

## INDEX OF PERSONS

REFERENCES ARE TO PAGE NUMBERS

- Abbas, A., 98  
 Abi-Saab, G., 180, 200  
 Abi-Saab, R., 181  
 Abresch, W., 300  
 Aïvo, G., 180  
 Akande, D., 66, 78, 82, 117, 202, 267  
 Akehurst, M., 36, 139, 159  
 Aldrich, G.H., 40  
 Alfredsson, G., xviii  
 Allain, J., 220  
 Allen, R.G., 305  
 Alston, P., 263  
 Ambos, K., 5, 74, 235  
 Amoroso, A.M., 179  
 Andreopoulos, G.J., 305  
 Antonopoulos, C., 307  
 Arimatsu, L., 113  
 Arnold, R., 175  
 Assad, B., 29, 110, 113, 136–7, 169, 213  
 Aust, A., 51, 89, 140  
 Aust, H.P., 171
- Balendra, N., 299  
 Barnidge, R.P., 155  
 Barriga, S., 104  
 Bartels, R., 49, 271, 278  
 Bassiouni, M.C., 233, 263  
 Bauloz, C., 316  
 Baxter, R.R., 90, 143, 175  
 Bell, C., 50, 91  
 Bellal, A., 6  
 Bellinger, J.B., 204  
 Ben Mansour, A., 99  
 Ben-Naftali, O., 299  
 Ben-Yehuda, A., 296
- Benoit, J.P., 193  
 Bergal, C., 18  
 Beruto, G.L., 58  
 Bianchi, A., 62  
 Biehler, A., 175  
 Bílková, V., 188  
 Bin Laden, O., 34  
 Bissonnette, C.M., 79, 94  
 Blank, L.R., 2, 23  
 Blischenko, I., 233  
 Blum, G., 143  
 Blumenstock, T., 243  
 Boed, R., 17  
 Boelaert-Suominen, S., 64  
 Bond, J.E., 176  
 Boon, K.E., 7  
 Boothby, W.H., 192, 212–14, 252, 268, 274  
 Borchard, E.M., 159  
 Bothe, M., 5, 57, 91, 208  
 Bouvier, A.A., 15  
 Breau, S., 31  
 Brierly, J.L., 144, 148  
 Brier-Mills, M., 279  
 Brookman-Byrne, M., 48, 72  
 Brower, J., 106  
 Brownlie, I., 103–4, 111, 157, 159  
 Brus, M., 177  
 Buchan, R., 185  
 Buern, G. Van, 310  
 Bugnion, F., 92, 314  
 Bultrini, A., 169  
 Bundu, A.C., 132  
 Burchill, R., 305  
 Burgers, J.H., 221  
 Byron, C., 109, 300

- Cabanbang, R.G., 68  
 Cahin, G., 150  
 Cameron, L., 31, 174, 280  
 Cara, J.-Y. de, 102  
 Carducci, G., 186  
 Carrillo-Suárez, A., 60  
 Casey-Maslen, S., 39  
 Cassese, A., 5, 14, 91, 104, 175,  
   266  
 Castan, M., 305  
 Castrén, E., 6, 149  
 Cerone, J., 12, 122  
 Chen, T.-C., 135  
 Cheng, B., 161  
 Cherniack, M., 305  
 Christiansen, H.F., 122  
 Churchill, R.R., 148  
 Clapham, A., 19, 80, 144, 295  
 Cochran, C.L., 134  
 Coito, J.C., 32  
 Cocq, C. de, 77  
 Colombos, C.J., 291  
 Condorelli, L., 9, 193, 249,  
   267  
 Conte, A., 305  
 Coombes, K., 29  
 Cooper, C.G., 66  
 Corn, G.S., 2, 17, 27, 81, 283  
 Corten, O., 7, 92, 136, 171  
 Crawford, E., 53, 277  
 Crawford, J., 88, 99, 103–4, 127–8, 162,  
   167, 171–2  
 Crook, J.R., 110, 121, 135–6  
 Crootof, R., 103  
 Cryer, R., 89, 264, 295  
 Cullen, A., 2, 146, 250  
  
 Dahl, A.W., 26, 280  
 Damian, L., 125  
 Danelius, H., 221  
 Darcy, S., 187, 248  
 D'Aspremont, J., 162  
 Daugirdas, K., 113, 115  
 D'Cunha, S., 27  
 Deeks, A.S., 118  
 Dekker, I.F., 189  
 Delissen, A.M., 306  
 Dennis, M.J., 307  
  
 Denza, E., 156  
 Derejko, N., 270  
 Desch, T., 260  
 Detrick, S., 310  
 Dhokalia, R.P., 145  
 Dinniss, H.H., 14  
 Domb, F., 261  
 Dominicé, C., 167  
 Dörmann, K., 174  
 Dörr, O., 6  
 Dorta, J., 233  
 Doswald-Beck, L., 6, 94, 102, 147,  
   178  
 Draper, G.I.A.D., 9, 178  
 Drew, P.J., 147–8  
 Droege, C., 31, 306–7  
 Dumberry, P., 167  
 Dupuy, P.-M., 155  
 Dusterhöft, L., 290  
  
 Eagleton, C., 161  
 Easterday, J.S., 49  
 Ehlert, C., 239  
 Elder, D.A., 312  
 Ellis, M.S., 206  
 Engdahl, O., 125  
 Erdem, M., 198  
 Eriksson, S., 235  
 Estrada, G., 138–9  
 Estreicher, S., 232  
  
 Farley, B.R., 23  
 Feliciano, F.P., 289  
 Feller, A.H., 156, 159  
 Fenrick, W.J., 9  
 Fenwick, C.G., 145  
 Ferraro, T., 28, 71, 116, 126  
 Ferrer, R.B., 68  
 Fink, M.D., 146  
 Finucane, B., 172  
 Fitzmaurice, G., 103  
 Fortin, K., 86  
 Fox, G.H., 7, 99, 137  
 Francioni, F., 60  
 Franck, T.M., 137  
 Freeman, A.V., 155  
 Freeman, M., 262, 265  
 Friman, H., 89

## INDEX OF PERSONS

323

- Frouville, O. de, 169  
 Frowein, J.A., 132  
 Furth, M., 296
- Gaeta, P., 19, 80  
 Gaggioli, G., 59  
 Gal, T., 204  
 Galbraith, J., 115  
 Gal-Or, N., 166  
 Gardam, J.G., 196  
 Garner, J.W., 102  
 Garraway, C.H.B., 76  
 Gasser, H.-P., 233  
 Gavron, J., 261  
 Gavshon, D., 201  
 Gehring, R.W., 312  
 Geiss, R., 5, 33, 36, 93, 175, 241, 244–5, 252  
 Gejji, P., 190  
 Genser, J., 98  
 Giacca, G., 39  
 Gill, T.D., 49  
 Gilbert, G., 257, 259  
 Gilder, A., 124  
 Gillard, E.-C., 202  
 Gioia, A., 10, 226  
 Gisel, L., 118  
 Glahn, G. von, 146  
 Goodman, R., 263  
 Goodwin-Gill, G.S., 317  
 Gowlland-Debbas, V., 179  
 Graditzky, T., 229  
 Graham, D.E., 33  
 Gray, C., 102  
 Green, L.C., 62, 178, 194  
 Greenspan, M., 220  
 Greenwood, C., 15, 56, 71, 125–6, 130, 285  
 Greig, D.W., 107  
 Grey, R., 241  
 Grignon, J., 50, 250  
 Groeben, C. von der, 26  
 Grzebyk, P., 57  
 Guibert, N., 243  
 Guilfoyle, D., 32  
 Guillaume, G., 226  
 Guttry, A. de, 74  
 Guymon, C.L.D., 137
- Hadden, T., 294  
 Hadzi-Vidanovic, V., 109  
 Hafner, G., 100, 102  
 Haines, S., 35  
 Halberstam, M., 32  
 Happold, M., 211, 272  
 Harris, D.J., 301  
 Hathaway, O.A., 103, 106  
 Harvey, C., 294  
 Hauck, P., 17  
 Haye, E. La, 2, 91, 238, 256  
 Haynes, W.J., 204  
 Hebel, H. von, 231  
 Heffes, E., 286  
 Heintschel von Heinegg, W., 32, 146, 148, 192, 291  
 Helle, D., 211  
 Hellestveit, C., 66, 213  
 Henckaerts, J.-M., 10, 94, 253, 260  
 Henderson, C., 109, 123  
 Henderson, I., 283  
 Henry, S., 78  
 Hentrei, S., 162  
 Hessel, D., 103  
 Hiemstra, H., 181  
 Higgins, R., 114  
 Hill, S., 117  
 Hilpold, P., 142  
 Hlavkova, M., 59  
 Hofmann, L., 83  
 Holterhus, T.P., 195  
 Holzer, L., 117  
 Huber, M., 161  
 Hudson, M.O., xix, xxi  
 Hulme, K., 214, 268  
 Hutter, S., 184  
 Hyde, C.C., 149  
 Hyde, R., 116
- Ijalaye, D.A., 145  
 Iverson, J., 49
- Jackson, M., 172  
 Jackson, R.B., 285  
 Jacques, M., 205, 314  
 Jamnejad M., 97  
 Janik, R., 223  
 Jaquemet, S., 316

