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ARMS

The arms trade treaty : a commentary / Stuart Casey-Maslen, Andrew Clapham, Gilles Giacca, Sarah Parker. - New-York : Oxford University Press, 2016. - XXVIII, 502 p. : tabl. ; 26 cm. - (Oxford commentaries on international law). - Bibliographie : p. 473-490. Index. - ISBN 9780198723523

341.67/797

Arms transfer decisions : applying international humanitarian law and international human rights law criteria : practical guide / ICRC. - Geneva : ICRC, August 2016. - 28 p. ; 30 cm

States have committed to making their arms transfer decisions subject to respect for international humanitarian law (IHL) and international human rights law. Steps must now be taken to ensure that these criteria are applied in practice. The ICRC's "Arms Transfer Decisions: Applying International Humanitarian Law and International Human Rights Law Criteria : a Practical Guide" aims to assist States and concerned organizations in this endeavour. It provides guidance on and indicators for assessing the risk of arms transfers being used to violate IHL or human rights law. This second edition of the Guide, which was first published in 2007, takes into account the adoption of the Arms Trade Treaty in 2013 and other developments, and expands the publication's scope to cover respect for human rights law, in addition to respect for IHL.

341.67/617 (2016 ENG Br.)

Autonomous weapons systems : implications of increasing autonomy in the critical functions of weapons : expert meeting / ICRC. - Geneva : ICRC, August 2016. - 94 p. : diagr. ; 30 cm. - (Report)

The development of autonomous weapon systems - that is, weapons that are capable of independently selecting and attacking targets without human intervention - raises the prospect of the loss of human control over weapons and the use of force. Debates on autonomous weapon systems have expanded significantly in recent years in diplomatic, military, scientific, academic and public forums. As a further contribution to the international discussions, the ICRC convened this second expert meeting, entitled "Autonomous Weapon Systems: Implications of Increasing Autonomy in the Critical Functions of Weapons", from 15 to 16 March 2016. It brought together representatives from States and individual experts in robotics, law, policy and ethics. This publication contains a summary report of the expert meeting, summaries of selected presentations given by individual experts at the meeting, and the background paper prepared by the ICRC and circulated in advance of the meeting.

341.67/796 (Br.)

Autonomous weapons systems : laws, ethics, policy / ed. by Nehal Bhuta, Robin Geiss... [et al.]. - Cambridge : Cambridge University Press, 2016. - X, 410 p. ; 23 cm. - Index. - ISBN 9781316607657

341.67/802

Death from the sky : international legal and practical issues on the use of armed drones / Mélanie De Groof. - Cham [etc.] : Springer, 2016. - p. 131-156 : diagr.. - In: Drones and unmanned aerial systems : legal and social implications for security and surveillance. - Bibliographie : p. 152-156. - Photocopies

The international media, on a regular basis, mentions targeted killings of terrorists in Afghanistan, Iraq, Yemen, Somalia, Pakistan, and the Palestinian territories by drones deployed by distant States, such as the USA and Israel. States turn to armed drones because of their free-ranging capacity to eliminate human targets anywhere on the planet. Given that there seems to be no turning back for the logic of the use of armed drones, the actual challenge is not to delegitimize their use but rather to regulate this practice. Therefore, this chapter focuses on the most important rules of public international law that apply to drone attacks both in and outside the context of an armed conflict.

341.67/804 (Br.)

Diplomatie des armes autonomes : les débats de Genève / par Jean-Baptiste Jeangène Vilmer. - In: *Politique étrangère*, No 3, 2016, p. 119-130

Les systèmes d'armes létaux autonomes (SALA) n'existent pas encore mais pourraient bien transformer la manière dont les guerres seront menées demain. Depuis 2014, l'Organisation des Nations unies (ONU) a entamé une réflexion sur ces armes d'un genre nouveau, dont certains États voudraient interdire le développement. Si une telle interdiction paraît peu vraisemblable, on devrait néanmoins voir apparaître un code de « bonnes pratiques » encadrant leur utilisation.

The equilibrium of violence: accountability in the age of autonomous weapons systems / Joel Hood. - In: *Bringham young university international management review*, Vol. 11, issue 1, Winter 2015, p. 12-40 : graph.. - Photocopies

The law of armed conflict (LOAC) has fundamentally transformed since the Hague Conferences. Indeed, many critics of autonomous weapons systems discuss new technology as if Additional Protocol I (AP I), art. 36 and a host of other provisions do not exist or are not being enforced among developed nations. This paper frames the issue of LOAC and autonomous weapons systems as an economic market - a market of violence. Intuitively, the emergence of new technology improves productivity and results in lower costs and higher quantity produced. However, states are producers and their product is violence. Thus, technology has the potential to distort the economy of violence that is artificially maintained at an equilibrium point as determined by the LOAC. The paper concludes that the LOAC has developed and matured beyond the rudimentary stages that allowed abuses during WWI and WWII, that AP I, art. 36 acts as a tax on future weapons systems to maintain the equilibrium of violence at acceptable levels, and that if states wish to further control the spigot of technology, so to speak, they ought to impose additional "taxes" or costs on development in the form of accountability measures on attorneys and developers of autonomous weapons systems.

341.67/801 (Br.)

Future arms, technologies, and international law : preventive security governance / Denise Garcia. - In: *European journal of international security*, Vol. 1, issue 1, February 2016, p. 94-111. - Photocopies

This article presents an initial discussion of the political and legal challenges associated with weaponised technologies in three interconnected areas that may impinge upon the ability to protect civilian populations during peace and war and imperil international security: armed unmanned combat aerial vehicles (commonly known as drones); autonomous weapons systems (known as 'killer robots'); and the potential militarisation of cyberspace, or its use as a weapon, and the operation of drones and killer robots in the cyber domain. Supporting the argument that the world is 'facing new methods of warfare' and that international security governance and law are not keeping up, the article provides an overview and interpretation of three technologies in connection with aspects of five branches of law: state responsibility, use of force, international humanitarian law, human rights law, and law of the commons. The author argues therefore that 'preventive security governance' could be a strategy to curtail uncertainty in the preservation of stability and international order. The author defines 'preventive security governance' as the codification of specific or new global norms, arising from existing international law that will clarify expectations and universally agreed behaviour on a given issue-area. This is essential for a peaceful future for humanity and for international order and stability.

341.67/798 (Br.)

The human costs and legal consequences of nuclear weapons under international humanitarian law / Louis Maresca and Eleanor Mitchell. - In: *International review of the Red Cross*, Vol. 97, no. 899, Autumn 2015, p. 621-645

The potential use of nuclear weapons has long been a global concern. This article highlights the principal rules of international humanitarian law (IHL) governing the conduct of hostilities

applicable to nuclear weapons, and the issues and concerns that would arise were such weapons ever to be used again, in particular the severe and extensive consequences for civilians, civilian objects, combatants and the environment. In recent years, increased attention has been paid to the humanitarian consequences of nuclear weapons. Based on what has been learned from extensive research on the humanitarian and environmental effects of nuclear weapons since they were first used in 1945, and the accompanying implications for IHL, it seems appropriate to conclude that the use of nuclear weapons in or near a populated area would amount to an indiscriminate attack and that there should also be a presumption of illegality with regard to the use of nuclear weapons outside such areas.

ICRC report on the effects of the atomic bomb at Hiroshima : [24 October 1945] / [Fritz Bilfinger]. - In: International review of the Red Cross, Vol. 97, no. 899, Autumn 2015, p. 859-882 : fac-sim.

On 29 August 1945, ICRC delegate Fritz Bilfinger arrived in Hiroshima and was the first outsider to witness the devastation wrought by the atomic bomb. The next day, he sent a telegram to the ICRC delegation in Tokyo describing the horrific conditions and calling for immediate relief action; this action was subsequently organized by Dr Marchel Junod, who had arrived in Japan as the ICRC's head of delegation on 9 August 1945. Dr Junod would later travel to Hiroshima to witness for himself the scale of the destruction there. The following is Bilfinger's report (including annexes), dated 24 October 1945, detailing the effects of the atomic bomb in Hiroshima as he witnessed them three weeks after the bomb was dropped on 6 August 1945. It was confidential at the time of writing. It was made public in January 1996 and is being reproduced in full, with annexes, for the first time in the pages of the Review. The ICRC's public archives are available for consultation by the public, by appointment.

Jus nascendi, robotic weapons and the Martens Clause / Peter Asaro. - Cheltenham ; Northampton : E. Elgar, 2016. - p. 367-386. - In: Robot law. - Photocopies

The emergence of new technologies can and does challenge many of our existing assumptions and traditional interpretations of the law. In particular, the development of new military technologies has led to the emergence of new international humanitarian law (IHL). States are rapidly moving toward sophisticated military weapons with increasing degrees of automation and information processing. Such technologies dramatically transform the capabilities, behaviors, or effects of state action, and can undermine the basic assumptions of customary or treaty law. Existing law falls short in protecting the collective interests of the states. This chapter asks how an emerging technology might necessitate new law, how new law ought to be formed, and what the emergent norms ought to be in these processes. In regulating potentially disruptive technologies, there continues to be debate about the appropriate relationship between the emergence of new technological capabilities, new norms, and new laws. The author explains how the evolution of international law ought to be shaped by moral considerations. The legacy of the Martens Clause is an explicit recognition of the role of moral consideration in the application of IHL and the formulation of new law. This chapter considers the legal framework and means by which new law, *jus nascendi*, could come into place for new robotic technologies. The author discusses some of the philosophical issues that arise, and asserts that critics' concerns over autonomous weapons should not be limited to the norms of discriminate use, proportionate use, and protection of civilians. The current debate ought to focus on the threats posed to responsibility, accountability, human rights, and human dignity. The principle of "meaningful human control" over the use of violent force in armed conflict is presented as an example of an emerging normative principle concerning the development of autonomous weapons.

341.67/806 (Br.)

Legitimising liberal militarism : politics, law and war in the Arms Trade Treaty / Anna Stavrianakis. - In: Third world quarterly, Vol. 37, no. 5, p. 840-865. - Bibliographie : p. 860-865. - Photocopies

341.67/805 (Br.)

Lethal autonomous weapon systems under international humanitarian law / Kjolv Egeland. - In: *Nordic journal of international law*, Vol. 85, issue 2, 2016, p. 89-118. - Photocopies

Robots formerly belonged to the realm of fiction, but are now becoming a practical issue for the disarmament community. While some believe that military robots could act more ethically than human soldiers on the battlefield, others have countered that such a scenario is highly unlikely, and that the technology in question should be banned. Autonomous weapon systems will be unable to discriminate between soldiers and civilians, and their use will lower the threshold to resort to the use of force, they argue. In this article, the author takes a bird's-eye look at the international humanitarian law (IHL) pertaining to autonomous weapon systems. His argument is twofold: First, he argues that it is indeed difficult to imagine how IHL could be implemented by algorithm. The rules of distinction, proportionality, and precautions all call for what are arguably unquantifiable decisions. Second, he argues that existing humanitarian law in many ways presupposes responsible human agency.

341.67/803 (Br.)

A path to a comprehensive prohibition of the use of chemical weapons under international law : from The Hague to Damascus / Masahiko Asada. - In: *Journal of conflict and security law*, Vol. 21, no. 2, Summer 2016, p. 153-207

The prohibition of the use of chemical weapons under international law has a long history dating back to the 19th century. Until the late 20th century, most of the endeavors by the international community had resulted in partial measures, not amounting to a comprehensive and absolute ban on their use, with limitations inherent in the relevant instruments, with the reservations put to the prohibitions or with different interpretations given to them. The recent use of chemical weapons in the Syrian civil war has revived the discussion on this issue. It is partly because although at that time Syria was a Contracting Party to the Geneva Protocol, which does not prohibit their use in civil war, and was not a State Party to the Chemical Weapons Convention, which may prohibit their use in internal armed conflict, the Security Council in Resolution 2118 (2013) declared that the use of chemical weapons in Syria is a violation of international law. This prompts us to examine whether the use of chemical weapons, including in internal armed conflict, is prohibited under customary international law. Moreover, a couple of years earlier, the Rome Statute of the International Criminal Court was amended to add to its list of crimes a use of chemical weapons in non-international armed conflict. With these facts in mind, this article examines the history of prohibiting the use of chemical weapons under international law, with particular reference to their use in internal armed conflict.

