



Ivica Kinder*

A Critical Factual and Legal Analysis of Perfidy Allegations Against the Victims of the Ovčara Crime. Part 1¹

[Krytyczna analiza faktyczna i prawna zarzutów dotyczących perfidnego (zdradzieckiego) postępowania ofiar zbrodni w Ovčarze. Cz. 1]

Abstract

This paper analyses the factual and legal aspects of allegations of perfidy by Croatian fighters, captured in Vukovar Hospital in 1991, against the opposing side. The primary aim of the paper is to establish what actually transpired during the events in question and to assess whether the allegations of perfidious conduct are factually and legally substantiated. To this end, a case study method is employed, using analytical and synthetic methods in the analysis of documents from the International Criminal Tribunal for the former Yugoslavia (ICTY) and the District Court in Belgrade. The analysis is further substantiated by a critical examination of the relevant rules of international humanitarian law and international criminal law, as well as the views of numerous legal scholars. As the case study reveals the circumstances that preceded and led to the alleged acts of perfidy, the paper also considers the related issue of the denial of quarter. The research shows that – under both treaty and customary international law, as well as prevailing legal doctrine – the actions of the Croatian fighters did not constitute perfidy. On the contrary, their conduct constituted a desperate attempt to save their own lives without resorting to killing or wounding the opponent, in circumstances marked by the impunity for the war crime – namely, the denial of quarter – previously committed against them by the opposing side.

Keywords: international humanitarian law, international criminal law, war crime, perfidy, denial of quarter, Vukovar Hospital, International Criminal Tribunal for the former Yugoslavia (ICTY).

* **Ivica Kinder** – assistant professor, PhD in Law, Dr. Franjo Tuđman Defense and Security University (affiliation), Zagreb, Republic of Croatia; <https://orcid.org/0009-0004-7383-6447>; ivica.kinder@sois-ft.hr / adiunkt, dr nauk prawnych, Uniwersytet Obrony i Bezpieczeństwa Narodowego im. Prezydenta Franja Tuđmana (afiliacja), Zagrzeb, Chorwacja.

¹ Part 2 of the article will appear in issue 1/2027/81 (ed.) / Część 2 artykułu ukaże się w numerze 1/2027/81 (red.).

Introduction

The Republic of Croatia (hereafter: Croatia) declared its independence from the Socialist Federal Republic of Yugoslavia (hereafter: SFRY) on 25 June 1991, which declaration took effect on 8 October 1991.² These facts were first established by the Badinter Commission, in its Opinion No. 1.³ During the aggression against Croatia, Serb forces and the Yugoslav National Army (hereafter: JNA, Jugoslavenska narodna armija) committed numerous violations of international humanitarian law. However, the Prosecutor, the Trial Chamber and the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia (hereafter: ICTY), acting in the Vukovar Hospital case, did not confirm the existence of an international armed conflict.⁴ Nevertheless, there is no doubt that Croatia was a state and a subject of international law, and that international law applied to the siege of Vukovar in 1991.

Between the end of August and 18 November 1991, when it was occupied, Vukovar was besieged by the JNA and Serb forces, and subjected to sustained and indiscriminate shelling.⁵ In terms of its brutality and scale of destruction, the attack on Vukovar was the gravest instance of an urban assault in Europe since 1945.⁶ Following the fall of Vukovar on 18 November 1991, the JNA and Serb forces entered the Vukovar Hospital. In the days leading up to the fall, in addition to the wounded and sick being cared for there, several hundred other people sought shelter in the hospital, driven by fear of the aggressors' threats of imminent revenge.⁷ The memories of the particularly cruel massacre of captured, wounded Croatian policemen, committed by Serb forces in Borovo Selo on 2 May 1991, were still vivid. Under such circumstances, people from the hospital hoped to be evacuated under the supervision of international observers.⁸

² International Court of Justice (hereafter: ICJ), *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Judgment, ICJ Reports, The Hague 2015, paras. 55 and 68; <https://www.icj-cij.org/case/118> [accessed: 22.07.2026].

³ A. Pellet, *The Opinions of Badinter Arbitration Committee: A Second Breath for the Self-Determination of Peoples*, 'European Journal of International Law' 1993, vol. 3, no. 1 (178–185), pp. 182 and 183; <http://www.ejil.org/pdfs/3/1/1175.pdf> [accessed: 29.07.2026].

⁴ I. Kinder, *The Violations of International Humanitarian Law Against the Persons Forcibly Taken from the Vukovar Hospital and Murdered at Ovčara*, 'Strategos' 2023, vol. 7, no. 2 (79–115), p. 95; <https://hrcak.srce.hr/file/450726> [accessed: 29.07.2026].

⁵ ICJ, *Application of the Convention...*, para. 213.

⁶ T. Jonjić, *Razaranje Vukovara i Međunarodni kazneni sud za bivšu Jugoslaviju*, 'Vukovar '91 – istina i/ili osporavanje (između znanosti i manipulacije)' 2013 (218–238), p. 233, https://www.pilar.hr/wp-content/images/stories/dokumenti/%20Zbornici/43/Zbornik_VU_sv42-217.pdf [accessed: 22.07.2026].

⁷ For an alternative interpretation of the date of Vukovar's fall, refer to P. Matić, *Ništa lažno*, fourth edition, Parvus d.o.o., Zagreb 2006, pp. 7–9.

⁸ ICTY, IT-95-13/1-A (Prosecutor v. Mile Mrkić and Veselin Šljivančanin), Appeals Chamber Judgment, 5 May 2009, para. 3, <https://ucr.irmct.org/LegalRef/CMSDocStore/Public/English/Judgement/NotIndexable/IT-95-13%231-A/JUD204R0000259801.pdf> [accessed: 16.07.2026].

