SUMMARY CONTENTS

	p.	marg. no.
Contents	xi	
Table of Cases	xxiii	
Table of Statutes and International Instruments	xlix	
List of Abbreviations	lxxiii	
List of Contributors	lxxix	
List of General Reference Works	lxxxi	
Chapter One: Foundations	1	1
A. Historical Evolution of International Criminal Law	1	1
B. Concepts, Aims, and Legitimacy	34	96
C. International Criminal Law and the International Legal Order	60	160
D. Sources and Interpretation	74	190
E. Universal Jurisdiction, the Duty to Prosecute, Transitional Justice	93	255
F. The Relationship Between International and Domestic Courts	114	302
G. Prosecution of Crimes Under International Law by International		
and 'Internationalized' Courts	119	317
H. International Criminal Law in Practice	144	384
I. Domestic Implementation	179	461
Chapter Two: General Principles	205	205
A. Towards a General Theory of Crimes Under International Law	207	531
B. Material Elements	212	548
C. Mental Element	215	555
D. Individual Criminal Responsibility	233	607
E. Superior Responsibility	264	678
F. Grounds for Excluding Criminal Responsibility	277	715
G. Inchoate Crimes	302	792
H. Omissions	308	811
I. Immunity	311	820
J. Multiplicity of Offences	325	850
K. Requirements for Prosecution	331	869
Chapter Three: Genocide	334	334
A. Introduction	334	879
B. Material Elements	341	895
C. Mental Element	358	939
D. Incitement to Commit Genocide	367	958
E. Multiplicity of Offences	370	966
Chapter Four: Crimes Against Humanity	373	971
A. Introduction	374	973
B. Contextual Element (Attack on a Civilian Population)	379	987

X SUMMARY CONTENTS

	p.	marg. no.
C. Individual Acts	394	1022
D. Multiplicity of Offences	438	1140
C1		
Chapter Five: War Crimes	441	1144
A. Introduction	441	1145
B. Overall Requirements	460	1194
C. War Crimes Against Persons	478	1240
D. War Crimes Against Property and Other Rights	520	1377
E. Employing Prohibited Methods of Warfare	528	1399
F. Use of Prohibited Means of Warfare	563	1501
G. War Crimes Against Humanitarian Operations	578	1551
H. Multiplicity of Offences	582	1562
The state of the s		
Chapter Six: The Crime of Aggression	584	584
A. The Prohibition of Aggression Under International Law	585	1567
B. Criminal Responsibility Under Customary International Law		
(War of Aggression)	590	1577
C. The Crime of Aggression in the ICC Statute	601	1600
Index	615	

CONTENTS

	p.	marg. no.
Table of Cases	xxiii	
Table of Statutes and International Instruments	xlix	
List of Abbreviations	lxxiii	
List of Contributors	lxxix	
List of General Reference Works	lxxxi	
Chapter One: Foundations	1	1
A. Historical Evolution of International Criminal Law	1	1
I. Prologue: The Versailles Peace Treaty	2	6
II. Breakthrough: The Law of Nuremberg and Tokyo	6	16
1. The Nuremberg Charter and Trial	6	18
a) Creation of the Nuremberg Tribunal	6	18
b) Provisions of the Nuremberg Charter	7	21
c) The Nuremberg Judgment	8	24
d) Contemporary and Current Assessments	9	27
2. The Tokyo Charter and Trial	10	33
3. Control Council Law No. 10	12	37
III. Confirmation and Standstill: International Criminal Law During		
the Cold War	13	43
IV. Renaissance: The Establishment of the United Nations'		
ad hoc Tribunals	14	48
1. The Yugoslavia Tribunal	15	51
2. The Rwanda Tribunal	17	57
V. Consolidation: The ICC Statute and the Establishment of		
the International Criminal Court	18	59
1. Previous Efforts to Create a Permanent International		
Criminal Court	18	60
2. The Conference of Plenipotentiaries in Rome and the Entry into		
Force of the ICC Statute	20	63
3. The Review Conference in Kampala	23	72
4. The International Criminal Court as a World Court?	24	76
5. Significance of the ICC Statute	29	81
VI. Developments Since Adoption of the ICC Statute	30	84
Hybridization and Regionalization	30	85
2. Implementation	32	89
3. Fragmentation	33	92
B. Concepts, Aims, and Legitimacy	34	96
I. The Notions of 'International Criminal Law' and 'Crimes Under		
International Law	34	96
II. Aims and Legitimacy of International Criminal Law	37	105
III. The 'International Element' of Crimes Under International Law	42	118
IV. Purposes of Punishment	43	122

