



ICRC

New acquisitions of the Library

Mid-September to October 2015

International Committee of the Red Cross
Library
19, av. de la Paix, 1202 Geneva

Phone +41 22.730.20.30. Fax +41 22.730.20.82

library@icrc.org

www.icrc.org

Catalogue www.cid.icrc.org/library

Opening hours :

Monday to Thursday 9 am to 5 pm

Friday 9 am to 1 pm

[Complete list of new acquisitions by alphabetic order on this clic](#)

Table of Contents

.....	1
ARMS	3
BIOGRAPHY / HISTORY	5
CHILDREN.....	5
CIVILIANS	7
CONFLICT-VIOLENCE AND SECURITY.....	7
DETENTION.....	7
GEOPOLITICS.....	8
HUMAN RIGHTS	9
HUMANITARIAN AID	11
ICRC-INTERNATIONAL MOVEMENT OF THE RED CROSS AND RED CRESCENT	12
INTERNATIONAL CRIMINAL LAW	12
INTERNATIONAL HUMANITARIAN LAW-GENERAL	14
INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES	15
INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION.....	18
INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION	21
INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS.....	22
INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT	25
INTERNATIONAL ORGANIZATION-NGO.....	27
PEACE.....	28
PSYCHOLOGY	29
PUBLIC INTERNATIONAL LAW	29
REFUGEES-DISPLACED PERSONS.....	30
RELIGION	30
SEA WARFARE	31
TERRORISM	31
WOMEN-GENDER.....	31

ARMS

Armes nucléaires et si elles ne servaient à rien ? : 5 mythes à déconstruire / Ward Wilson ; trad. Danièle Fayer-Stern ; [préf. Michel Rocard]. - Bruxelles : GRIP, 2015. - 165 p. : fotogr. ; 21 cm. - (Les livres du GRIP ; no 308-309). - Titre original: 5 myths about nuclear weapons. - Bibliographie : p. 141-165. - ISBN 9782872910397

341.67/781

The automation and proliferation of military drones and the protection of civilians / Noel Sharkey. - In: *Law, innovation and technology*, Vol. 3, issue 2, 2011, p. 229-240. - Photocopies

The post 9/11 and Gaza conflicts have created a dramatic increase in the use of remotely piloted armed drones. Although there is currently a "man-in-the-loop" for all lethal targeting operations, that role is set to shrink rapidly as more autonomous operation becomes available. Current autonomous robots cannot discriminate between combatant and non-combatant targets, do not have battlefield awareness, cannot reason appropriately or make proportionality decisions. The author points to the dangers of relying on future technological fixes. With over 50 countries now buying and developing the technology, autonomous armed drones could become dominant in future war. The author examines the impact in relation to international humanitarian law. Military necessity is considered as a possible way to allow the new indiscriminate weapons to be deployed. Finally, the paper examines concerns about drone attacks being considered to be actions short of warfare.

341.67/776 (Br.)

Autonomous weapons systems, the frame problem and computer security / Michal Klincewicz. - In: *Journal of military ethics*, Vol. 14, issue 2, July 2015, p. 162-176. - Bibliographie : p. 175-176

Back to the future : reflections on the advent of autonomous weapons systems / Michael A. Newton. - In: *Case Western Reserve journal of international law*, Vol. 47, issue 1, Spring 2015, p. 5-23. - Photocopies

This essay refocuses the debate over autonomous weapons systems to consider the potentially salutary effects of the evolving technology. Law does not exist in a vacuum and cannot evolve in the abstract. *Jus in bello* norms should be developed in light of the overarching humanitarian goals, particularly since such weapons are not "inherently unlawful or unethical" in all circumstances. This essay considers whether a preemptive ban on autonomous weapons systems is likely to be effective and enforceable. It examines the grounds potentially justifying a preemptive ban, concluding that there is little evidence that such a ban would advance humanitarian goals because of a foreseeable lack of complete adherence. The essay concludes by suggesting three affirmative values that would be served by fully vetted and field-tested technological advances represented by autonomous weapons. Properly developed and deployed, autonomous weapons might well advance the core purposes of *jus in bello* by helping the balance the twin imperatives of military necessity and humanitarian interests.

341.67/778 (Br.)

The debate over autonomous weapons systems / Gregory P. Noone and Diana C. Noone. - In: *Case Western Reserve journal of international law*, Vol. 47, issue 1, Spring 2015, p. 25-35. - Photocopies

The debate over Autonomous Weapon Systems (AWS) has begun in earnest with advocates for the absolute and immediate banning of AWS development, production, and use arguing AWS should be banned because these systems lack human qualities, such as the ability to relate to other humans and to apply human judgment, that are necessary to comply with the law. In addition, the weapons would not be constrained by the capacity for compassion, which can provide a key check on the killing of civilians. The opposing viewpoint in this debate articulates

numerous arguments that generally include: it is far too premature and too speculative to make such a proposal/demand; the Law of Armed Conflict should not be underestimated in its ability to control AWS development and future operations; AWS has the potential to ultimately save human lives (both civilian and military) in armed conflicts; AWS is as inevitable as any other technology that could potentially make our lives better; and to pass on the opportunity to develop AWS is irresponsible from a national security perspective. The purpose of this article is to help refine the AWS debate.

341.67/777 (Br.)

Extraterritorial targeting by means of armed drones : some legal implications / Jelena Pejic. - In: *International review of the Red Cross*, Vol. 96, no. 893, Spring 2014, p. 67-106

The use of "drones" has grown exponentially over the past decade, giving rise to a host of legal and other issues. Internationally, it is the utilization of armed drones by States for the extraterritorial targeting of persons that has generated significant debate. This article attempts to outline some aspects of the relevant legal framework, with a focus on the international law applicable to drone strikes in situations of armed conflict. It briefly addresses the *jus ad bellum* and then centres on the *jus in bello*, addressing, in turn, questions related to when there is an armed conflict, what the rules on targeting are, who may be targeted and where persons may be targeted.

Learning to live with drones : answering Jeremy Waldron and the neutralist critique / Avery Plaw and João Franco Reis. - In: *Journal of military ethics*, Vol. 14, issue 2, July 2015, p. 128-145. - Bibliographie : p. 143-145

Nonlethal weapons, noncombatant immunity, and the principle of participatory liability / Michael L. Gross. - In: *Case Western Reserve journal of international law*, Vol. 47, issue 1, Spring 2015, p. 201-216. - Photocopies

In defiance of international law, nonlethal weapons inflict direct harm upon noncombatants. To permit their use, this paper considers three competing arguments. First, nonlethal weapons inflict no harm; second, nonlethal weapons cause harm but do not violate the principle of noncombatant immunity; and third, some civilians, namely those who providing war sustaining aid, are liable to nonlethal harm under the principle of participatory liability. The first claim has no merit. Nonlethal weapons inflict pain and suffering, albeit transitory. Combatants, however, are not always protected from all forms of direct harm. When subjected to economic sanctions, for example, noncombatants may suffer severe hardship. By analogy, noncombatants may suffer limited harm from nonlethal weapons when intended to prevent greater harms that come from conventional military attacks. Finally, not all noncombatants deserve immunity at all. Those providing war sustaining aid are liable to disabling but nonlethal force.

341.67/779 (Br.)

The potential of the arms trade treaty to reduce violations of international humanitarian law and human rights law / Gro Nystuen and Kjølv Egeland. - Oxford : Oxford University Press, 2015. - p. 209-226. - In: *Promoting peace through international law*

The chapter evaluates the potential of the Arms Trade Treaty to identify and reduce violations of international humanitarian law and human rights law. It assesses the process and the outcome of the negotiation of an Arms Trade Treaty, the first international instrument that makes an explicit link between arms export and its potential consequences in terms of violations of international humanitarian law and human rights law. The chapter presents the negotiation history of the ATT, comparing it to other recent treaty negotiations within humanitarian disarmament, and discusses the association between international law and peace studies. The main aim of the chapter is to present the ATT's provisions for regulating the situations in which arms exports will be prohibited.

172.4/273

Les restes explosifs de guerre / CICR. - [4th ed.]. - Genève : CICR, septembre 2015. - 12 p. : fotogr. ; 21 cm. - (En bref)

Une brochure succincte et colorée destinée à sensibiliser le public au problème des débris de guerre explosifs. Décrivant les efforts déployés tant par le CICR que par les Sociétés nationales dans cet important domaine, elle a pour objectif d'encourager les mesures prises à l'échelon international pour résoudre ce problème.

341.67/539 (2015 FRE Br.)

Robotics at war / Elinor Sloan. - In: *Survival*, Vol. 57, no. 5, October-November 2015, p. 107-120

BIOGRAPHY / HISTORY

"Hinter jenen fernen Höhen" : Erinnerungen aus meinem (bisherigen) Leben / Daniel Thürer. - In: *Commentationes historiae iuris helveticae*, Vol. 13, 2014, p. 129-173. - Photocopies

92/333 (Br.)

Annemasse, la frontière et Genève 1939-1945 : une histoire singulière / Robert Amoudruz, Guy Gavar ; avec l'assistance de Monique Bosson ; préf. de Paul Guichonnet ; avant-dire de Georges Deléaval. - Montmélian : La fontaine de Siloé, 2015. - 460 p. : cartes, tabl., fotogr. ; 24 cm. - Bibliographie : p. 457-459. - ISBN 9782842065843

94/542

Arménie-Turquie : le centenaire manqué / par Ali Kazancigil, Michel Marian. - In: *Politique étrangère*, 2015, 3, p. 71-91

Contient: La Turquie face au génocide des Arméniens : de la négation à la reconnaissance ? / A. Kazancigil. - Génocide arménien : retour sur un centenaire / M. Marian

CHILDREN

Barefoot, pregnant and in the kitchen : am I a child soldier too? / Solange Mouthaan. - In: *Women's studies international forum*, Vol. 51, July-August 2015, p. 91-100. - Bibliographie : p. 99-100. - Photocopies

362.7/407 (Br.)

Children and the International Criminal Court : analysis of the Rome Statute through a children's rights perspective / Cynthia Chamberlain. - Cambridge [etc.] : Intersentia, 2015. - XVIII, 273 p. ; 24 cm. - Bibliographie : p. 239-247. Index. - ISBN 9781780682952

This study 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

Enfance et violence de guerre / Fériel Berraies-Guigny ; préf. de Julien Lauprêtre [et] Gus Massiah. - Paris : L'Harmattan, 2015. - 2 vol. (177, 248 p.) ; 22 cm. - Bibliographies

362.7/405 (I)(II)

La protection des droits de l'enfant pendant les conflits armés en droit international / par Ameth Fadel Kane. - [S.l.] : [s.n.], juin 2014. - 490 p. ; 30 cm. - Thèse, Droit public, mention droit international, Université de Lorraine, juin 2014. - Photocopies. - Bibliographie : p. 419-477. Index

La protection des droits de l'enfant victime des conflits armés est une problématique récente et actuelle qui s'appuie sur l'évolution des droits de l'homme et sur la mutation de la nature des conflits. Elle pose la question de l'existence d'un cadre normatif international consistant, apte à assurer protection et assistance à l'enfant en proie à des hostilités. Sur ce point, il apparaît que le droit international prévoit un ensemble de mécanismes juridiques applicables à l'enfant, qu'il soit victime directe ou indirecte des conflits, ou qu'il participe directement aux hostilités. Cependant, l'examen de ces instruments montre qu'ils se caractérisent souvent par la généralité de leurs dispositions qui ne sont pas toujours adaptées à la prise en compte de la spécificité de l'enfant. De plus, ils soulèvent parfois des questions d'applicabilité. Ainsi, si l'on ne peut pas leur nier toute effectivité, celle-ci reste, à bien des égards, partielle. L'adoption de mécanismes juridiques spécifiquement applicables à l'enfant, comme la Convention des droits de l'enfant de 1989 et ses protocoles facultatifs, avait d'ailleurs pour objet de remédier à cette inadaptation et d'établir l'exhaustivité du cadre juridique. La persistance des violations fait, cependant, prendre conscience des insuffisances normatives et impose une redéfinition de l'objectif de protection. Dans ce contexte, l'implication grandissante du Conseil de sécurité, mais aussi la criminalisation des violations commises lors des conflits armés, définissent une nouvelle approche de la responsabilité de la communauté internationale en la matière.

