Editorial

Volume 10(2) of the *Journal of International Humanitarian Legal Studies* includes a range of engaging articles, which address a number of important issues relating to the application of international law to humanitarian crises. The issue opens with an article by Elina Almila and it examines the international legal protection afforded to children from sexual violence during times of armed conflict. The author argues that international law unambiguously prohibits sexual violence against children during armed conflict and that international criminal law categorises such conduct as a war crime. Yet, upon a review of their case law, Almila questions the extent to which these legal protections have been adequately enforced by international courts and tribunals.

The second article in this issue is by Pouria Askari and Katayoun Hosseinnnejad and it begins by providing an overview of the judicial system implemented by Da'esh in parts of Iraq and Syria between 2014–2018. The central question addressed by the authors is whether international law permits non-State armed groups to establish courts within territory under their control and, if so, whether the Da'esh courts were compliant with the requirements of international law.

The next article is by Ximena Galvez Lima and it catalogues the violence perpetrated by criminal gangs in El Salvador as well as the violence used by the El Salvadorian government to crack down on gang-related activities. While recognising that it is usually a law enforcement paradigm that applies to civil unrest, Galvez argues that in the case of El Salvador the protracted, intensive and organised nature of the violence means that a non-international armed conflict has come into existence thus triggering the application of international humanitarian law.

Hilly Moodrick-Even Khen's article also centres on whether it is a law enforcement or armed conflict paradigm that applies where there is an outbreak of violence between a State and an armed group. In particular, the author zeroes in on the armed confrontation between Israel and Palestine during the 2018 'Great March of Return'. The author selects instances of hostility during this period and assesses whether they should have been subject to a law

enforcement regime or, instead, whether the violence was of a character to warrant the application of international humanitarian law.

The final article in this issue is by Frédéric Mégret and Chloe Swinden and it investigates whether international law imposes an obligation upon parties to a non-international armed conflict to return the remains of fallen combatants, a particularly thorny question where the deceased is a terrorist. The authors provide answers to these questions by having recourse to conventional and customary law in the fields of international humanitarian law and international human rights law.

At the end of this issue, Alessandra De Tommaso reviews Caleb Wheeler's 2019 monograph *The Right to be Present at Trial in International Criminal Law*.

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The current editors-in-chief assumed responsibility for the *Journal of International Humanitarian Legal Studies* as of the current volume, that is, volume 10. As our editorship approaches the end of its first year, we would like to take the opportunity to enhance the *Journal's* transparency by saying a few words about how its editorial and peer process operates.

The *Journal* only receives submissions through Editorial Manager, which is an online platform. Upon submission, articles are assigned to one of the editors-in-chief on a rolling basis and the editor takes responsibility for the article throughout the editorial and peer review process. Before sending articles for peer review, the editor performs a number of initial checks. Editorial Manager automatically feeds all articles through its plagiarism detection software. If this software flags up problems, the article is desk-rejected, i.e. it is rejected without being sent for peer review. The editor may also desk-reject an article on the basis that it is unsuitable for peer review, for example, where the subject matter of the article is beyond the *Journal's* scope, where the *Journal* has recently published (or accepted for publication) an article on the same subject matter as the submitted article, or where the structure, format or referencing of the article makes it highly unlikely that the article will pass peer review.

If these initial checks are passed, the editor identifies two peer reviewers who have expertise in the article's subject matter. Usually, one peer reviewer is drawn from our editorial or advisory board, with the second reviewer being an external appointment. The *Journal* operates a process of double blind peer review. This means that neither the reviewer nor the author are aware of each other's identity. In addition, neither peer reviewer is informed of who is the other reviewer or what is their evaluation of the article. The *Journal* normally

requests peer reviews to be completed within 30 days, although this time-frame is flexible and it depends upon a range of different factors such as the time of the year, the schedule of the peer-reviewer, etc.

Peer reviewers are asked to identify the quality of the article, namely, whether the article should be accepted without the need for revision, accepted subject to minor, moderate or major revision, or rejected outright. The *Journal's* policy is that articles must receive two positive reviews for publication to be possible, meaning that a rejection by one of the reviewers usually results in the article being rejected. Very occasionally, reviewers provide vastly conflicting appraisals – for example, one reviewer rejects the article outright and the other provides a glowing review and accepts the article subject to minor revisions. In this instance, the editors-in-chief consider the reviews (as well as the article) and arrive at a joint decision on how best to proceed. Remaining faithful to our policy that all articles must receive two positive reviews to be published, we may choose to reject the article or, if we conclude that the article demonstrates significant potential for publication, we may solicit a third review. In the latter case, the third review is decisive on whether the article is accepted or rejected.

As well as indicating whether an article should be accepted or rejected, peer reviewers are asked to provide substantive comments on the quality of the article. Reviewers are asked to provide two different types of comment: comments which are only available to the editor and comments which are available to the author. Where the reviewer accepts an article subject to minor, moderate or major revision, they are asked to provide constructive comments, which can be used by the author to bring the article up to publishable standard.

Where revisions are requested by the peer reviewers, the author is asked to make adjustments and the time period allocated for these changes varies depending upon the nature of the reviewers' comments. Upon re-submission, the editor evaluates whether the changes have been implemented and, if necessary, may ask the peer reviewers to take another look at the article and to provide a steer on whether the article is acceptable. Sometimes, the author is asked to make further changes to the article but, generally, at this stage the editor makes a decision on whether to accept or reject the article. If accepted, the article is checked to ensure compliance with the *Journal's* style guidelines (which we hope the author has done already) and it is then copy-edited and type-set. Proofs are sent to the author for approval and, once approved, the article is published online and, subsequently, in hard copy.

Note that book reviews are not subject to blind peer review. However, Dr Marco Longobardo is the *Journal's* reviews editor and he takes responsibility for ensuring that book reviews provide a fair and balanced appraisal of the work under consideration.

Finally, while on the topic of peer review, we would like to express our gratitude to those peer reviewers who have reviewed articles for volume 10; we commend them for their timely, thorough and constructive reviews. The list of external peer reviewers appears at the end of this issue.

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