

The Rome Statute

The Rome Statute is a treaty that established the International Criminal Court. The Rome Statute lays out the elements of international crimes, including genocide, crimes against humanity, and war crimes and prosecutes these crimes when states or nations are unable or unwilling to do so on their own.

Each crime is broken down into elements. The prosecution will argue during their hearing that the facts of the case meet each element of the crime charged. The defense will argue that the facts are not strong enough to meet each element, so the defendant should not be convicted.

2022 Middle School MUN Crimes Charged: ICC v. King Leopold II

Article 6 – Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

King Leopold II is charged under sections:

- (a) Killing members of a group
- (b) Causing serious bodily or mental harm to members of a group

For charges of genocide, think about two main elements:

- Whether the actor intended to destroy, in whole or in part, a group by committing the act
- Whether the actor actually committed the act

TIP: Intent is the most difficult to determine. It is not enough that something was destroyed – the perpetrator(s) must have intended to destroy.

Article 7 - Crimes Against Humanity

For the purpose of this Statute, "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.

King Leopold II is charged under sections:

- (a) Torture
- (c) Enslavement
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law

“Torture” means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused.

“Enslavement” is the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons.

“Imprisonment or other severe deprivation of physical liberty” refers to limiting the ability of one to freely leave.

For crimes against humanity, think about three main elements:

- Whether there was a physical commission of the inhumane act
- Whether the conduct was related to or part of a widespread or systematic attack directed against a civilian population
- Whether the actor knew about the attack

TIP: A crime against humanity must involve either large-scale violence or a methodical type of violence, not random, accidental, or isolated acts of violence. Additionally, prosecutors must prove that there is a State or organizational policy to commit an attack.

2022 Middle School MUN Crimes Charged: ICC v. John Demjanjuk

Article 6 – Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

John Demjanjuk is charged under sections:

- (b) Causing serious bodily or mental harm to members of the group
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

For charges of genocide, think about two main elements:

- Whether the actor intended to destroy, in whole or in part, a group by committing the act
- Whether the actor actually committed the act

TIP: Intent is the most difficult to determine. It is not enough that something was destroyed – the perpetrator(s) must have intended to destroy.

Article 7 - Crimes Against Humanity

For the purpose of this Statute, "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.

John Demjanjuk is charged under sections:

- (b) Extermination
- (d) Deportation or forcible transfer of a population

“Extermination” includes the intentional infliction of conditions of life such as the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population.

“Deportation or forcible transfer of a population” means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.

For crimes against humanity, think about three main elements:

- Whether there was a physical commission of the inhumane act
- Whether the conduct was related to or part of a widespread or systematic attack directed against a civilian population
- Whether the actor knew about the attack

TIP: A crime against humanity must involve either large-scale violence or a methodical type of violence, not random, accidental, or isolated acts of violence. Additionally, prosecutors must prove that there is a State or organizational policy to commit an attack.