Index of subjects

(References are to page numbers)

abuse of protection. See loss of protection
acid rain, 196
acus reus, 279
administrators, 136, 163–4, 166, 264
aerial photography, 241
Afghanistan War, 27, 29, 55–7, 122, 135, 151
air warfare
air blockades, 223–4
airborne troops, 162
aircraft in distress, 116, 162–3, 168
air-delivered incendiary weapons, 77
air-delivered mines, 72
air-raid shelters, 166
balloons, 15, 118, 241
civilian aircraft, 101, 116–17, 224, 242,
250–1
civilian airliners, 56, 106, 117
direct participation in hostilities, 150–1,
154
dirigibles, 116
and espionage, 242
exclusion zones, 229
and explosive bullets, 69
helicopters, 114, 189
high altitude bombings, 118, 128, 131,
141–2
indiscriminate bombings, 128, 142
inspection, 251
medical aircraft, 116, 185, 189–90, 192–3,
296
and military advantage, 92–3, 95–6, 132,
137–8, 140–2
military aircraft, 1, 40, 44, 97, 108, 111,
113–17, 131, 150–1, 192, 238–40, 242
mistaken bombings, 127, 135, 281
no-fly zones, 229
parachutists from aircraft in distress, 162–3,
168
and precautions, 138, 141, 143–4
and proportionality, 131–2, 134, 136–7
search and rescue operations, 193
sequential air campaign, 134
'shock and awe', 126
and situational awareness, 141
strategic bombings, 117–18
surrender, 116, 161
'target area' bombings, 118–20, 137, 256
unmanned aerial vehicles, 116, 140, 151
zero casualties policy, 129, 141
airports, 97, 101, 105–7, 137, 145, 176–7,
250
Algeria, 139
Al-Qaeda, 27, 55–7
allocation of risk, 141
Amazon River Basin, 201
ambulances. See medical units
ambushes, 103, 230, 240
animals, 92
Antarctica, 84
archaeological sites, 174
archipelagic waters, 10, 111
archives, 174
Argentina, 228
armbands, 164
armed attacks, 3, 55–6
armed forces, members of, 30–1, 33–4, 40–3,
49, 51–3, 59, 121, 136, 157–60, 163–7,
238, 245, 259, 263
arms control, 68
arrows, 68
arson, 37, 214–15
art works, 71, 171, 174, 178–9, 182–3,
258
assassination, 230
assaults, 37, 115, 144, 156–8, 246, 252
atmosphere, 199
attacks, definition of, 2
attribution of acts to a State, 289–90
Australia, 53, 93–4, 139
Austria, 78, 80, 139
aut dedere aut judicare, 268–9
auxiliary ships, 111–13

305
306 Index of subjects

babies, 160
bacteriological weapons. See biological weapons
balloons, 15, 118, 241
barges, 106
barracks, 94, 96, 145
bayonets, 67
Beirut, 155
Belgium, 26, 53, 94, 104, 139, 290–1
belligerent reprisals
armed reprisals in peacetime, distinguished from, 254
against civilian objects, 257–8
against civilians, 257–8
conditions of, 254–5, 260
and countermeasures, 254
against cultural property, 258–9
and customary international law, 254–5, 260–1
definition, 254
against environment, 258–9
and human rights, 259
ICTY on, 260–1
importance of, 254
against installations containing dangerous forces, 258
against medical personnel, 257
imputation into law, 256
against objects indispensable to the survival of the civilian population, 258
against places of worship, 258
against prisoners of war, 257, 259
and proportionality, 255–6
protests and warnings, 255, 261
rank of decision-makers, 255
against religious personnel, 257
and third states, 256
and weapons, 257–8
against wounded, sick and shipwrecked, 257
biological weapons, 62–3, 82–4
bivouacs, 44, 96
blackout measures, 135, 166
blimps, 116
blinding lasers, 65, 79, 296
blockades, 95, 113, 220, 223–7, 251
booby-traps
against children, 68, 70
and belligerent reprisals, 257
and civilians, 68, 70–1, 257
against combatants, 71–2
and cultural property, 71
and customary international law, 74–5
definition, 70–1
and emblems, 70
and perfidy, 230
and places of worship, 71

and wounded and sick, 70
books, 174, 183
booty of war, 117, 246–8, 252
Bosnia-Herzegovina, 28, 265
bounty, 230
bridgeheads, 101
bridges, 97, 101–2, 106, 132, 137–8, 181
broadcasting stations, 26, 106–7, 143–4, 176
Bulgaria, 78, 80
bullets
‘dum-dum’, 69
expanding, 69–70
explosive, 69
high velocity, 67
tracer, 78
bunkers, 68, 127
burden of proof, 47, 286
burial sites, 70
cables, 102, 111
camouflage, 44, 118, 207, 239–40
Canada, 53, 94, 139
canals, 97, 106
cardinal principles. See distinction, unnecessary suffering
cargo, 112, 134, 193, 224, 248–51
cartel vessels and aircraft, 188, 238
cease-fires, 93, 160, 163, 215, 232
cessation of hostilities, 93, 125–6
chaplains. See religious personnel
charitable institutions, 171–2, 182, 246
chemical weapons, 80–4, 208–9, 258 See also gas warfare, herbicides, tear gas
children
booby-traps against, 68, 70
child-soldiers, 158–9, 264, 280
day-care centres, 100–1, 131
direct participation in hostilities by, 158–9, 168
loss of protection, 168
sexual offences against, 157–8, 168
sieges, 221
special protection, 156–9, 226
toys, 68, 70, 104
churches. See places of worship
civil defence, 165–6, 168–70
civil wars. See non-international armed conflicts
civilian objects
belligerent reprisals against, 257–8
definition, 123
doubt, 98–100, 123
environment as, 123, 198, 204–5
prisoners of war camps as, 123
protection from attacks, 89, 124–8
Index of subjects

removal from military objectives, 145, 152

civilians See also children, direct participation in hostilities, private military contractors, women accompanying the armed forces, 40–1, 49–50, 121, 136, 153, 167 and anti-personnel landmines, 73 belligerent reprisals against, 257–8 and booby-traps, 68, 70–1 civilian population. See population, civilian civilian superiors, 278–9 definition, 33–4, 121 doubt, 121, 151–2 employees of armed forces, 100, 131, 136 famines and, 220 feigning status of, 231, 233–4 and incendiary weapons, 77 and light weapons, 122 looting by, 246 protection from attacks, 89, 121, 124–8 removal of, 145, 152, 218, 221, 223 residential areas, 77, 102, 105, 131, 153 spreading terror among, 125–6 starvation of, 218–27 war crimes and, 263–4, 278–9 warnings to, 144–5

