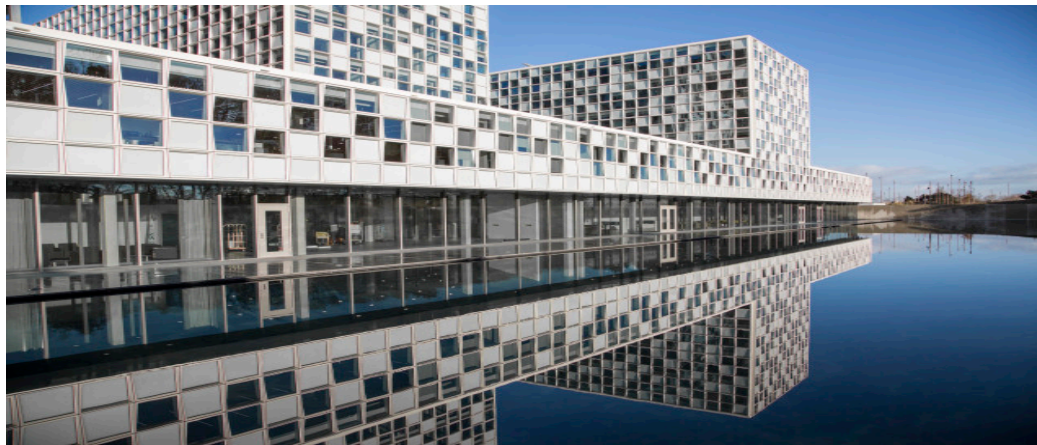




The Proliferation and Use of Nuclear Weapons from an International and Transnational Criminal Law Perspective



**Human Rights, Future Generations & Crimes in the Nuclear Age
Congress, 14-17 September 2017, University of Basel**



International criminal law

- Characteristics
- Historical context
- Rome Statute of the International Criminal Court



International criminal law

- Genocide
- War crimes
- Crimes against humanity
- Crime of aggression



Genocide



- Intentional acts to destroy, in whole or in part, a national, ethnical, racial or religious group
- Use of nuclear weapons
 - Specific acts
 - Special intent



Genocide

- Killing members of the group
- Causing serious bodily or mental harm
- Deliberately inflicting conditions of life calculated to bring about the physical destruction
- Imposing measures intended to prevent births
- Forcibly transferring children



War crimes

- Grave breaches of the Geneva Conventions and other serious violations of the rules of armed conflict
- Use of nuclear weapons and war crimes



War crimes

- Wishful killing
- Wishfully causing great suffering or serious injury to body or health
- Extensive destructions
- Intentionally directing attacks against the civilian population



Crimes against humanity

- Inhuman acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack
- Use of nuclear weapons



Crimes against humanity

- Murder
- Extermination
- Other inhuman acts of a similar character



The crime of aggression

- Planning, preparation, initiation or execution of an act of using armed force by a State against the sovereignty, territorial integrity or political independence of another State.
- Use of nuclear weapons



The crime of aggression

- State conduct element
 - Use of force within the meaning of Article 2(4) of the UN Charter
 - The use of force must be unlawful
 - The unlawful use of force must constitute a manifest violation of the UN Charter



Transnational crime

- UNSC Res 1540(2004)
- 1980 Convention on the Physical Protection of Nuclear Material
- 2005 International Convention for the Suppression of Acts of Nuclear Terrorism
- Challenges





Thank you!

