

## **ICC and ICJ 2011**

Changes for 2011 conference:

- Each team for ICJ and ICC must be comprised of students from the same school. This will cut down on communication problems between delegates from different schools and facilitate teamwork on briefs and conference preparation.
- ICJ and ICC students will be required to participate in two conference call/webinars during the fall. This will serve as a replacement for mock session, which students from the courts really needed to coordinate and share information prior to arrival at the conference.

### **Timeline for ICC and ICJ Preparation:**

Mid-March 2010:	Cases selected at officer's retreat.
[Date determined by officers]:	Sample memo and brief (from last year) selected and revised; brief writing handbooks updated.
June 1, 2010:	Final case summaries and resources completed by program staff and shared with officers.
[Date determined by officers]:	Final list of links, resources, etc. for website emailed to program staff.
August 15, 2010:	Information ready to post to website, with final pre-court conference schedule/agendas and memo/brief due dates.
Sunday, October 17, 2010:	First Pre-Court conference (one hour each court, Sunday PM): discuss overview of court, delegate responsibilities, memo writing, intro to brief writing, questions.
November 1, 2010:	Memorandums due to ICC/ICJ inboxes by 11:59pm – any late submissions will be taken out of consideration for awards; case assignments posted to website and emailed to delegates.
Sunday, November 14 or 21, 2010:	Second Pre-Court conference (one hour each court, Sunday PM): discuss brief writing, procedure at conference, preparation for arguments and hearing other team cases, questions.
December 1, 2010:	Briefs due to ICC/ICJ inboxes by 11:59pm – any late submissions will be taken out of consideration for awards.
December 10, 2010:	Briefs posted to website for opposing teams to review.

## **International Criminal Court (ICC)**

### **Case 1: ICC v Rao Farman Ali**

The following is to be accepted as the standard fact pattern of the case; additional research is compulsory. These facts may not be challenged:

Major General Rao Farman Ali was a Pakistan Army general during the Operation Searchlight and the Bangladesh War of Independence. He was the artillery commander in East Pakistan (Bangladesh) where he was promoted to the rank of Maj. Gen. in 1970 and then to advisor to the governor of East Pakistan. During his tenure of service in East Pakistan in 1971, he allegedly helped plan and carry out Operation Searchlight, which ultimately led to the alleged genocide and killing of Bengali persons numbering between 200,000 and 3 million people, the raping of up to 200,000 women, and the displacement of 8 to 10 million persons who sought refuge in India.

When India was partitioned in 1947, the Indian province of Bengal was partitioned along religious lines (for the majority Muslims), with the western part going to India and the eastern part joining Pakistan as a province called East Bengal (later renamed East Pakistan), with its capital at Dhaka. Dissatisfaction with the central government in West Pakistan over economic and cultural issues continued to rise through the next decade, during which the Awami League emerged as the political voice of the Bengali-speaking population. It called for autonomy in the 1960s, and in 1966, its president Sheikh Mujibur Rahman was jailed; he was released in 1969, after an unprecedented popular uprising.

In 1970, a massive cyclone devastated the coast of East Pakistan, killing up to half a million people, and the central government was thought to have responded poorly. The Bengali population's anger was compounded when Sheikh Mujibur Rahman, whose Awami League won a majority in Parliament in the 1970 elections, was blocked from taking office. In response to the growing feeling of discontent and number of uprisings in East Pakistan, the central government planned and carried out Operation Searchlight, which envisioned taking control of the major cities on March 26, 1971 and then eliminating all opposition, political or military, within one month. Prolonged Bengali resistance was not anticipated by the Pakistani planners, and thus the Bangladesh War of Independence had begun, sparking the aforementioned human casualties.

The International Criminal Court is charging Major General Rao Farman Ali with three counts of War Crimes, for his role in the atrocities in Bangladesh, as follows:

- Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture – Article 8(2)(c)(i)
- Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities – Article 8(2)(e)(i)
- Committing rape, sexual slavery, enforced prostitution, forced pregnancy – Article 8(2)(e)(vi)

#### **Resources:**

- Khan, Rao Farman Ali., *How Pakistan Got Divided* , Jang Publishers, Lahore : 1992.
- Sarmila Bose, “Anatomy of Violence: Analysis of Civil War in East Pakistan in 1971: Military Action: Operation Searchlight,” *Economic and Political Weekly*, October 8, 2005.
- “Hamoodur Rahman Commission Report,”  
<http://www.pppusa.org/Acrobat/Hamoodur%20Rahman%20Commission%20Report.pdf>.  
Retrieved on 2010-04-17.

