

BIBLIOGRAPHY

3rd issue 2025

International Humanitarian Law

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



ICRC

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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

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 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)

Arbitrage transnational d'investissement et conflits armés

par Fabrizio Marrella. - Paris : A. Pedone, 2025. - 410 p.

The character of international law : a Festschrift for Rob Cryer

Edited by Emma J. Breeze... [et al.]. - Oxford ; London ; New York ; New Delhi ; Sydney : Hart, 2025. - XVI, 270 p.

Le droit de la guerre : traité sur l'emploi de la force armée en droit international

David Cumin. - Paris : L'Harmattan, 2023. - 3 vol. (490, 788, 458 p.)

Droit international humanitaire

Christophe Deprez et Louna Monaco. - Bruxelles : Larcier, 2025. - 572 p.

Droit international humanitaire

Louis Balmond. - Rosny-sous-Bois : Bréal, 2025. - 232 p.

Establishing a practical test for the end of non-international armed conflict

Benjamin R. Farley and Alka Pradhan. In: International review of the Red Cross, Vol. 106, no. 927, 2024, p. 1157-1181

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From the battle of Solferino of 1859 to the Geneva Conventions of 1949 : challenges and future prospects of international humanitarian law

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The Geneva Conventions at 75 : an argument that new legal authority is needed to fill critical gaps

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Sanoj Rajan. - St. Paul, MN : Thomson Reuters, 2021. - CXXXII, 2057 p.

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The international law of intelligence sharing during military operations

Marko Milanovic. - In: Research handbook on intelligence and international law. - Cheltenham ; Northampton : Edward Elgar, 2025. - p. 111-133

Jus post bellum : scope and assessment of the applicable legal framework

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II. Types of conflicts

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

The 1949 Geneva Conventions at 75 : examining the place of non-state armed groups

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<https://doi.org/10.1163/9789004706279> *

White paper on the need to strengthen international humanitarian law to address the challenges of 21st century warfare

Prepared by the participants of the Cleveland Experts Meetings. In: Case Western Reserve journal of international law, vol. 57, no. 1, 2025, p. 7-23

<https://scholarlycommons.law.case.edu/jil/vol57/iss1/4/>

III. Armed forces / Non-state armed groups

(Combatant status, compliance with IHL, etc.)

The 1949 Geneva Conventions at 75 : examining the place of non-state armed groups

Ezequiel Heffes. In: Case Western Reserve journal of international law, vol. 57, issue 1, 2025, p. 139-165

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Barriers to prosecution : why are there no cases against Private Military and Security Company personnel in front of the International Criminal Court ?

Nika Štandekar. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 8, H. 1-2, 2025, p. 35-46

<https://doi.org/10.35998/huv-2025-0003> *

Civiles, combatientes extranjeros y mercenarios en el conflicto ruso-ucraniano

Matteo Fornari. In: Anuario iberoamericano sobre derecho internacional humanitario, vol. 4, 2023, p. 65-104

<https://www.unisabana.edu.co/programas/unidades-academicas/facultad-de-estudios-juridicos-politicos-e-internacionales/anuario-dih/articulos-volumen-4/civiles-combatientes-extranjeros-y-mercenarios-en-el-conflicto-ruso-ucraniano>

Civilians and military intelligence in international law

Alison Pert. - In: Research handbook on intelligence and international law. - Cheltenham ; Northampton : Edward Elgar, 2025. - p. 430-454

Declaraciones unilaterales : el compromiso de los grupos armados como herramienta de creación e implementación del derecho internacional humanitario

Bautista Grandi. In: Anuario iberoamericano sobre derecho internacional humanitario, vol. 4, 2023, p. 141-175

<https://www.unisabana.edu.co/programas/unidades-academicas/facultad-de-estudios-juridicos-politicos-e-internacionales/anuario-dih/articulos-volumen-4/declaraciones-unilaterales>

El derecho operacional : una herramienta básica para las Fuerzas Armadas y la regulación del uso de la fuerza en contextos de conflicto armado

Javier Alberto Ayala Amaya. In: Anuario iberoamericano sobre derecho internacional humanitario, vol. 4, 2023, p. 177-211

<https://www.unisabana.edu.co/programas/unidades-academicas/facultad-de-estudios-juridicos-politicos-e-internacionales/anuario-dih/articulos-volumen-4/el-derecho-operacional>

Fenómeno de reclutamiento y utilización de niños, niñas y adolescentes en Colombia por parte de las FARC-EP a partir de las perspectivas de la Jurisdicción Especial para la Paz

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From “belligerent” to “organized armed group” : understanding the legal justification of the metamorphosis of the designation of non-state groups in a Common Article 3 conflict

Ayodele Ojedokun. In: Fundamina : a journal of legal history, vol. 31, no. 1, 2025, p. 103-122

<https://heinonline.org/HOL/P?h=hein.journals/fundmna31&i=110> *

Die gegenüber ausländischen freiwilligen Streitkräften und Söldnern in der Ukraine anwendbaren Regeln des humanitären Völkerrechts

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<https://doi.org/10.35998/huv-2025-0006> *

Límites de la doctrina del Ejército Nacional de Colombia en la integración del derecho internacional a las operaciones militares

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Proxy warfare et droit international humanitaire : quel droit s’applique à qui ?

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Ukraine symposium : international law in the crucible of conflict

ed. Sean Watts, Ronald T. P. Alcalá, Mehmet Çoban. - West Point, NY : West Point Press, 2025. - 488 p.

https://press.westpoint.edu/wp-content/uploads/sites/5/2025/07/Ukraine-Vol-1_7_31_25_JM.pdf

IV. Multinational forces

The use of intelligence in UN peacekeeping operations: principles, rules, and standards

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Whose war is it anyway ? : proportionate reparations in wars of aggression

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Respecting IHL obligations to the deceased does make a difference : the ICRC-led Falkland Islands/Islas Malvinas identification operation

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Australia, prisoner of war policy and the shackling crisis, 1942-1943

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Planning for the unthinkable : the targeting strategies of nuclear-armed states

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El derecho operacional : una herramienta básica para las Fuerzas Armadas y la regulación del uso de la fuerza en contextos de conflicto armado

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VIET NAM

El derecho operacional : una herramienta básica para las Fuerzas Armadas y la regulación del uso de la fuerza en contextos de conflicto armado

Javier Alberto Ayala Amaya. In: Anuario iberoamericano sobre derecho internacional humanitario, vol. 4, 2023, p. 177-211

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All with Abstracts

The 1949 Geneva Conventions at 75 : examining the place of non-state armed groups

Ezequiel Heffes. In: *Case Western Reserve journal of international law*, vol. 57, issue 1, 2025, p. 139-165

When the 1949 Geneva Conventions were adopted seventy-five years ago, the armed conflict landscape was very different from the one we currently observe. Back then, although non-State armed groups (NSAGs) existed, their regulation was considered to fall (almost exclusively) under the relevant territorial State's internal laws. Nowadays, on the contrary, every time the international community discusses the application of international law to armed conflict, questions emerge about the role, status, and behaviors of NSAGs. Due to their involvement in the majority of armed conflicts, NSAGs have become immovable actors of the international humanitarian legal scene. Many of these queries arise as a result of the dual nature of these entities, which operate at both domestic and international normative levels and hold different legal standings within each framework. While domestically, NSAGs are typically deemed unlawful by territorial States, international law remains agnostic regarding their legality and focuses instead on their obligations during armed conflict situations. This Article considers these dynamics and, in light of the seventy-fifth anniversary of the Geneva Conventions, reflects on (i) Fto their international obligations; and (iii) the mechanisms and initiatives that exist to increase humanitarian norms' compliance by NSAGs in conflict settings. This examination leads to the conclusion that these non-State actors do not staunchly adhere to or entirely disregard their international legal obligations; instead, NSAGs may follow certain rules while disregarding others, and these variations will depend on various factors.

<https://scholarlycommons.law.case.edu/jil/vol57/iss1/19/>

A 80 años de la era nuclear, ¿ dónde estamos y a dónde vamos ? : una mirada desde México y América Latina

María Antonieta Jáquez Huacuja y Abelardo Rodríguez Sumano (eds.). - [México, D. F.] : Asociación Mexicana de Estudios Internacionales, Octubre de 2025. - 392 p.

Este libro reúne a expertos de América Latina y el Caribe para reflexionar sobre la contribución de diplomáticos, académicos y la sociedad civil de la región a los esfuerzos globales para eliminar las armas. Al explorar las tendencias y la evolución del debate en las últimas décadas, llena un vacío en la historia nuclear con voces expertas de una región que ha liderado constantemente la formulación de políticas globales, pero rara vez ha ocupado el centro de la narrativa. Los expertos ofrecen aquí una revisión detallada de esa larga tradición de liderazgo en la región en el campo del desarme, así como una serie de recomendaciones para las siguientes fases de este trabajo.

<https://amei.mx/biblioteca-virtual/80-era-nuclear/libro-completo/>

Addressing fear elimination in soldiers : ethical, legal, and strategic implications for modern warfare

Kaja Kowalczywska. In: *Journal of military ethics*, vol. 24, no. 1, April-May 2025, p. 101-115

This article explores the multifaceted endeavour of enhancing soldiers' capabilities, particularly in light of emerging disruptive technologies, and underscores the imperative to assess the ethical, legal, and strategic implications thereof. Specifically, the study delves into a theoretical scenario involving the administration of a fear-reducing pill, positing its potential to substantially diminish the risk of PTSD without harmful side effects. The author examines whether fear, despite its reduction, remains an intrinsic and beneficial aspect of armed conflict and the military profession. This inquiry is evaluated through considerations of resourcefulness and strategy, unit cohesion, the proportionality test within the targeting cycle, and the impact of fear on criminal deterrence effectiveness. The article contends that the elimination of fear can yield diverse outcomes, underscoring the necessity for further exploration in the realm of law and emotions. Such research

is pivotal for adequately preparing for the advent of novel technologies, mitigating mental harm, and fortifying compliance with IHL and military ethics.

<https://doi.org/10.1080/15027570.2025.2467529> *

Addressing missing persons arising from armed conflict as a driver of peace : towards a research agenda

Simon Robins and Jill Stockwell. In: International review of the Red Cross, Vol. 106, no. 927, 2024, p. 1108-1131

International humanitarian law (IHL) provides the normative foundation for efforts to address the issue of missing persons during and after armed conflict. Whilst IHL does not engage with how parties to an armed conflict may go about restoring peace, there has been speculation that resolving the missing issue, by bringing answers to families about the fate and whereabouts of their missing relatives, can potentially play a role in building peace. This article represents an effort to compile existing evidence in academic and practice literature that supports an understanding of how addressing the missing issue relates to peacebuilding. In so doing, the article seeks to lay out a research agenda to understand how addressing the issue of the missing can serve to advance peacebuilding, and proposes avenues for further research.

<https://library.icrc.org/library/docs/DOC/irrc-927-robins.pdf>

The admissibility decision in Ukraine and the Netherlands v. Russia : implications for State's exercise of extraterritorial jurisdiction in time of war

Gaiane Nuridzhanian. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 8, H. 1-2, 2025, p. 6-19

A decisive legal issue in inter-state and individual cases brought before the European Court of Human Rights (ECtHR) in connection with the war in Ukraine is whether events that occur during active phase of military hostilities in an international armed conflict fall within the jurisdiction of a state party to the European Convention on Human Rights (ECHR). In *Georgia v. Russia (II)*, the ECtHR answered the question in the negative. But in its 2022 admissibility decision in *Ukraine and the Netherlands v. Russia*, the Grand Chamber of the Court presented a more nuanced reasoning: the mere existence of active hostilities does not automatically exclude the exercise of state's jurisdiction and, what is more, certain military operations can amount to the exercise of extraterritorial jurisdiction by a state. This article examines the admissibility decision in *Ukraine and the Netherlands v. Russia* and the Court's findings on Russia's exercise of jurisdiction within the meaning of Article 1 ECHR on the territory of Ukraine. The article focuses on the issue of state's exercise of extraterritorial jurisdiction in an international armed conflict and argues in favour of a consistent and principled position on applicability of the ECHR to active military hostilities.

<https://doi.org/10.35998/huv-2025-0001> *

AI warfare and the law

Bill Boothby. In: International law studies, vol. 104, 2025, 540 p.

AI Warfare and the Law, published as a full volume of *International Law Studies*, analyzes the legal implications of the introduction of AI technologies into the design of weapon systems and the potential use of AI in connection with military activities. It considers several discrete but related bodies of international law as well as significant aspects of domestic and human rights law. Its key aim is to work out how the law will impact the use of AI technologies and what AI technologies must be able to do if they are to satisfy legal requirements. A further purpose of the book is to identify what roles people play in the creation, integration, introduction into service, and subsequent employment of AI-enhanced weapon systems. Having explained the applicable law, the book identifies what requirements the law places on the discharge of duties by those individuals. In sum, the central purpose of the book is to meet head-on the legal challenges posed by the development and use of AI in warfare and to offer the author's proposed answers.

<https://digital-commons.usnwc.edu/ils/vol104/iss1/1/>

The applicability of apartheid to situations of occupation : at the crossroads between international humanitarian law, international criminal law, and international human rights law

Marco Longobardo. In: *Anuario Mexicano de Derecho Internacional*, vol. 24, 2024, p. 3-36

The article deals with the applicability of apartheid in occupied territory. Rather than assessing whether in specific situation of an occupation an occupying power has established an apartheid regime, the article discusses whether there is anything in the law of occupation or in the international regulation of apartheid that makes them mutually exclusive. On the basis of international human rights law, international criminal law, and international humanitarian law considerations, it is argued that apartheid can be applied to occupied territory following the ordinary rules for the application of international human rights law and international criminal law in occupied territory. Accordingly, international law does not bar the application of apartheid in occupied territory, but rather, the law of occupation and apartheid coincide to strengthen the protection of civilians in occupied territories.

<https://doi.org/10.22201/ij.24487872e.2024.24.17556>

The application of foreign investment protection in times of armed conflict

Stejskal, Petr. - Cham : Palgrave Macmillan, 2025. - XXI, 300 p.

The monograph presents scenarios of situations where foreign investments suffer damage. These model scenarios are based on thorough analysis of real cases, facts from the ground and recent arbitral practice (relating namely to arbitrations against Russia, Syria or Libya). This allows the author, in the next step, to ascertain what rules are applicable to the conduct of states towards foreign investments, but also to demonstrate how they apply in real-case scenarios. In particular, the work identifies and applies to these tailored scenarios relevant norms of international investment law, international humanitarian law and international human rights law. These regimes are relevant for protection of foreign investment, but they differ as to the situations they govern, parties whose conduct they regulate and obligations they stipulate. It is therefore appropriate to analyse in their interconnection how these rules govern typical situations that may arise during armed conflict and what particularly they prescribe. On the basis of application of these rules on the defined scenarios, the monograph focuses on the issue of applicability of investment treaties in occupied territories and on interactions and on the issue of conflict of norms in situations where foreign investments qualify as military objectives.

Arbitrage transnational d'investissement et conflits armés

par Fabrizio Marrella. - Paris : A. Pedone, 2025. - 410 p.

Le monde devient de plus en plus violent. On pense au conflit armé entre la Fédération de Russie et l'Ukraine, au cœur du continent européen, à la situation au Moyen-Orient ou encore en Afrique subsaharienne. Le présent ouvrage traite pour la première fois exclusivement de l'arbitrage international des litiges liés aux investissements étrangers dans un contexte de conflit armé, national ou international. Les guerres du 21^{ème} siècle ayant évolué pour dépasser les schémas traditionnels des conflits armés du 20^{ème} siècle, les « nouvelles formes » d'utilisation de la force militaire, telles que la responsabilité de protéger, la « guerre contre le terrorisme » et la cyberguerre, doivent être prises en compte. La première partie est consacrée aux effets des conflits armés sur les traités d'investissement et sur l'arbitrage mixte. Sont ainsi examinées les questions épineuses de compétence des tribunaux arbitraux d'investissement et de droit applicable au fond du litige en situation de guerre et d'occupation militaire. La seconde partie traite des effets des conflits armés sur les règles secondaires de responsabilité. Ces éléments sont examinés sous l'angle du droit positif et de la pratique arbitrale, dans une perspective critique et prospective, dans le but de mieux comprendre le rôle du droit international humanitaire dans un contexte de contentieux arbitral.

The attributability of combatant status to military AI technologies under international humanitarian law

Mustafa Can Sati. In: *Global society*, vol. 38, no. 1, 2024, p. 122-138

The concepts of means of warfare and combatants are not comparable or on the same scale in IHL. Yet the human-like performances of AI technologies, such as independent decision-making,

may blur the line between these two concepts. This may also lead one to compare the technology with a human combatant rather than with other means of warfare. In this context, this paper questions the attributability of combatant status to military AI technologies by concentrating on the scope of the combatant concept. Contrary to some existing studies that found combatant status insufficient for machines based on ethics or behavioural human-machine differences, this study examines why combatant status is unsuitable for military AI technologies from a legal conceptual perspective, even in their most intelligent and independent forms by visiting terms—membership to armed forces, armed forces and prisoners of war (POW)—that are relevant to disclose the scope of the term combatant.

<https://doi.org/10.1080/13600826.2023.2251509>

Australia, prisoner of war policy and the shackling crisis, 1942-1943

Lee Rippon. In: *History Australia*, vol. 22, issue 3, 2025, p. 467-483

The shackling crisis is the most well-known incident of political reprisal involving prisoners of war during the Second World War. Although the event that would eventually include Australian prisoners of war (POWs) has been mentioned in existing literature, the Australian government's response to this incident has not been thoroughly examined. This article aims to fill that gap by exploring the Australian government's reaction to the reprisals associated with the shackling crisis. It will argue that the approach taken by the Australian government reflects its broader response to the war, especially as its focus shifted to the conflict in the Pacific.

<https://doi.org/10.1080/14490854.2025.2473891>

Autonomous weapon systems and international humanitarian law : selected issues

ICRC. - Geneva : ICRC, December 2025. - 22 p.

To support current international efforts to regulate autonomous weapon systems (AWS), the ICRC has prepared this position paper to clarify how international humanitarian law (IHL) applies to AWS, highlight the specific humanitarian and legal challenges they raise, and contribute to discussions on new rules. Building on its mandate to promote and strengthen IHL, the ICRC publishes this paper to assist States in ensuring the protection of civilians and upholding the principle of humanity in the face of emerging technologies of warfare.

<https://library.icrc.org/library/docs/DOC/icrc-4896-002.pdf>

Autonomous weapons systems : a reflection on state crimes

Lutiana Valadares Fernandes Barbosa, Diego de Oliveira Silva. In: *Humanitäres Völkerrecht = Journal of international law of peace and armed conflict*, Bd. 8, H. 1-2, 2025, p. 47-61

Postmodernity and its artificial intelligence revolution present complex challenges to the maintenance of peace and democracy in a variety of ways, such as the guarantee of adequate accountability in the context of technological weapons. In this context, autonomous weapons systems (AWS), so weapons that, once initiated, can select, and engage targets without human intervention, are being used on the battlefield. Therefore, actions might occur that, if taken by humans, would be deemed war crimes, but that, due to a break in the causal chain, might not be attributable to a human person. This article analyses international law possibilities to hold states accountable for actions taken by AWS to unveil this lack of direct order to commit various crimes. Accordingly, this paper looks through the drafting history of the Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA), and questions if the case study of AWS might be a spark to reignite the discussion of international crimes of states. The paper also discusses if a secondary norm that recognizes international state crimes would enhance international responsibility for violations involving AWS, or if the current regime adopted by chapter III of ARSIWA, which is what remained in the draft from the former clauses on state crimes, suffices.

<https://doi.org/10.35998/huv-2025-0004> *

Autonomous weapons systems and proportionality : the need for regulation

Craig Martin. In: Case Western Reserve journal of international law, vol. 57, issue 1, 2025, p. 255-300

This Article examines the question of whether International Humanitarian Law (IHL) requires modification to effectively govern autonomous weapons systems (AWS). Given that the imminent development and deployment is unlikely to be prohibited, and that AWS may not comply with IHL in certain circumstances, the question of why and how IHL needs to be adjusted is important, and not sufficiently studied. The analysis focuses on the principle of proportionality—a principle whose implementation demands complex, contextual, and sophisticated judgment—as a means of exploring and illustrating the issue. The Article explains why the operationalization of the principle of proportionality would present challenges for AI-operated AWS, and defends proposals for certain adjustments to IHL to better regulate AWS, in line with the core principles of IHL.

<https://scholarlycommons.law.case.edu/jil/vol57/iss1/21/>

Autonomous weapons systems and the AI alignment problem

Samuel Hartridge, Brendan Walker-Munro. In: Journal of international humanitarian legal studies, vol. 16, issue 1, May 2025, p. 38-65

The challenge in deploying Autonomous Weapons Systems ('AWS') is not that it can kill people and destroy objects, but ensuring that it only kills the right people and destroys the right objects. In this paper, we use a hypothetical recently discussed at a military AI conference as a springboard to introduce important dimensions of the 'Alignment Problem' into the discourse concerning AWS. This paper will consider important dimensions of what is known as the Alignment Problem, why it is difficult to specify smart goals for autonomous systems, why intelligent systems can pursue dumb goals, and the legal implications for assurance of AWS. We begin with some preliminary definitions and conceptual analyses. We then outline the Alignment Problem including introducing the concept of objective functions and rewards. We then turn to an exploration of what the Alignment Problem implies for AWS testing, and why apparently simple solutions may not be effective. From here we discuss the implications that the Alignment Problem has for international law applicable to AWS, addressing legal obligations relating to the responsibility of states to respect and ensure respect for with international humanitarian law (IHL) and international human rights law (IHRL).

<https://doi.org/10.1163/18781527-bja10107>

Autonomous weapons systems and the need to update international humanitarian law ?

