<table>
<thead>
<tr>
<th>Term</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>acts other than grave breaches</td>
<td>109</td>
</tr>
<tr>
<td>Ad Hoc Tribunals</td>
<td></td>
</tr>
<tr>
<td>achievements of 319–28</td>
<td></td>
</tr>
<tr>
<td>budget for 337</td>
<td></td>
</tr>
<tr>
<td>co-operation with states 155–57, 333–36</td>
<td></td>
</tr>
<tr>
<td>arrest of war criminals 336</td>
<td></td>
</tr>
<tr>
<td>costs of 337</td>
<td></td>
</tr>
<tr>
<td>customary law, interpretation of 328–32</td>
<td></td>
</tr>
<tr>
<td>definition of internal armed conflicts by 320–22</td>
<td></td>
</tr>
<tr>
<td>effectiveness of compared with domestic jurisdiction 270–73</td>
<td></td>
</tr>
<tr>
<td>prevention of war crimes, for 338–39</td>
<td></td>
</tr>
<tr>
<td>elements of war crimes, clarification of 322–25</td>
<td></td>
</tr>
<tr>
<td>individual responsibility for war crimes under statutes 134–38</td>
<td></td>
</tr>
<tr>
<td>length of proceedings factors influencing 337</td>
<td></td>
</tr>
<tr>
<td>measures to cut 337–38</td>
<td></td>
</tr>
<tr>
<td>limitations of 328–39</td>
<td></td>
</tr>
<tr>
<td>summary remarks 336–39</td>
<td></td>
</tr>
<tr>
<td>national legislation on co-operation with 155–57</td>
<td></td>
</tr>
<tr>
<td>nexus between criminal conduct and armed conflict, on 111–12</td>
<td></td>
</tr>
<tr>
<td>mental element 112</td>
<td></td>
</tr>
<tr>
<td>prosecutions, practice on 326–28</td>
<td></td>
</tr>
<tr>
<td>prosecutions record 319–20</td>
<td></td>
</tr>
<tr>
<td>role of 318–19</td>
<td></td>
</tr>
<tr>
<td>transfers of proceedings to national courts 338</td>
<td></td>
</tr>
<tr>
<td>universal jurisdiction, as expression of 225–26</td>
<td></td>
</tr>
<tr>
<td>victims of war crimes, methodology for determining 322</td>
<td></td>
</tr>
<tr>
<td>war crimes, list of 174–76, 325–26</td>
<td></td>
</tr>
<tr>
<td>witness statements, use of 335</td>
<td></td>
</tr>
<tr>
<td>Additional Protocol II</td>
<td></td>
</tr>
<tr>
<td>adoption of 43–44</td>
<td></td>
</tr>
<tr>
<td>application to internal armed conflicts 44–45, 46</td>
<td></td>
</tr>
<tr>
<td>content of 45–46</td>
<td></td>
</tr>
<tr>
<td>need for 43</td>
<td></td>
</tr>
<tr>
<td>significance of 46–47</td>
<td></td>
</tr>
<tr>
<td>aircraft hijacking</td>
<td></td>
</tr>
<tr>
<td>extension of universal jurisdiction to 220</td>
<td></td>
</tr>
<tr>
<td>allegiance</td>
<td></td>
</tr>
<tr>
<td>distinction between international and internal armed conflict 34</td>
<td></td>
</tr>
<tr>
<td>amnesties</td>
<td></td>
</tr>
<tr>
<td>effect on observance of laws of war 1–2</td>
<td></td>
</tr>
<tr>
<td>limitation on 121</td>
<td></td>
</tr>
<tr>
<td>anti-personnel mines, restrictions on 48</td>
<td></td>
</tr>
<tr>
<td>apartheid</td>
<td></td>
</tr>
<tr>
<td>extension of universal jurisdiction to 220</td>
<td></td>
</tr>
<tr>
<td>armed conflict</td>
<td></td>
</tr>
<tr>
<td>Common Article 3 definition 43</td>
<td></td>
</tr>
<tr>
<td>jurisdictional prerequisite for ICTY, as 332</td>
<td></td>
</tr>
<tr>
<td>nexus with criminal conduct 110–15, 323–25</td>
<td></td>
</tr>
<tr>
<td>Armenia</td>
<td></td>
</tr>
<tr>
<td>ICC jurisdiction, statement on extent of 162</td>
<td></td>
</tr>
<tr>
<td>Assembly of States Parties (to ICC)</td>
<td></td>
</tr>
</tbody>
</table>
INDEX

referral of issues of non-co-operation to 351
Australia
implementation of ICC statute 159, 231
Austria
practice as to universal jurisdiction 243–45
aut judicare, aut dedere 108, 223, 226, 232

