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

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Abbott, K.W.

Abi-Saab, G.

Abi-Saab, R.

Abresch, W.

Ackerman, B.
2006 Before the Next Attack: Preserving Civil Liberties in an Age of Terrorism. New Haven: Yale University Press

Akande, D.

Al-Saeedi, R.J.
2010 Regime Change and the Restoration of the Rule of Law in Iraq, in: Pedrozo, R.A. (red.), The War in Iraq: A Legal Analysis, Newport: Naval War College, p. 3-15

Aldrich, G.H.

Alston, P., J. Morgan-Foster & W. Abresch

Amerasinghe

Andenas, M. & E. Bjorge

Anderson, K.

Anzilotti, D.
1929 Cours de droit international. Paris: Sirey

Arai-Takahashi, Y.

Boyle, C.K.

Brands, H.
2010 Latin America's Cold War. Harvard University Press

Brooks, R.E.

Brown, M.E.
1996 The International Dimensions of Internal Conflict. Cambridge, MA: MIT Press

Brownlie, I.


2003 Principles of Public International Law: Oxford University Press

Buergenthal, T.


Buergenthal, T. & R.E. Norris

Buergenthal, T., D. Shelton & D.P. Stewart

Byron, C.

Callwell, C.E.
1896 Small Wars: Their Principles and Practice. Lincoln & London: University of Nebraska Press

Calvo, C.

Campenalli, D.

Cannizzaro, E.
2006 Contextualizing Proportionality: Jus Ad Bellum and Ius in Bello in the Lebanese War, in: 88 International Review of the Red Cross (864), p. 779-792

Carnahan, B.M.


Cassel, D.


Cassese, A.


2005 International Law: Oxford University Press

Cassidy, R.M.

Cassimatis, A.E.
Castrén, E.
1966 Civil War. Helsinki: Suomalainen Tiedeakatemia

Cathcart, B.

Cerone, J.

Chayes, A. & A. Handler Chayes

Cheng, B.

Clapham, A.
2007a Human Rights Obligations of Non-State Actors: Oxford University Press

Clausewitz, C.v.

Cockayne, J.

Cohen, A. & Y. Shany

Cohen, R.

Colby, E.

Condorrelli, L.
2005 La protection de droits de l'Homme lors d'actions militaires menées à l'étranger, in: 32 Collegium, p. 89-104
2010 Some Thoughts about the Optimistic Pessimism of a Good International Lawyer, in: 21 European Journal of International Law, p. 31-40

Corn, G.S.

Cottier, M.

Crawford, E.

Criddle, E.
Cullen, A.  
2005  Key Developments Affecting the Scope of Internal Armed Conflict in International Humanitarian Law, in: 183 Military Law Review, p. 66-109  
2010  The Concept of Non-International Armed Conflict in International Humanitarian Law. Cambridge: Cambridge University Press  
Cullen, A. & M.D. Öberg  
2008  Prosecutor v. Ramush Haradinaj et al.: The International Criminal Tribunal for the Former Yugoslavia and the Threshold of Non-International Armed Conflict in International Humanitarian Law, in: 12 ASIL Insight (7)  

Czapliński, W. & G.M. Danilenkov  
1990  Conflict of Norms in International Law, in: 21 Netherlands International Law Review, p. 3-42  

D’Amato, A.  

De Cock, C.  

De Vattel, E.  
1758  Le droit des gens ou principes de la Loi naturelle, appliqués à la conduite et aux affaires des nations et des Souverains, Tome I, Livre II, Ch. XVII, 511, § 316 (red.), London: Slatkine Reprints,  
1760  The Law of Nations. Leiden: Compagnie  

De Vitoria, F.  
1917  Of the Indians, or On the Law of War Made by the Spaniards on the Barbarians. Washington: Carnegie  
Deeks, A.  
2009  Administrative Detention in Armed Conflict, in: 40 Case Western International Law Journal, p. 403-436  

Deng, F.M.  

Dennis, M.J.  

Detter, I.  

Dinstein, Y.  
1977  The International Law of Inter-State Wars and Human Rights, in: 7 Israel Yearbook on Human Rights, p. 139-153  
2004  The Conduct of Hostilities under the Law of International Armed Conflict. Cambridge: Cambridge University Press  

512
Dworkin, A.

Elder, D.A.

Ellis, J.
1995 From the Barrel of a Gun: A History of Guerrilla, Revolutionary and Civil Warfare from the Romans to the Present: Greenhill Books

Engisch, K.
1935 Die Einheit der Rechtsordnung. Heidelberg: Darmstadt

Erberich, U.
2004 Auslandeinsätze der Bundeswehr und Europäische Menschenrechtskonvention. Cologne: Carl Heymanns

Ergec, R.

