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## AIR WARFARE

**Air power in UN operations : wings for peace / ed. by A. Walter Dorn.** - Farnham ; Burlington : Ashgate, 2014. - XXXV, 350 p. : fotogr., tabl., diagr., graph., cartes ; 24 cm. - (Military strategy and operational art). - Index. - ISBN 9781472435491

Contient notamment : Flying humanitarians : the UN humanitarian air service / A. W. Dorn and R. W. Cross. - Unmanned aerial vehicles supporting UN operations : a commercial service model / D. Neil. - Peace from above : envisioning the future of UN air power / R. D. Steele.

341.226/67

## ARMS

**Autonomous weapon systems : the anatomy of autonomy and the legality of lethality / Bradan T. Thomas.** - In: Houston journal of international law, Vol. 37, no. 1, Winter 2015, p. 235-274. - Photocopies

This comment explores the legal implications and predicted efficacy of autonomous weapon systems, as well as the effects that their use might have on both international humanitarian law and the conduct of hostilities. The defining feature of an autonomous weapon system is its capability of selecting and engaging targets independent of human intervention. While benefits can be realized from such functionality, they are tempered with unclear issues such as the proper identification of civilians, the efficaciousness of substituting robotic calculations for human judgements, command responsibility, and unintended effects on a deploying state's standing in the international community, among others. Because autonomous weapon systems serve essentially as platforms that are capable of supporting a variety of munitions, it is unlikely that they will be categorically considered unlawful per se. Instead, the prospect of legal difficulties emanates from the potential manners in which such systems operate and how design drives decisions on the battlefield. Polarized state views on the development of autonomous weapon systems have set the stage for worldwide forethought and prudence, and this comment aims to aid in the developing discussion.

341.67/323 (Br.)

**Autonomous weapons and the problem of state accountability / Daniel N. Hammond.** - In: Chicago journal of international law, Vol. 15, issue 2, 2014, p. 652-687. - Photocopies

Currently in development and expected to become functional in the near future, fully autonomous weapons will have the capacity to operate entirely on their own, selecting targets and completing missions without human involvement. The prospective development of these weapons has raised concerns among some scholars who fear that the weapons would be unable to meet international legal standards. One criticism consistently raised is that in the event one of these weapons commits a war crime or human rights violation, it is not clear who should be held accountable. In this context, critics have focused primarily on whether military officers, designers, or manufacturers could (or should) be held individually liable. Few, however, have explored whether state liability is a viable option. This Comment takes up this inquiry, arguing that state liability would be preferable to individual liability because the state is in the best position to minimize its weapons' potential violations of international law and seems to be the most culpable actor in a moral sense. Nevertheless, although state liability is possible in the abstract, legal and practical barriers make the international legal regime as it stands ill-equipped to ensure that states would actually be held responsible for their weapons' crimes. If state liability is to resolve the accountability problem, the international community will need to make adjustments to this regime.

341.67/92 (Br.)

**Bewaffnete Drohnen - Teufelszeug oder Waffen wie andere ? : eine völkerrechtliche Überprüfung / von Ingrid Jahn-Koch und Michael Koch.** - Berlin : Duncker and Humblot, 2014. - p. 265-315. - In: Aus Kiel in die Welt : Festschrift zum 100-jährigen Bestehen des Walther-Schücking-Instituts für Internationales Recht = Kiel's contribution to international law : essays in honour of the 100th anniversary of the Walther Schücking Institute for International Law. - Photocopies

341.67/67 (Br.)

**Beyond Skynet : reconciling increased autonomy in computer-based weapons systems with the laws of war / Christopher M. Kovach.** - In: The air force law review, Vol. 71, 2014, p. 231-277. - Photocopies

Autonomous cyberweapons differ from traditional semi-autonomous weapons, such as “fire and forget” weapons that rely upon technology to acquire, track, and engage human-selected targets because in those cases, “human control is retained over the decision to select individual targets and specific target groups for engagement.” In the case of autonomous cyberweapons, this human control is, at best, shared between the programmer and the operator; and in some cases, the operator might exercise almost no control whatsoever. This Article explores how LOAC applies to these autonomous cyberweapons, or software used to launch attacks in the domain of cyberspace. Part I examines whether the laws of war permit the deployment of autonomous cyberweapons. It begins by assessing how the principles of proportionality and distinction apply. Next, since LOAC prohibits any attack that might cause excessive collateral damage when compared to the military advantage gained, this section critically examines the important case of dual-use facilities, meaning the infrastructure jointly used by the military and civilians. Finally, it concludes by exploring what mechanisms are needed to ensure these weapons respect the laws of war. Part II analyzes the composition of non-uniformed DoD personnel in cyberweapons’ design phases and how LOAC impacts their status as combatants. Involving non-uniformed personnel, such as civilians and contractors, in the design of autonomous cyberweapons could place them within the reach of LOAC for possible violations of the laws of war. Part III considers DoD’s process for formally reviewing an autonomous cyberweapon’s compliance with LOAC. With current guidance, there exists a real risk that legal advisors providing on-demand advice during a cyberweapon’s operation knows little about the weapon or its capabilities. This section explores the current legal review process for cyberweapons and identifies potential shortfalls. It also offers suggestions for improving the process, grounded in the assumption that, while even the untrained can readily grasp the effects of most conventional weapons, cyberweapons are different.

341.67/61 (Br.)

**The case for regulating fully autonomous weapons / John Lewis.** - In: Yale law journal, Vol. 124, no. 4, January-February 2015, p. 1309-1325. - Photocopies

The Comment proceeds in three Parts. Part I defines fully autonomous weapons (FAWs) and introduces the legal and ethical issues surrounding these weapons. Part II draws on the history of attempts to regulate weapons systems, including landmines, to explain why regulation is the correct response to FAWs. Part III develops a framework based on the 1996 CCW Amended Protocol on the use of landmines to guide the use of FAWs. Though it is difficult to develop standards for such novel weapons, the momentum around a preemptive ban makes it important to consider whether regulation might instead be an effective response to FAWs. By demonstrating that existing frameworks are capable of regulating FAWs, this Comment aims to integrate FAWs into current debates in international law and to dispel the notion that these weapons raise wholly unique legal challenges.

341.67/124 (Br.)

**The dehumanization of international humanitarian law : legal, ethical, and political implications of autonomous weapon systems / Markus Wagner.** - In: Vanderbilt journal of transnational law, Vol. 47, no. 5, 2014, p. 1371-1424. - Photocopies

In the future, a growing number of combat operations will be carried out by autonomous weapon systems (AWS). At the operational level, AWS would not rely on direct human input. Taking humans out of the loop will raise questions of the compatibility of AWS with the fundamental requirements of international humanitarian law (IHL), such as the principles of distinction and proportionality, as well as complicate allocation of responsibility for war crimes and crimes against humanity. This Article addresses the development toward greater autonomy in military technology along three dimensions: legal, ethical, and political concerns. First, it analyzes the potential dehumanizing effect of AWS with respect to the principles of distinction and proportionality and criminal responsibility. Second, this Article explores, from an ethical perspective, the advantages and disadvantages of the deployment of AWS independent of legal considerations. Authors from various fields have weighed in on this debate, but oftentimes without linking their discourse to legal questions. This Article fills this gap by bridging these disparate discourses and suggests that there are important ethical reasons that militate against the use of AWS. Third, this Article argues that the introduction of AWS alters the risk calculus of whether to engage in or prolong an armed conflict. This alteration is likely to make that decision politically more palatable and less risky for the political decision makers.

341.67/140 (Br.)

**Désarmement nucléaire, urgence : la guerre nucléaire est commencée / Hervé de Truchis.** - Paris : L'Harmattan, 2014. - 298 p. : tabl. ; 24 cm. - (Questions contemporaines). - Bibliographie : p. 295-298. - ISBN 9782343023526

341.67/758

**Droning on : some international humanitarian law aspects of the use of unmanned aerial vehicles in contemporary armed conflicts / David Turns.** - Cambridge : Cambridge University Press, 2014. - p. 191-215. - In: Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe

This chapter considers the legality of unmanned aerial vehicles (UAVs) and their use in armed conflict from the standpoint of current international humanitarian law (IHL), both in general (legality per se) and specific (legality of use) terms, in light of the many criticisms that have been levelled at these systems. The analysis focuses initially on whether UAVs comply with the regulation of weaponry in IHL generally, before concentrating particularly on the use of UAVs for kinetic application of (potentially) lethal force. The latter entails consideration of their compliance with the law of targeting operations, as well as the question of the legal status of their operators and the consequences of that status. Finally, the question of legal responsibility for the use of drones in armed conflicts is addressed. The chapter concludes that no new regulatory legal framework is necessary for drones, but that while they're not inherently unlawful under IHL, their actual use in armed conflict must be compliant with that body of law

345.2/967

**Explosive remnants of war / ICRC.** - [3rd ed.]. - Geneva : ICRC, December 2014. - 12 p. : photogr. ; 21 cm. - (In brief)

This brochure highlights the risks posed by unexploded and abandoned ordnance in war-affected countries, and summarizes the Protocol on Explosive Remnants of War, a treaty adopted by States in 2003 to minimize the impact of these weapons.

341.67/539 (2014 ENG Br.)

**Human rights law and nuclear weapons / Louise Doswald-Beck.** - Cambridge : Cambridge University Press, 2014. - p. 435-460. - In: Nuclear weapons under international law

Human rights treaty bodies are required, by virtue of their mandate, to apply the human rights listed within their respective treaties. They have not hesitated to do so for cases relating to hostilities during armed conflict. Human rights violations are also subject to the scrutiny of UN Charter bodies, such as the Human Rights Council, the General Assembly and the Security Council, as well as similar regional bodies. The result is that it is impossible to consider nuclear weapons without analysing their possible effects in the light of HRL. This chapter first outlines the main factors pertinent to the application of HRL to armed conflict situations, including issues relating to jurisdiction. Afterwards, it will examine the most relevant human rights that would be affected by any use of nuclear weapons, most notably the right to life, but also rights relevant to the suffering they cause and their adverse effects on health.

341.671757

**International law in the age of asymmetrical warfare, virtual cockpits and autonomous robots / Mark Klamburg.** - Leiden : Brill, 2014. - p. 152-170. - In: International law and changing perceptions of security : liber amicorum Said Mahmoudi. - Photocopies

Will the use of unmanned combat air vehicles (UCAVs) affect how we perceive state intervention in the territory of other states? The US uses UCAVs to target enemies as a part of its counterterrorism operations. This has raised several concerns, including a discussion on the relevant legal framework. Should counterterrorism operate under the armed-conflict or law enforcement model? Under what circumstance are targeted killings allowed under international law? This discussion is influenced by the fact that almost all targeted killings are directed against non-State actors and generally carried out while the targeted person is not visibly engaged in active combat. Finally, the use of lethal autonomous robotics (LARS) would increase the distance even more between the person who controls the use of force and the target, in that targeting decisions could be taken by the robots themselves. There are reasons to discuss whether such technology should be added to the arsenals of states. Since robots lack moral agency they cannot be held legally responsible in any accustomed way. How is it possible to address this potential accountability gap?

341.67187 (Br.)

**The law of weaponry from 1914 to 2014 : is the law keeping pace with technological evolution in the military domain ? / by Robin Geiss.** - Berlin : Duncker and Humblot, 2014. - p. 229-248. - In: Aus Kiel in die Welt : Festschrift zum 100-jährigen Bestehen des Walther-Schücking-Instituts für Internationales Recht = Kiel's contribution to international law : essays in honour of the 100th anniversary of the Walther Schücking Institute for International Law. - Photocopies

In 2014, new military technologies such as drones and increasingly autonomous weapons systems as well as cyber- and outer-space capabilities are at issue, the question as to whether international law is keeping pace with technological evolution in the military domain appears to be at least as pertinent today as it was in 1914. Conspicuously, the technological quantum leaps of today are still by and large evaluated and discussed in light of the very same legal principles that informed the legality of weapons systems and military technologies of the First World War-most of which had their roots already in the 19th century. Even though these principles are rightly described as dynamic, i.e. adaptable to the development of new weaponry, they are static in as far as they rest on certain ethical underpinnings that prevailed at the time of their inception. In view of some of the technological sea changes that are at issue today, the ostensible possibility of fully autonomous weapon systems in particular, it must be reconsidered whether the underlying ethical considerations have not also changed, thereby necessitating a more fundamental adaptation of the law than a dynamic interpretation of existing concepts.

341.67168 (Br.)

**A means-methods paradox and the legality of drone strikes in armed conflict / Craig Martin.**  
- In: The international journal of human rights, Vol. 19, issue 2, 2015, p. 142-175. - Photocopies

This article examines the legality of drone strikes. It limits the analysis to conduct within a traditionally defined armed conflict, in order to focus more clearly on the question of whether features inherent to the drone as a weapons system might make it conducive to violations of international law. The article reviews the applicable legal principles from international humanitarian law and international human rights law, and examines the record of civilian deaths caused by drone strikes in Afghanistan. While transparency and accountability are a problem, the study suggests that the drone strike operations may be characterised by more direct systemic violations of international law. In examining such potential violations the article considers the features inherent to the drone as a 'means' of warfare, and the features of the policy and practices that underlie the 'methods' of warfare related to drone strikes, with the aim of determining which is more responsible for any violations. The features of the armed drone as a weapons systems appear to make it more conducive to compliance with international humanitarian law than competing aerial weapons systems. Conversely, aspects of the policy governing drone operations, such as the criteria used for 'signature strikes', are more likely to contribute to violations of international law. However, examining the issue from the perspective of a particular strike, and viewed through the lens of cognitive consistency theory on misperception, the article suggests that the picture may be more complex. Paradoxically, the very features that are most likely to make the drone compliant with international humanitarian law - its ability to linger undetected for protracted periods over potential targets, feeding intelligence back to an operations team that can make targeting decisions in a relatively stress-free environment - may facilitate targeting errors caused by misperception and misinterpretation of the target data. In short, both the 'means' and 'methods' of drone strikes may combine to facilitate violations of international humanitarian law.

341.67/150 (Br.)

**Nuclear weapons and the separation of jus ad bellum and jus in bello / Jasmine Moussa.** - Cambridge : Cambridge University Press, 2014. - p. 59-87. - In: Nuclear weapons under international law

The question addressed is whether use of nuclear weapons, in a manner that violates jus in bello can ever be justified by reason that a state is using force in self-defence or is otherwise acting in compliance with the UN Charter (such as under the authority of the UN Security Council). Section A of this chapter frames the contours of the discussion with preliminary observations regarding use of nuclear weapons in light of the separation principle. Section B puts this discussion into context by examining the implications and the legal and theoretical foundations of the separation principle. Section C analyses the contemporary challenges to the separation principle, beginning with a critique of the ICJ's Nuclear Weapons Advisory Opinion. The section then analyses the implications of the conflation of ad bellum proportionality with in bello proportionality in doctrine and state practice. It surveys contemporary doctrine, which has increasingly challenged the separation principle, particularly in light of the principle of concurrent application of jus ad bellum and jus in bello. It also examines recent state practice challenging the principle and the practice within the UN Security Council, where, arguably, the subordination of in bello considerations to jus ad bellum has been a feature of recently authorised interventions. Section D highlights areas of law where the separation principle has been reaffirmed, asserting that the 'conflationist' trend amounts to misunderstanding and misapplication of the law. It also highlights the contribution of international criminal law and the law of state responsibility to reaffirmation of the separation principle. The chapter concludes that use of nuclear weapons in a manner that violates IHL is also a violation of international law no matter what its legality may be ad bellum.

341.67/757



**Nuclear weapons and the unnecessary suffering rule / Simon O'Connor.** - Cambridge : Cambridge University Press, 2014. - p. 128-147. - In: Nuclear weapons under international law Section A of this chapter summarises the development over time of the unnecessary suffering rule. Section B discusses how the ICJ addressed the rule in its Advisory Opinion and the (limited) extent to which it applied the rule to nuclear weapons. It also looks more particularly at assessments by the Court's judges in their respective separate or dissenting opinions. Section C discusses key factors to be considered when interpreting the rule, including humanitarian concerns and military utility. The predictable long- and medium-term effects of nuclear weapon use are also discussed, as these must inform deliberations regarding compliance with the rule. The conclusion argues that it is almost impossible to conceive of circumstances when engendering the horrific short-, medium- and long-term injuries and suffering among those engaged in combat that are the foreseeable result of nuclear weapon use could truly be deemed necessary

341.671757

**The procurement and use of armed UAVs by the German military in international and German law / Nicholas English and Tim Rauschnig.** - In: German yearbook of international law = Jahrbuch für internationales Recht, Vol. 56, 2013, p.539-555. - Photocopies

The procurement of armed UAVs is seemingly unproblematic under international law and the German domestic law that it informs upon. Where international and German law do lay down restrictions is in relation to the use of armed UAVs. The systems may be deployed outside of armed conflict under international human rights law only in very limited circumstances, if at all. Under German law, the Bundeswehr can only be deployed within Germany in response to natural disasters or grave accidents, where armed UAVs would be unsuitable, and in times of internal emergency, which sets a very high threshold. Targeted killing outside of armed conflict contravenes both international and German law and could lead to criminal sanctions under both. In the situation of armed conflict, IHL prescribes a number of prerequisites that must be evaluated on a case-by-case basis to determine what constitutes a necessary and proportionate deprivation of life. German law puts an increased importance on the idea of human dignity, meaning that in some situations the use of armed UAVs may be acceptable under IHL while not being so under German law, which would prefer capture and internment. German law also places more emphasis on the principle of proportionality, which is stronger than its IHL counterpart.

341.67172 (Br.)

**The right to a remedy and reparation for the use of nuclear weapons / Stuart Casey-Maslen.** - Cambridge : Cambridge University Press, 2014. - p. 461-480. - In: Nuclear weapons under international law

With an understanding that international human rights law is directly relevant to nuclear weapons, and that any use of nuclear weapons outside testing would be highly likely to violate a range of human rights. Such being the case, this chapter suggests how international human rights law could offer remedy and reparation in light of probably massive loss of life and destruction of property resulting from a nuclear weapon strike. In so doing, it looks first at the basis of responsibility under human rights law for nuclear weapon use before turning to address the right to a remedy and reparation in general. The third section of the chapter considers who would be the duty bearers, for such a duty potentially goes beyond a user state. It then assesses who could be the holders of a right to a remedy for nuclear weapon use: could it extend, for example, to military personnel as well as to civilians injured by an explosion or the effects of nuclear fallout? Fifthly, it looks at the forms of remedy that could be available to claimants, and seek to gauge which might be the most appropriate in case of a nuclear weapon strike. The author advances some conclusions as to the *lex lata* in this area, as well as his view as to where the law might usefully evolve regarding remedies and reparations for mass atrocities.

341.671757



**Robo-wars : the regulation of robotic weapons / Alex Leveringhaus, Gilles Giacca.** - Oxford : Oxford Martin School, University of Oxford, 2014. - 31 p. : fotogr. ; 30 cm. - (Oxford Martin policy paper)

This paper gives a clear and concise overview of the technological dimensions of robotic weapons as well as their treatment under existing international legal and ethical frameworks. It assesses the regulatory options currently under discussion, and recommends ways for states, manufacturers and the military to develop a suitable regulatory framework. Recommendations include: prioritising human oversight and control over weapons at all stages of deployment, and ensuring human operators can override the robot at any stage; implementing mechanisms to ensure human operators can be held responsible for deployment and supervision of weapons; for states and the military to work together to define the contexts in which robotic weapons can be used, and prevent illegal use; ensuring new weapons comply with existing legal and ethical restrictions.

341.67/91 (Br.)

