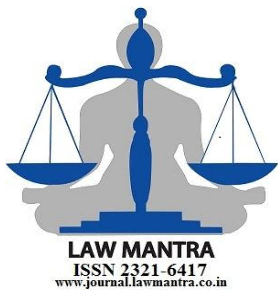

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SUPERIOR RESPONSIBILITY AND ITS APPLICATIONS – A DOCTRINAL STUDY*

Introduction

Superior responsibility is a species of omission liability. It is, in international criminal law jurisprudence, the means by which a superior may be held liable for acts committed by his subordinates. The customary international humanitarian law study of the International Committee for the Red Cross (ICRC) concludes that:

"Commanders and other superiors are criminally responsible for war crimes committed by their subordinates if they knew, or had reason to know, that the subordinates were about to commit or were committing such crimes and did not take all necessary and reasonable measures in their power to prevent their commission, or if such crimes had been committed, to punish the persons responsible."[1]

The terms 'command'and'superior'have sometimes been used interchangeably as names for this form of responsibility, but have also been employed in different contexts, particularly to distinguish between a military superior or commander and a civilian superior.[2]

Origin And Roots

While many consider superior responsibility to be a recent development, that is not historically the case. Superior responsibility has its roots in ancient history. In 500 BC, in what is probably the oldest military treatise in the world, Sun Tzu wrote:

"When troops flee, are insubordinate, distressed, collapse in disorder or are routed, it is the fault of the general. None of these disorders can be attributed to natural causes."[3]

In what is very close to the doctrine of superior responsibility as it is understood today, Peter Hagenbach in 1474 was brought to trial by the Archduke of Austria before an international tribunal composed of twenty-eight judges from the allied states of the Holy Roman Empire. He was subsequently convicted of crimes of murder, as it was held that he should have prevented those crimes, because, as a knight, he had a duty and was in a position to prevent such crimes.

In 1625, Hugo Grotius chronicled the concept of state and individual responsibility for failures of rulers to prevent crimes committed by their subordinates:

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[1] Jean-Marie Henckaerts and Louise Doswald-Beck (eds.), Customary International Humanitarian Law (2005) ('ICRC Study'), Vol. I: Rules, p. 558 (setting forth Rule 153).

[2] Prosecutor v. Hadzˇihasanovic´, Alagic´ and Kubura, Case No. IT-01-47-AR72

[3] Sun Tzu, The Art of War, p. 125, cited in William H. Parks, 'Command Responsibility for War Crimes', (1973) 62 Military Law Review 1, 3; Elies van Sliedregt, The Criminal Responsibility of Individuals for Violations of International Humanitarian Law (2003), p. 119 n. 5.

"[A] community, or its rulers, may be held responsible for the crime of a subject if they knew it and do not prevent it when they could and should prevent it."[4]

The United States of America and Sweden, in the eighteenth and seventeenth centuries respectively, imposed a responsibility on military commanders to prevent their subordinates from committing unlawful activities. The "*Swedish Articles of Military Lawwes to be Observed in the Warres' of 1621*" focused on superior responsibility. Article 46 provided that: *"[n]o Colonel or Captain shall command his soldiers to do any unlawful thing; which who so does, shall be punished according to the discretion of the judges".*

Article XII of the American Articles of War, first enacted in 1775 and re-enacted in 1776, speaks of an omission by a superior and a duty to punish:

"Every officer, commanding in quarters or on a march, shall keep good order, and, to the utmost of his power, redress all such abuses or disorders which may be committed by any officer or soldier under his command: If upon any complaint [being] made to him, of officers or soldiers beating, or otherwise ill-treating any person, or of committing any kind of riot, to the disquieting of the inhabitants of this Continent; he the said commander, who shall refuse or omit to see justice done on the offender or offenders, and reparation made to the party or parties injured, as far as the offender's wages shall enable him or them, shall, upon due proof thereof, be punished as ordered by a general court-martial, in such manner as if he himself had committed the crimes or disorders complained of."[5]

The first codification of international command at an international level was the Fourth Hague Convention of 1907, ratified by thirty five nations.[6]

Developments Subsequent To The Second World War

A number of ad hoc tribunals were established in the aftermath of the Second World War. The International Military Tribunal tried twenty-four ofthe most notorious Nazi Germany war criminals. There were subsequent Allied Military Tribunals which tried twelve other alleged war criminals from Nazi Germany, called the Nuremberg Trials. There was an International Military Tribunal for the Far East called the Tokyo Tribunal, to try the leaders of the Empire of Japan for crimes committed during the Second World War.