Milena Sterio. In: Case Western Reserve journal of international law, vol. 57, issue 1, 2025, p. 301-314

This Article discusses whether the relevant rules of International Humanitarian Law (IHL), and in particular, the 1949 Geneva Conventions and their 1977 Additional Protocols should be updated in order to develop a clearer framework regarding the permissibility and legality of the use of Autonomous Weapon Systems (AWS) in armed conflict. This Article first discusses the existing Geneva Conventions and Additional Protocols' rules applicable to the use of all weapons, including AWS. Next, this Article discusses possible ways of reshaping and reconceptualizing IHL in order to adapt its current rules or to develop new rules that would better regulate the use of AWS. This Article concludes that it is desirable to adapt the Geneva Conventions and the Additional Protocols to the use of modern-day weapons, such as AWS, through the development of additional soft law instruments such as guidelines, which could in turn become binding customary law in the near future.

<https://scholarlycommons.law.case.edu/jil/vol57/iss1/10/>

Autonomous weapons systems and the responsibility of states : challenges and possibilities

Lutiana Valadares Fernandes Barbosa. - Abingdon : CRC Press, 2025. - XVII, 237 p.

This book reviews whether the existing framework in place can effectively address breaches in the context of Autonomous Weapons Systems (AWS). The work endeavors to map out the main gaps and some possible approaches to address them. Part I sets the ground. First, it provides a concept of AWS. Next, it discusses the accountability gap AWS generate and shows how the international community has put far more emphasis on individual responsibility rather than state responsibility. Part II analyzes the challenges AWS pose to the regime governing state responsibility under international law, as codified in the Draft Articles on State Responsibility (ARSIWA). In this regard, it discusses attribution, breach of an international obligation, *tempus commissi delicti*, multiple states involved in a breach, force majeure, assurance of non-repetition, issues related to damage, the human-machine interaction and its impacts on state's responsibility, responsibility for not using AWS, weapons review and the duty of due diligence. Part III summarizes the challenges discussed in part II in thirteen issues of concern and presents possible paths *de lege ferenda* to address each of those issues, mainly a paradigm shift in attribution and strict liability, among seven other more specific proposals. The conclusion reached is that the current regime on the international responsibility of states is insufficient to deal with the new challenges AWS pose. *De lege ferenda*, the book argues for following the paths suggested in part III. It also reflects on parts II and III's findings and how many of AWS's challenges to state's responsibility apply to other autonomous devices. Therefore, through the case study of AWS, this work also opens the broader discussion of the gaps in the international responsibility of states regarding autonomous device misdoings.

L'avis consultatif sur les conséquences juridiques découlant des politiques et pratiques d'Israël dans le Territoire palestinien occupé, y compris Jérusalem-Est

Catherine-Amélie Chassin. In: *Annuaire français de droit international*, 70, 2024, p. 215-240

S'il était attendu de tous, l'avis consultatif rendu par la Cour internationale de Justice (CIJ) en juillet 2024 ne constitue pas une lecture révolutionnaire de la situation juridique des territoires palestiniens. Il s'inscrit dans la continuité de celui rendu vingt ans plus tôt dans l'affaire du Mur et annonce déjà une partie substantielle de l'avis qui sera rendu quant aux obligations d'Israël en ce qui concerne la présence et les activités de l'ONU, d'autres organisations internationales et d'Etats tiers dans le Territoire palestinien occupé et en lien avec celui-ci, avis sollicité par l'Assemblée générale fin 2024. Pour autant il serait erroné de ne voir dans l'avis de juillet 2024 qu'une simple étape. Si les événements qui déchirent les territoires d'Israël et de la Palestine depuis l'attaque du 7 octobre 2024 démontrent que la paix tient encore d'une perspective bien lointaine, la Cour n'en établit pas moins des constats intéressants et, pour certains, novateurs. Elle consacre, clairement, le caractère illicite de l'occupation israélienne telle qu'elle se poursuit aujourd'hui.

AWS compliance with the ethical principle of proportionality : three possible solutions

Maciek Zajac. In: *Ethics and information technology*, vol. 25, 2023, 13 p.

The ethical Principle of Proportionality requires combatants not to cause collateral harm excessive in comparison to the anticipated military advantage of an attack. This principle is considered a major (and perhaps insurmountable) obstacle to ethical use of autonomous weapon systems (AWS). This article reviews three possible solutions to the problem of achieving Proportionality compliance in AWS. In doing so, I describe and discuss the three components Proportionality judgments, namely collateral damage estimation, assessment of anticipated military advantage, and judgment of "excessiveness". Some possible approaches to Proportionality compliance are then presented, such as restricting AWS operations to environments lacking civilian presence, using AWS in targeted strikes in which proportionality judgments are pre-made by human commanders, and a 'price tag' approach of pre-assigning acceptable collateral damage values to military hardware in conventional attritional warfare. The article argues that application of these three compliance methods would result in AWS' achieving acceptable Proportionality compliance levels in many combat environments and scenarios, allowing AWS to perform most key tasks in conventional warfare.

<https://doi.org/10.1007/s10676-023-09689-8>

Barriers to prosecution : why are there no cases against Private Military and Security Company personnel in front of the International Criminal Court ?

Nika Štandekar. In: *Humanitäres Völkerrecht = Journal of international law of peace and armed conflict*, Bd. 8, H. 1-2, 2025, p. 35-46

This article examines why private military and security company personnel (PMSC personnel) have not faced prosecution for war crimes at the International Criminal Court. The presence of PMSCs in armed conflicts has been increasing since their post-Cold War rise in the 1990s. Yet, no cases for war crimes have been brought against PMSC personnel. This absence is explored through doctrinal analysis of international humanitarian law, academic discourse, World War II precedents, and cases from the International Tribunal for Rwanda and the International Tribunal for Yugoslavia. The central issue is the uncertainty regarding the legal status of PMSC personnel under IHL. When the personnel are under the military command of a state party to the conflict or exercise public authority, they may be prosecuted for war crimes as combatants. The issue lies in the Court's ability to prosecute PMSC personnel who are civilians. The ICTY precedents remove the hindrance to prosecution caused by the ambiguity around the status of PMSC personnel under IHL. However, creating a new category of persons for PMSCs under IHL would significantly enhance the legal certainty in both the legal- and battlefield.

<https://doi.org/10.35998/huv-2025-0003> *

Between rules and implementation : the difficulty in relying on international law in military courts in criminal law

Shai Farber, Nethanel Benichou and Rani Amer. In: *Israel law review : a journal of human rights, public and international law* vol. 58, issue 1, March 2025, p. 28-56

The West Bank, also referred to as Judea and Samaria, has been subject to belligerent occupation since 1967, and its legal framework is grounded primarily in international law. This legal foundation of belligerent occupation emanates from the international law of occupation, which regulates the legislative, judicial and executive powers of the occupying state in the occupied territory. However, the utilisation of international law in adjudicating criminal matters within military courts in this region is sporadic. The underlying reasons for this practice call for inquiry and prompt a reconsideration of the optimal configuration of the legal regime. This article contends that despite a recent uptake in integrating international law into military court decisions, its effectiveness in addressing criminal issues within these courts is limited. Moreover, in most cases presented before military courts, international law lags behind domestic legal doctrines, including Israeli criminal law. Despite its overarching authority, international law falls short of providing a pragmatic solution to the challenges confronted by military courts. Consequently, these courts are compelled to turn to alternative legal sources. The article proposes an integrated model, advocating reliance on international law for fundamental, constitutional-level issues while deferring to the Israeli criminal justice system for specific practical criminal matters.

<https://doi.org/10.1017/S0021223724000165>

Beyond bombs and bullets : natural resource management in the Indo-Naxalite non-international armed conflict

Pratik Purswani, Adithi Rajesh. In: *Journal of international humanitarian legal studies*, vol. 16, issue 1, May 2025, p. 172-210

The Indo-Naxalite conflict, situated in India's resource-rich Red Corridor, presents a complex interplay of socio-political strife, environmental degradation, and natural resource mismanagement. This paper examines the conflict as a non-international armed conflict (NIAC) under international law, emphasizing the legal obligations of both the Indian State and Naxalite forces regarding environmental harm and resource exploitation. Drawing from International Humanitarian Law (IHL), International Human Rights Law (IHRL), and International Environmental Law (IEL), it critiques the inadequacy of existing frameworks to address the dual crises of armed violence and ecological degradation. The paper highlights the role of mismanaged resources in fueling hostilities and undermining tribal livelihoods while proposing a peacebuilding approach prioritizing sustainable resource management and human rights protection. Through the lens of this conflict, the analysis offers broader insights into the

intersection of resource exploitation, environmental harm, and transitional justice in armed conflicts globally.

<https://doi.org/10.1163/18781527-bja10112> *

Beyond retribution : individual reparations for IHL violations as peace facilitators

Steven van de Put and Magdalena Pacholska. In: International review of the Red Cross, Vol. 106, no. 927, 2024, p. 1182-1201

Three decades after the United Nations Security Council invoked its Chapter VII powers to create the ad hoc criminal tribunals, there can be little doubt that the prosecution of individuals responsible for serious violations of international humanitarian law (IHL) contributes to restoring and maintaining peace. While there is little doubt that the reparatory function of justice is just as crucial as retribution, under international law today, reparations for IHL violations remain harrowingly insufficient or borderline non-existent. In scholarship and strategic litigation, various attempts have been made to distil an individual right to reparations from black-letter IHL. This article argues that such approaches are doomed to fail, as procedural aspects of international obligations rarely, if ever, emerge through the evolution of an existing customary international obligation, let alone via the crystallization of a new customary international norm. They are usually triggered by a political shift that makes States adopt novel regulations setting forth the jurisdictional ramifications of enforcing a pre-existing right or obligation. This article thus advances a two-fold argument. First, it asserts that States' increased compliance with the obligation to provide compensation for violations of IHL attributable to them would contribute to "the restoration and maintenance of peace" just as much as the prosecution of persons responsible for serious violations thereof. Second, it argues that the individual right to claim reparations for IHL violations can only be established through a political decision of States, and that the establishment of an international mechanism for Ukraine might be an important precedent for the evolution of the current international system.

<https://library.icrc.org/library/docs/DOC/irrc-927-vandeput.pdf>

A case study on war poses

Angelica Widström. In: International review of the Red Cross, Vol. 107, no. 929, p. 810-820

This article delves into Sweden's evolving legal response to international crimes, notably focusing on the 2021 War Poses case before the Swedish Supreme Court. The case involves an Iraqi asylum-seeker charged with violating the personal dignity of several persons, presumed to be deceased, during a 2015 non-international armed conflict in Kirkuk, Iraq. A key contention is whether deceased individuals can be considered "protected persons" under Swedish war crimes legislation. The article examines the Swedish Supreme Court's decision, which deems deceased individuals as protected persons, drawing on the Rome Statute's Elements of Crimes. It examines the complexities surrounding the application of international humanitarian law (IHL) to cases involving the deceased and explores potential misinterpretations arising from the Court's brief and ambiguous reasoning. As Sweden grapples with the complexities of international criminal law, the article advocates for clarity and comprehensive discussion to ensure that justice is served while upholding accurate and harmonized definitions of fundamental concepts of IHL.

<https://library.icrc.org/library/docs/DOC/irrc-929-widstrom.pdf>

The character of international law : a Festschrift for Rob Cryer

Edited by Emma J. Breeze... [et al.]. - Oxford ; London ; New York ; New Delhi ; Sydney : Hart, 2025. - XVI, 270 p.

The book is a Festschrift of love and admiration for a character that is dearly missed. Fittingly, the book also continues to voice the many conversations that Rob started. It thereby doubles as a critical examination of the life of international law. The book constellates 17 expertly-authored chapters nurtured by four editors through five distinctive sections, each of which reflects on the character of international law. These sections, presented as acts, are: discipline and borders, (re)imagination and continuity, violence and reckoning, acoustics and storytelling, and friendship and kindness. A wide gamut of touchpoints dovetails into a beautifully eclectic medley. These include criminal law, the law of war, music and harm, gender-based violence, nuclear weapons

and artificial intelligence, law after war, the crime of aggression, drones and targets, the domestication of international law, and the role of law in inter-state relations. The book journeys to many places, including Japan, Bosnia and Ukraine, while reflecting on the role of teaching and mentorship in the life of international law.

Citizens to traitors : Bengali internment in Pakistan, 1971-1974

Ilyas Chattha. - Cambridge : Cambridge University Press, 2025. - XXI, 333 p.

The break-up of Pakistan in 1971 following a bloody civil war and military defeat by India is wrapped in layers of silences, making it difficult to ferret out the truth from the mistruths. The war ended with over 90,000 Pakistani prisoners of war (POWs) captured in East Pakistan—turned-Bangladesh, who were then transferred to Indian custody. Pakistan responded by internment roughly the same number of Bengali co-religionists in West Pakistan as leverage for the return of its captured POWs. Neither group would return home immediately in what arguably became one of the largest cases of mutual mass internment since 1945. Drawing on a wide range of untapped sources, this book traces the trajectory of this crisis of captivity in which the Bengalis found themselves as rightless citizens with ‘traitor’ and ‘enemy’ status after the Bangladesh War. Over half a century after the 1971 war, the internment of Bengalis remains a non-event in the most significant political crisis in Pakistan’s history. This book explains this silence in the historiography.

Civiles, combatientes extranjeros y mercenarios en el conflicto ruso-ucraniano

Matteo Fornari. In: Anuario iberoamericano sobre derecho internacional humanitario, vol. 4, 2023, p. 65-104

El conflicto ruso-ucraniano presenta algunos aspectos y situaciones particulares que merecen atención. La resistencia ucraniana ha conseguido frenar el avance de las fuerzas rusas gracias también al apoyo activo de la población civil, tanto bajo nuevas modalidades (como, por ejemplo, el uso de teléfonos móviles para localizar a las fuerzas enemigas) como mediante formas de resistencia antiguas y consideradas generalmente caídas en desuso, como el levantamiento en masa. Además, este conflicto armado se caracteriza también por una importante participación de combatientes extranjeros y grupos mercenarios. Estas categorías de sujetos involucrados en las hostilidades merecen una evaluación jurídica. Debe tenerse en cuenta que la “crisis ucraniana” parece reflejar lo teorizado en la Doctrina Gerasimov (la “versión rusa” de la noción de “guerra híbrida”). Sin embargo, esta doctrina parece haber fracasado ante (también) la instauración de una guerra asimétrica llevada a cabo por las fuerzas (militares y civiles) ucranianas.

<https://www.unisabana.edu.co/programas/unidades-academicas/facultad-de-estudios-juridicos-politicos-e-internacionales/anuario-dih/articulos-volumen-4/civiles-combatientes-extranjeros-y-mercenarios-en-el-conflicto-ruso-ucraniano>

Civilians and military intelligence in international law

Alison Pert. - In: Research handbook on intelligence and international law. - Cheltenham ; Northampton : Edward Elgar, 2025. - p. 430-454

This chapter considers the different ways in which civilians might come into contact with, or be involved in, military intelligence and what law might apply in each situation. It first clarifies what we mean by ‘civilian’ and ‘military intelligence’, before exploring how civilians can be involved in or come into contact with military intelligence in peacetime and in times of armed conflict. The applicable law in peacetime is mainly domestic law, which is covered briefly. The chapter focuses on the relationship between civilians and military intelligence during armed conflict, when international law, particularly international humanitarian law, becomes relevant. Of special interest is whether, and if so when, civilian involvement in intelligence operations amounts to direct participation in hostilities under international humanitarian law, removing the protections that the law would otherwise confer on civilians, such as immunity from direct targeting. This raises difficult questions, such as determining when each ‘act’ relating to military intelligence begins and ends, and how to characterise activities in the cyber-realm.

La Cláusula Martens y sus implicaciones en la Jurisdicción Especial para la Paz

José Fernando González Ante. In: Anuario iberoamericano sobre derecho internacional humanitario, vol. 4, 2023, p. 247-285

Alrededor de este texto se buscará brevemente señalar los orígenes, la evolución y los alcances dados a la Cláusula Martens a nivel internacional y nacional, haciéndose un estudio histórico, jurisprudencial y doctrinal de la disposición normativa. Pudiendo establecerse que esta, aunque no imponga fuentes de derecho autónomas en el Derecho Internacional Humanitario (DIH), sí impone un criterio interpretativo obligatorio en casos donde las reglas del DIH son laxas o hay aparentes vacíos, pues siempre se deben respetar y aplicar los requisitos de humanidad, y la interpretación de las reglas del DIH se debe realizar de forma estricta atendiendo en algunos casos a los desarrollos de los estándares internacionales de derechos humanos (DD. HH.). Se pondrá igualmente de presente el mandato de la Jurisdicción Especial para la Paz (JEP) de tener en consideración la Cláusula para la calificación de conductas de su conocimiento, especialmente aquellas que puedan revestir la calidad de crímenes de guerra. Para ello se pondrán de presente dos casos emblemáticos decididos en la Corte Penal Internacional y en la JEP donde la Cláusula ha demostrado ser una pieza clave para la determinación de la calidad de crímenes de guerra de conductas como la violencia sexual intrafilas y los ataques al medioambiente.

<https://www.unisabana.edu.co/programas/unidades-academicas/facultad-de-estudios-juridicos-politicos-e-internacionales/anuario-dih/articulos-volumen-4/la-clausula-martens-y-sus-implicaciones-en-la-jurisdicion-especial-para-la-paz>

Commentary on the “guidelines for protecting schools and universities from military use during armed conflict”

by **Giorgio Macor.** - Geneva : ICRC, November 2025. - 65 p.

In the nearly 130 armed conflicts taking place worldwide, millions of children are denied safe access to education – a trend that continues to rise at alarming rates. Between 2022 and 2023, the Global Coalition to Protect Education from Attack documented more than 6,000 attacks on schools, universities, students and education personnel, as well as cases of military use of educational facilities – a 20 per cent increase on the previous two years. During the same period, over 10,000 students and education personnel were killed, injured, abducted or otherwise harmed. This worrying trend is confirmed by the United Nations, which reported a 44 per cent increase in attacks on civilian objects, including schools, in 2024. These figures are staggering – and likely underestimated. This Commentary on the Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict responds to this urgent reality. It draws on the ICRC’s first-hand experience in armed conflicts, analyses of state and non-state armed group practice, and consultations with education-in-emergencies and child protection organizations. Published on the 10th anniversary of the Safe Schools Declaration, it presents the ICRC’s legal interpretation of the Guidelines, with particular emphasis on their links to the rules of international humanitarian law (IHL) governing the conduct of hostilities and recommends good practices for effective implementation at the operational level. Through this Commentary, the ICRC seeks to support the endorsement and implementation of the Safe Schools Declaration and its Guidelines, enhance compliance with IHL, and ultimately strengthen the protection of education during armed conflicts – giving students the safety, hope and dignity they deserve.

<https://library.icrc.org/library/docs/DOC/icrc-4906-002.pdf>

Committing war crimes one click at a time ? User-generated content and the war crime of outrages upon the personal dignity of the dead at the International Criminal Court

Konstantina Stavrou. In: International criminal law review, Vol. 25, no. 4, 2025, p. 681–707

Considering the proliferation of the creation and sharing of content depicting (body parts of) the deceased in recent conflicts, it is likely that such material will reach the International Criminal Court. As such, the article discusses whether the war crime of outrages upon personal dignity contained in the Rome Statute of the International Criminal Court (Rome Statute) (a) covers the deceased and (b) whether creating and sharing user-generated content that depicts (body parts of) the deceased constitutes criminal conduct amounting to this crime. To answer the questions, the article examines the scope of protection and the material scope of the war crime of outrages

upon personal dignity, relying on the relevant provisions of the Rome Statute and its Elements of Crimes as well as jurisprudence.

<https://doi.org/10.1163/15718123-bja10228>

Competing interpretations of international law : law and politics in the war crimes trials of Nationalist China, 1946-1949

Ming-hsi Chu. In: Leiden journal of international law, vol. 38, issue 2, June 2025, p. 299-321

This article challenges the prevailing view that after the Second World War, the war crime trials of Nationalist China were guided by the principle of 'leniency and promptness'. This study reveals that the Ministry of National Defense (MND), the entity responsible for formulating war crime laws, had a desire for vengeance and sought to appropriate international law to bolster China's hegemonic position. In contrast, the Chinese Supreme Court judges, influenced by their commitment to fostering a civilized state, interpreted the law in alignment with international norms, thereby curbing the MND's vindictive intentions. As a result, the MND and the judiciary emerged as competing interpreters of international law. The study compares China's War Criminal Trial Act of 1946 (WCTA) with the Nuremberg Charter, the Hague Conventions, and the legislation of other Allied states. When compared to similar legislative texts, the WCTA has the following distinctions: 1) it has an expansive scope, 2) it adopts a stricter liability, 3) it asserts extraterritorial rights for overseas Chinese, and 4) it promotes Chinese nationalism by encompassing racially Chinese as eligible victims of crimes against humanity. In contrast, the Judicial Yuan, which was responsible for unifying legal interpretation, limited the scope of the WCTA, hindered its promotion of Chinese nationalism, and restrained the political revenge on Taiwanese people by interpreting the WCTA per international law. This article traces the background of the Supreme Court judges making these decisions and demonstrates how their vision of 'pursuing a civilized state' triumphed over the MND's impetus for vengeance.

