



# Principles of direct and superior responsibility in international humanitarian law

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Ilias Bantekas

# Principles Of Direct And Superior Responsibility In International Humanitarian Law

**J. G. Merrills, A. H. Robertson**



## **Principles Of Direct And Superior Responsibility In International Humanitarian Law:**

**Principles of direct and superior responsibility in international humanitarian law** Ilias Bantekas, 2022-12-20 Now available as an ebook for the first time Bantekas's 2002 title on the forms of criminal responsibility arising from violations of international humanitarian law examines the evolution of personal responsibility and its contemporary application to war crimes crimes against humanity and genocide It traces the origin and development of such concepts as direct participation ordering complicity and inciting The work includes extensive analysis of the jurisprudence of the International Criminal Tribunals for Yugoslavia and Rwanda and the International Criminal Court as well as a variety of other legal material Hans Peter Gasser then editor of the International Review of the Red Cross describes the book in his Foreword as an invaluable contribution to a better understanding of the role that criminal law can play in efforts to enhance respect for the rights of victims of violence and war This title in the Melland Schill Studies in International Law series is a useful text for all those who wish to understand the principles of criminal responsibility in international humanitarian law **Yearbook of**

**International Humanitarian Law - 2002** Horst Fischer, Avril McDonald, 2011-03-04 The world's only annual publication devoted to the study of the laws of armed conflict the Yearbook of International Humanitarian Law provides a truly international forum for high quality peer reviewed academic articles focusing on this highly topical branch of international law The Yearbook also includes a selection of documents from the reporting period many of which are not accessible elsewhere and a comprehensive bibliography of all recent publications in humanitarian law and other relevant fields Ease of use of the Yearbook is guaranteed by the inclusion of a detailed index Distinguished by its topicality and contemporary relevance the Yearbook of International Humanitarian Law bridges the gap between theory and practice and serves as a useful reference tool for scholars practitioners military personnel civil servants diplomats human rights workers and students

**Coalition Power without Individual Responsibility?** Alexandra von Stein-Lausnitz, 2022-01-11 This thesis deals with the individual criminal liability under international law of NATO commanders for crimes committed by their subordinates in the context of complex multilateral command and control structures After analysing the applicable law the elements that must be fulfilled in order to be able to prosecute commanders and other superiors under the doctrine of Command Responsibility are comprehensively described and the Command Control Communication structures within NATO and in NATO led operations explained Subsequently the doctrine of Command Responsibility is applied to the identified structures taking into account the role of a commander acting in a multilateral NATO operation the role of the Troop Contributing Nation the methods of conferral of powers as well as the de iure and de facto effective control of such a commander leading a multilateral force Die vorliegende Arbeit befasst sich mit der individuellen strafrechtlichen Verantwortlichkeit von NATO Befehlshabern nach dem Völkerrecht für Straftaten ihrer Untergebenen im Rahmen komplexer multilateraler Befehls und Kommandostrukturen Nach einer Darstellung des anwendbaren Rechts werden die Voraussetzungen für eine

Vorgesetztenverantwortlichkeit von Befehlshabern und anderen Vorgesetzten umfassend beschrieben und die Führungs Befehls und Kommunikationsstrukturen innerhalb der NATO und bei NATO geführten Einsätzen erläutert. Anschließend wird der Tatbestand der Vorgesetztenverantwortlichkeit unter Berücksichtigung der Stellung eines Befehlshabers in einem multilateralen NATO Einsatz der Rolle des truppenstellenden Staates der Methoden der Befugnisübertragung sowie der de iure und de facto wirksame Kontrolle eines solchen Befehlshabers auf die ermittelten Strukturen angewandt.

