

SPECIAL RESPONSIBILITY OF SUPERIORS (COMMANDERS) IN THE INTERNATIONAL CRIMINAL LAW

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ABSTRACT: *The article deals with the responsibility for a crime committed by command. In international criminal law exists two types of responsibilities. The first is the so called direct or active command responsibility, when the commander displays an active behavior in regards of the crime committed by subordinates, for example, by ordering them to commit a crime. These cases should be judged based on the traditional individual responsibility and the commander should be considered as a perpetrator based on the Statute of the International Criminal Court (hereinafter: ICC), and as an indirect perpetrator based on the dogmatics of the Hungarian criminal law. The second type – the command responsibility proper – is the indirect or passive one, the point of which is the special behavior of the commander in being guilty of negligence. As the task of proving whether a particular order for committing a crime was given or not is usually a difficult one, this indirect form of the command responsibility can have a great significance.*

KEYWORDS: *criminal law, superiors, commanders' responsibility, subordinates responsibility*

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