

SC
(Security Council)

“Enforcing international guidelines regarding war crimes (set by the Geneva Convention 1949 and Article 8 of the Rome Statute) in ongoing conflicts “

1. General information:

In today's armed conflicts, war crimes continue to pose a serious threat to the international community's commitment to preserving humanitarian law and safeguarding civilian populations. The legal foundation for classifying and prosecuting war crimes is provided by the 1949 Geneva Conventions and Article 8 of the Rome Statute. But as the recent events in the Middle East and Ukraine have shown, there are substantial obstacles in the way of implementing these recommendations in current wars . Ensuring accountability and combating war crimes are critical tasks for the United Nations Security Council. The present status of war crimes enforcement is examined in this research study, along with important problems and possible remedies that the international community should take into consideration.

2. Background:

War crimes have received increased worldwide attention as a result of recent conflicts: Israel-Palestine Conflict: Both sides of the continuing conflict have been accused of committing war crimes. Allegations of indiscriminate assaults on people, the use of human shields, and the obstruction of humanitarian access have resulted from the current escalation that occurred in October 2023. Russian invasion of Ukraine: Since February 2022, a number of accusations of war crimes—including the destruction of civilian infrastructure, torture, and forced deportations—have been made against Russian forces operating in Ukraine. Other Ongoing Conflicts: Reports of war crimes have not stopped in Syria, Yemen, Ethiopia, or Myanmar, to name a few.

Activities of the International Criminal Court (ICC): As of 2023, the ICC had 38 arrest warrants issued and had initiated investigations in 17 different nations. Since the Court was established in 2002, ten people have been found guilty of war crimes.

Ukraine-Russia Conflict: Since the Russian invasion started in February 2022, over 15,000 alleged war crimes have been registered in Ukraine. 26,384 civilian casualties—9,444 killed and 16,940 injured—have been reported to the UN.

Israel-Palestine Conflict: More than 11,000 Palestinians, including more than 4,500 children, are said to have died in Gaza between October 7 and November 10, 2023. As of November 2023, there were more over 1.5 million internally displaced individuals in Gaza.

Child Soldiers and Sexual Violence: According to UNICEF, more than 250,000 children are linked to armed organizations globally. In 2022, the UN reported 3,293 incidents of sexual assault due to conflicts in 19 different countries.

3. Issues that are likely to arise:

Concerns about sovereignty: Using their right to national sovereignty, states may oppose foreign participation in current conflicts.

Lack of cooperation: It is possible for accused parties to decline to assist with inquiries or extradite suspects.

Politicisation of prosecutions: Claims of partiality and prejudice in the investigation of war crimes. Evidence collection in active war zones: The difficulties of obtaining and storing evidence while hostilities are in progress.

Protection of victims and witnesses: Making sure people who come forward to speak about war crimes are safe.

Resource limitations: Insufficient money and manpower to look into and prosecute war crimes across the world.

Non-state actors: It might be challenging to hold armed organisations and other non-state actors responsible for war crimes.

4. Main Countries involved:

Though not a party to the ICC, the United States is a major player in global efforts to promote justice.

Russia: Expelled from the ICC in 2016 after being charged with war crimes in Ukraine.

China: Has a veto in the UN Security Council; it is not a party to the ICC.

Israel: Not a party to the ICC, but facing accusations of war crimes in the conflict with Palestine.

Ukraine: Participating in international inquiries about possible war crimes committed by Russia. Syria: a non-party to the ICC, it is embroiled in a protracted conflict with several accusations of war crimes.

5. List of questions delegates should ask themselves in regards to the topic:

- How can the Security Council enhance cooperation between states and international justice mechanisms in investigating and prosecuting war crimes?
- What measures can be taken to improve evidence gathering and preservation in ongoing conflicts?
- How can the international community address the challenge of holding non-state actors accountable for war crimes?
- What role should regional organisations play in enforcing war crimes guidelines?
- How can the Security Council address the issue of selective justice and ensure impartial enforcement of war crimes laws?
- What mechanisms can be developed to protect witnesses and victims in war crimes cases?
- How can the international community improve its response to war crimes allegations in real-time during ongoing conflicts?
- What steps can be taken to strengthen the principle of universal jurisdiction in prosecuting war crimes?

6. Key-terms and explanations:

- Geneva Conventions: The cornerstone of international humanitarian law is established by these four treaties as well as three supplementary protocols.
- The Rome Statute is the agreement that created the International Criminal Court and outlines the offences that come within its purview.

- War crimes include grave violations of the Geneva Conventions as well as other significant infractions of the rules of law and custom that govern both international and domestic armed conflicts.
- The International Criminal Court (ICC) is a global court that brings criminal charges against people for transnational offences, such as war crimes.
- universal jurisdiction: The idea that some crimes are so horrible that they can be prosecuted in any state, no matter where they happened.
- Command responsibility: The idea that military leaders are accountable for war crimes committed by their subordinates.

7. Useful sources:

1. International Criminal Court: <https://www.icc-cpi.int/>
2. United Nations Office on Genocide Prevention and the Responsibility to Protect: <https://www.un.org/en/genocideprevention/>
3. International Committee of the Red Cross: <https://www.icrc.org/en>
4. Human Rights Watch: <https://www.hrw.org/>
5. Amnesty International: <https://www.amnesty.org/en/>
6. Global Centre for the Responsibility to Protect: <https://www.globalr2p.org/>
7. International Law Commission: <https://legal.un.org/ilc/>
8. UN Human Rights Council: <https://www.ohchr.org/en/hr-bodies/hrc/home>
9. CIA-Factbook,; The World Factbook: <https://www.cia.gov/the-world-factbook/>