IMUN 2025 Research Report

Human Rights Commission Issue #3: The question of ensuring accountability for perpetrators of war crimes and human rights violations

According the United Nations, war crimes "are violations of international humanitarian law (whose perpetrators incur individual criminal responsibility under international law) … [and which] always take place in the context of an armed conflict, whether international or not". These include acts such as murder, torture, pillaging, and intentional attacks on civilians, humanitarian workers, and protected infrastructure like schools and hospitals ("International law"). Under the Geneva Conventions, any court can prosecute perpetrators of war crimes through the principle of universal jurisdiction. Human rights violations have a broader scope, as they cover any infringement of the rights outlined in the Universal Declaration of Human Rights. While some infractions like genocide and other crimes against humanity are examples of human rights violations that are prosecutable through universal jurisdiction, other human right abuses like limits to freedom of movement, the right to healthcare and education, the freedom of expression, have no process for international accountability (*Elements of Crimes*).

The Rome Statute of the International Criminal Court (ICC), along with Geneva Conventions, grants the ICC jurisdiction over war crimes, and sets the expectation that member-states of the ICC must arrest individuals with arrest warrants (*Rome Statute*). The main challenge to accountability of perpetrators is the ability of states to withdraw from the ICC, which has been used as a way to prevent having to arrest politically aligned leaders with arrest warrants ("International Crimes"). One such example is the Prime Minister of Israel, Benjamin Netanyahu, who has a standing arrest warrant for allegedly committing the war crime of starvation as a method of warfare, as well as other crimes against humanity. Since Israel is not a member of the ICC, and

neither are some of its allies, Mr. Netanyahu can have state visits and travel and never be held accountable for these allegations (El Abdallah). Another example of the same situation is the President of Russia, Vladimir Putin, who is allegedly responsible for the war crime of the unlawful deportation and transfer of children, but who cannot be held accountable due to the inability to arrest him ("Situation in Ukraine"). Another challenge that is directly connected to the previous one is political interference in cases. The Permanent Five members of the Security Council have a disproportionate influence in the accountability process, due to their power to veto the referral of cases to the ICC, which is used to protect certain politically aligned groups. For example, Russia and China used their veto power to refuse the referral of cases pertaining to the situation in Syria and allegations of war crimes committed by Bashar Al-Assad ("Referral of Syria").

In this debate, delegates should be mindful of the balance between accountability and sovereignty in question of the jurisdiction to prosecute human rights violations. They should analyze the possibility of strengthening and reforming the ICC and the ICJ and amending the international law to alter the status of enforcement of universal jurisdiction. They could also analyze the standing treaties on human rights to cover for blind spots in enforcement and accountability and strengthen the penalties for certain infractions. Delegates should, in any case, not forget the importance of the betterment of the condition of the victim as the goal of international law.

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