



Campion School MUN

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## LEGAL COMMITTEE (GA6)

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### CRIMINAL ACCOUNTABILITY OF POLITICAL LEADERS

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**International  
Community**

**Memorable  
Experience**

**Challenges  
Skills**



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# INTRODUCTION

There is no doubt that political leaders have the important job of facilitating the prosperity of society and the people in it. They should possess integrity and they should never make any discrimination. They must be role models for their community, manage to achieve the greatest good at all times and be honest with the public in their decisions. However, there have been examples of leaders who abused the authority that was given to them and acted against humanity for their own benefit. Some of them took control of their country disregarding democratic processes or during a vulnerable time in the history of their country. Numerous people have died for holding views opposing those of their leaders or due to their leaders' corruption. Also, in many cases human rights have been violated. Therefore, political leaders should be accountable for their actions and there must be repercussions depending on the crimes that they have committed. There have been previous attempts to solve the problem by the implementation of laws and the creation of courts specifically for individuals that are in positions of authority. In times when multiculturalism and international and bilateral relations are evolving, dictatorship or corruption thwart cooperation between states. In many cases democratic members and governors have committed crimes and frauds. There have been cases of bribes, voter fraud, tax evasion and possession of drugs. For example José Sócrates was the Prime Minister of Portugal and President-in-Office of the council of the European Union. He was accused of corruption, tax evasion and money laundering.



## DEFINITIONS OF KEY TERMS

- **Crimes of obedience**

An act that is considered illegal, committed by a person under the orders of someone else.

- **Criminal accountability**

Being accused either of being responsible for crimes that act that is considered illegal, committed by a person under the orders of someone else. Have been committed or having helped the progress of the crime by any means.

- ✚ **Criminal liability**

The behaviour that society decides to punish. This is also the way that society enforces its norms and standards.

- ✚ **Embezzlement**

When individual divert money or financially valuable assets that do not belong to them and use them for their own benefits.

- ✚ **Extradition**

The surrender of an alleged criminal usually under the provisions of a treaty or statute by one authority (such as a state) to another having jurisdiction to try the charge.

- ✚ **Impunity**

Exemption from any kind of punishment for illegal actions either because of failure to bring the offender to justice or because there is lack of evidence.



## Tribunal

A specialized court in which legal problems are examined, for example issues concerning political leaders.

### **Useful Abbreviations and meanings:**

ECHR: European Court of Human Rights

ICC: International Criminal Court

ICJ: International Court of Justice

MICT: Mechanism for International Criminal Tribunals

NGO: Non governmental Organization

UNHRC: United Nations Human Rights Council

ICCPR: International Covenant on Civil and Political Rights



## TIMELINE

Time	Event
1945	Nuremberg trials begin. Nazi leaders were indicted for their war crimes in front of the judges from the Allied countries.
1946	The International Military Tribunals for the Far East begin. Twenty-eight military and government officials are accused of committing war crimes during WWII.
1948	The International Military Tribunals for the Far East are over. Seven of the Japanese defendants received death sentences, sixteen others were sentenced to life imprisonment, two more were sentenced to lesser terms in prison, two of them died before the end of the trial and one of them was declared insane.
1949	Nuremberg trials are over. Some of the defendants were sentenced to death while others to life imprisonment.
1959	The European Court of Human Rights is founded in Italy.
1966	The International Covenant on Civil and Political Rights is adopted by the General Assembly.
1993	The UN Human Rights Office of the High Commissioner is founded.
1993	The UN International Criminal Tribunal for the Former Yugoslavia is established by resolution 827.
1994	The UN International Criminal Tribunal for Rwanda is established by the UN Security Council in resolution 955.
1998	Legal battle of Augusto Pinochet.
2002	The International Criminal Court is formally established.
2002	The special court for Sierra Leone is set.
2002	The trial of Slobodan Milosevic begins.
2003	The Iraqi Special Tribunal begins.
2012	Charles Taylor, a former Liberian politician is found guilty of eleven war crimes during the Sierra Leone Civil War