**Semi-autonomous weapon systems in international humanitarian law : a study of the new decision-making and responsibility issue in international humanitarian law relating to semi-autonomous weapon systems / Ajda Hosseini Ghasemi.** - [S.l.] : [s.n.], 2014. - 59 p. ; 30 cm. - Master thesis, International human rights law, Faculty of law, Lund University, Spring 2014. - Bibliographie : p. 55-59. - Photocopies

The purpose of this Master thesis is to examine, in detail, how current international law relates to autonomous weapon systems. Artificial intelligence has made war-machines less dependent on human control and thus more autonomous. The use of autonomous weapon systems causes difficulties in establishing responsibility for the implementation of humanitarian law when numerous individuals are involved, and when the actor is a robot. The question of accountability is therefore essential since this issue will arise in the framework of all fully autonomous and semiautonomous weapon systems. The concept of autonomous weapon systems (AWS) will be defined more precisely alongside three different forms of autonomy in order to demonstrate its compliance with current international law. The analysis will begin from the bottom of the decision-making process to gradually eliminate all candidates who do not have sufficient knowledge to assume accountability. The candidates that will be observed are the military personnel, the acquisition team, the programmer or manufacturer, corporations, and lastly, the robot. Each chapter will build upon the next and include a descriptive part in the beginning with an analysis toward the end of the thesis. Parallels will be drawn between the new legal phenomenon and existing legal systems.

341.67/759 (Br.)

**Syria and the issue of chemical weapons : a snapshot of a legal time-frame : the United Nations Security Council resolution 2118 (2013) and the OPCW Executive Council decision / Marie Jacobsson.** - Leiden : Brill, 2014. - p. 134-151. - In: International law and changing perceptions of security : liber amicorum Said Mahmoudi. - Photocopies

The response of the United Nations Security Council and the Executive Council of the Organisation for the Prohibition of Chemical Weapons (OPCW) to the chemical weapons attack in Ghouta in Syria on 21 August 2013, Syria's accession to the Chemical Weapons Convention, and the role of the United Nations in disarmament initially raised a number of issues of international law. This paper discusses some of the issues that were at the forefront between 21 August and 15 November 2013. One important message in this paper is that it is irrelevant from an international law perspective whether or not Resolution 2118 (2013) makes explicit reference to Chapter 7 of the United Nations Charter. The measures adopted by the Security Council are unequivocally binding for all States and actors concerned and these decisions must be complied with.

341.67/75 (Br.)

**Threats of use of nuclear weapons and international humanitarian law / Gro Nystuen.** - Cambridge : Cambridge University Press, 2014. - p. 148-170. - In: Nuclear weapons under international law

This chapter focuses on the extent to which threats of use of nuclear weapons can violate international humanitarian law (IHL). The reason for debating this question, which seems rather limited in scope and impact, is that it appears to play a role in the general confusion that was generated by the International Court of Justice (ICJ)'s Nuclear Weapons Advisory Opinion as regards the separation between *jus in bello* and *jus ad bellum*. The Court stated that the threat of use of nuclear weapons would be a violation of not only *jus ad bellum* as reflected in the UN Charter, but also of IHL. The Court did not, however, substantiate this finding with legal reasoning. The purpose of this chapter is to discuss the validity of this statement, not merely for the sake of clarifying the content of IHL, but more importantly to reinforce the legal foundation for upholding the distinction between *jus ad bellum* and *jus in bello*. This chapter concludes that threats are generally not prohibited under IHL, and that the ICJ's claim to the contrary merely underlined the Court's blurring of the boundaries between *jus ad bellum* and *jus in bello*.

341.67/757

**Use of chemical weapons in the Syrian conflicts and under international law / Stuart Casey-Maslen and Marina Mattiolo.** - Oxford : Oxford University Press, 2014. - p. 297-316. - In: The war report : armed conflict in 2013

355/1018 (2013)

**Use of nuclear weapons and protection of the environment during international armed conflict / Erik V. Koppe.** - Cambridge : Cambridge University Press, 2014. - p. 247-268. - In: Nuclear weapons under international law

This chapter seeks to clarify the scope of the relevant rules of the law of armed conflict and to assess, in abstracto, the legality of the use of nuclear weapons under these rules. It first describes relevant rules of treaty law, essentially Additional Protocol I of 1977. It then discusses protection of the environment during armed conflict under customary international law.

341.67/757

**The use of nuclear weapons as a reprisal under international humanitarian law / Stuart Casey-Maslen.** - Cambridge : Cambridge University Press, 2014. - p. 171-190. - In: Nuclear weapons under international law

This chapter opens with a definition of the notion of a reprisal (distinguishing it from other similar notions) and then assesses the conditions for the exercise of a lawful reprisal under *jus in bello*. It subsequently applies the principle of lawful reprisals to a series of hypothetical uses of nuclear weapons in an international armed conflict. The specific use of nuclear weapons as a means of reprisal poses particular challenges to the applicable law. The chapter then turns to the (disputed) legality of reprisals under the rules applicable to armed conflicts of a non-international character. The conclusion seeks to summarise the law governing the use of nuclear weapons as a reprisal.

341.67/757

**Use of nuclear weapons as an international crime and the Rome Statute of the International Criminal Court / Annie Golden Bersagel.** - Cambridge : Cambridge University Press, 2014. - p. 221-243. - In: Nuclear weapons under international law

At the November 2009 Assembly of States Parties to the Rome Statute of the International Criminal Court (the Rome Statute), the Government of Mexico submitted a proposal to ban the use or threat of use of nuclear weapons as a war crime under Article 8 of the Rome Statute. Although the proposal was unsuccessful, it highlights a recurring debate over the status of nuclear weapons under international humanitarian law (IHL). The Rome Statute limits the International Criminal Court (ICC)'s jurisdiction over weapons prohibited under conventional and customary international humanitarian law. This chapter analyses the two provisions of the Rome Statute that address the Statute's relationship to customary international law: articles 10 and 21. While these provisions attempt to establish a dividing line between the Statute and custom, the distinction is not entirely clear, and is not consistently respected in practice. The chapter then assesses the impact of the Rome Statute's weapons provision on the status of nuclear weapons under international law.

341.67/757

**Use of nuclear weapons as genocide, a crime against humanity or a war crime / Stuart Casey-Maslen.** - Cambridge : Cambridge University Press, 2014. - p. 193-220. - In: Nuclear weapons under international law

This chapter discusses the use of nuclear weapons as an international crime, focusing on genocide, war crimes and crimes against humanity, including three modes of liability for such crimes (joint criminal enterprise, joint criminal responsibility (according to control theory) and aiding and abetting an international crime). The Nuclear Weapons Advisory Opinion issued by the International Court of Justice (ICJ) in 1996 did not discuss any of these crimes in detail. The chapter begins by summarising international criminal law (ICL) and its relevance for the use of nuclear weapons. It then looks in turn at the extent to which use of nuclear weapons could be considered an act of genocide, a war crime or a crime against humanity, potentially engaging individual criminal responsibility under ICL not only for the adjudged principal of any violation, but also for a participant of a joint criminal enterprise, an individual sharing joint criminal responsibility or an individual as an aider or abettor.

341.67/757

**The use of nuclear weapons under rules governing the conduct of hostilities / Stuart Casey-Maslen.** - Cambridge : Cambridge University Press, 2014. - p. 91-127. - In: Nuclear weapons under international law

This chapter focuses on the legality of the use of nuclear weapons under three core rules of international humanitarian law (IHL): distinction, proportionality and precautions in attacks. The International Court of Justice (ICJ)'s Nuclear Weapons Advisory Opinion, issued in 1996, is naturally a primary frame of reference. Given, however, that the Court did not discuss either proportionality or precautions in attacks, and that its assessment of distinction was limited to international armed conflict, discussion in this chapter is not restricted to the Court's assessment of the application of IHL. The chapter opens with a review of the fundamental principle whereby parties to an armed conflict do not have an 'unlimited right' to select and use means or methods of warfare. It then looks in turn at the IHL rules of distinction, proportionality and precautions in attack, considering their particular relevance for, and application to, the use of nuclear weapons.

341.67/757

## **CHILDREN**

**Child soldiers and peace agreements / Rose Mukhar.** - In: Annual survey of international and comparative law, Vol. 20, issue 1, 2014, p. 73-100. - Photocopies

This paper explores and analyzes the relationship between child soldiers and peace processes. It addresses the protections offered - or lack thereof - by human rights and international humanitarian law to child soldiers in armed conflicts. In particular, the conflict in the Democratic Republic of the Congo ("DRC") is specifically addressed because the DRC conflict from 1996 to 2002 can most likely be classified as a non-international armed conflict - which is what most of today's conflicts are deemed; also because the numerous peace treaties from this time frame primarily failed to provide a lasting peace in the DRC region. The paper argues that in order to achieve sustainable peace in the DRC conflict or any conflict that uses child soldiers, that child soldiers' needs and rights must be addressed in the peace agreement. Furthermore, it is proposed that the peace process must address and ensure there is a structure for accountability and justice of those local leaders who abducted or recruited children under the age of eighteen years as child soldiers. Chapter 2 addresses who a child soldier is and reviews the legal definitions as well as the various international treaties, laws, and conventions designed to offer children special protections and ensure that their best interests are addressed. Chapter 3 looks at Graca Machel's groundbreaking report on the "Impact of Armed Conflict on Children," and the recognition of child soldiers. Chapter 4 specifically looks at the DRC as a case study. Chapter 5 sets out the paper's conclusions that DDR child-specific programs and justice provisions should be included in peace agreements for there to be sustainable peace.

362.7/24 (Br.)

**Child soldiers in 2013 : trends, challenges, and opportunities / Tomaso Falchetta.** - Oxford : Oxford University Press, 2014. - p. 341-360. - In: The war report : armed conflict in 2013

355/1018 (2013)

**Childhood deployed : remaking child soldiers in Sierra Leone / Susan Shepler.** - New York ; London : New York University Press, 2014. - XIV, 207 p. : fotogr., tabl., diagr., carte ; 23 cm. - Bibliographie : p. 185-201. Index. - ISBN 9780814770252

362.7/403

**Children and the International Criminal Court : analysis of the Rome Statute through a children's rights perspective / door Cynthia Chamberlain Bolaños.** - [S.l.] : [s.n.], 2014. - XIV, 291 p. : tabl. ; 30 cm. - Doctoral Thesis, Universiteit Leiden, 25 March 2014. - Bibliographie : p. 259-267. - ISBN 9789462035195

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

362.7/404

**Les enfants et la détention / CICR.** - Genève : CICR, décembre 2014. - 20 p. : fotogr. ; 21 cm. - (En bref)

Si, pour les adultes, la détention est une expérience éprouvante et parfois même dangereuse, elle l'est encore bien davantage pour les enfants. Cette brochure explique les difficultés auxquelles sont confrontés les enfants lorsqu'eux-mêmes ou leurs proches sont détenus. Elle traite également des mesures que le CICR prend pour aider et protéger les enfants dans ces situations.

362.7/400 (FRE Br.)

**The interaction between international refugee law and international criminal law with respect to child soldiers / Magali Maystre.** - In: Journal of international criminal justice, Vol. 12, no. 5, December 2014, p. 975-996

**Juvenile justice in belligerent occupation regimes : comparing the coalition provisional authority administration in Iraq with the Israeli military government in the territories administered by Israel / Hilly Moodrick-Even Khen.** - In: Denver journal of international law and policy, Vol. 42, issue 2, Winter/Spring 2014, p. 119-161. - Photocopies

The changing nature of occupation regimes - from belligerent occupations to transformative occupations and from short-term to long-term ones - has bearing on their juvenile justice systems, demanding more protections for the rights of children within these criminal structures. These protections can be awarded either through direct application of human rights law or by amending the specific laws that administer territories under occupation. These transformations affect the legal means for realizing the obligations of the occupying power under the Fourth Geneva Convention (1949) and the Hague Convention and its annexed regulations (1907) ("Hague Regulations"), primarily the duty to ensure the safety and the daily life routine of the occupied population. After a discussion on the mutual application of international humanitarian law and international human rights law in occupied territories through the prism of the objectives of the juvenile justice system in general, and in occupied territories in particular, it is suggested that the longer an occupier rules in an occupied territory, the more likely that human rights law, rather than humanitarian law, will better serve the interest of the occupied population, as the latter has more limited tools for achieving this goal. Hence, in longer-term occupations, there is more room for the application of human rights law as an interpretative and complementary law. With regard to the objectives of juvenile justice systems and given the nature of juvenile justice in general, and in occupied territories in particular, we must see a more extensive application of human rights law in occupation regimes. These claims are substantiated through the analysis of the case study of detention, prosecution, and adjudication of children in formerly occupied Iraq and in the Israeli occupation in the administered territories.

362.7/110 (Br.)

**Using targeted sanctions to end violations against children in armed conflict / David S. Koller and Miriam Eckenfels-Garcia.** - In: Boston university international law journal, Vol. 33, issue 1, Spring 2015, p. 1-36. - Photocopies

This article examines how the United Nations Security Council can more effectively utilize the threat and use of sanctions to contribute to ending grave violations against children in situations of armed conflict. The article reviews the Security Council's efforts to address such violations and observes that the Council has so far made limited use of the possibility of sanctions. Drawing on lessons learned from the Council's general practice in applying sanctions, this article considers that sanctions can play an effective role in influencing the behavior of potential and actual perpetrators of grave violations against children, but that a number of difficult political, practical, and legal challenges first need to be overcome. Taking these challenges into account, this article offers concrete recommendations for deploying the threat and use of sanctions to help put an end to grave violations against children in situations of armed conflict.

362.7/25 (Br.)

## CIVILIANS

**The concept of civilian : legal recognition, adjudication and the trials of international criminal justice / Claire Garbett.** - Abingdon ; New York : Routledge, 2015. - XVIII, 182 p. : graph. ; 24 cm. - (Transitional Justice). - Bibliographie : p. 165-176. Index. - ISBN 9780415661690

The Concept of the Civilian: Legal Recognition, Adjudication and the Trials of International Criminal Justice offers a critical account of the legal shaping of civilian identities by the processes of international criminal justice. It draws on a detailed case-study of the International Criminal Tribunal for the former Yugoslavia to explore two key issues central to these justice processes: firstly, how to understand civilians as a social and legal category of persons and secondly, how legal practices shape victims' identities and redress in relation to these persons. Integrating socio-legal concepts and methodologies with insights from transitional justice scholarship, Claire Garbett traces the historical emergence of the concept of the civilian, and critically examines how the different stages of legal proceedings produce its conceptual form in distinction from that of combatants. This book shows that the very notions of civilian, protection and redress that underpin current practices of international criminal justice continue to evoke both definitional difficulties and analytic contestation.

344/644

**Left in the dark : failures of accountability for civilian casualties caused by international military operations in Afghanistan / Amnesty International.** - London : Amnesty International, 2014. - 106 p. : carte, photogr. ; 30 cm. - Photocopies

Thousands of Afghan civilians have been killed since 2001 by international forces, and thousands more have been injured. This report examines the record of accountability for civilian deaths caused by international military operations in the five-year period from 2009 to 2013. In particular, it focuses on the performance of the US government in investigating possible war crimes and in prosecuting those suspected of criminal responsibility for such crimes. Its overall finding is that the record is poor.

345.26/262 (Br.)

**The responsibility to protect, and Syria / Alex Conte.** - Oxford : Oxford University Press, 2014. - p. 429-453. - In: The war report : armed conflict in 2013

This chapter considers the United Nations principle of the "responsibility to protect" (R2P). It adopts a thematic and contextual approach, offering first an overview of the UN principle on R2P, including the UN Strategy on the implementation of the R2P. The UN principle is then examined in the context of protection in armed conflict, critiquing its restrictive approach to the "threshold crimes" that trigger the UN's conceptualization of R2P, and examining the boundaries of the principle's international dimensions. The final part of the chapter provides context by considering the applicability of R2P to the conflict in Syria, including both the failure of the Syrian government to fulfil its responsibilities and the inadequacy of the action by the international community to assuage the conflict or effectively discharge its commitments under the UN principle.

355/1018 (2013)

## CONFLICT-VIOLENCE AND SECURITY

**The causes and consequences of group violence : from bullies to terrorists / ed. by James Hawdon, John Ryan, and Marc Lucht.** - London : Lexington Books, 2014. - XIV, 281 p. : tabl., diagr. ; 24 cm. - Bibliographies. Index. - ISBN 9780739188965



Contient notamment : Intergroup contact and genocide / W. Rymond-Richmond. - (Non)violence and conflict : a theoretical assessment of civil resistance and the Syrian conflict / J. Chang and A. Clott. - Consequences of group violence involving youth in Sri Lanka / S. Hettige.

355/1047

**Le conseil juridique opérationnel : comment pense-t-on le droit des conflits armés lors de la planification et la conduite des opérations militaires ? : l'exemple de la Libye / Géry Balcerski.** - Paris : Pedone, 2014. - p. 189-194. - In: Le recours à la force autorisé par le Conseil de sécurité : droit et responsabilité

Les militaires qui planifient les opérations prévoient des options militaires, des modes d'emploi de la force, des plans d'opération, qu'ils soumettent à l'approbation de l'autorité politique. Leur but est de proposer des options militaires réalistes, efficaces et viables politiquement. Le bon agencement juridique de leur plan n'est pas à ce stade une priorité. Néanmoins, les options de planification doivent également être viables juridiquement, c'est-à-dire que les responsables qui décideront d'une option militaire, ainsi que ceux qui la mettront en oeuvre, ne verront pas leur responsabilité pénale engagée, et pourront se prévaloir d'avoir le droit pour eux, élément important de légitimation d'une opération, notamment vis-à-vis de l'opinion publique. C'est pas ce biais que sont entrés en jeu les conseillers juridiques ou "LEGAD" (né de la contraction de "legal advisor"). Ils revoient les options et les modes d'action envisagés, et vérifient qu'ils sont conformes aux normes de droit en vigueur, ou, à défaut, évaluent le risque juridique que les options comportent. Cette contribution met en évidence, au travers de l'exemple de la crise libyenne en 2011, les questions juridiques qui se posent au cours d'une opération militaire et les discussions entre experts juridiques qui ont eu lieu sur certains modes d'action envisagés.

345/675

**Cyber house rules : on war, retaliation and escalation / Lawrence J. Cavaiola, David C. Gompert and Martin Libicki.** - In: Survival, Vol. 57, no. 1, February-March 2015, p. 81-103  
**The ethics of armed conflict : a cosmopolitan just war theory / John W. Lango.** - Edinburgh : Edinburgh University Press, 2014. - X, 246 p. ; 24 cm. - Bibliographie : p. 225-238. Index. - ISBN 9780748645756

355/1049

**In defence of war / Nigel Biggar.** - Oxford : Oxford University Press, 2014. - X, 361 p. ; 24 cm. - Bibliographie : p. 335-350. Index. - ISBN 9780198725831

355/1046

**The morality of private war : the challenge of private military and security companies / James Pattison.** - Oxford : Oxford University Press, 2014. - VIII, 258 p. ; 24 cm. - Bibliographie : p. 233-251. Index. - ISBN 9780199639700

355/1048

**Refugee geography and the diffusion of armed conflict in Africa / Kerstin Fisk.** - In: Civil wars, Vol. 16, no. 3, September 2014, p. 255-275 : tabl., carte

**The warrior, military ethics and contemporary warfare : Achilles goes asymmetrical / Pauline M. Kaurin.** - Farnham ; Burlington : Ashgate, 2014. - VIII, 143 p. ; 24 cm. - (Military and defence ethics). - Bibliographie : p. 135-139. Index. - ISBN 9781409465362

When it comes to thinking about war and warriors, first there was Achilles, and then the rest followed. The choice of the term warrior is an important one for this discussion. While there has been extensive discussion on what counts as military professionalism, that is what makes a soldier, sailor or other military personnel a professional, the warrior archetype (varied for the various roles and service branches) still holds sway in the military self-conception, rooted as it



is in the more existential notions of war, honor and meaning. In this volume, Kaurin uses Achilles as a touch stone for discussing the warrior, military ethics and the aspects of contemporary warfare that go by the name of 'asymmetrical war.' The title of the book cuts two ways-Achilles as a warrior archetype to help us think through the moral implications and challenges posed by asymmetrical warfare, but also as an archetype of our adversaries to help us think about asymmetric opponents.

