"Actus reus" and "mens rea" international criminal delagenocide

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Abstract

The existence of the international crime of Genocide, an inadmissible type of mass crime, marked by the evolution of normative texts followed by their immediate transport, requires normative determination. The problems we find in determining the difference between the physical and social elements of the crime, "actus reus"·and "mens rea", stem from the traditional approach to clarifying these elements of the crime of Genocide. This article, in addition to a comprehensive overview of the elements of the offense provided for in national legislation and international criminal law, speaks to the specific characteristics and elements of the offense and the need to supplement them or change its legal regulation. The article establishes the "actus reus" and "mens rea" through the practice of the verdict on the occasion of the "Genocide in Srebrenica?" and the verdicts of the courts for genocide in other territories.

Key words: international crime, genocide, "actus reus", "mens rea".

Introduction

The term genocide, whose terminological definition includes two generic terms from two different languages, the Greek term "genos" (people, clan) and the Latin term "occidere" (kill), gives us the right to think that its initial forms are present from the very beginning of human civilization, which indicates the general presence of genocide throughout history, from its beginning until today. The starting forms of the crime of genocide can be found at the very beginning of the birth of human civilization. The segments and initial forms of the new crime of Genocide, it seems, have always existed throughout history, with the aim of exterminating one people, a group of people, whether it is religion, struggle for territory or some other reason that led to such an act (Sitkina, Leeb, & Lee, 2019). By forming legal awareness, forming the first states and the need for the first laws, it can be concluded that in such conditions any behavior of an individual or group, especially behavior that produces negative consequences, is subject to some kind of sanction regulated by customary law or norms. Precisely in those first codes that have remained recorded in the legal history of mankind as the basis for the emergence of legal regulation. The presence of genocide throughout history and the protection of human rights are the cause of its legal determination. As an interdisciplinary study and an eternal political dilemma, genocide and its prevention is a challenge (Sample, 2022) that affects various aspects of scientific and social life.

This article, in addition to presenting the crime of genocide as an international crime, also talks about its specific characteristics, "dolus specialis" and elements of the "actus reus" and "mens rea". In addition to the normative definition of the elements of the crime of genocide, the practice and attitudes of experts are presented. The article points out the need to supplement or change the legal regulation of the international crime of genocide. The author explores genocide through legal, scientific and practical fields. The paper points out the need to supplement or change the standardization of the crime.

Material and methods

The materials analyzed in this article are legal regulations publicly available on the Internet. The legal regulations analyzed in the paper are:

- Convention on the Prevention and Punishment of the Crime of Genocide;
- Convention on the Prevention and Punishment of the Crime of Genocide;
- Rome Statute of the International Criminal Court;
- Criminal Code of the Republic of Serbia.

In addition to the mentioned regulations, the material used for the preparation of this paper are practical examples, i.e. court verdicts against defendants for the international crime of genocide committed on the territory of Srebrenica and elsewhere. The article analyzes the elements of the crime covered by the following judgments:

- First instance verdict against Krstic;
- Sikirici judgment;
- Appeal verdict against Jelisic;
- Trial Judgment of Kayishemi and Ruzindanda;
- Trial Judgment Rutagandi;
- Akajesu Trial Judgment;
- Serombeu Trial Judgment.

The subject of research and sources for its construction, are a good base for obtaining relevant results.

The basic method of research is to look at the laws, statutes and conventions that determine the international crime of genocide and its elements. The method of research of the article is also a comparative analysis of "actus reus" and "mens rea" established in theory, legislation and practice and their presentation in the article followed by the main goal – clear indication of insufficient and imprecise definition of "actus reus" and "mens rea" and differences of interpretation by the court and their application in practice.

Results

The proposed method of analysis of laws, statutes and conventions of shortcomings and comparative analysis confirms "actus reus" and "mens rea" in theory, legislation and practice proved to be adequate given that based on international criminal genocide and analysis of its duties and legal provisions, law enforcement and law enforcement. application of the elements of the crime**.**

Discussion

A brief overview of the concept and history of Genocide

In 1944, the "nameless crime" as Winston Churchill called it (Schabas, 2000, p.14) was named "genocide" thanks to the "father of genocide", the forger of the term genocide, (Martin, 1984, p. 3) Rafael Lemkin, a Polish lawyer. The significance of Rafel Lemkin's work is reflected in the conceptual and content incrimination of such behaviors. According to him, genocide is "the destruction of a people or an ethnic group" and is the result of a conscious and systematic, coordinated plan of various actions aimed at destroying / exterminating the chosen group as such (Lemkin, 1944).

