
INDEX

- acts harmful to the enemy, 91, 97–8, 102
- amnesty
 - non-international armed conflicts, 611–14
 - war crimes, 612–14
- apartheid, 310–11
 - war crime 586, 588–9
- area bombardments, 43–5
- armed forces, 14–17
 - law enforcement agencies, 16–17
 - paramilitary agencies, 16–17
- attacks
 - assessing effects of, 58–60
 - cancelling, 60–2
 - indiscriminate, 37–45
 - definition, 40–3
 - war crime, 586, 589–90, 599–601
 - protecting against effects of, 68–76
 - suspending, 60–2
 - warning of, 62–5
- blockades, 189, 197
- buildings dedicated to religion, education, art, science or charitable purposes, 127–35
 - attacks on
 - war crime, 576, 579–80
- Central Tracing Agency, 440–1
- children, 479–88
 - death penalty on, 482
 - definition, 481–2
 - detained – *see* persons deprived of their liberty
 - displaced, 466–7
 - education, 481
 - participation in hostilities, 485–8
 - age-limit, 488
 - definition, 487–8
 - war crime, 580, 584, 593, 596
 - protection of, 479–82
 - recruitment, 482–5
 - age-limit, 484–5
 - war crime, 580, 584, 593, 596
- civil defence, distinctive sign of
 - improper use, 211–13
 - perfidy, 224
- civilian objects, 25–36
 - attacks on
 - war crime, 580–1, 597–8
 - character in the case of doubt, 35–6
 - definition, 32–4
 - incidental damage to, 29, 46–50, 58–62, 65–7, 265–7
 - war crime, 576–7, 599–601
 - protection of, 34–6, 51–76
 - loss of, 34–6
 - reprisals against, 525–6
- civilian population – *see* civilians
- civilians, 3–24
 - attacks on, 3–8, 19–24
 - war crime, 576, 591
 - character in case of doubt, 23–4
 - definition, 17–19
 - humanitarian relief, right to receive, 199–200
 - incidental losses among civilian population, 29, 46–50, 58–62, 65–7, 265–7
 - war crime, 576–7, 599–601
 - protection of, 19–24, 51–76
 - loss of, 19–24
 - simulation of status, 224
- collective punishments, 374–5
 - war crime, 586–7, 599, 602–3
- combatants, 3–8, 384–95
 - definition, 11–14
 - obligation to distinguish themselves from civilian population, 384–9
 - uniform, 385–6
- corporal punishment, 319–20
- cruel, inhuman or degrading treatment, 315–20, 322–3, 325, 340–3, 437, 476
 - degrading treatment – *see* dignity
- inhuman treatment
 - definition, 318–19
 - war crime, 574, 590, 592, 603
- cultural property, 127–38
 - attacks on

Index

623

- waiver in the case of imperative military necessity, 130
 - war crime, 576, 579–80, 593, 596–7
 - cultural heritage of every people, 129
 - distinctive emblem, improper use, 211–13
 - perfidy, 224
 - illicit export, 135–8
 - improper use, 131–2
 - waiver in case of imperative military necessity, 132
 - misappropriation, 132–5
 - occupied territory, 135–8
 - pillage, 132–5
 - reprisals against, 524–5
 - return of, 136–7
 - seizure, destruction, or damage of, 132–5
 - theft, 132–5
 - vandalism, 132–5
 - waiver of respect in case of military
 - necessity, 130, 132
 - war reparations, as, 137–8
- dead, the, 406–20
- dignity, outrages upon
 - war crime, 575
 - disposal of, 414–17
 - collective graves, 416–17, 419–20
 - cremation, 416–17
 - fate, providing information on, 417–20
 - identification, 417–20
 - mutilation, 409–11
 - personal effects, 411, 413–14
 - pillage, 409–11
 - war crime, 586–8, 591–2
 - remains, return of, 411–14
 - role of humanitarian organisations, 407
 - role of civilian population, 407
 - searching for and collecting, 406–8
- death penalty, 478–9, 482
- deception, 203–26
- agreement concluded with a view to
 - attacking the enemy using surprise, 219–21
 - improper use of distinctive emblems of the Geneva Conventions, 207–9, 224
 - improper use of flags, insignia or uniforms of the adversary, 213–18
 - improper use of recognised emblems other than United Nations emblem, 211–13, 224
 - improper use of white flag of truce, 205–7, 224
 - perfidy – *see* perfidy
 - use of flags, insignia or uniforms of neutral States, 218–19, 224
 - use of the United Nations emblem or uniform, 210–11, 224
- declaring abolished or suspended the rights and actions of the nationals of the hostile party
 - war crime, 580, 583
- defence, rights of, 359–63
- demilitarised zones, 120–1
 - attacks on
 - war crime, 576, 577–8, 599, 601
- deportation – *see* transfer of the civilian population
- deprivation of liberty (*see also* persons deprived of their liberty), 344–52
- grounds for
 - international armed conflicts, 344–5
 - non-international armed conflicts, 347–9
 - procedure
 - international armed conflicts, 345–6
 - non-international armed conflicts, 349–52
 - access to a lawyer, 352
 - habeas corpus*, 350–1
 - information on reasons for arrest, 349–50
 - prompt appearance, 350
 - war crime, 574
- destruction and seizure of property, 173–85
- medical units, 175
 - military equipment – *see* war booty
 - occupied territory (*see also* occupied territory)
 - private property, 179–82
 - requisitions, 181
 - public property
 - immovable, 179
 - movable, 178–9
 - property of an adversary, 175–7
 - without military necessity
 - war crime, 574–5, 597–8
- dignity, 307–8
- outrages upon, 315–19
 - definition, 319
 - war crime, 575, 590
- direct participation in hostilities, 19–24
- definition, 22–3
- disabled, the, 489–91
- discrimination, prohibition of, 308–11, 400–3, 471–2
- displaced persons, 457–74
- discrimination, 471–2
 - international assistance, 467–8
 - preservation of family unity, 465–6
 - property of, 472–4
 - return, 468–72
 - measures to facilitate, 470–2
 - treatment, 463–8

