

1.2. Crimes against humanity

1.2.1. International legal framework

Crimes against humanity are defined with reference to international criminal and humanitarian legal instruments. Article 6(c) of the IMT Charter defines crimes against humanity as '[…] inhumane acts, committed against any civilian population, before or during the war, […]'. Therefore, in contrast to war crimes, crimes against humanity do not require that an armed conflict is ongoing at the time the crime was committed.

When interpreting this ground, national courts primarily rely on the definition provided by Article 7(1) of the Rome Statute, which stipulates that an act constitutes a crime against humanity when committed as "part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack", and which includes a list of the specific acts. Article 7(2) defines an attack directed against any civilian population as "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 organisational policy to commit such an attack". It also elaborates on the definitions of the rest of the terms included in Article 7(1).

The Elements of Crimes, which supplements the Rome Statute, sets out the material and mental elements that need to be satisfied for each individual crime against humanity.

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