355/1050

**What should armies do ? : armed forces and civil security / John L. Clarke.** - Farnham ; Burlington : Ashgate, 2014. - XI, 159 p. ; 24 cm. - Index. - ISBN 9781472445261

355/1045

## **DETENTION**

**Los campos de detención de la base naval de Guantánamo : aspectos de derecho internacional humanitario / Mireya Castillo Daudí.** - In: Revista española de derecho internacional, Vol. 66, núm. 1, enero-junio 2014, p. 159-179. - Photocopies

400.1/22 (Br.)

**Extraordinary rendition and the security paradigm / John A. E. Vervaele.** - Cambridge [etc.] : Intersentia, 2014. - p. 371-388. - In: The realisation of human rights : when theory meets practice : studies in honour of Leo Zwaak. - Photocopies

This contribution focuses on secret detention as a method and aim of the extraordinary rendition program and tackle the question of if and to what extent both the European Convention on Human Rights or the Inter-American Convention on Human Rights accept a specific category of security detention, especially in the field of counterterrorism. A related question is whether international human rights law applies specific standards to extradition or rendition to justice or extraordinary rendition, in that respect. After dealing with the conceptual approach on preventive and security detention (par. 2), it gives some insight in the phenomenon and practice of the extraordinary rendition (par. 3). The analysis of the conformity of the practice of extraordinary rendition with international human rights law will be done in two steps: first the assessment of security detention under IHRL (par. 4) and second the assessment of extraordinary rendition under IHRL (par. 5). The conclusion (par. 6) highlights the conceptual consequences of the IHRL assessment.

400.1/21 (Br.)

**From internment to resettlement of refugees : on US obligations towards MeK defectors in Iraq / Tom De Boer and Marjoleine Zieck.** - In: Melbourne journal of international law, Vol. 15, issue 1, June 2014, p. 1-88. - Photocopies

This article focuses on the plight of defectors from the Mujahedin-e Khalq ('MeK'), an Iranian opposition group hosted by Saddam Hussein in Iraq until the United States took control of their main camp, Camp Ashraf, in April 2003. In the period of US control, nearly 600 persons defected from the MeK. The US Army housed the defectors in what was known as the Temporary Internment and Protection Facility ('TIPF'). It was contractually agreed upon that the voluntary internment of the TIPF residents, who were granted refugee status by the United Nations High Commissioner for Refugees in 2006, would end as soon a viable disposition option was available: either voluntary repatriation to Iran, local integration in Iraq or resettlement in a third state. For a group of approximately 200 refugees, none of these options were available when the US closed the TIPF in April 2008. These refugees were advised to make their way to Europe via

Iraqi Kurdistan and Turkey. Most of them suffered extreme hardship along the way in the form of detention, refoulement and sometimes torture and death. The plight of the defectors raises a number of legal questions regarding the basis of their internment; the conformity with international humanitarian law in respect of their living conditions and treatment in the TIPF; and the lawfulness of their rather sudden release. The fact that, from the possible dispositions, only resettlement turned out to be appropriate raises the question of whether the US had, under these specific circumstances, an obligation to ensure the continued protection of those under its control by means of resettlement in the US or elsewhere, despite the fact that resettlement is, as a rule, a discretionary act.

400/154 (Br.)

**How wartime detention ends / Deborah N. Pearlstein.** - In: *Cardozo law review*, Vol. 36, no. 2, December 2014, p. 625-665. - Photocopies

Despite efforts by two presidents to end U.S. detention operations at Guantanamo Bay, Cuba, closing Guantanamo has proven to be an extraordinary challenge. Some of the reasons why are historically common problems of prisoner repatriation, such as finding host countries for those who cannot be repatriated without facing the risk of persecution. Yet one significant contemporary obstacle to Guantanamo closure is without identifiable precedent: statutory spending conditions sharply restricting the President's ability to transfer detainees away from the prison. As this essay demonstrates, in none of the major wars of the past century did Congress impose any such restriction. Rather, for the thousands of prisoners held during these wars, including hundreds of thousands held in the United States, the disposition of prisoners was invariably handled by the executive branch. One need not embrace this historical practice as evidence of constitutional meaning to recognize its salience in current statutory and policy debates. Contrary to contemporary suggestions that the Guantanamo population presents unique challenges, U.S. history reveals prisoner repatriation to be common for prisoners whose home countries were politically unstable or in the midst of continuing conflict; prisoners who still harbored violent intentions toward the United States; and prisoners sympathetic to ideologically committed groups who continued to pose short- and long-term threats to the United States. Such factors are challenges indeed. But, as this essay seeks to demonstrate, they are deeply and historically familiar features of the end of war.

400.2/143 (Br.)

**Human rights of Guantánamo detainees under international and US law : revisiting the US Supreme Court cases / Patricia Goedde.** - In: *Journal of East Asia and international law*, Vol. 7, no. 1, Spring 2014, p. 7-29. - Photocopies

This article reviews the US Supreme Court cases regarding detention of alleged terror suspects in Guantanamo Bay, Cuba, and examines the interplay between international human rights law and the American Constitution with respect to the executive policies of the Bush Administration to detain terror suspects. The article first references the international human rights legal framework regarding detainees, specifically the Geneva Conventions and the Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment, and then analyzes seminal cases brought before the Supreme Court by detainees, specifically how the Supreme Court interprets the US Constitution and international law in reaching its decisions regarding detainees at Guantanamo. While the Supreme Court provided detainees the right to challenge the legality of their detentions through habeas corpus petitions, limitations still exist as to the lack of extraterritorial application of rights protections as well as the domestic judicial failure to redress detainees' subjection to torture and other abusive treatment.

400.1/23 (Br.)

**Strengthening international humanitarian law protecting persons deprived of their liberty : regional consultation of government experts, Kuala Lumpur, Malaysia, 10-12 April 2013 / report prepared by Sarah McCosker.** - Geneva : ICRC, November 2013. - III, [43] p. ; 30 cm. - (Report)

This report summarizes discussions held during the Kuala Lumpur regional consultation of government experts (43 government experts representing 22 States across the Asia Pacific and the Middle East) on strengthening legal protection for persons deprived of their liberty in non-international armed conflict (NIAC). The consultation, which the International Committee of the Red Cross (ICRC) convened pursuant to Resolution 1 of the 31st International Conference of the Red Cross and Red Crescent, sought the participants' views (without attribution to governments or individuals) on whether and how the rules of international humanitarian law (IHL) protecting detainees in NIAC should be strengthened.

400/155-2

**Strengthening international humanitarian law protecting persons deprived of their liberty : regional consultation of government experts, Montreux, Switzerland, 10-11 December 2012 / report prepared by Ramin Mahnad.** - Geneva : ICRC, November 2013. - III, [62] p. ; 30 cm. - (Report)

This report summarizes discussions held during the Montreux regional consultation of government experts (representing 21 States across Europe, North America and Israel) on strengthening legal protection for persons deprived of their liberty in non-international armed conflict (NIAC). The consultation, which the International Committee of the Red Cross (ICRC) convened pursuant to Resolution 1 of the 31st International Conference of the Red Cross and Red Crescent, sought the participants' views (without attribution to governments or individuals) on whether and how the rules of international humanitarian law (IHL) protecting detainees in NIAC should be strengthened.

400/155-3

**Strengthening international humanitarian law protecting persons deprived of their liberty : regional consultation of government experts, Pretoria, South Africa, 13-14 November 2012 / report prepared by Ramin Mahnad.** - Geneva : ICRC, November 2013. - III, [40] p. ; 30 cm. - (Report)

This report summarizes discussions held during the Montreux regional consultation of government experts (representing 27 African countries) on strengthening legal protection for persons deprived of their liberty in non-international armed conflict (NIAC). The consultation, which the International Committee of the Red Cross (ICRC) convened pursuant to Resolution 1 of the 31st International Conference of the Red Cross and Red Crescent, sought the participants' views (without attribution to governments or individuals) on whether and how the rules of international humanitarian law (IHL) protecting detainees in NIAC should be strengthened.

400/155-4

**Strengthening international humanitarian law protecting persons deprived of their liberty : regional consultation of government experts, San Jose, Costa Rica, 27-28 November 2012 / report prepared by Ramin Mahnad.** - Geneva : ICRC, November 2013. - III, [40] p. ; 30 cm. - (Report)

This report summarizes discussions held during the Montreux regional consultation of government experts (representing 23 States from Latin America and the Caribbean) on strengthening legal protection for persons deprived of their liberty in non-international armed conflict (NIAC). The consultation, which the International Committee of the Red Cross (ICRC) convened pursuant to Resolution 1 of the 31st International Conference of the Red Cross and Red Crescent, sought the participants' views (without attribution to governments or individuals) on whether and how the rules of international humanitarian law (IHL) protecting detainees in NIAC should be strengthened.

400/155-4

**Strengthening international humanitarian law protecting persons deprived of their liberty : synthesis report from regional consultations of government experts / Legal division, ICRC.**  
- Geneva : ICRC, November 2013. - [55] p. ; 30 cm. - (Report)

This report summarizes the discussions in the four regional consultations of government experts, held during 2012 and 2013, on strengthening legal protection for persons deprived of their liberty in non-international armed conflict (NIAC). The consultations were convened by the International Committee of the Red Cross (ICRC) pursuant to Resolution 1 of the 31st International Conference of the Red Cross and Red Crescent (International Conference). In the consultations, the ICRC sought participants' views on whether and how the rules of international humanitarian law (IHL) protecting detainees in NIAC should be strengthened. The participants were chosen with two factors in mind: balanced regional representation and previous experience with armed conflict. The first regional consultation was held from 13-14 November 2012 in Pretoria, South Africa, and brought together experts from Africa. The second, gathering experts from Latin America and the Caribbean, was held in Costa Rica from 27-28 November 2012. The third assembled experts from Europe, the United States, Canada and Israel, and was held in Montreux, Switzerland from 10-11 December 2012. The fourth, which was held in Kuala Lumpur from 11-12 April 2013, was a gathering of experts from the Asia-Pacific and the Middle East.

400/155-1

**Strengthening international humanitarian law protecting persons deprived of their liberty : thematic consultation of government experts on conditions of detention and particularly vulnerable detainees, Geneva, Switzerland, 29-31 January 2014 / report prepared by Ramin Mahnad.** - Geneva : ICRC, January 2015. - 77 p. ; 30 cm. - (Report)

At the conclusion of the regional consultations, the experts had identified a broad range of humanitarian and legal issues within each of the four areas discussed; they agreed that the driving principle behind the next steps in the process should be to focus on a concrete and technical assessment of whether and how to strengthen the law to address those issues. The ICRC subsequently planned two thematic consultations for carrying the process forward along these lines. The first - held from 29 to 31 January 2014, and the subject of the present report - examined issues related to conditions of detention and vulnerable detainee groups in greater detail. In preparing the present thematic meeting, the ICRC took into account the following broad conclusions from the regional consultations: • States generally support an outcome document that will strengthen IHL protecting NIAC related detainees, with the vast majority preferring one that is not legally binding. • Existing IHL applicable in IACs is the first place to turn to see what might be appropriate for an IHL outcome document. • While the views of States differ regarding the interplay between IHL and human rights law, the substantive content of human rights law and internationally recognized detention standards - keeping in mind that they were not necessarily designed with the same balance of military necessity and humanitarian considerations in mind as IHL - may also be valuable sources of reference for a potential IHL outcome document. • The collective experience of States and the practices they have developed to protect detainees can be a source of useful ideas and insights for a potential IHL outcome document, and should continue to be shared going forward. • Regulating the detention activities of non-State armed groups is a particularly sensitive issue that requires further discussion.

400/155-6

**The trial of prisoners of war by military courts in modern armed conflicts / Peter Rowe.** - Cambridge : Cambridge University Press, 2014. - p. 313-336. - In: Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe

Under Geneva Convention III 1949, States have the obligation to ensure that POWs are tried by 'the same courts according to the same procedure as in the case of members of the armed forces of the Detaining Power'. The court envisaged is a military court and the Convention goes on to provide that such a court must 'offer the essential guarantees of independence and

impartiality as generally recognised'. If a state is unable to provide an independent and impartial military court to try members of its own armed forces, it will fail to comply with its obligations under Geneva Convention III 1949 should it be faced with the need to try a prisoner of war for a crime committed before, or after, capture. On becoming parties to the Geneva Conventions 1949 it is unlikely that states considered the relevance of the form in which their own military courts operate in peacetime. No state would wish to admit that, should the situation arise, it would be unable to comply with its obligations under GCIII. Nevertheless, it may have to do so unless it can provide an independent and impartial military court for members of its own armed forces, before any international armed conflict, in which it is involved, takes place. This chapter considers how a military court could comply with the requirements of Geneva Convention III, should it be called upon to try a POW, and the consequences of failing to do so. It also addresses the relationship between IHL and international human rights law in this context.

345.2/967

## **ECONOMY**

**Market analysis guidance / International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies.** - Geneva : ICRC : Federation, 2014. - 95 p. : diagr., tabl., fotogr., graph. ; 30 cm. - Bibliographie : p. 93

This publication features processes and tools that can be used to integrate market assessment into the different phases of the project cycle, taking the Movement's existing technical documents into account whenever possible.

330/266

**Le nerf de la guerre : la longue histoire des liaisons dangereuses entre argent et guerre / Alessandro Giraud.** - Paris : Ed. P. de Taillac, 2013. - 440 p., [16] p. d'ill. : ill. ; 24 cm. - Index. - ISBN 9782364450103

330/265

**Rapid assessment for markets : guidelines / International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies.** - Geneva : ICRC : Federation, 2014. - 83 p. : tabl., diagr., fotogr., graph., carte ; 30 cm. - Bibliographie : p. 40-41

In today's world, people's livelihoods depend to a significant extent on markets. Sudden shocks can severely limit how markets function and, as a result, drastically reduce people's access to essential commodities.

330/267

**Wirtschaftsunternehmen in Konflikten : das Wechselspiel staatlicher und gesellschaftlicher (Ent-)Politisierung privater Sicherheitsleistungen / Nicole Deitelhoff, Klaus Dieter Wolf.** - Berlin : Suhrkamp, [2013]. - p. 158-189. - In: Die Politisierung der Weltpolitik : umkämpfte internationale Institutionen. - Photocopies

330/268 (Br.)

## **GEOPOLITICS**

**Biafra : the Nigerian civil war, 1967-1970 / Peter Baxter.** - [Solihull] : Helion ; [Johannesburg] : 30 Degrees South. - 64 p. : fotogr., cartes ; 30 cm. - (Africa@war ; vol. 16). - ISBN 9781909982369

323.11/NGA 8

**Boko Haram : histoire d'un islamisme sahélien / Pauline Guibbaud.** - Paris : L'Harmattan, 2014. - 205 p. : cartes, fotogr., graph. ; 24 cm. - (Mondes en mouvement). - Bibliographie : p. 183-200. - ISBN 9782343028484

323.11/NGA 9

**Centrafrique : ... la dérive singulière / Honki de Sassara.** - Paris : L'Harmattan, 2014. - 186 p. ; 22 cm. - ISBN 9782343031934

323.11/CAF 3

**Crimée : les contradictions du discours russe / par Jean-Baptiste Jeangène Vilmer.** - In: Politique étrangère, 2015, 1, p. 159-172

**Frontline Ukraine : crisis in the borderlands / Richard Sakwa.** - London ; New York : I. B. Tauris, 2015. - XIV, 297 p. : cartes, tabl. ; 24 cm. - Bibliographie : p. 281-286. Index. - ISBN 9781784530648

323.14/UKR 4

**Gaza : a history / Jean-Pierre Filiu ; transl. by John King.** - London : Hurst, 2014. - XIV, 422 p. : cartes ; 25 cm. - (Comparative politics and international studies). - Titre original : Histoire de Gaza. - Bibliographie : p. 375-379. Chronologie. Index. - ISBN 9781849044011

323.15/ISR 50

**Israel's occupation / Neve Gordon.** - London [etc.] : University of California Press, 2008. - XXI, 318 p. : cartes, diagr., graph., tabl. ; 23 cm. - Index. - ISBN 9780520255319

323.15/ISR 50

**La crise ukrainienne : position du problème / par Carlos Santulli.** - In: Revue générale de droit international public, T. 118, no 4, 2014, p. 799-820

**La difficile transition afghane / par Jean-Luc Racine.** - In: Politique étrangère, 2015, 1, p. 89-101

**La justice en Afrique : nouveaux défis, nouveaux acteurs / Richard Crook... [et al.].** - In: Afrique contemporaine, 250, 2014, p. 13-102 : graph., fotogr., diagr., carte. - Bibliographies Contient notamment : Justices en mutation au Burundi / E. Matignon. - La justice transitionnelle a bien un sens / F. Hourquebie. - Questions autour de l'instauration de la commission "Vérité, justice et réconciliation" (CVJR) au Togo / K. Ahadzi-Nonou.

**Les frères musulmans et le pouvoir : 2011-2014 / sous la dir. de Pierre Puchot.** - Paris : Galaade, 2015. - 352 p. : carte ; 22 cm. - ISBN 9782351763568  
Contient notamment : Hizb An-Nour, Etat islamique... salafistes et frères : les cas égyptien et syrien / R. Caillet et P. Puchot. - De l'espoir au désenchantement : le Hamas face aux Printemps arabes / L. Seurat. - Irak : le double échec des frères dans un pays en voie de partition / M. Benraad.

323.15/32



**Mali, une paix à gagner : analyses et témoignages sur l'opération Serval / Olivier Hanne (dir.).** - Panazol : Lavauzelle, 2014. - 256 p., [8] p. de fotogr. : diagr., cartes ; 23 cm. - (Renseignement, histoire et géopolitique. Etudes). - Bibliographie : p. 235-238. - ISBN 9782702516140

323.15/MLI 4

**Out of nowhere : the Kurds of Syria in peace and war / Michael M. Gunter.** - London : Hurst, 2014. - X, 169 p. : carte. - Bibliographie : p. 153-159. Index. - ISBN 9781849044356

323.15/SYR 14

**Palestine-Israël et les violations du droit international / Nasser Zammit.** - Paris : Connaissances et savoirs, 2014. - 308 p. ; 21 cm. - Bibliographie : p. 305-308. - ISBN 9782753902497

323.15/ISR 52

**Syria crisis common context analysis : report commissioned by the IASC Inter-Agency Humanitarian Evaluations Steering Group as part of the Syria Coordinated Accountability and Lessons Learning Initiative / Hugo Slim and Lorenzo Trombetta.** - New York : OCHA, 2014. - X, 63 p. : cartes, graph., tabl. ; 30 cm. - Photocopies

The primary focus of this Common Context Analysis is the Syria crisis and its regional spillover. Chapter one provides an historical understanding of the political, social and economic factors that led to the outbreak of the crisis, and it examines the condition of the Syrian State and civil society before March 2011. Chapter two examines the political dynamics during the period of civil resistance and Government repression between March and December 2011, and its impact on the civilian population. Chapter three charts the rise of civil resistance and its militarization and radicalization, and it illustrates the different Syrian perspectives on the crisis. Chapter four examines the impact of the initial repression and subsequent armed conflict on Syria's civilian population and describes the main patterns of violence. Chapter five examines the humanitarian needs that emerged from the onset of the armed conflict and the necessity for humanitarian agencies to respond to the twin challenge of extreme displacement and entrapment of the civilian population. Chapter six identifies the key distinguishing characteristics of the conflict that have most affected humanitarian action and shaped the particular context of humanitarian operations throughout the crisis. Chapter seven concludes with the key take aways from this report.

323.15/SYR 15

**Syria's president speaks : a conversation with Bashar al-Assad.** - In: Foreign affairs, Vol. 94, no. 2, March/April 2015, p. 58-65 : fotogr.

