



# Law's Impunity

Responsibility and the  
Modern Private Military Company

— STUDIES IN INTERNATIONAL LAW —

Hin-Yan Liu

B L O O M S B U R Y

# Nice Laws Impunity Responsibility Military International

**Peter Mankowski**



## **Nice Laws Impunity Responsibility Military International:**

*Regulating Private Military Companies* Katerina Galai, 2019-03-25 This work examines the ability of existing and evolving PMC regulation to adequately control private force and it challenges the capacity of international law to deliver accountability in the event of private military company PMC misconduct From medieval to early modern history private soldiers dominated the military realm and were fundamental to the waging of wars until the rise of a national citizen army Today PMCs are again a significant force performing various security logistics and strategy functions across the world Unlike mercenaries or any other form of irregular force PMCs acquired a corporate legal personality a legitimising status that alters the governance model of today Drawing on historical examples of different forms of governance the relationship between neoliberal states and private military companies is conceptualised here as a form of a shared governance It reflects states reliance on PMCs relinquishing a degree of their power and transferring certain functions to the private sector As non state actors grow in authority wielding power and making claims to legitimacy through self regulation other sources of law also become imaginable and relevant to enact regulation and invoke responsibility

**The 'Legal Pluriverse' Surrounding Multinational Military Operations** Robin Geiß, Heike Krieger, 2019-12-19 The Legal Pluriverse Surrounding Multinational Military Operations conceptualizes and examines the Pluriverse the multiplicity of rules that apply to and regulate contemporary multinational missions and the array of actors involved These operations are further complicated by changes to the classification of the conflict and the asymmetry of obligations on participants Structured into five parts this work seeks through the diversity of its authorship to set out the web of legal regimes applicable to military operations including forces from more than one state It maps out the ways in which different regimes interact beginning with the laws of armed conflict and their relation to international humanitarian and human rights norms and extending through to areas like law of the sea and environmental law A variety of contributors systematically compile and take stock of the various legal regimes that make up the pluriverse assessing how these rules interact exposing norm conflicts areas of legal uncertainty or protective loopholes In this way they identify and evaluate approaches to better streamline the different applicable legal frameworks with a view to enhancing cooperation and thereby ensuring the long term success of multinational military operations

*Rechtskultur* Peter Mankowski, 2016-10-06 English summary Legal culture has become a key notion in law and society But how to describe it How does it emerge Where are its roots and foundations Which elements constitute it Peter Mankowski provides answers by highlighting its development and structures Rather than establishing a grand theory his work looks at different contexts and offers at its core a comparative anecdotal approach to a complex multifaceted notion Aiming to provoke thought and encourage discussion the author depicts the societal religious and ideological traditions surrounding legal culture which has to be dynamic to keep pace with progress in society science and technology An international phenomenon legal culture looks at individuals and their relationships to society and community Its often media

