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By Heike Niebergall-Lackner



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In this study, Heike Niebergall-Lackner discusses the classical military offence of desertion from the standpoint of international law. Taking account of the three factual situations that might arise following a desertion in international armed conflicts - capture by the home country, capture or crossing over to the enemy party, and seeking refuge in a country not involved in the conflict the examination offers a comprehensive overview of the treatment and the protection afforded to deserters under international human rights law, international humanitarian law and refugee law. The examination is conducted against the background of the duties of soldiers under modern international law and shows that, depending on the legality of the conflict, desertion might represent the legitimate decision of the individual to act in accordance with these duties."



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Editorial Review

About the Author

Dr. Heike Niebergall-Lackner, LL.M. is a Legal Advisor with the International Committee of the Red Cross in Geneva, Switzerland. Previously, she worked at the International Organization for Migration (IOM) where she provided legal and technical assistance on the delivery of reparations for victims of armed conflict.

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