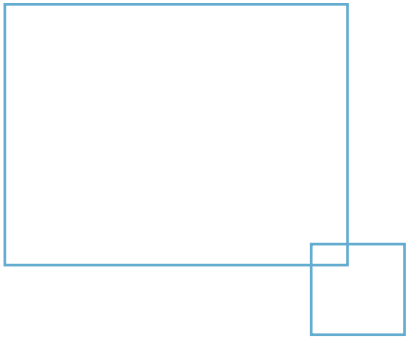
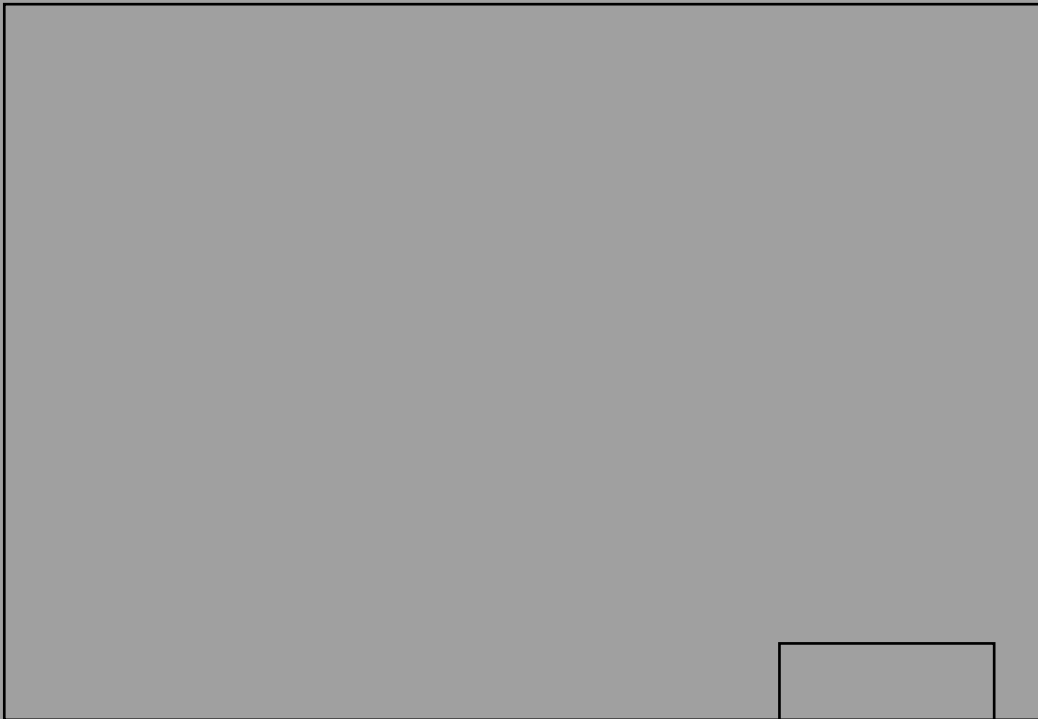


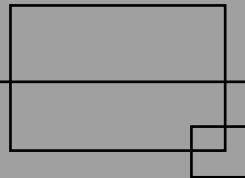


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Secretary-General Ban visits Auschwitz-Birkenau, Poland
UN Photo/Evan Schneider



Cover photos (counter-clockwise from top):

Santa Cruz massacre 17th anniversary march, Dili, UN Photo/Martine Perret

A woman testifies in the trial of former Guatemalan military dictator, Photo © Elena Hermosa/Trocaire, licensed under Creative Commons Attribution 2.0 Generic license

A woman mourns at the Srebrenica-Potocari memorial and cemetery, AP Photo/Marko Drobnyakovic

Darfur village abandoned after heavy clashes, UN Photo/Albert González Farran

Rwandan refugees returning from Goma, UN Photo/John Isaac

Young children at the "Killing Fields" memorial in the outskirts of Phnom Penh, UN Photo/John Isaac

Foreword

by the Secretary-General of the United Nations

All of us have a responsibility to ask ourselves what we can do to protect populations from the most serious international crimes: genocide, crimes against humanity and war crimes. These crimes continue to be perpetrated in many places across the world. Although calls for accountability are now the norm when such crimes are committed, impunity is all too common. We can and must do more, much earlier, to save lives and prevent societies from collapsing and descending into horrific violence.

