

Index of Subjects

- Abkhazia, 13
 acquired (vested) rights, 150, 244, 277,
 282, 308
 acts of commission and omission, 55, 84, 101,
 156, 166
 administration of occupied territories, 64–6
 administrative detentions. *See* internment
 Afghanistan, 11–13, 38
 aggression, 3, 60, 291
 agricultural undertakings, 231
 air
 craft, 237, 251, 255–6
 fields (or ports), 231, 255, 263, 299
 space, 56
 Albania, 308
 allegiance, 62–4, 106, 120, 140, 157, 196
 Allied States, 2, 9, 36–7, 40, 64, 70,
 248, 292
 Alsace-Lorraine, 63, 290
 ambulances, 112, 203, 237
 ambushes, 211
amparo, 85
 anarchy, 102–3
 angary, 255–6
 annexation, 13, 22–4, 58–60, 135, 270–1, 275,
 279, 297
 appeals, 30, 94, 127, 149–52, 156,
 188–90, 219
 arbitrations, 17, 59, 70, 132, 134, 226,
 229–30, 232, 249, 254, 291, 294, 308
 archaeological sites and excavations, 215–17
 archives, 215, 239
 Argentina, 11
 armed conflicts
 inter-State, 13, 35–6, 41
 intra-State, 13, 37–8, 111
 law of. *See jus in bello*
 armed groups, 50, 105, 114, 212
 armistice, 16–17, 19, 40
 art, works of, 215–16, 238
 assault, indecent, 197–8
 assembly, freedom of, 86, 88, 123
 assigned residence, 123, 176, 185–6,
 190–1, 269
 association, freedom of, 86, 123
 asylum, 194–5
 Austria, 229, 253
 autonomy (self-government), 18, 20–1, 66–7,
 148, 302
 Baghdad, 14, 226–7, 232
 bank accounts, 251
 bar, members of the, 148
 ‘bargaining chips’, 167–8
 barges, 251, 255–6
 barracks, 231
 bedding, 164
 beginning of belligerent occupation, 45–7, 71,
 195–6, 282, 301
 Belgium, 9, 40, 80, 136, 290
 Berlin, 128
 Bethlehem, 89, 132, 134, 163, 289
 bicycles, 237
 billeting, 232, 245–7, 269, 273
 blockade, 60, 165, 206, 208, 299–300
 blood transfusion centres, 241
 bonds and stocks, 239, 244
 books, 199, 215–16, 238–9, 288
 booty of war, 237, 252
 Bosnia, 47, 160
 broadcasting, 140, 286
 Brussels Project, 9, 100–2, 119–20, 251, 253
 buffer zones, 13, 54, 185, 225, 280
 Bulgaria, 59, 229, 274
 buses, 251
 Cambodia, 11
 capital punishment, 62, 84–5, 154, 157–9, 222
 carrying arms openly, 106–8
 cars, 127, 133, 237, 251, 255–6
 cash, 138, 226, 230, 237–8, 246, 249, 252
 ‘Cast Lead’ Operation, 112
 censorship, 286–7
 cession, 9, 60, 290

318 Index of Subjects

- charity, 235, 239
chemical weapons, 103, 109–10
children
 age limit, 199, 201
 capital punishment and, 157
 compulsory work by, 192
 demolition of houses and, 171–2
 education of, 199
 enlistment and recruitment of, 200–1
 evacuation of, 185
 and family. *See* family rights, reunion of families
 forcible transfer of, 161
 identification of, 200
 labour of, 124, 192
 molestation of, 198
 non-derogable rights of, 84
 preferential treatment of, 200
 registration of, 200
 religion of, 199
 as soldiers, 200–1
 special protection of, 78, 194, 197–201
 suffering by, 171–2
 supervision of, 169, 199–200
Chile, 232
China, 10
Church of the Nativity, 163–4
civil
 administration, 65
 courts, 144
 defence, 193, 204–5, 242–3
 law, 122, 14
‘closed areas’, 142, 280
clothing, 126, 164, 192, 206, 252
coal, 234–5
Coalition Provisional Authority, 14–15,
 104, 123–4, 126–7, 137, 146–7, 158,
 193, 287
co-belligerents, 40, 56, 60, 69–70,
 94, 258
coercion. *See also* compulsory work
 belligerent occupation and, 38–9, 41
 experiments and, 91–2
 local judges and, 147
 protected persons and, 63, 90
‘Cold War’, 11
collateral damage, 112
collective
 deportations, 178
 penalties, 166, 168–73, 218
 responsibility, 156
common
 lands, 229
 law, 119, 192, 195
communal property, 239, 246
communication
 cyber, 218
 lines of, 121, 123, 143, 220
 means of, 123
 rights of, 72–4, 180
 with the enemy, 128
compensation (or indemnity), 94, 12–30, 185,
 192, 214, 220, 223, 228, 240, 244–7,
 249, 251–6, 262, 265, 267–8, 273, 276,
 288, 295, 300
‘competent body’, 94, 188–9
compulsory
 military service, 63–4
 work, 45, 68, 93, 192–3, 197, 246
concessions, 230, 234, 244–5
concurrent jurisdiction, 153–4
confiscation, 218, 228, 243–4, 249, 254, 262,
 273, 276, 308
Congo, 6, 12, 42, 50, 52, 81, 97–8, 102, 161,
 214, 225, 236
conscience, freedom of, 68, 84, 147
conscription, 64
consent
 by Governments and States, 7, 13, 33, 36,
 39–40, 42, 74–6, 159, 206–7
 by persons, 91–2, 118
continental shelf, 56, 235
contractual obligations, inability to fulfil, 84–5
contributions, monetary, 115, 136–9, 244
corporal punishment, 90
counsel, right to, 155–6
court-martial, 151
courts
 of appeal, 30, 149–52, 219
 civil, 144
 local, 127, 145–50, 153, 158–9, 217, 229
 military, 62, 140, 144–6, 148, 150–4,
 158–9, 217
 municipal, 146
 special, 149
Crimea, 13
crops, 162, 210, 232–3
cruel treatment, 84, 87, 128
cultural property, 38, 215–17, 226–7, 238–40
curfew, 123, 169–70, 203
currency, 104, 128–9
customary international law
 and Additional Protocol I, 8, 300, 303
 and angary, 255
 and cultural property, 216
 and direct participation in hostilities, 113
 and gas warfare, 109
 and Geneva Convention (IV), 7, 261
 and Hague Regulations, 5–6, 28, 33,
 262, 267

