THE doctrine of 'command responsibility' or 'superior responsibility' was born neither as a detailed, nor a strictly defined, form of liability. It grew out of a 'fuzzy idea' and remained, for a long time, the subject of much debate and contradictory opinions. The doctrine of 'command responsibility' or 'superior responsibility' prescribes the criminal liability of those persons who, being in positions of command, have failed to either 'prevent' or 'punish' the crimes of their subordinates. This concept does not differentiate between military officers and civilians placed in positions of command since the duty to prevent and punish the offences of their subordinates in situations of armed conflict is considered to be incumbent upon both.

Peter Von Hagenbach Trial was the first recorded trial in the world for the commission of war crimes. It was held in 1474 by an ad hoc tribunal of the Holy Roman Empire. According to many, the *Peter Von Hagenbach Trial* has set the stepping stone for the doctrine of command responsibility as it was regarded the first international recognition of superiors/commanders to act lawfully.

In modern times, superior's duty to 'prevent and punish' is well recognised both in customary and treaty law as far back as the *Leipzig Trials* following World War I. At the end of World War I, the *Treaty of Versailles* ended the state of war between Germany and the Allied Powers. It was signed on June 28, 1919. The *Treaty of Versailles*, in its Articles 228 and 229, established the right of the Allied Powers to try and punish individuals responsible for 'violations of the laws and customs of war'. The other Central Powers on the German side of World War I were dealt with in separate treaties. These included the *Treaty of Saint-Germain-en-Laye* with Austria, the *Treaty of Neuilly-sur-Seine* with Bulgaria, the *Treaty of Trianon* with Hungary, the *Treaty of Sèvres* with the Ottoman Empire, etc. The *Leipzig Trials* involved the trial of German war criminals of the First World War, held in 1921 before the German Supreme Court, as part of the penalties imposed on the German government under the *Treaty of Versailles*.

The phrase 'command responsibility' was first used in the *Leipzig Trial* of Captain Emil Muller, who was a German Army Captain and was responsible for the Flavy-le-Martel Prisoner of War Camp during World War I. The charges brought against Captain Muller following the end of the First World War included, *inter alia*, (1) failure to maintain a decent condition of the camp which had resulted in many deaths due to dysentery; (2) failure to prevent the commission of crimes and to punish the perpetrators thereof; and (3) infliction of physical violence towards the prisoners of the camp. The sentence imposed on Muller was only for a period of six months.

After World War II, the famous *Nuremberg Trials* broadened the horizon of command responsibility in the context of international criminal law. *The Nuremberg Trials* were a series of military tribunals, held by the main victorious Allied forces of World War II. The trials involved the prosecution of prominent members of not only the military leadership, but also the political and economic leadership of the defeated Nazi Germany. The trials were held in the city of Nuremberg, Bavaria, Germany, in 1945-46, at the Palace of Justice.