Bangladesh
Geneva Conventions 1949, implementation of 228–29
ICC jurisdiction, statement on extent of 162

Belgium
ICC statute, implementation of 159
universal jurisdiction, practice as to 245–47
belligerency 58–61
in civil war 6–7
non-recognition
effect of 36–37, 39
recognition of 6, 14, 35–36
conditions for 6
effectiveness of 38–39
belligerents
civilians, treatment of 1, 58–61
justification of 58–59
humanitarian law, approach to legislation and military codes, in 59–61
official statements, in 59
prohibited weapons, use of 68–69
refusal to respect Geneva Conventions 60
bilateral relationships within internal conflicts
theory of pairings 15, 17, 19

Bosnia-Herzegovina
disregard of laws of war in 1
interaction between State Court and ICTY 258–9
war crimes prosecutions by 256–59

Cambodia
war crimes prosecutions by 259–61
Canada

ICC statute, implementation of 157–58, 231–32
case law
Ad Hoc Tribunals, interpretation of customary law by 328–32
importance of customary law 50–51
national case law 50–51
chemical weapons
restrictions on use of 48
use of 68
children
protection of 49
forced recruitment, against 146
civil wars
belligerency in 6–7
individual responsibility for war crimes during 105–06
civilians
increased violence against 1, 58
belligerents’ justification for 58–59
liability for war crimes of 115–17
potential perpetrators of war crimes, as 115–17
protection of 57–67
resisting occupying power, status of 37
treatment by belligerents 58–61
command responsibility as basis for prosecution for war crimes 326–27
Common Article 3
adoption of 39–41
application to internal armed conflicts 41–42, 131–32, 133
ICC statute 138–44
ICTR statute 136–38
ICTY statute 134–36
SCSL statute 144–47
armed conflict, definition of 43
content of 41
 customary law, as 51–53
definition of internal armed conflicts 7–8
doctrine of legislative jurisdiction as to 119–20
enforcement of 41–43
ICRC commentary on 119
protected persons under 118
complementarity principle as to ICC jurisdiction 347–49
Congo (Democratic Republic of)
ICC proceedings relating to 355
corruption
extension of universal jurisdiction to 220
counterfeiting
extension of universal jurisdiction to 220
criminal conduct
nexus with armed conflict 110–15, 323–25
Croatia
war crimes prosecutions by 261–63
cultural property, protection of 48–49
customary law
application to internal armed conflicts 49–57, 329–32
basis for ICTY proceedings 329–32
case law, importance in 50–51
Common Article 3 as 51–53
definition of 49, 55
determining elements of crime in 330–32
ICC Statute as, strength of recognition of 165–66
individual responsibility for war crimes under 148–71
summary remarks 170–71
interpretation by Ad Hoc Tribunals 328–32
protection of civilians 57–67
Protocol II recognised as 54
rebels’ rights and obligations under 120–21
state practice 55
torture
applied to 50–51
determining elements of 332
treaty law, use by ICTY with 328–29
universal jurisdiction under 227–56
delicta juris gentium 219
Denmark
coopération with Ad Hoc Tribunals, legislation on 156
universal jurisdiction, practice as to 247
domestic criminal law
effectiveness of 121
compared with foreign/international law 270–73
transfers of proceedings from Ad Hoc Tribunals 338
universal jurisdiction in 228–35, 242–56
drug trafficking
extension of universal jurisdiction to 220
duress
determining status in customary law 331
East Timor
war crimes prosecutions by 263–65
elements of crime
determining in customary law 330–32
environmental protection, offences against
extension of universal jurisdiction to 220
Estonia
ICC jurisdiction, statement on extent of 162–63
Ethiopia
war crimes prosecutions by 265
European Union
breaches of humanitarian law, statements on 65
individual responsibility for war crimes, statements on 169–70
use of prohibited weapons, statements on 71
evidence
states’ requirements as grounds for refusal of co-operation with ICC 352
expanding/exploding bullets, use of 109
extra-territorial jurisdiction see universal jurisdiction
Finland
coopération with Ad Hoc Tribunals, legislation on 156
First World War
INDEX

