. After suggesting

possible solutions to these dilemmas, the paper concludes that the creation of the regime of direct responsibility of AOGs for violations of IHL is a complex process, which definitely merits further scrutiny and debate.

345/679

**Establishing the direct responsibility of non-state armed groups for violations of international norms : issues of attribution / Annyssa Bellal.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 304-322. - In: Responsibilities of the non-state actor in armed conflict and the market place : theoretical considerations and empirical findings

This chapter focuses on attribution of non-State armed group conduct from an empirical perspective. Despite the absence of a formal international judicial forum with jurisdiction over non-State actors, many international organisations as well as NGOs have put in place "monitoring" mechanisms that address the conduct of non-State actors. In the context of this chapter, the work of three different types of mechanisms are explored: the UN Commission of Inquiry and Fact-Finding missions, the reports on the monitoring of the Geneva Call Deed of Commitment, and the UN Security Council work on children in armed conflict.

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**International corporate criminal liability for private military and security companies : a possibility ? / Pauline Collins.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 177-202. - In: Responsibilities of the non-state actor in armed conflict and the market place : theoretical considerations and empirical findings

This chapter is concerned with the corporate legal person of the private military and security corporation (PMSC) and its place in international law, especially regarding enforcement. It opens with a background description of the peculiarities of the PMSC and their significance for international law including the international legal personality of the PMSC. The treatment of the Blackwater Nisour Square incident and consequences for the company are instructive. Informed by this case study, the move towards greater legal person's rights and duties nationally offers a reference template to finding corporate responsibility on the PMSC in international law. In conclusion, doubt is cast on reliance on standard conceptions of criminal conduct for legal persons for international criminal law purposes. Certainly, the state as enforcer presents ongoing difficulties. Therefore, more creative thinking is needed to establish the recognition of corporate criminal liability at the international level.

345/679

**International responsibility of armed opposition groups : lessons from state responsibility for actions of armed opposition groups / Sten I. Verhoeven.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 285-303. - In: Responsibilities of the non-state actor in armed conflict and the market place : theoretical considerations and empirical findings

Under current international law, a gap exists with regard to armed opposition group (AOG) responsibility: the State on the territory of which such groups are operational is not always responsible for the latter's acts, nor does international law provide specific rules concerning their direct responsibility. After arguing that direct AOG responsibility may be deduced from Article 10 of the International Law Commission Articles on State Responsibility (which attributes to the State acts of insurrectional movements which subsequently seize governmental power or create a new State), the author turns to examine how the adoption of rules regarding attribution of conduct could be conceived so that an AOG responsibility regime is workable in practice. Proposing to design attribution rules by analogy to the law on State responsibility, acts of individuals would be attributable to the AOG when they are organs of the AOG, or when acting under the effective control of, or directed by, the AOG. However, before conclusively determining questions of attribution of conduct, the author notes that the need for more in-depth studies on the organisational structure and decision-making processes of insurrectional movements.

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**International responsibility of the AOG in international law : is there a case for an African approach ? / Francis Kofi Abiew and Noemi Gal-Or.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 347-370. - In: Responsibilities of the non-state actor in armed conflict and the market place : theoretical considerations and empirical findings

In this chapter the authors argue that the African Court of Justice and Peoples Rights may potentially exercise jurisdiction over armed non-state actor abuses (and not just over States who failed to prevent armed non-state actor abuses). They highlight, in particular, the references to non-state actors obligations in a variety of African conventions concerning human rights, international criminal law, jus ad bellum and jus in bello. Nevertheless, they are not particularly optimistic as regards the willingness of the Court to enforce these obligations.

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

**The Arab Spring : a testing time for the application of international humanitarian law / Claire Breen.** - In: New Zealand yearbook of international law, Vol. 11, 2013, p. 159-173. - Photocopies

This brief note begins with the basics of international humanitarian law (IHL) - its raison d'être and when it applies. It then considers the violence in Libya and Syria respectively. It notes that the violence in Libya quickly passed the threshold for the application of the humanitarian rules governing non-international armed conflict and almost as quickly evolved to include an international armed conflict with the commencement of the United Nations authorised North Atlantic Treaty Organisation military intervention. In contrast, determinations that the violence in Syria comprised a non-international armed conflict were slow and the ongoing high level of civilian casualties suggests the relevant rules of IHL are notable more for their breach than any observance. This notes concludes with some comments on the residual utility of IHL rules as a means to hold alleged violators (both States and individuals) to account.

