

DECLARATION

I do hereby declare that the Ph. D. theses entitled A STUDY OF THE LEGAL FRAMEWORK FOR ACCOUNTABILITY OF INDIVIDUALS FOR CRIMES AGAINST HUMANITY AND THE ROLE OF THE INTERNATIONAL LAW ENFORCEMENT AGENCIES submitted by me under the supervision of Prof. (Dr.) Gangotri Chakraborty, Department of Law, University of North Bengal, is the result of my original investigation and has neither been published in any form nor been submitted either in part, or in whole, for any degree at any University. I have incorporated the suggestions made by the panel members during the pre-submission seminar of my Ph. D. theses.

Date

Satarupa Ghosh
Mrs. Satarupa Ghosh
Ph. D. Scholar,
Department of Law,
University of North Bengal

UNIVERSITY OF NORTH BENGAL

DEPARTMENT OF LAW



P. O. NORTH BENGAL UNIVERSITY,
Raja Rammohunpur, Dist. Darjeeling,
West Bengal, India, Pin - 734013
Ph.: (0353) 2776307 / 2776310
Fax : (0353) 2776307 / 2699001
Visit us at: www.nbu.ac.in
e-mail: nbulawdepartment@gmail.com

Ref.....

Date.....

CERTIFICATE

This is to certify that Smt. Satarupa Ghosh has pursued research on the topic entitled
A STUDY OF THE LEGAL FRAMEWORK FOR ACCOUNTABILITY OF
INDIVIDUALS FOR CRIMES AGAINST HUMANITY AND THE ROLE OF THE
INTERNATIONAL LAW ENFORCEMENT AGENCIES under my supervision for
more than two years and fulfilled the requirement of the Ordinances relating to the
Doctor of Philosophy of the University of North Bengal. She has completed her work
and the thesis is ready for submission. To the best of my Knowledge and belief, the
thesis contains the original work done by the candidate and it has not been submitted
by her or any other candidate to this or any other University for any degree previously.
In habit and character the candidate is a fit and proper person for award of Ph. D.
degree.

I recommend the submission of his thesis.

Supervisor

Gangotri Chakraborty
Dr. Gangotri Chakraborty,
Professor,
Department of Law
University of North Bengal

Professor
Department of Law
University of North Bengal

PREFACE

Crimes against humanity now are established as jus cogens norms and are implicitly recognized as such in the preamble of the Hague Convention, which served to codify the customary law of armed conflict. At present, eleven international texts enumerate the offences considered crimes against humanity, although there are slight inconsistencies among the definitions and the necessary elements involved. While variations abound, all texts and statutes date back to the Hague Convention of 1907, which codified armed conflict into customary international law. In 1945, the Allied powers at Nuremberg defined crimes against humanity as: Murder; extermination, enslavement, deportation, and other inhumane acts committed against civilian populations, before or during [the] war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

In the face of recent developments in countries like Libya, Egypt, Iraq the lack of legal framework to deal with such matters has become a cause for international concern. The main thrust of this work is to study the existing legal framework for determination of individual's accountability for the crime against humanity and to propose changes into the existing framework

In this theses I have chosen this topic due to the rising incidents of crime against humanity and genocide due to the rising incidents in the recent times.

I acknowledge the with deep gratitude the help and assistance of all received for this work some of whom I have thanked in a separate acknowledgement

List of Abbreviations

- 1.** AFSPA -Armed Forces Special Powers Act.
- 2.** AIDP - Association Internationale De Droit Penal.
- 3.** AJIL- The American Journal of International Law.
- 4.** AMIS- African Union Mission in Sudan.
- 5.** APDP - Association of the Parents of Disappeared Persons.
- 6.** ASIL - American Society of International Law.
- 7.** AU - African Union.
- 8.** CAR-Central African Republic.
- 9.** CHRGJ - Center for Human Rights and Global Justice at New York University
School of Law.
- 10.** CIMTFE - Charter of the International Military Tribunal for the Far East.
- 11.** CKRF- Chin Kuki Revolutionary Front.
- 12.** DRC -Democratic Republic of the Congo.
- 13.** ECC- Extraordinary Chambers of Cambodia.
- 14.** ECCC- Extraordinary Chambers in the Courts of Cambodia.
- 15.** ECCHR- European Center for Constitutional and Human Rights.
- 16.** EU - European Union.
- 17.** FDLR- Democratic Forces for the Liberation of Rwanda.
- 18.** FLN- National Liberation Front.
- 19.** FNI- Nationalist and Integrationist Front.
- 20.** FNI- Nationalist and Integrationist Front.