Index of Subjects

319

- and hostage-taking, 168
 and 'human shields', 116
 and judicial guarantees, 156
 meaning of, 4–5
 and occupation of Iraq, 15
 peremptory norms of, 90
 and permanent sovereignty over natural resources, 236
 reception into domestic law, 32
 and Universal Declaration of Human Rights, 78
 and WWII atrocities, 10
 custom duties, 137, 152, 208
 Cyprus, 3, 12, 94, 128, 159,
 Czechoslovakia, 60
- dead, burial of, 289
 death sentence. *See* capital punishment
debellatio, 2, 16, 37, 59
 Defence (Emergency) Regulations, 125,
 170–1, 176–8, 181, 186, 218–22
 degrading treatment, 84, 87, 289
 demographics, 258, 272
 demolition of houses, 30, 111, 125, 170–3,
 211, 218–23
 demonstrations and parades, 86, 123, 285
 Denmark, 25, 36, 55, 67
 deportations
 to concentration camps, 177
 exclusion and, 180–1
 individual and mass, 177–80
 for internment in territory of Occupying
 Power, 183–4
 meaning of, 175
 of refugees, 194–6
 and relocation, 175, 182
 and State of nationality, 181–2
 and transfer, 175
 derogation
 from human rights, 79, 81–7, 92–5,
 304, 309
 from *jus in bello* and law of
 belligerent occupation, 72, 92–4,
 163, 293–4
 destruction of property, 18, 38, 47, 111,
 125–6, 173, 196, 209–22, 227, 239,
 269, 273, 276
 detention. *See* internment
 deterrence, 171–3, 190, 220–2
 development of occupied territory, 127, 130,
 223–4, 310
 dignity, human, 289
 diplomatic relations, 70, 94
 direct participation in hostilities, 111, 113–17,
 201, 285, 299
 discrimination, 78, 80–1, 83, 123–4, 142–3,
 164, 196, 200, 288
 dislocation, 185, 190
 displaced sovereign. *See* sovereign, displaced
 distinctive emblems and signs, 106–8,
 203, 205
 Dodecanese Islands, 9, 124, 291
 double jeopardy, 85, 153–4, 156
- economy, 37, 104, 130, 133, 138, 174, 193,
 224, 229, 235, 248, 283, 310
 education, 130, 199, 215–16, 239, 272
 effective control
 'by proxy', 50–1
 establishment of, 12–13, 39, 41–2, 45–9,
 51–3, 55–7, 62, 64, 80, 209
 fluctuations of, 54
 and human rights law, 76, 94, 135
 loss of, 127, 146, 289, 292, 296, 298,
 300, 303
 of land, as key to, 50, 52, 55–6
 maintenance of, 53–4, 67, 111, 290,
 293, 309
 and State responsibility, 105
 variations of, 49–50, 54
 Egypt, 16–19, 21, 24, 54, 61, 146, 176, 218,
 294, 297, 299
 elections, 15, 19, 285–6
 electricity, 68, 130–1, 141, 244–5, 300
 emergency, 79, 81–3, 94, 158, 204. *See also*
 Defence (Emergency) Regulations
 'empêchement absolu', 99–1, 119–20, 122
 enclaves, 10, 17, 51–2, 110, 271, 275, 279
 epidemics, 202, 207
 Eritrea, 12, 27, 46, 184, 213–15, 225
 Eritrea Ethiopia Claims Commission. *See*
 Table of Cases
 espionage. *See* spies
 essential services, 68, 192
 ethics and morals, 86, 202
 ethnic groups and genocide, 161
 Ethiopia, 12, 27, 46, 184, 213–15, 225
 European Court of Human Rights. *See* Table
 of Cases
 evacuation, 74, 143, 175–6, 184–6, 197, 287
 excess of authority, 66
 exclusion, 180–1
 expenses of occupation, 136–7, 284
 experiments, biological, medical or
 scientific, 90–2
 exploration, 235
 exports, 240
 expression, freedom of, 86, 89, 286–7
 expropriation, 221, 223, 228, 244–5
 extradition, 152–3, 194–5