The first explicit codification of superior responsibility was contained in the two Additional Protocols to the 1949 Geneva Conventions, adopted in 1977. Additional Protocol I, applicable to international armed conflicts, provided as follows:

"Article 86: Failure to Act

1. The High Contracting Parties and the Parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches, of the Convention or of this Protocol which result from a failure to act when under a duty to do so.

2. The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach

[4]Hugo Grotius, De jure belli ac pacis: libritres(1625), translated in F. W. Kelsey, The Classics of International Law (J. B. Scott ed., 1925), p. 523.

[5]American Articles of War, Section IX, 20 September 1776, reprinted in (1906) 5 Journal of the Continental Congress 788.

[6]Convention Respecting the Laws and Customs of War on Land of 18 October 1907, entered into force 26 January 1910, 36 Stat. 2277 (1907), T.S. No. 539, reprinted in (1908) American Journal of International Law 90.

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and if they did not take all feasible measures within their power to prevent or repress the breach."

Article 87: Duty of Commanders

"1. The High Contracting Parties and the Parties to the conflict shall require military commanders, with respect to members of the armed forces under their command and other persons under their control, to prevent and, where necessary, to suppress and report to competent authorities breaches of the Conventions and of this Protocol.

2. In order to prevent and suppress breaches, High Contracting Parties and Parties to the conflict shall require that, commensurate with their level of responsibility, commanders ensure that members of the armed forces under their command are aware of their obligations under the Conventions and this Protocol.

3. The High Contracting Parties and Parties to the conflict shall require any commander who is aware that subordinates or other persons under his control are going to commit or have committed a breach of the Conventions or of his Protocol, to initiate such steps as are necessary to prevent such violations of the Conventions or this Protocol, and, where appropriate, to initiate disciplinary or penal action against violators thereof."

In the early 1990s, the ICTY and ICTR were established by resolutions of the United Nations Security Council, and the Statutes of both Tribunals expressly provide for superior responsibility as a form of liability. Article 7(3) of the ICTY Statute provides:

"The fact that any of the acts referred to in articles 2 to 5 of the present Statute was committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof."

Article 6(3) of the ICTR has virtually the same wording.

Elements Of Superior Responsibility
The ICRC Commentary to Additional Protocol I states:

"Under the terms of this provision three conditions must be fulfilled if a superior is to be responsible for an omission relating to an offence committed or about to be committed by a subordinate:

a) the superior concerned must be the superior of that subordinate ('his superiors');

b) he knew, or had information which should have enabled him to conclude that a breach was being committed or was going to be committed;

c) he did not take the measures within his power to prevent it."[7]

The CelebiciTrial Chamber has held that these three elements are also effectively present in the Statutes of the ad hocTribunals, and encapsulated the requirements under customary international law that must be established for a superior to be held criminally responsible.

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[7]ICRC Commentary to the Additional Protocols, para. 3543.

The chambers have uniformly set out three essential elements– or, in the words of the Blagojevic´ and Jokic´and Krstic´Trial Chambers, a 'three-pronged test' – that must be satisfied in order to engage an accused's liability pursuant to Article 7(3) of the ICTY Statute and Article 6(3) of the ICTR Statute:

"(i) the existence of a superior-subordinate relationship;

(ii) the superior knew or had reason to know that the criminal act was about to be or

had been committed;

(iii) the superior failed to take the necessary and reasonable measures to prevent the

criminal act or punish the perpetrator thereof."[8]

1) Superior-Subordinate Relationship

It has been said to be the very heart of the doctrine of superior responsibility.[9] It is the first principle which needs to be proved in a case for establishing superior responsibility.

As *Strugar*stresses upon, the relationship between superior and subordinate need not be a formal one, and the concepts of command and subordination are relatively broad. Such responsibility can arise from both *de jure* and *de facto* command.