crusada si omnes, 13

civilian population. See population, civilian

civilian superior, 278–9

civilian superiors, 278–9
definition, 33–4, 121
doubt, 121, 151–2

collaborators See also butchers, civilians, Chinese army, war criminals


booby-traps against, 71–2
child soldiers, 158–9, 264, 280 definition, 33–4, 146 ‘quasi-combatants’, 136–7 as lawful targets, 33–4, 92 reservists, 41, 106, 147–8 right to attack the enemy, 33–4, 103 women, 157

cardinal principles, 210

casualties, 248–9

carriers

captivity, 33, 136, 149, 164, 169

captured civilians, 271–2

captured enemy units, 31–2, 34, 121, 136, 157–60, 163–7, 218, 221, 223

civilian reprisals, 258–9

civilian superiors, 278–9

civilian superiors, dereliction of duty, 271–2

effective control, 276–8

knowledge, 272–5

prevention of war crimes, 272, 275–7

punishment of war crimes, 272–3, 275–7

command and control centres, 97, 100, 127

command responsibility

civilian superiors, 278–9

dereliction of duty, 271–2

effective control, 276–8

knowledge, 272–5

prevention of war crimes, 272, 275–7

punishment of war crimes, 272–3, 275–7

commandos, 7, 162, 230, 233, 245

compensation, 253

countermeasures, 254

criminal negligence, 271, 273, 276, 279–80

crops, 95–6, 218

cultural property

belligerent reprisals against, 258–9

and booby-traps, 71

complementary protection, 180–1, 184–5

‘cultural bridges’, 181

definition, 174–5
doubt, 170

emblems, 174, 177

enhanced protection, 184–5

general protection, 175–6

heritage of peoples, 174–5, 178–9, 182–4, 258

loss of protection, 180–2, 184–5

and military necessity, 174, 176–9, 183
Index of subjects

cultural property (cont.)
  pillage of, 246
  special protection, 176–8
  and war crimes, 182–3
curfews, 135
customary international law
  Additional Protocol I, 7, 16, 52, 54, 90, 129, 155, 194, 205–6
  anti-personnel landmines, 74–5
  belligerent reprisals, 254–5, 260–1
  biological weapons, 83
  blockades, 224
  booby-traps, 74–5
  booty of war, 247
  cartel vessels and aircraft, 188
  chemical weapons, 81, 83
  child-soldiers, 158
  civil wars. See non-international armed conflicts
  command responsibility, 278
  compensation, obligation to pay, 253
  contact zone, 44, 72, 98–9, 101–2, 108, 110, 115, 117–18, 122, 150–1, 190, 204, 241, 245
cultural property, 178–9, 183
dangerous forces, works and installations containing, 194
distinction, 8, 62, 89
  direct attacks against civilians, 124–5
  direct participation in hostilities, 146–7
  dissemination, 31
  environmental protection, 198, 202, 205–6, 213–16
  forests, 207
general practice of States, 5, 10–11
  Hague Regulations, 15
  herbicides, 209
  hors de combat, 159
  hostage-taking, 261
  ‘human shields’, 152, 155
  incendiary munitions, 77
  judicial guarantees, 38, 147
  lawful combatancy, conditions of, 43, 54
  legal advisers, 31
  Martens Clause, 9
  mercenaries, 57
  military advantage, 94
  military objectives, 89–90, 98
  naval mines, 76
  nuclear weapons, 84
  obedience to superior orders, 288–9
  opinio juris sive necessitatis, 10, 213
  perfidy, 230, 234
  persistent objectors, 11
  poison, 68
  precautions, 138, 145
  prisoners of war
    denial of privileges of, 35, 147
    entitlement to status of, 43
    protection of, 7
  privateers, 34
  prohibited weapons, 67, 297
  proportionality, 129
  rape, 157
  regional/bilateral, 11
  restatements, 17
  sieges, 222
  spreading terror among civilians, 126
  starvation of civilians, 218
  States specially affected, 11
  surrender, 161
  torpedoes, 77
  treaty law, interaction with, 12–14
  universal jurisdiction, 270
  unnecessary suffering, 8, 63
  war crimes, 266
  customs, 117
  Czechoslovakia, 104
dams, 193–6, 258
  dangerous forces, works and installations containing, 193–6, 258
de facto Governments, 29, 55
dead persons, 20, 70, 246
death certificates, 20
decoy, 229, 238
declarations of war, 28
defences
  admissible, 280–7
  defence of oneself and others, 286–7
  domestic law, obedience to, 287–8
  duress, 282–4, 289, 293–4
  inadmissible, 280, 287–90
  insanity, 284–5, 294
  intoxication, 285–6, 294
  justifications and excuses, 280
  mens rea, 206, 279–81, 289
  mistake of fact, 280, 289, 294
  mistake of law, 281–2, 288–9, 294
  mitigation of punishment, 270, 286, 288, 292–4
  official capacity, 289–90
  superior orders, obedience to, 270, 288–9, 292–3
defended localities, 108–11, 115
degrading treatment, 22, 39
dentists. See medical personnel
dependants, 100, 131, 136
derelated uranium projectiles, 67
**Index of subjects**