320 Index of Subjects

- fair
 trial, 85, 146, 153–7, 187, 189, 223
 value, 249–50
 Falkland Islands War, 11
 family rights, 165, 198, 281. *See also* reunion
 of families
 ‘fence’. *See* security barrier
 fines, 138
 firearms, 109, 115, 123, 128, 254
 fire-fighting, 205
 first-aid stations, 241
 fishing, 299
 flechette shells, 113
 food, 14, 112, 126, 128, 162–5, 200, 206–7,
 247, 250–2, 300
 forced labour. *See* compulsory work
 force protection, 123
 forests and trees, 128, 214, 231,
 233, 246
 forfeiture, 72–3, 169, 218–9, 245
 fortifications, 210, 247
 France, 40, 63, 70, 194, 215, 230, 232, 238,
 240–1, 308
 freedom
 of assembly, 86, 88, 123
 of association, 86, 123
 of expression, 86, 89, 286–7
 of movement, 17, 86, 89–91, 97, 142, 191,
 203, 209, 271, 276, 280
 of religion, 89, 141, 287–9
 from slavery, 84
 from torture, 72, 78, 84, 87–8, 90–1
 French Revolution, 108
 fuel, 300. *See also* oil
 funerals, 289
 gas masks, 103
 gasoline, 126. *See also* oil
 gas warfare. *See* chemical weapons
 Gaza Strip
 blockade of, 299–300
 and Egypt, 17–19, 21, 24, 54, 61, 72, 176,
 218, 299
 Hamas takeover of, 18, 298, 302
 occupation of, 16–17, 27–8, 54, 112, 149,
 152, 169, 183, 185, 193, 211, 234, 265,
 285, 295–303, 306
 and ‘Oslo Accords’, 18, 20–1, 61, 67,
 295, 302–3
 siege (‘closure’) of, 19, 299
 status of, 18–19, 21, 24–5, 297–303
 unilateral withdrawal from, 18, 21, 27, 141,
 266–7, 296–303
 and West Bank as one occupied territory,
 191, 297–8
 General Assembly, 77–8, 236, 270
 genocide, 160–1
 Georgia, 13, 225
 German Law of Armed Conflict
 Manual, 47, 59
 Germany, 9–10, 25, 36–7, 40, 53, 55, 63, 128,
 136, 154, 194, 215, 226, 229, 247–9,
 284, 290–1
 Goa, 10
 Golan Heights, 16, 23–4, 27, 60
 government
 nature of military, 65
 right to participate in, 84
 grave breaches, 63, 90, 124, 155, 162, 165–6,
 175, 188, 207, 212, 256
 ‘Great Schism’, 8
 Greece, 9, 40, 53, 59, 230, 291
 Greenland, 55
 ‘Green Line’, 17, 19, 267, 270–1, 275,
 278, 280
 ‘Green Zone’, 232
 Grenada, 11
 group rights, 61, 162, 246
 guerrillas, 72, 185
 guides, 64, 115
habeas corpus, 85
 Hague conditions, 106–8
 Hamas, 18, 179, 286, 298–9, 302
 health, 68, 86, 90, 128, 130, 165, 180, 185,
 192, 202, 272
 Hebron, 20, 58, 89, 130, 141, 181, 245,
 279, 288
 hoarding, 250
 Holocaust, 6, 10
 holy sites, 89, 132, 141, 143, 163–4,
 271–2, 288–9
 honour, 162, 165, 197, 289
hors de combat, 71, 112
 hospitals, 132, 134, 201–3, 213–14,
 240–1, 247
 hostage-taking, 165–8
 hostilities in occupied territories, 19–21, 54,
 110–12, 163–4, 167, 184, 210–12, 263,
 274, 276, 285, 296, 306
 humanitarian
 assistance. *See* relief
 considerations, 118, 126, 220, 269, 278,
 282, 284, 309
 law. *See* *jus in bello*
 human rights. *See also* freedom
 advantages and disadvantages, 92–5, 156
 application in occupied territories, 39,
 79–81, 135, 189, 271–2, 276, 280
 balance between, 88–9
 Committee, 85–6, 154, 157
 competing, 88–9, 288–9