The first thing we can do is to be more alert and pay attention to the warning signs. Atrocity crimes take place on a large scale, and are not spontaneous or isolated events; they are processes, with histories, precursors and triggering factors which, combined, enable their commission.

My Special Advisers on the Prevention of Genocide and on the Responsibility to Protect have developed this Framework of Analysis for the Prevention of Atrocity Crimes as a guide for assessing the risk of genocide, crimes against humanity and war crimes. With the help of the Framework, we can better sound the alarm, promote action, improve monitoring or early warning by different actors, and help Member States to identify gaps in their atrocity prevention capacities and strategies.

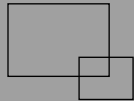
I am pleased to present this Framework at a time when the United Nations is undergoing a system-wide revision of the way we respond to situations where serious violations of international human rights and

humanitarian law are happening or could happen. Through the “Human Rights Up Front” initiative, we are committed to upholding the promise of “never again” and drawing lessons from past failures. In practice, it means putting human rights, the protection of populations and the prevention of atrocity crimes at the centre of our work.

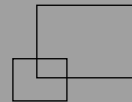
As affirmed at the 2005 World Summit, States have the primary responsibility for protecting their own populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The international community has committed to support each State in this endeavour and, should States manifestly fail in meeting their responsibilities, to take collective action in a timely and decisive manner in line with the United Nations Charter.

I therefore urge the widest possible use of this Framework to support prevention strategies at the national, regional and international levels. Prevention means acting early; to do that, we need to know what to look for. Together with a commitment to accountability, we owe this to the millions of victims of the horrific international crimes of the past — and those whose lives we may be able to save in the future.

BAN Ki-moon
United Nations Secretary-General
July 2014



Atrocity crimes are considered to be the most serious crimes against humankind. Their status as international crimes is based on the belief that the acts associated with them affect the core dignity of human beings.



the 1977 Additional Protocol I. In the case of non-international armed conflicts, common Article 3 of the four 1949 Geneva Conventions affords protection to “persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ‘hors de combat’ by sickness, wounds, detention, or any other cause”. It also includes those protected under the 1977 Additional Protocol II. Protection under international humanitarian law in both types of conflicts covers medical and religious personnel, humanitarian workers and civil defence staff. When speaking about potential victims of war crimes, the Framework will refer to them as “those protected under international humanitarian law”.

Due to the diversity of types of victims of the three crimes, when speaking broadly about potential victims of atrocity crimes as protected by international law, the Framework will refer to them as “protected groups, populations or individuals”.

Why is it important to prevent atrocity crimes?

One of the principal roles of the United Nations Special Advisers on the Prevention of Genocide and on the Responsibility to Protect is to mobilize action for the prevention of atrocity crimes. The first and most compelling reason for this focus is the imperative to preserve human life. Atrocity crimes are, for the most part, large-scale events that, if prevented, will avoid significant loss of human life, as well as physical, psychosocial and psychological damages and trauma. However, there are also other significant reasons to focus on prevention.

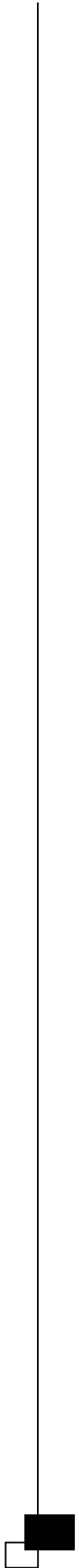
Atrocity crimes tend to occur in countries with some level of instability or crisis. Consequently, measures taken to prevent these crimes are likely to contribute to national peace and stability. Prevention also serves the larger agenda of regional and international peace and stability. Atrocity crimes and their consequences can spill over into neighbouring countries by, for example, creating or reinforcing tensions between groups that are defined along religious or ethnic lines rather than by national borders. The United Nations

Security Council has stated in several of its resolutions that serious and gross breaches of international human rights and humanitarian law constitute threats to international peace and security. The preamble to the Rome Statute of the International Criminal Court also states that international crimes “threaten the peace, security and well-being of the world”.

