

Legal Sources for Concept Papers

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International Treaties and Primary Legal Sources

- Hague Convention (IV) Respecting the Laws and Customs of War on Land, 18 October 1907.
 - Annex to Hague Convention (IV): Regulations Respecting the Laws and Customs of War on Land (especially Articles 1–3).
 - Geneva Convention Relative to the Treatment of Prisoners of War (27 July 1929).
 - Charter of the International Military Tribunal (London Charter), 8 August 1945.
 - Charter of the United Nations, 26 June 1945 (where relevant to state recognition and governments).
 - Geneva Convention (III) Relative to the Treatment of Prisoners of War, 12 August 1949 (for comparison with modern law, not as governing law in 1945).
 - Additional Protocol I to the Geneva Conventions (1977), Articles 43–44 (for comparative discussion only).
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Customary International Law

- Customary law governing lawful belligerents before 1949.
 - Customary law concerning combatant status.
 - Customary law regarding military occupation.
 - Customary law concerning prisoners of war.
 - Customary law recognizing the principle of individual criminal responsibility.
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International Criminal Tribunal Jurisprudence

International Military Tribunal (Nuremberg)

- *Judgment of the International Military Tribunal*, 1 October 1946.
 - *United States v. Wilhelm von Leeb et al.* (High Command Case), XI Trials of War Criminals Before the Nuernberg Military Tribunals.
 - *United States v. Wilhelm List et al.* (Hostages Case), XI Trials of War Criminals Before the Nurenberg Military Tribunals.
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International Criminal Tribunal for the Former Yugoslavia (ICTY)

- *Prosecutor v. Duško Tadić*, IT-94-1, Appeals Chamber, 15 July 1999.
 - *Prosecutor v. Delalić et al.* (Čelebići), IT-96-21.
 - *Prosecutor v. Blaškić*, IT-95-14.
 - *Prosecutor v. Kordić & Čerkez*, IT-95-14/2.
 - *Prosecutor v. Halilović*, IT-01-48.
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International Court of Justice

- *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States)*, ICJ Reports 1986.
 - *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 2004 (occupation law).
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Modern International Criminal Law

- Rome Statute of the International Criminal Court (1998):
 - Article 25 (Individual Criminal Responsibility)
 - Article 28 (Command Responsibility)
 - Article 8 (War Crimes)

Although not applicable to 1945, these provisions reinforce the modern principle that criminal liability is individual rather than collective.

International Committee of the Red Cross

- Jean S. Pictet (ed.), *Commentary on the Third Geneva Convention* (1960).
 - ICRC, *Customary International Humanitarian Law*, Volumes I and II (Henckaerts & Doswald-Beck, 2005).
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Classic Treatises

- Lassa Oppenheim, *International Law*, Vol. II: *War and Neutrality* (7th ed., edited by Hersch Lauterpacht, 1952).
 - Hersch Lauterpacht, *Recognition in International Law* (1947).
 - Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict*.
 - Yoram Dinstein, *The International Law of Belligerent Occupation*.
 - Frits Kalshoven & Liesbeth Zegveld, *Constraints on the Waging of War*.
 - Gerhard von Glahn, *The Occupation of Enemy Territory*.
 - Dietrich Schindler & Jiri Toman, *The Laws of Armed Conflicts*.
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