## **TOPIC DISCUSSION**

In this committee we will discuss and propose solutions on the issue of the corruption of political leaders and how they should be prosecuted in case they are guilty of any crime against human rights. Justice should be blind, meaning that justice should be impartial and objective and should not be influenced by the position or the authority an individual has. You have to consider that leaders should not commit war, crimes and violations in human rights but they must not be allowed to commit economic and financial crimes as well. You as delegates, have to present solutions according to your country's policy. It is important to have in mind the corruption perceptions index which shows statistics about every country and its corruption level. Also, you have to consider the appropriate laws, which depend on what the national framework dictates. Additionally, if a political leader, who is still in charge of a country, is accused of committing a crime, the given country should deal with the issue, according to its own laws, in a way that no further conflict is created within the country. It is also important to consider appropriate measures for leaders that break laws and then fled to another country in order to avoid trial and the laws of their country. Another important issue is how to arrest an individual and what laws should we apply in case that he/she is either retired and has stopped committing crimes or they are still in charge. Besides that how can we stop the crime and contain the leaders and their associates. Last but not least we will be discussing how we can ensure that political leaders are trustworthy and how can we prevent them from doing any crime in the future.



## CAUSES

### + Lack of knowledge:

There have been cases in the past where someone had a high position, but due to lack of knowledge or skills he/she could not fulfill their duties. When a political leader does not have the experience it is easy to betray the country or act against the people in it and their rights without even realizing it.

Gullibility of the public:

Gullible is someone that can be easily manipulated to believe that something is true or be cheated. Many politicians in their speeches are trying to propagandize the public and present them false information about their actions and decisions.

### + Economic profit:

It is really important to understand that being responsible for either a country or even a region has great responsibilities. Especially when the money of the state can be exploited for personal gain then it is easy to benefit from it and divert it. This can be done when someone uses the money from taxes or from the income of the country in order to have personal gain while that money should be used for the city's interest. There have been several cases of embezzlement in the past. One of the most important cases is Alberto Fujimori, who was the president of Peru who was illegally paying the country's head of intelligence \$15 million. Another leader who embezzled \$200 million is the former Ukrainian politician and Prime Minister Pavlo Lazarenko.

### + Different beliefs:

A leader must be open-minded and always tolerant with all the citizens of his/her country, without discriminating on the basis of religion, gender, or even different political beliefs. Citizens of the country or people that are hosted there must always be a leader's first priority. The fact that many leaders do not accept different ideologies is the main reason why genocides occurred throughout history and so many people lost their lives trying to protect democracy or their rights. There are times in history like the holocaust, which occurred because of the hate against a different race and group of people. Also, the Armenian holocaust (even though it is not considered by some countries as genocide), should be taken into consideration due to the fact that more than 800,000 Armenians died.

### + The need for control:

Some leaders took control of their state without elections. When they had the power they decided to extend their borders in illegal ways. Eritrea for example hasn't had elections since 1993 and it is ruled by President Isais Afwerki. In order to keep their position some politicians do not allow freedom of speech. Libya is one of the countries that do not allow news or views against the government which also controls all the print and broadcast media.



**War:**

During a war, the leaders of a country must make decisions in order to protect their people or their country. However, many times leaders committed war crimes in order to scare the opposite side or because of an expansive policy and their wish to occupy a territory. It is common for leaders to commit crimes against humanity during a war. These crimes include holocausts, the use of child soldiers and the violation of treaties about war crimes like the Geneva Conventions. One of the trials about war crimes that stands out is the Nuremberg trials in which political, economical and military leaders of Nazi Germany were prosecuted for crimes like the holocaust, the killing of many hostages and many crimes against humanity.



## **POSSIBLE SOLUTIONS**

It is really important to understand the issue, manage to tackle with it and then propose how to punish political leaders in specific situations and depending on their actions.

First of all it is really important to raise awareness in every country, so that citizens will know their rights and how to act in case a dictator assumes control of the country and violates human rights. Leaders must be also aware of their actions, their repercussions and the important role they have. Citizens should judge and criticize the leaders and their actions and before they vote they should be able to gather information about the leader. They must also be politically active and be informed about any developments in the political sector.

