

Crimes against humanity

Crimes against humanity are certain acts that are deliberately committed as part of a widespread or systematic attack or individual attack directed against any civilian or an identifiable part of a civilian population. The first prosecution for crimes against humanity took place at the Nuremberg trials. Crimes against humanity have since been prosecuted by other international courts (for example, the International Court of Justice and the International Criminal Tribunal for the former Yugoslavia and the International Criminal Court) as well as in domestic prosecutions. The law of crimes against humanity has primarily developed through the evolution of customary international law. Crimes against humanity are not codified in an international convention, although there is currently an international effort to establish such a treaty led by the Crimes Against Humanity Initiative

Unlike war crimes, crimes against humanity can be committed during peace or war.^[1] They are not isolated or sporadic events, but are part either of a government policy (although the perpetrators need not identify themselves with this policy) or of a wide practice of atrocities tolerated or condoned by a government or a de facto authority. War crimes, murder, massacres, dehumanization, genocide, ethnic cleansing, deportations, unethical human experimentation, extrajudicial punishments including summary executions, use of WMDs, state terrorism or state sponsoring of terrorism, death squads, kidnappings and forced disappearances, military use of children, unjust imprisonment, enslavement, cannibalism, torture, rape, political repression, racial discrimination, religious persecution, and other human rights abuses may reach the threshold of crimes against humanity if they are part of a widespread or systematic practice.

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History of the term

The term "crimes against humanity" is potentially ambiguous because of the ambiguity of the word "humanity", which can mean humankind (all human beings collectively) or the value of humanness. The history of the term shows that the latter sense is intended.^[2]

Abolition of the slave trade

There were several bilateral treaties in 1814 that foreshadowed the multilateral treaty of Final Act of the Congress of Vienna (1815) that used wording expressing condemnation of the slave trade using moral language. For example, the Treaty of Paris (1814) between Britain and France included the wording "principles of natural justice"; and the British and United States plenipotentiaries stated in the Treaty of Ghent (1814) that the slave trade violated the "principles of humanity and justice".^[3]

The multilateral *Declaration of the Powers, on the Abolition of the Slave Trade, of 8 February 1815* (Which also formed ACT, No. XV. of the Final Act of the Congress of Vienna of the same year) included in its first sentence the concept of the "principles of humanity and universal morality" as justification for ending a trade that was "odious in its continuance".^[4]

First use

The term "crimes against humanity" was used by George Washington Williams in a pamphlet published in 1890 to describe the practices of Leopold II of Belgium's administration of the Congo Free State.^[5] In treaty law, the term originated in the Second Hague Convention of 1899 preamble and was expanded in the Fourth Hague Convention of 1907 preamble and their respective regulations, which were concerned with the codification of new rules of international humanitarian law. The preamble of the two Conventions referenced the "laws of humanity" as an expression of underlying inarticulated humanistic values.^[6] The term is part of what is known as the Martens Clause

On May 24, 1915, the Allied Powers, Britain, France, and Russia, jointly issued a statement explicitly charging for the first time ever another government of committing "a crime against humanity". An excerpt from this joint statement reads:

In view of these new crimes of Ottoman Empire against humanity and civilization, the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres.^[7]

At the conclusion of the war, an international war crimes commission recommended the creation of a tribunal to try "violations of the laws of humanity". However, the US representative objected to references to "law of humanity" as being imprecise and insufficiently developed at that time and the concept was not pursued.^[8]

Nuremberg trials

In the aftermath of the World War II, the London Charter of the International Military Tribunal was the decree that set down the laws and procedures by which the post-War Nuremberg trials were to be conducted. The drafters of this document were faced with the problem of how to respond to the Holocaust and grave crimes committed by the Nazi regime. A traditional understanding of war crimes gave no provision for crimes committed by a power on its own citizens. Therefore, Article 6 of the Charter was drafted to include not only traditional war crimes and crimes against peace but also Crimes Against Humanity defined as

Murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the

jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.^{[9][10]}

This definition was notable in its subjugation to the other two categories of offences defined in Article 6 of the Charter. The jurisdictional limitation was explained by the American chief representative to the London Conference, Robert H. Jackson, who pointed out that it "has been a general principle from time immemorial that the internal affairs of another government are not ordinarily our business". Thus, "it is justifiable that we interfere or attempt to bring retribution to individuals or to states only because the concentration camps and the deportations were in pursuance of a common plan or enterprise of making an unjust war".^[11] In the Judgment of the International Military Tribunal for the Trial of German Major War Criminals it was stated:

The Tribunal therefore cannot make a general declaration that the acts before 1939 were crimes against humanity within the meaning of the Charter, but from the beginning of the war in 1939 war crimes were committed on a vast scale, which were also crimes against humanity; and insofar as the inhumane acts charged in the Indictment, and committed after the beginning of the war, did not constitute war crimes, they were all committed in execution of, or in connection with, the aggressive war, and therefore constituted crimes against humanity.^[12]

Tokyo trials

The International Military Tribunal for the Far East (IMTFE), also known as the Tokyo Trial, was convened to try the leaders of the Empire of Japan for three types of crimes: "Class A" (crimes against peace), "Class B" (war crimes), and "Class C" (crimes against humanity), committed during the Second World War.

The legal basis for the trial was established by the Charter of the International Military Tribunal for the Far East (CIMTFE) that was proclaimed on 19 January 1946. The tribunal convened on May 3, 1946, and was adjourned on November 12, 1948.

In the Tokyo Trial, Crimes against Humanity (Class C) was not applied for any suspect.^[13] Prosecutions related to the Nanking Massacre were categorised as infringements upon the Laws of War.^[14]

War crimes charges against more junior personnel were dealt with separately, in other cities throughout Far East Asia, such as the Nanjing War Crimes Tribunal and the Khabarovsk War Crimes Trials.



Nuremberg Trials. Defendants in the dock. The main target of the prosecution was Hermann Göring (at the left edge on the first row of benches), considered to be the most important surviving official in the Third Reich after Hitler's death.



The defendants at the Tokyo International Tribunal. General Hideki Tojo was one of the main defendants, and is in the centre of the middle row

A panel of eleven judges presided over the IMTFE, one each from victorious Allied powers (United States, Republic of China, Soviet Union, United Kingdom, the Netherlands, Provisional Government of the French Republic, Australia, New Zealand, Canada, British India, and the Philippines).

Types of crimes against humanity

The different types of crimes which may constitute crimes against humanity differs between definitions both internationally and on the domestic level. Isolated inhumane acts of a certain nature committed as part of a widespread or systematic attack may instead constitute grave infringements of human rights, or – depending on the circumstances – war crimes, but are not classified as crimes against humanity.^[15]

Apartheid

The systematic persecution of one racial group by another, such as occurred during the South African apartheid government, was recognized as a crime against humanity by the United Nations General Assembly in 1976.^[16] The Charter of the United Nations (Article 13, 14, 15) makes actions of the General Assembly advisory to the Security Council.^[17] In regard to apartheid in particular, the UN General Assembly has not made any findings, nor have apartheid-related trials for crimes against humanity been conducted.

Rape and sexual violence

Neither the Nuremberg or Tokyo Charters contained an explicit provision recognizing sexual and gender-based crimes as war crimes or crimes against humanity, although Control Council Law No. 10 recognized rape as a crime against humanity. The statutes of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda both included rape as a crime against humanity. The ICC is the first international instrument expressly to include various forms of sexual and gender-based crimes – including rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, and other forms of sexual violence – as both an underlying act of crimes against humanity and war crime committed in international and/or non-international armed conflicts.^[18] As an example, the events of Khojaly and Khatyn can be shown that the world strongly condemns. International institutions have asked for a ransom to avoid such incidents. There are hundreds of massacres, thousands of prisoners and wounded in these incidents.

In 2008, the U.N. Security Council adopted resolution 1820, which noted that “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide”.^[19]

Legal status of crimes against humanity in international law

Unlike genocide and war crimes, which have been widely recognized and prohibited in international criminal law since the establishment of the Nuremberg principles,^{[20][21]} there has never been a comprehensive convention on crimes against humanity,^[22] even though such crimes are continuously perpetrated worldwide in numerous conflicts and crises.^{[23][24][25]} There are eleven international texts defining crimes against humanity, but they all differ slightly as to their definition of that crime and its legal elements.^[26]

In 2008, the Crimes Against Humanity Initiative was launched to address this gap in international law. The Initiative represents the first concerted effort to address the gap that exists in international criminal law by enumerating a comprehensive international convention on crimes against humanity.^[27]

On July 30, 2013, the United Nations International Law Commission voted to include the topic of crimes against humanity in its long-term program of work. In July 2014, the Commission moved this topic to its active programme of work^{[28][29]} based largely on a report submitted by Sean D. Murphy.^[30] Professor Sean D. Murphy, the United States’ Member on the United Nations’ International Law Commission, has been named the Special Rapporteur for Crimes Against Humanity. Sean D. Murphy attended the 2008 Experts' Meeting held by the Crimes Against Humanity Initiative prior to this appointment.