The key here is "effective control", which was exercised by the superior on his subordinates. It was defined in the Celebici trial chamber as the material ability to prevent and punish.[10] The Appeals Chamber considered it the "threshold" that should be reached when establishing a superior-subordinate relationship.[11] In fact, mere de jure authority is considered to be insufficient; even an accused vested with the legal authority to prevent or punish certain acts would not be held liable if he did not exercise effective control over them. This principle was clearly articulated by the theBrdanin and Blagojevic´ and Jokic´ Trial Chambers:

"A commander vested with de jureauthority who does not, in reality, have effective control over his or her subordinates would not incur criminal responsibility pursuant to the doctrine of command responsibility, while a de factocommander who lacks formal letters of appointment, superior rank or commission but does, in reality, have effective control over the perpetrators of offences could incur criminal responsibility under the doctrine of command responsibility."[12]

Nevertheless, a few judgments seem to have suggested that the accused's*de jure* authority may be sufficient in and of itself to demonstrate effective control. The Appeals Chamber in *Celebici* appears to have held that proof of de jureauthority establishes a rebuttable presumption of effective control: "[A] court may presume that possession of [*de jure*] power *prima facie* results in effective control unless proof to the contrary is produced."[13]

There are at least three chambers that have actually taken an approach where proof of de jureauthority establishes a rebuttable presumption of effective control: the August 2001 Krstic´Trial Judgement; the March 2006 Hadzˇihasanovic´ and KuburaTrial Judgement;and the June 2006 Oric´Trial Judgement.In addition, the ICTR Trial Chamber in Muvunyi, while

[8] Cˇelebic´iTrial Judgement, Para 346.
[9] Strugar Trial Judgment, Para 359.
[10] Supra N. 9, Para 378.
[11] Celebici Appeals Judgment, Para 256.
[12] Blagojevic´ and Jokic´ Trial Judgement, para. 791
[13] Supra n.12, para. 197.

apparently not applying this principle to the facts before it, restated it in two separate parts of its September 2006 Judgement.

It is submitted that this approach is a perversion of justice and against both principles of natural justice as well as the established canons of international humanitarian law jurisprudence. Justice Murphy's dissent in the *Yamashita* case comes to mind. This unfair threshold might lead to a lot of unfair convictions even in cases where the superior did not have actual control over the actions of his subordinates.

Another point to be noted is that influence, no matter how strong, will not give rise to effective control by itself.[14] Hence, Delalic, one of the accused in the Celebici case, was acquitted because even though he was extremely influential, he did not have the material ability to prevent or punish the material conduct of his subordinates.

Liability may ensue on the basis of both direct and indirect forms of subordination.[15] Provided the other requirements of Article 7/6(3) are met, every person in the chain of command who exercises effective control over a subordinate is responsible for the criminal conduct of that subordinate, no matter how far down the chain the subordinate happens to be.[16]

2) Knew or had reason to know

This deals with the accused's state of mind. The prosecution must prove that the accused knew, or had reason to know about the criminal misconduct which his subordinates eventually did. This is what distinguishes the liability incurred in superior responsibility from that of strict liability. However, the accused need not share the subordinates' intent to commit the crime. Although the accused need not fulfil any of the elements for the commission of the crime himself, the notion that the accused must know or have reason to know of the subordinate criminal conduct in question would seem to dictate that he should know or have reason to know that all the elements of that crime – including, where relevant, specific intent – have been, are being, or are about to be fulfilled.

2.1) Actual Knowledge

The CelebiciTrial Chamber held that an accused may fulfil the mental element where "*he had actual knowledge, established through direct or circumstantial evidence, that his subordinates were committing or about to commit crimes referred to under Article 2 to 5 of the [ICTY] Statute*".[17]

2.2) Constructive Knowledge

Construing the elements of superior responsibility "in light of the content of the doctrine under customary international law", the CelebiciTrial Chamber held that an accused may fulfil the mental element where:

"he had in his possession information of a nature, which at the least, would put him onnotice of the risk of [crimes referred to under Article 2 to 5 of the Statute] by indicating the need for additional investigation in order to ascertain whether such crimes were committed or were about to be committed by his subordinates."[18]

The trial chamber in *Blaskic* gave its own interpretation of the constructive knowledge standard:

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[14] Ibid. Paras. 258, 266.
[15] Ibid. Para 303.
[16] Blaskic Appeal Judgment, para. 67.
[17] Supra N. 11, Para 383.
[18] Ibid.