<table>
<thead>
<tr>
<th>Page</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>309</td>
<td>diversion of ships, 114, 117, 249–51</td>
</tr>
<tr>
<td></td>
<td>Djibouti, 291</td>
</tr>
<tr>
<td></td>
<td>docks. See ports and harbours</td>
</tr>
<tr>
<td></td>
<td>doctors. See medical personnel</td>
</tr>
<tr>
<td></td>
<td>domestic law</td>
</tr>
<tr>
<td></td>
<td>duty to enact, 263</td>
</tr>
<tr>
<td></td>
<td>obedience to, 287–8</td>
</tr>
<tr>
<td></td>
<td>prosecution pursuant to, 37, 39, 243, 267–8</td>
</tr>
<tr>
<td>44</td>
<td>deployment, 44, 50, 52–3, 84, 87, 96, 102, 148, 154</td>
</tr>
<tr>
<td>50</td>
<td>deployment, 44, 50, 52–3, 84, 87, 96, 102, 148, 154</td>
</tr>
<tr>
<td>52</td>
<td>deportation, 265</td>
</tr>
<tr>
<td>3</td>
<td>depots, 97, 105, 114, 187</td>
</tr>
<tr>
<td>84</td>
<td>derogations</td>
</tr>
<tr>
<td>87</td>
<td>from human rights law, 21–3</td>
</tr>
<tr>
<td>96</td>
<td>from LOIAC, 21, 36, 38, 147, 219</td>
</tr>
<tr>
<td>102</td>
<td>deserters, 25, 50, 146, 240</td>
</tr>
<tr>
<td>148</td>
<td>deserts, 86</td>
</tr>
<tr>
<td>154</td>
<td>despatches, 241–2, 245</td>
</tr>
<tr>
<td>157</td>
<td>destruction of property See also booty of war, prize</td>
</tr>
<tr>
<td></td>
<td>during combat, 5–6, 231, 252</td>
</tr>
<tr>
<td></td>
<td>and military necessity, 6, 213, 252</td>
</tr>
<tr>
<td></td>
<td>of vessels after capture, 113–14</td>
</tr>
<tr>
<td></td>
<td>wanton, 6, 213, 252–3</td>
</tr>
<tr>
<td>158</td>
<td>detention</td>
</tr>
<tr>
<td>159</td>
<td>of civilians, 25, 40–1, 147–8, 153, 261</td>
</tr>
<tr>
<td>160</td>
<td>of prisoners of war, 25, 34–6, 40–1</td>
</tr>
<tr>
<td>161</td>
<td>and retention, 41–2, 165</td>
</tr>
<tr>
<td>162</td>
<td>of unlawful combatants, 36–9</td>
</tr>
<tr>
<td>163</td>
<td>deterrence, 39, 233, 254, 258–9</td>
</tr>
<tr>
<td>164</td>
<td>diplomatic immunity, 291–2</td>
</tr>
<tr>
<td>165</td>
<td>direct participation in hostilities</td>
</tr>
<tr>
<td>166</td>
<td>armed groups, 149</td>
</tr>
<tr>
<td>167</td>
<td>attacking landing aircrews, 163</td>
</tr>
<tr>
<td>168</td>
<td>children, 158–9, 168</td>
</tr>
<tr>
<td>169</td>
<td>concrete activities, 149–52</td>
</tr>
<tr>
<td>170</td>
<td>cooks, 149</td>
</tr>
<tr>
<td>171</td>
<td>drivers, 150–1</td>
</tr>
<tr>
<td>172</td>
<td>doubt, 151–2</td>
</tr>
<tr>
<td>173</td>
<td>‘for such time’, 33, 92, 147–9, 154</td>
</tr>
<tr>
<td>174</td>
<td>and ‘human shields’, 153–4</td>
</tr>
<tr>
<td>175</td>
<td>loss of civilian protection, 33–4, 121, 124, 146–7</td>
</tr>
<tr>
<td>176</td>
<td>mercenaries, 57–9</td>
</tr>
<tr>
<td>177</td>
<td>police officers, 104</td>
</tr>
<tr>
<td>178</td>
<td>‘revolving door’, 148–9</td>
</tr>
<tr>
<td>179</td>
<td>as unlawful combatancy, 35–6, 92, 147, 154</td>
</tr>
<tr>
<td>180</td>
<td>weapons and, 149–50</td>
</tr>
<tr>
<td>181</td>
<td>women, 168</td>
</tr>
<tr>
<td>182</td>
<td>dirigibles, 116</td>
</tr>
<tr>
<td>183</td>
<td>disabled aircraft, 116, 161–3</td>
</tr>
<tr>
<td>184</td>
<td>discipline, 45, 47, 51–2, 60, 115, 263, 271–2, 278</td>
</tr>
<tr>
<td>185</td>
<td>discrimination, 3–4, 22, 159, 171</td>
</tr>
<tr>
<td>186</td>
<td>disease, 62–3, 160, 163, 187–8, 224, 285</td>
</tr>
<tr>
<td>187</td>
<td>disinfection, 240</td>
</tr>
<tr>
<td>188</td>
<td>dissemination, 30–1, 281</td>
</tr>
<tr>
<td>189</td>
<td>distinction, principle of, 8, 43, 52–3, 57, 60, 62–3, 68, 75, 89, 120, 127, 145, 296</td>
</tr>
<tr>
<td>190</td>
<td>distinctive emblems. See emblems</td>
</tr>
<tr>
<td>191</td>
<td>distress</td>
</tr>
<tr>
<td></td>
<td>aircraft in, 116, 161–3, 168, 264</td>
</tr>
<tr>
<td></td>
<td>signals, 236–7, 240</td>
</tr>
<tr>
<td>192</td>
<td>diversion of ships, 114, 117, 249–51</td>
</tr>
<tr>
<td></td>
<td>Djibouti, 291</td>
</tr>
<tr>
<td></td>
<td>docks. See ports and harbours</td>
</tr>
<tr>
<td></td>
<td>doctors. See medical personnel</td>
</tr>
<tr>
<td></td>
<td>domestic law</td>
</tr>
<tr>
<td></td>
<td>duty to enact, 263</td>
</tr>
<tr>
<td></td>
<td>obedience to, 287–8</td>
</tr>
<tr>
<td></td>
<td>prosecution pursuant to, 37, 39, 243, 267–8</td>
</tr>
<tr>
<td>193</td>
<td>doubt</td>
</tr>
<tr>
<td></td>
<td>civilian objects, 98–100, 123</td>
</tr>
<tr>
<td></td>
<td>civilians, 121, 151–2</td>
</tr>
<tr>
<td></td>
<td>cultural property, 170</td>
</tr>
<tr>
<td></td>
<td>direct participation in hostilities</td>
</tr>
<tr>
<td></td>
<td>armed groups, 149</td>
</tr>
<tr>
<td></td>
<td>attacking landing aircrews, 163</td>
</tr>
<tr>
<td></td>
<td>children, 158–9, 168</td>
</tr>
<tr>
<td></td>
<td>concrete activities, 149–52</td>
</tr>
<tr>
<td></td>
<td>cooks, 149</td>
</tr>
<tr>
<td></td>
<td>drivers, 150–1</td>
</tr>
<tr>
<td></td>
<td>‘dual-use’ targets, 105, 194–5</td>
</tr>
<tr>
<td></td>
<td>Dubrovnik, 180</td>
</tr>
<tr>
<td></td>
<td>due diligence, 139, 275</td>
</tr>
<tr>
<td></td>
<td>due regard, 10, 111, 198</td>
</tr>
<tr>
<td></td>
<td>‘dum-dum’ bullets, 69</td>
</tr>
<tr>
<td></td>
<td>dummies, 240</td>
</tr>
<tr>
<td></td>
<td>duress, 154, 282–4, 289, 293–4</td>
</tr>
<tr>
<td></td>
<td>dykes, 193–6, 258</td>
</tr>
<tr>
<td>194</td>
<td>earthquakes, 199–201</td>
</tr>
<tr>
<td>195</td>
<td>educational institutions, 171, 173–4, 182–3 See also schools</td>
</tr>
<tr>
<td>196</td>
<td>Egypt, 260</td>
</tr>
<tr>
<td>197</td>
<td>electricity grids, 105</td>
</tr>
<tr>
<td>198</td>
<td>embarkment points, 96</td>
</tr>
<tr>
<td>199</td>
<td>emblems</td>
</tr>
<tr>
<td></td>
<td>and booby-traps, 70</td>
</tr>
<tr>
<td></td>
<td>civil defence, 166</td>
</tr>
<tr>
<td></td>
<td>cultural property, 174, 177</td>
</tr>
<tr>
<td></td>
<td>dangerous forces, works and installations containing, 195</td>
</tr>
<tr>
<td></td>
<td>enemy, 237–8</td>
</tr>
<tr>
<td></td>
<td>fixed distinct, 39–40, 43–5, 47–9, 55–6, 233–4, 242, 245, 267</td>
</tr>
<tr>
<td></td>
<td>hospital ships, 188</td>
</tr>
<tr>
<td></td>
<td>improper use of, 235–6</td>
</tr>
<tr>
<td></td>
<td>medical aircraft, 189–90</td>
</tr>
<tr>
<td></td>
<td>medical personnel, 164</td>
</tr>
<tr>
<td></td>
<td>medical units, 186</td>
</tr>
<tr>
<td></td>
<td>neutrals, 231, 234, 237–8</td>
</tr>
<tr>
<td></td>
<td>Red Cross etc., 164, 186, 189, 235–6, 239</td>
</tr>
<tr>
<td></td>
<td>religious personell, 165</td>
</tr>
<tr>
<td></td>
<td>UN, 231, 234, 237</td>
</tr>
<tr>
<td>200</td>
<td>encryption</td>
</tr>
<tr>
<td></td>
<td>and hospital ships, 192</td>
</tr>
<tr>
<td></td>
<td>and medical aircraft, 192–3</td>
</tr>
</tbody>
</table>
enemy character of vessels, 249
environment
  belligerent reprisals against, 258–9
  as a civilian object, 123, 198, 204–5
customary international law, 198, 202, 205–6, 213–16
definition, 205
environmental modification techniques, 198–202
and nuclear weapons, 197–8, 201, 205–6
proportionality, 197–8, 206–7, 212–13
and protection of population, 198, 201–5, 210–11
as victim and as weapon, 210
widespread, long-lasting, severe damage to, 198–200, 202, 204–8, 210–12, 214
equal application of LOIAC, 3–4, 85
escape, attempts to, 7, 61, 144, 163, 168–9, 221–2
espionage. See spies
European Court of Human Rights, 25–6
‘excessive’ injury/damage See also collateral damage
appraisal of, 132–3, 154–5, 281
and ‘extensive’, 131, 136–8, 194, 198
expectation of, 132–3
exclusion zones, 227–9
exclusive economic zones, 10, 111
expanding bullets, 69–70
expectant mothers, 160, 226
experiments, medical or scientific, 22, 25
explosive bullets, 69
explosive remnants of war, 73, 80
exports, 95, 112, 215, 224, 251
external marking of vehicles, vessels and aircraft, 44–5, 60, 115
extradition, 268–9
factories. See industrial plants, munitions factories
Falkland Islands War, 228
false signals, 240
famines, 220, 225 See also starvation of civilians
fire-fighting, 166
first-aid treatment, 187
fishing vessels, 172, 189
fixed
  distinctive emblem, 39–40, 43–4, 47–9, 55–6, 233, 242, 245
  medical units, 186–7, 191
  military installations, 96, 109, 111, 144
  wings, 116
flags of truce, 231–6, 239, 265
flame-throwers, 77–8
‘fog of war’, 127, 139, 275
foodstuffs, 68, 135, 150, 218, 221–3, 226
force protection, 141–2, 286–7
Foreign Legion, 47, 59
forests, 201, 205, 207–8, 214
fortifications, 66, 96, 108, 222, 252
fragments, non-detectable, 70
France, 47, 53, 55, 94, 97–8, 104, 115, 205, 260, 291
‘francs-tireurs’, 43
freedoms
  of navigation, 75
  from slavery, 22–3
  of thought, conscience and religion, 23
  from torture, 12, 22, 24–5, 159, 168
fuel air explosives, 65
function versus use, 183–4
gas warfare, 80–3, 258 See also chemical weapons
General Assembly, 59, 82, 84, 91, 158, 198, 213
General Belgrano, 228
‘Geneva law’, 14–15, 18
genocide, 266
Germany, 42, 47, 53, 55, 78, 80, 94, 97–8, 119, 128, 137, 139, 221, 224–5, 237, 243–4, 260, 264, 287, 291
Government offices, 107
guerrillas, 42, 47–9
Gulf War
  aerial bombings in, 105–6, 127
  and blockade, 224
  and bridges, 105
  cease-fire, 215
  and electricity grid, 105
  and indiscriminate attacks, 127
  and looting, 246
  oil wells put on fire, 212–16
  retreating troops in, 103
  Scud missiles in, 128
  ‘shock and awe’ tactics in, 126
  Ur temple, 176
  wanton destruction in, 212–13, 252
Gurkhas, 59
Index of subjects