There is some debate on what the status of crimes against humanity under customary international law is. M. Cherif Bassiouni argues that crimes against humanity are part of *ius cogens* and as such constitute a non-derogable rule of international law^[26]

United Nations

The United Nations has been primarily responsible for the prosecution of crimes against humanity since it was chartered in 1948.^[21]

After Nuremberg, there was no international court with jurisdiction over crimes against humanity for almost 50 years. Work continued on developing the definition of crimes against humanity at the United Nations, however. In 1947, the International Law Commission was charged by the United Nations General Assembly with the formulation of the principles of international law recognized and reinforced in the Nuremberg Charter and judgment, and with drafting a 'code of offenses against the peace and security of mankind'. Completed fifty years later in 1996, the Draft Code defined crimes against humanity as various inhumane acts, i.e., "murder, extermination, torture, enslavement, persecution on political, racial, religious or ethnic grounds, institutionalized discrimination, arbitrary deportation or forcible transfer of population, arbitrary imprisonment, rape, enforced prostitution and other inhuman acts committed in a systematic manner or on a large scale and instigated or directed by a Government or by any organization or group." This definition differs from the one used in Nuremberg, where the criminal acts were to have been committed "before or during the war", thus establishing a nexus between crimes against humanity and armed conflict.^[22]

A report on the 2008–09 Gaza War by Richard Goldstone accused Palestinian and Israeli forces of possibly committing a crime against humanity.^[33] In 2011, Goldstone said that he no longer believed that Israeli forces had targeted civilians or committed a crime against humanity.^[34]

On 21 March 2013, at its 22nd session, the United Nations Human Rights Council established the Commission of Inquiry on human rights in the Democratic People's Republic of Korea (DPRK). The Commission is mandated to investigate the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, with a view to ensuring full accountability, in particular for violations which may amount to crimes against humanity.^[35] The Commission dealt with matters relating to crimes against humanity on the basis of definitions set out by customary international criminal law and in the Rome Statute of the International Criminal Court.^[36] The 2014 Report by the commission found "the body of testimony and other information it received establishes that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State... These crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation. The commission further finds that crimes against humanity are ongoing in the Democratic People's Republic of Korea because the policies, institutions and patterns of impunity that lie at their heart remain in place." Additionally, the commission found that crimes against humanity have been committed against starving populations, particularly during the 1990s, and are being committed against persons from other countries who were systematically abducted or denied repatriation, in order to gain labour and other skills for the Democratic People's Republic of Korea.^[36]

Security Council

UN Security Council Resolution 1674, adopted by the United Nations Security Council on 28 April 2006, "reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity".^[37] The resolution commits the Council to action to protect civilians in armed conflict.

In 2008 the U.N. Security Council adopted resolution 1820, which noted that "rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide".^[19]

International courts and criminal tribunals

After the Nuremberg and Tokyo trials of 1945-1946, the next international tribunal with jurisdiction over crimes against humanity was not established for another five decades. In response to atrocities committed in the 1990s, multiple ad hoc tribunals were established with jurisdiction over crimes against humanity. The statutes of the International Criminal Court, the International Criminal Tribunals for the Former Yugoslavia and for Rwanda each contain different definitions of crimes against humanity^[38]

International Criminal Tribunal for Yugoslavia

In 1993, the UN Security Council established the International Criminal Tribunal for the former Yugoslavia (ICTY), with jurisdiction to investigate and prosecute three international crimes which had taken place in the former Yugoslavia: genocide, war crimes and crimes against humanity Article 5 of the ICTY Statute states that

The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population:^[39]

- (a) murder;
- (b) extermination;
- (c) enslavement;
- (d) deportation;
- (e) imprisonment;
- (f) torture;
- (g) rape;
- (h) persecutions on political, racial and religious grounds;
- (i) other inhumane acts."

