Taggart Law Library Research Guide #11: The Law of War

There are many different sources available to you to conduct law of war research in the Taggart Law Library. If you need assistance locating or using any of these sources, please consult a librarian.

**Secondary Sources**

*Treatises:* Legal treatises, or books, are often a good way to begin researching a topic. These treatises can be one volume or multi-volume, and may be updated with pocket parts or as part of a looseleaf service. They provide a discussion of the law in that area and can give you citations and references to both primary sources and other secondary sources.

You can use POLAR, the online catalog, to help you locate appropriate treatises. Examples of some subject headings you might use as subject searches for research on the law of war include:

- Crimes against humanity
- Criminal procedure (international law)
- Genocide—name of country [e.g., Rwanda, etc.]
- Humanitarian law
- International criminal courts
- International crimes
- Military law—name of country [e.g., United States, etc.]
- Name of incident [e.g., My Lai Massacre, Vietnam, 1968]
- Name of war—atrocities [e.g., World War, 1939-1945—atrocities]
- War (international law)
- War crime trials
- War crimes
- War criminals
- War victims—legal status, laws, etc.

Once you find a book on the shelf, you can browse the stacks in a particular area and often find something better than what you were originally looking for! Here are the call numbers and locations of some of the subject headings mentioned above:

<table>
<thead>
<tr>
<th>Call No.</th>
<th>Subject(s)</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>K 5301</td>
<td>War crimes; war crime trials, etc.</td>
<td>Law North</td>
</tr>
<tr>
<td>KZ 6385</td>
<td>War (international law)</td>
<td>Law North</td>
</tr>
<tr>
<td>KZ 6471</td>
<td>Humanitarian law</td>
<td>Law North</td>
</tr>
</tbody>
</table>
Research Guides/Bibliographies: Sometimes helpful research sources for a particular area of the law have already been pulled together by someone else. An example of a print bibliography on the law of war is:


To find other materials like this, you can try a keyword or subject search using terms such as “war crimes bibliography” in POLAR or OhioLINK.

There are also several online research guides related to the law of war, including:

Case School of Law—War Crimes Research Portal:
http://www.law.case.edu/war-crimes-research-portal/

Georgetown Law Library—War Crimes:
http://www.ll.georgetown.edu/intl/guides/WarCrimes.cfm

New England School of Law—War Crimes:
http://www.nesl.edu/research/warcrim.cfm

Journal Articles: Articles from legal journals and law reviews can also be helpful in explaining an area of the law and providing research references. Articles can often be more current and more narrowly
focused than books. For example, on the topic of the law of war, the article “Creating and Improving Legal Incentives for Law of War Compliance” from the Winter 2008 issue of the New England Law Review might be helpful.

How do I find journal articles on my topic?

There is usually a two-step process to finding journal articles:

1. Use a print or online index to find citations to articles by topic
2. Go to a print or online journal to get the full text of the article

For the above example, this process would look something like this:

1. Look in index under “law of war” topic to find "Creating and Improving Legal Incentives..." article
2. Go to the correct issue of the New England Law Review to get the actual article

Print and Online Journal Indexes:

- Index to Legal Periodicals and Books (Beige in color)
  - Articles indexed by subject and author from 1886-present; citations only—Law North (also available electronically through library’s Subscription Services page)

- Current Law Index (CLI—Red & black in color)
  - Articles indexed by subject, author, and title from 1980-present; citations only—Law North (also available electronically through library’s Subscription Services page as LegalTrac)

- Index to Foreign Legal Periodicals (Burgundy in color)
  - Articles indexed by subject, geographical area, and author from 1960-present )—Law North (also available online through library’s Subscription Services page)
Public Affairs Information Service (PAIS—Green in color)

- Indexes over 1,600 public policy journals, including many non-law titles, by subject; includes non-English language journals—Law North (also available online through library’s Subscription Services page)

Online indexes can be accessed on the Library Subscription Services page (see below)

Where do I go to get the full text of articles?