- Jenkins, I., 7  
 Jenks, C., 81  
 Jensen, E.T., 27  
 Jennings, R., 129  
 Jessberger, F., 89, 260  
 Jessup, P.C., 139  
 Jiménez de Aréchaga, E., 160, 163  
 Jinks, D., 38, 41  
 Johnston, K.A., 42, 135  
 Joseph, S., 305  
 Junod, S.-S., 37, 60
- Kälin, W., 115, 315–16  
 Kalshoven, F., 56, 85, 188, 306  
 Kamatali, J.M., 300  
 Kaye, D., 209  
 Kenny, C., 177  
 Khomeini, Ayatollah, 163  
 Kjeldgaard-Pedersen, A., 90  
 Klabbers, J., 229  
 Klamberg, M., 179  
 Klassen, D., 264  
 Kleffner, J.K., 19, 38, 68, 76, 91, 177  
 Knuckey, S., 19  
 Kohen, M.G., 167  
 Koivurova, T., 155  
 Koker, C. de, 297  
 Kolb, R., 79, 116, 272  
 Kooijmans, P.H., 306  
 Koskenniemi, M., 299  
 Kotzsch, L., 145  
 Koutroulis, V., 113, 136  
 Kraska, J., 291  
 Kress, C., 6, 27, 104, 248–9  
 Kretzmer, D., 296, 301  
 Krieger, H., 304  
 Krutzsch, W., 26  
 Kuijt, E.E., 203  
 Kulesza, J., 154  
 Künzli, J., 115  
 Kwakwa, E., 277
- Lagrange, E., 179  
 Lambert, J.J., 224  
 Lanovoy, V., 169, 171  
 Larsen, K.M., 66  
 Lattanzi, F., 203, 248
- Lauterpacht, H., 133–4, 140, 147  
 Leanza, U., 43  
 Lee, L.T., 135  
 Lerner, N., 88, 312  
 Lessa, F., 263  
 Letts, D., 29  
 Levitt, J.I., 105  
 Lieblich, E., 45, 107, 120  
 Lijnzaad, L., 10, 57  
 Lillich, R.B., 156–7  
 Liss, R., 106  
 Longuet, S., 252  
 Lootsteen, Y.M., 146  
 Lowe, A.V., 148, 212  
 Luard, E., 114  
 Lubell, N., 39, 123, 270  
 Lysaght, C., 83
- McAdam, J., 317  
 McBride, D., 78  
 McCarthy A., 3  
 McCoubrey, H., 9, 185, 218  
 McDermott, Y., 177  
 McDonald, A., 40, 177  
 McDonald, G.K., 73  
 McDougal, M.S., 289  
 McKean, W., 312  
 McKeever, D., 272  
 McLaughlin, R., 13, 29, 300  
 McNair, Lord, 90, 135, 142  
 Mačák, K., 72, 144, 286  
 Mahler, C., 315–16  
 Malanczuk, P., 36  
 Malherbe, P., 279  
 Maogoto, J.N., 38  
 Marchand, C., 31  
 Margriet, Princess, 57  
 Margulies, P., 40  
 Marshall, J., 223  
 Martin, F.F., 293  
 Martin, J.-C., 124  
 Martinez, L., 226  
 Mastorodimos, K., 144  
 Mathews, R.J., 209  
 Matthee, M., 177  
 May, L., 283  
 Mehring, S., 194  
 Meindersma, C., 16

## INDEX OF PERSONS

325

- Meisenberg, S.M., 262  
 Melander, G., xviii  
 Melzer, N., 58, 78, 80  
 Meron, T., 53, 74, 91, 175, 180, 229, 267, 295  
 Merrills, J.G., 294  
 Meulebroucke, A. Van de, 92, 95  
 Meyer, M.A., 9  
 Milanović, M., 48, 109, 299  
 Minow, M., 263  
 Moir, L., 39, 233, 235, 295  
 Mon, C.J. Le, 135  
 Montealegre, H., 302  
 Moore, J.B., 131  
 Moore, J.N., 34, 90  
 Mortenson, J.D., 113, 115  
 Mubarak, H., 25  
 Müller, A., 27  
 Müllerson, R., 277  
 Murphy, S.D., 137  
 Murray, D., 93
- Naqvi, Y., 62  
 Neff, S.C., 143  
 Nesi, G., 226, 249  
 Newton, M.A., 34, 283  
 Ni Aolain, F., 46  
 Nishat, N., 180  
 Niyo, J.J., 286  
 Nohle, E., 181  
 Nollkaemper, A., 169  
 Nolte, G., 119, 171  
 Noortmann, M., 166  
 Nowak, M., 223  
 Nystuen, G., 66
- O'Boyle, M., 301  
 O'Connell, D.P., 99, 136  
 O'Connell, M.E., 204  
 Odello, M., 58  
 Oeter, S., 179, 261  
 Oglesby, R.O., 146  
 Ohlin, J.D., 299  
 O'Keefe, R., 239, 255, 276  
 Olasolo, H., 52, 264, 287  
 Olleson, S., 99, 162  
 Olson, L.M., 261, 297–8  
 Oosterveld, V., 243
- Oppenheim, L., 129, 149  
 O'Rourke, V.A., 144  
 Otto, R., 13
- Paddeu, F.I., 161  
 Padelford, N.J., 134  
 Parks, H., 81  
 Partsch, K.J., 57, 191  
 Paxman, J.M., 156–7  
 Payandeh, M., 121  
 Payne, L.A., 263  
 Pedrazzi, M., 55, 86  
 Pejic, J., 19, 31, 37, 40, 118, 201, 270, 299, 315  
 Pellet, A., 99  
 Pensky, M., 262  
 Perez, A., 37  
 Perna, L., 255  
 Peterke, S., 17  
 Peterson, M.J., 129, 133  
 Petrig, A., 176, 193  
 Philipp, C.E., 130  
 Pictet, J.S., 4, 55, 67, 86, 176  
 Pisillo-Mazzeschi, R., 154  
 Plakokefalos, I., 169  
 Plattner, A., 260  
 Plumley, F., 159, 164–5  
 Pocar, F., 55  
 Politi, M., 249  
 Popovski, V., 211  
 Post, H.H.G., 74, 189  
 Provost, R., 55, 80, 82  
 Prud'homme, N., 299  
 Pustorino, P., 128
- Qaddafi, M., 42, 47, 72, 121, 133, 136–7, 139  
 Quénivet, N., 175  
 Quintin, A., 15
- Radin, S., 28, 271  
 Ralston, J.H., 168  
 Ramirez Mendoza, J.M.F., 52, 264  
 Randelzhofer, A., 6  
 Reed, Lord, 286  
 Reeves, S.R., 3, 77  
 Reinisch, A., 166  
 Robertson, A.H., 294

