



Just Now

*a toolbox
for teaching
human rights*

International Criminal Law

JustNow timeline cards set

The “JustNow – A Toolbox for Teaching Human Rights” project is focused on the development of methodological-didactical materials relating to human rights education, combined with simulation games and diversity learning in non-formal and formal youth educational work.

This timeline cards set focuses on the evolution of international criminal law and the International Criminal Court in particular, covering key milestones, legal cases, legislation and organisations active in this domain. They can be used in history or civic education, or in other non-formal education settings. It is advised that educators supplement the cards with local examples.

The cards were created using images and information researched online, with sources noted on the back of the cards. The cards are created for exclusively non-profit educational purpose and use, in classrooms or non-formal educational settings.

Created by: JustNow project team

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International Criminal Law

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Overview of all the 'International Criminal Law' cards

Key Terms & Concepts	Key ICC Facts and Events	Issues / Challenges / Problems	Notable Cases & Investigations	Evolution of International Criminal Law	Notable Organizations	Culture
International Criminal Law	draft statute for ICC	American Service-Members' Protection Act (2002)	Germain Katanga and Mathieu Ngudjolo Chui	Gustav Moynier	Coalition for the International Criminal Court	Zero Impunity
Genocide	Rome Conference	US withdraws the signature	Thomas Lubanga	Treaty of Versailles	Justice Rapid Response	The Reckoning: The Battle for the International Criminal Court
Crimes against humanity	Rome Statute	"Anti-African court" criticism	Ahmad al-Faqi al-Mahdi	Nuremberg and Tokyo tribunals	International Committee of the Red Cross	The ICC Witness Project
Crimes of aggression	permanent place (Hague)	Burundi withdrawal	Dominic Ongwen	Convention on the Prevention and Punishment of the Crime of Genocide	Human Rights Watch	Cassese's International Criminal Law
War crimes	ICC Trust Fund for Victims	Rodrigo Duterte and the Philippines withdrawal	Jean-Pierre Bemba	the Geneva Conventions	Amnesty International	Beasts of No Nation
Impunity *individual criminal responsibility	ICC process	Trump imposing sanctions on president of ICC	Laurent Gbagbo and Charles Blé Goudé	International Criminal Tribunal for the former Yugoslavia	Forgotten Children of War BiH	Samantha Power Problem from Hell
Rome Statute	judges	Israel/Palestine	Libya	International Criminal Tribunal for Rwanda	Stop Ecocide International	In Flow of Words
Jurisdiction	punishments at ICC	Lethal Autonomous Weapons (LAWs)	Georgia	Inter-American Court and Commission	EUROJUST	Hotel Rwanda
Complementarity	absence of enforcement mechanism	Praljak suicide	Ukraine investigations	Hague conventions	International Nuremberg Principles Academy	Shake Hands With the Devil
Joint Criminal Enterprise	detention and serving the sentence	Bashar al-Assad and Syria	Joseph Kony	Peter von Hagenbach trial and execution	TRIAL International	Madame Prosecutor



Criminal Law

COURT HEARING

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International Criminal Law

International criminal law (ICL) codifies a body of law that defines international crimes such as genocide, war crimes, crimes against humanity, and the crime of aggression, as well as the procedures to be applied before international courts and tribunals. These crimes often take place in the course of conflict, and hence relate directly to humanitarian crisis. In contrast to much international law, ICL does not focus on the conduct of States – it establishes individual criminal responsibility. One of the main sources of ICL is the Rome Statute creating the International Criminal Court (ICC).



Image: Jelle Visser (2017), www.flickr.com/photos/126202631@N03/36385710985

Text: www.history.com/topics/holocaust/what-is-genocide and www.ijmonitor.org/glossary-of-legal-terms/

Genocide

The Genocide Convention of 1948 identifies genocide as a crime under international criminal law, and obliges state parties to the Convention to prevent and punish the crime of genocide.

The Convention defines genocide as: “any of the following acts committed with the intent to destroy, in whole or part, a national, ethnical, racial or religious group, as such:

1. killing members of the group;
2. causing serious bodily or mental harm to members of the group;
3. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or part;
4. imposing measures intended to prevent births within the group;
5. forcibly transferring children of the group to another group.



Crimes Against Humanity

Pursuant to the Rome Statute of the International Criminal Court, a 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: murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; 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; enforced disappearance of persons; the crime of apartheid; other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”

Crimes against humanity must possess three major elements:

- The crime must be a product of a widespread or systematic attack, not an isolated incident. If it is isolated, it must be connected to multiple acts, pursuant to a policy.
- Such crimes must be directed against a civilian population – if it is a military target, it cannot be a crime against humanity. But the act could still be a war crime.
- The alleged perpetrator must have knowledge of the attack.



Image: by Photoholic on Unsplash

Text: <https://crimeofaggression.info/role-of-the-icc/definition-of-the-crime-of-aggression/>

Crimes of Aggression

The crime of aggression is defined in the article 8 bis the Rome Statute of the ICC adopted at the 2010 Review Conference in Kampala. In essence, three elements are required:

First, the perpetrator must be a **political or military leader**, i.e. a “person in a position effectively to exercise control over or to direct the political or military action of a State”.

Second, the Court must prove that the **perpetrator was involved in the planning, preparation, initiation or execution of such a State act** of aggression.

Third, such a State act must amount to an **act of aggression** in accordance with the definition contained in General Assembly Resolution 3314, and it must, by its character, gravity and scale, constitute a **manifest violation of the UN Charter**. This implies that only the most serious forms of illegal use of force between States can be subject to the Court’s jurisdiction. Cases of lawful individual or collective self-defence, as well as action authorized by the Security Council are thus clearly excluded.



War Crimes

While wars are chaotic and brutal, there is a body of international law that tries to regulate the violence in armed conflict. These rules are not meant judge why conflicts are fought, but rather, they lay the ground rules about how parties to the conflict should conduct themselves and what acts are not allowed during the conflict. Specifically, these laws aims to safeguard “protected persons”—those who are not, or are no longer, involved in the conflict. Protected persons include civilians (children and women are considered particularly vulnerable), ill soldiers, and prisoners of war.

At the International Criminal Court, war crimes are listed in Article 8(2) of the Rome Statute. They include such crimes as murder, terrorism, sexual violence, cruel treatment, and pillage.

**END
IMPUNITY!**



Image: www.facebook.com/EndImpunity/

Text: www.nurembergacademy.org/resources/acceptance-online-platform/education-tools/glossary/ www.ijmonitor.org/glossary-of-legal-terms/

Impunity / Individual Criminal Responsibility

Impunity is exemption or immunity from punishment or penalty for crimes. Governments with a weak rule of law are more likely to fail to bring perpetrators to justice which in turn denies victims' the right to justice and reparations and thus does not contribute to the prevention of future re-occurrences of violations. This can be either a de jure or de facto impossibility to hold the perpetrators accountable.

The concept of individual criminal responsibility means that a person will be found guilty for committing crimes if the "person planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime." Each international criminal tribunal has incorporated the concept of individual criminal responsibility into their statutes. At the ICC, Article 25 of the Rome Statute states that an individual is responsible for the commission of crimes if a person commits, orders, solicits, induce, aids, assists in the commission of a crime, provide means or contributes to the commission of the crime. Further, the accused must intend to engage in the conduct or the accused is aware of the consequences that will result in the regular course of events.



Don. RO STELL

R. N. Secretary General

Minister D'Amato

Rob. C. STELL

International School of

Image: Coalition for the ICC, July 1998: Rt. Hon. Lamberto Dini signing the Rome Statute, Flickr
<https://www.flickr.com/photos/coalitionforicc/4578298185/in/photostream/>
Text: www.icc-cpi.int/sites/default/files/RS-Eng.pdf

Rome Statute

1998

The Rome Statute of the International Criminal Court is the treaty that established the International Criminal Court (ICC). It was adopted at a diplomatic conference in Rome, Italy on 17 July 1998 and it entered into force on 1 July 2002.

Article 5 Crimes within the jurisdiction of the Court

The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

- (a) The crime of genocide;
- (b) Crimes against humanity;
- (c) War crimes;
- (d) The crime of aggression.



JURISDICTION

Image: Nick Youngson CC BY-SA 3.0 Pix4free.org

Text: www.nurembergacademy.org/resources/acceptance-online-platform/education-tools/glossary/ and www.icc-cpi.int/about/how-the-court-works

Jurisdiction

Jurisdiction refers to the power or the right of a legal or political institution to administer justice by interpreting and exercising the law, e.g. by arresting and punishing criminal offenders. It also refers to the authority or right of a sovereign power to govern and legislate a particular area or it relates to a territory within which a specific body of laws is applied, also known as national jurisdiction. Universal Jurisdiction does not require a prosecuting state to be linked to a particular crime. In fact, it permits domestic courts to hold criminal jurisdiction over an accused, regardless of the accuser's nationality and residence or where the crime was committed. This doctrine is usually applied in cases of *erga omnes*, "crimes against all", that is when crimes amount against the whole of humanity, such as piracy, slavery, crimes against humanity, war crimes, genocide and torture.

The International Criminal Court may exercise jurisdiction in a situation where genocide, crimes against humanity or war crimes were committed on or after 1 July 2002 and:

- the crimes were committed by a State Party national, or in the territory of a State Party, or in a State that has accepted the jurisdiction of the Court; or
- the crimes were referred to the ICC Prosecutor by the United Nations Security Council (UNSC) pursuant to a resolution adopted under chapter VII of the UN charter.

International Criminal Court

Third Session of the
Assembly of States Parties

The Hague, 6-10 September 2004

ARABIC
CHINESE
ENGLISH
FRENCH
RUSSIAN
SPANISH
2. FLOOR



Complementarity

As a Court of last resort, the International Criminal Court does not supplant national courts and can only exercise jurisdiction in the absence of genuine national proceedings. The Court's jurisdiction is only invoked when states are either genuinely unable or unwilling to investigate or prosecute Rome Statute offences.

There are at least four reasons for the complementary system:

1. It protects the accused if they have been prosecuted before national courts.
2. It respects national sovereignty in the exercise of criminal jurisdiction.
3. It might promote greater efficiency because the ICC cannot deal with all cases of serious crimes.
4. It puts the onus on states to do their duty under international and national law to investigate and prosecute alleged serious crimes (that is, it is not just a matter of efficiency but a matter of law, policy, and morality).



Joint Criminal Enterprise

Joint Criminal Enterprise is a mode of liability, which assigns individual criminal responsibility to all individuals who together have been part of a common plan, design, or purpose which amounts to or involves the commission of a crime. The Joint Criminal Enterprise mode of liability was created by the judges at the International Criminal Tribunal for the Former Yugoslavia and was utilized by all other international tribunals. The ICC adopted a different form of joint criminal enterprise. Article 25(d) of the Rome Statute provides that an accused contributes to the commission of a crime with a common purpose by furthering the criminal activity or having the knowledge that the group intends to commit a crime. The accused then can be found guilty as a co-perpetrator or an indirect perpetrator.

On the cover are the images Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, and Valentin Ćorić - five out of the six Defence appellants in the Prlić case - at the Prlić Appeals Judgement on November 29th, 2017.

These Bosnian Croat political and military leaders convicted of a range of crimes against Bosniaks (Bosnian Muslims) that included murder, rape, deportation and wanton destruction. They were found to have been part of a joint criminal enterprise that had as its ultimate goal the establishment of a Croat entity, Herceg-Bosna. The aim was that this entity would either become part of Croatia if the Bosnian state fell apart, or would be an independent state within [Bosnia] with direct ties to Croatia.



Dominic Ongwen case (Uganda)

2016 - 2022 trial

Known as the "White Ant", convicted war criminal Dominic Ongwen is estimated to have been between nine and 14 years old when he was abducted by the Lord's Resistance Army (LRA) as he was walking to school in northern Uganda. He went on over the next 27 years to become a ruthless rebel commander of the Sinia Brigade.

His arrest warrant was issued on July 8, 2005, on the charges of 61 counts of crimes against humanity and war crimes allegedly committed after 1 July 2002 in northern Uganda.

The trial began on 6 December 2016. The closing statements took place from 10 to 12 March 2020. On 4 February 2021, Trial Chamber IX found Dominic Ongwen guilty for a total of 61 crimes comprising crimes against humanity and war crimes, committed in Northern Uganda between 1 July 2002 and 31 December 2005. On 6 May 2021, Trial Chamber IX sentenced Dominic Ongwen to 25 years of imprisonment.

On 15 December 2022, the Appeals Chamber confirmed the decisions of Trial Chamber IX on Dominic Ongwen's guilt and sentence.



Image: Marcos Elias de Oliveira Júnior, Public domain, on Wikimedia Commons

Text: www.coalitionfortheicc.org/cases/mathieu-ngudjolo-chui and www.icc-cpi.int/drc/katanga

www.ijmonitor.org/germain-katanga-and-mathieu-ngudjolo-chui-background/

Germain Katanga and Mathieu Ngudjolo Chui (DRC)

2009 - 2014 trial

The trial against Congolese warlords Germain Katanga, alleged commander of the Force de résistance patriotique en Ituri (FRPI) militia, and Mathieu Ngudjolo Chui, alleged former leader of the Front des nationalistes et intégrationnistes (FNI) militia, began on November 24, 2009. It was decided the two accused should be tried together as they faced the same charges of war crimes and crimes against humanity in connection with the same attack on the village of Bogoro, Ituri Province, Democratic Republic of Congo. The trial of Katanga and Ngudjolo was the second trial ever to be held at the ICC.