Proportionality and autonomous weapons systems / Jeroen van den Boogaard. - In: *Journal of international humanitarian legal studies*, Vol. 6, issue 2, 2015, p. 247-283

Given the swift technologic development, it may be expected that the availability of the first truly autonomous weapons systems is fast approaching. Once they are deployed, these weapons will use artificial intelligence to select and attack targets without further human intervention. Autonomous weapons systems raise the question of whether they could comply with international humanitarian law. The principle of proportionality is sometimes cited as an important obstacle to the use of autonomous weapons systems in accordance with the law. This article assesses the question whether the rule on proportionality in attacks would preclude the legal use of autonomous weapons. It analyses aspects of the proportionality rule that would militate against the use of autonomous weapons systems and aspects that would appear to benefit the protection of the civilian population if such weapons systems were used. The article concludes that autonomous weapons are unable to make proportionality assessments on an operational or strategic level on their own, and that humans should not be expected to be completely absent from the battlefield in the near future.

Le traité sur le commerce des armes classiques : entre accord de maîtrise des armements et instrument à dimension humanitaire / Abdelwahab Biad. - In: *Annuaire français de droit international*, Vol. 60, 2014, p. 195-215

Le traité sur le commerce des armes classiques entré en vigueur en décembre 2014 vise à inciter les Etats à contrôler les transferts d'armes en vue d'empêcher les détournements et trafics illicites notamment vers les acteurs non étatiques (criminalité transnationale et terrorisme) et prévenir la violation du droit international, en particulier du droit humanitaire. Il est le fruit d'un compromis entre le respect de la souveraineté de l'Etat et son droit inaliénable à la légitime défense dans le cadre de la Charte des Nations Unies d'une part, et d'autre part l'impératif d'inscrire les transferts d'armes dans le cadre du droit international applicable. En dépit de ses limites - il régleme le commerce en ignorant la production d'armes qui l'alimente et le contrôle qu'il met en place repose essentiellement sur la bonne foi des Etats en l'absence de mécanisme international de vérification - ce traité constitue une avancée dans un domaine n'ayant jusqu'ici pas fait l'objet d'une codification internationale. Toutefois, un des défis majeurs pour l'effectivité du traité et sa crédibilité réside dans la participation d'Etats "clés", les principaux importateurs et exportateurs d'armes.

Understanding the arms trade treaty : from a humanitarian perspective / ICRC. - Geneva : ICRC, September 2016. - 79 p. ; 21 cm. - (Reference (ICRC)). - Bibliographie : p. 78-79

The Arms Trade Treaty (ATT) entered into force in December 2014. Through this treaty, States set common international standards for the transfer of conventional arms and ammunition, with the express purpose of reducing human suffering. This publication provides an overview of the ATT's background, its object and purpose and its main requirements. It presents and explains the ATT's major elements, and offers the ICRC's recommendations regarding the implementation of those provisions of the treaty that are most relevant to achieving its humanitarian purpose.

341.67/800

The use of nuclear weapons and human rights / Stuart Casey-Maslen. - In: International review of the Red Cross, Vol. 97, no. 899, Autumn 2015, p. 663-680

International human rights law is an as-yet underused branch of international law when assessing the legality of nuclear weapons and advocating for their elimination. It offers a far greater range of implementation mechanisms than does international humanitarian law (IHL), and arguably strengthens the protections afforded to civilians and combatants under IHL, particularly in non-international armed conflict. Of particular relevance are the rights to life, to humane treatment, to health and to a healthy environment, associated with the right to a remedy for violations of any human rights.

War torts : accountability for autonomous weapons / Rebecca Crootof. - In: University of Pennsylvania law review, Vol. 164, no. 6, May 2016, p. 1347-1402. - Photocopies

Unlike conventional weapons or remotely operated drones, autonomous weapon systems can independently select and engage targets. As a result, they may take actions that look like war crimes—the sinking of a cruise ship, the destruction of a village, the downing of a passenger jet—without any individual acting intentionally or recklessly. Absent such willful action, no one can be held criminally liable under existing international law. Criminal law aims to prohibit certain actions, and individual criminal liability allows for the evaluation of whether someone is guilty of a moral wrong. Given that a successful ban on autonomous weapon systems is unlikely (and possibly even detrimental), what is needed is a complementary legal regime that holds states accountable for the injurious wrongs that are the side effects of employing these uniquely effective but inherently unpredictable and dangerous weapons. Just as the Industrial Revolution fostered the development of modern tort law, autonomous weapon systems highlight the need for “war torts”: serious violations of international humanitarian law that give rise to state responsibility.

341.67/799 (Br.)

CHILDREN

Child soldiers / John Allen. - San Diego : ReferencePoint Press, 2017. - 80 p. : fotogr., cartes ; 25 cm. - (Forgotten youth). - Index. - ISBN 9781601529749

362.7/432

Child soldiers in the western imagination : from patriots to victims / David M. Rosen. - New Brunswick ; New Jersey ; London : Rutgers university press, 2015. - XIII, 238 p. ; 23 cm. - (The Rutgers series in childhood studies). - Bibliographie : p. 221-232. Index. - ISBN 9780813563701

362.7/433

Child soldiers : recruitment, use and punishment / Magne Frostad. - In: International family law, policy and practice, Vol. 1, issue 1, Winter 2013, p. 71-89. - Photocopies

362.7/429 (Br.)

Childhood, human rights and adversity : the case of children and military conflict / Michael Wyness. - In: Children and society, Vol. 30, 2016, p. 345-355. - Bibliographie : p. 353-355. - Photocopies

362.7/427 (Br.)

Children and armed conflict : introduction and overview / Michael G. Wessells. - In: Peace and conflict : journal of peace psychology, Vol. 22, no. 3, 2016, p. 198-207. - Bibliographie : p. 204-207. - Photocopies

362.7/431 (Br.)

Recruitment of child soldiers in Nepal : mental health status and risk factors for voluntary participation of youth in armed groups / Brandon A. Kohrt... [et al.]. - In: Peace and conflict : journal of peace psychology, Vol. 22, no. 3, 2016, p. 208-216 : tabl., diagr.. - Bibliographie : p. 215-216. - Photocopies

362.7/430 (Br.)

The right to home : domicile as a violation of child and family rights in the context of political violence / Bree Akesson, Andrew R. Basso and Myriam Denov. - In: Children and society, Vol. 30, 2016, p. 369-383. - Bibliographie : p. 380-382. - Photocopies

362.7/428 (Br.)

CIVILIANS

The harmful and residual effects on civilians by bombing dual-purpose facilities / Todd Burkhardt. - In: Journal of military ethics, Vol. 15, no. 2, July 2016, p. 81-99. - Bibliographie : p. 99

This article addresses what we owe to the civilians of a state with which we are militarily engaged. The old notion of noncombatant immunity needs to be rethought within the context of both human rights and into the postwar phase. No doubt, civilians will be killed in war. However, much more can be done during and after the fighting to protect civilians' basic human rights from the ills of war. The author argues for making belligerents accountable ex post by requiring them to repair destroyed dual-purpose facilities that are essential for securing basic human rights of the civilian populace. He argues also that a belligerent's targeting decisions should be reviewed ex post by an impartial commission.

CONFLICT-VIOLENCE AND SECURITY

Clausewitz on small war / Carl von Clausewitz ; ed. and transl. by Christopher Daase and James W. Davis ; with an introductory essay by James W. Davis. - Oxford : Oxford University Press, 2015. - [VIII], 251 p. : fac-sim. ; 25 cm. - Bibliographie : p. 227-230. Index. - ISBN 9780198737131

355/1095

Drone warfare : killing by remote control / Medea Benjamin. - [Updated ed.]. - London ; New York : Verso, 2013. - IX, 246 p. ; 20 cm. - Bibliographie : p. 225-229. - ISBN 9781781680773

355/989

The International Committee of the Red Cross : identifying the dead and tracing missing persons, a historical perspective / Isabelle Vonèche Cardia. - Cham [etc.] : Springer, 2016. - p. 71-86. - In: Violence, statistics, and the politics of accounting for the dead. - Bibliographie : p. 85-86

355/1096

Outsourcing war : the just war tradition in the age of military privatization / Amy E. Eckert. - Ithaca (Etats-Unis) ; London : Cornell University Press, 2016. - XII, 183 p. ; 24 cm. - Bibliographie : p. 163-172. Index. - ISBN 9780801454202

Recent decades have seen an increasing reliance on private military contractors (PMCs) to provide logistical services, training, maintenance, and combat troops. In *Outsourcing War*, Amy E. Eckert examines the ethical implications involved in the widespread use of PMCs, and in particular questions whether they can fit within customary ways of understanding the ethical prosecution of warfare. Her concern is with the *ius in bello* (right conduct in war) strand of just war theory. Just war theorizing is generally built on the assumption that states, and states alone, wield a monopoly on the legitimate use of force. Who holds responsibility for the actions of PMCs? What ethical standards might they be required to observe? How might deviations from such standards be punished? The privatization of warfare poses significant challenges because of its reliance on a statist view of the world. Eckert argues that the tradition of just war theory—which predates the international system of states—can evolve to apply to this changing world order. With an eye toward the practical problems of military command, Eckert delves into particular cases where PMCs have played an active role in armed conflict and derives from those cases the modifications necessary to apply just principles to new agents in the landscape of war.

345.29/238

Peace and conflict 2016 / ed. by David A. Backer, Ravi Bhavnani and Paul K. Huth. - London ; New York : Routledge ; Geneva : Graduate Institute of International and Development Studies, 2016. - XV, 224 p. : cartes, diagr., graph., tabl. ; 28 cm. - Bibliographies. Index. - ISBN 978185743437

355/1097

Violence, statistics, and the politics of accounting for the dead / Marc-Antoine Pérouse de Montclos, Elizabeth Minor, Samrat Sinha eds.. - Cham [etc.] : Springer, 2016. - X, 143 p. : tabl., graph., ill. ; 25 cm. - (Demographic transformation and socio-economic development ; vol. 4). - Bibliographies. Index. - ISBN 9783319120355

355/1096

DETENTION

Americans' misuse of "internment" ? / Yoshinori H. T. Himel. - In: Seattle journal for social justice, Vol. 14, issue 3, Spring 2016, p. 797-837. - Photocopies

This law journal article is part of an ongoing scrutiny of words used to minimize the injustices of the United States' wartime imprisonment of over 110,000 Japanese Americans. Many Americans call the War Relocation Authority's mass incarceration of the west coast Japanese American community an "internment." But "internment" is a term of art in the international law of war that does not apply to the mass incarceration. Internment targets selected aliens, not an entire community. Its misuse for the mass incarceration falsely implies legal protections for U.S. citizens who had none, and lends false moral acceptability to an action that members of all three branches of government have condemned. Finally, misusing "internment" for mass incarceration frustrates accurate discourse: it ignores the actual internment of over 7,000 selected Japanese American immigrants, obscures the government's transformation of over 5,000 Japanese American citizens into alien internees, and obfuscates the transformation of one place of mass incarceration, Tule Lake, into an internment camp. The article concludes that we as lawyers and Americans should use "internment" only with its original and correct meaning.

400.2/367 (Br.)

Detention of non-state actors engaged in hostilities : the future law / ed. by Gregory Rose, Bruce Oswald. - Leiden ; Boston : Brill Nijhoff, 2016. - XIII, 437 p. ; 25 cm. - (International humanitarian law series ; 49). - Bibliographies. Index. - ISBN 9789004310636

This book explores legal dilemmas facing detention management during military missions overseas. Armed forces increasingly find themselves facing non-international armed conflict with non-state actors, such as insurgents, terrorists or other civilians, whom they might be permitted to kill or capture in some circumstances. The book considers the legal powers of military forces to apprehend non-State actors and to hold them in ongoing detention or to transfer them to judicial authorities for prosecution. It deals with both theoretical approaches and practical case studies concerning management and treatment of detainees. It concludes by synthesizing the options and delivering a detailed set of guidelines that are proposed as emerging norms for the detention of non-state actors in an armed conflict.

400/164

The lesser of two evils : exploring the constitutionality of indefinite detentions of terror enemy combatants following the end of "combat operations" in Afghanistan / Justin A. Thatch. - In: William and Mary Bill of rights journal, Vol. 24, issue 4, 2016, p. 1205-1234. - Photocopies

The end of "combat operations" in Afghanistan has added a significant wrinkle to the debate surrounding detainee due process rights, and the Supreme Court will likely be called on to decide this issue. This note explores how the U.S. Supreme Court should approach this constitutional question. Part I discusses the legal basis for the "War on Terror". It further explores some of the key cases in the Supreme Court's terror detention jurisprudence. The focus then shifts to recent cases addressing the issues of whether detainees can be held following the end of "combat operations" in Afghanistan. Part II argues that the Supreme Court, in ruling on habeas petitions from detainees, should uphold the executive branch's constitutional authority to detain terror suspects indefinitely, even if active combat has ended in Afghanistan. It then explores various legal theories that the Court may use to justify its decision, including the argument that the end of combat operations does not preclude the executive branch's constitutional detention power. Part III explores possible policy decisions that the elected branches may pursue in order to provide some clarity on the constitutionality of the detention issue.

