

Contents

List of used abbreviations	9
Introduction	11
1. Theoretical basis of international humanitarian law	15
1.1 Application of conventional and customary rules of humanitarian law to armed conflicts of a non-international nature	15
1.2 Concept of armed conflict within the framework of international and national case law	19
1.2.1 Tadic doctrine	20
1.2.2 Application problems associated with the interpretation of the term	23
1.3 Attack	26
1.3.1 Detailed analysis of the term	26
1.3.2 Indiscriminate attack	27
1.4 Military objective	30
1.4.1 Detailed analysis of the term	31
1.4.2 Changes in the interpretation of the term	33
2. Meaning of the term 'principle'	37
2.1 Sources of legal principles	43
2.2 Nature of legal principles	47
2.3 Principle of distinction as an important element of humanitarian law	52
2.3.1 Principle of distinction and the appearance of combatants	54
2.3.2 Issue of civilians involved in the fighting	55
3. Principle of military necessity	59
3.1 Limitations of the principle of military necessity	61
3.2 Principle of military necessity and human rights	66
3.3 Principle of military necessity as an exception or justification	73
3.3.1 Tu quoque	78
4. Principle of humanity	79
4.1 Analysis of the nature of the principle of humanity	80
4.2 Martens clause.	84
4.2.1 Origin of the clause	86

4.2.2 Nature of the clause	87
4.3 Application of the principle of humanity in some specific situations . .	90
4.3.1 Protection of persons hors de combat	91
4.3.2 Prisoners of war	94
4.3.3 Perfidy	96
4.4 Principle of humanity today	98
5. Principles applied by international judicial bodies	101
5.1 International Military Tribunal at Nuremberg	102
5.1.1 The Hostages case	103
5.2 International Court of Justice	105
5.2.1 Paramilitary activities in the Nicaragua case	106
5.2.2 Nuclear weapons case	107
5.3 International Criminal Tribunal for the Former Yugoslavia	109
5.3.1 Strugar case	111
5.3.2 Galic case	112
5.4 International Criminal Tribunal for Rwanda	113
5.4.1 Case of Akayesu	115
5.5 International Criminal Court	116
5.5.1 The case of Bosco Ntaganda	118
5.5.2 The case of Bemba Gombo	119
5.5.3 The case of Gbagbo	120
5.6 European Court of Human Rights	121
5.6.1 The case of Isayeva	122
5.6.2 The case of Hassan	123
6. Armed conflicts and the principles of humanitarian law	125
6.1 Modern combatant.	126
6.2 Development of basic concepts.	128
6.3 Battlefield technology	131
6.4 Technology and principles of humanitarian law	134
Conclusion	139
List of used literature	147
Monographs, comments, and textbooks	147
Articles	153
Generally Binding Regulations.	158
Case Law	160
Electronic Sources	163
Other Sources	165