
STATUTORY INSTRUMENTS

2001 No. 2505

INTERNATIONAL CRIMINAL COURT

The International Criminal Court Act 2001
(Elements of Crimes) Regulations 2001

Made - - - - - *10th July 2001*
Laid - - - - - *12th July 2001*
Coming into force *1st September 2001*

THE INTERNATIONAL CRIMINAL COURT ACT
2001 (ELEMENTS OF CRIMES) REGULATIONS 2001

1. Citation, commencement and extent
2. The Elements of Crimes
Signature

SCHEDULE — **Elements of Crimes**

Explanatory note: The structure of the elements of the crimes...
— **Elements of crimes**

General Introduction

1. Pursuant to article 9, the following Elements of Crimes shall...
2. As stated in article 30, unless otherwise provided, a person...
3. Existence of intent and knowledge can be inferred from relevant...
4. With respect to mental elements associated with elements involving value...
5. Grounds for excluding criminal responsibility or the absence thereof are...
6. The requirement of “unlawfulness” found in the Statute or in...
7. The elements of crimes are generally structured in accordance with...
8. As used in the Elements of Crimes, the term “perpetrator”...
9. A particular conduct may constitute one or more crimes.
10. The use of short titles for the crimes has no...

Article 6 — **Genocide**

Introduction

With respect to the last element listed for each crime:...

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Article 6(a) — **Genocide by killing**

Elements

1. The perpetrator killed one or more persons.
2. Such person or persons belonged to a particular national, ethnical,...
3. The perpetrator intended to destroy, in whole or in part,...
4. The conduct took place in the context of a manifest...

Article 6(b) — **Genocide by causing serious bodily or mental harm**

Elements

1. The perpetrator caused serious bodily harm or mental harm to...
2. Such person or persons belonged to a particular national, ethnical,...
3. The perpetrator intended to destroy, in whole or in part,...
4. The conduct took place in the context of a manifest...

Article 6(c) — **Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction**

Elements

1. The perpetrator inflicted certain conditions of life upon one or...
2. Such person or persons belonged to a particular national, ethnical,...
3. The perpetrator intended to destroy, in whole or in part,...
4. The conditions of life were calculated to bring about the...
5. The conduct took place in the context of a manifest...

Article 6(d) — **Genocide by imposing measures intended to prevent births**

Elements

1. The perpetrator imposed certain measures upon one or more persons....
2. Such person or persons belonged to a particular national, ethnical,...
3. The perpetrator intended to destroy, in whole or in part,...
4. The measures imposed were intended to prevent births within that...
5. The conduct took place in the context of a manifest...

Article 6(e) — **Genocide by forcibly transferring children**

Elements

1. The perpetrator forcibly transferred one or more persons.
2. Such person or persons belonged to a particular national, ethnical,...
3. The perpetrator intended to destroy, in whole or in part,...
4. The transfer was from that group to another group.
5. The person or persons were under the age of 18...
6. The perpetrator knew, or should have known, that the person...
7. The conduct took place in the context of a manifest...

Article 7 — **Crimes against humanity**

Introduction

1. Since article 7 pertains to international criminal law, its provisions,...
2. The last two elements for each crime against humanity describe...
3. “Attack directed against a civilian population” in these context elements...

Article 7(1)(a) — **Crime against humanity of murder**

Elements

1. The perpetrator killed one or more persons.
 2. The conduct was committed as part of a widespread or...
 3. The perpetrator knew that the conduct was part of or...
- Article 7(1)(b) — **Crime against humanity of extermination**

Elements

1. The perpetrator killed one or more persons, including by inflicting...
 2. The conduct constituted, or took place as part of, a...
 3. The conduct was committed as part of a widespread or...
 4. The perpetrator knew that the conduct was part of or...
- Article 7(1)(c) — **Crime against humanity of enslavement**

Elements

1. The perpetrator exercised any or all of the powers attaching...
 2. The conduct was committed as part of a widespread or...
 3. The perpetrator knew that the conduct was part of or...
- Article 7(1)(d) — **Crime against humanity of deportation or forcible transfer of population**