This definition of crimes against humanity revived the original 'Nuremberg' nexus with armed conflict, connecting crimes against humanity to both international and non-international armed conflict. It also expanded the list of criminal acts used in Nuremberg to include imprisonment, torture and rape.^[39] Cherif Bassiouni has argued that this definition was necessary as the conflict in the former Yugoslavia was considered to be a conflict of both an international and non-international nature. Therefore, this adjusted definition of crimes against humanity was necessary to afford the tribunal jurisdiction over this crime.^[40]

International Criminal Tribunal for Rwanda

The UN Security Council established the International Criminal Tribunal for Rwanda in 1994 following the Rwandan Genocide. Under the ICTR Statute, the link between crimes against humanity and an armed conflict of any kind was dropped. Rather, the requirement was added that the inhumane acts must be part of a "systematic or widespread attack against any civilian population on national, political, ethnic, racial or religious grounds."^[41] Unlike the conflict in the former Yugoslavia, the conflict in Rwanda was deemed to be non-international, so crimes against humanity would likely not have been applicable if the nexus to armed conflict had been maintained.

Special Court for Sierra Leone

Extraordinary Chambers in the Courts of Cambodia (ECCC)

International Criminal Court

In 2002, the International Criminal Court (ICC) was established in The Hague (Netherlands) and the Rome Statute provides for the ICC to have jurisdiction over genocide, crimes against humanity and war crimes. The definition of what is a "crime against humanity" for ICC proceedings has significantly broadened from its original legal definition or that used by the UN.^[42] Essentially,

the Rome Statute employs the same definition of crimes against humanity that the ICTR Statute does, minus the requirement that the attack was carried out 'on national, political, ethnic, racial or religious grounds'. In addition, the Rome Statute definition offers the most expansive list of specific criminal acts that may constitute crimes against humanity to date.

Article 7 of the treaty stated that:

For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:^[43]

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health;



Headquarters of the ICC in The Hague

The Rome Statute Explanatory Memorandum states that crimes against humanity

are particularly odious offenses in that they constitute a serious attack on human dignity or grave humiliation or a degradation of one or more human beings. They are not isolated or sporadic events, but are part either of a government policy (although the perpetrators need not identify themselves with this policy) or of a wide practice of atrocities tolerated or condoned by a government or a de facto authority. However, murder, extermination, torture, rape, political, racial, or religious persecution and other inhumane acts reach the threshold of crimes against humanity

only if they are part of a widespread or systematic practice. Isolated inhumane acts of this nature may constitute grave infringements of human rights, or depending on the circumstances, war crimes, but may fall short of meriting the stigma attaching to the category of crimes under discussion. On the other hand, an individual may be guilty of crimes against humanity even if he perpetrates one or two of the offences mentioned above, or engages in one such offense against only a few civilians, provided those offenses are part of a consistent pattern of misbehavior by a number of persons linked to that offender (for example, because they engage in armed action on the same side or because they are parties to a common plan or for any similar reason.) Consequently when one or more individuals are not accused of planning or carrying out a policy of inhumanity, but simply of perpetrating specific atrocities or vicious acts, in order to determine whether the necessary threshold is met one should use the following test: one ought to look at these atrocities or acts in their context and verify whether they may be regarded as part of an overall policy or a consistent pattern of an inhumanity, or whether they instead constitute isolated or sporadic acts of cruelty and wickedness.^[44]

To fall under the Rome Statute, a crime against humanity which is defined in Article 7.1 must be "part of a widespread or systematic attack directed against any civilian population". Article 7.2.a states "For the purpose of paragraph 1: "Attack directed against any civilian population means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack." This means that an individual crime on its own, or even a number of such crimes, would not fall under the Rome Statute unless they were the result of a State policy or an organizational policy. This was confirmed by Luis Moreno Ocampo in an open letter publishing his conclusions about allegations of crimes committed during the invasion of Iraq in March 2003 which might fall under the ICC. In a section entitled "Allegations concerning Genocide and Crimes against Humanity" he states that "the available information provided no reasonable indicator of the required elements for a crime against humanity," i.e. 'a widespread or systematic attack directed against any civilian population'".^[45]

The ICC can only prosecute crimes against humanity in situations under which it has jurisdiction. The ICC only has jurisdiction over crimes contained in its statute - genocide, war crimes and crimes against humanity - which have been committed on the territory of a State party to the Rome Statute, when a non-party State refers a situation within its country to the court or when the United Nations Security Council refers a case to the ICC.^[46] In 2005 the UN referred to the ICC the situation in Darfur. This referral resulted in an indictment of Sudanese President Omar al-Bashir for genocide, crimes against humanity and war crimes in 2008.^[47] When the ICC President reported to the UN regarding its progress handling these crimes against humanity case, Judge Phillipe Kirsch said "The Court does not have the power to arrest these persons. That is the responsibility of States and other actors. Without arrests, there can be no trials."^[48]

