

# BIBLIOGRAPHY

## 3rd Issue 2022

### International Humanitarian Law

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



ICRC

# Table of Content

<b>TABLE OF CONTENT</b> .....	<b>2</b>
<b>INTRODUCTION</b> .....	<b>4</b>
I. General issues .....	6
II. Types of conflicts .....	9
III. Armed forces / Non-state armed groups .....	11
IV. Multinational forces .....	12
V. Private actors .....	12
VI. Protection of persons .....	13
VII. Protection of objects .....	16
VIII. Detention, internment, treatment and judicial guarantees .....	18
IX. Law of occupation .....	19
X. Conduct of hostilities .....	19
XI. Weapons .....	21
XII. Implementation .....	22
XIII. International human rights law .....	26
XIV. International criminal law .....	28
XV. Contemporary challenges .....	31
XVI. Countries/Regions .....	34
<i>AFRICA</i> .....	34
<i>AMERICA</i> .....	34
<i>ARMENIA</i> .....	34
<i>AZERBAIJAN</i> .....	34
<i>BOSNIA AND HERZEGOVINA</i> .....	34
<i>CAMBODIA</i> .....	35
<i>CANADA</i> .....	35
<i>CHINA</i> .....	35
<i>COLOMBIA</i> .....	35
<i>CYPRUS</i> .....	36
<i>DEMOCRATIC REPUBLIC OF THE CONGO</i> .....	36
<i>EASTERN EUROPE</i> .....	36
<i>ETHIOPIA</i> .....	36
<i>FRANCE</i> .....	36
<i>GERMANY</i> .....	37
<i>INDONESIA</i> .....	37
<i>IRAQ</i> .....	37
<i>ISRAEL</i> .....	37
<i>ITALY</i> .....	37

<i>LATIN AMERICA</i> .....	38
<i>MEXICO</i> .....	38
<i>MYANMAR</i> .....	38
<i>NEPAL</i> .....	38
<i>NETHERLANDS</i> .....	38
<i>PALESTINE</i> .....	38
<i>PHILIPPINES</i> .....	38
<i>RUSSIA</i> .....	39
<i>RWANDA</i> .....	39
<i>SAUDI ARABIA</i> .....	39
<i>SIERRA LEONE</i> .....	39
<i>SOUTH SUDAN</i> .....	39
<i>SUDAN</i> .....	40
<i>SYRIA</i> .....	40
<i>TIMOR-LESTE</i> .....	40
<i>UKRAINE</i> .....	40
<i>UNITED STATES</i> .....	40
<i>YEMEN</i> .....	41
<i>YUGOSLAVIA</i> .....	41

**ALL WITH ABSTRACTS..... 42**

# Introduction

## The International Committee of the Red Cross Library

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

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

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

The Library is open to the public from Monday to Friday (9 am to 1 pm).

## Origin and purpose of the IHL bibliography

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

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

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

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

## How to use the IHL Bibliography

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

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

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

Rather than going through the first part and coming across repeated references, readers can skip to the second part where all the documents are listed alphabetically (by title), together with an abstract. The abstract is either that produced by the author or the publisher, where provided, or is drawn up by the IHL reference librarian responsible for the bibliography.

### **Access to document**

Whenever an article is electronically available in full text, a link allows you to access the document directly. Links followed by a \* are restricted to subscribers or otherwise limited to ICRC staff. All documents are available for loan at the ICRC Library. In case your local library cannot provide you with some of the documents, requests for copies or scans (in a reasonable amount) can be sent to [library@icrc.org](mailto:library@icrc.org)

### **Chronology**

This bibliography is based on the acquisitions made by the ICRC Library over the past four months. The Library strives to acquire relevant articles and books as soon as they become available.

### **Contents**

The bibliography lists writings on IHL subjects (e.g. articles, monographs, chapters, reports and working papers) in English and French, with the addition of writings in German and Spanish since 2022.

### **Sources**

The ICRC Library monitors a wide range of sources, including all 80 journals to which the Library subscribes, bibliographical databases, legal databases, legal publishers’ catalogues, legal research centres and non-governmental organizations. It also receives suggestions from the ICRC legal advisers.

### **Disclaimer**

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

## **Subscription and feedback**

Please send your request for subscription or feedback to [library@icrc.org](mailto:library@icrc.org) with the subject heading “IHL bibliography subscription/feedback”.

# I. General issues

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

## **70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ? : réflexions sur les interactions normatives**

sous la direction de Olivier de Frouville et Sébastien Touzé ; Centre de recherche sur les droits de l'homme et le droit humanitaire. - Paris : A. Pedone, 2022. - 258 p.

## **The 1871 Mexican Criminal Code as the missing piece in the history of criminalizing violations of the laws of war**

Tania Ixchel Atilano. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1650-1683

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-atilano.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-atilano.pdf)

## **The Additional Protocols to the Geneva Conventions in context**

Annyssa Bellal and Stuart Casey-Maslen. - Oxford : Oxford University Press, 2022. - XXIII, 338 p.

<https://doi.org/10.1093/law/9780192868909.001.0001> \*

## **Animals in the international law of armed conflict**

Anne Peters, Jérôme de Hemptinne, Robert Kolb. - Cambridge : Cambridge University Press, 2022. - 409 p.

<https://doi.org/10.1017/9781009057301> \*

## **Assessing the authority of the ICRC customary IHL study : how does IHL develop?**

Marko Milanovic and Sandesh Sivakumaran. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1856-1897

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-milanovic.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-milanovic.pdf)

## **Berg-Karabach : eine völkerrechtliche Analyse des Konflikts um Arzach**

Gurgen Petrossian, Sarah Babaian, Arlette Zakarian (Hrsg.). - Baden-Baden : Nomos, 2022. - 448 p.

## **Charting Hinduism's rules of armed conflict : Indian sacred texts and international humanitarian law**

Raj Balkaran and A. Walter Dorn. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1762-1797

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-balkaran.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-balkaran.pdf)

## **Commentaire de la deuxième Convention de Genève : Convention (II) pour l'amélioration du sort des blessés, des malades et des naufragés dans les forces armées sur mer**

comité éditorial : Knut Dörmann... [et al.] ; équipe en charge du projet : Jean-Marie Henckaerts... [et al.]. - Cambridge [etc.] : Cambridge University Press ; Geneva : ICRC, 2023. - XVIII, 1187 p

<https://library.icrc.org/library/docs/DOC/icrc-4304-001.pdf>

## **The crisis in international law and the path forward for international humanitarian law**

Paul B. Stephan. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2077-2096

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-stephan.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-stephan.pdf)

**Cuaderno de practicas de derecho internacional humanitario**

José Luis Rodríguez-Villasante y Prieto. - Valencia : Tirant lo Blanch, 2021. - 246 p.

**The effects of armed conflict on investment treaties**

Tobias Ackermann. - Cambridge : Cambridge University Press, 2022. - XLI, 346 p.

**The future law of armed conflict**

ed. by Matthew C. Waxman and Thomas W. Oakley. - New York : Oxford University Press, 2022. - 306 p.

<https://doi.org/10.1093/oso/9780197626054.001.0001> \*

**Future war, future law : a historical approach**

Adam Roberts. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 7-23

<https://doi.org/10.1093/oso/9780197626054.003.0002> \*

**Going for a test drive ? : some observations on the turn to informality in the laws of armed conflict**

Liesbeth Lijnzaad. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1930-1947

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-lijnzaad.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-lijnzaad.pdf)

**How international humanitarian law develops**

Cordula Droege and Eirini Giorgou. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1798-1839

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-droege.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-droege.pdf)

**How will international humanitarian law develop in the future ?**

Marco Sassòli. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2052-2076

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-sassoli.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-sassoli.pdf)

**Humanitäres Völkerrecht**

Udo Fink, Ines Gillich. - Baden-Baden : Nomos, 2023. - 369 p.

**Informal international law-making : a way around the deadlock of international humanitarian law ?**

Pauline Charlotte Janssens and Jan Wouters. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2111-2130

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-janssens.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-janssens.pdf)

**International conflict and security law : a research handbook**

Sergey Sayapin, Rustam B. Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, Noëlle Quéniwet. - The Hague : Asser Press ; Berlin : Springer, 2022. - 2 vol.

**Islam and international humanitarian law : observance and practice in the Philippine Muslim conflict experience**

Mehol K. Sadain, Macrina A. Morados and Darwin J. Absari. - Quezon City : University of the Philippines Institute of Islamic Studies, August 2022. - X, 98 p.

**Manuel de droit international humanitaire**

Ange Sankieme Lusanga ; préf. de Léon Matangila Musadila. - Paris : Harmattan, juillet 2022. - 192 p.

**The origins, causes and enduring significance of the Martens Clause : a view from Russia**

Vitaliy Ivanenko. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1708-1724

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-ivanenko.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-ivanenko.pdf)

**La participation des personnes privées au développement du droit international: l'exemple du droit international humanitaire**

Mohammad Sharififard. - [S.l.] : [s.n.], 2022. - 473 p.

<https://tel.archives-ouvertes.fr/tel-03675214>

**Religion and international humanitarian law**

Andrew Bartles-Smith. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1725-1761

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-bartles.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-bartles.pdf)

**Same law, new wars: the enduring relevance of international humanitarian law and the importance of the updated ICRC Commentaries : proceedings of the 22nd Bruges Colloquium, 21-22 October 2021**

ICRC, College of Europe. In: Collegium, No 52, Autumn/automne 2021, 186 p.

[https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web\\_o.pdf](https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web_o.pdf)

**A seat at the table : Islamic law's neglected potential in universalising international humanitarian law**

Julie A. Fraser. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 225-245

<https://doi.org/10.4337/9781839108273.00021> \*

**The view of the past in international humanitarian law (1860-2020)**

Antoon De Baets. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1586-1620

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-debaets.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-debaets.pdf)

**What is IHL history now ?**

Boyd van Dijk. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1621-1637

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-vandijk.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-vandijk.pdf)

**Who gets to make international humanitarian law in the future : a pluralist vision**

Alex Moorehead. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 217-237

<https://doi.org/10.1093/os0/9780197626054.003.0013> \*



## II. Types of conflicts

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

### **Big data and the future law of armed conflict in cyberspace**

Paul B. Stephan. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 61-82

<https://doi.org/10.1093/oso/9780197626054.003.0005> \*

### **Coalition warfare and the future of the law of armed conflict**

Blaise Cathcart, QC. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 181-198

<https://doi.org/10.1093/oso/9780197626054.003.0011> \*

### **The crisis in international law and the path forward for international humanitarian law**

Paul B. Stephan. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2077-2096

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-stephan.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-stephan.pdf)

### **Detainee transfers and the principle of non-refoulement in relation to 'non-belligerent supporting States' in non-international armed conflicts**

Benjamin R. Farley. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 185-209

<https://doi.org/10.1093/jcsl/krac009> \*

### **La détention dans les conflits armés non internationaux : base légale, motif et garanties procédurales**

Pierrot Chambu Ntuzimire ; préf. de Raphaël van Steenberghe. - Limal : Anthemis, 2022. - 267 p.

### **Digitalizing the Red Cross, Red Crescent and Red Crystal emblems : benefits, risks, and possible solutions**

report drafted by Tilman Rodenhäuser, Mauro Vignati, Larry Maybee and Hollie Johnson. - Geneva : ICRC, August 2022. - 42 p.

<https://library.icrc.org/library/docs/DOC/icrc-4649-002.pdf>

### **Le droit international humanitaire face à la dématérialisation de la guerre : l'exemple des cyber-opérations**

Laurent Trigeaud. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 95-120

### **Ensuring respect by partners : revisiting the debate on Common Article 1**

Cornelius Wiesener and Astrid Kjeldgaard-Pedersen. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 135-157

<https://doi.org/10.1093/jcsl/krac007> \*

### **The ever-existing "crisis" of the law of naval warfare**

Martin Fink. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1971-1988

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-fink.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-fink.pdf)

**The future law of naval warfare : some vessel status issues**

Rob McLaughlin. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 141-154

<https://doi.org/10.1093/oso/9780197626054.003.0009> \*

**The geographical reach of international humanitarian law in transnational armed conflict**

Elliot Winter. In: Nordic journal of international law, vol. 90, issue 3, 2021, p. 292-311

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/57369.pdf> \*

**International humanitarian law-making and new military technologies**

Yahli Shereshevsky. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2131-2152

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-shereshevsky.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-shereshevsky.pdf)

**The law of international humanitarian relief in non-international armed conflicts**

by Matthias Vanhullebusch. - Leiden ; Boston : Brill Nijhoff, 2022. - XXXI, 457 p.

<https://brill.com/view/title/60863> \*

**The law of naval warfare**

edited by Dale Stephens and Matthews Stubbs. - Australia : LexisNexis Butterworths, 2019. - XXX, 403 p.

**Legal fragmentation and obligations for armed non-state actors : can international humanitarian law and international human rights law learn from each other?**

Joshua Joseph Niyo. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 32-53

<https://doi.org/10.4337/9781839108273.00009> \*

**Luftkrieg und Recht : zur historischen Rolle des Humanitären Völkerrechts in der Einhegung der Luftkriegsführung**

Enno Mensching. - Baden-Baden : Nomos, 2022. - 583 p.

**Quelques réflexions sur les conflits de qualification et de régime juridique en droit international humanitaire**

Jérôme de Hemptinne. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 37-50

**Redefining rescue operations in contemporary naval warfare : a necessary interplay between maritime bodies in international law**

Alba Grembi. In: Asia-Pacific journal of international humanitarian law, vol. 3, no. 1, 2022, p. 16-54

<https://apjihl.org/article/redefining-rescue-operations-in-contemporary-naval-warfare-a-necessary-interplay-between-maritime-bodies-in-international-law/>

**Regional consultation of Central and Eastern European states : 8 December 2021: international humanitarian law and cyber operations during armed conflicts**

report prepared by Tatiana Jancárková and Kubo Macák. - Geneva : ICRC, December 2022. - 22 p.

<https://library.icrc.org/library/docs/DOC/icrc-4680-002.pdf>

**Revisiting the law on UN peace operations' support to partner forces**

Ralph Mamiya and Tobias Vestner. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 211-227

<https://doi.org/10.1093/jcsl/kraco10> \*

**The second space age : the regulation of military space operations and the role of private actors**

Christopher J. Borgen. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 155-179

<https://doi.org/10.1093/oso/9780197626054.003.0010> \*

**Terrorisme dans la guerre et guerre contre le terrorisme ?**

Marina Eudes. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 83-94

## III. Armed forces / Non-state armed groups

(Combatant status, compliance with IHL, etc.)

**La aplicación del principio de distinción y la concesión de amnistías : análisis de la decisión de la sala de amnistías o indulto SAI-AOI-D-ASM-051-2019**

Dominique Steinbrecher, Maria Rosario Tejada e Irina Zilbermann. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 91-138

**Being more than you can be : enhancement of warfighters and the law of armed conflict**

Rain Liivoja. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 84-102

<https://doi.org/10.1093/oso/9780197626054.003.0006> \*

**Le fondement de la responsabilité internationale des groupes armés non-étatiques**

Aurélien Godefroy. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p.143-187

**Newport rules of engagement (ROE) handbook**

Drafting team : Dennis Mandsager, Alan Cole, Phillip J. Drew and Rob McLaughlin ; foreword by James Kraska. In: International law studies, vol. 98, 2022, 110 p.

<https://digital-commons.usnwc.edu/ils/vol98/iss1/2>

**Pandemics, armed conflict and international humanitarian law**

International Institute of Humanitarian Law ; ed. Gabriella Venturini; associated ed. Gian Luca Beruto. - Milano : Franco Angeli, 2022. - 125 p.

<https://iihl.org/pandemics-armed-conflict-and-international-humanitarian-law/>

**The unilateralization of international humanitarian law**

Jan K. Kleffner. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2153-2169

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-kleffner.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-kleffner.pdf)

## IV. Multinational forces

### **Coalition warfare and the future of the law of armed conflict**

Blaise Cathcart, QC. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 181-198

<https://doi.org/10.1093/oso/9780197626054.003.0011> \*

### **How does the obligation to investigate alleged serious violations of international humanitarian law apply in ad hoc military coalitions ?**

James Patrick Sexton. In: The military law and law of war review, vol. 60, no. 2, 2022, p. 188-217

<https://doi.org/10.4337/mlwr.2022.02.04> \*

### **Newport rules of engagement (ROE) handbook**

Drafting team : Dennis Mandsager, Alan Cole, Phillip J. Drew and Rob McLaughlin ; foreword by James Kraska. In: International law studies, vol. 98, 2022, 110 p.

<https://digital-commons.usnwc.edu/ils/vol98/iss1/2>

### **Partnered operations and the positive duties of co-parties**

Alexander Wentker. In: Journal of conflict and security law, vol. 27, no. 2, 2022, p. 159-184

<https://doi.org/10.1093/jcsl/krac006>

### **Revisiting the law on UN peace operations' support to partner forces**

Ralph Mamiya and Tobias Vestner. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 211-227

<https://doi.org/10.1093/jcsl/krac010> \*

## V. Private actors

### **Conflits armés et entreprises : vers une responsabilité des entreprises à travers la complémentarité des ordres juridiques**

Javier Tous. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 189-217

### **Corporations, accountability and international criminal law : industry and atrocity**

Joanna Kyriakakis. - Cheltenham : E. Elgar, 2021 ; Northampton : E. Elgar, 2021. - IX, 298 p.

<https://doi.org/10.4337/9780857939500> \*

### **The future of military and security privatization : protecting the values underlying the law of armed conflict**

Laura A. Dickinson. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 239-263

<https://doi.org/10.1093/oso/9780197626054.003.0014> \*

**La participation des personnes privées au développement du droit international: l'exemple du droit international humanitaire**

Mohammad Sharififard. - [S.l.] : [s.n.], 2022. - 473 p.

<https://tel.archives-ouvertes.fr/tel-03675214>

**Peddling atrocity : holding Canadian corporations responsible for core international crimes**

Jeremy Pizzi. In: Journal of international criminal justice, vol. 20, no. 2, May 2022, p. 483-505

<https://doi.org/10.1093/jicj/mqac001> \*

**The second space age : the regulation of military space operations and the role of private actors**

Christopher J. Borgen. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 155-179

<https://doi.org/10.1093/oso/9780197626054.003.0010> \*

## VI. Protection of persons

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

**Accountability for mass starvation : testing the limits of the law**

edited by Bridget Conley, Alex De Waal, Catriona Murdoch, and Wayne Jordash QC. - Oxford [etc.] : Oxford University Press, 2022. - XVII, 453 p.

<https://doi.org/10.1093/oso/9780192864734.001.0001> \*

**Accounting for disability in international humanitarian law**

Janet E. Lord. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 60-98

<https://library.icrc.org/library/docs/DOC/irrc-922-lord.pdf>

**Advancing towards inclusive peace and security : persons with disabilities and Security Council Resolution 2475**

Bogna Ruminowicz. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 449-458

<https://library.icrc.org/library/docs/DOC/irrc-922-ruminowicz.pdf>

**Article 12 of the protocol on the rights of persons with disabilities in Africa : a critical analysis**

Steve Tiwa Fomekong. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 323-351

<https://library.icrc.org/library/docs/DOC/irrc-922-fomekong.pdf>

**At risk and overlooked : children with disabilities and armed conflict**

Emina Ćerimović. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 192-216

<https://library.icrc.org/library/docs/DOC/irrc-922-cerimovic.pdf>

**Bridging the accountability gap in the protection of internally displaced persons: non-state actors under the Kampala Convention**

Romola Adeola. In: International community law review, vol. 24, no. 5, 2022, p. 421-443

<https://doi.org/10.1163/18719732-12341462> \*

**El caso del aborto forzado como forma de violencia sexual intrafilas : comentario a la decisión del asunto de "el enfermero" : resolución SAI-LC-XBM-046**

Paula Silva Rodríguez. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.225-276

**Child soldiers caught in a cultural kaleidoscope**

Wendy De Bondt and Rozelien Van Erdeghem. In: The international journal of children's rights, vol. 30, no. 3, 2022, p. 785-817

<https://doi.org/10.1163/15718182-30030005> \*

**A comprehensive review of existing IHL and ICL as it relates to starvation**

Wayne Jordash QC, Catriona Murdoch and Joe Holmes. - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 107-131

<https://doi.org/10.1093/oso/9780192864734.003.0005> \*

**Disparitions forcées ou personnes disparues ?**

Alessandra La Vaccara. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 71-82

**From 'burying in oblivion' to ubi jus ibi remedium : the development and complexities of accountability-based responses to victims of armed conflicts**

Emily Camins. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 134-156

<https://doi.org/10.4337/9781839108273.00016> \*

**From invisibility to positive legal protection : the drafting of Article 11 of the Convention on the Rights of Persons with Disabilities**

Andrew Begg. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 135-160

<https://library.icrc.org/library/docs/DOC/irrc-922-begg.pdf>

**Increasing visibility of persons with disabilities in armed conflict : implications for interpreting and applying IHL**

Alexander Breitegger. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 99-134

<https://library.icrc.org/library/docs/DOC/irrc-922-breitegger.pdf>

**International conflict and security law : a research handbook**

Sergey Sayapin, Rustam B. Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, Noëlle Quéniwet. - The Hague : Asser Press ; Berlin : Springer, 2022. - 2 vol.

**International law and policy on the protection of civilians**

Stuart Casey-Maslen, Tobias Vestner ; foreword by Thomas Greminger. - Cambridge : Cambridge University Press, 2022. - 306 p.

<https://doi.org/10.1017/9781009052757> \*

**Islam and international humanitarian law : observance and practice in the Philippine Muslim conflict experience**

Mehol K. Sadain, Macrina A. Morados and Darwin J. Absari. - Quezon City : University of the Philippines Institute of Islamic Studies, August 2022. - X, 98 p.

**The law of international humanitarian relief in non-international armed conflicts**

by Matthias Vanhullebusch. - Leiden ; Boston : Brill Nijhoff, 2022. - XXXI, 457 p.

<https://brill.com/view/title/60863> \*

**Pandemics, armed conflict and international humanitarian law**

International Institute of Humanitarian Law ; ed. Gabriella Venturini; associated ed. Gian Luca Beruto. - Milano : Franco Angeli, 2022. - 125 p.

<https://iihl.org/pandemics-armed-conflict-and-international-humanitarian-law/>

**Protección étnica, del medio ambiente y del territorio en la justicia transicional colombiana : comentario al auto 079 de 2019**

A. Sebastián Saavedra Eslava. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.277-332

**Protection of persons with disabilities in armed conflict under international humanitarian law and Islamic law**

Ahmed Al-Dawoody and William I. Pons. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 352-374

<https://library.icrc.org/library/docs/DOC/irrc-922-aldawoody.pdf>

**The protection of women and girls with disabilities in armed conflict : adopting a gender-, age- and disability-inclusive approach to select IHL provisions**

Sara La Vecchia. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 161-191

<https://library.icrc.org/library/docs/DOC/irrc-922-vecchia.pdf>

**Redefining rescue operations in contemporary naval warfare : a necessary interplay between maritime bodies in international law**

Alba Grembi. In: Asia-Pacific journal of international humanitarian law, vol. 3, no. 1, 2022, p. 16-54

<https://apijhl.org/article/redefining-rescue-operations-in-contemporary-naval-warfare-a-necessary-interplay-between-maritime-bodies-in-international-law/>

**'The right to food in armed conflict'**

Simone Hutter. - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 132-152

<https://doi.org/10.1093/oso/9780192864734.003.0006> \*

**The rights to privacy and data protection in times of armed conflict**

Russel Buchan and Asaf Lubin. - Tallinn : NATO Cooperative Cyber Defence Centre of Excellence, 2022. - XVII, 318 p.

<https://ccdcoe.org/uploads/2022/06/The-Rights-to-Privacy-and-Data-Protection-in-Armed-Conflict.pdf>

**The risk of autonomous weapons : an analysis centred on the rights of persons with disabilities**

Mariana Díaz Figueroa, Anderson Henao Orozco, Jesús Martínez and Wanda Muñoz Jaime. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 278-305

<https://library.icrc.org/library/docs/DOC/irrc-922-figueroa.pdf>



**Sexual and gender-based violence in international law : making international institutions work**

Bharat H. Desai, Moumita Mandal ; foreword by Peter Maurer. - Singapore : Springer, 2022. - 283 p.

**Taking economic and social rights earnestly : what does international human rights law offer persons with disabilities in situations of armed conflict ?**

Gauthier de Beco. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 306-322

<https://library.icrc.org/library/docs/DOC/irrc-922-beco.pdf>

**Who is the civilian population ? : ensuring IHL is implemented for the protection of the entirety of the civilian population - including persons with disabilities**

Alice Priddy. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 242-251

<https://library.icrc.org/library/docs/DOC/irrc-922-priddy.pdf>

## VII. Protection of objects

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

**Armed conflicts and the environment : complementing the laws of armed conflict with human rights law and international environmental law**

Anne Dienelt ; foreword by Marja Lehto. - Cham : Springer, 2022. - XV ; 349 p.

**Civilian use of a military objective as incidental harm in a proportionality assessment ?**

Ori Pomson. In: The military law and law of war review, vol. 60, no. 2, 2022, p. 159-187

<https://doi.org/10.4337/mlwr.2022.02.03> \*

**Digitalizing the Red Cross, Red Crescent and Red Crystal emblems : benefits, risks, and possible solutions**

report drafted by Tilman Rodenhäuser, Mauro Vignati, Larry Maybee and Hollie Johnson. - Geneva : ICRC, August 2022. - 42 p.