‘Hague law’, 14–15, 18
Hague Rules for the Control of Radio in Time of War, 236–7
hand grenades, 45, 70
harbours. See ports and harbours
Heads of States, 103, 107–8, 290–2
helicopters, 114, 189
herbicides, 82, 208–9, 215
high altitude bombings, 118, 128, 131, 142
high seas, 60, 75, 86, 111, 201, 203, 229
high technology, 75, 104, 139, 142–3, 296
high velocity bullets, 67
highways, 97, 101, 105
hindsight, 139, 274–5
historical monuments. See monuments
Holland. See Netherlands
homicide, 37
hors de combat, 24, 34, 63, 66, 103, 159, 162, 168–9, 223, 233, 262
horses, 92
hospitals, 25, 90, 94, 98, 100, 102, 105, 163–4, 171–2, 182, 185–7, 191–2, 226, 253
hospital ships, 75, 102, 111, 172, 185, 187–9, 192, 228, 238, 249
hostage-taking, 70, 261–2
hostilities, definition of, 1–2
HPCR Air and Missile Warfare Manual, 17, 45, 97, 106, 115–17, 150, 169, 189–90, 193, 229, 238–9, 242, 250–1
human rights law
and belligerent reprisals, 259
derogations from, 21–3
limitations on, 21
and LOIAC, 19–26
and punishment for crimes of others, 21, 259
‘human shields’
categories of, 153
consequences of, 153–5
as direct participation in hostilities, 153
involuntary, 153–5
prisoners of war as, 152–3
and proportionality, 152, 154–5
voluntary, 153–4
war crime, utilizing ‘human shields’ as a, 152–3
humanitarian assistance, 166, 220, 225–7
humanitarian considerations, 4–7
Hungary, 78, 80
hunting, 122
ICRC (International Committee of the Red Cross)
on anti-personnel landmines, 73
on blockades, 225
on command responsibility, 274, 277
on cultural property, 179–80
customary international law study, 16, 31, 77, 83, 129, 146, 152, 158–9, 162, 168, 179, 194, 198, 202, 205, 209, 213, 258, 261
on derogations, 36
on environment, protection of, 205
on ‘excessive’ collateral damage, 131
on feigning civilian status, 234
on ‘human shields’, 153–4
Interpretive Guidance on direct participation in hostilities, 146–51
on loss of protection, 192
on military advantage, 133
on military objectives by purpose, 99
on mistake of fact, 280
on new weapons, 87
on perfidy, 234
on precautions, 140
on relief consignments, 226
on targeted killings, 103
on unlawful combatants, 34, 36, 51, 54, 146–7
ignorantia facti excusat, 280
ignorantia juris non excusat, 281
illuminants, 78
immunities, 290–2
incendiary weapons, 68, 77–8, 207–8, 214–15
incidental injury/damage. See collateral damage
incitement to rebel, 240
indiscriminate attacks, 126–8, 130
Indonesia, 42, 46, 49
industrial plants, 97, 104, 136, 143–4
inhuman treatment, 22
insanity, 284–5, 294
insignia, 43–4, 229, 234–5, 237–9, 244
instruction, 10, 30–1
intelligence gathering, 2, 97, 100, 112–13, 117, 127, 135, 140–1, 143, 151, 192, 241–2
interdiction fire, 127
intermingling of civilians and combatants, 145, 152, 167, 296 See also ‘human shields’
internal waters, 10, 75, 111
312  Index of subjects

