

BIBLIOGRAPHY

2nd Issue 2020

International Humanitarian Law

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



ICRC



ICRC

International Committee of the Red Cross
Library and Public Archives
19, avenue de la Paix
1202 Geneva
Tel: +41-22-730-2030
Email: library@icrc.org
March 2021

Table of Content

TABLE OF CONTENT	2
INTRODUCTION	4
I. General issues	6
II. Types of conflicts	8
III. Armed forces / Non-state armed groups	10
IV. Multinational forces	12
V. Private actors	13
VI. Protection of persons	13
VII. Protection of objects	16
VIII. Detention, internment, treatment and judicial guarantees	17
IX. Law of occupation	18
X. Conduct of hostilities	18
XI. Weapons	20
XII. Implementation	21
XIII. International human rights law	26
XIV. International criminal law	26
XV. Contemporary challenges	28
XVI. Countries/Regions	30
<i>AFGHANISTAN</i>	30
<i>AFRICA</i>	30
<i>ASIA</i>	30
<i>AUSTRALIA</i>	31
<i>BIAFRA</i>	31
<i>CENTRAL AFRICAN REPUBLIC</i>	31
<i>CHAD</i>	31
<i>CHINA</i>	31
<i>COLOMBIA</i>	31
<i>DEMOCRATIC REPUBLIC OF THE CONGO</i>	32
<i>DENMARK</i>	32
<i>ETHIOPIA</i>	32
<i>FRANCE</i>	32
<i>GEORGIA</i>	32
<i>GERMANY</i>	33
<i>IRAQ</i>	33
<i>IRELAND</i>	33
<i>ISRAEL</i>	33
<i>ITALY</i>	33

<i>JAPAN</i>	34
<i>KENYA</i>	34
<i>MALI</i>	34
<i>NEPAL</i>	34
<i>NETHERLANDS</i>	34
<i>NIGERIA</i>	35
<i>PACIFIC</i>	35
<i>PALESTINE</i>	35
<i>RUSSIAN FEDERATION</i>	35
<i>SAHEL</i>	35
<i>SENEGAL</i>	35
<i>SOUTH SUDAN</i>	36
<i>SYRIA</i>	36
<i>UGANDA</i>	37
<i>UKRAINE</i>	37
<i>UNITED KINGDOM</i>	37
<i>UNITED STATES</i>	37
<i>USSR</i>	38
<i>VATICAN</i>	38
<i>VIET NAM</i>	38
<i>YUGOSLAVIA</i>	38

ALL WITH ABSTRACTS..... 39

Introduction

The International Committee of the Red Cross Library

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

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

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

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

Origin and purpose of the IHL bibliography

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

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

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

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

How to use the IHL Bibliography

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

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

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

Rather than going through the first part and coming across repeated references, readers can skip to the second part where all the documents are listed alphabetically (by title), together with an abstract. The abstract is either that produced by the author or the publisher, where provided, or is drawn up by the IHL reference librarian responsible for the bibliography. As a result of a fruitful partnership with the University of Toronto, a number of abstracts are now also produced by students involved in the International Human Rights Program (IHRP).

Access to document

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

Chronology

This bibliography is based on the acquisitions made by the ICRC Library over the past four months. The Library acquires relevant articles and books as soon as they become available. However, the publication date may not coincide with the period supposedly covered by the bibliography due to publishing delays.

Contents

The bibliography lists English and French writings (e.g. articles, monographs, chapters, reports and working papers) on IHL subjects.

Sources

The ICRC Library monitors a wide range of sources, including all 120 journals to which the Library subscribes, bibliographical databases, legal databases, legal publishers’ catalogues, legal research centres and non-governmental organizations. It also receives suggestions from the ICRC legal advisers.

Disclaimer

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

Subscription and feedback

Please send your request for subscription or feedback to library@icrc.org with the subject heading “IHL bibliography subscription/feedback”.

I. General issues

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

The ancient greek ἄγος (agos) and the warrior ethos

Evaggelia Kiosi. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden ; Boston : Brill Nijhoff, 2020. - p. 48-73

Contestation before compliance : history, politics, and power in international humanitarian law

Helen M. Kinsella and Giovanni Mantilla. In: International studies quarterly, Vol. 64, issue 3, September 2020, p. 649-656

<https://library.ext.icrc.org/library/docs/ArticlesPDF/49715.pdf> *

Crimes committed by child soldiers : an argument for coherence

Nikila Kaushik and Steven Freeland. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 325-349

Cut these words : passion and international law of war scholarship

Naz K. Modirzadeh. In: Harvard international law journal, Vol. 61, no. 1, Winter 2020, p. 1-64

<https://harvardilj.org/wp-content/uploads/sites/15/61.1-Modirzadeh.pdf>

Deciphering the landscape of international humanitarian law in the Asia-Pacific

Suzannah Linton. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 737-770

<https://library.icrc.org/library/docs/DOC/irrc-911-linton.pdf>

Le droit international humanitaire

Louis Balmond. - Rosny-sous-Bois : Bréal, 2020. - 208 p.

Le droit international humanitaire et le droit islamique dans les conflits armés contemporains : atelier d'experts : Genève, 29-30 octobre 2018

rapport préparé et édité par Ahmed Aldawoody, conseiller juridique pour le droit et la jurisprudence islamiques, CICR. - Genève : CICR, juin 2020. - 84 p.

<https://library.icrc.org/library/docs/DOC/icrc-4386-001.pdf>

Expert laws of war : restating and making law in expert processes

Anton Orlinov Petrov. - Cheltenham ; Northampton : E. Elgar, 2020. - X, 296 p.

Fighting well for a just peace? Exploring the in bello/post bellum dependence thesis

Carl Ceulemans. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden ; Boston : Brill Nijhoff, 2020. - p. 77-95

The Geneva Conventions and their Additional Protocols

Jonathan Crowe. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 12-22

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-2> *

Global consequentialism and the morality and laws of war

Hilary Greaves. - In: Human rights and 21st century challenges : poverty, conflict, and the environment. - Oxford : Oxford University Press, 2020. - p. 59-75

A history of violence : the development of international humanitarian law reflected in the International Review of the Red Cross

Cédric Cotter and Ellen Policinski. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, June 2020, p. 36-67

<https://doi.org/10.1163/18781527-bja10015> *

In our obedience to jus post bellum, could respect for jus in bello require us to be machiavellian?

Marie-des-Neiges Ruffo de Calabre. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden ; Boston : Brill Nijhoff, 2020. - p. 128-145

Indeterminacy in the law of armed conflict

Adil Ahmad Haque. In: International law studies, Vol. 95, 2019, p. 118-160

<https://digital-commons.usnwc.edu/ils/vol95/iss1/4/>

International humanitarian law

Emily Crawford, Alison Pert. - Cambridge : Cambridge University Press, 2020. - XXXIII, 351 p.

<https://library.ext.icrc.org/library/docs/e-books/50157.pdf> *

Jus post bellum : restraint, stabilisation and peace

ed. by Patrick Mileham. - Leiden ; Boston : Brill Nijhoff, 2020. - XXVI, 452 p.

Law applicable to armed conflict

Ziv Bohrer, Janina Dill, Helen Duffy. - Cambridge : Cambridge University Press, 2020. - VII, 288 p.

Lex Innocentium (697 AD) : Adomnán of Iona - father of Western jus in bello

James W. Houlihan. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 715-735

<https://library.icrc.org/library/docs/DOC/irrc-911-houlihan.pdf>

Military necessity : the art, morality and law of war

Nobuo Hayashi. - Cambridge : Cambridge University Press, 2020. - XXVII, 423 p.

Neutrality during armed conflicts : a coherent approach to third-state support for warring parties

Luca Ferro and Nele Verlinden. In: Chinese journal of international law, Vol. 17, issue 1, March 2018, p. 15-43

<http://hdl.handle.net/1854/LU-8560554>

Neutrality in contemporary international law

James Upcher. - Oxford : Oxford University Press, 2020. - XXI, 301 p.

<https://opil.ouplaw.com/view/10.1093/law/9780198739760.001.0001/law-9780198739760> *

The Oxford guide to international humanitarian law

ed. by Ben Saul and Dapo Akande. - Oxford : Oxford University Press, 2020. - XXXVI, 443 p.

<https://opil.ouplaw.com/view/10.1093/law/9780198855309.001.0001/law-9780198855309> *

Pillars not principles : the status of humanity and military necessity in the law of armed conflict

Elliot Winter. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 1-31

<https://doi.org/10.1093/jcsl/kraa001> *

Plus pragmatique que visionnaire : Gustave Moynier, la guerre franco-prussienne et les infractions au droit de la guerre

Daniel Marc Segesser, trad. par Jean-Léon Muller. In: Revue d'histoire du XIXe siècle, Vol. 60, no 1, 2020, p. 163-176

<https://library.ext.icrc.org/library/docs/ArticlesPDF/50526.pdf> *

The possibility of conciliation between international humanitarian law and Islamic law of war : a myth or reality ?

Faiz Bakhsh, Samza Fatima [and] Muhammad Bilal. In: Pakistan journal of Islamic research, Vol. 20, no. 2, December 2019, p. 53-62

<http://pjjir.bzu.edu.pk/journal-papers.php?journalid=50>

Recognition of belligerency and the law of armed conflict

Robert McLauhghlin. - Oxford [etc.] : Oxford University Press, 2020. - XIII, 301 p.

<https://opil.ouplaw.com/view/10.1093/law/9780197507056.001.0001/law-9780197507056> *

Reflections on the development of the Movement and international humanitarian law through the lens of the ICRC Library's Heritage Collection

Ismaël Raboud, Matthieu Niederhauser and Charlotte Mohr. In: International review of the Red Cross, Vol. 100, no. 907/908/909, 2018, p. 143-163

<https://library.icrc.org/library/docs/DOC/irrc-909-raboud.pdf>

Social pressure and the making of wartime civilian protection rules

Giovanni Mantilla. In: European journal of international relations, Vol. 26, no. 2, 2020, 26 p.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/49541.pdf> *

Taming Ares : war, interstate law, and humanitarian discourse in classical Greece

by Emiliano J. Buis. - Leiden : Brill Nijhoff, 2018. - XVI, 311 p.

II. Types of conflicts

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

Beyond Geneva : detainee review processes in non-international armed conflict : a U.S. perspective

Ryan J. Vogel. In: International law studies, Vol. 95, 2019, p. 94-117

<https://digital-commons.usnwc.edu/ils/vol95/iss1/3/>

Bringing terrorists to justice in the context of armed conflict : interaction between international humanitarian law and the UN conventions against terrorism

Alejandro Sánchez Frías. In: Israel law review : a journal of human rights, public and international law, Vol. 53, no. 1, 2020, p. 71-99

<https://doi.org/10.1017/S0021223719000220> *

Can we starve the civilians ? : exploring the dichotomy between traditional law of maritime blockade and humanitarian initiatives

Phillip J. Drew. In: International law studies, Vol. 95, 2019, p. 302-321

<https://digital-commons.usnwc.edu/ils/vol95/iss1/10/>

Classification of cyber capabilities and operations as weapons, means, or methods of warfare

Jeffrey T. Biller and Michael N. Schmitt. In: International law studies, Vol. 95, 2019, p. 179-225

<https://digital-commons.usnwc.edu/ils/vol95/iss1/6/>

Common Article 1 and counter-terrorism legislation : challenges and opportunities in an increasingly divided world

Petra Ball and Yvette Zegenhagen. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 178-197

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-12> *

The Counter-Terrorism Committee Executive Directorate and international humanitarian law : preliminary considerations for states

Dustin A. Lewis, Naz K. Modirzadeh and Jessica S. Burniske. - [Harvard] : Harvard Law School Program on International Law and Armed Conflict, March 2020. - 38 p.

<http://blogs.harvard.edu/pilac/files/2020/03/CTED-and-IHL.pdf>

How do you like me now ? : Hamdan v. Rumsfeld and the legal justifications for global targeting

Shane R. Reeves, Winston Williams and Amy H. McCarthy. In: University of Pennsylvania journal of international law, Vol. 41, no. 2, 2019, p. 329-376

<https://scholarship.law.upenn.edu/jil/vol41/iss2/2>

Humanitarian access through agency law in non-international armed conflicts

David Matyas. In: International and comparative law quarterly, Vol. 69, part 2, April 2020, p. 451-475

<https://doi.org/10.1017/S0020589320000020> *

Intra-party sexual crimes against child soldiers as war crimes in Ntaganda : ‘Tadić moment’ or unwarranted exercise of judicial activism ?

Luca Poltronieri Rossetti. In: Questions of international law, zoom-in 60, 2019, p. 49-68

http://www.qil-qdi.org/wp-content/uploads/2019/09/04_Child-Soldiers_POLTRONIERI_FIN-2.pdf

The legal fog of an illusion : three reflections on 'organization' and 'intensity' as criteria for the temporal scope of the law of non-international armed conflict

Jann K. Kleffner. In: International law studies, Vol. 95, 2019, p.161-178

<https://digital-commons.usnwc.edu/ils/vol95/iss1/5/>

Medical care in urban conflict

Kenneth Watkin. In: International law studies, Vol. 95, 2019, p. 49-93

<https://digital-commons.usnwc.edu/ils/vol95/iss1/2/>

Neutrality during armed conflicts : a coherent approach to third-state support for warring parties

Luca Ferro and Nele Verlinden. In: Chinese journal of international law, Vol. 17, issue 1, March 2018, p. 15-43

<http://hdl.handle.net/1854/LU-8560554>

The occupation of maritime territory under international humanitarian law

Marco Longobardo. In: International law studies, Vol. 95, 2019, p. 322-361

<https://digital-commons.usnwc.edu/ils/vol95/iss1/11/>

On the classical doctrine of civil war in international law

Ville Kari. - Helsinki : University of Helsinki, 2020. - XIII, 449 p.

Recognition of belligerency and the law of armed conflict

Robert McLoughlin. - Oxford [etc.] : Oxford University Press, 2020. - XIII, 301 p.

<https://opil.ouplaw.com/view/10.1093/law/9780197507056.001.0001/law-9780197507056> *

The right to life and the international law framework regulating the use of armed drones

Christof Heyns, Dapo Akande, Lawrence Hill-Cawthorne, Thompson Chengeta. - In: Human rights and 21st century challenges : poverty, conflict, and the environment. - Oxford : Oxford University Press, 2020. - p. 153-189

Le silence des agneaux : France's war against "jihadist groups" and associated legal rationale

Rebecca Mignot-Mahdavi. - The Hague : International Centre for Counter-Terrorism, May 2020. - 38 p.

<https://icct.nl/wp-content/uploads/2020/05/Le-Silence-des-Agneaux-France's-War-Against-Jihadist-Groups-and-Associated-Legal-Rationale.pdf>

Some thoughts on the ICRC support based approach

T.D. Gill. In: Questions of international law, zoom-in 59, 2019, p. 45-53

http://www.qil-qdi.org/wp-content/uploads/2019/09/04_Support-based-Approach_GILL_FIN.pdf

War crimes relating to child soldiers and other children that are otherwise associated with armed groups in situations of non-international armed conflict : an incremental step toward a coherent legal framework ?

Yutaka Arai-Takahashi. In: Questions of international law, zoom-in 60, 2019, p. 25-48

http://www.qil-qdi.org/wp-content/uploads/2019/09/03_Child-Soldiers_ARAI_FIN-2.pdf

Which role for hybrid entities involved in multi-parties NIACs ? : applying the ICRC's support-based approach to the armed conflict in Mali

Bianca Maganza. In: Questions of international law, zoom-in 59, 2019, p. 25-44

http://www.qil-qdi.org/wp-content/uploads/2019/05/03_Support-based-Approach_MAGANZA_FIN.pdf

III. Armed forces / Non-state armed groups

(Combatant status, compliance with IHL, etc.)

Armed groups and the protection of health care

Ezequiel Heffes. In: International law studies, Vol. 95, 2019, p. 226-243

<https://digital-commons.usnwc.edu/ils/vol95/iss1/7/>

Born in the twilight zone : birth registration in insurgent areas

Kathryn Hampton. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 507-536

<https://library.icrc.org/library/docs/DOC/irrc-911-hampton.pdf>

Challenges in the application of the obligation to ensure respect for IHL – foreign fighting as an exemple

Marnie Lloyd. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 231-247

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-15> *

Children associated with terrorist groups in the context of the legal framework for child soldiers

Nina H. B. Jorgensen. In: Questions of international law, zoom-in 60, 2019, p. 5-23
http://www.qil-qdi.org/wp-content/uploads/2019/06/02_Child-Soldiers_JORGENSEN_FIN-.pdf

Engaging armed non-state actors on the prohibition of recruiting and using children in hostilities : some reflections from Geneva Call's experience

Pascal Bongard and Ezequiel Heffes. In: International review of the Red Cross, Vol. 101, no. 911, p. 603-621
<https://library.icrc.org/library/docs/DOC/irrc-911-bongard.pdf>

The expanding protection of members of a party's own armed forces under international criminal law

Conan Kenny and Yvonne McDermott. In: International and comparative law quarterly, Vol. 68, part 4, October 2019, p. 943-976
<https://doi.org/10.1017/S002058931900040X> *

Importance of international humanitarian law (IHL) training in armed police force, Nepal

Narendra Bam, Raju Shrestha and Ram Krishna Maharjan. In: Journal of APF command and staff college, Vol. 3, no. 1, 2020, p. 106-119
<https://www.nepjol.info/index.php/JAPFCSC/article/view/27532/22777>

International humanitarian law and the targeting of non-state intelligence personnel and objects

Michael N. Schmitt. In: Duke journal of comparative & international law, Vol. 30, no. 2, 2020, p. 309-347
<https://scholarship.law.duke.edu/djCIL/vol30/iss2/5>

International humanitarian law on the periphery : case of non-state armed actors

Hyeran Jo. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 97-115
<https://doi.org/10.1163/18781527-bja10016> *

Intra-party sexual crimes against child soldiers as war crimes in Ntaganda : 'Tadić moment' or unwarranted exercise of judicial activism ?

Luca Poltronieri Rossetti. In: Questions of international law, zoom-in 60, 2019, p. 49-68
http://www.qil-qdi.org/wp-content/uploads/2019/09/04_Child-Soldiers_POLTRONIERI_FIN-2.pdf

Punished and be punished ? : The paradox of command responsibility in armed groups

Alessandra Spadaro. In: Journal of international criminal justice, Vol. 18, no. 1, March 2020, p. 1-30
<https://doi.org/10.1093/jicj/mqz059> *

Rebel groups, international humanitarian law, and civil war outcomes in the post-Cold War era

Jessica A. Stanton. In: International organization, Vol. 74, issue 3, Summer 2020, p. 523-559
<https://library.ext.icrc.org/library/docs/ArticlesPDF/49870.pdf> *

Reconsidering the legal equality of combatants

Jovana Davidovic. In: Journal of military ethics. Vol. 18, no. 4, 2019, p. 269-286
<https://doi.org/10.1080/15027570.2020.1728088> *

Restraint : Dutch soldiers' point of view, ISAF Afghanistan 2006-2010

Jan Peter van Bruggen. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden ; Boston : Brill Nijhoff, 2020. - p. 311-332

Towards a regime of responsibility of armed groups in international law

Laura Iñigo Alvarez. - Cambridge [etc..] : Intersentia, 2020. - XIV, 247 p.

Towards jus post bellum : "ethical warfare" for stabilisation in Iraq and Afghanistan

Dennis Vincent. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden : Brill Nijhoff, 2020. - p. 333-361

War crimes relating to child soldiers and other children that are otherwise associated with armed groups in situations of non-international armed conflict : an incremental step toward a coherent legal framework ?

Yutaka Arai-Takahashi. In: Questions of international law, zoom-in 60, 2019, p. 25-48
http://www.qil-qdi.org/wp-content/uploads/2019/09/03_Child-Soldiers_ARAI_FIN-2.pdf

IV. Multinational forces

Complicity and the law of international organizations : responsibility for human rights and humanitarian law violations in UN peace operations

Magdalena Pacholska. - Cheltenham ; Northampton : Edward Elgar, 2020. - XII, 262 p.

Enacting the 'civilian plus' : international humanitarian actors and the conceptualization of distinction

Rebecca Sutton. In: Leiden journal of international law, Vol. 33, no. 2, June 2020, p. 429-449

<https://doi.org/10.1017/S092215651900075X> *

Ensuring respect and targeting

Dale Stephens. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 100-114

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-7> *

Insufficient knowledge in Kunduz : the precautionary principle and international humanitarian law

Emma J. Marchant. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 53-79

<https://doi.org/10.1093/jcsl/krzo33> *

The obligation to ensure respect for IHL in the peacekeeping context : progress, lessons and opportunities

Leanne Smith. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 145-162

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-10> *

Restraint : Dutch soldiers' point of view, ISAF Afghanistan 2006-2010

Jan Peter van Bruggen. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden ; Boston : Brill Nijhoff, 2020. - p. 311-332

Some thoughts on the ICRC support based approach

T.D. Gill. In: Questions of international law, zoom-in 59, 2019, p. 45-53
http://www.qil-qdi.org/wp-content/uploads/2019/09/04_Support-based-Approach_GILL_FIN.pdf

Which role for hybrid entities involved in multi-parties NIACs ? : applying the ICRC's support-based approach to the armed conflict in Mali

Bianca Maganza. In: Questions of international law, zoom-in 59, 2019, p. 25-44
http://www.qil-qdi.org/wp-content/uploads/2019/05/03_Support-based-Approach_MAGANZA_FIN.pdf

V. Private actors

Ensuring respect for IHL by, and in relation to the conduct of, private actors

Catherine Drummond. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 63-82
<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-5>

State responsibility and new trends in the privatization of warfare

Frauke Renz. - Cheltenham ; Northampton : E. Elgar, 2020. - XII, 281 p.

VI. Protection of persons

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

Access to medicines in times of conflict : overlapping compliance and accountability frame

Brianne McGonigle Leyh and Marie Elske Gispen. In: Health and human rights Vol. 20, no. 1, June 2018, p. 237-250
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6039728/>

Armed groups and the protection of health care

Ezequiel Heffes. In: International law studies, Vol. 95, 2019, p. 226-243
<https://digital-commons.usnwc.edu/ils/vol95/iss1/7/>

Born in the twilight zone : birth registration in insurgent areas

Kathryn Hampton. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 507-536
<https://library.icrc.org/library/docs/DOC/irrc-911-hampton.pdf>

Can we starve the civilians ? : exploring the dichotomy between traditional law of maritime blockade and humanitarian initiatives

Phillip J. Drew. In: International law studies, Vol. 95, 2019, p. 302-321
<https://digital-commons.usnwc.edu/ils/vol95/iss1/10/>

Challenges for the protection of child victims of recruitment and use in an era of complex armed conflicts : the Colombian case

Ana María Jiménez Pava. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 52-73

Challenges regarding the protection of animals during warfare

Jérôme de Hemptinne. - In: Studies in global animal law. - Berlin : Springer, 2020. - p. 173-183

https://doi.org/10.1007/978-3-662-60756-5_14

Children associated with terrorist groups in the context of the legal framework for child soldiers

Nina H. B. Jorgensen. In: Questions of international law, zoom-in 60, 2019, p. 5-23

http://www.qil-qdi.org/wp-content/uploads/2019/06/02_Child-Soldiers_JORGENSEN_FIN-.pdf

Crimes committed by child soldiers : an argument for coherence

Nikila Kaushik and Steven Freeland. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 325-349

Enacting the 'civilian plus' : international humanitarian actors and the conceptualization of distinction

Rebecca Sutton. In: Leiden journal of international law, Vol. 33, no. 2, June 2020, p. 429-449

<https://doi.org/10.1017/S092215651900075X> *

Engaging armed non-state actors on the prohibition of recruiting and using children in hostilities : some reflections from Geneva Call's experience

Pascal Bongard and Ezequiel Heffes. In: International review of the Red Cross, Vol. 101, no. 911, p. 603-621

<https://library.icrc.org/library/docs/DOC/irrc-911-bongard.pdf>

Ensuring respect for IHL as it relates to humanitarian activities

Nathalie Weizmann. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 198-216

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-13> *

The evacuation of Eastern Aleppo : forced displacement under international law?