A further key reason for focusing on the prevention of atrocity crimes lies in the fact that prevention is much less costly than intervening to halt these crimes, or dealing with their aftermath. Wars, humanitarian crises, the rebuilding of nations and the building of sustainable peace after conflict require high and sustained levels of international support, often over many years. The political cost and challenges of early engagement by the international community are also less than when crises are imminent or ongoing.

The responsibilities that fall on States through ratified treaties or customary law entail an obligation not only to punish atrocity crimes but also to prevent them. In some cases, such as for the crime of genocide, the obligation to prevent contained in the Convention on the Prevention and Punishment of the Crime of Genocide (Article I) has become a norm of customary international law, which means that it is mandatory for all States, regardless of whether they have ratified the Convention. The obligation to “respect and ensure respect for international humanitarian law”, as contained in common Article 1 of the Geneva Conventions, is also considered to be a norm of customary international law. This provision can be interpreted as including an obligation to prevent violations of international humanitarian law, including war crimes.

International human rights law also places obligations on State Parties to take steps to prevent the acts it seeks to prohibit. For example, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment specifies in Article 2 that State Parties “shall take effective legislative, adminis



and support democratic governance and crisis prevention initiatives; and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), through its coordination work among humanitarian actors with the aim of reducing the impact of conflict. The United Nations human rights monitoring mechanisms, such as the human rights treaty bodies and the Human Rights Council's special procedures, can also play an important early warning role.

What is the Framework of Analysis?

In 2009, the then Office of the Special Adviser on the Prevention of Genocide developed a framework of analysis to support the assessment of the risk of the crime of genocide from an early warning perspective. However, with the subsequent expansion of the Office's responsibilities to also support the work of the Special Adviser on the Responsibility to Protect, there was a need to develop a framework that could be used to analyse not only the risk of genocide but also the risk of crimes against humanity, war crimes and ethnic cleansing. In addition, new dynamics and a better understanding of the processes of atrocity crimes prompted the need for a revision of the elements included in the initial framework.

The present Framework replaces the previous document and provides an integrated analysis and risk assessment tool for atrocity crimes. The revision also reflects recent developments and new research into the processes that lead to those crimes. It was subject to consultations within and outside the United Nations system. The result is a Framework that serves as a working tool for the assessment of the risk of atrocity crimes in all parts of the world and in identifying those countries most at risk.


To be effective, assessments require the systematic collection of accurate and reliable information based on the risk factors and indicators that the Framework identifies. The broad risk factors and the more specific indicators reflect definitions of the crimes in international law, case law from the work of international courts or tribunals, and empirical analysis of past and present situations.

Given the absence of a conceptual definition common to all war crimes, such as that which exists for genocide and crimes against humanity, the Framework focuses only on war crimes that have an impact on the protection of human life, this being the primary objective of preventive action. In addition, given the focus of the Responsibility to Protect principle on the protection of populations from the most serious violations of international human rights and humanitarian law, the Framework covers war crimes that assume a more systematic or widespread pattern of conduct. Finally, given that ethnic cleansing does not have a distinct legal definition as an international crime, but includes acts that can constitute other atrocity crimes or elements of them, it has been integrated into the analysis of the risk factors for those crimes.


This Framework is a public document. The Office encourages and welcomes its use by international, regional and national actors as a tool either for early warning mechanisms, or for other mechanisms used for monitoring, assessment and forecasting. In addition, the Office recommends that Member States use the Framework to help identify both areas of success as well as gaps in atrocity prevention capacities and strategies at the national level.

What are risk factors and indicators?

