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November to mid-December 2013

Nouvelles acquisitions
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novembre à mi-décembre 2013

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**ARMS**


This book considers the use of armed drones in the light of ethical principles that are intended to guard against unjust increases in the incidence and lethality of armed conflict. The evidence and arguments presented indicate that, in some respects, the use of armed drones is to be welcomed as an ethically superior mode of warfare. Over time, however, their continued and increased use is likely to generate more challenges than solutions, and perhaps do more harm than good.

341.67/737


This article will highlight the main issues and concerns of the ICRC in relation to nuclear weapons, and provide a summary of the efforts of the International Red Cross and Red Crescent Movement in this area since 1945. It will also offer several observations on what the changing dynamic on nuclear weapons may mean for the ongoing work on this issue.

341.67/735


In addressing the rules of international humanitarian law that regulate civilian casualties that often accompany the use of drones, this chapter proceeds in three parts. The first section highlights the controversy over how many of these casualties have actually been uninvolved civilians, which engages the thorny issue of direct participation in hostilities. This portion of the chapter reviews the International Committee of the Red Cross (ICRC)'s newly released Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law (Melzer 2008a) (hereafter Interpretative Guidance), which was adopted by the Assembly of the International Committee of the Red Cross on 26 February 2009, and assesses whether it provides sufficient clarity in this area. The second section of this chapter briefly reviews issues of targeting and the cardinal principle of proportionality. The third and pivotal section of this chapter introduces the little discussed but very real obligations in international humanitarian law towards missing and dead civilians. Regardless of whether or not the rules of international humanitarian law are complied with, civilians who are killed in these attacks are entitled to a dignified burial.

355/1010


341.67/736

**Nuclear, radiological, biological and chemical events / ICRC.** - Geneva : ICRC, July 2013. - 3 volets ; 21 cm. - (In brief)

Nuclear, radiological, biological or chemical (NRBC) events are actions or occurrences that may lead to the release and dispersal of hazardous materials in quantities and in circumstances that put individuals or groups at significant risk. This leaflet aims to raise awareness on basic measures to protect oneself and others in case of NRBC exposure.

341.67/24 (Br.)

**CHILDREN**

Disasters and terrorism present significant and often overwhelming challenges for children and families worldwide. Individual, family, and social factors influence disaster reactions and the diverse ways in which children cope. This article links conceptualizations of stress and coping to empirical knowledge of children's disaster reactions, identifies limitations in our current understanding, and suggests areas for future study of disaster coping. Coping strategies, developmental trajectories influencing coping, and the interplay between parent and child coping represent critical areas for advancing the field and for informing programs and services that benefit children's preparedness and foster resilience in the face of mass trauma.

362.7/383 (Br.)

The "new wars" of children or on children ? : international humanitarian law and the "underaged combatant" / Noëlle Quénivet. - Farnham ; Burlington : Ashgate, 2013. - p. 139-169. - In: The liberal way of war : legal perspectives. - Bibliographie : p. 159-165

This chapter rethinks the notion of 'underaged combatant' in international humanitarian law in order to assess whether a change in the law is necessary. It begins by exploring how and why the phenomenon of child soldiering has gained prominence in recent years. It then examines the current legal framework in relation to the recruitment, conscription, enlistment and participation of children in armed conflict. The chapter ends by critically analysing international law in this area through the prism of two values that are essential to liberal thinkers: universality, the view that liberal values apply across cultures; and autonomy, the idea that each individual is able to take decisions independently. It concludes that the issue of child soldiering is more difficult to grasp than liberal thinkers present it and that the Zero Under 18 Campaign launched by the United Nations Special Representative for Children and Armed Conflict, which well reflects the current liberal approach, is unlikely to be successful because it fails to take into consideration the weight of history, politics and culture.

355/1010


362.7/384

CIVILIANS


355/1009


Content : General rules. - Civil defence. - Humanitarian assistance. - Belligerent occupation. - Aliens in the territory of a party to the conflict. - Internment of civilians.

