UNIT 8 IS IHL RELEVANT FOR RETURN TO PEACE?

Structure

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8.1 INTRODUCTION

The challenges affecting the life of the International Community, as a whole, have insisted the need for improving the study of *jus ad bellum* and the implementation of *jus in bello* through a new political philosophy and new rules. In modern times, the doctrine of “just war” meets with the need of the International Community to resort to force. Today, this creates many problems and queries. Among these the following are very important.

1) Whether the use of force is legitimate in the fight against terrorism?
2) Whether war or military operations conducted to prevent terrorist attacks justified?

In this case, we are aware that it is not possible to foresee all situations from a military and strategic point of view. Careful consideration must be given to the grave consequences provoked by the violence of terrorism affecting the civilian population. At the same time, however, the consequences of not resorting to force to prevent such violence should also be taken into consideration. The provisions of Chapter VII of the Statute of the United Nations, concerning the action to be taken with respect to threats to the peace, breaches of the peace and other acts of aggression, are very difficult to apply to the phenomenon of terrorism. However, the UN is taking action in this field by promoting the adoption of Conventions against terrorism. Moreover, can action taken against terrorism be considered a just war? Modern international organizations, each within its own scope and objectives, intend to deal, in a decisive and coordinated way, with situations where wars, ethnic conflicts, political rivalries, needs of the civilian population hit by technologically sophisticated weapons, and problems of refugees, all form a complex scenario with no easy solutions.

The traditional humanitarian law should be complemented so as to effectively oppose contemporary phenomena such as torture, human trafficking, hidden use of bacteriological weapons, etc. The contemporary humanitarian needs should be
considered as not being covered by the Geneva Conventions and Additional Protocols.

The drastic changes affecting the life of the international community depict a variety of scenarios of civil and military operations, all peace-oriented. There is an increasing need for careful consideration of the effective and good-faith observance of current international humanitarian law; a need to study *jus ad bellum* more closely, and to implement *jus in bello* through a new approach and possibly through new rules.

It has been said "*peacekeeping is not a job for soldiers - but only soldiers can do it*". This dichotomy approach lies at the root of modern peace operations. Soldiers are associated with war fighting and yet are being called upon to restore or create peace.

In the nineteenth century, life was much simpler. There was war and there was peace. War was the ultimate conclusion of political dialogue. The end of war was peace and each had its own separate legal regime.

This can be understood from Oppenheim’s great treatise on international law which was divided into two parts, the law of war and the law of peace. War of course consisted of conflicts between States. Internal conflicts were off the radar of international law, being matters solely within the jurisdiction of domestic law.

Now the whole nature of conflict has changed. Whilst armed conflict still exists, the focus now is on internal conflicts, often ethnically driven. It is in into the middle of these violent and irregular conflicts, that regular armed forces find themselves trying desperately to hold a line to enable political authorities to find solutions to underlying problems that have often lasted for centuries.

Amidst this new conflict anarchy, the legal regime has also become just as complicated. International law has expanded exponentially. The law of war, now more often referred to as the law of armed conflict or international humanitarian law has gradually moved into the law of peace with attempts to regulate non-international armed conflicts. This began of course with Common Article 3 to the Geneva Conventions of 1949, continued with Additional Protocol II to those Conventions and Article 1(4) of Additional Protocol I and has expanded further with the growing influence of customary international law as expounded by various international criminal tribunals.

At the same time, the law of peace has expanded into areas traditionally reserved to the law of war. After 1945, the United Nations, in conjunction with its Charter objective to stop war as a means of dispute settlement, developed human rights law. Whilst this was indeed originally seen as part of the law of peace, it is now almost universally accepted that human rights do not cease to operate in time of war or other public emergency.

However, this too creates difficulty. International humanitarian law starts with the reality of armed conflict. It accepts armed conflict as the norm and takes the need for military operations to be conducted as a baseline for its provisions. Human rights law starts from the opposite end. Armed conflict is an exceptional circumstance and any restriction of rights to reflect such conflict must be minimum necessary. Put another way, whilst international humanitarian law seeks to create a balance between humanity and military necessity within its own precepts, human rights law allows for no such balance with every move towards military necessity requiring full justification on the particular facts.
8.2 OBJECTIVES

After reading this unit, you should be able to:

- explain the concept of Command Responsibility;
- discuss the relevant Geneva Convention Protocols dealing with peace; and
- explain the principle of Individual Criminal Responsibility.