624 *Index*

- displacement of the civilian population, 457–74
 - persons – *see* displaced persons
 - war crime, 593–4
- distinction, principle of
 - between civilian objects and military objectives, 25–36
 - between civilians and combatants, 3–24
- distinctive emblems of Geneva Conventions
 - improper use, 207–9
 - definition, 209
 - war crime, 575
 - objects displaying, 102–4
 - perfidy, 224
 - personnel displaying, 80, 102–4
- elderly, the, 489–91
 - displaced, 466–7
- embargoes, 189, 197
- emblems, other recognised
 - definition, 213
 - improper use, 211–13
 - perfidy, 224
 - United Nations – *see* United Nations
- enforced disappearance, 340–3
- enforced pregnancy (*see also* sexual violence)
 - war crime, 580, 584–6, 591–3
- enforced prostitution (*see also* sexual violence)
 - war crime, 580, 584–6, 591–3
- enforced sterilisation (*see also* sexual violence)
 - war crime, 575, 591–3
- ethnic cleansing, 461–2
- evacuation of the civilian population, 460–1
- fair trial, 352–71
 - confession, 367–8
 - following torture, 368
 - deprivation of right to
 - war crime, 574, 590
 - examination of witnesses, 364–5
 - independent, impartial and regularly constituted court, 354–7
 - information on available remedies, 369–70
 - interpreter, assistance of, 365–6
 - non bis in idem*, 370–1
 - presence of accused at trial, 366–7
 - presumption of innocence, 357–8
 - public proceedings, 368–9
 - remedies, 369–70
 - rights and means of defence, 359–63
 - free legal assistance, 361–2
 - right to be assisted by lawyer of own choice, 360–1
 - right to communicate freely with counsel, 363
 - right to defend oneself, 360–1
 - sufficient time and facilities to prepare defence, 362–3
 - right to be informed of charges, 358–9
 - testifying against oneself or confessing guilt, 367–8
 - trial without undue delay, 363–4
- family, 379–83
 - contact with, 381–2, 445–7
 - definition, 383
 - reunion, 380–1
 - unity, maintenance of, 380–1, 432, 434–5, 465–6
 - whereabouts, information on, 382
- flags and insignia
 - of adversary, 213–18
 - aircraft, 217
 - improper use, 215–17: definition, 215–17; war crime, 575
 - ships, 216–17
 - of neutral or other States not party to conflict, 218–19, 224
 - perfidy, 224
 - use, 218–19
- forced labour, 330–4
 - compulsory recruitment into the armed forces of a hostile power, 333–4
 - war crime, 574
- deportation to, 332–3
 - war crime, 586
- fundamental guarantees, 299–383
- good faith, 219, 223–5, 227–9
- habeas corpus*, 350–2
- historic monuments
 - attacks on
 - war crime, 576, 579–80
 - reprisals against, 524–5
- hospital and safety zones, 119–20
 - emblem, improper use, 213
- hostage-taking, 334–6
 - definition, 336
 - war crime, 574, 590
- humane treatment, 306–8
 - definition, 307–8
- humanitarian relief
 - access to, 109, 193–200
 - access via third States, 198–9
 - consent for operations, 109, 196–7
 - impeding, 197–8
 - war crime, 580–2
 - objects, 109–11
 - attacks on: war crime, 580, 582, 597–9
 - respect for and protection of, 111