<https://library.icrc.org/library/docs/DOC/icrc-4649-002.pdf>

**How the guidelines for the implementation of the 1999 Second Protocol to the Hague Convention of 1954 contribute to better protection of cultural property**

Jan Hladik. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1948-1970

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-hladik.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-hladik.pdf)

**Implementation of international humanitarian law : the work of Latin American international humanitarian law committees**

Oscar G. Macias Betancourt. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2013-2026

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-betancourt.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-betancourt.pdf)

**The International Criminal Court and cultural property : what is the crime?**

Mark A. Drumbl. - In: The preservation of art and culture in times of war. - New York : Oxford University Press, 2022. - p. 239-274

<https://doi.org/10.1093/oso/9780197610565.003.0010> \*



**Mission impossible : weighing the protection of cultural property against human lives**

Frederik Rosén. - In: The preservation of art and culture in times of war. - New York : Oxford University Press, 2022. - p. 70-96

<https://doi.org/10.1093/oso/9780197610565.003.0004> \*

**Non-party obligations for cultural property in armed conflict under the 1954 Hague Convention, protocol II**

Elizabeth Varner. - In: The preservation of art and culture in times of war. - New York : Oxford University Press, 2022. - p. 225-238

<https://doi.org/10.1093/oso/9780197610565.003.0009> \*

**The preservation of art and culture in times of war**

ed. by Claire Finkelstein, Derek Gillman and Frederik Rosén. - New York : Oxford University Press, 2022. - 471 p.

<https://doi.org/10.1093/oso/9780197610565.001.0001> \*

**Protección étnica, del medio ambiente y del territorio en la justicia transicional colombiana : comentario al auto 079 de 2019**

A. Sebastián Saavedra Eslava. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.277-332

**La protección jurídica internacional del patrimonio cultural en los conflictos armados : estudio de los casos de Iraq (2003) y de Siria (2011)**

Ana Laia Lázaro Feo. - Valencia : Tirant lo Blanch, 2022. - 473 p.

**Redefining rescue operations in contemporary naval warfare : a necessary interplay between maritime bodies in international law**

Alba Grembi. In: Asia-Pacific journal of international humanitarian law, vol. 3, no. 1, 2022, p. 16-54

<https://apihl.org/article/redefining-rescue-operations-in-contemporary-naval-warfare-a-necessary-interplay-between-maritime-bodies-in-international-law/>

**Regional consultation of Central and Eastern European states : 8 December 2021: international humanitarian law and cyber operations during armed conflicts**

report prepared by Tatiana Jancárková and Kubo Macák. - Geneva : ICRC, December 2022. - 22 p.

<https://library.icrc.org/library/docs/DOC/icrc-4680-002.pdf>

## VIII. Detention, internment, treatment and judicial guarantees

### **Un análisis de la definición de la privación grave de la libertad en el conflicto armado en Colombia : resolución SAI-SUBA-AOI-014-2019 de 19 de marzo de 2019**

Ezequiel Heffes, Juan Francisco Padin. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.199-224

### **Coercion, interrogation, and prisoners of war**

Nathan Lake and Jonathan Trerise. In: Journal of military ethics, vol. 21, no. 2, August-October 2022, p. 151-161

<https://doi.org/10.1080/15027570.2022.2114643> \*

### **Defection and prisoner of war status : protection under international humanitarian law for those who join the enemy ?**

Manuel Galvis Martinez. In: The Canadian yearbook of international law = Annuaire canadien de droit international, vol. 57 (2019), November 2020, p. 41-88

<https://heinonline.org/HOL/P?h=hein.journals/cybil57&i=49> \*

### **Detainee transfers and the principle of non-refoulement in relation to 'non-belligerent supporting States' in non-international armed conflicts**

Benjamin R. Farley. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 185-209

<https://doi.org/10.1093/jcsl/krac009> \*

### **La détention dans les conflits armés non internationaux : base légale, motif et garanties procédurales**

Pierrot Chambu Ntizimire ; préf. de Raphaël van Steenberghe. - Limal : Anthemis, 2022. - 267 p.

### **Increasing visibility of persons with disabilities in armed conflict : implications for interpreting and applying IHL**

Alexander Breitegger. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 99-134

<https://library.icrc.org/library/docs/DOC/irrc-922-breitegger.pdf>

### **Legal fragmentation and obligations for armed non-state actors : can international humanitarian law and international human rights law learn from each other?**

Joshua Joseph Niyo. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 32-53

<https://doi.org/10.4337/9781839108273.00009> \*

### **POWs, civilians, and the postwar development of international humanitarian law**

Neville Wylie and Sarina Landefeld. - In: Out of line, out of place : a global and local history of World War I internments. - Ithaca : Cornell University Press, 2022. - p. 244-262

### **Les prisonniers de guerre français en 40**

sous la dir. de Fabien Théofilakis ; préf. d'Henry Rousso. - Paris : Fayard, septembre 2022. - 382 p.

### **The protection of women and girls with disabilities in armed conflict : adopting a gender-, age- and disability-inclusive approach to select IHL provisions**

Sara La Vecchia. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 161-191

<https://library.icrc.org/library/docs/DOC/irrc-922-vecchia.pdf>

### **Same law, new wars: the enduring relevance of international humanitarian law and the importance of the updated ICRC Commentaries : proceedings of the 22nd Bruges Colloquium, 21-22 October 2021**

ICRC, College of Europe. In: Collegium, No 52, Autumn/automne 2021, 186 p.

[https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web\\_o.pdf](https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web_o.pdf)

## **IX. Law of occupation**

### **In the shadow of settlement - the Israeli progressive scholars' critical analyses of the decision-making policies of the Israeli Supreme Court sitting as the High Court of Justice**

Yutaka Arai-Takahashi. In: The military law and law of war review, vol. 60, no. 2, 2022, p. 218-246

<https://doi.org/10.4337/mlwr.2022.02.05> \*

### **The International Court of Justice and the development of international humanitarian law**

Christopher Greenwood. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1840-1855

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-greenwood.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-greenwood.pdf)

### **Same law, new wars: the enduring relevance of international humanitarian law and the importance of the updated ICRC Commentaries : proceedings of the 22nd Bruges Colloquium, 21-22 October 2021**

ICRC, College of Europe. In: Collegium, No 52, Autumn/automne 2021, 186 p.

[https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web\\_o.pdf](https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web_o.pdf)

## **X. Conduct of hostilities**

**(Distinction, proportionality, precautions, prohibited methods)**

### **Accounting for disability in international humanitarian law**

Janet E. Lord. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 60-98

<https://library.icrc.org/library/docs/DOC/irrc-922-lord.pdf>

### **Civilian use of a military objective as incidental harm in a proportionality assessment ?**

Ori Pomson. In: The military law and law of war review, vol. 60, no. 2, 2022, p. 159-187

<https://doi.org/10.4337/mlwr.2022.02.03> \*

**Coding the law of armed conflict : first steps**

Ashley Deeks. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 41-59

<https://doi.org/10.1093/oso/9780197626054.003.0004> \*

**A comprehensive review of existing IHL and ICL as it relates to starvation**

Wayne Jordash QC, Catriona Murdoch and Joe Holmes. - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 107-131

<https://doi.org/10.1093/oso/9780192864734.003.0005> \*

**Increasing visibility of persons with disabilities in armed conflict : implications for interpreting and applying IHL**

Alexander Breitegger. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 99-134

<https://library.icrc.org/library/docs/DOC/irrc-922-breitegger.pdf>

**The law of naval warfare**

edited by Dale Stephens and Matthews Stubbs. - Australia : LexisNexis Butterworths, 2019. - XXX, 403 p.

**Non-party obligations for cultural property in armed conflict under the 1954 Hague Convention, protocol II**

Elizabeth Varner. - In: The preservation of art and culture in times of war. - New York : Oxford University Press, 2022. - p. 225-238

<https://doi.org/10.1093/oso/9780197610565.003.0009> \*

**Normative architecture and applied international humanitarian law**

Michael N. Schmitt. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2097-2110

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-schmitt.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-schmitt.pdf)

**El principio de proporcionalidad y los medios y métodos de guerra en el caso de "la mataharí" - resolución SAI-AOI-D-003-2020**

Camilo Ramírez Gutiérrez. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 139-198

**Prosecution of starvation in South Sudan**

Wayne Jordash QC and Uzay Yasar Aysev. - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 260-294

<https://doi.org/10.1093/oso/9780192864734.003.0010> \*

**'The right to food in armed conflict'**

Simone Hutter. - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 132-152

<https://doi.org/10.1093/oso/9780192864734.003.0006> \*

**Who is the civilian population ? : ensuring IHL is implemented for the protection of the entirety of the civilian population - including persons with disabilities**

Alice Priddy. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 242-251

<https://library.icrc.org/library/docs/DOC/irrc-922-priddy.pdf>

## XI. Weapons

### **Las armas autónomas letales: un desafío para el derecho internacional humanitario, los derechos humanos, la seguridad y el desarme internacionales**

Milton José Meza Rivas; Cruz Roja España. - Valencia : Tirant lo blanch, 2022. - 773 p.

### **Future war, future law : a historical approach**

Adam Roberts. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 7-23

<https://doi.org/10.1093/oso/9780197626054.003.0002> \*

### **Humanitarian bullets and man-killers : revisiting the history of arms regulation in the late nineteenth century**

Maartje Abbenhuis, Branka Bogdan and Emma Wordsworth. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1684-1707 : ill.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-abbenhuis.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-abbenhuis.pdf)

### **International conflict and security law : a research handbook**

Sergey Sayapin, Rustam B. Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, Noëlle Quénivet. - The Hague : Asser Press ; Berlin : Springer, 2022. - 2 vol.

### **International efforts against impunity for the use of chemical weapons in Syria : is there hope for international justice ?**

Wissam Aldien Alokiah. In: Journal of international criminal justice, vol. 20, no. 3, July 2022, p. 541-569

<https://doi.org/10.1093/jicj/mqaco23> \*

### **International humanitarian law-making and new military technologies**

Yahli Shereshevsky. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2131-2152

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-shereshevsky.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-shereshevsky.pdf)

### **International legal regulation of the employment of artificial-intelligence-related technologies in armed conflict**

Dustin Lewis. In: Moscow journal of international law, no. 2, 2020, p. 53-64

<https://doi.org/10.24833/0869-0049-2020-2-53-64>

### **Quel droit applicable au robot?**

Joanne Kirkham. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ? : réflexions sur les interactions normatives. - Paris : A. Pedone, 2022. - p. 121-135

### **Los riesgos de una hermenéutica humanitaria : minas antipersonal, actores no estatales e interpretación jurídica en la resolución SAI-AOI-010-2019**

Emiliano J. Buis. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 29-90

### **The risk of autonomous weapons : an analysis centred on the rights of persons with disabilities**

Mariana Díaz Figueroa, Anderson Henao Orozco, Jesús Martínez and Wanda Muñoz Jaime. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 278-305

<https://library.icrc.org/library/docs/DOC/irrc-922-figueroa.pdf>

## XII. Implementation

(ICRC, protecting powers, fact finding commission, other means of preventing violations and controlling respect for IHL, state responsibility)

### **Addressing the accountability void : war crimes against persons with disabilities**

William I. Pons, Janet E. Lord and Michel Ashley Stein. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 465-483

<https://library.icrc.org/library/docs/DOC/irrc-922-pons.pdf>

### **The African Union's humanitarian policies : a closer look at Africa's regional institutions and practice**

Namira Negm. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1918-1929

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-negm.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-negm.pdf)

### **Un análisis de la definición de la privación grave de la libertad en el conflicto armado en Colombia : resolución SAI-SUBA-AOI-014-2019 de 19 de marzo de 2019**

Ezequiel Heffes, Juan Francisco Padin. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.199-224

### **La aplicación del principio de distinción y la concesión de amnistías : análisis de la decisión de la sala de amnistías o indulto SAI-AOI-D-ASM-051-2019**

Dominique Steinbrecher, Maria Rosario Tejada e Irina Zilbermann. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 91-138

### **Being more than you can be : enhancement of warfighters and the law of armed conflict**

Rain Liivoja. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 84-102

<https://doi.org/10.1093/oso/9780197626054.003.0006> \*

### **El caso del aborto forzado como forma de violencia sexual intrafilas : comentario a la decisión del asunto de "el enfermero" : resolución SAI-LC-XBM-046**

Paula Silva Rodríguez. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.225-276

### **Changing the narrative : a tool on African traditions and the preservation of humanity during war**

Sarah Jean Mabeza and Tamalin Bolus. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1638-1649

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-mabeza.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-mabeza.pdf)

### **Coalition warfare and the future of the law of armed conflict**

Blaise Cathcart, QC. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 181-198

<https://doi.org/10.1093/oso/9780197626054.003.0011> \*

### **Coding the law of armed conflict : first steps**

Ashley Deeks. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 41-59

<https://doi.org/10.1093/oso/9780197626054.003.0004> \*

**Commissions of inquiry as bulwarks against impunity**

Sarthak Roy. In: Asia-Pacific journal of international humanitarian law, vol. 3, no. 1, 2022, p. 55-82

<https://apihl.org/article/commissions-of-inquiry-as-bulwarks-against-impunity/>

**Complicity of states in partnered drone operations**

Eleonora Branca. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 253-278

<https://doi.org/10.1093/jcsl/krac011> \*

**A comprehensive review of existing IHL and ICL as it relates to starvation**

Wayne Jordash QC, Catriona Murdoch and Joe Holmes. - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 107-131

<https://doi.org/10.1093/oso/9780192864734.003.0005> \*

**El derecho internacional humanitario en la jurisdicción especial para la Paz de Colombia. Volumen I**

Emiliano J. Buis, Camilo Ramíres Gutiérrez. - Bogotá : Tirant lo Blanch, 2022. - 332 p.

**Detainee transfers and the principle of non-refoulement in relation to 'non-belligerent supporting States' in non-international armed conflicts**

Benjamin R. Farley. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 185-209

<https://doi.org/10.1093/jcsl/krac009> \*

**A discursive analysis of the Chinese party-state's potential impact on the LOAC**

E. John Gregory. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 265-293

<https://doi.org/10.1093/oso/9780197626054.003.0015> \*

**Le droit international humanitaire face à la dématérialisation de la guerre : l'exemple des cyber-opérations**

Laurent Trigeaud. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 95-120

**Ensuring respect by partners : revisiting the debate on Common Article 1**

Cornelius Wiesener and Astrid Kjeldgaard-Pedersen. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 135-157

<https://doi.org/10.1093/jcsl/krac007> \*

**From 'burying in oblivion' to ubi jus ibi remedium : the development and complexities of accountability-based responses to victims of armed conflicts**

Emily Camins. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 134-156

<https://doi.org/10.4337/9781839108273.00016> \*

**From the gilded age to the digital age : the evolution of ICRC legal commentaries**

Charlotte Mohr and Ellen Policinski. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1898-1917

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-mohr.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-mohr.pdf)



**How does the obligation to investigate alleged serious violations of international humanitarian law apply in ad hoc military coalitions ?**

James Patrick Sexton. In: The military law and law of war review, vol. 60, no. 2, 2022, p. 188-217

<https://doi.org/10.4337/mlwr.2022.02.04> \*

**How the guidelines for the implementation of the 1999 Second Protocol to the Hague Convention of 1954 contribute to better protection of cultural property**

Jan Hladik. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1948-1970

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-hladik.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-hladik.pdf)

**Implementation of international humanitarian law : the work of Latin American international humanitarian law committees**

Oscar G. Macias Betancourt. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2013-2026

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-betancourt.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-betancourt.pdf)

**Implementing international humanitarian law : participation of the American states in IHL treaties and their national implementation : progress and activities in the Americas : 2018-2019 report**

ICRC. - Mexico : ICRC, [November 2020]. - 84 p.

<https://library.icrc.org/library/docs/DOC/icrc-1393-002-2020.pdf>

**International legal regulation of the employment of artificial-intelligence-related technologies in armed conflict**

Dustin Lewis. In: Moscow journal of international law, no. 2, 2020, p. 53-64

<https://doi.org/10.24833/0869-0049-2020-2-53-64>

**Negotiating peace : amnesties, justice and human rights**

Renée Jeffery. - Cambridge [etc.] : Cambridge University Press, 2021. - X, 302 p.

<https://doi.org/10.1017/9781108937184> \*

**Normative architecture and applied international humanitarian law**

Michael N. Schmitt. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2097-2110

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-schmitt.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-schmitt.pdf)

**Overlap between complicity and positive obligations : what advantages in resorting to positive obligations in case of partnered operations ?**

Anna Liguori. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 229-252

<https://doi.org/10.1093/jcsl/krac008> \*

**Partnered operations and the positive duties of co-parties**

Alexander Wentker. In: Journal of conflict and security law, vol. 27, no. 2, 2022, p. 159-184

<https://doi.org/10.1093/jcsl/krac006>

**El principio de proporcionalidad y los medios y métodos de guerra en el caso de "la mataharí" - resolución SAI-AOI-D-003-2020**

Camilo Ramírez Gutiérrez. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 139-198



**Prosecution of starvation in South Sudan**

Wayne Jordash QC and Uzay Yasar Aysev. - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 260-294  
<https://doi.org/10.1093/oso/9780192864734.003.0010> \*

**Protección étnica, del medio ambiente y del territorio en la justicia transicional colombiana : comentario al auto 079 de 2019**

A. Sebastián Saavedra Eslava. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.277-332

**Responsibility for supporting organised armed groups : a comparison between Common Article 1 to the Geneva Conventions and the ICCPR**

Daniel Elias Quiñones Møgster. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 12-31  
<https://doi.org/10.4337/9781839108273.00008> \*

**Los riesgos de una hermenéutica humanitaria : minas antipersonal, actores no estatales e interpretación jurídica en la resolución SAI-AOI-010-2019**

Emiliano J. Buis. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 29-90

**The role of National Red Cross and Red Crescent Societies in the development of international humanitarian law : lessons learned and perspectives based on the Belgian Red Cross experience**

Frédéric Casier and Laura De Grève. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2027-2051  
[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-casier.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-casier.pdf)

**The unilateralization of international humanitarian law**

Jan K. Kleffner. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2153-2169  
[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-kleffner.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-kleffner.pdf)

**The unseen world of the UN commissions of inquiry : clarifying responsibility in times of armed conflict**

Andrew Clapham. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 219-234

**The well-trodden path of national international humanitarian law committees**

Rachael Kitching and Anne Quintin. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1989-2012  
[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-kitching.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-kitching.pdf)

## XIII. International human rights law

(Relationship with IHL, application in situations of armed conflict and other situations of violence, extraterritoriality, human rights bodies,...)

### **Accounting for disability in international humanitarian law**

Janet E. Lord. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 60-98

<https://library.icrc.org/library/docs/DOC/irrc-922-lord.pdf>

### **Un análisis de la definición de la privación grave de la libertad en el conflicto armado en Colombia : resolución SAI-SUBA-AOI-014-2019 de 19 de marzo de 2019**

Ezequiel Heffes, Juan Francisco Padin. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.199-224

### **Article 12 of the protocol on the rights of persons with disabilities in Africa : a critical analysis**

Steve Tiwa Fomekong. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 323-351

<https://library.icrc.org/library/docs/DOC/irrc-922-fomekong.pdf>

### **At risk and overlooked : children with disabilities and armed conflict**

Emina Čerimović. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 192-216

<https://library.icrc.org/library/docs/DOC/irrc-922-cerimovic.pdf>

### **Conflits armés et entreprises : vers une responsabilité des entreprises à travers la complémentarité des ordres juridiques**

Javier Tous. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 189-217

### **Detainee transfers and the principle of non-refoulement in relation to 'non-belligerent supporting States' in non-international armed conflicts**

Benjamin R. Farley. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 185-209

<https://doi.org/10.1093/jcsl/krac009> \*

### **Disparitions forcées ou personnes disparues ?**

Alessandra La Vaccara. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 71-82

### **Do armed conflicts justify the application of Article 15 ECHR? : Considering the extraterritorial application of the Convention**

Hanna Wicznanowska. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 95-112

<https://doi.org/10.4337/9781839108273.00013> \*

### **From 'burying in oblivion' to ubi jus ibi remedium : the development and complexities of accountability-based responses to victims of armed conflicts**

Emily Camins. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 134-156

<https://doi.org/10.4337/9781839108273.00016> \*

**From invisibility to positive legal protection : the drafting of Article 11 of the Convention on the Rights of Persons with Disabilities**

Andrew Begg. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 135-160

<https://library.icrc.org/library/docs/DOC/irrc-922-begg.pdf>

**In the shadow of settlement - the Israeli progressive scholars' critical analyses of the decision-making policies of the Israeli Supreme Court sitting as the High Court of Justice**

Yutaka Arai-Takahashi. In: The military law and law of war review, vol. 60, no. 2, 2022, p. 218-246

<https://doi.org/10.4337/mlwr.2022.02.05> \*

**Increasing visibility of persons with disabilities in armed conflict : implications for interpreting and applying IHL**

Alexander Breitegger. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 99-134

<https://library.icrc.org/library/docs/DOC/irrc-922-breitegger.pdf>

**Interacción entre el derecho internacional de los derechos humanos y el derecho internacional humanitario**

Corte Interamericana de Derechos Humanos y Comité internacional de la Cruz Roja. - San José : Corte IDH, 2021. - 37 p.

[https://library.icrc.org/library/docs/DOC/WEB\\_052.pdf](https://library.icrc.org/library/docs/DOC/WEB_052.pdf)

**International conflict and security law : a research handbook**

Sergey Sayapin, Rustam B. Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, Noëlle Quéniwet. - The Hague : Asser Press ; Berlin : Springer, 2022. - 2 vol.

**Legal fragmentation and obligations for armed non-state actors : can international humanitarian law and international human rights law learn from each other?**

Joshua Joseph Niyo. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 32-53

<https://doi.org/10.4337/9781839108273.00009> \*

**Normative conflicts between the law of armed conflict and international human rights law**

Françoise J. Hampson. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis. - Paris : A. Pedone, 2022. - p. 53-69

**Responsibility for supporting organised armed groups : a comparison between Common Article 1 to the Geneva Conventions and the ICCPR**

Daniel Elias Quiñones Møgster. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 12-31

<https://doi.org/10.4337/9781839108273.00008> \*

**'The right to food in armed conflict'**

Simone Hutter. - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 132-152

<https://doi.org/10.1093/oso/9780192864734.003.0006> \*

**The rights to privacy and data protection in times of armed conflict**

Russel Buchan and Asaf Lubin. - Tallinn : NATO Cooperative Cyber Defence Centre of Excellence, 2022. - XVII, 318 p.

<https://cdcoe.org/uploads/2022/06/The-Rights-to-Privacy-and-Data-Protection-in-Armed-Conflict.pdf>

**Same law, new wars: the enduring relevance of international humanitarian law and the importance of the updated ICRC Commentaries : proceedings of the 22nd Bruges Colloquium, 21-22 October 2021**

ICRC, College of Europe. In: Collegium, No 52, Autumn/automne 2021, 186 p.

[https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web\\_o.pdf](https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web_o.pdf)

**Solving the 'life of the nation' conundrum : extraterritorial derogations in international military operations**

Cornelius Wiesener. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 76-94

<https://doi.org/10.4337/9781839108273.00012> \*

**Taking economic and social rights earnestly : what does international human rights law offer persons with disabilities in situations of armed conflict ?**

Gauthier de Beco. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 306-322

<https://library.icrc.org/library/docs/DOC/irrc-922-beco.pdf>

**Terrorisme dans la guerre et guerre contre le terrorisme ?**

Marina Eudes. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 83-94

## XIV. International criminal law

**The 1871 Mexican Criminal Code as the missing piece in the history of criminalizing violations of the laws of war**

Tania Ixchel Atilano. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1650-1683

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-atilano.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-atilano.pdf)

**Accountability for mass starvation : testing the limits of the law**

edited by Bridget Conley, Alex De Waal, Catriona Murdoch, and Wayne Jordash QC. - Oxford [etc.] : Oxford University Press, 2022. - XVII, 453 p.

<https://doi.org/10.1093/oso/9780192864734.001.0001> \*

**Addressing the accountability void : war crimes against persons with disabilities**

William I. Pons, Janet E. Lord and Michel Ashley Stein. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 465-483

<https://library.icrc.org/library/docs/DOC/irrc-922-pons.pdf>

**The British witnesses at the Leipzig war crimes trials of 1921**

Peter Rowe, Caroline Kittelmann. In: The military law and law of war review, vol. 60, no. 2, 2022, p. 137-158

<https://doi.org/10.4337/mlwr.2022.02.02> \*

**El caso del aborto forzado como forma de violencia sexual intrafilas : comentario a la decisión del asunto de "el enfermero" : resolución SAI-LC-XBM-046**

Paula Silva Rodríguez. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.225-276

**Child soldiers caught in a cultural kaleidoscope**

Wendy De Bondt and Rozelien Van Erdeghem. In: The international journal of children's rights, vol. 30, no. 3, 2022, p. 785-817

<https://doi.org/10.1163/15718182-30030005> \*

**A comprehensive review of existing IHL and ICL as it relates to starvation**

Wayne Jordash QC, Catriona Murdoch and Joe Holmes. - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 107-131

<https://doi.org/10.1093/oso/9780192864734.003.0005> \*

**Conflits armés et entreprises : vers une responsabilité des entreprises à travers la complémentarité des ordres juridiques**

Javier Tous. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 189-217

**The Congo trials in the International Criminal Court**

Richard Gaskins. - Cambridge : Cambridge University Press, 2022. - 483 p.

<https://doi.org/10.1017/9781108768504> \*

**Corporations, accountability and international criminal law : industry and atrocity**

Joanna Kyriakakis. - Cheltenham : E. Elgar, 2021 ; Northampton : E. Elgar, 2021. - IX, 298 p.

<https://doi.org/10.4337/9780857939500> \*

**El derecho internacional humanitario en la jurisdicción especial para la Paz de Colombia. Volumen I**

Emiliano J. Buis, Camilo Ramírez Gutiérrez. - Bogotá : Tirant lo Blanch, 2022. - 332 p.

**Inaccessible justice : the violation of article 13 of the CRPD and the ICC's role in filling the accountability gap**

Ashira Vantrees. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 542-565

<https://library.icrc.org/library/docs/DOC/irrc-922-vantrees.pdf>

**International conflict and security law : a research handbook**

Sergey Sayapin, Rustam B. Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, Noëlle Quénivet. - The Hague : Asser Press ; Berlin : Springer, 2022. - 2 vol.

