

# ENFORCED DISAPPEARANCE AS A CRIME UNDER INTERNATIONAL LAW: A NEGLECTED ORIGIN IN THE LAWS OF WAR

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## ABSTRACT

*Enforced disappearance as a crime under international law has a long and neglected history. In this Note I argue that the criminal prohibition of disappearance is rooted in the laws of war, rather than in late-twentieth-century human rights law. By analyzing the judgments of the Nuremberg Tribunals, I show that the conduct underlying enforced disappearance carried individual criminal liability at the time of World War II, both as a war crime and as a crime against humanity. I trace the origins of the prohibition to the protection of the family by the nineteenth-century laws of war. By using the prosecution of enforced disappearance in Bosnia and Herzegovina as a case study, I show the practical relevance of enforced disappearance's long history under international humanitarian law.*