influenced public perception and own image within the legal profession are further constituent parts In short legal culture is colourful and mirrors the vitality of law and life German description Rechtskultur ist ein zentraler Begriff in Recht und Gesellschaft Was aber ist Rechtskultur Wie entsteht Rechtskultur Welche Facetten hat Rechtskultur Rechtskultur ist ein Versuch Antworten Konturen und Strukturen zu entwickeln Peter Mankowski will dabei keine Grosstheorie aufstellen sondern Zusammenhänge aufzeigen Er bietet im Kern eine rechtsvergleichend anekdotische Annäherung an einen schwierigen und vielschichtigen Begriff Dabei will er Anstöße geben und anregen Rechtskultur steht in gesellschaftlichen religiösen und ideologischen Traditionen Rechtskultur ist dynamisch Sie muss versuchen mit gesellschaftlichen wissenschaftlichen und technischen Entwicklungen Schritt zu halten Rechtskultur speist sich aus der Wahrnehmung der Laien vermittelt durch Bilder in Medien ebenso wie aus dem Selbstverständnis der Juristen Rechtskultur bezieht sich auf den Einzelnen ebenso wie auf dessen Verhältnis zu Gemeinschaften Rechtskultur zeigt sich in internationalen Kontexten Rechtskultur ist so bunt und vielgestaltig wie das Recht und das Leben selber *Child Soldiers: Victims and Aggressors* Alfred Reynolds, 2022-02-17 Children have been used since the Stone Age to fight wild beasts and hunt for food for the survival of themselves and their clans People in positions of power have realized that they can be used as child soldiers to become either spies or assassins It was the case for the Spartan children who fought wars throughout 550 B C and those child soldiers were called different names according to the countries where they were recruited For the past thirty years the number of children who are used in national and transnational armed conflicts have increased In this context the author travels through different centuries by stopping in multiple countries such as Haiti to analyze the international conventions in relation to the issue of child recruitment in countries with internal conflicts to update the confusion that exists on the criminal responsibility of child soldiers who are considered victims and aggressors The Department of State Bulletin, 1947 **House of Commons - Defence Committee: UK Armed Forces Personnel and the Legal Framework for Future Operations - HC 931** Great Britain: Parliament: House of Commons: Defence Committee, 2014-04-02 UK military personnel as individuals are properly subject to UK and international law wherever they serve and there are processes to ensure scrutiny of their individual behaviour and legal compliance but in the last ten years legal judgments in the UK and elsewhere against the MoD have raised a number of legal ethical and practical questions for the Armed Forces and their conduct of operations The growing number of such challenges is leading to a feeling of disquiet amongst military personnel and informed commentators about the extent and scale of judicial involvement in military matters There are two aspects of the use of human rights law in military operations that most concern the Committee The extraterritorial application of the European Convention on Human Rights has allowed claims in the UK courts from foreign nationals However the requirement for full and detailed investigations of every death resulting from an armed conflict is putting a significant burden on the MoD and the Armed Forces Secondly there has been a failure of the accepted principle of combat immunity most recently

evidenced in the Supreme Court majority judgment in June 2013 allowing families and military personnel to bring negligence cases against the MoD for injury or death This seems to us to risk the judicialisation of war and to be incompatible with the accepted contract entered into by Service personnel and the nature of soldiering      *The Milošević Trial* Timothy William Waters, 2015 The international trial of Slobodan Milosevic who presided over the violent collapse of Yugoslavia was already among the longest war crimes trials when Milosevic died in 2006 Yet precisely because it ended without judgment its significance and legacy are specially contested The contributors to this volume including trial participants area specialists and international law scholars bring a variety of perspectives as they examine the meaning of the trial s termination and its implications for post conflict justice The book s approach is intensively cross disciplinary weighing the implications for law politics and society that modern war crimes trials create      *War and Law in the Islamic World* Matthias Vanhullebusch, 2015-06-05 A three part investigation on the origins and evolving roles that Islamic law and international humanitarian law have played in regulating conflict and violence War and Law in the Islamic World brings to light legal and policy complexities that plague modern day armed conflict in the region      **Plan Colombia** John Lindsay-Poland, 2018-10-04 For more than fifty years the United States supported the Colombian military in a war that cost over 200 000 lives During a single period of heightened U S assistance known as Plan Colombia the Colombian military killed more than 5 000 civilians In Plan Colombia John Lindsay Poland narrates a 2005 massacre in the San Jos de Apartad Peace Community and the subsequent investigation official cover up and response from the international community He examines how the multibillion dollar U S military aid and official indifference contributed to the Colombian military s atrocities Drawing on his human rights activism and interviews with military officers community members and human rights defenders Lindsay Poland describes grassroots initiatives in Colombia and the United States that resisted militarized policy and created alternatives to war Although they had few resources these initiatives offered models for constructing just and peaceful relationships between the United States and other nations Yet despite the civilian death toll and documented atrocities Washington DC considered Plan Colombia s counterinsurgency campaign to be so successful that it became the dominant blueprint for U S military intervention around the world      **Research Handbook on Law and Political Economy** John D. Haskell, 2025-09-10 This thoroughly revised second edition examines the current state of literature in law and political economy drawing on scholarship across a variety of subject areas geographies and orientations Capturing recent developments in the field it expands upon the range of debates and themes explored by the previous edition to include growing cross disciplinary and cross jurisdictional perspectives      *Privatisation of Security* Thomas Mandrup, Gunnar Lind, Maria Nebolsina, Katja Creutz, Doug Brooks, Angela Aranas, Joakim Berndtsson, Bjørn Møller, 2012-10-15 The aim of this study is to fill a significant gap in the existing literature on the role of non state actors ranging from rebels and criminal gangs at one extreme to the corporate security industry at the other As part of the general privatisation of the security sector