Faïte, A.

Falke

Farer, T.J.

Farrell, B.

Fawcett, J.E.S.

Feilchenfeld

Fenrick, W.J.

Fiore, P.
1896 Nouveau Droit International Public. Paris: Durand

Fitzmaurice, S.G.
1957-II The General Principles of International Law Considered from the Standpoint of the Rule of Law, in: 92 Recueil des cours, p. 1-227

Fleck, D.

Fleck, D. & R. Wolfrum

Glahn, G. v. 1957  The Occupation of Enemy Territory - A Commentary on the Law and Practice of Belligerent Occupation. Minneapolis: The University of Minnesota Press


Graham, D.E. 2003  The Law or Armed Conflict and the War on Terrorism, Naval War College, International Legal Studies (International Law and the War on Terror)


Grob, F. 1949  The Reality of War and Peace. New Haven: Yale UP

Gross, A.M.

Gross, O. & F. Ní Aoláin

Grotius, H.

Guillaume, G.

Gullory, M.E.

Haines, S.

Hakimi, M.

Hampson, F.

Hannikainen, L.

Hannum, H.

Hansen, M.A.

Haratsch, A.
2001 Die Geschichte der Menschenrechte. Potsdam: Universitätsverlag Potsdam

Harris, D.J.

Harris, D.J., M. O'Boyle & C. Warbrick

Harris, W.
Hartman, J.F.

Hashim, A.S.


Haug, H.

Häußler, U.

Hayashi, N.

Hays Parks, W.
1997 The Protection of Civilians from Air Warfare, in: 27 Israel Yearbook of Human Rights, p. 65-111

Heintze, H.-J.

Henckaerts, J.-M.

Henderson, I.

Henkin, L.
1989 International Law: Politics, Values and Functions (red.), Collected Courses of The Hague Academy of International Law, The Hague

Higgins, R.
1978 Derogations under Human Rights Treaties, in: 48 British Yearbook of International Law, p. 281-320

Hoffman, F.


Kelsen

Kelsen, H.
1960 Reine Rechtslehre. Vienna: Franz Deutieke
1979 Allgemeine Theorie der Normen

Kennedy, D.

Khadduri, M.

Kilcullen, D.

Kiszely, J.

Kitson, F.

Kitzen, M.
2013 (forthcoming) The Course of Cooption: the Logic of Establishing Control in Colonial Warfare and and Contemporary Counterinsurgency in Fragmented Societies, University of Amsterdam

Kleffner, J.
2011 Section IX of the ICRC Interpretive Guidance on Direct Participation in Hostilities: The End of Ius in Bello Proportionality as We Know It?, in: 45 Israel Law Review, p. 35-52

Klein

Kolb, R. & R. Hyde
2008 An Introduction to the International Law of Armed Conflicts: Hart Publishing

Kolb, R., G. Porett & S. Vité

Koller, D.S.

Kremnitzer, M.

Kreß, C.

Kretzmer, D.
Krieger, H.

Krutak, C.C.
1999 The Strategic Corporal: Leadership in the Three Block War, in: 28 Marines Magazine (1 (January)), p. 28-34

Künzli, J.
2001 Zwischen Rigidität und Flexibilität: der Verpflichtungsgrad internationaler Menschenrechte: ein Beitrag zum Zusammenspiel von Menschenrechten, humanitärem Völkerrecht und dem Recht der Staatenverantwortlichkeit

Laqueur, W.

Lattanzi, F.

Lauterpacht, E. & D. Bethlehem

Lauterpacht, H.
1950 International Law and Human Rights. London: Stevens
1952 The Problem of the Revision of the Law of War, in: 29 British Yearbook of International Law, p. 360-382

Lawson, R.

Lietzau, W.

Lillich, R.B.

Lindroos, A.

Linton, S.

Locke, J.

Loof, J.P.

Loosteen, Y.M.

Lorenz, D.
2005 Der territoriale Anwendungsbereich der Grund- und Menschenrechte - Zugleich ein Beitrag zum Individualschutz in bewaffneten Konflikten. Potsdam: Berliner Wissenschafts-Verlag

Loucaides, L.
1966 The Art of Counter-Revolutionary War. London: Faber & Faber

McDonald, A.

McDougall, M.D., H.D. Lasswell & J.-c. Chen

McDougall, M.D., H.D. Lasswell & J.C. Miller
1994 The Interpretation of International Agreements and World Public Order: Principles of Content and Procedure. Dordrecht, Martinus Nijhoff

McGoldrick, D.

McKeogh, C.

Mclachlan, C.
2005 The Principle of Systemic Integration and Article 31(3)(c) of the Vienna Convention, in: 54 International and Comparative Law Quarterly, p. 279-320

Mégret, F.