**The International Court of Justice and the development of international humanitarian law**

Christopher Greenwood. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1840-1855

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-greenwood.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-greenwood.pdf)

**The International Criminal Court and cultural property : what is the crime?**

Mark A. Drumbl. - In: The preservation of art and culture in times of war. - New York : Oxford University Press, 2022. - p. 239-274

<https://doi.org/10.1093/oso/9780197610565.003.0010> \*

**International efforts against impunity for the use of chemical weapons in Syria : is there hope for international justice ?**

Wissam Aldien Aloklah. In: Journal of international criminal justice, vol. 20, no. 3, July 2022, p. 541-569

<https://doi.org/10.1093/jicj/mqac023> \*

**International legal regulation of the employment of artificial-intelligence-related technologies in armed conflict**

Dustin Lewis. In: Moscow journal of international law, no. 2, 2020, p. 53-64

<https://doi.org/10.24833/0869-0049-2020-2-53-64>

**No longer the "forgotten victims of the armed conflict" : operational and legal considerations for accountability mechanisms regarding crimes affecting persons with disabilities**

Alexa Magee. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 518-541

<https://library.icrc.org/library/docs/DOC/irrc-922-magee.pdf>

**Opportunities and failures to prosecute violence against persons with disabilities at the international tribunals for the former Yugoslavia, Rwanda and Sierra Leone**

Kate MacInnes. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 484-517

<https://library.icrc.org/library/docs/DOC/irrc-922-mcinnnes.pdf>

**Peddling atrocity : holding Canadian corporations responsible for core international crimes**

Jeremy Pizzi. In: Journal of international criminal justice, vol. 20, no. 2, May 2022, p. 483-505

<https://doi.org/10.1093/jicj/mqac001> \*

**Prosecution of starvation in South Sudan**

Wayne Jordash QC and Uzay Yasar Aysev. - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 260-294

<https://doi.org/10.1093/oso/9780192864734.003.0010> \*

**World War I : a phoenix moment in the history of international criminal tribunals**

Ziv Bohrer and Benedikt Pirker. In: European journal of international law, vol. 33, no. 3, August 2022, p. 851-887

<https://doi.org/10.1093/ejil/chaco45>

## XV. Contemporary challenges

(Terrorism, DPH, cyber warfare, asymmetric war, etc.)

### **70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ? : réflexions sur les interactions normatives**

sous la direction de Olivier de Frouville et Sébastien Touzé ; Centre de recherche sur les droits de l'homme et le droit humanitaire. - Paris : A. Pedone, 2022. - 258 p.

### **Las armas autónomas letales: un desafío para el derecho internacional humanitario, los derechos humanos, la seguridad y el desarme internacionales**

Milton José Meza Rivas; Cruz Roja España. - Valencia : Tirant lo blanch, 2022. - 773 p.

### **Being more than you can be : enhancement of warfighters and the law of armed conflict**

Rain Liivoja. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 84-102

<https://doi.org/10.1093/oso/9780197626054.003.0006> \*

### **Coding the law of armed conflict : first steps**

Ashley Deeks. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 41-59

<https://doi.org/10.1093/oso/9780197626054.003.0004> \*

### **The crisis in international law and the path forward for international humanitarian law**

Paul B. Stephan. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2077-2096

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-stephan.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-stephan.pdf)

### **Le droit international humanitaire face à la dématérialisation de la guerre : l'exemple des cyber-opérations**

Laurent Trigeaud. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 95-120

### **The future law of armed conflict**

ed. by Matthew C. Waxman and Thomas W. Oakley. - New York : Oxford University Press, 2022. - 306 p.

<https://doi.org/10.1093/oso/9780197626054.001.0001> \*

### **The future law of naval warfare : some vessel status issues**

Rob McLaughlin. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 141-154

<https://doi.org/10.1093/oso/9780197626054.003.0009> \*

### **The future of military and security privatization : protecting the values underlying the law of armed conflict**

Laura A. Dickinson. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 239-263

<https://doi.org/10.1093/oso/9780197626054.003.0014> \*



**The geographical reach of international humanitarian law in transnational armed conflict**

Elliot Winter. In: Nordic journal of international law, vol. 90, issue 3, 2021, p. 292-311  
<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/57369.pdf> \*

**How will international humanitarian law develop in the future ?**

Marco Sassòli. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2052-2076  
[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-sassoli.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-sassoli.pdf)

**Informal international law-making : a way around the deadlock of international humanitarian law ?**

Pauline Charlotte Janssens and Jan Wouters. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2111-2130  
[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-janssens.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-janssens.pdf)

**International conflict and security law : a research handbook**

Sergey Sayapin, Rustam B. Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, Noëlle Quénivet. - The Hague : Asser Press ; Berlin : Springer, 2022. - 2 vol.

**International humanitarian law-making and new military technologies**

Yahli Shereshevsky. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2131-2152  
[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-shereshevsky.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-shereshevsky.pdf)

**International legal regulation of the employment of artificial-intelligence-related technologies in armed conflict**

Dustin Lewis. In: Moscow journal of international law, no. 2, 2020, p. 53-64  
<https://doi.org/10.24833/0869-0049-2020-2-53-64>

**Pandemics, armed conflict and international humanitarian law**

International Institute of Humanitarian Law ; ed. Gabriella Venturini; associated ed. Gian Luca Beruto. - Milano : Franco Angeli, 2022. - 125 p.  
<https://iihl.org/pandemics-armed-conflict-and-international-humanitarian-law/>

**Quel droit applicable au robot?**

Joanne Kirkham. - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ? : réflexions sur les interactions normatives. - Paris : A. Pedone, 2022. - p. 121-135

**The rights to privacy and data protection in times of armed conflict**

Russel Buchan and Asaf Lubin. - Tallinn : NATO Cooperative Cyber Defence Centre of Excellence, 2022. - XVII, 318 p.  
<https://ccdcoe.org/uploads/2022/06/The-Rights-to-Privacy-and-Data-Protection-in-Armed-Conflict.pdf>

**Same law, new wars: the enduring relevance of international humanitarian law and the importance of the updated ICRC Commentaries : proceedings of the 22nd Bruges Colloquium, 21-22 October 2021**

ICRC, College of Europe. In: Collegium, No 52, Autumn/automne 2021, 186 p.  
[https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web\\_o.pdf](https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web_o.pdf)



**The second space age : the regulation of military space operations and the role of private actors**

**Christopher J. Borgen.** - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 155-179

<https://doi.org/10.1093/oso/9780197626054.003.0010> \*

**Terrorisme dans la guerre et guerre contre le terrorisme ?**

**Marina Eudes.** - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 83-94

**Who gets to make international humanitarian law in the future : a pluralist vision**

**Alex Moorehead.** - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 217-237

<https://doi.org/10.1093/oso/9780197626054.003.0013> \*

## XVI. Countries/Regions

### AFRICA

#### **The African Union's humanitarian policies : a closer look at Africa's regional institutions and practice**

Namira Negm. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1918-1929

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-negm.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-negm.pdf)

#### **Article 12 of the protocol on the rights of persons with disabilities in Africa : a critical analysis**

Steve Tiwa Fomekong. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 323-351

<https://library.icrc.org/library/docs/DOC/irrc-922-fomekong.pdf>

#### **Bridging the accountability gap in the protection of internally displaced persons: non-state actors under the Kampala Convention**

Romola Adeola. In: International community law review, vol. 24, no. 5, 2022, p. 421-443

<https://doi.org/10.1163/18719732-12341462> \*

#### **Changing the narrative : a tool on African traditions and the preservation of humanity during war**

Sarah Jean Mabeza and Tamalin Bolus. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1638-1649

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-mabeza.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-mabeza.pdf)

### AMERICA

#### **Implementing international humanitarian law : participation of the American states in IHL treaties and their national implementation : progress and activities in the Americas : 2018-2019 report**

ICRC. - Mexico : ICRC, [November 2020]. - 84 p.

<https://library.icrc.org/library/docs/DOC/icrc-1393-002-2020.pdf>

### ARMENIA

#### **Berg-Karabach : eine völkerrechtliche Analyse des Konflikts um Arzach**

Gurgen Petrossian, Sarah Babaian, Arlette Zakarian (Hrsg.). - Baden-Baden : Nomos, 2022. - 448 p.

### AZERBAIJAN

#### **Berg-Karabach : eine völkerrechtliche Analyse des Konflikts um Arzach**

Gurgen Petrossian, Sarah Babaian, Arlette Zakarian (Hrsg.). - Baden-Baden : Nomos, 2022. - 448 p.

### BOSNIA AND HERZEGOVINA

#### **Accountability for mass starvation : testing the limits of the law**

edited by Bridget Conley, Alex De Waal, Catriona Murdoch, and Wayne Jordash QC. - Oxford [etc.] : Oxford University Press, 2022. - XVII, 453 p.

<https://doi.org/10.1093/oso/9780192864734.001.0001> \*

**CAMBODIA****Accountability for mass starvation : testing the limits of the law**

edited by Bridget Conley, Alex De Waal, Catriona Murdoch, and Wayne Jordash QC.  
- Oxford [etc.] : Oxford University Press, 2022. - XVII, 453 p.

<https://doi.org/10.1093/oso/9780192864734.001.0001> \*

**International conflict and security law : a research handbook**

Sergey Sayapin, Rustam B. Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, Noëlle Quéniwet. - The Hague : Asser Press ; Berlin : Springer, 2022. - 2 vol.

**CANADA****Peddling atrocity : holding Canadian corporations responsible for core international crimes**

Jeremy Pizzi. In: Journal of international criminal justice, vol. 20, no. 2, May 2022, p. 483-505

<https://doi.org/10.1093/jicj/mqac001> \*

**CHINA****A discursive analysis of the Chinese party-state's potential impact on the LOAC**

E. John Gregory. - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 265-293

<https://doi.org/10.1093/oso/9780197626054.003.0015> \*

**COLOMBIA****Un análisis de la definición de la privación grave de la libertad en el conflicto armado en Colombia : resolución SAI-SUBA-AOI-014-2019 de 19 de marzo de 2019**

Ezequiel Heffes, Juan Francisco Padin. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.199-224

**La aplicación del principio de distinción y la concesión de amnistías : análisis de la decisión de la sala de amnistías o indulto SAI-AOI-D-ASM-051-2019**

Dominique Steinbrecher, Maria Rosario Tejada e Irina Zilbermann. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 91-138

**El caso del aborto forzado como forma de violencia sexual intrafilas : comentario a la decisión del asunto de "el enfermero" : resolución SAI-LC-XBM-046**

Paula Silva Rodríguez. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.225-276

**El derecho internacional humanitario en la jurisdicción especial para la Paz de Colombia. Volumen I**

Emiliano J. Buis, Camilo Ramíres Gutiérrez. - Bogotá : Tirant lo Blanch, 2022. - 332 p.

**El principio de proporcionalidad y los medios y métodos de guerra en el caso de "la mataharí" - resolución SAI-AOI-D-003-2020**

Camilo Ramírez Gutiérrez. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 139-198

**Protección étnica, del medio ambiente y del territorio en la justicia transicional colombiana : comentario al auto 079 de 2019**

A. Sebastián Saavedra Eslava. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.277-332

**Los riesgos de una hermenéutica humanitaria : minas antipersonal, actores no estatales e interpretación jurídica en la resolución SAI-AOI-010-2019**

Emiliano J. Buis. - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 29-90

## CYPRUS

**International conflict and security law : a research handbook**

Sergey Sayapin, Rustam B. Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, Noëlle Quéniwet. - The Hague : Asser Press ; Berlin : Springer, 2022. - 2 vol.

## DEMOCRATIC REPUBLIC OF THE CONGO

**The Congo trials in the International Criminal Court**

Richard Gaskins. - Cambridge : Cambridge University Press, 2022. - 483 p.  
<https://doi.org/10.1017/9781108768504> \*

## EASTERN EUROPE

**Regional consultation of Central and Eastern European states : 8 December 2021: international humanitarian law and cyber operations during armed conflicts**

report prepared by Tatiana Jancárková and Kubo Macák. - Geneva : ICRC, December 2022. - 22 p.  
<https://library.icrc.org/library/docs/DOC/icrc-4680-002.pdf>

## ETHIOPIA

**Accountability for mass starvation : testing the limits of the law**

edited by Bridget Conley, Alex De Waal, Catriona Murdoch, and Wayne Jordash QC. - Oxford [etc.] : Oxford University Press, 2022. - XVII, 453 p.  
<https://doi.org/10.1093/oso/9780192864734.001.0001> \*

## FRANCE

**Les prisonniers de guerre français en 40**

sous la dir. de Fabien Théofilakis ; préf. d'Henry Rousso. - Paris : Fayard, septembre 2022. - 382 p.

**GERMANY****The British witnesses at the Leipzig war crimes trials of 1921**

Peter Rowe, Caroline Kittelmann. In: *The military law and law of war review*, vol. 60, no. 2, 2022, p. 137-158

<https://doi.org/10.4337/mlwr.2022.02.02> \*

**Complicity of states in partnered drone operations**

Eleonora Branca. In: *Journal of conflict and security law*, vol. 27, no. 2, Summer 2022, p. 253-278

<https://doi.org/10.1093/jcsl/krac011> \*

**Les prisonniers de guerre français en 40**

sous la dir. de Fabien Théofilakis ; préf. d'Henry Rousso. - Paris : Fayard, septembre 2022. - 382 p.

**INDONESIA****Negotiating peace : amnesties, justice and human rights**

Renée Jeffery. - Cambridge [etc.] : Cambridge University Press, 2021. - X, 302 p.

<https://doi.org/10.1017/9781108937184> \*

**IRAQ****No longer the "forgotten victims of the armed conflict" : operational and legal considerations for accountability mechanisms regarding crimes affecting persons with disabilities**

Alexa Magee. In: *International review of the Red Cross*, vol. 105, no. 922, 2023, p. 518-541

<https://library.icrc.org/library/docs/DOC/irrc-922-magee.pdf>

**La protección jurídica internacional del patrimonio cultural en los conflictos armados : estudio de los casos de Iraq (2003) y de Siria (2011)**

Ana Laia Lázaro Feo. - Valencia : Tirant lo Blanch, 2022. - 473 p.

**ISRAEL****In the shadow of settlement - the Israeli progressive scholars' critical analyses of the decision-making policies of the Israeli Supreme Court sitting as the High Court of Justice**

Yutaka Arai-Takahashi. In: *The military law and law of war review*, vol. 60, no. 2, 2022, p. 218-246

<https://doi.org/10.4337/mlwr.2022.02.05> \*

**ITALY****Complicity of states in partnered drone operations**

Eleonora Branca. In: *Journal of conflict and security law*, vol. 27, no. 2, Summer 2022, p. 253-278

<https://doi.org/10.1093/jcsl/krac011> \*

**LATIN AMERICA****Implementation of international humanitarian law : the work of Latin American international humanitarian law committees**

Oscar G. Macias Betancourt. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2013-2026

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-betancourt.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-betancourt.pdf)

**MEXICO****The 1871 Mexican Criminal Code as the missing piece in the history of criminalizing violations of the laws of war**

Tania Ixchel Atilano. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1650-1683

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-atilano.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-atilano.pdf)

**MYANMAR****International conflict and security law : a research handbook**

Sergey Sayapin, Rustam B. Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, Noëlle Quéniwet. - The Hague : Asser Press ; Berlin : Springer, 2022. - 2 vol.

**NEPAL****Negotiating peace : amnesties, justice and human rights**

Renée Jeffery. - Cambridge [etc.] : Cambridge University Press, 2021. - X, 302 p.

<https://doi.org/10.1017/9781108937184> \*

**NETHERLANDS****Complicity of states in partnered drone operations**

Eleonora Branca. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 253-278

<https://doi.org/10.1093/jcsl/krac011> \*

**PALESTINE****In the shadow of settlement - the Israeli progressive scholars' critical analyses of the decision-making policies of the Israeli Supreme Court sitting as the High Court of Justice**

Yutaka Arai-Takahashi. In: The military law and law of war review, vol. 60, no. 2, 2022, p. 218-246

<https://doi.org/10.4337/mlwr.2022.02.05> \*

**PHILIPPINES****Islam and international humanitarian law : observance and practice in the Philippine Muslim conflict experience**

Mehol K. Sadain, Macrina A. Morados and Darwin J. Absari. - Quezon City : University of the Philippines Institute of Islamic Studies, August 2022. - X, 98 p.

**Negotiating peace : amnesties, justice and human rights**

Renée Jeffery. - Cambridge [etc.] : Cambridge University Press, 2021. - X, 302 p.

<https://doi.org/10.1017/9781108937184> \*

## RUSSIA

### **The origins, causes and enduring significance of the Martens Clause : a view from Russia**

Vitaliy Ivanenko. In: *International review of the Red Cross*, vol. 104, no. 920-921, 2022, p. 1708-1724

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-ivanenko.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-ivanenko.pdf)

### **Redefining rescue operations in contemporary naval warfare : a necessary interplay between maritime bodies in international law**

Alba Grembi. In: *Asia-Pacific journal of international humanitarian law*, vol. 3, no. 1, 2022, p. 16-54

<https://apjihl.org/article/redefining-rescue-operations-in-contemporary-naval-warfare-a-necessary-interplay-between-maritime-bodies-in-international-law/>

## RWANDA

### **Opportunities and failures to prosecute violence against persons with disabilities at the international tribunals for the former Yugoslavia, Rwanda and Sierra Leone**

Kate MacInnes. In: *International review of the Red Cross*, vol. 105, no. 922, 2023, p. 484-517

<https://library.icrc.org/library/docs/DOC/irrc-922-mcinnnes.pdf>

## SAUDI ARABIA

### **Peddling atrocity : holding Canadian corporations responsible for core international crimes**

Jeremy Pizzi. In: *Journal of international criminal justice*, vol. 20, no. 2, May 2022, p. 483-505

<https://doi.org/10.1093/jicj/mqac001> \*

## SIERRA LEONE

### **Opportunities and failures to prosecute violence against persons with disabilities at the international tribunals for the former Yugoslavia, Rwanda and Sierra Leone**

Kate MacInnes. In: *International review of the Red Cross*, vol. 105, no. 922, 2023, p. 484-517

<https://library.icrc.org/library/docs/DOC/irrc-922-mcinnnes.pdf>

## SOUTH SUDAN

### **Accountability for mass starvation : testing the limits of the law**

edited by Bridget Conley, Alex De Waal, Catriona Murdoch, and Wayne Jordash QC. - Oxford [etc.] : Oxford University Press, 2022. - XVII, 453 p.

<https://doi.org/10.1093/oso/9780192864734.001.0001> \*

### **Prosecution of starvation in South Sudan**

Wayne Jordash QC and Uzay Yasar Aysev. - In: *Accountability for mass starvation: testing the limits of the law*. - Oxford [etc.] : Oxford University Press, 2022. - p. 260-294

<https://doi.org/10.1093/oso/9780192864734.003.0010> \*

**SUDAN****Accountability for mass starvation : testing the limits of the law**

edited by Bridget Conley, Alex De Waal, Catriona Murdoch, and Wayne Jordash QC.  
- Oxford [etc.] : Oxford University Press, 2022. - XVII, 453 p.

<https://doi.org/10.1093/oso/9780192864734.001.0001> \*

**SYRIA****Accountability for mass starvation : testing the limits of the law**

edited by Bridget Conley, Alex De Waal, Catriona Murdoch, and Wayne Jordash QC.  
- Oxford [etc.] : Oxford University Press, 2022. - XVII, 453 p.

<https://doi.org/10.1093/oso/9780192864734.001.0001> \*

**International efforts against impunity for the use of chemical weapons in Syria : is there hope for international justice ?**

Wissam Aldien Alokiah. In: *Journal of international criminal justice*, vol. 20, no. 3, July 2022, p. 541-569

<https://doi.org/10.1093/jicj/mqac023> \*

**La protección jurídica internacional del patrimonio cultural en los conflictos armados : estudio de los casos de Iraq (2003) y de Siria (2011)**

Ana Laia Lázaro Feo. - Valencia : Tirant lo Blanch, 2022. - 473 p.

**TIMOR-LESTE****Negotiating peace : amnesties, justice and human rights**

Renée Jeffery. - Cambridge [etc.] : Cambridge University Press, 2021. - X, 302 p.

<https://doi.org/10.1017/9781108937184> \*

**UKRAINE****Redefining rescue operations in contemporary naval warfare : a necessary interplay between maritime bodies in international law**

Alba Grembi. In: *Asia-Pacific journal of international humanitarian law*, vol. 3, no. 1, 2022, p. 16-54

<https://apjihl.org/article/redefining-rescue-operations-in-contemporary-naval-warfare-a-necessary-interplay-between-maritime-bodies-in-international-law/>

**UNITED STATES****Coding the law of armed conflict : first steps**

Ashley Deeks. - In: *The future law of armed conflict*. - New York : Oxford University Press, 2022. - p. 41-59

<https://doi.org/10.1093/oso/9780197626054.003.0004> \*

**Complicity of states in partnered drone operations**

Eleonora Branca. In: *Journal of conflict and security law*, vol. 27, no. 2, Summer 2022, p. 253-278

<https://doi.org/10.1093/jcsl/krac011> \*



## YEMEN

### **Accountability for mass starvation : testing the limits of the law**

edited by Bridget Conley, Alex De Waal, Catriona Murdoch, and Wayne Jordash QC.  
- Oxford [etc.] : Oxford University Press, 2022. - XVII, 453 p.

<https://doi.org/10.1093/osj/9780192864734.001.0001> \*

### **Peddling atrocity : holding Canadian corporations responsible for core international crimes**

Jeremy Pizzi. In: Journal of international criminal justice, vol. 20, no. 2, May 2022,  
p. 483-505

<https://doi.org/10.1093/jicj/mqac001> \*

## YUGOSLAVIA

### **International conflict and security law : a research handbook**

Sergey Sayapin, Rustam B. Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, Noëlle Quéniwet. - The Hague : Asser Press ; Berlin : Springer, 2022. - 2 vol.

### **Opportunities and failures to prosecute violence against persons with disabilities at the international tribunals for the former Yugoslavia, Rwanda and Sierra Leone**

Kate MacInnes. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 484-517

<https://library.icrc.org/library/docs/DOC/irrc-922-mcinnnes.pdf>

## All with Abstracts

### **70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ? : réflexions sur les interactions normatives**

sous la direction de **Olivier de Frouville et Sébastien Touzé** ; Centre de recherche sur les droits de l'homme et le droit humanitaire. - Paris : A. Pedone, 2022. - 258 p.

En 2019, le CRDH a saisi l'occasion du 70<sup>e</sup> anniversaire des Conventions de Genève du 12 août 1949 pour organiser un grand colloque international sur les nouveaux défis du droit international humanitaire (DIH). La fin du XX<sup>e</sup> siècle et le début du XXI<sup>e</sup> siècle ont été marqués par des mutations de la conflictualité qui ont profondément affecté les conditions de mise en œuvre du « droit de la guerre » : phénomènes de dé-spatialisation et de dé-temporalisation des conflits ; interventions croissantes de la part de multiples acteurs non-étatiques ; progrès des technologies, avec de nouvelles armes et un nouvel espace de conflit, le cyberspace... Le but du colloque était d'interroger l'ensemble de ces évolutions en mettant en avant les interactions entre les régimes juridiques et les ordres normatifs. Il s'agissait en particulier d'examiner trois problématiques : l'évolution des situations dans lesquelles le droit international humanitaire est amené à s'appliquer et les difficultés qui en découlent, notamment en termes de qualifications et d'applicabilité des corpus normatif ; l'adaptation des normes face aux nouveaux enjeux et aux lacunes ; l'établissement des responsabilités, face à la diversification des acteurs.

### **The 1871 Mexican Criminal Code as the missing piece in the history of criminalizing violations of the laws of war**

**Tania Ixchel Atilano**. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1650-1683

Little is known about how international humanitarian law has developed around the world, other than in Europe and the USA. However, it is a topic worth researching, as it may reveal new connections, causalities and the previously unknown origins of legal institutions. Mexico is a good example of how the rules of war developed differently in different countries, since – as early as 1871 – it incorporated the law of war in its domestic criminal law. This article will explore how the idea of criminalizing violations of the laws of war flourished in nineteenth-century Mexico. A combination of factors including foreign interventions, civil wars, the liberal convictions of the drafters of the Mexican Criminal Code and their will to achieve the rank of “civilized nations” led to the creation of the crime “violations of the duties of humanity”. This development was a milestone in the history of pursuing individual criminal responsibility for violations of the laws of war and, therefore, is a missing piece in its history.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-atilano.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-atilano.pdf)

### **Accountability for mass starvation : testing the limits of the law**

edited by **Bridget Conley, Alex De Waal, Catriona Murdoch, and Wayne Jordash QC**. - Oxford [etc.] : Oxford University Press, 2022. - XVII, 453 p.

Famine is an age-old scourge that almost disappeared in our lifetime. Between 2000 and 2011 there were no famines and deaths in humanitarian emergencies were much reduced. The humanitarian agenda was ascendant. Then, in 2017, the United Nations identified four situations that threatened famine or breached that threshold in north-eastern Nigeria, Somalia, South Sudan, and Yemen. Today, this list is longer. Each of these famines is the result of military actions and exclusionary, authoritarian politics conducted without regard to the wellbeing or even the survival of people. Violations of international law including blockading ports, attacks on health facilities, violence against humanitarian workers, and obstruction of relief aid are carried out with renewed impunity. Yet there is an array of legal offenses, ranging from war crimes and crimes against humanity to genocide, available to a prosecutor to hold individuals to account for the deliberate starvation of civilians. However, there has been a dearth of investigations and accountability for those violating international law. The reasons for this neglect and the gaps between the black-letter law and practice are explored in this timely volume. It provides a

comprehensive overview of the key themes and cases required to catalyze a new approach to understanding the law as it relates to starvation. It also illustrates the complications of historical and ongoing situations where starvation is used as a weapon of war, and provides expert analysis on defining starvation, early warning systems, gender and mass starvation, the use of sanctions, journalistic reporting, and memorialization of famine.