362.7/408

Sexual violence against child soldiers : the limits and potential of international criminal law / Rosemary Grey. - In: *International feminist journal of politics*, Vol. 16, no. 4, 2014, p. 601-621. - Bibliographie : p. 619-621. - Photocopies

In addition to participating in hostilities, girl soldiers are often raped, sexually enslaved and used as "bush wives" by their commanders and fellow soldiers. As this issue of sexual violence against girl soldiers has become increasingly visible in recent cases before the International Criminal Court (ICC) and Special Court for Sierra Leone (SCSL), attempts have been made to prosecute this conduct within the established framework of international criminal law. Most recently, this issue has been addressed in the case of *The Prosecutor v Bosco Ntaganda*, one of the six cases that have come before the ICC from the situation in the Democratic Republic of Congo. On 9 June 2014, the Pre-Trial Chamber confirmed the charges in the Ntaganda case, and found that the rape and sexual slavery of girl soldiers in Ntaganda's armed group by other members of that group could constitute war crimes under Article 8(2)(e)(vi) of the Rome Statute. This article considers what the Ntaganda decision adds to the jurisprudence on sexual violence against child soldiers, and what it demonstrates about the limits of the law.

362.7/406 (Br.)

CIVILIANS

Accounting for the dynamics of one-sided violence : introducing KOSVED / Gerald Schneider, Margit Bussmann. - In: *Journal of peace research*, Vol. 50, no. 5, September 2013, p. 635-644 : graph., tabl. - Bibliographie : p. 642-643. - Photocopies

355/1069 (Br.)

Armed group structure and violence in civil wars : the organizational dynamics of civilian killing / Roos Haer. - New York ; London : Routledge, 2015. - XV, 221 p. : diagr., graph., tabl. ; 24 cm. - (Routledge studies on civil war and intrastate conflict). - Bibliographies. Index. - ISBN 9781138829367

355/1066

CONFLICT-VIOLENCE AND SECURITY

Carnage and connectivity : landmarks in the decline of conventional military power / David Betz. - London : Hurst, 2015. - IX, 261 p.. - Bibliographie : p. 229-251. Index. - ISBN 9781849043229

355/1070

Krieg um des Friedens Willen : zur Lehre vom gerechten Krieg / Jessica Jensen. - Baden-Baden : Nomos, 2015. - 334 p. ; 23 cm. - (Nomos Universitätschriften. Recht ; Bd. 858). - Bibliographie : p. 301-334. - ISBN 9783848715183

355/1067

Postconflit : entre guerre et paix ? / Amaël Cattaruzza... [et al.]. - In: *Hérodote : revue de géographie et de géopolitique*, No 158, 3e trimestre 2015, 247 p. : cartes, graph., diagr.. - Bibliographies

Contient notamment : Du succès du cessez-le-feu à l'échec de la paix, l'expérience des monts Nouba au Soudan (2002-2005) / M. Lavergne. - Dynamiques territoriales du postconflit et de la reconstruction au Congo-Brazzaville / E. Dorier et H. Mazurek. - Femmes du Sud-Kivu, victimes et actrices en situation de conflit et postconflit / J. S. Nfundiko. - Sri Lanka : les séquelles de la guerre / E. Meyer et D. Madavan.

Rethinking warfare : the ambiguity of cyber attacks / Antonia Chayes. - In: *Harvard national security journal*, Vol. 6, issue 2, 2015, p. 474-519. - Photocopie

355/676 (Br.)

DETENTION

Interplay as regards dealing with detainees in international military operations / Bruce "Ossie" Oswald. - Pretoria : Pretoria University Law Press, 2014. - p. 67-97. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations.* - Photocopies

In this chapter Bruce Oswald explores the application of IHL and IHRL in non-international armed conflicts and peace operations when taking and handling detainees. He examines, in particular: the phases of detention in military operations, the legal regimes that apply to detention; the approaches taken by some states, international organisations and tribunals to the interplay; and how the interplay impacts on the treatment of detainees.

345.2/980

Through the eyes of a detention doctor : interview with Raed Aburabi / by Vincent Bernard and Elvina Pothelet. - In: *International review of the Red Cross*, Vol. 96, no. 894, Summer 2014, p. 479-484

Dr Raed Aburabi has been working for the International Committee of the Red Cross (ICRC) for twenty years. He is currently in charge of the health in detention unit at the ICRC's headquarters in Geneva. As part of his work, he visits countries in which the ICRC operates in order to develop a dialogue with the detaining authorities on improving health services and conditions in places of detention.

GEOPOLITICS

Arménie-Turquie : le centenaire manqué / par Ali Kazancigil, Michel Marian. - In: *Politique étrangère*, 2015, 3, p. 71-91

Contient: La Turquie face au génocide des Arméniens : de la négation à la reconnaissance ? / A. Kazancigil. - Génocide arménien : retour sur un centenaire / M. Marian

L'Algérie, nouvelle force régionale ? / dossier dir. par Mansouria Mokhefi. - In: *Politique étrangère*, 2015, 3, p. 9-70

Contient : L'économie algérienne : chronique d'une crise permanente / M. Mezouaghi. - La politique étrangère de l'Algérie : le temps de l'aventure ? / J.-F. Daguzan. - Le non-interventionnisme de l'Algérie en question / G. D. Porter. - Alger-Moscou : évolution et limites d'une relation privilégiée / M. Mokhefi

Boko Haram, le jihad en vidéo / Elodie Apard. - In: *Politique africaine*, No 138, juin 2015, p. 135-162 : photogr.

L'Etat islamique / Samuel Laurent. - [Paris] : Seuil, 2014. - 184 p. ; 18 cm. - (Points ; P4153). - ISBN 9782757854983

323.15/36

Etat islamique : au coeur de l'armée de la terreur / Michael Weiss & Hassan Hassan ; trad. par Anne Giudicelli. - Paris : Hugo, 2015. - 330 p. ; 22 cm. - Titre original: ISIS : inside the army of terror. - ISBN 9782755622447

323.15/37

Le Hezbollah libanais : de la révolution iranienne à la guerre syrienne / [coord. par Didier Leroy]. - Paris : L'Harmattan, 2015. - 114 p. ; 22 cm. - (La bibliothèque de l'Iremmo ; no 22). - Bibliographie : p. 109-112. - ISBN 9782343069371

323.15/LBN 16

La question kurde à l'heure de Daech / Gérard Chaliand ; avec la collab. de Sophie Mousset. - Paris : Seuil, 2015. - 153 p. : carte ; 22 cm. - Bibliographie : p. 153-154. - ISBN 9782021233230

323.15/IRQ 30

HUMAN RIGHTS

Il caso Hassan contro Regno Unito : CEDU, art. 15, diritto internazionale umanitario e la ricerca di un commodus discessus tra (supposte) antinomie normative e stato di eccezione / Antonio J. Palma. - In: *Ordine internazionale e diritti umani*, N. 1, marzo 2015, p. 111-128. - Photocopies

1. Premessa: il caso Hassan contro Regno Unito ed il rapporto tra la Convenzione europea dei diritti dell'uomo ed il diritto internazionale umanitario. - 2. La vicenda ed il ricorso alla Corte europea dei diritti dell'uomo. - 3. L'ambito applicativo della Convenzione ed il criterio della jurisdiction. - 4. La ricostruzione dei rapporti tra la Convenzione europea ed il diritto internazionale umanitario. - 4.1 segue: I rilievi critici nell'opinione parzialmente dissenziente del giudice Spano. - 4.2 segue: Ulteriori rilievi critici. La deminutio della tutela offerta dall'art. 5 e la (presunta) obsolescenza dell'art. 15. - 5. Conclusioni. Una possibile soluzione negli artt. 15 e 53 CEDU.

345.1/630 (Br.)

Humanitarian law in the Inter-American human rights system / Dinah Shelton. - Pretoria : Pretoria University Law Press, 2014. - p. 365-393. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations*. - Photocopies

In this chapter Dinah Shelton examines how the Inter-American Commission and Inter-American Court of Human Rights have considered the relationship between international human rights law (IHRL) and international humanitarian law (IHL). She outlines the (sometimes divergent) approaches of these bodies in relation to the scope of their jurisdiction to apply IHL; the threshold of violence that triggers application of IHL norms; and the content of the relevant norms.

345.2/908

Necropolitics : mass graves and exhumations in the age of human rights / ed. by Francisco Ferrándiz and Antonius C. G. M. Robben ; foreword by Richard Ashby Wilson. - Philadelphia : University of Pennsylvania Press, 2015. - IX, 270 p. : fotogr. ; 24 cm. - (Pennsylvania studies in human rights). - Bibliographies. Index. - ISBN 9780812247206

345.1/633

An overview of human rights violations of vulnerable groups in conflict-settings : current trends and patterns / Carmen Márquez Carrasco. - In: *Ordine internazionale e diritti umani*, N. 1, marzo 2015, p. 77-98. - Photocopies

This paper provides a specific focus on the list of vulnerable groups which has been identified in the EU Strategic Framework and in EU conflict/crisis management policies: namely, children, women, refugees and internally displaced persons (IDPs) and indigenous peoples. Those groups have been selected because they represent different approaches of vulnerability: inherent (children), gender-based (women) group-based (indigenous peoples), and depending on a specific status (IDPs and refugees). As regards the methodology, this essay follows a hybrid approach, mixing disciplinary approaches, policy and legal analyses, and provides data compiled by existing databases and human rights reports. In particular, several illustrations of current data on patterns, perpetrators and trends of serious human rights violations committed against selected vulnerable groups are presented. The paper is structured into three sections. Section one is focused on the relationship between human rights violations and conflict. Section two first explains the notion of vulnerability and how this notion relates to the selected vulnerable groups. It then presents an overview of serious human rights violations against those groups taking into account the legal and policy framework with a particular focus on EU instruments.

345.1/631 (Br.)

Quand droits de l'homme et droit international humanitaire s'emmêlent : un regard critique sur l'arrêt Hassan c. Royaume-Uni / par Philippe Frumer. - In: *Revue trimestrielle des droits de l'homme*, 26ème année, no 102, avril 2015, p. 481-507. - Photocopies

Dans son arrêt de principe *Hassan c. Royaume-Uni*, la Cour européenne des droits de l'homme était amenée pour la première fois à explorer de manière détaillée les rapports entre le droit de la Convention européenne des droits de l'homme et le droit international humanitaire en situation de conflit armé international. Le présent article examine sous un angle critique la solution dégagée par la Cour et le raisonnement qui la sous-tend. Il est également suggéré que la Cour aurait pu recourir à une solution alternative.

345.1/629 (Br.)

A regional perspective on the convergence and conflicts of human rights and international humanitarian law in military operations : the European Court of Human Rights / Karin Oellers-Frahm. - Pretoria : Pretoria University Law Press, 2014. - p. 333-363. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations.* - Photocopies

In this chapter Karin Oellers-Frahm examines the extent to which the European Court of Human Rights (ECtHR), which has jurisdiction to interpret and apply the European Convention on Human Rights, has to consider international humanitarian law (IHL) as *lex specialis* in cases that result from armed conflicts. This raises questions as to whether IHL can be directly applicable by the ECtHR *ratione materiae*; about the limits of the jurisdiction of the ECtHR *ratione personae*; and the manner in which IHL shapes the ECtHR's decisions on the merits.

345.2/980

The relationship between international human rights and humanitarian law in the African human rights system : an institutional approach / Frans Viljoen. - Pretoria : Pretoria University Law Press, 2014. - p. 303-332. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations.* - Photocopies

In this chapter, Frans Viljoen explores the relationship between international humanitarian law (IHL) and international human rights law (IHRL) in the African human rights system. The chapter deals with the fledgling attempts as well as the future potential of the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights and the African Committee of Experts on the Rights of the Child to apply IHL either indirectly through interpretation or in a more direct manner.

