

SAIMUN 2025

**INTERNATIONAL CRIMINAL
COURT**

BACKGROUND GUIDE

LETTER FROM THE EXECUTIVE BOARD

Dear Delegates,

It gives us great pleasure to welcome you to SAI Model United Nations. As your Executive Board, we're incredibly excited to guide you through this journey and witness the ideas, diplomacy, and leadership each of you will bring to the table.

This background guide has been carefully put together to give you a strong starting point—it outlines the core issues, gives context, and offers direction. But it is just that: a starting point. The real depth of this committee will come from your research, your curiosity, and the unique perspectives that you bring into the room.

MUN isn't just about facts and figures; it's about understanding complexities, building arguments, listening to others, and adapting your stance with diplomacy and conviction. The more time and effort you invest in understanding your country's position and the nuances of the agenda, the more confidently you'll engage in debate—and the more memorable your experience will be.

We encourage you to go beyond this guide. Explore news articles, journals, speeches, and even interviews—any credible source that helps you look at the issue from different angles. Creativity and initiative in research will never go unnoticed, and we value delegates who come prepared not just to speak, but to listen, learn, and lead.

We're looking forward to seeing this committee come alive through your words and actions. Here's to an exciting few days of learning, challenge, and change.

What is the ICC?

On 17 July 1998, the UN General Assembly adopted the Rome Statute of the International Criminal Court (ICC) by a vote of 120 to 7, with 21 countries abstaining. China, Iraq, Israel, Libya, Qatar or the USA voted against the Treaty.

The ICC is an intergovernmental organization and international tribunal seated in The Hague, Netherlands. Its jurisdiction aims at prosecuting individuals for genocide, crimes against humanity, war

Why ICC? History and mandate of the ICC

Following World War I, the negotiators of the Treaty of Versailles proposed establishing an international court to try the Kaiser and German war criminals. The issue was addressed again at a conference held in Geneva in 1937, which resulted in the conclusion of the first convention stipulating the establishment of a permanent international court to try acts of international terrorism. The convention was only signed by 13 states, but not ratified and never entered into force.

Following the Second World War, the allied powers established two tribunals to prosecute Axis leaders accused of war crimes. The International Military Tribunal in Nuremberg prosecuted German leaders while the International Military Tribunal for the Far East in Tokyo prosecuted Japanese leaders.

In 1948, the United Nations General Assembly first recognised the need for a permanent international court to deal with atrocities of the kind prosecuted after World War II. At the request of the General Assembly, the International Law Commission (ILC) drafted two statutes in the early 1950s, but tensions and rivalries during the Cold War era prevented reaching consensus on the establishment of an international criminal court.

In June 1989, following the easing of tensions, the Prime Minister of Trinidad and Tobago, A. N. R. Robinson, revived the idea of a permanent international criminal court by proposing the creation of a tribunal to address the illegal drug trade. In response, the General Assembly tasked the ILC with drafting a statute for a permanent court.

Atrocities unfolding in the 1990s in the Balkan Peninsula and east-central Africa drew world attention. In response to heinous crimes committed by armed forces during the Yugoslav Wars (1990-2001), the UN Security Council established the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993, and a year later, following the Rwandan genocide, the International Criminal Tribunal for Rwanda (ICTR). With these tribunals, the need for a permanent international criminal court became even more apparent.

In 1994, the ILC presented its final draft statute for the International Criminal Court to the General Assembly and recommended a conference to negotiate a treaty that would serve as the Court's statute.

After the Preparatory Committee, with input from non-governmental organisations

(NGOs), had debated stipulations of the statute, the UN General Assembly convened a conference in Rome in June 1998 with the aim of finalising the treaty to serve as the Court's statute. On 17 July 1998, the Rome Statute of the International Criminal Court was adopted by a vote of 120 to 7, with 21 countries abstaining.

What are the benefits of being a member of the court and what are its challenges?

In the “**real world**”, the signatory states of the Rome Statute affirm their commitment to the rule of international law and defence of Human Rights. They want to participate in a global fight to end impunity, and through international criminal justice. This new International Criminal Court [ICC] aims to hold those responsible accountable for their crimes and to help prevent these crimes from happening again.

Without any executive power on its own, the ICC depends on the cooperation with national governments. Since some permanent members of the Security Council, Russia, the United States, and China are not signatories, the court's effectiveness seems limited. Nevertheless, an arrest warrant issued for a citizen of a non-member-state must be pursued in all member-states and his or her name will always be connected to that warrant. Consequently, the ICC's arrest warrant for Russian President Vladimir Putin hindered him from attending a BRICS conference in South Africa in August 2023 since the authorities there would have been obliged to arrest him.