Charges: Seven counts of war crimes (using children under the age of fifteen to take active part in hostilities, directing an attack against civilians, wilful killing, destruction of property, pillaging, sexual slavery, rape) and three counts of crimes against humanity (murder, rape, and sexual slavery) allegedly committed in Bogoro, a village in the Ituri Province of eastern DRC, from January to March 2003.

Ngudjolo judgment: December 18, 2012; acquitted of all charges.

Katanga judgment: March 7, 2014; convicted of one crime against humanity and four war crimes.

Katanga sentencing: May 23, 2014; sentenced to 12 years in prison.



Image: Coalition for the ICC on Flickr (25.04.2028), First conviction and victim reparations order against Thomas Lubanga
Text: www.ijmonitor.org/category/thomas-lubanga/ www.icc-cpi.int/drc/lubanga
www.theafricareport.com/24712/drc-former-warlord-thomas-lubanga-freed-after-serving-14-year-sentence/

Thomas Lubanga (DRC)

2009 - 2014 trial

The trial of Congolese militia leader Thomas Lubanga Dyilo at the International Criminal Court (ICC) began on January 26, 2009. On March 14, 2012 the judges convicted him of war crimes; specifically conscripting, enlisting, and using child soldiers in the conflict in the Ituri region of the Democratic Republic of the Congo (DRC). Despite intense interest in the ICC's first-ever trial, many people were confused about the case. Questions ranged from why it took so long for the trial to start to whether Lubanga should have been set free.

Lubanga was found guilty by the ICC on 14 March 2012 of "the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities." On 10 July 2012, he was sentenced to a total of 14 years in prison. The verdict and sentence were confirmed by the Appeals Chamber in December 2014. On 19 December 2015, Lubanga was transferred to Makala Prison in Kinshasa to serve out his sentence. He was released in 2020.

**IN SOLIDARITY
UPHOLD HUMAN RIGHTS**

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**AMNESTY
INTERNATIONAL**



Image: Richard Potts (2011), Flickr

Text: www.amnesty.org/en/

www.middleeastmonitor.com/20210518-amnesty-calls-on-icc-to-investigate-israels-targeting-of-residential-buildings-media-offices/

Amnesty International

1961

It is a global movement of more than 10 million people in over 150 countries and territories who 'take injustice personally' and campaign for the world where human rights are enjoyed by all. They are independent of any political ideology, economic interest or religion and are mainly funded by membership and public donations. They investigate and expose human rights abuses all over the world, working on abolishing the death penalty, protecting sexual and reproductive rights, combatting discrimination and defending refugees and migrants' rights.

"Only when the last prisoner of conscience has been freed, when the last torture chamber has been closed, when the United Nations Universal Declaration of Human Rights is a reality for the world's people, will our work be done."

Peter Benenson, Amnesty International founder



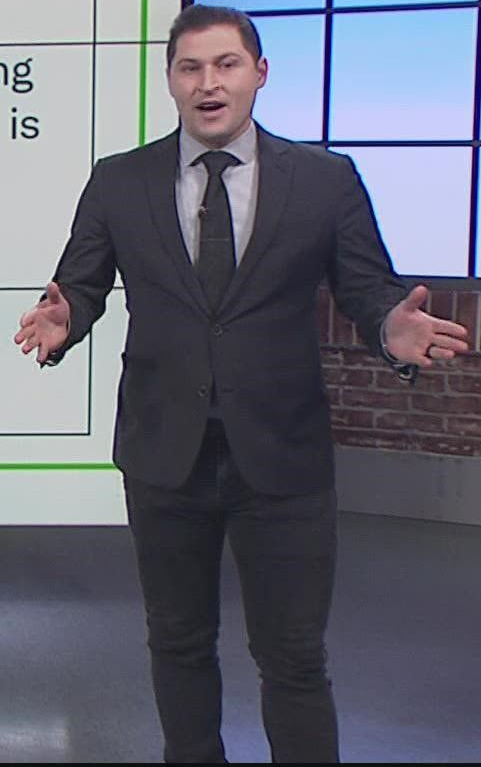
John Brown Stan's baby stan account
@thejb_stan



Worth remembering, as people talk about prosecuting people for war crimes, that the US's official position is that if an American is ever tried at the international criminal court we will invade the Netherlands

8:13 PM · Feb 28, 2022 · Twitter for Android

6,652 Retweets 464 Quote Tweets 40.4K Likes



American Servicemembers' Protection Act

2002

American Servicemembers' Protection Act, also known as The Hague Invasion Act, introduced in Senate in 2001 and signed by the US President George Bush in 2002 “prohibits U.S. cooperation with the International Criminal Court. It specifies restrictions on: (1) participation by covered U.S. persons in United Nations (UN) peacekeeping and peace enforcement operations; (2) transfer to the Court of U.S. classified national security and law enforcement information; and (3) the provision of U.S. military assistance, with specified exceptions, to the government of a country that is a party to the Court...and authorizes the President to use all means necessary (including the provision of legal assistance) to bring about the release of covered U.S. persons and covered allied persons held captive by, on behalf, or at the request of the Court.”



HOTEL RWANDA

A TRUE STORY

Image: Kreisau-Initiative e. V. (2024)

Text: www.theguardian.com/film/2014/aug/07/hotel-rwanda-don-chedle-genocide-accuracy-reel-history

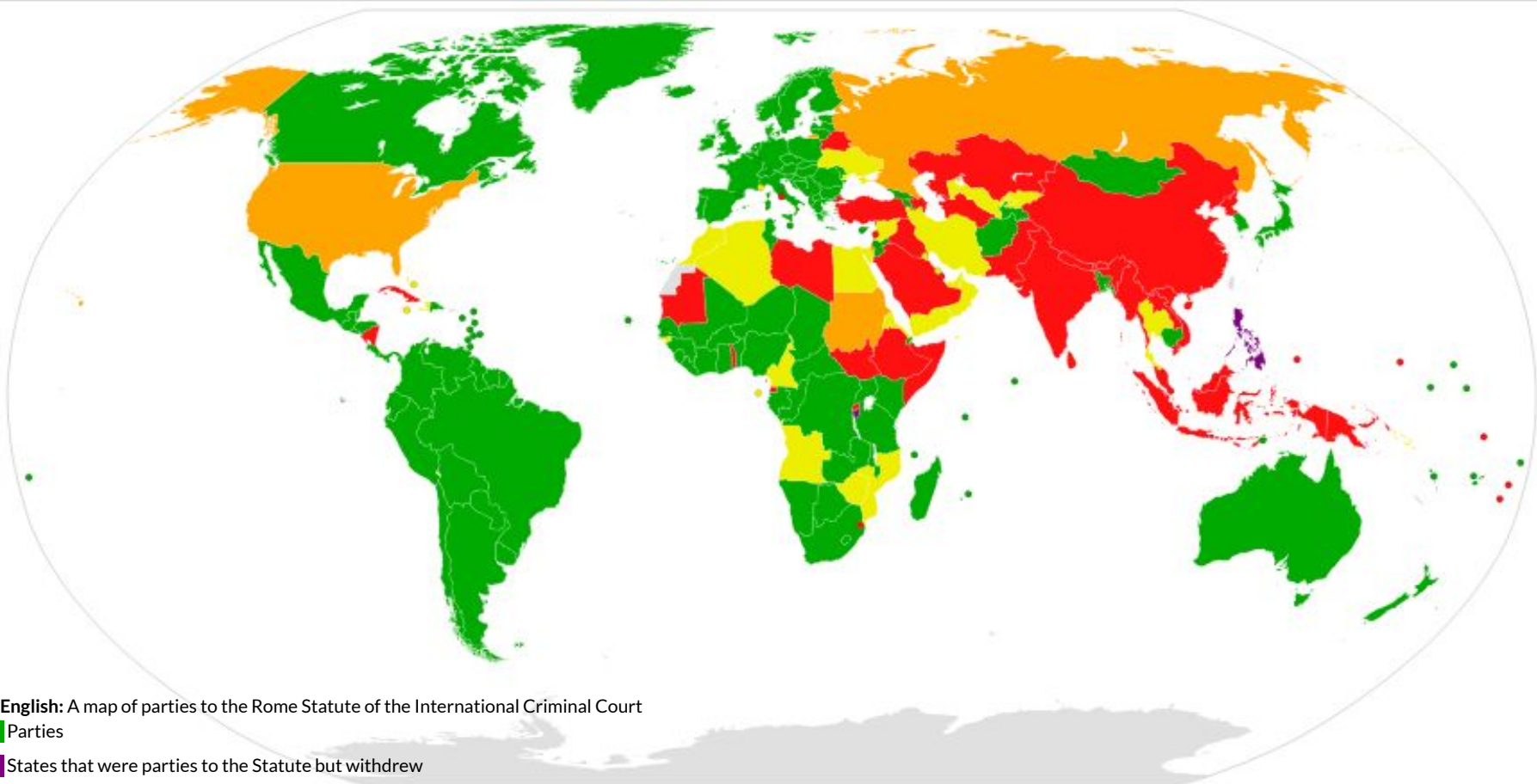
Hotel Rwanda

2004

“Hutu Paul Rusesabagina manages the Hôtel des Mille Collines and lives a happy life with his Tutsi wife and their three children, but when Hutu military forces initiate a campaign of ethnic cleansing against the Tutsi minority, Paul is compelled to allow refugees to take shelter in his hotel. As the U.N. pulls out, Paul must struggle alone to protect the Tutsi refugees in the face of the escalating violence later known as the Rwandan genocide.” (www.rottentomatoes.com/m/hotel_rwanda)

This is a short summary of the Hotel Rwanda, a 2004 drama film based on true events, directed by Terry George and starring Don Cheadle as real-life hotelier who saved more than 1200 people. The film opened the eyes of the world to the horrors of the 1994 Rwanda genocide. However, some survivors later on claimed that the manager “extorted money from them and, if they couldn’t pay, forced them to vacate their rooms”. In other words, the film is a Hollywood-style true story of Rwanda’s “Schindler”.

In 2020 Paul Rusesabagina had been kidnapped, arrested, accused of terrorism and sentenced to 25 years in prison by Kigali court. Find out more at: <https://paulr.org/>



English: A map of parties to the Rome Statute of the International Criminal Court

- Parties
- States that were parties to the Statute but withdrew
- States that have signed but not ratified the Statute
- States that signed but subsequently withdrew their signature of the Statute
- UN member states and observers that have neither signed nor acceded to the Statute

Image: https://en.wikipedia.org/wiki/States_parties_to_the_Rome_Statute (Accessed 27/03/2024)

Text: <https://archive.globalpolicy.org/international-justice/the-international-criminal-court/us-opposition-to-the-icc.html>

US withdraws the signature 2002

Despite the fact that the US government actively participated in the establishment of several international criminal courts such as the one in Nuremberg or the ICCs for Yugoslavia and Rwanda, it has consistently opposed to the idea of a court that would hold their own military and political leaders to a global standard of justice.

In 2000, the Clinton administration did sign the Rome Statute, but immediately after that tried to negotiate the special terms of the US involvement. In addition, he never submitted the document to the Senate for ratification. The Bush administration, on the other hand, had no problem whatsoever with first signing the ASPA ('the Hague Invasion Act') and then, on May 6, 2002 formally withdrawing the country's signature from the treaty.

Obama made some efforts by becoming an 'observer', Trump much less, etc. To this day the US doesn't recognize the jurisdiction of the International Criminal Court (but has no problem with cooperating with it in case of other countries' nationals).



WRITTEN AND DIRECTED BY CARY JOJI FUKUNAGA

BEASTS OF NO NATION

Image. Kreisau-Initiative e. V. (2024)

Text: <https://tvtropes.org/pmwiki/pmwiki.php/Film/BeastsOfNoNation> and <https://face2faceafrica.com/article/beasts-of-no-nation-review>

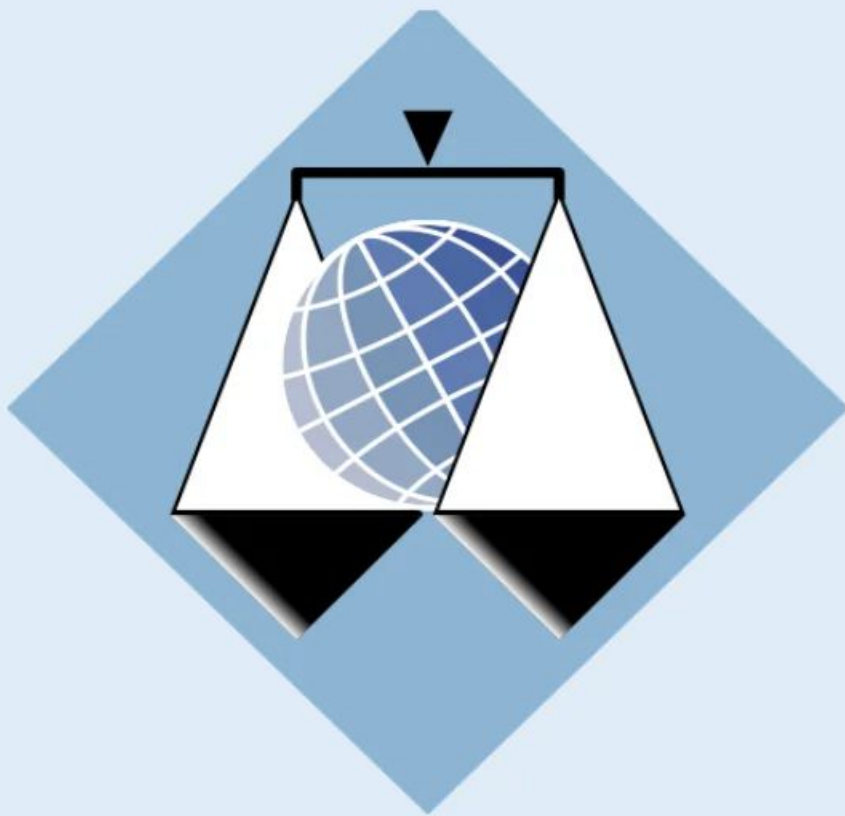
Beasts of No Nation

2015

This African civil war drama directed by Cary Fukunaga is based on the highly acclaimed novel by Uzodinma Iweala, starring Idris Elba and Abraham Attah. It portrays the horrors of warfare and the plight of child soldiers.

