

Universal Crimes Against Humanity

(An Optopian Strategy Use Case)

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Any violation of Universal Justice, constitutes a Universal Crime, whether or not a formal Law has been codified. The following categories are exemplary for such crimes (Erga Omnes) and apply to all of humanity. As with most crimes, the magnitude and nature of the harm determines the appropriate compensation. Universal Crimes can be high (fatality, torture) or lesser (serious harm, absent killing or torture). Malicious intent generally incurs greater penalties, but isn't required. Any claim of Universal Jurisdiction is only legitimate so long as it fully complies with the principles of Universal Justice.

Category I. Coercion (fatality, torture)

Warfare is the result of a quest to maintain or acquire Social Power through collective Coercion (covert or overt). As civilization has evolved, the full spectrum of social Coercion has become the defining theater of operations for Warfare. Violations in the Wealth and Beliefs domains are often considered to be "unconventional" or "cold" war (hybrid warfare). This is a false distinction, mostly perpetrated by those who commit such offenses (and their Accessories), in an attempt to frame these offenses as "non-criminal" and therefore avoiding prosecution. Illegitimate gains in the Wealth or Beliefs domains (hijacking, blockades, sanctions, theft, propaganda, etc.), universally qualify as criminal offenses.

If civilian fatalities (or torture) directly or indirectly result (for perpetrators or victims) from any such actions, it constitutes a Universal Crime and is ideally treated like a traditional Force based War Crime. Those who provide material support for such offenses are also accountable, to the extent of their contribution (see Accessories category). In addition, any offensive killing/torture of civilians may also constitute an act of Terrorism (detailed in the Terrorism category).

There is a significant risk of judicial bias and miscarriage of justice whenever a party to Warfare (or their Accessories) attempts to investigate or adjudicate such Crimes. Only Class A arbitrators and investigators are fully qualified to prosecute such cases (see Adjudication category), all others should recuse themselves (including the plaintiffs). For War Crimes, the leaders incur personal accountability, in proportion to their level of authority. If the aggregate compensation from the leaders is insufficient to fully compensate the victims, then the entire organization is accountable for the remainder.

Category II. Arrest (illegitimate, unlawful)

Among the acts of illegitimate Arrest are all direct or indirect violations of Individual Freedom. A framework for understanding these Freedoms is codified in the "Individual Freedoms" section. Overt and covert violations of Individual Freedoms constitute unlawful Arrest (often in concert with other offenses). Such offenses include a wide range of well established and understood crimes (slavery, disparity, censorship, propaganda, detainment, kidnapping, indentured servitude, etc.).

Category III. Killing

Killing is the act of terminating an independent life without legitimate consent. Such acts (and attempts) constitute the most serious offenses (high crimes) and therefore justify the highest penalties.

Killing Offenses			
	Perpetrator	Homicide	Xenocide
Victims		Individuals	Class
Intentional (malfeasance)	Self	Suicide	Auto-genocide
	Others	Murder	Genocide
Unintentional (negligence)	Self	Fatality	Auto-supersedure
	Others	Manslaughter	Supersedure

In the case of unintentional acts of Killing, the victim must have been taking reasonable precautions to ensure their own survival at the time of the offense. Otherwise, they may share a portion of the accountability with the perpetrator.

Category IV. Terrorism

Terror is generally defined as being an emotional state of panic or extreme fear. Therefore, Terror-ism is an ideology of terror, and as such, is not a crime in and of itself. A Terrorist Act when an actual base crime induces a public state of terror among the majority of civilians (non-combatants), whether intended or not. Such a consequence aggravates (exacerbates) the gravity of the actual base crime, and the corresponding penalties. The absence of a proven base crime nullifies any accusation of a Terrorist Act. In all cases, a perpetrator who doesn't offer an opportunity to surrender (or stand aside), to State or civilian actors, is committing an Act of Terrorism.

Perpetrators of Terrorist Acts may be State, Corporate, or Civilian actors. In this context, "Civilian" includes all non-combatant individuals and their social groups. The "State" includes all elected and appointed government officials, government bureaucrats, and government contractors (primaries) that provide material support for crimes of a State. Corporations are formal or informal organizations. Harms inflicted on State combatants or military/police infrastructure do not constitute a Terrorist Act unless they induce public terror among the relevant civilians. Similar offenses that are committed by domestic civilians (without external support), may constitute a legitimate political Rebellion (freedom fighting, insurgency, guerrilla warfare, etc.) against the State. So long as it doesn't induce wide spread terror in the general public, it doesn't constitute a Terrorist Act.

