The command responsibility doctrine in international criminal law and its applicability to civilian superiors
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Leidraad Commandovoering, LD I (The Hague, doctrinecommissie van de Koninklijke Landmacht 2000).

Militaire Doctrine, LDP I (The Hague, doctrinecommissie van de Koninklijke Landmacht 1996).


AMBOS, K., Der Allgemeine Teil des Völkerstrafrechts – Ansätze einer Dogmatisierung (Berlin, Duncker & Humblot 2002).


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

Prosecutor v. Jean Pierre Bemba Gombo, Decision Adjourning the Hearing pursuant to Article 61(7)(c)(ii) of the Rome Statute, Case No. ICC-01/05-01/08-388, 3 March 2009.

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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Brđanin


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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.

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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.
United States Military Tribunals at Nuremberg

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

The UNWCC Trials


NATIONAL COURTS

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In re Yamashita, 327 US 1 (1946).
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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**
