

# BIBLIOGRAPHY

## 2nd issue 2025

### International Humanitarian Law

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



**ICRC**

# Table of Content

<b>TABLE OF CONTENT</b> .....	<b>2</b>
<b>INTRODUCTION</b> .....	<b>4</b>
I. General issues .....	6
II. Types of conflicts .....	8
III. Armed forces / Non-state armed groups .....	12
IV. Multinational forces .....	13
V. Private actors .....	14
VI. Protection of persons .....	15
VII. Protection of objects .....	19
VIII. Detention, internment, treatment and judicial guarantees .....	21
IX. Law of occupation .....	22
X. Conduct of hostilities .....	23
XI. Weapons .....	26
XII. Implementation .....	27
XIII. International human rights law .....	30
XIV. International criminal law .....	32
XV. Contemporary challenges .....	35
XVI. Countries/Regions .....	37
<i>AFGHANISTAN</i> .....	37
<i>AFRICA</i> .....	37
<i>ARGENTINA</i> .....	37
<i>AUSTRALIA</i> .....	37
<i>BALTIC COUNTRIES</i> .....	37
<i>BELGIUM</i> .....	37
<i>BURKINA FASO</i> .....	38
<i>CHINA</i> .....	38
<i>COLOMBIA</i> .....	38
<i>CYPRUS</i> .....	39
<i>DEMOCRATIC REPUBLIC OF THE CONGO</i> .....	40
<i>EL SALVADOR</i> .....	40
<i>FRANCE</i> .....	40
<i>GAZA</i> .....	40
<i>INDONESIA</i> .....	41
<i>ISRAEL</i> .....	41
<i>JAPAN</i> .....	42

<i>MALI</i> .....	42
<i>MYANMAR</i> .....	42
<i>NAGORNY KARABAKH</i> .....	43
<i>NETHERLANDS</i> .....	43
<i>NICARAGUA</i> .....	43
<i>PALESTINE</i> .....	43
<i>RUSSIAN FEDERATION</i> .....	44
<i>SIERRA LEONE</i> .....	45
<i>SRI LANKA</i> .....	45
<i>SUDAN</i> .....	45
<i>SYRIA</i> .....	46
<i>UGANDA</i> .....	46
<i>UKRAINE</i> .....	46
<i>UNITED KINGDOM</i> .....	47
<i>UNITED STATES</i> .....	47
<i>VIET NAM</i> .....	48
<i>WEST BANK</i> .....	48
<i>YUGOSLAVIA</i> .....	48

**ALL WITH ABSTRACTS..... 49**

# Introduction

## The International Committee of the Red Cross Library

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

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

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

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

## Origin and purpose of the IHL bibliography

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

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

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

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

## How to use the IHL Bibliography

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

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

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

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

### **Access to document**

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

### **Chronology**

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

### **Contents**

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

### **Sources**

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

### **Disclaimer**

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

## **Subscription and feedback**

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

# I. General issues

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

## Advanced introduction to international humanitarian law

Robert Kolb. - Cheltenham : Edward Elgar, 2025. - XI, 253 p.

## El derecho de la neutralidad en el siglo XXI : un análisis a la luz de la guerra Rusia-Ucrania

Beatriz Garrigues Garrido. In: Revista española de derecho militar, no. 122, jul.-dic. 2024, p. 49-93

<https://dialnet.unirioja.es/servlet/articulo?codigo=10154944>

## Harnessing Hindu and Buddhist sources as “dictates of the public conscience” : a gap-filler to address sexual violence against women during conduct of hostilities ?

by Ritika Sharma. - [S.l.] : [s.n.], 30 August 2024. - 40 p.

<https://prix-henry-dunant.org/wp-content/uploads/SHARMA-Wiener-LLM-Paper-23-24.pdf>

## Humanitarians and their law(s) : a comprehensive inquiry

David Matyas. In: Yearbook of international humanitarian law, vol. 26 (2023), p. 3-42

[https://doi.org/10.1007/978-94-6265-663-5\\_1](https://doi.org/10.1007/978-94-6265-663-5_1) \*

## “Humanizing” economic sanctions ? : lessons from international humanitarian law

Nathanael Tilahun and Obiora Okafor. In: Yale journal of international law online, 14 June 2024, 18 p.

[https://yjil.yale.edu/sites/default/files/2024-11/Tilahun\\_and\\_Okafor\\_Humanizing\\_Economic\\_Sanctions.pdf](https://yjil.yale.edu/sites/default/files/2024-11/Tilahun_and_Okafor_Humanizing_Economic_Sanctions.pdf)

## IHL in focus : annual report : assessing compliance in contemporary armed conflicts : July 2023 - June 2024

Geneva Academy of International Humanitarian Law and Human Rights. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, [February 2025]. - 291 p.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-in-Focus-Annual-Report-23-24.pdf>

## Individuals in international humanitarian law : a historical analysis

Sarina Landefeld. - Oxford : Hart, 2024. - XVIII, 288 p.

<https://doi.org/10.5040/9781509968251> \*

## The laws of space warfare : a tale of non-binding international agreements

Eytan Tepper. In: Maryland law review, vol. 83, issue 2, 2024, p. 458-517

<https://digitalcommons.law.umaryland.edu/mlr/vol83/iss2/4/>

## Légitimités conflictuelles : le droit international humanitaire entre légitimité du statut et légitimité de la cause

Rémi Fuhrmann. In: Canadian yearbook of international law = Annuaire canadien de droit international, vol. 61 (2023), p. 122-140

<https://doi.org/10.1017/cyl.2024.3>

**The object and purpose of the Fourth Geneva Convention**

Kubo Macák and Ellen Policinski. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 47-68

<https://doi.org/10.1093/oso/9780197793176.003.0003> \*

**On the sideline or on the pitch ? : the classification of third states supporting active belligerents in an international armed conflict with satellite imagery**

Robin Sebastiaan David Sinnige. In: Yearbook of international humanitarian law, vol. 26 (2023), p. 109-153

[https://doi.org/10.1007/978-94-6265-663-5\\_4](https://doi.org/10.1007/978-94-6265-663-5_4)

**The pseudo-kindness of wartime lawbreakers**

Nobuo Hayashi. In: International review of the Red Cross, Vol. 107, no. 928, p. 140-175

<https://library.icrc.org/library/docs/DOC/irrc-928-hayashi.pdf>

**State silence and the law of armed conflict**

Sandesh Sivakumaran. - In: State silence across international law : meaning, context, and developments. - Oxford : Oxford University Press, 2025. - p. 93-116

<https://doi.org/10.1093/9780198912651.003.0007> \*

**Toward a post bellum Lieber code**

Dan Maurer. - In: How to end a war : essays on justice, peace, and repair. - Cambridge : Cambridge University Press, 2023. - p. 170-193

**War's rustic code of honor**

Jens David Ohlin. In: Virginia journal of international law, vol. 65, issue 2, March 2025, p. 237-289

<https://www.vjil.org/wars-rustic-code-of-honor>

**War without limits : how sharp war theory is a historical anomaly**

Samuel White. In: International review of the Red Cross, Vol. 107, no. 928, p. 335-354

<https://library.icrc.org/library/docs/DOC/irrc-928-white.pdf>

## II. Types of conflicts

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

### **Aplicación del derecho internacional humanitario desde el jus in bello y el jus ad bellum en el ámbito de la Ley de Justicia y Paz**

Beatriz Cuervo Criales. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 195-248

<https://doi.org/10.57998/bdigital/handle.001.929>

### **The armed conflict in Gaza, and its complexity under international law : jus ad bellum, jus in bello, and international justice**

Raphaël van Steenberghe. In: Leiden journal of international law, vol. 37, no. 4, December 2024, p. 983-1017

<https://doi.org/10.1017/S0922156524000220>

### **At the crossroads of international criminal law, the Montreal Convention, international humanitarian law, and human rights : some remarks on the interpretation of international law by the Hague district court in the MH-17 judgments and their potential legacies**

Aleksander Gubrynowicz. In: Polish yearbook of international law, vol. 42 (2022), p. 133-151

<https://doi.org/10.24425/PYIL.2023.147173>

### **Civilian non-violent defence against Russian warfare : Eastern European strategies and the gap between civilians and combatants in customary international humanitarian law**

Saskia Millmann and Pia Hüscher. In: Baltic yearbook of international law online, vol. 22 (2024), p. 147-177

[https://doi.org/10.1163/22115897\\_02201\\_008](https://doi.org/10.1163/22115897_02201_008)

### **Collateral damage and individual rights in armed conflict**

Charles P. Trumbull IV. In: Fordham journal of international law, vol. 48, issue 2, 2024, p. 521-575

<https://ir.lawnet.fordham.edu/ilj/vol48/iss2/5/>

### **Commingled nuclear and cyber facilities : obligations of states to take precautions against the effects of a cyberattack**

Trason Lasley. In: Wisconsin international law journal, vol. 42, no. 3, 2025, p. 293-328

<https://doi.org/10.59015/wilj.KLCM3237>

### **Duty to act on knowledge : precautions, intelligence and the law of armed conflict**

Emma J Breeze. In: Journal of conflict and security law, Vol. 29, issue 3, December 2024, p. 311-329

<https://doi.org/10.1093/jcsl/krae015>

### **The effect of extraterritorial data migration on the protection of civilians and civilian objects**

Leah West. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 243-263

<https://doi.org/10.1093/oso/9780197793176.003.0012> \*

**Equality of belligerents between States and armed groups : proposal for a new definition of the principle of equality in non-international armed conflicts**

Philippe Jacques. In: International review of the Red Cross, Vol. 107, no. 928, p. 376-400

<https://library.icrc.org/library/docs/DOC/irrc-928-jacques.pdf>

**The evolving seascape of naval warfare : unmanned underwater vehicles and the challenges for international law**

Sanjeet Ruhel. In: Journal of conflict and security law, vol. 29, no. 3, Winter 2024, p. 349-374

<https://doi.org/10.1093/jcsl/krae011> \*

**Grey zone and operations and digital resilience**

Dale Stephens. - In: Digital resilience : international and domestic legal responses to cyber security and artificial intelligence. - Singapore : Springer, 2025. - p. 17-31

**La guerre contre Gaza (2023-2024) : grave « dommage collatéral » sur le droit international humanitaire**

Abdelwahab Biad. In: Paix et sécurité européenne et internationale, no 21, novembre 2024, 19 p.

<https://hal.science/hal-04772768v1>

**Hacktivists as combatants : what Ukraine's counteroffensive to Russia's cyberwarfare means for civilian hacker's status under the laws of war**

Emily Stubblefield. In: Fordham urban law journal, vol. 52, no. 1, 2024, p. 217-250

<https://ir.lawnet.fordham.edu/ulj/vol52/iss1/5/>

**Handling cyberspace's state of intermediacy through existing international law**

Davide Giovannelli. In: International review of the Red Cross, Vol. 107, no. 928, p. 96-139

<https://library.icrc.org/library/docs/DOC/irrc-928-giovannelli.pdf>

**Humanitarian missions at sea : lessons from the deployment of Indonesia's military hospital ship for humanitarian aid to Palestinians in the Gaza conflict**

Pornomo Rovani Astri Yoga, Lowell Bautista. In: Ocean yearbook online, vol. 39, 2025, p. 537-572

<https://doi.org/10.1163/22116001-03901021>

**Humanity on the final frontier : challenges in applying international humanitarian law to modern military space operations**

G. Blair Kuplic and Jonathan Sawmiller. In: International review of the Red Cross, Vol. 107, no. 928, p. 200-237

<https://library.icrc.org/library/docs/DOC/irrc-928-kuplic.pdf>

**IHL in focus : annual report : assessing compliance in contemporary armed conflicts : July 2023 - June 2024**

Geneva Academy of International Humanitarian Law and Human Rights. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, [February 2025]. - 291 p.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-in-Focus-Annual-Report-23-24.pdf>

**La internacionalización de los conflictos armados y de los acuerdos de paz**

Francisco Jiménez García. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 25-70

<https://doi.org/10.57998/bdigital.handle.001.13216>

**The law of perfidy and ruses of war at sea**

Pornomo Rovana Astri Yoga, Lowell Bautista. In: Journal of conflict and security law, vol. 29, no. 3, Winter 2024, p. 375-390

<https://doi.org/10.1093/jcsl/krae012>

**The laws of space warfare : a tale of non-binding international agreements**

Eytan Tepper. In: Maryland law review, vol. 83, issue 2, 2024, p. 458-517

<https://digitalcommons.law.umaryland.edu/mlr/vol83/iss2/4/>

**Légitimités conflictuelles : le droit international humanitaire entre légitimité du statut et légitimité de la cause**

Rémi Fuhrmann. In: Canadian yearbook of international law = Annuaire canadien de droit international, vol. 61 (2023), p. 122-140

<https://doi.org/10.1017/cyl.2024.3>

**Naval War College situations : conflict in Gregoria and Tanaka : the law of targeting**

Project director : Michael N. Schmitt. In: International law studies, vol. 103, 2024, p. 1-48

<https://digital-commons.usnwc.edu/ils/vol103/iss1/1/>

**The “nexus” between international humanitarian law and international criminal law in the decision of the appeals chamber of the ICC in the situation of Afghanistan : toward a global battlefield?**

Alejandro Sánchez Frías. - In: Prosecution of war crimes before the ICC : achievements and challenges. - Cham : Palgrave Macmillan, 2025. - p. 9-28

**Old treaties, new applications : the creation of digital resilience in international law via state practice**

Joanna Jarose. - In: Digital resilience : international and domestic legal responses to cyber security and artificial intelligence. - Singapore : Springer, 2025. - p. 33-49

**On the sideline or on the pitch ? : the classification of third states supporting active belligerents in an international armed conflict with satellite imagery**

Robin Sebastiaan David Sinnige. In: Yearbook of international humanitarian law, vol. 26 (2023), p. 109-153

[https://doi.org/10.1007/978-94-6265-663-5\\_4](https://doi.org/10.1007/978-94-6265-663-5_4)

**Transmutaciones de los conflictos armados en la etapa temprana de los posacuerdos : el caso colombiano de un conflicto fragmentado**

Camilo Eduardo Umaña Hernández. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 73-125

<https://doi.org/10.57998/bdigital.handle.001.13245>

**Unlawful confinement as a war crime in armed conflict**

Marco Sassòli. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 331-354

<https://doi.org/10.1093/oso/9780197793176.003.0016> \*

**US military legal doctrine and the emerging wartime cyber environment**

Emily Bobenrieth and Sean Watts. In: International review of the Red Cross, Vol. 107, no. 928, p. 311-334

<https://library.icrc.org/library/docs/DOC/irrc-928-bobenrieth.pdf>

**The Vietnam war and international law**

**Kevin Jon Heller and Samuel Moyn.** - In: The Cambridge History of the Vietnam War.  
- Cambridge [etc.] : Cambridge University Press. - p. 445-475

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61080.pdf> \*

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

(Combatant status, compliance with IHL, etc.)

### **Análisis de la responsabilidad del mando militar y policial en el marco de la Jurisdicción Especial para la Paz**

Silvia Delgado Maldonado, Paula María Vargas. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 585-647

### **Combatientes paramilitares y derecho y la verdad de las víctimas**

Ana Beatriz Sánchez Lara, Sandra Gamboa Rubiano. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 793-828

### **Hactivists as combatants : what Ukraine's counteroffensive to Russia's cyberwarfare means for civilian hacker's status under the laws of war**

Emily Stubblefield. In: Fordham urban law journal, vol. 52, no. 1, 2024, p. 217-250  
<https://ir.lawnet.fordham.edu/ulj/vol52/iss1/5/>

### **Military chaplains and equivalent religious personnel under international humanitarian law**

Andrew Bartles-Smith. In: International review of the Red Cross, Vol. 107, no. 928, p. 19-69  
<https://library.icrc.org/library/docs/DOC/irrc-928-bartles-smith.pdf>

### **This is who we are : the role of military ethics, culture, and religion in disseminating international humanitarian law to the armed forces**

Noel Maurer Trew. In: International review of the Red Cross, Vol. 107, no. 928, p. 256-286  
<https://library.icrc.org/library/docs/DOC/irrc-928-maurer.pdf>

### **US military legal doctrine and the emerging wartime cyber environment**

Emily Bobenrieth and Sean Watts. In: International review of the Red Cross, Vol. 107, no. 928, p. 311-334  
<https://library.icrc.org/library/docs/DOC/irrc-928-bobenrieth.pdf>

### **A US perspective on special operations and the law of armed conflict**

Kevin Coble and John C. Tramazzo. In: International review of the Red Cross, Vol. 107, no. 928, p. 70-95  
<https://library.icrc.org/library/docs/DOC/irrc-928-coble.pdf>

## **IV. Multinational forces**

N/A

## V. Private actors

### **The 1% : doing business with proxy military companies**

Robin van der Lugt. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, December 2024. - 18 p.

<https://geneva-academy.ch/wp-content/uploads/2025/09/The-1-Percent-Doing-Business-with-Proxy-Military-Companies.pdf>

### **The application of the UN Guiding Principles on Business and Human Rights in conflict areas : corporate responsibilities, responses, and non-responses in the context of the Ukraine war**

Peter Muchlinski. - In: Business, human rights and sustainable development. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 103-132

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61147.pdf> \*

### **Exploring Common Article 1 obligations for home states of social media companies in inciting violations of IHL**

Giacomo Biggio, Haniya Hasan. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 7, H. 3-4, 2024, S. 123-136

<https://doi.org/10.35998/huv-2024-0008> \*

### **Regulating the conduct of businesses in armed conflicts : a due diligence perspective on Private Military and Security Companies**

Valentina Chabert. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 7, H. 3-4, 2024, S. 109.122

<https://doi.org/10.35998/huv-2024-0007> \*

## VI. Protection of persons

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

### Are “unprivileged belligerents” protected by the civilians Convention and, if so, how ?

Marten Zwanenburg. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 25-45

<https://doi.org/10.1093/oso/9780197793176.003.0002> \*

### Beyond compliance : international humanitarian law, humanitarian need and civilian harm in armed conflict

Rebecca Sutton and Emanuela-Chiara Gillard. - Edinburgh : Peace and Conflict Resolution Evidence Platform, 2022. - 59 p.

<http://dx.doi.org/10.7488/era/5156>

### Civilian data protection in war

Russell Buchan. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 219-241

<https://doi.org/10.1093/oso/9780197793176.003.0011> \*

### Civilian non-violent defence against Russian warfare : Eastern European strategies and the gap between civilians and combatants in customary international humanitarian law

Saskia Millmann and Pia Hüsich. In: Baltic yearbook of international law online, vol. 22 (2024), p. 147-177

[https://doi.org/10.1163/22115897\\_02201\\_008](https://doi.org/10.1163/22115897_02201_008)

### Civilian protection, gender, and GC IV : has interpretation filled the gaps ?

Valerie Oosterveld. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 267-286

<https://doi.org/10.1093/oso/9780197793176.003.0013> \*

### Civilian protection in armed conflict : select issues

ed. by Jelena Pejic and Margaret Kotlik. - Oxford : Oxford University Press, 2025. - xl, 436 p.

<https://doi.org/10.1093/oso/9780197793176.001.0001> \*

### Concretizing mental harm : warfare’s psychological impact on civilians and the return to domestic law for establishing a standards-setting paradigm

Solon Solomon. - 2022. In: Transnational law and contemporary problems, vol. 31, issue 1, Winter 2021, p. 121-151

[https://tlcp.law.uiowa.edu/sites/tlcp.law.uiowa.edu/files/2024-08/8\\_solomon\\_-\\_concretizing\\_mental\\_harm\\_final.pdf](https://tlcp.law.uiowa.edu/sites/tlcp.law.uiowa.edu/files/2024-08/8_solomon_-_concretizing_mental_harm_final.pdf)

### The contribution of forensic science to managing the dead and preventing the missing in armed conflict

Morris Tidball-Binz. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 309-327

<https://doi.org/10.1093/oso/9780197793176.003.0015> \*

### **Deportation in international humanitarian and criminal law against the backdrop of the war in Ukraine**

Michael N. Schmitt. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 171-193

<https://doi.org/10.1093/oso/9780197793176.003.0009> \*

### **Ending impunity for international law violations : Palestinian Bedouins and the risk of forced displacement**

Ed. by Alice Panepinto ... [et al.]. - Oxford : Hart, 2025. - XXI, 200 p.

<http://dx.doi.org/10.5040/9781509977239>

### **Environmental protection as civilian protection**

Lakmini Seneviratne and Kosuke Onishi. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 287-308

<https://doi.org/10.1093/oso/9780197793176.003.0014> \*

### **A failure by African States or a gap in the law ? : an appraisal of the African and international legal framework for the protection of child soldiers**

Linda Mushoriwa, Windell Nortje. In: International criminal law review, vol. 25, issue 1, 2025, p. 51-81

<https://doi.org/10.1163/15718123-bja10221> \*

### **Harnessing Hindu and Buddhist sources as “dictates of the public conscience” : a gap-filler to address sexual violence against women during conduct of hostilities ?**

by Ritika Sharma. - [S.l.] : [s.n.], 30 August 2024. - 40 p.

<https://prix-henry-dunant.org/wp-content/uploads/SHARMA-Wiener-LLM-Paper-23-24.pdf>

### **Humanitarian missions at sea : lessons from the deployment of Indonesia’s military hospital ship for humanitarian aid to Palestinians in the Gaza conflict**

Pornomo Rovana Astri Yoga, Lowell Bautista. In: Ocean yearbook online, vol. 39, 2025, p. 537-572

<https://doi.org/10.1163/22116001-03901021>

### **IHL in focus : spot report : food insecurity in armed conflict and the use of siege-like tactics**

The Geneva Academy of International Humanitarian Law and Human Rights. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, October 2024. - 22 p.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-Spot-Report-Food-Insecurity-in-Armed-Conflict-and-the-Use-of-Siege-Like-Tactics.pdf>

### **Individuals in international humanitarian law : a historical analysis**

Sarina Landefeld. - Oxford : Hart, 2024. - XVIII, 288 p.

<https://doi.org/10.5040/9781509968251> \*

### **International law in Gaza : belligerent intent and provisional measures**

Tom Dannenbaum and Janina Dill. In: American journal of international law, vol. 118, issue 4, October 2024, p. 659-683

<https://doi.org/10.1017/ajil.2024.53>

### **Intersectional v. narrow approaches to sexual and gender-based crimes : contrasting outcomes and gleaning useful techniques**

Ana Martin. In: International criminal law review, vol. 25, issue 1, 2025, p. 82-111

<https://doi.org/10.1163/15718123-bja10220> \*

**It's time to rethink the law of armed conflict**

Joshua Andresen. In: North Carolina journal of international law, vol. 50, no. 1, 2025, p. 67-139

<https://scholarship.law.unc.edu/ncilj/vol50/iss1/3/>

**The law and modern challenges related to the prohibition against forced conscription**

W. Casey Biggerstaff. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 195-217

<https://doi.org/10.1093/oso/9780197793176.003.0010> \*

**The law and politics of civilian protection in the occupied West Bank**

David Kretzmer. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 133-151

<https://doi.org/10.1093/oso/9780197793176.003.0007> \*

**The law applicable to the “screening” of civilians**

Jann K. Kleffner. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 93-113

<https://doi.org/10.1093/oso/9780197793176.003.0005> \*

**El matrimonio forzado : un crimen de guerra eludido por la jurisprudencia internacional**

Fernando Pignatelli y Meca. In: Revista española de derecho militar, no. 122, jul.-dic. 2024, p. 95-196

<https://dialnet.unirioja.es/servlet/articulo?codigo=10154945>

**Measures of control for security reasons other than civilian internment in armed conflict: a military perspective**

Nathalie Durhin. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 71-91

<https://doi.org/10.1093/oso/9780197793176.003.0004> \*

**Military chaplains and equivalent religious personnel under international humanitarian law**

Andrew Bartles-Smith. In: International review of the Red Cross, Vol. 107, no. 928, p. 19-69

<https://library.icrc.org/library/docs/DOC/irrc-928-bartles-smith.pdf>

**Naval War College situations : conflict in Gregoria and Tanaka : the law of targeting**

Project director : Michael N. Schmitt. In: International law studies, vol. 103, 2024, p. 1-48

<https://digital-commons.usnwc.edu/ils/vol103/iss1/1/>

**Los no nacidos como víctimas del conflicto armado**

Ana Idárraga, Juana I. Acosta-López. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 535-582

<https://doi.org/10.57998/bdigital/handle.001.1241>

**The object and purpose of the Fourth Geneva Convention**

Kubo Macák and Ellen Policinski. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 47-68

<https://doi.org/10.1093/oso/9780197793176.003.0003> \*

### **The protection of civilians during the invasion phase of an international armed conflict**

Michael W. Meier. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 3-24

<https://doi.org/10.1093/oso/9780197793176.003.0001> \*

### **A reflection on the cost of counterterrorism for civilian protection in armed conflict**

Fionnuala Ní Aoláin. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 153-170

<https://doi.org/10.1093/oso/9780197793176.003.0008> \*

### **Setting up humanitarian corridors in armed conflict**

Julia Grignon. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 115-132

<https://doi.org/10.1093/oso/9780197793176.003.0006> \*

### **The use of facial recognition for targeting under international law**

Ido Rosenzweig and Magdalena Pacholska. In: International review of the Red Cross, Vol. 107, no. 928, p. 238-255

<https://library.icrc.org/library/docs/DOC/irrc-928-rosenzweig.pdf>

### **Weaponizing civilian protection : counterinsurgency and collateral damage in Afghanistan**

Thomas Gregory. - Oxford : Oxford University Press, 2025. - XIV, 349 p.

