

Contents

	<i>Acknowledgements</i>	viii
1	Introduction	1
	<i>Bibliography</i> 10	
	<i>Primary sources and supplementary material</i> 10	
2	Collective punishment and the law of armed conflict	11
	<i>Introduction</i> 11	
	<i>The legal regulation of collective punishment under the law of armed conflict</i> 13	
	<i>Treaty law</i> 14	
	<i>Customary international law</i> 24	
	<i>International criminal law</i> 26	
	<i>Definition and scope of collective punishment</i> 27	
	<i>Conclusion</i> 31	
	<i>Bibliography</i> 31	
	<i>Primary sources and supplementary material</i> 33	
	<i>Cases</i> 34	
	<i>Online sources</i> 35	
3	Case study: Collective punishment in the Occupied Palestinian Territories	36
	<i>Introduction</i> 36	
	<i>Setting the scene – Israeli occupation of Palestinian territories</i> 38	
	<i>Punitive house demolitions</i> 43	
	<i>The legal basis of punitive house demolitions</i> 45	
	<i>Punitive house demolitions and the Israeli Supreme Court</i> 48	
	<i>Conclusion</i> 58	
	<i>Bibliography</i> 59	
	<i>Primary sources and supplementary material</i> 61	
	<i>Cases</i> 62	
	<i>Online sources</i> 63	

4	Collective punishment and human rights law	65
	<i>Introduction</i>	65
	<i>Reference to collective punishment relating to states of emergency</i>	66
	<i>Related rights and principles in international and regional human rights instruments</i>	74
	<i>The right to life</i>	75
	<i>The prohibition of torture</i>	77
	<i>The protection of property</i>	79
	<i>The prohibition of discrimination</i>	80
	<i>The principle of individual responsibility</i>	83
	<i>Group rights in the African Charter on Human and Peoples' Rights</i>	84
	<i>Minority rights</i>	87
	<i>Reference to the term 'collective punishment' in the case law of the European Court of Human Rights</i>	87
	<i>Conclusion</i>	90
	<i>Bibliography</i>	91
	<i>Primary sources and supplementary material</i>	92
	<i>Cases</i>	93
	<i>Online sources</i>	97
5	Case study: Collective punishment in Chechnya	98
	<i>Introduction</i>	98
	<i>Setting the scene – two non-international armed conflicts and Chechnya's current status</i>	99
	<i>Two non-international armed conflicts in Chechnya</i>	100
	<i>The end of non-international armed conflicts</i>	103
	<i>Forms of collective punishment used in practice</i>	107
	<i>Zachistka</i>	107
	<i>Punitive house burning</i>	110
	<i>Law on the confiscation of property (family responsibility)</i>	112
	<i>Reference to collective punishment in Chechnya in the case law of the European Court of Human Rights</i>	116
	<i>Conclusion</i>	119
	<i>Bibliography</i>	120
	<i>Primary sources and supplementary material</i>	122
	<i>Cases</i>	122
	<i>Online sources</i>	124
6	Conceptual differences and human rights held by groups	127
	<i>Introduction</i>	127
	<i>The interplay between the law of armed conflict and human rights law</i>	128

	<i>Different perspectives</i>	128
	<i>The lex specialis debate</i>	130
	<i>Group rights and human rights law</i>	133
	<i>The development of group rights</i>	134
	<i>Group-differentiated rights and group rights</i>	137
	<i>Group rights as human rights</i>	143
	<i>From protection to empowerment</i>	146
	<i>Conclusion</i>	149
	<i>Bibliography</i>	149
	<i>Primary sources and supplementary material</i>	151
	<i>Cases</i>	152
	<i>Online sources</i>	153
7	Can the European Convention on Human Rights encompass a prohibition of collective punishment?	154
	<i>Introduction</i>	154
	<i>European Framework Convention for the Protection of National Minorities</i>	155
	<i>Monitoring procedure</i>	156
	<i>Non-discrimination</i>	157
	<i>European Social Charter</i>	159
	<i>Collective complaints procedure</i>	160
	<i>Non-discrimination</i>	162
	<i>European Convention on Human Rights</i>	166
	<i>Group applications</i>	167
	<i>Non-discrimination in the minority rights context</i>	169
	<i>The ECHR in context</i>	175
	<i>Interpretation of the ECHR in the light of other human rights instruments</i>	175
	<i>New rule</i>	177
	<i>Conclusion</i>	183
	<i>Bibliography</i>	184
	<i>Primary sources and supplementary material</i>	186
	<i>Cases</i>	187
	<i>Online sources</i>	190
8	Conclusion	191
	<i>Bibliography</i>	195
	<i>Index</i>	196