# INTERNATIONAL REVIEW of the Red Cross

Humanitarian debate: Law, policy, action

## Direct participation in hostilities





### Aim and scope

The International Review of the Red Cross is a periodical published by the ICRC. Its aim is to promote reflection on humanitarian law, policy and action in armed conflict and other situations of collective armed violence. A specialized journal in humanitarian law, it endeavours to promote knowledge, critical analysis and development of the law and contribute to the prevention of violations of rules protecting fundamental rights and values. The Review offers a forum for discussion about contemporary humanitarian action as well as analysis of the causes and characteristics of conflicts so as to give a clearer insight into the humanitarian problems they generate. Finally, the Review informs its readership on questions pertaining to the International Red Cross and Red Crescent Movement and in particular on the activities and policies of the ICRC.

### International Committee of the Red Cross

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening international humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.

### **Members of the Committee**

President: Jakob Kellenberger Vice-President: Olivier Vodoz

Permanent Vice-President: Christine Beerli

Jean Abt
Jean-Philippe Assal
Christiane Augsburger
Paolo Bernasconi
Anne de Boccard
Jean de Courten
Jacques Forster
Paola Ghillani

Claude Le Coultre Jacques Moreillon Gabrielle Nanchen Yves Sandoz Jenö C. A. Staehelin Daniel Thürer André von Moos

### Editorial Team

Editor-in-Chief: Toni Pfanner Editorial assistant: Kathleen Gibson Publication assistant: Claire Franc Abbas

International Review of the Red Cross 19, Avenue de la Paix CH - 1202 Geneva, Switzerland t +41 22 734 60 01 f +41 22 733 20 57 e-mail: review.gva@icrc.org

Editor-in-Chief Toni Pfanner ICRC

Editorial Board

Ahmed Abou El-Wafa Cairo University, Egypt

Daniel Bar-Tal Tel Aviv University, Israel

Annette Becker Université Paris X, France

Antônio Cançado Trindade University of Brasilia, Brazil

Marika Fahlen Ministry for Foreign Affairs, Stockholm, Sweden

Bernard Haykel Princeton University, USA

Venkateswara S. Mani Jaipur National University, Jaipur, Rajastan, India

Herfried Münkler Humboldt University, Berlin, Germany

Mona Rishmawi Office of the United Nations High Commissioner for Human Rights, Geneva

Elizabeth Salmón Gárate Pontificia Universidad Católica del Perú, Lima, Perú

Marco Sassòli University of Geneva, Switzerland

Michael N. Schmitt Marshall Center (CISS-Dean), Garmisch-Partenkirchen, Germany

Terence Taylor International Council for the Life Sciences, Washington DC, USA

Bakhtiyar R. Tuzmukhamedov Diplomatic Academy, Moscow, Russian Federation

Peter Walker Feinstein International Center, Friedman School of Nutrition Science and Policy, Tufts University, USA

Wenqi Zhu Law School, Renmin University of China, Beijing, People's Republic of China Volume 90 Number 872 December 2008

## REVIEW of the Red Cross

Humanitarian debate: Law, policy, action

# Direct participation in hostilities



## **CONTENTS**

819	Editorial
	Direct participation in hostilities
823	Interview with The Honourable Sergio Jaramillo Caro, Vice-Minister of Defence, Colombia
	Articles
835	The civilianization of armed conflict: trends and implications  Andreas Wenger and Simon J. A. Mason
853	The past as prologue: the development of the 'direct participation' exception to civilian immunity  Emily Camins
883	Chained to cannons or wearing targets on their T-shirts: human shields in international humanitarian law Stéphanie Bouchié de Belle
907	Mission impossible? Bringing charges for the crime of attacking civilians or civilian objects before international criminal tribunals Carolin Wuerzner
931	The equal application of the laws of war: a principle under pressure Adam Roberts
963	Can jus ad bellum override jus in bello? Reaffirming the separation of the two bodies of law Jasmine Moussa

Volume 90 Number 872 December 2008

Articles published by the Review reflect the views of the author alone and not necessarily those of the ICRC or of the Review. Only texts bearing an ICRC signature may be ascribed to the institution.

## **Reports and documents**

991 Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law ICRC

**Books and articles** 

1049 Recent acquisitions of the Library & Research Service, ICRC