Recent history shows genocide in its full form, with all its elements and goals that have remained unchanged throughout human history. The Ottoman Empire and its existence are characterized by one great genocide – the genocide of the Armenians. World War II is horrific proof that genocide never left society. We know the "Crystal Night" or the initial sign of the Holocaust – which resulted in the persecution of Jewish citizens on the night of November 9, 1938 year, is a black spot that still has repercussions at the political level. The persecution of Jews by Nazi Germany evolved and became increasingly radical between 1933 and 1945. This radicalism culminated in the mass murder of six million Jews. This fact is supported by the image of the Auschwitz concentration camp near Krakow in Poland, where the shocking life stories of various social groups are deeply

engraved, and the life stories of 1.3 million people terrify even today. Nazi Germany with its allies, Adolf's desire and the goal of "pure Aryan blood", physical destruction or displacement, for reasons of belonging to specific social groups, showed a clear relationship of one social group with all power and supremacy, the "Aryan race", over weaker social groups (Heinsohn, 2015).

Genocide is a crime that gained legal determination, appointment and international character in the twentieth century. The result of the significance of the incrimination of this act is the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Later, in 1959, Peter Drost defined genocide as "the deliberate taking of the lives of people belonging to a certain group". The name genocide was adopted by the UN General Assembly at its first session. This is followed by the determination of genocide in other acts. (Jovanovic & Jovanovic, 2022, p. 117).

Legal regulation of the crime of genocide

The beginnings of legal regulation and the definition of the crime of genocide are closely linked to the "crime against humanity and civilization", the massacre of Armenians and the killing of over half a million Armenians in Turkey. This qualification of a specific act was determined by the joint declaration of the allied countries: France, Great Britain and Russia, dated May 28, 1915.

There was a great scientific dilemma as to how to characterize the massacre of Armenians, the inconsistent policy of the international community on that issue and the non-acceptance of part of the public about its categorization as a crime of genocide. This event played a major role in the conceptual and substantive definition of the crime of genocide, which is defined after thirty years of this event.

The paper Genocide, received a normative definition in Resolution no. 96, adopted by the General Assembly of the United Nations, stating the denial of the right to exist of a certain human group and the denial of the right to life of individual human societies.

The second step in defining the definition is given by the UN Council in Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, which together with the Resolution provides a new definition of genocide: with the intention of destroying in whole or in part a national, ethnic or religious group as such "killing members of the group, seriously violating the physical or mental integrity of group members, deliberately subjecting the group to living conditions prepared in advance for its complete or partial physical destruction" to prevent births within the group, forced transfer of children from one group to another". Article 3 of the Convention considers the following acts to be criminal: genocide, planning to commit genocide, direct and public incitement to commit genocide, attempted genocide, complicity in genocide. Although the Convention has been ratified by 152 states, its solutions have grown into general customary international law, making them "binding on all". These decisions were confirmed by the complete takeover and incorporation into the statutes of international ad hoc criminal courts, Art. 4 of the Statute of the Hague Tribunal (1993), Art. 2 of the Statute of the Tribunal for Rwanda (1994) and the documents establishing the so-called mixed courts – Art. 4 of Regulation no. 2000/15 UN Transitional Administration for East Timor (2000) and Art. 4/1 of the Cambodian Law on the Establishment of Extraordinary Chambers in Courts to Prosecute Crimes Committed during the Democratic Cambodia (2001, amended 2004) and Art. 6 of the Rome Statute (1998). The Statute of the Hague Tribunal takes over the definition of this criminal offense in Article 4 by accepting 4 four protected groups, five identical acts representing "actus reus" and five punishable forms of crime. It is believed that the reason for the differences in the conditions where instead of planning the act provides for the presumption of association to commit genocide, lies in the Hague Tribunal's tendency to insert categories related to "collective" criminal responsibility, which is not based on written normative or customary international law.

