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Law, justice and a potential security gap : the "organization" requirement in international humanitarian law and international criminal law / Rogier Bartels and Katharine Fortin

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Abstract:	This article explores the 'organizational' or 'organization' criterion for both non-international armed conflict under international humanitarian law (IHL) and crimes against humanity under international criminal law (ICL) and considers how it affects the ability to address armed violence carried out by armed non-State actors. It considers whether armed groups operating under a non-conventional structure, or outside the IHL framework, fall outside the reach of ICL, thereby constituting a potential security gap. It concludes that it is important to ensure that the organization requirements under IHL and ICL remain distinct to ensure that in situations outside a non-international armed conflict, the law allows for both sides to be prosecuted.
Keyword in French:	CONFLIT ARME NON INTERNATIONAL DIH DROIT INTERNATIONAL PENAL CRIME CONTRE L'HUMANITE GROUPE ARME NON ETATIQUE
Keyword in English:	NON-INTERNATIONAL ARMED CONFLICT IHL (INTERNATIONAL HUMANITARIAN LAW) INTERNATIONAL CRIMINAL LAW CRIME AGAINST HUMANITY NON-STATE ARMED GROUP
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