

In the history of international criminal law, the laws of crimes against humanity have changed very often and have been implemented in different court statutes in a different ways. Art. 5 of the ECCC law defines it as the following:

ECCC:
Extraordinary
Chambers of the
Courts of Cambodia
CPK: Communist
Party of Kampuchea

Crimes against humanity, which have no statute of limitations, are any acts committed as part of a widespread or systematic attack directed against any civilian population, on national, political, ethnical, racial or religious grounds...The objective existence of these elements need to be proved. But also some mental elements have to be fulfilled.

ANY ACTS list of acts which can be considered crimes against humanity includes murder; extermination; enslavement; deportation; imprisonment; torture; rape; persecutions on political, racial, and religious grounds; other inhumane acts. Although these listed acts are all crimes, the existence of such a crime for its own does not mean the existence of a crime against humanity

Directed against...The attack needs to be directed against any civilian population to show the existence of crimes against humanity. This means that the civilian population must be the primary target of the attack and not just in an incidental way or as a secondary victim

Committed as part of:
The act must be committed as part of the context. This means that there must be a link or so called nexus between the act and the context. Random acts or acts committed coincidentally during an attack are not part of it

Widespread... this term refers to the organised nature of the acts of violence and the non-accidental recurrence of similar criminal conduct on a regular basis. This requires a methodical plan

...or systematic, which refers to the organised nature of the acts of violence and the non-accidental recurrence of similar criminal conduct on a regular basis. Planning is required but no massive scale of crimes.

Attack...In the usual understanding it requires multiple acts of violence against the target and multiple victims. These acts must be listed acts of the law although the victims do not need to be all caused by the same act.

In Case 002/01: Due to the severance of Case 002/01 only crimes committed during the transfer of the population from cities and executions of former Lon Nol soldiers at Tuol Po Chrey are on trial at this part of the proceedings

In Case 002/01: The Prosecutors have argued that for each crime for which the accused are charged there was a nexus between the attack and the perpetrators acts. This is a claim the Defense denies, stating their clients were not aware or involved in such a larger plan

In Case 002/01: The Prosecutors argued that a party policy to create a "Slave state" indicates a systematic criminal policy. The Defense rejects this, arguing that Communism as a state policy is not itself unlawful.

In Case 002/01: According to the Closing Order, the policy implemented by the Democratic Kampuchea authorities to forcibly transfer the population and target city people constituted an attack

In Case 002/01: the policy of the CPK was directed against the entire civilian population of Cambodia although some parts of the population were treated worse than others. Prosecutors held New People from the cities were particularly targeted

In Case 002/01.... Prosecutors held that the Co-Accused both knew and participated in the implementation of crimes against Cambodia's people generally. The Defense holds they have not successfully proved the Co-Accused were aware of a larger criminal plan.

Mental elements: It is not enough for being a crime against humanity that a person only commits the crime in an objective way. It is also necessary that the perpetrator fulfils mental elements. At first he needs to have knowledge about the act, what he is doing and the consequences of it. Secondly it is required that he also has knowledge about the circumstances or in other words: the context.

Civilian population... Population means a larger body of people. Civilians refer to non-combatants.
on national, political, ethnical, racial or religious grounds,

In Case 002/01: people in Phnom Penh and other cities were civilians being targeted, also includes Lon Nol forces, primarily on political grounds.

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