During the trials at the ICTY and later at the District Court in Belgrade, Serbia, it was established that staff at the Vukovar Hospital had permitted a number of combatants to enter the hospital, feign injuries and simulate medical treatment by applying bandages, plaster casts and similar measures.⁹ Furthermore, some of them allegedly disguised themselves as hospital personnel.¹⁰ According to the ICTY, these actions were undertaken in an effort to seek refuge.¹¹ *De facto*, these individuals were desperately attempting to avoid torture and execution, i.e. to survive. However, Nicolas Borsinger, the representative of the International Committee of the Red Cross (hereafter: ICRC), stated before the ICTY that his role “was not to help fighters disguise themselves as civilians and be evacuated from the hospital”.¹²

Despite the evacuation agreement of 18 November 1991, the invading forces transferred hundreds of individuals from the hospital to nearby detention camps, including Ovčara farm.¹³ Those detained at Ovčara farm – including wounded and sick soldiers and civilians, medical staff and members of their families, all of them brought from Vukovar Hospital – were subjected to ill-treatment and torture.¹⁴ They were subsequently executed and buried in a previously prepared mass grave, which remained undiscovered until late 1992. Exhumations began in September 1996, ultimately recovering 200 bodies.¹⁵ Approximately 60 victims remain missing, as the organizers and perpetrators of the atrocity continue to conceal the location of their burial. This was the largest mass killing during the war in Croatia.¹⁶ However, the war crimes and crimes against humanity committed in and around Vukovar were subject only to limited legal qualification and sanction.¹⁷

According to Serbian investigative judge Miroslav Alimpić, the autopsy reports of the victims exhumed at Ovčara revealed that 41 individuals had

⁹ M. Alimpić, *The Vukovar Hospital Case from the Perspective of a National Investigative Judge*, ‘International Review of the Red Cross’ 2013, vol. 95, no. 890 (267–286), p. 270 (ft. 13); <https://international-review.icrc.org/sites/default/files/irrc-890-alimpic.pdf> [accessed: 01.07.2026].

¹⁰ *Ibid.*

¹¹ ICTY, IT-95-13/1-T (Prosecutor v. Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin), Trial Chamber Judgement, 27 September 2007, para. 181; <https://www.refworld.org/jurisprudence/caselaw/icty/2007/en/66072> [accessed: 16.07.2026].

¹² *Ibid.*, para. 209 (ft. 804).

¹³ *The Agreement on Humanitarian Convoy to Evacuate Wounded and Sick from Vukovar Hospital, concluded between the Croatian Government and the JNA, on 18 November 1991 in Zagreb* [in:] A. Nazor, *The Town Was the Target*, Croatian Homeland War Memorial and Documentation Center, Zagreb 2011, p. 122; <https://centar-domovinskograta.hr/wp-content/uploads/2019/05/izdanja2/1-244-Vukovar-engl-FINAL-03-04-11-opt.pdf> [accessed: 22.07.2026].

¹⁴ I. Lučić, *Vukovar Hospital – a Lighthouse in Historic Storms of Eastern Croatia*, Croatian Medical Chamber and Croatian Institute of History, Zagreb 2017, pp. 187–190.

¹⁵ V. Dzuro, *The Investigator – Demons of the Balkan War*, Potomac Books/University of Nebraska Press, Lincoln 2019, pp. 38–41.

¹⁶ I. Vukušić, *Serbian Paramilitaries and the Breakup of Yugoslavia*, Routledge, London and New York 2023, p. 140.

¹⁷ T. Jonjić, *Razaranje Vukovara...*, p. 233.

no medical justification for the bandages, plaster casts or other medical coverings applied to their bodies.¹⁸ Forensic experts also determined that 31 victims were dressed in both civilian clothing and hospital pajamas.¹⁹ In light of these findings, the defense teams of some of the accused at the District Court in Belgrade argued that members of the Croatian forces may have engaged in perfidy by replacing their uniforms with civilian clothes or hospital staff attire, or by feigning injuries.²⁰ In general, under international humanitarian law, a person is considered wounded or sick only if requires medical care and refrains from any act of hostility.²¹ Nevertheless, the District Court did not address the claims of perfidy in any substantive detail.²²

The chambers of the ICTY adopted a similar stance in both the Vukovar Hospital case and the case against Vojislav Šešelj. Accordingly, there is no reference to perfidy in either the indictments or the judgements and judicial deliberations. Instead, the focus remained exclusively on conventional war crimes listed in the ICTY Statute.²³ Nonetheless, in the opinion of the present author, the allegations of perfidy attributed to combatants who were subsequently subjected to ill-treatment, torture and murder merit an academic analysis, both for legal and moral reasons. While the conduct of some Croatian combatants may have resembled perfidy by feigning the protected status of the wounded or sick, there have never been any reports from Serb or JNA forces that any Croatian combatant employed such tactics to kill, injure or capture the adversary.

General Remarks on Ruses and Acts of Perfidy

War is governed by danger and uncertainty. At its core, the international law of armed conflict balances military necessity with humanitarian considerations.²⁴ In this context, ruses are legitimate and valuable tools. Because deception and surprise are essential to gaining an advantage over the adversary, the skillful use of misleading appearances and unexpected actions can

¹⁸ M. Alimpić, *The Vukovar Hospital...*, p. 270 (ft. 13).

¹⁹ *Ibid.*

²⁰ M. Alimpić, *The Vukovar Hospital...*, p. 274.

²¹ R. Kolb, F. Nakashima, *The Notion of "Acts Harmful to the Enemy" Under International Humanitarian Law*, 'International Review of the Red Cross' 2019, vol. 101, no. 912 (1171-1199), p. 1174; https://international-review.icrc.org/sites/default/files/pdf/1602948923/IRC101_3b/S1816383120000314a.pdf [accessed: 29.07.2026].

²² M. Alimpić, *The Vukovar Hospital...*, *ibid.*

²³ United Nations, *Updated Statute of the International Criminal Tribunal for the Former Yugoslavia*, New York 2009; <https://www.icty.org/en/documents/statute-tribunal> [accessed: 23.07.2026].