Index

625

- occupied territories, 197
- personnel, 105–9
 - attacks on: war crime, 580, 582, 597–9
 - authorisation, 201–2
 - freedom of movement, 200–2: restriction
 - in the case of military necessity, 202
- human rights
 - applicability during armed conflict, 299–306
 - derogations, 299–302
 - territorial scope of application, 305–6
- human shields, 72, 74, 337–40
 - definition, 339–40
 - war crime, 580, 584, 599, 602
- infirm, the – *see* disabled, the
- international humanitarian law
 - compliance with, 495–508
 - armed opposition groups, 497–8
 - orders and instructions, 496–7
 - dissemination among the civilian
 - population, 505–8
 - dissemination by armed opposition
 - groups, 508
 - ensuring respect *erga omnes*, 509–13
 - collective measures, 512
 - diplomatic protest, 512
 - instruction within armed forces, 501–5
 - instruction within armed opposition
 - groups, 505
 - obligation of commanders, 504
 - responsibility in the event of violations – *see* responsibility
- journalists, 115–18
 - definition, 117
 - loss of protection, 116–17
 - respect for and protection of, 117–18
- judicial guarantees – *see* fair trial
- lawyer (*see also* fair trial), 352
 - choice of, 360–1
 - right to communicate freely with, 363
- legal advisers, 500–1
 - armed opposition groups, 501
- legality, principle of, 371–5
- levée en masse*, 18, 386–7
- liability
 - civil, 554–5
- means and methods of warfare
 - precautions in choice of, 56–8
 - superfluous injury, causing, 237–44
- medical personnel, 79–86
 - attacks on
 - war crime, 575, 593, 595–6
 - definition, 81–3
 - distinctive emblems, displaying, 102–4
 - equipped with light weapons, 85–6
 - respect for and protection of, 83–4
 - loss of protection, 84–5
 - medical, scientific or biological experiments,
 - 87, 320–3
 - war crime, 574, 576, 578, 593, 595
- medical services, 86–8
 - medical ethics, 87
 - medical secrecy, 88
- medical transports, 98–102
 - aircraft, 101
 - attacks on
 - war crime, 575, 593, 595–6
 - capture, 175
 - definition, 100
 - distinctive emblems, displaying, 102–4
 - respect for and protection of, 96
 - loss of protection, 102
- medical units, 91–7
 - attacks on
 - war crime, 575, 593, 595–6
 - authorisation, 95
 - capture, 175
 - definition, 95–6
 - distinctive emblems, displaying, 102–4
 - respect for and protection of, 96
 - loss of protection, 97
- mercenaries, 391–5
 - definition, 392–3
 - prisoner-of-war status, 391–5
 - right to fair trial, 393–5
- military court, 356–7
- military necessity
 - cultural property, 130, 132
 - destruction of natural environment, 143–6
 - destruction or seizure of property, 175–7
 - occupied territory, 178–82
- military objectives, 25–36
 - choice of, 65–7
 - definition, 29–32
 - location in densely populated areas, 71–4
 - presence of civilians, 23
 - verification of, 55–6
- missing persons, 421–7
 - right of families to know fate of relatives,
 - 423–5
- murder, 225–6, 311–14
 - war crime, 574, 590
- mutilation, 87, 320–3
 - war crime, 576, 578, 590
- national information bureaux – *see* Central Tracing Agency