Risk factors are conditions that increase the risk of or susceptibility to negative outcomes. Those identified in this framework include behaviours, circumstances or elements that create an environment conducive to the commission of atrocity crimes, or indicate the potential, probability or risk of their occurrence. Risk factors are not all the same. Some are structural in nature, such as the weakness of State structures, while others pertain to more dynamic circumstances or events, such as triggering factors. Triggers and other dynamic elements transform general risk into



The UN Secretary-General's Special Advisers on the Prevention of Genocide and on the Responsibility to Protect work together to advance national and international efforts to protect populations from atrocity crimes.



an increased likelihood that atrocities crimes will be committed.

The indicators included in this framework are different manifestations of each risk factor, and therefore assist in determining the degree to which an individual risk factor is present. The particular indicators identified in the Framework have been drawn from past and current cases, but are not intended to be exhaustive.

risk factors tend to be manifest sooner than specific risk factors. Information that confirms the presence of specific risk factors is sometimes more difficult to obtain at an early stage.

Second, the more risk factors (and the greater number of relevant indicators) that are present, the greater the risk that an atrocity crime may be committed. Also, the greater the number of indicators of a particular risk factor that are present, the greater the importance and role of that factor in a particular situation.

Third, the risk factors and the indicators are not ranked, as their relative importance will differ according to the particular context. Even though

II.

RISK FACTOR 1

COMMON

Situations of armed conflict or other forms of instability

Situations that place a State under stress and generate an environment conducive to atrocity crimes.

Indicators

- 1.1 International or non-international armed conflict.
- 1.2 Security crisis caused by, among other factors, defection from peace agreements, armed conflict in neighboring countries, threats of external interventions or acts of terrorism.
- 1.3 Humanitarian crisis or emergency, including those caused by natural disasters or epidemics.
- 1.4 Political instability caused by abrupt or irregular regime change or transfer of power.
- 1.5 Political instability caused by disputes over power or growing nationalist, armed or radical opposition movements.
- 1.6 Political tension caused by autocratic regimes or severe political repression.
- 1.7 Economic instability caused by scarcity of resources or disputes over their use or exploitation.
- 1.8 Economic instability caused by severe crisis in the national economy.
- 1.9 Economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities.
- 1.10 Social instability caused by resistance to or mass protests against State authority or policies.

Record of serious violations of international human rights and humanitarian law

Past or current serious violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct, and including those amounting to atrocity crimes, that have not been prevented, punished or adequately addressed and, as a result, create a risk of further violations.

Indicators	
2.1	Past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals.
2.2	Past acts of genocide, crimes against humanity, war crimes or their incitement.
2.3	Policy or practice of impunity for or tolerance of serious violations of international human rights and humanitarian law, of atrocity crimes, or of their incitement.
2.4	Inaction, reluctance or refusal to use all possible means to stop planned, predictable or ongoing serious violations of international human rights and humanitarian law or likely atrocity crimes, or their incitement.
2.5	Continuation of support to groups accused of involvement in serious violations of international human rights and humanitarian law, including atrocity crimes, or failure to condemn their actions.
2.6	Justification, biased accounts or denial of serious violations of international human rights and humanitarian law or atrocity crimes.
2.7	Politicization or absence of reconciliation or transitional justice processes following conflict.
2.8	Widespread mistrust in State institutions or among different groups as a result of impunity.

Comment:

Societies that have a history of violence and serious violations of international human rights and humanitarian law or atrocity crimes, or where these are currently taking place, can be more prone to further atrocity crimes. As history has demonstrated, atrocity crimes in general and genocide in particular are preceded by less widespread or systematic serious violations of international human rights and humanitarian law. These are typically violations of civil and political rights, but they may include also severe restrictions to economic, social and cultural rights, often linked to patterns of discrimination or exclusion of protected groups, populations or individuals. This risk factor is also relevant where the legacies of past atrocity crimes have not been adequately addressed through individual criminal accountability, reparation, truth-seeking and reconciliation processes, as well as comprehensive reform measures in the security and judicial sectors. A society in this situation is more likely to resort again to violence as a form of addressing problems.

RISK FACTOR 3

COMMON

Weakness of State structures

Circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes.