**Terror and insurgency in the Sahara-Sahel region : corruption, contraband, jihad and the Mali war of 2012-2013 / Stephen A. Harmon.** - Farnham ; Burlington : Ashgate, 2014. - XXII, 273 p. : cartes, ; 24 cm. - (The international political economy of new regionalisms series). - Bibliographie : p. 233-253. Index. - ISBN 9781409454755

323.15/MAR 7

**The third Lebanon war : target Lebanon / Giora Eiland.** - In: Strategic assessment, Vol. 11, no. 2, November 2008, p. 9-17. - Photocopies

323.15/LBN 15

**Ukraine : prémices de guerre froide en Europe ? / Ellen Wasylina.** - Paris : L'Harmattan, 2014. - 151 p. : tabl. ; 22 cm. - (Raisonnance). - Bibliographie : p. 141-151. - ISBN 9782343048772

323.14/UKR 5



**War and state-building in Afghanistan : historical and modern perspectives / ed. by Scott Gates and Kaushik Roy.** - London [etc] : Bloomsbury, 2015. - IX, 302 p. : cartes ; 24 cm. - (Bloomsbury studies in military history). - Bibliographie : p. 281-290. Index. - ISBN 9781472572172

Contient notamment : Continuity and change in asymmetric warfare in Afghanistan : from the Mughals to the Americans / S. Gates, K. Roy, M. Dahl and H. M. Nygård. - The country as a whole : imagined states and the failure of COIN in Afghanistan / I. Arreguín-Toft. - Heart or periphery ? : Afghanistan's complex neighbourhood relations / K. Berg Harpviken.

323.13/AFG 29

## **HEALTH-MEDICINE**

**Histoire du droit international de la santé / Véronique Harouel-Bureloup.** - Bordeaux : Les études hospitalières, 2014. - 150 p. ; 18 cm. - (Essentiel). - Bibliographie : p. 147-150. - ISBN 9782848745398

Le droit international de la santé a pour objectif mondial de permettre à tous de conserver ou de parvenir à la santé, qui est, d'après l'Organisation mondiale de la santé (OMS), « un état de complet bien-être physique, mental et social ». Forgé aux XIXe et XXe siècles, le droit international de la santé provient de deux grandes sources : les politiques mises en œuvre pour lutter contre la propagation de la peste noire et autres épidémies (où les cités italiennes furent pionnières), ainsi que la création du droit humanitaire intervenue à Genève en 1864 pour organiser les secours aux militaires blessés ou malades en temps de guerre. Parallèlement, c'est à Paris en 1851 que se tient la première conférence sanitaire internationale afin de lutter contre l'expansion du choléra, de la peste noire et de la fièvre jaune. La première convention sanitaire internationale ne sera cependant adoptée qu'en 1892 à la conférence de Venise. Puis en 1907, celle de Rome décide de la création à Paris de l'Office international d'hygiène publique, proposée dès 1874 par un médecin français. Après 1918, le monde a changé : les États-Unis prennent aux Européens le leadership mondial et font adopter leur vision de la Société des nations (SDN), laquelle fonde en 1923 son organisation d'hygiène. Puis, en 1945, les réflexions suscitées par le traumatisme de la Seconde Guerre mondiale et la vision universaliste de Roosevelt donnent naissance à l'Organisation des Nations unies (ONU) qui va créer l'OMS, aujourd'hui principal maître d'œuvre du droit international de la santé

356/228

**Physical rehabilitation centres : architectural programming handbook / Samuel Bonnet.** - Geneva : ICRC, December 2014. - 190 p. : ill. ; 31 cm. - (Reference (ICRC)). - Bibliographie : p. 188-190

Physical rehabilitation refers to a process aimed at removing - or reducing as far as possible - restrictions on the activities of people with disabilities and at enabling them to become more independent and to enjoy the highest possible quality of life in physical, psychological, social, professional and spatial terms. The physical rehabilitation activities of the ICRC can be traced back to the Second World War and the institution has been actively building physical rehabilitation centres (PRCs) in the last 30 years. The primary aim of this handbook is to provide support for all those who are involved in the building or renovation of a PRC operated by, or with the support of, the ICRC. It may also be of use for those interested in the ICRC's construction activities. Its subject is the development of an architectural programme for a PRC.

356/269

**Promouvoir des pratiques militaires qui favorisent des soins de santé plus sûrs / CICR.** - Genève : CICR, décembre 2014. - 52 p. : fotogr., graph. ; 30 cm. - Bibliographie : p. 33  
S'inscrivant dans le cadre de l'initiative « Les soins de santé en danger », ce rapport réunit un ensemble de mesures pratiques à prendre en compte lors de la planification et la conduite

d'opérations militaires pour éviter que ces opérations n'aient un impact négatif sur la fourniture des soins de santé pendant un conflit armé. Il résulte de toute une série de consultations qui ont été engagées auprès de militaires du monde entier. Parmi les mesures pratiques recensées, beaucoup devraient trouver leur place dans les textes régissant la pratique militaire : ordres, règles d'engagement, procédures opérationnelles ou autres documents et supports de formation.

356/267 (FRE)

**Santé mentale et soutien psychosocial / CICR.** - Genève : CICR, septembre 2014. - 3 volets : fotogr. ; 21 cm. - (En bref)

Une des conséquences les plus importantes des conflits armés et autres situations de violence est leur impact sur la santé mentale et le bien-être psychosocial des personnes qui en subissent les effets. L'expression « santé mentale et soutien psychosocial » recouvre toute une gamme d'activités qu'entreprend le Comité international de la Croix-Rouge (CICR) pour tenter de remédier aux problèmes d'ordre psychosocial, psychologique et psychiatrique causés ou exacerbés par les conflits.

356/259 (FRE Br.)

## HISTORY

**Etats neutres et neutralité dans la Première Guerre mondiale : II / Eric Schnakenbourg...** [et al.]. - In: Relations internationales, No 160, hiver 2015, 115 p.

Contient notamment : La fin d'une illusion ? : le droit de la neutralité maritime à l'épreuve de la Première Guerre mondiale / E. Schnakenbourg. - L'Espagne devant la guerre mondiale, 1914-1919 : une neutralité profitable ? / J.-M. Delaunay. - Les "buts de guerre" de la Perse neutre pendant la Première Guerre mondiale / O. Bast.

**Kriegsvölkerrecht im Deutsch-Französischen Krieg 1870/1871 / Jan P. P. Ganschow.** - Graz : Ares, 2013. - p. 283-430. - In: Der Deutsch-Französische Krieg 1870/71. - Photocopies

94/528 (Br.)

**Die Schweiz als Schutzmacht.** - In: Politorbis : Zeitschrift zur Aussenpolitik = Revue de politique étrangère = Rivista di politica estera, No 40, 1/2006, 56p. : tabl.  
94/530

## HUMAN RIGHTS

**The Committee on the Elimination of Racial Discrimination and international humanitarian law / David Weissbrodt.** - Leiden ; Boston : M. Nijhoff, 2012. - p. 633-654. - In: Coexistence, cooperation and solidarity : liber amicorum Rüdiger Wolfrum. - Photocopies

This article reviews the jurisprudence of one of the principal human rights treaty bodies, the Committee on the Elimination of Racial Discrimination. It examines the CERD's general approach to interpreting the International Convention on the Elimination of all forms of Racial Discrimination, addressing relevant issues of international law and addressing the rules of international humanitarian law. Part B through E consider relevant decisions and recommendations that CERD has produced to date, including its decision on individual communications, general recommendations, concluding observations and the decisions and recommendations issued through its early-warning measures and urgent procedures, respectively.

345.1/119 (Br.)

**Conflictos armados : de la vulneración de los derechos humanos a las sanciones del derecho internacional / Consuelo Ramón Chornet (coord.).** - Valencia : Tirant lo Blanch, 2014. - 301 p. ; 22 cm. - (Derechos Humanos ; 23). - ISBN 9788490530894

345.1/627

**From jus in bello to jus commune humanitatis : the interface of human rights law and international humanitarian law in the regulation of armed conflicts / Frederico Lenzerini.** - Oxford ; Portland : Hart, 2014. - p. 61-88. - In: International law for common goods : normative perspectives on human rights, culture and nature. - Photocopies

The purpose of this chapter is to analyze the interface between human rights law and international humanitarian law in the context of armed conflict - particularly through an assessment of the relevant case-law - in order to ascertain the current status and future perspectives of the never-ending struggle of the international legal movement aimed at humanizing the conduct of war.

345.1/118 (Br.)

**Human rights and law enforcement at sea : arrest, detention and transfer of piracy suspects / by Anna Petrig.** - Leiden ; Boston : Brill Nijhoff, 2014. - XXI, 500 p. ; 25 cm. - (The Raoul Wallenberg Institute Human Rights library ; vol. 46). - Bibliographie : p. 443-460. Index. - ISBN 9789004269965

345.1/626

**International law and fact-finding in the field of human rights / ed. by Bertrand G. Ramcharan.** - rev. and ed. reprint. - Leiden ; Boston : Brill Nijhoff, 2014. - XLV, 248 p. ; 25 cm. - (Nijhoff classics in international law ; vol. 2). - Bibliographie : p. 243-244. Index. - ISBN 9789004276871

345.1/149

**Mainstreaming human rights in EU CSDP missions : a transversal analysis / Milena Costas Trascasas (coord. and ed.).** - Valencia : Low Cost Books, 2012. - 567 p. ; 25 cm. - ISBN 9788494043673

Contient notamment : Transversal analysis on the integration of human rights component in CSDP / M. Costas Trascasas. - Clarifying mechanisms and procedures for accountability in case of violations / C. Rey Sánchez. - Transversal analysis on rule of law mission / A. Uribe Otalora.

345.1/625

**Making every life count : ensuring equality and protection for persons with disabilities in armed conflicts / Ben Saul... [et al.].** - In: Monash university law review, Vol. 40, no. 1, 2014, p. 148-174. - Photocopies

This paper considers the implications of article 11 of the Convention on the Rights of Persons with Disabilities (CRPD), which obliges states parties to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and natural disasters. Unusually among human rights conventions, the CRPD explicitly invokes international humanitarian law as a source of states' obligations. This paper focuses on one type of emergency situation, armed conflict. It argues that the CRPD reorients and transforms the protections offered through international humanitarian law by casting them in the language of 'rights', advancing a 'social' model of disability which conceptualises persons with disabilities as rights-bearing agents, rather than as subjects in need of medical attention, welfare and passive protection. The paper also contends that the CRPD approaches disability as a context-specific phenomenon that is the result of society and environment as much as the product of a personal condition. After analysing various rules of international humanitarian law – including specialised protections

for the 'disabled and infirm', protections for the sick and wounded, fundamental guarantees of human treatment, restrictions on weapons during armed conflict, and the prohibition on discrimination – the paper concludes that article 11 makes a profoundly important and novel contribution to both IHL and international human rights law as these affect persons with disabilities.

345.1/123 (Br.)

**La proteccion del derecho a la vida en los conflictos armados actuales : los asesinatos selectivos y las ejecuciones extrajudiciales ante el derecho internacional / José Luis Rodríguez-Villasante y Prieto.** - Lleida : Universiteit de la Lleida, 2013. - p. 151-180. - In: El conflicto de Iraq y el derecho internacional : el caso Couso. - Photocopies

345.1/126 (Br.)

**Towards an international human rights judiciary ? / Geir Ulfstein.** - Leiden : Brill, 2014. - p. 296-306. - In: International law and changing perceptions of security : liber amicorum Said Mahmoudi. - Photocopies

345.1/122 (Br.)

## **HUMANITARIAN AID**

**Blinded by humanity : inside the UN's humanitarian operations / Martin Barber.** - London ; New York : I. B. Tauris, 2015. - XVIII, 246 p., [8] p. de fotogr. : fotogr., cartes, tabl. ; 24 cm. - Index. - ISBN 9781784530679

361/623

**The ethics of armed humanitarian intervention / [ed. by] Don E. Scheid.** - Cambridge : Cambridge University Press, 2014. - XIII, 282 p. : graph. ; 23 cm. - Bibliographie : p. 261-273. Index. - ISBN 9781107610675

Contient notamment : Revisiting armed humanitarian intervention : a 25-year retrospective / G. R. Lucas. - All or nothing : are there any "merely permissible" armed humanitarian intervention ? / N. Dobos and C. A. J. Coady. - Law, ethics, and the responsibility to protect / M. W. Doyle.

361/624

**Evaluation methodologies for aid in conflict / ed. by Ole Winckler Andersen, Beate Bull, Megan Kennedy-Chouane.** - London ; New York : Routledge, 2014. - XIII, 199 p. : diagr., tabl. ; 25 cm. - (Routledge explorations in development studies). - Bibliographies. Index. - ISBN 9780415870801

Contient notamment : Evaluation approaches in situations of conflict and fragility / E. Broegaard, B. Bull and J. Kovsted. - Impact evaluation for peacebuilding : challenging preconceptions / M. Gaarder and J. Annan. - Evaluating statebuilding support : learning from experience or judging from assumptions ? / J. Grävingsholt and J. Leininger.

361/625

**Food in zones of conflict : cross-disciplinary perspectives / ed. by Paul Collinson and Helen Macbeth.** - New York ; Oxford : Berghahn, 2014. - XVI, 235 p. : tabl., ill., graph., cartes, fotogr. ; 24 cm. - (The anthropology of food and nutrition ; vol. 8). - Bibliographies. Index. - ISBN 9781782384038

Contient notamment : Special nutritional needs in refugee camps : a cross-disciplinary approach / J. Henry and H. Macbeth. - The logic of war and wartime meals / N. Rittig Beljak and B. Beljak. - Food, conflict and human rights : accounting for structural violence / E. Messer.

361/627

**Humanitarian logistics : meeting the challenge of preparing for and responding to disasters / ed. by Peter Tatham and Martin Christopher.** - 2nd ed.. - London [etc.] : Kogan Page, 2014. - XXII, 293 p. : tabl., diagr., fotogr. ; 24 cm. - Bibliographies. Index. - ISBN 9780749470876

Contient notamment : The increasing importance of services in humanitarian logistics / G. Heaslip. - Humanitarian logistics professionalism / D. Moore, D. Carvalho and D. Taylor. - Where next ? : the future of humanitarian logistics.

361/555

**The perils of outsourcing post-conflict reconstruction : donor countries, international NGOs and private military and security companies / Nikolaos Tzifakis and Asteris Huliaras.** - In: Conflict, security and development, Vol. 15, no. 1, March 2015, p. 51-73

**Responsabilité de protéger et protection des civils dans les conflits armés : un rapprochement au détriment du droit international humanitaire ? / Raphaël van Steenberghe.** - In: Revue québécoise de droit international, Vol. 6, no 2, 2013, p.129-162. - Photocopies

L'article s'interroge sur le rapprochement dont témoigne la pratique récente entre la responsabilité de protéger et la protection des civils dans les conflits armés. Il en analyse le bien-fondé en mettant en lumière les éléments de convergence et de divergence entre les deux notions ainsi que l'influence exercée par la première sur la seconde. Il s'interroge par ailleurs sur les effets, positifs et négatifs, d'un tel rapprochement sur le droit international humanitaire dans la mesure où la notion de protection des civils dans les conflits armés est principalement fondée sur ce droit. L'article conclut que, bien que la responsabilité de protéger et la protection des civils dans les conflits armés se caractérisent par certains traits communs, tels que leur objectif final et les termes généraux dans lesquels se décline leur protection, les deux notions présentent des différences fondamentales, notamment en raison de leur logique sous-jacente propre. Il relève une logique de réaction propre à la responsabilité de protéger dans le domaine de la protection des civils dans les conflits armés. Si ce phénomène présente l'avantage, au niveau de l'application du droit international humanitaire, de porter l'accent sur la possibilité et la nécessité d'une réaction de la communauté internationale en cas de violation de ses règles relatives à la protection des civils, il n'est pas sans risque pour ce droit, notamment celui d'affecter l'élément de neutralité qui le caractérise ou d'entraîner une certaine confusion de la responsabilité première et collective qu'il prévoit avec celles mises en oeuvre par la responsabilité de protéger.

361/626 (Br.)

**Le travail humanitaire et la guerre de Corée : la Croix-Rouge internationale dans le camp de Kojedo / Jeanne Briand.** - Paris : L'Harmattan, 2013. - p. 139-156. - In: La guerre de Corée et ses enjeux stratégiques de 1950 à nos jours

323.13/KOR 11

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

Documents ethnographiques, statistiques, historiques sur divers sujets, notamment : police, guerre, église, jésuitisme, socialisme, millenium, misère, éducation : manuscrits de Henry Dunant 4523-4535 : (film n. 813, CD F1715) / par Paolo Vanni ; présentation Peter Maurer, Jakob Kellenberger, Francesco Rocca ; préf. Jean-Daniel Candaux, Francesco Caponi ; avec la collab. de M. R. Bosi... [et al.]. - Firenze : Croce Rossa Italiana, 2014. - 3 vol. (751 p.) : fac-sim. ; 21 x 28 cm + 1 CD-ROM. - (Quaderni "Henry Dunant" ; no 6). - Fac-similés des manuscrits. - Bibliographie : p. XXIII. - ISBN 9788887057959

362.191/1449 (VIII part. 1, 2 et 3)

**The fundamental principles of the International Red Cross and Red Crescent Movement / ICRC.** - Geneva : ICRC, May 2014. - 4 volets : fotogr. ; 21 cm. - (In brief)

Humanity, impartiality, neutrality, independence, voluntary service, unity and universality: these seven Fundamental Principles sum up the Movement's ethics and are at the core of its approach to helping people in need during armed conflict, natural disasters and other emergencies. This eight-page in-brief pamphlet explains how the principles unite the components of the Movement and enable them to provide effective, unbiased assistance to people in need.

362.191/1111 (2014 ENG Br.)

**Les principes fondamentaux du Mouvement international de la Croix-Rouge et du Croissant-Rouge / CICR.** - Genève : CICR, mai 2014. - 4 volets : fotogr. ; 21 cm. - (En bref)

Humanité, impartialité, neutralité, indépendance, volontariat, unité et universalité : ces sept Principes fondamentaux résument l'éthique du Mouvement et guident l'action qu'il mène afin de venir en aide aux personnes qui en ont besoin pendant un conflit armé, une catastrophe naturelle ou d'autres situations d'urgence. Le dépliant « En bref » explique, sur huit pages, comment ces principes unissent les composantes du Mouvement et leur permettent de fournir une assistance efficace et impartiale aux personnes qui en ont besoin.

362.191/1111 (2014 FRE Br.)

**Principles in action in Somalia / by Sorcha O'Callaghan and Jane Backhurst.** - London : British Red Cross ; [S. l.] : Somali Red Crescent, 2013. - 31 p. : fotogr., carte ; 30 cm

362.191/1610

**Rapport de la XXXIe Conférence internationale de la Croix-Rouge et du Croissant-Rouge : y compris le compte rendu analytique du Conseil des délégués de 2011 : Genève, 28 novembre - 1er décembre 2011 / document préparé par le Comité international de la Croix-Rouge et la Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge.** - Genève : CICR : Fédération, [2014]. - 331 p. ; 30 cm

362.191/1607 (FRE)  
Réf. MOU 2 (XXXI 2011 FRE)

**Report of the 31st International Conference of the Red Cross and Red Crescent : including the summary report of the 2011 Council of Delegates : Geneva, 28 November - 1 December 2011 / prepared by the International Committee of the Red Cross and the International**

**Federation of Red Cross and Red Crescent Societies.** - Geneva : ICRC : Federation, [2014]. - 303 p. ; 30 cm

362.191/1607 (ENG)  
Réf. MOU 2 (XXXI 2011 ENG)

**Safer access : an introduction : [practical resource pack] / ICRC.** - Geneva : ICRC, December 2014. - 16 p. : tabl., diagr. ; 30 cm. - (Reference (ICRC))

A brief overview of the Safer Access emergency preparedness and development approach, with a focus on the Safer Access Framework. This publication summarizes the main aspects of the Framework, explains why it is an essential tool for all National Societies and gives some initial guidance on when and how to apply it. It is a component of the Safer Access Practical Resource Pack, which contains additional materials providing more detailed descriptions and guidance, tools and examples of National Society experiences.

