## Contents

1 **Introducing International Humanitarian Law to Judicial and Quasi-Judicial Bodies.** ........................................... 1
   Derek Jinks, Jackson Nyamuya Maogoto and Solon Solomon

**Part I The Judicial Factual Expansion of International Humanitarian Law**

2 **Applicability Test of Additional Protocol II and Common Article 3 for Crimes in Internal Armed Conflict.** ............. 31
   Noëlle Quénivet

3 **The Role of the U.S. Judicial Branch During the Long War: Drone Courts, Damage Suits, and Freedom of Information Act (FOIA) Requests.** ...................................................... 61
   Lesley Wexler

4 **International Humanitarian Law in the Maritime Context: Conflict Characterization in Judicial and Quasi-Judicial Contexts.** ................................................................. 103
   Rob McLaughlin and Dale Stephens

5 **Domestic Humanitarian Law: Developing the Law of War in Domestic Courts.** ................................................. 133
   Ashley Deeks

6 **The Interaction of the International Terrorism Suppression Regime and IHL in Domestic Criminal Prosecutions: The UK Experience.** .................................................. 165
   Kimberley N. Trapp
### Part II The Thematic Expansion of International Humanitarian Law

#### A. The Interaction of International Humanitarian Law with Psychology

7 *Beyond Life and Limb: Exploring Incidental Mental Harm Under International Humanitarian Law*  
   Eliav Lieblich  
   185

#### B. The Interaction of International Humanitarian Law with Human Rights Law

8 *Armed Conflict and the Inter-American Human Rights System: Application or Interpretation of International Humanitarian Law?*  
   Shana Tabak  
   219

9 *The European Court of Human Right’s Engagement with International Humanitarian Law*  
   Samuel Hartridge  
   257

#### C. The Interaction of International Humanitarian Law with Domestic Law

10 *The Interaction Between Domestic Law and International Humanitarian Law at the Extraordinary Chambers in the Courts of Cambodia*  
   Patricia Hobbs  
   289

### Part III The Institutional Expansion: Applying International Humanitarian Law in Domestic Jurisdictions and Quasi-Judicial Bodies

11 *Applying the Laws of Armed Conflict in Swiss Courts*  
   Roberta Arnold  
   317

12 *International Humanitarian Law in the Courts of Australia*  
   Emily Crawford  
   335

13 *Aut Deportare Aut Judicare: Current Topics in International Humanitarian Law in Canada*  
   James Yap  
   355
Contents vii

14 International Humanitarian Law in Indian Courts: Application, Misapplication and Non-application 389
   Chintan Chandrachud

15 Interpretations of IHL in Tribunals of the United States 415
   Michael W. Lewis and Peter Margulies

16 The International Commission of Inquiry on Darfur and the Application of International Humanitarian Norms 451
   Makane Moïse Mbengue and Brian McGarry

17 The Mavi Marmara Incident and the Application of International Humanitarian Law by Quasi-Judicial Bodies 479
   Russell Buchan

Index ................................................ 505
Applying International Humanitarian Law in Judicial and Quasi-Judicial Bodies
International and Domestic Aspects
Jinks, D.; Maogoto, J.N.; Solomon, S. (Eds.)
2014, VII, 508 p., Hardcover
ISBN: 978-94-6265-007-7
A product of T.M.C. Asser Press