

BIBLIOGRAPHY

1st issue 2026

International Humanitarian Law

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



ICRC

Table of Content

TABLE OF CONTENT	2
INTRODUCTION	4
I. General issues	6
II. Types of conflicts	8
III. Armed forces / Non-state armed groups	10
IV. Multinational forces	12
V. Private actors	13
VI. Protection of persons	14
VII. Protection of objects.....	17
VIII. Detention, internment, treatment and judicial guarantees	19
IX. Law of occupation.....	21
X. Conduct of hostilities	23
XI. Weapons.....	26
XII. Implementation.....	28
XIII. International human rights law.....	31
XIV. International criminal law	33
XV. Contemporary challenges	35
XVI. Countries/Regions	37
<i>AFRICA.....</i>	<i>37</i>
<i>AUSTRALIA.....</i>	<i>37</i>
<i>CENTRAL AMERICA</i>	<i>37</i>
<i>CHINA</i>	<i>37</i>
<i>COLOMBIA.....</i>	<i>38</i>
<i>EUROPE</i>	<i>38</i>
<i>EUROPEAN UNION</i>	<i>38</i>
<i>GAZA.....</i>	<i>39</i>
<i>GERMANY.....</i>	<i>40</i>
<i>IRAN.....</i>	<i>40</i>
<i>IRAQ</i>	<i>40</i>
<i>ISRAEL</i>	<i>40</i>
<i>JAPAN.....</i>	<i>42</i>
<i>KOREA.....</i>	<i>42</i>
<i>LATIN AMERICA</i>	<i>43</i>
<i>LEBANON.....</i>	<i>43</i>
<i>MALI</i>	<i>43</i>

<i>MEXICO</i>	43
<i>MORROCO</i>	43
<i>PALESTINE</i>	43
<i>PHILIPPINES</i>	45
<i>POLAND</i>	45
<i>RUSSIAN FEDERATION</i>	45
<i>SYRIA</i>	46
<i>UKRAINE</i>	46
<i>UNITED KINGDOM</i>	46
<i>UNITED STATES</i>	47
<i>VIET NAM</i>	47
<i>WESTERN SAHARA</i>	47
<i>YEMEN</i>	48
ALL WITH ABSTRACTS	49

Introduction

The International Committee of the Red Cross Library

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

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

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

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

Origin and purpose of the IHL bibliography

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

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

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

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

How to use the IHL Bibliography

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

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

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

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

Access to document

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

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)

20 Jahre Völkergewohnheitsrechtstudie des Internationalen Komitees vom Roten Kreuz

Giuliana Schemschat. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Bd. 8, H. 3-4, 2025, S. 131-144

<https://doi.org/10.35998/huv-2025-0009> *

AI-based decision-support systems : blurring jus ad bellum and jus in bello proportionality and its implications

Mei Ching Liu. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 183-198

<https://doi.org/10.35998/huv-2025-0014> *

Analogies in the historical development of IHL (1864-2001)

Pauline Lesaffre. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1169-1217

<https://library.icrc.org/library/docs/DOC/irrc-930-lesaffre.pdf>

Les caractéristiques spéciales du droit international humanitaire en matière de sources

Sophie Rondeau. - Schulthess Éditions Romandes, 2026 ; Genève ; Zurich. - XX, 439 p.

Changing the narrative : a reflection on the impact of the Tool on African traditions and the preservation of humanity during warfare

Tamalin Bolus and Sarah Jean Mabeza. - In: The laws of yesterday's wars 4. - Leiden ; Boston : Brill Nijhoff, 2026. - p. 179-194

https://doi.org/10.1163/9789004703094_007 *

Escaping the boomerang : disarmament and the missing peace in humanitarian law

Oscar Genaro Macías Betancourt, Jorge Alberto López Lechuga. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 169-182

<https://doi.org/10.35998/huv-2025-0012>

The Geneva Conventions at 75 : a common heritage of humanity

International colloquium on IHL, religions, cultures and traditions ; report prepared by Paola Forgione. - Geneva : ICRC, February 2026. - 16 p.

<https://library.icrc.org/library/docs/DOC/icrc-4914-002.pdf>

Human rights in warfare

Boyd van Dijk. - In: The Cambridge history of rights. - Cambridge : Cambridge University Press, 2025. - p. 525-546

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63508.pdf> *

Humanity in war : how can IHL keep its promises ? : the future after 75 years of Geneva Conventions : proceedings of the 24th Bruges Colloquium, 21-22 November 2024

ICRC, College of Europe

https://www.brugescolloquium.org/wp-content/uploads/2025/11/Proceedings_24th_Bruges_Colloquium_-_Humanity_in_War_How_Can_IHL_Keep_its_Promises.pdf

The law of armed conflict

Michelle Burgis-Kasthala. - In: Research handbook on Third World Approaches to International Law (TWAIL). - Cheltenham ; Northampton : E. Elgar, 2025. - p. 347-359

Law of armed conflict and neutrality

Etienne Henry. - In: International law at the time of the League of Nations (1920-1945). - Cambridge : Cambridge University Press, 2025. - p. 289-339

The moral response to radical evil

Mois Navon. In: Journal of military ethics, vol. 24, no. 2, July-August 2025, p. 155-174
<https://doi.org/10.1080/15027570.2025.2561444> *

A research agenda for military law

Edited by Paul A. L. Ducheine, Terry D. Gill, Peter B. M. J. Pijpers, Marten C. Zwanenburg. - Cheltenham ; Northampton : Edward Elgar Publishing, 2026. - XV, 182 p.
<https://doi.org/10.4337/9781035353507>

II. Types of conflicts

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

Artificial intelligence and autonomous systems in warfighting at sea

Nicholas Kadlec. In: International law studies, vol. 106, 2025, p. 455-498

<https://digital-commons.usnwc.edu/ils/vol106/iss1/14/>

Civilian hackers in war : the limits that international humanitarian law imposes on volunteer IT armies, hacktivists, and other civilian hackers

Tilman Rodenhäuser. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1270-1308

<https://library.icrc.org/library/docs/DOC/irrc-930-rodenhauser.pdf>

Classification of the armed conflicts in the Near East

Marco Sassòli. In: International law studies, vol. 106, 2025, p. 749-778

<https://digital-commons.usnwc.edu/ils/vol106/iss1/27/>

Classifying the armed conflict in Gaza

by Katharine Fortin. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024/1-2, p. 275-343

<https://research-portal.uu.nl/en/publications/classifying-the-armed-conflict-in-gaza/>

‘The computer did it, not me!’ : the challenges of allocating international legal responsibility for the use of autonomous cyber capabilities enabled by artificial intelligence

Samuli Haataja and Simon McKenzie. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 226-249

Covering the expenses of rebel administration : are rebels taxing or pillaging towns ?

Lautaro Melcón. In: Netherlands international law review, vol. 72, 2025, p. 247-289

<https://doi.org/10.1007/s40802-025-00281-z>

Digital emblems in cyberspace : a deterrent or a target ?

Fatemah Albader. In: International journal of disaster risk reduction, Vol. 40, 2026, 18 p.

<https://scholarlycommons.law.emory.edu/eilr-recent-developments/47/>

Distinction, proportionality, and precautions in attacks at sea in the new era of the law of naval warfare

James Kraska. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 387-406

<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/17/>

Identifying non-international armed conflict : international law and practice

Nathan Derejko. - Cambridge : Cambridge University Press, 2026. - XXVII, 403 p.

<https://doi.org/10.1017/9781108943628>

Legal frameworks for mass terrorism : the October 7th attack and implications for security law

Shai Farber and Ofek Efraim Alaluf. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 287-315

<https://doi.org/10.1093/jcsl/krafo11>

Naval graves

Magne Frostad. In: Israel yearbook on human rights, vol. 53 (2023), p. 103-129
https://doi.org/10.1163/9789004544772_007

The obligation of “due regard” in the EEZ during armed conflict at sea

James Kraska. In: International law studies, vol. 106, 2025, p. 116-145
<https://digital-commons.usnwc.edu/ils/vol106/iss1/6/>

Regulating non-kinetic effects of cyber operations : the ‘loss of functionality’ approach and the military necessity-humanity balance under international humanitarian law

Giacomo Biggio. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 241-263
<https://doi.org/10.1093/jcsl/krafo08>

The right of visit and search in the law of naval warfare : a contemporary analysis

Dale Stephens. In: Israel yearbook on human rights, vol. 53 (2023), p. 51-79
https://doi.org/10.1163/9789004544772_005 *

The rise of big data and the law of armed conflict

Laura A. Dickinson. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 301-318
<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/13/>

Safeguarding submarine cables and pipelines in times of peace and war

Raul (Pete) Pedrozo. In: International law studies, vol. 106, 2025, p. 45-65
<https://digital-commons.usnwc.edu/ils/vol106/iss1/2/>

Special agreements in non-international armed conflicts : lessons from the practice

Aristide Evouna Evouna. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1072-1106
<https://library.icrc.org/library/docs/DOC/irrc-930-evouna.pdf>

Starvation of civilians and its relevance to the law of naval blockade

Gabriella Venturini. In: Israel yearbook on human rights, vol. 53 (2023), p. 81-102
https://doi.org/10.1163/9789004544772_006 *

Sunk in battle, but the war is not over : who owns the Moskva ?

Caroline Tuckett. In: International law studies, vol. 106, 2025, p. 66-84
<https://digital-commons.usnwc.edu/ils/vol106/iss1/3/>

UNCLOS during armed conflict : due regard in the exclusive economic zones of neutral coastal states

Makoto Seta. In: International and comparative law quarterly, volume 74, supplement, July 2025, p. 103-120
<https://doi.org/10.1017/S002058932510122X>

III. Armed forces / Non-state armed groups

(Combatant status, compliance with IHL, etc.)

Armed groups, religious leaders, and humanitarian norms : a case study of Hayat Tahrir al-Sham in Syria and Ansar Allah in Yemen

Marta Furlan and Omar Ahmed Abenza. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 13 p.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63948.pdf> *

Civilian hackers in war : the limits that international humanitarian law imposes on volunteer IT armies, hacktivists, and other civilian hackers

Tilman Rodenhäuser. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1270-1308

<https://library.icrc.org/library/docs/DOC/irrc-930-rodenhauser.pdf>

Confronting rifles with words : the High Islamic Council of Mali and non-state armed groups

Piergiuseppe Parisi. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 21 p.

<https://doi.org/10.1093/jhuman/huae040>

Engaging Ulama in the promotion of international humanitarian law : a case study from Mindanao

Datuan Magon, Dominic Earnshaw. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 14 p.

<https://doi.org/10.1093/jhuman/huado72>

Heart of darkness: Japanese military justice on the road to Nanjing, 1937

Urs Matthias Zachmann. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 221-245

<https://doi.org/10.1515/9783110989588-009>

Hezbollah in international law

Mireille Rebeiz. - Edinburgh : Edinburgh University Press, 2026. - X, 254 p.

Identifying non-international armed conflict : international law and practice

Nathan Derejko. - Cambridge : Cambridge University Press, 2026. - XXVII, 403 p.

<https://doi.org/10.1017/9781108943628>

El lawfare y la instrumentalización del derecho en las operaciones militares

José Ramón Suberviola Gilabert. In: Revista española de derecho militar, no. 123, enero-junio 2025, p. 151-194

<https://dialnet.unirioja.es/servlet/articulo?codigo=10405405>

Military justice in modern history : the adjudication of war and violence in a globalising world

Edited by Kelly Maddox, Tino Schölz and Urs Matthias Zachmann. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - VI, 379 p.

<https://doi.org/10.1515/9783110989588>

Modern slavery in armed conflict : foreign ‘forced fighters’ in Ukraine

Matilda Gillis. In: International and comparative law quarterly, vol. 74, part 3, July 2025, p. 707-721

<https://doi.org/10.1017/S0020589325100924>

Ni máquinas de guerra, ni puras víctimas : legalidad de los ataques contra los niños de disidencias de las FARC según el derecho internacional humanitario

René Provost. In: Revista derecho del Estado, núm. 61, Enero-Abril 2025, p. 311-343
<https://doi.org/10.18601/01229893.n61.12>

Non-state armed groups and the separated, missing and dead : obligations under international humanitarian law and examples of how to implement them

[report written by Tilman Rodenhäuser and Ximena Londoño]. - Geneva : ICRC, December 2025. - 46 p.
<https://library.icrc.org/library/docs/DOC/icrc-4900-002.pdf>

The rise of US military legalism : a new theory of military professionalism

Doyle K. Hodges. - Abington, New York : Routledge, 2026. - XIII, 223 p.

Robocop reimagined : harnessing the power of AI for LOAC compliance

Francisco Lobo. In: Journal of military ethics, vol. 24, no. 2, July-August 2025, p. 120-139
<https://doi.org/10.1080/15027570.2025.2569130>

Trials and penal sanctions by non-state armed groups : between rough justice and rebel rule of law

Hannes Jöbstl. - Cambridge [etc.] : Cambridge University Press, 2026. - XXII, 305 p.
<https://doi.org/10.1017/9781009621557> *

“Violent, vicious, and fast” : LSCO lawyering and the transformation of American IHL

Naz Khatoon Modirzadeh. In: Harvard national security journal, vol. 17, issue 1, 2025, 81 p.
https://journals.law.harvard.edu/nsj/wp-content/uploads/sites/82/2025/12/Modirzadeh_17-Harv.-Natl-Sec.-J.-1-2025.pdf

When is detention by non-state actors a war crime ? : the Special Jurisdiction for Peace’s decision on hostage-taking by the FARC-EP

Julieta Lemaitre Ripoll. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 902-914
<https://library.icrc.org/library/docs/DOC/irrc-930-ripoll.pdf>

Why do we enforce the law against IHL violations ? : reason-giving in Israeli court-martial judgments

Liron A. Libman, Amichai Cohen. In: The military law and the law of war review, vol. 6, no. 2, 2025, p. 161-195
<https://doi.org/10.4337/mlwr.2025.01.02> *

IV. Multinational forces

N/A

V. Private actors

Exploring the role of religious actors in generating respect for the laws of war : a Common Article 1 perspective

Eve Massingham, Kirsty McRuvie. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 16 p.

<https://doi.org/10.1093/jhuman/huado42>

Modern slavery in armed conflict : foreign ‘forced fighters’ in Ukraine

Matilda Gillis. In: International and comparative law quarterly, vol. 74, part 3, July 2025, p. 707-721

<https://doi.org/10.1017/S0020589325100924>

VI. Protection of persons

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

Absorbed into the war machine : what is independence when everything is connected?

Martin Searle and Beatrice Lau. - In: Humanitarian myths and hubris : a critical self-portrait from Médecins Sans Frontières. - London ; New York : Routledge, 2026. - p. 183-202

<https://doi.org/10.4324/9781003542247> *

Biometrics to necrometrics : what the dead can tell us about war : a human security approach to collecting and analysing conflict data from the dead

Lily Hamourtziadou, Welmoet Wels. In: Journal of international humanitarian legal studies, vol. 16, issue 2, 2025, p. 307-335

<https://doi.org/10.1163/18781527-bja10117>

Child recruitment and beyond : prosecuting the broad spectrum of violence committed against recruited children within the former FARC-EP ranks

Lily Rueda Guzmán and César Rojas-Orozco. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 943-960

<https://library.icrc.org/library/docs/DOC/irrc-930-guzman.pdf>

Cognitive warfare in the biotechnological age : threats and challenges to international law

Alberto Rinaldi. In: Cambridge international law journal, vol. 14, no. 2, 2025, p. 185-207

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63046.pdf> *

Confronting rifles with words : the High Islamic Council of Mali and non-state armed groups

Piergiuseppe Parisi. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 21 p.

<https://doi.org/10.1093/jhuman/huae040>

Le droit à l'assistance humanitaire à Gaza

par Julia Grignon. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 445-489

Exploring the role of religious actors in generating respect for the laws of war : a Common Article 1 perspective

Eve Massingham, Kirsty McRuvie. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 16 p.

<https://doi.org/10.1093/jhuman/huado42>

Hostility to aid actors : normalising transgression?

Stephen Cornish, Alejandro Pozo, and Duncan McLean. - In: Humanitarian myths and hubris : a critical self-portrait from Médecins Sans Frontières. - London ; New York : Routledge, 2026. - p. 51-67

<https://doi.org/10.4324/9781003542247>

The ICC decisions to issue arrest warrants against Hamas and Israeli leaders : comments on the procedure, crimes and legal effects

by Raphaël Van Steenberghe. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 407-444

<http://hdl.handle.net/2078.1/304599>

The intercontinental dialogue on enforced disappearances : the case of massive disappearances during hostilities

Ioanna Pervou. In: The international journal of human rights, vol. 29, no. 4, 2025, p. 758-771

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63949.pdf> *

The invisible battlefield : applying the rules of international humanitarian law on the conduct of hostilities to jamming and spoofing operations

Maxime Nijs. In: The military law and the law of war review, vol. 6, no. 2, 2025, p. 196-247

<https://doi.org/10.4337/mlwr.2025.01.04> *

Legal and humanitarian imperatives for the ‘day after’ in Gaza

International Humanitarian Law Centre. - [Stockholm] : International Humanitarian Law Centre, February 2026. - 39 p.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2026/02/Legal-and-Humanitarian-Imperatives-for-the-Day-After-in-Gaza.pdf>

The military fantasy of biometrics : neglecting the risks of the normalizing of bodies during armed conflicts

Anna Rosalie Greipl. In: Journal of international humanitarian legal studies, vol. 16, issue 2, 2025, p. 371-392

<https://doi.org/10.1163/18781527-bja10113>

Naval graves

Magne Frostad. In: Israel yearbook on human rights, vol. 53 (2023), p. 103-129

https://doi.org/10.1163/9789004544772_007

Ni máquinas de guerra, ni puras víctimas : legalidad de los ataques contra los niños de disidencias de las FARC según el derecho internacional humanitario

René Provost. In: Revista derecho del Estado, núm. 61, Enero-Abril 2025, p. 311-343

<https://doi.org/10.18601/01229893.n61.12>

Non-state armed groups and the separated, missing and dead : obligations under international humanitarian law and examples of how to implement them

[report written by Tilman Rodenhäuser and Ximena Londoño]. - Geneva : ICRC, December 2025. - 46 p.

<https://library.icrc.org/library/docs/DOC/icrc-4900-002.pdf>

Persistent tensions among norms : civilian immunity and protection versus proportionality and military necessity

Neta C. Crawford. - In: The Oxford handbook of norms research in international relations. - Oxford : Oxford University Press, 2025. - p. 383-396

Persons with disabilities and Western Sahara : assessing protection in the context of regime interdependencies

Bryce Hollander and Janet E. Lord. - In: Western Sahara in the international legal order : 50 years after the ICJ advisory opinion. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 39-72

Que restera-t-il des principes de distinction et de proportionnalité après la guerre de Gaza ?

par Vaïos Koutroulis. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 491-527

Religious protection and the law of armed conflict

Yoram Dinstein. In: Israel yearbook on human rights, vol. 53 (2023), p. 7-22
https://doi.org/10.1163/9789004544772_003 *

Safeguarding rangers in conflict zones : bridging humanitarian and environmental law

Jérôme de Hemptinne. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1020-1040
<https://library.icrc.org/library/docs/DOC/irrc-930-dehemptinne.pdf>

Starvation of civilians and its relevance to the law of naval blockade

Gabriella Venturini. In: Israel yearbook on human rights, vol. 53 (2023), p. 81-102
https://doi.org/10.1163/9789004544772_006 *

Sunk in battle, but the war is not over : who owns the Moskva ?

Caroline Tuckett. In: International law studies, vol. 106, 2025, p. 66-84
<https://digital-commons.usnwc.edu/ils/vol106/iss1/3/>

Water and survival in war : upholding IHL's protective purpose and documenting the hidden toll

David Kaelin, Caroline Pellaton and Tadesse Kebebew. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1141-1168
<https://library.icrc.org/library/docs/DOC/irrc-930-kaelin.pdf>

When bullets threaten the pursuit of knowledge : reclaiming children's right to education in armed conflict through a human dignity-centred approach under IHRL and IHL

Lisang Nyathi. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1241-1269
<https://library.icrc.org/library/docs/DOC/irrc-930-nyathi.pdf>

VII. Protection of objects

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

Absorbed into the war machine : what is independence when everything is connected?

Martin Searle and Beatrice Lau. - In: Humanitarian myths and hubris : a critical self-portrait from Médecins Sans Frontières. - London ; New York : Routledge, 2026. - p. 183-202

<https://doi.org/10.4324/9781003542247> *

Atoms for peace in a time of international conflict : assessing the legal situation of nuclear power plants under belligerent occupation

Emiliano Buis. In: Nuclear law bulletin, no. 112, vol 2024/1, p. 7-39

https://www.oecd-neo.org/upload/docs/application/pdf/2025-04/7695_nlb_112_-_22-04-2025.pdf#page=9

Covering the expenses of rebel administration : are rebels taxing or pillaging towns ?

Lautaro Melcón. In: Netherlands international law review, vol. 72, 2025, p. 247-289

<https://doi.org/10.1007/s40802-025-00281-z>

The dangerous rise of “dual-use” objects in war

Onna A. Hathaway, Azmat Khan and Mara R. Revkin. In: The Yale law journal, vol. 134, no. 8, June 2025, p. 2645-2750

<https://yalelawjournal.org/article/the-dangerous-rise-of-dual-use-objects-in-war>

Digital emblems in cyberspace : a deterrent or a target ?

Fatemah Albader. In: International journal of disaster risk reduction, Vol. 40, 2026, 18 p.

<https://scholarlycommons.law.emory.edu/eilr-recent-developments/47/>

Le droit à l'assistance humanitaire à Gaza

par Julia Grignon. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 445-489

The invisible battlefield : applying the rules of international humanitarian law on the conduct of hostilities to jamming and spoofing operations

Maxime Nijs. In: The military law and the law of war review, vol. 6, no. 2, 2025, p. 196-247

<https://doi.org/10.4337/mlwr.2025.01.04> *

“Medical lawfare” or “wage war from the hospitals” ? : IHL and healthcare in the Hamas/Israel armed conflict

by Giulio Bartolini and Alice Riccardi. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p 345-381

Religious protection and the law of armed conflict

Yoram Dinstein. In: Israel yearbook on human rights, vol. 53 (2023), p. 7-22

https://doi.org/10.1163/9789004544772_003 *

Restoring dignity by granting rights : IHL and peacebuilding empowerment for Magdalena River fishing communities in Colombia

Lucas Martinez-Villalba. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 915-942

<https://library.icrc.org/library/docs/DOC/irrc-930-martinez.pdf>

Safeguarding rangers in conflict zones : bridging humanitarian and environmental law

Jérôme de Hemptinne. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1020-1040

<https://library.icrc.org/library/docs/DOC/irrc-930-dehemptinne.pdf>

Safeguarding submarine cables and pipelines in times of peace and war

Raul (Pete) Pedrozo. In: International law studies, vol. 106, 2025, p. 45-65

<https://digital-commons.usnwc.edu/ils/vol106/iss1/2/>

Sunk in battle, but the war is not over : who owns the Moskva ?

Caroline Tuckett. In: International law studies, vol. 106, 2025, p. 66-84

<https://digital-commons.usnwc.edu/ils/vol106/iss1/3/>

The use and misuse of the Red Cross emblem in Australia

Emily Crawford, Rain Liivoja, and Alison Pert. In: Australian international law journal, vol. 31, 2024, p. 73-99

<https://access.heinonline.com/HOL/P?h=hein.journals/austintlj31&i=78> *

Water and survival in war : upholding IHL's protective purpose and documenting the hidden toll

David Kaelin, Caroline Pellaton and Tadesse Kebebew. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1141-1168

<https://library.icrc.org/library/docs/DOC/irrc-930-kaelin.pdf>

VIII. Detention, internment, treatment and judicial guarantees

The Al Hassan judgment : ICC's first take on the war crime of passing of sentences by irregular courts under Article 8(3)(c)(iv) of Rome Statute

Kacper Zajac. In: International criminal law review, vol. 25, issue 5, October 2025, p. 808-839

<https://doi.org/10.1017/S0020589325100833>

Classification of the armed conflicts in the Near East

Marco Sassòli. In: International law studies, vol. 106, 2025, p. 749-778

<https://digital-commons.usnwc.edu/ils/vol106/iss1/27/>

Feindstaatenangehörige zwischen Völkerrecht und Willkür : Status und Behandlung britischer Zivilpersonen im nationalsozialistischen Deutschland

Kim Wünschmann. In: Vierteljahrshefte für Zeitgeschichte 74. Jahrgang, Heft 1, Januar 2026, p. 1-37 : photogr.

Japanese military justice against Allied soldiers during the Pacific War 1941-1945: an assessment of the trial against Walter Anker and four others

Nicolas Stassar. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 347-370

<https://doi.org/10.1515/9783110989588-014>

Justice behind the lines: prisoners of war, military justice and reprisals in the First World War

Brian K. Feltman. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 325-345

<https://doi.org/10.1515/9783110989588-013>

Legal frameworks for mass terrorism : the October 7th attack and implications for security law

Shai Farber and Ofek Efraim Alaluf. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 287-315

<https://doi.org/10.1093/jcsl/krafo11>

Military justice and its potential for violence towards civilians under wartime occupation: the Imperial Japanese Army in China, 1894-1941

Kelly Maddox. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 271-299

<https://doi.org/10.1515/9783110989588-011>

Military justice in modern history : the adjudication of war and violence in a globalising world

Edited by Kelly Maddox, Tino Schölz and Urs Matthias Zachmann. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - VI, 379 p.

<https://doi.org/10.1515/9783110989588>

Non-state armed groups and the separated, missing and dead : obligations under international humanitarian law and examples of how to implement them

[report written by Tilman Rodenhäuser and Ximena Londoño]. - Geneva : ICRC, December 2025. - 46 p.