²⁴ M. N. Schmitt, *The Status of Opposition Fighters in a Non-International Armed Conflict*, 'International Law Studies' 2012, vol. 88 (119-144), p. 137; <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1057&context=ils> [accessed: 29.07.2026].

become strategically crucial.²⁵ Consequently, various forms of deception, covert actions and conventional tactics are commonly employed to defeat the adversary.²⁶ This applies equally in international and non-international armed conflicts.²⁷ Examples of ruses include ambushes, simulation of attacks, masking of weapons and military facilities, among others, which are all inherent ingredients of military skill widely practiced as permissible war tactics.²⁸ Likewise, sending signals or messages in the manner used by the adversary and feigning retreat fall under this category.²⁹

To illustrate, Ukrainian forces – seeking to mitigate their asymmetric disadvantages against Russian forces – have reportedly used mannequins dressed in military uniforms and armed with mock rifles, positioned near trees and other forms of cover. These decoys, including “scarecrow soldiers” equipped with imitation portable anti-aircraft missiles, were intended to confuse the Russian Air Force by either drawing cruise missile strikes or deterring aircraft from entering areas thus believed to be defended by air defense.³⁰ Additionally, Ukraine has protected its high-value High Mobility Artillery Rocket Systems (HIMARS) by using inexpensive wooden decoys to deceive Russia into wasting its cruise missile stockpiles.³¹

Contrary to ruses, perfidious or treacherous conduct is a deliberate betrayal of trust.³² In essence, perfidy is about the breaking of faith.³³ For example, it would be perfidious for a combatant to use the gesture of raising hands as a sign of surrender and then continue to fight against an adversary who has relied upon that gesture.³⁴ During the Persian Gulf War, there was an incident in which Iraqi soldiers appeared to surrender by displaying a white flag and laying down their arms. As a Saudi Arabian patrol advanced to receive the surrender, it was ambushed by Iraqi forces hiding nearby. In another incident, an Iraqi officer approached Coalition forces with his hands raised in an apparent gesture of surrender. However, upon nearing the troops, he retrieved a hidden

²⁵ C. von Clausewitz, *On War* (transl. by J. J. Graham), N. Trübner & Co., London 1908, Book III, Chapters 9–10, pp. 226–234; <https://ebook-mecca.com/online/On%20War%20-%20Carl%20von%20Clausewitz.pdf> [accessed: 29.07.2026].

²⁶ G. Đ. Perazić, *Međunarodno ratno pravo*, second updated and expanded edition, Vojnoizdavački i novinski centar, Beograd 1986, p. 174.

²⁷ Y. Dinstein, *Non-International Armed Conflicts in International Law*, Second Edition, Cambridge University Press, Cambridge 2021, p. 285.

²⁸ M. Kreća, *Međunarodno javno pravo*, 13th updated and expanded edition, Univerzitet u Beogradu – Pravni fakultet, Beograd 2022, p. 832.

²⁹ J. Andrassy, B. Bakotić, M. Seršić, B. Vukas, *Međunarodno pravo 3*, Školska knjiga, Zagreb 2006, p. 164.

³⁰ W. C. Biggerstaff, *Ukraine Symposium – Deception and the Law of Armed Conflict*, Lieber Institute West Point, 8 September 2022; <https://lieber.westpoint.edu/deception-law-of-armed-conflict/> [accessed: 30.07.2026].

³¹ *Ibid.*

³² Y. Dinstein, *Non-International...*, p. 245.

³³ Y. Sandoz, C. Swinarski, B. Zimmermann (eds.), *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*, International Committee of the Red Cross/Martinus Nijhoff Publishers, Geneva 1987, p. 430.

³⁴ J. Andrassy et al., p. 164.

pistol from his boot and opened fire at them, which ultimately resulted in his death.³⁵

Hence, perfidy involves “a broken word, dishonesty, unfaithful breaking of promises, deliberate deception, covert threats”, all of which violate the fundamental principles of *pacta sunt servanda* and *fides etiam hosti servanda*.³⁶ Madden compares such combatants’ behavior to a wolf in sheep’s clothing.³⁷ Dinstein describes it as a question of the “presence or absence of foul play”.³⁸ Fundamentally, the prohibition of perfidy arises from the principles of humanity and chivalry.³⁹ According to Watts, perfidy and treachery rank among the gravest violations of the law of armed conflict.⁴⁰ For these reasons, as Ohlin observes, the legal system brings clarity, precision and enforceability to the chivalric code, which without appropriate legal structuring remains a collection of vague and undeveloped norms lacking formal definition.⁴¹

The Regulation of Ruses and Perfidy Under International Treaty and Customary Law of Armed Conflict

The 1907 Hague Regulations concerning the Laws and Customs of War on Land already prescribed: “Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.” (Article 24).⁴² These Regulations also prohibited the treacherous killing or wounding of individuals belonging to the hostile nation or army.⁴³ Like all other rules enacted in these Regulations, the prohibition of treachery reflects international customary law.⁴⁴ Moreover, Rule 65 of the

³⁵ N. Tsagourias, A. Morrison, *International Humanitarian Law – Cases, Materials and Commentary*, Second Edition, Cambridge University Press, Cambridge 2023, p. 200.

³⁶ Y. Sandoz et al., *Commentary on the Additional...*, p. 434.

³⁷ M. Madden, *Of Wolves and Sheep: A Purposive Analysis of Perfidy Prohibitions in International Humanitarian Law*, ‘Journal of Conflict and Security Law’ 2012, vol. 17, issue 3 (439–463), p. 439; <https://academic.oup.com/jcsl/article/17/3/439/826400> [accessed: 30.07.2026].

³⁸ Y. Dinstein, *The Conduct of Hostilities Under the Law of International Armed Conflict*, Fourth Edition, Cambridge University Press, Cambridge 2022, p. 303.

³⁹ M. Kreća, *Međunarodno javno...*, p. 832.

⁴⁰ S. Watts, *Law-of-War Perfidy*, ‘Military Law Review’ 2014, vol. 219, issue 1 (106–175), p. 106; <https://cdr.creighton.edu/server/api/core/bitstreams/b68f3270-6f8a-4d1f-a676-f6300a1b204/content> [accessed: 29.07.2026].

⁴¹ J. D. Ohlin, *War’s Rustic Code of Honor*, ‘Virginia Journal of International Law’ 2025, vol. 65, issue 2 (237–289), p. 282; https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4931591# [accessed: 30.07.2026].

⁴² ICRC, *Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land*, The Hague, 18 October 1907, *International Humanitarian Law Databases*, <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907/regulations=-art24-?activeTab=default> [accessed: 08.07.2026].

⁴³ *Ibid.*; <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907/regulations-art-23?activeTab=default> [accessed: 08.07.2026].

⁴⁴ Y. Dinstein, *The Conduct of Hostilities...*, p. 304.