Secondly, we have to promote international cooperation not only between the countries but also between NGOs and intergovernmental organizations like ICC. Thus, issuing arrest warrants will be facilitated and corruption will be reduced since leaders will be arrested and face trial for their illegal actions.

As mentioned before it is really important for a leader to have the experience and the knowledge for the specific position. So before someone is elected there must be an evaluation and the civilians must be informed by the media and the internet about the life and the education of the politician.

Another solution is to create and pass legislation that can provide assistance for the arrest of an individual, if the crimes committed are major, under the jurisdiction of another country. It would really affect the issue if international laws were formed. However, this is a very delicate matter because in some cases one country will not accept changes in their laws in order to arrest individuals or these laws might contradict the existing laws of that country. That is why the policies of each country must be taken into consideration. Previous treaties have been made about human rights and the role of a politician like the International covenant on Civil and Political Rights. All countries must ratify such conventions that insert laws that deter or punish dictatorship or violations of human rights.



## MAJOR COUNTRIES & ORGANIZATIONS INVOLVED

Criminal accountability is an important issue that concerns all countries because if new leaders ascend to power and change the constitution and laws of their country without following democratic processes or even take advantage of their position for personal gain, then nearby states or states that this country has ties with are going to be affected. Nevertheless, there are several countries that have either faced dictatorship and severe crimes or that are ruled by corrupted leaders. Countries whose leaders have committed war crimes in the past are also important. Organizations like the ICC and Amnesty International must be taken into consideration because they focus on the punishment of crimes and on human rights. Previous wars, such as the Kosovo war and Sierra Leone, where there have been violations of human rights must be taken into consideration. The president of Equatorial Guinea, Teodoro Obiang Nguema Mbasogo has been accused of corruption and abuse of power several times. Saddam Hussein, who was the President of Iraq, was a dictator who committed several crimes including genocides and suppression of the Kurdish movement. Hosni Mubarak who was the president of Egypt had a trial on charges of corruption and the murder of Arab Spring protests. Last but not least a former Guatemalan president Jose Efraim Rios Montt was accused and prosecuted for genocide and crimes against humanity.

### Organizations

- **International Criminal Court (ICC):**

The ICC is a permanent, autonomous and international court that focuses on the most serious war crimes, crimes of aggression and crimes against humanity. The ICC indicted the President of Sudan Omar al-Bashir for war crimes, crimes against humanity but the trial never happened because the warrant was not recognized by the Sudanese government.

- **Amnesty International:**

It's a non-governmental organization that helps fight abuses of human rights, war crimes and cooperates with organs like the ICC in order to reduce crime ratio.

- **North Atlantic Treaty Organization (NATO):**

It's an alliance between North American and European countries. It was first formed for the protection of the countries against Soviet Union. Now its main purpose is to keep safe the countries involved, provide peacekeeping and crisis management.



## Countries

- **Kosovo:**

Main country involved in Kosovo war from 1998 to 1999. During this war many war crimes and crimes against humanity committed by Yugoslav, Serb, Kosovo Albanian and NATO forces.

- **Sierra Leone:**

Many war crimes and crimes against humanity committed during the Sierra Leone civil war from 1991 to 2002. Especially the Revolutionary United Front (RUF) was accused of committing war rapes and mass murders.



## **UN INVOLVEMENT: Relevant Resolutions & Treaties**

- Resolution 96, 1<sup>st</sup> session of the General Assembly, which is about the crime of genocide.
- Resolution 260 (III) of the General Assembly which focuses on the prevention and punishment of genocide.
- United Nations Convention against corruption.
- United Nations Convention against transnational organized crime, which requires countries to take measures to prevent and criminalize corruption and money-laundering.
- The responsibility to Protect (R2P) which is partially accepted.
- The Rome Statue of the International Criminal Court which is about genocide, war crimes, crimes against humanity and crimes of aggression.



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