



Forum: Security Council

Issue: Changing the environment of acceptance: Strengthening the role of the ICC in protecting human rights.

Student officer: Pareen Bhagat

Position: President Chair

Introduction

The continuous violation of human rights, shows the stigma around it is not nearly as large as it should be. Protection of human rights is one of the main focuses of the UN, and the core mandate of the ICC is to act as a court of last resort with the capacity to prosecute individuals for genocide, crimes against humanity and war crimes when national jurisdictions, for any reason, are unable or unwilling to do so. As of November 2012, the ICC is seized of 14 cases in seven country situations, involving a total of 23 suspects or accused. Three of the investigations in Uganda, the Democratic Republic of the Congo (DRC) and the Central African Republic resulted from referrals made by the States themselves; two situations in Darfur, Sudan and Libya were referred to the ICC Prosecutor by the United Nations Security Council, and the last two investigations in Kenya and Côte d'Ivoire were initiated by the Prosecutor proprio motu*, with the authorization of the Pre-Trial Chamber of the ICC. By punishing violations of international legal norms and by promoting adherence to these norms, the ICC and the wider Rome Statute system play an important part in advancing the rule of law, thereby reducing impunity.

Key Terms

ICC

International Criminal Court

International Justice

Accountability for genocide, war crimes, and crimes against humanity

Proprio motu*

Latin for : on his own impulse

Incommunicado**

Not able, wanting or allows to communicate with other people.

Côte d'Ivoire

An example of the violation of human rights when's armed rebellion split, in 2002, the country in two. Former President Laurent Gbagbo was faced with four charges of crimes against humanity, and was tried in the ICC . He was accused of being an "indirect co-perpetrator" of murder, rape, persecution and other inhuman acts. He was the first former head of state to be detained to face trial in The Hague by the ICC since its founding in 2002.

Rule of Law

A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promoted, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure attachments to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.

Countries and Organizations Involved

Human Rights Watch

Human Rights Watch considers internationally justice to be an essential element of building respect for human rights. The International Justice Program works to shape investigations and recommend effective justice mechanisms. They are engaged in the work of the ICC and other international tribunals as well as the efforts of national courts such as Guinea, Côte d'Ivoire, Democratic Republic of Congo and Bosnia, to help bring perpetrators of crime to justice. Furthermore, they also support the efforts for national courts to use their domestic laws to try those charged with grave crimes in violation of International law, no matter where they occurred.

Amnesty International

Amnesty International is a global movement of more than 7 million people in over 150 countries and territories who campaign to end abuses of human rights. Over 20 years, Amnesty has helped establish a system of international justice, including: Campaigning for an International Criminal Court (ICC); Promoting "universal jurisdiction" – if someone is accused of a crime, they can be tried anywhere they are found no matter where the offence was committed. The most famous example is the arrest of Augusto Pinochet, ex Chilean dictator, in London in 1998 ; Calling

for Ad hoc international courts such as in Cambodia, the former Yugoslavia, Rwanda, Sierra Leone and Timor Leste.

Rwanda

In October 1994, the International Criminal Tribunal for Rwanda (ICTR), located in Tanzania, was established as an extension of the International Criminal Tribunal for the former Yugoslavia (ICTY) at The Hague, the first international tribunal since the Nuremberg Trials of 1945-46 and the first with the mandate to prosecute the crime of genocide. In 1995, the ICTR began trying a number of higher-ranking people for their role in the Rwandan genocide; the process was made more difficult because the unknown location of many suspects. The trials continued over the next decade and a half, including the 2008 conviction of three former senior Rwandan defense and military officials for organizing the genocide. Rwanda was one of the impetus to the creation of the ICC.

Syria

Three years after the pro-democracy arose in 2011, Syria remains in a state of human rights and humanitarian crisis. The UN have pinned more than 9 million Syrians as refugees and internally displaced people, making this the largest refugee crisis in the world. Civilians continue to be at the receiving end of frequent indiscriminate attacks by Syrian government forces. Government forces, continue to commit other serious violations, including war crimes such as arbitrary detention, torture, enforced disappearance and unauthorized execution. Documentation by Amnesty International provides evidence that such crimes are widespread as well as systematic, and are being perpetrated on an increasing scale and as part of state policy. They have documented abuses by armed opposition groups, including the assault by the Islamic State of Iraq and al-Sham (ISIS) on minority groups. In the areas controlled by ISIS, their forces have committed numerous violation and abuses of rights, including some that amount to war crimes: They include abductions, arbitrary detention, torture and other ill-treatment and unlawful killings.

