
STATUTORY INSTRUMENTS

2004 No. 1080

**CRIMINAL LAW, ENGLAND AND WALES
CRIMINAL LAW, NORTHERN IRELAND**

The International Criminal Court Act 2001
(Elements of Crimes) Regulations 2004

Made - - - - - *9th March 2004*

Laid before Parliament *21st April 2004*

Coming into force *4th May 2004*

THE INTERNATIONAL CRIMINAL COURT ACT
2001 (ELEMENTS OF CRIMES) REGULATIONS 2004

1. Citation, commencement and extent
2. The Elements of Crimes
3. The International Criminal Court Act 2001 (Elements of Crimes) Regulations...
- Signature

SCHEDULE —

Elements of Crimes

1. General Introduction
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
 - Article 6(a)

Status: This is the original version (as it was originally made).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

Genocide by killing

1. Elements
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

1. Elements
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

1. Elements
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

1. Elements
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

1. Elements
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

1. Introduction
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

1. Elements
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

1. Elements
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

1. Elements
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
1. Elements
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
1. Elements
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
1. Elements
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
1. Elements
2. The invasion was committed by force, or by threat of...
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
1. Elements
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
1. Elements
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
1. Elements
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
1. Elements
2. The conduct was neither justified by the medical or hospital...
3. The conduct was committed as part of a widespread or...

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4. The perpetrator knew that the conduct was part of or...
Article 7(1)(g)-6
Crime against humanity of sexual violence
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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,...
- Article 8(2)(a)
Article 8(2)(a)(i)
War crime of wilful killing
 1. Elements
 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
 1. Elements
 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...
Article 8(2)(a)(ii)-2
War crime of inhuman treatment
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 2. Such person or persons were protected under one or more...
 3. The perpetrator was aware of the factual circumstances that established...

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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
 1. Elements
 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 placed 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
 1. Elements
 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
 1. Elements
 2. The perpetrator threatened to kill, injure or continue to detain...
 3. The perpetrator intended to compel a State, an international organisation,...
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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)(b)(iv)
War crime of excessive incidental death, injury, or damage

1. Elements
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
1. Elements
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*
1. Elements
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
1. Elements
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
1. Elements
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
1. Elements
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
1. Elements
2. The perpetrator made such use for combatant purposes in a...
3. The perpetrator knew or should have known of the prohibited...

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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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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

1. Elements
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
1. Elements
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 circumstances that established the...
Article 8(2)(b)(xv)
War crime of compelling participation in military operations
1. Elements
2. Such person 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
1. Elements
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
1. Elements
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
1. Elements
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
1. Elements
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 actual 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
- Article 8(2)(b)(xxi)
War crime of outrages upon personal dignity

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1. Elements
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
1. Elements
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
1. Elements
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
1. Elements
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
1. Elements
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 sterilisation
1. Elements
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
1. Elements
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
1. Elements
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
1. Elements
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

1. Elements
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

1. Elements
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

1. Elements
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

1. Elements
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

1. Elements
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

1. Elements
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 of outrages upon personal dignity

1. Elements
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)

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War crime of taking hostages

1. Elements
2. The perpetrator threatened to kill, injure or continue to detain...
3. The perpetrator intended to compel a State, an international organisation,...
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

1. Elements
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

1. Elements
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

1. Elements
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

1. Elements
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

1. Elements
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

1. Elements

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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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)(e)(vi)-4
War crime of forced pregnancy
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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...

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

5. The perpetrator was aware of factual circumstances that established the...
Article 8(2)(e)(ix)
War crime of treacherously killing or wounding
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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
 1. Elements
 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