			p.	marg. no.
	V.	Nullum Crimen, Nulla Poena Sine Lege in International		
		Criminal Law	48	135
	VI.	The Principle of Personal Culpability	51	141
	VII.	Corporate Criminal Liability	51	144
	VIII.	Critical Perspectives on International Criminal Law	55	150
		1. Decontextualization and Dehistoricization	56	152
		2. Asymmetrical Enforcement	57	153
		3. Gaps in the Substantive Law	58	155
		4. Conclusion	59	157
C.	Inter	national Criminal Law and the International Legal Order	60	160
		International Criminal Law and State Responsibility	61	161
		Crimes Under International Law and International Crimes,		
		in Particular Treaty-Based Crimes	63	164
	III.	International Criminal Law, Supranational Criminal Law,		
		Cooperation in Criminal Matters, and Extraterritorial Jurisdiction	67	173
	IV.	International Criminal Law and Protection of Human Rights	68	177
		1. Protection of Human Rights through International Criminal Law	69	178
		2. The Function of Human Rights in Limiting International		
		Criminal Law	72	185
	V.	International Criminal Law and the Law of International		
		Criminal Procedure	72	186
D.	Sourc	es and Interpretation	74	190
	I.	General International Law	74	191
		1. Sources of Law	74	191
		a) International Treaties	75	194
		b) Customary International Law	76	196
		c) General Principles of Law	78	203
		2. Subsidiary Means for Determining the Law	78	205
	II.	Individual Sources	79	206
		1. ICC Statute	79	207
		2. The ICTY and ICTR Statutes	80	212
		3. The Nuremberg and Tokyo Charters	80	213
		4. Control Council Law No. 10	81	215
		5. Hague Regulations, Genocide Convention, Geneva Conventions	81	216
		6. Decisions of International Courts and Tribunals	81	217
		7. Resolutions of the UN General Assembly and the UN Security		
		Council, and Reports of the UN Secretary-General	82	219
		8. International Law Commission Drafts and Reports	82	221
		9. Drafts and Comments of International Scholarly Associations	83	222
		10. Decisions of National Courts	83	223
		11. National Legislation	84	225
		12. Military Manuals	84	226
	III.	Interpretation	84	227
	IV.	Determining and Interpreting the Law Through the International		
		Criminal Court	86	233
		1. Primary Sources of Law: Statute, Elements of Crime, Rules		
		of Procedure and Evidence	87	235
		2. Secondary Sources of Law: Treaty Law and Customary Law	88	239

	p.	marg. no.
3. Subsidiary Sources of Law: General Principles of Law		
and Domestic Law	90	245
4. Precedent	91	249
5. Human Rights Clause	92	250
6. Strict Construction	92	251
E. Universal Jurisdiction, the Duty to Prosecute, Transitional Justice	93	255
I. Universal Jurisdiction and the Power to Prosecute and Punish	95	258
II. The Duty to Prosecute	103	275
1. The Duty to Prosecute by the State of Commission	104	277
2. Do 'Third States' Have a Duty to Prosecute?	105	280
III. Transitional Justice and Crimes Under International Law	107	285
1. Options for Dealing with the Past	109	288
2. Non-Prosecution	112	297
F. The Relationship Between International and Domestic Courts	114	302
I. Direct and Indirect Enforcement	115	303
II. Exclusive Jurisdiction (Nuremberg Model)	116	307
III. Precedence of International Criminal Tribunals (Model of		
the United Nations' ad hoc Tribunals)	116	310
IV. Precedence of Domestic Courts	117	312
V. Complementarity (Model of the International Criminal Court)	117	313
G. Prosecution of Crimes Under International Law by International		
and 'Internationalized' Courts	119	317
I. The International Criminal Court	119	317
1. Jurisdiction	120	319
2. Organization of the Court and Parties to the Proceedings	123	328
3. Proceedings	125	337
4. Admissibility Test	129	344
II. The ad hoc Tribunals	133	354
1. The Yugoslavia Tribunal	134	355
2. The Rwanda Tribunal	135	359
III. 'Internationalized' Courts (Hybrid Courts)	136	361
The Special Court for Sierra Leone	136	363
2. The Special Tribunal for Lebanon	137	366
3. The Specialist Panels for Serious Crimes in East Timor	138	367
4. The Extraordinary Chambers in the Courts of Cambodia	139	369
5. The Extraordinary African Chambers	140	373
6. UNMIK, EULEX, and the Kosovo Specialist Chambers		
and Specialist Prosecutor's Office	141	376
7. The War Crimes Chamber in Bosnia and Herzegovina	143	380
8. The Special Criminal Court in the Central African Republic	143	381
H. International Criminal Law in Practice	144	384
I. The International Criminal Court	144	384
Democratic Republic of the Congo	145	387
2. Uganda	147	391
3. Central African Republic I and II	148	393
4. Mali	149	397
5. Darfur (Sudan)	150	400
6. Libya	151	402
J. LIVIN		102

