

**Forum:** Legal Committee

**Issue:** Enhancing War Crimes Accountability in the Middle East

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## Introduction

Almost as long as we have lived there has always been tension in the Middle East. The tension almost most definitely always has led to violence and military operations which some were considered to be war crimes under international law. In many of the conflicts going on in the Middle East, they are documented almost instantly after the said conflict happens however, the accountability factor of the issue moves slowly, which opens up room for grievance to grow and prolongs cycle of violences. This issue concerns every group of the international community, states, armed groups, commanders, and most importantly the institutions that investigate the matters in the means of preserving evidence, issuing warrants, and conducting trials. An example of an institution can be the International Court of Justice (ICJ) or the International Criminal Court (ICC).

One of the main reasons that this issue is super important is because of the fact that without accountability measures and credible justice processes, these war crimes and acts of violence will repeat victims will lose trust in the system leading to peace efforts struggling. What this committee can do is at least focus on international cooperation which can resolve this issue. Accountability is a trust building tool. If the people believe that crimes will be followed up upon and solved and on top of all that said crimes are punished fairly, people will believe in the system, it becomes easier to rebuild peace, trust and most importantly long term prosperity.

## Definition of Key Terms

**War Crimes:** War crimes are to simply put it, serious violations of the laws of armed conflict. They are criminal acts committed during an armed conflict, such as intentionally attacking protected people or objects. An example of a war crime could be bombing civilians and hospitals or even sending a nuke are all considered to be war crimes.

**International Law:** International law is the body of rules and legal principles that govern the relationship between states and, in certain cases even international organizations. It is mainly created by the treaties that the states sign and precedents. States are also expected to follow customary international law which forms from consistent state practice accepted as law.

**International Humanitarian Law:** International humanitarian law is the set of rules that are supposed to limit the suffering in armed conflicts, the core purpose of the said set laws and rules are to protect the people who are not even a part of the war and on top of that it is to restrict means and methods of warfare.

**Crimes Against Humanity:** Crimes against humanity are some prohibited acts like murder, torture or persecution, when committed as part of a widespread or systematic attack directed against a civilian population, and with knowledge of that attack. Unlike war crimes, they do not require a connection to an armed conflict.

**Command Responsibility:** Command responsibility is a form of liability where military commanders or other directors may be held criminally responsible for the crimes committed by the forces that they control or are in charge of. These only apply when the leaders knew about what their forces were doing or when they should have known which is almost all of the time, they are also expected to have taken necessary measures to avoid crime or punish the actors.

**Jurisdiction:** Jurisdiction is the legal authority of a court to investigate, prosecute, and judge crimes. In international criminal law, jurisdiction may depend on factors such as where crimes were committed, the nationality of suspects or victims, or whether a state has accepted a court's authority.

**ICC:** The International Criminal Court is a permanent international court created by the Rome Statute. It investigates and prosecutes individuals, not states, for genocide, crimes against humanity, war crimes, and the crime of aggression when legal jurisdiction requirements are met.

**Universal Jurisdiction:** Universal jurisdiction is a legal principle allowing national courts to prosecute certain serious international crimes even if they were committed abroad and neither the suspect nor the victim is a national of the prosecuting state. It is used to reduce impunity when other courts cannot or will not act.

**Accountability:** In this agenda, accountability means using lawful and credible processes to identify those responsible for serious violations, pursue investigations and prosecutions where possible, and ensure consequences through courts or other justice mechanisms. It also includes measures that support victims' rights and discourage repeat violations.

**Evidence Preservation:** Evidence preservation means collecting, securing, and storing information in a way that protects it from loss, manipulation, or contamination. In war crimes work, this is crucial so that evidence can later meet courtroom standards and be safely shared with competent authorities.

**Chain of Custody:** Chain of custody is the documented record showing how evidence was obtained, handled, transferred, and stored from the moment it was collected. A clear chain of custody helps courts trust that evidence is authentic and has not been altered.

**ICJ:** The International Court of Justice, also called the ICJ, is the principal judicial organ of the United

Nations. It settles legal disputes between states and it can also give advisory opinions on legal questions when authorized UN organs and specialized agencies request them.

## General Overview

### The Meaning of Accountability

War crimes accountability is the process to ensure that war crimes are investigated and, if there is sufficient evidence, prosecuted in fair trials. It is not limited to the punishment of perpetrators. It also includes deterrence of future war crimes and the rebuilding of public trust in the rule of law even during war. The law governing war is international humanitarian law. It provides the basic rules to be followed during war, such as the protection of civilians and individuals no longer taking part in the war.

