

International Criminal Court

Case Scenarios

These case scenarios below, taken from actual atrocities currently or recently investigated at the International Criminal Court, provide an opportunity to consider the definitions of the crimes within the Court's jurisdiction. This exercise is well-suited for use in classrooms and other educational settings.

Instructions: Read each scenario. Decide which crime within the Court's mandate fits the scenario in each case: **genocide**, **crimes against humanity**, **war crimes**, or **aggression**. Explain why the situation fits the crime that you chose, highlighting which elements of the crime are present.

The Crimes

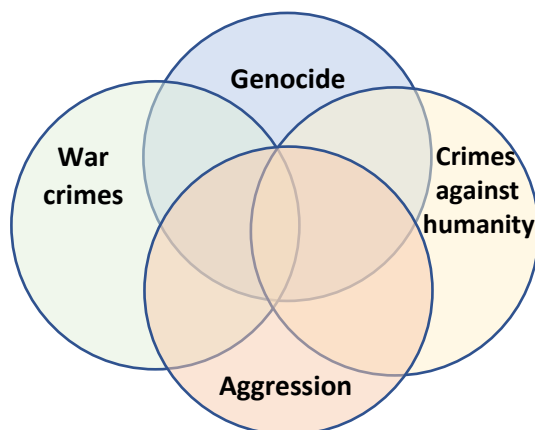
Genocide: the intent to exterminate, in whole or in part, a national, ethnic, racial, or religious group.

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, attacks on humanitarian aid workers.

Aggression: the use of armed force by one state against another state.

The Intersection of the Crimes



In the diagram above, you see that the four crimes intersect. In situations where one of these crimes occurs, one or more of the others also may occur.

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 several hundred times since the conflict began in March 2011. Government forces have accused rebel fighters of using chemical weapons as well. At least 1,421 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.

2. **Russia in Ukraine** – In February 2014, pro-Russian combatants occupied some of Ukraine's government buildings and Russian President Vladimir Putin authorized Russian military personnel to move into Ukraine's Crimean Peninsula. Crimea's gas supplies and access to humanitarian aid are now controlled by the Russian military. Approximately 1.5 million residents of Crimea have been internally displaced, largely forced out of their homes by the occupying Russian troops.

3. **Darfur, Sudan** – Beginning in 2003, Sudanese military forces and militias commanded by then-President Omar Al-Bashir targeted the Fur, Zagawa, and Masalit ethnic groups in Darfur, a three-state region in western Sudan, with violence, including widespread murder, rape, and torture. Male members of these tribes were executed, and rape and other forms of severe sexual violence were inflicted on thousands of women and girls. Women who became pregnant often underwent abortions in dangerous conditions, leading to permanent reproductive damage. Those who did not terminate their pregnancies were frequently 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,' a form of ethnic cleansing.

The International Criminal Court has an outstanding arrest warrant Al-Bashir. He is currently imprisoned in Sudan and is expected to be turned over to the Court.

4. **Rohingya Muslims in Myanmar/Burma** – The Rohingya are a minority Muslim ethnic group who in Buddhist-majority Myanmar. They 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 Rohingya have forced nearly one million to flee to Bangladesh, Malaysia, Thailand, and other nearby countries. Refugees report rape, torture, and murder by Myanmar security forces. Many villages are pillaged or burnt to the ground. The UN calls the Rohingya 'the most persecuted people on earth.'

5. **Destruction of monuments in Timbuktu, Mali** – Timbuktu is a historic trading post and a seat of Islamic faith in the western African country of Mali. Ansar Dine is an armed group in northern Mali 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 the historic sites and documents are idolatrous under their strict interpretations of Islamic law.

6. **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 Congolese security forces, have been perpetrators of sexual violence for decades. Armed groups have abducted and held Congolese women and girls as sex slaves and 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. 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 fueled by fighting over mineral riches in the region.

For Discussion

Why do we distinguish between the four types of crimes?

Do the distinctions matter? Some scholars suggest that the four crimes should be categorized together as ‘atrocities crimes.’ Would it make a difference to the public or to those in the legal profession if this language were adopted?