*Crimes of State Past and Present* David M. Crowe, 2013-09-13 War Crimes and acts of genocide are as old as history itself but particularly during the 20th century. Yet what are war crimes and acts of genocide? And why did it take the world so long to define these crimes and develop legal institutions to bring to justice individuals and nations responsible for such crimes? Part of the answer lies in the nature of the major wars fought in the 20th century and in the changing nature of warfare itself. This study looks at war crimes committed during the Second World War in the USSR, Yugoslavia, Germany and efforts to bring the perpetrators to justice. This led to successful postwar efforts to define and outlaw such crimes and more recently the creation of two international courts to bring war criminals to justice. This did not prevent the commitment of war crimes and acts of genocide throughout the world, particularly in Asia and Africa. And while efforts to bring war criminals to justice have been enhanced by the work of these courts, the problems associated with civil wars, command responsibility and other issues have created new challenges for the international legal community in terms of the successful adjudication of such crimes. This book was based on a special issue of Nationalities Papers.

*International Humanitarian Law and the International Red Cross and Red Crescent Movement* Aldo Zammit Borda, 2013-09-13 This book provides a key reference on the role of the Commonwealth and its member states in relation to international humanitarian law (IHL). It provides insights in the implementation of IHL in Commonwealth states and particularly the challenges faced by small states. It examines the progressive development of IHL in the Commonwealth and provides an analysis of some of the landmark decisions emerging from the Special Court for Sierra Leone. The book was developed collaboratively between the Commonwealth Secretariat and the International Red Cross and Red Crescent Movement. In this regard it contains insights in the work of the Secretariat with regard to implementation of IHL and an assessment of legislation enacted by Commonwealth states as well as an accession chart to IHL instruments. It expounds on the work of the Movement including the role of National Societies, the International Humanitarian Fact Finding Commission and the development of international disaster response law, rules and regulation. This book was based on a special issue of Commonwealth Law Bulletin.

*The Legacy of the International Criminal Tribunal for the Former Yugoslavia* the late Bert Swart, Alexander Zahar, Göran Sluiter, 2011-05-19 The International Criminal Tribunal for the Former Yugoslavia (ICTY) was established in 1993 and is due to complete its trials by 2011. Easily the most credible and prodigious of the international tribunals established in this period, the ICTY is by far the most important source of case law on international criminal law. This is reflected in the citations it receives by other courts and by learned

commentators Long after its dissolution the ICTY will most likely serve as an important frame of reference for the International Criminal Court and other courts dealing with international crimes including national courts The publication of this book coincides with the year of cessation of trial activity at the ICTY Its purpose is to mark this significant milestone in international law with a series of in depth critical reflections on the institution s legacy by eminent scholars and practitioners In the course of seventeen chapters the contributing authors analyse the main features of the ICTY s work in an unprecedented examination of the institution s legitimacy core principles methodologies unstated assumptions political circumstances and impact and indeed its legacy

An Introduction to International Criminal Law and Procedure Robert Cryer,Håkan Friman,Darryl Robinson,Elizabeth Wilmshurst,2007-06-14 International criminal law has developed considerably in the last decade and a half resulting in a complex and re invigorated discipline This has impacted directly on the popularity of the study of the subject particularly on postgraduate law degrees This textbook serves these courses by providing an introduction to the principles of international criminal law and processes Written by four international lawyers with experience of teaching international criminal law it is accessible yet sophisticated in its approach It covers substantive international criminal law the institutions designed to enforce it and their procedures and the international law applicable to domestic prosecutions of international crimes It will be essential reading for students and teachers of international criminal law In addition practitioners and researchers in the field and in related fields such as criminal law students of international law and international relations will find this introduction invaluable

*Occupation and Control in International Humanitarian Law* Natia Kalandarishvili-Mueller,2020-07-28 This book presents a systematic analysis of the notion of control in the law of military occupation The work demonstrates that in present day occupations control as such occurs in different forms and variations The polymorphic features of occupation can be seen in the way states establish control over territory either directly or indirectly and in the manner in which they retain relinquish or regain it The question as to what level and type of control is needed to determine the existence and ending of military occupation is explored in great detail in light of various international humanitarian law instruments The book provides an anatomy of the required tests of control in determining the existence of military occupation based on the law It also discusses control in relation to occupation by proxy and when and how the end of control over territory occurs so that military occupation is considered terminated The study is informed by relevant international jurisprudence It draws on numerous pertinent case studies from all over the world various reports by different UN entities and other international organisations as well as legal doctrine The book will be a valuable resource for academics researchers and practitioners working in the fields of international humanitarian law international public law and security studies

