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What is a war crime ? / Oona A. Hathaway, Paul K. Strauch, Beatrice A. Walton, Zoe A. Y. Weinberg

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Abstract:	What is a war crime? The question appears to have a simple answer: a war crime is a violation of the law of war. But do all violations of the law of war qualify as war crimes? And are all war crimes violations of the law of war? These questions are not new. In 1942, Hersch Lauterpacht, a leading international lawyer who assisted the prosecution of the Nazis for war crimes at the International Military Tribunal (IMT) in Nuremberg, wrote a memo in which he asked, "Is there a definition of war crimes?" More than seven decades later, the answer to his question remains unsettled.
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Authors:	Hathaway, Oona A. (contributor)

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