



**G K V M U N ' 2 2**

**ILC**

*Study Guide*

**#spreadyourwings**



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## **Letter of the SG**

**Highly distinguished participants of GKVMUN'22**

**I, the Secretary-General of GKVMUN'22, Naz Durakoglugil, would like to express my enthusiasm for being able to host the first annual session of this precious conference on behalf of my school,**

**We, as the GKVMUN'22 team, have been working endlessly to provide you an inspiring Model UN experience. Our both academic and organization teams are beyond eager to host a conference where our esteemed participants have the chance to spread their wings,**

**As days passed, we were better able to see the forest through the trees of organizing a conference, hence; we derived lessons from each error that occurred which was a challenging, yet, unique experience,**

**To conclude my words, whether you have attended previous MUN conferences or not, we're looking forward to unite every and each one of you at our school with having an aim of providing you an outstanding experience where you'll get the chance to gain remarkable memories and spread your wings. Hope to see you soon!**

**Best regards,**

**Naz Durakoğlugil**

## **Letter of the USG**

**Distinguished participants of GKVMUN'22,**

**My name is Ece Sude Baybaş and I will be serving as the Under Secretary-General of International Law Commission. I am delighted to be a part of the academy in this well-qualified conference.**

**ILC is not a committee which we see in all Model UN conferences. I think it is very special to experience an uncommon committee. The agenda item requires comprehensive debates and hard work. I believe all of our delegates are going to be fully prepared and this committee is going to be memorable for all of us.**

**In my MUN journey which started 4 years ago, I could say that I contributed myself in various ways academically and socially. I hope the same thing for all MUN enthusiasts.**

**This study guide contains fundamental details of the topic and it has been prepared to lead your further studies. I wish it to be beneficial for you.**

**Best regards,**

**Ece Sude Baybaş**

## **TOPIC: Prevention and punishment of crimes against humanity.**

### **Introduction to the Committee**

The International Law Commission was established by the General Assembly, in 1947, to undertake the mandate of the Assembly, under article 13 of the Charter of the United Nations to "initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification".

Enthusiasm for the “codification movement” — the name sometimes given to such attempts — generally stems from the belief that written international law would remove the uncertainties of customary international law by filling existing gaps in the law, as well as by giving precision to abstract general principles whose practical application is not settled.

### **Introduction to the Topic**

Crimes against humanity are certain acts that are purposefully committed by a state, or on behalf of a state, as part of a widespread or systematic policy, typically directed against civilians, in times of war or peace. The violent nature of such acts are considered a severe breaching of human rights, hence the name. They differ from war crimes because they are not isolated acts committed by individual soldiers but are acts committed in furtherance of a state or organizational policy.

#### **a. Background**

It is not clear in which context the term “crimes against humanity” was first developed. Some scholars point to the use of this term (or very similar terms) as early as late eighteenth and early nineteenth century, particularly in the context of slavery and the slave trade, and to describe atrocities associated with European colonialism in Africa and elsewhere such as, for example, the atrocities committed by Leopold II of Belgium in the Congo Free State. Other scholars point to the declaration issued in 1915 by the Allied governments (France, Great Britain and Russia) condemning the mass killing of Armenians in the Ottoman Empire, to be the origin of the use of the term as the label for a category of international crimes.

Since then, the notion of crimes against humanity has evolved under international customary law and through the jurisdictions of international courts such as the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. Many States have also criminalized crimes against humanity in their domestic law; others have yet to do so.

## **b. Definition**

“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:

- (a) murder;
- (b) extermination;
- (c) enslavement;
- (d) deportation or forcible transfer of population;

(e) imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) torture;

(g) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph;

(i) enforced disappearance of persons; (j) the crime of apartheid;

(k) other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

For the purpose of paragraph 1:

(a) “attack directed against any civilian population” means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

(b) “extermination” includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;

(c) “enslavement” means 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, in particular women and children;

(d) “deportation or forcible transfer of 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;

(e) “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; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

(f) “forced pregnancy” means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;

(g) “persecution” means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

(h) “the crime of apartheid” means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

(i) “enforced disappearance of persons” means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

## **Crimes Against Humanity Throughout History**

### **a. The Holocaust**

The Holocaust, or the Shoah is the genocide during the time of Nazi Germany led by Adolf Hitler, in which approximately 6 million Jews were systematically murdered within the borders occupied by the SS forces led by Heinrich Himmler. Some scholars have argued that the mass murder of Roma and the killing of disabled people should also fit into this definition, and some scholars have argued that the definition of the Holocaust should also include Soviet prisoners, Poles, and homosexuals killed by the Nazis.