<https://doi.org/10.1017/S0922156524000232>

Le conflit armé entre le Hamas et Israël au regard du droit international

Raphaël Van Steenberghe. In: Journal des tribunaux, 2024/10, no 6974, 9 mars 2024, p. 161-175

L'analyse du conflit armé entre le Hamas et Israël soulève de nombreuses questions complexes au regard du droit international. Cette complexité résulte d'abord de controverses relatives à certaines questions préliminaires comme la qualité d'État de la Palestine, le statut de la bande de Gaza en tant que territoire occupé et la légalité de l'occupation de la Palestine par Israël. Après avoir présenté l'état de ces difficultés, l'article examine si, du point de vue de l'emploi de la force entre États, Israël avait le droit de réagir en légitime défense aux attaques du 7 octobre 2023 et, dans l'affirmative, s'il a correctement exercé ce droit. Sous l'angle du droit des conflits armés, l'auteur analyse ensuite les principales questions portant sur la qualification du conflit, qui permet de déterminer les règles applicables du droit des conflits armés, ainsi que sur la légalité des opérations militaires menées par les belligérants, y compris par Israël, qu'il s'agisse de ses attaques aériennes ou terrestres dans la bande de Gaza ou de son comportement par rapport à l'aide humanitaire destinée à la population gazaouie. L'article fait enfin le point sur les deux procédures en cours devant la justice internationale siégeant à La Haye : d'une part, devant la Cour pénale internationale, qui est compétente pour statuer sur la responsabilité pénale des individus ayant commis des crimes internationaux dans les territoires de l'État de la Palestine et, d'autre part, devant la Cour internationale de justice, saisie par l'Afrique du Sud d'une requête visant à établir la responsabilité internationale d'Israël pour violations de la Convention pour la prévention et la répression du crime de génocide. Il conclut par l'examen du rôle des autres États, dont la Belgique, et des mesures matérielles et juridiques qu'ils pourraient ou devraient prendre dans l'intérêt de la protection des populations victimes de la guerre.

https://jt.larcier-intersentia.be/publications/jt_2024-fr/jt_2024_10-fr/jt2024_10p161

Crímenes de guerra no previstos en el Estatuto de Roma : los primeros salvamentos de voto de la Sala de Reconocimiento de la Jurisdicción Especial para la Paz

Ana Elena Abello Jiménez. In: Anuario iberoamericano sobre derecho internacional humanitario, vol. 4, 2023, p. 315-359

La Sala de Reconocimiento de Verdad, de Responsabilidad y de Determinación de Hechos y Conductas (SVRVR) de la Jurisdicción Especial para la Paz (JEP), hasta 2022, había proferido 4 autos de determinación de hechos y conductas (ADHC) en el marco de los Casos 01 y 03, con decisiones unánimes que solo tenían algunas aclaraciones de voto. El 1 de febrero de 2023 se profirió el ADHC del Caso 05, el primer auto en el marco de una situación territorial, que tuvo 3 salvamentos de voto parciales. La temática común de estos disensos fue la imputación de crímenes de guerra que no estaban previstos en el Estatuto de Roma (ER): reclutamiento de niños y niñas de 15 a menores de 18 años, empleo y producción de minas antipersonal (MAP) y destrucción del medio ambiente natural. Este artículo describirá las diferentes posturas de la SRVR y propondrá algunas reflexiones sobre la calificación jurídica propia que realiza la JEP sobre los crímenes de guerra.

<https://www.unisabana.edu.co/programas/unidades-academicas/facultad-de-estudios-juridicos-politicos-e-internacionales/anuario-dih/articulos-volumen-4/crimenes-de-guerra-no-previstos-en-el-estatuto-de-roma>

Cyberwarfare als Herausforderung für das humanitäre Völkerrecht

Broder Ernst. In: Archiv des Völkerrechts, Bd. 63, H. 1, 2025, p. 60-88

[Article in German] Cyberwarfare has become an integral part of modern warfare in the 21st century, particularly in the context of hybrid conflicts. As is so often the case in the course of technological progress, the question arises as to whether international humanitarian law is adequately equipped to address the challenges it entails. Of particular concern are issues related to the initiation of an armed conflict solely through cyber-attacks, the attribution of such attacks, and the geographical scope of the application of international humanitarian law. Furthermore, the increasing accessibility of computers creates new possibilities for the participation of civilians in hostilities. Regarding the principle of distinction and the dual-use problem, existing regulations take on a new significance. Additionally, the prohibition of perfidy raises specific questions in the context of cyber-attacks. This article examines these various legal issues, outlines key challenges, and proposes solutions within the framework of international humanitarian law, with due regard to the international law of neutrality and environmental law. In conclusion, it is argued that existing international law is sufficient to address emerging challenges through the application of established norms.

<https://doi.org/10.1628/avr-2025-0004> *

Data and the dead : how does IHL regulate data related to the identification of deceased persons ?

Tatjana Grote. In: International review of the Red Cross, Vol. 107, no. 929, p. 509-528

Data has become central in various activities during armed conflict, including the identification of deceased persons. While the use of data-based methods can significantly improve the efficiency of efforts to identify the dead and inform their families about their fate, data can equally enable harm. This article analyzes the obligations that arise for States regarding the processing of data related to the identification of deceased persons. Despite being drafted long before the “age of data”, several international humanitarian law (IHL) provisions can be considered to give rise to obligations which protect those whose data is used to identify the dead from certain data-based harms. However, some of these protections are based on a data protection-friendly interpretation of more general obligations, and many only apply in international armed conflict. Against this background, it is suggested that further analysis on how international human rights law and domestic or regional data protection law could help to strengthen the case for data protection where IHL does not contain specific duties to protect data would be desirable.

<https://library.icrc.org/library/docs/DOC/irrc-929-grote.pdf>

The dead and the missing in armed conflict : protections set out in the judgments of the European and Inter-American Courts of Human Rights

Juana María Ibáñez Rivas. In: International review of the Red Cross, Vol. 107, no. 929, p. 592-608

In their analyses of specific cases involving armed conflict, the European Court of Human Rights and the Inter-American Court of Human Rights have acted as monitoring bodies for international humanitarian law (IHL) by factoring that body of law into their interpretation of human rights and State obligations set out in the European and American Conventions on Human Rights. In this article, the author argues that, in such cases, the two courts also acted as monitoring bodies for the rules of IHL designed to protect the dead and missing in both international and non-international armed conflicts. This monitoring function is apparent in the two courts' judgments, which uphold the obligations of States to search for and identify the dead and missing in armed conflicts, to bury the remains of the dead and to investigate unlawful deaths and cases of forcible disappearance. The author concludes that not only has IHL bolstered the interpretation of the European and American Conventions on Human Rights, but that those two instruments and their interpretation have expanded the content and scope of the rules of IHL that protect the dead and missing in armed conflict.

<https://library.icrc.org/library/docs/DOC/irrc-929-rivas.pdf>

Declaraciones unilaterales : el compromiso de los grupos armados como herramienta de creación e implementación del derecho internacional humanitario

Bautista Grandi. In: Anuario iberoamericano sobre derecho internacional humanitario, vol. 4, 2023, p. 141-175

Las declaraciones unilaterales de los grupos armados son un medio eficaz para mejorar el cumplimiento del derecho internacional humanitario. A diferencia de los acuerdos especiales, las declaraciones unilaterales no exigen contar con una contraparte para obligarse a respetar determinadas normas del derecho internacional humanitario. Ubicar a los grupos armados en el centro de la escena y reconocerles la capacidad de crear o adherirse a normas ya existentes puede resultar beneficioso tanto para el fortalecimiento de esta rama del derecho como para su implementación por parte de los grupos armados. El presente artículo pretende explorar las declaraciones unilaterales y sus beneficios recurriendo, como punto de partida, al estado de la situación jurídica existente sobre las declaraciones unilaterales emanadas por los Estados. Posteriormente, se analizan casos concretos para evidenciar la creación de obligaciones y la importancia de dichas declaraciones unilaterales de los grupos armados.

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Denying the cornerstone of jus in bello in Palestine: Bedouin communities and the war crimes of extensive destruction and appropriation of property not justified by military necessity

Luigi Daniele. - In: Ending impunity for international law violations : Palestinian Bedouins and the risk of forced displacement. - Oxford : Hart, 2025. - p. 143-172

Bedouin communities are one of the most vulnerable groups in the multifaceted processes of civilian victimisation in the occupied Palestinian territory (OPT). The humanitarian vulnerabilities of Palestinian Bedouins include routine demolitions affecting homes, community spaces such as schools and health clinics, key infrastructures such as wells and generators, and structures needed for their economic survival. In the protracted occupation of the OPT, Israeli authorities intervene in the space between internationally protected rights and the possibility of their enjoyment, without explicitly denying their existence, but appropriating full legislative authority to control all the conditions for their exercise. As such, the occupying power (and its judiciary) routinely upholds the validity of military orders, endorsing the de facto *potestas* of the occupier in deciding which structures are lawful and which must be destroyed, based on its visions of military necessity that fail objective tests. This chapter argues that the appropriation of sovereign prerogatives, distorting exceptional derogations strictly limited by international

humanitarian law (IHL), is justified by Israel through spurious declinations of the concept of military necessity devoid of plausible and legally admissible grounds.

<http://dx.doi.org/10.5040/9781509977239.ch-007>

Le déplacement forcé de population dans la bande de Gaza en droit international humanitaire : chronique d'un crime annoncé

Vincent Chetail. In: *Annuaire français de droit international*, 70, 2024, p. 31-46

L'article analyse le déplacement forcé de civils dans la bande de Gaza sous l'angle de l'article 49 de la Convention de Genève relative à la protection des personnes civiles en temps de guerre. Il clarifie le contenu de cette disposition cardinale du droit international humanitaire, à travers la distinction entre le licite (l'évacuation) et l'illicite (le transfert), pour l'appliquer au conflit actuel opposant Israël au Hamas. La seconde partie évalue l'éventuelle qualification pénale de la violation de l'article 49, en analysant les différents éléments constitutifs des crimes internationaux susceptibles d'être couverts par le déplacement forcé de civils en territoire occupé. Bien qu'une telle violation relève clairement du crime de guerre, cet article approfondit la question bien plus controversée de savoir si les transferts forcés litigieux sont également susceptibles d'être qualifiés de crime contre l'humanité, voire de génocide.

Dignity in death : international humanitarian law and the protection of the deceased in war

Helen Obregón Gieseken and Ximena Londoño. In: *International review of the Red Cross*, Vol. 107, no. 929, p. 662-719

When people die in the context of armed conflicts, international humanitarian law (IHL) provides important legal protection for the dead and their families. Overall, it seeks to ensure that the dead are respected and recovered no matter who they were, and that information on them is collected with a view to identification. A key aim of these IHL rules is to uphold the right of families to know the fate of their relatives. Recognizing the inherent difficulties of accounting for those who have gone missing or died, these rules continue to apply even after the end of conflict. This article provides an overview of the IHL obligations protecting the dead in international and non-international armed conflicts, complemented by other bodies of international law. It then focuses on key legal questions arising in contemporary wars and practical implications for warring parties on processes to account for the dead, respect for the deceased and their graves, and the return of human remains to their families. Finally, the article explores issues of practice and key recommendations to drive forward action by States and parties to armed conflict in order to effectively integrate and apply obligations on the ground.

<https://library.icrc.org/library/docs/DOC/irrc-929-gieseken.pdf>

La dimension technologique du conflit au Proche-Orient au regard des notions de fait internationalement illicite « continu », « composite » et « complexe »

François Delerue. In: *Annuaire français de droit international*, 70, 2024, p. 89-106

Les conflits au Proche-Orient ont connu d'importantes évolutions sous l'effet des développements technologiques. Cet article se concentre sur trois dimensions technologiques qui ont marqué ces conflits depuis l'attaque du Hamas en octobre 2023 : premièrement, l'usage de l'intelligence artificielle par l'armée israélienne, notamment à travers des systèmes d'aide à la décision pour la sélection des cibles et la conduite des opérations, tels que les systèmes « Lavender », « Habsora » et « Where's Daddy ? » ; deuxièmement, l'attaque menée par Israël contre le Hezbollah via des bipeurs et des talkies-walkies piégés ; troisièmement, les opérations dans le cyberspace. Le recours croissant aux « nouvelles technologies » par les Etats, notamment dans la conduite des hostilités, engendre des comportements hétéroclites, impliquant une diversité croissante d'acteurs et touchant un éventail plus large de victimes, directes et indirectes. Dans ce contexte, il apparaît opportun d'étudier ces comportements à la lumière des notions de fait « continu », de fait « composite » et de fait « complexe ».

Disabled dead bodies : marking the intersections of international humanitarian law and international human rights law

Janet E. Lord and Christopher J. Hart. In: International review of the Red Cross, Vol. 107, no. 929, p. 631-661

International human rights law (IHRL) provides extensive protections for the living, but little in the way of direct protections for the dead. International humanitarian law (IHL) has more detailed protections for the dead, but is only triggered during armed conflicts. At first glance, this seems to create a protection gap for the dead during peacetime. This article explores how the Convention on the Rights of Persons with Disabilities (CRPD) creates a connection between IHL, IHRL and transitional justice to fill in this perceived gap in protections for the dead. While the CRPD does not explicitly address the dead, IHL contains several specific rules to guide how dead bodies are to be handled. When read together with the CRPD framework, these rules provide ample guidance on the treatment of individuals with disabilities after death. Some IHL protections of the dead extend temporally beyond the conflict, when transitional justice mechanisms should be in play, although neither the CRPD nor IHL address with any specificity how the five pillars of transitional justice – truth, justice, reparation, memorialization and guarantees of non-recurrence – might apply in relation to IHL rules regarding dead bodies. Nonetheless, Article 11 of the CRPD forges a bidirectional link to IHL protections and obligations supporting transitional justice. Accordingly, there is a legal framework for examining the interrelationships between rules in the CRPD, IHL and human rights law writ large, and for how we think about dead bodies under the various regimes of international law. Each ought to inform the others if the implications of CRPD Article 11 are to be fully realized and the siloing and fragmentation of international law avoided.

<https://library.icrc.org/library/docs/DOC/irrc-929-lord.pdf>

Does the dual-use of space objects necessitate a new Geneva Convention ?

Svenja Berrang. In: Case Western Reserve journal of international law, vol. 57, issue 1, 2025, p. 315-341

This Article examines the question of whether International Humanitarian Law (IHL) requires modification to effectively govern autonomous weapons systems (AWS). Given that the imminent development and deployment is unlikely to be prohibited, and that AWS may not comply with IHL in certain circumstances, the question of why and how IHL needs to be adjusted is important, and not sufficiently studied. The analysis focuses on the principle of proportionality—a principle whose implementation demands complex, contextual, and sophisticated judgment—as a means of exploring and illustrating the issue. The Article explains why the operationalization of the principle of proportionality would present challenges for AI-operated AWS, and defends proposals for certain adjustments to IHL to better regulate AWS, in line with the core principles of IHL.

<https://scholarlycommons.law.case.edu/jil/vol57/iss1/22/>

Le droit de la guerre : traité sur l'emploi de la force armée en droit international

David Cumin. - Paris : L'Harmattan, 2023. - 3 vol. (490, 788, 458 p.)

« Droit de la guerre ». L'expression peut surprendre. La guerre ne serait-elle pas le non-droit, et le droit ne serait-il pas synonyme de paix ? À cette question, il convient de répondre par la négative. La guerre est une institution juridique. Le droit de la guerre existe - y compris les sanctions aux violations des règles -, aussi ancien que la guerre, aussi ancien que le droit international, dont il constitue le cœur historique, en ses deux branches : jus ad bellum, jus in bello, le droit de la neutralité relevant des deux. Le XX^e siècle, du Pacte de la Société des nations à la Charte des Nations unies, n'a pas davantage aboli le droit de guerre, ni transformé le jus ad bellum en jus contra bellum et le jus in bello en « droit international humanitaire », lui-même annexe au « droit international des droits de l'homme ».

Droit international humanitaire

Christophe Deprez et Louna Monaco. - Bruxelles : Larcier, 2025. - 572 p.

Cet ouvrage propose un aperçu complet des règles du droit international humanitaire, soit la branche du droit international ayant pour objet de régir les situations de conflit armé. Alors que

la guerre et le droit peuvent, à première vue, sembler correspondre à des réalités étrangères voire antinomiques, le droit international humanitaire s'efforce de veiller à ce que les « nécessités de la guerre » ne puissent permettre aux belligérants de faire fi d'un minimum d'humanité. Les règles qui le composent – qui visent principalement à protéger les personnes au pouvoir de l'ennemi et à encadrer les méthodes et moyens susceptibles d'être déployés dans le cadre de la conduite des hostilités – sont nombreuses et complexes. L'ouvrage, qui s'adresse aux étudiantes et aux étudiants autant qu'aux chercheurs, chercheuses, praticiennes et praticiens, tente de décoder le droit international humanitaire dans une perspective à la fois rigoureuse, accessible et complète. Son référencement robuste en fait un point de départ commode pour l'examen de questions plus avancées.

Droit international humanitaire

Louis Balmond. - Rosny-sous-Bois : Bréal, 2025. - 232 p.

Le droit international humanitaire, droit de l'impossible ? Cicéron avait tranché : « Les lois se taisent en temps de guerre. » Le droit international humanitaire, qui ne supprime pas la guerre mais s'efforce d'en limiter les effets, démontre pourtant le contraire depuis la fin du XIX^e siècle.

Le droit international humanitaire dans la jurisprudence des Cours européenne et interaméricaine des droits de l'Homme

Juana María Ibáñez Rivas ; préf. de Laurence Burgorgue-Larsen. - Paris : Pedone, 2025. - 432 p.

Les Cours européenne et interaméricaine des droits de l'homme ont effectué des références implicites et explicites au droit international humanitaire qui ne répondent pas à des étapes « de forclusion » dans leur jurisprudence. Bien qu'il n'existe pas de règles définitives qui déterminent l'emploi du droit humanitaire par ces deux Cours régionales, ce renvoi est un fait réel et incontournable qui, au fil du temps, a démontré ne pas avoir de point de retour. À partir de ce constat, la présente étude vise à identifier les fondements et les conséquences de l'utilisation du droit humanitaire par les Cours européenne et interaméricaine. Pour des raisons de sécurité juridique, les deux Cours doivent justifier leur invocation de cette branche du droit. En ce sens, la détermination de l'existence et la qualification d'un éventuel contexte de conflit armé - international ou non international - doit constituer le point de départ de l'argumentation juridique qui soutient le renvoi au droit humanitaire par les Cours, même s'il y aura toujours des critères circonstanciels qui entreront en jeu. Les conséquences de l'utilisation du droit humanitaire se manifestent dans le contenu et la portée des obligations de l'État et des droits de l'homme prévus dans les Conventions européenne et américaine, ainsi que dans la détermination des réparations. La présente étude permet d'affirmer que le droit humanitaire a eu un impact incontestable sur l'interprétation de ces Conventions et, à leur tour, que ces Conventions et la jurisprudence des Cours ont eu un impact sur l'interprétation des normes du droit humanitaire. Dans le cadre de ce processus symbiotique, les deux Cours régionales ont agi comme des organes de contrôle du droit humanitaire dans l'analyse des affaires liées aux conflits armés.

Le droit international humanitaire et la guerre à Gaza

Marco Sassòli. In: *Annuaire français de droit international*, 70, 2024, p. 7-30

Comme pour tous les autres conflits armés, il convient de distinguer concernant celui qui s'est déroulé à Gaza, exacerbé par les attaques du Hamas du 7 octobre 2023 et la riposte massive d'Israël, les règles du droit international humanitaire (DIH) relatives au traitement des personnes qui sont au pouvoir d'une partie et celles relatives à la conduite des hostilités. Que l'on considère ou non que Gaza ait toujours été un territoire occupé, les attaques israéliennes contre des cibles à Gaza relèvent de cette seconde catégorie. Cet article soutient que, s'agissant des personnes en leur pouvoir, les deux parties ont commis des violations manifestes du DIH. En revanche, en matière de conduite des hostilités, si le Hamas a violé le DIH, les éléments factuels essentiels pour évaluer la licéité de chaque attaque israélienne demeurent inconnus. Toutefois, il est difficile d'imaginer que le nombre de civils tués et blessés ainsi que l'ampleur des destructions aurait été aussi élevé si Israël avait respecté, dans chaque attaque, les règles du DIH sur la protection de la population civile contre les effets des hostilités, en particulier la règle de proportionnalité. Quant à l'assistance humanitaire destinée à la population civile dans le besoin, les règles applicables diffèrent selon que le territoire est occupé ou non, mais dans les deux hypothèses, il existe de solides raisons de conclure qu'Israël les a violées.

Le droit international relatif aux exportations d'armements de guerre : les enseignements du conflit à Gaza

Laurent Trigeaud. In: *Annuaire français de droit international*, 70, 2024, p. 67-88

Aucune intervention israélienne dans la bande de Gaza n'avait suscité de telles mesures restrictives sur le transfert d'armes de guerre. Australie, Canada, Espagne, Italie, France, Pays-Bas ou encore Royaume-Uni sont autant d'Etats producteurs d'armements de guerre ayant renoncé à exporter vers Israël, même si d'importants enjeux stratégiques continuent de peser dans de telles décisions, surtout lorsque les embargos affectent le programme du chasseur américain F-35. Mais pèse également la crainte, pour ces mêmes Etats, d'apparaître comme complices de crimes de guerre, de crimes contre l'humanité et de génocide. Le conflit armé né des attentats du 7 octobre 2023 jette ainsi la lumière sur la consistance des mesures restrictives en matière de matériels militaires, mesures déjà éprouvées dans le passé par Israël mais qui prennent ici une dimension internationale inédite.

El derecho operacional : una herramienta básica para las Fuerzas Armadas y la regulación del uso de la fuerza en contextos de conflicto armado

Javier Alberto Ayala Amaya. In: *Anuario iberoamericano sobre derecho internacional humanitario*, vol. 4, 2023, p. 177-211

Los conflictos armados representan el ámbito donde se origina el mayor número de casos problemáticos para los militares, como resultado de la falta de claridad en las órdenes y el desconocimiento u omisión de las leyes humanitarias que a veces se presentan. En este sentido, este artículo se propone analizar la importancia del derecho operacional como disciplina básica para los miembros de cualquier Fuerza Armada en los diferentes niveles de mando. Esto, por cuanto se comprende el derecho operacional como un conjunto de normas capaz de dar valor a la misión de cualquier ejército por la legalidad y legitimidad que le otorga a sus actuaciones, lleva a comprender que los hombres son quienes les dan vida a las instituciones.

