**The Rome Statute Reference Guide**

The Rome Statute is a treaty that established the International Criminal Court. The Rome Statute lays out the elements of international crimes, including genocide, crimes against humanity, and war crimes and prosecutes these crimes when states or nations are unable or unwilling to do so on their own.

Each crime is broken down into elements. The prosecution will argue during their hearing that the facts of the case meet each element of the crime charged. The defense will argue that the facts are not strong enough to meet each element, so the defendant should not be convicted.

**2025 Middle School MUN Crimes Charged: ICC v. William McKinley**

Article 7 - Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
2. **Murder;**

**(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;**

**(f) Torture**

 2. For the purpose of paragraph 1:

“Attack directed against any civilian population” means 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 organizational policy to commit such attack.

“Torture” means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions.

For the crimes against humanity, think about three main elements:

* Whether there was a physical commission of the inhumane act;
* Whether the conduct was related to or part of a widespread or systematic attack directed against a civilian population; and
* Whether the actor knew about the attack.

TIP: A crime against humanity must involve either large-scale violence or a methodical type of violence, not random, accidental, or isolated acts of violence. Additionally, prosecutors must prove that there is a State or organizational policy to commit an attack.

Article 8 - War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

1. For the purpose of this Statute, "war crimes" means:
2. Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

 **(i) Willful killing;**

 **(iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly**

For each of the war crimes, think about two main elements:

* Whether the conduct was related to an armed conflict; and
* Whether the actor intended and knew about each act and the armed conflict.

TIP: War crimes can be committed against a variety of victims, so there is no requirement to prove membership in a particular group or population. However, in contrast to crimes of genocide or against humanity, war crimes must always take place in the context of an armed conflict.

**2025 Middle School MUN Crimes Charged: ICC v. Winston Churchill**

Article 6 – Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

 **(c ) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part**

For each of the types of genocide, think about two main elements:

* Whether the actor intended to destroy, in whole or in part, a group by committing the act; and
* Whether the actor is actually responsible for committing the act.

TIP: Intent is the most difficult to determine. It is not enough that something was destroyed – the perpetrator(s) must have intended to destroy. Genocide can also be committed against only a part of the group, as long as the part is identifiable and substantial.

Article 7 - Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
2. **Murder**

 2. For the purpose of paragraph 1:

“Attack directed against any civilian population” means 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 organizational policy to commit such attack.

For the crimes against humanity, think about three main elements:

* Whether there was a physical commission of the inhumane act;
* Whether the conduct was related to or part of a widespread or systematic attack directed against a civilian population; and
* Whether the actor knew about the attack.

TIP: A crime against humanity must involve either large-scale violence or a methodical type of violence, not random, accidental, or isolated acts of violence. Additionally, prosecutors must prove that there is a State or organizational policy to commit an attack.

Article 8 - War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

1. For the purpose of this Statute, "war crimes" means:
2. Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:

 **(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;**

 **(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;**

 **(v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;**

For each of the war crimes, think about two main elements:

* Whether the conduct was related to an armed conflict; and
* Whether the actor intended and knew about each act and the armed conflict.

TIP: War crimes can be committed against a variety of victims, so there is no requirement to prove membership in a particular group or population. However, in contrast to crimes of genocide or against humanity, war crimes must always take place in the context of an armed conflict.

**2025 Middle School MUN Crimes Charged: ICC v. Mao Zedong**

Article 6 – Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

1. **Killing members of the group;**

 **(c ) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part**

For each of the types of genocide, think about two main elements:

* Whether the actor intended to destroy, in whole or in part, a group by committing the act; and
* Whether the actor is actually responsible for committing the act.

TIP: Intent is the most difficult to determine. It is not enough that something was destroyed – the perpetrator(s) must have intended to destroy. Genocide can also be committed against only a part of the group, as long as the part is identifiable and substantial.

Article 7 - Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

**(b) Extermination;**

**(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;**

**(k) 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:

“Attack directed against any civilian population” means 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 organizational policy to commit such attack.

“Extermination” 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;

“Persecution” means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.

For the crimes against humanity, think about three main elements:

* Whether there was a physical commission of the inhumane act;
* Whether the conduct was related to or part of a widespread or systematic attack directed against a civilian population; and
* Whether the actor knew about the attack.

TIP: A crime against humanity must involve either large-scale violence or a methodical type of violence, not random, accidental, or isolated acts of violence. Additionally, prosecutors must prove that there is a State or organizational policy to commit an attack.