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# WAR CRIMES AND THE CONDUCT OF HOSTILITIES

CHALLENGES TO ADJUDICATION  
AND INVESTIGATION



# War Crimes And The Conduct Of Hostilities Challenges To Adjudication And Investigation

**Jeroen van den Boogaard**



## **War Crimes And The Conduct Of Hostilities Challenges To Adjudication And Investigation:**

**War Crimes and the Conduct of Hostilities** Fausto Pocar, Marco Pedrazzi, Micaela Frulli, 2013-09-30 This comprehensive collection addresses an overlooked area war crimes and the conduct of hostilities It uplifts aspects that are particularly under appreciated including cultural property fact finding arms transfer chemical weapons sexual violence **The Conduct of Hostilities under the Law of International Armed Conflict** Yoram Dinstein, 2022-11-17 The only book addressed to both law students and military officers undergoing training in the law of armed conflict The 1949 Geneva Conventions Andrew Clapham, Paola Gaeta, Marco Sassòli, 2015-10-15 The four Geneva Conventions adopted in 1949 remain the fundamental basis of contemporary international humanitarian law They protect the wounded and sick on the battlefield those wounded sick or shipwrecked at sea prisoners of war and civilians in time of war However since they were adopted warfare has changed considerably In this groundbreaking commentary over sixty international law experts investigate the application of the Geneva Conventions and explain how they should be interpreted today It places the Conventions in the light of the developing obligations imposed by international law on states armed groups and individuals most notably through international human rights law and international criminal law The context in which the Conventions are to be applied and interpreted has changed considerably since they were first written The borderline between international and non international armed conflicts is not as clear cut as was once thought and is complicated further by the use of armed force mandated by the United Nations and the complex mixed and transnational nature of certain non international armed conflicts The influence of other developing branches of international law such as human rights law and refugee law has been considerable The development of international criminal law has breathed new life into multiple provisions of the Geneva Conventions This commentary adopts a thematic approach to provide detailed analysis of each key issue dealt with by the Conventions taking into account both judicial decisions and state practice Cross cutting chapters on issues such as transnational conflicts and the geographical scope of the Conventions also give readers a full understanding of the meaning of the Geneva Conventions in their contemporary context Prepared under the auspices of the Geneva Academy of International Humanitarian Law and Human Rights this commentary on four of the most important treaties in international law is unmissable for anyone working in or studying situations of armed conflicts Prosecution of War Crimes before the ICC Ondřej Svaček, Martin Faix, 2025-04-28 This book draws inspiration from existing practices of the ICC and analyzes some of these achievements and challenges concerning the prosecution of war crimes enforcement of IHL before the ICC The common denominator of all contributions is therefore twofold i war crimes and ii the ICC All contributions identify and unfold issues that present obstacles on the way to the desired aforementioned goal of a successful prosecution of war crimes Upon assessment of particular issues the book reveals whether the stance adopted by the ICC either makes reaching this goal easier achievement more difficult challenge or potentially both **Fighting and Victimhood in International Criminal**

**Law** Joanna Nicholson, 2017-10-12 The act of fighting or being a fighter has certain consequences in international law. The most obvious example can be found in international humanitarian law where a distinction is drawn between fighters and civilians with fighters being military objectives and civilians being protected from attack. Another example is from international human rights law where it has been held that the particular characteristics of military life have to be taken into account when interpreting the human rights of members of state armed forces. This volume focuses on the field of international criminal law and asks the question what relevance does fighting have to victimhood in international criminal law. Among the topics which are explored are how have international criminal courts and tribunals untangled lawful casualties of war from victims of war crimes. How have they determined who is a member of an organised armed group and who is not. What crimes can those who fight be victims of during hostilities. When does it become relevant in international criminal law that an alleged victim of a crime was a person hors de combat rather than a civilian. Can war crimes be committed against members of non opposing forces. Can persons hors de combat be victims of crimes against humanity and genocide. What special considerations surround peacekeepers and child soldiers as victims of international crimes. The author carries out an in depth exploration of case law from international criminal courts and tribunals to assess how they have dealt with these questions. She concludes that the import of fighting upon victimhood in the context of international criminal law has not always been appreciated to the extent it should have been.

*Individual Criminal Responsibility for Autonomous Weapons Systems in International Criminal Law* Barry de Vries, 2023-02-27 In this book Barry de Vries addresses the issue of autonomous weapons in international criminal law. The development of autonomous weapon systems is progressing. While the technology advances attempts to regulate these weapons are not keeping pace. It is therefore likely that these weapons will be developed before a new legal framework is established. Many legal questions still remain and one of the most important ones among them is how individual responsibility will be approached. Barry de Vries therefore considers this issue from a doctrinal international criminal law perspective to determine how the current international criminal law framework will address this topic.

*Doing Justice to History* Barrie Sander, 2021-03-09 As communities struggle to make sense of mass atrocities expectations have increasingly been placed on international criminal courts to render authoritative historical accounts of episodes of mass violence. Taking these expectations as its point of departure this book seeks to understand international criminal courts through the prism of their historical function. The book critically examines how such courts confront the past by constructing historical narratives concerning both the culpability of the accused on trial and the broader mass atrocity contexts in which they are alleged to have participated. The book argues that international criminal courts are host to struggles for historical justice discursive contests between different actors vying for judicial acknowledgement of their interpretations of the past. By examining these struggles within different institutional settings the book uncovers the legitimating qualities of international criminal judgments. In particular it illuminates what tends to be foregrounded and

included within as well as marginalised and excluded from the narratives of international criminal courts in practice What emerges from this account is a sense of the significance of thinking about the emancipatory limits and possibilities of international criminal courts in terms of the historical narratives that are constructed and contested within and beyond the courtroom

*Proportionality in International Humanitarian Law* Jeroen van den Boogaard, 2023-08-17 This book pleads for a refocus of the International Humanitarian Law proportionality rule to enhance civilian protection

*The Oxford Guide to International Humanitarian Law* Ben Saul, Dapo Akande, 2020 This Guide provides a broad authoritative overview of the field of international humanitarian law Highlighting both practice and doctrine it is written by a team of expert academics and practitioners

*International Law and Policy on the Protection of Civilians* Stuart Casey-Maslen, Tobias Vestner, 2022-08-25 This is the first comprehensive treatment of international law and policy on the protection of civilians in armed conflict In addition to international humanitarian and human rights law jus ad bellum disarmament law and international criminal law are all critical to civilian protection The book offers in depth analysis and explanation of the normative framework while also outlining and discussing the policies of concerned States and international and humanitarian organisations The role of the United Nations as a key actor is considered along with regional organisations such as the African Union the European Union and NATO Particular attention is given to those at direct risk of harm during armed conflict including children women persons with disabilities and LGBTI persons

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