Bound Periodicals and Law Reviews: Shelved in alphabetical order by journal title—Law North

Law Reserve: The most current issues of our periodicals are kept on reserve. If the article is recent and you can’t find it on the shelves, ask at the Circulation Desk.

HeinOnline: Full text page images of law reviews and journals; coverage varies by title—but most titles go back to volume 1; available at the law library from the Library Subscription Services web page (see next page)

JSTOR: Scholarly journal archive featuring full text page images of articles from journals in economics, history, political science, sociology, and many other disciplines; coverage varies by title—available through the Library Subscription Services web page (see next page)

Google Scholar: Searches scholarly literature (books, articles, etc.); search results include citations and links to full text. “OLinks” linking feature shows print and online access to materials at ONU and OhioLINK. Available at http://scholar.google.com.
Periodical Titles: There are many periodicals dealing with law of war issues. Some of these titles are listed below, with the law library’s holdings provided where applicable.

**American Journal of International Law:** Published by American Society of International Law (vol.1-present in Law Periodicals); also available online through HeinOnline and JSTOR

**International Review of the Red Cross:** Quarterly publication of the International Committee of the Red Cross dealing with international humanitarian law; available freely online from 1995-present at [http://www.icrc.org/eng/resources/international-review/index.jsp](http://www.icrc.org/eng/resources/international-review/index.jsp)

**Journal of Conflict and Security Law:** Formerly known as the Journal of Armed Conflict Law (vol. 5-present in Law Periodicals; also available online through HeinOnline and Oxford Journals)

**Journal of International Criminal Justice:** Published by Oxford University Press (vol.1-present in Law Periodicals; also available online through Lexis, Westlaw, and OhioLINK Electronic Journal Center)

**Military Law Review:** Publication of the U.S. Department of the Army (1958-2003 in Law Periodicals; also available online through HeinOnline, LLMC Digital, and the Library of Congress)

To find other print and electronic journals dealing with your topic, use keyword or subject searches using terms such as “military law periodicals” in POLAR.
Primary Sources

Primary sources such as conventions, proceedings of tribunals, materials from military trials, and government documents on the law of war will be very important to your research. These primary sources are available in a variety of places.

Conventions: International conventions are very important in the law of war. Some print and electronic sources for these conventions include:


and conventions on the law of armed conflict at:
http://www.eisil.org/index.php?sid=842719511&t=sub_pages&cat=75

International Humanitarian Law Database: available online through the International Committee of the Red Cross; contains treaties and documents by topics, date, and country http://www.icrc.org/customary-ihl/eng/docs/home


The Laws of War: available online through the Avalon Project at Yale Law School at http://avalon.law.yale.edu/subject_menus/lawwar.asp


United Nations Treaty Collection: online database available through the library’s Subscription Services web page

University of Minnesota Human Rights Library: available online; contains lists of conventions on war crimes, crimes against humanity, genocide, and terrorism at: http://www1.umn.edu/humanrts/instree/auox.htm
and the law of armed conflict at: http://www1.umn.edu/humanrts/instree/auoy.htm
Courts and Tribunals: Some key print and electronic sources dealing with international courts and tribunals include:


Official Web Sites: These official sites can offer background information as well as links to many primary source materials.