Council of Europe

The Committee of Ministers of the Council of Europe on 30 April 2002 issued a recommendation to the member states, on the protection of women against violence. In the section "Additional measures concerning violence in conflict and post-conflict situations", states in paragraph 69 that member states should: "penalize rape, sexual slavery, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity as an intolerable violation of human rights, as crimes against humanity and, when committed in the context of an armed conflict, as war crimes;^[49]

In the Explanatory Memorandum on this recommendation when considering paragraph 69:

Reference should be made to the Statute of the International Criminal Tribunal adopted in Rome in July 1998. Article 7 of the Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity, as crimes against humanity. Furthermore, Article 8 of the Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence as a serious breach of the Geneva Conventions and as war crimes.^[50]

The Holodomor has been recognized as a crime against humanity by the European Parliament^[51]

See also

- Charter of the United Nations
- Crimes against humanity under communist regimes
- Crimes Against Humanity Initiative
- Customary international law
- Historical revisionism (negationism)
- Honor killing
- Human rights
- Inter-American Commission on Human Rights
- Mass Atrocity crimes
- Vienna Declaration and Programme of Action
- War crimes

References

1. Margaret M. DeGuzman, "Crimes Against Humanity" (http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1745183) RESEARCH HANDBOOK ON INTERNATIONAL CRIMINAL LAW, Bartram S. Brown, ed., Edgar Elgar Publishing, 2011
2. Luban, David (2004). "A Theory of Crimes Against Humanity" (<http://scholarship.lawgeorgetown.edu/facpub/146/>). *The Yale Journal of International Law* **29** (1): 85–167.
3. Martin, Francisco Forrest (2007). *The Constitution as Treaty: The International Legal Constructionalist Approach to the U.S. Constitution* Cambridge University Press. p.101 (<https://books.google.com/books?id=xNEjqp2A6ZgC&pg=PA101#v=onepage&q&f=false>) ISBN 9781139467186
4. Plenipotentiaries of the treaty (1816). *The Parliamentary Debates from the Year 1803 to the Present Time*. **32**. s.n. p. p. 200 (<https://books.google.com/books?id=I8E7AAAAYAAJ&pg=P74#PPT24,M1>)
5. Hochschild, A. King Leopold's Ghost: A Story of Greed, Error and Heroism in Colonial Africa. Houghton Mifflin, 1999. p. 96
6. Cherif Bassiouni, M. Crimes against Humanity: Historical Evolution and Contemporary Application. Cambridge: Cambridge University Press, 2011. p. 86
7. 1915 declaration
 - Affirmation of the United States Record on the Armenian Genocide Resolution (<http://thomas.loc.gov/cgi-bin/cpquery/T?&report=hr933&dbname=106&>) 106th Congress, 2nd Session, House of Representatives
 - Affirmation of the United States Record on the Armenian Genocide Resolution (Introduced in House of Representatives) (<http://thomas.loc.gov/cgi-bin/query/z?c109:H.RES.316>) 109th Congress, 1st Session, H.RES.316 (<http://thomas.loc.gov/cgi-bin/bdquery/z?d109:HE00316>); June 14, 2005. 15 September 2005 House Committee/Subcommittee: International Relations actions. Status: Ordered to be Reported by Yeas and Nays: 40–7.
 - "Crimes Against Humanity", 23 *British Yearbook of International Law* (1946) p. 181
 - Schabas References pp. 16-17
 - Original source of the telegram sent by the Department of State, Washington containing the French, British and Russian joint declaration (http://www.armenian-genocide.org/Affirmation.160/current_category7/affirmation_detail.html)
8. Cryer, Robert; Hakan Friman; Darryl Robinson; Elizabeth Wilmshurst (2007). *An Introduction to International Criminal Law and Procedure* Cambridge University Press. p. 188.
9. Nuremberg Trial Proceedings Vol. 1 Charter of the International Military Tribunal (<http://www.yale.edu/lawweb/avalon/imt/proc/imtconst.htm>) contained in the Avalon Project archive at Yale Law School
10. Nicolas Werth, Karel Bartošek, Jean-Louis Panné, Jean-Louis Margolin, Andrzej Paczkowski, Stéphane Courtois *The Black Book of Communism Crimes, Terror, Repression*, Harvard University Press 858 pages, ISBN 0-674-07608-7, page 6.

