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National legislation that must be adopted to make IHL rules operational.

## OUTLINE

Chapter 13, II. 4. Legislation for application <sup>[1]</sup>

## LEGAL SOURCE

### penal sanctions

GCI, 49 <sup>[2]</sup> (see ICRC updated Commentary <sup>[3]</sup>)

GCII, 50 <sup>[4]</sup> (see ICRC updated Commentary <sup>[5]</sup>)

GCIII, 129 <sup>[6]</sup>

GCIV, 146 <sup>[7]</sup>

### use of the emblem

GCI, 44 <sup>[8]</sup> (see ICRC updated Commentary <sup>[9]</sup>) and 54 <sup>[10]</sup> (see ICRC updated Commentary)

[11])

## CASES

US, *US v. Noriega (B. II. C.)* [12]

US, *Hamdan v. Rumsfeld* [13]

Germany, *International Criminal Code* [14]

Canada, *Crimes Against Humanity and War Crimes Act* [15]

Belgium, *Law on Universal Jurisdiction* [16]

ICRC, *Model Law Concerning the Emblem* [17]

Belgium, *Prosecution of Terrorist Crimes in the context of Armed Conflict* [18]

## BIBLIOGRAPHIC RESOURCES

### Suggested readings:

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DÖRMANN Knut & GEISS Robin, "The Implementation of Grave Breaches into Domestic Legal Orders", in *Journal of International Criminal Justice*, Vol. 7, No. 4, September 2009, pp. 703-722.

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#### **Further readings:**

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VAN ELST Richard, "Implementing Universal Jurisdiction over Grave Breaches of the Geneva Conventions", in *LeidenJournal of international Law*, Vol. 15, 2000, pp. 815-854. *National Implementation of International Humanitarian Law – 2002-2003 Biennial Report*, Geneva, ICRC, 2004, 40 pp.

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[8]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=5CCB6DD2AB618FABC12563C>

[9] [https://ihl-](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=EC42EEC3274A7323C1257F7A0)

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[10]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=C3F1AF7C43ED641BC12563CD>

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[12] [https://casebook.icrc.org/case-study/united-states-united-states-v-noriega#part\\_b\\_ii\\_c](https://casebook.icrc.org/case-study/united-states-united-states-v-noriega#part_b_ii_c)

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

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