Index of Subjects

321

- derogation from, 79, 81–7, 92–5, 304, 309
 development of, 77–9
 general and regional, 78–9
 interaction with law of belligerent occupation. *See also lex specialis*
 complementarity, 92
 convergence, 89–1, 154
 divergence, 89, 91–2
 legislation to protect, 124
 limitations of, 79, 86–8, 90–1, 97, 276, 309
 non-derogable, 79, 83–6, 90–1, 93–5, 154, 200
 settlers and, 69, 94, 141–2, 261, 276–7, 279
 ‘human shields’, 116–18, 163
 hygiene, 202
- Iceland, 39, 55
 ICRC, 7–8, 14, 25–6, 45–7, 66, 68, 70, 73–6, 103, 123, 135, 140, 151, 158, 165, 169, 173, 180, 183, 189–91, 193, 199, 202, 205, 207, 209, 213–14, 261, 281, 288, 296
 identity cards, 123, 203, 205
 immigration, 281, 283
 imperative military requirements. *See* military necessity
 imprisonment, 84–5, 154–5, 171, 187, 296–7
 incitement to violence, 199, 287
 incursions, 54, 301, 306
 indemnity. *See* compensation
 India, 10
 individual responsibility, 140, 156, 168–9, 215
 infiltrators, 180–1
 information gathering, 62–3, 90, 147
 infrastructure, 129–30, 137, 213, 223, 260, 265
 inhuman treatment, 84, 87, 90
 injusticiability, 29, 265
Institut de Droit International, 56, 100
 institutional changes, 37, 134–6
 insurgents, 23, 37–8, 110–11, 292–3
 Inter-American Commission on Human Rights. *See* Table of Cases
 Inter-American Court of Human Rights. *See* Table of Cases
 internal waters, 56
 International Committee of the Red Cross. *See* ICRC
 International Court of Justice. *See* Table of Cases
 International Criminal Court. *See* Table of Cases
 international criminal law. *See* genocide, war crimes
 International Criminal Tribunal for the Former Yugoslavia (ICTY). *See* Table of Cases
 International Criminal Tribunal for Rwanda. *See* Table of Cases
 international humanitarian law (IHL). *See jus in bello*
 International Law Association, 78, 82
 International Military Tribunal (Nuremberg), 2, 5, 192, 213, 223–4
 International Military Tribunal for the Far East (Tokyo), 5
 internment
 as administrative detention, 185, 187
 appeal and periodic review, 188–90
 of ‘bargaining chips’, 168
 compared to capital punishment and demolition of house, 222–3
 distinguished from assigned residence, 191
 distinguished from evacuation, 185
 distinguished from imprisonment, 187–8
 and human rights law, 304
 individual character of, 188
 outside occupied territory, 183–4
 as a permissible security measure, 73, 93–4, 98, 123, 175, 185–7
 interrogation, 88, 188
 interrupted belligerent occupation, 155, 286, 292
 interval between invasion and occupation, 47–8, 94, 227
intifadas, 19–21, 54, 103, 111–12, 143, 153, 163, 169–70, 183, 189, 193, 199, 267, 296, 306
 invalidity
 of legislation, 23–4, 59–60, 132–4, 145–6, 229, 308
 of treaties, 291
 invasion, 3, 11, 42–5, 47–8, 94, 107–8, 163, 227
 Iran, 70
 Iraq. *See also* Coalition Provisional Authority and *debellatio*, 16
 and Israel, 16–17, 103
 and Kuwait, 11, 59, 213
 and looting, 226–7
 occupation of, 1–2, 5, 9, 11, 13–16, 48, 57, 92, 104, 111, 123–4, 126–7, 137, 146–7, 181, 193, 212, 232, 287, 293
 Saddam Hussein, trial of, 158
 Security Council Resolutions, 13–15, 293
 and Turkey, 46
 islands, 55
 Israel. *See also* *intifadas*, Jerusalem
 and annexation, 22–4, 27, 60
 and assigned residence, 190–1, 269
 case law. *See* Table of Cases
 and demolitions of houses, 30, 111, 125, 170–3, 211, 218–23

322 Index of Subjects

Israel (*cont.*)

- and deportations, 175–84
- and Gaza Strip, 16–21, 24–5, 27–8, 54, 61, 67, 112, 141, 149, 152, 169, 176, 183, 185, 191, 193, 211, 218, 234, 265–7, 285, 295–303, 306
- and Geneva Convention (IV), 24–8, 33–4, 275–6, 281
- and Golan Heights, 16, 23–4, 27, 60
- High Court of Justice, judicial review
 - by, 29–34
- and Hague Regulations, 32–3, 262
- and internment, 183–4, 186–91
- Knesset legislation, 22–4, 30, 32, 141, 143, 266, 296
- and local courts, 16–50
- and military courts, 151–3
- and oil production, 235
- and ‘Oslo Accords’, 18–22, 61, 67, 135, 277, 295–6, 298, 302
- and prolonged occupation, 129–31, 234–5
- and quarries, 234–5
- and reunion of families, 280–5
- and security barrier, 265, 267–80
- and settlements, 17–18, 21, 33, 94, 193, 141–4, 187, 259–67, 271–7, 279, 287–8, 296
- and Sinai, 16–18, 27, 54, 56, 146, 185, 235, 266, 287, 294, 299
- and treaties of peace, 17–19, 23, 54, 61, 294
- and West Bank, 19, 267–80
- Italy, 9, 40, 59, 124, 154, 237, 291, 308
- Ituri region, 12, 42, 52, 97–8

- Japan, 5, 10, 36–7, 129, 197, 252
- Jerusalem, 16–17, 20–4, 27, 59–60, 217, 232, 258–9, 267, 273
- Jordan, 16–17, 19, 21–2, 24, 59, 61, 132, 134, 148–9, 153, 176, 181–2, 217–18, 244, 260, 281, 297, 306
- judges, 66, 145–8, 153, 155, 229, 307
- judicial
 - guarantees, 84–6, 156
 - review, 29–34, 145–7, 219
 - system, 145–59
- jurisdictional rights, 39, 54–5, 58
- jus ad bellum*, 3–4
- jus cogens*, 90, 161, 294
- jus fruendi*, 232
- jus in bello*, 3–5, 38–9, 47, 51–2, 54, 77, 80, 83, 85, 89–93, 95–8, 105, 107–9, 111, 113, 115, 117, 126, 142, 154–6, 164, 174, 210–11, 220, 223–5, 228, 237, 243, 252, 263, 294, 299–300, 309
- jus scriptum* and *non scriptum*, 77, 118
- jus utendi*, 232

