Does international law make individuals responsible for perpetrating war crimes during internal armed conflicts?

Eve La Haye explores the content of international criminal law applicable in such conflicts and questions the 1995 finding of the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia that responsibility could be enforced on the basis of customary international law. This finding is evaluated with regard to state practice and the practice of international organisations.

The means to enforce individual criminal responsibility for such crimes are also investigated. The states on whose territory the crimes took place have sometimes tried such perpetrators, but can other states prosecute perpetrators of war crimes under the principle of universal jurisdiction? The applicability of universal jurisdiction to war crimes committed in civil wars and the practice of domestic courts are examined, alongside the role and achievements of prosecutions carried out by international courts and tribunals.

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WAR CRIMES IN INTERNAL ARMED CONFLICTS

EVE LA HAYE
A mes parents
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The book contains information up to 1 January 2007.
ABBREVIATIONS AND ACRONYMMS

AFDI Annuaire français de droit international
AJIL American Journal of International Law
Akayesu trial Prosecutor v. Akayesu, ICTR-96-4-T, trial judgment, 2 September 1998
Akayesu appeal Prosecutor v. Akayesu, ICTR-96-4-A, appeal judgment, 1 June 2001
Aleksovski trial Prosecutor v. Aleksovski, IT-95-14/1-T, trial judgment, 25 June 1999
Aleksovski appeal Prosecutor v. Aleksovski, IT-95-14/1-A, appeal judgment, 24 March 2000
Bagilishema trial Prosecutor v. Bagilishema, ICTR-95-1A-T, trial judgment, 7 June 2001
Bagilishema appeal Prosecutor v. Bagilishema, ICTR-95-1A-A, appeal judgment, 3 July 2002 with reasons issued 13 December 2002
Blagojević trial Prosecutor v. Blagojević & Jokić, IT-02-60-T, trial judgment, 17 January 2005
Blaškić trial Prosecutor v. Blaškić, IT-95-14-T, trial judgment, 3 March 2000
Blaškić appeal Prosecutor v. Blaškić, IT-95-14-A, appeal judgment, 29 July 2004
Brdjanin trial Prosecutor v. Brdjanin, IT-99-36-T, trial judgment, 1 September 2004
BYIL British Yearbook of International Law
Čelebići trial Prosecutor v. Delalić et al., IT-96-21-T, trial judgment, 16 November 1998
Čelebići appeal Prosecutor v. Delalić et al., IT-96-21-A, appeal judgment, 20 February 2001
common Article 3 Common Article 3 to the 1949 Geneva Conventions
Criminalise To render a conduct criminal
ABBREVIATIONS AND ACRONYMS

DRC Democratic Republic of Congo
ECHREuropean Convention on Human Rights
EJLEuropean Journal of International Law
Erdemović trial  Prosecutor v. Erdemović, IT-96-22-T, trial sentencing judgment, 29 November 1996
Erdemović appeal  Prosecutor v. Erdemović, IT-96-22-A, appeal judgment, 7 October 1997
EUFOR European Union Forces in Bosnia and Herzegovina
1949 Final Record Final Record of the diplomatic conference of Geneva of 1949 (Berne, 1951)
Furundžija trial  Prosecutor v. Furundžija, IT-95-17/1-T, trial judgment, 10 December 1998
Furundžija appeal  Prosecutor v. Furundžija, IT-95-17/1-A, appeal judgment, 21 July 2000
GA United Nations General Assembly
Galić trial  Prosecutor v. Galić, IT-98-29-T, trial judgment, 5 December 2003
Galić appeal  Prosecutor v. Galić, IT-98-29-A, appeal judgment, 30 November 2006
Hadžihasanović trial  Prosecutor v. Hadžihasanović et al., IT-01-47-T, trial judgment, 15 March 2006
Hadžihasanović command responsibility appeal decision  Prosecutor v. Hadžihasanović et al., IT-01-47-AR72, decision on interlocutory appeal challenging jurisdiction in relation to command responsibility, 16 July 2003
Halilović trial  Prosecutor v. Halilović, IT-01-48-T, trial judgment, 16 November 2005
ICC International Criminal Court
ICCPR International Covenant on Civil and Political Rights
ICJ International Court of Justice
ICLQ International Comparative Law Quarterly
ICRC International Committee of the Red Cross
ICTR International Criminal Tribunal for Rwanda
ICTY International Criminal Tribunal for the former Yugoslavia
ILC International Law Commission
ILM International Legal Materials
ILR International Law Report
ILSA International Law Student Association
IMT International Military Tribunal
Internal conflict Internal armed conflict or conflict of a non-international character
IRRC International Review of the Red Cross

Jelisić trial
Prosecutor v. Jelišić, IT-95-10-T, trial judgment, 14 December 1999

Jelisić appeal
Prosecutor v. Jelišić, IT-95-10-A, appeal judgment, 5 July 2001

JICJ Journal of International Criminal Justice
Kajelijeli trial
Prosecutor v. Kajelijeli, ICTR-98-44A-T, trial judgment, 1 December 2003