Set in an unnamed West African country, a young boy named Agu witnesses the occupation of the small town where he and his family live. After the murders of his father, brother and grandfather, Agu flees into the jungle, where he is found by a group of child soldiers and their commandant. Agu is recruited into the ragtag army.

The film, which was released in 2015, is notable for being Netflix's first original movie.



**ICTY: International Criminal Tribunal for the
former Yugoslavia**

ICTY

1993 - 2017

The International Criminal Tribunal for the former Yugoslavia (ICTY), located in the Hague, Netherlands, was established in 1993 by the UN Security Council Resolution 827 of May 25, 1993.

Its purpose was to establish individual criminal liability for atrocities committed within the territory of the former Yugoslavia from 1991 onwards. More than 4650 witnesses took the stand over more than 10 800 trial days, resulting in more than 2.5 million pages of transcripts. The court formally closed in December 2017 after 24 years of operation.

The ICTY's jurisdiction extended to grave breaches of the Geneva Conventions of 1949, war crimes, genocide, and crimes against humanity, including ethnic cleansing. The maximum sentence was life imprisonment. It indicted 161 individuals, resulting in 90 convictions, 19 acquittals, and 13 referrals to the national courts. 37 of those indicted have had their indictments withdrawn or are deceased. By the end, none of the indicted persons remained fugitives from the law.



Forgotten Children of War

2015

The Forgotten children of war Association (ZDR) is a non-partisan, non-governmental and nonprofit human rights organization from Bosnia and Herzegovina. Founded by human rights activists and “children born of war”, i.e., the children whose fathers were soldiers of the opposing/enemy army, members of peacekeeping forces (for example UNPROFOR) or employees of foreign humanitarian missions. Many of those children are often unrecognized or rejected by those fathers and left in the care of mothers and/or the community they were born into. Growing up, they often had to face problems of identity, stigma, discrimination, marginalization and isolation.

Using activism, public advocacy, research, networking and the arts the association is trying to contribute to the elimination of all these issues as well as to achieve legal and social recognition and respect of children born of war. Mechanisms used by The Forgotten Children of War Association in creating positive social changes are: Art, Educational programs, Public advocacy, Research and analysis, Local, regional and international networking, Inclusive movements, “Dealing with the past” programs and Peacebuilding programs.



Image: Photo by Felix Mooneeram on Unsplash
Text: <https://zeroimpunity.com/>

Zero Impunity

2019

Zero Impunity, directed by Nicolas Blies, Stéphane Hueber-Blies and Denis Lambert is an artistic transmedia documentary which tells the stories of victims of sexual violence in contemporary war zones.

It is a product of months' long research by twelve investigative journalists and features inspiring victims, social workers, and activists worldwide who had the courage to engage, resist and mobilize. Their voices and stories came from Syria, Ukraine, the Central African Republic and the United States. The latter, for examples, deals with sexual humiliation techniques on prisoners held in prisons such as Abu Ghraib and Guantanamo Bay and the fact that the ICC has no jurisdiction over US citizens due to the US not signing the treaty.

The film is a part of a wider, ongoing media project which aims to bring accountability to the perpetrators of such acts who at the present time face zero impunity.



Image: Photo by Glen Carrie on Unsplash

text: <https://twosmallthings.com/the-channel> and

www.newyorker.com/culture/the-new-yorker-documentary/in-in-flow-of-words-war-crime-interpreters-tell-their-own-stories

In Flow of Words

2021

In Flow of Words is a short experimental film directed by Eliane Esther Bots about the experiences of three interpreters of the International Criminal Tribunal for the former Yugoslavia in The Hague and 'their position as a channel between speakers and listeners, witnesses and defendants, judges and attendees'.

The interpreters Alma Imamovic-Ivanov, Besmir Fidahic and Nenad Popovic Pops were all born and raised in the former Yugoslavia and lived through the war in the 90's. For years, their job was interpreting shocking testimonies from witnesses, victims and perpetrators in a neutral and invisible way, without ever allowing their own emotions, feelings and personal histories to be present in the courtroom.

This short film describes the impact this job had on their private lives and how they dealt with their emotions afterwards. It is widely available online, for example at:

www.newyorker.com/video/watch/the-new-yorker-documentary-in-flow-of-words



**JUSTICE
RAPID
RESPONSE**

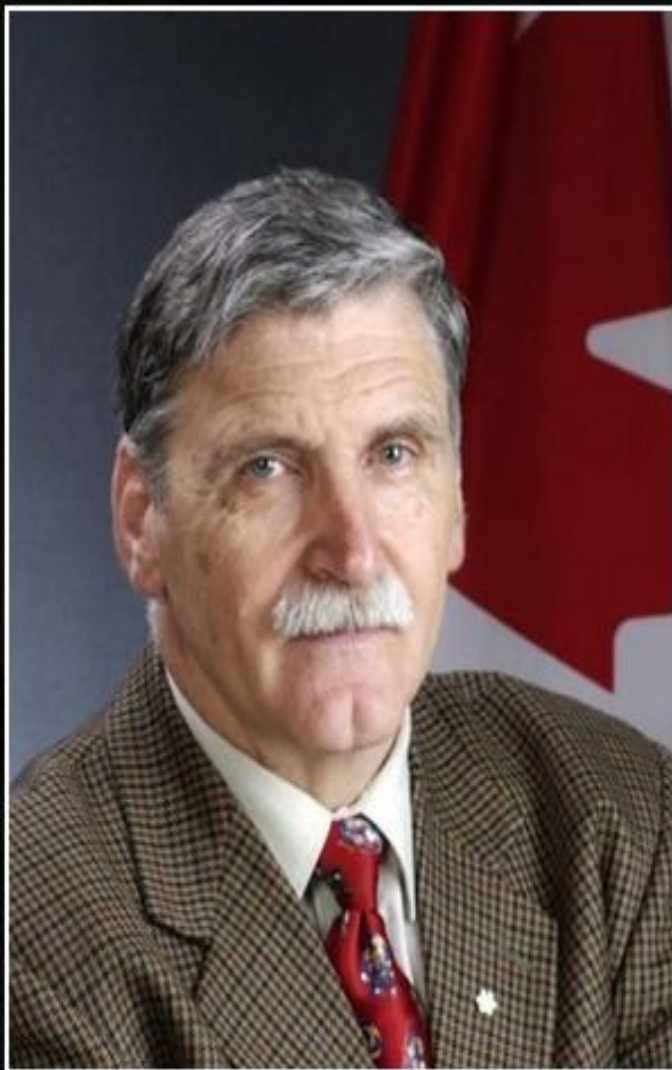
Justice Rapid Response 2009

Justice Rapid Response is a nonprofit organization based in Geneva. JRR provides justice experts to assist with investigations of war crimes, crimes against humanity, genocide, human rights violations. They have more than 680 experts (of more than 100 nationalities) in more than 50 professional categories, who speak more than 90 languages and have participated in more than 140 missions.

Check out their official brochure:

www.justicerapidresponse.org/wp-content/uploads/2020/02/JRR_Leaflet_2020.pdf or watch their ED, Andras Vamos-Goldman, explain the importance of investigation for proving mass atrocities:

www.youtube.com/watch?v=pxQxzrgcNRc



I know there is a God because in Rwanda I shook hands with the devil. I have seen him, I have smelled him and I have touched him. I know the devil exists and therefore I know there is a God.

— *Roméo Dallaire* —

Image: www.azquotes.com/quote/365863

Text: www.bookdepository.com/Shake-Hands-With-Devil-Romeo-Dallaire/9780099478935

Shake Hands with the Devil

2003

“Shake Hands with the Devil: the Failure of Humanity in Rwanda” is an autobiographical account of General Romeo Dallaire, Force Commander of the UN Assistance Mission during the 1994 Genocide in Rwanda.

“When Lieutenant General Romeo Dallaire received the call to serve as force commander of the UN mission to Rwanda, he thought he was heading off to Africa to help two warring parties achieve a peace both sides wanted. Instead, he and members of his small international force were caught up in a vortex of civil war and genocide. Dallaire left Rwanda a broken man; disillusioned, suicidal, and determined to tell his story.”

The book was adapted into a film of the same name in 2007 directed by Roger Spottiswoode. Both book and film have received many awards.



Image: Vice President's Secretariat (GODL-India), GODL-India on Wikimedia Commons

Text: www.icc-cpi.int/news/icc-trial-chamber-iii-declares-jean-pierre-bemba-gombo-guilty-war-crimes-and-crimes-against-and
www.ijmonitor.org/2018/06/bemba-acquitted-of-war-crimes-at-the-icc/

Jean-Pierre Bemba

2010 - 2018

Jean-Pierre Bemba Gombo, the most high profile individual tried at the ICC (he was a vice president of the Democratic Republic of Congo (DRC) from July 2003 to December 2006) was arrested in 2008 near Brussels. He was also President and Commander-in-chief of the Mouvement de libération du Congo (Movement for the Liberation of Congo) (MLC) and the Commander-in-Chief of the Armée de Libération du Congo ("ALC").

On 21 March 2016, Trial Chamber III of the ICCC unanimously declared Bemba (as the person in charge of his troops) guilty beyond any reasonable doubt of two counts of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape, and pillaging) allegedly committed between 2002 and 2003 in Central African Republic. He was sentenced to 18 years in jail.

However, the Appeals Chamber at the ICC has overturned Jean-Pierre Bemba's conviction for war crimes and crimes against humanity on account of errors during the trial and his commanding being 'remote'. He was acquitted and returned to Congo in 2018.



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des heiligen Conz tag im meyen als
man von der gebort cristi salt tusent
vier hundert 80entzig vnd vier Taw Stalt man
in Besatz den selben von Gadenbarg an ein offe

Peter von Hagenbach trial and execution

1474

Peter von Hagenbach, the subject of the first international war crimes trial in history, was the Governor of Breisach in south-west Germany. Under his command the inhabitants were subjected to the reign of terror. After some time, they revolted, captured him and put him on trial.

The charges against Hagenbach included murder, pillage, oppressive taxation and rape. He was tried before an ad hoc tribunal of 28 judges from various regional city-states for misdeeds he allegedly perpetrated from 1469 to 1474. His defence became a familiar blueprint for future war criminals: firstly, as a subject of Burgundy, it was claimed the court had no jurisdiction over him; and secondly, he argued he was simply following orders (he was serving the Duke of Burgundy, governing his Alsatian territories).

The trial was held in the town square of Breisach on 9 May 1474. He was beheaded the same evening. Allegedly, his last words were: 'I was only human. Please pray for me.'



The Trust Fund for Victims

ICC Trust Fund for Victims

2004

Created by the Assembly of States Parties and in accordance with article 79 of the Rome Statute, the ICC's Trust Fund for Victims provides assistance, physical, psychological, and material support and reparations to victims and their families.

“The TFCV helps realize the rights of victims and their families through the provision of reparations and assistance. Our teams work for and with victims to deliver vital programmes related to mental health, physical rehabilitation, and material support.

The TFCV places victims and survivors at the centre of everything we do, and our holistic approach aims to bring long-lasting peace to individuals, their families and communities.”



Cour
Pénale
Internationale
International
Criminal
Court



ICC Permanent Premises in The Hague

2015

The International Criminal Court (ICC), a permanent, treaty based, international court for prosecuting people suspected of war crimes, crimes against humanity and genocide, has the official seat in The Hague, Netherlands, a liaison office in New York and temporary field offices where needed.

In December 2015, the ICC has finalized its move into its new, permanent premises, located at Oude Waalsdorperweg 10, 2597 AK, The Hague, designed by Danish studio Schmidt Hammer Lassen Architects. It was officially opened on 19 April 2016.

“The design of the building reflects the transparency of the institution and its innovativeness. It combines striking architecture with stringent security measures, while showcasing best practices in sustainability and respect for nature, within the natural dune landscape between The Hague and the North Sea. As part of The Hague's International Zone, it is near the Peace Palace, Europol, ICTY, OPCW and other international organisations. The host state, the Netherlands, made the site available free of charge.”