<https://doi.org/10.1093/oso/9780198897385.001.0001> \*

### **What militaries need to know about data protection and the right to digital privacy/private life**

Rigmor Argren. In: International review of the Red Cross, Vol. 107, no. 928, p. 2-18

<https://library.icrc.org/library/docs/DOC/irrc-928-argren.pdf>

### **What we talk about when we talk about ‘human shields’ : reading international law through images**

Abdelghany Sayed. In: Leiden journal of international law, vol. 37, no. 4, December 2024, p. 773-800

<https://doi.org/10.1017/S0922156524000190>

### **Why should the innocent suffer ? : mental harm as disability and the establishment of a post bellum duty of care for enemy civilians**

Solon Solomon. In: Fordham international law journal, vol. 48, issue 1, 2024, p. 153-190

<https://ir.lawnet.fordham.edu/ilj/vol48/iss1/4/>

## VII. Protection of objects

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

### Civilian data protection in war

Russell Buchan. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 219-241  
<https://doi.org/10.1093/oso/9780197793176.003.0011> \*

### Commingled nuclear and cyber facilities : obligations of states to take precautions against the effects of a cyberattack

Trason Lasley. In: Wisconsin international law journal, vol. 42, no. 3, 2025, p. 293-328  
<https://doi.org/10.59015/wilj.KLCM3237>

### Dual-use objects under international humanitarian law : towards a paradigm shift

Francesca Capone. - The Hague ; Berlin : Asser Press : Springer, 2025. - XVIII, 212 p.  
<https://doi.org/10.1007/978-94-6265-679-6> \*

### The effect of extraterritorial data migration on the protection of civilians and civilian objects

Leah West. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 243-263  
<https://doi.org/10.1093/oso/9780197793176.003.0012> \*

### Environmental protection as civilian protection

Lakmini Seneviratne and Kosuke Onishi. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 287-308  
<https://doi.org/10.1093/oso/9780197793176.003.0014> \*

### The exceptional dead : human remains as property, non-property, and cultural property in armed conflict

Ronald Alcala. In: American University law review, vol. 74, issue 2, 2024, p. 315-365  
<https://digitalcommons.wcl.american.edu/aulr/vol74/iss2/1/>

### Grundprinzipien des Rechts des bewaffneten Konflikts im Hinblick auf Umweltaspekte : Unterscheidung, Verhältnismäßigkeit, Humanität (Martens'sche Klausel), anhand konkreter Beispiele

Zilan Linnéa Hansen. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 7, H. 3-4, 2024, S. 185-202  
<https://doi.org/10.35998/huv-2024-0012> \*

### Humanitarian missions at sea : lessons from the deployment of Indonesia's military hospital ship for humanitarian aid to Palestinians in the Gaza conflict

Pornomo Rovana Astri Yoga, Lowell Bautista. In: Ocean yearbook online, vol. 39, 2025, p. 537-572  
<https://doi.org/10.1163/22116001-03901021>

### Mission impossible : establishing criminal responsibility for the Nova Kakhovka dam's destruction under Article 8(2)(b)(iv) of the Rome Statute

Masoud Zamani, Amirabbas Kiani, Aghil Mohammadi. In: Nordic journal of international law, vol. 93, issue 4, December 2024, p. 452-478  
<https://doi.org/10.1163/15718107-bja10094> \*

**Naval War College situations : conflict in Gregoria and Tanaka : the law of targeting**

Project director : Michael N. Schmitt. In: International law studies, vol. 103, 2024, p. 1-48

<https://digital-commons.usnwc.edu/ils/vol103/iss1/1/>

**Protecting war's unseen environmental damage**

Britta Sjöstedt. In: Nordic journal of international law, vol. 94, issue 1, February 2025, p. 24-44

<https://doi.org/10.1163/15718107-94010003>

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

### **Bring them home : creating a humane and enforceable POW parole system**

Maciej Zając. In: Journal of military ethics, vol. 23, issue 3-4, November-December 2024, p. 182-200

<https://doi.org/10.1080/15027570.2024.2445954> \*

### **Hidden presences : the role of next-of-kin in shaping the context and experience of POW captivity**

Neville Wylie. In: Immigrants and minorities, Vol. 43, no. 2, 2025, p. 255-282

<https://doi.org/10.1080/02619288.2025.2470831>

### **The law applicable to the “screening” of civilians**

Jann K. Kleffner. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 93-113

<https://doi.org/10.1093/oso/9780197793176.003.0005> \*

### **The legal contexts of civilian internment in China under Japanese occupation : the case of Allied nationals, 1941-45**

Chan Yang. In: Immigrants and minorities, Vol. 43, no. 2, 2025, p. 231-254

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61319.pdf> \*

### **Unlawful confinement as a war crime in armed conflict**

Marco Sassòli. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 331-354

<https://doi.org/10.1093/oso/9780197793176.003.0016> \*

### **The Vietnam war and international law**

Kevin Jon Heller and Samuel Moyn. - In: The Cambridge History of the Vietnam War. - Cambridge [etc.] : Cambridge University Press. - p. 445-475

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61080.pdf> \*

## IX. Law of occupation

### **Are “unprivileged belligerents” protected by the civilians Convention and, if so, how ?**

Marten Zwanenburg. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 25-45  
<https://doi.org/10.1093/oso/9780197793176.003.0002> \*

### **The armed conflict in Gaza, and its complexity under international law : jus ad bellum, jus in bello, and international justice**

Raphaël van Steenberghe. In: Leiden journal of international law, vol. 37, no. 4, December 2024, p. 983-1017  
<https://doi.org/10.1017/S0922156524000220>

### **Deportation in international humanitarian and criminal law against the backdrop of the war in Ukraine**

Michael N. Schmitt. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 171-193  
<https://doi.org/10.1093/oso/9780197793176.003.0009> \*

### **Duty to act on knowledge : precautions, intelligence and the law of armed conflict**

Emma J Breeze. In: Journal of conflict and security law, Vol. 29, issue 3, December 2024, p. 311-329  
<https://doi.org/10.1093/jcsl/krae015>

### **Ending impunity for international law violations : Palestinian Bedouins and the risk of forced displacement**

Ed. by Alice Panepinto ... [et al.]. - Oxford : Hart, 2025. - XXI, 200 p.  
<http://dx.doi.org/10.5040/9781509977239>

### **The exceptional dead : human remains as property, non-property, and cultural property in armed conflict**

Ronald Alcalá. In: American University law review, vol. 74, issue 2, 2024, p. 315-365  
<https://digitalcommons.wcl.american.edu/aulr/vol74/iss2/1/>

### **The law and modern challenges related to the prohibition against forced conscription**

W. Casey Biggerstaff. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 195-217  
<https://doi.org/10.1093/oso/9780197793176.003.0010> \*

### **The law and politics of civilian protection in the occupied West Bank**

David Kretzmer. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 133-151  
<https://doi.org/10.1093/oso/9780197793176.003.0007> \*

### **The protection of civilians during the invasion phase of an international armed conflict**

Michael W. Meier. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 3-24  
<https://doi.org/10.1093/oso/9780197793176.003.0001> \*

## X. Conduct of hostilities

(Distinction, proportionality, precautions, prohibited methods)

### **The armed conflict in Gaza, and its complexity under international law : jus ad bellum, jus in bello, and international justice**

Raphaël van Steenberghe. In: Leiden journal of international law, vol. 37, no. 4, December 2024, p. 983-1017

<https://doi.org/10.1017/S0922156524000220>

### **Beyond compliance : international humanitarian law, humanitarian need and civilian harm in armed conflict**

Rebecca Sutton and Emanuela-Chiara Gillard. - Edinburgh : Peace and Conflict Resolution Evidence Platform, 2022. - 59 p.

<http://dx.doi.org/10.7488/era/5156>

### **Collateral damage and individual rights in armed conflict**

Charles P. Trumbull IV. In: Fordham journal of international law, vol. 48, issue 2, 2024, p. 521-575

<https://ir.lawnet.fordham.edu/ilj/vol48/iss2/5/>

### **Commingled nuclear and cyber facilities : obligations of states to take precautions against the effects of a cyberattack**

Trason Lasley. In: Wisconsin international law journal, vol. 42, no. 3, 2025, p. 293-328

<https://doi.org/10.59015/wilj.KLCM3237>

### **Computing the laws of war : investigating the relationship between war, international law and military computer technology**

Simon McKenzie. In: Nordic journal of international law, vol. 93, issue 4, December 2024, p. 537-566

<https://doi.org/10.1163/15718107-bja10091> \*

### **Dual-use objects under international humanitarian law : towards a paradigm shift**

Francesca Capone. - The Hague ; Berlin : Asser Press : Springer, 2025. - XVIII, 212 p.

<https://doi.org/10.1007/978-94-6265-679-6> \*

### **Duty to act on knowledge : precautions, intelligence and the law of armed conflict**

Emma J Breeze. In: Journal of conflict and security law, Vol. 29, issue 3, December 2024, p. 311-329

<https://doi.org/10.1093/jcsl/krae015>

### **Grundprinzipien des Rechts des bewaffneten Konflikts im Hinblick auf Umweltaspekte : Unterscheidung, Verhältnismäßigkeit, Humanität (Martens'sche Klausel), anhand konkreter Beispiele**

Zilan Linnéa Hansen. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 7, H. 3-4, 2024, S. 185-202

<https://doi.org/10.35998/huv-2024-0012> \*

### **La guerre contre Gaza (2023-2024) : grave « dommage collatéral » sur le droit international humanitaire**

Abdelwahab Biad. In: Paix et sécurité européenne et internationale, no 21, novembre 2024, 19 p.

<https://hal.science/hal-04772768v1>

**Handling cyberspace’s state of intermediacy through existing international law**

Daive Giovannelli. In: International review of the Red Cross, Vol. 107, no. 928, p. 96-139

<https://library.icrc.org/library/docs/DOC/irrc-928-giovannelli.pdf>

**Humanitarian camouflage : Israel rewrites the laws of war to legitimize genocide in Gaza**

Luigi Daniele, Nicola Perugini, Francesca Albanese. - Washington : Institute for Palestine Studies, 2024. - 35 p.

<https://www.palestine-studies.org/sites/default/files/attachments/books/Humanitarian%20Camouflage%20Israel%20Rewrites%20the%20Laws%20of%20War%20to%20Legitimize%20Genocide%20in%20Gaza.pdf>

**Humanity on the final frontier : challenges in applying international humanitarian law to modern military space operations**

G. Blair Kuplic and Jonathan Sawmiller. In: International review of the Red Cross, Vol. 107, no. 928, p. 200-237

<https://library.icrc.org/library/docs/DOC/irrc-928-kuplic.pdf>

**IHL in focus : spot report : food insecurity in armed conflict and the use of siege-like tactics**

The Geneva Academy of International Humanitarian Law and Human Rights. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, October 2024. - 22 p.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-Spot-Report-Food-Insecurity-in-Armed-Conflict-and-the-Use-of-Siege-Like-Tactics.pdf>

**International law in Gaza : belligerent intent and provisional measures**

Tom Dannenbaum and Janina Dill. In: American journal of international law, vol. 118, issue 4, October 2024, p. 659-683

<https://doi.org/10.1017/ajil.2024.53>

**It’s time to rethink the law of armed conflict**

Joshua Andresen. In: North Carolina journal of international law, vol. 50, no. 1, 2025, p. 67-139

<https://scholarship.law.unc.edu/ncilj/vol50/iss1/3/>

**The law of perfidy and ruses of war at sea**

Pornomo Rovana Astri Yoga, Lowell Bautista. In: Journal of conflict and security law, vol. 29, no. 3, Winter 2024, p. 375-390

<https://doi.org/10.1093/jcsl/krae012>

**Legitimidad de las intervenciones militares en la Comuna 13 de Medellín**

Nathalia Bautista Pizarro, Paloma Ivana Morales Carrillo. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 377-450

<https://doi.org/10.57998/bdigital.handle.001.13219>

**Naval War College situations : conflict in Gregoria and Tanaka : the law of targeting**

Project director : Michael N. Schmitt. In: International law studies, vol. 103, 2024, p. 1-48

<https://digital-commons.usnwc.edu/ils/vol103/iss1/1/>

**Old treaties, new applications : the creation of digital resilience in international law via state practice**

Joanna Jarose. - In: Digital resilience : international and domestic legal responses to cyber security and artificial intelligence. - Singapore : Springer, 2025. - p. 33-49

**The overlooked importance of intelligence analysis in IHL**

Loren Voss. In: International review of the Red Cross, Vol. 107, no. 928, p. 287-310  
<https://library.icrc.org/library/docs/DOC/irrc-928-voss.pdf>

**The rule of law in armed conflict**

Hitoshi Nasu. In: Minnesota journal of international law, vol. 34, issue 1, 2025, p. 237-279  
[https://minnjl.org/wp-content/uploads/2025/03/10.-Hitoshi-Nasu\\_v34n1\\_237-279.pdf](https://minnjl.org/wp-content/uploads/2025/03/10.-Hitoshi-Nasu_v34n1_237-279.pdf)

**US military legal doctrine and the emerging wartime cyber environment**

Emily Bobenrieth and Sean Watts. In: International review of the Red Cross, Vol. 107, no. 928, p. 311-334  
<https://library.icrc.org/library/docs/DOC/irrc-928-bobenrieth.pdf>

**A US perspective on special operations and the law of armed conflict**

Kevin Coble and John C. Tramazzo. In: International review of the Red Cross, Vol. 107, no. 928, p. 70-95  
<https://library.icrc.org/library/docs/DOC/irrc-928-coble.pdf>

**The use of facial recognition for targeting under international law**

Ido Rosenzweig and Magdalena Pacholska. In: International review of the Red Cross, Vol. 107, no. 928, p. 238-255  
<https://library.icrc.org/library/docs/DOC/irrc-928-rosenzweig.pdf>

**The Vietnam war and international law**

Kevin Jon Heller and Samuel Moyn. - In: The Cambridge History of the Vietnam War. - Cambridge [etc.] : Cambridge University Press. - p. 445-475  
<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61080.pdf> \*

**Weaponizing civilian protection : counterinsurgency and collateral damage in Afghanistan**

Thomas Gregory. - Oxford : Oxford University Press, 2025. - XIV, 349 p.  
<https://doi.org/10.1093/oso/9780198897385.001.0001> \*

## XI. Weapons

### **Computing the laws of war : investigating the relationship between war, international law and military computer technology**

Simon McKenzie. In: Nordic journal of international law, vol. 93, issue 4, December 2024, p. 537-566

<https://doi.org/10.1163/15718107-bja10091> \*

### **The evolving seascape of naval warfare : unmanned underwater vehicles and the challenges for international law**

Sanjeet Ruhai. In: Journal of conflict and security law, vol. 29, no. 3, Winter 2024, p. 349-374

<https://doi.org/10.1093/jcsl/krae011> \*

### **Is there a duty to use lethal autonomous weapons ? : How AI will change warfare and the international order**

Bryan Hance. In: Penn State journal of law and international affairs, vol. 13, no. 1, 2024, p. 139-192

<https://insight.dickinsonlaw.psu.edu/jlia/vol13/iss1/7/>

### **The law on nuclear weapons : an international commentary**

edited by William H. Boothby and Wolff Heintschel von Heinegg. - Cheltenham : Edward Elgar, 2025. - xxxvii, 420 p.

<https://doi.org/10.4337/9781035357680>

### **A matter of time : the role of timing in regulating military weapons**

Sarah Percy and Neil Renic. In: International affairs, vol. 101, issue 3, May 2025, p. 1023-1042

<https://doi.org/10.1093/ia/iafo17>

### **Merging man and machine : a legal assessment of brain-computer interfaces in armed conflict**

Denise Koecke. In: International review of the Red Cross, Vol. 107, no. 928, p. 176-199

<https://library.icrc.org/library/docs/DOC/irrc-928-koecke.pdf>

### **Nerve agents by another name : the thirty-year effort to close a loophole on chemical weapons**

Neil Davison. In: Yearbook of international humanitarian law, vol. 26 (2023), p. 77-108

[https://doi.org/10.1007/978-94-6265-663-5\\_3](https://doi.org/10.1007/978-94-6265-663-5_3)

### **A US perspective on special operations and the law of armed conflict**

Kevin Coble and John C. Tramazzo. In: International review of the Red Cross, Vol. 107, no. 928, p. 70-95

<https://library.icrc.org/library/docs/DOC/irrc-928-coble.pdf>

### **The Vietnam war and international law**

Kevin Jon Heller and Samuel Moyn. - In: The Cambridge History of the Vietnam War. - Cambridge [etc.] : Cambridge University Press. - p. 445-475

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61080.pdf> \*

## XII. Implementation

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

### **Aplicación del derecho internacional humanitario desde el jus in bello y el jus ad bellum en el ámbito de la Ley de Justicia y Paz**

Beatriz Cuervo Criales. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 195-248

<https://doi.org/10.57998/bdigital/handle.001.929>

### **La aplicación directa del DIH en las decisiones de la Sala de Amnistía o Indulto de la JEP**

María Camila Correa Flórez, Alexandra Sandoval Mantilla, Andrés Felipe Martín Parada. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 483-531

<https://doi.org/10.57998/bdigital.handle.001.13237>

### **Armed forces' investigations of IHL violations against civilians**

Jennifer Maddocks. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 355-385

<https://doi.org/10.1093/oso/9780197793176.003.0017> \*

### **At the crossroads of international criminal law, the Montreal Convention, international humanitarian law, and human rights : some remarks on the interpretation of international law by the Hague district court in the MH-17 judgments and their potential legacies**

Aleksander Gubrynowicz. In: Polish yearbook of international law, vol. 42 (2022), p. 133-151

<https://doi.org/10.24425/PYIL.2023.147173>

### **Case note : the International Court of Justice's 2022 reparations judgment in DRC v. Uganda**

Safaa Jaber. In: International review of the Red Cross, Vol. 107, no. 928, p. 355-370

<https://library.icrc.org/library/docs/DOC/irrc-928-jaber.pdf>

### **Combatientes paramilitares y derecho y la verdad de las víctimas**

Ana Beatriz Sánchez Lara, Sandra Gamboa Rubiano. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 793-828

### **Concretizing mental harm : warfare's psychological impact on civilians and the return to domestic law for establishing a standards-setting paradigm**

Solon Solomon. - 2022. In: Transnational law and contemporary problems, vol. 31, issue 1, Winter 2021, p. 121-151

[https://tlcp.law.uiowa.edu/sites/tlcp.law.uiowa.edu/files/2024-08/8\\_solomon\\_-\\_concretizing\\_mental\\_harm\\_final.pdf](https://tlcp.law.uiowa.edu/sites/tlcp.law.uiowa.edu/files/2024-08/8_solomon_-_concretizing_mental_harm_final.pdf)

### **Crimes internationaux : le droit et la pratique belges**

Christophe Deprez. - Bruxelles : Larcier, 2024. - 402 p.

### **Cumulative charges and convictions for war crimes and crimes against humanity and the promotion of adherence to IHL**

Yael Naggan. - In: Prosecution of war crimes before the ICC : achievements and challenges. - Cham : Palgrave Macmillan, 2025. - p. 75-106

### **El derecho internacional humanitario en los ordenamientos transicionales de Justicia y Paz y de la Jurisdicción Especial para la Paz**

Héctor Wiesner León. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 251-304

<https://doi.org/10.57998/bdigital/handle.001.930>

### **Derecho internacional humanitario y reparación integral en la Jurisdicción Especial para la Paz**

Danilo Rojas Betancourth. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 751-790

<https://doi.org/10.57998/bdigital.handle.001.13223>

### **Exploring Common Article 1 obligations for home states of social media companies in inciting violations of IHL**

Giacomo Biggio, Haniya Hasan. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 7, H. 3-4, 2024, S. 123-136

<https://doi.org/10.35998/huv-2024-0008> \*

### **Generando cumplimiento : la implementación del derecho internacional humanitario en el Acuerdo de Paz colombiano**

Diana Isabel Güiza-Gómez, Jason Michael Quinn, Josefina Echavarría Álvarez. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 129-189

<https://doi.org/10.57998/bdigital/handle.001.145>

### **La guerre contre Gaza (2023-2024) : grave « dommage collatéral » sur le droit international humanitaire**

Abdelwahab Biad. In: Paix et sécurité européenne et internationale, no 21, novembre 2024, 19 p.

<https://hal.science/hal-04772768v1>

### **Humanitarian camouflage : Israel rewrites the laws of war to legitimize genocide in Gaza**

Luigi Daniele, Nicola Perugini, Francesca Albanese. - Washington : Institute for Palestine Studies, 2024. - 35 p.

<https://www.palestine-studies.org/sites/default/files/attachments/books/Humanitarian%20Camouflage%20Israel%20Rewrites%20the%20Laws%20of%20War%20to%20Legitimize%20Genocide%20in%20Gaza.pdf>

### **The ICC's crucial role in ensuring respect for IHL : obligations under the Geneva Conventions for states to cooperate with the ICC**

Emma Brandon. - In: Prosecution of war crimes before the ICC : achievements and challenges. - Cham : Palgrave Macmillan, 2025. - p. 151-176

### **International law in Gaza : belligerent intent and provisional measures**

Tom Dannenbaum and Janina Dill. In: American journal of international law, vol. 118, issue 4, October 2024, p. 659-683

<https://doi.org/10.1017/ajil.2024.53>

### **Is there a duty to use lethal autonomous weapons ? : How AI will change warfare and the international order**

Bryan Hance. In: Penn State journal of law and international affairs, vol. 13, no. 1, 2024, p. 139-192

<https://insight.dickinsonlaw.psu.edu/jlia/vol13/iss1/7/>

**The laws of war and public support for foreign combatants**

Yonatan Lupu. In: International organization, vol. 78, issue 4, Fall 2024, p. 823-852  
<https://doi.org/10.1017/S0020818324000274>

**Lecciones aprendidas de la implementación de la Ley de Justicia y Paz para la puesta en marcha de la Jurisdicción Especial para la Paz**

Luz Helena Morales Garay. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 307-374

**Mehr Wissen über Humanitäres Völkerrecht : Fragen der Didaktik der Verbreitungsarbeit**

Bernhard Frevel. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 7, H. 3-4, 2024, S. 223-234  
<https://doi.org/10.35998/huv-2024-0014> \*

**Los no nacidos como víctimas del conflicto armado**

Ana Idárraga, Juana I. Acosta-López. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 535-582  
<https://doi.org/10.57998/bdigital/handle.001.1241>

**Redressing civilian harm**

Tom Dannenbaum. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 387-412  
<https://doi.org/10.1093/oso/9780197793176.003.0018> \*

**Regulating the conduct of businesses in armed conflicts : a due diligence perspective on Private Military and Security Companies**

Valentina Chabert. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 7, H. 3-4, 2024, S. 109.122  
<https://doi.org/10.35998/huv-2024-0007> \*

**The rule of law in armed conflict**

Hitoshi Nasu. In: Minnesota journal of international law, vol. 34, issue 1, 2025, p. 237-279  
[https://minnjil.org/wp-content/uploads/2025/03/10.-Hitoshi-Nasu\\_v34n1\\_237-279.pdf](https://minnjil.org/wp-content/uploads/2025/03/10.-Hitoshi-Nasu_v34n1_237-279.pdf)

**This is who we are : the role of military ethics, culture, and religion in disseminating international humanitarian law to the armed forces**

Noel Maurer Trew. In: International review of the Red Cross, Vol. 107, no. 928, p. 256-286  
<https://library.icrc.org/library/docs/DOC/irrc-928-maurer.pdf>

**What does it look like for Australia to promote compliance with international humanitarian law and protection of civilians**

Asia-Pacific Development, Diplomacy & Defence Dialogue. - Canberra : Asia-Pacific Development, Diplomacy & Defence Dialogue, 2025. - 37 p.  
<https://nla.gov.au/nla.obj-3586566472/view>

## XIII. International human rights law

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

### **Armed forces' investigations of IHL violations against civilians**

Jennifer Maddocks. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 355-385

<https://doi.org/10.1093/oso/9780197793176.003.0017> \*

### **Civilian data protection in war**

Russell Buchan. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 219-241

<https://doi.org/10.1093/oso/9780197793176.003.0011> \*

### **Collateral damage and individual rights in armed conflict**

Charles P. Trumbull IV. In: Fordham journal of international law, vol. 48, issue 2, 2024, p. 521-575

<https://ir.lawnet.fordham.edu/ilj/vol48/iss2/5/>

### **Conflits armés et droit international des droits de l'homme**

Hélène Tigroudja. In: Recueil des cours : Académie de droit international de la Haye = Collected courses of the Hague academy of international law, T. 444, 2025, p. 9-304

### **Duty to act on knowledge : precautions, intelligence and the law of armed conflict**

Emma J Breeze. In: Journal of conflict and security law, Vol. 29, issue 3, December 2024, p. 311-329

<https://doi.org/10.1093/jcsl/krae015>

### **The law applicable to the “screening” of civilians**

Jann K. Kleffner. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 93-113

<https://doi.org/10.1093/oso/9780197793176.003.0005> \*

### **Lex specialis as a reason-giving norm : balancing norm specificity and individual rights in times of crisis**

Henrique Marcos. In: International community law review, vol. 27, no. 3, 2025, p. 218-253

<https://doi.org/10.1163/18719732-bja10138>

### **Measures of control for security reasons other than civilian internment in armed conflict: a military perspective**

Nathalie Durhin. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 71-91

<https://doi.org/10.1093/oso/9780197793176.003.0004> \*

### **Redressing civilian harm**

Tom Dannenbaum. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 387-412

<https://doi.org/10.1093/oso/9780197793176.003.0018> \*

### **A reflection on the cost of counterterrorism for civilian protection in armed conflict**

Fionnuala Ní Aoláin. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 153-170

<https://doi.org/10.1093/oso/9780197793176.003.0008> \*

**Ukraine and The Netherlands v. Russia : taking stock of the latest developments in the case law of the European Court of Human Rights on extraterritorial jurisdiction**

Annick Pijnenburg. In: European yearbook on human rights, 2023, p. 139-169

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61146.pdf>

**Unlawful confinement as a war crime in armed conflict**

Marco Sassòli. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 331-354

<https://doi.org/10.1093/oso/9780197793176.003.0016> \*

**The use of facial recognition for targeting under international law**

Ido Rosenzweig and Magdalena Pacholska. In: International review of the Red Cross, Vol. 107, no. 928, p. 238-255

<https://library.icrc.org/library/docs/DOC/irrc-928-rosenzweig.pdf>

**What militaries need to know about data protection and the right to digital privacy/private life**

Rigmor Argren. In: International review of the Red Cross, Vol. 107, no. 928, p. 2-18

<https://library.icrc.org/library/docs/DOC/irrc-928-argren.pdf>

**Why should the innocent suffer ? : mental harm as disability and the establishment of a post bellum duty of care for enemy civilians**

Solon Solomon. In: Fordham international law journal, vol. 48, issue 1, 2024, p. 153-190

<https://ir.lawnet.fordham.edu/ilj/vol48/iss1/4/>

## XIV. International criminal law

### **Análisis de la responsabilidad del mando militar y policial en el marco de la Jurisdicción Especial para la Paz**

Silvia Delgado Maldonado, Paula María Vargas. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 585-647

### **La aplicación directa del DIH en las decisiones de la Sala de Amnistía o Indulto de la JEP**

María Camila Correa Flórez, Alexandra Sandoval Mantilla, Andrés Felipe Martín Parada. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 483-531

<https://doi.org/10.57998/bdigital.handle.001.13237>

### **The armed conflict in Gaza, and its complexity under international law : jus ad bellum, jus in bello, and international justice**

Raphaël van Steenberghe. In: Leiden journal of international law, vol. 37, no. 4, December 2024, p. 983-1017

<https://doi.org/10.1017/S0922156524000220>

### **Armed forces' investigations of IHL violations against civilians**

Jennifer Maddocks. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 355-385

<https://doi.org/10.1093/oso/9780197793176.003.0017> \*

### **At the crossroads of international criminal law, the Montreal Convention, international humanitarian law, and human rights : some remarks on the interpretation of international law by the Hague district court in the MH-17 judgments and their potential legacies**

Aleksander Gubrynowicz. In: Polish yearbook of international law, vol. 42 (2022), p. 133-151

<https://doi.org/10.24425/PYIL.2023.147173>

### **Civilian protection, gender, and GC IV : has interpretation filled the gaps ?**

Valerie Oosterveld. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 267-286

<https://doi.org/10.1093/oso/9780197793176.003.0013> \*

### **Concretizing mental harm : warfare's psychological impact on civilians and the return to domestic law for establishing a standards-setting paradigm**

Solon Solomon. - 2022. In: Transnational law and contemporary problems, vol. 31, issue 1, Winter 2021, p. 121-151

[https://tlcp.law.uiowa.edu/sites/tlcp.law.uiowa.edu/files/2024-08/8.\\_solomon\\_-\\_concretizing\\_mental\\_harm\\_final.pdf](https://tlcp.law.uiowa.edu/sites/tlcp.law.uiowa.edu/files/2024-08/8._solomon_-_concretizing_mental_harm_final.pdf)

### **Crimes internationaux : le droit et la pratique belges**

Christophe Deprez. - Bruxelles : Larcier, 2024. - 402 p.

### **Cumulative charges and convictions for war crimes and crimes against humanity and the promotion of adherence to IHL**

Yael Naggan. - In: Prosecution of war crimes before the ICC : achievements and challenges. - Cham : Palgrave Macmillan, 2025. - p. 75-106

**Deportation in international humanitarian and criminal law against the backdrop of the war in Ukraine**

Michael N. Schmitt. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 171-193

<https://doi.org/10.1093/oso/9780197793176.003.0009> \*

**A failure by African States or a gap in the law ? : an appraisal of the African and international legal framework for the protection of child soldiers**

Linda Mushoriwa, Windell Nortje. In: International criminal law review, vol. 25, issue 1, 2025, p. 51-81

<https://doi.org/10.1163/15718123-bja10221> \*

**La guerre contre Gaza (2023-2024) : grave « dommage collatéral » sur le droit international humanitaire**

Abdelwahab Biad. In: Paix et sécurité européenne et internationale, no 21, novembre 2024, 19 p.