<https://library.icrc.org/library/docs/DOC/icrc-4900-002.pdf>

A painting and the exchange of Belgian prisoners of war during the French intervention in Mexico (1862-1867)

Tania Ixchel Atilano. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1107-1140

<https://library.icrc.org/library/docs/DOC/irrc-930-atilano.pdf>

Trials and penal sanctions by non-state armed groups : between rough justice and rebel rule of law

Hannes Jöbstl. - Cambridge [etc.] : Cambridge University Press, 2026. - XXII, 305 p.

<https://doi.org/10.1017/9781009621557> *

When is detention by non-state actors a war crime ? : the Special Jurisdiction for Peace's decision on hostage-taking by the FARC-EP

Julietta Lemaitre Ripoll. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 902-914

<https://library.icrc.org/library/docs/DOC/irrc-930-ripoll.pdf>

IX. Law of occupation

Atoms for peace in a time of international conflict : assessing the legal situation of nuclear power plants under belligerent occupation

Emiliano Buis. In: Nuclear law bulletin, no. 112, vol 2024/1, p. 7-39
https://www.oecd-neo.org/upload/docs/application/pdf/2025-04/7695_nlb_112_-_22-04-2025.pdf#page=9

Classification of the armed conflicts in the Near East

Marco Sassòli. In: International law studies, vol. 106, 2025, p. 749-778
<https://digital-commons.usnwc.edu/ils/vol106/iss1/27/>

Classifying the armed conflict in Gaza

by Katharine Fortin. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024/1-2, p. 275-343
<https://research-portal.uu.nl/en/publications/classifying-the-armed-conflict-in-gaza/>

The Court of Justice of the European Union and the Western Sahara case : a long-awaited justice or a compromise with European Union trade policies ?

Alice Cucca. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 58, 2025/1, p. 221-253
https://cdi.ulb.ac.be/wp-content/uploads/2025/11/rbdi2025_1p221-1.pdf

Implications for Western Sahara of the ICJ's advisory opinion on the status of Israel in the Occupied Palestinian Territories

Yaël Ronen. - In: Western Sahara in the international legal order : 50 years after the ICJ advisory opinion. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 315-343

Legal and humanitarian imperatives for the 'day after' in Gaza

International Humanitarian Law Centre. - [Stockholm] : International Humanitarian Law Centre, February 2026. - 39 p.
<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2026/02/Legal-and-Humanitarian-Imperatives-for-the-Day-After-in-Gaza.pdf>

Military justice and its potential for violence towards civilians under wartime occupation: the Imperial Japanese Army in China, 1894-1941

Kelly Maddox. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 271-299
<https://doi.org/10.1515/9783110989588-011>

The notion of an illegal occupation in the ICJ's Palestine Advisory Opinion

Marko Milanovic. In: International and comparative law quarterly, vol. 74, part 3, July 2025, p. 517-553
<https://doi.org/10.1017/S0020589325100833>

Persons with disabilities and Western Sahara : assessing protection in the context of regime interdependencies

Bryce Hollander and Janet E. Lord. - In: Western Sahara in the international legal order : 50 years after the ICJ advisory opinion. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 39-72

Prolonged occupation through law : architecture of provisionality in Okinawa

Kyo Arai. - London ; New York : Routledge, 2026. - XIV, 250 p.

The status of the Gaza strip before and after 7 October 2023 under the law of occupation

by Federica Favuzza and Marco Longobardo. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 383-406

X. Conduct of hostilities

(Distinction, proportionality, precautions, prohibited methods)

AI-based decision-support systems : blurring jus ad bellum and jus in bello proportionality and its implications

Mei Ching Liu. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 183-198

<https://doi.org/10.35998/huv-2025-0014> *

Artificial intelligence and autonomous systems in warfighting at sea

Nicholas Kadlec. In: International law studies, vol. 106, 2025, p. 455-498

<https://digital-commons.usnwc.edu/ils/vol106/iss1/14/>

Civilian hackers in war : the limits that international humanitarian law imposes on volunteer IT armies, hacktivists, and other civilian hackers

Tilman Rodenhäuser. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1270-1308

<https://library.icrc.org/library/docs/DOC/irrc-930-rodenhauser.pdf>

Cognitive warfare in the biotechnological age : threats and challenges to international law

Alberto Rinaldi. In: Cambridge international law journal, vol. 14, no. 2, 2025, p. 185-207

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63046.pdf> *

Digital spotters ? : civilian reporting of enemy positions and the threshold of direct participation

Roberto Marini. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 183-198

<https://doi.org/10.35998/huv-2025-0016> *

Distinction, proportionality, and precautions in attacks at sea in the new era of the law of naval warfare

James Kraska. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 387-406

<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/17/>

Le droit à l'assistance humanitaire à Gaza

par Julia Grignon. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 445-489

The erosion of human(e) judgement in targeting ? : quantification logics, AI-enabled decision support systems and proportionality assessments in IHL

Jessica Dorsey. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1041-1071

<https://library.icrc.org/library/docs/DOC/irrc-930-dorsey.pdf>

Hypersonic weapons and international law : incompatibilities with arms control treaties and international humanitarian law

Elisabeth Hoffberger-Pippan. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 174-201

Indiscriminate attacks and the proportionality rule : what is incidental civilian harm ?

Aurel Sari. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 203-239

<https://doi.org/10.1093/jcsl/krafo10>

Indiscriminate attacks as war crimes in international and German criminal law

Philipp Terfurth. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 145-156

<https://doi.org/10.35998/huv-2025-0010> *

The invisible battlefield : applying the rules of international humanitarian law on the conduct of hostilities to jamming and spoofing operations

Maxime Nijs. In: The military law and the law of war review, vol. 6, no. 2, 2025, p. 196-247

<https://doi.org/10.4337/mlwr.2025.01.04> *

Keeping our humanity : ensuring the legitimacy of military targeting operations through civilian harm mitigation in increasingly autonomous warfare

Jessica Dorsey. - Utrecht : Utrecht University, 2026. - 242 p.

<https://doi.org/10.33540/3308>

The law of armed conflict – in the dark

Laurie R. Blank. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 281-300

<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/12>

The law of targeting's mechanization and objectivization through the use of artificial intelligence

Tobias Vestner. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 202-224

“Medical lawfare” or “wage war from the hospitals” ? : IHL and healthcare in the Hamas/Israel armed conflict

by Giulio Bartolini and Alice Riccardi. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p 345-381

Ni máquinas de guerra, ni puras víctimas : legalidad de los ataques contra los niños de disidencias de las FARC según el derecho internacional humanitario

René Provost. In: Revista derecho del Estado, núm. 61, Enero-Abril 2025, p. 311-343

<https://doi.org/10.18601/01229893.n61.12>

Out of sight, out of mind : opacity, e(X)pl(AI)nability and international humanitarian law

Natali Gbele. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 183-198

<https://doi.org/10.35998/huv-2025-0013> *

Persistent tensions among norms : civilian immunity and protection versus proportionality and military necessity

Neta C. Crawford. - In: The Oxford handbook of norms research in international relations. - Oxford : Oxford University Press, 2025. - p. 383-396

Proportionality : can't live with it but can't live without it

Geoffrey S. Corn. In: International law studies, vol. 106, 2025, p. 455-498

<https://digital-commons.usnwc.edu/ils/vol106/iss1/16/>

Que restera-t-il des principes de distinction et de proportionnalité après la guerre de Gaza ?

par Vaïos Koutroulis. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 491-527

Regulating non-kinetic effects of cyber operations : the 'loss of functionality' approach and the military necessity-humanity balance under international humanitarian law

Giacomo Biggio. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 241-263

<https://doi.org/10.1093/jcsl/krafo08>

The rise of big data and the law of armed conflict

Laura A. Dickinson. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 301-318

<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/13/>

Robocop reimaged : harnessing the power of AI for LOAC compliance

Francisco Lobo. In: Journal of military ethics, vol. 24, no. 2, July-August 2025, p. 120-139

<https://doi.org/10.1080/15027570.2025.2569130>

Safeguarding submarine cables and pipelines in times of peace and war

Raul (Pete) Pedrozo. In: International law studies, vol. 106, 2025, p. 45-65

<https://digital-commons.usnwc.edu/ils/vol106/iss1/2/>

Starvation of civilians and its relevance to the law of naval blockade

Gabriella Venturini. In: Israel yearbook on human rights, vol. 53 (2023), p. 81-102

https://doi.org/10.1163/9789004544772_006 *

The use of the 'Lavender' in Gaza and the law of targeting : AI-decision support systems and facial recognition technology

Emilie Andersin. In: Journal of international humanitarian legal studies, vol. 16, issue 2, 2025, p. 336-370

<https://doi.org/10.1163/18781527-bja10119>

“Violent, vicious, and fast” : LSCO lawyering and the transformation of American IHL

Naz Khatoon Modirzadeh. In: Harvard national security journal, vol. 17, issue 1, 2025, 81 p.

https://journals.law.harvard.edu/nsj/wp-content/uploads/sites/82/2025/12/Modirzadeh_17-Harv.-Natl-Sec.-J.-1-2025.pdf

XI. Weapons

Against the laws of humanity : expanding bullets and the 1899 First Hague Peace Conference

Carmen Chas. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 999–1019

<https://library.icrc.org/library/docs/DOC/irrc-930-chas.pdf>

Artificial intelligence-enabled autonomous weapon systems : feminist perspectives on meaningful human control

Machiko Kanetake. - In: The Oxford handbook of women and international law. - Oxford : Oxford University Press, 2025. - p. 329-346

<https://doi.org/10.1093/oxfordhb/9780197653647.013.0026>

Chemical and biological weapons : the interconnectivity of norms

Edited by Barry de Vries. - Leiden ; Boston : Brill Nijhoff, 2026. - IX, 240 p.

<https://doi.org/10.1163/9789004739192> *

Escaping the boomerang : disarmament and the missing peace in humanitarian law

Oscar Genaro Macías Betancourt, Jorge Alberto López Lechuga. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 169-182

<https://doi.org/10.35998/huv-2025-0012>

Export control and international law

Joop Voetelink. In: The military law and the law of war review, vol. 6, no. 2, 2025, p. 128-160

<https://doi.org/10.4337/mlwr.2025.01.01> *

Hypersonic weapons and international law : incompatibilities with arms control treaties and international humanitarian law

Elisabeth Hoffberger-Pippan. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 174-201

Keeping our humanity : ensuring the legitimacy of military targeting operations through civilian harm mitigation in increasingly autonomous warfare

Jessica Dorsey. - Utrecht : Utrecht University, 2026. - 242 p.

<https://doi.org/10.33540/3308>

Normative interaction in chemical and biological weapons law : on the interplay between treaty regimes and general international law

Craig Eggett and Sarah Thin. - In: Chemical and biological weapons : the interconnectivity of norms. - Leiden ; Boston : Brill Nijhoff, 2026. - p. 13-35

https://doi.org/10.1163/9789004739192_003 *

The nuclear taboo : a global prohibitory norm

Nina Tannenwald. - In: The Oxford handbook of norms research in international relations. - Oxford : Oxford University Press, 2025. - p. 53-63

Nuclear weapons and international law : existential risks of nuclear war and deterrence through a legal lens

Charles J. Moxley Jr., forewords by William J. Perry, John D. Feerick and Claire Finkelstein. - London [etc.] : Hamilton Books, 2025. - XXXVIII, 504 p. (vol. 1) ; p. 505-1096 (vol. 2)

L'obligation des Etats d'empêcher tout transfert d'armes à partir de leur territoire vers Israël dans le contexte du conflit à Gaza

par Anne Lagerwall. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 529-577

https://cdi.ulb.ac.be/wp-content/uploads/2025/09/rbdi2024_1p529-Anne-Lagerwall.pdf

The phantom pain : an international law perspective on the weaponization of infrasound, ultrasound, and microwaves

Thibault Moulin. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 265-286

<https://doi.org/10.1093/jcsl/krafo09> *

Technology and the law of jus ante bellum

Asaf Lubin. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 339-359

<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/15/>

Technology of death in armed conflicts : does international humanitarian law protect warfighters from excessive suffering ?

Charlie Sauvourel. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 157-168

<https://doi.org/10.35998/huv-2025-0011> *

XII. Implementation

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

Amnesties as a means of encouraging transition and strengthening the application of IHL in Colombia : the case of the Special Jurisdiction for Peace

Marcela Giraldo Muñoz. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 874-901

<https://library.icrc.org/library/docs/DOC/irrc-930-munoz.pdf>

Armed groups, religious leaders, and humanitarian norms : a case study of Hayat Tahrir al-Sham in Syria and Ansar Allah in Yemen

Marta Furlan and Omar Ahmed Abenza. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 13 p.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63948.pdf> *

Changing the narrative : a reflection on the impact of the Tool on African traditions and the preservation of humanity during warfare

Tamalin Bolus and Sarah Jean Mabeza. - In: The laws of yesterday's wars 4. - Leiden ; Boston : Brill Nijhoff, 2026. - p. 179-194

https://doi.org/10.1163/9789004703094_007 *

Civilian hackers in war : the limits that international humanitarian law imposes on volunteer IT armies, hacktivists, and other civilian hackers

Tilman Rodenhäuser. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1270-1308

<https://library.icrc.org/library/docs/DOC/irrc-930-rodenhauser.pdf>

Confronting rifles with words : the High Islamic Council of Mali and non-state armed groups

Piergiuseppe Parisi. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 21 p.

<https://doi.org/10.1093/jhuman/huae040>

Digital information technologies and international humanitarian law : new opportunities and challenges

Jonathan Hafetz. In: Denver journal of international law and policy, vol. 53, no. 2, 2025, p. 249-284

<https://digitalcommons.du.edu/djilp/vol53/iss2/6/>

Engaging Ulama in the promotion of international humanitarian law : a case study from Mindanao

Datuan Magon, Dominic Earnshaw. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 14 p.

<https://doi.org/10.1093/jhuman/huado72>

Exploring the role of religious actors in generating respect for the laws of war : a Common Article 1 perspective

Eve Massingham, Kirsty McRuvie. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 16 p.

<https://doi.org/10.1093/jhuman/huado42>

Export control and international law

Joop Voetelink. In: The military law and the law of war review, vol. 6, no. 2, 2025, p. 128-160

<https://doi.org/10.4337/mlwr.2025.01.01> *

Heart of darkness: Japanese military justice on the road to Nanjing, 1937

Urs Matthias Zachmann. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 221-245

<https://doi.org/10.1515/9783110989588-009>

Iran and its proxies : attribution and State responsibility

Jennifer Maddocks. In: International law studies, vol. 106, 2025, p. 455-498

<https://digital-commons.usnwc.edu/ils/vol106/iss1/26/>

Laws of war as part of English law

Alexander Orakhelashvili. - In: The character of international law. - Oxford ; London ; New York ; New Delhi ; Sydney : Hart, 2025. - p. 45-57

Legal and humanitarian imperatives for the ‘day after’ in Gaza

International Humanitarian Law Centre. - [Stockholm] : International Humanitarian Law Centre, February 2026. - 39 p.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2026/02/Legal-and-Humanitarian-Imperatives-for-the-Day-After-in-Gaza.pdf>

The Monetary Gold Principle and States’ obligations triggered by a serious risks of atrocities being committed by another State : the cases of the duty to prevent genocide and the duty to ensure respect for IHL

Marco Longobardo. In: International community law review, vol. 27, no. 3, 2025, p. 282-329

<https://doi.org/10.1163/18719732-bja10143> *

National and international means of (military) justice : four circles of a legal debate on the punishment of violations of the laws of war in the period between the Franco-Prussian war and the beginning of the Cold War (1864-1949)

Daniel Marc Segesser. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 31-55

<https://doi.org/10.1515/9783110989588-002>

Nuclear weapons and international law : existential risks of nuclear war and deterrence through a legal lens

Charles J. Moxley Jr., forewords by William J. Perry, John D. Feerick and Claire Finkelstein. - London [etc.] : Hamilton Books, 2025. - XXXVIII, 504 p. (vol. 1) ; p. 505-1096 (vol. 2)

L’obligation des Etats d’empêcher tout transfert d’armes à partir de leur territoire vers Israël dans le contexte du conflit à Gaza

par Anne Lagerwall. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 529-577

https://cdi.ulb.ac.be/wp-content/uploads/2025/09/rbdi2024_1p529-Anne-Lagerwall.pdf

Reporting activities under international humanitarian law

Giulio Bartolini and Sofia Pouloupoulou. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 961-998
<https://library.icrc.org/library/docs/DOC/irrc-930-bartolini.pdf>

Special agreements in non-international armed conflicts : lessons from the practice

Aristide Evouna Evouna. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1072-1106
<https://library.icrc.org/library/docs/DOC/irrc-930-evouna.pdf>

Technology and the law of jus ante bellum

Asaf Lubin. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 339-359
<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/15/>

The use and misuse of the Red Cross emblem in Australia

Emily Crawford, Rain Liivoja, and Alison Pert. In: Australian international law journal, vol. 31, 2024, p. 73-99
<https://access.heinonline.com/HOL/P?h=hein.journals/austintlj31&i=78> *

Why do we enforce the law against IHL violations ? : reason-giving in Israeli court-martial judgments

Liron A. Libman, Amichai Cohen. In: The military law and the law of war review, vol. 6, no. 2, 2025, p. 161-195
<https://doi.org/10.4337/mlwr.2025.01.02> *

XIII. International human rights law

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

Absorbed into the war machine : what is independence when everything is connected?

Martin Searle and Beatrice Lau. - In: Humanitarian myths and hubris : a critical self-portrait from Médecins Sans Frontières. - London ; New York : Routledge, 2026. - p. 183-202

<https://doi.org/10.4324/9781003542247> *

The Al Hassan judgment : ICC's first take on the war crime of passing of sentences by irregular courts under Article 8(3)(c)(iv) of Rome Statute

Kacper Zajac. In: International criminal law review, vol. 25, issue 5, October 2025, p. 808-839

<https://doi.org/10.1017/S0020589325100833>

Human rights in warfare

Boyd van Dijk. - In: The Cambridge history of rights. - Cambridge : Cambridge University Press, 2025. - p. 525-546

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63508.pdf> *

The intercontinental dialogue on enforced disappearances : the case of massive disappearances during hostilities

Ioanna Pervou. In: The international journal of human rights, vol. 29, no. 4, 2025, p. 758-771

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63949.pdf> *

Legal and humanitarian imperatives for the 'day after' in Gaza

International Humanitarian Law Centre. - [Stockholm] : International Humanitarian Law Centre, February 2026. - 39 p.

<https://apidiakoniasse.cdn.triggerfish.cloud/uploads/sites/2/2026/02/Legal-and-Humanitarian-Imperatives-for-the-Day-After-in-Gaza.pdf>

The military fantasy of biometrics : neglecting the risks of the normalizing of bodies during armed conflicts

Anna Rosalie Greipl. In: Journal of international humanitarian legal studies, vol. 16, issue 2, 2025, p. 371-392

<https://doi.org/10.1163/18781527-bja10113>

Modern slavery in armed conflict : foreign 'forced fighters' in Ukraine

Matilda Gillis. In: International and comparative law quarterly, vol. 74, part 3, July 2025, p. 707-721

<https://doi.org/10.1017/S0020589325100924>

Persons with disabilities and Western Sahara : assessing protection in the context of regime interdependencies

Bryce Hollander and Janet E. Lord. - In: Western Sahara in the international legal order : 50 years after the ICJ advisory opinion. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 39-72

When bullets threaten the pursuit of knowledge : reclaiming children's right to education in armed conflict through a human dignity-centred approach under IHRL and IHL

Lisang Nyathi. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1241-1269

<https://library.icrc.org/library/docs/DOC/irrc-930-nyathi.pdf>

XIV. International criminal law

The Al Hassan judgment : ICC's first take on the war crime of passing of sentences by irregular courts under Article 8(3)(c)(iv) of Rome Statute

Kacper Zajac. In: International criminal law review, vol. 25, issue 5, October 2025, p. 808-839

<https://doi.org/10.1017/S0020589325100833>

Amnesties as a means of encouraging transition and strengthening the application of IHL in Colombia : the case of the Special Jurisdiction for Peace

Marcela Giraldo Muñoz. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 874-901

<https://library.icrc.org/library/docs/DOC/irrc-930-munoz.pdf>

'The beginning of something great'? : international criminal law in the interwar period

Sévane Garibian. - In: International law at the time of the League of Nations (1920-1945). - Cambridge : Cambridge University Press, 2025. - p. 390-434

Child recruitment and beyond : prosecuting the broad spectrum of violence committed against recruited children within the former FARC-EP ranks

Lily Rueda Guzmán and César Rojas-Orozco. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 943-960

<https://library.icrc.org/library/docs/DOC/irrc-930-guzman.pdf>

'The computer did it, not me!' : the challenges of allocating international legal responsibility for the use of autonomous cyber capabilities enabled by artificial intelligence

Samuli Haataja and Simon McKenzie. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 226-249

Heart of darkness: Japanese military justice on the road to Nanjing, 1937

Urs Matthias Zachmann. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 221-245

<https://doi.org/10.1515/9783110989588-009>

The ICC decisions to issue arrest warrants against Hamas and Israeli leaders : comments on the procedure, crimes and legal effects

by Raphaël Van Steenberghe. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 407-444

<http://hdl.handle.net/2078.1/304599>

Indiscriminate attacks as war crimes in international and German criminal law

Philipp Terfurth. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 145-156

<https://doi.org/10.35998/huv-2025-0010> *

Une justice pénale internationale résiliente face à l'adversité : dixièmes Journées de la justice pénale internationale

Sous la direction de Julian Fernandez, Olivier de Frouville et Didier Rebut. - Paris : A. Pedone, 2026. - 260 p.

Legal frameworks for mass terrorism : the October 7th attack and implications for security law

Shai Farber and Ofek Efraim Alaluf. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 287-315
<https://doi.org/10.1093/jcsl/krafo11>

Legal construction of common humanity : human agency in a cosmopolitan war crimes law

Tianying Song. - Brussels : Torkel Opsahl Academic EPublisher, 2025. - VIII, 208 p.
<https://www.toaep.org/ps-pdf/46-song>

National and international means of (military) justice : four circles of a legal debate on the punishment of violations of the laws of war in the period between the Franco-Prussian war and the beginning of the Cold War (1864-1949)

Daniel Marc Segesser. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 31-55
<https://doi.org/10.1515/9783110989588-002>

The Supreme National Tribunal and international criminal law : Polish perspectives on prosecuting war criminals

Oktawian Kuc. - Abingdon ; New York : Routledge, 2026. - XVI, 297 p.

Technology and the law of jus ante bellum

Asaf Lubin. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 339-359
<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/15/>

Trials and penal sanctions by non-state armed groups : between rough justice and rebel rule of law

Hannes Jöbstl. - Cambridge [etc.] : Cambridge University Press, 2026. - XXII, 305 p.
<https://doi.org/10.1017/9781009621557> *

When is detention by non-state actors a war crime ? : the Special Jurisdiction for Peace's decision on hostage-taking by the FARC-EP

Julieta Lemaitre Ripoll. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 902-914
<https://library.icrc.org/library/docs/DOC/irrc-930-ripoll.pdf>

XV. Contemporary challenges

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

AI-based decision-support systems : blurring jus ad bellum and jus in bello proportionality and its implications

Mei Ching Liu. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 183-198

<https://doi.org/10.35998/huv-2025-0014> *

Artificial intelligence and autonomous systems in warfighting at sea

Nicholas Kadlec. In: International law studies, vol. 106, 2025, p. 455-498

<https://digital-commons.usnwc.edu/ils/vol106/iss1/14/>

Civilian hackers in war : the limits that international humanitarian law imposes on volunteer IT armies, hacktivists, and other civilian hackers

Tilman Rodenhäuser. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1270-1308

<https://library.icrc.org/library/docs/DOC/irrc-930-rodenhauser.pdf>

Cognitive warfare in the biotechnological age : threats and challenges to international law

Alberto Rinaldi. In: Cambridge international law journal, vol. 14, no. 2, 2025, p. 185-207

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63046.pdf> *

Digital information technologies and international humanitarian law : new opportunities and challenges

Jonathan Hafetz. In: Denver journal of international law and policy, vol. 53, no. 2, 2025, p. 249-284

<https://digitalcommons.du.edu/djilp/vol53/iss2/6/>

Digital spotters ? : civilian reporting of enemy positions and the threshold of direct participation

Roberto Marini. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 183-198

<https://doi.org/10.35998/huv-2025-0016> *

The erosion of human(e) judgement in targeting ? : quantification logics, AI-enabled decision support systems and proportionality assessments in IHL

Jessica Dorsey. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1041-1071

<https://library.icrc.org/library/docs/DOC/irrc-930-dorsey.pdf>

Hypersonic weapons and international law : incompatibilities with arms control treaties and international humanitarian law

Elisabeth Hoffberger-Pippan. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 174-201

Keeping our humanity : ensuring the legitimacy of military targeting operations through civilian harm mitigation in increasingly autonomous warfare

Jessica Dorsey. - Utrecht : Utrecht University, 2026. - 242 p.

