

CICR

Recent clarifications of superior responsibility by international criminal tribunals / Joakim Dungel, Vincent Sautenet

Document type:	Article
Title:	Recent clarifications of superior responsibility by international criminal tribunals
Author zone:	Joakim Dungel, Vincent Sautenet
Host item entries:	The global community yearbook of international law and jurisprudence,
Languages:	English
General Note:	Photocopies
Abstract:	The principle of superior responsibility forms part of both conventional and customary international law and is enshrined in the statutes of all major international criminal tribunals. In practice, the legal framework translates into a criminally sanctioned obligation on superiors to ensure that, as far as they have reason to know, all their subordinates comply with the law. It thereby calls for a broad compliance with international humanitarian law. In 2007 and 2008, the Appeals Chambers of the International Criminal Tribunals for the former Yugoslavia and Rwanda (ICTY and ICTR, respectively) addressed several unsolved issues regarding superior responsibility, in the Nahimana et al., Halilovic, Hadzihasanovic and Kubura, Oric and Strugar appeal judgements. Part II of this article describes recent developments relating to the nature of the subordinates' criminal conduct, a preliminary element of superior responsibility : Parts III, IV, and V present important clarifications regarding the first, second, and third elements of superior responsibility, respectively.
Authors:	Dungel, Joakim Sautenet, Vincent
Keyword in English:	RESPONSIBLE COMMAND CASE LAW CRIMINAL COURT INTERNATIONAL JURISDICTION
Keyword in French:	COMMANDEMENT RESPONSABLE JURISPRUDENCE TRIBUNAL PENAL JURIDICTION INTERNATIONALE

Call number	Disponability / Due date
344/22 (Br.)	Available