

# Towards a Crimes Against Humanity Convention

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## 1. The April 2024 Debate on Crimes Against Humanity at the United Nations

On 5 April 2024, after five days of intense debate,<sup>1</sup> the second resumed session of the UN General Assembly's Sixth Committee (Legal Affairs) was about to end when the Syrian delegate took the floor to state that, while he was grateful to the three co-facilitators from Guatemala, Iceland and Malaysia who had just summarized the debate, he believed that there was too much disagreement on the definition of crimes against humanity for the UN to move to negotiation of a treaty (as recommended in 2019<sup>2</sup> by the International Law Commission ('ILC'), tasked with the codification and progressive development of international law).

The Syrian delegate's intervention did not accurately reflect the discussions at the Sixth Committee on the ILC Draft articles on Prevention and Punishment of Crimes Against Humanity.<sup>3</sup> On 4 April 2024, approximately 70 States spoke<sup>4</sup> in favour of setting up a negotiation process towards such a convention. These included the 27 Member States of the European Union plus other 12 States of the Council of Europe and the Nordic Council (Albania, Bosnia and Herzegovina, Georgia, Iceland, Liechtenstein, Monaco, Montenegro, Moldova, North Macedonia, Norway, San Marino and Serbia), 13 Latin American States (Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico and Uruguay), the 9 Community of Portuguese-Speaking Countries (Angola, Brazil, Cape Verde,

Guinea Bissau, Guinea Equatorial, Mozambique, Portugal, Sao Tomé et Príncipe and Timor Leste) and the 3 'CANZ' countries (Canada, Australia and New Zealand). Other regional leaders supporting the project included Africa's powerhouses South Africa and Nigeria, while the positions of smaller states had prominent spokespersons such as Sierra Leone's Deputy Justice Minister Alpha Sesay. Among the Permanent Members of the UN Security Council, France, the United Kingdom and the United States spoke in favour of starting negotiations for a legally-binding instrument on crimes against humanity.

Conversely, Russia (whose President is subject to an arrest warrant of the International Criminal Court<sup>5</sup> for the crime against humanity of deportation of children), Algeria, China, Eritrea, Iran and Nicaragua expressed a negative position, at times invoking arguments that were running counter to almost eight decades of international law practice outlawing crimes against humanity, since the London Agreement establishing the International Military Tribunal ('IMT') at Nuremberg in 1945.<sup>6</sup>

Syria's leader, President Bashar al-Assad,<sup>7</sup> is under investigation for war crimes and crimes against humanity in France. Other leaders of repressive and dictatorial regimes are targeted by fact-finding, investigative or prosecutorial actions aimed at ending their impunity (either while they are in office or at a later stage when their retirement plans could be interrupted by the quest of victims for justice). As a reaction to this reality – possibly in co-ordination with defence lawyers advising their powerful leaders – some delegates of these States have been using the Sixth Committee agenda-item on crimes against humanity as a forum to challenge the very notion of these types of mass atrocity and the general principles of international law applicable to the most serious crimes of concern to the international community as a whole. The position of this minority of States reveals a likely conflict of interests for some of their leaders.

<sup>1</sup> United Nations ('UN') General Assembly, Sixth Committee, "46th Plenary Meeting", 5 April 2024, Meeting Summary (available on its web site).

<sup>2</sup> See Report of the International Law Commission, Seventy-First Session (29 April–7 June and 8 July–9 August 2019), UN Doc. A/74/10, para. 42 (<https://www.legal-tools.org/doc/6335rp/>):

At its 3499th meeting, on 5 August 2019, the Commission decided, in conformity with article 23 of its statute, to recommend the draft articles on prevention and punishment of crimes against humanity to the General Assembly. In particular, the Commission recommended the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles.

<sup>3</sup> *Ibid.*, para. 44. The text of the Draft Articles on Prevention and Punishment of Crimes Against Humanity ('Draft Articles'), 22 May 2019, is available in the ILC Collection in the ICC Legal Tools Database (<https://www.legal-tools.org/doc/10xmoi/>).

<sup>4</sup> A list of statements delivered by States can be found on the Sixth Committee page on the General Assembly's web site. The author attended the resumed session on behalf of the Montreal Institute for Genocide and Human Rights Studies and the International Center for Multigenerational Legacies of Trauma.

