

# International responsibility and attribution of conduct

Citation for published version (APA):

Jorritsma, R. (2021). *International responsibility and attribution of conduct: an analysis of Case Law on Human Rights and Humanitarian Law*. [Doctoral Thesis, Maastricht University]. Maastricht University. <https://doi.org/10.26481/dis.20210910rj>

## Document status and date:

Published: 01/01/2021

## DOI:

[10.26481/dis.20210910rj](https://doi.org/10.26481/dis.20210910rj)

## Document Version:

Publisher's PDF, also known as Version of record

## Please check the document version of this publication:

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- The final published version features the final layout of the paper including the volume, issue and page numbers.

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***International Responsibility and Attribution of Conduct:  
An Analysis of Case Law on Human Rights and Humanitarian Law***

by Remy Jorritsma

**Propositions**

1. There is no strict distinction between primary (substantive) rules and secondary rules on attribution as found in the law of State responsibility.
2. The modern notion of international law as conferring rights and imposing obligations on States as well as non-State actors inevitably impacts the perception of responsibility and legal personality.
3. It is conceptually untenable to speak of an internationally wrongful act for which a State bears responsibility unless the conduct complained of is first attributed to that State.
4. Notwithstanding the differences between human rights law and humanitarian law, both regimes only become applicable to a situation that might entail an alleged violation once a substantive threshold is met, respectively “State jurisdiction” and “(international or non-international) armed conflict”.
5. The occasional reluctance of system-specific international courts to engage with customary international law exacerbates the concerns over fragmentation. Adjudicators are therefore well-advised to duly explain whether the solutions they adopt are founded on customary international law or, rather, *lex specialis*.
6. The tendency among academics to partake in categorical thinking narrows the mind and may obfuscate information or knowledge that does not fit pre-conceived ideas.
7. Law and architecture bear striking similarities given their careful use of a wide array of materials, sources and structures to shape society and ultimately improve quality of life.
8. Understanding the substantive and practical importance of rules that connect conduct to a State as an international legal person will benefit victims seeking remedy for incurred harm.