Kajelijeli appeal
Prosecutor v. Kajelijeli, ICTR-98-44A-A, appeal judgment, 23 May 2005

Kamuhanda trial
Prosecutor v. Kamuhanda, ICTR-95-54A-T, trial judgment, 22 January 2004

Kamuhanda appeal
Prosecutor v. Kamuhanda, ICTR-95-54A-A, appeal judgment, 19 September 2005

Kayishema trial
Prosecutor v. Kayishema and Ruzindana, ICTR-95-1-T, trial judgment, 21 May 1999

Kayishema appeal
Prosecutor v. Kayishema and Ruzindana, ICTR-95-1-A, appeal judgment, 1 June 2001

KLA Kosova Liberation Army
Kordić trial
Prosecutor v. Kordić & Čerkez, IT-95-14-2-T, trial judgment, 26 February 2001

Kordić appeal

Krnojelac trial

Krnojelac appeal

Krstić trial
Prosecutor v. Krstić, IT-98-33-T, trial judgment, 2 August 2001

Krstić appeal
Prosecutor v. Krstić, IT-98-33-A, appeal judgment, 19 April 2004
Kunarac trial: Prosecutor v. Kunarac et al., IT-96-23-T, trial judgment, 22 February 2001
Kupreškić trial: Prosecutor v. Kupreškić et al., IT-95-16-T, trial judgment, 14 January 2000
Kvočka trial: Prosecutor v. Kvočka et al., IT-98-30/1-T, trial judgment, 2 November 2001
Kvočka appeal: Prosecutor v. Kvočka et al., IT-98-30/1-A, appeal judgment, 28 February 2005
Laws of war: Laws and customs of war – Laws of armed conflicts
Limaj trial: Prosecutor v. Limaj, IT-03-66-T, trial judgment, 30 November 2005
LRA: Lord’s Resistance Army
Milošević rule 98bis decision: Prosecutor v. Milošević, IT-02-54-T, decision on motion for judgment of acquittal, 16 June 2004
Naletilić trial: Prosecutor v. Naletilić et al., IT-98-34-T, trial judgment, 31 March 2003
Nicaragua case: Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. USA) (Merits) 76 ILR 5
NGO: Non-governmental Organisation
NILR: Netherlands International Law Review
Orić trial: Prosecutor v. Orić, IT-03-68-T, trial judgment, 30 July 2006
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<td>OSCE</td>
<td>Organisation for Security and Co-operation in Europe</td>
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<td>PCIJ</td>
<td>Permanent Court of International Justice</td>
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<td>Protocol II</td>
<td>1977 Additional Protocol II to the 1949 Geneva Conventions</td>
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<td>Recueil des cours</td>
<td>Recueil des cours de l’Académie de droit international de La Haye</td>
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<td>RGDIP</td>
<td>Revue générale de droit international public</td>
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<td>Rome statute</td>
<td>1998 Rome statute for the International Criminal Court</td>
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<td>RPF</td>
<td>Rwandan Patriotic Front</td>
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<td>RUF</td>
<td>Revolutionary United Front</td>
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<td>Rutaganda trial</td>
<td>Prosecutor v. Rutaganda, ICTR-96-3-T, trial judgment, 6 December 1999</td>
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<td>SADEC</td>
<td>South African Development Community</td>
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<td>SC</td>
<td>United Nations Security Council</td>
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<td>SFOR</td>
<td>Stabilisation Force in Bosnia and Herzegovina</td>
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<td>SFRY</td>
<td>Socialist Federal Republic of Yugoslavia</td>
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<td>SG</td>
<td>Secretary-General of the United Nations</td>
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<td>SG Report</td>
<td>Report of the UN Secretary-General</td>
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<td>Simić trial</td>
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<td>Stat.</td>
<td>United States Statutes at large</td>
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Strugar trial  
Prosecutor v. Strugar, IT-01-42-T, trial judgment, 31 January 2005

Tadić jurisdiction decision  
Decision on the defence motion for interlocutory appeal on jurisdiction, IT-94-1-AR72, 2 October 1995

Tadić trial  
Prosecutor v. Tadić, IT-94-1-T, trial judgment, 7 May 1997

Tadić appeal  
Prosecutor v. Tadić, IT-94-1-A, appeal judgment, 15 July 1999

Third state  
a state other than the state where the internal armed conflict is taking place

UAE  
United Arab Emirates

UNMIK  
United Nations Interim Administration Mission in Kosovo

UNPROFOR  
United Nations Protection Force

UNTAET  
United Nations Transitional Administration in East Timor

UNTS  
United Nations Treaty Series

Vasiljević trial  
Prosecutor v. Vasiljević, IT-98-32-T, trial judgment, 29 November 2002

Vasiljević appeal  

YbIHL  
Yearbook of International Humanitarian Law