<sup>5</sup> ICC, "Situation in Ukraine: ICC Judges Issue Arrest Warrants Against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova", Press release, 17 March 2023 (<https://www.legal-tools.org/doc/ux75v4/>).

<sup>6</sup> Agreement Between the United Kingdom, the United States, France and the Union of Soviet Socialist Republics for the Prosecution and Punishment of the Major War Criminals of the European Axis (<https://www.legal-tools.org/doc/76efcc/>) and the Charter of the International Military Tribunal, 8 August 1945 (<https://www.legal-tools.org/doc/64fdd/>).

<sup>7</sup> Kim Willsher, "French Court Issues Arrest Warrant for Bashar al-Assad for Complicity in War Crimes: Three Others Also Subject to Warrants Over Use of Sarin Gas in Two Attacks in Syria in August 2013 That Killed More Than 1,000 People", *The Guardian*, 15 November 2023.

## 2. Status of the International Law of Crimes Against Humanity

The 'Nuremberg principles' reflect the core of international criminal law: from the irrelevance of official capacity ('no-immunities') to the non-applicability of statutes of limitation, to the doctrine of 'command responsibility' (or responsibility of the superiors). These principles have been affirmed to ensure that there would not have been impunity for Adolf Hitler and the highest officials of the Axis Powers in the Second World War. The London Agreement of the Nuremberg Tribunal contained the first definition of crimes against humanity. It was included to ensure that violations of civilians not of enemy populations would be criminalized under international law, just as the law on war crimes protected civilians of the other side of the conflict (including those in occupied territories) and the law on crimes against the peace protected populations of victim-States against aggressive wars.

The Nuremberg and Tokyo Tribunals' definition of crimes against humanity suffered from a jurisdictional restriction, namely, their connection to war crimes or crimes against the peace, which the Allied Powers considered pre-dating the Second World War. However, even before the Nuremberg and Tokyo Tribunals rendered their judgments, the notion of crimes against humanity was extended to peacetime atrocities with the adoption of Control Council Law No. 10 by the Allied Powers for Germany on 20 December 1945.<sup>8</sup> After the end of the Cold War era, which had frozen the codification of the law on international crimes, the UN General Assembly re-started the process towards the establishment of a permanent international criminal jurisdiction that would have replaced *ad hoc* tribunals and applied the Nuremberg principles.<sup>9</sup> This process culminated with the codification of crimes against humanity in Article 7 of the ICC Statute of 17 July 1998,<sup>10</sup> regarding which no State objected on the record to its content. As a matter of fact, the seven States that voted against the adoption of the ICC Statute (namely, the United States (which called for the vote), Iraq, Israel, China, Qatar, Yemen and another State that did not declare its unrecorded vote)<sup>11</sup> did so against the Court's preconditions for the exercise of jurisdiction (Article 12, ICC Statute), not against the substantive law reflected in definitions and general principles of law, which were negotiated and agreed unanimously by States in relevant sessions of the Committee of the Whole and of the Drafting Committee.

The ICC Statute's definition reaffirmed that (i) crimes against

<sup>8</sup> Control Council Law No. 10, 20 December 1945 (<https://www.legal-tools.org/doc/ffda62/>).

<sup>9</sup> The Nuremberg Principles had been affirmed as part of general (customary) international law by the UN General Assembly as early as 1945, see UN General Assembly Resolution 95(I), Affirmation of the principles of international law recognized by the Charter of the Nuremberg Tribunal, UN Doc. A/RES/95(I), 11 December 1945 (<https://www.legal-tools.org/doc/bb7761/>).

<sup>10</sup> Rome Statute of the ICC, 17 July 1998 ('ICC Statute') (<https://www.legal-tools.org/doc/7b9af9/>).