			p.	marg. no
		7. Kenya	152	404
		8. Côte d'Ivoire	153	408
		9. Georgia	154	410
		10. Burundi	154	411
	II.	The ad hoc Tribunals	155	412
		1. The Yugoslavia Tribunal	155	412
		2. The Rwanda Tribunal	157	419
	III.	'Internationalized' Courts (Hybrid Courts)	158	421
		1. The Special Court for Sierra Leone	158	421
		2. The Special Tribunal for Lebanon	159	422
		3. The Special Panels for Serious Crimes in East Timor	160	424
		4. The Extraordinary Chambers in the Courts of Cambodia	160	425
		5. The Extraordinary African Chambers	161	426
		6. UNMIK and EULEX in Kosovo	161	427
		7. The War Crimes Chamber in Bosnia and Herzegovina	161	428
	IV.	Domestic Courts	162	429
		1. Crimes Under International Law Perpetrated by the		
		Nazi Regime	163	432
		2. Crimes Under International Law in the Former Yugoslavia	168	439
		3. Crimes Under International Law in Rwanda	170	443
		4. Crimes Under International Law in Latin America	173	448
		5. Crimes Under International Law in Iraq	176	454
		6. Crimes Under International Law in Syria and Northern Iraq	177	458
		7. Prosecution of Other Crimes	179	460
I.	Do	mestic Implementation	179	461
	I.	The Need for Implementation	180	463
	II.	Options for Implementation	182	466
		1. Complete Incorporation	182	467
		a) Direct Application	182	468
		b) Reference	182	469
		c) Copying	183	470
		2. Non-Incorporation—Applying 'Ordinary' Criminal Law	183	471
		3. Modified Incorporation	184	474
		4. Combinations	184	475
	III.	Forms of Incorporation	184	476
		1. Amendment of Existing Laws	185	477
		2. Self-Contained Codification	185	479
	IV.	Interpretation of International Criminal Law in a Domestic Context	186	481
	V.	The (German) Code of Crimes Against International Law	187	484
		1. Historical Background	188	485
		2. Aims	190	493
		3. Structure	191	496
		4. General Principles	191	497
		5. Genocide	192	501
		6. Crimes Against Humanity	193	502
		7. War Crimes	193	503
		8. Crime of Aggression	194	508
		9 Violations of Duty of Supervision	196	509