International Committee of the Red Cross. See ICRC
International Court of Justice, 8–10, 18–19, 23–4, 27, 38, 62, 64, 67, 75, 84, 124, 197, 206, 213, 290–1, 297
International Criminal Court (ICC), 66, 265, 292, 295
International Criminal Tribunal for Rwanda, 146
International Humanitarian Law. See LOIAC International Military Tribunal (IMT), 15, 61, 68–9, 228, 235, 264–5, 282, 285, 287–8, 290, 293
International Military Tribunal for the Far East (IMFTE), 15, 264–5, 274, 291
inter-State character of armed conflicts, 26–8 intoxication, 285–6, 294
Iran, 117
Iran-Iraq War, 81, 113, 197, 228
Iraq, 214 See also Gulf War, Iran–Iraq War Ireland, 53, 139
irregular forces, 40, 47–8, 54, 56, 234
irrigation works, 218–19
Israel
Beirut bombardment by, 155 and booty of war, 247 and condition of belonging to a Party to the conflict, 45–6 Church of the Nativity, 181–2 and direct participation in hostilities, 147 legislation on unlawful combatants, 38 Scud missiles against, 128 and targeted killings, 147, 149
Italy, 53, 94, 97, 104, 139, 260, 267
Japan, 39, 103, 264–5, 291
Jordan, 46
immunities, 290–2 passive personality, 269–70 protective principle, 269 territoriality, 269–70 universality, 269–70 jus ad bellum, 3, 85, 216, 266 jus cogens, 12–13, 24–5, 157 jus dispositivum, 13 jus in bello. See LOIAC jus standi, 21
kamikaze pilots, 39
kitchen utensils, 70
knowledge, 127, 131, 139, 198, 206, 272–5, 278–9, 288–9
Korea, 53, 74, 153
Kosovo air campaign bridges, attacks on, 101, 106 broadcasting stations, attacks on, 26, 106–7, 143–4 high altitude bombings, 141–2 oil refineries, attacks on, 197 trains, attacks on, 106
Kuwait, 113, 212–16, 252
laboratories, 87, 97
land warfare, 15, 108–11, 115, 159, 171, 247–8, 265
landmines and belligerent reprisals, 257 anti-handling devices, 74 anti-personnel, 72–4, 297 anti-vehicle, 70, 74 recording of minefields, 72–3, 75 remotely delivered, 72 self-deactivation of, 72
lasers, 65, 79, 296
lawful combatancy, conditions of belonging to a Party to the conflict, 40, 43, 45–9, 51–2, 56 carrying arms openly, 39–40, 43–4, 47–9, 52–4 conduct in accordance with the laws of war, 39–40, 43, 45, 48, 50–3, 56 fixed distinct emblems, 39–40, 43–5, 47–9, 54–6 groups and individuals, 49–50 nationality (allegiance to the Detaining Power), 46–9, 59 organization, 40–1, 43, 45, 48–9, 51–2, 56 regular forces and, 42–3 subordination to responsible command, 39–40, 43, 45, 48–9, 51, 56 leaflets, dropping of, 2, 240
League of Nations, 17
Index of subjects

legal advisers, 31–3, 281
letter bombs, 71
levée en masse, 40, 43, 48, 121, 147
lex specialis, LOIAC as, 23–4
libraries, 174
life, human right to, 22–4
lifeboats, 114, 160, 188
light weapons, 61, 122, 169–70, 193
lighthouses, 115

LOIAC
breach of, 253–4, 263
cardinal principles of, 8
customary law and treaties, 10–14
derogations from, 21, 36, 38, 147, 219
dissemination of, 30–1, 281
driving forces of, 4–8
equal application of, 3–4, 85
‘Great Schism’ in, 16, 295
history, 10, 35, 62, 125–6, 129
and human rights law, 19–26
lex specialis, as, 23–4
main current problems of, 296–7
major premises of, 2–4
review of, 295–6
semantics of, 18–19
strata of, 10–18
and technology, 75, 86, 104, 139–40, 142–3, 192, 241, 296
and the UN, 29–30

looting, 246
loss of protection See also direct participation in hostilities
children, 168
civil defence personnel and organizations, 168
cultural property, 180–2, 184–5
dangerous forces, works and installations containing, 193–5
hor de combat, 168
journalists, 168
medical personnel and units, 168–9, 191–3
parachutists in distress, 162, 168
parlementaires, 232
relief personnel, 168
shipwrecked, 168
women, 168
wounded and sick, 168

Lusitania, sinking of, 134

major premises of LOIAC, 2–4
Malaysia, 42, 46, 49, 286
malfunctions, mechanical or technical, 125, 135
manuscripts, 174

maritime warfare. See naval warfare
‘maux superflus’, 63–4
Martens Clause, 8–9, 11, 260
mass destruction, weapons of. See biological weapons, chemical weapons, nuclear weapons
matériel, 1, 97
maternity cases, 160, 164, 186, 188, 221, 226
media. See journalists, broadcasting stations
medical
aircraft, 116, 185, 189–90, 192–3, 296
equipment, 186, 193, 221
experiments, 22, 25
personnel, 20, 33, 41–2, 51, 163–5, 168, 191, 257
units, 90, 102, 165, 168–9, 185–93, 257
medications, 226, 251
mens rea, 206, 279–81, 289
mental disorder, 160 See also insanity
mercenaries, 47, 51, 57–60
merchant vessels
armed, status when, 60–1, 112–13
belligerent acts, 112–13
blockades, 113, 224,
capture of, 112–13, 248–50
contraband, 112–13, 249, 251
converted to hospital ships, 188
converted to warships, 60–1
convoys, 112–3, 251
crews, 41, 60–1, 114, 250
destruction after capture, 113–14, 250
diversion of, 112–14, 249–51
enemy character of, 249
and exclusion zones, 227–8
intelligence gathering, 112–13
as military objectives, 112–13
in military ports, 101
neutral, 112–13
orders to stop, 112–13, 224
and prize law, 112, 14, 248–9, 251–2
and unlawful combatants, 34, 60
visit and search of, 113, 249, 251
methods of warfare, 1, 4, 9, 64, 66, 82, 201, 215, 218–62
midwives, 164
military advantage
calculation of, 93–5, 133–4
and cultural property, 183
definite, 92–5
‘overall’, 94–5, 133–4, 206
not political, 93
and unnecessary suffering, 64–5
314 Index of subjects