Elements

1. The perpetrator deported or forcibly transferred, without grounds permitted under...
 2. Such person or persons were lawfully present in the area...
 3. The perpetrator was aware of the factual circumstances that established...
 4. The conduct was committed as part of a widespread or...
 5. The perpetrator knew that the conduct was part of or...
- Article 7(1)(e) — **Crime against humanity of imprisonment or other severe deprivation of physical liberty**

Elements

1. The perpetrator imprisoned one or more persons or otherwise severely...
 2. The gravity of the conduct was such that it was...
 3. The perpetrator was aware of the factual circumstances that established...
 4. The conduct was committed as part of a widespread or...
 5. The perpetrator knew that the conduct was part of or...
- Article 7(1)(f) — **Crime against humanity of torture**

Elements

1. The perpetrator inflicted severe physical or mental pain or suffering...
 2. Such person or persons were in the custody or under...
 3. Such pain or suffering did not arise only from, and...
 4. The conduct was committed as part of a widespread or...
 5. The perpetrator knew that the conduct was part of or...
- Article 7(1)(g)-1 — **Crime against humanity of rape**

Elements

1. The perpetrator invaded the body of a person by conduct...
2. The invasion as committed by force, or by threat of...

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3. The conduct was committed as part of a widespread or...
 4. The perpetrator knew that the conduct was part of or...
- Article 7(1)(g)-2 — **Crime against humanity of sexual slavery**

Elements

1. The perpetrator exercised any or all of the powers attaching...
 2. The perpetrator caused such person or persons to engage in...
 3. The conduct was committed as part of a widespread or...
 4. The perpetrator knew that the conduct was part of or...
- Article 7(1)(g)-3 — **Crime against humanity of enforced prostitution**

Elements

1. The perpetrator caused one or more persons to engage in...
 2. The perpetrator or another person obtained or expected to obtain...
 3. The conduct was committed as part of a widespread or...
 4. The perpetrator knew that the conduct was part of or...
- Article 7(1)(g)-4 — **Crime against humanity of forced pregnancy**

Element

1. The perpetrator confined one or more women forcibly made pregnant,...
 2. The conduct was committed as part of a widespread or...
 3. The perpetrator knew that the conduct was part of or...
- Article 7(1)(g)-5 — **Crime against humanity of enforced sterilization**

Elements

1. The perpetrator deprived one or more persons of biological reproductive...
 2. The conduct was neither justified by the medical or hospital...
 3. The conduct was committed as part of a widespread or...
 4. The perpetrator knew that the conduct was part of or...
- Article 7(1)(g)-6 — **Crime against humanity of sexual violence**

Elements

1. The perpetrator committed an act of a sexual nature against...
 2. Such conduct was of a gravity comparable to the other...
 3. The perpetrator was aware of the factual circumstances that established...
 4. The conduct was committed as part of a widespread or...
 5. The perpetrator knew that the conduct was part of or...
- Article 7(1)(h) — **Crime against humanity of persecution**

Elements

1. The perpetrator severely deprived, contrary to international law, one or...
 2. The perpetrator targeted such person or persons by reason of...
 3. Such targeting was based on political, racial, national, ethnic, cultural,...
 4. The conduct was committed in connection with any act referred...
 5. The conduct was committed as part of a widespread or...
 6. The perpetrator knew that the conduct was part of or...
- Article 7(1)(i) — **Crime against humanity of enforced disappearance of persons**

Elements

1. The perpetrator: (a) Arrested, detained or abducted one or more...
2. (a) Such arrest, detention or abduction was followed or accompanied...
3. The perpetrator was aware that: (a) Such arrest, detention or...
4. Such arrest, detention or abduction was carried out by, or...
5. Such refusal to acknowledge that deprivation of freedom or to...
6. The perpetrator intended to remove such person or persons from...
7. The conduct was committed as part of a widespread or...
8. The perpetrator knew that the conduct was part of or...

Article 7(1)(j) — **Crime against humanity of apartheid**

Elements

1. The perpetrator committed an inhumane act against one or more...
2. Such act was an act referred to in article 7,...
3. The perpetrator was aware of the factual circumstances that established...
4. The conduct was committed in the context of an institutionalized...
5. The perpetrator intended to maintain such regime by that conduct...
6. The conduct was committed as part of a widespread or...
7. The perpetrator knew that the conduct was part of or...

