

Research Project for Degree of L.L.B.

**APPLICATION AND COMPATIBILITY OF INTERNATIONAL
HUMANITARIAN LAW: THE HARD CASE OF CYBER WARFARE**



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**This research project is submitted in partial fulfillment of the
requirements for the degree of L.L.B.**

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Submission Date: 25 April 2016

Research Project for Degree of L.L.B.

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Declaration of Ethical Conduct in Research

We, as students of Bahria University, hereby declare that firstly, we have abided by the research ethics while writing this research project.

Secondly, we have not committed any acts that may discredit or damage the credibility of our research. These include, but are not limited to: falsification distortion of research findings or plagiarism.

Thirdly, we need to go through a plagiarism check before submitting this research project.

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DEDICATION

This work is dedicated to our families, for their continuous belief in us. We are here today because of their relentless support and care. Thank you.

Specially dedicated by Sahar;

To my friends, for standing beside me in the darkest of times and having faith in me when I had none.

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LIST OF ABBREVIATIONS

AP	Additional Protocol
CIHL	Customary International Humanitarian Law
CNN	Cable News Network
DDoS	Distributed Denial of Service
FBI	Federal Bureau of Investigation
GC	Geneva Convention
IAC	International Armed Conflict
ICC	International Criminal Court
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICTs	Information and Communications Technologies
ICTY	International Criminal Tribunal for (the former) Yugoslavia
IGE	International Group of Experts
IHL	International Humanitarian Law
IP	Internet Protocol
ISP	Internet Service Provider
NATO	North Atlantic Treaty Organization
NATO CCD COE	NATO Cooperative Cyber Defense Centre of Excellence
NIAC	Non-International Armed Conflict
PTA	Pakistan Telecommunication Authority
UK	United Kingdom
UN	United Nations Organizations

USUnited States of America
WMD Weapons of Mass Destruction

LIST OF CASES

- *Hassan v UK* (App no 29750/09) ECHR 16 September 2014 [97]
- Legality of the Threat or Use of Nuclear Weapons (Advisory Opinion) [1996] ICJ Reports 226
- *The Prosecutor v Dusko Tadic* (Judgment) ICTY-1997-IT-94-I-T [7 May 1997]

ABSTRACT

Cyber technology gives rise to new means and methods of warfare; and has witnessed unbridled growth in recent years. It puts national and international security at risk and raises concerns for all stakeholders. However, 'new' technologies do not suggest that there are no restrictions on their use in an armed conflict, as these are covered within the ambit of Article 36 of Additional Protocol I, 1977. Nonetheless, cyber warfare poses certain challenges for compatibility of International Humanitarian Law. These challenges may be addressed either through classic treaty interpretation or by applying existing corpus of law to cyber warfare by analogy. Where the existing law of war remains insufficient, there is growing need to tackle these issues through universal consensus and State practice. This is the only logical way to uphold and protect the fundamental and intransgressible principles of humanity and dictates of public conscience.