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Besides State responsibility ^[1] for violations ^[2] of international law, individuals may be held criminally responsible for international crimes (i.e., war crimes ^[3], crimes against humanity ^[4], and genocide ^[5]).

Each member of the armed forces is directly responsible for breaches ^[6] he or she commits and can be held individually responsible before a criminal court for violations of the laws of war. The principle of individual criminal responsibility for war crimes can be dated back to the Lieber Code and is a long-standing rule of customary international law. Not only is it possible to hold accountable individuals who actually commit a war crime, but different forms of individual criminal responsibility allow persons who attempt, assist, facilitate, aid, abett, plan or instigate the commission of a war crime to face accountability for their actions. Finally, the law of armed conflict assigns responsibility to military commanders who order their subordinates to violate IHL or who fail to prevent or repress ^[7] such violations.

See International Criminal Law ^[8]; War crimes ^[3]; Grave breaches ^[9]; Accused ^[10]; Command responsibility ^[11]; Repression of breaches ^[7]; Violations ^[2];

OUTLINE

Chapter 15, Violations by Individuals ^[12]

CASES

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Afghanistan, Attack on Kunduz Trauma Centre ^[14]

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Mali, Accountability for the Destruction of Cultural Heritage ^[16]

Central African Republic: Sexual Violence by Peacekeeping Forces ^[17]

El Salvador, Supreme Court Judgment on the Unconstitutionality of the
Amnesty Law ^[18]

Israel/Palestine, Accountability for the Use of Lethal Force ^[19]

ICC, Confirmation of Charges against LRA Leaders ^[20]

Spain, Universal Jurisdiction over Grave Breaches of the Geneva Conventions
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International Criminal Court, Trial Judgment in the Case of the Prosecutor V.
Jean-Pierre Bemba Gombo ^[22]

Belgium, Prosecution of Terrorist Crimes in the context of Armed Conflict ^[23]

Eastern Ukraine: Disputed POW Status ^[24]

Eastern Ukraine: Detention And Death Sentences By Armed Groups ^[25]

South Sudan, Activities of Oil Companies ^[26]

US, Combatant Immunity and Recognition of belligerency ^[27]

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GCI, 49 ^[28] (see ICRC updated Commentary ^[29])

GCII, 50 ^[30] (see ICRC updated Commentary ^[31])

GCIII, 129 ^[32]

GCIV, 146 ^[33]

PI, 75/4(b) ^[34], 85 ^[35], 86 ^[36]

PII, 6/2(b) ^[37]

BIBLIOGRAPHIC RESOURCES

Suggested readings:

(Remark: for manuals on International Criminal Law, see International Criminal Law ^[8])

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FERNANDES FLORES Y DE FUNES José Luis, “Repression of Breaches of the Law of War Committed by Individuals”, in *IRRC*, No. 282, May-June 1991, 47 pp.

Further readings:

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[27] <https://casebook.icrc.org/case-study/us-combatant-immunity-and-recognition-belligerency>

[28]

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