The "means" for causing Terror has 2 primary forms. First, is crimes against people (first degree). This includes any offensive harm (killing, torture, etc.) committed (or threatened) upon civilian people (collateral damage, etc). Second, is crimes against things vital for life (second degree). This includes any actions that destroy or obstruct essential resources (food, water, housing, energy, etc.) through covert or overt activities (sanctions, sabotage, blockades, deprivation, etc.).

It's important to keep in mind that harm solely inflicted upon any attacker for purely defensive purposes is not a Terrorist Act, unless non-combatants are harmed. It's explicitly an act of self-defense (within appropriate spectrum of force), so long as an offensive harm has actually taken place previously (or been attempted). Any form of "preemptive" harm (to external parties) constitutes a criminal offense, without exception. Such actions cause tangible harm rather than imagined harm (direct escalation).

Category V. Community Subversion

Community Subversion is the result of any interference in the natural dynamic of Free Association (assembly/disassembly). This interference is generally defined by specific, non-fatal actions (often surreptitious). This can take many forms (predatory incursion, non-consensual migration, overbreeding, genetic suicide, etc.). Malicious intent is not a necessary element of the offense.

The following 7 classes are the domains in which offenses and harms to a community can occur. Although not generally perpetrated through killing/torture, such offenses do still cause substantive social harms. These offenses can arise due to the actions of internal (traitors) or external (predators) perpetrators.

The 8 political affinities [and their respective context] that define a political community are:

1. Common Language [communications]
2. Common Code of Justice [compensation]
3. Common Territory [proximity]
4. Common Genetic Lineage [kinship]
5. Common Welfare [loyalty]
6. Common Culture [behaviors and beliefs]
7. Common Family Orientation [natural unit]

A population in which any of these political affinities is not intact, is not a fully functional political community. The modern concept of an independent, technological “Nation”, refers to any political community that has a population of 200,000 or more families (natural). The following are summaries of the primary classes of non-fatal Community Subversion.

1. Offenses within the context of “communications” (Communications Subversion) generally take the form of language coercion. This can be done through censoring of an existing language, or by allowing more than one official language in the public domain.
2. Offenses within the context of “compensation” generally take the form of conflicting legal norms (Justice Subversion). A healthy community requires a consensus on what does and does not constitute criminal activities and the corresponding penalties. This requires a common definition of Justice as the basis for rational Laws.
3. Offenses within the context of “proximity” (Organizational Subversion) take the form of boundary changes (internal or external). This can include changes to internal boundaries (enclaves), external borders with other societies, an open (unsecured) external border, or an unnatural diaspora (Coercion).
4. Offenses within the context of “kinship” (Demographic Subversion) are multidimensional and therefore often obscure. The ideal case for a Host Nation is to maintain the most homogeneous genetic lineage (avoiding incest and cloning) that’s practical. A common enabler for this type of offense is toxic empathy amongst a Host demographic. The following table details the classes, base on perpetrator, victim, means (migration, reproduction), limits, and demographic consequences.

Community Subversion			
	Perpetrator (change agent)	Migration (Host share < 80%)	Reproduction (r/K) (Host share < 80%)
Victim		Host	Host
Intentional (malicious)	Host	Treachery	Abandonment
	Others	Invasion	Replacement
Unintentional (negligence)	Host	Dereliction	Incompetence
	Others	Infiltration	Displacement

Even Host communities with intact political affinities don't seem able to tolerate more than a 20% proportion of Guests (non-nationals) within their society without risking Diversity Eugenics, social conflict or dissolution. A demographic reorganization will nearly always be an element of full compensation for such offenses, in order to secure a peaceful transition to a more sustainable arrangement for all parties involved.

5. Offenses within the context of "loyalty" (Welfare Subversion) can be subtle. Unless the importance of community welfare is upheld to the fullest extent by all, a community may foster internal traitors (self-destruction) among the members. A commitment of loyalty is focused on ensuring the highest overall welfare of the entire community. Those without loyalty are not fully committed participants.

6. A Common Culture is essential to avoid internal alienation (Cultural Subversion). A culture is a common set of beliefs and behaviors, shared among a population, with minimal variation from the norm. The intrusion of antithetical culture norms can be destructive to the existing system.

7. Setting healthy, normal families as a collective priority enables the survival of the community, otherwise an abnormal extinction (or die-off) can occur (Family Subversion).

Category VI. Obstruction of Justice

Obstruction of Justice refers to the impeding (or attempted) of the procedural tasks of qualified investigators or prosecutors, in the pursuit of justice. In general, most societies have domestic laws concerning Obstruction of Justice, and they can easily be adapted for the international environment. It's therefore simple to prosecute global players for such offenses, but the international environment does present several unique challenges. This is because sovereign states are narcissistic entities, by design.