Indicators

- 3.1 National legal framework that does not offer ample and effective protection, including through ratification and domestication of relevant international human rights and humanitarian law treaties.
- 3.2 National institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training.
- 3.3 Lack of an independent and impartial judiciary.
- 3.4

RISK FACTOR 4

COMMON

Motives or incentives

RISK FACTOR 5

COMMON

Capacity to commit atrocity crimes

Conditions that indicate the ability of relevant actors to commit atrocity crimes.

Indicators

- | | |
|-----|--|
| 5.1 | Availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement. |
| 5.2 | Capacity to transport and deploy personnel and to transport and distribute arms and ammunition. |
| 5.3 | Capacity to encourage or recruit large numbers of supporters from populations or groups, and availability of the means to mobilize them. |
| 5.4 | Strong culture of obedience to authority and group conformity. |
| 5.5 | Presence of or links with other armed forces or with non-State armed groups. |
| 5.6 | Presence of commercial actors or companies that can serve as enablers by providing goods, services, or other forms of practical or technical support that help sustain perpetrators. |
| 5.7 | |

RISK FACTOR 7

COMMON

Enabling circumstances or preparatory action

Events or measures, whether gradual or sudden, which provide an environment conducive to the commission of atrocity crimes, or which suggest a trajectory towards their perpetration.

Indicators

- | | |
|------|---|
| 7.1 | Imposition of emergency laws or extraordinary security measures that erode fundamental rights. |
| 7.2 | Suspension of or interference with vital State institutions, or measures that result in changes in their composition or balance of power, particularly if this results in the exclusion or lack of representation of protected groups. |
| 7.3 | Strengthening of the security apparatus, its reorganization or mobilization against protected groups, populations or individuals. |
| 7.4 | Acquisition of large quantities of arms and ammunition or of other objects that could be used to in ict harm. |
| 7.5 | Creation of, or increased support to, militia or paramilitary groups. |
| 7.6 | Imposition of strict control on the use of communication channels, or banning access to them. |
| 7.7 | Expulsion or refusal to allow the presence of NGOs, international organizations, media or other relevant actors, or imposition of severe restrictions on their services and movements. |
| 7.8 | Increased violations of the right to life, physical integrity, liberty or security of members of protected groups, populations or individuals, or recent adoption of measures or legislation that affect or deliberately discriminate against them. |
| 7.9 | Increased serious acts of violence against women and children, or creation of conditions that facilitate acts of sexual violence against those groups, including as a tool of terror. |
| 7.10 | Imposition of life-threatening living conditions or the deportation, seizure, collection, segregation, evacuation, or forced displacement or transfer of protected groups, populations or individuals to camps, rural areas, ghettos or other assigned locations. |
| 7.11 | Destruction or plundering of essential goods or installations for protected groups, populations or individuals, or of property related to cultural and religious identity. |
| 7.12 | Marking of people or their property based on affiliation to a group. |
| 7.13 | Increased politicization of identity, past events or motives to engage in violence. |
| 7.14 | Increased inflammatory rhetoric, propaganda campaigns or hate speech targeting protected groups, populations or individuals. |

Comment:

Atrocity crimes, and in particular genocide and crimes against humanity, are processes that take time to plan, coordinate and implement. They cannot be explained as isolated or spontaneous events that perpetrators decided to commit without some level of preparation. Also, as mentioned in a previous risk factor, perpetrators need to possess sufficient resources to be able to commit massive or widespread acts of violence. Such resources are not always readily available and can take time to assemble. Consequently, throughout the development of these processes, it should be possible to

Triggering factors

Events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset.