362.191/1608 (Br.)

## **INTERNATIONAL CRIMINAL LAW**

**El derecho internacional y las víctimas de crímenes de guerra en Colombia / Rosmerlín Estupiñán Silva.** - In: Revista de derecho, Núm. 37, 2012, p. 131-164. - Bibliographie : p. 160-164. - Photocopies

El concepto de víctima de crímenes de guerra ha sido objeto de una importante evolución internacional. Por su parte, las víctimas de crímenes de guerra en Colombia están sujetas a una serie de estatutos paralelos que incorporan el contenido de las obligaciones estatales dejando, en algunos casos, un margen nacional de apreciación que sobrepasa los límites impuestos por el derecho internacional. La verificación de tales circunstancias y contenido requiere un tipo de investigación aplicada de derecho comparado entre el derecho internacional penal y el derecho penal colombiano, que incluye una revisión de lo que se ha escrito hasta la fecha sobre el tema y un estudio de la jurisprudencia específica en la materia.

344/646 (Br.)

**Gotovina case : an unjust charge or a deliberately erroneous judgment of the International Criminal Tribunal for the Former Yugoslavia ? / Liviu Alexandru Lascu.** - In: Law review, Vol. 4, issue 2, July-December 2014, p. 79-95. - Photocopies

This article aims to analyze a recent and controversial decision of the Appeals Chamber of the International Criminal Tribunal for Former Yugoslavia, on November 16, 2012, which acquitted two Croatian generals, famous personalities of the civil war in the former Yugoslavia, who had been tried for perpetrating several war crimes and crimes against humanity by participating to a joint criminal enterprise and for their responsibility as commanders for the criminal acts perpetrated by their subordinates. The Trial Chamber's judgment which condemned these defendants was entirely overturned in a very surprising way, through Appeals Chamber doing a very original interpretation of some legal concepts on which, there was already crystallized a constant jurisprudence of this court.

344/642 (Br.)

**The "right to conduct one's own defence in person" and a "fair and expeditious trial" before the ICTY : an impossible balancing act ? / Caroline Harvey.** - Cambridge : Cambridge University Press, 2014. - p. 337-360. - In: Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe

345.2/967



**Le système de réparation de la CPI : analyse à la lumière de l'ordonnance de réparation dans l'affaire Thomas Lubanga Dyilo / Rachele Kouassi.** - Bruxelles : La Chartre, 2014. - p.168-186. - In: Vingt ans de justice internationale pénale. - Photocopies

Les activités de la CPI étant enclenchées dans les contextes de violations massives, on peut se demander quel pourrait être son rôle dans un processus de justice transitionnelle relativement à la situation des victimes et à la réparation des préjudices qu'elles ont subis. Plusieurs questions sous-jacentes se posent alors: la CPI constitue-t-elle le cadre adéquat pour résoudre les cas de réparations pour des violations massives? La particularité du système de réparation de la CPI est-elle une solution au conflit entre approche judiciaire des réparations et l'ampleur des violations? Quelle pourrait être la contribution d'une juridiction pénale internationale telle que la CPI dans un processus de justice transitionnelle à l'égard des nombreuses victimes? Les questions de réparation devant la CPI qui seront abordées dans le cadre de cet article seront analysées à la lumière des mécanismes de justice transitionnelle. Par ailleurs, première et pour le moment unique décision de la Cour dans le genre, l'ordonnance de réparation de la Chambre de première instance I (Ch. PI I) dans le cadre de l'affaire le Procureur c. Thomas Lubanga Dyilo (ci-après affaire Lubanga) en constituera la matière d'analyse. Cette décision de la Cour a été rendue dans le contexte de justice transitionnelle de la République démocratique du Congo (RDC). Pour tenter d'apporter des réponses aux préoccupations ci-dessus exposées, une analyse du système de réparation de la CPI sera faite d'une part (§ 1) et quelques défis que devraient relever ce système pour en être la clé du succès seront mis en lumière d'autre part (§ 2).

344/643 (Br.)

## **INTERNATIONAL HUMANITARIAN LAW-GENERAL**

**L'Émir Abdelkader et le droit international humanitaire : colloque international : du 28 au 30 mai 2013 au Cercle national de l'armée, Beni Messous, Alger / [préf. Askar Umarbekov].** - [Alger] : CICR, [2014]. - 70, 22 p. ; 30 cm

Des experts civils et militaires de plusieurs pays, mais aussi des représentants des trois religions monothéistes, ont traité des différents aspects de l'actualité du message humanitaire du fondateur de l'État moderne algérien : l'Émir Abdelkader. Ce dernier prit, dès 1837 plusieurs initiatives pour alléger les souffrances des prisonniers ennemis. Elles vont préfigurer le Code Lieber et la première Convention de Genève. Ces initiatives ont ensuite été formulées par un décret en 1843. Ce décret qui interdit, entre autres, de tuer un prisonnier désarmé stipule en particulier que tout Français capturé au combat sera considéré comme prisonnier de guerre et sera traité avec humanité jusqu'à ce qu'une occasion s'offre pour son échange contre un prisonnier algérien. Ce colloque est l'occasion de saluer l'Émir comme précurseur de la codification du DIH.

345.2/970

**International humanitarian law / Yaël Ronen.** - Cambridge : Cambridge University Press, 2014. - p. 475-497. - In: International legal positivism in a post-modern world. - Photocopies

This chapter considers the evolution of international legal positivism in the context of international humanitarian law (IHL). It espouses an understanding of 'legal positivism' as unity of sources, recognising as law only those norms which are generated by a pre-set legal procedure, independent of any inherent value. It is thus close connected to, although not identical to, the notion of formalism, understood here as the identification of norms through formal criteria. It is often contended that if state practice on the battlefield is the yardstick to be used to identify rules of IHL, then IHL is in a precarious state, given the prevalence of practice contrary to alleged prohibitions, which puts into doubt the existence of law in the first

place, or, where the law had been established, suggests that it has been modified. In addition, it is said that positivist approaches to the sources of IHL hamper its ability to address contemporary realities and challenges, such as the massive involvement of non-state actors in armed conflicts. Classical doctrines on sources of law, as described below, thus encounter difficulties in conceptualising IHL in a manner which retains the latter's legitimacy. This chapter evaluates these claims in light of developments in the theory of sources and in its application specifically to IHL.

345.2/971 (Br.)

**International humanitarian law : answers to your questions / ICRC.** - [3rd ed.]. - Geneva : ICRC, December 2014. - 96 p. : fotogr., ill. ; 21 cm. - (Focus)

This booklet is an ideal introduction to international humanitarian law. It has been fully revised, and is accessible to all readers interested in the origins, development and modern-day application of humanitarian law.

345.2/262 (2014 ENG Br.)  
0703/002 (2014)

**Law at the end of war / Deborah N. Pearlstein.** - In: Minnesota law review, Vol. 99, issue 1, November 2014, p. 143-220. - Photocopies

As the United States continues to withdraw troops from Afghanistan in the coming year, courts will increasingly face the task of interpreting the dozens of federal laws whose operation depends on the existence of war. The 2009 Military Commissions Act (MCA), for instance, makes offenses triable by military commission "only if the offense is committed in the context of and associated with hostilities." The 2001 Authorization for Use of Military Force (AUMF) empowers the President to target or detain certain individuals only "for the duration of these hostilities." Scholars have long assumed that the determination whether or not the United States is at war is a political question, beyond the power of the courts to consider. This Article challenges that view, demonstrating that courts have repeatedly engaged such questions in statutory interpretation in conflicts past, and arguing that the temporal limits of the AUMF and MCA pose similarly justiciable questions.

345.2/669 (Br.)

**The laws of war : under siege or gaining ground ? / Louise Arbour.** - In: Australian year book of international law, Vol. 31, 2011, p. 1-10. - Photocopies

Current criticisms of the laws of war come in the context of significant changes in the conduct of conflict. Most humanitarian law was designed at a time when armed conflict usually meant a declared war between two or more states with identified territories and aimed forces; today, such conflict is the exception, rather than the rule. Today's conflicts are usually internal, and often involve one or more amorphous non-state actors. These changes have provoked a number of intersecting and cross-cutting criticisms, which go both to the scope and the substance of humanitarian law. The common thread of these is that the laws of war, at least as currently constituted, are no longer valid. This lecture attempts to address, very summarily, the core criticisms. They relate, largely, to the definition of armed conflict, the fundamental principles of distinction and proportionality, the issue of lawfare and, to a lesser extent, the notion of reciprocity.

345.2/968 (Br.)

**Das Problem des gerechten Krieges im Völkerrecht / von Friedrich Berber.** - In: Studien zur Auslandskunde : politische Wissenschaft, Bd. 1, Lfg. 2, p. 97-109

345.2/972 (Br.)

**Protecting persons with disabilities in armed conflict / Megan Burke and Loren Persi Vicentic.** - Oxford : Oxford University Press, 2014. - p. 388-410. - In: The war report : armed conflict in 2013

355/1018 (2013)

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

**Advantageous attacks : the role of advantage in targeting people under the law of armed conflict / Krista Nelson.** - In: Chicago-Kent journal of international and comparative law, Vol. 14, issue 1, Winter 2013, p. 87-116. - Photocopies

The law of armed conflict (LOAC) requires that attacks on objects promise a military advantage, but allows attacks on certain categories of people regardless of utility. This Article compares the law on targeting people and objects and suggests that the law on targeting people should be reformed to include the advantage requirement that governs the targeting of objects. Other proposals to refine the law on targeting people draw from law enforcement or peacetime human rights law; critics claim that those proposals inappropriately treat war like peace, and armed forces like police. By contrast, this Article's proposal draws from LOAC itself and would help tailor the law to the strategic concerns at the heart of military operations. Indeed, this proposal would advance LOAC's fundamental effort to prohibit useless violence, extending the requirement of advantageous attacks to people.

345.25/315 (Br.)

**Applying double effect in armed conflicts : a crisis of legitimacy / Bradley Gershel.** - In: Emory international law review, Vol. 27, issue 2, 2013, p. 741-754. - Photocopies

Both just-war theory and post-war *lex scripta* affirm the doctrine of military necessity, which permits the loss of innocent life that is "incidentally unavoidable by the armed conflicts of the war." This qualification is informed by the doctrine of double effect ("DDE"), a product of Catholic theology that serves to legitimize an attack causing "incidental" or "unintended" civilian casualties, provided certain conditions are met. This Article presents an indictment of the DDE as praxis in positive law. Specifically, it challenges whether the DDE as a legal rule is sufficient to legitimize the loss of innocent life, given the didactic presumptions upon which the doctrine rests, its historical development, and the environment within which it is now applied. First, it briefly discusses the DDE's development as a principle of natural law. Second, it discusses the principle's positive development in the law of armed conflict ("LOAC"). Third, it presents a number of significant critiques and responses to the application of the DDE as both a means of moral accountability and its use in armed conflicts. Fourth, it presents the arguments against the DDE as a means of moral assessment of civilian casualties.

345.25/321 (Br.)

**Le commandement militaire face au droit des conflits armés : retour d'expérience d'Afghanistan / Bertrand Lavaux.** - Paris : Pedone, 2014. - p. 183-187. - In: Le recours à la force autorisé par le Conseil de sécurité : droit et responsabilité

L'objet de cet article est d'apporter un témoignage direct et opérationnel sur les difficultés d'ordre juridique auxquelles la brigade française qui s'est déployée en Afghanistan à l'automne 2009 a eu à faire face. L'auteur, déployé à cette époque comme chef des opérations de la Brigade Lafayette, avait en charge l'ensemble des opérations françaises terrestres dans la zone d'action de la Brigade et a donc été directement confronté à la prise en compte nécessaire du droit dans les actions que la Brigade a pu mener. La problématique juridique la plus importante qui a été examinée par le commandement avec son conseiller juridique portait sur le traitement des éventuels prisonniers que la force aurait pu faire.

345/675

**The concept of military objectives in international law and targeting practice / Agnieszka Jachec-Neale.** - New York ; London : Routledge, 2015. - XIV, 294 p. : diagr. ; 24 cm. - (Routledge research in the law of armed conflict). - Bibliographie : p. 263-285. Index. - ISBN 9781138818408

The concept that certain objects and persons may be legitimately attacked during armed conflicts has been well recognised and developed through the history of warfare. This book explores the relationship between international law and targeting practice in determining whether an object is a lawful military target. By examining both the interpretation and its post-ratification application this book provides a comprehensive analysis of the definition of military objective adopted in 1977 Additional Protocol I to the four 1949 Geneva Conventions and its use in practice. Tackling topical issues such as the targeting of TV and radio stations or cyber targets, Agnieszka Jachec-Neale analyses the concept of military objective within the context of both modern military doctrine and the major coalition operations which have been undertaken since it was formally defined.

345.25/312

**El derecho internacional humanitario y su aplicación al caso Couso (Hotel Palestina, Bagdad [Iraq], 8 de abril de 2003) / Albert Galinsoga Jordà.** - Lleida : Universiteit de la Lleida, 2013. - p. 595-640. - In: El conflicto de Iraq y el derecho internacional : el caso Couso. - Photocopies

345.26/264 (Br.)

**Does the law of targeting meet twenty-first-century needs ? / William Boothby.** - Cambridge : Cambridge University Press, 2014. - p. 216-234. - In: Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe

345.2/967

**From pinciple to practice : US military strategy and protection of civilians in Afghanistan / Astri Suhrke.** - In: International peacekeeping, Vol. 22, no. 1, February 2015, p. 100-118 : tabl.

During its engagement in Afghanistan, the US military seriously tried to mitigate the risk of civilian casualties from airstrikes only when called for by changes in military doctrine emphasizing the need to gain the support of the population. Consistent efforts by external political and humanitarian actors to reduce casualties by demanding more transparency and clearer lines of accountability for 'collateral damage' had little immediate, observable effect. The case study underlines the contingent nature of progress towards protecting civilians in armed conflict even when a military institution formally accepts the principles of customary international humanitarian law, but concludes that, *faute de mieux*, strategies to enhance protection through greater accountability and attention to the kind of military ordinance used remain central.

**International humanitarian law and the protection of civilians from the effects of explosive weapons / Maya Brehm.** - Cambridge : Cambridge University Press, 2014. - p. 235-267. - In: Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe

This chapter begins by presenting data on the pattern of harm associated with the use of explosive weapons in populated areas. Against this background, an overview of how explosive weapons are regulated under international law is provided. The chapter analyses a number of explosive weapon-specific treaties and evaluates the contribution of expert discussions on "blast and fragmentation weapons" in the 1970s to the regulation of explosive weapons. The chapter then examines constraints that IHL rules governing the conduct of hostilities place on the use of explosive weapons in populated area, with a focus on the prohibition of indiscriminate attacks. The final part identifies some challenges that the use of explosive weapons in populated areas poses for IHL. As the protection of civilians against the effects of hostilities is a cornerstone of IHL, the documented pattern of civilian harm from the use of explosive weapons in populated areas puts the adequacy and effectiveness of IHL into question.

The chapter concludes by presenting measures that could help to prevent and reduce harm from explosive violence, thereby effectively strengthening the relevance of IHL as an important legal framework for protecting civilians in situations of armed conflict.

345.2/967

**The law and policy implications of "baited ambushes" utilizing enemy dead and wounded / Chris Jenks.** - In: *The army lawyer*, June 2010, p. 91-94. - Photocopies

When a state's armed forces is engaged in hostilities, how long after an engagement or firefight before the international humanitarian law requirement to search for and care for the wounded and find and bury the dead is triggered? This military practitioner's note discusses the legal and policy implications of 'baited ambushes,' the practice of utilizing wounded and dead enemies as the bait for follow on forces, which are then engaged.

345.25/320 (Br.)

**Military targeting in the context of self-defence actions / James A. Green, Christopher P. M. Waters.** - In: *Nordic journal of international law*, Vol. 84, issue 1, p. 3-28. - Photocopies

For self-defence actions to be lawful, they must be directed at military targets. The absolute prohibition on non-military targeting under the *jus in bello* is well known, but the *jus ad bellum* also limits the target selection of states conducting defensive operations. Restrictions on targeting form a key aspect of the customary international law criteria of necessity and proportionality. In most situations, the *jus in bello* will be the starting point for the definition of a military targeting rule. Yet it has been argued that there may be circumstances when the *jus ad bellum* and the *jus in bello* do not temporally or substantively overlap in situations of self-defence. In order to address any possible gaps in civilian protection, and to bring conceptual clarity to one particular dimension of the relationship between the two regimes, this article explores the independent sources of a military targeting rule. The aim is not to displace the *jus in bello* as the 'lead' regime on how targeting decisions must be made, or to undermine the traditional separation between the two 'war law' regimes. Rather, conceptual light is shed on a sometimes assumed but generally neglected dimension of the *jus ad bellum*'s necessity and proportionality criteria that may, in limited circumstances, have significance for our understanding of human protection during war.

345.25/316 (Br.)

**"On target" : precision and balance in the contemporary law of targeting / Michael N. Schmitt and Eric W. Widmar.** - In: *Journal of national security law and policy*, Vol. 7, no. 3, 2014, p. 379-409. - Photocopies

Schmitt and Widmar explore the law of targeting within international humanitarian law (IHL) and its application to international and non-international armed conflict. The article examines the "five elements" of a target operation, including the target, the weapon used, the execution of the attack, possible collateral damage and incidental injury, and location of the strike. The authors suggest that a better understanding of these norms can help international lawyers, policymakers, and operators avoid violations of international law by creating appropriate and well-known boundaries for targeting operations.

345.25/324 (Br.)

**Outils et méthodes opérationnels d'encadrement de l'usage de la force / Cyrille Pison.** - Paris : Pedone, 2014. - p. 171-182. - In: *Le recours à la force autorisé par le Conseil de sécurité : droit et responsabilité*

L'ambition de cette étude est de donner un éclairage sur la pratique des Etats en termes de droit international humanitaire et plus particulièrement de *jus in bello*, qui nécessite de se positionner près du champ de bataille. L'étude s'appuie principalement sur l'expérience de

l'auteur comme conseiller juridique militaire français ayant participé à des missions sous commandement OTANT. En prenant deux exemples - les règles opérationnelles d'engagement et la méthodologie d'évaluation des dommages collatéraux - il offre un aperçu des outils, méthodes et principes qui guident l'action des militaires lors de l'application d'une branche du droit difficile d'approche dans un contexte non moins difficile.

345/675

**Protecting civilians in populated areas during the conduct of hostilities after the Gotovina case / Chiara Redaelli and Stuart Casey-Maslen.** - Oxford : Oxford University Press, 2014. - p. 454-474. - In: *The war report : armed conflict in 2013*

355/1018 (2013)

**Rise of the drones : a study on the legality of drone targeted killings of suspected terrorists / submitted by Olivia Herman.** - [S.l.] : [s.n.], 2013-2014. - IV, 74 p. ; 30 cm. - Master's thesis, Faculty of law, KU Leuven, academic year 2013-2014. - Bibliographie : p. 62-74. - Photocopies

The author tries to draw the lines of the two main legal frameworks that govern drone targeted killings, namely international human rights and humanitarian law from the perspective of the right to life. The author tries to determine when the two legal frameworks apply to drone strikes, if there is an interaction between both, and which legal requirements need to be fulfilled for a drone strike to be legal. The author also discusses the rising idea of an armed conflict between a State and a terrorist group and the practice of targeting on the basis of 'suspicion'. A lot of legal ambiguities, uncertainties, and controversies will be shown and the author will try to provide an answer for these issues. However, when considering the application of these legal norms and principles to a case assessment another issue arises, that is the issue of lack of transparency by the States who are conducting these drone targeted killings of suspected terrorists.