<https://hal.science/hal-04772768v1>

**The ICC's crucial role in ensuring respect for IHL : obligations under the Geneva Conventions for states to cooperate with the ICC**

Emma Brandon. - In: Prosecution of war crimes before the ICC : achievements and challenges. - Cham : Palgrave Macmillan, 2025. - p. 151-176

**Intersectional v. narrow approaches to sexual and gender-based crimes : contrasting outcomes and gleaning useful techniques**

Ana Martin. In: International criminal law review, vol. 25, issue 1, 2025, p. 82-111

<https://doi.org/10.1163/15718123-bja10220> \*

**El matrimonio forzado : un crimen de guerra eludido por la jurisprudencia internacional**

Fernando Pignatelli y Meca. In: Revista española de derecho militar, no. 122, jul.-dic. 2024, p. 95-196

<https://dialnet.unirioja.es/servlet/articulo?codigo=10154945>

**Mission impossible : establishing criminal responsibility for the Nova Kakhovka dam's destruction under Article 8(2)(b)(iv) of the Rome Statute**

Masoud Zamani, Amirabbas Kiani, Aghil Mohammadi. In: Nordic journal of international law, vol. 93, issue 4, December 2024, p. 452-478

<https://doi.org/10.1163/15718107-bja10094> \*

**The “nexus” between international humanitarian law and international criminal law in the decision of the appeals chamber of the ICC in the situation of Afghanistan : toward a global battlefield?**

Alejandro Sánchez Frías. - In: Prosecution of war crimes before the ICC : achievements and challenges. - Cham : Palgrave Macmillan, 2025. - p. 9-28

**Prosecution of war crimes before the ICC : achievements and challenges**

Ondřej Svaček, Martin Faix. - Cham : Palgrave Macmillan, 2025. - XI, 212 p.

**The rule of law in armed conflict**

Hitoshi Nasu. In: Minnesota journal of international law, vol. 34, issue 1, 2025, p. 237-279

[https://minnjil.org/wp-content/uploads/2025/03/10.-Hitoshi-Nasu\\_v34n1\\_237-279.pdf](https://minnjil.org/wp-content/uploads/2025/03/10.-Hitoshi-Nasu_v34n1_237-279.pdf)

**State silence and international criminal law**

Talita Dias. - In: State silence across international law : meaning, context, and developments. - Oxford : Oxford University Press, 2025. - p. 117-137

<https://doi.org/10.1093/9780198912651.003.0008> \*

**Unlawful confinement as a war crime in armed conflict**

Marco Sassòli. - In: conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 331-354

<https://doi.org/10.1093/oso/9780197793176.003.0016> \*

## XV. Contemporary challenges

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

### **The 1% : doing business with proxy military companies**

Robin van der Lugt. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, December 2024. - 18 p.

<https://geneva-academy.ch/wp-content/uploads/2025/09/The-1-Percent-Doing-Business-with-Proxy-Military-Companies.pdf>

### **Civilian protection in armed conflict : select issues**

ed. by Jelena Pejic and Margaret Kotlik. - Oxford : Oxford University Press, 2025. - xl, 436 p.

<https://doi.org/10.1093/oso/9780197793176.001.0001> \*

### **The effect of extraterritorial data migration on the protection of civilians and civilian objects**

Leah West. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 243-263

<https://doi.org/10.1093/oso/9780197793176.003.0012> \*

### **Grey zone and operations and digital resilience**

Dale Stephens. - In: Digital resilience : international and domestic legal responses to cyber security and artificial intelligence. - Singapore : Springer, 2025. - p. 17-31

### **Handling cyberspace's state of intermediacy through existing international law**

Davide Giovannelli. In: International review of the Red Cross, Vol. 107, no. 928, p. 96-139

<https://library.icrc.org/library/docs/DOC/irrc-928-giovannelli.pdf>

### **Humanity on the final frontier : challenges in applying international humanitarian law to modern military space operations**

G. Blair Kuplic and Jonathan Sawmiller. In: International review of the Red Cross, Vol. 107, no. 928, p. 200-237

<https://library.icrc.org/library/docs/DOC/irrc-928-kuplic.pdf>

### **Is there a duty to use lethal autonomous weapons ? : How AI will change warfare and the international order**

Bryan Hance. In: Penn State journal of law and international affairs, vol. 13, no. 1, 2024, p. 139-192

<https://insight.dickinsonlaw.psu.edu/jlia/vol13/iss1/7/>

### **It's time to rethink the law of armed conflict**

Joshua Andresen. In: North Carolina journal of international law, vol. 50, no. 1, 2025, p. 67-139

<https://scholarship.law.unc.edu/ncilj/vol50/iss1/3/>

### **Merging man and machine : a legal assessment of brain-computer interfaces in armed conflict**

Denise Koecke. In: International review of the Red Cross, Vol. 107, no. 928, p. 176-199

<https://library.icrc.org/library/docs/DOC/irrc-928-koecke.pdf>

**Old treaties, new applications : the creation of digital resilience in international law via state practice**

**Joanna Jarose.** - In: Digital resilience : international and domestic legal responses to cyber security and artificial intelligence. - Singapore : Springer, 2025. - p. 33-49

**The rule of law in armed conflict**

**Hitoshi Nasu.** In: Minnesota journal of international law, vol. 34, issue 1, 2025, p. 237-279

[https://minnijl.org/wp-content/uploads/2025/03/10.-Hitoshi-Nasu\\_v34n1\\_237-279.pdf](https://minnijl.org/wp-content/uploads/2025/03/10.-Hitoshi-Nasu_v34n1_237-279.pdf)

**US military legal doctrine and the emerging wartime cyber environment**

**Emily Bobenrieth and Sean Watts.** In: International review of the Red Cross, Vol. 107, no. 928, p. 311-334

<https://library.icrc.org/library/docs/DOC/irrc-928-bobenrieth.pdf>

**The use of facial recognition for targeting under international law**

**Ido Rosenzweig and Magdalena Pacholska.** In: International review of the Red Cross, Vol. 107, no. 928, p. 238-255

<https://library.icrc.org/library/docs/DOC/irrc-928-rosenzweig.pdf>

**What militaries need to know about data protection and the right to digital privacy/private life**

**Rigmor Argren.** In: International review of the Red Cross, Vol. 107, no. 928, p. 2-18

<https://library.icrc.org/library/docs/DOC/irrc-928-argren.pdf>

## XVI. Countries/Regions

### AFGHANISTAN

#### **The “nexus” between international humanitarian law and international criminal law in the decision of the appeals chamber of the ICC in the situation of Afghanistan : toward a global battlefield?**

Alejandro Sánchez Frías. - In: Prosecution of war crimes before the ICC : achievements and challenges. - Cham : Palgrave Macmillan, 2025. - p. 9-28

#### **Weaponizing civilian protection : counterinsurgency and collateral damage in Afghanistan**

Thomas Gregory. - Oxford : Oxford University Press, 2025. - XIV, 349 p.

<https://doi.org/10.1093/oso/9780198897385.001.0001> \*

### AFRICA

#### **A failure by African States or a gap in the law ? : an appraisal of the African and international legal framework for the protection of child soldiers**

Linda Mushoriwa, Windell Nortje. In: International criminal law review, vol. 25, issue 1, 2025, p. 51-81

<https://doi.org/10.1163/15718123-bja10221> \*

### ARGENTINA

#### **The contribution of forensic science to managing the dead and preventing the missing in armed conflict**

Morris Tidball-Binz. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 309-327

<https://doi.org/10.1093/oso/9780197793176.003.0015> \*

### AUSTRALIA

#### **What does it look like for Australia to promote compliance with international humanitarian law and protection of civilians**

Asia-Pacific Development, Diplomacy & Defence Dialogue. - Canberra : Asia-Pacific Development, Diplomacy & Defence Dialogue, 2025. - 37 p.

<https://nla.gov.au/nla.obj-3586566472/view>

### BALTIC COUNTRIES

#### **Civilian non-violent defence against Russian warfare : Eastern European strategies and the gap between civilians and combatants in customary international humanitarian law**

Saskia Millmann and Pia Hüsich. In: Baltic yearbook of international law online, vol. 22 (2024), p. 147-177

[https://doi.org/10.1163/22115897\\_02201\\_008](https://doi.org/10.1163/22115897_02201_008)

### BELGIUM

#### **Crimes internationaux : le droit et la pratique belges**

Christophe Deprez. - Bruxelles : Larcier, 2024. - 402 p.

## BURKINA FASO

### **IHL in focus : spot report : food insecurity in armed conflict and the use of siege-like tactics**

The Geneva Academy of International Humanitarian Law and Human Rights. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, October 2024. - 22 p.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-Spot-Report-Food-Insecurity-in-Armed-Conflict-and-the-Use-of-Siege-Like-Tactics.pdf>

## CHINA

### **The legal contexts of civilian internment in China under Japanese occupation : the case of Allied nationals, 1941-45**

Chan Yang. In: Immigrants and minorities, Vol. 43, no. 2, 2025, p. 231-254

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61319.pdf> \*

## COLOMBIA

### **Análisis de la responsabilidad del mando militar y policial en el marco de la Jurisdicción Especial para la Paz**

Silvia Delgado Maldonado, Paula María Vargas. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 585-647

### **Aplicación del derecho internacional humanitario desde el jus in bello y el jus ad bellum en el ámbito de la Ley de Justicia y Paz**

Beatriz Cuervo Criales. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 195-248

<https://doi.org/10.57998/bdigital/handle.001.929>

### **La aplicación directa del DIH en las decisiones de la Sala de Amnistía o Indulto de la JEP**

María Camila Correa Flórez, Alexandra Sandoval Mantilla, Andrés Felipe Martín Parada. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 483-531

<https://doi.org/10.57998/bdigital.handle.001.13237>

### **Combatientes paramilitares y derecho y la verdad de las víctimas**

Ana Beatriz Sánchez Lara, Sandra Gamboa Rubiano. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 793-828

### **El derecho internacional humanitario en los ordenamientos transicionales de Justicia y Paz y de la Jurisdicción Especial para la Paz**

Héctor Wiesner León. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 251-304

<https://doi.org/10.57998/bdigital/handle.001.930>

### **Derecho internacional humanitario y reparación integral en la Jurisdicción Especial para la Paz**

Danilo Rojas Betancourth. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 751-790

<https://doi.org/10.57998/bdigital.handle.001.13223>

### **Generando cumplimiento : la implementación del derecho internacional humanitario en el Acuerdo de Paz colombiano**

Diana Isabel Güiza-Gómez, Jason Michael Quinn, Josefina Echavarría Álvarez. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 129-189

<https://doi.org/10.57998/bdigital/handle.001.145>

### **La internacionalización de los conflictos armados y de los acuerdos de paz**

Francisco Jiménez García. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 25-70

<https://doi.org/10.57998/bdigital.handle.001.13216>

### **Lecciones aprendidas de la implementación de la Ley de Justicia y Paz para la puesta en marcha de la Jurisdicción Especial para la Paz**

Luz Helena Morales Garay. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 307-374

### **Legitimidad de las intervenciones militares en la Comuna 13 de Medellín**

Nathalia Bautista Pizarro, Paloma Ivana Morales Carrillo. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 377-450

<https://doi.org/10.57998/bdigital.handle.001.13219>

### **Los no nacidos como víctimas del conflicto armado**

Ana Idárraga, Juana I. Acosta-López. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 535-582

<https://doi.org/10.57998/bdigital/handle.001.1241>

### **Protecting war's unseen environmental damage**

Britta Sjöstedt. In: Nordic journal of international law, vol. 94, issue 1, February 2025, p. 24-44

<https://doi.org/10.1163/15718107-94010003>

### **Transmutaciones de los conflictos armados en la etapa temprana de los posacuerdos : el caso colombiano de un conflicto fragmentado**

Camilo Eduardo Umaña Hernández. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 73-125

<https://doi.org/10.57998/bdigital.handle.001.13245>

## **CYPRUS**

### **The contribution of forensic science to managing the dead and preventing the missing in armed conflict**

Morris Tidball-Binz. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 309-327

<https://doi.org/10.1093/os0/9780197793176.003.0015> \*

**DEMOCRATIC REPUBLIC OF THE CONGO****Case note : the International Court of Justice's 2022 reparations judgment in DRC v. Uganda**

Safaa Jaber. In: International review of the Red Cross, Vol. 107, no. 928, p. 355-370  
<https://library.icrc.org/library/docs/DOC/irrc-928-jaber.pdf>

**EL SALVADOR****A US perspective on special operations and the law of armed conflict**

Kevin Coble and John C. Tramazzo. In: International review of the Red Cross, Vol. 107, no. 928, p. 70-95  
<https://library.icrc.org/library/docs/DOC/irrc-928-coble.pdf>

**FRANCE****The laws of war and public support for foreign combatants**

Yonatan Lupu. In: International organization, vol. 78, issue 4, Fall 2024, p. 823-852  
<https://doi.org/10.1017/S0020818324000274>

**GAZA****The armed conflict in Gaza, and its complexity under international law : jus ad bellum, jus in bello, and international justice**

Raphaël van Steenberghe. In: Leiden journal of international law, vol. 37, no. 4, December 2024, p. 983-1017  
<https://doi.org/10.1017/S0922156524000220>

**Grundprinzipien des Rechts des bewaffneten Konflikts im Hinblick auf Umweltaspekte : Unterscheidung, Verhältnismäßigkeit, Humanität (Martens'sche Klausel), anhand konkreter Beispiele**

Zilan Linnéa Hansen. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 7, H. 3-4, 2024, S. 185-202  
<https://doi.org/10.35998/huv-2024-0012> \*

**La guerre contre Gaza (2023-2024) : grave « dommage collatéral » sur le droit international humanitaire**

Abdelwahab Biad. In: Paix et sécurité européenne et internationale, no 21, novembre 2024, 19 p.  
<https://hal.science/hal-04772768v1>

**Humanitarian camouflage : Israel rewrites the laws of war to legitimize genocide in Gaza**

Luigi Daniele, Nicola Perugini, Francesca Albanese. - Washington : Institute for Palestine Studies, 2024. - 35 p.  
<https://www.palestine-studies.org/sites/default/files/attachments/books/Humanitarian%20Camouflage%20Israel%20Rewrites%20the%20Laws%20of%20War%20to%20Legitimize%20Genocide%20in%20Gaza.pdf>

**Humanitarian missions at sea : lessons from the deployment of Indonesia's military hospital ship for humanitarian aid to Palestinians in the Gaza conflict**

Pornomo Rovana Astri Yoga, Lowell Bautista. In: Ocean yearbook online, vol. 39, 2025, p. 537-572  
<https://doi.org/10.1163/22116001-03901021>

**International law in Gaza : belligerent intent and provisional measures**

Tom Dannenbaum and Janina Dill. In: American journal of international law, vol. 118, issue 4, October 2024, p. 659-683

<https://doi.org/10.1017/ajil.2024.53>

**INDONESIA****Humanitarian missions at sea : lessons from the deployment of Indonesia's military hospital ship for humanitarian aid to Palestinians in the Gaza conflict**

Pornomo Rovan Astri Yoga, Lowell Bautista. In: Ocean yearbook online, vol. 39, 2025, p. 537-572

<https://doi.org/10.1163/22116001-03901021>

**ISRAEL****The armed conflict in Gaza, and its complexity under international law : jus ad bellum, jus in bello, and international justice**

Raphaël van Steenberghe. In: Leiden journal of international law, vol. 37, no. 4, December 2024, p. 983-1017

<https://doi.org/10.1017/S0922156524000220>

**Ending impunity for international law violations : Palestinian Bedouins and the risk of forced displacement**

Ed. by Alice Panepinto ... [et al.]. - Oxford : Hart, 2025. - XXI, 200 p.

<http://dx.doi.org/10.5040/9781509977239>

**Grundprinzipien des Rechts des bewaffneten Konflikts im Hinblick auf Umweltaspekte : Unterscheidung, Verhältnismäßigkeit, Humanität (Martens'sche Klausel), anhand konkreter Beispiele**

Zilan Linnéa Hansen. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 7, H. 3-4, 2024, S. 185-202

<https://doi.org/10.35998/huv-2024-0012> \*

**La guerre contre Gaza (2023-2024) : grave « dommage collatéral » sur le droit international humanitaire**

Abdelwahab Biad. In: Paix et sécurité européenne et internationale, no 21, novembre 2024, 19 p.

<https://hal.science/hal-04772768v1>

**Humanitarian camouflage : Israel rewrites the laws of war to legitimize genocide in Gaza**

Luigi Daniele, Nicola Perugini, Francesca Albanese. - Washington : Institute for Palestine Studies, 2024. - 35 p.

<https://www.palestine-studies.org/sites/default/files/attachments/books/Humanitarian%20Camouflage%20Israel%20Rewrites%20the%20Laws%20of%20War%20to%20Legitimize%20Genocide%20in%20Gaza.pdf>

**Humanitarian missions at sea : lessons from the deployment of Indonesia's military hospital ship for humanitarian aid to Palestinians in the Gaza conflict**

Pornomo Rovan Astri Yoga, Lowell Bautista. In: Ocean yearbook online, vol. 39, 2025, p. 537-572

<https://doi.org/10.1163/22116001-03901021>

**International law in Gaza : belligerent intent and provisional measures**

Tom Dannenbaum and Janina Dill. In: American journal of international law, vol. 118, issue 4, October 2024, p. 659-683

<https://doi.org/10.1017/ajil.2024.53>

### **The law and politics of civilian protection in the occupied West Bank**

David Kretzmer. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 133-151

<https://doi.org/10.1093/oso/9780197793176.003.0007> \*

## **JAPAN**

### **The legal contexts of civilian internment in China under Japanese occupation : the case of Allied nationals, 1941-45**

Chan Yang. In: Immigrants and minorities, Vol. 43, no. 2, 2025, p. 231-254

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61319.pdf> \*

## **MALI**

### **IHL in focus : spot report : food insecurity in armed conflict and the use of siege-like tactics**

The Geneva Academy of International Humanitarian Law and Human Rights. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, October 2024. - 22 p.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-Spot-Report-Food-Insecurity-in-Armed-Conflict-and-the-Use-of-Siege-Like-Tactics.pdf>

## **MYANMAR**

### **Exploring Common Article 1 obligations for home states of social media companies in inciting violations of IHL**

Giacomo Biggio, Haniya Hasan. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 7, H. 3-4, 2024, S. 123-136

<https://doi.org/10.35998/huv-2024-0008> \*

### **Harnessing Hindu and Buddhist sources as “dictates of the public conscience” : a gap-filler to address sexual violence against women during conduct of hostilities ?**

by Ritika Sharma. - [S.l.] : [s.n.], 30 August 2024. - 40 p.

<https://prix-henry-dunant.org/wp-content/uploads/SHARMA-Wiener-LLM-Paper-23-24.pdf>

### **IHL in focus : spot report : food insecurity in armed conflict and the use of siege-like tactics**

The Geneva Academy of International Humanitarian Law and Human Rights. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, October 2024. - 22 p.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-Spot-Report-Food-Insecurity-in-Armed-Conflict-and-the-Use-of-Siege-Like-Tactics.pdf>

## NAGORNY KARABAKH

### **IHL in focus : spot report : food insecurity in armed conflict and the use of siege-like tactics**

The Geneva Academy of International Humanitarian Law and Human Rights. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, October 2024. - 22 p.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-Spot-Report-Food-Insecurity-in-Armed-Conflict-and-the-Use-of-Siege-Like-Tactics.pdf>

## NETHERLANDS

### **At the crossroads of international criminal law, the Montreal Convention, international humanitarian law, and human rights : some remarks on the interpretation of international law by the Hague district court in the MH-17 judgments and their potential legacies**

Aleksander Gubrynowicz. In: Polish yearbook of international law, vol. 42 (2022), p. 133-151

<https://doi.org/10.24425/PYIL.2023.147173>

### **Ukraine and The Netherlands v. Russia : taking stock of the latest developments in the case law of the European Court of Human Rights on extraterritorial jurisdiction**

Annick Pijnenburg. In: European yearbook on human rights, 2023, p. 139-169

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61146.pdf>

## NICARAGUA

### **A US perspective on special operations and the law of armed conflict**

Kevin Coble and John C. Tramazzo. In: International review of the Red Cross, Vol. 107, no. 928, p. 70-95

<https://library.icrc.org/library/docs/DOC/irrc-928-coble.pdf>

## PALESTINE

### **The armed conflict in Gaza, and its complexity under international law : jus ad bellum, jus in bello, and international justice**

Raphaël van Steenberghe. In: Leiden journal of international law, vol. 37, no. 4, December 2024, p. 983-1017

<https://doi.org/10.1017/S0922156524000220>

### **Ending impunity for international law violations : Palestinian Bedouins and the risk of forced displacement**

Ed. by Alice Panepinto ... [et al.]. - Oxford : Hart, 2025. - XXI, 200 p.

<http://dx.doi.org/10.5040/9781509977239>

### **La guerre contre Gaza (2023-2024) : grave « dommage collatéral » sur le droit international humanitaire**

Abdelwahab Biad. In: Paix et sécurité européenne et internationale, no 21, novembre 2024, 19 p.

<https://hal.science/hal-04772768v1>

**Humanitarian missions at sea : lessons from the deployment of Indonesia's military hospital ship for humanitarian aid to Palestinians in the Gaza conflict**

Pornomo Rovana Astri Yoga, Lowell Bautista. In: Ocean yearbook online, vol. 39, 2025, p. 537-572

<https://doi.org/10.1163/22116001-03901021>

**International law in Gaza : belligerent intent and provisional measures**

Tom Dannenbaum and Janina Dill. In: American journal of international law, vol. 118, issue 4, October 2024, p. 659-683

<https://doi.org/10.1017/ajil.2024.53>

**The law and politics of civilian protection in the occupied West Bank**

David Kretzmer. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 133-151

<https://doi.org/10.1093/oso/9780197793176.003.0007> \*

**RUSSIAN FEDERATION****The application of the UN Guiding Principles on Business and Human Rights in conflict areas : corporate responsibilities, responses, and non-responses in the context of the Ukraine war**

Peter Muchlinski. - In: Business, human rights and sustainable development. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 103-132

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61147.pdf> \*

**At the crossroads of international criminal law, the Montreal Convention, international humanitarian law, and human rights : some remarks on the interpretation of international law by the Hague district court in the MH-17 judgments and their potential legacies**

Aleksander Gubrynowicz. In: Polish yearbook of international law, vol. 42 (2022), p. 133-151

<https://doi.org/10.24425/PYIL.2023.147173>

**Civilian non-violent defence against Russian warfare : Eastern European strategies and the gap between civilians and combatants in customary international humanitarian law**

Saskia Millmann and Pia Hüscher. In: Baltic yearbook of international law online, vol. 22 (2024), p. 147-177

[https://doi.org/10.1163/22115897\\_02201\\_008](https://doi.org/10.1163/22115897_02201_008)

**Deportation in international humanitarian and criminal law against the backdrop of the war in Ukraine**

Michael N. Schmitt. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 171-193

<https://doi.org/10.1093/oso/9780197793176.003.0009> \*

**El derecho de la neutralidad en el siglo XXI : un análisis a la luz de la guerra Rusia-Ucrania**

Beatriz Garrigues Garrido. In: Revista española de derecho militar, no. 122, jul.-dic. 2024, p. 49-93

<https://dialnet.unirioja.es/servlet/articulo?codigo=10154944>

**The effect of extraterritorial data migration on the protection of civilians and civilian objects**

Leah West. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 243-263

<https://doi.org/10.1093/oso/9780197793176.003.0012> \*

**Hactivists as combatants : what Ukraine’s counteroffensive to Russia’s cyberwarfare means for civilian hacker’s status under the laws of war**

Emily Stubblefield. In: Fordham urban law journal, vol. 52, no. 1, 2024, p. 217-250

<https://ir.lawnet.fordham.edu/ulj/vol52/iss1/5/>

**The law and modern challenges related to the prohibition against forced conscription**

W. Casey Biggerstaff. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 195-217

<https://doi.org/10.1093/oso/9780197793176.003.0010> \*

**Mission impossible : establishing criminal responsibility for the Nova Kakhovka dam’s destruction under Article 8(2)(b)(iv) of the Rome Statute**

Masoud Zamani, Amirabbas Kiani, Aghil Mohammadi. In: Nordic journal of international law, vol. 93, issue 4, December 2024, p. 452-478

<https://doi.org/10.1163/15718107-bja10094> \*

**Ukraine and The Netherlands v. Russia : taking stock of the latest developments in the case law of the European Court of Human Rights on extraterritorial jurisdiction**

Annick Pijnenburg. In: European yearbook on human rights, 2023, p. 139-169

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61146.pdf>

**SIERRA LEONE****Intersectional v. narrow approaches to sexual and gender-based crimes : contrasting outcomes and gleaning useful techniques**

Ana Martin. In: International criminal law review, vol. 25, issue 1, 2025, p. 82-111

<https://doi.org/10.1163/15718123-bja10220> \*

**SRI LANKA****Harnessing Hindu and Buddhist sources as “dictates of the public conscience” : a gap-filler to address sexual violence against women during conduct of hostilities ?**

by Ritika Sharma. - [S.l.] : [s.n.], 30 August 2024. - 40 p.

