

Reading List for  
Effective Military Justice Systems and War Crimes Trials  
A Practical View from a Former U.S. Military Judges

November 2009

This one week intensive course will focus on effective military justice systems, how they operate, and how they work to impact ways in which the military behave in conflicts. The course will take a close look at the judgement in the International Criminal Tribunal for the Former Yugoslavia case of *Prosecutor v. Milutinovic, et al.* (Trial Court Judgement) and discuss the impact that the military justice system had in that judgement. The course will include issues related to the Use of Force, International Humanitarian Law, Rules of Engagements, safeguards to ensure independence of the military judge, and consequences when the military justice system does not adequately address allegations of misconduct by members of the military.

Reading List:

*Prosecutor v. Milutinović, et al.*, Case No. IT-05-87, Extracts:

<http://www.icty.org/x/cases/milutinovic/tjug/en/090226summary.pdf>

Volume 3 of the Judgement on Individual Responsibility:

<http://www.icty.org/x/cases/milutinovic/tjug/en/jud090226-e3of4.pdf>

U.S. Department of Defense Directive Number 2311.01E, May 9, 2006

Subject: DoD Law of War Program

<http://www.dtic.mil/whs/directives/corres/pdf/231101p.pdf>

2008 U.S. Manual for Courts-Martial (we will not have time to review all of this, but a general review would be useful for students)

<http://www.au.af.mil/au/awc/awcgate/law/mcm.pdf>

2004 Military Extraterritorial Jurisdiction Act:

<http://uscode.house.gov/download/pls/18C212.txt>

Indictment in *United States v. Steven Dale Green* (will be provided in class in hard copy).

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT MALLON

U.S. DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
603 N-1 PA 13 23

UNITED STATES OF AMERICA

v.

INDICTMENT

STEVEN DALE GREEN

NO.

*5106 CR-19-R*  
18 U.S.C. § 2  
18 U.S.C. § 371  
18 U.S.C. § 922(a)(1)(B)  
18 U.S.C. § 924(j)(1)  
18 U.S.C. § 1111  
18 U.S.C. § 1112  
18 U.S.C. § 1512(c)(1)  
18 U.S.C. § 1512(c)(2)  
18 U.S.C. § 2041(a)  
18 U.S.C. § 2041(b)  
18 U.S.C. § 2261(a)(1)

The Grand Jury alleges:

GENERAL ALLEGATIONS

1. On or about March 12, 2006, the defendant **STEVEN DALE GREEN** was a member of the Armed Forces subject to Chapter 47 of Title 10 (the Uniform Code of Military Justice).

2. On or about May 16, 2006, the defendant **STEVEN DALE GREEN** was discharged from the Army.

3. The acts described in Counts One through Seventeen of this indictment occurred in and around Mammoth, Tenn and outside the United States.