Recent estimates, together with figures after the collapse of the Soviet Union, show that around 10-11 million people were killed by the Nazi regime. Nearly two-thirds of European Jews, who numbered nine million before the Holocaust, were killed. Over a million Jewish children, roughly two million Jewish women, and three million Jewish men were killed in the Holocaust. A network of over 40,000 facilities, Jews and other victims within Germany and its German-occupied borders; It was used to gather, imprison and kill.

In the process leading up to the Holocaust, violence and genocide took place gradually. Many laws, the most famous of which were the

Nuremberg Laws of 1935, which took away the civil rights of the Jews, were implemented in Europe after the Second World War. It went into effect before World War II broke out. Concentration camps were set up for the inmates to work like slaves until they died either from exhaustion or disease. Everywhere Germany occupied, the paramilitary group murdered Jews and political dissidents in mass executions. The invaders imprisoned Jews and Roma in ghettos and held them together before being sent on transport trains to death camps. Those who did not die during the journey were either worked to the death, used for medical experiments, or systematically killed in the gas chambers. Every branch of the German bureaucracy helped with the logistics of the genocide and turned the Third Reich into a Genocide State, as Holocaust scholars put it.

### **b. Armenian Deportation**

The Armenian Deportation (so called the Armenian Genocide since it has been accepted as a genocide by 33 countries), or the 1915 Events, was the ethnic cleansing carried out by the Ottoman government against the Armenians. The number of Armenians who died as a result of deportations and massacres is controversial; the number varies between 600,000 and 1.8 million, according to various researchers. The start date of the events is mostly associated with April 24, 1915, when 250 Armenian intellectuals and committee leaders were exiled from Istanbul to Ankara by the Ottoman rulers and many were killed.

The Armenian Genocide took place in two phases during and after World War I, with the whole population of healthy men being killed or forced into military service and then deported with women, children and the elderly to the Syrian Desert under death march conditions. Armenians

expelled from their places of residence accompanied by the protection of Ottoman soldiers; he suffered from food and water shortages during his exile; he was also subjected to robbery, rape and massacres from time to time, according to various reports.

The Republic of Turkey, the state that came after the Ottoman Empire, refuses to use the word, stating that the word genocide is not the correct term to describe the mass

killings that took place in the last years of Ottoman rule. In recent years, the Republic of Turkey has again faced calls for the recognition of the Armenian Crime as a genocide.

### **c. Slavery in The United States**

In the United States, slavery was a legal institution of movable property, mostly Africans and African-Americans, from the birth of the American nation in 1776 until it was abolished by the 13th Amendment in 1865.

Slavery had been practiced in British America since the early colonial days and was legal in the thirteen colonies at the time of the Declaration of Independence in 1776. An enslaved person was legally a type of property and could be bought, sold or transferred like any other personal property. Like a horse, a skilled enslaved human could be employed and bred for the production of newly enslaved humans. Slavery lasted in about half of the states until 1865.

During the American Revolution (1775-1783), slavery was institutionalized as a racial caste associated with The African ancestry. The role of slavery was the most contentious issue in the drafting of the US Constitution (1789). Although the creators of the constitution never used

the word "slavery," the final document gave the slave owners disproportionate political power. Until the Civil War, most presidents and Supreme Court members were people who accepted slavery.

## **Questions to Ponder**

**\* What are the punishments that can be implied for the crimes against humanity?**

**\* What are the international regulations to make in order to prevent the crimes against humanity?**

**\* How can the actions taken against the problem be funded? \***  
**How can the public awareness be raised on the topic?**

## **USG's Contact**

The delegates and the chairboard of ILC can contact with me anytime needed.

GSM: +905368416991

e-mail: [ecesude03@hotmail.com](mailto:ecesude03@hotmail.com)