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**Preparatory Commission for the  
International Criminal Court**  
**Working Group on Elements of Crimes**  
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**Discussion paper proposed by the Coordinator**

**Article 8 (2) (b) (xiii)–(xvi) and (xxvi)**

**Article 8 (2) (b) (xiii): War crime of destroying or seizing the  
enemy's property<sup>1</sup>**

1. The conduct took place in the context of and was associated with an international armed conflict.
2. The accused destroyed or seized certain property.
3. Such property was private or public property of the hostile party and the accused was aware of the status of the property.
4. The destruction or seizure was not required by military necessity.

**Article 8 (2) (b) (xiv): War crime of depriving the nationals of the hostile  
power of rights or actions**

1. The conduct took place in the context of and was associated with an international armed conflict.

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<sup>1</sup> It is understood that the *chapeau* may have to be adapted to address the applicability of this crime in naval warfare.  
It was understood that the Working Group will return to this crime to consider both its scope and its content once the overall structure of the *chapeau* has been agreed to.

2. The accused effected the abolition, suspension or termination of admissibility in a court of law of certain rights or actions.
3. The abolition, suspension or termination was knowingly<sup>2</sup> directed at the nationals of a hostile party.

**Article 8 (2) (b) (xv): War crime of compelling participation in military operations**

1. The conduct took place in the context of and was associated with an international armed conflict.
2. The accused coerced one or more persons by act or threat to take part in military operations against that person's own country or forces.
3. Such person or persons were nationals of a hostile party and the accused was aware of their nationality.

**Article 8 (2) (b) (xvi): War crime of pillaging**

1. The conduct took place in the context of and was associated with an international armed conflict.
2. The accused appropriated or seized certain property.
3. The appropriation or seizure was not justified by military necessity and was committed with intent to deprive the owner thereof.

**Article 8 (2) (b) (xxvi): War crime of using, conscripting or enlisting children**

1. The conduct took place in the context of and was associated with an international armed conflict.
2. The accused conscripted or enlisted one or more persons into the national armed forces or used one or more persons to participate actively in hostilities.
3. Such person or person were under the age of 15 years.
4. The accused knew or should have known that such person or persons were under the age of 15 years.

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<sup>2</sup> Some delegations are of the view that "knowingly" in this element means "intentionally".