Democratic Republic of the Congo

The long-lasting, chaotic ongoing conflict in DR Congo, often dubbed the “deadliest conflict in Africa”, has brought about extreme phenomena of sexual violence directly associated to it the lasting state instability and confusion that it creates. The conflict has exacerbated existing gender inequality deeply rooted in the social norms of the Congolese society, according to the Gender Country Profile 2014, resulting in the severely underreported rape of millions, approximately 73% of which are women and 25% children. At least half of the cases have been committed by members of the DRC armed forces (FARDC), as reported by the UN Joint Human Rights Office in DRC from 2010 to 2013. The conflict is currently less severe than in

the past, but rebel groups and armed forces continue to clash frequently and impunity largely dominates.

General Overview

After World War 2, 13 trials took place in Nuremberg, Germany, between 1945 and 1946, to bring to justice the thousands that were violated by the Nazis. Two years later the Declaration of Human Rights was created by the UN. Promoting respect for human rights is one of the core purposes of the United Nations. Global human rights challenges, such as, migration, rights of women and children, sexual orientation and the rights to various minorities, have increased in presence. The ICC already plays a role in the protection of human rights, prosecuting those who severely violated them. Violations exist in every part of the world. For example, Amnesty International's 2009 World Report and other sources show that individuals are:

- Tortured or abused in at least 81 countries
- Face unfair trials in at least 54 countries
- Restricted in their freedom of expression in at least 77 countries.

Timeline

10th December 1948

The Universal Declaration of Human Rights is created by the U.N in order to ensure human rights and equality

October 1994

the International Criminal Tribunal for Rwanda (ICTR), located in Tanzania, was established as an extension of the International Criminal Tribunal for the former Yugoslavia (ICTY) at The Hague, the first international tribunal since the Nuremberg Trials of 1945-46 and the first with the mandate to prosecute the crime of genocide.

17th July 1998

The Rome Statute of the International Criminal Court (ICC) was adopted at a United Nations (UN) diplomatic conference

31st May 2010

Kampala conference, to strengthen the role of the ICC to advance justice for international criminal crimes

The current situation

Terrorist attacks and migrants from unstable countries have been the highest in history. In 2015, violence continued to escalate inside Syria surrounded by an absence of meaningful efforts to end the war or reduce abuses. The government and its allies carried out deliberate and indiscriminate attacks on civilians. Incommunicado** detention and torture remain rampant in detention facilities. Non-state armed groups opposing the government also carried out serious abuses including attacking civilians, using child soldiers, kidnapping, and torture. According to local Syrian groups, as of October 2015, the death toll in the conflict reached more than 250,000 people including over 100,000 civilians. According to local groups, more than 640,000 people live under long-term siege in Syria. The conflict has led to a humanitarian crisis with an estimated 7.6 million internally displaced and 4.2 million refugees in neighboring countries.

One of the many horrors ISIS engages in as a radical Islamist terrorist group is the sexual abuse, rape and predominantly enforced sexual slavery of non-Muslim women in regions of Iraq and Syria by the thousands. ISIS militias are known to have systematically raped “unbelieving” female civilians in the regions under their occupation, with group leaders clearly supporting that this is something dictated by their faith and specifically urging group members to traffic, sexually harass and torture non-Muslim women or even underage girls, who in their eyes constitute merely property to be sold, bought, given as a gift, forced into marriage or disposed of. This phenomenon has plagued the more than 2,500 captured women of the Yazidi minority sect in Iraq particularly severely. The Israeli occupation of Palestinian territory (the West Bank including East Jerusalem and the Gaza Strip) is in its fifth decade and the undercurrent of violence and inherent abuses of fundamental human rights and disregard for international law inherent in any long-standing military occupation is presented by both sides. These crimes must be brought to justice and tried internationally. Many countries (such as those at the Kampala conference) have created a two-tier system of international justice, for which they may choose to stand about the law and stand clear of the principles established by the Rome Statute. The main issue with this is, is it causes a barrier for the ICC. In order for their role to be strengthened, they must be allowed to further investigate and resolve at their own command. However, article 124 of the Rome Statute, continues to block the path to resolve. Stating the right to declare that the ICC cannot investigate and prosecute war crimes committed for seven years from the deceleration. “We have missed an opportunity to strengthen the framework of the ICC. What we need is for the commitments made in Kampala to be transformed into concrete action,” said Christopher Keith Hall.