<https://www.unisabana.edu.co/programas/unidades-academicas/facultad-de-estudios-juridicos-politicos-e-internacionales/anuario-dih/articulos-volumen-4/el-derecho-operacional>

Emerging state practice in the role of unmanned maritime systems in maritime blockades

Dora Vanda Velenczei. In: *The military law and the law of war review*, vol. 63, no. 1, 2025, p. 73-96

Unmanned maritime systems (UMSs) can monitor and support maritime military operations, including blockades. This paper evaluates how employing UMSs in blockade operations challenges the normative framework of blockade law, particularly emphasising their classification as warships under the UN Convention on the Law of the Sea (UNCLOS). It investigates whether and how UMSs can effectively maintain a blockade under international law. Several obstacles may hinder UMSs from fulfilling this role. The primary challenge is establishing the status of UMSs. Existing literature offers some support for the idea that remotely manned UMSs may qualify as ships under UNCLOS. By omitting a clear definition of what constitutes a ship, the drafters allowed for interpretative flexibility while simultaneously introducing ambiguity. However, if UMSs can constitute ships, they may constitute warships. This paper argues that remotely manned UMSs should be classified as warships, enabling states to deploy these systems to enforce blockade operations.

<https://doi.org/10.4337/mlwr.2025.02.04> *

Enforced disappearances in armed conflict through the lenses of the International Convention for the Protection of all Persons from Enforced Disappearance

Ivan Jovanovic. - In: *Enforced disappearances : on universal responses to a worldwide phenomenon.* - Cambridge : Cambridge University Press, 2025. - p. 19-46

In armed conflicts, when people massively go missing, enforced disappearance is prohibited both by the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED) and customary international humanitarian law (IHL). While IHL is the primary

regulator in armed conflicts, ICPED complements and reinforces IHL protection from enforced disappearance including by providing more direct legal basis for the State Parties than customary nature of the matching IHL provisions which are often elusive for national practitioners. Obligation under ICPED to introduce enforced disappearance as an autonomous and continuous domestic crime should provide potentially strong accountability mechanism given the absence of enforced disappearance from underlying offences considered war crimes and the contextual limitations of enforced disappearance as a crime against humanity and may also help break the silence about the disappeared. Limitation of the ICPED's definition of enforced disappearance as state-sponsored crime may be overcome in armed conflicts by the commensurate IHL prohibition which applies to non-state actors too.

<https://doi.org/10.1017/9781009461719>

Enforcing international humanitarian law via individual rights : the role of strategic litigation in Germany

Vera Strobel. - The Hague : T.M.C Asser Press, 2025. - XIV, 429 p.

This book centres on the contribution of strategic litigation to the enforcement of international humanitarian law (IHL) with regard to armed conflicts around the world. It examines the instrument of strategic litigation as a vehicle for access to justice and scrutinizes its possibilities and challenges for enforcing compliance with IHL in Germany. In particular, the novel approach of connecting IHL duties set out to protect civilians with individual rights claims and the increased presence of such arguments in strategic cases before domestic courts is analysed. The monograph first provides a general introduction to the term of strategic litigation, its actors and approaches. It then explores the framework for access to justice in Germany and beyond as well as important past and current strategic cases. Further, the crucial impacts as well as raised concerns and key potentials of such cases are discussed. Two detailed case studies are undertaken of the landmark proceedings before German courts in the Ramstein drone case with plaintiffs from Yemen and in the case on the Kunduz (Afghanistan) air strike. These case studies scrutinize the procedural avenues, the legal arguments, the resulting court decisions, the strategic litigation context, and the important impact of the proceedings.

Establishing a practical test for the end of non-international armed conflict

Benjamin R. Farley and Alka Pradhan. In: International review of the Red Cross, Vol. 106, no. 927, 2024, p. 1157-1181

When do non-international armed conflicts (NIACs) end ? This paper argues that the most appropriate test for ascertaining the end of a NIAC is one that combines objective consideration of the diminution of organized and intense hostilities below the Tadić threshold with the likelihood that hostilities will not again rise above that threshold. It thus draws from but does not fully endorse the preferred approach of the International Committee of the Red Cross (ICRC), which focuses on the lasting termination of hostilities, while abjuring a general temporal limitation. Although commendable for its effort to avoid the legal uncertainty that attends the revolving conflict classification problem, the ICRC's approach unfortunately tends to encode existing uncertainty surrounding the termination of NIACs and to indistinctly prolong the application of IHL to erstwhile conflict situations. In contrast, the authors suggest that a test for the end of NIAC based on a specific period (five months following the diminution of organized and intense hostilities below the Tadić threshold), subject to an evaluation of the risk that those hostilities may resume, better balances certainty of legal application with the promotion of a return to peace. The authors will employ the facts of diverse case studies, including the FARC in Colombia, the LTTE in Sri Lanka, numerous armed groups in Mali, and the United States with Al-Qaeda, to build a legal standard that courts can use to determine IHL's continuing applicability to an erstwhile armed conflict.

<https://library.icrc.org/library/docs/DOC/irrc-927-farley.pdf>

The EU and the international humanitarian law

Cezary Mik. In: International community law review, vol. 27, no. 4-5, 2025, p. 335-371

The purpose of this article is to identify the attitudes that the EU takes towards international humanitarian law. In particular, the issue of whether the EU is bound by this law, if so, on what basis, and what other attitudes it may take towards it, is considered. These issues are discussed

against the background of the binding of the IHL of international organisations and the binding of the EU to international law as such. It examines the objectives, tasks and competences of the Union in the field of humanitarian law, the EU's general approach to humanitarian law (attempts to conceptualise it), the EU's binding of treaty and customary humanitarian law, as well as the EU's promotion of humanitarian law, its participation in the development of humanitarian law, its obligation to interpret EU law in conformity with humanitarian law, the application of humanitarian law in its external and internal relations, the use of humanitarian law as a criterion for the Union's action in external relations, including in the use of restrictive measures, the provision of humanitarian aid and in peacekeeping operations.

https://brill.com/view/journals/iclr/27/4-5/article-p335_2.xml *

Executing the right to education during the war : the case of Ukraine

Anzhela Stashchak, Oleksandr Kryvenko and Yana Sydorenko. - In: International law after the Ukraine war. - Abingdon ; New York : Routledge, 2025. - p. 208-225

This chapter looks at how legal changes and the legal landscape can help support education in crisis along with an analysis of the challenges to execution of the right to education during crisis times, namely the war in Ukraine. The chapter analyses precise changes in legal regulations in Ukraine that have been issued to help educational institutions to adjust to crisis times and to support human capital development despite all the challenges that the population of Ukraine faces. It is stated that the education system in Ukraine is flexible and oriented towards implementing international legal norms and standards, it manages to adjust to rough geopolitical factors and remain operational. However, as the situation constantly changes, it is important to understand that the regulations change swiftly to support resilience of the sector and ensure that the right to education is safeguarded in any circumstances. It is argued that international collaboration plays a crucial role in sustaining and developing the education system in Ukraine during crisis.

<https://doi.org/10.4324/9781032684635-11>

Exploring the influence of politics on universal jurisdiction : a case study on German universal jurisdiction cases regarding Syria

Fien Vandepitte. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 56, 2023/1-2, p. 575-632

Since 2011, Syrians have been facing widespread human rights violations. With many roads to justice blocked, national courts outside Syria currently represent the only possibility to prosecute perpetrators. Using its universal jurisdiction, Germany has played a remarkably active role in investigating and prosecuting crimes in Syria, even in cases without a direct link between the crimes committed and the German State. This can be explained by three political factors. Firstly, this behaviour aligns with Germany's national role conception, or how Germany perceives its role on the international stage, as a 'normative power' and possibly even a "global enforcer". Secondly, the international community's approval of the prosecutions is crucial. Thirdly, the fact that Germany hosts a significant number of Syrian migrants has a motivating effect and facilitates prosecution.

<https://cdi.ulb.ac.be/wp-content/uploads/2024/11/VANDEPITTE-Fien-RBDI-2023.pdf>

Fenómeno de reclutamiento y utilización de niños, niñas y adolescentes en Colombia por parte de las FARC-EP a partir de las perspectivas de la Jurisdicción Especial para la Paz

Sara Daniela Villamil Gómez, Daniel Felipe Echeverry Cano. In: Anuario iberoamericano sobre derecho internacional humanitario, vol. 4, 2023, p. 287-314

Este artículo tiene como objetivo principal exponer el tema del reclutamiento de niños, niñas y adolescentes (NNA) por parte de la guerrilla de las Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) en Colombia, desde la perspectiva de la Jurisdicción Especial para la Paz (JEP). Así, a partir de una primera contextualización del fenómeno de reclutamiento forzado, se busca indagar sobre la caracterización que se ha hecho por parte de la JEP, y si esta jurisdicción ha contemplado, dentro de los patrones de reclutamiento, la capacidad de toma de decisiones que tienen los y las menores de edad, así como otros factores. De otra parte,

se retoman conceptos de “víctima ideal” desde los estudios de la victimología, y se analiza de qué forma se ha conceptualizado a los NNA como víctimas ideales, sin tener en cuenta su capacidad de agencia. Además, se hace una recopilación de lo que ha establecido la JEP en el marco del Caso 07 sobre reclutamiento forzado, y se exponen posturas de algunos integrantes de las FARC que se han hecho públicas sobre el tema.

<https://www.unisabana.edu.co/programas/unidades-academicas/facultad-de-estudios-juridicos-politicos-e-internacionales/anuario-dih/articulos-volumen-4/fenomeno-de-reclutamiento-y-utilizacion-de-ninos-ninas-y-adolescentes-en-colombia-por-parte-de-las-farc-ep>

Forcing their way out at sea : UMS in the law of naval warfare

Zhaoran Lin. - In: *Uncrewed vessels and international law.* - Leiden : Brill Nijhoff, 2024. - p. 47-80

This article deals with the interaction of unmanned maritime system (UMS) technology with a traditional yet underdeveloped branch of international law, the law of naval warfare. While naval powers are expected to force their ways to apply the new technology, they will seek to offer convincing legal reasons for using UMS in naval operations. UMS can be categorized into warships, auxiliaries or other military devices short of ships, and accordingly are entitled to different sets of rights in wartime. However, the revolutionary technology will also pose new challenges to traditional regimes that may lead to new practices and even rules. Under this framework, this article seeks to firstly discuss the military use of UMS from the perspective of the law of use of force; secondly, analyze the navigational and belligerent rights of belligerent UMS and the potential change of the legal regimes; and lastly explore the rights and obligations of neutral States under maritime neutrality law in regard of UMS in naval warfare.

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From “belligerent” to “organized armed group” : understanding the legal justification of the metamorphosis of the designation of non-state groups in a Common Article 3 conflict

Ayodele Ojedokun. In: *Fundamina : a journal of legal history*, vol. 31, no. 1, 2025, p. 103-122

The Geneva Conventions were negotiated at the diplomatic conference held in Geneva in 1949, making 2024 its seventy-fifth anniversary. The intentions of states at that time concerning the identification of a non-state party to an armed conflict not of an international character was for a non-state group to be identified as belligerent; however, in contemporary conflict situations, a non-state party is identified as an organised armed group. This contribution examines the metamorphosis of these terminologies in relation to the identification of a non-state party to a conflict by exploring the travaux préparatoires of the Geneva Conventions. Furthermore, to justify the shift in the interpretation of a non-state party as belligerent to organised armed groups, this study analyses the legal basis of this change from an historical perspective by examining whether an evolving intention was envisaged by the plenipotentiaries during the negotiation of the Conventions. And, finally, this contribution compares the original intention of the drafters of the Conventions with the contemporary interpretation in the application of the Common Article 3 in relation to the identification of non-state groups.

<https://heinonline.org/HOL/P?h=hein.journals/fundmna31&i=110> *

From the battle of Solferino of 1859 to the Geneva Conventions of 1949 : challenges and future prospects of international humanitarian law

International Institute of Humanitarian Law ; ed. Marco Pedrazzi ; associated ed. Edoardo Gimigliano. - Roma : Paesi Edizioni, 2025. - 286 p.

The 47th edition of the annual Sanremo Round Table on current issues of IHL was held in Sanremo and online from 12 to 13 September 2024. The flagship event of the Institute, jointly organized with the International Committee of the Red Cross, addressed the issue of “From the Battle of Solferino of 1859 to the Geneva Conventions of 1949: Challenges and Future Prospects of International Humanitarian Law”. The Round Table, with the participation of high-level international experts and practitioners, delved into the historical continuum from the Battle of Solferino to the codification of GCs in 1949, exploring the transformative journey of IHL between these key occurrences, fostering a deeper understanding of the development of IHL over time,

and acknowledging the importance of humanitarian principles to shape the landscape of modern conflict resolution and strengthen the protection of vulnerable populations.

<https://iihl.org/round-table/47th-round-table-on-current-issues-of-international-humanitarian-law/>

Die gegenüber ausländischen freiwilligen Streitkräften und Söldnern in der Ukraine anwendbaren Regeln des humanitären Völkerrechts

Jegor Eßlinger. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 8, H. 1-2, 2025, p. 74-88

Shortly after the start of the major Russian invasion of Ukraine, the President of Ukraine, Wolodymyr Zelensky, calls on foreign volunteers to defend Ukraine as part of the newly founded International Legion. However, the participation of foreign nationals in the war between Russia and Ukraine dates back to 2014. The warring parties often label foreign participants of the other side as mercenaries and their involvement is portrayed as particularly reprehensible. If they are captured, foreign nationals are regularly prosecuted and sometimes even abused. International humanitarian law provides a legal definition of the concept of mercenaries in Article 47 II AP I, which applies in the event of an international armed conflict. Based on specific foreign combat units, this article examines which rules of international humanitarian law apply to foreign fighters, whether the fighters indeed are mercenaries and how they are protected by international humanitarian law. [article in German]

<https://doi.org/10.35998/huv-2025-0006> *

The Geneva Conventions at 75 : an argument that new legal authority is needed to fill critical gaps

Sandra Hodgkinson. In: Case Western Reserve journal of international law, vol. 57, no. 1, 2025, p. 167-186

For seventy-five years, the Geneva Conventions have served as the gold standard of treatment for military forces that take part in hostilities. However, modern developments on the battlefield, including the rise of non-state actors in today's conflicts, have exposed gaps in the Geneva Conventions that require new legal authority. States should pursue avenues to fill these gaps with binding new legal authority, as well as continue the development of customary international law, and soft-law projects.

<https://scholarlycommons.law.case.edu/jil/vol57/iss1/8/>

Global initiative to galvanize political commitment to international humanitarian law : progress report

ICRC. - [Geneva] : [ICRC], 2025. - 74 p.

The Global Initiative to Galvanize Political Commitment to International Humanitarian Law was launched in September 2024 by Brazil, China, France, Jordan, Kazakhstan and South Africa, together with the International Committee of the Red Cross. In an age where the challenges to humanitarian norms are increasingly complex and evolving, the Initiative provides a timely platform for reaffirming a strong commitment to IHL and promoting concrete actions that uphold humanity in war. From April to June 2025, the six founding states, the 27 co-chairs and the ICRC organized the first round of consultations on the seven workstreams of the initiative. With around 130 states attending the discussions, this first round brought to light a wealth of good practices and concrete proposals to ensure better protection for all persons affected by wars. This progress report, drafted by the 27 co-chairs and the ICRC, captures these ideas and highlights elements that deserve further discussions among states.

<https://library.icrc.org/library/docs/DOC/icrc-4887-002.pdf>

“Grant him quickly to my longing eyes” : the evolution of the US common law of sepulchre and its potential utility in interpreting the protection of the dead under IHL

Thomas D. Holland. In: International review of the Red Cross, Vol. 107, no. 929, p. 568-591

The tradition of sepulchre, the recognition that a human body has intrinsic emotional and moral worth to those left behind after death and thus should be handled with dignity and respect, is

timeless and knows few cultural boundaries. Its basic tenets are codified in international humanitarian law (IHL) – but codification and interpretation are entirely different things. What does it mean to state that parties to a conflict should ensure that bodies are handled with “adequate care”? What constitutes adequate? What precisely does it mean that bodies should not be “despoiled”? US courts have wrestled with the rights of surviving family members – and the corresponding duties of society – for over 200 years and have slowly crafted a cohesive and comprehensive consensus body of law as it relates to sepulchre. This article presents some of the logic and rationale used by American jurists in the evolution of US common and statutory law controlling the management of the dead in the hope that it may provide some insight into the interpretation of IHL.

<https://library.icrc.org/library/docs/DOC/irrc-929-holland.pdf>

Hacia una convención para el uso de la inteligencia artificial y la robótica en los conflictos armados : una mirada desde los principios del DIH y la protección a la población civil

Camilo Alberto Vargas Cano, Juan Fernando Gil Osorio, Brajhan Santiago Obando Obando. In: Anuario iberoamericano sobre derecho internacional humanitario, vol. 4, 2023, p. 105-140

La intección de los instrumentos bélicos diseñados en la era posindustrial constituyen un reto para el derecho internacional humanitario (DIH). Los vertiginosos avances de tecnologías como la robótica y la inteligencia artificial han logrado la sofisticación de las armas de combate a tal dimensión que es posible crear robots para integrar los ejércitos, y es por eso que esta investigación pretende justificar los fines que debe tener el derecho de los conflictos armados en la era actual, con objetivos que deben estar orientados hacia una ingeniería jurídica dotada de principios, reglas y categorías epistemológicas útiles para evitar que los robots terminen por deshumanizar el conflicto armado y llevarnos a peores atrocidades históricas como las de la Primera y Segunda Guerra Mundial, hechos que justificaron que la comunidad internacional llegara a consensos éticos y jurídicos para limitar la conducta de los combatientes en el fragor de las hostilidades y salvaguardar a la población civil. La ruta metodológica que se siguió es la de la investigación cualitativa, descriptiva y de dogmática jurídica.

<https://www.unisabana.edu.co/programas/unidades-academicas/facultad-de-estudios-juridicos-politicos-e-internacionales/anuario-dih/articulos-volumen-4/hacia-una-convencion-para-el-uso-de-la-inteligencia-artificial-y-la-robotica-en-los-conflictos-armados>

Human/machine(-learning) interactions, human agency and the international humanitarian law proportionality standard

Taylor Kate Woodcock. In: Global society, vol. 38, no. 1, 2024, p. 100-121

Developments in machine learning prompt questions about algorithmic decision-support systems (DSS) in warfare. This article explores how the use of these technologies impact practices of legal reasoning in military targeting. International Humanitarian Law (IHL) requires assessment of the proportionality of attacks, namely whether the expected incidental harm to civilians and civilian objects is excessive compared to the anticipated military advantage. Situating human agency in this practice of legal reasoning, this article considers whether the interaction between commanders (and the teams that support them) and algorithmic DSS for proportionality assessments alter this practice and displace the exercise of human agency. As DSS that purport to provide recommendations on proportionality generate output in a manner substantively different to proportionality assessments, these systems are not fit for purpose. Moreover, legal reasoning may be shaped by DSS that provide intelligence information due to the limits of reliability, biases and opacity characteristic of machine learning.

<https://doi.org/10.1080/13600826.2023.2267592>

The human rights obligations of belligerent occupiers : Israel and the Gazan population

Ilias Bantekas, Safaa S. Jaber. In: Journal of conflict and security law, vol. 30, no. 1, Spring 2025, p. 103-120

Following the Israeli disengagement from the Gaza Strip in 2005, the Israeli government declared that it was no longer an occupant. Even so, it redeployed its forces throughout the Strip’s external

border, with entry and exit therefrom being wholly controlled by Israel's Defense Forces. In 2024, the International Court of Justice issued an Advisory Opinion whereby it declared, among others, that Gaza, the West Bank, and East Jerusalem have been under continuous belligerent occupation that was moreover illegal. The Advisory Opinion thus confirmed that, despite Israeli statements to the contrary, it continues to be the occupying power of Gaza due to its effective control, notwithstanding physical military presence. As an occupant asserting effective control over Gaza, in addition to having an obligation to provide humanitarian guarantees under international humanitarian law to the civilian population in Gaza, Israel has a duty to provide fundamental human rights (HR) under international human rights law. Even if Israel were not considered an occupant of the territory, the amount of Israeli control over the Strip would certainly trigger the extraterritorial application of HR treaties and the full gamut of cascading obligations inherent therein.

<https://doi.org/10.1093/jcsl/krae018>

A humanitarian critique of international humanitarian law

Kailash Jeenger. – Singapore : Springer Nature Singapore, 2025. - XVII, 211 p.

This book offers a critical assessment of international humanitarian law by employing mainly the Third World Approaches to International Law (TWAIL), which encompass the critical, Marxist, gender, critical race and post-colonial theories. The book contains a materialist account of the historical development of the law in order to investigate its problematic foundations and reveal how the imperialist and capitalist tendencies shaped the content of this law. It discusses the history of exclusion of the Third World from the negotiations and application of the law. It underscores how the law helped the colonizers maintain their domination. The book also engages deeply with the negotiating history of the 1949 Geneva Conventions and the 1977 Protocols in order to understand the perspectives of the Third World and the dominating nations. It further examines critically the rules and principles of international humanitarian law in order to inquire into their real character and see to what extent they fulfil the humanitarian goals, especially when this body of law is glorified and marketed in the name of International Humanitarian Law. The critical analysis of the rules and principles highlights the gaps in the protection of victims of armed conflict and exposes their vague and unworkable language that often facilitates and legitimates violence. The book, thus, questions and challenges the humanitarian face of international humanitarian law.