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"[I]f a commander has exercised due diligence in the fulfilment of his duties yet lacks knowledge that crimes are about to be or have been committed, such lack of knowledge cannot be held against him. However, taking into account his particular position of command and the circumstances prevailing at the time, such ignorance cannot be a defence where the absence of knowledge is the result of negligence in the discharge of his duties: this commander had reason to know within the meaning of the Statute."

3) Failure To Prevent Or Punish

The last of the three essential elements of superior responsibility is that *"the superior failed to take the necessary and reasonable measures to prevent the criminal act or punish the perpetrator thereof"*.[19]

Failure to prevent and failure to punish are seen to be disjunctive; one of them is enough for the accused to incur liability. The duty to punish and the duty to prevent are separate responsibilities under international law, The Blaskic Appeal judgment said that:

"*The failure to punish and failure to prevent involve different crimes committed at different times: the failure to punish concerns past crimes committed by subordinates, whereas the failure to prevent concerns future crimes of subordinates*".[20]

The chambers have since their inception deemed that the liability of superior responsibility in the ad hocTribunals contains no requirement of causality: an accused's failure to take the necessary and reasonable measures to prevent the criminal conduct of his subordinate does not have to have caused that conduct.Indeed, as the ICTY Appeals Chamber has emphasised, "*the very existence of the principle of superior responsibility for the failure to punish …demonstrates the absence of a requirement of causality as a separate element of the doctrine of superior responsibility*".The HalilovicTrial Chamber opined that a requirement of causality "*would change the basis of command responsibility for failure to prevent or punish to the extent that it would practically require involvement on the part of the commander in the crime his subordinates committed, thus altering the very nature of the liability imposed under Article 7(3)*".[21]

For liability to incur under superior responsibility, the prosecutor must prove that the accused "*failed to take necessary and reasonable measures to prevent the criminal act or to punish the perpetrator thereof.*"[22] The *Strugar*Trial Chamber provided a list of the kind of circumstances which might be relevant in a line of inquiry like this: "*whether specific orders prohibiting or stopping the criminal activities were or were not issued; what measures to secure the implementation of these orders were or were not taken; what other measures were taken to ensure that the unlawful acts were interrupted; whether these measures were reasonably sufficient in the specific circumstances; and what steps were taken after the commission of the crime to secure an adequate investigation and to bring the perpetrators to justice.*"[23]

It must be noted that the superior is not obliged to perform the impossible. He will be held liable only if he fails to take steps which are within his powers.

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[19]Supra N. 11, Para 346.
[20]Blaskic Appeal Judgment, Para. 84.
[21]Halilovic Trial Judgment, Para. 78.
[22]Supra N.11, Para 346.
[23]Strugar Trial judgment, Para. 378.

3.1) Failure To Prevent

To establish the first form of responsibility in superior liability, the prosecution must prove that the accused failed to intervene to prevent or to stop his subordinate's criminal conduct and activities, despite that being well within his powers and his ability.

Regarding the time at which a superior's duty to prevent starts or commences, the Kordicand CerkezTrial Chamber held that *"the duty to prevent should be understoodas resting on a superior at any stage before the commission of a subordinatecrime if he acquires knowledge that such a crime is being prepared or planned,or when he has reasonable grounds to suspect subordinate crimes*".[24] "Reasonable grounds to suspect" can be taken to have the same meaning as "the reason to know".

The requirement that any order must be effective may also give rise to the accused's need to reinforce the order or to reiterate an order given previously, especially where he has issued a subsequent order to engage in a limited attack that may be misinterpreted as repealing the previous order.