	<i>p</i> .	marg. no.
10. Universal Jurisdiction	196	511
11. The (German) Code of Crimes Against International Law		
in Practice	198	514
Chapter Two: General Principles	205	524
A. Towards a General Theory of Crimes Under International Law	207	531
I. The Concept of Crimes Under International Law	208	532
II. The Context of Organized Violence (International Element)	210	539
III. The Structure of Crimes Under International Law	211	540
1. Step One: Material Elements	211	541
2. Step Two: Mental Element	211	543
3. Step Three: Grounds for Excluding Responsibility	211	545
4. Requirements for Prosecution	212	547
B. Material Elements	212	548
I. Conduct	213	550
II. Consequence and Causation	213	551
III. Circumstances	214	553
C. Mental Element	215	555
I. Jurisprudence of the ad hoc Tribunals	216	559
II. Article 30 of the ICC Statute	218	564
1. Structure	218	565
2. Standard Requirements: 'Intent and Knowledge'	219	570
a) Intent as Regards the Criminal Conduct	219	571
b) Intent and Knowledge as Regards the Consequences of		
the Conduct	220	572
c) Knowledge as Regards the Circumstances of the Crime	223	577
3. Departures from the Standard Requirements	224	579
a) Sources of Other Provisions Within the Meaning of Article 30	224	580
aa) 'Otherwise Provided' in the ICC Statute	224	580
bb) 'Otherwise Provided' in the Elements of Crimes	225	582
cc) 'Otherwise Provided' in Customary International Law	226	584
b) Effects of Other Provisions Within the Meaning of Article 30		
of the ICC Statute	227	588
aa) Affirmation and Clarification	228	589
bb) Expansion of Criminal Liability	228	590
cc) Narrowing of Criminal Liability	229	595
III. The Context of the Crime and the Mental Element	230	597
IV. Conclusion	232	604
D. Individual Criminal Responsibility	233	607
I. Towards a Doctrine of Modes of Participation in International		
Criminal Law	234	609
1. International Case Law and Customary Law	234	609
2. ICC Statute	236	613
II. Commission	238	618
1. Commission as an Individual	239	621
2. Joint Commission	240	623
a) Joint Criminal Enterprise (ad hoc Tribunals)	240	624
b) ICC Statute	245	634

			p.	marg. no
		3. Commission Through Another Person	249	643
		4. Indirect Co-Perpetration and Joint Indirect Perpetration	252	652
	III.	Instigation and Ordering	254	659
		1. Instigation	255	660
		2. Ordering	257	665
	IV.	Assistance	258	668
	V.	Assisting the Commission of a Crime by a Group	262	675
E.	Supe	rior Responsibility	264	678
	I.	Superior-Subordinate Relationship	268	687
		1. Military Commanders	269	691
		2. Civilian Superiors	269	692
	II.	Mental Element	271	695
	III.	Failure to Take Necessary Measures	273	701
		1. Preventive Measures	273	702
		2. Repressive Measures	273	703
		3. Necessary and Reasonable Measures	274	705
	IV.	Commission of Crime as a Result of Violation of Duty of Control	275	710
F.	Grou	nds for Excluding Criminal Responsibility	277	715
	I.	Historical Development of Defences in International Criminal Law	277	716
		1. International Case Law	277	716
		2. ICC Statute	278	719
	II.	Self-Defence	279	721
		1. Self-Defence Situation	279	722
		a) Use of Force	279	723
		b) Defensible Interests	280	724
		2. Self-Defence Measures	281	728
		3. Mental Element	281	729
		4. Individual Self-Defence and a State's Right of Self-Defence	281	730
	III.	Necessity and Duress	282	732
		1. Threat to Life or Limb	283	737
		2. Necessary and Reasonable Measures	284	739
		3. Intention of Averting a Threat	285	741
		4. Balancing of Interests	285	742
		5. Self-Induced Necessity	286	743
		6. Limits on Duress and Necessity in Cases of Special Duty to		
		Assume Danger	286	745
	IV.	Mistake	287	746
		1. Mistake of Fact	288	749
		2. Mistake of Law	289	753
	V.	Superior Orders	290	758
		Basic Positions	291	759
		2. International Case Law and Customary International Law	292	763
		3. Article 33 of the ICC Statute	293	769
		Mental Disease or Defect	295	772
	VII.	Intoxication	297	777
		1. Destruction of the Capacity to Appreciate or Control Conduct	298	779
		2. Exclusion of Responsibility for Voluntary Intoxication?	298	780
	VIII	Other Grounds for Excluding Responsibility	300	784