<https://doi.org/10.33540/3308>

The law of armed conflict – in the dark

Laurie R. Blank. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 281-300
<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/12>

The law of targeting's mechanization and objectivization through the use of artificial intelligence

Tobias Vestner. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 202-224

El lawfare y la instrumentalización del derecho en las operaciones militares

José Ramón Suberviola Gilabert. In: Revista española de derecho militar, no. 123, enero-junio 2025, p. 151-194
<https://dialnet.unirioja.es/servlet/articulo?codigo=10405405>

Out of sight, out of mind : opacity, e(X)pl(AI)nability and international humanitarian law

Natali Gbele. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 183-198
<https://doi.org/10.35998/huv-2025-0013> *

The phantom pain : an international law perspective on the weaponization of infrasound, ultrasound, and microwaves

Thibault Moulin. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 265-286
<https://doi.org/10.1093/jcsl/krafo09> *

Regulating non-kinetic effects of cyber operations : the ‘loss of functionality’ approach and the military necessity-humanity balance under international humanitarian law

Giacomo Biggio. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 241-263
<https://doi.org/10.1093/jcsl/krafo08>

Reporting activities under international humanitarian law

Giulio Bartolini and Sofia Pouloupoulou. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 961-998
<https://library.icrc.org/library/docs/DOC/irrc-930-bartolini.pdf>

The rise of big data and the law of armed conflict

Laura A. Dickinson. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 301-318
<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/13/>

“Violent, vicious, and fast” : LSCO lawyering and the transformation of American IHL

Naz Khatoon Modirzadeh. In: Harvard national security journal, vol. 17, issue 1, 2025, 81 p.
https://journals.law.harvard.edu/nsj/wp-content/uploads/sites/82/2025/12/Modirzadeh_17-Harv.-Natl-Sec.-J.-1-2025.pdf

XVI. Countries/Regions

AFRICA

Changing the narrative : a reflection on the impact of the Tool on African traditions and the preservation of humanity during warfare

Tamalin Bolus and Sarah Jean Mabeza. - In: The laws of yesterday's wars 4. - Leiden ; Boston : Brill Nijhoff, 2026. - p. 179-194

https://doi.org/10.1163/9789004703094_007 *

AUSTRALIA

The use and misuse of the Red Cross emblem in Australia

Emily Crawford, Rain Liivoja, and Alison Pert. In: Australian international law journal, vol. 31, 2024, p. 73-99

<https://access.heinonline.com/HOL/P?h=hein.journals/austintlj31&i=78> *

CENTRAL AMERICA

The intercontinental dialogue on enforced disappearances : the case of massive disappearances during hostilities

Ioanna Pervou. In: The international journal of human rights, vol. 29, no. 4, 2025, p. 758-771

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63949.pdf> *

CHINA

Distinction, proportionality, and precautions in attacks at sea in the new era of the law of naval warfare

James Kraska. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 387-406

<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/17/>

Heart of darkness: Japanese military justice on the road to Nanjing, 1937

Urs Matthias Zachmann. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 221-245

<https://doi.org/10.1515/9783110989588-009>

Military justice and its potential for violence towards civilians under wartime occupation: the Imperial Japanese Army in China, 1894-1941

Kelly Maddox. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 271-299

<https://doi.org/10.1515/9783110989588-011>

« Violent, vicious, and fast » : LSCO lawyering and the transformation of American IHL

Naz Khatoon Modirzadeh. In: Harvard national security journal, vol. 17, issue 1, 2025, 81 p.

https://journals.law.harvard.edu/nsj/wp-content/uploads/sites/82/2025/12/Modirzadeh_17-Harv.-Natl-Sec.-J.-1-2025.pdf

COLOMBIA

Amnesties as a means of encouraging transition and strengthening the application of IHL in Colombia : the case of the Special Jurisdiction for Peace

Marcela Giraldo Muñoz. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 874-901

<https://library.icrc.org/library/docs/DOC/irrc-930-munoz.pdf>

Child recruitment and beyond : prosecuting the broad spectrum of violence committed against recruited children within the former FARC-EP ranks

Lily Rueda Guzmán and César Rojas-Orozco. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 943-960

<https://library.icrc.org/library/docs/DOC/irrc-930-guzman.pdf>

Ni máquinas de guerra, ni puras víctimas : legalidad de los ataques contra los niños de disidencias de las FARC según el derecho internacional humanitario

René Provost. In: Revista derecho del Estado, núm. 61, Enero-Abril 2025, p. 311-343

<https://doi.org/10.18601/01229893.n61.12>

Restoring dignity by granting rights : IHL and peacebuilding empowerment for Magdalena River fishing communities in Colombia

Lucas Martinez-Villalba. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 915-942

<https://library.icrc.org/library/docs/DOC/irrc-930-martinez.pdf>

When is detention by non-state actors a war crime ? : the Special Jurisdiction for Peace's decision on hostage-taking by the FARC-EP

Julieta Lemaitre Ripoll. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 902-914

<https://library.icrc.org/library/docs/DOC/irrc-930-ripoll.pdf>

EUROPE

The intercontinental dialogue on enforced disappearances : the case of massive disappearances during hostilities

Ioanna Pervou. In: The international journal of human rights, vol. 29, no. 4, 2025, p. 758-771

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63949.pdf> *

EUROPEAN UNION

The Court of Justice of the European Union and the Western Sahara case : a long-awaited justice or a compromise with European Union trade policies ?

Alice Cucca. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 58, 2025/1, p. 221-253

https://cdi.ulb.ac.be/wp-content/uploads/2025/11/rbdi2025_1p221-1.pdf

Export control and international law

Joop Voetelink. In: The military law and the law of war review, vol. 6, no. 2, 2025, p. 128-160

<https://doi.org/10.4337/mlwr.2025.01.01> *

GAZA

Classification of the armed conflicts in the Near East

Marco Sassòli. In: International law studies, vol. 106, 2025, p. 749-778

<https://digital-commons.usnwc.edu/ils/vol106/iss1/27/>

Classifying the armed conflict in Gaza

by Katharine Fortin. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024/1-2, p. 275-343

<https://research-portal.uu.nl/en/publications/classifying-the-armed-conflict-in-gaza/>

Le droit à l'assistance humanitaire à Gaza

par Julia Grignon. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 445-489

Legal and humanitarian imperatives for the 'day after' in Gaza

International Humanitarian Law Centre. - [Stockholm] : International Humanitarian Law Centre, February 2026. - 39 p.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2026/02/Legal-and-Humanitarian-Imperatives-for-the-Day-After-in-Gaza.pdf>

« Medical lawfare » or « wage war from the hospitals » ? : IHL and healthcare in the Hamas/Israel armed conflict

by Giulio Bartolini and Alice Riccardi. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 345-381

L'obligation des Etats d'empêcher tout transfert d'armes à partir de leur territoire vers Israël dans le contexte du conflit à Gaza

par Anne Lagerwall. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 529-577

https://cdi.ulb.ac.be/wp-content/uploads/2025/09/rbdi2024_1p529-Anne-Lagerwall.pdf

Que restera-t-il des principes de distinction et de proportionnalité après la guerre de Gaza ?

par Vaïos Koutroulis. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 491-527

The status of the Gaza strip before and after 7 October 2023 under the law of occupation

by Federica Favuzza and Marco Longobardo. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 383-406

The use of the 'Lavender' in Gaza and the law of targeting : AI-decision support systems and facial recognition technology

Emilie Andersin. In: Journal of international humanitarian legal studies, vol. 16, issue 2, 2025, p. 336-370

<https://doi.org/10.1163/18781527-bja10119>

GERMANY

Feindstaatenangehörige zwischen Völkerrecht und Willkür : Status und Behandlung britischer Zivilpersonen im nationalsozialistischen Deutschland

Kim Wünschmann. In: Vierteljahrshefte für Zeitgeschichte 74. Jahrgang, Heft 1, Januar 2026, p. 1-37 : fotogr.

Indiscriminate attacks as war crimes in international and German criminal law

Philipp Terfurth. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 145-156

<https://doi.org/10.35998/huv-2025-0010> *

Justice behind the lines: prisoners of war, military justice and reprisals in the First World War

Brian K. Feltman. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 325-345

<https://doi.org/10.1515/9783110989588-013>

The Supreme National Tribunal and international criminal law : Polish perspectives on prosecuting war criminals

Oktawian Kuc. - Abingdon ; New York : Routledge, 2026. - XVI, 297 p.

IRAN

Iran and its proxies : attribution and State responsibility

Jennifer Maddocks. In: International law studies, vol. 106, 2025, p. 455-498

<https://digital-commons.usnwc.edu/ils/vol106/iss1/26/>

IRAQ

Biometrics to necrometrics : what the dead can tell us about war : a human security approach to collecting and analysing conflict data from the dead

Lily Hamourtziadou, Welmoet Wels. In: Journal of international humanitarian legal studies, vol. 16, issue 2, 2025, p. 307-335

<https://doi.org/10.1163/18781527-bja10117>

The dangerous rise of « dual-use » objects in war

Onna A. Hathaway, Azmat Khan and Mara R. Revkin. In: The Yale law journal, vol. 134, no. 8, June 2025, p. 2645-2750

<https://yalelawjournal.org/article/the-dangerous-rise-of-dual-use-objects-in-war>

Iran and its proxies : attribution and State responsibility

Jennifer Maddocks. In: International law studies, vol. 106, 2025, p. 455-498

<https://digital-commons.usnwc.edu/ils/vol106/iss1/26/>

The rise of US military legalism : a new theory of military professionalism

Doyle K. Hodges. - Abington, New York : Routledge, 2026. - XIII, 223 p.

ISRAEL

Classification of the armed conflicts in the Near East

Marco Sassòli. In: International law studies, vol. 106, 2025, p. 749-778

<https://digital-commons.usnwc.edu/ils/vol106/iss1/27/>

Classifying the armed conflict in Gaza

by **Katharine Fortin**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024/1-2, p. 275-343

<https://research-portal.uu.nl/en/publications/classifying-the-armed-conflict-in-gaza/>

Le droit à l'assistance humanitaire à Gaza

par **Julia Grignon**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 445-489

The ICC decisions to issue arrest warrants against Hamas and Israeli leaders : comments on the procedure, crimes and legal effects

by **Raphaël Van Steenberghe**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 407-444

<http://hdl.handle.net/2078.1/304599>

Implications for Western Sahara of the ICJ's advisory opinion on the status of Israel in the Occupied Palestinian Territories

Yaël Ronen. - In: Western Sahara in the international legal order : 50 years after the ICJ advisory opinion. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 315-343

Legal frameworks for mass terrorism : the October 7th attack and implications for security law

Shai Farber and Ofek Efraim Alaluf. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 287-315

<https://doi.org/10.1093/jcsl/kraf011>

Legal and humanitarian imperatives for the 'day after' in Gaza

International Humanitarian Law Centre. - [Stockholm] : International Humanitarian Law Centre, February 2026. - 39 p.

<https://apidiakoniasse.cdn.triggerfish.cloud/uploads/sites/2/2026/02/Legal-and-Humanitarian-Imperatives-for-the-Day-After-in-Gaza.pdf>

« Medical lawfare » or « wage war from the hospitals » ? : IHL and healthcare in the Hamas/Israel armed conflict

by **Giulio Bartolini and Alice Riccardi**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 345-381

The notion of an illegal occupation in the ICJ's Palestine Advisory Opinion

Marko Milanovic. In: International and comparative law quarterly, vol. 74, part 3, July 2025, p. 517-553

<https://doi.org/10.1017/S0020589325100833>

L'obligation des Etats d'empêcher tout transfert d'armes à partir de leur territoire vers Israël dans le contexte du conflit à Gaza

par **Anne Lagerwall**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 529-577

https://cdi.ulb.ac.be/wp-content/uploads/2025/09/rbdi2024_1p529-Anne-Lagerwall.pdf

Que restera-t-il des principes de distinction et de proportionnalité après la guerre de Gaza ?

par **Vaios Koutroulis**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 491-527

The status of the Gaza strip before and after 7 October 2023 under the law of occupation

by **Federica Favuzza and Marco Longobardo**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 383-406

The use of the ‘Lavender’ in Gaza and the law of targeting : AI-decision support systems and facial recognition technology

Emilie Andersin. In: Journal of international humanitarian legal studies, vol. 16, issue 2, 2025, p. 336-370

<https://doi.org/10.1163/18781527-bja10119>

Why do we enforce the law against IHL violations ? : reason-giving in Israeli court-martial judgments

Liron A. Libman, Amichai Cohen. In: The military law and the law of war review, vol. 6, no. 2, 2025, p. 161-195

<https://doi.org/10.4337/mlwr.2025.01.02> *

JAPAN

Heart of darkness: Japanese military justice on the road to Nanjing, 1937

Urs Matthias Zachmann. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 221-245

<https://doi.org/10.1515/9783110989588-009>

Japanese military justice against Allied soldiers during the Pacific War 1941-1945: an assessment of the trial against Walter Anker and four others

Nicolas Stassar. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 347-370

<https://doi.org/10.1515/9783110989588-014>

Military justice and its potential for violence towards civilians under wartime occupation: the Imperial Japanese Army in China, 1894-1941

Kelly Maddox. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 271-299

<https://doi.org/10.1515/9783110989588-011>

Prolonged occupation through law : architecture of provisionality in Okinawa

Kyo Arai. - London ; New York : Routledge, 2026. - XIV, 250 p.

KOREA

The rise of US military legalism : a new theory of military professionalism

Doyle K. Hodges. - Abington, New York : Routledge, 2026. - XIII, 223 p.

LATIN AMERICA

The intercontinental dialogue on enforced disappearances : the case of massive disappearances during hostilities

Ioanna Pervou. In: The international journal of human rights, vol. 29, no. 4, 2025, p. 758-771

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63949.pdf> *

LEBANON

Classification of the armed conflicts in the Near East

Marco Sassòli. In: International law studies, vol. 106, 2025, p. 749-778

<https://digital-commons.usnwc.edu/ils/vol106/iss1/27/>

Hezbollah in international law

Mireille Rebeiz. - Edinburgh : Edinburgh University Press, 2026. - X, 254 p.

Iran and its proxies : attribution and State responsibility

Jennifer Maddocks. In: International law studies, vol. 106, 2025, p. 455-498

<https://digital-commons.usnwc.edu/ils/vol106/iss1/26/>

MALI

Confronting rifles with words : the High Islamic Council of Mali and non-state armed groups

Piergiuseppe Parisi. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 21 p.

<https://doi.org/10.1093/jhuman/huae040>

MEXICO

A painting and the exchange of Belgian prisoners of war during the French intervention in Mexico (1862-1867)

Tania Ixchel Atilano. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1107-1140

<https://library.icrc.org/library/docs/DOC/irrc-930-atilano.pdf>

MOROCCO

The Court of Justice of the European Union and the Western Sahara case : a long-awaited justice or a compromise with European Union trade policies ?

Alice Cucca. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 58, 2025/1, p. 221-253

https://cdi.ulb.ac.be/wp-content/uploads/2025/11/rbdi2025_1p221-1.pdf

Implications for Western Sahara of the ICJ's advisory opinion on the status of Israel in the Occupied Palestinian Territories

Yaël Ronen. - In: Western Sahara in the international legal order : 50 years after the ICJ advisory opinion. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 315-343

PALESTINE

Classification of the armed conflicts in the Near East

Marco Sassòli. In: International law studies, vol. 106, 2025, p. 749-778

<https://digital-commons.usnwc.edu/ils/vol106/iss1/27/>

Classifying the armed conflict in Gaza

by **Katharine Fortin**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024/1-2, p. 275-343

<https://research-portal.uu.nl/en/publications/classifying-the-armed-conflict-in-gaza/>

Le droit à l'assistance humanitaire à Gaza

par **Julia Grignon**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 445-489

The ICC decisions to issue arrest warrants against Hamas and Israeli leaders : comments on the procedure, crimes and legal effects

by **Raphaël Van Steenberghe**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 407-444

<http://hdl.handle.net/2078.1/304599>

Implications for Western Sahara of the ICJ's advisory opinion on the status of Israel in the Occupied Palestinian Territories

Yaël Ronen. - In: Western Sahara in the international legal order : 50 years after the ICJ advisory opinion. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 315-343

Iran and its proxies : attribution and State responsibility

Jennifer Maddocks. In: International law studies, vol. 106, 2025, p. 455-498

<https://digital-commons.usnwc.edu/ils/vol106/iss1/26/>

Une justice pénale internationale résiliente face à l'adversité : dixièmes Journées de la justice pénale internationale

Sous la direction de **Julian Fernandez, Olivier de Frouville et Didier Rebut**. - Paris : A. Pedone, 2026. - 260 p.

Legal and humanitarian imperatives for the 'day after' in Gaza

International Humanitarian Law Centre. - [Stockholm] : International Humanitarian Law Centre, February 2026. - 39 p.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2026/02/Legal-and-Humanitarian-Imperatives-for-the-Day-After-in-Gaza.pdf>

« Medical lawfare » or « wage war from the hospitals » ? : IHL and healthcare in the Hamas/Israel armed conflict

by **Giulio Bartolini and Alice Riccardi**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 345-381

The notion of an illegal occupation in the ICJ's Palestine Advisory Opinion

Marko Milanovic. In: International and comparative law quarterly, vol. 74, part 3, July 2025, p. 517-553

<https://doi.org/10.1017/S0020589325100833>

Que restera-t-il des principes de distinction et de proportionnalité après la guerre de Gaza ?

par **Vaios Koutroulis**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 491-527

The use of the ‘Lavender’ in Gaza and the law of targeting : AI-decision support systems and facial recognition technology

Emilie Andersin. In: Journal of international humanitarian legal studies, vol. 16, issue 2, 2025, p. 336-370

<https://doi.org/10.1163/18781527-bja10119>

PHILIPPINES

Engaging Ulama in the promotion of international humanitarian law : a case study from Mindanao

Datuan Magon, Dominic Earnshaw. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 14 p.

<https://doi.org/10.1093/jhuman/huado72>

POLAND

The Supreme National Tribunal and international criminal law : Polish perspectives on prosecuting war criminals

Oktawian Kuc. - Abingdon ; New York : Routledge, 2026. - XVI, 297 p.

RUSSIAN FEDERATION

Atoms for peace in a time of international conflict : assessing the legal situation of nuclear power plants under belligerent occupation

Emiliano Buis. In: Nuclear law bulletin, no. 112, vol 2024/1, p. 7-39

https://www.oecd-nea.org/upload/docs/application/pdf/2025-04/7695_nlb_112_-_22-04-2025.pdf#page=9

Hypersonic weapons and international law : incompatibilities with arms control treaties and international humanitarian law

Elisabeth Hoffberger-Pippan. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 174-201

Modern slavery in armed conflict : foreign ‘forced fighters’ in Ukraine

Matilda Gillis. In: International and comparative law quarterly, vol. 74, part 3, July 2025, p. 707-721

<https://doi.org/10.1017/S0020589325100924>

Regulating non-kinetic effects of cyber operations : the ‘loss of functionality’ approach and the military necessity-humanity balance under international humanitarian law

Giacomo Biggio. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 241-263

<https://doi.org/10.1093/jcsl/krafoo8>

Sunk in battle, but the war is not over : who owns the Moskva ?

Caroline Tuckett. In: International law studies, vol. 106, 2025, p. 66-84

<https://digital-commons.usnwc.edu/ils/vol106/iss1/3/>

SYRIA

Armed groups, religious leaders, and humanitarian norms : a case study of Hayat Tahrir al-Sham in Syria and Ansar Allah in Yemen

Marta Furlan and Omar Ahmed Abenza. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 13 p.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63948.pdf> *

The dangerous rise of « dual-use » objects in war

Onna A. Hathaway, Azmat Khan and Mara R. Revkin. In: The Yale law journal, vol. 134, no. 8, June 2025, p. 2645-2750

<https://yalelawjournal.org/article/the-dangerous-rise-of-dual-use-objects-in-war>

Iran and its proxies : attribution and State responsibility

Jennifer Maddocks. In: International law studies, vol. 106, 2025, p. 455-498

<https://digital-commons.usnwc.edu/ils/vol106/iss1/26/>

UKRAINE

Atoms for peace in a time of international conflict : assessing the legal situation of nuclear power plants under belligerent occupation

Emiliano Buis. In: Nuclear law bulletin, no. 112, vol 2024/1, p. 7-39

https://www.oecd-nea.org/upload/docs/application/pdf/2025-04/7695_nlb_112_-_22-04-2025.pdf#page=9

Hypersonic weapons and international law : incompatibilities with arms control treaties and international humanitarian law

Elisabeth Hoffberger-Pippan. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 174-201

Modern slavery in armed conflict : foreign ‘forced fighters’ in Ukraine

Matilda Gillis. In: International and comparative law quarterly, vol. 74, part 3, July 2025, p. 707-721

<https://doi.org/10.1017/S0020589325100924>

Regulating non-kinetic effects of cyber operations : the ‘loss of functionality’ approach and the military necessity-humanity balance under international humanitarian law

Giacomo Biggio. In: Journal of conflict and security law, vol. 30, no. 2, Summer 2025, p. 241-263

<https://doi.org/10.1093/jcsl/krafo08>

Sunk in battle, but the war is not over : who owns the Moskva ?

Caroline Tuckett. In: International law studies, vol. 106, 2025, p. 66-84

<https://digital-commons.usnwc.edu/ils/vol106/iss1/3/>

UNITED KINGDOM

Justice behind the lines: prisoners of war, military justice and reprisals in the First World War

Brian K. Feltman. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 325-345

<https://doi.org/10.1515/9783110989588-013>

Laws of war as part of English law

Alexander Orakhelashvili. - In: The character of international law. - Oxford ; London ; New York ; New Delhi ; Sydney : Hart, 2025. - p. 45-57

UNITED STATES

The dangerous rise of « dual-use » objects in war

Onna A. Hathaway, Azmat Khan and Mara R. Revkin. In: The Yale law journal, vol. 134, no. 8, June 2025, p. 2645-2750

<https://yalelawjournal.org/article/the-dangerous-rise-of-dual-use-objects-in-war>

Distinction, proportionality, and precautions in attacks at sea in the new era of the law of naval warfare

James Kraska. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 387-406

<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/17/>

Hypersonic weapons and international law : incompatibilities with arms control treaties and international humanitarian law

Elisabeth Hoffberger-Pippan. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 174-201

Nuclear weapons and international law : existential risks of nuclear war and deterrence through a legal lens

Charles J. Moxley Jr., forewords by William J. Perry, John D. Feerick and Claire Finkelstein. - London [etc.] : Hamilton Books, 2025. - XXXVIII, 504 p. (vol. 1) ; p. 505-1096 (vol. 2)

Prolonged occupation through law : architecture of provisionality in Okinawa

Kyo Arai. - London ; New York : Routledge, 2026. - XIV, 250 p.

The rise of US military legalism : a new theory of military professionalism

Doyle K. Hodges. - Abington, New York : Routledge, 2026. - XIII, 223 p.

« Violent, vicious, and fast » : LSCO lawyering and the transformation of American IHL

Naz Khatoon Modirzadeh. In: Harvard national security journal, vol. 17, issue 1, 2025, 81 p.

https://journals.law.harvard.edu/nsj/wp-content/uploads/sites/82/2025/12/Modirzadeh_17-Harv.-Natl-Sec.-J.-1-2025.pdf

VIET NAM

The rise of US military legalism : a new theory of military professionalism

Doyle K. Hodges. - Abington, New York : Routledge, 2026. - XIII, 223 p.

WESTERN SAHARA

The Court of Justice of the European Union and the Western Sahara case : a long-awaited justice or a compromise with European Union trade policies ?

Alice Cucca. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 58, 2025/1, p. 221-253

https://cdi.ulb.ac.be/wp-content/uploads/2025/11/rbdi2025_1p221-1.pdf

Implications for Western Sahara of the ICJ's advisory opinion on the status of Israel in the Occupied Palestinian Territories

Yaël Ronen. - In: Western Sahara in the international legal order : 50 years after the ICJ advisory opinion. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 315-343

Persons with disabilities and Western Sahara : assessing protection in the context of regime interdependencies

Bryce Hollander and Janet E. Lord. - In: Western Sahara in the international legal order : 50 years after the ICJ advisory opinion. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 39-72

YEMEN

Armed groups, religious leaders, and humanitarian norms : a case study of Hayat Tahrir al-Sham in Syria and Ansar Allah in Yemen

Marta Furlan and Omar Ahmed Abenza. In: Journal of human rights practice, vol. 17, issue 2, July 2025, 13 p.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63948.pdf> *

All with Abstracts

20 Jahre Völkergewohnheitsrechtstudie des Internationalen Komitees vom Roten Kreuz

Giuliana Schemschat. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Bd. 8, H. 3-4, 2025, S. 131-144

The study on customary international law published by the International Committee of the Red Cross (ICRC) in 2005 represents a major achievement for international humanitarian law. Despite substantial criticism in parts and ongoing debate regarding its authority and legal binding force, it is attributed considerable practical influence. This paper examines the impact the study has had on (international humanitarian) law since its publication and analyzes its role as a reference work. In order to do justice to international law as an ongoing process, continuous updates and adjustments remain necessary for its successful continuation. [article in German]

<https://doi.org/10.35998/huv-2025-0009> *

Absorbed into the war machine : what is independence when everything is connected?

Martin Searle and Beatrice Lau. - In: Humanitarian myths and hubris : a critical self-portrait from Médecins Sans Frontières. - London ; New York : Routledge, 2026. - p. 183-202

The digitalisation of humanitarian operations has improved efficiency but also introduced significant vulnerabilities. Humanitarian organisations like Médecins Sans Frontières (MSF) face a capability–vulnerability paradox, where enhanced cyber capabilities also increase exposure to cyberattacks, intelligence gathering, and potential instrumentalisation by actors pursuing political, economic, or military agendas. This chapter explores how these risks challenge the core humanitarian principle – independence. As warfare and global decision-making become increasingly data-driven, humanitarian information – ranging from medical records to geospatial analysis – has gained strategic value. Cyber intrusions targeting humanitarian databases highlight the risk of aid organisations unwittingly becoming intelligence sources that serve agendas diverging from the humanitarian purposes for which the data was collected. This threatens neutrality and erodes operational trust. This chapter examines existing international legal frameworks – including laws of immunity, international humanitarian law (IHL), and human rights law – and argues that existing protections remain insufficient against cyber threats. It posits that safeguarding humanitarian independence in the digital age requires a multilayered approach, combining legal advocacy, robust cybersecurity measures, and strategic engagement with conflict and private actors. Without such efforts, humanitarian organisations risk being perceived as intelligence conduits rather than neutral aid providers, ultimately jeopardising their ability to operate in conflict settings.