3.2) Failure To Punish

In order to establish this form of responsibility, in addition to proving the existence of all the common elements discussed above, the prosecution must also prove that the accused failed to take all measures within his power to ensure that the relevant subordinate was brought to justice and that any appropriate punishment was dispensed upon him.[25]

The Strugar Trial Chamber has held that *"[t]he duty to prevent arises for a superior from the moment he acquires knowledge or has reasonable grounds to suspect that a crime is being or is about to be committed, while the duty to punish arises after the commission of the crime.*"[26] As for when the superior must act after the completion of the crime, the Limaj Judgment states that *"[t]he duty to prevent arises from the time a superior acquires knowledge, or has reasons to know that a crime is being or is about to be committed, while the duty to punish arises after the superior acquires knowledge of the commission of the crime*"[27]

The Hadsihasanovic and Kubura Trial Chamber has pointed to a number of minimum obligations which must be fulfilled, in the absence of which the 'failure to punish' liability might arise: "*the obligation to investigate or order to be investigated subordinate misconduct;the obligation to establish the facts;the obligation to report the results of any investigation to the competent authorities; and the obligation to take active steps to ensure that the perpetrators of a crime are brought before the appropriate judicial or administrative authorities.*"[28]

In the Oric Trial Judgment, the Court said:

"*Since a superior in such circumstances is obliged to take punitive measures notwithstandinghis or her inability to prevent the crime due to his or her lack of awarenessand control, it seems only logical that such an obligation would also extend to thesituation wherein there has been a change of command following the commission of acrime by a subordinate. The new commander in such a case, now exercising powerover his or her subordinates and*

[24]Kordic and Cerkez Trial Judgment, Para. 445.
[25]Limaj Trial Judgment, Para. 529.
[26]Strugar Trial Chamber, Para. 373.
[27]Supra N. 26, Para 527.
[28]Hadsihasanoiv and Kubura Trial Judgment, Paras. 175 and 176.

being made aware of their crimes committed prior tothe change of command, for the sake of coherent prevention and control, should notlet them go unpunished."[29]

Superior Responsibility In The International Criminal Court

Article 28 of the Rome Statute, entitled "Responsibility of commanders and other superiors", provides:

"*In addition to other grounds of criminal responsibility under this Statute for crimes within the jurisdiction of the Court:*

(a) A military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces, where:

(i) That military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes; and

(ii) That military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation andprosecution.

(b) With respect to superior and subordinate relationships not described in paragraph (a), a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority andcontrol, as a result of his or her failure to exercise control properly over such subordinates, where:

(i) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;

(ii) The crimes concerned activities that were within the effective responsibility and control of the superior; and

(iii) The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution."

An evident and apparent point of departure between the approaches of the tribunals and the ICC is that the Rome Statute provides for two different standards of superior responsibility: one for 'military commanders or persons acting effectively as military commanders'; and the other for civilian superiors. This was the result of the United States of America radically changing the original draft of the section.

The essence of the different approach in the Rome Statute is the different standards of mens rea that are sufficient to ground liability for military and civilian superiors. This is explained as follows: "*Under Article 28(a)(i), assuming all other elements of the test are satisfied, a de jure or de factomilitary commander is responsible for subordinates' conduct if he or she "knew or, owing to the circumstances at the time, should have known" that the crimes in question were being committed or about to be committed. Under Article 28(b)(i), on the other hand, a civilian superior is only responsible if he or she "knew, or consciously disregarded information which clearly indicated" that subordinates were committing or about to commit such crimes.*"

[29]Oric Trial Juddgment, Para. 335.

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It has been erroneously assumed that the "should have known" phrase inserts a standard of negligence on the part of military commanders and their duty to know. However, as can be clearly seen, the qualifying phrase 'owing to the circumstances of the time' brings down the threshold to that envisaged by the ad hoc tribunals and the Additional Protocols to the Geneva Convention. This avoids a potential conflict between ICC jurisprudence and the jurisprudence of the Appeals Chambers of the various tribunals.

It is also clear that the standard of liability is higher for civilian superiors than that of the military commanders. This is because of the use of the terms 'consciously disregarded' and 'clearly indicated'. It is unclear for now whether this will be harmonized with the jurisprudence of the "Should have known" standard that has been advocated by the ad hoc tribunals and endorsed by the Commentary to the Additional Protocols. It is hoped that the subsequent jurisprudence of the ICC harmonizes the two standards.