		p.	marg. no.
G.	Inchoate Crimes	302	792
	I. Conspiracy	303	795
	II. Planning and Preparation	304	799
	III. Attempt and Abandonment	306	802
Η.	Omissions	308	811
I.	Immunity	311	820
	I. Immunity and International Criminal Law	311	821
	II. Functional Immunity (ratione materiae)	314	826
	1. International Courts	316	830
	2. Domestic Courts	316	832
	III. Personal Immunity (ratione personae)	317	833
	1. International Courts	319	837
	2. Domestic Courts	320	840
	3. Requests for Assistance by International Courts	321	841
	a) Ad hoc Tribunals	321	842
	b) International Criminal Court	321	843
	aa) Request for Assistance Regarding Officials of a State Party	321	844
	bb) Request for Assistance Regarding Officials of a		
	Non-State Party	322	845
	cc) Interplay with Article 98 ICC Statute: Request for		0.4
	Assistance to State Parties	323	847
	IV. Summary	324	849
J.	Multiplicity of Offences	325	850
	I. International Case Law	326	853
	II. Same Conduct	326	854
	1. Cumulative Charging	327	857
	2. Multiple Convictions	327	858
17	III. Sentencing	330	865
K.	Requirements for Prosecution	331	869
Ch	napter Three: Genocide	334	877
A.	Introduction	334	879
	I. The Phenomenon of Genocide	334	879
	II. History of the Crime	337	884
	III. Structure of the Crime	339	887
	IV. Protected Interests	339	890
В.	Material Elements	341	895
	I. Protected Groups	341	895
	Criteria for Group Classification	342	897
	2. National Groups	344	904
	3. Ethnic Groups	344	905
	4. Racial Groups	345	906
	5. Religious Groups	345	907
	6. Other Groups	346	909
	II. Individual Acts	348	912
	1. Killing	349	915
	2. Causing Serious Bodily or Mental Harm	349	916
	3. Inflicting Destructive Conditions of Life	351	919

	p.	marg. no.
4. Imposing Measures to Prevent Births	352	923
5. Forcibly Transferring Children	353	924
6. Is So-Called Ethnic Cleansing Genocide?	354	929
III. Must the Individual Act Form Part of a Collective Genocidal Activity?	355	931
C. Mental Element	358	939
I. General Requirements	358	941
II. Specific Intent to Destroy	359	945
1. The Term 'Intent'	359	946
2. The Group as the Object of Destructive Intent	361	948
3. The Notion of 'Destruction'	363	952
4. Intent to Destroy and Multiple Participants	365	953
5. Evidentiary Issues	366	957
D. Incitement to Commit Genocide	367	958
I. Structure of the Crime	367	959
II. Material Elements	369	963
III. Mental Element	370	965
E. Multiplicity of Offences	370	966
Chapter Four: Crimes Against Humanity	373	971
A. Introduction	374	973
I. The Phenomenon of Crimes Against Humanity	374	973
II. History of the Crime	374	975
III. Structure of the Crime	378	985
IV. Protected Interests	379	986
B. Contextual Element (Attack on a Civilian Population)	379	987
I. A Civilian Population as the Object of the Crime	380	988
II. Widespread or Systematic Attack	384	997
1. Attack	384	997
2. Widespread or Systematic Character	385	1000
III. The 'Policy Element'	387	1004
IV. Perpetrators	392	1018
V. Mental Element	393	1019
C. Individual Acts	394	1022
I. Murder	395	1024
II. Extermination	396	1027
III. Enslavement	399	1033
1. Definition	401	1037
2. Forced Labour	402	1043
3. Trafficking in Persons	403	1046
IV. Deportation or Forcible Transfer of Population	405	1049
V. Imprisonment	409	1060
VI. Torture	410	1065
VII. Sexual Violence	414	1079
1. Rape	417	1085
2. Sexual Slavery	420	1092
3. Enforced Prostitution	421	1094
4. Forced Pregnancy	421	1096
 Enforced Sterilization Other Forms of Sexual Violence 	422 422	1098 1099
o. Other forms of Sexual violence	422	1033

