The command responsibility doctrine in international criminal law and its applicability to civilian superiors

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SWART, B., and A. KLIP, eds., International Criminal Law in the Netherlands (Freiburg im Breisgau, Ed. iuscrim, Max-Planck-Institut für ausländisches und internationales Strafrecht 1997).


VAN CREVELD, M., Command in War (Cambridge, Harvard University Press 1985).


TABLE OF CASES

INTERNATIONAL COURTS

**International Court of Justice**

*Asylum Case* (Colombia/Peru), Judgement, ICJ Reports 1950.
*Continental Shelf Case* (Libyan Arab Jamahiriya/Malta), Judgement, ICJ Reports 1985.

**International Criminal Court**

*Bemba*


*Lubanga*

*Prosecutor v. Thomas Lubanga Dyilo*, Warrant of Arrest, Case No. ICC-01/04-01/06-2, 10 February 2006.

*Katanga and Ngudjolo Chui*


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*Kony, Otti, Odhiambo and Ongwen*


Harun and Kushayb


Al Bashir

Prosecutor v. Omar Hassan Ahmad Al Bashir, Warrant of Arrest, Case No. ICC-02/05-01/09-1, 4 March 2009.

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Kayishema and Ruzindana

Prosecutor v. Clément Kayishema and Obed Ruzindana, First Amended Indictment, Case No. ICTR-95-1-I.

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Rugambarara

Prosecutor v. Juvénal Rugambarara, Decision on the Prosecution Motion to Amend the Indictment, Case No. ICTR-00-59-T, 28 June 2007.

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International Criminal Tribunal for the former Yugoslavia

Aleksovski


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Blagojević and Jokić


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Boškoski and Tarčulovski

Prosecutor v. Ljube Boškoski and Johan Tarčulovski, Judgement, Case No. IT-04-82-T, 10 July 2008.

Brđanin


Delalić et al. (Čelebići)


Delić


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Furundžija

Prosecutor v. Anto Furundžija, Judgement, Case No. IT-95-17/1-T, 10 December 1998.

Galić


Hadžihasanović

Prosecutor v. Hadžihasanović et al., Decision on Joint Challenge to Jurisdiction, Case No. IT-01-47-PT, 12 November 2002.

Halilović

Karadžić and Mladić

Kordić and Čerkez
Prosecutor v. Dario Kordić and Mario Čerkez, Judgement, Case No. IT-95-14/2-T, 26 February 2001.

Krnojelac

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Kvočka et al.
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Naletilić and Martinović (Tuta and Štela)


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**International Military Tribunal**


**International Military Tribunal for the Far East**


**Special Court for Sierra Leone**

*RUF case*


**Taylor**

Prosecutor v. Charles Ghankay Taylor, Amended Indictment, Case No. SCSL-03-01-I, 16 March 2006.

**Supreme Court of Leipzig**

Judgement in the Case of Emil Müller, 30 May 1921, 16 *AJIL* (1922) p. 684.

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United States Military Tribunals at Nuremberg

*Brandt et al.* (the *Medical* case), Judgement, TWC, Vol. II, pp. 171-300.


The UNWCC Trials


NATIONAL COURTS

Bosnia and Herzegovina


Netherlands


United States of America

In re *Yamashita*, 327 US 1 (1946).
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<td>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, 1125 UNTS p. 3.</td>
</tr>
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OTHER DOCUMENTS

ICC

Elements of Crimes, ICC-ASP/1/3(part II-B), 9 September 2002.


ILC


United Nations


Statute of the International Court of Justice, San Fransisco, 26 June 1945, 145 BFSP 832.

Versailles Peace Conference 1919

Finland


Germany


Netherlands


Peru

Corte Suprema de Justicia de la República, Sala Penal Especial, Caso Fujimori, Asuntos Varios 0019-2001 (Barrios Altos, Cantuta, Sotanos SIE), Sentencia: Fundamentos y fallo, 7 April 2009, at Parte IV – Decisión, § 4. La autoría mediata y la responsabilidad del superior en el Derecho Penal Internacional.

United Kingdom


Lectures


**Media**


**Others**
