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FAUSTO POCAR
MARCO PEDRAZZI
MICAELA FRULLI



WAR CRIMES AND THE CONDUCT OF HOSTILITIES

CHALLENGES TO ADJUDICATION
AND INVESTIGATION



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

**Andrew Clapham, Paola Gaeta, Marco
Sassòli**



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 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 **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

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

Doing Justice to History Barrie Sander,2021 This book examines how historical narratives of mass atrocities are constructed and contested within international criminal courts In particular it looks into the important question of what tends to be foregrounded and what tends to be excluded in these narratives

The University of Virginia Record University of Virginia,2007

Unlawful Attacks in Combat Situations Héctor Olásolo,2007-11-30 Death and destruction are unavoidable effects of war and combat situations The fact that people have been killed or injured or property has been destroyed should not encourage anyone to rush to the conclusion that war crimes have been committed On the contrary before reaching such a conclusion it is necessary to carefully analyze the conduct of the person causing death injury or damage in order to ascertain whether such conduct is consistent with international humanitarian law Technology law and public opinion on what is acceptable has greatly evolved since World War II The issue of civilian damage caused in combat operations has become an important topic in public opinion since Operation Desert Storm in 1991 Public pressure to limit incidental civilian damage has notably increased following the NATO aerial campaign in Kosovo in 1999 and the subsequent conflicts in Afghanistan in 2001 Iraq in 2003 and Lebanon 2006 Unlawful Attacks in Combat Situations focuses on the manner in which unlawful attacks launched during the conduct of hostilities have been dealt with in the Rome Statute of the International Criminal Court the international treaty which to date deals most comprehensively with war crimes committed in international and non international armed conflicts and in the case law of the International Criminal Tribunal for the Former Yugoslavia the first international judicial body that has investigated and prosecuted crimes committed during the conduct of hostilities since

World War II The Conduct of Hostilities Under the Law of International Armed Conflict ,2004 **War Crimes in International Law** Yoram Dinstein,Mala Tabory,2023-09-29 This book published under the auspices of the Buchmann Faculty of Law at Tel Aviv University presents a comprehensive examination of war crimes in the context of international law Edited by Yoram Dinstein and Mala Tabory it explores the evolution and prosecution of war crimes particularly highlighting the establishment of international tribunals for the former Yugoslavia and Rwanda The volume includes essays from a 1993 international colloquium addressing the challenges of prosecuting war crimes during and after conflicts the distinctions between war crimes and other international offenses and the role of international and domestic courts It also features key legal documents such as tribunal statutes and a focus on the Demjanjuk trial as a case study The book is intended for legal scholars practitioners and students interested in international humanitarian law and human rights **War Crimes Trials and Investigations** Jonathan Waterlow,Jacques Schuhmacher,2018-01-31 This book represents the first multi disciplinary introduction to the study of war crimes trials and investigations It introduces readers to the numerous disciplines engaged with this complex subject including Forensic Anthropology Economics and Anthropometrics Legal History Violence Studies International Criminal Justice International Relations and Moral Philosophy The contributors are experts in their respective fields and the chapters highlight each discipline s major trends debates methods and approaches to mass atrocity genocide and crimes against humanity as well as their interactions with adjacent disciplines Case studies illustrate how the respective disciplines work in practice including examples from the Allied Hunger Blockade WWII the Guatemalan and Spanish Civil Wars the Former Yugoslavia and Uganda Including bibliographical essays to offer readers crucial orientation when approaching the specialist literature in each case this edited collection equips readers with what they need to know in order to navigate a complex and until now deeply fragmented field A diverse and interdisciplinary body of research this book will be indispensable reading for scholars of war crimes **War crimes and crimes against humanity in the Rome Statute of the International Criminal Court** Christine Byron,2013-07-19 This book provides a critical analysis of the definitions of war crimes and crimes against humanity as construed in the Rome Statute of the International Criminal Court Each crime is discussed from its origins in treaty or customary international law through developments as a result of the jurisprudence of modern ad hoc or internationalised tribunals to modifications introduced by the Rome Statute and the Elements of Crimes The influence of human rights law upon the definition of crimes is discussed as is the possible impact of State reservations to the underlying treaties which form the basis for the conduct covered by the offences in the Rome Statute Examples are also given from recent conflicts to aid a real life discussion of the type of conduct over which the International Criminal Court may take jurisdiction This will be relevant to postgraduates academics and professionals with an interest in the International Criminal Court and the normative basis for the crimes over which the Court may take jurisdiction **The Law of War Crimes** Timothy L. H. MacCormack,Gerry J. Simpson,1997-01-01 The essays discuss the philosophical and political