<sup>11</sup> Some commentators mentioned Libya as the other State that voted against the ICC Statute's adoption (see Michael P. Scharf, "Results of the Rome Conference for an International Criminal Court", in *ASIL Insights*, 1998, vol. 3, no. 10). Some non-governmental organizations ('NGOs') (such as Human Rights Watch) did the same in the reports from Rome. However, at the margins of an international conference held in Siracusa (Italy) in September 1998, this author received a firm rebuttal from the Libyan delegates, who stressed that they had abstained in line with the Arab League's updated indications of vote, and that they would never have engaged in an unfriendly act towards Italy, the host state of the Diplomatic Conference of Plenipotentiaries. Some sources identify Syria as the other negative vote that had been cast in Rome. Public explanations of votes by China, Israel and the United States are available in "UN Diplomatic Conference Concludes in Rome With Decision to Establish Permanent International Criminal Court", Press release, 20 July 1998, L/2889 (<https://www.legal-tools.org/doc/458bd1/>).

humanity may occur either in wartime or peacetime (no nexus with armed conflict required); (ii) such crimes must be directed against any civilian population within the framework of a pattern of inhumane acts, which can be either widespread or systematic in nature: hence, these criteria of widespread scale or systematic planning are, I submit, alternative, not cumulative; (iii) the term of art used in the *chapeau* of the definition for this "course of conduct involving the multiple commission of [inhumane] acts" is "attack", which does not mean "armed attack", as agreed by all UN Member States when they adopted the Elements of Crimes of the ICC Statute on 30 June 2000 within the framework of the UN Preparatory Commission for the Establishment of an ICC:<sup>12</sup> an attack is brought about by a pattern of inhumane acts listed in the definition of crimes against humanity; (iv) 'civilian population' refers to the well-known concept of civilians who are not taking part in hostilities (*hors de combat*) in international humanitarian law,<sup>13</sup> during armed conflict, as well as to *all individuals constituting a population* during peacetime, pursuant to the scope of application of international human rights law.

Besides these essential features of the contextual elements of crimes against humanity under customary international law, as reflected in the *chapeau* of Article 7 of the ICC Statute, the latter contains a list of incriminated conduct that, for the first time in a legally-binding instrument, is accompanied by a second paragraph with substantive definitions (except for murder and imprisonment<sup>14</sup> which are not defined in the Statute but in the Elements of Crimes document). In other words, while the Statutes of *ad hoc* Tribunals adopted before the entry into force of the ICC Statute on 1 July 2002<sup>15</sup> contain lists of crimes of against humanity without speci-

<sup>12</sup> Due to its importance, Article 7(3) of the Elements of Crimes, 11 June 2010 (<https://www.legal-tools.org/doc/3c0e2d/>) is reproduced in its entirety below (italics added):

"Attack directed against a civilian population" in these context elements is understood to mean a course of conduct involving the multiple commission of acts referred to in article 7, paragraph 1, of the Statute against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack. *The acts need not constitute a military attack.* It is understood that "policy to commit such attack" requires that the State or organization actively promote or encourage such an attack against a civilian population.

<sup>13</sup> International Committee of the Red Cross, "Rule 5: Definition of Civilians", in *International Humanitarian Law Databases* (available on its web site).

<sup>14</sup> To better align the crime against humanity of imprisonment with the modern dictates of the principle of legality, the ICC Statute's drafters utilized the following formula in Article 7, para. 2, letter (e): "imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law". This means that only arbitrary forms of imprisonment qualify as incriminated conduct under the umbrella of crimes against humanity.

<sup>15</sup> Namely, (i) the IMT at Nuremberg; (ii) the IMT for the Far East at Tokyo (Charter of the International Military Tribunal for the Far East, 26 April 1946 (<https://www.legal-tools.org/doc/44f398/>), the Tribunal's charter is *not* an international treaty, as the London Agreement establishing the Nuremberg Tribunal, but it essentially replicates the latter international instrument's content (the judgement is available at <https://www.legal-tools.org/doc/8bef6f/>); (iii) the UN International Criminal Tribunals for the former Yugoslavia ('ICTY', Statute of the International Criminal Tribunal, Annex to Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993), UN Doc. S/25704 and Add.1, p. 36 (<https://www.legal-tools.org/doc/c2640a/>), UN Security Council Resolution 827 (1993), UN Doc. S/RES/827 (1993), 25 May 1993 (<https://www.legal-tools.org/doc/dc079b/>) and (iv) for Rwanda ('ICTR', Statute of the International Criminal Tribunal for Rwanda, Annex to UN Security Council Resolution 855 (1994), UN Doc. S/RES/955, 8 November 1994 (<https://www.legal-tools.org/doc/f5ef47/>), as amended by UN Security Council Resolution 1431 (2002), 14 August 2002 (<https://www.legal-tools.org/doc/2e567b/>); and (v) the

fications and qualifications, the latter provides a definition that has been the result of three intense years of inter-State negotiations and that meets the requirements of certainty and predictability under a modern international criminal law characterization of the principle of legality.<sup>16</sup>