345.2/980

United Nations human rights mechanisms and the right to education in insecurity and armed conflict / Takhmina Karimova, Gilles Giacca, Stuart Casey-Maslen. - Geneva : Geneva Academy of International Humanitarian Law and Human Rights ; Doha : Protect Education in Insecurity and Conflict, [2013]. - XXVI, 105 p. ; 25 cm. - ISBN 9782970078654

345.1/632

HUMANITARIAN AID

Consent to humanitarian access : an obligation triggered by territorial control, not States' rights / Françoise Bouchet-Saulnier. - In: *International review of the Red Cross*, Vol. 96, no. 893, Spring 2014, p. 207-217

The debate about the legality of cross-border relief operations has been revived in the wake of the failures experienced by international humanitarian organizations in their response to humanitarian needs in Syria.

Fragmentation of the international humanitarian order ? understanding "cultures of humanitarianism" in East Asia / Jacinta O'Hagan and Miwa Hirono. - In: *Ethics and international affairs*, Vol. 28, no. 4, Winter 2014, p. 409-424. - Photocopies

361/645 (Br.)

Humanitarian economics : war, disaster and the global aid market / Gilles Carbonnier. - London : Hurst, 2015. - XVII, 292 p. : diagr., graph., tabl. ; 23 cm. - Bibliographie : p. 261-280. Index. - ISBN 9781849045520

361/646

Humanitarian technology : a critical research agenda / Kristin Bergtora Sandvik... [et al.]. - In: *International review of the Red Cross*, Vol. 96, no. 893, Spring 2014, p. 219-242

New technology may offer many opportunities for humanitarian action, but it also presents a number of challenges. Currently, most of the critical analysis of these potential challenges takes place in the blogosphere, on tweets and on listservs. There is a strong need for more scholarly engagement on the subject. This article offers an agenda for critical inquiry into the emergent field of humanitarian technology as applied to a broadly defined context of crises, encompassing both natural disasters and conflict zones, by identifying what technology does to the humanitarian enterprise, and by reflecting on the key challenges that emerge.

ICRC Q&A and lexicon on humanitarian access. - In: *International review of the Red Cross*, Vol. 96, no. 893, Spring 2014, p. 359-375

In situations of armed conflict, access to the victims thereof is regulated by IHL. The rules of IHL regulating humanitarian access must be respected by all parties to an armed conflict. In that framework, offers of services by an impartial humanitarian organization, such as the ICRC, cannot be interpreted as interference in States' internal affairs, nor as recognition of or support to a party to the conflict. Yet, parties to armed conflicts sometimes explicitly refuse access altogether or to certain areas. They might also implicitly/indirectly prevent access, for instance by creating legal, administrative and other practical obstacles impeding humanitarian action. In other cases, it is the absence of minimum conditions of security that prevents access by humanitarian personnel to individuals in need. This absence of security may materialize in the worst cases in direct threats and attacks against humanitarian personnel. There are different underlying reasons for recent constraints on humanitarian access. One of them is a growing perception over the last years that humanitarian aid has become more and more politicized. This is why the ICRC constantly seeks to remind and convince parties that its humanitarian action is apolitical and abides in all circumstances by the principles of neutrality, impartiality and independence. It has also repeatedly called over the years for respect for IHL provisions related to humanitarian access.

International organisations and the evolution of humanitarianism : cross-perspectives on the Commonwealth and the European Union / Lola Wilhelm. - In: *The round table*, Vol. 104, no. 4, 2015, p. 441-456. - Photocopies

361/644 (Br.)

ICRC-INTERNATIONAL MOVEMENT OF THE RED CROSS AND RED CRESCENT

The International Committee of the Red Cross's (ICRC's) role in situations of violence below the threshold of armed conflict : policy document, February 2014. - In: *International review of the Red Cross*, Vol. 96, no 893, Spring 2014, p. 275-304

The aim of this policy document is to affirm and explain the ICRC's role in situations of violence below the threshold of armed conflict. Indeed, the ICRC may mistakenly be perceived as having a role to play only in armed conflict situations. This document demonstrates that this has never been the case, whether in respect of the legal sources underpinning the ICRC's work and mission or its past operational practice. In addition, this document implicitly confirms that armed conflicts remain at the heart of the ICRC's scope of action, which nevertheless also comprises other situations of violence, as defined in this document (i.e. those in which the violence is collective but remains below the threshold of armed conflict). The ICRC decides to act in such situations of violence only after having engaged in a specific process of analysis based on simple criteria for involvement: the existence of significant humanitarian consequences generated by the situation of violence and the relevance of the humanitarian action it is considering in response. This policy document also recalls that, in this type of situation in particular, the ICRC ensures that it has the consent of the State for its work and that it strives to work in partnership with other, preferably local, players, above all, if possible, with the National Society.

Navigating the profits and pitfalls of governmental partnerships : the ICRC and intergovernmental relief, 1918-23 / Kimberly A. Lowe. - In: *Disasters : the journal of disaster studies and management*, Vol. 39, supplement 2, October 2015, p. 204-218. - *Bibliographie* : p. 217-218

INTERNATIONAL CRIMINAL LAW

After justice has been done : the benefit of hindsight / Susanne Karstedt... [et al.]. - In: *Journal of international criminal justice*, Vol. 13, no. 4, September 2015, p. 717-799 : tabl. Contient : *Managing criminal reputations : West German elites after the Nuremberg trials, 1946-1960 / S. Karstedt.* - *The sentence is only half the story : from stern justice to clemency for Japanese war criminals, 1945-1958 / S. Wilson.* - *Complicated legacies of justice : the Netherlands and World War II / C. Brants.* - *Knowing what we know now : international crimes in historical perspective / W. de Haan.*

Análisis de la primera sentencia de la corte penal internacional : el caso Lubanga / Kai Ambos, Ezequiel Malarino y Christian Steiner (editores). - Berlin ; Bogotá : Konrad Adenauer Stiftung, 2014. - 479 p. ; 24 cm. - *Bibliographies.* - ISBN 978958585301

Contient notamment : *El crimen de reclutamiento y utilización de niños soldados en el primer fallo de la corte penal internacional / C. Alfonso.* - *Determinando la existencia y naturaleza de un conflicto armado en el marco del estatuto de Roma : el caso Lubanga / E. Santalla Vargas.* - *El concepto de autor en el estatuto de Roma y su aplicación en la primera sentencia de la corte penal internacional : un dilema metodológico / J. L. Guzmán Dalbora.* - *El nexo de causalidad en sede de reparación en el caso Thomas Lubanga / A. Aponte Cardona.*

344/655

The crime of aggression : the United States perspective / by Harold Hongju Koh and Todd F. Buchwald. - In: *American journal of international law*, Vol. 109, no. 2, April 2015, p. 257-295

Denying humanitarian access as an international crime in times of non-international armed conflict : the challenges to prosecute and some proposals for the future / Rogier Bartels. - In: *Israel law review*, Vol. 48, no. 3, November 2015, p. 281-307. - *Photocopies*

Impeding humanitarian access and the starving of civilians is prohibited under international humanitarian law in times of both international and non-international armed conflicts. Such conduct is criminalised under the Rome Statute of the International Criminal Court (ICC Statute) when committed during an international armed conflict. However, without good reason, it is not a war crime when committed during a noninternational armed conflict. Contemporary conflicts, such as that in Syria, show that this is a problematic omission. This article addresses the challenges in prosecuting the denial of humanitarian access during international armed conflicts and examines the options to prosecute before the International Criminal Court such denial in times of non-international armed conflict as other war crimes, crimes against humanity, and genocide. The author concludes that these options would not suffice and proposes to add to the ICC Statute the starvation of the civilian population, including through impeding humanitarian access, as a war crime for non-international armed conflicts.

344/654 (Br.)

If you're not at the table, you're on the menu : complementarity and self-interest in domestic processes for core international crimes / Christopher Mahony. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 229-259 : graph.. - In: Military self-interest in accountability for core international crimes

In this chapter, Christopher Mahony considers the ICC's principle of complementarity and the military self-interest in conducting domestic proceedings on core international crimes. In the ICC's practice regarding Colombia, Libya, Kenya, Uganda and Guinea, Mahony notices that where States demonstrated the requisite due diligence and intent to pursue the crimes, they have successfully disabled ICC investigations. By contrast, more belligerent opposition to the ICC has led to further proceedings before the Court. Therefore it is in the military's self-interest to bring perpetrators of core international crimes to justice via domestic processes that could be politically controlled but still meet the complementarity threshold.

345.29/225

The jurisprudence of the International Court of Justice and international criminal courts and tribunals / Gentian Zyberi. - Pretoria : Pretoria University Law Press, 2014. - p. 395-416. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Photocopies

This chapter analyses the jurisprudence of the International Court of Justice and international criminal courts and tribunals in the application of international humanitarian law (IHL) and international human rights law (IHRL). First the chapter places within a broader perspective the role of international courts (ICs) in interpreting and developing the relationship between IHRL and IHL by explaining briefly ICs multifaceted functions in the contemporary legal order. The chapter then examines various topics which are central to both these bodies of law, namely the ICs emphasis on the fundamental shared values of human dignity and humanity; the extension of legal protection for certain categories of persons; the issue of reparations for serious violations of IHL and IHRL; and the role of ICs in preventing such violations. Finally a reflection on the contribution of the ICs to clarifying the issue of the relationship between human rights and humanitarian law is provided.

345.2/980

Prosecuting force-feeding : an assessment of criminality under the ICC statute / Sumer Dayal. - In: Journal of international criminal justice, Vol. 13, no. 4, September 2015, p. 693-716

INTERNATIONAL HUMANITARIAN LAW-GENERAL

The beginning of application of international humanitarian law : a discussion of a few challenges / Julia Grignon. - In: *International review of the Red Cross*, Vol. 96, no. 893, Spring 2014, p. 139-162

This article discusses some of the challenges related to the beginning of application of international humanitarian law (IHL). It concludes that IHL pertaining to international armed conflicts begins to apply as soon as one State employs force in the territory of another State without the latter's consent, provided that the violence is of a collective nature. In the case of non-international armed conflicts, this article acknowledges that it is now well settled that the two key criteria are the organization of the parties to the conflict and the level of intensity of the violence. This article shows however that some of the challenges inherent to the beginning of application of IHL make it almost impossible to identify a very single point in time at which it begins to become applicable, be it for international armed conflicts, including occupation, or non-international armed conflicts.

A brief overview of legal interoperability challenges for NATO arising from the interrelationship between IHL and IHRL in light of the European Convention on Human Rights / Kirby Abbott. - In: *International review of the Red Cross*, Vol. 96, no. 893, Spring 2014, p. 107-137

This article briefly overviews some of the current and future challenges to NATO legal interoperability arising from the relationship between international humanitarian law (IHL) and international human rights law generally and between IHL and the European Convention on Human Rights in particular.

The end of application of international humanitarian law / Marko Milanovic. - In: *International review of the Red Cross*, Vol. 96, no. 893, Spring 2014, p. 163-188

This article provides an overview of the rules governing the end of application of international humanitarian law (IHL), or the law of armed conflict. It articulates the general principle that, unless there is a good reason of text, principle or policy that warrants an exception, the application of IHL will cease once the conditions that triggered its application in the first place are no longer met. For IHL to apply, its distinct thresholds of application - international armed conflict, belligerent occupation and non-international armed conflict - must continue to be satisfied at any given point in time. The article also examines situations in which a departure from the general rule is warranted, as well as the factors that need to be taken into account in determining the end of each type of armed conflict. In doing so, the article analyzes terminating processes and events, which generally end the application of IHL (but not necessarily all of it), and transformative processes and events, which end the application of one IHL sub-regime but immediately engage another. Finally, the article briefly looks at the (putative) armed conflict between the United States and Al Qaeda and its seemingly imminent end.

Interview with Brigadier General Richard C. Gross / by Vincent Bernard and Anne Quintin. - In: *International review of the Red Cross*, Vol. 96, no. 893, Spring 2014, p. 13-27 : photogr.