Matt Brown. - [S.l.] : International crimes database, January 2019. - 18 p.

http://www.internationalcrimesdatabase.org/upload/documents/20190109T160612-ICD%20Brief_Dec2018Forced%20Displacement%20in%20Syria%20as%20a%20Crime%20Under%20International%20Law.pdf

The expanding protection of members of a party's own armed forces under international criminal law

Conan Kenny and Yvonne McDermott. In: International and comparative law quarterly, Vol. 68, part 4, October 2019, p. 943-976

<https://doi.org/10.1017/S002058931900040X> *

Famine as a collateral damage of war

Margherita Stevoli. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 163-186

<https://doi.org/10.1163/18781527-01101001> *

Getting Tambo out of limbo : exploring alternative legal frameworks that are more sensitive to the agency of children and young people in armed conflict

Karl Hanson and Christelle Molima. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 110-131

Humanitarian access in armed conflict : a need for new principles ?

Adele Harmer and Abby Stoddard with Alexandra Sarazen. - [London] : Humanitarian outcomes, December 2018. - ii, 30 p.

https://www.humanitarianoutcomes.org/sites/default/files/publications/scoping_study-humanitarian_access_and_new_principles.pdf

Humanitarian access through agency law in non-international armed conflicts

David Matyas. In: International and comparative law quarterly, Vol. 69, part 2, April 2020, p. 451-475

<https://doi.org/10.1017/S0020589320000020> *

Humanitarian logic and the law of siege : a study of the Oxford guidance on relief actions

Sean Watts. In: International law studies, Vol. 95, 2019, p. 1-48

<https://digital-commons.usnwc.edu/ils/vol95/iss1/1/>

International humanitarian law, Islamic law and the protection of children in armed conflict

Ahmed Al-Dawoody and Vanessa Murphy. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 551-573

<https://library.icrc.org/library/docs/DOC/irrc-911-al-dawoody.pdf>

Intra-party sexual crimes against child soldiers as war crimes in Ntaganda : ‘Tadić moment’ or unwarranted exercise of judicial activism ?

Luca Poltronieri Rossetti. In: Questions of international law, zoom-in 60, 2019, p. 49-68

http://www.qil-qdi.org/wp-content/uploads/2019/09/04_Child-Soldiers_POLTRONIERI_FIN-2.pdf

Lex Innocentium (697 AD) : Adomnán of Iona - father of Western jus in bello

James W. Houlihan. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 715-735

<https://library.icrc.org/library/docs/DOC/irrc-911-houlihan.pdf>

Medical care in urban conflict

Kenneth Watkin. In: International law studies, Vol. 95, 2019, p. 49-93

<https://digital-commons.usnwc.edu/ils/vol95/iss1/2/>

The nature of the obligation to ensure respect under IHL for people displaced as a result of armed conflict

Linda Isabel Ngesa. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 217-230

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-14> *

The policy on children of the ICC Office of the Prosecutor : toward greater accountability for crimes against and affecting children

Diane Marie Amann. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 537-549

<https://library.icrc.org/library/docs/DOC/irrc-911-amann.pdf>

The protection of access to food for civilians under international humanitarian law : acts constituting war crimes

Adriana Fillol Mazo. In: The age of human rights journal, no. 14, 2020, p. 181-209

<https://doi.org/10.17561/tahrj.v14.5483>

The protection of the missing and the dead under international law

Ximena Londoño Romanowsky and Marisela Silva Chau. - In: Forensic science and humanitarian action. - Chichester (England) : J. Wiley, 2020. - p. 25-35

The regional African legal framework on children : a template for more robust action on children and armed conflict?

Godfrey Odongo. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 279-297

Social pressure and the making of wartime civilian protection rules

Giovanni Mantilla. In: European journal of international relations, Vol. 26, no. 2, 2020, 26 p.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/49541.pdf> *

War crimes relating to child soldiers and other children that are otherwise associated with armed groups in situations of non-international armed conflict : an incremental step toward a coherent legal framework ?

Yutaka Arai-Takahashi. In: Questions of international law, zoom-in 60, 2019, p. 25-48

http://www.qil-qdi.org/wp-content/uploads/2019/09/03_Child-Soldiers_ARAI_FIN-2.pdf

VII. Protection of objects

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

Access to medicines in times of conflict : overlapping compliance and accountability frame

Brianne McGonigle Leyh and Marie Elske Gispén. In: Health and human rights Vol. 20, no. 1, June 2018, p. 237-250

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6039728/>

Armed groups and the protection of health care

Ezequiel Heffes. In: International law studies, Vol. 95, 2019, p. 226-243

<https://digital-commons.usnwc.edu/ils/vol95/iss1/7/>

A bridge too far ? : attacks against cultural property used as military objectives as war crimes : the Prlić et al. case and the Mostar bridge

Luke Moffett. In: International criminal law review, Vol. 20, no. 2, 2020, p. 214-250

<https://doi.org/10.1163/15718123-02002003>

A framework convention for the protection of the environment in times of armed conflict : a new direction for the International Law Commission's draft principles?

Tara Smith. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 148-162

<https://doi.org/10.1163/18781527-bja10008> *

Keeping schools safe from the battlefield : why global legal and policy efforts to deter the military use of schools matter

Bede Sheppard. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 665-684

<https://library.icrc.org/library/docs/DOC/irrc-911-sheppard.pdf>

Medical care in armed conflict : perpetrator discourse in historical perspective

Duncan McLean. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 771-803

<https://library.icrc.org/library/docs/DOC/irrc-911-mclean.pdf>

The protection of access to food for civilians under international humanitarian law : acts constituting war crimes

Adriana Fillol Mazo. In: The age of human rights journal, no. 14, 2020, p. 181-209

<https://doi.org/10.17561/tahrj.v14.5483>

The protection of cultural heritage during armed conflict : the changing paradigms

Noelle Higgins. - London ; New York : Routledge, 2020. - VI, 108 p.

VIII. Detention, internment, treatment and judicial guarantees

Beyond Geneva : detainee review processes in non-international armed conflict : a U.S. perspective

Ryan J. Vogel. In: International law studies, Vol. 95, 2019, p. 94-117

<https://digital-commons.usnwc.edu/ils/vol95/iss1/3/>

Le Comité international de la Croix-Rouge comme architecte du droit international : vers le code des prisonniers de guerre (1929)

Hazuki Tate. In: Monde(s), Vol. 2, no. 12, 2017, p. 203-220

<https://doi.org/10.3917/mondi.172.0203>

Distorted terminology : the UK's closure of investigations into alleged torture and inhuman treatment in Iraq

Elizabeth Stubbins Bates. In: International and comparative law quarterly, Vol. 68, no. 3, July 2019, p. 719-739

<https://doi.org/10.1017/S002058931900023X>

Interrogation and torture : integrating efficacy with law and morality

ed. by Steven J. Barela, Mark Fallon, Gloria Gaggioli and Jens David Ohlin. - Oxford [etc.] : Oxford University Press, 2020. - XXXII, 590 p.

<https://doi.org/10.1093/oso/9780190097523.001.0001>

The obligation to ensure respect in relation to detention in armed conflict

Kelisiana Thynne. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 163-177

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-11>

Review of executive action abroad : the UK Supreme Court in the international legal order

Andrew Sanger. In: International and comparative law quarterly, Vol. 68, no. 1, January 2019, p. 35-66

<https://doi.org/10.1017/S0020589318000374>

Towards a global understanding of the humane treatment of captured enemy fighters

Suzannah Linton. In: *Frontiers of law in China*, Vol. 12, no. 2, June 2017, p. 217-277
<https://library.ext.icrc.org/library/docs/ArticlesPDF/49678.pdf>

IX. Law of occupation

The gender of occupation

Fionnuala Ní Aoláin. In: *The Yale journal of international law*, Vol. 45, no. 2, 2020, p. 336-376
<https://digitalcommons.law.yale.edu/yjil/vol45/iss2/3/>

The historical evolution of allegiance during occupation

Manuel Galvis Martínez. In: *American journal of legal history*, Vol. 60, no. 1, March 2020, p. 76-100
<https://library.ext.icrc.org/library/docs/ArticlesPDF/49540.pdf> *

Occupation and control in international humanitarian law

Natia Kalandarishvili-Mueller. - London ; New York : Routledge, 2021. - XIV, 217 p.
<https://doi.org/10.4324/9781003035732> *

The occupation of maritime territory under international humanitarian law

Marco Longobardo. In: *International law studies*, Vol. 95, 2019, p. 322-361
<https://digital-commons.usnwc.edu/ils/vol95/iss1/11/>

The rulings of the Israeli Military Courts and international law

Nery Ramati. In: *Journal of conflict and security law*, Vol. 25, no. 1, Spring 2020, p. 149-169
<https://doi.org/10.1093/jcsl/krz017> *

X. Conduct of hostilities

(Distinction, proportionality, precautions, prohibited methods)

Betrayal in war : rules and trends on seeking collaboration under IHL

Manuel Galvis Martínez. In: *Journal of conflict and security law*, Vol. 25, no. 1, Spring 2020, p. 81-99
<https://doi.org/10.1093/jcsl/kraa002> *

A bridge too far ? : attacks against cultural property used as military objectives as war crimes : the Prlić et al. case and the Mostar bridge

Luke Moffett. In: *International criminal law review*, Vol. 20, no. 2, 2020, p. 214-250
<https://doi.org/10.1163/15718123-02002003> *

Challenges regarding the protection of animals during warfare

Jérôme de Hemptinne. - In: *Studies in global animal law*. - Berlin : Springer, 2020. - p. 173-183
https://doi.org/10.1007/978-3-662-60756-5_14

Debating targeted killing : counter-terrorism or extrajudicial execution?

Tamar Meisels and Jeremy Waldron. - Oxford : Oxford University Press, 2020. - IX, 309 p.

Ensuring respect and targeting

Dale Stephens. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 100-114

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-7> *

Famine as a collateral damage of war

Margherita Stevoli. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 163-186

<https://doi.org/10.1163/18781527-01101001> *

How do you like me now ? : Hamdan v. Rumsfeld and the legal justifications for global targeting

Shane R. Reeves, Winston Williams and Amy H. McCarthy. In: University of Pennsylvania journal of international law, Vol. 41, no. 2, 2019, p. 329-376

<https://scholarship.law.upenn.edu/jil/vol41/iss2/2>

Humanitarian logic and the law of siege : a study of the Oxford guidance on relief actions

Sean Watts. In: International law studies, Vol. 95, 2019, p. 1-48

<https://digital-commons.usnwc.edu/ils/vol95/iss1/1/>

Indeterminacy in the law of armed conflict

Adil Ahmad Haque. In: International law studies, Vol. 95, 2019, p. 118-160

<https://digital-commons.usnwc.edu/ils/vol95/iss1/4/>

Insufficient knowledge in Kunduz : the precautionary principle and international humanitarian law

Emma J. Marchant. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 53-79

<https://doi.org/10.1093/jcsl/krz033> *

International humanitarian law and the targeting of non-state intelligence personnel and objects

Michael N. Schmitt. In: Duke journal of comparative & international law, Vol. 30, no. 2, 2020, p. 309-347

<https://scholarship.law.duke.edu/djcil/vol30/iss2/5>

Machine learning weapons and international humanitarian law : rethinking meaningful human control

Shin-Shin Hua. In: Georgetown journal of international law, Vol. 51, no. 1, Fall 2019, p. 117-146

<https://www.law.georgetown.edu/international-law-journal/wp-content/uploads/sites/21/2020/03/GT-GJIL200015.pdf>

Military necessity : the art, morality and law of war

Nobuo Hayashi. - Cambridge : Cambridge University Press, 2020. - XXVII, 423 p.

Outcome bias and expertise in investigations under international humanitarian law

Tomer Broude and Inbar Levy. In: European journal of international law, Vol. 30, no. 4, 2020, p. 1303-1318

<https://doi.org/10.1093/ejil/chaa005> *

The right to life and the international law framework regulating the use of armed drones

Christof Heyns, Dapo Akande, Lawrence Hill-Cawthorne, Thompson Chengeta. - In: Human rights and 21st century challenges : poverty, conflict, and the environment. - Oxford : Oxford University Press, 2020. - p. 153-189

XI. Weapons

Artificial intelligence and the obligation to respect and to ensure respect for IHL

Hitoshi Nasu. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 132-144

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-9> *

Classification of cyber capabilities and operations as weapons, means, or methods of warfare

Jeffrey T. Biller and Michael N. Schmitt. In: International law studies, Vol. 95, 2019, p. 179-225

<https://digital-commons.usnwc.edu/ils/vol95/iss1/6/>

Double elevation : autonomous weapons and the search for an irreducible law of war

Ioannis Kalpouzos. In: Leiden journal of international law, Vol. 33, no. 2, June 2020, p. 289-312

<https://doi.org/10.1017/S0922156520000114> *

The Holy See's position on lethal autonomous weapons systems : an appraisal through the lens of the Martens Clause

Diego Mauri. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 116-147

<https://doi.org/10.1163/18781527-bja10001> *

Limits on autonomy in weapon systems : identifying practical elements of human control

Vincent Boulanin, Neil Davison, Netta Goussac and Moa Peldán Carlsson. - June 2020 Stockholm : SIPRI : ICRC. - 38 p.

<https://www.sipri.org/publications/2020/other-publications/limits-autonomy-weapon-systems-identifying-practical-elements-human-control-o>

Machine learning weapons and international humanitarian law : rethinking meaningful human control

Shin-Shin Hua. In: Georgetown journal of international law, Vol. 51, no. 1, Fall 2019, p. 117-146

<https://www.law.georgetown.edu/international-law-journal/wp-content/uploads/sites/21/2020/03/GT-GJIL200015.pdf>

The right to life and the international law framework regulating the use of armed drones

Christof Heyns, Dapo Akande, Lawrence Hill-Cawthorne, Thompson Chengeta. - In: Human rights and 21st century challenges : poverty, conflict, and the environment. - Oxford : Oxford University Press, 2020. - p. 153-189

Technological innovations and the changing character of warfare : the significance of the 1949 Geneva Conventions seventy years on

Ozlem Ulgen. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 2, H. 3-4, 2019, p. 215-228

Weapons and the obligation to ensure respect for IHL

Eve Massingham. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 115-131

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-8> *

XII. Implementation

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

Les amnisties des crimes internationaux : recherche sur l'état du droit

Olivier Grondin. In: Revue québécoise de droit international, No 32.1, 2019, p. 1-24

<https://www.sqdi.org/fr/les-amnisties-des-crimes-internationaux-recherche-sur-letat-du-droit/>

Artificial intelligence and the obligation to respect and to ensure respect for IHL

Hitoshi Nasu. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 132-144

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-9> *

Bringing terrorists to justice in the context of armed conflict : interaction between international humanitarian law and the UN conventions against terrorism

Alejandro Sánchez Frías. In: Israel law review : a journal of human rights, public and international law, Vol. 53, no. 1, 2020, p. 71-99

<https://doi.org/10.1017/S0021223719000220> *

Challenges for the protection of child victims of recruitment and use in an era of complex armed conflicts : the Colombian case

Ana María Jiménez Pava. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 52-73

Challenges in the application of the obligation to ensure respect for IHL – foreign fighting as an exemple

Marnie Lloyd. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 231-247

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-15> *

Colombia's fuerza pública (security forces) in the special jurisdiction for peace : special treatment or preferential treatment?

Camila Andrea Santamaría Chavarro, Diana Isabel Güiza Gómez and Rodrigo Uprimny Yepes. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden ; Boston : Brill Nijhoff, 2020. - p. 252-280

The common approach to Article 1 : the scope of each state's obligation to ensure respect for the Geneva Conventions

Verity Robson. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 101-115

<https://doi.org/10.1093/jcsl/kraa004> *

Common Article 1 : an introduction

Eve Massingham and Anabel McConnachie. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 1-11

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-1> *

Common Article 1 and counter-terrorism legislation : challenges and opportunities in an increasingly divided world

Petra Ball and Yvette Zegenhagen. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 178-197

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-12> *

Complicity and the law of international organizations : responsibility for human rights and humanitarian law violations in UN peace operations

Magdalena Pacholska. - Cheltenham ; Northampton : Edward Elgar, 2020. - XII, 262 p.

The Counter-Terrorism Committee Executive Directorate and international humanitarian law : preliminary considerations for states

Dustin A. Lewis, Naz K. Modirzadeh and Jessica S. Burniske. - [Harvard] : Harvard Law School Program on International Law and Armed Conflict, March 2020. - 38 p.

<http://blogs.harvard.edu/pilac/files/2020/03/CTED-and-IHL.pdf>

Deciphering the landscape of international humanitarian law in the Asia-Pacific

Suzannah Linton. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 737-770

<https://library.icrc.org/library/docs/DOC/irrc-911-linton.pdf>

Distorted terminology : the UK's closure of investigations into alleged torture and inhuman treatment in Iraq

Elizabeth Stubbins Bates. In: International and comparative law quarterly, Vol. 68, no. 3, July 2019, p. 719-739

<https://doi.org/10.1017/S002058931900023X> *

Engaging armed non-state actors on the prohibition of recruiting and using children in hostilities : some reflections from Geneva Call's experience

Pascal Bongard and Ezequiel Heffes. In: International review of the Red Cross, Vol. 101, no. 911, p. 603-621

<https://library.icrc.org/library/docs/DOC/irrc-911-bongard.pdf>

Ensuring respect and targeting

Dale Stephens. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 100-114

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-7> *

Ensuring respect for IHL as it relates to humanitarian activities

Nathalie Weizmann. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 198-216

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-13> *

Ensuring respect for IHL by, and in relation to the conduct of, private actors

Catherine Drummond. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 63-82

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-5> *

Ensuring respect for IHL by Kenya and Uganda in South Sudan

Kenneth Wyne Mutuma. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 83-99

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-6> *

Ensuring respect for IHL in the international community : navigating expectations for humanitarian law diplomacy by third States not party to an armed conflict

Sarah McCosker. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 23-43

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-3> *

Ensuring respect for international humanitarian law

ed. by Eve Massingham and Annabel McConnachie. - London ; New York : Routledge, 2021. - XVI, 278 p.

<https://doi.org/10.4324/9780429197628> *

Expert laws of war : restating and making law in expert processes

Anton Orlinov Petrov. - Cheltenham ; Northampton : E. Elgar, 2020. - X, 296 p.

The external dimension of Common Article 1 and the creation of international criminal tribunals

Parisa Zangeneh. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 248-262

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-16> *

How do you like me now ? : Hamdan v. Rumsfeld and the legal justifications for global targeting

Shane R. Reeves, Winston Williams and Amy H. McCarthy. In: University of Pennsylvania journal of international law, Vol. 41, no. 2, 2019, p. 329-376

<https://scholarship.law.upenn.edu/jil/vol41/iss2/2>

Human rights remedies for violations of the law of armed conflict : reflections on the right to reparation in light of recent domestic court decisions in the Netherlands and Denmark

Vessela Terzieva. - [S.l.] : International crimes database, September 2019. - 26 p.

<http://www.internationalcrimesdatabase.org/upload/documents/20190912T143731-Human%20rights%20remedies%20for%20IHL%20violations%20final%20version.pdf>

Humanitarian negotiation with parties to armed conflict : the role of laws and principles in the discourse

Rob Grace. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 68-96

<https://doi.org/10.1163/18781527-01101003> *

Importance of international humanitarian law (IHL) training in armed police force, Nepal

Narendra Bam, Raju Shrestha and Ram Krishna Maharjan. In: Journal of APF command and staff college, Vol. 3, no. 1, 2020, p. 106-119

<https://www.nepjol.info/index.php/JAPFCSC/article/view/27532/22777>

Insufficient knowledge in Kunduz : the precautionary principle and international humanitarian law

Emma J. Marchant. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 53-79

<https://doi.org/10.1093/jcsl/krz033> *

International humanitarian law on the periphery : case of non-state armed actors

Hyeran Jo. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 97-115

<https://doi.org/10.1163/18781527-bja10016> *

Military assistance on request and the use of force

Erika De Wet. - Oxford : Oxford University Press, 2020. - XII, 258 p.

<https://opil.ouplaw.com/view/10.1093/law/9780198784401.001.0001/law-9780198784401> *

The nature of the obligation to ensure respect under IHL for people displaced as a result of armed conflict

Linda Isabel Ngesa. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 217-230

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-14> *

The obligation to ensure respect for IHL in the peacekeeping context : progress, lessons and opportunities

Leanne Smith. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 145-162

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-10> *

The obligation to ensure respect in relation to detention in armed conflict

Kelisiana Thynne. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 163-177

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-11> *

Outcome bias and expertise in investigations under international humanitarian law

Tomer Broude and Inbar Levy. In: European journal of international law, Vol. 30, no. 4, 2020, p. 1303-1318

<https://doi.org/10.1093/ejil/cha005> *

Parliamentary scrutiny committees' contribution to the obligation to respect and ensure respect for IHL

Lara Pratt. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 44-62

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-4> *

Quel rôle pour la Commission internationale humanitaire d'établissement des faits ?

Mérick Freedy Alagbe. In: Politique étrangère, No. 1, Printemps 2020, p. 161-171

Rebel groups, international humanitarian law, and civil war outcomes in the post-Cold War era

Jessica A. Stanton. In: International organization, Vol. 74, issue 3, Summer 2020, p. 523-559

<https://library.ext.icrc.org/library/docs/ArticlesPDF/49870.pdf> *

The regional African legal framework on children : a template for more robust action on children and armed conflict?

Godfrey Odongo. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 279-297

Review of executive action abroad : the UK Supreme Court in the international legal order

Andrew Sanger. In: International and comparative law quarterly, Vol. 68, no. 1, January 2019, p. 35-66

<https://doi.org/10.1017/S0020589318000374> *

The rulings of the Israeli Military Courts and international law

Nery Ramati. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 149-169

<https://doi.org/10.1093/jcsl/krz017> *

State responsibility and new trends in the privatization of warfare

Frauke Renz. - Cheltenham ; Northampton : E. Elgar, 2020. - XII, 281 p.

States responsibility for support of armed groups in the commission of international crimes

Narissa Kashvi Ramsundar. - Leiden : Brill Nijhoff, 2020. - XXVI, 235 p.

Towards a regime of responsibility of armed groups in international law

Laura Iñigo Alvarez. - Cambridge [etc.] : Intersentia, 2020. - XIV, 247 p.

Towards jus post bellum : "ethical warfare" for stabilisation in Iraq and Afghanistan

Dennis Vincent. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden : Brill Nijhoff, 2020. - p. 333-361

Traditional approaches to the law of armed conflict : disseminating IHL through the receptor approach

Karolina Aksamitowska. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 5-35

<https://doi.org/10.1163/18781527-01101002> *

Weapons and the obligation to ensure respect for IHL

Eve Massingham. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 115-131

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-8> *

XIII. International human rights law

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

Human rights remedies for violations of the law of armed conflict : reflections on the right to reparation in light of recent domestic court decisions in the Netherlands and Denmark

Vessela Terzieva. - [S.l.] : International crimes database, September 2019. - 26 p.

<http://www.internationalcrimesdatabase.org/upload/documents/20190912T143731-Human%20rights%20remedies%20for%20IHL%20violations%20final%20version.pdf>

Law applicable to armed conflict

Ziv Bohrer, Janina Dill, Helen Duffy. - Cambridge : Cambridge University Press, 2020. - VII, 288 p.

Medical care in urban conflict

Kenneth Watkin. In: International law studies, Vol. 95, 2019, p. 49-93

<https://digital-commons.usnwc.edu/ils/vol95/iss1/2/>

Review of executive action abroad : the UK Supreme Court in the international legal order

Andrew Sanger. In: International and comparative law quarterly, Vol. 68, no. 1, January 2019, p. 35-66

<https://doi.org/10.1017/S0020589318000374> *

The right to life and the international law framework regulating the use of armed drones

Christof Heyns, Dapo Akande, Lawrence Hill-Cawthorne, Thompson Chengeta. - In: Human rights and 21st century challenges : poverty, conflict, and the environment. - Oxford : Oxford University Press, 2020. - p. 153-189

XIV. International criminal law

Accountability for Syria : is the International Criminal Court now a realistic option ?