<https://doi.org/10.1093/oso/9780192864734.001.0001> \*

### **Accounting for disability in international humanitarian law**

**Janet E. Lord.** In: *International review of the Red Cross*, vol. 105, no. 922, 2023, p. 60-98

The adoption of the Convention on the Rights of Persons with Disabilities (CRPD) represents an important and (potentially) progressive development in the protection framework under international humanitarian law (IHL). Article 11 of the CRPD specifically obliges States to protect persons with disabilities from harm in situations of risk, including armed conflict, consistent with IHL and human rights law. The CRPD framework signals the need to address the traditional framing of disability under IHL and to draw from human rights concepts in the CRPD in order to inform the protection accorded to persons with disabilities in armed conflict. This article is divided into four main parts: the first three address three main lines of inquiry, while the fourth is forward-looking. The first part analyzes the framing and construction of disability in IHL and the implications of such framing for the protection of persons with disabilities. The second part analyzes fundamental IHL rules in an effort to demonstrate how the framing of disability and the protection framework of the CRPD can be used in the application of IHL. The third part identifies some specific problem areas ripe for further disability scoping and harmonization of the CRPD and IHL. Looking forward, the fourth part identifies entry points for focused action and research aimed at bringing about the kind of dynamic treaty practice envisioned by Article 11 of the CRPD.

<https://library.icrc.org/library/docs/DOC/irrc-922-lord.pdf>

### **The Additional Protocols to the Geneva Conventions in context**

**Annyssa Bellal and Stuart Casey-Maslen.** - Oxford : Oxford University Press, 2022. - XXIII, 338 p.

The Additional Protocols to the 1949 Geneva Conventions remain a landmark in the development of international humanitarian law. The first two Additional Protocols were adopted by states in 1977. These protocols encompass the rules governing the treatment and protection of those in the power of an enemy, as well as the conduct of hostilities. Crucially, they address non-international armed conflicts and wars of national liberation. In 2005, a third additional protocol designating an additional distinctive humanitarian emblem was adopted in controversial circumstances. The *Additional Protocols to the Geneva Conventions in Context* interprets the key rules and issues of the Additional Protocols and considers their application and implementation over the past forty years. Taking a thematic approach, the book examines subjects including the protection of women, armed non-state actors, relief operations, and prohibited weapons. Each chapter discusses the pertinence of existing laws, the challenges raised by the rules in the Additional Protocols, and what more could be done to better protect civilians. This book also considers whether new technologies, such as offensive cyber operations and autonomous weapons, need new treaty rules to regulate their application in armed conflict.

<https://doi.org/10.1093/law/9780192868909.001.0001> \*

### **Addressing the accountability void : war crimes against persons with disabilities**

**William I. Pons, Janet E. Lord and Michel Ashley Stein.** In: *International review of the Red Cross*, vol. 105, no. 922, 2023, p. 465-483

Academics rarely raise the need to consider persons with disabilities when preventing, investigating and prosecuting international humanitarian law (IHL) violations. Worse still, no actual attempts have been made to include a disability perspective into practical guidance and monitoring mechanisms. This article addresses that void by laying out how existing yet unutilized IHL obligations can be leveraged to repress and suppress disability-based IHL violations. In doing so, the article will detail how fact-finding approaches, criminal investigative processes and reporting methods for IHL violations can be inclusive of persons with disabilities and thus more appropriately address the endemic under-representation of a disability perspective in the

planning and execution of military operations during armed conflict and the specific crimes they thereby suffer. Additionally, this article will articulate concrete changes that should be made to international criminal law procedures for prosecuting war crimes to provide recognition and accountability for disability-based IHL violations, as has been done for violations against women and children. Finally, this article will diagnose the state of the law to address any legal challenges or hurdles that may hamper the inclusion of a disability perspective in fulfilling the IHL obligation to reduce and address violations of humanitarian law.

<https://library.icrc.org/library/docs/DOC/irrc-922-pons.pdf>

### **Advancing towards inclusive peace and security : persons with disabilities and Security Council Resolution 2475**

**Bogna Ruminowicz.** In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 449-458

Persons with disabilities are at higher risk of injury or death during an armed conflict, either as specific targets or through inability to protect themselves. Humanitarian responses concentrate on meeting the immediate basic needs of an average population. Yet historically, the situation of persons with disabilities during armed conflict, as well as peacebuilding processes, has been largely absent in the discussion at the Security Council. On 20 June 2019, the United Nations Security Council unanimously passed Resolution 2475. This groundbreaking text marks the first time the Council has dedicated an entire resolution to the situation of persons with disabilities in situations of armed conflict. The resolution has significantly raised the attention and understanding of the situation of persons with disabilities in the context of the armed conflict in the Security Council and beyond. This article details the process that led to Resolution 2475, as well as what has happened since.

<https://library.icrc.org/library/docs/DOC/irrc-922-ruminowicz.pdf>

### **The African Union's humanitarian policies : a closer look at Africa's regional institutions and practice**

**Namira Negm.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1918-1929

This article sheds light on the legal instruments and policies adopted by the Organization of African Unity/African Union (AU) in relation to international humanitarian law. It also offers analysis on the role of the AU institutions that provide humanitarian and disaster relief. The article highlights the importance of the institutions established to improve the capacity of regional and national institutions for humanitarian prevention and response. It reflects on the reasons why the AU focuses on early warning systems to address the root causes of conflicts and humanitarian disasters, rather than only adopting reactive policies after the fact, in order to save lives and prevent human suffering.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-negm.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-negm.pdf)

### **Un análisis de la definición de la privación grave de la libertad en el conflicto armado en Colombia : resolución SAI-SUBA-AOI-014-2019 de 19 de marzo de 2019**

**Ezequiel Heffes, Juan Francisco Padin.** - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.199-224

En este capítulo IV se aborda la interpretación sostenida en 2019 por la Sala de Amnistía o Indulto de la Jurisdicción Especial para la Paz en lo que respecta a la definición de privación grave de la libertad en el marco del conflicto de Colombia. Del análisis de la decisión surgen posibles cuestionamientos con respecto a las referencias de derecho internacional consignadas por la Sala al momento de fundamentar su decisión. Al respecto, el capítulo destaca que la Sala se encontró frente a una gran dificultad: no contar con aproximaciones previas a nivel nacional del concepto de “privación grave de la libertad”. Por ende, hizo uso de normas provenientes del DIH y del Derecho Internacional de los Derechos Humanos (DIDH) para abordar dicho concepto.

**Animals in the international law of armed conflict**

**Anne Peters, Jérôme de Hemptinne, Robert Kolb.** - Cambridge : Cambridge University Press, 2022. - 409 p.

Animals are the unknown victims of armed conflicts. Wildlife populations usually decline during warfare, with disastrous repercussions on the food chain, on fragile ecosystems and precarious habitats. Armed forces and groups take advantage of the chaos raised by war to engage in the poaching and trafficking of expensive animal products. Livestock, companion and zoo animals, highly dependent on human care, are slaughtered, looted, bombed or starved on a massive scale. Some animals also serve in the military around the world in various capacities and are regularly exposed to the dangers of war. The book is the first legal analysis of these issues. It examines how the concepts and rationales of international humanitarian law can be applied for a better protection of animals. The contributions inter alia discuss the protection of animals as objects, as part of the environment, as combatants or as prisoners of war, a specific status for veterinarian personnel, the recognition of biodiversity hotspots as specially protected zones and the potential of enforcement mechanisms. The concluding chapter draws together novel interpretations and reform proposals.

<https://doi.org/10.1017/9781009057301> \*

**La aplicación del principio de distinción y la concesión de amnistías : análisis de la decisión de la sala de amnistías o indulto SAI-AOI-D-ASM-051-2019**

**Dominique Steinbrecher, Maria Rosario Tejada e Irina Zilbermann.** - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 91-138

Este capítulo contiene un análisis de la decisión adoptada el 23 de julio de 2019 por la Sala de Amnistía o Indulto de la Jurisdicción Especial para la Paz. Esta decisión denegó la solicitud de amnistía por el delito de homicidio agravado sobre Luis Alberto Guzmán Díaz. El fundamento utilizado para ello fue la aplicación del límite que se desprende del derecho consuetudinario, así como del ordenamiento jurídico interno de Colombia, para las amnistías. Este límite indica que la amnistía no es viable cuando el delito constituye un crimen de guerra. Las autoras concluyen que el análisis realizado por la SAI en el caso no fue exhaustivo al no abordar las diversas aristas bajo las cuales la víctima podría haber sido considerado un objeto legítimo de ataque en el contexto del conflicto armado colombiano.

**Las armas autónomas letales: un desafío para el derecho internacional humanitario, los derechos humanos, la seguridad y el desarme internacionales**

**Milton José Meza Rivas; Cruz Roja España.** - Valencia : Tirant lo blanch, 2022. - 773 p.

El derecho, como la política y nuestra propia vida, afronta enormes interrogantes que se originan en las crecientes y novedosas aplicaciones científico-tecnológicas. Tal es el caso abordado en esta obra: los desafíos planteados por las armas autónomas letales, un avance armamentístico que hace años era impensable, casi de ciencia ficción, y que hoy se ha convertido en una realidad. Se trata del empleo de tecnologías emergentes para el diseño de armamento letal con propósitos militares y de seguridad, dotado de una autonomía casi absoluta para ejecutar funciones críticas (como la selección y el ataque de objetivos) y, por tanto, con poco -o ningún- nivel de control humano realmente significativo. Con el tiempo, las armas autónomas letales han ocupado cada vez más espacios en los medios de comunicación, en el cine y, progresivamente, en el estudio y la reflexión especializada. Hoy, incluso, sus implicaciones en lo jurídico, estratégico, moral y ético son objeto de intensas discusiones entre los gobiernos, el sector privado, la academia y la sociedad civil en general. Por ello, este libro cobra especial relevancia, ya que ofrece a su lector un análisis interdisciplinar, transversal y prospectivo sobre las promesas y los riesgos que estas armas representan para la humanidad. Su desarrollo argumental abre cuestiones importantes, polémicas y novedosas, muchas de las cuales siguen pendientes de resolución, que provocan y enriquecen el debate poniendo el foco de atención en el examen de la afectación que estas armas representan para los derechos humanos, el derecho internacional humanitario, la seguridad y el desarme internacionales.

**Armed conflicts and the environment : complementing the laws of armed conflict with human rights law and international environmental law**

Anne Dienelt ; foreword by Marja Lehto. - Cham : Springer, 2022. - XV ; 349 p.

The book rethinks the means of harmonization of prima facie norm conflicts in light of the multitude of international agreements across regimes. The methodology deployed in this book, which is referred to as complementation or complementary application, represents a novel approach by focusing on commonly shared objectives and a unifying ordre public transnational across fields of public international law that allow for a harmonization beyond traditional treaty interpretation. Fields of public international law, mainly the laws of armed conflict, international environmental law, and human rights law, apply simultaneously to questions regarding the environment and war. Such a coexistence challenges the unity of the international legal order, and it also challenges the means of harmonization across fields of public international law. However, eventually, the co-existence of several fields of public international law can result in a refinement of international law and enhanced legal protection. Diversification can also contribute to clarification or normative intensification in areas of parallel application of various fields and multilayered legal protection, demonstrating a counter-option to fragmentation.

**Article 12 of the protocol on the rights of persons with disabilities in Africa : a critical analysis**

Steve Tiwa Fomekong. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 323-351

This contribution analyses Article 12 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (the Protocol). It examines the purpose, scope and contribution of this Article to the legal protection of persons with disabilities in armed conflict and its implementation. The analysis is divided into four parts. The first part will start by identifying and analysing the background to this provision, which provides specific protection to persons with disabilities in armed conflict. The second part will examine Article 12 in the light of other similar regional instruments and of the protection challenges that persons with disabilities face during conflict. This will highlight the specific nature of the Article's provisions, together with its shortcomings and its progressive aspects. Part three will look at the interaction between Article 12 and equivalent rules of international humanitarian law, and how Article 12 contributes to the development of legal protection for persons with disabilities in armed conflict. Finally, the fourth part will examine the challenges to the implementation of Article 12. It will also propose ways of overcoming those challenges and hence of enabling Article 12 to have its intended effect.

<https://library.icrc.org/library/docs/DOC/irrc-922-fomekong.pdf>

**Assessing the authority of the ICRC customary IHL study : how does IHL develop?**

Marko Milanovic and Sandesh Sivakumaran. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1856-1897

This article examines the authority of the 2005 International Committee of the Red Cross Study on Customary international humanitarian law within the international legal system by collecting and analysing citations to the Study in documents containing expressions of State positions, in the judgments of international and domestic courts and tribunals and in the outputs of other influential actors. Our analysis establishes that the Study is increasingly seen as a highly authoritative instrument, such that a particular proposition will be found to reflect customary international law simply on the basis that the Study says so. We argue that the Study's authority will likely only increase over time.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-milanovic.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-milanovic.pdf)

**At risk and overlooked : children with disabilities and armed conflict**

Emina Čerimović. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 192-216

In armed conflicts and crises, children with disabilities face serious threats to their lives and safety, including those related to their inability to flee attacks, risk of abandonment, lack of access



to assistive devices, lack of access to basic services and denial of education as well as experiences of stigma, abuse, psychological harm and poverty. Children with disabilities experience multiple and intersecting forms of human rights violations based on their disability and age. Since 2015, Human Rights Watch has documented the impact of armed conflict on children with disabilities in Afghanistan, Cameroon, the Central African Republic, the Gaza Strip in the Occupied Palestinian Territory, South Sudan, Syria and Yemen. While international human rights specifically call for the protection of children with disabilities in situations of armed conflict, the United Nations, governments, parties to the conflict and humanitarian actors have long neglected their specific rights and needs. There is an urgent need for the United Nations and governments to increase efforts to protect children with disabilities as part of their international commitments to protect all children impacted by hostilities. Their attention and investment in those most at risk of violence during armed conflicts will in turn enhance protection measures for everyone.

<https://library.icrc.org/library/docs/DOC/irrc-922-cerimovic.pdf>

### **Being more than you can be : enhancement of warfighters and the law of armed conflict**

**Rain Liivoja.** - In: *The future law of armed conflict.* - New York : Oxford University Press, 2022. - p. 84-102

Warfighters are both the strongest and the weakest link of an armed force. The parallel processing capability of the human brain and the agility of the human body are still unmatched by technology. At the same time, as human beings, warfighters require oxygen, water, nutrition, and sleep to survive; they are not adapted to what many other species excel at, and they are susceptible to illnesses and injuries. Armed forces generally attempt to mitigate these factors by means of equipment and training. Biomedical human performance enhancement, however, will increasingly be used to improve the performance of warfighters, raising a range of legal, ethical, and social issues. This chapter considers how human enhancement will affect the application of the law of armed conflict in future warfare. After providing a brief conceptual and technical background to human enhancement, the chapter looks at whether the law prohibits or restricts the enhancement of warfighters, and what consequences the enhancement of warfighters has under the law.

<https://doi.org/10.1093/oso/9780197626054.003.0006> \*

### **Berg-Karabach : eine völkerrechtliche Analyse des Konflikts um Arzach**

**Gurgen Petrossian, Sarah Babaian, Arlette Zakarian (Hrsg.).** - Baden-Baden : Nomos, 2022. - 448 p.

Der neue Sammelband bietet einen umfassenden Überblick zum komplexen Berg-Karabach-Konflikt und beschäftigt sich mit den zahlreichen völkerrechtlichen Problemfeldern. Neben der Statusfrage widmet sich das Werk auch den Folgen des Konflikts. Dabei untersuchen die Autorinnen und Autoren die Begebenheiten vor, während und nach dem dritten Berg-Karabach-Krieg. Die Beiträge behandeln u.a. die Flüchtlingsfrage, die Verfahren wegen rassistischer Diskriminierung vor dem IGH und wegen Menschenrechtsverletzungen vor dem EGMR, das Problem der Landminen, die mögliche Strafverfolgung von Kriegsverbrechen sowie die staatliche Verantwortung für Verletzungen des humanitären Völkerrechts.

### **Big data and the future law of armed conflict in cyberspace**

**Paul B. Stephan.** - In: *The future law of armed conflict.* - New York : Oxford University Press, 2022. - p. 61-82

Some who should know argue, and I find plausible, that among the several aspects of AI, accumulation and organization of data sets is the most significant. If this claim is right, then increasingly the most valuable property on the planet will be in cyberspace. As a conflict grows in intensity, adversaries will want to protect their property and degrade that of their opponents. The more important big data becomes, the more likely that adversaries will take actions affecting it. Almost inevitably some kind of international law will come into the picture, in the sense that relevant actors will frame claims about what they and others do in terms of international legal arguments. This chapter focuses on the question of jurisdiction or domain, rather than content: Under what circumstances will international lawyers in 2040 look to LOAC, including *ius ad bellum*, to regulate actions taken in cyberspace involving big data? This focus allows me to avoid



considering what particular rules LOAC will apply. Rather, I consider whether LOAC, rather than some other body of international law or exclusively municipal law, might govern particular cyberspace activity.

<https://doi.org/10.1093/oso/9780197626054.003.0005>

### **Bridging the accountability gap in the protection of internally displaced persons : non-state actors under the Kampala Convention**

**Romola Adeola.** In: *International community law review*, vol. 24, no. 5, 2022, p. 421-443

Contemporary forms of internal displacement in Africa significantly reflect the emerging footprints of non-state actors on the regional landscape of internal displacement. In recognition of the impact of these actors in the internal displacement context, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) specifically obligate states to regulate them in the prevention of arbitrary displacement. This is the central thrust of this article. This article examines the Kampala Convention from the perspective of non-state actors, considering the obligation of the state and the extent to which these actors may be held accountable, in the furtherance of protection and assistance of internally displaced persons (IDPs).

<https://doi.org/10.1163/18719732-12341462> \*

### **The British witnesses at the Leipzig war crimes trials of 1921**

**Peter Rowe, Caroline Kittelmann.** In: *The military law and law of war review*, vol. 60, no. 2, 2022, p. 137-158

This article draws together a final piece of research of the late Professor Peter J Rowe, LL.D., an eminent figure in the field of the law of armed conflict. Professor Rowe's interest in the post-World War I trials of German military personnel in Leipzig lay in the role of the British witnesses, which he researched extensively and meticulously up to mid-2018. The outcome was a draft article which has now been completed and prepared for publication by his last doctoral student Dr Caroline Kittelmann (née Harvey). Professor Rowe's interest in the Leipzig trials lay in their relative obscurity by comparison with the subsequent Nuremberg trials after World War II. His examination of the Leipzig trials covers the process of identifying British witnesses, their travel to Germany and giving of testimony, and the role of their testimony in the decisions of the Reichsgericht. It is shown that although the trials were not well-received by public or political opinion at the time, they held significance for several reasons: first, demonstrating (prior to the Nuremberg trials) that individuals could be tried for violations of the laws of war, second, demonstrating that superior orders did not need to be followed at all costs, and finally and perhaps most importantly, demonstrating adherence to the rule of law in that it was possible for the post-war courts of a defeated power to hear evidence given by soldiers of the victor power and (still) assess this as credible.

<https://doi.org/10.4337/mlwr.2022.02.02> \*

### **El caso del aborto forzado como forma de violencia sexual intrafilas : comentario a la decisión del asunto de "el enfermero" : resolución SAI-LC-XBM-046**

**Paula Silva Rodríguez.** - In: *El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia.* - Bogotá : Tirant lo blanch, 2022. - p.225-276

Este capítulo analiza el efecto diferenciado del conflicto armado colombiano en las mujeres. Al respecto, se hace referencia a lo dicho por la Corte Constitucional colombiana, la cual ha puesto de relieve cómo dicho ámbito de violencia afecta de forma diferenciada a las mujeres. En este contexto, el estudio de la autora tiene como objetivo analizar la decisión de libertad condicional sobre las conductas cometidas por el exguerrillero conocido como el Enfermero. Se destaca, entonces, que la decisión se centró en decidir si procedía o no la concesión del beneficio de libertad condicional al Enfermero, quien fue condenado por la jurisdicción ordinaria por varios delitos, entre los que se encuentra el de aborto forzado.

### **Changing the narrative : a tool on African traditions and the preservation of humanity during war**

**Sarah Jean Mabeza and Tamalin Bolus.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1638-1649

In an effort towards better explaining the authority of international humanitarian law (IHL) on the African continent, the Regional Delegation of the International Committee of the Red Cross (ICRC) in Pretoria recently examined the relationship between African traditional customs and modern-day principles of IHL. Evidence of a clear correlation would illustrate a respect for the law of war on the African continent. The outcome of the research conducted by the ICRC was the creation of the “Tool on African Traditions and the Preservation of Humanity during War”, which illustrates eleven African traditions and the related principles of contemporary IHL. The Tool is a living project, which will continue to be updated, and which is presented in various formats that can be used for both pedagogical and operational outreach.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-mabeza.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-mabeza.pdf)

### **Charting Hinduism's rules of armed conflict : Indian sacred texts and international humanitarian law**

**Raj Balkaran and A. Walter Dorn.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1762-1797

What does Hinduism have to say about the rules of armed conflict? How might Hinduism enrich the modern global discourse on international humanitarian law (IHL)? What convergences might be found, and what areas of divergence? This paper examines and contextualizes the rules of armed conflict advocated in classical Hindu texts, especially in the epic Mahābhārata, where important norms of Hinduism are established. It also examines the other major epic, the Rāmāyaṇa, and the Dharmasāstras (Law Codes), as well as the Arthasāstra, which takes an alternative (realpolitik) approach. The paper seeks to illuminate both convergences and divergences with IHL and highlight particular Hindu approaches on the righteous (dharmic) application of violence. With its many deeply ethical considerations, Hinduism enriches modern IHL through its heightened emphasis on fair and humane conduct in battle and its call towards compassion on behalf of both combatants and non-combatants.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-balkaran.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-balkaran.pdf)

### **Child soldiers caught in a cultural kaleidoscope**

**Wendy De Bondt and Rozelien Van Erdeghem.** In: The international journal of children's rights, vol. 30, no. 3, 2022, p. 785-817

Child participation in armed conflicts continues to challenge societies. Many diverging opinions and (perceived) legislative inconsistencies can be brought back to cultural differences spread over three axes. First, the recognition of child competence and their right to decide to participate in an armed conflict, differs significantly across and even within cultures. Second, the notion of “child” in child soldiers is conceptualised differently. Third, questions concerning their criminal liability for acts committed whilst being a child soldier continue to be fiercely debated. The question arises whether it is possible to draft a solid legal framework, recognising the vast cultural diversities.

<https://doi.org/10.1163/15718182-30030005> \*

### **Civilian use of a military objective as incidental harm in a proportionality assessment ?**

**Ori Pomson.** In: The military law and law of war review, vol. 60, no. 2, 2022, p. 159-187

The present article seeks to answer the following question: under international humanitarian law (IHL), must a military commander consider the expected loss of civilian use of a military objective in a proportionality assessment? On the basis of an inductive and doctrinal methodology, the article argues that under both the First Additional Protocol to the Geneva Conventions (API) and customary IHL – both analysed separately – there is no obligation upon a military commander to consider the loss of civilian use of a military objective in a proportionality assessment. This conclusion would also seem to extend to multi-unit structures, wherein only some units would,

when taken individually, constitute military objectives; since under API and in the opinio juris of states multi-unit structures would seem to constitute single objects.

<https://doi.org/10.4337/mlwr.2022.02.03> \*

### **Coalition warfare and the future of the law of armed conflict**

**Blaise Cathcart, QC.** - In: *The future law of armed conflict.* - New York : Oxford University Press, 2022. - p. 181-198

The purpose of this chapter is to reflect upon future armed conflicts, at least out to the year 2040, and to draw some conclusions about the potential state of the law of armed conflict (LOAC) and coalition warfare. It highlights how the LOAC of 2040 will be at significant risk of being largely ineffectual, ignored, and viewed as illegitimate unless coalitions, consisting of State and/or non-State actors, more fully comply with, and respect, the LOAC. Failure of coalitions to openly and consistently apply, affirm, and legitimize the fundamental underlying principles of the LOAC will result in the LOAC falling into serious disuse. This, in turn, will profoundly threaten the rule of law, the maintenance of international order and humanity.

<https://doi.org/10.1093/oso/9780197626054.003.0011> \*

### **Coding the law of armed conflict : first steps**

**Ashley Deeks.** - In: *The future law of armed conflict.* - New York : Oxford University Press, 2022. - p. 41-59

Machine learning algorithms hold out the promise of making sense of vast quantities of information, detecting patterns, and identifying anomalies better than humans. It seems safe to predict that by 2040 militaries will rely heavily on predictive algorithms, machine learning, and artificial intelligence in many aspects of warfighting. Military operators, programmers, and lawyers will confront difficult challenges as they try to create decision-support algorithms that are sensitive to international humanitarian law (IHL). Lawyers will need to understand the capabilities, requirements, and limits of algorithms, while programmers will need to learn the basics of IHL and how militaries make IHL-infused decisions under pressure. This chapter argues that these actors should pursue a three-step process: (1) identifying the applicable law; (2) crafting and training the algorithm around factors that will produce a recommendation relevant to that legal framework; and (3) interpreting the algorithmic predictions through the lens of that law. The goal should be to produce law-sensitive, data-driven algorithmic recommendations that lawyers and operators can act on. Further, the efforts to create legally sensitive predictive algorithms may helpfully stimulate militaries to re-evaluate how they currently undertake their human-only IHL analyses.

<https://doi.org/10.1093/oso/9780197626054.003.0004> \*

### **Coercion, interrogation, and prisoners of war**

**Nathan Lake and Jonathan Trerise.** In: *Journal of military ethics*, vol. 21, no. 2, August-October 2022, p. 151-161

The law of armed conflict prevents the coerced extraction of information from prisoners of war (PoWs). We claim, however, that the letter of that law involves too broad a concept of coercion. On a natural reading, there is a sense in which any extraction of information—by any method—is coercive. We respect the notion that PoWs ought not be treated poorly, but we argue “coercion” should not be understood so broadly. With respect to its use in international law, we favor a moralized notion of “coercion,” as opposed to a non-moralized one. We explain what this means, and argue why this is a better reading of the law. We think a moralized notion of coercion is more intuitive, is more in line with both actual practice and the intent of the framers of international law, and has practical benefits as well.