	p.	marg. no.
VIII. Persecution	423	1100
1. Material Elements	424	1103
2. Mental Element	428	1112
a) Political, Racial, or Religious Grounds	428	1114
b) Other Grounds	429	1116
IX. Enforced Disappearance	430	1119
X. Apartheid	434	1128
XI. Other Inhumane Acts	436	1136
D. Multiplicity of Offences	438	1140
Chapter Five: War Crimes	441	1144
A. Introduction	441	1145
I. Historical Development	442	1146
1. Laws of War and International Humanitarian Law	442	1147
2. National Criminal Law to Implement International		
Humanitarian Law	449	1167
3. International Criminal Law and International		
Humanitarian Law	451	1172
II. International Humanitarian Law and Criminal Sanctions	453	1175
III. War Crimes in Non-International Armed Conflict	456	1183
IV. Protected Interests	459	1189
V. Categories of War Crimes	459	1191
B. Overall Requirements	460	1194
I. Armed Conflict	460	1194
1. Conflict Scenarios	461	1195
2. Cyber Warfare	461	1196
II. Character of Armed Conflict	462	1198
International Armed Conflict	463	1199
a) Inter-State Conflict	463	1199
b) Intra-State or Transnational Armed Conflicts of an		
International Character	464	1201
aa) Wars of National Liberation	464	1202
bb) Other Intra-State or Transnational Conflicts	465	1203
c) Applicability of the Law of War Crimes Despite No Use		
of Force	467	1209
2. Non-International Armed Conflict	467	1211
3. Mixed Armed Conflicts	471	1221
III. Applicability of the Law of War Crimes, Ratione Temporis, and Loci	472	1223
IV. The Nexus Between the Individual Act and the Armed Conflict	473	1226
V. Mental Element	476	1234
Perpetrator's Awareness of the Conflict	476	1234
2. Wilfulness in the Law of War Crimes	477	1237
C. War Crimes Against Persons	478	1240
I. Victims of War Crimes Against Persons	478	1240
Persons Protected in the Geneva Conventions	478	1241
a) Protected Persons in International Conflicts	478	1242
b) Protected Persons in Non-International Conflicts	481	1252
c) Mental Element	482	1254
2. Persons Protected by Other Provisions	482	1255

		p.	marg. no.
II.	Killing	482	1256
III.	Killing and Wounding Combatants Who Have Laid Down		
	Their Arms towns is the second of the second	484	1260
IV.	Offences of Mistreatment	486	1265
	1. Torture	486	1267
	2. Causing Suffering or Injury to Health (International Conflict)	487	1271
	3. Mutilation	488	1275
	4. Biological, Medical, or Scientific Experiments	489	1280
	5. Inhuman or Cruel Treatment	491	1285
V.	Sexual Violence	492	1290
	1. Rape	494	1296
	2. Other Serious Forms of Sexual Violence	494	1298
VI.	Humiliating and Degrading Treatment	495	1301
	Compelled Service in Military Forces and Operations of War		
	(International Conflict)	498	1308
	1. Compelled Service in the Forces of a Hostile Power	498	1308
	2. Compelled Participation in Operations of War	499	1313
VIII.	Slavery	500	1316
	Forced Labour	501	1319
	Punishment Without Regular Trial	501	1321
	International Conflict	501	1321
	2. Non-International Conflict	504	1328
	3. Collective Punishment	505	1334
XI.	Unlawful Confinement (International Conflict)	506	1337
	Delay in Repatriation (International Conflict)	508	1342
	Hostage-Taking	508	1345
	Deportation or Forcible Transfer	510	1350
	International Conflict	510	1350
	2. Non-International Conflict	512	1354
XV.	Transferring a Party's Own Civilian Population into Occupied		
	Territory (International Conflict)	512	1357
XVI.	Conscription, Enlistment, and Use of Child Soldiers	514	1363
	Recruitment (Conscripting and Enlisting)	516	1369
	2. Using	518	1373
	3. Mental Element and Defences	519	1375
D. War	Crimes Against Property and Other Rights	520	1377
I.	Offences of Expropriation	520	1378
	1. Conduct	520	1378
	2. Object of the Conduct	521	1381
	3. Extent of Expropriation	522	1385
	4. Mental Element	523	1387
	5. Military Necessity	524	1388
II.	Offences of Destruction	525	1391
	1. Scope of the Criminal Provisions	525	1391
	2. Conduct	526	1393
	3. Object and Extent of the Offence and Military Necessity	526	1394
	4. Mental Element	527	1395
III.	Encroachments on Other Rights	527	1396

