Crimes against humanity

1. For the purpose of the present Statute, any of the following acts constitutes a crime against humanity when committed

[as part of a widespread [and] [or] systematic commission of such acts against any population]:

[as part of a widespread [and] [or] systematic attack against any [civilian] population] [committed on a massive scale] [in armed conflict] [on political, philosophical, racial, ethnic or religious grounds or any other arbitrarily defined grounds]:

   (a) murder;
   (b) extermination;
   (c) enslavement;
   (d) deportation or forcible transfer of population;
   (e) [detention or] [imprisonment] [deprivation of liberty] [in flagrant violation of international law] [in violation of fundamental legal norms];
   (f) torture;
   (g) rape or other sexual abuse of comparable gravity, or enforced prostitution;
(h) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural or religious [or gender] [or other similar] grounds [and in connection with other crimes within the jurisdiction of the Court];

(i) enforced disappearance of persons;

(j) other inhumane acts [of a similar character] intentionally causing [great suffering,] or serious injury to body or to mental or physical health;

[2. For the purpose of paragraph 1:

(a) "extermination" includes the [wilful, intentional] infliction of conditions of life calculated to bring about the destruction of part of a population;

(b) "deportation or forcible transfer of population" means the movement of [persons] from the area in which the [persons] [populations] are [lawfully present] [present] [resident] [under national or international law] [for a purpose contrary to international law] [without legitimate and compelling reasons] [without lawful justification];

(c) ["torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person [in the custody or physical control of the accused] [deprived of liberty]; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions in conformity with international law]

["torture" as defined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984];

(d) persecution means the wilful and severe deprivation of fundamental rights contrary to international law [carried out with the intent to persecute on specified grounds];

(e) ["enforced disappearance of persons" means when persons are arrested, detained or abducted against their will by or with the authorization, support or acquiescence of the State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, thereby placing them outside the protection of the]
"enforced disappearance of persons" as defined in the Inter-American Convention on the Forced Disappearance of Persons of 9 June 1994, as referred to in the Declaration on the Protection of All Persons from Enforced Disappearance (General Assembly resolution 47/133 of 18 December 1992)].

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CRIMINAL COURT
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Working Group on definition of crimes

DRAFT CONSOLIDATED TEXT

Crimes against humanity

Corrigendum

Paragraph 1. (q)
Place "of comparable gravity" between square brackets.

Paragraph 1. (i)
* Place "intentionally" between square brackets.
* Add footnote 3bis at the end of this subparagraph as follows:

"3bis. It was suggested that the inclusion of this paragraph should be subject to further clarification.
It was suggested that the list of acts should also include institutionalized discrimination."
It was suggested that this subparagraph does not include freedom of speech and that it includes the unilateral blockade of populations. This also includes, for example, social, economic and mental or physical disability grounds. It was suggested that some more time was needed to reflect upon the inclusion of this subparagraph.