Indicators	
8.1	Sudden deployment of security forces or commencement of armed hostilities.
8.2	Spillover of armed conflicts or serious tensions in neighbouring countries.
8.3	Measures taken by the international community perceived as threatening to a States' sovereignty.
8.4	Abrupt or irregular regime changes, transfers of power, or changes in political power of groups.
8.5	Attacks against the life, physical integrity, liberty or security of leaders, prominent individuals or members of opposing groups. Other serious acts of violence, such as terrorist attacks.
8.6	Religious events or real or perceived acts of religious intolerance or disrespect, including outside national borders.
8.7	Acts of incitement or hate propaganda targeting particular groups or individuals.
8.8	Census, elections, pivotal activities related to those processes, or measures that destabilize them.
8.9	Sudden changes that affect the economy or the workforce, including as a result of financial crises, natural disasters or epidemics.
8.10	Discovery of natural resources or launching of exploitation projects that have a serious impact on the livelihoods and sustainability of groups or civilian populations.
8.11	Commemoration events of past crimes or of traumatic or historical episodes that can exacerbate tensions between groups, including the glorification of perpetrators of atrocities.
8.12	Acts related to accountability processes, particularly when perceived as unfair.

Comment:

The dynamics of atrocity crimes are not the same in all cases. In fact, they can vary considerably. The commission of atrocity crimes may progress at a faster pace if the perpetrators have a clear plan and the immediate capacity to implement it. In other situations, the commission of atrocity crimes might unfold at a late stage of a situation of serious crisis or tension that may have been lasting for a long period of time. It can also happen that unpredictable events or circumstances aggravate conditions or spark a sudden deterioration in a situation, prompting the perpetration of atrocity crimes. An adequate early warning assessment should be mindful of all such events or circumstances and consider their potential impact, even if they appear to be unrelated to more direct or structural risk factors.

RISK FACTOR 9

GENOCIDE

Intergroup tensions or patterns of discrimination against protected groups

5

Past or present conduct that reveals serious prejudice against protected groups and that creates stress in the relationship among groups or with the State, generating an environment conducive to atrocity crimes.

Signs of an intent to destroy in whole or in part a protected group

Facts or circumstances that suggest an intent, by action or omission, to destroy all or part of a protected group based on its national, ethnical, racial or religious identity, or the perception of this identity.

Indicators

- | | |
|------|--|
| 10.1 | Official documents, political manifests, media records, or any other documentation through which a direct intent, or incitement, to target a protected group is revealed, or can be inferred in a way that the implicit message could reasonably lead to acts of destruction against that group. |
| 10.2 | Targeted physical elimination, rapid or gradual, of members of a protected group, including only selected parts of it, which could bring about the destruction of the group. |
| 10.3 | Widespread or systematic discriminatory or targeted practices or violence against the lives, freedom or physical and moral integrity of a protected group, even if not yet reaching the level of elimination. |
| 10.4 | Development of policies or measures that seriously affect the reproductive rights of women, or that contemplate the separation or forcible transfer of children belonging to protected groups. |
| 10.5 | Resort to methods or practices of violence that are particularly harmful against or that dehumanize a protected group, that reveal an intention to cause humiliation, fear or terror to fragment the group, or that reveal an intention to change its identity. |
| 10.6 | Resort to means of violence that are particularly harmful or prohibited under international law, including prohibited weapons, against a protected group. |
| 10.7 | Expressions of public euphoria at having control over a protected group and its existence. |
| 10.8 | Attacks against or destruction of homes, farms, businesses or other livelihoods of a protected group and/or of their cultural or religious symbols and property. |

Comment:

The intent to destroy in whole or in part a national, ethnical, racial or religious group is both one of the most fundamental and one of the most difficult elements of the crime of genocide to prove. It is also a challenging element to predict from an early warning perspective. Frequently, the intent only comes to light after a crime has taken place, typically during accountability processes, or sometimes when it might be too late to take preventive action due to the advanced level of the violence. However, there are some early indicators that can serve as a warning sign. Those indicators are unlikely to be explicit, but they can also be inferred from conduct that would reasonably lead to the belief, even if not the certainty, that the intent of or a plan for annihilation could exist. Indicators can include overt methods of destruction, or otherwise covert or indirect methods that in practice lead to the same ultimate result. In addition, case law has associated intent with the existence of a State or organizational plan or policy, even if the definition of genocide in international law does not include that element. As genocide is not a spontaneous act, it is unlikely that it will be committed in the absence of such a plan or policy.

