International human rights law and the law of armed conflict in the context of counterinsurgency: With a particular focus on targeting and operational detention

Pouw, E.H.

Citation for published version (APA):

General rights
It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations
If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: https://uba.uva.nl/en/contact, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.
**Other Materials**

**INTERNATIONAL LAW COMMISSION**

1979  

1980a  

1980b  
Yearbook of the International Law Commission

2004  

Study on the Function and Scope of the Lex Specialis Rule and the Question of 'Self Contained Regimes': Preliminary report by Mr. Martti Koskenniemi, Chairman of the Study Group, International Law Commission, Study Group on Fragmentation of International Law: Difficulties Arising From the Diversification and Expansion of International Law, UN Doc. ILC(LVI)/SG/FIL/CRD.1 and Add.1, International Law Commission

2004a  
Report on the Work of the ILC of its Fifty-fourth Session, UN Doc. A/5/10,

2004b  
Report on the Work of the ILC of its Fifty-sixth Session (3 May to 4 June and 5 July to 6 August 2004), UN Doc. A/59/10

2006  

2007  
Third Report on the Effects of Armed Conflict on Treaties, by Mr. Ian Brownlie, Special Rapporteur, ILC, 58th sess., UN Doc. A/CN.4/578 (1 March 2007), United Nations

**UN Assistance Mission in Afghanistan (UNAMA)**

2013  

**UNAMA & Afghanistan Independent Human Rights Commission**

2010  
Afghanistan, Annual Report 2010, Protection of Civilians in Armed Conflict

**UN Fact Finding Mission on the Gaza Conflict**

2009  

**UN General Assembly**

1948  
Universal Declaration of Human Rights, UNGA Resolution 217A of 10 December 1948

1955  

1970  
General Assembly Resolution 2675 (XXV), Basic Principles for the Protection of Civilian Populations in Armed Conflict (9 December 1970)

1979  
Code of Conduct for Law Enforcement Officials, adopted by UNGA Resolution 34/169 of 17 December 1979

1988  
Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, A/RES/43/173, 76th Plenary Meeting, 9 December 1988

1990  
UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, UN Doc. A/CONF.144/28/Rev.1, 19
1990 UN Basic Principles for the Treatment of Prisoners (A/RES/45/111, 68th plenary meeting, 14 December 1990)

UN Human Rights Council

UN Human Rights Commission
2005 Resolution 2005/34 on Extrajudicial, Summary, or Arbitrary Executions, Preamble (19 April 2005)

UN Human Rights Committee
1982 General Comment No. 8, Right to Liberty and Security of Persons (Article 9) (Sixteenth session, 1982)
1998 Concluding Observations on Israel (30 May 1998), UN Doc. CERD/C/304/Add.45
2001 General Comment 29, Derogations During a State of Emergency, UN Doc. CCPR/C/21/Rev.1/Add.11 (24 July 2001)
2003 Concluding Observations of the Human Rights Committee: Israel (21 Augustus 2003), UN Doc. CCPR/CO/78/ISR
2004 General Comment No. 20, Prohibition of Torture and Cruel Treatment or Punishment, UN Doc. CCPR/C/21/Rev.1/Add.13 (26 May 2004)
2004 General Comment 31, Nature of the General Legal Obligation Imposed on States parties to the Covenant, UN Doc. CCPR/C/21/Rev.1/Add.13 (26 May 2004)
2004 Concluding observations on Columbia’s Fifth Periodic Report, CCPR/CO/80/COL (25 March 2004)

UN Office of the High Commissioner for Human Rights
2011 International Legal Protection of Human Rights in Armed Conflict

UN Working Group on Arbitrary Detention

Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions

Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, Addendum, Study on Targeted Killings, A/HRC/14/24/Add.6

Council of Europe
1956 Preparatory Work on Article 15 of the European Convention on Human Rights (22 May 1956, DH (56)4)
1973 Resolution (73)3, Standard Minimum Rules for the Treatment of Prisoners, adopted by the Committee of Ministers on 19 January 1973 at the 217th meeting of the Ministers' Deputies [CoE Minimum Rules]

Diplomatic Conference, Geneva
1949 Final Record of the Diplomatic Conference of Geneva (1949), Volumes I to IV (Bern: Federal Political Department, 1951)

NATO
2008 Bucharest Summit Declaration Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008
2011 Allied Joint Doctrine for Counterinsurgency (COIN) (AJP-3.4.4)
2011 Allied Joint Publication 3(B): Allied Joint Doctrine for the Conduct of Operations

Organization of American States
1948 American Declaration of the Rights and Duties of Man, Adopted by the Ninth International Conference of American States, Bogotá, Colombia, 1948

OSCE

Canada
2008 Chief of the Land Staff, National Defence, Counter-Insurgency Operations (B-GL-323-004/FP-003)

Denmark
2005 MoU Between Afghanistan and Denmark, Memorandum of the Understanding between the Ministry of Defense of the Islamic Republic of Afghanistan and the Ministry of Defense of the Kingdom of Denmark Concerning the Transfer of Persons between the Danish Contingent of the International Security Assistance Force and Afghan Authorities, Signed in Kabul on 8 June 2005
2012 Danish Ministry of Foreign Affairs, The Copenhagen Process on the Handling of Detainees in International Military Operations

France
République Française, Ministère de la Défense, Armée de Terre, Doctrine for Counterinsurgency at the Tactical Level

Germany
2010 German Army Office, Preliminary Basics for the Role of Land Forces in Counterinsurgency

United Kingdom

United States
1989 Hays Parks, W., Memorandum on Executive Order 12333 and Assassination, in: Army Lawyer (December 1989)
1990 Department of Defense Final Report to Congress on the Conduct of the Persian Gulf War
2002k Response of the United States to Request for Precautionary Measures (Detainees in Guantanamo Bay, Cuba), 14
2009 Department of the Army, FM 3-24.2 - Tactics in Counterinsurgency [U.S. Army (2009)]

The Netherlands
2003 Koninklijke Landmacht, Gevechtsoperaties tegen een irregulier optredende tegenstander (LDP II-C)

The State of Israel


Israel and the Occupied Territories: State Assassinations and Other Unlawful Killings, AI Index No. MDE 15/005/2001, February, 2001


Defusing the Ticking Bomb Scenario - Why we must say No to torture, always, http://www.apt.ch/content/files_res/tickingbombscenario.pdf.


Ferrero, T., Occupation and Other Forms of Administration of Foreign Territory


Weapons that may Cause Unnecessary Suffering or have Indiscriminate Effects: Report on the Work of Experts

Conference of Government Experts on the Use of Certain Conventional Weapons
2003 International Humanitarian Law and the Challenges of Contemporary Armed Conflicts (Report Prepared by the ICRC, 28th International Conference of the Red Cross and Red Crescent, Geneva, 2 to 6 December 2003), ICRC, 03/IC/09 (December)

2003 International Humanitarian Law and Other Legal Regimes: Interplay in Situations of Violence


2008a Direct Participation in Hostilities under International Humanitarian Law, Fifth Expert Meeting, Summary Report (Geneva, 5-6 February 2008)


2009 Melzer, N., Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law

International Law Association


Institute for War and Peace


International Institute of Humanitarian Law, San Remo


Paris Minimum Standards of Human Rights Norms in a State of Emergency


Program on Humanitarian Policy and Conflict Research


The University Centre for International Humanitarian Law


2005 Expert Meeting on the Right to Life in Armed Conflicts and Situations of Occupation, The University Centre for International Humanitarian Law