ICRC Customary Law Study prohibits “killing, injuring or capturing an adversary by resort to perfidy”.⁴⁵ The prohibition on capturing adversary by resorting to perfidy will be further examined later in this article. According to state practice, Rule 65 is applicable in both international and non-international armed conflicts.⁴⁶

For example, in the British Ministry of Defence’s The Joint Service Manual of the Law of Armed Conflict (Joint Service Publication 383, 2004 Edition), it is stated that: “It is prohibited to kill, injure or capture an adversary by resort to perfidy. Perfidy is defined as ‘acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence’”.⁴⁷ According to the Danish Military Manual on International Law Relevant to Danish Armed Forces in International Operations (2016, updated 2020), “the prohibition against perfidy has two main elements: pretending to have protected status to deceive the adversary in order to take advantage of the adversary’s misapprehension to kill, injure or capture the adversary ...”.⁴⁸

Furthermore, the 1907 Hague Regulations prohibit “improper use of a flag of truce, of the national flag or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention” [Article 23 (1) (b) (c), and (f)].⁴⁹ It is also prohibited – not as an act of perfidy, but rather “because of the cruelty and lowered standard of civilization they betray” – “to kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion”.⁵⁰ Moreover, it is prohibited “to declare that no quarter will be given”.⁵¹ These two rules, analyzed together, bridge a potential gap between the moment when a combatant becomes *hors de combat* and the moment he is actually captured.⁵²

In prohibiting perfidy (Article 37), the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (hereafter: Protocol I), follows the general limitations on the choice of methods and means of warfare, as enshrined in its Article 35. To that end, in addition to technical matters, it requires certain standards of behavior from the parties to the conflict and the combatants. As

⁴⁵ ICRC, Study on customary international humanitarian law, International Humanitarian Law Databases – Rules, Geneva 2005; <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule65> <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule65> [accessed: 17.07.2026].

⁴⁶ *Ibid.*

⁴⁷ N. Tsagourias, A. Morrison, *International Humanitarian...*, p. 200.

⁴⁸ *Ibid.*

⁴⁹ ICRC, Convention (IV) respecting... [accessed: 08.07.2026].

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² F. Kalshoven, L. Zegveld, *Constraints on the Waging of War – An Introduction to International Humanitarian Law*, 4th edition, Cambridge University Press, Cambridge 2011, pp. 37 and 38.

stated above, this implies honour and humanity. Through its rules on perfidy, as a modern term for “treachery,” Protocol I both follows and further develops the rules of the 1907 Hague Regulations.⁵³ For example, the prohibition of treacherous killing or wounding remains fully intact, whereas capturing the adversary is introduced as an addition.⁵⁴ Despite the above-mentioned Rule 65 of the ICRC Customary Law Study, Dinstein holds that such an extended definition is binding only on contracting parties to Protocol I. He finds support for this position in the text of the Rome Statute, which omits reference to capture.⁵⁵

In Protocol I, perfidy is defined as follows: “Acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, shall constitute perfidy”.⁵⁶ The definition is followed by examples: “... the feigning of an intent to negotiate under a flag of truce or of a surrender”, “... the feigning of an incapacitation by wounds or sickness”, “... the feigning of civilian non-combatant status” and “... the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral or other States not Parties to the conflict”.⁵⁷ Such examples of concrete situations are useful, as they are both instructive for combatants and their superiors and helpful in the implementation of a generally difficult concept.⁵⁸ Namely, distinguishing between ruses of war and acts of perfidy can be challenging, as each situation presents unique circumstances. To that end, it is useful to analyze the opinions of legal scholars, and especially case law, to better understand what should be regarded as perfidy.

The definition of perfidy provided by Protocol I is based on several elements. First, the existence of certain protection afforded by international law of armed conflict. Second, the invitation of an adversary’s confidence, coupled with the intent to betray that confidence. Third, the actual betrayal of that trust at a particular moment. Hence, perfidy is “all about the creation of a false impression of exemption from attack” based on international law.⁵⁹ The reference to respect for international law in the second sentence of Article 37 (1) encompasses not only “the rules applicable in armed conflict set forth in international agreements to which the Parties to the conflict are Parties”, but also “the generally recognized principles and rules of international law

⁵³ Y. Dinstein, *The Conduct of Hostilities...*, p. 304.

⁵⁴ Y. Sandoz et al., *Commentary on the Additional...*, p. 431.

⁵⁵ Y. Dinstein, *The Conduct of Hostilities...*, p. 306.

⁵⁶ ICRC, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), International Humanitarian Law Databases; <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977?activeTab=1949GCs-APs-and-commentaries> [accessed: 18.07.2026].

⁵⁷ *Ibid.*

⁵⁸ Y. Sandoz et al., *Commentary on the Additional...*, p. 436.

⁵⁹ Y. Dinstein, *The Conduct of Hostilities...*, p. 305.

which are applicable to armed conflict”.⁶⁰ Through this formulation, the legal scope of perfidy is arguably extended beyond what is explicitly laid down in Article 37.⁶¹

Nevertheless, the core of the definition of perfidy lies in the intentional invocation of legal protection for the purpose of carrying out hostile acts. In such cases, a party to the conflict conducts an attack while exploiting the protections conferred by the law of armed conflict, having unlawfully appropriated its recognized symbols. What distinguishes perfidy as a particularly grave breach, beyond other breaches of international law, is the deliberate manipulation of the adversary’s trust with the intent to betray it. This constitutes an aggravating factor in assessing the perpetrator’s responsibility.⁶² In acting this way, the perpetrator undermines the trust that combatants are entitled to place in the rules governing armed conflict, disregards the minimum standard of mutual respect owed even between enemies, and offends the dignity of those engaged in hostilities.⁶³

When one party to a conflict resorts to prohibited methods, it is highly probable that the opposing side will eventually respond in kind.⁶⁴ Conversely, as long as combatants can reasonably expect the adversary to adhere to prescribed standards of conduct and refrain from perfidious acts, they are more likely to observe such rules themselves.⁶⁵ This dynamic renders perfidy particularly harmful, as breaches of trust of this nature can have far-reaching consequences, not only within the context of armed conflict but also in peacetime international relations. Acts of perfidy risk eroding mutual respect for the law of armed conflict, provoking unnecessary escalation, endangering personnel who are lawfully surrendering or engaged in humanitarian tasks and ultimately impeding efforts to restore or maintain peace.⁶⁶

Tsagourias and Morrison contend that the prohibition of perfidy is not violated unless the deceived adversary is killed, wounded or captured as a direct consequence of the deceptive act.⁶⁷ Dinstein concurs, and further argues that perfidy falling short of killing, injuring or capturing an adversary does not constitute a violation, even if it is carried out with such intent.⁶⁸ However, each case must be assessed within the broader framework of Article 37. For example, attacking an adversary after having dispelled their suspicion by feigning incapacitation due to wounds or sickness constitutes perfidy within

⁶⁰ ICRC, Protocol I...

