

CICR

And yet it exists : in defence of the "equality of belligerents" principle / Vaios Koutroulis

Document type:	Article
Title:	And yet it exists : in defence of the "equality of belligerents" principle
Author zone:	Vaios Koutroulis
Host item entries:	Leiden journal of international law,
Languages:	English
Abstract:	<p>The present contribution is a reply to an article by Professor Michael Mandel, entitled "Aggressors' rights : the doctrine of "equality between belligerents" and the legacy of Nuremberg". The equal application of international humanitarian law (jus in bello) to all parties to an international armed conflict is a cornerstone principle of jus in bello. In his article, Professor Mandel casts doubt on the legal basis of this principle. Reacting to this claim, this contribution demonstrates that the 'equality of belligerents' is a principle firmly grounded in both conventional and customary international law. Moreover, its legal force withstands the test of international jurisprudence, including the International Court of Justice's controversial Nuclear Weapons advisory opinion.</p>
Links:	See also Mandel's article : "Aggressors' rights : the doctrine of "equality between belligerents" and the legacy of Nuremberg"
Authors:	Koutroulis, Vaios
Keyword in English:	JUS AD BELLUM IHL (INTERNATIONAL HUMANITARIAN LAW) AGGRESSION INTERNATIONAL COURT OF JUSTICE CUSTOMARY INTERNATIONAL LAW EQUALITY OF APPLICATION CASE LAW
Keyword in French:	JUS AD BELLUM DIH AGRESSION COUR INTERNATIONALE DE JUSTICE DROIT INTERNATIONAL COUTUMIER EGALITE D'APPLICATION JURISPRUDENCE
Go to:	Leiden journal of international law Leiden journal of international law [Vol. 26, no. 2, June 2013]