<https://doi.org/10.1007/978-981-96-8319-2> *

Implementation and interpretation of the definitions of international crimes in the national jurisdiction of Ukraine

Andriy Kosylo, Anastasiia Dmytriv. In: Polish yearbook of international law, vol. 43 (2023), p. 353-365

The article consists of two parts, the first of which discusses the problems associated with implementing the provisions of international law in the Ukrainian legal system regarding the understanding of the concept of “international crimes”. It underscores that the different definitions are due to the fact that Ukraine is not a party to the Rome Statute. However, it should be noted that most provisions of international law regarding international crimes regarding war crimes, the crime of aggression and the crime of genocide are part of the Ukrainian legal system. At the same time, there are no crimes against humanity in Ukrainian national criminal law. The second part addresses the issues regarding Ukrainian courts' interpretation of the national criminal law and international treaties on international crimes: interpreting the provisions of United Nations acts and the Rome Statute, applying the principle of “*nullum crimen sine lege*” in the context of prosecuting the crime of Holodomor, interpreting the provisions of the European Convention on Human Rights in connection with the use of trial in absentia in the case of Russian war criminals and interpreting provisions regarding universal jurisdiction in Ukrainian law.

<https://doi.org/10.24425/pyil.2024.152307>

Inherited obstruction : the complaint procedure under the Biological Weapons Convention and the UN Charter rule on obligatory abstention in the Security Council

Elisabeth Hoffberger-Pippan, Christian Pippan. In: *Journal of conflict and security law*, vol. 30, no. 1, Spring 2025, p. 121-138

In November 2022, the UN Security Council rejected a draft resolution, tabled by Russia, which sought to initiate an investigation into allegations of purported non-compliance by the US and Ukraine with their obligations under the Biological Weapons Convention (BWC). Using this episode as a point of departure, the present article takes a closer look at the BWC's complaint procedure and the role allocated therein to the Security Council. The piece commences with a detailed account of Russia's first-ever invocation of Article VI BWC, followed by an examination of the normative interplay between the Convention's complaint mechanism and Chapter VI of the UN Charter. The article then turns to the 'obligatory abstention rule' enshrined in Article 27(3) of the UN Charter and its potential to address the concern that the BWC's complaint procedure is de facto a dead-end for complaints against a permanent member of the Security Council. The analysis suggests that while greater adherence to the obligatory abstention rule by the Council could potentially enhance the fairness and effectiveness of the BWC's complaint mechanism (particularly at the fact-finding stage), too much hope should not be placed in a possible reactivation of the rule. The inherent limitations of the rule, coupled with ambiguous procedures for determining its application in a particular case, ultimately leave ample room for the P5 to keep their sacrosanct veto power intact.

<https://doi.org/10.1093/jcsl/krafo01>

Inter-war interactions in the development of the protection of civilians : a historical perspective

Sarina Landefeld. In: *Legal studies*, Vol. 45, no. 3, September 2025, p. 319-336

According to the dominant narrative in international humanitarian law, the 1949 Geneva Convention on Civilians is part of the discipline's humanitarian progress, driven by the International Committee of the Red Cross, in response to atrocities committed during World War II. This paper argues that historical research enables a more nuanced historical account which challenges when, how and by whom the protection of civilians was developed. It demonstrates that the Convention's protection regime was shaped by the efforts of a variety of non-state actors during the inter-war years. In particular, it focuses on attempts by the International Committee of the Red Cross, International Law Association and International Committee of Military Medicine and Pharmacy to advance the law independently and in cooperation in relation to 'enemy civilians' and safety zones after World War I. However, it suggests that these actors were to some extent inhibited by conceptual limitations and self-restraint, which ultimately led to some of the weaknesses in the protection regime under the 1949 'Civilian Convention'. The paper thus reveals the struggle over the conceptualisation of individuals who are today considered civilians in the inter-war years which is embedded in the text of the adopted treaty.

<https://doi.org/10.1017/lst.2025.10080>

The International Criminal Court and Türkiye : overcoming accession concerns and exploring shared benefits

Şehmus Kurtuluş. - Abingdon, New York : Routledge, 2026. - XV, 153 p.

The establishment of the International Criminal Court (ICC) is a landmark development in the field of international criminal law, marking a significant step forward in the pursuit of global justice. Having gained the recognition of 125 states, the ICC stands as the world's first and only permanent international tribunal capable of trying individuals for the gravest crimes of international concern. This book provides a comprehensive analysis of the challenges and opportunities associated with becoming a member of the ICC, using Türkiye as a case study to explore broader issues relevant to other states that have not yet joined the Court. It argues that the concerns behind Türkiye's reluctance to sign the founding treaty of the ICC are not substantial enough to justify avoiding the Court's jurisdiction and that non-accession does not guarantee immunity from ICC oversight. While primarily focused on Türkiye, the book offers insights that could inform the decisions of other non-signatory states, particularly those with similar

reservations about the Court. It demonstrates that the advantages Türkiye stands to gain by joining the ICC are largely applicable to other non-signatory states as well. Through this analysis, the book underscores the ICC's critical role as a global institution and its invaluable contribution to advancing international criminal justice. Presenting a valuable overview of the world's first and only permanent international criminal court, the work will be a valuable resource for academics, researchers and policymakers working in the fields of International Law and International Relations.

International humanitarian law and hybrid warfare

Piotr Łubiński. - Abingdon, New York : Routledge, 2025. - XIII, 272 p.

This groundbreaking monograph offers a comprehensive legal and conceptual analysis of hybrid warfare and hybrid threats—two evolving challenges that blur the boundaries between war and peace. Drawing from international law, political science, and security studies, the book explores how states and non-state actors exploit legal, informational, and cyber tools to undermine adversaries without crossing the threshold of conventional warfare. With in-depth case studies and a critical review of doctrines from NATO, the EU, China, and Russia, the author maps the conceptual thresholds that distinguish hybrid threats from hybrid warfare. The book introduces “hybrid legality” as a framework to understand how international humanitarian law, human rights law, and sovereignty norms are manipulated in modern conflicts. Emphasizing the risks of conceptual ambiguity, it warns against the overuse of terms like “hybrid war” and “hybrid attack,” which may lead to alarm fatigue and legal confusion. Instead, it argues for precision and interdisciplinary insight to confront these threats effectively. With a unique focus on legal thresholds and norms, the volume is essential reading for scholars, policymakers, and practitioners navigating today's increasingly multipolar and legally ambiguous security environment.

International humanitarian law and peace : a brief overview

Cordula Droege. In: International review of the Red Cross, Vol. 106, no. 927, 2024, p. 989-1001

International humanitarian law (IHL), also known as the law of armed conflict, seeks to limit the humanitarian impact of war by regulating the conduct of hostilities and protecting those not or no longer participating in combat. IHL does not prevent war, nor is that its role. IHL is only one part of the fabric of international law, other parts of which (*jus ad bellum*) govern the legality of war itself. However, IHL plays an essential role in mitigating suffering and fostering conditions that may facilitate a return to peace. This article examines the long-standing debate over whether IHL inadvertently legitimizes war or whether it can actually contribute, indirectly, to peace by imposing humanitarian constraints on conflict. It explores how adherence to IHL can preserve human dignity and support post-conflict reconciliation. Ultimately, while IHL does not prevent war, its strict application helps to reduce war's brutality and create pathways for sustainable peace.

<https://library.icrc.org/library/docs/DOC/irrc-927-droege.pdf>

International humanitarian law and the growing involvement of civilians in cyber operations and other digital activities during armed conflict : report of a research and expert consultation project of the joint initiative on the digitalization of armed conflict

drafted by Anna Greipl, Samit D'Cunha, Tilman Rodenhäuser, Laurent Gisel, Marco Roscini. - Geneva : ICRC, October 2025. - 23 p.

With the rapid digitalization of our world and the way in which wars are fought, the involvement of civilians in armed conflicts can take new forms, become easier for civilians, and the related risks reach a new scale. As part of a joint initiative, entitled ‘Digitalization of Conflict: Humanitarian Impact and Legal Protection’, by the International Committee of the Red Cross (ICRC) and the Swiss Chair of International Humanitarian Law (IHL) at the Geneva Academy of International Humanitarian Law and Human Rights, conducted an in-depth research and consulted experts, including in an experts’ meeting hosted in Geneva, in an effort to explore and clarify how IHL addresses the involvement of civilians in cyber and other digital activities during armed conflicts, with a view to limiting the human cost of this worrying trend. This report

concludes that conducting cyber and other digital activities in the context of armed conflicts exposes civilians to a significant risk of harm. It discusses specific legal questions that arise as a result of such activities and presents how respect for IHL can play an important role in avoiding or minimizing those risks. The report focuses on the activities of individuals, hacker groups, and private technology companies.

<https://library.icrc.org/library/docs/DOC/icrc-4895-002.pdf>

International humanitarian law in India : a handbook

Sanoj Rajan. - St. Paul, MN : Thomson Reuters, 2021. - CXXXII, 2057 p.

International Humanitarian Law in India: A Handbook is a one-stop tool for practitioners, scholars and researchers working on issues related to International Humanitarian Law (IHL) in India. It is a valuable reference for national and global policymakers, military authorities, the International Committee of the Red Cross (ICRC), international organizations including the United Nations, NGOs, academicians and students for varied purposes. A comprehensive study of the IHL practices in India, along with a detailed analysis of case laws and legislation, the book is a significant addition to the literature on IHL, especially in an Indian context. It makes a sound addition to the ongoing IHL dissemination efforts in India and neighbouring regions. International Humanitarian Law in India provides a simple but exhaustive introduction to and overview of IHL ensuring that all major areas are thoroughly covered. It presents a historical context of India's complex relationship with IHL from ancient times through present-day implementation detailing relevant legislations. The book includes a summary of cases decided by Indian courts with clear relevance to IHL. Finally, it seeks to comprehend the IHL practices in India sourced from the Customary International Humanitarian Law Study published by the ICRC. The book also has a compendium of IHL resources— the IHL conventions India has ratified, Indian legislation relating to IHL and case laws referring to IHL decided by Indian courts—which serve as an easy reference for the readers.

International humanitarian law in Latin America : the role of truth commissions

Elizabeth Salmón. - In: Latin American international law in the twenty-first century. - Oxford : Oxford University Press, 2025. - p. 291-307

This chapter focuses on the contributions of truth commissions in Latin America to the classification of situations of violence as non-international armed conflicts and to the application of international humanitarian law. In particular, the author highlights that, although Latin America has experienced various armed conflicts in the twentieth century, states have been reluctant to recognize the existence of an armed conflict in their territory. In the absence of official recognition, the reports and conclusions of Truth Commissions have qualified certain contexts as non-international armed conflicts and have analyzed potential violations of international humanitarian law. In this sense, this chapter studies the cases of the truth commissions established in Argentina, Chile, El Salvador, Guatemala, Peru, and Colombia.

<https://doi.org/10.1093/9780197754016.003.0018> *

International humanitarian law, jus post bellum and transformative justice

Wendy Lambourne. In: International review of the Red Cross, Vol. 106, no. 927, 2024, p. 1264-1286

This article argues that IHL, as it was developed to regulate the conduct of war (*jus in bello*) as a means of preventing unnecessary suffering, should be considered as separate yet integrally linked to the pursuit of international criminal justice as part of transitional justice in the context of *jus post bellum*, defined as “the set of norms applicable at the end of armed conflict ... with a view to establishing a sustainable peace”. The article analyzes existing scholarship and emerging ideas about the relatively old yet underdeveloped concept of *jus post bellum*, and what this concept means in practice since the rapid increase in international interventions in peacebuilding and transitional justice in non-international armed conflicts. Applying the author's theory of transformative justice along with *jus post bellum* principles to the case study example of Cambodia, the paper discusses the complexities, uncertainties and apparent contradictions of establishing a “just peace” that builds on, yet goes beyond, the intersecting norms and practices of IHL and ICL. The article concludes by proposing the need for a radical reconceptualization of

jus post bellum in order to support a more sustainable, transformative and emancipatory peacebuilding agenda.

<https://library.icrc.org/library/docs/DOC/irrc-927-lambourne.pdf>

International law after the Ukraine war

Ed. by Jennifer Giblin, Olena Chub, Patrick Butchard, Oksana Senatorova. - Abingdon, New York : Routledge, 2026. - XIII, 230 p.

Russia's 2022 invasion of Ukraine was a defining moment for international law and its ability to maintain international peace and security. This book highlights the principles, methods and systems in place to regulate peaceful relations between states, and the implications the war in Ukraine has had on their relevance in the changing geopolitical world. Bringing together leading experts on international law, including key Ukrainian voices, the book explores the strengths and weaknesses in international law which have been exposed by Russia's invasion. The UN has stated that the war has catastrophic effects for international security and human rights. The book explores these statements, drawing on varied aspects of international law to determine lessons to be learned from the Ukraine conflict. It also explores how international law has had to adapt to tackle the challenges which have arisen. The book asks, has the conflict challenged the theory and fundamental values of international law? Have there been any new legal developments, prompted by the war, which could be applied to future conflicts? Through these timely questions, the book re-evaluates the changing landscape of international law.

<https://doi.org/10.4324/9781032684635>

The international law of intelligence sharing during military operations

Marko Milanovic. - In: Research handbook on intelligence and international law. - Cheltenham ; Northampton : Edward Elgar, 2025. - p. 111-133

Intelligence sharing is indispensable to modern coalition warfare, but also in numerous other contexts, for example, peacetime counterterrorism. An excellent recent example demonstrating the importance of intelligence sharing to contemporary conflicts is the massive provision of intelligence by Western allies to Ukraine to assist in its resistance against the Russian invasion. There are also many other examples. This chapter examines the following international legal issues raised by intelligence sharing during military operations: first, whether the sharing of intelligence by a state with another state or a non-state actor engaged in an armed conflict with a third party can make the sharing state a party to the armed conflict; second, when intelligence sharing can be internationally wrongful based on rules that may prohibit the sharing of intelligence as such, including the prohibition on the use of force, the principle of non-intervention, the requirements of neutrality, and international human rights law; and finally, state responsibility for complicity, whereby the sharing of intelligence becomes internationally wrongful because it facilitates the wrongful conduct of a third party.

The international response to the humanitarian crisis in Syria : a socio legal critique

Caroline Sweeney. In: Journal of international humanitarian legal studies, vol. 16, issue 1, May 2025, p. 98-171

This article examines the international response to the humanitarian crisis in Syria from a socio-legal perspective. Some UN agencies were accused of contravening their humanitarian principles by being overly deferential to the Syrian government. Yet, they operated in a very difficult environment. The Assad regime exploited the sovereignty principle under international law to dominate the humanitarian response so as to reinforce its resilience. Power realities rendered the ideal of maintaining humanitarian operations separate from politics impossible to achieve. However, even accounting for legal and operational challenges, there were significant shortcomings. Donors, UN agencies and international NGOs failed to maximise their leverage by negotiating collectively on access. Some remote management mechanisms exposed Syrian partners to disproportionate risks. This article argues that a comprehensive knowledge of the local and geopolitical context, and a more unified approach, would have helped humanitarian organisations to more effectively identify and mitigate relevant risks from the outset. It finds that donors may have been reluctant to fully and publicly grapple with the problematic aspects of the humanitarian response because aid served as a substitute for the international community's

failure to progress a political solution. It identifies challenges, risks and opportunities for humanitarian operations in the post-Assad context.

<https://doi.org/10.1163/18781527-bja10115> *

Is international law adequate to regulate underwater unmanned vehicles (UUVs)? : legal challenges beyond the 2016 U.S.-China UUV incident

Dan Liu. - In: *Uncrewed vessels and international law.* - Leiden : Brill Nijhoff, 2024. - p. 172-205

In recent years, there has been a trend that countries deploy unmanned underwater vehicles (UUVs) in the ocean. The 2016 “China–U.S. UUV incident” in the South China Sea caught global attention. Accordingly, emerging issues such as the legal status of UUVs, the navigation rights of UUVs, and the application of rules of international humanitarian law in offensive UUVs are becoming controversial and disputable in international law. The legal status of UUV is the basis for the follow-up discussion of other issues. By examining the application of military UUV in the so-called ‘underwater law fare’ from the angle of the law of the sea and international humanitarian law, this paper argues that the UUV appears to have multiple statuses. However, the potentially widespread use of UUV in the ocean also inevitably poses a number of challenges to international law.

https://doi.org/10.1163/9789004706279_008 *

Jus post bellum : scope and assessment of the applicable legal framework

Noël Mfuranzima. In: *International review of the Red Cross*, Vol. 106, no. 927, 2024, p. 1250-1263

This article aims to highlight the importance of determining the temporal scope of the transition from armed conflict to peace. It will also consider the emergence of a new legal paradigm, jus post bellum, applicable to the post-conflict period, and the associated need for an appropriate regulatory framework. Given the unavoidable impact of armed conflict, the post-conflict period deserves particular attention, especially with regard to the need for a legal framework to facilitate the sustainable reconstruction of communities torn apart by conflict and ensure a lasting peace. After any kind of armed conflict, a solid legal framework is essential to finalize the end of hostilities, begin a sustainable peace process, build a united society and address the rifts caused by armed violence.

<https://library.icrc.org/library/docs/DOC/irrc-927-mfuranzima.pdf>

Killing machines : Trump, the law of war, and the future of military impunity

Thomas Gift. - Cambridge [etc.] : Cambridge University Press, November 2025. - X, 271 p.

What causes a Western democratic leader to stop even feigning to value the law of war? Unlike past US presidents, who at least paid lip service to the law of armed conflict, Donald Trump has openly flouted it: pardoning war criminals; denigrating the Geneva Conventions; praising torture; and discarding military norms of restraint. This gripping account depicts how Trump has upended assumptions about America’s outward commitment to the law of war, exposing the conditions that make such defiance possible. Drawing on in-depth case studies and original survey analysis, Thomas Gift explains how Trump has relied on right-wing media and allies in Congress to attack the law of war – not in the shadows, but in broad daylight. *Killing Machines* cautions that Trump’s approach is not an aberration – it’s a playbook other leaders could follow.

<https://doi.org/10.1017/9781009675901>

The law and politics of belligerent occupation : the case of the West Bank

David Kretzmer. - Baden-Baden : Nomos, 2025. - 163 p.

In recent years, scholarship on the law of belligerent occupation has grown, despite few occupiers recognizing its applicability. Powers often deny occupation, claim sovereignty, or justify actions by regime change, protection, or invitation. Israel’s occupation of territories seized in 1967 is a rare case acknowledged internationally. The UN and ICJ criticize Israel’s policies as violating international law. This study examines how Israeli authorities navigated legal frameworks to

serve political aims, showing how legal tools were bent and courts avoided judgments—raising critical questions about the role of law and lawyers in modern occupation.

The law of the sea and the law of naval warfare : comfortable intersection or irreconcilable conflict ?

David Letts. - In: The United Nations Convention on the law of the sea : a system of regulation. - Abingdon : Routledge, 2024. - p. 63-81

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides a comprehensive codification of the law of the sea. However, in terms of being a system of regulation for the world's ocean spaces, UNCLOS is only partially successful; there are many aspects of law that relate to the world's oceans that are not addressed by UNCLOS. One of these areas is the law of naval warfare, which is a specialised part of the law of armed conflict that regulates the manner in which armed conflict at sea takes place. This chapter examines commonalities between the law of naval warfare and UNCLOS and areas where the two legal regimes are undeniably separate. The relevance of UNCLOS and its applicability as a system of regulation in relation to the law of naval warfare will be considered through a select number of examples.

<https://www.taylorfrancis.com/chapters/edit/10.4324/9781003131182-6/law-sea-law-naval-warfare-david-letts> *

The laws of yesterday's wars 4 : from Mesopotamia to Somalia

Edited by Samuel White. - Leiden ; Boston : Brill Nijhoff, 2026. - XII ; 243 p.

How international is international humanitarian law? The Laws of Yesterday's Wars 4: From Mesopotamia to Somalia, together with its companion volumes, attempts to answer that question. It offers a culture-by-culture account of various unique restrictions placed on warfare over time. Containing essays by a range of laws of war academics and practitioners, it approaches the laws of yesterday's wars from a wide cross-section of history and culture, seeking to find any common ground and to demonstrate a history of international law outside the usual confines of its 'development' by Europeans and its later 'contributions.' This volume includes studies on Egyptian, Jewish and Somali rules of war.

Law's politics: The Cyprus troubles, 1960-1968

Nadia Kornioti. - Cham : Palgrave Macmillan, 2025. - XXI, 283 p.

The book concerns the internal armed violence between the ethnically Greek and Turkish communities of the Republic of Cyprus, within eight years from the Republic's establishment in 1960. It therefore precedes the more broadly known events surrounding the Turkish invasion of 1974, and the resulting division since. Inspiration for the research and the book was drawn from theoretical debates in Public International Law on the relationship between law and politics in critical legal studies, enriched with insights from the Third World Approaches to International Law (TWAIL) movement, in the context of the island's colonial and post-colonial past. The book has benefited from previously unpublished archival material – most notably, the archive of the International Committee of the Red Cross in Geneva – and secondary literature on this period in History and the Social Sciences. The book examines inter-ethnic violence in Cyprus also as a case study of the multiple dimensions and actors playing a role in non-international armed conflicts, by turning the spotlight on internal legal and political developments, thus, removing the spotlight away from the usual focus on international diplomatic power-struggles relevant to this conflict.

Legal reviews of in situ learning in autonomous weapons

Tim McFarland, Zena Assaad. In: Ethics and information technology, vol. 25, 2023, 10 p.