400.1/133 (Br.)

"The end of active hostilities" : the obligation to release conflict internees under international law / Bettina Scholdan. - In: Houston journal of international law, Vol. 38, no. 1, Winter 2016, p. 99-208. - Photocopies

With the formal announcement of the end of the U.S. combat mission in Afghanistan, habeas courts and the Obama administration are called upon to determine the term "end of active

hostilities," and the proper limits of detention authority "incident to war" as defined in *Hamdi v. Rumsfeld*. This litigation highlights again the unsolved debate on the proper grounds, under international law, for internment in non-international armed conflict. Detention in Guantánamo raises a number of complex questions about the legal nature of U.S. military operations against Al Qaeda and the authority to detain in a non-international armed conflict not least when the government's authority to detain under the "law of war" would end. Against the background of U.S. jurisprudence, the article discusses the obligation to release prisoners of war and civilian internees, drawing on the drafting history of the 1949 Geneva Conventions and their Additional Protocols to define grounds of internment and its legal endpoint in international armed conflict. The analysis confirms that the drafters created with the term "cessation of hostilities" a purely factual element, independent of the political solution of a conflict or the repeal of domestic laws. The article proceeds to analyze challenges to determine the end of a non-international armed conflict under current rules for classification of armed conflict, and proposes criteria for triggering and ending detention authorities that take into account the need for protective and enabling rules in times of armed conflict. Using Afghanistan as an example, it also discusses obligations and authorities related to detention that may arise out of the applicability of international humanitarian law to conduct by foreign forces supporting a host government engaged in an armed conflict with a non-state actor on its territory.

400/165 (Br.)

ENVIRONMENT

Breaking the "resource curse" : prosecuting pillage of natural resources / Garima Tiwari. - Leiden ; Boston : Brill Nijhoff, 2015. - p. 407-426. - In: Natural resources grabbing : an international law perspective. - Photocopies

Various theories of prosecution of the war crime of pillage have emerged. Prosecutors have largely applied pillage on a situational or small-scale incident level, which has proven to be inadequate, as it fails to secure the objectives of the Rome Statute to create stability and reduces crime at a massive, systematic level to the level of a particular act. Some theorists have added another leg to this episodic theory by propagating the corporate theory of pillage prosecution, which argues that the corporations, businesses, and industries that extract, export, and sell the pillaged resources should be held criminally liable along with the direct perpetrators. This chapter postulates that the incident based theory and the corporate theory of pillage prosecution may help prosecute some perpetrators for pillage, but ultimately fail to cure a system of its resource curse. In light of this, the chapter suggests that a systematic theory of pillage prosecution would offer not only a solution to hold direct perpetrators responsible, but would also have a disruptive effect on others involved in the mineral wars. Thus, an attempt is made to deal with the problem of resource curse in its relationship with the war crime of pillage, with the aim of culling out a theory that is best suited to curing the curse.

363.7/177 (Br).

The destruction of cultural heritage : a crime against property or a crime against people ? / Patty Gerstenblith. - In: The John Marshall review of intellectual property law, Vol. 15, issue 3, 2016, p. 335-393 : tabl.. - Photocopies

The destruction of cultural heritage has played a prominent role in the ongoing conflicts in Syria and Iraq and in the recent conflict in Mali. This destruction has displayed the failure of international law to effectively deter these actions. This article reviews existing international law in light of this destruction and the challenges posed by the issues of non-international armed conflict, non-state actors and the military necessity exception. By examining recent developments in applicable international law, the article proposes that customary international law has evolved to interpret existing legal instruments and doctrines concerning cultural heritage in light of the principles of proportionality and distinction and a definition of intentionality that includes extreme negligence and willful disregard. As a result, international law may more effectively foster the preservation of cultural heritage for future generations.

363.8/95 (Br.)

If you break it, do you own it ? : legal consequences of environmental harm from military activities / Dinah Shelton, Isabelle Cutting. - In: *Journal of international humanitarian legal studies*, Vol. 6, issue 2, 2015, p. 201-246

This article examines the extent to which international legal obligations aimed at protecting the environment apply to military activities in peacetime and during armed conflict. The discussion draws on international environmental law, human rights law, the law of armed conflict, and the law of State responsibility in evaluating the extent to which States have a duty to prevent or mitigate environmental harm and remediate or compensate for any such damage caused by their military activities. The article also examines international law on liability for the injurious consequences of lawful activities, to assess whether this equitable doctrine supports shifting the clean-up costs of environmental harm to the acting State even when there is no breach of international law. The article concludes that international law requires measures be taken to prevent environmental harm and could support a claim for remediation or compensation where norms of international law have been breached. It also suggests the need to develop specific rules in peace treaties and status of forces or bases agreements, to address the consequences of environmental harm resulting from military activities.

GEOPOLITICS-EUROPE-CENTRAL ASIA

Bosnia's paralysed peace / Christopher Bennett. - London : Hurst, 2016. - XXVII, 388 p. : carte ; 22 cm. - Index. - ISBN 9781849040549

323.14/BIH 7

GEOPOLITICS-MIDDLE EAST-NORTH AFRICA

Comprendre le chaos syrien : des révolutions arabes au jihad mondial / Randa Kassis, Alexandre del Valle. - Paris : L'Artilleur/Toucan, 2016. - 443 p. : cartes ; 22 cm. - (Interventions). - Index. - ISBN 9782810007318

323.15/SYR 18

Islamic state : the digital caliphate / Abdel Bari Atwan. - Oakland, California : University of California Press, 2015. - 256 p. ; 22 cm. - Index. - ISBN 9780520289284

323.15/41

No way home : Iraq's minorities on the verge of disappearance / William Spencer ... [et al.]. - London : Ceasefire Centre for Civilian Rights : Minority Rights Group, 2016. - 67 p. : fotogr., cartes, tabl. ; 30 cm. - ISBN 9781907919817

323.15/IRQ 31

HEALTH-MEDICINE

Protecting health care : key recommendations / ICRC. - Geneva : ICRC, April 2016. - 47 p. : cartes, ill. ; 30 cm. - (Report)

This guide provides recommendations for devising policies and strategies and for developing and implementing practical measures to prevent violence against patients, health-care workers and facilities, and medical transport. It is for anyone concerned about or involved in ensuring that health care is delivered impartially and effectively during armed conflicts or other emergencies. As such, government authorities and policymakers, State armed and security forces, armed groups, National Red Cross or Red Crescent Societies (National Societies),

healthcare workers, aid agencies and civil-society organizations will find the content of this guide relevant to their work.

356/294 (ENG)

Protéger les soins de santé : recommandations clés / CICR. - Genève : CICR, août 2016. - 52 p. : cartes, ill. ; 30 cm. - (Report)

356/294 (FRE)

HISTORY / BIOGRAPHY

Les acteurs non-étatiques et les lois des conflits armés / Christian Gossiaux. - In: Recueils de la Société internationale de droit militaire et de droit de la guerre, 20, 2015, p. 305-330

Cet article propose en parallèle un historique de la participation d'acteurs privés aux conflits armés et un récapitulatif du développement du droit international humanitaire. Parmi les épisodes historiques évoqués, l'article s'arrête plus particulièrement sur la guerre de Sécession aux Etats-Unis et le code Lieber, la guerre des Boers, la guerre civile espagnole et les deux guerres mondiales. L'article conclut sur l'essor des sociétés militaires privées.

Pietro Verri : a pioneer of humanitarian law : biography and selected writings / Ferdinando Fedi. - Rome : Ente Editoriale per l'Arma dei Carabinieri, 2016. - 159 p. : fotogr. ; 24 cm. - Bibliographie : p. 155-158. - ISBN 9788889242264

92/336

HUMAN RIGHTS

The application of human rights law to everyday civilian life under rebel control / Katharine Fortin. - In: Netherlands international law review, Vol. 63, issue 2, July 2016, p. 161-181. - Bibliographie : p. 180-181. - Photocopies

This article draws upon social science literature to offer a new assessment of the normative value of human rights law vis-à-vis international humanitarian law in territory under armed groups' control. In particular, the article considers how the two bodies of law can be applied in a complementary manner to regulate the everyday life of civilians who are not involved in hostilities. The article demonstrates that while it might be tempting to imagine that concerns relating to rights such as the freedom of movement, the right to work or protection from common crime are completely displaced by considerations of physical security and survival in times of armed conflict, in reality this is often not the case.

345.1/644 (Br.)

Application of the ECHR during international armed conflicts / Clare Ovey. - Oxford ; Portland : Hart, 2015. - p. 225-245. - In: The UK and European human rights : a strained relationship ?. - Photocopies

The principles relating to the application of the European Convention on Human Rights (ECHR) during extraterritorial armed conflicts have, to a very large extent, been expounded by the European Court of Human Rights (ECtHR) in cases against the United Kingdom - particularly cases involving its military activity in Iraq from 2013. In the final case in the series concerning the British in Iraq, *Hassan v UK*, the UK government asked the Grand Chamber of the ECtHR to hold that the State's obligation to secure the rights and freedoms set out in the ECHR did not apply in the active hostilities phase of an international armed conflict. The Court rejected this argument, holding that such a conclusion would be inconsistent with its own previous case law and with that of the International Court of Justice. This chapter explores how the Court has interpreted the notion of "jurisdiction" in Article 1 ECHR so that it does, indeed, have an application in certain circumstances where a State is involved in armed conflict outside its

national territory. It also examines the extent to which, hand in hand with this development of the case law on jurisdiction, there has been recognition by the Court that the Convention rights should be interpreted and applied in a way which takes into account the legal and factual particularities of armed conflict.

345.1/648 (Br.)

Dictionary of international human rights law / Connie de la Vega. - Cheltenham ; Northampton : Edward Elgar, 2013. - XII, 250 p. ; 24 cm. - ISBN 9781782545033

Réf. DIP 1-j

Human rights as peacemaker : an integrative theory of international human rights / David E. Guinn. - In: Human rights quarterly : a comparative and international journal of the social sciences, humanities, and law, Vol. 38, no. 3, August 2016, p. 754-786

To enhance and expand human rights, advocates have increasingly reached to include international humanitarian law (IHL) and international criminal law (ICL) as bodies of law also based on the ideal of human dignity and worth. However, while human rights clearly express a moral dimension, the human rights project did not originate as a movement of moral reform, but rather as a means of sustaining peaceful coexistence. To demonstrate the salience of this perspective, I will begin by reviewing the development of human rights, humanitarian law, and international criminal law in light of how they promote peace by protecting human dignity.

Human rights in emergencies / Evan J. Criddle. - New York : Cambridge University Press, 2016. - XIII, 287 p. : tabl., graph. ; 24 cm. - (ASIL studies in international legal theory). - Index. - ISBN 9781107115835

345.1/646

Jaloud v Netherlands and Hassan v United Kingdom : time for a principled approach in the application of the ECHR to military action abroad / Silvia Borelli. - In: Questions of international law : zoom in, Vol. 16, 2015, p. 25-43. - Photocopies

In this article, Silvia Borelli starts from the assumption that the supporters of international humanitarian law (IHL) and international human rights law (IHRL) prioritize different values and that inquiring which of the two system is more appropriate to regulate the conduct of States in situations of armed conflict is therefore sterile. She rather focuses her contribution on the question of how IHRL instruments such as the European Convention may apply (in practice) in the context of military operations abroad. In her opinion the recent stand taken by European Court in the Hassan case is far from satisfactory and creates problems of uncertainty.

345.1/647 (Br.)

The principle of non-refoulement under the ECHR and the UN convention against torture and other cruel, inhuman or degrading treatment or punishment / by Eman Hamdan. - Leiden ; Boston : Brill Nijhoff, 2016. - VII, 404 p. ; 25 cm. - (International studies in human rights ; vol. 115). - Bibliographie : p. 363-399. Index. - ISBN 9789004319387

345.1/645

HUMANITARIAN AID

Gestion de projets de développement international et d'action humanitaire / Sophie Brière, Yvan Conoir et Yves Poulin ; avec la participation de Stéphanie Maltais et Isabelle Auclair. - [Québec] : Presses de l'Université Laval, 2016. - XVIII, 318 p. : diagr., tabl. ; 23 cm. - Bibliographie : p. 313-318. - ISBN 9782763718187

361/677

The humanitarian cyberspace : shrinking space or an expending frontier ? / Kristin Bergtora Sandvik. - In: Third world quarterly, Vol. 37, no 1, 2016, p. 17-32. - Bibliographie : p. 30-32. - Photocopies

361/679 (Br.)