21. FPLC- Patriotic Force for the Liberation of the Congo.
22. GA - General Assembly.
23. GPC- General People's Committees.
24. GSU- General Service Unit.
25. HPC- Hmar Peoples Convention.
26. HRDAG - Benetech Human Rights Data Analysis Group.
27. ICC -International Criminal Court.
28. ICCPR- International Covenant on Civil and Political Rights 1966.
29. ICISS- International Commission on Intervention and State Sovereignty.
30. ICJ- International Court of Justice.
31. ICRC - International Committee of the Red Cross.
32. ICTR - International Criminal Tribunal for Rwanda.
33. ICTY- International Criminal Tribunal for the Former Yugoslavia.
34. IHT- Iraqi High Tribunal.
35. ILC -International Law Commission.
36. IMT -International Military Tribunal at Nuremberg.
37. IMTFE- International Military Tribunal for the Far East at Tokyo.
38. IST- Iraqi Special Tribunal.
39. ITPA- Immoral Trafficking Prevention Act.
40. JEM- Justice and Equality Movement.
41. KAR- King's African Rifles.
42. KCP- Kangleipak Communist Party.
43. KDF- Kuki Defence Force.

44. KDM- Kuki Democratic Movement.
45. KNA- Kuki National Army.
46. KNF- Kuki National Front.
47. KNO- Kuki National Organisation.
48. KRPS- Kom Rem Peoples Convention.
49. KSF- Kuki Security Force.
50. KYKL- Kanglei Yawol Khnna Lup.
51. LLRC - Lessons Learnt and Reconciliation Commission.
52. LRA- Lord's Resistance Army.
53. LRA- Lord's Resistance Army.
54. LTTE-Liberation Tigers of Tamil Eelam.
55. LURD- Liberians United for Reconciliation and Democracy.
56. MISA- Maintenance of Internal Security Act.
57. MLC- Movement for the Liberation of the Congo.
58. MLFA - Manipur Liberation Front Army.
59. MNA - Algerian National Movement.
60. MNA - Algerian National Movement.
61. MNF- Mizo National Front.
62. MODEL- Movement for Democracy in Liberia.
63. MOU- Memorandum of Understanding.
64. NCC -National Consultative Commission.
65. NDA- National Democratic Alliance.
66. NHRC- National Human Rights Commission.

67. NHTA- Naga Hills Tuensang Area.
68. NPC- Naga People Convention.
69. NPFL - National Patriotic Front of Liberia.
70. NPFL- National Patriotic Front of Liberia.
71. NPFL- National Patriotic Front of Liberia.
72. NSA- National Security Act.
73. NTC- National Transitional Council.
74. OAS- Organisation de l'armée secrete.
75. ODM- Orange Democratic Movement.
76. OPCD- Office of Public Counsel for the Defence.
77. PAVN- People's Army of Vietnam.
78. PDA- Preventive Detention Act.
79. PITA- The Immoral Traffic (Prevention) Act.
80. PLA- People's Liberation Army.
81. PREPAK- People's Revolutionary Party of Kangleipak.
82. PSA- The Public Safety Act.
83. PSU- Public Safety Unit.
84. PULF- Peoples United Liberation Front.
85. PWG- People's War Group.
86. RCJ- Revolutionary Joint Committee.
87. RPF- Revolutionary Peoples Front.
88. RUF - Revolutionary United Front.
89. SCIU- Serious Crimes Investigation Unit.

90. SCSL- Special Court for Sierra Leone.
91. SFIO - Guy Mollet's French Section of the Workers' International.
92. SHRC -State Human Rights Commission.
93. SITA- All India Suppression of Immoral Traffic Act.
94. SLM/A- Sudan Liberation Movement/Army.
95. SLSC- Sierra Leone Special Court.
96. SRB- State Research Bureau.
97. STL- Special Tribunal for Lebanon.
98. TAAA- Terrorist Affected Areas (Special Courts) Act.
99. TADA- Terrorist and Disruptive Activities (Prevention) Act.
100. TRC- Truth and Reconciliation Commissions.
101. UAPA- Unlawful Activities (Prevention) Act.
102. UCP- Union of Congolese Patriots.
103. UK -United Kingdom
104. ULFA- United Liberation Front of Asom.
105. UN -United Nations
106. UNAMSIL- United Nations Mission in Sierra Leone.
107. UNLA- Uganda National Liberation Army.
108. UNLF- United National Liberation Front.
109. UNMIK- United Nations Mission in Kosovo.
110. UNO- United Nation Organization.
111. UNTAET- United Nations Transitional Administration In East Timor.
112. UPC- Union of Congolese Patriots.

- 113.** WGEID -United Nations Working Group on Enforced and Involuntary Disappearances.
- 114.** WHO- World Health Organization.
- 115.** WTO- World Trade Organization.
- 116.** WW I- World War I.
- 117.** WW II- World War II.
- 118.** ZRA- Zomi Revolutionary Army.
- 119.** ZRO- Zomi Reunification Organisation.
- 120.** ZRV- Zomi Revolutionary Volunteers.
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Satarupa Ghosh