implications of war crimes jurisprudence as well as the surprisingly rich and unexpected historical record of previous war crimes trials. Issues also covered are legislative and judicial approaches to war crimes in Europe, Israel, Australia, and North America. This publication contains an indispensable new material and careful legal analysis. **British Justice, War Crimes and Human Rights Violations** Susan L. Kemp, 2019-09-26. This book examines the UK approach to investigating international crimes and serious human rights violations. In 2010 the United Nations Secretary General referred to the emerging system of international justice including the creation of the International Criminal Court as the Age of Accountability. However the UK has sometimes struggled to comply with its international law obligations. Using examples from the post World War II period to 2018 interviews with leading UK military lawyers and newly disclosed official documents this work explains the legal duties how the UK military and civilian justice systems investigate alleged military misconduct and highlights the challenges involved. It provides suggestions on strengthening domestic law and policy and its importance for the UK's legitimacy as an exporter of rule of law expertise. This text is essential reading for practitioners, academics, government officials and students of international criminal, humanitarian or human rights law. **War Crimes, Atrocity and Justice** Michael J. Shapiro, 2014-12-08. What do we know about war crimes and justice? What are the discursive practices through which the dominant images of war crimes, atrocity and justice are understood? In this wide ranging text Michael J. Shapiro contrasts the justice related imagery of the war crimes trial for example the solitary headphone wearing defendant at the Hague listening with intent to a catalogue of charges with literary justice representations in literature, film and biographical testimony raising questions about atrocities and justice that juridical proceedings exclude. By engaging with the ambiguities exposed by the artistic and experiential genres reading them alongside policy and archival documentation and critical theoretical discourses Shapiro's *War Crimes, Atrocity and Justice* challenges traditional notions of responsibility in juridical settings. His comparative readings instead encourage a focus on the conditions of possibility for war crimes as they arise from the actions of states, non state agencies and individuals involved in arms trading, peace keeping, sex trafficking and law enforcement and adjudication. Theory springs to life as Shapiro draws on examples from legal discourse, literature, media, film and television to build a nuanced picture of politics and the problem of justice. It will be of great interest to students of film and media, literature, cultural studies, contemporary philosophy and political science. **Elements of War Crimes under the Rome Statute of the International Criminal Court** Knut Dörmann, 2003-03-27. The *Elements of War Crimes* will assist the International Criminal Court (ICC) in the interpretation and application of the articles of the ICC Statute defining the crimes under its jurisdiction. These will not only be necessary for the future work of the ICC in interpreting the crimes provisions but also for national courts which have primary responsibility in the prosecution of international crimes under the Rome Statute. This commentary provides a critical insight into the travaux préparatoires of the Preparatory Commission leading to the adoption of the elements of war crimes. It contains an analysis of existing case law related to each

war crime in the Statute It will provide States judges prosecutors and international and national lawyers with key background information to implement international humanitarian law in future cases dealing with war crimes under the ICC A unique indispensable tool for prosecuting and defense lawyers working in international criminal law War Crimes

Steven P. Remy, 2023 This book is a concise and accessible introduction to the problem of war crimes in modern history emphasizing the development of laws aimed at regulating the conduct of armed conflict developed from the 19th Century to the present Bringing together multiple strands of recent research in history political science and law the book starts with an overview of the attempts across the pre modern world to regulate the initiation conduct and outcomes of war It then moves on to present a survey of the legal revolution of the 19th Century when amidst a global welter of colonial wars the first body of formal codes and laws relating to distinguishing legal from criminal conduct in war was developed Further chapters investigate failed but influential attempts to develop the laws of war in the post World War I period summarize the major landmarks in international law related to war crimes such as the Hague conventions and the Nuremberg and Tokyo trials as well as hundreds of lesser known post World War II trials in Europe and Asia It also looks at the origins and debated significance of the Genocide Convention of 1948 and the 1949 Geneva Conventions accounts for the acceleration worldwide of war crimes investigations and trials from the 1970s into the 2000s and summarizes current thinking about international law and the rapidly changing nature of warfare worldwide as well as the memorialization of war crimes Including images documents a bibliography highlighting the most recent scholarship a chronology who s who and a glossary this is the perfect introduction for those wishing to understand the complex field of war crimes history and its politics War Crimes