- Robinson, D., 89, 231  
 Rodenhäuser, T., 60, 211  
 Rodiles, A., 18  
 Rogers, A.P.V., 38, 45, 209, 279  
 Rona, G., 44, 286  
 Ronzitti, N., 32–3, 43, 60, 104, 199, 280  
 Rosas, A., 53  
 Roscini, M., 41  
 Rowe, P., 63, 117  
 Rubin, A.P., 178  
 Rusinova, V., 223  
 Ruys, T., 288, 297  
 Ryngaert, C., 92, 95, 166, 202
- Sadat, L.N., 229, 264  
 Salgado, E.M., 229  
 Sambeck, J. van, 57  
 Samuels, K., 7  
 Sandbu, M., 26  
 Sandoz, Y., 37  
 Sassöli, M., 15, 19, 27, 164, 174, 215, 280, 288, 298  
 Schabas, W.A., 228, 245, 248, 252, 297  
 Schachter, O., 97  
 Schaller, C., 292  
 Scharf, M.P., 265  
 Schiff, B.N., 263  
 Schindler, D., xix, 63  
 Schlögel, A., 175  
 Schmid, E., 197  
 Schmitt, M.N., 13, 18–19, 34, 76, 78, 83, 137, 223  
 Scholdan, B., 50, 106  
 Schöndorf, R.S., 27  
 Schuit, A., 128, 133  
 Schultz, J., 305  
 Schwarzenberger, G., 134  
 Seibert-Fohr, A., 154, 265  
 Şener, M., 251  
 Serralvo, J., 129, 132  
 Shamir-Borer, E., 59  
 Shaw, M.N., 138–9  
 Shearer, I.A., 138  
 Sheeran, S.P., 167  
 Shorts, E., 43  
 Shraga, D., 125–6  
 Shu, J., 103
- Sico, L., 43  
 Silvanie, H., 168  
 Simma, B., 6  
 Sinnot, M., 40  
 Sivakumaran, S., 59, 90, 93, 183, 187, 197  
 Smith, D., 194  
 Smith, T., 269  
 Soley, X., 162  
 Solf, W.A., 57, 176, 288  
 Solis, G.D., 64  
 Solomon, S., 38  
 Solomon, S.A., 209  
 Spieker, H., 203, 233  
 Stahn, C., 2, 49, 265  
 Stansifer, C.L., 138  
 Starke, J.G., 138  
 Steenberghe, R. van, 258  
 Steiner, H.J., 263  
 Stephen, N., 73  
 Stern, B., 154  
 Sternberg, M.R. von, 316  
 Stoffels, R.A., 205  
 Suksi, M., 88  
 Swaak-Goldman, O., 40, 57  
 Swinarski, C., 176
- Tabory, M., 91  
 Taft, W.H., 129  
 Tahzieb-Lie, B., 57  
 Talmon, S., 137, 139  
 Tanja, G.J., 306  
 Taulbee, J.L., 146  
 Tavernier, P., 189  
 Tenorio-Obando, F., 287  
 Than, C. de, 43  
 Thomas, T., 106  
 Thornberry, P., 88  
 Thürer, D., 108  
 Tignino, M., 197  
 Tinoco, F., 129  
 Tobar, C., 138  
 Toebe, B., 177  
 Toman, J., xix, 10, 40, 54, 207, 254, 259  
 Tomuschat, C., 142, 179  
 Trapp, R., 26  
 Triffterer, O., 5

## INDEX OF PERSONS

327

- Trumbull, C.P., 262  
 Turns, D., 187, 277
- Ulfstein, G., 122
- Varol, O.O., 42  
 Venturini, G., 48, 74, 248, 280  
 Verhoeven, S.I., 166–7  
 Verzijl, J.H.W., 3, 163  
 Victor, J., 106  
 Vierucci, L., 60, 161, 181  
 Villa-Vicencio, C., 260  
 Vincent, R.J., 97  
 Vinuesa, R.E., 302  
 Visser, L., 99  
 Vité, S., 17, 117  
 Vohrah, L.C., 73
- Wagner, N., 80  
 Waldock, C.H.M., 148  
 Walker, W.L., 144  
 Wallace, D., 3  
 Warbrick, C., 134, 139, 301  
 Warner, D., 181  
 Watkin, K., 17–18, 46, 83  
 Watts, A.D., 129, 142  
 Watts, S., 56, 285  
 Wedgwood, R., 6  
 Weiner, S., 103  
 Weizmann, N., 49  
 Weller, M., 32
- Wennholz, P., 317  
 Werle, G., 89, 260  
 Westbrook Mack, E.C., 77  
 Wet, E. de, 102, 171  
 White, N.D., 109, 264  
 Whiteman, M.M., 138, 159, 172  
 Whittle, D., 125  
 Wilcox, E.R., 106  
 Wilde, R., 46  
 Williamson, J., 17  
 Willmot, D., 253  
 Willms, J., 200  
 Wills, S., 81  
 Wilmshurst, E., 31, 35, 72, 89  
 Wippman, D., 42, 105–6  
 Wolfrum, R., xx, 130, 276  
 Wong, I., 103  
 Wood, M., 97  
 Woudenberg, N. van, 10  
 Woolsey, L.H., 147
- Yusuf, A.A., 128
- Zamir, N., 72, 114, 116, 287  
 Zawacki, B., 2  
 Zegveld, L., 58, 85  
 Zemanek, K., 166  
 Zewde, B., 74  
 Zimmermann, A., 5, 175, 203, 241, 244–5, 251, 315–17





## INDEX OF SUBJECTS

REFERENCES ARE TO PAGE NUMBERS

- acquiescence, 103, 221–2, 319
- acts  
   of commission and omission, 151,  
     154, 159–60, 165, 187, 234, 303  
   of State, 151–3, 157, 164–6
- Afghanistan, 1, 34, 72, 130, 141, 287
- age, 189–90, 210–11, 237, 242–4,  
   308–10, 312
- aggression, 104, 118, 136
- agrarian reform, 50
- air corridors, 203
- aircraft, 29–33, 108, 146–7, 182–3, 216,  
   291–2
- airspace, 29–30, 115, 121, 291
- Alawites, 20
- Algeria, 1
- allegiance, 143, 289, 312
- ‘all necessary measures’, 70, 121–4
- Al-Qaeda, 34, 69–70, 72, 75
- ambulances, 218
- amnesties, 50, 157, 160, 260–6
- ancillary activities, 13–14, 58, 81
- Angola, 1, 122
- appeal, right of, 191, 307
- archipelagic waters, 29
- Argentina, 43
- armed forces  
   dissident, 33, 55, 57–9, 78, 159, 163  
   foreign *see* intervention  
   Government, 14, 32, 35, 56, 76–8, 85,  
     143  
   non-State *see* organized armed  
     groups
- arms trade, 108
- art, works of, 198, 230, 239, 275
- artillery, 31, 45, 110
- assembly, freedom of, 304–5
- association, freedom of, 307
- attacks  
   armed, 113  
   chemical, 213  
   against civilians *see* civilian  
     protection  
   cyber, 13–14, 41, 59  
   definition, 196, 215  
   against foreigners, 153, 158  
   on the high seas, 31–3  
   indiscriminate, 170, 182, 197, 213,  
     247, 282–3, 315  
   precautions in, 182, 207, 247, 284  
   proportionality in, 172, 182, 247,  
     283–4, 295, 300–1  
   in Rome Statute, 237–9  
   screening targets from, 223  
   terrorist *see* terrorism
- attribution of acts to the State, 151–4,  
   162–6
- aut dedere aut judicare*, 258
- autonomy, 20, 22, 46, 166
- Azerbaijan, 1
- babies, 216
- Bahrain, 1, 102
- banditry, 43, 57
- Bangladesh, 21
- Basque region, 2, 64
- beginning of NIAC, 23–4, 269
- Belgium, 222
- belligerent  
   occupation, 291  
   parties, 142, 189, 290  
   reprisals, 187–8
- Biafra, 21
- binding decisions *see* Security Council