## **International Criminal Court (ICC)**

### **Case 2: ICC v Abdul Hamid II**

The following is to be accepted as the standard fact pattern of the case; additional research is compulsory. These facts may not be challenged:

His Imperial Majesty, The Sultan Abdülhamid II, Emperor of the Ottomans, Caliph of the Faithful, (aka., Abdul Hamid II or Abd Al-Hamid II Khan Ghazi) was the 34th sultan of the Ottoman Empire and ruled the Empire between August 31, 1876 and April 27, 1909, when he was deposed during the Young Turks Revolution. It is during his reign that an alleged 200,000 Armenians and approximately 15,000 Bulgarians were killed.

The Tanzimat, meaning reorganization of the Ottoman Empire, was a period of reformation that began in 1839 and ended with the First Constitutional Era in 1876. The Tanzimat reform era was characterized by various attempts to modernize the Ottoman Empire, to secure its territorial integrity against nationalist movements and aggressive powers. The reforms encouraged Ottomanism among the diverse ethnic groups of the Empire, attempting to stem the tide of nationalist movements within the Ottoman Empire. The reforms attempted to integrate non-Muslims and non-Turks more thoroughly into Ottoman society by enhancing their civil liberties and granting them equality throughout the Empire.

By the time Abdul Hamid has risen to power in 1876, Hamid believed that Tanzimat has failed. The Ottoman treasury was empty, Bosnia and Herzegovina had rebelled in 1875, there was a war with Serbia and Montenegro, and a rebellion in Bulgaria had just been put down earlier in the year. Hamid believed the way to reunite the various ethnicities and tribes of the Empire was through Islam, over which he presided as Caliph. However, some non-Islamic groups resisted his attempts and continued their pursuit of autonomy. Starting around 1890, Armenians began demanding the reforms which were promised them at the Congress of Berlin in 1878, and at times, open revolt followed. Hamid did not hesitate to put down these revolts with harsh methods, possibly to show the unshakable power of the monarch, and often used the local Muslims and the Hamidiye against the Armenians.

The International Criminal Court is charging Sultan Abdul Hamid II with two counts of Genocide and one count of Crimes against Humanity, for the deaths that occurred in the nationalist revolts, as follows:

- Killing members of the group – Article 6(a)
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part – Article 6(c)
- Murder – Article 7(a)

#### **Resources:**

- Balakian, Peter (2003). *The Burning Tigris: The Armenian Genocide and America's Response*. New York: HarperCollins.
- Hovannisian, Richard G. "The Armenian Question in the Ottoman Empire, 1876-1914" in *The Armenian People From Ancient to Modern Times, Volume II: Foreign Dominion to Statehood: The Fifteenth Century to the Twentieth Century*. Richard G. Hovannisian (ed.) New York: St. Martin's Press, 1997
- Yasamee, F. A. K. (1996). *Ottoman Diplomacy: Abdülhamid II and the Great Powers, 1878–1888*. Istanbul

## **International Criminal Court (ICC)**

### **Case 3: ICC vs. Saloth Sar (Pol Pot)**

The following is to be accepted as the standard fact pattern of the case; additional research is compulsory. These facts may not be challenged:

Saloth Sar, under the pseudo name Pol Pot, became a leader of Cambodia's underground Communist Party following his return from France in 1953. Born to a wealthy family in 1925, Saloth Sar enjoyed a comfortable childhood and won a educational scholarship to study in France in 1945. While in France, he became involved in political activities with the Communist Party. On his return to Cambodia he took on the name Pol Pot and became a leader of the Cambodian Communist Party, "Khmer Rouge". The Khmer Rouge became a guerilla movement against the post-colonial government of Prince Sihanouk. However, Prince Sihanouk was overthrown by General Lon Nol in 1970, instigating a civil war between Lon Nol's army and the Khmer Rouge.

The civil war lasted until April 1975 when the Khmer Rouge captured the Cambodian capital, Phnom Penh. After acquiring power, Pol Pot instituted policies aimed at creating a communist state. The calendar was set to 'Year Zero' and urban Cambodians were forced, in mass exodus, out of their homes and into rural work camps. All forms of religion were abolished. For years following Pol Pot's ascent to power, the world knew little about what was happening in Cambodia. By 1979, Vietnam invaded Cambodia and reports surfaced of extreme violence.