The possibilities and pitfalls of humanitarian drones / John R. Emery. - In: Ethics and international affairs, Vol. 30, no. 2, 2016, p. 153-165. - Photocopies

361/678 (Br.)

ICRC-INTERNATIONAL MOVEMENT OF THE RED CROSS AND RED CRESCENT

Les emblèmes de la Croix-Rouge et du Croissant-Rouge : préserver leur pouvoir de protection et prévenir les abus / CICR, Fédération international des Sociétés de la Croix-Rouge et du Croissant-Rouge. - Genève : CICR : Fédération international des Sociétés de la Croix-Rouge et du Croissant-Rouge, août 2016. - 4 volets : fotogr., ill., ; 21 cm. - (En bref)

362.191/1621 (FRE Br.)

La France telle qu'elle est comparée à l'Angleterre et à l'Allemagne, par un citoyen suisse - 1880... : manuscrits de Henry Dunant 4503-4513 : (film n. 811 - CD F1713) / par Paolo Vanni ; présentation Peter Maurer... [et al.] ; préf. Jean-Daniel Candaux, Francesco Caponi ; avec la collab. de M.R. Bosi... [et al.]. - Firenze : Croce Rossa Italiana : Tassinari, 2016. - 3 vol. (XLVIII, 646 p.) ; 21 x 28 cm + 1 CD-ROM. - (Quaderni "Henry Dunant" ; no 6). - Fac-similés des manuscrits. - Bibliographie : p. XXXV. - ISBN 9788899285197

362.191/1449 (X)

Hilfe und Gegenseitigkeit im Humanitarismus : das Beispiel der IKRK-Hilfe für Kriegsgefangene im Ersten Weltkrieg / Thomas Brückner. - In: Schweizerische Zeitschrift für Geschichte = Revue suisse d'histoire = Rivista storica svizzera, Vol. 66, Nr. 2, 2016, p. 246-260

INTERNATIONAL CRIMINAL LAW

Can war crimes be committed by military personnel against members of non-opposing forces ? / Joanna Nicholson. - [S.l.] : International crimes database, December 2015. - 15 p. ; 30 cm. - (ICD Brief ; 16). - Photocopies

There is a commonly held view that international humanitarian law (IHL) exists to regulate the behaviour of adverse parties against each other during times of armed conflict, and that it does not concern itself with harm inflicted by one party to a conflict upon its own, or other non-opposing, forces. If a situation occurs where a crime is committed by a member of a military force against a member of a non-opposing military force, this is not a violation of IHL and consequently cannot constitute a war crime. This brief challenges the traditional position, arguing that several important IHL provisions protect those involved in an armed conflict regardless of their affiliation, and that breaches of these provisions constitute war crimes. It then considers the terms of the Statute of the International Criminal Court (ICC Statute) and explores when the International Criminal Court (ICC) has jurisdiction over such crimes, and whether its jurisdiction differs depending upon whether the conflict in question is classified as an international or a non-international armed conflict.

344/680 (Br.)

Globalization and its impact on the future of human rights and international criminal justice / M. Cherif Bassiouni (ed.). - Cambridge [etc.] : Intersentia, 2015. - XXXIII, 729 p. : tabl., graph., cartes ; 24 cm. - ISBN 9781780683300

344/677

Private military companies (PMCs) and international criminal law : are PMCs the new perpetrators of international crimes ? / Stella Ageli. - In: Amsterdam law forum, Vol. 8, no. 1, Spring 2016, p. 28-47. - Photocopies

The extensive use of private military companies (PMCs) in conflict areas the last 30 years has raised concern in the academic community regarding the participation of private companies in the conduct of war. For example, academics incite issues of legitimacy, the role of the state and the legal status of PMCs especially when they take a direct part in the hostilities. In this context, PMCs have been often accused of committing serious crimes during their involvement in the hostilities. The important question regarding their possible criminal activity is whether these serious crimes fall into the category of international law and more specifically international criminal law. This article examines firstly, whether PMCs actually commit serious crimes and secondly, if these crimes constitute violations of international law, namely, international crimes.

344/684 (Br.)

Proceedings of the sixth international humanitarian law dialogs, August 26-28, 2012 at Chautauqua Institution / ed. by Elizabeth Andersen and David M. Crane. - Washington, DC : The American Society of International Law, 2013. - XI, 397 p. ; 23 cm. - (Studies in transnational legal policy ; no. 45). - ISBN 9780984294459

Contient : Second annual Katherine B. Fite lecture : Drone wars and the Nuremberg legacy / L. Sadat. - Reflections on international criminal law over the past ten years / H. Corell. - First annual Clara Barton lecture : origins of the Special Court for Sierra Leone / D. Scheffer. - The ICC of the future / H.-P. Kaul. - Commissions of inquiry : some personal reflections / M. C. Bassiouni. - Partners in the search for truth : the Truth Commission and the Special Court / W. Schabas. - Recent developments in international criminal law : 2011-2012 / V. Oosterveld. - Impunity watch essay contest winner : until it happens to you / A. Cordaro

344/679

Prosecuting international crimes : a multidisciplinary approach / ed. by Bartłomiej Krzan. - Leiden ; Boston : Brill Nijhoff, 2016. - XII, 313 p. ; 25 cm. - (Queen Mary studies in international law ; vol. 24). - Index. - ISBN 9789004317406

Contient notamment : Customary international law as a basis of an individual criminal responsibility / W. Czaplinski. - Human rights and international criminal law / B. Krzan. - Implementing the Nuremberg Principles in national trials with Nazi criminals : hesitation versus enthusiasm towards meeting the standards of complementarity in the modern international criminal law / D. Kohout.

344/678

Punishment and sentence enforcement for serious violations of international humanitarian law committed in the Former Yugoslavia / Filip Vojta. - Berlin : Duncker und Humblot, 2014. - p. 401-427 : ill.. - In: Mapping the criminological landscape of the Balkans : a survey on criminology and crime with an expedition into the criminal landscape of the Balkans. - Bibliographie: p. 425-427. - Photocopies

344/682 (Br.)

A step towards justice : current accountability options for crimes under international law committed in Syria / Mark Lattimer, Shabnam Mojtahedi and Lee Anna Tucker. - London : Ceasefire Centre for Civilian Rights : Syria justice and accountability centre, April 2015. - 33 p. ; 30 cm. - Bibliographie : p. 33. - Photocopies

As the war in Syria enters its fifth year with no end in sight, the need to establish some form of accountability to address allegations of mass atrocities committed by both government forces and armed opposition groups remains pressing. This is the first report to offer a detailed examination of the mechanisms available to deliver justice to the Syrian people while the conflict goes on. Drawing on comprehensive legal analysis, the joint report by the Ceasefire Centre for Civilian Rights and the Syria Justice and Accountability Centre (SJAC) evaluates the potential avenues towards securing accountability for war crimes and crimes against humanity in Syria, including massacres of civilians, indiscriminate aerial bombardment, enforced disappearances, systematic torture, rape, and the use of children in hostilities. While there are constraints on the current feasibility of the most prominent mechanisms, including domestic courts and the International Criminal Court, as well as alternative mechanisms such as hybrid tribunals, the use of foreign national courts remains open.

344/683 (Br.)

Symposium on the International Criminal Tribunals for the Former Yugoslavia and Rwanda / Michael J. Matheson and Natalie L. Reid (eds.). - In: American journal of international law, Vol. 110, no. 2, April 2016, p. 171-259 : graph., tabl.

The war crime of terror : an analysis of international jurisprudence / Laura Paredi. - [S.l.] : International crimes database, June 2015. - 16 p. ; 30 cm. - (ICD Brief ; 11). - Photocopies

In 2003, Stanislav Galic, commander of the Bosnian Serb forces, became the first person to be convicted for the spreading of terror among the civilian population and, in particular, the first case in which terror was considered as an autonomous war crime. The purpose of this brief is to examine the contribution of the jurisprudence of international criminal tribunals to the definition of the crime, in order to identify the elements of the crime of terror, as well as its controversial aspects.

344/681 (Br.)

INTERNATIONAL HUMANITARIAN LAW-GENERAL

L'acte déclencheur d'un conflit armé international / Djemila Carron. - Genève [etc.] : Schulthess éd. romandes, 2016. - XXV, 490 p. ; 23 cm. - (Collection Genevoise : droit international). - Thèse, Faculté de droit, Université de Genève, 2015. - Bibliographie : p. 453-490. - ISBN 9783725586004

L'existence d'un conflit armé international amène l'application des Conventions de Genève et de leur Protocole Additionnel I - des textes entraînant des changements juridiques cruciaux. Malgré leur centralité, ni la notion de conflit armé international ni celle de son acte déclencheur ne sont clairement délimitées en droit international. Ce travail propose une définition de l'acte déclencheur d'un conflit armé international au sens de l'article 2 commun aux Conventions de Genève. Les questions précises de la nature de cet acte, de sa provenance, de sa cible ainsi que les éventuelles exigences d'un seuil de violence et d'un critère d'animus belligerendi sont analysées aux fins de délimiter le seuil inférieur d'application matérielle du droit des conflits armés.

345.2/1000

Bibliography 2015 : international humanitarian law : based on the International Committee of the Red Cross library acquisitions / compiled by Michèle Hou and Sonia Crenn. - Geneva : ICRC, September 2016. - 162 p. ; 30 cm

A compilation of the four electronic quarterly international humanitarian law bibliographies issued by the ICRC Library during the year 2015. Based on the library's regular and extended acquisitions on IHL, this bibliography is aimed at helping students, professors and legal professionals be up-to-date and have an overview of issues being dealt with by academic authors in specific subjects of IHL. It contains articles, chapters, books, reports and working papers in English and French. Subject headings include general issues, types of conflict, armed forces and non-state actors, multinational forces, detention and treatment of persons, private actors, protection of persons, protection of objects, conduct of hostilities, weapons, law of

occupation, international criminal law, human rights, implementation, contemporary challenges and countries. Easy to use, the bibliography also offers abstracts.

345.2/922 (2015)

Clearing the fog of law : saving our armed forces from defeat by judicial diktat / Richard Ekins, Jonathan Morgan, Tom Tugendhat. - London : Policy Exchange, 2015. - 50 p. : tabl. ; 30 cm. - Photocopies

This report reaffirms that armed forces on the battlefield should not be above the law but that the rules governing conflict must fall under the Geneva Conventions rather than the European Convention on Human Rights (ECHR). It argues that a blanket derogation from the ECHR is essential in all future conflicts involving British military personnel. The report argues that the "judicialisation of war" has markedly increased since the introduction of the Human Rights Act in 1998. By the end of March 2015, 1,230 public law claims are expected to have been filed against the Ministry of Defence in relation to British military action in Iraq. This is in addition to a further 1,000 private law claims. The authors point to two specific areas of what they term "judicial imperialism": the application of the ECHR to British forces deployed on combat operations in foreign countries, and the importation of civilian laws of negligence into fast moving combat situations. The report says that neither of these developments is properly supported by sound legal evidence, and that the expansion of "lawfare" hinders the ability of commanders on the ground to make immediate and potentially life or death decisions.

345.2/1003 (Br.)

[Le Comité international de la Croix-Rouge et la protection des victimes de la guerre (chinois)] / [François Bugnion]. - Qingdao : Qingdao Publishing, [2014]. - 2 vol. (384, 417 p.) : fotogr., tabl. ; 25 cm. - Bibliographies. Index. - ISBN 9787555211792

Comment le CICR est-il constitué ? Quelles sont les tâches qui lui sont assignées ? Quels sont les principes qui guident son action ? Telles sont les questions auxquelles le présent ouvrage a pour objet de répondre, en combinant une approche historique et juridique. Par là, l'auteur vise à mettre en lumière les facettes complémentaires du développement de la pratique du CICR et de celui du droit international humanitaire, dont le Comité est à la fois le promoteur et le garant.

345.2/704 (I - II CHI)

La confluence du droit international humanitaire et du droit international des droits de l'homme / Oriol Casanovas. - Paris : Pedone, 2015. - p. 45-56. - In: *Mélanges offerts à Charles Leben : droit international et culture juridique.* - Photocopies

Le droit international humanitaire et le droit international relatif aux droits de l'homme constituent deux corps de règles distincts, pour utiliser la formule de la Cour internationale de Justice. L'indubitable processus de convergence entre l'un et l'autre n'a pas donné lieu à la naissance d'un régime international unique de protection de la personne humaine. Mais un tel régime pourrait apparaître dès lors que les organes chargés de faire application des conventions internationales relatives à la protection des droits de l'homme font appel aux normes de droit international humanitaire, appliquent lesdites normes ou adoptent une interprétation systémique des normes de différentes conventions et du droit coutumier.