The position of lawyer Branko Lukic, head of the legal team for the defense of Colonel General Ratko Mladic, before the Hague Tribunal that the International Criminal Tribunal for the former Yugoslavia was illegally established by UN Security Council Resolution 827, instead of the UN General Assembly decision. The lawyer believes that the tribunal's approach that genocide can be committed against a small, local group of a certain people obscures the true purpose of the Genocide Convention (Lukic, 2019).

After almost a century since the massacre of Armenians, there is still a dilemma whether it is a "crime against crimes" or a special crime. The ICTR is of the opinion that this is a crime against humanity in the form of persecution highlighted in the Kayshemi and Ruzindani Trial Judgment, prompted by an idea based on the position of the Israeli court in the Eichmann case. The first-instance verdict against Jelisic (68) confirmed the position that genocide, by definition, always springs from crimes against humanity. International criminal tribunals distinguish between genocide and crime against humanity – "dolus specialis" is part of the definition of genocide, while crime against humanity does not envisage intent to destroy a group, as confirmed by the Krstic Trial Judgment and the Sikirica Verdict.

The Statute of the International Criminal Court, but also the practice of the International Criminal Courts and Tribunals, provides a more complete content definition. The importance of practice is reflected in the normative determination of the basic elements of the crime and the indication of the existence of crimes and in cases of intention to completely or partially destroy a national, ethnic, racial or religious group. The intention must be expressed by one of the normatively determined actions: murder of group members; severe injury to the physical or mental integrity of members of the group; deliberately subjecting the group to living conditions that should lead to its complete or partial destruction; measures aimed at preventing births within the group forcible transfer of children from one group to another.

Analyzing judgments and courts, we conclude that the ICTY has more precisely defined intention and responsibility in relation to the ICTR and the Rome Statute (which in Article 30 provides for both intention and knowledge or awareness as the basis of responsibility). Goldsmith proposes equating second-degree intent with action and declares the person directly guilty of committing genocide, without softening the qualifications for participation, encouragement and aiding (Jovanovic, 2019, p. 14).

The problems encountered by the International Criminal Tribunal in the direct application of unfinished forms of genocide to its members and the application of the definition of genocide in Article 6 of the ICC are the inconsistency of forms of genocide such as attempted, direct and public incitement and conspiracy and complicity. The vagueness of the conspiracy to commit genocide and the shift in its definition as a form of genocide that constitutes the determination of individual criminal responsibility for direct and public incitement in cases of genocide provided for in Article 25 of the Rome Statute should be noted.

Data analysis – "mens rea" and "actus reus" Genocide in theory and practice

Legal regulation of genocide is problematic for doctrinal, material and procedural reasons. An obvious problem arises in cases of concrete proving the elements of a criminal offense. In order to adequately interpret and implement the Rome Statute, unlike the ICTY and the ICTR, "elements of crime" will assist judges of the International Criminal Court. At its 23rd session held on 30 June 2000, the Preparatory Commission for the International Criminal Court adopted the "Final Draft Text for the Elements of Criminal Offenses", structuring the elements of the criminal offense in accordance with the focus on actions, consequences and circumstances mental element and finally states the contextual consequences. This draft establishes the derivation of conclusions about the existence of intent or knowledge based on the factual circumstances in question. It does not specifically state the grounds for excluding criminal responsibility. The obligation to prove "mens rea" together with "actus reus", in practice encounters difficulties most often in establishing or proving "actus reus" and in the prosecution. This element is increasingly being modified by the act of covering up or denying crimes. Through case law, we encounter the problem of proving intent in genocide, although it, in whatever form it takes, is a crucial and sensitive issue in every criminal case. Practice has shown that genocide is characterized by brutality, perfidious use and mass.

The crime of genocide contains a physical and mental element, "actus reus" and "mens rea", which is confirmed by the Second Instance Verdict against Jelisić. A specific understanding of the elements of genocide, according to traditional criminal law, applied by international criminal tribunals, accepts the necessity of the presence of intent when committing a physical act, which leads

to the issue of criminal responsibility. The Bagilishemi Trial Judgment raises the issue of criminal negligence, which leads to a debate on Article 7 of the ICTY "Individual Criminal Responsibility". The difficulty is to determine the responsibility of the state, and in addition to "actus reus" and "mens rea" requires "attribution" of the crime of genocide against a state in violation of international obligation. The question of intent is encountered in the case of an act with a "dolus specialis", an act with a specific intention that must exist before execution in order to achieve the goal of the act, without the existence of premeditation. The specific intention must be manifested clearly enough so that it differs from other reasons or motives that the perpetrator may have. Although the Trial Judgment Kajeshimi and Ruzindani referred to genocide as a "type of crime against humanity", it cites a specific distinction between the acts, explaining the necessary intent to destroy the genocide group and the target of civilian crimes as part of the attack.