- Kuwait, 11, 59, 213, 280

- labour disputes, 132–4, 149
- land. *See also* property, immovable and seizure of
 - as key to effective control, 50, 52, 55–6
 - outlying areas, 55
 - purchase of, 129, 259–61
 - registry, 239
 - title to, disputes over, 264
- lathes, 238, 251
- law and order, maintenance of, 99–118
- law enforcement, 109–10, 116
- laws of war, conduct in accordance
 - with, 107–8
- Lebanon, 16–17, 181–2
- legislation. *See also* Coalition Provisional Authority and Israel, Knesset legislation
 - discrimination, removing, 123–4
 - by displaced (or restored) sovereign, 119–20, 127, 137, 200, 307
 - institutional changes, 134–6
 - limitations of, 140
 - for needs of civilian population, 126–34
 - by Occupying Power, 119–44
 - publication of, 140
 - repeal or suspension of existing, 99, 119–27
 - retroactive, 140
 - security, 106, 123, 150–1, 153, 155, 158, 188, 244–5
 - ‘*les lois en vigueur*’, 99, 119–20
 - levée en masse*, 106–8
 - lex specialis*, 95–8, 198, 237, 309–10
 - ‘liberation’ and occupation, 39–40
 - libraries, 215
 - Libya, 10, 136
 - life, right to, 84–5, 96, 108, 159, 162, 276
 - lighthouses, 230
 - livestock, 162, 280
 - local
 - courts, 127, 145–50, 153, 158–9, 217, 229
 - officials, 65–9, 147, 307
 - looting, 224–7, 236

 - Machpela Cave (Patriarchs’ Tomb), 89, 143, 288
 - Mandate (British) over Palestine, 16–18, 24, 27, 125, 128, 176, 218, 244–5, 260
 - manuscripts, 215
 - margin of appreciation, 83, 131
 - maritime areas, 56, 302
 - Marmara* incident, 299–300
 - marriage, 84, 282, 284
 - means of production, 238

Index of Subjects

323

- media. *See* press, freedom of
 medical. *See also* hospitals
 care and services, 200–4, 241
 personnel, 112, 202–3, 241
 property, 240–2
 supplies, 14, 164, 201, 206, 242, 250
 units and facilities, 112, 241
 military
 commander, in charge, 29, 31, 65–6
 courts, 62, 140, 144–6, 148, 150–4,
 158–9, 217
 equipment, 251
 government, nature of, 65
 necessity (necessities of war), 120, 126,
 162–3, 184–5, 209–15, 220, 240,
 243–4, 269, 272–4, 277–8, 309
 objectives, 18, 116–17, 263
 operations, general close of, 303–6
 service, 63–4, 263
 mines, 233–4
 minimum length of occupation, 46
 missiles, 18, 103, 299, 301
 monuments, 215
 Morocco, 11
 mothers and pregnant women, 157–8, 198,
 200, 263
 Mount Zion, 271–2
 movement, freedom of, 17, 86, 89–91, 97,
 142, 191, 203, 209, 271, 276, 280
 municipal
 courts, 146
 laws, 119
 property, 239
 taxes, 137
munitions de guerre, 244, 250–4
 murder, 152–3, 162
 museums, 215, 226, 240
 mutilation, 90

Nahal, 262–3
 name, right to a, 84, 200
 nationality, 17, 62–4, 71, 84, 146, 181–2,
 194–5, 199
 National Red Cross Societies, 73, 203–4, 240
ne bis in idem, 85, 153–4
 necessity
 for legislation, 120–34
 military. *See* military necessity
nemo dat quod non habet, 60
 Netherlands, 3, 40, 105, 168, 174, 194, 247,
 251, 291
 neutral States, 69–70, 74–5, 174, 205, 207,
 217, 229, 255–6, 258, 282
 news transmission, 250
 nomads, 119, 146, 185
 non-belligerent occupation, 39–40
 non-derogable human rights, 79, 83–6, 90–1,
 93–5, 154, 200
 non-international armed conflicts, 13,
 37–8, 111
 non-lethal weapons, 109–10, 116
 non-State actors, 28, 51, 61, 111, 212
 Norway, 58, 120
nullum crimen sine lege, 140

 obligations of conduct and result, 102
 oil, 56, 126–7, 213, 235–6, 252–3
 one-year rule, 305
 orphans, 198–9
 ‘Oslo Accords’, 18–22, 61, 67, 135, 277,
 295–6, 298, 302
 Ottoman Empire, 9, 59, 128, 230, 260
 Oxford Manuals, 56, 100, 217