11. Hilberg, Raul (2003). *The Destruction of the European Jews* (3rd ed.). New Haven, CT Yale University Press. pp. 1145–1147. ISBN 9780300095579
12. Judgement : The Law Relating to War Crimes and Crimes Against Humanity (<http://avalon.law.yale.edu/imt/judlawre.asp>) contained in the Avalon Project archive at Yale Law School
13. Yoshinobu Higurashi, Tokyo Saiban (Tokyo Trial), Kodansha-Gendai-Shinsho, Kodansha Limited, 2008, p. 26, pp. 116–119. Hirohumi Hayashi, BC kyu Senpan Saiban, Iwanami Shoten Publishers, 2005, p. 33.
14. Yoshinobu Higurashi, op.cit., pp. 116–119.
15. As quoted by Guy Horton in *Dying Alive - A Legal Assessment of Human Rights Violations in Burma* (<http://www.ibi.io.org/obl/docs3/Horton-2005.pdf>) April 2005, co-Funded by The Netherlands Ministry for Development Co-Operation. See section "12.52 Crimes against humanity", Page 201. He references RSICC/C, ¶ 1 p. 360
16. International Convention on the Suppression and Punishment of the Crime of Apartheid (<http://www.anc.org.za/un/uncrime.htm>) Archived (<https://web.archive.org/web/20091011235327/http://www.anc.org.za/un/uncrime.htm>) October 11, 2009, at the Wayback Machine adopted and opened for signature, ratification by General Assembly resolution 3068 (XXVIII) of 30 November 1973. Entry into force 18 July 1976, in accordance with article X (10)
17. "Charter of the United Nations" (<https://www.un.org/aboutun/charter/index.html>) Archived (<https://web.archive.org/web/20090417093634/http://www.un.org/aboutun/charter/index.html>) April 17, 2009, at the Wayback Machine
18. "ICC Prosecutor's Policy Paper on Sexual and Gender-Based Crimes" (<http://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes--June-2014.pdf>) June 2014
19. "SECURITY COUNCIL DEMANDS IMMEDIATE AND COMPLETE HAIT TO ACTS OF SEXUAL VIOLENCE AGAINST CIVILIANS IN CONFLICT ZONES, UNANIMOUSLY ADOPTING RESOLUTION 1820 (2008)" (<https://www.un.org/News/Press/docs/2008/sc9364.doc.htm>). Un.org. Retrieved 2013-02-01.
20. "Convention on the Prevention and Punishment of the Crime of Genocide" (<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx>) Office of the United Nations High Commissioner for Human Rights.
21. "The Geneva Conventions of 1949 and their Additional Protocols" (<https://www.icrc.org/en/war-and-law/treatiescustomary-law/geneva-conventions>) International Committee of the Red Cross
22. Zgonec-Rožej, Miša (July 2013). "International Criminals: Extradite or Prosecute?" (http://www.chathamhouse.org/sites/files/chathamhouse/public/Research/International%20Law/0713bp_prosecute.pdf) (PDF). *Briefing Papers* Chatham House. p. 16.
23. "Explained: Election Pledge on New Crimes Against Humanity Initiative" (<http://www.aegistrust.org/index.php/Campaigns-Policy-and-Research/election-pledge-on-new-crimes-against-humanity-convention.html>) Archived (<https://web.archive.org/web/20150904065236/http://www.aegistrust.org/index.php/Campaigns-Policy-and-Research/election-pledge-on-new-crimes-against-humanity-convention.html>) 2015-09-04 at the Wayback Machine AEGIS
24. "International Prosecutors Call for Convention on Crimes Against Humanity" (<http://www.jurist.org/paperchase/2009/11/international-prosecutors-call-for.php>) The Jurist
25. Richard, Goldstone (2011). "Foreword".
26. M. Cherif Bassiouni, "Crimes Against Humanity" (<http://www.crimesofwar.org/a-z-guide/crimes-against-humanity/>) Archived (<https://web.archive.org/web/20150320061808/http://www.crimesofwar.org/a-z-guide/crimes-against-humanity/>) 2015-03-20 at the Wayback Machine The Crimes of War Project
27. Evans, Gareth, "Crimes Against Humanity and the Responsibility to Protect" (<http://www.crisisgroup.org/en/publication-type/speeches/2009/crimes-against-humanity-and-the-responsibility-to-protect.aspx>) Archived (<https://web.archive.org/web/20150105053758/http://www.crisisgroup.org/en/publication-type/speeches/2009/crimes-against-humanity-and-the-responsibility-to-protect.aspx>) January 5, 2015, at the Wayback Machine International Crisis Group
28. Cecilia Marcela Bailliet, "UN International Law Commission to Elaborate New Global Convention on Crimes Against Humanity" (<http://ilg2.org/2014/08/06/un-international-law-commission-to-elaborate-new-global-convention-on-crimes-against-humanity/>) IntLawGrrls
29. William A. Schabas, "International Law Commission to Work on Draft Articles on Crimes Against Humanity" (<http://www.humanrightsdoctorate.blogspot.com/2014/07/international-law-commission-to-work-on.html>) PhD studies in human rights
30. Murphy, Sean (February 2013). "Proposal for New Topic: Crimes Against Humanity Working Group on the Long-Term Program of Work". International Law Commission, Sixty-fifth session. p. 2
31. [https://undocs.org/A/RES/260\(III\)](https://undocs.org/A/RES/260(III))
32. "ICD - Crimes against humanity" (http://www.internationalcrimesdatabase.org/Crimes/CrimesAgainstHumanity#_ftnref1). Asser Institute. 2013.

