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OHARA ISLAND AS CRIMES AGAINST HUMANITY: A LEGAL STUDY THROUGH INTERNATIONAL HUMANITARIAN LAW

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INTRODUCTION

In the world of One Piece, the Ohara Island incident is one of the most violent acts committed by the World Government. The island was destroyed through the Buster Call 22 years ago². The Buster Call was called because the archaeologists on the island were researching the history, especially the Void Century, which was prohibited by the World Government. This Buster Call, initiated by the World Government, resembles some of the real-world violations under international humanitarian law (IHL) and international criminal law.

When it is viewed through the perspective of international law, the destruction of the Ohara island shows that these acts are prohibited under international humanitarian law (IHL) and international criminal law. This incident committed serious crimes like targeting civilians, ethnic cleansing, destroying cultural heritage, etc. This would have been considered a serious crime in the real world. Therefore, this article analyses whether the Ohara island incident could be classified as crimes against humanity under international criminal law, especially under the Rome Statute's definition of crimes against humanity.

BACKGROUND OF THE OHARA ISLAND

Ohara Island is an island that is located in the West Blue, an ocean that is part of the One Piece world. The island consisted mainly of archaeologists. It is also considered to be the birthplace of Nico Robin, one of the archaeologists on the island. Civilisation on this island dates back 5,000 years. Archaeologists flourished on this island, learning and researching about history for thousands of years.

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² One Piece Wiki, 'Ohara Incident' (Fandom) https://onepiece.fandom.com/wiki/Ohara_Incident

After the World Government found out about the archaeologists on this island studying and researching the Void Century, they ordered the assassination of this island through the Buster Call. Vice Admirals were sent to this island for this assassination to carry out. There was an evacuation ship to carry out the civilians of the island (who were not criminals) out of the island to save them, but Sakazuki, one of the Vice Admirals, destroyed the evacuation ship just to ensure that the archaeologists did not sneak onto the ship to survive.

Since the Government washed out the island and its citizens, they started spreading false propaganda in order to demonise them, claiming that they were using the information or knowledge for world destruction³.

CRIMES AGAINST HUMANITY UNDER INTERNATIONAL LAW

Crimes against humanity are crimes committed targeting civilians, regardless of their nationality, through a large-scale attack. This includes murder, torture, sexual violence, persecution, etc⁴.

The Nuremberg Tribunal Charter was initially used to prosecute crimes against humanity. The Charter and the Nuremberg ruling both defined crimes against humanity. In 1946, the idea of this was approved by the UN General Assembly⁵. Later, this crime was adopted into International Criminal Court's Rome Statue in 1998⁶.

The legal definition of this crime is provided in Article 7 of the Rome Statue. "Crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;

³ One Piece Wiki, 'Ohara' (Fandom) <https://onepiece.fandom.com/wiki/Ohara>

⁴ TRIAL International, Crimes Against Humanity (Trial International, last modified n.d.) <https://trialinternational.org/topics-post/crimes-against-humanity/>

⁵ International Institute for Counter-Terrorism Initiative (IICT), ICLS Training Materials, Section 7: Crimes Against Humanity (2024) <https://iici.global/wp-content/uploads/2024/02/icls-training-materials-sec-7-cah1.pdf>

⁶ "Crime Against Humanity", Encyclopaedia Britannica (Britannica Online) <https://www.britannica.com/topic/crime-against-humanity>

- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health⁷.

In addition, the article also provides the definition of persecution. According to Article 7(2)(g), it means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity⁸.

APPLICATION OF THE LAW TO THE OHARA INCIDENT

The Ohara Incident closely matches the legal characteristics of crimes against humanity recognised in international criminal law. The Rome Statute does define crimes against humanity in Article 7 as an act that is "committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack"⁹. In critically understanding the destruction of Ohara through this lens, many aspects of the definition are obviously satisfied.

WIDESPREAD OR SYSTEMATIC ATTACK

A widespread attack signifies a large-scale action that occurs over a significant area or that involves a large number of victims and/or entails a large number of efficiency actions, while a systematic attack entails organised activity that is based on a plan or policy. The Buster Call that was executed on Ohara

⁷ Rome Statute of the International Criminal Court 1998, art 7.

⁸ Ibid.