345.2/1006 (Br.)

Fighting at the legal boundaries : controlling the use of force in contemporary conflict / Kenneth Watkin. - New York : Oxford University Press, 2016. - XII, 704 p. ; 25 cm. - Bibliographie : p. 633-659. Index. - ISBN 9780190457976

The international law governing armed conflict is at a crossroads, as the formal framework of laws designed to control the exercise of self-defense and conduct of inter-state conflict finds itself confronted with violent 21st Century disputes of a very different character. Military practitioners who seek to stay within the bounds of international law often find themselves applying bodies of law - international human rights law, international humanitarian law, international criminal law - in an exclusionary fashion, and adherence to those boundaries can

lead to a formal and often rigid application of the law that does not adequately address contemporary security challenges. This book offers a holistic approach towards the application of the various constitutive parts of international law. The author focuses on the interaction between the applicable bodies of law by exploring whether their boundaries are improperly drawn, or are being interpreted in too rigid a fashion. Through a number of case studies, the book explores how the threat posed by insurgents, terrorists, and transnational criminal gangs often occurs not only at the point where these bodies of law interact, but also in situations where there is significant overlap. In this regard, the exercise of the longstanding right of States to defend nationals, including the conduct of operations such as hostage rescue, can involve the application of human rights based law enforcement norms to counter threats transcending the conflict spectrum.

345.2/1001

Human rights vs humanitarian law or rights vs obligations : reflections following the rulings in Hassan and Jaloud / Ziv Bohrer. - In: Questions of international law : zoom in, Vol. 16, 2015, p. 5-24. - Photocopies

In this article Ziv Bohrer calls attention to the problems related to reliance on international human rights law (IHRL) as a way of regulating wartime scenarios. He argues that the difference between IHRL and international humanitarian law (IHL) would be better understood if one considered that the first is a system based on rights, whereas the second should be viewed as a system based on obligations. He then uses the Israeli Supreme Court's experience to advance the idea that domestic courts are in a better position to review military actions using IHL instruments.

345.2/1004 (Br.)

International humanitarian law : a comprehensive introduction / Nils Melzer ; coord. by Etienne Kuster. - Geneva : ICRC, August 2016. - 355 p. : fotogr. ; 23 cm. - (Reference). - Bibliographies. Index. - ISBN 9782940396467

"International Humanitarian Law : A Comprehensive Introduction" is an introductory handbook that aims to promote and strengthen knowledge of international humanitarian law (IHL) among academics, weapon-bearers, humanitarian workers and media professionals. It presents contemporary issues related to IHL in an accessible and practical style, and in line with the ICRC's reading of the law. That, plus its distinctive format - combining "In a nutshell", "To go further" and thematic textboxes - make it the ideal everyday companion for anyone approaching IHL for the first time and curious about conflict-related matters, as well as for military and humanitarian personnel seeking useful guidance on a vast array of topics.

345.2/999

Just another case of treaty interpretation ? : reconciling humanitarian law and human rights law in the ICJ / Lawrence Hill-Cawthorne. - Cambridge : Cambridge University Press, 2015. - p. 272-296. - In: A farewell to fragmentation : reassertion and convergence in international law. - Photocopies

345.2/1009 (Br.)

The law of armed conflict : international humanitarian law in war / Gary D. Solis. - 2nd ed.. - New York : Cambridge University Press, 2016. - XXXI, 890 p. ; 27 cm. - Bibliographie : p. 843-881. Index. - ISBN 9781107135604

Newly revised and expanded, The law of armed conflict, 2nd edition introduces law students and undergraduates to the law of war in an age of terrorism. What law of armed conflict (LOAC), or its civilian counterpart, international humanitarian law (IHL), applies in a particular armed conflict? Are terrorists legally bound by that law? What constitutes a war crime? What (or who) is a lawful target and how are targeting decisions made? What are 'rules of engagement' and who formulates them? How can an autonomous weapon system be bound by the law of armed conflict? Why were the Guantánamo military commissions a failure? This book takes students through these LOAC questions and more, employing real-world examples and legal opinions

from the US and abroad. From Nuremberg to 9/11, from courts-martial to the US Supreme Court, from the nineteenth century to the twenty-first, the law of war is explained, interpreted, and applied.

345.2/814 (2016)

Manual of international laws of war / Kripal D. Joshi. - New Delhi : Sumit enterprises, 2015. - VIII, 244 p. : tabl. ; 24 cm. - Bibliographie : p. 240-242. Index. - ISBN 9788184204346

This book first provides an overview of the laws of war, followed by a focus on the act of declaring war and a chapter on the issue of prisoners of war. The book also includes the text of selected treaties of international humanitarian law.

345.2/1002

Ein Meilenstein der Verbreitungsarbeit des humanitären Völkerrechts : das Internationale Komitee vom Roten Kreuz veröffentlicht eine Neuauflage seines Kommentars zum Ersten Genfer Abkommen von 1949 / Tilman Rodenhäuser. - In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict, Vol. 29, 2016/2, p. 57-62

Ontologies of international humanitarian and criminal law : "locals" and "internationals" in discourses and practices of justice / Dubravka Zarkov. - Cham : Springer, 2014. - p. 3-21. - In: Narratives of justice in and out of the courtroom : former Yugoslavia and beyond. - Bibliographie: p. 19-21. - Photocopies

This chapter looks at constructions of the 'local' and the 'international' actors of war violence and justice within the contemporary hegemonic discourses and practices of international humanitarian and criminal law, following two lines of investigation: utilization of gendered and racialized discourses that link war, sexual violence and justice; and the absence of powerful states and political-military leaders from the lists of accused for war crimes, including the crimes of sexual violence. The author argues that those constructions are part of a shift in thinking about war, violence and justice that occurred in the past two and a half decades, or more precisely, with the wars in former Yugoslavia and the genocide in Rwanda. Further, that they support ontological distinctions between the 'community of interveners', on the one hand, and the victims and perpetrators of violence, on the other.

345.2/1005 (Br.)

Proceedings of the eighth international humanitarian law dialogs, August 24-26, 2014 at Chautauqua Institution / ed. by Mark David Agrast and David M. Crane. - Washington DC : The American Society of International Law, 2015. - XIII, 228 p. : fotogr. ; 23 cm. - (Studies in transnational legal policy ; no. 47). - ISBN 9780972942386

The Proceedings of the Eighth International Humanitarian Law Dialogs provides a print record of the eighth annual meeting of international prosecutors, scholars, and students at Chautauqua Institution. The theme of the Eighth IHL Dialogs, held from from August 24-26, 2014, was "The New World (Dis)order: International Humanitarian Law in an Uncertain World." Highlights of the volume include: keynote addresses by Ambassador Tiina Intelmann and Col. Morris Davis (U.S. Air Force, ret.); updates from current prosecutors of the ECCC, ICC, ICTR, ICTY, and SCSL; a 2013-2014 international criminal law "Year in Review" by Valerie Oosterveld; a roundtable discussion on the relevance of international humanitarian law in 2014; and a conversation with Sir Desmond de Silva, Fatou Bensouda, and Hassan Jallow about the first international court in Africa.

345.2/1010

Researching international humanitarian law : a decision-making process model for operationalizing state practice / Matthew T. Zommer. - Boca Raton (United States) : CRC Press, 2016. - p. 179-190 : tabl.. - In: Development and the politics of human rights. - Previous version published under the title: "Operationalizing international humanitarian law : a decision-

making process model for assessing state practice", in: *International law research*, Vol. 3, no. 1, 2014. - Photocopies. - Bibliographie : p. 189-190

The subject of international humanitarian law (IHL) contains multiple opportunities for accessing and gathering historical and contemporary examples of primary source material. However, a review of the literature reveals the absence of a consistent and coherent model for examining this material. Specifically, the subject of state practice is underoperationalized for research purposes. The aim of this paper is to provide a common methodological framework for researching and disseminating IHL source material. Two salient shortcomings in the literature reviewed influenced this chapter's development. First, the literature contains an overemphasis on treaty rule analysis, often failing to include examples of state practice. Second, a portion of the literature is advocacy driven, often ignoring examples of negative state practice. The decision-making process model advanced in this chapter addresses these limitations and provides an inclusive framework for assessing IHL.

345.2/1013 (Br.)

Theoretical boundaries of armed conflict and human rights / ed. by Jens David Ohlin. - New York : Cambridge University Press, 2016. - XIII, 402 p. ; 24 cm. - (ASIL studies in international legal theory). - Index. - ISBN 9781107137936

In the last two decades, human rights law has played an expanding role in the legal regulation of wartime conduct. In the process, human rights law and international humanitarian law have developed a complicated sibling relationship. For some, this relationship is viewed as a mutually reinforcing effort between like-minded regimes designed to civilize human behavior. For others, the relationship is a more complicated sibling rivalry. In this book, an unparalleled collection of legal theorists examine the relationship between these two bodies of law. Each chapter skilfully maps the possibilities of harmonization while, at the same time, raising cautionary flags about the limits of that project. The authors not only chart the existing state of the law, but also debate the normative implications of the continuing influence of human rights norms on current practices including torture, targeted killings, the conduct of non-international armed conflicts, and post-war state building.

345.2/1011

Theorizing the laws of war / Frédéric Mégret. - Oxford [etc.] : Oxford University Press, 2016. - p. 762-778. - In: *The Oxford handbook of the theory of international law*. - Photocopies

This chapter provides an overview of the theories of international humanitarian law. The author distinguishes between internal theorizing, which he describes as the sort of theorizing that devotes itself to making sense of the discipline among its practitioners and within bounds that are taken for granted, and external theorizing, which he describes as less interested in the laws of war as a system than as an object, and less focused on explaining the operation of these laws than understanding what they mean generally and for international law specifically. He concludes that a renewal of theorizing on the outskirts of the laws of war compensates for a lack of theorizing within the mainstream of the discipline.

345.2/1008 (Br.)

INTERNATIONAL HUMANITARIAN LAW-CONDUCT OF HOSTILITIES

Applying jus in bello proportionality to drone warfare / David Akerson. - In: *Oregon review of international law*, Vol. 16, no. 2, 2014, p. 173-224. - Photocopies

This article applies the international humanitarian law (IHL) principle of proportionality to the use of unmanned aerial vehicles (UAVs), commonly referred to as drones, by the United States military forces (U.S. Military) and the United States Central Intelligence Agency (CIA) in its armed conflicts in Iraq and Afghanistan and the "war on terror" in places such as Pakistan, Yemen, Somalia, and Mali. Existing cases and commentary regularly assume that proportionality is a one-size-fits-all rule, whether the impugned attacker is a four-star general or a lowly platoon commander. This article asserts that proportionality requires different applications in

the cases of high-ranking and low-ranking belligerents. The article also emphasizes how courts and commentators frequently fall into the trap of retrospectively applying casualty statistics to assess the proportionality of an attack, rather than using those statistics to inform the reasonableness of the attacker's a priori assessment.

345.25/345 (Br.)

Human shields / Banu Bargu. - In: Contemporary political theory, Vol. 12, no. 4, November 2013, p. 277-295. - Bibliographie : p. 293-295. - Photocopies

In recent decades, we have witnessed the emergence of new forms of warfare, which are characterized by asymmetry, irregularity and the cybernetization of weaponry. Waged from a distance, these wars have created the impression of decorporealization and low risk, at least for one of the contending parties. In contrast, the same asymmetric conflicts have been sites in which the human body has been utilized as a novel and lethal weapon. Although much scholarly attention has been paid to suicide attackers who have become symbolic (if dystopic) figures of this new warfare, this article draws attention to their inverse figure: human shields. The human shield risks life not to destroy and terrorize others but to resist organized violence and protect others. This article explores the figure of the human shield, situating it within the context of global moral spectatorship, international humanitarian law and biopolitical warfare. Arguing that the human shield is both a symptom and the immanent critique of the present, one that exposes its multiple contradictions, this article makes a case for the importance of the figure of the human shield for contemporary politics.

345.25/346 (Br.)