The first-instance verdict against Krstić stated that the genocidal intention and goal for the destruction of the group did not exist at the beginning, they were created later, during the commission of the crime. The Chamber finds that "fully or partially" refers to intent in which genocide is any act committed with the intent to completely or partially destroy a protected group. The Chamber finds in the judgment that genocide may be geographically limited not only to a particular country but also to an area within it. In the Krstić case, genocide was committed in Srebrenica, a town in eastern Bosnia. The Chamber referred to the UN recognition that the massacres in the Sabri and Shatali camps constitute genocide.

The questions are whether the prosecutor must prove: the existence of the necessary genocidal intent of the accused? Participation in the existence of a plan or policy with a genocidal goal? Determining individual criminal responsibility for genocide, the existence of a plan and the plan itself?

The compromised response of the ICTY and ICTR Appeals Chambers, in each case, distinguishes between the conditions for individual intent and the manner in which it is proved.

It is accepted that the general principles of criminal law require ad hoc tribunals to establish individual intent, as precisely determined by the Trial Chamber in the Rutaganda Trial Judgment: of the Statute with the specific intention to completely or partially destroy a certain group. The existence of evidence of a genocidal plan has made it easier to prove individual intent. Is there a disagreement as to whether the prosecutor must prove the necessary genocidal intent of the accused, the existence of a plan or policy with genocidal purpose, and participation in the plan or policy? The condition of "mens rea" is satisfied by proving the commission of an act with individual intention to destroy a protected group or, alternatively, by committing an act with the intention of participating in a genocidal plan. In the Second Instance Verdict, Jelisic states that the existence of a plan or policy is not an integral part of the crime in the legal sense, and notes the importance of proving specific intent, the existence of a plan and policy in order to facilitate proving the crime. The opinion is confirmed by the appeals commission in the Jelisic case, rejecting the treatment of the perpetrator as a "lone individual" based on the sufficiency of the act to show individual intent to commit genocide, despite the lack of evidence that the wider context was genocidal.

Premeditation is not required explicitly in relation to killing, does not require special evidence, and derives from the very notion of the act. Although the "mens rea" consists of the specific intention to completely or partially destroy the panel in the Trial Judgment, Ruzindani and Kayishemi consider it necessary to commit an act in support of genocidal intent, without prejudice.

The condition of the mental element or "mens rea" represents the moral and psychological element of criminal behavior, where it is important to determine the specific intention aimed at the complete or partial destruction of a group of people as such. The interpretation of the Genocide Convention leads to the conclusion that the term group "as such" was added to the definition of genocide as a compromise due to disagreement over the motive as an integral element of the crime. Numerous authors agree with this interpretation, considering this expression a way of emphasizing the affiliation of individuals, chosen as victims, to a certain group. An example is the ICTR Trial Chamber's position in the Akajes Trial Judgment that the victims were chosen because they belonged

to the Tutsi group and not because of their particular characteristics. The Trial Chamber establishes two cumulative elements in the Sikirica Judgment: the first – the prosecutor "must establish the intention to completely or partially destroy Bosnian Muslims or Bosnian Croats" and the second element – the prosecutor "must determine the intention to destroy those groups as such". Interpreting the term "as such", he believes that the evidence should show that the target was a group, and not just specific individuals within that group.