345.26/272 (Br.)

**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. : graph., tabl. ; 24 cm. - Index. - ISBN 9780226258058  
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.

345.26/273

## **INTERNATIONAL ORGANIZATION-NGO**

**Annual report 2014 / The World Bank.** - Washington, DC : The World Bank, 2014. - 60 p. : tabl., graph., photogr., carte ; 28 cm + 1 CD-ROM. - ISBN 9781464802454

Réf. ORG 9

**Annual report 2014 / Association for the prevention of torture.** - Geneva : APT, [2015]. - 28 p. : photogr., graph., tabl. ; 21 x 30 cm

Réf. ORG 2-h (ENG)

**An introduction to the International Tracing Service / ITS.** - Bad Arolsen : ITS, [2009?]. - 23 p. : fotogr., fac-sim. ; 26 cm

341.215/260

**Rapport annuel 2014 / Association pour la prévention de la torture.** - Genève : APT, [2015]. - 28 p. : fotogr., graph., tabl. ; 21 x 30 cm

Réf.      ORG      2-h      (FRE)

## **MEDIA**

**Bravery or bravado ? : the protection of news providers in armed conflict / by Nina Burri.** - Leiden ; Boston : Brill Nijhoff, 2015. - XVIII, 450 p. : tabl. ; 25 cm. - (International humanitarian law series). - Bibliographie : p. 412-433. Index. - ISBN 9789004288843

070/115

**Les médias et l'humanitaire : quelle relations ? / Hajer Gueldich.** - In: Ordine internazionale e diritti umani, No 1, marzo 2015, p. 66-76. - Photocopies. - Bibliographie : p. 75-76

070/114 (Br.)

## **PEACE**

**The Oxford international encyclopedia of peace / Nigel J. Young, ed. in chief.** - Oxford [etc.] : Oxford University Press, 2010. - 4 vol. (LVIII, 617, 677, 656, 794 p.) : tabl. ; 29 cm. - Bibliographies. Index

Réf.      PAI      1      (I-IV)

**Peacemaking in the twenty-first century / ed. by John Hume, T. G. Fraser and Leonie Murray.** - Manchester ; New York : Manchester University Press, 2014. - X, 214 p. ; 24 cm. - Index. - ISBN 9780719096891

Contient notamment : Peacemaking / W. J. Clinton. - Peace and reconciliation in the modern world / H. R. Clinton. - Learning the lessons of peacebuilding / K. Annan.

172.4/269

## **PUBLIC INTERNATIONAL LAW**

**Black's law dictionary / Bryan A. Garner, ed. in chief.** - 10th ed.. - St. Paul, MN : Thomson Reuters, 2014. - XXXV, 2016 p. : tabl., carte ; 26 cm. - ISBN 9780314613004

Réf.      DIP      1-i

**The canon of love against the use of force in Islamic and public international law, : part I : the chamber of love within legal discipline / Farhad Malekian.** - In: International criminal law review, Vol. 15, no. 4, 2015, p. 591-628



**Droit international, guerre et paix / sous la dir. de Daniel Lagot.** - Paris : L'Harmattan, 2015. - 226 p. ; 22 cm. - (Questions contemporaines). - ISBN 9782343063003  
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.