Israeli targeting : a legal appraisal / John J. Merriam and Michael N. Schmitt. - In: Naval war college review, Vol. 69, no. 4, Autumn 2015, p. 15-33. - Photocopies

This article summarizes the results of a research field study examining Israel Defense Force in December 2014. It discusses the unique operational and strategic context in which the IDF operates and discusses Israeli targeting practices. The piece also surveys and assess Israeli positions on the law of armed conflict. It concludes that such practices and positions reflect the environment in which IDF targeting takes place.

345.25/344 (Br.)

The new way of war : is there a duty to use drones ? / Oren Gross. - In: Florida law review, Vol. 67, no. 1, January 2015, p. 1-72. - Photocopies

The discussion on drone attacks has focused on whether states have the legal right to deploy drones and to use them. Little attention has been given to the use by the military of drones to carry out attacks in battlefield zones such as Afghanistan, Iraq, and Libya and to the question whether a legal duty exists or ought to exist obligating states that possess drone technology to use that technology on the battlefield. The central claim of this article is that such a duty can, in fact, be derived from the cardinal principles of the law of armed conflict. It suggests that such an interpretation is merited if we accept that drones combine remote use of accurate force that reduces lethality both among friendly forces and innocent civilians. Drones are not, per se, unlawful under LOAC. Rather the critical question is the same for drones as for other types of weapons, i.e., whether the specific use of the weapon complies with LOAC. In this context, the weapon must be deployed in accordance with LOAC's fundamental principles of humanity, proportionality, distinction, taking precautions, and military necessity. The article applies the general principles of LOAC to drones in three stages. It analyzes the general trajectories of weapons' development throughout human history, trading off three main considerations, namely distance, accuracy and lethality. It then examines the rise of precision-guided munitions as an attempt to balance these three considerations, increasing military efficiency while minimizing harm to civilians and civilian objects. Looking at drones through the prism of that analysis, the article discusses drones as a combination of remote use of accurate force that reduces lethality and closely examines both the promise that the use of drones may bring to the battlefield as well as the challenges to their deployment.

345.25/347 (Br.)

L'opération Bordure protectrice menée par Israël dans la bande de Gaza (8 juillet - 26 août 2014) / Laurent Trigeaud. - In: *Annuaire français de droit international*, Vol. 60, 2014, p. 171-194

L'opération Bordure protectrice, conduite par Israël dans la Bande de Gaza du 8 juillet au 26 août 2014, fut l'une des plus dures qu'ait menées Israël, depuis la Guerre des Six-Jours en 1967, dans ce territoire contrôlé par le Hamas. Favorisés par un climat géopolitique particulièrement précaire, où la défiance régnait non seulement entre Palestiniens et Israéliens, mais aussi entre Palestiniens eux-mêmes, les tirs de roquettes revendiqués par le Hamas dans la nuit du 7 au 8 juillet depuis Gaza décidèrent Israël à réagir d'abord par les airs, puis par la terre. Au terme de l'opération, le nombre de civils tués et les dégâts matériels n'auront jamais atteint un niveau aussi dramatique, Hamas et Armée de Défense d'Israël se partageant les violations graves du droit des conflits armés. La violence du conflit rendit d'ailleurs impuissantes les médiations étrangères, hormis la médiation de l'Égypte qui parvint à réunir les deux belligérants et à obtenir d'eux la cessation des hostilités, après plus de quarante-cinq jours de combats meurtriers pour les civils. Ce cessez-le-feu appelait cependant d'autres négociations, toutes aussi sensibles, sur la reconstruction et le statut général de Gaza, dont le blocus qui l'enfermait depuis 2007: autant de points qui viendraient, à coup sûr, ajouter en difficulté aux négociations générales de paix entre Israël et la Palestine.

Strengthening the principle of distinction ? : a critical appraisal of the ICRC's continuous combat function / Laura Hofmann. - In: *Journal of international humanitarian legal studies*, Vol. 6, issue 2, 2015, p. 377-413

The primary impetus for the Interpretive Guidance on the Notion of Direct Participation in Hostilities by the International Committee of the Red Cross was the need for an accepted understanding of the notion of 'direct participation in hostilities'. The Interpretive Guidance recommends that in non-international armed conflicts organised armed groups consist only of persons whose continuous function for the groups involves taking direct part in hostilities. The objective of this article is to assess to what extent the 'continuous combat function' category strengthens the protection of civilians under the principle of distinction.

With the stroke of a pen : legal standards for adding names to government kill lists / Alexandre Andrade Sampaio, Luís Renato Vedovato. - In: *International human rights law review*, Vol. 4, issue 2, 2015, p. 194-221. - Photocopies

United States (US) government officials disclosed, in 2010, that Anwar Al-Aulaki, a dual US-Yemeni citizen alleged to be a leader of the terrorist group Al-Qaeda in the Arabian Peninsula, had been added to a list of individuals that the Central Intelligence Agency (CIA) and the Joint Special Operations Command (JSOC) were authorised to target for death. It is clear that the right to life is affected by targeted killing actions, as the objective of the practice is to kill the targeted individual. For such a practice to be lawful, it has to be considered non-arbitrary according to international standards. The two main instruments of universal scope that provide a legal protection for this right are the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. The use of lethal force by a State would be legally justified by: (1) the carrying out of a lawfully imposed death penalty; (2) during an armed conflict, under international humanitarian law; and (3) if the force used was necessary, proportional and not the first option. This article examines the question of whether adding names to kill list remains legal under international human rights and humanitarian law, and if so, under what circumstances?

345.25/348 (Br.)

INTERNATIONAL HUMANITARIAN LAW-IMPLEMENTATION

Due process of war in the age of drones / Joshua Andresen. - In: *The Yale journal of international law*, Vol. 41, issue 1, 2015, p. 155-188. - Photocopies

The debate over how to properly rein in the errors and abuses of the drone program remains stalled between two ineffective and constitutionally problematic extremes. While some have

defended executive unilateralism and others have called for an ex ante Drone Court, this note defends ex post judicial review as the only constitutional and effective way to restore the constitutional balance of powers and the rule of law. The note shows how judges should apply the international law of war to adjudicate the lawfulness of drone strikes and details a legal strategy for plaintiffs to bring a case under the Alien Tort Statute that reaches the merits. Adjudicating the legality of drone strikes for their compliance with the international law of war is an eminently legal task that the courts should feel compelled to carry out. Adherence to the rule of law, the constitutional separation of powers, and national security interests all speak for ex post judicial review of drone strikes.

345.22/284 (Br.)

The grave breaches charges at the ECCC : an analysis of international humanitarian law in the Duch case / Noëlle Quénivet. - The Hague : T.M.C. Asser Press, 2016. - p. 353-373. - In: The Extraordinary Chambers in the Courts of Cambodia : assessing their contribution to international criminal law. - Bibliographie : p. 371-373

This chapter examines an issue examined by the Extraordinary Chambers in the Courts of Cambodia that has been less discussed, that of the crimes related to the international armed conflict between Cambodia and Vietnam. In Duch the Court reluctantly sets itself to the task, finding the appellant guilty of a range of grave breaches including wilful killing, torture and wilful deprivation of the rights of fair and regular trial. The judgment can be criticised for a number of reasons, notably for making comments that lack solid legal support and/or cogent arguments as well as for misinterpreting the law as it was at the time the crimes were perpetrated.

345.22/287 (Br.)

Investigating civilian casualties in armed conflict : comparing U.S. military investigations with alternatives under international humanitarian and human rights law / Sylvaine Wong. - In: Naval law review, Vol. 64, 2015, p. 111-167

Military justice in the modern age / ed. by Alison Duxbury, Matthew Groves. - Cambridge : Cambridge University Press, 2016. - XXIX, 415 p. ; 24 cm. - Index. - ISBN 9781107042377

Military justice systems across the world are in a state of transition. These changes are due to a combination of both domestic and international legal pressures. The domestic influences include constitutional principles, bills of rights and the presence of increasingly strong oversight bodies such as parliamentary committees. Military justice has also come under pressure from international law, particularly when applied on operations. The common theme in these many different influences is the growing role of external legal principles and institutions on military justice. This book provides insights from both scholars and practitioners on reforms to military justice in individual countries (including the UK, Canada, the Netherlands and Australia) and in wider regions (for example, South Asia and Latin America). It also analyses the impact of 'civilianisation', the changing nature of operations and the decisions of domestic and international courts on efforts to reform military justice.

345.22/283

The challenges in the implementation of international humanitarian law : general report = Les défis de la mise en oeuvre du droit international humanitaire : rapport général / Peter Heblj, Jean-Michel Cambon. - In: Recueils de la Société internationale de droit militaire et de droit de la guerre,, 20, 2015, p. 47-227. - Suivi des rapports nationaux : Austria, Belgium, Czech Republic, Germany, Ireland, Jordan, Morocco, The Netherlands, Switzerland, United Kingdom

The 20th Congress of the International Society for Military Law and the Law of War in the spring of 2015 dealt with the challenges in the implementation of international humanitarian law. On September 22nd, 2013 the outlines for a questionnaire on this subject were discussed in a special workshop. The meaning of "implementation" in this respect is not just the legal obligation to formally implement treaty law into national laws, it also covers compliance with the rules. During the workshop three facets to implementation were identified: prevention,

control and repression. From these three angles a wide variety of derivative and related subjects were discussed, such as: imperfect implementation, international criminal law, lessons to be learned from other areas of law, the Swiss ICRC initiative, responsibilities for countries not directly involved in the armed conflict, non-state actors, and the shaping of a "legal conscience". This report provides an overview of the findings on the basis of contributions from the following nations: Austria, Belgium, Czech Republic, Germany, Ireland, Jordan, Morocco, The Netherlands, Paraguay, Switzerland.

INTERNATIONAL HUMANITARIAN LAW-LAW OF OCCUPATION

Can occupation resulting from a war of self-defense become illegal ? / Ariel Zemach. - In: Minnesota journal of international law, Vol. 24, issue 2, p. 313-350. - Photocopies

Illegal occupation gives rise to a duty of the occupant to withdraw from the occupied territory immediately and unconditionally. International law has long recognized the illegality of occupation that results from an unlawful use of force by the occupying state. An emerging approach among international lawyers holds that occupation resulting from a lawful use of force by a state, in self-defense, may also become illegal. This article argues that the purview of the notion of illegal occupation in international law does not extend to occupation resulting from the lawful use of force by a state in self-defense ("lawfully created occupation"). The article reviews the various theories presented in support of such an extension, but shows that state practice does not support the existence of a rule of customary international law providing that a lawfully created occupation may subsequently become illegal. The author subscribes to the view that a policy of de facto annexation pursued by an occupant violates the right to self-determination, and possibly the prohibition on the use of force. Such violation leads to legal consequences, but these do not include the illegality of occupation. This article examines the rules of international law that determine the legal consequences of state conduct that violates international law, and shows that these rules do not accommodate an extension of the notion of illegal occupation to lawfully created occupation. The article proceeds to argue that the introduction of a rule of customary international law providing that a lawfully created occupation may subsequently become illegal is inadvisable because such a norm would be full of uncertainty.

345.28/123 (Br.)

Ten types of Israeli and Palestinian violations of the laws of war and the ICC / Jordan J. Paust. - In: Connecticut journal of international law, Vol. 31, no. 1, Fall 2015, p. 27-58. - Photocopies

This article addresses international law that is relevant to longstanding and politically contentious issues regarding four types of conduct that Israel has been found to have authorized or facilitated in territories that Israel occupied after the 1967 war. The article also addresses six types of manifest violations of the laws of war by Palestinians since mid-June 2014. In particular, part II focuses on the laws of war applicable to use of collective punishment, deportation of civilians, infusion of one's own nationals into occupied territory, and annexation of occupied territory. The focus in part III is on what laws of war are applicable to unlawful confinement, hostage taking, murder, attacks on civilians, attacks on civilian objects, and use of indiscriminate methods and means of attack. In 2015, these issues were among those raised by Palestine before the International Criminal Court (ICC), although it is not certain that the ICC will assume jurisdiction after the conclusion of a preliminary investigation opened by the Prosecutor in January 2015. As noted in part II, the four types of violations addressed therein are among offenses that are of a continuous nature regardless of the time when they commenced, a circumstance that is significant with respect to the potential reach of ICC jurisdiction. Part IV addresses two other matters concerning ICC jurisdiction - certain preconditions to jurisdiction, especially with respect to transnational aspects of international crimes, and possible deferrals to domestic prosecutions.

345.28/122 (Br.)