According to the 1948 Genocide Convention, Article 2 of the ICTY Statute and Article 4 of the ICTY Statute, the subject of genocide may be "national, ethnic, racial or religious groups" whose existence needs to be established. The decision to abbreviate the perpetrator's affiliation to a "group" is contrary to the practice of the ICTY and the ICTR, which uses a fuller definition: "affiliation to a particular national, ethnic, racial or religious group". The main reason for the exclusion of social, economic and political groups should be sought in the tendency for as many countries as possible to ratify the convention. Many countries, especially the communist ones, were against the introduction of political groups, and the countries that include domestic minorities were against the introduction of cultural genocide. The Genocide Convention accepts the five categories of acts listed in the international definition, rejecting the proposed notion of cultural genocide, considering that actions directed only against cultural or sociological characteristics of a group of people with the aim of eradicating those elements do not enter the definition of genocide. Such acts can be taken into account when determining the "mens rea" of a crime. The jurisprudence of international tribunals formally includes the issue of the existence of a group as "mens rea".

The Chamber finds in the Jelisić Trial Judgment (80-83): "the intention to destroy must be directed at least against an important part of the group", thus rejecting the ICTR's suggestions that the Akajes Trial Judgment seeks to destroy a "decent" number.

Murder, the logical crime of genocide, is defined in both versions of the Genocide Convention and Art. 2 of the Statute use the words "meurtre" and "killing". The French word "meurtre" refers to murder with intent to cause death, and the English word "killing" includes intentional and unintentional murder.

The question is whether inflicting grievous bodily harm that does not result in death can be genocide and is it always an adequate means of destroying the group? An example is the ICTR Serombe Trial Judgment, which states that physical and mental injury must be so severe that it (still) threatens the complete or partial destruction of that group. Mutation, castration and bodily injury are also considered genocidal acts if they cause death and destruction. Attempted destruction by inadequate methods can be understood as attempted genocide or genocide. The ICTR Panel, interpreting Article 2 of the Statute, accepts "grievous bodily or mental injury" in the context of acts of inhuman treatment, physical or mental torture, degrading treatment, persecution, sexual violence and rape, without considering the grievous bodily injury as incurable and permanent. The ICC determines the elements of the crime based on the mental elements related to the values denoted by the terms "inhuman" or "severe". In a 1961 ruling by the Jerusalem District Court in the Eichmann case, the panel explained "severe bodily or mental injury" as enslavement, deportation and starvation, deprivation of human rights, all with the aim of creating inhuman torture and human suffering.

It is understood that the designation of an act as an unlawful act leads to criminal prosecution. According to Debra Comar, Roberto C. Parraa and Sami ElJundi: "The incentive to initiate a legal investigation or prosecution of genocide is a 'trigger mechanism', which serves as a prima facie case against the accused state or actors" (Mosquito, Parraa, & El Jundi 2022).

Conclusions

This article presents a theoretical model for the conceptual-determination of the elements of the international crime of genocide. Numerous examples of history indicate that no part of the world is immune to the characteristic crime of Genocide, that as such it happened on all continents, in all stages of development of society, from the original community to the present day. The segments and

forms of genocide present in every social order and historical period are experiencing legal regulation and standardization after the Second World War.

Interpreting the definition of the crime of genocide, we conclude that for its existence it is necessary to simultaneously fulfill the three constitutive elements of genocide: 1) that it is exclusively one of the above acts; 2) that they were committed with the aim of complete or partial destruction of the respective group as such; and 3) the destruction of not any, but only national, ethnic, racial or religious groups. It is these elements that mark the act of genocide. In the absence of at least one of these three elements, the question of the existence of another crime arises, primarily the act of war crime or crime against humanity, which necessarily excludes the existence of the article Genocide.

Despite this, at first glance, clear definition of the crime of genocide and its elements, the author comes to the conclusion that their broader legal regulation is needed in order to have a unified approach when prosecuting this crime. The author's conclusion is to supplement the norms regarding the criminal responsibility of the perpetrator. The reason for a more precise determination of the basis of criminal responsibility in relation to the previous legal norms lies in a clearer proof of the "actus reus" and in the prosecution in general. In order to determine criminal responsibility, it is necessary to determine the necessity of the presence of genocidal intent, individual and specific intent, premeditation, genocidal plan and the existence of criminal negligence. A particularly important issue is the introduction of criminal responsibility of the state. The article also highlights the fact of geographical determination of the criminal offense, which has not been adequately applied in practice. It is especially important to determine the mental element of the act or "mens reus" and a broader interpretation of the victim or group. The author believes that special attention must be paid to each of the mentioned segments.