<https://doi.org/10.1080/15027570.2022.2114643> \*

## **Commentaire de la deuxième Convention de Genève : Convention (II) pour l'amélioration du sort des blessés, des malades et des naufragés dans les forces armées sur mer**

comité éditorial : Knut Dörmann... [et al.] ; équipe en charge du projet : Jean-Marie Henckaerts... [et al.]. - Cambridge [etc.] : Cambridge University Press ; Geneva : ICRC, 2023. - XVIII, 1187 p

L'application et l'interprétation des quatre Conventions de Genève de 1949 ont évolué de manière significative ces soixante dernières années, depuis que le Comité international de la Croix-Rouge (CICR) a publié pour la première fois ses Commentaires de ces importants traités humanitaires. Afin de permettre une meilleure compréhension de ce corpus juridique et donc son meilleur respect, le CICR a entrepris la mise à jour intégrale de ses premiers Commentaires, dont c'est ici le deuxième volume. Celui-ci a été préparé sous la direction de Jean-Marie Henckaerts, conseiller juridique du CICR et chef du projet de mise à jour des Commentaires. La Deuxième Convention est un texte fondamental du droit international humanitaire. Elle renferme les règles essentielles relatives à la protection des blessés, des malades et des naufragés sur mer, de ceux qui sont chargés de les secourir, ainsi que des navires utilisés pour les soigner et les évacuer. Ce Commentaire article par article tient compte des développements du droit et de la pratique pour offrir une interprétation actualisée de la Convention. Ce nouveau Commentaire a été révisé par des universitaires et des praticiens du droit humanitaire du monde entier, notamment des experts navals. Il constitue un outil indispensable pour quiconque travaille dans ce domaine ou étudie cette discipline.

<https://library.icrc.org/library/docs/DOC/icrc-4304-001.pdf>

## **Commissions of inquiry as bulwarks against impunity**

Sarthak Roy. In: Asia-Pacific journal of international humanitarian law, vol. 3, no. 1, 2022, p. 55-82

Commissions of inquiry encompass a wide range of bodies across the international legal and political landscape. From fact-finding missions, commissions of inquiry now confront institutional normative shifts of magnitude in the areas of international humanitarian, human rights, and criminal law. This article traces their historical evolution, the language and exercise of their mandates, and their potential to address the issue of accountability in the evolving contexts that international law finds itself operating.

<https://apijhl.org/article/commissions-of-inquiry-as-bulwarks-against-impunity/>

## **Complicity of states in partnered drone operations**

Eleonora Branca. In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 253-278

Military operations carried out with armed drones call into question not only the international responsibility of the drone-sending State but also the potential international responsibility for complicity of assisting States. Drone strikes are conducted through a complex set of tasks that would not be possible without the military cooperation of partner States. Three main scenarios of partnered drone operations are described, namely lending foreign military bases, providing logistical and technological support and intelligence sharing for targeting purposes. The article explores the issue of State complicity under the lens of Article 16 of the Articles on the Responsibility of States for Internationally Wrongful Acts. The core features of State complicity—the 'significant contribution element', the 'mental element' and the 'opposability element'—are discussed and applied to the three scenarios. The practice of partnered drone operations is extensively analysed, focusing on the assistance provided by Italy, Germany and the Netherlands to the US drone programme. The study concludes that in the cases under consideration, the international responsibility for complicity of assisting States is likely to be entailed, should the action of the assisted State result in an internationally wrongful act.

<https://doi.org/10.1093/jcsl/krac011> \*

**A comprehensive review of existing IHL and ICL as it relates to starvation**

Wayne Jordash QC, Catriona Murdoch and Joe Holmes. - In: *Accountability for mass starvation: testing the limits of the law.* - Oxford [etc.] : Oxford University Press, 2022. - p. 107-131

This chapter comprises two principal sections: [one on] law including an analysis of the elements of the war crime of starvation and its IHL underpinning [and one on] practice, entailing a discussion on the potential strategies for prosecuting the crime, including an overview of some of the modes of liability, the chain of causation, and how intent may be inferred in particular scenarios. It then concludes by arguing that prosecutions and international accountability play a significant role in rendering deliberate starvation morally toxic, an essential aim if we are to begin the journey towards starvation being deemed a medieval practice with no justifiable or lawful use in modern warfare.

<https://doi.org/10.1093/oso/9780192864734.003.0005> \*

**Conflits armés et entreprises : vers une responsabilité des entreprises à travers la complémentarité des ordres juridiques**

Javier Tous. - In: *70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?.* - Paris : A. Pedone, 2022. - p. 189-217

Le but de ce chapitre est d'explorer comment le droit international et le droit national peuvent servir de garanties aux principes du droit international humanitaire en régulant les implications des entreprises dans des conflits armés, notamment en établissant leur responsabilité en cas de violation des droits de l'homme ou du DIH. L'auteur analyse cette configuration à partir de deux perspectives : le droit pénal international (I), et le droit international des droits de l'homme (II).

**The Congo trials in the International Criminal Court**

Richard Gaskins. - Cambridge : Cambridge University Press, 2022. - 483 p.

This is the first in-depth study of the first three ICC trials: an engaging, accessible text meant for specialists and students, for legal advocates and a wide range of professionals concerned with diverse cultures, human rights, and restorative justice. Now with an updated postscript for the paperback edition, it offers a balanced view on persistent tensions and controversies. Separate chapters analyze the working realities of central African armed conflicts, finding reasons for their surprising resistance to ICC legal formulas. The book dissects the Court's structural dynamics, which were designed to steer an elusive middle course between high moral ideals and hard political realities. Detailed chapters provide vivid accounts of courtroom encounters with four Congolese suspects. The mixed record of convictions, acquittals, dissents, and appeals, resulting from these trials, provides a map of distinct fault-lines within the ICC legal code, and suggests a rocky path ahead for the Court's next ventures.

<https://doi.org/10.1017/9781108768504> \*

**Corporations, accountability and international criminal law : industry and atrocity**

Joanna Kyriakakis. - Cheltenham : E. Elgar, 2021 ; Northampton : E. Elgar, 2021. - IX, 298 p.

This timely book explores the prospect of prosecuting corporations or individuals within the business world for conduct amounting to international crime. Joanna Kyriakakis surveys the state of the art in the field, highlighting the case for the international criminal justice project to engage more fully with the role industry can play in atrocity. From the post-World War II era to contemporary international criminal courts and tribunals and the activities of domestic criminal justice agencies, this book analyses cases and international law reform efforts aimed at accounting for business involvement in international crimes. The major debates and ensuing challenges are examined, arguing that corporate accountability under international criminal law is crucial in achieving the objectives of international criminal justice. Students, practitioners and academics of international criminal law will find this a beneficial read, particularly through its engagement with the key contemporary debate around the extension of international criminal law to business actors. The exploration of how to address the global governance gap and better account for human



rights abuses in transnational corporate activity will also make this an invigorating book for business and human rights scholars.

<https://doi.org/10.4337/9780857939500> \*

### **The crisis in international law and the path forward for international humanitarian law**

**Paul B. Stephan.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2077-2096

This article offers a brief review of the forces that have contributed to the contemporary impasse in the formation of new international law and institutions. It identifies areas where development of the law of armed conflict would provide great benefits, yet where current international conditions render formal legal agreements highly unlikely. It then considers how to advance desirable projects nonetheless. In the absence of effective formal international law-making, jurists face a choice. One approach, which I call inspirational, is to propose idealized legal systems based on claims of justice and practicality. Much published work over the last decade seems to take this path. The hope is that the ideas will inspire and thus lead relevant actors to adopt the systems at a time when the obstacles to international agreements recede. The other approach, which I call entrepreneurial and describe here, involves leading States acting as “norm entrepreneurs”. They can propound and in practice adhere to norms with the intention of inducing other States to follow. The entrepreneurial approach entails a State engaging in a practice that it hopes others will emulate, while the inspirational involves an appeal to the international community as a whole, including significant non-State actors.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-stephan.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-stephan.pdf)

### **Cuaderno de practicas de derecho internacional humanitario**

**José Luis Rodríguez-Villasante y Prieto.** - Valencia : Tirant lo Blanch, 2021. - 246 p.

Esta publicación tiene como finalidad la presentación del material didáctico utilizado por el Centro de Estudios de Derecho Internacional Humanitario de la Cruz Roja Española y empleado en la difusión del Derecho Internacional Humanitario (DIH). Se inicia con el Seminario de Fuentes del DIH, partiendo de una breve introducción de sus conceptos básicos, evolución de sus normas y fuentes. Se completa con la presentación clasificada y esquemática de las normas convencionales de DIH y la relación de Manuales doctrinales y otros documentos institucionales y académicos, que integran un novedoso compendio de soft law humanitario. La parte central del Cuaderno está integrada por la publicación de más de sesenta Supuestos Prácticos, de diferente dificultad, preparados para ser propuestos a los alumnos, con objeto de que completen sus conocimientos teóricos con el manejo de las normas humanitarias y razonen las respuestas. Además, se ha puesto al día una selecta y cuidada Bibliografía, dando cuenta de las obras doctrinales de más frecuente consulta, documentación, manuales doctrinales, recopilación de normas, revistas especializadas y páginas webs. Por último, se reproduce un extenso Glosario para facilitar la rápida consulta de los términos más habitualmente utilizados por el Derecho Internacional Humanitario, que se definen de manera abreviada y por orden alfabético. El Cuaderno de Prácticas de DIH es el resultado de una experiencia académica de más de treinta y cinco años de dedicación, que se ha caracterizado por la valiosa colaboración de profesores cuya experiencia docente ha logrado elaborar una doctrina plena de coherencia, sintetizando las normas humanitarias a la luz de los principios y valores del Movimiento Internacional de la Cruz Roja y de la Media Roja.

### **Defection and prisoner of war status : protection under international humanitarian law for those who join the enemy ?**

**Manuel Galvis Martinez.** In: The Canadian yearbook of international law = Annuaire canadien de droit international, vol. 57 (2019), November 2020, p. 41-88

This article explores the issue of whether individuals who join enemy forces during international armed conflicts are entitled to prisoner of war status upon capture. It presents the long-running debate on the topic through a study of divided scholarly opinions and judicial decisions. An original analysis of the competing theories is conducted on the basis of available state practice, treaty interpretation methodology, and novel critical arguments and proposals. The article seeks

to challenge the value attributed to mainstream academic opinions and judicial precedents and open the debate in an area of international humanitarian law that is still under development.

<https://heinonline.org/HOL/P?h=hein.journals/cybil57&i=49> \*

### **El derecho internacional humanitario en la jurisdicción especial para la Paz de Colombia. Volumen I**

**Emiliano J. Buis, Camilo Ramíres Gutiérrez.** - Bogotá : Tirant lo Blanch, 2022. - 332 p.

Este libro, que constituye el primer volumen de un trabajo colectivo realizado por docentes e investigadoras/es de Argentina y Colombia especializadas/os en derecho internacional humanitario (DIH), se ocupa de analizar algunas decisiones recientes de la Jurisdicción Especial para la Paz (JEP) desde una mirada jurídica interesada en el *ius in bello*. A partir de la exploración de temas específicos que incluyen la interpretación de normas humanitarias, el principio de distinción, la privación de la libertad, la violencia sexual, la proporcionalidad en los medios y métodos de combate y la protección del ambiente, las/os autoras/es aquí reunidas/os proponen lecturas críticas en torno de una jurisprudencia que presenta características únicas. Léidas en su conjunto, las contribuciones que integran esta publicación dan cuenta de los modos en que la JEP ha venido construyendo, desde una experiencia creciente, una visión latinoamericana del DIH aplicable a los conflictos armados de índole no internacional que, sin dudas, es llamada a despertar un profundo interés en la región y en otras partes del mundo.

### **Detainee transfers and the principle of non-refoulement in relation to 'non-belligerent supporting States' in non-international armed conflicts**

**Benjamin R. Farley.** In: *Journal of conflict and security law*, vol. 27, no. 2, Summer 2022, p. 185-209

In the past 20 years, many States have purposefully shifted away from taking detainees in non-international armed conflicts (NIACs) and have instead relied on partner forces—both State and non-State actors—to take responsibility for any NIAC detainees. The question this article seeks to address is to what extent ‘non-belligerent supporting States’ have obligations to ensure that detainee transfers by partners comport with the principle of non-refoulement, by which a person may not be transferred if they are at a real (or substantial) risk of a violation of their fundamental rights. The authors explore several legal approaches to better understand how a non-belligerent supporting State may incur legal obligations in relation to detainee transfers through the support it provides. The article first examines how support triggers belligerent status (and thus belligerent obligations) under International Humanitarian Law (IHL), and tackles to what extent non-belligerent supporting States may incur legal obligations under IHL more generally, noting the gap between the rules of International Armed Conflict and NIACs in this respect. Secondly, specific obligations non-belligerent States may incur with respect to the principle of non-refoulement in relation to detainee transfers by a belligerent party during a NIAC are identified. Finally, the authors examine three categories of support—logistics/transportation support, intelligence sharing, and belligerent-party-to-non-belligerent-party detainee transfers—to demonstrate how varying degrees of support by non-belligerent States in the context of a NIAC could trigger the obligations to ensure respect of the prohibition against non-refoulement by belligerent partners through the auspices of Common Article 1. The article concludes that while Common Article 1 obligations indeed arise in these scenarios, the scope of the external or positive obligations of Common Article 1 are still unsettled under IHL and thus require further development to create a common understanding of the international legal obligations to avoid the violation of the principle of non-refoulement by partner forces.

<https://doi.org/10.1093/jcsl/krac009> \*

### **La détention dans les conflits armés non internationaux : base légale, motif et garanties procédurales**

**Pierrot Chambu Ntizimire ; préf. de Raphaël van Steenberghe.** - Limal : Anthemis, 2022. - 267 p.

L’originalité de cette étude sur la détention dans les conflits armés non internationaux découle principalement de l’articulation entre la norme du droit international humanitaire et celle du droit international des droits de l’homme. Tout en respectant le principe d’égalité face à la norme de droit international humanitaire, cette articulation permet de dégager, d’une part, les aspects



communs à toutes les parties au conflit armé non international et, d'autre part, les spécificités d'une détention réalisée par les groupes armés et celle réalisée par les États. Ce modèle normatif présente principalement l'avantage tant de prendre en considération la réalité du droit opposable aux parties que de se projeter dans une perspective de lege ferenda. Il a pour mérite d'apporter une réponse réaliste et pragmatique à des aspects plus complexes que constituent la base légale, le motif et les garanties judiciaires de la détention dans les CANI. Il permet ainsi aux parties et aux CANI, tout en conservant ce qui leur est commun, d'appliquer les obligations que l'ordre juridique international leur impose dans leur spécificité.

### **Digitalizing the Red Cross, Red Crescent and Red Crystal emblems : benefits, risks, and possible solutions**

**report drafted by Tilman Rodenhäuser, Mauro Vignati, Larry Maybee and Hollie Johnson.** - Geneva : ICRC, August 2022. - 42 p.

This report presents the ICRC's cutting-edge research into the benefits, risks and possible avenues to develop of a 'digital emblem'. In its quest for concrete measures to operationalize the protection afforded by international humanitarian law in cyberspace to medical facilities and certain humanitarian organizations, the ICRC decided to investigate the idea of developing a new signal, digital marker, or other means of identification for the digital assets of especially protected entities, i.e. a 'digital emblem'. The idea and objective of a 'digital emblem' are straightforward: for over 150 years, the distinctive emblems (the red cross and red crescent, and more recently the red crystal) have been used to convey a simple message: in times of armed conflict, those who wear them, or facilities and objects marked with them, must be protected against harm. The present report examines whether this idea can be used in cyberspace.

<https://library.icrc.org/library/docs/DOC/icrc-4649-002.pdf>

### **A discursive analysis of the Chinese party-state's potential impact on the LOAC**

**E. John Gregory.** - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 265-293

Understanding the Chinese Communist party-State's LOAC legal discourse as domestic political speech and international "discourse power" that affirms that the Party's legitimating moral narrative is a useful hermeneutic for understanding China's engagement with international LOAC. The Communist Party's structural control over domestic discourse formation, the weakness of Chinese civil society, the lack of independent legal institutions, and a general conception of Chinese law as subordinate to the Party enables the party-State to prioritize the discursive function of law as a highly credible form of political speech. The desire of the international community to socialize China has resulted in uncritical acceptance and adoption of the party-State's own self-narrative on LOAC, which the party-State then rebroadcasts domestically to demonstrate international affirmation of its legitimating narrative. It reframes jus ad bellum LOAC discourse to support past and prospective territorial aggression against neighboring countries. Jus in bello is reframed to support the narrative that the Party-Army has not and would never commit humanitarian violations, deflecting potential criticism of the Army's involvement in the State's violent oppression of Chinese citizens and justifying the sanitized public record. Effective engagement with Communist China on LOAC requires first that the United States more consistently commit to LOAC as a binding legal norm, both in words and action; and second, that the international community be willing to engage party-State scholars and officials critically.

<https://doi.org/10.1093/oso/9780197626054.003.0015> \*

### **Disparitions forcées ou personnes disparues ?**

**Alessandra La Vaccara.** - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 71-82

La question à laquelle cette contribution essaie de répondre est la suivante : est-il possible de concevoir un choix normatif entre les normes applicables aux personnes disparues et celles applicables aux disparitions forcées dans des contextes spécifiques, tels que les conflits armés ou la période de transition vers la paix ? Ou plutôt, devrait-on parler de "couches normatives" qui se juxtaposent et interagissent les unes avec les autres ?

## **Do armed conflicts justify the application of Article 15 ECHR? : Considering the extraterritorial application of the Convention**

**Hanna Wiczanowska.** - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 95-112

The purpose of this article is to reflect on the possibility of applying Article 15 ECHR in the context of extraterritorial armed conflicts. This will require a prior reconstruction of the relationship between the norms of International Humanitarian Law ("IHL") and the norms of International Human Rights Law ("IHRL") within the case law of the European Court of Human Rights. Furthermore, the hypothesis put forward by the author of this article boils down to the statement that the ECtHR's approach to extraterritorial armed conflicts is heavily burdened with legal uncertainty, which threatens the rule of law. Therefore, the analysis will be modelled on ECtHR's standards concerning the rule of law. Resolution of the issue raised would contribute to the creation of a coherent relationship between the IHL and IHRL standards and could eliminate the threat of arbitrary settlements in the area of extraterritorial armed conflicts.

<https://doi.org/10.4337/9781839108273.00013> \*

## **Le droit international humanitaire face à la dématérialisation de la guerre : l'exemple des cyber-opérations**

**Laurent Trigeaud.** - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 95-120

L'auteur postule que dès lors qu'une cyber-opération est susceptible d'être utilisée comme une arme ou méthode de guerre, le DIH est pleinement applicable. Le chapitre met donc en lumière les trois enjeux critiques suivants : (I) l'enjeu de la causalité : une cyber-opération peut-elle déclencher un conflit armé ? ; (II) l'enjeu de l'imputation : qui en est l'auteur ? ; (III) l'enjeu de la mise en œuvre : comment appliquer l'ensemble des principes du droit humanitaire, et pas seulement ceux relatifs à la conduite même des hostilités ?

## **The effects of armed conflict on investment treaties**

**Tobias Ackermann.** - Cambridge : Cambridge University Press, 2022. - XLI, 346 p.

This book analyses the multi-faceted impact armed conflict has on investment treaties. Refuting the common association of the outbreak of hostilities with the termination or suspension of treaties, it not only makes a case for the continuity of investment treaties. The book argues that the impact of armed conflict on such agreements goes far beyond these questions: Changed factual circumstances and public interests as well as international humanitarian law heavily influence the application and interpretation of investment protection standards. The book argues that investment treaties can and must channel these effects to remain effective during armed conflict and strike a fair balance between investor and public interests. It shows ways in which contextual and systemic interpretation, respect for reasonable state action, and careful treaty design can ensure that investment treaties continue to fulfil their purpose of strengthening compliance with legal rules also in times of armed conflict.

## **Ensuring respect by partners : revisiting the debate on Common Article 1**

**Cornelius Wiesener and Astrid Kjeldgaard-Pedersen.** In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 135-157

According to the International Committee of the Red Cross (ICRC), the duty to 'ensure respect' in Common Article 1 of the Geneva Conventions includes an external dimension: States have to ensure that other states respect their obligations under the Conventions, and arguably under international humanitarian law as a whole. This potentially has far-reaching consequences for states engaging in military operations together with partners, and the ICRC interpretation has been met with explicit pushback from a number of states as well as scholars. The present article seeks to revisit the debate on the extent of the obligation following from Common Article 1 in the context of partnered operations. We begin by providing a detailed outline of the ICRC view on the duty to 'ensure respect by others', as well as the reactions from states and scholarly contributions. Against this background, we examine—by carefully applying the customary rules on treaty interpretation enshrined in the Vienna Convention of the Law of Treaties—whether the duty to

ensure respect has an external dimension judged by the ordinary meaning and intentions of the drafters, subsequent practice (both in relation to the ICRC and in other contexts) and judicial pronouncements. Having concluded that doctrinal legal analysis does indeed support an external dimension of Common Article 1, we then explore whether this duty to ensure respect by others applies to states regardless of the nature of the armed conflict and their own involvement in it. Finally, we analyse the exact content of the obligations arising from the duty to ensure respect by others under Common Article 1.

<https://doi.org/10.1093/jcsl/krac007> \*

### **The ever-existing "crisis" of the law of naval warfare**

**Martin Fink.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1971-1988

Although the subject of law of naval warfare was first in modern treaty-making in international humanitarian law (IHL), further treaty-making efforts that comprehensively deal with all matters of the law of naval warfare never really took off. This particular part of IHL has always been primarily governed by custom. Scholarly calls for revision have not pressed States into further treaty-making efforts, which gives the law of naval warfare a semblance of being continuously in a state of crisis. Conveniently for States, the San Remo Manual solved a significant portion of this crisis, but perhaps too successfully, as it may have taken away incentives for States to further develop the law. While the law of the sea has been steadily growing as a – codified – legal regime and protective rules of IHL garnered much attention, the law of naval warfare seems somewhat forgotten and crumbling in its details.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-fink.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-fink.pdf)

### **Le fondement de la responsabilité internationale des groupes armés non-étatiques**

**Aurélien Godefroy.** - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p.143-187

Le chapitre explore une question fondamentale : les groupes armés non-étatiques sont-ils des "sujets" du droit international, dont on dit traditionnellement qu'il ne concerne que les Etats ? Dans une première partie, l'auteur s'attache à démontrer que la conception dualiste des rapports entre les groupes armés et le droit international repose sur un principe d'inégalité des belligérants qui a pour fonction de protéger le monopole de l'Etat sur la violence. Dans une seconde partie, l'auteur examine la conception moniste selon laquelle les rapports entre les groupes armés et le droit international reposent, dans une symétrie parfaite, sur un principe d'égalité des belligérants qui a pour effet de dissoudre le monopole de l'Etat sur la violence.

### **From 'burying in oblivion' to ubi jus ibi remedium : the development and complexities of accountability-based responses to victims of armed conflicts**

**Emily Camins.** - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 134-156

In 1907, states attending the Hague Peace Conference adopted a provision requiring compensation for violations of the laws of war. This provision, which built on preceding practice and scholarship, has shaped how international law responds to the harm caused to victims of war to the present day. Much has changed in the conduct of war over the last century, yet the accountability-based legal response to the suffering of victims of war adopted over a century ago continues to define our legal response today. This chapter explores the assumptions and forces which underpinned the development of the law relating to the harm suffered by victims of armed conflict. It suggests that it is timely to broaden our focus on accountability-based responses to consider how international law might respond more comprehensively to the harms of contemporary armed conflict.

<https://doi.org/10.4337/9781839108273.00016> \*

## **From invisibility to positive legal protection : the drafting of Article 11 of the Convention on the Rights of Persons with Disabilities**

**Andrew Begg.** In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 135-160

Initial drafts of the Convention on the Rights of Persons with Disabilities (CRPD) did not include any significant reference to the obligations of States to protect their citizens with disabilities during armed conflict or other emergency situations; international documents dealing with disability up until that point had not considered persons with disabilities as rights holders during armed conflict either. But early in the negotiations for the CRPD, disabled persons' organizations made it clear that they wanted to see the protections of the Convention extend to times of risk, emergency and armed conflict. This study focuses on Article 11 of the CRPD. The negotiating history of Article 11 demonstrates that although there were some disagreements over the scope of the article, support for a clear statement of States' obligations during armed conflict and other emergencies was broad-based and came from all regions.

<https://library.icrc.org/library/docs/DOC/irrc-922-begg.pdf>

## **From the gilded age to the digital age : the evolution of ICRC legal commentaries**

**Charlotte Mohr and Ellen Policinski.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1898-1917

Legal commentaries are a type of secondary source that provides clarity about the meaning of treaty provisions so they can be appropriately interpreted and applied by practitioners. Since 1870, the International Committee of the Red Cross (ICRC) has produced such commentaries on each successive international humanitarian law (IHL) treaty or update to an existing treaty. Over time, who drafts these commentaries and the methodology behind them has evolved, from early commentaries written by a single jurist who had participated in the drafting of the treaty to multi-authored works based on extensive research and the methodology found in the Vienna Convention on the Law of Treaties. The ICRC Commentaries have always been geared towards those tasked with applying IHL, but this audience has expanded over time, giving them a more global reach, and their reception has evolved accordingly. The most recent iteration of the ICRC Commentaries on the 1949 Geneva Conventions and their 1977 Additional Protocols is currently being produced, with some changes in methodology to guarantee that they remain a practical tool for the interpretation and application of those instruments.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-mohr.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-mohr.pdf)

## **The future law of armed conflict**

**ed. by Matthew C. Waxman and Thomas W. Oakley.** - New York : Oxford University Press, 2022. - 306 p.

Warfare is changing - and rapidly. New technologies, new geopolitical alignments, new interests and vulnerabilities, and other developments are changing how, why, and by whom conflict will be waged. Just as militaries must plan ahead for an environment in which threats, alliances, capabilities, and even the domains in which they fight will differ from today, they must plan for international legal constraints that may differ, too. This volume considers how law and institutions for creating, interpreting, and enforcing it might look two decades ahead - as well as what opportunities may exist to influence it in that time. Such assessment is important as the U.S. and other governments plan for future warfare. It is also important as they formulate strategies for influencing the development of law to better serve security, humanitarian, and other interests. This volume examines not just specific questions, such as how might a particular technology require adaptive interpretation of existing law, but also grand ones, such as whether law is capable at all of keeping up with these changes.

