

Summary of doctoral thesis of Katarzyna Trzpis-Szys “International responsibility for acts committed during the war occupation”

This doctoral dissertation is devoted to the issue of international responsibility for acts committed during the war occupation. The author points out that the main entity that may be responsible for the above acts is the state.

Conceptual definitions of the international responsibility of the state, as well as military occupation, have been analyzed by the author in the first chapter of this dissertation. The author presents their historical outline as well as attempts to codify issues. Particular attention was paid to the Project “Responsibility of States for Internationally Wrongful Acts” elaborated in 2001 by the United Nations International Law Commission, which is one of the main sources of research.

War occupation, which may be a stage or consequence of an armed conflict, is analyzed by the author primarily from the perspective of the law of armed conflicts and international humanitarian law. The regulations specifying the rights and obligations of the occupant were reflected in the second chapter of the dissertation.

The third chapter is devoted to the rules of international responsibility of the state during war occupation. The author analyzes both the premises of such responsibility and the forms of its execution. Particular attention was paid to sanctions and countermeasures, which are the subject of lively discussion in the doctrine. The chapter also contains an indication of circumstances precluding wrongfulness.

The international responsibility of the state might be executed for the acts committed by its subordinated units, in particular the armed forces and state authorities. Apart from this topic, in chapter four the author analyses as well the responsibility of state for the actions of entities such as irregular armed groups under its control, acts of international organizations and individuals.

In the fifth chapter, the author brings up the subject of objective scope of the state's responsibility during the war occupation, primarily for international crimes such as war crimes, genocide, and crimes against humanity. The crime of aggression is analyzed in the previous chapters, which are digressions on the legality of the state of occupation.

The sixth chapter focuses on the presentation of the works of the International Court of Justice, which, according to the author, is the supreme international judicial body shaping the practice of states in the field of international responsibility. In the course of the undertaken research, the author comes to the conclusion that advisory opinions issued by the International Court of Justice are of the greatest importance in this matter.

The doctoral dissertation is an attempt to answer the question whether the responsibility of the state during the occupation for internationally wrongful acts is sufficiently regulated by public international law.

Key words: international responsibility, occupation, armed conflict, International Court of Justice