- biological weapons, 108, 212–13, 253, 274  
 blinding laser weapons, 209  
 blockade, 146–8, 290–1  
 ‘blood diamonds’, 17  
 Bolivia, 1  
 booby-traps, 188, 208–9, 281  
 booty of war, 291–2  
 Bosnia/Herzegovina, 1, 73–4, 124, 151, 166, 172, 246–7  
 bridges, 246, 281  
 Brunei, 1  
 Bulgaria, 158  
 bullets, 13, 251–2, 282  
 Burkina Faso, 1  
 Burundi, 1
- Cambodia, 1  
 Cameroon, 1  
 camouflage, 285  
 canals, 217  
 capacity  
   of armed groups, 61, 181  
   to implement LONIAC, 63, 65  
   to launch cyberattack, 59  
   official, 17, 153–4, 221–3, 232, 234, 304  
 capital punishment, 289, 310–11  
 ceasefires, 91, 121, 123–4  
 Central African Republic, 1, 51, 123  
 Chad, 1  
 Chechnya, 2, 270, 300, 302  
 chemical weapons, 26, 108, 115, 120, 213–14, 274  
 children, protection of, 188–9, 240, 243, 309  
 child-soldiers  
   age bar, 189, 210–11, 237, 242–4, 308–9  
   conscription, 237, 241–2  
   enlistment, 237, 241–2  
   participation in hostilities (use), 189, 210–11, 242–4, 272, 308–10  
   recruitment, 189, 210–11, 241–3, 272, 308–10  
 China, 41, 120  
 civil defence, 182
- civilian(s)  
   airliners, 30  
   collateral damage to, 182, 223, 283, 295, 301  
   courts, 289  
   definition, 79  
   detainees, xvi, 189  
   displacement of, 199, 244  
   and distinction, 278–80  
   innocent, 79, 197  
   loss of protection, 79–83  
   medical units and transports, 218–19  
   natural environment as, 268–9  
   objects, 182, 188, 198–9, 237, 246–7, 280–1, 283–4, 287  
   population, 79, 119, 121, 181, 184, 195–204, 237–8, 273, 279  
   property, 172, 281  
   protection, 79, 83, 175, 188, 195–7, 237–8, 279, 284, 309  
   religious personnel, 218  
   starvation of, 197–8, 247–8, 252–3  
   status of, 77–8, 314  
   and terrorism, 196–7, 226, 273  
   and war crimes, 82–3, 192  
   wounded, sick and shipwrecked, 216  
   *see also* doubt, ‘human shields’, humanitarian assistance, precautions  
 classification of violence, 12–20  
 cluster munitions, 85, 214, 274  
 coalitions, 3, 36, 69, 75, 102, 107, 110, 113–15, 121–2, 136, 287  
 collateral damage to civilians, 182, 223, 283, 295, 301  
 collective punishments, 185–7, 230–1, 247–8, 272  
 Colombia, 1, 51–2, 263, 287  
 combatants, 76, 125–6, 143, 197, 237, 245, 279, 281, 283, 288–9  
 combinations of IACs and NIACs  
   consecutive, 72–3  
   simultaneous, 71–2  
 Common Article 3 *see* Table of Cases  
 Comoros, 1  
 complicity, 169–72  
 compulsory labour, 220  
 concealment, 58, 197–8, 269, 285

- Congo (DRC), 1, 72, 102, 104, 110, 122–3, 125  
 Congo-Brazzaville, 1  
 consent  
   by child-soldiers, 242  
   by Government, 42, 89, 98, 111–12, 124, 180, 201–5  
   and humanitarian assistance, 201–5  
   by insurgents, 90–1, 93–4  
   and medical experimentation, 240, 246  
   by parents or guardians, 189, 210  
   by public officials, 221–2  
   and sexual offences, 240  
   by States  
     and custom, 11, 93  
     and foreign intervention, 73, 98–100, 103–8, 117–18, 120  
     and movement of troops, 290  
     parameters of, 103–4, 204  
     revocation of, 73, 106–7  
     and treaties, 7–8, 89–91, 105–6  
     validity of, 103–4  
 constitutionality, 137–8  
 consular agents, premises and relations, 47, 87, 135, 150, 152–3, 156, 160  
 continuity, principle of, 162, 165–7  
 ‘continuous combat function’, 77–8  
 contraband, 291  
 conventional weapons, 24, 108, 274  
 Costa Rica, 129  
*coup d’Etat*, 42, 129, 137  
 Croatia, 142, 262  
 crimes  
   against humanity, 97, 121, 227–8, 241  
   ordinary, 12, 14–19  
   see also Elements of Crimes, war crimes  
 cross-border see extraterritorial  
 cultural property  
   and criminal offences, 253–4  
   definition, 198, 239, 275  
   destruction of, 3, 206, 239, 254  
   emblem, distinctive, 276  
   enhanced protection of, 207, 254  
   protection of, 182, 188, 198–9, 206–7, 238–9, 254–5  
   special protection of, 207  
   waiver of protection, 207, 276, 280  
 customary international law  
   and amnesties, 262  
   and *aut dedere aut judicare*, 258  
   binding regardless of consent, 11  
   and child-soldiers, 242, 272, 308  
   and civilian objects, 182, 246, 280–1  
   and collective punishments, 272  
   and complicity, 170  
   and Common Article 3, 175, 231, 267–9, 271, 306  
   and consent, 99  
   and crimes against humanity, 228  
   and cultural property, 275–6  
   and dangerous forces, 198, 271  
   declaratory norms of, 9, 11, 172, 181, 271, 306  
   definition, 10–11, 319  
   and destruction of property, 246, 281  
   development, 267, 319  
   and direct participation in hostilities, 81  
   and distinction, 279  
   and fair trial, 191  
   generated by treaties, 11–12  
   and *hors de combat*, 217  
   and hospitals, 273  
   and ‘human shields’, 182, 279  
   in IACs, 5, 291–2  
   and indiscriminate attacks, 182, 282–3  
   and internments, 286  
   and LONIAC, 7, 11–12, 117, 267–92, 318  
   and matrix of armed conflicts, 27, 66  
   and natural environment, 268  
   and non-intervention, 96–7  
   and non-State actors, 84, 92–5  
   and organizing civil strife in another State, 112  
   osmosis from *jus in bello*, 276–8  
   and perfidy, 182, 247, 285  
   and precautions, 182, 284  
   and premature recognition, 132  
   and proportionality, 182, 283, 300  
   and protection of civilians, 242, 273, 279–80, 282

- customary international law (cont.)  
 and rape, 272  
 and 'recognition of belligerency', 67  
 and relief personnel, 247  
 scope of application, temporal and spatial, 269–71  
 and slavery, 220  
 and State responsibility, 150, 162, 170  
 and threshold of violence, 25  
 and torture, 221–2  
 and unnecessary suffering, 281–2  
 and violence to life, 233  
 and war crimes, 229, 231, 247, 318  
 and weapons, 251–2, 273–4
- cyber  
 attacks, 13–14, 41  
 infrastructure, 33  
 operations, 13  
 space, 33  
 warfare, 33, 45
- Cyprus, 1, 299
- Da'esh, 3, 20, 36, 68–70, 110, 113–14, 195, 206, 287
- dams and dykes, 198
- dangerous forces, 198, 247, 280
- Darfur, 68, 84
- dead  
 protection from despoiling, 17, 192–3  
 search for, 192–3
- decoys, 242, 285
- de facto* organs, 76, 109, 152
- de facto* and *de jure* recognition, 86, 132–4
- degrading treatment, 173, 185, 230, 232, 303
- democracy, 137
- Denmark, 11
- derogability of human rights, 221, 272, 301–4, 306–7
- destruction  
 of property, 45, 172, 246–7, 281  
 weapons of mass, 108, 212–14
- detainees, xvi, 50, 117–18, 143, 189
- dichotomy of IACs and NIACs, 26–8
- dignity, 173, 175, 185–6, 230, 232, 234
- diplomatic agents, premises and relations, 114, 129, 133–5, 138–9, 150, 152–3, 155–6, 160
- direct participation in hostilities by civilians  
 active v. direct, 80  
 activities, 81–2  
 actors, 82–3  
 assimilated to fighters, 80  
 child-soldiers, 242–3  
 concept, 79–81  
 and 'continuous combat function', 77–8  
 doubt, 78  
 'for such time', 79  
 loss of civilian protection, 79–83  
 membership in organized armed groups, 77–8  
 religious personnel, 195  
 'revolving door', 83
- disabilities, persons with, 308
- disarmament, 50, 212
- discipline, 40, 60, 62, 178
- discrimination *see* non-discrimination
- displaced persons, 3, 50, 205, 314
- dissident armed forces, 33, 55, 57–9, 78, 159, 163
- distinction, principle of, 199, 279–80, 284
- distress, aircraft in, 183
- disturbances *see* internal disturbances
- divided nations, 34–5
- Djibouti, 1
- domestic law, interaction with international law, 13–20, 91–2, 103, 109, 174
- Dominican Republic, 2
- double jeopardy, 191, 307–8
- drones, 29, 107
- drugs, 194
- due  
 diligence, 154–8, 160–1  
 process of law, 65, 179, 186–7, 236, 289, 306, 311, 316
- earthquakes, 199, 201, 214
- East Timor, 46
- ECHR *see* Table of Cases
- Ecuador, 138