military aircraft
  crews of, 44–5, 106, 116, 134, 137, 141–2, 162–3
  definition, 115–16
  in distress, 116, 162–3, 168
  surrender of, 116, 161
  explosive bullets, use by, 69
  as military objectives, 97

military bases, 96, 100–1, 131

military manuals, 10

military necessity
  and cultural property, 174, 176–9, 183
  and destruction of property, 6, 213, 252
  and environmental protection, 213
  and humanitarian considerations, 4–6
  as a legal justification, 6–8
  and ‘scorched earth’ policy, 219–20
  and wanton action, 6, 213, 252–3

military objectives
  air warfare, 97, 105–6, 115–16
  bridges, 97, 101–2, 106, 132, 137–8, 181
  broadcasting stations, 26, 106–7, 143–4, 176
  dangerous forces, works and installations containing, 193–6, 258
  definition, 90–1
  electricity grids, 105
  industrial plants, 97, 104, 136, 143–4
  lighthouses, 115
  by location, 90–1, 95, 100–2, 130, 181, 205
  by nature, 90–1, 95–7, 99, 101–2, 106, 111, 116, 130, 181, 280
  naval warfare, 97, 111
  oil, coal and other minerals, 105
  ports and airports, 97, 105–6, 114–15, 137, 145, 224, 250
  and proportionality, 128–30
  by purpose, 90–1, 95, 99–102, 130, 181, 205
  targeting, 140–1
  trains and trucks, 106
  transport arteries, 97, 106, 137
  by use, 90–1, 95, 97–9, 101–2, 130, 181, 204–5
  military supplies, 40–1, 97, 101–2, 111, 150, 238
  militias, 39–41
  minerals, 105
  mines. See booby-traps, landmines, naval mines
  minimizing injury to civilians, 87, 137–8, 140–3, 184
  Ministries of Defence, 97, 107, 145
  miscalculations, 135
  missiles, 97, 128, 135, 190

mistake
  of fact, 280, 289, 294
  of law, 281–2, 288–9, 294
  mitigation of punishment, 270, 286, 288, 292–4
  mock operations, 239–40
  Monte Cassino Abbey, 100
  Montreux Document, 122
  monuments, 71, 171–4, 176, 178–9, 182, 258–9, 282
  moral choice, 282–4, 288
  morale shattering, 125–6
  mosques. See places of worship
  mountain passes, 101, 127
  mules, 92
  munitions
    dumps, 97
    factories, 97, 104, 110, 131, 136–8, 143, 145
    trucks, 106, 150–1
    workers, 131, 136–7
  murder
    and duress, 283–4
    of prisoners of war, 7, 35
    of surrendering combatants, 161–2
    and warfare, 37
  of wounded and sick, 159
  museums, 98, 173–4
  napalm, 68, 77, 215
  Nativity, Church of, 181–2
  national law. See domestic law
  NATO (North Atlantic Treaty Organization), 26, 106, 145, 206
  naval mines, 75–7
  naval warfare
    areas of, 111
    blockades, 95, 113, 220, 223–7, 251
    coastal bombardment, 114–15, 144, 171–2
    contraband, 113, 224, 249–51
    exclusion zones, 227–9
    false colours, 238, 240
    hospital ships, 75, 102, 111, 172, 185, 187–9, 192, 228, 238, 249
    merchant vessels, 41, 60–1, 101, 112–14, 188, 224, 227–8, 248–52
    military objectives, 97, 111
    neutrals, 10, 75, 112–13, 228, 251
    passenger liners, 75, 106, 112–14, 134, 238, 250
    privateering, 34, 60
    prize, 112–14, 117, 246–52
    shipwrecked, 34, 53, 159–62, 168, 187–8, 193, 257, 264
Index of subjects

submarines, 61, 75, 111
surrender, 161
warships, 1, 60–1, 75, 97, 111–14, 192, 228–9, 238, 248, 251
necessity, 282 See also military necessity
Netherlands, 53, 94, 139, 243–4
neutral
emblems, 231, 234, 237–8
hostages, 262
merchant vessels, 112–13
shipping, 75, 228
territories, 10, 41, 75
warships, 113, 251
neutralization, 90–1, 93, 101–2
neutralized zones, 110–11
New Zealand, 53, 93–4, 139
Nicaragua, 27, 38, 75
no-fly zones, 229
no-quarter policy, 162
non-combatants. See civilians
non-defended localities, 108–11
non-derogable human rights, 22–5
non-detectable fragments, 70
non-international armed conflicts, 26–8
non-lethal weapons, 65, 82
nuclear electrical generating stations, 193–6, 258
nuclear weapons
and the environment, 197–8, 201, 205–6
‘clean’, 85–6
in the desert, 86
International Court of Justice and, 84–6
indiscriminate effects, 84
lawful use of, 84–6
LOAC applicability, 83–4
in mid-ocean, 86
and neutrals, 85
tactical, 85
treaties dealing with, 84
nurses. See medical personnel
objective/subjective elements, 4, 10, 64, 79, 88, 119, 132, 154, 175, 281–2
occupied territories, 36, 40–1, 45–6, 48, 53, 147, 171, 181–2, 212–13, 225–6, 244–5, 265
official position, 289–90
oil
installations, 105, 197
tankers, 197
open cities, 110
opinio juris sive necessitatis, 10, 213
orderlies. See medical personnel
orders, issuance of, 270–1 See also command responsibility, superior orders
Organization of African Unity, 59
outer space, 84, 199
ozone layer, 199
Palestinians, 45–6, 181–2
Pan American Union, 173
parachutists from aircraft in distress, 162–3, 168, 264
parlementaires, 163, 232, 235
partisans, 42, 48, 242
passenger liners, 75, 106, 112–14, 134, 238, 250
penal sanctions. See prosecution and punishment
peremptory norms. See jus cogens
perfidy
capture, 231–3
definition, 229, 231
feigning civilian status, 233–4
feigning incapacitation, 233
feigning protected status, 234
feigning surrender, 232–3
killing or injuring, 231–2
and ruses of war, 229, 239–40
and treachery, 103, 229–31
petrochemical industries, 104, 194
petroleum, 97, 105, 135, 215 See also oil
pharmaceutical stores, 187
philanthropic missions, 172
photographers. See journalists
pillage, 246–8, 264
pillboxes, 78
pipelines, 111
pirates, 34
places of worship
generals reprisals against, 258
and booby-traps, 71
special protection, 170–2, 178–80
use by the enemy, 98, 100, 170, 181–2
poison, 68–9, 80–82, 84, 197, 265
police, 104, 110, 117
political
considerations, 30, 93
leadership, 107–8, 264
pollution
air, 197, 200, 212–15
sea, 197
water, 68, 197
Index of subjects