- International Criminal Tribunal for Rwanda (ICTR): http://www.unictr.org/
- International Criminal Tribunal for the former Yugoslavia (ICTY): http://www.icty.org/
- International Criminal Court (ICC): http://www.icc-cpi.int/
- Special Court for Sierra Leone: http://www.sc-sl.org/
- International Court of Justice (ICJ): http://www.icj-cij.org/


The Nuremberg War Crimes Trials: available online through the Avalon Project at Yale Law School at http://avalon.law.yale.edu/subject_menus/imt.asp


Statutes Establishing Courts and Tribunals:

- Statute of the ICTY: http://www.icty.org/sid/135
- Agreement between the UN and Sierra Leone for the establishment of a Special Court for Sierra Leone: http://www.sc-sl.org/LinkClick.aspx?fileticket=CLk1rMQtCHg%3d&tabid=176
- Statute of the Special Court for Sierra Leone: http://www.sc-sl.org/LinkClick.aspx?fileticket=uCInd1MJeEw%3d&tabid=176

**The Trial of German Major War Criminals: Proceedings of the International Military Tribunal Sitting at Nuremberg, Germany.** London: 1946-. Available through OhioLINK.

**Military Trial Materials:** There are various print and electronic materials dealing with military trials.

- **Boston Massacre**
  
  Famous American Trials: Boston Massacre Trials: available online through the UMKC School of Law at [http://www.law.umkc.edu/faculty/projects/ftrials/bostonmassacre/bostonmassacre.html](http://www.law.umkc.edu/faculty/projects/ftrials/bostonmassacre/bostonmassacre.html)


  The Trial of the British soldiers of the 29th Regiment of Foot for the murder of Crispus Attucks ... on ... March 5, 1770, before the ... justices of the Superior Court ... November 27, 1770. Boston: Belcher and Armstrong, 1807. Available online through the Early American Imprints, Series II database on the library’s Subscription Services web page.

- **Breaker Morant Trial (South Africa)**


  - for more sources, try using the subject heading “Trials (military offenses)—South Africa” in OhioLINK

- **Iraq (Haditha, Abu Ghraib, etc.)**


  - for more sources, try using the subject headings “Iraq War, 2003—Atrocities” or “Abu Ghraib Prison” in OhioLINK

- **Malmedy**

• My Lai

Famous American Trials: My Lai: available online through the UMKC School of Law at http://www.law.umkc.edu/faculty/projects/ftrials/mylai/mylai.htm

Investigation of the My Lai Incident: Congressional hearings and report available online through the Library of Congress at http://www.loc.gov/rr/frd/Military_Law/ML_investigation.html


Military Documents: Consulting the military operational manuals and documents of the United States and other countries may also be important to your research. Here are some sources to consult in this area:

• U.S.

Army War College Library Links: Regulations and Field Manuals from all branches of the service, as well as Department of Defense Directives. http://www.carlisle.army.mil/library/official_publications.htm

Department of Defense Issuances: Includes DoD directives, instructions, and other publications; available online at http://www.dtic.mil/whs/directives/

Law of Armed Conflict in Air and Space Operations: Bibliography prepared by the Air University Library; available online at http://www.au.af.mil/au/aul/bibs/loac09.htm


• **Australia**


• **Canada**


• **UK**


  o Additional information available online at: http://www.mod.uk/DefenceInternet/AboutDefence/CorporatePublications/LegalPublications/LawOfArmedConflict/

**Foreign Law:** Researching the law of war frequently requires the ability to find foreign law from a variety of jurisdictions. Some sources to help you get started include:

  - **Constitutions of the Countries of the World.** Dobbs Ferry, N.Y.: Oceana, 1971-. K 3157.A2 B58—Law North


  - **GlobaLex:** A wide variety of research guides on the laws of individual countries, as well as guides on international and comparative law. Available through the NYU School of Law at http://www.nyulawglobal.org/globalex/index.html

  - **Global Legal Information Network (GLIN):** Public database of laws, regulations, judicial decisions, and other complementary legal sources contributed by governmental agencies and international organizations. Some full-text availability; documents in English and other languages. Available at http://www.glin.gov/

  - **WashLaw Foreign and International Web:** Provides links to primary foreign and international legal resources, organized by subject, author, and country. Available through the Washburn University School of Law at http://www.washlaw.edu/forint/index.html

Updated: 2/27/2012
Selected Links to Law of War Websites

When using the Internet for research, be sure to carefully evaluate the websites you are using to determine how authoritative they are and any potential bias they may have on the topic you are researching.