It is projected that between 1975 and 1979, one to three million Cambodians died out a population of seven million. Thousands of former government employees, army personnel, and "intellectuals" were reportedly executed. Thousands more were reported to have died in agricultural camps from famine, disease, and forced labor. Additionally, reports of directed violence against ethnic minorities were commonplace. Mass graves were found throughout the country and what appeared to be a 'torture center' referred to as S21 provided haunting evidence to these crimes.

After the Vietnamese invasion, Pol Pot fled into the border region between Cambodia and Thailand and continued to fight against the Vietnamese-run government in Phnom Penh. The Khmer Rouge continued to receive international support. A power struggle within the Khmer Rouge eventually led to its demise and the surrender of Pol Pot.

The International Criminal Court is charging Saloth Sar (Pol Pot) with two counts of Genocide and two counts of Crimes Against Humanity for the crimes committed in Cambodia between 1975 and 1979, as follows:

- Killing members of the group – Article 6(a)
- Causing serious bodily or mental harm to members of the group – Article 6(b)
- Deportation or forcible transfer of population – Article 7(d)
- Torture – Article 7 (f)

#### **Resources:**

- "Historic Figures: Pol Pot." *BBC*. BBC. Web. <[http://www.bbc.co.uk/history/historic\\_figures/pot\\_pol.shtml](http://www.bbc.co.uk/history/historic_figures/pot_pol.shtml)>.
- Power, Samantha. *A Problem from Hell: America and the Age of Genocide*. New York: Basic, 2002. Print.
- "Pol Pot: Life of a Tyrant." *BBC*. BBC. Web. <<http://news.bbc.co.uk/2/hi/asia-pacific/78988.stm>>

## **International Criminal Court (ICC)**

### **Case 4: ICC vs. Samuel K. Doe**

The following is to be accepted as the standard fact pattern of the case; additional research is compulsory. These facts may not be challenged:

Samuel K. Doe became an important figure in Liberia in 1979 when widespread rioting engulfed the country following former President Tolbert's announcement of planned price increases. The Tolbert administration was viewed by many Liberians as elitists who traced their lineage to the American blacks who had traveled to Liberia during the 19<sup>th</sup> century and established the state. Conflict continued until April of 1980 when Sergeant Doe seized power and declared himself General and Commander in Chief. Within days of Sergeant Doe take-over, 13 leading officials of Tolbert's administration were executed. The 13 leaders were accused of treason, corruption, and violation of human rights. Although a military tribunal sentenced only four leaders to death; the "Redemption Council", chaired by Doe, intervened and sentenced all thirteen to death.

Born in 1951, Samuel K. Doe floated in and out of school until enlisting in the military in 1969. By 1979, Doe was promoted to a master sergeant after participating in a training camp facilitated by the United States Special Forces. Doe continued to receive support from United States, visiting Ronald Reagan in the mid-1980. Later, Doe was 'elected' president in 1985. Reports of ethnic favoritism appeared from Liberia under President Doe's regime as the Krahn, his ethnic group, were used as palace guards and the core of the country's security apparatus.

Violence in Liberia started again in 1990 when militant forces rebelled against Doe's regime. This civil war lasted until 1997 and resulted fighting between peace keeping troops and various rebellion forces. Charles Taylor's National Patriotic Front of Liberia (NPFL) attacked a government outpost in 1989 jumpstarting this violence. The conflict soon involved other West African countries. During this time, approximately 200,000 were killed and thousands more wounded.

Reports of mass human rights violations were reported throughout this conflict. Civilian populations were terrorized by both government and rebel forces. Widespread rape, destruction of villages, and ethnic-based violence were also reported. A resolution was eventually reached by the late 1990's.

The International Criminal Court is charging Samuel K. Doe with 3 counts of crimes against humanity for the crimes committed in Liberia from 1980 to the late-1990, as follows:

- Murder – Article 7(a)
- Torture – Article 7(f)
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity – Article 7(h)

#### **Works Consulted:**

- Saxon, Wolfgang. "Samuel Doe: 10-year Reign in the Shadow of Brutality." *New York Times*. New York Times, 11 Sept. 1990. Web <<http://www.nytimes.com/1990/09/11/obituaries/samuel-doe-10-year-reign-in-the-shadow-of-brutality.html?scp=1&sq=samuel%20k%20doe%201980&st=cse>>.
- Cain, Kenneth L. "The Rape of Dinah: Human Rights, Civil War in Liberia, and Evil Triumphant." *Human Rights Quarterly* (1999). Web.