- education, 188, 230, 237, 239  
 effective control  
   of forces and insurgents, 74, 109  
   over territory, 35, 102, 127, 129–30,  
     132–3, 139–40, 148, 151, 161–2,  
     165, 178, 202–3, 294  
 Egypt, 2, 25  
 elections, 42, 50  
 Elements of Crimes, 190, 199, 223–5,  
   233–6, 240–2, 245–6, 249, 251  
 El Salvador, 2, 261  
 embargos, 70, 120–1, 123  
 embassies, special protection of, 150,  
   155–6  
 emblem, distinctive, 195, 237–8, 247–8,  
   276  
 emergency, 178, 211–12, 221,  
   301–2  
 end of NIACs, 46–52, 75, 269, 281  
 enforced  
   disappearance, 211–12  
   prostitution, 185–6, 230, 237, 240  
   sterilization, 237, 240–1  
 ‘enosis’, 21  
 environment  
   modification of, 214  
   natural, 183, 268–9  
 equal application of LONIAC, 4, 78,  
   174, 222, 294  
 Eritrea, 73–4  
 espionage, 292  
 Ethiopia, 2, 73–4  
 ethnic  
   ‘cleansing’, 97, 199, 244  
   composition of population, 241  
   friction, 53  
   groups and minorities, 20, 68, 88,  
     206, 312  
   origin, 260  
 evacuation  
   of troops, 107  
   of wounded and sick, 193  
 exequatur, 135  
 expression, freedom of, 307  
 extradition, 20, 254–60  
 extraterritorial  
   ‘law enforcement’, 34, 112–13  
   spillover of NIACs, 30–4, 68, 72, 271  
   ‘failing States’, 35, 47, 108, 128, 249,  
     289, 316  
 fair trial, 156, 178, 191, 236, 254, 271,  
   303  
 FARC, 51, 263  
 fighters  
   and combatants, 76, 245, 281, 289  
   distinguishing between IACs and  
     NIACs, 74  
   under effective control of a foreign  
     country, 109  
   expression, use of, 76  
   governmental forces, 76–7  
   insurgent organized armed groups,  
     77–8  
   not protected by proportionality, 283  
   policemen as, 57  
   starvation of, 197  
   wilful killing of, 18–19, 295  
   *see also* child-soldiers, *hors de*  
     *combat*, lawful targets,  
     surrender  
 Fiji, 2  
 floods, 201  
 force as a first or last resort, 25–6, 54  
*force majeure*, 161–2  
 France, 102, 115, 120, 147, 163  
*francs-tireurs*, 82  
 Gambia, 2  
 gaps (and lacunae)  
   in AP/II, 182, 207, 247  
   in Common Article 3, 175–6, 180,  
     233  
   in LONIAC, 219, 297, 319  
 gas warfare, 251–2  
 General Assembly, 96, 104, 108, 111,  
   136, 150, 225, 305 *see also* Table  
   of Resolutions  
 genocide, 2, 88, 97, 155, 172, 227  
 Georgia, 2, 297  
 Germany, 8, 11, 87, 235  
 goals of NIAC, 20–2  
 Government(s)  
   armed forces, 14, 32, 35, 56, 76–8, 85,  
     143  
   as a condition of statehood, 127  
   conditions of, 127–8

- Government(s) (cont.)  
 disappearance of, 35, 72, 140 *see also*  
 ‘failing States’  
 formation of, by insurgents, 131, 141  
 ‘in-exile’, 131, 139–40  
 only one in a State, 131–2, 165  
 ‘puppet’, 127  
 recognition of new, 128–41  
 ships, 32–3
- grave breaches of the Geneva  
 Conventions, 228, 230, 241
- Greece, 22
- group rights and obligations, 88
- Guatemala, 2
- Guiana, 2
- guides, 82
- Guinea, 2
- Guinea Bissau, 2
- Hezbollah, 115
- hierarchy, 59–61, 103, 151, 222
- high seas, 31–3, 146, 290–1
- historic monuments, 198, 230, 237, 239,  
 275
- hors de combat*, 19, 76, 80–1, 173, 177,  
 185, 217, 232–3, 245, 285, 289
- hospitals, 172, 176, 204, 218, 237–8, 273
- hostage-taking, 65, 70, 152, 170, 173,  
 175, 185, 223–5, 230, 232, 235,  
 252
- hostilities  
 and attacks, 215  
 cessation of, 48  
 and ordinary crime under domestic  
 law, 14, 18–20, 177–8, 288–9  
 expression, meaning of, 13–14, 215  
 and war crimes, 15–20  
*see also* child-soldiers, direct  
 participation in hostilities
- Houthis, 7, 114, 120
- human rights  
 collective, 87–8  
 Committee, 295, 303, 306  
 derogability of, 221, 272, 301–4,  
 306–7  
 interaction with LONIAC, 293–317  
 limitations built into, 304–5  
 ‘human shields’, 65, 182, 223, 243  
 humane treatment, 76, 79–80, 176–7,  
 181, 184–6, 233, 289  
 humanitarian assistance, 123, 180,  
 201–5, 237–8, 247  
 Hungary, 103–4
- IAC *jus in bello* and LONIAC  
 amalgamation, proposals for, 277–8,  
 318  
 application of, 67, 74, 78, 91, 115–17,  
 125–6, 143, 147, 180  
 counterparts, 5  
 convergence, 66, 276–8  
 development, 4  
 divergence, 288–92  
 osmosis, 182, 185–6, 215, 247, 276–7,  
 281–5  
 transition from one legal regime to  
 another, 27, 65
- IACHR *see* Table of Cases
- ICC *see* Table of Cases
- ICJ *see* Table of Cases
- ICRC  
 on amnesties, 261  
 on attacks, 215  
 on reprisals, 187  
 on ‘continuous combat function’,  
 77  
 on cultural property, 276  
 on dangerous forces, 198  
 on destruction of property, 246  
 on direct participation in hostilities,  
 77–8, 81, 83  
 on distinctive emblem, 195  
 on foreign nationals, 176  
 on IACs/NIACs, 28, 71, 277  
 and internments, 286  
 on judicial guarantees, 190  
 on natural environment, 268  
 offer of services by, 174, 179–80, 200  
 on organized armed forces, 37, 58,  
 77–8, 94, 177  
 and warnings, 284  
 on wounded and sick, 193, 217–18
- ICTR *see* Table of Cases
- ICTY *see* Table of Cases
- IHL, expression synonymous with  
 LONIAC, 4