8.3 COMMAND RESPONSIBILITY

Commanders are responsible for training their subordinates and for reporting and investigating reportable incidents, as well as preventing and correcting violations. Additionally, under the Convention, commanders are legally responsible for violations committed by subordinates if any one of the following three circumstances apply:

- The commander ordered the commission of the act.
- The commander knew of the act, either before or during its commission, and did nothing to prevent or stop it.
- The commander should have known “through reports received by him or through other means, that troops or other persons subject to his control [were] about to commit or [had] committed a war crime and he fail[ed] to take the necessary and reasonable steps to insure compliance with the law of war or to punish violators thereof”.

In international tribunals, commanders have been held personally responsible for violations committed by subordinates if the commander ordered the commission of the act or if the commander knew or should have known of the act either before or during its commission and did nothing to prevent or stop.

The different modes of liability under Article 25(3) are complemented by specific rule on command and superior criminal responsibility. Article 28 establishes responsibility for omission for certain categories, namely military commanders, persons acting as a military commander and other superiors. Article 28(a) establishes that “a military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces, where: (i) that military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes; and (ii) that military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.”

Other superiors are, according to Article 28(b), criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where: (i) the superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes; (ii) the crimes concerned activities that were within the effective responsibility and control of the superior; and (iii) the
superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

Both of the aforementioned types of command responsibility are similar to the law and jurisprudence of the ICTY. They all require a hierarchical relationship, a mental element, and failure on behalf of the accused to take the necessary and reasonable measures to prevent the crime or punish the perpetrator thereof.

Self Assessment Question

1) Discuss to what extent a commander will be responsible for violation of Humanitarian Law?

8.4 INDIVIDUAL CRIMINAL RESPONSIBILITY

The Rome Statute of the International Criminal Court (ICC Statute) was established on 17 July 1998 by a multilateral treaty signed in Rome by 120 States. The ICC Statute entered into force on 1 July 2002 after it had been ratified by 60 states. Like the statutes of the ICTY and the ICTR, the ICC Statute enshrines the principle of individual criminal responsibility of natural persons. Moreover, the ICC Statute applies equally to all persons without any distinction based on official capacity, such as official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or government official. Finally, there is a specific provision dealing with the responsibility of commanders and other superiors.

I. Article 7 of the ICTY Statute (Article 6 of the ICTR Statute)

Article 7 of the Statute of the ICTY, as well as Article 6 of the Statute of the ICTR is the principal provision dealing with individual criminal responsibility. They state as follows:

1) A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in Articles 2 to 5 of the present Statute shall be individually responsible for the crime.

2) The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of Criminal responsibility nor mitigate punishment.

3) The fact that any of the acts referred to in Articles 2 to 5 of the present Statute was committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate
was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4) The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal determines that justice so requires.

The following sections will examine the applicable modes of liability as defined in the jurisprudence of the two UN ad hoc Tribunals: Article 6 of the Statute of the ICTR is the principal provision dealing with individual criminal responsibility. They state as follows:

1) A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in Articles 2 to 5 of the present Statute shall be individually responsible for the crime.

2) The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of Criminal responsibility nor mitigate punishment.

3) The fact that any of the acts referred to in Articles 2 to 5 of the present Statute was committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4) The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal determines that justice so requires.

The following sections briefly examine the applicable modes of liability as defined in the ICC Statute. As the ICC has not yet ruled on the content of the modes of liability, the below is a mere academic interpretation of the relevant provisions.

Self Assessment Question

2) Explain the Principle Individual Criminal Responsibility.

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1) Committing

The concept of perpetration enshrined in Article 25(3)(a) distinguishes between direct or immediate participation (“as an individual”), co-perpetration (“jointly with another person”), and intermediary perpetration (“through another person”).
All three forms of perpetration require proof that the accused intended the criminal result and that he or she was aware of the substantial likelihood that a criminal act or omission would occur as a consequence of his or her conduct.