345.26/268 (Br.)

**Targeted killing in international law : searching for rights in the shadow of 9/11 / Saby Ghoshray.** - In: *Indiana international and comparative law review*, Vol. 24, no. 2, 2014, p. 355-418. - Photocopies

This Article examines how the lack of accountability in the current targeted killing framework presents a fundamental dilemma of enforcement in international humanitarian law's (IHL) modern applicability. Even though the complementarity between human rights law (HRL) and IHL provides enhanced protection of civilians in some situations, "accountability gaps" and absence of granularity in identifying "legitimate targets" would make a legal case for targeted killing difficult. Similarly, IHL's assertion of *lex specialis* rule and HRL's dependence on the relationship between individual and a "controlling state" would make the applicability of HRL in cases of targeted killing via drones problematic. This is more prevalent when drone strikes continue to kill innocent civilians. Similarly, IHL's assertion of *lex specialis* rule does not provide any additional opening for legitimizing targeted killing. Rather, the mounting civilian casualties in this new warfare paradigm compel us to re-examine the key principles of IHL: the principle of distinction, the principle of proportionality, and the principle of military necessity.

345.25/313 (Br.)

**Targeting decisions in the crosshairs of humanitarian law and human rights law / Caitlin MacNamara.** - In: *Creighton international and comparative law journal*, Vol. 5, no. 2, Spring 2014, p. 1-24. - Photocopies

Most scholars premise their arguments regarding the appropriate legal regime for targeting in asymmetrical conflicts on the application of either the war paradigm or the law enforcement paradigm exclusively. This paper, however, contends that the degree to which IHRL affects



targeting decisions is more complicated than either paradigm is capable of comprehending independently. Accordingly, this paper proposes that the current nature of armed conflict globally demands a departure from the standard dichotomous rhetoric and a close examination of the rationale underlying application of IHL and IHRL principles individually. Following from such analysis, this paper submits that current jurisprudence supports a sliding scale model based on a mixed paradigm as the most appropriate model to govern targeting decisions in asymmetrical warfare. Part II of this paper provides a brief overview of the governing principles of IHL, the applicable standards of IHRL, the relevant portions of the International Committee of the Red Cross's ("ICRC") publication on customary international law, and a summary of Israeli precedent in the field. Part III uses the principles of IHL and standards of IHRL as interpreted through international and domestic jurisprudence to analyze the emergence of a mixed paradigm and propose support for a sliding scale approach to the additional restraints imposed on targeting by IHRL. Part IV assesses the impact of such an approach on the targeting practices of the United States given its increased reliance on targeted killing operations, addressing both the legality of current U.S. practice as well as options for a legally compliant policy framework going forward.

345.25/314 (Br.)

**Les tensions entre jus ad bellum et jus in bello dans le cadre des mandats du Conseil de sécurité / Vaïos Koutroulis.** - Paris : Pedone, 2014. - p. 27-52. - In: Le recours à la force autorisé par le Conseil de sécurité : droit et responsabilité

La présente contribution examine les relations entre le jus ad bellum et le jus in bello dans le cadre des opérations autorisées par le Conseil de Sécurité de l'ONU (CS). L'objectif est de déterminer, d'une part, s'il existe des tensions entre le mandat de ces opérations et le jus in bello et, d'autre part, si ces tensions sont aussi problématiques pour la séparation entre le jus ad bellum et le jus in bello qu'elles sont prétendues l'être. L'analyse commence par l'identification de l'impact du DIH sur la définition des notions "menace contre la paix", "rupture de la paix" et "acte d'agression", autrement dit, les termes qui déclenchent l'application du chapitre VII de la Charte des Nations Unies. Ensuite, elle s'attarde sur la qualification des conflits dans lesquels les opérations autorisées par le CS sont impliquées afin de déterminer si elle est influencée par la licéité des opérations sur le plan du jus ad bellum. Enfin, elle examine les tensions éventuelles entre le jus ad bellum et le jus in bello dans la mise en oeuvre du mandat des opérations en cause.

345/675

## **INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION**

**Armed conflict and compliance in Muslim states, 1947-2014 : does conflict look different under international humanitarian law ? / Corri Zoli, Emily Schneider, and Courtney Schuster.** - In: North Carolina journal of international law and commercial regulation, Vol. 40, issue 3, Spring 2015, p. 679-738 : graph., tabl.. - Photocopies

The article introduces a new Muslim State Armed Conflict & Compliance (MSACC) dataset that provides an overview of modern armed conflict and international law compliance behavior for all Muslim states from 1947-2014. The MSACC dataset tracks each modern Muslim state, defined by voluntary state membership in the Organization of Islamic Cooperation (OIC), in both its armed conflict history and compliance record with international humanitarian law (IHL), and the universal international regime governing conduct of hostilities during armed conflict. The dataset encompasses all international (IAC) and non-international (NIAC) armed conflicts as defined by IHL in which a Muslim state acts as a major belligerent party. In using an IHL-based definition of armed conflict, the dataset is distinctive in several ways. First, it relies upon a legal, instead of a political-sociological (i.e., battle deaths) framework for understanding and defining armed conflict. Second, it disaggregates the complex contemporary conflict spectrum into two streamlined types, international and non-international conflicts, as required by



respective threshold triggers under IHL. Third, it focuses holistically on self-identified Muslim states in their actual conflict and compliance behavior, rather than on variables of presumed importance (i.e., regime attributes and other proxies). Finally, it correlates conflict and IHL compliance data in ways that offer new insights into traditional problems of conflict and war. By utilizing this data, one can examine Muslim state conflict trends, including by region, time period, and conflict type (i.e., IAC or NIAC), and provide baseline data for Muslim states that may be correlated with other data (e.g., development reports, security expenditures, human rights).

345.22/258 (Br.)

**The challenge of prosecuting conflict-related gender-based crimes under Libyan transitional justice / Hilmi M. Zawati.** - In: *Journal of international law and international relations*, Vol. 10, 2014, p. 44-91. - Photocopies

This article argues that the incompetence of the current Libyan transitional justice system, manifested in its failure to respond adequately to conflict-related gender-based crimes, impedes access to justice for victims, encourages the culture of impunity, and leaves Libyans' peace-building process open to the danger of collapse. Accordingly, this analysis deals with gender-based crimes in a war setting as a case study and with transitional justice as a combination of a variety of socio-legal approaches to provide both victims and perpetrators with a sense of justice. Finally, this work scrutinizes three key mechanisms for gender-sensitive transitional justice in Libya, involving urgent justice system reform, establishment of an independent truth-seeking and reconciliation commission to investigate gender-based crimes committed by all parties to the recent civil war, and finally the setting up of a Special Court for Libya as a hybrid judicial system for bringing perpetrators to justice and bring justice to victims.

345.22/257 (Br.)

**Command responsibility : a small-unit leader's perspective / Jeremy Dunnaback.** - In: *Northwestern university law review*, Vol. 108, issue 4, 2014, p. 1385-1422. - Photocopies

The doctrine of command responsibility posits that, when military commanders fail to effectively prevent, suppress, or punish their subordinates' war crimes, the commander may be punished for the subordinates' crimes. Several international criminal statutes have codified this doctrine, but the United States' Uniform Code of Military Justice has not. In light of U.S. law-of-war violations during the Iraq and Afghanistan wars, several legal commentators have called for stronger legal incentives within domestic military law and for the adoption of a formal command responsibility provision. Such measures, it is argued, would place sufficient pressure on senior military commanders to stem the tide of war crimes within the U.S. military. Assuming that a formal command responsibility statute is the best method of redress, this Note argues that a more nuanced approach is needed to introduce the provision domestically. Namely, Congress must shape the provision around the concerns and incentives of small-unit leaders, not senior military commanders. As the United States continues to engage heavily in counterinsurgency warfare, small-unit leaders have taken on increasingly more important roles, both strategically and with regard to preventing law-of-war violations. Accordingly, there is a critical need for lawmakers to draft the statutory elements of a command responsibility so as to minimize the doctrine's costs on small-unit leaders while maximizing these leaders' incentives to enforce the laws of war. Using this framework, this Note argues further that a domestic command responsibility provision should incorporate a negligence mens rea standard in only limited circumstances.

345.22/252 (Br.)

**Destined for an epic fail : the problematic Guantánamo military commissions / David Glazier.** - In: *Ohio State law journal*, Vol. 75, issue 5, 2014, p. 903-967. - Photocopies

This article provides the most comprehensive critique of the current Obama administration commissions to date. It identifies key procedural deficiencies undermining their legitimacy,

including excessive concentration of authority in the convening authority, limits on the right to counsel of choice, systemic inequalities between prosecution and defense, abuses of classification authority, and potential use of statements obtained through coercion, if not outright torture. Flaws in the substantive law are even more significant. Without valid jurisdiction, any trial is a legal nullity, and procedure becomes irrelevant. The Guantánamo tribunals necessarily draw their authority from the law of war, yet most charges levied to date fail to constitute recognized war crimes. Some charged conduct falls outside the temporal or legal scope of any recognized conflict. Law of war reliance also permits the invocation of unique defenses, including arguments that terrorist targets were valid objects of attack and that civilian deaths were permissible “collateral damage,” unavailable in ordinary criminal prosecutions. Pending cases drag through interminable pre-trial proceedings as every aspect of their untested procedure and jurisdiction is subject to challenge, while federal courts continue to routinely return convictions and long sentences in terrorism cases. Moreover, the commissions will be subject to years of additional post-trial and collateral challenges as well. They have already failed one major test before the Supreme Court and two before the D.C. Circuit Court of Appeals, and the future predictably holds more of the same.

345.26/261 (Br.)

**Farewell "specific direction" : aiding and abetting war crimes and crimes against humanity in Perisic, Taylor, Sainovic et al., and US Alien Tort Statute jurisprudence / Manuel J. Ventura.** - Oxford : Oxford University Press, 2014. - p. 511-553. - In: The war report : armed conflict in 2013

355/1018 (2013)

**Glimpses of international humanitarian law in international claims : three early cases : a comment on Claim of heirs of Jules Brun et al / John R. Crook and Lucy F. Reed.** - Oxford ; Portland : Hart, 2012. - p. 295-302. - In: The practice of arbitration : essays in honour of Hans van Houtte. - Photocopies

345.22/254 (Br.)

**The International Committee of the Red Cross and the initiative to strengthen legal protection for victims of armed conflicts / Michael Meyer.** - Cambridge : Cambridge University Press, 2014. - p. 268-281. - In: Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe

International humanitarian law (IHL), in its current state, continues to provide an appropriate framework for regulating the conduct of parties engaged in armed conflicts. This was the conclusion reached by the ICRC following a two-year internal study, initiated in 2008, to assess the ongoing relevance of IHL. Notwithstanding this general positive affirmation, the ICRC study also identified four areas in which further development of the rules of IHL would be warranted. While many of those states consulted recognised that each of these areas gives rise to practical concerns, it was felt that working on all four topics at once was unrealistic. Two areas in particular were highlighted for future focus: (1) strengthening legal protection for persons deprived of their liberty, particularly in situations of non-international armed conflict; and (2) strengthening mechanisms for monitoring compliance with IHL. A resolution adopted at the 31st International Conference of the Red Cross and Red Crescent in late 2011 endorsed a programme of work on these two subjects. This chapter explains the key bodies involved in the initiative, the steps already taken, as well as those planned. It also offers initial comments on the possible outcomes and prospects for success

345.2/967

**The judgment of the German Bundesverfassungsgericht concerning reparations for the victims of the Varvarin bombing / Sigrid Mehring.** - In: International criminal law review, Vol. 15, issue 1, 2015, p. 191-201

In August 2013, the German Federal Constitutional Court affirmed its stance against claims by individuals for reparations for violations of international humanitarian law that it had developed in previous case law. It denied reparation and compensation to be paid by the Federal Republic of Germany to the relatives of killed civilians and to civilians wounded as a consequence of the destruction of a bridge in the Serbian city of Varvarin. The bridge had been destroyed on 30 May 1999 in the course of the North Atlantic Treaty Organization's (nato) aerial action "Allied Force" against the Federal Yugoslav Republic. The case concerned claims by survivors and family members of persons killed in the attacks. The Court rendered a joint decision on both constitutional claims and found no violation of constitutional rights.

**Redress and reparation for victims of armed conflict : a critical review of practice in 2013 / Valentina Cadelo.** - Oxford : Oxford University Press, 2014. - p. 554-583. - In: The war report : armed conflict in 2013

355/1018 (2013)

**Reparation for damage suffered as a consequence of breaches of the law of war / Natalino Ronzitti.** - Oxford ; Portland : Hart, 2014. - p. 103-115. - In: International law for common goods : normative perspectives on human rights, culture and nature. - Photocopies  
345.22/253 (Br.)

**The reparative effect of truth seeking in transitional justice / Merryl Lawry-White.** - In: International and comparative law quarterly, Vol. 64, part 1, January 2015, p. 141-177  
The benefits of a 'holistic' approach to transitional justice are enhanced by considering how synergies between different transitional mechanisms may be optimized. Drawing upon multiple examples, this article explores the potential contribution of truth seeking to reparation efforts at a normative, institutional and operational level. The article emphasizes the importance of an awareness of the reparative potential of truth seeking on the part of those implicated in its design and implementation, as well as an appreciation of the influence of contextual factors on a delicate process. It cannot be conceived of simply as a technocratic exercise, but as an inherent part of empowering victims.

**What implications do ad hoc/special agreements have for armed non-state actors ? / by Pushparajah Nadarajah.** - In: ITPCM international commentary, Vol. 9, no. 33, July 2013, p. 47-50. - Photocopies

It has been observed that ad-hoc/special agreements with armed non-state actors (ANSAs) are one way of not only ensuring the protection of human beings but of upholding humanitarian and human rights norms in non-international armed conflict for two main reasons. First, these agreements give ANSAs a sense of ownership and responsibility that they may otherwise lack, since they do not participate in the international treaty-making process nor are they party to international treaties. Second, such agreements give ANSAs a degree of recognition both nationally and internationally to represent people whom they may be fighting for.

345.22/259 (Br.)

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

**The benefits and dangers of proportionality review in Israel's High Court of Justice / Michael Kleinman.** - In: Emory international law review, Vol. 29, issue 3, 2015, p. 589-635. - Photocopies

In the landmark case Beit Sourik Village Council vs. the Government of Israel, the Israeli Supreme Court, sitting as the High Court of Justice (HCJ), grappled with a highly charged question: should a state have to sacrifice its own security to improve human rights? The Court answered in the affirmative and held that certain sections of Israel's controversial security fence could not be built as planned. In these sections, the loss of human rights outweighed the security benefit of placing the fence through certain villages. Scholars from both sides of the

political spectrum have voiced strong opinions about this case, and many of these debates have centered on the determinative aspect of the case: the court's proportionality review. This Comment will not grapple with politics, nor will it focus exclusively on the Beit Sourik case. Rather, it will analyze this case and similar cases to argue about the theoretical implications of proportionality review in HCJ decisions. Through an analysis of these cases, this Comment will determine the best way that a court could grapple with the issue of balancing security and the right to life and bodily integrity against other human rights.

345.28/116 (Br.)

**When gravity fails : Israeli settlements and admissibility at the ICC / Eugene Kontorovich.** - In: Israel law review, Vol. 47, issue 3, 2014, p. 379-399. - Photocopies

In the wake of the UN General Assembly's recent recognition of Palestinian statehood, the Palestinian government has made clear its intention to challenge in the International Criminal Court (ICC or the Court) the legality of Israeli settlements. This article explores jurisdictional hurdles for such a case. To focus on the jurisdictional issues, the article assumes for the sake of argument the validity of the merits of the legal claims against the settlements. The ICC only takes situations of particular 'gravity'. Yet settlements are not a 'grave breach' under the Rome Statute. No modern international criminal tribunal has ever prosecuted crimes that do not involve systematic violence and physical coercion. The ICC's gravity measure involves the number of persons killed; for settlements it would be zero. Indeed, the ICC Prosecutor triages situations by the numbers of victims; settlements do not appear to have direct individual victims. Finally, the ICC would at most have jurisdiction over settlement activity only from the date of Palestine's acceptance of jurisdiction. Settlement activity in this time frame would not immediately cross the ICC's gravity threshold.

345.28/115 (Br.)

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

**Corporate criminal responsibility for war crimes and other violations of international humanitarian law : the impact of the business and human rights movement / Alex Batesmith.** - Cambridge : Cambridge University Press, 2014. - p. 285-312. - In: Contemporary challenges to the laws of war : essays in honour of professor Peter Rowe

The object of this chapter is to analyse the extent to which what might be described as the business and human rights "movement" is having an impact upon the prosecution of corporations, or their executives and employees, for violations of international law, chiefly IHL or ICL, at both the international and domestic levels. The historical and current legal context is examined and the revision of attitudes towards corporate prosecutions discussed. It is demonstrated that the new approach, advocated by proponents of the business and human rights movement, will lead to changes in practice and to the increased likelihood of business actors being held accountable for involvement in international crimes. It is argued that this would better reflect the true culpability for mass crimes committed in modern-day armed conflicts

345.2/967

**Empresas militares y de seguridad y el derecho internacional humanitario / Jaume Saura Estapà, Marta Bitorsoli Cirocco.** - Barcelona : Institut Català Internacional per la Pau, 2013. - 99 p. ; 30 cm. - (Informes ; 10/2013). - Photocopies

345.29/220 (Br.)

**Essential rules of behaviour for police in armed conflict, disturbance and tension : legal framework, international cases and instruments / by Ralph Crawshaw and Leif Holmström.**  
- Leiden ; Boston : Brill Nijhoff, 2015. - XX, 748 p. ; 24 cm. - (The Raoul Wallenberg Institute professional guides to human rights ; vol. 9). - ISBN 9789004219151

The primary focus of this book is the laws of war, also referred to as the international law of armed conflict and international humanitarian law. There are two aspects to the laws of war, *jus ad bellum*, the rules governing resort to armed conflict, and *jus in bello*, the rules governing the conduct of armed conflict. The purpose of the book is to inform police officials about the latter. It is also written for other State officials, including the military, who may carry out police operations, educators and trainers of police and those who monitor or investigate police or otherwise seek to hold them accountable. In addition to considering rules of behaviour in actual armed conflict, the book focuses on police conduct in those forms of conflict that fall below the armed conflict threshold, that is to say situations of internal disturbance and tension. Whilst the laws of war are not legally applicable in such situations, it is argued here that some of its principles and provisions should form an important element in the strategy and tactics of policing civil disturbances, especially when they are serious in terms of scale or intensity of violence.

345.29/218

**Foreign fighters and international law / Sandra Krähenmann.** - Oxford : Oxford University Press, 2014. - p. 317-340. - In: *The war report : armed conflict in 2013*

355/1018 (2013)

**The international humanitarian law notion of direct participation in hostilities : a review of the ICRC interpretive guide and subsequent debate / S. Bosch.** - In: *Potchefstroom electronic law journal*, Vol. 17, no. 3, 2014, p. 999-1046. - Photocopies

The phrase "direct participation in hostilities" has a very specific meaning in international humanitarian law (IHL). Those individuals who are clothed with combatant status are authorised to participate directly in hostilities without fear of prosecution, while civilians lose their civilian immunity against direct targeting whilst they participate directly in hostilities. Any civilian activity which amounts to "direct participation in hostilities" temporarily suspends their presumptive civilian protection and exposes them to both direct targeting as a legitimate military target and prosecution for their unauthorised participation in hostilities. Since existing treaty sources of IHL do not provide a definition of what activities amount to "direct participation in hostilities", the ICRC in 2009 released an Interpretive Guide on the Notion of Direct Participation in Hostilities - in the hope of providing a neutral, impartial and balanced interpretation of the longstanding IHL principle of direct participation in hostilities. While not without criticism, the Interpretive Guide aims to respect the customary IHL distinction between "direct participation in hostilities" and mere involvement in the general war effort. The Guide proposes a three-pronged test which establishes a threshold of harm, and requires direct causation together with a belligerent nexus. Collectively, these criteria limit overly-broad targeting policies, while distinguishing occasions of legitimate military targeting from common, criminal activities. Together with these three criteria, the Guide introduces the notion of the revolving door of protection, together with the concept of a "continuous combat function". Both these new concepts have been the subject of criticism, as too the idea that a presumption of non-participation status should apply in cases of doubt. Nevertheless "nothing indicates that the ICRC's interpretive guidance is substantively inaccurate, unbalanced, or otherwise inappropriate, or that its recommendations cannot be realistically translated into operational practice"<sup>1</sup> in a way which will ensure that the fundamental principles of distinction and civilian immunity upon which all of IHL is built are observed.