The jurisprudence of international courts and tribunals had evolved until the ICC Statute of 1998, and subsequent instruments adopted by the international community<sup>17</sup> replicated the definition of its Article 7, which has been incorporated by a significant number of States in national laws or has been cited in relevant jurisprudence and legislation. It is therefore too late for some States to invoke its non-crystallization in international law, which, of course, should not be prejudicial to the progressive development of the law to better protect victims of crimes against humanity. To this end, the ILC inserted a new paragraph 3 in the definition of crimes against humanity replicated from the ICC Statute, in which it affirmed: “This draft article is without prejudice to any broader definition provided for in any international instrument, in customary international law or in national law”.<sup>18</sup> In other words, ICC Statute Article 7(1) and (2), as incorporated in ILC Draft Article 2, represent the bottom line or ‘minimum common denominator’ for a definition of crimes against humanity, which essentially reflects customary international law.

### 3. Next Steps Towards a Crimes Against Humanity Convention

Scholars, NGOs and some proactive States are proposing to use negotiations on crimes against humanity to improve its definition on key issues, for example (i) de-linking persecution from other international crimes;<sup>19</sup> (ii) aligning enforced disappearances of persons to the 2006 treaty definition; (iii) incorporating forced marriage in the list of sexual and gender-based crimes and addressing potential gaps and contradictions in these definitions; and (iv) expanding the crime of apartheid to ‘gender apartheid’ (in response, *inter alia*, to systematic deprivation of fundamental rights to women, girls and also boys in Taliban’s Afghanistan).

NGOs and scholars prepared submissions to State delegations

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Special Court for Sierra Leone (Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, 16 January 2002, UN Treaty Series vol. 2178, p. 137 (<https://www.legal-tools.org/doc/aa0e20/>)).

<sup>16</sup> For a comprehensive overview of the drafting options that States had ahead of the Rome Diplomatic Conference, see David Donat Cattin, “Crimes Against Humanity”, in Flavia Lattanzi (ed.), *The International Criminal Court: Comments to the Draft Statute*, Editoriale Scientifica, Napoli, 1998, pp. 49–93.

<sup>17</sup> For example, the Ljubljana–The Hague Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes Against Humanity, War Crimes and Other International Crimes, adopted on 26 May 2023 (<https://www.legal-tools.org/doc/swiuid/>).

<sup>18</sup> Draft Articles, Article 2, para. 3, see *supra* note 3.

<sup>19</sup> The jurisdictional link to other international crimes limiting the exercise of the ICC jurisdiction over persecution in the 1998 ICC Statute had been promptly identified by scholars as the only “retrogressive development” of treaty law *vis-à-vis* customary international law insofar as the definition of crimes against humanity was concerned, see David Donat Cattin, “A General Definition of Crimes Against Humanity Under International Law: The Contribution of the Rome Statute of the ICC”, in *L’Astrée—Revue de Droit Pénal et des Droits de l’Homme*, 1999, no. 8, Université Paris Panthéon-Sorbonne; and Gerhard Werle, *Principles of International Criminal Law*, T.M.C. Asser Press, The Hague, 2005, p. 257, footnote 239, citing a famous ICTY judgement of 2000 penned by Antonio Cassese, namely *Prosecutor v. Kupreškić et al.*, Trial Chamber, Judgement, 14 January 2000, IT-95-17-T, paras. 580–581 (<https://www.legal-tools.org/doc/5c6a53/>): “Article 7(1)(h) [on persecution] is not consonant with customary international law. [...] Accordingly, the Trial Chamber rejects the notion that persecution must be linked to crimes found elsewhere in the Statute [...]”.

participating in the UN process.<sup>20</sup> The Global Justice Center facilitated the drafting and issuance of a “Joint Statement in Support of Progress Toward a Crimes Against Humanity Convention”, signed by more than 200 NGOs from all regions of the world as well as more than 100 individuals with expertise in this field.<sup>21</sup>

The concept of a crimes against humanity convention is not new. It dates back at least to the 1990s when M. Cherif Bassiouni identified the gap in international criminal law treaty law<sup>22</sup> compared with genocide and war crimes (which had been respectively codified in the 1948 Genocide Convention and the 1949 Geneva Conventions, supplemented by the additional protocols of 1977 and preceded by The Hague Convention of 1907).

