

ANNEX

ELEMENTS	REFERENCE TO INCRIMINATORY EVIDENCE
CRIMES	
1. Crimes against humanity	
Common (contextual) elements	
(1) Attack	
(2) Widespread or systematic	
(3) Directed against a civilian population	
(4) <i>Knowledge of the attack</i>	
Specific constituent elements of the counts	
<i>Count 1 – Rape - Article 7(1)(g)</i>	
Specific elements following the text of the elements of crimes	
<i>Count 3 – Torture - Article 7(1)(f)</i>	
Specific elements following the text of the elements of crimes	
<i>Count 7 – Murder - Article 7(1)(a)</i>	
Specific elements following the text of the elements of crimes	
2. War crimes	
Common (contextual) elements	
(1) Armed conflict	
(2) Non-international	
(3) General requirement: i.e. awareness of the factual circumstances that establish the existence of an armed conflict	
Specific constituent elements of the counts	
<i>Count 2 – Rape- Article 8 (2)(e)(vi)</i>	
Specific elements following the text of the elements of crimes	
<i>Count 4 – Torture - Article 8(2)(c)(i)</i>	
Specific element following the text of the elements of crimes	
<i>Count 5 – Outrages upon personal dignity– Article 8(2)(c)(ii)</i>	

Specific elements following the text of the elements of crimes	
Count 6 – Murder - Article 8(2)(c)(i)	
Specific elements following the text of the elements of crimes	
Count 8 – Pillaging - Article 8(2)(e)(v)	
Specific elements following the text of the elements of crimes	
MODES OF LIABILITY	
Article 25(3) (a)	
(i) Jointly with another	
(ii) Jointly through another person	