			p.	marg. no.
E.	Emp	oying Prohibited Methods of Warfare	528	1399
	I.	Introduction	528	1399
		1. Attacks on Non-Military Targets	528	1399
		2. Other Prohibited Methods of Warfare	529	1403
	II.	Attacks Against the Civilian Population	529	1406
		1. Material Elements	530	1408
		a) Civilians	530	1409
		b) Civilians Directly Participating in Hostilities	532	1412
		2. Mental Element	534	1416
		3. Targeted Killings	535	1417
	III.	Terror Against the Civilian Population	537	1422
	IV.	Attacks Against Civilian Objects	538	1426
		International Conflict	538	1426
		2. Non-International Conflict	540	1432
	V.	Attacks Against Specially Protected Objects	540	540
		Attacks on Persons and Objects Using the Emblems of		
		the Geneva Conventions	544	1442
	VII.	Attacks Causing Disproportionate Incidental Damage	545	1446
		1. International Conflict	545	1446
		2. Non-International Conflict	548	1455
	VIII.	Attacks on Undefended Non-Military Objects	548	1456
		International Conflict	548	1456
		2. Non-International Conflict	550	1460
	IX.	Perfidious Killing or Wounding	550	1461
		International Conflict	550	1461
		Non-International Conflict	552	1466
	X	Improper Use of Insignia	553	1468
	11.	International Conflict	553	1468
		a) Improper Use of Flags of Truce	553	1471
		b) Improper Use of Enemy Flags, Insignia, and Uniforms	554	1472
		c) Improper Use of Distinctive Emblems of the Geneva	001	11/2
		Conventions	554	1474
		d) Improper Use of Protected Insignia of the United Nations	555	1476
		e) Serious Consequences	555	1478
		Non-International Conflict	555	1479
	ΥI	Giving No Quarter	556	1480
		Starvation of the Civilian Population	558	1486
	Λ11.	International Conflict	558	1486
		Non-International Conflict	560	1493
	VIII	Use of Human Shields	561	1495
	AIII.	International Conflict	561	1495
		Non-International Conflict	562	1500
С	I Ioo o	f Prohibited Means of Warfare	563	1501
F.		Introduction	563	1501
	11.	International Armed Conflict	565 565	1506
		1. ICC Statute	565	1506
		a) Use of Poison or Poisoned Weapons	565	1506
		aa) The Term 'Poison'	565	1509
		bb) Poison Gas as Poison?	566	1511

		p.	marg. no.
	cc) Chemical Weapons of Mass Destruction	567	1512
	dd) Biological Weapons of Mass Destruction	568	1514
	b) Use of Poison Gas and Similar Substances	568	1515
	c) Use of Bullets that Expand or Flatten Easily in the Human Body	569	1519
	d) Use of Biological Weapons	570	1522
	e) Use of Weapons that Injure with Non-Detectable Fragments	570	1524
	f) Use of Blinding Laser Weapons	571	1526
	g) The Catch-All Offence of Article 8(2)(b)(xx) of the ICC Statute	571	1529
	2. Customary International Law	572	1531
	a) Nuclear Weapons	572	1533
	b) Chemical Weapons	573	1534
	c) Biological Weapons	574	1537
	d) Conventional Weapons	575	1540
	III. Non-International Armed Conflict	576	1542
	1. ICC Statute	576	1542
	2. Customary International Law	577	1545
G.	War Crimes Against Humanitarian Operations	578	1551
H.	Multiplicity of Offences	582	1562
Ch	napter Six: The Crime of Aggression	584	1565
	The Prohibition of Aggression Under International Law	585	1567
	I. Developments Prior to the Second World War	585	1567
	II. Current Status	588	1574
В.	Criminal Responsibility Under Customary International Law		
	(War of Aggression)	590	1577
	I. Nuremberg and the Criminality of Aggressive War	590	1578
	II. Material Elements	594	1584
	1. Aggressive War	594	1584
	2. Other Acts of Aggression	596	1591
	3. Perpetrators	597	1592
	4. Criminal Acts	598	1594
	III. Mental Element	599	1597
	IV. Jurisdiction	600	1598
C.	The Crime of Aggression in the ICC Statute	601	1600
	I. Definition of the Crime of Aggression	603	1604
	1. The Act of Aggression by a State	604	1605
	2. Manifest Violation of the UN Charter (Threshold Clause)	605	1607
	3. Criminal Acts	606	1610
	4. Perpetrators	607	1611
	5. Mental Element	608	1614
	II. The Involvement of the Security Council	608	1615
	III. The Exercise of Jurisdiction	610	1618
	1. Security Council Referral	611	1620
	2. Referral by a State Party and Proprio Motu Investigation	611	1621
	IV. Activating the Court's Jurisdiction	613	1626
	V. Complementarity	614	1627

Index 615