in the western world combined with the US led war on terror non state actors have increasingly been tied to the foreign policy priorities of the dominant western military powers Iraq and Afghanistan are the examples often used and are well described in other chapters in this book In sub Saharan Africa as in many fragile states around the world this picture is blurred and it is often difficult to make clear distinctions between public and private or between illegal and legal etc non state actors According to much of the academic literature the nature of war changed dramatically in the last part of the twentieth century especially after the end of the Cold War According to this logic there is a dichotomy between war as a social phenomenon and warfare as the domain of the state as envisaged by the late Prussian military theorist Carl von Clausewitz in the shape of the Trinitarian War The lack of capacity on the part of predominately Third World states to control conflicts has led to low intensity conflicts LIC which can be witnessed for instance in Uganda the Democratic Republic of Congo Colombia and Sri Lanka Since the end of the Cold War it has been common for weak state rulers with formal state legitimacy but not empirical legitimacy to have continued to enjoy international recognition because of international fears that they are the only barrier against a total collapse Amongst other things this paved the way for an expansion of the market for private military and security companies PMSC such as the South African based Executive Outcomes EO in the 1990s However the lack of state capacity led to a sub contracting willingly or unwillingly of the state s monopoly on the use of force to non state actors PMSCs and semi state actors like local militias warlords criminal gangs and vigilant groups in an attempt to secure weak state leaders positions In the competition for state control internationally recognised leaders have an advantage over their non state rivals because they can seek military help outside their countries with the agreement of the international community and in accordance with international law Military Training And Children In Armed Conflict Jenny Kuper,2005 During recent armed conflicts such as those in Iraq the former Yugoslavia and Rwanda public attention was repeatedly caught by images of children both as civilians and as soldiers Those conflicts like so many others were vivid reminders that where there is armed conflict there are also almost always children Soldiers and officers fulfil many roles in relation to such children sometimes as combatants sometimes as humanitarian workers sometimes as protectors and or sometimes as enemies and abusers This book aims to address three main questions what are the obligations of officers of national armed forces in relation to children either civilians or combatants whom they or those under their command may encounter while participating in situations of armed conflict How realistic and achievable are these obligations How can compliance with them be encouraged monitored and or enforced The book examines these questions in the context of military training In doing so it has another inextricably linked aim to see if there are ways in which the training of officers can improve the protection of children in armed conflict situations in accordance with international law and policy It is intended for use particularly by those involved in training of national armed forces including officers themselves and members of governments non governmental organisations NGOs and inter governmental organisations It is hoped that it will

also be of interest to lawyers academics and others concerned with child rights and related law and policy It contains examples of actual training materials that can be modified for use in different countries and contexts *The Law in War* Geoffrey Corn, Ken Watkin, Jamie Williamson, 2018-06-11 This book provides a comprehensive yet concise overview of key issues related to the regulation of armed hostilities between States and between States and non State groups Coverage begins with an explanation of the conditions that result in the applicability of international humanitarian law and then subsequently addresses how the law influences a broad range of operational humanitarian and accountability issues that arise during military operations Each chapter provides a clear and comprehensive explanation of humanitarian law focusing especially on how it impacts operations The chapters also highlight both contemporary controversies in the field and potentially emerging norms of the law The book is an ideal text for students studying international humanitarian law for the first time as well as an excellent introduction for students and practitioners of public international law and international relations

**The Practical Guide to Humanitarian Law** Françoise Bouchet-Saulnier, 2013-12-12 Now in a comprehensively updated edition this indispensable handbook analyzes how international humanitarian law has evolved in the face of these many new challenges Central concerns include the war on terror new forms of armed conflict and humanitarian action the emergence of international criminal justice and the reshaping of fundamental rules and consensus in a multipolar world The Practical Guide to Humanitarian Law provides the precise meaning and content for over 200 terms such as terrorism refugee genocide armed conflict protection peacekeeping torture and private military companies words that the media has introduced into everyday conversation yet whose legal and political meanings are often obscure The Guide definitively explains the terms concepts and rules of humanitarian law in accessible and reader friendly alphabetical entries Written from the perspective of victims and those who provide assistance to them the Guide outlines the dangers spells out the law and points the way toward dealing with violations of the law Entries are complemented by analysis of the decisions of relevant courts detailed bibliographic references addresses phone numbers and Internet links to the organizations presented a thematic index and an up to date list of the status of ratification of more than thirty international conventions and treaties concerning humanitarian law human rights refugee law and international criminal law This unprecedented work is an invaluable reference for policy makers and opinion leaders students relief workers and members of humanitarian organizations Published in cooperation with Doctors Without Borders M decins Sans Frontières

