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Status of private military and security company personnel in the law of international armed conflict / Mirko Sossai

Document type:	Chapter
Title:	Status of private military and security company personnel in the law of international armed conflict
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In:	War by contract : human rights, humanitarian law and private contractors
Editor:	Oxford : Oxford University Press, 2011
Physical description:	p. 197-217
Languages:	English
Abstract:	This chapter offers the analytical framework to discuss the status of the private military and security companies' (PMSCs') employees under the law of international armed conflict: it determines the rights and the privileges afforded by the law and the legal consequences deriving from the conduct of those persons. It argues that they can fall within the category of legitimate combatants, once the hiring State establishes a certain qualified factual link between them and its regular armed forces. If not, they are civilians: therefore, PMSC's employees enjoy immunity from attack, unless they take a direct part in the hostilities. Much attention is paid to the Interpretive Guidance on the notion, released by the ICRC in 2009. The chapter seeks to test the approach taken by the ICRC in light of the tasks entrusted to the PMSCs.
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Keyword in English:	IHL (INTERNATIONAL HUMANITARIAN LAW) NON-STATE ACTOR ARMED CONFLICT MERCENARY PARTICIPATION STATUS
Keyword in French:	DIH ACTEUR NON ETATIQUE CONFLIT ARME MERCENAIRE PARTICIPATION STATUT
Go to:	War by contract : human rights, humanitarian law, and private contractors / ed. by Francesco Francioni and Natalino Ronzitti

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