Perpetration “as an individual” can be understood that the perpetrator acts on his or her own without relying on or using another person. Direct perpetration also covers the case, where there are other parties to the crime who are merely rendering accessory contributions to the commission by the direct perpetrator.

Co-perpetration or perpetration “jointly with another person” is characterized by a functional division of the criminal tasks between the different co-perpetrators, who all share the same criminal intent.

The jurisprudence of the ICC will determine whether or not the contribution of each of the co-perpetrators needs to be a conditio sine qua non for the commission of the crimes. In other words, the actus reus of co-perpetration may be interpreted narrowly, in the sense that each co-perpetrator has to physically carry out the objective element of the crime, or it may be interpret broadly, in the sense that it is sufficient that one of the co-perpetrators carried out the objective element of the crime and the others, having provided assistance in furthering the crime, may be held responsible for the crime. Intermediary perpetration or perpetration “through another person” is characterized by the predominance of a direct perpetrator who uses the person that physically carries out the crime as his or her instrument. Whereas this human tool is typically an innocent agent, the indirect perpetrator – as a kind of master mind – employs higher knowledge or superior willpower to have the crime executed. It requires more than inducing or soliciting a person to commit a crime, as otherwise this mode of perpetratorship would hardly be discernible from instigation in the terms of Article 25(3) (b) of the ICC Statute.

The actus reus consist in conduct aimed at instrumentalizing another person to commit a crime, by use of force, the exploitation of an error or any other handicap of the tool’s side or in some other way to establish criminal responsibility.

2) Instigating

The mode of liability of instigation summarizes what is also referred to as the “accessory before the fact”. In the terms of the ICC Statute Article 25(3)(b) refers to “ordering”, “soliciting” or “inducing” the commission of a crime. As a mode of participation distinct from perpetration, instigation must remain in a certain relationship to the principal crime.

The principle of the criminal responsibility of a superior for purposes of this subparagraph applies only to those situations in which the subordinate actually carries out or at least attempts to carry out the order to commit the crime, as indicated by the phrase “which in fact occurs or is attempted”.

The mode of “ordering” a crime presupposes a superior-subordinate relationship between the accused and the physical perpetrator of the crime. The content of this mode of liability may be construed along the lines of the jurisprudence of the ICTY.

The International Law Commission has stated that “(t) he superior who orders the commission of the crime is in some respects more culpable than the subordinate
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who merely carries out the order and thereby commits a crime that he would not have committed on his own initiative.

“Soliciting” means to command, authorize, urge, incite, request or advice another person to commit a crime. There may be cases where it is difficult to draw a distinctive line between the mode of “ordering” and “soliciting”. For intermediary perpetration, it is immaterial whether the person physically carrying out the crime is criminally responsible for the crime.

“Inducing” a crime means to affect, cause, influence an act or course of conduct, lead by persuasion or reasoning.

Again, there may be cases where it is difficult to distinguish this mode of liability from the other modes of accessory before the fact. Inducing may be conceived as an umbrella term, covering soliciting which, in turn, has a stronger and more specific meaning than inducing”. Unlike the case of “ordering” a superior-subordinate relationship is not necessary for the mode of “inducing”.

3) Aiding, Abetting or Otherwise Assisting

This provision covers the classical field of complicity by assistance. In contrast to the wording of the Statutes of the ICTY and the ICTR, the ICC Statute uses the language “aids, abets or otherwise assists” in the attempt or accomplishment of a crime, including “providing the means for its commission”. Consequently aiding and abetting are not an indistinguishable unity but each of them has its own meaning. Moreover, aiding and abetting are just two ways of other possible forms of ‘assistance.

As far as the mens rea element is concerned; this mode of liability has two different forms. With regard to facilitating the commission of the crime, the aider and abettor must act with ’purpose’. This requires not only the mere knowledge that the accomplice aids and abets the principle perpetrator; he or she must also wish that the assistance shall facilitate the commission of a crime. Aiding, abetting or otherwise assisting as defined by Article 25(3) (c) of the ICC Statute implies a lower degree of responsibility than in the case of instigating.