Caroline Sweeney. In: Journal of international criminal justice, Vol. 17, no. 5, December 2019, p. 1083-1115

<https://doi.org/10.1093/jicj/mqz049> *

"All necessary and reasonable measures" : the Bemba case and the threshold for command responsibility

Martha M. Bradley and Aniel de Beer. In: International criminal law review, Vol. 20, no. 2, 2020, p. 163-213

<https://doi.org/10.1163/15718123-02002004> *

Les amnisties des crimes internationaux : recherche sur l'état du droit

Olivier Grondin. In: Revue québécoise de droit international, No 32.1, 2019, p. 1-24

<https://www.sqdi.org/fr/les-amnisties-des-crimes-internationaux-recherche-sur-letat-du-droit/>

A bridge too far ? : attacks against cultural property used as military objectives as war crimes : the Prlić et al. case and the Mostar bridge

Luke Moffett. In: International criminal law review, Vol. 20, no. 2, 2020, p. 214-250
<https://doi.org/10.1163/15718123-02002003> *

Children associated with terrorist groups in the context of the legal framework for child soldiers

Nina H. B. Jorgensen. In: Questions of international law, zoom-in 60, 2019, p. 5-23
http://www.qil-qdi.org/wp-content/uploads/2019/06/02_Child-Soldiers_JORGENSEN_FIN-.pdf

Crimes committed by child soldiers : an argument for coherence

Nikila Kaushik and Steven Freeland. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 325-349

The evacuation of Eastern Aleppo : forced displacement under international law?

Matt Brown. - [S.l.] : International crimes database, January 2019. - 18 p.
http://www.internationalcrimesdatabase.org/upload/documents/20190109T160612-ICD%20Brief_Dec2018Forced%20Displacement%20in%20Syria%20as%20a%20Crime%20Under%20International%20Law.pdf

The expanding protection of members of a party's own armed forces under international criminal law

Conan Kenny and Yvonne McDermott. In: International and comparative law quarterly, Vol. 68, part 4, October 2019, p. 943-976
<https://doi.org/10.1017/S002058931900040X> *

The external dimension of Common Article 1 and the creation of international criminal tribunals

Parisa Zangeneh. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 248-262
<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-16> *

Intra-party sexual crimes against child soldiers as war crimes in Ntaganda : 'Tadić moment' or unwarranted exercise of judicial activism ?

Luca Poltronieri Rossetti. In: Questions of international law, zoom-in 60, 2019, p. 49-68
http://www.qil-qdi.org/wp-content/uploads/2019/09/04_Child-Soldiers_POLTRONIERI_FIN-2.pdf

The policy on children of the ICC Office of the Prosecutor : toward greater accountability for crimes against and affecting children

Diane Marie Amann. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 537-549
<https://library.icrc.org/library/docs/DOC/irrc-911-amann.pdf>

The president on trial : prosecuting Hissène Habré

ed. by Sharon Weill, Kim Thuy Seelinger, Kerstin Bree Carlson. - Oxford : Oxford University Press, 2020. - XV, 442 p.
<https://doi.org/10.1093/oso/9780198858621.001.0001>

The protection of access to food for civilians under international humanitarian law : acts constituting war crimes

Adriana Fillol Mazo. In: The age of human rights journal, no. 14, 2020, p. 181-209
<https://doi.org/10.17561/tahrj.v14.5483>

The protection of cultural heritage during armed conflict : the changing paradigms

Noelle Higgins. - London ; New York : Routledge, 2020. - VI, 108 p.

Punished and be punished ? : The paradox of command responsibility in armed groups

Alessandra Spadaro. In: Journal of international criminal justice, Vol. 18, no. 1, March 2020, p. 1-30

<https://doi.org/10.1093/jicj/mqz059> *

States responsibility for support of armed groups in the commission of international crimes

Narissa Kashvi Ramsundar. - Leiden : Brill Nijhoff, 2020. - XXVI, 235 p.

Towards a regime of responsibility of armed groups in international law

Laura Iñigo Alvarez. - Cambridge [etc..] : Intersentia, 2020. - XIV, 247 p.

War crimes relating to child soldiers and other children that are otherwise associated with armed groups in situations of non-international armed conflict : an incremental step toward a coherent legal framework ?

Yutaka Arai-Takahashi. In: Questions of international law, zoom-in 60, 2019, p. 25-48

http://www.qil-qdi.org/wp-content/uploads/2019/09/03_Child-Soldiers_ARAI_FIN-2.pdf

XV. Contemporary challenges

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

Artificial intelligence and the obligation to respect and to ensure respect for IHL

Hitoshi Nasu. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 132-144

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-9> *

Challenges in the application of the obligation to ensure respect for IHL – foreign fighting as an exemple

Marnie Lloyd. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 231-247

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-15> *

Common Article 1 and counter-terrorism legislation : challenges and opportunities in an increasingly divided world

Petra Ball and Yvette Zegenhagen. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 178-197

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-12> *

Debating targeted killing : counter-terrorism or extrajudicial execution?

Tamar Meisels and Jeremy Waldron. - Oxford : Oxford University Press, 2020. - IX, 309 p.

Limits on autonomy in weapon systems : identifying practical elements of human control

Vincent Boulanin, Neil Davison, Netta Goussac and Moa Peldán Carlsson. - June 2020 Stockholm : SIPRI : ICRC. - 38 p.

<https://www.sipri.org/publications/2020/other-publications/limits-autonomy-weapon-systems-identifying-practical-elements-human-control-0>

Machine learning weapons and international humanitarian law : rethinking meaningful human control

Shin-Shin Hua. In: Georgetown journal of international law, Vol. 51, no. 1, Fall 2019, p. 117-146

<https://www.law.georgetown.edu/international-law-journal/wp-content/uploads/sites/21/2020/03/GT-GJIL200015.pdf>

State responsibility and new trends in the privatization of warfare

Frauke Renz. - Cheltenham ; Northampton : E. Elgar, 2020. - XII, 281 p.

Technological innovations and the changing character of warfare : the significance of the 1949 Geneva Conventions seventy years on

Ozlem Ulgen. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 2, H. 3-4, 2019, p. 215-228

XVI. Countries/Regions

AFGHANISTAN

Accountability for Syria : is the International Criminal Court now a realistic option ?

Caroline Sweeney. In: Journal of international criminal justice, Vol. 17, no. 5, December 2019, p. 1083-1115

<https://doi.org/10.1093/jicj/mqzo49> *

Insufficient knowledge in Kunduz : the precautionary principle and international humanitarian law

Emma J. Marchant. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 53-79

<https://doi.org/10.1093/jcsl/krz033> *

The obligation to ensure respect in relation to detention in armed conflict

Kelisiana Thynne. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 163-177

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-11>

Restraint : Dutch soldiers' point of view, ISAF Afghanistan 2006-2010

Jan Peter van Bruggen. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden ; Boston : Brill Nijhoff, 2020. - p. 311-332

Towards jus post bellum : "ethical warfare" for stabilisation in Iraq and Afghanistan

Dennis Vincent. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden : Brill Nijhoff, 2020. - p. 333-361

AFRICA

The regional African legal framework on children : a template for more robust action on children and armed conflict?

Godfrey Odongo. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 279-297

Traditional approaches to the law of armed conflict : disseminating IHL through the receptor approach

Karolina Aksamitowska. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 5-35

<https://doi.org/10.1163/18781527-01101002> *

ASIA

Deciphering the landscape of international humanitarian law in the Asia-Pacific

Suzannah Linton. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 737-770

<https://library.icrc.org/library/docs/DOC/irrc-911-linton.pdf>

AUSTRALIA**Common Article 1 and counter-terrorism legislation : challenges and opportunities in an increasingly divided world**

Petra Ball and Yvette Zegenhagen. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 178-197

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-12> *

Parliamentary scrutiny committees' contribution to the obligation to respect and ensure respect for IHL

Lara Pratt. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 44-62

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-4> *

Weapons and the obligation to ensure respect for IHL

Eve Massingham. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 115-131

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-8> *

BIAFRA**Medical care in armed conflict : perpetrator discourse in historical perspective**

Duncan McLean. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 771-803

<https://library.icrc.org/library/docs/DOC/irrc-911-mclean.pdf>

CENTRAL AFRICAN REPUBLIC**The regional African legal framework on children : a template for more robust action on children and armed conflict?**

Godfrey Odongo. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 279-297

CHAD**The president on trial : prosecuting Hissène Habré**

ed. by Sharon Weill, Kim Thuy Seelinger, Kerstin Bree Carlson. - Oxford : Oxford University Press, 2020. - XV, 442 p.

<https://doi.org/10.1093/oso/9780198858621.001.0001> *

CHINA**Medical care in armed conflict : perpetrator discourse in historical perspective**

Duncan McLean. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 771-803

<https://library.icrc.org/library/docs/DOC/irrc-911-mclean.pdf>

COLOMBIA**Challenges for the protection of child victims of recruitment and use in an era of complex armed conflicts : the Colombian case**

Ana María Jiménez Pava. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 52-73

Colombia's fuerza pública (security forces) in the special jurisdiction for peace : special treatment or preferential treatment?

Camila Andrea Santamaría Chavarro, Diana Isabel Güiza Gómez and Rodrigo Uprimny Yepes. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden ; Boston : Brill Nijhoff, 2020. - p. 252-280

DEMOCRATIC REPUBLIC OF THE CONGO

Getting Tambo out of limbo : exploring alternative legal frameworks that are more sensitive to the agency of children and young people in armed conflict

Karl Hanson and Christelle Molima. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 110-131

DENMARK

Human rights remedies for violations of the law of armed conflict : reflections on the right to reparation in light of recent domestic court decisions in the Netherlands and Denmark

Vessela Terzieva. - [S.l.] : International crimes database, September 2019. - 26 p.

<http://www.internationalcrimesdatabase.org/upload/documents/20190912T143731-Human%20rights%20remedies%20for%20IHL%20violations%20final%20version.pdf>

ETHIOPIA

Medical care in armed conflict : perpetrator discourse in historical perspective

Duncan McLean. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 771-803

<https://library.icrc.org/library/docs/DOC/irrc-911-mclean.pdf>

FRANCE

Le silence des agneaux : France's war against "jihadist groups" and associated legal rationale

Rebecca Mignot-Mahdavi. - The Hague : International Centre for Counter-Terrorism, May 2020. - 38 p.

<https://icct.nl/wp-content/uploads/2020/05/Le-Silence-des-Agneaux-France's-War-Against-'Jihadist-Groups'-and-Associated-Legal-Rationale.pdf>

GEORGIA

Neutrality during armed conflicts : a coherent approach to third-state support for warring parties

Luca Ferro and Nele Verlinden. In: Chinese journal of international law, Vol. 17, issue 1, March 2018, p. 15-43

<http://hdl.handle.net/1854/LU-8560554>

GERMANY**Insufficient knowledge in Kunduz : the precautionary principle and international humanitarian law**

Emma J. Marchant. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 53-79

<https://doi.org/10.1093/jcsl/krz033>

IRAQ**Distorted terminology : the UK's closure of investigations into alleged torture and inhuman treatment in Iraq**

Elizabeth Stubbins Bates. In: International and comparative law quarterly, Vol. 68, no. 3, July 2019, p. 719-739

<https://doi.org/10.1017/S002058931900023X>

Neutrality during armed conflicts : a coherent approach to third-state support for warring parties

Luca Ferro and Nele Verlinden. In: Chinese journal of international law, Vol. 17, issue 1, March 2018, p. 15-43

<http://hdl.handle.net/1854/LU-8560554>

Towards jus post bellum : "ethical warfare" for stabilisation in Iraq and Afghanistan

Dennis Vincent. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden : Brill Nijhoff, 2020. - p. 333-361

IRELAND**Lex Innocentium (697 AD) : Adomnán of Iona - father of Western jus in bello**

James W. Houlihan. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 715-735

<https://library.icrc.org/library/docs/DOC/irrc-911-houlihan.pdf>

ISRAEL**The gender of occupation**

Fionnuala Ní Aoláin. In: The Yale journal of international law, Vol. 45, no. 2, 2020, p. 336-376

<https://digitalcommons.law.yale.edu/yjil/vol45/iss2/3/>

The rulings of the Israeli Military Courts and international law

Nery Ramati. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 149-169

<https://doi.org/10.1093/jcsl/krz017> *

ITALY**Medical care in armed conflict : perpetrator discourse in historical perspective**

Duncan McLean. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 771-803

<https://library.icrc.org/library/docs/DOC/irrc-911-mclean.pdf>

JAPAN**Medical care in armed conflict : perpetrator discourse in historical perspective**

Duncan McLean. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 771-803

<https://library.icrc.org/library/docs/DOC/irrc-911-mclean.pdf>

KENYA**Ensuring respect for IHL by Kenya and Uganda in South Sudan**

Kenneth Wyne Mutuma. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 83-99

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-6> *

MALI**Which role for hybrid entities involved in multi-parties NIACs ? : applying the ICRC's support-based approach to the armed conflict in Mali**

Bianca Maganza. In: Questions of international law, zoom-in 59, 2019, p. 25-44

http://www.qil-qdi.org/wp-content/uploads/2019/05/03_Support-based-Approach_MAGANZA_FIN.pdf

Traditional approaches to the law of armed conflict : disseminating IHL through the receptor approach

Karolina Aksamitowska. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 5-35

<https://doi.org/10.1163/18781527-01101002> *

NEPAL**Importance of international humanitarian law (IHL) training in armed police force, Nepal**

Narendra Bam, Raju Shrestha and Ram Krishna Maharjan. In: Journal of APF command and staff college, Vol. 3, no. 1, 2020, p. 106-119

<https://www.nepjol.info/index.php/JAPFCSC/article/view/27532/22777>

NETHERLANDS**Human rights remedies for violations of the law of armed conflict : reflections on the right to reparation in light of recent domestic court decisions in the Netherlands and Denmark**

Vessela Terzieva. - [S.l.] : International crimes database, September 2019. - 26 p.

<http://www.internationalcrimesdatabase.org/upload/documents/20190912T143731-Human%20rights%20remedies%20for%20IHL%20violations%20final%20version.pdf>

Restraint : Dutch soldiers' point of view, ISAF Afghanistan 2006-2010

Jan Peter van Bruggen. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden ; Boston : Brill Nijhoff, 2020. - p. 311-332

NIGERIA**Medical care in armed conflict : perpetrator discourse in historical perspective**

Duncan McLean. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 771-803

<https://library.icrc.org/library/docs/DOC/irrc-911-mclean.pdf>

PACIFIC**Deciphering the landscape of international humanitarian law in the Asia-Pacific**

Suzannah Linton. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 737-770

<https://library.icrc.org/library/docs/DOC/irrc-911-linton.pdf>

PALESTINE**The gender of occupation**

Fionnuala Ní Aoláin. In: The Yale journal of international law, Vol. 45, no. 2, 2020, p. 336-376

<https://digitalcommons.law.yale.edu/yjil/vol45/iss2/3/>

The rulings of the Israeli Military Courts and international law

Nery Ramati. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 149-169

<https://doi.org/10.1093/jcsl/krz017> *

RUSSIAN FEDERATION**Neutrality during armed conflicts : a coherent approach to third-state support for warring parties**

Luca Ferro and Nele Verlinden. In: Chinese journal of international law, Vol. 17, issue 1, March 2018, p. 15-43

<http://hdl.handle.net/1854/LU-8560554>

SAHEL**Le silence des agneaux : France's war against "jihadist groups" and associated legal rationale**

Rebecca Mignot-Mahdavi. - The Hague : International Centre for Counter-Terrorism, May 2020. - 38 p.

<https://icct.nl/wp-content/uploads/2020/05/Le-Silence-des-Agneaux-France's-War-Against-'Jihadist-Groups'-and-Associated-Legal-Rationale.pdf>

SENEGAL**The president on trial : prosecuting Hissène Habré**

ed. by Sharon Weill, Kim Thuy Seelinger, Kerstin Bree Carlson. - Oxford : Oxford University Press, 2020. - XV, 442 p.

<https://doi.org/10.1093/oso/9780198858621.001.0001>

SOUTH SUDAN

Enacting the 'civilian plus' : international humanitarian actors and the conceptualization of distinction

Rebecca Sutton. In: Leiden journal of international law, Vol. 33, no. 2, June 2020, p. 429-449

<https://doi.org/10.1017/S092215651900075X>

Ensuring respect for IHL by Kenya and Uganda in South Sudan

Kenneth Wyne Mutuma. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 83-99

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-6> *

The regional African legal framework on children : a template for more robust action on children and armed conflict?

Godfrey Odongo. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 279-297

SYRIA

Access to medicines in times of conflict : overlapping compliance and accountability frame

Brianne McGonigle Leyh and Marie Elske Gispén. In: Health and human rights Vol. 20, no. 1, June 2018, p. 237-250

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6039728/>

Accountability for Syria : is the International Criminal Court now a realistic option ?

Caroline Sweeney. In: Journal of international criminal justice, Vol. 17, no. 5, December 2019, p. 1083-1115

<https://doi.org/10.1093/jicj/mqz049> *

The evacuation of Eastern Aleppo : forced displacement under international law?

Matt Brown. - [S.l.] : International crimes database, January 2019. - 18 p.

http://www.internationalcrimesdatabase.org/upload/documents/20190109T160612-ICD%20Brief_Dec2018Forced%20Displacement%20in%20Syria%20as%20a%20Crime%20Under%20International%20Law.pdf

Humanitarian access through agency law in non-international armed conflicts

David Matyas. In: International and comparative law quarterly, Vol. 69, part 2, April 2020, p. 451-475

<https://doi.org/10.1017/S0020589320000020> *

Neutrality during armed conflicts : a coherent approach to third-state support for warring parties

Luca Ferro and Nele Verlinden. In: Chinese journal of international law, Vol. 17, issue 1, March 2018, p. 15-43

<http://hdl.handle.net/1854/LU-8560554>

The obligation to ensure respect in relation to detention in armed conflict

Kelisiana Thynne. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 163-177

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-11> *

UGANDA**Ensuring respect for IHL by Kenya and Uganda in South Sudan**

Kenneth Wyne Mutuma. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 83-99

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-6> *

The regional African legal framework on children : a template for more robust action on children and armed conflict?

Godfrey Odongo. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 279-297

UKRAINE**Neutrality during armed conflicts : a coherent approach to third-state support for warring parties**

Luca Ferro and Nele Verlinden. In: Chinese journal of international law, Vol. 17, issue 1, March 2018, p. 15-43

<http://hdl.handle.net/1854/LU-8560554>

UNITED KINGDOM**Distorted terminology : the UK's closure of investigations into alleged torture and inhuman treatment in Iraq**

Elizabeth Stubbins Bates. In: International and comparative law quarterly, Vol. 68, no. 3, July 2019, p. 719-739

<https://doi.org/10.1017/S002058931900023X>

Review of executive action abroad : the UK Supreme Court in the international legal order

Andrew Sanger. In: International and comparative law quarterly, Vol. 68, no. 1, January 2019, p. 35-66

<https://doi.org/10.1017/S0020589318000374>

Towards jus post bellum : "ethical warfare" for stabilisation in Iraq and Afghanistan

Dennis Vincent. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden : Brill Nijhoff, 2020. - p. 333-361

UNITED STATES**Beyond Geneva : detainee review processes in non-international armed conflict : a U.S. perspective**

Ryan J. Vogel. In: International law studies, Vol. 95, 2019, p. 94-117

<https://digital-commons.usnwc.edu/ils/vol95/iss1/3/>

Cut these words : passion and international law of war scholarship

Naz K. Modirzadeh. In: Harvard international law journal, Vol. 61, no. 1, Winter 2020, p. 1-64

<https://harvardilj.org/wp-content/uploads/sites/15/61.1-Modirzadeh.pdf>

How do you like me now ? : Hamdan v. Rumsfeld and the legal justifications for global targeting

Shane R. Reeves, Winston Williams and Amy H. McCarthy. In: University of Pennsylvania journal of international law, Vol. 41, no. 2, 2019, p. 329-376

<https://scholarship.law.upenn.edu/jil/vol41/iss2/2>

Neutrality during armed conflicts : a coherent approach to third-state support for warring parties

Luca Ferro and Nele Verlinden. In: Chinese journal of international law, Vol. 17, issue 1, March 2018, p. 15-43

<http://hdl.handle.net/1854/LU-8560554>

The obligation to ensure respect in relation to detention in armed conflict

Kelisiana Thynne. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 163-177

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-11> *

Social pressure and the making of wartime civilian protection rules

Giovanni Mantilla. In: European journal of international relations, Vol. 26, no. 2, 2020, 26 p.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/49541.pdf> *

USSR**Social pressure and the making of wartime civilian protection rules**

Giovanni Mantilla. In: European journal of international relations, Vol. 26, no. 2, 2020, 26 p.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/49541.pdf> *

VATICAN**The Holy See's position on lethal autonomous systems : an appraisal through the lens of the Martens Clause**

Diego Mauri. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 116-147

<https://doi.org/10.1163/18781527-bja10001> *

VIET NAM**Cut these words : passion and international law of war scholarship**

Naz K. Modirzadeh. In: Harvard international law journal, Vol. 61, no. 1, Winter 2020, p. 1-64 weapons

<https://harvardilj.org/wp-content/uploads/sites/15/61.1-Modirzadeh.pdf>

YUGOSLAVIA**A bridge too far ? : attacks against cultural property used as military objectives as war crimes : the Prlić et al. case and the Mostar bridge**

Luke Moffett. In: International criminal law review, Vol. 20, no. 2, 2020, p. 214-250

<https://doi.org/10.1163/15718123-02002003> *

All with Abstracts

Access to medicines in times of conflict : overlapping compliance and accountability frame

Brianne McGonigle Leyh and Marie Elske Gispén. In: *Health and human rights* Vol. 20, no. 1, June 2018, p. 237-250

Syria is currently experiencing the world's largest humanitarian crisis since World War II, and access to medicines for emergency care, pain control, and palliative care remains shockingly restricted in the country. Addressing the dire need for improved access to medicines in Syria from an international law compliance and accountability perspective, this article highlights four complementary legal frameworks: international human rights law, international drug control law, international humanitarian law, and international criminal law. It arrives at two central conclusions. First, all four bodies of law hold clear potential in terms of regulatory—hence compliance—and accountability mechanisms for improving access to medicines in times of conflict, but they are too weak on their own account. Second, the potential for on-the-ground change lies in the mutual reinforcement of these four legal frameworks. This reinforcement, however, remains rhetorical and far from practical. Finally, within this complex picture of complementary international legal frameworks, the article proposes concrete recommendations for a more integrated and mutually reinforcing interpretation and implementation of these areas of law to foster better access to medicines in Syria and elsewhere.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6039728/>

Accountability for Syria : is the International Criminal Court now a realistic option ?

Caroline Sweeney. In: *Journal of international criminal justice*, Vol. 17, no. 5, December 2019, p. 1083-1115

To date, apart from a few prosecutions in European states, there has been widespread impunity for international crimes committed in Syria since March 2011. The International Criminal Court (ICC) is arguably the most suitable forum for prosecuting alleged perpetrators. However, thus far no accused has appeared before the Court. Indeed, the Prosecutor has yet to even open an investigation due primarily to the inability to establish a precondition for the exercise of jurisdiction. This article examines if this situation is now likely to change in light of a number of recent and controversial decisions of the Court. The decisions discussed in the article generated rigorous and at times divisive debate amongst academic commentators. Accordingly, the article also incorporates a cross-cutting theoretical analysis of the extent to which the differing responses to these decisions reflects the historic fault-line between realists and liberals.

<https://doi.org/10.1093/jicj/mqz049> *

"All necessary and reasonable measures" : the Bemba case and the threshold for command responsibility

Martha M. Bradley and Aniel de Beer. In: *International criminal law review*, Vol. 20, no. 2, 2020, p. 163-213

On 21 March 2016 Trial Chamber iii of the International Criminal Court unanimously convicted the former Vice-President of the Democratic Republic of the Congo, Jean-Pierre Bemba Gombo, on the basis of the doctrine of command responsibility for crimes against humanity and war crimes committed by troops under his command in the Central African Republic from 2002 to 2003. On 8 June 2018 however, the Appeals Chamber reversed the judgment and acquitted Bemba of all charges. The Appeals Chamber held that the Trial Chamber erred in finding that Bemba failed to take all necessary and reasonable measures to prevent and repress crimes committed by his subordinates as contemplated in Article 28(a)(ii) of the Rome Statute. This article evaluates the meaning of "all necessary and reasonable measures" in the context of

command responsibility and considers whether Bemba met this threshold in order to avoid incurring criminal responsibility under Article 28(a)(ii).