Air War College—Military Law and Legal Links: Topically organized links to many military law subjects, including the law of war, war crimes, and much more.

American University Washington College of Law—War Crimes Research Office: Information about various war crimes courts and tribunals, with research links organized by topic and by country
http://www.wcl.american.edu/warcrimes/

The Center on Law and Security: Sponsored by the New York University School of Law, this center is “committed to promoting an informed understanding of the legal and security issues defining the post 9/11 era.” Website contains a variety of publications, including the “Rule of Law Series” and the “Terrorist Trial Report Card.”
http://www.lawandsecurity.org/index.cfm

Columbia International Affairs Online (CIAO): Database available through the library’s Subscription Services page, produced by Columbia University; publishes a variety of scholarship on international affairs, including working papers, conference proceedings, books, journals, and policy briefs.
http://www.ciaonet.org/

Congressional Research Service (CRS) Reports: Collection of reports by CRS, a congressional support agency, which primarily address national security and foreign policy issues.
http://www.fas.org/sgp/crs/

Crimes of War Project: Non-profit organization dedicated to education and awareness of international humanitarian law and the laws of war; website includes a topically organized bibliography and links to other resources.
http://www.crimesofwar.org/index.html

Electronic Information System for International Law (EISIL): Electronic portal provided by the American Society of International Law. Links to primary and secondary sources organized topically.
http://www.eisil.org/

Institute for National Security and Counterterrorism (INSCT): Sponsored by Syracuse University, this institute is a “multidisciplinary, university-based center for the study of national and international security and terrorism. Website includes some publications and links to other security-related organizations.
http://www.insct.syr.edu/
International Committee of the Red Cross (ICRC): International organization ensuring humanitarian protection and assistance for victims of war and armed violence; site has a great deal of information on humanitarian law, including treaties and customary law.
http://www.icrc.org/eng

International Humanitarian Law Research Initiative: Website produced through the Harvard University School of Public Health; contains an E-Library with links to many online documents, including judicial decisions, legal instruments, news, reports and analysis, and more. Library is searchable by date, region, or keyword.
http://ihl.ihlresearch.org/

LLMC Digital: Database available through the library’s Subscription Services page. Contains digitized document collections of U.S., foreign, and international law, as well as a subject collection of military law materials.

Military Legal Resources: Resource page provided by the Library of Congress, including links to historical manuals, regulations, monographs, and periodicals.
http://www.loc.gov/rr/frd/Military_Law/military-legal-resources-home.html

Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group (IWG): Maintained by the National Archives; the IWG locates, identifies, and recommends for declassification U.S. government records concerning World War II crimes.
http://archives.gov/iwg/

Stockholm International Peace Research Institute (SIPRI): Institute that conducts research on questions of conflict and cooperation of importance for international peace and security. Website includes links to research, publications, and databases, including Facts on International Relations and Security Trends (FIRST), a country profiles database with 38 different tables.
http://www.sipri.org/

World Legal Information Institute (WorldLII): Free access to worldwide law; information organized by country, region, and subject (including human rights, international law, and military law)
http://www.worldlii.org/

Writing Resources

Once you have finished researching your topic, you may want help in writing your seminar paper. Listed below are some resources at the Taggart Law Library to assist you with questions you may have about writing in general and legal writing specifically.
Style Guides and Citation Manuals

**ALWD Citation Manual: A Professional System of Citation**, 4th ed. Association of Legal Writing Directors and Darby Dickerson. **KF 245.A45 2010—Law Reference**


Writing Guides


**Elements of Legal Writing**, Martha Faulk and Irving M. Mehler. **KF 250.F38 1994—Law North** (also available as an e-Book in POLAR)


If you have more questions or need more help after looking at this research guide, please stop by the law library reference desk. Our librarians are ready to assist you with your research!