Related UN resolutions and Previous Approaches to Solving the Issue

The UN has not addressed this issue independently, but has touched on it in relating topics. The protection of human rights, is one of the main objectives of the UN.

S/RES/9(1946)	The International court of Justice
S/RES/955(1994)	Establishment of the International Criminal Tribunal for Rwanda (ICTR) and adoption of the Statute of the Tribunal
S/RES/1047(1996)	Appointment of the Prosecutor for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for such Violations Committed in the Territory of Neighboring States

Works Cited

- Administrator. "Global Policy Forum." *International Criminal Tribunals and Special Courts*. N.p., n.d. Web. 22 Feb. 2017. <<https://www.globalpolicy.org/international-justice/international-criminal-tribunals-and-special-courts.html>>.
- Amnesty International. "Americas." *Amnesty International USA*. N.p., n.d. Web. 22 Feb. 2017. <<http://www.amnestyusa.org/our-work/countries/americas>>.
- [History.com](#) Staff. "The Rwandan Genocide." *History.com*. A&E Television Networks, 2009. Web. 22 Feb. 2017. <<http://www.history.com/topics/rwandan-genocide>>.
- HRW. "ICC: Strengthen International Justice at Kampala Conference." *Human Rights Watch*. N.p., 17 Apr. 2015. Web. 22 Feb. 2017. <<https://www.hrw.org/news/2010/05/27/icc-strengthen-international-justice-kampala-conference>>.

- HRW. "Syria." *Human Rights Watch*. N.p., 27 Jan. 2016. Web. 22 Feb. 2017.
<<https://www.hrw.org/world-report/2016/country-chapters/syria>>.
- Human Rights, UN. "Human Rights." *United Nations*. United Nations, n.d. Web. 22 Feb. 2017. <<http://www.un.org/en/sections/priorities/human-rights/>>.
- ICC. "International Criminal Court - 10 Years Fighting Impunity | Timeline." *International Criminal Court - 10 Years Fighting Impunity | Timeline*. N.p., n.d. Web. 22 Feb. 2017. <<https://www.icc-cpi.int/iccdocs/pids/tl/timeline.html>>.
- UK. "Migrant Crisis: What Is the UK Doing to Help?" *BBC News*. BBC, 28 Jan. 2016. Web. 22 Feb. 2017. <<http://www.bbc.com/news/uk-34139960>>.
- UN Chronicle. "The Role of the International Criminal Court in Ending Impunity and Establishing the Rule of Law | UN Chronicle." *United Nations*. United Nations, Dec. 2012. Web. 22 Feb. 2017. <<https://unchronicle.un.org/article/role-international-criminal-court-ending-impunity-and-establishing-rule-law>>.
- UN. "Protect Human Rights." *United Nations*. United Nations, n.d. Web. 22 Feb. 2017. <<http://www.un.org/en/sections/what-we-do/protect-human-rights/index.html>>.
- UN. "Security Council, SC, UNSC, Security, Peace, Sanctions, Veto, Resolution, President, United Nations, UN, Peacekeeping, Peacebuilding, Conflict Resolution, Prevention." *United Nations*. United Nations, n.d. Web. 22 Feb. 2017. <<http://www.un.org/en/sc/documents/resolutions/>>.
- Withnall, Adam. "Amnesty International Reveals the 10 Worst Attacks on Human Rights across the World Last Year." *The Independent*. Independent Digital News and Media, 24 Feb. 2016. Web. 22 Feb. 2017. <<http://www.independent.co.uk/news/world/politics/amnesty-international-reveals-the-10-worst-attacks-on-human-rights-across-the-world-last-year-a6892911.html>>.
- Amnesty International. "Cote D'Ivoire 2016/2017." *Cote D'Ivoire 2016/2017*. N.p., n.d. Web. 23 Feb. 2017.
- Colville, Rupert. "Côte D'Ivoire: Justice for Victims of Human Rights Violations "long Overdue" – Zeid." *Côte D'Ivoire: Justice for Victims of Human Rights Violations "long Overdue" – Zeid*. N.p., 11 Mar. 2015. Web. 23 Feb. 2017.
- James, John. "Ivory Coast: Gbagbo Faces Murder and Rape Charges." *BBC News*. BBC, 30 Nov. 2011. Web. 23 Feb. 2017.
- UN. "What Is the Rule of Law? - United Nations and the Rule of Law." *United Nations*. United Nations, n.d. Web. 23 Feb. 2017.