The ICC process partially addressed this gap, by offering States a unique forum for law-making at a time when there was considerable *political will* in the international community to contribute to the further development of a rules-based international order. However, the Rome Statute system is essentially jurisdictional, is based on the principle of complementarity, attributes the final decision on jurisdiction to the ICC itself, and is based on territoriality or active personality jurisdiction.<sup>23</sup> Even if 124 States from all regions of the world have ratified the ICC Statute, a significant number of States have decided to remain outside its jurisdictional system. Additionally, the ICC Statute focuses on individual criminal responsibility while a crimes against humanity convention would also address State responsibility to prevent these crimes and detail the modalities of applying the principle of individual criminal responsibility through the exercise of the States’ primary jurisdiction. The gap that Bassiouni identified in the mid-1990s is still present, albeit in somewhat muted form.<sup>24</sup>

What counts now is for the UN General Assembly to make a decision and move the agenda-item from a discussion on the Draft Articles to the negotiation of a treaty, starting the actual law-making process. To do so, it will probably be necessary to move out of the consensus-based procedure of the Sixth Committee, building on the in-depth analysis of the positions taken by representatives of the States there, which may bring about the identification of *four groups of States*, the composition of which may change depending on the circumstances of an eventual vote to take action in the plenary of

<sup>20</sup> See, for example, Amnesty International, “General Recommendations to States for a Convention on Prevention and Punishment of Crimes Against Humanity”, 3 March 2023; Global Justice Center, “Advancing Gender Justice in the Draft International Crimes Against Humanity Treaty”, August 2023; Amnesty International *et al.*, “Draft Articles on Prevention and Punishment of Crimes Against Humanity Should Advance Justice for Reproductive Autonomy”, 2023; Patricia Viseur Sellers, Jocelyn Getgen Kestenbaum and Alexandra L. Kather, “Including the Slave Trade in the Draft Articles on Prevention and Punishment of Crimes Against Humanity”, 2023; Valerie Oosterveld *et al.*, “The Draft *Crimes Against Humanity Convention* and Forced Marriage”, 2023.

<sup>21</sup> The present author was the first individual signatory. The list of signatories at the time of writing includes two Nobel Peace Prize winners, and is open to new signatories in both categories of NGOs and individuals through the *CAHTreatyNow* web site.

<sup>22</sup> M. Cherif Bassiouni, “Crimes Against Humanity: The Need for a Specialized Convention”, in *Columbia Journal of Transnational Law*, 1994, no. 31.

<sup>23</sup> Reference is made to the following provisions of the ICC Statute: jurisdictional criteria in Article 12; challenges to jurisdiction in Article 19; and the principle of complementarity in the Preamble and in Articles 1 and 17.

<sup>24</sup> For wider analyses of arguments for and against a crimes against humanity treaty (that have impacted the work of the ILC and the Sixth Committee), see Leila Nadya Sadat (ed.), *Forging a Convention for Crimes Against Humanity*, Cambridge University Press, 2011; and Morten Bergsmo and Song Tianying (eds.), *On the Proposed Crimes Against Humanity Convention*, Torkel Opsahl Academic EPublisher, Brussels, 2014 (<https://www.toaep.org/ps-pdf/18-bergsmo-song>).



the UN General Assembly:

