

## INTRODUCTION

Issue 48(3) of the *Israel Law Review* opens with Rogier Bartels' 'Denying Humanitarian Access as an International Crime in Times of Non-International Armed Conflict: The Challenges to Prosecute and Some Proposals for the Future'. The article originated in a presentation made during the 9th Annual Minerva/ICRC Conference on International Humanitarian Law on 'Access for Humanitarian Action: Legal and Operational Challenges in Assisting and Protecting People Affected by Armed Conflict', held at the Hebrew University of Jerusalem in November 2014. It explores the challenges in bringing a prosecution for the denial of humanitarian access during international armed conflicts, and examines the options for prosecuting such denial before the International Criminal Court (ICC) in times of non-international armed conflict, as in the case of other war crimes, crimes against humanity and genocide. The author proposes to add to the Rome Statute of the ICC, as an additional war crime in non-international armed conflicts, the starvation of the civilian population, including through the impeding of humanitarian access.

Another article dealing with the criminal enforcement of international humanitarian law is Roe Ariav's 'Hardly the *Tadić* of Targeting: Missed Opportunities in the ICTY's *Gotovina* Judgments'. This article examines the *Gotovina* case in which the law of targeting and international humanitarian law were considered in a criminal context. It argues that the Tribunal, at both first instance and on appeal, failed to take the opportunity to engage fully with issues such as classification of military objectives, proportionality, and the intent behind an attack.

Two other articles in this issue deal with public and criminal law, from a domestic law perspective. Peter Cane presents 'Records, Reasons and Rationality in Judicial Control of Administrative Power: England, the US and Australia' – an article first presented in an International Workshop on the Scope of Judicial Review and the Dilemma of the Administrative Record in Comparative Perspective, held jointly by the Faculty of Law and the Halbert Centre for Canadian Studies at the Hebrew University of Jerusalem in December 2014. The article analyses, from historical and comparative perspectives, three closely related concepts of administrative law – namely records, reasons and rationality. It finds that the concept of the 'administrative record' is far more significant in United States administrative law than in either of its English or Australian counterparts; it suggests why this might be so by reference to the stronger obligations on administrators to give reasons, and the different meanings of 'rationality' and 'reasonableness' in the three diverse legal orders.

In 'Beyond Legislation: Genuine Change in the Interaction between Victims of Sexual Crimes and the Criminal Law System', Tzili Paz-Wolk examines the changes in interactions between sexual assault victims and representatives of the law enforcement and judicial systems in Israel as perceived by workers and volunteers in the sexual assault crisis centres, using quantitative and qualitative research methods. The article suggests that the change may be related to

both a change in the modes of thought and action in the crisis centres that deal with these cases, and to legislative action taken through the Rights of Victims of Crime Law.

Finally, following a long-standing tradition, the *Israel Law Review* is proud to present the annual Lionel Cohen Lecture 2014, given in November 2014 in Jerusalem by Lady Justice Hallett, entitled 'Being a Judge in the Modern World'.

Sir Nigel Rodley and Professor Yuval Shany  
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