345.2/638 (2013 ENG)

CONFLICT-VIOLENCE AND SECURITY

Cyberwar and peace : hacking can reduce real-world violence / Thomas Rid. - In: Foreign affairs, Vol. 92, no. 6, November/December 2013, p. 77-87

Emerging drone nations / Shashank Joshi and Aaron Stein. - In: Survival, Vol. 55, no. 5, October-November 2013, p. 53-78


355/1006


Examining some of the huge challenges that liberal States faced in the decade after 11 September 2001, the chapters in this book address three aspects of the impact of more than a decade of military action. This book begins by considering four different expressions of universalist moral aspirations, including the prohibition of torture, and discusses migration and ‘responsibility to protect,’ as well as the United Nations Human Rights Committee’s Concluding Observations about security and liberty in the last decade. International humanitarian law and the problems posed by the territorial character of war and the effects of new technologies and child soldiers are also analysed. Finally, Islamic law and its interface with international law is considered from a new perspective, and contributions in this final part offer a different way of thinking about an authentically Islamic modernisation that would be compatible with Western models of political order.


DETENTION


ENVIRONMENT

363.7/151

GEOPOLITICS

323.15/MLI 1


323.15/DZA24

323.15/MAR 6

323.10/36

323.10/36

Library's new acquisitions:


HEALTH-MEDICINE


HISTORY


Aujourd'hui, il est partout question de commémoration, de devoir ou d'abus de mémoire. Rapport personnel, affectif au passé, la mémoire semble avoir tout envahi. Culturelle, historique, religieuse, artistique, elle peut se montrer exclusive et intolerable, nuire au vivre-ensemble. Mais elle est aussi capable de susciter la résistance à l'oppression, de sauver une culture, une minorité, d'assurer la cohésion d'un groupe, d'une société, d'une nation. Autre rapport au passé, à vocation universelle cette fois, l'histoire se tient à distance. Fruit de la rationalité, elle cherche modestement et obstinément une parcelle de vérité. Tout semble donc opposer histoire et mémoires ; les conflits se sont d'ailleurs multipliés, surtout en France. Le pari de l'auteur est pourtant d'en affirmer l'indispensable alliance et d'en proposer les conditions. Les mémoires ont déjà transformé les livres d'histoire, offrant à l'événement et à la biographie une nouvelle jeunesse. Ainsi l'histoire orale a-t-elle donné à comprendre, de l'intérieur, les invisibles, restés à l'écart de l'écriture. Les mémoires obligent les historiens à questionner leur métier, leur fournissent de nouveaux objets d'étude et la possibilité de saisir une réalité jusqu'alors inaccessible. En contrepartie, l'histoire demeure le seul moyen d'apaiser les mémoires blessées, de permettre aux mémoires concurrentes de cohabiter. La meilleure manière de vaincre l'oubli et de se prémunir des excès méémoriels.

94/508

HUMAN RIGHTS


HUMANITARIAN AID


In the last few years, insecurity for relief workers has become a matter of great concern and a central issue in aid policy debates. Explanation for such a widespread anxiety is the claim that international humanitarian organisations are facing a new type of threat, while operating in increasingly hostile environments. This article explores the construction of humanitarian insecurity as a new and growing threat. Drawing on historical material, we suggest that the departure from ‘the past’ is not as pronounced as it is suggested by experts and commentators on this issue, and that the perceived deterioration of operating environments is questionable. The article concludes that the tendency to report humanitarian insecurity in catastrophic rather than analytical terms can create more problems than resolve them, in effect deepening the conditions for some of the challenges that humanitarian actors face today.

361/603 (Br.)

Libya and Syria : R2P and the spectre of the swinging pendulum / Justin Morris. - In: International affairs, Vol. 89, no. 5, September 2013, p. 1265-1283


ICRC-INTERNATIONAL MOVEMENT OF THE RED CROSS AND RED CRESCENT


362.191/1496


362.191/1436 (Br.)

SN/IT/33 (I-II)

INTERNATIONAL CRIMINAL LAW


In October 2012, a panel of the D.C. Circuit dealt a blow to the United States’ post-September 11, 2001 decade-long experiment with military commissions as a forum for trying Guantanamo Bay detainees. Specifically, the court concluded that prior to the 2006 statutory reforms, military commission jurisdiction was limited to violations of internationally-recognized war crimes; that providing material support to terrorism was not an internationally-recognized war crime; and that the military commission conviction of Salim Hamdan for material support charges based on pre-2006 conduct was therefore invalid. Three months later, a panel of the D.C. Circuit reached the same conclusion with respect to conspiracy and solicitation charges, and vacated the conviction and life sentence of Guantanamo Bay detainee Ali Hamza Ahmad al Bahlul. That case is now on appeal to an en banc (full court) panel of the D.C. Circuit. This article analyses the D.C. Circuit’s ruling in Hamdan’s case, explaining why the ultimate holding is the right one, even though some of the reasoning is flawed, and why the ruling should be upheld on appeal. It also highlights the many unresolved questions and the implications for the future of military commissions at Guantanamo Bay. As the article explains, the D.C. Circuit’s rulings are a major victory for the rule of law and a major defeat for commissions.
This book examines the concept of guilt in the Rome Statute of the International Criminal Court as the most significant factor in determining individual criminal responsibility for the most serious violations of international humanitarian law. The Rome Statute provides a general definition of guilt for the first time in the history of international criminal law, since none of the Statutes of previous international Tribunals contained general rules on this matter. The book also questions the regulation of guilt in the Rome Statute in light of the principle of legality. 344/609


