

Economic oppression as an international wrong or as crime against humanity

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Abstract

The International Criminal Court (ICC) was established to secure the punishment of persons who have committed the most serious crimes which “deeply shock the conscience of humanity”[2]. Yet what shocks the “conscience of humanity” and what leaves people yawning, depends to a large extent on how mass media select and present facts. While millions of innocent human beings have been killed and maimed over the last century in armed conflict and by mass killing, the overwhelming majority of those who fall victim to adverse human agency are not injured by proximate violence but as a result of being compelled to live in subhuman conditions. Many more die silently each year of preventable hunger and disease than from widely reported direct violence. These silent deaths are mostly the result of decisions made, without malice, by individuals pursuing political or economic interests. Yet, intentionally or recklessly depriving even a single person of basic necessities may give rise to criminal penalties. Failing by gross negligence to ensure basic necessities to a dependent person may also give rise to criminal penalties. Causing death by deprivation of air, water, food, shelter or medicines may amount to murder. Compelling a person to live in inhumane or degrading conditions amounts to inhumane treatment, a violation of customary international law. Such conditions are defined herein as those which do not fulfil minimal humanitarian standards applicable to prisoners of war. The present article examines the conditions under which measures which subject a civilian population to inhumane or degrading conditions of life or perpetuate such conditions, constitute an international wrongful act[3] that may reach the level of a crime against humanity under customary and conventional law[4].

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 - 2 Rome Statute of the International Criminal Court, Preamble, at <http://www.un.org/law/icc/statute/rome.htm>, [hereafter The Rome Statute]
 - 3 “There is an internationally wrongful act of a State when conduct consisting of an action or omission: (a) Is attributable to the State under international law; and (b) Constitutes a breach of an international obligation of the State.” (Article 3 of the Draft Articles on State Responsibility (ILC) of Part 1 so far provisionally adopted or proposed on second reading, International Law Commission, as of April 1999)
 - 4 “Crimes against humanity” are recognized as among the major international crimes under customary international law and under the Statutes of the ICTY, ICTY and the ICC.

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