4) Complicity in Group Crimes

Article 25(3) (d) presents a compromise with earlier “conspiracy” provisions which since Nuremberg have been controversial. Subparagraph (d) appears to provide the lowest Objective threshold for participation under Article 25 by using the notion “in any other way contributes to [...] a crime”.

Unlike Article 25(3) (c), subparagraph (d) requires that the contribution of the accessory must be provided to “a crime by a group of persons acting with a common purpose”. With a fairly low objective requirement, a correction is made through the subjective level. The contribution to the group crime must be intentional and shall be made in one of the two alternative ways: it must either “be made with the aim of furthering the criminal activity or criminal purpose of the group” or “be made in the knowledge of the intention of the group to commit the crime” in addition the mens rea requirement of Article 30 of the ICC Statute are applicable which corresponds with the subjective requirements of aiding and abetting.

5) Incitement to Genocide

Article 25(3) (e) of the ICC Statute criminalizes direct and public incitement of others to commit genocide. It is in substance identical to Article III(c) of the 1948

Genocide is the only international crime to which public incitement has been criminalized. The reason for this provision is to prevent the early stages of genocide even prior to the preparation or attempt thereof.

To incite ‘publicly’ means that the call for criminal action is communicated to a number of individuals in a public place or to members of the general public at large particularly by technological means of mass communication, such as by radio or television to incite ‘directly’ means that a person is specifically urging another individual to take immediate criminal action rather than merely making a vague or indirect suggestion.

This incitement comes very close to, if not even substantially covered by, instigation according to Article 25(3) (b), thus losing much of its own significance. The difference between ordinary form instigation, e.g. instigation on the one hand and incitement to genocide on the other, lies in the fact that the former is specifically directed towards a certain person or group of persons in private while the latter is directed to the public in general.

There is one important difference between incitement to genocide and the forms of complicity under subparagraphs (b), (c) and (d): incitement with regard to genocide does not require the commission or even attempted commission of the actual crime, i.e. genocide. As such, incitement to commit genocide is an inchoate crime.

6) Complicity after Commission

In certain legal systems, for example the German, it is common that contributions are punishable also after its completion. The International Law Commission drafted a compromise according to which “complicity should be regarded as aiding, abetting or means provided ex post facto, if they had been agreed on prior to the perpetration of the crime.

As the ICC Statute did not address this question, it must be assumed that the State Parties were not prepared to accept this position.

7) Attempt and Abandonment

Article 25(3)(f) provides for the criminal responsibility of an individual who attempts to commit a crime within the jurisdiction of the Court if a person commits an act to carry out his or her intention and fails to successfully complete the crime only because of some independent factor which prevents him or her from doing so. The phrase ‘does not occur’ recognizes that the notion of attempt by definition only applies to situations in which an Individual Endeavour to commit a crime and fails in this endeavour. Thus, an individual incurs criminal responsibility for unsuccessfully attempting to commit a crime only when the following elements are present: (a) intent to commit a particular crime; (b) an act designed to commit it; and (c) non-completion of the crime for reasons independent of the perpetrators will.

On the other hand, a person who abandons the effort to commit the crime or otherwise prevents the completion of the crime is not criminally responsible. The provision does not clarify at what stage of the commission abandonment is still
admissible or under which circumstances the abandonment is voluntarily. This problem is left for the Court. However, some guidance may be sought in the phrase “by taking action commencing the execution of a crime” which is used to indicate that the individual has performed an act which constitutes a significant step towards the completion of the crime.

8) **Omission and Command Responsibility**

The different modes of liability under Article 25(3) are complemented by a specific rule on command and superior criminal responsibility. Article 28 establishes responsibility for omission for certain categories, namely military commanders, persons acting as a military commander and other superiors. Article 28(a) establishes that “a military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces, where: (i) that military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes; and (ii) that military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.”

Other superiors are, according to Article 28(b), criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where: (i) the superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes; (ii) the crimes concerned activities that were within the effective responsibility and control of the superior; and (iii) the superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

Both of the aforementioned types of command responsibility are similar to the law and jurisprudence of the ICTY. They all require a hierarchical relationship, a mental element, and failure on behalf of the accused to take the necessary and reasonable measures to prevent the crime or punish the perpetrator thereof.

