

## Case 1: ICC v. King Leopold II

The following is to be accepted as the baseline facts of the case. Additional information resources will be provided to you; please limit the scope of your review and arguments to this baseline summary and the provided additional resources. These facts may not be challenged:

Leopold-Louis-Phillippe-Marie-Victor, or King Leopold II, was born on April 9th, 1835, in Brussels, Belgium. After the death of his father Leopold I in 1865, he assumed the Monarchy and would retain his kingship up until his death in 1909, when his son, Albert I, assumed the throne.

During his reign as king, he ruled over all of the colonial possessions of Belgium, including the Belgian Congo. This colony would be recognized, not as a colonial possession of Belgium but as private property for King Leopold II, making it the first private colony in the world. Although he was not directly on the ground in Africa, he appointed explorer Henry Morton Stanley to chart out and map the area.

Throughout Stanley's time in Africa, he made several treaties with the native people about their rights to the land, resource cultivation, and labor practices. As a result, the Congolese people, who largely did not understand nor spoke the same language as the Belgians, put themselves into forced labor under the agreements. After many attempts to gain access to an abundance of ivory, it was decided to switch to cultivating rubber for items like the tire, the telegraph, the car, and others that began to emerge at the time.

During this cultivation of rubber, King Leopold II's Congolese army, the Force Publique, would force Congolese men to meet monthly rubber quotas, threatening their family if the harsh quotas were not met. The leader of the Force Publique was Leon Rom. Eventually, rubber deposits started to run out and more and more men could not meet the demands. The Force Publique carried out violent actions when the demands were not met.

These methods of exploitation were expanded to other areas like farming, manufacturing, hunting, fishing, etc. Such methods were copied by other European colonial powers like France, Germany, and Portugal in their respective colonies. Eventually, an international effort emerged to have Leopold II hand over the country, as it was his private property, and make it into a colony in 1908.

### Charges Against Leopold II:

Two (2) counts of **Genocide**

Article 6 (a): Killing members of a group;

Article 6 (b): Causing serious bodily or mental harm to members of a group;

Three (3) counts of **Crimes Against Humanity**:

Article 7 (1) (a): Torture;

Article 7 (1) (c): Enslavement;

Article 7 (1) (e): Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law.

### Notable Actors:

- King Leopold II: King of Belgium
- King Leopold I: Leopold's father and predecessor

- Henry Morton Stanley: explorer, agent of Leopold II
- Leon Rom: leader of the Force Publique
- Force Publique: military force in the Congo

### Questions to Consider:

- Can King Leopold II be held accountable for the actions of his army, even if they disobeyed his orders?
- Can the actions taken in the Congo be directly attributed to King Leopold II?
- Can King Leopold II's mental state waive all liability for the actions taken in the Congo?
- Does, by virtue of owning the land *privately*, immediately make King Leopold liable?

### Case 2: ICC v. John Demjanjuk

The following is to be accepted as the baseline facts of the case. Additional information resources will be provided to you; please limit the scope of your review and arguments to this baseline summary and the provided additional resources. These facts may not be challenged:

John Demjanjuk was born on April 3rd, 1920, in Soviet Ukraine. Demjanjuk fought for the Soviet Red Army during World War II; however, he was captured by the Germans in 1942. He was then trained at Trawniki Concentration camp after being recruited into the Nazi army. He has been identified by witnesses as possibly being "Ivan the Terrible," who was a gas chamber guard in the Treblinka extermination camp. Demjanjuk served in the Sobibor extermination camp for the remainder of the war.

During World War II, Jewish persons faced discrimination and mass genocide. The stated goal of the "Final Solution" was the complete annihilation of Jewish people.

After the conclusion of World War II, Demjanjuk spent time in displaced persons camps and applied to move to the United States. He was granted an American visa, and he moved to Indiana, United States, with his wife and daughter. Demjanjuk settled in Cleveland, Ohio, where he became an autoworker.

It is important to note that a concentration guard would work in the general operation of a concentration camp. For example, guards could assist prisoners off of trains and force prisoners into labor. A gas chamber guard would work directly in the extermination process. They could force prisoners into the chambers or pour toxic chemicals into the chamber.

### Charges Against John Demjanjuk:

Two (2) counts of **Genocide**

Article 6(b): Causing serious bodily or mental harm to members of the group;

Article 6(c): Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Two (2) counts of **Crimes Against Humanity**:

Article 7 (1) (b): Extermination;

Article 7 (1) (d): Deportation or forcible transfer of population.

**Notable Actors:**

- John Demjanjuk (pronounced “dem-YAN-yook): the accused
- Ivan the Terrible: a notably cruel guard at the Treblinka extermination camp, possibly Demjanjuk
- Treblinka: Polish forced labor and extermination camp built by the Nazis
- Sobibor: Polish extermination camp built by the Nazis

**Definitions:**

- Displaced persons camp: sites set up after World War II to house refugees from Eastern Europe and former inmates of concentration camps

**Questions to Consider:**

- If Demjanjuk is not Ivan the Terrible as accused, can he still be found guilty of the charges listed as a concentration camp guard?
- Can one individual as a part of a larger group be tried on behalf of the rest?