<https://doi.org/10.4324/9781003542247> *

Against the laws of humanity : expanding bullets and the 1899 First Hague Peace Conference

Carmen Chas. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 999–1019

The prohibition on the use of expanding bullets was one of the first prohibitions to arise in contemporary international humanitarian law. This prohibition is not a mere historical curiosity and retains considerable importance due to the breadth of legal instruments that it gave birth to. The spirit that drove the negotiations of the 1899 First Hague Peace Conference – growing concern about the horrors created by new military technologies and their increased lethality – has continued to inspire those who wish to advance the agenda of humanitarian arms control and disarmament today. This article contributes to the literature examining weapons prohibitions by engaging with the historical diplomatic and medical literature and debates that influenced the prohibition of expanding bullets in armed conflicts. It examines the outcry against the use of these bullets, contrasts it with the interests of the States that chose to use or not use them, and traces their influence on the 1899 Hague Conference and contemporary legal instruments. In doing so, the article highlights the dual influence of ethics and military interests in the prohibition of the

use of expanding bullets in armed conflicts and argues that the creation of norms is more multifaceted than typically accounted for.

<https://library.icrc.org/library/docs/DOC/irrc-930-chas.pdf>

AI-based decision-support systems : blurring jus ad bellum and jus in bello proportionality and its implications

Mei Ching Liu. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 183-198

This article addresses a gap in existing literature on AI-based decision-support systems (AI DSS), which overwhelmingly focuses on the jus in bello (or the law of armed conflict) framework. It demonstrates that AI DSS could also be used to support resort to force deliberations within the context of the jus ad bellum framework. The article first examines how AI DSS are currently being developed and/or used in the entire decision-making processes on the use of force. In doing so, it draws various AI DSS examples from the Israel-Hamas and Russia-Ukraine conflicts. By analysing these AI DSS examples, particularly the Acacia-M and Gotham systems, this article explores how AI DSS might influence state-level decision-making on the resort to force, potentially conflating jus ad bellum and jus in bello, as well as their respective concepts of proportionality.

<https://doi.org/10.35998/huv-2025-0014> *

The Al Hassan judgment : ICC's first take on the war crime of passing of sentences by irregular courts under Article 8(3)(c)(iv) of Rome Statute

Kacper Zajac. In: International criminal law review, vol. 25, issue 5, October 2025, p. 808-839

The Al Hassan case is the first case before the ICC to include charges under Article 8(2)(c)(iv) of the Rome Statute. As such, there is no relevant jurisprudence concerning its scope and application which Trial Chamber X could have relied on. In those circumstances, the judgment is likely to have a considerable impact on the development of the subsequent jurisprudence in this area. Article 8(2)(c)(iv) lies at the crossroads of International Criminal Law, International Humanitarian Law, International Human Rights Law and Public International Law; the provision's interpretation is problematic also because it is put in very generic terms and there is no international jurisprudence concerning its meaning. The judgment clarifies some areas of Article 8(2)(c)(iv), yet leaves others unanswered, especially when it comes to the selection of the appropriate source of legal rules for the determining of the parameters of that provision.

<https://doi.org/10.1017/S0020589325100833>

Amnesties as a means of encouraging transition and strengthening the application of IHL in Colombia : the case of the Special Jurisdiction for Peace

Marcela Giraldo Muñoz. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 874-901

Bearing in mind that the peace process between the Colombian government and the Revolutionary Armed Forces of Colombia – People's Army (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo, FARC-EP) has been an important milestone for transitional justice, this article aims to share some of the good practices and achievements of this process, as well as the setbacks and challenges that could be avoided in future peace processes. The article will highlight relevant contributions from the Chamber for Amnesty or Pardon (CAP) such as impacting the resocialization of former FARC-EP members and developing international humanitarian law discussions in relation to war crimes and less serious crimes. Additionally, it will describe some of the main challenges faced by the CAP, such as the high number of applications for transitional benefits that it receives, the high number of proceedings that it supervises, and the security concerns arising from implementing a peace agreement in a country still in conflict.

<https://library.icrc.org/library/docs/DOC/irrc-930-munoz.pdf>

Analogies in the historical development of IHL (1864-2001)

Pauline Lesaffre. In: *International review of the Red Cross*, Vol. 107, no. 930, 2025, p. 1169-1217

Analogies appear to permeate the entire domain of international humanitarian law (IHL), but as an independent subject of inquiry, they remain largely overlooked within IHL scholarship. This article seeks to initiate a debate by examining the role(s) of legal analogies in the historical development of IHL from 1864 to 2001. It pursues two specific objectives. First, it undertakes an empirical investigation into the prevalence and significance of analogies in IHL. Drawing on the collected data, the article proposes a taxonomy of IHL analogies encompassing three categories: analogies preceding IHL norms, analogies embedded within IHL norms, and analogies following IHL norms. Second, building on the hypothesis that analogical reasoning plays a pivotal role in shaping the normative content and structural evolution of IHL, the article analyzes such reasoning from an axiological perspective, identifying the underlying values and benefits that it conveys within the field. In the context of IHL's historical development, two traditional values emerge prominently: coherence and flexibility. On the one hand, analogies have enabled the discipline to evolve coherently, avoiding chaotic progressions; on the other, they have brought flexibility, allowing the law to adapt to changing realities on the ground. This two-pronged approach demonstrates that analogical reasoning in IHL is both pervasive and substantive: it has played a crucial role in the transformation of IHL over time.

<https://library.icrc.org/library/docs/DOC/irrc-930-lesaffre.pdf>

Armed groups, religious leaders, and humanitarian norms : a case study of Hayat Tahrir al-Sham in Syria and Ansar Allah in Yemen

Marta Furlan and Omar Ahmed Abenza. In: *Journal of human rights practice*, vol. 17, issue 2, July 2025, 13 p.

As international humanitarian law (IHL) and international human rights law (IHRL) continue to be violated, engaging non-state armed groups (NSAGs) remains an arduous task for humanitarian workers. Among the novel approaches to promote and defend these legal regimes among NSAGs, growing attention is devoted to the roles that religious leaders might play in promoting behaviours in compliance with IHL and IHRL. This approach seems especially pertinent in the case of religiously driven NSAGs, such as Hayat Tahrir al-Sham (HTS) in north-west Syria and Ansar Allah in north Yemen. This article aims to provide valuable insight on the potential of humanitarian engagement with religious leaders in these contexts. It starts by exploring the relationship between religious leaders active in north-west Syria and north Yemen and HTS and Ansar Allah respectively. The analysis proceeds by exploring whether those relationships had an impact over the NSAGs' compliance/non-compliance with IHL and IHRL. Finally, we engage in an explanatory effort to make sense of the similarities and differences identified in the influence that religious leaders exercise (or do not exercise) on HTS and Ansar Allah in matters of humanitarian norms compliance.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63948.pdf> *

Artificial intelligence and autonomous systems in warfighting at sea

Nicholas Kadlec. In: *International law studies*, vol. 106, 2025, p. 455-498

Much of the debate surrounding the military use of artificial intelligence (AI) tends to focus on lethal autonomous weapons systems. Those are systems that, once activated, can select and engage targets without further human intervention; sometimes pejoratively called “killer robots.” Moreover, debates often focus on their use and risks in land warfare. This land-warfare focus tends to invoke questions about the systems' ability to distinguish between combatants and civilians on urban battlefields and the potential for mistakes. Legal debates about the lawfulness of AI and lethal autonomous weapons systems in warfare similarly tend to focus on land warfare and thus the law of armed conflict as it applies specifically to that setting. Centering legal debates primarily on lethal autonomous weapons systems in land warfare, however, risks overlooking important nuances in naval warfare and its governing law, the law of naval warfare. Naval warfare and the law of naval warfare differ in substantial ways from their land analogs. These differences may make naval warfare and the law of naval warfare more accommodating of AI and autonomous systems and mitigate some of the risks and concerns arising in debates about their use in land

warfare. This article explores some of those nuances and differences in the law of naval warfare and how they can be conducive to AI and autonomous systems.

<https://digital-commons.usnwc.edu/ils/vol106/issi/14/>

Artificial intelligence-enabled autonomous weapon systems : feminist perspectives on meaningful human control

Machiko Kanetake. - In: The Oxford handbook of women and international law. - Oxford : Oxford University Press, 2025. - p. 329-346

This chapter is an attempt to reframe, from feminist perspectives, international regulatory debates on a contested weapon system: autonomous weapon systems (AWS) that employ artificial intelligence. This chapter engages with the notion of meaningful human control, which has been one of the focal concepts of international negotiations for the regulation of AWS. Among a wide range of feminist theories on international law, the chapter invokes three strands of feminist thoughts: liberal feminism, critical race feminism, and post-modern feminism. Each perspective allows us to reconsider the types of 'humans' who are involved in, or absent from, the process of controlling the development and use of AWS. The prevalence of the concept of meaningful human control without the reflection of humans involved indicates that feminist critiques in international law have yet to permeate international negotiations on the regulation of weapon systems.

<https://doi.org/10.1093/oxfordhb/9780197653647.013.0026> *

Atoms for peace in a time of international conflict : assessing the legal situation of nuclear power plants under belligerent occupation

Emiliano Buis. In: Nuclear law bulletin, no. 112, vol 2024/1, p. 7-39

This article discusses the current legal aspects related to the protection of nuclear facilities under international law, especially regarding belligerent occupation. A comprehensive analysis of all relevant international instruments allows us to overcome the de facto/de jure dichotomy regarding state responsibility for nuclear safety and nuclear security in cases of foreign interim control of nuclear facilities.

https://www.oecd-neo.org/upload/docs/application/pdf/2025-04/7695_nlb_112_-_22-04-2025.pdf#page=9

'The beginning of something great'? : international criminal law in the interwar period

Sévane Garibian. - In: International law at the time of the League of Nations (1920-1945). - Cambridge : Cambridge University Press, 2025. - p. 390-434

A hybrid legal discipline dealing with the relationships between the right to punish and state sovereignty, international criminal law (ICL) overturns classical conceptions of the state, law and justice. Its existence, foundations, scope and effectiveness are determined by the outcome of an attempt – which has proved more or less successful throughout the different phases of its evolution – to reconcile it with the founding principles of the modern state, sovereignty and legality, inherited from the Enlightenment. Adopting a historical perspective helps us its development, on either side of the pivotal moment represented by the creation of the League of Nations: the starting point marked by the 1919 Paris Conference and the immediate aftermath of the First World War; and the turning point marked by the work of the League and international legal doctrine in the interwar era. These two crucial phases saw a string of initiatives which, rather than failures, can be interpreted as a series of necessary transformations for the emergence of a new discipline and, more generally, a profound change in the global legal and judicial order.

Biometrics to necrometrics : what the dead can tell us about war : a human security approach to collecting and analysing conflict data from the dead

Lily Hamourtziadou, Welmoet Wels. In: Journal of international humanitarian legal studies, vol. 16, issue 2, 2025, p. 307-335

This paper discusses the use of biometrics on the dead of conflict from a human security perspective. Human security interprets conflict and the effects of conflict from a human point of view. Data extracted from the bodies of the dead aids in providing valuable information to assess

the human security situation and are therefore vitally important. This data collection process also involves legal considerations. Which obligations does international law set on the use of metrics from the dead in conflict? The project Iraq Body Count demonstrates in clear terms the importance of taking the human measure into account.

<https://doi.org/10.1163/18781527-bja10117>

Les caractéristiques spéciales du droit international humanitaire en matière de sources

Sophie Rondeau. - Schulthess Éditions Romandes, 2026 ; Genève ; Zurich. - XX, 439 p.

Cet ouvrage consigne une thèse de doctorat ayant pour but de communiquer les résultats des recherches juridiques menées sur les caractéristiques spéciales du droit international humanitaire (DIH) en matière de sources. Le DIH possède en effet des caractéristiques qui affectent la détermination et le développement de ses règles. Or, si ce constat ne permet pas d'affirmer que le DIH s'affranchit complètement ni du système que forme le droit international public, ni de l'approche traditionnelle des sources telle que consignée dans l'article 38 du Statut de la Cour internationale de justice, une des conclusions importantes de cette recherche a trait au développement progressif du DIH au-delà de ses sources strictement formelles. Ces développements se manifestent entre autres dans les sources non écrites que sont le droit international coutumier et les principes généraux de droit reconnus ; ils sont aussi nourris par des sources subsidiaires persuasives assimilables à des « moyens auxiliaires de détermination du droit ». En effet, les décisions judiciaires d'instances internationales telles que la Cour internationale de justice et le Tribunal pénal pour l'ex-Yougoslavie, ainsi que certains documents juridiques non contraignants produits par le Comité international de la Croix-Rouge (CICR) ont une valeur persuasive en DIH, de façon telle qu'ils apportent des ajustements nécessaires à l'approche traditionnelle des sources du droit international appliquée au DIH, allant plus souvent qu'autrement dans le sens d'un accroissement de la protection de la personne humaine.

Changing the narrative : a reflection on the impact of the Tool on African traditions and the preservation of humanity during warfare

Tamalin Bolus and Sarah Jean Mabeza. - In: The laws of yesterday's wars 4. - Leiden ; Boston : Brill Nijhoff, 2026. - p. 179-194

This chapter will consider the relevance and value of the Tool on African Traditions and the Preservation of Humanity during Warfare ("the Tool") as a means of highlighting the linkages between African traditions, customs and values pre-dating the 1949 Geneva Conventions with modern day principles of IHL. Such linkages highlight the manner in which pre-colonial Africa approached limits in warfare, and remains a valid and valuable consideration in post-colonial Africa. It is not the purpose of this chapter to explore the origins of IHL; the focus will rather be on the added value of the Tool, both past and future, in changing the narrative on IHL in Africa. The final section of this chapter will briefly highlight how the Tool may also benefit humanitarian workers, including ICRC colleagues, in their work on the continent.

https://doi.org/10.1163/9789004703094_007 *

Chemical and biological weapons : the interconnectivity of norms

Edited by Barry de Vries. - Leiden ; Boston : Brill Nijhoff, 2026. - IX, 240 p.

The bans on chemical and biological weapons, upheld by the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC), are foundational to global disarmament and international security. However, these regimes are under increasing strain due to recent violations, such as chemical attacks in Syria and targeted poisonings in Europe, as well as allegations linked to the ongoing conflict in Ukraine. Furthermore, broader institutional challenges are undermining arms control efforts. This book seeks to strengthen the norms against chemical and biological weapons by offering in-depth insight into the interconnectivity of international, domestic, and professional norms that support and enforce these prohibitions.

<https://doi.org/10.1163/9789004739192> *

Child recruitment and beyond : prosecuting the broad spectrum of violence committed against recruited children within the former FARC-EP ranks

Lily Rueda Guzmán and César Rojas-Orozco. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 943–960

This article analyzes the main investigative and legal challenges addressed by the Acknowledgment Chamber of the Colombian Special Jurisdiction for Peace (SJP) in Case 07 on recruitment and use of children in the armed conflict. First, it presents a general background on the mandate of the SJP as a special system of justice – the outcome of the 2016 Final Peace Agreement reached between the Colombian government and the former FARC-EP guerrilla group. Second, it outlines how the investigative methodology used in Case 07 addressed challenges related to understanding child recruitment as a complex criminal phenomenon, the identification of those bearing the greatest responsibility, and the approach to the broad scale and scope of the victimization. Finally, the article addresses the main challenges faced by the Chamber in the legal qualification of the criminal patterns identified, and how it resolved three key issues: the determination of the age threshold under which child recruitment constitutes a war crime, the definitions of the international humanitarian law status of protections of individuals within an armed group, and the classification of different forms of gender-based violence as war crimes.

<https://library.icrc.org/library/docs/DOC/irrc-930-guzman.pdf>

Civilian hackers in war : the limits that international humanitarian law imposes on volunteer IT armies, hacktivists, and other civilian hackers

Tilman Rodenhäuser. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1270-1308

“Hacktivists”, “patriotic hackers” and “civilian hackers” are today conducting cyber operations in several armed conflicts. While some of these groups work closely with State armed forces to support their operations and harm the enemy militarily, reports suggest that too often, civilian hackers have targeted – and damaged or disrupted – various parts of civilian infrastructures, such as banks, companies, pharmacies, hospitals, railway networks and civilian government services. The growing involvement of civilian hackers in digitalizing armed conflicts raises a number of legal questions. First, we must ask what limits international humanitarian law (IHL) imposes on civilian hackers. Second, it must be assessed what “status” these hackers and hacker groups have under IHL, and in what circumstances civilian hackers risk directly participating in hostilities and therefore losing their protection against attack. Third, the question arises of when a State is legally responsible for the conduct of civilian hackers operating under its instruction, direction or control, and what responsibilities States have to ensure respect for IHL by civilian hackers operating from their territory

<https://library.icrc.org/library/docs/DOC/irrc-930-rodenhauser.pdf>

Classification of the armed conflicts in the Near East

Marco Sassòli. In: International law studies, vol. 106, 2025, p. 749-778

This article explores the proper classification of Israel’s current conflicts with Hamas and Hezbollah as international or non-international armed conflicts. It discusses the different possibilities of how the international humanitarian law of international or non-international armed conflict applies to those conflicts and whether and to what extent the international humanitarian law of military occupation applies to the conduct of Israel Defence Forces in the Gaza Strip and Lebanon. It also explains why the proper classification of the conflicts still matters and is not only an intellectual exercise for scholars or students. While every conflict has its specifics, the article deals with them together, legal issue by legal issue.

<https://digital-commons.usnwc.edu/ils/vol106/iss1/27/>

Classifying the armed conflict in Gaza

by Katharine Fortin. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024/1-2, p. 275-343

This article reviews the different arguments which have been put forward for classifying the armed conflict in Gaza as being an international armed conflict (IAC) and/or a non-international armed

conflict (NIAC) for the purposes of international humanitarian law. In doing so, it first reviews arguments that Gaza was occupied prior to 7 October or afterwards. It then goes on to consider what this means for whether the hostilities between Hamas and Israel should be treated as an IAC or NIAC, reviewing arguments that Palestine exercises overall control over Hamas, the question of whether Article 1(4) of Additional Protocol I has any relevance in this context and the argument that any hostilities in occupied territory should be regulated by IAC rules. Rejecting this latter argument, the article proceeds to consider whether and how the armed conflict between Hamas and Israel can be considered a NIAC, either on its own or alongside an occupation. Concluding that it can, it then briefly surveys academic arguments that any NIAC between Hamas and Israel has become an IAC, because Hamas has been recognised as a belligerent. Before concluding, the article discusses one further basis for the conflict to be classified as a IAC, by examining the double classification theory. Finally, the article takes a step back to consider the practical challenges relating to the simultaneous application of NIAC and IAC rules in Gaza. In its conclusions, the article calls for more reflection on the overly technical nature of IHL scholarship and sounds a caution about the current vulnerability of the legal framework to manipulation and misinterpretation.

<https://research-portal.uu.nl/en/publications/classifying-the-armed-conflict-in-gaza/>

Cognitive warfare in the biotechnological age : threats and challenges to international law

Alberto Rinaldi. In: Cambridge international law journal, vol. 14, no. 2, 2025, p. 185-207

This article examines how cognitive warfare, namely strategies manipulating perceptions, emotions and beliefs through disinformation, propaganda and cyber operations, fundamentally challenges international legal frameworks governing both the use of force (*jus ad bellum*) and the conduct of hostilities (*jus in bello*). Unlike conventional warfare, cognitive operations target the psychological domain without crossing kinetic thresholds, complicating traditional concepts of ‘attack’, ‘harm’ and ‘ruses of war’. The analysis focuses particularly on biotechnological narratives as instruments of cognitive warfare, examining how scientific disinformation about pathogens, genetic research and precision medicine can achieve strategic military objectives whilst causing severe psychological harm to civilian populations. Drawing on examples from the COVID-19 pandemic and ongoing conflicts, this article demonstrates how States can weaponise health-related narratives in broader power struggles. Through doctrinal analysis and case scenarios, this study reveals critical gaps in current humanitarian law’s capacity to address non-kinetic operations that nonetheless cause substantial mental harm. The traditional categories of ruses of war, perfidy and terror prove inadequate for regulating information-based operations in the cognitive domain. This article concludes that protecting civilians in contemporary conflicts requires reconceptualising core humanitarian law principles to address psychological harms whilst adapting legal frameworks for an increasingly multipolar world where warfare is fought primarily in the psychological realm.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63046.pdf> *

‘The computer did it, not me!’ : the challenges of allocating international legal responsibility for the use of autonomous cyber capabilities enabled by artificial intelligence

Samuli Haataja and Simon McKenzie. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 226-249

This chapter examines the adaptability of international law concerning attribution of both State and individual legal responsibility for the use of autonomous cyber capabilities (ACC) enabled by artificial intelligence (AI). It demonstrates that there are two key difficulties in responding to the use of these systems. First, ACC will test the legal framework for determining when risk-taking by States and individuals that results in unacceptable harm should result in legal responsibility. While international law on state responsibility covers some risk-taking conduct causing certain kinds of harm, international individual criminal responsibility is less likely to apply to this behavior. Second, the attribution problems associated with cyber operations generally are more acute: the opaque operation of autonomous and AI-enabled systems will make it much more challenging to determine who is responsible for them.

Confronting rifles with words : the High Islamic Council of Mali and non-state armed groups

Piergiuseppe Parisi. In: *Journal of human rights practice*, vol. 17, issue 2, July 2025, 21 p.

Since the 2012 Tuareg rebellion and the takeover of large areas in the north of Mali by Islamic fundamentalist groups, Muslim religious leaders in the country have spearheaded important negotiation initiatives under the auspices of the High Islamic Council of Mali (HCIM). On more than one occasion, these initiatives have led to the liberation of detainees or the possibility of humanitarian convoys reaching communities caught in the midst of the armed conflict. Why were these initiatives successful (or unsuccessful)? How did religious leaders convince non-state armed groups to adopt conduct that complies with basic humanitarian norms? Drawing on desk-based and fieldwork research conducted as part of the Generating Respect Project, this article seeks to answer these questions and to identify the endogenous and contextual factors that contributed to the successes of the HCIM and its negotiators.

<https://doi.org/10.1093/jhuman/huae040>

The Court of Justice of the European Union and the Western Sahara case : a long-awaited justice or a compromise with European Union trade policies ?

Alice Cucca. In: *Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht*, vol. 58, 2025/1, p. 221-253

On 4 October 2024, in joined cases C-778/21 P, C-798/21 P and C-779/21 P, C-799/21 P, the Court of Justice of the European Union confirmed the annulment of the decisions approving the international agreements between the European Union (“EU”) and the Kingdom of Morocco applied to the non-self-governing territory (“NSGT”) of Western Sahara. Although these decisions may be perceived as a victory for the Sahrawi people, they ultimately represent a tenuous one with profound implications for this exiled population. In these rulings, “the explicit consent of the Sahrawi people” — previously demanded by the General Court in 2021 — has been replaced by “presumed consent”. In other words, the will of the Sahrawi people has been substituted by that of Morocco, which has the right to exploit the resources of Western Sahara as long as it benefits the Sahrawi people. The Grand Chamber found that these criteria were fundamental to compliance with Article 73 of the UN Charter. In doing so, the Grand Chamber’s decisions fail to reflect the complexity of the case of Western Sahara by avoiding to address Morocco’s presence in this territory as “a foreign occupation” and ignoring the obligations of non-recognition, which are incumbent on the EU. The result is that “the right to self-determination of peoples” has been deprived of its substance and that the Article 73 of the UN Charter has become central to this dispute as to find a compromise with the EU trade policies.

https://cdi.ulb.ac.be/wp-content/uploads/2025/11/rbdi2025_1p221-1.pdf

Covering the expenses of rebel administration : are rebels taxing or pillaging towns ?

Lautaro Melcón. In: *Netherlands international law review*, vol. 72, 2025, p. 247-289

This article examines the legality under international law of taxation by non-state armed groups (NSAGs) for the purpose of funding rebel governance, focusing on its compatibility with the prohibition of pillage under international humanitarian law (IHL). While rebel taxation’s role within rebel governance structures continues to grow, its legal status remains ambiguous, particularly due to the lack of specific IHL provisions regulating this practice. This article thus evaluates the legality of taxation by NSAGs against the rule deemed the most suitable for this assessment: the prohibition of pillage. The analysis highlights the complexities of rebel governance, where taxation transcends simple resource extraction to serve political, organisational, and economic purposes. The findings demonstrate how international law’s state-centric framework inadequately addresses the realities of rebel governance, ultimately calling for greater clarity in legal standards to regulate taxation and governance by armed groups in conflict zones.

<https://doi.org/10.1007/s40802-025-00281-z>

The dangerous rise of “dual-use” objects in war

Onna A. Hathaway, Azmat Khan and Mara R. Revkin. In: *The Yale law journal*, vol. 134, no. 8, June 2025, p. 2645-2750

Each day, the news brings stories of military attacks on schools, hospitals, apartment buildings, electrical facilities, and other critical civilian infrastructure. The militaries attacking these objects often seek to justify the attacks by claiming that the civilian objects are being used by militants. Objects that are believed to have both military and civilian use are often referred to as “dual-use” objects. Even though the term has become common, international law does not recognize a “dual-use” object as a legally meaningful category. Rather, the postwar Geneva Conventions that lie at the core of modern international humanitarian law establish a bright line between “military objectives” that are considered legitimate targets of military force, and civilians and “civilian objects,” which are to be strictly protected. We show in this Article that the targeting of dual-use objects over the last several decades has blurred this line, placing civilians at great risk. The United States has played a critical role in the increasingly expansive targeting of dual-use objects. Indeed, most accounts of the origins of dual-use targeting start with the 1991 Gulf War, in which the U.S.-led coalition responded to Iraq’s occupation of Kuwait with airstrikes on Iraq’s electrical infrastructure and bridges. The Article reviews the history of dual-use targeting and presents an original dataset and primary-source evidence from the sites of U.S. airstrikes in Iraq and Syria from 2014 to 2018 to illustrate the wide range of dual-use objects that the U.S. military has struck. It draws on ground reporting and research to show the true costs of this dual-use targeting for civilians living in areas of conflict. The United States is far from alone in targeting dual-use objects, but we focus on it because it shapes the law of armed conflict by projecting force around the world, providing legal justifications for its use of force, and setting the standards by which other states are measured. Finally, this Article recommends that states engaging in military operations collect better information about dual-use objects so that they can make better-informed targeting decisions. We also offer several recommendations for clarifying international humanitarian law to prevent further erosion of the protections the law provides to civilians during war.