In the Middle East, the issue arises since the war has lasted for so long and involves so many actors and countries. The war is also taking place across borders. It is also very hard to obtain evidence since the war is so scattered and there is so much displacement. Even if there is evidence online, there is also the issue of obtaining evidence to be verified and linked to the perpetrators and to ensure it was not tampered with and to provide documents showing it was not tampered with. Therefore, there is the issue of technical steps to be followed in the process of accountability and not political ones.

### International Measures and Limits

International accountability mechanisms in the region include the International Criminal Court and United Nations mandated mechanisms. The ICC can proceed with the investigation and prosecution of individuals for war crimes and crimes against humanity if the legal jurisdiction requirements are satisfied. The ICC has continued to advance significant procedural steps in the Situation in the State of Palestine case, demonstrating the ability for international accountability mechanisms to advance even in the face of significant political disagreement.

The United Nations has also established specialized mechanisms to bridge the gap between documentation and courtroom requirements. For the case in Syria, the General Assembly established the IIM to gather evidence of serious violations and prepare files to be used by competent courts in future proceedings.

These mechanisms provide important pathways for justice, but they also face significant limitations. International courts depend on state cooperation to gain access, make arrests, and share information. Political disagreement can hinder these efforts and limit state cooperation. As such, international mechanisms often require complementary action at the national level and assistance to

the investigation process.

### Accountability in Action

Given the slowness of international proceedings, domestic and regional accountability become crucial. Some states use their own domestic war crimes units or special chambers for serious international crimes. Another mechanism is the use of universal jurisdiction. This is where a domestic court tries certain serious crimes committed outside the state's territory if the perpetrator is in the state. This can be an effective way of addressing impunity for serious crimes.

Another mechanism is the use of domestic accountability through evidence-focused mandates. In Iraq, for example, UNITAD is a mechanism created by the UN to assist domestic efforts in holding ISIL accountable for crimes committed in Iraq. This is done through the collection, preservation, and storage of evidence for use in later prosecutions. This is an example of an accountability mechanism where evidence is collected at a high level for later use in prosecutions in Iraq or any other competent court if possible under law.

For the Middle East as a whole, strengthening accountability involves improving cooperation, investigations, witness protection, evidence standards, as well as ensuring consistency, transparency, and the rule of law in accountability efforts. This is where the committees can work on concrete steps towards strengthening trust in justice and peace.

## Major Parties Involved and Their Views

### United States of America

The reason the United States is important is that it plays a significant role in regional diplomacy, security, and the overall international approach to accountability. It is important to note that the United States is not a State Party to the ICC and has also been opposed to certain actions taken by the ICC, especially on cases related to Israel and the US nationals. It has also taken certain steps related to the ICC, which is significant to the international environment.

### Israel

Israel is a central party because the debates on accountability include allegations that pertain to the conflict with Palestinian armed groups, as well as operations in Gaza and the West Bank. Israel has contested the jurisdiction of the ICC regarding the Situation in the State of Palestine, raising legal challenges before the ICC. Israel also believes that accountability should be addressed domestically, not by international courts.

### State of Palestine

The State of Palestine is an important party in the discussion on war crimes accountability due to its membership in the International Criminal Court. Palestine acceded to the Rome Statute in 2015, which allowed the ICC Prosecutor to open investigations into alleged crimes committed in the Palestinian territories. Palestinian authorities generally support international accountability mechanisms and have referred situations to the ICC, arguing that international courts are necessary to investigate alleged violations and ensure justice when domestic mechanisms are not sufficient.

### Iran

Iran is a significant regional actor in the Middle East and has been involved in several regional conflicts through political, financial, and military support to allied groups. Because of its influence in countries such as Syria, Iraq, and Yemen, discussions on accountability sometimes include allegations related to the actions of armed groups supported by Iran. Iran is not a State Party to the Rome Statute and has generally expressed concerns about the politicization of international criminal justice mechanisms.

### Syria

This is because the Syrian case is central, given the nature of the conflict, the scale of allegations of serious violations, as well as the difficulty of legal pathways. This is because Syria is not an ICC State Party, while the attempts by the UN Security Council to refer the case have been highly divisive, thus the need for UN mechanisms as well as foreign national court prosecutions.