Article 7(1)(k) — **Crime against humanity of other inhumane acts**

Elements

1. The perpetrator inflicted great suffering, or serious injury to body...
2. Such act was of a character similar to any other...
3. The perpetrator was aware of the factual circumstances that established...
4. The conduct was committed as part of a widespread or...
5. The perpetrator knew that the conduct was part of or...

Article 8 — **War crimes**

Introduction

The elements for war crimes under article 8, paragraph 2(c)...

The elements for war crimes under article 8, paragraph 2,...

With respect to the last two elements listed for each...

Article 8(2)(a) — **Article 8(2)(a)(i) War crime of wilful killing**

Elements

1. The perpetrator killed one or more persons.
 2. Such person or persons were protected under one or more...
 3. The perpetrator was aware of the factual circumstances that established...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(a)(ii)-1 — **War crime of torture**

Elements

1. The perpetrator inflicted severe physical or mental pain or suffering...
2. The perpetrator inflicted the pain or suffering for such purposes...
3. Such person or persons were protected under one or more...
4. The perpetrator was aware of the factual circumstances that established...
5. The conduct took place in the context of and was...
6. The perpetrator was aware of factual circumstances that established the...

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Article 8(2)(a)(iii)-2 — **War crime of inhuman treatment**

Elements

1. The perpetrator inflicted severe physical or mental pain or suffering...
2. Such person or persons were protected under one or more...
3. The perpetrator was aware of the factual circumstances that established...
4. The conduct took place in the context of and was...
5. The perpetrator was aware of factual circumstances that established the...

Article 8(2)(a)(ii)-3 — **War crime of biological experiments**

Elements

1. The perpetrator subjected one or more persons to a particular...
2. The experiment seriously endangered the physical or mental health or...
3. The intent of the experiment was non-therapeutic and it was...
4. Such person or persons were protected under one or more...
5. The perpetrator was aware of the factual circumstances that established...
6. The conduct took place in the context of and was...
7. The perpetrator was aware of factual circumstances that established the...

Article 8(2)(a)(iii) — **War crime of wilfully causing great suffering**

Elements

1. The perpetrator caused great physical or mental pain or suffering...
2. Such person or persons were protected under one or more...
3. The perpetrator was aware of the factual circumstances that established...
4. The conduct took place in the context of and was...
5. The perpetrator was aware of factual circumstances that established the...

Article 8(2)(a)(iv) — **War crime of destruction and appropriation of property**

Elements

1. The perpetrator destroyed or appropriated certain property.
2. The destruction or appropriation was not justified by military necessity...
3. The destruction or appropriation was extensive and carried out wantonly...
4. Such property was protected under one or more of the...
5. The perpetrator was aware of the factual circumstances that established...
6. The conduct took place in the context of and was...
7. The perpetrator was aware of factual circumstances that established the...

Article 8(2)(a)(v) — **War crime of compelling service in hostile forces**

Elements

1. The perpetrator coerced one or more persons, by act or...
2. Such person or persons were protected under one or more...
3. The perpetrator was aware of the factual circumstances that established...
4. The conduct took place in the context of and was...
5. The perpetrator was aware of factual circumstances that established the...

Article 8(2)(a)(vi) — **War crime of denying a fair trial**

Elements

1. The perpetrator deprived one or more persons of a fair...
2. Such person or persons were protected under one or more...
3. The perpetrator was aware of the factual circumstances that established...

4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(a)(vii)-1 — **War crime of unlawful deportation and transfer**

Elements

1. The perpetrator deported or transferred one or more persons to...
 2. Such person or persons were protected under one or more...
 3. The perpetrator was aware of the factual circumstances that established...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(a)(vii)-2 — **War crime of unlawful confinement**

Elements

1. The perpetrator confined or continued to confine one or more...
 2. Such person or persons were protected under one or more...
 3. The perpetrator was aware of the factual circumstances that established...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(a)(viii) — **War crime of taking hostages**

Elements

1. The perpetrator seized, detained or otherwise held hostage one or...
 2. The perpetrator threatened to kill, injure or continue to detain...
 3. The perpetrator intended to compel a State, an international organization,...
 4. Such person or persons were protected under one or more...
 5. The perpetrator was aware of the factual circumstances that established...
 6. The conduct took place in the context of and was...
 7. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b) — **Article 8(2)(b)(i) War crime of attacking civilians**