<https://yalelawjournal.org/article/the-dangerous-rise-of-dual-use-objects-in-war>

Digital emblems in cyberspace : a deterrent or a target ?

Fatemah Albader. In: *International journal of disaster risk reduction*, Vol. 40, 2026, 18 p.

In 2022, the ICRC proposed a digital emblem to identify and protect medical and humanitarian digital assets during armed conflict. While this initiative marks a pivotal evolution of IHL into cyberspace, its effectiveness depends on whether states can ensure accountability, attribution, and compliance. This article argues that digitalizing IHL’s distinctive emblems, such as the red cross, is not optional but mandatory under both conventional and customary law. Once developed, states must adopt and regulate the digital emblem to protect hospital networks and medical personnel online as they are protected offline. However, emblem digitalization alone cannot deter deliberate cyberattacks or unintentional secondary effects resulting from self-propagating malware. Through the examination of cases like Stuxnet and NotPetya, this article distinguishes between direct cyberattacks and reverberating effects that inadvertently impact protected systems. It argues that without enforceable cyber-specific frameworks, emblem digitalization risks becoming merely symbolic. This article concludes that the digital emblem’s success hinges on the establishment of binding international protocols integrating technical safeguards, attribution mechanisms, and accountability provisions. Ultimately, the digital emblem can strengthen IHL protection in cyberspace only if states treat it not as a symbol of goodwill but as a legal obligation demanding enforcement.

<https://scholarlycommons.law.emory.edu/eilr-recent-developments/47/>

Digital information technologies and international humanitarian law : new opportunities and challenges

Jonathan Hafetz. In: *Denver journal of international law and policy*, vol. 53, no. 2, 2025, p. 249-284

Digital technologies are transforming the nature and role of information during armed conflict. They have exponentially increased the amount of information about armed conflict and the speed with which it can be disseminated. Digital information technologies present both opportunities

and challenges for International Humanitarian Law (IHL). They can help minimize harm to civilians, document IHL violations, and provide evidence for investigating and prosecuting atrocity crimes. Digital technologies, however, bring risks as well. They make it easier to misuse and manipulate information, which can increase risks to civilians, conceal IHL violations, and spread disinformation about the causes and conduct of war. Digital information technologies also have important implications for constructing narratives around armed conflicts—narratives that shape and are shaped by the language, logic, and values of IHL. These narratives can stigmatize individuals and states as transgressors of international law and pressure international courts to respond. At the same time, the proliferation of digitally derived information about atrocity crimes increases expectations that courts will act; consequently, when courts fail to act, or when they act but their decisions are ignored or go unenforced, it can reinforce a counter-narrative that international humanitarian law is weak and ineffective.

<https://digitalcommons.du.edu/djilp/vol53/iss2/6/>

Digital spotters ? : civilian reporting of enemy positions and the threshold of direct participation

Roberto Marini. In: *Humanitäres Völkerrecht = Journal of international law of peace and armed conflict* Vol. 8, issue 3-4, 2025, p. 183-198

In contemporary armed conflicts, civilians increasingly use smartphones and messaging platforms to report enemy positions in real time. This article explores whether such conduct qualifies as direct participation in hostilities (DPH) under international humanitarian law (IHL), thereby exposing civilians to lawful targeting. Relying on the three cumulative criteria established by the International Committee of the Red Cross (ICRC), namely the threshold of harm, direct causation, and belligerent nexus, this paper analyses how civilian battlefield engagement through digital means challenges traditional legal categories. Drawing from cases in Ukraine, Syria, and Gaza, it argues that while certain forms of digital reporting may constitute DPH, overbroad interpretations risk undermining core protections for civilians. The article calls for greater operational clarity, legal safeguards, and restraint in attributing hostile intent to civilians engaging in non-violent, informational acts.

<https://doi.org/10.35998/huv-2025-0016> *

Distinction, proportionality, and precautions in attacks at sea in the new era of the law of naval warfare

James Kraska. In: *Chicago journal of international law*, vol. 26, no. 1, 2025, p. 387-406

China has upset the security balance in East Asia through the development of a long-range strike complex composed of anti-ship ballistic missiles, drones and cruise missiles, and hypersonic missiles that put U.S. naval fleets at risk. Beijing's innovative approach to sea control through the projection of power from land-based fires highlights three important differences between the law applicable to naval warfare and the law of armed conflict (LOAC) as it is implemented on land. These legal distinctions are subtle in law, but they shape concrete choices available to naval commanders and could determine the outcome of war at sea. First, the standard for what constitutes a military objective in naval warfare is broader than in land warfare. For example, enemy war-sustaining industries and commercial shipping may be captured or even destroyed in conflict at sea, whereas private property on land is generally protected. Second, in war on land, commanders must take all feasible precautions in attack to consider alternative methods or means to reduce injury to civilians or civilian objects, a high standard. During armed conflict at sea, only reasonable precautions must be taken. This lower bar makes sense because it is less likely that civilians and civilian objects will be caught up in a naval war. The practical result is that war at sea has fewer precautions. Third, attacks against military objectives in the law of armed conflict require a proportionality analysis, which operates differently at sea than on land. Those who plan, approve, or execute an attack are subject to the rule of proportionality, which prohibits attacks in which the expected collateral damage is excessive relative to the anticipated military advantage to be gained. Since naval warfare is fought from platforms, such as warships, submarines, and military aircraft, the proportionality analysis includes only civilians or civilian objects near the platform but does not include civilians or civilian objects on board. These legal nuances would govern any naval conflict between China and the United States and could quickly intensify and widen the conflict.

<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/17/>

Le droit à l'assistance humanitaire à Gaza

par **Julia Grignon**. In: *Revue belge de droit international* = *Belgian review of international law* = *Belgisch tijdschrift voor internationaal recht*, vol. 57, 2024-1/2, p. 445-489

La situation qui prévaut dans la bande de Gaza depuis les attaques perpétrées par le Hamas le 7 octobre 2023 mobilise tout le droit international humanitaire et dans une certaine mesure constitue un test pour celui-ci. Les règles relatives à l'assistance humanitaire n'échappent pas à ce constat, leur mise en œuvre à géométrie variable représentant même un véritable point de bascule pour le secteur humanitaire. Toutefois, afin d'être à même de dresser ce constat, il est nécessaire de bien cerner les contours du droit à l'assistance humanitaire, lequel trouve son origine dans le droit international humanitaire, tel que complété par le droit international des droits humains. C'est ce que s'attache à faire cette contribution en examinant tour à tour les règles pertinentes relatives à la protection des personnes et celles relatives à la conduite des hostilités. Ce faisant, elle permet d'abord de revenir sur les fondements du droit à l'assistance humanitaire, sur son contenu et sur ses modalités d'acheminement. Elle est l'occasion ensuite d'analyser la notion de famine, en particulier lorsqu'elle est utilisée comme méthode de guerre, et les protections correspondantes de certains biens, à savoir les biens indispensables à la survie de la population civile et les hôpitaux. Pour chacun de ces aspects, après que leur signification substantielle aura été rappelée, une analyse de l'application de ces règles est proposée en lien avec des événements s'étant produits dans la bande de Gaza entre octobre 2023 et janvier 2025.

Engaging Ulama in the promotion of international humanitarian law : a case study from Mindanao

Datuan Magon, Dominic Earnshaw. In: *Journal of human rights practice*, vol. 17, issue 2, July 2025, 14 p.

In 2006 the Moro Islamic Liberation Front (MILF) produced rules of engagement in hostilities for members of its armed wing, the Bangsamoro Islamic Armed Forces, which reference Islamic law and are also compliant with international humanitarian law (IHL). The release of these rules came following engagement with the MILF by both national and international humanitarian organizations. This article examines the role of Islamic scholars in the MILF and how they contributed to the development of the rules of engagement and the dissemination of humanitarian principles and IHL to its fighters. It also examines the support that humanitarian organizations provided to MILF's Islamic scholars in their work on IHL. The findings show that MILF's religious scholars played a major role in promoting IHL to the group's armed wing through a framing of IHL from an Islamic perspective. A major motivation for the MILF to engage its Islamic scholars on IHL was the desire for international legitimacy as it was involved in a peace process with the government of the Philippines.

<https://doi.org/10.1093/jhuman/huado72>

The erosion of human(e) judgement in targeting ? : quantification logics, AI-enabled decision support systems and proportionality assessments in IHL

Jessica Dorsey. In: *International review of the Red Cross*, Vol. 107, no. 930, 2025, p. 1041-1071

This article examines the growing use of artificial intelligence (AI)-enabled decision support systems in targeting operations and their implications for proportionality assessments under international humanitarian law (IHL). Emphasizing the primacy of the duty of constant care and precautions in attack as obligations that must be exhausted before and during proportionality assessments, the article advocates for a fuller understanding of civilian harm. It traces the historical trajectory of "quantification logics" in targeting, from the Vietnam War to contemporary AI integration, and analyzes how such systems may reshape decision spaces, cognitive processes and accountability within the context of armed conflict. Specifically, the article argues that over-reliance on computational models risks displacing the contextual, qualitative judgement essential to lawful proportionality determinations, potentially normalizing civilian harm. It concludes with recommendations to preserve the space that human reasoning occupies as central to IHL compliance in targeting operations.

<https://library.icrc.org/library/docs/DOC/irrc-930-dorsey.pdf>

Escaping the boomerang : disarmament and the missing peace in humanitarian law

Oscar Genaro Macías Betancourt, Jorge Alberto López Lechuga. In: *Humanitäres Völkerrecht = Journal of international law of peace and armed conflict* Vol. 8, issue 3-4, 2025, p. 169-182

This article explores a paradox between military innovation and International Humanitarian Law (IHL). While IHL places limits on the means and methods of warfare, its effectiveness is often undermined by narratives that legitimise new technologies as consistent with distinction and proportionality. In practice, such advancements have enabled rather than reduced destruction, exposing the limits of a regulatory framework that presumes armed conflict as inevitable. By contrast, disarmament law adopts a prohibition-centred approach, using stigmatisation and categorical bans to delegitimise entire classes of weapons, from anti-personnel landmines to weapons of mass destruction. This reveals the transformative potential of law to redefine security beyond military necessity. Yet emerging technologies such as autonomous systems and artificial intelligence illustrate how innovation continues to outpace regulation, creating complex humanitarian consequences. Drawing on Marín Bosch's "boomerang" metaphor, the article argues that effective protection of civilians depends upon breaking the cycle of replication and escalation, ensuring that international law restrains rather than legitimises the violence of modern warfare.

<https://doi.org/10.35998/huv-2025-0012> *

Exploring the role of religious actors in generating respect for the laws of war : a Common Article 1 perspective

Eve Massingham, Kirsty McRuvie. In: *Journal of human rights practice*, vol. 17, issue 2, July 2025, 16 p.

In addition to religious personnel, who are directly involved in armed conflict, religious actors, as key actors in our community, have a significant role in respecting and ensuring respect for the laws of war. They are, both in and outside conflict, powerful agents for promoting international humanitarian law awareness and compliance, and ultimately, they can contribute to conditions that ensure greater respect for international humanitarian law. By virtue of their positions, they may have a direct opportunity to influence the positive or negative behaviour of members of the armed forces in their compliance of IHL; communicate directly with those affected by conflict; or be present within the diaspora of a community who are directly affected by the conflict. Other religious actors, spatially and temporally removed from the conflict, will have a role in the broader community conversation around ensuring respect for the law in armed conflict, without having specific linkages to any particular conflict. Through these different roles, religious actors have great leverage to use their influence for humanitarian ends. This role must be both encouraged by, and facilitated by, the State. In this way religious personnel, and religious actors more broadly, can contribute to reducing the humanitarian impacts of the global crisis of armed conflict.

<https://doi.org/10.1093/jhuman/huado42>

Export control and international law

Joop Voetelink. In: *The military law and the law of war review*, vol. 6, no. 2, 2025, p. 128-160

Export controls aim to regulate international trade in military and dual-use items with specific end-users and states of concern. Although these controls have existed for centuries, they have undergone significant development since the Second World War and have become important instruments in a state's foreign policy toolkit. While export control law has traditionally been a matter of national law, international developments and international law play a crucial role in shaping national regulation today. Developments in this field are ongoing, and recent changes have been particularly rapid, driven by the conflict between Ukraine and Russia, as well as the increasing tensions between China and the United States. As a result, export control law has become highly dynamic, making it increasingly complex, impacting all stakeholders. Not only manufacturers and exporters are affected but essentially any party dealing with military and dual-use items, including national armed forces. This article aims to provide a comprehensive understanding of export control law, with a specific focus on international law.

<https://doi.org/10.4337/mlwr.2025.01.01> *

Feindstaatenangehörige zwischen Völkerrecht und Willkür : Status und Behandlung britischer Zivilpersonen im nationalsozialistischen Deutschland

Kim Wünschmann. In: Vierteljahrshefte für Zeitgeschichte 74. Jahrgang, Heft 1, Januar 2026, p. 1-37 : fotogr.

Zu Beginn des Zweiten Weltkriegs war die Behandlung von Zivilpersonen mit Feindstaatenangehörigkeit im Gegensatz zu der von Kriegsgefangenen noch nicht durch multilaterale Abkommen festgeschrieben. Am Beispiel der britischen Zivilinternierten im Deutschen Reich untersucht Kim Wünschmann, inwiefern bilaterale Übereinkünfte und ein gewohnheitsrechtlicher Schutz dieser Gruppe dennoch einen besonderen Status gaben, der sie von anderen Gefangenen im nationalsozialistischen Lagersystem unterschied. Dabei verortet sie das komplexe Phänomen der Zivilinternierung in einem rechtsgeschichtlichen Analysefeld, das begrenzt wird von den Konventionen des humanitären Völkerrechts einerseits und dem ideologiegeleiteten Handeln des NS-Regimes andererseits. Auch den Erfahrungen der Internierten gibt der Aufsatz Raum.

The Geneva Conventions at 75 : a common heritage of humanity

International colloquium on IHL, religions, cultures and traditions ; report prepared by Paola Forgiione. - Geneva : ICRC, February 2026. - 16 p.

Who invented humanity in war? Before IHL was codified into the Geneva Conventions, how did people across the world feel about war? What does it mean that the principle of humanity is “universal”? On the 75th anniversary of the Geneva Conventions, the ICRC gathered experts of different religions, traditions, cultures and IHL to address some of these questions.

<https://library.icrc.org/library/docs/DOC/icrc-4914-002.pdf>

Heart of darkness: Japanese military justice on the road to Nanjing, 1937

Urs Matthias Zachmann. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 221-245

The Second Sino-Japanese War (1937–1945) has been described as “the most enormous, expensive and deadly” conflict ever fought by Imperial Japan and the Nanjing Massacre of December–January 1937 as the most notorious event of its early phase, which set the pattern for many acts of mass violence yet to come. However, despite the intense historiographical scrutiny that the event itself has received, many aspects of it still remain unclear, most notably the actual causes of the massive escalation of violence on the way to and in the city of Nanjing. Historians agree that no single cause could account for it, but rather a multitude of factors. Among the causes mentioned are the breakdown of logistics, the unexpected fierce resistance of the Chinese Nationalist and Communist forces, the high number of casualties on the Japanese side (albeit much higher on the Chinese side still) and the resulting thirst for revenge and the brutalising effect of these battles on the surviving soldiers, as well as a lack of discipline or even outright insubordination. The public and private records provide a rare insight into the practices of Japanese military justice at a most crucial juncture of the Sino-Japanese War, as well as into the attitudes of one of the most distinguished legal officers of the Japanese army at the helm of these affairs. Such a study would shed light on one of the central questions, that is, the extent to which military justice was a factor in condoning or contributing to the escalation of violence on the road to Nanjing (or, on the contrary, played a mitigating, “civilising” role).

<https://doi.org/10.1515/9783110989588-009>

Hezbollah in international law

Mireille Rebeiz. - Edinburgh : Edinburgh University Press, 2026. - X, 254 p.

In the context of the 2005 attack that killed Prime Minister Rafic Hariri, the 2006 war with Israel, the 2008 internal armed conflict in Lebanon, the Syrian civil war and the current war in Gaza, this book studies the legal status of Hezbollah as a State or a non-State actor. There are important consequences to this distinction, ones that relate to international law, the qualification of an armed conflict and combatants as well as Lebanon’s responsibilities toward the international community for complicity in the wrongdoings of a State (Iran) and a non-State actor (Hezbollah). After exploring Hezbollah’s history and domestic law, the book argues that Lebanon legalised Hezbollah as an armed group and political party, and while Hezbollah acts at times as the State

of Lebanon, it cannot be considered a State and subject of international law as it lacks State elements. As an alternative, Mireille Rebeiz proposes to adopt the theory of quasi-State.

Hostility to aid actors : normalising transgression?

Stephen Cornish, Alejandro Pozo, and Duncan McLean. - In: Humanitarian myths and hubris : a critical self-portrait from Médecins Sans Frontières. - London ; New York : Routledge, 2026. - p. 51-67

This chapter breaks down elements that contribute to hostility to aid actors today, looking at both elements of continuity and change, concluding with thoughts on further steps and mitigating measures relevant to the current humanitarian operating environment. The challenges limiting access to crisis-hit populations have long been a subject of analysis in the humanitarian sector. Historically speaking, a multitude of examples demonstrate political, bureaucratic, security, or indeed ideological obstacles that constrain attempts to deliver aid where it is most needed. Yet if this is hardly a new trend, each period and context manifest such restrictions differently. In terms of structure, a historical overview will be provided before delving into contemporary examples. The shifting role of the state will be a key aspect to develop, be it through more subtle restrictions (some entirely justifiable) and the dilution of the legal frameworks that underpin humanitarian action (such as the spread of counterterrorism legislation), to more extreme actions, including the targeting of aid organisations, medical structures, and associated staff. Outright hostility on the part of non-state armed groups likewise poses a significant threat and will be analysed accordingly.

<https://doi.org/10.4324/9781003542247> *

Human rights in warfare

Boyd van Dijk. - In: The Cambridge history of rights. - Cambridge : Cambridge University Press, 2025. - p. 525-546

Should the history of humanizing warfare be part of the history of rights? Many historians have suggested that these two fields developed separately and should be studied accordingly. Their typical narrative of the relationship between human rights and humanitarian law is one of two fundamental opposites – one applying to wartime, the other in peacetime, and one safeguarding individual rights against state sovereignty, the other trying to minimize suffering in armed conflict. By contrast, this chapter builds upon recent scholarship to argue that these fields share a much more intimate and less clear-cut history that deserves greater historiographical recognition. It shows the extent to which rights notions had an impact on the humanization of warfare throughout the twentieth century, and vice versa.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63508.pdf> *

Humanity in war : how can IHL keep its promises ? : the future after 75 years of Geneva Conventions : proceedings of the 24th Bruges Colloquium, 21-22 November 2024

ICRC, College of Europe

Opening remarks. - Introductory session: Does humanity in war exist ? - Panel 1: Stronger together: 75 years of IHL implementation. - Panel 2: Giving means without giving up responsibilities: ensuring respect for IHL, from words to deeds. - Panel 3: Humanity in the age of new technologies. - Panel 4: Upholding humanity in the conduct of hostilities: contemporary challenges to the application of the principle of proportionality. - Panel 5: Upholding humanity during high-intensity armed conflicts: risks, challenges and opportunities. - Closing remarks.

https://www.brugescolloquium.org/wp-content/uploads/2025/11/Proceedings_24th_Bruges_Colloquium_-_Humanity_in_War_How_Can_IHL_Keep_its_Promises.pdf

Hypersonic weapons and international law : incompatibilities with arms control treaties and international humanitarian law

Elisabeth Hoffberger-Pippan. - In: International law and technological changes : testing the adaptability of international law. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 174-201

Russia has deployed hypersonic weapons – understood as weapons traveling faster than Mach 5 – against Ukrainian targets. Although some of those missiles were destroyed before they could hit their targets, they are difficult to intercept. Legal literature on hypersonic weapons is scant. This chapter seeks to fill this gap by clarifying how international law deals with hypersonic weapons, from the perspective of arms control treaties and international humanitarian law. While relevant arms control treaties, the Strategic Arms Reduction Treaty and the Treaty on the Non-Proliferation of Nuclear Weapons, can only be applied to the resort to hypersonic weapons equipped with nuclear warheads, international humanitarian law applies to all types of hypersonic weapons, including those with conventional warheads. This chapter demonstrates that arms control treaties offer only little guidance for the deployment of hypersonic weapons equipped with nuclear weapons, while rules of international humanitarian law are challenged by the technicalities linked to the use of hypersonic weapons.

The ICC decisions to issue arrest warrants against Hamas and Israeli leaders : comments on the procedure, crimes and legal effects

by Raphaël Van Steenberghe. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 407-444

On 21 November 2024, the Pre-Trial Chamber of the International Criminal Court decided to issue arrest warrants with respect to the Situation in the State of Palestine. That decision has raised debate among States, scholars and public opinion, mainly because these arrest warrants have been issued not only against Hamas but also Israeli leaders, namely Israeli Prime Minister Benjamin Netanyahu and Minister of Defence Yoav Gallant. That debate mainly concerns the procedure leading to the issuance of the arrest warrants, certain crimes charged against the Israeli leaders, and the legal effects of those arrest warrants. This paper examines the legal concerns raised in relation to each of these aspects and explain how these concerns can be addressed and potentially resolved.

<http://hdl.handle.net/2078.1/304599>

Identifying non-international armed conflict : international law and practice

Nathan Derejko. - Cambridge : Cambridge University Press, 2026. - XXVII, 403 p.

The book offers a critical and comprehensive examination of the concept of NIAC, including its normative foundations, threshold of activation, and corresponding personal, geographical, and temporal scope of applicability under International Humanitarian Law. It identifies and critically examines some of the most controversial aspects of modern NIACs, including notions of a 'global battlefield' and 'forever war' and provides practical guidance on identifying NIACs in real time.

<https://doi.org/10.1017/9781108943628> *

Implications for Western Sahara of the ICJ's advisory opinion on the status of Israel in the Occupied Palestinian Territories

Yaël Ronen. - In: Western Sahara in the international legal order : 50 years after the ICJ advisory opinion. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 315-343

The 2024 ICJ Advisory Opinion on the Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem held that Israel's policies and practices in the OPT (Occupied Palestinian Territory) render its continued presence there unlawful, and that all states are under an obligation not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the OPT. This chapter examines the potential implications of these holdings for Morocco's status in Western Sahara. It argues that Israel's policies and practices in the OPT and Morocco's policies and practices in Western Sahara exhibit significant similarities. It further argues that the similarity continues when these policies and practices are examined against the prohibition on acquisition of territory by force and the

obligation to respect the right to self-determination, the norms that underpin the ICJ's holdings in the OPT advisory opinion.

Indiscriminate attacks and the proportionality rule : what is incidental civilian harm ?

Aurel Sari. In: *Journal of conflict and security law*, vol. 30, no. 2, Summer 2025, p. 203-239

Proportionality in the law of armed conflict imposes an absolute ceiling on the level of incidental civilian harm that an attack may be expected to cause. Despite its importance, surprisingly little attention has been paid so far to the notion of 'incidental', in other words, to what it means for civilian harm to be incidental in nature. According to what we might call the Lesser Effect Thesis, civilian harm qualifies as incidental only if it is a mere side consequence of the attack, rather than its main or prevalent effect. Proponents of this approach suggest that where an attack is expected to affect a larger number of civilians or civilian objects compared to the number of military objectives, the civilian harm would become prevalent and therefore cannot be considered incidental in nature. The proportionality rule would not apply in these circumstances, and conducting such an attack would be outright indiscriminate. The purpose of this article is to explain why this interpretation amounts to a radical re-reading of proportionality that does not reflect the law, contradicts State practice, and is operationally unsound. Applying the rules of treaty interpretation, the article shows that civilian harm is incidental in nature when it constitutes the fortuitous and undesired consequence of an attack directed against a military objective and that the term 'incidental' as used in the law of armed conflict does not imply a relationship of proportion.

<https://doi.org/10.1093/jcsj/krafo10>

Indiscriminate attacks as war crimes in international and German criminal law

Philipp Terfurth. In: *Humanitäres Völkerrecht = Journal of international law of peace and armed conflict* Vol. 8, issue 3-4, 2025, p. 145-156

International humanitarian law is designed to reduce unjustified civilian harm during armed conflicts. It seeks to protect those humans that do not take active part in hostilities or form part of the military. Nevertheless, indiscriminate attacks produce a considerable amount of human suffering and death and are subject to strong critique. A lot of this civilian harm is caused by armed attacks claiming to target primarily military objectives. By analysing the relevant rules of international humanitarian law on targeting and their corresponding war crimes as well the pertinent case law, this article will demonstrate that neither the crime of direct attacks against civilians nor the crime of disproportionate attacks under current international criminal law apply to indiscriminate attacks. Thus, it will be argued that international criminal law is insufficient to protect civilian life in modern armed conflicts. To protect civilian harm more effectively and close this protection gap, the state parties of the Rome Statute should consider introducing a new war crime of indiscriminate attacks.