## Timeline of Events

Historical background about the issue is mostly very helpful, and is widely used in the debate. Therefore listing the significant events that have happened about this issue will help delegates to figure out which events to research, and which events not to research. The recommended format for this section is as follows, please use it whenever necessary.

<b>12 August 1949</b>	The Geneva Conventions are adopted, forming the core of modern international humanitarian law and defining protections for civilians, prisoners of war, and wounded soldiers.
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<b>17 July 1998</b>	<p>The Rome Statute is adopted, establishing the International Criminal Court (ICC) to prosecute individuals for genocide, crimes against humanity, war crimes, and the crime of aggression.</p>
<b>1 July 2002</b>	<p>The Rome Statute enters into force and the International Criminal Court officially begins operating.</p>
<b>March 2011</b>	<p>The Syrian Civil War begins, leading to widespread allegations of war crimes and crimes against humanity committed by multiple actors.</p>
<b>21 December 2016</b>	<p>The UN General Assembly creates the IIIM to preserve evidence of serious crimes in Syria for future prosecutions.</p>
<b>21 September 2017</b>	<p>The UN Security Council created UNITAD to support evidence collection for ISIS crimes in Iraq.</p>
<b>5 February 2021</b>	<p>The ICC Pre-Trial Chamber rules that the Court has jurisdiction over alleged crimes committed in the Situation in the State of Palestine.</p>
<b>24 April 2025</b>	<p>The ICC Appeals Chamber issues decisions related to Israel's jurisdictional challenge in the Situation in the State of Palestine case.</p>

## UN Involvement

The most significant UN role in strengthening war crimes accountability in the Middle East is the collection of evidence through mandated UN mechanisms. In many conflicts, it is not possible to prosecute war crimes immediately due to lack of access, domestic capacity, or political disagreements. In such cases, the UN is focused on collecting evidence before it is destroyed. The

evidence collection mechanism organizes evidence into a usable form, ensuring the chain of custody is maintained, and prepares it for use in later court proceedings. Although this does not replace the use of trials, it makes it possible for trials to be conducted as scattered evidence is organized into a usable legal instrument.

## Relevant UN Documents

### **International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011 (21 December 2016, A/RES/71/248)**

Created the IIIM, a UN mechanism focused on preserving evidence and preparing case files for future prosecutions.

### **Threats to international peace and security caused by terrorist acts (21 September 2017, S/RES/2379)**

Established UNITAD to support evidence collection and preservation for prosecutions related to ISIL crimes in Iraq.

## Treaties and Events

Rome Statute of the International Criminal Court, 17 July 1998

This treaty established the ICC and provides the framework in which to prosecute individuals for war crimes and crimes against humanity, provided the jurisdiction requirements are met. Several of the Middle Eastern countries are not party to this treaty, and the state of Israel has signed the treaty but notified the UN that it does not intend to become a party to the treaty.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non International Armed Conflicts (Additional Protocol II), 8 June 1977

This treaty enhances the protection in non international armed conflicts, which is the most common type of armed conflict in the region. Several of the key countries in the Middle Eastern region have not become parties to this treaty.

## Evaluation of Previous Attempts to Resolve the Issue

While the UN evidence mechanisms such as the IIIM for the case in Syria and the UNITAD for the ISIS case in Iraq helped to improve the documentation and the prospects for future prosecutions to become more realistic, these mechanisms did not solve the problem by themselves due to the fact that they do not have the ability to arrest individuals or conduct trials. The effectiveness of these mechanisms depends on the ability and willingness of states and courts to make use of the evidence and to work together to provide access and to protect witnesses. However, if there is political

disagreement and the ability to work together is hindered due to the limited mandate and the capacity and independence of courts, the evidence remains unused and the process remains slow.

## Possible Solutions

The possible solutions to this problem are: the UN and its member states can strengthen or recreate the evidence preservation measures to ensure that the evidence is properly preserved and is in a form that the court can actually use. Additionally, the member states can build up their own capabilities in the prosecution of war crimes so that the issue is not only international condemnation, but also domestic prosecution. Finally, the member states can also work to strengthen cooperation across borders by agreeing to common standards in the handling of evidence and the provision of legal assistance, and through targeted measures such as travel bans and asset freezes on individuals credibly linked to serious crimes to pressure them to prosecution.

## Notes from the Chair

Dear Delegates of the Legal Committee,

Thank you for taking the time to read this report. Please note that reading it alone may not be enough to fully understand the issue, so I strongly encourage you to conduct additional external research. I am confident we will have a great conference, and I look forward to seeing you all there.

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