development of universal jurisdiction after 221
war crimes measures after 106
forced recruitment of children, SCSL statute as to 146
foreign intervention in internal armed conflicts 15–19
France
application of ICTY statute to war crimes, statement on 161
breaches of humanitarian law, statements on 62
co-operation with Ad Hoc Tribunals, legislation on 156–57
universal jurisdiction, practice as to 247–49
use of prohibited weapons, statements on 69
Geneva Conventions 1949
application to wars of self-determination 14
belligerents’ refusal to respect 60
Common Article 3 see Common Article 3
grave breaches see grave breaches of laws of war
national implementation 151–53
protected persons under 117–18
Protocol II see Protocol II (1977) war crimes, as to 107–09
whether rebel forces bound by 119–21
Geneva Diplomatic Conference (1949) definition of internal armed conflicts 5, 7–8
Germany
breaches of humanitarian law, statements on 62
ICC jurisdiction, statement on extent of 164
ICC statute, implementation of 159–60, 232–33
universal jurisdiction, practice as to 249–51
grave breaches of laws of war 108 acts other than 109
provisions on, use of 247
rights and obligations of states to prosecute for 223–24
universal jurisdiction as to 224–25
hijacking of aircraft
extension of universal jurisdiction to 220
humanitarian law
belligerents’ approach to 59–61
breaches of see war crimes
European Union statements on breaches of 65
laws and customs of war, interaction with 74–75
League of Nations statements on breaches of 64
rebels’ rights and obligations under 120–21
third states’ approach towards breaches of 61–62
UN General Assembly statements on 64–65
UN Secretary-General statements on breaches of 65–66
UN Security Council list of serious violations 63
UN Security Council practice towards breaches of 63–64
immunity, violation of
Democratic Republic of Congo (DRC) v Belgium on 237–41
grounds for refusal of co-operation with ICC 352
impunity, prevention of 121
incendiary weapons restrictions on use of 68
India
ICC jurisdiction, statement on extent of 163, 164
indirect conducts of states
indication of compliance to customary law, as 56
individual responsibility for war crimes 131–32
Ad Hoc Tribunals’ statutes as to 134–38
individual responsibility for war crimes (cont.)
civil war, in 105–06
civilians, of 115–17
customary law, under 148–71
summary remarks 170–71
EU practice 169–70
internal armed conflicts, during 110–22
military codes and manuals, under 154–55
SCSL statute as to 144–47
state practice 150–66
states’ declarations on 161–64
UN General Assembly resolutions relating to 169
UN Secretary-General reports relating to 168
UN Security Council resolutions relating to 166–67
individuals
rights and obligations under international laws and customs 120–21
Indonesia
war crimes prosecutions by 265–66
Institute of International Law
universal jurisdiction, on 242–56
insurgency, recognition of 35
Inter-American Commission on Human Rights
definition of internal armed conflicts 12–13
internal armed conflicts
characteristics 5–6
definition 5, 20
Ad Hoc Tribunals, by 320–22
common Article 3, 7–8
international case law 9–13
international treaties 7–9
Geneva Diplomatic Conference 5
Limaj case 12
Tablada case 12–13
determining existence of allegiance, notion of 34
international case law 10–11
role of states 20–21
growth world wide 1
intensity
criteria for existence of conflict 321
factors for assessing 10, 12
international armed conflicts, distinguished from 13–14
allegiance, notion of 34
internationalisation of, test for 321–22
scale and magnitude of, distinguishing by 35
types of 5
international armed conflicts caused by foreign intervention in internal conflict 15–19
determining existence of international case law 10
distinguished from internal armed conflicts 13–14
allegiance, notion of 34
individual responsibility for war crimes during 105
internal armed conflicts escalating to 18
United Nations, intervention by 20
international case law
importance of customary law 50
International Committee of the Red Cross (ICRC)
international regulation for civil conflicts 38
war crimes, list of 176
whether prohibitions on weapons applicable to internal armed conflicts, on 71–72
whether rebel forces bound by Geneva Conventions, on 119
whether war crimes regime applicable to internal armed conflicts, on 131
International Court of Justice (ICJ)
universal jurisdiction, approach to 237–41
International Criminal Court (ICC)
admissibility of cases to 347–49
Assembly of States Parties referral of issues of non co-operation to 351
INDEX