 pacific occupation, 39, 303
 paintings, 239
 Palestine (pre-1948), 9, 16–18, 20, 22–4, 27,
 59, 128, 176, 218
 Palestinians and PLO, 5–6, 17–23, 28, 30, 58,
 61, 67, 89, 103, 135, 142–3, 148, 153,
 163, 179, 191, 193, 222, 234, 258–9,
 264–5, 268, 271–2, 275, 277–80, 286,
 289, 295–9, 301–2, 306
 Panama, 11
 ‘paper occupation’, 43
 parental care and supervision, 169, 199–200
 peace treaties, 9, 17–19, 21, 23, 40, 54, 61,
 290–2, 294, 303, 305
 pensions, 68
 peoples, rights of, 61, 88, 236
 perfidy, 115
 perishable goods, 248
 permanent sovereignty over natural
 resources, 236–7
 persecution, 196
 personal
 responsibility, 169
 status, 149
 petroleum. *See* oil
 pharmaceutical stores, 241
 pillage, 224–7
 plastic bullets, 109
 ploughs, 238
 Poland, 57
 police, 63, 68–9
 political
 activities, 285
 crimes, 195
 pollution, 105
 post-hostilities belligerent occupation, 303–6
postliminium, 308
 preferential treatment, 200, 229

324 Index of Subjects

- prescription, 291–2
 press, freedom of, 286–7
 presumption
 of innocence, 156
 of status of property, 230
 prisoners of war, 71, 106–8, 110, 205, 241
 private acts, 66
 proclamations, 56–7, 82–3, 92, 295
 prolonged occupation, 55, 58, 61, 104,
 127–32, 136–7, 147, 152, 217, 228–9,
 233–4, 254, 266, 282, 292, 306–7, 310
 property
 civil defence *materiel*, 242–3
 communal, 239, 246
 confiscation of, 218, 228, 243–4, 249, 254,
 262, 273, 276, 308
 cultural, 38, 215–17, 226–7, 238–40
 denial of access to, 243
 destruction of, 18, 38, 47, 111, 125–6, 173,
 196, 209–22, 227, 239, 269, 273, 276
 expropriation of, 221, 223, 228, 244–5
 extraordinary, 239–43
 immovable, 210, 215–16, 228, 231–7,
 244–5, 247, 251–2, 262, 269, 273, 308
 intangible, 244
 intellectual, 244
 medical, 240–2
 movable, 210, 215, 228, 231, 235–9, 244,
 246–51
 munitions de guerre, 244, 250–4
 private, 33, 94, 111, 125, 162, 173, 218,
 221, 224–5, 229–30, 239–40,
 243–51, 254, 262–3, 265, 267–9, 273,
 288, 308
 public, 210, 229–33, 243, 254, 264–5, 267
 quasi-governmental, 229
 restitution (and restoration) of, 217, 219,
 228, 241, 250–1, 253–5, 308
 seizure of, 210, 215, 228–31, 237–56,
 262–5, 268–9, 276, 295
 proportionality, 91, 97, 116, 143, 214, 222,
 248, 252, 268–9, 272, 274, 278–80,
 287, 299, 302
 prostitution, enforced, 197
 protected persons, scope of, 69–71
 Protecting Powers, 73–6, 156, 158, 207–8
 proxy, occupation by, 50–1
 public
 life, 98–102, 104, 131
 morals, 86
 order, 63, 86, 99–102, 104, 109, 131, 145,
 272, 274, 276–7
 property, 210, 229–33, 243, 254,
 264–5, 267
 safety, 86, 91, 169, 187
 punishment
 capital, 62, 84–5, 154, 157–9, 222
 collective, 166, 168–73, 218
 cruel, inhuman or degrading, 84, 87, 128
 quarries, 233–5
 Rachel's Tomb, 89, 141, 288–9
 racial
 discrimination, 78, 80–1, 83, 124
 groups and genocide, 161
 raids, 43
 railroads (and rolling stock), 213, 232, 237,
 251, 255–6
 rape, 197
 rationing, 126
 'realizable securities', 237–8
 receipts
 as evidence, 138
 redeemable in cash, 138, 226, 246, 249, 254
 reception of international into domestic law,
 32, 295
 recognition
 of belligerency, 38
 of Government, 36
 as a person before the law, 84
 of rights of others, 88
 of vested rights, 244
 recruitment, 115, 200–1
 redeployment of Israeli forces, 20, 58, 234,
 286, 289, 295–6, 298–9
 refugees, 69, 94, 194–6
 relief
 consignments, 47, 74, 163, 165, 194, 196,
 205–9, 300
 personnel, 208–9
 societies, 204
 religion
 of children, 199
 competing claims on ground of, 89, 288–9
 freedom of, 89, 141, 287–9
 institutions dedicated to, 215, 239, 287
 religious
 communities, 288
 convictions, 162, 165, 266, 287
 discrimination, 80–1, 83, 124
 groups and genocide, 161
 needs, 288
 persecution, 196
 personnel, 71
 rites, 288–9
 tribunals, 149
 remote control, 50
 rents, 128, 232
 renunciation of rights, 61, 93