<https://doi.org/10.1163/15718123-02002004> *

Les amnisties des crimes internationaux : recherche sur l'état du droit

Olivier Grondin. In: *Revue québécoise de droit international*, No 32.1, 2019, p. 1-24

L'utilisation de mesures d'amnistie à la fin d'un conflit n'est pas un phénomène nouveau; on retrace cette pratique dans certains accords de paix du milieu du XVII^e siècle. Cependant, l'essor relativement récent de juridictions internationales et régionales, tant pénales que celles visant la protection des droits de la personne, a donné lieu à une remise en question de cette pratique, particulièrement en ce qui concerne les crimes internationaux. Dans le cadre de cette remise en question, de nombreux juristes et organismes internationaux ont affirmé qu'il existait une prohibition absolue des amnisties pour les crimes internationaux. Cet article défend la thèse que bien qu'il soit généralement prohibé d'amnistier les crimes internationaux, cette prohibition n'est pas de nature impérative. Il serait donc possible, en fonction des situations, d'octroyer de telles amnisties. Nous procédons en deux étapes. D'une part, nous cherchons au sein des reconnaissances internationales du pouvoir d'amnistie des États afin d'y observer l'existence d'une telle prohibition qui lui soit inhérente. Ensuite, nous nous penchons sur les différentes limites au pouvoir d'amnistie des États qui émanent des différentes obligations internationales des États. Il ressort de cette étude que, bien qu'il existe plusieurs contraintes qui viennent circonscrire la possibilité pour les États de mettre en place des mesures d'amnistie visant des crimes internationaux, celles-ci demeurent possibles en fonction de la nécessité ou de l'impossibilité d'exécution de l'action pénale.

<https://www.sqdi.org/fr/les-amnisties-des-crimes-internationaux-recherche-sur-letat-du-droit/>

The ancient greek ἄγος (agos) and the warrior ethos

Evaggelia Kiosi. - In: *Jus post bellum : restraint, stabilisation and peace.* - Leiden ; Boston : Brill Nijhoff, 2020. - p. 48-73

In ancient Greek culture law and ethics were not separated from one another. The ancient greeks' contribution to the rules of war constitute the first seeds of an international law recognized as superior to the law of the state, unwritten but understandable. Through the study of ancient Greek literature ἄγος (agos), a term describing ethical disapproval and divine retribution following a criminal act, can be frequently found. As part of the evolution of the rules of international law, this paper studies the way in which this term has influenced the evolution of the principles and rules of modern IHL and how it is interconnected with the notion of honour and the warrior ethos.

Armed groups and the protection of health care

Ezequiel Heffes. In: *International law studies*, Vol. 95, 2019, p. 226-243

That armed groups have been responsible for attacks against health care personnel and for violating the protection of health care is not news. This is one of the greatest humanitarian challenges of contemporary armed conflict. Armed groups, however, have also attempted to evacuate and treat wounded enemy fighters and civilians and, in certain contexts, they have even provided health care services for the civilian population living in the territories under their control. This article describes some of the key issues related to the variation of armed groups' behaviors when dealing with the protection of health care, inquiring into why some groups have attacked health care facilities, personnel, and transports, while others have taken positive steps to ensure their protection and the provision of health care. The last part of this article introduces the approach undertaken by Geneva Call when engaging these non-State actors and discusses its new Deed of Commitment on the Protection of Health Care in Armed Conflict.

<https://digital-commons.usnwc.edu/ils/vol95/iss1/7/>

Artificial intelligence and the obligation to respect and to ensure respect for IHL

Hitoshi Nasu. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 132-144

Artificial Intelligence is a discipline of science and engineering of building intelligent machine capable of acting with an appropriate forethought to achieve a task in a complex environment. Its technological application in the context of armed conflict has been anticipated, which has caused significant scholarly and public debate primarily concerning the legality of lethal autonomous weapons systems. However, artificial intelligence technology has the potential for far wider applications in military use, such as target recognition, deception, communication, and the research and development of new weapons. Apart from the legality of specific lethal use, consideration therefore must extend to the general legal obligation to respect and to ensure respect for international humanitarian law so as to address a wide range of challenges and opportunities that artificial intelligence uniquely presents. This chapter specifically considers practical measures that States can employ to implement their obligation to respect and ensure respect for international humanitarian law as modern science and technology advances in the area of artificial intelligence.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-9> *

Betrayal in war : rules and trends on seeking collaboration under IHL

Manuel Galvis Martínez. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 81-99

The article analyses the legal regime applicable to military operations seeking to gain the collaboration of enemy elements under international humanitarian law. Apart from addressing the prima facie legality of these practices, the article addresses some trends forming in state practice regarding limitations to its general permission. Throughout the review of academic opinions, treaty provisions, state practice and examples from armed conflicts, the author evaluates the evolution of the legal framework applicable to such tactics and provides some possible interpretations that can guide the developing process of the conduct of hostilities in the near future.

<https://doi.org/10.1093/jcsl/kraa002> *

Beyond Geneva : detainee review processes in non-international armed conflict : a U.S. perspective

Ryan J. Vogel. In: International law studies, Vol. 95, 2019, p. 94-117

The need for detainee review in non-international armed conflict has never been more imperative. Yet, the law of armed conflict is almost completely silent on the subject. Although the law may not require States to conduct detainee review processes in non-international armed conflict, the spirit of the law encourages it, and States—particularly the United States—have begun to see utility in the development and implementation of such review processes. The object of this article is to identify an appropriate framework for detainee review, examine relevant U.S. state practice, and provide practical guidelines for implementing processes to review the status and threat of detainees during NIACs.

<https://digital-commons.usnwc.edu/ils/vol95/iss1/3/>

Born in the twilight zone : birth registration in insurgent areas

Kathryn Hampton. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 507-536

Insurgent groups are registering births in territories which they control, and yet States do not recognize insurgent birth registration, resulting in a legal vacuum with harsh consequences for children. Based on international human rights and humanitarian law provisions related to birth registration, this article argues that insurgent groups have an inherent power to register births in order to fulfil their obligations under international humanitarian law, and that State obligation to

ensure the right to recognition as a person under the law should require States to recognize insurgent birth registration in order to prevent harm to children.

<https://library.icrc.org/library/docs/DOC/irrc-911-hampton.pdf>

A bridge too far ? : attacks against cultural property used as military objectives as war crimes : the Prlić et al. case and the Mostar bridge

Luke Moffett. In: *International criminal law review*, Vol. 20, no. 2, 2020, p. 214-250

The destruction of the cultural property in conflict zones around the world has captured international attention on the need to prevent its destruction and prosecute those responsible. This article examines the current legal protection and international criminal framework on the criminalisation of the destruction of cultural property and in particular the exception to such destruction amounting to a war crime where they have become military objectives. This article discusses the recent decision in the Prlić et al. case involving the Mostar bridge, in light of its being justified to be attacked as a military objective. This article argues that considerations of proportionality are still required in such circumstances. This is vital to minimise the cost to communities and peoples whose cultural identity is bound up with such cultural objects. The article also suggests that the perfidious use of cultural property by parties to a conflict should be criminalised.

<https://doi.org/10.1163/15718123-02002003> *

Bringing terrorists to justice in the context of armed conflict : interaction between international humanitarian law and the UN conventions against terrorism

Alejandro Sánchez Frías. In: *Israel law review : a journal of human rights, public and international law*, Vol. 53, no. 1, 2020, p. 71-99

The participation of foreign fighters on the side of terrorist groups has raised many questions about the legal basis for the criminal prosecution of acts of terror during armed conflicts. In cases regarding the commission of terrorist crimes with transnational elements, such as the foreign nationality of the alleged perpetrator, cooperation with other states in matters such as extradition or mutual legal assistance can be crucial. This study will analyse two regimes that may constitute a legal basis for cooperation in criminal matters against acts of terror committed during armed conflicts: (i) the rules on criminal responsibility under international humanitarian law (IHL), and (ii) the United Nations framework of anti-terrorist conventions. IHL has been seen by many as the only framework applicable to acts committed during armed conflicts. In contrast, the position adopted in this article is that IHL does not necessarily exclude the application of other regimes to acts committed during armed conflicts, which can serve as a complementary tool in international efforts for the prevention and suppression of terrorism.

<https://doi.org/10.1017/S0021223719000220> *

Can we starve the civilians ? : exploring the dichotomy between traditional law of maritime blockade and humanitarian initiatives

Phillip J. Drew. In: *International law studies*, Vol. 95, 2019, p. 302-321

The contemporary practice of maritime blockade can trace its origins to the Dutch Placaat of 1564, under which the Dutch Navy enforced the closure of Spanish ports to maritime traffic, both inbound and outbound. Although originally designed to stop all military reinforcements from reaching an area, in the ensuing 450 years, blockade has developed into a method of warfare whose effects are primarily economic. As a result of the urbanization of much of the world's population over the past 200 years, many States have become heavily reliant on imported foodstuffs and commodities, most of which moves by sea. When those commodities are cut off, economies can falter, and civilian populations can be forced into starvation. This paper discusses the legal framework of blockade and examines whether contemporary international humanitarian law provides a sufficient framework for the protection of civilians from the effects of this evolving method of naval warfare.

<https://digital-commons.usnwc.edu/ils/vol95/iss1/10/>

Challenges for the protection of child victims of recruitment and use in an era of complex armed conflicts : the Colombian case

Ana María Jiménez Pava. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 52-73

In the last two decades, the dynamics of the organization and operation of armed groups in non-international armed conflicts have changed dramatically. These developments have implications for the application of international standards regarding the recruitment and use of children by armed groups. This chapter analyses these implications in the context of Colombia, which has seen the rise of criminal bands – or ‘BACRIM’ – following the demobilization of paramilitary groups. The chapter begins by discussing the generally shifting nature of armed conflicts and their impact upon children. It then sets out the international legal framework applicable to child recruitment and identifies the main gaps in the application of these legal standards to new conflict dynamics targeting children. This chapter further examines steps taken by the Colombian government to address the situation of child victims of BACRIM, in particular pertaining to the reintegration of children associated with these groups. The chapter exhorts additional legal and political measures to address the situation of child victims of BACRIM in light of the recent peace agreement between the government and the FARC-EP.

Challenges in the application of the obligation to ensure respect for IHL – foreign fighting as an example

Marnie Lloyd. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 231-247

This chapter considers the obligation to respect and ensure respect for international humanitarian law (IHL) in Common Article 1 of the Geneva Conventions of August 1949 and their Additional Protocols 1 and 3 focusing on the threat of IHL violations being committed through foreign fighting. Specifically, it examines compliance with the duty to ensure respect for IHL by a State of nationality or permanent residence regarding (would-be) foreign fighters leaving or having left from that territory to fight in a foreign armed conflict. As part of their grappling with the complex issues surrounding foreign fighting, are States considering how to ensure that fighters of all ‘persuasions’ emanating from their jurisdiction are respecting IHL?

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-15> *

Challenges regarding the protection of animals during warfare

Jérôme de Hemptinne. - In: Studies in global animal law. - Berlin : Springer, 2020. - p. 173-183

This chapter turns to the treatment of animals in one of the two classical divisions of international law, the laws of war, examining the protection of animals during hostilities. De Hemptinne explains that international humanitarian law (IHL) does not contain explicit rules to mitigate the suffering of animals in armed conflict. However, the overall evolution of law's approach to animals, notably its recognition of them as sentient beings, appears to allow for a progressive interpretation of IHL so as to constrain acts of violence against animals in war. The rules on the protection of civilian objects and on the environment, the proportionality principle, or the options for declaring demilitarized zones could all be activated to this end.

https://doi.org/10.1007/978-3-662-60756-5_14

Children associated with terrorist groups in the context of the legal framework for child soldiers

Nina H. B. Jorgensen. In: Questions of international law, zoom-in 60, 2019, p. 5-23

This article aims to provide a preliminary assessment of the extent to which the phenomenon of children who are recruited or born into terrorist groups fits within the legal and conceptual framework concerning the recruitment and use of child soldiers. As both ‘terrorism’ and ‘terrorist group’ lack universally accepted definitions, reliance is placed on United Nations, regional and national sanctions lists to identify relevant organisations. This article focuses on the activities of Islamic State (IS or ISIL) in Syria and Iraq, and Boko Haram in Nigeria to illustrate the factual context.

http://www.gil-qdi.org/wp-content/uploads/2019/06/02_Child-Soldiers_JORGENSEN_FIN-.pdf

Classification of cyber capabilities and operations as weapons, means, or methods of warfare

Jeffrey T. Biller and Michael N. Schmitt. In: International law studies, Vol. 95, 2019, p. 179-225

Despite several persistent controversies regarding how international law applies to cyber operations during an armed conflict, general understanding of the law in this domain is maturing. This article examines three terms drawn from classic international humanitarian law (IHL) – weapons, means, and methods of warfare – in the context of cyber operations. The article begins by identifying those IHL and neutrality rules that the use of the terms implicates, namely the weapon review obligation, the requirement to choose among available means and methods of attack to minimize civilian harm, and the prohibition on transportation of weapons across neutral territory. It then assesses the prevailing understandings of weapons, means, and methods of warfare in an effort to tease loose the sine qua non characteristics that define the terms. This analysis leads to the conclusion that cyber capabilities cannot logically be categorized as weapons or means of cyber warfare. However, they may qualify as a method of warfare in certain contexts. Finally, the findings are applied to the attendant legal requirements and prohibitions in order to evaluate their effect of those rules.

<https://digital-commons.usnwc.edu/ils/vol95/iss1/6/>

Colombia's fuerza pública (security forces) in the special jurisdiction for peace : special treatment or preferential treatment?

Camila Andrea Santamaría Chavarro, Diana Isabel Güiza Gómez and Rodrigo Uprimny Yepes. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden ; Boston : Brill Nijhoff, 2020. - p. 252-280

The Colombian peace agreement of 2016 includes special treatment under criminal law for members of the Fuerza Pública who were responsible for grave violations of human rights and breaches of IHL. Such treatment are being administrated by a court that was created by the same agreement and is known as the special jurisdiction for peace. The definitive legal and political "closure" of the Colombian armed conflict depends to a great extent on the perpetrators being punished for the crimes they committed. Otherwise, the construction of a stable and lasting peace in the territories will be made much more difficult by the risk of future claims for justice. Given the importance of this matter, in this text we analyse the positive aspects of the inclusion of the Fuerza Pública into the special jurisdiction for peace and the problematic points of the special, balanced, and equitable criminal treatment of the Fuerza Pública.

Le Comité international de la Croix-Rouge comme architecte du droit international : vers le code des prisonniers de guerre (1929)

Hazuki Tate. In: Monde(s), Vol. 2, no. 12, 2017, p. 203-220

La souffrance de nombreux prisonniers de guerre pendant la Première Guerre mondiale mena le Comité international de la Croix-Rouge (CICR), organisation neutre et humanitaire, à

l'élaboration d'un Code des prisonniers de guerre pendant les dix années qui suivirent la guerre. Cet article analyse le processus par lequel cette nouvelle législation internationale se concrétisa dans ce contexte de sortie de guerre, en identifiant les différents rôles que le CICR assumait dans ses rapports avec les autorités étatiques et les juristes.

<https://doi.org/10.3917/mond1.172.0203>

The common approach to Article 1 : the scope of each state's obligation to ensure respect for the Geneva Conventions

Verity Robson. In: *Journal of conflict and security law*, Vol. 25, no. 1, Spring 2020, p. 101-115

Common Article 1 of the Geneva Conventions of 1949 is foundational, but not exceptional: the duty to respect and ensure respect for the Conventions must be considered within the framework of public international law as a whole. The Article obliges each High Contracting Party and its organs to respect the Geneva Conventions, and to ensure respect for these Conventions by the population over which it exercises authority and any other persons or groups whose conduct is attributable to it. This scope is demonstrated by the ordinary meaning of the term, subsequent agreements, subsequent practice and other relevant rules of international law, and confirmed by reference to the travaux préparatoires. In particular, erga omnes status does not affect it. As a matter of good faith performance of the Conventions, each High Contracting Party also has a duty not to encourage violations by others. Common Article 1 does not require, as some authors have argued, the prevention or termination of breaches of the Geneva Conventions by other parties to conflict, but High Contracting Parties may choose to take steps toward doing so, as a matter of policy.

<https://doi.org/10.1093/jcsl/kraa004>

Common Article 1 : an introduction

Eve Massingham and Anabel McConnachie. - In: *Ensuring respect for international humanitarian law.* - London ; New York : Routledge, 2021. - p. 1-11

Common Article 1 (common to the Geneva Conventions of August 1949 and their Additional Protocols I and III), provides that '[t]he High Contracting Parties undertake to respect and to ensure respect for the [...] Convention [and Protocol] in all circumstances' (CA1). This chapter introduces the key discussions around the meaning and significance of this provision looking at State and judicial practice pertaining to this provision over the last 50 years. Scholarship around this article, which has been touched on by numerous authors over the last 20 years, is considered. The chapter sets up the discussion that follows through the volume, across a range of areas of international humanitarian law (IHL), about what implementing CA1 might look like in practice.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-1> *

Common Article 1 and counter-terrorism legislation : challenges and opportunities in an increasingly divided world

Petra Ball and Yvette Zegenhagen. - In: *Ensuring respect for international humanitarian law.* - London ; New York : Routledge, 2021. - p. 178-197

Domestic counter-terrorism legislation can undermine States' obligations in relation to both respecting and ensuring respect for the Geneva Conventions of August 1949 (GCs) and their Additional Protocols (APs). As a middle power with a dualist, common law legal tradition, the Australian experience is a useful case study. In its counter-terrorism regime, there is an absence of suitable exemptions for certain kinds of training, and an overly conservative approach to terrorism financing risk within the humanitarian sector. Problematic also is the legislation's presumably inadvertent erosion of the principle of the equality of belligerents. Further, in recent citizenship changes relating to counter-terrorism, Australia could be relying on a third party to investigate and prosecute serious violations of the GC or APs. In doing so, Australia's broader application of its Common Article 1 (CA1) obligations are undermined and by extension, so too is its moral authority to influence other States in efforts to ensure respect for these instruments. There are a number of practical measures that States – and their citizens – can take to avoid these

problematic developments. Decision-makers, civil servants and the judiciary all have a role in developing, applying and interpreting domestic counter-terrorism laws and must be aware of how this framework interrelates with international humanitarian law (IHL) principles and CA1 obligations to ensure that an appropriate balance is found between legitimate security concerns and the protection of fundamental principles of IHL. Civil society, particularly the humanitarian sector and Red Cross and Red Crescent National Societies, has an important role to play in debates and development of domestic counter-terrorism measures, alongside other key influencers such as the legal and academic sectors.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-12> *

Complicity and the law of international organizations : responsibility for human rights and humanitarian law violations in UN peace operations

Magdalena Pacholska. - Cheltenham ; Northampton : Edward Elgar, 2020. - XII, 262 p.

This timely book examines the responsibility of international organizations for complicity in human rights and humanitarian law violations. It comprehensively addresses a lacuna in current scholarship through an analysis of the mandates and modus operandi of UN peace operations, offering workable normative solutions and striking a balance between the UN's duty not to contribute to international law violations and its need to discharge mandated tasks in a highly volatile environment. Building on existing scholarship on State responsibility for aid or assistance, this incisive book is the first to focus on how the complicity of international organizations in human rights and humanitarian law violations can be established. Through a re-examination of classic legal notions such as due diligence and effective control, and their application to the problem of UN responsibility for complicity, Dr Magdalena Pacholska provides a pertinent analysis of the complex issues surrounding the UN's legal exposure for its activities in the field of peace and security.

Contestation before compliance : history, politics, and power in international humanitarian law

Helen M. Kinsella and Giovanni Mantilla. In: *International studies quarterly*, Vol. 64, issue 3, September 2020, p. 649-656

Despite the common reference to international humanitarian law (IHL) in the discourse and practice of international politics, international relations (IR) scholarship has yet to consistently engage in an analysis of IHL that extends beyond the relatively narrow specifications of its regulative and strategic effects. In this theory note, we argue that this prevailing focus leaves the discipline with an impoverished understanding of IHL and its operation in international politics. We propose that the study of IHL should be expanded through a deeper engagement with the law's historical development, the politics informing its codification and interpretation, and its multiple potential effects beyond compliance. This accomplishes three things. First, it corrects for IR's predominantly ahistorical approach to evaluating both IHL and compliance, revealing the complicated, contested, and productive construction of some of IHL's core legal concepts and rules. Second, our approach illuminates how IR's privileging of civilian targeting requires analytical connection to other rules such as proportionality and military necessity, none of which can be individually assessed and each of which remain open to debate. Third, we provide new resources for analyzing and understanding IHL and its contribution to "world making and world ordering."

<https://library.ext.icrc.org/library/docs/ArticlesPDF/49715.pdf> *

The Counter-Terrorism Committee Executive Directorate and international humanitarian law : preliminary considerations for states

Dustin A. Lewis, Naz K. Modirzadeh and Jessica S. Burniske. - [Harvard] : Harvard Law School Program on International Law and Armed Conflict, March 2020. - 38 p.

In developing international humanitarian law (IHL), States have aimed in part to lay down the primary normative and operational framework pertaining to principled humanitarian action in

situations of armed conflict. The possibility that certain counterterrorism measures may be instituted in a manner that intentionally or unintentionally impedes such action has been recognized by an increasingly wide array of States and entities, including the United Nations Security Council and the U.N. Secretary-General. At least two aspects of the contemporary international discourse on intersections between principled humanitarian action and counterterrorism measures warrant more sustained attention. The first concerns who is, and who ought to be, in a position to authentically and authoritatively interpret and apply IHL in this area. The second concerns the relationships between IHL and other possibly relevant regulatory frameworks, including counterterrorism mandates flowing from decisions of the U.N. Security Council. Partly in relation to those two axes of the broader international discourse, a debate has emerged regarding whether the U.N. Security Council may authorize one particular counterterrorism entity — namely, the Counter-Terrorism Committee Executive Directorate (CTED) — to interpret and assess compliance with IHL pertaining to humanitarian action in relation to certain counterterrorism contexts. In this briefing, we seek to help inform that debate by raising some preliminary considerations regarding that possibility. We focus on the possible implications of States and other relevant actors pursuing various responses or not responding to this debate. One of our goals is to help raise awareness of this area with a focus on perspectives drawn from international law. Another is to invite a broader engagement with the question of the preservation of the humanitarian commitments laid down in IHL in a period marked by a growing number — and a deepening — of the intersections between situations of armed conflict and measures to suppress terrorism.

<http://blogs.harvard.edu/pilac/files/2020/03/CTED-and-IHL.pdf>

Crimes committed by child soldiers : an argument for coherence

Nikila Kaushik and Steven Freeland. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 325-349

International jurisprudence does not identify an accepted age at which criminal responsibility begins, nor does it clearly answer the question of whether international law recognizes any minimum age of criminal responsibility at all. Despite this uncertainty, there is an inchoate (and increasing) de facto recognition of the position that child soldiers will not be prosecuted internationally for international crimes committed during conflict. This chapter sets out the framework of instruments that regulate the criminal responsibility of child soldiers and traces the growing acceptance of the norm that children will not be prosecuted for international crimes. The chapter observes that there has been little scrutiny of this emerging standard by international lawyers. As a result, serious questions may be posed about its jurisprudential foundations. In that context, the development of a more coherent position is urged. Looking forward, the chapter submits that child soldiers should not be tried and held criminally responsible before international courts or tribunals. However, there is merit in a formal and consistent process for responding to their crimes as a path towards recognizing the extent of their offences and victimization.

Cut these words : passion and international law of war scholarship

Naz K. Modirzadeh. In: Harvard international law journal, Vol. 61, no. 1, Winter 2020, p. 1-64

In this paper, Naz Modirzadeh explores how international legal scholarship about war, written at a time of war, ought to read. Can—and should—we demand doctrinal rigor and analytical clarity, while also expecting that scholarship makes us feel something, that it connects us to the author, that it captures the intimacy and emotion that human beings experience in relation to war? She uses two eras of international legal scholarship on war—namely, the Vietnam era and the War on Terror—to illustrate key moments in the field that were typified by very different kinds of writing and the corresponding differences in thinking and feeling. She argues, in part, that—in contradistinction to passion-filled Vietnam-era scholarship—a particularly influential strand of contemporary scholarship on the United States' War on Terror adopts a view that is aridly technical, acontextual, and ahistorical. In short, it lacks passion. The Introduction situates this project within broader writing on law and emotions. Part I provides a list of characteristics of what I consider passionate scholarship, using the Vietnam era as an example of that approach.

Part II provides a mirrored list of the characteristics of abstract and bloodless scholarship, using the latter part of the War on Terror (2009 onward). The observations compare how scholars of each period contend with the sense of crisis and urgency of their time, and the understanding that they (we) were living—and writing—through moments that would be seen as history-changing and law-shifting in the future. Part III examines possible explanations for differences where we ought to see similarities, for absences of scholarly connection where they should be plentiful, and for a seismic shift in the general tone and mood of international legal scholarship on war in less than two generations. Part IV concludes by discussing why we—international lawyers, scholars who feel strongly about war and peace—ought to care about and seek to reverse this shift.

