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Article 8 (2)(b)(x) and (xxi)¹

Article 8 (2)(b)(x)–1: War crime of mutilation

1. The conduct took place in the context of and was associated with an international armed conflict.
2. The accused mutilated one or more persons, in particular by permanently disfiguring the person or persons, or by permanently disabling or removing an organ or appendage.
3. Such person or persons were in the power of an adverse party.
4. The conduct caused death or seriously endangered the physical or mental health of such person or persons.
5. The conduct was neither justified by the medical, dental or hospital treatment of the person or persons concerned nor carried out in such person's or persons' interest.²

¹ It is understood that any modifications to the draft elements for article 8 (2)(a), including the draft general paragraph to be included as an introduction to article 8, would require re-examination of this text for applicability.

² Consent is not a defence to this crime. The crime prohibits any medical procedure which is not indicated by the state of health of the person concerned and which is not consistent with generally accepted medical standards which would be applied under similar medical circumstances to persons who are nationals of the party conducting the procedure and who are in no way deprived of liberty.

Article 8 (2)(b)(x)–2: War crime of medical or scientific experiments

1. The conduct took place in the context of and was associated with an international armed conflict.
2. The accused subjected one or more persons to a medical or scientific experiment.
3. Such person or persons were in the power of an adverse party.
4. The experiment caused death or seriously endangered the physical or mental health or integrity of such person or persons.
5. The conduct was neither justified by the medical, dental or hospital treatment of such person or persons concerned nor carried out in such person's or persons' interest.³

Article 8 (2)(b)(xxi): War crime of outrages upon personal dignity

1. The conduct took place in the context of and was associated with an international armed conflict.
2. The accused humiliated, degraded or otherwise violated the dignity of one or more persons.⁴
3. The severity of the humiliation, degradation or other violation was of such degree as to be generally recognized as an outrage upon personal dignity.

³ Ibid.

⁴ For this crime, "persons" can include dead persons. It is understood that the victim need not personally be aware of the existence of the humiliation or degradation or other violation. This element takes into account the cultural background of the victim.