INTERNATIONAL HUMANITARIAN LAW-TYPE OF ACTORS

Die Anwendbarkeit des humanitären Völkerrechts auf Aufständische und bewaffnete Gruppen : Status und Durchsetzung / von Marco Sassòli. - Berlin : Duncker and Humblot, 2016. - p. 119-152. - In: Der Status von Gruppen im Völkerrecht

345/704

An enemy by any other name : the necessity of an "associated forces" standard that accounts for Al Qaeda's changing nature / Frank M. Walsh. - In: Arizona journal of international and comparative law,, Vol. 32, no. 2, 2015, p. 349-370. - Photocopies

This article argues that the Authorization for the use of military force (AUMF) authorizes the United States president to use military force against al Qaeda's "associated forces," and that authorization is critical to America's ability to target an enemy that is undergoing an internal reorganization. The proper scope of "associated forces" has been applied in the detention context, where courts have held that the United States has the authority to detain members of al Qaeda's "cobelligerents," as that term is defined under the law of armed conflict (LOAC). Part I of this article argues that the "associated forces" provisions developed in detainee jurisprudence apply to the AUMF's use of force authority. Part II discusses the two current definitions for "associated forces" that are currently being used. Part III argues that an "associated force" is best defined as "cobelligerent" under the LOAC.

345.29/240 (Br.)

The Montreux document and the international code of conduct : understanding the relationship between international initiatives to regulate the global private security industry / Nelleke Van Amstel and Tilman Rodenhäuser. - Geneva : DCAF, 2016. - 37 p. : tabl. ; 30 cm. - (Public-private partnerships series ; no. 1). - Photocopies

Innovative instruments intended to regulate the private security industry at the international level, such as the Montreux Document and the International Code of Conduct for Private Security Service Providers (ICoC) and its Association (ICoCA), have emerged over the past years. While addressed to different actors, the Montreux Document and the ICoC share the principle objective of enhancing private security company (PSC) compliance with applicable rules of international humanitarian law and international human rights law. However, effective implementation remains a challenge. One reason is that the potential synergies between the two processes may not yet be fully appreciated. This paper provides a detailed comparison between good practices contained in the Montreux Document and the ICoC principles. In particular, it examines to what extent states may build on the ICoC and its Association in order to regulate the provision of private security services effectively and thereby implement good practices identified in the Montreux Document. The paper recommends that states include ICoCA membership in their national authorisation or hiring processes. The principles of the ICoC and the governance mechanism established by the ICoCA can complement or even be an essential component of a state's effort to regulate PSCs in accordance with Montreux Document good practices.

345.29/239 (Br.)

Outsourcing war : private military and security companies under international humanitarian law / Yannick Körtgen. - Cambridge [etc.] : Intersentia, 2015. - p. 253-279. - In: Globalization and its impact on the future of human rights and international criminal justice

344/677

Private military and security companies : the implications under international law of doing business in war / by Erika Calazans. - Newcastle upon Tyne : Cambridge scholars publishing, 2016. - X, 164 p. ; 22 cm. - Bibliographie : p. 147-160. Index. - ISBN 9781443890618

This book's primary concern is the application of international humanitarian law and international human rights law in addressing the business conduct of private military and security companies (PMSCs) during armed conflicts, as well as state responsibility for human

rights violations and current attempts at international regulation. The book discusses four interconnected themes. First, it differentiates private contractors from mercenaries, presenting an historical overview of private violence. Second, it situates PMSCs' employees under the legal status of civilian or combatant in accordance with the Third and Fourth Geneva Conventions of 1949. It then investigates the existing law on state responsibility and what sort of responsibility companies and their employees can face. Finally, the book explores current developments on regulation within the industry, on national, regional and international levels. These themes are connected by the argument that, in order to find gaps in the existing laws, it is necessary to establish what they are, what law is applicable and what further developments are needed.

345.29/237

INTERNATIONAL HUMANITARIAN LAW-TYPE OF CONFLICT

Challenges of regulating non-international armed conflicts : an examination of ongoing trends in South Sudan's civil war / Kuyang Harriet Logo Mulukwat. - In: Journal of international humanitarian legal studies., Vol. 6, issue 2, 2015, p. 414-442

The conflict in South Sudan became the only viable violent way of expressing underlying discontentment with the style of governance adopted by the incumbent government and unresolved issues from the 1991 split which occurred when Dr. Riak Machar, one of the Sudan People's Liberation Movement/Army (SPLM/A) leaders at the time, now turned rebel leader, fell out with Dr. John Garang, the chairman of the SPLM/A. The split, notably referred to as the "Nassir split", led communities from both the Dinka and Nuer tribes to turn against each other. The referendum, a consequence of a Comprehensive Peace Agreement (CPA) between the government in Khartoum, Sudan, and the SPLM/A, led to an overwhelming vote for secession, later paving way for the subsequent independence of South Sudan in 2011. The existing tension took on a violent expression. The article analyses occurrences the SPLM/A command pursued on a secessionist agenda in the 21 years of armed struggle and the attainment of independence on the 9 July 2011. It further denotes the insurgents' pursuit of armed confrontation and the government's response to the belligerents' actions, while providing a genesis of the belligerence and laws governing non-international armed conflicts.

Cyber perfidy, ruse, and deception / Heather M. Roff. - Oxford : Oxford University Press, 2016. - p. 201-227. - In: Binary bullets : the ethics of cyberwarfare. - Bibliographie : p. 224-227

The laws of armed conflict (LOAC), based on norms, conventions, and treaty law, attempts to demarcate bright lines of separation between permissible uses of deception, such as a ruse, and impermissible, or treacherous, uses of deception, such as perfidy. While some types of deception are unproblematic from a legal perspective, others are not. This chapter examines the legal and moral permissibility of deceptive cyberoperations. It argues that if we hold fast to the internationally legally recognized and customary rule prohibiting perfidy, then any use of a cyberweapon that results in the killing, wounding, or capture of an adversary is impermissible and amounts to perfidy. Given this conclusion, the chapter suggests that the long-term effects of cyberoperations may undermine or erode the minimal trust necessary between belligerents. In particular, the (over)reliance on cyberoperations may threaten the ability to negotiate peaceful settlements and adversely affect international stability.

355/1085

Le droit de la guerre à l'épreuve du conflit armé en République démocratique du Congo : quelques réflexions sur les défis, enjeux et perspectives / Providence Ngoy Walupakah, Sandra Muya Miyanga ; préf. de Yves Sandoz. - Saint-Denis (France) : Publibook, 2015. - 367 p. : cartes, tabl. ; 25 cm. - Bibliographie : p. 333-348. - ISBN 9782342044218

Cet ouvrage propose une analyse juridique du conflit armé qui s'est déroulé de 1996 à 2013 en République démocratique du Congo (RDC). Le premier chapitre traite de l'historique et de la qualification de ce conflit tandis que le deuxième chapitre examine les violations graves du droit international humanitaire (DIH) commises en RDC, notamment les attaques contre les

civils. Le troisième chapitre traite de la mise en oeuvre du DIH dans le contexte de ce conflit, et plus spécifiquement de la question du respect du droit et du contrôle du respect de celui-ci.

345.26/283

The emergence of international legal norms for cyberconflict / Michael N. Schmitt and Liis Vihul. - Oxford : Oxford University Press, 2016. - p. 34-55. - In: Binary bullet : the ethics of cyberwarfare. - Bibliographie : p. 52-55

This chapter explores the nature, formation, and evolution of legal norms pertaining to cyberactivities in both the *jus in bello* and *jus ad bellum*. It discusses how such norms emerge and develop through time. Each source of law is analyzed separately, first in the abstract, and then in its cyberconflict context. The chapter does not dispute the applicability of the pre-cyber-era international law to cyberconflict. As such, its underlying postulate is that cyberconflict is no less subject to extant international legal norms than other forms of conflict. However, the chapter demonstrates that the cybercontext presents unique challenges to the application of existing norms and emergence of new ones. With regard to the latter, the chapter doubts the prospect that new treaties will be concluded or new customary law norms will soon crystallize to govern cyberactivities. Instead, the application and interpretative evolution of existing international law is the most likely near-term prospect.

355/1085

International humanitarian law and transnational organised crime / Sven Peterke and Joachim Wolf. - Oxford ; New-York : Oxford University Press, 2016. - p. 381-405. - In: International law and transnational organised crime

345/705

The lawfulness of U.S. targeted killing operations outside Afghanistan / Jeffrey Scott Bachman. - In: Studies in conflict & terrorism, Vol. 38, issue 11, 2015, p. 899-918. - Photocopies

Targeted killing operations conducted outside Afghanistan have prompted debate regarding their lawfulness. For opponents of targeted killing operations, the debate tends to center on the number of civilians killed. Proponents respond by questioning the credibility and validity of the methods employed to determine the number of civilian casualties. This debate is important, but it also obscures the fact that the lawfulness of targeting killings is not determined by whether civilians were killed alone, while also lending legitimacy to unsubstantiated claims that the United States is engaged in an armed conflict with Al Qaeda and "associated forces." This article classifies the hostilities in Pakistan, Yemen, and Somalia. It then applies the applicable body of law to targeted killing operations in each of these respective states based on how the hostilities were classified.

345.26/285 (Br.)

The legal classification of the armed conflicts in Syria, Yemen and Libya / Louise Arimatsu, Mohbuba Choudhury. - London : Chatham house, 2014. - 43 p. ; 30 cm. - (International law programme paper ; 2014/01). - Photocopies

On 13-14 March 2013 a two-day workshop was held at Chatham House to consider what law applied to the situations of violence in respect of Syria, Yemen and Libya during the period 2010-2013. These three case studies were chosen because each appeared to raise specific legal questions meriting examination. This paper is based on the discussions at the workshop, and consequently the commentary reflects events at that time. This paper first outlines the legal framework that informed the trajectory and content of questions put by the lawyers to the country experts. This is followed by summaries of the respective sessions based on the experts' presentations, the exchanges that followed and the content of the briefing packs provided by the organizers. The final section sets out the main legal questions that emerged during the workshop which merit further work.

345.26/284

New challenges to the classification of armed conflicts / Veronika Bílková. - In: Recueils de la Société internationale de droit militaire et de droit de la guerre, 20, 2015, p. 287-304

International humanitarian law has been always prone to various challenges stemming from such factors as the evolution of weaponry and changes in international relations. One of these challenges, which has been on the agenda for several decades already but has recently got even more prominent, relates to the classification of armed conflicts. This topic has been extensively written about. Despite that, it is worth revisiting. After all, the classification of armed conflicts is crucial for international humanitarian law (IHL) because which rules apply in a certain conflict depends exactly on the type of conflict. Moreover, several new initiatives have recently emerged with respect to the topic that merit deeper scrutiny. After briefly recalling the traditional dichotomous classification of armed conflicts, the paper discusses two alternative approaches - a plurality approach that would introduce new categories of armed conflicts and a unity approach that seeks to subject all armed conflicts to a uniform legal regime.

"Pouring new wine into old bottles" : understanding the notion of direct participation in hostilities within the cyber domain / Christopher P. Toscano. - In: Naval law review, Vol. 64, 2015, p. 86-110

This article stands for the proposition that a civilian who directly participates in hostilities in the cyber domain forfeits protection and becomes a lawful target. In support, this article first highlights the background and law applicable to direct participation in cyber hostilities in general. In particular, this article discusses the factors that render a civilian targetable by analyzing the traditional framework of direct participation in hostilities as applied through the Tallinn Manual. This discussion includes an understanding of what constitutes an "attack" and provides examples of which hostile roles render civilians targetable. Next, this article discusses some of the challenges that leaders will confront in responding to issues involving direct participation in cyber hostilities. These issues include sovereignty and "targeting law" under the law of armed conflict.

LIBRARY AND INFORMATION SCIENCE

Un portail nommé AVA / Marina Meier, Fania Khan Mohammad, Sabine Haberler Kreis, Florence Zurcher. - In: Memoria bulletin, Nr. 23, 10/2016, p. 4-7 : fotogr., diagr.

020/215 (Br.)

MEDIA

Cartoons for victory / by Warren Bernard ; [foreword by Bob Dole]. - Seattle : Fantagraphics Books, 2015. - 255 p. : tout en ill. ; 35 cm. - ISBN 9781606998229

070/121

Objectif Bastogne : sur les traces des reporters de guerre américains / Jean-Paul Marthoz ; préf. Jean-Jacques Jespers. - Bruxelles : GRIP, 2015. - 222 p. ; 22 cm. - Bibliographie : p. 219-222. - ISBN 9782872910403

070/122

MISSING PERSONS

The right to a remedy for enforced disappearances in India : a legal analysis of international and domestic law relating to victims of enforced disappearances / International Human Rights Law Clinic ; under the supervision of Laurel E. Fletcher. - Berkeley : International Human Rights Law Clinic, April 2014. - III, 91 p. : tabl. ; 30 cm. - (IHRLC working paper series ; no. 1). - Photocopies

332/24 (Br.)