<https://harvardilj.org/wp-content/uploads/sites/15/61.1-Modirzadeh.pdf>

Debating targeted killing : counter-terrorism or extrajudicial execution?

Tamar Meisels and Jeremy Waldron. - Oxford : Oxford University Press, 2020. - IX, 309 p.

In this “for and against” book, Jeremy Waldron and Tamar Meisels defend competing positions on the legitimacy of targeted killing. The volume begins with a joint introduction, briefly setting out the terms of discussion, and presenting a short historical overview of the practice—i.e. what is targeted killing, and how has it been used in which conflicts and by whom. The debate opens with Meisels’ defense of targeted killing as a legitimate and desirable defensive anti-terrorism strategy, in keeping with both just war theory and international law. Meisels unreservedly defends the named killing of irregular combatants, most notably terrorists, during armed conflict. Additionally, she offers a possible moral justification for rare instances of assassination outside that framework, specifically with reference to recent cases of nuclear scientists developing weapons of mass destruction for the Iranian and Syrian governments. The debate continues with Waldron’s arguments focusing on the dangers and the inherent wrongness of governments’ having the right to maintain death lists—lists of named individuals who are to be hunted down and killed. Waldron notes the many differences between individualized targeting and ordinary combat, and he resists the attempt to assimilate targeted killing to killings in combat. Waldron also cautions us to consider carefully what a world of targeted killings will be like, the many abuses it is liable to, and why we should be very cautious, morally and strategically, in our thinking about it.

Deciphering the landscape of international humanitarian law in the Asia-Pacific

Suzannah Linton. In: *International review of the Red Cross*, Vol. 101, no. 911, 2019, p. 737-770

The author argues that the norm of humanity in armed conflict, which underpins IHL, has deep roots in the Asia-Pacific region and that there has been meaningful participation of certain States of the region in IHL law-making. Some are among those actively contributing to the development of new or emerging areas relevant to IHL, such as outer space, cyberspace and the protection of the environment in armed conflict. How is it then, the author asks, that there are so many armed conflicts with very serious IHL violations emerging in the Asia-Pacific region? Should we reflect in a more nuanced way on “norm internalization” and “root causes”? The real challenge for progressive humanitarianism, the author contends, is to traverse disciplines and to build on work done in, on and from the region in order to develop more informed and nuanced approaches to understanding the countries and societies of the region, moving on to study the process of norm internalization, and then developing creative and meaningful strategies for strengthening the links between that internalization, actual conduct on the ground, and norm socialization in the wider community.

<https://library.icrc.org/library/docs/DOC/irrc-911-linton.pdf>

Distorted terminology : the UK's closure of investigations into alleged torture and inhuman treatment in Iraq

Elizabeth Stubbins Bates. In: International and comparative law quarterly, Vol. 68, no. 3, July 2019, p. 719-739

The UK Ministry of Defence (MOD) has closed hundreds of investigations into alleged ill-treatment of detainees by British troops in Iraq. This article probes one reason given for the closure of these investigations: the assertion (without further evidence) that the allegations were 'less serious', 'lower-level' or in the 'middle' range of severity. These terms usually appear without reference to international law, and are once defined with reference to the English criminal law of assault, so that investigations were closed if the alleged treatment resulted in less than grievous bodily harm. The MOD's terminology is wrong-headed and conceptually underinclusive: it fails to grasp the threshold of inhuman or degrading treatment in international human rights law (IHRL), and largely neglects the investigatory obligations in IHRL, international humanitarian law (IHL) and international criminal law (ICL).

<https://doi.org/10.1017/S002058931900023X> *

Double elevation : autonomous weapons and the search for an irreducible law of war

Ioannis Kalpouzos. In: Leiden journal of international law, Vol. 33, no. 2, June 2020, p. 289-312

What should be the role of law in response to the spread of artificial intelligence in war? Fueled by both public and private investment, military technology is accelerating towards increasingly autonomous weapons, as well as the merging of humans and machines. Contrary to much of the contemporary debate, this is not a paradigm change; it is the intensification of a central feature in the relationship between technology and war: double elevation, above one's enemy and above oneself. Elevation above one's enemy aspires to spatial, moral, and civilizational distance. Elevation above oneself reflects a belief in rational improvement that sees humanity as the cause of inhumanity and de-humanization as our best chance for humanization. The distance of double elevation is served by the mechanization of judgement. To the extent that judgement is seen as reducible to algorithm, law becomes the handmaiden of mechanization. In response, neither a focus on questions of compatibility nor a call for a 'ban on killer robots' help in articulating a meaningful role for law. Instead, I argue that we should turn to a long-standing philosophical critique of artificial intelligence, which highlights not the threat of omniscience, but that of impoverished intelligence. Therefore, if there is to be a meaningful role for law in resisting double elevation, it should be law encompassing subjectivity, emotion and imagination, law irreducible to algorithm, a law of war that appreciates situated judgement in the wielding of violence for the collective.

<https://doi.org/10.1017/S0922156520000114> *

Le droit international humanitaire

Louis Balmond. - Rosny-sous-Bois : Bréal, 2020. - 208 p.

Simple dans ses principes, la protection de la personne humaine et de sa dignité, le DIH forme désormais un système juridique très élaboré, construit au rythme de l'évolution des conflits et des méthodes et moyens de combat. Cet ouvrage vise d'abord à présenter de manière synthétique les origines, la philosophie et les principes généraux qui structurent le DIH. Il donne ensuite un aperçu des multiples règles qui le composent et qui sont destinées à cantonner la violence dans les conflits armés. Enfin, il traite de la mise en œuvre du droit international humanitaire et des difficultés qu'elle rencontre du fait de la tension permanente entre humanité et souveraineté.

Le droit international humanitaire et le droit islamique dans les conflits armés contemporains : atelier d'experts : Genève, 29-30 octobre 2018

rapport préparé et édité par Ahmed Aldawoody, conseiller juridique pour le droit et la jurisprudence islamiques, CICR. - Genève : CICR, juin 2020. - 84 p.

Depuis près de trente ans, le CICR associe, ou cherche à associer, des institutions et des érudits islamiques aux efforts qu'il déploie pour apporter protection et assistance aux victimes des conflits armés dans les pays musulmans. Cet atelier a réuni d'éminents experts en droit islamique et de droit international humanitaire (DIH) de 23 pays d'Afrique, du Moyen-Orient, d'Asie, d'Europe et d'Amérique du Nord, et leur a permis d'examiner ensemble plusieurs problématiques spécifiques liées au DIH dans les conflits armés contemporains. Cinq thèmes représentant des préoccupations contemporaines ont été traités : la conduite des hostilités, la protection des soins de santé, la détention en situation de conflit armé, la protection spéciale accordée aux enfants et une prise en charge adéquate et digne des dépouilles mortelles. L'atelier a ouvert la voie à un renforcement de la collaboration entre les spécialistes du droit islamique et le CICR. Il avait pour objectifs globaux de renforcer la coopération entre spécialistes du DIH et docteurs de l'Islam, et de donner aux experts en droit islamique la possibilité de discuter des défis opérationnels et juridiques auxquels le CICR est confronté dans les contextes musulmans.

<https://library.icrc.org/library/docs/DOC/icrc-4386-001.pdf>

Enacting the 'civilian plus' : international humanitarian actors and the conceptualization of distinction

Rebecca Sutton. In: *Leiden journal of international law*, Vol. 33, no. 2, June 2020, p. 429-449

The civilian-combatant frame persists as the main legal lens through which lawyers organize the relationships of conflict zone actors. As a result, little attention has been paid in international legal scholarship to different gradations of 'civilianness' and the ways in which some civilians might compete to distinguish themselves from each other. Drawing attention to international humanitarian actors – particularly those working for NGOs – this article explores the micro-strategies these actors engage in to negotiate their relative status in war. Original qualitative empirical findings from South Sudan illuminate the way in which humanitarians struggle over distinction with individuals working for the UN peacekeeping mission, UNMISS. As is shown, humanitarian actors are doing away with a static civilian-combatant binary in their daily practice. A more fluid logic informs both their self-conceptualization and their interactions with others who share the operational space. Humanitarian actors envision civilianness as a contingent concept, and they operate according to a continuum along which everything is a matter of degree and subtle gradation. As civilianness is detached from the civilian, any given actor might acquire or shed civilian-like, or combatant-like, characteristics at any moment. The distinction practices that humanitarian actors enact can be understood as a bid for legibility, so that they might be rendered intelligible in international law and in the eyes of other actors as a special kind of civilian – the 'civilian plus'.

<https://doi.org/10.1017/S092215651900075X> *

Engaging armed non-state actors on the prohibition of recruiting and using children in hostilities : some reflections from Geneva Call's experience

Pascal Bongard and Ezequiel Heffes. In: *International review of the Red Cross*, Vol. 101, no. 911, p. 603-621

Despite the existence of a comprehensive international legal framework protecting children in armed conflict, ensuring its respect by armed non-State actors (ANSAs) still remains an important challenge. This can be linked to several circumstances, such as their lack of knowledge of the law, the absence of an incentive to abide by the applicable rules, their fragmented structure and their lack of capacity to implement the applicable framework. Certain practical cases, however, show that ANSAs' behaviours may vary throughout armed conflicts. While certain groups have, at a given moment, breached some of their international obligations, other have shown some degree of commitment to respecting children's safeguards. When addressing the prohibition of recruiting and using children in hostilities, the reasons behind these variations have remained insufficiently

explored. This article reviews some of the lessons learned from Geneva Call's experience when engaging ANSAs towards their compliance with child protection norms.

<https://library.icrc.org/library/docs/DOC/irrc-911-bongard.pdf>

Ensuring respect and targeting

Dale Stephens. - In: *Ensuring respect for international humanitarian law.* - London ; New York : Routledge, 2021. - p. 100-114

Modern military operations are invariably conducted in a coalition or in a multi-force composition. This requires alignment of, inter alia, military capabilities, command and control, planning and operational execution. It also requires that military partners ensure effective legal interoperability. There will often be treaties that are applicable to some partners and not others, specific legal interpretations that don't always align and also policy directions that set different criteria for the conduct of military operations, especially in the context of targeting. As outlined in this chapter, there is a tremendous amount of operational procedure that underpins targeting operations. It is a critical operational requirement that coalition military partners in the targeting process accommodate and to a large extent harmonise targeting procedures and priorities. Within this very practiced environment, the ensuring respect obligation finds de facto expression. It would be wrong to conclude that legal interoperability and the ensure respect obligation are the same thing because they are not. However, there may be an alignment in the realisation of target allocation and operational policy restraint that practically delivers the type of outcomes advanced by the ensuring respect arguments that are often mounted. This chapter will survey the social and policy influences that underpin targeting decisions. It will conclude that the operational imperatives of targeting alignment and effective legal interoperability can largely realise the goals underpinning the ensure respect obligation.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-7> *

Ensuring respect for IHL as it relates to humanitarian activities

Nathalie Weizmann. - In: *Ensuring respect for international humanitarian law.* - London ; New York : Routledge, 2021. - p. 198-216

Third States have an important role to play in ensuring respect for international humanitarian law (IHL) as it relates to humanitarian activities. First, IHL directly addresses the role of third States in allowing humanitarian activities. Moreover, third States may take additional steps to enable humanitarian activities, whether by ensuring respect for IHL or as a matter of policy and good practice aimed at enabling humanitarian activities. As this chapter illustrates, third States have taken such steps through diplomacy, advocacy and dissemination. Those sitting on the United Nations Security Council (UNSC) have adopted a number of resolutions recalling the rules of IHL as they relate to humanitarian activities and urging parties to an armed conflict and other third States to take a range of actions. This broad collection of State practice forms a robust catalogue of measures that all States can take to ensure respect for IHL with a view to enabling humanitarian activities.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-13> *

Ensuring respect for IHL by, and in relation to the conduct of, private actors

Catherine Drummond. - In: *Ensuring respect for international humanitarian law.* - London ; New York : Routledge, 2021. - p. 63-82

It is well-accepted that the duty to ensure respect for international humanitarian law (IHL) obliges States to prevent corporate-related IHL violations, but what this actually means in concrete terms is less clear. Much of the doctrinal literature on the rule in Common Article 1 (CA1) to the Geneva Conventions focuses on ensuring respect for IHL by State and non-State parties to conflicts. Private actors are considered either in passing or in studies focusing only on particular types of private actors with an obvious connection to armed conflict. There remains a need to think more generally about how the duty to ensure respect for IHL obliges States to act towards private actors. This chapter takes private actors as the lens through which to explore the nature,

scope and content of the obligation to ensure respect for IHL. It argues that in order to comply in good faith with their obligation to ensure respect for IHL, States must actively undertake a scoping exercise to ascertain the extent of their duty as regards private actors in any given situation. It proposes two types of inquiries: a general (activity-based) exercise and a specific (actor-based) exercise. The combination of these two approaches provides a practical framework to guide States to fulfil their duty to ensure respect for IHL by, and in relation to the conduct of, private actors and facilitates the adoption of the appropriate tools with which to do so.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-5> *

Ensuring respect for IHL by Kenya and Uganda in South Sudan

Kenneth Wyne Mutuma. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 83-99

The Geneva Conventions 1949, their Additional Protocols and customary international humanitarian law embody the obligation to respect and ensure respect for international humanitarian law. The obligation to ensure respect has been subject for rife debate, especially the role played by third parties. This chapter will elucidate the obligation to ensure respect by third parties, in the context of the role played by Kenya and Uganda in the neighbouring South Sudan.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-6> *

Ensuring respect for IHL in the international community : navigating expectations for humanitarian law diplomacy by third States not party to an armed conflict

Sarah McCosker. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 23-43

This chapter examines the practical implications of Common Article 1 of the Geneva Conventions (CA1) for third States that are not party to an armed conflict. Contemporary interpretations of CA1 have heightened expectations that third States should actively use their diplomatic influence to promote respect for international humanitarian law (IHL) by States engaged in armed conflict. How may third States navigate these significant expectations? Putting aside the debate concerning the legal status and scope of the external positive aspect of CA1, the chapter focuses on two key issues: first, the diverse range of actions available to States to promote respect for IHL, and second, implications for the coordination and resourcing of humanitarian law diplomacy work within government. The chapter argues that more effective implementation of CA1 will depend less on how a government interprets CA1 legally, than on whether it is willing and able to dedicate more capacity to implementation. The chapter therefore proposes a multi-step process that could form a best practice model for implementing the external positive aspect of CA1. It also discusses the challenges many States are likely to face in fully operationalising such a process, given considerations regarding resources, strategic priorities and risk management. Accordingly, it would be beneficial for States and commentators to give greater consideration to effective ways of addressing such challenges, which would help strengthen the capacities of third States to promote respect for IHL.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-3> *

Ensuring respect for international humanitarian law

ed. by Eve Massingham and Annabel McConnachie. - London ; New York : Routledge, 2021. - XVI, 278 p.

This book explores the nature and scope of the provision requiring States to ‘ensure respect’ for international humanitarian law (IHL) contained within Common Article 1 of the 1949 Geneva Conventions. It examines the interpretation and application of this provision in a range of contexts, both thematic and country-specific. Accepting the clearly articulated notion of ‘respect’ for IHL, it builds on the existing literature studying the meaning of ‘ensure respect’ and outlines an understanding of the concept in situations such as enacting implementing legislation, diplomatic interactions, regulating private actors, targeting, detaining persons under IHL in non-

international armed conflict, protecting civilians (including internally displaced populations) and prosecuting war crimes. It also considers topical issues such as counter-terrorism and foreign fighting.

<https://doi.org/10.4324/9780429197628> *

The evacuation of Eastern Aleppo : forced displacement under international law?

Matt Brown. - [S.l.] : International crimes database, January 2019. - 18 p.

The Syrian conflict has raised many legal issues that pose new questions for international lawyers. The evacuation of civilians from Eastern Aleppo raises the question of whether this evacuation should be examined from the viewpoint not of an evacuation, but of the crime of forced displacement. With Syrian forces launching months of attacks to counter rebel forces in Aleppo, they have ultimately regained Eastern Aleppo under their control. However, this success has come at a tremendous civilian cost, with allegations that their military campaign focused excessively upon targeting civilian areas. This Brief will examine whether there is a causal link between this military campaign and the subsequent displacement of civilians from Eastern Aleppo. Notably, whether in light of this link the actions of Syrian forces satisfy the requirement for the crime of forced displacement as either a crime against humanity or as a war crime. In turning attention from the humanitarian issue of the evacuation to the potentially criminal nature of the conduct that forced this displacement, this Brief will provide a new perspective on a critical aspect of the Syrian conflict.

http://www.internationalcrimesdatabase.org/upload/documents/20190109T160612-ICD%20Brief_Dec2018Forced%20Displacement%20in%20Syria%20as%20a%20Crime%20Under%20International%20Law.pdf

The expanding protection of members of a party's own armed forces under international criminal law

Conan Kenny and Yvonne McDermott. In: International and comparative law quarterly, Vol. 68, part 4, October 2019, p. 943-976

Does international law govern how States and armed groups treat their own forces? Do serious violations of the laws of war and human rights law that would otherwise constitute war crimes or crimes against humanity fall squarely outside the scope of international criminal law when committed against fellow members of the same armed forces? Orthodoxy considered that such forces were protected only under relevant domestic criminal law and/or human rights law. However, landmark decisions issued by the International Criminal Court (ICC) and the Extraordinary Chambers in the Courts of Cambodia (ECCC) suggest that crimes committed against members of the same armed forces are not automatically excluded from the scope of international criminal law. This article argues that, while there are some anomalies and gaps in the reasoning of both courts, there is a common overarching approach under which crimes by a member of an armed group against a person from the same forces can be prosecuted under international law. Starting from an assessment of the specific situation of the victim, this article conducts an in-depth analysis of the concepts of 'hors de combat' and 'allegiance' for war crimes and that of the 'lawful target' for crimes against humanity, providing an interpretative framework for the future prosecution of such crimes.

<https://doi.org/10.1017/S002058931900040X> *

Expert laws of war : restating and making law in expert processes

Anton Orlinov Petrov. - Cheltenham ; Northampton : E. Elgar, 2020. - X, 296 p.

Over recent decades, international humanitarian law has been shaped by the omnipresence of so-called expert manuals. Astute and engaging, this discerning book provides a comprehensive account of these black letter rules and commentaries produced by private expert groups and demonstrates why the general acceptance of these expert manuals is largely unjustified. This theoretically grounded book bridges the divide between theory and practice by linking legal theory to the doctrinal and practical concerns of the laws of war. The author innovatively links

interdisciplinary insights to the needs of military lawyers in practice, showing the pitfalls of relying on private manuals as arguable restatements and interpretations of the law 'as it is'. At the same time, he explains why expert processes are so successful and why this should be of concern to all of us.

The external dimension of Common Article 1 and the creation of international criminal tribunals

Parisa Zangeneh. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 248-262

Common Article 1 (CA1) to the Geneva Conventions of August 1949 and Additional Protocols I and III, imposes obligations on High Contracting Parties to respect and to ensure respect for international humanitarian law (IHL), in all circumstances. This obligation contains two dimensions: the internal component, which requires States to internalise the obligation in their governmental and private activities, and the external dimension, which requires States to undertake all measures to ensure that other States respect IHL. This chapter argues that the establishment of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda constituted an example of third States complying with CA1. This consequently served as the precedent for third States to further ensure respect for IHL through participation and cooperation with the International Criminal Court. It then identifies the establishment of the hybrid courts and more recently, quasi-hybrid courts, such as the Extraordinary African Chambers and Kosovo Specialist Chamber, as new developments in the use of international criminal courts and tribunals in fulfilment of CA1 obligations.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-16> *

Famine as a collateral damage of war

Margherita Stevoli. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 163-186

This contribution intends to assess the interplay between the proportionality rule and the prohibition of starvation, detailing how proportionality assessments undertaken by warring parties prior to launching attacks must take into consideration the food security situation of the affected civilian population, and the possibility of causing starvation. The article provides an analysis of the prohibition of starvation included in the Additional Protocols, outlining its inherent limitations. It then argues the need of evaluating the so-called “conflict-induced hunger” under the lens of the proportionality rule and gives an overview of how parties can include the evaluation of food insecurity and malnutrition levels in their assessment of collateral damages.

<https://doi.org/10.1163/18781527-01101001> *

Fighting well for a just peace? Exploring the in bello/post bellum dependence thesis

Carl Ceulemans. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden ; Boston : Brill Nijhoff, 2020. - p. 77-95

One of the insights gained from the recent wars is that it is a mistake to believe that post bellum considerations only become relevant once the war is over. Quite on the contrary : post-war justice is something that should also concern us before and during the conflict. The link between jus ad bellum and jus post bellum is usually readily made. It is indeed quite generally understood that before jus post bellum became recognized as a separate just war pillar, ideas on post bellum justice were already implicitly present in the original ad bellum principles such as just cause, right intention and reasonable chance of success. The aim of this article is to formulate an answer to the two following questions. What does it mean exactly when we say that jus in bello and jus post bellum are dependent or independent from each other? And having made clear its exact meaning, what can we substantially say about their normative relation? Could a convincing case be made for an in bello/post bellum dependence thesis?

A framework convention for the protection of the environment in times of armed conflict : a new direction for the International Law Commission's draft principles ?

Tara Smith. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 148-162

At its seventy-first session in 2019, the International Law Commission (ILC) provisionally adopted twenty-eight draft principles related to the protection of the environment before, during and after armed conflict. This article argues that the ILC ought to consider proposing a framework convention as the final outcome of this project, as this could result in better protection of the environment than draft principles. Framework conventions have featured in international environmental law but they have not yet been used to progressively develop the law of armed conflict. This article argues that the hybrid legal nature of protecting the environment during the conduct of hostilities ought to incorporate solutions from relevant fields of international law. To that end, there are many merits to proposing a framework convention approach in the final outcome of the ILC's programme of work on this issue.

<https://doi.org/10.1163/18781527-bja10008> *

The gender of occupation

Fionnuala Ní Aoláin. In: The Yale journal of international law, Vol. 45, no. 2, 2020, p. 336-376

One glaring limitation in addressing the experiences of women in situations of armed conflict is the absence of a sustained analysis of the structural limits and sufficiency of the law of occupation. In almost all the major writing on the law of occupation, women and the relevance of gender analysis to understanding the limits of the law and the experiences of living under occupation have been marginalized or entirely absent. This article bridges that gap with a particular focus on the Occupied Palestinian Territories, addressing selected aspects of the experience of occupation from a gender perspective and offering a new vision on the substance, interpretations, and application of the law.

<https://digitalcommons.law.yale.edu/yjil/vol45/iss2/3/>

The Geneva Conventions and their Additional Protocols

Jonathan Crowe. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 12-22

International humanitarian law (IHL) can be defined as the body of international law governing the conduct of armed conflict. It protects those not, or no longer, taking part in the hostilities and limits the means and methods of warfare. The four Geneva Conventions of 1949 (GCs) and their Additional Protocols of 1977 and 2005 (APs) are the central international treaties regulating IHL. These documents, in conjunction with customary IHL, establish a rule, applicable in both international and non-international armed conflicts, whereby States must not only respect IHL, but also ensure respect for IHL. This requirement is stated explicitly in Common Article 1 (CA1) of the GCs. The contributors to this volume consider the ways in which the requirement to ensure respect for IHL confers States with legal obligations in specific domains of conduct. This chapter sets the scene for those discussions by considering the historical development and key principles of IHL, focusing particularly on the GCs and APs.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-2> *

Getting Tambo out of limbo : exploring alternative legal frameworks that are more sensitive to the agency of children and young people in armed conflict

Karl Hanson and Christelle Molima. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 110-131

Taking a step back from the almost exclusively protectionist approach with which international law pertaining to children and armed conflict is generically understood, this chapter explores alternative legal frameworks that could be more sensitive and responsive to young people's active agency throughout the peace-war-recovery continuum, without abandoning their rights to protection. A first section explains a theoretical framework that includes children's conceptions and practices of their rights. This framework is composed of the notions of living rights, social justice and translations. This chapter then examines how international humanitarian and human rights law considers young people who are legally allowed to be recruited into the armed forces, such as children over 16 years of age who have – in compliance with international rules – voluntarily joined government forces. An examination of literature on youth activism and on citizenship to explore young people's rights to participate in violent political struggles or in the military then follows. In conclusion, this chapter contends that the right of children to participate in contexts of violence and armed conflict is not necessarily a violation of children's rights. In the local contexts in which they come to have meaning, rights that recognize children's subjectivities can even be understood as empowering if they do justice to children and young people's efforts and suffering in the dramatic and adverse contexts of armed conflict.