co-operation with national courts 349, 356
enforcement of compliance 350–51
forms of 349–50
grounds for refusal
evidentiary requirements 352
immunity, violation of 352
national law and security 353
ongoing national proceedings 351–52
definition of internal armed conflicts 9
effectiveness of 354
Congo (Democratic Republic of) 355
Darfur region (Sudan) 356
summary of findings 356–58
Uganda 355, 358
individual responsibility for war crimes under statutes 138–44
internal armed conflicts
effectiveness in 346–47, 356–58
jurisdiction
complementarity principle as to 347–49
exercise of 341, 344–47, 356
preconditions for 342–44, 356
extent of 339, 340–41
states’ declarations on 162–64
list of war crimes 109–10, 140–44
nexus between criminal conduct and armed conflict, on 321
Prosecutor
commencement of proceedings by 346
referrals to 343–44
states, by 344
UN Security Council, by 344–46
statute
customary law, strength of recognition as 165–66
national implementation 157–60, 230–34
prohibited weapons, on 72–73
universal jurisdiction, as expression of 226–27
International Criminal Tribunal for Rwanda (ICTR)
assessment of intensity of conflict 12
civilian liability for war crimes, on 116–17
civilian liability for war crimes, on 116–17
civilian liability for war crimes, on 116–17
civilian liability for war crimes, on 116–17
civilian liability for war crimes, on 116–17
co-operation with states 334
establishment of 1–2
individual responsibility for war crimes under statutes 136–38
nexus between criminal conduct and armed conflict, on 112, 325
potential perpetrators of war crimes, on who can be 322–23
prosecutions record 319
protected persons, on determination of status as 118
whether case amounts to internal armed conflict, on 321
whether war crimes regime applicable to internal armed conflicts, on 132
International Criminal Tribunal for the Former Yugoslavia (ICTY)
applicable law, determining 328–29
armed conflict as jurisdictional prerequisite for 332
Bosnia-Herzegovina State Court, interaction with 258–59
civilian liability for war crimes, on 116
co-operation with states 333–34
customary law, basis for proceedings in 329–32
definition of internal armed conflicts 10–12, 320
escalation of internal conflict to international, on 18
establishment of 1–2
foreign intervention 15, 19
individual responsibility for war crimes under statutes 134–36
methodology 320
nexus between criminal conduct and armed conflict, on 111–12, 323–24
mental element 112
prosecutions, practice on 326
prosecutions record 319
protected persons, on determination of status as 118
International Criminal Tribunal for the Former Yugoslavia (ICTY) (cont.)
‘Rules of the Road’, procedures under 256–57
State Court of Bosnia-Herzegovina, interaction with 258–59
states’ declarations on applicability of statute to war crimes 161–62
statute
conditions for application to war crimes 329
test for determining internationalisation of internal armed conflict 321–22
universal jurisdiction, on existence of 217
whether victims of war crimes can be same nationality as perpetrators, on 119
whether war crimes regime applicable to internal armed conflicts, on 132
International Military Tribunal of Nuremburg (Nuremburg Tribunal) 107
civilian liability for war crimes, on 115–16
international prosecutions of war criminals
Ad Hoc Tribunals, by 318–39
development of 317–18
international treaties
adoption as indicator of states’ practice on war crimes 165–66
extension of universal jurisdiction by 220
individual responsibility for war crimes under 133–34, 147–48
ICC statute 138–44
ICTR statute 136–38
ICTY statute 134–36
SCSL statute 144–47
provision for universal jurisdiction in 224–27
international tribunal for war crimes, proposals for 106
internationalisation of internal armed conflicts, ICTY test for 321–22
Iraq
prohibited weapons, use of 68
war crimes prosecutions by 266–67
jurisdiction, definition of 218
Kenya
ICC statute, implementation of 234
Kosovo
war crimes prosecutions by 267–69
Lachs, Judge Manfred
definition of potential perpetrators 115
definition of war crimes 104
land mines, restrictions on 47
anti-personnel mines 48
laser weapons
restrictions on 47–48
laws and customs of war
32–33
authority of 1
codification
Hague Conventions (1899 & 1902) 106
Leiber Code 36
Nuremburg Tribunal 107
Versailles, Treaty of 106
customary law 49–75
disregard of in Bosnia-Herzegovina 1
South American independence wars 36
grave breaches of 108
historical development
pre-20th century 33–37
1900–49 37–39
after 1949 39–49
humanitarian law, interaction with 74–75
treaty law after 1949 39–49
whether rebel forces bound by 119–21
League of Nations
breaches of humanitarian law, statements on 64
INDEX