Elements

1. The perpetrator directed an attack.
 2. The object of the attack was a civilian population as...
 3. The perpetrator intended the civilian population as such or individual...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(ii) — **War crime of attacking civilian objects**

Elements

1. The perpetrator directed an attack.
 2. The object of the attack was civilian objects, that is...
 3. The perpetrator intended such civilian objects to be the object...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(iii) — **War crime of attacking personnel or objects involved in a humanitarian assistance or peacekeeping mission**

Elements

1. The perpetrator directed an attack.
2. The object of the attack was personnel, installations, material, units...

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3. The perpetrator intended such personnel, installations, material, units or vehicles...
 4. Such personnel, installations, material, units or vehicles were entitled to...
 5. The perpetrator was aware of the factual circumstances that established...
 6. The conduct took place in the context of and was...
 7. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(iv) — **War crime of excessive incidental death, injury or damage**

Elements

1. The perpetrator launched an attack.
 2. The attack was such that it would cause incidental death...
 3. The perpetrator knew that the attack would cause incidental death...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(v) — **War crime of attacking undefended places**

Elements

1. The perpetrator attacked one or more towns, villages, dwellings or...
 2. Such towns, villages, dwellings or buildings were open for unresisted...
 3. Such towns, villages, dwellings or buildings did not constitute military...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(vi) — **War crime of killing or wounding a person *hors de combat***

Elements

1. The perpetrator killed or injured one or more persons.
 2. Such person or persons were *hors de combat*.
 3. The perpetrator was aware of the factual circumstances that established...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(vii)-1 — **War crime of improper use of a flag of truce**

Elements

1. The perpetrator used a flag of truce.
 2. The perpetrator made such use in order to feign an...
 3. The perpetrator knew or should have known of the prohibited...
 4. The conduct resulted in death or serious personal injury.
 5. The perpetrator knew that the conduct could result in death...
 6. The conduct took place in the context of and was...
 7. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(vii)-2 — **War crime of improper use of a flag, insignia or uniform of the hostile party**

Elements

1. The perpetrator used a flag, insignia or uniform of the...
2. The perpetrator made such use in a manner prohibited under...
3. The perpetrator knew or should have known of the prohibited...
4. The conduct resulted in death or serious personal injury.
5. The perpetrator knew that the conduct could result in death...
6. The conduct took place in the context of and was...

7. The perpetrator was aware of factual circumstances that established the...
Article 8(2)(b)(vii)-3 — **War crime of improper use of a flag, insignia or uniform of the United Nations**

Elements

1. The perpetrator used a flag, insignia or uniform of the...
 2. The perpetrator made such use in a manner prohibited under...
 3. The perpetrator knew of the prohibited nature of such use....
 4. The conduct resulted in death or serious personal injury.
 5. The perpetrator knew that the conduct could result in death...
 6. The conduct took place in the context of and was...
 7. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(vii)-4 — **War crime of improper use of the distinctive emblems of the Geneva Conventions**

Elements

1. The perpetrator used the distinctive emblems of the Geneva Conventions....
 2. The perpetrator made such use for combatant purposes in a...
 3. The perpetrator knew or should have known of the prohibited...
 4. The conduct resulted in death or serious personal injury.
 5. The perpetrator knew that the conduct could result in death...
 6. The conduct took place in the context of and was...
 7. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(viii) — **The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory**

Elements

1. The perpetrator: (a) Transferred, directly or indirectly, parts of its...
 2. The conduct took place in the context of and was...
 3. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(ix) — **War crime of attacking protected objects**

Elements

1. The perpetrator directed an attack.
 2. The object of the attack was one or more buildings...
 3. The perpetrator intended such building or buildings dedicated to religion,...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(x)-1 — **War crime of mutilation**

Elements

1. The perpetrator subjected one or more persons to mutilation, in...
 2. The conduct caused death or seriously endangered the physical or...
 3. The conduct was neither justified by the medical, dental or...
 4. Such person or persons were in the power of an...
 5. The conduct took place in the context of and was...
 6. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(x)-2 — **War crime of medical or scientific experiments**