<https://doi.org/10.35998/huv-2025-0010> *

The intercontinental dialogue on enforced disappearances : the case of massive disappearances during hostilities

Ioanna Pervou. In: *The international journal of human rights*, vol. 29, no. 4, 2025, p. 758-771

This article discusses the intercontinental judicial dialogue on enforced disappearances. It first delves into the concept of enforced disappearances and explains through a historical perspective how the practice shaped the course of the two regions: Europe and Central and Latin America. It explores the key elements of the courts' jurisprudence and points to their differences. Then it goes in depth through the evolving dialogue between the two regional courts with regard to massive disappearance during hostilities. It elaborates on the functional term 'massacre' and examines how it is related to other legal terms, like extrajudicial executions. The article will point out the legal obstacles in characterising the widespread conduct of disappearances as a crime against humanity and will suggest how the non-legal term 'massacre' has assisted in such crimes' punishment. Finally, it analyses how justice is attributed in such cases and whether legal responses suffice.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/63949.pdf> *

The invisible battlefield : applying the rules of international humanitarian law on the conduct of hostilities to jamming and spoofing operations

Maxime Nijs. In: The military law and the law of war review, vol. 6, no. 2, 2025, p. 196-247

This article examines the international legal framework governing electromagnetic warfare in situations of armed conflict. It first considers whether and to what extent international telecommunications law continues to apply between belligerents in wartime, before turning to international humanitarian law. The article then analyses how the rules of international humanitarian law governing the conduct of hostilities apply to electromagnetic warfare, with a particular focus on the jamming of enemy communication systems and the jamming and spoofing of Global Navigation Satellite Systems that guide enemy weapon systems. It clarifies when such operations qualify as ‘attacks’ within the meaning of Article 49(1) of the 1977 First Additional Protocol and assesses how the principles of distinction, proportionality and precautions in attack operate in this context, thereby highlighting the specific legal challenges posed by such operations. The article further examines the constraints applicable to electromagnetic operations that fall below the attack threshold, including the obligation of constant care and the special protection afforded to medical services.

<https://doi.org/10.4337/mlwr.2025.01.04> *

Iran and its proxies : attribution and State responsibility

Jennifer Maddocks. In: International law studies, vol. 106, 2025, p. 455-498

Iran has invested heavily in proxy militias since the regime’s founding in 1979. In the decades that followed, groups such as Hezbollah in Lebanon, Shi’a militias in Iraq and Syria, and the Houthis in Yemen have projected Iran’s influence across the region. Today, Iran’s proxy network is considerably weakened due to Israel’s military actions following October 7, 2023, and the fall of the Assad regime in Syria. Yet the Houthis’ attacks on Israel and against Red Sea shipping demonstrate how Iran’s support to these groups continues to facilitate their conduct in violation of international law. This article examines Iran’s potential responsibility for acts on the part of its proxies that violate its international legal obligations. It assesses first the grounds on which the proxies’ acts could be attributable to Iran before addressing Iran’s potential responsibility for aiding and assisting its proxies’ harmful conduct. Finally, the article considers Iran’s potential breach of primary norms of international law, such as the prohibition on the use of force, through its support to the proxy groups. The analysis highlights the varied relationships between Iran and its proxies and the difficulties that arise when seeking to hold Iran to account. Many of the proxy groups act with a degree of independence that precludes the attribution of their conduct to Iran. Other States might therefore be better served by calling Tehran out for its violation of primary norms of international law, including Common Article 1 to the Geneva Conventions.

<https://digital-commons.usnwc.edu/ils/vol106/iss1/26/>

Japanese military justice against Allied soldiers during the Pacific War 1941-1945: an assessment of the trial against Walter Anker and four others

Nicolas Stassar. - In: Military justice in modern history : the adjudication of war and violence in a globalising world. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 347-370

Given that attempted escape played a significant role in the experiences of POWs and elicited a wide array of responses from the Japanese military, this chapter examines how attempted escape was dealt with judicially under Japanese detainment. It evaluates claims of unjust and unfair punishment made by the punished in the context of standards set at the time by international and Japanese domestic law. To do so, it analyses the “Anker case”, a court martial held against four former British servicemen – Captain Walter (Bill) Anker, Lieutenant James Bradley, Lieutenant Ian Moffat, Second Lieutenant Guy Machado – and Nur Mahommed (in Japanese Mūru Mahomeddo), an Indian fisherman from Chittagong, who was taken captive during Japanese operations, and put to work as a civilian cook at the construction site of the Thai-Burma Railway. These men were recaptured following a dangerous escape attempt from the Songkurai POW camp located 121 kilometres from the northern starting point of the Thai-Burma Railway in July 1943.

<https://doi.org/10.1515/9783110989588-014>

Justice behind the lines: prisoners of war, military justice and reprisals in the First World War

Brian K. Feltman. - In: *Military justice in modern history : the adjudication of war and violence in a globalising world.* - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 325-345

In November 1915, Non-Commissioned Officer Fritz Pätzelt of the German Schutztruppe fell into British hands following the Battle of Banyo in Cameroon. According to his captors, Pätzelt's African attendant was in possession of "dumdum" bullets with slit or otherwise altered lead tips designed to expand upon contact and significantly increase the damage inflicted upon the target. The 1899 Hague Convention expressly prohibited the use of dumdum bullets, and the British quickly assembled a military court in the field to try Pätzelt. The court found Pätzelt guilty and sentenced him to death. However, the commander of the Allied forces in Cameroon, British General F.G.H. Cunliffe, commuted Pätzelt's sentence to twenty years penal servitude when it could not be determined if the captured German had actually used the prohibited ammunition in battle. Pätzelt proclaimed his innocence and protested his treatment as a war criminal, and German authorities demanded that his case be reconsidered. As a result, a judgment handed down on the battlefield in Cameroon rippled across the sea and set to motion reprisals that led to the imprisonment of eight additional prisoners of war, none of whom had any involvement with Pätzelt's alleged crime. This chapter analyses Fritz Pätzelt's conviction in the field and the reprisals that followed. It demonstrates that during the First World War, military justice proceedings involving prisoners of war did not occur in a judicial vacuum. The standard of reciprocity governed the treatment of prisoners of war held around the globe.

<https://doi.org/10.1515/9783110989588-013>

Une justice pénale internationale résiliente face à l'adversité : dixièmes Journées de la justice pénale internationale

Sous la direction de Julian Fernandez, Olivier de Frouville et Didier Rebut. - Paris : A. Pedone, 2026. - 260 p.

Cet ouvrage constitue les actes des journées de la Justice pénale internationale qui se sont tenues les 30 et 31 janvier 2025. Il s'agit de la 10^{ème} édition de ces journées devenues incontournables et portées par trois centres de recherches de l'Université Paris-Panthéon-Assas : le Centre Thucydide, le Centre de Recherche sur les droits de l'Homme et le droit humanitaire (CRDH) et l'Institut de Criminologie et de droit pénal de Paris (ICP). C'est évidemment l'occasion d'un bilan fait de changements et de continuités. On assiste sans conteste à une « montée en gamme » de la justice pénale internationale, mais en même temps les vents contraires n'ont jamais été aussi puissants. Le lecteur retrouvera les actualisations essentielles relatives aux activités de la Cour pénale internationale et des juridictions hybrides et nationales. Cette édition était aussi l'occasion de se pencher sur un crime international particulier : les disparitions forcées, quelques semaines après la tenue à Genève du premier Congrès mondial dédié à la lutte contre ce crime. Également au programme, des regards croisés de juges sur la fonction de juger appliquée aux « crimes de masse » et un point sur la situation à Gaza et les crimes qui y sont commis depuis les attaques du 7 octobre 2023 en Israël.

Keeping our humanity : ensuring the legitimacy of military targeting operations through civilian harm mitigation in increasingly autonomous warfare

Jessica Dorsey. - Utrecht : Utrecht University, 2026. - 242 p.

Over the past two decades, remote warfare, driven by technologies like armed drones and AI-enabled systems, has transformed armed conflict, reshaping how battles are fought and how civilian harm happens and is addressed. This manuscript explores how protecting civilians has become central to military legitimacy in modern warfare, especially as liberal democracies institutionalize civilian harm mitigation (CHM) in response to past failures. CHM is increasingly viewed not just as a legal or ethical obligation, but as a strategic imperative, vital to operational success and public support. As AI and autonomous technologies gain influence in targeting decisions, traditional frameworks like international humanitarian law, balancing principles of military necessity and humanity, are under pressure. The manuscript develops a framework connecting legality, legitimacy, transparency, accountability, and civilian protection, testing it across five chapters based on published research. It addresses urgent questions about how legitimacy is maintained in AI-enabled and increasingly autonomous warfare and how CHM

principles can be preserved in this shifting landscape. The research also emphasizes the role of diverse stakeholders such as militaries, legal experts, technologists, and civil society, in governing the use of force amid rapid technological change. Ultimately, it offers both theoretical and practical insights into how modern militaries can uphold humanitarian principles while navigating the evolving realities of increasingly autonomous warfare.

<https://doi.org/10.33540/3308>

Legal frameworks for mass terrorism : the October 7th attack and implications for security law

Shai Farber and Ofek Efraim Alaluf. In: *Journal of conflict and security law*, vol. 30, no. 2, Summer 2025, p. 287-315

This article discusses the legal ramifications posed by mass terrorist attacks, considering the widespread legal discourse unfolded by Hamas's attack on 7 October 2023, on the state of Israel. While focusing on the challenges presented to existing legal frameworks, the article evaluates the efficacy of current theoretical approaches. It provides pragmatic guidelines for establishing a specialized and cohesive legal framework. Through critical analysis of relevant legal principles and structures, the article addresses the unique evidentiary and procedural obstacles arising from the unprecedented scale and nature of those attacks, including the systematic use of sexual violence. By proposing a hybrid legal model that balances security imperatives with human rights protections, this research contributes to the ongoing development of effective and principled legal responses to mass terrorism. It suggests principles for establishing a specialized legal framework while addressing the distinct evidentiary and procedural obstacles arising from the unprecedented scale, brutality, and number of crimes committed.

<https://doi.org/10.1093/jcsl/krafo11>

The law of armed conflict

Michelle Burgis-Kasthala. - In: *Research handbook on Third World Approaches to International Law (TWAIL)*. - Cheltenham ; Northampton : E. Elgar, 2025. - p. 347-359

This chapter reflects on what a TWAIL approach to international humanitarian law (IHL) might look like. It begins with a short introduction to IHL before turning to the two key TWAIL techniques of greatest value in problematizing established IHL accounts. The first, history as method, undercuts dominant progressive narratives of IHL and helps us make connections between contemporary and 'past' colonial forms of violence. Second, feminists and TWAIL scholars alike stress the role that binaries play in underpinning hegemonic narratives within the international law discipline. As a field of law replete with such binaries, IHL is a particularly fruitful site to understand this critical methodology. The chapter ends by considering contemporary counterinsurgency operations as a way to link the past, present and future of a TWAIL-informed reading of IHL. Given the catastrophic violence that many in the Global South endure currently, a TWAIL-informed IHL lens is more crucial than ever.

The law of armed conflict – in the dark

Laurie R. Blank. In: *Chicago journal of international law*, vol. 26, no. 1, 2025, p. 281-300

In a potential future peer-on-peer or near peer conflict, the technological capabilities that are both taken for granted and a source of military superiority will be an immediate and high-value target. Global navigation and positioning systems, satellite imaging, precision guidance, instantaneous communication, and much more—the adversary will seek to shut down these capabilities. Turning off the technology, or fighting “in the dark,” presents complex operational and tactical challenges of navigation, logistics, communication, command and control, coordination, and targeting, to name just a few. However, executing military operations in such a technology-deprived environment also requires the application and implementation of the law of armed conflict (LOAC) in the dark, which introduces a set of parallel challenges and concerns. This essay explores the challenges for the law when all the technological capabilities that are deeply incorporated into our daily lives and our military operations are not available in armed conflict—because the capabilities have been turned off, jammed, spoofed, or taken down. The law of armed conflict, in contrast, will not be turned off. LOAC applies regardless of capability, type of conflict, or any other distinguishing scenario about a particular conflict. A first challenge lies in the application of LOAC in such situations, including training for the wars the military will need to

fight, new questions of interoperability with partners and allies, and a more careful understanding of the relationship between law and policy in the implementation of military operations. Second, the application of LOAC “in the dark” presents the risk of significant pressures on the law as our understandings of and discourse about key principles are put to new tests. Consider proportionality and precautions, for example—current implementation of both core principles of targeting is replete with reliance on technological capabilities that may or will be degraded or rendered unavailable. And yet the absence of those capabilities does not diminish or alter these core legal obligations, highlighting the need to analyze and reaffirm the meaning and application of these fundamental rules. Other pillars of LOAC that will face significant pressure are the role of reasonableness, doubt, and certainty in decision-making and the relationship between capabilities and obligations.

<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/12>

Law of armed conflict and neutrality

Etienne Henry. - In: *International law at the time of the League of Nations (1920-1945)*. - Cambridge : Cambridge University Press, 2025. - p. 289-339

The treatment of the law of war and neutrality during the interwar era was dominated by two trends. Scepticism was voiced at the relevance and utility of these fields in light of poor compliance during the First World War and the emergence of *jus contra bellum*. This did not prevent others from engaging with the most pressing issues, including the challenges posed by technological developments (submarines, asphyxiating gases and military aviation); the protection of civilian populations, especially against the risks of aerial bombardment; and the need to expand the application of the law of war in cases of insurrection and civil war. Later events show that the international community did not address these challenges satisfactorily. Initiatives failed due to ‘technological determinism’ and concern for national interest. However, several developments clearly foreshadowed the transition from a law of coexistence to one of co-operation that would come to fruition with the Geneva Conventions of 1949. Indeed, many of the fundamental tenets of modern international humanitarian law emerged, as the law of war began to afford more importance to the rights of the individual.

The law of targeting’s mechanization and objectivization through the use of artificial intelligence

Tobias Vestner. - In: *International law and technological changes : testing the adaptability of international law*. - Cheltenham ; Northampton : Edward Elgar Publishing, 2025. - p. 202-224

Armed forces are increasingly introducing artificial intelligence (AI) for targeting purposes. This raises the question of what implications the use of AI technologies will have for the law of targeting under international humanitarian law. This chapter argues that the use of AI in military operations leads to a ‘mechanization’ and ‘objectivization’ of the law of targeting. It analyzes the relatively indeterminate elements of the law of targeting’s principles of distinction, proportionality in attack, and precautions in attack and defense. It also contrasts them with recent technological developments related to AI by using examples of current technologies. Thereby, it identifies and demonstrates which and how elements of the law of targeting are likely to become more objective through the use of AI. It concludes that the law is subject to an evolutionary process driven by this emerging technology.

El lawfare y la instrumentalización del derecho en las operaciones militares

José Ramón Suberviola Gilabert. In: *Revista española de derecho militar*, no. 123, enero-junio 2025, p. 151-194

El uso instrumental del Derecho, integrado como una herramienta más de las que dispone el mando, supone un hecho cada vez más constatable en la ejecución de operaciones militares. Esta realidad distorsiona en cierta medida la relación tradicional entre conflicto armado y Derecho, lo que fuerza a reconsiderar determinados aspectos acerca del propio empleo de la fuerza, así como a evaluar las capacidades propias y las de los potenciales adversarios.

<https://dialnet.unirioja.es/servlet/articulo?codigo=10405405>

Laws of war as part of English law

Alexander Orakhelashvili. - In: The character of international law. - Oxford ; London ; New York ; New Delhi ; Sydney : Hart, 2025. - p. 45-57

While customary international law is generally (though not without occasional obstacles) regarded as being incorporated into English law, it is often assumed that treaties do not apply directly on the domestic plane. This chapter proposes to verify some assumptions that are at times advanced as part of the 'dualist' tradition or constitutional 'orthodoxy' in the UK. It proceeds through the example of one specific area of international law: the laws of armed conflict. This chapter on the operations of law of wars in English law - an area that has witnessed the overriding of certain prejudices against the direct domestic effect of international treaties without statutory transformation - is merely a small way in which I could thank Rob for his enormous support that not many academics would be able either to match or to repay.

Legal and humanitarian imperatives for the 'day after' in Gaza

International Humanitarian Law Centre. - [Stockholm] : International Humanitarian Law Centre, February 2026. - 39 p.

After more than two years of hostilities marked by widespread civilian harm, large-scale destruction of civilian infrastructure, and serious violations of international law, the entry into force of a fragile ceasefire on 10 October 2025 and the adoption of the so-called 20-point plan, endorsed by United Nations (UN) Security Council resolution 2803 on 17 November 2025, mark a critical juncture for Gaza and the occupied Palestinian territory (oPt) more broadly. While any genuine effort to end the hostilities and to alleviate civilian suffering should be welcomed, the current transitional arrangements raise profound legal, humanitarian, as well as principled and political concerns. This publication outlines legal and humanitarian imperatives for the 'Day After' in Gaza, grounded mainly in international humanitarian law (IHL) and international human rights law (IHRL). It identifies key humanitarian needs requiring urgent action; underscores the centrality of the Palestinian people's inalienable and unconditional right to self-determination; and sets out pathways for transitional justice, accountability, and reparations. The recommendations below are addressed to Israel, other parties to the conflict, as well as States and entities involved in implementing the 20-point plan and Security Council resolution 2803, or other reconstruction and rehabilitation efforts in Gaza, with a view to ensuring compliance with international law and laying the foundations for durable peace and sustainable governance.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2026/02/Legal-and-Humanitarian-Imperatives-for-the-Day-After-in-Gaza.pdf>

Legal construction of common humanity : human agency in a cosmopolitan war crimes law

Tianying Song. - Brussels : Torkel Opsahl Academic EPublisher, 2025. - VIII, 208 p.

What does a cosmopolitan criminal law look like? Can it live up to challenges of human agency in war? In this monograph, Dr. Song Tianying substantiates the persistent yet underexplored ethos of cosmopolitanism in international criminal justice. She also draws out philosophical and psychological tensions between such a cosmopolitan criminal law and war. She reflects on the mobilizing force of war crimes law within a cosmopolitan community: how the law can (fail to) align motivations of both the global public and participants in war. Dr. Song highlights the special moral, social and psychological dynamics within a cosmopolitan war crimes law: as human beings we can be both cosmopolitan and tribal, compassionate and hostile towards fellow human beings. Cosmopolitanism confronts its alter ego in the conceptualization and implementation of criminal law in war. Tensions between the rationalist moral appeal of criminal law and fluctuating human agency, between cosmopolitanism and war, persist throughout the book. Dr. Song constructively integrates different research fields, including criminal law theory, moral philosophy, moral psychology, war crimes trials and war studies, to develop a multidisciplinary analytical framework. This enables her to explain different perspectives within war crimes law itself: how the law is perceived differently in the courtroom and on the battlefield; by international lawyers and military lawyers. She concludes that both the strengths and weaknesses of a cosmopolitan war crimes law lie in the moral nature of human beings.

<https://www.toaep.org/ps-pdf/46-song>

“Medical lawfare” or “wage war from the hospitals” ? : IHL and healthcare in the Hamas/Israel armed conflict

by **Giulio Bartolini and Alice Riccardi**. In: *Revue belge de droit international* = *Belgian review of international law* = *Belgisch tijdschrift voor internationaal recht*, vol. 57, 2024-1/2, p 345-381

The armed conflict in the Gaza Strip provides an opportunity to address one of the most controversial humanitarian challenges that the armed operations in Gaza and beyond are currently facing: the protection of healthcare. In this paper, we explore some of the most contentious legal issues arising from the relevant rules of IHL focusing specifically, in turn, on the obligation to respect and protect medical units and transports. In order to avoid a discussion which may appear theoretical, the paper tries as systematically as possible to confront the applicable rules to selected case studies drawn from the ongoing Gaza conflict, permitting to test the legal framework against official statements made by parties to the conflict and information provided by international actors.

The military fantasy of biometrics : neglecting the risks of the normalizing of bodies during armed conflicts

Anna Rosalie Greipl. In: *Journal of international humanitarian legal studies*, vol. 16, issue 2, 2025, p. 371-392

During armed conflict, militaries increasingly leverage biometrics across a range of recognition applications. The fallibility of such technology is acknowledged, including among military experts. However, little attention has been devoted to the possible legal and humanitarian consequences that the military use of biometric systems may have on vulnerable populations, such as persons with disabilities. This article examines such risks, and posits that there are significant concerns regarding the assumptions underlying biometric systems, viewed from a disability-inclusive approach to civilian protection under international humanitarian law. Only with a thorough understanding of such risks can mitigation strategies be crafted and guidance prepared so that the use of biometric systems effectively enhances the protection of all civilians. Drawing on a disability-rights perspective, as articulated in the United Nations Convention on the Rights of Persons with Disabilities, this article aims to underscore the legal and humanitarian implications resulting from the military’s use of biometric systems on persons with disabilities. Most crucially, it endeavours to understand how this technology can be developed and used to enhance the protection of individuals with disabilities amidst armed conflicts rather than compromising it.

<https://doi.org/10.1163/18781527-bja10113>

Military justice and its potential for violence towards civilians under wartime occupation: the Imperial Japanese Army in China, 1894-1941

Kelly Maddox. - In: *Military justice in modern history : the adjudication of war and violence in a globalising world*. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 271-299

This chapter examines the legal framework established by the Imperial Japanese Army (IJA) in China and its evolution during the First Sino-Japanese War (1894–1895) and the so-called “China Incident” (1937–1941), the first four years of the Asia-Pacific War (1937–1945). During the former conflict, Japanese forces developed a mostly respectable reputation for their conduct, despite a large-scale massacre of Chinese soldiers and civilians at Port Arthur in November 1894, while during the “China Incident,” the IJA became infamous for widespread military brutality, as exemplified by the massacre at Nanjing in December 1937. It adopts a comparative approach as a means of identifying and reflecting on the potential for violence within the regulatory structure of the system during two wars featuring very different degrees of violent conduct by the IJA. Aside from the obvious differences in the ways in which war was fought, it compares and contrasts these wars for two reasons. Firstly, the First Sino-Japanese War was the first international conflict in which the IJA imposed martial law and administered justice in occupied territories; the systems of subsequent wars were based and later expanded upon the principles and procedures established during this war making it an excellent starting point for comparison. And secondly, these were the only two wars in which the IJA occupied enemy territory. Although occupied territory during other conflicts (e.g. the Russo-Japanese War and the First World War) was technically enemy territory, the local populations were considered primarily neutral and treated

as such. This raised different challenges to military rule and presents other interesting dynamics which are beyond the scope of this chapter.

<https://doi.org/10.1515/9783110989588-011>

Military justice in modern history : the adjudication of war and violence in a globalising world

Edited by Kelly Maddox, Tino Schölz and Urs Matthias Zachmann. - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - VI, 379 p.

Military justice has long played a central role in the adjudication of war and violence throughout the world. It is one of the principal mechanisms used to maintain soldierly discipline as well as to protect civilian populations. At the same time, military justice also has served as an instrument of power in occupied territories by adjudicating the crimes of local inhabitants and has been vital to upholding order among prisoners of war. This volume explores the adjudication of wartime violence through diverse case studies of military justice within modern history (c. 1850–1945). This was a formative period in which our contemporary international legal framework emerged against the backdrop of the internationalisation and standardisation of national, customary practices and the increasing totalisation and globalisation of modern warfare. By examining the evolving and dialectic functions of military justice within this dynamic context, the volume develops important historical perspectives on the enforcement of discipline in armed forces, the punishment of enemy combatants and the administration of law and justice over civilians in occupied areas. “Military Justice in Modern History” reflects on issues in the adjudication of war and violence that are still prevalent in the conflict zones of our world today.

<https://doi.org/10.1515/9783110989588>

Modern slavery in armed conflict : foreign ‘forced fighters’ in Ukraine

Matilda Gillis. In: *International and comparative law quarterly*, vol. 74, part 3, July 2025, p. 707-721

Since Russian President Vladimir Putin announced his support for a plan to recruit fighters from abroad to join the Russian army in early 2022, foreigners have fought in Ukraine as part of Russian forces. Many of these fighters are mercenaries in the commonly understood sense of that term. That is, they are fighters who have gone, intentionally, to fight for Russia in return for significant payment. Although these fighters have often found themselves in Ukraine with little to no training and without their promised salaries, this article is not primarily concerned with them. Instead, it is interested in those fighters who arrived in Russia without knowing that they would be sent to the conflict, or who did not know that they were going to Russia at all. The article argues that such ‘forced fighters’ who are misled or tricked into taking part in an armed conflict should be given protection beyond that given to other combatants, specifically that they should be offered repatriation to their countries of origin. It argues that international humanitarian law is unable to effectively capture the position of these fighters or provide adequate protection to them. It suggests, rather, that the law on modern slavery can provide a way to understand and reconceptualise the position of these fighters—as victims of servitude and human trafficking—and that this body of law can deliver the remedy of repatriation to them.

<https://doi.org/10.1017/S0020589325100924>

The Monetary Gold Principle and States’ obligations triggered by a serious risks of atrocities being committed by another State : the cases of the duty to prevent genocide and the duty to ensure respect for IHL

Marco Longobardo. In: *International community law review*, vol. 27, no. 3, 2025, p. 282-329

This article explores whether the Monetary Gold Principle applies to cases brought before the International Court of Justice against a state for its failure to comply with its obligations triggered by a serious risk that another state might commit atrocities. The focus is on the obligations to ensure respect for international humanitarian law and to prevent genocide. The article considers that the duty to ensure respect and the duty to prevent genocide are primary rules of international law that embody both positive and negative obligations. Compliance with these duties is independent of whether another state actually commits genocide or violations of international humanitarian law. Rather, these duties are triggered by the awareness of a serious risk of genocide

or of violations of international humanitarian law. Accordingly, if claims before the International Court of Justice are framed on the basis of this awareness, the Court can exercise its jurisdiction even without the participation in the proceedings of the third state.

<https://doi.org/10.1163/18719732-bja10143> *

The moral response to radical evil

Mois Navon. In: *Journal of military ethics*, vol. 24, no. 2, July-August 2025, p. 155-174

The moral response to evil is, perhaps paradoxically, one of the greatest of ethical dilemmas. On the one hand, morality seeks to define good and evil; on the other hand, fighting evil demands actions that morality would otherwise deem evil. So, while killing is evil, killing a killer is – or at least can be – good. The moral paradox of killing is magnified exponentially when it comes to war. To address this issue, Just War Theory comes to provide a moral framework for war. But its efficacy largely assumes that the warring parties are moral, law-abiding peoples. What are the rules of engagement for fighting people who flout every rule in the book? It is my thesis that the category of war that describes fighting “Amalek” – the biblical paradigm of radical evil – provides the response. My suggestion is not that such a category of war departs from Just War Theory but actually conforms to it.

