

**Committee: Security Council**

**Topic: Justice for War Crimes**

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## **Summary:**

Throughout history various methods have been employed to achieve justice for crimes committed during periods of conflicts between two or more sides. these methods range in their degrees of legality from tribunals to reprisals and revenge killings. There is no average estimated amount of war crimes committed in conflict due to the turbulent nature of conflict itself. The causes of war crimes can range from an almost infinite variety of factors with some of the most common being Ethnicity (example: Balkan Conflicts), Allegiance (Colombian Civil War) or general hostility (Japanese Occupation of Asia), The UN's main goal in regards to war crimes is to discourage future violations of International law by removing a key element which allows war crimes to occur (lack of accountability) and punishing those responsible.

## **Definition of Key Terms**

### **War Crime:**

The direct violation of the conventions and standards of war as outlined by numerous international treaties and conventions such as the Geneva Conventions, Hague Conventions, The Rome Statute of the International Criminal Court.

These violations include but are not limited to:

The intentional targeting of civilians, excessive and indiscriminate attacks on groups/regions, attacks on protected objects, torture and inhumane treatment of combatants and non-combatants, taking of hostages to be used as obstacles, the use of child soldiers, attacks on medical/humanitarian personnel, denial of a fair trial, unlawful deportation or transportation, use of prohibited instruments of warfare (white phosphorus, nerve agents, cluster munitions). summary execution of combatants and non-combatants.

### **Protected Object:**

An object or installation vital to the survival of the civilian population.

These objects include but are not limited to:

Health facilities (clinics and hospitals), food supplies (food warehouses and supply dumps), water supplies (desalination facilities, water purification facilities and other means of water acquisition).

### **Crimes against Humanity:**

Crimes against Humanity are distinct from War Crimes. Not all Crimes against Humanity are war crimes but all war crimes are Crimes against Humanity.

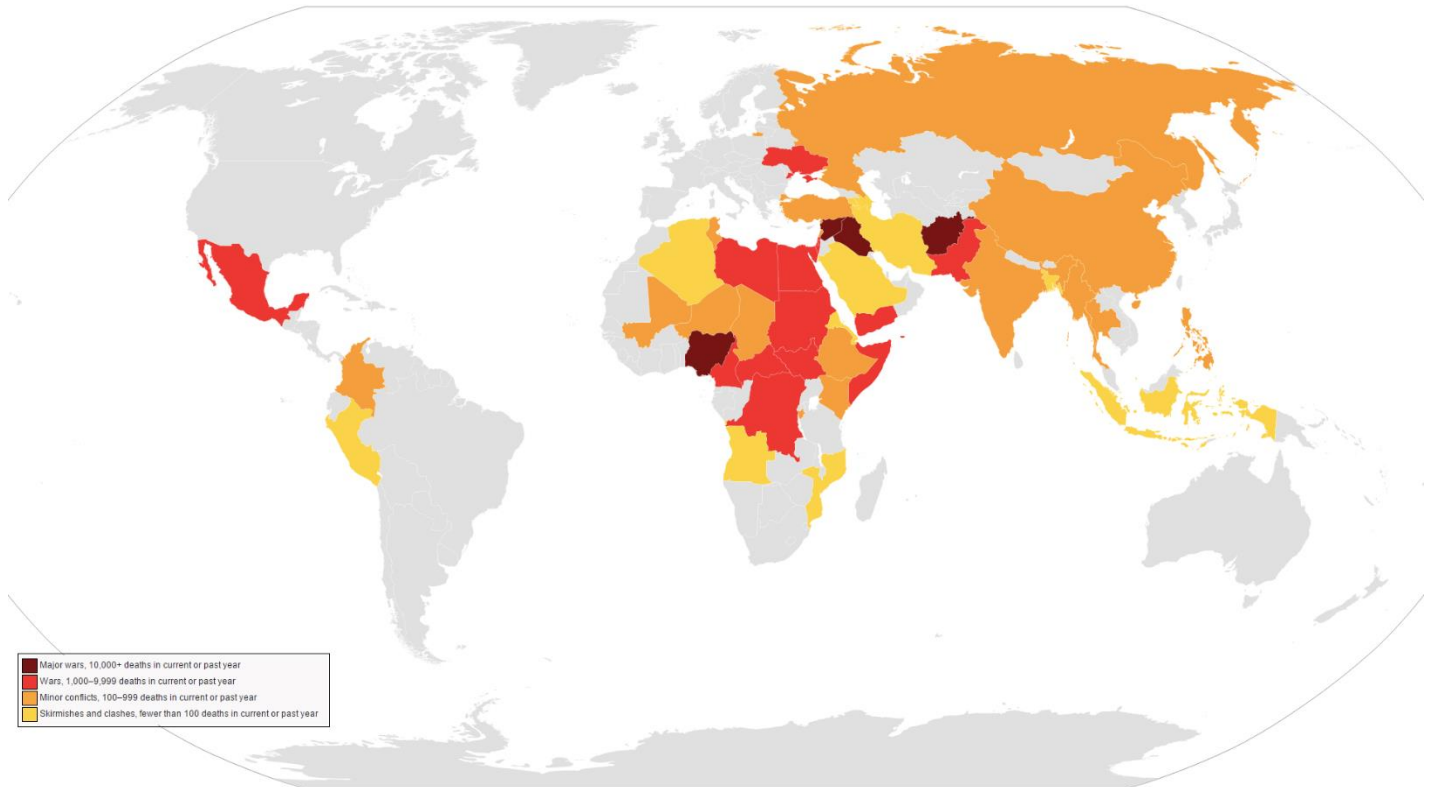
For example the systemic killing of Jews, Slavs, Homosexuals, Political adversaries, etc... by the Nazis during WW2 is not classified as a war crime but rather as a crime against humanity as a whole with certain elements of the systemic killings like the Einsatzgruppen being classed as war crimes.