Brigadier General Richard C. "Rich" Gross is the US Army Legal Counsel to the Chairman of the Joint Chiefs of Staff. He attended the Military Academy at West Point and was commissioned in the US Army as a second lieutenant in the Infantry. He also attended the University of Virginia School of Law and the US Army Judge Advocate General's Corps. He holds a Master's degree in strategic studies from the US Army War College. Prior to his current position, he served as the Chief Legal Adviser for the Joint Special Operations Command, the International Security Assistance Force (ISAF), US Forces-Afghanistan (USFOR-A) and at US Central Command. The scope of application of international humanitarian law (IHL) is a deceptively simple concept; broadly speaking, it is where, when and to whom the IHL rules apply. Although this has always been a precondition for discussing IHL issues, the outer limits of the law's applicability remain unsettled. To open this issue on the nuances of the scope of the law's application, Brigadier

General Gross gave the following interview providing the US perspective on the circumstances in which IHL applies, and the challenges that lie ahead in light of the ongoing evolution of the way war is waged.

INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES

Denial of quarter : a critique on cyber warfare / Sanoj Rajan and Yashasvi Nain. - In: AALCO journal of international law, Vol. 3, issue 2, 2014, p. 119-138

It is an established principle of humanitarian law that the aim of any military operation in warfare should not be to kill combatants, but to defeat the enemy, even if the killing of combatants for that aim is essential. Denial of quarter means killing an enemy who has surrendered. It has been mandated under IHL to protect both combatants and non-combatants from unnecessary suffering and to protect human rights. In cyber warfare, it is a bit difficult to observe as it does not give the targeted individuals a realistic opportunity to surrender. Since cyber warfare falls under the definition of attack within the meaning of IHL, the prohibition of denial of quarter is equally applicable to cyber warfare as to kinetic warfare.

345.26/274

International humanitarian law and legitimate targets in cyber conflict / Farideh Shaygan. - In: AALCO journal of international law, Vol. 3, issue 2, 2014, p. 67-93

The principle of distinction lies at the center of international humanitarian law (IHL) on the basis of which the legitimate targets of military operations in the context of an armed conflict are essentially determined. IHL, thus, prohibits indiscriminate attacks and limits them to military objectives. This article seeks to explore, if this body of international law - designed to apply on kinetic warfare - provides or has the potential to offer enough protection against humanitarian consequences of cyber attacks for civilian population and civilian objects. The identification of combatants or perpetrators of cyber attacks, as well as of military objects in cyber realm can practically pose difficulties. In addition, the interconnectedness of civilian and military infrastructure in cyber space is a significant factor to be taken into account when applying the principles governing the conduct of hostilities. This factor requires, at the same time, a high level of precaution in distinguishing lawful targets in order to control and limit the collateral effects at a level justified by IHL. Therefore, it would be necessary to transpose at least some of the fundamental rules of IHL governing the conduct of hostilities to the cyber realm, having in mind its specific characteristics.

345.26/274

International humanitarian law applied to cyber-warfare : precautions, proportionality and the notion of "attack" under the humanitarian law of armed conflict / Terry D. Gill. - Cheltenham ; Northampton : Edward Elgar, 2015. - p. 366-379. - In: Research handbook on international law and cyberspace

This chapter examines the application of the principle of proportionality and the duty to take precautions in attack in relation to attacks carried out in the cyber domain. Terry Gill argues that a cyber attack would only qualify as an "attack" for the purpose of international humanitarian law if it is committed in the context of a recognised armed conflict and is intended to or reasonably likely to cause appreciable danger of physical harm or damage. He concludes that while many cyber attacks would therefore not qualify as attacks, some would and, for those, international humanitarian law would be applicable by analogy in much the same way as it applies to attacks by kinetic weapons. Thus, cyber attacks against purely military installations or combatants, without any likely appreciable consequences to civilians or civilian objects, would fall outside the applicability of proportionality. Cyber attacks directed against military objectives or combatants that incidentally harm civilian objects or civilians are subject to the proportionality test and would be unlawful if the expected damage to the civilian objects or civilians is likely to be excessive in relation to the anticipated military advantage.

345/686

Interplay as regards conduct of hostilities / Michelle Lesh. - Pretoria : Pretoria University Law Press, 2014. - p. 99-120. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations.* - Photocopies

In this chapter Michelle Lesh examines the convergence and conflicts of the normative frameworks of international humanitarian law (IHL) and international human rights law (IHRL) during the conduct of hostilities. She illustrates the complexities of the relationship between the two regimes by assessing the extent to which the right to life in IHRL come to play a role during military operations that are regulated by the rules on the conduct of hostilities under IHL. Central to her analysis is the role of the *lex specialis* doctrine as informed by the principles of military necessity and humanity.

345.2/980

Is the principle of distinction still relevant in cyberwarfare ? / Karine Bannelier-Christakis. - Cheltenham ; Northampton : Edward Elgar, 2015. - p. 343-365. - In: *Research handbook on international law and cyberspace*

In this chapter, Karin Bannelier-Christakis assesses whether the principle of distinction is still relevant to hostilities conducted in cyberspace. Bannelier-Christakis explains that the principle of distinction applies only to conduct that amounts to an attack under international humanitarian law, which conventionally requires the use of violence that produces physical damage. Bannelier-Christakis criticises this conclusion given that in the contemporary era states place heavy reliance upon cyberspace and thus conduct that affects the functionality of computer systems can be extremely damaging even if it does not cause physical damage. As a result, she argues that the better approach is to subject all military operations (including those in cyberspace) to the principle of distinction regardless of the damage they cause. Customary international law, at least according to Bannelier-Christakis, supports such an approach. She also stresses the difficulty of distinguishing between military and civilian objects in cyberspace given its inherent interconnectivity and also explores how the concept of direct participation in hostilities applies to individuals involved in devising, maintaining and implementing cyber operations during times of armed conflict.

345/686

Law and morality at war / Adil Ahmad Haque. - In: *Criminal law and philosophy*, Vol. 8, issue 1, January 2014, p. 79-97. - Photocopies. - Bibliographie : p. 97

Through a critical engagement with Jeremy Waldron's work, as well as the work of other writers, I offer an account of the relative scope of the morality of war, the laws of war, and war crimes. I propose an instrumentalist account of the laws of war, according to which the laws of war should help soldiers conform to the morality of war. The instrumentalist account supports Waldron's conclusion that the laws of war justifiably prohibit attacks on civilians even if it turns out that some civilians lack a moral right not to be killed. Importantly, the instrumentalist account also offers what Waldron thinks impossible: a non-consequentialist defense of the failure of the laws of war to prohibit the killing of nonthreatening combatants. Finally, I argue that new war crimes can be broader than the morality of war as well as established laws of war and that many of the arguments for defining war crimes more narrowly than either the morality of war or the laws of war are unconvincing. In all of these ways, I hope to carry forward Waldron's project of exploring the relationship between law and morality in war.

345.25/328 (Br.)

Operationalizing use of drones against non-state terrorists under the international law of self-defense / Jordan J. Paust. - In: Albany government law review, Vol. 8, 2015, p. 166-203. - Photocopies

This article addresses whether the laws of war apply to use of measures of armed force against members of al Qaeda, the propriety of self-defense targetings of non-state actors in a foreign state, who and what can be targeted under the law of self-defense, criteria for operationalizing choice with respect to when and how to target, and certain future types of drones that might be utilized. Also addressed are reasons why human rights law and the U.S. Constitution do not prohibit legitimate self-defense targetings. A final section addresses limitations that exist under a law enforcement paradigm and why measures of self and collective self-defense are not simplistically measures of domestic law enforcement.

345.25/326 (Br.)

Proportionality in perspective : historical light on the law of armed conflict / Jeremy Rabkin. - In: San Diego international law journal, Vol. 16, issue 2, 2015, p. 263-340. - Photocopies

The argument of this article is that the proportionality rule in Additional Protocol I to the Geneva Conventions does express a doctrine that has real roots in western military practice, but it was not traditionally understood as the severe constraint on military operations that the Red Cross propounds. The western States at the Geneva drafting conference did not resist the proportionality rule. In fact, they were active sponsors of that formulation. They understood that rule to be consistent with past practice, including most Allied tactics in the world wars. At the time of the drafting conference, World War II was still within the personal memory of most delegates and even within the professional experience of some delegates. They understood that they were tightening humanitarian constraints in some ways, but did not think they were totally rewriting the law of war.

345.25/327 (Br.)

Puzzles of proportion and the "reasonable military commander" : reflections on the law, ethics, and geopolitics of proportionality / Robert D. Sloane. - In: Harvard national security journal, Vol. 6, issue 2, 2015, p. 299-343. - Photocopies

This article offers modest reflections on *jus in bello* proportionality. It suggests that the law of armed conflict (LOAC) build on the only consensus legal standard that exists: that of the good-faith reasonable military commander. The difficulty — here, as with any reasonableness standard — is to identify factors that realistically can, and legally should, guide adherence to it and to consider the objective and subjective dimensions of judgments under the standard. Part II scrutinizes the content and status of Additional Protocol I's (API) canonical definition of proportionality. It analyzes its text and context to bring out the extent to which API compels more, and more diverse, subjectivities and indeterminacies than commonly recognized. This is not a problem to be solved; it is an inexorable feature of the principle. Part III therefore critiques perhaps the most popular effort to invest proportionality with more precise substantive content: the idea that it requires elites to conduct hostilities "as if" their own noncombatants were the ones at risk. Part IV considers the prospects for promoting proportionality within the spectrum of lawfulness authorized by the current standard. Those prospects depend on dynamics exogenous to the letter of positive international law but not, for that reason, beyond the influence of international lawyers.

345.25/329 (Br.)

INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION

Assistance, direction and control : untangling international judicial opinion on individual and state responsibility for war crimes by non-state actors / Shane Darcy. - In: *International review of the Red Cross*, Vol. 96, no. 893, Spring 2014, p. 243-273

Despite the general consistency in the treatment of international humanitarian law by international courts and tribunals, recent decisions have seen significant disagreement regarding the scope of indirect responsibility for individuals and States for the provision of aid or assistance to non-State actors that perpetrate war crimes. The divisions at the international criminal tribunals with regard to the "specific direction" element of aiding and abetting are reminiscent of the divergence between the International Court of Justice and the International Criminal Tribunal for the former Yugoslavia on the question of State responsibility for supporting or assisting non-State actors that engage in violations of international law. This article analyzes this jurisprudence on individual and State responsibility for the provision of support to non-State actors that breach international humanitarian law, and considers the interaction and interrelationship between these related but distinct forms of responsibility.

Awakening self-interest : American military justice in Afghanistan and Iraq / Franklin D. Rosenblatt. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 295-340 : tabl.. - In: *Military self-interest in accountability for core international crimes*

In this chapter, Franklin D. Rosenblatt embarks on an empirical study of the effectiveness of the US court-martial system in Afghanistan and Iraq. He provides an overview of US court-martial practices in these two countries, drawing on numerous after-action reports, from which he concludes that the full-bore application of military justice is not viable in combat. Consequently, faulty accountability for military crimes has undermined counter-insurgency endeavours and diminished the armed forces' legitimacy. Rosenblatt suggests making military justice more portable and relevant to better serve strategic goals.

345.29/225

Compliance with the law of armed conflict : an Israeli perspective / Marlene Mazel. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 117-139. - In: *Military self-interest in accountability for core international crimes*

This chapter offers an Israeli perspective on the self-interest of accountability. Marlene Mazel establishes that Israel's history, core values and institutional features contribute to its commitment to the law of armed conflict. In this connection, she recalls the Eichmann trial and its legacy for universal jurisdiction. Mazel then follows the current jurisprudence of the Supreme Court of Israel regarding the legality of certain military conduct and the importance of national investigations of alleged violations of the law of armed conflict, where the Court seeks to prevent violations, educate troops and uphold the rule of law. Finally, the Turkel reports are used to illustrate the point that effective accountability mechanisms may affirm the credibility and international image of the military.

345.29/225

The impact of religion on military self-interest in accountability : an Islamic Shari'ah perspective / Adel Maged. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 141-169. - In: *Military self-interest in accountability for core international crimes*

In this chapter, Adel Maged investigates the relationship between the law of armed conflict and the Islamic Shari'ah as he contemplates the latter's impact on military self-interest in accountability. He asserts that Islamic Shari'ah has established sound legal and moral foundations for preventing and punishing core international crimes, through ethical principles of military engagement and norms regarding the conduct of hostilities in times of war. Religious beliefs should thus provide incentives for accountability in the Islamic world. Meanwhile, Maged

cautions against extremist groups' abuses of interpretations of Islamic teachings to justify their atrocities.