population
  general, 203, 205


postmen, 136, 169

power plants, 97, 105, 193–6, 258

precautions
  active, 138–45
  feasible, 131, 138–9, 141, 143, 145
  passive, 131, 145, 196

defensive, 104, 142–3, 296

pregnant women, 220

prescription of crimes, 268

presumptions
  and bridges, 102
  and cargo, 249
  and civilian objects, 98–9
  and enemy character, 249
  and ‘human shields’, 154
  irrebuttable, 281

and mistake of law, 281

and places of worship, 170

and prisoners of war status, 42–3, 51

rebuttable, 99, 102, 249

and regular armed forces, 42–3

of sanity, 285

and schools, 102, 170

prisoners of war

and belligerent reprisals, 257, 259

and certain civilians, 40–1, 49, 61, 121, 167

the status of, 43–8

of status, 36–7, 39–48, 159

exchange of, 188

as hostages, 262

as ‘human shields’, 152

life versus liberty, 34–5

medical experiments, 25

medical and religious personnel, 41–2, 165

mercenaries, 51, 57

and military necessity, 7

murder of, 7, 265

personal effects of, 247

prizes of, 35–7, 233, 267

repatriation of, 267

spies, 51, 244

and tear gas, 82

of war, 28–32

and unlawful combatants, 35–8, 267

and war crimes, 267

women, 157

and private gain, 57–8, 246

and private military contractors, 58, 122, 264

privateers, 34, 60

and prize, 112–14, 117, 246–52

property, See booty of war, cargo, contraband, destruction of property, pillage, prize, seizure of property

proportionality

in belligerent reprisals, 255–6

calculation of, 131–4, 136, 141–2, 153, 155

and collateral damage, 128–34

expectation and anticipation, 128–33

and the environment, 197–8, 206–7, 212–13

importance of principle in practice, 130

and involuntary ‘human shields’, 154–5

and military advantage, 129–34, 141

precautions in attack, 138–41

and unnecessary suffering, 65

as a relative concept, 129

prosecution and trial

by domestic courts, 37, 39, 242–3, 267–9

by international courts and tribunals, 264–5

prostitution, enforced, 156–7

protests, 255

psychological warfare, 2, 106, 240

public emergency, 22

pumps, 105, 219

‘quasi-combatants’, 136–7

radio communications, 116, 161, 190–1, 236–7, 241–2

rafts, 160

railways, 97, 106, 110, 132, 140, 176–7, 219 See also trains

ranks, 4, 57–8, 103, 107, 141, 177, 183, 277, 290, 293

rape, 156–8

rationing, 135

rear zones, 44, 108, 110, 115, 118, 151, 245

recognition

of belligerency, 28

of Governments, 29, 40, 55, 121

of state of war, 28–9

of States, 29

reconnaissance, 112, 117, 140, 241–2, 245

Red Crescent emblem, 186, 235

Red Cross emblem, 164–5, 186, 188–90, 235

Red Cross Societies, National, 164, 188

Red Crystal emblem, 186

Red Lion and Sun emblem, 186, 235
Index of subjects

reflagging, 113
refugees, 94, 152–3, 220
regular forces, 33, 40–3, 52, 54–5, 103, 121, 234
reinforcements, 48, 101, 236
relief consignments. See humanitarian assistance
relief personnel, 166, 168
religious See also places of worship
institutions, 171, 182
objects, 70, 171, 226
missions, 172
personnel, 33, 41–2, 165, 193, 257
renunciation of rights, 20
reservations to treaties, 53, 93–4, 104, 139, 234, 258, 260
reservists, 41, 106, 147–8
resistance movements, 40, 42, 48, 121
restatements, 17, 297
retention, 41–2, 165, 180–1, 231, 239–20
riot control, 29, 82
rivers, 45, 97, 102, 106, 181, 201, 220
roads, 97, 101, 105, 110, 152
rubber bullets, 65
Ruhr, 119, 137, 194
Rules of Engagement, 30
ruses of war, 144, 229, 239–40
sabotage, 42, 45, 215, 242
safe passage, 222–3, 228
schools, 98, 100, 102, 153, 170, 182–3, 280
scientific collections, 174, 183
institutions, 171–2, 182–3
vessels, 172
‘scorched earth’ policy, 213, 219–20
sea warfare. See naval warfare
sea-bed, 76, 84, 86, 111
secession, 28
seizure of property, 6, 182, 245, 247–8, 252–3
self-defence
individual, 122, 170, 286–7
State, 4, 85
self-destruct mechanisms, 68, 72, 76–7, 80
sexual offences, 156–8
shelters, 111, 166
ships. See auxiliary ships, enemy character of vessels, fishing vessels, merchant vessels, naval warfare, passenger liners, submarines, torpedo boats, warships, yachts
shipwrecked, 34, 53, 159–62, 168, 187–8, 193, 257, 264
shipyards, 131
short of war hostilities, 21, 28–9
shot guns, 67
sick. See wounded and sick
sick-bays, 188, 192
siege warfare, 171, 181–2, 220–4, 242
Sierra Leone Special Court, 158
signals, 186, 190, 235–7, 240, 242
Singapore, 42
slavery, 22–3, 157
‘smart bombs’. See precision-guided munitions
smoke, 78, 212
snipers, 1, 94, 99, 103, 134, 205, 230
sonic booms, 2
Spain, 53, 94, 139,
spies, 68, 72
Special Forces, 7, 43
State responsibility, 26, 46, 60, 155, 216, 246–7, 253–4, 263, 289–90
State rights, 20–1
statohood, 29
statutes of limitation. See prescription of crimes
starvation of civilians, 218–25
State responsibility, 26, 46, 60, 155, 216, 246–7, 253–4, 263, 289–90
State rights, 20–1
statehood, 29
statutes of limitation. See prescription of crimes
strait, 10
stretchers-bearers. See medical personnel
submarines, 61, 75, 111
Subsequent Proceedings (Nuremberg), 6, 221
Sudan, 292
‘suicide bombers’, 39, 70, 192, 296
superfluous injury. See unnecessary suffering, principle of
superior orders, obedience to, 270, 288–9, 292–3
surgeons. See medical personnel

surrender See also no-quarter policy, white flags

in air warfare, 116, 161
calls for, 2
duty to accept, 116, 161
feigning, 232–3
hors de combat, 24, 34, 63, 66, 103, 159, 162, 168–9, 223, 233, 262
in land warfare, 161
in naval warfare, 161

