

## Summary sheet

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Candidate for the Degree of PhD  
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Full title of thesis Legal challenges resulting out of NATO operation in Afghanistan

### Abstract

For a last more than ten years conflict in Afghanistan was called "task or test" for NATO and international community. It is because NATO countries cannot fail the task of stabilization of the Afghanistan. It is also a biggest test of the NATO as a military alliance. But armed conflict in Afghanistan is a challenge for contemporary lawyers as well.

The main question of my thesis addresses legal issues arising out of military operation in Afghanistan. I divided my work on three major elements. First part address legal challenges related to the Rules of Engagement. How they are affecting practical application of humanitarian law? What is their status in domestic and international law? Second part address issue of treatment and transfer of detainees during non-international armed conflict. Finally I am trying to address challenges resulting out of newly created, by gen. David H. Petraeus, concept of modern counterinsurgency. How those changes affect International Humanitarian Law application nowadays. Those mentioned briefly issues do not cover all my research questions. I couldn't address given question before tackling the basic one. I provided to the reader basic background of the Afghan conflict. It helps to asses legal issues as some relevant facts to my thesis need to be derived from political or historical considerations. In this part I provided the reader with basic concepts of humanitarian law applicable during the conflict in Afghanistan.

This thesis contribute also to the discussion on interrelation between the human rights and the humanitarian law. Particularly to the issue of extraterritorial application of the human rights.

The *lege ferenda* considerations provide legal grounds of the possible overruling of the concepts provided by the International Criminal Court for the Former Yugoslavia in Tadić case.