**International Criminal Law** Ilias Bantekas,Susan Nash,2009-06-02 Providing an introduction to and detailed examination of substantive enforcement and procedural aspects of international criminal law this book s examination of international and transnational crimes under treaty and customary law has been fully updated and

revised Exploring the enforcement of international criminal law through an investigation of the practice of the Security Council based tribunals for Yugoslavia and Rwanda the International Criminal Court and other hybrid tribunals such as those for Cambodia Sierra Leone Lockerbie and truth commissions the authors look at terrorism offences against the person piracy and jurisdiction and immunities amongst a variety of other topics New to this edition are four additional chapters on various forms of liability and participation in international crime war crimes crimes against humanity genocide and illegal rendition This is an ideal text for undergraduate and postgraduate students of law or international relations practitioners and those interested in gaining an insight into international criminal law

### **Forging a Convention for Crimes against Humanity**

Leila Nadya Sadat, 2011-03-28 Crimes against humanity were one of the three categories of crimes elaborated in the Nuremberg Charter However unlike genocide and war crimes they were never set out in a comprehensive international convention This book represents an effort to complete the Nuremberg legacy by filling this gap It contains a complete text of a proposed convention on crimes against humanity in English and in French a comprehensive history of the proposed convention and fifteen original papers written by leading experts on international criminal law The papers contain reflections on various aspects of crimes against humanity including gender crimes universal jurisdiction the history of codification efforts the responsibility to protect ethnic cleansing peace and justice dilemmas amnesties and immunities the jurisprudence of the ad hoc tribunals the definition of the crime in customary international law the ICC definition the architecture of international criminal justice modes of criminal participation crimes against humanity and terrorism and the inter state enforcement regime

### The Permanent International Criminal Court Dominic McGoldrick, Peter Rowe, Eric

Donnelly, 2004-03-30 The idea of an International Criminal Court has captured the international legal imagination for over a century In 1998 it became a reality with the adoption of the Rome Statute This book critically examines the fundamental legal and policy issues involved in the establishment and functioning of the Permanent International Criminal Court Detailed consideration is given to the history of war crimes trials and their place in the system of international law the legal and political significance of a permanent ICC the legality and legitimacy of war crimes trials the tensions and conflicts involved in negotiating the ICC Statute the general principles of legality the scope of defences evidential dilemmas the perspective of victims the nature and scope of the offences within the ICC s jurisdiction aggression genocide war crimes crimes against humanity questions of admissibility and theories of jurisdiction the principle of complementarity national implementation of the Statute in a range of jurisdictions and national and international responses to the ICC The expert contributors are drawn from a range of national jurisdictions UK Sweden Canada and Australia The book blends detailed legal analysis with practical and policy perspectives and offers an authoritative complement to the extensive commentaries on the ICC Statute

### **National Accountability for International Crimes in Africa** Emma Charlene Lubaale, Ntombizozo

Dyani-Mhango, 2022-02-07 This book critically examines the issues pertaining to the Rome Statute s complementarity

principle The focus lies on the primacy of African states to prosecute alleged perpetrators of international crimes in their respective jurisdictions The chapters explore states international and domestic obligations to hold perpetrators of international crimes to account before the national courts and demonstrate the complexity of enforcing national accountability of alleged perpetrators of international crimes while also ensuring that post conflict African states achieve national healing reconciliation and sustainable peace The contributions reject impunity for international crimes whilst also considering these complexities Emphasis further lies on the meaning of accountability in the context of the politics of selective international criminal justice for crimes committed before the establishment of the International Criminal Court

**The Sierra Leone Special Court and its Legacy** Charles Jalloh, 2014 The Special Court for Sierra Leone SCSL is the third modern international criminal tribunal supported by the United Nations and the first to be situated where the crimes were committed This timely important and comprehensive book is the first to critically assess the impact and legacy of the SCSL for Africa and international criminal law Contributors include leading scholars and respected practitioners with inside knowledge of the tribunal who analyze cutting edge and controversial issues with significant implications for international criminal law and transitional justice These include joint criminal enterprise forced marriage enlisting and using child soldiers attacks against United Nations peacekeepers the tension between truth commissions and criminal trials in the first country to simultaneously have the two and the questions of whether it is permissible under international law for states to unilaterally confer blanket amnesties to local perpetrators of universally condemned international crimes **Gendered Perspectives**