<https://doi.org/10.1093/oso/9780197626054.001.0001> \*

## **The future law of naval warfare : some vessel status issues**

**Rob McLaughlin.** - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 141-154

Currently, the world is witnessing renewed potential for State-against-State naval engagements at sea. The macro-context is animated by tensions between a number of major powers and blocs

of powers. Additionally, there is an evolving acceptance of the legal consequences of more pointed recognition of a “status mixtus” spectrum of overt competition between peace and conflict—not least in renewed appreciations of the power and place of lawfare, and (re)emerging strategic concepts of hybrid warfare and gray zone operations. It is inevitable—indeed already evident—that States will look to increased utilization of lower cost merchant vessels and auxiliaries for some naval operations tasks. This evolution will in turn drive legal appreciations and questions as to naval combatant status and rights, with follow-on consequences that will challenge or even erode existing concepts, notions, and interpretive biases relating to the Law of Naval Warfare (LoNW). This chapter focuses upon status and characterization of vessels in LoNW as indicative of the broader challenges faced when applying LoNW designed for 1907 to naval warfare in the coming decades. To this end, the analysis focuses upon two substantive matters and raises for further discussion another. The first substantive matter is possible maritime militia status within LoNW; the second is the characterization of maritime autonomous ships within LoNW. The third matter—which is merely raised for discussion, rather than resolved in any way—is the future understanding of the concept of “belligerent rights” in LoNW.

<https://doi.org/10.1093/oso/9780197626054.003.0009> \*

### **The future of military and security privatization : protecting the values underlying the law of armed conflict**

**Laura A. Dickinson.** - In: *The future law of armed conflict.* - New York : Oxford University Press, 2022. - p. 239-263

The future of warfare is likely to see ongoing use of Private Military and Security Contractors (PMSCs) to expand State power not only in defensive and offensive battlefield contexts, but in clandestine cyber-related and AI-driven military initiatives as well. All of this privatization threatens “public law values” embedded in both the law of armed conflict (LOAC) and international human rights law. In the case of LOAC, core principles such as distinction, proportionality, feasible precautions, and avoidance of unnecessary suffering establish important limitations on the use of force. The challenge, however, is that these bodies of law—and the mechanisms of accountability and oversight that accompanied them—were designed by States in an era when the primary entities to be governed by this law were governmental actors that consisted primarily of large State militaries. This chapter surveys the present and likely future regarding States’ use of PMSCs. I argue that in the future although some categories of PMSCs will be increasingly regulated and professionalized, others will be deployed in secret and will tend to evade traditional oversight. Accordingly, those concerned about the survival of LOAC in the coming decades should explore alternative regulatory approaches that could go at least some distance toward mitigating the clear risks posed by the expansion of PMSCs.

<https://doi.org/10.1093/oso/9780197626054.003.0014> \*

### **Future war, future law : a historical approach**

**Adam Roberts.** - In: *The future law of armed conflict.* - New York : Oxford University Press, 2022. - p. 7-23

How people think about war, and especially about its future, is a problem. They often get it wrong. This chapter explores some of the hazards in thinking about future war as well as future law. It looks not only at the making and implementation of international law applicable to military operations but also at cases where there was a lack of applicable law, or a general tendency not to apply such law as existed. This chapter also touches on the work of one political economist of war, I.S. Bloch, who wrote the most famous and perhaps most influential book on the future of war—a book that addressed one of the central themes of the present work—the effect of changing technology on war. The author suggests the value of a historical approach to the future of the laws of war with respect to three questions. (1) What are the hazards in assessing the changing character and technology of war? (2) How well have the laws of war responded to technological change? (3) Is there a case for new treaties, or other forms of lawmaking, to address the new developments discussed in this book

<https://doi.org/10.1093/oso/9780197626054.003.0002>



## **The geographical reach of international humanitarian law in transnational armed conflict**

Elliot Winter. In: *Nordic journal of international law*, vol. 90, issue 3, 2021, p. 292-311

Non-international armed conflict between States and organised armed groups is a reality of warfare. Since the emergence of the 1949 Geneva Conventions, this form of conflict has been regulated by international humanitarian law. However, a subset of this category known as ‘transnational armed conflict’ has seen aggressive proliferation over recent decades as groups such as the Islamic State of Iraq and Syria have taken advantage of the internet and other technologies to expand their reach beyond national frontiers and strike States around the world. This phenomenon has left the geographical extent of international humanitarian law – which has historically relied on State boundaries to determine its ambit – unclear. This article examines the main options for delimiting the geographical reach of the regime in transnational armed conflict. It considers approaches based on international boundaries; ‘hot battlefields’; ‘global application’ and ‘territorial control’ before ultimately concluding that a method based on ‘military presence’ would be the most suitable standard.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/57369.pdf> \*

## **Going for a test drive ? : some observations on the turn to informality in the laws of armed conflict**

Liesbeth Lijnzaad. In: *International review of the Red Cross*, vol. 104, no. 920-921, 2022, p. 1930-1947

This contribution reflects on the development of informal expert manuals in the field of the laws of armed conflict. These manuals are presented as restating existing customary law, perhaps adding a few elements *de lege ferenda* but not having a straightforward normative intent. The authors of expert manuals state them to be non-binding, and their drafting takes place mostly in self-appointed groups. Although a normative intent may be absent when drafting such informal expert manuals, such rules may obtain normative effect nevertheless. While States are mostly absent in these processes, they seem to have a specific interest in the development of these manuals.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-lijnzaad.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-lijnzaad.pdf)

## **How does the obligation to investigate alleged serious violations of international humanitarian law apply in ad hoc military coalitions ?**

James Patrick Sexton. In: *The military law and law of war review*, vol. 60, no. 2, 2022, p. 188-217

This article assesses how the obligation to investigate alleged violations of international humanitarian law (IHL) – also referred to as the law of armed conflict – applies in situations where multiple states cooperate militarily in an ad hoc manner. Following an examination of the particular accountability issues raised by ad hoc military coalitions, the article applies doctrinal legal analysis to: (1) the grave breaches regime, (2) the customary obligation to investigate alleged war crimes, (3) the obligation to ensure respect for IHL, and (4) the notion of complicity under international law. It is concluded that the interplay of these different legal regimes and standards requires the investigation of the conduct of other states in a variety of different circumstances during ad hoc military cooperation. However, Status of Forces Agreements (SOFAs) and the potential immunities of state officials from criminal jurisdiction complicate the implementation of these obligations in practice. As such, in addition to the legal conclusions reached regarding the obligation to investigate’s operation in ad hoc military coalitions, more fundamental issues are brought into focus, namely the tension between state sovereignty and current developments towards accountability for serious violations of IHL.

<https://doi.org/10.4337/mlwr.2022.02.04> \*

## **How international humanitarian law develops**

**Cordula Droege and Eirini Giorgou.** In: *International review of the Red Cross*, vol. 104, no. 920-921, 2022, p. 1798-1839

This article takes a critical look at the development of international humanitarian law (IHL), from its early codification in the Hague and Geneva Conventions to the present day. It examines why and how IHL develops – through treaty, custom, interpretation and soft-law instruments, as well as the influence of jurisprudence and other branches of law. In doing so, it highlights some of the distinctive elements of IHL that set it apart from other bodies of law and explains how these elements influence IHL development. Turning to the present, it addresses some of the key arguments commonly heard against attempting any further development of IHL, by answering the following three key questions: Does IHL need to develop further? If so, how can this be achieved? And what are the prospects for such development in the near future? In answering these questions, the article argues that IHL will continue to develop in many ways, and that while the current environment does not appear propitious for new legally binding norms of IHL, they continue to be both necessary and possible.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-droege.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-droege.pdf)

## **How the guidelines for the implementation of the 1999 Second Protocol to the Hague Convention of 1954 contribute to better protection of cultural property**

**Jan Hladik.** In: *International review of the Red Cross*, vol. 104, no. 920-921, 2022, p. 1948-1970

This article analyzes the contribution of the Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (the Guidelines) to better protection of cultural property in peacetime and in times of armed conflict. The first part of the article introduces the Guidelines within the context of the implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict (1999 Second Protocol) and the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and provides examples of UNESCO's other standard-setting instruments such as the 1972 Convention Concerning the Protection of the World Cultural or Natural Heritage, the 2001 Convention on the Protection of the Underwater Cultural Heritage and the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, as well as bodies providing for guidelines for these instruments. The second part underscores the most important advances of the Guidelines in the implementation of the 1999 Second Protocol. The third part focuses on the contribution of the Guidelines as subsequent practice in the application of the 1999 Second Protocol establishing the agreement of the parties regarding its interpretation in the framework of Article 31(3)(b) of the 1969 Vienna Convention on the Law of Treaties. Finally, the fourth part concludes by highlighting the main advantages of the Guidelines in providing better protection for cultural property.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-hladik.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-hladik.pdf)

## **How will international humanitarian law develop in the future ?**

**Marco Sassòli.** In: *International review of the Red Cross*, vol. 104, no. 920-921, 2022, p. 2052-2076

This article tries to imagine how the development of international humanitarian law (IHL) could continue despite current difficulties, increasing the ownership and contribution of States and armed groups in this process. After suggesting that some traditional assumptions about IHL may need to be abandoned, it tries to suggest a new way in which IHL rules could be developed, through States adopting together core obligations and principles and each State and armed group then specifying the details internally, but publicly. Finally, it stresses the importance and difficulties of involving non-State armed groups in this process.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-sassoli.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-sassoli.pdf)



## **Humanitäres Völkerrecht**

Udo Fink, Ines Gillich. - Baden-Baden : Nomos, 2023. - 369 p.

Das "Humanitäre Völkerrecht" oder "Kriegsvölkerrecht" umfasst die Gesamtheit der rechtlichen Bestimmungen, die im Fall eines bewaffneten Konflikts gelten und zu beachten sind, wie etwa bei der Beschießung von Zivilisten im afghanischen Kundus im Jahr 2009 oder beim mehrfachen Einsatz von Giftgas in Syrien. Das neue Lehrbuch zum Humanitären Völkerrecht stellt die Dynamik und Breite des Rechtsgebietes auch in seinen Bezügen zu anderen Materien des Völkerrechts dar, wie etwa zum internationalen Menschenrechtsschutz, dem Friedenssicherungssystem der UNO und dem Völkerstrafrecht. Zahlreiche Beispiele und Wiederholungs- und Vertiefungsfragen erleichtern das Verständnis.

## **Humanitarian bullets and man-killers : revisiting the history of arms regulation in the late nineteenth century**

Maartje Abbenhuis, Branka Bogdan and Emma Wordsworth. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1684-1707 : ill.

In 1899, the delegates at the first Hague Peace Conference outlawed the use of expanding bullets in warfare. Also known as “dum-dum” bullets, their prohibition was largely the product of a media spectacle that evolved around their use in British colonial warfare, a spectacle that focused particularly on the ghastly nature of the wounds these bullets inflicted. This article revisits the “dum-dum” controversy of the 1890s as it played out in the Anglo-European public sphere. It argues, firstly, that there was nothing all that innovative about employing the principle of expansion in rifle ammunition. Secondly, it shows that controversies around bullets and their wounds had existed since the invention of industrially produced military rifles – and soft-lead ammunition – in the 1850s. In 1868, the St Petersburg Declaration outlawed the use of exploding projectiles for many of the same reasons for which expanding ammunition would also be banned in 1899. The article also shows that many of the ideas mobilized in the early 1890s to promote a new range of cordite-powered full-metal-jacket bullets because of the supposedly “clean” and “humanitarian” wounds that they inflicted offer an important context in which to read and explain the prohibition of “man-slaying” expanding ammunition. Above all, the article highlights how powerful racist thinking and imperial imperatives were to the framers of the laws of war at the turn of the twentieth century.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-abbenhuis.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-abbenhuis.pdf)

## **Implementation of international humanitarian law : the work of Latin American international humanitarian law committees**

Oscar G. Macias Betancourt. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2013-2026

Respect for international humanitarian law (IHL) in the battlefield is contingent on the measures undertaken in peacetime. Indeed, satisfactory compliance with IHL rests in the implementation of multiple measures at the domestic level crossing different spheres, including legislative, administrative and educational. In most latitudes, governments and other stakeholders coordinate these measures in what is known as National Committees for the Implementation of International Humanitarian Law. The article addresses the practice of these bodies in Latin America and provides alternatives to enhance their work.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-betancourt.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-betancourt.pdf)

## **Implementing international humanitarian law : participation of the American states in IHL treaties and their national implementation : progress and activities in the Americas : 2018-2019 report**

ICRC. - Mexico : ICRC, [November 2020]. - 84 p.

This report, prepared by the advisory service on international humanitarian law (IHL) of the International Committee of the Red Cross (ICRC) for submission to the member states of the Organization of American States (OAS), brings together information on the most significant activities and progress achieved in the implementation of international humanitarian law (IHL) in the region in the period 2018-2019,

<https://library.icrc.org/library/docs/DOC/icrc-1393-002-2020.pdf>

### **In the shadow of settlement - the Israeli progressive scholars' critical analyses of the decision-making policies of the Israeli Supreme Court sitting as the High Court of Justice**

**Yutaka Arai-Takahashi.** In: *The military law and law of war review*, vol. 60, no. 2, 2022, p. 218-246

This article, drawing heavily on Kretzmer's and Ronen's newly edited and expanded book, analyses the approaches of the Israeli Supreme Court (SC) to petitions relating to the occupied Palestinian territories. Its purpose is to examine how the SC's judicial policies can be considered to cohere with the demands of international humanitarian law (IHL) of occupation and those of international human rights law (IHRL). After dwelling on some interpretive issues relating to Article 43 of the Hague Regulations, this article classifies three salient patterns of the SC's judicial policies: (1) the SC's approach of applying very controversial interpretations in some areas; (2) its judicial policy based on the mixture of restrictive interpretations and some liberal tendencies in other areas; and (3) its willingness to develop in yet other areas some pioneeringly progressive jurisprudence, which can provide lessons even for the monitoring bodies of IHRL. This article shows that as with Kretzmer and Ronen, the SC's controversially deferential stance tends to be discernible whenever issues touch on the right-wing Israeli government's policies of settlement in the occupied Palestinian territories and on the rights of Israeli settlers in those territories. These issues provide the invisible barriers to any progressive potentials of the SC's judicial policies.

<https://doi.org/10.4337/mlwr.2022.02.05> \*

### **Inaccessible justice : the violation of article 13 of the CRPD and the ICC's role in filling the accountability gap**

**Ashira Vantrees.** In: *International review of the Red Cross*, vol. 105, no. 922, 2023, p. 542-565

This article examines how women and girls with disabilities who are survivors of sexual and gender-based violence crimes have a right to access justice under Article 13 of the Convention on the Rights of Persons with Disabilities (CRPD). It explains how the right to access justice requires States to actively address gender and disability stigmas and discriminations that create barriers within justice systems, and how the failure to do so violates the CRPD. Further, the author argues that when a State fails to eliminate such barriers post-armed conflict, the International Criminal Court may then exercise jurisdiction over these crimes in order to raise awareness of crimes against women and girls with disabilities, strengthen domestic justice systems by pressuring States to investigate and prosecute these crimes, and act as a court of last resort for crimes against women and girls with disabilities.

<https://library.icrc.org/library/docs/DOC/irrc-922-vantrees.pdf>

### **Increasing visibility of persons with disabilities in armed conflict : implications for interpreting and applying IHL**

**Alexander Breitegger.** In: *International review of the Red Cross*, vol. 105, no. 922, 2023, p. 99-134

While persons with disabilities are protected under existing international humanitarian law (IHL), the specific risks and barriers to which these persons are exposed during armed conflict must be better factored into the interpretation and implementation of these rules. The complementarity between IHL and the Convention on the Rights of Persons with Disabilities (CRPD) may make an important contribution towards a more disability-inclusive implementation of IHL. This article focuses on two major areas addressed by IHL – namely, the conduct of hostilities and detention – against the backdrop of the concept of and agency associated with disability enshrined in the CRPD. This analysis is based on the lived experiences shared by persons with disabilities in consultations co-organized in 2022 by the UN Special Rapporteur on the Rights of Persons with Disabilities, the International Committee of the Red Cross, the International Disability Forum, the European Disability Forum and the Diakonia IHL Centre.

<https://library.icrc.org/library/docs/DOC/irrc-922-breitegger.pdf>

## **Informal international law-making : a way around the deadlock of international humanitarian law ?**

**Pauline Charlotte Janssens and Jan Wouters.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2111-2130

Over the last two decades, international humanitarian law (IHL) has seen a stalling with regard to States' willingness to adopt treaties or to be formally involved in the development of IHL. This raises the question of whether holding on to the doctrine of sources as laid down in Article 38 of the Statute of the International Court of Justice is the only way to meaningfully further develop IHL. Indeed, in recent years IHL instruments have often dispensed with certain formalities that are traditionally linked to (the formal sources of) international law; this phenomenon is also called "informal international law-making" (IIL). The present contribution will analyze IIL as an alternative way forward in light of the current "deadlock" caused by States' unwillingness to conclude new IHL treaties or to recognize customary IHL. In this article, we will investigate and assess the opportunities, shortcomings and pitfalls offered by informality by looking into examples of IIL within IHL. More concretely, we will look into State practice in relation to (1) the Safe Schools Declaration, (2) the Tallinn Manual and Tallinn Manual 2.0, and (3) the Montreux Document. Most importantly, our findings will assess whether IIL can overcome one of its alleged main disadvantages: its lack of effectiveness.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-janssens.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-janssens.pdf)

## **Interacción entre el derecho internacional de los derechos humanos y el derecho internacional humanitario**

**Corte Interamericana de Derechos Humanos y Comité internacional de la Cruz Roja.** - San José : Corte IDH, 2021. - 37 p.

El presente Cuadernillo de Jurisprudencia es el décimo séptimo número de una serie de publicaciones que la Corte Interamericana de Derechos Humanos (Corte IDH) realiza con el objeto de dar a conocer las principales líneas jurisprudenciales del Tribunal regional en diversos temas de relevancia e interés regional. En esta ocasión, el presente número es fruto de una colaboración entre la Corte IDH y el Comité Internacional de la Cruz Roja (CICR) y está dedicado a abordar las interacciones existentes entre el derecho internacional de los derechos humanos (DIDH) y el derecho internacional humanitario (DIH)

[https://library.icrc.org/library/docs/DOC/WEB\\_052.pdf](https://library.icrc.org/library/docs/DOC/WEB_052.pdf)

## **International conflict and security law : a research handbook**

**Sergey Sayapin, Rustam B. Atadjanov, Umesh Kadam, Gerhard Kemp, Nicolás Zambrana-Tévar, Noëlle Quéniwet.** - The Hague : Asser Press ; Berlin : Springer, 2022. - 2 vol.

This unique two-volume book covers virtually the whole spectrum of international conflict and security law. It proceeds from values protected by international law (Part I), through substantive rules in which these values are embodied (Part II), to international and domestic institutions that enforce the law (Part III). It subsequently deals with current challenges in the application of rules of international conflict and security law (Part IV), and crimes as the most serious violations of those rules (Part V). Finally, in the section on case studies (Part VI), lessons learnt from a number of conflict situations are discussed. Written by an international team of experts representing all the major legal systems of the world, the book is intended as a reference work for students and researchers, domestic and international judges, as well as for legal advisers to governments and international and non-governmental organisations.

## **The International Court of Justice and the development of international humanitarian law**

**Christopher Greenwood.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1840-1855

Both in its advisory and contentious jurisdiction, the International Court of Justice has made considerable contributions to the evolution and interpretation of international humanitarian law (IHL). The judgments and advisory opinions of the Court in various cases have also developed the

regulation of armed conflicts by showing the interplay of other bodies of international law and have shaped the development of non-binding IHL norms. The purpose of this short article is to consider the role of the International Court of Justice in the development of IHL.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-greenwood.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-greenwood.pdf)

### **The International Criminal Court and cultural property : what is the crime?**

**Mark A. Drumbl.** - In: The preservation of art and culture in times of war. - New York : Oxford University Press, 2022. - p. 239-274

This chapter unpacks the war crime of intentional attacks on cultural property. It does so through the lens of the work of the International Criminal Court (ICC). This is a fruitful lens for a number of reasons. The ICC's third conviction, that of Al Mahdi (Timbuktu, Mali), was solely on this charge. Al Mahdi pled guilty and received a nine-year sentence. The ICC also has awarded reparations for the destruction of the shrines for which Al Mahdi had been convicted. The Al Mahdi case, moreover, forms part of a broader effort by the ICC Office of the Prosecutor (OTP) to address cultural property crimes as detailed by policy papers and cooperation agreements between the OTP and UNESCO. This chapter, addressing each of these aspects, sets out details of the crime. It then assumes an interrogatory tone: What role, exactly, can international criminal law play in the protection of cultural property, in the definition of what is "culture," and the scope (and beneficiaries) of "protection"? What is the interplay between criminalizing the destruction of cultural property, on the one hand, and transitional justice, on the other, predicated as it may be on resistance to cultures of oppression and impunity?

<https://doi.org/10.1093/oso/9780197610565.003.0010> \*

### **International efforts against impunity for the use of chemical weapons in Syria : is there hope for international justice ?**

**Wissam Aldien Aloklah.** In: Journal of international criminal justice, vol. 20, no. 3, July 2022, p. 541-569

This article examines international developments in the investigation of incidents involving the use of chemical weapons (CWs) in Syria between 2012 and 2021. Specifically, it analyses the measures adopted by the Organization for the Prohibition of Chemical Weapons (OPCW) in cooperation with the United Nations, and the progress in eliminating the Syrian chemical weapons programme. The article further addresses the international community's responses to the use of CWs in Syria from the perspective of international law, and its inability to hold those responsible accountable and to offer redress to the victims. Such inability is illustrated by the somewhat weak action following two reports of the Investigation and Identification Team of the OPCW, which clearly indicated that the authorities of the Syrian Arab Republic are behind a number of CW attacks in Syria. The article argues that the lack of international justice, despite clear evidence of blatant violations, is rooted in the fundamental differences between major powers within the Security Council, as well as in the existing gaps in the law.

<https://doi.org/10.1093/jicj/mqac023> \*

### **International humanitarian law-making and new military technologies**

**Yahli Shereshevsky.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2131-2152

Military technology has developed rapidly in recent years, and this development challenges existing norms. It has produced countless debates about the application of international humanitarian law (IHL) to areas of war and technology including cyber military operations, military artificial intelligence (including autonomous weapons), the use of drones, and military human enhancement. Despite these rapid progressions, the prospect of creating new treaties to specifically regulate their use by militaries and in armed conflicts is very low. This is largely due to the unequal allocation of military technology among States and the differing interests that result from this inequality. The absence of formal regulation means that State and non-State actors are increasingly embracing informal means of law-making. This is similar to other areas of IHL, such as the regulation of asymmetric conflicts, where norms are contested. In such cases, State and non-State actors employ various informal law-making techniques to advance their normative positions through treaty interpretation and the identification of customary

international law. However, the discussion on military technology differs from other contemporary IHL debates. First, due to the rapid development of such technology and uncertainty about how it will be employed in practice, the interests of the various actors are less clear. Second, there are significant challenges in obtaining accurate information about new military technologies. This makes even the informal law-making path in the context of new technologies more challenging. This paper explores the dynamics of contemporary international law-making as it relates to the regulation of new military technologies. It identifies the main techniques that are used by the relevant actors and explores the common themes among the various debates over military technology, as well as the potential specific challenges in relation to certain technologies.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-shereshevsky.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-shereshevsky.pdf)

### **International law and policy on the protection of civilians**

**Stuart Casey-Maslen, Tobias Vestner ; foreword by Thomas Greminger.** - Cambridge : Cambridge University Press, 2022. - 306 p.

This is the first comprehensive treatment of international law and policy on the protection of civilians in armed conflict. In addition to international humanitarian and human rights law, jus ad bellum, disarmament law, and international criminal law are all critical to civilian protection. The book offers in-depth analysis and explanation of the normative framework while also outlining and discussing the policies of concerned States and international and humanitarian organisations. The role of the United Nations as a key actor is considered along with regional organisations such as the African Union, the European Union, and NATO. Particular attention is given to those at direct risk of harm during armed conflict, including children, women, persons with disabilities, and LGBTI persons.

<https://doi.org/10.1017/9781009052757> \*

### **International legal regulation of the employment of artificial-intelligence-related technologies in armed conflict**

**Dustin Lewis.** In: *Moscow journal of international law*, no. 2, 2020, p. 53-64

In recent years, increased attention has been dedicated at the international level to legal issues concerning the possible employment of artificial intelligence-related technologies in hostilities in armed conflict. Most prominently, discussions in the framework of the Convention on Certain Conventional Weapons (CCW) have addressed juridical aspects relative to emerging technologies in the area of lethal autonomous weapons systems. A disagreement has arisen among certain States in the context of the CCW as to whether to develop a new primary legal norm or whether existing international humanitarian law is sufficient. Taking account of that current normative impasse, I propose an analytical framework aimed at ensuring the applicability of international legal responsibility in respect of the employment of AI-related technologies in armed conflict. Given the range of relevant technologies, the employment of AI in armed conflict may occur across diverse thematic and functional areas: not only in the conduct of hostilities, including weapons, but also detention, humanitarian services, maritime systems, and many other areas. Identification of the general concepts and specific attributes necessary to apply international legal responsibility across the array of implicated areas may help provide a framework through which to respect the law, guide behavior, pursue accountability, and generate areas of greater normative consensus.