⁶¹ Y. Sandoz et al., *Commentary on the Additional...*, p. 435.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ M. Škulić, *Međunarodno krivično pravo*, JP „Službeni glasnik“, Beograd 2022, p. 409.

⁶⁵ Y. Dinstein, *The Conduct of Hostilities...*, p. 304.

⁶⁶ N. Tsagourias, A. Morrison, *International...*, p. 199.

⁶⁷ N. Tsagourias, A. Morrison, *International...*, p. 200.

⁶⁸ Y. Dinstein, *The Conduct of Hostilities...*, p. 306.

the meaning of Article 37. In contrast, simulating incapacitation with fictitious wounds for the purpose of momentarily halting the adversary's attack, while clearly perfidious behavior in light of the Article's second sentence, does not unambiguously fall within the scope of the prohibition contained in the first sentence.⁶⁹ A soldier is prohibited from simulating injury with the intent of gaining a tactical advantage and then killing the adversary by deceptive means.⁷⁰

Conversely, if a combatant feigns wounds solely as a way of signaling a genuine intention to surrender, this will not amount to perfidy or to an unlawful ruse. Rather, it constitutes a legitimate means of communicating his decision to withdraw from hostilities.⁷¹ Likewise, pretending to be dead merely to preserve one's own life does not, in itself, qualify as perfidy. By contrast, doing so with the purpose of killing an adversary, does.⁷² In this regard, Perazić also maintains that feigning death or wound in order to evade capture should be regarded not as perfidy, but as a lawful ruse of war.⁷³ Perazić expressed this view in a book published in 1986 by the Yugoslav Military Publishing and Newspaper Center, whose editorial board included twelve generals of the JNA (sic!). This was only five years before the events at the Vukovar Hospital and Ovčara farm. Dinstein likewise argues that a combatant "playing wounded or even faking death" to save his life does nothing prohibited.⁷⁴

Hence, Article 37 does not prohibit perfidy in general, but rather addresses a specific form of perfidious conduct – namely, the killing, injuring or capturing of an adversary by resort to perfidy.⁷⁵ In other words, Article 37 prohibits perfidy only as defined in its first sentence. However, this does not mean that the interpretation of such conduct will always be straightforward.⁷⁶ Moreover, the grey area between perfidious conduct and lawful ruses of war – an area not explicitly regulated under current rules – continues to raise serious issues in both legal theory and operational practice.⁷⁷ Because the prohibition is limited to acts that lead to concrete outcomes, such as the killing, wounding or capturing an adversary, belligerents retain substantial latitude to engage in deceptive conduct that falls short of those outcomes but nonetheless undermines the protective framework of the law. Regarding that, Greene observes that, at a certain point in the historical development of the prohibition of perfidy, the international community experienced a divergence that led to

⁶⁹ Y. Sandoz et al., *Commentary on the Additional...*, p. 436.

⁷⁰ J. D. Ohlin, *War's Rustic Code...*, p. 279.

⁷¹ Y. Sandoz et al., *Commentary on the Additional...*, *ibid.*

⁷² Y. Sandoz et al., *Commentary on the Additional...*, p. 438.

⁷³ G. Đ. Perazić, *Međunarodno...*, p. 175.

⁷⁴ Y. Dinstein, *The Conduct of Hostilities...*, p. 307.

⁷⁵ Y. Sandoz et al., *Commentary on the Additional...*, p. 432.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, pp. 432 and 433.

the emergence of a hierarchical framework for categorizing perfidious acts.⁷⁸

In that sense, Watts draws a distinction between simple, prohibited and grave perfidy.⁷⁹ Simple perfidy refers to any act – regardless of its outcome – that deliberately induces the adversary to extend legal protection under the law of armed conflict, only to exploit that trust in bad faith.⁸⁰ Prohibited perfidy is limited to those acts that result directly in the death, injury or capture of the deceived adversary.⁸¹ Grave perfidy, a particular type of prohibited perfidy, concerns acts directed against persons protected under one of the four 1949 Geneva Conventions, specifically through the improper use of protected emblems such as the Red Cross.⁸² While these definitional challenges are significant, they should not be overstated.⁸³ At a minimum, it seems clear that attempted or unsuccessful acts of perfidy also fall within the scope of the prohibition of killing, injuring or capturing an adversary by resort to perfidy.⁸⁴ According to Corn, allowing for perfidious intent that fails to produce a harmful outcome would ultimately weaken the normative strength and regulatory effectiveness of the prohibition itself.⁸⁵

Perfidy (Treachery) As a War Crime

As far as the Rome Statute is concerned, it applies to both international and non-international armed conflicts.⁸⁶ Concerning perfidy, the Statute does not use that term. Instead, it refers to treachery, as did the 1907 Hague Regulations. Corn considers perfidy to be generally synonymous with treachery.⁸⁷ Klamberg also views treachery as synonymous with perfidy, as it “involves a breach of good faith”.⁸⁸ On the other hand, Dinstein finds these two concepts complementary but not identical.⁸⁹

⁷⁸ B. D. Greene, *Bridging the Gap That Exists for War Crimes of Perfidy*, ‘Army Lawyer’ 2010, August Issue (45–52), p. 52; <https://heinonline.org/HOL/Page?handle=hein.journals/armylaw2010&id=731&collection=journal-s&index=> [accessed: 30.07.2026].

⁷⁹ S. Watts, *Law-of-War...*, pp. 107 and 108.

⁸⁰ S. Watts, *Law-of-War...*, p. 154.

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ Y. Sandoz et al., *Commentary on the Additional...*, p. 433.

