

a. Crime against peace, war crime or crime against humanity

GUIDANCE NOTE

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[Article 12\(2\)\(a\) QD](#) and [Article 17\(1\)\(a\) QD](#) refer to specific serious violations of international law, as defined in the relevant international instruments.^[15]

It can be noted that the ground 'crime against peace' would rarely arise in asylum cases. However, it may be of relevance with regard to high-ranking officials responsible for the invasion of Kuwait.

Violations of international humanitarian law by different parties in the current and in past conflicts in Iraq could amount to war crimes, such as the use of prohibited weapons and the deliberate indiscriminate attacks on civilians, etc.

Reported crimes such as murder, torture, and rape by the different actors could amount to crimes against humanity when committed as part of a widespread and systematic attack against the civilian population. Crimes in the context of past events, such as the Al-Anfal military campaign could also trigger the consideration of exclusion in relation to 'crimes against humanity'.

Some acts in the current conflicts, such as extrajudicial killings, torture, forced disappearance, could amount to both war crimes and crimes against humanity.

According to COI, especially (former) members of insurgent groups (e.g. ISIL), security actors (e.g. ISF, PMU), as well as Baathists, can be implicated in acts that would qualify as war crimes and/or crimes against humanity. Relevant situations, which should be considered in relation to this exclusion ground include, for example:

[?] Iraq - Iran war (1980 - 1988): international armed conflict;

- ? Al-Anfal military campaign (1987 - 1988);
 - ? Invasion of Kuwait (1990 - 1991): international armed conflict; and subsequent uprising;
 - ? Kurdish civil war (1995 - 1998): non-international armed conflict;
 - ? Invasion of Iraq (2003): international armed conflict;
 - ? Armed conflict between ISF and insurgent groups as from 2004: non-international armed conflict;
 - ? Sectarian conflict/civil war (post 2003): non-international armed conflict;
 - ? ISIL conflict (2014 - ongoing): non-international armed conflict;
 - ? Turkey - Iraq conflict (2019 - ongoing): international armed conflict.
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[15] The [Rome Statute of the International Criminal Court](#) is a particularly relevant instrument in this regard. See also the 'Grave Breaches' provisions of the 1949 Geneva Conventions and Additional Protocol I, common Article 3 and relevant provisions of Additional Protocol II, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) and Statute of the International Criminal Tribunal for Rwanda (ICTR). [\[back to text\]](#)