33. "UN condemns 'war crimes' in Gaza"(http://news.bbc.co.uk/2/hi/middle_east/8257301.stm)*BBC News*. 16 September 2009. Retrieved 30 April 2010.
34. Goldstone, Richard (2011-04-01)."Reconsidering the Goldstone Report on Israel and War Crimes" (https://www.washingtonpost.com/opinions/reconsidering-the-goldstone-report-on-israel-and-war-crimes/2011/04/01/AFg111JC_story.html). *The Washington Post*. Retrieved 2 August 2012.
35. "Resolution A/HRC/RES/22/13: Situation of human rights in the Democratic People's Republic of Korea"(<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/128/65/PDF/G1312865.pdf?OpenElement>) Archived (<https://web.archive.org/web/20130829031840/http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/128/65/PDF/G1312865.pdf?OpenElement>) August 29, 2013, at the Wayback Machine Human Rights Council
36. Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea - A/HRC/25/63, available at: "Archived copy" (<https://web.archive.org/web/20150425025103/http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/Documents.aspx>) Archived from the original (<http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/Documents.aspx>) on 2015-04-25. Retrieved 2015-05-11.
37. Resolution 1674 (2006) (<http://domino.un.org/UNISPAL.NSF/361eea1cc08301c485256cf600606959/e529762bfa456f8852571610045ebef!OpenDocument>) Archived (<https://web.archive.org/web/20090223154915/http://domino.un.org/UNISPAL.NSF/361eea1cc08301c485256cf600606959/e529762bfa456f8852571610045ebef%21OpenDocument>) February 23, 2009, at the Wayback Machine
38. Burns, Peter, "Aspect of Crimes Against Humanity and the International Criminal Court" (<http://www.icclr.law.ubc.ca/Site%20Map/ICC/AspectofCrimesAgainstHumanity.pdf>) Archived (<https://web.archive.org/web/20121021031709/http://www.icclr.law.ubc.ca/site%20map/icc/aspectofcrimesagainsthumanity.pdf>) 2012-10-21 at the Wayback Machine International Centre for Criminal Law Reform and Criminal Justice Policy. p. 6.
39. "ICTY Statute" (http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf) Article 5
40. Cherif Bassiouni, M. Crimes against Humanity: Historical Evolution and Contemporary Application. Cambridge: Cambridge University Press, 2011. p. 186
41. "ICTR Statute" (http://www.icls.de/dokumente/ictr_statute.pdf) Article 3
42. Cherif Bassiouni, "Crimes Against Humanity" (<https://web.archive.org/web/20060718113035/http://www.crimesofwar.org/thebook/crimes-against-humanity.html>). Archived from the original (<http://www.crimesofwar.org/thebook/crimes-against-humanity.html>) on 2006-07-18. Retrieved 2006-07-23.
43. Rome statute of the International Criminal Court (<http://www.preventgenocide.org/law/icc/statute/part-a.htm#2>) Article 7: Crimes against humanity pdf version (https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf)
44. As quoted by Guy Horton in *Dying Alive - A Legal Assessment of Human Rights Violations in Burma* (<http://www.ibiblio.org/obl/docs3/Horton-2005.pdf>) April 2005, co-Funded by The Netherlands Ministry for Development Co-Operation. See section "12.52 Crimes against humanity", p. 201. He references RSICC/C, ¶ 1 p. 360
45. Luis Moreno Ocampo's OTP letter to senders re Iraq" (https://web.archive.org/web/20060225075607/http://www.icc-cpi.int/library/organs/otp/OTP_letter_to_senders_re_Iraq_9_February_2006.pdf) (PDF). Archived from the original on 2006-02-25. Retrieved 2006-02-25. 9 February 2006. Page 4
46. "Archived copy" (<https://web.archive.org/web/20110412060448/http://www.icc-cpi.int/Menus/ICC/About%2Bthe%2BCourt/>). Archived from the original (<http://www.icc-cpi.int/Menus/ICC/About+the+Court/>) on 2011-04-12. Retrieved 2011-04-12.
47. International Criminal Court, 14 July 2008 "ICC Prosecutor presents case against Sudanese President, Hassan Ahmad AL BASHIR, for genocide, crimes against humanity and war crimes in Darfur" (<https://web.archive.org/web/20080715213414/http://www.icc-cpi.int/press/pressreleases/406.html>) Archived from the original on 2008-07-15. Retrieved 2008-07-15. Accessed 14 July 2008.
48. Judge Philippe Kirsch (President of the International Criminal Court) "Address to the United Nations General Assembly" (https://web.archive.org/web/20070606232100/http://www.icc-cpi.int/library/organs/presidency/PK_20061009_en.pdf) (PDF). Archived from the original on 2007-06-06. Retrieved 2007-09-14. (PDF) website ICC (<http://www.icc-cpi.int>), 9 October 2006. P. 3
49. Committee of Ministers of the Council of Europe Recommendation (2002) 5 ([http://www.coe.int/t/e/human_rights/equality/05_violence_against_women/002_Rec\(2002\)05.asp](http://www.coe.int/t/e/human_rights/equality/05_violence_against_women/002_Rec(2002)05.asp)) Archived (https://web.archive.org/web/20061127063047/http://www.coe.int/t/e/human_rights/equality/05_violence_against_women/002_Rec%282002%2905.asp) November 27, 2006, at the Wayback Machine Paragraph 69