For the victims and for the general public's understanding of justice, it is essential that those who are responsible for atrocities such as human rights violations, rape as a means of war, and genocide are held accountable. Before the establishment of the court, a person stood a better chance of being tried

and judged for killing one human being than for killing 100,000 as José Ayala Lasso, former United Nations High Commissioner for Human Rights, put it.

Being part of the TICC, you will gain a deeper understanding of the cases which are in the mandate of the court:

- As prosecutor you must gather evidence that proves your case beyond reasonable doubt.
- As defence you must find the short comings of the prosecution's argumentation.
- As judge you must meet the challenge of justly acquitting or convicting the defendant.

By working on these tasks, you will learn a lot about yourself and your potential. You will debate with other young people interested in well-articulated argumentation. You will gain insight into the workings of the court. And you will investigate cases to better understand how such atrocities come about and the harm they inflict on the people. Finally, your greatest challenge will be discerning “the truth” according to the evidence presented and arguing accordingly.

Role of Participants

Presidency

The **President**, the **Deputy President** and the **Registrar** work closely together and coordinate the activities of the Prosecutor and the Defence. The Presidency gathers information on both cases and supports all members of the court in their preparation. They hold online meetings with the court members to monitor their preparations and report regularly to the TICC advisor. The President carries the burden of the coordination of the work among the Presidency and the responsibility of reporting regularly to the ICC Advisor.

During the trials, the Presidents set the agenda, ensure the court’s adherence to the rules, decide on objections, facilitate goal-oriented debate, and make sure that the deliberations lead to a verdict within the allotted time. The Registrar keeps a speakers’ list, yields the floor, keeps record of the main arguments and results of the sessions, swears in witnesses, and provides additional information, when necessary.

Prosecution

The members of the Prosecutor Office must submit sufficient evidence for conviction, i.e., collect evidence to prove the defendant’s guilt beyond reasonable doubt. They bear the burden of proof by providing witness statements, testimonies, videos or other visual or written materials.

Defence

The members of the Defence Office carefully analyse the submitted pre-trial and trial evidence. They present their perspective on the case and find exculpatory evidence /

witness statements to rebut the prosecution.

Judges

Before the trial, the Judges must rely on the pre-trial evidence and the memoirs submitted by both the Prosecution and the Defence Offices.

During the trial, they listen carefully, take notes, inspect the submitted pieces of evidence, and deliberate the validity of prosecution and defence with each other. After the closing arguments, they write the verdict and, in case of a conviction, decide on the sentence. Deviating opinions can be submitted.

Rules of Procedure

1. **Opening of the session:** The president opens the session and brings forward motions to be voted on. The president is responsible to grant the floor to the counsels, judges, and witnesses.
2. **Stipulations:** Prior to the opening, the prosecution and the defence discuss those relevant issues of fact and of law to which an agreement can be reached before the case is presented and submit ONE set of stipulations. After the prosecutor's Opening Statement, the stipulations are read to the judges. For each one, the defence is asked if they agree. If they do, the president says, "so stipulated", and that stipulation is evidence, and can be considered by the judges.
3. **Opening Statements:** The prosecution and defence counsels present their statements (in that order). These presentations should not take more than 20 minutes each.
4. **Rebuttal and Surrebuttal:** The president grants time to both parties' counsels to consult with each other before the trial commences with rebuttals and surrebuttals to the opening statements (same orders as in 2).
The scope of the rebuttal is limited to the content of the opening statements. Rebuttals (two minutes speaking time) will be followed by surrebuttals from the previous counsel (one minute). Its scope is limited to the content of the rebuttal.

The bench may allow more than one round of rebuttal and surrebuttal.

- 5. Presentation of Evidence:** The prosecutor and defence counsels (in that order) present and explain their evidence for the counts of indictment by turns.

A good presentation:

- 5.1 Begins with an introduction of the counsel and the count being presented,
- 5.2 Summarises the facts relevant to the count,
- 5.3 Highlights the facts or legal positions in dispute,
- 5.4 Presents arguments in favour of the party's position,
- 5.5 Presents any evidence in support of the party's argument,
- 5.6 Anticipates the main arguments from the opposing counsel and presents a preliminary defence to prove how their line of argument is sound and based in law and legal precedent,
- 5.7 Indicates (if applicable) the witness the counsel intends to examine later, and a brief overview of what they wish to examine the witness for,
- 5.8 Concludes with a summary.

