PART 6

REPRISALS AND FACT-FINDING
Chapter 33
Reprisals in the CDDH*

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, convened in 1974 at Geneva on the invitation of the Swiss Government, has just terminated its third (1976) session. A fourth session is scheduled to take place from March-June, 1977. It is hoped that this fourth session will also be the final one, but it remains to be seen whether matters will turn out that way. As of today, the three main Committees which each deal with a part of the two draft Protocols on humanitarian law the plenary Conference assigned them, have succeeded in resolving a number of the problems they found on their path. Other problems have not yet been taken up because the draft articles concerned did not come up for discussion. Other problems, again, have been tackled by the competent Committees but not yet been brought to a solution, either because they were found to be connected with articles still to be discussed or because they proved so difficult that no satisfactory solution could yet be achieved. One of this last class of problems, and one that moreover affects all three main Committees, is that of reprisals. As this is a subject that has retained both Professor Röling’s and my attention for a number of years, it may be worthwhile to pay some attention to the discussions which have thus far been devoted to it in this Conference (which, after its French abbreviated title, has meanwhile come to be known as the CDDH). 1

The two draft Protocols referred to above are, respectively, the “Draft Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts” and the “Draft Protocol Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-international Armed Conflicts”; cumbersome titles, which in the practice of the Conference have come to be replaced


1 On the subject of belligerent reprisals, see my Belligerent Reprisals (1971).