50. Committee of Ministers of the Council of Europe Recommendation (2002) 5 ([http://www.coe.int/t/e/human_rights/equality/05._violence_against_women/002_Rec\(2002\)05.asp](http://www.coe.int/t/e/human_rights/equality/05._violence_against_women/002_Rec(2002)05.asp)) Archived (https://web.archive.org/web/20061127063047/http://www.coe.int/t/e/human_rights/equality/05._violence_against_women/002_Rec%282002%2905.asp) November 27, 2006, at the Wayback Machine Paragraph 100
51. "MEPs recognize Ukraine's famine as crime against humanity" (<http://en.rian.ru/world/20081023/117913361.html>) Russian News & Information Agency 2008-10-23. Retrieved 2008-10-23.

Further reading

- Christopher R. Browning "The Two Different Ways of Looking at Nazi Murder" (review of Philippe Sands, *East West Street: On the Origins of "Genocide" and "Crimes Against Humanity"* Knopf, 425 pp., \$32.50; and Christian Gerlach, *The Extermination of the European Jews* Cambridge University Press, 508 pp., \$29.99 [paper]) *The New York Review of Books*, vol. LXIII, no. 18 (November 24, 2016), pp. 56–58. Discusses Hersch Lauterpacht's legal concept of "crimes against humanity", contrasted with Rafael Lemkin's legal concept of 'genocide'. All genocides are crimes against humanity, but not all crimes against humanity are genocides; genocides require a higher standard of proof, as they entail *intent* to destroy a particular group.
- Macleod, Christopher (2010). "Towards a Philosophical Account of Crimes Against Humanity" *European Journal of International Law* **21** (2): 281–302. doi:10.1093/ejil/chq031
- Sadat, Leila Nadya (2013). "Crimes Against Humanity in the Modern Age" (PDF). *American Journal of International Law*. **107** (2): 334–377. doi:10.5305/amerjintlaw107.2.0334. Retrieved 11 December 2013.
- Schabas, William A. (2000). *Genocide in International Law: The Crimes of Crimes* New York: Cambridge University Press. ISBN 0-521-78262-7.

External links

- [Crimes of War project](#)
- [Rule of Law in Armed Conflicts Project](#)
- [What is a Crime Against Humanity?](#)– an online video
- [Genocide & Crimes Against Humanity](#)– a learning resource, highlighting the cases of Myanmar, Bosnia, the DRC, and Darfur
- [Crimes Against Humanity -- Bibliographies on the topics of the International Law Commission & International Law Seminar \(UNOG Library\)](#)

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