<https://doi.org/10.1080/15027570.2025.2561444> *

National and international means of (military) justice : four circles of a legal debate on the punishment of violations of the laws of war in the period between the Franco-Prussian war and the beginning of the Cold War (1864-1949)

Daniel Marc Segesser. - In: *Military justice in modern history : the adjudication of war and violence in a globalising world.* - Berlin ; Boston : De Gruyter Oldenbourg, 2025. - p. 31-55

This chapter looks first at the development of the legal debate on the punishment of the laws of war in between the Geneva Convention of 1864 and its revised version of 1906. This debate formed a first circle of arguments on national and international means of (military) justice. A second circle, dealing with the timespan between the beginning of the wars on the future of the Ottoman possessions in North Africa and the Balkans in 1911 and the Paris Peace Conference in 1919, forms the next section. The third part will discuss a third circle that began in Buenos Aires in 1922 and lasted until the creation of the International Military Tribunal in Nuremberg in 1945. The fourth and last part then looks at why the International Military Tribunal in Nuremberg and the International Military Tribunal for the Far East in Tokyo remained the only international criminal trials at the end of the Second World War and why national means of (military) justice still dominated in the revised Geneva Conventions of 1949.

<https://doi.org/10.1515/9783110989588-002>

Naval graves

Magne Frostad. In: *Israel yearbook on human rights*, vol. 53 (2023), p. 103-129

This paper deals with the legal protection of the final resting place of dead servicemen and -women, lying in or around wrecks of warships on the ocean floor. What legal protection do these wrecks – to a large extent the containers of these dead – enjoy under international law? For reasons of brevity, this paper first focuses on definitions before it considers a selected subset of international law, i.e. State immunity, ownership and salvage (part 3), the 1982 United Nations Convention on the Law of the Sea (“UNCLOS”) (part 4), 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage (“CPUCH”) (part 5), and the law of armed conflict (part 6). The paper then offers some concluding thoughts in part 7.

https://doi.org/10.1163/9789004544772_007 *

Ni máquinas de guerra, ni puras víctimas : legalidad de los ataques contra los niños de disidencias de las FARC según el derecho internacional humanitario

René Provost. In: *Revista derecho del Estado*, núm. 61, Enero-Abril 2025, p. 311-343

El presente artículo tiene como objetivo analizar el marco jurídico que ofrece el derecho internacional humanitario cuando el Estado realiza acciones que afectan a niños, niñas y adolescentes reclutados ilegalmente por grupos armados, en el desarrollo de conflictos armados

no internacionales. Se analiza el dilema que surge a raíz del reclutamiento de menores, como crimen en el marco del derecho penal internacional, versus el rol que se les asigna, como combatientes, a esos menores, según los convenios y protocolos de Ginebra. Además, se estudian diferentes pronunciamientos judiciales respecto a los niños soldados como participantes civiles de hostilidades y las limitaciones prácticas de considerarlos ya sea combatientes o civiles hostiles. En ese sentido, una importante limitación es cómo el contexto particular y las mismas normas sobre el derecho de guerra imponen obligaciones a las partes de actuar con proporcionalidad. Finalmente, se concluye que, aunque exista vaguedad jurídica frente al ataque a niños, niñas y adolescentes soldados en el derecho internacional humanitario, es menester atender las múltiples consecuencias de este hecho y propender a proponer soluciones para limitar esta vaguedad

<https://doi.org/10.18601/01229893.n61.12>

Non-state armed groups and the separated, missing and dead : obligations under international humanitarian law and examples of how to implement them

[report written by Tilman Rodenhäuser and Ximena Londoño]. - Geneva : ICRC, December 2025. - 46 p.

As a result of the unprecedentedly high number of armed conflicts around the world, hundreds of thousands of families are separated. In many cases, communication lines are cut, leading to a complete breakdown in family contact. The dead are not always treated with respect and at times become “bargaining chips” between warring parties, impeding identification efforts and their return to their relatives. As a result, the number of missing people continues to grow, and families suffer great anguish not knowing where their loved ones are and whether they are alive or dead. Clarifying the fate and whereabouts of missing people is a humanitarian imperative and a legal obligation. This report focuses on the international humanitarian law (IHL) obligations of non-state armed groups with respect to the separated, missing and dead, presenting a selection of practices showing how armed groups have implemented these obligations in reality.

<https://library.icrc.org/library/docs/DOC/icrc-4900-002.pdf>

Normative interaction in chemical and biological weapons law : on the interplay between treaty regimes and general international law

Craig Eggett and Sarah Thin. - In: Chemical and biological weapons : the interconnectivity of norms. - Leiden ; Boston : Brill Nijhoff, 2026. - p. 13-35

The international legal framework for the regulation of chemical and biological weapons (CBW) is normatively heterogeneous. While two widely ratified treaties – the Chemical Weapons Convention (CWC) and the Biological and Toxin Weapons Convention (BWC) – are central to this regime, they do not exist in isolation. Instead, they form part of a complex set of rules and principles emanating from a number of sources and systems, including specific regimes of international law and domestic legal systems. The international law regulating CBW is dynamic, involving significant interactions between its constituent norms and the potential revision of their content. This paper focuses on the specific interplay between the CWC and the BWC, on the one hand, and general international law, on the other. The objective is to offer some conceptual insights into the dynamics at play, with a view to contributing to broader theoretical debates in international law.

https://doi.org/10.1163/9789004739192_003 *

The notion of an illegal occupation in the ICJ’s Palestine Advisory Opinion

Marko Milanovic. In: International and comparative law quarterly, vol. 74, part 3, July 2025, p. 517-553

In its Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, the International Court of Justice (ICJ) ruled not only that Israeli policies and practices in the occupied territory systematically violated international law, but also that Israel’s ‘continued presence’ (i.e. occupation) as such had become illegal, so that Israel was required to withdraw from the Occupied Palestinian Territories as rapidly as possible. The ICJ’s finding that Israel engaged in a sustained abuse of its position as an occupying power, through annexation of territory and frustration of Palestinian self-determination, was central to its reasoning, as was its holding that the legality of

the occupation was to be judged against the *jus ad bellum*. This article unpacks the concept of an illegal occupation. It argues that, as matter of the *jus ad bellum*, it is only the right to self-defence that could, in theory, justify Israel's continued occupation. Curiously, however, the Opinion does not mention self-defence, although it preoccupied many of the judges writing separately. The article argues that two approaches to the occupation's *ad bellum* illegality are most persuasive: first, that the occupation could not meet the necessity and proportionality criteria of lawful self-defence; and, second, that even a valid self-defence claim can be vitiated by a predominant ulterior purpose.

<https://doi.org/10.1017/S0020589325100833>

The nuclear taboo : a global prohibitory norm

Nina Tannenwald. - In: *The Oxford handbook of norms research in international relations.* - Oxford : Oxford University Press, 2025. - p. 53-63

The non-use of nuclear weapons since 1945 is one of the most important phenomena of the post-Cold War world. It is also an intriguing scholarly puzzle. Why haven't nuclear weapons been used since 1945? A lively scholarly debate has emerged around the concept of a nuclear taboo and the role of normative considerations in restraining leaders' resort to nuclear weapons. This chapter reviews the growing literature around the role of a nuclear taboo in world politics: does such a taboo exist, and, if so, how does it 'matter?' What is the best way to study and measure it? While the initial scholarship focused on historical case studies, a 'second generation' of taboo research has focused on attitudes towards nuclear use among the general public rather than elite decision-makers, and used large-N experimental surveys rather than in-depth interviews and archival research. It has also extended beyond the traditional focus on the US case. Much of this work has criticized the original argument, finding that prudential considerations, rather than normative ones, dominate respondents' attitudes towards nuclear use. In response, other scholars have produced more expansive scholarly studies supporting the normative argument. This chapter reviews these contributions and takes stock of where the debate on the nuclear taboo stands, why it is important, and where it should go.

Nuclear weapons and international law : existential risks of nuclear war and deterrence through a legal lens

Charles J. Moxley Jr., forewords by William J. Perry, John D. Feerick and Claire Finkelstein. - London [etc.] : Hamilton Books, 2025. - XXXVIII, 504 p. (vol. 1) ; p. 505-1096 (vol. 2)

This two-volume book provides a comprehensive analysis of the lawfulness of the use of nuclear weapons, based on existing international law, established facts as to nuclear weapons and their effects, and nuclear weapons policies and plans of the United States. Based on detailed analysis of the facts and law, Professor Moxley shows that the United States' arguments that uses of nuclear weapons, including low-yield nuclear weapons, could be lawful do not withstand analysis. Moxley opens by examining established rules of international law governing the use of nuclear weapons, first analyzing this body of law based on the United States' own statements of the matter and then extending the analysis to include requirements of international law that the United States overlooks in its assessment of the lawfulness of potential nuclear weapons uses. He then develops in detail the known facts as to nuclear weapons and their consequences and U.S. policies and plans concerning such matters. He describes the risks of deterrence and the existential nature of the effects of nuclear war on human life and civilization. He proceeds to pull it all together, applying the law to the facts and demonstrating that known nuclear weapons effects cannot comply with such legal requirements as those of distinction, proportionality, necessity, precaution, the corollary requirement of controllability, and the law of reprisal. Moxley shows that, when the United States goes to apply international law to potential nuclear weapons uses, it distorts the law as it has itself articulated it, overlooks law in such areas as causation, risk analysis, *mens rea*, and *per se* rules, and disregards known risks as to nuclear weapons effects, including radioactive fallout, nuclear winter, electromagnetic pulses, and potential escalation. He then shows that the policy of deterrence is unlawful because the use of such weapons would be unlawful.

L'obligation des Etats d'empêcher tout transfert d'armes à partir de leur territoire vers Israël dans le contexte du conflit à Gaza

par **Anne Lagerwall**. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 529-577

Dans le contexte du conflit qui se déroule à Gaza, les États ont l'obligation d'empêcher tout transfert d'armes à destination directe ou indirecte d'Israël. Les arguments juridiques qui sont parfois avancés pour restreindre la portée de cette obligation peinent à convaincre. Cette dernière s'impose en raison de l'obligation de faire respecter le droit international humanitaire telle qu'elle a été codifiée au sein des Conventions de Genève de 1949 et de l'obligation de prévenir les crimes internationaux et, en particulier, le crime de génocide comme l'établit la Convention de 1948. Elle découle également de la coutume internationale qui reste peu évoquée dans les débats relatifs aux transferts d'armes et, plus particulièrement, de l'obligation de ne pas aider ou assister au maintien d'une occupation territoriale instaurée ou maintenue en violation de la Charte des Nations Unies.

https://cdi.ulb.ac.be/wp-content/uploads/2025/09/rbdi2024_1p529-Anne-Lagerwall.pdf

The obligation of “due regard” in the EEZ during armed conflict at sea

James Kraska. In: International law studies, vol. 106, 2025, p. 116-145

This article explores the rights of belligerent warships and military aircraft to engage in hostile operations within a neutral coastal State's exclusive economic zone (EEZ) during armed conflict. It argues that peacetime rules of due regard for coastal State sovereign rights and jurisdiction do not constrain these operations. The United Nations Convention on the Law of the Sea (UNCLOS) established the peacetime obligation of due regard in the EEZ. By 1984, the EEZ had become customary international law binding on all States. The San Remo Manual on International Law Applicable to Armed Conflict at Sea suggests belligerent naval forces owe a duty of due regard for a coastal State's sovereign rights over resources in the EEZ during periods of hostilities at sea. This article suggests that the *lex generalis* EEZ regime in the law of the sea does not supersede the *lex specialis* rights of belligerent States to conduct operations in the law of naval warfare.

<https://digital-commons.usnwc.edu/ils/vol106/iss1/6/>

Out of sight, out of mind : opacity, e(X)pl(AI)nability and international humanitarian law

Natali Gbele. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 183-198

The increasing reliance on opaque Artificial Intelligence-based Decision Support Systems (AI-DSSs) in armed conflicts raises pressing questions about their compatibility with international humanitarian law (IHL). This article examines the legal implications of deploying AI-DSSs in military operations, focusing on their transparency and (lack of) explainability. It argues that opacity undermines the IHL principles of distinction and proportionality, potentially resulting in unlawful harm. The analysis explores whether Explainable AI (XAI) can mitigate these risks and whether its integration should be considered a normative requirement under IHL. The article concludes that, while XAI may enhance compliance - particularly in system development and post-deployment review - its operational use remains fraught with challenges. A cautious, research-informed approach is therefore essential before XAI can be embedded into the legal framework of IHL.

<https://doi.org/10.35998/huv-2025-0013> *

A painting and the exchange of Belgian prisoners of war during the French intervention in Mexico (1862-1867)

Tania Ixchel Atilano. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1107-1140

Images can help us to better understand how the laws of war and international humanitarian law have developed. As images transmit several messages simultaneously, they can reveal contextual, ideological, political and emotional dimensions that legal texts may not fully capture. This article aims to be an exercise seeking to demonstrate how a painting can serve not only as a historical source but also as a trigger for curiosity, prompting deeper exploration into the past and into the

history of the laws of war. The painting in question, an 1881 piece by the Mexican artist Francisco de Paula Mendoza entitled *The Pardon of the Belgians or The Exchange of Belgian Prisoners*, will transport us to a mid-nineteenth-century exchange of prisoners of war (PoWs) and will remind us of the long-forgotten chapter of the Belgian volunteer force in what is known as the French Intervention in Mexico (1862–67). Drawing on primary and secondary sources, the article will offer new perspectives on the status of PoWs, the practice of the exchange of PoWs, and the doctrinal underpinnings of these ideas, and will reveal the entanglements between the laws of war, the principle of equal sovereignty, self-determination, non-intervention and republicanism in nineteenth-century Latin America. It will also reveal the interest of Latin American republics like Mexico in formalizing and standardizing the practice of the laws of war.

<https://library.icrc.org/library/docs/DOC/irrc-930-atilano.pdf>

Persistent tensions among norms : civilian immunity and protection versus proportionality and military necessity

Neta C. Crawford. - In: *The Oxford handbook of norms research in international relations*. - Oxford : Oxford University Press, 2025. - p. 383-396

The moral values of non-combatant immunity and civilian protection appeared to be an emergent ethical commitment held by many states and military coalitions in the late 20th century and the first two decades of the 21st. Non-combatant immunity and civilian protection were institutionalized in the armed forces of some states, coalitions, and the United Nations peacekeeping forces. However, at the same time, in many wars civilians seemed to be squarely in the crosshairs, whether deliberately or incidentally. Were civilian immunity and protection actually emerging normative beliefs? Or do the legal and normative injunctions for proportionality, the invocation of intention, and the doctrine of double effect vitiate those norms? Or perhaps the work of vitiating non-combatant immunity is done by the normative belief in military necessity. In sum, what happens when normative beliefs are in strong tension, clash, or collide? Tensions are dissipated or resolved through several discursive and institutional moves, including denial of any tension, erasure of the problem, and ethical argumentation with respect to a specific circumstance.

Persons with disabilities and Western Sahara : assessing protection in the context of regime interdependencies

Bryce Hollander and Janet E. Lord. - In: *Western Sahara in the international legal order : 50 years after the ICJ advisory opinion*. - Leiden ; Boston : Brill Nijhoff, 2025. - p. 39-72

Persons with disabilities are disproportionately impacted by humanitarian crisis and are all too often the last to receive humanitarian assistance to meet their most basic needs. Western Sahara presents an especially complex case, both in terms of the humanitarian dimension of a long-standing occupation and recent resumption of armed conflict and in terms of the multiple legal regimes at play that complicate the protection framework that exists under international law for persons with disabilities. This chapter sorts through the international standards applicable to the protection of persons with disabilities under IHL, IHRL, and IRL and which apply to persons with disabilities living in the territory administered by Morocco and SADR in Western Sahara and the Tindouf refugee camps in Algeria. It lays out the relevant historical context on the conflict and its known impact on persons with disabilities, it clarifies the international legal obligations applicable to the protection of persons with disabilities in Western Sahara, and, finally, it addresses how regional and international mechanisms might be harnessed to highlight conditions and strengthen disability protections. The chapter concludes by demonstrating how the international legal protection framework for persons with disabilities through the interdependent regimes of IHL, IHRL, and other regimes can inform the protection of high-risk populations in Western Sahara and beyond.

The phantom pain : an international law perspective on the weaponization of infrasound, ultrasound, and microwaves

Thibault Moulin. In: *Journal of conflict and security law*, vol. 30, no. 2, Summer 2025, p. 265-286

There has been much speculation and controversy about the development and effects of weapons based on infrasound, ultrasound, and microwaves over the past decades. However, recent

incidents like the Havana syndrome or the alleged clash at the Sino-Indian border revealed that their existence may not be pure fantasy. Reports also indicate that several nations are striving to develop the so-called ‘directed-energy weapons’ by 2030. However, specific legal studies on the topic are rare, even though weapon review is required at an early stage. Thanks to an analysis of scientific studies and clinical trials, this article reveals that infrasound, ultrasound, and microwaves may have serious consequences, and that certain technical issues which affect their weaponization may well be overcome. It then explains how such weapons may comply (or not) with international law. It finds that their use may qualify as prohibited use of force, and even an armed attack. It also demonstrates that diseases, mutilations, and paralysis caused by infrasound, ultrasound, and microwaves may amount to superfluous injury or unnecessary suffering, and explores under what circumstances multidirectional waves comply with the principle of distinction. It then explains in what situations those weapons do comply (or not) with international human rights law, and especially Articles 2 and 3 of the European Convention on Human Rights.

<https://doi.org/10.1093/jcsl/krafo09> *

Prolonged occupation through law : architecture of provisionality in Okinawa

Kyo Arai. - London ; New York : Routledge, 2026. - XIV, 250 p.

This book examines the body of law relating to occupation and analogous forms of territorial control, including the issues surrounding various types of military occupation and the domination of territory and people abroad. It achieves this through a comprehensive analysis of the legal basis of the U.S. prolonged occupation of Okinawa. The book begins with a discussion of the legal frameworks under international and U.S. law relating to the occupation and other forms of administration of foreign territory. It then examines the drafting process of various “constitutional” orders issued by the U.S. military for Okinawa during and after World War II. Covering the entire period of the U.S. administration, the book captures the formation of highly contested legal arguments for external governance during the transitional years of 1949-1957, as well as the institutional reforms under the Kennedy administration in the 1960s. The analysis of legal developments contextualizes the Okinawa issue in the current legal discourse on foreign occupation, self-determination, and postcolonialism. The theoretical implications of residual sovereignty and its effect on the relationship between the Japanese government and the people of Okinawa in the modern day are also discussed.

Proportionality : can’t live with it but can’t live without it

Geoffrey S. Corn. In: International law studies, vol. 106, 2025, p. 455-498

Perhaps no other word in the international humanitarian law lexicon evokes more interest and emotion than proportionality. How States implement the rule of proportionality is perhaps the most hotly debated aspect of international humanitarian law. The indeterminate nature of the rule allows for its meaning to conform to whatever its reader wants it to mean. This is a consequence of the variables related to key provisions of the rule: How do we assess military advantage? What makes an anticipated military advantage “concrete and direct”? And most problematic of all, what is the meaning of the term “excessive”? All of these concerns raise troubling questions. Can the proportionality rule truly matter without consensus on what amounts to non-compliance? Does the rule’s indeterminacy undermine its value as a legal tool? This essay will consider several aspects of the proportionality rule: first, why it still reflects a critically important principle of military operations despite its indeterminacy; second, its limited operational efficacy as a civilian risk mitigation measure; and third, why shifting the focus to the principle of constant care and the subordinate rule of precautions in the attack will advance the humanitarian interests of the law.

<https://digital-commons.usnwc.edu/ils/vol106/iss1/16/>

Que restera-t-il des principes de distinction et de proportionnalité après la guerre de Gaza ?

par Vaïos Koutroulis. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 491-527

L'article tente d'évaluer l'impact des hostilités menées par Israël dans la bande de Gaza (2023-2025) sur les principes de distinction et de proportionnalité en droit international humanitaire.

Il examine les justifications avancées par Israël pour qualifier comme cibles légitimes un large éventail de personnes et de biens, en s'appuyant sur des interprétations extensives de ces principes. Ces justifications sont confrontées aux réactions des États, exprimées notamment au sein du Conseil de sécurité, qui confirment un rejet clair de cette tentative. Les États ont réaffirmé avec force le principe d'égalité des belligérants, l'interdiction des représailles contre les civils et la nécessité d'une interprétation stricte du droit humanitaire malgré les tactiques employées par le Hamas. Ainsi, la guerre de Gaza, loin d'affaiblir les principes de distinction et de proportionnalité, renforce leur portée coutumière et leur importance en tant que normes fondamentales encadrant la conduite des hostilités.

Regulating non-kinetic effects of cyber operations : the 'loss of functionality' approach and the military necessity-humanity balance under international humanitarian law

Giacomo Biggio. In: *Journal of conflict and security law*, vol. 30, no. 2, Summer 2025, p. 241-263

In pursuing the objective of protecting the civilian population during armed conflict, the normative framework of International Humanitarian Law (IHL) is premised on the relationship between the foundational principles of military necessity and humanity. This balance is embodied in the 'rules on targeting' under Additional Protocol I, whereby 'attacks' are limited by the principles of distinction, proportionality, and precaution. However, as modern conflict evolves, the rise of cyber technologies as a means of warfare challenges the traditional understanding of the notion of 'attack' as synonymous with kinetic violence, whether in the form of death or injury to individuals or damage or destruction of objects. Two competing approaches to what amounts to an 'attack' in the cyber domain have emerged. The prevailing one, adopted by the Tallinn Manual, qualifies as an attack any cyber operation that is expected to result in death, injury to individuals, damage or destruction of objects, or a combination thereof. Conversely, the 'Loss of Functionality' (LoF) approach advanced by the International Committee of the Red Cross (ICRC) extends the definition of an attack to cyber operations causing LoF to the targeted network or systems. This article argues that the prevailing interpretation of IHL in the cyber domain favours military necessity considerations over the principle of humanity, allowing belligerents to engage in non-kinetic, disruptive cyber-attacks against civilian infrastructure without being limited by the rules of targeting, to the detriment of the civilian population and civilian objects. Nevertheless, the balance between the two principles can be tipped in favour of humanitarian considerations by relying on the more expansive LoF approach. And yet, while the LoF approach has been endorsed by a growing number of States, its practical application to the rules of targeting remains, at the time of writing, underexplored. In light of this consideration, this article aims to clarify the application of the LoF approach to the principle of distinction and, more importantly, the principle of proportionality, arguing that non-kinetic effects should be included within the meaning of 'incidental harm' that is relevant to the proportionality assessment; otherwise, the effectiveness of the LoF approach would be greatly reduced.

<https://doi.org/10.1093/jcsl/krafo08>

Religious protection and the law of armed conflict

Yoram Dinstein. In: *Israel yearbook on human rights*, vol. 53 (2023), p. 7-22

The article traces the protection of religious groups from both genocide and persecution (as a form of crimes against humanity); the law of armed conflict injunctions against religious discrimination; the protection of religious worship and places of worship during hostilities; and the status of religious personnel in wartime.

https://doi.org/10.1163/9789004544772_003 *

Reporting activities under international humanitarian law

Giulio Bartolini and Sofia Pouloupoulou. In: *International review of the Red Cross*, Vol. 107, no. 930, 2025, p. 961-998

International treaties commonly request States to submit periodic reports on measures adopted to facilitate compliance with relevant obligations, permitting them to identify shortcomings and develop appropriate policies, promote transparency and facilitate the exchange of good practices. International humanitarian law (IHL) might appear at odds with this approach as its core

instruments do not establish a periodic reporting procedure; indeed, only limited reporting activities have been required from States party to the Geneva Conventions and their Additional Protocols. The present paper challenges this perspective, exploring mandatory periodic national reporting activities provided by other treaties forming part of the IHL framework, as in relation to cultural property and weapons systems, as well as more informal reporting mechanisms on IHL developed outside treaty regimes, including those addressing organized armed groups. Taking stock of existing approaches and practices, the paper identifies relevant trends, opportunities and challenges for IHL reporting activities.

<https://library.icrc.org/library/docs/DOC/irrc-930-bartolini.pdf>

A research agenda for military law

Edited by Paul A. L. Ducheine, Terry D. Gill, Peter B. M. J. Pijpers, Marten C. Zwanenburg.
- Cheltenham ; Northampton : Edward Elgar Publishing, 2026. - XV, 182 p.

This prescient Research Agenda sheds light on current and expected developments of military law. It provides expert guidance on the application of international law to military operations and assesses new challenges such as AI, hybrid warfare and the militarization of outer space. Using legal doctrinal and analytical methods, leading scholars and practitioners in the field survey the current legal landscape, providing a forward-looking analysis of emerging issues and future research. The book examines how international law regulates the use and application of armed force or coercive measures by the armed forces of States and other international actors in an armed conflict or in a 'grey zone' pre-conflict setting. Chapters interrogate the functions and rules of the different bodies of international law that govern the conduct of warfare. They also indicate where fault lines lie, and explore how developments in technology and the strategic environment can affect how the law is interpreted and applied.

<https://doi.org/10.4337/9781035353507>

Restoring dignity by granting rights : IHL and peacebuilding empowerment for Magdalena River fishing communities in Colombia

Lucas Martinez-Villalba. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 915-942

This article examines the role of international humanitarian law in safeguarding artisanal fishing communities residing along the banks of the Magdalena River in Colombia after the recognition of the river as a rights-bearing entity and a victim of the armed conflict. The article also explores the potential of targeted peacebuilding interventions for achieving sustainable well-being, ecological restoration and enduring peace. Against the backdrop of historical conflict, the Magdalena River and its adjoining communities have suffered significant harm, requiring widespread reparations that go beyond immediate crisis management. The study proposes a comprehensive approach for achieving sustainable well-being, ecological restoration and enduring peace, acknowledging the complex connections between legal frameworks, environmental considerations and the cultural heritage of the riverine community.

