

LE CRIME CONTRE L'HUMANITÉ

« Les crimes contre l'humanité transcendent l'individu puisque en attaquant l'homme, est visée, est niée, l'Humanité. C'est l'identité de la victime, l'Humanité, qui marque la spécificité du crime contre l'humanité », affirmaient en 1997 les juges du Tribunal international pour l'ex-Yougoslavie à l'appui de leur premier jugement. L'expression même de crime contre « l'humanité » distingue ce crime de tous les autres et souligne son extrême gravité. Mais, si grave soit-il, un crime ne constitue un crime contre l'humanité qu'à condition de comporter des éléments constitutifs précis et de s'inscrire dans une attaque généralisée ou systématique. Cet ouvrage propose d'éclairer cette dénomination pénale née à Nuremberg en analysant sa formation en droit international, puis les variations de sa réception au niveau national. Il en explore ainsi la richesse mais pointe aussi ses ambiguïtés au travers des applications passées et présentes, esquissant déjà les transformations à venir.

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