This term comprises the following inhuman acts committed for the purpose of establishing and maintaining the domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

a. denial to a member or members of a racial group or groups or the right to life and liberty of persons (by murder of its members, inflicting upon them serious bodily or mental harm, infringement of their freedom, or by subjecting them to torture \(^1\) or to cruel, inhuman or degrading treatment or punishment, or by arbitrary arrest and illegal imprisonment of its members);

b. deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;

c. measures calculated to prevent a racial group or groups from participating in the political, social, economic or cultural life of the country, and the deliberate creation of conditions preventing the full development of such a group or groups (by denying to their members basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right of freedom of peaceful assembly and association);

d. any measures designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups or the expropriation of landed property belonging to a racial group or groups or to members thereor;
e. exploitation of the labour of the members of a group or groups, in particular by submitting them to forced labour;

f. persecution of organizations and persons, by depriving them of fundamental rights and freedom, because they oppose apartheid.

International criminal responsibility applied, irrespective of the motive involved, to individuals, members of organizations and institutions and representatives of the State who, whatever their country of residence:

a. commit, participate in, directly incite or conspire in the commission of the above-mentioned acts;

b. abet, directly encourage or cooperate in the commission of the crime of apartheid.

Apartheid committed during an international armed conflict is a war crime.

See also Crimes against humanity [2]; Race (adverse distinction based on) [3]

**OUTLINE**

Chapter 13, X. Violations of individuals, I. Definition of crimes [4]

**LEGAL SOURCE**

PI, 85/4/c [5]

**CASES**

The International Criminal Court [6]

Afghanistan, Separate Hospital Treatment for Men and Women [7]
The Issue of Mercenaries [8]

South Africa, S. v. Petane [9]

South Africa, AZAPO v. Republic of South Africa [10]

Source URL: https://casebook.icrc.org/glossary/apartheid

Links
[1] https://casebook.icrc.org/glossary/torture