- Administrator. "Global Policy Forum." *International Criminal Tribunals and Special Courts*. N.p., n.d. Web. 22 Feb. 2017. <<https://www.globalpolicy.org/international-justice/international-criminal-tribunals-and-special-courts.html>>.
- Amnesty International. "Americas." *Amnesty International USA*. N.p., n.d. Web. 22 Feb. 2017. <<http://www.amnestyusa.org/our-work/countries/americas>>.
- History.com Staff. "The Rwandan Genocide." *History.com*. A&E Television Networks, 2009. Web. 22 Feb. 2017. <<http://www.history.com/topics/rwandan-genocide>>.
- HRW. "ICC: Strengthen International Justice at Kampala Conference." *Human Rights Watch*. N.p., 17 Apr. 2015. Web. 22 Feb. 2017. <<https://www.hrw.org/news/2010/05/27/icc-strengthen-international-justice-kampala-conference>>.
- HRW. "Syria." *Human Rights Watch*. N.p., 27 Jan. 2016. Web. 22 Feb. 2017. <<https://www.hrw.org/world-report/2016/country-chapters/syria>>.
- Human Rights, UN. "Human Rights." *United Nations*. United Nations, n.d. Web. 22 Feb. 2017. <<http://www.un.org/en/sections/priorities/human-rights/>>.
- ICC. "International Criminal Court - 10 Years Fighting Impunity | Timeline." *International Criminal Court - 10 Years Fighting Impunity | Timeline*. N.p., n.d. Web. 22 Feb. 2017. <<https://www.icc-cpi.int/iccdocs/pids/tl/timeline.html>>.
- UK. "Migrant Crisis: What Is the UK Doing to Help?" *BBC News*. BBC, 28 Jan. 2016. Web. 22 Feb. 2017. <<http://www.bbc.com/news/uk-34139960>>.
- UN Chronicle. "The Role of the International Criminal Court in Ending Impunity and Establishing the Rule of Law | UN Chronicle." *United Nations*. United Nations, Dec. 2012. Web. 22 Feb. 2017. <<https://unchronicle.un.org/article/role-international-criminal-court-ending-impunity-and-establishing-rule-law>>.
- UN. "Protect Human Rights." *United Nations*. United Nations, n.d. Web. 22 Feb. 2017. <<http://www.un.org/en/sections/what-we-do/protect-human-rights/index.html>>.
- UN. "Security Council, SC, UNSC, Security, Peace, Sanctions, Veto, Resolution, President, United Nations, UN, Peacekeeping, Peacebuilding, Conflict Resolution, Prevention." *United Nations*. United Nations, n.d. Web. 22 Feb. 2017. <<http://www.un.org/en/sc/documents/resolutions/>>.
- Withnall, Adam. "Amnesty International Reveals the 10 Worst Attacks on Human Rights across the World Last Year." *The Independent*. Independent Digital News and Media, 24 Feb. 2016. Web. 22 Feb. 2017. <<http://www.independent.co.uk/news/world/politics/amnesty-international-reveals-the-10-worst-attacks-on-human-rights-across-the-world-last-year-a6892911.html>>.



ZiMUN 2017
General Assembly
Research Report