345.29/219 (Br.)

**Italy's non-belligerency during the Iraqi war / Natalino Ronzitti.** - Leiden : Brill, 2005. - p. 197-207. - In: International responsibility today. - Photocopies

Non-belligerency (or qualified neutrality) is an intermediate status between neutrality and belligerency. A non-belligerent State is allowed to deviate from the duties of abstention, prevention and impartiality and, this notwithstanding, is not regarded as a party to the conflict. Non-belligerency is a moot point in international law: on the one hand, there are authorities who hold that it is only a political notion and even a violation of international law, since there is no intermediate state between peace and war; on the other, there are those who believe that non-belligerency is consistent with the international law of armed conflict. The aim of this essay is to point out that Italy's non-belligerency in the Iraqi war is an important piece of practice, contributing to the development of customary international law of armed conflict.

345.26/259 (Br.)

**Naked soldiers and the principle of discrimination / Stephen Deakin.** - In: Journal of military ethics, Vol. 13, issue 4, December 2014, p. 320-330. - Bibliographie : p. 330

Robert Graves's First World War story in his autobiography *Goodbye to All That*, narrating his refusal to kill an enemy soldier bathing naked on the battlefield, has been made famous in the field of military ethics by Michael Walzer in his *Just and Unjust Wars*. The story raises the issue of whether soldiers should be granted immunity when behaving in an 'un-warlike' manner. It also relates to the growing understanding in military ethics that only soldiers who pose a direct threat should be attacked and killed. This paper concludes that the traditional legal understanding that all soldiers are liable to be attacked and to be killed is the stronger argument.

**Upping the stakes to win the war against Somali piracy : justifications for a new strategy based on international humanitarian law / Andrew DeMaio.** - In: George Mason law review, Vol. 22, issue 2, Winter 2015, p. 387-437. - Photocopies

Part I of this comment gives an overview of the history of piracy, showing how pirates were seen as military enemies, not just criminals. It also explains the origin of the phrase "hostis humani generis" and how states have historically treated pirates. Part II discusses changes in international law that switched pirates' status from military enemies to civilian criminals, but Part II also shows how piracy remained unique within international law. Part III traces the rise of Somali piracy in the twenty-first century and highlights some difficulties nations have encountered when trying to combat Somali piracy. Finally, Part IV argues that pirates may appropriately be defined as combatants and that states may wage war against pirates, their equipment, and infrastructure both on land and at sea.

347.799/157 (Br.)

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

**Another parochial decision? : the common European asylum system at the crossroad between IHL and refugee law in Diakité / Claudio Matera.** - In: Questions of international law : zoom in, Vol. 12, 2015, p. 3-20. - Photocopies

With its decision on the Diakité case, the Court of Justice of the European Union (CJEU) seemingly delivered another judgment in which it disconnected the EU legal order from the international one, when it held that the definition of armed conflict provided in international humanitarian law is not designed to identify the situations in which international protection ex Articles 2(e) and 15 of the Qualification Directive are applicable. This contribution assesses the extent to which the decision of the CJEU can be interpreted as another example of the parochial



attitude the CJEU has displayed when called upon to apply notions or rules stemming from international law for the purpose of clarifying the scope of an internal (EU) provision. This contribution offers a short overview of the positions that IHL and international refugee law have within the EU legal system (section 2), before turning to the analysis of the Diakité affair in which the CJEU found itself at the crossroad between IHL and international refugee law for the purpose of applying the Qualification Directive (section 3). Section 4 will then look into the institutional and substantive consequences of the CJEU decision in Diakité and with some conclusions being drawn in section 5.

345.27/145 (Br.)

**An autonomous notion of non-international armed conflict in EU asylum law : is there any role for international humanitarian law ? / Alessandro Bufalini.** - In: Questions of international law : zoom in, Vol. 12, 2015, p. 21-36. - Photocopies

The purpose of the present contribution is to show in which measure the case law of the Court of Justice of the European Union (CJUE) and that of international criminal tribunals adopt a differing definition of non-international armed conflict. After examining these different interpretations of the notion of “conflict not of an international character”, attention will be given to the potential fragilities and drawbacks in terms of legal certainty in adopting a definition that diverges from the concept that has already acquired a precise meaning in international humanitarian law. From a more general perspective, notwithstanding the fundamental goal of granting wider protection for asylum seekers in light of the object and purpose of the Qualification Directive, the legal reasoning underlying the adoption of an autonomous concept raises some concerns and possible criticisms as regards the relationship between international and EU law.

345.27/144 (Br.)

**Central African Republic : from conflict to chaos and back again ? / Annyssa Bellal.** - Oxford : Oxford University Press, 2014. - p. 411-428. - In: The war report : armed conflict in 2013

In this chapter, three principal questions will be addressed. First, what challenges were raised by the application of human rights law to the situation in Central African Republic between March 2013 and March 2014, in particular with regard to armed non-state actors ? Second, which entity is entitled to qualify a situation as one falling under international humanitarian law (IHL) and what legitimacy does this qualification have in the international community ? And third, how should certain violations occurring in the country be assessed for the purpose of international criminal law ?

355/1018 (2013)

**Classic distinctions and modern conflicts in international humanitarian law / Douglas Wedderburn-Maxwell.** - [S.l.] : [s.n.], 2014. - 52 p. ; 30 cm. - Master thesis, International human rights law, Faculty of law, Lund University, Spring 2014. - Bibliographie : p. 49-52. - Photocopies

International Humanitarian Law has at its core distinctions and classifications: The sphere between jus in bello and jus ad bellum. Between Civilian and Combatant. Between proportional and indiscriminate attack. Between acceptable and prohibited targets. However the two most central distinctions in International Humanitarian Law are the distinction between War and Peacetime and between International and Non- International Armed Conflict. This essay will explore the significance of these two distinctions and how they impact the application and effect International Humanitarian Law has on war. However it will find that war has changed to an extent that it no longer fits into the established classes. These distinctions are arbitrary, dated, and inflexible serving not to help implement the law but to hinder its application and so fail it's object and purpose of mitigating all suffering in all forms of war.

345.27/140 (Br.)

**Cyber neutrality : a textual analysis of traditional jus in bello neutrality rules through a purpose-based lens / Zachary P. Augustine.** - In: The air force law review, Vol. 71, 2014, p. 69-106. - Photocopies

Along with its benefits, military uses of cyberspace present a number of legal challenges, both internationally and domestically. One key challenge is the difficulty of gaining international consensus on whether traditional laws of armed conflict apply to cyber operations. This article analyzes one of the traditional international rules of armed conflict that might limit a primary benefit of cyber operations: the ability to deceive an adversary. The law of neutrality limits certain deceptive behavior in traditional armed conflict. Maneuvering military forces and weaponry along unexpected routes to surprise an enemy has been a staple of warfare throughout history and is a legitimate form of deception so long as the route does not pass through a neutral state. Does this limitation also prevent maneuvering cyber “forces” or “weaponry” through a neutral state? This article highlights the key neutrality rules that are potentially relevant to activities in cyberspace and then analyzes the applicability of these rules to a belligerent’s cyber operations. It discusses international standards of attribution and where those standards might present practical problems in applying neutrality rules to cyber activities. It then analyzes the potential neutrality implications of several recently reported malicious cyber activities and concludes that neutrality rules do place limits on deceptive cyber practices in an armed conflict. But, while individual belligerents generally have the ability to apply neutrality rules to their own conduct in the cyber domain, neutral states will have difficulty establishing neutrality violations by belligerents and will likely have to rely on notifications from the belligerents themselves.

345.26/258 (Br.)

**Cyber-opérations et principe de proportionnalité en droit international humanitaire / Marco Roscini.** - Paris : Pedone, 2014. - p. 297-307. - In: Internet et le droit international : colloque de Rouen de la Société française de droit international. - Photocopies

Ce chapitre explique comment le principe de proportionnalité dans le droit international humanitaire s’applique aux cyber-opérations reconnues comme « attaques » au sens de l’article 49, par. 1 du premier Protocole additionnel aux Conventions de Genève de 1949 sur la protection des victimes de la guerre. Il détermine d’abord que le dommage collatéral attendu sur les civils et les biens de caractère civil comprend non seulement les effets primaires des cyber opérations, mais aussi les effets secondaires et tertiaires, ainsi que ceux causés par la propagation du logiciel malveillant à d’autres systèmes informatiques. En outre, le dommage collatéral pertinent aux fins du calcul de proportionnalité comprend non seulement des dommages matériels aux biens ou aux personnes, mais aussi la perte de fonctionnalité des infrastructures, même si des dommages physiques n’en découlent pas. Quant à l’avantage militaire concret et direct attendu de l’opération, il ne comprend pas la protection des forces attaquantes, mais, lorsque la cyber-attaque est composée de plusieurs actes hostiles, l’avantage militaire est ce qui résulte de l’attaque considérée dans son ensemble. Le chapitre conclut que, si le calcul de la proportionnalité peut s’avérer problématique dans le cyber-contexte, les cyber-opérations peuvent également offrir un moyen de minimiser les dommages collatéraux sur les civils et les biens civils en neutralisant la cible sans la détruire.

345.26/266 (Br.)

**Cyber wars : applying conventional laws of war to cyber warfare and non-state actors / Shaun Roberts.** - Photocopies

Given its vulnerabilities and the ease with which its enemies can obtain cyber weapons, the U.S. should be a leader in advocating that existing international laws of war apply to a cyber-attack launched by both a state and non-state actor. To support this position, this Note proceeds in five parts. Part II provides background information on cyber-attacks and cyber warfare. It also highlights a number of recent cyber-attacks by state and non-state actors. Part III offers historical analysis on current international laws of war with emphasis on the U.N. Charter. Part IV highlights the current challenges and current recommendations on whether

international laws of war apply to cyber-attacks. This part outlines a number of popular approaches to the question of whether a cyber-attack constitutes an “armed attack,” and whether a non-state actor can commit it. Part V proposes the way forward in addressing the current challenges. Specifically, this Note proposes that a cyber-attack can constitute an “armed attack” under a non-kinetic effects-based approach. Also, this Note argues that non-state actors can commit an “armed attack.” To achieve both, this Note proposes defining cyberspace as a hybrid form of common property. Each state should be able to access the Internet, but each state should be responsible for preventing cyber-attacks from being launched within its territory.

345.26/263 (Br.)

**Cyberguerre et lex specialis : évolution ou révolution ? / Abdelwahab Biad.** - Paris : Pedone, 2014. - p. 253-264. - In: Internet et le droit international : colloque de Rouen de la Société française de droit international. - Photocopies

Les défis posés par la cyberguerre au droit international sont bien réels. L'emploi des cybertechnologies à des fins militaires représente-t-il une évolution ou une révolution au regard de la lex specialis? Les cyberopérations soulèvent des questions juridiques complexes qui portent sur la pertinence de la définition classique du conflit armé et de l'attaque. Elles concernent aussi la problématique de l'identification de l'auteur d'une cyberattaque dans un contexte d'« anonymat de la belligérance » et la question connexe de la responsabilité de l'Etat en cas de crimes de guerre. Enfin, la notion de « cyberarme » mérite d'être clarifiée au regard de la spécificité de moyen à « double usage » des cybertechnologies.

345.26/267 (Br.)

**Does international criminal law create humanitarian law obligations ? : the case of exclusively non-state armed conflict under the Rome Statute / Alain-Guy Tachou-Sipowo.** - In: Annuaire canadien de droit international = The Canadian yearbook of international law, 2013, p. 289-318. - Photocopies

This article argues that since the Tadic case before the International Criminal Tribunal for the Former Yugoslavia, a new category of armed conflict has migrated from international criminal law to international humanitarian law: that of armed groups fighting each other within the borders of a state without the intervention of the armed forces of the latter. However, the extent to which the rules of this category of conflict cover issues that may arise in such a conflict has not been comprehensively examined. One may infer, from the war crimes that the Rome Statute of the International Criminal Court criminalizes in this type of conflict, a dozen rules of international humanitarian law. After giving an historical account of the codification of this category of armed conflict, the author argues that there is a need to further develop these rules in order to provide a more comprehensive humanitarian law regime applicable to conflict exclusively between non-state armed groups. The absence of such a comprehensive regime should not, however, be taken as evidence of a legal vacuum. The author suggests that a law enforcement regime resting on international human rights law should be applied to relations between the armed groups and the territorial state, while the warring relationship between the armed groups should fall under the law of armed conflict, including those core customary rules that are now recognized as being equally applicable to international and non-international armed conflict.

345.27/143 (Br.)

**Enjeux de la cyberguerre pour la protection des personnes et des biens civils : du principe de distinction au manuel de Tallinn / Karine Bannelier-Christakis.** - Paris : Pedone, 2014. - p. 277-295. - In: Internet et le droit international : colloque de Rouen de la Société française de droit international. - Photocopies

La cyberguerre amplifie les hésitations traditionnelles, tant elle se présente tantôt sous l'aspect inquiétant d'une guerre incontrôlable et tantôt sous celui plus rassurant d'une guerre

moins dévastatrice, grâce à des moyens non létaux qui permettraient d'affaiblir l'adversaire sans nécessairement le détruire. Au cœur de ces incertitudes, l'interdiction de diriger des attaques et des opérations militaires contre les personnes et les biens civils nous interroge sur le contenu même du principe et de sa portée. Cette interdiction, et surtout son interprétation, forgée avec pour référentiel principal les armes cinétiques permet-elle d'appréhender toute la complexité des conséquences d'attaques et d'opérations non cinétiques, partiellement ou totalement dématérialisées (I)? Les interrogations que suscitent la détermination du contenu et de la portée de cette interdiction n'ont toutefois de pertinence que si l'on est en mesure de distinguer le domaine civil du domaine militaire et d'attribuer avec certitude les actes de guerre à des entités déterminées. Or, comme nous le verrons, la cyberguerre trouble ces critères élémentaires du principe de distinction rendant sa régulation particulièrement incertaine (II). L'ensemble des remarques s'inscrivent exclusivement dans le cadre du jus in bello. Il ne s'agit pas ici de se demander dans quelle mesure, par exemple, une cyber-attaque pourrait constituer un recours à la force armée ou une agression au sens du jus ad bellum mais uniquement d'analyser la portée et les effets de cyber-opérations se déroulant dans le cadre déjà constitué d'un conflit armé.

345.26/265 (Br.)

**The Harmonization Project : improving compliance with the law of war in non-international armed conflicts / Bruce "Ossie" Oswald.** - In: Columbia journal of transnational law, Vol. 53, no. 1, 2014, p. 105-113. - Photocopies

The Project on Harmonizing Standards for Armed Conflict explores the extent to which it is possible for the treaty law applicable in international armed conflicts to apply to situations characterized as "non-international armed conflicts." The practical aims of the Project are to clarify positive rules, raise the level of human protection, and reduce "multilateral coordination problems in non-international armed conflicts based upon rules that states are already comfortable administering in situations of armed conflict." The Project therefore seeks to clarify and lift the legal standards governing such matters as the humane treatment of individuals by combining both a rule-based and state practice approach. The Project has not been finalized, and the comments that follow are based on the author's understandings of drafts of the Project's findings and the author's discussions with members of the Project's Steering Committee as of August 2014. Although the Project's findings are still being revised, it is nonetheless appropriate to make some comments concerning the likely benefits of the Project

345.27/142 (Br.)

**Military objectives 2.0 : the case for interpreting computer data as objects under international humanitarian law / Kubo Macák.** - In: Israel law review, Vol. 48, issue 1, 2015, p. 55-80. - Photocopies

This article presents the case for a progressive interpretation of the notion of military objectives in international humanitarian law (IHL), bringing computer data within the scope of this concept. The advent of cyber military operations has presented a dilemma as to the proper understanding of data in IHL. The emerging orthodoxy, represented by the 2013 Tallinn Manual on the International Law Applicable to Cyber Warfare, advances the argument that the intangible nature of data renders it ineligible to be an object for the purposes of the rules on targeting in IHL. This article, on the contrary, argues that because of its susceptibility to alteration and destruction, the better view is that data is an object within the meaning of this term under IHL and thus it may qualify as a military objective. The article supports this conclusion by means of a textual, systematic and teleological interpretation of the definition of military objectives found in treaty and customary law. The upshot of the analysis presented here is that data that does not meet the criteria for qualification as a military objective must be considered a civilian object, with profound implications for the protection of civilian datasets in times of armed conflict.

345.25/318 (Br.)

**The nature of objects : targeting networks and the challenge of defining cyber military objectives / Heather A. Harrison Dinniss.** - In: *Israel law review*, Vol. 48, issue 1, 2015, p. 39-54. - Photocopies

Cyber warfare and the advent of computer network operations have forced us to look again at the concept of the military objective. The definition set out in Article 52(2) of Additional Protocol I - that an object must by its nature, location, purpose or use, make an effective contribution to military action - is accepted as customary international law; its application in the cyber context, however, raises a number of issues which are examined in this article. First, the question of whether data may constitute a military objective is discussed. In particular, the issue of whether the requirement that the definition applies to 'objects' requires that the purported target must have tangible or material form. The article argues on the basis of both textual and contextual analysis that this is not required, but it contends that it may prove to be useful to differentiate between operational- and content-level data. The article then examines the qualifying contribution of military objectives such as their nature, location, purpose or use, and questions whether network location rather than geographical location may be used as a qualifying criterion in the cyber context. The final part of the article addresses the question of whether the particular ability of cyber operations to effect results at increasingly precise levels of specificity places an obligation on a party to an armed conflict to define military objectives at their smallest possible formulation - that is, a small piece of code or component rather than the computer or system itself. Such a requirement would have significant implications for the cyber context where much of the infrastructure is dual use, but the distinction between civilian objects and military objectives is a binary classification.

345.25/317 (Br.)

**The notion of "objects" during cyber operations : a riposte in defence of interpretive and applicative precision / Michael N. Schmitt.** - In: *Israel law review*, Vol. 48, issue 1, March 2015, p. 81-109. - Photocopies

This article responds to the two articles published in this journal that criticise the approach taken by the International Group of Experts (IGE) who prepared the Tallinn Manual on the International Law Applicable to Cyber Warfare. Their authors took issue with the approach of the majority of the IGE over the question of whether data qualifies as an 'object' under international humanitarian law such that, for instance, cyber operations that target civilian data violate the prohibition on attacking civilian objects. The majority of the experts took the position that the law had not advanced that far and that pre-existing law could not be definitively interpreted to encompass data within the meaning of 'objects'. In this article, the Director of the Tallinn Manual Project responds to the authors' criticism of the majority view by explaining and clarifying its reasoning.

345.25/319 (Br.)

**L'opération Unified Protector en Libye au regard du droit international humanitaire / Eric David.** - In: *Droits : revue française de théorie, de philosophie et de culture juridiques*, No 56, 2012, p. 49-58. - Photocopies

Examen de l'opération de Unified Protector de l'OTAN en Libye en 2011 au regard du droit international humanitaire. Après un rappel de la chronologie des faits, l'auteur montre que la situation en Libye en 2011 s'apparente à un conflit armé international régi par le droit international humanitaire et que la coalition s'est efforcée de le respecter.

345.26/260 (Br.)

