

War Crimes And The Conduct Of Hostilities

Challenges to Adjudication and Investigation

Contents:

Preface

PART I: SETTING THE LEGAL FRAMEWORK

1. The Criminalization of the Violations of International Humanitarian Law from Nuremberg to the Rome Statute

Fausto Pocar

2. Serious Violations of the Law on the Conduct of Hostilities: A Neglected Class of War Crimes?

Paola Gaeta

3. To What Extent do the International Rules on Human Rights Matter?

Edoardo Greppi

PART II: VIOLATIONS OF THE PRINCIPLES OF DISTINCTION, PROPORTIONALITY AND PRECAUTION

4. Direct Attacks on Civilians and Indiscriminate Attacks as War Crimes

Francesco Moneta

5. The Criminalization and Prosecution of Attacks Against Cultural Property

Andrea Carcano

6. Using Human Shields as a War Crime

Marco Pedrazzi

PART III: VIOLATIONS OF THE RULES PROTECTING PARTICULAR CATEGORIES OF PERSONS

7. The Enlistment, Conscriptioin and Use of Child Soldiers as War Crimes

Alberto Oddenino

8. Criminalizing Rape and Sexual Violence as Means of Warfare

Ludovica Poli

9. The Crime of Attacking Peacekeepers

Andrea Spagnolo

PART IV: VIOLATIONS OF THE RULES ON MEANS OF WARFARE

10. The Use of Prohibited Weapons and War Crimes

Andrea Cannone

11. New Weapons, Old Crimes?

Marina Castellaneta

12. The Criminalization of the Use of Biological and Chemical Weapons

Annita Larissa Sciacovelli

13. Arms Transfer and Complicity in War Crimes

Antonio Leandro

PART V: THE SPECIAL CASE OF TERRORISM IN ARMED CONFLICTS

14. International Terrorism, the Law of War and the Negotiation of a UN Comprehensive Convention

Giuseppe Nesi

15. Terror and Terrorism in Armed Conflicts: Developments in International Criminal Law

Julinda Beqiraj

16. Fighting Terror within the Law? Terrorism, Counterterrorism and Military Occupations

Marco Pertile

17. The Relevance of International Humanitarian Law in National Case Law on Terrorism

Antonino Ali

PART VI: INVESTIGATIONS AND FACT FINDING: A(N) (IM)POSSIBLE MISSION?

18. The Challenges of Establishing the Facts in Relation to 'Hague Law' Violations

Stephen Wilkinson

19. UN Fact-Finding Commissions and the Prosecution of War Crimes: An Evolution Towards Justice-Oriented Missions?

Micaela Frulli

20. Fact-Finding by International Human Rights Institutions and Criminal Prosecution

Simone Vezzani

Index