345.29/225

Inducing compliance with international humanitarian law : lessons from the African Great Lakes Region / ed. by Heike Krieger ; assistant ed. Jan Willms. - Cambridge : Cambridge University Press, 2015. - XVII, 557 p. : graph., tabl. ; 24 cm. - ISBN 9781107102057

The number of armed conflicts featuring extreme violence against the civilian population in areas with no or little State authority has risen significantly since the early 1990s. This phenomenon has been particularly prevalent in the African Great Lakes Region. This collection of essays evaluates, from an interdisciplinary perspective, the various traditional and alternative instruments for inducing compliance with international humanitarian law. In particular, it explores the potential of persuasion, as well as hierarchical means such as criminal justice on the international and domestic level or quasi-judicial mechanisms by armed groups. Furthermore, it evaluates the role and potential of human rights bodies, peacekeeping missions and the UN Security Council's special compliance system for children and armed conflicts. It also considers how Common Article 1 to the Geneva Conventions and the law of State responsibility could both potentially increase compliance with international humanitarian law.

345.22/265

International fact-finding mechanisms : lighting candles or cursing darkness ? / Cecilie Hellestveit. - Oxford : Oxford University Press, 2015. - p. 368-394. - In: Promoting peace through international law

The chapter discusses international fact-finding mechanisms and their role in the promotion of peace. It relies on a stringent view of peace as 'negative peace', a reflection of the absence of armed conflict. It shows that international fact-finding mechanisms have gained ground as tools by which the international community responds to man-made emergencies that could threaten peace, but also give rise to various dilemmas. The chapter identifies tensions that arise between fact-finding for the purpose of conflict prevention, confidence-building fact-finding as part of treaty enforcement regimes, and finally fact-finding with the aim of ensuring accountability for international crimes. The chapter asks numerous crucial questions in this regard: "Do international fact-finding mechanisms serve to bemoan violations of international law while concealing inadequacies in its ability to respond appropriately, or does fact-finding in fact respond to the predicament of fact-finding as 'a significant weapon in the armoury of world order'?"

172.4/273

The international humanitarian law implementation paradigm and the idea of military self-interest in accountability / Song Tianying. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 43-60. - In: Military self-interest in accountability for core international crimes

This chapter discusses accountability in the context of international humanitarian law implementation. Song Tianying examines two conditions for international humanitarian law implementation: the material capabilities and willingness of the military. The first condition envisions international humanitarian law implementation through a professional military organisation, where effective accountability plays a crucial role. The second condition concerns the self-interest of the military in complying with international humanitarian law. In this regard, competing interests in military decision-making are also considered. In light of the international efforts to fight impunity, Song concludes that the military's internal accountability for serious international humanitarian law violations is key to reinforcing its professionalism and retaining essential values in the modern age.

345.29/225

Military justice and self-interest in accountability / Arne Willy Dahl. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 21-34. - In: Military self-interest in accountability for core international crimes

In this chapter, Arne Willy Dahl addresses the trend of “civilianisation” of military justice systems, a recurring theme of this anthology, and evaluates this phenomenon from the perspective of the armed forces’ long-term self-interest in having an effective accountability system. For soldiers, military justice may provide not only the hope of fair trial but also guidance and confidence after their sometimes challenging decisions in combat. For commanders, such jurisdictions may minimise the damage to reputation caused by individual violations and avoid unnecessary friction with the local population in the area where the force operates. Dahl then discusses three elements for an effective justice system: independence, military expertise and portability.

345.29/225

Military or civilian jurisdiction for international crimes ? : an approach from self-interest in accountability of armed forces in international law / Elizabeth Santalla Vargas. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 401-425. - In: Military self-interest in accountability for core international crimes

This chapter seeks to address the question of how the selection of jurisdictional forum for core international crimes may serve the military interest. Assisted by regional and international case law and practice, especially the Latin American experience, Elizabeth Santalla Vargas argues that civilian courts should try human rights violations, even if they are committed by military personnel. Similarly, civilian courts are generally more suitable to try war crimes, despite the controversies surrounding them in some contexts. The legitimacy and credibility of the jurisdictional forum may favour the military by minimising risks of superior responsibility and living up to the complementarity test used by the ICC.

345.29/225

Ownership of international humanitarian law / Richard J. Goldstone. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 35-42. - In: Military self-interest in accountability for core international crimes

In this chapter, Richard J. Goldstone takes on what may in effect be a precondition for military self-interest in accountability, namely a sense of ownership of international humanitarian and criminal law. Goldstone notices the worrisome trend that such sense of ownership has declined in the past two decades. He then traces the origin and evolution of international humanitarian law to the military, before considering the US armed forces as an example of how the sense of ownership has fluctuated historically. The case is made for increased military ownership and, in turn, the awareness of military self-interest in accountability for core international crimes.

345.29/225

Prosecuting members of the armed forces for core international crimes : a judicial act in the self-interest of the armed forces ? / Roberta Arnold. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 341-357. - In: Military self-interest in accountability for core international crimes

In this chapter, Roberta Arnold explores the possible self-interest in prosecuting serious international crimes, both for the military as an institution and for individual members of the military. From the institutional perspective, repressing serious international crimes benefits the military’s image, corporate spirit and mission accomplishment. On an individual level, high-ranking officers may have an interest in the smooth exercise of command and control and in avoiding criminal charges as superiors, while ordinary soldiers may want to distance themselves from the misconduct of their comrades and work in a safe environment. Arnold also deems that prosecution will better serve the military’s interest if carried out by a military judicial system that is independent, transparent and fair.

345.29/225

Le rôle des accords spéciaux dans la rationalisation des conflits armés non internationaux / Gérard Aïvo. - In: *Revue québécoise de droit international*, Vol. 27, no 1, 2014, p. 1-30. - Photocopies

Depuis la Seconde Guerre mondiale, on assiste à une multiplication des conflits armés non internationaux. Cependant, le droit est lacunaire, permettant ainsi aux belligérants de violer presque systématiquement le droit international humanitaire (DIH). Les dispositions du DIH offrent la possibilité aux combattants de conclure entre eux des accords spéciaux afin d'appliquer ces règles, en tout ou en partie. En tant que tels, ces accords y revêtent une importance particulière en ce qu'ils permettent de pallier l'insuffisance des règles minimales. À cette fin, la présente étude identifie les caractéristiques et les effets juridiques des accords spéciaux et examine les rôles respectifs des États, les organisations internationales et le Comité international de la Croix-Rouge dans la rationalisation des conflits armés non internationaux.

345.22/264 (Br.)

Self-interest of self-inflicted : how the United States charges its service members for violating the laws of war / Christopher Jenks. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 261-293 : fac-sim.. - In: *Military self-interest in accountability for core international crimes*

In this chapter, Christopher Jenks highlights the disparity in charges for similar violations of the laws of war committed by US service members and enemy belligerents. He explains the incentives behind such charging practice and poses the important question as to whether narrowing the accountability gap and increasing transparency may better serve the military's interest.

345.29/225

INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION

The current status of Crimea : Russian territory, occupied territory or what ? / Michael Bothe. - In: *Revue de droit militaire et de droit de la guerre* = *The military law and law of war review* = *Tijdschrift voor militair recht en oorlogsrecht* = *Zeitschrift für Wehrrecht und Kriegsvölkerrecht* = *Rivista di diritto militare e di diritto della guerra* = *Revista de derecho militar y de derecho de la guerra*, 53/1, 2014, p. 99-112

Action by both Crimean and Russian public authorities for the purpose of making the Crimean Peninsula part of the territory of the Russian Federation has given rise to a hot political debate and to a prolific flow of legal doctrinal literature. Most Western authors agree with the prevailing view among Western politicians that this was an annexation which was unlawful and therefore invalid. But most legal assessments of the situation stop at this point. They do not address the question as to the ensuing status of the Crimea under international law and what are, as a consequence, the rights and duties of its inhabitants as well as the rights and duties of third States. The present paper aims at examining several legal aspects of the situation, with a focus on the following issues : what is the legal status of the territory assuming that the annexation by the RF is indeed unlawful ? What are the rights and duties of the population in case of a valid or of an invalid alteration of the territorial status ? What are the rights and duties of third States in relation to an invalid annexation ? What are practical options to deal with the problem ?

On the relationship between international humanitarian law and human rights law in times of belligerent occupation : not yet a coherent framework / Andrea Carcano. - Pretoria : Pretoria University Law Press, 2014. - p. 121-152. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations.* - Photocopies

This chapter analyses the relationship between the law of belligerent occupation and its relationship with international human rights law (IHRL). After first illustrating the legal basis

on which one can argue that a state is required to comply with IHRL in the territory it happens to occupy, the chapter explores the extent to which IHRL has impacted on the authorities, responsibilities, and duties of an occupying power as framed by the law of occupation. It further examines the implications of the law of occupation as *lex specialis* for the applicability of IHRL during occupation, as well as whether adherence to IHRL standards could augment the normative powers of the occupying power.

345.2/980

INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS

Compliant rebels : rebel groups and international law in world politics / Hyeran Jo. - Cambridge : Cambridge University Press, 2015. - XXII, 331 p. : cartes, graph., ill., tabl. ; 24 cm. - (Problems of international politics). - Bibliographie : p. 296-317. Index. - ISBN 9781107110045

Seventeen million people have died in civil wars and rebel violence has disrupted the lives of millions more. This book finds that some contemporary rebel groups actually comply with international law amid the brutality of civil conflicts around the world. Rather than celebrating the existence of compliant rebels, the author traces the cause of this phenomenon and argues that compliant rebels emerge when rebel groups seek legitimacy in the eyes of domestic and international audiences that care about humanitarian consequences and human rights. By examining rebel groups' different behaviors such as civilian killing, child soldiering, and allowing access to detention centers, *Compliant Rebels* offers key messages and policy lessons about engaging rebel groups with an eye toward reducing civilian suffering in war zones.

345.29/224

Commentary on part I of the Montreux Document on pertinent international legal obligations and good practices for states related to operations of private military and security companies during armed conflict / Marie-Louise Tougas. - In: *International review of the Red Cross*, Vol. 96, no. 893, Spring 2014, p. 305-358

The Montreux Document on Private Military and Security Companies (Montreux Document) was adopted in 2008 by seventeen States to reaffirm and, as far as was necessary, clarify the existing obligations of States and other actors under international law, in particular under international humanitarian law (IHL) and international human rights law (IHRL). It also aimed at identifying good practices and regulatory options to assist States in promoting respect for IHL and IHRL by private military and security companies (PMSCs). Today, fifty-one States and three international organizations have endorsed the Montreux Document. It contains twenty-seven "Statements" - sections recalling the main international legal obligations of States in regard to the operations of PMSCs during armed conflicts. Each statement is the reaffirmation of a general rule of IHL, IHRL or State responsibility formulated in a way that clarifies its applicability to PMSC operations. This article aims to detail the basis of each legal obligation mentioned in the first part of the Montreux Document (Part I). The article follows the structure of Part I, in order to better facilitate its comprehension. The second part of the Montreux Document, relating to good practices, is not covered in this article.

Convergence and conflicts of human rights and international humanitarian law in military operations : a NATO perspective / Peter M Olson. - Pretoria : Pretoria University Law Press, 2014. - p. 227-245. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations*. - Photocopies

This chapter addresses the interplay between international humanitarian law (IHL) and international human rights law (IHRL) from the perspective of the North Atlantic Treaty Organization (NATO). Peter Olson illuminates how NATO's mission, history and resulting structure directly shapes its approach to the interplay between IHL and IHRL. Since NATO is designed to function as a mechanism for common action by sovereign states rather than as an

autonomous entity, it has not developed a single doctrine in this regard. Instead, it applies IHL and IHRL in NATO operations in a manner reflecting the individual national legal positions of the 28 Allies. The chapter examines the implications of this approach against the background of recent NATO practice.