Index of Subjects

325

- reoccupation, 21, 290
 reparations, 290
 reprisals, 166, 168, 173–4
 requisitions
 in kind, 33, 138, 228, 239–44, 246–50,
 252–3, 255–6, 261–2, 269, 273
 of services, 192, 246–8, 262, 269
 reservists, 114, 263
 resistance to occupation, 105–8
 resources of occupied territory, 105, 164, 205,
 235–7, 241, 246, 248, 252, 309
 responsibility
 age of criminal, 169
 individual, 140, 156, 168–9, 215
 of Occupying Powers, 55, 57, 66–8, 103,
 105, 227, 277, 301–2
 restoration of sovereignty, 154, 232–4, 290,
 292, 306–8
 restitution (and restoration) of
 property, 217, 219, 228, 241, 250–1,
 253–5, 308
 reunion of families, 280–5
 ‘revolving door’, 114
 Rhineland, 40, 290
 rights
 acquired (or vested), 150, 244, 277, 308
 of action, 150
 riots, 86, 108–10, 285, 289, 299
 roads, 90, 129, 143, 184, 244, 255, 279–80
 roadsteads, 56, 255
 Ruhr Valley, 290
 Russia, 13, 225, 247. *See also* Soviet Union
 Rwanda, 113, 161
- saboteurs, 72–3, 106, 108, 112, 125, 157,
 166, 171, 180–1, 212, 218, 222,
 262, 309
 salaries, 68, 298
 sales, 115, 232–4, 238, 246, 253, 308
 San Remo Manual, 217
 sanctions, 30, 106, 111, 124–5, 169, 171, 190,
 218, 220–3
 scientific
 experiments, 90–2
 institutions, 215–16, 239
 ‘scorched earth’ policy, 163, 213
 Scud missiles, 103
 sealing off houses, 170–1, 219
 security
 barrier, 265, 267–80
 considerations, 31, 73, 150, 174–5, 263,
 268, 289
 legislation, 106, 123, 150–1, 153, 155, 158,
 188, 244–5
 Security Council. *See* Table of Resolutions
- seizure of property, 210, 215, 228–31, 237–56,
 262–5, 268–9, 276, 295
 self-defence, 3
 self-determination, 11, 19, 38, 59, 61, 88,
 272, 292
 self-government (autonomy), 18, 20–1, 66–7,
 148, 302
 Serbia, 51, 160
 settlements and settlers, 17–18, 21, 33, 94,
 193, 141–4, 187, 257–67, 271–7, 279,
 287–8, 296
 several Occupying Powers, 14, 57
 sexual violence, 197
 shelters, 164, 185, 192, 204, 242
 ships, 237, 247, 251, 253, 255–6
 shipwrecked, 71, 204
 shipyards and dockyards, 231, 247
 sieges, 117–18, 163, 197, 299
 Sierra Leone, Special Court for. *See* Table
 of Cases
 Sinai, 16–18, 27, 54, 56, 146, 185, 235, 266,
 287, 294, 299
 Singapore, 129, 235, 252
 slavery, freedom from, 84
 sleep deprivation, 88
 social life and needs, 37, 99, 101, 104, 131,
 133–4, 284, 310
 South Ossetia, 13, 225
 sovereign, displaced or restored, 39–40, 43,
 48–9, 51–3, 56–8, 60, 62, 64, 68, 75,
 93–4, 119–20, 124–5, 127, 137,
 146–7, 149, 154, 159, 182, 200,
 209, 229–34, 243, 277, 281, 285,
 290–2, 306–8
 sovereignty over occupied territory, 1, 15, 26,
 55, 58–60, 293–4, 309
 Soviet Union (USSR), 11, 13
 ‘spatial defence’, 262–3
 special courts, 149
 speculators, 250
 spies, 73, 180
 spoliation, 223–4, 232
 standard of living, 272
 starvation of civilians, 162–5, 300
 stateless persons, 71–2, 196
 strikes, prohibition of, 134
 subjugation, 2
 submarine cables, 217–18
 ‘Subsequent Proceedings’, 3, 10, 64, 91,
 224, 238
 substitutes for Protecting Powers, 74–5
 substitution of authority, 51–3
 Suez, Gulf of, 56, 235
 ‘suicide bombers’, 21, 172–3, 190–1,
 267, 273