<https://prix-henry-dunant.org/wp-content/uploads/SHARMA-Wiener-LLM-Paper-23-24.pdf>

**SUDAN****IHL in focus : spot report : food insecurity in armed conflict and the use of siege-like tactics**

The Geneva Academy of International Humanitarian Law and Human Rights. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, October 2024. - 22 p.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-Spot-Report-Food-Insecurity-in-Armed-Conflict-and-the-Use-of-Siege-Like-Tactics.pdf>

**SYRIA****A reflection on the cost of counterterrorism for civilian protection in armed conflict**

Fionnuala Ní Aoláin. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 153-170

<https://doi.org/10.1093/oso/9780197793176.003.0008> \*

**UGANDA****Case note : the International Court of Justice's 2022 reparations judgment in DRC v. Uganda**

Safaa Jaber. In: International review of the Red Cross, Vol. 107, no. 928, p. 355-370

<https://library.icrc.org/library/docs/DOC/irrc-928-jaber.pdf>

**UKRAINE****The application of the UN Guiding Principles on Business and Human Rights in conflict areas : corporate responsibilities, responses, and non-responses in the context of the Ukraine war**

Peter Muchlinski. - In: Business, human rights and sustainable development. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 103-132

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61147.pdf> \*

**At the crossroads of international criminal law, the Montreal Convention, international humanitarian law, and human rights : some remarks on the interpretation of international law by the Hague district court in the MH-17 judgments and their potential legacies**

Aleksander Gubrynowicz. In: Polish yearbook of international law, vol. 42 (2022), p. 133-151

<https://doi.org/10.24425/PYIL.2023.147173>

**Civilian non-violent defence against Russian warfare : Eastern European strategies and the gap between civilians and combatants in customary international humanitarian law**

Saskia Millmann and Pia Hüscher. In: Baltic yearbook of international law online, vol. 22 (2024), p. 147-177

[https://doi.org/10.1163/22115897\\_02201\\_008](https://doi.org/10.1163/22115897_02201_008)

**Deportation in international humanitarian and criminal law against the backdrop of the war in Ukraine**

Michael N. Schmitt. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 171-193

<https://doi.org/10.1093/oso/9780197793176.003.0009> \*

**El derecho de la neutralidad en el siglo XXI : un análisis a la luz de la guerra Rusia-Ucrania**

Beatriz Garrigues Garrido. In: Revista española de derecho militar, no. 122, jul.-dic. 2024, p. 49-93

<https://dialnet.unirioja.es/servlet/articulo?codigo=10154944>

**The effect of extraterritorial data migration on the protection of civilians and civilian objects**

Leah West. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 243-263

<https://doi.org/10.1093/oso/9780197793176.003.0012> \*

**Hacktivists as combatants : what Ukraine’s counteroffensive to Russia’s cyberwarfare means for civilian hacker’s status under the laws of war**

Emily Stubblefield. In: Fordham urban law journal, vol. 52, no. 1, 2024, p. 217-250  
<https://ir.lawnet.fordham.edu/ulj/vol52/iss1/5/>

**The law and modern challenges related to the prohibition against forced conscription**

W. Casey Biggerstaff. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 195-217  
<https://doi.org/10.1093/oso/9780197793176.003.0010> \*

**Mission impossible : establishing criminal responsibility for the Nova Kakhovka dam’s destruction under Article 8(2)(b)(iv) of the Rome Statute**

Masoud Zamani, Amirabbas Kiani, Aghil Mohammadi. In: Nordic journal of international law, vol. 93, issue 4, December 2024, p. 452-478  
<https://doi.org/10.1163/15718107-bja10094> \*

**Ukraine and The Netherlands v. Russia : taking stock of the latest developments in the case law of the European Court of Human Rights on extraterritorial jurisdiction**

Annick Pijnenburg. In: European yearbook on human rights, 2023, p. 139-169  
<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61146.pdf>

**UNITED KINGDOM****The contribution of forensic science to managing the dead and preventing the missing in armed conflict**

Morris Tidball-Binz. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 309-327  
<https://doi.org/10.1093/oso/9780197793176.003.0015> \*

**The laws of war and public support for foreign combatants**

Yonatan Lupu. In: International organization, vol. 78, issue 4, Fall 2024, p. 823-852  
<https://doi.org/10.1017/S0020818324000274>

**UNITED STATES****Collateral damage and individual rights in armed conflict**

Charles P. Trumbull IV. In: Fordham journal of international law, vol. 48, issue 2, 2024, p. 521-575  
<https://ir.lawnet.fordham.edu/ilj/vol48/iss2/5/>

**Commingled nuclear and cyber facilities : obligations of states to take precautions against the effects of a cyberattack**

Trason Lasley. In: Wisconsin international law journal, vol. 42, no. 3, 2025, p. 293-328  
<https://doi.org/10.59015/wilj.KLCM3237>

**Humanity on the final frontier : challenges in applying international humanitarian law to modern military space operations**

G. Blair Kuplic and Jonathan Sawmiller. In: International review of the Red Cross, Vol. 107, no. 928, p. 200-237  
<https://library.icrc.org/library/docs/DOC/irrc-928-kuplic.pdf>

**The laws of war and public support for foreign combatants**

Yonatan Lupu. In: International organization, vol. 78, issue 4, Fall 2024, p. 823-852  
<https://doi.org/10.1017/S0020818324000274>

**The overlooked importance of intelligence analysis in IHL**

Loren Voss. In: International review of the Red Cross, Vol. 107, no. 928, p. 287-310  
<https://library.icrc.org/library/docs/DOC/irrc-928-voss.pdf>

**The protection of civilians during the invasion phase of an international armed conflict**

Michael W. Meier. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 3-24  
<https://doi.org/10.1093/oso/9780197793176.003.0001> \*

**US military legal doctrine and the emerging wartime cyber environment**

Emily Bobenrieth and Sean Watts. In: International review of the Red Cross, Vol. 107, no. 928, p. 311-334  
<https://library.icrc.org/library/docs/DOC/irrc-928-bobenrieth.pdf>

**A US perspective on special operations and the law of armed conflict**

Kevin Coble and John C. Tramazzo. In: International review of the Red Cross, Vol. 107, no. 928, p. 70-95  
<https://library.icrc.org/library/docs/DOC/irrc-928-coble.pdf>

**The Vietnam war and international law**

Kevin Jon Heller and Samuel Moyn. - In: The Cambridge History of the Vietnam War. - Cambridge [etc.] : Cambridge University Press. - p. 445-475  
<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61080.pdf> \*

**Weaponizing civilian protection : counterinsurgency and collateral damage in Afghanistan**

Thomas Gregory. - Oxford : Oxford University Press, 2025. - XIV, 349 p.  
<https://doi.org/10.1093/oso/9780198897385.001.0001> \*

**VIET NAM****The Vietnam war and international law**

Kevin Jon Heller and Samuel Moyn. - In: The Cambridge History of the Vietnam War. - Cambridge [etc.] : Cambridge University Press. - p. 445-475  
<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61080.pdf> \*

**WEST BANK****The law and politics of civilian protection in the occupied West Bank**

David Kretzmer. - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 133-151  
<https://doi.org/10.1093/oso/9780197793176.003.0007> \*

**YUGOSLAVIA****Intersectional v. narrow approaches to sexual and gender-based crimes : contrasting outcomes and gleaning useful techniques**

Ana Martin. In: International criminal law review, vol. 25, issue 1, 2025, p. 82-111  
<https://doi.org/10.1163/15718123-bja10220> \*

## All with Abstracts

### **The 1% : doing business with proxy military companies**

**Robin van der Lugt.** - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, December 2024. - 18 p.

The Private Military and Security Company (PMSC) industry is vast and varied. Most companies in this sector operate within clear boundaries, offering services like site protection or equipment maintenance. But a small, disruptive subset—the ‘1%’—defies conventional definitions. These are not your typical security firms. Instead, they act as covert tools of state power, blurring the lines between private businesses, state actors, and mercenaries. With their strong ties to authoritarian regimes, single-client dependency, and mercenary-like operations, these atypical PMSCs—what this paper will make a case to call ‘proxy military companies’—represent a serious challenge to global stability, accountability, and the rule of law.

<https://geneva-academy.ch/wp-content/uploads/2025/09/The-1-Percent-Doing-Business-with-Proxy-Military-Companies.pdf>

### **Advanced introduction to international humanitarian law**

**Robert Kolb.** - Cheltenham : Edward Elgar, 2025. - XI, 253 p.

This second edition provides a thought-provoking introduction to international humanitarian law (IHL). Robert Kolb provides an updated exploration of the field through questions – which are at times challenging and controversial – in order to get to the very essence of the subject and give a fresh perspective. The result is an exposition of both the law as it stands, through its written and unwritten rules, and also of the uncertainties, gaps, controversies and practical problems which have arisen. IHL is revealed as a living tool, an ever-adapting means to an ever-remaining need of protection during times of armed conflict.

### **Análisis de la responsabilidad del mando militar y policial en el marco de la Jurisdicción Especial para la Paz**

**Silvia Delgado Maldonado, Paula María Vargas.** - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 585-647

El Acuerdo Final para la Terminación del Conflicto y la Construcción de una Paz Estable y Duradera (Acuerdo Final) buscó involucrar a todos los actores del conflicto para así lograr una solución fuera integral para todas las victi-mas. Con este propósito, incluyó en su componente de justicia no solamente a los miembros de las extintas FARC-EP, sino también a los miembros de la Fuerza Pública que cometieron delitos en el marco del conflicto armado. Como consecuencia de esta inclusión, hoy, alrededor de 3.000 miembros de la Fuerza Pública se han sometido a la Jurisdicción Especial para la Paz (JEP), suscribiendo actas de compromiso de contribución a la verdad y la reparación. Adicional a lo anterior, a raíz de los informes presentados por la Fiscalía General de la Nación, organizaciones de víctimas y otras organizaciones de la sociedad civil, la JEP avocó conocimiento del Caso n.º 003 para investigar las “muertes ilegítimamente presentadas como bajas en combate por agentes del Estado”, que abarca un universo de alrededor 6.402 hechos victimizantes ocurridos entre 1985 y 2016. El propósito de este artículo es analizar, a la luz del derecho internacional y del derecho nacional, la normativa transicional referida a la figura de la responsabilidad del mando militar o policial para los procesos que se desarrollen en la JEP. Para lograr este fin, el artículo comienza por analizar la responsabilidad del mando militar a la luz de las fuentes de derecho internacional. Luego describe cómo está actualmente regulada la responsabilidad del mando en el derecho interno. Finalmente, analiza cómo quedó prevista la figura de la responsabilidad del mando militar y policial en las normas que implementan el Acuerdo Final y las razones por las cuales la normativa transicional se adecua al derecho internacional. A manera de conclusión, se manifiesta que la figura de la responsabilidad del mando militar y policial constituirá una herramienta fundamental en la investigación, juzgamiento y sanción de aquellos miembros de la Fuerza Pública que sean seleccionados como máximos responsables de los crímenes más graves y representativos cometidos en el marco del conflicto armado, incluidos los casos llamados “falsos positivos”.

## **Aplicación del derecho internacional humanitario desde el jus in bello y el jus ad bellum en el ámbito de la Ley de Justicia y Paz**

**Beatriz Cuervo Criales.** - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 195-248

El derecho en la guerra y el derecho sobre el empleo de la fuerza, se han distorsionado, confundido o desconocido, de acuerdo con el momento político que ha vivido Colombia durante el conflicto armado, lo que ha hecho, que se juzgue y condene a muchas personas por conductas que no, necesariamente configuran crímenes a la luz del derecho internacional humanitario, sino que por su naturaleza son actos propios de la guerra. La justicia transicional en el ámbito de la ley de justicia y paz no ha logrado un avance significativo en el componente de verdad, porque parte de una falacia en su construcción: iniciar y continuar el proceso penal de los postulados partiendo de la “verdad procesal” contenida en las sentencias de la justicia ordinaria, desconociendo en muchos casos las categorías propias del DIH. Por ello, se estudiará el alcance, los límites y las diferencias entre el jus in bello y el jus ad bellum, con el fin de analizar las categorías que realmente configuran crímenes contra el Derecho Internacional Humanitario en el ámbito del conflicto armado colombiano a partir de casos concretos.

<https://doi.org/10.57998/bdigital/handle.001.929>

## **La aplicación directa del DIH en las decisiones de la Sala de Amnistía o Indulto de la JEP**

**María Camila Correa Flórez, Alexandra Sandoval Mantilla, Andrés Felipe Martín Parada.** - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 483-531

El artículo 5.º transitorio del Acto Legislativo 01 de 2017 le otorgó a la Jurisdicción Especial para la Paz (JEP) la potestad de hacer uso, como fuentes directas, en el marco de las calificaciones jurídicas propias del sistema, del derecho penal internacional (DPI) y del derecho internacional humanitario (DIH). En la aplicación del DIH, la JEP ya ha emitido distintas decisiones que permiten observar cómo esta jurisdicción ha interpretado y aplicado este sistema normativo en diferentes casos. En ese sentido, la Sala de Amnistía o Indulto se consolida como un referente a la concesión o negativa de beneficios transicionales, tomando en consideración que el artículo 23 de la Ley 1820 de 2019 prohíbe expresamente la concesión de beneficios transicionales a conductas que impliquen crímenes de guerra o violaciones al DIH. Con base en estas precisiones, en el presente capítulo se mostrará un análisis detallado de una serie de decisiones tomadas por parte de Sala de Amnistía o Indulto (SAI), como en el caso de la Escuela Superior de Guerra y el caso de Jaime Aguilar, entre otras. A través de estas decisiones se pretende analizar y explicar cómo ha sido la aplicación del DIH por parte de la SAI y los retos y tensiones que esta aplicación conlleva en el terreno práctico de la justicia transicional.

<https://doi.org/10.57998/bdigital.handle.001.13237>

## **The application of the UN Guiding Principles on Business and Human Rights in conflict areas : corporate responsibilities, responses, and non-responses in the context of the Ukraine war**

**Peter Muchlinski.** - In: Business, human rights and sustainable development. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 103-132

This contribution explores the nature of the corporate responsibility to respect human rights in the context of the Ukraine War. This is a ‘classic war’ where the armed forces of sovereign states engage in warfare. In this context, apart from human rights law, international humanitarian law (IHL) also becomes a source of obligations for businesses operating in the course of the conflict. The chapter is divided as follows: Section 2 examines how human rights due diligence (HRDD) should adapt to establish core corporate human rights responsibilities in time of conflict. Section 3 considers the impact of IHL on HRDD. Section 4 then examines business dealings with Russia in light of heightened HRDD, while Section 5 discusses the role of business in Ukraine as a promoter of human rights for Ukrainian citizens. The chapter ends with section 6 which briefly considers the broader implications of the Ukraine War on the development of business and human rights.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61147.pdf> \*

## **Are “unprivileged belligerents” protected by the civilians Convention and, if so, how ?**

**Marten Zwanenburg.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 25-45

This chapter discusses the personal scope of application of the Fourth Geneva Convention (GC IV). It focuses particularly on the protection of so-called unprivileged belligerents, persons who directly participate in hostilities against the adversary in an international armed conflict without entitlement to combatant and therefore prisoner of war status upon capture. The main relevant article of GC IV examined is Article 4. The chapter starts by analyzing Article 4 in its context. It then searches for relevant elements in the travaux préparatoires of GCs IV and III to interpret the personal scope of GC IV. Having concluded that these support an interpretation that excludes civilians in non-occupied territory of their home State from certain protections, it looks at what remaining protections exist and discusses an approach that has been suggested to broaden the scope of application of GC IV. The chapter concludes with some final remarks.

<https://doi.org/10.1093/oso/9780197793176.003.0002> \*

## **The armed conflict in Gaza, and its complexity under international law : jus ad bellum, jus in bello, and international justice**

**Raphaël van Steenberghe.** In: *Leiden journal of international law*, vol. 37, no. 4, December 2024, p. 983-1017

The armed conflict in Gaza raises a series of questions under international law. The most significant questions concern the Israel's use of force under jus ad bellum, the military operations conducted by the belligerents in relation to the law of armed conflict, and the proceedings brought before certain international courts, such as the International Criminal Court. This article examines each of these three issues in two stages. Firstly, it shows that the answers to these questions give rise to uncertain solutions insofar as they depend on the point of view adopted in relation to fundamental controversies concerning Palestine, such as the latter's statehood. Secondly, it sets out the solutions that emerge independently of these controversies, whether these solutions express certainties or likelihoods.

<https://doi.org/10.1017/S0922156524000220>

## **Armed forces' investigations of IHL violations against civilians**

**Jennifer Maddocks.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 355-385

This chapter addresses armed forces' investigations into potential international humanitarian law (IHL) violations involving harm to civilians. It considers how States, in their criminal and administrative investigations, can strike a proper balance between the requirement to conduct an effective investigation and the military necessity to achieve the mission. The chapter commences by assessing when and how armed forces must investigate allegations of civilian harm, considering not only States' duties under IHL but also their obligations under international human rights law and the Rome Statute of the International Criminal Court. In practice, it is these latter bodies of law that impose the highest investigatory burden on States. The chapter then considers the challenges States might face in meeting those investigative obligations in the difficult context of an ongoing armed conflict. Finally, it examines how States might balance compliance with the requisite investigatory standards against military considerations, including the necessity to accomplish the mission.

<https://doi.org/10.1093/oso/9780197793176.003.0017> \*

## **At the crossroads of international criminal law, the Montreal Convention, international humanitarian law, and human rights : some remarks on the interpretation of international law by the Hague district court in the MH-17 judgments and their potential legacies**

**Aleksander Gubrynowicz.** In: *Polish yearbook of international law*, vol. 42 (2022), p. 133-151

This article seeks to answer the question of how international criminal law (ICL), the 1971 Montreal Convention, and international humanitarian law (IHL) influenced the proceedings in

the MH-17 case, with particular emphasis on the Dutch Prosecutors' line of reasoning in proceedings before the District Court in The Hague (DCiTH), as well as on the judgments that the DCiTH delivered on 17 November 2022. Notably, the analysis below aims to establish whether, by refusing to grant combatant status to the defendants, the District Court acted within the limits permissible under international law, even though this Court admitted that at the moment of the MH-17's downing, the nature of the conflict in Eastern Ukraine was an international, not a non-international, one. In conclusion, the article argues that, firstly, even though the DCiTH's interpretation of the IHL is not free of certain flaws, the Court's line of reasoning and the sentences it delivered are a pragmatic attempt to bridge the gap between the proper administration of justice and the efficiency of criminal proceedings in a case where an airplane downing takes place during an international armed conflict. Secondly, although most recently the European Court on Human Rights (ECtHR) took note of the MH-17 judgments, for the reasons explained in this article the scope of their potential impact on the further development of international and domestic jurisprudence is uncertain, and remains to be seen.

<https://doi.org/10.24425/PYIL.2023.147173>

### **Beyond compliance : international humanitarian law, humanitarian need and civilian harm in armed conflict**

**Rebecca Sutton and Emanuela-Chiara Gillard.** - Edinburgh : Peace and Conflict Resolution Evidence Platform, 2022. - 59 p.

There is value in identifying, and attempting to prevent or mitigate, violations of International Humanitarian Law (IHL). However, analysis of the lived experiences of war suggest that an approach framed around IHL may not cover the whole spectrum of needs and harms that arise. This study presents the concepts of 'humanitarian need' and 'civilian harm' as two different (yet complementary) ways of thinking about IHL's role in reducing human suffering and promoting quality of life for war-affected populations. The authors examine the relevance of this role across five key drivers of need and harm – conduct of hostilities, access to goods and services, displacement, conflict-induced hunger, sanctions – and share policy recommendations in relation to each of these drivers.

<http://dx.doi.org/10.7488/era/5156>

### **Bring them home : creating a humane and enforceable POW parole system**

**Maciej Zajac.** In: Journal of military ethics, vol. 23, issue 3-4, November-December 2024, p. 182-200

There are several strong moral reasons for restoring the practice of parole for prisoners of war (POWs), that is, allowing them to spend their POW internment in a neutral country or in their own country provided they abstain from any military activity. This article makes an ethical case for parole, while discussing thoroughly theoretical as well as practical arguments against its reintroduction. The article suggests ways to create a reliable, internationally recognized way of paroling POWs. It concludes that the reintroduction of parole as such is both ethically required and practically possible, and that it would reduce the needless suffering among POWs that exists under a system that does not allow for parole.

<https://doi.org/10.1080/15027570.2024.2445954> \*

### **Case note : the International Court of Justice's 2022 reparations judgment in DRC v. Uganda**

**Safaa Jaber.** In: International review of the Red Cross, Vol. 107, no. 928, p. 355-370

This case note examines the International Court of Justice's (ICJ) 2022 reparations judgment in Democratic Republic of the Congo v. Uganda, analyzing the Court's legal reasoning, its evidentiary approach, and the implications for future reparations cases. The 2022 judgment follows the ICJ's 2005 ruling that found Uganda responsible for violations of international law during its military intervention in the Democratic Republic of the Congo (DRC). Given the failure of negotiations between the parties, the ICJ determined the amount of reparations owed, awarding a global sum of \$325 million – substantially lower than the DRC's claim. The case addresses complex legal and evidentiary questions, including the causal link between Uganda's wrongful acts and the damages claimed, the standard and burden of proof for reparations, and categorizing harm. The Court

examined four heads of damage, which were damage to persons, damage to property, damage to natural resources and macroeconomic damage, dismissing the latter due to insufficient proof of causation. A key aspect of the judgment was the ICJ's adoption of a global sum approach – an uncommon approach in the Court's practice. This case note assesses the lack of clear reasoning and methodology for determining the exact amount awarded for each head of damage. Additionally, the ICJ's over-reliance on United Nations reports and its application of standards of proof raise concerns about consistency and clarity in reparations proceedings. This case sets a precedent for State responsibility in mass violations of international law but highlights challenges in quantifying harm and ensuring equitable reparations. The Court's reasoning and methods in the case may influence future cases involving State responsibility, armed conflicts, and reparative justice under international law.

<https://library.icrc.org/library/docs/DOC/irrc-928-jaber.pdf>

### **Civilian data protection in war**

**Russell Buchan.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 219-241

International humanitarian law permits (and sometimes requires) belligerents to collect and process information on their opponents and the country with which they are in conflict. This chapter examines whether international law imposes any limits on information operations undertaken during armed conflict given the breadth and permissiveness of this rule. In particular, it analyzes whether belligerents must respect the rights to privacy and data protection while collecting and processing civilian data. The chapter first assesses the status, content, and scope of the rights to privacy and data protection under international human rights law. It then explores whether there are any rules of international humanitarian law that can be applied in conjunction with international human rights law to require belligerents to respect the rights of civilians. In doing so, the chapter examines Article 24 of the Hague Regulations, Article 27 of Geneva Convention IV, and Article 57(1) of Additional Protocol I.

<https://doi.org/10.1093/oso/9780197793176.003.0011> \*

### **Civilian non-violent defence against Russian warfare : Eastern European strategies and the gap between civilians and combatants in customary international humanitarian law**

**Saskia Millmann and Pia Hüsich.** In: *Baltic yearbook of international law online*, vol. 22 (2024), p. 147-177

Russia's war against Ukraine and the widespread documentation of civilian participation therein sheds new light on the role of civilians in national defence. This paper examines historic and contemporary Baltic and Ukrainian defence strategies against Russian and previous Soviet aggression and how national policies envisage and perhaps encourage civilians to engage in resistance and potentially in defence. The focus rests on the role of civilians who are not employed or subcontracted by the military but engage in acts ranging from singing national anthems to launching offensive cyber operations. The paper examines when such civilian participation amounts to direct participation in hostilities and the types of legal implications which follow from such activities. This paper takes a closer look at recent civilian participation in hostilities as seen in Ukraine, particularly focusing on intelligence gathering and cyber activities as conducted by the Ukrainian information technology (IT) army to illustrate the risks to which civilians expose themselves. This paper concludes that while there are legitimate reasons for States to include civilians in their defence strategies, it is key that where civilians engage in direct participation in hostilities, they must do so on an informed basis, setting out the legal implications of their actions. Where a State (passively) encourages such activities, it has at least a moral, if not also a legal obligation, to inform civilians of the risks of their actions.

[https://doi.org/10.1163/22115897\\_02201\\_008](https://doi.org/10.1163/22115897_02201_008)

**Civilian protection, gender, and GC IV : has interpretation filled the gaps ?**

Valerie Oosterveld. - In: *Civilian protection in armed conflict : select issues*. - Oxford : Oxford University Press, 2025. - p. 267-286

Attention to gender issues embedded in contexts where hostilities occur is warranted, due to inequalities that influence civilian harm and shape the experiences of persons in the conduct of hostilities. Given that attention to gender issues began, in a sense, with the drafting of the Geneva Conventions, especially Geneva Convention IV (GC IV), this chapter focuses on the gender-related developments prompted by this treaty's adoption. The chapter begins by outlining the gender-related provisions of GC IV. It then considers two GC IV provisions that have been the subject of feminist commentary and debate, as well as legislative and jurisprudential development: Article 27(2) and Common Article 3. The interpretation of IHL has evolved since 1949 to account for certain gender-related gaps in the original language. This chapter concludes that the interpretive evolution of these articles has filled much of the lacunae identified by feminist scholars. However, it has not done so entirely.

<https://doi.org/10.1093/oso/9780197793176.003.0013> \*

**Civilian protection in armed conflict : select issues**

ed. by Jelena Pejic and Margaret Kotlik. - Oxford : Oxford University Press, 2025. - xl, 436 p.

Protecting civilians who have fallen into enemy hands or are just about to come under the adversary's control is a constant challenge in the application of international humanitarian law (IHL) and the law of armed conflict (LOAC). Despite many decades of scholarship, military operational practice, and advocacy, certain legal questions remain unresolved, while others have been insufficiently examined or are newly emerging due to technological, societal, and cultural developments. *Civilian Protection in Armed Conflict* explores a range of longstanding, current, and new legal and practical issues in the interpretation and application of IHL/LOAC related to civilian protection. The subjects selected are based on the experiences or observations of repeated dilemmas about the extent of legal protections owed and actually extended to civilians in military operations. These include the protection of unprivileged belligerents and civilians in the invasion phase of international armed conflict, the law underlying civilian "screening" operations, and the challenges of setting up humanitarian corridors. Responding to recent armed conflicts including in Ukraine, Gaza, and Sudan, renewed attention is also paid to the rules governing deportation and forced conscription, and to the evolving area of civilian data protection and extraterritorial data migration. Developing interfaces between IHL/LOAC and other legal regimes, including environmental concerns, gender considerations, emerging technologies, and forensic science considerations are likewise explored. In all cases, accountability for non-respect of IHL/LOAC remains a fundamental legal obligation.

<https://doi.org/10.1093/oso/9780197793176.001.0001> \*

**Collateral damage and individual rights in armed conflict**

Charles P. Trumbull IV. In: *Fordham journal of international law*, vol. 48, issue 2, 2024, p. 521-575

This Article proceeds as follows. Part II sets forth the predominant legal and moral justifications for collateral damage in armed conflict: the IHL principle of proportionality and the Doctrine of Double Effect (DDE). It then discusses criticisms of the DDE in moral philosophy and argues that this doctrine cannot morally justify collateral damage. Killing in war can only be justified by traditional principles of self-defense, which require that the victim do something morally non-innocent to forfeit their right to life. Part III argues that the application of the principle of proportionality in NIACs rests on a shaky legal foundation. There is no treaty basis for its extension to NIACs and states' assertions that it is a rule of customary IHL were, at least initially, based on scant evidence. While the principle's application to NIACs has been framed as a positive humanitarian development, this narrative is deeply misleading. In particular, the principle of proportionality legitimizes violence affecting civilians and undermines their human rights protections. Part IV explains why the principle of proportionality is especially concerning in NIACs given the unique situation of the civilian population caught in the hostilities. Part V addresses how states can better protect civilians from collateral damage.

<https://ir.lawnet.fordham.edu/ilj/vol48/iss2/5/>

**Combatientes paramilitares y derecho y la verdad de las víctimas**

Ana Beatriz Sánchez Lara, Sandra Gamboa Rubiano. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 793-828

El capítulo se ocupa de algunos de los argumentos ofrecidos por el despacho de la magistrada Sandra Gamboa Rubiano respecto de la postura de la Sección de Apelación mayoritaria del Tribunal para la Paz sobre el ingreso excepcional del paramilitarismo a la Jurisdicción Especial para la Paz (J.E.P). La línea argumental de la mayoría de la Sección de Apelación del Tribunal para la Paz considera que, si bien la normativa de la JEP no autoriza el ingreso de los combatientes paramilitares como comparecientes, ello podría tener lugar excepcionalmente.

**Commingled nuclear and cyber facilities : obligations of states to take precautions against the effects of a cyberattack**

Trason Lasley. In: Wisconsin international law journal, vol. 42, no. 3, 2025, p. 293-328

States in a time of war have a duty under the law of armed conflict not to attack installations containing dangerous forces, such as nuclear-generating stations, because of the harm they would cause to civilians. However, when states combine nuclear development facilities and the development of malicious cyberwarfare weapons within the same cyberinfrastructure, they forfeit protections under the law of armed conflict that would prohibit states from attacking said nuclear facilities. Because of this, states that combine such industries inherit a duty, under Article 58 of Additional Protocol I, to their civilian population to put in place safeguards to protect nuclear facilities from being victims of cyberwarfare and, therefore, protect their citizens from the effects of such attacks.

<https://doi.org/10.59015/wilj.KLCM3237>

**Computing the laws of war : investigating the relationship between war, international law and military computer technology**

Simon McKenzie. In: Nordic journal of international law, vol. 93, issue 4, December 2024, p. 537-566

This article proposes the use of conceptual resources from science and technology studies to historicise and investigate co-constitution of the laws of war and military computer technology, with a particular focus on the law's development in the Additional Protocols to the Geneva Conventions. This approach brings into sharper relief the values of the laws of war and aid our critical analysis of its norms and practices.

