

PRESENTAZIONE DEL VOLUME (a cura dell'autore o del curatore)

Informazioni generali

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Informazioni sul volume

A look at the growing national and international case law on war crimes in the last decades shows that serious breaches of international humanitarian law rules governing the conduct of hostilities constitute the basis of war crimes charges only in a limited number of cases, as compared with the more frequent charges for violations of the rules on the treatment of protected persons in an armed conflict. This is at least partly due to the looseness of the rules on the conduct of hostilities in light of the margin of appreciation that the application of the principles of distinction and proportionality implies, as well as to the difficulty of implementing rules shaped for traditional international armed conflicts between States with respect to contemporary national asymmetrical conflicts involving non-State armed groups. These considerations and the consequential evidentiary problems that they raise, may explain the reluctance of prosecutors to charge this class of war crimes.

The present book aims at identifying the challenges faced by prosecutors, investigators and courts and tribunals in the definition, investigation and adjudication of war crimes based on

violations of the rules of international humanitarian law on the conduct of hostilities, with a view to contributing to, and clarifying, this somewhat neglected area of international criminal law. A comprehensive consideration of the multifaceted issues implied in these challenges is more topical

as we are witnessing an extensive and increasing involvement of civilians in current armed conflicts and a growing debate on the use of new weapons.

The realization of this book is the result of a research project financed by the Italian Ministry of University and Research and conducted by a research group of the University of Milan led by professors Fausto Pocar and Marco Pedrazzi in collaboration with research groups in the Universities of Bari, Florence, Turin and Trento, respectively led by professors Andrea Cannone, Paola Gaeta, Edoardo Greppi and Giuseppe Nesi. The directors and the members of the research groups are the contributing authors to the volume.