A legal obligation to conduct weapons reviews is a means by which the international community can ensure that States assess whether the use of new types of weapons in armed conflict would raise humanitarian concerns. The use of artificial intelligence in weapon systems greatly complicates the process of conducting reviews, particularly where a weapon system is capable of continuing to 'learn' on its own after being deployed on the battlefield. This paper surveys current understandings of the weapons review challenges presented by in situ learning and outlines some concepts which may inform appropriate changes to existing weapons review processes. The main arguments made are that: a distinction should be drawn between learning capabilities that are

limited to optimising existing behaviour and capabilities that extend to acquiring new behaviours; and the extent of a weapon system's learning capabilities should be used as the basis for defining a schedule of weapons reviews.

<https://doi.org/10.1007/s10676-023-09688-9>

Lessons to learn ? : using the Inter-American Court of Human Rights' jurisprudence on amnesties and pardons in the context of the Russo-Ukrainian War

Sergii Masol and Juan-Pablo Perez-Leon-Acevedo. In: *Leiden journal of international law*, vol. 38, issue 2, June 2025, p. 361-387

The standards of the Inter-American Court of Human Rights on amnesties and pardons in mass atrocity cases have been influential in Latin America and beyond. In turn, discussions about possible transitional justice mechanisms related to the Russo-Ukrainian war have involved issues of amnesty and pardon. However, the dicta of the Inter-American Court of Human Rights do not formally bind Ukraine and Russia. By connecting the two (semi-)peripheries of international law – namely, Latin America and Eastern Europe – the present article examines whether and to what extent the jurisprudence in question can shed light on legal and policy solutions for addressing the amnesty and pardon challenges posed by the Minsk agreements, domestic developments in Ukraine and Russia, and a potential future peace accord.

<https://doi.org/10.1017/S0922156524000335>

Límites de la doctrina del Ejército Nacional de Colombia en la integración del derecho internacional a las operaciones militares

Jean Carlo Mejía Azuero, Kelly Chaib De Mares. In: *Anuario iberoamericano sobre derecho internacional humanitario*, vol. 4, 2023, p. 213-245

Tanto expertos académicos en el derecho internacional de los conflictos armados, en su definición clásica, como el personal militar de las Fuerzas Armadas de Colombia, tienen plena claridad sobre la importancia de integrar la normatividad internacional en su doctrina, a fin de simplificarla, contextualizarla y garantizar su efectivo cumplimiento. Para el efecto, el Ejército Nacional emite documentos de diversos niveles de obligatoriedad que constituyen doctrina militar. Sin embargo, se presentan casos de funcionarios judiciales y disciplinarios que tienen la percepción de que tales documentos son meros instrumentos para salvar la responsabilidad institucional. Ante este escenario se ha realizado un análisis sobre la forma como el Ejército de Colombia integra las normas del derecho internacional humanitario (DIH, DICA, en su antigua acepción) y del derecho internacional de los derechos humanos (DIDH), encontrando importantes avances en el desarrollo de elementos que previenen al personal militar de cometer infracciones, como ha sido el diseño del derecho operacional. Este estudio además ha identificado los límites de tales iniciativas al exterior de la institución castrense, como la seguridad jurídica que la doctrina militar no puede garantizar.

<https://www.unisabana.edu.co/programas/unidades-academicas/facultad-de-estudios-juridicos-politicos-e-internacionales/anuario-dih/articulos-volumen-4/limites-de-la-doctrina-del-ejercito-nacional-de-colombia>

Litigating and enforcing international humanitarian law before German courts : public interest litigation via individual rights as a vehicle for access to justice in situations of armed conflict

Vera Strobel. In: *Netherlands international law review*, vol. 71, issue 3, December 2024, p. 483-510

Amidst global armed conflicts, the importance of International Humanitarian Law (IHL) is notably high. Unlike human rights, IHL does not grant individuals direct rights, but modifies individual rights, like the right to life, during armed conflict. Key principles of IHL include distinction and proportionality to limit civilian casualties. However, IHL lacks effective enforcement mechanisms. Public interest litigation offers a potential avenue for enforcing IHL through individual rights-based approaches with the potential to impact domestic and international law. Recent public interest cases range from climate change, digital rights, and corporate responsibility to refugee and human rights cases, often incorporating international law

arguments. Resorting to (international) criminal law in the case of war crimes is an established public interest approach. Yet, recently, public interest litigation alleging violations of IHL before administrative, constitutional, and human rights courts has established itself as a novel approach. Scrutinizing such landmark decisions, particularly those involving IHL, provides insights into the approaches and potentials of public interest litigation. This contribution analyzes examples of public interest litigation seeking compliance with IHL in arms export, drone strike and air strike cases to illustrate the procedural avenues, legal arguments, and socio-political implications. The analysis offers a critical evaluation of the potential and challenges of public interest litigation in shaping domestic and international law and practice, especially concerning IHL.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/62760.pdf> *

Living up to obligations through the International Red Cross ? A critique of states' attempts to shift obligations when addressing missing persons

Grazyna Baranowska and Nasia Hadjigeorgiou. In: *Leiden journal of international law*, Vol. 38, no. 4, December 2025, p. 933-955

The article identifies and explains a phenomenon whereby states attempt to shift their responsibility in relation to missing persons and their families to the International Red Cross. This has dual effect: firstly, it leads to rightlessness of the missing and their families, and secondly, it diminishes the obligations of the states, which are the duty bearers. The attempted shift does not, however, lead to the International Red Cross becoming a duty bearer, despite undertaking crucial actions in the analyzed area. Two case studies, relating to two distinct types of missing persons, are used to illustrate the phenomenon: persons who disappeared during the conflict in Cyprus between 1963 and 1974, and migrants going missing in the Mediterranean.

<https://doi.org/10.1017/S0922156525100496>

Making exceptions not exceptional : humanitarian exemptions in sanctions regimes under international and EU law

Katarzyna Urszula Galka. In: *International community law review*, vol. 27, no. 4-5, 2025, p. 335-371

There are various reactions that the international community takes towards armed conflicts. Some of them are restrictive ones (different types of sanctions), others take the form of positive action predominantly aimed at life-saving and protection of human beings, their inherent dignity in times of such an emergency (humanitarian aid). While grounded in different legal and policy objectives, these responses frequently operate in parallel, giving rise to tensions and conflicts between them. The present article explores the law and practice concerning the “humanitarian exemptions” – the legal mechanisms aimed to avoid possible negative impact on humanitarian aid that sanction regimes may have, by enabling otherwise restricted actions to be carried out. First, international law and practice will be examined, with a special focus on the UN SC resolution 2664 (2022), which is considered as a breaking point for this issue and which finally introduce humanitarian considerations into the sanction regimes. Next, against this background law and practice of the European Union regarding “humanitarian exemptions” will be analysed.

<https://doi.org/10.1163/18719732-bja10154> *

Maritime warfare in old regime Europe

Stefano Cattelan. - In: *International law in early modern Europe.* - Cambridge : Cambridge University Press, 2025. - p. 551-587

This chapter offers a discussion on the laws of war, or *jus in bello*, as the previous one. However, it provides an exclusive focus on maritime warfare. Old Regime Europe was marked by the expansion of permanent state battlefleets and the strengthening of naval administrations. At the same time, a complementarity between public and private forms of maritime warfare, notably privateering, persisted as one of the defining aspects of naval warfare. The chapter deals with the specificity of waging war at sea and related legal issues. It draws both from state-military practice and from the specialised legal literature that started to appear at the time. Subjects which are covered include the main rules of naval warfare, privateering, the treatment of prisoners of war, the bombardment of coastal cities, prize law and the role of admiralty courts. Particular attention is devoted to the issue of maritime neutrality. Indeed, the recurrent tension between the

respective rights and duties of neutrals and belligerents assumed great relevance in this period, being often dealt with in international treaties and legal scholars' treatises.

Model of a military autonomous device following international humanitarian law

Tomasz Zurek, Jonathan Kwik, Tom van Engers. In: Ethics and information technology, vol. 25, 2023, 12 p.

In this paper we introduce a computational control framework that can keep AI-driven military autonomous devices operating within the boundaries set by applicable rules of International Humanitarian Law (IHL) related to targeting. We discuss the necessary legal tests and variables, and introduce the structure of a hypothetical IHL-compliant targeting system.

<https://doi.org/10.1007/s10676-023-09682-1>

Les moyens justifient-ils la faim ? : analyse de la légalité du siège au regard de l'interdiction de la famine comme méthode de guerre contre les civils et du principe de proportionnalité

par Claire Bertouille. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 56, 2023/1-2, p. 453-489

Cet article cherche à démontrer que, selon la pratique des États, le siège n'est pas intrinsèquement illégal en raison de l'interdiction de la famine comme méthode de guerre contre les civils. En effet, cette dernière nécessite que les forces assiégeantes agissent avec l'intention d'affamer les populations et dès lors, le siège d'une ville mené en raison d'un objectif militaire reste licite. Une telle intention peut ressortir de la violation de certaines règles de droit international humanitaire (I). Toutefois, il existe une tendance émergente selon laquelle le siège serait soumis au principe de proportionnalité. Par conséquent, un siège devrait être levé s'il est attendu qu'il cause des dommages aux personnes et aux biens civils qui seraient excessifs par rapport à l'avantage militaire concret et direct attendu (II).

<https://heinonline.org/HOL/P?h=hein.journals/belgeint56&i=453> *

Le mythe de la qualification objective des conflits armés : réflexions à propos de « La Conférence diplomatique sur la réaffirmation et le développement du droit international humanitaire et les guerres de libération nationale » (R.B.D.I., 1976/1)

par Vaïos Koutroulis. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 56, 2023/1-2, p. 275-289

Dans le cadre d'un numéro de la Revue belge de droit international en hommage à Jean Salmon, Vaïos Koutroulis se penche sur un des articles de ce dernier sur la Conférence diplomatique sur la réaffirmation et le développement du droit international humanitaire applicable dans les conflits armés (1974-1977). Dans cet article paru en 1976, Jean Salmon s'intéressait aux guerres de libération nationale et aux règles du droit des conflits armés qui devaient régir ce type de conflits. La contribution de Vaïos Koutroulis expose brièvement le contenu de l'article en question, puis s'attarde sur le regard critique adopté par Jean Salmon quant aux positions liées au caractère objectif de la qualification des conflits armés qui étaient avancées lors de la conférence diplomatique.

<https://heinonline.org/HOL/P?h=hein.journals/belgeint56&i=275> *

Neutrality, non-belligerency, belligerency : the status of states assisting Ukraine in the international armed conflict between Ukraine and Russia

Agata Kleczkowska. - In: Legal perspectives on the Russia-Ukraine war. - Abingdon, New York : Routledge, 2025. - p. 17-38

The chapter aims to investigate whether the scope of the military assistance delivered to Ukraine affects the status of states providing such help in the international armed conflict with Russia. The first part of the chapter briefly discusses the scale and types of military assistance delivered to Ukraine. The second part is focused on analysing the law of neutrality and examining whether international law regulates the status of the so-called "non-belligerency". Bearing in mind these

findings, the final part seeks to answer the question of the status of states helping Ukraine in the armed conflict with Russia.

<http://dx.doi.org/10.4324/9781003642220-4>

A new era for the OSCE Moscow Mechanism following the 2022 invasion of Ukraine

Veronika Bilková and Elina Steinerte. In: *International and comparative law quarterly* Vol. 74, part 2, April 2025, p. 485-501

This article provides a critical examination of the Moscow Mechanism, a rapid-response tool within the Organization for Security and Co-operation in Europe. Originally established in 1991 and rarely invoked during its first three decades of existence, the Mechanism has experienced a reinvigoration since Russia's full-scale invasion of Ukraine in 2022, having been triggered six times, four of which were in response to alleged violations of international humanitarian law and international human rights law during the conflict. Drawing on the authors' experience as experts in these four missions, the article offers a historical overview, explains the Mechanism's procedural dynamics and assesses its unique features. Through a comprehensive analysis of its repeated use in respect of Ukraine, the article highlights both the strengths and limitations of the Moscow Mechanism, ultimately arguing that recent developments have revealed its full potential as an instrument for advancing international justice and accountability.

<https://doi.org/10.1017/S0020589325100754>

New treaty law on autonomous weapons ? : an opportunity to reframe the discourse

Laurie R. Blank. In: *Case Western Reserve journal of international law*, vol. 57, issue 1, 2025, p. 223-253

Calls for a new treaty for autonomous weapons—or for any other new technology—stem from a concern at the most basic level: the concern that LOAC's existing treaties are not sufficient to fulfill their core purposes of protecting civilians and other vulnerable persons and regulating the conduct of hostilities. Could treaties drafted in 1949—when air power was new and space a distant dream, when the first operational computer ran its first program and navigation relied on the compass and sextant—be sufficient for the complexities and challenges of the electromagnetic spectrum, artificial intelligence, quantum mechanics, machine learning, cyber, anti-satellite weapons, and other new technologies and capabilities lying just beyond the edges of our imagination? These calls for, or questions about, a new Geneva Convention for autonomous weapons and artificial intelligence capabilities are an ideal opening to reexamine how artificial intelligence and other emerging technologies can be positive developments for the protection of persons during armed conflict. This Article analyzes the concerns about autonomous systems that appear to be animating calls for new treaty law—whether weapons-focused or broader—and looks at those concerns within the context of what the Geneva Conventions are designed, and aspire, to accomplish. In so doing, this analysis seeks to lay bare several issues that lie at the core of the commonly expressed discomfort with autonomous systems, including, but not limited to: who is the addressee of obligations regarding such systems; how should we define the content of obligations applied to an ever evolving capability; how should we define the systems or capability to which such new treaty law would apply; and what relationship between humans and autonomous systems can and should be covered by such new treaty law and could the treaty encompass unforeseen developments in that respect. Although a new treaty remains solely aspirational at the present time, understanding the concerns it would seek to alleviate and imagining how it would work is a useful exercise for refreshing our approach to the issue of autonomous systems and artificial intelligence in the armed conflict arena and including in this conversation the positive contributions that such systems could offer in the armed conflict setting.

<https://scholarlycommons.law.case.edu/jil/vol57/iss1/20/>

The Newport Manual : the new kid on the block on the laws of naval warfare

Martin Fink. In: Journal of conflict and security law, vol. 30, no. 1, Spring 2025, p. 139-159

The Newport Manual on the law of Naval Warfare, prepared by a group of naval law experts, is a new publication that helps navigate what the law is in naval warfare. This is helpful because this area of the laws of armed conflict has always been in an ever-existent state of crisis. The Newport Manual touches on a number of topical issues, discusses subjects that have not been dealt with in the form of an expert manual, and contains a critical view towards the San Remo Manual on the International law Applicable to Armed Conflicts at Sea. This article discusses the background and aim of the Newport Manual, compares the main differences between the Newport Manual and the San Remo Manual, and highlights four other noteworthy issues in the Newport Manual.

<https://doi.org/10.1093/jcsl/krae020> *

Note on the National Information Bureau

prepared by the legal division of the International Committee of the Red Cross. In: International review of the Red Cross, Vol. 107, no. 929, p. 834-852

The 1949 Geneva Conventions foresee different processes to ensure that parties to an international armed conflict (IAC) account for enemy protected persons who find themselves in the party's hands in the most efficient and protective manner. In order to achieve this, parties must ensure that information on the identity and situation of such persons in their hands is collected and transmitted so that it reaches the powers and countries concerned and the families of those persons. To that end, parties are obliged to establish a National Information Bureau (NIB), which will be responsible for processing all this information prior to transmission. This note provides a comprehensive overview of the NIB, outlining its tasks and functions as well as measures that States should take to enable the proper functioning of the Bureau upon the outbreak of an international armed conflict.

<https://library.icrc.org/library/docs/DOC/irrc-929-nib.pdf>

L'obligation d'extrader ou de poursuivre les auteurs des crimes internationaux : combler les lacunes du droit conventionnel

Ezéchiel Amani Cirimwami ; préf. de Raphaël Van Steenberghe et Stefaan Smis. - Bruxelles : Bruylant, 2025. - 507 p.

Cet ouvrage traite d'un sujet d'actualité, qui a connu des développements intéressants ces dernières années : l'obligation d'extrader ou de poursuivre les auteurs de crimes internationaux. Cette obligation est la pierre angulaire sur laquelle repose le mécanisme de coopération dans la lutte contre l'impunité de ces crimes. Toutefois, l'analyse de ses différentes formulations dans les traités qui la consacrent révèle d'importantes lacunes. La présente étude poursuit dès lors un objectif spécifique : apprécier l'étendue de ces lacunes en droit conventionnel et examiner les éléments susceptibles de les combler. Pour ce faire, l'ouvrage se concentre sur la définition des crimes internationaux et l'obligation d'extrader ou de poursuivre, mettant en lumière les lacunes conventionnelles à cet égard. Il établit un standard de référence pour évaluer ces obligations dans des instruments existants. En se basant sur des critères chronologiques et de fond, il identifie ce standard dans la Convention contre la torture, telle que complétée et éclairée par la jurisprudence de la Cour internationale de justice et du Comité contre la torture, distinguant entre l'obligation en tant que principe et en tant que système. Ce cadre est utilisé pour évaluer les lacunes du droit conventionnel et l'impact d'autres sources sur le droit international pénal.

The obligation to allow and facilitate the passage of humanitarian relief under IHL : continued relevance of Article 23(2) of the Fourth Geneva Convention ?

Ori Pomson. In: The military law and the law of war review, vol. 63, no. 1, 2025, p. 36-51

Article 23(2) of the Fourth Geneva Convention of 1949 stipulates a prerequisite for the applicability of the obligation stipulated therein to allow the free passage of relief consignments: that there are no serious reasons to fear that the consignments will be diverted or misappropriated, or that their provision will otherwise provide a definite advantage to the military or economy of the adversary. Customary international law governing the passage of relief consignments outside situations of belligerent occupation has evolved since 1949, but has it

evolved to the extent that the obligation to allow and facilitate the passage of relief consignments is no longer conditioned on the prerequisites stipulated in Article 23(2) of the Fourth Geneva Convention? After providing background on the applicable law and relevant treaty provisions, the present article addresses this question. It argues that the *opinio juris* of states demonstrates that the obligation under customary international law remains subject to the prerequisite stipulated in Article 23(2).

<https://doi.org/10.4337/mlwr.2025.02.02> *

“Old” law for a “new” frontier : the sufficiency of international humanitarian law in outer space

Christian Jorgensen. In: *Case Western Reserve journal of international law*, vol. 57, issue 1, 2025, p. 343- 376

As military capabilities and activities continue to expand into outer space, questions arise as to whether new legal frameworks are necessary to govern armed conflict beyond Earth. This Article argues that existing international humanitarian law (IHL) principles, including distinction, proportionality, necessity, and humanity, remain sufficient to regulate military operations in space. Rather than drafting new black-letter rules, states should focus on interpreting and applying current law in light of the unique characteristics of space warfare, including the enduring dangers of space debris and the widespread civilian reliance on satellite infrastructure. This Article examines the applicability of IHL in outer space, the interaction between space law and IHL, and contemporary case studies that reinforce the sufficiency of existing legal frameworks. Ultimately, it concludes that the international community should focus on enforcing and adapting existing rules rather than seeking new treaties, which are unlikely to gain consensus given current geopolitical realities.

<https://scholarlycommons.law.case.edu/jil/vol57/iss1/11/>

Pax Britannica : tracing customary war crimes in the age of Empire

by **Samuel White and Ikhwan Fazli.** - Leiden : Brill Nijhoff, 2025. - XIV, 201 p.

The ‘original sin’ of the laws of war - its exclusion of non-Europeans from its protection - shapes discussions around criminal liability for conduct during colonial expansion. This monograph disproves this position however, utilising State practice across various colonial frontiers that fell to Pax Britannica. In doing so, the groundbreaking research highlights eight clear customary colonial wars that applied to ‘the other’ across the Empire on Which the Sun Never Set.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/61444.pdf> *

Planning for the unthinkable : the targeting strategies of nuclear-armed states

Hans Kristensen, Matt Korda, Eliana Johns, Mackenzie Knight-Boyle. - [Washington, DC] : Federation of American Scientists, June 2025. - III, 27 p.

While it is reasonable for governments to keep the most sensitive aspects of nuclear policies secret, the rights of their citizens to have access to general knowledge about these issues is equally valid so they may know about the consequences to themselves and their country, and so that they can make informed assessments and decisions about their respective government’s nuclear policies. Under ideal conditions, individuals should reasonably be able to know whether their cities or nearby military bases are nuclear targets and whether their government’s policies make it more or less likely that nuclear weapons will be used. As an organization that seeks to empower individuals, lawmakers, and journalists with factual information about critical topics that most affect them, the Federation of American Scientists—through this report—aims to help fill some of these significant knowledge gaps. This report illuminates what we know and do not know about each country’s nuclear targeting policies and practices, and considers how they are formulated, how they have changed in recent decades, whether allies play a role in influencing them, and why some countries are more open about their policies than others. The report does not claim to be comprehensive or complete, but rather should be considered as a primer to help inform the public, policymakers, and other stakeholders.

https://fas.org/wp-content/uploads/2025/06/June_2025_Planning-for-the-Unthinkable.pdf

Practical, legal and psychological issues related to the protection of the dead in cases of enforced disappearance

Gabriella Citroni. In: International review of the Red Cross, Vol. 107, no. 929, p. 486-508

Enforced disappearance and death – and, by extension, the protection of the dead – are related to each other, but this relationship is more nuanced and sensitive than it may initially seem. An automatic equation between the two, as well as the hasty application of presumptions, triggers significant – and often undesirable – practical, legal and psychological consequences. This article explores how this ambiguity is, to a certain extent, unavoidable, and must therefore be reflected in the interpretation of the core international obligations related to enforced disappearance, namely the search for the disappeared, including through inter-State cooperation; investigation aimed at identifying those responsible for the crime, followed by prosecution and sanction; and the provision of psychosocial support and reparations for the harm suffered.

