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- The ICC
- International human rights
- Nonjudicial punishment

The Core International Crimes a/k/a “Atrocity Crimes”

The Core International Crimes a/k/a “Atrocity Crimes”

- Genocide
- Crimes Against Humanity
- War Crimes
- Aggression

National Military Perceptions of the ICC

TIRED:

“They’re out to get us!”

WIRED:

“How can we help?”



Emmanuel Decaux



Gabriela Knaul

Special Rapporteurs of the Sub-Commission on the Promotion and Protection of Human Rights on the issue of the administration of justice through military tribunals

The Decaux Principles

- Situates military justice primarily within international human rights law
- Provides a minimum system of universally applicable rules, leaving scope for stricter standards to be defined under domestic law
- Implies the rejection of two extreme positions of military justice: “sanctified” and “demonized”
- Updated by the “Yale Draft” of 2018
- Not officially adopted by any body

MARCH TO JUSTICE

GLOBAL MILITARY LAW LANDMARKS

EDITORS

Navdeep Singh
Franklin D Rosenblatt

MARCH TO JUSTICE GLOBAL MILITARY LAW LANDMARKS

Navdeep Singh & Franklin D Rosenblatt

*An anthology of important judgments
across jurisdictions*

March to Justice: Global Military Law Landmarks is a unique work. The book, an international release, contains short essays and commentaries by jurists, judges and academics from around the world on milestone judicial decisions that changed the course of military law in different jurisdictions.

The book aims to provide information on the diverse course taken by military law, justice and reform in various nations, and generate lessons and learning from these experiences, besides triggering a comparative analysis.

The contents are articulated in simple non-technical language that is easy to assimilate even for a layperson. The book should appeal to the general reader as well as those interested in the military, law, politics, public policy, governance and human rights.

The Editors



Navdeep Singh



Franklin D Rosenblatt

Both editors are practising lawyers, in India and the USA respectively, who specialise in constitutional law with particular interest in military law. Both have served in the military in the past and have also been participants at the drafting of the Yale Draft, an internationally significant military justice document conceptualised at the Yale Law School to improve upon the Decaux Principles (Issue of the administration of justice through military tribunals/United Nations Economic & Social Council).

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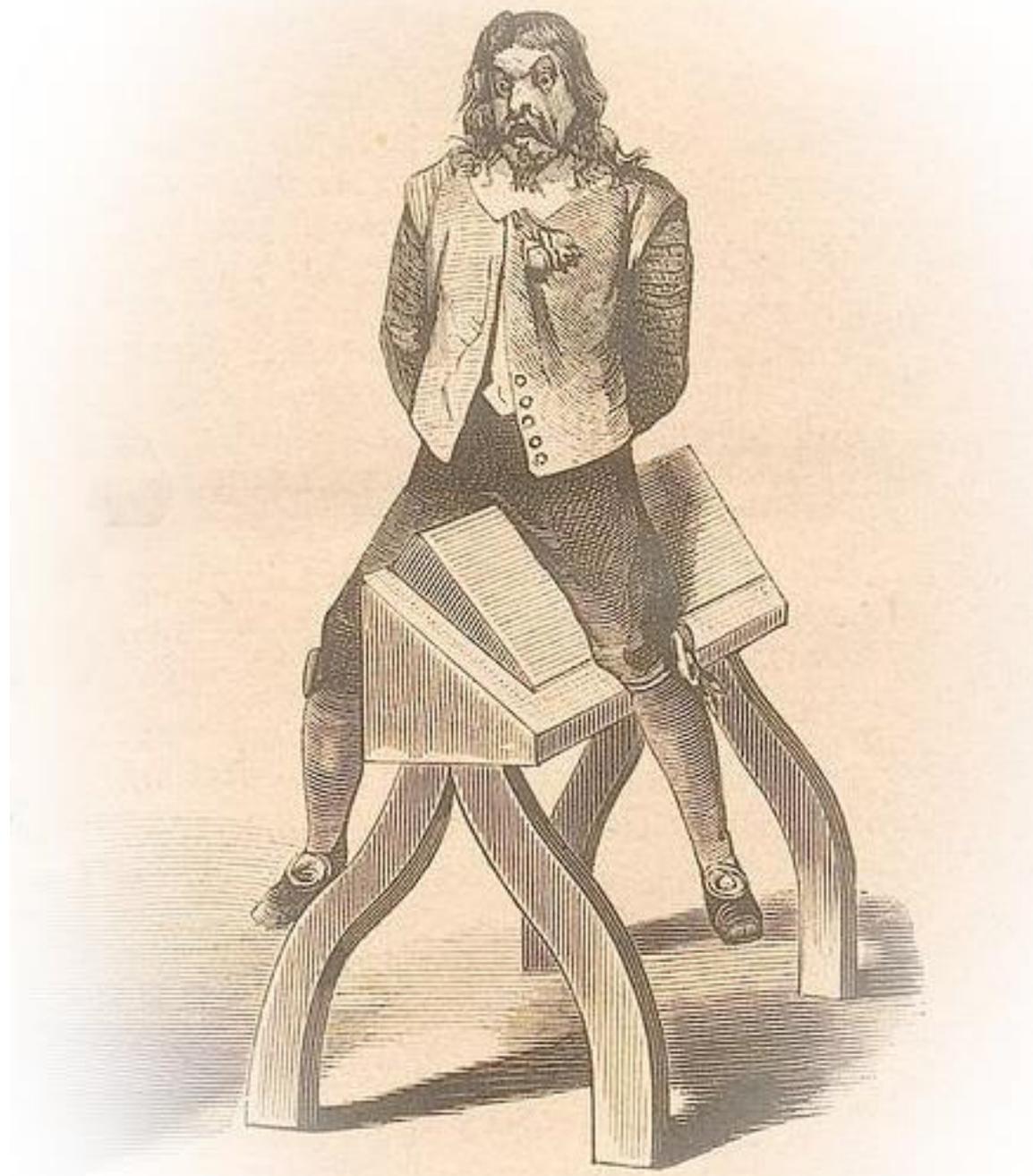
Mechanisms of military justice