⁸⁴ *Ibid.*

⁸⁵ G. Corn, *The Case of Attempted Perfidy: An “Attempt” to Enhance Deterrent Value*, ‘Journal of National Security Law and Policy’ 2023, vol. 13, issue 3 (401–448), p. 412; https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4874132 [accessed: 29.07.2026].

⁸⁶ Y. Dinstein, *Non-International...*, p. 244.

⁸⁷ G. Corn, *The Case...*, p. 402.

⁸⁸ *Commentary on the Law of the International Criminal Court*, Second Edition, vol. 1, M. Klamberg, J. Nilsson, A. Angotti (eds.), Torkel Opsahl Academic EPublisher, Brussels 2023, p. 261; <https://www.diva-portal.org/smash/get/diva2:1822990/FULLTEXT01.pdf> [accessed: 22.07.2026].

⁸⁹ Y. Dinstein, *The Conduct of Hostilities...*, p. 305.

Nevertheless, Article 8 (2) (b) (xi) of the Rome Statute, among “Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law”, introduces a crime entitled “War crime of treacherously killing or wounding”.⁹⁰ It criminalizes “killing or wounding treacherously individuals belonging to the hostile nation or army”.⁹¹ Thus, this provision mirrors the wording of the 1907 Hague Regulations and clearly extends protection to both adversary combatants and civilians. It was incorporated into the Rome Statute without substantive debate regarding its content or scope.⁹² Hence, perfidious acts are punishable only where the perpetrator intentionally kills or wounds his adversary.⁹³

In such instances, the accused, using a deception, invokes a right to protection for himself and exploits it for advantage in combat.⁹⁴ In practice, this typically includes, *inter alia*, “pretending to be a civilian” or “pretending to be incapacitated by wounds or sickness”.⁹⁵ According to the ICC’s Elements of Crimes, this crime includes that the perpetrator, in the context of an international armed conflict and being aware of the relevant factual circumstances, invited the confidence or belief of his adversary with the intent to betray that confidence. The outcome, as already mentioned above, must be the killing or wounding of the adversary, using the trust thus obtained.⁹⁶

In comparison with the Protocol I, the Rome Statute obviously criminalizes killing or wounding the adversary only, while perfidious capture has not been prescribed as a war crime. According to Bartels, while the Rome Statute largely adheres to the language of the Hague Regulations, the Elements of Crimes adopt the terminology of Protocol I.⁹⁷ Although the offence requires a fatal or injurious result, Statute does not demand that the injury meet any particular threshold of severity.⁹⁸ As for unsuccessful attempts, Article 25 (3) (f) of the Statute establishes criminal liability if the perpetrator undertakes “action that commences [the crime’s] execution by means of a substantial step”.⁹⁹

⁹⁰ ICC, Rome Statute of the International Criminal Court, The Hague 2021, p. 7; <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf> [accessed: 17.07.2026].

⁹¹ *Ibid.*

⁹² M. Cottier, J. Grignon, *Perfidious Killing or Wounding* [in:] The Rome Statute of the International Criminal Court: A Commentary, 3rd edition, O. Triffterer, K. Ambos (eds.), C. H. Beck/Hart/Nomos, Munich/Oxford/Baden-Baden 2016 (425–432), p. 426; <https://www.legal-tools.org/doc/040751/> [accessed: 29.07.2026].

⁹³ Commentary on the Law..., M. Klamberg et al. (eds.), p. 261.

⁹⁴ ICC, Rome Statute..., p. 7.

⁹⁵ Commentary on the Law..., M. Klamberg et al. (eds.), *ibid.*

⁹⁶ ICC, Elements of Crimes, Published by ICC, The Hague 2013, p. 16; <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf> [accessed: 19.07.2026].

⁹⁷ R. Bartels, Killing With Military Equipment Disguised as Civilian Objects is Perfidy, 23 March 2015; <https://www.justsecurity.org/21285/disguising-military-weapons-civilian-equipment-perfidy-or-be/> [accessed: 29.07.2026].

⁹⁸ M. Cottier, J. Grignon, *Perfidious Killing*..., p. 432.

⁹⁹ *Ibid.*

With respect to non-international armed conflicts, Article 8 (2) (e) (ix) of the Rome Statute similarly prescribes a “War crime of treacherously killing or wounding”.¹⁰⁰ Precisely, the prohibition applies to “killing or wounding treacherously a combatant adversary”.¹⁰¹ Thus, again, only those perfidious acts resulting in the intentional killing or wounding of an adversary fall within the Statute’s purview.¹⁰² While the other elements of the crime are consistent with those applicable to international armed conflicts, the victims are here described as “combatant adversaries” rather than as “individuals belonging to the hostile nation or army”.¹⁰³ At the same time, the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) contains no express prohibition of perfidy.¹⁰⁴ Nevertheless, this gap in Protocol II has been addressed through the subsequent development of customary international law.¹⁰⁵

Dinstein illustrates this evolution by citing the ICTY Appeals Chamber’s Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction in Prosecutor v. Tadić case: “... general principles of customary international law have evolved with regard to internal armed conflict ... mention can be made of the prohibition of perfidy”.¹⁰⁶ Although this Decision has drawn criticism from some scholars, there is substantial doctrinal support for the view that customary international law prohibits perfidy in non-international armed conflicts.¹⁰⁷ Greenwood, for example, regards the Decision as a welcome development, whose innovative character is likely to prove beneficial in the long term.¹⁰⁸ Jackson likewise argues that both domestic and international jurisprudence support recognizing perfidy as a war crime in non-international armed conflicts.¹⁰⁹

¹⁰⁰ ICC, Rome Statute..., p. 9.

¹⁰¹ *Ibid.*

¹⁰² Commentary on the Law..., M. Klamberg et al. (eds.), p. 407.

¹⁰³ ICC, Elements of Crimes..., pp. 27 and 28.

¹⁰⁴ ICRC, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), International Humanitarian Law Databases; <https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977?activeTab=1949GCs-APs-and-commentaries> [accessed: 23.07.2026].

¹⁰⁵ Y. Dinstein, Non-International..., p. 182.

¹⁰⁶ ICTY Appeals Chamber, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, IT-94-I-AR72 (Prosecutor v. Duško Tadić), para. 125; <https://ucr.irmct.org/scasedocs/case/IT-94-1#eng> [accessed: 22.07.2026].