HUMAN
RIGHTS
WATCH

WORLD REPORT 2022

Human Rights Watch

1978

Human Rights Watch, an international NGO, was founded in 1978 in New York as “Helsinki Watch” to support dissident movements behind the Iron Curtain.

Today, they investigate and report on human rights abuses on all five continents. Their dedicated 550 members defend the rights of people spotlighting abuses and bringing perpetrators to justice. They investigate massacres, genocides, government takeovers of media, policy makers, companies, baseless arrests of activists and political opposition figures, but also discrimination and abuses of children, women, migrants, refugees, LGBT people and people with disabilities.

They were awarded the Nobel Peace Prize in 1997.

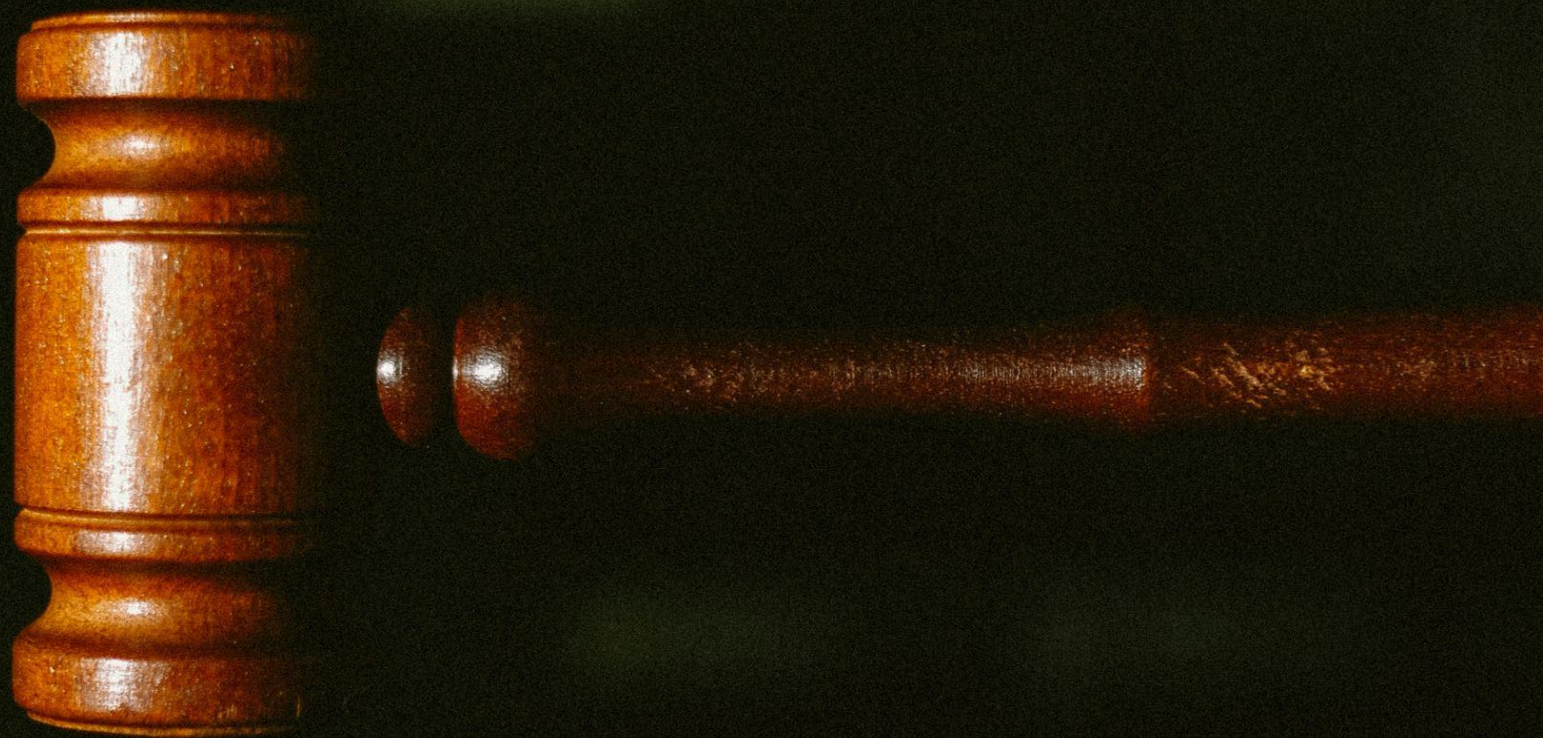


Image: Photo by Tingey Injury Law Firm on Unsplash

Text source: ICC judges, February 2023 www.icc-cpi.int/about/judicial-divisions

ICC Judges

“The ICC's 18 judges are elected by the Assembly of States Parties for their qualifications, impartiality and integrity, and serve 9-year, non-renewable terms. They ensure fair trials and render decisions, but also issue arrest warrants or summonses to appear, authorize victims to participate, order witness protection measures, and more. They also elect, from among themselves, the ICC President and two Vice-Presidents, who head the Court.”

The ICC is composed of four organs: the Presidency, the Chambers, the Office of the Prosecutor and the Registry. Judicial Chambers are organized into three Divisions - Pre-Trials (usually 3 judges per case), Trials (3 per case) and Appeals (5 per case). At the moment, Appeals Division Judge from Poland, Piotr Hofmanski is the President (together with two vice-presidents they form the Presidency).

All judges must be nationals of states parties to the Rome Statute, and no two judges may be nationals of the same state.



TRIAL
International



TRIAL International

2002

“TRIAL International is a non-governmental organization fighting impunity for international crimes and supporting victims in their quest for justice. TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable sufferings. The organization provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward.”

It was founded in 2002 in Switzerland and has offices in Geneva, Sarajevo (B&H), Goma and Bukavu (DRC). Their work involves: criminal cases, human rights cases, capacity building, advocacy, corporate responsibility, universal jurisdictions, genocide, crimes against humanity, war crimes, torture, enforced disappearance, arbitrary detention, sexual violence, extrajudicial executions, transitional justice, strategic litigation, the UN, reparations, reports and publications.



Image: Evstafiev, Public domain, via Wikimedia Commons, Refugees from South Ossetia in a refugee camp in the town of Alagir, North Ossetia, Russia, 16 August 2008

Text: <https://ijrcenter.org/2016/02/03/international-criminal-court-authorizes-investigation-of-2008-georgia-russia-conflict/> and www.icc-cpi.int/situations/georgia and <https://civil.ge/archives/519042>

Georgia 2008 Investigation

2016 - 2022

During an international armed conflict involving South Ossetian separatists (supported by Russian military) and Georgian forces, which took place between 1 July and 10 October 2008 in and around South Ossetia, several hundreds of people were killed (some of them peacekeepers) and more than 120,000 people were displaced. In addition, cases of torture, destruction of property, pillaging, and sexual violence have allegedly taken place. Since Georgia ratified the Rome Statute on September 5, 2003, in January 2016 the ICC opened an in proprio motu investigation into war crimes and crimes against humanity in the context of that conflict.

In December 2022, Karim Khan, the ICC's Prosecutor, announced the conclusion of the investigation phase which resulted in three arrest warrants for de-facto South Ossetian officials - Lt.-Gen. Mikhail Mindzaev, an interior minister, Hamlet Guchmazov, Head of the Preliminary Detention facility, and David Sanakoev, president representative for human rights in S. Ossetia. No warrant was issued against one Russian Army Major-General because he died in the meantime.



Image: ICTY staff on Wikimedia Commons https://en.m.wikipedia.org/wiki/File:ICTY_Detention_Unit_cell.jpg, A typical 15 m2 cell at the detention facilities of the International Criminal Tribunal for the former Yugoslavia, The Hague, Netherlands
Text: www.icc-cpi.int/about/how-the-court-works

Detention and Imprisonment

The ICC detention centre, located within a Dutch prison complex in Scheveningen - on the outskirts of The Hague (Pompstationsweg 32), is used to temporarily hold in safe, secure and humane custody those detained by the ICC. Detainees have access to fresh air, recreational time, sports activities, library books, news, computers (for preparing their cases), quality food and facilities for cooking and are entitled to privacy with defence lawyers, a consular or diplomatic representative, visits of a minister or spiritual advisor and their family.

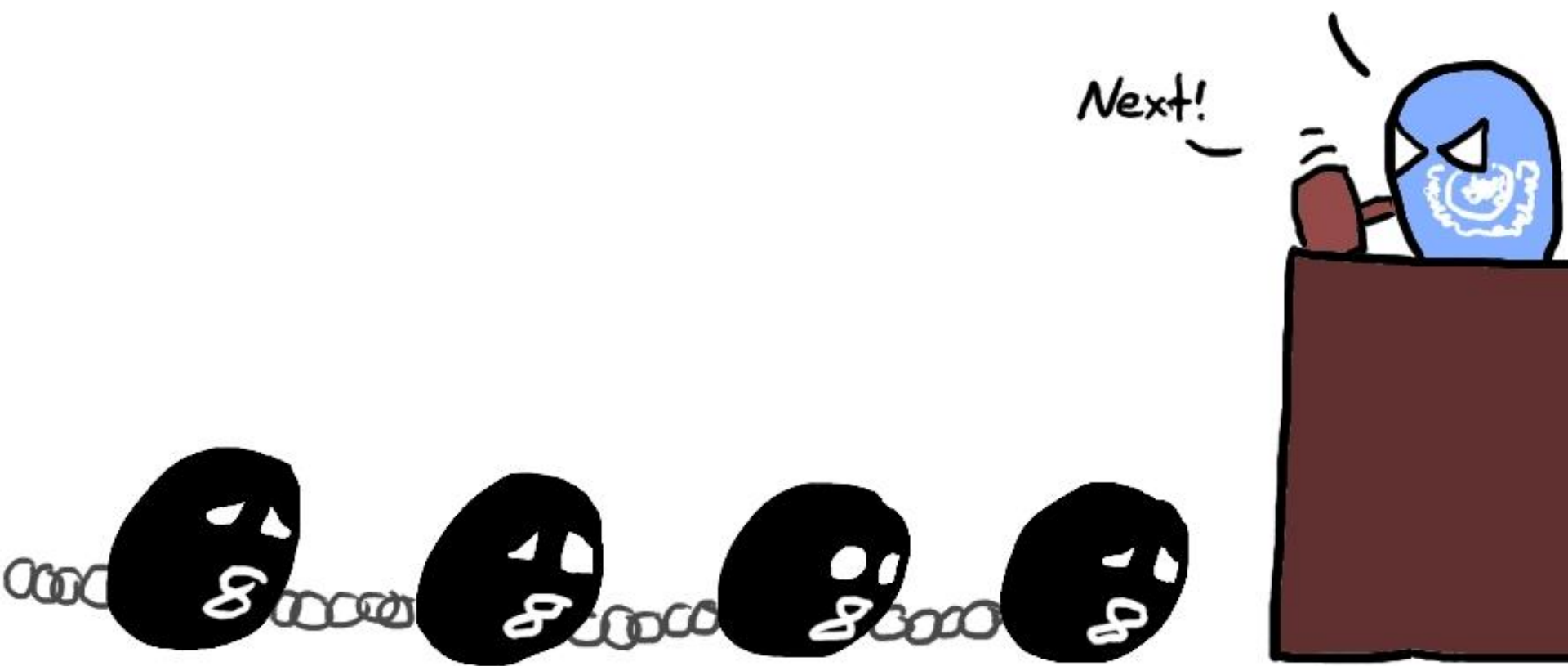
See the brochure at: www.icc-cpi.int/sites/default/files/iccdocs/PIDS/publications/DetentionCentreEng.pdf

You can also watch this short video which takes you inside the cells at The Hague detention center: www.youtube.com/watch?v=SwzoO9hV9zg

After the trial and in accordance with the Article 103 of the Rome Statute “a sentence of imprisonment shall be served in a State designated by the Court from a list of States which have indicated to the Court their willingness to accept sentenced persons”.

14 YEARS!

Next!



ICC Penalties

According to the Article 77 of the Rome Statute of the International Criminal Court the following applicable penalties may be imposed on a person convicted of one or more crimes listed in Article 5:

- (a) Imprisonment for a specified number of years, which may not exceed a maximum of 30 years; or
- (b) A term of life imprisonment when justified by the extreme gravity of the crime and the individual circumstances of the convicted person.

2. In addition to imprisonment, the Court may order:

- (a) A fine under the criteria provided for in the Rules of Procedure and Evidence;
- (b) A forfeiture of proceeds, property and assets derived directly or indirectly from that crime, without prejudice to the rights of bona fide third parties.