⁹ **Rome Statute of the International Criminal Court 1998**, art 7 <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>

was a planned military operation authorised at the highest levels of the World Government, which involved multiple battleships and organised troops with the purpose of destroying the island. This is indicative of both scale and organised activities. Therefore, this example meets the definition of a "widespread or systematic" attack.

ELIMINATION AND MASS MURDER

“Elimination” is separately delineated as a crime against humanity in the Rome Statute, defined as an intentional mass murder of a large part of a population. The intent of the Buster Call was to eliminate all citizens of Ohara—Nico Robin being the only known survivor almost two decades. It is a striking resemblance of the forms of large-scale civilian eliminations which are condemned and pursued under international criminal law.

TARGETING OF CIVILIANS

Crimes against humanity require that the attack be directed at a civilian population. The people of Ohara were not combatants, but unarmed archaeologists, educators, librarians, and children. Bombing a population that was not combatants would violate the principles of international humanitarian law¹⁰. The principles include the restriction on bombing a civilian population. The deliberate killing of civilians as part of a state policy directly applies to Article 7(1)(a) "murder" as a crime against humanity¹¹.

PERSECUTION ON GROUNDS OF BELIEFS OR KNOWLEDGE

The Oharans were eliminated not because of violence, but due to their academic research in the Void Century. This is clear “persecution” which is the intentional and severe deprivation of fundamental rights of identifiable groups¹². Their community was persecuted for the simple act of pursuit of knowledge—even if the ultimate goal of that knowledge was for historical reasons. Robin, age eight, was also deemed a threat at a global level, showing that persecution was driven by the state.

¹⁰ “Crime Against Humanity”, Encyclopaedia Britannica <https://www.britannica.com/topic/crime-against-humanity>

¹¹ Rome Statute (n 1) art 7(1)(a).

¹² Ibid art 7(2)(g).

DESTRUCTION OF CULTURAL HERITAGE

Although they do not expressly fall within the ambit of crimes against humanity, the intentional destruction of cultural heritage is prohibited by international law, particularly the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict¹³. The destruction of Ohara's Tree of Knowledge, which housed archaeological and historical evidence that could not be replaced, was intentional. The actions taken match the actions that have been condemned in contextual situations, such as destruction of cultural property being prosecuted as a part of a wider attack on a population.

CAN THE WORLD GOVERNMENT BE PROSECUTED?

When we see in the real world, crimes against humanity is seen as one of the most serious crimes committed at the international level. Anyone who commits such a crime will be criminally prosecuted no matter their position at the government¹⁴. The Rome Statute does not recognise or provide immunity for state leaders who commit such crimes. According to Article 27 of the Rome Statute, it clearly states that this statute shall apply equally to all persons irrespective of their official capacity¹⁵. Government officials shall not be exempted from criminal responsibility under this statute¹⁶. This shows that if an incident like the Ohara Island happened in the real world, the officials who authorised the attack would be prosecuted under the Rome Statute.

The destruction of the Ohara island fits into the category of command responsibility as the attack was authorised and carried forward by the high-ranking officers of the World Government. The Five Elders had approved this said attack and the Admirals carried out this operation through a coordinated military operation. Now the question is whether these officials could be held liable as they were carrying out the orders of the government. The answer is yes. According to Article 28, a military commander or person shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control¹⁷. Therefore, the authorities

¹³ 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, art 1.

¹⁴ Rome Statute, art 25.

¹⁵ Ibid, art 27(1)

¹⁶ Ibid.

¹⁷ Ibid, art 28.

who carried out the destruction of the Ohara island had control and knowledge, which makes them criminally responsible.

In the real world, these authorities would have been subject to criminal prosecution under the International Criminal Court (ICC) as crimes against humanity is one of the crimes which falls under the jurisdiction of the court. In addition, there are many states which recognize the concept of universal jurisdiction under customary international law. Universal jurisdiction is a practice where any national court of a country prosecute individuals who have committed certain heinous international crimes like war crimes, crimes against humanity, genocide, etc, without any regard as to where the crime was committed¹⁸. Therefore, in case there wasn't any cooperation from the World Government's side, a special tribunal would have been established to ensure justice and accountability through the practice of universal jurisdiction.