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Elements

1. The perpetrator subjected one or more persons to a medical...
 2. The experiment caused death or seriously endangered the physical or...
 3. The conduct was neither justified by the medical, dental or...
 4. Such person or persons were in the power of an...
 5. The conduct took place in the context of and was...
 6. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xi) — **War crime of treacherously killing or wounding**

Elements

1. The perpetrator invited the confidence or belief of one or...
 2. The perpetrator intended to betray that confidence or belief.
 3. The perpetrator killed or injured such person or persons.
 4. The perpetrator made use of that confidence or belief in...
 5. Such person or persons belonged to an adverse party.
 6. The conduct took place in the context of and was...
 7. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xii) — **War crime of denying quarter**

Elements

1. The perpetrator declared or ordered that there shall be no...
 2. Such declaration or order was given in order to threaten...
 3. The perpetrator was in a position of effective command or...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xiii) — **War crime of destroying or seizing the enemy's property**

Elements

1. The perpetrator destroyed or seized certain property.
 2. Such property was property of a hostile party.
 3. Such property was protected from that destruction or seizure under...
 4. The perpetrator was aware of the factual circumstances that established...
 5. The destruction or seizure was not justified by military necessity....
 6. The conduct took place in the context of and was...
 7. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xiv) — **War crime of depriving the nationals of the hostile power of rights or actions**

Elements

1. The perpetrator effected the abolition, suspension or termination of admissibility...
 2. The abolition, suspension or termination was directed at the nationals...
 3. The perpetrator intended the abolition, suspension or termination to be...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstance that established the...
- Article 8(2)(b)(xv) — **War crime of compelling participation in military operations**

Elements

1. The perpetrator coerced one or more persons by act or...
2. Such persons or persons were nationals of a hostile party....

3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xvi) — **War crime of pillaging**

Elements

1. The perpetrator appropriated certain property.
 2. The perpetrator intended to deprive the owner of the property...
 3. The appropriation was without the consent of the owner.
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xvii) — **War crime of employing poison or poisoned weapons**

Elements

1. The perpetrator employed a substance or a weapon that releases...
 2. The substance was such that it causes death or serious...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xviii) — **War crime of employing prohibited gases, liquids, materials or devices**

Elements

1. The perpetrator employed a gas or other analogous substance or...
 2. The gas, substance or device was such that it causes...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xix) — **War crime of employing prohibited bullets**

Elements

1. The perpetrator employed certain bullets.
 2. The bullets were such that their use violates the international...
 3. The perpetrator was aware that the nature of the bullets...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xx) — **War crime of employing weapons, projectiles or materials or methods of warfare listed in the Annex to the Statute**

Elements

- [Elements will have to be drafted once weapons, projectiles or...]
- Article 8(2)(b)(xxi) — **War crime of outrages upon personal dignity**

Elements

1. The perpetrator humiliated, degraded or otherwise violated the dignity of...
 2. The severity of the humiliation, degradation or other violation was...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xxii)-1 — **War crime of rape**

Elements

1. The perpetrator invaded the body of a person by conduct...

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2. The invasion was committed by force, or by threat of...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xxii)-2 — **War crime of sexual slavery**

Elements

1. The perpetrator exercised any or all of the powers attaching...
 2. The perpetrator caused such person or persons to engage in...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xxii)-3 — **War crime of enforced prostitution**

Elements

1. The perpetrator caused one or more persons to engage in...
 2. The perpetrator or another person obtained or expected to obtain...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xxii)-4 — **War crime of forced pregnancy**

Elements

1. The perpetrator confined one or more women forcibly made pregnant,...
 2. the conduct took place in the context of and was...
 3. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xxii)-5 — **War crime of enforced sterilization**

Elements

1. The perpetrator deprived one or more persons of biological reproductive...
 2. The conduct was neither justified by the medical or hospital...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xxii)-6 — **War crime of sexual violence**

Elements

1. The perpetrator committed an act of a sexual nature against...
 2. The conduct was of a gravity comparable to that of...
 3. The perpetrator was aware of the factual circumstances that established...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xxiii) — **War crime of using protected persons as shields**

Elements

1. The perpetrator moved or otherwise took advantage of the location...
 2. The perpetrator intended to shield a military objective from attack...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xxiv) — **War crime of attacking objects or persons using the distinctive emblems of the Geneva Conventions**