Image: Anne and David, Public domain, via Wikimedia Commons,
https://commons.wikimedia.org/wiki/File:2007_Sankore_Mosque_Timbuktu_02.jpg
Text: <https://news.sky.com/story/df-10547368> and www.icc-cpi.int/mali/al-mahdi
www.icc-cpi.int/news/ahmad-al-faqi-al-mahdi-makes-first-appearance-icc

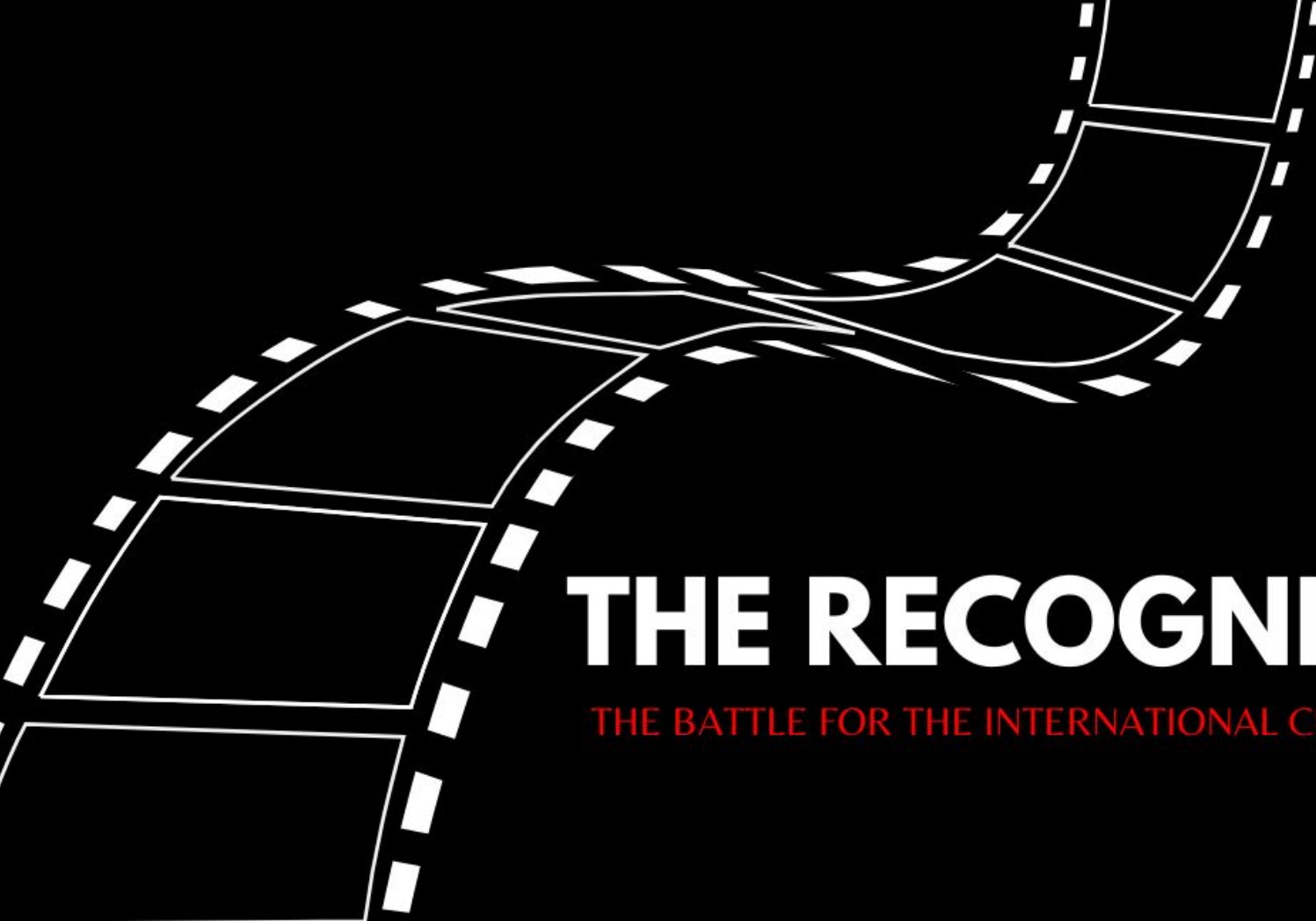
Ahmad al Faqi al Mahdi

1975 -

As an alleged member of Ansar Eddine, an extremist militant Islamist group in Mali, a movement associated with Al Qaeda, he was the first Islamist extremist to be charged by the ICC. Also, he was the first one to face charges of cultural destruction given the fact that he was suspected of attacks on religious and historical buildings in the UNESCO protected city of Timbuktu.

Namely, as a head of the Hisbah, or "Manners Brigade", al Madhi was accused of directing the attacks on 14 of Timbuktu's 16 World Heritage List mausoleums in June and July 2012 because 'they were considered by the group to be symbols of idolatry'.

He pleaded guilty and was sentenced to 9 years of imprisonment on 27 September 2016. In 2021, his sentence was reduced by two years.



THE RECOGNITION

THE BATTLE FOR THE INTERNATIONAL CRIMINAL COURT

Image: Kreisau-Initiative e. V. (2024)

Text: <https://thereckoning.vhx.tv/> and www.newday.com/films/the-reckoning

The Reckoning: The Battle for the International Criminal Court 2009

"I heard about the International Criminal Court (ICC) from a member of the Peruvian Truth Commission. In a high Andean village, he told me he had previously worked as part of a coalition to establish the first permanent international criminal court that would try perpetrators for war crimes, crimes against humanity and genocide. The idea that no one would be immune, that even heads of states might be brought to justice for genocide during an ongoing conflict, was amazing. This would represent a paradigm shift in the growing panorama of international justice. After the bloodiest century in human history, this new Court would force us to ask, "Does humanity have the possibility of doing better than this?" ...

The title The Reckoning has three meanings: the reckoning of a world trying to bring the worst perpetrators of massive crimes to justice; the reckoning of the International Criminal Court becoming an effective global arbiter of justice; and the reckoning with the international community over whether or not we have the political will to carry out the arrest warrants and fulfill the mandate of this new Court."

Pamela Yates, documentary director



Image: Photo by Mike Labrum on Unsplash

Text: <https://www.un.org/fr/genocideprevention/documents/champions%20of%20prevention.pdf>

Convention on the Prevention and Punishment of the Crime of Genocide 1948

Adopted and signed by the General Assembly of the United Nations in Paris, France in the aftermath of the WW2, on 9 December 1948, this international treaty marked a crucial step towards the development of international human rights and international criminal law as we know it today.

Its definition of the crime of genocide (the word itself was coined by Polish lawyer Raphaël Lemkin in 1944; for the actual definition see the card 'Genocide') has been widely accepted and used; it is also included in the 1998 Rome Statute of the International Criminal Court (ICC).

As of July 2019, the Genocide Convention has been ratified or acceded to by 152 States. Every year, on 9 December, the UN marks its adoption with the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime.

le Sieur Jean Antoine Auzan
des Châss, de Notre Dame de la
Vierge, de Saint Benoit d'Arz
etc., Docteur en médecine et chirurgien
seul Chef du département de Saint

La Majesté le Roi
le Sieur Charles Albert
de l'Ordre de l'Étoile rouge de Saint
Jean Evêque Extraordinaire et
près la Confédération Suisse, Cor
le Sieur Gedeon Frédéric
Chevalier de l'Ordre de l'Étoile
de etc., Docteur en médecine, Mé
corps d'armée;

et le Sieur Jean Henri
Chevalier de l'Ordre de la Cour
de etc., Conseiller Intime au

La Majesté le Roi
le Sieur Christoph Ulric
de l'Ordre des Saints Maurice
en Philosophie et Théologie, Mé
Centrale et Royale pour la Et
fassance;

Lesquels, après au
trouvés en bonne et due forme, sont
suivants:

Article 9
Les hautes Puissances contractantes se sont con
la présente Convention aux Puissances contractantes de Genève, en l'h
Municipalités à la Puissance contractante de Genève, en l'h
tant à garantir, le protecteur est à cet effet les Puissances

Article 10
La présente Convention sera ratifiée et les ratifications en seront
renvoyées à Rome dans l'espace de quatre mois, en plus tôt si faire
peut.

En foi de quoi les Puissances contractantes en ont
et y ont apposé le cachet de leurs armes
Fait à Genève, le vingt deuxième jour du mois d'Octobre de
l'an mil huit cent soixante quatre

Gen. CH. Dufour

E. Moynier

R. Lehmann

St. Robert Volz

Prinzel

Visschers

Kueper

Image: Kevin Quinn, Ohio, US, on Wikimedia Commons

Text sources: www.britannica.com/event/Geneva-Conventions and www.jagranjosh.com/general-knowledge/geneva-convention-1551355919

Geneva Conventions

1949

Geneva Conventions (closely associated with the Red Cross and one of its co-founders - Guillaume-Henri Dunant; picture below) are a series of international treaties concluded between 1864 and 1949, and approved in Geneva on August 12, 1949. They consist of four treaties (from 1864, 1906, 1292 and 1949) and three additional protocols (two from 1977 and one from 2005) to safeguard the human rights of the Prisoners of War (POWs). They are:

- (1) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field,
- (2) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea,
- (3) the Convention Relative to the Treatment of Prisoners of War, and
- (4) the Convention Relative to the Protection of Civilian Persons in Time of War.

Here is a brief explanation of all the conventions and protocols:
www.youtube.com/watch?v=wF5Z1RHxKTs



INTERNATIONAL
NUREMBERG
PRINCIPLES
ACADEMY

The International Nuremberg Principles Academy

2016 - 2022

The International Nuremberg Principles Academy is a non-profit foundation dedicated to the advancement of international criminal law and related human rights, located in Nuremberg, the birthplace of modern international criminal law.

Its main fields of activity include providing a forum for dialogue by convening international conferences and expert meetings, conducting interdisciplinary and applied research, engaging in specialised capacity building for practitioners of international criminal law and human rights education.

The Nuremberg Academy upholds the Nuremberg Principles and the rule of law with a vision of sustainable peace through justice, furthering knowledge and building capacities of those involved in the judicial process in relation to core international crimes.



Image: Photo by Kai Pilger on Unsplash

Text: <https://ccrjustice.org/factsheet-us-sanctions-international-criminal-court>

The US sanctions on the ICC officials

2016 - 2022

When the investigation into alleged war crimes by the US and other parties involved in the Afghan conflict was given the green light by the International Criminal Court in 2020, the US president Donald Trump issued an Executive Order 13928 on June 11 of the same year, declaring a national emergency and authorizing freezing of assets and entry bans against senior ICC officials.

Following that order, on September 2, 2020, he imposed sanctions on the ICC prosecutor, Fatou Bensouda, a national of Gambia and Phakiso Mochochoko, a national of Lesotho. They were also added to the Specially Designated Nationals and Blocked Persons List (the SDN List).

On April 2, 2021, the Biden administration revoked the Executive Order.

THE ICC PROCESS



Preliminary
examinations



Investigations



Arrest warrants
—
Summons to
appear



1st appearance



Confirmation of
charges



Trial



Verdict



Sentence



Appeals



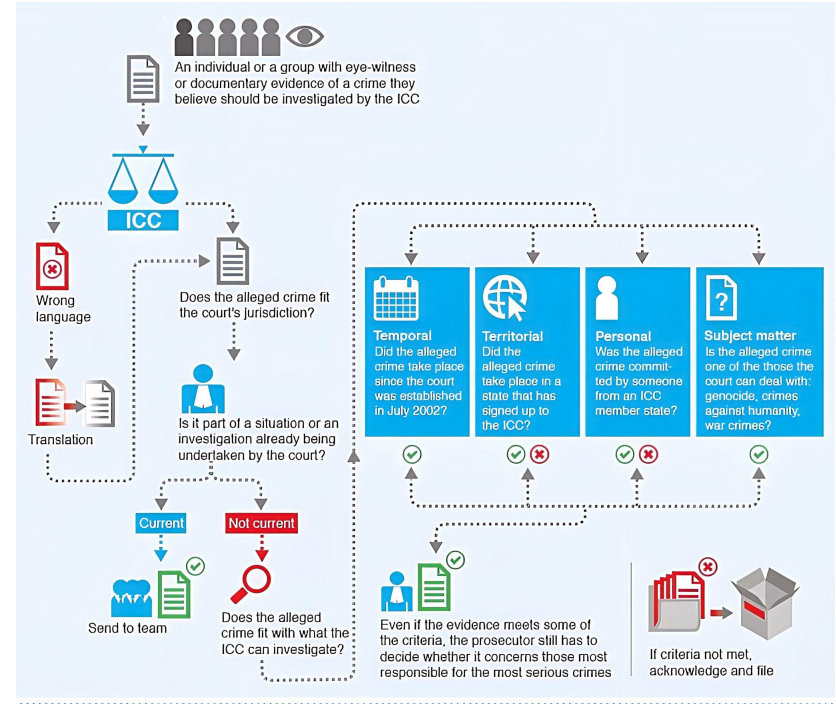
Reparations

ICC Process

The image on the cover describes the legal phases that constitute the ICC process. For more information about the ICC process, see the official YouTube short video produced by the Court:

<https://youtu.be/ydtgSB9jROw>

The image on the right shows the process whereby one can report a crime to the ICC - the steps that need to be taken in order for the Court to consider whether to launch an investigation that might lead to an indictment in the future.





Lethal Autonomous Weapons (LAWs)

Slaughterbots, also called 'lethal autonomous weapons systems' or 'killer robots', are weapons that use Artificial Intelligence (AI) to identify, select, and kill human targets without human intervention.

Precursors to these weapons, such as armed drones, are being developed and deployed by nations including China, Israel, South Korea, Russia, the United Kingdom and the United States. There are serious doubts that fully autonomous weapons would be capable of meeting international humanitarian law standards, including the rules of distinction, proportionality, and military necessity, while they would threaten the fundamental right to life and principle of human dignity.