¹⁰⁷ Y. Dinstein, Non-International..., p. 285.

¹⁰⁸ C. Greenwood, International Humanitarian Law and the Tadić Case, ‘European Journal of International Law’ 1996, vol. 7, issue 2 (265–283), p. 283; <https://www.ejil.org/pdfs/7/2/1365.pdf> [accessed: 22.07.2026].

¹⁰⁹ R. B. Jackson, Perfidy in NonInternational Armed Conflicts, ‘International Law Studies’ 2012, vol. 88 (237–259), p. 254; <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1062&context=ils> [accessed: 29.07.2026].

Abstrakt

Artykuł zawiera analizę faktycznych i prawnych aspektów zarzutów dotyczących aktów perfidii i zdrady, których rzekomo mieli się dopuścić się chorwaccy bojownicy, schwytani w szpitalu w Vukovarze w 1991 roku, wobec strony przeciwnej. Głównym celem jest ustalenie, co faktycznie miało miejsce podczas omawianych wydarzeń, oraz ocena, czy zarzuty dotyczące zdradzieckiego, perfidnego postępowania są uzasadnione pod względem faktycznym i prawnym. Do osiągnięcia tego celu zastosowano metodę studium przypadku, z wykorzystaniem metod analitycznych i syntetycznych w analizie dokumentów Międzynarodowego Trybunału Karnego dla byłej Jugosławii (MTKJ) oraz Sądu Okręgowego w Belgradzie. Została ona dodatkowo poparta krytyczną analizą odpowiednich przepisów międzynarodowego prawa humanitarnego i międzynarodowego prawa karnego, a także opiniami licznych badaczy prawa. Ponieważ studium przypadku ujawnia okoliczności, które poprzedzały domniemane akty perfidii i do nich prowadziły, w artykule rozważono również powiązaną kwestię odmowy okazania łaski. Badania wykazują, że – zarówno w świetle prawa międzynarodowego (traktatowego oraz zwyczajowego), jak i dominującego stanowiska doktryny prawa – działania chorwackich bojowników nie stanowiły aktów zdrady czy perfidii. Wręcz przeciwnie, ich zachowanie było desperacką próbą ratowania własnego życia bez uciekania się do zabijania lub ranienia przeciwnika, w okolicznościach wskazujących na bezkarność za popełnienie zbrodni wojennej – polegającej na odmowie okazania łaski – której wcześniej dopuściła się wobec nich strona przeciwna.

Słowa kluczowe: międzynarodowe prawo humanitarne, międzynarodowe prawo karne, zbrodnia wojenna, perfidia, odmowa okazania łaski, szpital w Vukovarze, Międzynarodowy Trybunał Karny dla byłej Jugosławii (ICTY).

REFERENCES

- Alimpić, M., *The Vukovar Hospital Case from the Perspective of a National Investigative Judge*, 'International Review of the Red Cross' 2013, vol. 95, no. 890 (267-286); <https://international-review.icrc.org/sites/default/files/irrc-890-alimpic.pdf> [accessed: 01.07.2026].
- Andrassy, J., Bakotić, B., Seršić, M., Vukas, B., *Međunarodno pravo 3, Školska knjiga*, Zagreb 2006.
- Bartels, R., *Killing With Military Equipment Disguised as Civilian Objects is Perfidy*, 23 March 2015; <https://www.justsecurity.org/21285/disguising-military-weapons-civilian-equipment-perfidy-or-be/> [accessed: 29.07.2026].
- Biggerstaff, W. C., *Ukraine Symposium – Deception and the Law of Armed Conflict*, Lieber Institute West Point, 8 September 2022; <https://lieber.westpoint.edu/deception-law-of-armed-conflict/> [accessed: 30.07.2026].

Clausewitz, C. von, *On War* (transl. by J. J. Graham), N. Trübner & Co., London 1908; <https://ebook-mecca.com/online/On%20War%20-%20Carl%20von%20Clausewitz.pdf> [accessed: 29.07.2026].

Commentary on the Law of the International Criminal Court, Second Edition, vol. 1, M. Klamberg, J. Nilsson, A. Angotti (eds.), Torkel Opsahl Academic EPublisher, Brussels 2023; <https://www.diva-portal.org/smash/get/diva2:1822990/FULLTEXT01.pdf> [accessed: 22.07.2026].

Corn, G., *The Case of Attempted Perfidy: An "Attempt" to Enhance Deterrent Value*, 'Journal of National Security Law and Policy' 2023, vol. 13, issue 3 (401–447); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4874132 [accessed: 29.07.2026].

Dinstein, Y., *Non-International Armed Conflicts in International Law*, Second Edition, Cambridge University Press, Cambridge 2021.

Dinstein, Y., *The Conduct of Hostilities under the Law of International Armed Conflict*, Fourth Edition, Cambridge University Press, Cambridge 2022.

Dzuro, V., *The Investigator – Demons of the Balkan War*, Potomac Books/University of Nebraska Press, Lincoln 2019.

Greene, B. D., *Bridging the Gap That Exists for War Crimes of Perfidy*, 'Army Lawyer' 2010, August Issue (45–52); <https://heinonline.org/HOL/Page?handle=hein.journals/armylaw2010&id=731&collection=journals&index=> [accessed: 30.07.2026].

Greenwood, C., *International Humanitarian Law and the Tadić Case*, 'European Journal of International Law' 1996, vol. 7, issue 2 (265–283); <https://www.ejil.org/pdfs/7/2/1365.pdf> [accessed: 22.07.2026].

International Criminal Court, *Rome Statute of the International Criminal Court*, The Hague 2021; <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf> [accessed: 17.07.2026].

International Criminal Court, *Elements of Crimes*, Published by ICC, The Hague 2013; <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf> [accessed: 19.07.2026].

ICRC, *Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land*, The Hague 18 October 1907, International Humanitarian Law Databases; <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907?activeTab=default> [accessed: 08.07.2026].

ICRC, *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, Geneva 8 June 1977, International Humanitarian Law Databases; <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977?activeTab=1949GCs-APs-and-commentaries> [accessed: 18.07.2026].