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**8.5 IHL PROVISIONS DEALING WITH RETURN TO PEACE**

*Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.*

**Art 43. Armed forces**

*The armed forces of a Party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that Party for the conduct or its subordinates, even if that Party is represented*
by a government or an authority not recognized by an adverse Party. Such armed forces shall be subject to an internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict.

The above article clearly enunciates that an armed force of a party includes armed forces, groups and units which are under a command responsible and even if the parties are not represented by a government or an authority. The provision clarifies that the armed forces, groups whether represented by a government or any adverse party and their subordinates would be governed by the principle of command responsible and further the persons involved in the armed conflict and violating the humanitarian laws would be subjected to internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict. This indirectly conveys that the persons who do not respect the laws of armed conflict during a war and commit severe violations will certainly have to face the legal consequences, were such violators will be tried by the internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

Art 6. Penal Prosecutions

1) This Article applies to the prosecution and punishment of criminal offences related to the armed conflict.

2) No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality.

In particular:

a) The procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;

b) No one shall be convicted of an offence except on the basis of individual penal responsibility;

c) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under the law, at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;

d) Anyone charged with an offence is presumed innocent until proved guilty according to law;

e) Anyone charged with an offence shall have the right to be tried in his presence;
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f) No one shall be compelled to testify against himself or to confess guilt.

3) A convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.

4) The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offence and shall not be carried out on pregnant women or mothers of young children.

5) At the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained.

The above Article 6 deals about the prosecution and punishment of criminal offences related to the armed conflict. Where no sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality. In furtherance the provisions states that the following rules are to be complied with:

The procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defense such as

No one shall be convicted of an offence except on the basis of individual penal responsibility;

No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under the law, at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby; anyone charged with an offence is presumed innocent until proved guilty according to law; anyone charged with an offence shall have the right to be tried in his presence; no one shall be compelled to testify against himself or to confess guilt.

A convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.

The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offence and shall not be carried out on pregnant women or mothers of young children.

At the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained.

Thus the provision make it clear that the persons who violate the provisions of international humanitarian law would be prosecuted in accordance with the principles of natural justice and the persons accused of such violations may be granted amnest.
8.6 SUMMARY

- The challenges affecting the life of the International Community, as a whole, have insisted the need for improving the study of *jus ad bellum* and the implementation of *jus in bello* through a new political philosophy and new rules. In modern times, the doctrine of “just war” meets with the need of the International Community to resort to force. Today, this creates many problems and queries. Among these the following are very important. Whether the use of force is legitimate in the fight against terrorism? Whether war or military operations conducted to prevent terrorist attacks justified?

Commanders are responsible for training their subordinates and for reporting and investigating reportable Incidents, as well as preventing and correcting violations., commanders are legally responsible for violations committed by subordinates if any one of the following three circumstances apply:

- The commander ordered the commission of the act.
- The commander knew of the act, either before or during its commission, and did nothing to prevent or stop it.
- In international tribunals, commanders have been held personally responsible for violations committed by subordinates if the commander ordered the commission of the act or if the commander knew or should have known of the act either before or during its commission and did nothing to prevent or stop.
- Article 7 of the Statute of the ICTY, as well as Article 6 of the Statute of the ICTR is the principal provision dealing with individual criminal responsibility.

8.7 TERMINAL QUESTIONS

1) Discuss the IHL Provisions dealing with return of peace.
2) Critically discuss the concept of Individual Criminal Responsibility.

8.8 ANSWERS AND HINTS

Self Assessment Questions

1) Refer to Section 8.3
2) Refer to Section 8.4

Terminal Questions

3) Refer to Section 8.5
4) Refer to Section 8.4

8.9 GLOSSARY

ICTY : International Criminal Tribunal for Yugoslavia
8.10 REFERENCES AND SUGGESTED READINGS

1) Statute of International Criminal Court.

2) Article 43 of the Additional Protocol I.

3) Article 6 of the Additional Protocol II.

4) ICTY Statute.