<https://doi.org/10.1163/15718107-bja10091> \*

**Concretizing mental harm : warfare's psychological impact on civilians and the return to domestic law for establishing a standards-setting paradigm**

Solon Solomon. In: Transnational law and contemporary problems, vol. 31, issue 1, Winter 2021, p. 121-151. - 2022

International criminal courts and tribunals do not assess warfare's psychological impact on civilians in a scientifically consistent way. In some instances, they refer to mental health expert opinions in general, whereas in others they completely ignore any such expert opinions. The problem is further exacerbated by the fact that domestic courts avoid referring not only to expert opinions, but also to the notion of the civilians' sustained mental harm altogether. This acquires additional importance given the augmenting role domestic courts have come to play the last few years in conducting the trials of crimes related to warfare. On that account, this Article lays out the way mental harm has been discussed in domestic law in a number of jurisdictions and how it can set a standard for such mental harm discussion both by other domestic courts as well as by the International Criminal Court.

[https://tlcp.law.uiowa.edu/sites/tlcp.law.uiowa.edu/files/2024-08/8.\\_solomon\\_-\\_concretizing\\_mental\\_harm\\_final.pdf](https://tlcp.law.uiowa.edu/sites/tlcp.law.uiowa.edu/files/2024-08/8._solomon_-_concretizing_mental_harm_final.pdf)

## **Conflits armés et droit international des droits de l'homme**

**Hélène Tigroudja.** In: Recueil des cours : Académie de droit international de la Haye = Collected courses of the Hague Academy of international law, T. 444, 2025, p. 9-304

Prenant pour point de départ l'affirmation, par la Cour internationale de Justice en 1996, selon laquelle les droits de l'homme s'appliquent en période de conflits armés, le cours explore sous un angle à la fois théorique et pratique ce qu'implique cette irruption des droits de l'homme – et des mécanismes internationaux de surveillance - dans un champ qui, pendant longtemps, a été considéré comme exclusivement ou principalement conduit par le droit des conflits armés. Au-delà de l'humanisation de ce dernier, l'approche des conflits en termes de droits subjectifs individuels ou collectifs, opposables aux États et justiciables - y compris en ce qui concerne les droits économiques, sociaux, culturels et environnementaux -, constitue un vecteur puissant de l'autonomisation et d'autodétermination de l'individu, même dans des contextes aussi destructeurs et liberticides que les situations de violences généralisées. Pour autant, le cours vise aussi à présenter les insuffisances et limites du droit international des droits de l'homme pour appréhender les comportements des groupes non-étatiques et des organisations internationales par exemple, ou bien encore la réparation intégrale des violations graves et massives. S'appuyant sur une analyse approfondie et comparée de la pratique de la Cour internationale de Justice, des juridictions pénales internationales, des organes universels et régionaux de protection des droits de l'homme (cours régionales, organes de traités des Nations Unies, procédures spéciales du Conseil des droits de l'homme), le cours invite à réfléchir de manière critique au rôle potentiellement préventif, protecteur et transformateur du droit international des droits de l'homme face aux conflits armés.

## **The contribution of forensic science to managing the dead and preventing the missing in armed conflict**

**Morris Tidball-Binz.** - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 309-327

The recovery, identification, and protection of the dignity of the dead and the search for those missing in wars are important obligations under international humanitarian law (IHL). This body of law protects the right of families of the missing to know the fate and whereabouts of their loved ones and, if dead, to recover their remains. Forensic science helps fulfill these humanitarian imperatives and is increasingly used to prevent and resolve the tragedy of the missing in armed conflicts. A recent example of best practice related to the identification of soldiers killed in the 1982 Falkland/Malvinas Islands war between the United Kingdom and Argentina is provided. To fulfill IHL duties toward the dead and missing, armed forces should acquire their own forensic capacity. This may also assist in times of peace for ensuring the proper and dignified management of the dead in natural disasters and other catastrophic events.

<https://doi.org/10.1093/oso/9780197793176.003.0015>

## **Crimes internationaux : le droit et la pratique belges**

**Christophe Deprez.** - Bruxelles : Larcier, 2024. - 402 p.

Alors que les tribunaux internationaux ont longtemps concentré la plus grande part des attentes en matière de poursuite et de jugement des crimes internationaux, les conflits récents replacent les juridictions nationales au centre du système global de justice pénale internationale. En Belgique, le crime de génocide, les crimes contre l'humanité et les crimes de guerre sont incriminés dans le titre Ibis du livre II du Code pénal. À compter de l'entrée en vigueur de la réforme de ce dernier, il s'agira du titre Ier. Depuis la refonte de la matière et l'abrogation de la « compétence universelle absolue » des juridictions belges par une loi du 5 août 2003, la pratique – largement inédite – des cours et tribunaux dans ce domaine reste globalement méconnue et peu commentée. Pourtant riche et nourrie, elle continue d'affiner pas à pas les contours du droit belge des crimes internationaux. Dans ce contexte, l'ouvrage procède à un décodage complet de la réception législative et judiciaire des crimes internationaux dans l'ordre juridique belge, c'est-à-dire la mise en œuvre du droit international pénal en Belgique.

## **Cumulative charges and convictions for war crimes and crimes against humanity and the promotion of adherence to IHL**

**Yael Naggan.** - In: Prosecution of war crimes before the ICC : achievements and challenges. - Cham : Palgrave Macmillan, 2025. - p. 75-106

The contribution focuses on a prominent feature in ICL practice—cumulative charges and convictions—which best confirms the presumption of this book concerning the close inter-relationship as between substantive and procedural ICL. This chapter addresses issues that arise when considering this practice, with respect to instances where both war crimes and crimes against humanity charges are based on the same underlying conduct, from the perspective of the promotion of adherence to IHL, as one of the goals of the war crimes regime in ICL. The chapter argues that the adoption of a strict policy for cumulative charges and convictions, based on a rigid, technical jurisprudential test, is not conducive to ensuring results that are sufficiently attuned to the circumstances of each case. It surveys the recent proceedings in the Ongwen case before the ICC and discusses the Court’s failure to provide more comprehensive doctrinal guidance in this regard. The author proposes the adoption of a more nuanced approach when contemplating cumulative charges for these two categories of crimes that involves an in-depth examination of the “nexus to an armed conflict” requirement of war crimes.

## **Deportation in international humanitarian and criminal law against the backdrop of the war in Ukraine**

**Michael N. Schmitt.** - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 171-193

This chapter surveys the international humanitarian law and international criminal law rules governing the deportation of protected persons from occupied territory into another country during an international armed conflict. Using the Russia-Ukraine conflict as the backdrop, it discusses applicable prohibitions and offenses, including nuances and exceptions. The Russia-Ukraine conflict has witnessed the mass deportation of Ukrainian nationals from occupied territory to Russia. The prohibition on deportation in international humanitarian law is long-standing. The author concludes that the law on the matter is largely unequivocal, as is Russia’s responsibility for unlawful deportation. An occupying power is prohibited under treaty and customary international humanitarian law from deporting protected persons residing in occupied territory into another country. If it does, it has committed an “internationally wrongful act” for which it is responsible.

<https://doi.org/10.1093/oso/9780197793176.003.0009> \*

## **El derecho de la neutralidad en el siglo XXI : un análisis a la luz de la guerra Rusia-Ucrania**

**Beatriz Garrigues Garrido.** In: Revista española de derecho militar, no. 122, jul.-dic. 2024, p. 49-93

La guerra de agresión de Rusia contra Ucrania ha despertado un debate doctrinal acerca de cuál es la base legal que justificaría el apoyo de terceros Estados que no participan en el conflicto están prestando a Ucrania. Se plantea así la oposición entre dos paradigmas históricos: por un lado, las teorías de la guerra justa, por las que podría considerarse legítimo el apoyo al estado que tiene una «justa causa» para hacer la guerra; y por otro, el derecho de la neutralidad, que impone a los neutrales los deberes de abstención e imparcialidad frente a los beligerantes. En este trabajo, se analizan ambos paradigmas en su formulación teórica y a través de la práctica estatal durante las dos Guerras Mundiales del siglo XX. A continuación, se estudiarán las consecuencias que la prohibición del uso de la fuerza de la Carta de NN. UU. supone para supervivencia del derecho de la neutralidad y si la misma supone un resurgimiento de las teorías de la guerra justa. Respecto de los actos de apoyo a Ucrania por terceros Estados y sus bases legales en el derecho internacional contemporáneo, se analizará el, estatuto de beligerante regulado en el derecho internacional humanitario, el derecho a la legítima defensa individual y colectiva de la Carta de NN. UU. y las disposiciones del derecho de la responsabilidad de los Estados por actos internacionalmente ilícitos.

<https://dialnet.unirioja.es/servlet/articulo?codigo=10154944>

## **El derecho internacional humanitario en los ordenamientos transicionales de Justicia y Paz y de la Jurisdicción Especial para la Paz**

Héctor Wiesner León. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 251-304

Desde su génesis, el derecho internacional humanitario ha sido el instrumento más importante con el que cuenta la humanidad para hacer frente a las atrocidades que se presentan en los contextos de conflictos armados, tanto internacionales como no internacionales. Estos instrumentos normativos, de carácter universalmente vinculante, han sido estudiados extensamente y con justa razón incorporados en los ordenamientos jurídicos nacionales, ya sea mediante tratados internacionales o por expedición de normas nacionales que replican el contenido del derecho internacional humanitario. En casos como el colombiano, en el que se han presentado conflictos armados, estas normas y principios cobran especial relevancia; es por esto que el presente documento pretende analizar los dos últimos sistemas normativos especiales expedidos para responder a los eventos del conflicto armado en el país, a saber, las leyes 975 de 2005 y 1592 de 2012, también conocidas como el Sistema de Justicia y Paz y el Sistema Integral de Verdad, Justicia, Reparación y No Repetición (SIVJRNR). Este último es fruto de los acuerdos de paz entre el Gobierno de Colombia y la hoy extinta guerrilla FARC-EP, con el fin de determinar si se hace una incorporación efectiva de los contenidos del derecho internacional humanitario y de cómo los organismos judiciales creados por estos sistemas incorporan e interpretan adecuadamente las normas referentes al derecho internacional humanitario en sus providencias.

<https://doi.org/10.57998/bdigital/handle.001.930>

## **Derecho internacional humanitario y reparación integral en la Jurisdicción Especial para la Paz**

Daniilo Rojas Betancourth. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 751-790

Una específica reparación integral por graves infracciones al derecho internacional humanitario ha sido esquiva en el escenario judicial nacional e internacional, pues suele traslaparse en las graves violaciones a derecho internacional de los derechos humanos. La Jurisdicción Especial para la Paz tiene el reto de reparar integralmente tomando en cuenta la especificidad del daño causado con violación del derecho de la guerra. En la justicia transicional derivada del Acuerdo Final existe la posibilidad en algunos casos de adoptar medidas con el propósito de reparar las víctimas por el daño específico causado al no seguir los contendientes las reglas del DIH, especialmente en el contexto de la imposición de las sanciones propias y de la definición de la situación jurídica de los comparecientes cuyos casos graves no fueron seleccionados para juzgamiento transicional, aunque no se pueden descartar de plano otros escenarios posibles.

<https://doi.org/10.57998/bdigital.handle.001.13223>

## **Dual-use objects under international humanitarian law : towards a paradigm shift**

Francesca Capone. - The Hague ; Berlin : Asser Press : Springer, 2025. - XVIII, 212 p.

This book deals with a crucial and yet under-explored topic that has increasingly gained momentum during modern armed conflicts, i.e. dual-use objects under international humanitarian law (IHL). Dual-use objects, such as energy infrastructures, water installations and civilian means of transportation and communication, which could be used also for military purposes, is a term that has entered the IHL jargon but has not attained the status of a legal concept. Dual-use objects are easily identifiable and yet remain difficult to pin down, in particular when it comes to separating them from military objectives and determining the applicable rules to enhance their protection. Although attacks against critical infrastructures are traditionally justified as being part of a legitimate military strategy, experts and, in some instances, governments are uncomfortable with the idea of depriving the civilian population of services and goods essential to its survival. Yet, the sense of discomfort has not led to any significant improvement and ‘dual-use objects’ remain on the target lists of most belligerents. A number of factors, which this book analyses to explain the rise and rationale behind the current ‘mainstream approach’ to dual-use objects, contributed to cementing the status quo. The present book, building on these premises, pursues a twofold aim. First, this book seeks to fill a significant gap

in the IHL scholarship in light of the limited attention that the topic has received so far. Second, this book aims to challenge the mainstream approach through a rigorous inquiry and the development of a new paradigm. The paradigm shift, which is at the heart of this study, places under the spotlight the civilian function of dual-use objects and reclaim the central role of the individual actors that plan, order and execute attacks against these targets. This book aspires to become an essential tool for academics and practitioners working in the IHL field, but at the same time its readership is expected to include students at all levels that have an interest in the topic and seeks to approach it in an innovative way.

<https://doi.org/10.1007/978-94-6265-679-6> \*

### **Duty to act on knowledge : precautions, intelligence and the law of armed conflict**

**Emma J Breeze.** In: *Journal of conflict and security law*, Vol. 29, issue 3, December 2024, p. 311-329

As Einstein famously said ‘[t]hose who have the privilege to know have the duty to act...’ (Albert Einstein c. 1929). This article takes the precautionary obligations of the Law of Armed Conflict (LOAC) to argue that parties to an armed conflict are obliged to act on their intelligence to minimize the harm to civilians caught up in the conflict. As such, it assesses the relationship between intelligence and the precautions to be taken against attacks under LOAC. It uses the context of Improvised Explosive Devices (IEDs) to illustrate some of the challenges that may be faced in interpreting the law and to demonstrate how significant a thorough understanding of this obligation could be in protecting civilians. I argue that states have an obligation to use their actionable intelligence to protect civilians under their control and for more than merely militarily advantageous reasons. However, the critical challenge is in establishing the scope of the obligation in terms of control and temporality, with limited judicial handling reducing clarity. Nonetheless, I contend that there is a legal obligation on states, beyond the territorial state, to proactively use intelligence during armed conflict to protect civilians from IEDs as well as other evolving threats of armed conflict.

<https://doi.org/10.1093/jcsl/krae015>

### **The effect of extraterritorial data migration on the protection of civilians and civilian objects**

**Leah West.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 243-263

This chapter explores the impact of data migration on the protection of civilians, focusing on the 2022 Russia-Ukraine conflict. Preceding Russia’s kinetic military actions, cyberattacks targeted Ukraine’s critical infrastructure, prompting Ukraine to amend its data protection laws and migrate digital operations to public clouds on private servers across Europe. This strategy mitigated the operational impact of Russian attacks. However, this raises questions about the compliance of such measures with IHL’s obligations to protect civilians and civilian objects from attack. Article 58 of Additional Protocol I to the Geneva Conventions mandates that States take precautions against the effects of attacks, specifically segregating civilians and civilian objects from military objectives. Through a detailed analysis of the terms “attack,” “object,” and “control,” this chapter evaluates Ukraine’s approach to safeguarding its cyberinfrastructure. The findings suggest that while Ukraine’s measures align with the letter of Article 58, they may conflict with the broader spirit of IHL.

<https://doi.org/10.1093/oso/9780197793176.003.0012> \*

### **Ending impunity for international law violations : Palestinian Bedouins and the risk of forced displacement**

**Ed. by Alice Panepinto ... [et al.].** - Oxford : Hart, 2025. - XXI, 200 p.

This open access edited collection is the first book-length academic publication on the Palestinian Bedouins at risk of forced displacement in the Central West Bank and Greater Jerusalem area. At its core are two questions: firstly; what are the humanitarian vulnerabilities they face and how are they produced/constructed? And secondly, how does protracted impunity for international law violations drive humanitarian protection risks for them? It interweaves international law,

community-based empirical research and interdisciplinary perspectives, to offer the broadest possible framework for understanding these complex and complicated questions.

<http://dx.doi.org/10.5040/9781509977239>

### **Environmental protection as civilian protection**

**Lakmini Seneviratne and Kosuke Onishi.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 287-308

This chapter examines the protections afforded under international humanitarian law (IHL) to the natural environment owing to its civilian character. The natural environment enjoys the protection afforded to civilian objects, unless a distinct part of it qualifies as a military objective under IHL. The chapter seeks to clarify what those protections entail. It also draws on recent initiatives which have revealed good practices for the purposes of protecting the environment during armed conflict in compliance with IHL. The chapter argues that increasingly obvious scientifically proven linkages between the protection of the natural environment and the well-being of our species should alert us to the necessity of ensuring the protection of the former even during armed conflict. Upholding IHL rules and principles which protect civilian objects, and the specific protections afforded to the natural environment under IHL, is not only a legal requirement but a crucial means to that end.

<https://doi.org/10.1093/oso/9780197793176.003.0014> \*

### **Equality of belligerents between States and armed groups : proposal for a new definition of the principle of equality in non-international armed conflicts**

**Philippe Jacques.** In: *International review of the Red Cross*, Vol. 107, no. 928, p. 376-400

The principle of equality of belligerents mandates that the rules of international humanitarian law (IHL) apply equally to each party in an armed conflict, regardless of the legality of their use of force under *jus ad bellum*. This principle has been extensively analyzed in academic literature; its importance is universally recognized and its legal foundations and effects are well defined. However, this is primarily true with respect to its application in international armed conflicts (IACs) – in contrast, the principle does not receive equivalent recognition in situations of non-international armed conflict (NIAC), where at least one party is a non-State armed group. The issue arises from the lack of an accepted definition of the principle in NIACs, given the absence of any applicable international *jus ad bellum* in such conflicts. The present paper will try to remedy this issue by proposing that the principle is composed of two elements: symmetry of application and symmetry of substance. It will introduce this definition as it applies to IACs and NIACs and argue that the principle in NIACs is primarily defined by its symmetry of substance component. It will also evaluate the principle's nature as a general principle of IHL and explore some of its concrete effects on IHL rules.

<https://library.icrc.org/library/docs/DOC/irrc-928-jacques.pdf>

### **The evolving seascape of naval warfare : unmanned underwater vehicles and the challenges for international law**

**Sanjeet Ruhai.** In: *Journal of conflict and security law*, vol. 29, no. 3, Winter 2024, p. 349-374

The rapid advancement of unmanned underwater vehicles (UUVs) has presented complex legal challenges in international maritime law. This article explores UUVs' legal status and navigational rights in various maritime zones, analysing legal considerations related to innocent passage, and the potential for port access and sovereign immunity for UUVs. It contends that UUVs should be entitled to sovereign immunity when used for non-commercial government purposes. It also investigates the possibility of potential enforcement actions under the law of the sea against UUVs engaged in unauthorized activities. Additionally, it scrutinizes UUVs' compliance with international standards, addressing security concerns and their role in international law of armed conflict. Subsequently, it touches upon the ongoing debate surrounding lethal autonomous weapons systems to provide a prospective outlook in a cursory manner. The conclusion underscores the necessity of proactive international initiatives to address the legal challenges posed by UUVs and proposes the recognition of UUVs as a distinct vessel category to ensure uniformity and predictability in their deployment.

<https://doi.org/10.1093/jcsl/krae011> \*

## **The exceptional dead : human remains as property, non-property, and cultural property in armed conflict**

Ronald Alcalá. In: *American University law review*, vol. 74, issue 2, 2024, p. 315-365

International humanitarian law mandates that the dead must be respected and protected in armed conflict. Among other things, parties to an armed conflict must ensure that the dead are treated with dignity and that their bodies are not despoiled, pillaged, mutilated, or otherwise maltreated. Not all human remains located on the battlefield, however, will have a direct nexus to the fighting. Some, like those of Prince Grigory Potemkin, a historical figure whose bones were seized by Russian forces from a Ukrainian church in 2022, might even pre-exist an ongoing conflict. Whether rules applicable to the dead apply to such remains is debatable. The international humanitarian law governing the dead implicates the bodies of combatants and civilians killed in conflict, not those of remote figures from the past. How, then, should the bodies of long-dead people be evaluated under international humanitarian law? This Article examines a particular subset of human remains—the remains of what the Article describes as the “exceptional dead”—and determines whether such material can be treated as property under the law of armed conflict. The Article then explores the “no-property” rule in dead bodies and its effect on the protection of human remains in armed conflict. Lastly, the Article considers whether the remains of the exceptional dead might qualify as cultural heritage material entitled to protection as cultural property under international humanitarian law.

<https://digitalcommons.wcl.american.edu/aulr/vol74/iss2/1/>

## **Exploring Common Article 1 obligations for home states of social media companies in inciting violations of IHL**

Giacomo Biggio, Haniya Hasan. In: *Humanitäres Völkerrecht = Journal of international law of peace and armed conflict*, Bd. 7, H. 3-4, 2024, S. 123-136

In the aftermath of the Russia-Ukraine armed conflict and the Israel-Hamas war, debates about the nature and scope of the obligation to “ensure respect” enshrined in Common Article 1 of the Geneva Conventions (CA1) have gained momentum. With regards to the relationship between the obligation to ensure respect and doing business in the context of armed conflict, the academic discourse has revolved around issues such as weapons sales to Parties to the conflict or the conduct of Private Military Security Companies. This article offers a novel perspective, examining the role of social media companies in inciting violations of international humanitarian law (IHL) in armed conflict situations. The article begins by providing a case study, consisting in an examination of the role of Meta in the promotion of violence against the Rohingya ethnic group in Myanmar since 2017. Then, it discusses the nature and the scope of the obligation to “ensure respect” under CA1, arguing that it imposes an obligation of due diligence on States who are not parties to an armed conflict with regards to non-state actors operating under their jurisdiction. More specifically, this article submits that States are required to take the appropriate measures against social media companies which are inciting violations of IHL. Among these measures, particular attention will be devoted to the carrying out of a scoping inquiry and the integration of corporate due diligence mechanisms into national legislation.

<https://doi.org/10.35998/huv-2024-0008> \*

## **A failure by African States or a gap in the law ? : an appraisal of the African and international legal framework for the protection of child soldiers**

Linda Mushoriwa, Windell Nortje. In: *International criminal law review*, vol. 25, issue 1, 2025, p. 51-81

The use of child soldiers in Africa is rife. Despite the existence of comprehensive regional and international legal frameworks protecting children in armed conflict their conscription continues to severely violate their best interests. This doctrinal study analyses the duty of African states to care for children in armed conflict within the context of international and regional responses. This article calls for the International Criminal Court to make a clear pronouncement on the status of children in armed conflict over the age of 15. It also asserts that the Dominic Ongwen and Thomas Kwoyelo judgments highlight the plight of child soldiers, who arguably became child soldiers because of the failure of the State to protect them. A valuable contribution is made by specifically

analysing the relevance and applicability of the United Nations Sustainable Development Goals and the African Union Agenda 2063 in the protection of child soldiers.

<https://doi.org/10.1163/15718123-bja10221> \*

### **Generando cumplimiento : la implementación del derecho internacional humanitario en el Acuerdo de Paz colombiano**

**Diana Isabel Güiza-Gómez, Jason Michael Quinn, Josefina Echavarría Álvarez.** - In: *Derecho internacional humanitario y justicia transicional en Colombia.* - Bogotá : Universidad Externado de Colombia, 2022. - p. 129-189

El acuerdo de paz colombiano, el cual busca ponerle fin al conflicto armado no internacional (CANI) más largo del hemisferio occidental, ofrece un escenario ideal para examinar los marcos conceptuales y las dificultades prácticas relacionadas con la aplicabilidad del Derecho Internacional Humanitario (DIH) a CANI, en el contexto de transiciones políticas. Este artículo persigue un objetivo doble: por un lado, rastrear la inclusión del DIH en Colombia como una herramienta para humanizar la guerra y conseguir la paz, especialmente durante el proceso de La Habana, así como su distribución e integración en el acuerdo de paz de 2016; y, por otro lado, analizar el estado actual de la implementación de dichas disposiciones del DIH y los desafíos de su aplicación e interpretación, así como las formas novedosas de cumplimiento que fueron previstas en el acuerdo. Concluimos con una discusión sobre la manera en que los asuntos prácticos de la implementación y las intenciones de las partes interesadas cuestionan las conceptualizaciones teóricas existentes sobre la salida negociada de conflictos internos a través de acuerdos de paz y los límites difusos de la aplicación de los estándares internacionales humanitarios en CANI.

<https://doi.org/10.57998/bdigital/handle.001.145>

### **Grey zone and operations and digital resilience**

**Dale Stephens.** - In: *Digital resilience : international and domestic legal responses to cyber security and artificial intelligence.* - Singapore : Springer, 2025. - p. 17-31

This chapter takes readers into the heart of contemporary military operations, exploring the concept of the ‘militarization of the grey zone’. This chapter provides a comprehensive analysis of how military operations have adapted and grown more resilient in an era marked by hybrid warfare, ambiguous conflict zones and unconventional tactics. The author offers readers an insider’s perspective on the strategic considerations, adaptive tactics and technological innovations employed by armed forces to navigate the complexities of modern conflicts. As readers delve into this chapter, they will gain a profound understanding of the multifaceted challenges faced by military practitioners in the evolving landscape of warfare, shedding light on the resilience and adaptability of today’s armed forces.

### **Grundprinzipien des Rechts des bewaffneten Konflikts im Hinblick auf Umweltaspekte : Unterscheidung, Verhältnismäßigkeit, Humanität (Martens’sche Klausel), anhand konkreter Beispiele**

**Zilan Linnéa Hansen.** In: *Humanitäres Völkerrecht = Journal of international law of peace and armed conflict*, Bd. 7, H. 3-4, 2024, S. 185-202

This paper examines the fundamental principles of the law of armed conflict with respect to environmental aspects, focusing on distinction, proportionality, and humanity (Martens Clause). Through concrete examples, it explores the protection of the environment under international humanitarian law (IHL) amidst the heightened hostilities between Hamas and Israel since October 7<sup>th</sup>, 2023. The research highlights the often-overlooked environmental impacts of military actions in light of the current Israel-Gaza armed conflict; Israel’s recent proposal to flood Gaza’s tunnel systems with seawater to render them unusable by Hamas; the extensive bombardment of urban areas causing significant destruction to infrastructure and ecosystems; and fuel shortages exacerbating environmental degradation and hindering relief efforts. Despite existing treaties like the Geneva Conventions and the Environmental Modification Convention, the protection remains fragmented. The paper suggests a pragmatic approach to classifying the environment as a civilian object for better protection. [article in German]

<https://doi.org/10.35998/huv-2024-0012> \*

## **La guerre contre Gaza (2023-2024) : grave « dommage collatéral » sur le droit international humanitaire**

**Abdelwahab Biad.** In: Paix et sécurité européenne et internationale, no 21, novembre 2024, 19 p.

La guerre à Gaza qui débuta en octobre 2023 remet au premier plan de l'agenda international le conflit israélo-palestinien et le contexte d'occupation illégale qui le caractérise. Mais cette guerre est sans précédent par son intensité, le nombre de victimes civiles et des destructions, et par l'ampleur des violations du droit international humanitaire qui l'accompagne. Dans ses opérations contre la bande de Gaza, l'armée israélienne a fait prévaloir l'impératif militaire sur toute autre considération qui impose aux belligérants de protéger les personnes et les biens civils (principes de distinction, de précaution et de proportionnalité). Le résultat est un nombre considérable de crimes de guerre, crimes contre l'humanité et actes potentiellement génocidaires commis en majorité par l'armée israélienne, incitant le procureur de la CPI à ouvrir une enquête et demander des mandats d'arrêt au moment où la CIJ entamait une procédure pour génocide à l'encontre d'Israël. Cette guerre a aussi révélé le double standard des pays occidentaux dans l'application du droit international les exposant à l'accusation de complicité de crimes internationaux.

