Forum where justice is administered, usually by a panel of judges. The term tribunal is broader than the term “court”, as it may refer to an administrative, rather than a judicial, body. The latter typically afford a greater range of judicial guarantees. “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) or the International Military Tribunal for the Far East.

Art. 5 of the Third Geneva Convention, requires that, in case of doubt, the status 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;

OUTLINE

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

LEGAL SOURCES
determination of status of POW in case of doubt

GCIII, 5

Determination of status

GC III, Art. 5: 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: protection of persons who have taken part in hostilities (determination of their status by a competent tribunal)

Occupation (subheading)

GC IV, Art. 64: “tribunals of the occupied territory shall continue to function”

CASE

US Supreme Court, Hamdan v Rumsfeld

United States, Jurisprudence Related to the Bombing of the U.S.S. Cole

UN/Colombia, Human Rights Committee Clarifications and Concluding Observations (2016)