- 6. Rebuttal and Surrebuttal to the Presentation of Issues:** After the presentation of the count, the floor is open to all counsels of the opposing party for a rebuttal (max. one minute). Rebuttals will be followed by surrebuttals from the other party (max. one minute). The scope is limited to the content of the rebuttal provided.

- 7. Witness Briefing:** Both parties choose up to three witnesses in advance to complement the evidence. They brief their witnesses to the effect that they understand the case and their position in it. Both parties provide their witnesses with a storyline and prepare them for their examination. Both parties are free to make reasonable inferences from the facts of the case to build the storyline and add facts to make the witness's testimony more authentic, without contradicting any facts.

The witnesses should be very well-prepared, during direct examination they should know the questions and give prepared answers. Most importantly, they know how to respond to the cross-examiner.

- 8. Witness Examination:** Before witnesses take the stand, they are required to execute the following statement: “I solemnly declare that I will speak the truth, the whole truth and nothing but the truth.” After the direct examination of the witness, the opposing party may cross-examine the witness. During the examinations, the opposing party has the right to raise objections regarding the admissibility of a question. The president will decide on the objection raised.

Evidence may be introduced or already introduced evidence may be shown to the witness during examinations.

At any phase of the examinations, the judges are entitled to question a witness.

9. Cross Examination

In the cross examination, the opposing party strives to find incoherences in the testimony and to impeach the witness’s credibility, also taking their demeanour into account.

The questions asked cannot exceed or be outside the scope of the direct examination. No hearsay is allowed, either. But every question can and should be a leading question, i.e. the opposing party tells the witness what they want them to say by asking suggestive questions which can be replied to by “yes” or “no”.

Example: You were lying when you said you saw the defendant in the store, weren’t you?” “Isn’t it true that the person you saw was not the defendant, but someone else?”

- 10. Comments and Recalls:** After the witness examination, both parties have the right to comment on the witnesses’ statements (max. five minutes). Ideally, the president will call on both parties alternating after each comment. Parties may also ask to recall witnesses if they require further clarification on a specific matter before the beginning of the closing statements.

Both parties are encouraged to treat this phase like a debate and reflect on, reply to, and show the strength or weakness of previous comments in their speeches. The president shall decide on such requests.

- 11. Questioning:** After completing the taking of evidence, the president will call a recess of approximately 90 minutes. During this time judges will convene in closed session to prepare questions for either prosecution, defence, or both. Such

questions may refer to any factual or legal matter regarding the case. 30 minutes before the time of the recess ends, prosecution and defence will be provided with a list of questions for their side, to prepare the answers.

12. Closing Statements: Each party, the Prosecution Office and the Defence Office, has 20 minutes to deliver their Closing Statement. While the Prosecutor Office will attempt to show that the defendant's guilt has been proven beyond reasonable doubt, the Defence Office will dispute that assertion and attempt to prove at least a preponderance of probability that the defendant is not guilty.

13. Advocate Questioning: Judges will have as much time as is necessary to ask any questions they wish of the counsels to gain last insights into the case.

14. The Verdict: The court will be adjourned for the day while the judges deliberate the verdict and formulate the reasons for their decision.

Russian President Vladimir Putin invaded Ukraine over three years ago with the intent, among other things, of stealing its children. Putin launched his imperial conquest to first and foremost dominate the Ukrainian people, and he recognized that to deprive Ukraine of its children would be to deprive it of its multigenerational potential. When Russian troops rolled across the border into Ukraine on the night of February 24, 2022, the groundwork for the massive deportation of Ukraine's children was already in place. Ukrainian human rights activists uncovered Kremlin documents dated February 18, 2022, which laid out plans to remove Ukrainian children from orphanages in occupied Luhansk and Donetsk oblasts and bring them to Russia under the guise of "humanitarian evacuations." These documents revealed that Russia planned to target vulnerable Ukrainian children, especially those without parental care before the full-scale invasion had even begun. In the subsequent three years, Russia has embarked on a Kremlin-directed, deeply institutionalized project to abduct Ukrainian children and forcibly turn them into the next generation of Russians.