Human Rights Watch calls for a preemptive ban on the development, production, and use of fully autonomous weapons. Human Rights Watch is a founding member and serves as global coordinator of the Campaign to Stop Killer Robots.



Image: Ali Khamenei, Wikimedia Commons

Text: <https://accessaccountability.org/index.php/2019/09/26/criticisms-and-shortcomings-of-the-icc/>
www.theafricareport.com/104620/sudan-why-the-icc-is-at-a-crossroads-with-omar-al-bashirs-case/

Enforcement Issues

The ICC suffers from both pre-trial enforcement problem as well as post-trial enforcement issues. The Court depends completely on member states to arrest and transfer defendants. It is uncertain if States are willing to use their military or economic force to extricate an oppressive leader from their country. The ICC itself lacks the institutional resources to ensure that the defendants actually show up in Court as it has no police force of its own and has no reliably effective means to oblige States to cooperate.

An illuminating example of this is the ICC's request to arrest and surrender Sudan's President Omar Al-Bashir (on the cover image) for the commitment of the crimes under Article 5. The arrest warrant, first issued in 2009, was ignored by 19 different countries, 9 of which are signatories of the Rome Statute.

The relationship between the African Union and the International Criminal Court – Is the ICC targeting Africa?

Lukas Fischer

Quote:

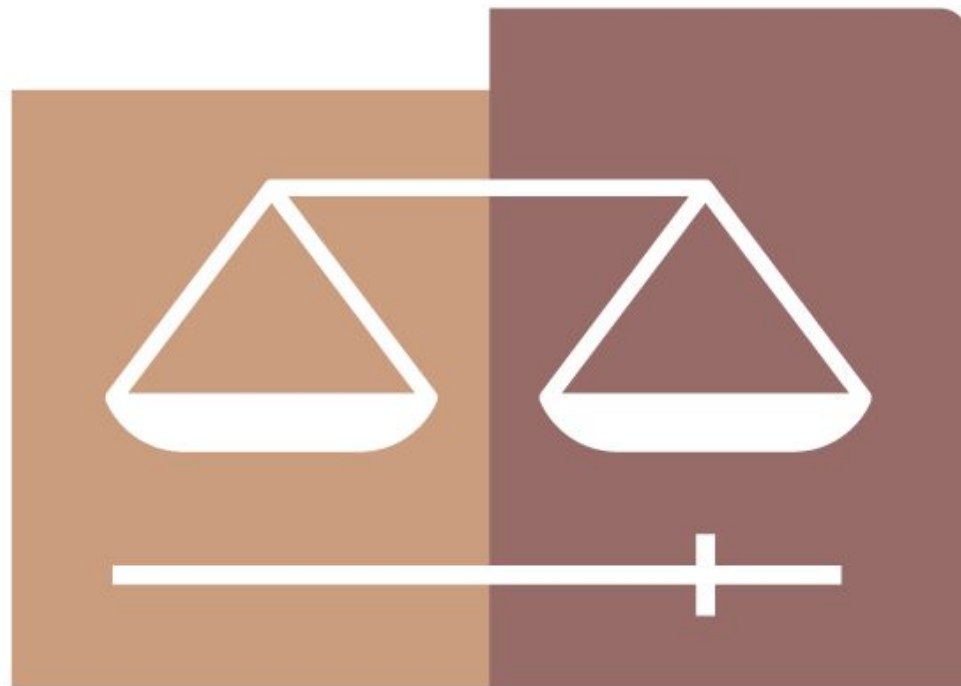
<https://africanlegalstudies.blog/2022/09/09/the-relationship-between-the-african-union-and-the-international-criminal-court-is-the-icc-targeting-africa/>

Text: <https://accessaccountability.org/index.php/2019/09/26/criticisms-and-shortcomings-of-the-icc/>
and <https://newafricanmagazine.com/3238/>

“Anti-African Court”

Many African countries have repeatedly criticised the ICC as being inappropriately political by only focusing on situations in Africa. At one extreme, some consider this seemingly unjustified practice as an attempt by the Western States “to keep African countries compliant to the dictates of the West and its allies” or “the sacrificial lambs in the ICC’s struggle for global legitimation” (www.herald.co.zw/icc-agent-of-neo-colonialism/). So far, every convicted person has been African.

Burundi, the Gambia and South Africa at one point signalled their intention to leave the International Criminal Court (ICC). Burundi has withdrawn from the ICC in 2017, while South Africa revoked its notice of withdrawal.



EUROJUST

EUROJUST

2002

The European Union Agency for Criminal Justice Cooperation, or EUROJUST, helps national authorities establish judicial cooperation in order to combat terrorism and serious organised crimes involving more than one EU country. The Agency, established in 2002 as a result of an Agreement produced at the 1999 Tampere conference (Finland), is located in The Hague (the Netherlands) and employs around 250 people whose job is:

- 'coordinating investigations & prosecutions involving at least 2 countries
- helping to resolve conflicts of jurisdiction
- facilitating the drafting and implementation of EU legal instruments, such as European Arrest Warrants and confiscation and freezing orders'

Besides coordinating meetings and funding and providing experts it also hosts the Secretariats of the European Judicial Network, the Joint Investigation Teams Network and the Network for investigation and prosecution of genocide, crimes against humanity and war crimes (Genocide Network).



Image: Delegations (1919) <http://iconicphotos.files.wordpress.com/2009/04/c-000242.jpg> / Wikimedia Commons
Text: <https://history.state.gov/historicaldocuments/frus1919Parisv13/ch16subch1> and
<https://www.history.com/news/treaty-of-versailles-provisions>

Treaty of Versailles

1919

The First World War came to an end exactly five years after the assassination of Archduke Franz Ferdinand, on 28 June 1919, in the Hall of Mirrors at the Palace of Versailles outside Paris, France. The controversial treaty was signed by Germany and Allies led by the United States, France, and the United Kingdom. Germany's heavy penalties included loss of territory, huge reparations payments and demilitarization. In addition, the Article 227 of the Treaty suggested the following:

“The Allied and Associated Powers publicly arraign William II of Hohenzollern, formerly German Emperor, for a supreme offence against international morality and the sanctity of treaties. A special tribunal will be constituted to try the accused, thereby assuring him the guarantees essential to the right of defence. It will be composed of five judges, one appointed by each of the following Powers: namely, the United States of America, Great Britain, France, Italy and Japan. ...”

The idea of bringing Kaiser Wilhelm II to trial as a war criminal never materialised. He lived quietly in Holland until his death in 1941.



Cassese's International Criminal Law

2003

Antonio Cassese (1937-2011) was a renowned legal scholar and jurist, an expert in international criminal law who worked in several international courts and served as a judge and president of the ICT for the former Yugoslavia (ICTY) (1993-2000), chairman for the International Commission of Inquiry on Darfur (2004-2005) and as judge and President of the Special Tribunal for Lebanon (STL).

Considered to be one of the leading figures in the development of international humanitarian law he wrote one of the most popular textbooks in the field, *International Criminal Law*, a brief introduction to both international criminal law and international criminal procedure. The book covers all the international criminal courts and tribunals and mixed courts.

1,00

MONACO

G. MOYNIER

H. DUNANT

G. DUFOUR



P. LAMBERT

CROIX-ROUGE INTERNATIONALE 1863-1963

Gustav Moynier

1826 - 1910

Gustave Moynier was a Swiss lawyer and philanthropist, founding member of the Institut de droit international (Institute of International Law), one of the co-founders of The Red Cross and the 'mastermind' of the ICC.

In 1872 he proposed a permanent court in response to the crimes committed during the Franco-Prussian War. Moynier's proposal for the creation of an international arbitration court to penalize violations of International Humanitarian Law involved only breaches of the 1864 Geneva Convention. According to his vision 'an adversarial inquiry would be launched to establish guilt or innocence. Cases and decisions would be aptly documented and published for a wide audience. The tribunal would be chaired by the President of the Swiss Confederation, who would appoint by lot three independent powers, which are signatory to the Geneva Convention, plus two representatives from the belligerent states. Also, the tribunal would punish the states for misconduct and not individuals.'

Moynier was nominated for the Nobel Peace Prize in 1901, 1902, 1903, and 1905 but he never received it.



“A Problem from Hell”: America and the Age of Genocide, by Samantha Power

2002

This Pulitzer Prize-winning book, which explores America's repeated failure to stop genocides around the world, was written by Samantha Power, professor at the Harvard Kennedy School, former Balkan war correspondent and a US ambassador to the UN. Since May 2021 she is the head of the United States Agency for International Development (USAID).

“People have explained U.S. failures to respond to specific genocides by claiming that the United States didn’t know what was happening, that it knew but didn’t care, or that regardless of what it knew, there was nothing useful to be done. I have found that in fact U.S. policymakers knew a great deal about the crimes being perpetrated. Some Americans cared and fought for action, making considerable personal and professional sacrifices. And the United States did have countless opportunities to mitigate and prevent slaughter. But time and again, decent men and women chose to look away. We have all been bystanders to genocide. The crucial question is why.”

www.goodreads.com/work/quotes/118565-a-problem-from-hell-america-and-the-age-of-genocide



Laurent Gbagbo and Charles Blé Goudé

2016 - 2019

Laurent Gbagbo (77) had been the president of Côte d'Ivoire (Ivory Coast) for 10 years when he lost the elections in 2010. He refused to accept the result and step down, which led to a political crisis that threatened to reignite civil war in the country. Ble Goude (51), who was head of a pro-Gbagbo nationalist group called the Young Patriots, was Gbagbo's nominee for the Minister for Sports and Youth known for his ability to mobilize angry crowds. The post-election violence resulted in the death of 3,000 people, and the displacement of more than a half-million people.

They were arrested and charged for 'four counts of crimes against humanity: murder, rape and other forms of sexual violence, persecution, and other inhuman acts, allegedly committed during the 2010/2011 post-election violence in Côte d'Ivoire.' The ICC trial started in 2016 and lasted for two years. In 2019 both defendants were acquitted because 'the Prosecutor has failed to demonstrate several core constitutive elements of the crimes as charged, including the existence of a "common plan" to keep Mr Gbagbo in power, which included the commission of crimes against civilians "pursuant to or in furtherance of a State or organisational policy"and to demonstrate that public speeches by Mr Gbagbo or Mr Blé Goudé constituted ordering, soliciting or inducing the alleged crimes or that either of the accused otherwise knowingly or intentionally contributed to the commission of such crimes.'



C. DEL PONTE

Madame Prosecutor: Confrontations with Humanity's Worst Criminals and the Culture of Impunity 2009

Carla Del Ponte was chief prosecutor for the U.N. International Criminal Tribunal for the former Yugoslavia and Rwanda, the biggest war crimes prosecution since WWII. This book (written in collaboration with Chuck Sudetic) is her memoir of her eight years spent trying to serve justice.

“At times throughout this dense narrative Del Ponte appears clear-eyed about the difficulties of prosecuting violators of the law or customs of war from an office lacking the powers typically employed by courts in sovereign states: the ability to discover important evidence, recruit witnesses, arrest individuals, etc. At times she’s prepared to accept a certain amount of blame for her failings as an administrator and negotiator. Too frequently, though, she strikes the reader as wholly unsuited—because of her abrasiveness, her disposition to take quick offense, her missionary zeal—to the real-world limitations of her admittedly daunting task.”

www.kirkusreviews.com/book-reviews/carla-del-ponte/madame-prosecutor/



Image: IACtHR, photo by CortelDH on Wikimedia Commons

Text: <https://ijrcenter.org/2016/10/04/the-inter-american-commission-refers-four-cases-to-the-inter-american-court/>

Inter-American Commission and Court

1959/1979

The Inter-American System for the protection of human rights is responsible for monitoring, promoting, and protecting human rights in the 35 independent countries of the Americas that are members of the Organization of American States (OAS). It is composed of two principal bodies: the Inter-American Commission on Human Rights (IACHR) and Inter-American Court of Human Rights (IACtHR).

The IACHR was created in 1959, after the adoption of the American Declaration of the Rights and Duties of Man in Bogotá, Colombia in April of 1948. It has its headquarters in Washington, D.C. In 1969, the American Convention on Human Rights was adopted. The Convention, which entered into force in 1978, defined the human rights which the ratifying States have agreed to respect and ensure. It also created the Inter-American Court of Human Rights. The Court was established the following year and it is located in San Jose, Costa Rica. The Convention defined the functions and procedures of both the Commission and the Court.



Image: Saif Al-Islam Gaddafi photo by Hamoom, on [Wikimedia Commons](#)

Text: ICC www.libyaherald.com/2021/12/international-criminal-court-reiterates-that-it-needs-state-cooperation-to-arrest-and-transfer-saif-qaddafi-to-its-court/ and www.icc-cpi.int/libya and www.coalitionfortheicc.org/country/libya

Situation in Libya

2011 -

Libya is not a state party to the Rome Statute, but the UN Security Council referred the situation in Libya to the ICC in February 2011 (in Resolution 1970) “condemning the violence and use of force against civilians, deploring the gross and systematic violation of human rights, including the repression of peaceful demonstrators, expressing deep concern at the deaths of civilians, and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government.”