345/680

**Islamic law and the responsibility to protect / Matthias Vanhullebusch.** - In: Human rights and international legal discourse, Vol. 4, no. 2, 2010, p. 191-209

**Lifting the guise of occupation and recourse to action before the ICJ and ICC / John Dugard.** - In: The Palestine yearbook of international law, Vol. 17, 2013-2014, p. 9-27

**La rébellion et le droit international : le principe de neutralité en tension / par Olivier Corten.** - In: Recueil des cours : Académie de droit international de la Haye = Collected courses of the Hague academy of international law, T. 374, 2014, p. 53-312. - Bibliographie : p. 310-312

**Responsibilities of armed opposition groups and corporations for violations of international law and possible sanctions / Jordan J. Paust.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 105-123. - In: Responsibilities of the non-state actor in armed conflict and the market place : theoretical considerations and empirical findings

Jordan Paust elaborates on the relationship between the "types of responsibilities" and "types of possible sanction responses", a relationship arising from a historical overview of cases that have come before US Courts, and which provide compelling arguments that the problematique of non-state actor (NSA) responsibility has existed at least since the mid-19th century. In distinguishing between various types of responsibility: "direct perpetrator, complicity or aiding and abetting, conspiracy, and joint criminal enterprise responsibility", he argues that the actual sanctioning regime applied to the various NSAs reflects the type of responsibility envisaged by the sanctioning actor. Sanctions according to Paust can be political, economic, juridical, and military, and potentially financial and cultural. The effectiveness of sanctions depends on the activities and wealth of the NSA in question.

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## **REFUGEES-DISPLACED PERSONS**

**The application and interpretation of international humanitarian law and international criminal law in the exclusion of those refugee claimants who have committed war crimes and/or crimes against humanity in Canada / James C. Simeon.** - In: International journal of refugee law, Vol. 27, issue 1, March 2015, p. 75-106. - Photocopies

Refugee status determination is difficult by its very nature but it becomes even more complex when the issue of exclusion under article 1F(a) is raised and it is alleged that there are 'serious reasons for considering' that the applicant is 'guilty of having committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments that have been drawn to make provision for such crimes'. The 'War Crimes and Refugee Status' Research Project's Canadian jurisprudence dataset, consisting of 98 article 1F(a) cases, reveals that more than 91 per cent of these cases cite international humanitarian law (IHL) or international criminal law (ICL), but only 13 per cent of the cases cite UNHCR guidelines or directives. Interestingly, nearly two-thirds, 65.8 per cent, of these appeal cases are denied. Five of the most frequently cited judgments in this sample of cases were Ramirez, Moreno, Sivakumar, Harb, and Pushpanathan, in that order. After analyzing these five appeal court judgments in depth, seven legal principles were identified respecting the application and interpretation of IHL and ICL in Canada. The new test for exclusion under article 1F(a) in Canada, 'voluntary,

significant and knowing contribution,' leaves a broad area of discretion for refugee law decision makers. This will cause, undoubtedly, legal contention in the appellate courts as the article 1F(a) cases make their way through the judicial process in Canada.

325.3/501 (Br.)

**Dictionnaire des migrations internationales : approche géohistorique / sous la dir. de Gildas Simon.** - Paris : A. Colin, 2015. - 807 p. : cartes ; 24 cm. - Bibliographie : p. 807-808. - ISBN 9782200250126

Réf. GEO 6-a

## **RELIGION**

**Pour une lecture profane des conflits : sur le "retour du religieux" dans les conflits contemporains du Moyen-Orient / Georges Corm.** - Paris : La Découverte, 2015. - 275 p. ; 19 cm. - (Poche ; 426). - ISBN 9782707179029

281/66

**War and law in the Islamic world / by Matthias Vanhullebusch.** - Leiden ; Boston : Brill Nijhoff, 2015. - XIX, 281 p. ; 25 cm. - (Brill's Arab and Islamic law series ; vol. 8). - Bibliographie : p. 227-262. Index. - ISBN 9789004298255

297/156

## **SEA WARFARE**

**Ethics or politics? : the Palmer Commission report on the 2010 Gaza flotilla incident / Deane-Peter Baker.** - Leiden ; Boston : Brill Nijhoff, 2015. - p. 123-145. - In: Investigating operational incidents in a military context : law, justice, politics

This chapter examines in detail the report of one of the investigations launched into the "Gaza flotilla incident": the investigation established by the UN-Secretary General and widely known as the Palmer Commission. In May 2010, the MV Marmara and a number of other vessels seeking to break the blockade of Gaza were boarded by Israeli soldiers, leading to the death of nine persons. This incident led to the creation of a number of investigations, each resulting in quite different conclusions about whether and how Israel had contravened international law. The author is concerned to test two of the key findings of the Palmer Commission Report against the requirement of *jus in bello* norms. While the Commission concluded that the blockade of Gaza was legal, it found that Israeli action in boarding the vessels was "excessive and unreasonable", and that the loss of life was "unacceptable". The author argues that the Commission's own arguments do not support these findings, and he strongly suggests that they were motivated more by political, than by legal or ethical, considerations.