### **ICC:**

International Criminal Court.

## **Background Information**

Map of Current ongoing conflicts with degrees of severity outlined by colour



War Crimes are so ubiquitous in conflict that determining the exact number of deaths and other atrocities is impossible. However, compromises can be made, a court does not need to determine every death caused by an individual to sentence them, the court only needs to determine the individual guilty of Crimes against humanity, Crimes against Peace or Conventional war crimes, often through the use of paperwork or direct witness accounts. Those at the very top of the chain can be punished for allowing war crimes deaths to happen under their command. Some notable examples include:

The Japanese Officials sentenced to death at the IMTFE:

Hideki Tojo, Iwane Matsui, Akira Muto, Koki Hirota, Heitaro Kimura, Kenji Doihara, Seishiro Itegaki

The German Officials sentenced to death at the Nuremberg trials:

Hermann Goring, Joachim von Ribbentrop, Wilhelm Keitel, Ernst Kaltenbrunner, Alfred Rosenberg, Hans Frank, Wilhelm Frick, Julius Streicher, Fritz Sauckel, Alfred Jodl, Arthur Seyss-Inquart, Albert Speer

The German Architect of the Holocaust sentenced to death at the Eichmann Trial:

Adolf Eichmann

Former Yugoslav citizens sentenced to life imprisonment or death at the International Tribunal for the Former Yugoslavia:

Slobodan Milosevic, Radovan Karadzic, Ratko Mladic, Miroslav Deronijic, Miroslav Radic, Vlastimir Dordevic, Milan Gvero, Dragan Nikolic, Milan Lukic, Sredoje Lukic, Goran Jelusic.

The issue with war crimes and the reason why they are so prevalent is the lack of accountability for them. Throughout history, war crimes of nations have been scrubbed from the record in order to protect the nations' image. The majority of cases where countries have been convicted of war crimes is due to diligent record keeping. The Nazis and Imperial Japanese kept accounts and records of their systemic massacres throughout the war that allowed the lawyers at Nuremberg and Tokyo to definitively prove their guilt. Similarly, members of the Yugoslav conflict kept detailed reports of all massacres and deportations.

Some of the most egregious violations of international law are hidden by countries (mainly the victors of conflicts). For example, the extensive war crimes committed by the US military against Korean Civilians during the Korean War were classified and hidden in government archives as collateral damage, similarly during the Vietnam war many US war crimes were hidden from the public listed as collateral damage (most notably My Lai which was leaked to the public and the thousands of civilians killed by indiscriminate bombing in North Vietnam, Laos, Cambodia). Another example would be the British occupation of Malaysia during which British Forces committed numerous war crimes ranging from massacres to indiscriminate bombing and executions of suspected rebel forces.

it is important to note that War crimes are not a new concept. They have existed since the dawn of warfare.

## Major Countries and Organizations Involved

**United States of America:** As a Global superpower the USA has a responsibility to ensure that international law as outlined by the UN is upheld.

**France:** As the Birthplace of the modern democracy in Europe as well as one of the world nuclear powers and a Member of the UN Security Council, France also has a duty to uphold international law.

**China:** As a global superpower and regional leader as well as being a member of the UN Security Council, China has a responsibility to uphold international law

**United Kingdom:** As one of the world nuclear powers and member of the Security Council the UK has a duty to uphold international law.

**Russia:** As the largest nuclear power and regional leader as well as being engaged directly in conflict with another major nation, Russia has a responsibility to ensure that international law is followed at all levels of command.

**Ukraine:** As Europe's Breadbasket and strong regional power as well as being engaged in direct conflict with another major nation, Ukraine has a responsibility to ensure international law is followed at all levels of command.