345.2/980

The interplay between human rights and international humanitarian law in UN operations / Daphna Shrager. - Pretoria : Pretoria University Law Press, 2014. - p. 211-225. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations.* - Photocopies

This chapter focuses on the interplay between international humanitarian law (IHL) and international human rights law (IHRL) during United Nations operations. It emphasises in particular the perspective of the United Nations on the applicability of IHL and IHRL to its operations, as distilled from the organisation's practice in the context of the administration of territories; the practicing of law and order functions (such as arrest and detention); the handing over of individuals on United Nations premises to national authorities for prosecution; and the responsibility of the organisation for violations of IHL and IHRL.

345.2/980

The interplay of international humanitarian law and international human rights law in peace operations / Marten Zwanenburg. - Pretoria : Pretoria University Law Press, 2014. - p. 153-176. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations.* - Photocopies

In this chapter Marten Zwanenburg examines the relationship between international humanitarian law (IHL) and international human rights law (IHRL) in peace operations, specifically multinational operations established or authorized by the United Nations to establish or maintain international peace and security. He explores the applicability of IHL and IHRL to these operations, paying particular attention to the question whether the law of international armed conflict or that of non-international armed conflict would be relevant. He also explores the implications of the role of *lex specialis* in situations where both IHRL and IHL apply during peace operations.

345.2/980

Just war theory and private security companies / Scott Fitzsimmons. - In: *International affairs*, Vol. 91, no. 5, September 2015, p. 1069-1084

This article examines the ethics of using private security companies to undertake combat operations in modern conflict zones. Previous studies on this topic, including those that have drawn on the principles of just war theory, have, out of necessity, been highly speculative because they lacked a strong empirical basis on which to evaluate the behaviour of private security personnel during their operations. Indeed, most scholarship on the ethics of private security companies has relied on a handful of anecdotal examples that happened to receive extensive media coverage. In contrast, this article undertakes the first quantitative analysis of how well the employees of a dozen private security companies adhered to the *jus in bello* tenets of just war theory and also how their degree of adherence to these tenets affected their tendency to suffer friendly casualties during their security operations in Iraq. It finds that the employees of most of the firms under study exhibited a moderate or high level of adherence to the *jus in bello* principles of proportionality and discrimination during their security operations in Iraq. Moreover, it also finds that close adherence to these principles did not necessarily expose private security personnel to greater risk of suffering harm.

The legal advisor of the Canadian armed forces addressing international humanitarian law and international human rights law in military operations / Blaise Cathcart. - Pretoria : Pretoria University Law Press, 2014. - p. 275-300. - In: *Convergence and conflicts of human rights and international humanitarian law in military operations.* - Photocopies

This chapter analyses the role of the legal advisor in applying international humanitarian law (IHL) and international human rights law (IHRL) during military operations. Taking a Canadian perspective, Blaise Cathcart discusses the impact of IHL and IHRL in the provision of legal advice by legal advisors of armed forces during armed conflict. He elaborates in particular on the extra-territorial application of IHRL during armed conflict, being one of the most challenging and controversial issues that legal advisors are confronted with.

345.2/980

Non-state actors under international humanitarian law / Hans-Joachim Heintze and Charlotte Lülff. - Oxford ; Portland : Hart, 2015. - p. 97-111. - In: *Non-state actors in international law*

Heintze and Lülff direct our attention to the consequences and role of humanitarian non-state actors in armed conflicts, in particular the International Committee of the Red Cross. The latter organisation is responsible for shaping international humanitarian law and has acquired a specific protected role in the implementation of the "Geneva rules". That protected role, however, is increasingly contested by the activities of armed non-state actors. The ICRC is no longer the sole humanitarian organisation, and many others have followed in its footsteps. But not all have abided by rigorous rules of international humanitarian assistance, in particular impartiality, neutrality, and independence. Given the necessity of providing humanitarian assistance in both violent conflict and disasters, and the increased presence of armed non-state actors in these situations, "adherence to the humanitarian principles [is] even more important" than before.

345/684

Persons controlling and operating drone aircrafts and computer network attacks : combatants or civilians ? / Muhammad Ali Siddiqui. - In: *AALCO journal of international law*, Vol. 3, issue 2, 2014, p. 37-57

Due to the recent developments and advancements in technology, the conventional format of war has been converted to a technological warfare. Enemy can be destroyed with the use of a cluster of computers controlled in a room, which could be located far away from the battlefield. This strategy is not only cost effective but also saves the life of a soldier which could be endangered if he was actually deployed on the battlefield. However, such phenomenal change in the war format has given birth to a few complicated questions. In a conventional warfare, it is relatively easy to distinguish between a combatant and a civilian. However, in modern warfare aided by technology, it would be difficult to determine whether the person operating remotely through a computer is a combatant or a civilian as defined under international humanitarian law. This paper attempts to determine, in accordance with international humanitarian law, when such persons lose their civilian status and become a legitimate target for their enemy.

345.29/274

Troop discipline, the rule of law and mission operational effectiveness in conflict-affected states / Róisín Burke. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 359-399. - In: *Military self-interest in accountability for core international crimes*

In this chapter, Róisín Burke provides a comprehensive overview of the interest of armed forces deployed on peace operations or other missions to ensure effective investigation and prosecution of serious international crimes committed by their members in host States. She draws lessons from past incidents and identifies a range of reasons for accountability: ethical and moral values, self-regulation and internal discipline, the image of the armed forces and

their States, their relationship with host State populations and with their home public, retention of control by military justice systems, operational effectiveness and legitimacy, and the promotion of the rule of law.

345.29/225

INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT

Classifying cyber warfare / Louise Arimatsu. - Cheltenham ; Northampton : Edward Elgar, 2015. - p. 326-342. - In: Research handbook on international law and cyberspace

In this chapter, Louise Arimatsu addresses how cyber conflicts should be classified under international humanitarian law and, most notably, whether cyber conflicts give rise to an international or non-international armed conflict. This inquiry involves consideration of whether cyber attacks satisfy the requirement of "international", "armed" and "attack" for the purpose of international armed conflict. In relation to non-international armed conflict, the key questions are whether cyber groups can be regarded as "organised" and whether cyber conflict can be ever sufficient intensity to trigger international humanitarian law.

345/686

Cyber war and the law of neutrality / David Turns. - Cheltenham ; Northampton : Edward Elgar, 2015. - p. 380-400. - In: Research handbook in international law and cyberspace

In this chapter, David Turns assesses the application of the law of neutrality to cyberspace. Turns explains that this is a complicated process because the law of neutrality was devised more than a century ago and was therefore constructed with the intention of protecting the territorial sovereignty of neutral states, namely tangible constructs such as physical territory, territorial waters and territorial airspaces. In contrast, cyberspace is an intangible and interconnected environment. This considerably enhances the potential for operations in cyberspace to implicate third parties. Turns concludes that the law of neutrality is still relevant to cyberspace by analogy and proceeds to examine how neutrality affects the conduct of cyber operations by neutrals and belligerents.

355/1068

Ending the "drone war" or expanding it ? : assessing the legal authority for continued U.S. military operations against Al-Qa'ida after Afghanistan / Ryan J. Vogel. - In: Albany government law review, Vol. 8, 2015, p. 280-312. - Photocopies

If the United States withdraws from Afghanistan in 2016, as President Obama has pledged it will, there is a legitimate question as to whether the United States may lawfully continue its war against al-Qa'ida, or whether the war against al-Qa'ida, always a contested concept in and of itself, is inexorably tied to the war in Afghanistan. And if a conflict against al-Qa'ida may continue after the close of the conventional conflict in Afghanistan, questions remain regarding whether al-Qa'ida's affiliates, associated forces, and "successors" may be part of the continuing conflict and where that conflict may take place. The answers to these questions are fraught with significant operational effects - consider, for example, the effects on detention authority at Guantanamo Bay (GTMO) or drone strikes in Pakistan or Yemen - each based on the existence of an armed conflict with al-Qa'ida and conducted under the law of war. This article addresses each of these issues in turn.

345.26/275 (Br.)

Introducing the fifth battlefield : cyber warfare and applicability of IHL therein / Mohsen Abdollahi, Parastou Esmailzadeh Molabashi. - In: AALCO journal of international law, Vol. 3, issue 2, 2014, p. 95-118

The rules applicable to cyber warfare and cyber attacks have become a main concern in international plane. International humanitarian law (IHL) and the law of armed conflicts as governing body of law to any armed conflicts do not explicitly contain any treaty or custom regulating the cyber attacks or any provision which outlaw them. Fundamental principles of IHL provide that an armed conflict occurs when an attack results in injury, death, damages or destruction. A cyber attack does not always lead to an armed conflict. However according to the effect-based approach which is also reflected in Tallinn Manual, it is logically concluded and deduced that a cyber attack may constitute an armed conflict if an attack results in physical injury to a person, death or damages to objects. Due to the elasticity of IHL, some cyber attacks can be adjusted to these rules, although some argue that the principle of proportionality and distinction are challenged in this respect. About the Stuxnet virus as a case study, since the virus has been disabled, it did not reach the threshold of an armed attack. Nevertheless, the charter and the customary international law about prohibition on the use of force have been violated.

345.26/274

The regulation of non-international armed conflicts : can a privilege of belligerency be envisioned in the law of non-international armed conflicts ? / Claus Kress and Frédéric Mégret. - In: International review of the Red Cross, Vol. 96, no. 893, Spring 2014, p. 29-66

The Debate section of the Review aims to contribute to reflection on contemporary questions of humanitarian law, policy or action. In this issue of the Review, we invited two experts in international humanitarian law (IHL) - Claus Kreß and Frédéric Mégret - to debate on how IHL applicable in non-international armed conflict (NIAC) should develop. In the two pieces that follow, Professor Kreß submits for debate a new norm of international law outlawing NIACs - a *jus contra bellum internum* - with a corresponding set of rules applicable in NIACs - a *jus in bello interno*. The *jus in bello interno* would give the "privilege of belligerency" - akin to combatants' privilege in international armed conflicts - to non-State actors in NIACs, providing an incentive for them to comply with these new rules of civil war. Frédéric Mégret critically examines the proposed privilege of belligerency, pointing out its problematic aspects and positing that the creation of such a privilege is, in fact, not desirable.

Rewired warfare : rethinking the law of cyber attack / Michael N. Schmitt. - In: International review of the Red Cross, Vol. 96, no. 893, Spring 2014, p. 189-206

The most significant debate regarding the applicability of international humanitarian law to cyber operations involves interpretation of the rules governing cyber "attacks", as that term is understood in the law. For over a decade, the debate has been a binary one between advocates of the "permissive approach" developed by the author and a "restrictive approach" championed by those who saw the permissive approach as insufficiently protective of the civilian population and other protected persons and objects. In this article, the author analyses that debate, and explains a third approach developed during the Tallinn Manual project. He concludes by suggesting that the Tallinn Manual approach best approximates the contemporary law given the increasing value which societies are attributing to cyber activities.

Selected aspects of applicable international human rights law and international humanitarian law in naval counter piracy operations off the east coast of Africa / André R Smit. - Pretoria : Pretoria University Law Press, 2014. - p. 177-207. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Photocopies

This chapter is situation specific in as far as it provides a South African perspective on the international law framework behind African driven counter piracy operations. It discusses the context of the Somali piracy, the international law on maritime piracy, alternative international

crimes to maritime piracy, and analyses the application of international humanitarian law and international human rights law to the combating, capturing, arrest and transfer of maritime pirates.

345.2/980

Special issue on cyber warfare and international humanitarian law / AALCO. - In: AALCO journal of international law, Vol. 3, issue 2, 2014

Contient notamment : Persons controlling and operating drone aircrafts and computer network attacks : combatants or civilians ? / M. A. Siddiqui. - International humanitarian law and legitimate targets in cyber conflict / F. Shaygan. - Introducing the fifth battlefield : cyber warfare and applicability of IHL therein / M. Abdollahi and P. E. Molabashi. - Denial of quarter : a critique on cyber warfare / S. Rajan and Y. Nain.