survival of the population, 202–4, 218–19, 258

synagogues. See places of worship

swamps, 101

Switzerland, 139

Taliban, 27, 29, 55–6
tanks, 1, 44, 68, 72, 97, 104–5, 134, 153, 191, 238, 240, 252
tankers, 112, 116, 197
‘target area’ bombings, 118–20, 137, 256
targeted killings, 103–4
targeting, 87, 103–4, 107, 117, 124–5, 128, 135, 140–3, 191, 238, 260
tear gas, 82
technology and LOIAC, 75, 86, 104, 139–40, 142–3, 192, 241, 296
telephone exchanges, 97
television. See broadcasting stations
temples. See places of worship
territorial sea, 10, 75, 111
terror, spreading among civilians, 125–6
terrorism, 21, 56
threats, 22, 84–5, 124, 126, 162, 261, 282–3
timing of attacks, 137, 143–4
tornadoes, 199
torpedoes, 76–7
torture, 12, 22, 24–5, 159, 168
toys, 68, 70, 104
tracer bullets, 78
tractors, 74, 104, 142
training, 30–1, 33, 47, 59, 96, 122, 149, 164
trains, 106, 132, 135, 137, 153, 186 See also railways
trauma, 160
treachery, 103, 229–31, 235, 239, 279 See also perfidy

treason, 230, 235, 243
treaty law See also Table of Treaties
custodial law, interaction with, 12–14
declaratory, 12, 14–5, 67, 78, 81, 202
definition, 11–12
general participation clause (clausula si omnes), 13

inter se application, 13, 81, 270
jus cogens, conflict with, 12–13
material breach of, 258
reservations to, 53, 93–4, 104, 139, 234, 258, 260
trucks, 74, 105–6, 150–1
tsunamis, 199–201
tunnels, 97

undefended localities, 108–11

UNESCO (United Nations Educational, Scientific and Cultural Organization), 17
uniforms
civilians in, 122
combattants and, 39, 42, 44, 47, 49, 52, 54–6, 104, 233–4, 267
escaped prisoners of war, 238
improper use of, 229, 231, 234–5, 237–9
manufacture of, 104
spies and, 242, 244–5
sub-standard, 43
United Kingdom, 53, 61, 94, 139, 205, 248–9, 260
United Nations
emblems, 231, 234, 237
forces, 29–30, 234
LOIAC applicability to, 29–30
Organs. See General Assembly, Security Council
United States See also Afghanistan War, Gulf War, Kosovo air campaign, Vietnam War and Additional Protocol I, 16, 54, 90, 95, 295
American Civil War, 95
and anti-personnel landmines, 74
and broadcasting stations, 106
and command responsibility, 273–4
and doubt rule, 98
and gas warfare, 81
and herbicides, 208–9
interstate roads system, 97
and military advantage, 93
and military objectives, 90, 95
on nuclear weapons and the environment, 205
Pentagon, 56
and reflagging, 113
September 11, 2001, 27, 55–6, 117, 238
and Taliban, 27, 29, 55–6
and targeted killings, 103
and unlawful combatants, 36, 42
and ‘war-sustaining’ capacity, 95
Vincennes incident, 117
Index of subjects

and ‘war on terrorism’, 56
White House, 107

unlawful combatants
consequences of status of, 35–9
definition, 33–6
detention of, without trial, 36, 38
and direct participation in hostilities, 35–6, 92, 147, 154

Israeli legislation on, 38
and judicial guarantees, 38–9
mercenaries as, 57
and merchant vessels, 34, 60
prosecution and trial of, 36–9
spies as, 51, 243, 268
‘suicide bombers’, 39, 70, 192, 296

war criminals, distinction from, 37, 266–70

unnecessary suffering, principle of, 8–9, 63–7, 70–2, 77–9, 84, 87, 295
urban warfare, 99, 109, 138, 143, 154

Vatican City, 107, 177
vehicles
medical, 186–7, 257
military, 78, 97, 105, 142, 238
mines anti-, 74
relief, 166
unmanned aerial, 116, 140, 151
veterinary personnel, 165
Victory HMS, 91

Vietnam War, 224

Vincennes incident, 117

violence, 1–2, 4, 37, 124, 150–1, 157, 169, 233
visibility, 53, 118–19, 128, 131, 142, 212
visit and search, 113, 249, 251

waiver, 175–6, 178, 183, 233, 291–2
wanton destruction, 6, 213, 252–3

war correspondents. See journalists
war crimes See also command responsibility
civilians and, 263–4, 278–9
as customary international law, 266
defences, 280–7
definition, 263–6
and grave breaches, 266
prosecution and trial, 264–5
prescription of, 268
and prisoners of war, 267


unlawful combatants, distinguished from, 37, 266–70
universal jurisdiction, 269–70

war effort, contribution to, 95, 97, 104, 112
war-gaming facilities, 97

‘war-sustaining’, 95–6
war trophies, 248

warnings, 71, 111, 117, 144–5, 166, 168, 185, 191–2, 228–9, 255, 260–1

warships
as booty of war, 248
and deception, 238
definition, 111
as military objectives, 97, 111
neutral, 113, 251
surrender by, 161

water, drinking, 68, 105, 194, 197, 219–23

weapons (in general) See also specific
weapons and unnecessary suffering, principle of
definition, 1
direct participation in hostilities and, 149–50
light, individual, 61, 122, 169–70, 193
new, development of, 86–8, 97

weapons of mass destruction. See biological
(bacteriological) weapons, chemical
weapons, nuclear weapons
weather, 114, 116–19, 128, 131, 135, 140, 199, 202, 214
wells, 68, 212–16, 219, 252
white flags, 161, 232–3, 235
white phosphorous, 78
wire tapping, 241
women
as combatants, 157
enforced prostitution of, 156–7
pregnant, 220
maternity cases, 160, 164, 186, 188, 221, 226
sexual offences against, 156–7

World War I
blockade of Germany, 224–5
exclusion zones, 228
gas warfare, 80
Lusitania, sinking of, 134
peace treaties, 78, 80

World War II
Battle of the Bulge, 237
dams, 194
distinction principle, 124
exclusion zones, 228
flame-throwers, 78
hostage-taking, 261
kamikaze pilots, 39

Monte Cassino Abbey, 100

morale shattering, 125
overall military advantage, 95
World War II (cont.)

prize, 249
resistance movements, 48
Ruhr, 137, 194
’scorched-earth’ policy, 219
spies, 243–4
Stalingrad, 109, 118
‘target area’ bombings, 118–19, 137, 256
targeted killings, 103–4
unrecognized Governments, 55
V-1 and V-2 rockets, 128
war crimes trials, 263–4
worship, places of. See places of worship
wounded and sick
belligerent reprisals against, 257
and booby-traps, 70
cease-fires for the collection of, 160
definition, 159–60
feigning of incapacitation, 231, 233
loss of protection, 168
neutralized zones, 110–11
pillage, 246
renunciation of rights, 20
special protection of, 159–60
shelters, 111
siege warfare, 221
X-rays, 70, 191
yachts, 106, 249
Yugoslavia (former), 9, 28, 106, 197, 206,
264–5, 290
‘zero casualty policy’, 129, 141