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**Preparatory Commission for the International  
Criminal Court**

**Working Group on Elements of Crimes**

New York

16-26 February 1999

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**Discussion paper proposed by the Coordinator**

**Article 8, paragraph 2 (b) (xxiii) and (xxv)**

**Article 8 (2) (b) (xxiii): War crime of using protected persons as shields**

1. The conduct took place in the context of and was associated with an international armed conflict.
2. The accused moved or otherwise took advantage of the location of one or more civilians or other persons protected under the international law of armed conflict.
3. By that conduct, the accused intended to shield a military objective from attack or shield, favour or impede military operations.

**Article 8 (2) (b) (xxv): War crime of starvation as a method of warfare**

1. The conduct took place in the context of and was associated with an international armed conflict.
  2. The accused deprived civilians of objects indispensable to their survival.
  3. By that conduct, the accused intended to starve civilians as a method of warfare.
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