<https://hal.science/hal-04772768v1>

## **Hactivists as combatants : what Ukraine's counteroffensive to Russia's cyberwarfare means for civilian hacker's status under the laws of war**

**Emily Stubblefield.** In: Fordham urban law journal, vol. 52, no. 1, 2024, p. 217-250

Part I of this Note discusses the role that hacking has historically played in cyberwarfare and the role it is currently playing in the Russo-Ukraine conflict, notably in the creation of the Ukrainian IT Army. Part II examines how the laws of war, such as the principle of distinction, apply to non-state-affiliated hackers, including independent hactivists and those in the Ukrainian IT Army. Part II concludes that determining whether each group is a direct participant depends on the underlying goals of their acts, but that the IT Army could alternatively be a legitimate target as a non-state armed group. Part III discusses how the creation of more groups like the IT Army could lead to heightened civilian casualties, increase cyber-vulnerability for the United States, and change the role of neutral states in conflicts. Part III also proposes potential solutions that could help to avoid such an outcome.

<https://ir.lawnet.fordham.edu/ulj/vol52/iss1/5/>

## **Handling cyberspace's state of intermediacy through existing international law**

**Davide Giovannelli.** In: International review of the Red Cross, Vol. 107, no. 928, p. 96-139

How international law applies to the use of information and communications technology by States is still a matter of discussion. Against this background, cyberspace has become the main area of competition between States, and this competition, to put it simply, is resulting in a constant low-intensity warfare below the threshold for a use of force. Such low-intensity cyber warfare, from a legal point of view, revitalizes the debate over the concept of a "state of intermediacy" that has the potential to overcome the dichotomy between peace and war. In the present author's opinion, this state of intermediacy also supports the idea that the international humanitarian law (IHL) principle of distinction should be applied, even before the eruption of a full-scale war, whenever wartime means and capabilities are employed by States. This paper argues that some opacities in international law have created favourable conditions for such constant low-intensity warfare, and that tackling the identified opacities would therefore be beneficial in order to achieve a more peaceful cyberspace. Thus, the paper goes on to address one of the identified opacities, namely the definition of espionage under international law, because, as international law now stands, it does not allow us to tackle the other identified opacities. Finally, the paper discusses how the proposed narrow interpretation of espionage can cope with the IHL principle of distinction in the cyber domain.

<https://library.icrc.org/library/docs/DOC/irrc-928-giovannelli.pdf>

## **Harnessing Hindu and Buddhist sources as “dictates of the public conscience” : a gap-filler to address sexual violence against women during conduct of hostilities ?**

by Ritika Sharma. - [S.l.] : [s.n.], 30 August 2024. - 40 p.

The paper addresses sexual violence against women in the conduct of hostilities (“CoH”) and highlights that the current International Humanitarian Law (“IHL”) framework fails to provide adequate protection to women. It explores whether the “dictates of the public conscience” can bridge this gap. The three key aspects examined are feminist critiques of IHL, the “dictates of the public conscience,” and the study of religious principles in Hinduism and Buddhism for the protection of women from sexual violence. The first section lays down the introduction and scope of the research and then the paper presents two feminist schools of thought. The first school asserts that IHL is adequate but lacks enforcement, while the revisionist school argues that IHL provisions are inadequate and does not take into account the unique experiences of women. Sexual violence is also absent from the category of “grave breach”. To fill these gaps, the paper proposes a solution of invoking the “dictates of the public conscience”. The next section discusses the meaning and relevance of the “dictates of the public conscience”. Martens Clause was introduced in 1899 to address gaps by invoking “principles of humanity” and the “dictates of the public conscience.” While initially meant to supplement incomplete treaties, the clause remains significant in IHL as seen in the 1949 Geneva Conventions and Additional Protocols. Identified from authoritative acts, resolutions and practices, the paper highlights that the “dictates of the public conscience” can also be harnessed from religion. This section submits that the potential of “dictates of the public conscience” to enhance protection and alleviate the suffering of women during CoH must not be overlooked. In the following section, the paper explores how Hinduism and Buddhism provide ethical frameworks that protect women from sexual violence. It discusses the Hindu principles of dharma, as seen in epics like the Mahabharata and Ramayana, and the Buddhist precepts against sexual misconduct. Both religions, through their teachings, promote the protection of women. The paper then presents a reality check looking into the Sri Lankan civil war, the Myanmar conflict and the conduct of Hindu nationalists in India to study whether the principles and ideals discussed in the previous section have been followed in practice. In Sri Lanka, despite its Buddhist majority, government forces systematically used sexual violence against Tamil women, violating Buddhist precepts against sexual misconduct. The Sri Lankan conflict also highlighted the additional vulnerabilities faced by minority women, with cases of coerced religious conversions and a lack of support from authorities. In Myanmar, the military’s violent campaign against the Rohingya people saw the widespread use of sexual violence as a weapon of ethnic cleansing. Despite Buddhist teachings on non-violence and compassion, radical monks incited violence by portraying Rohingya men as predators. Sexual violence was systematically used to terrorize the Rohingya, destroy their community, and assert ethnic and religious dominance. Similarly, in various parts of India, Hindu nationalists engaged in conduct that contradicted Hindu ethics of prohibiting rape and sexual violence against women. This section highlights how the involvement of religious leaders, both in inciting and opposing violence, presents the complex role religion plays in such conflicts. The paper concludes by emphasizing that religion plays a crucial role in armed conflicts, and understanding the core values of communities is essential to addressing the challenges of armed conflicts. Initiatives like the ICRC’s work with religious circles and the United Nations’ Faith for Rights framework illustrate how religious teachings can enhance humanitarian efforts. Thus, the “dictates of the public conscience” harnessed from religions have the potential to address the issue of sexual violence against women during the conduct of hostilities.

<https://prix-henry-dunant.org/wp-content/uploads/SHARMA-Wiener-LLM-Paper-23-24.pdf>

## **Hidden presences : the role of next-of-kin in shaping the context and experience of POW captivity**

Neville Wylie. In: Immigrants and minorities, Vol. 43, no. 2, 2025, p. 255-282

This article explores the role next-of-kin played in framing discussion over the treatment of military prisoners during the era of the two world wars. Prisoners’ next-of-kin came to assume an influential position during the First World War, and this was reflected in the 1929 POW convention, which deliberately anticipated their involvement in shaping public debate and government policy in future wars. These assumptions proved faulty; the Second World War saw a sharp decline in the influence of next-of-kin, and, as a consequence, the updated convention of

1949 looked to other mechanisms, notably the neutral inspection regime, to hold governments to their humanitarian obligations towards captured enemy combatants.

<https://doi.org/10.1080/02619288.2025.2470831>

### **Humanitarian camouflage : Israel rewrites the laws of war to legitimize genocide in Gaza**

**Luigi Daniele, Nicola Perugini, Francesca Albanese.** - Washington : Institute for Palestine Studies, 2024. - 35 p.

The authors examine Israel’s use of international humanitarian law (IHL) to justify actions in Gaza that amount to genocide. They contend that Israel’s settler-colonial agenda systematically strips Palestinians of their rights, transforming Gaza into a site of extreme violence, segregation, and mass annihilation. The authors discuss how Israel’s tactics include mass expulsions, destruction of civilian infrastructure, and the use of distorted legal discourse to present these actions as compliant with IHL, despite their genocidal nature. They show that the appropriation of IHL serves as a legal-political strategy to mask atrocities while framing Gaza’s Palestinian population as a “terrorist” group to be eliminated. Ultimately, this installment raises urgent concerns about how such legal distortions may enable future genocides globally, under the guise of lawful warfare.

<https://www.palestine-studies.org/sites/default/files/attachments/books/Humanitarian%20Camouflage%20Israel%20Rewrites%20the%20Laws%20of%20War%20to%20Legitimize%20Genocide%20in%20Gaza.pdf>

### **Humanitarian missions at sea : lessons from the deployment of Indonesia’s military hospital ship for humanitarian aid to Palestinians in the Gaza conflict**

**Pornomo Rovani Astri Yoga, Lowell Bautista.** In: Ocean yearbook online, vol. 39, 2025, p. 537-572

In 2024, Indonesia deployed KRI dr. Radjiman Wedyodiningrat-992, a military hospital ship, to deliver humanitarian aid to civilians affected by the Gaza conflict. Initially, the plan was to use the ship as a hospital vessel with specially protected status under international humanitarian law. However, legal, political, and operational challenges, including Israel’s naval blockade and the absence of diplomatic relations between Indonesia and Israel, impeded this goal. As a result, dr. Radjiman retained its “normal” warship status with sovereign immunity but lacked the protection normally granted to hospital ships under the Geneva Conventions. This article analyzes the barriers to deploying military hospital ships in conflict zones, focusing on the interplay between international humanitarian law, maritime neutrality, and diplomatic obstacles. It also compares Indonesia’s mission to similar operations by France, Italy, and the United Arab Emirates (UAE), highlighting that while France and Italy deployed military vessels, the UAE used a civilian floating hospital in Egyptian waters to treat Gazan civilians. The study finds that the choice of vessel significantly impacts mission success, as civilian-operated ships tend to encounter fewer diplomatic hurdles than military vessels, especially in contexts lacking formal bilateral ties. The mission of dr. Radjiman offers key lessons for State-led humanitarian efforts, emphasizing the need for legal clarity, strategic diplomacy, and flexible operational planning. While the mission did not meet its original objectives, it provides insights into navigating complex maritime conflicts and refining the strategies for future hospital ship deployments in contested waters.

<https://doi.org/10.1163/22116001-03901021>

### **Humanitarians and their law(s) : a comprehensive inquiry**

**David Matyas.** In: Yearbook of international humanitarian law, vol. 26 (2023), p. 3-42

Legal considerations play a key role in humanitarian assistance. Humanitarians may look to law to answer questions such as “what is permissible aid”, “who is an authorized humanitarian”, “what determines access to an affected context”, and “who can claim humanitarian protections and immunities”. But what are the specific areas of law with bearing on humanitarians in their everyday work? Is public international law—as traditionally advanced—the most appropriate field for this inquiry? This chapter argues for a reconstruction of the laws of humanitarian assistance from the perspective of humanitarian practitioners. From this viewpoint, it shows how prominent areas of public international law—such as international humanitarian law (IHL)—become

relativized, and multiple other strands of law—public and private, international and domestic, hard and soft—are brought to the fore. Taking such a perspective helps to better understand the everyday practices of humanitarian assistance, including the strategic priorities of humanitarian actors, and the legal obstacles they face.

[https://doi.org/10.1007/978-94-6265-663-5\\_1](https://doi.org/10.1007/978-94-6265-663-5_1) \*

### **Humanity on the final frontier : challenges in applying international humanitarian law to modern military space operations**

**G. Blair Kuplic and Jonathan Sawmiller.** In: International review of the Red Cross, Vol. 107, no. 928, p. 200-237

This article provides the personal perspectives of US military operational attorneys and analyzes three significant challenges in applying international humanitarian law (IHL) to modern military space operations: the lack of clear standards for assessing when IHL rules govern particular military activities in outer space; the challenges of effectively distinguishing between civilian objects and military objectives when targeting space systems; and the difficulties of applying IHL rules of proportionality when attacking space systems. To address these challenges, the article argues that States should take steps to develop non-binding norms for military space operations that contribute to broader understanding of States' views on how IHL applies in space.

<https://library.icrc.org/library/docs/DOC/irrc-928-kuplic.pdf>

### **“Humanizing” economic sanctions ? : lessons from international humanitarian law**

**Nathanael Tilahun and Obiora Okafor.** In: Yale journal of international law online, 14 June 2024, 18 p.

The paper proceeds as follows. Section I discusses the international law literature on sanctions and international humanitarian law. It retraces a robust debate on the intersection of sanctions and war in the past two decades and reveals that as sanctions have become more humane with the advent of “smart” targeting, their analogy to war has become more taboo. Sections II and III will then delve into an in-depth comparative assessment of the laws governing sanctions and war in terms of the principles of distinction and proportionality. The concluding section, Section IV, advances the need for a code of conduct regulating the use of economic sanctions to supplement the broader rules on countermeasures.

[https://yjil.yale.edu/sites/default/files/2024-11/Tilahun\\_and\\_Okafor\\_Humanizing\\_Economic\\_Sanctions.pdf](https://yjil.yale.edu/sites/default/files/2024-11/Tilahun_and_Okafor_Humanizing_Economic_Sanctions.pdf)

### **The ICC’s crucial role in ensuring respect for IHL : obligations under the Geneva Conventions for states to cooperate with the ICC**

**Emma Brandon.** - In: Prosecution of war crimes before the ICC : achievements and challenges. - Cham : Palgrave Macmillan, 2025. - p. 151-176

This chapter concerns an issue of vital importance for every international criminal tribunal, obviously including the International Criminal Court (ICC). The author notices that without its own police force, the ICC relies on cooperation from states to perform its mandate which is—nevertheless—not always forthcoming. In many circumstances, the ICC requires cooperation from states that are not parties to the Rome Statute that created it. Obtaining cooperation from these non-state parties is complicated by the fact that they do not have the relatively clear and binding cooperation obligations under that treaty that state parties have. One underexplored aspect of this much-discussed quandary is the potential for non-state parties to have cooperation obligations under other international human rights and humanitarian law treaties to which they are parties. Given the key role that the ICC plays in the enforcement of international humanitarian law and particularly the Geneva Conventions, this chapter explores this potential by investigating possible obligations to cooperate with these tribunals under all four Geneva Conventions and their Additional Protocols. It examines potential cooperation obligations under both the specific prosecution obligation in the grave breaches provisions and the more general Common Article 1 obligation to ensure respect for the conventions. The chapter also highlights the role that such an obligation could play in current geopolitical crises, such as the Russian invasion of Ukraine.

### **IHL in focus : annual report : assessing compliance in contemporary armed conflicts : July 2023 - June 2024**

**Geneva Academy of International Humanitarian Law and Human Rights.** - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, [February 2025]. - 291 p.

The world stands on the brink of a profound crisis with respect to international humanitarian law. Violations — once seen as aberrations — are now persistent, wide- spread, and, perhaps most alarmingly, increasingly met with indifference or tacit acceptance by states. The very norms designed to protect civilians, the wounded, and those not participating in combat are eroding at an alarming rate, not only through the actions of those who violate them but through the inaction of those who should uphold them. This report documents the scale of these breaches and the growing complicity of inaction, underscoring the urgent need to reaffirm and reinforce the fundamental principles of humanity in armed conflict. A note on the methodology used can be found at the end of this report, along with a summary of relevant rules and principles of international humanitarian law in key thematic areas.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-in-Focus-Annual-Report-23-24.pdf>

### **IHL in focus : spot report : food insecurity in armed conflict and the use of siege-like tactics**

**The Geneva Academy of International Humanitarian Law and Human Rights.** - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, October 2024. - 22 p.

This Spot Report examines situations in which civilians are being exposed to food insecurity – in some cases ending in starvation – in the context of sieges, encirclements and other practices involving cutting the population off from resources. Part 1 sets out the relevant provisions of international humanitarian law (IHL), respect for which would ward off the disastrous consequences for the civilian population witnessed in a number of recent situations involving sieges and siege-like tactics. It addresses the use of the starvation of civilians as a method of warfare and the targeting of objects indispensable to the survival of the civilian population. It further sets out provisions that might be leveraged to avoid food insecurity turning into famine, including the conduct of humanitarian relief operations and evacuations of civilians or arrangements allowing them to leave besieged or encircled areas. It demonstrates the pertinence of these rules through examples from various contemporary armed conflicts. Part 2 considers the recent responsive measures taken at the international level. This includes an increased willingness on the part of the UN Security Council to engage with respect to some situations where armed conflict is resulting in starvation, famine or dangerous levels of food insecurity, for example, in Syria and South Sudan. International judicial mechanisms as well as investigative bodies have also engaged with relevant situations. Part 3 considers the ways in which the impact of food insecurity resulting from the use of siege-like tactics may exceed the geographical and temporal scope of the siege operations as well as the complex issue of how severe food insecurity resulting from armed conflict can spill over onto non-besieged areas and even countries not involved in the respective conflict. Relevant issues are demonstrated through the example of the correlation of production gaps in Ukraine and Myanmar, with price surges in importing (generally food-insecure) countries. Indeed, the idea that a siege (or armed conflict more generally) may impact a far wider population than is usually entertained has wide implications for both law and policy. Part 4 offers findings and conclusions building on the report's analysis.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-Spot-Report-Food-Insecurity-in-Armed-Conflict-and-the-Use-of-Siege-Like-Tactics.pdf>

### **Individuals in international humanitarian law : a historical analysis**

**Sarina Landefeld.** - Oxford : Hart, 2024. - XVIII, 288 p.

This book offers a new, more critical perspective on the regulation and protection of individuals under international humanitarian law. Providing a historical account of the changing concept of individuals since 1864, the study draws on social constructivism. This approach casts light on the struggle of making sense of, and agreeing on, the position of individuals in armed conflicts during the law making process, often hidden by international humanitarian law's conventional

narratives. This intriguing study grapples with a difficult and disputed area of the law of armed conflict, making a singular and significant contribution.

<https://doi.org/10.5040/9781509968251> \*

### **La internacionalización de los conflictos armados y de los acuerdos de paz**

**Francisco Jiménez García.** - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 25-70

El objetivo del capítulo es abordar algunos aspectos de la internacionalización de los conflictos armados, así como del alcance y la naturaleza de los acuerdos de paz. La referencia a la internacionalización evidencia las dificultades para analizar estas situaciones exclusivamente desde las categorías clásicas del derecho internacional público. La práctica internacional sobre la normalización de este concepto, emanada de los Estados, de las organizaciones internacionales y de la jurisprudencia internacionalmente relevante, no ha encontrado, por el momento, su trasunto normativo convencional, aun cuando consuetudinariamente se hayan alcanzado importantes avances guiados por el principio de humanidad. Por otra parte, los acuerdos de paz buscan denodadamente su ubicación en el régimen general convencional del sistema internacional, así como en el sistema normativo constitucional de los Estados. El sistema de fuentes del artículo 38 del Estatuto de la Corte Internacional no resulta suficiente para sistematizar y conceptualizar la diversa práctica relativa a este tipo de acuerdos especiales, mientras que el recurso a otras figuras (soft law, acuerdos políticos, modus operandi o modus vivendi, etc.) incorpora su propia indeterminación jurídica al acuerdo alcanzado, lastrando en muchas ocasiones su operatividad como instrumentos de paz.

<https://doi.org/10.57998/bdigital.handle.001.13216>

### **International law in Gaza : belligerent intent and provisional measures**

**Tom Dannenbaum and Janina Dill.** In: American journal of international law, vol. 118, issue 4, October 2024, p. 659-683

The war in Gaza has spotlighted two doctrinal questions that partly underpin polarized evaluations and that go to the heart of law's capacity to discharge its action-guiding and evaluative functions in real time: first, how to conceptualize intent in war, and second, how to evaluate international courts' early-stage engagement with ongoing conflict. We submit that the functional differentiation of law's tasks, in turn, is critical to answering these questions. In Part I, we clarify intent requirements and argue that their meaning and inference may differ across international law's three functions. In Part II, we clarify the doctrinal significance of international courts' provisional engagement with ongoing armed conflict particularly for guiding third states' evaluations in real time.

<https://doi.org/10.1017/ajil.2024.53>

### **Intersectional v. narrow approaches to sexual and gender-based crimes : contrasting outcomes and gleaned useful techniques**

**Ana Martin.** In: International criminal law review, vol. 25, issue 1, 2025, p. 82-111

As interest in intersectionality mounts, this article explores the workings of this approach dealing with sexual and gender-based violence (SGBV) in international criminal law (ICL). Based on an empirical analysis of jurisprudence from the International Criminal Tribunals for the former Yugoslavia and Rwanda (ICTY, ICTR) and from the Special Court for Sierra Leone (SCSL), it argues that, contrary to ICL's traditionally narrow approach, intersectionality unveils the gendered causes and consequences of SGBV. An overview of rape in detention at the ICTY illustrates the limitations of the narrow approach. Then, enlightening dissenting opinions using an intersectional lens are contrasted with the Majority's narrow approach in decisions from the ICTR and SCSL. Finally, a gender intersectional analysis is gleaned from the SCSL's RUF trial judgment. The findings reveal the potential of intersectionality to unpack the individual and group harms of SGBV, thereby advancing a pending task of feminism dealing with armed conflict.

<https://doi.org/10.1163/15718123-bja10220> \*

## **Is there a duty to use lethal autonomous weapons ? : How AI will change warfare and the international order**

**Bryan Hance.** In: Penn State journal of law and international affairs, vol. 13, no. 1, 2024, p. 139-192

Throughout history, humans have sought progressively sophisticated weapons to impose pain on their adversaries. Fists gave way to clubs, arrows to swords, and guns to cannons and bombs. There is no sign the pursuit of more powerful and precise weapons will end as a new kind of war is being waged today with technology that is increasingly more autonomous and potent. But with great power comes great responsibility to honor both the letter and spirit of the law of war, to protect civilians and civilian property, and to guard the most vulnerable in society from the scourge of conflict. This article addresses the question of whether there is an obligation for States that possess this sophisticated military technology, or have the resources to procure it, to deploy it on the battlefield. It examines the use of lethal autonomous weapon systems (“LAWS”) under international humanitarian law and argues that the law does, in fact, impose a duty for technologically capable States to use their advanced technology in certain contexts if they can do so to save lives and property while still accomplishing their military objectives. Imposing such a duty, however, will affect how the law of war is implemented and the administration of international justice, among many other things.

<https://insight.dickinsonlaw.psu.edu/jlia/vol13/iss1/7/>

## **It’s time to rethink the law of armed conflict**

**Joshua Andresen.** In: North Carolina journal of international law, vol. 50, no. 1, 2025, p. 67-139

Recent armed conflicts present a paradox. Military officials routinely claim that conflicts, such as the recent war against ISIS in Iraq and Syria, are the most precise in history. Yet thousands of civilians continue to be killed. This Article shows the reason so many civilians continue to be killed is that the law we have was never designed for modern warfare, in which states are heavily reliant on air power, and enemy combatants are not generally separate or readily distinguishable from civilians. This truth about the limits of the legal protections codified nearly fifty years ago in the Additional Protocols to the Geneva Conventions was explicitly and repeatedly recognized at the Protocols’ negotiating conference. Yet states have effectively blinded themselves to these limits and continue to apply the law as if it were adequate to the conditions in which we fight. This Article seeks to remedy the legal blindness by asking—and answering—how the law should be constructed if we want to protect civilians, and do so while serving our strategic interests in eliminating enemy threats and establishing durable security. This Article makes three central contributions. First, it shows that the law of armed conflict is explicitly based on the classical assumption that civilians would be generally separate and distinguishable from combatants. This assumption, and the law built on it, fails particularly when air power is used to deliver exploding munitions against combatants and other military objectives in civilian populated areas. Second, the Article shows that the correct response to the inadequate law we have is not to make it less restrictive, but rather more restrictive. The weight of historical and contemporary evidence overwhelmingly shows that a more restrictive approach to the law of armed conflict is in our strategic security interest. Finally, the Article articulates how the fundamental rules of distinction, proportionality, and precaution in attack should be formulated and applied in a way that serves both our humanitarian values in protecting civilians, and our strategic security goals.

<https://scholarship.law.unc.edu/ncilj/vol50/iss1/3/>

## **The law and modern challenges related to the prohibition against forced conscription**

**W. Casey Biggerstaff.** - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 195-217

Russia has systematically engaged in a series of campaigns to recruit male residents from occupied territory into its armed forces. Russian soldiers have reportedly prevented men between the ages of 18 and 35 from leaving occupied territories. The various components comprising the prohibition against forced conscription amount to customary international law. This chapter outlines how the law of armed conflict’s prohibition of forced conscription protects persons

during international armed conflict, against the background of the Russia-Ukraine war. It surveys the relevant treaty provisions set forth in the 1907 Hague Regulations and the 1949 Geneva Conventions, as well as their customary counterparts. It then highlights challenges in interpreting and applying select aspects of the prohibition that are not firmly settled.

<https://doi.org/10.1093/oso/9780197793176.003.0010> \*

### **The law and politics of civilian protection in the occupied West Bank**

**David Kretzmer.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 133-151

This chapter reviews the connection between Israel's settlement policies in the West Bank since that territory's occupation in 1967 and the endemic failure of the military authorities to enforce the law against Israeli settlers who have engaged in violence against the Palestinians or their property. The Supreme Court of Israel has held that the law of belligerent occupation applies in the West Bank, but has refused to rule on the legality of constructing Israeli settlements in the area and has legitimized their establishment in various ways. The Court's exhortations and reports of other official bodies to the authorities to enforce the law against settler violence have fallen on deaf ears. The authorities' failure to act to protect the civilian population places a burden on the international community to use its influence to ensure that Israel fulfills this fundamental obligation of an occupying power.

<https://doi.org/10.1093/oso/9780197793176.003.0007> \*

### **The law applicable to the “screening” of civilians**

**Jann K. Kleffner.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 93-113

Belligerent parties regularly conduct screening operations, such as identity checks, searches, interviews, interrogations, registration and recording of personal data, and transfer. Through such measures that aim to ascertain the facts surrounding the identity, conduct, status, and condition of persons, parties typically restrict the movement of individuals. While these practices of parties to armed conflicts and the frequency of their occurrence suggest that screening operations are an integral part of today's operational reality, the legal framework governing them is not readily discernible. This chapter examines a number of legal parameters that can be deduced from the law of armed conflict and human rights law in an attempt to offer such a legal framework. It situates screening processes in the broader context of operations that involve a restriction of movement of individuals and suggests that the lawfulness of screening operations is contingent on the fulfillment of a number of conditions.

<https://doi.org/10.1093/oso/9780197793176.003.0005> \*

### **The law of perfidy and ruses of war at sea**

**Pornomo Rovan Astri Yoga, Lowell Bautista.** In: *Journal of conflict and security law*, vol. 29, no. 3, Winter 2024, p. 375-390

The principle of distinction is a fundamental principle in the law of armed conflict, aimed at protecting civilians and civilian objects from direct attacks. Adherence to this principle is crucial for minimizing the humanitarian impact of warfare. Nevertheless, the longstanding practice of ruses of war, deeply embedded in customary international law, complicates the application of this principle in combat. While certain deceptive tactics are allowed, the line between acceptable ruses and forbidden acts of perfidy is often unclear, especially in naval warfare. The evolution of modern warfare technology further obscures these distinctions, raising important legal questions regarding their relevance today. This article critically examines the existing legal framework governing ruses and perfidy at sea and explores how these rules apply to contemporary naval operations. Finally, the article identifies key legal gaps and proposes pathways for reform to better align the law with current realities.

<https://doi.org/10.1093/jcsl/krae012>

**The law on nuclear weapons : an international commentary**

edited by William H. Boothby and Wolff Heintschel von Heinegg. - Cheltenham : Edward Elgar, 2025. - xxxvii, 420 p.

This book provides a uniquely clear and comprehensive statement of the law on nuclear weapons. It draws on the insight and input of a group of 15 experts from around the world and in so doing crafts an authoritative text that sets out not only the positions of a number of states but a carefully articulated guide to this complex area of law. Building upon the platform of Boothby and Heintschel von Heinegg's earlier work, this book addresses in much greater depth and detail, and with the authority endowed by the team of experts, how international law deals with the possession and use of nuclear weapons, as well as the deterrence policies associated with them. It presents an in-depth exploration of the law, detailing its implications and providing practical guidance on challenging issues. The book examines sovereignty, the threat or use of force, the conduct of nuclear hostilities, neutrality, weapons law, and war crimes, considering the impact of recent events and trends.