326 Index of Subjects

- supplies, 14, 112, 115, 163–5, 201, 206–8, 230, 237, 240, 242, 246–7, 250, 300–1
 suppression of crime, 102
 survival of civilian population, 161–4, 248
 Syria, 16–17, 23–4
- Taliban, 12–13, 38
 targeting, 18, 113, 115–17, 161
 taxes, 136–9, 143, 208, 244, 308
 tear gas, 109–10
 telegraph, 218, 251, 253
 telephones, 123, 251
 temporary nature of belligerent occupation, 1, 14, 58, 130–1, 234, 262, 264, 266–8, 270
 termination
 of belligerent occupation, 16, 53–4, 136, 264, 290–308
 of war, 9–10, 16–17, 65, 249, 253–4, 290, 292
 territorial waters, 56, 217
 territory and population, 52–3
 terrorists, 72, 142, 146, 166, 169, 172
 Tibet, 10
 title
 to property, 228–30, 238, 246, 249, 253, 260, 264
 to territory, 27, 58–62, 290–1
 tobacco, 251
 torture, 72, 78, 84, 87–8, 90–1
 tourists, 71, 180–1, 280–1
 tractors, 238
 traffic violations, 149
 transfer
 of authority to hear appeals, 149
 of children, 161
 of convicted persons, 307
 of evacuees back home, 184
 of jurisdiction, 22
 of population
 into occupied territory, 33, 257–60, 265, 277
 out of occupied territory, 74, 174–5, 178, 182, 196
 of powers, 67, 234, 295, 302
 of rights, 61, 266
 of title
 over property, 228, 230, 232, 249
 over territory, 59–61, 291
 ‘transformative’ occupation, 15, 37
 transportation, 192, 206, 208, 237, 242, 250, 253–6
 treacherous behaviour, 115
 treason, 64, 106, 120, 195
 treaties
 and belligerent occupation, 5–8
 clash with domestic legislation, 32, 125
 constitutive and declaratory, 5–6, 8, 32, 57, 156
 interpretation of, 25–6, 33, 70, 80, 86, 109, 120–1, 125, 178, 184, 191, 209, 211, 217, 239, 251, 305
 invalidity of, 291
 material breach of, 290
 non-Contracting Parties to, 38, 71
 of peace, 9, 17–19, 21, 23, 40, 54, 61, 290–2, 294, 303, 305
 reception into domestic legislation, 32
 reservations to, 223
 universality of, 7, 109
 trucks, 251, 255–6
 ‘trustee’ relationship, 39
 Turkey, 4, 9, 12, 46, 59, 67, 95, 135, 243, 291, 300. *See also*
 Ottoman Empire
- Uganda, 6, 12, 42, 50, 52, 81, 97, 102, 214, 225, 236
 UK Manual of the Law of Armed Conflict, 43, 52–3, 57, 123, 159, 230–1, 233, 239, 245, 250–1, 253, 292
 Ukraine, 13
 unconditional surrender, 36–7, 128
 unemployment, 193
 UNESCO, 215, 217
 uniforms, 114, 238
 United Kingdom, 5, 11, 13–14, 32, 40, 48, 70, 77, 82–3, 87, 92, 98, 186, 189, 308
 United Nations forces, 41–2
 United States, 3, 5, 8–9, 11–14, 21, 23, 39–40, 55, 79–80, 88, 152, 226–7
 Universal Declaration of Human Rights, 77–8, 85, 87–8
 US Army Field Manual, 43, 49, 64, 139
 US Department of Defense Law of War Manual, 1, 105, 231, 245, 256
 usufruct rights, 231–4
 vested (acquired) rights, 150, 244, 277, 308
 Vietnam, 11
 visitors, 71, 89
 vocational training, 199
 voluntary
 aid societies, 203
 cooperation in transfers into occupied territories, 258–9
 departure from occupied territories, 174
 enlistment, 63–4, 192, 201
 ‘human shields’, 117, 163
 work for remuneration, 193, 205

Index of Subjects

327

- 'wall'. *See* security barrier
- wanton destruction, 47, 196, 212–13
- war and belligerent occupation, 1–4, 34–5, 290
- war crimes
 - child soldiers, conscription or enlistment of, 201
 - compulsion to serve, 63
 - confinement, unlawful, 188
 - deportations, 175
 - destruction of property, 210, 212
 - dignity, outrages upon, 289
 - enforced prostitution, 197
 - fair trial, deprivation of, 155
 - gas warfare, 110
 - hostage-taking, 166
 - 'human shields', 116
 - killing protected persons, 162
 - pillage, 225
 - rape and sexual violence, 197
 - relief personnel, attacking, 209
 - relief supplies, impeding, 207
 - rights, abolition of, 150
 - suffering, causing, 165
 - torture, 90
 - transfer of population, 257
 - treacherous killing, 115
- warnings, 117, 166, 205
- warships, 247
- 'war treason', 106
- water, 68, 105, 112, 162–4
- 'waterboarding', 88
- 'water cannons', 109
- weapons, 96, 109–10, 112–13, 208, 254
- welfare of civilian population, 39, 127, 130, 132–3, 141, 208, 234, 310
- West Bank. *See also* demolitions of houses, deportations, 'Green Line', *intifadas*, Jerusalem, reunion of families, security barrier, settlements
 - and the Advisory Opinion on the *Wall*, 17, 270–4
 - (permanent) status negotiations re, 19–20, 21, 23, 61, 130, 261–2, 265, 268, 277, 297
 - and Gaza Strip as one occupied territory, 191, 297–8
 - and Jordan, 16–17, 19
 - occupation by Israel, 16–17
 - status of, 24, 27–8, 297
- Western Sahara, 10–11
- wine vats, 238
- withdrawal from occupied territory
 - partial, 294–303
 - phased, 294
 - total, 292
 - unilateral, 296–303
- witnesses, right to call and examine, 155
- women, 157–8, 194, 197–8, 263
- working conditions, 192
- World War I, 9, 70, 128, 215, 248, 291
- World War II, 1–2, 6, 9–10, 36, 39–40, 55, 60, 63, 67, 128–9, 136, 155, 177, 179, 192, 194, 197, 252, 291
- wounded and sick, 112, 202–3, 237, 240–2
- youth movements, 201
- Yugoslavia, 12, 51, 53, 60