Signs of a plan or policy to attack any civilian population

Facts or evidence suggestive of a State or organizational policy, even if not explicitly stipulated or formally adopted, to commit serious acts of violence directed against any civilian population.

Indicators	
12.1	Official documents, political manifestos, media records, or any other documentation through which the existence of a State or organizational plan or policy to target civilian populations or protected groups is directly revealed, or could be inferred.
12.2	Adoption of discriminatory security procedures against different groups of the civilian population.
12.3	Adoption of measures that result in the alteration of the ethnic, religious, racial or political composition of the overall population, including in defined geographical areas.
12.4	Establishment of parallel institutions or autonomous political or military structures, or organization of a network of potential perpetrators belonging to a specific ethnic, religious, national, racial or political group.
12.5	Preparation and use of significant public or private resources, whether military or other kinds.
12.6	Access to and use of weaponry or other instruments not easily obtained inside the country.
12.7	Preparation or mobilization of armed forces en masse against civilian populations.
12.8	Facilitating or inciting violence against the civilian population or protected groups, or tolerance or deliberate failure to take action, with the aim of encouraging violent acts.
12.9	Widespread or systematic violence against civilian populations or protected groups, including only parts of them, as well as on their livelihoods, property or cultural manifestations.
12.10	Involvement of State institutions or high-level political or military authorities in violent acts.

Comment:

In addition to the requirement that attacks against the civilian population be widespread or systematic, crimes against humanity are committed in furtherance of a State or organizational policy to commit an attack. Even though this is not included in the definition of the crime under Article 7(1) of the Rome Statute, Article 7(2)(a) of the same document introduces this element. The plan or policy does not need to be explicitly stipulated or formally adopted and can, therefore, be inferred from the totality of the circumstances. Early signs of those circumstances, such as the indicators mentioned above, reveal planning, promotion or encouragement of violent acts, even if not explicitly presented as such. Conduct that manifests as widespread or systematic, as described in the previous risk factor, can be an indication of a plan or policy. On the other hand, a plan or policy can point to the systematic nature of an

Rhuw Factor 13 indicators, continued

13.13 Issuance of rules of engagement or legislation that allow the disproportionate or indiscriminate use of force, or failure to take action to avoid launching such attacks or to conduct military operations in heavily populated areas or to non-military targets.

13.14 Increase in the number of any of the attacks or operations mentioned in point 13.13.

Serious threats to humanitarian or peacekeeping operations

Con ict-related conduct that threatens the protection provided by international humanitarian law to humanitarian assistance or peacekeeping personnel not taking direct part in hostilities.

Indicators

14.1	Perceptions of partiality or political interference by humanitarian or peacekeeping operations, their members, the broader international community, international, regional or national organizations, individual countries, or others sponsoring or participating in the operations.
14.2	Increase in identity-based con icts and perceptions about humanitarian or peacekeeping operations as associated with the opponent or as an obstacle to plans of elimination, marginalization or displacement.
14.3	Increased intensity of the con ict and scarcity of livelihoods or other resources.
14.4	Fragmentation of parties to the con ict or disintegration of chains of command within them.
14.5	Interference, limitation or prohibition of access or movement of humanitarian or peacekeeping operations or their personnel.
14.6	Tampering with or removal of signs identifying protected objects or locations where humanitarian or peacekeeping operations are stationed or providing support.
14.7	Incidents of improper use of a ag of truce, of the ag or of the military insignia and uniform of the United Nations and the distinctive emblems of the Geneva Conventions.
14.8	Attacks against locations in close proximity to humanitarian or peacekeeping operations and personnel, or on the routes taken by them during their activities.
14.9	Discourse or evidence of plans that suggest a threat, or the incitement or tolerance of acts of violence against humanitarian or peacekeeping operations and personnel.
14.10	Disrespect, threats or increase in attacks to objects, property or persons using the distinctive emblems of the Geneva Conventions or of other humanitarian or peacekeeping operations.