Global consequentialism and the morality and laws of war

Hilary Greaves. - In: Human rights and 21st century challenges : poverty, conflict, and the environment. - Oxford : Oxford University Press, 2020. - p. 59-75

Rights-based and consequentialist approaches to ethics are often seen as being diametrically opposed to one another. This is entirely understandable, since to say that X has a (moral) right to Y is in part to assert that there are (moral) reasons to provide X with Y even if doing so foreseeably will not lead to better consequences. However, a 'global' form of consequentialism raises the possibility of some sort of reconciliation: it could be that the best framework for the regulation of international affairs (say) is one that employs a notion of rights, but if so, that (according to global consequentialism) is the case because regulating international affairs in that manner tends, as a matter of empirical fact, to lead to better consequences. By way of case study, this chapter applies these ideas to a recent dispute about the morality and laws of war, between Jeff McMahan and Henry Shue.

The historical evolution of allegiance during occupation

Manuel Galvis Martínez. In: American journal of legal history, Vol. 60, no. 1, March 2020, p. 76-100

The article traces the historical evolution of an understudied area of international humanitarian law (IHL): the rules on allegiance during occupation. By mapping state practice and scholarly opinions, the article shows the abandonment of the automatic transfer of the population's allegiance to the occupant in favour of other theories. Nonetheless, the discussions surrounding this topic show a general struggle to label the relation between inhabitants and occupiers, and a general rejection of any theory that directly or indirectly presumes sovereignty of the occupier over the inhabitants. The article presents an element that is rarely included in debates on allegiance and occupation, i.e. the efforts of states to reinforce their sovereignty over occupied population through criminal prosecution of those who collaborated with the occupant.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/49540.pdf> *

A history of violence : the development of international humanitarian law reflected in the International Review of the Red Cross

Cédric Cotter and Ellen Policinski. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, June 2020, p. 36-67

The International Review of the Red Cross, an academic journal produced by the International Committee of the Red Cross (ICRC) and published by Cambridge University Press, traces its origins back more than 150 years. Throughout its existence, the publication has featured international humanitarian law (IHL) prominently. Because of this, it is possible to trace how the ICRC was communicating publicly about IHL since 1869, allowing researchers to draw conclusions about how that body of law has evolved. In this article, the authors divide the history of the Review into five time periods, looking at trends over time as IHL was established as a body of law, was expanded to address trends in the ways war was waged, was disseminated and promoted to the international community, and how it is interpreted in light of current conflicts. Based on the way the law has been represented in the Review, the authors draw conclusions about the evolution of the law itself over time, and lessons this may provide for those who seek to influence the future development of the law regulating armed conflict.

<https://doi.org/10.1163/18781527-bja10015> *

The Holy See's position on lethal autonomous weapons systems : an appraisal through the lens of the Martens Clause

Diego Mauri. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 116-147

The issue of lethal autonomous weapons systems (LAWS) goes to the heart of the debate on new warfare technologies: States, international organizations, non-governmental organizations and civil society at large have long been discussing the acceptability of 'autonomous killing'. The present contribution zooms in on the position held by the Holy See, exploring its content and the main arguments which support the call of a ban on such technology. Both diplomatic statements and doctrinal teachings will be tackled. Importantly, a solid argument for a prohibition of LAWS is based on the moral unacceptability of autonomous killing, which may assume also a legal standing through the so-called Martens Clause. The history and the actual content of the Clause will be analyzed in order to explore whether – and to what extent – it can be interpreted so as to offer a legal ground for rejecting laws. It will be argued that the Holy See is in a particularly fit position to advocate for a renewed appraisal of the Martens Clause that may help the pro-ban front to structure a more principled debate.

<https://doi.org/10.1163/18781527-bja10001> *

How do you like me now ? : Hamdan v. Rumsfeld and the legal justifications for global targeting

Shane R. Reeves, Winston Williams and Amy H. McCarthy. In: University of Pennsylvania journal of international law, Vol. 41, no. 2, 2019, p. 329-376

By interpreting Common Article 3 of the Geneva Conventions to apply in all conflicts not qualifying as international, the Supreme Court in *Hamdan v. Rumsfeld* closed the transnational warfare regulatory gap for the United States. This understanding and application of Common Article 3 ensured Salim Ahmed Hamdan and other al-Qaeda detainees held by the country received basic humanitarian protections. However, as later interpreted by the executive branch, the decision also laid the foundation for the government's legal justifications for wide-ranging and oft-criticized military activities abroad, including drone strikes far from the 'hot battlefield'. Ultimately, the *Hamdan* decision provided an unexpected legal basis for the United States to lethally target non-State adversaries spread across the globe.

<https://scholarship.law.upenn.edu/jil/vol41/iss2/2>

Human rights remedies for violations of the law of armed conflict : reflections on the right to reparation in light of recent domestic court decisions in the Netherlands and Denmark

Vessela Terzieva. - [S.l.] : International crimes database, September 2019. - 26 p.

In recent decisions courts in the Netherlands and Denmark awarded compensation to individual victims for damage caused by the respective state's armed forces in military operations abroad. The events to which the claims for compensation related took place in situations of armed conflict. Some of these events had been previously qualified as genocide, war crimes, and crimes against humanity. Others may be qualified as violations of international humanitarian law. Currently, the state practice on the right to reparation for victims of international humanitarian law violations is not consistent and the existence of such a right itself is a subject of academic debate. The recent court decisions in the Netherlands and Denmark make a significant contribution to this debate and to the developing state practice. They de facto recognise a right of individual victims of international humanitarian law violations to claim compensation directly from the responsible state and clarify the application of international law in defining the standard of wrongfulness under domestic law, showing that domestic courts may serve as a mechanism to enforce international law in situations of armed conflict. These decisions also clarify the criteria for attribution of seconded military forces' conduct to the sending state and suggest that domestic courts are able to handle large and complex compensation claims related to military forces' activities abroad.

<http://www.internationalcrimesdatabase.org/upload/documents/20190912T143731-Human%2Orights%2Oremedies%2Ofor%2OHL%2Oviolations%2Ofinal%2Oversion.pdf>

Humanitarian access in armed conflict : a need for new principles ?

Adele Harmer and Abby Stoddard with Alexandra Sarazen. - [London] : Humanitarian outcomes, December 2018. - ii, 30 p.

Constraints on humanitarian access continue to inhibit the ability of affected populations to receive adequate assistance in numerous conflict situations. This scoping study was commissioned to determine the feasibility and potential impact of developing new 'principles' of access. It was undertaken between September and December 2018 and involved a literature review and interviews with 22 experts from humanitarian and donor agencies as well as academic and advocacy entities engaged in this issue area.

https://www.humanitarianoutcomes.org/sites/default/files/publications/scoping_study-humanitarian_access_and_new_principles.pdf

Humanitarian access through agency law in non-international armed conflicts

David Matyas. In: International and comparative law quarterly, Vol. 69, part 2, April 2020, p. 451-475

In many conflicts, aid organisations have to navigate the international humanitarian law requirement that parties to the conflict must consent to assistance. In non-international armed conflicts this often frustrates efforts to provide relief, as States refuse to grant consent in order to uphold their claims to sovereignty. Looking at the Syrian Civil War, this article suggests that the law of agency can offer a fresh perspective on the challenges posed by the requirement of consent to humanitarian assistance. It suggests that agency law can provide a legal explanation of seemingly political decisions and a de lege ferenda justification for assistance in instances where consent is either absent or provided by a non-State armed group.

<https://doi.org/10.1017/S0020589320000020> *

Humanitarian logic and the law of siege : a study of the Oxford guidance on relief actions

Sean Watts. In: *International law studies*, Vol. 95, 2019, p. 1-48

In 2016, Oxford University professors published a United Nations-commissioned legal study—the Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict. The Guidance contends that during armed conflict international law prohibits belligerents from arbitrarily denying offers of humanitarian relief to civilian populations. It asserts belligerents must accept and accommodate neutral offers of relief or offer reasoned and legitimate justifications for denying such offers. While not immediately apparent from relevant treaty text or from conventional accounts of that text, the Guidance contends that textual tension, drafting history, and subsequent practice—each, in certain contexts, an accepted method of treaty interpretation—support the claimed prohibition. This Article argues that on careful examination, the textual interpretation, drafting history, and subsequent practice offered by the Guidance, do not support its central claim. The interpretive approach of the Guidance underappreciates how experience with siege, particularly the demand to maintain isolation, informed the balance struck between humanity and military necessity by the States that codified the law of war applicable to relief actions. While from a humanitarian perspective, its conclusions are commendable and even supportable, the Guidance effects through cunning interpretation, amendments better left to the careful work of diplomacy and international legislation.

<https://digital-commons.usnwc.edu/ils/vol95/iss1/1/>

Humanitarian negotiation with parties to armed conflict : the role of laws and principles in the discourse

Rob Grace. In: *Journal of international humanitarian legal studies*, Vol. 11, no. 1, 2020, p. 68-96

This article examines the role of international humanitarian law (IHL) and humanitarian principles in the discourse of humanitarian negotiation. The article is based on extensive, semi-structured interviews conducted with 53 humanitarian practitioners about their experiences engaging in negotiations in the field. The article proceeds in four parts. Part 1 discusses two key factors at play during humanitarian negotiation processes. The first factor is the counterpart's familiarity with relevant legal and normative frameworks. The second factor is the interests that can drive counterparts' behavior. Part 2 presents a framework for understanding how the interaction of these two factors – familiarity and interest-alignment – can shape the discourse of humanitarian negotiation. Part 3 addresses the impact of these same issues on the humanitarian side of the negotiation. In particular, there is the possibility that humanitarian actors themselves might also lack familiarity with IHL and/or humanitarian principles and might find that their interests exist in tension with humanitarian laws and principles. The final section offers concluding remarks.

<https://doi.org/10.1163/18781527-01101003> *

Importance of international humanitarian law (IHL) training in armed police force, Nepal

Narendra Bam, Raju Shrestha and Ram Krishna Maharjan. In: *Journal of APF command and staff college*, Vol. 3, no. 1, 2020, p. 106-119

International humanitarian law (IHL) applies at times of armed conflict, placing legal obligations on all warring parties that are designed to limit the inhumanity of warfare. Armed Police Force (APF) Nepal, with the mandate to control an armed struggle occurred or likely to occur in any part of Nepal, to control armed rebellion or separatist activities, and to provide assistance in case of external intervention being under the Nepali Army, can at any time become a party in both international and non-international armed conflict. APF's role in UN peacekeeping missions is also an area where it may have to engage with non-state actors if and when situation demands. All these necessitate APF personnel to have proper understanding and compliance to the principles of IHL, violation of which can increase human suffering and consequent individual criminal responsibility and command responsibility. In light of this, it concludes the IHL specific

trainings in APF, Nepal should be maintained and augmented to ensure broad and better understanding for IHL in times of conflict.

<https://www.nepjol.info/index.php/JAPFCSC/article/view/27532/22777>

In our obedience to jus post bellum, could respect for jus in bello require us to be machiavellian?

Marie-des-Neiges Ruffo de Calabre. - In: *Jus post bellum : restraint, stabilisation and peace.* - Leiden ; Boston : Brill Nijhoff, 2020. - p. 128-145

To mention Machiavelli in a reflection on both just war and "virtue" must appear as a historical contradiction. Yet it is precisely because Machiavelli might be presented as the very antithesis of both the theory of just war and the actions guided by moral virtue alone, that we can propose, by contrast, two positions. The first is a position in favour of the link between jus in bello and jus post bellum, and the second is the throwing light on the link between just war and virtue ethics. One method, perhaps, is to test the link by process of counter-intuition: so the question is can thinking counter-intuitively be an ethical means leading to ethical ends? Does respect of jus post bellum require we are already virtuous in adhering to the concept of jus in bello? Do we respect the just war theory only as far as aiming efforts towards the end of the hostilities, whatever the means used, as a sort of wish-fulfilment? In brief, can we wage a just war without virtue?

Indeterminacy in the law of armed conflict

Adil Ahmad Haque. In: *International law studies*, Vol. 95, 2019, p. 118-160

Controversy and confusion pervade the law of armed conflict. Its most basic rules may seem ambiguous, vague, incomplete, or inconsistent. The prevailing view of customary international law confronts serious problems, in principle and in practice, when applied to the customary law of armed conflict. This article examines different forms of legal indeterminacy and different legal techniques available to address them, using concrete controversies to illustrate abstract ideas. It defends one view of the purpose of the law of armed conflict and its relationship with other rules of international law. The purpose of the law is not to balance a constraining principle of humanity against an authorizing principle of military necessity. Instead, the purpose of the law is simply to protect persons and objects to the greatest extent practically possible, that is, without depriving other rules of international law, which authorize certain uses of armed force, of practical effect. Finally, it shows that the law of armed conflict contains a number of clues for its own interpretation, some of them hidden in plain sight, including a recurring pattern of general protections with limited exceptions.

<https://digital-commons.usnwc.edu/ils/vol95/iss1/4/>

Insufficient knowledge in Kunduz : the precautionary principle and international humanitarian law

Emma J. Marchant. In: *Journal of conflict and security law*, Vol. 25, no. 1, Spring 2020, p. 53-79

This piece is primarily concerned with practical and operational application of the precautionary principle under IHL; how much knowledge is sufficient to carry out an attack lawfully during modern armed conflict. In order to establish if a standard has developed with the increase in intelligence, surveillance and reconnaissance technology, this piece uses the framework of an investigation into an incident in Kunduz, Afghanistan in 2009. The author argues that this case is demonstrative of the failings inherent in the application and practical use of the precautionary principle outlined by IHL. The lack of transparency afforded in, and after, incidents of this nature prevents objective analysis and so the development of IHL can be obfuscated. She concludes that the lack of information following incidents of this kind confuses any intelligence standard that exists under IHL.

<https://doi.org/10.1093/jcsl/krz033> *

International humanitarian law

Emily Crawford, Alison Pert. - Cambridge : Cambridge University Press, 2020. - XXXIII, 351 p.

The law that regulates armed conflicts is one of the oldest branches of international law, and yet continues to be one of the most dynamic areas of law today. This book provides an accessible, scholarly, and up-to-date examination of international humanitarian law, offering a comprehensive and logical discussion and analysis of the law. The book contains detailed examples, extracts from relevant cases, useful discussion questions, and a recommended reading list for every chapter. Emerging trends in theory and practice of international humanitarian law are also explored, allowing for readers to build on their knowledge, and grapple with some of the biggest challenges facing the law of armed conflict in the twenty-first century. This second edition offers new sections on issues like detention in non-international armed conflict, characterisation of non-international armed conflicts, expanded chapters on occupation and the protection of civilians, means and methods of warfare, and implementation, enforcement and accountability.

<https://library.icrc.org/library/docs/e-books/50157.pdf> *

International humanitarian law and the targeting of non-state intelligence personnel and objects

Michael N. Schmitt. In: Duke journal of comparative & international law, Vol. 30, no. 2, 2020, p. 309-347

This article examines the targetability of individuals and organizations performing intelligence functions for a non-State group involved in an armed conflict. Specifically, it considers the circumstances under which they lose the international humanitarian law (IHL) protections from, and during, attacks that they would otherwise enjoy as civilians. To do so, the piece deconstructs IHL's "organized armed group" construct to determine when an intelligence organization can be characterized as a component thereof. Noting that some non-State groups consist of both entities involved in the hostilities and organizations having no relationship to them, the article introduces the concept of a non-State group's "overall OAG," a notion that parallels the characterization of a State's various military units as its "armed forces." Additionally, the article assesses the circumstances under which individuals engaged in activities intelligence who are not members of an OAG may be targeted on the basis of their "direct participation in the hostilities."

<https://scholarship.law.duke.edu/djcil/vol30/iss2/5>

International humanitarian law, Islamic law and the protection of children in armed conflict

Ahmed Al-Dawoody and Vanessa Murphy. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 551-573

This paper compares how rules of international humanitarian law and rules of Islamic law protect children in armed conflict. It examines areas of convergence and divergence, and areas where there is room for clarification between these two legal systems. This comparative exercise spotlights four key topics making the wartime experience of children: the unlawful recruitment and use of children by armed forces and armed groups, the detention of children, their access to education, and the situation of children separated from their families.

<https://library.icrc.org/library/docs/DOC/irrc-911-al-dawoody.pdf>

International humanitarian law on the periphery : case of non-state armed actors

Hyeran Jo. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 97-115

Does international law matter on the periphery, where potential subjects are marginalized with uncertain legal status and without lawmaking power? Under what conditions would international law matter among the actors on the periphery, to be accepted as law, remain relevant, and eventually be complied with? By adopting an interdisciplinary perspective from international law

and international relations, this article assesses how international humanitarian law (ihl) is accepted and adhered to among the non-state armed actors (nsaas). The author argues that international law matters on the periphery when two conditions are met. The first is when incentives of nsaas are compatible with ihl's goal of restraint. The second is when the interpretation of ihl at the local level is consistent with international law at the global level. This article provides ample examples of nsaas' words and deeds to illustrate the arguments.

<https://doi.org/10.1163/18781527-bja10016> *

Interrogation and torture : integrating efficacy with law and morality

ed. by Steven J. Barela, Mark Fallon, Gloria Gaggioli and Jens David Ohlin. - Oxford [etc.] : Oxford University Press, 2020. - XXXII, 590 p.

This volume addresses interrogation and torture at a unique moment. Emerging scientific research reveals non-coercive methods to be the most effective interrogation techniques. And efforts are now being made to integrate this science and practice into international law and global policing initiatives. Contributors present cutting-edge research on non-coercive interrogation techniques and show how this knowledge is brought to bear on the realm of international law. Such advancements have the potential to transform the conversation on interrogation and torture in many disciplines, and the contributions in this edited volume are meant to spark those discussions. Moreover, this book can serve as a guide for policymakers who seek lawful, ethical, human-rights compliant—and the most effective—methods to obtain reliable information from those perceived to pose a threat to public safety.

<https://doi.org/10.1093/oso/9780190097523.001.0001> *

Intra-party sexual crimes against child soldiers as war crimes in Ntaganda : 'Tadić moment' or unwarranted exercise of judicial activism ?

Luca Poltronieri Rossetti. In: Questions of international law, zoom-in 60, 2019, p. 49-68

The present contribution aims at clarifying the terms of the normative conundrum regarding the possibility to characterize conducts of sexual violence against child soldiers in intra-party relations as war crimes in non-international armed conflict (NIAC), with particular regard to the relationship between the Rome Statute and the underlying framework of international humanitarian law. It goes on to analyze the diverging interpretive solutions provided by the Pre-Trial, Trial and Appeals Chamber (PTC, TC and AC, respectively) of the International Criminal Court in Ntaganda, in reaching the shared conclusion that intra-party sexual crimes committed against child soldiers could constitute war crimes under the Rome Statute. A critical assessment of the reasoning of the Chambers — particularly that of the TC and AC — is then conducted both from an international law point of view and from an international criminal law (ICL) point of view. The additional issues connected to the legal characterization of these conducts when involving children associated with terrorist groups are also briefly analyzed. The article concludes by assessing the scope of the recent case law and its potential consequences on the future development of both IHL and ICL, suggesting that progress in the protection of children in armed conflict cannot be achieved solely through the judicial extension of individual criminal liability for war crimes.

http://www.qil-qdi.org/wp-content/uploads/2019/09/04_Child-Soldiers_POLTRONIERI_FIN-2.pdf

Jus post bellum : restraint, stabilisation and peace

ed. by Patrick Mileham. - Leiden ; Boston : Brill Nijhoff, 2020. - XXVI, 452 p.

This publication seeks to answer the question “is restraint in war essential for a just and lasting peace”? With a foreword by Professor Brian Orend who asserts this as “a most commendable subject” in extending Just War Theory, the book contains chapters on the ethics of war-fighting since the end of the Cold War and a look into the future of conflict. From the causes of war, with physical restraint and reconciliation in combat and political settlement, further chapters written by expert academics and military participants cover international humanitarian law, practicalities

of the use of force and some of the failures in achieving safe and lasting peace in modern-day theatres of conflict.

Keeping schools safe from the battlefield : why global legal and policy efforts to deter the military use of schools matter

Bede Sheppard. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 665-684

This article describes how schools are used for military purposes in today's conflicts. It summarizes the latest data on the practice, before explaining how the military use of schools harms students' and teachers' safety and impedes students' right to education. The article concludes by examining the diverse legal and military responses to this practice, and the foundation they lay for the 2015 Safe Schools Declaration and for further action.

<https://library.icrc.org/library/docs/DOC/irrc-911-sheppard.pdf>

Law applicable to armed conflict

Ziv Bohrer, Janina Dill, Helen Duffy. - Cambridge : Cambridge University Press, 2020. - VII, 288 p.

Which law applies to armed conflict? This book investigates the applicability of international humanitarian law and international human rights law to armed conflict situations. The issue is examined by three scholars whose professional, theoretical and methodological backgrounds and outlooks differ greatly. These multiple perspectives expose the political factors and intellectual styles that influence scholarly approaches and legal answers, and the unique triological format encourages its participants to decentre their perspectives. By focusing on the authors' divergence and disagreement, a richer understanding of the law applicable to armed conflict is achieved. The book, first, provides a detailed study of the law applicable to armed conflict situations. Secondly, it explores the regimes' interrelation and the legal techniques for their coordination and prevention of potential norm conflicts. Thirdly, the book moves beyond the positive analysis of the law and probes the normative principles that guide the interpretation, application and development of law.

The legal fog of an illusion : three reflections on 'organization' and 'intensity' as criteria for the temporal scope of the law of non-international armed conflict

Jann K. Kleffner. In: International law studies, Vol. 95, 2019, p.161-178

The "organization" of the non-State armed group and the "intensity" of the violence between it and its opponent(s) have emerged as the two key criteria to determine the temporal scope of the law of non-international armed conflict. These criteria have served to lift the fog of law in some important respects. Yet, several aspects of the temporal scope of the law of non-international armed conflict remain unsettled. This article addresses three of them, namely the assertion that the factors for ascertaining organization and intensity that have evolved in the jurisprudence of international criminal courts and tribunals are indicative rather than determinative, to whom the criterion of organization is to be applied, and whether the requisite level of intensity of armed violence can be cumulative when multiple organized armed groups are pitted against each other and government forces even though the armed violence that arises in the bilateral relations between two opposing parties does not reach the requisite level of intensity.

<https://digital-commons.usnwc.edu/ils/vol95/iss1/5/>

Lex Innocentium (697 AD) : Adomnán of Iona - father of Western jus in bello

James W. Houlihan. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 715-735

This article is concerned with an Irish law dating from 697 AD, called Lex Innocentium or the Law of the Innocents. It is also known as Cáin Adomnáin, being named after Adomnán (d. 704), ninth Abbot of Iona, who was responsible for its drafting and promulgation. The law was designed to

offer legislative protection to women, children, clerics and other non-arms-bearing people, primarily, though not exclusively, in times of conflict. Today, the laws of war fall into two categories: those attempting to regulate when it is lawful or just to go to war, now called *jus ad bellum*, and those attempting to limit the awful effects of war by stipulating how it should be properly conducted (for instance, in providing for non-combatant immunity), now called *jus in bello*. By proscribing the killing and injuring of non-arms-bearing people, *Lex Innocentium* is an *in bello* law, and by virtue of its being the first known such law, Adomnán, its author, is the father of Western *jus in bello*.

<https://library.icrc.org/library/docs/DOC/irrc-911-houlihan.pdf>

Limits on autonomy in weapon systems : identifying practical elements of human control

Vincent Boulanin, Neil Davison, Netta Goussac and Moa Peldán Carlsson. - June 2020 Stockholm : SIPRI : ICRC. - 38 p.

There is wide recognition that the need to preserve human control over weapon systems and the use of force in armed conflict will require limits on autonomous weapon systems (AWS). This report from the Stockholm International Peace Research Institute and the International Committee of the Red Cross offers in-depth analysis of the type and degree of human control that is required to mitigate the risks posed by AWS. It proposes three types of control measures to reduce or compensate for the unpredictability introduced by AWS and associated risks for civilians: controls on the weapon's parameters such as types of targets, controls on the environment of use and controls in the form of human supervision. *Limits on Autonomy in Weapon Systems: Identifying Practical Elements of Human Control* is a comprehensive examination of the specific controls on AWS needed to ensure human control over the use force, and to address legal, ethical and operational concerns. It provides policymakers with practical guidance on how these control measures should form the basis of internationally agreed limits on AWS—whether rules, standards or best practices.