626 *Index*

- natural environment, 48, 143–58
 - attacks on
 - war crime, 580, 582–3
 - destruction of, 143–58
 - distinction, principle of, 143–6
 - environmental law, 151
 - methods and means of warfare, choice of, 147–51
 - modification of, 155–6
 - nuclear weapons, 154–5
 - precautions in attack, 147–51
 - precautionary principle, 150
 - proportionality, 143–6
 - reprisals against, 525–6
 - severe damage to, 151–8
 - duration, 157–8
 - third State, 148–9
 - use of destruction as a weapon, 155–6
- non bis in idem*, 370–1
- non-defended localities, 122–6
 - attacks on
 - war crime, 576–8, 599, 601
 - definition, 124
- non-hostile communication, 227–9
- objects indispensable to the survival of the civilian population, 146, 189–93, 267
 - definition, 193
 - deprivation of
 - war crime, 580–2
 - protection of, 189–93
 - exceptions, 192–3
 - reprisals against, 525–6
- occupied territory
 - cultural property, 135–8
 - destruction or seizure of property, 178–82
 - private property, 179–82: requisitions, 181
 - public property: immovable, 179; movable, 178–9
 - humanitarian relief, 197
- open towns – *see* non-defended localities
- orders
 - armed opposition groups, 564–5
 - defence, as a, 565–7
 - intended to ensure respect for international humanitarian law, 496–7
 - manifestly unlawful, 563–5
 - mitigation of punishment, as, 567
 - unlawful, 564
- parachuting from an aircraft in distress, 170–2
- parlementaires*, 228–33
 - attacks on
 - war crime, 586, 588
 - detention of, 232
 - inviolability, 229–31
 - loss of, 232–3
 - prejudice caused by presence of, 231–2
 - refusal to receive, 229
- peacekeeping missions, 112–14
 - attacks on
 - war crime, 580, 582, 597–9
- perfidy, 221–6
 - definition, 223–5
 - war crime, 575, 597, 599
- persons deprived of their liberty, 428–56
 - basic needs, 428–31
 - care, 428–31
 - children, 433–5
 - correspondence, 445–7
 - family, 442, 445
 - ICRC
 - access, 442–5
 - correspondence, 445
 - facilitation of family visits, 449
 - release, 455–6
 - personal details, recording and notifying, 439–42
 - pillage, 437–9
 - places of detention and internment, 428–31, 435–7
 - condition of, 435–7
 - location of, 435–7
 - release, 451–6
 - religion, respect for convictions and practices, 449–51
 - repatriation, 451–6
 - delay in: war crime, 586, 588
 - visits, 448–9
 - women, 431–3
- persons *hors de combat*, 164–70
 - categories, 166–8
 - killing or injuring
 - war crime, 575
 - protection of, 164–70
 - loss of, 169–70
- pillage, 182–5
 - dead, the, 409–11
 - war crime, 586–8
 - definition, 185
 - persons deprived of their liberty, 437–9
 - war crime, 575, 591–2
 - wounded, sick and shipwrecked, 403–5
 - war crime, 586–8
- precautions against the effects of attacks, 68–76
- examples, 70
- feasibility, 70–1
- information required, 71

Index

627

- location of military objectives, 71–4
- removal of civilian persons and objects, 74–6
- precautions in attack, 51–67
 - assessing effects of attacks, 58–60
 - cancelling attacks, 60–2
 - control during attacks, 60
 - decision-making responsibility, 54
 - feasibility, 54
 - information required, 54–5
 - means and methods of warfare, choice of, 56–8
 - examples, 58
 - military objectives
 - choice of, 65–7
 - verification of, 55–6
 - suspending attacks, 60–2
 - warning civilian population, 62–5
- presumption of innocence, 357–8
- prisoner of war
 - release and repatriation, 451–6
 - delay in: war crime, 586, 588
 - status, 384–95
 - combatants, 384–95
 - levée en masse*, 386–7
 - resistance movements, 387–9
 - treatment, 428–56
- proportionality in attack, 46–50
 - damage or injury to
 - civilians and civilian objects, 46–50, 265–7
 - natural environment, 143–6
 - works and installations containing dangerous forces, 140
 - military advantage, 49–50
 - precautions in attack, 58–62
- quarter, denial of, 161–72
 - unusual circumstances, 168–9
 - war crime, 575, 593–5
- rape (*see also* sexual violence)
 - definition, 326–7
- reciprocity, principle of, 498–9
- refugees
 - non-entitlement to status of, 610–11
- religion, respect for convictions and practices, 375–9, 449–51
- religious objects
 - attacks on
 - war crime, 593, 595–7
- religious personnel, 88–91, 102–4
 - attacks on
 - war crime, 575, 593, 595–6
 - definition, 90–1
 - distinctive emblems, 102–4
 - equipped with light weapons, 91
 - protection of, 91
 - loss of, 91
- reparation, 537–50
 - compensation, 539–40
 - international armed conflict, 537–45
 - reparation sought by States, 537–41
 - reparation sought directly by individuals, 541–5
 - non-international armed conflict, 545–50
 - reparation sought from a State, 546–9
 - reparation sought from armed opposition groups, 549–50
- restitution, 538–9, 547
- restitution or compensation agreements, 542–3
- satisfaction, 540–1, 549
- reprisals, 513–29
 - conditions, 515–18
 - definition, 513
 - non-international armed conflicts, 526–9
- protected objects, 523–6
 - civilian objects, 525–6
 - cultural property, 524–5
 - medical objects, 524
- protected persons, 519–23
 - civilians, 520
- resistance movements, 387–9
- responsibility, 530–67
 - individual criminal, 372–4, 551–67, 570–2
 - of armed opposition groups, 536
 - of commanders and other superiors, 556–63
 - civilian authority, 561
 - of the State, 530–50
 - ruses of war, 203–5
 - definition, 204–5
- scorched earth, 192–3
- serious bodily injury
 - war crime, 574
- sexual violence, 323–7
 - sexual slavery, 329–30
 - war crime, 580, 584–6, 591–3
- siege warfare, 188, 197
- slavery, 327–30
 - definition, 329
 - sexual, 329–30
 - war crime, 580, 584–6, 591–3
 - war crime, 586, 599, 602
- spies, 389–91
 - definition, 390
 - right to fair trial, 390–91
 - uniform, 586, 599, 602
- starvation, 105, 109, 186–9, 267
 - war crime, 580–2, 599, 603

