

# DUKE JOURNAL OF COMPARATIVE & INTERNATIONAL LAW

Volume 15

Spring/Summer 2005

Number 2

FORTWORD

*Scott L. Silliman*

## ARTICLES

THE PROHIBITION OF RAPE IN INTERNATIONAL  
HUMANITARIAN LAW AS A NORM OF *JUS COGENS*:  
CLARIFYING THE DOCTRINE

*David S. Mitchell*

LESSONS FROM AVEVA: THE INADEQUACY OF  
CLEMENCY AND JUDICIAL PROCEEDINGS  
FOR VIOLATIONS OF THE VIENNA  
CONVENTION ON CONSULAR RELATIONS

*Linda E. Carter*

CANADA/UNITED STATES MILITARY  
INTEROPERABILITY AND HUMANITARIAN  
LAW ISSUES: LAND MINES, TERRORISM,  
MILITARY OBJECTIVES AND TARGETED  
KILLING

*Colonel Kenneth Watkin*

INTEROPERABILITY OF UNITED STATES AND CANADIAN  
ARMED FORCES

*Gary Walsh*

## NOTES

INTERNATIONAL WATER LAW: THE CONTRIBUTIONS  
OF WESTERN UNITED STATES WATER LAW  
TO THE UNITED NATIONS CONVENTION ON THE  
LAW OF THE NON-NAVIGABLE USES OF  
INTERNATIONAL WATERCOURSES

*Carolin Spiegel*

INTERNATIONAL LAW FOR THE MASSES

*Jessica Bodack*

A "FULL AND FAIR" TRIAL: CAN THE EXECUTIVE  
ENSURE IT ALONE? THE CASE FOR JUDICIAL  
REVIEW OF TRIALS BY MILITARY COMMISSIONS  
AT GUANTANAMO BAY

*Jennifer A. Lohr*

# DUKE JOURNAL OF COMPARATIVE & INTERNATIONAL LAW

---

Volume 15

Spring/Summer 2005

Number 2

---

## CONTENTS

Foreword.....*Scott L. Silliman* 215

## ARTICLES

The Prohibition of Rape in International  
Humanitarian Law as a Norm of *Jus Cogens*:  
Clarifying the Doctrine.....*David S. Mitchell* 219

Lessons From *Avena*: The Inadequacy of  
Clemency and Judicial Proceedings  
for Violations of the Vienna  
Convention on Consular Relations.....*Linda E. Carter* 259

Canada/United States Military  
Interoperability and Humanitarian  
Law Issues: Land Mines, Terrorism,  
Military Objectives and Targeted  
Killing.....*Colonel Kenneth Watkin* 281

Interoperability of United States and Canadian  
Armed Forces.....*Gary Walsh* 315

## NOTES

International Water Law: The Contributions  
of Western United States Water Law  
to the United Nations Convention on the  
Law of the Non-Navigable Uses of  
International Watercourses.....*Carolyn Spiegel* 333

International Law for the Masses.....*Jessica Bodack* 363

A "Full and Fair" Trial: Can the Executive  
Ensure it Alone? The Case for Judicial  
Review of Trials by Military Commissions  
at Guantanamo Bay.....*Jennifer A. Lohr* 387