<https://www.sipri.org/publications/2020/other-publications/limits-autonomy-weapon-systems-identifying-practical-elements-human-control-0>

Machine learning weapons and international humanitarian law : rethinking meaningful human control

Shin-Shin Hua. In: *Georgetown journal of international law*, Vol. 51, no. 1, Fall 2019, p. 117-146

AI's revolutionizing of warfare has been compared to the advent of the nuclear bomb. Machine learning technology, in particular, is paving the way for future automation of life-or-death decisions in armed conflict. But because these systems are constantly "learning," it is difficult to predict what they will do or understand why they do it. Many therefore argue that they should be prohibited under international humanitarian law (IHL) because they cannot be subject to meaningful human control. But in a machine learning paradigm, human control may become unnecessary or even detrimental to IHL compliance. In order to leverage the potential of this technology to minimize casualties in conflict, an unthinking adherence to the principle of "the more control, the better" should be abandoned. Instead, this Article seeks to define prophylactic measures that ensure machine learning weapons can comply with IHL rules. Further, it explains how the unique capabilities of machine learning weapons can facilitate a more robust application of the fundamental IHL principle of military necessity.

<https://www.law.georgetown.edu/international-law-journal/wp-content/uploads/sites/21/2020/03/GT-GJIL200015.pdf>

Medical care in armed conflict : perpetrator discourse in historical perspective

Duncan McLean. In: *International review of the Red Cross*, Vol. 101, no. 911, 2019, p. 771-803

Although the Geneva Conventions have been successively revised since 1864, norms regarding the protection of medical care have been frequently disregarded. Despite current claims of

international humanitarian law in crisis, comparing historic levels of violations with contemporary incidents is quantitatively challenging. Reviewing past reactions and justifications used by perpetrators of attacks on medical care can, however, be revealing. Based on a series of emblematic cases, qualitative analysis of perpetrator discourse can contribute to a better understanding of why the protection of medical care in armed conflict continues to be problematic to this day, notably through the rationales given for attacks, which have remained remarkably consistent over time.

<https://library.icrc.org/library/docs/DOC/irrc-911-mclean.pdf>

Medical care in urban conflict

Kenneth Watkin. In: *International law studies*, Vol. 95, 2019, p. 49-93

The potential for urban violence is increasing as the world population continues to migrate towards cities. A key issue is determining if an armed conflict is in existence so that the protective focus of international humanitarian law regarding the provision of medical care and humanitarian relief will be applied. However, even where an armed conflict does exist, consideration must also be given to human rights law. While humanitarian law provides a more comprehensive and specific body of rules for the provision of medical care, human rights law has a role to play, particularly since it better addresses the broader dimensions of health care. With many States preferring a human rights-based law enforcement approach even during armed conflict there likely will be a trend towards incorporating humanitarian based obligations into human rights law-based medical care considerations. In any event, challenges remain regarding the treatment of civilians who are increasingly the victims of urban violence. These include providing adequate medical care to civilians at the tactical level; the targeting of medical hospitals, clinics, and medical personnel; and the impact of explosive weapons in an urban environment. Whether medical care is provided under international humanitarian law or human rights law, the focus must remain on ensuring both military personnel and civilians are equally protected under the law.

<https://digital-commons.usnwc.edu/ils/vol95/iss1/2/>

Military assistance on request and the use of force

Erika De Wet. - Oxford : Oxford University Press, 2020. - XII, 258 p.

In countries such as Syria, Iraq, South Sudan, and Yemen, internationally recognized governments embroiled in protracted armed conflicts, and with very little control over their territory, have requested direct military assistance from other states. These requests are often accepted by the other states, despite the circumvention of the United Nations Security Council and extensive violation of international humanitarian law and human rights. In this book, the author examines the authority entitled to extend a request for (or consent to) direct military assistance, as well as the type of situations during which such assistance may be requested, notably whether it may be requested during a civil war. Ultimately, she addresses the question of if and to what extent the proliferation of military assistance on the request of a recognized government is changing the rules in international law applying to the use of force.

<https://opil.ouplaw.com/view/10.1093/law/9780198784401.001.0001/law-9780198784401> *

Military necessity : the art, morality and law of war

Nobuo Hayashi. - Cambridge : Cambridge University Press, 2020. - XXVII, 423 p.

What does it mean to say that international humanitarian law strikes a realistic and meaningful balance between military necessity and humanity, and that the law therefore 'accounts for' military necessity? To what consequences does the law 'accounting for' military necessity give rise? Through real-life examples and careful analysis, this book challenges received wisdom on the subject by devising a new theory that not only reaffirms Krieger's fallacy but also explains why IHL has no reason to restrict or prohibit militarily unnecessary conduct on that ground alone. Additionally, the theory hypothesises greater normative significance for humanitarian and chivalrous imperatives when they conflict with IHL rules. By combining international law,

jurisprudence, military history, strategic studies, and moral philosophy, this book reveals how rational fighting relates to ethical fighting, how IHL incorporates contrasting values that shape its rules, and how law and theory adapt themselves to war's evolutions.

The nature of the obligation to ensure respect under IHL for people displaced as a result of armed conflict

Linda Isabel Ngesa. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 217-230

This chapter is focused on the obligation to ensure respect for the protections available for internally displaced persons (IDPs). Specifically, whether the obligation to ensure respect for international humanitarian law within Common Article 1 to the Geneva Conventions of August 1949 and their Protocols, and customary international law creates any additional responsibility for third States to assist IDPs as a result of armed conflict. This chapter is particularly focused on the regional developments in Africa, including the African Union Convention for the Protection and Assistance of IDPs in Africa.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-14> *

Neutrality during armed conflicts : a coherent approach to third-state support for warring parties

Luca Ferro and Nele Verlinden. In: Chinese journal of international law, Vol. 17, issue 1, March 2018, p. 15-43

The law of neutrality and the principle of non-intervention both promulgate neutrality norms pertaining to third-state assistance for belligerent parties embroiled in an international or non-international armed conflict. This article compares and contrasts these two legal frameworks and assesses whether they work in perfect harmony or, on the contrary, establish different standards of behaviour depending on the type of armed conflict. Additionally, by approaching both regulatory frameworks simultaneously, conceptual uncertainties hindering their effective application in practice can be clarified. It is submitted that by adopting such a holistic approach, fresh insights are offered on the “duty of neutrality”, *sensu lato*, during armed conflicts under international law.

<http://hdl.handle.net/1854/LU-8560554>

Neutrality in contemporary international law

James Upcher. - Oxford : Oxford University Press, 2020. - XXI, 301 p.

The law of neutrality the-corpus of legal rules regulating the relationship between belligerents and States taking no part in hostilities-assumed its modern form in a world in which the waging of war was unconstrained. The neutral State enjoyed territorial inviolability to the extent that it adhered to the obligations attaching to its neutral status and thus the law of neutrality provided spatial parameters for the conduct of hostilities. Yet the basis on which the law of neutrality developed-the extra-legal character of war-no longer exists. Does the law of neutrality continue to survive in the modern era? If so, how has it been modified by the profound changes in the law on the use of force and the law of armed conflict ? This book argues that neutrality endures as a key concept of the law of armed conflict. The interaction between belligerent and non-belligerent States continues to require legal regulation, as demonstrated by a number of recent conflicts, including the Iraq War of 2003 and the Mavi Marmara incident of 2010. By detailing the rights and duties of neutral States and demonstrating how the rules of neutrality continue to apply in modern day conflicts, this restatement of the law of neutrality will be a useful guide to legal academics working on the law of armed conflict, the law on the use of force, and the history of international law, as well as for government and military lawyers seeking comprehensive guidance in this difficult area of the law.

<https://opil.ouplaw.com/view/10.1093/law/9780198739760.001.0001/law-9780198739760> *

The obligation to ensure respect for IHL in the peacekeeping context : progress, lessons and opportunities

Leanne Smith. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 145-162

This chapter focuses on international humanitarian law (IHL) and peace operations: looking at the Common Article 1 responsibility to ‘ensure respect’ for IHL in the United Nations peacekeeping context. Both civilian and military dimensions are discussed, and existing mechanisms are noted. The importance of cross-sectoral collaboration and embedding IHL in policy, training and institutional learning structures are evident. The chapter suggests a number of opportunities to enhance understanding of, and compliance, with IHL. In particular it is clear that lessons can be drawn from international human rights law policies incorporated into UN Peacekeeping practice.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-10> *

The obligation to ensure respect in relation to detention in armed conflict

Kelisiana Thynne. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 163-177

Many militaries now have detention policies as a key strategic component of any military operation. They also assist other militaries and civilian arms of government in establishing rule of law and justice programmes which inevitably lead to detention operations. This feature of assisting third States to operate their detention programmes is one aspect of the duty to ensure respect for IHL that this chapter explores. This first part looks at the obligation to correct existing violations of IHL related to detention when assisting and partnering. The situations of ISAF support to detention operations in Afghanistan and of extraordinary rendition are discussed. The second part addresses the preventative responsibility to ensure respect, which is linked to States that are bystanders to an armed conflict and with no involvement in the activity of the offending State. Two situations, detention in Syria and in the US, are examined. The final part considers two approaches to developing a normative framework – Copenhagen Guidelines and the ICRC Strengthening IHL Project – to support future prevention of IHL violations and ensure respect for IHL by third States. The chapter concludes with a list of corrective and preventative measures States can adopt to ensure respect for IHL in relation to detention operations.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-11> *

Occupation and control in international humanitarian law

Natia Kalandarishvili-Mueller. - London ; New York : Routledge, 2021. - XIV, 217 p.

This book presents a systematic analysis of the notion of control in the law of military occupation. The work demonstrates that in present-day occupations, control as such occurs in different forms and variations. The polymorphic features of occupation can be seen in the way states establish control over territory either directly or indirectly, and in the manner in which they retain, relinquish or regain it. The question as to what level and type of control is needed to determine the existence and ending of military occupation is explored in great detail in light of various international humanitarian law instruments. The book provides an anatomy of the required tests of control in determining the existence of military occupation based on the law. It also discusses control in relation to occupation by proxy and when and how the end of control over territory occurs so that military occupation is considered terminated. The study is informed by relevant international jurisprudence. It draws on numerous pertinent case studies from all over the world, various reports by different UN entities and other international organisations, as well as legal doctrine.

<https://doi.org/10.4324/9781003035732> *

The occupation of maritime territory under international humanitarian law

Marco Longobardo. In: *International law studies*, Vol. 95, 2019, p. 322-361

This article explores whether it is possible to apply the law of occupation beyond land territory, to maritime areas characterized here as “maritime territory.” The article describes how the actual authority test embodied in Article 43 of the 1907 Hague Regulations applies to maritime territory and maintains that maritime territory may be occupied only in connection to an occupation of land territory. The article then addresses why applying the law of occupation to maritime territory may solve some of the current problems regarding the duties and rights of occupying powers in relation to the sea off the coasts of the areas they occupy. In particular, the application of the law of occupation can affect the exploitation of natural resources at sea and the regulation of the use of armed force. Finally, the article explores how the rules embodied in the law of occupation interact with the rules on naval warfare in the occupied maritime territory.

<https://digital-commons.usnwc.edu/ils/vol95/iss1/11/>

On the classical doctrine of civil war in international law

Ville Kari. - Helsinki : University of Helsinki, 2020. - XIII, 449 p.

The doctoral dissertation of Ville Kari sets out to find out what happened to the old laws of war, peace and neutrality in intrastate conflicts. Combining extensive research in comprehensive academic libraries and archives with an advanced access to the latest digital databases, the thesis revisits the key sources and documents that once constituted the classical doctrine of civil war in international legal scholarship. The result is an autonomous reassessment of four hundred years of international law of insurgencies and revolutions, both in state practice and in legal scholarship. The findings not only help make the classical doctrine understandable again, but also offer potential new insights for present-day lawyers about the origins, aspirations and vulnerabilities of the legal tradition with which they work today.

Outcome bias and expertise in investigations under international humanitarian law

Tomer Broude and Inbar Levy. In: *European journal of international law*, Vol. 30, no. 4, 2020, p. 1303-1318

Many international law decisions are made by individuals, often possessed with expertise, legal or otherwise. We examine individual international humanitarian law (IHL) decision-making on two levels: military decisions made *ex ante* regarding real-time operational questions under conditions of uncertainty and imperfect information, and subsequent *ex post* evaluations of the propriety of military decisions in the context of military investigations regarding legal responsibility with respect to proportionality and reasonableness. IHL requires *ex post* investigators to consider only information available at the time decisions were made. Through an experimental vignette study conducted with laypersons, legal experts and people with field experience, we test whether they are susceptible to cognitive ‘outcome bias’, specifically the extent to which the knowledge of operational outcomes, especially regarding incidental civilian harm, influences *ex post* normative evaluations. Our results demonstrate a general tendency towards outcome bias, which is somewhat tempered by expertise. Individuals with operational decision-making experience may be less prone to outcome bias than legal experts. We discuss possible implications for the design of military investigations relating to IHL.

<https://doi.org/10.1093/ejil/chaa005> *

The Oxford guide to international humanitarian law

ed. by Ben Saul and Dapo Akande. - Oxford : Oxford University Press, 2020. - XXXVI, 443 p.

International humanitarian law is the law that governs the conduct of participants during armed conflict. This branch of law aims to regulate the means and methods of warfare as well as to provide protections to those who do not, or who no longer, take part in the hostilities. It is one of

the oldest branches of international law and one of enduring relevance today. This book provides a practical yet sophisticated overview of this important area of law. Written by a stellar line up of contributors, drawn from those who not only have extensive practical experience but who are also regarded as leading scholars of the subject, the text offers a comprehensive and authoritative exposition of the field. The Guide provides professionals and advanced students with information and analysis of sufficient depth to enable them to perform their tasks with understanding and confidence. Each chapter illuminates how the law applies in practice, but does not shy away from the important conceptual issues that underpin how the law has developed. It will serve as a first port of call and a regular reference work for those interested in international humanitarian law.

<https://opil.ouplaw.com/view/10.1093/law/9780198855309.001.0001/law-9780198855309> *

Parliamentary scrutiny committees' contribution to the obligation to respect and ensure respect for IHL

Lara Pratt. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 44-62

States have an obligation to 'respect and ensure respect for' international humanitarian law (IHL) 'in all circumstances' (GCI-IV, API and APIII, Art.1). While certain aspects of the meaning and scope of the obligation remain unsettled, at the very least States must implement appropriate legislation which facilitates the use of this body of law: whether to punish violations of IHL or give effect to other obligations under IHL with a view to avoiding future breaches. Legislatures (parliaments), therefore, clearly have a fundamental role in a State meeting its obligation to respect and ensure respect. Using Australia as an example, this chapter explores how parliamentary scrutiny committees have, in practice, engaged with respecting IHL within a State; in particular, through scrutinising potential legislation as to IHL compatibility and by considering the consequences of treaty ratification. In undertaking these tasks, legislative scrutiny committees contribute to an overall improvement of the quality of a State's IHL-related legislation as well as contributing to broader awareness of IHL. Both of these factors have been described as essential for guaranteeing respect for IHL.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-4> *

Pillars not principles : the status of humanity and military necessity in the law of armed conflict

Elliot Winter. In: Journal of conflict and security law, Vol. 25, no. 1, Spring 2020, p. 1-31

Humanity and military necessity are often said to be 'principles' of the law of armed conflict (LOAC). However, for Dworkin, a concept must satisfy certain criteria in order to earn the status of a principle. First, principles carry different weightings to each other so that one may triumph in the event of a clash. Secondly, principles are capable of superseding positive rules so that coherence in the regime over which they preside is maintained. This article contends that neither criterion is satisfied by humanity or military necessity. Consequently, it argues that these concepts are not truly principles and that, instead, they are better viewed as 'pillars' of the LOAC.

<https://doi.org/10.1093/jcsl/kraa001> *

Plus pragmatique que visionnaire : Gustave Moynier, la guerre franco-prussienne et les infractions au droit de la guerre

Daniel Marc Segesser, trad. par Jean-Léon Muller. In: Revue d'histoire du XIXe siècle, Vol. 60, no 1, 2020, p. 163-176

Comme l'ont montré récemment plusieurs historiens et spécialistes de l'histoire du droit, le dernier tiers du XIXe siècle a été un jalon important dans le développement du droit international. Dans le contexte des résultats de ces recherches et de l'intérêt médiatique suscité par le centenaire de la Première Guerre mondiale, cet article examine le développement des idées de Gustave Moynier, juriste suisse et président du Comité International de la Croix-Rouge, eu égard au rôle du droit dans les relations interétatiques. L'accent est ici mis sur l'importance des interactions entre l'élaboration des concepts juridiques et les conflits armés des années 1859 à 1906. En

prenant Moynier comme exemple, l'article examine en particulier l'influence de la guerre de 1870-1871 sur les efforts visant à contenir les violations des normes de droit international en vigueur à l'époque.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/50526.pdf> *

The policy on children of the ICC Office of the Prosecutor : toward greater accountability for crimes against and affecting children

Diane Marie Amann. In: International review of the Red Cross, Vol. 101, no. 911, 2019, p. 537-549

The policy on children published by the International Criminal Court (ICC) Office of the Prosecutor in 2016 represents a significant step toward accountability for harms to children in armed conflict and similar situations of extreme violence. This article describes the process that led to the policy and outlines the policy's contents. It then surveys relevant ICC practice and related developments, concluding that despite some salutary efforts, much remains to be done to recognize, prevent and punish the spectrum of conflict-related crimes against or affecting children.

<https://library.icrc.org/library/docs/DOC/irrc-911-amann.pdf>

The possibility of conciliation between international humanitarian law and Islamic law of war : a myth or reality ?

Faiz Bakhsh, Samza Fatima [and] Muhammad Bilal. In: Pakistan journal of Islamic research, Vol. 20, no. 2, December 2019, p. 53-62

The authenticity of both international humanitarian law and the Islamic law of war has remained a topic of discussion among Western and Muslim scholars. The Western narrative has been criticizing Islamic law of war as of brutal and unhuman character that does not complement with international humanitarian law, while Muslim scholars have named international humanitarian law as western humanitarian law that does not consider various cultural and religious contexts. In the age of globalization, it is needed to reach conciliation between both the systems to save humanity suffering from the effects of conflicts. This study investigates compatibility between international humanitarian law and Islamic law of war as to assess the possibility of conciliation between both the systems. The authors look to explore the doctrinal as well as theoretical aspects of the possibility of conciliation by looking at differences and similarities in the nature, scope and prominent rules of both systems.

<http://pjjr.bzu.edu.pk/journal-papers.php?journalid=50>

The president on trial : prosecuting Hissène Habré

ed. by **Sharon Weill, Kim Thuy Seelinger, Kerstin Bree Carlson.** - Oxford : Oxford University Press, 2020. - XV, 442 p.

During the 1980s, thousands of Chadian citizens were detained, tortured, and raped by then-President Hissène Habré's security forces. Decades later, Habré was finally prosecuted for his role in these atrocities not in his own country or in The Hague, but across the African continent, at the Extraordinary African Chambers in Senegal. By some accounts, Habré's trial and conviction by a specially built court in Dakar is the most significant achievement of global criminal justice in the past decade. Simply creating a court and commencing a trial against a deposed head of state was an extraordinary success. With its 2016 judgment, affirmed on appeal in 2017, the hybrid tribunal in Senegal exceeded expectations, working to deadlines and within its budget, with no murdered witnesses or self-dealing officials. This book details and contextualizes the Habré trial. It presents the trial and its impact using a novel structure of first-person accounts from 26 direct actors (Part I), accompanied by academic analysis from leading experts on international criminal justice (Part II).

<https://doi.org/10.1093/oso/9780198858621.001.0001> *

The protection of access to food for civilians under international humanitarian law : acts constituting war crimes

Adriana Fillol Mazo. In: *The age of human rights journal*, no. 14, 2020, p. 181-209

The objective of this paper is to examine the specific provisions, within the framework of International Humanitarian Law (IHL), that protect the human right to food of the civilian population and to observe to what extent the protection of access to food is an issue taken into account by IHL during the development of an armed conflict. Answering these questions requires a detailed analysis of this branch of international law, in order to identify the specific rules of IHL that aim, directly or indirectly, to ensure that civilians do not see denied their access to food during the armed conflict, whether international or non-international. In many armed conflicts, a greater number of civilians die from food deprivation than as a direct result of hostilities. In this sense, the Statute of the International Criminal Court criminalizes those acts that, during the armed conflict, violate IHL prohibitions related to food issues, thus we will also mention them, with the aim of clarifying the possible individual criminal responsibility attributed to those who carry out such acts.

<https://doi.org/10.17561/tahrj.v14.5483>

The protection of cultural heritage during armed conflict : the changing paradigms

Noelle Higgins. - London ; New York : Routledge, 2020. - VI, 108 p.

This book analyses the current legal framework seeking to protect cultural heritage during armed conflict and discusses proposed and emerging paradigms for its better protection. Cultural heritage has always been a victim of conflict, with monuments and artefacts frequently destroyed as collateral damage in wars throughout history. In addition, works of art have been viewed as booty by victors and stolen in the aftermath of conflict. However, deliberate destruction of cultural sites and items has also occurred, and the intentional destruction of cultural heritage has been a hallmark of recent conflicts in the Middle East and North Africa, where we have witnessed unprecedented, systematic attacks on culture as a weapon of war. In Iraq, Syria, Libya, Yemen, and Mali, extremist groups such as ISIS and Ansar Dine have committed numerous acts of iconoclasm, deliberately destroying heritage sites, and looting valuable artefacts symbolic of minority cultures. This study explores how the international law framework can be fully utilised in order to tackle the destruction of cultural heritage, and analyses various paradigms which have recently been suggested for its better protection, including the Responsibility to Protect paradigm and the peace and security paradigm.

The protection of the missing and the dead under international law

Ximena Londoño Romanowsky and Marisela Silva Chau. - In: *Forensic science and humanitarian action.* - Chichester (England) : J. Wiley, 2020. - p. 25-35

In situations of international and non-international armed conflicts, the missing and the dead are protected under international humanitarian law (IHL) and international human rights law (IHRL). This chapter presents a general overview of the relevant IHL and IHRL rules that protect the missing and the dead, as intermingled topics – a failure to treat and identify the dead in a proper manner may significantly increase the number of missing persons in a given context. It is important to note that the obligations under IHL pertaining to the protection of the missing and the dead are obligations that continue to apply after an armed conflict has ended. The role that the International Committee of the Red Cross has played in favor of the missing, the dead and their families could be taken into consideration when designing responses.

Punished and be punished ? : The paradox of command responsibility in armed groups

Alessandra Spadaro. In: *Journal of international criminal justice*, Vol. 18, no. 1, March 2020, p. 1-30

Pursuant to the doctrine of command responsibility, military commanders can be found criminally responsible for having failed to take necessary and reasonable measures to prevent or punish the crimes of their subordinates. Focusing on the duty of commanders of organized armed groups to punish the war crimes committed by their subordinates, this article enquires whether the commanders' duty is subject to any limit under international law. By analysing the imposition of disciplinary and criminal measures, including prosecution in armed group courts and detention, the article argues that a commander cannot fulfil their duty to punish through unlawful measures and can only be required to take punitive measures which are not themselves illegal or criminal under international law. Otherwise, the commander would face a paradoxical choice: not punish their subordinates and be punished for having failed to do so or punish them and nonetheless be punished for having done so through illegal or criminal measures. Courts should be mindful of this when holding an individual responsible for failing to take certain punitive measures pursuant to the doctrine of command responsibility.

<https://doi.org/10.1093/jicj/mqz059> *

Quel rôle pour la Commission internationale humanitaire d'établissement des faits ?

Mérick Freedy Alagbe. In: *Politique étrangère*, No. 1, Printemps 2020, p. 161-171

Presque trente ans après sa création, la Commission internationale humanitaire d'établissement des faits (CIDEF) peine à accomplir sa mission, en dépit de sa large reconnaissance par les Etats. Les raisons en sont multiples : erreurs sur l'orientation, sur le positionnement dans le paysage institutionnel, ou insuffisances du traité constitutif lui-même. Cet article détaille ces obstacles, en suggérant quelques pistes pour revigorer une institution dont le rôle est plus que jamais crucial.