345.26/274

Using force on land to suppress piracy at sea : the legal landscape of a largely untapped strategy / Steven R. Obert. - In: Duke journal of comparative and international law, Vol. 25, issue 2, Winter 2014, p. 197-236. - Photocopies

This paper analyzes the international legal framework underlying the use of force on land in Somalia to eliminate the pirates' means of carrying out lethal attacks at sea. Part I addresses the fundamental question of whether the use of military force against pirates and their bases ashore is legally supportable. The author argues that because the Security Council has authorized "all necessary measures" pursuant to Somali government consent, the use of force in Somalia to accomplish the goal of suppressing piracy at sea is authorized, consistent with the limitations set forth in the applicable Resolutions. After concluding that the Security Council's mandate includes military force, Part II examines what body of law would apply to the practical implementation of that mandate. The author concludes that even if this unique scenario does not rise to the level of an armed conflict, there are significant reasons why International Humanitarian Law (IHL), also known as the Law of Armed Conflict (or LOAC), should be found to apply to the limited use of force in Somalia.

345.27/147 (Br.)

INTERNATIONAL ORGANIZATION-NGO

Conflicts of law : NGOs, international law, and civilian protection in wartime / James Ross. - Pretoria : Pretoria University Law Press, 2014. - p. 247-273. - In: Convergence and conflicts of human rights and international humanitarian law in military operations. - Photocopies

Protecting a population from harm was long thought to be neatly divided into rules for armed conflict situations and rules for peacetime. However, parallel to that distinction being disavowed - or at least muddled - has been the increasing role played by human rights organisations in areas where international humanitarian law (IHL) is applicable. Human rights organisations have increasingly added IHL to their work. More and more have taken on conducting field investigations in battle zones, advocating for treaties on weapons such as anti-personnel landmines and cluster munitions, and playing an active role in proceedings before the international criminal courts. In doing so they have had to develop research and advocacy skills on IHL. At the same time, they have been able to bring to the debates on IHL issues, more in-depth understandings of international human rights law. This has been particularly useful in those areas where the boundaries of IHL and human rights law intersect or overlap. Often these have been issues where IHL has been vague, such as the rules for the treatment of detainees in non-international armed conflicts. On other issues, such as humanitarian access, IHL rules are more protective than those of human rights law. And on particularly vexing issues such as 'targeted killings', the jury remains out as to the best way to apply international law to ensure civilians the best protection from wrongful attack.

345.2/980

Governing sexual behaviour through humanitarian codes of conduct / Stephanie Matti. - In: *Disasters : the journal of disaster studies and management*, Vol. 39, no. 4, October 2015, p. 626-647. - Bibliographie : p. 645-647

The legal framework for protection of United Nations humanitarian premises during armed conflict / Lance Bartholomeusz. - In: *Max Planck yearbook of United Nations law*, Vol. 18, issue 1, 2014, p. 68-108. - Photocopies

The United Nations, its premises and personnel are increasingly present in the theatre of armed conflict across the globe. During armed conflict, UN humanitarian agencies are now more likely to stay or arrive and deliver than to evacuate. Parties to an armed conflict may fight in close proximity to UN premises. Today, from the Gaza Strip to South Sudan to Syria, during armed conflict thousands of displaced civilians seek shelter in UN premises and the protection of the blue UN flag, which is perceived to give better protection than fundamental principles of international humanitarian law (IHL). What is the legal framework for protection offered by the UN flag to UN humanitarian premises, including to displaced civilians they may shelter during armed conflict? To use the language of State responsibility, this paper considers the relevant primary obligations of IHL and UN law, how a possible conflict between those primary obligations is resolved, and then considers the legal consequences of a breach of the relevant primary obligation in accordance with the secondary rules of the law of State responsibility.
341.215/262 (Br.)

PEACE

Le pluralisme juridique, la justice transitionnelle et alternative : le cas du conflit armé interne colombien / Nelson Arturo Ovalle Diaz. - In: *Revue québécoise de droit international*, Hors-série, mars 2015, p. 307-334. - Glossaire. - Photocopies

Les modes alternatifs de règlement des différends constituent une option de rechange pour venir en aide aux personnes délaissées par un système de justice étatique (ordinaire ou transitionnel), car des études portant sur le système de justice étatique ont démontré qu'il peut être lent, coûteux et inabordable. Pour cette raison, le Rwanda adopte le modèle de justice alternative de type communautaire appelé juridictions Gacaca. La Colombie possède aussi sa propre justice alternative pour trancher les conflits à faible intensité sociale, notamment les juridictions indigènes et les juges de paix et de conciliation. Donc, il est légitime de se poser les questions suivantes : premièrement, la justice alternative serait-elle un instrument efficace pour trancher les conflits portant sur la violation des règles de droit impératif, ou demeure-t-elle plutôt un mécanisme de résolution de conflits à faible intensité portant uniquement sur des règles facultatives? Deuxièmement, est-ce que la Cour interaméricaine des droits de l'homme et la Cour pénale internationale pourraient valider un système de justice alternative en Colombie, à l'instar de la justice Gacaca au Rwanda?
172.4/274 (Br.)

United Nations peace operations and international law : what kind of law promotes what kind of peace ? / Kjetil Mujezinovic Larsen. - Oxford : Oxford University Press, 2015. - p. 299-320. - In: *Promoting peace through international law*

The chapter discusses the notion of "peace" in international peace operations with a mandate from the United Nations Security Council, and how international law promotes or prevents the achievement of such peace. The chapter shows that international peace operations generally pursue a "liberal peace", and how this general concept is translated into concrete functions in particular operations. The chapter shows that the UN Charter and international law in general do little to promote peace through the creation of peace-building or other peace operations, since they neither require nor encourage such creation even though it is permitted. The chapter discusses further how international humanitarian law, international human rights law, and other regimes that regulate the conduct of personnel may contribute to the achievement of peace in peace operations.
172.4/273

PSYCHOLOGY

Afterwar : healing the moral wounds of our soldiers / Nancy Sherman. - Oxford : Oxford University Press, 2015. - XVII, 234 p. : fotogr. ; 25 cm. - Bibliographie : 213-226. Index. - ISBN 9780199325276

150/102

PUBLIC INTERNATIONAL LAW

The law of Nations : an introduction to the international law of peace / J. L. Brierly. - 7th ed.. - London : Oxford University press, 2012. - XV, 442 p. ; 19 cm. - Index

345/87

(2012)

The lawfulness of Russian use of force in Crimea / Peter M. Olson. - In: *Revue de droit militaire et de droit de la guerre* = *The military law and law of war review* = *Tijdschrift voor militair recht en oorlogsrecht* = *Zeitschrift für Wehrrecht und Kriegsvölkerrecht* = *Rivista di diritto militare e di diritto della guerra* = *Revista de derecho militar y de derecho de la guerra*, 53/1, 2014, p. 17-40

Non-state actors and the use of force / Christian Henderson. - Oxford ; Portland : Hart, 2015. - p. 77-96. - In: *Non-state actors in international law*

The use of force against non-state actors by states has both "internal" and "international" dimensions, according to Henderson. The threshold between the two is fluent and the determination of permissible "internal use of force" (co-)determines the (inter)national status of armed non-state actors. That qualification determines whether the use of force against non-state actors is permitted under the rules of the UN Charter, and whether, consequently, a state is legally responsible for its resort to the use of force. The use of force against terrorists has raised particular questions in international legal literature. Henderson seems to conclude that non-state actors have changed the character of the use of force and so have they affected a change in the application of the rules, in particular proportionality and necessity.

345/684

Non-state actors in international law / ed. by Math Noortmann, August Reinisch and Cedric Ryngaert. - Oxford ; Portland : Hart, 2015. - XIV, 406 p. ; 24cm. - (Studies in international law ; 55). - Bibliographie : p. 377-398. Index. - ISBN 9781849465113

Contient notamment: *Non-state actors and the social practice of international law* / J. d'Aspremont. - *Non-state actors and the use of force* / C. Henderson. - *Non-state actors under international humanitarian law* / H.-J. Heintze and C. Lülf. - *Non-state actors and human rights* / M. Nowak and K. M. Januszewski. - *Multinational corporations in international law* / J. Wouters and A.-L. Chané. - *Armed opposition groups* / J. J. Paust.

345/684

Réflexions sur le droit international coutumier : des pratiques et des opinions juris légitimes plutôt que simplement effectives ? / Robert Kolb. - Paris : A. Pedone, 2014. - p. 93-108. - In: *Liber amicorum en l'honneur de Serge Sur*. - Photocopies

345/683 (Br.)

Research handbook on international law and cyberspace / ed. by Nicholas Tsagourias, Russell Buchan. - Cheltenham ; Northampton : Edward Elgar, 2015. - XVII, 517 p. ; 25 cm. - (Research handbooks in international law). - Index. - ISBN 9781782547389

Content notamnet: Cyberspace and human rights / David P. Fidler. - International criminal responsibility in cyberspace / K. Ambos. - Distinctive ethical challenges of cyberweapons / N. C. Rowe. - Classifying cyber warfare / L. Arimatsu. - Is the principle of distinction still relevant in cyberwarfare ? / K. Bannelier-Christakis. - International humanitarian law applied to cyberwarfare : precautions, proportionality and the notion of "attack" under the humanitarian law of armed conflict / Terry D. Gill. - Cyber war and the law of neutrality / D. Turns.

345/686

REFUGEES-DISPLACED PERSONS

An argument for using frozen assets for humanitarian assistance in refugee situations / Selim Can Sazak. - In: *Journal of international affairs*, Vol. 68, no. 2, Spring/Summer 2015, p. 305-318. - Photocopies

325.3/502 (Br.)

Back home again : assessing the impact of provisions for internally displaced persons in comprehensive peace accords / David R. Andersen-Rodgers. - In: *Refugee survey quarterly*, Vol. 34, no. 3, September 2015, p. 24-45 : tabl.

A gendered human security perspective on humanitarian action in IDP and refugee protection / Kerstin Rosenow-Williams and Katharina Behmer. - In: *Refugee survey quarterly*, Vol. 34, no. 3, September 2015, p. 1-23

Humanitarian law, refugee protection and the responsibility to protect / William Maley. - Cambridge : Cambridge University Press, 2015. - p. 249-265. - In: *Theorising the responsibility to protect*. - Photocopies

This chapter is concerned with a particular theoretical problem, namely how parallel but distinct norms can come into conflict with each other. It is easy to assume that norms with a broadly similar humanitarian impetus will prove complementary, but that need not be the case. The reason for this is that norms are implemented in a highly political environment in which considerations of domestic politics may dispose rulers to seek ways of avoiding responsibilities that their predecessors may have voluntarily accepted. The area of greater risk is with respect to refugees: here, the emerging R2P norm may be exploited by states seeking to free themselves of responsibilities under existing refugee norms. This chapter is directed at identifying how this risk might arise, and how it can be minimised.

325.3/220 (Br.)

RELIGION

Islam and the law of armed conflict : essential readings / ed. by Niaz A. Shah. - Cheltenham ; Northampton : E. Elgar, 2015. - XVIII, 866 p. : tabl., graph. ; 25 cm. - Bibliographies. - ISBN 9781782545248

This collection reveals a multiplicity of perspectives on the Islamic law of war and peace. Prefaced by an original introduction, the carefully selected works demonstrate how the concept of Jihad is interpreted or misinterpreted. They also examine the rules applicable during the conduct of armed conflict and the significance of peace and security within Islamic tradition. The collection provides valuable insights into the compatibility of the Islamic law of war and peace and the law of armed conflict, demonstrating how the former could minimise unnecessary human suffering during armed conflict. This book is an essential source of reference for everyone interested in this vital relationship.

297/158

Respect for the dead : from the perspective of international humanitarian law (IHL) and Islam / Mohammad Azharul Islam, Maulana Obaid Ullah Hamzah. - Dhaka : ICRC, March 2015. - 76 p. ; 23 cm

This paper examines the provisions related to respect for the dead under contemporary international humanitarian law (IHL) and Islam. Issues such as the search for missing persons, appropriate treatment and disposal of the dead and human dignity are examined. The first part focuses on the Four Geneva Conventions and their Additional Protocols as well as principles of customary IHL. The second part focuses on the Qur'an, Sunnah of the Prophet Muhammad (PBUH), practices of the companions (especially the rightly guided Caliphs) and juristic writing. The final part draws a parallel between these two frameworks.