Ukraine has been able to verify Russia's deportation of 19,456 children to date, although the true figure is likely to be much higher because Russia frequently targets vulnerable children without anyone to speak for them. Yale's Humanitarian Research Lab placed the number of deported children closer to 35,000 as of March 19, 2025. Putin's Children's Rights

Commissioner Maria Lvova-Belova (against whom the International Criminal Court issued an arrest warrant in March 2023 for her role in abducting children alongside Putin) claimed that Russia has “accepted” 700,000 Ukrainian children between February 2022 and July 2023—a terrifying benchmark for the lengths that Russia is willing to go to rob Ukraine of its own people. The true number of deported children is near-impossible to verify, but the implication remains the same—Russia has stolen tens, potentially hundreds of thousands of Ukrainian children with the explicit intent of eradicating their Ukrainian identities and turning them into Russians. International law explicitly forbids the forcible transfer of children from one group to another group for the purpose of destroying, in whole or in part, a national or ethnic group, and considers these violations as constituent acts of genocide.

Russia's crimes against Ukrainian children have been remarkably well-documented, particularly by the perpetrators themselves. The Russian legal system made immediate accommodations for the intended influx of stolen Ukrainian children, signaling the intentionality behind Putin’s deportation project. Putin signed a decree in May 2022 providing for a simplified procedure for the acquisition of Russian citizenship for Ukrainian “children left without parental care and incapacitated persons,” which amounted to a legalization of the process of deporting Ukrainian children and forcibly granting them Russian citizenship.

With the legal framework in place before the full-scale invasion, Russian occupation administrators and occupation officials have blatantly advertised programs that take Ukrainian children from their homes in occupied Ukraine to Russia under a variety of guises, such as camps for their supposed rest, relaxation, and rehabilitation. As recently as March 19, 2025, Zaporizhia Oblast occupation head Yevgeny Balitsky announced that his administration, with financial support from the Russian Ministry of Education, plans to remove 70 children from occupied Zaporizhia Oblast to a Russian government-controlled children’s camp in occupied Crimea in order to give the children an opportunity to “rest and improve their health” after living in proximity to the frontline. Russia has gone to great lengths to claim that these crimes are humanitarian gestures, but the legally-consistent humanitarian response would be to transfer Ukrainian children back to Ukrainian-controlled territory and return them to the care of their fellow Ukrainians—not deport them to the invading country.

Russia's abduction of Ukrainian children inflicts lasting psychological impacts as children are forced to assimilate to life inside a hostile occupying power. Yale's Humanitarian Research Lab has confirmed that Russia is using at least 43 children's camps throughout Russia to house deported children, at least 32 of which are explicitly "re-education" facilities. At least one of these camps in Russia's far eastern Primorsky Krai is physically closer to Alaska than it is to Ukraine. Russia uses these camps to indoctrinate Ukrainian children, punishing them for their Ukrainian identities and forcibly instilling pro-Russian sentiment through carefully curated Kremlin-approved curricula and "military-patriotic" training courses. Chechen Republic Head and close Putin ally Ramzan Kadyrov has lauded the "military-patriotic" training of abducted Ukrainian teenagers in Chechnya, for example. Former Ukrainian Children's Rights Commissioner Mykola Kuleba has termed these re-education programs as "death camps for Ukrainian identity."

Of the tens of thousands of children whom Russia has deported since 2022, a likely significant portion have been forcibly adopted into Russian families. Dmytro Lubinets, Ukraine's Human Rights Commissioner, stated that Ukraine has confirmed at least 400 children whom Russian families have adopted, but as with estimated number of deportations, the true number of adoptions is likely to be much higher.[Within the first six months of the invasion, Russia's Krasnodar Krai regional administration posted a quickly deleted advertisement claiming that there were over 1,000 orphans from occupied Mariupol alone "awaiting" adoption into Russian families. High-ranking Russian officials with close ties to Putin, such as Lvova-Belova herself and A Just Russia Duma Deputy Sergei Mironov, have adopted abducted Ukrainian children from occupied Mariupol and Kherson, respectively.

The adoption process strips Ukrainian children of their Ukrainian names and birthplaces, replacing them with Russian birth certificates and documentation intended to erase the child's Ukrainian identity and any paper trail that would allow Ukrainian authorities or family members to search for the child. For teenage Ukrainian boys, their forced acceptance of Russian citizenship can result in a near immediate military summons to fight in the Russian army against their fellow Ukrainians—a completely separate but equally clear violation of international law. The Russian adoption system is swallowing Ukrainian children up into a bureaucratic black hole, premised on the administrative eradication of Ukrainian identity. For the younger children, especially those adopted in their infancy, their adoption means that an entire generation of Ukrainians are growing up in Russia, unaware that they are Ukrainian.

There can be no true peace in Ukraine without the return of the children that Putin has stolen. The fate of these children is inextricably tied to both the military and political outcomes of Putin's war. Negotiations and an end to the fighting without consideration for the deported children will empower Russia to continue to commit these crimes with absolute impunity. A negotiated outcome to the war on any terms but Ukraine's will result in the loss of Ukraine's children, a loss that will be impossible to reverse.