In the international arena, there are unique challenges. Sufficient Social Power is required to bring a reluctant perpetrator to Justice. The most powerful players will voluntarily comply only when it's in their own self-interest. The most powerful Players (and Accessories) are often the perpetrators. Less powerful players will often participate in, support, or ignore offenses by the more powerful ones. A globally enforceable, common definition of Universal Justice is necessary to manage such circumstances. In practice, many Players inherently seek to acquire and maintain power as their highest priority, not acting in the service of Justice (contrary to their claims).

For all Players, including States, it's easy to profess a commitment to Justice when there is no personal cost. In actual practice, the most powerful players will be tempted to claim, or enact, some form of immunity by cherry picking attempts at prosecution (accountability). Without an enforceable, international treaty on Universal Justice that the most powerful players will uphold under all

circumstances, Obstruction of Justice will continue to be a major offense that's difficult to prosecute, preventing attempts at long lasting global peace. All sovereign States are narcissistic entities (by definition).

Category VII. Accessories (before or after the fact)

There are often “perpetrators” of Universal Crimes that attempt to evade individual accountability by not participating in direct commitment of the crime. Instead, they enlist Accessories to do the work. Accessories are those entities who provide material support for a perpetrator's crimes, and are therefore accountable to the extent of their contribution. Even though Accessories may be less powerful than the perpetrator, they may still be useful for providing some form of support (consensus, weapons, training, intelligence, decision support, money, etc.) to the perpetrator. Provision of such support renders the provider a direct party to the offense.

In the case of international offenses, such actors are direct collaborators (allies, proxies, vassals, sycophants, parasites, provocateurs, etc.) of the perpetrator, and must be identified and included in any prosecution. A major challenge arises when there is a large number of State perpetrators or Accessories involved, especially when this includes the most powerful States. Such cases are strong evidence that the entire system may be corrupt in its existing form, and not capable of upholding Universal Justice. This can be remedied only if enough of the most powerful players consent to uphold Justice, no matter the personal cost, and then do so through their voluntary actions (Mutualist strategy).

Category VIII. Investigation

All cases begin with evidence of a suspected crime, followed by an investigation, followed by prosecution and finally compensation. To ensure the legitimacy of this process, all participants must be qualified to act in their specified roles. This means that all suspects, perpetrators, or accessories identified by the plaintiff (victim) are unqualified to participate in the prosecution unless proven otherwise. This would create a system of “criminals prosecuting criminals”, informally known as “the pot calling the kettle black” paradox. The probability of realizing Justice under such circumstances is low.

Once a legitimate case has been identified, a qualified investigation team must begin work as soon as possible. Otherwise, there is a high probability of “evidence tampering” offenses being committed in order to obscure the facts. Investigators must have unrestricted access to all relevant information regarding the case. Any party preventing or coercing others into preventing an investigation, or withholding information, is guilty of Obstructing Justice.

Category IX. Adjudication

If a Universal Crime is at issue, it requires specially qualified Arbiters (Judges, Referees, etc.) to hear the case and make just decisions. It can be a challenge to find qualified arbiters that are not significantly biased by revenge (conscious or unconscious) or personal (or associate's) gain. This requires a careful selection of the individuals that will fill such roles. The skill criteria for selection includes not only good arbitration skills, but also a full understanding of the principles of Universal Justice. It's nearly impossible to implement any form of legitimate Universal Jurisdiction without it, and such efforts can easily be corrupted.

Ideally, those who fill such roles must be assessed according to their systemic/issue relationship in order to identify which individuals (entities) have the highest qualifications to arbitrate. As can be seen in the following Arbitrator Legitimacy Spectrum, under no circumstances can a Participant in an Issue ever establish a legitimate standing to arbitrate that issue. In such cases, they should recuse themselves or else be barred from hearing the issue.

The “he who is without sin” principle provides simple guidance for selecting those who participate in prosecution of a Universal Crime. Any party that commits the same or similar offenses are unqualified to participate in the prosecution, whether they have previously been convicted or not.

Arbitrator Legitimacy Spectrum

Legitimacy	(lowest)				(highest)	
	Class C		Class B		Class A	
	Issue Spectator	Issue Bystander	Issue Spectator	Issue Bystander	Issue Spectator	Issue Bystander
	System Participant		System Spectator		System Bystander	

One of the greatest challenges for Justice occurs under conditions of systemic criminality (corruption) in which the most powerful players (and their Accessories) are also perpetrators. In such cases, it can be difficult to recruit an individual or group (with sufficient Social Power) who is ready, willing, and able to uphold Justice.