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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

Christopher Soler



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

Military Necessity in International Cultural Heritage Law Berenika Drazewska, 2021-12-13 This book offers the first comprehensive scholarly analysis of the current meaning and scope of military necessity a key concept in the international legal framework for the protection of cultural heritage during armed conflicts since the adoption of the 1954 Hague Convention Academic discussions commonly view military necessity uniquely through the lens of international humanitarian or international criminal law In her book Berenika Drazewska presents a more comprehensive perspective examining developments across various strands of international law arisen since 1954 This novel approach demonstrates how international cultural heritage law affords a particularly strict meaning to military necessity As a result the relative waiver will only be available to belligerents very rarely in truly extraordinary circumstances Drazewska's *Military Necessity in International Cultural Heritage Law* engages a significant issue in this rapidly evolving field of international law the inclusion of necessity in regulation of the protection of cultural heritage during armed conflict after 1945 Its very inclusion was viewed as a major concession which is only multiplied because of the difficulties of its application on the ground This thorny issue has come to the fore again with large scale cultural losses inflicted during recent armed conflicts Elegantly written and scholarly in its approach this book places this question and possible answers to it within the broader sweep of international law and recent developments not only in international humanitarian law but state responsibility international criminal law and international criminal law It offers a significant and timely reexamination and reconceptualization of this important topic Prof Ana Filipa Vrdoljak UNESCO Chair

in International Law Cultural Heritage Faculty of Law University of Technology Sydney **Nuclear Weapons under International Law** Gro Nystuen, Stuart Casey-Maslen, Annie Golden Bersagel, 2014-08-28 Nuclear Weapons under International Law is a comprehensive treatment of nuclear weapons under key international law regimes It critically reviews international law governing nuclear weapons with regard to the inter state use of force international humanitarian law human rights law disarmament law and environmental law and discusses where relevant the International Court of Justice's 1996 Advisory Opinion Unique in its approach it draws upon contributions from expert legal scholars and international law practitioners who have worked with conventional and non conventional arms control and disarmament issues As a result this book embraces academic consideration of legal questions within the context of broader political debates about the status of nuclear weapons under international law **The Companion to International Humanitarian Law** Dražan Djukić, Niccolò Pons, 2018-09-24 This important and unique volume begins with seven essays that discuss the contemporary challenges to implementing international humanitarian law Its second and largest section comprises 263 entries covering the vast majority of IHL concepts Written by a wide range of experts each entry explains the essential legal parameters of a particular element of IHL while offering practical examples and where relevant historical considerations and supplying a short bibliography for further research The starting point for the selection were notions arising from the Geneva Conventions the Additional Protocols and other IHL treaties However the reader will also encounter entries going beyond the typical scope of IHL such as those related to the protection of the natural environment and animals and entries that in addition to an IHL perspective discuss relevant issues through the lens of human rights law refugee law international criminal law the law on State responsibility national law and so on The editors have also attempted to take into account certain concepts that have no direct foundation in IHL but that are commonly used in mass media and politics or generate wide interest in contemporary society such as drones economic warfare cyber warfare sniping targeted killings transitional justice terrorism and many other topics The Companion to International Humanitarian Law offers a much needed tool for both scholars and practitioners supplying information accessible enough to enable a variety of users to quickly familiarise themselves with it and sufficiently comprehensive to be a source for reflection and further research for more demanding users Its aim is to facilitate the practical application of IHL and be of use to a wide audience interested in or confronted with IHL ranging from professionals in humanitarian assistance and protection in the field legal officers and advisers at the national and international level trainers academics scholars and students **The Legitimacy of International Criminal Tribunals** Nobuo Hayashi, Cecilia M. Bailliet, 2017-01-19 With the ad hoc tribunals completing their mandates and the International Criminal Court under significant pressure today's international criminal jurisdictions are at a critical juncture Their legitimacy cannot be taken for granted This multidisciplinary volume investigates key issues pertaining to legitimacy criminal accountability normative development truth discovery complementarity regionalism and judicial cooperation The volume sheds new light on previously

unexplored areas including the significance of redacted judgements prosecutors opening statements rehabilitative processes of international convicts victim expectations court financing and NGO activism The book's original contributions will appeal to researchers practitioners advocates and students of international criminal justice accountability for war crimes and the rule of law

The Arms Trade Treaty Stuart Casey-Maslen, Andrew Clapham, Gilles Triggs, Sarah Parker, 2016 The Arms Trade Treaty is the first universal disarmament treaty to control the export and import of all conventional arms This commentary describes each provision of the Treaty how it was negotiated and the key challenges to its implementation

The Use of Armed Force in Occupied Territory Marco Longobardo, 2018-10-18 Explores the use of armed force in occupied territory under different international law branches Meaning Making in International Criminal Law Ciara Laverty, 2024-05-13 This book explores the normative dimensions of the acts that constitute international crimes The book conceptualises the normative dimensions of these acts as processes of construction and meaning making Developing a novel methodological approach it identifies the narratives and discourses that emerge in practice as central for understanding the normative meanings of these acts Using the crimes of attacks on cultural property pillage sexual violence and reproductive violence as case studies the book offers a historical conceptual and discursive analysis of these crimes to develop a dynamic pluralist and socially constructed account of wrong in international criminal law

The United Nations Principles to Combat Impunity: A Commentary Frank Haldemann, Thomas Unger, 2018-03-21 The fight against impunity has become a growing concern of the international community Updated in 2005 the UN Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity is the fruit of several years of study developed under the aegis of the UN Commission on Human Rights and then affirmed by the Human Rights Council These Principles are today widely accepted as constituting an authoritative reference point for efforts in the fight against impunity for gross human rights abuses and serious violations of international humanitarian law As a comprehensive attempt to codify universal accountability norms the UN Set of Principles marks a significant step forward in the debate on the obligation of states to combat impunity in its various forms Bringing together leading experts in the field this volume provides comprehensive academic commentary of the 38 principles The book is a perfect companion to the document setting out the text of the Principles alongside detailed analysis as well as a full introduction and a guide to the relevant literature and case law The commentary advances debates and clarifies complex legal issues making it an essential resource for legal academics students and practitioners working in fields such as human rights international criminal law and transitional justice

International Law and Sea-Dumped Chemical Weapons Grant Dawson, 2023 This volume contains a comprehensive legal analysis of the international frameworks governing the remediation of sea dumped chemical weapons It offers legal solutions to remedy sea dumped chemical weapons and practical recommendations that can be put into practice by governments scientists industry and civil society The Global Prosecution of Core Crimes under International Law Christopher Soler, 2019-09-18 This book

deals with the prosecution of core crimes and constitutes the first comprehensive analysis of the horizontal and vertical systems of enforcement of international criminal law and of their inter relationship It provides a global jurisprudential exposition in assessing the grounds for refusal of surrender to the International Criminal Court and of extradition to another State It also offers insights into legal perspectives which improve the prevailing enforcement regimes of various models of criminal justice including hybrid criminal tribunals special criminal courts judicial panels and partnerships and other budding sui generis judicial and or prosecutorial institutions The book espouses a human rights law oriented critique to the enforcement of domestic regional and international criminal justice and is aimed at legal practitioners prosecutors defence lawyers magistrates and judges jurists criminal justice experts penologists legal researchers human rights activists and law students Christopher Soler lectures Maltese criminal law international criminal law and public international law at the University of Malta He obtained his Ph D from the University of Amsterdam in The Netherlands

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