Specific reparation for specific victimization : a case for suitable reparation strategies for war crimes victims in the DRC / Amissi M. Manirabona and Jo-Anne Wemmers. - In: International criminal law review, Vol. 13, issue 5, 2013, p. 977-1012
The vast number of victims as well as their tremendous needs have to be taken into consideration by the International Criminal Court (ICC) that is dealing with some of the war criminals from the DRC. However, while many international instruments provide war victims with rights to reparation, the ICC is limited in terms of who it considers a victim and what it can offer in terms of reparation. The Trust Fund for victims, however, does not suffer these same limitations. Nevertheless, the Trust Fund is grossly underfunded. Thus, it should be supplemented by a national compensation fund for war victims financed by the international community, the DRC as well as States involved in Congolese armed conflict. As we will see later on, although this research is focused to victims of the DRC armed conflict, many of its lessons might have broader implications and apply to other situations involving war-induced victimization.

The transition of responsibilities from the Special Court to the Residual Special Court for Sierra Leone : challenges and lessons learned for other international tribunals / Fidelma Donlon. - In: Journal of international criminal justice, Vol. 11, no. 4, September 2013, p. 857-874

INTERNATIONAL HUMANITARIAN LAW-GENERAL


Les relations entre les droits de l'homme et le droit international humanitaire ne sont pas statiques mais dynamiques. Au-delà d'une simple complémentarité, il existe une influence mutuelle entre ces deux branches de droit international au niveau structurel et substantiel. Au niveau structurel, le rapprochement entre le droit international humanitaire et les droits de l'homme dans la seconde moitié du XXème siècle a permis une extension des champs d'application et une amélioration de la mise en œuvre de ces deux branches du droit

9
international. Au niveau substantiel, il apparaît qu’une protection cohérente et optimale des individus dans les conflits armés n’est possible que si l’on tient compte du droit international humanitaire et des droits de l’homme de manière combinée. A cet égard, le droit à la vie a été choisi comme droit-test puisqu’en ce domaine les droits de l’homme et le droit international humanitaire sont souvent considérés, à tort, comme contradictoires. A travers une analyse de la pratique internationale, cet ouvrage démontre que l’influence mutuelle est un excellent, voire le meilleur, moyen d’améliorer progressivement la protection des individus en période de conflit armé.

345.2/837

This chapter seeks to demonstrate the broad compatibility between the Islamic law of qital and the law of armed conflict by examining the basics and general principles of both bodies of law. It does this in two parts. The first part discusses and compares the basic principles of the Islamic law of qital - military necessity, distinction, proportionality, humanity and an obligation to accept offers of peace- with similar basic principles of the law of armed conflict. The second part of this chapter discusses and compares some general principles of the Islamic law of qital, related to genocide, war crimes and crimes against humanity, the treatment of war captives, rape as a war crime, civilian immunity, individual criminal responsibility, mutilation, perfidy and ruses of war, child soldiers, safe passage and quarter, hostages and armistices, with identical general principles of the law of armed conflict. Although not discussed in detail in this chapter, it should be pointed out that the grey areas and blind spots of the Islamic law of qital can also be clarified; they can be expanded upon and developed to ensure their compatibility with the law of armed conflict.

355/1010

Content: General. - The rights and duties of neutral states.

345.2/638 (2013 ENG)

Content: Wounded, sick, and shipwrecked persons. - The dead and missing. - Medical units and transport. - Medical personnel. - Medical aircraft Wolf Heintschel von Heinegg. - Hospital and safety zones and localities; neutralized zones. - The distinctive emblem.

345.2/638 (2013 ENG)

Material, personal, geographical and temporal scope of application of IHL.

