



their obligations in that regard.

With respect to Draft Article 6, paragraph 3, we recognize the importance of the doctrine of command responsibility to holding accountable those superiors who are responsible for serious international crimes. Since World War II, this doctrine has played an integral role in holding military commanders and other superiors accountable for offenses committed by their subordinates when they have the requisite culpability. However, we recognize that States also may approach the concept of command responsibility—including its precise elements and its applicability to both military commanders and other superiors—in different ways. To that end, we are particularly interested in hearing the views of other States on this issue.

With respect to Draft Article 6, paragraph 8, which addresses the liability of “legal persons,” we note that there is no universally recognized concept of criminal responsibility for legal persons in international criminal law. We appreciate that paragraph 8 acknowledges as much by expressly providing that national laws and “appropriateness” may dictate whether and how States establish liability for “legal persons.” Nonetheless, we think there could be value in