Superior Responsibility And Private Military Companies

Governments employing Private Military Companies often attempt to make the point that private contractors are different from State officials, which results in it being very difficult to prosecute and punish their acts. This is even more evident and apparent when these acts are committed on foreign soil. Thus, not surprisingly, the record of criminal prosecutions concerning acts committed by the PMC employees is remarkably low. However, as stated in a recent study: "*the doctrine of superior responsibility is an extraordinary legal and prosecutorial instrument because it is theoretically capable of extending to areas of liability where other forms of liability are unable to go*".[30]

Responsibility by omission seems to include in its purview the liability of PMC managers and employers, even in the civilian standard. It is useful to build on criticism that the doctrine has been moved to a rigid characterization of the effective control criterion, as anticipated above.

As has been convincingly argued, an excessively formalised approach leaves out of the reach of the notion most de factocommanders and creates a gap in the punishment of serious crimes.[31]

Responsibility of Military Commanders for Acts Committed by PMCs

It is submitted that military commanders should be held liable for actions committed by subordinates in the Private Military Companies when they do exercise their authority, since it is a *de facto* authority, and it can be argued that when there is a combat situation, then there is a presumption of authority vested in military commanders, even if the personnel they are commanding happen to be private mercenaries.

Existence of Superior-Subordinate Relationship and the Effective Control Test

It is admitted that it is difficult for PMCs to satisfy the effective control test, since they are bound only by contract, and are not obliged to follow orders of military commanders. It can be argued that a military commander, for example, might not have the necessary disciplinary authority to order to private subordinates not to commit a crime that they are about to commit. However, Protocol I establishes that the duty to prevent and repress the breaches of the Conventions and the Protocol itself is incumbent upon military commanders "*with respect to members of the armed forces under their command and other persons under their control*" and leaves room for a flexible interpretation.

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[30] G Mettraux, The Law of Command Responsibility(OUP, Oxford 2009) 272.

[31] Osiel, Making Sense (n 40) and M Newton and C Kuhlman, 'Why Criminal Culpability Should Follow the Critical Path: Reframing the theory of Effective Control', Vanderbilt University Law School, Public Law and Legal Theory, Working Paper No 10–17, 2010.

There was a Memorandum issued by the U.S Secretary of Defence in March 2008, and it clearly gave authority to military commanders over the civilian contractors in their area of command.[32] They may help in resolving certain ambiguities in the chain of command.

Thus, it is seen that superior responsibility can be invoked even in cases of private military companies.

Conclusion

Thus, it is seen how superior responsibility develop over the centuries and especially after the Second World War to take the shape it exists in today. It is seen how it is an omission liability. However, it must be distinguished from vicarious liability or strict liability. While vicarious liability also invokes a superior-subordinate relationship, there the liability is solely for the acts committed by the subordinates. On the other hand, the liability for superior responsibility is for the lack of action taken, or the omission incurred by the superior before or after the act of the subordinate.

The bifurcation of standard done by the Rome Statute for Superior Responsibility is unfortunate, as is its changing the mens rea standard required for incurring liability under the doctrine of superior responsibility. It is hoped that in the coming years, it is changed and the jurisprudence goes back to the standard adopted by the ad hoc tribunals and the Additional Protocols. The reason is the general fairness and equitability of the latter, as well as its better equipment to reach and satisfy standards of justice. There is no reasonable classification which justifies the bifurcation of standard between military and civilian superiors in the context of liability incurred under superior responsibility, and they should not be treated on a differential basis.

It is also submitted that the doctrine has matured and crystallised enough for it to be applicable to private military companies and other mercenaries who are recruited purely on the basis of contract and do not have a *de jure authority relationship* or a superior subordinate relationship with the military commanders or even the civilian superiors. The Memorandum discussed above is an important step in reaching the ideal. It is instrumental in establishing effective superior subordinate relationship, so that the test of effective control, the material ability to prevent and punish, is satisfied and the desired threshold is reached.

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[32]'Memorandum for Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Undersecretaries of Defense, Commanders of the Combatants Command'