## Timeline of Events

Date	Description
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### Late 19th and Early 20th Centuries:

**1864:** First Geneva Convention is adopted, establishing the basis for the protection of wounded soldiers on the battlefield.

**1899 and 1907:** Hague Conventions are held, resulting in the establishment of rules and principles related to the conduct of warfare.

### World War I and Interwar Period:

**1919:** Treaty of Versailles includes provisions for prosecuting war criminals from World War I, but the enforcement is limited.

**1920:** The Treaty of Sèvres establishes the legal basis for prosecuting Ottoman officials responsible for the Armenian Genocide, though this is not effectively implemented.

### World War II and Its Aftermath:

**1942:** The Allied Powers issue the St. James Declaration, condemning Axis atrocities and calling for post-war accountability.

**1945:** Nuremberg Trials begin, marking the first major international effort to hold individuals accountable for war crimes, crimes against humanity, and genocide.

**1946:** Tokyo Trials commence, prosecuting Japanese officials for war crimes and crimes against peace.

**1948:** United Nations General Assembly adopts the Convention on the Prevention and Punishment of the Crime of Genocide.

Post-World War II Period:

**1950s:** Domestic trials of Nazi war criminals continue in various countries.

**1950:** The European Convention on Human Rights is adopted, emphasizing human rights protection.

**1968:** The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity is adopted.

Late 20th Century and Beyond:

**1993:** International Criminal Tribunal for the Former Yugoslavia (ICTY) is established by the UN Security Council.

**1994:** International Criminal Tribunal for Rwanda (ICTR) is established to address the Rwandan Genocide.

**1998:** Rome Statute is adopted, establishing the International Criminal Court (ICC) to prosecute genocide, crimes against humanity, war crimes, and the crime of aggression.

**2002:** ICC officially comes into existence after the required number of ratifications.

**2003:** Special Court for Sierra Leone (SCSL) is established to address crimes committed during the Sierra Leone Civil War.

**2004:** Extraordinary Chambers in the Courts of Cambodia (ECCC) are established to address crimes of the Khmer Rouge regime.

**2017:** International Criminal Tribunal for the Former Yugoslavia (ICTY) concludes its work.

**2021:** International Residual Mechanism for Criminal Tribunals (IRMCT) continues the residual functions of both the ICTY and the ICTR.

## Relevant UN Treaties and Events

**1. Geneva Conventions (1949):** These are a set of four international treaties that establish the humanitarian rules for the treatment of wounded soldiers, prisoners of war, and civilians during armed conflicts. They also lay the foundation for the protection of individuals in conflict situations.

2. **Nuremberg Trials (1945-1946):** The Nuremberg Trials marked the first major international effort to hold individuals accountable for war crimes, crimes against humanity, and genocide committed during World War II. The trials set important legal precedents for prosecuting such crimes.
3. **Tokyo Trials (1946-1948):** Similar to the Nuremberg Trials, the Tokyo Trials prosecuted Japanese officials for war crimes, crimes against humanity, and other offenses related to World War II.
4. **Convention on the Prevention and Punishment of the Crime of Genocide (1948):** This treaty defines and criminalizes genocide and establishes obligations for states to prevent and punish acts of genocide.
5. **Rome Statute of the International Criminal Court (1998):** The Rome Statute established the International Criminal Court (ICC), a permanent international tribunal tasked with prosecuting individuals for genocide, crimes against humanity, war crimes, and the crime of aggression.
6. **International Criminal Tribunal for the Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR):** These ad hoc tribunals were established in the 1990s by the UN Security Council to address war crimes, crimes against humanity, and genocide committed during conflicts in the former Yugoslavia and Rwanda, respectively.
7. **Extraordinary Chambers in the Courts of Cambodia (ECCC):** Established to address crimes committed during the Khmer Rouge regime, the ECCC is a hybrid tribunal with participation from both Cambodian and international judges.
8. **Special Court for Sierra Leone (SCSL):** The SCSL was created to address atrocities committed during the Sierra Leone Civil War, including war crimes and crimes against humanity.
9. **International Residual Mechanism for Criminal Tribunals (IRMCT):** The IRMCT was established to continue the residual functions of the ICTY and the ICTR after their closure, including the prosecution of remaining cases and the enforcement of sentences.

## Previous Attempts to solve the issue.

**International Criminal Tribunals:** Ad hoc tribunals such as the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and hybrid courts like the Extraordinary Chambers in the Courts of Cambodia (ECCC) have been established to prosecute

individuals for war crimes, crimes against humanity, and genocide committed during specific conflicts. These tribunals contribute to accountability and the establishment of legal precedents.

**International Criminal Court (ICC):** The ICC is a permanent international tribunal designed to prosecute individuals for the most serious crimes of international concern. It plays a role in addressing global conflicts and promoting justice across national boundaries.