PEACE

Contemporary conflict resolution : the prevention, management and transformation of deadly conflicts / Oliver Ramsbotham, Tom Woodhouse and Hugh Miall. - [Fully rev. and updated] 4th ed.. - Cambridge ; Malden : Polity, 2016. - XXVIII, 604 p. : diagr., graph., tabl., cartes ; 25 cm. - Bibliographie : p. 515-576. Index. - ISBN 9780745687223

172.4/282

PROTECTION OF CULTURAL PROPERTY

Protection of schools during armed conflict / Alina Balta. - [S.l.] : International Crimes Database, October 2015. - 14 p. ; 30 cm. - (ICD brief ; 12). - Photocopies

Schools have been targets of attacks in many armed conflicts worldwide. 2014 alone witnessed unprecedented numbers of children killed and schools damaged or destroyed as a result of such attacks. While international humanitarian law (IHL) recognises the protection of children, protected persons and schools under its general provision on the protection of civilians and civilian objects, additional endeavours by the international community tend to imply different levels of protection. This brief attempts to assess the protection of schools during armed conflict, by framing the issue of attacks against schools, analysing the applicable IHL rules, highlighting the international community's efforts on this topic and identifying potential points of contention related to the protection of schools.

363.8/94 (Br.)

PSYCHOLOGY

L'agressivité humaine et les attentats djihadistes : essai / Willy Fliesen. - Saint-Lambert (Québec) : Groupéditions Ed., 2016. - 153 p. ; 22 cm. - Bibliographie : p. 151-152. - ISBN 9782923656670

150/112

The psychology of foreign fighters / Randy Borum & Robert Fein. - In: Studies in conflict & terrorism, Online, 2016, p. 1-45. - Photocopies

150/113 (Br.)

PUBLIC INTERNATIONAL LAW

International law and transnational organised crime / ed. by Pierre Hauck and Sven Peterke. - Oxford ; New York : Oxford University Press, 2016. - XLVI, 555 p. ; 26 cm. - Bibliographie : p. 511-551. Index. - ISBN 9780198733737

345/705

Lawyering compliance with international law : legal advisers in the "war on terror" / Fernando G. Nuñez-Mietz. - In: European journal of international security, Vol. 1, issue 2, July 2016, p. 215-238. - Photocopies

According to rationalists and constructivists, compliance with international law occurs to the extent that states see non-compliance as unreasonable or wrong, respectively. An alternative account of compliance points to the practical difficulty of deciding to act contrary to international law. Here non-compliance is blocked rather than morally or instrumentally

deterred. This article advances an organisational-process theory of this third kind. The explanatory mechanism lies in the constitutive rules of foreign policymaking, and points to the institutional function of legal advising. Under certain structural conditions (namely, lawyerised decision-making) legal advisers operate as the principal 'agents of compliance' within the state, bringing international law into the policymaking process and thus bridging the gap between foreign policy and legal expectations. The theory is applied to the interrogation programme implemented by the United States in the early years of the 'War on Terror' (2001-5). While initially violative of international legal standards, the programme eventually shifted towards compliance. Using process tracing, the case study provides fine-grained evidence that corroborates the explanatory power of organisational factors, in general, and legal advising, in particular.

345/707

(Br.)

La rébellion et le droit international : le principe de neutralité en tension / Olivier Corten.

- [La Haye] : Académie de droit international de La Haye, 2015. - 374 p. ; 18 cm. - (ADI - Poche). - Bibliographie : p. 357-361. - ISBN 9789004297753

345/708

Security and international law / ed. by Mary E. Footer, Nigel D. White... [et al.]. - Oxford ; Portland : Hart, 2016. - XLV, 398 p. ; 24 cm. - (Studies in international law : vol. 58). - Index. - ISBN 9781849466349

345/703

Der Status von Gruppen im Völkerrecht / hrsg. von Nele Matz-Lück. - Berlin : Duncker and Humblot, 2016. - 170 p. ; 24 cm. - (Veröffentlichungen des Walther-Schücking-Instituts für internationales Recht an der Universität Kiel ; Bd. 194). - ISBN 9783428149407

345/704

What do we mean by protection ? / Conor Foley. - In: Michigan State international law review, Vol. 23, issue 3, 2015, p. 701-751. - Photocopies

345/706 (Br.)

REFUGEES-DISPLACED PERSONS

Mögliche Fluchtursachen : nicht-staatliche Gewaltakteure und das Humanitäre Völkerrecht / Jasper Klinge. - In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict, Vol. 29, 2/2016, p. 44-48

The concept of "protection" under (the influence of) international humanitarian law / Stefanie Haumer, Ryszard Piotrowicz. - In: Humanitäres Völkerrecht : Informationsschriften = Journal of international law of peace and armed conflict,, Vol. 2, 2/2016, p. 49-56

This paper has two principal objectives. First, it attempts to clarify what is meant by "protection" in international refugee law, and argues that this should be limited to respect for the principle of non-refoulement. Second, it argues that attempts to ground international protection to those fleeing armed conflict - in other words to overcome the so-called "war-flaw" - do not find support in the 1949 Geneva Conventions for the protection of victims of armed conflict. Refugees from armed conflict do have international protection needs or entitlements. However, the protection offered by the Geneva Conventions is limited, and the increasing demands to establish some form of protection entitlement should be founded elsewhere.

War, armed conflict, and refugees : the United Nations' endless battle for peace / Tom Clark and James C. Simeon. - In: Refugee survey quarterly, Vol. 35, no. 3, 2016, p. 35-70 : tabl.

SEA WARFARE

La conformité du blocus maritime de Gaza par Israël avec le droit international humanitaire / Djamchid Momtaz. - Paris : Pedone, 2016. - p. 273-281. - In: Mélanges en l'honneur du professeur Habib Slim : ombres et lumières du droit international. - Photocopies

Depuis l'occupation de la bande de Gaza par Israël au cours de la guerre des six jours en 1967, la navigation internationale dans la mer territoriale de ce territoire est interrompue. Le retrait des troupes israéliennes de Gaza en septembre 2005 n'a pas changé la donne, Israël continuant de s'opposer à toute tentative destinée à approvisionner le territoire par mer. Le 31 mai 2010 ce blocus a servi de fondement juridique à l'interception et la capture de la flotille transportant de l'aide humanitaire à destination de Gaza, ce qui a conduit les différentes commissions d'enquête à se pencher sur la question de la conformité du blocus avec le droit international humanitaire. Elles sont cependant parvenues à des conclusions opposées sur cette question. L'auteur s'appuie notamment sur le Manuel de San Remo sur le droit applicable aux conflits armés en mer et considère que quelle que soit la qualification adoptée quant au conflit opposant Israël au Hamas (international ou interne), et que la bande de Gaza soit considérée comme territoire occupé par Israël ou territoire hostile, le blocus maritime n'est pas conforme au droit international humanitaire.

347.799/161 (Br.)

TERRORISM

Foreign terrorist fighters : managing a twenty-first century threat / Kylie Baxter and Renee Davidson. - In: Third world quarterly, Vol. 37, no. 8, p. 1299-1313. - Bibliographie : p. 1311-1313. - Photocopies

355/1098 (Br.)

Terrorism 2.0 : the rise of the civilitary battlefield / Gil Avriel. - In: Harvard national security journal, Vol. 7, issue 1, 2016, p. 199-240 : diagr.. - Photocopies

303.6/245 (Br.)

TORTURE

Compensating terrorists for torture : an anomalous outcome under international humanitarian law ? / Robert E. Vorhees. - In: The Air Force Law Review, Vol. 75, 2016, p. 1-37. - Photocopies

This article examines whether the United States is in violation of its obligations under the United Nations Convention Against Torture (UNCAT). In addition to prohibiting torture, the Convention, under Article 14 requires the U.S. to ensure in its legal system that victims of torture obtain redress and have an enforceable right to compensation. The author introduces 3 cases of alleged terrorists who were subjected to enhanced interrogation techniques and who have not been able to file a claim or receive any compensation for their treatment. The U.S. authorities have argued that a conflict exists between international humanitarian law (IHL) and the redress and compensation requirements of Article 14, and that as *lex specialis* IHL prevails. However the author notes that in the 3 cases, the persons were detained in relation to a non-international armed conflict (NIAC). As the IHL rules applying to NIAC are very limited and include no provisions relating to compensation for violations, the author argues that there is in fact no conflict between IHL in a NIAC situation and Article 14 of the UNCAT. He concludes that for the U.S. to meet its obligations under Article 14 it must enact an appropriate complaint, redress and compensation mechanism.

303.6/246 (Br.)

The effectiveness of international law : torture and counterterrorism / Ogechi Joy Anwukah. - In: Annual survey of international and comparative law, Vol. 21, issue 1, Spring 2016, p. 1-28. - Photocopies

323.2/210 (Br.)

Psychological torture : definition, evaluation and measurement / Pau Pérez-Sales. - London ; New York : Routledge, 2017. - XX, 412 p. : tabl., graph. ; 25 cm. - Bibliographie : p. 384-405. Index. - ISBN 9781138671553

323.2/209

Report of the Committee against torture : fifty-first session (28 October-22 November 2013), fifty-second session (28 April-23 May 2014) / United Nations General Assembly. - New York : United Nations, 2014. - VI, 492 p. ; 28 cm. - ISBN 9789218301543

323.2/208

WOMEN-GENDER

Gender jurisprudence for gender crimes ? / Laetitia Ruiz. - [S.l.] : International Crimes Database, June 2016. - 19 p. ; 30 cm. - (ICD brief ; 20). - Photocopies

362.8/263 (Br.)

Hopeless case or cause for hope ? : Lubanga, Katanga, and gender justice in the ICC / Josh Pallas. - In: Seoul national university journal of international studies, Vol. 1, issue 1, Spring/Summer 2016, p. 37-53. - Bibliographie : p. 49-53. - Photocopies

This paper evaluates the status of the Rome Statute and International Criminal Court for prosecuting sexual violence, particularly rape. It argues that there is a disjuncture between the very progressive Rome Statute and the outcomes of the first two successful prosecutions of the Court which failed at providing gender justice. In *Prosecutor v Lubanga*, the prosecutor failed to charge crimes of sexual violence, yet proceeded to call evidence to this effect through trial. He was strongly rebuked by the judges for doing so. In *Prosecutor v Katanga*, the Prosecutor laid charges of rape inter alia. Katanga was acquitted of these charges because the Prosecutor failed to call evidence which could prove an effective chain of command. The paper draws on Julia Quilter's analysis and explanation of a similar dissonance between law and practice in New South Wales, with particular reference to the concepts of the rape schema and iterability, habitus and field. Gender justice is failing at the ICC because of an internalized rape schema within the prosecutorial practice which inter alia perpetuates the myth that crimes of sexual violence are of a lesser importance than others. Notwithstanding the poor current outcomes for gender justice in the ICC, there are strong indications that this is changing and that the practice will soon reflect the progressiveness of the Rome Statute.

362.8/268 (Br.)

Last ride of the Valkyries : the rise and fall of the Wehrmachthelferinnenkorps during WWII / Jimmy L. Pool. - Atglen (USA) : Schiffer, 2016. - 304 p. : photogr. ; 29 cm. - ISBN 9780764350467

362.8/262

Rape loot pillage : the political economy of sexual violence in armed conflict / Sara Meger. - New York : Oxford University Press, 2016. - VIII, 238 p. : tabl., graph. ; 25 cm. - (Oxford studies in gender and international relations). - Bibliographie : p. 199-225. Index. - ISBN 9780190277666

362.8/264

Teaching about rape in war and genocide / ed. by Carol Rittner and John K. Roth. - Basingstoke ; New York : Palgrave Macmillan, 2016. - XI, 115 p. ; 23 cm. - (Palgrave pivot). - Bibliographie : p. 107-110. Index. - ISBN 9781137499158

362.8/267

Understanding women's experience of violence and the political economy of gender in conflict : the case of Syria / Khuloud Alsaba, Anuj Kapilashrami. - In: Reproductive health matters : an international journal on sexual and reproductive health and rights, Vol. 24, issue 47, May 2016, p. 5-17 : photogr.. - Bibliographie : p. 13-16. - Photocopies

362.8/265 (Br.)

Women, PMSC's, and international law / Ana Filipa Vrdoljak. - Oxford : Oxford University Press, 2015. - p. 187-207. - In: Gender and private security in global politics. - Photocopies

363.8/93 (Br.)