In addition to individual prosecutions, international law also recognizes state responsibility where states are held liable for any crimes they intentionally commit at the international level. According to Article 25(4), nothing in the statute relating to individual criminal responsibility shall affect the responsibility of States under international law¹⁹. Therefore, the World Government, the central authority behind the destruction of the Ohara Island, would be punished or held liable under state responsibility. When a state becomes responsible, it has to provide a proper guarantee not to continue such an act in the future, cease the conduct if possible, make full reparations for any injury caused, etc²⁰. The World Government would definitely be made to make a guarantee to ensure that Ohara Island never repeats again in the future and make reparations for the damages. As Nico Robin is the only victim who survived from such an incident, the World Government would be responsible to make full reparations even if she herself is a criminal in their eyes.

Not only would the World Government be made to provide reparations for Robin, they would be made to give reparations for destroying the cultural property on the Ohara island which is the Tree of Knowledge which consisted of many scholarly materials with a lot of information. They would be

¹⁸ Chiara Giorgetti, 'International Claims Commissions: Procedural Issues' (Max Planck Encyclopaedia of International Procedural Law, 2020) Law-MPEIPRO e2259 <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e2259.013.2259/law-mpeipro-e2259>

¹⁹ Rome Statute, art 25(4).

²⁰ Diakonia International Humanitarian Law Centre, What should a state do if it violates international law? <https://www.diakonia.se/ihl/resources/international-law/reparations-international-law/>

punished under the Second Protocol of the Hague Convention which establishes the framework of universal jurisdiction²¹.

COUNTER ARGUMENTS BY THE WORLD GOVERNMENT

In the real world, one of the defences that the World Government would use if it were prosecuted is under Article 33 of the Rome Statute. According to Article 33(1), a person who is acting under the orders of the Government shall be relieved from criminal responsibility if they were under legal obligation to obey orders or they did not know the act was unlawful²². The Vice Admirals could argue that they were legally obligated to obey the World Government and shift liability in order to escape responsibility.

But clause (2) of the same article provides that orders to commit crimes against humanity are evidently unlawful, meaning a person will not be relieved of criminal responsibility merely because of an order to commit such crimes. Therefore, the Vice Admirals would not be relieved of criminal responsibility if they used this defence as the Ohara Island incident classifies as crimes against humanity under Article 7 as discussed earlier.

Another defence the World Government could use is that destruction of the cultural property on Ohara Island is justified under “military necessity”, a principle of international humanitarian law. But, under the Hague Convention, this principle only applies when the cultural property is being used for any military purposes²³. In the Ohara Island, the Tree of Knowledge was a library, not a military installation. Since this cultural property did not pose any threat to the World Government, this defence would be invalid.

One more defence by the World Government would be that the cultural property was not “recognized” by the Government, therefore it would not receive any protection under international

²¹ Convention for the Protection of Cultural Property in the Event of Armed Conflict, with Regulations for the Execution of the Convention (UNESCO, adopted 14 May 1954) <https://www.unesco.org/en/legal-affairs/convention-protection-cultural-property-event-armed-conflict-regulations-execution-convention>

²² Rome Statute, art 33(1).

²³ International Committee of the Red Cross (ICRC), Customary International Humanitarian Law Database, Rule 39: Use of property of great importance to the cultural heritage... <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule39>

law. But the Hague Convention provides protection for all cultural property which are of great importance, regardless of whether they are recognized in the formal list²⁴.

CONCLUSION

The destruction of the Ohara Island in One Piece by the World Government shows how, if it happened in the real world, it would amount to criminal breaches in international law. The targeting of the scholars and civilians on this island falls into the definition of crimes against humanity under Article 7 of the Rome Statute as it is intended to annihilate an entire group. In addition, the destruction of the Tree of Knowledge, which would be considered as a cultural property in the real world, would amount to a serious breach of the Hague Convention of 1954, which prohibits the destruction of cultural property which are of high importance. Collectively, these show how the World Government would be criminally responsible if this incident happened in the real world. They would be facing individual criminal responsibility and state responsibility under the Rome Statute. Therefore, the incident at Ohara shows the significance of international law protections, whether for human beings or for cultural property. It has also helped understand how such violations and abuse of power by the World Government can constitute grave crimes in international criminal law and international humanitarian law (IHL).

²⁴ International Committee of the Red Cross (ICRC), Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), art 4(a) <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-1954/article-4a>

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