use of prohibited weapons, statements on 69–70
legislative jurisdiction, doctrine of 119–20
Lieber Code 36
linkage (nexus) between criminal conduct and armed conflict 110–15, 323–25
Luxembourg
co-operation with Ad Hoc Tribunals, legislation on 156
maritime navigation, offences against extension of universal jurisdiction to 220
Martens Clause 37–38
means of warfare, restrictions on 67–75
mental element of war crimes
Ad Hoc Tribunals, rulings by 112
ICC, rulings by 113–15
mercenaries, use of extension of universal jurisdiction to 220
military codes and manuals
approaches to humanitarian law in 59–61
individual responsibility for war crimes, on 154–55
prohibited weapons, references to 68–69
internal armed conflicts, in 72
municipal law
application to internal armed conflicts 35
national case law
importance of customary law 50–51
national courts
co-operation with Ad Hoc Tribunals 338
co-operation with ICC 349
national legislation
Ad Hoc Tribunals, co-operation with 155–57
approaches to humanitarian law in 59–61
Geneva Conventions, implementation in 228–30
grounds for refusal of co-operation with ICC, as 353
practice of universal jurisdiction under 228–35
national prosecutions of war criminals
alternatives to 216
Austria 243–45
Belgium 245–47
Bosnia-Herzegovina 256–59
Cambodia 259–61
Croatia 261–63
Denmark 247
East Timor 263–65
Ethiopia 265
factors for and against 216
France 247–49
Germany 249–51
Indonesia 265–66
Iraq 266–67
Kosovo 267–69
Netherlands 251–52
Russia 269–70
Switzerland 252–53
national security
grounds for refusal of co-operation with ICC, as 353
nationality principle 219
Netherlands
ICC statute, implementation of 233
universal jurisdiction, practice as to 251–52
New Zealand
ICC statute, implementation of 158, 230–31
nexus between criminal conduct and armed conflict 110–15, 323–25
Nicaragua case
Common Article 3 as customary law, recognition of 52
distinction between international and internal armed conflict 15, 19
state practice of customary law, on 55
nuclear material, offences against protection of extension of universal jurisdiction to 220
nullum crimen sine lege 329
official statements of belligerents
approaches to humanitarian law in 59
Organisation for Security and
Co-operation in Europe
use of prohibited weapons,
statements on 70–71
organised armed group
factors for existence of 11–12
organised crime
extension of universal jurisdiction
to 220
pairings, theory of 15, 19
passive personality principle 219
peacemaking process
importance of war crimes
prosecutions for 2
perpetrators of war crimes
need for presence for operation
of universal jurisdiction
220–21
potential perpetrators 115–17
whether can be same nationality as
victims 118–19
Pinochet case
universal jurisdiction, on existence
of 217–18
use of customary international law
in 50–51
piracy
statelessness of pirates 219
universal jurisdiction used
against 219
poisoned weapons
Commission of Jurists as to use of 109
Nuremburg Tribunal as to use of 109
poisoning of wells 109
potential perpetrators of war crimes
115–17
civilians as 115–17
definition of 115
Princeton principles on universal
jurisdiction 242
prohibited weapons, use of
by belligerents 68–69
consensus on 71
extension of prohibitions to internal
armed conflicts 71–73
international organisations’
statements on 69–73
third states’ responses to 69
protected persons
Ad Hoc Tribunals’ methodology for
determining status 322
extension of universal jurisdiction to
crimes against 220
Geneva Conventions, under
117–18
protective principle 219
Protocol II (1977)
applicability to internal armed
conflicts 131, 132, 133
ICTR statute 136–38
ICTY statute 134–36
SCSL statute 144–47
common Article 3 as 53–54
compliance with 53
definition of internal armed
conflicts 8–9
protected persons under 118
recognition as customary law 54
protracted armed violence
factors for existence of 12
rape, elements in customary law 331
rebel forces
rights and obligations under
international and customary
law 120–21
whether bound by Geneva
Conventions 119–21
rebellion, status of 34
Rome Agreement on Sarajevo (‘Rules
of the Road’) 256–57
Rome statute see under International
Criminal Court (ICC)
Russia
prohibited weapons, use of 68
war crimes prosecutions by 269–70
Second World War
development of universal
jurisdiction after 221–23
war crimes measures after
106–07
slavery
universal jurisdiction used against 219–20
South Africa
ICC statute, implementation of 159, 232
Special Court for Sierra Leone (SCSL)
individual responsibility for war crimes under 144–47
universal jurisdiction, approach to 241–42
State Court of Bosnia-Herzegovina interaction with ICTY 258–59
state responsibility, law of 16–17
statelessness of pirates 219
states
co-operation with Ad Hoc Tribunals 155–57, 333–36
criminal jurisdiction of principles of 218–19
customary law, practice of ‘indirect conducts’ as indicators of 56
Geneva Conventions, implementation of 151–53, 228–30
ICC jurisdiction, statements on extent of 162–64
ICC statute, implementation of 157–60
individual responsibility for war crimes declarations on 161–64
practice on 150–66
adoption of treaties as indicator of 165–66
obligations of co-operation with Ad Hoc Tribunals 334–35
coopperation with ICC 349–50
Grounds for refusal 351–54
Geneva Conventions, under 108–09
prosecution of war criminals by see national prosecutions of war criminals
referral of cases to ICC 344

