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Forum where justice is administered, usually by a panel of judges. The term tribunal is broader than the term “court ^[1]”, as it may refer to an administrative, rather than a judicial, body. The latter typically afford a greater range of judicial guarantees ^[2]. “Tribunal” can also be used to designate a specific kind of court which has authority on a special matter. For example: International Criminal Tribunal for the former Yugoslavia (ICTY) ^[3] or the International Military Tribunal for the Far East ^[4].

Art. 5 of the Third Geneva Convention, requires that, in case of doubt, the status ^[5] of an individual who committed a belligerent act and who is in the hands of the enemy be determined by a tribunal. This does not have to be a court.

See Court ^[1];

OUTLINE

Chapter II, Who is a prisoner of war? 1. resumption of combatant and prisoner of war status ^[6]

LEGAL SOURCES

determination of status of POW in case of doubt

GCIII, 5 ^[7]

Determination of status

GC III, Art. 5: ^[8] determination by a competent **tribunal** of the status of person who committed a belligerent act and have fallen in the hands of the enemy

AP 1, Art. 45 ^[9] : protection of persons who have taken part in hostilities (determination of their status by a competent tribunal)

Occupation (subheading)

GC IV, Art. 64 ^[10]: “*tribunals of the occupied territory shall continue to function*”

CASE

US Supreme Court, *Hamdan v Rumsfeld* ^[11]

United States, Jurisprudence Related to the Bombing of the U.S.S. Cole ^[12]

UN/Colombia, Human Rights Committee Clarifications and Concluding Observations (2016) ^[13]

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Links

[1] <https://casebook.icrc.org/glossary/court>

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[3] <https://casebook.icrc.org/glossary/international-criminal-tribunal-former-yugoslavia>

[4] <https://www.icrc.org/ihl/INTRO/350?OpenDocument>

[5] <https://casebook.icrc.org/glossary/status>

[6] https://casebook.icrc.org/law/combattants-and-pows#ii_1

[7] [\[databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=B243E5B9DC2F3C13C12563CD00\]\(https://databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=B243E5B9DC2F3C13C12563CD00\)](https://ihl-</p></div><div data-bbox=)

[8]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=B243E5B9DC2F3C13C12563CD>

[9]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=DD198B7E9C5EE792C12563CD>

[10]

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[11] <https://casebook.icrc.org/case-study/united-states-hamdan-v-rumsfeld>

[12] <https://casebook.icrc.org/case-study/united-states-jurisprudence-related-bombing-uss-cole>

[13] <https://casebook.icrc.org/case-study/uncolombia-human-rights-committee-clarifications-and-concluding-observations-2016>