The investigation was opened in March 2011 with a focus on alleged crimes against humanity and war crimes committed since 15 February 2011 throughout Libya, following the outbreak of demonstrations against the regime of Muammar Gaddafi. It resulting with the arrest warrants for Gaddafi, his son Saif Al-Islam Gaddafi, and Abdullah Al-Senussi, director of military intelligence. Case against Muammar Gaddafi was terminated after his death, on 22 November 2011. His son remains at large.



Stop Ecocide International

The original draft of the Rome Statute besides genocide, crimes against humanity, war crimes, and crimes of aggression included one more item - ecocide, defined as "loss or damage to, or destruction of ecosystems of a given territory, such that peaceful enjoyment by the inhabitants has been or will be severely diminished." Unfortunately, it was later removed from the draft, due to pressure from the Netherlands, France, and the UK.

Recently, as the climate change threat becomes more real, there is growing pressure to finally make ecocide part of the Rome Statute. Stop Ecocide International (SEI), an organization co-founded in 2017 by Scottish barrister, author, and environmental lobbyist Polly Higgins (1968-2019) and current Executive Director Jojo Mehta became the driving force behind the growing global movement to make ecocide an international crime.

“Imagine a law that has a higher moral authority... a law that puts people and planet first. Imagine a law that starts from first do no harm, that stops this dangerous game and takes us to a place of safety...”

Polly Higgins, 2015

Witness #140

one year

two year

three year

four

five year

six year

how many

more?

The ICC Witness Project

2013-

In 2013 and 2014, The New Inquiry (a 501(c)3 non-profit with no affiliations whatsoever) posted over 150 poems as a part of 'The ICC Witness Project'. Inspired by a BBC article, the Project was a collaboration between Kenyan poets. The project's aim was to give voice to some of the missing/silenced witnesses for the ICC trial so that the victims and survivors of the Post-Election Violence in 2007/2008 are never forgotten. Here is just one:

Witness #143

our lips are sewn shut with fear,
our hands tied with rebuke.

we tread softly. we do not know
when it might be our turn

to lie underfoot.

Check out the video of the project: www.youtube.com/watch?v=9JAYO_ii3Eo&t=188s

WHAT ARE

THE

RULES OF WAR?



Yes, wars have rules.

ICRC



International Committee of the Red Cross

Respect#GenevaConventions

The **rules of war**, formally known as International Humanitarian Law:

- 1 Protect those who are not fighting, such as civilians, medical personnel or aid workers.
- 2 Protect those who are no longer able to fight, like an injured soldier or a prisoner.
- 3 Prohibit targeting civilians. Doing so is a war crime.
- 4 Recognize the right of civilians to be protected from the dangers of war and receive the help they need. Every possible care must be taken to avoid harming them or their houses, or destroying their means of survival, such as water sources, crops, livestock, etc.
- 5 Mandate that the sick and wounded have a right to be cared for, regardless of whose side they are on.
- 6 Specify that medical workers, medical vehicles and hospitals dedicated to humanitarian work can not be attacked.
- 7 Prohibit torture and degrading treatment of prisoners.
- 8 Specify that detainees must receive food and water and be allowed to communicate with their loved ones.
- 9 Limit the weapons and tactics that can be used in war, to avoid unnecessary suffering.
- 10 Explicitly forbid rape or other forms of sexual violence in the context of armed conflict.

Check out this video about rules of war: www.youtube.com/watch?v=HwpzzAefx9M



Image: GovernmentZA (2014) www.flickr.com/photos/governmentza/15714793531

Text: www.nytimes.com/2017/10/27/world/africa/burundi-international-criminal-court.html and www.icc-cpi.int/burundi

Burundi Withdrawal 2017

When the ICC announced the preliminary examination of the situation in the country in April 2016, Burundi decided to withdraw from the Rome Statute, accusing the ICC of deliberately targeting Africans for prosecution (Gambia, Kenya and South Africa signalled similar intentions as well). A year later, on 27 October 2017, it became official - Burundi became the first country to withdraw its membership from the ICC.

The problems in the country began in 2015, after President Pierre Nkurunziza decided to run for office for a third time. The opposition called it unconstitutional and initiated wide-scale protests. In the next two-and-a-half years more than 430 persons had reportedly been killed, at least 3,400 people arrested and over 230,000 sought refuge in neighbouring countries. The examination found evidence of killings, arbitrary arrests, detentions, torture, rape and other forms of sexual violence, and enforced disappearances.

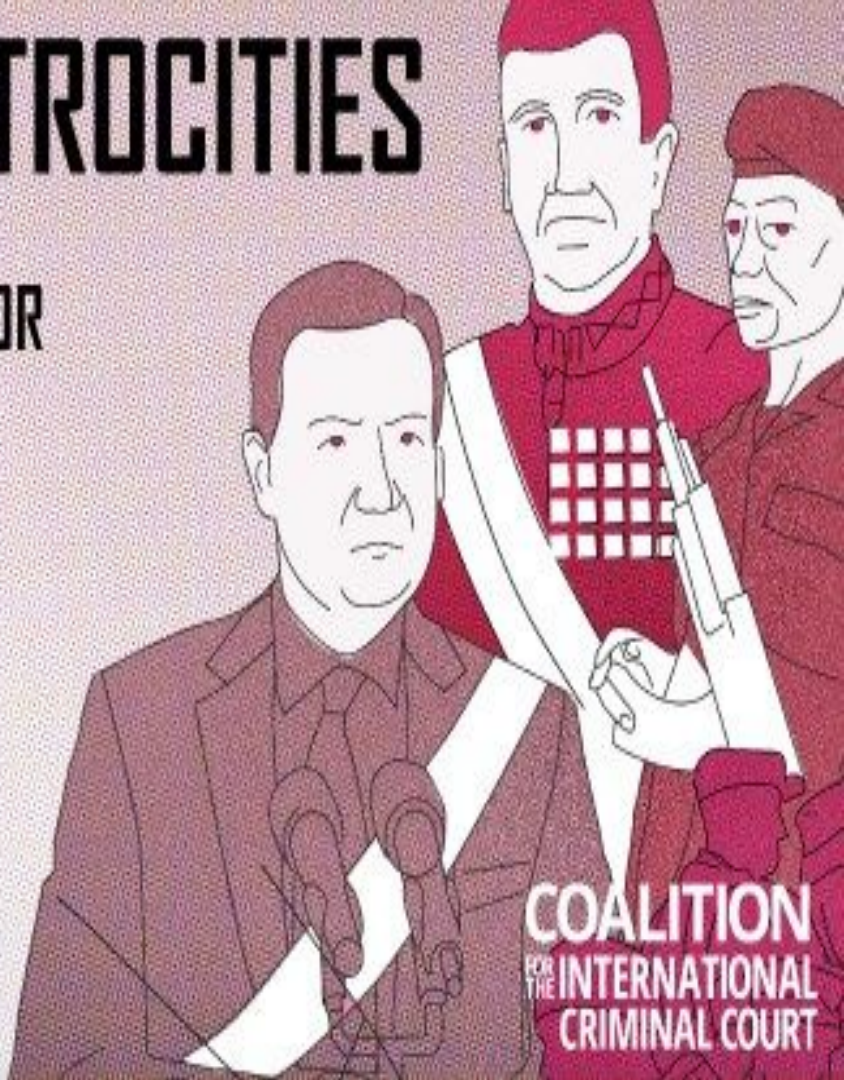
However, the ICC concluded that they may exercise its jurisdiction over crimes listed in the Rome Statute committed on the territory of Burundi or by its nationals from 1 December 2004 (the year the country ratified the Agreement) to 26 October 2017 (the day before the official withdrawal).

UNIMAGINABLE ATROCITIES

JOIN THE FIGHT FOR



coalitionfortheicc.org

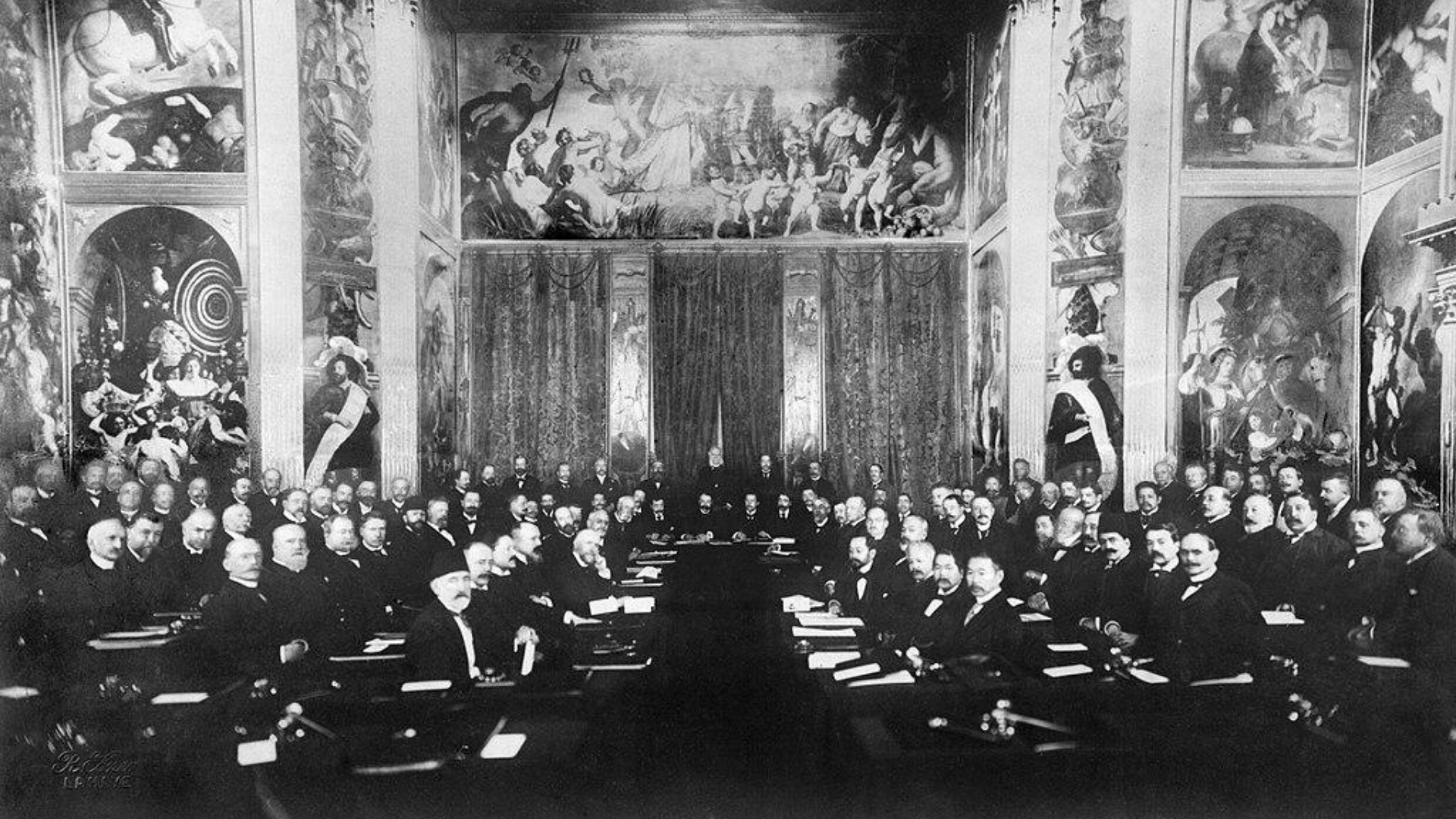


Coalition for the International Criminal Court

1995

“In 1995, a group of 25 human rights organizations began campaigning for a permanent international criminal court to hold individuals to account for war crimes, crimes against humanity, and genocide. And it worked.”

Today, the Coalition for the International Criminal Court, a global network of more than 2500 civil society organizations of all sizes and levels of importance in 150 countries continue to fight for global justice through national courts and the ICC in The Hague.



The Hague Conventions

1899 and 1907

Adopted at the Peace Conferences held in The Hague, Netherlands (hence the name) in 1899 and 1907, the two treaties called “The Hague Conventions” define the rules that ‘belligerents must follow during hostilities’.

The first conference (May 18 to July 29, 1899), attended by 26 countries, adopted three conventions (the pacific settlement of international disputes, the laws and customs of war on land, and the adaptation to maritime warfare of the principles of the Geneva Convention of August 22, 1864 and three declarations (prohibiting the use of asphyxiating gases, expanding bullets (dumdums) and the discharges of projectiles or explosives from balloons).

The second one (June 15 to Oct. 18, 1907), attended by 44 countries, adopted 13 conventions (related to issues like the opening of hostilities, the laws and customs of war, the rights and duties of neutral powers in case of war on land, etc.)



United Nations Diplomatic Conference
of Plenipotentiaries on the Establishment
of an International Criminal Court
Rome, 15 June-17 July 1998



Image: www.coalitionfortheicc.org/news/20190716/fighting-for-global-justice-ijd,

Text: <https://ihl-databases.icrc.org/en/ihl-treaties/icc-statute-1998> and <https://asp.icc-cpi.int/asp-events/ICJD/default>

Rome Conference

1998

After years of considering and negotiations, a Diplomatic Conference which finalised and adopted the Statute for the International Criminal Court (ICC), the world's only permanent court to hold individuals accountable for genocide, crimes against humanity, war crimes and the crime of aggression, was held from 15 June to 17 July 1998 in Rome. The Statute was finally adopted by a vote where 120 were in favour, 7 (The United States, China, Libya, Iraq, Israel, Qatar, and Yemen) against and 21 abstained.