<https://doi.org/10.24833/0869-0049-2020-2-53-64>

### **Islam and international humanitarian law : observance and practice in the Philippine Muslim conflict experience**

**Mehol K. Sadain, Macrina A. Morados and Darwin J. Absari.** - Quezon City : University of the Philippines Institute of Islamic Studies, August 2022. - X, 98 p.

This study provides practical groundings in understanding society in conflict. It also reveals the dynamics of state and non-state actors as shown particularly in their policies and programs on civilians and vulnerable sectors. It underscores salient features of International Humanitarian Law (IHL) that reveal some consistencies with Islamic Law about peace and war and other humanitarian principles and conflict-related and post-conflict issues. It also provides a backdrop



of Philippine Muslim South's conflict experiences, particularly the impact on women, the elderly, and children.

### **The law of international humanitarian relief in non-international armed conflicts**

by **Matthias Vanhullebusch**. - Leiden ; Boston : Brill Nijhoff, 2022. - XXXI, 457 p.

This book comprehensively covers the entire scope of conflicting rights and duties of the fighting parties and international humanitarian relief actors in non-international armed conflicts, namely from the moment of the initiation of international humanitarian relief actions till their authorisation and throughout the consecutive stages of the delivery of relief. From the practice of frontline humanitarian negotiations, this book reconceptualizes how those rights and duties are coming into being and how compliance with agreements on humanitarian access and other international humanitarian law and international human rights norms can be ensured and/or their normativity can be strengthened,

<https://brill.com/view/title/60863> \*

### **The law of naval warfare**

edited by **Dale Stephens and Matthews Stubbs**. - Australia : LexisNexis Butterworths, 2019. - XXX, 403 p.

In a period of growing tensions within the maritime domain, this timely new book brings together a combination of academic and practical expertise to present an account of the critical areas of the law of naval warfare. The extensive expert analysis of the key issues includes topics such as targeting, distinction and deception, submarine warfare, legal status of merchant vessels and direct participation in hostilities of civilians, blockade, prize law, non-international armed conflict at sea, new technologies and non-traditional vessels, hospital ships.

### **Legal fragmentation and obligations for armed non-state actors : can international humanitarian law and international human rights law learn from each other?**

**Joshua Joseph Niyo**. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 32-53

This chapter contribution explores the principal areas of concern in the practical implementation of a paradigm of International Humanitarian Law/International Human Rights Law mutually enforcing each other - with regard to the right to life and detention. Specifically, it addresses targeting and the requirement to investigate the loss of life, and the legality of detention in non-international armed conflicts with regard to organised armed non-state actors. Within the context of this legal assessment, the paper addresses the issue of fragmentation and suggests that both bodies of law provide an effective paradigmatic construct for the understanding of the obligations of these non-state actors; fill gaps that could be left by each regime, to provide a comprehensive protective framework; and learn from each other and adjust functionally based on the particularities of the armed conflicts.

<https://doi.org/10.4337/9781839108273.00009> \*

### **Luftkrieg und Recht : zur historischen Rolle des Humanitären Völkerrechts in der Einhegung der Luftkriegsführung**

**Enno Mensching**. - Baden-Baden : Nomos, 2022. - 583 p.

Dieses Werk nimmt erstmals eine umfassende historische Rekonstruktion des Luftkriegsrechts vor. Die normen- und diskursgeschichtliche Untersuchung führt dabei die untergeordnete Rolle vor Augen, die das Humanitäre Völkerrecht in der Einhegung der Luftkriegsführung eingenommen hat. In historisch-chronologischer Weise zeichnet Enno Mensching hierzu die theoretische Entwicklung und praktische Beachtung der luftkriegsrelevanten Rechtsnormen seit den Anfängen der Luftfahrt nach. Besonderes Augenmerk liegt auf der kritischen Aufarbeitung des völkerrechtlichen Diskurses und der Identifikation der diskursiven Legitimationsstrategien, die bis heute zur Durchsetzung militärischer Interessen auf Kosten des humanitären Schutzes reproduziert werden.

**Manuel de droit international humanitaire**

**Ange Sankieme Lusanga ; préf. de Léon Matangila Musadila.** - Paris : Harmattan, juillet 2022. - 192 p.

Le droit international humanitaire est la branche du droit international public applicable dans les conflits armés. Il a pour synonyme « droit des conflits armés » ou encore « jus in bello », qui recouvre le droit de la Charte des Nations Unies. Il est contenu dans une centaine de traités internationaux dont le socle est constitué par quatre Conventions, adoptées à Genève le 12 août 1949. Deux Protocoles additionnels adoptés en 1977 complètent le DIH. Le premier comprend les règles relatives à la conduite des hostilités, dont les moyens et les méthodes de guerre licite, avec trois règles fondamentales : la distinction, la proportionnalité et les mesures de précaution. Le principe du DIH est la non nécessité d'anéantir l'ennemi, de faire souffrir un peuple et des combattants plus que davantage.

**Mission impossible : weighing the protection of cultural property against human lives**

**Frederik Rosén.** - In: *The preservation of art and culture in times of war.* - New York : Oxford University Press, 2022. - p. 70-96

May the protection of cultural property be reasonably weighed against the protection of human lives? Could it be considered morally acceptable to impose risk upon or even sacrifice human lives to save cultural property? Such questions arise repeatedly when discussing the military challenges posed by protection of cultural property in armed conflict. Thus, there is an emerging, yet still embryonic debate about “saving lives or saving stones.” This chapter contributes to this debate by scrutinizing the conceptual framework for casting this apparent ethical dilemma, which remains surprisingly underexamined in the academic literature. It does so by charting a series of preliminary problems one must consider before setting out a moral framework around harm to cultural property in armed conflict. As the decision to accept and apply the dilemma of “saving lives or saving stones” remains a moral one, also from the perspective of the Law of Armed Conflict, the chapter will draw its framework from the just war theory literature. The chapter argues that the more we speculate on the constitution of value and moral quality of cultural property in the context of the ethics of war discussions, the clearer it becomes that formulating general ethical principles to guide our view on this dilemma appears to be a mission impossible.

<https://doi.org/10.1093/oso/9780197610565.003.0004> \*

**Negotiating peace : amnesties, justice and human rights**

**Renée Jeffery.** - Cambridge [etc.] : Cambridge University Press, 2021. - X, 302 p.

In the past two decades, peace negotiations around the world have increasingly accepted that granting amnesties for human rights violations is no longer an acceptable bargaining tool or incentive, even when the signing of a peace agreement is at stake. While many states that previously saw sweeping amnesties as integral to their peace processes now avoid amnesties for human rights violations, this anti-amnesty turn has been conspicuously absent in Asia. In this book, Renée Jeffery examines why peace negotiators in Asia have resisted global anti-impunity measures for more fervently and successfully than their counterparts around the world. Drawing on a new global dataset of 146 peace agreements (1980-2015) and with in-depth analysis of four key cases (Timor-Leste; Aceh, Indonesia; Nepal; and the Philippines, Jeffery uncovers the legal, political, economic and cultural reasons for the persistent popularity of amnesties in Asian peace processes.

<https://doi.org/10.1017/9781108937184> \*

**Newport rules of engagement (ROE) handbook**

**Drafting team : Dennis Mandsager, Alan Cole, Phillip J. Drew and Rob McLaughlin ; foreword by James Kraska.** In: *International law studies*, vol. 98, 2022, 110 p.

The Newport Rules of Engagement Handbook is published as a guide for the development of national and multinational rules of engagement for military operations. Its purpose is to assist users in the development of ROE for training, exercises, war games, and operations.

<https://digital-commons.usnwc.edu/ils/vol98/iss1/2>



## **No longer the "forgotten victims of the armed conflict" : operational and legal considerations for accountability mechanisms regarding crimes affecting persons with disabilities**

Alexa Magee. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 518-541

Despite the fact that persons with disabilities comprise, according to current statistics, a significant portion of conflict-affected communities and are disproportionately affected by armed conflict, the lack of inclusion in accountability mechanisms for acts amounting to crimes under international law is notable. The Convention on the Rights of Persons with Disabilities (CRPD) provides a framework for mainstreaming inclusive investigation practices and promoting greater accountability, through application of the principles of autonomy, non-discrimination and accessibility. This article makes suggestions for the operationalization of this CRPD framework through specific recommendations for accountability mechanisms, alongside legal opportunities for recognition of crimes affecting persons with disabilities and crimes resulting in disability. A case study of the so-called Islamic State of Iraq and the Levant and persons with disabilities in Iraq is used to illustrate the application of recommendations to ensure that persons with disabilities are no longer the “forgotten victims of armed conflict”.

<https://library.icrc.org/library/docs/DOC/irrc-922-magee.pdf>

## **Non-party obligations for cultural property in armed conflict under the 1954 Hague Convention, protocol II**

Elizabeth Varner. - In: The preservation of art and culture in times of war. - New York : Oxford University Press, 2022. - p. 225-238

Several core legal principles of LOAC applicable to cultural heritage are considered customary international law. This means that outlawing many attacks on or destruction of cultural heritage during armed conflict stands on values recognized explicitly by the international community (viz. opinion juris) as well as values broadly reflected in state practice. In that regard, it is important to notice how many of the provisions in the 1977 Geneva Conventions Protocol I are considered international customary law. The Geneva Conventions Protocol I influenced the later 1954 Hague Convention Protocol II, which opened for signature in 1999. As a result, some provisions in the Hague Convention Protocol II might be considered international customary law. This chapter will analyze if states who have not ratified Hague Convention Protocol II have any obligations under the Protocol, particularly Article 6, Respect for Cultural Heritage, which restricts the invocation of military necessity. To this aim, the chapter will focus on the Hague Convention Protocol II (1999) Article 6, Respect for Cultural Property, and, to a lesser degree, Article 7, Precautions in Attack, in order to analyze (1) interpretations of the Hague Convention Protocol II, Article 6, Respect for Cultural Property, which restricts the invocation of military necessity; (2) if the obligations in the Hague Convention Protocol II (1999), Article 6, Respect for Cultural Property, are customary international law; and (3) finally, the extent to which States that have not ratified the Hague Convention Protocol II (1999), particularly the United States, might have obligations encapsulated in that article.

<https://doi.org/10.1093/oso/9780197610565.003.0009> \*

## **Normative architecture and applied international humanitarian law**

Michael N. Schmitt. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2097-2110

Military strategists have begun pivoting from a focus on counterterrorism, counter-insurgency and stability operations to potential peer and near-peer conflict. This shift has profound operational and tactical implications for how future wars will be fought, but equally, it will have a significant impact on how international humanitarian law (IHL) is understood and applied. This article considers the process by which the normative evolution of IHL will occur in response to a battlespace that looks different than it has for decades. To do so, the article introduces two concepts: “normative architecture” and “applied IHL”. It argues that only by understanding the difference between these two concepts, and their relationship to each other, can States and others concerned with how IHL is developing in the face of future conflict positively affect that process.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-schmitt.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-schmitt.pdf)

## **Normative conflicts between the law of armed conflict and international human rights law**

**Françoise J. Hampson.** - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis. - Paris : A. Pedone, 2022. - p. 53-69

The view of normative conflicts between the law of armed conflicts (LOAC, also known as international humanitarian law (IHL)) and international human rights law (HRsL) varies to some extent depending upon the role of the individual addressing the issue. The principal focus of this article will be on what is likely to happen before a human rights body handling individual petitions. A completely legitimate concern is the fear that domestic and international courts will apply an inappropriate standard to the evaluation of the facts. This takes two forms. First, there is a fear that the judges will not understand the context in which decisions are taken. Second, there is the fear that judges will apply human rights peace time standards to conduct in armed conflict. That is the question at the heart of this article. The evidence as to how human rights courts in practice handle cases arising out of factual situations of armed conflict and the possible applicability of LOAC, two separate issues, may put to rest this legitimate concern.

## **Opportunities and failures to prosecute violence against persons with disabilities at the international tribunals for the former Yugoslavia, Rwanda and Sierra Leone**

**Kate MacInnes.** In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 484-517

This paper presents an inexhaustive but thorough review of the evidence of violence against persons with disabilities that came before, or ought to have been known to, the prosecutors of the international criminal tribunals for the former Yugoslavia, Rwanda and Sierra Leone. This research demonstrates that despite significant and compelling evidence from investigators, journalists and witnesses, gross violations against persons with disabilities were largely ignored by the prosecution or treated merely as aggravating factors at sentencing. These crimes could instead have been characterized as an “other inhumane act” prosecutable as a crime against humanity, which would have emphasized the gravity of the crimes, provided recognition of the victims’ suffering, imposed criminal sanctions on those responsible, and unequivocally condemned violence against persons with disabilities during armed conflict.

<https://library.icrc.org/library/docs/DOC/irrc-922-mcinnes.pdf>

## **The origins, causes and enduring significance of the Martens Clause : a view from Russia**

**Vitaliy Ivanenko.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1708-1724

The Martens Clause owes its name to the diplomat and jurist Fyodor Fyodorovich Martens, a representative of the Russian Empire at the First Hague Conference in 1899. Drafted and proposed by Martens during the negotiations, yet as a spontaneous compromise, the Clause has been included in the preamble of the Hague Convention with Respect to the Laws and Customs of War on Land and is still considered an important principle of international humanitarian law today. This article traces the biography and academic path of F. F. Martens and explores the enduring significance of the Martens Clause.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-ivanenko.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-ivanenko.pdf)

## **Overlap between complicity and positive obligations : what advantages in resorting to positive obligations in case of partnered operations ?**

**Anna Liguori.** In: Journal of conflict and security law, vol. 27, no. 2, Summer 2022, p. 229-252

Partnered operations are very frequent and pose complex questions in international law, such as the allocation of responsibility in cases of violations of international human rights law and/or international humanitarian law (IHL). The present article deals with the question of complicity in partnered operations between States and between States and/or non-State actors, focusing on the possible overlap between responsibility for complicity and responsibility for breach of positive obligations in partnered operations in the light of the relevant case law of the International Court

of Justice and of the European Court of Human Rights. As the requirements laid down by art. 16 of the International Law Commission Draft Articles on the Responsibility of States with respect to complicity are often difficult to meet, the author intends to explore the potential advantages of resorting to positive obligations in light of the due diligence standard. Although the article focuses primarily on human rights violations, in the final section the author investigates the benefits of this approach also with respect to breaches of IHL.

<https://doi.org/10.1093/jcs/kraco08> \*

### **Pandemics, armed conflict and international humanitarian law**

**International Institute of Humanitarian Law ; ed. Gabriella Venturini; associated ed. Gian Luca Beruto.** - Milano : Franco Angeli, 2022. - 125 p.

This collection of contributions made by renowned international experts and practitioners addresses the new challenges in the field of IHL application that emerge from the outbreak of pandemics and large-scale diseases in armed conflict scenarios. The 44th Round Table on current issues of humanitarian law focused on some of the most topical, legal and operational military issues generated by pandemics, particularly when they overlap with other humanitarian emergencies in areas of the world already affected by international and/or non-international armed conflicts. More precisely, the contributing experts stressed the dramatic impact on civilians of the misuse made by both governments and non-state armed groups of the restrictive measures related to the sanitary crisis, often implemented to exercise control over populations and territories at the expense of the most vulnerable categories of civilians in terms of human rights violations and limitations on their legal protection. The Round Table provided a forum to discuss relevant topics related to conflict management during pandemics, the implications of the healthcare crisis in the application of IHL, the difficulties in guaranteeing the protection of civilians and health workers, delivering humanitarian aid and safeguarding humanitarian access.

<https://iihl.org/pandemics-armed-conflict-and-international-humanitarian-law/>

### **La participation des personnes privées au développement du droit international : l'exemple du droit international humanitaire**

**Mohammad Shariffard.** - [S.l.] : [s.n.], 2022. - 473 p.

Depuis la création du droit international humanitaire, les personnes privées ont toujours participé à son développement, même si leur participation a atteint une dimension inédite ces dernières décennies. La nature juridique des personnes participantes ainsi que leurs mécanismes de participation sont hétérogènes. Ainsi, outre le CICR et les ONG qui sont les principaux acteurs concernés, les contributeurs de la doctrine et les juges, lorsqu'ils expriment une opinion séparée, apportent une contribution normative aux sources du droit international. La participation prend la forme tantôt de l'influence tantôt de l'interprétation et se réalise par le recours tant aux outils fournis par l'accréditation qu'aux moyens d'action informels. Néanmoins, l'effectivité de cette participation demeure assez limitée dans la mesure où les mécanismes prévus à l'ONU et aux conférences internationales pour la participation des personnes privées sont soumis à de nombreuses restrictions. Les contraintes découlant de la nature interétatique de l'ordre international ainsi que celles liées à la diversité et à la légitimité des personnes privées sont d'autres facteurs qui posent des interrogations quant à l'efficacité de la participation.

<https://tel.archives-ouvertes.fr/tel-03675214>

### **Partnered operations and the positive duties of co-parties**

**Alexander Wentker.** In: *Journal of conflict and security law*, vol. 27, no. 2, 2022, p. 159-184

A key issue in partnered operations is the extent to which partners have obligations under international law as regards each other's conduct. For partnered operations in situations of armed conflict, this issue has generated a rich and vivid debate on the existence of a duty to ensure respect for international humanitarian law (IHL) by one's partners, and in particular, whether this duty would require taking positive action. Rather than weighing in on the general question of whether all States bear such duties, this article sheds light on one aspect that this debate has tended to overlook. The article specifically looks at the situation in which multiple parties are engaged in the same armed conflict alongside one another against a common adversary—here labelled 'co-parties'. It investigates which positive obligations these parties have as regards each other's conduct. The central argument is that co-parties in an armed conflict have multiple

complementary sets of duties to take positive steps vis-à-vis the conduct of their fellow co-parties. The resulting network of duties reflects the central role of the parties to the conflict to ensure that armed conflicts are carried out in accordance with the protective purposes of IHL. Built into the established structure of the legal framework regulating armed conflict, the account of the duties of co-parties presents a more refined conception to the allocation of obligations under IHL in cooperation settings, which, if implemented, may contribute to addressing the protection challenges raised by partnered operations.

<https://doi.org/10.1093/jcsl/krac006>

### **Peddling atrocity : holding Canadian corporations responsible for core international crimes**

**Jeremy Pizzi.** In: *Journal of international criminal justice*, vol. 20, no. 2, May 2022, p. 483-505

The contribution of corporations to the commission of international crimes has been profound in effect, but largely understated in actual criminal prosecutions. While the ability of the International Criminal Court to hold corporations accountable remains the subject of debate, national jurisdictions can play an important role. Canada could be a notable player in this regard, with many registered businesses operating abroad and sometimes in circumstances potentially linked to human rights violations or international crimes. This article addresses Canada's ability to hold such corporations accountable. It first establishes the applicability of corporate criminal responsibility for international crimes in Canada. As an illustrative case study, it then applies this framework to a major arms deal between a Canadian corporation and Saudi Arabia and considers the potential link to war crimes allegedly committed by Saudi forces in Yemen. The article confirms that corporations may in principle be held criminally responsible in Canada for international crimes committed by third parties abroad, and urges close scrutiny of such matters, including in Yemen.

<https://doi.org/10.1093/jicj/mqac001> \*

### **POWs, civilians, and the postwar development of international humanitarian law**

**Neville Wylie and Sarina Landefeld.** - In: *Out of line, out of place : a global and local history of World War I internments.* - Ithaca : Cornell University Press, 2022. - p. 244-262

[This chapter asks] why military and civilians prisoners fared so differently in legal debates following the end of the Great War and [questions] the extent to which the fate of the civilian "regime" was influenced by thinking toward POW. In exploring these questions, [the authors] seek to make two points. First, although the legislative trajectories of military and civilian prisoners quickly diverged, the two processes remained closely aligned [...] Secondly, while the attempt to secure agreement on a civilian code was ultimately wrecked by the downturn in international politics in the 1930s, the project's supporters had always struggled to forge the kind of broad consensus necessary to assure themselves success. [...] In order to understand why the project was pursued as far as it was, culminating in a draft code in 1934, [the authors] look at the internal drivers at work in the International Committee of the Red Cross (ICRC), the principal "norm entrepreneur" in this area. \*

### **The preservation of art and culture in times of war**

ed. by **Claire Finkelstein, Derek Gillman and Frederik Rosén.** - New York : Oxford University Press, 2022. - 471 p.

Conflict over cultural heritage has increasingly become a standard part of war. Today, systematic exploitation, manipulation, attacks, and destruction of cultural heritage by state and non-state actors form part of most violent conflicts across the world. Such acts are often intentional and based on well-planned strategies for inflicting harm on groups of people and communities. With this increasing awareness of the role cultural heritage plays in war, scholars and practitioners have progressed from seeing conflict-related destruction of cultural heritage as a cultural tragedy to understanding it as a vital national security issue. There is also a shift from the desire to protect cultural property for its own sake to viewing its protection as connected to broader agendas of peace and security. Concerns about cultural heritage have thus migrated beyond the cultural sphere to worries about the protection of civilians, the financing of terrorism, societal resilience, post-conflict reconciliation, hybrid warfare, and the geopolitics of territorial conflicts. This

volume seeks to deepen public understanding of the evolving nexus between cultural heritage and security in the twenty-first century. Drawing on a variety of disciplines and perspectives, the chapters in this volume examine a complex set of relationships between the deliberate destruction and misuse of cultural heritage in times of conflict, on the one hand, and basic societal values, legal principles, and national security, on the other.

<https://doi.org/10.1093/oso/9780197610565.001.0001> \*

### **El principio de proporcionalidad y los medios y métodos de guerra en el caso de "la mataharí" - resolución SAI-AOI-D-003-2020**

**Camilo Ramírez Gutiérrez.** - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 139-198

Uno de los casos más controvertidos que se han analizado en el marco de la justicia transicional colombiana hasta ahora es el caso de la llamada "Matahari", el cual está relacionado con una operación desplegada por las antiguas FARC-EP en contra de un edificio militar en el corazón de Bogotá. Dicha organización colocó un carro bomba en los parqueaderos de la Escuela Superior de Guerra en la cual estudian civiles y militares. Al respecto, es importante destacar que este fallo revisa varios aspectos relacionados con el DIH. Sin embargo, en esta oportunidad me centraré en el análisis de la regla de proporcionalidad y en el medio y método de guerra utilizado. Esto por cuanto el centro de la decisión tomada ha sido la evaluación de proporcionalidad entre los daños incidentales y la ventaja militar anticipada conseguida.

### **Les prisonniers de guerre français en 40**

**sous la dir. de Fabien Théofilakis ; préf. d'Henry Rousso.** - Paris : Fayard, septembre 2022. - 382 p.

À l'été 1940, des millions de Français se mettent à écrire, à leurs maires, sous-préfets et préfets, mais aussi à des organismes internationaux et jusqu'au pape, pour savoir ce que sont devenus leur père, leur époux, leurs enfants. En six semaines à peine, entre le 13 mai et le 22 juin 1940, la défaite militaire se transforme en débâcle et la captivité concerne désormais presque deux millions de soldats détenus par les Allemands en territoire français. Captivité transitoire, première étape d'un emprisonnement long, parfois douloureux, dans le Reich, captivité fondatrice aussi et mémoire oubliée de la Seconde Guerre mondiale. Au nord de la Loire comme le long de l'Atlantique, la France se couvre de camps de prisonniers, les Frontstalags. Véritable défi logistique, social et politique, la captivité devient un enjeu central, pour les familles qui attendent, pour le régime de Vichy qui cherche à affirmer sa souveraineté comme pour les autorités allemandes qui imposent leur ordre de vainqueur, mais aussi pour les instances internationales, du Comité international de la Croix-Rouge à l'ambassade des États-Unis, en passant par le Vatican. Donner à voir, faire ressentir, amener à comprendre ce qu'a été une captivité française en France, celle de 1940 : tel est l'objectif de cet ouvrage collectif qui varie les échelles et les points de vue pour proposer une histoire au carrefour de la défaite, de l'Occupation et de la Collaboration – un essai qui, à partir d'archives françaises et étrangères ainsi que de nombreux documents iconographiques, mêle relations internationales et quotidien à hauteur d'homme.

### **Prosecution of starvation in South Sudan**

**Wayne Jordash QC and Uzay Yasar Aysev.** - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 260-294

With the aim of placing the war crime of starvation within the charging repertoire of domestic and international prosecutors, this chapter will explore how the war crime of starvation could be prosecuted drawing on analogy, principle, and experience. The focus of this chapter, for context, is on South Sudan. The authors' view is that while pleading starvation as a war crime does indeed present a complex set of legal and evidentiary challenges, they do not necessarily go above and beyond those posed by other similarly complex crimes (such as persecution, genocide, and forced displacement). In examining this, the authors will assess the potential issues that may arise in proving the war crime of starvation in South Sudan

<https://doi.org/10.1093/oso/9780192864734.003.0010>



### **Protección étnica, del medio ambiente y del territorio en la justicia transicional colombiana : comentario al auto 079 de 2019**

**A. Sebastián Saavedra Eslava.** - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p.277-332

Este capítulo analiza la sentencia dictada el 12 de noviembre de 2019 por la Sala de Reconocimiento de Verdad, de Responsabilidad y de Determinación de los Hechos y Conductas de la JEP, la cual acreditó como víctima colectiva a 32 cabildos indígenas del pueblo Awá. El autor destaca que esta decisión tuvo impactos significativos por ser la primera vez que se reconocieron víctimas de estas características dentro del marco del sistema de justicia transicional colombiano. Se destaca a su vez que esta decisión trae diversos aportes tanto para la justicia transicional de Colombia, como para el derecho internacional en general.