Uncovered Raphael Martinez, AI, 2025-02-17 War Crimes Uncovered explores the grim realities of war crimes examining their investigation perpetration and the pursuit of justice within the context of military history and international law It moves beyond simple narratives to confront the difficult truths about combatant conduct and the devastating impact of atrocities on civilian populations Intriguingly the book highlights how international legal frameworks struggle with issues like jurisdiction and political interference The book progresses through chapters that first introduce the legal and historical framework of war crimes tracing their evolution to modern statutes It then details investigative processes including forensic analysis and witness testimony Case studies from various conflicts form the core providing detailed analyses of events and legal proceedings Finally the book assesses the effectiveness of existing international legal mechanisms considering their successes and failures This approach provides a thorough examination of accountability in military conflicts By drawing from diverse sources including trial transcripts and firsthand accounts War Crimes Uncovered presents a balanced perspective avoiding simplistic judgments The book uniquely connects to international law human rights and political science enriching the argument by providing a broader understanding of the legal ethical and political dimensions of war crimes This makes it valuable for anyone interested in true crime related to military history international law and the challenges of achieving

accountability for atrocities

Investigating Operational Incidents in a Military Context David W. Lovell, 2014-11-27

Operational incidents denotes misconduct misdeeds or mishaps that occur on military operations whether concerning the mistreatment of enemy soldiers offences against civilians conflict of varying levels within one's own forces or accidents that lead to injury or death within a theatre of operations Alleged breaches of IHL or the disciplinary regulations of particular militaries require at the very least an initial assessment to determine the facts and then if warranted a more substantial investigation The need for robust investigations however is not always matched by the will and the ability to undertake them There is at last a sufficient body of experience on which we can reflect in this volume on such investigations their challenges and their likely evolution

The War Report

Stuart Casey-Maslen, 2014-11-20 This War Report provides detailed

information on every armed conflict which took place during 2013 offering an unprecedented overview of the nature range and impact of these conflicts and the legal issues they created In Part I the Report describes its criteria for the identification and classification of armed conflicts under international law and the legal consequences that flow from this classification It sets out a list of armed conflicts in 2013 categorising each as international non international or a military occupation with estimates of civilian and military casualties In Part II each of the 28 conflicts identified in Part I are examined in more detail with an overview of the belligerents means and methods of warfare the applicable treaties and rules and any prosecutions for investigations into or robust allegations of war crimes Part III of the Report provides detailed thematic analysis of key legal developments which arose in the context of these conflicts allowing for a more in depth reflection on cross cutting questions and controversies The topics under investigation in this Report include US policy on drone strikes the use of chemical weapons in Syria the protection of persons with a disability and national and international war crimes trials The Report gives a full and accessible overview of armed conflicts in 2013 making it the perfect first port of call for everyone working in the field

The War Crime of Child Soldier Recruitment

Julie McBride, 2013-11-27 The practice of using children to participate

in conflict has become a defining characteristic of 21st century warfare and is the most recent addition to the canon of international war crimes This text examines the development of this crime of recruiting conscripting or using children for participation in armed conflict from human rights principle to fully fledged war crime prosecuted at the International Criminal Court The background and reasons for the growing use of children in armed conflict are analysed before discussing the origins of the crime in international humanitarian law and human rights law treaties including the Convention on the Rights of the Child and its Optional Protocol Specific focus is paid to the jurisprudence of the Special Court for Sierra Leone and the International Criminal Court in developing and expanding the elements of the crime the modes of ascribing liability to perpetrators and the defences of mistake and negligence The question of how the courts addressed issues of cultural sensitivity notably in terms of the liability of children is also addressed

Reviewing **War Crimes And The Conduct Of Hostilities Challenges To Adjudication And Investigation**: Unlocking the Spellbinding Force of Linguistics

In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is truly astonishing. Within the pages of "**War Crimes And The Conduct Of Hostilities Challenges To Adjudication And Investigation**," an enthralling opus penned by a highly acclaimed wordsmith, readers attempt an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve in to the book is central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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