- ILC  
 Draft Articles on the Effects of  
 Armed Conflicts on Treaties, 41  
 Draft Articles on State  
 Responsibility,  
 Article 2, 151  
 Article 4, 151  
 Article 6, 169  
 Article 7, 153  
 Article 9, 152  
 Article 10, 150–1, 162–4, 166–7  
 Article 11, 152  
 Article 16, 170–2  
 Article 20, 99, 103  
 Article 23, 161  
 Article 45, 103  
 Article 55, 298  
 Draft Code of Crimes against the  
 Peace and Security of Mankind  
 Article 9, 258  
 Article 20, 248  
 Draft Principles on Protection of the  
 Environment in Relation to  
 Armed Conflicts  
 Principle 2, 268  
 Principle 13, 268  
 Principle 16, 268
- impartial  
 courts and tribunals, 156, 190, 254,  
 319  
 humanitarian bodies, 174, 179–80  
 relief action, 201  
 triage, 194  
 implied recognition, 134–5, 139, 146–8  
 impunity, 18, 262–4  
 incendiaries, 209, 281  
 India, 2  
 indiscriminate attacks, 170, 182, 197,  
 213, 247, 282–3, 315  
 individual criminal responsibility,  
 227–9, 231, 233, 273  
 Indonesia, 2, 46, 69  
 information  
 collating, 82  
 disclosure to the authorities, 194  
 obtaining under torture, 221, 234  
 using, 58, 283  
 innocence, presumption of, 190  
 innocent  
 civilians, 79, 197  
 passage, 148  
 Institut de Droit International  
 on amalgamating armed conflict law,  
 277  
 on humanitarian assistance,  
 202  
 on military assistance on request,  
 100–1, 105–6, 120  
 on non-intervention in NIACs,  
 99–100  
 on the obligation of all parties to  
 respect LONIAC, 84  
 on political offences and extradition,  
 257  
 on universal jurisdiction, 256  
 insurgents (insurrectionists)  
 bound by LONIAC, 83–95  
 claims against, 150–1  
 consent by, 90–1, 93–4  
 and foreign intervention, 109–16,  
 122, 135–6  
 organization of, 24, 38–41, 49, 59–62,  
 65–6, 70, 82, 87, 178  
 recognition of insurgency, 134,  
 148–9  
 successful, 90, 94, 151, 162–8  
 unsuccessful, 168  
*see also* organized armed groups  
 intensity of violence, 18, 24, 43–5, 49,  
 66, 145  
 interaction between  
 custom and treaties, 7–9, 11–12, 172,  
 181, 271, 306  
 domestic and international law,  
 13–20, 91–2, 103, 109, 174  
 human rights law and LONIAC,  
 293–301, 305–8  
 IACs and NIACs, 71–5  
 IAC and NIAC law *see* IAC *jus in*  
*bello* and LONIAC  
 international criminal law and  
 LONIAC, 229  
 two or more NIACs, 47, 60, 67–9  
 war crimes and AP/II, 247–8  
 Inter-American Commission on  
 Human Rights, 42–3

- internal  
 disturbances, 13, 23–6, 41, 43, 46–7,  
 49, 53–5, 57, 100–1, 157, 236,  
 249, 305  
 waters, 29, 146  
 international criminal law, 15, 87, 229  
 international courts and tribunals, 15,  
 228, 255, 257, 264, 272  
 International Law Association, 66  
 internments, 189, 285–6  
 intervention, foreign  
 applicable law, 115–18  
 and complicity, 169–72  
 in support of Government, 98–108,  
 115–17  
 hazards of, 113–15  
 against insurgents without consent of  
 Government, 111–13  
 in support of insurgents, 109–11,  
 115–16, 122, 135–6  
 non-intervention, principle of, 96–7,  
 99–100, 109–11, 119  
 regional arrangements for, 105  
 by the Security Council, 118–25  
 and State responsibility, 169  
 by UN forces, 124–6  
 IRA, 22, 54, 64  
 Ireland, 22  
 Iran, 2, 114, 150, 152–4, 163–5  
 Iraq, 2, 69–70, 75, 105–6, 111, 113, 313  
 Israel, 37, 115, 204  
 Italy, 159, 168  
 Ivory Coast, 2, 102  
  
 joint criminal enterprise, 89  
 Jordan(trans), 111, 313–14  
 journalists, 290  
 judicial guarantees, 173, 178–9, 190,  
 230, 232, 236, 254, 271, 303,  
 306–7  
*juntas*, 42, 141  
 jurisdiction  
 over crimes, 15, 255, 259, 264,  
 311  
 under UN Charter, 119  
 of the ICC, 10, 88, 231–2, 264–5  
 of the SCSL, 264  
 universal, 16, 32, 255–6, 265–6  
  
*jus ad bellum*, 5–7, 109, 113, 136, 319  
*jus cogens*, 5, 106, 175, 221–2  
*jus in bello* see IAC *jus in bello* and  
 LONIAC  
 Korean War, 34  
 Kosovo, 2  
 Kurds, 20, 36, 68–9, 119  
 Kyrgyzstan, 2  
  
 lakes, 217  
 Laos, 2  
 laser weapons, 209, 253  
 law enforcement paradigm and  
 LONIAC, 25–6, 42, 53, 81  
 lawful targets, 32, 197, 284, 287, 295,  
 300  
 ‘law-makers’ and ‘law-takers’, 95  
 Lebanon, 2, 36, 115, 226, 314  
 legal personality, 85–6, 88, 93, 95, 181,  
 235  
*lex*  
*lata* and *ferenda*, 6, 27, 78, 94, 101,  
 262, 267–9, 277, 319  
*specialis*, 296–300, 302, 304, 307, 310  
 Liberia, 2  
 Libya, 2, 11, 42, 47, 72, 121–2, 133,  
 135–7, 139  
 life, right to, 293, 298, 303  
 linguistic groups and minorities, 20, 88  
 logistics, 13  
 LONIAC, meaning of expression, 4  
 looting, 186, 192  
 loss of  
 civilian protection, 79–83  
 control over territory, 161  
 special protection (medical or  
 religious), 194–5  
  
 Mali, 2, 102, 123, 125, 239  
 Malta, 11  
 mass destruction, weapons of, 108, 212  
 maternity cases, 216  
 means of warfare (hostilities), 213, 252,  
 282  
 medical  
 aircraft, 182  
 care, 192, 204, 216, 308



## INDEX OF SUBJECTS

337

- ethics, 194  
 experimentation, 237, 240, 246  
 grounds for action, 234–5  
 personnel, 76, 176, 193–5, 217–19,  
 233, 238  
 supplies, 201, 218–19  
 units and transport, 193–4, 218–19,  
 237–8  
 methods of warfare (hostilities), 4, 62,  
 213, 252, 279  
 Mexico, 131, 153, 157, 163  
 military  
 advantage, 207, 247, 283, 301  
 aircraft, 291–2  
 necessity, 4, 207, 230, 246, 276  
 objectives, 32, 197–8, 207, 209, 223,  
 237, 268–9, 279–82, 285, 292  
 operations, 34, 55, 61, 63–4, 75, 79,  
 83, 104, 108, 112–13, 137, 172,  
 195, 215, 250, 279, 287, 314  
 units, deployment of against  
 insurgents, 45–6  
 militias, 50, 57, 60, 72, 77  
 mines, 29, 188, 192, 208–9, 214, 281  
 minorities, 20, 88  
 MINUSMA, 123, 125  
 MISCA, 123  
 misinformation, 285  
 missiles, 107, 114–15, 282–3  
 mob violence, 38, 157–8  
 mock operations, 285  
 Moldova, 2  
 Montenegro, 73, 151  
 MONUSCO, 122–3  
 motives of NIAC, 20–1  
 movement  
 forced, of civilians, 199  
 freedom of, 307  
 Mozambique, 2  
 murder, 18–19, 173, 185, 199, 230,  
 232–3, 257  
 mutilation, 173, 175, 185–6, 230, 232–4,  
 237, 246  
 mutineers, 32, 57  
 Myanmar, 2  
 napalm, 209  
 national origin, 312  
 nationality, 15, 143, 158, 176, 255–6,  
 258, 260, 312, 315, 317  
 NATO, 72, 117, 121, 135  
*ne bis in idem*, 191, 258, 307  
 Nepal, 2  
 neutrality, 142–6, 148–9, 290–1  
 new States, 51, 131, 141–2, 145, 151,  
 166–7  
 New Zealand, 270–1  
 NIACs  
 beginning of, 23–4, 269  
 between organized armed groups, 13,  
 31, 35–8, 56, 249, 289  
 distinguished from internal  
 disturbances, 24–6  
 end of, 46–52, 75, 269, 281  
 goals of, 20–2  
 interaction with IACs, 71–5  
 motives of, 20–1  
 nexus to, 16–17, 227–8  
 preconditions of, 1, 13, 18, 23–52, 54,  
 57, 60, 66, 249  
 reluctance to admit existence of, 2  
 two or more in the same country, 47,  
 60, 67–9  
 war crimes in, 15–17, 31, 82, 227–66,  
 315  
 within a single territory, 28–9, 68, 71,  
 116, 290  
 Nicaragua, 2, 11, 71, 201  
 Niger, 2  
 Nigeria, 2, 21  
 ‘no-fly’ zones, 121, 291  
 non-derogable human rights, 221, 272,  
 303–4, 306–7  
 non-detectable fragments, 209  
 non-discrimination, 176, 201, 221, 234,  
 297, 301, 311–12  
 non-intervention, principle of, 96–7,  
 99–100, 109–11, 119  
 ‘non-refoulement’, 118, 260, 313,  
 316–17  
 non-State actors, 23, 35, 50, 67, 77,  
 84–5, 89, 112–14, 123, 221, 260,  
 274, 292, 304, 316, 319  
 non-use  
 of inter-State force, 109, 125  
 of the right to derogate, 302