297/157

The revival of Islam in the Balkans : from identity to religiosity / ed. by Arolda Elbasani and Olivier Roy. - Basingstoke ; New York : Palgrave Macmillan, 2015. - XV, 257 p. ; 23 cm. - (The Islam and nationalism series). - Bibliographies. Index. - ISBN 9781137517838

Contient notamment: Anti-Islamic public discourse in contemporary Greece : the reproduction of religious panic / A. Sakellariou. - Rhetorical strategies of Kosovo's imams in the fight for "Women's Rights" / B. Sadriu. - Faith, fatherland or both : accommodationist and neo-fundamentalist Islamic discourses in Albania / C. Endresen.

297/159

SEA WARFARE

The use of force at sea in the 21st century : some reflections on the proper legal framework(s) / Efthymios D. Papastavridis. - In: The journal of territorial and maritime studies, Vol. 2, no. 1, January 2015, p. 119-138. - Bibliographie: p. 137-138. - Photocopies
Even though states often resort to the use of force in the maritime domain, there is certainly ambiguity as to its legal justification. States and international scholars oscillate between justifications provided under the jus ad bellum and self-defence or under the rules on law enforcement. At the same time the relevance of traditional law of naval warfare is heavily questioned. The present article attempts to delineate the legal contours of the use of force at sea and demonstrate that it may be subject to different and discrete legal regimes.

347.799/159 (Br.)

TERRORISM

Les nouveaux espaces du jihadisme : menaces et réactions / Serge Sur... [et al.]. - In: Questions internationales, No 75, septembre-octobre 2015, p. 4-96 : fotogr., graph., cartes, tabl.. - Bibliographie : p. 96

303.6/232

WOMEN-GENDER

After sexual violence : paths to recovery / E. M....[et al.]. - In: International review of the Red Cross, Vol. 96, no. 894, Summer 2014, p. 435-448 : fotogr.

The Review has chosen to open this issue with the voices of those who have suffered sexual violence and have been overcoming the multiple ensuing challenges. All have benefited from health care, psychological, psychosocial or material support and/or legal advice provided by the ICRC, the relevant National Red Cross Society or local partners - the non-governmental organization Profamilia in Colombia and the "maisons d'écoute" in the Kivus, the Democratic

Republic of the Congo. The testimonies below reflect real, personal - sometimes very intimate - stories of persons who have agreed to share their experience, their trauma, the difficulties they and their loved ones have been facing, the way they have worked to overcome them, as well as their hopes for the future. In order to protect them and their relatives, their testimonies have been anonymized and references to specific locations deleted.

Care for victims of sexual violence, an organization pushed to its limits : the case of Médecins Sans Frontières / Françoise Duroch and Catrin Schulte-Hillen. - In: *International review of the Red Cross*, Vol. 96, no. 894, Summer 2014, p. 601-624 : graph.

Over the past ten years, Médecins Sans Frontières (MSF) has provided medical care to almost 118,000 victims of sexual violence. Integrating related care into MSF general assistance to populations affected by crisis and conflicts has presented a considerable institutional struggle and continues to be a challenge. Tensions regarding the role of MSF in providing care to victims of sexual violence and when facing the multiple challenges inherent in dealing with this crime persist. An overview of MSF's experience and related reflection aims to share with the reader, on the one hand, the complexity of the issue, and on the other, the need to continue fighting for the provision of adequate medical care for victims of sexual violence, which despite the limitations is feasible.

Conflict-related sexual violence and the policy implications of recent research / Elisabeth Jean Wood. - In: *International review of the Red Cross*, Vol. 96, no. 894, Summer 2014, p. 457-478

Scholars increasingly document different forms of conflict-related sexual violence, their distinct causes, and their sharply varying deployment by armed organizations. In this paper, I first summarize recent research on this variation, emphasizing findings that contradict or complicate popular beliefs. I then discuss distinct interpretations of the claim that such violence is part of a continuum of violence between peace and war. After analyzing recent research on the internal dynamics of armed organizations, I suggest that widespread rape often occurs as a practice rather than as a strategy. Finally, I advance some principles to guide policy in light of recent research.

Domestic accountability for sexual violence : the potential of specialized units in Kenya, Liberia, Sierra Leone and Uganda / Kim Thuy Seelinger. - In: *International review of the Red Cross*, Vol. 96, no. 894, Summer 2014, p. 539-564

From 2011 to 2014, the Human Rights Center at the UC Berkeley School of Law conducted qualitative research in Kenya, Liberia, Sierra Leone and Uganda to identify accountability mechanisms and challenges related to sexual violence committed during periods of conflict or political unrest. This article shares two aspects of that research: first, it presents key challenges related to the investigation, prosecution and adjudication of sexual violence committed during and after the periods of recent conflict. Second, it flags the emergence of specialized units tasked with investigating and prosecuting either sexual and gender-based violence or international crimes, noting the operational gap between these institutions. It notes that if not bridged, this gap may impede responses for the intersecting issue of sexual violence committed as an international crime. The article closes with recommendations for a more coordinated response and more accountability at the domestic level.

The ICRC's approach to sexual violence in armed conflict : in conversation with Peter Maurer. - In: *International review of the Red Cross*, Vol. 96, no. 894, Summer 2014, p. 449-455 : portr.

In 2014, the International Committee of the Red Cross (ICRC) undertook a four-year commitment to consolidating and expanding its efforts to address sexual violence in armed conflicts and other situations of violence. In this Q&A, ICRC President Peter Maurer reflects on the complex nature of sexual violence and on some of the specific challenges involved, including identifying victims and assessing and adequately responding to their needs. He emphasizes the need for a proactive, multidisciplinary approach comprised of assistance,

protection and prevention efforts, and explains how the ICRC intends to step up its efforts to better respond to and prevent sexual violence in the coming years.

Increasing the cost of rape : using targeted sanctions to deter sexual violence in armed conflict / Najwa M. Nabti. - The Hague : T.M.C. Asser Press, 2015. - p. 43-67. - In: Economic sanctions under international law. - Bibliographie : p. 67. - Photocopies

Increasingly, the United Nations Security Council (UNSC) has applied targeted sanctions against individuals and entities in an effort to deter sexual violence against civilians in conflict. The use of targeted sanctions for this purpose marks a fundamental shift in the international community's perceptions regarding conflict-related sexual violence, now considered a threat to international peace and security warranting UNSC intervention. This chapter considers the UNSC's use of targeted sanctions to deter wartime sexual violence, as one available tool within the larger framework of women, peace and security initiatives to combat sexual violence in conflict. While the UNSC's ability to impose targeted sanctions has the potential for deterrence, improved implementation is needed to increase the cost of permitting or using sexual violence in conflict. The chapter concludes with recommendations to improve the effectiveness of targeted sanctions through consistent, comprehensive, and transparent action against responsible persons.

362.8/238 (Br.)

The interest of states in accountability for sexual violence in armed conflicts : a case study of comfort women of the Second World War / Kiki Anastasia Japutra. - Brussels : Torkel Opsahl Academic EPublisher, 2015. - p. 171-228 : tabl.. - In: Military self-interest in accountability for core international crimes

This chapter undertakes a case study of the practice of using 'comfort women' in Japanese-occupied territories in Asia during the Second World War and the related accountability process. After assessing the attitude of the successive Japanese governments and positions taken by international and domestic courts, Kiki A. Japutra concludes that there has been a lack of will to address the crimes relating to comfort women. She goes on to illustrate the 'positive interests' for States to ensure accountability for serious crimes, which are different from mere legal obligation. Such interests include preventing undesirable incursion on sovereignty, building judicial capacity, enhancing the State's image and credibility, promoting reconciliation processes, and relieving the burden of guilt and shame of the younger generation.

345.29/225

Letting go of the gender binary : charting new pathways for humanitarian interventions on gender-based violence / Chris Dolan. - In: International review of the Red Cross, Vol. 96, no. 894, Summer 2014, p. 485-501

Responding to the needs of survivors of sexual violence : do we know what works ? / Doris Schopper. - In: International review of the Red Cross, Vol. 96, no. 894, Summer 2014, p. 585-600

During the past twelve months, the issue of sexual violence in conflict and emergencies has received an unprecedented amount of attention at the highest political and institutional levels. In 2013, the United Kingdom's Department for International Development (DFID) launched a Call to Action to mobilize donors, UN agencies, non-governmental organizations (NGOs) and other stakeholders on protecting women and girls in humanitarian emergencies, culminating in the high-level event "Protecting Girls and Women in Emergencies" in November 2013. As of August 2014, over forty partners (including governments, United Nations (UN) agencies and NGOs) had made commitments to the Call to Action. Furthermore, in June 2014 the "Global Summit to End Sexual Violence in Conflict", co-chaired by the UK Foreign Secretary and Angelina Jolie, Special Envoy for the UN High Commissioner for Refugees (UNHCR), gathered 1,700 delegates and 129 country delegations. In his summary, the chair of the Global Summit states: "We must apply the lessons we have learned and move from condemnation to concrete action. We must all live up to the commitments we have made."

The risks of instrumentalizing the narrative on sexual violence in the DRC : neglected needs and unintended consequences / Laura Heaton. - In: *International review of the Red Cross*, Vol. 96, no. 894, Summer 2014, p. 625-639

Public understanding of humanitarian emergencies tends to focus on one story and one type of victim. Examples are manifold: amputees in Sierra Leone, victims of kidnapping in Colombia, or victims of chemical weapons in Syria. At times, the aid community, and the media in turn, seizes upon a particular injustice - landmines, female genital mutilation and child soldiers are examples from recent decades - and directs resources and attention its way. Similarly, thematic trends tend to dominate aid discourse, with funding proposals to donors replete with references to the framework du jour. In a related phenomenon highlighted by author and aid worker Fiona Terry, "[w]ords are commandeered to give a new gloss to familiar themes: 'capacity building' became 'empowerment', which has now become 'resilience'". In the Democratic Republic of the Congo (DRC), the conflict has been largely defined by sexual violence, and raped women are its most prominent victims.

Sexual violence, health and humanitarian ethics : towards a holistic, person-centred approach / Paul Bouvier. - In: *International review of the Red Cross*, Vol. 96, no. 894, Summer 2014, p. 565-584

Sexual violence and rape in armed conflicts are widespread phenomena, with devastating consequences. Over the last thirty years, our understanding of these phenomena has significantly improved. Today humanitarian and health professionals understand better the reality, scale and impact of sexual violence on the personal, physical, social and mental health of individuals and communities. Rape is recognized to have a dehumanizing effect, as much as torture or mass violence. Major efforts are put into providing an effective and ethical response, with respect and sympathy to the survivors. Health and humanitarian assistance contribute to the healing and resilience of survivors and communities. Looking forward, programs must be centered on the person, promoting their autonomy and dignity, and integrating medical, psychosocial and socio-economical responses.

Sexual violence in armed conflicts : a violation of international humanitarian law and human rights law / Gloria Gaggioli. - In: *International review of the Red Cross*, Vol. 96, no. 894, Summer 2014, p. 503-538

Sexual violence is prevalent in contemporary armed conflicts. International humanitarian law and human rights law absolutely prohibit all forms of sexual violence at all times and against anyone; international criminal law moreover provides for the individual criminal responsibility of sexual crimes' perpetrators. These three bodies of law importantly reinforce each other in this field. The discrepancy between the facts on the ground and the law is a matter of concern that cannot be explained by potential legal gaps or uncertainties. What is needed is to find new ways of improving implementation for existing laws at the domestic and international levels.

Le viol une arme de terreur : dans le sillage du combat du docteur Mukwege / Colette Braeckman... [et al.] ; coord. Danièle Fayer-Stern, Belen Sanchez, Marc Schmitz ; [préf. Denis Mukwege]. - Bruxelles : GRIP : Mardaga, 2015. - 157 p. : carte, ill. ; 22 cm. - ISBN 9782804702816

Contient notamment: Le viol au Kivu, partie intégrante de l'entreprise d'extermination / C. Braeckman. - La violence sexuelle dans le cadre du génocide rwandais / S. Gasibirege et S. Reumont. - Quelle justice pour les victimes ? / H. Morvan. - Filmer les témoignages des victimes pour la justice et la mémoire / M. Hirsch et N. Kumps. - L'impunité dans un monde sans repères / D. Vandermeersch.

362.8/240