third states
breaches of humanitarian law, approach to 61–62
use of prohibited weapons, approach to 69
universal jurisdiction practice 228–35
rights and responsibilities of 224–25
status-of-forces agreements
grounds for refusal of co-operation with ICC by states, as 352–53
statute of limitations, limitation on 121
Sudan
ICC jurisdiction, statement on extent of 164
ICC proceedings relating to Darfur 356
Switzerland
universal jurisdiction, practice as to 252–53

Tadić case
application of international law to internal armed conflicts, significance for 74
Common Article 3 as customary law, recognition of 52
criminalisation of war crimes under customary law, on 148–49
customary law, application of 54, 56
definition of internal armed conflicts 10
foreign intervention 16–18
nexus between criminal conduct and armed conflict, on 111
Protocol II as customary law, on recognition of 53
whether war crimes regime applicable to internal armed conflicts, on 132, 135–36
territoriality principle 218–19
terror, use of criminal liability under customary law 331
terrorism distinguished from internal armed conflicts 21
theory of pairings 15, 17, 19
third states see under states
torture
torture (cont.)
customary law applied to 50–51
determining elements in customary law 332
extension of universal jurisdiction to 220
treaty law
customary law, use by ICTY with 328–29
rebels’ rights and obligations under 120–21
Trinidad and Tobago
ICC statute, implementation of 231

