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International Criminal Court
Crimes and Case Scenarios

Instructions: Read each scenario. Discuss and decide which crime within the ICC's mandate fits the scenario in each case: **genocide, crimes against humanity, war crimes,** or **aggression**. Explain why the situation fits the particular crime you chose, highlighting which elements of the crime are present. These situations are all based on actual cases currently or recently under investigation by the Court.
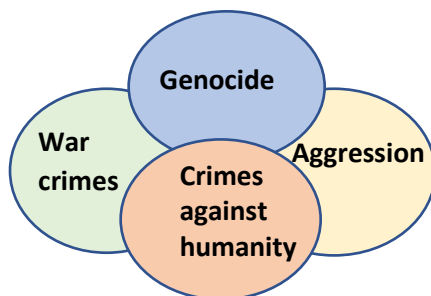
The Crimes

Genocide: the intent to exterminate, in whole or in part, a national, ethnic, racial, or religious group.

Crimes against humanity: murder, enslavement, torture, rape, and other inhumane acts committed as part of a widespread or systematic attack against civilian populations.

War crimes: murder of prisoners of war, rape and murder of civilians, conscription of child soldiers, use of poisonous weapons, destruction of cities, towns, and important monuments.

Aggression: the use of armed force by one State against another State, including invasion, bombardment, blockade, or attack by armed troops.

Relationship of the Atrocity Crimes

The Cases

1. **Syria** – The Syrian military, under the command of President Bashar al-Assad, has used chemical weapons on the country's civilian population 211 times since the conflict began in March 2011. Government forces have accused rebel fighters of using chemical weapons as well. More than 1400 people have been killed in the chemical attacks. Most of the chemical bombs have been dropped on rebel-held neighborhoods but are otherwise widespread and indiscriminate in their targeting.

1. **Russia in Ukraine** – In February 2014, pro-Russian combatants forcefully entered a number of Ukraine's government buildings and took control and Russian President Vladimir Putin moved Russian military personnel into Ukraine's Crimean Peninsula. Access to the region's gas supplies and humanitarian aid are controlled by the Russian military, and these vital resources are now delivered at the whim of the Russian government. Approximately 1.5 million residents of Crimea and the Donbass area are internally displaced, forced out of their homes by the occupying Russians. The UN estimates that more than 10,000 civilians have been killed in the Donbass region.

2. **Darfur, Sudan** – There is currently an ICC warrant for the arrest of Sudan's President, Omar al-Bashir. One of the charges against him is based on the following information: Beginning in 2003, in the western region of Sudan known as Darfur, Omar al-Bashir's military forces and agents drove approximately 2.5 million Sudanese civilians, including substantial numbers of the Fur, Masalit, and Zaghawa ethnic groups, into camps for internally-displaced persons. All male members of these tribes were then executed. Military personnel then raped and inflicted other forms of severe sexual violence on thousands of women. Witnesses reported that a common tactic was for the *Janjaweed* militia and Sudan's armed forces and security agents to lie in wait outside the camps to rape -- or often gang-rape -- the women and girls as they came out to collect firewood, grass, or water in order to survive. Women who became pregnant as a result of these rapes often underwent abortions in dangerous conditions, leading to permanent reproductive damage. Those who did not terminate their pregnancies were often forced to abandon their babies or to commit infanticide, as the child would not be accepted by the mother's ethnic group due to 'diluted bloodlines'.

3. **Rohingya Muslims in Myanmar/Burma** –The Rohingya are a small minority Muslim ethnic group who have lived for centuries in Buddhist-majority Myanmar. The Rohingya are denied citizenship, forced to live in barbed-wire-encircled camps, and prohibited from access to education, health care, employment, and other services. Since the 1970s, government crackdowns on the Rohingya in western Rakhine state have forced nearly one million Rohingya to flee to Malaysia, Thailand, and other nearby countries. During such crackdowns, refugees report rape, torture, arson, and murder by Myanmar security forces. Recent government attacks in October 2017 led to more than 650,000 Rohingya fleeing for safety in neighboring Bangladesh. The UN calls the Rohingya 'the most persecuted people on earth.'

4. **Destruction of monuments in Timbuktu, Mali** – Timbuktu is an ancient desert crossroads and a historic seat of Islamic learning and faith in the western African country of Mali. Ansar Dine is an armed group with ties to Al-Qaeda. In 2012, Ansar Dine forcibly occupied Timbuktu. Members of the terrorist group destroyed 15th-century shrines, a mosque, and ancient manuscripts, claiming that these historic sites and documents are idolatrous under the definitions of Islamic law that they imposed in Timbuktu and other towns across northern Mali.

5.   **Violence in Congo** – The Democratic Republic of Congo (Congo), in Central Africa, is known as the 'rape capital of the world.' Dozens of armed groups operate in eastern Congo, and many of them, as well as members of the Congolese security forces, have been perpetrators of sexual violence for decades. Armed groups have abducted and held Congolese women and girls as sex slaves. The perpetrators often harm their victims with machetes and other weapons before or after raping them. Girls as young as 2 and women older than 80 have been targeted, as well as some men and boys. Many victims have developed serious medical complications following the rapes, frequently dying from their wounds. More than 6 million people have perished in the conflict, which is driven by fighting over mineral riches in the region.

Discussion Questions

Why do we make the distinctions between the four types of crimes? Do the distinctions matter?

Would it make a difference to the public or to those in the legal profession if we categorized the four crimes together as 'atrocity crimes'?

Sarah Erickson, J.D. and Helena Sung
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