- no quarter, 184–5, 237, 245  
 North Macedonia, 2  
 Northern Ireland, 2, 22, 54, 64  
 North Korea, 34  
 NTC, 122, 133, 135–6, 139  
 nuclear  
   electrical generating stations, 198  
   weapons, 108, 274  
   terrorism, 225  
*nullum crimen sine lege*, 233, 304  
*nulla poena sine lege*, 304
- obligations of conduct and result, 112, 155
- Oman, 2
- organs of the State, 76–7, 95, 109, 151–5, 157–8, 160, 162, 167–9, 171
- organized armed groups  
   agreements with Governments, 48–51, 91–2, 94, 174, 180–1  
   constituent elements of, 58–62, 77–8  
   and legal personality, 85–6, 93, 95, 181, 235  
   membership in, 243–4, 58, 77–8, 83, 89  
   NIAC between, 13, 31, 35–8, 56, 249, 289  
   political and military wings of, 59
- pacta tertiis*, 91
- Pakistan, 2, 21, 34, 72
- Panama, 158
- Papua New Guinea, 2
- Paraguay, 2
- parties to the conflict  
   agreements by, 48, 91, 174, 180  
   and Common Article 3, 39–40, 174, 180–1  
   and compulsory labour, 220  
   equality of, 4, 78, 174, 222, 294  
   hostilities, assessment by, 45  
   LONIAC and, 4, 116  
   and safeguarding wounded and sick, 193  
   Security Council and, 120, 202  
   services offered to, 174, 180  
   status of, 33, 86, 174, 181, 289
- sufficient organization of, 24  
   use of aircraft by, 29
- PCIJ *see* Table of Contents
- peace accords, 48–51, 91–2
- peacekeeping forces, 124–6, 237–8
- peoples, 88, 173, 178–9, 198, 230, 239, 275–6
- perfidy, 182, 244–5, 247, 284–5
- persecution, 315–16
- 'persistent objectors', 11
- Peru, 2, 262
- Philippines, 2, 68
- pillage, 17, 159, 185–6, 192–3, 230, 240, 254
- piracy, 32, 57
- places of worship, 172, 198, 238–9, 275
- plunder, 186, 230
- poison, 230, 251
- Poland, 8
- police, 25, 57, 60, 153
- political  
   offences in extradition, 257, 259  
   opinion, 260, 315–17  
   wings of organized armed groups, 59
- ports, 145–8
- post-conflict issues, 50, 261, 281
- practice of States *see* customary international law
- precautions  
   in attacks, 182, 207–8, 284  
   in protection of foreigners, 155, 157–8, 165
- precision-guided munitions (PGMs), 282–3
- preconditions of NIACs, 1, 13, 18, 23–52, 54, 57, 60, 66, 249
- pregnant women, 191
- prevention, 70, 97, 111–12, 123, 146, 155–6, 158–60, 187, 189, 192, 201, 211–12, 218, 286
- prisoners of war (POW), 143, 146, 177, 288–9, 292
- private  
   aircraft, 32–3  
   ends, 17, 32–3, 164, 186  
   gain, 313  
   military contractors, 60

- persons, 152, 154–8, 163, 168  
 property, 230  
 ships, 32–3  
 prize, 291  
 proportionality, principle of, 172, 182,  
 247, 283–4, 295, 300–1  
 prosecution, 15, 19, 50, 124, 156, 158,  
 177, 189, 224, 230, 253–8, 260,  
 262–5, 286, 289, 316  
 protracted violence, 14, 24, 37, 41–5,  
 49, 64, 66, 249–50  
 psychological warfare, 215  
 punishment, 15, 155–8, 160, 185–7,  
 189, 230–1, 247–8, 256, 260,  
 262, 265, 272, 289, 303, 310–11  
 ‘R2P’, 97–8  
 railroads, 281  
 rape, 17, 185–6, 230, 237, 240–1, 272,  
 314  
 reciprocity, 143, 175  
 recognition  
   artificially prolonged, 132–3  
   avoiding, 138–9  
   of ‘belligerency’, 55, 67, 134, 142–9,  
   181, 288, 290–1  
   *de facto* and *de jure*, 86, 132–4  
   implied, 134–5, 139, 146–8  
   of insurgency, 134, 148–9  
   as a step towards intervention, 135–6  
   of new Governments, 127–41  
   of new States, 141–2  
   premature, 132–3, 136, 140  
   and Security Council, 140–1  
   withdrawal of, 132, 134–6, 138, 140  
 reconciliation, 51, 160, 166, 260–6  
 Red Cross, Red Crescent and Red  
   Crystal emblems, 195, 247–8  
 Red Cross national societies, 200  
 ‘refoulement’ *see* ‘non-refoulement’  
 referendums, 46, 50–1, 74  
 refugees, 3, 30, 118, 121, 204, 260,  
 313–17  
 ‘regularly constituted court’, 173,  
 177–9, 189–90, 230, 232, 235  
 relief  
   action, 200–1, 203  
   consignments, 202–4, 248  
   personnel, 204–5, 238, 247  
   societies, 200  
 religion  
   and convictions, 185  
   discrimination and persecution  
     based on, 173, 176, 260, 301,  
     311–12, 315, 317  
   institutions and buildings dedicated  
     to, 230, 237, 238–9, 275–6  
   freedom of, 184, 235, 303–4  
 religious  
   education, 188  
   fanaticism and friction, 3, 20, 53, 111  
   groups and minorities, 68, 88, 206  
   personnel, 76, 193–5, 217–19, 233  
   remnants of war, 48, 209  
 reprisals, 187–8  
 responsibility *see* individual criminal  
   responsibility, State  
   responsibility  
 responsible command, 55, 57, 60, 250  
 retroactivity, 35, 42, 103, 162–4, 166–7  
 reunion of families, 183, 188  
 revolution, 129, 137, 164–5  
 ‘revolving door’, 50, 83  
 riots, 24, 26, 46, 54, 100–1, 153, 157–8,  
 168, 236, 249, 251–2, 293, 305  
 rivers, 217  
 robust mandates, 122–3, 125  
 ruses, 285  
 Russia, 1–3, 29, 102, 111, 115, 120, 169,  
 270, 297, 300, 302  
 Rwanda, 2, 16, 31, 124, 227, 230  
 ‘safe areas’, 124  
 ‘scorched earth’ policy, 184, 198  
 SCSL *see* Table of Cases  
 secession, 21–2, 46, 50–1, 73, 142  
 Secretary-General (UN), 51, 125  
 Security Council  
   and ‘all necessary measures’, 70,  
   121–4  
   binding decisions by, 7, 15–16, 70,  
   83–4, 97, 118–19, 121–4, 132,  
   140–1, 213  
   and ceasefires, 121, 123–4  
   and chemical weapons, 115, 120,  
   213–14, 274

