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An autonomous notion of non-international armed conflict in EU asylum law : is there any role for international humanitarian law ? / Alessandro Bufalini

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| Abstract: | The purpose of the present contribution is to show in which measure the case law of the Court of Justice of the European Union (CJUE) and that of international criminal tribunals adopt a differing definition of non-international armed conflict. After examining these different interpretations of the notion of "conflict not of an international character", attention will be given to the potential fragilities and drawbacks in terms of legal certainty in adopting a definition that diverges from the concept that has already acquired a precise meaning in international humanitarian law. From a more general perspective, notwithstanding the fundamental goal of granting wider protection for asylum seekers in light of the object and purpose of the Qualification Directive, the legal reasoning underlying the adoption of an autonomous concept raises some concerns and possible criticisms as regards the relationship between international and EU law. |
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