Comment:

International humanitarian law affords speci c protection to those working for humanitarian assistance or peacekeeping missions in a setting of armed con ict, as long as they do not take direct part in hostilities, except for self-defense. These operations are particularly exposed to the violence that accompanies periods of con ict due to the key role they play in the protection of human lives and the alleviation of human suffering during those periods. A set of speci c indicators can help in assessing the likelihood of attacks against this group that could constitute war crimes. As the focus of the Framework is the protection of human life, attacks against property of humanitarian or peacekeeping operations have been included only as indicators of an increased risk to the lives of their staff.

Legal Definitions of Atrocity Crimes

Genocide

Crimes against Humanity

Crimes against humanity have not been codified in a treaty, similar to genocide and war crimes. However, the definition has developed under customary law and through the jurisdiction of international courts. Article 7(1) of the Rome Statute of the International Criminal

Court; Article 5 of the Statute of the International Criminal Tribunal for the former Yugoslavia and Article 3 of the Statute of the International Criminal Tribunal for Rwanda, include definitions of crimes against humanity, even though they do not totally coincide.

Rome Statute of the International Criminal Court

Article 7

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:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under inter-

War Crimes

War crimes are those violations of international humanitarian law that incur perpetrators in individual criminal responsibility under international law. There is no one single document that codifies all war crimes. Lists can be found in both international humanitarian law and international criminal law treaties, as well as in international customary law. The 1949 Geneva Conventions and 1977 Additional Protocol I contain lists. Article 8 of the Rome Statute of the International Criminal Court; Article 2 and 3 of the Statute of the International Criminal Tribunal for the former Yugoslavia and Article 4 of the Statute of the International Criminal Tribunal for Rwanda, also include lists of war crimes. They do not always coincide.

Rome Statute of the International Criminal Court

Article 8

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.
2. For the purpose of this Statute, "war crimes" means:
 - (a) 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) Wilful killing;
 - (ii) Torture or inhuman treatment, including biological experiments;
 - (iii) Wilfully causing great suffering, or serious injury to body or health;
 - (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
 - (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
 - (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
 - (vii) Unlawful deportation or transfer or unlawful confinement;
 - (viii) Taking of hostages.
 - (b) 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;
 - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

- (xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;
 - (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;
 - (xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
 - (xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - (xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
 - (xxvi) Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.
- (c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:
- (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (iii) Taking of hostages;
 - (iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.
- (d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.

- (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, 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 buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
 - (iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
 - (v) Pillaging a town or place, even when taken by assault;
 - (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
 - (vii) Conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
 - (viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (ix) Killing or wounding treacherously a combatant adversary;
 - (x) Declaring that no quarter will be given;
 - (xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hos-

Ethnic Cleansing

Ethnic cleansing has not been recognized as an independent crime under international law. In the context

of the war in former Yugoslavia, a United Nations Commission of Experts defined it as:

Interim Report of the Commission of Experts Established Pursuant to
Security Council Resolution 780 (1992),
U.N. SCOR, U.N. Doc. S/25274 (26 January 1993), at 16

“... rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area,”

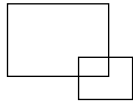
Final Report of the Commission of Experts Established Pursuant to
United Nations Security Council Resolution 780 (1992),
U.N. SCOR, U.N. Doc. S/1994/674 (27 May 1994), Annex, at 3, 33

“... a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.”

The same Commission of Experts stated that the coercive practices used to remove the civilian population can include: murder, torture, arbitrary arrest and detention, extrajudicial executions, rape and sexual assaults, severe physical injury to civilians, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, use of civilians as human

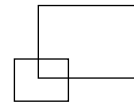
shields, destruction of property, robbery of personal property, attacks on hospitals, medical personnel, and locations with the Red Cross/Red Crescent emblem, among others.

The Commission of Experts added that these practices can “... constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention.”



Prevention means acting early...
Together with a commitment to
accountability, we owe this to
the millions of victims of the
horri c international crimes of
the past — and those whose lives
we may be able to save in the future.

— Secretary-General Ban Ki-moon



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