<https://library.icrc.org/library/docs/DOC/irrc-929-citroni.pdf>

The principle of separation and the law of neutrality

Matthew Parish. In: International and comparative law quarterly, vol. 74, part 1, January 2025, p. 91-121

The recent rise of ‘qualified neutrality’ has proven highly controversial. Some have suggested that the separation between the *jus ad bellum* and the *jus in bello* under international law may prevent the reform of ‘traditional neutrality’ into qualified neutrality. This article will seek to resolve academic debate on this topic, arguing that the principle of separation is of limited relevance to perpetuation and reform within the law of neutrality. Although the principle of separation is *prima facie* incompatible with qualified neutrality, it does not have the required characteristics as a legal rule to inhibit reform of the law of neutrality and the recognition of qualified neutrality as a positive rule under international law.

<https://doi.org/10.1017/S0020589325000089>

The prohibition of torture and ill-treatment under international law

Stuart Casey-Maslen. - Cambridge : Cambridge University Press, 2025. - VIII, 397 p.

The first comprehensive analysis of domestic and international law defining and prohibiting torture and other forms of ill-treatment, this groundbreaking work reviews the law on torture in countries around the world. It considers how international law governs the use of force by police against suspects held in custody and during protests, and the practice and outlawing of torture both in peacetime and during armed conflict. The analysis also includes the application of universal jurisdiction, which is used in the attempt to prosecute and punish torture committed anywhere in the world. The application and execution of the death penalty are also discussed in detail.

<https://doi.org/10.1017/9781009610162> *

Prolonged occupation and de facto annexation, two sides of the same coin ? : how the time factor influences the legality of the occupation in submissions made to the International Court of Justice in the context of the Policies and Practices of Israel advisory opinion

Kheda Djanaralieva. In: The military law and the law of war review, vol. 63, no. 1, 2025, p. 97-123

This article delves into the issue of the legality of Israel’s occupation of Palestine in light of the prohibition on territorial acquisition by force in the context of the International Court of Justice’s 2024 advisory opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem. A detailed analysis of the proceedings surrounding this advisory opinion indeed reveals that a significant portion of submissions from States and international organizations to the Court is devoted to characterizing the occupation of Palestine by Israel as annexation, particularly as a *de facto* annexation – a concept that, until now, has been primarily developed within legal scholarship. The proceedings thus offer a unique insight into the legal reasoning employed by States and international organizations to substantiate the existence of a *de facto* annexation. Notably, one of the most

striking aspects of these submissions is the central role attributed to the temporal dimension of the occupation in this regard. Through a comprehensive examination of the submissions, this article demonstrates that the unprecedented duration of Israel's occupation as well as the permanence of defining measures implemented by Israel in the occupied territory – primarily the establishment of settlements – served as key indicators that led to its classification as a de facto annexation.

<https://doi.org/10.4337/mlwr.2025.02.05> *

The promise and practice of voluntary international humanitarian law reporting: insights from Canada's experience

Steve Tiwa Fomekong. In: *The Canadian Bar review*, vol. 103, no. 1, 2025, p. 177-202

This contribution examines the emerging practice of voluntary International Humanitarian Law (IHL) implementation reporting through a critical assessment of Canada's first report released in September 2024. Voluntary IHL reports, which gained momentum following the 33rd International Conference of the Red Cross and Red Crescent in 2019, serve as significant transparency mechanisms in a field that suffers from insufficient monitoring systems. The first section explores the multifaceted value of these reports. It argues that they enhance transparency, facilitate peer learning, contribute to normative development of customary IHL, improve administrative efficiency through institutional memory, and offer strategic advantages in countering skepticism about IHL's effectiveness. Canada's report exemplifies how these instruments work in practice, providing a structured overview of its legal framework across five key areas including implementation, dissemination, jurisdiction, protections, and means of warfare. While Canada's report provides a comprehensive outline of its legal framework, the second section of this article identifies significant gaps in its approach. The report lacks essential evidence-based assessment, omitting the quantitative and qualitative data necessary to evaluate implementation effectiveness beyond formal structures. It eschews self-critical reflection and future planning elements that would transform it from a mere showcase of achievements into a genuine tool for improvement. The analysis identifies several notable blind spots and offers suggestions for more comprehensive reports in the future. The contribution concludes that while Canada's report represents important progress, future iterations should embrace more comprehensive, candid, and inclusive approaches to fulfill the potential of voluntary IHL reporting.

<https://cbr.cba.org/index.php/cbr/article/view/5005/4593>

Prosecuting individuals for environmental harm in the armed conflict between Russia and Ukraine : the case of destruction of the Kakhovka dam

Khrystyna Gavrysh. In: *Polish yearbook of international law*, vol. 43 (2023), p. 261-283

The ongoing conflict between Russia and Ukraine has caused serious harm to the environment, resulting in the destruction of ecosystems, a reduction in biodiversity, and damage to natural reserves and protected ecosystems. This type of damage may fall under the jurisdiction of both the International Criminal Court (ICC) under Art. 8(2)(b)(iv) of the ICC Statute regarding war crimes and the Ukrainian domestic courts under Art. 441 of the Criminal Code of Ukraine (CCU) regarding ecocide. However, while Ukrainian domestic judicial authorities are already conducting investigations under Art. 441 CCU, the prosecution by the ICC for environmental damage should satisfy the high threshold imposed by Art. 8(2)(b)(iv) of the ICC Statute. It would be interesting to see whether the ICC Prosecutor will initiate an investigation into the Kakhovka dam bombing, just like Ukrainian domestic authorities have already done.

<https://doi.org/10.24425/pyil.2024.152301>

Protecting the dead against sexual violence from the perspectives of international criminal law and international humanitarian law

Alizéa-Maiwenn Ciftisoy. In: *International review of the Red Cross*, Vol. 107, no. 929, p. 468-485

While sexual violence is receiving increasing attention in terms of international humanitarian and criminal law, and on the world political scene, this does not apply to all aspects of such crimes. Sexual acts on dead bodies are a common practice in times of armed conflict, constituting an

affront to universal moral values that exacerbates the violence, domination and humiliation which motivates such abuses. However, such crimes have rarely been prosecuted under international criminal law, and where they have, perpetrators have been charged with umbrella offences or in connection with the protection of human dignity rather than with sexual offences. To explain this tendency, the present article takes stock of the legal treatment of sexual violence on dead bodies, examining the legal, philosophical and moral concepts that apply, with a view to obtaining recognition of such acts as sexual offences.

<https://library.icrc.org/library/docs/DOC/irrc-929-ciftcisor.pdf>

The protection of dead persons under international human rights law : evaluating gaps and developing a principles framework

Anjli Parrin, Morris Tidball-Binz, Jessica L. Garda, Allison M. Gelman, Katherine C. Kazmin and Anna Schmitt. In: International review of the Red Cross, Vol. 107, no. 929, p. 720-746

The authors of this article believe that the time is ripe for the development of a set of guiding principles, framed under international human rights law (IHRL), for the dignified management and protection of the dead, and they propose seven key areas to build such principles upon. In addition to filling a conspicuous gap in human rights protection, these guiding principles will help fulfil States' duties to respect and protect the rights of families of the deceased under IHRL. While not exhaustive, the authors believe that these guiding principles, which should be read as *lex ferenda*, develop a framework for stronger IHRL protections of deceased persons. This article builds on a recent thematic report on the protection of the dead presented to the United Nations Human Rights Council in June 2024 by one of the co-authors.

<https://library.icrc.org/library/docs/DOC/irrc-929-parrin.pdf>

Provisional justice in protracted conflicts : the place of temporality in bridging the international humanitarian law and transitional justice divide

Luke Moffett and Nikhil Narayan. In: International review of the Red Cross, Vol. 106, no. 927, 2024, p. 1222-1249

2024 will mark seventy-five years since the adoption of the 1949 Geneva Conventions. Despite the drafters' efforts to mitigate the worst horrors of armed conflict, contemporary conflicts continue to witness the death and suffering of millions. This raises fundamental concerns over the ability of international law to alleviate the harm caused to those caught up in armed conflict, to redress violations and to prevent their recurrence. In international policy, international humanitarian law (IHL) is increasingly intertwined with transitional justice and in particular its emphasis on the centrality of human rights. This article focuses on the intersection between IHL and transitional justice in protracted conflicts, interrogating their increasing overlaps, complementary intersections and even tensions. In particular, the article examines the importance of the temporal dimensions of humanity and justice in prevention of violations. In doing so, the article concentrates on the impact of time on those harmed by armed conflict and the repercussions this has on the law and justice efforts. The article argues that time can be weaponized to frustrate accountability and prevent interference with belligerents' behaviour. Victims in war cannot wait until the end of fighting to seek the recovery of the remains of their loved ones, for those responsible to be brought to justice, and for redress of their continuing suffering. Indeed, such delays amount to violations of victims' right to an effective remedy and fail to stop the continuation of violations or the re-victimization of civilians and their communities. The article suggests the need for "provisional justice", whereby, in the increasing number of situations of protracted conflict, efforts to redress conflict-related violations should be, at least in part, dealt with at the time, rather than waiting until the end of hostilities, so as to mitigate harm to victims and to correct belligerents' behaviour in order to prevent recurrence.

<https://library.icrc.org/library/docs/DOC/irrc-927-moffett.pdf>

Proxy warfare et droit international humanitaire : quel droit s'applique à qui ?

Eugénie Duss. - Genève : Schulthess, 2025. - VI, 386 p.

Dans son célèbre arrêt Tadic, le Tribunal pénal international pour l'ex-Yougoslavie a déterminé qu'un conflit entre un État et un groupe armé ne devait pas être considéré comme un conflit armé

non international, mais comme s'internationalisant dans son ensemble lorsque ce groupe est sous le contrôle global d'un État tiers, même en l'absence de cet État sur le terrain. La logique commande que ces conflits armés internationaux par proxy soient régis par le droit des conflits armés internationaux, un droit qui est par ailleurs bien plus détaillé et protecteur que son équivalent pour les conflits armés non internationaux. Toutefois, les règles de ce droit ayant été conçues pour régir les relations entre États, leur application littérale et mécanique entre le groupe armé et l'État qu'il combat, revient à les rendre inopérantes, que ce soit sous l'angle des protections qu'elles contiennent ou de leur faisabilité. Cet ouvrage explore la praticabilité de l'application du droit des conflits armés internationaux à de tels conflits. Un modèle juridique théorique est proposé puis testé face aux principaux domaines de ce droit, afin d'en vérifier l'applicabilité pratique. Pour ce faire, l'auteure réinterprète souvent les dispositions existantes et, lorsque nécessaire, les modifie, en s'appuyant sur les règles du droit international public relatives à l'interprétation et à la modification des obligations internationales. Elle s'attache également à préserver, autant que possible, le principe d'égalité des belligérants. Enfin, les solutions identifiées s'inspirent occasionnellement de celles prévalant dans les conflits armés non internationaux, puisque les groupes armés et leurs spécificités sont le plus souvent ignorés par le droit des conflits armés internationaux.

Rape as a weapon of war : reviews on modern day armed conflicts

Bushrat Jahan. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 8, H. 1-2, 2025, p. 89-104

When one thinks of weapons of war at first glance, guns, bullets, and bombs come to mind, not rape or sexual violence. But rape does more than just wound, it is a military strategy used to deny and destroy the identity of a targeted community. Historically, sexual violence in armed conflicts was considered a byproduct of war, simply as unrestrained sexual behavior amid lawlessness and a breakdown of societal infrastructure. By digging deeper into the aims and intentions, sexual violence developed into a strategic tool of discrimination and hate, and a weapon of warfare, largely targeted at humiliation, torture, demoralization, and individual or collective shaming. In many recent conflicts, like in Afghanistan, Iraq, Sudan, Myanmar, and even in the very recent war in Ukraine, rape and sexual violence were used as a weapon of terrorizing and as a demonstration of power to the enemy group by targeting civilians. Prosecuting only individuals for criminal responsibility cannot fully serve the desired deterrent effect; rather, the responsibility of the state machinery also needs to be examined. This article will discuss why it is important to consider rape or any form of sexual violence in armed conflict used as a weapon of war to separate them from being generalized and to determine how it can be handled. By spotlighting these facts, this article will discuss how perpetrators exploit sexual violence as a tactic of war in modern-day armed conflicts by exemplifying some recent atrocities.

<https://doi.org/10.35998/huv-2025-0007> *

Reflexions sobre una rendición de cuentas centradas en las víctimas en Ucrania

Kelli Muddell, Anna Myriam Roccatello. In: Anuario iberoamericano sobre derecho internacional humanitario, vol. 4, 2023, p. 25-64

Un año después de la invasión rusa a Ucrania existen pocos debates en torno a las necesidades de las víctimas que este conflicto armado ha cobrado. Además de las diferentes propuestas para investigar, juzgar y sancionar los graves crímenes cometidos en el marco de la invasión, es necesario implementar medidas que puedan atender el daño causado a la población civil y sentar las bases para futuros esfuerzos de construcción de paz en el país. Teniendo en cuenta lo anterior, el presente artículo examina algunas buenas prácticas y lecciones aprendidas en el campo de la justicia transicional y la forma en que estas podrían contribuir a impulsar iniciativas para resarcir a las víctimas, incluso mientras el conflicto sigue en curso.

<https://www.unisabana.edu.co/programas/unidades-academicas/facultad-de-estudios-juridicos-politicos-e-internacionales/anuario-dih/articulos-volumen-4/reflexiones-sobre-una-rendicion-de-cuentas-centrada-en-las-victimas-en-ucrania>

Regulations of international humanitarian law and naval warfare law on UUVs operations at sea

Chenhong Liu, Song Pan. - In: *Uncrewed vessels and international law.* - Leiden : Brill Nijhoff, 2024. - p. 22-46

As a kind of advanced technological equipment, unmanned underwater vehicles (UUVs) plays an important role in military operations, but there is no clear basis for the International Law in their legal status, and it is necessary to interpret the existing rules of the International Law according to their specific characteristics, so as to determine their legal status in the International Law. The use of UUVs for maritime operations should comply with relevant the International Law principles and rules, mainly including the basic principles of the International Humanitarian Law and the specific rules of naval warfare law about means and methods of warfare. Rather than updating or adding meaning to existing law concepts, international norms on maritime operations of UUVs should be developed as soon as possible to address the legal issues related to maritime operations of UUVs.

https://doi.org/10.1163/9789004706279_003 *

Respecting IHL obligations to the deceased does make a difference : the ICRC-led Falkland Islands/Islas Malvinas identification operation

Jane Taylor, Pierre Guyomarc'h, Oran Finegan, Luis Fondebrider, Mercedes Salado Puerto and Morris Tidball-Binz. In: *International review of the Red Cross*, Vol. 107, no. 929, p. 792-809

The posthumous identification of Argentine soldiers killed in action during the international armed conflict in the Falkland Islands/Islas Malvinas was the result of the Humanitarian Project Plan, an unprecedented humanitarian forensic operation carried by the International Committee of the Red Cross at the request of Argentina and the United Kingdom. As a result of respect for international humanitarian law obligations to the dead and the novel use of humanitarian forensic action to help make this possible, tombstones that once read “Argentine soldier known only to God” now bear a name, thereby assuring their families of the fundamental right to know the final fate of their loved ones. This project was originally requested by relatives of unidentified soldiers and some veterans of the war, and was agreed to and supported by the parties to the past armed conflict. Although the unidentified soldiers were not missing (as it was known that they had died on the battlefield and that they were buried with dignity in a military cemetery, although without identification), it was essential for their relatives to have their names restored and to be able to honour them in their respective graves. While this was a logistically challenging and complex forensic operation, the main challenges were not exclusively logistical and scientific, but were political and diplomatic as well. At the completion of two Humanitarian Project Plan missions, 121 Argentine soldiers originally buried without a name had been identified; one identity had been corroborated and the remains of one body that were buried in two different graves were reassociated. All families were informed.

<https://library.icrc.org/library/docs/DOC/irrc-929-taylor.pdf>

Righting wrongs : three decades on the front lines battling abusive governments

Kenneth Roth. - New York : Alfred A. Knopf, 2025. - XI, 424 p.

In three decades under the leadership of Kenneth Roth, Human Rights Watch grew to a staff of more than 500, conducting investigations in 100 countries to uncover abuses—and pressuring offending governments to stop them. Roth has grappled with the worst of humanity, taken on the biggest villains of our time, and persuaded leaders from around the globe to stand up to their repressive counterparts. The son of a Jew who fled Nazi Germany just before the war began, Roth grew up knowing full well how inhumane governments could be. He has traveled the world to meet cruelty and injustice on its home turf: he arrived in Rwanda shortly after the Genocide; scrutinized the impact of Saddam’s invasion of Kuwait; investigated and condemned Israel’s mistreatment of Palestinians. He directed efforts to curtail the Chinese government’s persecution of Uyghur Muslims, to bring Myanmar’s officials to justice after the ethnic cleansing of Rohingya Muslims, to halt Russian war crimes in Ukraine, even to reign in the U.S. government. Roth’s many innovations and strategies included the deployment of a concept as old as mankind—the powerful tool of “shaming”—and here he illustrates its surprising effectiveness against evildoers.

The role of the International Criminal Court in prosecuting war crimes committed through cyberattacks

Dyuti Dholakia. In: *Humanitäres Völkerrecht = Journal of international law of peace and armed conflict*, Bd. 8, H. 1-2, 2025, p. 62-73

The Rome Statute of the International Criminal Court provides for the prosecution of international crimes like war crimes, crimes against humanity, genocide and crimes of aggression. The advent of technology has changed the means of waging wars/armed conflicts. Besides the traditional kinetic wars, cyberwars through cyberattacks are changing the battlefield, as is witnessed from Russia's illegal invasion of Ukraine. This paper examines the possibility of applying the provisions of the Rome Statute to cyberattacks as war crimes and finds that although the Rome Statute was drafted when cyberwars did not yet exist, the principles and rules of international law are technology-neutral and potentially applicable to cyberwars as well as kinetic warfare. In conclusion, the paper maintains that cyberattacks may fall within the purview of the Rome Statute and can be prosecuted by the International Criminal Court.

<https://doi.org/10.35998/huv-2025-0005> *

The search for missing persons: comparative analysis of the incorporation of international standards into national search plans implemented in Latin American countries

Pietro Sferazza Taibi and Mauricio Carrasco Núñez. In: *International review of the Red Cross*, Vol. 107, no. 929, p. 769-791

The search for missing persons requires the implementation of national plans that integrate a combined judicial and humanitarian approach. This article examines how national search plans in Colombia, Chile, Mexico and Peru have incorporated international standards on the search, exhumation, recovery, protection, identification, and restitution of human remains of missing persons and victims of enforced disappearance. Through a comparative analysis between the search plans and international humanitarian and human rights law instruments, common elements in the regulation of these matters are identified. The research reveals that the national normative frameworks of the search plans incorporate international standards in a detailed and precise manner, but the effective implementation of these standards in practice is problematic. The study concludes that, despite normative advances, significant challenges remain in the search for and recovery of victims of enforced disappearance, requiring a renewed commitment by States to comply with their international obligations. By addressing these critical issues, the article not only contributes to the academic debate, but also invites attention to the need to imagine new interdisciplinary strategies aimed at improving the efficiency and effectiveness of efforts to search for victims of enforced disappearance in diverse transitional contexts.

<https://library.icrc.org/library/docs/DOC/irrc-929-sferazza.pdf>

Seeking balance : the role of Article 6(5) of Additional Protocol II in balancing justice and peace in transitions from armed conflict to peace

Juana Inés Acosta López. In: *International review of the Red Cross*, Vol. 106, no. 927, 2024, p. 1132-1156

This article explores the role of Article 6(5) of Additional Protocol II to the Geneva Conventions in balancing justice and peace during transitions from armed conflict to peace. It argues that the provision, which encourages the granting of broad amnesties at the cessation of hostilities, requires a re-evaluation of the obligation to investigate, prosecute and punish under international law. By analyzing the legal context and scope of Article 6(5), as well as its application in transitional justice models such as in Colombia, the article highlights how the principle of peace can be prioritized alongside justice without undermining victims' rights. The discussion critically addresses maximalist interpretations of justice, presenting a nuanced approach that foregrounds restorative justice and the importance of reconciliation in post-conflict societies.

<https://library.icrc.org/library/docs/DOC/irrc-927-lopez.pdf>

“Si vis pacem, impera bellum” : the ICRC, international humanitarian law and peace

Daniel Palmieri. In: International review of the Red Cross, Vol. 106, no. 927, 2024, p. 1023-1043

This article examines the links between the concept of peace and international humanitarian law (IHL). It takes a closer look at how the originator of IHL, the International Committee of the Red Cross, justified the existence of this body of law, which was supposed to regulate war, in the face of those who wanted to see war abolished once and for all. The article also questions the attitude of the International Red Cross and Red Crescent Movement, which, while wanting a peaceful society, did not give itself the means to achieve one.

<https://library.icrc.org/library/docs/DOC/irrc-927-palmieri.pdf>

Space warfare : do we need additional treaties ?

Stuart A. Pettis. In: Case Western Reserve journal of international law, vol. 57, issue 1, 2025, p. 377-410

With the growth in counter-space weapons and military services dedicated to space, should International Humanitarian Law be expanded to address a “war in space?” This Paper will examine what a conflict in space would look like and existing laws that govern military activities in space. Ultimately, this paper will argue that International Humanitarian Law is already flexible enough to address this new venue for conflict.

<https://scholarlycommons.law.case.edu/jil/vol57/iss1/12/>

Special issue addressing issues and concerns raised by the publication of the “Gaza Marine article”

Elai Rettig, Shani Friedman, Benny Spanier... [et al.]. In: Leiden journal of international law, vol. 38, issue 1, March 2025, 57 p.