### **La protección jurídica internacional del patrimonio cultural en los conflictos armados : estudio de los casos de Iraq (2003) y de Siria (2011)**

**Ana Laia Lázaro Feo.** - Valencia : Tirant lo Blanch, 2022. - 473 p.

El libro analiza la protección jurídica internacional de los bienes culturales durante los conflictos armados. Comienza con un recorrido histórico de la evolución hacia su defensa, y cómo se ha llegado hasta el sistema de protección internacional actual. Analiza los instrumentos jurídicos de Derecho internacional humanitario, haciendo especial mención del Derecho internacional humanitario consuetudinario, y va remarcando la salvaguardia del patrimonio cultural en los conflictos armados internacionales e internos para determinar el sistema de protección de estos en ambos tipos de conflictos armados. Además, examina las posibles vías de represión de los actos ilícitos contra los bienes culturales en las guerras. Se realiza un estudio de lo ocurrido en los casos de Iraq en 2003 y Siria en 2011 en relación con su patrimonio cultural. La protección del patrimonio cultural es esencial para la convivencia pacífica entre los pueblos y para el diálogo entre todas las naciones. Desgraciadamente, se va afectado por una serie de amenazas que lo ponen en peligro de daño y destrucción, y una de las más graves son los conflictos armados, por ello es fundamental su salvaguardia durante los mismos. El libro resulta de interés para conocer el sistema internacional de protección del patrimonio cultural durante las guerras y cómo se lleva a cabo su defensa efectiva.

### **Protection of persons with disabilities in armed conflict under international humanitarian law and Islamic law**

**Ahmed Al-Dawoody and William I. Pons.** In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 352-374

Article 11 of the Convention on the Rights of Persons with Disabilities requires that the rights and protections of the Convention not be derogated or suspended during “situations of risk, including situations of armed conflict”. Even so, persons with disabilities are still often the group most disproportionately impacted by armed conflict. This reality is not due to a failing of international humanitarian law to protect and consider persons with disabilities; rather, it is due to a failure to mainstream disability into the application of and approach to existing protection frameworks. Impactful mainstreaming of disability necessitates the inclusion of all relevant mutually reinforcing legal frameworks and traditions. By examining four main areas – military operations, evacuation, humanitarian assistance, and long-term assistance and services – this paper argues that the protection of persons with disabilities in armed conflict, and specifically within Muslim contexts, will be enhanced through the inclusion and consideration of Islamic law.

<https://library.icrc.org/library/docs/DOC/irrc-922-aldawoody.pdf>

### **The protection of women and girls with disabilities in armed conflict : adopting a gender-, age- and disability-inclusive approach to select IHL provisions**

**Sara La Vecchia.** In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 161-191

The Convention on the Rights of Persons with Disabilities has brought about a major shift in our understanding of and approach to disability, not least in terms of its implications for other frameworks of international law. Yet, considerations with regard to disability in the context of international humanitarian law (IHL) remain the exception, meaning that persons with disabilities in practice often do not benefit from the same degree of protection as others who find



themselves in situations of armed conflict. These shortcomings can be further exacerbated by an interplay between impairment and other individual characteristics such as gender and age, resulting in at times exceptional disadvantages faced by women and girls with disabilities. The present article therefore aims to propose ways in which our modern-day understanding of disability may inform the interpretation and application of IHL, as well as to showcase how the interaction between disability and other characteristics such as gender and age will shape said interpretation and application.

<https://library.icrc.org/library/docs/DOC/irrc-922-vecchia.pdf>

### **Quel droit applicable au robot?**

**Joanne Kirkham.** - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ? : réflexions sur les interactions normatives. - Paris : A. Pedone, 2022. - p. 121-135

La question du droit applicable au robot ici posée demande de nous interroger non seulement sur le rôle qu'aurait le droit face à l'avènement de systèmes robotiques autonomes, mais surtout de déboucher sur la question plus large : le droit des conflits armés est-il suffisant ou doit-il être appuyé, suppléé, remplacé par d'autres corpus ? Ou bien encore, est-il nécessaire pour lui d'évoluer afin de répondre au mieux aux défis posés par les armes autonomes?

### **Quelques réflexions sur les conflits de qualification et de régime juridique en droit international humanitaire**

**Jérôme de Hemptinne.** - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 37-50

Une seule et même situation de crise peut présenter des aspects provenant aussi bien des conflits armés internationaux que des conflits armés non internationaux, qu'ils soient de haute ou de basse intensité. Elle peut donc potentiellement relever concomitamment des divers régimes juridiques qui se rattachent à chacune de ces catégories de conflit armé. Ce chapitre analyse les antagonismes suscités par les catégories classiques de conflits armés internationaux et non internationaux au travers de trois processus : la succession, la juxtaposition et la superposition des régimes juridiques.

### **Redefining rescue operations in contemporary naval warfare : a necessary interplay between maritime bodies in international law**

**Alba Grembi.** In: Asia-Pacific journal of international humanitarian law, vol. 3, no. 1, 2022, p. 16-54

While international law in general takes into account evolving State capacities in technology and material challenges, the obsolete character of certain norms under the law of naval warfare leaves the framework of present-day maritime rescue operations incomplete. This had created drawbacks vis-à-vis the efficient protection of search and rescue vessel Sapphire operating during the naval warfare in the Black Sea. This article demonstrates the necessity of belligerent abidance by the object and purpose of the Second Geneva Convention of 1949 and the role of relevant maritime law norms in the effective implementation of maritime rescue services during naval warfare.

<https://apijhl.org/article/redefining-rescue-operations-in-contemporary-naval-warfare-a-necessary-interplay-between-maritime-bodies-in-international-law/>

### **Regional consultation of Central and Eastern European states : 8 December 2021 : international humanitarian law and cyber operations during armed conflicts**

**report prepared by Tatiana Jancárková and Kubo Macák.** - Geneva : ICRC, December 2022. - 22 p.

On 8 December 2021, the Estonian Ministry of Foreign Affairs, the International Committee of the Red Cross (ICRC) and the NATO Cooperative Cyber Defence Centre of Excellence (CCDCOE) jointly organized a consultative event on international humanitarian law (IHL) and cyber operations for Central and Eastern European states. The aim of the event, organized under the

Chatham House rule, was to contribute to developing a common understanding of how IHL applies to uses of information and communication technologies (ICTs) during armed conflicts.

<https://library.icrc.org/library/docs/DOC/icrc-4680-002.pdf>

### **Religion and international humanitarian law**

**Andrew Bartles-Smith.** In: *International review of the Red Cross*, vol. 104, no. 920-921, 2022, p. 1725-1761

This article explores the interface between religion and international humanitarian law (IHL), and the degree to which they might complement and reinforce each other. It examines some of the challenges inherent in regulating armed conflict and the understandable limitations of IHL in this respect, and argues that re-engagement with IHL's religious roots can help to alleviate them. Engagement with religious circles mobilizes the vast resources of religions to increase knowledge of IHL and corresponding religious norms, thereby enhancing their legitimacy across religious and cultural divides. This is most effective when comparative study of IHL and religious teachings stimulates mutual learning and debate, in which both correspondences and differences are embraced. In the absence of a strong legal enforcement regime, religions can reinforce military ethics by tapping deeply into the identities, motivations and moral values of many belligerents, and possess powerful means to socialize the rules of war and improve voluntary compliance. Introspective religious practices encourage the moral self-reflection that is most effective at internalizing norms in this respect, as well as providing belligerents with the spiritual and psychological support needed to bolster their resilience and enable them to perform with precision and restraint.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-bartles.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-bartles.pdf)

### **Responsibility for supporting organised armed groups : a comparison between Common Article 1 to the Geneva Conventions and the ICCPR**

**Daniel Elias Quiñones Møgster.** - In: *Human rights and international humanitarian law : challenges ahead.* - Cheltenham ; Northampton : E. Elgar, 2022. - p. 12-31

This chapter examines the extent to which international human rights law provides a framework comparable to that of international humanitarian law in regulating acts of support from States to organised armed groups (OAGs). It does so by analysing and comparing the obligations incumbent on States under Common Article 1 (CA 1) of the Geneva Conventions and the general obligations to respect and ensure under the International Covenant on Civil and Political Rights (ICCPR). It argues that despite the lack of jurisprudence explicitly addressing the issue, the ICCPR provides for a framework comparable to that of CA 1 regarding the regulation of support from States to OAGs. One consequence of that is that the ICCPR may function as a way of indirectly monitoring compliance with CA 1 and ensure accountability situations where the State would be responsible for violations of the norm. A second consequence is the potential for cross-fertilisation between the two regimes.

<https://doi.org/10.4337/9781839108273.00008> \*

### **Revisiting the law on UN peace operations' support to partner forces**

**Ralph Mamiya and Tobias Vestner.** In: *Journal of conflict and security law*, vol. 27, no. 2, Summer 2022, p. 211-227

Modern UN peace operations frequently deploy in non-international armed conflicts (NIACs). Their activities tend to support governmental forces in stabilizing the country, including the combat against non-state actors. This is one of the most prominent examples of 'support relationships' or 'partnered warfare', namely situations in which a foreign partner provides military support for an ally in an armed conflict. This also raises the question, however, of the legal status of UN peace operations and their activities in such circumstances. This article examines the legal situation and finds that the current legal tenets regarding UN peace operations becoming a party to a conflict and individual peacekeepers directly participating in hostilities do not address the issue in a satisfactory manner. It also finds that while the International Committee of the Red Cross has proposed the support-based approach to clarify the issue, this lacks an appropriate legal basis. The article argues that a 'totality-of-the-circumstances' approach regarding the existence of a NIAC, which corresponds to the original spirit of Common Article 3

of the Geneva Conventions, provides a proper legal basis which addresses identified concerns. The article concludes by discussing such an approach's advantages and drawbacks in the case of support relationships.

<https://doi.org/10.1093/jcs/kraco10> \*

### **Los riesgos de una hermenéutica humanitaria : minas antipersonal, actores no estatales e interpretación jurídica en la resolución SAI-AOI-010-2019**

**Emiliano J. Buis.** - In: El derecho internacional humanitario en la Jurisdicción Especial para la Paz de Colombia. - Bogotá : Tirant lo blanch, 2022. - p. 29-90

El 8 de agosto de 2019, la Sala de Amnistía o Indulto de la Jurisdicción Especial para la Paz concluyó que el empleo de minas antipersonal por parte de un miembro de un grupo armado constituía un crimen de guerra por implicar un acto contrario a las normas vigentes de derecho internacional humanitario. Será objeto del presente trabajo analizar desde una perspectiva crítica el tratamiento dado por los jueces de la Sala a la aplicación de la Convención de Ottawa.

### **'The right to food in armed conflict'**

**Simone Hutter.** - In: Accountability for mass starvation: testing the limits of the law. - Oxford [etc.] : Oxford University Press, 2022. - p. 132-152

The focus of this chapter is on the right to food and is centred around the special features and benefits of Economic, Social and Cultural Rights (ESCR); this approach dissociates it from the distinct concepts of international humanitarian law (IHL), the 2030 Agenda for Sustainable Development with its seventeen Sustainable Development Goals (SDGs) and international criminal law (ICL).

<https://doi.org/10.1093/oso/9780192864734.003.0006> \*

### **The rights to privacy and data protection in times of armed conflict**

**Russel Buchan and Asaf Lubin.** - Tallinn : NATO Cooperative Cyber Defence Centre of Excellence, 2022. - XVII, 318 p.

Recent armed conflicts in Iraq, Afghanistan, Palestine, and Ukraine have demonstrated the profound risks posed to the rights to privacy and data protection in contemporary warfare. Technological advances in the fields of electronic surveillance, predictive algorithms, big data analytics, user-generated evidence, artificial intelligence, cloud storage, facial recognition, and cryptography are redefining the scope, nature, and contours of military operations. Against this backdrop, international humanitarian law offers very few, if any, *lex specialis* rules for the lawful processing, analysis, dissemination, and retention of personal information. This book offers a first-of-its-kind account of the current and potential future application of digital rights in armed conflict situations and serves as a valuable reference piece for practitioners and scholars alike.

<https://ccdcoe.org/uploads/2022/06/The-Rights-to-Privacy-and-Data-Protection-in-Armed-Conflict.pdf>

### **The risk of autonomous weapons : an analysis centred on the rights of persons with disabilities**

**Mariana Díaz Figueroa, Anderson Henao Orozco, Jesús Martínez and Wanda Muñoz Jaime.** In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 278-305

Autonomous weapons systems have been the subject of heated debate since 2010, when Philip Alston, then Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, brought the issue to the international spotlight in his interim report to the United Nations (UN) General Assembly 65th Session. From 2010 to 2022, persons with disabilities – including conflict survivors – have not been included in discussions, nor has the disability perspective been reflected in international debate on autonomous weapons. Only recently has there been any effort to consider the rights of persons with disabilities when examining ethical questions related to artificial intelligence (AI). In this article, we will examine how and why autonomous weapons have a disproportionate impact on persons with disabilities, because of the discrimination that results from a combination of factors such as bias in AI, bias in the military and the police, barriers to justice and humanitarian assistance in situations of armed conflict, and the lack of consultation

and participation of persons with disabilities and their representative organizations on issues related to autonomy in weapons systems.

<https://library.icrc.org/library/docs/DOC/irrc-922-figueroa.pdf>

**The role of National Red Cross and Red Crescent Societies in the development of international humanitarian law : lessons learned and perspectives based on the Belgian Red Cross experience**

Frédéric Casier and Laura De Grève. In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2027-2051

National Societies can assist their authorities in the development of international humanitarian law (IHL). This role has been consolidated in their mandate, especially through their auxiliary role in support of public authorities in the humanitarian field. This article recalls the main legal bases from which this role is derived. Based on the Belgian Red Cross experience, it demonstrates how the National Societies' support to the promotion and national implementation measures of IHL can constitute an incentive for further elaboration of IHL treaties and policies. It also highlights their humanitarian diplomacy work to assist the International Committee of the Red Cross's approach at the international level. Finally, the article shares some thoughts to increase the Movement's collective impact in IHL development.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-casier.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-casier.pdf)

**Same law, new wars: the enduring relevance of international humanitarian law and the importance of the updated ICRC Commentaries : proceedings of the 22nd Bruges Colloquium, 21-22 October 2021**

ICRC, College of Europe. In: Collegium, No 52, Autumn/automne 2021, 186 p.

Keynote speeches : The updated Commentaries and their relevance in practice. - Panel 1 : The common articles : cross-cutting interpretation challenges. - Panel 2 : The Third Convention : protecting prisoners of today's wars. - Panel 3 : Fourth Convention Commentary : IHL-IHRL, between complementarity and interplay. - Panel 4 : Fourth Convention Commentary : selected topics from the audience.

[https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web\\_o.pdf](https://www.coleurope.eu/sites/default/files/uploads/page/Collegium%2052%20web_o.pdf)

**A seat at the table : Islamic law's neglected potential in universalising international humanitarian law**

Julie A. Fraser. - In: Human rights and international humanitarian law : challenges ahead. - Cheltenham ; Northampton : E. Elgar, 2022. - p. 225-245

International law is yet to live up to its name. Despite its intended universal application, critiques of international law have revealed its biases, including its European proclivities. TWAIL scholars have elucidated how international law replicates and perpetuates colonial relationships of dominance and subordination in contemporary times. Breaking with the colonial past is therefore a complex and ongoing undertaking, which includes decentring the West and making space for the rest. This chapter outlines some of the main TWAIL critiques of international law before focusing on international humanitarian law and proposing a manner in which to make it more genuinely universal. The chapter argues that despite being historically and normatively germane to international humanitarian law, Islamic laws of war have been epistemically neglected. Not only does Islamic law warrant further attention in practice and scholarship and a matter of principle, it is, in fact, necessary for addressing contemporary conflicts that disproportionately impact the Muslim world.

<https://doi.org/10.4337/9781839108273.00021> \*

## **The second space age : the regulation of military space operations and the role of private actors**

**Christopher J. Borgen.** - In: *The future law of armed conflict.* - New York : Oxford University Press, 2022. - p. 155-179

This chapter considers what space activities are, what they might be in the near future, and the implications for the interaction of space law with the law of armed conflict (LOAC). After an introduction, Section II and III describe the past, present, and possible future of space activities, noting especially the roles of military space and the evolution of private actors. Section IV then turns to two sources of regulation of military space activities: space law and LOAC. Section V surveys certain regulatory challenges, with an emphasis on the interaction of private companies and governments in military and national security space activities. The chapter concludes by noting the importance of core doctrinal questions related to sources of law, state responsibility, and neutrality in clarifying the regulation of military space operations.

<https://doi.org/10.1093/oso/9780197626054.003.0010> \*

## **Sexual and gender-based violence in international law : making international institutions work**

**Bharat H. Desai, Moumita Mandal ; foreword by Peter Maurer.** - Singapore : Springer, 2022. - 283 p.

This book addresses sexual and gender-based violence (SGBV) against women from an international law point of view. It identifies the reasons behind SGBV against women with a specific focus on cultural practices that try to justify it and highlights the legal challenges related to the topic for both national and international justice systems. The seven chapters of the book are: i) Introduction ii) SGBV a global concern; iii) International legal protection; iv) Role of international institutions; v) Role of cultural factors and vi) Challenges vii) Conclusions. In the light of concerted global efforts to bring to an end, or at least severely contain SGBV against women, the book provides a future roadmap to the United Nations system, States, international institutions, multidisciplinary scholars, civil society organizations and other global actors.

## **Solving the 'life of the nation' conundrum : extraterritorial derogations in international military operations**

**Cornelius Wiesener.** - In: *Human rights and international humanitarian law : challenges ahead.* - Cheltenham ; Northampton : E. Elgar, 2022. - p. 76-94

In recent years, human rights bodies, such as the European Court of Human Rights, have shown greater willingness to extend the reach of their human rights treaties to a broad range of actions that states may undertake abroad, including overseas military missions. What remains much less clear is whether states can also derogate from their human rights obligations in response to the challenging security situations they may face abroad. In fact, both the ECHR and the ICCPR allow states to take emergency measures only if the 'life of the nation' is at risk. It is therefore debatable whether derogations can be invoked where the emergency in question takes place exclusively abroad (e.g. in Mali), without posing a real threat to the 'home nation' (e.g. Denmark). This chapter seeks to solve this 'life of the nation' conundrum and examines three possible models of extraterritorial derogations.

<https://doi.org/10.4337/9781839108273.00012> \*

## **Taking economic and social rights earnestly : what does international human rights law offer persons with disabilities in situations of armed conflict ?**

**Gauthier de Beco.** In: *International review of the Red Cross*, vol. 105, no. 922, 2023, p. 306-322

This article studies the economic and social rights of people with disabilities in times of armed conflict. While hostilities prevent them from accessing the essential goods and services that they rely on to enjoy these rights, the topic has attracted little attention to date. Calling upon international human rights law, the article applies the Convention on the Rights of Persons with Disabilities, with a view to complementing the provisions of international humanitarian law. It



focuses on the requirements above the provision of medical care and examines the legal obligations attached to economic and social rights.

<https://library.icrc.org/library/docs/DOC/irrc-922-beco.pdf>

### **Terrorisme dans la guerre et guerre contre le terrorisme ?**

**Marina Eudes.** - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 83-94

Ce chapitre étudie deux défis essentiels : d'abord, celui de la détermination des conditions d'applicabilité du droit de la guerre dans des situations de commission d'actes terroristes intéressant d'autres systèmes normatifs (I) ; ensuite, celui de l'appréciation du contenu et de l'effectivité des normes que le jus in bello propose face à de tels actes, parallèlement à la possible mobilisation du droit international des droits de l'homme (II).

### **The unilateralization of international humanitarian law**

**Jan K. Kleffner.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 2153-2169

Traditionally, international humanitarian law (IHL) is conceptualized as a body of mutually binding, horizontal international legal rules that are agreed upon by States and that govern the relationships between parties to armed conflicts. Yet, there is discernible evidence that contemporary IHL – and the broader normative environment that pertains to the regulation of armed conflicts in which it is situated – is incorporating elements of unilateralization, manifested in legal and non-legal norms that regulate armed conflicts taking the form of commitments whose validity is not dependent on being reciprocated. This article examines some of the systemic implications of unilateralization of IHL and considers its pitfalls and potential.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-kleffner.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-kleffner.pdf)

### **The unseen world of the UN commissions of inquiry : clarifying responsibility in times of armed conflict**

**Andrew Clapham.** - In: 70 ans après l'adoption des Conventions de Genève : le droit international humanitaire confronté à de nouveaux défis ?. - Paris : A. Pedone, 2022. - p. 219-234

This chapter aims to encourage scholars to look more carefully at Commissions of Inquiry and hopes to highlight some of the ways in which such Commissions can encourage accountability. It is structured as a series of questions that confront Commissions over their lifetime when addressing violations of the 1949 Geneva Conventions.

### **The view of the past in international humanitarian law (1860-2020)**

**Antoon De Baets.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1586-1620

This essay explores how the drafters of international humanitarian law (IHL) incorporated the past into their work between 1860 and 2020, and how they approached time, memory and history as indicators for this view of the past. For the IHL view of time, the impact of legal principles on the perception of time is scrutinized. Balancing nonretroactivity against customary international law and the humanity principle broadens the temporal scope towards the past, while balancing legal forgetting against imprescriptibility and State succession broadens it towards the future. For the IHL view of memory, dead persons and cultural heritage are seen as crucial vectors. Attention to the fate of the dead has been a constant hallmark of IHL, while care for cultural heritage has an even longer pedigree. For the IHL view of history, the essay highlights that the International Committee of the Red Cross has consistently advocated State duties to the war dead and has organized an archival infrastructure to satisfy the need – later converted into a right – of families and society to search for the historical truth about them. Furthermore, the responses of IHL drafters to five major historical challenges are examined.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-debaets.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-debaets.pdf)



## **The well-trodden path of national international humanitarian law committees**

**Rachael Kitching and Anne Quintin.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1989-2012

The road towards effective implementation of international humanitarian law (IHL) is a continuous process where important milestones will be reached at each step. As part of such a process, national committees and similar entities on IHL have played a key driving role. When the first national IHL committees were formed in the 1970s to advise and assist their States on the domestic implementation of IHL, they undoubtedly followed different roadmaps from those followed today. As IHL has evolved to keep pace with new realities of warfare, so too has the work of national IHL committees. This article will begin by pinpointing where exactly the journey started for national IHL committees, highlighting that the creation of these bodies coincided with important developments across the international landscape which would come to reinforce domestic implementation of IHL. In the second section, the authors will provide a detailed mapping of the roads generally travelled by these entities, with the intention to showcase the multi-faceted nature of their work and the innumerable milestones achieved along the way. The final section will explore the material, political and structural road bumps which are slowing down the work of some national IHL committees and will provide recommendations on how these entities may overcome these hurdles.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-kitching.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-kitching.pdf)

## **What is IHL history now ?**

**Boyd van Dijk.** In: International review of the Red Cross, vol. 104, no. 920-921, 2022, p. 1621-1637

Over the last few decades, an extraordinary amount has changed in our understanding of the history of international humanitarian law (IHL). This article addresses the latest findings in this new historiography, placing contemporary IHL issues in a broader historical context and sharing the author's own experiences as a researcher exploring the discipline's practice from a historical perspective. Ultimately, he makes a passionate case for history – by showing why this discipline has a lot to offer for practitioners of international law.

[https://library.icrc.org/library/docs/DOC/irrc-920\\_921-vandijk.pdf](https://library.icrc.org/library/docs/DOC/irrc-920_921-vandijk.pdf)

## **Who gets to make international humanitarian law in the future : a pluralist vision**

**Alex Moorehead.** - In: The future law of armed conflict. - New York : Oxford University Press, 2022. - p. 217-237

This chapter addresses how substantive international humanitarian law develops—as well as other key questions surrounding its legitimacy, level of implementation, and enforcement—and suggests it will in large part depend on unsettled issues of process, that is, the modes by which the law is created, who plays a role in its development, and who sets the agenda for its reform. While the world is undergoing fundamental shifts that may be changing how we understand the role of States and global governance, States remain the primary and most powerful actors and will continue to be so in the coming decades. States are, and should be, the primary subjects and makers of international humanitarian law. This offers the best hope for greater recognition and application of the rules and their enforcement. Yet for international humanitarian law to retain its legitimacy in future decades, a pluralistic approach to international lawmaking must be embraced—one that international humanitarian law has already shown itself capable of coping with. This is not just a matter of good practice but survival: for the law of armed conflict to thrive in the future, it needs to channel the vibrancy of our diverse world by incorporating and enabling the views of a wider range of States and, in a supporting role, of civil society. A reversion to a narrow State-centric view of the law is likely only to lead to the marginalization of the law.

<https://doi.org/10.1093/oso/9780197626054.003.0013> \*

**Who is the civilian population ? : ensuring IHL is implemented for the protection of the entirety of the civilian population - including persons with disabilities**

Alice Priddy. In: International review of the Red Cross, vol. 105, no. 922, 2023, p. 242-251

Despite progress in recent years, including UN Security Council Resolution 2475 of 2019, there remains a significant gap in our awareness of the disability dynamics of armed conflict and the barriers that persons with disabilities experience in accessing the protections of international humanitarian law (IHL). This brief article will consider the protective purpose of IHL and the diversity of civilian populations, and, focussing on the principle of proportionality as an example, demonstrate how IHL must be interpreted, implemented and monitored in a manner that is inclusive and reflects the reality that civilian populations are diverse.

<https://library.icrc.org/library/docs/DOC/irrc-922-priddy.pdf>

**World War I : a phoenix moment in the history of international criminal tribunals**

Ziv Bohrer and Benedikt Pirker. In: European journal of international law, vol. 33, no. 3, August 2022, p. 851-887

The post-World War II International Military Tribunal at Nuremberg is commonly considered the first-ever international criminal tribunal. It is also often argued that the very idea of an international criminal tribunal emerged after World War I, when the first plans for such a tribunal were drawn up. This article, however, presents a very different account. It shows that international criminal tribunals did not have to wait for their conception until after World War I; nor did they come into being after World War II – they already operated during World War I and the preceding century. The article also demonstrates that the existence of such tribunals did influence the participants of the Paris Peace Conference, even though they portrayed them as novel.

<https://doi.org/10.1093/ejil/chac045>

International Committee of the Red Cross  
Library and Public Archives  
19, avenue de la Paix  
1202 Geneva  
Switzerland

Tel: +41-22-730-2030  
Email: [library@icrc.org](mailto:library@icrc.org)  
December 2023



**ICRC**