345.2/638 (2013 ENG)

This chapter opens with an overview of the two distinct views that have emerged over the last two decades in response to the changing nature of warfare. Common to both is the anxiety that the modern state is ill-prepared to respond to the spatial reconceptualisation of the global order. In particular, this chapter explores how the law of armed conflict's spatial preconceptions have been radically challenged through state practice and the decisions of courts. I suggest that this reconstitution of space has engendered an angst that is as much about the pace of change as it is about the outcome produced. The second part of this chapter considers the legal debates surrounding the use of unmanned aircraft systems, or drones, as a tactic in responding to transnational terrorism and suggests that the discomfort that many feel about this technology is symptomatic of a deep set of concerns related to the extended spatial, and temporal, reach of the law of armed conflict. I interrogate whether this reconfiguration of space is disrupting the divide between war and crime and between jus in bello and jus ad bellum. The final part of this
chapter reflects upon whether the extended spatial scope of the law of armed conflict is to be welcomed or resisted.

INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES

Content: General rules. - Means of combat. -Methods of combat.
345.2/638 (2013 ENG)

INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION

345.2/638 (2013 ENG)

Ce rapport prend en considération les travaux et réflexions qui ont suivi la réunion universelle. Il inclut un compte rendu des discussions sur les moyens et solutions permettant de répondre aux défis de l’incorporation du DIH (aspects répressifs) dans le droit national. Il présente également des réflexions sur des sujets d’importance, tels la compétence universelle ou encore le rôle de la sanction dans la prévention des violations graves du DIH. Le volume 2 du rapport, vise à soutenir les efforts des États dans les domaines examinés par la réunion universelle.
345.22/221 (I-II)

INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS

Command/superior responsibility during peace operations / Darren Stewart. - In: Collegium, No 42, automne 2012, p. 151-156
172.4/257

172.4/257

IHL violations committed by peace forces : is there any role for the ICC ? / Olivia Swaak-Goldman. - In: Collegium, No 42, automne 2012, p. 144-150
172.4/257

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<td>During the last few decades, the use of computer network attacks in modern warfare has significantly increased. Computer network attacks are operations that, by targeting a data stream, aim to manipulate, disrupt, deny or destroy electronic information that is resident in computers or computer network. In the contemporary battlefield, cyber attacks offer the possibility of attacking military objectives that would otherwise be inaccessible, for example due to the location of the military objectives or the risk of disproportionate civilian injury or damage to civilian objects (see Jensen 2003; O'Donnell and Kraska 2003; Kelsey 2008: 1440-41). In certain circumstances, computer network attacks may reduce the humanitarian impact of military power and provide the kind of precise and tailored effects that a conventional military attack may not produce.</td>
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**Library's new acquisitions:**

- Personnel engaged in the protection of cultural property. - Distinctive marking of cultural property. 345.2/638 (2013 ENG)

## PUBLIC INTERNATIONAL LAW

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## REFUGEES-DISPLACED PERSONS

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TERRORISM

Deconstructing terrorism as a war crime: the Charles Taylor case / Kirsten M.F. Keith. - In: Journal of international criminal justice, Vol. 11, no. 4, September 2013, p. 813-833
For his role in the wartime atrocities in Sierra Leone, Charles Taylor was convicted of the war crime of terrorizing the civilian population. This article critically examines the legal and factual treatment of this war crime in the Taylor Trial Judgment, drawing attention to the Judgment’s strengths and weaknesses. While the Chamber’s reasoning is shown at times to be inconsistent, particularly in addressing the central question of specific intent, this article highlights the areas of the judgment that could serve as persuasive precedent in future cases. As Taylor’s conviction for sexual violence as an underlying act of terrorism demonstrates, terrorism as a war crime has the potential to be used as an umbrella charge encompassing other crimes committed with the purpose of instilling fear in the civilian population.

TORTURE

Litigation before the UN Committee against torture: strengthening this important tool against torture: proceedings of a conference presented by the American University Washington College of Law and the World Organisation against torture / Dean Claudio Grossman... [et al.]. - In: Human rights brief, Vol. 20, issue 4, Summer 2013, 43 p.: portr.

WOMEN-GENDER

362.8/197

362.8/195

362.8/194

Sexual violence inside rebellion: policies and perspectives of the Revolutionary United Front of Sierra Leone / Zoe Marks. - In: Civil wars, Vol. 15, no. 3, September 2013, p. 359-379
362.8/196