- Administrative
- Nonjudicial
- Criminal court
 - Court-martial
 - Civilian court



W Hogarth Inv^t et sculp^t





**UCMJ § 815. Art. 15
Comparisons/Contrasts**

<u>2012 MCM</u>	<u>2016 MCM</u>	<u>2019 MCM</u>	<u>Changes</u>
§ 815. Art. 15. Commanding Officer's non-judicial punishment	§ 815. Art. 15. Commanding Officer's non-judicial punishment	§ 815. Art. 15. Commanding officer's non-judicial punishment	“officer’s” is not capitalized in 2019 MCM
(1) upon officers of his command	(1) upon officers of his command	(1) upon officers of his command—	Em-dash added after “command” in Art. 15 (b)(1) in 2019 MCM
(B) if imposed by an officer exercising general court-martial jurisdiction or an officer of general or flag rank in command	(B) if imposed by an officer exercising general court-martial jurisdiction or an officer of general or flag rank in command	(B) if imposed by an officer exercising general court-martial jurisdiction or an officer of general or flag rank in command—	Em-dash added after “command” in Art. 15(b)(1)(B) in 2019 MCM
(A) if imposed upon a person attached to or embarked in a vessel, confinement on bread and water or diminished rations for not more than three consecutive days;	(A) if imposed upon a person attached to or embarked in a vessel, confinement on bread and water or diminished rations for not more than three consecutive days;	(A) if imposed upon a person attached to or embarked in a vessel, confinement for not more than three consecutive days;	“on bread and water or diminished rations” language omitted in Art. 15(b)(2)(A) in 2019 MCM

USS Shiloh

a/k/a

“The USS Bread and Water”

PLUNGING MORALE

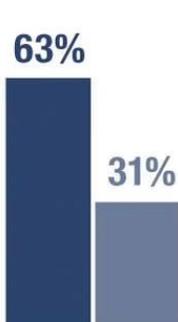
Key indicators of crew morale aboard the cruiser Shiloh declined significantly between the final command climate survey of Capt. Kurush F. Morris in March 2015 and one of the final Shiloh surveys under Capt. Adam M. Aycock in November. All percentages are rounded up to the nearest whole number.



Percent of responding sailors who answered affirmatively under **Morris**.



Percent of responding sailors who answered affirmatively under **Aycock**.



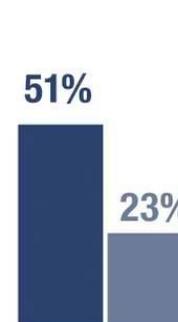
“I trust that my organization’s leadership will treat me fairly.”



“I feel motivated to give my best efforts to the mission of the organization.”

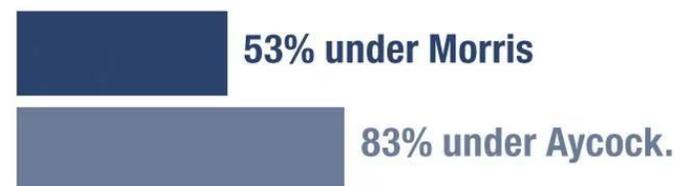


“I am proud to tell others I belong to this organization.”



“I trust my organization’s leadership will represent my best interests.”

Percent of responding sailors who reported “a lot” of work stress in the past 12 months, or since coming to the Shiloh:





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