**Truth and Reconciliation Commissions:** These commissions, such as the Truth and Reconciliation Commission in South Africa, aim to create a platform for victims and perpetrators to share their experiences and promote healing. They often involve offering amnesty in exchange for truth-telling, which can help societies move forward while addressing past injustices.

**Domestic Trials and National Courts:** Many countries have pursued justice for war crimes and atrocities through their own legal systems. National courts can prosecute individuals based on domestic legislation and international law.

## Possible Solutions

*Strengthen International Justice Mechanisms:*

Support and fund international criminal tribunals like the International Criminal Court (ICC) to ensure their effective functioning and independence.

Encourage cooperation among countries in apprehending and extraditing individuals accused of war crimes.

*Enhance National Legal Frameworks:*

Strengthen domestic laws to criminalize war crimes, crimes against humanity, and genocide, incorporating international legal standards.

Establish specialized war crimes units within national legal systems to investigate and prosecute these crimes effectively.

*Promote Accountability and Rule of Law:*



Encourage governments to hold their own forces accountable for war crimes and to cooperate with international justice mechanisms.

Strengthen the rule of law by ensuring that institutions responsible for justice are independent, transparent, and impartial.

*Support Victims and Witnesses:*

Provide protection and support for victims and witnesses of war crimes to encourage their participation in legal proceedings.

Offer psychological and social services to help victims cope with trauma and rebuild their lives.

*Education and Awareness:*

Raise public awareness about the importance of justice for war crimes to foster a culture of accountability and respect for human rights.

Educate communities about the history of war crimes to prevent future atrocities.

*Diplomacy and Sanctions:*

Use diplomatic pressure to encourage countries to cooperate with justice mechanisms and extradite suspects.

Impose targeted sanctions on individuals and entities involved in war crimes to deter future violations.

*International Collaboration:*

Strengthen international cooperation and information sharing among countries, international organizations, and NGOs working to address war crimes.

*Transitional Justice Mechanisms:*

*Truth and Reconciliation:*

Implement truth and reconciliation commissions to provide a platform for victims and perpetrators to share their experiences, promote healing, and prevent future conflicts.

*Support Civil Society and NGOs:*

Empower civil society organizations and NGOs to monitor and document war crimes, advocate for justice, and provide assistance to victims.

*Prevention and Conflict Resolution:*

*Prevention:*

Address underlying causes of conflicts, such as poverty, inequality, and ethnic tensions, to prevent situations that might lead to war crimes.

Invest in conflict prevention, early warning systems, and mediation efforts to mitigate the risk of violence and atrocities.

*Promote International Norms and Agreements:*

Encourage countries to ratify and implement international treaties related to war crimes, such as the Rome Statute of the ICC and the Geneva Conventions.

Solving the issue of justice for war crimes requires a multi-faceted and coordinated approach that spans legal, social, political, and humanitarian dimensions. It involves a collective commitment to upholding human rights, preventing future atrocities, and ensuring accountability for those responsible.

## **Bibliography**

United Nations - International Criminal Tribunal for the Former Yugoslavia (ICTY):

Website: <https://www.icty.org/>

Provides information on the tribunal's cases, judgments, and resources related to war crimes during the Yugoslav Wars.

United Nations - International Criminal Tribunal for Rwanda (ICTR):

Website: <https://unictr.irmct.org/>

Offers information on the tribunal's work to address war crimes related to the Rwandan Genocide.

International Criminal Court (ICC):

Website: <https://www.icc-cpi.int/>

Offers extensive resources on international justice, case information, legal texts, and reports related to the ICC's work.

Human Rights Watch:

Website: <https://www.hrw.org/>

Publishes reports, news, and analyses on human rights abuses and international justice, including war crimes.

Amnesty International:

Website: <https://www.amnesty.org/en/>

Offers reports, campaigns, and resources related to human rights violations and justice mechanisms, including war crimes.

United States Holocaust Memorial Museum:

Website: <https://www.ushmm.org/>

Provides educational resources, historical information, and exhibitions on the Holocaust and war crimes.

International Committee of the Red Cross (ICRC):

Website: <https://www.icrc.org/en>

Offers resources on international humanitarian law, including the Geneva Conventions and war crimes.

International Center for Transitional Justice (ICTJ):

Website: <https://www.ictj.org/>

Provides resources on transitional justice mechanisms, truth commissions, and accountability for war crimes.

United Nations Office on Genocide Prevention and the Responsibility to Protect:

Website: <https://www.un.org/en/genocideprevention/prevention.shtml>

Offers information and resources related to preventing genocide and holding perpetrators accountable.

United Nations Human Rights Council:

Website: <https://www.ohchr.org/en/hrbodies/hrc/home>

Provides information on human rights issues, reports, and initiatives related to justice for war crimes.

Remember to critically assess the credibility and relevance of the information you find on these websites to ensure it aligns with your debate topic and research needs.