Elements

1. The perpetrator attacked one or more persons, buildings, medical units...
 2. The perpetrator intended such persons, buildings, units or transports or...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xxv) — **War crime of starvation as a method of warfare**

Elements

1. The perpetrator deprived civilians of objects indispensable to their survival....
 2. The perpetrator intended to starve civilians as a method of...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(b)(xxvi) — **War crime of using, conscripting or enlisting children**

Elements

1. The perpetrator conscripted or enlisted one or more persons into...
 2. Such person or persons were under the age of 15...
 3. The perpetrator knew or should have known that such person...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(c) — **Article 8(2)(c)(i)–1 War crime of murder**

Elements

1. The perpetrator killed one or more persons.
 2. Such person or persons were either hors de combat, or...
 3. The perpetrator was aware of the factual circumstances that established...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(c)(i)–2 — **War crime of mutilation**

Elements

1. The perpetrator subjected one or more persons to mutilation, in...
 2. The conduct was neither justified by the medical, dental or...
 3. Such person or persons were either hors de combat, or...
 4. The perpetrator was aware of the factual circumstances that established...
 5. The conduct took place in the context of and was...
 6. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(c)(i)–3 — **War crime of cruel treatment**

Elements

1. The perpetrator inflicted severe physical or mental pain or suffering...
 2. Such person or persons were either hors de combat, or...
 3. The perpetrator was aware of the factual circumstances that established...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(c)(i)–4 — **War crime of torture**

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Elements

1. The perpetrator inflicted severe physical or mental pain or suffering...
 2. The perpetrator inflicted the pain or suffering for such purposes...
 3. Such person or persons were either hors de combat, or...
 4. The perpetrator was aware of the factual circumstances that established...
 5. The conduct took place in the context of and was...
 6. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(c)(ii) — **War crime outrages upon personal dignity**

Elements

1. The perpetrator humiliated, degraded or otherwise violated the dignity of...
 2. The severity of the humiliation, degradation or other violation was...
 3. Such person or persons were either hors de combat, or...
 4. The perpetrator was aware of the factual circumstances that established...
 5. The conduct took place in the context of and was...
 6. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(c)(iii) — **War crime of taking hostages**

Elements

1. The perpetrator seized, detained or otherwise held hostage one or...
 2. The perpetrator threatened to kill, injure or continue to detain...
 3. The perpetrator intended to compel a State, an international organization,...
 4. Such person or persons were either hors de combat, or...
 5. The perpetrator was aware of the factual circumstances that established...
 6. The conduct took place in the context of and was...
 7. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(c)(iv) — **War crime of sentencing or execution without due process**

Elements

1. The perpetrator passed sentence or executed one or more persons....
 2. Such person or persons were either hors de combat, or...
 3. The perpetrator was aware of the factual circumstances that established...
 4. There was no previous judgement pronounced by a court, or...
 5. The perpetrator was aware of the absence of a previous...
 6. The conduct took place in the context of and was...
 7. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(e) — **Article 8(2)(e)(i) War crime of attacking civilians**

Elements

1. The perpetrator directed an attack.
 2. The object of the attack was a civilian population as...
 3. The perpetrator intended the civilian population as such or individual...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(e)(ii) — **War crime of attacking objects or persons using the distinctive emblems of the Geneva Conventions**

Elements

1. The perpetrator attacked one or more persons, buildings, medical units...
2. The perpetrator intended such persons, buildings, units or transports or...

3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(e)(iii) — **War crime of attacking personnel or objects involved in a humanitarian assistance or peacekeeping mission**

Elements

1. The perpetrator directed an attack.
 2. The object of the attack was personnel, installations, material, units...
 3. The perpetrator intended such personnel, installations, material, units or vehicles...
 4. Such personnel, installations, material, units or vehicles were entitled to...
 5. The perpetrator was aware of the factual circumstances that established...
 6. The conduct took place in the context of and was...
 7. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(e)(iv) — **War crime of attacking protected objects**

Elements

1. The perpetrator directed an attack.
 2. The object of the attack was one or more buildings...
 3. The perpetrator intended such building or buildings dedicated to religion,...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(e)(v) — **War crime of pillaging**

Elements

1. The perpetrator appropriated certain property.
 2. The perpetrator intended to deprive the owner of the property...
 3. The appropriation was without the consent of the owner.
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(e)(vi)-1 — **War crime of rape**