Russian authorities have subjected Ukrainian prisoners of war (POWs) and civilian captives to torture, prolonged incommunicado detention, enforced disappearance and other inhumane treatment, which amount to war crimes and crimes against humanity.

The report, *A Deafening Silence: Ukrainians held incommunicado, forcibly disappeared and tortured in Russian captivity*, documents how Ukrainian POWs and civilians held captive by Russia since February 2022 are being deliberately cut off from the outside world, often for years. A lack of transparency over their whereabouts has allowed for their torture and other ill-treatment in detention, and even unlawful killings of POWs, to continue with total impunity.

"Russia's systemic incommunicado detention of Ukrainian POWs and civilians reflects a deliberate policy designed to dehumanize and silence them, leaving their families in agony as they wait for news about their loved ones," said Amnesty International's Secretary General, Agnès Callamard.

"Torture takes place in complete isolation from the outside world, with the victims entirely at the mercy of their captors for survival. This is not a series of isolated incidents – it is a systematic policy that violates every tenet of international law."

Amnesty International's report is based on interviews with 104 people in Ukraine between January and November 2024. These include five former Ukrainian POWs, family members of 38 POWs, family members of 23 Ukrainians "missing in special circumstances", 28 formerly detained civilians and their families, and 10 Russian POWs currently detained in Ukraine.

Darkness of not knowing

While their exact numbers are unknown, it is likely that thousands of Ukrainians, both military personnel and civilians, are currently held in captivity in Russia and occupied Ukraine.

The majority of Ukrainian POWs are held incommunicado, with their families receiving little to no information about their fate, status or whereabouts.

At the same time, Russian authorities have denied international organizations access to them as part of a deliberate policy to put POWs beyond the protection of international law. Prolonged incommunicado detention may amount to inhuman treatment.

Olena Kolesnyk, whose husband Serhii was captured in July 2024, said the little information she had about his whereabouts was unofficial and unconfirmed. “I won’t know where to look for my husband and where to write letters. This black darkness of not knowing – it’s killing me,” she told Amnesty International.

The missing

Tens of thousands of Ukrainians are considered “missing in special circumstances” by Ukrainian authorities. Many are likely in detention, while others may have been killed. In some cases, Russia has acknowledged individual POWs’ captivity by notifying the ICRC as required by international law. However, it is likely that Russia has not notified the ICRC of the status of hundreds or thousands more POWs.

Khrystyna Makarchuk’s husband Volodymyr appeared on Russian television, describing how he was captured. In addition, a returned POW who knew Volodymyr personally confirmed to his family that he was in captivity. Yet Russia has not confirmed Volodymyr’s detention. Russia’s failure to acknowledge the detention of individuals like Khrystyna Makarchuk’s husband amounts to enforced disappearance.

Civilians also account for a considerable number of those believed to be subjected to enforced disappearance. Russia has long used arbitrary arrest, torture and enforced

disappearance to intimidate the civilian population in areas it controls. Such acts amount to crimes against humanity.

Systemic torture and denial of medical treatment

Amnesty International documented harrowing accounts of torture and denial of medical treatment in Russian captivity.

“They started torturing me right away. They beat me with stun guns, these special sticks, it was very painful. I saw how the guys started to die after that. Their hearts just couldn’t take it anymore,” said Volodymyr Shevchenko, a former POW who spent over two years in Russian captivity.

Serhii Koroma, a former Ukrainian POW who was badly wounded before being captured, reported that he was given no more than a topical antiseptic on one occasion and left to heal or die.

Violation of the laws of war

Russia’s actions blatantly violate the Geneva Conventions, which guarantee POWs the right to regular correspondence, access to medical care, and visits from international organizations.

Amnesty International calls on Russia to stop its campaign of torture, enforced disappearance, and incommunicado detention against Ukrainians in captivity. Russian authorities must also notify the relevant authorities of the status of all its POWs, and allow unhindered access to them for international humanitarian organizations. Russia must also ensure adequate medical care is provided to all Ukrainians in captivity and directly repatriate seriously sick and wounded POWs, including through establishing mixed medical commissions. Unlawfully detained civilians must be released.

“The international community should use all its influence and tools, including universal jurisdiction, against Russia to stop these heinous crimes under international law and ensure accountability,” said Agnès Callamard. “Without justice, the suffering of Ukrainian POWs, civilians, and their families will only deepen”.