345.22/260

**Prosecuting maritime piracy : domestic solutions to international crimes / ed. by Michael P. Scharf, Michael A. Newton and Milena Sterio.** - Cambridge : Cambridge University Press, 2015. - XIV, 368 p. ; 23 cm. - Index. - ISBN 9781107441125

Contient notamment : The governing international law on maritime piracy / S. L. Hodgkinson. - Exercising universal jurisdiction over piracy / V. P. Nanda. - The use of force against pirates / L. R. blank. - The problem of pirate punishment / E. Kontorovich.

347.799/158

## **TERRORISM**

**International terrorism and the jurisdiction of Islamic law / Ahmed Al-Dawoody.** - In: *International criminal law review*, Vol. 15, issue 3, 2015, p. 565-586

**Target practice : do United Nations sanctions protect civilians against Al-Qaida ? / Leah Campbell.** - Leiden ; Boston : Brill Nijhoff, [2015]. - p. 101-135. - In: *The protection of non-combatants during armed conflict and safeguarding the rights of victims in post-conflict society : essays in honour of the life and work of Joakim Dungal*

In this chapter Leah Campbell explores the utility of the UN Security Council's Al-Qaida Sanctions Committee. She outlines the Committee's procedural framework and explores the tension between these procedures and international human rights law. In particular, the chapter looks for a middle ground between the Committee's pre-emptive targeting policy and fundamental due process rights. Finally, Campbell examines domestic implementation of Security Council targeted sanctions and the potential for measures to most effectively protect civilians against threats to international peace and security caused by terrorist acts.

345.2/979

**The "war on terror" and the framework of international law / Helen Duffy.** - 2nd ed.. - Cambridge : Cambridge University Press, 2015. - LXXVI, 993 p. ; 23 cm. - Bibliographie : p. 938-965. Index. - ISBN 9781107601727

303.6/143

## **WOMEN-GENDER**

**Conflict-related sexual violence : achievements and challenges in international criminal law and the role of the military / By A. L. M. de Brouwer.** - In: *Militair-rechtelijk tijdschrift*, Vol. 108, issue 2, 2015, p. 53-73. - Photocopies

Despite the often high occurrence of sexual violence in conflict and its enormous potential to destroy individual lives and communities and societies at large (capable of rising to a national and international peace and security issue), perpetrators of these crimes have often not been prosecuted. Prosecutions before international criminal tribunals are relatively rare and on the national level, conflict-related sexual violence prosecutions are very often minimal or non-existent. Prevention-strategies are furthermore given more thought; yet more needs to be learned and done in order to make the prevention of conflict-related sexual violence more effective. While it is not possible to cover everything of relevance to conflict-related sexual violence, some of the most important achievements and current challenges concerning the understanding, prevention, investigation and prosecution of sexual violence in conflict, with special attention to the role of the military, is addressed in this contribution.

362.8/235 (Br.)

**Displacing equality ? : women's participation and humanitarian aid effectiveness in refugee camps / Elisabeth Olivius.** - In: *Refugee survey quarterly*, Vol. 33, no. 3, 2014, p. 93-117  
**A gender perspective on the relationship between HRL and IHL / Bonita Meyersfeld.** - Pretoria : Pretoria University Law Press, 2014. - p. 21-48. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations*

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.

345.2/980

**Sex and drone strikes : gender and identity in targeting and casualty analysis / written by Ray Acheson, Richard Moyes and Thomas Nash.** - London : Article 36 ; New York : Reaching Critical Will, 2014. - 14 p. ; 30 cm. - Photocopies

362.8/234 (Br.)

**Sexual violence during armed conflict and reparation : paying due regard to a unique trauma / Misha Roux.** - In: African yearbook on international humanitarian law, 2014, p. 87-110