Melzer, N.
2009 Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law, ICRC
2010b Keeping the Balance Between Military Necessity and Humanity: A Response to Four Critiques of the ICRC's Interpretive Guidance on the Notion of Direct Participation in Hostilities, in: 42 New York University Journal of International Law and Politics, p. 831-916

Meron, T.
1999 Crimes under the Jurisdiction of the International Criminal Court, in: Von Hebel, H.A.M. & e. al. (red.), Reflections on the ICC
2000a The Humanization of Humanitarian Law, in: 94 American Journal of International Law, p. 239-278
2006 The Humanization of International Law. Leiden/Boston: Martinus Nijhoff Publishers

Metz, S. & D.V. Johnson II
2001 Asymmetry and US Military Strategy: Definition, Background and Strategic Concepts (Strategic Studies Institute of the US War Army College Report)
Meyrowitz, H.

Milanovic, M.

Milanovic, M. & V. Hadzi-Vidanovic

Moir, L.

Mommsen, T. & P. Kruger

Montealegre, H.

Moodrick Even-Khen, H.
2007 Can We Now Tell What “Direct Participation in Hostilities” Is?: HCJ 769/02 the Public Committee against Torture in Israel v. the Government of Israel, in: 40 Israel Law Review, p. 213-244

Mose, E. & T. Opsahl

Münkler, H.
2005 The New Wars. Cambridge: Polity

Murphy, S.D.

Mushkat, M.

Naert, F.

Nagl, J.A.
2005 Learning to Eat Soup with a Knife: Counterinsurgency Lessons from Malaya and Vietnam: The University of Chicago Press

Nagl, J.A. & B.M. Burton

Neuman, G.L.
Ni Aoláin, F.

Nolte, G.
2005 European and US Constitutionalism

Nørgaard, C.
1962 The Position of the Individual in International Law. Copenhagen: Munksgaard

Nowak, M.
2005 U.N. Covenant on Civil and Political Rights, CCPR Commentary. Kehl: Engel

Nurich, L. & R. Barrett
1946 Legality of Guerrilla Forces under the Laws of War, in: 40 American Journal of International Law, p. 563-583

O’Brien, W.V.

O’Donnell, D.

O’Neill, B.E.

Oates, M.L.

Obradovic, K.

Oeter, S.

Olson, L.M.
2009 Practical Challenges of Implementing the Complementarity between International Humanitarian and Human Rights Law - Demonstrated by the Procedural Regulation of Internment in Non-International Armed Conflict, in: 40 Case Western International Law Journal, p. 437-461

Oppenheim, L.

Oráa, J.

Oraí, M.

Orakhelashwili, A.

Osieł, M.
2009  The End or Reciprocity - Terror, Torture, and the Law of War. Cambridge: Cambridge University Press
Oswald, B.
2000  The INTERFET Detainee Management Unit in East Timor, in: 3 Yearbook of International Humanitarian Law, p. 347-361
Oswald, B. & T. Winkler
Oxman, B.
1997  Jurisdiction of States (red.), Encyclopedia of Public International Law, Elsevier Science, p. 55-60
Paulus, A.
Paulus, A. & M. Vashakmadze
2009  Asymmetrical War and the Notion of Armed Conflict - A Tentative Conceptualization, in: 91 International Review of the Red Cross (873), p. 95-125
Pauwelyn, J.
Pepic, J.
Petraeus, D.H.
Pfanner, T.
Pfanner, T., N. Melzer & K. Gibson
2008  Interview with Sergio Jaramillo Caro, in: 90 International Review of the Red Cross (872), p. 823-833
Pictet, J.

526
2003 The Laws of War in the War on Terror, Naval War College, International Legal Studies (International Law and the War on Terror)

Roberts, G.B.
1988 The Judaic Sources of and Views on the Laws of War, in: 37 Naval Law Review, p. 221-238

Robertson, A.H.

Robertson, H.B.
1995 The Obligation to Accept Surrender, in: 68 International Law Studies, p. 541-552

Robinson, L.
2008 Tell Me How This Ends - General David Petreus and the Search for a Way Out of Iraq. New York: Public Affairs

Rodley, N.S.

Rogers, A.P.V.
2004 Law on the Battlefield: Manchester University Press

Rogers, F.

Römer, J.
2009 Killing in a Gray Area between Humanitarian Law and Human Rights - How Can the National Police of Colombia Overcome the Uncertainty of Which Branch of International Law to Apply? Berlin: Springer Verlag

Rona, G.
2003 International Law under Fire: Interesting Times for International Humanitarian Law: Challenges from the "War on Terror", in: 27 Fletcher Foreign World Affairs, p. 55-74

Rose, G.
2012 Detention of Non-State Actors Engaged in Hostilities: the Future Law - Summary Report, Institute for Transnational and Maritime Security in the Faculty of Law, University of Wollongong

Rosen, R.D.