Uganda
ICC jurisdiction, statement on extent of 163
ICC proceedings relating to 355
UN Commission on Human Rights universal jurisdiction, on 237
use of prohibited weapons, statements on 70–71
whether rebel forces bound by humanitarian law, on 120
UN General Assembly
breaches of humanitarian law, statements on 64–65
individual responsibility for war crimes, resolutions relating to 169
use of prohibited weapons, statements on 70
UN Secretary-General
breaches of humanitarian law, statements on 65–66
individual responsibility for war crimes, reports relating to 168
universal jurisdiction, on 237
whether war crimes regime applicable to internal armed conflicts, on 131–32
UN Security Council
breaches of humanitarian law, statements on 63–64
individual responsibility for war crimes, resolutions relating to 166–67
measures to enforce co-operation with ICC 351
referral of cases to ICC 344–46
states’ declarations on application of ICTY statute to war crimes 161–62
universal jurisdiction, policy on 236–37
use of prohibited weapons, statements on 69
war crimes, list of 174
whether rebel forces bound by humanitarian law, on 120–21
United Kingdom
application of ICTY statute to war crimes, statement on 161–62
breaches of humanitarian law, statements on 61–62
ICC jurisdiction, statement on extent of 163
ICC statute, implementation of 158–59, 233–34
use of prohibited weapons, statements on 69
United Nations see also entries for specific bodies filed under UN
intervention in internal armed conflicts 19–20
personnel extension of universal jurisdiction to offences against 220
protection of 48
universal jurisdiction acts other than grave breaches, as to 224–25
Ad Hoc Tribunals as expression of 225–26
apartheid, extension to 220
application of 241–42
presence of perpetrator, need for 220–21
corruption, extension to 220
counterfeiting, extension to 220
custonmary law, under 227–56
definition of 220
development of 218–24
domestic criminal law, use in 228–35, 242–56
drug trafficking, extension to 220
	effectiveness of 272–73
environmental protection offences, extension to 220
existence of 216–18
extension of 220
hijacking of aircraft, extension to 220
ICC as expression of 226–27
ICJ’s approach to 237–41
Institute of International Law on 242–56
maritime navigation, extension to offences against 220
mercenaries, extension to use of 220
	need for 233–34
organised crime, extension to 220
piracy, use against 219
Princeton principles 242
provision in international treaties for 224–27
right to prosecute under 237–41
SCSL’s approach to 241–42
slavery, use against 219–20
state practice 228–35
torture, extension to 220
UN Commission on Human Rights on 237
UN Secretary-General on 237
UN Security Council policy on 236–37
use of
domestic courts, by 242–56
international courts, by 236–37
violation of immunity by use of 237–41
universality principle 219
unjust war
dead penalty for 105
USA
application of ICTY statute to war crimes, statement on 161
breaches of humanitarian law, statements on 62
declarations on 161–64
Geneva Conventions, implementation of 228
ICC jurisdiction, statement on extent of 163–64
use of prohibited weapons, statements on 69
victims of war crimes
Ad Hoc Tribunals’ methodology for determining 322
categories 117–19
whether victims can be same nationality as perpetrators 118–19
war crimes 148–71
applicability of measures to internal armed conflicts 132, 138
amnesties for effect on observance of laws of war 1–2
civilian liability for see under individual responsibility for war crimes
command responsibility as basis for prosecution for 326–27
concept of, applied to internal armed conflicts 121–22
conditions for application of ICTY statute to 329
criminal prosecutions for importance for peacemaking process of 2
definition of 104, 110
elements of 322–25
elements of war crimes clarification by Ad Hoc Tribunals 322–25
determining in customary law 330–32
Geneva Conventions, as to 107–09
individual responsibility for see individual responsibility for war crimes
linkage (nexus) between criminal conduct and armed conflict 110–15, 323–25
lists of 172–74
Ad Hoc Tribunals 174–76, 325–26
ICC list 109–10, 140–44, 172–74
rejected proposals 142–44
war crimes (cont.)

ICRC list 176
UN Security Council 174
mental element
Ad Hoc Tribunals, rulings by 112
ICC, rulings by 113–15
need to apply concept to internal armed conflicts 121–22
nexus between criminal conduct and armed conflict 110–15, 323–25
potential perpetrators see potential perpetrators of war crimes
prevention of, effectiveness of Ad Hoc Tribunals for 338–39
prosecution of see international prosecutions of war criminals; national prosecutions of war criminals
right to try accused
historical development 104–07
victims see victims of war crimes
whether victims can be same nationality as perpetrators 118–19
war criminals
arrest of, international co-operation for 336
potential see potential perpetrators of war crimes
prosecution of see international prosecutions of war criminals; national prosecutions of war criminals
states’ refusal to surrender to ICC on grounds of status-of-force agreements 352–53
wars of self-determination considered as international armed conflicts 14
weaponry, restrictions on 47–48, 67–75
extension to internal armed conflicts 71–73
ICC list of war crimes 142–43
witness statements use by Ad Hoc Tribunals 335