628 *Index*

- superfluous injury, 237–44
 - means of warfare of a nature to cause, definition, 240–1
 - methods of warfare of a nature to cause, definition, 241–2
- surrender, 167–8
 - acceptance, 168
 - simulation, 224
- targets
 - choice of, 65–7
 - verification of, 55–6
- terror, 8–11
 - examples, 11
 - threats aimed at terrorising, 8–11
- torture, 315–19, 322–3
 - definition, 317–18
 - statements made following, 367–8
 - war crime, 574, 590
- transfer of civilian population, 457–62
 - forcible transfer, 457–63
 - of own population into an occupied territory, 462–3
 - war crime, 576, 578–9
 - war crime, 574
- uniform
 - distinctive sign, as a, 385–6
 - wearing uniform of adversary, 213–18
 - war crime, 575
 - wearing uniform of neutral States, 218–19, 224
- United Nations
 - peacekeeping mission, 112–14
 - use of the emblem and uniform, 210–11, 224
- unlawful confinement – *see* deprivation of liberty
- violence to life – *see* murder
- war booty, 173–5
 - definition, 174–5
- war crimes, 568–621
 - amnesty, 611–14
 - constitutive elements, 573–4
 - definition, 568–603
 - extradition, 619–21
 - international cooperation, 618–21
 - obligation to investigate and prosecute, 607–11
 - statutory limitation, 614–18
 - universal jurisdiction, 604–7
- warning, 62–5
- weapons
 - biological, 256–8
 - blinding laser, 292–6
 - booby-traps, 278–9
 - chemical, 259–67
 - “dum-dum” bullets, 268–71
 - expanding bullets, 268–71
 - exploding bullets, 272–4
 - herbicides, 265–7
 - incendiary, 287–91
 - anti-personnel use, 289–91
 - indiscriminate, 244–50
 - definition, 247–8
 - landmines, 280–6
 - anti-personnel, 282
 - precautions when used, 280–3
 - recording their placement, 283–5
 - removing and rendering harmless at the end of hostilities, 285–6
 - new weapons, assessing compliance, 250
 - non-detectable fragments, 275–7
 - nuclear, 151–5, 255
 - poison, 251–4
 - definition, 253
 - riot-control agents, 263–5
 - superfluous injury, 237–44
 - definition, 240–2
 - use of prohibited weapons
 - war crime, 580, 583, 599–600
- white flag, 228–31
 - improper use, 205–7
 - definition, 207
 - perfidy, 224
- women, 475–9
 - death penalty, 478–9
 - detained – *see* persons deprived of their liberty
 - displaced, 466–7
 - mothers of young children, 478
 - pregnant, 478
- works and installations containing dangerous forces, 139–42, 146
 - attacks on, 139–42
 - war crime, 586, 590
 - reprisals against, 525–6
- wounded, sick and shipwrecked, 105, 396–405
 - care, 400–3
 - distinction, without, 399, 402
 - evacuation – *see* searching for and collecting
 - ill-treatment, 403–5
 - pillage, 403–5
 - war crime, 586–8
 - protection of, 403–5
 - role of humanitarian organisations, 398, 402
 - role of the civilian population, 398, 402, 404–5
 - searching for and collecting, 396–9
 - cease-fires agreed with a view to, 398–9