Rousseau, J.J.
1762 The Social Contract

Roxstrom, E., M. Gibney & T. Einarsen

Ruys, T.

Ruys, T. & I. Heyndrickx

Ruys, T. & S. Verhoeven
2008 DRC v. Uganda: The Applicability of International Humanitarian Law and Human Rights Law in Occupied Territories, in: Arnold, R. & N. Quénivet (red.), International Humanitarian Law and

**Rwelamira, M.R.**

**Salama, I. & F. Hampson**

**Sandoz, Y., C. Swinarski & B. Zimmerman**
1987 Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949

**Sands, P.**

**Sassòli, M.**

**Sassòli, M. & A.A. Bouvier**

**Sassòli, M. & L.M. Olson**

**Schabas, W.A.**
2007a An Introduction to the International Criminal Court

**Schachter, O.**
1991 International Law in Theory and Practice

**Schäfer, B.**
2006 Zum Verhältnis Menschenrechte und humanitäres Völkerrecht. Potsdam: Universitätsverlag Potsdam

**Scheinin, M.**

**Schindler, D.**
1979 The Different Types of Armed Conflicts According to the Geneva Conventions, in: 163 Recueil des cours (II), p. 121-160

Schmitt, M.N.
2009b Human Shields in International Humanitarian Law, in: 47 Columbia Journal of International Law, p. 292-338
2010a Deconstructing Direct Participation in Hostilities: the Constitutive Elements, in: 42 New York University Journal of International Law and Politics, p. 697-739

Schöndorf, R.S.

Schorlemer, S.v.

Schwarzenberger, G.
1968a From the Laws of War to the Law of Armed Conflict, in: 21 Current Legal Problems, p. 239-258

Schwenk, E.H.

Scobbie, I.

Seiderman, I.
2001 Hierarchy in International Law. Antwerp: Intersentia/Hart

Shah, S.
Shany, Y.

Shaw, M.
The New Western Way of War
2003 International Law. Cambridge: Cambridge University Press

Shraga, D.
1998 The United Nations as an Actor Bound by International Humanitarian Law, in: 5 International Peacekeeping, p. 64-81

Shue, H.

Simma, B.
1982 Reciprocity, in: Bernhardt, R. (red.), Encyclopedia of Public International Law

Simma, B. & D. Pulkowski

Sitaraman, G.
2009 Counterinsurgency, the War on Terror, and the Laws of War, in: 95 Virginia Law Review, p. 1745-1839

Sloane, R.D.

Smith, R.

Solf, W.A.

Solis, G.D.
2009 The Law of Armed Conflict - International Humanitarian Law in War. New York: Cambridge University Press

Spinedi, M.

Stahn, C.

Stein, E.

Stein, T.
2002 Comment on International Humanitarian Law and Human Rights Law in Non-international Armed Conflict: Joint Venture or Mutual Exclusion? by Hans-Peter Gasser, in: 45 German Yearbook of International Law, p. 149-165

Stephens, D.

Stephens, D. & A. Lewis
2006 The Targeting of Civilian Contractors in Armed Conflict, in: 9 Yearbook of International Humanitarian Law, p. 25-64

Stephens, D. & M.W. Lewis

Stone, J.


The Venice Commission 2001 Report on the Preferential Treatment of National Minorities by their Kin-States


F. Van Rijn & L. Zwaak


Van Dijk, P., F. Van Hoof, A. Van Rijn & L. Zwaak


Van Sliedregt, E. 2010 European Approaches to Fighting Terrorism, in: 20 Duke Journal of Comparative and International Law, p. 413-427

Verdirame, G.

Verdross, A. & B. Simma
1984 Universelles Völkerrecht. Berlin: Duncker & Humblot

Villiger, M.

Vité, S.

Vogenauer, S.

von Clausewitz, C.

Von der Groeben, C.

Vöneky, S.

Vranes, E.
2006 The Definition of 'Norm Conflict' in International Law and Legal Theory, in: 17 European Journal of International Law (2), p. 395-418

Walzer, M.

Warbrick, C.

Watkin, K.

Watts, S.

Weinberger, O.

Westlake, J.
1913 International Law. Cambridge: Cambridge University Press

Whetham, D.

Wicks, E.

Wilde, R.

Wippman, D.

Wolfrum, R. & M. N
2003 Conflicts in International Environmental Law. Berlin: Springer

Yoo, J.C. & J.C. Ho

Zegveld, L.
2002 Accountability of Armed Opposition Groups in International Law. Cambridge: Cambridge University Press

Zemach, A.

Zimmermann, A.

Zwanenburg

Zwanenburg, M.