The publication in first view of the article entitled ‘Postwar Development of Offshore Energy Resources: Legal and Political Models for Developing the Gaza Marine Gas Field’ (the ‘Gaza Marine article’) generated strong criticism. In this special issue the editors of the Leiden Journal of International Law seek to offer a transparent account of how the publication came about and the steps they have taken since. The internal review document is appended to the editorial. The article by Elai Rettig, Shani Friedman and Benny Spanier is included in the issue, with an attached Expression of Concern, a Corrigendum, and Reflections by the authors. The issue closes with a commissioned reply authored by Mutaz M. Qafisheh, Jinan Bastaki, and Victor Kattan entitled “Gaza Marine : the facts and the law”.

<https://www.cambridge.org/core/journals/leiden-journal-of-international-law/issue/5FB37F10760F584719CB38CAFE070A41>

States of silence : the growing influence of human rights courts in interpreting international humanitarian law in the absence of opinio juris

Aneta Peretko. In: Journal of international humanitarian legal studies, vol. 16, issue 1, May 2025, p. 5-37

In codifying international humanitarian law, States cobbled together an impressive but ambiguous set of treaties. Considering armed conflict today, it is clear many topics were overlooked, whether due to the inability of States to agree on the rules or due to the impossibility of predicting the advances in both means and methods of warfare. Yet States have grown more and more reticent to offer their views on remaining and emerging grey areas. At the same time, in part due to the lack of enforcement mechanisms in international humanitarian law, victims of armed conflict are increasingly turning to international human rights courts to resolve their disputes. The question then arises; how much of today’s interpretation of the contentious aspects of international humanitarian law is being done by human rights courts? Using the law of targeting as an example, this article examines why and how human rights courts are being asked to rule on armed conflict situations, and how they approach the task. It argues such courts are exerting a significant influence on interpreting the law and identifies the consequences of this

trend, from problematic decisions to imbalanced discourse to the loss of control by States over international law.

<https://doi.org/10.1163/18781527-bja10110>

The status and treatment of captured spies under the law of war

Heather A. Harrison Dinniss. - In: Research handbook on intelligence and international law. - Cheltenham ; Northampton : Edward Elgar, 2025. - p. 455-473

Espionage has been a recognised part of warfare since ancient times. Throughout its codification and development, the law and customs of war have recognised both the necessity of intelligence collection during armed conflict and the danger that spies pose to the security of the state, resulting in the lawfulness of wartime espionage at the state level as well as the right to punish individual captured spies for their actions. This chapter addresses the definition of spies under international humanitarian law (IHL) and their subsequent treatment when captured. While captured spies are not entitled to prisoner of war status and may be the subject of derogations from certain rights under IHL, they are not entirely without legal protections. For example, a spy cannot be kept entirely incommunicado and retains the right to humane treatment and a fair trial. How the law will continue to evolve to address modern-day espionage during armed conflict remains to be seen.

The Stockholm manual : a practitioner's guide to conducting IHL assessments and humanitarian advocacy

International Humanitarian Law Centre. - [Stockholm] : International Humanitarian Law Centre, [September 2025]. - 230 p.

The Manual is an innovative, practical tool designed to help humanitarian actors, journalists, and other key stakeholders including policy makers, the media and civil society organisations in their humanitarian diplomacy and advocacy efforts. The Stockholm Manual helps users to: - understand the relevant provisions of IHL and apply them to their context; - assess whether parties to conflict are likely to be failing to carry out their legal obligations; - incorporate IHL-based analysis into advocacy, reporting, and humanitarian action to influence the behaviour of armed actors and reduce harm to civilians. The Stockholm Manual can be used without any prior legal training or background. Structured around categories of civilian harm, it starts with practitioners' own observations in the field and provides step by step guidance to help them link these observations to IHL standards and advocacy messaging. This approach bridges the gap between legal frameworks and the realities of conflict settings.

<https://apidiakoniasse.cdn.triggerfish.cloud/uploads/sites/2/2025/09/SMM-23-Sept-V3.pdf>

The stolen children : Russia's policy towards Ukrainian minors transferred after the outbreak of the war – an international law perspective

Anastasiia Vorobiova. - In: Legal perspectives on the Russia-Ukraine war. - Abingdon, New York : Routledge, 2025. - p. 100-117

This chapter examines Russia's policy of forcibly transferring Ukrainian children from occupied territories, analysing its legal implications under international law. The study explores the systematic deportation, illegal adoption and "re-education" of Ukrainian minors aimed at erasing their national identity. It evaluates these malpractices under international humanitarian law, children's rights frameworks and international criminal law, considering potential qualifications as genocide and crimes against humanity. The chapter argues for accountability through mechanisms like the ICC and the UN, emphasising the urgency of addressing re-education as a grave violation of children's rights.

Surveillance satellites and international law

Russell Buchan. - In: Research handbook on intelligence and international law. - Cheltenham ; Northampton : Edward Elgar, 2025. - p. 329-352

This chapter analyses the application of international law to the use of surveillance satellites operating in outer space. The chapter first examines the dividing line between airspace and outer space, which is a necessary distinction given the different international law regimes that apply to

these domains. It then examines the application of the Outer Space Treaty, the customary international law principle of territorial sovereignty, and the UN General Assembly's 'Resolution on the Principles of Remote Sensing' to surveillance satellites. Given the prominent role of surveillance satellites during the 2022 war between Russia and Ukraine, the chapter concludes by assessing the application of international humanitarian law to the use of surveillance satellites during times of international armed conflict.

A taste of Armageddon : legal consideration for lethal autonomous weapon systems

Paul R. Williams, Ryan Jane Westlake. In: *Case Western Reserve journal of international law*, vol. 57, issue 1, 2025, p. 187-222

Lethal Autonomous Weapons Systems (LAWS) represent a profound shift in the nature of warfare, where machines, not humans, make life-or-death decisions on the battlefield. While these weapons offer strategic advantages, such as reducing human casualties and increasing operational efficiency, they also introduce significant legal, ethical, and accountability challenges. This Article explores the complexities surrounding the proliferation and use of LAWS, arguing that a total ban is unlikely due to the widespread accessibility and benefits these technologies offer to those who deploy them. Rather, this Article proposes the application of strict liability—traditionally a tort law concept—to the developers of LAWS as a means of promoting responsible development and ensuring accountability in the event a LAWS commits a war crime. By adapting this legal doctrine to the international criminal law context, the Article provides a pathway for holding those who design and deploy LAWS accountable for war crimes, thus bridging the gap between rapid technological advancement and the current limitations of international humanitarian law. The Article underscores the necessity of creative legal thinking to address the urgent and evolving challenges posed by autonomously lethal warfare technologies.

<https://scholarlycommons.law.case.edu/jil/vol57/iss1/9/>

There and back again ? : Russia's quest for regulating war in cyberspace

Liina Lumiste. In: *Polish yearbook of international law*, vol. 43 (2023), p. 239-260

The divergence between Russia and Western States on the question whether international humanitarian law (IHL) applies to cyber space is still omnipresent in the debates at the UN Open-ended Working Group. Russia has several times submitted a draft or a concept for a binding legal instrument; however, they have not included considerable suggestions on IHL. Furthermore, Russia is actively using cyber means in an aggressive war against Ukraine, which makes its calls sound hollow. How then can one explain Russia's quest for a treaty for cyberspace, especially regarding IHL? This article aims to shed some light on this question in the broader context of Russian approaches to international law-making and its historic role in developing IHL rules.

<https://doi.org/10.24425/pyil.2024.152300>

Ukraine symposium : international law in the crucible of conflict

ed. Sean Watts, Ronald T. P. Alcala, Mehmet Çoban. - West Point, NY : West Point Press, 2025. - 488 p.

Russia's invasion of Ukraine in February 2022 marked a pivotal moment in the development of the law of war. The military operations that followed provided a test of both sides' commitment to the law and to the role that law plays in armed conflict. The conflict also highlighted the constantly evolving effort to strike a practical and palatable compromise between the imperatives of military necessity and the urgent demands of humanity. This volume features articles initially published on *Articles of War*, the Lieber Institute of Law and Warfare's digital publication, that address a range of topics arising from the Ukraine-Russia conflict. Among other things, the volume examines subjects associated with the battlefield status and protections afforded to combatants, prisoners of war, foreign fighters, and civilians. It also evaluates the use of particular weapons, such as Molotov cocktails and thermobaric munitions, and it explores questions of targeting, such as the lawfulness of attacks on dams and the use of assassination in war. The volume further examines how concepts of neutrality, including qualified neutrality, apply in the context of the conflict.

https://press.westpoint.edu/wp-content/uploads/sites/5/2025/07/Ukraine-Vol-1_7_31_25_JM.pdf

Uncrewed vessels and international law

Ed. by Haiwen Zhang, Yao Huang, Lijuan Xing. - Leiden : Brill Nijhoff, 2024. - XII, 318 p.

This policy-oriented jurisprudence presents the latest research findings on legal challenges faced by the international regulatory framework, as posed by the increasing deployment of uncrewed vessels at sea. It is the first publication that offers discussions and opinions reflecting a combined international and comparative (especially, eastern) perspective. The contributors from multiple jurisdictions elaborate on legal implications of the use of uncrewed vessels for military, commercial, scientific-research, and law-enforcement purposes from such diverse angles as the law of the sea, international humanitarian law, the law of war, global shipping regulation, marine environment protection, cybersecurity, and artificial intelligence and law.

<https://doi.org/10.1163/9789004706279> *

Universal jurisdiction over core international crimes : law and practice

Ed. by Lachezar Yanev and Harmen Van Der Wilt. - Cheltenham ; Northampton : Edward Elgar, 2025. - XLIV, 615 p.

This timely book explores how the domestic courts of states across Europe, North America and Oceania have defined and applied their substantive laws in universal jurisdiction trials for core international crimes. It considers what ‘universal justice’ actually looks like in the national courtrooms of diverse states and probes the extent to which there is uniformity in the pursuit to punish universally condemned crimes. Expert contributors analyse the relevant domestic laws in each state and examine their compatibility with the established international legal standards on war crimes, crimes against humanity and genocide. Using a consistent analytical structure, they present selected universal jurisdiction trials from these states and study the charged crimes, modes of liability and grounds for excluding criminal responsibility. Chapters address definitional challenges associated with universal jurisdiction and discuss whether the need to punish internationally condemned crimes in such trials has prompted uniformity in how this is done.

The use of human shields in the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia

Chris McQuade. In: Journal of conflict and security law, vol. 30, no. 1, Spring 2025, p. 79-102

This article assesses the contribution of the International Criminal Tribunal for the Former Yugoslavia (ICTY) to a clearer understanding of the use of human shields, both as a war crime and as a violation of international humanitarian law (IHL). To date, the ICTY is the only international criminal tribunal to address multiple allegations of shielding conduct. To assess the Tribunal’s contribution, the article rigorously analyses ICTY jurisprudence concerning shielding thematically, in line with the offences under which such conduct has been charged. It demonstrates that a combination of prosecutorial policy and a failure by the Tribunal to seize opportunities to further elaborate upon shielding, has resulted in the offence developing almost exclusively through reference to other crimes. Thus, detailed discussion of shielding within the relevant judgments is scarce and there remains work to be done within the fields of IHL and international criminal law to develop the offence and clearly distinguish it from those with which it overlaps. Nevertheless, the article will argue that the Mladić trial judgment does offer a significant contribution to an understanding of human shielding. Additionally, the Tribunal’s shielding jurisprudence as a whole, despite its limitations, still proves useful as an indicator of the elements of the act that require further development as an international crime, and for building a fuller understanding of the precise nature of the act as a violation of IHL.

<https://doi.org/10.1093/jcsl/krafo06>

The use of intelligence in UN peacekeeping operations: principles, rules, and standards

Nicholas Tsagourias and Camino Kavanagh. - In: Research handbook on intelligence and international law. - Cheltenham ; Northampton : Edward Elgar, 2025. - p. 474-499

UN peacekeeping operations have evolved over the years. Their mandates are now more complex and multifaceted, whereas peacekeepers are often deployed in hostile environments, participating in conflicts as combatants. Intelligence is thus important for effectively implementing their

mandates, but significant challenges remain. The chapter examines the policy that frames intelligence in peacekeeping, and the principles, rules, standards, and processes according to which intelligence is acquired, analysed, and operationalised in UN peacekeeping operations. The chapter then explores the challenges peacekeeping-intelligence presents to the principles of consent and impartiality. Finally, it considers the application of international human rights law and international humanitarian law to peacekeeping operations with intelligence activities. The ultimate aim of the chapter is to delineate the legal, structural, and procedural conditions that inform the use of intelligence in UN peacekeeping operations, identify persisting challenges and put forward proposals for addressing them.

Using systemic integration to interpret war crimes at the International Criminal Court : from Vienna to Rome to Timbuktu

Matias Thomsen. - Brill Nijhoff, 2025. - IX, 290 p.

Fragmentation and methodological inconsistency are already evident in the jurisprudence of the International Criminal Court (ICC). Part of the solution is to use the principle of systemic integration to interpret crimes consistently with customary international law. This book provides novel data on the ICC's compliance with the Vienna Convention on the Law of Treaties, focusing on how the failure to interpret war crimes consistently with custom leads to unnecessary fragmentation and misses important opportunities to clarify and develop the law. It offers a detailed case study on the war crime of denying a fair trial, tracing its interpretive foundations from the Vienna Convention to the Rome Statute to the administration of justice by rebel groups in Timbuktu.

Visual representation of armed conflict-related deaths and the evolving standards of protecting the dignity of the deceased

Viola Santini. In: International review of the Red Cross, Vol. 107, no. 929, p. 747-768

The circulation of harrowing war images on traditional and social media – beheaded soldiers, mutilated bodies and civilians burned alive by flames – underscores a profound and enduring connection between war, death and photography. While this nexus is not novel, contemporary developments in the speed, scale and permanence of visual media have opened new questions worth examining. This article aims to dig deeper into whether and how the normative landscape for protecting the inherent dignity of the deceased is evolving and the role that new challenges posed by digital media and the pervasive nature of contemporary visual media play in this process. The relevance of this study rests on the premise that ongoing academic and public debates tend to focus on the issue of media censorship, overshadowing critical inquiries into the legitimacy and legality of the display of certain images. Thus, it is argued that, in the context of publishing and disseminating images of the war dead, it is essential to examine not only what is hidden but also what is shown and how. This is especially pertinent given the asymmetric representation of death and conflict in the Western media, which frequently reinforces distant, “othering” perspectives. Finally, by examining the issue through multiple lenses, namely those of international humanitarian law, international human rights law and international criminal law, this study aims to provide a more comprehensive framework for addressing the ethical and legal dilemmas posed by war photography in the digital age.

<https://library.icrc.org/library/docs/DOC/irrc-929-santini.pdf>

The war crime of outrages against the personal dignity of the dead : legal basis, evolution, and elements

Mischa Gureghian Hall. In: International review of the Red Cross, Vol. 107, no. 929, p. 529-567

The mistreatment of corpses during armed conflicts is a grim and ancient practice that persists in modern warfare despite the protections afforded to the dead under international humanitarian law (IHL). This article explores the application of the war crime of outrages upon personal dignity to acts committed against the deceased. Sketching the development of the prohibition against maltreatment of the dead in the early laws and customs of war, it identifies post-Second World War prosecutions as the turning point where violations of such IHL provisions were clearly sanctioned as crimes imputing individual responsibility under international law. Turning to the elements of the modern war crime of outrages upon personal dignity, the article appraises the

scant engagement of international criminal courts and tribunals with the offence in contexts involving the dead. It stresses that jurisprudential guidance must be primarily sought in national case law from European jurisdictions, which have, in recent years, played host to the prosecution of a significant number of war crimes cases involving the degrading treatment of corpses. On the basis of this jurisprudence, the article then revisits the elements of the war crime, examining the particulars of the offence in the context of the dead.

<https://library.icrc.org/library/docs/DOC/irrc-929-hall.pdf>

War injuries : historical and legal perspectives on unnecessary suffering

Jaroslav Krasny. - Cham : Palgrave Macmillan, September 2025. - XXVIII, 296 p.

The book examines the central reasons behind the divergent interpretations of the principle of the law of armed conflict prohibiting superfluous injury or unnecessary suffering. It explores the codification process of the law of armed conflict, historical landmarks pertaining to the deployment of specific weapons, and case law. The author contends that, whereas military necessity was previously the balancing principle for interpreting the norm prohibiting unnecessary suffering, this balancing factor has shifted to place a greater emphasis on health effects. In addition to examining whether the principle may be interpreted in medical terms, the book includes medical data to support such an argument. While controversy remains regarding particular weapons and their correlation with the unnecessary suffering principle, long-term health effects of individual weapons, most notably nuclear weapons, are being recognized through jurisprudence as particular cause of superfluous injury or unnecessary suffering. Such recognition is due to their unceasing, continuous detrimental effect on human health and quality of life even after the end of an armed conflict. The author argues that weapons causing unending long-term harmful effects on human body are in fact violating the principle prohibiting superfluous injury or unnecessary suffering by violating the temporal application of the law of armed conflict. As a result, the principle is increasingly interpreted by judicial bodies in medical terms, as opposed to military necessity alone. The book aims to clarify the changing nature of this basic principle of weapons law, improve its clarity and overall comprehension of the concept as particularly unnecessary suffering and superfluous injury is often brought up during disarmament conferences and weapons treaty negotiations at international bodies.

Warfare on land in old regime Europe

Stefano Cattelan and Raymond Kubben. - In: International law in early modern Europe. - Cambridge : Cambridge University Press, 2025. - p. 517-550

The chapter examines the development and changing nature of the laws and customs of war in Old Regime Europe. It focuses on land warfare, scrutinising the received idea that the waging of war in this age was characterised by a growing moderation and by the improvement of troops' conduct and discipline. The chapter surveys the major principles and doctrines of the *jus in bello* and the use thereof made by European players. In doing so, it draws on state and military practice as well as scholarly – legal and military – literature. Subjects which are covered include the theoretical conceptualisation of the laws of war, status in war and neutrality – limited to its terrestrial aspects – the emergence of new legal constraints regarding the treatment of prisoners of war and civilians, siege warfare and use of weapons, the treatment of enemy possessions and occupation.

Warfare on land in Renaissance Europe

Valentina Vadi. - In: International law in early modern Europe. - Cambridge : Cambridge University Press, 2025. - p. 171-203

This chapter examines the development of the law governing warfare on land in Renaissance Europe. In this formative period, the law of war became a central feature of international relations and a distinct legal field. Wars of religion, the growth of the Ottoman Empire, dynastic disputes and the European expansion all contributed to an almost permanent state of warfare. Against this background, in the sixteenth and seventeenth centuries, several scholars contributed to the development of the law of war, responding to the political, religious and cultural turmoil of the Iron Century by elaborating different theories of such law. They derived concepts and principles from medieval theology, canon and civil law, as well as from history, literature and philosophy. The chapter relies on both primary and secondary sources drawing on state and military practice

as well as scholarly – legal, historical and relevant military literature. It surveys the major principles of the jus in bello on land, the international law governing warfare including booty, siege warfare and the treatment of civilians and prisoners of war.

Weaponizing water and humanitarian collapse in Sudan : an international humanitarian law assessment

[Etienne Henry]. - Geneva : The Geneva Academy of International Humanitarian Law and Human Rights, [August 2025]. - 28 p.

Warfare in Sudan over the last two years has seen many attacks on water sources and infrastructure – and civilians are paying the heaviest price. This report reveals how the targeting of water infrastructure is contributing to what is now considered the world's largest humanitarian crisis, affecting 30 million people. Using satellite imagery, humanitarian reports and public statements, this report shows how these tactics are not just brutal – they are clear violations of international humanitarian law.

<https://geneva-academy.ch/wp-content/uploads/2025/09/IHL-Spot-Report-Weaponizing-Water-and-Humanitarian-Collapse-in-Sudan.pdf>

White paper on the need to strengthen international humanitarian law to address the challenges of 21st century warfare

Prepared by the participants of the Cleveland Experts Meetings. In: Case Western Reserve journal of international law, vol. 57, no. 1, 2025, p. 7-23

On the seventy-fifth anniversary of the Geneva Conventions, thirty leading experts in the field of IHL from around the world gathered at Case Western Reserve University School of Law in Cleveland, Ohio, on September 26, 2024, to discuss whether there is a need to strengthen IHL to address the challenges of 21st century warfare, and how that could best be accomplished. The experts participated in three follow-up meetings over Zoom on October 31, November 7, and November 14, 2024.

<https://scholarlycommons.law.case.edu/jil/vol57/iss1/4/>

Whose war is it anyway ? : proportionate reparations in wars of aggression

Arnaaz Nizami Ameer. In: International review of the Red Cross, Vol. 106, no. 927, 2024, p. 1202-1221

This article proposes a hybrid legal framework combining jus ad bellum and jus in bello to govern the attribution of State responsibility for reparations at the end of a war of aggression. To this end, the article considers former international mass claims processes and proposes a complementary approach that, on the one hand, acknowledges the role of the aggressor State in waging the war, and on the other, takes a cautionary approach to prevent a disproportionate burden of compensation being imposed on the aggressor State as a form of collective punishment. The consequences of respective violations of the prohibition of the use of force and the law of war are blurred in a war of aggression, resulting in complexities around liability for aggressor States. In response, this article concludes with a nuanced proposal to calculate compensation based on (1) the aggressor party's capacity to comply with jus in bello; (2) the extent of damage caused by the war of aggression, factoring in jus ad bellum considerations if a party is found to be intentionally maximizing destruction; and (3) the incorporation of tort law principles for equitable attribution of responsibility.

<https://library.icrc.org/library/docs/DOC/irrc-927-ameer.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
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