Rebel groups, international humanitarian law, and civil war outcomes in the post-Cold War era

Jessica A. Stanton. In: *International organization*, Vol. 74, issue 3, Summer 2020, p. 523-559

Do rebel group violations of international humanitarian law during civil war—in particular, attacks on noncombatant civilians—affect conflict outcomes? The author argues that in the post-Cold War era, rebel groups that do not target civilians have used the framework of international humanitarian law to appeal for diplomatic support from Western governments and intergovernmental organizations. However, rebel group appeals for international diplomatic support are most likely to be effective when the rebel group can contrast its own restraint toward civilians with the government's abuses. Rebel groups that do not target civilians in the face of government abuses, therefore, are likely to be able to translate increased international diplomatic support into more favorable conflict outcomes. Using original cross-national data on rebel group violence against civilians in all civil wars from 1989 to 2010, the author shows that rebel groups that exercise restraint toward civilians in the face of government violence are more likely to secure favorable conflict outcomes. She also probes the causal mechanism linking rebel group behavior to conflict outcomes, showing that when a rebel group exercises restraint toward civilians and the government commits atrocities, Western governments and intergovernmental organizations are more likely to take coercive diplomatic action against the government. The evidence shows that rebel groups can translate this increased diplomatic support into favorable political outcomes.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/49870.pdf> *

Recognition of belligerency and the law of armed conflict

Robert McLoughlin. - Oxford [etc.] : Oxford University Press, 2020. - XIII, 301 p.

Prior to the progressive development of the law of armed conflict heralded by the 1949 Geneva Conventions – most particularly in relation to the concepts of international and non-international armed conflict – the customary doctrine on recognition of belligerency functioned for almost 200 years as the definitive legal scheme for differentiating internal conflict from "civil wars", in which the law of war as applicable between states applied de jure. Employing a legal historical approach, this book describes the thematic and practical fundamentals of the doctrine, and analyzes some of the more significant challenges to its application. In doing so, it assesses whether, how, and why the doctrine on recognition of belligerency was considered "fit for purpose," and seeks to inform debate as to its continuity and utility within the modern scheme of the law of armed conflict.

<https://opil.ouplaw.com/view/10.1093/law/9780197507056.001.0001/law-9780197507056> *

Reconsidering the legal equality of combatants

Jovana Davidovic. In: Journal of military ethics. Vol. 18, no. 4, 2019, p. 269-286

The legal equality of combatants is a fixture of international law and just war theory. Both scholars who embrace and those who reject the moral equality of combatants seem committed to the legal equality of combatants. Their reasons usually include pragmatic worries about unjust combatants committing even more harm if they were to be simply prohibited from fighting. In this article the author argues that this sweeping commitment to the legal equality of combatants is mistaken and that it is often grounded in a misunderstanding of the way international law governs behavior.

<https://doi.org/10.1080/15027570.2020.1728088> *

Reflections on the development of the Movement and international humanitarian law through the lens of the ICRC Library's Heritage Collection

Ismaël Raboud, Matthieu Niederhauser and Charlotte Mohr. In: International review of the Red Cross, Vol. 100, no. 907/908/909, 2018, p. 143-163

The International Committee of the Red Cross (ICRC) Library was first created at the initiative of the ICRC's co-founder and president, Gustave Moynier. By the end of the nineteenth century, it had become a specialized documentation centre with comprehensive collections on the International Red Cross and Red Crescent Movement, international humanitarian law (IHL) and relief to war victims, keeping track of the latest legal debates and technological innovations in the fields related to the ICRC's activities. The publications collected by the Library until the end of the First World War form a rich collection of almost 4,000 documents now known as the ancient fonds, the Library's Heritage Collection. Direct witness to the birth of an international humanitarian movement and of IHL, the Heritage Collection contains the era's most important publications related to the development of humanitarian action for war victims, from the first edition of Henry Dunant's groundbreaking *Un souvenir de Solferino* to the first mission reports of ICRC delegates and the handwritten minutes of the Diplomatic Conference that led to the adoption of the 1864 Geneva Convention. This article looks at the way this unique collection of documents retraces the history of the ICRC during its first decades of existence and documents its original preoccupations and operations, highlighting the most noteworthy items of the Collection along the way.

<https://library.icrc.org/library/docs/DOC/irrc-909-raboud.pdf>

The regional African legal framework on children : a template for more robust action on children and armed conflict?

Godfrey Odongo. - In: Research handbook on child soldiers. - Cheltenham : E. Elgar, 2019. - p. 279-297

Child soldiering is and has been in the past a global and not just an African phenomenon. At present, the involvement of children as soldiers is a growing feature of conflict situations outside

Africa, and children under the age of 18 continue to be recruited into state armed forces in the UK and US (among other states). That said, considerable innovative legal and policy work has occurred within Africa. The African Union (AU) (formerly known as the Organization of African Unity (OAU)) is the umbrella continental body that brings together 55 African states with the aim of greater integration and regional collaboration on norms and policies in social, political, economic and other matters. In the late 1980s, the OAU sought to develop a specific Pan-African legal instrument to combat child soldiering, among other scourges. The adoption in 1990 by the OAU of the African Charter on the Rights and Welfare of the Child is a significant and positive example of a regional effort to deploy a legal framework to combat child soldiering. This chapter argues that the Charter offers the potential for a more robust system for enforcing international legal principles governing the impact of armed conflict on children.

Restraint : Dutch soldiers' point of view, ISAF Afghanistan 2006-2010

Jan Peter van Bruggen. - In: *Jus post bellum : restraint, stabilisation and peace.* - Leiden ; Boston : Brill Nijhoff, 2020. - p. 311-332

The call for restraint in the use of force is a characteristic phenomenon of military action throughout history. To address this call to individual soldiers is a feature of a more recent past. Military deployment in the last decades has been highly influenced by international cooperation, international legislation and a type of warfare quite different from the past. These complex developments cause a situation in which it is not clear beforehand how the call for restraint is to be conveyed, next interpreted and then how it works out in the reaction of soldiers. This article particularly focuses on the response of individual soldiers to the order for restraint. It will draw upon provisional outcomes from the author's ongoing research project on the moral responsibility as required of Dutch soldiers in Afghanistan. They tell of how they are familiar with the request for restraint in their actions, but also how regulations of restraint can lead to injustice, and may cause unnecessary loss of lives. The central question concerns how soldiers react to the call for restraint in actuality, in their very consciousness. How then does their personal moral deliberation relate to the order for restraint in the use of force they are confronted with?

Review of executive action abroad : the UK Supreme Court in the international legal order

Andrew Sanger. In: *International and comparative law quarterly*, Vol. 68, no. 1, January 2019, p. 35-66

In January 2017, the UK Supreme Court handed down landmark judgments in three cases arising out of the UK government's conduct abroad. In *Serdar Mohammed v Ministry of Defence*, the Court considered whether detention in non-international armed conflicts was compatible with the right of liberty in Article 5 of the European Convention on Human Rights. The second case, *Belhaj v Straw*, involved an examination of the nature and scope of the foreign act of State doctrine, and its applicability as a defence to tort claims arising out of the alleged complicity of the UK Government in human rights abuses abroad. Finally, *Rahmatullah v Ministry of Defence* saw the Court examining the nature and scope of the Crown act of State doctrine, and its use as a defence to tort claims alleging unlawful detention and maltreatment. All three cases raise important doctrinal issues and have significant consequences for government accountability and access to a judicial remedy. At the heart of each decision is the relationship between international law and English law, including the ways in which international norms influence the development of English law and public policy, and how different interpretations of domestic law affect how judges resolve questions of international law. These cases also see the judges grapple with the role of the English court in the UK constitutional and international legal orders.

<https://doi.org/10.1017/S0020589318000374> *

The right to life and the international law framework regulating the use of armed drones

Christof Heyns, Dapo Akande, Lawrence Hill-Cawthorne, Thompson Chengeta. - In: *Human rights and 21st century challenges : poverty, conflict, and the environment.* - Oxford : Oxford University Press, 2020. - p. 153-189

This chapter provides a holistic examination of the international legal frameworks which regulate targeted killings by drones. It argues that for a particular drone strike to be lawful, it must satisfy the legal requirements under all applicable international legal regimes. It is argued that the legality of a drone strike under the jus ad bellum does not preclude the wrongfulness of that strike under international humanitarian law or international human rights law. The chapter then considers the important legal challenges that the use of armed drones poses under each of the three legal frameworks mentioned above. It considers the application of the right to life in armed conflict, particularly in territory not controlled by the state conducting the strike. The chapter then turns to some of the key controversies in the application of international humanitarian law to drone strikes, such as the possibility of a global non-international armed conflict and the question of who may be targeted in a non-international armed conflict. The final substantive section considers the law relating to the use of force by states against non-state groups abroad.

The rulings of the Israeli Military Courts and international law

Nery Ramati. In: *Journal of conflict and security law*, Vol. 25, no. 1, Spring 2020, p. 149-169

International humanitarian law (IHL) provides the occupying power extensive legal tools in order to allow it to control and govern the local occupied population, with the possibility of establishing a military law system being one of the most influential. The military law system gives the Military Commander of the occupied area an immense power as a potential legislator and judicial authority, but what happens when this legal system encounters the limitations placed by IHL in general and Occupation Law in particular? To examine this question, this article will present the case of the Israeli Military Court system in the Palestinian Occupied Territories and its use, abuse and misuse of international law norms. Based on the 5565 published rulings of the Military Court of Appeals, this research identifies all of the cases that refer to international law. This article suggests that the evolving approaches of the courts to international law are, in fact, a tool to justify and advance Israeli interests over the rights of the Palestinian defendants. Moreover, the article presents the potential impact these rulings have on the law in Palestine, the law in Israel and customary international law.

<https://doi.org/10.1093/jcsl/krz017> *

Le silence des agneaux : France's war against "jihadist groups" and associated legal rationale

Rebecca Mignot-Mahdavi. - *The Hague : International Centre for Counter-Terrorism*, May 2020. - 38 p.

While France has not publicly articulated a legal framework for its war on terror, its silence should not be taken for the absence of a well-defined military strategy and corresponding legal rationale. While the geographical and temporal scope of the United States' war on terror has been highly debated from a legal point of view and led the US to develop extensive interpretations of the laws regulating the use of force, France's military strategy remains largely underexplored by lawyers. This contribution brings to light that France frames its involvement in foreign territories as part of a unique war against jihadist groups, going a step further to the US' war against "Al-Qaeda and associated forces". Because France claims to fight against terrorism in the respect of international law, but without providing its interpretation of it in detail, identifying its military strategy allows me to determine what legal interpretations such strategy implies to embrace. These interpretations are much closer to the US' than anyone would admit. The paper outlines the relevant legal standards applicable to the situations of use of force against terrorist groups and focuses on France, in an attempt to force the conversation on what it has been doing in the Sahel region, and following which legal interpretations of the norms regulating the use of force.

<https://icct.nl/wp-content/uploads/2020/05/Le-Silence-des-Agneaux-France's-War-Against-'Jihadist-Groups'-and-Associated-Legal-Rationale.pdf>

Social pressure and the making of wartime civilian protection rules

Giovanni Mantilla. In: European journal of international relations, Vol. 26, no. 2, 2020, 26 p.

The protection of civilians from the dangers of warfare constitutes an imperative in contemporary global politics. Drawing on original multiarchival research, this article explains the codification of the core civilian protection rules within international humanitarian law in the 1970s. It argues that these crucial international rules resulted from the operation of two central mechanisms: Third World and Socialist-led social pressure and a strategic, face-saving reaction to it, leadership capture, in the politicized context of Cold War and decolonization-era international social competition. The author demonstrates the conditional effect of social pressure by a coalition of materially weaker Third World and Socialist states upon powerful reluctant states: the United States, the United Kingdom, and more surprisingly, the Soviet Union. Third World and Socialist social pressure fostered a curious US-USSR backstage collaboration the author labels leadership capture, decisively shaping the legal compromise embodied in the civilian protection rules of Additional Protocol I to the Geneva Conventions. Theoretically, this article furthers burgeoning IR work on the connection between social pressure, status competition, and international rule-making. Empirically it presents a new archives-based history of an intrinsically important case in international law.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/49541.pdf> *

Some thoughts on the ICRC support based approach

T.D. Gill. In: Questions of international law, zoom-in 59, 2019, p. 45-53

In a recent article posted on this Zoom in, Raphael van Steenberghe and Pauline Lesaffre offer some insights on the ICRC Support Based Approach (SBA) developed by Tristan Ferraro and subsequently adopted by the ICRC. This short commentary is intended to provide some feedback on both the ICRC position and the criticism and points of agreement put forward by van Steenberghe and Lesaffre in their position paper. While the author is in broad agreement with the position they take on some aspects of the ICRC SBA, he is more critical of it than they are and does not think it represents the current state of the law, nor as it is presently formulated, that it should be accepted as a progressive development of the law.

http://www.qil-qdi.org/wp-content/uploads/2019/09/04_Support-based-Approach_GILL_FIN.pdf

State responsibility and new trends in the privatization of warfare

Frauke Renz. - Cheltenham ; Northampton : E. Elgar, 2020. - XII, 281 p.

Contracts with private military and security companies are a reality of modern conflicts. This discerning book provides nuanced insights into the international legal implications of these contracts, and establishes an in-depth understanding of the impacts for contracting states, home states and territorial states under the current state responsibility regime. Focusing on the Articles on State Responsibility (ASR) the author considers under which conditions states are, or should be, responsible for the acts of private contractors given new trends towards remote warfare involving drones and increasingly autonomous weapon systems. Rigorous academic research and case studies, combined with insights from numerous interviews with practitioners, serve to highlight the challenges to applying the ASR. These challenges range from the relativity of key concepts of attribution to the issue of when reliance on private contractors becomes a violation of the principle of distinction under International Humanitarian Law and also illustrate where the current state responsibility regime needs to be modified to adequately address evolutions in warfare.

States responsibility for support of armed groups in the commission of international crimes

Narissa Kashvi Ramsundar. - Leiden : Brill Nijhoff, 2020. - XXVI, 235 p.

This book examines the law on attribution of conduct of individuals to states. Under established principles of international law, State responsibility only arises where armed groups act under the

direction or control of the State, or are completely dependent on the State. These tests are under inclusive as they do not consider the different ways states can exert control over armed groups in the commission of international crimes. Ramsundar presents an interesting examination into the possibility of liberalization of the rules of State responsibility. The examination considers subtle ways states can exert control over armed groups in the commission of international crimes. Her proposal presents a compelling argument for widening the scope of responsibility to states through useful modifications to interpretation of the tests of control and dependence.

Taming Ares : war, interstate law, and humanitarian discourse in classical Greece
by **Emiliano J. Buis**. - Leiden : Brill Nijhoff, 2018. - XVI, 311 p.

In this book J. Buis examines the sources of classical Greece to challenge both the state-centeredness of mainstream international legal history and the omnipresence of war and excessive violence in ancient times. Making ample use of epigraphic as well as literary, rhetorical, and historiographical sources, the book offers the first widespread account of the narrative foundations of the (il)legality of warfare in the classical Hellenic world. In a clear yet sophisticated manner, Buis convincingly proves that the traditionally neglected study of the performance of ancient Greek poleis can contribute to a better historical understanding of those principles of international law underlying the practices and applicable rules on the use of force and the conduct of hostilities.

Technological innovations and the changing character of warfare : the significance of the 1949 Geneva Conventions seventy years on

Ozlem Ulgen. In: *Humanitäres Völkerrecht = Journal of international law of peace and armed conflict*, Bd. 2, H. 3-4, 2019, p. 215-228

Seventy years after adoption of the four Geneva Conventions on 12 August 1949 the changing character of warfare is influenced by technological innovations such as artificial intelligence and robotics. States are integrating new technologies into the military sphere for both defensive and offensive capabilities, impacting on military doctrines, weaponry, and operational strategies. Under the auspices of the 1980 UN Convention on Certain Conventional Weapons, the UN Group of Governmental Experts on Lethal Autonomous Weapons Systems is currently deliberating on the legal and ethical issues regarding autonomous weapons, and whether new legally binding or non-legally binding rules should be established regarding their use, restriction, or prohibition. It is thus timely to review the role and significance of Geneva law provisions in relation to technological innovations in methods and means of warfare.

Towards a global understanding of the humane treatment of captured enemy fighters

Suzannah Linton. In: *Frontiers of law in China*, Vol. 12, no. 2, June 2017, p. 217-277

The prevailing narrative instructs us that humane treatment of captured enemy fighters is down to white knights from the western parts of the European continent with their codes of chivalry, or alternatively, the Swiss businessman Henri Dunant. This contribution challenges that narrative for overlooking, or being ignorant of, the way that societies around the world have approached the matter of the captured enemy fighter. Traces of some of the critical principles about humane treatment that we see in our present law can actually be found in much older societies from outside of Europe. A more accurate and representative way of understanding humanitarianism in the treatment of captured enemy fighters can and must be crafted, with the prevailing Euro-centric account balanced with practices, cultures and faiths from elsewhere. The quest to achieve more humane treatment in armed conflict is first and foremost a battle of the intellect. Narratives and conceptualisations that are more inclusive, recognising and appreciating of the ways of the rest of the world are likely to be more effective in communicating humanitarian ideals. This work adopts a new method of approaching the richness and diversity of the treatment of captured enemy fighters over time and space. This new framework of analysis uses six cross-cutting themes to facilitate a broader international and comparative perspective, and develop a more sophisticated level of understanding. The first theme is how older and indigenous societies

approached the matter of captured enemy fighters. The second focuses on religions of the world, and what they teach or require. The third section examines the matter of martial practices and codes of ethics for combatants in certain societies. The fourth category engages with colonisation and decolonisation, and regulation (or non-regulation) of the treatment of captives of war. Fifth is the issue of modernisation and the impact it has had on armed forces and fighters, including on the treatment of captives. The final issue is the shift towards formalised agreements, beginning with the first bilateral agreements and then the multilateral codification exercise that began in the mid-19th century and continues to this day. This framework for analysis leads into a final chapter, presenting a fresh and holistic view on the evolution of prisoner of war protections in the international order. It provides a different way of looking at international humanitarian law, starting with this effort at a global understanding of the treatment of captured enemy fighters.

<https://library.ext.icrc.org/library/docs/ArticlesPDF/49678.pdf> *

Towards a regime of responsibility of armed groups in international law

Laura Iñigo Alvarez. - Cambridge [etc..] : Intersentia, 2020. - XIV, 247 p.

Armed groups have played a predominant role in the violations of international humanitarian law and international human rights law committed in conflict settings. While much has been written regarding their international (primary) obligations, the possibility of developing a responsibility framework for armed groups under international law has been underexplored. Consequently, the aim of this book is to examine how the principles of international responsibility could be developed and adjusted to account for armed groups as collective entities. This general aim has been divided into three specific objectives. First, the book analyses the concept of responsibility in international law and assesses the legal and practical reasons in favour of developing such a regime for armed groups. Second, it examines the viability of establishing a responsibility regime for armed groups based on rules of attribution. Third, it explores the possible legal consequences of responsibility applicable to armed groups, with a particular focus on the obligation to provide reparations to victims. In doing so, this book will argue that certain non-traditional sources of international law could be used to interpret and adapt international law to the current conditions of contemporary armed conflict.

Towards jus post bellum : "ethical warfare" for stabilisation in Iraq and Afghanistan

Dennis Vincent. - In: Jus post bellum : restraint, stabilisation and peace. - Leiden : Brill Nijhoff, 2020. - p. 333-361

This chapter is about "ethical warfare" within the study of "military ethics" in conjunction with what is categorized as the "moral component of fighting power" in British defence doctrine. The underlying question that this paper aims to investigate is whether there have been particular problems on operations requiring new emphasis and changes in the understanding and application of ethical warfare and, if so, does the British army need to adapt to them? The British army was committed to the invasion and of Iraq from 2009 to 2009 and to Helmand Province, Afghanistan from 2006 to 2014. These asymmetric conflicts have set the conditions for future interventions in the 21st century. They have however not been easy conflicts to fight and a series of breaches of ethical warfare have occurred. These breaches have generally been rectified by the army and new considerations and procedures have been put in place to ensure that the risk of reoccurrence is minimised. However, this chapter's author believes that as the corporate memory of events fades there is a risk of unethical actions reoccurring with significant strategic implications for future security of the world.

Traditional approaches to the law of armed conflict : disseminating IHL through the receptor approach

Karolina Aksamitowska. In: Journal of international humanitarian legal studies, Vol. 11, no. 1, 2020, p. 5-35

Pre-colonial African communities had a well-established system of human rights protection applicable to armed conflicts, which became lost as a result of the break-up of traditional societies.

This paper will show that traditional rules can be revived and integrated into future conflict management efforts. The ancient authentically African roots of international humanitarian law (IHL) could serve as receptors forming the basis for IHL and human rights law dissemination. Listening to local communities and learning about their aspirations and cultural practices should inform the peacebuilding programmes which need to be introduced before the cessation of hostilities. In the long run, engaging the armed non-state actors in the development of norms, could help improve certainty and predictability of IHL. Recent efforts by Geneva Call comprising a study of indigenous cultural norms relating to civilians' protection in Mali underline the growing importance of integrating local approaches in IHL dissemination.

<https://doi.org/10.1163/18781527-01101002> *

War crimes relating to child soldiers and other children that are otherwise associated with armed groups in situations of non-international armed conflict : an incremental step toward a coherent legal framework ?

Yutaka Arai-Takahashi. In: Questions of international law, zoom-in 60, 2019, p. 25-48

This essay explores how a legal and conceptual framework on child soldiers can be built on the loose coordination of different fields of international law, such as international humanitarian law (IHL), international human rights law (IHRL), and international criminal law. It analyses how effectively such a 'legal patchwork' can meet the challenge posed by a number of novel (or often side-lined) issues relating to child soldiers or other children who are associated with non-state armed groups in the context of non-international armed conflict (NIAC).

http://www.qil-qdi.org/wp-content/uploads/2019/09/03_Child-Soldiers_ARAI_FIN-2.pdf

Weapons and the obligation to ensure respect for IHL

Eve Massingham. - In: Ensuring respect for international humanitarian law. - London ; New York : Routledge, 2021. - p. 115-131

The means and methods of warfare selected by a party to a conflict play a significant role in whether or not that party is able to respect and ensure respect for international humanitarian law (IHL). The connection between weapons law and ensuring respect for IHL has been made particularly clear in the last 20 years. Approaching weapons law through a prism of Common Article 1 of the 1949 Geneva Conventions and 1977 and 2005 Additional Protocols demonstrates that there are a variety of actions that States can, and indeed do, take to ensure respect for IHL by actors within the State's control and influence. By being strong advocates for the rule against indiscriminate effects, the rule against superfluous injury or unnecessary suffering and the rule against causing widespread, long-term and severe damage to the natural environment, States can play a leadership role in this space.

<https://www.taylorfrancis.com/books/e/9780429197628/chapters/10.4324/9780429197628-8> *

Which role for hybrid entities involved in multi-parties NIACs ? : applying the ICRC's support-based approach to the armed conflict in Mali

Bianca Maganza. In: Questions of international law, zoom-in 59, 2019, p. 25-44

Over the last few years, especially in the context of non-international armed conflicts (NIACs), 'hybrid' actors have increasingly come on stage fighting alongside more traditional ones and thus adding further complexity to the analysis of the situation. In light of the interdependent relationship between the qualification of the parties to a conflict and the classification of the latter, it has thus become key for international humanitarian law (IHL) to assess the role those new actors play in situations that have been recently defined as 'complex conflict scenarios'. This contribution aims at evaluating the relevance and potential obstacles of the application of the ICRC's support-based approach to scenarios that, although not explicitly included in the ICRC approach, seems suitable to be analysed through those lenses: namely, relationships of support between parties to a pre-existing NIAC and emerging 'hybrid' entities that deploy multinational forces in contexts that, if compared with the classic case of the United Nations (UN), are much less structured and systematised. To that aim, the author uses the armed conflict in Mali as a case

study, and specifically focuses on the role played therein by the Joint Force of the G5-Sahel (JF), a coalition of multinational forces created within the framework of the G5 Sahel (G5), a regional cooperation body instituted in 2014 by five members of the Sahel region (Burkina Faso, Chad, Mali, Mauritania and Niger).

http://www.gil-qdi.org/wp-content/uploads/2019/05/03_Support-based-Approach_MAGANZA_FIN.pdf

International Committee of the Red Cross
Library and Public Archives
19, avenue de la Paix
1202 Geneva
Switzerland
Tel: +41-22-730-2030
Email: library@icrc.org
March 2021



ICRC