Through their practice, international courts will develop and improve the definition and content of the international crime of Genocide, which should lead to a more consistent approach to genocide by the ICC, the scientific and international public. The determination of all segments of intent, "dolus specialis" and elements of international crime will contribute to this: "actus reus" and "mens reu".

References

Akajesu Trial Judgment, 2 September 1998, Case of Jean-Paul Akayesu (ICTR-96-4-T) (MKTR-96-4-T).

Atlaga, A., Gliha, D., Pižeta I., Violation of International Obligation in State Responsibility for Genocide, *Lawyer*. 48 (1), 2015, p. 107.

Campbell, B. (2015). Genocide as predation. International Journal of Law, *Crime and Justice*, Volume 43, Issue 3, September 2015, pp. 310-325.

Case Concerning Application of the Convention, 2007, pars.181, 189.

Convention on the Prevention and Punishment of the Crime of Genocide, adopted by Resolution 260 (III) A of the United Nations General Assembly on December 9, 1948. years. Enters into force 12.01.1951 years.

Goldsmith, K. (2010). The Issue of Intent in the Genocide Convention and Its Effect on the Prevention and Punishment of the Crime of Genocide: Toward a Knowledge-Based Approach. Genocide Studies and Prevention: *An International Journal*. 5(3), 2010, pp. 238–257.

Heinsohn G. (2015). Genocide, Historical Aspects of International Encyclopedia of the Social & Behavioral Sciences (Second Edition). 2015, pp. 6-14.

Jelisić Appeal Judgment (58), 5 January 2001, Goran Jelisić Case (IT-95-10-I).

Jovanović A. (2014). Clarification of defining genocide and recognizing its elements. Proceedings, Traffic Management, Public Services, Law and Security, Publisher: School of Vocational Studies in Traffic Management Nis, 2014, Nis, 2014, p. 9.

Jovanović, A. (2022). International Criminal Law. Belgrade, pp.110-122.

Kayishemi and Ruzindanda Trial Judgment, 21 May 1999, Case of Kayishemi (MKTR-95-1-I) and Ruzindan (MKTR-95-1-T and MKTR-96-10-T).

Kayishemi and Ruzindanda Trial Judgment, 21 May 1999, Case of Kayishemi (MKTR-95-1-I) and Ruzindan (MKTR-95-1-T and MKTR-96-10-T).

Komara, D., Parraa, R.C., El Jundi. S. (2022). Addressing the Lack of Forensic Scientific Evidence and Expertise in the "Trigger Mechanisms" of Genocide Investigations, *Forensic Science International*. Volume 317, December 2020, 110499.

Krstić Trial Judgment (553), 2 August 2001, Krstić Radoslav Case (I-95-14 / 2-T).

Lemkin, R. (1944). Axis Rule in Occupied Europe; Laws of Occupation, Analysis of Government, Proposals for Redress. (Washington: Carnegie Endowment for International Peace. 1944. Pp. xxxvii, 674.).

Lukić, B. (2019). Crimes but not genocide took place in Srebrenica, Proceedings of the International Scientific Conference April 2019 Banja Luka, Srebrenica Reality and Manipulation, Banja Luka, pp. 349-350.

Martin, J.M., The man who invented "Genocide", The public career and consequences of Raphael Lemkin, Institute of Historical review, 1984, p. 3.

Rome Statute of the International Criminal Court, entered into force in July 2002.

Rutagandi Trial Judgment (399), 6 December 1999, Case of Georges Anderson Nderubumwe Rutaganda (MKTR-96-3-Z).

Sample, E. (2022). Genocide and Crimes Against Humanity, Encyclopedia of Violence, Peace, & Conflict (Third Edition). Volume 2, 2022, pp.707-717.

Schabas, W. A. (2000). Genocide in International Law, The crimes of crimes, Cambridge University Press, p. 14.

Serombe Trial Judgment 12 March 2008, ICTR Case, Prosecutor v. Serombe (ICTR-2001-66-A).

Sikirica Verdict (58), Sentencing Judgment 13 November 2001, Sikirica Duško et al. Case (IT-95-8).

Sitkina,R.A., Leeb, B.X., GLee G. (2019). To destroy a people: Sexual violence as a form of genocide in the conflicts of Bosnia, Rwanda, and Chile. Aggression and Violent Behavior. Volume 46, May–June 2019, pp. 219-224.