All the details available here: https://legal.un.org/icc/rome/proceedings/E/Rome%20Proceedings_v1_e.pdf

International Justice Day commemorates that historic day. 17 July “unites all those who wish to support justice, promote victims' rights, and help prevent crimes that threaten the peace, security and well-being of the world.”



ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

Deposit of Instruments Required for Entry into Force:
11 April 2002, United Nations, New York



STATUT DE ROME DE LA COUR PÉNALE INTERNATIONALE

Dépôt des Instruments requis pour l'entrée en vigueur :
11 avril 2002, Nations Unies, New York



International Criminal Court

ESTABLISHED
1 JULY 2002

Image: IntICrimCourt (2020), Twitter/X <https://twitter.com/intlcrimcourt/status/1278324839909068801>
Text: <https://news.un.org/en/story/2002/04/32172-ratification-ceremony-un-paves-way-international-criminal-court>
and www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court

Rome Statute ratified and enters into force 2002

The Rome Statute of the International Criminal Court, adopted on 17 July 1998, entered into force on 1 July 2002, in accordance with its Article 126:

1. This Statute shall enter into force on the first day of the month after the 60th day following the date of the deposit of the 60th instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.
2. For each State ratifying, accepting, approving or acceding to this Statute after the deposit of the 60th instrument of ratification, acceptance, approval or accession, the Statute shall enter into force on the first day of the month after the 60th day following the deposit by such State of its instrument of ratification, acceptance, approval or accession.

In other words, when Bosnia and Herzegovina, Bulgaria, Cambodia, Republic of the Congo, Ireland, Jordan, Mongolia, Niger, Romania and Slovakia together lodged their instruments of ratification at the UN HQ in New York on 11 April 2002, the number of states that ratified the Treaty grew to 66. Two months (60 days) and few weeks later (the first day of the month) the Court in The Hague became operational.



Draft Statute for an ICC 1994

“In 1994, the ILC (International Law Commission) presented its final draft statute for an ICC to the UNGA (The United Nations General Assembly) and recommended that a conference of plenipotentiaries be convened to negotiate a treaty and enact the Statute. To consider major substantive issues in the draft statute, the General Assembly established the Ad Hoc Committee on the Establishment of an International Criminal Court, which met twice in 1995.”

Feel free to check it out at: https://legal.un.org/ilc/texts/instruments/english/draft_articles/7_4_1994.pdf



Images: <http://law2.umkc.edu/faculty/projects/ftrials/tokyo/tokyolinks.html> and
<https://blogs.icrc.org/cross-files/prosecuting-war-crimes-after-the-second-world-war-the-nuremberg-and-tokyo-trials/>
Text: www.nationalww2museum.org/war/articles/nuremberg-and-tokyo-war-crimes-trials and
<https://history.state.gov/milestones/1945-1952/nuremberg>

The Nuremberg and Tokyo Trials

1945 - 1948

The Nuremberg (IMT) and Tokyo International Military Tribunals (IMTFE) were created by the Allies after World War II in order to try and punish the Nazi and Japanese leaders for ordering or authorizing war crimes and crimes against humanity.

Nazi officials were brought to trial in the city of Nuremberg in Germany from November 1945 to October 1946. The tribunal found nineteen individual defendants guilty and sentenced them to punishments that ranged from death by hanging to fifteen years' imprisonment. Additional three were found not guilty, one committed suicide, and one did not stand trial due to physical or mental illness.

The Tokyo War Crimes Trials took place from May 1946 to November 1948 and found all the defendants guilty, sentencing them to punishments ranging from death to seven years' imprisonment; two defendants died during the trial.

WANTED



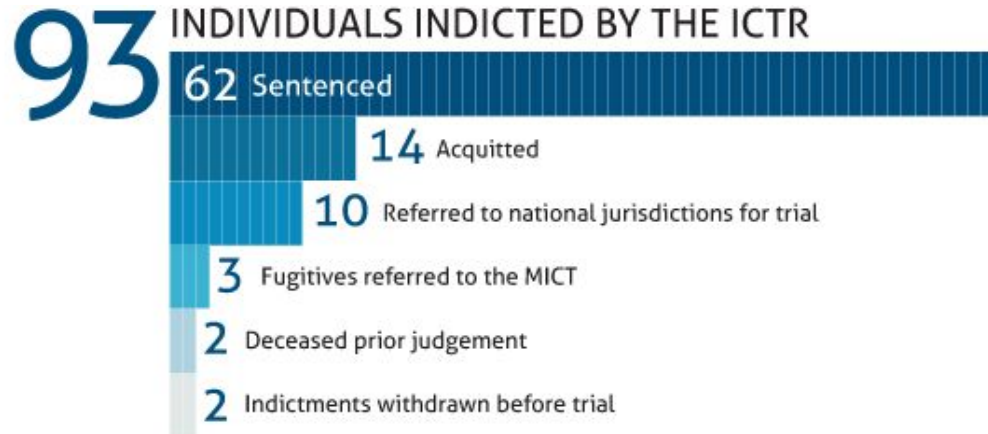
Image: Image by Rochak Shukla on Freepik

text: <https://allafrica.com/stories/202205160145.html> and <https://unictr.irmct.org/en/tribunal> and <https://legal.un.org/avl/ha/icttr/icttr.html>

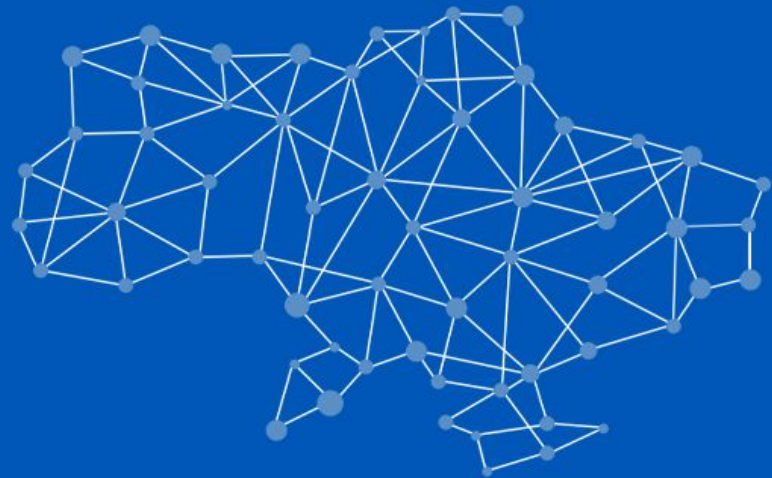
ICTR

1994 - 2016

The International Criminal Tribunal for Rwanda (ICTR) is a United Nations (UN) court of law was established by the Security Council on November 8, 1994 by Resolution 955 to "prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and neighbouring States, between 1 January 1994 and 31 December 1994". It was located in Arusha, Tanzania, with offices in Kigali, Rwanda and the Appeals Chamber in The Hague, Netherlands.



ICC Investigation into **UKRAINE**



**Cour
Pénale
Internationale**

**International
Criminal
Court**

Situation in Ukraine

2022 -

Even though Ukraine is not a State Party to the Rome Statute, the ICC has jurisdiction over crime of genocide, crimes against humanity and war crimes committed in Ukraine following the country's lodging of two declarations under article 12(3) of the Statute:

- the first one on 9 April 2014, over alleged crimes committed on its territory from 21 November 2013 to 22 February 2014 (the "Maidan events") and
- the second one on 8 September 2015 in relation to alleged crimes committed on its territory from 20 February 2014 onwards, with no end date.

On 2 March 2022, based on referrals received from 43 State Parties, the Prosecutor announced the opening of an investigation of the alleged crimes committed in the context of situation in Ukraine since 21 November 2013.



Slobodan Praljak's Court Suicide

2017

“On 29 November 2017, Mr. Praljak committed suicide in Courtroom 1, ICTY. During the public pronouncement of the appeal judgement, the Appeals Chamber confirmed his conviction and affirmed his sentence of 20 years of imprisonment. Immediately thereafter, Mr. Praljak drank a liquid while in court, and quickly fell ill. Mr. Praljak was immediately assisted by the ICTY Security and medical staff. Simultaneously an ambulance was summoned. Mr. Praljak was transported to HMC Hospital in The Hague to receive further medical assistance. Soon thereafter, Mr. Praljak passed away. In accordance with standard procedures, at the request of the ICTY, the Dutch Authorities initiated an independent investigation.”

The rest of the statement about the findings of the investigation is available at:

www.icty.org/en/press/statement-on-the-independent-review-regarding-the-passing-of-slobodan-praljak

State of Palestine

Situation in the State of Palestine

ICC-01/18

Investigation

Israel / Palestine

“On 1 January 2015, the Government of Palestine lodged a declaration under article 12(3) of the Rome Statute accepting the jurisdiction of the International Criminal Court over alleged crimes committed in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014. On 2 January 2015, Palestine acceded to the Rome Statute by depositing its instrument of accession with the UN Secretary-General. The Rome Statute entered into force for Palestine on 1 April 2015.

On 3 March 2021, the Prosecutor announced the opening of the investigation into the Situation in the State of Palestine. This followed Pre-Trial Chamber I's decision on 5 February 2021 that the Court could exercise its criminal jurisdiction in the Situation and, by majority, that the territorial scope of this jurisdiction extends to Gaza and the West Bank, including East Jerusalem.”



Image: kremlin.ru (2018), Bashar al-Assad, Wikimedia Commons

Text: www.bbc.com/news/world-middle-east-47483714 and

www.aljazeera.com/news/2022/3/18/syrias-assad-visits-uae-in-first-trip-to-arab-state-since-2011

Bashar al-Assad and Syria

In March 2022, Syria's president Bashar al-Assad visited United Arab Emirates in his first visit to an Arab country since the beginning of the democratic uprising in 2011. The visit sent the clear signal that the some Arab countries are willing to cooperate with Syria and its president despite the fact that the country had been expelled from the 22-member Arab League and boycotted by its neighbours after the conflict broke out 11 years ago. Hundreds of thousands of people have been killed; half of Syria's population displaced and large parts of Syria have been destroyed in the war. Both Arab and Western countries generally blamed al-Assad for the protests that evolved into civil war, and supported the opposition in the early days of the conflict. In addition, Assad's Syrian government has also been accused of war crimes and crimes against humanity by human rights organisations.

Given the fact that Syria is not a party to the Rome Statute (the ICC's governing treaty), the only way by which the ICC could investigate alleged crimes committed there is via a United Nations Security Council referral.

In 2019 Human rights lawyers have filed the first cases against Syrian President Bashar al-Assad at the International Criminal Court (ICC) in The Hague on behalf of 28 Syrian refugees in Jordan who say they were forced to flee the country.



Image: KING RODRIGUEZ/Presidential Photo, Wikimedia Commons

Text: www.rappler.com/newsbreak/iq/timeline-international-criminal-court-philippines-rodrido-duterte-drug-war/ and <https://filipino.news/2021/06/15/dutertes-war-on-drugs-under-investigation-by-the-international-criminal-court/>

Rodrigo Duterte and the Philippines withdrawal 2019

On November 17 2016, one month after the ICC prosecutor Fatou Bensouda said that her office was ‘keeping an eye’ on the incidents in the Philippines as the number of deaths in controversial drug war operations continued to rise four months into the Rodrigo Duterte administration, the President himself threatened to withdraw the Philippines from ICC membership. He called the international court useless and unable to help small countries.

In April 2017, Filipino lawyer Jude Sabio filed a communication before the ICC over the “repeatedly, unchangingly, and continuously” mass murder in the Philippines, requests the court to “commit [Duterte] and his senior government officials to the Trial Chamber for trial.

In February 2018 the ICC Office of the Prosecutor announced the initiation of a preliminary examination to determine whether there is sufficient evidence to establish that the case falls under the court’s jurisdiction. One month later, on March 14, Duterte announced that the Philippines will withdraw as a member-state of the ICC. In a written statement, the President says he is “withdrawing [the country’s] ratification of the Rome Statute effective immediately.” Withdrawal became effective one year later, in 2019.



Image: Uncommon_fritillary, Kony 2012 posters on a Washington, DC, Wikimedia Commons
Text: www.voaafrica.com/a/icc-seeks-kony/6848632.html and
www.cbc.ca/news/world/international-justice-infamous-war-crimes-cases-1.773125#kony

Joseph Kony (Uganda)

1961 -

Joseph Kony and other leaders of the LRA (Lord's Resistance Army), a guerrilla group that began a violent campaign against the Ugandan government in 1986, have been indicted by the International Criminal Court for crimes against humanity and war crimes.

The rebels have been accused of, among other atrocities, 'cutting off the tongues and lips of civilians and abducting thousands of children, turning the girls into sex slaves and the boys into child soldiers'.

Kony was indicted in The Hague in 2005 but remains at large. Several campaigns worldwide have advocated for his arrest and trial at the ICC.

Watch Kony 2012, a famous documentary made by Invisible children with intention of making ICC fugitive Joseph Kony globally known, at: www.youtube.com/watch?v=Y4MnpzG5Sqc