ICRC, *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, Geneva 8 June 1977, International Humanitarian Law Databases; <https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977?activeTab=1949GCs-APs-and-commentaries> [accessed: 23.07.2026].

ICRC, Study on Customary International Humanitarian Law, International Humanitarian Law Databases – Rules, Geneva 2005; <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule65https://ihl-databases.icrc.org/en/customary-ihl/v1/rule65> [accessed: 17.07.2026].

ICTY, IT-94-I-AR72 (Prosecutor v. Duško Tadić), Appeals Chamber Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, The Hague 2 October 1995; <https://ucr.irmct.org/scasedocs/case/IT-94-I#eng> [accessed: 22.07.2026].

ICTY, IT-95-13/1-T (Prosecutor v. Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin), Trial Chamber Judgement, The Hague 27 September 2007; <https://www.refworld.org/jurisprudence/caselaw/icty/2007/en/66072> [accessed: 16.07.2026].

ICTY, IT-95-13/1-A (Prosecutor v. Mile Mrkšić and Veselin Šljivančanin), Appeals Chamber Judgement, The Hague 5 May 2009; <https://ucr.irmct.org/LegalRef/CMSDocStore/Public/English/Judgement/NotIndexable/IT-95-13%231-A/JUD204R0000259801.pdf> [accessed: 16.07.2026].

ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment, 3 February 2015, ICJ Reports, The Hague 2015; <https://www.icj-cij.org/case/118> [accessed: 22.07.2026].

Jackson, R. B., *Perfidy in NonInternational Armed Conflicts*, 'International Law Studies' 2012, vol. 88 (237–259); <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1062&context=ils> [accessed: 29.07.2026].

Jonjić, T., *Razaranje Vukovara i Međunarodni kazneni sud za bivšu Jugoslaviju*, 'Vukovar '91 – istina i/ili osporavanje (između znanosti i manipulacije)' (218–238), Institut Ivo Pilar, Zagreb 2013; https://www.pilar.hr/wp-content/images/stories/dokumenti/zbornici/43/Zbornik_VU_sv42-217.pdf [accessed: 22.07.2026].

Kalshoven, F., Zegveld, L., *Constraints on the Waging of War – An Introduction to International Humanitarian Law*, 4th Edition, Cambridge University Press, Cambridge 2011.

Kinder, I., *The Violations of International Humanitarian Law Against the Persons Forcibly Taken from the Vukovar Hospital and Murdered at Ovčara*, 'Strategos' 2023, vol. 7, no. 2 (79–115); <https://hrcak.srce.hr/file/450726> [accessed: 29.07.2026].

Kolb, R., Nakashima, F., *The Notion of "Acts Harmful to the Enemy" Under International Humanitarian Law*, 'International Review of the Red Cross' 2019, vol. 101, no. 912 (1171–1199); https://international-review.icrc.org/sites/default/files/pdf/1602948923/IRC101_3b/S1816383120000314a.pdf [accessed: 29.07.2026].

Kreća, M., *Međunarodno javno pravo*, 13th updated and expanded edition, Univerzitet u Beogradu-Pravni fakultet, Beograd 2022.

Lučić, I., *Vukovar Hospital – a Lighthouse in Historic Storms of Eastern Croatia*, Croatian Medical Chamber and Croatian Institute of History, Zagreb 2017.

Madden, M., *Of Wolves and Sheep: A Purposive Analysis of Perfidy Prohibitions in International Humanitarian Law*, 'Journal of Conflict and Security Law' 2012, vol. 17, issue 3 (439–463); <https://academic.oup.com/jcsl/article/17/3/439/826400> [accessed: 30.07.2026].

Matić, P., *Ništa lažno*, Fourth edition, Parvus d.o.o., Zagreb 2006.

Nazor, A., *The Town Was the Target*, Croatian Homeland War Memorial and Documentation Center, Zagreb 2011; <https://centardomovinskograta.hr/wp-content/uploads/2019/05/izdanja2/1-244-Vukovar-engl-FINAL-03-04-11-opt.pdf> [accessed: 22.07.2026].

Ohlin, J. D., *War's Rustic Code of Honor*, 'Virginia Journal of International Law' 2025, vol. 65, issue 2 (237-289); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4931591# [accessed: 30.07.2026].

Pellet, A., *The Opinions of Badinter Arbitration Committee: A Second Breath for the Self-Determination of Peoples*, 'European Journal of International Law' 1993, vol. 3, no. 1 (178-185); <http://www.ejil.org/pdfs/3/1/1175.pdf> [accessed: 29.07.2026].

Perazić, G. Đ., *Međunarodno ratno pravo*, second updated and expanded edition, Vojnoizdavački i novinski centar, Beograd 1986.

Sandoz, Y., Swinarski, C., Zimmermann, B. (eds.), *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*, International Committee of the Red Cross/Martinus Nijhoff Publishers, Geneva 1987.

Schmitt, M. N., *The Status of Opposition Fighters in a Non-International Armed Conflict*, 'International Law Studies' 2012, vol. 88 (119-144); <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=1057&context=ils> [accessed: 29.07.2026].

Škulić, M., *Međunarodno krivično pravo*, JP „Službeni glasnik“, Beograd 2022.

The Rome Statute of the International Criminal Court: A Commentary, 3rd edition, O. Triffterer, K. Ambos (eds.), C. H. Beck/Hart/Nomos, Munich/Oxford/Baden-Baden 2016 (425-432); <https://www.legal-tools.org/doc/040751/> [accessed: 29.07.2026].

Tsagourias, N., Morrison, A., *International Humanitarian Law – Cases, Materials and Commentary*, Second Edition, Cambridge University Press, Cambridge 2023.

United Nations, *Updated Statute of the International Criminal Tribunal for the Former Yugoslavia*, UN Doc. IT/32/Rev.50, United Nations, New York 2009; <https://www.icty.org/en/documents/statute-tribunal> [accessed: 23.07.2026].

Vukušić, I., *Serbian Paramilitaries and the Breakup of Yugoslavia*, Routledge, London and New York 2023.

Watts, S., *Law-of-War Perfidy*, 'Military Law Review' 2014, vol. 219, issue 1 (106-175); <https://cdr.creighton.edu/server/api/core/bitstreams/b68f3270-6f8a-4d1f-a676-f6300aalb204/content> [accessed: 29.07.2026].