<https://library.icrc.org/library/docs/DOC/irrc-930-martinez.pdf>

The right of visit and search in the law of naval warfare : a contemporary analysis

Dale Stephens. In: Israel yearbook on human rights, vol. 53 (2023), p. 51-79

This article assesses the veracity of the San Remo Manual articulation of the right of visit and search as it existed in 1995 and also assesses whether the rules and commentary of the San Remo Manual on visit and search remain accurate. With respect to the specific issues of the contemporary definition of contraband; of the obligation to publish contraband lists and what their content requires; of the question of whether the concept of 'continuous voyage' remains applicable and the question of 'outward' contraband there is an assessment as to whether the conclusions reached in the San Remo Manual on these issues have been reflected in the approach taken by States. Additionally, the methodology employed by the San Remo Manual concerning the requirements underpinning the targeting of vessels that resist visit and search is also critically examined.

https://doi.org/10.1163/9789004544772_005 *

The rise of big data and the law of armed conflict

Laura A. Dickinson. In: *Chicago journal of international law*, vol. 26, no. 1, 2025, p. 301-318

Big data—extremely large quantities of information and the analytics used to process it—is now crucial to the way militaries operate on the battlefield. Data is used to run weapons systems, analyze intelligence, procure and deploy personnel, evaluate battlefield conditions, detain prisoners, and more. And not only is data increasingly being used on the battlefield, but operations targeting adversaries’ data—to acquire it, delete and destroy it, or distort or poison it—are becoming increasingly important as well. Beyond the battlefield, big data lies at the epicenter of adversarial activities below the armed conflict threshold. Because data is the fuel of artificial intelligence (AI), it is generating an AI arms race among the U.S., China, Russia, and other states, incentivizing large-scale cyber operations related to data. And big data is increasingly central to humanitarian operations on, and adjacent to, the battlefield, for example to monitor humanitarian crises, facilitate early warning systems, and deliver aid, as well as to investigate and prosecute atrocities. All of these uses of data in military operations raise challenging interpretive questions under key bodies of international law: international humanitarian law (IHL), the *jus ad bellum* and international human rights law (IHRL). But they also challenge us to consider anew various long-standing critiques of legalism in the international sphere more generally: what we might call the efficacy critique—are these laws effective at all in constraining state and non-state actors?—what we might call the legitimization critique—do laws of war actually sanitize, and thereby legitimate, acts of aggression?—and the critique that law is simply ineffective in adapting to rapid technological or societal change. This Article uses the rise of big data on the battlefield first to respond to these critiques and defend the importance of legalism when addressing armed conflict, and second to consider the multiple interpretive challenges and gaps in the law that are created by the new techno-social reality of big data on the battlefield. As in other instances of disruptive technological and societal change, the laws of armed conflict must be both justified anew and then adjusted, either through textual gap-filling, interpretive translation, policymaking, or the construction of new legal paradigms.

<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/13/>

The rise of US military legalism : a new theory of military professionalism

Doyle K. Hodges. - Abington, New York : Routledge, 2026. - XIII, 223 p.

The book documents a change over the past 50 years in the way in which US military officers make decisions about using force, which it calls “military legalism”. Rather than relying solely on professional military judgment and professional military ethics, officers are increasingly using legal norms and reasoning to justify their choices. This book explores how widespread this practice has become, explains why it has emerged, and examines some of its implications. Using historical cases from World War II through the opening days of Operation Iraqi Freedom, this book traces changes in the way in which civilian policymakers have governed US military decisions about the use of force, and how the military has responded to these changes. While military legalism is normatively neither good nor bad, legalistic reasoning has been used to justify morally deficient policies, and a reliance on legal reasoning may have unanticipated and unexamined effects on the norms of civil-military relations.

Robocop reimagined : harnessing the power of AI for LOAC compliance

Francisco Lobo. In: *Journal of military ethics*, vol. 24, no. 2, July-August 2025, p. 120-139

This article is intended as a contribution to the growing literature on the potential benefits of military applications of AI to ensure compliance with the Law of Armed Conflict. Drawing on foundational notions of the philosophy of mind and legal philosophy, the article proposes the introduction of a secondary LOAC-compliance software, the “e-JAG”, in order to police the results offered by primary targeting software, while at the same time remaining always under human control, as what can overall be considered a positive redundancy in the sense of being an additional guard rail to strengthen the precautions in attack that militaries are legally obligated to implement.

<https://doi.org/10.1080/15027570.2025.2569130>

Safeguarding rangers in conflict zones : bridging humanitarian and environmental law

Jérôme de Hemptinne. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1020-1040

Rangers are indispensable to the management and protection of fragile ecosystems, especially when these come under threat from armed conflict. Yet, in such circumstances, rangers themselves become highly vulnerable as their responsibilities – such as preventing the plunder of natural resources or disrupting the trafficking of endangered species – frequently bring them into confrontation with parties to the conflict. Despite the critical nature of their work, international humanitarian law (IHL) provides them with no special safeguards beyond the general protection afforded to civilians. While certain analogies with IHL's protection for relief personnel or civil defence actors might be drawn to extend an additional layer of legal security, it remains unclear whether these could be applied in practice to rangers. It is therefore crucial to examine relevant international environmental norms and principles – particularly those protecting areas of exceptional ecological value – in order to assess whether they could offer a more robust protective framework during warfare, thereby reinforcing the protection of the vital environmental functions that rangers perform.

<https://library.icrc.org/library/docs/DOC/irrc-930-dehemptinne.pdf>

Safeguarding submarine cables and pipelines in times of peace and war

Raul (Pete) Pedrozo. In: International law studies, vol. 106, 2025, p. 45-65

Incidents involving damage to undersea infrastructure illustrate the vulnerability of submarine cables and pipelines. While damage can occur accidentally in peacetime, recent incidents suggest cables and pipelines are being systematically targeted and that the resulting damage is not accidental or the result of poor seamanship. Most undersea infrastructure can also be attacked as a military objective in wartime. Peacetime adversaries or opposing belligerents during an armed conflict can easily damage undersea infrastructure to further their political, strategic, or wartime objectives. These incidents also highlight the inadequacy of coastal State authority under international law to take measures against foreign-flagged vessels intentionally damaging undersea infrastructure. This article discusses the right of States to lay submarine cables and pipelines at sea, as well as coastal State authority to protect underwater infrastructure. Given the limited authority of coastal States to arrest foreign flag vessels on the high seas, the article proposes a way forward for coastal States to protect underwater infrastructure beyond the territorial sea in peacetime. The article also reviews the status of submarine cables and pipelines during an international armed conflict, to include whether such infrastructure is a military objective or is exempt from attack and whether the law of neutrality applies.

<https://digital-commons.usnwc.edu/ils/vol106/iss1/2/>

Special agreements in non-international armed conflicts : lessons from the practice

Aristide Evouna Evouna. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1072-1106

The Geneva Conventions invite the parties to a non-international armed conflict (NIAC) to conclude special agreements (SAs) according to common Article 3(3). However, the lack of definition and insufficient coverage of such agreements by scholars and legal authorities increase the confusion between that mechanism and other agreements occurring in NIACs. This paper offers a contemporary and functional definition of SAs in order to better demonstrate their importance for NIAC regulation based on practice-informed lessons and, incidentally, to advocate for an increased use of those instruments. The data analyzed throughout this article reveal various lessons that will illustrate the potential of SAs. Among the teachings revealed by practice is the expanded material scope of these instruments or the possible ways in which the parties can choose to draft their commitments. In addition, the records of practice reveal how SAs concretely improve the regime of NIACs, and the implementation approaches generally adopted. For a more complete study of the dynamics of SAs, the paper equally draws attention to their formal and personal characteristics. All these features turn SAs into powerful international humanitarian law (IHL) tools that are flexible enough to upgrade the applicable law of NIACs while respecting some

necessary boundaries in order to guarantee the validity of the obligations embedded. This is an essential balance for IHL and international legal order consistency.

<https://library.icrc.org/library/docs/DOC/irrc-930-evouna.pdf>

Starvation of civilians and its relevance to the law of naval blockade

Gabriella Venturini. In: Israel yearbook on human rights, vol. 53 (2023), p. 81-102

In the last two decades, food insecurity and hunger have dramatically and tragically affected civilians in armed conflicts. These situations have come under increasing scrutiny from both international investigating bodies and the United Nations Security Council (the “UNSC”); non-binding instruments have been adopted by groups of experts and institutions; legal scholars have extensively analysed and discussed the topic and its related issues, among which its relevance to naval warfare. A quarter century after the adoption of the San Remo Manual on International Law Applicable to Armed Conflicts at Sea (the “SRM”) and particularly in recent years, a number of proposals to reconsider or to modify some of its provisions have been focusing on the situation of civilians who experience severe deprivation of food and/or other objects indispensable to their survival during naval blockades. The present paper aims at reviewing the most relevant developments in international practice and the thoughts of international legal scholars during the period which has elapsed since the adoption of the SRM, as a contribution to the debate on its possible revision.

https://doi.org/10.1163/9789004544772_006 *

The status of the Gaza strip before and after 7 October 2023 under the law of occupation

by Federica Favuzza and Marco Longobardo. In: Revue belge de droit international = Belgian review of international law = Belgisch tijdschrift voor internationaal recht, vol. 57, 2024-1/2, p. 383-406

The article explores the status of the Gaza Strip from the standpoint of international humanitarian law in order to ascertain whether the area was occupied before and after 7 October 2023. After a brief excursus on why the determination of whether the area is under occupation matters for the analysis of a number of legal issues, the article offers an overview on when a territory is considered to be under occupation. In light of the actual authority exercised by Israel over the borders of the Gaza Strip, its maritime territory, its airspace, and fundamental supply, it is argued that the Israeli occupation, which started in 1967, did not end with the redeployment of Israeli troops outside the Gaza Strip in 2005. The article moves on to assess whether the Israeli response to the Hamas’s attack of 7 October 2023 has changed this conclusion: it is demonstrated here that the Israeli reaction has maintained the situation of occupation over the Gaza Strip.

Sunk in battle, but the war is not over : who owns the Moskva ?

Caroline Tuckett. In: International law studies, vol. 106, 2025, p. 66-84

The study of underwater cultural heritage, and that of sunken warships, has typically focused on the legal protections that surround a site in the years, or often centuries, after the sinking. The Russia-Ukraine conflict has given cause to study the topic in a more modern context. Several Russian Naval vessels have been sunk by Ukraine, the most famous being the Black Sea flagship, the Moskva, in April 2022. Following the sinking, Ukraine stated the Moskva was now a heritage site, with a Ukrainian Defence Minister joking that the wreck was simply “one more diving spot.” This article will examine the legal status of the Moskva as she lies on the seabed. While it is right that the site should in due course be a protected heritage site, the current legal regime in place between Russia and Ukraine is the law of armed conflict. This gives rise to a different set of legal rights and obligations. Although the Ukrainian declaration has clear benefits in terms of Kyiv’s ongoing war narrative, the article suggests that it was not strictly necessary and perhaps premature. Instead, as a belligerent, Ukraine may exploit the wreck as part of its own ongoing war effort.

<https://digital-commons.usnwc.edu/ils/vol106/iss1/3/>

The Supreme National Tribunal and international criminal law : Polish perspectives on prosecuting war criminals

Oktawian Kuc. - Abingdon ; New York : Routledge, 2026. - XVI, 297 p.

This book examines the establishment, operation, and legacy of Poland's special post-war court created to prosecute leading German war criminals. Between 1946 and 1948, it conducted seven seminal landmark trials involving 49 defendants, including notorious figures such as Arthur Greiser, Amon Goeth, Rudolf Hoess, and members of the Auschwitz staff. The Tribunal aimed to foreground the Polish experience within the international discourse on post-war justice, offering a judicial account of the suffering endured under Nazi occupation. Simultaneously, it illuminated the singularity of the Jewish tragedy, with some proceedings arguably constituting the earliest Holocaust trials. This monograph situates the Tribunal within the broader context of international criminal justice, with the Nuremberg Trial as its central reference point. Interwoven at multiple levels, these proceedings reflect a complex tapestry of legal responses to mass atrocity. Despite operating under the growing pressures of Stalinisation, the Tribunal retained a notable degree of independence and upheld elements of fair trial standards – rooted in the legal traditions of interwar Poland. Its jurisprudence may be considered an early contribution to the evolution of international criminal law, offering a distinct national perspective on international crimes within the wider legal and historical framework.

Technology and the law of jus ante bellum

Asaf Lubin. In: Chicago journal of international law, vol. 26, no. 1, 2025, p. 339-359

The temporal boundaries of the international rules governing military force are myopic. By focusing only on the initiation and conduct of war, the legal dichotomy between Jus Ad Bellum and Jus In Bello fails to address the critical role of peacetime military preparations in shaping future conflicts. Disruptive military technologies, such as artificial intelligence and cyber offensive capabilities, only further underscore this deficiency. During their pre-war development, these technologies embed countless design choices, hardcoding into their software and user interfaces policy rationales, legal interpretations, and value judgments. Once deployed in battle, these choices have the potential to precondition warfighters and set in motion violations of international humanitarian law. This article highlights glaring inadequacies in how the U.N. Charter, international humanitarian law, and international criminal law currently regulate peacetime military preparations, particularly those involving disruptive technologies. The article juxtaposes these normative gaps with a growing literature in moral philosophy and theology advocating for Jus Ante Bellum (just preparation for war) as a new limb in the Just War Theory model. By reimagining international law's temporalities, Jus Ante Bellum offers a proactive framework for addressing the risks posed by the development of disruptive military technologies. Without this recalibration, international law will continue to cede regulatory authority to the silent decisions made in the server farms of defense contractors and the fortified war rooms of central command, where algorithms and military strategies converge to dictate the contours of conflict long before it even begins.

<https://chicagounbound.uchicago.edu/cjil/vol26/iss1/15/>

Technology of death in armed conflicts : does international humanitarian law protect warfighters from excessive suffering ?

Charlie Sauvourel. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict Vol. 8, issue 3-4, 2025, p. 157-168

In armed conflicts, although killing and maiming of fighters are lawful, international humanitarian law (IHL) prohibits the use of weapons that cause more harm than is necessary. This article discusses the interpretation of this cardinal prohibition in light of technological development in weapons and the IHL obligation to conduct legal reviews of new weapons and means of warfare. Although weapon systems have become more precise, ensuring better protection for civilians, there is a lack of interest in the specialised literature regarding the protection of enemy fighters from excessive injuries. Upon closer examination it becomes apparent that the current interpretation and application of the prohibition to use weapons causing superfluous injury or unnecessary suffering do not offer robust protection to persons participating in hostilities. Instead, this article will demonstrate that this prohibition is rather an always pushed-back limit. It does not limit the development of the technology to kill and maim. It is the

other way around: technological development raises the limit of the level of severity of injury and suffering that is deemed legitimate.

<https://doi.org/10.35998/huv-2025-0011> *

Trials and penal sanctions by non-state armed groups : between rough justice and rebel rule of law

Hannes Jöbstl. - Cambridge [etc.] : Cambridge University Press, 2026. - XXII, 305 p.

During armed conflict, non-State armed groups frequently establish their own judicial systems to resolve disputes, impose penal sanctions and implement social control. Examples such as Hamas in Gaza, Rojava in Syria, or the 'People's Republics' in Eastern Ukraine demonstrate that this aspect of 'rebel governance' has become increasingly common. How can or should international law regulate the establishment of courts, conduct of trials and passing of penal sanctions by insurgent movements that challenge the judicial monopoly of states? Based on an in-depth doctrinal analysis, this study demonstrates that the administration of criminal justice by insurgents is not inherently illegal or illegitimate, and explains how to measure the conduct of armed groups against clear legal standards. Drawing on a broad range of real-world examples, this study makes a vital contribution to the law applicable in armed conflict.

<https://doi.org/10.1017/9781009621557> *

UNCLOS during armed conflict : due regard in the exclusive economic zones of neutral coastal states

Makoto Seta. In: International and comparative law quarterly, volume 74, supplement, July 2025, p. 103-120

Armed conflicts often spill over from the land to the sea, rendering the law of naval warfare key for governing such conflicts. Against this background, the United States Naval War College developed the Newport Manual on the Law of Naval Warfare (Newport Manual) in 2023, which attempted to codify the existing rules of customary international law. However, this manual differs from the San Remo Manual on International Law Applicable to Armed Conflicts (San Remo Manual), adopted in 1994, particularly regarding the rights of neutral coastal States over their exclusive economic zones (EEZs). While the San Remo Manual requires belligerents to have due regard for such rights, the Newport Manual assumes that such due regard is not required under customary international law. These divergences are derived from different understandings of the relationship between the United Nations Convention on the Law of the Sea (UNCLOS) and the law of naval warfare. This article analyses this by examining the two manuals as well as the domestic military manuals of maritime powers. It concludes that due regard should be paid to neutral States' EEZ rights, but the standard of due regard during an armed conflict differs from that applicable during peacetime.

<https://doi.org/10.1017/S002058932510122X>

The use and misuse of the Red Cross emblem in Australia

Emily Crawford, Rain Liivoja, and Alison Pert. In: Australian international law journal, vol. 31, 2024, p. 73-99

The Red Cross emblem has long been legally protected, with both international and domestic law regulating its use in wartime and peace. These laws were adopted with the aim of ensuring the effectiveness of the emblem as a protective symbol. In Australia, protection of the emblem is clearly outlined in the 'Geneva Conventions Act 1957', but misuse of the emblem is, unfortunately, common and despite the act having been in force for nearly seventy years, there have been no studies of Australian practice regarding misuse of the emblem. In particular, there has been no public discussion regarding prosecutions, if any, under this provision. Based on Freedom of Information requests of both the Attorney-General's Department and the Department of Defence, this article addresses this gap in the literature to explain and account for the failure to prosecute misuses and how this gap in legal practice might be addressed in the future.

<https://access.heinonline.com/HOL/P?h=hein.journals/austintlj31&i=78> *

The use of the ‘Lavender’ in Gaza and the law of targeting : AI-decision support systems and facial recognition technology

Emilie Andersin. In: *Journal of international humanitarian legal studies*, vol. 16, issue 2, 2025, p. 336-370

On 7 October 2023, the long-lasting Israel-Hamas conflict escalated significantly in scale and violence. Reports reveal that the Israeli military have employed Artificial Intelligence Decision Support Systems (‘AI-DSS’) to identify individuals in targeting situations. Another report has indicated that the Israeli military used facial recognition technology (‘FRT’) to identify Palestinians in Gaza. Scholars are debating the legality of AI-DSS under International Humanitarian Law (‘IHL’), and the extent to which military commanders can rely on AI for targeting decisions. This article describes the challenges in human-machine interaction with a focus on algorithmically generated recommendations and the responsibility of military commanders in this regard. The article concludes that, while the use of FRT can enhance accuracy in identifying individuals and support adherence to IHL obligations, its effectiveness depends on the operational environment. It also emphasises the importance of improving military commanders’ technical literacy of AI-DSS and ensuring that sufficient time is taken to verify the accuracy of algorithmically generated targets.

<https://doi.org/10.1163/18781527-bja10119>

“Violent, vicious, and fast” : LSCO lawyering and the transformation of American IHL

Naz Khatoon Modirzadeh. In: *Harvard national security journal*, vol. 17, issue 1, 2025, 81 p.

In this Article, I examine a phenomenon unfolding within the United States’s military legal establishment: an effort by a segment of military lawyers to define how the law of armed conflict (LOAC) applies to the wars they anticipate fighting in the future. At the heart of this project lies a reconfiguration of what I call American international humanitarian law (IHL): the United States’s distinctive assemblage of legal interpretations, operational practices, and normative commitments that shape its approach to the conduct of hostilities. While LSCO lawyering is often framed internally as a modest clarification of existing law, I suggest that it functions as a far-reaching attempt to reshape the interpretive ecosystem within which LOAC is applied by privileging internal coherence, institutional discretion, and operational speed over policy overlays, external scrutiny, and extensive civilian-protection norms. The LSCO lawyering project does not reject the law, but it does aim to narrow its aperture to ensure that legal interpretation does not require, in the view of its proponents, normatively undue or operationally unsustainable limits on commanders preparing to fight—violent, vicious, and fast—in a potentially existential war, which would entail extraordinarily high consequences for civilian death and destruction. The emergence of LSCO lawyering sheds light on deeper conditions within the law of armed conflict’s normative and interpretive architecture. It brings to the surface long-standing tensions—between operational feasibility and civilian protection, between internal judgment and external review, between doctrinal minimalism and progressive development—that have shaped the field for decades. As a project grounded in anticipatory planning, LSCO lawyering highlights the degree to which LOAC interpretation is shaped not only by treaty text or customary practice but also by institutional culture, professional memory, and perceived strategic necessity. In that sense, it offers a revealing case through which to examine the evolving contours of LOAC as a legal, operational, and epistemic system—one whose boundaries are still being contested and whose authority remains under active construction.

https://journals.law.harvard.edu/nsj/wp-content/uploads/sites/82/2025/12/Modirzadeh_17-Harv.-Nat'l-Sec.-J.-1-2025.pdf

Water and survival in war : upholding IHL’s protective purpose and documenting the hidden toll

David Kaelin, Caroline Pellaton and Tadesse Kebebew. In: *International review of the Red Cross*, Vol. 107, no. 930, 2025, p. 1141-1168

Water is essential to life, dignity and recovery in armed conflict. Increasingly targeted, manipulated or incidentally damaged, it has become both a casualty and a weapon of war, with impacts that are often undocumented or unattributed. While there are multiple protections for water under international humanitarian law (IHL), legal indeterminacies, operational constraints

and weak implementation undermine their effectiveness. This article examines patterns, drivers and types of harm relating to water in armed conflict, including reverberating effects and cumulative impacts, alongside the relevant legal frameworks. It advocates a protective interpretation of IHL and proposes measures including the establishment of a collaborative inter-agency mechanism to link field realities with the law, strengthening civilian protection where survival is at stake.

<https://library.icrc.org/library/docs/DOC/irrc-930-kaelin.pdf>

When bullets threaten the pursuit of knowledge : reclaiming children’s right to education in armed conflict through a human dignity-centred approach under IHRL and IHL

Lisang Nyathi. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 1241-1269

With the global proliferation of armed conflicts, children are among the most vulnerable, facing serious violations of their human rights, most notably the right to education. Although both international humanitarian law (IHL) and international human rights law (IHRL) provide protection, schools continue to be attacked, educational infrastructure is destroyed, and millions of children lose access to learning. Against this backdrop, the present article examines the protection of children’s right to education under IHRL and IHL, and argues for a shift in how these existing norms are interpreted to better reflect the centrality of education to human dignity. Drawing on the established link between the right to education and human dignity under IHRL, the article proposes a novel interpretive lens that reframes the denial of education during armed conflict as a direct assault on the human dignity of the child, rather than merely a legal violation. Through this lens, education shifts from an ancillary social right to a core humanitarian concern grounded in the child’s dignity. The article argues that this human dignity-based understanding of education found in IHRL should inform the interpretation of IHL, as integrating this perspective would strengthen the normative coherence of IHL and offer stronger protection for children’s right to education in armed conflict. Recognizing schools as vital spaces for learning, stability and development, this approach emphasizes that access to education underpins children’s holistic growth, the realization of their rights and the safeguarding of their human dignity.

<https://library.icrc.org/library/docs/DOC/irrc-930-nyathi.pdf>

When is detention by non-state actors a war crime ? : the Special Jurisdiction for Peace’s decision on hostage-taking by the FARC-EP

Julieta Lemaitre Ripoll. In: International review of the Red Cross, Vol. 107, no. 930, 2025, p. 902-914

In its Macro Case 01, the Colombian Special Jurisdiction for Peace (Jurisdicción Especial para la Paz, JEP) studied massive detentions committed by the Revolutionary Armed Forces of Colombia – People’s Army (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo, FARC-EP) to determine if they should be remanded to amnesty proceedings or tried as international crimes. This included the question of detention of civilians and persons hors de combat for an eventual “humanitarian exchange” with imprisoned guerrilla fighters. The JEP concluded that this was in fact the crime of hostage-taking, because the sole reason for the detention was to force a “prisoner exchange”, and conditions of detention were so harrowing that persistent detention amounted to a threat to the life and physical security of the hostages. While the JEP did not refer to conditions of lawful detention, the ruling does suggest circumstances of lawful detention by non-State armed groups and limits to their authority to detain.

<https://library.icrc.org/library/docs/DOC/irrc-930-ripoll.pdf>

Why do we enforce the law against IHL violations ? : reason-giving in Israeli court-martial judgments

Liron A. Libman, Amichai Cohen. In: The military law and the law of war review, vol. 6, no. 2, 2025, p. 161-195

This study investigates the perceived purpose of enforcing International Humanitarian Law (IHL, also known as the Laws of Armed Conflict) by examining the underlying values cited in judicial reasoning. While traditional accounts of IHL’s development emphasize humanitarianism, critical

theories point to state self-interest, such as the need to control emerging huge national armies in the second half of the 19th century. To test how these theories are reflected in practice, we conducted a systematic content analysis of 60 years of Israeli courts martial judgments. We analysed how frequently different values (e.g., humanitarian concerns vs. force control) were invoked across different offence categories and over time. Our findings reveal a significant distinction: humanitarian values are prominent in rulings on offences against life and physical integrity, whereas concerns for controlling military forces dominate property offence cases like pillage. This may imply that neither military self-interest nor humanitarianism can exclusively explain IHL rules and their enforcement. Furthermore, the values cited changed significantly over time, and explicit references to international law were scarce. These trends suggest judges adapt their reasoning to the prevailing Zeitgeist of judicial culture and populist sentiment. This methodology offers a promising approach for uncovering the hidden interests shaping IHL's application.

<https://doi.org/10.4337/mlwr.2025.01.02> *

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
October 2026



ICRC