1. The group of proponents of a new convention is the largest one within the UN, comprising at a minimum the 86 States that co-sponsored the crimes against humanity resolution in 2022<sup>25</sup> and that united their voices behind the positive statements presented on 4 April 2024 at the second resumed session of the Sixth Committee. There is a significant margin of growth for this group in the UN General Assembly.
2. The second group consists of those openly opposing negotiation of a convention. As discussed, this group includes States whose leaders are indicted for crimes against humanity before international or domestic jurisdictions (for example, Russia and Syria) or may be subject to investigations and prosecutions for international crimes attributable to leaders in the national chains of command (for example, Eritrea, Iran and Nicaragua). These countries are joined by a few States in which civil and political rights cannot be freely exercised by the civilian population. According to the record of interventions in the Sixth Committee sessions, these include Algeria, China and Cuba. Additionally, a democratic State like India might join this group, at least in light of the comments made in the Sixth Committee which are not in line with the previous statements of India in other fora (including at the Rome Diplomatic Conference in 1998, where India decided to abstain on the ICC Statute in the final plenary after its two proposals on the relationship between the Security Council and the ICC and the explicit criminalization of the use of nuclear weapons had been rejected through a no-motion vote in the Committee of the Whole).<sup>26</sup>
3. A third, undecided group has already intervened in the Sixth Committee debates criticizing the content of specific Draft Articles, without expressing a position concerning the next stage of potential negotiations. This rather limited group includes Turkey, Indonesia and, to a certain extent, some Arab States (for

example, Egypt, Qatar and Saudi Arabia). While these delegations manifested their commitment to putting an end to impunity for crimes against humanity, they have signalled a critical approach to the ‘double standards’ with which the international community is perceived to address issues of mass victimization and related investigations and prosecutions. However, this has not prevented Jordan, Lebanon and the UN observer State of Palestine from joining the first group of States.

4. A fourth group comprises those States that have been absent from the debate. This large group includes several micro-States in the Pacific and Caribbean (small island States) as well as some African and Asian countries, some of which took the bold decision to condemn the war of aggression of Russia against Ukraine in March 2022.<sup>27</sup> While this war and annexation began with the perpetration of the crime of aggression, it has also entailed the commission of many war crimes and crimes against humanity, which have also been the object of condemnation by the UN General Assembly. It is therefore expected that most of these small island States – largely States Parties to the ICC Statute – will renew their commitment to the promotion and respect of international law and will join the ‘yes group’.

The time frame between the second resumed session of the Sixth Committee and the regular (seventy-eighth) session of the UN General Assembly in October–November 2024 is strategically important to augment the consistency and strength of the group of positive States, which should be ready to vote for an Assembly resolution mandating an inter-governmental forum<sup>28</sup> to transform the ILC Draft Articles into a draft convention for the prevention and punishment of crimes against humanity, to become a legally-binding instrument of great relevance and importance for the protection of humankind.

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<sup>25</sup> The full list of these 86 States is reflected in the statement of The Gambia, “Statement by Mr. Amadou Jaiteh, Legal Adviser, Permanent Mission of The Gambia to the UN, on Behalf [of] a Cross-Regional Group of Member States”, 11–12 September 2023. According to Leila Sadat and Akila Radhakrishnan, this group of “positive States” consisted of 110 Members of the UN during 2023 creating a “continued positive momentum” in support of a crimes against humanity treaty (Leila Nadya Sadat and Akila Radhakrishnan, “Continued Positive Momentum on Crimes Against Humanity Treaty”, in *Just Security*, 9 November 2023).

<sup>26</sup> Concerning Articles 13(b) and 16, and on the inclusion of weapons of mass destruction in the definition of war crimes (Article 8), see *United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998, Official Records, Volume II: Summary Records of the Plenary Meetings and of the Meetings of the Committee of the Whole, UN, New York, 2002*, p. 360 (<https://www.legal-tools.org/doc/253396/>). In this author’s view any use of nuclear weapons in populated areas of the planet is already criminalized under the definition of Article 7 of the ICC Statute, as reproduced in ILC Draft Article 2. In particular, the definition of extermination mirrors the consequences of any use of atomic arms when it affirms that “[e]xtermination includes the intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population”.

<sup>27</sup> Shannon Tiezzi, “How Did Asian Countries Vote on the UN’s Ukraine Resolution? The Results Make Clear the Regional Differences in Attitudes Toward Russia”, *The Diplomat*, 3 March 2022; Abraham White and Leo Holtz, “Figure of the Week: African Countries’ Votes on the UN Resolution Condemning Russia’s Invasion of Ukraine”, *Brookings*, 9 March 2022.

<sup>28</sup> Permanent Mission of Austria to the UN in New York, tweet @AustriaUN, 4 April 2024 (last accessed on 22 April 2024): “In this week’s resumed session of the UNGA Legal Committee Austria supported the early convening of a diplomatic conference to adopt an international convention on prevention and punishment of crimes against humanity and offered to host such a conference in Vienna”.



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