- Security Council (cont.)  
 composition of, 120  
 and Da'esh, 70  
 and embargos, 70, 120–1, 123  
 intervention by, 97–8, 118–25, 135, 319  
 and Libya, 47, 121–2, 135  
 and peacekeeping forces, 124–5  
 powers of, 7, 98, 119, 123  
 and recognition, 140–1  
 and robust mandates, 122–3, 125  
 and 'safe areas', 124  
 and Syria, 119–20, 124, 202–3, 213, 274  
 and threat to the peace, 70, 92, 118–19, 121–2, 202, 213, 274, 318  
 veto, 120  
 and war crimes, 229–31, 240  
*see also* Table of Resolutions  
 self-defence, 6, 34, 113–14, 125  
 self-determination, 67  
 self-incrimination, freedom from, 190  
 Senegal, 2, 222  
 Serbia, 2, 73, 151  
 sexual violence, 237, 240–1 *see also* rape  
 Sharia, 20  
 shipwrecked, 174, 176, 181, 183, 191–3, 200, 215–18  
 Sierra Leone, 2, 141, 264  
 Sinai, 2, 25, 270  
 slavery and slave trade, 185–6, 219–20, 237, 240, 247–8, 272, 303  
 Solomon Islands, 2  
 Somalia, 2, 32, 35, 123  
 South Africa, 2  
 South Korea, 34  
 South Sudan, 2  
 Spain, 1–2, 29, 64, 160  
 special agreements, 91–2, 94, 174, 180–1  
 sporadic acts of violence, 2, 24–6, 41, 43, 47, 53–4, 72, 100–1, 124, 157, 236, 249  
 Sri Lanka, 2, 21, 29, 46  
 starvation of civilians, 197, 202, 247–8, 252–3  
 State responsibility  
 acts of State, 151–3, 157, 164–6  
 attribution of acts to the State, 151–4, 162–6  
 due diligence, 154–8, 160–1  
*force majeure*, 161–2  
 foreign intervention, 169  
 mob violence, 38, 157–8  
 new State, 166–7  
 organs of the State, 76–7, 95, 109, 151–5, 157–8, 160, 162, 167–9, 171  
 private persons, 152, 154–8, 163, 168  
 successful insurgents, 151, 162–8  
 unsuccessful insurgents, 168  
*see also* ILC Draft Articles  
 statehood, 21, 34, 46, 69, 127–8, 138  
 status  
 of civilians, 77–8, 314  
 of parties to the conflict, 33, 86, 174, 181, 289  
 statutes of limitation, 232, 256  
 Sudan, 2, 68  
 Sunnis, 20  
 superfluous injury, 281–2  
 Suriname, 2  
 surrender, 29, 185, 217, 244, 257, 289  
 sustained and concerted military operations, 55, 61, 63–4, 250  
 Syria, 2–3, 20, 29–30, 36, 39, 68–70, 102, 110, 113–15, 119–20, 124, 131, 136–7, 169, 202–4, 206, 213, 274, 287, 313–14  
 Tajikistan, 2  
 Taliban, 72, 130, 141  
 tanker-trucks, 287  
 tanks, 45, 108, 110  
 targeting, 31, 41, 187, 270, 283  
 targets, lawful, 32, 197, 273, 283–4, 287, 295, 300  
 taxation, 21, 63  
 tear gas, 26, 252  
 territorial waters, 29, 146, 148  
 territoriality, 15, 255–6, 259  
 territory  
 control over, 35, 55, 62–5, 102, 127, 130, 132–3, 140, 161, 178, 250, 294

## INDEX OF SUBJECTS

341

- NIAC within a single, 28–9, 68, 71, 116, 290
- terrorism  
 acts of, 43, 65, 100, 185–6, 196, 225–6, 230–1, 247–8, 257, 273  
 definition, 225–6  
 spreading terror among civilians, 196–7, 226, 273  
 ‘war’ on, 33–4
- Thailand, 2
- threats to the peace, 70, 92, 118–19, 121–2, 202, 213, 274, 318
- thresholds of armed conflict  
 below-the-threshold, 53–4, 57, 81, 100–1, 157, 236, 270  
 first threshold, 54–6, 101, 163, 250, 269  
 second threshold, 55–65, 101, 163, 181, 250, 271  
 third threshold, 65–7, 71, 110, 113  
 under the Rome Statute, 249–50
- torture  
 and amnesty, 262  
 and complicity, 170  
 definition, 221–3, 234  
 freedom from, as a non-derogable human right, 303–4
- LONAC and war crimes texts  
 prohibiting, 173, 175, 185, 220, 230, 232–3  
 prohibition of, as *jus cogens*, 222
- treachery, 237, 244–5
- treason, 6, 289
- treaties  
 agreements with insurgents not, 91–2, 181  
 application to non-State actors, 84–92  
 and change of Governments, 89  
 codification of customary law, 11, 99, 228  
 and consent, 8, 11, 89, 105  
 custom generated by, 11, 271  
 definition, 8  
 extradition, 257  
 and third States, 91
- triage, 194
- truth and reconciliation commissions, 263–6
- Turkey, 2–3, 30, 115, 287, 299–300, 314
- Uganda, 2, 72, 102, 104, 110
- UK, 2, 22, 24, 37, 54, 115, 120, 129, 135–6, 143, 147, 159–60, 164–5, 168, 216, 286
- Ukraine, 2, 30, 111, 270
- UNESCO, 9
- UN forces, 122–6
- UNHCR, 314
- uniforms, 58, 245, 280
- UNITA, 122
- universal jurisdiction, 16, 32, 255–6, 265–6
- unnecessary suffering, principle of, 230, 279, 281–2
- UNSMIS, 120, 124
- US, 1, 11, 33, 47, 71–2, 75, 105, 110, 113–15, 120, 130, 135–7, 152–3, 157–8, 168, 192, 287
- Venezuela, 2, 147, 159, 164–5, 168
- ‘vicarious’ responsibility, 169
- Vietnam War, 34–5, 114
- violence  
 in AP/II, 185  
 and attacks, 215  
 classification of, 12–20  
 in Common Article 3, 173  
 and cyberattacks, 13  
 expression, meaning of, 13  
 as gist of hostilities, 13  
 in ICTR Statute, 230  
 intensity of, 18, 24, 43–5, 49, 66, 145  
 intra-State as threat to the peace, 119  
 maritime, 32  
 mob, 38, 157–8  
 between organized armed groups, 13, 31, 35–8, 56, 249, 289  
 protracted acts of, 14, 24, 37, 41–5, 49, 64, 66, 249–50  
 in Rome Statute, 232, 236–7, 249  
 sexual, 237, 240–1  
 spectrum of, 24  
 sporadic acts of, 2, 24–6, 41, 43, 47, 53–4, 72, 100–1, 124, 157, 236, 249

- visit and search, 291  
 volcanic eruptions, 201  
*volenti non fit injuria*, 99
- waiver  
   of amnesty, 261  
   and cultural property, 207, 276, 280  
   and State responsibility, 103  
 wanton destruction, 159, 172, 230,  
   246–7, 281  
 war correspondents, 289–90  
 war crimes  
   amnesty for, 261–6  
   interaction with AP/II, 247–8  
   and arms trade, 108  
   constituent elements of, 229  
   extradition of, 257–9  
   and group criminality, 89  
   growth of, 228–9  
   in NIACs, 15–17, 31, 82, 227–66, 315  
   and ordinary crimes, 14–19  
   and private ends, 17, 82–3  
   and refugees, 314–15  
   under the Rome Statute, 10, 87,  
     199–200, 229, 231–54, 285  
   and ‘R2P’, 97  
   statutes of limitations, 232, 256  
   universal jurisdiction over, 256, 265  
   and weapons, 251–3  
 warnings, 284  
 warships, 31–2, 292  
 water, drinking, 197  
 weapons  
   biological, 108, 212–13, 253, 274  
   booby-traps, 188, 208–9, 281  
   bullets, 13, 251–2, 282  
   chemical, 26, 108, 115, 120, 213–14,  
     274  
   cluster munitions, 85, 214, 274  
   conventional, 24, 108, 274  
   explosive remnants of war, 48, 209  
   incendiaries, 209, 281  
   lasers, blinding, 209  
   of mass destruction, 108, 212  
   mines, 29, 188, 192, 208–9, 214, 281  
   non-detectable fragments, 209  
   nuclear, 108, 274  
   poisonous, 230, 251  
   and war crimes, 251–3  
   *see also* arms trade, artillery, military  
     aircraft, tanks, warships  
 Western Sahara, 2  
 wilful killings, 18–19, 295  
 witnesses to peace accords, 51  
 World Summit, 98  
 wounded and sick  
   away from areas of hostilities, 192  
   care, 65, 174, 176, 181, 192, 200,  
     204  
   collecting, 174, 176, 181, 200, 218,  
     237  
   definition, 183, 215–16  
   disclosure about, 194  
   diagnosis, 218  
   *hors de combat*, 217  
   killing by civilians, 83  
   protection, 183, 191–3, 216, 308  
   search for, 183, 192, 218  
   transportation, 218–19  
   treatment, 183, 192–3, 218  
   triage, 194
- X-rays, 253
- Yemen, 2, 7, 102, 114, 120, 132, 141  
 Yugoslavia (former), 11, 73–4, 124, 141