<https://doi.org/10.4337/9781035357680>

**The laws of space warfare : a tale of non-binding international agreements**

Eytan Tepper. In: *Maryland law review*, vol. 83, issue 2, 2024, p. 458-517

This Article presents the in-progress development of the laws of space warfare as a case of non-binding international lawmaking and connects it to recent scholarship on non-binding international agreements and to Elinor Ostrom's Nobel Prize winning theory of polycentric governance. A rapid escalatory cycle—from NATO's December 2019 declaration of space as a warfighting domain and the subsequent establishment of the U.S. Space Force to Russia's successful test of a killer satellite capable of destroying spacecrafts, culminating in the first space-cyber war in Ukraine—turned a domain once reserved for peaceful purposes to a war zone. Yet, these laws of war are the least developed compared to the other war domains (land, sea, and air). The under-supply of rules meets a multilateral system almost incapable of adopting new legally binding instruments. Is space on its way to becoming a lawless war arena? This Article suggests otherwise. With no new treaty expected in the foreseeable future, the laws of space warfare are incrementally developed by multiple off-UN forums that introduce non-binding instruments and agreements. While the lack of a comprehensive approach and legally binding status may cause concern, this Article suggests that this is the best course of action to develop the corpus juris of space warfare under the conditions of modern global affairs, based on empirically backed principles of polycentric governance. In terms of policy recommendations, this Article suggests policymakers embrace a polycentric approach and divert governance-building efforts to support initiatives to introduce non-binding rules and agreements. These may complement binding law and create, in the aggregate, a more comprehensive array of rules for space warfare. The Article further suggests membership and compliance as more suitable tests for international agreements than bindingness and proposes that, because non-binding international agreements complement legally binding treaties, they are within the compound of international law.

<https://digitalcommons.law.umaryland.edu/mlr/vol83/iss2/4/>

**The laws of war and public support for foreign combatants**

Yonatan Lupu. In: *International organization*, vol. 78, issue 4, Fall 2024, p. 823-852

Are publics in great power democracies more likely to approve of foreign armed combatants that comply with international humanitarian law (IHL)? There is a wealth of evidence that armed combatants with an incentive to seek the support of outside compliance constituencies are more likely to adhere to IHL. Yet a key mechanism underlying these claims—that people in great power democracies are more likely to support armed combatants that comply with IHL—has not been directly tested. We address this question using a series of experiments embedded in nationally representative surveys conducted in three democracies that have frequently been involved in foreign interventions: France, the United Kingdom, and the United States. We find that belligerents—both governments and rebels—that comply with the laws of war are significantly more likely to garner support from publics in likely intervening countries compared to those who do not comply. In all three countries, compliance with international law caused greater approval of armed combatants as well as greater support for economic or military intervention (although support for military intervention remained relatively low in the treatment groups). This lends

support to arguments that, to the extent combatants seek support from outside audiences, this can serve as a mechanism by which international law constrains armed combat.

<https://doi.org/10.1017/S0020818324000274>

### **Lecciones aprendidas de la implementación de la Ley de Justicia y Paz para la puesta en marcha de la Jurisdicción Especial para la Paz**

**Luz Helena Morales Garay.** - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 307-374

El conflicto armado en Colombia ha tenido como consecuencia múltiples violaciones a los derechos humanos e infracciones al derecho internacional humanitario a causa del accionar victimizante de diversos actores, entre estos el paramilitarismo. El Estado colombiano ha desarrollado estrategias para abordar el fenómeno de la violencia, que es el caso de las negociaciones con los grupos de autodefensas que devinieron en la consolidación de la Ley 975 de 2005, la cual promovió un paradigma de justicia transicional y adoptó un procedimiento penal especial que concedía penas alternativas a cambio del compromiso de los postulados con los derechos de las víctimas a la verdad, la justicia, la reparación y la no repetición. La implementación de la Ley 975 trajo consigo una serie de retos, dado el paradigma de justicia que proponía y las dimensiones del conflicto que no habían sido contempladas en su planteamiento original, lo cual generó la respuesta de las instituciones para modificar el procedimiento, instaurando un nuevo modelo de investigación junto con otras disposiciones orientadas a mejorar el proceso y dar respuesta a las víctimas. Esta transformación expone aprendizajes para la consolidación de la justicia transicional y la puesta en marcha de la Jurisdicción Especial para la Paz.

### **The legal contexts of civilian internment in China under Japanese occupation : the case of Allied nationals, 1941-45**

**Chan Yang.** In: Immigrants and minorities, Vol. 43, no. 2, 2025, p. 231-254

This article firstly introduces the international system for protecting civilian internees during the Second World War era, with a focus on the 1929 Geneva Convention on the Protection of Prisoners of War. It goes on to examine how the different stipulations in this convention were implemented by Japan in occupied China. The author argues that Japan intended to comply with the measures agreed at Geneva and did so to some extent, motivated by its desire for a positive international image and by the principle of reciprocity. However, there were minor and serious issues with Japan's adherence to certain parts of the Convention, stemming from differences in living standards between belligerents, uncontrollable changes in circumstance, overlapping administrative competencies, and Japan's insistence on applying the different clauses *mutatis mutandis*. Nonetheless, thanks to the logic of reciprocity, the Japanese authorities were compelled to demonstrate that they were making sincere efforts to comply with the Convention throughout the war.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61319.pdf> \*

### **Legitimidad de las intervenciones militares en la Comuna 13 de Medellín**

**Nathalia Bautista Pizarro, Paloma Ivana Morales Carrillo.** - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 377-450

El caso de estudio corresponde a las intervenciones militares ejecutadas en la Comuna 13 de Medellín en 2002 con el fin de contrarrestar el poder de las milicias urbanas y los grupos guerrilleros. Estas intervenciones produjeron una serie de graves violaciones a los derechos humanos de sus habitantes. Teniendo esto en cuenta, el escrito tiene por objetivo evaluar la legitimidad del uso de la fuerza militar en zonas urbanas como mecanismo de solución a la práctica de la violencia a manos de grupos armados ilegales. Para ello, se estudiarán los lineamientos actuales del derecho internacional humanitario que se centran en la protección de la población civil en zonas urbanas, así como los principios que regulan el uso de la fuerza en los Estados democráticos de derecho. De este modo, se encontrará, primero, una exposición detallada del contexto de violencia del territorio, los sucesos propios de la ejecución de las operaciones militares y la identificación de las conductas violatorias de los derechos humanos de la población civil. Seguidamente, se realizará el análisis de la intervención militar del Estado en el caso de

estudio para, finalmente, definir su legitimidad con base en los parámetros priorizados en este documento.

<https://doi.org/10.57998/bdigital.handle.001.13219>

### **Légitimités conflictuelles : le droit international humanitaire entre légitimité du statut et légitimité de la cause**

**Rémi Fuhrmann.** In: Canadian yearbook of international law = Annuaire canadien de droit international, vol. 61 (2023), p. 122-140

Le présent article se propose de concevoir l'influence de la notion de légitimité au-delà du rôle lui étant communément attribué en droit international humanitaire (DIH), en s'intéressant particulièrement à la relation entre ce dernier et les causes de la guerre, la nature des acteurs impliqués dans les conflits armés ainsi que les motivations des parties. En remettant notamment en question de l'idée d'une stricte séparation entre jus in bello et jus ad bellum, il est soutenu que les tentatives visant à isoler le DIH de ces questions de légitimité sont à la fois vaines, mais également à rebours de l'évolution et des logiques du régime. Il est en revanche défendu que la notion de légitimité en DIH se manifeste à travers deux modes de légitimation — l'un dérivant du statut, l'autre de la cause — à partir desquels la distribution de droits, devoirs, immunités, privilèges ou encore statuts s'opère et se voit justifiée au sein du régime. Ce faisant, de nombreux discours empruntant au second registre, souvent qualifiés d'aberrations du point de vue du DIH, ou dont la nature juridique est contestée, s'avèrent finalement être des arguments juridiques parfaitement valides et ancrés dans l'évolution et les logiques du DIH.

<https://doi.org/10.1017/cyl.2024.3>

### **Lex specialis as a reason-giving norm : balancing norm specificity and individual rights in times of crisis**

**Henrique Marcos.** In: International community law review, vol. 27, no. 3, 2025, p. 218-253

Lex specialis is a fundamental tenet of law. It is particularly important in resolving conflicts between international humanitarian law (IHL) and human rights law (HRL). Nonetheless, in recent years, there has been growing interest in developing an alternative approach that harmonises IHL and HRL. This approach emphasises the mutual reinforcement of these two branches of law, rather than their opposition. However, the interaction between the harmonising approach and lex specialis remains poorly understood. This article proposes a reasoning framework for understanding lex specialis, including how it can be defeated. It explains that lex specialis can be seen as a second-order norm that prioritises certain norms over others by providing reasons that work in favour of the first group and against the second group. Nevertheless, the reasons given by lex specialis can be defeated by other reasons, thus reversing the primacy of specific norms over general ones.

<https://doi.org/10.1163/18719732-bja10138>

### **El matrimonio forzado : un crimen de guerra eludido por la jurisprudencia internacional**

**Fernando Pignatelli y Meca.** In: Revista española de derecho militar, no. 122, jul.-dic. 2024, p. 95-196

El matrimonio forzado es una práctica delictiva que, a pesar de su gravedad y de su frecuente comisión en el contexto de conflictos armados que tienen lugar en la actualidad en el seno de sociedades, donde el papel de la mujer resulta ser de sumisión, más o menos institucionalizada, al hombre, y del que son víctimas mujeres y niñas atribuidas como «esposas» a combatientes, no goza de reconocimiento como crimen internacional con individualidad propia en los Estatutos de los Tribunales Penales Internacionales ad hoc, internacionalizados, mixtos o híbridos ni en el de Roma, por lo que ha sido la jurisprudencia del Tribunal Especial para Sierra Leona, las Cámaras Extraordinarias en las Cortes de Camboya y la Corte Penal Internacional la que lo ha calificado como crimen de lesa humanidad, y no también como crimen de guerra cual (dejando a un lado el peculiar asunto camboyano) su habitual comisión con ocasión de conflictos armados y sobre personas protegidas exige, incardinándolo en los crímenes de esclavitud sexual o de otros actos inhumanos. Un análisis de las sentencias internacionales sobre la cuestión permite observar la dubitativa postura adoptada al efecto por la jurisprudencia y la afección al principio de legalidad

que la calificación otorgada a estos hechos comporta, lo que posibilita formular ciertas conclusiones de lege ferenda para tratar de tipificar debidamente esta conducta tanto en el ámbito internacional como in foro domestico.

<https://dialnet.unirioja.es/servlet/articulo?codigo=10154945>

### **A matter of time : the role of timing in regulating military weapons**

**Sarah Percy and Neil Renic.** In: International affairs, vol. 101, issue 3, May 2025, p. 1023-1042

This article explores the extent to which, and in what way, the timing of the legal regulation of battlefield weapons and practices matters. Specifically, we consider the challenges and opportunities of ex ante regulation—the imposition of rules and controls before a weapon or practice has been used in battle. We argue that timing shapes both the challenges confronted by and the opportunities afforded to norm entrepreneurs, particularly in terms of their exploitation of normative shock. Timing may also have an instrumental impact, influencing the degree to which perceptions of military utility either facilitate or impede the creation of battlefield regulation. We examine three cases to make this argument: the ban on explosive bullets in the 1868 St Petersburg Declaration; the regulation of bombardment from the air beginning in 1899; and the campaign which culminated in the 1995 Protocol on Blinding Laser Weapons. Examining these cases reveals that early regulation has value, despite some inherent challenges, providing a legal and normative template upon which more successful regulation can be built for the future.

<https://doi.org/10.1093/ia/iafo17>

### **Measures of control for security reasons other than civilian internment in armed conflict: a military perspective**

**Nathalie Durhin.** - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 71-91

Threats to civilians are never limited to attacks in the conduct of hostilities. Protected persons remain at enormous risk of harm when belligerents place them under their control. Article 27(4) of the Fourth Geneva Convention provides a generic authorization for applying measures of control other than civilian internment, but provides no guidance on what they may be. This absence does not necessarily mean that there is a “void” to be filled. Militaries regularly implement measures which infringe the civilian population’s basic rights, such as checkpoints, search and seizure of civilian property, biometrics and intelligence collection, or communications-jamming, that fall within the paradigm of military necessity. The main challenge posed by these measures is how to monitor them, minimize impact on the civilian population, and prevent excesses. The key is to conduct risk assessments and plan precautionary measures, such as providing detailed information, vulnerability assessments, coordination with the host nation, and oversight procedures.

<https://doi.org/10.1093/oso/9780197793176.003.0004> \*

### **Mehr Wissen über Humanitäres Völkerrecht : Fragen der Didaktik der Verbreitungsarbeit**

**Bernhard Frevel.** In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 7, H. 3-4, 2024, S. 223-234

There is a need to educate people about international humanitarian law, and not only in view of the current armed conflicts. This article differentiates between the target groups of the dissemination work and the teaching and learning objectives. Considering various specific didactics, a focus is placed on the perspective of political education, and the didactic considerations are discussed on the basis of the Beutelsbach Consensus and the dimensions of the concept of politics. [Article in German]

<https://doi.org/10.35998/huv-2024-0014> \*

## **Merging man and machine : a legal assessment of brain-computer interfaces in armed conflict**

Denise Koecke. In: International review of the Red Cross, Vol. 107, no. 928, p. 176-199

Imagine a future where man and machine become one on the battlefield, where soldiers direct weapon systems through a neural implant. Research advances on brain-computer interfaces (BCIs) may eventually allow such control of arms at the speed of thought. This article sketches two modes of BCI-controlled weapon systems. In Mode A (active BCI), the soldier opens fire by actively imagining that he is pushing a button with his hand. By contrast, Mode B (reactive BCI) captures neural signals evoked instantly after having spotted a target, before the operator becomes consciously aware of it. If he deems the target lawful, the brain signal is translated into a command to fire. Arguing that such man-machine collaboration transforms the operating soldier into a means of warfare, this article conducts a weapon review in line with Article 36 of Additional Protocol I (AP I) to answer the question of whether BCIs can be lawfully used to control weapons in international armed conflict. Consequently, the two set-ups are reviewed on their compliance with the customary targeting principles of international humanitarian law. Since Mode B casts doubt on the amount of control that the soldier retains over his targeting decision, the concept of meaningful human control is transposed from the debate on lethal autonomous weapon systems and applied to BCIs. It is found that reactive BCIs cannot be meaningfully controlled and thus violate the principles of distinction and proportionality. Hence, reactive BCIs are unlawful under Article 36 of AP I.

<https://library.icrc.org/library/docs/DOC/irrc-928-koecke.pdf>

## **Military chaplains and equivalent religious personnel under international humanitarian law**

Andrew Bartles-Smith. In: International review of the Red Cross, Vol. 107, no. 928, p. 19-69

This article explores the implications of attaching military chaplains and similar religious personnel to State and non-State fighting forces, and what this means for international humanitarian law (IHL). IHL assigns religious personnel a non-combatant humanitarian function equivalent to medical personnel, stipulating that they should perform exclusively religious duties. This underestimates the scope of “religious” activity, however, particularly the moral dimension of their ministry and the force-multiplying and restraining effects that this has on combatant behaviour. As representatives of non-State institutions embedded within military structures, many religious personnel also enjoy a unique degree of access to – and separation from – the chain of command, and can leverage this autonomy to influence the conduct of hostilities. The more that religious personnel are invested in the achievement of a fighting force’s military objectives and are involved in its military operations, the likelier it is that they will test the parameters of their humanitarian function, and the protections they enjoy, under IHL. Moreover, some clerics associated with fighting forces do not aspire to non-combatant or exclusively humanitarian status, and should not be considered religious personnel. It is in the midst of armed conflict that religious personnel are most needed, however, and the tensions and ambiguities between their religious and military support functions are integral to their cross-cutting role. The contribution that religious personnel can make to humanizing war, and socializing IHL or corresponding religious principles, depends on them being present to support combatants and not confining themselves to a separate, but less effectual, humanitarian space. Criteria for their humanitarian exclusivity, attachment to fighting forces and protections under IHL therefore require some clarification.

<https://library.icrc.org/library/docs/DOC/irrc-928-bartles-smith.pdf>

## **Mission impossible : establishing criminal responsibility for the Nova Kakhovka dam’s destruction under Article 8(2)(b)(iv) of the Rome Statute**

Masoud Zamani, Amirabbas Kiani, Aghil Mohammadi. In: Nordic journal of international law, vol. 93, issue 4, December 2024, p. 452-478

Imagine, as part of its ongoing investigations into the situation in Ukraine, the ICC prosecutor finally seizes on the opportunity to make a case for prosecuting the war crime of attacking the environment as formulated under Article 8(2)(b)(iv) and cite, inter alia, the Nova Kakhovka Dam’s destruction as the principal incident triggering the application of the article. In the event of such a possibility, what restraints and difficulties punctuate the application of Article

8(2)(b)(iv), and what do such limits tell us about the juridical value of this provision? This essay argues that many technical nuances such as the meaning of ‘attack’ under international humanitarian law, incomplete information on who is responsible for the attack, and high thresholds of responsibility for environmental damage established under the Rome Statute will create insurmountable barriers to establishing responsibility for even the gravest damage to the environment, such as those witnessed in the destruction of the Nova Kakhovka Dam.

<https://doi.org/10.1163/15718107-bja10094> \*

### **Naval War College situations : conflict in Gregoria and Tanaka : the law of targeting**

**Project director : Michael N. Schmitt.** In: *International law studies*, vol. 103, 2024, p. 1-48

This article addresses complex law of armed conflict (LOAC) issues posed by a scenario with eight “situations” examined during a tabletop workshop conducted by the U.S. Naval War College’s Stockton Center for International Law. Participants included judge advocates from the United States and uniformed legal advisors from Israel, the Netherlands, and the United Kingdom, all of whom had extensive experience providing legal advice on targeting. Also included were academics with particular expertise in the law of armed conflict. The situations were drafted to reflect situations some of the participants had faced in international or non-international armed conflict. The scenario involves an armed conflict between two fictional States and separate hostilities between one of those States and an organized armed group. The issues include the targeting of dual-use facilities and objects, membership in organized armed groups, direct participation by civilians, human shields, urban warfare, cyber operations, and application of the proportionality rule and the requirement to take precautions in attack. While the analysis and positions discussed do not necessarily represent the legal position of any State or individual participant, they are designed to afford readers a glimpse into how scholars and experienced practitioners, working together, might address the situations raised in the scenario.

<https://digital-commons.usnwc.edu/ils/vol103/iss1/1/>

### **Nerve agents by another name : the thirty-year effort to close a loophole on chemical weapons**

**Neil Davison.** In: *Yearbook of international humanitarian law*, vol. 26 (2023), p. 77-108

A political compromise during the negotiation of the 1993 Chemical Weapons Convention created ambiguity at the heart of the treaty. The question of whether the use of toxic chemicals as weapons for law enforcement must be limited to riot control agents (“tear gas”) only, or whether other highly toxic chemicals could also be used, was left open to interpretation. This chapter traces the thirty-year struggle to close that loophole. These efforts eventually resulted in a legal clarification in 1 December 2021 confirming that the use of aerosolized central nervous system-acting chemicals is prohibited for law enforcement. The chapter explores key developments that led to this decision, with particular attention to the efforts of the ICRC and experts in academia, civil society organizations, and the scientific and medical communities, to highlight and reframe the problem. The loophole may have shrunk, but has it closed? The chapter highlights remaining ambiguities and draws lessons for broader disarmament and arms control efforts.

[https://doi.org/10.1007/978-94-6265-663-5\\_3](https://doi.org/10.1007/978-94-6265-663-5_3) \*

### **The “nexus” between international humanitarian law and international criminal law in the decision of the appeals chamber of the ICC in the situation of Afghanistan : toward a global battlefield?**

**Alejandro Sánchez Frías.** - In: *Prosecution of war crimes before the ICC : achievements and challenges.* - Cham : Palgrave Macmillan, 2025. - p. 9-28

The contribution devotes to jurisdictional issues of the ICC related to the prosecution of war crimes. It focuses on a historical decision adopted by the ICC’s Appeal Chamber in the context of the situation of Afghanistan on 5 March 2020 regarding the scope of application of International Humanitarian Law (IHL) and the Rome Statute: contrary to the decision of the Pre-trial Chamber, it accepted the possibility of investigating alleged crimes committed outside the territory of the state where hostilities are occurring, when there is a nexus to such non-international armed conflict. This chapter analyzes the two main theories about the territorial applicability of Common

Article 3, how they have influenced the reasoning of both the Pre-Trial Chamber and the Appeals Chamber, and, finally, why the decision of the latter should not be read in the context of the ‘global battlefield’ debate, pointing out that the arguments in favor of the extraterritorial applicability of the jus in bello for the purpose of criminal prosecution should not be extrapolated to legitimize a relaxation of the rules of the jus ad bellum.

### **Los no nacidos como víctimas del conflicto armado**

**Ana Idárraga, Juana I. Acosta-López.** - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 535-582

En el presente texto se analiza la especial protección que se deriva para los no nacidos del derecho internacional humanitario y las implicaciones que esta protección tiene en relación con las investigaciones, juzgamientos y sanciones que deberá realizar la Jurisdicción Especial para la Paz de las distintas victimizaciones en contra de los que están por nacer. En este marco, las autoras argumentan que los no nacidos son niños a la luz del derecho internacional humanitario y, por tanto, personas especialmente protegidas. Para llegar a esta conclusión se analizan, en primer lugar: (1) la complementariedad existente entre el derecho internacional humanitario y el derecho internacional de los derechos humanos, (2) los principios de no discriminación y humanidad, y (3) la protección directa e indirecta del derecho internacional humanitario en relación con los no nacidos. En segundo lugar, se analiza cómo, partiendo del marco jurídico y la práctica judicial de la Jurisdicción Especial para la Paz, los no nacidos deben ser considerados víctimas en el marco del conflicto armado en Colombia.

<https://doi.org/10.57998/bdigital/handle.001.1241>

### **The object and purpose of the Fourth Geneva Convention**

**Kubo Macák and Ellen Policinski.** - In: Civilian protection in armed conflict : select issues. - Oxford : Oxford University Press, 2025. - p. 47-68

This chapter aims to identify the object and purpose of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War. It starts by expanding on certain specificities relevant to determining the object and purpose of international humanitarian law treaties, including the Fourth Convention. It then outlines elements key to discerning the object and purpose of international humanitarian law treaties and applies them to establish the object and purpose of the Convention. On this basis, it determines that the overall object and purpose of the Convention is to protect civilians during armed conflict, including in circumstances where they are subject to permissible measures of control and security. The chapter concludes by demonstrating how the object and purpose of the Fourth Convention may help resolve specific interpretive dilemmas.

<https://doi.org/10.1093/oso/9780197793176.003.0003> \*

### **Old treaties, new applications : the creation of digital resilience in international law via state practice**

**Joanna Jarose.** - In: Digital resilience : international and domestic legal responses to cyber security and artificial intelligence. - Singapore : Springer, 2025. - p. 33-49

The rapid evolution of cyber capabilities has not only enabled huge advancement in human technology but has also challenged the capacity of legal systems to govern such activities. As cyber operations become an increasing cause of diplomatic tension and a fixture of armed conflicts, setting limits on when such activities will be considered lawful is a priority for States. At a domestic level, the creation of new regimes of law may be comparatively fast-tracked by legislatures to keep up with technological change. However, this is more challenging at an international level, as customary law develops only incrementally and new treaty instruments remain rare. One way that international law can adapt is by the capacity for interpretation of existing treaty instruments to evolve over time. This chapter examines emerging State practice which has begun to reinterpret how longstanding international humanitarian law rules apply to cyber operations and demonstrated a growing consensus about when cyber activities may be considered to violate these key limits.

## **On the sideline or on the pitch ? : the classification of third states supporting active belligerents in an international armed conflict with satellite imagery**

**Robin Sebastiaan David Sinnige.** In: Yearbook of international humanitarian law, vol. 26 (2023), p. 109-153

The most common support by third States for Ukraine, in the context of the international armed conflict between Russia and Ukraine, is the provision of goods and services, or indirect support. This indirect support includes processed satellite imagery, also called intelligence. With the content of third States' support to Ukraine intensifying over the course of the armed conflict, this situation has highlighted the legal question whether a third State will become a co-party to a pre-existing international armed conflict, by providing one of the active belligerent parties to that conflict with processed satellite imagery. This legal question requires clarification for it has led to legal uncertainty, corresponding potential unwanted exploitation, and a tense situation in which Russia claims the "collective West" has become a party to the conflict in Ukraine, with third States denying. Focusing on the *lex lata*, international humanitarian law does not provide a conclusive answer to this legal question. Still, it is accepted that a third State can become a co-party by intervening directly or indirectly. While indirect intervention may encompass intelligence support to a belligerent, it lacks a clear threshold. After discussing several possible thresholds for co-party status through indirect intervention, this chapter introduces its own threshold. Accordingly, a third State can be qualified as a co-party when the following criteria are met: 1. The extent of the support: a third State must support a belligerent State to such an extent that the support is systematic in nature and makes a material and integral tactical contribution to military operations related to specific hostilities; 2. Causal link: there must be a direct causal link between the support and the specific hostilities; 3. Intent: the supporting State must have intended to contribute to specific hostilities engaged in by the supported belligerent. Applying this newly introduced threshold to States supplying belligerents with processed satellite imagery, there are certainly instances in which tactical intelligence support will cross the threshold, resulting in co-party status of the supporting State.

[https://doi.org/10.1007/978-94-6265-663-5\\_4](https://doi.org/10.1007/978-94-6265-663-5_4) \*

## **The overlooked importance of intelligence analysis in IHL**

**Loren Voss.** In: International review of the Red Cross, Vol. 107, no. 928, p. 287-310

Decision-makers rely on intelligence to make targeting decisions that comply with international humanitarian law (IHL), yet the relationship between intelligence and the law is not frequently discussed. This article explores crucial elements of intelligence and intelligence analysis that decision-makers should understand to increase their compliance with IHL, focusing on three crucial decision points: (1) the determination of whether a potential target is a military objective, (2) proportionality in attack analysis, and (3) the taking of effective precautions.

<https://library.icrc.org/library/docs/DOC/irrc-928-voss.pdf>

## **Prosecution of war crimes before the ICC : achievements and challenges**

**Ondřej Svaček, Martin Faix.** - Cham : Palgrave Macmillan, 2025. - XI, 212 p.

This book draws inspiration from existing practices of the ICC and analyzes some of these achievements and challenges concerning the prosecution of war crimes/enforcement of IHL before the ICC. The common denominator of all contributions is therefore twofold: (i) war crimes, and (ii) the ICC. All contributions identify and unfold issues that present obstacles on the way to the desired aforementioned goal of a successful prosecution of war crimes. Upon assessment of particular issues, the book reveals whether the stance adopted by the ICC either makes reaching this goal easier (achievement), more difficult (challenge), or potentially both.

## **Protecting war's unseen environmental damage**

**Britta Sjöstedt.** In: Nordic journal of international law, vol. 94, issue 1, February 2025, p. 24-44

This article explores the evolving legal landscape of environmental protection in armed conflict, emphasizing the critical contributions of the ICRC Environmental Guidelines and the principles developed by the International Law Commission's (ILC) on Protection of the Environment in relation to Armed Conflict (PERAC principles). By incorporating scientific insights and increasing

environmental awareness, these frameworks encourage a broader understanding of environmental damage that includes direct and indirect impacts on ecosystems. In particular, the PERAC principles' temporal approach, introduced by Special Rapporteur Marie Jacobsson, marks a significant shift towards recognizing environmental harm as a complex, multi-stage issue spanning before, during, and after armed conflict. Drawing on the jurisprudence of the Special Jurisdiction for Peace (the JEP) in the transitional justice context of Colombia, the article underscores how the temporal approach can address also long-lasting environmental consequences on vulnerable populations, particularly Indigenous peoples by being informed by Indigenous law.

