

Individual Responsibility in International Law for Serious Human Rights Violations

by **Lyal S. Sunga**

INTERNATIONAL STUDIES IN HUMAN RIGHTS 21

What rules of international law make the individual, even a Head of State, responsible for perpetrating serious human rights violations, such as war crimes, torture or genocide? This question is becoming more critical in our increasingly interdependent world, and the recent invasion of Kuwait and the brutalization of its people by Iraqi leader Saddam Hussein has heated up the debate even further. The author argues that a new rule of international law stipulating individual responsibility for all serious human rights violations is currently emerging. To show how this is coming about, he explores relevant norms in classic laws of war, international humanitarian law and modern international human rights law and surveys patterns in their implementation. He then takes account of codification efforts of the International Law Commission, the changing position of the individual in international law, and other important developments in the context of general international law as an evolving system.

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Abbreviations. Table of Treaties, Table of Cases. Resolutions of UN General Assembly. I. Introduction. II. Individual Responsibility in Positive Laws of War. III. Individual Responsibility in International Human Rights Law. IV. Patterns of Implementation. V. Codification of International Responsibility. VI. The Position of the Individual in International Law. VII. Emergence of a General Rule of Individual Responsibility for Serious Human Rights Violations. **Annex:** Draft Code of Crimes against the Peace and Security of Mankind. Bibliography. Index.

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A CONCEPT OF NATION IN INTERNATIONAL LAW

Bart Driessen

Now that the Cold War has ended, the problems of minority nations, ethnic unrest and civil war have re-emerged as the most burning issues in current international relations. It is here argued that current international law has not evolved sufficiently to provide answers to the problems posed by such crises. The Yugoslav War is one of many shining examples of the lack of progress in the thinking which underlies the handling of these issues.

This work, being one of the very few on the subject to do so, starts with an elaborate analysis of the political and moral presumptions underlying mainstream thinking about minorities and States. After a theory of nations is expounded, the legal concepts of self-determination and minority rights in current law are analysed. The possible solutions to problems between States and minority nations are considered, after which a new definition of equality and self-determination is proposed.

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The Influence of the European Commission of Human Rights

Report of the Conference of Mordenate College
27 September 1991

edited by
Henry G. Schermers

The present publication contains the Report which was presented and discussed during the Conference on 'The Influence of the European Commission of Human Rights', held in Leiden on 27 September 1991 and organised by the members of Mordenate College. The Report describes the tasks of the Commission, the relationship between the Commission and the European Court of Human Rights and the relationship between the Commission and the Member States of the Council of Europe. It is followed by the conclusions reached at that Conference.

The Report was written by Prof. H.G. Schermers of Leiden University who is also a member of the European Commission of Human Rights. It is based on the results of research conducted by members of Mordenate College and students of international law from Dutch and foreign universities on the influence of the Commission in different fields of law in the Netherlands, Sweden, the United Kingdom, Ireland and Germany. Some of the results of the research are included in the Annexes to the Report. Also included in the Annexes is a speech delivered during the Conference by the President of the European Commission of Human Rights, Prof. C.A. Nørgaard, on Danish problems of compliance with the European Convention on Human Rights.

Mordenate College was officially founded on 4 November 1988 on the initiative of Prof. Henry G. Schermers, Professor of Law at Leiden University. Mordenate College aims to support its members both academically and financially so that they may receive the best possible legal education.

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