

**ISIL YEARBOOK
OF
INTERNATIONAL
HUMANITARIAN
AND
REFUGEE LAW**



VOL. XX-XXI 2020-21

**THE INDIAN SOCIETY OF INTERNATIONAL LAW
NEW DELHI**

Indian Society of International Law

Mode of Citation: Vol. XX-XXI ISIL YBIHRL (2020-21)

India : Rs. 400

Developing Countries : US \$ 50

US and Other Countries : US \$ 80

The ISIL Yearbook of International Humanitarian & Refugee Law (ISSN 0974-9500) is published annually by the Indian Society of International Law.

All the materials of ISIL Yearbook, (in duplicate), and all correspondence regarding the ISIL Yearbook should be addressed to the Chief Editor, ISIL Yearbook, V. K. Krishna Menon Bhawan, 9, Bhagwan Dass Road, New Delhi-110001. Manuscripts will not be returned under any circumstances.

Views expressed in the articles, book reviews, editorial comments, notes and in all other contributions to this ISIL Yearbook are those of respective authors and are not necessarily the views of the Board of Editors or of the ISIL, ICRC & UNHCR.

Edited, printed and published by Prof. Manoj Kumar Sinha for the Indian Society of International Law, 9, Bhagwan Dass Road, New Delhi and printed at Shivam Offset Press, New Delhi.

ISIL YEARBOOK OF INTERNATIONAL HUMANITARIAN AND REFUGEE LAW

Editorial Board

Chief Editors

Manoj Kumar Sinha

Managing Editor

M. Koteswara Rao

Chief Adviser

Dabiru Sridhar Patnaik

Executive Editor

Deepali Gaur

Members

Gudmundur Alfredsson
C. Jayaraj
Sanoj Rajan
Priya Pillai
T.V.G.M.S Sudhakar

Raul Pangalangan
Rosemary Rayfuse
Burra Srinivas
Aftab Alam
Abdul Rahim Vijapur

Mihir Kanade
Benarj Chakka
Umesh Kadam
V. G. Hegde
Anupam Jha

Assistant Editor

Vinai Kumar Singh

ISIL Year Book of International Humanitarian and Refugee Law 2020-21

Articles

Legal Status of Humanitarian NGOs	<i>Prahlad Rai</i>	...	1
Trade in Human Trafficking and Involvement of Multinational Companies: Rethinking the Criminal Jurisdiction of the African Court of Justice and Human Rights	<i>Osuntogun Abiodun Jacob</i>	...	24
Is Article 21 of the Rome Statute Aiming for Legality or Hierarchy?: A Dilemma	<i>Amit Kumar</i>	...	56
Challenges to the Third Geneva Convention in Contemporary Armed Conflicts	<i>Sanghamitra Chaudhury & U. C. Jha</i>	...	83
Re-Defining Civilian Security Within the Concept and Acts of Direct Participation in Hostilities	<i>Aswathy Madhukumar</i>	...	111
Justice to the Victims of Armed Conflict in Darfur in Sudan and the Role of Regional Human Rights Mechanisms	<i>Benarji Chakka</i>	...	152
The Emerging Obligation to Cooperate under International Refugee Law: The Situation of Turkey and the Responsibility for Hosting Syrian Refugees	<i>Beyza Ozturanli Sanda</i>	...	172
Responsibility Sharing under International Refugee Law with Special Reference to Global Compact on Refugees	<i>B.C. Nirmal & Prakash Sharma</i>	...	213
Burden-Sharing in International Refugee Law- Takeaways from the Past and the Road Ahead	<i>Setu Gupta</i>	...	244

Rwandan Refugee Rights in Uganda: Between Law and Practice- Views from Below	<i>Ahimbisibwe Frank</i>	... 281
--	--------------------------	---------

Notes and Comments

Terrorism and International Customary Law: A Probable Solution	<i>Rashmi Salpekar & Aaditya Vikram Sharma</i>	... 311
---	--	---------

Official Documents

Joint Guidance Note on the Impacts of the COVID-19 Pandemic on the Human Rights of Migrants		... 346
Delibration No. 11 on Prevention of Arbitrary Deprivation of Liberty in the Context of Public Health Emergencies		... 350
International Humanitarian Law and Cyber Operations during Armed Conflicts-ICRR Position Paper		... 356
Key Legal Considerations on Access to Territory for Persons in Need of International Protection in the context of the COVID-19 Response		... 365
Note on the Protection of Migrants in the Face of the COVID-19 Pandemic		... 369
Draft Articles on Prevention and Punishment of Crimes Against Humanity		... 375

Book Reviews

Dieter Fleck (ed.), <i>The Handbook of International Humanitarian Law</i> , Oxford University Press, Oxford, 2021	<i>Manoj Kumar Sinha</i>	... 388
Anupam Jha, <i>International Criminal Law: Theory and Practice</i> , Satyam Law International, New Delhi, 2020	<i>Sunil Kumar Agarwal</i>	... 392
Major General (Prof) Nilendra Kumar, <i>Law of Armed Conflict: Applications and Practice</i> , Thomson Reuters, 2020	<i>Niteesh Kumar Upadhyay</i>	... 394

- Sanoj Rajan (ed.), *International Humanitarian Law in India: A Hand Book*, Thomson Reuters, New Delhi, 2020 G. Rajasekar ... 398
- Jessica Field and Srinivas Burra (eds.), *The Global Compact on Refugees: Indian Perspectives and Experiences*, New Delhi, Academicians Working Working Groups and UNHCR India, 2020 Balajinaika B.G. ... 404

**THE INDIAN SOCIETY OF INTERNATIONAL LAW
EXECUTIVE COUNCIL
(2018-2021)**

President

Pravin H. Parekh

Executive President

A. K. Ganguli

Secretary General

M. Koteswara Rao

Vice Presidents

Manoj Kumar Sinha

Y. S. R. Murthy

T. S. N. Sastry

Treasurer

Dabiru Sridhar Patnaik

Members

Monica Chawla

Anupam Jha

Sanjay Parikh

V. G. Hegde

Benarji Chakka

Srinivas Burra

G. G. Hegde

Satpal Nalwa

C. K. Chaturvedi

Maj Gen Nilendra Kumar

J. L. Kaul

D. N. Jauhar

Send your completed application forms for membership to:

Secretary General

The Indian Society of International Law

V.K. Krishna Menon Bhawan

9, Bhagwan Dass Road, New Delhi-110 001, India

E-mail: isil@isil-aca.org; yearbookisil@gmail.com; Website: www.isil-aca.org

Ph : 23384458; 23384459; Fax : 23383783