**on Conflict and Violence** Marcia Texler Segal, Vasilikie (Vicky) Demos, 2013-10-25 The chapters in this two part volume explore components of the emerging global discourse regarding gender and violence from a feminist and social scientific perspective The authors address gender based violence broadly as an attribute of social structures as well as individuals and include LGBTQ individuals in its conceptualization of gender *IBSS: Political Science: 2004 Vol.52* The British Library of Political and Economic Science, 2004-12 First published in 1952 the International Bibliography of the Social Sciences anthropology economics political science and sociology is well established as a major bibliographic reference for students researchers and librarians in the social sciences worldwide Key features Authority Rigorous standards are applied to make the IBSS the most authoritative selective bibliography ever produced Articles and books are selected on merit by some of the world s most expert librarians and academics Breadth Today the IBSS covers over 2000 journals more than any other comparable resource The latest monograph publications are also included International Coverage The IBSS reviews scholarship published in over thirty languages including publications from Eastern Europe and the developing world User friendly organization all non English titles are word sections Extensive author subject and place name indexes are provided in both English and French **National Trials of International Crimes in Bangladesh** M. Rafiqul Islam, 2019-03-19 In National Trials of International Crimes in Bangladesh Professor Islam examines the judgments of the trials held under a

domestic legislation which is uniquely distinct from international or hybrid trials of international crimes The book falling under international criminal law area is a ground breaking original work on the first ever such trials in the ICC era The author shows how the national law and judgments can act as a conduit to import international law to enrich and harmonise the domestic law of Bangladesh and whether the Bangladesh experience creates any precedential effect for such trials in the future b offers any lessons for the ICC complementarity and c contributes to the progressive development of Asian and international criminal jurisprudence

**Accountability for International Humanitarian Law Violations: The Case of Rwanda and East Timor** Mohamed Othman, 2005-12-10 The main objective of this book is to make available to an informed audience a legal and policy oriented study on accountability for serious human rights and international humanitarian law violations It is an attempt to share the lessons learnt in accountability for atrocity crimes as conducted by the International Criminal Tribunal for Rwanda ICTR and the United Nations Transitional Administration in East Timor UNTAET The former established subsequent to egregious atrocities that took place in 1994 and the latter following the massive outburst of violence in 1999 The book is based on two cases Rwanda and East Timor It is expected that it will serve as reference literature to both the legal community and policy makers on accountability for heinous international crimes As the international community and States following serious human rights and international humanitarian law violations have painfully come to terms with their obligations to bring to justice persons in high offices or leadership positions de jure or de facto alleged to have committed such crimes it has also become imperative that beginners mistakes be avoided When the International Criminal Tribunal for the Former Yugoslavia ICTY was established in 1993 and the ICTR in 1994 and commenced their pioneering mandates there was no template on which the prosecution of individuals most responsible or with the greatest responsibility could be cast Accountability had to be experimental

**International Criminal Law** Mr. Rohit Manglik, 2024-03-27 EduGorilla Publication is a trusted name in the education sector committed to empowering learners with high quality study materials and resources Specializing in competitive exams and academic support EduGorilla provides comprehensive and well structured content tailored to meet the needs of students across various streams and levels

The Cambridge Companion to Business and Human Rights Law Ilias Bantekas, Michael Ashley Stein, 2021-09-09 An innovative textbook setting out a systematic approach to business and human rights

Human rights in Europe J. G. Merrills, A. H. Robertson, 2022-12-20 Now available as an ebook for the first time the fourth edition of this book provides a comprehensive introduction to the most advanced international human rights system in the world the European Convention on Human Rights Full account is taken of developments to the Convention case law and the supervisory arrangements in the form of Protocol No 11 together with relevant developments outside Strasbourg including the human rights aspects of the EU and the Organisation for Cooperation and Security in Europe OSCE Reviews the new European Court of Human Rights set up in 1998 and contrasts it with the original arrangements for supervising the Convention Examines the relations between the



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