

Contents

<i>Table of Cases</i>	xvii
<i>Table of Legislation</i>	xxxix
<i>List of Abbreviations</i>	lxxxvii
<i>List of Contributors</i>	xcv

PART I CROSS-CUTTING ISSUES AND COMMON PROVISIONS

A. CROSS-CUTTING ISSUES

1. **The Concept of International Armed Conflict** (Andrew Clapham) 3
2. **The Applicability of the Conventions to 'Transnational' and 'Mixed' Conflicts** (Marko Milanovic) 27
3. **The Temporal Scope of Application of the Conventions** (Gabriella Venturini) 51
4. **The Geographical Scope of Application of the Conventions** (Katja Schöberl) 67
5. **Rights, Powers, and Obligations of Neutral Powers under the Conventions** (Yves Sandoz) 85

B. COMMON PROVISIONS

1. GENERAL

6. **The Obligation to Respect and to Ensure Respect for the Conventions** (Robin Geiß) 111
7. **Special Agreements in International Armed Conflicts** (Stuart Casey-Maslen) 135
8. **Non-Renunciation of the Rights Provided by the Conventions** (Pierre d'Argent) 145
9. **Final Provisions, Including the Martens Clause** (Giovanni Distefano and Etienne Henry) 155

2. SPECIAL RULES

10. **The Principle of Non-Discrimination** (Gabor Rona and Robert J. McGuire) 191
11. **Hospitals** (Elżbieta Mikos-Skuza) 207
12. **Humanitarian Assistance** (Flavia Lattanzi) 231
13. **Search for Missing Persons** (Anna Petrig) 257
14. **The Dead** (Daniela Gavshon) 277
15. **Taking of Hostages** (David Tuck) 297

16. Torture, Cruel, Inhuman, or Degrading Treatment or Punishment (Manfred Nowak and Ralph Janik)	317
17. Rape and Other Sexual Violence (Patricia Viseur Sellers and Indira Rosenthal)	343
18. Protected Areas (Natalino Ronzitti)	369
3. COMMON ARTICLE 3	
19. The Concept of Non-International Armed Conflict (Lindsay Moir)	391
20. The Addressees of Common Article 3 (Sandesh Sivakumaran)	415
21. The Beneficiaries of the Rights Stemming from Common Article 3 (Jann K. Kleffner)	433
22. Murder in Common Article 3 (Sarah Knuckey)	449
23. Judicial Guarantees under Common Article 3 (Louise Doswald-Beck)	469
24. The Right of Initiative of the ICRC and Other Impartial Humanitarian Bodies (Nishat Nishat)	495
25. Applicability of the Conventions by Means of Ad Hoc Agreements (Luisa Vierucci)	509
C. ENSURING COMPLIANCE WITH THE CONVENTIONS	
26. The Role of the International Committee of the Red Cross (Rotem Giladi and Steven Ratner)	525
27. Protecting Powers (Robert Kolb)	549
28. Good Offices, Conciliation, and Enquiry (Théo Boutruche)	561
29. Prohibition of Reprisals (Jérôme de Hemptinne)	575
30. Dissemination of the Conventions, Including in Time of Armed Conflict (Elżbieta Mikos-Skuza)	597
31. Grave Breaches of the Geneva Conventions (Paola Gaeta)	615
32. Domestic Implementation (Andreas R. Ziegler and Stefan Wehrenberg)	647
D. THE GENEVA CONVENTIONS IN CONTEXT	
33. The Universality of the Geneva Conventions (Frédéric Mégret)	669
34. Relationship with Prior and Subsequent Treaties and Conventions (Paolo Benvenuti)	689
35. The Complex Relationship Between the Geneva Conventions and International Human Rights Law (Andrew Clapham)	701
36. The Interplay Between the Geneva Conventions and International Criminal Law (Paola Gaeta)	737
PART II SPECIFIC ISSUES AND REGIMES	
A. GENEVA CONVENTIONS I AND II	
37. Who Is Wounded and Sick? (Annyssa Bellal)	757

38. Who Is Shipwrecked? (Steven Haines)	767
39. The Obligations to Respect, Protect, Collect, and Care for the Wounded, Sick, and Shipwrecked (Gilles Giacca)	781
40. The Status, Rights, and Obligations of Medical and Religious Personnel (Stuart Casey-Maslen)	807
41. Buildings, Material, and Transports (Katja Schöberl)	825
42. Loss of Protection (Tom Haeck)	839
43. The Use of the Emblem (Antoine A. Bouvier)	855
B. GENEVA CONVENTION III	
44. Who Is a Prisoner of War? (Sean Watts)	889
45. Status and Treatment of Those Who Do Not Fulfil the Conditions for Status as Prisoners of War (Laura M. Olson)	911
46. Determination of Prisoner of War Status (Marie-Louise Tougas)	939
47. Evacuation and Transfer of Prisoners of War (Keiichiro Okimoto)	957
48. Treatment of Prisoners of War (Silvia Sanna)	977
49. Relations with the Outside World (Sharon Weill)	1013
50. Penal or Disciplinary Proceedings Brought against a Prisoner of War (Peter Rowe)	1025
51. Release, Accommodation in Neutral Countries, and Repatriation of Prisoners of War (Marco Sassòli)	1039
C. GENEVA CONVENTION IV	
1. GENERAL	
52. The Structure of Geneva Convention IV and the Resulting Gaps in that Convention (Nishat Nishat)	1069
53. Maintenance and Re-establishment of Family Links and Transmission of Information (Heike Spieker)	1089
54. The Derogation Clause (Anne-Laurence Graf-Brugère)	1123
2. CIVILIANS IN THE HANDS OF THE ENEMY: GENERAL PROTECTION	
55. Who Is a Protected Civilian? (Elizabeth Salmón)	1135
56. The Prohibition of Collective Punishment (Shane Darcy)	1155
57. The Right to Leave (Pamela Anne Hylton)	1173
58. The Transfer and Deportation of Civilians (Vincent Chetail)	1185
59. Judicial Guarantees (Payam Akhavan)	1215
60. Other Issues Relating to the Treatment of Civilians in Enemy Hands (Iris van der Heijden)	1241
3. SPECIFIC PROTECTION	
61. Special Rules on Women (Noëlle Quénivet)	1271
62. Special Rules on Children (Hans-Joachim Heintze and Charlotte Lülff)	1293

63. Special Rules on Refugees (Bethany Hastie and François Crépeau)	1313
4. INTERNMENT	
64. Admissibility of and Procedures for Internment (Laura M. Olson)	1327
65. Treatment of Internees (Bruce Oswald and Lucrezia Iapichino)	1349
66. End of Internment (Bruce Oswald)	1373
5. OCCUPIED TERRITORIES	
67. The Concept and the Beginning of Occupation (Marco Sassòli)	1389
68. Law-Making and the Judicial Guarantees in Occupied Territories (Yutaka Arai-Takahashi)	1421
69. The Administration of Occupied Territory (Michael Bothe)	1455
70. Economic, Social, and Cultural Rights in Occupied Territories (Gilles Giacca)	1485
71. Protection of Private Property (Yutaka Arai-Takahashi)	1515
72. Protection of Public Property (Anicée Van Engeland)	1535
73. Prohibition of Settlements (Christian Tomuschat)	1551
74. The Geneva Conventions and the End of Occupation (Julia Grignon)	1575
<i>Index</i>	1597