**The Army Lawyer**, 1984

**The Law Reports of the Special Court for Sierra Leone (2 vols.)** Charles Chernor Jalloh, Simon Meisenberg, 2014-03-10 The Special Court for Sierra Leone was established through signature of a bilateral treaty between the United Nations and the Government of Sierra Leone in early 2002 making it the third modern ad hoc international criminal tribunal The tribunal has tried various persons including former Liberian President Charles Ghankay Taylor for allegedly bearing greatest responsibility for serious violations of international humanitarian law committed during the latter

half of the Sierra Leonean armed conflict This volume which consists of two books and a CD ROM and is edited by two legal experts on the Sierra Leone court presents for the first time in a single place a comprehensive collection of all the interlocutory decisions and final trial and appeals judgments issued by the court in the case Prosecutor v Norman Fofana and Kondewa The CDF Case It contains the full text of all substantive judicial decisions including the majority separate and concurring as well as dissenting opinions It additionally provides relevant information for a better understanding of the case such as the indictments a list of admitted exhibits and a list of documents on the case file The book which is the second in a series of edited law reports that will capture the entire jurisprudential legacy of the tribunal fills the gap for a single and authoritative reference source of the tribunal s jurisprudence It is intended for national and international judges lawyers academics students and other researchers as well as transitional justice practitioners in courts tribunals and truth commissions as well as anyone seeking an accurate record of the trials conducted by the Special Court for Sierra Leone N B The hardback copy of this title contains a CD ROM with the scanned decisions that are reproduced in the book and the trial transcripts The e book version does not Buy the complete set of 4 volumes 10 books in total with a discount see isbn 978 90 04 22161 1 The complete set consists of Volume 1 isbn 9789004189119 2 books Volume 2 isbn 9789004221635 2 books Volume 3 isbn 9789004221673 3 books Volume 4 isbn 9789004221659 3 books     *The Rule of Law in Afghanistan* Whit Mason,2011-04-14 How despite the enormous investment of blood and treasure has the West s ten year intervention left Afghanistan so lawless and insecure The answer is more insidious than any conspiracy for it begins with a profound lack of understanding of the rule of law the very thing that most dramatically separates Western societies from the benighted ones in which they increasingly intervene This volume of essays argues that the rule of law is not a set of institutions that can be exported lock stock and barrel to lawless lands but a state of affairs under which ordinary people and officials of the state itself feel it makes sense to act within the law Where such a state of affairs is absent as in Afghanistan today brute force not law will continue to rule     **Soldiers who Rape, Commanders who Condone** Juliane Kippenberg,Human Rights Watch (Organization),2009 In the Democratic Republic of Congo DRC tens of thousands of girls and women have suffered horrific acts of sexual violence The government army is one of the main perpetrators Commanders even when confronted with abuses have frequently failed to stop sexual violence and may themselves be guilty of war crimes or crimes against humanity as a consequence In this report Human Rights Watch looks at sexual violence committed by the army and more specifically the 14th brigade whose case illustrates the failure to enforce respect for humanitarian law The Congolese government and international agencies have taken some measures to deal with the army s poor human rights record sometimes as part of broader security sector reform These efforts have so far seen only limited success For example while some foot soldiers have been brought to justice commanders are usually spared prosecution To end impunity for the military the Congolese government should strengthen the weak military justice system establish clear chains of command remove army officers with



responsibility for past crimes train military of all ranks on protection of women and girls and improve pay and living conditions for soldiers The government should also consider establishing a mixed chamber composed of international and Congolese judges and prosecutors to prosecute military and civilian leaders responsible for war crimes and crimes against humanity including sexual crimes beyond the few individuals who will be tried by the International Criminal Court

*Documents on the Law of UN Peace Operations* Bruce Oswald, Helen Durham, Adrian Bates, 2010 A collection of key law and policy documents and notes relevant to UN peace operations Pref *Congressional Record* United States. Congress, 1947

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