**RPAs and non-international conflict : a strategic/legal assessment / Michael P. Kreuzer.** - In: *Cardozo law review*, Vol. 36, issue 2, December 2014, p. 667-707. - Photocopies

Remotely Piloted Aircraft (RPAs) have, in recent years, been among the most controversial weapons systems in the U.S. war on terrorism. Debate rages over their overall effectiveness, their legality outside of recognized war zones, such as Afghanistan, and the precedent U.S. RPAs might set for other state and non-state actors in the future. Rather than focusing on the

technology of the RPA platform itself, this Article argues that the RPA enables a type of war against individuals that exposes a significant hole in both international law and conventional understanding of the boundaries of warfare. Rather than focusing on treaties to limit the use of RPAs, the first focus should be in addressing what constitutes war with non-state actors, what its boundaries are, and how such wars begin and end. Defining the parameters for a "just war" against a non-state actor will serve to clarify many of the legal debates surrounding discrimination and proportionality in strikes. Additionally, it will likely increase the effectiveness of the strikes themselves by allowing greater transparency of operations which will enable those employing the RPAs to better exploit the potential strategic effects of the operation.

345.27/141 (Br.)

**Transnational asymmetric armed conflict under international humanitarian law : key contemporary challenges / Eliav Lieblich with Owen Alterman.** - Tel Aviv : Institute for National Security Studies, 2015. - 191 p. : tabl. ; 30 cm. - Bibliographie : p. 185-191. - Photocopies. - ISBN 9789657425752

This book addresses some of the major challenges that contemporary conflicts, particularly transnational asymmetric armed conflicts, present in the context of international humanitarian law. Against the growing interface between international humanitarian and human rights law, it discusses the normative framework regulating such conflicts as well as particular issues concerning the law on targeting, such as the application of the principles of distinction and proportionality in scenarios of asymmetric conflict. The book defines the different positions in international discourse regarding these dilemmas and seeks wherever possible to reconcile them, at the same time that it highlights instances where there can be no reconciliation. The volume attempts to map the approaches toward some of the most pressing issues on the regulation of contemporary armed conflicts.

345.25/322

## **INTERNATIONAL ORGANIZATION-NGO**

**Diplomacy and negotiation for humanitarian NGOs / Larry Winter Roeder, Albert Simard.** - New York [etc.] : Springer, 2013. - XVIII, 456 p. : fotogr., graph., diagr., tabl. ; 25 cm. - (Humanitarian solutions in the 21st century). - Bibliographie : p. 431-448. Index. - ISBN 9781461471127

341.215/256

**The integration of the human rights component and international humanitarian law in peace missions led by the European Union : international colloquium, Universitat Jaume I, Castellón, Spain, 25-26 November 2010 / Mariano J. Aznar and Milena Costas, eds. ; CEDRI, Project Atlas.** - Valencia : Psylicom, 2011. - 131 p. ; 24 cm. - ISBN 9788493813086

Contient notamment : EU missions, international humanitarian law (IHL) and international human rights law (IHRL) / M. Sassòli. - Drafting EU missions' mandates and rules of engagement : application and assessment of human rights component and international humanitarian law / S. Kolanowski. - Violations of human rights and international humanitarian law in context of the missions : assessment of EU liability / P. Klein.

341.215/257



## **MISSING PERSONS**

**Vivre l'absence : aider les familles des personnes portées disparues / CICR.** - Genève : CICR, décembre 2014. - 26 p. : fotogr., diagr. ; 30 cm. - (Zoom)

De nombreuses personnes disparaissent dans le cadre de conflits, de catastrophes naturelles ou d'origine humaine, d'autres crises humanitaires et de migrations. Ces disparitions, déjà dramatiques pour les personnes concernées, sont source d'angoisse pour leurs familles, qui vivent dans l'incertitude quant au sort de leur proche. À cette souffrance viennent encore souvent s'ajouter des problèmes d'ordre économique et social pour les membres de ces familles.

332/81 (FRE)

## **NATIONAL RED CROSS AND RED CRESCENT SOCIETIES**

**Die Basler und das Rotes Kreuz : 125 Jahre SRK Basel / Hrsg. Schweizerisches Rotes Kreuz Basel-Stadt ; Thomas Brückner... [et al.] ; [Vorwort von Irene Von Planta].** - Basel : Schweizerisches Rotes Kreuz Basel-Stadt, 2013. - 147 p. : fotogr. ; 24 cm. - ISBN 9783033038752

SN/CH/32

**Héros anonymes, mission héroïque : la Croix-Rouge de Belgique durant la Seconde Guerre mondiale / Luis Angel Bernardo y Garcia... [et al.].** - Bruxelles : Archives générales du Royaume, 2006. - 151 p. : fotogr., fac-sim. ; 24 cm

SN/BE/28

## **NATURAL DISASTERS**

**From armed conflict to disaster vulnerability / Marcus Marktanner, Edward Mienie, Luc Noiset.** - In: Disaster prevention and management, Vol. 24, issue 1, p. 53-69 : tabl., carte. - Photocopies. - Bibliographie : p. 67-68

361.9/67 (Br.)

**The international law of disaster relief / ed. by David D. Caron, Michael J. Kelly, Anastasia Telesetsky.** - New York : Cambridge University Press, 2014. - XXIII, 387 p. : fotogr., diagr., tabl. ; 24 cm. - Index. - ISBN 9781107061316

Contient notamment : International law and the disaster cycle / D. A. Farber. - International disaster relief law and article 38(1)(c) of the Statute of the International Court of Justice : the forgotten source of international law / I. Saunders. - Evolution of international disaster response law : toward codification and progressive development of the law / E. Tokunaga. - Help from above : the role of international law in facilitating the use of outer space for disaster management / B. R. Israel.

361.9/66 DEP

**The typhoon Haiyan response / David Carden... [et al.].** - In: Humanitarian exchange : the magazine of the Humanitarian Practice Network, No. 63, January 2015, 42 p. : fotogr., graph., tabl., diagr., cartes

Contient notamment : Coordinating the response to typhoon Haiyan / D. Carden and A. Jonathan Clements. - Typhoon Haiyan : lessons from the response and how to prepare for the future / J. Hall. - Humanitarian partnerships : reality lags behind the rhetoric / A. Street. - "Recently noticed" aid actors : MSF's interaction with a changing humanitarian landscape / M. Hofman and S. Tiller.

## **PEACE**

**La mano extendida : the interaction between international law and negotiation as a strategy to end gang warfare in El Salvador and beyond / Emma Mahern.** - In: Indiana international and comparative law review, Vol. 24, no. 3, 2014, p. 767-808. - Photocopies

This Note reviews the domestic and regional responses to the threat of transnational gangs. It examines various Mano Dura policies throughout Central America, as well as prevention programs and regional agreements and strategies. This Note reviews the available information regarding the truce and the developments that are still happening. It explores the role of the El Salvadorian government and the OAS in negotiating the truce. It also discusses the response from various countries in the region regarding negotiation as a strategy for decreasing violence. The Note then examines the development of international law, and in particular, the ways in which it seeks to restrict and manage violence through International Humanitarian Law (IHL) and International Human Rights Law (IHRL). This Note explores the legal and political limitations of IHL and IHRL in reducing violence in conflicts such as the one in El Salvador. This Note demonstrates how El Salvador's international obligations may inhibit transitional justice and delay the humanitarian goals of the truce. Finally, the Note suggests ways that the international community can support the humanitarian goals embodied in the truce.

172.4/8 (Br.)

**Spoiler groups and UN peacekeeping / Peter Nadin, Patrick Cammaert, Vesselin Popovski.** - In: Adelphi, 449, February 2015, 148 p.. - Index

## **PROTECTION OF CULTURAL PROPERTY**

**Babylon revisited : reestablishing a corps of specialists for the protection of cultural property in armed conflict / Ronald T. P. Alcalá.** - In: Harvard national security journal, Vol. 6, issue 1, 2015, p. 206-254. - Photocopies

After a brief outline of the development of international rules regarding the protection of cultural property prior to World War II, these early rules are examined in relation to the principles of military necessity, distinction, and proportionality. In Section III, the Article explores how the United States endeavored to protect cultural property during World War II in light of these rules. Section IV describes the international community's attempt to expand the protections afforded to cultural property following the trauma of World War II. The 1954 Hague Convention and the 1999 Second Protocol serves as the focus of discussion in this section. Section V examines how despite the U.S. experience protecting cultural artifacts during World War II, and the development of more robust legal protections for cultural property that followed, the U.S. military still failed to respect and protect cultural property in Iraq, including sites like the ancient city of Babylon. In Section VI, the Article outlines a proposal to reintegrate "cultural property officers" into the U.S. Army. These officers would help identify and advise commanders on cultural property issues and would serve as the foundation for a more

methodical and systematized program of cultural property protection in the armed forces. Ultimately, adequately safeguarding and protecting cultural property in future conflicts will require the military's recommitment to the ideals it embraced when it fielded and supported the "Monuments Men" of World War II.

363.8/87 (Br.)

**Instruction des troupes avant des opérations internationales / François Sénéchaud.** - In: Forum protection des biens culturels, 10/2007, p. 68-72

363.8/87

**KGS in (friedensunterstützenden) Krisenbewältigungs-Operationen / Michael Pesendorfer.** - In: Forum protection des biens culturels, 10/2007, p. 34-40

363.8/87

**Kulturgüterschutz im Kriegsvölkerrecht : Umsetzung und Ausbildung in der Schweizer Armee / Carl Marchand.** - In: Forum protection des biens culturels, No 19, 2012, p. 74-78 : fotogr.

363.8/86

**La PBC dans les bibliothèques et les centres d'archives : de la prise de conscience aux réflexes quotidiens / Barbara Roth-Lochner.** - In: Forum protection des biens culturels, No 19, 2012, p. 34-40 : fotogr.. - Bibliographie : p. 39

363.8/86

**Pour une collaboration entre militaires et civils dans la protection des biens culturels en cas de conflit armé / Yaya Savané.** - In: Forum protection des biens culturels, 10/2007, p. 42-48

363.8/87

**The protection of cultural heritage in armed conflict / Kristin Hausler.** - Oxford : Oxford University Press, 2014. - p. 361-387. - In: The war report : armed conflict in 2013

355/1018 (2013)

## **PUBLIC INTERNATIONAL LAW**

**Le recours à la force autorisé par le Conseil de sécurité : droit et responsabilité / sous la dir. de Karine Bannelier et Cyrille Pison.** - Paris : Pedone, 2014. - 282 p. : tabl. ; 25 cm. - ISBN 9782233007063

Contient notamment : Les tensions entre jus ad bellum et jus in bello dans le cadre des mandats du Conseil de sécurité / V. Koutroulis. - Outils et méthodes opérationnels d'encadrement de l'usage de la force / C. Pison. - Le processus de judiciarisation des activités militaires / S. Zasova.

345/675

## **REFUGEES-DISPLACED PERSONS**

**Una solución simple para los refugiados que huyen de la guerra ? : la definición ampliada de América Latina y su relación con el derecho internacional humanitario / David J. Cantor, Diana Trimiño Mora.** - In: Anuario mexicano de derecho internacional, Vol. 15, 2015, p. 165-194. - Photocopies

Este artículo explora cómo la definición ampliada de refugiado de la Declaración de Cartagena sobre los Refugiados de 1984, protege a los refugiados que huyen de conflicto armado. Apoyándose en el derecho internacional humanitario (DIH), propone una nueva interpretación para la definición de Cartagena. El mismo adopta un análisis contextual de la definición, con base en el propósito general de la Declaración: la protección de los refugiados que huyen de la guerra en América Latina. El artículo evalúa interpretaciones pasadas o "convencionales" de la definición regional de refugiado y propone un nuevo enfoque alternativo que da un mayor énfasis al contexto y propósito de la Declaración. Con la nueva propuesta, el artículo ilustra el papel actual y futuro del DIH en la determinación del alcance de la definición de refugiado de la Declaración de Cartagena.

325.3/8 (Br.)

**Camp cities / vol. ed.: Julia Hartmann... [et al.].** - In: *Dialog : a journal for planning and building in a global context*, Vol. 112/113, 1-2/2013, 99 p. : fotogr., ill., cartes

Contient notamment : Design, manifestation and development in camps for the displaced / Jim Kennedy. - Emergency or development ? : architecture as industrial humanitarianism / Anooradha Iyer Siddiqi. - On camp improvement / Muna Budeiri. - The 1951 Convention and the warehousing refugee campaign : an interview with Merril Smith / Pia Lorenz. - Convertible urbanism : reusing refugee camp structures / Regina Orvañanos Murguía.

325.3/499

**International humanitarian law and the interpretation of "persecution" in article 1A(2) CSR51 / Eric Fripp.** - In: *International journal of refugee law*, Vol. 26, issue 3, October 2014, p. 382-403. - Photocopies

The article examines the relationship of international humanitarian law (IHL) to the definition of 'persecution' at article 1A(2) CSR51. Armed conflict has been a pervasive part of the human experience, and was within the immediate historical experience of the drafters of CSR51. It is argued that the reference of CSR51 to international human rights law (IHRL) and the receptivity of IHRL to external standards where necessary, enable IHL in appropriate cases to inform the application of a test more generally based upon IHRL. On this understanding IHL indirectly informs the scope of 'persecution' at article 1A(2) through the medium of IHRL.

325.3/7 (Br.)

**The laws of war and the protection of "war refugees" : reflections on the debate and its future directions / David James Cantor.** - In: *Journal of international criminal justice*, Vol. 12, no. 5, December 2014, p. 931-951

How can the laws of war – or international humanitarian law (IHL) – contribute to securing refuge from the inhumanity of war, a major driver of refugee flows in today's world? Implicit in this apparently straightforward enquiry is a complex debate about interaction between the domains and rules of IHL and international refugee law. This article aims to illuminate the current contours of this debate by reflecting upon the state-of-the-art thinking developed by the range of new scholarly and practitioner contributions to the 'Refuge from Inhumanity' project – recently published in book form. It identifies three broad areas in which IHL may prove relevant to the protection of war refugees and suggests that they merit special attention not only in their own right but also as a means of informing efforts to interpret refugee law by drawing on the closely related field of international criminal law.

**The role of international organizations and human rights monitoring bodies in refugee protection / guest editor Maria-Teresa Gil-Bazo.** - In: *Refugee survey quarterly*, Vol. 34, no. 1, 2015

Contient notamment : *Refugee protection under international human rights law : from non-refoulement to residence and citizenship / M. - T. Gil-Bazo.* - *Time for reform ? : refugees, asylum-seekers, and protection under international human rights law / C. Harvey.* - *Reframing relationships : revisiting the procedural standards for refugee status determination in light of recent human rights treaty body jurisprudence / D. J. Cantor.*

## **RELIGION**

**Islam and warfare : context and compatibility with international law / Onder Bakircioglu.** - London ; New York : Routledge, 2014. - VI, 212 p. ; 24 cm. - (Routledge research in the law of armed conflict). - Bibliographie : p. 189-208. Index. - ISBN 9780415828888

297/154

**Peace on earth : the role of religion in peace and conflict studies / ed. by Thomas Matyók... [et al.].** - Lanham [etc.] : Lexington Books, 2014. - IX, 443 p. : diagr. ; 24 cm. - Bibliographies. Index. - ISBN 9780739176283

Contient notamment : *Religion, peace and violence : tensions and promises / D. Creamer and C. Hrynkow.* - *Striving for justice and peace on earth, catholic peace initiatives / I. Muvingi.* - *Peace building principles and values in Islam : beyond the basic framework / M. Abu-Nimer.*

281/65

**Why tolerate religion ? / Brian Leiter ; with a new pref. by the author.** - Princeton ; Oxford : Princeton University Press, 2013. - XXIII, 187 p. ; 22 cm. - Bibliographie : p. 175-180. Index. - ISBN 9780691163543

281/64

## **SEA WARFARE**

**War crimes during armed conflicts at sea / Panagiotis Sergis.** - Leiden ; Boston : M. Nijhoff, 2014. - p.523-553. - In: *La criminalité en mer = Crimes at sea.* - Photocopies

The aim of this chapter is to highlight the shortcomings of the concept of "war crimes" in naval warfare. The main obstacles, which prevent the criminalization process, are firstly the difficulty of accepting the existence of an "armed conflict" in the maritime milieu, secondly the underdevelopment of the law regulating naval warfare, and finally the intrinsic limitations in the symbiotic relationship between International Criminal Law (ICL) and International Humanitarian Law (IHL). They both negatively affect the legal evaluation of real-time operations, as will become evident later from the analysis of the Mavi Marmara incident in 2010.

347.799/156 (Br.)

## **TERRORISM**

**The Ebola virus and the threat of bioterrorism / Naveen D. Gunaratne.** - In: The Fletcher Forum of world affairs, Vol. 39:1, Winter 2015, p. 63-76

## **WOMEN-GENDER**

**Female participation and civil war relapse / Jacqueline H. R. Demeritt, Angela D. Nichols and Eliza G. Kelly.** - In: Civil wars, Vol. 16, no. 3, September 2014, p. 346-368 : tabl., graph.

**Gender at the intersection of international refugee law and international criminal law / Valerie Oosterveld.** - In: Journal of international criminal justice, Vol. 12, no. 5, December 2014, p. 953-974

**Sexual violence against men and boys in armed conflict / Alice Priddy.** - Oxford : Oxford University Press, 2014. - p. 271-296. - In: The war report : armed conflict in 2013

Whereas sexual violence against women and girls is receiving growing attention, still relatively little attention has been paid to sexual violence against men and boys. Therefore, while acknowledging that most conflict-related sexual violence continues to be perpetrated against women and girls, this chapter focuses on the prevalence of such violence against men and boys. Section A discusses the forms and effect of male-directed sexual violence and the barriers survivors face to accessing services and justice. In Section B, the international legal framework applicable to sexual violence and how this relates to male-directed sexual violence is discussed. Section C describes conflict-related sexual violence against men and boys in 2013.  
*355/1018 (2013)*

**Sexual violence directed against men and boys in armed conflict or mass atrocity : addressing a gendered harm in international criminal tribunals / Valerie Oosterveld.** - In: Journal of international law and international relations, Vol. 10, 2014, p. 107-128. - Photocopies

This article explores the current state of understanding within international criminal law of sexual violence directed at men and boys, particularly as a crime against humanity or a war crime. It begins by examining how international criminal tribunals have approached male-targeted sexual violence to date, concluding that the tribunals have been uneven in their approach; even so, these cases have been helpful in creating the beginnings of a typology of male sexual violence. The article then turns to identifying three main gaps that must be addressed in order to improve the ability of international criminal tribunals - and, similarly, domestic courts prosecuting international crimes - to address this form of sexual violence. The first gap is an information gap: there is a dearth of systematic data on sexual violence directed against men and boys in armed conflict or atrocity. The result is that relatively little is known about the prevalence, patterns and effects of male sexual violence, and less attention is paid to the issue than should be the case, including in the field of international criminal law. The second gap can be referred to as a social gap. Men and boys may not feel able to speak about their experiences or, if they do, they may not describe themselves as victims of sexual violence. The third gap is a legal gap, which is twofold: a gap in overt recognition and a gap in classification. While rape has been defined in international criminal law in a gender-neutral way, there are other acts of sexual violence visited upon men and boys that are not explicitly named. This lack of overt recognition can be problematic because these acts must be prosecuted under other (broader, less descriptive) headings. When combined with the social gap, the result can be miscategorization. Sexual violence crimes directed at men and boys have been legally (re)classified as torture, cruel treatment or inhumane acts, thereby obscuring the sexual aspects of the harm done to the victims.

*362.8/229 (Br.)*



**Women and explosive weapons / ed. by Ray Acheson and Beatrice Fihn.** - Geneva ; New York : Reaching Critical Will of the Women's International League for Peace and Freedom, 2014.  
- 25 p. : fotogr., graph., tabl. ; 30 cm. - Photocopies

362.8/228 (Br.)