Elements

1. The perpetrator invaded the body of a person by conduct...
 2. The invasion was committed by force, or by threat of...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(e)(vi)-2 — **War crime of sexual slavery**

Elements

1. The perpetrator exercised any or all of the powers attaching...
 2. The perpetrator caused such person or persons to engage in...
 3. The conduct took place in the context of and was...
 4. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(e)(vi)-3 — **War crime of enforced prostitution**

Elements

1. The perpetrator caused one or more persons to engage in...
2. The perpetrator or another person obtained or expected to obtain...
3. The conduct took place in the context of and was...

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4. The perpetrator was aware of factual circumstances that established the...
Article 8(2)(e)(vi)–4 — **War crime of forced pregnancy**

Elements

1. The perpetrator confined one or more women forcibly made pregnant,...
2. The conduct took place in the context of and was...
3. The perpetrator was aware of factual circumstances that established the...
Article 8(2)(e)(vi)–5 — **War crime of enforced sterilization**

Elements

1. The perpetrator deprived one or more persons of biological reproductive...
2. The conduct was neither justified by the medical or hospital...
3. The conduct took place in the context of and was...
4. The perpetrator was aware of factual circumstances that established the...
Article 8(2)(e)(vi)–6 — **War crime of sexual violence**

Elements

1. The perpetrator committed an act of a sexual nature against...
2. The conduct was of a gravity comparable to that of...
3. The perpetrator was aware of the factual circumstances that established...
4. The conduct took place in the context of and was...
5. The perpetrator was aware of factual circumstances that established the...
Article 8(2)(e)(vii) — **War crime of using, conscripting and enlisting children**

Elements

1. The perpetrator conscripted or enlisted one or more persons into...
2. Such person or persons were under the age of 15...
3. The perpetrator knew or should have known that such person...
4. The conduct took place in the context of and was...
5. The perpetrator was aware of factual circumstances that established the...
Article 8(2)(e)(viii) — **War crime of displacing civilians**

Elements

1. The perpetrator ordered a displacement of a civilian population.
2. Such order was not justified by the security of the...
3. The perpetrator was in a position to effect such displacement...
4. The conduct took place in the context of and was...
5. The perpetrator was aware of factual circumstances that established the...
Article 8(2)(e)(ix) — **War crime of treacherously killing or wounding**

Elements

1. The perpetrator invited the confidence or belief of one or...
2. The perpetrator intended to betray that confidence or belief.
3. The perpetrator killed or injured such person or persons.
4. The perpetrator made use of that confidence or belief in...
5. Such person or persons belonged to an adverse party.
6. The conduct took place in the context of and was...
7. The perpetrator was aware of factual circumstances that established the...
Article 8(2)(e)(x) — **War crime of denying quarter**

Elements

1. The perpetrator declared or ordered that there shall be no...
 2. Such declaration or order was given in order to threaten...
 3. The perpetrator was in a position of effective command or...
 4. The conduct took place in the context of and was...
 5. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(e)(xi)–1 — **War crime of mutilation**

Elements

1. The perpetrator subjected one or more persons to mutilation, in...
 2. The conduct caused death or seriously endangered the physical or...
 3. The conduct was neither justified by the medical, dental or...
 4. Such person or persons were in the power of another...
 5. The conduct took place in the context of and was...
 6. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(e)(xi)–2 — **War crime of medical or scientific experiments**

Elements

1. The perpetrator subjected one or more persons to a medical...
 2. The experiment caused the death or seriously endangered the physical...
 3. The conduct was neither justified by the medical, dental or...
 4. Such person or persons were in the power of another...
 5. The conduct took place in the context of and was...
 6. The perpetrator was aware of factual circumstances that established the...
- Article 8(2)(e)(xii) — **War crime of destroying or seizing the enemy's property**

Elements

1. The perpetrator destroyed or seized certain property.
2. Such property was property of an adversary.
3. Such property was protected from that destruction or seizure under...
4. The perpetrator was aware of the factual circumstances that established...
5. The destruction or seizure was not required by military necessity....
6. The conduct took place in the context of and was...
7. The perpetrator was aware of factual circumstances that established the...

Explanatory Note