<https://doi.org/10.1163/15718107-94010003>

### **The protection of civilians during the invasion phase of an international armed conflict**

**Michael W. Meier.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 3-24

The 1949 Geneva Convention for the Protection of Civilians (GC IV) is considered a milestone in the development of the law of armed conflict. Article 4 of GC IV sets forth the definition of who is considered a “protected person” under the treaty. Although it may appear that Article 4 on its face is broad in application, it specifically excludes from the Convention’s personal scope certain categories of individuals, based essentially on their nationality. This chapter will consider which civilians are “protected persons.” Certain States, including the United States, have taken a restrictive view of Article 4, which would exclude citizens of a State that has been invaded by another State prior to occupation. Excluding such persons from the Convention’s coverage would deprive them of many of the treaty’s safeguards and also means that certain unlawful acts against them would not be considered “grave breaches” of its provisions.

<https://doi.org/10.1093/oso/9780197793176.003.0001> \*

### **The pseudo-kindness of wartime lawbreakers**

**Nobuo Hayashi.** In: *International review of the Red Cross*, Vol. 107, no. 928, p. 140-175

It is sometimes said that cruel yet short wars are better for humanity than restrained yet lengthy ones. The idea finds sympathy among Francis Lieber and his Prussian contemporaries, as well as some modern writers who back selective non-compliance with international humanitarian law (IHL) on act-utilitarian grounds. This article refutes three underlying claims and reaffirms that IHL progressively narrows room for crude interest-balancing by its duty-bearers. First, it is claimed that toughening wars quickens them, whereas moderating wars prolongs them. This empirical claim overlooks how actions of the party resorting to brutality – the “brutalizer”, for short – interact with the intention of its adversary. Although the brutalizer clearly controls the amount of violence that it chooses to inflict on its opponent, it does not control the opponent’s will to resist and, consequently, the length of the war it fights. History abounds with instances where adding cruelty has stiffened the enemy’s resolve rather than accelerating surrender. Second, it is claimed that ruthless but swift wars lessen net inhumanity. On this act-utilitarian view, it is normatively superior to hasten wars through barbarity than to lengthen them through moderation; it is therefore the brutalizer’s responsibility to toughen fighting and the brutalized party’s responsibility to refrain from resisting the brutalizer. Problematically, the brutalizer usurps authority by imposing its own utilitarian considerations upon the brutalized party. Moreover, the brutalizer blames its disobliging adversary for the extra bloodshed to which it resorts in the name of maximum utility. Third, it is claimed that IHL does or should permit non-conformity when non-conformity stands a reasonable chance of increasing net humanity. This position is inconsistent with IHL’s functions, however. IHL does aim to reduce net wartime harm, but it would be a mistake to assume that utilitarian ends necessarily justify, let alone require, utilitarian means. When IHL enacts unqualified rules, it predetermines their conformity or non-conformity through processes that are distinctly not act-utilitarian. Nowhere in these processes do lesser-evil justifications naturally belong.

<https://library.icrc.org/library/docs/DOC/irrc-928-hayashi.pdf>

## **Redressing civilian harm**

**Tom Dannenbaum.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 387-412

This chapter outlines key areas of consensus and dissensus regarding reparation for civilian harm under international humanitarian law (IHL). It argues that the legal case for civilian reparative rights in both international and non-international armed conflicts is stronger than often recognized, particularly given the interpretive significance of international human rights law (IHRL). States have a general duty under international law to repair the harms proximately caused by their internationally wrongful acts. IHL does not exempt States from this general duty. On the contrary, core IHL treaties affirm its applicability to international armed conflict and customary international law affirms its applicability to non-international armed conflict. Moreover, IHRL provides for an individual right to reparation for harms arising from rights violations and for an individual right to access to justice in the pursuit of such reparations.

<https://doi.org/10.1093/oso/9780197793176.003.0018> \*

## **A reflection on the cost of counterterrorism for civilian protection in armed conflict**

**Fionnuala Ní Aoláin.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 153-170

Terrorism has wrought extraordinary harm and has rightfully earned a broad consensus on its objectionable nature. Yet terrorism lacks an agreed international definition. The insidious but effective rhetoric surrounding terrorism garners outrage that derails any questioning of whether the terrorist category itself is legitimate. This chapter examines how the umbrella of “counterterrorism” has regrettably legitimized a range of State actions to justify the exclusion of the protective norms of international humanitarian and human rights law. Terrorism-related legal frameworks and State practices have encroached upon the legal category of civilian. Masculinity tropes and validations overlay the internalized acceptance of who is (and who is not) a civilian, with distinct consequences for men as civilians in situations of armed conflict. The situation ongoing in northeast Syria highlights the extreme costs for the boy-child in situations where “terrorism” determines the legal rights of men and boys.

<https://doi.org/10.1093/oso/9780197793176.003.0008> \*

## **Regulating the conduct of businesses in armed conflicts : a due diligence perspective on Private Military and Security Companies**

**Valentina Chabert.** In: *Humanitäres Völkerrecht = Journal of international law of peace and armed conflict*, Bd. 7, H. 3-4, 2024, S. 109.122

States’ employment of private military and security companies (PMSCs) in the context of armed conflicts for the provision of services and the consequent outsourcing of military and security activities raises multiple issues regarding the legal status of these businesses under international humanitarian law, as well as their eventual responsibility for international wrongdoing. For this reason, the present research investigates the current framework of international humanitarian law regulating PMSCs’ activities, with a focus on the characterisation of personnel as mercenaries, combatants or civilians. This article simultaneously explores international and national instruments aimed at providing a regulatory framework for PMSCs, as well as self-regulatory initiatives and codes of conduct developed in an extra-governmental context. Eventually, by adopting a due diligence perspective, this contribution evaluates the possibility to attribute the responsibility for PMSCs violations of international law to the state for omissions in undertaking due diligence obligations with respect to private actors’ conduct.

<https://doi.org/10.35998/huv-2024-0007> \*

## **The rule of law in armed conflict**

**Hitoshi Nasu.** In: *Minnesota journal of international law*, vol. 34, issue 1, 2025, p. 237-279

A fundamental problem in the relationship between war and law has emerged, with two diverging approaches to conceptualizing how law applies to the conduct of hostilities: the operational application for the implementation of legal obligations during combat operations, on the one

hand, and the adjudicative application for prosecution and reparation, on the other. Diverging approaches stem from institutional and practical constraints on adjudication, testing the fundamental premise upon which international law operates as a political project to manage international order under the rule of law. This article addresses the doctrinal manifestation of this trend and articulates the parameters in which battlefield conduct can be adjudicated without infringing upon the underlying logic of the law by adhering to its consistent, equal, and objective application.

[https://minnijl.org/wp-content/uploads/2025/03/10.-Hitoshi-Nasu\\_v34n1\\_237-279.pdf](https://minnijl.org/wp-content/uploads/2025/03/10.-Hitoshi-Nasu_v34n1_237-279.pdf)

### **Setting up humanitarian corridors in armed conflict**

**Julia Grignon.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 115-132

The chapter begins by exploring the different legal paradigms relevant to understanding the notion of “humanitarian corridors.” It then looks at the challenges posed by humanitarian corridors specifically under international humanitarian law. The analysis shows that, instead of serving to implement humanitarian obligations, a humanitarian corridor is rather a measure of last resort, one that may even endanger the protection of civilians. The chapter also highlights some practical challenges faced by those responsible for establishing humanitarian corridors. In so doing, it stresses the fact that humanitarian corridors are a concept that needs to be approached with great caution as they can be a vehicle for misconceptions, and are therefore not an option favored by humanitarian organizations.

<https://doi.org/10.1093/os0/9780197793176.003.0006> \*

### **State silence and international criminal law**

**Talita Dias.** - In: *State silence across international law : meaning, context, and developments.* - Oxford : Oxford University Press, 2025. - p. 117-137

Reliance on reactive state silence in international criminal law is not self-evident but has pervaded the field, bolstering its development after the Nuremberg and Tokyo Trials and filling important legal gaps. Analysis of four landmark case studies on the invocation of reactive state silence in the field yields three key conclusions. First, reliance on reactive silence has been pivotal to the development of international criminal law, even if, on occasion, it has substituted for rigorous methods of custom identification and legal interpretation. Second, reactive silence has been deemed relevant not only in the context of ‘state-to-state’ relationships but also on a ‘state-to-courts’ basis, as well as in institutional settings, such as the International Criminal Court’s Assembly of States Parties. Third, the thresholds for legally relevant silence remain relevant but have been shaped by international criminal law’s collective aims and erga omnes nature.

<https://doi.org/10.1093/9780198912651.003.0008> \*

### **State silence and the law of armed conflict**

**Sandesh Sivakumaran.** - In: *State silence across international law : meaning, context, and developments.* - Oxford : Oxford University Press, 2025. - p. 93-116

This chapter considers when and how State silence can have meaning and effects in the law of armed conflict, in particular, in the identification of an international agreement, or interpretation or alteration of treaty rules. It addresses topics such as the role of key actors in the field in relation to State silence; participation in, and accession and succession to, treaties; and substantive treaty provisions where State silence may be relevant, such as those relating to the use of emblems, Protective Powers, and the enquiry procedure. The chapter also considers State silence in response to publications of entities such as the International Committee of the Red Cross, and the potential legal meaning and effects of such silence.

<https://doi.org/10.1093/9780198912651.003.0007> \*

## **This is who we are : the role of military ethics, culture, and religion in disseminating international humanitarian law to the armed forces**

Noel Maurer Trew. In: International review of the Red Cross, Vol. 107, no. 928, p. 256-286

Although there is one law, there are many motivations for complying with it. This was one of the key findings of the Roots of Restraint in War study published in 2018 by the International Committee of the Red Cross (ICRC). Building on this insight, this article examines a few recent accounts of international humanitarian law (IHL) violations and two general categories of psychological states which may have given rise to them. It then explores the modern-day value of warrior codes and martial notions of honour, and reviews the ICRC's recent work to find convergences between IHL and various religious or traditional value systems. The article offers some important caveats which should be kept in mind when undertaking work which compares morality, ethics and the law, before finally presenting some implications of this work for IHL integration and dissemination activities. Civilian IHL practitioners do not need to embed themselves into military life in order to understand military perspectives on IHL, but it would be helpful for them to consider the many ways in which troops internalize norms and how to incorporate extra-legal concepts into IHL integration and dissemination activities in an appropriate way.

<https://library.icrc.org/library/docs/DOC/irrc-928-maurer.pdf>

## **Toward a post bellum Lieber code**

Dan Maurer. - In: How to end a war : essays on justice, peace, and repair. - Cambridge : Cambridge University Press, 2023. - p. 170-193

There is no authoritative catalogue of principles that set expectations for military members and their commanders operating in what is presumed to be a postconflict space – where residual armed conflict is possible and return to “peace” is uncertain. There is no “Lieber Code” or general regulation imposed on troops to guide their conduct, or from which to deduce and formalize Rules of Engagement (ROE), relative to the “enemy” during the transition from active warfare to conditions of peace and reconciliation. This chapter suggests that such principles are a critical practical necessity for a post bellum transition period and can be understood when stimulated by an unexpected source: criminal law. The military’s post bellum ROE should be based on certain values justified by its unique circumstances: justification, due care, forethought, moderation, nonarbitrariness, self-restraint, and accountability. These values parallel those shaping criminal justice prosecution decisions in military law and are compatible with the jus in bello principles of distinction, humanity, proportionality, and military necessity.

## **Transmutaciones de los conflictos armados en la etapa temprana de los posacuerdos : el caso colombiano de un conflicto fragmentado**

Camilo Eduardo Umaña Hernández. - In: Derecho internacional humanitario y justicia transicional en Colombia. - Bogotá : Universidad Externado de Colombia, 2022. - p. 73-125

El reciente acuerdo de paz colombiano propone una serie de medida holísticas que plantean la ambiciosa meta de poner fin al conflicto armado. Su traducción a la realidad y los cambios que ha implicado ponen de presente la pregunta sobre su materialización y los efectos concretos que ha producido en la realidad nacional. Este texto argumenta que, tras el Acuerdo Final, en una etapa temprana de su implementación (un momento crucial, por demás), se ha dado una transmutación del conflicto armado. En ese sentido, se ha producido una transformación de elementos de control territorial y de estructuración del conflicto armado, sin darse, al menos en la fase temprana, un cese de las hostilidades. La reconfiguración del conflicto armado se vive en los territorios como una nueva etapa de disputa, frente a la cual este texto compendia una serie de información relevante para entender los márgenes, contornos y posibles alcances de la transmutación. Colombia experimenta una fase de fragmentación del conflicto caracterizada por un incremento del uso de la violencia letal por los actores armados, en una disgregación de franquicias de la guerra, en una multiplicación de los actores capaces de ejercer control sobre la población y en una nueva fase de relegación de territorios históricamente discriminados como los programas de desarrollo con enfoque territorial.

<https://doi.org/10.57998/bdigital.handle.001.13245>

## **Ukraine and The Netherlands v. Russia : taking stock of the latest developments in the case law of the European Court of Human Rights on extraterritorial jurisdiction**

**Annick Pijnenburg.** In: European yearbook on human rights, 2023, p. 139-169

On 25 January 2023, the European Court of Human Rights (ECtHR, Court) issued its admissibility decision in *Ukraine and the Netherlands v. Russia*. This inter-state case concerns events in the Donbass area of eastern Ukraine, which began in the spring of 2014, including the downing of flight MH17. It is a landmark decision for many reasons, including the Court's approach to extraterritorial jurisdiction. Indeed, the Court used this case as an opportunity to clarify its general principles regarding jurisdiction, and it is likely to become the leading case on extraterritorial jurisdiction for years to come. More specifically, when formulating the general principles on jurisdiction, in *Ukraine and the Netherlands v. Russia*, the Court takes into account recent developments in its case law. Accordingly, this contribution examines to what extent the admissibility decision in *Ukraine and the Netherlands v. Russia* succeeds in incorporating recent developments in the ECtHR's case law into a coherent framework on jurisdiction. It first briefly recalls the main trends in the ECtHR's case law, across landmark cases such as *Banković* and *Al-Skeini*, before examining recent relevant ECtHR case law on extraterritorial jurisdiction. The contribution then discusses in detail the Court's approach to jurisdiction in *Ukraine and the Netherlands v. Russia*. It thus shows that *Ukraine and the Netherlands v. Russia* can be seen as an 'update' of the general principles in *Al-Skeini*. It also confirms that, overall, the Court's case law continues to move in the direction of a more expansive and granular understanding of jurisdiction.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61146.pdf> \*

## **Unlawful confinement as a war crime in armed conflict**

**Marco Sassòli.** - In: *Civilian protection in armed conflict : select issues.* - Oxford : Oxford University Press, 2025. - p. 331-354

This chapter deals with the war crime of unlawful confinement, discussing the underlying rules of international humanitarian law (IHL) and specific aspects of international criminal law, in particular the mens rea required. The chapter first discusses the actus reus of the war crime of unlawful confinement of civilians in international armed conflicts, focusing on when such confinement is "unlawful." Second, it explores whether the confinement of civilians resulting from unfair trial, certain cases of confinement of prisoners of war, or the unlawful treatment of a detainee are also covered by the offense. Third, the same questions are discussed in relation to non-international armed conflicts. Fourth, the necessary knowledge of "unlawfulness" is discussed, as is the question of who can commit the crime and whether a person may be sentenced for multiple offenses related or connected to unlawful confinement.

<https://doi.org/10.1093/oso/9780197793176.003.0016> \*

## **US military legal doctrine and the emerging wartime cyber environment**

**Emily Bobenrieth and Sean Watts.** In: *International review of the Red Cross*, Vol. 107, no. 928, p. 311-334

Newly emerging US cyberspace warfighting concepts highlight the need to update US legal doctrine. Concepts adapted to future high-intensity, high-paced armed conflict, including command post dispersal and integration of cyberspace into other targeting domains, present opportunities to refine US understandings of the law of war attack threshold and overlooked rules applicable to destruction and seizure. The advantages of staking out clear and current opinio juris on these and other matters extend beyond providing responsible and consistent operational law advice. Updated and authoritative military cyber legal doctrine will serve the strategic and diplomatic legal interests of the United States and the international legal system as a whole.

<https://library.icrc.org/library/docs/DOC/irrc-928-bobenrieth.pdf>

**A US perspective on special operations and the law of armed conflict**

**Kevin Coble and John C. Tramazzo.** In: *International review of the Red Cross*, Vol. 107, no. 928, p. 70-95

This article outlines and evaluates several unique challenges associated with legal support to special operations. It describes the essential differences between special tactics, techniques and procedures and conventional military operations. It offers a US perspective on how treaty and customary international laws apply to various special operations, including precision attacks against “high-value targets”, hostage rescue missions, and support to partner and proxy forces. It examines the benefits and drawbacks of heavy reliance on special operations during armed conflict, including an assessment of the legal challenges that arise when special operations forces become a primary feature of a military campaign. Finally, it highlights how the assumption of substantial military and political risk impacts the application of international law to special operations at the tactical level.

<https://library.icrc.org/library/docs/DOC/irrc-928-coble.pdf>

**The use of facial recognition for targeting under international law**

**Ido Rosenzweig and Magdalena Pacholska.** In: *International review of the Red Cross*, Vol. 107, no. 928, p. 238-255

In the quest for “identity dominance” over the enemy, armed forces are increasingly leveraging biometrics for a variety of purposes. This paper focuses on the combat employment of one of them – facial recognition, which, unlike other biometrics, does not appear to have been widely utilized for targeting purposes yet. With the purchasing patterns of advanced militaries suggesting that such a development is around the corner, this paper assesses the compliance with international humanitarian law (IHL) of the use of facial recognition technologies for targeting purposes. It peruses the applicable legal framework to demonstrate that IHL is neutral towards the use of new technologies and that the right to privacy under international human rights law does not preclude the use of biometrics in hostilities. The analysis zooms in on two specific use cases in which facial recognition is likely to be employed on the battlefield, namely (1) targeted killings against combatants and (2) targeted killings against civilians directly participating in hostilities. The paper closes with an acknowledgment that while facial recognition does have obvious operational benefits, it also has the potential to exacerbate targeting practices that stretch the limits of IHL.

<https://library.icrc.org/library/docs/DOC/irrc-928-rosenzweig.pdf>

**The Vietnam war and international law**

**Kevin Jon Heller and Samuel Moyn.** - In: *The Cambridge History of the Vietnam War.* - Cambridge [etc.] : Cambridge University Press. - p. 445-475

This chapter offers a synthetic overview of the range of international law issues that arose during the course of the Vietnam War, especially as Americans took over from the French after Dien Bien Phu in 1954 and moved towards massive escalation between 1964 and 1973. The chapter begins with the debate about what law applied to the conflict, which turned on the legal status of South Vietnam. The chapter then asks what claims were possible and plausible when it came to the legality of American intervention in the war. Next, the chapter addresses the different kinds of warfare in which the United States engaged, from its bombing campaigns over North Vietnamese territory and waters to the changing forms of its counterinsurgency in the South and, later, across the Cambodian border. Finally, the chapter concludes by examining the legal legacy of Vietnam: not only how it led to the most significant substantive development of the laws of war since the Geneva Conventions, the First and Second Additional Protocols, but also, and equally importantly, how it ensured that international law would play (for good or ill) a central role in debate over and analysis of all future conflicts.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61080.pdf> \*

**War's rustic code of honor**

**Jens David Ohlin.** In: *Virginia journal of international law*, vol. 65, issue 2, March 2025, p. 237-289

With armed conflict raging all around, international law generally, and the law of war specifically, has come under renewed scrutiny. Do we live in a rules-based international order, and does law regulate and constrain battlefield behavior? Previous explorations of this controversy have used empirical analysis or jurisprudential investigations. But an illuminating answer to this question may come from an unlikely source—the world of opera. Drawing inspiration from the Italian opera *Cavalleria Rusticana*, a melodrama about a rural village gripped by seduction, betrayal, and a fatal duel, this Article argues that war is governed by a rustic code of honor, based on norms that are often described as chivalry. The relationship between the ancient tradition of chivalry and the modern Law of Armed Conflict (LOAC) is not new, but this Article's novel contribution hangs not on invoking the concept of chivalry, but rather on highlighting its "rustic" qualities. This Article explores the variety of meanings that rusticity can have and shows that they provide a compelling framework for identifying not just the shortcomings of the law of war as an allegedly primitive legal system, but also the great virtues of the law of war as a robust system of normative regulation. As in the plot of *Cavalleria Rusticana*, where chivalry constitutes the only meaningful constraint on behavior in a rural village far from central legal authority, chivalry in war is a pre-legal norm deeply embedded in the psyche of its participants and in its distant location, divorced from civil authority. In both contexts, chivalry ripens into a full-blown system that is deserving of the label of "law," as imperfect as it is. What emerges is a portrait of the law of war that is at once realistic and even-handed, rather than caricatured in either direction by its critics or boosters. Yes, the law of war is rustic in the sense that it is distant, primitive, and unsophisticated. But the law of war is also rustic in the sense that it is simple, uncomplicated, robust, distilled to its core, and ultimately effective because it is tailored, in bespoke fashion, for its unique context. This is War's Rustic Code of Honor.

<https://www.vjil.org/wars-rustic-code-of-honor>

**Weaponizing civilian protection : counterinsurgency and collateral damage in Afghanistan**

**Thomas Gregory.** - Oxford : Oxford University Press, 2025. - XIV, 349 p.

*Weaponizing Civilian Protection* exposes how coalition efforts to minimize and mitigate civilian casualties during the recent conflict in Afghanistan also worked to rationalize the harm inflicted upon Afghan civilians. Drawing on declassified documents and interviews with coalition officials, it traces how civilian protection was reimagined as a martial tactic rather than a humanitarian imperative, with coalition officials reframing civilian casualties as strategic setbacks that could imperil the entire mission. This book examines the restrictions that coalition officials imposed on combat operations to minimize unnecessary harm to civilians, whilst showing how these restrictions served to constitute civilian casualties as necessary in certain situations, rendering their lives losable and their deaths ungrievable. At the same time, it examines the post-incident mitigation measures coalition officials used to prevent civilian casualties becoming strategic setbacks, including the condolence payments that were offered when civilians were harmed. Rather than seeking to make amends for the harm inflicted upon them, it claims that these post-incident mitigation measures are best characterized as a necropolitical device concerned with managing mortality more effectively. Crucially, *Weaponizing Civilian Protection* shows that co-opting civilian protection into a martial logic that is more concerned with winning wars than protecting the civilian population works to devalue and dehumanize civilians, leaving them more vulnerable to death and destruction in future conflicts.

<https://doi.org/10.1093/oso/9780198897385.001.0001> \*

**What does it look like for Australia to promote compliance with international humanitarian law and protection of civilians**

**Asia-Pacific Development, Diplomacy & Defence Dialogue.** - Canberra : Asia-Pacific Development, Diplomacy & Defence Dialogue, 2025. - 37 p.

This paper surveys Australia's historical involvement in international humanitarian law (IHL) and Protection of Civilians (POC) – as both an early adopter and active developer – and outlines why and how upholding and strengthening these frameworks is in Australia's national interest.

Drawing on consultations with more than 70 humanitarian and international law experts and practitioners, it diagnoses the issues at the heart of contemporary challenges, and outlines areas that Australian policymakers and practitioners can focus on to promote compliance with international humanitarian law and protection of civilian

<https://nla.gov.au/nla.obj-3586566472/view>

### **What militaries need to know about data protection and the right to digital privacy/private life**

**Rigmor Argren.** In: *International review of the Red Cross*, Vol. 107, no. 928, p. 2-18

With the advent of socio-technical systems that gather and process personal data, the capacity to identify and even locate people in an automated fashion has dramatically increased. This article discusses what militaries need to know about data protection and the right to digital privacy/private life when personal data is processed. The focus in this discussion is on sensitive data that makes individuals identifiable. It is here argued that the right to data protection and the right to digital privacy/private life are distinctive and separate rights and should be treated as such, despite some overlaps. Although the law of armed conflict approaches processing of sensitive data in a topical manner, it remains firm on the delimitation between what is permissible and what becomes unlawful when it comes to processing data. This article illustrates that elements of both data protection and protection of the right to privacy/private life can be traced in the law of armed conflict. In fact, both rights remain distinctive also in times of armed conflict and must be separately protected through obligations of result as well as obligations of conduct.

<https://library.icrc.org/library/docs/DOC/irrc-928-argren.pdf>

### **What we talk about when we talk about ‘human shields’ : reading international law through images**

**Abdelghany Sayed.** In: *Leiden journal of international law*, vol. 37, no. 4, December 2024, p. 773-800

This article advocates a turn to the visual in legal scholarship. The phenomenon used to elucidate this methodological proposition is the figure of the ‘human shields’ under international humanitarian law, viewed from within the lived history of the peoples of the Global South. Today, the ‘human shields’ notion profoundly shapes how international law operates in scenes of intense organized violence. Once deployed, the human shields claim triggers a radical shift in the applicable international legal framework. After this point, harm to the civilian population and space can be legally authorized and justified. This article challenges the ways in which the ‘human shields’ notion continues to be debated in mainstream legal scholarship and discourse in terms of doctrinal interpretation, examination of evidence, or analyses of ‘asymmetry’ and ‘urbanization’ as ‘challenges’ in ‘contemporary’ war. Before any such inquiries, I argue, it is crucial to pay attention to the visual and the lived history of the peoples of the Global South. Images that exist in the cultural realm – of and about war and crime, the human shielding spectacle and its actors, and Global South societies – structure and delimit the legal conversation and predetermine its possible outcomes. I propose, in sum, an attention to the visual as a site of the legal inquiry that can inform our understanding and critique of the law and politics of human shields. Images enable, rationalize and provoke the emotions necessary for an ‘exceptional’ operation of international law that authorizes massive violence against Global South spaces and peoples.

<https://doi.org/10.1017/S0922156524000190>

### **Why should the innocent suffer ? : mental harm as disability and the establishment of a post bellum duty of care for enemy civilians**

**Solon Solomon.** In: *Fordham international law journal*, vol. 48, issue 1, 2024, p. 153-190

Over the last few years, scholars have argued that civilian mental harm should be taken into consideration as a measure in the realms of targeting decision and have proceeded to define such civilian mental harm as associated with post-traumatic stress disorder (PTSD) or brain injuries. Yet, nothing has been said on the need for civilian mental harm to establish duties not only in the heat of the battle, but also in its aftermath. Along these lines, discussing the correlation of civilian mental harm with the notion of disability, given that the latter has been delineated in the U.N.

Convention on the Rights of Persons with Disabilities, this Essay analyzes how civilian mental harm should be seen as the basis and factual background of a post bellum duty of care towards enemy civilians.

<https://ir.lawnet.fordham.edu/ilj/vol48/iss1/4/>

### **War without limits : how sharp war theory is a historical anomaly**

**Samuel White.** In: International review of the Red Cross, Vol. 107, no. 928, p. 335-354

The “othering” of international humanitarian law has a demonstrated past resulting from the exclusion of so-called “Enemies of the Faith” from the laws of chivalry. It is no surprise, then, that the idea of “sharp war” should seem so natural to some commentators given its historical application “by the discretion of the commander and such rules of justice and humanity as recommend themselves in the particular circumstances of the case”. The application of humanitarian principles, in other words, was the measure of the commander’s charity rather than the result of legal compulsion. The viability of sharp war appears to have increased in attractiveness as conventional State-on-State warfare has seemingly decreased in frequency; however, the question of sharp war has never been approached through a legal historical lens. Utilizing the research found in *The Laws of Yesterday’s Wars*, a multi-author series edited by the present author, this paper seeks to fill this gap by scoping over a range of geographically and temporally disconnected case studies and the customary law developed to mitigate warfare. Ultimately, the paper highlights that “soft war” has naturally evolved in all cultures and that arguments for sharp war are a historical anomaly.

<https://library.icrc.org/library/docs/DOC/irrc-928-white.pdf>

International Committee of the Red Cross  
Library and Public Archives  
19, avenue de la Paix  
1202 Geneva  
Switzerland  
Tel: +41-22-730-2030  
Email: [library@icrc.org](mailto:library@icrc.org)  
March 2026



**ICRC**